UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 95th CONGRESS
FIRST SESSION

VOLUME 123—PART 8

MARCH 24, 1977 TO APRIL 1, 1977

(PAGES 8909 TO 10136)

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
DEC 31 1979
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1977

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 95th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, March 24, 1977*

The House met at 11 o'clock a.m.

The Very Reverend Sviatoslaw Kous, St. Cyril of Turov Byelorussian Orthodox Church, Richmond Hill, N.Y., offered the following prayer:

O God Almighty. In a day of creation You gave to humankind the likelihood of Yourself. Among all spiritual treasures of such likelihood, You gave us freedom. From the beginning of time, men and women cherished this precious gift. For the people of this United States of America, freedom became an inseparable part of life as Your greatest blessing. Keep in Your grace our great American Nation and our freedom for endless time.

Look with Thy gracious eye on my Byelorussian people and let them perceive the way of Your freedom. Let come to pass the longing of Byelorussian people to be part of the free world and they will open the gates of their churches, locked today by godless government, and they shall exalt Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Is there objection to the approval of the Journal?

Mr. ASHBROOK. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. WRIGHT. Mr. Speaker, I move that the Journal be approved.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 3, answered "present" 4, not voting 39, as follows:

[Roll No. 99]

YEAS—386

Abdnor	Ambro	Andrews, N.C.
Addabbo	Ammerman	Andrews,
Akaka	Anderson,	N. Dak.
Alexander	Calif.	Annunzio
Allen	Anderson, Ill.	Applegate
Archer	Dicks	Kasten
Armstrong	Dodd	Kastenmeier
Ashbrook	Dornan	Kazen
Ashley	Downey	Kelly
Aspin	Drinan	Kemp
AuCoin	Duncan, Oreg.	Ketchum
Badillo	Duncan, Tenn.	Keys
Bafalis	Early	Kildee
Baldus	Eckhardt	Kindness
Barnard	Edgar	Koch
Baucus	Edwards, Ala.	Kostmayer
Bauman	Edwards, Calif.	Krebs
Beard, R.I.	Edwards, Okla.	LaFalce
Bedell	Eilberg	Lagomarsino
Benjamin	Emery	Latta
Bennett	English	Le Fante
Bevill	Evans, Del.	Leach
Biaggi	Evans, Ga.	Lederer
Bingham	Evans, Ind.	Leggett
Blanchard	Fary	Lehman
Blouin	Fascell	Lent
Boland	Fenwick	Levitas
Bolling	Findley	Lloyd, Calif.
Bonior	Fish	Lloyd, Tenn.
Bonker	Fisher	Long, La.
Bowen	Fithian	Long, Md.
Brademas	Flood	Lott
Breaux	Florio	Lujan
Breckinridge	Flowers	Luken
Brinkley	Flynt	Lundine
Brodhead	Foley	McClory
Brooks	Ford, Mich.	McCloskey
Broomfield	Ford, Tenn.	McCormack
Brown, Calif.	Fraser	McDade
Brown, Mich.	Frenzel	McDonald
Brown, Ohio	Frey	McEwen
Broyhill	Fuqua	McFall
Buchanan	Gammage	McHugh
Burgener	Gaydos	McKay
Burke, Calif.	Gephardt	McKinney
Burke, Fla.	Giaimo	Madigan
Burke, Mass.	Gibbons	Maguire
Burleson, Tex.	Gilman	Mahon
Burlison, Mo.	Ginn	Mann
Burton, Phillip	Glickman	Markey
Butler	Goldwater	Marks
Byron	Goodling	Marlenee
Caputo	Gore	Marriott
Carney	Gradison	Martin
Carr	Grassley	Mathis
Carter	Gudger	Mattox
Cavanaugh	Guyer	Mazzoli
Cederberg	Hagedorn	Meeds
Chappell	Hamilton	Metcalfe
Chisholm	Hammer-	Meyner
Clausen,	schmidt	Michel
Don H.	Hanley	Mikulski
Clawson, Del	Hannaford	Mikva
Cleveland	Hansen	Miller, Calif.
Cochran	Harkin	Miller, Ohio
Cohen	Harrington	Mineta
Coleman	Harris	Minish
Collins, Ill.	Harsha	Mitchell, N.Y.
Collins, Tex.	Heckler	Moakley
Conable	Hefner	Moffett
Conte	Heftel	Mollohan
Conyers	Hightower	Montgomery
Corcoran	Hillis	Moore
Corman	Hollenbeck	Moorhead,
Cornell	Holt	Calif.
Cornwell	Holtzman	Moorhead, Pa.
Cotter	Horton	Moss
Coughlin	Howard	Motti
Crane	Hubbard	Murphy, Ill.
D'Amours	Huckaby	Murphy, Pa.
Daniel, Dan	Hughes	Murtha
Daniel, R. W.	Hyde	Myers, Gary
Danielson	Ichord	Myers, Ind.
Davis	Ireland	Natcher
de la Garza	Jeffords	Neal
Delaney	Jenkins	Nedzi
Dellums	Jenrette	Nichols
Derrick	Johnson, Calif.	Nix
Derwinski	Jones, N.C.	Nolan
Devine	Jones, Okla.	Nowak
Dickinson	Jordan	O'Brien
Oakar	Runnels	Treen
Oberstar	Ruppe	Trible
Obey	Russo	Tsongas
Ottinger	Ryan	Tucker
Panetta	Santini	Udall
Patten	Sarasin	Ullman
Patterson	Satterfield	Van Deerlin
Pattison	Sawyer	Vander Jagt
Pepper	Schroeder	Vanik
Perkins	Schulze	Vento
Pickle	Sebelius	Volkmer
Pike	Seiberling	Waggonner
Poage	Sharp	Walgren
Pressler	Shuster	Walker
Preyer	Sikes	Walsh
Price	Simon	Wampler
Pursell	Skelton	Watkins
Quayle	Skubitz	Waxman
Quie	Slack	Weaver
Quillen	Smith, Iowa	Weiss
Rahall	Smith, Nebr.	Whalen
Rangel	Snyder	White
Regula	Solarz	Whitehurst
Reuss	Spellman	Whitley
Rhodes	Spence	Whitten
Richmond	St Germain	Wiggins
Rinaldo	Stangeland	Wilson, Bob
Risenhoover	Stanton	Winn
Roberts	Stark	Wolff
Robinson	Steers	Wright
Rodino	Stockman	Wydler
Rogers	Stokes	Wylie
Roncalio	Stratton	Yates
Rooney	Studds	Yatron
Rose	Stump	Young, Fla.
Rosenthal	Symms	Young, Mo.
Rostenkowski	Thompson	Zablocki
Rousselot	Thone	Zeferetti
Roybal	Thornton	
Rudd	Tonry	

NAYS—3

Forsythe	Jacobs	Steiger

ANSWERED "PRESENT"—4

Gonzalez	Traxler	Wirth
Krueger		

NOT VOTING—39

Badham	Fountain	Railsback
Beard, Tenn.	Hall	Roe
Beilenson	Hawkins	Scheuer
Boggs	Holland	Shipley
Burton, John	Johnson, Colo.	Sisk
Clay	Jones, Tenn.	Staggers
Dent	Milford	Steed
Diggs	Mitchell, Md.	Taylor
Dingell	Murphy, N.Y.	Teague
Erlenborn	Myers, Michael	Wilson, C. H.
Ertel	Pease	Wilson, Tex.
Evans, Colo.	Pettis	Young, Alaska
Flippo	Pritchard	Young, Tex.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE REVEREND SVIATOSLAW KOUS

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, once more the House of Representatives has been honored to have the Reverend Sviatoslaw Kous, rector of the American-Byelorussian St. Cyril of Turov In-

dependent Greek Orthodox Church, deliver the opening prayer.

Reverend Kous, whose church is in Richmond Hill in Queens, N.Y., a part of the Seventh Congressional District, is here for his second visit, having delivered the opening prayer 4 years ago.

It is particularly appropriate that Reverend Kous be with us today since on tomorrow, March 25, Byelorussians celebrate their independence day. Reverend Kous was born in Byelorussia, graduated from the Stephen Batory University in Wilno.

After coming to the United States in 1949, he was ordained to be a priest by the Metropolitan Germanos of the Greek Orthodox Church on February 9, 1969.

On behalf of my House colleagues, I would like to pay tribute to tomorrow's 59th anniversary of the proclamation of the independence of the Byelorussian Democratic Republic.

The people of Queens are proud of Reverend Kous and St. Cyril of Turov Independent Greek Orthodox Church, and I thank Reverend Kous for being with us today. And I know his wife, son, daughter-in-law, and their beautiful grandchildren, Antole and Danny, are all as proud as we are.

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I have asked for this time to inquire of the distinguished acting majority leader as to the program for the balance of the week and next week.

Mr. ROSTENKOWSKI. Mr. Speaker, will the distinguished minority leader yield?

Mr. RHODES. I am happy to yield to the gentleman.

Mr. ROSTENKOWSKI. Mr. Speaker, the program for Thursday, today, and the balance of the week, is as follows: the House will be working on H.R. 3965, FAA research and development authorization; H.R. 4991, National Science Foundation authorization for the fiscal year 1978, and H.R. 5040, State Department supplemental authorization.

It is the intention of the leadership to ask that if we finish the schedule by 5:30 today, that the House adjourn to meet on Monday noon of next week.

The schedule for Monday and next week is as follows:

On Monday, the House will meet at noon. There are no District bills and no suspensions.

We will consider House Resolution 420, to establish a Select Committee on Congressional Operations.

On Tuesday the House will meet at noon. There will be three suspensions:

H.R. 2992, the CETA extension; H.R. 2521, rabbit meat inspection; and H.R. 3416 flue-cured tobacco quotas.

We will also consider H.R. 5045, to extend Presidential authority to submit Government reorganization plans to Congress. I believe that the Committee on Rules has given a 1-hour debate under the rule.

On Wednesday, the House will meet at 3 p.m. There will be a series of House committee funding resolutions.

The House will also consider on Wednesday next reconstituting the Assassinations Committee.

On Thursday and the balance of the week the House will meet at 11 a.m. to consider H.R. 4895, Strategic Materials Stockpile Act, subject to a rule being granted; H.R. 4974, health planning, services, research, libraries extension, subject to a rule being granted; H.R. 4975, Biomedical Extension Act, also subject to a rule being granted; and H.R. 4976, Health Services Extension Act, subject to a rule being granted.

It is the intention, of course, for the House to continue its deliberation of the scheduled legislation until 5:30 today.

Mr. RHODES. Mr. Speaker, may I ask the distinguished acting majority leader to clarify the situation for today and tomorrow? It was my understanding that if we finish the schedule for today by 5:30, that there will be no session tomorrow.

Mr. ROSTENKOWSKI. That is the intention, yes.

Mr. RHODES. If we do not finish, will there be a session tomorrow?

Mr. ROSTENKOWSKI. We will be in session. The House will meet at 11 o'clock.

Mr. RHODES. Could the gentleman inform the House as to the possibilities of a Friday session next week? The schedule has been such that the chances will be very good of completing the schedule by Thursday evening.

Mr. ROSTENKOWSKI. Of course, I cannot make that prediction. However, I am sure that if we do complete our business, it will be the position of the leadership to avoid a Friday session if at all possible.

Mr. RHODES. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. WRIGHT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

REQUEST FOR ADJOURNMENT OVER TO MONDAY, MARCH 28, 1977

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that if we finish the scheduled business for today by 5:30 p.m., we adjourn over until noon on Monday. If the schedule is not completed, we will reconvene at 11 a.m. tomorrow morning.

The SPEAKER pro tempore. The Chair would suggest that the announcement made by the acting majority leader previously accurately describes the intention of the leadership.

Mr. ROSTENKOWSKI. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore. At a later time the Chair believes that a unanimous-consent request will be in order.

PERSONAL STATEMENT

(Mr. TRAXLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAXLER. Mr. Speaker, on Tuesday, March 15, 1977, the House took under consideration and passed H.R. 4876, the Economic Stimulus Appropriations Act for 1977. During floor action that day, I did not have with me my electronic voting card, and I was thus voting in the well, rather than by electronic device.

My voting record on four out of the five votes that occurred that day appeared accurately recorded in the CONGRESSIONAL RECORD of March 15. Unfortunately, however, for some reason I am listed as being absent for the vote on final passage. In reviewing the CONGRESSIONAL RECORD, I found this to be very baffling to me, as I distinctly recall voting "yea" on final passage before leaving the House floor.

I would like the RECORD to indicate my support for this important measure that my intention to vote affirmatively on final passage of H.R. 4876 be recorded in the permanent record.

PRESERVE OUR NEIGHBORHOOD SCHOOLS

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, like most of us in Congress, I have felt many frustrating moments during my tenure in the U.S. House.

But nothing has been as personally frustrating to me—and perhaps to you also—as our efforts to have debated publicly on the floor of the U.S. House or in committee the important issue of preserving our neighborhood schools by amending the Constitution to allow every child the right to attend his neighborhood school and give every child the right to a quality education.

If you feel strongly about one of the major issues of the day and think as I do that we should have an opportunity to debate it either in committee or on the House floor, please walk up to the Journal clerk's desk and sign our discharge petition. The petition is discharge petition No. 1, a fitting number for so vital an issue.

REMEMBER BYELORUSSIA

(Mrs. FENWICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FENWICK. Mr. Speaker, tomorrow, March 25, is the 59th anniversary of the proclamation of independence of the Byelorussian Democratic Republic, in 1918. It was a valiant but short-lived trust of independence and freedom. On January 1, 1919 it became the Byelo-

russian Soviet Socialist Republic and since then—although it has a vote in the United Nations—it is neither independent nor free. Those of us who are free to speak surely have a duty to remember, to say to the sons and daughters of Byelorussia—here and abroad in the world—that they will not be forgotten on this day.

REPORT ON SENATE CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF COMMITTEE PRINT TITLED "THE ACCOUNTING ESTABLISHMENT"

Mr. ROSE, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–113) on the Senate concurrent resolution (S. Con. Res. 8) authorizing the printing of the committee print entitled "the Accounting Establishment" as a Senate document, which was referred to the House calendar and ordered to be printed.

REPORT ON RESOLUTION TO CONTINUE WORK OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 95–114) on the resolution (H. Res. 420) to continue the work of the Joint Committee on Congressional Operations by establishing a select committee of the House to perform the functions of such joint committee for the House, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 106. An act to provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sustained use, and for other purposes.

The message also announced that the President pro tempore, pursuant to Public Law 94–118, appointed Mr. JAVITS to be a member, on the part of the Senate, of the Japan-United States Friendship Commission.

And that the Vice President, pursuant to Public Law 86–380, appointed Mr. ROTH to be a member, on the part of the Senate, of the Advisory Commission on Intergovernmental Relations.

PROVIDING FOR CONSIDERATION OF H.R. 3965, AUTHORIZING APPROPRIATIONS TO THE FEDERAL AVIATION ADMINISTRATION FOR RESEARCH AND DEVELOPMENT

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 430 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 430

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 2(1)(2)(B) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3965) to authorize research, development, and demonstration projects relating to aviation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the Committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 430 provides for the consideration of H.R. 3965, a bill authorizing appropriations to the Federal Aviation Administration for Research and Development.

The resolution provides for an open rule with 1 hour of debate to be controlled by the chairman and ranking minority member of the Committee on Science and Technology.

This rule also grants a waiver against points of order for a failure to include the committee's rollcall vote in their report. Furthermore, the rule provides that the committee substitute be considered as an original bill for the purpose of amendment.

H.R. 3965 authorizes $85 million for fiscal year 1978 from the Airport and Airway Trust Fund for research and development projects.

Four major areas would be funded under this authorization: First. Air Traffic Control—$67,942,000—provides for improving the airways system by applying existing technology to air traffic control problems to keep the current system operating safely with maximum efficiency and by providing system improvements to increase the capacity of the current system.

Second. Navigation—$10,682,000—provides for modernization, expansion and improvement of the common navigation system facilities in the United States and in overseas areas where international agreements require U.S. participation.

Third. Aviation Weather—$5,193,000—provides for a program coordinated with the Departments of Commerce, Defense and NASA to increase the safety and efficiency of the National Airspace System by providing weather information tailored for use by pilots and controllers.

Fourth. Aviation Medicine—$1,183,-00—provides for analysis, determination and improvement of the role of the human operator as part of the air traffic control system in order to increase the efficiency, reliability and safety of this system.

Under section 2 of the bill, funds may be transferred from one program to another, but if the FAA wishes to transfer funds it must first notify the appropriate House and Senate committees, the Speaker and the President of the Senate. Congress would have a 30-day period in which to object to the proposed action.

Mr. Speaker, I urge the adoption of House Resolution 430 so that we might debate and vote on H.R. 3965.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a 1-hour open rule making in order the consideration of H.R. 3965 which authorizes $85 million in R. & D. funds for the Federal Aviation Administration in fiscal 1978 from the Airport and Airway Trust Fund. This rule waives clause 2(L)(2)(B) of House rule XI which requires that the rollcall vote totals on reporting a bill be included in the committee report. The rollcall total was not included in the report, though you will note on page 54 of the report the following:

A quorum being present; the Committee unanimously approved the bill by roll call vote of those present.

So in fairness to the Science Committee, their report did conform in spirit if not the letter to clause 2(L)(2)(B). The rollcall vote was unanimous, and I am informed it was 29 to 0.

I might insert a plug for an amendment to this House rule which I have introduced as House Resolution 172 in this Congress, along with 77 House cosponsors. That rule would permit any Member on a committee to demand a rollcall vote on any question, and would also require a rollcall vote on every motion to report as well as the publication in the report of the names, not just the numbers, of those voting for and against reporting.

Mr. Speaker, I know of no objection to this rule and urge its adoption.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4991, AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 431 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

Resolved, That upon the adoption of this resolution it shall be in order to move that

the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4991) to authorize appropriations for activities of the National Science Foundation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 431 provides for an open rule with 1 hour general debate on H.R. 4991, the fiscal year 1978 authorization bill for the National Science Foundation.

H.R. 4991 authorizes a total of $868 million for such departments as mathematical and physical sciences and engineering, astronomical, atmospheric, earth and ocean sciences, biological, behavioral, and social sciences, science education, the U.S. Antarctic program, research applied to national needs, scientific, technological, and international affairs, program development and management, and the special foreign currency program.

Mr. Speaker, I urge the adoption of House Resolution 431 in order that we may consider and adopt H.R. 4991.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 431 provides 1 hour of general debate for the consideration of H.R. 4991, authorizing appropriations for the National Science Foundation. The bill will be open to germane amendments. There are no waivers of points of order in the rule.

Mr. Speaker, this bill authorizes a total of $868,000,000 for fiscal year 1978. By way of comparison, the amount appropriated to the National Science Foundation for fiscal year 1977 was $776,100,000.

Mr. Speaker, there is only one subject to which I would like to make reference in this bill.

Over the years there has been, I think, an undue concentration on the NSF funds for contract awards and grants in primarily one area of the country rather than evenly distributed around the country. A few Members have always raised this question, either in the committee or on the floor. However, the National Science Foundation continues to over-concentrate these awards in just a couple of places.

I understand that there was an amendment offered in committee this time which would attempt to go halfway toward dealing with that problem.

It should be an objective of the committee, among other things, to avoid undue concentration of awards and grants.

I think that is important; and if the NSF does not care to take action to avoid this kind of thing or if the Congress does not take action wherever possible across the country, I am sure that in years to come there is going to be a specific amendment directing that to be done.

Therefore, Mr. Speaker, I hope that the Members will watch very closely where these NSF awards are going in the future. Let us make sure that we all take this opportunity to see to it that the NSF takes a proper position in this respect and does not concentrate on any one particular area in making awards and grants.

Mr. Speaker, I am not aware of any objection to the rule, and I urge its adoption.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5040, AUTHORIZING ADDITIONAL APPROPRIATIONS FOR DEPARTMENT OF STATE FOR FISCAL YEAR 1977

Mr. DODD. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 424 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 424

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5040) to authorize additional appropriations for the Department of State for fiscal year 1977. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. DODD) is recognized for 1 hour.

Mr. DODD. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. DEL CLAWSON) for the purpose of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 424 provides for the consideration of H.R. 5040, an act authorizing additional appropriations of some $89.6 million for the Department of State for fiscal 1977.

This is an open rule which would permit 1 hour of general debate, with amendments to follow under the 5-minute rule. It would waive points of order against the bill for failure to comply with provisions of section 402(a) of the Congressional Budget Act of 1974, the section providing it shall not be in order, without a waiver, to consider any bill authorizing new budget authority for a fiscal year which is reported after the May 15 preceding that fiscal year.

House Resolution 424 also allows one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 5040 provides additional authorization in four areas:

First, $60 million to pay this country's dues to the United Nations Educational, Scientific, and Cultural Organization—UNESCO—for calendar years 1975, 1976, and part of 1977;

Second, $11.3 million to assist Soviet and Eastern European refugees not settling in Israel; and $7.4 million for the Indochinese refugee program administered by the United Nations High Commissioner for Refugees;

Third, $10.7 million for construction of housing in Cairo, Egypt, for personnel administering the U.S. assistance program there; and

Fourth, $150,000 for emergency medical and dietary assistance to Americans incarcerated abroad, primarily in Mexico.

The bill also amends four laws authorizing U.S. participation in the NATO, Canadian, and Mexican Interparliamentary Groups and in the Interparliamentary Union. It provides that the House delegations to the NATO and Interparliamentary Union conferences be increased from 9 to 12 members.

Mr. Speaker, the distinguished chairman of the House International Relations International Operations Subcommittee (Mr. FASCELL) informed the Committee on Rules earlier this week that none of the supplemental funding requests could have been made in time to meet the May 15, 1976, reporting deadline.

The request for UNESCO payments, the largest portion of this bill, could only be made by the State Department, under the 1974 Foreign Assistance Act, after the President certified UNESCO had adopted policies consistent with its nonpolitical objectives and had taken steps to correct certain actions taken in 1974 against Israel.

The past administration provided this certification last December, and the new administration reaffirmed this. According to reports, there was some progress at the last UNESCO conference, in 1976.

The International Relations Committee apparently feels these U.S. payments now will be interpreted by other UNESCO member nations as a substantial indication of this country's good faith and as a demonstration of our concern that UNESCO must make even greater progress toward removing this political cloud from their shoulders.

I hope this proves to be the case, Mr.

Speaker, because there still remain on UNESCO's books two resolutions condemning Israel. And a Soviet Union-sponsored resolution aimed at legitimizing state control of the free press in many countries is pending before UNESCO in 2 years.

I know many of our colleagues in the House share my opposition to such UNESCO pronouncements, and I further hope this country will exercise the increased leverage it may achieve through these payments in H.R. 5040 to successfully press for removal of these ill-considered UNESCO actions.

In closing, I would note that my honorable colleague in the House from my own State of Connecticut, the chairman of the Budget Committee (Mr. GIAIMO), has informed the Committee on Rules that the additional funds authorized in this bill have been ocntained in the third concurrent budget resolution for fiscal 1977, and that he does not object to the waiver of section 402(a) of the Budget Act.

Mr. Speaker, I urge adoption of the rule in order that this legislation be considered.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 424 provides an open rule with 1 hour of general debate for the consideration of H.R. 5040, which authorizes additional appropriations for 1977. The rule waives any points of order against the bill for failure to comply with the provisions of section 402(a) of the Budget Act since the bill was not reported in time to meet the May 15 reporting deadline. The rule also provides for one motion to recommit with or without instructions.

Mr. Speaker, the primary purpose of H.R. 5040 is to authorize $89,650,000 in supplemental appropriations for the Department of State for fiscal year 1977. The bill provides authorizations in four areas: First, payment of calendar years 1975–76 UNESCO arrearages and part of the calendar year 1977 assessment; second, supplemental requests for Soviet refugee assistance and for Indochinese refugees in Asia; third, emergency assistance to American citizens incarcerated abroad; and fourth, funds under the special foreign currency program for purchases of land and construction of three 36 unit staff apartment buildings in Cairo, Egypt. The bill also amends four laws authorizing U.S. participation in the NATO, Canadian, and Mexican Interparliamentary Groups and in the Interparliamentary Union to make certain changes with respect to the House delegations to these groups.

Mr. Speaker, I support this rule and would urge the House to adopt it and debate the merits of this bill in the allotted time.

Mr. Speaker, I have no requests for time, and I reserve the remainder of my time.

Mr. DODD. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill H.R. 3965 on which a rule has just been agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE FEDERAL AVIATION ADMINISTRATION FOR RESEARCH AND DEVELOPMENT

Mr. FUQUA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3965) to authorize research, development, and demonstration projects relating to aviation, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FUQUA).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3965, with Mr. MCKAY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. FUQUA) will be recognized for 30 minutes, and the gentleman from New York (Mr. WYDLER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill H.R. 3965 to authorize appropriations to the Federal Aviation Administration for research and development. This subcommittee has been chaired by the able gentleman from Texas (Mr. MILFORD). We regret that Mr. MILFORD is confined to the hospital now. He is recovering well and we hope to have him back on the floor very soon. But the subcommittee has held numerous hearings with the officials from the agencies and others and reports the bill to the committee and recommends its passage.

At this time I should like to yield to the ranking member on the subcommittee, the gentleman from California (Mr. LLOYD) who is filling in for the gentleman from Texas (Mr. MILFORD). The gentleman from California (Mr. LLOYD) has been doing a very oustanding job. We are very proud of the work that Mr. LLOYD has been doing on short notice. He has done a very, very fine job, and I yield such time as he may consume to him at this time.

Mr. LLOYD of California. Mr. Chairman, when the House reorganized in 1974, all civil aviation R. & D. matters were placed under the jurisdiction of the Committee in Science and Technology. Having had experience with NASA for 15 years prior to that time, the committee had long realized the necessity for continuous and thorough scrutiny of aeronautical R. & D. programs.

For that reason, the committee recommended, and the House overwhelmingly approved, that FAA R. & D. programs receive a similar annual authorization.

The bill now before us, H.R. 3965, is the result of the committee's efforts to carry out the intent of the House.

The vision and leadership of the gentleman from Texas (Mr. TEAGUE), chairman of the Committee on Science and Technology, has given strength and direction to the committee in these efforts.

The chairman of the Subcommittee on Transportation, Aviation, and Weather, Hon. DALE MILFORD, could not be here today. However, he asked me to thank all the members of the subcommittee for their diligent and thoughtful efforts in developing the bill before us today. Each Member of both sides of the aisle has made a significant contribution. Particularly, Mr. MILFORD wished to recognize the contributions of the gentleman from New York (Mr. WYDLER), the ranking minority member of the subcommittee. His knowledge and personal insight into these complex programs continue to be of immeasurable help in establishing a sound bill and strong FAA R. & D. program.

In carrying out its responsibilities, the subcommittee held four hearings and conducted numerous field trips to better understand the FAA R. & D. programs.

Time does not permit me to detail the information and knowledge that the subcommittee gained as a result of these trips and hearings.

However, I would like to make one major observation. And that is, that largely due to many years of lack of consistent and thorough congressional scrutiny, several important FAA R. & D. programs have had rather ill-starred careers.

This has often resulted in some increased cost to the taxpayer, deferment of important programs, or general neglect or confusion on the part of the Congress. Passage of this bill will greatly help rectify this situation. It is the result of a thorough examination and offers firm congressional guidance in the place of neglect and confusion.

This brings me to a discussion of the funding level contained in H.R. 3965.

The committee approved a total of $85 million for FAA R. & D. programs. Of this total, $67,942,000 is for air traffic control purposes, $1,183,000 for aviation medicine purposes, $10,682,000 for navigation purposes, and $5,193,000 for aviation weather purposes.

While this approves the total requested by the FAA, it does not approve all the requested R. & D. programs.

The committee deleted funding for the full Aerosat program, and author-

ized $1,500,000 for a feasibility study of Aerosat.

This was done in order that other R. &. D. programs, with a higher priority than Aerosat, would not be deferred.

In lieu of Aerosat, the committee recommended that the following programs be implemented or accelerated:

First, $5,000,000 for major system development, to include improvements in the flight service station modernization program and terminal information processing system and to fulfill FAA commitments in the microwave landing system (MLS) program.

Second, $5,000,000 for the airport/airway technology to improve the aviation weather programs, to accelerate, and to launch a major effort to assess future communication needs of the entire FAA organization.

Third, $5,000,000 for advanced systems development and system engineering to improve ATC computers, accelerate efforts in human factors research including airborne traffic situation displays, and accelerate efforts in studying and simulating future airport systems configuration and capacity limitations.

In addition, the committee expressed a view in its report concerning the microwave landing system—MLS. In this view, the committee urges the FAA to structure the MLS program according to international guidelines and to assure that proliferation of alternative systems is minimized.

On behalf of Mr. MILFORD, I urge adoption of the bill as recommended by your committee.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. LLOYD of California. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, I thank the gentleman for yielding.

First of all, let me congratulate both the chairman of the full committee, the gentleman from Texas (Mr. TEAGUE) and the gentleman from Florida (Mr. FUQUA) for their fine work. We know the gentleman from California (Mr. LLOYD) is one of the true experts in this House on aviation.

My concern is the microwave landing system, the MLS. Can the gentleman from California give me some idea of the direction the committee is taking with respect to the development of the microwave landing system for the FAA?

Mr. LLOYD of California. Indeed I can. The MLS, as the gentleman from New York knows, had some rocky going in that the international organization has had some difficulty in selecting an international standard. As the gentleman knows the marines have a system called MRAALS. What we are doing in the committee is to bring the whole thing together and focus it into one system so we do not have a situation where we find an aircraft has to have two and maybe three or four systems merely to navigate as it moves around the world. This is the situation in the world today.

We have the ILS/DME, which gives us the same capability at a different electronic band, a different frequency as it were, than the TACAN system which the military uses.

What we really want to do is to get everybody into the same boat and heading in the same direction and using the same equipment so that not only the military but also the general and commercial aviation will all be doing the same thing.

Mr. DOWNEY. So that it is likely that the FAA will follow Doppler and the recommendations of the ICAO, the International Organization for Civilian Aircraft, with respect to the development of one system or the other; is that correct?

Mr. LLOYD of California. The committee recommended that the FAA structure its MLS development program in accordance with ICAO proceedings, but that the Agency also take steps to assure that proliferation of alternative systems is minimized.

Mr. DOWNEY. Would the gentleman think it advisable if the ICAO cannot reach a conclusion as to which system they would like to use that the FAA could go ahead and appoint its own system?

Mr. LLOYD of California. Absolutely, and the reason for that is that we are now getting down to the point where we are beginning to replace systems that are older, the ILS systems, for instance.

Mr. DOWNEY. The gentleman might state for the record what ILS is.

Mr. LLOYD of California. ILS means instrument landing system and it is a fixed approach azimuth and elevation which has already been set.

Mr. DOWNEY. The gentleman has just lost, I believe, those who might be reading this RECORD

Mr. LLOYD of California. What I am saying, it is on a fixed direction and at a fixed angle above the Earth's surface. That system has become old and does not provide the flexibility that the MLS system would provide, would provide some bending in the precision approach; but the most important part of all this is that we have run out of frequencies for ILS. For instance, in New York, in the gentleman's own area, Kennedy Airport is already limited in the number of frequencies that can be used in the New York area, thereby restricting the number of commercial aircraft that can land, much less general and military aviation.

Mr. DOWNEY. The gentleman also serves on the House Armed Services Committee, as I do, and the Army is interested in developing the microwave landing system as well. Can the gentleman offer an opinion with respect to whether or not it will be advisable for the Army to wait for the FAA, given the delay that the FAA has had with the ICAO?

Mr. LLOYD of California. I would strongly urge at the present moment that the Army does not proceed, as did the Navy and the Marines, on their own. The reason for that is that we buy a whole bunch of systems, when one will do.

What is going to happen if we get this system, and we think we will, is that we will have to go back to the Marines and say that the MRAAL system, which is another system, will now have to be accommodated to these frequencies so that all aircraft can use it.

I think we can go forward and coordinate the two efforts and the gentleman from New York knows because we are both serving on the same committee.

Mr. DOWNEY. The gentleman has been very helpful. I hope that the committee approves the ICAO and the MLS.

Mr. WINN. Mr. Chairman, I rise in support of H.R. 3965 .

Mr. Chairman, I am representing the gentleman from New York (Mr. WYDLER), who is detained at the present time.

I want to congratulate the acting chairman of the full committee, the gentleman from Florida (Mr. FUQUA) for the work that the gentleman has done on this bill and for the work the gentleman from California (Mr. LLOYD) has done on the majority side.

I, along with the gentleman from New York (Mr. WYDLER) want to take the opportunity to compliment the chairman of the Subcommittee on Transportation, Aviation, and Weather of the Committee on Science and Technology, the gentleman from Texas (Mr. MILFORD) for the gentleman's diligence in pursuing important improvements in aviation. We all join in expressing regret that the gentleman could not be here today, with the hope that the gentleman can return very soon with a clean bill of health.

Mr. Chairman, as I said before, I rise in support of H.R. 3965.

Mr. Chairman, this bill would provide for the first time, annual authorization jurisdiction for Federal Aviation Administration R. & D. appropriations. At the present time such authority does not exist within the Congress. Of course, R. & D. is the cornerstone for the implementation of all technological improvements.

Unfortunately, FAA progress in aviation as well as related broader public issues has been less than desired. In considerable measure I believe, this lack of progress can be traced to the absence of the close scrutiny of R. & D. programs which only a legislative committee can provide. While the appropriations committees of both Houses have performed admirably in reviewing FAA R. & D. funding proposals, they can hardly be expected to provide the depth of technical analysis and direction required of such complex aeronautical programs as the aeronautical communications satellite—Aerostat—and MLS, the microwave landing system which is currently under international consideration as a replacement for instrument landing systems—ILS.

It may be instructive I think, to show analogy between H.R. 3965 and H.R. 4088, the NASA fiscal year 1978 authorization bill which passed this House last week with an overwhelming majority. Having been privileged to serve on the Committee on Science and Technology and its predecessors since coming to Congress, I feel somewhat qualified to comment on differences between the NASA and FAA approaches to R. & D. activity and particularly their relevance to national needs and priorities as established by Congress.

This year, the committee felt it was timely to demonstrate the need for such annual authorizing jurisdiction and used the vehicle of H.R. 3965 for markup. We

had been advised by the Committee on Public Works and Transportation that there was no objection to the establishment of such jurisdiction within the Committee on Science and Technology. The R. & D. portion of the FAA total appropriation proposal is only $85 million, amounting to less than 3 percent of the total of $2.7 billion.

Since the Committee on Science and Technology has existing jurisdiction over NASA, including its civil aeronautical R. & D. programs and having been assigned in 1974, jurisdiction without annual authorizing responsibility for FAA R. & D., it is now necessary to close the authorization gap. The Congress had decided in 1974 that jurisdiction over all civil aeronautical R. & D. programs should reside with one committee.

Before closing, I would like also to point out that in recent years Congress has become increasingly concerned with the slow pace of FAA action in the development and implementation of safety, environmental and energy conservation measures for our air transportation system. In the closing paragraph of his decision for the majority in Burbank, Mr. Justice Douglas wrote in connection with potential institutional deficiencies of the FAA that "if that change is to be made, Congress alone must do it." I concur. While certainly more basic changes will undoubtedly be required to enable the United States to maintain its leadership in aviation, this bill is a small step in that direction.

Mr. Chairman, I want to commend the gentleman from New York (Mr. WYDLER), who is the ranking minority member of the full committee and the ranking minority member on the subcommittee involved.

Mr. FUQUA. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, in the course of the reading of the report and some of the backup material to it, it has been brought to my attention that there may be some question of the health hazard effects of the microwaves that are utilized in the landing system.

I wonder if the gentleman can tell me whether or not the problem has been addressed, whether there has been any study on this.

As the gentleman knows, in some other instances there have been some very serious questions raised.

Mr. FUQUA. Mr. Chairman, I yield to the gentleman from California (Mr. LLOYD), the acting chairman of the subcommittee, to answer that question.

Mr. LLOYD of California. Mr. Chairman, in response to the question of the gentleman from New York, I would point out it has a 20-watt output. That, of course, is less, by a long way, than the output of a lightbulb in the home. This is not a major hazard. Furthermore, the Office of Telecommunications Policy did conduct a study of the MLS radiation effect and concluded that there are no hazardous radiation effects associated with MLS.

Mr. WEISS. Mr. Chairman, I appreciate the gentleman's remarks. The only reason I raise the question is that I do understand that there have been some very serious questions raised about the hazards inherent in the utilization of microwaves. I know there have been some articles written about it. Although there is perhaps insufficient evidence at this point to draw any kind of conclusions about its use in the microwave landing system I would feel happier if we could have studies done in this area, so that the FAA would be subject to the same kind of studies and scrutiny that are being made of commercial utilization and other utilizations of the microwave. I urge that the FAA be directed to undertake such studies.

I thank the gentleman for yielding.

Mr. TEAGUE. Mr. Chairman, since 1974, all civil aviation R. & D. matters have been under the jurisdiction of the Committee on Science and Technology. Essentially, this jurisdiction includes the aeronautics efforts of the National Aeronautics and Space Administration and the R. & D. efforts of the Federal Aviation Administration.

In exercising this jurisdiction, the committee has long been aware of the necessity for continuous and thorough congressional scrutiny of aviation's R. & D. programs. Only with such scrutiny can the dynamic and technologically complex programs of aviation R. & D. be fully appreciated by Congress. And, only with such appreciation can Congress act in providing effective and responsible guidance in this Nation's aviation R. & D. efforts.

Recognizing this fact, the committee has consistently pursued a policy of annual authorization for the NASA aeronautical programs. I firmly believe that this policy has helped keep this program on a firm footing and, in turn, aided in the great progress that America has made in aviation.

When the committee gained jurisdiction over the R. & D. efforts of the FAA, it quickly realized that the same policy—annual authorization—was demanded in order to exercise its jurisdictional responsibility.

The committee noted that lack of such a policy has often resulted in some increased cost to the taxpayer, deferment of important programs, or general neglect or confusion on the part of the Congress.

Therefore, the committee recommended last year, and the House overwhelmingly approved, an annual authorization for the FAA R. & D. program.

In order to carry out this intent of the House, the committee has reported the bill H.R. 3965.

This bill is the result of many hearings, field trips, and deliberations of the committee and, specifically, its Subcommittee on Transportation, Aviation, and Weather.

It represents a thorough and careful examination of all the FAA R. & D. programs.

This authorization reflects domestic and international requirements to make air travel safer; to increase the efficiency of air traffic control systems and to reduce the costs of providing services to the aviation community. It also reflects the financial resources required to conduct three basic, long-term programs: First, continuation of such major grams as discrete address beacon systems/intermittent positive control (DABS/IPC); second, continuation of Microwave Landing Systems (MLS) development; and third, enhancement of a nationwide complex of automated weather and flight service stations. Funds are also included in this authorization to continue development of wake vortex/wind shear detection systems and to evaluate the effectiveness of Loran C and Omega for aircraft navigation.

It is my firm belief that legislation such as H.R. 3965, a detailed ongoing examination of the FAA R. & D. programs, will greatly enhance the air transportation system in America.

Mr. GOLDWATER. Mr. Chairman, I want to commend my colleagues on the Science and Technology Committee who have worked to fashion a more effective congressional oversight of FAA programs for research, development, and demonstration. The chairman of our subcommittee, Mr. MILFORD, and the ranking minority member, Mr. WYDLER, have taken the leadership in carefully examining each phase of the FAA's R. & D. effort.

From the vantage point of serving on both the Committees on Science and Technology and Public Works and Transportation, I have long believed it was essential that Congress exercise more diligent oversight over FAA R. & D. programs and other activities.

Since R. & D. is the basis upon which all technology implementation must be built, Congress must adopt a more active role in the establishment of aviation priorities in the broadest public interest. Congress is the bridge across which the whole public interest in aviation must be expressed. The primary device by which Congress traditionally exercises its responsibility is the annual appropriation authorization. H.R. 3965 would close the current jurisdictional gap.

One area that the subcommittee will explore in greater depth is the problem of aircraft midair collisions, and the chairman has indicated that hearings will be held on this subject in the near future.

As I pointed out in additional views to the report which accompanied this bill, the FAA must inform Congress of various actions that impact on the midair collision question.

Aircraft separation assurance, or collision avoidance is a complex subject, but solutions do exist. History has shown that the FAA places emphasis on a ground derived solution to midair collision avoidance. But, a number of delays in implementing such a system has resulted in some confusion among the aviation users, especially general aviation.

What we need to find out is whether an integrated approach using both airborne and ground-based solutions can be achieved. At present, the collision avoidance development does call for both a discrete address beacon system, or DABS, which is a ground derived method and a beacon CAS, or BCAS, system that utilizes existing transponders in the cockpit.

Congress and the flying public need to be kept informed of the separation assurance program progress and hopefully a solution. Collision avoidance hearings will help, and in the next couple of months we should have a comprehensive report ready for you.

Mr. FUQUA. Mr. Chairman, I yield back the balance of my time.

Mr. WINN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 3965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, there is authorized to be appropriated out of the Airport and Airway Trust Fund (established by section 208 of the Airport and Airway Revenue Act of 1970) to the Secretary of Transportation for the fiscal year ending September 30, 1978, for research, development, and demonstration projects under section 312(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1353), and section 14(d) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714):

(1) $67,942,000 for air traffic control purposes,

(2) $1,183,000 for aviation medicine purposes,

(3) $10,682,000 for navigation purposes,

(4) $5,193,000 for aviation weather purposes, and

(5) such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Funds authorized by this Act shall remain available until expended.

SEC. 2. Nothwithstanding the purposes for which funds are authorized in paragraphs (1)–(4) of the first section of this Act, funds authorized by such paragraphs may be used for any other program or project not excluded by section 4 of this Act for research, development, or demonstration under section 312(c) of the Federal Aviation Act of 1958 or section 14(d) of the Airport and Airway Development Act of 1970 if notice of such program or project has been given to the Speaker of the House of Representatives, the House Committee on Science and Technology, the President of the Senate and the Senate Commerce Committee in a manner containing a full and complete statement of the proposed program or project and the facts and circumstances relied on in support of such program or project and (a) a period of thirty days has passed after the date such notice was received, or (b) each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

SEC. 3. The second sentence of section 14 (d) of the Airport and Airways Development Act of 1970 is amended by striking out "$85,400,000 for the fiscal year 1977, and not less than $50,000,000 per fiscal year for fiscal years 1978 through 1980," and inserting in lieu thereof "and $85,400,000 for fiscal year 1977,".

SEC. 4. No part of the funds authorized in section 1 of this Act shall be expended for the Aerosat program except that not more than $1,500,000 of such amount may be expended for a feasibility study of such program.

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. DODD

Mr. DODD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DODD: On page 5, after line 10 add the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 5. Each officer or employee of the Administrator who—

"(1) performs any function or duty under this Act; and

"(2) has any known financial interest in any person who applies for or receives financial assistance under this Act;

"Shall, beginning on February 1, 1978, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

"(b) The Administrator shall—

"(1) act within ninety days after the date of enactment of this Act—

"(A) to defined the term 'known financial interest' for purposes of subsection (a) of this section; and

"(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provision for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

"(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(c) In the rules prescribed in subsection (b) of this section, the Administrator may identify specific positions of a nonpolicymaking nature within the Administration and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

"(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

Mr. DODD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DODD. Mr. Chairman, very briefly, this amendment, "sunshine in government," without reading all of it, is an amendment that we have adopted in the previous Congress in several pieces of legislation dealing with NASA, and the Energy, Research and Development Administration. Very simply, what it does is to require financial disclosure of known interests that any of the top policymakers have within the FAA. It does not require divestiture of those interests, merely the financial disclosure of the interest, in an effort to minimize potential conflicts of interest between those people holding key policy and decisionmaking positions and people or organizations who come before the FAA.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. DODD. I yield to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. I thank the gentleman for yielding.

Mr. Chairman, we have had a chance on this side to examine the gentleman's amendment. It is similar to other amendments that have been offered relating to conflict of interest and financial disclosure of those in policymaking positions, and we have no objection to the amendment.

Mr. DODD. Mr. Chairman, I would urge the adoption of the amendment. I feel it is meritorious, one which we have adopted in the past.

Mr. WINN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise just for a further explanation of the amendment, if the gentleman from Connectciut (Mr. DODD) will respond. I wonder if the gentleman would go through his amendment for us step by step.

It is my understanding that the gentleman from California (Mr. GOLDWATER) has some questions, too. I do not think the gentleman from Connecticut (Mr. DODD) had a chance to finish the explanation of his amendment. The gentleman did not go through it completely; is that not correct?

Mr. DODD. Mr. Chairman, will the gentleman yield?

Mr. WINN. I will be glad to yield.

Mr. DODD. No; I did not finish my explanation.

Mr. WINN. Mr. Chairman, the amendment is very short, and I think the Members of the House should hear the full amendment read or receive an explanation of it.

Mr. DODD. Mr. Chairman, if the gentleman will yield and if the gentleman will bear with me, very simply, the amendment requires that each officer or employee of the Administrator who: First, performs any function or duty under this act; and second, has any known financial interest in any person who applies for or receives financial assistance under this act shall, beginning on February 1, 1978, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

The amendment also provides as follows: Under paragraph (b) the Administrator shall first act within 90 days after the date of enactment of this Act to define the term, "known financial interest," for purposes of subsection (a) of this section.

And under paragraph (B) the Administrator shall act to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provision for the filing by such officers and employees of such statements

and the review by the Administrator of such statements.

Second, it requires the report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto by the Administrator.

Third, or under paragraph (c) it provides as follows:

> In the rules prescribed in subsection (b) of this section the Administrator may identify specific positions of a nonpolicymaking nature within the Administration and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

The purpose of this subsection is to make it clear that the intent of Congress is not to overly burden the Administrators of the FAA.

The last provision is the penalty subsection. It says:

> Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than 1 year, or both.

Mr. Chairman, that is the amendment. What it does is allow the Administrator some leeway so that we are not placing this burden on everyone within the Administration, but rather placing it only on the top policymakers.

Mr. WINN. Mr. Chairman, I appreciate the gentleman's clarifying his amendment. Too often we have a tendency to want to cut off explanations of these amendments before they are clarified to the other Members of the House.

Mr. GOLDWATER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to ask the gentleman from Connecticut (Mr. DODD) for some clarification concerning this particular amendment. Let me ask the gentleman this question:

Is this basically the same language that appeared and was adopted last year in the 1977 ERDA authorization?

Mr. DODD. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Connecticut.

Mr. DODD. As I understand it, it is the same language.

Mr. GOLDWATER. And is it to the gentleman's knowledge the same language that is contained in the NASA authorization?

Mr. DODD. Mr. Chairman, it is, to the best of my knowledge, I will say to the gentleman.

Mr. GOLDWATER. This particular language does give some discretion to the Administrator or to the Secretary to determine various levels of employees for the purpose of disclosure?

Mr. DODD. Mr. Chairman, if the gentleman will yield further, that is absolutely correct.

Mr. GOLDWATER. Mr. Chairman, I commend the gentleman for offering his amendment. I think it is especially significant because it does conform with the requirements of other agencies of the Government, and I think that is important so that we can get all agencies of the Government doing somewhat the same sort of thing in this particular area.

Mr. DODD. Mr. Chairman, will the gentleman yield further?

Mr. GOLDWATER. I yield to the gentleman from Connecticut.

Mr. DODD. Mr. Chairman, I would also like to point out to my colleagues here in the House that the gentleman from California (Mr. GOLDWATER) has been an ardent supporter of these kinds of provisions. Certainly the gentleman is to be recognized for his efforts in this particular area.

Mr. GOLDWATER. Mr. Chairman, I thank the gentleman and I urge support for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. DODD).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. MCKAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3965) to authorize research, development, and demonstration projects relating to aviation, and for other purposes, pursuant to House Resolution 430, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 402, nays 6, not voting 24, as follows:

[Roll No. 100]

YEAS—402

Abdnor	Anderson, Calif.	Applegate
Addabbo	Anderson, Ill.	Archer
Akaka	Andrews, N.C.	Armstrong
Alexander	Andrews, N. Dak.	Ashbrook
Allen	Annunzio	Ashley
Ambro	Applegate	Aspin
Ammerman	Archer	AuCoin
Badillo	Armstrong	Baldus
Bafalis	Ashbrook	Barnard
Baucus	Ashley	Bauman
Beard, R.I.	Aspin	Beard, Tenn.
Bedell	AuCoin	Benjamin
Bennett	Badillo	Bevill
Biaggi	Bafalis	Bingham
Blanchard	Baldus	Blouin
Boggs	Barnard	Boland
Bolling	Baucus	Bonior
Bonker	Bauman	Bowen
Brademas	Beard, R.I.	Breaux
Breckinridge	Beard, Tenn.	Brinkley
Brodhead	Bedell	Brooks
Broomfield	Benjamin	Brown, Calif.
Brown, Mich.	Bennett	Brown, Ohio
Broyhill	Bevill	Buchanan
Burgener	Biaggi	Burke, Calif.
Burke, Fla.	Bingham	Burke, Mass.
Burleson, Tex.	Blanchard	Burlison, Mo.
Burton, John	Blouin	Burton, Phillip
Butler	Boggs	Byron
Caputo	Boland	Carney
Carr	Bolling	Carter
Cavanaugh	Bonior	Cederberg
Chappell	Bonker	Chisholm
Clausen, Don H.	Bowen	Clawson, Del
Cleveland	Brademas	Cochran
Cohen	Breaux	Coleman
Collins, Ill.	Breckinridge	Collins, Tex.
Conable	Brinkley	Conte
Conyers	Brodhead	Corcoran
Corman	Brooks	Cornell
Cornwell	Broomfield	Cotter
Coughlin	Brown, Calif.	Crane
D'Amours	Brown, Mich.	Daniel, Dan
Daniel, R. W.	Brown, Ohio	Danielson
Davis	Broyhill	de la Garza
Delaney	Buchanan	Dellums
Dent	Burgener	Derrick
Derwinski	Burke, Calif.	Devine
Dickinson	Burke, Fla.	Dicks
Dingell	Burke, Mass.	Dodd
Dornan	Burleson, Tex.	Downey
Drinan	Burlison, Mo.	Duncan, Oreg.
Duncan, Tenn.	Burton, John	Early
Eckhardt	Burton, Phillip	Edgar
Edwards, Ala.	Butler	Edwards, Calif.
Edwards, Okla.	Byron	Eilberg
Emery	Caputo	English
Erlenborn	Carney	Ertel
Evans, Colo.	Carr	Evans, Del.
Evans, Ga.	Carter	Fary
Fascell	Cavanaugh	Fenwick
Findley	Cederberg	Fish
Fisher	Chappell	Fithian
Flood	Chisholm	Florio
Flowers	Clausen, Don H.	Flynt
Foley	Clawson, Del	Ford, Mich.
Ford, Tenn.	Cleveland	Forsythe
Fountain	Cochran	Fraser
Frenzel	Cohen	Frey
Fuqua	Coleman	Gammage
Gaydos	Collins, Ill.	Gephardt
Giaimo	Collins, Tex.	Gibbons
Gilman	Conable	Ginn
Glickman	Conte	Goldwater
Gonzalez	Conyers	Goodling
Gore	Corcoran	Gradison
Grassley	Corman	Gudger
Guyer	Cornell	Hagedorn
Hamilton	Cornwell	Hammer-schmidt
Hanley	Cotter	Hannaford
Hansen	Coughlin	Harkin
Harrington	Crane	Harris
Hawkins	D'Amours	Heckler
Hefner	Daniel, Dan	Heftel
Hightower	Daniel, R. W.	Hillis
Hollenbeck	Danielson	Holt
Holtzman	Davis	Horton
Howard	de la Garza	Hubbard
Huckaby	Delaney	Hughes
Hyde	Dellums	Ichord
Ireland	Dent	Jacobs
Jenkins	Derrick	Jenrette
Johnson, Calif.	Derwinski	Jones, N.C.
Jones, Okla.	Devine	Jones, Tenn.
Jordan	Dickinson	Kasten
Kastenmeier	Dicks	Kazen
Kelly	Dingell	Kemp
Ketchum	Dodd	Keys
Kildee	Dornan	Kindness
Koch	Downey	Krebs
Krueger	Drinan	LaFalce
Lagomarsino	Duncan, Oreg.	Latta
Le Fante	Duncan, Tenn.	Leach
Lederer	Early	Leggett
Lehman	Eckhardt	Lent
Levitas	Edgar	Lloyd, Calif.
Lloyd, Tenn.	Edwards, Ala.	Long, La.
Lott	Edwards, Calif.	Lujan
Luken	Edwards, Okla.	Lundine
McClory	Eilberg	McCloskey
McCormack	Emery	McDade
McDonald	English	McEwen
McFall	Erlenborn	McHugh
McKay	Ertel	McKinney
Madigan	Evans, Colo.	Maguire
Mahon	Evans, Del.	Mann
Markey	Evans, Ga.	Marks
Marlenee	Fary	Marriott
Martin	Fascell	Mathis
Mazzoli	Fenwick	Meeds
Metcalfe	Findley	Meyner
Michel	Fish	Mikulski
Miller, Calif.	Fisher	Miller, Ohio
Mineta	Fithian	Minish
Mitchell, Md.	Flood	Mitchell, N.Y.
Moakley	Florio	Moffett
Mollohan	Flowers	Montgomery
Moore	Flynt	Moorhead, Calif.
Moorhead, Pa.	Foley	Motti
Murphy, Ill.	Ford, Mich.	Murphy, Pa.
Murtha	Ford, Tenn.	Myers, Gary
Myers, Michael	Forsythe	Myers, Ind.
Natcher	Fountain	Neal
Nedzi	Fraser	Nichols
Nix	Frenzel	Nolan
Nowak	Frey	O'Brien
Oakar	Fuqua	Oberstar
Obey	Gammage	Ottinger
Panetta	Gaydos	Patten
Patterson	Gephardt	Pattison
Pease	Giaimo	Pepper
Perkins	Gibbons	Pickle
Pike	Gilman	Poage
Pressler	Ginn	Preyer
Price	Glickman	Pritchard
Pursell	Goldwater	Quie
Quillen	Gonzalez	Rahall
Railsback	Goodling	Rangel
Regula	Gore	Reuss
Rhodes	Gradison	Richmond
Rinaldo	Grassley	Risenhoover
Roberts	Gudger	Robinson
Rodino	Guyer	Rogers
Roncalio	Hagedorn	Rooney
Rose	Hamilton	Rosenthal
Rostenkowski	Hammer-schmidt	Rousselot
Roybal	Hanley	Rudd
Runnels	Hannaford	Ruppe
Russo	Hansen	Ryan
Santini	Harkin	Sarasin
Satterfield	Harrington	Sawyer
Scheuer	Harris	

Schroeder	Stockman	Wampler
Schulze	Stokes	Watkins
Sebelius	Stratton	Waxman
Seiberling	Studds	Weiss
Sharp	Stump	Whalen
Shipley	Thompson	White
Shuster	Thone	Whitehurst
Sikes	Thornton	Whitley
Simon	Tonry	Whitten
Skelton	Traxler	Wiggins
Skubitz	Treen	Wilson, Bob
Slack	Trible	Wilson, C. H.
Smith, Iowa	Tsongas	Winn
Smith, Nebr.	Tucker	Wirth
Snyder	Udall	Wolff
Solarz	Ullman	Wright
Spellman	Van Deerlin	Wydler
Spence	Vander Jagt	Wylie
St Germain	Vanik	Yates
Stangeland	Vento	Yatron
Stanton	Volkmer	Young, Fla.
Stark	Waggonner	Young, Mo.
Steed	Walgren	Zablocki
Steers	Walker	Zeferetti
Steiger	Walsh	

NAYS—6

Evans, Ind.	Kostmayer	Mikva
Jeffords	Mattox	Weaver

NOT VOTING—24

Badham	Johnson, Colo.	Sisk
Beilenson	Long, Md.	Staggers
Clay	Milford	Symms
Diggs	Moss	Taylor
Flippo	Murphy, N.Y.	Teague
Hall	Pettis	Wilson, Tex.
Harsha	Quayle	Young, Alaska
Holland	Roe	Young, Tex.

The Clerk announced the following pairs:

Mr. Teague with Mr. Brademas.
Mr. Milford with Mr. Harsha.
Mr. Clay with Mrs. Pettis.
Mr. Hall with Mr. Quayle.
Mr. Beilenson with Mr. Symms.
Mr. Diggs with Mr. Young of Alaska.
Mr. Murphy of New York with Mr. Charles Wilson of Texas.
Mr. Sisk with Mr. Johnson of Colorado.
Mr. Staggers with Mr. Long of Maryland.
Mr. Roe with Mr. Taylor.
Mr. Moss with Mr. Young of Texas.
Mr. Flippo with Mr. Holland.

Mr. JONES of Oklahoma and Mr. FOLEY changed their vote from "nay" to "yea".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill H.R. 4991, authorizing appropriations to the National Science Foundation, on which the rule has been passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

Mr. FUQUA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4991) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Commitee of the Whole House on the State of the Union for the consideration of the bill H.R. 4991, with Mr. DANIELSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. THORNTON) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. HOLLENBECK) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Arkansas (Mr. THORNTON).

Mr. THORNTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill (H.R. 4991). Before I begin to describe this bill which we are going to consider today, I want to first express my personal appreciation for the leadership of the Committee on Science and Technology. The gentleman from Texas (Mr. TEAGUE), who is not with us today, has provided leadership, fine judgement, fairness and integrity to the considerations of this committee. I deeply regret that the gentleman from Texas is not here with us today. The gentleman is a strong supporter of the work of the National Science Foundation and of the bill before the House at this time.

The gentleman from Texas has submitted a statement in support of the bill.

It is my hope that the research findings of this Foundation will at some future date lead to the elimination of the kind of ailments which prevent the chairman, the gentleman from Texas (Mr. TEAGUE) from being with us at this time.

I also want to thank my colleague, the gentleman from Florida (Mr. FUQUA) who has so capably acted as chairman of the committee in the absence of our Chairman, Mr. TEAGUE; the ranking minority Member, the gentleman from New York (Mr. WYDLER), and the ranking minority Member of the subcommittee, the gentleman from New Jersey (Mr. HOLLENBECK), for bringing this bill to the floor. As I have mentioned, these gentleman have all done great service to the committee and to the House in making it possible to bring this bill to the floor with a vote of the committee of 28 to 1. Their assistance and support has been invaluable.

The Committee on Science and Technology held hearings beginning on February 1, 1976, and ending on February 23, 1976, to review NSF fiscal year 1977 performance and its fiscal year 1978 budget authorization request. Testimony was taken from Foundation officials as well as from a number of individuals representing outside organizations. The hearings covered all aspects of the Foundation's budget request with particular emphasis on programs of science education. Attention was devoted to three nonbudgetary matters, too; namely NSF-industry relationships, peer review, and indirect costs of research.

In addition, extensive oversight hearings and investigations were carried out on subjects related to the management and operation of the Foundation. Certain of these investigations are still in progress. Numerous staff reviews were made of various NSF facilities and programs. Several General Accounting Office investigations and Congressional Research Service studies have been completed for the subcommittee.

Both the Subcommittee on Science, Research and Technology and the full committee had lengthy markups of the bill submitted by the administration. Committee members devoted careful attention to the bill. Nevertheless, the final vote on H.R. 4991, the clean bill, was nearly unanimous, the final count being 28 to 1.

THE BUDGET

The President's budget included a request for $885 million for the National Science Foundation in fiscal year 1978. The appropriation made to NSF for fiscal year 1977 was $776.1 million. Thus the request for 1978 exceeds the 1977 appropriation by $108.9 million.

The Committee on Science and Technology recommends that the amount of $868 million, $17 million less than the authorization request, be authorized. H.R. 4991 authorizes this amount and makes certain adjustments within the categories requested by the National Science Foundation. These actions are summarized on the table attached.

The committee recommends an increase in only one budget category, science education. Because of the importance of science education the committee recommends a total authorization of $83.3 million. This represents an increase of $7.6 million in science education over the request of $75.7 million. The increase is intended to reverse a downward trend in the science education budget, which has generally been declining for many years.

The committee recommends decreases which total $24.6 million in six categories:

One. Mathematical and physical sciences and engineering—The request was reduced by $5.4 million to $243.8 million. This is an increase of $21.2 million over the fiscal year 1977 appropriation.

Two. Astronomical, atmospheric, earth, and ocean sciences—The request was reduced by $5.8 million to $207.6 million. This is an increase of $18.9 million over the fiscal year 1977 appropriation.

Three. Biological, behavioral, and social sciences—The request was reduced by $5.6 million to $139.2 million. This is an increase of $12.7 million over the fiscal year 1977 appropriation.

Four. Research applied to national needs—The request was reduced by $5.3 million to $72.7 million. This is an increase of $8.8 million over the fiscal year 1977 appropriation.

Five. Scientific, technological, and international affairs—The request was reduced by $1.4 million to $21.2 million. This is an increase of $1.2 million over the fiscal year 1977 appropriation.

Six. Special foreign currency—The request was reduced by $1.1 million to $4.9 million. This is an increase of $0.3 million over the fiscal year 1977 appropriation.

No changes were made in the Antarctic program or in the program development and management categories.

Ceilings—Of the appropriations made pursuant to the authorization of H.R. 4991, the committee recommends that—

Not more than $1,000,000 shall be expended for minority centers for graduate education;

Not more than $600,000 shall be expended for continuing education for scientists and engineers; and

Not more than $100,000 shall be expended for the science for citizens program.

Floors—Of the appropriations made pursuant to the authorization of H.R. 4991, the committee recommends that—

Not less than $1,500,000 be made available for a program of minority graduate scholars;

Not less than $23,000,000 be made available for applied social research and for policy-related scientific research in the program of research applied to national needs; and

Not less than $4,500,000 be made available for policy research and analysis in the program of scientific, technological, and international affairs.

Other than budgetary matters, only two provisions were added to the bill by the committee. One amends the NSF organic act to emphasize the importance of geographical distribution, and the other is intended to protect precollege students from any undesirable effects of the testing of curriculums supported by NSF.

BASIC RESEARCH SUPPORT

For fiscal year 1978 the NSF has requested increases in the budgets of its three large basic—or "project"—research directorates—mathematical and physical sciences and engineering; astronomical, atmospheric, earth, and ocean sciences; and biological, behavioral and social sciences—totaling $69.6 million over the fiscal year 1977 appropriation—about 13 percent. In view of the need to economize in the Federal budget where possible, the committee has recommended that the overall budget be cut. The project research directorates have been cut by a total of $16.8 million, which still allows for a 10 percent, $52.8 million increase from the fiscal year 1977 appropriation.

The NSF-requested budget increase for project research was based on a governmentwide policy determination of the administration that total Federal basic research support should increase at a rate—9 percent—sufficient to allow for real growth at the same rate as long-term real growth of the gross national product—3 percent—taking inflation into account at the rate of 6 percent. Because the budget requests of other Federal agencies included basic research components that—while large—averaged less than the desired 9-percent increase, NSF was used as a "balance wheel" and was permitted a budget request containing a basic research increase of 13 percent—enough to bring the governmentwide average increase up to 9 percent.

The committee is sympathetic to this argument because it believes a strong national effort in basic research is necessary for the well-being of the country. However, the committee adopted a different approach to the Foundation's project research budget in order to produce the desired budget reduction. The committee's recommended figures allow for a 10-percent increase in NSF project research support consisting of a 7-percent allowance for inflation and 3-percent real growth. The 7-percent rate was used because the most recent authoritative estimate is that the 1976 inflation rate for services, which comprise the major component of NSF project research obligations, will be nearly 7.5 percent. The total project research amount of $590.6 million allowed by the committee, moreover, is nearly identical to the $587.4 million originally requested as its base budget by NSF from OMB during the budget process.

SCIENCE EDUCATION

The NSF requested a fiscal year 1978 science education program of $75.7 million, all of which would be new obligational authority. The committee recommends a net addition of $7.6 million and various adjustments within science education, thereby making a recommended total of $83.3 million for fiscal year 1978. Specific adjustments are discussed in detail in the committee report.

For the first 10 years of its existence NSF funded its two major mission areas—basic research and science education—almost equally. Since 1970, however, the budget importance of science education has been declining absolutely as well as proportionately to the research budget. The recommended increase of 10 percent over the NSF request for fiscal year 1978 would bring the program up from the requested 8.6 percent of the overall budget to almost 10 percent.

Testimony was presented which indicated a clear need for additional information and evaluation of activities related to continuing education for scientists and engineers. The committee believes that the following recommended actions are in order before any larger efforts in this area should be considered either by the NSF or by the Congress: First, that the NSF's request of $1.2 million for this program be reduced such that no more than $0.6 million be authorized for fiscal year 1978; second, that present government and private sector efforts be fully evaluated; and third, that more research and development be conducted to accumulate the needed information. The committee notes that HEW has a new $120 million program in the general area of continuing education.

The widely recognized problem of increasing the participation of minority individuals in science leads the committee to recommend that the programs specifically directed to this problem be increased by 25 percent over the request for fiscal year 1978. Since the Minority Graduate Centers program is in the planning grant phase and the program's relative merits are under evaluation at present, the committee recommends that the NSF proceed with no more than it requested for this program in fiscal year 1978—$1 million. However, the committee recommends that the Minority Institutions Graduate Traineeships program be increased from the request of $1 million to $3 million, with $1.5 million of that amount to be used for minority graduate students in science to attend graduate schools of their choice.

Because of the serious implications of the Science for Citizens program for the future direction of the entire NSF, and because of the inherent difficulty of evaluating activities of this type, the committee recommends that this program be authorized at a level no greater than $0.1 million for fiscal year 1978. This reduction—from the request of $1.2 million—will still permit a thorough evaluation of all fiscal year 1977 Science for Citizens activities. The committee also recommends that an embargo be placed on funding intervenors and those required to register under Federal or State lobbying laws. It is the committee view, however, that those who must register under any State lobbying act, solely on the basis of giving testimony to a State legislature, should not be barred from participation in the program for that reason alone.

The committee, in the bill, directs the National Science Foundation to take particular care in protecting precollege students from any undesirable effects of educational research and development, pilot testing, evaluation, or revision of experimental or innovative precollege curriculum projects funded by the Foundation. The Foundation is enjoined to assure that its grantees work closely with school boards or other appropriate authority at the local levels, as well as with parents, in carrying out such programs.

Mr. Chairman, the committee's consideration of the fiscal year 1978 NSF authorization was careful and, I believe, responsible. The budget authorized will help insure this Nation's strength in all the sciences, and I urge its support.

Mr. HOLLENBECK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4991, the authorization bill for the National Science Foundation for fiscal year 1978.

Before turning to the programmatic elements of the NSF budget, I would like to express my appreciation to the subcommittee chairman, Mr. THORNTON, for his generous cooperation in our actions on this legislation and to Mr. WYDLER for his support. His positive attitude has helped to make this a good bill and has helped to accelerate understanding of the issues.

H.R. 4991 authorizes $868 million for the NSF's programs in fiscal year 1978. This figure represents a $17 million—or 1.9 percent—reduction below the President's request. I should point out to my colleagues that President Carter did not submit any modifications to the NSF budget submitted by President Ford in January. I believe this action is typical of the bipartisan approach

which we have taken in evaluating the foundation's programs.

The NSF provides the bulk of the Federal support for basic scientific research in our colleges and universities. Its programs serve the dual purpose of advancing the frontiers of scientific knowledge while also training many of our future scientists. NSF programs have helped further the education of virtually every practicing scientist at some point in their careers.

The $243.8 million in the bill for mathematical and physical sciences and engineering will support research in advanced programs ranging from theoretical mathematics to complex studies of thermal energy storage materials. Investigations of synthetic compounds may build a foundation for improved chemicals. Metallurgy research will be sponsored to improve our understanding of the corrosion and fatigue problem in metals. Success in this programmatic subelement would result in considerable future savings in the economy.

The $207.6 million devoted to astronomical, atmospheric, earth, and ocean sciences will sponsor programs to study our planet from deep in the Earth's crust to beyond the upper atmosphere. Studies on global atmospherics and climate dynamics can make important contributions to our understanding of the world's weather patterns. This past winter is dramatic evidence of the fact that our knowledge in this area needs improvement. NSF programs will investigate the physics of the atmosphere which influence our everyday weather as well as long-term global changes. Studies of the atmosphere not only improve our knowledge of the weather but enhance our ability to predict the dispersion of pollutants released into the atmosphere. Ocean science studies will assist our increased use of the seas as a source of food and minerals in such a way that we do not inadvertently dispoil this global treasure. The projections of increased offshore oil and gas recovery makes it imperative that we fully understand the subtleties of the marine environment.

NSF programs in traditional natural and physical sciences are complemented by programs in science education and selected applied research projects. The $83.3 million in H.R. 4991 devoted to science education will fund programs in manpower improvement, resource improvement, and research and development related to teaching science. Despite the popular cynicism about the machine replacing man, our human resources remain the most valuable global resources. The science education programs seek to cultivate the human resources without which further progress would be impossible.

Applied research efforts are embodied in the NSF's Research Applied to National Needs—RANN. The $72.7 million for RANN will investigate special applied problem areas such as the environment, resources, and productivity. For example, the environmental effort works to improve our knowledge of natural disasters and hazards. Here RANN will investigate the causes of earthquakes; how to predict them and how to respond to them. Productivity research aims at such practical goals as improving the delivery of public services; excavation technology; and low-cost medical equipment for clinical diagnosis.

Mr. Chairman, I do not profess to be an expert in the technical features of the many programs which the NSF sponsors. But I am confident that its programs are essential for the Nation to maintain its superiority in science and for the economic growth and high standard of living which it brings.

H.R. 4991 will provide the means for the NSF to sustain its record of scientific excellence. In addition, the committee has structured the bill so that this goal may be achieved within, and even slightly below, the budget request to Congress. I urge my colleagues to join me in supporting H.R. 4991.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. HOLLENBECK. I yield to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. I thank the gentleman for yielding.

Mr. Chairman, I wish to point out to the Members of the House the outstanding contribution that the gentleman from New Jersey (Mr. HOLLENBECK) has made to the passage of this bill through the subcommittee, through the full Committee on Science and Technology, and the contribution he is making today on the floor of the House. He is a freshman, a new man in the House of Representatives, and yet he has undertaken responsibilities which generally are not undertaken by people who have just started their service in Congress. He has handled it like a veteran member of the congressional system.

Mr. Chairman, I have only the highest respect and regard for his performance in that connection.

Mr. Chairman, I rise in support of H.R. 4991, the Authorization Act for the National Science Foundation for fiscal year 1978.

The NSF has proven itself to be a strong and effective Federal catalyst for basic scientific research. Its support of research programs in the natural and physical sciences throughout our academic system has succeeded in establishing an impressive record of performance. The knowledge and the scientists resulting from NSF's programs have found their way into every facet of our society and economy.

The committee's action on H.R. 4991 is typical of the bipartisan consensus which exists on the value of NSF's programs. The committee's adjustment to the administration's request to Congress were minimal. H.R. 4991 will permit the NSF to continue its support of science in a responsible manner. The $868 million authorized for fiscal year 1978 is 1.9 percent—$17 million—below the request to Congress and about 6.5 percent above the authorization for fiscal year 1977. The long lead times in bringing a promising new scientific development from the laboratory into the general economy make it important to plan research programs with vision to the future. The NSF's foresight in funding projects which will pay dividends to the Nation many years later is a quality often overlooked. The pace of scientific progress is difficult to accelerate indefinitely by the mere increase of funding. The steady, continued support which the NSF has provided to science is far more effective than an erratic funding pattern of the same cumulative amount would be.

NSF research programs in engineering will concentrate on improving our ability to extract valuable metals from lean ones, recycling of wastes, and the development of substitute materials possessing better energy and environmental qualities than current materials. Studies on superconducting materials seek to develop a comprehensive technology base on this phenomenon such that the Nation will be able to use superconducting transmission lines to distribute electricity with superior efficiency in the future.

Ocean science programs seek to improve our understanding of marine organisms; the transfer of pollutants in the marine environment; and the distribution of pollutants in the ocean. Such investigations will help us address marine problems in the deep sea and along our coasts. Deep sea research is necessary to assist us in the mining of minerals and energy resources. Coastal marine research is essential to understanding how to cope with the beach-fouling problem which plagues many fine beach areas, including the shores along Long Island.

Mr. Chairman, these are just a few examples of the worthwhile research which H.R. 4991 will permit to take place. Almost everything in the NSF's programs will eventually contribute to a beneficial result touching the lives of every citizen. There are too few pieces of legislation which can claim this distinction.

I urge my colleagues to join me in supporting H.R. 4991.

Mr. THORNTON. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. MCCORMACK).

Mr. MCCORMACK. Mr. Chairman, I rise in support of H.R. 4991.

I would like to congratulate the chairman, the gentleman from Arkansas (Mr. THORNTON), and the ranking minority member, the gentleman from New Jersey (Mr. HOLLENBECK), for the outstanding job they and the staff have done in assembling this bill.

Over the years, the National Science Foundation has made an outstanding contribution to this Nation's understanding in a broad spectrum of subject areas ranging all the way from mathematics to applied physics to biological sciences and to the social sciences.

This legislation before us today continues these programs in a most responsible manner. In view of the fact that we have been doing so well and that this is so important, I encourage my colleagues to support this legislation.

Mr. Chairman, the 1976 NSF Authorization Act included the mandate that the NSF prepare a comprehensive plan with full public participation for a "science for citizens" program to be presented to Congress. The objectives to which the program was to be addressed were—

First, to improve public understanding of public policy issues involving science and technology;

Second, to facilitate the participation of experienced scientists and engineers as well as graduate and undergraduate students in public activities, aimed at the resolution of public policy issues having significant scientific and technical aspects;

Third, to enable nonprofit citizens public interest groups to acquire necessary technical expertise to assist them in dealing with the scientific and technical aspects of public policy issues; and

Fourth, to provide grants and contracts to academic and other nonprofit organizations for the conduct of applied research designed to improve the effectiveness of the above programs.

The NSF prepared such a plan, and also commissioned a study on the "Provision of Federal Assistance to Nonprofit Citizens Groups Dealing with Scientific and Technical Aspects of Public Policy Issues." The fiscal year 1977 budget request was for $300,000 to set up an experimental program to test three of the nine "options" developed by the NSF which it believed were appropriate for an agency with NSF's capabilities and resources.

After having examined these plans, the committee was convinced that a serious need existed in the areas addressed by the SFC objectives. But, as stated in last year's authorization report, "the committee questions whether the Federal Government is capable of satisfying these needs without creating serious new problems; and whether the NSF is in fact the appropriate agency to take on this task." The pros and cons of SFC as perceived by the committee were outlined in the report, and led the committee to recommend that "the NSF should remain as far away as possible from direct assistance to citizens' groups;" that "the NSF should 'concentrate on provision of educational and informational materials,' and not become involved with 'citizen litigation or direct intervention in administrative proceedings.' "

The Senate was not in complete agreement with this committee, as evidenced by its authorization of $3,000,000 for Science for Citizens—including an augmented public understanding of science program—and by its recommendation that the NSF provide support for "groups which serve important public purposes to acquire necessary technical expertise relating to the scientific and technical aspects of public policy issues and to enable such groups to bring together in appropriate forums experts whose research has been directed to the resolution of such issues."

This difference between the House and the Senate views was the major reason behind a protracted and difficult conference—the conference report was submitted on September 27, 1976, 3 days before the beginning of the fiscal year, and less than a week before the Congress went into recess.

Authorization for the program of $1,200,000 stipulated that: "no grant or other arrangement shall be made—without the prior approval of the National Science Board"; the NSF was "directed to prepare a comprehensive analysis and assessment of such activities to be submitted—by March 1, 1977"; and "no contract, grant, or other arrangement is to be made—to any person who is required to comply with the registration requirement—of the Federal Regulation of Lobbying Act."

For fiscal year 1978 the NSF requested $1.2 million for Science for Citizens to continue the two activities begun in fiscal year 1977.

Also available to the committee for its consideration this year was the report requested in the fiscal year 1977 joint statement of managers of the committee of conference, "concerning the implications of NSF assistance to nonprofit citizen organizations" both for the NSF itself and for public participation in govmental processes. This report, "Policy Implications of NSF Assistance to Nonprofit Citizen Organizations," is known as the Boasberg report.

The committee devoted a day of hearings to the Office of Science and Society, mostly on the science for citizens program. Primarily because of the committee's position on the science for citizens program during the fiscal year 1977 authorization conference, the committee selected witnesses who were in favor of the science for citizens program in order to get their views and arguments presented. Mr. Boasberg was present to discuss his report and offer his personal opinion of the program. Two additional statements were requested, one from the National Legal Center for the Public Interest, and one from the National Association of Electric Companies.

In weighing all the diverse opinions concerning the fiscal year 1978 science for citizens effort, the committee concluded that, because of the serious implications of the science for citizens program for the future directions of the entire foundation, and because of the inherent difficulty of evaluating activities of this type, this program should be authorized at a level no greater than $100,000. This amount will provide for a thorough evaluation of all fiscal year 1977 science for citizens activities. Most of the awards for these activities are not expected to be made until September 1977, nearly the end of the fiscal year, and it is for this reason that the cessation for the entire fiscal year 1978 is believed to be necessary.

The committee does not believe that this action will be detrimental to the projects undertaken in fiscal year 1977. The forums, conferences, and workshops are all short-term projects, and the maximum tenure for public service science residencies and internships is 12 months. During that time it is hoped that the Science for Citizens Advisory Committee will closely monitor the progress of these activities.

The cutback in fiscal year 1978 science for citizens activity recommended by the committee should not be interpreted as opposition to the science for citizens program per se or the underlying rationale of the program—that is, increasing public understanding of the scientific and technical aspects of public policy issues. The committee has traditionally supported the NSF's public understanding of science program which supports informal adult education in science and technology, especially as these deal with important issues of public policy, and the ethics and values in science and technology program which, among other activities, examines alternatives for resolving conflicts between scientists and the public. The NSF requested a total of $4.0 million for these two programs for fiscal year 1978—and the committee concurs with this request.

The committee also wishes to acknowledge that the management of the science for citizens program so far by the NSF seems to be a reasonable approach, and it recognizes that the delay in making fiscal year 1977 awards has resulted from the careful development of guidelines for the program, as well as from the congressionally imposed requirement that all actions be approved by the National Science Board.

In the joint statement of managers of the committee of conference it was stipulated that "no contract, grant or other arrangement is to be made under the science for citizens program to any person who is required to comply with the registration requirement of section 308(a) of the Federal Regulation of Lobbying Act (2 U.S.C. 267a)." The committee recommends that this stipulation be broadened to include those required to register under State lobbying acts, with the exception that those who must register under State acts solely on the basis of giving testimony to a State legislature not be barred from participation in the program.

The committee would also bar "intervenors" from eligibility in the science for citizens program—although, admittedly, "intervenors" may be a somewhat elusive term.

Nonetheless, both the committee and the NSF are concerned about the possible use of NSF funds in this program to encourage the promulgation by special interest groups of their already-determined positions, either by presentations to the public or by interventions in the processes of government. Both recognize the difficulty of establishing criteria for grants and awards which will distinguish such activities from those that will desirably enhance the public understanding of policy issues involving science and technology or contribute to the effective resolution of such issues.

Thus it is proposed that the science for citizens program not support proposals for which the manifest purpose is to assist in the development of only one side of any controversial issue in any presentation to the public, or to any judicial or administrative proceeding before courts of law, or to other official Federal, State, or local instrumentalities.

It is further proposed that the NSF make public the names and pertinent activities of all persons and organizations receiving grants and awards from the science for citizens program, and ensure the rapid and effective public dissemination of all reports and other documents resulting from activities supported by program funds.

Mr. Chairman, I am entirely in support of this position. Experience has shown that extremely controversial programs in the National Science Foundation can cause problems in terms of the perceptions of the NSF by the outside world. This bill was put together carefully and with a great deal of consideration of issues such as these, and I urge you to support it.

Mr. HOLLENBECK. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I thank my freshman colleague, the gentleman from New Jersey (Mr. HOLLENBECK), for yielding this time to me. I would also like to thank the acting committee chairman, the gentleman from Florida (Mr. DON FUQUA) for the courtesy he granted me as a freshman to make extensive inquiries in committee on areas which are of interest and concern to me.

I would extend my thanks also to the gentleman from Arkansas (Mr. RAY THORNTON), the subcommittee chairman, who acted in the same vein and encouraged me to make the inquiries that I felt necessary to try to dispel some of the doubts I had about the original request in the budget when it came in. In that regard I want also to thank the ranking minority member of the committee, the gentleman from New York (Mr. WYDLER).

Mr. Chairman, it was necessary for me to vote against this $868 million fiscal year 1978 authorization for the National Science Foundation when the bill was reported by the House Committee on Science and Technology.

Increases amounting to $20.5 million were made in the various budget activities of the Foundation by the full committee—after the bill had been reported from subcommittee with a $656.2 million mark for basic research.

The bill now authorizes a total of $671.3 million for basic research—an amount that is much too high in terms of NSF's recent budget history.

Mr. Chairman, I have spent many hours so far this year studying NSF budget trends and the current authorization proposal. It is reluctantly that I will have to vote "no" on this bill, because many of NSF's basic programs are good—and I support the bill's provision requiring protections and proper procedures for involving precollege students in NSF-funded education projects.

But the NSF authorization is unacceptably high—and I strongly believe that there is no justification for the 171 percent overall increase that this bill will bring in the Foundation's basic research budget just since 1969.

Mr. Chairman, my concerns and important statistical evidence about NSF budget trends requiring my "no" vote on this bill were included in the committee's report as dissenting views.

I include those brief views at this point in the RECORD—and I hope that this data wil be utilized by the Congres to stop these unjustified skyrocketing budget increases:

[From H. Rept. 95-98 accompanying H.R. 4991 authorizing appropriations to the National Science Foundation, Mar. 18, 1977]

DISSENTING VIEWS OF REPRESENTATIVE ELDON RUDD

This bill authorizes $868 million for the National Science Foundation—almost 92 million more than the fiscal year 1977 program funded by Congress. That is an extremely large increase—about 12.2 percent more than the previous year amount of $776.1 million—at a time when the goal is "a balanced Federal budget."

The Subcommittee mark was $847.9 million, of which $656.2 million was authorized for basic research project support. This was more than ample, considering the staggering 147 percent increase in NSF's basic research budget just since fiscal year 1969.

Despite this increase, the full Committee added yet $15.1 million more to the Foundation's three major basic research budget activities, bringing fiscal year 1978 authority for basic research project support to $671.3 million.

This is a 10 percent increase over NSF's fiscal year 1977 basic research budget, and was given on the premise that the Subcommittee had insufficiently considered the supposed enormous impact of inflation upon NSF's real basic research budget needs.

This is a highly questionable assumption, in light of NSF basic research budget trends since 1969. The Foundation's basic research project support has increased an average of 18.4 percent per year since fiscal year 1969, and will have increased a total of 171 percent in just 10 years if this bill is approved at its current proposed level.

In constant (1969) dollars, using a Consumer Price Index deflator to adjust for inflation, NSF basic research project support has had a real increase between fiscal year 1969 and fiscal year 1977 of more than 8.4 percent above what is necessary to account for inflation.

The following table accurately summarizes NSF basic research budget trends since fiscal year 1969:

NATIONAL SCIENCE FOUNDATION, BASIC RESEARCH BUDGET INCREASES, FISCAL YEARS 1969-78

[Dollar amounts in millions]

	Amount	Dollar increase	Percent increase	Increase since fiscal year 1969	
				Total	Percent
Fiscal year:					
1969	[1] $247.6				
1977	[2] 612.0	+$364.4	+147	+$364.4	+147
1978:					
Subcommittee mark	656.2	+44.2	+7	+408.6	+165
Full committee mark	671.3	+59.3	+10	+423.7	+171

[1] NSF fiscal year 1971 budget to Congress (fiscal year 1969 actual column).
[2] NSF fiscal year 1978 budget to Congress ("Budget in Brief," p. 12).

The tremendous increase in NSF basic research support since 1969 is underscored by the fact that, since that year, NSF has reduced its science education programs by more than $50 million, and has totally eliminated institutional science support programs amounting to more than $70 million. Moreover, creation of the Energy Research and Development Administration (ERDA) in 1975 resulted in the transfer of about $52 million of NSF energy research support to that agency.

All of these adjustments have been more than offset by the large increases in NSF basic research support. Consequently, the Foundation's applied research (RANN) has dropped from about 18 percent of the NSF budget, to less than 9 percent. Science education has dropped by almost 50 percent. And institutional programs have been eliminated altogether.

These trends in no way suggest constraints on NSF basic research support. To the contrary, they clearly demonstrate that basic research has grown dramatically over the past decade at the expense of other NSF programs—and at a rate that cannot be justified.

NSF "RECOVERIES"

Based on a careful analysis of Federal R&D trends (such as the report prepared last year for the House Appropriations Committee by the Congressional Research Service of the Library of Congress), NSF carryovers from year to year, and the manner in which NSF handles millions of dollars annually in "recoveries," there is further reason to question the large fiscal year 1978 NSF basic research budget proposed in this authorization bill.

NSF has for a number of years had an annual minimum of $5 million—and as much as $13 million—in "recoveries," which amount to a Foundation "slush fund." These are monies that are awarded by the Foundation, but unused and returned for a variety of reasons to be re-programmed by NSF out of a central fund.

Some of the "recoveries" occur when a researcher moves from one institution to another. But the amount that is realized for other reasons is still quite substantial—amounting to several million dollars annually.

The Foundation should know on the basis of past trends and experience what the anticipated "recoveries" are each year. I believe that the Foundation should be required to treat those "recoveries" as a source of funds, and to include them in the budget process each year so that Congress can get a true picture of NSF funding.

NONSUPPORT FOR BASIC RESEARCH IN PRIVATE INDUSTRY BY NSF

Production of Ph. D.'s is up substantially, and increasing every year. There are reportedly more than 30,000 Ph. D.'s in the pipeline right now. Yet university faculties are not growing to accommodate the tens of thousands of young, brilliant scientists and engineers, who are seeking employment in private firms rather than in academic institutions.

This vast and increasing pool of scientific talent in the private sector is a great national resource that NSF should encourage and support. Yet the Foundation maintains a very parochial attitude about the purported need to concentrate Federal research support in academic institutions, to the practical exclusion of scientists and engineers in private industry who should also be encouraged to develop their ideas.

The NSF policy in effect today states that only in exceptional cases will unsolicited proposals for basic research be considered from industrial organizations. This is not in the national interest, and appears to violate the intent of the National Science Foundation Act, which gives NSF the authority to support basic research on a best-performer basis.

This implies competition for available Federal research dollars. I believe that Con-

gress should make certain that public policy on this issue is made clear, so that participation in federally funded basic research activities by scientists in industrial laboratories is encouraged.

Such participation should be on an equal, non-discriminatory footing, so that all scientific talent in the academic world and in the private industrial sector can compete according to merit for available Federal research support.

In this way, both Congress and the taxpaying public can be more confident that adequate and appropriate priorities will be set for the expenditure of NSF research funds, that the Foundation is supporting the best research by the most capable performers, as well as uplifting science generally in other areas, and that the nation is getting the best value for every expended Federal research dollar.

ELDON RUDD.

My dissenting views include concerns that I have raised about the discriminatory policy of the National Science Foundation with respect to support of basic research by scientists in the industrial sector.

Under current NSF policy, these scientists do not have a fair opportunity—they have really no opportunity at all—to apply for NSF basic research funds to pursue their own projects.

NSF allocates 99 percent of its research funds in support of scientists in the academic, nonprofit sector. I believe that this discrimination against the thousands of good scientists in the industrial sector is hurting our Nation's potential technological and other advances.

At the appropriate time, I will offer an amendment to this bill to require the Foundation to change its discriminatory policy. My amendment will require NSF to increase cooperative basic research projects involving researchers from both the academic and industrial sectors. It will also require the Foundation to permit researchers in the industrial sector to compete for NSF basic research funds on an equal basis with researchers in the academic sector.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman from Arizona (Mr. RUDD) for his fine statement. The gentleman has pointed out a number of problems that we have had with these grants, and I would like to go on record in support of the statement of the gentleman from Arizona.

I will state further that I, too, will be voting against this bill because the people in my district have had it when it comes to the money we are spending on redesigning toilet seats and studying the aerodynamics of the frisbee.

Mr. RUDD. Mr. Chairman, I thank the gentleman for his remarks.

Mr. THORNTON. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, I rise in general support of H.R. 4991. The Science Research and Technology Subcommittee worked diligently under the very able leadership of my colleague from Arkansas, Mr. THORNTON, to present, with one exception I believe, a budget which provides for the continued strong support of basic and applied research, science education and the other important activities of the NSF.

However, I must respectfully take exception with the action of our committee in cutting the science for citizens program from the $1.2 million requested by NSF to a mere $100,000. This program was initiated by Congress in the fiscal year 1977 authorization legislation and provided with $1 million appropriations for the current fiscal year.

The science for citizens program is intended to make it possible for both experienced and student scientists and engineers to help the public understand science, engineering and technology and their impact on public policies. During fiscal year 1977 NSF will make a limited number of awards to individuals who have proposed to provide scientific and technical input to any of a wide range of groups, institutions, and organizations that deal with issues having a high science content. These proposals must come from individuals, not groups, and must be approved by the National Science Board. A second aspect of the program is the funding of forums, conferences and workshops sponsored by nationally recognized professional societies and groups. The first awards for these two parts of the program will be made by the end of the current fiscal year.

On February 18, the Subcommittee on Science, Research and Technology heard testimony from four witnesses: Dr. Harvey Averch—Assistant Director for Science Education, NSF—Mr. Tersh Boasberg—Boasberg, Hewes, Finkelstein & Klores, attorneys-at-law—Dr. Frank von Hippel—Center for Environmental Studies, Princeton University—and Dr. James Sullivan—codirector, Center for Science in the Public Interest. All four witnesses spoke favorably of the science for citizens program, and the only suggestions for funding changes, from Drs. von Hippel and Sullivan, dealt with increases in the budget requested by NSF.

Many of the decisions that are being made on issues of science and technology drastically affect the lives of every citizen in this country. Those citizens should be provided the scientific and technical data to investigate and explore and bring these issues into the forum of open public discussion and debate. Citizens are not going to be able to understand these issues unless they are given the proper information, and that is what the science for citizens program is all about. Many citizens' groups, quite frankly, oppose something for one reason or another without a scientific basis to support their arguments; with good scientific input they might be able to avoid going out on a limb and taking the rest of the public with them. When I first came to Congress in 1975 I was opposed to certain projects, but after further study, and obtaining input from scientists and engineers and visiting scientific laboratories, I have changed my thinking in several cases because I learned my previous opinions were not based on good scientific data.

The science for citizens program is an attempt to do for the general citizenry what these experiences did for me. The $1.2 million requested by NSF would have continued the program for 1 additional year, essentially without change. This would be a modest effort that I believe should be maintained while we see how the program works in practice. It is a promising program and should not be terminated prematurely.

While I do not intend to offer an amendment to restore these cuts, I am confident that the Senate version of the NSF authorization will provide this program with the support it deserves. I hope my colleagues in the House will support the Senate version in this respect.

U.S. ANTARCTIC PROGRAM

The United States has a reputation for leadership in antarctic affairs and has extensive rights—based on exploration, discovery, and carrying out the U.S. antarctic program.

Let me emphasize the importance of antarctic research to this country. The Antarctic exerts a major influence upon world weather and climate. It contains potentially valuable minerals and petroleum. It is the world's richest area in terms of marine protein production.

NSF-supported research in the Antarctic includes weather, climate, and other environmental research as well as research related to mineral and marine resources.

The Antarctic is a hostile climate for man. The weather is so bad, in fact, that the largest native land animal is a spider.

Because of the arduous climate and the absence of development in Antarctica, all forms of support and services needed to conduct research must be imported. Research stations and other facilities must be constructed and maintained with imported materials. These factors, combined with the remote location, mean that costs of support services are substantial and that central management of these services is necessary for effective operation.

In many respects, accomplishing research on the Antarctic Continent is not unlike doing research in space. H.R. 4991 authorizes $47,475,000 for U.S. efforts in Antarctica. The major part of this authorization covers the cost of placing and maintaining scientists at locations on the continent.

The support services are provided primarily by the Departments of Defense and Transportation on a cost-reimbursable basis. The primary support force is provided by the U.S. Navy which operates the main logistic supply complex in support of field work and the inland stations. The Navy also operates a ski equipped aircraft squadron. NSF reimburses the Navy for the personnel and other costs for these services on a year-round basis. The Department of Transportation provides ice-breaker support on a reimbursable basis.

The bill, H.R. 4991 allows for a 17-percent increase in Antarctic research but

only a 3-percent increase for operations support, which reflects a determined effort on the part of NSF to accomplish Antarctic research on a cost-effective basis.

Mr. Chairman, I support the Foundation's authorization as reported by the committee. I urge approval of H.R. 4991 which authorizes the full amount requested for the U.S. Antarctic program.

Mr. HOLLENBECK. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Chairman, I rise in support of this legislation. I think it is good legislation and will support it. However, I rise, even more importantly, in a kind of unique situation, a situation in which I find myself as the senior Republican of our great New Jersey delegation of four Republicans.

Mr. Chairman, I take pride that my ranking member on my subcommittee is the gentleman from New Jersey (Mr. HOLLENBECK); and I want to highly compliment him in the handling of this legislation and for the great work that he is doing today as a freshman from the State of New Jersey.

Mr. THORNTON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I want to add my tribute to the leadership of this committee on both sides of the aisle for the fine work that they have done, not only in bringing this bill to the floor in a form which I think is highly acceptable to the Members, but for their continuing ongoing work with the National Science Foundation in helping to resolve some of the problems which crop up in any of our institutions of Government from time to time.

Mr. Chairman, we have had problems with the National Science Foundation. Sometimes these have been brought to the floor, and I am thoroughly satisfied that we have achieved great progress in solving these problems as they do occur and in continuing to refine the operation there.

The number of policy difficulties, conflicts, or controversies in this bill have been at a minimum this year. Some of them have been resolved by some adjustment in the funding priorities, which is reflected in the numbers that we have in the legislation before us. There have been some modest reductions in a number of the programs in order to allow for some increase in the programs which we thought should have higher priority, the science education programs; and this has been done within an overall framework of reduction, as has been pointed out, in the budget request submitted by both the Ford and the Carter administrations.

Mr. Chairman, I might point out in connection with the remarks of the gentleman from Arizona (Mr. RUDD), who did subject these budget figures to a very keen scrutiny, a deserved scrutiny, that possibly one factor might have been overlooked in that scrutiny. That was the role which the National Science Foundation plays as a sort of instrument to take up the slack in the Nation's science programs.

Over the past several years, since 1969, in fact, many of the mission-oriented agencies of Government have had to drastically cut their research and development programs. It was on the initiative of President Ford himself, who is well acquainted with the National Science Foundation and the importance of the research efforts which it pursues, that an additional $50 million, if I recall correctly, was added to last year's budget for the National Science Foundation so that they could take up some of the slack resulting from cutbacks in the programs for the other agencies.

Mr. Chairman, it was this additional funding, which had the personal support of President Ford, that caused some of the increases which the gentleman from Arizona (Mr. RUDD) pointed out.

There is just one additional point I wish to make. There are a couple of programs within the National Science Foundation authorization which will be brought back to the floor later on in this session. They were referred to by one or more of the speakers peripherally. They are the programs involving climate research and earthquake research. Obviously, many people, both in the Congress and in the executive branch, recognize the extreme importance of making breakthroughs in research in these two areas because of their great impact upon this Nation's economy and welfare.

Mr. Chairman, we have seen through this past winter the dramatic impact upon the gross national product of weather conditions which we had not adequately forecast or made provisions for. Work has been going on for several years in an effort to develop even stronger programs in these two areas. The executive branch, to its credit, has recommended increases in the National Science Foundation budget in these two particular areas.

The Science Committee hopes to bring back to the floor later on this year a more detailed program authorizing expanded programs in both of these areas and the scope of these programs has already been reflected in estimates made to the Congressional Budget Committee.

I merely wanted to point out that we do hope to have an additional congressional voice in structuring some of this work, which has already been initiated, later on in the year through our own legislative action.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THORNTON. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I would be happy to yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, I want to compliment the gentleman from California on the statement he has made.

I also feel very much as the gentleman from Arizona (Mr. RUDD) has stated, that we have to look at all of our Federal budget most carefully, and I think that includes the spending we do under the National Science Foundation bill.

Mr. Chairman, I would be hopeful that next year this bill could be held pretty much at the level at which it now is and that the agency would work very hard now and at the time that they submit their budget for next year so as to do just that, so that we can really try to get a handle to some extent on our Federal spending programs and start working toward that goal that everybody has been talking about, the balanced Federal budget.

I know that the gentleman from New Jersey (Mr. HOLLENBECK) and myself will be very interested in seeing the National Science Foundation try hard to hold to the line in the budget for the next fiscal year.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman from New York for those comments. Let me say that I believe his hope probably can be achieved if it is possible to restore some of the funds that had been previously cut from the mission-oriented research programs of some of the other agencies. I am hopeful it can be done.

Mr. WINN. Mr. Chairman, I rise in support of H.R. 4991, the National Science Foundation authorization for fiscal year 1978. This bill authorizes the support for projects which are related to some of our most important national concerns.

Most of the NSF's budget is used to support basic research, which many might perceive to be unrelated to the solution of our pressing national problems. This is seen to be clearly incorrect when you look at some specific cases from the past.

For instance, take the area of solar energy. Before the transfer of this responsibility to ERDA, the NSF had engaged in the support of solar energy research for more than 20 years—long before there was any hint of the present energy problems concerning fossil fuels. At first the NSF's efforts were concentrated solely on basic research—in physics, chemistry, engineering, and materials sciences. Then when the research applied to national needs program was started in 1971, energy research was identified as a national need and the NSF was given lead agency responsibility for coordinating the Federal research on solar energy.

The NSF's solar energy program was a broad-gage research effort, which ranged from the most basic types of research to applied research. It even included the support, in cooperation with industrial contractors, of four heating augmentation experiments at public schools in Maryland, Minnesota, Massachusetts, and Virginia. The results of all these experiments have played a significant role in the Nation's development of solar energy for future use.

As we now know, the future does not seem so far off when it comes to the use of solar energy, however. The results obtained in the NSF-supported heating and cooling program, for example, prompted several industries to move toward the commercialization of solar components and systems. One major company now offers solar collectors for sale in commercial quantities. Also, a number of companies now offer complete systems design and contracting

support for solar heating and cooling systems. I think it is safe to say that we would not be as close to these applications today without the long-term research support of the NSF in areas related to solar energy.

Mr. Chairman, in order to minimize the severity of future problems, we need the knowledge which is generated today in the conduct of basic research. H.R. 4991 provides for a small real growth in basic research support, reflecting among other things that our problems—such as those of diminishing resources—become greater, not fewer, over time. I urge my colleagues to support this bill.

Mr. TEAGUE. Mr. Chairman, the National Science Foundation uses most of the funds appropriated to it for the support of basic research. Basic research is carried out principally through three large project research arms of the NSF. At this time I would like to highlight some aspects of these programs.

The mathematical and physical sciences and engineering directorate provides funds for research in the math-mathematical sciences, computer sciences, physics, chemistry, engineering, and materials research.

The objectives of the mathematical sciences research program are to create new mathematical knowledge, and to apply mathematical knowledge to the better understanding of phenomena of the physical and social milieus of mankind. The first of these objectives is achieved by the creation of new mathematical structures and techniques and the analysis and study of relations which exist between them. The second objective is achieved by translating phenomena of the physical, engineering, biological, environmental, and social sciences into mathematical problems, and then, by the application of existing mathematics, or the creation of new mathematics, finding solutions of the mathematical problems so formulated.

The objective of the physics research program is to advance knowledge and understanding of the fundamental laws governing matter and energy, over the complete range of natural phenomena. This effort starts with studies of the properties, interactions, and possible internal structure of the elementary particles—from which all other matter is built, and progresses through studies of the basic laws which govern matter of increasingly more complex levels of aggregation—atoms, molecules, gases, plasmas, and so on to cosmological systems.

The objective of the chemistry program is to advance the detailed understanding of chemical bonds—that is, those electronic forces which bind atoms together into molecules—and of the forces between molecules. Chemists who practice synthesis seek to comprehend chemical bonding to the extent that they can cleave chemical bonds, almost at will, at specified locations, make new bonds, and construct molecules of desired composition and configuration. All stable atomic species in the periodic table constitute the molecular construction elements in chemical synthesis. Other chemists explore the dynamic aspects of chemical bond cleavage and reformation. Through knowledge of the dynamics of a chemical reaction, chemists can control the rate of a chemical reaction and, consequently, the detailed mechanism—that is, the sequence of elementary steps by which reactants are transformed to products—can be clearly understood. Analytical chemists use a variety of methods to identify the chemical composition of matter and measure quantitatively the chemical components.

The objective of the engineering program is to increase understanding of fundamental engineering principles and thereby increase man's ability to manage and use his physical resources. Research projects supported by this program address a class of problems, provide new design principles, or represent a completely new approach to an important problem.

The objective of the materials research program is to advance knowledge and understanding of the fundamental principles and concepts which underlie the physical, chemical, and mechanical properties of a wide variety of materials. These materials include solid state semiconductors, liquid crystals, superconductors, organic polymer fibers, ultrahard ceramics, and high strength structural metals.

The astronomical, atmospheric, Earth and ocean sciences directorate provides funds for astronomy, atmospheric sciences, Earth sciences, ocean sciences, and arctic research. The Antarctic research program is administratively included in the directorate, although it is a separate item of authorization.

The astronomical sciences program is aimed at increasing man's knowledge of the universe. Fields of research range from the properties of atomic and molecular systems in astrophysical environments to the overall structure of the universe. The constituents of the solar system, stars, interstellar matter, and galaxies are observed and described.

Support for both theoretical and observational research and for instrument development is accomplished through basic research grants made primarily to universities. In addition, four national astronomical research facilities are supported through NSF contracts.

Atmospheric Sciences is a discipline in which knowledge of physics, chemistry, biology, and other sciences is combined in different ways to improve our understanding of the atmosphere. The research that is supported may contribute to the solution or alleviation of atmospheric problems such as those associated with pollution from major industries, growing populations, and other societal actions that affect the atmosphere in various and subtle ways. There also is much to be learned about the origin of droughts and severe storms such as tornadoes and hailstorms, and how their economic and human impacts might be ameliorated.

Research in the Earth sciences is designed to increase man's understanding of the solid Earth. Geology is currently undergoing a major revolution. Terms such as "sea-floor spreading," "global tectonics," or "plate tectonics," are now established. They refer to the components in a working model which accounts for most of the Earth's major features, and which provide the means to focus on concepts which result in efficient study of the forces that slowly but continually change our planet. These forces result in earthquakes, volcanoes, mineral deposits, and sources of energy.

The overall objective of the ocean science program is to improve man's understanding of the nature of the ocean, its influence on man's activities, and man's impact on the marine environment. This is accomplished through three major programs: Two basic research programs—one to support projects of individual scientists at the oceanographic institutions, the other to support a limited number of large, managed projects—and a program which provides for the acquisition and operating costs of the ships and other oceanographic facilities needed to carry out these research programs.

The objectives of the arctic research program are to develop a better understanding of the dynamic processes governing the formation, movement, and deformation of sea ice; to complete deep ice core drilling in Greenland; to study the arctic tundra to develop information on the impact of increasing human activity; and to initiate studies of the resources of the Bering Sea Shelf for a better understanding of the factors which influence that productive marine ecosystem.

The U.S. antarctic research program supports a multidisciplinary research program on the Antarctic Continent and in the adjacent oceans. The research is focused to increase scientific knowledge through environmental and resource-related programs. The research is conducted at four antarctic stations, from remote temporary field sites, and aboard two research ships. Remote sensing techniques using satellites, aircraft, rockets, balloons, and unmanned stations, are utilized in the conduct of the research. Cooperative research programs with scientists of other nations are commonplace.

The biological, behavioral, and social sciences directorate provides funds for research in physiology, cellular biology, molecular biology, behavioral sciences, neural sciences, environmental biology, and social sciences.

The objectives of the physiology, cellular, and molecular biology program are: To understand the properties, interactions, and specializations of cell types, from plants, animals, and microbes; and to understand the physiochemical basis of biological function in cells, organ systems, and whole organisms.

The behavioral and neural sciences include the disciplines of anthropology, linguistics, and psychology and the newer interdiscipline of neuroscience.

The major goals of the behavioral and neural sciences program are to advance man's understanding of behavior in both its simplest and its most complex manifestations; and to comprehend better the biological, psychological, and cultural mechanisms underlying behavior.

The objective of the foundation's research support program in environmental biology is to increase understanding of the relationships among species of animals, plants, and microbes as they exist in their natural environment. This includes the classification of organisms and the understanding of the relationships that connect present-day forms with their ancestors in past geological periods. It includes research into the functional interactions among organisms of terrestrial and freshwater ecosystems within the context of their physiochemical environment.

The objective of the social sciences program is to accelerate the process of discovering objective and reliable knowledge about how human beings interact, and how social organizations and institutions function and change.

The National Science Foundation is the only agency of the Federal Government with a broad mission to support the development of basic research in the social sciences, and this activity supports a wide range of social science research—from explorations of how personal experiences affect responses to institutional arrangements to an examination of how the economic system is affected by market conditions; from descriptions of how scientific specialty groups form and affect scientific progress, to analyses of major demographic trends. The focus of these varied research endeavors is on developing a basic understanding of social institutions. Such understanding contributes to our comprehension of the institutional context of everyday life as it changes with shifting circumstances, and contributes also to an informed appreciation of the issues and interests that influence the design of public policies.

H.R. 4991 provides authorization for funds to support the basic research programs I have just described. I urge its favorable consideration and adoption by the House.

Mr. FLIPPO. Mr. Chairman, the National Science Foundation is a principal Federal agency for the support of basic research. The program authorized by H.R. 4991 is responsive to U.S. science needs and opportunities and will provide for strong national basic research efforts in fiscal year 1978. I support the bill as proposed by the Science and Technology Committee.

Basic research is important to the future of this Nation. In spite of the great advancements in science and technology over the past 50 years, there is still much to be learned about the universe, about why things behave as they do, about natural laws and phenomena, and about man, himself. We must not stop our quest for new knowledge.

Industrial might and technological preeminence of the United States is testimony to the significance and importance of the advancement of science. The economic and social problems of our cities and States and, indeed, of our Nation serve to remind us that we must gain expertise in the understanding and use of the social sciences as well as continuing programs in the physical, biological, and environmental sciences.

I know that, from time to time, basic research titles are cited which sound strange and, in some instances, even silly. This naturally raises questions as to the soundness of research activities supported by the Federal Government. But, in the overwhelming majority of cases, when you investigate and look at the underlying reasons for these research efforts, you find that they are valid attempts to learn more about some process or phenomenon. The knowledge to be gained may, in time, be of benefit and use to mankind or may extend our scientific understanding so that we can better deal with more complex problems.

As in any endeavor, mistakes will be made. Some research, indeed, will show that a particular line of investigation is fruitless. But even knowledge that a certain avenue of research is fruitless can be important, since it may help direct us toward avenues that will pay off.

The NSF is the only agency of the Government charged with the responsibility of maintaining overall U.S. scientific strength. It provides support for all fields of science and in a number of areas supports research that would not otherwise be supported, because of its fundamental nature and lack of relevancy to a specific Federal mission objective.

Some of the research supported by NSF is in seemingly mundane areas and goes unnoticed. Other research, such as studies of black holes in space, research on brain function, and earthquake research, is exciting and captures national attention. But whether obscure or exciting, the research programs supported by the NSF are a key element in maintaining a strong United States.

Basic research provides the underpinning for new and better technologies, and basic research results hold out hope that we may find ways to maintain a high standard of living, improve environmental quality, and realize a better quality of life for all of us.

H.R. 4991 authorizes increases for the Foundation's basic research efforts. I believe these increases are in order and I urge support of the bill.

Mr. HOLLENBECK. Mr. Chairman, I have no further requests for time and I reserve the balance of my time.

Mr. THORNTON. I have no further requests for time and I reserve the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. There is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending September 30, 1978, for the following categories:

(a) Mathematical and Physical Sciences and Engineering, $243,800,000.

(b) Astronomical, Atmospheric, Earth, and Ocean Sciences, $207,600,000.

(c) Biological, Behavioral, and Social Sciences, $139,200,000.

(d) United States Antarctic Research Program, $47,475,000.

(e) Science Education Programs, $83,300,000.

(f) Research Applied to National Needs, $72,700,000.

(g) Scientific, Technological, and International Affairs, $21,200,000.

(h) Program Development and Management, $47,825,000.

SEC. 2. Notwithstanding any other provision of this or any other Act—

(a) of the appropriations made pursuant to section 1(e)—

(1) not more than $1,000,000 shall be expended for Minority Centers for Graduate Education;

(2) not more than $600,000 shall be expended for Continuing Education for Scientists and Engineers;

(3) not more than $100,000 shall be expended for the Science for Citizens Program; and

(4) not less than $1,500,000 of the amount provided for Minority Institution Trainees shall be made available to Minority Graduate Scholars to continue their education in science or engineering at institutions of their choice;

(b) of the appropriations made pursuant to section 1(f), not less than $23,000,000 shall be available for "Applied Social Research" and for "Policy-related Scientific Research" directed toward increasing the cost-effectiveness of policies and programs dealing with urban and human service problems at the Federal, State, and local government levels, with such funds being used to identify, analyze, and contribute knowledge to improve productivity in the public sector, to identify, analyze, and evaluate more effective, efficient, and equitable ways of delivering human services, and to develop the data base and analytical techniques required for improving applied research on municipal systems and human service delivery; and

(c) of the appropriations made pursuant to section 1(g), not less than $4,500,000 shall be available for Policy Research and Analysis.

SEC. 3. Appropriations made pursuant to authority provided in sections 1 and 5 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in the Acts making such appropriations.

SEC. 4. Appropriations made pursuant to this Act may be used, but not to exceed $5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 5. In addition to such sums as are authorized by section 1, not to exceed $4,900,000 is authorized to be appropriated for the fiscal year ending September 30, 1978, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 6. No funds may be transferred from any particular category listed in section 1 to any other category or categories listed in such section if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in section 1 from any other category or categories listed in such section if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(A) a period of thirty legislative days has passed after the Director of the National Science Foundation or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Human Resources of the Senate a written report containing a full and complete statement concerning the

nature of the transfer and the reason therefor, or

(B) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

SEC. 7. Section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) is amended by adding at the end thereof the following new subsection:

"(j) The Board shall render an annual report to the President, for submission to the Congress on or before March 31 in each year. Such report shall deal essentially, though not necessarily exclusively, with policy issues or matters which affect the Foundation or with which the Board in its official role as the policymaking body of the Foundation is concerned.".

SEC. 8. Section 3(e) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(e)) is amended by striking out "one of the objectives" and inserting in lieu thereof "an objective".

SEC. 9. The National Science Foundation is directed to issue instructions to grantees covering the protection of students and procedures for involving students in precollege education research and development, pilot-testing, evaluation, and revision of experimental and innovative precollege curriculum projects funded by the Foundation. These instructions shall, as a minimum, require the grantee to obtain written approval of the school board or comparable authority responsible for the schools. The Foundation shall further require that the grantee provide to the school board or comparable authority, and to other interested school officials, in advance of any such grant of approval, information concerning the need for and the purposes of the particular education project, the proposed content of the material to be used, the expected benefits to be derived, and the steps taken to insure that students will not be placed "at risk" with respect to their psychological, mental, and emotional well-being in keeping with the established Federal guidelines on the protection of human subjects. The Foundation shall also require grantees to provide information and materials to assist the school board or comparable authority in carrying out its own established procedures in regard to securing parental consent for involvement of students in such projects. The Foundation shall report periodically to the Committee on Science and Technology of the House of Representatives, and the Committee on Human Resources of the Senate, on the actions taken by the Foundation to comply with this section.

SEC. 10. Notwithstanding any other provision of this or any other Act, the Director of the National Science Foundation shall keep the Committee on Science and Technology of the House of Representatives and the Committee on Human Resources of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

SEC. 11. This Act may be cited as the "National Science Foundation Authorization Act, Fiscal Year 1978".

Mr. THORNTON (during the reading). Mr. Chairman, I ask unainmous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

AMENDMENT OFFERED BY MR. GARY A. MYERS

Mr. GARY A. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARY A. MYERS: On Page 6 after line 24 add the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 10 (a)(1) Each employee of the Foundation who performs a decision-making function in the handling of any application or proposal for Foundation funding shall provide a written statement for the record identifying any significant financial interest he has in the person submitting the application or proposal and any academic affiliation he has with that person. If the application or proposal results in an award, the statement shall be made available to the public.

"(2) The Director shall remove or take other appropriate disciplinary action against any employee who knowingly violates the requirements of this subsection.

"(b)(1) Within ninety days after enactment of this section, the Director shall publish implemening regulations. The regulations shall define 'significant financial interest,' 'academic affiliation,' and 'decision-making function' as used in this section.

"(2) The regulations shall also deal in an appropriate manner with conflicts of interests of peer reviewers.

"(3) The Director shall report annually to the Congress on the administration and enforcement of this section.

"(c) If the President issues an Executive Order that requires financial disclosure by employees across Federal agencies, only so much of this section as relates to peer reviewers and to academic affiliations of employees shall remain effective."

Renumber the following sections.

Mr. GARY A. MYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GARY A. MYERS. Mr. Chairman, this is a provision which I have discussed with the chairman of the subcommittee, as well as the ranking member of the subcommittee. It is similar to a conflict-of-interest provision that I have offered to a number of authorization bills and is similar to the ones that our former colleague, the gentleman from West Virginia, Congressman Hechler, and I were offering last year.

One of the reasons I was not prepared to offer it in the committee is simply because of the unique situation with regard to the National Science Foundation in that there is not only the possibility of conflict of interest with respect to financial holdings but in the National Science Foundation there can also be a conflict of interest through academic associations. Those two provisions are encompassed here. There is one provision that is not specifically spelled out and that is with regard to the penalty clause. It is my understanding that if this amendment is adopted and passed, that the United States Code, 18 U.S.C. 1001 will be cross-referenced as a penalty clause for this.

I ask support from the Committee on this amendment.

Mr. THORNTON. Mr. Chairman, will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from Arkansas.

Mr. THORNTON. I thank the gentleman for yielding.

We have agreed to the amendment proposed by the gentleman. While I should have preferred to have had it come forward in the committee, we have no objection on this side.

Mr. GARY A. MYERS. I certainly thank the gentleman. I appreciate the fact that he would like to have had it in committee, and I apologize for that.

Mr. HOLLENBECK. Mr. Chairman, will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from New Jersey.

Mr. HOLLENBECK. I thank the gentleman for yielding.

I want to point out, Mr. Chairman, that this amendment is acceptable to the minority as well. I wish to clarify the point just made which is not spelled out as introduced in the RECORD of March 23, 1977. Will the existence of either a financial conflict or academic conflict bar that person from reviewing the project?

Mr. GARY A. MYERS. The whole provision behind financial conflicts of interest, and also this conflict-of-interest provision we have offered, simply does not prevent anyone from doing anything. What it does is simply require that there be disclosure. I would suspect that the director would be interested in knowing what those disclosures are, and it is the director's responsibility to follow up on it. What I think is important is that we have knowledge of what it is. It also protects working it out with the National Science Foundation.

We made an attempt here to provide them the opportunity to protect the integrity of the peer review group in that only those grants which become finalized and appropriated will be subject to the public disclosure aspect of it. So we have tried to give the agency a tool to work with. They will be reporting back to us what the guidelines are going to be. I think at that point we will be able to evaluate this.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from Maine.

Mr. COHEN. I thank the gentleman for yielding. The thrust of his amendment, then, is to file full disclosure without prohibiting those individuals from passing final judgment. If there is full disclosure, then consideration would be left to the director?

Mr. GARY A. MYERS. I in no way tried to prevent the director from utilizing anyone. I think it is obvious that some association will lead to criticism, and some will lead to rejection of people in some capacities, but this amendment will not force that rejection.

Mr. COHEN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GARY A. MYERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RUDD

Mr. RUDD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RUDD: Page 5, between lines 7 and 8, add the following new section which reads as follows:

"SEC. 7. From funds authorized under section 1 (a), (b), and (c) the National Science Foundation is authorized and directed to increase support for cooperative research projects involving researchers from the industrial and academic sectors. The National Science Foundation is further authorized and directed to ensure that researchers in the industrial sector are permitted to compete for funds available under section 1 (a), (b), and (c) on an equal basis with researchers in the academic sector."

Page 5, line 8, redesignate section 7 as section 8, and redesignate succeeding sections accordingly.

Mr. RUDD. Mr. Chairman, my amendment requires the National Science Foundation to do two things:

First, it requires NSF to increase cooperative basic research projects involving researchers from both the academic sector—universities and colleges—and the industrial sector laboratories.

Second, the amendment requires NSF to permit researchers in the industrial sector to compete for NSF funds on an equal basis with researchers in the academic sector.

My amendment is identical with a provision included in the Senate authorization bill for the National Science Foundation—S. 855—by the NSF subcommittee chaired by Senator EDWARD KENNEDY.

The NSF Act of 1950 gives the Foundation the authority to support basic research on the basis of merit and the best performer. But NSF policy almost totally excludes grant awards to scientists who are employed by industrial labs—who in their spare time want to conduct basic research in an area eligible for NSF support.

NSF would probably fund the same grant proposal from a university scientist. But only in very limited, exceptional cases amounting to less than 1 percent of all NSF basic research funds awarded each year are scientists employed in the industrial sector even considered to do NSF-funded basic research work.

Mr. Chairman, there is no legislative basis for NSF's discriminatory policy that makes a large element of U.S. scientists second-class citizens in the grant award process.

The NSF Act was purposely written to give the Foundation broad and flexible authority to meet changing science conditions. Today we are faced with a unique situation. Universities and college faculties are in a no-growth standstill—which means that thousands of young, brilliant Ph. D. scientists and engineers are obtaining employment in industrial research laboratores and firms.

These young scientists represent a tremendous national resource. Like academic scientists, these young researchers have good ideas for basic research that are separate from the specific work of their companies.

Many of these industrial lab scientists would like to develop their basic research ideas with the help of NSF support. The results of their research would be made universally available for the benefit of the entire Nation, under current NSF policy.

Many of their companies are willing to free their time for this purpose—and to allow them to use the company's research facilities for their projects. The incentive for the company is to better industry-university relations and to help their scientists stay in the forefront of their field in all areas—including those outside the immediate purvue of company interests.

My amendment simply requires a change in NSF policy to reflect recommendations recently made by an internal national science foundation task force on NSF/industry relationships.

The task force recommendations are included in an NSF publication entitled, "A Report on Research in Industry: Roles of the Government and the National Science Foundation."

I include that brief task force report at this point in the RECORD:

ATTACHMENT A

[From "A Report on Research in Industry: Roles of the Government and the National Science Foundation," December 1976, National Science Foundation]

NSF–INDUSTRY TASK FORCE PRELIMINARY REPORT

I. INTRODUCTION

There is current concern with the strength of R and D in industry and in the Nation as a whole. Particular concern has been raised regarding the health of basic research. These lead to the broader question of the role of Federal R and D in support of the economy.

Because of such considerations the NSF-Industry Task Force was established by the Director on July 14, 1976, to examine the question of the interaction between NSF and industry and by September 30, 1976, to prepare a preliminary report which would:

1. Define present NSF policy and practices in this area;

2. Identify options for future Federal action and areas of opportunity for NSF involvement;

3. Develop recommendations for specific NSF actions, new programs, or policies in this area, if appropriate; and

4. If new initiatives are recommended, work with appropriate NSF program staff and OPRM to develop option papers for discussion with OMB and the Congress; and

5. Provide policy recommendations to the National Science Board for the establishment of the Office of Small R and D Business in NSF.

The Task Force was made up of one member from each of the seven directorates. Additional members were added where particular expertise was desired. The membership is listed in Appendix 1.

The work of the Task Force was made easier by the availability of a large amount of background material. Of particular importance is the report of the NSF-Industry Relationships Committee formed in the spring of 1971 at the request of the Director and chaired by J. E. Goldman of the Xerox Corporation. The report of the Goldman Committee, issued in March of 1972, is attached as Appendix 2. The Task Force also benefitted from "Industry Views of the Role of the Federal Government in Industrial Innovation" by Knight, Kozmetsky, and Baca (funded by the Office of National R. and D. Assessment of NSF) and "Basic Research Needs of Industry" undertaken by the Division of Science Resources Studies of STIA. Of particular use were several draft papers on the NSF-industry interface by Dr. Joel Snow.

The extent to which NSF should support research performed in industrial laboratories has been a continuing concern of the National Science Board. A summary of the recent deliberations of the Board on this subject is given in Appendix 3 and the most recent policy statement on this subject is attached as Appendix 4. This statement concludes that in maintaining the health of science the NSF should continue to place major emphasis on the health of academic science while broadening the performer base.

It was also of importance to the Task Force to understand the extent to which persons affiliated with industry were members of formally constituted advisory panels and committees and the amount of support the Federal government, and specifically the NSF, is currently providing to performers in industry. These data are summarized in Appendices 5 and 6, respectively.

Although a number of recommendations concerning possible NSF actions toward industry were on hand in the Goldman Report and in other studies, it was important that the currently held views of a broad selection of industrial leaders be obtained. Accordingly, a group of consultants, primarily from industry was convened at NSF on September 10 and 11, 1976. A list of attendees is attached as Appendix 7.

The discussion of the two-day meeting ranged over a variety of topics and a variety of opinions. These concerns and opinions were a function of the size of the company as well as the type of industry represented. As expected, the problems seen by a person from a large, multinational company in a high-technology industry were sometimes quite different from the concerns voiced by an individual concerned with making a success of a small business. In spite of these understandable differences in point of view, there were many areas of essential agreement.

The summary of the discussions with the consultants from industry was prepared by the NSF staff after opportunity for comments and criticisms of a previous draft by the consultants as well as by several other persons who did not attend the meeting. In addition a draft of the preliminary report of the Task Force was distributed to the consultants and other individuals from industry for comment. These comments are collected in Appendix 8.

A recent article by the Comptroller General of the United States comments on many of the same problems which were of concern to the consultants; particular attention was paid to the matter of disincentives. A copy of this article is included as Appendix 9.

II. SUMMARY OF DISCUSSION WITH CONSULTANTS FROM INDUSTRY

A. Major concerns

The consultants uniformily emphasized the central position NSF occupies in the support of basic research. They emphasized that NSF must be committed to a funding philosophy which rewards excellence and promotes the highest standards of basic research: emphasis should be on identifying and sustaining effective researchers rather than supporting institutions.

The NSF should undertake a major effort to analyze and disseminate as widely as possible knowledge about the deleterious effects on industrial R and D of perceived disincentives. These include complex paper work, aspects of the antitrust laws, property rights, and patent regulations as well as the need for incentives which could occur from changes in tax rules and accounting practices.

There is a tendency to use the terms "innovation" and "basic research" interchangeably. It is important to distinguish clearly between the two. Technological innovation encompasses the entire process from basic

research (invention) through the marketing process.

B. The status of the national R and D effort

Overall status is reasonably good, but disturbing trends are:

Declining overall investment in R and D relative to the GNP, inflation and some other countries.

Continued shift from basic to applied research.

Some specific concerns include:

Distribution of effort across fields of technology may not correspond to national needs.

Basic research opportunities are not accessible to small and medium-sized firms.

A more than adequate supply of manpower seems to be available at the senior and mid-career levels, thus creating underemployment and reduced opportunities for younger scientists and engineers.

There are direct effects of economic cycles on industrial R and D which inhibit a firm's ability to sustain a critical level of R and D effort over sufficient time to capture the economic benefits.

The increasing magnitude of social problems where there is little incentive for industrial research.

Formation of new, highly innovative, small firms may be inadequate to guarantee future world leadership by American industry in high technology.

Available technology is not applied and new, improved technology is not created in areas of national need where industry or markets are highly fragmented, e.g., housing industry, machine tools, textiles.

There is insufficient interaction between industry, the universities and government in the basic research area.

Universities usually can not or are unwilling to perform adequately on "national needs" research. The question of interdepartmental cooperation frequently inhibits the interdisciplinary team approach to research.

Government disincentives for industrial R and D are a serious problem.

Incentives for U.S. industrial firms to engage in R and D are not comparable to those provided to firms by other industrial countries.

Inadequate "fountainhead" research is being performed in industry.

C. Possible response to issues

Funding practices:

Direct NSF funding of basic research in universities remains crucial to the health of industry and, hence, the Nation. Major emphasis should be placed on identifying and maintaining the continuity of support for outstanding individuals and groups working in "fountainhead" areas of research. Constraints are detailed accountability and short-term funding (requiring new proposals every one or two years) encouraging only work on "safe projects with short-term scales.

Direct NSF funding for basic research in large industrial firms generally is not needed or desired; removal of "disincentives" is much more important.

More joint research involving individuals from both industry, and universities should be funded to bring university researchers closer to the real world. Funded sabbaticals between industrial and academic environments (both ways) are needed.

Increased research through such mechanisms as loan guarantees or pay-back arrangements may be called for to encourage technological innovation in small firms.

Incentives for increased industrial R and D which should be considered are:

Changes in tax rules and accounting practices to permit creation of contingent reserves for R and D.

Tax incentives for increased direct funding of university-based research by industrial firms.

Moderate the effect of disincentives such as complex paper work, antitrust laws, property rights, patent regulations.

A mechanism is needed to provide increased participation by industry in NSF policy formation and planning.

In areas where it is directed to conduct applied research, NSF should seek to enlarge the role of industry in identifying research needs, technology transfer mechanisms, and technology utilization.

European-style institutes where the research staff hold joint university-industrial appointments may facilitate technology transfer and industry-university cooperation.

NSF should concentrate on the advancement of science and leave the resolution of manpower supply and demand problems to the market places. No Federal retaining program should be established for persons currently employed; this should be left to industry.

III. RECOMMENDATIONS OF NSF TASK FORCE

Over the past 10 years, Federal responsibility for the support of basic research has increasingly shifted away from other agencies toward NSF. This increasing concentration of responsibility for the Nation's basic science capability carries with it an increasing need to understand the mechanisms by which basic science contributes to economic growth and national well-being. The deliberations of the industrial consultants reflect a concern for both of these trends, and many of their preliminary suggestions for action understandably extend beyond the concept of basic research and speak to the general topic of technological innovation and change. The Industry Task Force recognizes the likelihood that, in the long run, NSF will continue to be involved in the formulation of national policies for science and technology as well as in the funding of basic and applied research. Thus, the Task Force has chosen to propose a broad set of tentative recommendations which appear to capture the concerns of the industrial consultants, even though the main problems of R and D incentives and disincentives and the fruitful coupling between industry and academic institutions are ones in which NSF cannot play a direct role. It can, however, bring these issues to the attention of OSTP, OMB, and the Congress and work cooperatively with them to develop appropriate solutions.

The primary concerns of the consultants, as well as those expressed by all other groups who have worried about the vitality of the R and D enterprise in the United States, may be grouped into three categories, to which the recommendations are addressed: (1) Incentives and disincentives for industrial research; (2) NSF funding practices; and (3) the institutional structure of the R and D establishment. Within each category the internal task force considered three types of recommendations: (a) Recommendations for programmatic action by NSF; (b) Recommendaions for additional analysis of options and potential problem areas; (c) Recommendations for broader dissemination of results of prior research. The most significant recommendaions which have emerged to date are discussed below.

A. Incentives and disincentives for industrial research

The need to eliminate disincentives and provide incentives for industrial R and D has been a major recommendation by every group that has studied the problem. This was emphasized recently by the Subcommittee on Domestic and International Scientific Planning and Anaysis of the House of Representatives Committee on Science and Technology.

NSF has sponsored a number of studies of these incentives and disincentives through the Office of National R and D Assessment (now part of STIA) and the Experimental R and D Incentives Program (now housed in RANN/ISTP). The present Task Force agrees that disincentives, and the possibility of incentives, are real and recommends that the exploratory studies and experimental opportunities resulting from prior studies be inventoried and evaluated for possible future actions and recommendations.

NSF should play a lead role in communicating to the President's Science Advisor, Congress, and the general public the effects these *perceived* incentives and disincentives have on industrial R and D and, hence, the economy of the Nation.

B. NSF funding practices

The internal NSF Task Force has four recommendations relating to the funding policies of the Foundation.

1. Continue to place major emphasis on providing adequate, long-term support to the most creative research workers.

The support of the most creative individuals has always been the policy of the Foundation. This recommendation is made to emphasize the concern that current funding patterns and policies are making it difficult for the truly innovative person to work on important, long-term problems.

2. Expand the support of cooperatives research projects in both basic and applied research among researchers in industrial laboratories and universities.

3. Develop a sabbatical or fellowship program to allow faculty members to spend one or two years working in an industrial environment and industrial research workers to work in a university for similar lengths of time.

Recommendations 2 and 3 are directed toward improving the interaction between the industrial and academic research sectors to their mutual benefit.

Discussion of the means by which these recommendations might be implemented may be facilitated by focussing on two aspects of the question, which have somewhat different character and are best handled with different approaches. The first approach is primarily concerned with institutions, and the second with individuals, and individual-oriented, project research. The two approaches are:

Cooperative industry-academic directed research and innovation. Particular attention should be paid to small business and regional needs; and

Industry-academic interaction in the basic (as distinct from innovation) research area, with particular attention paid to the exchange of personnel and the tapping of industrial capabilities in basic research.

The first approach is being actively pursued by the Division of Intergovernmental Science and Public Technology of RANN. The creation of new institutional partnerships has been a major emphasis for this division for several years. A comprehensive experiment on cooperative industry-university research with multiple centers and an independent evaluation was originated by Experimental R&D Incentives (RDI) Program in 1973 and will mature in 1978. This RDI experiment is a major element in the ISPT Industrial Program. Additional studies are now being implemented to extend the concept to an expanded thrust, called Regional Research Centers, which will focus on small business and regional needs using a spectrum of organizational arrangements. These ongoing efforts are being strengthened and require no change in NSF policy or organization. The main question here is whether, and by how much, to increase the allocation of resources for this activity.

A possible approach to the second aspect of the problem would involve making two kinds of awards:

To industry-university cooperative partners in basic research in response to unsolicited proposals; and

To individuals to spend a year at the organization of his or her choice, with the requirement that individuals from industry choose a university and vice versa.

These could readily be accommodated within the framework of present NSF policy. It is felt that special, expanded programs should be announced to give visibility to the new initiative but that proposals for cooperative research projects should be handled by the appropriate existing programs.

To provide an incentive in the first instance for the program officers to encourage cooperative research, funds should be segregated and be made available only *in response* to individual proposals. The proposals would be subject to the usual peer review process, the statutory requirement for cost-sharing and open publication of research results.

Awards to individuals to spend sabbatical years in the opposite sector could be handled by the research directorates under this program, or by the Science Education Directorate in a program similar to the existing postdoctoral program.

Either funding program would provide a mechanism for the renewal and updating of the individual's scientific capabilities and increasing the awareness of technological problems. To ensure that the industrial firms are committed to this program some significant amount of cost-sharing may be required.

4. Allow researchers in industry to compete on an equal basis with other researchers for basic resarch funds.

This recommendation proposes opening to the profit-making sector the competition for basic research funds under the same criteria as those required of the academic community. The special criteria which currently must be met by unsolicited proposals for support of basic research by industrial organizations are:

(a) The project is of special concern from a national point of view and shows promise of solving an important scientific problem;

(b) Unique resources are available in industry for the work; or

(c) The project proposed is outstandingly meritorious.

Implementation of this recommendation requires only that the above criteria be deleted.

It should be noted that the criteria for selection of basic research projects are those established by the NSB for Scientific Research Project Support. The primary emphasis is "overwhelmingly upon the criteria of intrinsic scientific merit." Opening the competition to researchers from profit-seeking organizations would require their adherence to the other criteria and policies detailed in "Grants for Scientific Research" (NSF 73-12).

Implementation of this recommendation would help to determine whether there is unused potential for doing high quality basic research in other than the academic sector. It is to be stressed that what is contemplated here is the support of basic research, not technological innovation which is the concern of most small R and D firms. However, those small businesses with the ability and capacity to compete for basic research funds might find the NSF a source of support.

It should be emphasized that industry is diverse. One must differentiate between product-oriented industries, contract R and D firms, natural-science based industries; and social-science based industries. The need for, and ability to use, funds for technical innovation or basic research will depend upon the type of industry as well as upon the individual researchers in the particular firm.

C. Institutional structure of the R and D establishment

There are two recommendations which have to do with the institutional structure of the R and D community.

5. Increased industrial input to the Foundation's policy formulation and planning should be provided, as part of, or in addition to, the projected advisory council.

Because we do most of our business with the academic community, the staff of the Foundation is closely attuned to that sector. The equivalent situation does not exist with industry. Although our disciplinary advisory panels have significant membership by industrial scientists these persons are chosen for their technical expertise rather than their organizational viewpoint. It is only at the level of the National Science Board where an "industrial viewpoint" can currently be brought to bear on NSF policy. It is suggested that this input of industrial perceptions be augmented by an industrial advisory committee reporting directly to the Director.

6. A detailed study should be undertaken of the advisability of expanding cooperative industry-university research centers.

Technology transfer from university scientists to those in industry probably would be maximized through long-term working relationships. Such arrangements seem to work well in Europe and Japan. Any large-scale expansion of such research centers would mean a change in the funding of research that could have a serious impact on the universities. The Task Force feels that it cannot assess this impact in the time available and, therefore, urges that a separate, detailed study be undertaken.

IV. CONCLUDING COMMENTS

The Federal role in the research interface between industry and academic institutions has received a great deal of attention over the years and has been the primary concern of a number of committees, panels, task forces, etc. With some variation in detail, all of these studies have concluded that this topic is real, important, a proper area for Federal action, and have recommended roughly the same set of actions. The present task force agrees, not only in general, but in many of the specific details, and believes it is time to implement more rapidly some of the alternatives available to NSF.

These recommendations of the Task Force represent a high degree of consensus, but are preliminary in nature. There are differences of opinion as to relative emphasis, the desirability of establishing special programs in contrast to merely opening up the competition to existing programs, etc. We have not attempted to resolve all differences prior to receiving the reaction of the Director and the members of the National Science Board to this preliminary report.

NSF-INDUSTRY TASK FORCE MEMBERS

Chairman: Dr. M. Kent Wilson (MPE).
Vice Chairman: Dr. Vaughn Blankenship (OPRM).
Members:
Dr. Joel Snow (STIA).
Dr. Alden Bean (STIA).
Dr. Charles Polk (MPE).
Mr. Richard Green (RANN).
Dr. William Wetmore (RANN).
Mr. Roland Tibbets (RANN).
Dr. William Benson (AAEO).
Dr. Robert Davidson (SE).
Dr. Robert Newton (A).
Mr. Roy Dillon (BBSS).
Mr. John Raubitschek (OGC).

Mr. Chairman, the NSF task force recommendations for more cooperative industry-university research projects to be supported by the Foundation, and to permit industry researchers to compete for available NSF basic research funds on an equal footing with academic researchers, have received wide praise from both sectors throughout the country.

The same NSF report that includes the task force recommendations also includes letters from industrial scientists, university research administrators, and members of the National Science Board—the Foundation's policymaking body—who extended praise and support for what my amendment will implement as law and policy for the Foundation.

I include some brief excerpts from these letters at this point in the RECORD:

ATTACHMENT B

[Included in NSF publication "A Report on Industry: Roles of the Government and the National Science Foundation"]

COMMENTS ON NSF/INDUSTRY TASK FORCE PRELIMINARY REPORT

Clark C. Abt, President, Abt Associates, Inc., Cambridge, Massachusetts:

"On page eight the report suggests that more joint research involving individuals in both industry and universities should be funded. We emphatically agree, and many of our organizations are already doing this. . . . We were delighted to see the report's recommendations on page nineteen that the Foundation should 'allow researchers in industry to compete on an equal basis with other researchers for basic research funds.' However, *we do not see any specific recommendations for effective implementation of this reform* of funding policy. On the contrary, on page eleven the report states that 'implementation of this recommendation requires only that the above criteria (discriminating against the profit-making sector) be deleted.' I must strongly disagree with this statement. Prompt and effective implementation of the report's recommendation to allow the profit-making sector to compete on an equal basis for basic research funds also requires a change in either the attitudes or the membership of proposal review committees, and evaluation follow-up to assure compliance with the reform policy. Given the almost exclusively university-based membership of the grant proposal review panels, it is extremely unlikely that simple deletion of the traditional criteria discriminating against the profit-making sector will result in significantly changed selection behavior. . . . As the report itself states on page thirteen, 'Because we do most of our business with the academic community, the staff of the Foundation is closely attuned to that sector. An equivalent situation does not exist with industry.'" (Oct. 27, 1976) [Emphasis in original]

Dr. Herbert D. Doan, Doan Associates, Midland, Michigan (Member, National Science Board):

"1. *Allow researchers in industry to compete on an equal basis with others for basic research funds. . .* As a matter of principle, merit should be the only criterion.

"2. *Expand the support of cooperative research projects in both basic and applied research among researchers in industry and universities.* Good idea to help bring industry and education together in areas that are natural to both." (Oct. 27, 1976) [Emphasis in original]

E. L. Ginzton, Edward L. Ginzton, Chairman of the Board, Varian Associates, Palo Alto, California:

"There are times when cooperative programs between a university and an industrial institution are helpful or even indispensable. For example, Varian is now engaged in a cooperative program with Stanford wherein advanced physics research instrumentation developed and maintained at Varian in its Vacuum Division is made available for semiconductor interface research (in this case, sponsored by N[ational] B[ureau of] S[tandards]). Such cooperation should be encouraged whenever it is applicable, and mechanisms for subcontracting portions of NSF work at the universities should be allowed and encouraged. (This does not imply that the industry should seek such support directly from NSF or others.)" (Oct. 15, 1976)

T. Marshall Hahn, Jr., Executive Vice President, Georgia Pacific Corporation, Portland, Oregon (Member, National Science Board):

"Any programs to promote increased interaction and association among industrial and academic researchers clearly are worthwhile." (Nov. 10, 1976)

Margery E. Hoppin, Director, Division of Sponsored Programs, Office of the Vice President for Educational Development and Research, the University of Iowa, Iowa City, Iowa:

"Offering incentives to strengthen the basic research endeavors of industry, particularly small industry, is, of course, laudable for many reasons as your many study commissions have already reiterated. However, given the fact that NSF is at present able to support academic research at only a very limited level, one wonders about the wisdom of this new thrust that will further reduce the amount of funding available for basic research in the academic institutions, unless, of course, there is a significant infusion of new money in the Foundation specifically earmarked for this purpose." (Dec. 8, 1976)

Earnest J. Johnson, A. Lempicki, Electro-Optics Laboratory, GTE Laboratories, Waltham, Massachusetts:

"Researchers in industry should not only be 'allowed' but indeed encouraged to compete for funds. Many industrial laboratories have facilities and personnel that cannot be duplicated elsewhere. Industrial corporations are a national resource important to the present and future economy of the country. . . .

"It is our fundamental contention that the present scenario where research is to be conducted exclusively at universities and industry is to provide only applied work is an artificial dichotomy, inevitably leading to a general decline of overall technological innovation and progress. In our opinion, the effects of these policies are already clearly apparent. . . .

"If a closer interaction between universities and industry is a recognized goal, then removal of the present exclusion of industrial labs is mandatory. None of the proposed sabbatical exchanges, etc., will achieve as much as a broadening of the support base. NSF could do a lot to eradicate a snobbish attitude often encountered in university circles. . . . The interaction and cooperation of all scientists should be encouraged regardless of affiliation." (Nov. 19, 1976) [Emphasis in original]

Harry E. Petschek, President, Avco Everett Laboratory, Inc., Everett, Massachusetts:

"Greater participation by industry in the formulation of policy would further broaden the Foundation's position as a national center of initiative for research.

"Of primary importance, in my opinion, is the recommendation allowing industrial research investigators to compete on an equal basis with other investigators for basic research funding (Recommendation 4 in the Revised Report). . . .

"If the Task Force recommendation are formally adopted, this would be a major and highly beneficial change in policy. . . . The policy changes would, if adopted, represent an important step toward enhancing the national scientific enterprise." (Nov. 22, 1976)

Fred J. Shelton, Vice President, Reichhold Chemicals, Inc., Tacoma, Washington:

"I am in agreement with the five recommendations presented in the summary [of the preliminary report of the NSF-Industry Task Force]. I feel that No. 1—*Allow researchers in industry to compete on an equal basis with others for basic research funds*—is particularly important." (Oct. 29, 1976) [Emphasis in original]

Mr. Chairman, Senator KENNEDY'S subcommittee had a full day of hearings on these NSF/industry proposals. As the result of those hearings, the exact language of this amendment was included in S. 855—the Senate version of this bill.

For that reason—and because this bill increases NSF basic research funds 10 percent above last year's appropriated amount—I believe NSF should be made to end its discriminatory policy against industrial scientists—to make them equally eligible for support of their own individual meritorious research projects.

Current NSF policy amounts to discrimination against tens of thousands of young Ph.D. scientists whose only sin is that they elected to go to work for private industrial laboratories—instead of for a university research lab.

This is certainly not in the best interests of our country's technological, economic, medical, and social progress.

We can correct this injustice and at the same time provide NSF research support to encourage a great and needed national resource for the benefit of all the people.

I urge passage of my amendment.

Mr. THORNTON. Mr. Chairman, I rise in opposition to the amendment.

At the outset, I would like to commend the gentleman from Arizona (Mr. RUDD) for the gentleman's attention to the matters before our committee and for the gentleman's contributions to our reflections and study of this bill. Indeed, the objectives which the gentleman is seeking to obtain by this amendment insofar as they relate to cooperation between industry and the private and public educational institutions have been reflected by language which is now included in the report which accompanies this bill. That report suggests that such things as tax incentives might be appropriate in order to encourage the closer relationship between industrial research and that of the colleges and universities.

However, Mr. Chairman, I think it is vital for us to realize that the programs of the National Science Foundation are intended to promote science research in the universities and colleges of our country, and that NSF should support basic research at industrial organizations only in exceptional cases. The funds which are expended by the Federal Government for science research and development in total are already heavily weighed toward the industrial sector. In fact, 60 percent of all Federal R. & D. funds, some $16 billion, goes to private institutions which apply those funds not only in basic research, but also in applied research and in the development of products.

As contrasted with this figure of $16 billion, only $3 billion is funded by all Federal sources to the colleges and the universities and of that amount something less than $700 million is available through the NSF programs.

The National Science Foundation has had a strong and effective program of promoting basic research in this country. I think it is vital that we continue that effort by approving the bill as it is submitted by the subcommittee and by voting against the amendment offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. RUDD).

The question was taken; and on a division (demanded by Mr. ROUSSELOT) there were—ayes 16, noes 32.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments? There being none, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. DANIELSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4991) to authorize appropriations for activities of the National Science Foundation, and for other purposes, pursuant to House Resolution 431, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 29, not voting 25, as follows:

[Roll No. 101]

YEAS—378

Abdnor	Annunzio	Bedell
Addabbo	Applegate	Benjamin
Akaka	Archer	Bennett
Alexander	Armstrong	Bevill
Allen	Ashley	Biaggi
Ambro	Aspin	Bingham
Ammerman	AuCoin	Blanchard
Anderson, Calif.	Badillo	Blouin
	Baldus	Boggs
Anderson, Ill.	Barnard	Boland
Andrews, N.C.	Baucus	Bolling
Andrews, N. Dak.	Beard, R.I.	Bonior
	Beard, Tenn.	Bonker

Bowen	Gore	Moorhead, Pa.
Brademas	Gradison	Moss
Breaux	Grassley	Murphy, Ill.
Breckinridge	Gudger	Murphy, Pa.
Brinkley	Guyer	Murtha
Brodhead	Hagedorn	Myers, Gary
Brooks	Hamilton	Myers, Michael
Broomfield	Hammer-schmidt	Myers, Ind.
Brown, Calif.	Hanley	Natcher
Brown, Mich.	Hannaford	Neal
Brown, Ohio	Harkin	Nedzi
Buchanan	Harrington	Nichols
Burgener	Harris	Nix
Burke, Calif.	Harsha	Nolan
Burke, Fla.	Hawkins	Nowak
Burke, Mass.	Heckler	O'Brien
Burlison, Mo.	Hefner	Oakar
Burton, John	Heftel	Oberstar
Burton, Phillip	Hightower	Obey
Butler	Hillis	Ottinger
Byron	Hollenbeck	Panetta
Caputo	Holt	Patten
Carney	Holtzman	Patterson
Carr	Horton	Pattison
Carter	Howard	Pease
Cavanaugh	Hubbard	Perkins
Cederberg	Huckaby	Pickle
Chappell	Hughes	Pike
Chisholm	Hyde	Poage
Clausen, Don H.	Ichord	Pressler
Cochran	Ireland	Preyer
Cohen	Jacobs	Price
Coleman	Jenkins	Pritchard
Collins, Ill.	Jenrette	Pursell
Conable	Johnson, Calif.	Quie
Conte	Jones, N.C.	Quillen
Corcoran	Jones, Okla.	Rahall
Corman	Jones, Tenn.	Railsback
Cornell	Jordan	Rangel
Cornwell	Kasten	Regula
Cotter	Kastenmeier	Reuss
Coughlin	Kazen	Rhodes
D'Amours	Kemp	Richmond
Daniel, Dan	Ketchum	Rinaldo
Daniel, R. W.	Keys	Risenhoover
Danielson	Kildee	Roberts
Davis	Koch	Robinson
de la Garza	Kostmayer	Rodino
Delaney	Krebs	Rogers
Dellums	Krueger	Roncalio
Dent	LaFalce	Rooney
Derrick	Lagomarsino	Rose
Derwinski	Le Fante	Rosenthal
Dicks	Leach	Rostenkowski
Dingell	Lederer	Roybal
Dornan	Leggett	Ruppe
Downey	Lehman	Russo
Drinan	Lent	Ryan
Duncan, Oreg.	Levitas	Santini
Duncan, Tenn.	Lloyd, Calif.	Sarasin
Early	Lloyd, Tenn.	Sawyer
Eckhardt	Long, La.	Scheuer
Edgar	Lott	Schroeder
Edwards, Ala.	Lujan	Sebelius
Edwards, Calif.	Luken	Seiberling
Eilberg	Lundine	Sharp
Emery	McClory	Shipley
English	McCloskey	Shuster
Erlenborn	McCormack	Sikes
Ertel	McDade	Simon
Evans, Colo.	McFall	Skelton
Evans, Del.	McHugh	Skubitz
Evans, Ga.	McKay	Slack
Fary	McKinney	Smith, Iowa
Fascell	Madigan	Smith, Nebr.
Fenwick	Maguire	Solarz
Findley	Mahon	Spellman
Fisher	Mann	Spence
Fithian	Markey	St Germain
Flippo	Marks	Stangeland
Flood	Marlenee	Stanton
Florio	Marriott	Stark
Flowers	Martin	Steed
Flynt	Mathis	Steers
Foley	Mattox	Steiger
Ford, Mich.	Mazzoli	Stockman
Ford, Tenn.	Meeds	Stokes
Forsythe	Metcalfe	Stratton
Fountain	Meyner	Studds
Fraser	Michel	Thompson
Frenzel	Mikulski	Thone
Frey	Mikva	Thornton
Fuqua	Miller, Calif.	Tonry
Gammage	Mineta	Traxler
Gaydos	Minish	Treen
Gephardt	Mitchell, Md.	Trible
Giaimo	Mitchell, N.Y.	Tsongas
Gibbons	Moakley	Tucker
Gilman	Moffett	Udall
Ginn	Mollohan	Ullman
Glickman	Montgomery	Van Deerlin
Goldwater	Moore	Vander Jagt
Gonzalez	Moorhead, Calif.	Vanik
Goodling		Vento
		Volkmer
Waggonner	White	Wright
Walgren	Whitehurst	Wydler
Walker	Whitley	Wylie
Walsh	Whitten	Yates
Wampler	Wiggins	Yatron
Watkins	Wilson, Bob	Young, Fla.
Waxman	Wilson, C. H.	Young, Mo.
Weaver	Winn	Zablocki
Weiss	Wirth	Zeferetti
Whalen	Wolff	

NAYS—29

Ashbrook	Devine	Miller, Ohio
Bafalis	Dickinson	Mottl
Bauman	Edwards, Okla.	Rousselot
Broyhill	Evans, Ind.	Rudd
Burleson, Tex.	Hansen	Runnels
Clawson, Del	Jeffords	Satterfield
Cleveland	Kelly	Schulze
Collins, Tex.	Kindness	Snyder
Conyers	Latta	Stump
Crane	McDonald	

NOT VOTING—25

Badham	Long, Md.	Staggers
Bellenson	McEwen	Symms
Clay	Milford	Taylor
Diggs	Murphy, N.Y.	Teague
Dodd	Pepper	Wilson, Tex.
Fish	Pettis	Young, Alaska
Hall	Quayle	Young, Tex.
Holland	Roe	
Johnson, Colo.	Sisk	

The Clerk announced the following pairs:

Mr. Teague with Mr. Badham.
Mr. Hall with Mr. McEwen.
Mr. Murphy of New York with Mr. Holland.
Mr. Staggers with Mr. Symms.
Mr. Sisk with Mr. Pepper.
Mr. Diggs with Mr. Long of Maryland.
Mr. Bellenson with Mr. Taylor.
Mr. Clay with Mr. Young of Alaska.
Mr. Roe with Mr. Charles Wilson of Texas.
Mr. Dodd with Mr. Quayle.
Mr. Milford with Mr. Young of Texas.

Mr. LATTA changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TWO NEW DEFERRALS UNDER IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95-111)

The SPEAKER pro tempore (Mr. WRIGHT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals of funds totaling $12.6 million. The deferred funds were provided for water resources projects in the Corps of Engineers and the Department of the Interior. Only one of the deferrals—related to the Corps of Engineers' Meramec Park Lake project—is now in effect. This deferral will be maintained, at least until the completion of a review of Federal water resources projects currently in progress.

The details of each deferral are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *March 24, 1977.*

AUTHORIZING ADDITIONAL APPROPRIATIONS FOR DEPARTMENT OF STATE FOR FISCAL YEAR 1977

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5040) to authorize additional appropriations for the Department of State for fiscal year 1977.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FASCELL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5040, with Mr. ALEXANDER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. FASCELL) will be recognized for 30 minutes, and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say a few words about the contents of this bill. The committee voted unanimously to report the bill to the floor.

The bill provides a total of $89,650,000, in supplemental authority which includes $60 million to pay U.S. arrearages to UNESCO, $11,325,000 for assistance to Soviet refugees not settling in Israel, $7,400,000 for the Indochinese refugee program administered by the United Nations High Commissioner for Refugees, $10,775,000 for construction of apartment buildings in Cairo for U.S. aid personnel, and $150,000 for emergency assistance to Americans incarcerated abroad.

Section 1 of the bill provides funds for payment of U.S. obligations to UNESCO. The administration has requested full funding in the amount of $69.3 million for payment of U.S. arrearages for calendar years 1975 and 1976 and the U.S. assessment for calendar year 1977. The committee recommends a level of $60 million, which will cover U.S. arrearages plus approximately one-half of our calendar 1977 dues. The committee feels that this level will demonstrate our good faith, enable UNESCO to maintain its program levels and pay its debts, raise morale among U.S. employees at UNESCO, and avoid a call for a special conference to discuss UNESCO's financial problems. Payment of one-half of our 1977 dues acknowledges UNESCO's progress toward greater organizational responsibility, as evidenced in the action taken at the 1976 Nairobi General Conference, while allowing us to retain leverage on the organization to insure that this progress continues. This progress included the tabling for 2 years of a Soviet-

inspired mass media declaration which would have put UNESCO on record as suporting the concept of state control of the media. Due to the help of the Director General of UNESCO and the African nations generally, the major obstacle to Israel's participation in UNESCO was removed and Israel was permitted to join the European regional group.

As a result of these actions, President Ford, on December 29, 1976, certified that UNESCO had substantially met the requirements of Public Law 93–359 which precluded further funding of UNESCO until such certification. The Carter administration supported this certification.

The committee feels that full payment of our arrearages and partial payment of our 1977 assessment is important both to our ability to fight at UNESCO for our concerns and to prevent UNESCO from contracting a larger debt to other nations prompted by our arrears. UNESCO must pay a $22 million debt to the Arab countries this year, as well as $14 million from internal borrowing. Beyond these debt repayments, UNESCO needs funds to continue its programs.

Section 1 also contains $8,325,000 requested by the administration for assistance to Soviet refugees not resettling in Israel and $3 million added by the committee for resettlement assistance within the United States. This administration request was made because the Congress last June restricted the funds authorized under the migration and refugee assistance program to assistance for refugees settling in Israel only. Since only one-half the number of Soviet refugees settle in Israel, the State Department made a supplemental request for $8,325,000. The International Relations Committee added an additional $3 million for resettlement assistance in the United States for those refugees who wish to resettle in this country.

Also included in section 1 is an additional $7,400,000 requested by the executive branch as a contribution by the United States to the Indochinese refugee program administered by the U.N. High Commissioner for Refugees. This program was begun in 1975 as a result of the large influx into Thailand of refugees from Vietnam, Cambodia, and Laos. The Thai Government requested help from the U.N. High Commissioner for Refugees and he set up a joint program to which the United States has agreed to contribute. The program totaled $25 million in 1975–76, of which $12 million was the U.S. contribution. The U.N. High Commissioner for Refugees has estimated a need for an additional $27 million in 1977 to continue the program. The United States will contribute $10 million of that amount, of which $7,400,000 needs authorization.

Section 2 contains an authorization for $150,000 to begin humanitarian assistance immediately to Americans incarcerated abroad. This assistance will be provided where minimum humanitarian needs such as emergency medical and supplementary dietary needs cannot or will not be met by relatives of the prisoners or by the foreign state. The need for emergency assistance to Americans incarcerated abroad has been documented by Secretary of State Vance in a March 4, 1977 report to the Speaker of the House concerning the status of American prisoners in Mexico. While the administration has requested funds in fiscal year 1978 for these purposes, the committee feels that this program is vital and should be funded immediately.

Section 3 provides authorization in the amount of $10,775,000 for purchase of land and construction of three 36-unit apartment buildings in Cairo necessitated by our increased aid program in Egypt, which is authorized in the International Security Assistance and Arms Export Control Act of 1976. This authorization falls under the special foreign currency program and thus is a simple bookkeeping operation enabling the State Department to make use of excess Egyptian pounds already in the Treasury. The total program involves $24.7 million, but the difference results from decreases in the building program elsewhere in the world and a corresponding increase in the building program for the Near East and South Asia.

Section 4 of the bill amends four laws authorizing U.S. participation in the NATO, Canadian, and Mexican interparliamentary groups and in the Interparliamentary Union. It provides that the chairman or vice chairman of the House delegations to these groups be members of the Committee on International Relations. It provides further that the House delegations to the NATO conference and to the Interparliamentary Union be increased from 9 to 12 members, at least 4 of whom must be members, at least Committee on International Relations.

The committee feels that these changes will strengthen the existing jurisdiction oft he committee over interparliamentary conferences and insure that other Members of the House will be eligible for leadership roles at these conferences.

Mr. Chairman, I urge that Members support this bill, as the authorizations in it are necessary to the operation of vital programs at the State Department.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I find it interesting that the committee comes before the House and describes as a routine matter the reversal of a major policy decision that this House made with regard to UNESCO. I seem to remember that there was a vast majority of the Members of the House who voted on the record to reduce the money to UNESCO because of the employment of that agency for propaganda attacks against Israel on several occasions. Have they changed their policy? Have they withdrawn their resolutions? Have they made amendments for what we considered to be a wrong position?

Mr. FASCELL. Mr. Chairman, let me say to the gentleman from Maryland that the gentleman raises a very good question. I can assure the gentleman that this matter was thoroughly considered in the subcommittee and in the full committee. It is predicated primarily on the certification that came from President Ford, meeting the requirements of the legislative act to which the gentleman from Maryland so eloquently refers. He is absolutely accurate on that. That Presidential certification lifted the prohibition that existed in the law at that time. Notwithstanding that, we gave very close scrutiny to the very questions which the gentleman asked. The answer specifically is that the UNESCO resolution, which sought to change the whole concept of freedom of the press, was deferred after a long fight in Nairobi.

Israel was specifically put back into the regional grouping so that it could participate in UNESCO's programs. The other two Israeli resolutions which we also found rather obnoxious were not deferred, so we still have that fight in front of us. It was for that reason that the subcommittee and the full committee felt that we should not go beyond the payment of the arrearages that are indicated in this supplemental, notwithstanding the fact that the administration took the position that we ought to go for full funding and make the fight in the organization as we have in the past on the resolutions which we still do not like.

Mr. BAUMAN. I appreciate the gentleman's explanation. I think that does answer my concern to some degree.

May I also ask why the resolution includes provisions for an increase in the Interparliamentary Union delegation, an increase of Members of Congress from 18 to 24? What is the justification? Do we not have enough people junketing around the world?

Mr. FASCELL. I will be delighted to answer that. We went into that very thoroughly, on a matter which concerns all of the other statutory delegations which are covered in the bill, as the gentleman knows. What we did was to put them all on the same basis for the first time. By doing that, we dealt with one of the problems that has arisen with respect to the IPU delegation—namely, that some concern has been expressed in the past that we are not able to get a broad enough spectrum in the House for enough Members to go to the IPU meetings. Therefore, we felt it would be useful to make a small increase in the delegation, which will, one, answer that argument; two, put the IPU delegation on the same numerical basis as the other delegations, which are Canadian, Mexican, and NATO; and, three, really have no or very little additional cost, because it is a paper appropriation. That appropriation is fixed, regardless of the number of Members. As the gentleman knows, so long as they have got the space available and the Members are willing to go, there is no additional cost.

Mr. BAUMAN. Is the gentleman saying you have not been able to get enough Members to attend the Interparliamentary Union conferences, so it is, therefore, necessary to increase the number you are going to authorize to go?

Mr. FASCELL. No. I just say that there had been some concern expressed by other delegations that they would like to see more U.S. representation. That was one argument. But basically, as far as

the committee is concerned, we felt it would be helpful to put all the delegations on the same basic numerically with other delegations, and that is the reason they are in this bill. That was worked out very carefully with the Speaker and with the other body and all the other people. We felt it was a useful thing to do and at no increased cost or, at least, a very minimal increase in cost, and it might be useful to help out. That is the only thing.

Mr. BAUMAN. If the gentleman will yield further, did his committee consider instead of increasing all the delegations to a higher level of numbers that can go junketing, to reduce them all to a smaller number?

Mr. FASCELL. I know how the gentleman feels about that, and I must say I respect his views. There are, I am sorry to say, some people who feel that no Member of Congress ought to travel.

Mr. BAUMAN. I do not share that view. I think there are occasions on which travel is necessary.

Mr. FASCELL. I am glad that the gentleman does not share the view that no one should travel, because I do think it is essential for us to travel. The answer to the gentleman is no, we did not have anybody either in subcommittee or full committee who expressed the view that we ought to reduce the number. As a matter of fact, the general concern that I have had expressed to me personally in the House is that more people ought to have the opportunity to go on these official delegations which are created by statute.

Mr. BAUMAN. Mr. Chairman, I appreciate the gentleman's response. I just direct the attention of the gentleman to the CONGRESSIONAL RECORD for last Tuesday in which travel records of the Members of the House were listed for the last session, according to our rules. One of the Members has been to 20 or more countries in the last year at considerable expense and several others have been around the world several times. I do not notice, without getting into any personalities specifically, any difference in the quality of their debate or proposals regarding foreign affairs as a result of this travel. So my question is: Is this trip necessary? And is this money necessary? Each of us has to make his own judgment of course.

Mr. FASCELL. Absolutely. I do not know to whom the gentleman refers but I must say if he has done all that research he must be one of the most learned Members of the House.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, let me say that in my opinion the Interparliamentary Union is one of the most useful and vital organizations in which we have membership and in which the Members of this House and of the other body take part.

I have been privileged myself for the last 10 or 12 years to have been one of our designated delegates to the Interparliamentary Union Conferences. I have served principally on the Committee on Education, Science, and Culture of that organization including service as chairman of that Committee for a period of 4 years. The Interparliamentary Union is an extremely valuable organization. It provides an excellent opportunity for our country to make major contributions to our international relations. Also, we derive major benefits from the exchange of views and information made possible by our participation in the activities of the IPU.

I know, for instance, that in some of the conferences that preceded the Helsinki charter we had opportunities to discuss face to face with the Soviets some of the provisions that went into the final draft of the Helsinki charter. The State Department has confirmed to me that some of the provisions we agreed upon in our IPU resolutions contributed to the end result achieved in the language of the Helsinki charter.

The question I would like to ask the gentleman from Florida is this: I serve currently as a vice chairman of our delegation. I was thinking possibly I might have the opportunity to serve as chairman of our delegation at some future time. However, I am not a member of the International Relations Committee. I serve as a member of the House Judiciary Committee. I do speak several foreign languages and I have been able to communicate with many of the other delegates from other countries. I think I have made as much of a contribution to the work of our delegations as most of those who have represented our country. This is my only involvement in foreign affairs, I might say, but it is an important one. I am just wondering whether, for one thing, I will be barred from serving as vice chairman or whether I will be barred from serving as chairman at some future time because I am not a member of the International Relations Committee?

Mr. FASCELL. No, the gentleman would not be barred from serving as chairman or vice chairman. That is a good question the gentleman raises. We decided that either the chairman or the vice chairman should come from the committee so that would give plenty of flexibility. The Speaker concurred. We think that amply protects the gentleman. We would certainly want to use his broad background and experience on these matters. He has been a most useful member of the Interparliamentary Union. I know that. We have tried to standardize these things and resolve these questions as they arise from time to time.

Mr. McCLORY. I thank the gentleman.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, the gentleman from Illinois referred several times to the Committee on International Affairs. Apparently he does not know that as a result of our reorganization we have only relations and no longer have affairs.

Mr. BUCHANAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished subcommittee chairman has once again demonstrated why he is renowned for his ability to explain complex and even occasionally controversial legislation. I join him in urging support for H.R. 5040, a fiscal year 1977 supplemental authorization for the Department of State.

The most expensive and controversial item in the legislation before us is a $60 million authorization to enable the United States to pay arrearages and a good part of our 1977 assessment to the United Nations Educational, Scientific, and Cultural Organization. Many of my colleagues on the floor will recall that in 1974 UNESCO was seized by a spasm of bitter partisan debate and a tendency to pass punishing, unworkable resolutions that made a mockery of UNESCO's mandate. The State of Israel was effectively ostracized from the organization, denied a spot in one of UNESCO's regional groupings, and constantly condemned for its policies in Jerusalem and the occupied territories. There was a real prospect that UNESCO might accept the preposterous Zionism-racism link, and perhaps even accede to a Soviet initiative severely curtailing freedom of the press.

As a result of these actions and attitudes, Congress mandated that the United States withhold its payments to UNESCO. I believe the outcome of the 1976 UNESCO General Conference in Nairobi demonstrates that the organization has at least made a beginning toward greater moderation and more responsible attitudes. The Nairobi Conference was a step back from confrontation. Israel was granted membership in the European grouping; Zionism was not equated with racism; action on the Soviet initiative to assert host government control over foreign press was deferred.

I do not contend that UNESCO has solved all its problems or completely forsaken partisan politics. But it is apparent that the organization is gradually moving away from the chaos and infighting of 1974. Moreover, the letter from Acting Assistant Secretary Toussaint contained in the committee report provides concrete assurances that the United States will work actively within UNESCO to redress the excesses of the past and to foster a respect for the traditional values and objectives of the organization.

The question of UNESCO arrearages presents a full range of policy options, all of which have been carefully considered by the committee. There are those who argue that we should continue with a tough stance toward the organization, paying only the dues necessary to maintain our vote. Others, including the administration, feel that our strategy has worked and the time has come to make full payment, through 1977, to UNESCO. In recommending a $60 million authorization, the committee has adopted the carrot and stick approach. Sixty million dollars will pay our dues for 1975, 1976, and a substantial portion of our 1977 assessment. It will relieve UNESCO's immediate financial crisis and forestall the possibility of a special session. To deal with that crisis, which could in turn prove a very negative experience in which we might well lose the gains we have made to date toward depoliticization. At the same time, partial rather than full funding at this time will enable

the United States to retain some leverage over the organization as part of our effort to work for a more effective, responsible UNESCO.

In addition to the question of UNESCO arrearages, H.R. 5040 provides $7.4 million for relief of Indochinese refugees, most of whom are in Thailand, through a program administered by the United Nations High Commissioner on Refugees; it makes an additional $11.325 million available for the resettlement of Soviet and Eastern European refugees settling in countries other than Israel. This initiative is clearly consistent with the principles of the Helsinki Agreement and our concern with human rights. The committee has also recommended approval of $150,000 for emergency humanitarian assistance to Americans incarcerated abroad and an additional $10.775 million in excess foreign currencies to purchase land and build three 36-unit apartment buildings for our increased staff in Cairo, Egypt.

Mr. Chairman, the Subcommittee on International Operations and the Committee on International Affairs have carefully examined each of these requests, and I am convinced that H.R. 5040 merits the support of Congress.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. ZABLOCKI), the distinguished chairman of the full committee.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of H.R. 5040.

This bill is the result of a lot of hard work on the part of the Subcommittee on International Operations and the able chairman of that subcommittee, our colleague DANTE FASCELL. I congratulate him on his efforts.

The purposes and background of H.R. 5040 have already been explained so I will not repeat what has already been said.

I do want to point out that although this is a supplemental authorization the funds authorized to be appropriated in this bill have been included in the third resolution on the budget and the chairman of the Budget Committee has no objection to consideration of this measure by the House.

The supplemental authorizations provided in this bill are needed to support important U.S. activities and operations abroad and I urge its passage. I urge the adoption of H.R. 5040.

Mr. STARK. Mr. Chairman, I want to express strong support for the provision in this bill which authorizes funds for emergency medical services for American citizens incarcerated abroad, especially in Mexico.

While the amount of the money is small—$150,000 for the rest of this fiscal year—the concept is healthy and long overdue. For the first time, the U.S. Government is accepting some responsibility for the rights of its citizens in a foreign country. This concept is not unprecedented, in that the State Department does have a similar fund they use to deport indigent U.S. citizens from a foreign country back to the United States; this new provision, however, is the first example of the United States affirmatively helping indigent citizens abroad.

While the intent of the fund is to provide only emergency aid, mostly on a reimbursable basis, at least now a prisoner suffering from appendicitis will not have to risk his life trying to find funds when he should be having the appendectomy. This fund will serve as a guarantee of sorts, to insure emergency treatment.

While Americans in Mexican jails have suffered many abuses, from torture upon arrest to forced confessions, one of the most common and continuing problems is their health. With a poor diet, poor facilities, and little financial means, most prisoners suffer numerous maladies. I know of many cases of hepatitis, at least one of tuberculosis, and another of cancer. Everyone suffers dental problems.

One prisoner died—supposedly of a heart attack after trying without success to get treatment for his severe liver problems.

Another, a woman, has ulcers, allergies and a tumor in her wrist but is unable to get a private doctor's attention.

One man whose fingers were broken by Mexican authorities during interrogation could not get adequate treatment in the prison infirmary—since this would have entailed an admission by the Mexicans of physical abuse—but had no resources for a private doctor.

A woman with an RH factor and other pregnancy complications, who rightly refused to let the prison infirmary perform the operation necessary to deliver her baby by caesarean section, would have been saved much stress and concern if she had known funds would be available for her operation.

Obviously this provision alone will not solve the many problems faced by prisoners in Mexico and elsewhere around the world. I hope, for instance, that the Senate will soon begin consideration of the proposed United States-Mexico treaty which would provide for a prisoner exchange. Much more needs to be done, and policy needs to be changed for the future to protect the legal and human rights of arrested citizens. But this is a step in the right direction.

Mr. FASCELL. Mr. Chairman, I have no further requests for time.

Mr. BUCHANAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule the Clerk will read.

The Clerk read as follows:

H.R. 5040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ADDITIONAL AUTHORIZATION FOR INTERNATIONAL ORGANIZATIONS AND CONFERENCES AND FOR MIGRATION AND REFUGEE ASSISTANCE

SECTION 1. Section 101(a) of the Foreign Relations Authorization Act, Fiscal Year 1977, is amended—

(1) Paragraph (2) by striking out "$342,460,453" and inserting in lieu thereof "$402,460,453"; and

(2) in paragraph (5) by striking out "$10,000,000" and inserting in lieu thereof "$28,725,000".

ASSISTANCE FOR AMERICANS INCARCERATED ABROAD

SEC. 2. In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the Secretary of State for fiscal year 1977 $150,000 for use in providing assistance, on such terms and conditions as the Secretary may determine, to United States citizens incarcerated abroad. Amounts appropriated under this section are authorized to remain available until expended.

ADDITIONAL AUTHORIZATION FOR FOREIGN SERVICE BUILDINGS ACT

SEC. 3. Section 4(h)(1) of the Foreign Service Buildings Act, 1926, is amended by striking out subparagraphs (A) through (G) and inserting in lieu thereof the following:

"(A) for use in Europe, not to exceed $225,000 for fiscal year 1977;

"(B) for use in the Near East and South Asia, not to exceed $12,885,000, of which not to exceed $3,985,000 may be appropriated for fiscal year 1976;

"(C) for facilities for the United States Information Agency, not to exceed $3,400,000, of which not to exceed $2,800,000 may be appropriated for fiscal year 1976;

"(D) for facilities for agricultural and defense attaché housing, not to exceed $150,000 for fiscal year 1977; and

"(E) for facilities for the United States Agency for International Development, not to exceed $17,200,000 for fiscal year 1977; and".

DELEGATIONS TO CERTAIN INTERPARLIAMENTARY GROUPS

SEC. 4. (a) The first section of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences with Canada", approved June 11, 1959 (22 U.S.C. 276d), is amended—

(1) in the second sentence of the first paragraph, by striking out "Foreign Affairs" and inserting in lieu thereof "International Relations";

(2) in the second paragraph, by striking out "Foreign Affairs" and inserting in lieu thereof "International Relations"; and

(3) by adding at the end thereof the following new paragraph:

"The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee.".

(b) The first section of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico", approved April 9, 1960 (22 U.S.C. 276h), is amended—

(1) in the second sentence, by striking out "Foreign Affairs" and inserting in lieu thereof "International Relations";

(2) in the third sentence, by striking out "Foreign Affairs" and inserting in lieu thereof "International Relations"; and

(3) by adding at the end thereof the following new sentence: "The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee.".

(c) The first section of the joint resolution entitled "Joint Resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928a), is amended—

(1) in the first sentence, by striking out "eighteen" and inserting in lieu thereof "twenty-four";

(2) in the second sentence, by inserting "(not less than four of whom shall be from the Committee on International Relations)" immediately after "Members of the House";

(3) by striking out the third sentence; and

(4) by adding the following new sentence at the end of the section: "The Chairman or Vice Chairman of the House delegation shall be a Member from the Committee on International Relations.".

(d)(1) The second sentence of the first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276), is amended by striking out "president" and inserting in lieu thereof "Chairman of the House dele-

gation in the case of delegates from the House of Representatives or the Chairman of the Senate delegation in the case of Senate delegates,".

(2) Section 3 of such Act (22 U.S.C. 276a-1) is amended to read as follows:

"SEC. 3. There shall be not to exceed twelve delegates from the House of Representatives (at least four of whom shall be from the Committee on International Relations) to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. The Chairman or Vice Chairman of the House delegation shall be a member from the Committee on International Relations. The Speaker shall designate the Chairman and the Vice Chairman of the House delegation for each such Conference.".

(3) The undesignated paragraph under the heading "MISSIONS TO INTERNATIONAL ORGANIZATIONS" under the general heading "INTERNATIONAL ORGANIZATIONS AND CONFERENCES" of the Department of State Appropriation Act of 1959 (22 U.S.C. 276c) is amended by adding at the end thereof the following new sentence: "The Presiding Officer of the Senate shall designate one Senate delegate as Chairman of the Senate delegation for each such Conference.".

(4) The nineteenth undesignated paragraph under the general heading "DEPARTMENT OF STATE" in title I of the Third Deficiency Appropriation Act, fiscal year 1937 (22 U.S.C. 276b) is amended to read as follows:

"The certificate of the Chairman of the respective delegation and the executive secretary of the American Group to the Interparliamentary Union shall be final and conclusive upon the accounting officers in the auditing of all accounts of the House and Senate delegations to the Interparliamentary Union.".

Mr. FASCELL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 4, lines 16 and 17, strike out paragraph (1); and redesignate paragraphs (2) through (4) of section 4(c) as paragraphs (1) through (3), respectively.

Page 5, line 13, strike out "twelve" and insert in lieu thereof "nine".

Page 6, immediately after line 17, insert the following new subsection.

(e) The requirement contained in the amendment made by subsection (c)(1) that not less than four members of the House delegation to the North Atlantic Assembly shall be from the Committee on International Relations, and the requirement contained in the amendment made by subsection (d)(2) that not less than four members of the House delegation to the Interparliamentary Union shall be from the Committee on International Relations, shall not become effective until January 3, 1979.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment. I certainly would not characterize the efforts and the excellent work that has been done by those Members of both bodies who have attended these conferences as any kind of junket. We can make of these things individually what we want.

But I know, having specifically served on the Canadian-American delegation, that we have performed very substantive and useful work. I am sure, as the gentleman from Illinois has already said, that those who have been on NATO and the Mexican delegations can make the same statement. I think the argument about being cautious, prudent and reasonable is of some value. I think we have done that with respect to the rules and requirements that we have put around individual travel in the Congress.

These are official, authorized delegations, and produce very important results; they perform useful work in the exchange of parliamentary views. I do not think that they ought to be denigrated as some kind of junket.

As far as Congress is concerned, I suppose we could make a reasonable case that by adding some more Members from both the House and the Senate, we could have some increase in cost. However, since most of this travel is by Government aircraft on a space-available basis, I do not think the cost increase would be that significant. But, nevertheless, we are going to work within the sums which have already been appropriated. We do not attack that there. What we have done here—and we think it is useful—is to meet the argument many of us on the committee have received, that other Members ought to have an opportunity to participate in these very useful delegations. But, in doing that, we also standardize the size of the delegations, which we think is useful in terms of appropriations available, and also fix the rules concerning accountability and the way in which these appointments for chairman and vice chairman are made.

So, we think everything is in good order, and we can wrap around it whatever restraints or protections the House feels would be essential. We believe all of those are there, and they are laid down in the law. So, I would hope that we would not now backtrack after the careful consideration by both bodies, and the leadership of both sides being in agreement. The adoption of this amendment essentially puts us back where we were, and we make absolutely no progress. So, I ask for a no vote on the amendment.

Mr. BUCHANAN. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I would point out that this is an authorization, not an appropriation bill. As the distinguished chairman of the subcommittee has pointed out, it will be necessary to live within the budget. This does not change that. We are not here appropriating money. Indeed we are not authorizing any additional funds for this purpose. We are authorizing a larger delegation within the confines of the appropriation already made and the budget as it does exist.

In the second place, I would point out that this has been a knotty problem which has been worked out, involving a good deal of consultation and compromise with the leadership of the House, of the Committee on International Relations, and with the U.S. Senate.

I would underline what the subcommittee chairman has said, that other delegations, such as the Mexican delegation and the Canadian delegation, are composed of this same number, 24—12 from each House. We are simply setting this delegation at what I believe to be the normal and rightful number; that is, to give 12 Members of each House an opportunity to serve officially on this delegation. We are dealing here with the membership of an official delegation within a budget already prescribed and within funds already appropriated.

One thing more: This provision guarantees that this very important parliamentary delegation will have the presence of members of the committee that has primary responsibility in international relations in this House and in the other body, but especially in this House.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the distinguished chairman of the Committee on International Relations.

Mr. ZABLOCKI. Mr. Chairman, the gentleman from Michigan made a point that the proposal in this bill to make this reform as I call it, would permit greater participation among Members of Congress. It is necessary also to deal with this matter expeditiously so that an additional number would be able to participate in the IPU meeting next month.

Mr. BUCHANAN. The chairman is exactly right.

I would point out it is not unusual for an authorizing committee to include this kind of provision in an authorization bill.

Mr. BOB WILSON. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from California (Mr. BOB WILSON).

Mr. BOB WILSON. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Alabama. I have been a delegate to these meetings. I think we are outmanned at times. We need more representation. We are talking about some very vital matters that affect the security of the world and that affect the United States, for sure, and I think a few additional voices, which will not really add to the expense of the total delegation, is very important.

I urge a no vote on the amendment.

(By unanimous consent, Mr. SAWYER was allowed to proceed for 5 additional minutes.)

Mr. SAWYER. Mr. Chairman, the distinguished chairman of the subcommittee would acknowledge that had this provision been inserted into this supplemental appropriation bill on the floor, as opposed to the committee, it would be subject to a point of order as to the lack of germaneness. This is a clear effort to solve some internal problems over an appointment of a chairman of that committee by adding at public expense six people to the delegation.

I think we have gotten along fine with 18. I certainly concur in the worthwhileness of the delegation, and so forth; but I see no excuse, from the public interest point of view, of adding an additional six, at public expense, when certainly 18 would seem to be enough.

I also checked with the committee counsel and with the Budget Committee.

This is not covered by the budget estimate at all in the report of the committee, because that was based on 4619, the earlier version of the bill, which was supplanted by this one. This will cost additional money. There is no appropriation for it.

The answer was given: "Well, we will get it from the State Department, or somewhere."

That may be fine, but it is still the public's money.

(By unanimous consent, Mr. FASCELL was allowed to proceed for 5 additional minutes.)

Mr. FASCELL. Mr. Chairman, first of all, on the budget matter, the Budget Committee does not even get involved because the matter has no budget impact. There is no authorization involved at all for those items. The appropriations bill takes care of the appropriation, which is in the budget. So that is the answer on the budget issue.

On the matter of germaneness, I can assure the Committee that all of this legislation deals with subjects that are under jurisdiction of our committee and thus is germane.

Mr. BAUMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I do not know how Members can stand up here and tell us that more junketing is progress. That was the word that was used by one of the Members who defended this situation.

The gentleman from Michigan (Mr. SAWYER) is making a very valid point, which has been made repeatedly in the public press and in the minds of our constituents, that there are certain activities in which Congress engages that may in and of themselves have some merit, but in which Congress has overindulged itself. Foreign travel is certainly in that category.

I invite the Members to look at the record, which I referred to earlier, of March 22, where we have the case of one Member who last year during the Easter recess went to Turkey, Greece, Cyprus, back to Greece, Belgium, Ireland, Sweden, and Italy. Then he waited until the 4th of July recess, and went to South Africa, Mozambique, Rhodesia, back to South Africa, Zambia, Tanzania, and the United Kingdom. During the Labor Day recess he went to China, Philippines, Thailand, Bangladesh, and India.

And then at the Christmas recess, not to be outdone, he went back to Israel, Jordan, Iraq, Egypt, Saudi Arabia, Syria, Jordan, and then for New Year's Eve to Italy.

I do not know whether all that travel was productive or not. Maybe it was. It certainly cost the taxpayers money.

These trips on the part of the House may have some justification, but there is no reason for increasing the delegation of the IPU conference from 18 to 24 or increasing any delegation at such meetings. These groups do serve purposes, but this is a small area where self-restraint could add a great deal to the luster of this body which has so recently been improved by our new ethics code.

I think the gentleman from Michigan (Mr. SAWYER) deserves our support and our gratitude, and certainly the taxpayers ought to feel that way about his amendment.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Chairman, my friend, the gentleman from Maryland, is certainly a great and consistent defender of the rights of the American people and of the American taxpayers.

Mr. BAUMAN. As is the gentleman from Alabama.

Mr. BUCHANAN. However, I really believe—and I think the gentleman knows this—that we should remember this is an authorization and not an appropriation. The gentleman knows further that they can load up that airplane with Members of Congress and get it chock full regardless of the number of delegates. That happens many times.

There are such things as junkets, and they should not be defended. We know there are junkets; we have heard that from the trips the gentleman has mentioned in reading from the RECORD. But the size of the delegation does not necessarily save the taxpayer one dime. What we will be doing is creating a problem for ourselves in terms of official representation and further problems for ourselves in the House. I do not really think the gentleman saves a dime of the taxpayers' money with this amendment by not permitting the authorizing committee that has the power to do so to take this action.

Mr. BAUMAN. Mr. Chairman, the House should act on this amendment and limit the number of Members traveling abroad. If we adopt the amendment, we would not be creating any harm but saving some money.

Mr. BUCHANAN. Mr. Chairman, this is not in the budget, and the gentleman knows it. By taking this action we are not adding to the budget, we are not adding to the appropriation.

I will agree, just from what the gentleman has read from the RECORD, that we have had many Members traveling to many different places for many different reasons or excuses away from the jurisdiction of their own committees, but in this matter I do not think we are going to save a dime. All we are going to do is upset something that has been carefully worked out in terms of our own representation in these conferences.

Mr. BAUMAN. Mr. Chairman, the gentleman from Alabama (Mr. BUCHANAN) is as unconvincing, as far as this gentleman is concerned, as he usually is when it comes to matters of international import. I suggest that this is a good amendment, and it ought to be supported.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

It seems to me that this augmentation of the authorized delegation is a top limit, and it is true that some of the Interparliamentary Union conferences do attract large delegations. We have six subcommittees in the IPU so if we talk about 12 members, that means two members to represent us on each of the subcommittees, and that does not seem to be excessive.

One of the problems, though, is that sometimes we name a large delegation and then, because of legislative activities, we have a falling off or an attrition of the membership. For instance, last year, at the Interparliamentary Union conference in Madrid, although we had named nine members to go, only two members attended and only one stayed for the whole conference.

Mr. BAUMAN. Mr. Chairman, does the gentleman mean to tell me that they would rather be here legislating?

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BAUMAN) has expired.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to conclude my statement by saying that it is important that we have as full a delegation as possible. It seems to me that this increase to 12 members, which is a top limit, gives us a delegation on which we can rely in order to have adequate representation when we get to the conference.

It is true that legislative business does require that we be here. We do not like to be in a foreign country attending a conference if legislation from our committee is being considered in the House or before our committee. That was the situation last year when so many members of our delegation canceled out. At the last minute I decided I should not attend the Madrid conference, and so I did not go. Six or seven of the other members faced the same situation and felt obliged to remain behind.

So, as I say, when the conference took place, we had only two members over there, which is inadequate representation. In fact, at the plenary sessions of the IPU it requires that five members be there just so we can exercise our voting strength under the IPU rules. It seems to me that this number of 12 is not excessive, and I hope that the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SAWYER).

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—ayes 15, noes 29.

Mr. BAUMAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Maryland (Mr. BAUMAN) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Page 5, strike out line 3 and all that follows through line 17 on page 6 and insert in lieu thereof the following:

(d)(1) The second sentence of the first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276), is amended by striking out "president and the executive secretary of the American group" and inserting in lieu thereof "Chairman of the House delegation in the case of delegates from the House of Representatives or the Chairman of the Senate delegation in the case of delegates from the Senate, except that either such Chairman may authorize the executive secretary of the American group to approve such vouchers on his behalf".

(2) Section 3 of such Act (22 U.S.C. 276a–1) is amended to read as follows:

"SEC. 3. There shall be not to exceed twelve delegates from the House of Representatives (at least four of whom shall be from the Committee on International Relations) to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. The Chairman or Vice Chairman of the House delegation shall be a member from the Committee on International Relations. The Speaker shall designate the Chairman and the Vice Chairman of the House delegation for each such Conference.".

(3) Such Act is further amended by adding at the end thereof the following new section:

"SEC. 4. The executive secretary of the American group of the Interparliamentary Union shall be appointed—

"(1) by the Chairman of the Senate delegation for service during odd numbered Congresses; and

"(2) by the Chairman of the House delegation for service during even numbered Congresses.".

(4) The undesignated paragraph under the heading "Missions to International Organizations" under the general heading "International Organizations and Conferences" of the Department of State Appropriation Act of 1959 (22 U.S.C. 276c) is amended by adding at the end thereof the following new sentence: "The Presiding Officer of the Senate shall designate one Senate delegate as Chairman of the Senate delegation for each such Conference.".

(5) The second sentence of the nineteenth undesignated paragraph under the general heading "DEPARTMENT OF STATE" in title I of the Third Deficiency Appropriation Act, fiscal year 1937 (22 U.S.C. 276b) is amended to read as follows: "The certificate of the Chairman of the respective delegation to the Interparliamentary Union (or the certificate of the executive secretary of the American group if the Chairman delegates such authority to him) shall be final and conclusive upon the accounting officers in the auditing of all accounts of the House and Senate delegations to the Interparliamentary Union.".

Mr. FASCELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. I can explain it very briefly.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Chairman, the amendment that I have offered is technical in nature. It establishes the procedures for the appointment of the Executive Secretary of the Interparliamentary Union by providing that during the odd-numbered Congresses he shall be appointed by the chairman of the Senate delegate and by the chairman of the House delegation during the even-numbered Congresses. It gives to the chairman of each group the exclusive authority to sign all vouchers and certificates of account, whereas under the present law the Executive Secretary would have to be involved, but it does give each chairman of the delegation the right to allow the Secretary to sign if in his judgment it is necessary. That is all the amendment does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FASCELL).

The amendment was agreed to.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5040) to authorize additional appropriations for the Department of State for fiscal year 1977, pursuant to House Resolution 424, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GOODLING. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the bill H.R. 5040 to the Committee on International Relations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 292, nays 114, not voting 26, as follows:

[Roll No. 102]

YEAS—292

Addabbo	Eilberg	Markey
Akaka	Emery	Marks
Alexander	Erlenborn	Marlenee
Ambro	Ertel	Marriott
Ammerman	Evans, Colo.	Martin
Anderson, Calif.	Evans, Ga.	Mathis
	Fary	Mattox
Anderson, Ill.	Fascell	Mazzoli
Andrews, N.C.	Fenwick	Meeds
Andrews, N. Dak.	Findley	Metcalfe
	Fisher	Meyner
Annunzio	Flood	Mikulski
Applegate	Florio	Miller, Calif.
Ashley	Flowers	Mineta
Aspin	Flynt	Minish
Badillo	Foley	Mitchell, Md.
Baldus	Ford, Mich.	Mitchell, N.Y.
Baucus	Ford, Tenn.	Moakley
Beard, R.I.	Forsythe	Moffett
Bedell	Fountain	Mollohan
Benjamin	Fraser	Moorhead, Pa.
Biaggi	Gephardt	Moss
Bingham	Giaimo	Murphy, Ill.
Blanchard	Gibbons	Murphy, Pa.
Blouin	Gilman	Myers, Michael
Boggs	Glickman	Natcher
Bolling	Gonzalez	Nedzi
Bonior	Gore	Nix
Bonker	Gradison	Nolan
Bowen	Gudger	Nowak
Brademas	Guyer	O'Brien
Breaux	Hamilton	Oakar
Breckinridge	Hanley	Oberstar
Brinkley	Hannaford	Obey
Brodhead	Harkin	Ottinger
Brooks	Harrington	Panetta
Broomfield	Harris	Patten
Brown, Calif.	Hawkins	Patterson
Brown, Mich.	Heckler	Pattison
Buchanan	Heftel	Pease
Burgener	Hightower	Perkins
Burke, Calif.	Hillis	Pickle
Burke, Fla.	Holtzman	Pike
Burke, Mass.	Horton	Poage
Burlison, Mo.	Howard	Preyer
Burton, Phillip	Huckaby	Price
Caputo	Hyde	Pritchard
Carney	Ireland	Pursell
Carr	Jeffords	Quie
Carter	Johnson, Calif.	Rahall
Cavanaugh	Jordan	Railsback
Cederberg	Kastenmeier	Rangel
Chisholm	Kazen	Reuss
Cohen	Keys	Rhodes
Collins, Ill.	Kildee	Richmond
Conable	Koch	Rinaldo
Conte	Kostmayer	Risenhoover
Conyers	Krebs	Rodino
Corcoran	Krueger	Rogers
Corman	LaFalce	Roncalio
Cornell	Lagomarsino	Rooney
Cornwell	Le Fante	Rose
Cotter	Leach	Rosenthal
Coughlin	Lederer	Rostenkowski
D'Amours	Leggett	Roybal
Danielson	Lehman	Ruppe
Davis	Lent	Ryan
de la Garza	Lloyd, Calif.	Santini
Delaney	Long, La.	Sarasin
Dellums	Long, Md.	Sawyer
Dent	Luken	Scheuer
Derwinski	McClory	Seiberling
Dicks	McCloskey	Sharp
Dingell	McCormack	Shipley
Dodd	McDade	Simon
Downey	McEwen	Skelton
Drinan	McFall	Skubitz
Duncan, Oreg.	McHugh	Slack
Early	McKay	Smith, Iowa
Eckhardt	McKinney	Solarz
Edgar	Madigan	Spellman
Edwards, Ala.	Maguire	St Germain
Edwards, Calif.	Mahon	Stanton

Stark	Udall	Whitehurst
Steed	Ullman	Wiggins
Steers	Van Deerlin	Wilson, Bob
Steiger	Vander Jagt	Wilson, C. H.
Stockman	Vanik	Winn
Stokes	Vento	Wirth
Stratton	Volkmer	Wolff
Studds	Walgren	Wright
Stump	Walsh	Wydler
Thompson	Wampler	Wylie
Thornton	Waxman	Yates
Tonry	Weaver	Yatron
Trible	Weiss	Young, Mo.
Tsongas	Whalen	Zablocki
Tucker	White	Zeferetti

NAYS—114

Abdnor	Flippo	Mikva
Allen	Frenzel	Miller, Ohio
Archer	Frey	Montgomery
Armstrong	Gammage	Moore
Ashbrook	Gaydos	Moorhead, Calif.
AuCoin	Ginn	Motti
Bafalis	Goldwater	Murtha
Barnard	Goodling	Myers, Gary
Bauman	Grassley	Myers, Ind.
Beard, Tenn.	Hagedorn	Neal
Bennett	Hammer-schmidt	Nichols
Bevill	Hansen	Pressler
Brown, Ohio	Harsha	Quillen
Broyhill	Hefner	Regula
Burleson, Tex.	Hollenbeck	Roberts
Burton, John	Holt	Robinson
Butler	Hubbard	Rousselot
Byron	Hughes	Rudd
Chappell	Ichord	Runnels
Clausen, Don H.	Jacobs	Russo
Clawson, Del	Jenkins	Satterfield
Cleveland	Jenrette	Schroeder
Cochran	Jones, N.C.	Schulze
Coleman	Jones, Okla.	Sebelius
Collins, Tex.	Jones, Tenn.	Shuster
Crane	Kasten	Smith, Nebr.
Daniel, Dan	Kelly	Snyder
Daniel, R. W.	Kemp	Spence
Derrick	Ketchum	Stangeland
Devine	Kindness	Thone
Dickinson	Latta	Traxler
Dornan	Levitas	Treen
Duncan, Tenn.	Lloyd, Tenn.	Waggonner
Edwards, Okla.	Lott	Walker
English	Lujan	Watkins
Evans, Del.	McDonald	Whitley
Evans, Ind.	Mann	Whitten
Fithian	Michel	Young, Fla.

NOT VOTING—26

Badham	Johnson, Colo.	Sisk
Bellenson	Lundine	Staggers
Boland	Milford	Symms
Clay	Murphy, N.Y.	Taylor
Diggs	Pepper	Teague
Fish	Pettis	Wilson, Tex.
Fuqua	Quayle	Young, Alaska
Hall	Roe	Young, Tex.
Holland	Sikes	

The Clerk announced the following pairs:

On this vote:

Mr. Boland for, with Mr. Teague against.

Mr. Murphy of New York for, with Mr. Hall against.

Mr. Staggers for, with Mr. Badham against.

Mr. Fish for, with Mr. Symms against.

Mr. Sisk for, with Mr. Taylor against.

Mr. Diggs for, with Mr. Young of Alaska against.

Mr. Clay for, with Mr. Sikes against.

Until further notice:

Mr. Bellenson with Mr. Milford.

Mr. Holland with Mr. Fuqua.

Mr. Roe with Mr. Charles Wilson of Texas.

Mr. Pepper with Mr. Lundine.

Messrs. BARNARD, WAGGONNER, and JOHN L. BURTON changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5040, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader if there are any additions to the program or deletions from the program for next week as previously announced.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, there has been one addition made to the program.

On Tuesday we will consider under suspension of the rules a joint resolution, House Joint Resolution 351, providing for further continuing appropiratations. That is the only change that has occurred, and I am sure that that will hold true.

After our colloquy it will be my purpose to ask unanimous consent that when we adjourn today, we adjourn to meet on Monday next.

Mr. MICHEL. Mr. Speaker, could the gentleman advise me as to whether or not that joint resolution for continuing appropriations would be the first order of business under those suspensions listed for March 29?

Mr. WRIGHT. Mr. Speaker, it is our plan that this would be the first order of business. It would become the first suspension on the 29th.

Mr. MICHEL. Mr. Speaker, I thank the majority leader.

ADJOURNMENT TO MONDAY, MARCH 28, 1977

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. HARKIN. Mr. Speaker, due to illness, I was unable to be present and vote on the floor yesterday, March 23, 1977, for a number of votes that were taken later in the day.

If I had been present, I would have voted "no" on rollcall vote No. 95; I would have voted "no" on rollcall vote No. 96; I would have voted "aye" on rollcall vote No. 97; and I would have voted "nay" on rollcall vote No. 98.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT, SATURDAY, MARCH 26, 1977, TO FILE REPORTS ON H.R. 4974, H.R. 4975, AND H.R. 4976

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Saturday, March 26, 1977, to file reports on the following: H.R. 4974, the Health Planning and Health Services Research and Statistics Extension Act of 1977, H.R. 4975, the Biomedical Research Extension Act of 1977, and H.R. 4976, the Health Services Extension Act of 1977.

Mr. Speaker, I understand that this has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE LATE BOOTH MOONEY

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, there were sad hearts in the de la Garza office with the death of a longtime and valued staff member—Booth Mooney—a native Texan and longtime assistant to our late President Lyndon Johnson when he served in the Senate as minority leader and majority leader—an author—a raconteur of note—and a wonderful guy.

The Congress was Booth's love—he wrote a number of splendid treatises on the operation of the House and the role of the Speaker.

Formerly a newspaperman, Booth brought to his job not only devoted efforts but an expertise that will be hard to duplicate. There is a saying that nobody is indispensable—Booth was.

There will be a memorial service for Booth Saturday, March 26, at 3 p.m., in the Bethlehem Chapel of the National Cathedral—a fit setting for a gentle man.

This morning's Washington Post carried an excellent article on Booth which I submit for your interest:

AUTHOR, HILL SPEECH WRITER: BOOTH MOONEY, LBJ BIOGRAPHER, DIES

Booth Mooney, 64, a close friend and biographer of the late President Johnson and author of a number of other books, died of cancer Tuesday at his home in Sumner, Md.

In 1953, Johnson, who was then serving in the Senate, called Mr. Mooney to Washington to be his executive assistant and speech writer. Mr. Mooney served in that position until 1958. During that period, Johnson was Senate minority and then majority leader.

While working for Johnson, Mr. Mooney wrote the biography, "The Lyndon Johnson Story."

A slightly revised edition of it was published shortly after the assassination of President Kennedy in 1963, and was translated into more than 40 languages.

It was considered then to be the best immediate source of information on the life and character of the new President.

Born in Wise County, Tex., Mr. Mooney started writing for newspapers at the age of

13, when he covered county courthouse matters in Decatur.

During World War II, he was a captain in the Army Air Force. After the war, he opened a public relations firm in Dallas under the name of Mooney and Cullinan. The firm represented former Gov. Coke Stevenson in a hotly contested campaign for the Senate seat held by Johnson.

Johnson retained his seat but won by a margin of only 74 votes. He was so impressed, however, by Mr. Mooney's handling of his opposition's campaign that he asked him to come to Washington.

After leaving Johnson's office in 1958, Mr. Mooney worked as a freelance public relations man. His clients included the late Texas oil magnate H.L. Hunt.

He wrote other books, "Roosevelt and Rayburn: A Political Partnership," and "The Politicians: 1945 to 1960."

He also published two paperback novels, "Here Is My Body" and "The Insiders," a story based on Washington influence peddlers.

Mr. Mooney was the author of a pioneer work on food additives, "The Hidden Assassins," His last book, "LBJ: An Irreverent Chronicle," an appraisal of the late President, is currently on the stands.

Mr. Mooney was a member of the Metropolitan Club and the Kenwood Country Club and a former member of the National Press Club.

He is survived by his wife, Elizabeth Comstock Mooney, and a daughter, Joan, of the home; a son, Edward, of New York City, and three brothers, Orus, of Austin, Tex.; Dan, of Decatur, Tex., and Fred, of Duke, Okla.

The family suggests that expressions of sympathy be in the form of contributions to the Veterans Administration Oncology Branch at the National Cancer Institute.

STATEMENT OF CONGRESSMAN BILL NICHOLS RELATIVE TO RECENT ACTS OF HOSTAGE TERRORISM

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, many of my constituents in Alabama have written me and have spoken with me personally concerning the recent handling of the Islamic terrorists, many of who were released without bail. While it is my understanding all of these terrorists with the exception of the leader are presently incarcerated awaiting trial, it is impossible for me to understand the rationale of the Justice Department who seems to have capitulated to the most violent elements of crime in this country in releasing the leader of this group who should certainly be held responsible for the murder of one individual, the pistol whipping of other innocent parties and the holding as hostage many totally innocent citizens of this city.

I am inserting in today's RECORD a letter from my constituent who has expressed his displeasure in the manner in which the Justice Department has defended the release of this group and I am hearing this dissatisfaction expressed from many other constituents in my State of Alabama.

Mr. Speaker, I believe that if we are ever going to stop a group such as this who openly flaunt the laws of this country that we are going to have to deal with them strongly and let them know that the courts of these United States will not tolerate such forms of violence.

The letter follows:

GUY SPARKS,
Anniston, Ala., March 14, 1977.

Hon. BILL NICHOLS,
U.S. House of Representatives,
Washington, D.C.

DEAR BILL: Dealings by the Justice Department with Hanafi terrorists are quite disturbing. The problem was approached almost as if these criminals constituted a sovereign state, so powerful its leaders were beyond even a war crimes trial.

Attorney General Bell defends release of the leaders without bail, providing police transportation to their homes and allowing them to maintain at least one of their homes as an armed fortress. He defends on assertion promises of such treatment were necessary to protect hostages, and promises made must be kept to avoid future harm to hostages from other terrorists. He reasons terrorists otherwise will have no faith in government and hostages are more likely to be harmed. In short, present treatment of terrorists is asserted as being policy most likely to prevent future injury.

The very opposite is true. Of course, it is common sense to promise virtually anything to save the life of another from actions of terrorists. To carry out promises exacted from a gun is something else. This indicates terrorists may secure what they want, even from the United States Government, by seizure of citizens. Far from discouraging such terror, keeping such extorted promises induces it.

Two recent prior events illustrate this. Two weeks ago, an individual kidnapped the manager of a company. Holding shotgun to victim's head, he made various demands, including non-prosecution, as condition for safe release. Local authorities promised to meet his demands, but arrested him when the hostage was released. Attorney General Bell criticized failure of local authorities to keep their promises! He criticized on the same ground he now defends his contrary policy. A few days later another individual held another hostage, demanding the President of the United States make a personal telephone call to him as condition for safe release of the hostage. The promise was made. President Carter made the call.

I suggest these episodes did not go unnoticed by the Hanafis. I suggest, too, that what Hanafis noticed and took advantage of will not go unnoticed by others of similar bent. Pre-announced capitulation to the threat of terrorism is no protection against it. It is the exact contrary.

It is my hope you will use your influence to secure law enforcement policies better calculated to prevent terrorism and a return to the law of the jungle.

Sincerely,

GUY SPARKS.

DRUG PUSHER ELIMINATION ACT

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, I am today asking for cosponsorships on my Drug Pusher Elimination Act.

This legislation, first proposed during the 93d Congress and referred to in the interim report of the Select Committee on Narcotics Abuse and Control, comes down on the underworld businessman who makes a profit on hard drugs.

It calls for minimum mandatory sentences, stiff fines, speedy trials and no bond for nonaddict pushers of hard drugs.

Consider these drug abuse statistics:

The number of heroin addicts has fluctuated from 250,000 in 1970 to the present day 800,000.

Drug abuse costs the Nation at least $27 billion a year.

Nearly 40 percent of this cost is the result of crimes committed by approximately 400,000 untreated, daily heroin users.

Between 30 and 40 percent of all property crimes are drug related.

Last year this Nation sustained 5,000 drug overdose deaths.

And then consider the results of a U.S. court's administrative office study which reveals:

In 1975 one out of every three individuals sentenced in Federal courts for narcotics violations received probation.

Of those sentenced approximately one-third received 3 years or less.

Thus, in 1975, over one-half of those pushers violating Federal narcotics laws were back on the streets immediately or were eligible to go back on the streets in 1 year.

Other studies have shown that many important violators are arrested two and three times and repeatedly released on low bail before being tried on the original charge or have their sentence suspended or are released on probation. DEA reports 2,400 fugitive from Federal narcotics violations—800 of those skipped bond.

What we are talking about are businessmen who turn a profit on other people's addiction. But we are also talking about people who have the financial means to post any bond, and the ability to jump any bail.

If the answer isn't quick due process with stiff sentencing, I do not know what is.

The reintroduction of this legislation is particularly timely, given the rumors circulating around the President's Office of Drug Abuse.

If you believe the newspapers, the head of the office, who helped set up England's heroin maintenance program, favors decriminalization of cocaine—and maybe heroin.

"The Carter administration," and I am quoting our afternoon paper, "has said it is carefully reexamining its position on penalties for possession of cocaine."

Dr. Peter Bourne, representing the administration at the select committee's marijuana decriminalization hearings, said the Office of Drug Abuse is looking into all laws concerning narcotics.

We can only wonder what the recommendations will be.

On top of these rumors, we have a judge in Illinois ruling the State's prohibition of cocaine unconstitutional, and the head of the New York Medical College's division of drug abuse research and treatment saying coke does not produce harmful effects for the social snorter.

It is time we drew the line. First we decriminalize marijuana, then we legalize it. Then we set up heroin maintenance centers, then we permit possession of cocaine. Where does it stop? It must stop now.

I would urge you to contact my office if you are interested in cosponsoring this

legislation. I plan to reintroduce this bill early in April.

CONGRESS SHOULD HAVE AN OPPORTUNITY TO HOLD HEARINGS BEFORE FDA IMPOSES SACCHARIN BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN), is recognized for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, I am today, March 24, introducing a resolution expressing the sense of the House of Representatives that the Food and Drug Administration's proposed ban on saccharin should not go into effect until the Congress has had the opportunity to hold comprehensive hearings to determine whether or not saccharin, consumed in normal quantities, is safe.

In this day and age, one could undoubtedly make a good argument to the effect that any substance, consumed in grossly large quantities, would be capable of inducing cancer. Further, one could probably support such a claim with valid scientific research. However, there has to be some standard of rationality, and to say that a product, such as saccharin, could cause cancer if consumed in doses equal to 800 or so cans of diet soda per day is not being rational.

I am not a medical research professional, but I am told that bladder cancer is quite rare. Further, the Canadian tests did not show that saccharin induces bladder cancer in humans, only in force fed rats. However, diabetes, and obesity, afflict millions of American human beings. To deprive these people of a substance that can prevent untold suffering and possibly even death in order to protect a few people who might, by some wild stretch of the imagination, consume 800 diet drinks a day is ludicrous.

This is an issue which demands a full and open discussion, and that is why I am offering this resolution. We must have an opportunity to strike some kind of balance between the absurd and reality.

U.S. SALT PROPOSALS JEOPARDIZE NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, tomorrow, Secretary of State Cyrus Vance will be taking a set of proposals to Moscow on the limitation of strategic arms which assumes grave risks with respect to future American national security. President Carter has received dangerously unsound advice on the subject of our strategic arms limitation posture that may compromise the ability of future Presidents to guarantee the security of the United States against nuclear blackmail or to deter direct attack.

First, let me describe what the new U.S. proposals do not do:

They will not prevent the Soviets from maintaining their current lead in land-based ballistic missiles, including their vast advantage in ICBM payload. This enables the Soviets to retain a capability to threaten the survival of U.S. ICBM's in fixed silos, U.S. nuclear-powered submarines in port—normally at least one-third of the 41 missile-launching submarines in our inventory—and U.S. strategic bombers not on alert status, the vast majority of the force.

Though the U.S. proposals will have the effect of aborting the promising advantages the United States may gain from the deployment of long-range cruise missiles by the imposition of unverifiable restraints on the range of these weapons, Soviet cruise missile deployments—they have built more than 5,000 of all types since 1955—will not be affected.

What the U.S. proposals will do is to offer to the Soviets a grab bag of alternatives that would weaken the long-term defense capability of the United States without diminishing the right of the Soviet Union to maintain and improve those forces which threaten the stability of deterrence. The Carter-Vance proposals include:

A plan to defer consideration of the matter of how to count U.S. cruise missiles and the Soviet Tu–26 Backfire bomber in the strategic nuclear delivery ceiling negotiated by President Ford at Vladisostok in 1974;

A proposal to reduce the Vladivostok ceiling from 2,400 to 2,000 strategic nuclear delivery vehicles;

A set of proposals on cruise missiles that would provide for alternative range limitations for air launched and sea/ground launched systems. Range limits from a few hundred to a few thousand kilometers are proposed. Because of the manner in which the cruise missile proposals are structured—those types with the greatest range potential are those most severely restricted—will sharply curtail the military usefulness of the cruise missile to the United States, even though Soviet compliance with these terms cannot be verified by national technical means of verification.

The United States will propose a moratorium on underground nuclear tests, despite the fact that our security directly depends on the technological advantage we gain from nuclear testing where the Soviets are far less dependent on testing. Moreover, such an agreement cannot be verified by any currently known technique if nuclear explosions do not exceed a low, but militarily significant yield.

In short, the United States is proposing a set of limitations on strategic arms which fail to do what is necessary; namely, to cut back on the most threatening Soviet systems such as the SS–18 and SS–19 while imposing a set of controls which are neither verifiable nor symmetric. The Carter SALT proposals will, if accepted by the Soviet Union, serve to weaken deterrence and thereby, undermine long-term American security interests. We can no longer afford the luxury of making agreements at any price; we simply have nothing left to give away save our national security.

TRIBLE HOMEMAKER RETIREMENT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. TRIBLE) is recognized for 30 minutes.

Mr. TRIBLE. Mr. Speaker, recently passed laws permit wage earners to add to their financial security by establishing personal retirement plans. Unfortunately, these laws have done little to help the largest group of workers in America—the homemaker.

I have introduced a bill, H.R. 4649, which will end this discrimination against homemakers and allow these individuals to establish individual retirement accounts—commonly known as IRA's.

Before I outline the specifics of my bill, I would first like to give you some background information on IRA's.

The most commonly asked question is: "What is an individual retirement account and how does it work?"

An IRA is a personal, tax-sheltered retirement plan. Any wage earner who is not currently a participant in any other retirement plan may establish an IRA.

Establishing an IRA is relatively simple. Almost any bank, savings and loan association, mutual fund, insurance company, or other financial institution can complete the paperwork. There are a wide variety of plans available, but they are all subject to the same legal restrictions.

Once a person establishes an account, he or she can make annual contributions to the account up to $1,500 or 15 percent of his or her income, whichever is less. For Federal income tax purposes, contributions to an IRA are fully deductible from the gross income of the wage-earner. In the long run, this can mean considerable savings for the taxpayer.

The earnings of an IRA are, likewise, tax-free until retirement. In fact, the owner of an IRA does not pay any taxes on the account until retirement when the proceeds are taxed as ordinary income. These taxes are generally lower because a retired employee will usually receive less income and pay taxes at a lower rate than he or she did while working. In addition, all persons 65 or older qualify for a double tax exemption on the Federal income tax return.

Under the present law, a homemaker may have an IRA in only two limited situations. First, a homemaker can own an IRA if he or she is employed and not participating in any other retirement plan. Specifically, a homemaker is treated as other workers as long as he or she is earning wages. Second, a homemaker may participate in an IRA if his or her spouse is eligible for an IRA. However, participation in this plan is limited to a maximum of $875 each year for each spouse, instead of the $1,500 ceiling for all other accounts. Homemakers, who are not members of one of these two narrow groups, cannot now participate in an IRA.

Mr. Speaker, many people have recently been asking me a second question: "How will the Trible homemaker retirement bill change the present law?"

The answer is fairly simple.

My bill would allow each and every American homemaker to own an IRA, regardless of whether their spouse participates in an IRA, Keogh, corporate, government, union, or other retirement plan.

Relatively minor changes in the law are needed to allow all homemakers to have an IRA. In fact, there is only one reason why homemakers who want an IRA cannot get one today: homemakers are not paid for their work in the home. The law now requires earned income before anyone can have an IRA. Consequently, homemakers cannot participate because the law defines their labor as being economically worthless.

Mr. Speaker, I think this is an irrational provision in the law which should be eliminated. You and I are both well aware of the great worth of the American homemaker's work. Yet, in spite of our common agreement, homemakers cannot own an IRA because they do not draw a paycheck for their work in the home.

My bill would amend the present law and allow homemakers to count as their own income the compensation of their spouse. In other words, the bill recognizes the economic value of a homemaker's work.

Let me give you three examples and compare how a homemaker would fare under my bill as contrasted with the present law.

First, let us consider the situation of Tom and Sally Jackson. Tom works as a lineman for the telephone company. He earns $10,102 per year. The telephone company deducts 5 percent of Tom's annual salary as his contribution to the company's retirement plan. Sally keeps their apartment in order and attends afternoon classes at the local college. Under the present law, Sally cannot have an IRA because she has no earned income.

If my bill is enacted, Sally would be able to put away for her retirement $1,500 per year in her IRA. If Tom earned less than $10,000, she would be limited to 15 percent of his income. For example, if Tom earned $9,000 per year, Sally could put a maximum of $1,350 per year into her account.

Jennifer Wright, Bill Stark, and Betty Herman could also establish their own IRA's although none of them earn any wages. Like Sally, each of their respective spouses is covered by a retirement plan at work. However, they no longer need to be concerned that they cannot get an IRA because their spouses cannot. My bill would allow each of them, as well as all other homemakers without retirement plans, to own an IRA regardless of what type of retirement plan their spouses have. As with all IRA plans under my bill, their annual IRA contributions would be limited to a maximum of $1,500 or 15 percent of their spouse's annual income, whichever is less.

Second, compare with me the opportunities for Jim and Sharon Cram. Jim is a substitute teacher at the local elementary school. His wages average $240 per month. When he is not teaching, Jim takes care of their 3-year-old son, Jason. Sharon is the family's prime wage earner. As the assistant to the city manager, she earns $12,317 per year and participates in the city's retirement system. Jim is not eligible to participate in the teacher's retirement system because he is a part-time employee. Instead, he owns an IRA but can contribute only 15 percent of his annual wages of $2,300 to the account. Jim would like to put more than this $345 in his IRA each year but he cannot. The present law permits homemakers who earn wages to invest only 15 percent of their annual wages in an IRA.

My bill would allow Jim to put away $1,500 in his IRA every year. This would be possible because the bill allows homemakers to count their spouse's income as their own in determining the maximum amount they can put in their IRA. In short, Jim would have the same opportunity and be subject to the same limits as any other homemaker. He would not be penalized for working.

Finally, the Trible homemaker retirement bill will also help Donald and Louise Parker, who face an entirely different situation. Donald is a self-employed newspaper columnist. From his work, he earns an average of $18,000 per year. In March of 1976, he established an IRA for himself and contributed $1,500 to it. Last year's action by Congress has forced Donald into a difficult position. Louise is now eligible to have an IRA because she earns no wages and because Donald now has an IRA. However, if Louise opens an IRA, Donald must reduce the annual contributions to his IRA from $1,500 to $875. Likewise, Louise cannot invest more than $875 per year in her account.

Donald and Louise would both be able to contribute up to $1,500 per year to their individual accounts if my bill became law. Donald would not have to limit contributions to his own account to permit Louise to have an IRA. They can both look forward to retirement with security.

Mr. Speaker, at this point, you are probably ready to ask me: "In dollars and cents, how much is an IRA worth?" The answer to this question will vary from person to person and from plan to plan. However, I can give you some examples.

For purposes of illustration, let me discuss what would happen if a homemaker invested the same amount of money in IRA, tax-sheltered certificates of deposit as contrasted with investment in the same certificates of deposit without the benefits of an IRA. In the examples that follow, I will assume that the certificates of deposit earn 7¾ percent interest, compounded quarterly.

If Sally Jackson, the spouse of the telephone lineman, contributes $750 per year to her IRA for 40 years, she will have paid in a total of $30,000. During that 40 years, her investment will earn $172,719 in interest, giving her IRA a total value for her retirement of $202,719. When she retires at the end of this 40 years, she will have an annual net income after taxes of $18,482.

If the law is not amended and Sally invests the same $750 in the same certificates of deposit for each of the next 40 years, she will set aside the same total amount of her income for retirement, $30,000. However, her retirement income will be substantially less. Because she has to pay taxes on the annual interest from the certificates of deposit, her savings will be worth only $88,936 at the end of the 40 years. When she retires, she can expect to draw only $9,560 in annual net income after taxes.

If the law is not changed, Sally's annual after tax income will be $8,922 per year less than it could be if my bill became law. In short, Sally will receive about one-half of the retirement income she would get if she could own an IRA.

Jim Cram, the substitute school teacher-homemaker would fare no better under the present law. If he invested $1,000 per year for each of 40 years in nonsheltered certificates of deposit, he would receive only $12,744 per year when he retires. If, instead, he was able to put the same money in an IRA for 40 years, his investment would be worth $247,317 and he could depend on an annual after tax income of $23,625. Not having an IRA would cost Jim $10,881 per year in lost retirement income.

Finally, consider the advantages of an IRA for Louise Parker, the wife of the newspaper columnist. My bill would let Louise pay up to $1,500 per year into her own IRA. At the end of 40 years, her investment of $60,000 would have earned interest of $345,438 to make the total value of her IRA $405,438. Her after tax retirement income would be $32,405 per year.

Without the protection of an IRA, her investment would accrue a total value of only $177,872. Her annual after tax retirement income would be $19,116. If the law is not changed, Louise will lose $13,289 in annual retirement income.

The future experience of these three couples with and without an IRA can be summarized easily.

RETIREMENT INCOME WITH AND WITHOUT THE TRIBLE HOMEMAKER RETIREMENT BILL

Annual amount invested for retirement for each of 40 yr	Annual net retirement income after taxes		
	With an IRA (Trible bill)	Without an IRA (present law)	Lost income without an IRA
(A) Sally Jackson—$750	$18,482	$9,560	$8,922
(B) Jim Cram—$1,000	23,625	12,744	10,881
(C) Louise Parker—$1,500	32,405	19,116	13,289

This table makes clear that the present IRA law discriminates against the American homemaker. By enacting my bill, the Congress would permit Sally, Jim, Louise, and millions of other homemakers to have the same retirement opportunities as other self-employed workers. No longer will homemakers face the unenviable dilemma of having to choose between no retirement protection and leaving the home to find a job where he or she can acquire pension rights.

Mr. Speaker, there is one more question that should be answered: "Does the Trible homemaker retirement bill have any spillover benefits for the public as a whole?"

The answer is yes.

My bill would encourage people to commit their money to long-range savings. The dollars placed in an IRA would increase the supply of money and the formation of private capital. As a result, interest rates should lower and, eventually, become more stable. Ultimately, the money invested in IRA's should stimulate the economy, cut unemployment, and reduce dependence on Government.

In conclusion, I urge the House to take speedy action on the Trible homemaker retirement bill, H.R. 4649. The time has come to end discrimination against the American homemaker and to recognize the economic value of this work. American homemakers should have an equal opportunity to plan for their retirement.

REBUTTING DEBUTTS—WHALEN COMMENTS ON TELECOMMUNICATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, I read in Tuesday morning's newspaper that the Bell Telephone Co. is again attempting to convince the Congress and the public that any semblance of competition in the telecommunications industry will somehow cost the average residential customer more. And, once again, I must say that I am mystified by these assertions.

In the business section of Tuesday's Washington Post there was an article about testimony that was delivered before a Senate subcommittee on March 21 by Mr. John D. deButts, chairman of the American Telephone & Telegraph Co. The article described the key element of Mr. deButts' statement as follows:

> Specifically, deButts said AT&T would have to reduce long-distance rates to meet increased competition from companies that go after large volume business users of communications services—firms that don't have the same requirement as AT&T to serve unprofitable rural and residential telephones.
>
> "That means, too, that in every state jurisdiction, we will have to file for further increased rates for basic . . . service" because revenues from long-distance calls subsidize local service by $3 billion a year, deButts told the subcommittee.

Now, Mr. Speaker, there are several examples of questionable reasoning contained in that passage. The following is an attempt to untangle and examine them.

First, the Bell System's method of accounting is unfathomable that they have yet to show to anyone's complete satisfaction exactly what the true costs are for any of their various operations. But to the extent that we have been able partially to unravel their accounting methods, all of the evidence thus far seems to indicate exactly the opposite of what Mr. deButts suggests.

In the aforementioned testimony there is a confusion between "large volume business users" and "long-distance calls." Indeed, there is a growing competition, albeit still rather fledgling, with Bell for certain portions of the large volume commercial market for telecommunications services. But there is no real competition, either now or for the immediately foreseeable future, in the area of long-distance calls made for residential phones by private citizens. The significance of this lies in the fact that if there is in fact a $3 billion profit—three-quarters of AT&T's total annual profit—it most likely is being generated from tolls collected from private residential phones and not from those charged to large commercial users.

Last year the Federal Communications Commission concluded a full-scale investigation into the validity of the pricing arrangements Bell uses in billing its commercial subscribers for bulk long-distance rates. The FCC determined that these rates were set unreasonably low, and ordered Bell to proceed to increase rates charged large commercial users.

FCC Docket No. 18128 was issued by Chairman Richard E. Wiley on October 1, 1976. The Commission concluded its review of "The Lawfulness of Bell's Private Line Rate Levels" with this statement:

> With respect to Bell's other services (excepting TELPAC which is discussed below), we note that for the year ending September 30, 1975, the return levels . . . range from −3.5 per cent for the private line in telegraph service to 5.5 per cent for private line telephone. Likewise [using an alternative method of computation] results range from −0.6 per cent, also for private line telegraph, to 7.2 per cent for private line telephone. Compared to the overall system level of return, 8.5 percent, we find present return levels for Bell's private line telegraph, private line telephone, audio/radio, television and "other" service classifications to be deficient since the rates for these services do not cover all relevant costs of furnishing service. . . . It thus appears that the low levels of return on these services are maintained through cross-subsidization. This we hold unlawful in the absence of express statutory authorization or compelling policy considerations. Accordingly, we conclude that the rate levels associated with these services are unjust and unreasonable, and therefore, unlawful within the meaning of section 201(b) of the [Communications Act of 1934 as amended].

So, what does this all mean? Well, the Commission's key words were, "The low levels of return are maintained through cross-subsidization." That is, prices now being charged for bulk commercial use of certain Bell System long-distance services are so low that it appears to be the large commercial users who are being subsidized, not the other way around.

Why is Bell being so nice to the major users of their key commercial services? One might speculate that the purpose may be to discourage competitors from entering the market, because they are not able to make up the difference in lost profits by juggling the rates charged other users.

But Bell did not put forward this argument. Instead they told the FCC that the rates they were charging were strictly a function of the accounting system they were using. The FCC then told them to change their accounting system by this coming June.

Then there is the case of TELPAC, which is referred to somewhat cryptically in the first line of the above-cited quote from the Federal Communications Commission. In simplest terms, TELPAC is a system of wholesale pricing or quantity discounting for large users of certain commercial long-distance lines.

Here, again, the FCC found that Bell had set an unnecessarily low price for their service to industrial users, thus causing other subscriber services to have to pick up the slack. FCC ordered Bell to come up with a new pricing scheme that more accurately reflects the costs of TELPAC or else they must abandon that offering.

A.T. & T. had argued before the Commission that the prices they had set for TELPAC were necessary in order to meet competition in that market. As stated by Chairman Wiley in docket 18128, the primary test customarily applied by the FCC in order to assess the merits of such a claim is as follows:

> That those benefiting from the discriminatory pricing have an alternative of satisfying their communications requirements from a substitute source of supply and that they will shift to the substitute source unless the discrimination is maintained.

Here is how the Commission viewed the A.T. & T. claim in light of this test.

> Even if such a shift were to occur it could never justify the blanket nationwide discrimination inherent in the TELPAC rates. Accordingly, we conclude that under current circumstances the TELPAC discrimination was not justified by competitive necessity.

So, this appears to be another case of a service provided by A.T. & T. to big commercial users which diminishes, rather than enhances, Bell's profits. Where, then is the $3 billion profit in the long-distance lines coming from?

If we had to guess, and that really is all that we can do under the circumstances, I would guess that this profit is mainly coming from private long-distance calls. Because the FCC has pretty well established that the Bell System has been depressing the profitability of a large portion of its commercial long-distance services.

I am sure that each of us in the Congress has heard by now the allegation that any conceivable competition in the telephone industry will somehow automatically result in increases in the home subscriber rates charged that proverbial little old lady. Well, from what I can see, it looks more like that little old lady today probably is paying higher rates when she calls her grandchildren long distance because the Bell System's current pricing structure seems to be giving a sort of hidden subsidy to the big corporate users of their long-distance lines.

Mr. Speaker, the testimony given by Mr. deButts was intended to help convince the Congress to pass legislation that would severely restrict, if not eliminate altogether, potential competition to A.T. & T. in certain areas of the telecommunications industry. I have been studying this issue for about 6 months now, and I must say that the conclusion I have reached is that we must reject Bell's argument. Instead we must act to assure a favorable legislative and regulatory climate for competition in the telecommunications industry. This is the course of action that will truly be in the best interests of consumers and the Na-

tion, and this is why I am opposing Bell's efforts to curtail competition.

GOVERNMENT REGULATIONS ARE STRANGLING THE TUNA INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BOB WILSON) is recognized for 5 minutes.

Mr. BOB WILSON. Mr. Speaker, America's tuna fishing industry is—right now—in deep, serious trouble and we in Government are the ones who caused this problem to exist. We spend billions of dollars for make-work projects, much of it going to people who either cannot or will not work, then turn right around and steal jobs from those who can and are working. Why is this? Can't we encourage production of new jobs without forcing a very productive element of our society to live off the public dole?

I do not understand how in the world we can stand by and let our tuna fishing industry die. This is an industry that has been embattled for at least three decades. We talk about jobs, about full employment and yet we ignore the plight of a billion dollar industry whose demise will rob 30,000 people of their means of livelihood and skyrocket the cost of a high protein food.

We are standing by while governmental regulations slowly strangle this valuable industry. We passed the laws, saw the subsequent regulations come into effect and now we equivocate while the courts twist the meaning of our very words.

Our tuna fishermen have been pushed from pillar to post. First, we tell them that they have our permission to fish, so they put to sea to do just that. Next, when they are under way, we tell them that, no, they cannot fish. They obey and return—empty. Finally, we tell them that there has been yet another change, that they can fish, but only in the manner prescribed by the Government. Is it any wonder that these good people are confused, angry, and frustrated? That they want to take their boats to foreign countries where they will be allowed to fish—to pursue their way of making a living—in peace?

These are dedicated U.S. citizens we are talking about. These are men who annually absent themselves from their loved ones for months on end to ply their trade. These are men who risk their lives daily upon the sea in search of food to place on America's tables.

But what of the porpoise? For decades, the porpoise has been the fisherman's friend. These men follow the porpoise in search of fish. The last thing in the world that they would want is the demise of the porpoise. Saving the porpoise is not a new issue brought on by environmental pressures or governmental regulation. Our tuna fishermen have been dedicated to porpoise conservation long before porpoise conservation became a fashionable cause.

These men need the porpoise. The porpoise is part and parcel of their livelihood. By erasing the porpoise population, the fisherman would be cutting off his nose to spite his face.

Remarkable progress has and is being made in reducing the present levels of porpoise mortality. This point has been made time after time after time, in hearings, in the courts and in discussions before this body. But by restricting the fisherman in his fishing, all research, all practice with new gear and new techniques to save the porpoise must stop.

One must remember that foreign fishing interests have no such restrictions as we have imposed upon our own fishermen. They do not have to conform to a quota. They will not be penalized if one or a dozen or a hundred or a thousand porpoise die during the catching of tuna. The U.S. fishermen are the only ones in the world who must abide by a strict set of rules or be stiffly penalized. And the U.S. fishermen are the only ones in the world taking any action to reduce the porpoise mortality rate by improving their fishing methods.

If we continue to impose these regulations, to enforce the law as it presently stands, it is the American tuna fisherman who will become extinct instead of the porpoise. That is a very real possibility. And along with the fishermen will go cannery workers, ship chandlers, food provisioners and all the other businesses—large and small—and all the jobs that depend on the fisherman for their existence. This problem is not an isolated one but in fact is a problem that will affect every household in the United States of America. Instead of an inexpensive staple food, tuna could become a gourmet item on the grocer's shelves, priced right out of the reach of most Americans.

Just a few days ago, score upon score of these good and decent people journeyed from San Diego to Washington to present their case, a case that has been debated for weeks before an administrative law judge, that has bound up the judiciary, that has produced over 3,000 pages of testimony, that means literally thousands of jobs and millions of dollars.

We are told that the administration wants to put America back to work. If this is so, then why is the administration, and why are we standing about with our hands in our pockets, while an enormous number of working men and women see their lives and their fortunes go down the drain? I cannot understand it. I cannot believe that we are actually allowing such a thing to happen.

We seem to be tremendously accommodating to other fishing interests. Our negotiations with foreign countries to allow them to fish within our new 200-mile economic zone bear this out. Why do we not accommodate U.S. fishing interests first? Our fishermen are also our countrymen, a fact that tends to be overlooked.

We will be coming up on our Easter recess shortly, the time when we honor the resurrection of Christ. Let us not go home without assuring ourselves that we did all we possibly could to keep America's tuna fishermen employed, at sea and continuing to supply our Nation with a healthful source of food.

SUGAR EMERGING AS STICKY MESS IN CARTER ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, sugar is emerging as a sticky mess in the Carter administration.

Testimony today before the House Agriculture Committee disclosed that the general counsel of the Department of Agriculture has issued an opinion contending that statutory authority exists under which the Secreary of Agriculture can make payments to U.S. processors of cane and beet sugar.

Payments were made to producers for years under the now-expired Sugar Act. Payments have never been made to sugar processors, although in the 1960's the administration sought authority from Congress for such payments. The proposal was not adopted.

The Agriculture Act of 1949, as amended, cited by the General Counsel recently in regard to payments to sugar processors has been used only once to support payments to processors—as distinguished from producers—and that lone exception permitted payments to processors of cotton. But that lone exception was authorized in advance by amendment to the law.

Lobbyists for sugar interests probably see the ruling of USDA's General Counsel as a clever end-run way of supporting sugar prices never intended by Congress.

If payments to sugar processors are desired by the administration a request for authority should be made to the Congress.

I have no reason to believe Secretary Bergland had knowledge of this sticky affair until today, and I hope he will prohibit payments unless Congress gives its specific approval.

In fact, Secretary Bergland stated to the committee today that he could not foresee any circumstances in which he would authorize such payment.

WOULD CEQ ORDER A BAN ON SNOWMOBILES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND), is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, it has come to my attention that the Council on Environmental Quality is considering an amendment to an existing Executive order which might severely impact the use of our national forests and other public lands by snowmobiles.

Obviously there is a need to take action to protect our public lands from what has been reported as extensive misuse by off-road vehicles in certain parts of the country.

However, in my State of New Hampshire, the White Mountain National Forest has done an excellent job of planning and zoning in order to provide recreational use with a minimum of adverse impact on the forest and with a minimum impact on competing recreational uses.

I understand that there is serious con-

cern that the National Forest Service would react to the proposed Executive order amendment by banning snowmobiles from our national forests. Based on my knowledge of the White Mountain National Forest, this would be most inappropriate.

I have today written to the Council on Environmental Quality asking them to clarify this issue in advance of any amendments to the Executive order, so that continued use of the White Mountain National Forest under the present regulated conditions will not be interrupted by an excess of administrative zeal or a court suit by some special interest group.

UNDERSTANDING CONSUMER CREDIT LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I want to take the opportunity today to state that I strongly feel that the time has now come for this great body to learn how to give itself credit. Furthermore, Mr. Speaker, I feel that the time has also come for all Americans across this great land, to stand and be aware in the ways of giving themselves credit.

It is to this noble end, Mr. Speaker, that the Consumer Affairs Subcommittee and I have just finished compilation of a 130-page booklet explaining consumer credit legislation in layman's language. Coincidentally, the title of this booklet is "Give Yourself Credit," a title for which I would not give myself credit.

When I realized that there was no comprehensive collection of the credit laws available to the public, the task was undertaken of preparing one. It seemed appropriate that since the laws were passed as a result of consumer problems, that a guidebook explaining the consumer's rights under these laws be available to them.

Unfortunately, the initial supply of the consumer credit guides has already been depleted very quickly, but a resolution for 20,000 copies to be printed is currently under consideration and hopefully will supply additional copies. Members who wish to receive copies of the guide should contact the Consumer Affairs Subcommittee, House Annex No. 1, room 212, x 59181.

The book is not intended to be merely a collection of laws filled with complex and confusing credit language. Rather, it is intended to be an easily understood tool to use whenever questions or difficulties arise in a credit consumer's daily life. This credit guide should be useful to the consumer as a simple and quick reference to the consumer credit laws passed to date. The consumer credit legislation that is pending right now will be added at a later time.

The guide covers many of the areas dealing with consumer credit legislation, many of which are complex and intricate in detail. It covers such areas as loans, car leasing, credit cards with their finance charges and billing errors, and what goes into an investigative credit report on a consumer.

How do credit cards work? What information is really in my credit files? What types of information may a creditor take into consideration concerning my age? All of the answers to these questions and many more, are contained in the consumer credit guide, and much of the book is written in an easily understood question and answer format.

Although many consumers may feel that they are aware of their rights as consumers using credit, this book details the most recent provisions of the Equal Credit Opportunity, Consumer Leasing, Fair Credit Reporting, Truth in Lending, and Fair Credit Billing Acts.

The booklet contains an entire glossary of terms frequently used in the credit industry, and readers will discover that a "billing cycle," for example, is the amount of time between regular periodic statement dates, and not a new type of 10-speed bicycle.

If the consumer has a complaint or problem involving any of the credit laws, there is also a list of Federal agency addresses with the division to contact concerning a particular problem.

It is my hope that consumers will utilize this important guide to learn the laws and know their rights so that they might avoid future credit complications and abuses.

This is one textbook that All Americans should study carefully so that in a real credit test, they will know the right answers.

I plan to keep consumers provided with a constantly updated version of the guidebook so that they can keep up with the changes and make informed decisions in credit situations.

INTRODUCTION OF H.R. 5562 TO AUTHORIZE THE ESTABLISHMENT OF ELEANOR ROOSEVELT NATIONAL HISTORIC SITE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

proud to introduce legislation today

Mr. BINGHAM. Mr. Speaker, I am which would establish the Eleanor Roosevelt National Historic Site in Hyde Park, N.Y. Joining me in cosponsorship of this bill are Mr. UDALL, chairman of the Interior Committee; Mr. PHILLIP BURTON, chairman of the Parks Subcommittee; Mr. YATES, chairman of the Committee on Appropriations Subcommittee on Interior; Mr. FISH, whose congressional district includes Hyde Park; Mrs. HECKLER, senior woman in Congress; Mr. BYRON, Mr. CORRADA, Mr. DE LUGO, Mr. FLORIO, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. MCHUGH, Mr. MILLER of California, Mr. MURPHY of Pennsylvania, Mr. RUNNELS, Mr. SEIBERLING, Mr. TSONGAS, Mr. VENTO, Mr. WEAVER, and Mr. WON PAT. Senator JAVITS is introducing an identical bill in the other body.

I need hardly offer any justification for the creation of a living memorial to Eleanor Roosevelt. She seems to be one of those few persons whose reputation grows, rather than diminishes, with time. Today, 15 years after her death, she remains sole claimant to the title of "First Lady of the World." Her leadership on behalf of civil rights, international peace, the American working man and woman, and the poor and underprivileged in every corner of the globe made Mrs. Roosevelt an international symbol of humanitarianism. I recall a Herblock cartoon in 1959 which said it best. It showed a refugee family on board a ship pulling into New York Harbor. A little child was pointing to the Statue of Liberty and saying, "Look, Mom, it's Mrs. Roosevelt." At a time when so many can only point to the foibles and defects in the American character it is fitting to commemorate the life of an individual who represented all that is good about America and Americans.

At a time when our President is redirecting the attention of the world to the question of human rights, it is fitting to recall that the Universal Declaration of Human Rights was drafted and pushed to adoption by Eleanor Roosevelt. Any international consensus on human rights is a product of that document and all our efforts are phrased in its language. At a time when women all over the world are moving with pride and purposefulness toward a new equality, it is fitting to recall that Eleanor Roosevelt was at the forefront of the women's movement in the early years of this century and to the end of her life. Her whole life was the story of a woman breaking out of stereotypical roles and into the main arena. Though she knew how to use her access to first Governor and then President Franklin Roosevelt to benefit those causes she favored, she was never a mere helpmate to her husband. During his life, and in the 17 years after his death, she was always Eleanor Roosevelt, a power in her own right.

The bill we present today would authorize the Secretary of the Interior to take possession of Val Kill cottage and 173 acres appurtenant to it. It is less than a mile from the "big house"—the FDR mansion which is already a national historic site. Val Kill was Eleanor Roosevelt's home. It was from Val Kill that she coordinated her many activities. It was from Val Kill that she received most of the great men and women of the 20th century—Winston Churchill, Golda Meir, John F. Kennedy, and a hundred others. Val Kill is associated with all Mrs. Roosevelt's endeavors and is a symbol of her career.

As a national historic site Val Kill will be open to the public. The people of Dutchess County, N.Y., State, and the Nation will be able to visit Mrs. Roosevelt's home and enjoy the cottage and its unique setting. Programing at Val Kill would be administered by the Secretary of Interior in cooperation with a Dutchess County group, Eleanor Roosevelt's Val Kill which is chaired by Eleanor and Franklin Roosevelt's grandson, Curtis Roosevelt. It was the Eleanor Roosevelt's Val Kill group which first brought this project to my attention. Programs would center on those themes identified with Eleanor Roosevelt—world

peace, women in politics, social justice, and others. Val Kill would be a center for research, lectures, symposia, and quiet contemplation. Eleanor Roosevelt's home—now unmarked and anonymous—would again be a special place. It would again be Val Kill.

The alternative to this is the loss of Val Kill forever. It is currently in private hands. Its proprietors are thinking of breaking the land up into half acre lots. The house will be offices and apartments. If we do not act now to save Val Kill a unique historical and natural site will be lost to our posterity. Surely we do not want to see Val Kill become just another missed opportunity—a marker in a shopping plaza. Mrs. Roosevelt deserves better than that—and so do we.

SELECT COMMITTEE ON ASSASSINATIONS BUDGET REQUEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

Mr. PREYER. Mr. Speaker, when the members of the House are asked to vote next week on the question of continuing the work of the Select Committee on Assassinations I am certain an important consideration for most of them will be the cost of the inquiries undertaken by that committee.

This week, on March 23, the committee considered and approved its budget request for the remainder of the year. That budget is considerably less than the projections presented to the House earlier.

To help my colleagues in their consideration of this important question I am entering into the RECORD two items: First the transcript of the presentation of the budget to the committee this week and, second, an explanation of that budget by individual items.

I am certain that all members of the select committee will be pleased to receive questions about this budget and any comments on it which our colleagues may have.

The material follows:

[From the record of the meeting of the Select Committee on Assassinations, House of Reprsentatives, Wednesday, March 23, 1977]

EXCERPT

* * * * *

Mr. PREYER. Thank you, Mr. Chairman.

Your budget committee, consisting of Mrs. Burke, Mr. Fithian, Mr. McKinney and Mr. Anderson, have a budget to report to you and I think you have documents before you at the table.

The committee made two basic decisions, two threshold decisions, which are reflected in this budget. The first decision by the budget committee was that we should go forward with both investigations simultaneously, both the Martin Luther King investigation and the President Kennedy investigation. We made this decision after reviewing the testimony given to us and briefings on the matter. So that this budget that we are presenting is a budget for both investigations for one year.

The second basic decision we made was that, while recognizing the need for a tight budget, we recognize equally the need for a thorough and complete investigation. And we repeat our belief that if this investigation is not done right, then it is better not to do it at all.

So, with these guidelines in mind, we submit this proposed budget to you. As you can see from the first document you have, which is entitled "Select Committee on Assassinations Budget Summary," the budget total we are submitting for this year is $2,796,650. That is a full year's budget and includes the three months which we have already been in existence.

Now, that is considerably less than the original $6½ million budget that was proposed, so that you would be interested in how we got to where we are from where we came.

There is a second document which you have, called "Reconciliation of Original and Proposed Budgets," which helps explain that. If you will look at the first sheet on that, you will notice that the original budget was a little over $6½ million. From that, we subtracted what are titled savings, which amount to $800,300. These savings would have been available to be subtracted from the original budget in any event.

These are things which, in light of more information and better information, we found did not necessarily have to be in the original budget. There is an explanation on the second page at the bottom of that page of how these savings came about.

Without going into all of those, I can point out a few of the large ones. Number 1, for example, travel was reduced almost $300,000. One of the reasons for that is that we have had some experience with the pattern of travel and it is primarily Memphis- and Dallas-oriented; it is not as widespread as we thought it might have been.

Also there has been a decision made to pay half-day per diem for less than 24-hour trips, so that has resulted in a considerable reduction there.

On Number 5, telephone and telegraph was reduced $245,000.

Part of that reduction, $50,000, was absorbed by the House Committee on Administration. That is something that we thought we would have to pay for. It turned out that the House Committee on Administration would pay for it.

The item "Long-Distance Calls" has been reduced. We originally figured each long-distance call at $5. Experience has shown that they don't take that long and they are averaging now about $2.50. So that has been refigured on the basis of that information.

Item Number 6, "Equipment Purchase," has been reduced or eliminated in that we are not going to buy our polygraph or stress evaluators; that equipment will be leased.

On Number 7, there is a reduction in computer services of $100,000. Again that is going to be absorbed by House Administration, not by this committee, which is something we didn't originally anticipate.

So the sum of all of those is a reduction of something over $800,000 in savings from the original budget. The largest item, however, in reduction is the next item listed on the first sheet there, called "Decrease Due to Reduction in Proposed Staff," from 170 to 115. This means that we are reducing the task forces. Both the King task force and the Kennedy task force will now consist, under this budget, of 27 people—1 deputy chief counsel, 10 staff counsel and 16 staff investigators.

We discussed this item with Mr. Sprague, with Mr. Tanenbaum, the deputy counsel for the Kennedy assassination, and with Mr. Lehner, the deputy counsel for the King investigation, because we were concerned with whether this was too drastic a cutback, whether it would affect the efficiency of the investigation. And they are of the opinion that the investigation can be carried forward efficiently with this staff.

I would like at this time to call on Mr. Sprague or Mr. Tanenbaum and Mr. Lehner for any comments they might have on that item there of the salary reduction.

Mr. SPRAGUE. Mr. Preyer, I had the staff go into great detail in terms of the kind of investigative effort that would be needed and keeping in mind the need to reduce at least as much as would be feasible.

Mr. Lehner and Mr. Tanenbaum both went over the projected areas of the investigation with as much care and detail as they could on the basis of the experience they have—to some extent; at least they have some even though it is limited—in the work effort that has been done up to this point. They made the recommendation to me for the size of staff that is in that contemplated budget.

I have questions with regard to how fine we can cut that. I am willing to cut that; I am willing to go along with their recommendation to me because they feel that, with that amount of manpower, they can get the job done. I have that degree of confidence in them that, although it is less than what I would have proposed, I am willing to go ahead on the basis of those figures and, at the moment I see no reason why we cannot.

Mr. PREYER. Thank you, Mr. Sprague.

That, of course, is the largest item in the reduction.

There is one final item, which is the decrease due to less than the full 12-month operation in 1977. That is a $600,000 item. In other words, this budget anticipates we will have 115 people working for the committee. We have 73 at the present time, so we have gone three months of the year with 73 and it is anticipated that we will not reach the full 115 number until July. We will be gradually building up to that.

Therefore, this $600,000 is what would have been necessary if we had had the 115 from the beginning of the year until the end of the year; but, since we do not have them, that is an item which comes out of the budget.

So, in short, with those adjustments and savings, we reached the figure of the proposed budget.

I might point out that, under the savings, under the new information which we have learned since the original budget went into effect, that original $6½ million budget would now be under $5 million. So, rather than comparing it with a $6½ million budget, actually we would be comparing it with a budget of something over $4 million.

So I think that puts in better perspective the extent of the reduction and that we aren't crippling the investigative side of things. I think it reflects rather that the first proposed budget was just that, a proposed budget, and not something that reflected the experience which we have had in the budget, that it was a budget subject to being worked over.

Mr. Chairman, the budget committee, then, recommends this budget of $2,796,650 to the committee.

* * * * *

Select Committee on Assassinations
Budget summary—1977

I. Salaries	$1,991,200
II. Travel	400,000
III. Consultant services	108,750
IV. Witnesses	45,000
V. Stationery and supplies	46,500
VI. Telephone and telegraph	95,600
VII. Equipment—purchase	10,600
VIII. Equipment—Lease	29,000
IX. Reproduction, printing, and graphics	18,000
X. Books and periodicals	2,000
XI. Miscellaneous	50,000
Total	2,796,650

I. SALARIES

A. (1) Director, $39,600.

B. (3) Deputy Chief Counsels at $36,000, $108,000.

C. (2) Special Counsels at $34,000, $68,000

D. (20) Staff Counsels: 8 Grade 3 at $28,000–$34,000; 8 Grade 2 at $20,000–$28,000; 4 Grade 1 at $12,000–$20,000; $492,000.

E. (32) Staff Investigators: 2 Chiefs at $30,000; 10 Grade 3 at $24,000–$28,000; 10 Grade 2 at $18,000–$24,000; 10 Grade 1 at $12,000–$18,000; $700,000.

F. (3) Legal Unit: 1 Grade 3 at $28,000–$34,000; 2 Grade 2 at $20,000–$28,000; $69,000.

G. (23) Document Analysis and Research Unit: 1 Chief of Unit at $34,000; 2 Deputy Chiefs of Unit at $24,000–$30,000; 4 Senior Researchers at $18,000–$24,000; 6 Staff Researchers at $10,000–$18,000; 8 Document Clerks at $8,000–$12,000; 1 Senior Computer Analyst at $25,000; 1 Computer Analyst at $18,000; $379,000.

H. (2) Security Unit: $30,000 and $16,000; $46,000.

I. (5) Administrative/Budget Unit: 1 Chief Administrator at $36,000; 1 Chief Clerk at $20,000; 1 Task Force Manager at $18,000; 1 Public Information Officer at $34,000; 1 Budget Officer at $30,000; $138,000.

J. (24) Secretarial/Clerical: 24 at $10,000–$16,000; $338,900.

Total, $2,378,500.

Note: This amount represents annual salaries for a full staff of 115. As the full staff level will not be reached until later in the year, salaries should be budgeted at $1,991,200.

II. TRAVEL

A. Committee Members and Staff: The Committee's projection of travel expense is substantially higher than $400,000 but this amount is being requested until a higher amount can be justified, $400,000.

III. CONSULTANT SERVICES

A. Forensic (i.e., medical, ballistics).

B. Experts—fingerprinting, handwriting, document analysis, criminalists (i.e., fiber, hair, clothing), neutron activation analysts, voice prints, electronic, photographic.

C. Translators—audio-visual, etc.: Fees, 750 man-days at $100, $75,000.

Travel: 75 trips, 3 days duration; Transportation, 75 trips at $300, $22,500; Per diem, 75 trips at $150; $11,250.

Total, $108,750.

IV. WITNESSES

A. Travel: Transportation, 60 trips at $300, $18,000; per diem, 60 trips at $150, $9,000.

B. Security: 60 days at $300, $18,000.

Total, $45,000.

V. STATIONERY AND SUPPLIES

A. Startup allowance, 115×300; $34,500.

B. Resupply, $12,000.

Total, $46,500.

VI. TELEPHONE AND TELEGRAPH

Long distance, 225 days × $425; $95,600.

Note: Long distance charges have been estimated at 170 calls per day at an average cost of $2.50 per call.

VII. EQUIPMENT—PURCHASE

A. Tape recorders: 2 at $300, $600.

B. Security devices for staff offices: $10,000.

Total, $10,600.

VIII. EQUIPMENT—LEASE

A. Xerox, 2 at $12,000; $24,000.

B. IBM Memory Typewriter, 2 at $2,500; $5,000.

Total, $29,000.

IX. REPRODUCTIONS, PRINTING AND GRAPHICS

This allowance is needed for the development of films, enlargements, special printing, art work, graphics, etc., $18,000.

X. BOOKS/PERIODICALS

This amount is needed for books, literature, periodicals, newspapers, etc., $2,000.

XI. MISCELLANEOUS

Contingency Allowance. This amount is to allow for underestimating in the various expense categories and to provide for unanticipated expenses, $50,000.

Reconciliation of original and proposed budgets

Original	$6,531,050
Savings:	
Travel	[1] 297,400
Consultants	[2] 46,250
Witnesses	[3] 33,900
Stationery and supplies	[4] 32,000
Telephone and telegraph	[5] 245,000
Equipment, purchase	[6] 23,750
Equipment, lease	[7] 112,000
Reproductions, etc	[8] 7,000
Books and periodicals	[9] 3,000
Total savings	800,300
Adjusted original budget	5,730,750
Decrease in salaries of $1,257,100 and other expenses of $1,077,000 due to reduction in proposed staff from 170 to 115	2,334,100
Subtotal	3,396,650
Decrease in salaries of $387,300 and other expenses of $212,700 due to less than full 12-month operation in 1977	600,000
Proposed budget	2,796,650

[1] Travel was reduced $297,400 by reducing the cost of domestic trips by $100 and foreign trips by $300. These reductions were made possible by better travel pattern information and the adoption by the Committee of paying half-day per diem where appropriate.

[2] Consultant services (i.e., medical, ballistics, fingerprinting, handwriting and forensic experts) were reduced to $46,250 by reducing the estimated use by 25% and the cost of trips by $100.

[3] Witnesses' expenses were reduced $33,900 by reducing estimated use by 25%, the cost of trips by $100, and the cost of witnesses' security by 50%.

[4] Stationery and supplies were reduced $32,000 based on our prior experience.

[5] Telephone and telegraph were reduced $245,000. Local service at $50,000 to be absorbed by Committee on House Administration. Long-distance telephone calls were reduced $195,000. Current experience shows an average cost of $2.50 per call compared with $5 in original budget.

[6] Equipment—purchase has been reduced by $23,750. Of this amount, $5,750 was purchased in December, 1976, against 94th Congress funds and $18,000 for polygraphs, stress evaluators and mini-recorders, were eliminated from the budget.

[7] Equipment—lease has been reduced by $112,000. Computer services expenses of $100,000 are to be absorbed by the Committee on House Administration and one Xerox copier at $12,000 has been eliminated from the budget.

[8] Reproductions, Printing and Graphics were reduced by $7,000 based on better budget information.

[9] Books and Periodicals were reduced $3,000 due to purchases in December, 1976, against 94th Congress funds.

TIME TO INVESTIGATE BLOODSHED IN CAMBODIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. DICKS) is recognized for 5 minutes.

Mr. DICKS. Mr. Speaker, recently we have seen much commentary in the press about the deteriorating situation in the African nation of Zaire. I have watched with interest the new Secretary of State request additional assistance for the beleaguered nation of Zaire from the House International Relations Committee. His testimony and the comments of committee members remind me of something many of us seem to have long forgotten.

It was not quite 2 years ago that a different Secretary of State went before the same committee to request additional assistance for the faltering Government of Cambodia. Each of us knows the rest of the story—assistance was denied, the shaky Cambodian Government fell, and the new Khmer Rouge government took power.

Because of our support of the failing Lon Nol government, the United States today has absolutely no influence with the new Cambodian Government. Indeed, Cambodia was conspicuously absent from the itinerary of President Carter's representatives sent to Southeast Asia to research the whereabouts of American POW's. This situation, of course, illustrates that we must be extremely careful in assisting shaky foreign regimes, both now and in the future.

But the most serious aspect of the Cambodian fiasco still remains. This most demoralizing facet concerns the treatment of the Cambodian population by the Khmer Rouge government since they took power. We hear almost daily of unimaginable atrocities committed by this government against its subjects. Many estimates, in fact, place as high as 1,000,000 the number of deaths connected with the brutal and savage acts of this government. These reports make the inhumane actions in Chile, Uganda, and the Soviet Union look pale by comparison.

With the refreshing emphasis on human rights being advanced by the Carter administration, I feel strongly that now is the time for the United States to become active diplomatically in trying to alleviate these merciless acts being committed by the Cambodian Government. Therefore, I am today calling on President Carter to act immediately and to explore any available means by which the United States can help to abate this terrible situation. I am also requesting that Chairman ZABLOCKI of the House International Relations Committee open a full-scale investigation of these atrocities and that the committee subsequently develop a plan by which the United States can aid in bringing world pressure to bear on the Khmer Rouge government.

Given our long overdue national commitment to the maintenance of human rights around the world, in all good conscience we cannot afford to stand by idly and watch as thousands more are slaughtered in violation of the most basic human right of all—the right to live.

MILK PRICES

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, at a time when the American consumer is being squeezed by increasingly higher prices, I am shocked that Agriculture Secretary Bob Bergland authorized an increase in milk price supports that could add a billion dollars a year to the costs of tax-

payers and consumers of dairy products. The administration's action increased by 9 percent, effective April 1, the price supports for manufacturing grade milk, which is used for butter, cheese, and nonfat dry milk. This action greatly exceeded the wishes of the National Milk Producers Federation which recommended only a 5-percent increase.

I deplore this exorbitant hike in milk supports which may cause retail milk prices to jump 6 to 8 cents per gallon. In addition, the price of butter may be increased by 10 cents a pound, and consumers may be faced with a 5 cents per pound increase in such products as cheese and nonfat dry milk.

The American taxpayer will face increased burdens in the cost of additional price supports while the American consumer has been forced to pay higher prices for milk products. The consumer takes the burden in two ways, higher taxes and higher prices. Since 1971, the average national retail price of milk has increased from approximately 57 to 83 cents per half gallon—a 46-percent increase.

In our concern over the well-being of our dairy industry, we must not forget the taxpayers and consumers who ultimately shoulder the burden in the form of higher prices.

THE CAREER EDUCATION ACT OF 1977

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. BLOUIN) is recognized for 5 minutes.

Mr. BLOUIN. Mr. Speaker, on Wednesday of this week, the House Education and Labor Committee approved by unanimous vote H.R. 7, the Career Education Act of 1977.

This is legislation which Committee Chairman CARL PERKINS and I cosponsored and introduced earlier this year; it is almost identical to the Career Education Act of 1976 which I introduced last year.

The legislation is specifically designed, as its introduction states:

> To assist States and local educational agencies in making education as preparation for work; and as a means of relating work values to other life roles and choices (such as family life), a major goal of all who teach and all who learn.

The bill is designed to achieve that goal "by increasing the emphasis they place in elementary and secondary schools on career awareness, exploration, decisionmaking, and planning."

The bill provides planning and technical assistance and limited financial aid to State and local school districts which choose, voluntarily on their own, to develop career education programs. Federal financial assistance, totaling $25 million in the first year, $100 million in the second year, $75 million in the third year, $50 million in the fourth year, and $25 million in the fifth year, would be totally phased out after 5 years.

I believe this is a commonsense approach to a serious and obvious need in today's society.

Even with the progress that we have made over the past decade and a half in education, and notwithstanding the very real and very substantial success of our vocational education programs at the secondary and postsecondary level, I am convinced that we have a long way to go in providing young people with the type of education and with the educational options which they need to function as meaningful, productive, and reasonably contented members of adult society.

Perhaps now, more than ever before, in a highly technical, postindustrial society, far too many young people have been abandoned by the educational process in recent years. These are young people who were never given meaningful exposure to the world of work, who were not adequately apprised of the aptitudes, skills, talents, and training which they need to find meaningful, productive jobs. These are young people who are, literally, dumped into the adult world unaware of what they want to do and unaware of what, in fact, they are equipped to do. As a result, they become both frustrated and angry. In far too many cases, they end up as unemployment statistics—or worse yet, as crime statistics.

The National Advisory Council for Career Education, in a report issued in November of 1975, spotlighted the problem and the reasons for it. Too many American students, the advisory council said, leave the educational system "deficient in the basic academic skills required for acceptability in today's rapidly changing society:"

> Too many students fail to see meaningful relationships between what they are being asked to learn in school and what they will do when they leave the educational system. Too many persons leave our educational system unequipped with the vocational tools, the self-understanding and career decisionmaking skills, or the work attitudes that are essential for making a successful transition from school to work.

The council's study found that American elementary and secondary education today best meets the needs of the minority of students who will someday attend college. But it fails, the report said:

> To place equal emphasis on meeting the educational needs of that vast majority of students who will never be college graduates.

It concluded that—

> American education has not kept pace with the rapidity of change in the post-industrial occupational society.

Some people have had objections to the council's report. It is strong language and it probably ruffles some feathers. But if we are really honest with ourselves, we cannot dismiss the council's basic conclusions. Even a cursory examination of our society today reveals the obvious results of an educational process which does not fully meet the needs of society at large.

It is apparent to those who examine the employment problems of recent high school graduates that there is a wide gap between the qualifications for work which those young people have and the qualifications required by the jobs which are available.

There are an unusually high number of younger workers who are either overeducated—and consequently bored by their jobs, if they are lucky enough to find jobs, or an unusually high number of workers who are undereducated—and consequently frustrated by their jobs, or their inability to find jobs they are qualified to perform. These young people do not lack skills or talent, but in too many cases they have been trained in areas where there are already more than enough qualified workers, or areas in which their skills are quickly becoming obsolete.

Consequently, it is no surprise that some 3.4 million Americans between the ages of 16 and 24 who are unemployed—that figure represents one-half of the Nation's total unemployed. It represents an unemployment rate for young people of 14.7 percent, almost three times the national jobless rate for older workers.

As one high Government official noted recently, in commenting on those statistics:

> The cost in terms of street crime and drug addiction and welfare payments and the sheer under-utilization of a national resource, is incalculable.

It is a high price to pay, not only in terms of crime and drug addiction and welfare costs, but in terms of general social alienation, family problems, and political apathy as well.

The director of the career education project at Rhode Island College, Dr. Ronald Esposito, put his finger on at least part of the problem when he testified before our House Subcommittee on Vocational Education earlier this year. The young people he talks to, Mr. Esposito said:

> Rarely can list more than 100 different career titles or have any concrete knowledge of either the cognitive or affective requirements of their tentative job choices. This, to me, is frightening. With over 30,000 job titles to choose from, how can these young people make valid choices if they only have superficial knowledge of 100 of these titles?

Therein lies the problem and I am convinced that meaningful, comprehensive, integrated career education programs are the most effective way of addressing that problem.

Career education is not a substitute for vocational education and it is not designed to replace vocational education.

Gene Bottoms, the president of the American Vocational Association, recognized that fact in his testimony before our House committee on March 1.

A meaningful career education program, starting early in the elementary grades, can give students a more accurate picture of the workaday world. It can give them a better idea of the wide variety of occupations and careers available to them in our society and it can give them a better assessment of the skills, talents, and training they need to fill those jobs.

In the later secondary grades career education can give students actual on-the-job experience; it can help them make more deliberate and final decisions—career decisions which are not an exercise in futility or a shortcut to frustration and unemployment.

I envision career education as an integrated and comprehensive approach to education at the elementary and secondary levels, an approach which utilizes

traditional academic learning and more contemporary vocational education training. It must be an approach which fuses the formal classroom, the "shop," and the community at large in a common educational experience which prepares young people for the realities of the workaday world in which everyone must live.

I envision career education as an approach which relies heavily on the input of local community leaders, businessmen, labor, and parents, as well as educators, does not restrict students' freedom to make career decisions, but actually expands the meaningful career options which they are free to choose.

The legislation which the House Education and Labor Committee passed just this week—the Career Education Act of 1977—embodies that approach. It does not mandate career education programs; it merely provides Federal assistance to States and local school districts which choose to develop such programs, the financial assistance for such programs will be deliberately phased out over a 5-year period.

The bill requires local advisory panels and State advisory panels to insure meaningful input from the entire community. And, in amendments which I introduced on Tuesday, and which the committee accepted, it tries to insure that career education will not be only one more "add-on" program coexisting outside or alongside traditional classroom programs or a poor relation of existing vocational education programs.

I think that is critically important. Career education will not work unless it becomes an integrated part of the present elementary-secondary curriculum. It will not work unless we view the purpose and the goal of present elementary-secondary programs in terms of career awareness, career preparation, and career experience in addition to character development, basic academic discipline, and simple common knowledge, which have always been the purpose of education at any level.

Finally, career education will not work if teachers and administrators, local school boards, business, labor, and civic officials do not help make it work. Individuals at the local level, both within and without the educational system have a wealth of background, knowledge, and experience which can be very valuable in the planning process for career education programs at the local level. That knowledge and experience will be essential in the implementation of successful career education programs. Once we enact this legislation. I hope these individuals will accept the challenge and the responsibility to assume a leadership role at the State and local level. Members of Congress—even exschool teachers—are not the best people to be designing education programs, and Federal bureaucrats are the last people we want telling local communities how to prepare students for meaningful careers.

I believe the concept of career education is good; it addresses some very serious problems in our economy. But it will fail unless people at the local level accept its challenge.

If there are no objections, Mr. Speaker, I would like to include a section-by-section summary of H.R. 7 in the RECORD and commend it to my colleagues' attention. This is legislation which I believe deserves our close and prompt attention. I am hopeful that my distinguished colleagues in the House of Representatives, after studying the merits of H.R. 7, will join Chairman PERKINS and me in our support for this legislation.

Mr. Speaker, the section-by-section summary of H.R. 7, the Career Education Act of 1977, follows:

SUMMARY OF H.R. 7 AS REPORTED BY THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

Section 1. The title of the Act is the Elementary and Secondary Career Education Act of 1977.

Section 2. This section contains the statement of purpose of the Act which is to assist States and local school districts in making education for work, and as a means of relating work values to other life roles, a major goal of the schools. The schools are also encouraged to promote equal opportunity by eliminating bias and stereotyping on the bases of sex, race, and physical handicap.

Section 3. This section authorizes the career education program for five fiscal years at the following levels: $25 million for the first year; $100 million for the second year; $75 million for the third year: $50 million for the fourth year; and $25 million for the fifth year. This section also requires that appropriations under the Act be provided in the year preceding that in which they are to be spent and makes funds provided under the career education demonstration program contained in the Education Amendments of 1974 available for postsecondary institutions when appropriations are provided to carry out this Act for elementary and secondary schools.

Section 4. This section distributes the appropriations under the Act among the States on the basis of each State's population with a minimum grant of $100,000 for each State. Three percent of the funds are set aside for Puerto Rico and the outlying areas.

Section 5. This section contains the requirements which States have to meet in order to receive funding under the Act for the first year. These requirements include provisions making the State educational agency the administering agency, requiring the State legislature and the Governor to be notified of the State's application, requiring that the programs assisted under this Act be coordinated by a person (designated as a State coordinator for career education) who has prior experience in the field of career education, requiring a maintenance of State and local effort for career education, requiring the employment of necessary staff including one professional trained in guidance and counseling and person(s) experienced in problems of discrimination and stereotyping in career education due to sex, race, and physical handicap, and requiring that 15% of the funds be used for guidance and counseling activities.

Section 6. This section requires each State desiring funds to submit a State plan to the Commissioner of Education during the first year in which they are receiving funds. This plan must set out the objectives the State will seek to achieve during a five-year period with all the resources available to it and describe how the funds available under this Act will be used to achieve those objectives. This plan must also set forth procedures the State will follow to assure equal access of all students, including boys, girls, and persons with physical handicaps, to career education.

Section 7. This section sets out the authorized uses of funds made available under this Act. These uses include employing necessary State staff, providing State level programs and making grants to local school districts for comprehensive programs of career education encompassing a wide range of activities. Private school children and their teachers must be involved in these activities on an equitable basis. Organizations representing women, minorities, and persons with physical handicaps are to be involved in collaborative arrangements for career education at both the State and local level.

Section 8. This section deals with the requirements concerning payments under the Act. These requirements include provisions limiting States to no more than 5% of the funds under the Act for administrative purposes and to no more than 10% of the funds for State level programs. The remainder of the funds must be distributed to local school districts. States are also required to match these administrative and program funds by increasing percentages over the five years of the State plan.

Section 9. This section designates the Office of Career Education as the administering agency within the U.S. Office of Education for the program provided for in the Act. This office is charged with asserting a national leadership role in career education as well as with administering the Act. The existing National Advisory Council on Career Education is given the same duties as regards the program under this Act as it has for the career education demonstration program authorized by the Education Amendments of 1974. However, the membership of the Council is broadened to include business and labor representatives and members of minority groups knowledgeable with respect to job discrimination, women knowledgeable with respect to sex discrimination, and persons knowledgeable with respect to discrimination due to physical handicap. The National Institute of Education is to continue its complimentary work in career education.

Section 10. This section deals with the reports which must be made under the Act. The States must submit to the Commissioner an annual report showing the uses of their Federal funds and evaluating the programs funded under the Act; and the Commissioner must send back to the States an analysis of this report and recommendations for improvement. The National Advisory Council must submit an annual report to Congress evaluating the effectiveness of the programs, and the Commissioner must submit a report to the Congress by September 30th of the fourth year of the program analyzing the programs assisted under the Act.

Section 11. This section defines the terms used in the Act, including "career education" and "work".

LET US NOT FORGET THE HEALTH NEEDS OF OUR SENIOR CITIZENS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today my friend and colleague, Congressman CLAUDE PEPPER, and I are reintroducing H.R. 453, the Koch-Pepper National Home Health Care Act of 1977. There are now 69 House cosponsors of this important legislation. This bill would extend supplemental medical insurance benefits to cover home health services. Home health care has been shown to be a cost-effective alternative to institutional care; in addition, a home health care program would allow our elderly citizens who require health care the choice of remaining in their own homes and communities if they so desire. I am

appending a list of the cosponsors of H.R. 453 to this statement.

In addition, we are reintroducing H.R. 452, the Koch-Pepper Improvement of Nursing Home Regulatory Procedures Act of 1977, which now has 66 cosponsors. This bill seeks to increase the accountability of nursing home administration and to provide for effective assessment of the progress of long-term care patients under both the medicare and medicaid programs.

Mr. Speaker, recently the Congress has been focusing on efforts to reform the administration of our health care programs under medicare and medicaid. This current assessment is important and long overdue. At the same time, the Congress must continue in its efforts to develop new approaches in improving the quality and accessibility of health care in the United States. The bills that we have reintroduced today are proposals to provide better and more effective health care for our senior citizens. Our goal is to tighten the controls on the Federal investment in the medicare and medicaid programs, and also to expand creatively and efficiently the administration of those health services.

The list of cosponsors follows:

LIST OF COSPONSORS OF H.R. 453, KOCH-PEPPER HOME HEALTH CARE ACT OF 1977

Hon. Glenn M. Anderson, California.
Hon. Herman Badillo, New York.
Hon. Max Baucus, Montana.
Hon. Edward Beard, Rhode Island.
Hon. Mario Biaggi, New York.
Hon. Jonathan B. Bingham, New York.
Hon. Michael T. Blouin, Iowa.
Hon. David E. Bonior, Michigan.
Hon. William M. Brodhead, Michigan.
Hon. Charles J. Carney, Ohio.
Hon. William Clay, Missouri.
Hon. Cardiss Collins, Illinois.
Hon. John Conyers, Jr., Michigan.
Hon. Ronald V. Dellums, California.
Hon. Charles C. Diggs, Michigan.
Hon. Thomas J. Downey, New York.
Hon. Robert F. Drinan, Massachusetts.
Hon. John J. Duncan, Tennessee.
Hon. Robert W. Edgar, Pennsylvania.
Hon. Don Edwards, California.
Hon. Joshua Eilberg, Pennsylvania.
Hon. Dante B. Fascell, Florida.
Hon. Hamilton Fish, New York.
Hon. James J. Florio, New Jersey.
Hon. William D. Ford, Michigan.
Hon. Benjamin A. Gilman, New York.
Hon. Tom Harkin, Iowa.
Hon. Michael Harrington, Massachusetts.
Hon. Augustus F. Hawkins, California.
Hon. Elizabeth Holtzman, New York.
Hon. James J. Howard, New Jersey.
Hon. William Hughes, New Jersey.
Hon. Henry Hyde, Illinois.
Hon. Martha Keys, Kansas.
Hon. Peter H. Kostmayer, Pennsylvania.
Hon. William Lehman, Florida.
Hon. Norman F. Lent, New York.
Hon. Clarence D. Long, Maryland.
Hon. Matthew F. McHugh, New York.
Hon. Helen S. Meyner, New Jersey.
Hon. Barbara A. Mikulski, Maryland.
Hon. Norman Y. Mineta, California.
Hon. Joe Moakley, Massachusetts.
Hon. Austin J. Murphy, Pennsylvania.
Hon. Stephen L. Neal, North Carolina.
Hon. Robert N. C. Nix, Pennsylvania.
Hon. Richard Nolan, Minnesota.
Hon. Edward J. Patten, New Jersey.
Hon. Nick Joe Rahall, West Virginia.
Hon. Charles B. Rangell, New York.
Hon. Frederick W. Richmond, New York.
Hon. Matthew J. Rinaldo, New Jersey.
Hon. Peter W. Rodino, New Jersey.
Hon. Fred B. Rooney, Pennsylvania.
Hon. Benjamin S. Rosenthal, New York.
Hon. Edward R. Roybal, California.
Hon. Marty Russo, Illinois.
Hon. Leo J. Ryan, California.
Hon. Fernand J. St Germain, Rhode Island.
Hon. James H. Scheuer, New York.
Hon. Louis Stokes, Ohio.
Hon. Richard A. Tonry, Louisiana.
Hon. Paul E. Tsongas, Massachusetts.
Hon. Morris K. Udall, Arizona.
Hon. Henry A. Waxman, California.
Hon. Theodore S. Weiss, New York.
Hon. Charles H. Wilson, California.
Hon. Gus Yatron, Pennsylvania.
Hon. C. W. Young, Florida.
Hon. Leo C. Zeferetti, New York.

LEGISLATION TO AMEND U.S. GRAIN STANDARDS ACT

(Mr. SEBELIUS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, I have introduced a bill today, cosponsored by 17 of my colleagues in the House, "to amend the U.S. Grain Standards Act with respect to recordkeeping requirements and supervision fees, and to establish an advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service; and for other purposes."

This bill is identical to S. 1051, reported favorably by the Senate Committee on Agriculture, Nutrition, and Forestry on March 18, 1977. It is similar to a bill I introduced earlier in this session, H.R. 3369; however, the House Committee on Agriculture has not yet held hearings on this matter.

The short explanation which follows, taken from Senate Report No. 95-60, accompanying, S. 1051, provides a brief overview of the Senate bill:

The bill being reported by the Committee is designed to facilitate and improve the implementation of the amendments made in 1976 to the United States Grain Standards Act by Public Law 94-582. Under the bill—

(1) A committee would be established to advise the Administrator of the Federal Grain Inspection Service on the implementation of the 1976 Act. The advisory committee—which would be composed of twelve members, representing farmers, consumers, and all segments of the grain industry—would terminate at the end of eighteen months following the date of enactment of the bill.

(2) The requirement that grain merchandisers and elevator operators using grain inspection or weighing services under the United State Grain Standards Act maintain certain itemized types of records of their operations for a five-year period would be eliminated. Instead, they would be required to keep only such records and for such period of time as the Administrator of the Federal Grain Inspection Service prescribes for the purpose of administering and enforcing the Act.

(3) Effective October 1, 1977, the authority for the charging of fees for the Federal supervision of grain inspection and weighing under the United States Grain Standards Act would be repealed. This activity would be funded by appropriations.

(4) Several technical amendments would be made to the United States Grain Standards Act and the 1976 Act.

(5) Effective May 1, 1977, the subclassing of hard red winter wheat under the United States Grain Standards Act would be prohibited.

I am in complete agreement with the Senate committee with respect to items numbered 1, 2, and 3.

As to item numbered 4, the so-called technical amendments to the U.S. Grain Standards Act, as amended in 1976, I believe there is some question as to whether or not some of the technical amendments are not in fact amendments of substance which should be subject to some further examination by the House Committee on Agriculture. I am specifically concerned with some of the amendments of section 4 which relate to "official weighing" and "supervision and weighing."

I am also generally in favor of the language in the bill—section 6—relating to the subclassing of hard red winter wheat. I approve of the concept of replacing the dark hard vitreous—DHV—grading inspection process with a standard whereby purchases are based on protein content determined by laboratory analysis rather than the subjective color judgments of Federal Grain Inspection Service inspectors.

I also wish to call the attention of my colleagues in the House to the following information obtained from the U.S. Department of Agriculture which reflects that the Federal funding support—through appropriations—provided for in this bill is consistent with the relationship between fees and appropriation funding provided other commodity or products inspected by the Federal Government.

FUNDING FOR INSPECTION AND GRADING BY USDA OF COMMODITIES OTHER THAN GRAIN

[In millions of dollars]

Commodity	From user fees	From appropriations
Cotton	0.2	8.0
Tobacco	.8	5.0
Livestock	16.3	240.0
Fruits and vegetables	15.6	.6
Poultry	9.0	.03
Eggs	.2	5.5
Dairy	3.0	None

Source: Agricultural Marketing Service and Plant Health Inspection Service of the U.S. Department of Agriculture.

I urge my colleagues to support this bill, the principal provisions of which are needed to make some badly needed corrections to the Grain Standards Act of 1976—some provisions of which it now appears were improvidently included in that bill. In addition, 6 months of operation under the 1976 act by the Federal Grain Inspection Service and those who are regulated under that act dictate these changes.

BAKE AND TAKE DAY

(Mr. SEBELIUS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, in January of this year, I introduced a resolution that would, by proclamation, make the fourth Saturday in March, National Bake and Take Day. I regret consideration of this resolution has not taken place and that this observance this coming

Saturday is not "official" by Presidential proclamation.

However, this Saturday, Bake and Take Day will be observed in various ways in at least 18 States. I would call to the attention of my colleagues the following information.

As a reminder of the importance of wheat foods in our lives, and to personally deliver fresh bakery products to the elderly, ill and shut-in, the Kansas Wheathearts, auxiliary of the Kansas Association of Wheat Growers have initiated a Bake and Take Day. Since its inception in 1971, the event has grown to national proportions. Some 18 States now observe this day by gubernatorial proclamation and many varied activities.

Over the centuries, wheat bread has become known to mankind as the "staff of life," because of man's dependence upon it. The reverence in which men held wheat and bread over the ages still lives in the Lord's Prayer and in the wafers of the Eucharist. In the Hebrew faith, the eating of unleavened matzoth during Passover also marks the significance of bread in religion.

So many foods today are made from or contain wheat that we take it for granted, an accepted and often unnoticed part of our daily meals. One bushel of wheat will provide about 70 loaves of whole wheat bread and more than 40 million loaves of bread are sold in the United States each day along with a myriad of wheat food products.

The United States is by far the world's leading exporter of wheat and flour, thereby supplying nutritious food to multitudes around the globe. Kansas is easily the leading producer of wheat and plays a major role in this humanitarian endeavor.

I realize many such events or programs have been "proclaimed" by this body in the past and that some of my colleagues feel such proclamations of no real significance. Let me say, national proclamation or not, this particular observation is most worthwhile.

The citizens involved with Bake and Take Day state it will work on a national scale because we have the agriculture abundance and because this type of program enables volunteers to truly demonstrate compassion through personal contact with no cost to the taxpayer and with little or no redtape. In Kansas, and in many other States, this program has rekindled the spirit of voluntary participation and Christian sharing with those who are less fortunate.

As many States in our Nation observe this program this Saturday I commend to the attention of my colleagues the following fact sheet on Bake and Take Day published by the Kansas Wheathearts:

FACT SHEET

Project.—To promote the Fourth Saturday of March as Bake and Take Day in Kansas and throughout the nation.

Purpose.—To show concern and thoughtfulness for others and promote wheat.

Bake.—Bread, cookies, cake, and pies.

How to participate.—As an individual or through a club, civic organization, church group, and 4–H Clubs.

Suggestions.—A short personal visit when you deliver your gift will mean much to the recipient.

If you would like to go to a nursing or convalescent home, perhaps a club or similar organization could take part, thereby providing for all of the residents of the home. A phone call would provide you with the number of residents and also let the home know that you are coming. Special arrangements can be made for diabetic cookies without sugar. The rest homes also discourage coconut, chocolate, and nuts.

For Meals-on-Wheels, contact the chairman and make arrangements for the gift to be delivered with the daily meal.

Don't forget the individuals who live at home and would appreciate a gift and a visit from you on Bake and Take Day.

WHY NOT

Is there someone near you?
Someone who's all alone?
Why don't you try the Wheatheart plan
And call them on the phone?

Just tell them you'll be over
And bring them bread or cake,
Then give to them a cheery smile
And you've done "Bake and Take."

The Wheatheart Bake and Take Day
Was planned so all who care
Could share their many blessings
With the less fortunate everywhere.

Why don't you join the Wheathearts?
Bake cookies, pies or bread.
Make friends or neighbors happy
And lots of sunshine spread.

God gives us the privilege
Of helping others along the way;
So why not join the Wheathearts
On their Bake and Take Day.

—Mrs. Frieda Worthington, *Burrton, Kans.*

If you participate in this observance, we would appreciate hearing from you, so that your group and state will be recognized as a participant.

If you desire further information, please write: Kansas Wheathearts, 900 East 23rd Street, Hutchinson, Kansas 67501.

MAJORITY WHIP JOHN BRADEMAS REPORTS ON RECORD OF 95TH CONGRESS

(Mr. WRIGHT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, our colleague, and distinguished majority whip, John Brademas, today made an outstanding report on the record of the 95th Congress. Speaking to the National Democratic Club, John summarized all of our considerable achievements to date, and he projected our course for the immediate future. I commend his statement to all Members, and I insert it in the Record so that they may have a chance to read it in full:

Remarks of Congressman John Brademas of Indiana, House Majority Whip, Before the National Democratic Club, Washington, D.C., March 24, 1977

I am delighted to be with you here today. It's always a pleasure to speak to friends at the National Democratic Club. That is especially true this spring when the national capital is blooming with cherry blossoms, magnolias—and Democrats.

I don't need to tell you what a tremendous difference it makes to all of us in Congress to have a friend at the other end of Pennsylvania Avenue. The new working partnership—which is itself blooming—is a welcome relief from the past eight years of Republican negativism in the White House, when Congress carried on alone in the people's behalf.

This year beneficial new legislation is blooming too. Congress is off to one of its best starts in history. If we keep up this pace—and I believe we will—the 95th will establish itself as one of the great Congresses of history.

As you can hear, not all of us in Washington have learned to talk southern. Yet. But I am reading the book.

Let me, at the outset, say that I bring you greetings from Speaker Tip O'Neill on behalf of the entire House Democratic Leadership. We have already had some busy and productive weeks in Washington, and if our achievements in Congress have been urged along with a shamrock and a shillelagh, it has been no accident.

I want to talk with you for a time today about this new—blessedly Democratic—era in Washington, and what it will mean. For it is clear that we are going to produce some major legislation in a relatively short time.

Even before this new Congress was well under way, Speaker O'Neill announced four major legislative goals that he wanted accomplished by July. They are economic stimulus, ethics reform, reorganization authority for the President, and energy policy. We are well along on all of them, which shows what you can accomplish when the White House and Congress are controlled by the same political party—provided, of course, that it is the Democratic Party!

Let me bring you up to date on where we are with these four critical issues, beginning with our number one priority—a legislative package to stimulate the economy out of its present doldrums of high unemployment, continuing inflation and a low rate of economic growth.

ECONOMIC STIMULUS

As you know, regular, face-to-face conclusion between the leaders of the legislative and executive branches has been going on virtually since the results of the November election were known. The Democratic leaders of the House and Senate and key committee chairman met with President-elect Carter and his advisers in Plains in December to plan the economic stimulus package that we are now promptly and systematically enacting into law. The entire nation can be proud of our performance here, less than 80 days into the new Congress and 63 into the new Administration.

The components of our economic stimulus program are tax cuts and jobs. The tax bill, passed by the House and now before the Senate, could be on the President's desk in two weeks and new tables will reflect those changes in your paychecks on May 1.

THIRD BUDGET RESOLUTION

Another major element of the stimulus package, already adopted by both Houses in final form, is the Third Budget Resolution, which acts as an umbrella for the rest of the economic recovery program. The resolution permits an increase in federal spending and a reduction in revenues sufficient to accommodate $17.5 billion worth of stimulus in fiscal 1977. The remainder of the stimulus will be included in the budget resolutions for fiscal 1978, which Congress will consider later this year.

The job side of our economic stimulus package requires at least two authorizing bills.

The first of these—H.R. 11, public works jobs—is already through both houses and in conference. This bill, as the House passed it, would triple the authorization—from $2 to $6 billion—for job-creating local public works. I should tell you that even that sum is small beside the backlog of $24 billion worth of applications from state and local governments. The bill would finance such projects as municipal offices, schools, libraries, water and sewer lines, streets and sidewalks, police and fire stations and similar needed local public facilities. To qualify

for a grant, project sponsors must be ready to start construction within ninety days. H.R. 11 is another candidate for enactment within the next two weeks.

CETA

The other major jobs bill will be an expansion of the Comprehensive Employment and Training Act of 1973—CETA. President Carter wants to increase the number of public jobs from the present 310,000 to 715,000 by the end of 1978. He intends to expand programs that emphasize training and job skills, and ha has also promised specific legislative recommendations by April 1 on three programs for youth.

Next Tuesday, the House will be voting on a simple one-year extension of existing CETA programs. The legislation for new initiatives will come later.

APPROPRIATIONS

Appropriations measures are following quickly upon the heels of the authorizations. As you know, the House last week passed and sent to the Senate two major appropriations bills totaling more than $51 million—almost half of it in funding targeted specifically for economic stimulus. The stimulus includes funds for the special $50 payments to low-income persons who do not qualify for a tax rebate, funds for public works jobs, for training and manpower programs, and, finally, $200 million to help low and moderate income persons with the high home heating costs resulting from the harsh winter.

The tax cut is intended to pick up the economy by increasing consumer purchasing power and thereby boosting demand.

The job creation measures are intended to follow up the tax stimulus and give us the kind of solid, sustained growth that will generate consumer demand, increase capital investment and mean still more job creation in private industry.

All this legislative action has been aimed at achieving what President-elect Carter and the Congressional Leadership agreed in Plains last December would be our first priority—economic recovery.

Let me tell you now what we have been doing, simultaneously, toward accomplishing the additional three goals of Speaker O'Neill—ethics reform, reorganization and energy.

ETHICS REFORM

The House has already adopted a strong new financial ethics code as part of the House rules. It was an outstanding victory for Speaker O'Neill, who had committed himself firmly to major ethics reform, and for all of us in the Leadership and the Whip organization who worked so hard to get it adopted.

The new code will be melded with the code being adopted by the Senate and will be given statutory authority by July.

REORGANIZATION ACT

You will recall that during the campaign Jimmy Carter made reorganization and streamlining of the federal government a major issue. Legislation giving President Carter such authority was reported by the Government Operations Committee last week, and is scheduled to be on the House floor Tuesday. Speaker O'Neill is firmly committed to giving the President what he wants on this issue.

The bill, in my judgment, will provide President Carter the broad authority he has requested to reorganize the federal government. In fact, all Presidents since Herbert Hoover—except President Ford—have had reorganization authority at the start of their Administrations. President Roosevelt made extensive use of it during the New Deal and World War II. President Truman used such authority to get the agencies back to peacetime status. Four Cabinet departments owe their creation or a substantial enlargement of their powers to reorganizations: Defense; Labor; Health, Education and Welfare; and Housing and Urban Development.

However, after President Kennedy tried and failed to set up a Department of Urban Affairs and Housing in 1962, Congress required that future Cabinet departments be established only by legislation. After a dispute with President Nixon on the creation of a Drug Enforcement Administration, Congress allowed authority for the President to reorganize the executive branch to expire in 1973.

My own judgment is that we will have sent a bill in final form to President Carter by late April or early May.

ENERGY

The fourth item on Speaker O'Neill's agenda is energy.

Part of the President's energy recommendations have already been sent to Congress. His proposal for a Cabinet-level Department of Energy is now under consideration. James Schlesinger, who will be nominated as the first Secretary of the new Department, consulted with us on the shaping of the legislation and the nature of the new department. Under the Administration proposal, the department will consolidate some fifty energy-related agencies, including the Energy Research and Development Administration and the Federal Power Commission.

But this will be only the first step on overall energy legislation. The President has promised to send up recommendations for a comprehensive energy policy by April 20. That effort will require separate legislation.

Both the President and Dr. Schlesinger have stayed in close touch with Speaker O'Neill on this issue and the Speaker will appoint a special ad hoc Committee on Energy to facilitate the consideration of this crucial legislation.

Energy policy, as complex as it is vital, is the knottiest problem we will face this year. I am sure, though, that we will be enacting major energy legislation in the 95th Congress.

OTHER ACHIEVEMENTS

Even as Congress moves on these four major goals, we have also compiled a considerable list of achievements in other areas—many of them the direct result of having Democrats at both ends of Pennsylvania Avenue.

Congress and President Carter, working together, have enacted new laws:

Authorizing the President to deal with the natural gas shortage during the January cold spell;

Appropriating $200 million in urgent disaster assistance for victims of drought last summer and cold last winter; and

Rescinding $453 million for nuclear naval vessels, indicating that Congress does not favor giant nuclear carriers.

Congress has sent to the President a bill increasing small business assistance by $1.4 billion.

The House has ordered a full-scale inquiry on relationships between Members of the House, their families or associates and the government of South Korea.

Both houses have passed and sent to conference a bill extending interest rate ceilings on savings accounts and modernizing federal credit union powers.

Last Monday, the House passed a one-year extension of unemployment compensation under the Federal Supplemental Benefits Program.

Despite all these achievements, we cannot permit ourselves to become overconfident, as yesterday's vote on situs picketing shows. We cannot take anything for granted. Any lost vote should serve to remind us that we must redouble all our efforts. I am confident that we will rapidly regroup and push ahead with the broad legislative initiatives we have undertaken.

Let me turn now from domestic matters to interantional relations, also the scene of a recent major triumph.

PRESIDENT CARTER SETS FOREIGN POLICY GOALS

The House and Senate on successive days last week passed and sent to the President a bill permitting him to halt the importation of Rhodesian chrome. He has signed the bill and has reimposed our sanction against minority rule in Rhodesia. This goal is one that had twice eluded Congress during the Republican Administrations. This year we were able to act rapidly and to give the President a strong platform for his outstanding statement to the United Nations last Wednesday.

You remember that President Carter in his United Nations speech enunciated these goals for the foreign policy of the United States:

"We will aggressively seek to control the weaponry of war;

"We will promote a new system of international economic progress and cooperation; and

"We will be steadfast in our dedication to the dignity and well-being of people throughout the world."

Arms control, international economic advance and human rights—these are to be the three principal thrusts of American foreign policy during the Presidency of Jimmy Carter. They carry out the policy objectives of the Democratic Party, objectives that have been spelled out by the last two Democratic Congresses.

And I can assure you that President Carter and the Democratic Congress mean business when we talk about human rights. I was at the White House last Tuesday at the congressional leadership meeting, when he repeated his commitment—emphatically, I might add. He told us again, as he said at the United Nations, that he will continue to speak out on the question of human rights.

One of the most encouraging aspects of the Administration of President Carter is his willingness to consult with the leaders of Congress on foreign policy as well as with Members concerned with specific foreign policy issues. I hope that this practice will continue, and what I have seen so far gives me reason to believe that it will.

In January 45 Members of the House and Senate, of whom I was one, spent seven hours with the President-elect and his top foreign affairs advisers at the Castle building of the Smithsonian Institution here. We went, as it were, on a round-the-world tour of major issues in American foreign policy. The President listened, as I say, for seven hours.

Now, Presidents don't generally like to listen, and they certainly don't like to listen to Senators and Congressmen. The Smithsonian conference would have been wholly unthinkable under Nixon, Ford and Kissinger. For Dr. Kissinger simply did not believe that Congress had any legitimate role in the shaping of American foreign policy.

PRESIDENT CARTER AND CONGRESS ARE COOPERATING

It is not only I: the entire Congress is getting along well with the new President. He seems eager to listen and willing to work with Congress.

This is one of the big reasons for all the fresh enthusiasm and optimism I see for the years immediately ahead. For I believe that we shall see a direct turnaround from the past eight years of running confrontation between the executive and legislative branches. Where once we had conflict, now we have cooperation. Where Republican negativism once checked the advances of a Democratic Congress, now there is a wholesome partnership between two branches agreed on the common goal of serving the people.

There are three principal reasons for my hope and optimism.

First, we have a new President, a Democratic President, and I cannot overstate the difference that makes. During the past two Republican Administrations, Congress had to challenge more presidential vetoes than ever before in our history. That was because no Presidents, ever before, had vetoed so much substantive legislation affecting so many millions of Americans in so many different ways.

Jobs, economic recovery, tax cuts, health care, housing, energy, education, school lunches, child day care, manpower, social services, farm bills, the environment—you name it; they vetoed it.

The second reason for my optimism lies in the makeup of the new Congress itself. In the House of Representatives, in particular, we have a young, active, increasingly well educated group of new Members.

Some 156 Members—more than a third of the House—have served one term or less. And 242 Members—well over a majority—were first elected in 1970 or more recently.

They joined a cadre of seasoned, longer-term Members who are both knowledgeable on national issues and schooled in legislative skills. So what we have in the 95th Congress is a fortuitous balance of new blood and experience. It is a combination that, in my judgment, will serve the best interests of the American people.

The third reason for my attitude of hope is that we have energetic new leaders in both houses of Congress. Speaker O'Neill and Majority Leader Jim Wright of Texas are both men of outstanding ability and dedication as is my Chief Deputy Whip, Dan Rostenkowski of Illinois. I count it an honor to serve with them on a leadership team that has already proved effective and that is providing vigorous guidance for the House.

In the Senate, the new Majority Leader, Senator Robert Byrd of West Virginia, and the new Majority Whip, Senator Alan Cranston of California, are already winning praise and admiration for their outstanding leadership.

In addition to the changes in composition and makeup, the new Congress is generally more self-assured about what it is doing and where it is going. We are functioning once again as a branch of government co-equal with the executive and the judicial, as the framers of the Constitution intended. Over the past several years, we have engaged in a continuing process of reform, in which we have made Congress more open, more accountable and more responsive to the public. We have made it more democratic—with a small "d"—and because of that we have made it more Democratic with a big "D."

CONCLUSION

These, then, are the reasons that I look ahead with such enthusiasm. You and I know that our country has gone through the tragedies of Vietnam, Watergate and the domestic violence of the sixties. But those days are behind us now.

Our new President is a man of exceptional ability; he is a man of first-class intelligence. He has a strong set of values, values in keeping with the highest traditions of the American people, and he is seeking to translate those values into the workings of government as it affects the people. President Carter knows who he is. He knows what he believes. His convictions, rooted in his religious faith, are genuine. Anyone who has talked to him over a period of months now—and I have had that opportunity—feels in him a sense of assurance, without arrogance.

That combination of intelligence and strong values, in my judgment, gives Jimmy Carter the potential of being a great President.

The kind of Congress I have described has the potential, too, of being a great one.

So here we are, in the spring of 1977, with a Democrat in the White House and Democrats in charge on Capitol Hill.

The problems we face are many. The challenges are real.

But with this kind of President and this kind of Congress, I believe that the years ahead can be bright, not just for the Democratic party but for the American people, whom our party serves.

INTRODUCTION OF BILL ON DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, in view of the recent experience we have had with close electoral counts in the Presidential race, I believe that the time has come for decisive action in order to eliminate the possibility of a winning Presidential candidate receiving a minority of the popular vote. I am now persuaded that the risk of an election going contrary to the popular vote is very real, and consequently we should move toward a direct election system, with a runoff if no candidate obtains 40 percent of the vote. Accordingly, I am today introducing a constitutional amendment to that effect.

Every close election in recent years has brought forth an outcry for a constitutional amendment to change the current system. The election of 1976 has been no exception. Jimmy Carter's relatively close electoral vote margin over former President Ford has again alerted us to the problems of our outdated system.

The results of the 1976 election presented the possibility that the former President could have gained an electoral victory while running behind his principal opponent in the popular vote. Had less than 8,000 of the voters of the States of Hawaii and Ohio voted for Ford instead of Carter, we would now have Ford in the White House—against the will of the majority of American voters. In addition, despite the ineffective third-party challenge of Eugene McCarthy, he too could have altered the results of the 1976 election. Had McCarthy been allowed on the New York State ballot, and had he drained away enough of Carter's votes to give the State to Ford, we would now have Ford as President.

In our present system, we vote for Presidential electors instead of the Presidential candidates themselves. Most of these electors, as opponents of electoral reform have pointed out, do vote for their party's candidate. One must consider the possibility, however, that some misguided elector, in the event of a close electoral count, may take it upon himself to cast a decisive electoral vote, regardless of his mandate to the contrary. As Senator DOLE pointed out in his recent testimony on this subject—

It just seems to me that the temptation is there for that elector in a very tight race to really negotiate quite a bunch * * *

In the most recent election, an elector who was pledged to Ford exercised his legal option, and voted for Reagan. If this were to happen on a wide enough scale to change the result, a serious crisis could confront the Government and the people of the United States.

The idea of entrusting the choice of the President to these electors, who are in most cases not known to the voters, and who may disregard the wishes of those who voted for them, is so deeply repugnant that it should no longer be tolerated as the basis of our electoral system.

An additional flaw in the present system is that the popular vote total of the losing candidate at the State level is totally disregarded in the State's electoral tabulation. In effect, millions of voters have thus cast meaningless votes, because the full voting power of that State, in terms of electoral votes, has been awarded to the opposing candidate. If a candidate receives one more popular vote than his opponent, he receives 100 percent of that State's electoral votes.

It is time for us to abolish this system, and to replace it with direct election, which is the only electoral system that can guarantee the election of the candidate winning the most votes. This would insure that the vote of every American is equal to all other votes that are cast.

Those of you who may be familiar with my past efforts in this area will notice that my suggestion is a significant departure from the proposal I put forth in 1968. At that time I felt it would be wise to maintain the State-by-State electoral vote, with a runoff in the event that no candidate received a majority of electoral votes. For two principal reasons, I refrained at that time from proposing direct popular election:

First. I felt the adoption of such an amendment by the Senate and its ratification by three-quarters of the States was most unlikely;

Second. I was concerned that the direct election system might permit a candidate with a large majority in one section of the country to prevail, even though that candidate ran second by relatively small margins in all other sections.

Point 2 is still a concern, but the risk does not seem very great, especially since candidate Jimmy Carter, although clearly identified as a candidate from the deep South, was successful also in some other areas. The experience of the 1976 election has satisfied me that the greater risk is that which I have already referred to; namely, the risk that the winner of the popular vote would not win the election.

As for my concern that a popular vote amendment will face hard sledding in the Senate and in the States, that concern remains. However, in spite of that, the House has an obligation to pass whatever amendment it considers to be wise. If this amendment again fails of adoption, we can consider what less drastic changes might be proposed that would eliminate the Electoral College, with its obvious faults, and would also eliminate the danger of a Presidential

election being thrown into the House of Representatives.

The proposal I am submitting is identical to a constitutional amendment offered by Mr. BAYH in the other House, Senate Joint Resolution 1. This bill abolishes the Electoral College and provides for the direct election of the President and the Vice President. If no canidate achieves 40 percent of the popular vote, a runoff election would be held between the two candidates who received the largest number of votes cast.

Once again we are in the postelection period where people are critical of the electoral process. I am especially encouraged that President Carter's administration has recently spoken out in favor of direct election. It is crucial that we remain alert to the undemocratic nature of our system. Before we forget about this problem for another 4 years, let us attend to this business now.

PROPOSED ADMIRALTY ISLAND NATIONAL PRESERVE

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, today I have introduced a bill to establish an Admiralty Island National Preserve in the State of Alaska. The people of Angoon, a Tlingit Indian village on Admiralty Island, have asked for help to preserve their ancient homeland through the establishment of a national preserve within the National Park System. I am pleased to respond to their request, in order to assure that the interests of Angoon are fully considered as the House takes up the disposition of Alaska's national interest lands this session. Admiralty, a 1-million acres, essentially untouched island in the Alexander-Archipelago of southeast Alaska, is one of the wilderness proposals in H.R. 39, the Alaska National Interest Lands Conservation Act of 1977. H.R. 39 addresses Admiralty Island for the first time and proposes to establish a wilderness area administered by the Forest Service. The measure I introduce today would provide another alternative for the committee to explore during our deliberations this year, in addition to a wilderness wildlife refuge alternative proposed by others, as we progress toward establishing national interest land dedications throughout the State of Alaska.

Admiralty Island and four other southeast Alaska areas are identified for wilderness area designation in H.R. 39—Yakutat Forelands, W. Chichagof-Yakobi Island, Stikine-LeConte, and Misty Fjords. Like Admiralty Island, all are exceptional areas. Admiralty Islands differs from them, however, in one very important respect: It is the historic and present home of the Indians of Angoon. For thousands of years these villagers have lived in harmony with nature on the island, taking what they need for survival from the surrounding waters and forests. Their dependence on these same lands and waters continues today, in the subsistence practices of the villagers.

Yet today, unlike the past, their island home is not secure. It is threatened by plans for large-scale, clearcut logging. Ironically, some of the logging is proposed by the urban Natives who reside in the predominantly non-Native communities of Juneau and Sitka. The Forest Service intends to log the rest of the island, with the timber and pulp destined primarily for shipment to Japan.

Given these threats, and frustrated at having their interests deliberately ignored by the Forest Service—and, most recently, the Interior Department—the people of Angoon and now asking us to review the Admiralty situation and take appropriate action.

It is sad to relate, Mr. Speaker, the history of official indifference shown toward the villagers of Angoon by the Forest Service. In 1968, after years of negotiations, the Forest Service signed a contract with U.S. Plywood Champion—now Champion Papers-International—for the largest single timber sale in U.S. history—8.75 billion board feet of timber over 50 years, with the first 15 years' production committed to Japan. Forested lands around Angoon were sold over the objections of the people of the village. Forests right down to the edge of Kootznahoo Inlet and Mitchell Bay near Angoon were destined for clearcutting on a tremendous scale, despite the fact that these same forests served as critical habitat for the fish and wildlife upon which the villagers then and still do depend.

Fortunately, Champion withdrew from the sale after years of a conservationists' lawsuit in the Federal courts. Angoon villagers, though not formally part of the lawsuit, supported the conservationists. No sooner was the Forest Service/Champion threat removed than a new dispute arose when the Department of the Interior in 1975 made withdrawals on Admiralty for land selections by the urban Native corporations of Juneau and Sitka. The withdrawals blanketed heavily forested land and bays surrounding Angoon's own selections. It has been contended that provisions of the act were intended to preclude selections on Admiralty by the two corporations, both of whom are separated from Admiralty Island by miles of open water and adjacent islands.

As a result of the withdrawals on the island, four lawsuits have been filed against the Department of Interior. The village of Angoon is challenging the location of withdrawals in subsistence areas near the village. The two urban corporations are also challenging the withdrawals, and are seeking withdrawals which allegedly would be even more damaging to Angoon's interests. And conservationists, represented by the Sierra Club, are again defending the island's incomparable natural values from noncompatible developments.

While protecting Admiralty Island and the interests of its native inhabitants, the bill, unlike H.R. 39, makes provision for the Juneau and Sitka urban native corporations, by requiring the Secretary of Interior to designate, for the benefit of those urban corporations, alternate lands of equal or greater value located elsewhere in southeast Alaska. However, I want to make it clear that it is not my intention, in introducing this bill, to interefere with any of these ongoing suits, or to influence in any way the orderly workings of the judicial process, or prejudice a decision of the court. In addition, I want to make it clear that we are not going to use this bill as a means of arbitrating controversies between Native regional or village corporations. However, now the people of Angoon have come to Congress with their proposal. They believe that unless they achieve permanent protection for the island, it will only be a matter of time before the clearcuts spread inexorably down to the boundaries of their land. They are convinced that it will not be sufficient to win their current lawsuit, because that will only mean a reprieve, and it would only be a matter of time before the Forest Service would return with new, separate timber sales designed to break their resistance to what they feel is the Service's intent to transform Admiralty into a tree farm for foreign timber corporations.

That is why they have come before us, Mr. Speaker, with their proposal for an Admiralty Island National Preserve. I am impressed. I think their is an imaginative approach, one basically consistent with H.R. 39, which proposes to designate Admiralty as a unit of the National Wilderness Preservation System. The villagers of Angoon currently would prefer the island to be a unit of the National Park System, and I can see some social and economic advantages in their suggestion not present in the Forest Service wilderness as proposed in H.R. 39. However, both approaches would achieve the same goal—the preservation in perpetuity of one of the most magnificent islands in the world. A third option which the committee intends to explore fully during our review of this spendid area is the possibility of Admiralty Island as a wilderness wildlife refuge in the National Wildlife Refuge System, as has been proposed by our distinguished colleagues, JOHN DINGELL and ROBERT LEGGETT.

In any event, we cannot fail to consider Admiralty's wildlife resources: It hosts the densest concentration of nesting American bald eagles in the Nation. Its shoreline is literally dotted with bald eagle nests. Its brown bear population is the largest in southeast Alaska and its habitat the finest in the Tongass National Forest. Numerous highly productive salmon streams drain the island, providing sustenance for the eagles, bears, numerous other fur-bearers and marine mammals, and the people of Angoon. Sitka Black-tailed deer roam the woods, and supply Angoon larders and those of sport hunters from around southeast Alaska. Kootznahoo Inlet hosts marine mammals, including upon occasion humpback whales.

Admiralty's recreational and scenic resources are also stunning. Its network of bays, inlets, salt-chucks, and fresh-water lakes, all readily accessible by boat and trail, make it unique in the Nation. Its scenery is such as to make the island the subject of numerous proposals for special national designation since the turn of the century.

Thus, Angoon's proposal is made in full recognition that Admiralty has the potential of being one of the finest wilderness park or wildlife refuge system units in the Nation and indeed in the world. At the same time, the villagers realize that such special designation would guarantee the highest possible degree of protection for their subsistence, archeological, cultural, and economic resources.

A survey conducted in February of 1976 showed that subsistence activities continue to play an important role in Angoon, both as a means of providing food and as a part of Angoon's cultural identity. Almost three-quarters of those interviewed—72 percent—said subsistence activities are an important reason for living in Angoon.

As an indication of their commitment to preserve the existing natural landscape surrounding their home, they propose to exchange their interests in their village-owned timber for volumes of timber of equal value located off Admiralty. Fee title to village lands would be retained.

Angoon's idea for trading out their timber interests is only one of the many fine ideas they have included in the bill I am introducing at their request today. Other provisions include tax incentives designed to provide the means for the villagers to retain the unique characteristics of their land without being penalized for nondevelopment, and ways to maximize the economic benefits to the village in conjunction with the preserve.

In summary, Mr. Speaker, this bill, if enacted, would realize our mutual goals of assuring that subsistence resources on public lands receive the best possible protection while at the same time permanently preserving outstanding natural values of national importance. I am confident that as part of our consideration of the national interest lands this session, we can resolve the longstanding controversy—as listed in the following chronology—over the fate of Admiralty Island, surely one of the most important and most threatened of all of Alaska's national treasures. Angoon's important contribution to our discussions and analysis of the Admiralty question is indeed welcome.

I include the following:

BRIEF HISTORY OF PUBLIC INVOLVEMENT ON ADMIRALTY ISLAND

1879-90—John Muir's, *Travels Through Alaska.*

1901—Teddy Roosevelt indorsed the "ABC" Islands (Admiralty, Baranof, and Chichigof) be placed in a brown bear refuge.

1909—Admiralty Island becomes Tongass National Forest.

1920-23—Speel River Pulpmill established and timber contract is on the Glass Peninsula on Admiralty Island. Bankrupt in three years.

1927—Crown Zellerback timber contract on West Admiralty—forfeited in 1 year.

1930—American Society of Mammalegists and New York Zoological Society propose Admiralty Island made an inviolate game sanctuary for brown bear.

1931—Stewart E. White proposed to the National Park Service that Admiralty Island be established as a national park.

1932—John Holsworth proposed to a special Congressional committee that Admiralty Island be established as a National Sanctuary.

1932—Sierra Club urged the National Park Service to investigate Admiralty Island for a national park.

1933—The United States Forest Service develops Admiralty Island for recreation use.

1940—United States Forest Service develops Admiralty Island recreation plan.

1955—Georgia—Pacific Sale made on Admiralty Island—forfeited.

1956—Frank Dufresene, long time director of the Alaska Game Commission, recommend that all of Admiralty Island be closed to logging and established as a national game management area.

1964—Stellar Society, later to become the Juneau Group of the Sierra Club recommends to the USFS for the 1964 Multiple Use Plan that Admiralty Island and Endicott River be wild areas.

1964—Ralph Young, Renowned guide, recommended Admiralty Island be established as a wilderness area.

1964—Multiple Use Guide for the Hongass National Forest commits over 98% of the commercial timber to intensive logging practices including Admiralty Island.

1960-69—USFS ignores public input and logging engineers plan the "multiple use" for Admiralty Island.

1969—U.S. Champion International is awarded the Juneau Unit Sale, which include Admiralty Island, after St. Regis forfeits.

1970—Territorial Sportsman Inc. propose the Wild Forests of Admiralty.

1970—Sierra Club vs. USFS to halt the Admiralty Island Timber Sale.

1974—Native land claims selections on Admiralty Island.

1975—US Champion International withdraws from contract with USFS.

1976-77—Kootznoowoo vs Kleppe the native village of Angoon located on Admiralty Island opposes the urban native selections on their island. Kootznoowoo favors Admiralty Island be designated a Wilderness area and feels the urban natives should file an EIS on their selections since it would effect their subsistence way of life.

1976-77—Goldbelt and Shee Atika vs Kleppe—these urban native corporations want to select on Admiralty Island and feel the lands they will receive elsewhere will be of less value.

1976-77—Sierra Club vs Kleppe—land other than on Admiralty Island could fill the need of the native corporations other than Kootznoowoo.

1977—Rep. Morris Udall introduces a d-2 Bill that establishes Admiralty Island, except the Kootznoowoo (Angoon Village) selection, into a Wilderness area.

1977—NPS attempts to get President Ford to establish Admiralty Island into a National Park through the antiquities Act.

INTRODUCING OF LOBBYING DISCLOSURE ACT OF 1977

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, today I am introducing the Lobbying Disclosure Act of 1977.

In the last Congress, both the House and the Senate passed lobbying disclosure bills as part of an effort to cleanse the legislative process. While the intent behind these bills was praiseworthy, I believe they ignored fundamental first amendment principles in their effort to bring about reform. The bill I am introducing today will provide for the disclosure of lobbying activities, but not at the expense of the individual's first amendment right to petition the government.

Although often portrayed as an evil influence on the legislative process, the lobbyist is exercising the constitutionally protected right to petition the Government for redress of grievances. The first amendment, which forbids abridgement of this right, confers broad immunity upon the activities of persons and organizations who attempt to present their points of view to elected officials. Our constitutional system puts great faith in the competition of competing ideas as the ultimate cleansing tool. As Chief Justice Charles Evans Hughes once wrote:

> The maintenance of the opportunity for free political discussions to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our Constitutional system. *Stromberg* v. *California*, 683 U.S. 259, 369 (1931).

The fact that the Constitution recognizes lobbying as a vital component of the democratic process does not mean that Congress is absolutely prevented from protecting itself against corrupting influences. However, because it seeks to regulate constitutionally protected activity, the efforts of Congress to protect itself must be as narrow as possible. I believe that these efforts must meet two principal tests:

First. The scope of activities covered must not be drawn so broadly that they sweep within the scope of regulation efforts to educate the general public, or segments of the public, on pending legislation. The Supreme Court has never sanctioned regulation of indirect efforts to influence the legislative or political process.

Second. Thresholds and deterrent effects must not be drawn so broadly that they sweep in organizations which are too small or whose lobbying activities are not widespread enough to affect significantly the legislative process, or on whom the burden of registration and reporting would fall so heavily that people would be frightened away from lobbying. Requirements which had this effect would directly abridge the right to petition the Government for redress of grievances.

None of the proposals presently before the Congress, including both the House-passed and Senate-passed versions from the last Congress, conform to these principles. My bill fulfills them both. It regulates only direct contacts with members, officers, and employees of the Congress. Activities aimed at informing the general public are not within the scope of the bill.

INDIRECT LOBBYING

American citizens must be allowed to indirectly exercise their first amendment rights without the threat of substantial criminal sanctions for failure to disclose and register their political literature with the Government.

The Supreme Court has never permitted Government regulation of such indirect efforts to influence the legisla-

tive or elective process. Decisions of the Court in both the Warren and Burger eras make it quite clear that the Court would strike down congressional efforts to regulate lobbying solicitations.

Lobbying solicitations typically include the efforts by organizations to require, encourage or solicit others to make direct contacts with Members of Congress or their staffs.

Restricting disclosure to direct lobbying activity provides Congress with information which the Supreme Court has said the Government may collect. Requiring disclosure of lobbying solicitations would cross over the boundary which now protects public advocacy of ideas from Government regulation.

DIRECT LOBBYING

The thresholds for triggering the act's obligations require substantial expenditures of money and time in directly contacting legislators or their staffs. Thus, only those groups who significantly affect the legislative process by direct lobbying activities will be forced to register and report.

The registration and reporting provisions are straightforward. Compliance will be relatively easy. Organizations which lobby must describe the organization, its size, and the amount of money it spends on lobbying communications. It must supply the names and salaries of its employees who lobby. It must identify any outside lobbyist hired by the organization and identify the issues on which that lobbyist works and the money which the lobbyist spends.

Under my bill, organizations would have to spend $2,500 a quarter on lobbying activities and either retain an outside lobbyist or have at least one salaried employee who spent 20 percent of his or her time lobbying.

It is only where groups are large enough to engage in lobbying on a sustained or widespread basis that the interest of Congress is sufficient to meet these criteria. My bill which requires the quarterly expenditure of $2,500 provides such a measure. Organizations of a size large enough to have one regularly salaried employee which then spends employee time or organization money in this amount are generally engaging in substantial lobbying and are well enough organized for the registration and reporting requirements not to be so bewildering, intimidating or costly that they would consider refraining from lobbying at all.

There is an additional reason why Congress should limit its regulation to lobbying activities of a certain size. In drafting the first amendment, the Founding Fathers sought to protect the ability of citizens to band together to petition their Government. Historically, public educational campaigns, which in part ask people to write to Congress, have been the key to the major social reform movements in this country, from the Revolutionary War to the Abolitionists and the civil rights movement to impeachment and Watergate. Such movements have begun small and gradually snowballed into forces for social change. The guarantees of the first amendment have given these citizens' movements breathing space in which to grow.

DISCLOSURE OF CONTRIBUTIONS

Believing that no individual should be forced to disclose his or her associational ties, my bill does not require organizations to disclose the identity of their members and contributors and the amount of their contributions.

Disclosure of members can have a significant deterrent effect on the free exercise of the right of association, especially for those individuals involved with unpopular causes.

The Supreme Court first recognized the right of associational privacy in *NAACP* v. *Alabama ex rel. Patterson*, 357 U.S. 449 (1968), where it reversed a conviction for contempt for failure to disclose the membership list of the NAACP. Speaking for a unanimous Court, Justice Harlan said the inviolability of privacy in group associations may in many circumstances be indispensable to the preservation of freedom of association.

The principle of the NAACP cases has been applied to other situations. In *Shelton* v. *Tucker*, 364 U.S. 479, (1960), the Court invalidated an Arkansas statute which compelled teachers to disclose all of their organizational affiliations for the past 5 years. And in *Talley* v. *California*, 362 U.S. 60 (1960), the Court ruled unconstitutional "on its face" a Los Angeles ordinance prohibiting the anonymous distribution of any handbill.

In Buckley against Valeo, the Supreme Court made it clear that it would not tolerate a contributor disclosure statute that affected the general funds of every conceivable general interest organization whose lobbying activities only make up a small percentage of its total effort. Said the Court:

> When it is an individual other than a candidate or a group other than a 'political committee' the relation of the information sought to the purposes of the Act may be too remote.

DISCLOSURE OF GIFTS

My bill also contains a greatly expanded provision on disclosure of gifts. The gifts provision is, indeed, at the heart of the bill. It is not vigorous advocacy of ideas which gives lobbying a bad name and which is perceived as corrupting. Rather, it is in the favors which lobbyists can lavish on elected officials which raise suspicions in the mind of the public. It is no accident that financial ethics code recently passed by Congress focused on outside money as the chief corrupting influence. My bill requires the disclosure of all gifts, direct or indirect, to a Member of Congress or his or her family. The obligation to disclose is placed upon both the Member of Congress and upon the lobbying organization.

Sixty days after the lobbying report information has been published in the Federal Register by the Comptroller General, each Congressperson and Senator must describe all gifts over $25 made to him or his or her staff or their immediate families.

ADMINISTRATION AND ENFORCEMENT

The Comptroller General is given power to enforce this act. He/she will attempt to rectify any possible violations first by advisory opinions and then by informal methods of conciliation. If this fails, the Comptroller General will then refer all possible violations to the Attorney General for appropriate action.

The Comptroller General also must publish periodic summaries of lobbying reports in the Federal Register.

SANCTIONS

A civil penalty of up to $5,000 may be imposed for a knowing and willful violation of the act as may a criminal penalty of up to $5,000 and 6 months.

For a knowing and willful falsification of data, a fine of up to $5,000 for each violation may be imposed.

The improper sale or use of report information will be subject up to a $10,000 fine.

CONCLUSION

If Congress insists on regulating lobbying as part of its effort to reform, then it must be sensitive to the prohibitions and limitations the Constitution places on its power to regulate the rights of individuals to freely associate and express political ideas. I believe:

First. Congress must not regulate indirect efforts to influence the legislative process.

Second. Congress must not regulate the lobbying activities of small, local organizations which have a light impact on the legislative process.

Third. Congress must not require the disclosure of contributors.

The regulation and disclosure of the above activities, I believe, would be found unconstitutional. On the other hand, my bill provides for the disclosure of lobbying activities within the contours of the Constitution.

Justice Brennan in *New York Times* v. *Sullivan*, 376 U.S. 259 (1969) wrote of a profound national commitment to the principle that "debate on public issues should be uninhibited, robust, and wide open." Believing in this principle, the Founding Fathers amended the Constitution to guarantee free speech and the right to petition the Government. In its quest for reform, Congress must not constrain these fundamental rights of the American democratic system.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JEFFORDS) to revise and extend their remarks and include extraneous matter:)

Mr. DUNCAN of Tennessee, for 5 minutes, today.

Mr. KEMP, for 5 minutes, today.

Mr. TRIBLE, for 30 minutes, today.

Mr. WHALEN, for 5 minutes, today.

Mr. BOB WILSON, for 5 minutes, today.

Mr. FINDLEY, for 5 minutes, today.

Mr. TRIBLE, for 1 hour, on March 28.

Mr. CLEVELAND, for 5 minutes, today.
Mr. MILLER of Ohio, for 5 minutes, today.
(The following Members (at the request of Mr. PANETTA) to revise and extend their remarks and include extraneous material:)
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. BINGHAM, for 10 minutes, today.
Mr. PREYER, for 5 minutes, today.
Mr. DICKS, for 5 minutes, today.
Mr. VANIK, for 5 minutes, today.
Mr. BLOUIN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
Mr. GONZALEZ, special order for 60 minutes, for Wednesday, March 30, 1977.
Mr. KOCH, to include extraneous material in his remarks during debate on H.R. 4991, National Science Foundation authorization.
Mr. RUDD, to include extraneous matter in his remarks on the bill H.R. 4991.
(The following Members (at the request of Mr. JEFFORDS) and to revise and extend his remarks:)
Mr. GILMAN.
Mr. CONABLE.
Mr. KEMP in seven instances.
Mr. RINALDO.
Mr. DERWINSKI in five instances.
Mr. WHITEHURST.
Mr. YOUNG of Florida in five instances.
Mr. MILLER of Ohio in five instances.
Mr. BOB WILSON in two instances.
Mr. FINDLEY in two instances.
Mr. PURSELL.
Mr. SYMMS.
Mr. ABDNOR in two instances.
Mr. FRENZEL in three instances.
Mr. MOORE.
Mr. DEL CLAWSON.
(The following Members (at the request of Mr. PANETTA), and to include extraneous material:)
Mr. BAUCUS in three instances.
Mr. MINETA.
Mr. BIAGGI in 10 instances.
Mr. GONZALEZ in three instances.
Mr. DANIELSON.
Mr. ANDERSON of California in three instances.
Mr. MCDONALD in three instances.
Mr. CARNEY in two instances.
Mr. ASHLEY.
Mr. HARKIN.
Mr. OTTINGER.
Ms. MIKULSKI.
Mr. TEAGUE in two instances.
Mr. RODINO.
Mr. WEAVER.
Mr. MURTHA.
Mr. DRINAN in 10 instances.
Mr. RICHMOND.
Mr. SIMON.
Mr. DE LA GARZA in 10 instances.
Mr. MOAKLEY in three instances.
Mr. HANNAFORD.
Mr. JACOBS.
Mr. ROGERS in five instances.
Mr. GEPHARDT.
Mr. CHAPPELL.
Mr. CONYERS.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 106. An act to provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sutained use, and for other purposes; to the Committee on Agriculture.

ADJOURNMENT

Mr. PANETTA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, March 28, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1092. A letter from the President, National Academy of Sciences, transmitting a report entitled "Perspectives on Technical Information for Environmental Protection"; to the Committee on Appropriations.

1093. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period March 15 to June 15, 1977, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

1094. A letter from the Acting Director, National Science Foundation, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1095. A letter from the Chairman, National Park Foundation, transmitting the Foundation's annual report for calendar year 1976, pursuant to section 10 of Public Law 90-209; to the Committee on Interior and Insular Affairs.

1096. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of January 1977, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on House Administration. Senate Concurrent Resolution 8. Concurrent resolution authorizing the printing of the committee print entitled "The Accounting Establishment" as a Senate document (Rept. No. 95-113). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 420. Resolution to continue the work of the Joint Committee on Congressional Operations by establishing a select committee of the House to perform the functions of such joint committee for the House with amendment (Rept. No. 95-114). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 441. Resolution providing for the consideration of H.R. 5045. A bill to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes (Rept. No. 95-115). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BADILLO:

H.R. 5559. A bill to amend the Housing and Community Development Act of 1974 to strengthen certain provisions relating to low- and moderate-income families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BAUCUS:

H.R. 5560. A bill to improve and strengthen disaster assistance programs for agricultural producers, and for other purposes; to the Committee on Agriculture.

By Mr. BINGHAM:

H.R. 5561. A bill to provide water to the five Central Arizona Indian Tribes for farming purposes, to settle their surface water rights, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM (for himself, Mr. UDALL, Mr. PHILLIP BURTON, Mr. FISH, Mr. HECKLER, Mr. BYRON, Mr. CORRADA, Mr. DE LUGO, Mr. FLORIO, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. MCHUGH, Mr. MILLER of California, Mr. MURPHY of Illinois, Mr. RUNNELS, Mr. SEIBERLING, Mr. TSONGAS, Mr. VENTO, Mr. WEAVER, Mr. WON PAT, and Mr. YATES):

H.R. 5562. A bill to authorize the establishment of the Eleanor Roosevelt National Historic Site in the State of New York, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL (for himself, Mr. DAVIS, Mr. COUGHLIN, Mr. BAUCUS, Mr. CORNWELL, Mr. CLEVELAND, and Mr. ROE):

H.R. 5563. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for services furnished by physician extenders; jointly to the Committee on Ways and Means and Interstate and Foreign Commerce.

By Mr. CARTER:

H.R. 5564. A bill to provide incentives and otherwise to encourage the utilization of home dialysis and to encourage early kidney transplantation under the renal disease program authorized under section 226 of the Social Security Act; to the Committee on Ways and Means.

By Mr. CAVANAUGH:

H.R. 5565. A bill to amend section 154 of title 23 of the United States Code to increase the national maximum speed limit; to the Committee on Public Works and Transportation.

By Mr. JOHN L. BURTON:

H.R. 5566. A bill to amend chapter 83 of title 5, United States Code, to authorize the retirement of employees after 30 years of service; to the Committee on Post Office and Civil Service.

H.R. 5567. A bill to amend the Internal Revenue Code of 1954 to permit individuals to deduct losses, resulting from drought, to family gardens and to residential property of the taxpayer; to the Committee on Ways and Means.

By Mr. DEL CLAWSON (for himself, Mr. ABDNOR, Mr. BAFALIS, Mr. BAUCUS, Mr. BEVILL, Mr. BLANCHARD, Mr. BOWEN. Mr. BROOMFIELD, Mr. BROWN of Ohio, Mr. BROYHILL, Mr. CEDERBERG, Mr. DON H. CLAUSEN, Mr. COCHRAN of Mississippi, Mr. DERWINSKI, Mr. DEVINE, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. ERLENBORN, Mr. ERTEL, Mr. FINDLEY, Mr. FRENZEL, Mr. FREY, Mr. GAYDOS, Mr. GILMAN, and Mr. GRADISON):

H.R. 5568. A bill to amend title 5 of the United States Code to establish a uniform procedure for congressional review of agency rules which may be contrary to law or inconsistent with congressional intent, to expand opportunities for public participation in agency rulemaking, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. DEL CLAWSON (for himself, Mr. HAGEDORN, Mr. HANNAFORD, Mr. HOLLAND, Mrs. HOLT, Mr. ICHORD, Mr. JOHNSON of Colorado, Mr. KETCHUM, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. LATTA, Mr. LOTT, Mr. LUJAN, Mr. MONTGOMERY, Mr. MURPHY of Pennsylvania, Mr. PEPPER, Mr. SAWYER, Mr. SEBELIUS, Mr. SISK, Mr. SNYDER, Mrs. SPELLMAN, Mr. STEED, Mr. STOCKMAN, Mr. TAYLOR, and Mr. TREEN):

H.R. 5569. A bill to amend title 5 of the United States Code to establish a uniform procedure for congressional review of agency rules which may be contrary to law or inconsistent with congressional intent, to expand opportunities for public participation in agency rulemaking, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. DEL CLAWSON (for himself, Mr. VOLKMER, Mr. WALKER, Mr. WALSH, Mr. WHITEHURST, Mr. BOB WILSON, Mr. CHARLES WILSON of Texas, Mr. WON PAT, Mr. WYDLER, Mr. YOUNG of Florida, Mr. YOUNG of Missouri, Mr. COLLINS of Texas, and Mr. CLEVELAND):

H.R. 5570. A bill to amend title 5 of the United States Code to establish a uniform procedure for congressional review of agency rules which may be contrary to law or inconsistent with congressional intent, to expand opportunities for public participation in agency rulemaking, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mrs. COLLINS of Illinois (for herself, Mr. RODINO, Mrs. SPELLMAN, Mr. FAUNTROY, Mr. MITCHELL of Maryland, Mr. FORD of Tennessee, Mr. SIMON, Mr. RICHMOND, Mr. FASCELL, Mr. WEISS, Mrs. KEYS, Mr. MOAKLEY, Mrs. CHISHOLM, Mr. STARK, Mr. MURPHY of New York, Mr. KOSTMAYER, Mr. SCHEUER, Mr. BONIOR, Mr. OTTINGER, Ms. MIKULSKI, Mr. HARRIS, and Mr. STEERS):

H.R. 5571. A bill to amend the Truth in Lending Act to require lenders to post current interest rates charged for various categories of loans to consumers; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. COLLINS of Illinois (for herself, Mr. CHARLES H. WILSON of California, Mr. MITCHELL of Maryland, Mr. MAZZOLI, Mr. HYDE, Mr. DRINAN, Mr. HOWARD, Mr. SCHEUER, Mr. FORD of Tennessee, Mrs. CHISHOLM, Mr. ROYBAL, Mr. BRODHEAD, Mr. NIX, Mr. CLAY, Mr. BADILLO, Mr. HEFTEL, Mr. MOAKLEY, Mr. BUCHANAN, Mr. OTTINGER, Mr. ROSENTHAL, Mr. CONTE, Mr. LENT, Mr. HOLLENBECK, Mr. PICKLE, and Mr. RICHMOND):

H.R. 5572. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once he marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN:

H.R. 5573. A bill to amend the Age Discrimination in Employment Act of 1967 to prohibit compensated involuntary retirement, and for other purposes; to the Committee on Education and Labor.

By Mr. CONABLE (for himself, Mr. CORCORAN of Illinois, Mrs. FENWICK, Mr. LONG of Maryland, and Mr. O'BRIEN):

H.R. 5574. A bill to amend title XVIII of the Social Security Act to establish a program of long-term care services within the medicare program, to provide for the creation of community long-term care centers and State long-term care agencies as part of a new administrative structure for the organization and delivery of long-term care services, to provide a significant role for persons eligible for long-term care benefits in the administration of the program, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. CORRADA (for himself, Mr. HAWKINS, Mr. BADILLO, Mr. ROE, and Mr. STEERS):

H.R. 5575. A bill to amend title 5 of the United States Code to prohibit the consideration of certain matters in the determination of cost-of-living allowances for employees stationed outside the continental United States; to the Committee on Post Office and Civil Service.

By Mr. DRINAN:

H.R. 5576. A bill to amend section 541 of title 28 of the United States Code to change the term of office and the manner of appointment and removal of U.S. attorneys and to repeal section 546 (relating to temporary appointments to vacancies by courts) of such title; to the Committee on the Judiciary.

By Mr. DEVINE:

H.R. 5577. A bill to amend the Communications Act of 1934 to provide that the Federal Communications Commission, in granting or renewing any radio or television broadcast license, may not take into account whether the applicant involved owns a daily newspaper which is circulated in the area to be served by the radio or television broadcast station, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of California:

H.R. 5578. A bill to regulate lobbying, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS of Indiana:

H.R. 5579. A bill to amend title II of the Social Security Act to increase to $5,000 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted an individual each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. HARKIN (for himself and Mr. NEAL):

H.R. 5580. A bill to establish a program for repairing and replacing unsafe highway bridges; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. HARRINGTON:

H.R. 5581. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. JEFFORDS (for himself, Mr. STARK, Mrs. COLLINS of Illinois, Mr. ROSENTHAL, Mr. MCCLOSKEY, Mr. PEASE, Mr. DOWNEY, Mr. COUGHLIN, Mr. LENT, Mr. BROWN of California, Mr. MCHUGH, Mr. DRINAN, Mr. STANTON, Mr. RYAN, Mr. SOLARZ, Mr. BEILENSON, Mr. STOKES, Mr. PATTERSON of California, Mr. EDWARDS of California, Mr. MAGUIRE, Mr. NOLAN, and Mr. SAWYER):

H.R. 5582. A bill to require a refund value for certain beverage containers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER (for himself, Mr. RAILSBACK, Mr. BEARD of Rhode Island, and Mr. VANDER JAGT):

H.R. 5583. A bill to require candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 5584. A bill to transfer from Federal to State courts jurisdiction to enter decrees requiring the transportation of students or teachers to carry out a plan of racial desegregation; and for other purposes; to the Committee on the Judiciary.

H.R. 5585. A bill to prescribe the conditions with respect to affirmative action programs of Federal grantees and contractors in complying with nondiscrimination programs, to prescribe the necessary requirements for a finding of discrimination in certain actions brought on the basis of discrimination in employment and to prescribe reasonable limits on the collection of data relating to race, color, religion, sex, or national origin, and for other purposes; jointly, to the Committees on the Judiciary, and Education and Labor.

H.R. 5586. A bill to establish a commission to study the results of and other questions relating to the racial integration of public schools and the use of school busing to achieve it; jointly, to the Committees on the Judiciary, and Education and Labor.

H.R. 5587. A bill to amend title II of the Social Security Act to repeal the earnings limitation for all workers age 65 and over and for other purposes; jointly, to the Committees on Ways and Means, Interstate and Foreign Commerce, the Judiciary, and Rules.

By Mr. LEDERER (for himself, Mr. FLOOD, Mr. MOORHEAD of Pennsylvania, Mr. MURTHA, Mr. KOSTMAYER, Mr. EILBERG, Mr. AMMERMAN, Mr. COUGHLIN, Mr. ERTEL, Mr. ROONEY, Mr. DENT, and Mr. MURPHY of Pennsylvania):

H.R. 5588. A bill to amend the Internal Revenue Code of 1954 to encourage manufacturing-related investments in any State which has an unemployment rate which exceeds the national unemployment rate; to the Committee on Ways and Means.

By Mr. LONG of Louisiana:

H.R. 5589. A bill to amend the Occupational Safety and Health Act of 1970 to exempt employers of 10 or fewer regular employees, to require the issuance of warnings to employers of 25 or fewer regular employees for the first instance violations, and to bar the assessment of penalties where fewer than 10 violations are cited; to the Committee on Education and Labor.

By Mr. MCDONALD:

H.R. 5590. A bill to amend the Communications Act of 1934 in order to recognize and confirm the applicability of and to strengthen and further the objectives of the first amendment to radio and television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN (for himself, Mr. MANN, Mr. BOWEN, Mr. WAGGONNER, Mr. MCEWEN, Mr. SOLARZ, Mr. JACOBS, Mrs. KEYS, Mr. GLICKMAN, Mr. ANDREWS of North Carolina, Mr. HEFNER, Mr. BAFALIS, Mr. YOUNG of Florida, Mr. DUNCAN of Tennessee, Mr. LEVITAS, Mr. DAN DANIEL, Mr. NICHOLS, Mr. JONES of Tennessee, Mr. BEVILL, Mrs. LLOYD of Tennessee, Mr. RONCALIO, Mr. FINDLEY, Mr. VANDER JAGT, Mr. KEMP, and Mr. MOORE):

H.R. 5591. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN (for himself, Mr. LOTT, Mr. JONES of North Carolina, Mr. JENRETTE, Mr. GEPHARDT, Mr. WALSH, Mr. BLOUIN, Mr. QUILLEN, Mr. HALL, Mr. COHEN, Mr. LE FANTE, Mr. KINDNESS, Mr. EDWARDS of Oklahoma, Mr. TUCKER, Mr. DAVIS, Mr. CORCORAN of Illinois, Mr. VENTO, Mr. ERTEL, Mr. GRASSLEY, Mr. ROUSSELOT, Mr. THONE, Mr. FLYNT, Mr. GIAIMO, and Mr. HOLLAND):

H.R. 5592. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Interstate and Foreign Commerce.

By Mr. MAZZOLI (for himself, Mr. EDWARDS of Oklahoma, Mr. HUGHES, Mr. FISHER, and Ms. OAKAR):

H.R. 5593. A bill to reform the method by which the pay for Members of Congress is determined; jointly, to the Committees on Post Office and Civil Service, and Rules.

By Mr. MEEDS:

H.R. 5594. A bill to suspend until the close of June 30, 1980, certain duties on calcined petroleum coke not commercially suitable for use as a fuel; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 5595. A bill to amend the Child Abuse Prevention and Treatment Act to prohibit the sexual exploitation of children and the transportation and dissemination of photographs or films depicting such exploitation; to the Committee on Education and Labor.

By Mr. NATCHER:

H.R. 5596. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE (for himself and Mr. STEED):

H.R. 5597. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator, and for other purposes; to the Committee on Ways and Means.

By Mr. PICKLE (for himself and Mr. LUJAN):

H.R. 5598. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by optometrists in the peer review and related activities authorized under such part; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. PRESSLER:

H.R. 5599. A bill to provide a program for an "Operation Bootstrap" for the American Indian in order to create meaningful jobs and to improve conditions among Indians and non-Indians on reservations and in other communities, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Ways and Means.

By Mr. RINALDO:

H.R. 5600. A bill to amend the Securities Act of 1933 and the Securities and Exchange Act of 1934 to require the Securities and Exchange Commission to regulate the issuance and trading of municipal bonds and similar securities; to the Committee on Interstate and Foreign Commerce.

By Mr. RISENHOOVER:

H.R. 5601. A bill to allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RODINO (for himself, Mrs. FENWICK, Mr. FLORIO, Mr. HOLLENBECK, Mr. HOWARD, Mr. HUGHES, Mr. LE FANTE, Mrs. MEYNER, Mr. MINISH, Mr. PATTEN, Mr. RINALDO, Mr. ROE, and Mr. THOMPSON):

H.R. 5602. A bill to amend the Internal Revenue Code of 1954 to encourage manufacturing-related investments in any State which has an unemployment rate which exceeds the national unemployment rate; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 5603. A bill to allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SEBELIUS (for himself, Mr. THONE, Mr. JEFFORDS, Mr. GRASSLEY, Mr. COLEMAN, Mr. MARLENEE, Mr. TRAXLER, Mr. ENGLISH, Mr. WINN, Mr. GLICKMAN, Mrs. KEYS, Mr. BEDELL, Mr. BROWN of Ohio, Mr. KINDNESS, Mr. ABDNOR, Mrs. SMITH of Nebraska, Mr. TONRY, Mr. SKUBITZ, and Mr. ANDREWS of North Dakota):

H.R. 5604. A bill to amend the U.S. Grain Standards Act with respect to recordkeeping requirements and supervision fees, and to establish an advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service, and for other purposes; to the Committee on Agriculture.

By Mr. SEIBERLING:

H.R. 5605. A bill to establish Admiralty Island National Preserve in the State of Alaska, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mrs. SPELLMAN (for herself and Mr. GORE):

H.R. 5606. A bill to amend the Public Health Service Act to provide health care services for pregnant adolescents before and after childbirth; to the Committee on Interstate and Foreign Commerce.

By Mrs. SPELLMAN:

H.R. 5607. A bill to amend section 459 of the Social Security Act to provide for consent by the United States to certain additional garnishment proceedings; to the Committee on Ways and Means.

By Mr. THONE:

H.R. 5608. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. WHITE:

H.R. 5609. A bill to authorize the Secretary of the Army to acquire certain private and State-owned lands in Texas, in exchange for Government-owned lands; to the Committee on Armed Services.

H.R. 5610. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rending services in interstate and foreign commerce; to reaffirm the authority of the States to regulate certain terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WEAVER:

H.R. 5611 A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. MAHON:

H.J. Res. 351. Joint resolution making further continuing appropriations for the fiscal year 1977, and for other purposes; to the Committee on Appropriations.

By Mr. BINGHAM:

H.J. Res. 352. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. JACOBS (for himself, Mrs. KEYS, Mr. BENJAMIN, Mr. COLLINS of Texas, Mr. DAN DANIEL, Mr. DERWINSKI, Mr. EDWARDS of Oklahoma, Mr. MANN, Mr. MARTIN, Mr. MATHIS, Mr. RONCALIO, Mr. SIMON, Mr. TRIBLE, and Mr. CHARLES WILSON of Texas):

H.J. Res. 353. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 354. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mrs. COLLINS of Illinois (for herself, Mr. CONTE, Mr. FAUNTROY, Mr. MITCHELL of Maryland, Mr. VAN DEERLIN, Mr. SIMON, Mr. ERLENBORN, Mr. FASCELL, Mr. WEISS, Mrs. CHISHOLM, Mr. DRINAN, Mr. SOLARZ, Mr. CLAY, Mr. OTTINGER, Mr. ROSENTHAL, Mrs. BURKE of California, and Mr. STEERS):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that the President should direct the U.S. Ambassador to the United Nations to take certain actions with respect to the protection of Namibia; to the Committee on International Relations.

By Mr. SARASIN:

H. Con. Res. 177. Concurrent resolution expressing the sense of Congress with respect to the Baltic States; to the Committee on International Relations.

By Mr. THOMPSON (for himself and Mr. DENT):

H. Res. 435. Resolution to extend the period during which payments from the contingent fund of the House may be made under House Resolution 11, 95th Congress; to the Committee on House Administration.

By Mr. DENT:

H. Res. 436. Resolution to provide for the administrative expenses incurred in concluding the business and activities of the former Select Committee on Professional Sports; to the Committee on House Administration.

By Mr. ADDABBO:

H. Res. 437. Resolution concerning committee hearings on the future telecommunications policy of the Nation; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNCAN of Tennessee:

H. Res. 438. Resolution expressing the sense of the House that no ban on saccharin should take effect without prior congressional approval; to the Committee on Interstate and Foreign Commerce.

By Mr. GAYDOS:

H. Res. 439. Resolution directing the Committee on International Relations to conduct hearings to determine the nature and extent of any U.S. involvement in the hostilities in Northern Ireland; to the Committee on Rules.

By Mr. THONE (for himself, Mr. CLAY, Mr. CLEVELAND, Mr. DAVIS, Mr. EMERY, Mr. KASTENMEIER, Mr. LAGOMARSINO, Mr. MICHEL, Mr. SEBELIUS, Mr. SIKES, and Mr. WINN):

H. Res. 440. Resolution to insure that the quality and quantity of free broadcasting service not be impaired; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

60. By the SPEAKER: Memorial of the Legislature of the State of Mississippi, relative to requiring the labeling of beef as to origin; to the Committee on Agriculture.

61. Also, memorial of the House of Representatives of the State of Arizona, relative to aircraft illegally crossing the international border into Arizona; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. YOUNG of Missouri introduced a bill (H.R. 5612) for the relief of Irene Hoffman, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

66. The SPEAKER presented a petition of the Radio Television News Directors Association, Washington, D.C., relative to the first amendment rights of the broadcast news media, which was referred to the Committee on Interstate and Foreign Commerce.

SENATE—*Thursday, March 24, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 12 meridian, on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, help us to turn from the feverish debate and tedious toil on codes of conduct, to hear Thy still small voice above the persistent sounds of the mob or the media. Guide us by the higher law of Mt. Sinai which cannot be improved or replaced. Make us worthy of the Nation's trust, not because of our rules, but because of what we are in soul and mind and character. Amid the draining duties of hassling hours renew our spiritual resources that we weary not nor fail in Thy purposes for the Nation.

In the Great Redeemer's name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 24, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Wednesday, March 23, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER VITIATING SCHEDULING OF H.R. 4876 FOR CONSIDERATION ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, at a meeting of the Committee on Appropriations earlier today the distinguished chairman of that committee, Mr. MCCLELLAN, asked that the order scheduling action by the Senate on H.R. 4876, the economic stimulus appropriations bill, for tomorrow be vitiated.

Senator YOUNG, the ranking member of the committee, was present, and Senator STEVENS, the Republican whip, was present also.

I have discussed this with the distinguished minority leader and I, therefore, ask unanimous consent, in deference to the chairman of the Appropriations Committee and the ranking member—and it was unanimous around the entire committee—that the order scheduling H.R. 4876 for tomorrow be vitiated.

Mr. BAKER. Mr. President, the majority leader is correct, there is no objection on our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time.

NEED FOR A DEMONSTRATION CENTRIFUGE ENRICHMENT PLANT

Mr. BAKER. Mr. President, one of the greatest problems facing our country is what has come to be known as the great energy crisis. The oil embargo of 1973 and the severe winter of 1977 have combined to show how vulnerable our economy, our health, and even our national security can be without an adequate supply of energy.

With that in mind, we should remember that while natural gas curtailments were bringing industry to its knees last winter, nuclear power plants went beyond all expectations to help meet the highest peak-load demand for electricity in U.S. history. As the energy needs of the Nation continue to expand, the need to increase its capacity to produce enriched uranium will become increasingly critical.

Most of us here know that natural uranium must be enriched before it can be used as fuel for light water reactors. Almost 9 percent of the electrical generating capacity of the United States is now supplied by 63 light water reactors. The problem is that the capacity of our three enrichment facilities is fully committed to fuel reactors which are operating or under construction. Construction decisions are becoming urgent because it is estimated that it will take 6 to 9 years to bring new enrichment plants on line.

The adequacy of enrichment capacity within the United States has serious implications for our efforts to control the proliferation of nuclear weapons. In the past, the United States has been an assured supplier of enriched uranium to other nations. This policy has served as a safety valve on weapons proliferation, because it eliminated the need for other countries to build their own enrichment facilities to supply their power reactors. Unfortunately, possession of an enrichment facility provides a country with a potential to make nuclear weapons. Furthermore, if countries question the dependability of the United States as a supplier of enriched uranium, they may be forced to consider the plutonium recycling option.

Mr. President, my colleagues may have noted the release, Monday, of a Ford Foundation study entitled "Nuclear Power Issues and Choices." I disagree with many of the conclusions reached in this report and will comment on specific points in more detail at a later time. However, I do concur with the recommendation of the report that the United States must expand its uranium enrichment capacity. According to the report, this will offer the world an alternative to a plutonium economy.

The present enrichment capacity of the United States consists of three gaseous diffusion plants, which are located at Oak Ridge, Tenn., Portsmouth, Ohio, and Paducah, Ky. They are based on technology that was developed during World War II, they are among the world's largest industrial facilities, and they are voracious consumers of electricity. A limited attempt to fill the enrichment gap has been made in the proposed add-on to the Portsmouth, Ohio, gaseous diffusion facility. It is clear, however, that a

more substantial expansion program is necessary if we are to satisfy in 1984 foreign and domestic enriched uranium commitments.

Fortunately a new enrichment technology, based on the gas centrifuge has been under development since the 1960's. Gas centrifuge technology offers the possibility of lower enrichment costs and the advantage of using only 15 to 25 percent of the electricity that is required by the older gaseous diffusion plant. A centrifuge enrichment plant is based upon modules and is readily adapted to expansions in capacity.

Although the gas centrifuge technology is well developed, no large commercial plants have been constructed at this time. It is my understanding that ERDA will be funding the construction of the centrifuge plant demonstration facility in Oak Ridge, Tenn., this year. Building this plant will demonstrate the technology, procedures, and methods that are intended to be used in subsequent large-scale production-size centrifuge plants.

Mr. President, I urge my colleagues to support fully this project, because it will enhance our ability to meet the future energy needs of the Nation, and is consistent with our policy of controlling the proliferation of nuclear weapons.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no other requirement for nor request for time under the standing order, and I yield back the remainder of my time.

AUTHORITY FOR CERTAIN MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may insert statements into the RECORD today, and may introduce resolutions, bills, petitions, and memorials as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider at this time only the nominations on page 2 of the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, reserving the right to object, what is on page 2?

Mr. ROBERT C. BYRD. May I say to the Senator, the majority leader is protecting the distinguished senior Senator from Nebraska, and he asked that only the nominations on page 2 be considered, because he understood the distinguished Senator wanted to say something about that.

Mr. CURTIS. I do.

DEPARTMENT OF AGRICULTURE

The ACTING PRESIDENT pro tempore. The Senate will go into executive session to consider the first nomination on page 2, as requested by the majority leader. The nomination will be stated.

The second assistant legislative clerk read the nomination of Carol Tucker Foreman, of the District of Columbia, to be an Assistant Secretary of Agriculture.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from Nebraska (Mr. CURTIS).

Mr. CURTIS. Mr. President, in opposing the confirmation of Mrs. Carol Foreman as Assistant Secretary of Agriculture, I wish to make it clear that I find no fault with Mrs. Foreman as a person of good character and high intelligence.

I do feel that her appointment is a departure from the traditional policy of maintaining the high-level management of the Department of Agriculture in the hands of individuals directly involved in agriculture, agricultural research, or agricultural education and whose civilian pursuits were primarily agriculture-oriented.

I will detail some of the reasons for my opposition to her nomination from the hearings on her confirmation and material which she presented as a result of requests in those hearings.

QUALIFICATIONS

When questioned in the hearings of the Agriculture and Forestry Committee, Mrs. Foreman said that the following functions of the Agriculture Department would come under her direct authority: all of the Food and Nutrition Service; the Meat and Poultry Inspection Division; the Animal and Plant Health Inspection Service; and the standardization and grading branches of the Agriculture Marketing Service. To determine her qualifications in these areas, Mrs. Foreman was asked about her experience, background, and education. She acknowledged that she had no background in any of these areas. I excerpt from the hearings record:

Senator CURTIS. Have you had any training as a nutritionist?

Mrs. FOREMAN. No, sir.

Senator CURTIS. And have you had any training or experience in inspection or grading?

Mrs. FOREMAN. No, sir.

Senator CURTIS. What has been your educational experience throughout your adult years?

Mrs. FOREMAN. I have been primarily involved in government work as an employee of the government, and outside of the government been involved in analyses of government programs.

Senator CURTIS. Have you at any time during your adult life lived on a farm, or been connected in any way with a farm?

Mrs. FOREMAN. No, sir.

Senator CURTIS. In your work, did you have any agriculture-related training, above high school?

Mrs. FOREMAN. No, all of my training in college was directed towards American Government, which I then taught at the college level.

Mrs. Foreman has had a most active role in recent years as executive director of the Consumer Federation of America. That organization, along with the Paul Douglas Consumer Research Center, operates with a budget of about $300,000. The Consumer Federation of America has a 40-member board of directors and officers, according to Mrs. Foreman. Following is a list of directors and officers, which was provided by Mrs. Foreman.

Mr. President, I ask unanimous consent to print in the RECORD a list of directors and officers, which was provided by Mrs. Foreman.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OFFICERS AND DIRECTORS

President—Lee Richardson, Louisiana Consumers League, 814 Kenilworth Parkway, Baton Rouge, La. 70806.

Immediate Past President (ex-officio)—George Myers, Director of Public Relations, Credit Union National Association, 1730 Rhode Island Ave., N.W. Suite 810, Washington, D.C.

Secretary-Treasurer—Kenneth S. Kovack, Legislative Representative, United Steelworkers of America, 815–16th Street, N.W., Suite 706, Washington, D.C. 20006.

Vice Presidents—Warren Braren, Associate Director, Consumers Union, 256 Washington Street, Mount Vernon, N.Y. 10550; Stephen Brobeck, President, Cleveland Consumer Action, 2697 Euclid Hts. Blvd., Cleveland Hts., Ohio 44106; Jacob Clayman, Sec.-Treas., Industrial Union Dept., AFL-CIO, 815 16th Street, N.W., Room 301, Washington, D.C. 20006; Ellen Haas, Legislative Chairman, Maryland Citizens Consumer Council, 5900 Rossmore Drive, Bethesda, Maryland 20034; William Matson, Chairman, Pennsylvania League for Consumer Protection, 2929 North Front Street, Harrisburg, Pennsylvania 17101; Arnold Mayer, Legislative Rep., Amalgamated Meatcutters & Butcher Workmen, 100 Indiana Ave., N.W., Room 410, Washington, D.C. 20001; Glenn Nishimura, Director, Arkansas Consumer Research, 1919 W. 7th Street, Little Rock, Arkansas 72202; Alex Radin, General Manager, American Public Power Assoc., 2600 Virginia Ave., N.W., Suite 212, Washington, D.C. 20037.

Directors—Roy Alper, Executive Director, California Citizen Action Group, 2315 Westwood Blvd., W. Los Angeles, California 90064; James Boyle, Executive Director, Texas Consumer Association, 808 San Antonio, Rm. 200, Austin, Texas 78701; Ann Brown, Chairman, Consumers Affairs Committee, 3005 Audubon Terrace, N.W., Washington, D.C. 20008; Jo Ann Clayton, Executive Director, San Francisco Consumer Action, 26 Seventh Street, San Francisco, Calif., 94103; Hildred J. Drew, Coordinator, Consumers Affairs Department, United Auto Workers, 8000 E. Jefferson Ave., Detroit, Mich. 48214; Evelyn Dubrow, Legislative Director, Int. Ladies Garment Workers Union, 1710 Broadway, New York, N.Y. 10019; Lois Felder, Co-Director, Community Relations Dept., Retail Clerks Int. Union, 1775 K St. N.W., Washington, D.C. 20006; James W. Green, Associate Dir. for Legis., National Education Association, 1201 16th St., N.W., Washington, D.C. 20036; Milton D. Hakel, Director, Int'l. and Intergroup Relations, National Farmers Union, 1012 14th Street, N.W., Washington, D.C. 20005; William Hutton, Exec. Dir. National Council of Senior Citizens, 1511 K Street, N.W., Suite 202, Washington, D.C. 20005; Peter Jacobson, Alliance for Consumer Protection, 310 Plaza Bldg., 535 Fifth Ave., Pittsburgh, Pa. 15219; Robert J. Kalaski, Assoc. Ed. *The Machinist*, International Assoc. of Machinists, 1300 Conn. Ave., N.W., Washington, D.C. 20036; Jonathan Lindley, Executive Asst., Government Affairs Division, Credit Union National Assoc., 1730 Rhode Island Ave., N.W., Washington, D.C. 20036; Dan McCurry, Chicago Consumer Coalition, Loop College, 64 E. Lake St., Chicago, Illinois 60601; Helen E. Nelson, Vice President, Consumers Union, University of Wisconsin Extension, 929 N. 6th Street, Milwaukee, Wisc. 53203; Sarah Newman, Vice President, National Consumers League, 1411 Hopkins St., N.W., Washington, D.C. 20036; Robert Par-

tridge, Exec. Vice Pres., National Rural Elec. Cooperative Assoc., 2000 Florida Ave., N.W., Washington, D.C. 20009; Lola Redford, Director, Consumer Action Now, 49 E. 53rd Street, New York, N.Y. 10022; Alfreda J. Riley, Director, Consumer Research Advisory Council, Inc., 1991 Edison, Detroit, Michigan 48206; James Royal, President, Consumer Ed. & Protection Assoc., 3121 Norris Street, Phila., Pa. 19121; Leroy Schecher, Manager, Grand Electric Co-op, Inc., Lock Drawer 500, Bison, S.D. 57820; Elizabeth Schimling, Sec.-Treas., Washington Committee on Consumer Interests, 2700 First Ave., Seattle, Washington 98121; Mark Silbergeld, Attorney, Consumers Union Washington Office, 1714 Mass. Ave., N.W., Washington, D.C. 20036; Herbert Simmons, Acting Exec. Dir., National Consumer Information Center, 8209 Cagle Road, Oxon Hill, Md. 20022; Shelby Southard, Legis. Dir., Cooperative League of USA, 828 L Street N.W., Washington, D.C. 20036; Sharon Stark, Editor, *Everybody's Money*, Box 431, Madison, Wisconsin 53701; Ronnie Straw, Dir. of Research, Communications Workers of America, 1925 K St., N.W., Washington, D.C. 20006; Charles F. Wheatley, Jr., Gen. Counsel, American Public Gas Assn., 2600 Virginia Ave., N.W., Suite 1115, Wash., D.C. 20037; Betsy Wood, Home Economist, Consumers Cooperative of Berkeley, Inc., 4805 Central Ave., Richmond, Calif. 94804; and Stanley Yarkin, Director, Greenbelt Consumer Services, Inc., 2944 John Marshall Dr., Arlington, Va. 22207.

Mr. CURTIS. Mr. President, Mrs. Foreman testified that the Consumers Union was the biggest contributor to the $300,000 budget of the Consumer Federation of America. She said the next largest contributor at $7,500 was the Industrial Union Department of the AFL–CIO, and that the other largest contributors consisted of three or four labor unions including the AFL–CIO at $5,000. Other large contributors she stated were Bristol Myers at $5,000 and the Rural Electric Cooperation Association and American Public Power Association at about $4,500 each. Mrs. Foreman said that 16 national labor organizations contributed to the CFA, with amounts ranging from $100 to the largest $7,500. She also stated that 5 or 6 local labor organizations and 15 or 16 State labor organizations contributed $50 to $100.

In the membership list of directors and officers of the CFA, and in the list of contributors to the organization, there is a preponderance of organized labor. Yet, from the information provided we can find no representation by farmers or agriculture organizations.

Mr. President, organized labor has one department in this Government, dominated from attic down to the basement. Now they are moving into another one.

I point this out, because in the past there have been several occasions when actions by organized labor have been contrary to the interests of agriculture. Furthermore, the CFA ratings of recent years have corresponded closely to organized labor ratings of Members of Congress. It is interesting to note that in CFA's ratings the substantial number of Members of Congress rated low are from agriculture States, while a substantial number of those rated high are from nonagriculture States. Mrs. Foreman and the CFA have made considerable overtures about the relationships of farmers with other consumers, but the positions of the CFA and some of its activities lead me to question this attitude.

The implications from the CFA's October 1976 ratings of Members of Congress are that most Members of Congress from agiculture States are anticonsumer while most nonagriculture State Members are for the most part proconsumer. Thus, by its very ratings the CFA appears to be pitting agriculture against consumer, and urban America against rural America.

And they are not satisfied to move into a department pertaining to that, but this is the department created and existing for the benefit of agriculture. That may not have been the intent of the organization, but it certainly is implied in its ratings. Where distinctions in the CFA ratings cannot be drawn along party lines, they can be drawn along geographical lines, with agricultural representation labeled as anticonsumer. The reverse implication would be that consumer interests are antiagriculture. I do not subscribe to either of these views, but point this out because some of the activities and programs of the CFA with which Mrs. Foreman has been associated, do, in fact, raise an issue of conflicting interests between agriculture and consumers.

Other questions have arisen with regard to Mrs. Foreman's views which may affect her performance in the interest of agriculture. These came from her statements in the confirmation hearings and from her past activities and associations.

BOYCOTTS OF FOOD ITEMS

The following excerpts are taken from the hearings:

Senator CURTIS. Did the Consumer Federation ever advocate a boycott of any food items?

Mrs. FOREMAN. In 1975 the Federation, by vote of its Board of Directors—and no policy positions were taken except by vote of the Board of Directors—urged a boycott of sugar products until the prices fell.

Senator CURTIS. What year was that?

Mrs. FOREMAN. 1975.

Senator CURTIS. What other action did you recommend in reference to sugar?

Mrs. FOREMAN. That was it.

Senator CURTIS. Did you recommend a boycott in reference to any other food items?

Mrs. FOREMAN. No.

Senator CURTIS. Have any of your directors advocated or taken part in boycotts of food items?

Mrs. FOREMAN. Not since there have been directors of the organization. The Consumers Federation by vote of its Board of Directors specifically chose not to participate in the 1973 meat boycott.

Senator CURTIS. Did any of your contributors participate in the meat boycott?

Mrs. FOREMAN. None of those in 1973, to my knowledge, Senator. That was prior to my association with the organization.

Mrs. Foreman testified that neither she nor her organization or any of its officers participated in or promoted any boycotts other than a sugar boycott. However, the February 1974 issue of the CFA's News report on approval by the organization of a 1964 platform and policy statement that included boycotts:

CFA urges consumers to use their purchasing power to affect prices in the marketplace, and, specifically, to choose less expensive alternatives of equal quality when available. CFA urges its members to use occasions, such meat boycotts, to educate consumers about how to develop desirable food eating habits in terms of nutrition, available food supplies and economic considerations.

For the record I point out that in the December 1, 1974, issue of CFA News, Mrs. Foreman's organization did declare a boycott on sugar. I would also like to point out that in the September 1975 CFA News in an article on the 1975 wheat sale to Russia Mrs. Foreman said:

The government should have taken advantage of this year's bumper wheat crop to create a domestic reserve as a hedge against a possible bad harvest and higher prices in the future.

Mr. President, wheat prices are critically low, and we are almost facing a disaster. But here someone is recommended for a high place in the Department of Agriculture who is opposed to high prices for wheat, though everyone knows that the price of wheat has very little, if anything, to do with the price of bread.

FOOD STAMPS

The issue of food stamp abuse and fraud has been quite controversial in recent years. I offered several amendments in 1976 designed to eliminate fraud and abuse, and to restrict the food stamp program only to those persons who are truly needy. Although Congress has been reluctant to make changes in the food stamp program, more and more attention is being focused on the abuses of this program. Where we have a single program that costs nearly $6 billion per year in the budget of the Agriculture Department, I think every effort should be made to correct the abuses and inequities.

In questioning on the food stamp program, and need to reform it to eliminate wastes, abuse, and corruption, Mrs. Foreman was vague in many of her answers. She failed to indicate she would favor a law to cut down the present program. Mrs. Foreman's questions about food stamps for strikers are somewhat symbolic of her attitude. I excerpt again from the hearings record:

Senator CURTIS. Do you favor food stamps to strikers?

Mrs. FOREMAN. Not unless they meet the income and resource limitations. Last year, out of 18 million people on food stamps, the House Agriculture Committee was able to identify only 5,000 who were strikers.

Senator CURTIS. You do not regard engaging in a strike or labor dispute—other than a lock out—to be considered as a refusal to accept employment.

Mrs. FOREMAN. No, sir.

In regard to food stamps for college students, Mrs. Foreman said she was not aware that students did not even have to meet the requirements to register for work in order to qualify for food stamps.

The last administration did propose some changes in the program to tighten controls and minimize abuses. Because food stamps would be under the authority of Mrs. Foreman, I think she should have some clear ideas about eliminating abuse and tightening up on the program. Mrs. Foreman's responses to questioning on this subject did not convince me of her desire along these lines. Again, I excerpt from the hearings:

Senator CURTIS. Did you approve, if you know, the actions of Secretary Bergland, in repealing the regulations that his predecessor has put in, in reference to food stamps?

Mrs. FOREMAN. Yes, sir, I did. We will be back to the Congress very shortly with a very substantial revision in the food stamp program.

Congress failed to act on food stamps last year. Oh, the Senate passed a bill that raised the cost of food stamps hundreds of millions of dollars. The House did not do anything. The Secretary of Agriculture acted, and Secretary Bergland immediately wipes that out; and Mrs. Foreman says she approves it.

Although opposing the past administration's proposals for changes in the food stamp program, it appears that Mrs. Foreman would support some revisions and improvements. Yet, in at least two occasions in the past while she was director of the Consumer Federation of America, that organization published articles opposing cuts and revisions in the food stamp program. In the January 1975 issue of CFA News there was an article opposing food stamp cuts, and another article appeared in the November 1975 issue.

OTHER CONCERNS

Mrs. Foreman testified that one of the objectives of the Consumer Federation was to enable consumers to participate more effectively in Government regulatory proceedings. She referred particularly to the Federal Trade Commission. She reported that the Consumer Federation intervened frequently. She mentioned in particular the proceedings before the Federal Trade Commission with regard to funeral home practices. Her testimony was as follows:

Senator CURTIS. Did you support the regulations the Federal Trade Commission reached on the funeral directors?

Mrs. FOREMAN. In part.

Senator CURTIS. What part did you support?

Mrs. FOREMAN. Sir, I would have to supply that for the record. We had a fairly lengthy brief supporting in part and opposing in part, and I do not recall the specifics of it.

Senator CURTIS. Now, that regulation provided that a regulatory agency could overrule state laws by regulation. Did you support that provision?

Mrs. FOREMAN. Yes, sir, because the Congress had issued to the Trade Commission the power to issue trade regulation rules. We did in fact support that.

Mr. President, here is a bureaucracy that holds that it has the power to override State law by regulation. Now, there are times when State law should be overridden in the national interest, but it should be done by Congress. What was involved there was the power on the part of the States to license occupation.

Senator CURTIS. And you believe that a federal agency should have the power to overrule state law, and do it by regulation?

Mrs. FOREMAN. In certain instances, yes, sir. I am not an attorney. Our attorneys thought it was within the power of the Trade Commission to do that.

The question is not did they have the power. The question is, is it right for bureaus, unelected by anyone, to overrule laws in your State and my State, and do it by regulation?

The question might be asked, what do funeral homes have to do with agriculture? Well, although funeral homes are not involved with agriculture, this testimony is cited to show the nominee's position on State rights and bureaucratic power.

POSSIBLE CONFLICT OF INTEREST

I do not know whether there is a conflict of interest here. I know there is a possibility of one.

Mrs. Foreman's husband, J. H. Foreman, is employed by the Retail Clerks International Association, where he is principal assistant to the president of the union. With her personal ties, and the acknowledged and reported heavy support and membership of unions in the Consumer Federation of America, it is obvious that the possibility of a conflict of interest exists. I excerpt from the hearings:

Senator CURTIS. Where is your husband employed?

Mrs. FOREMAN. He is employed by the Retail Clerks International Association.

Senator CURTIS. What is his position?

Mrs. FOREMAN. He is the principal assistant to the president.

Senator CURTIS. Does that union represent any workers in the food retail industry?

Mrs. FOREMAN. Yes, sir.

Senator CURTIS. With what companies?

Mrs. FOREMAN. With a variety of supermarket chains, Senator.

Senator CURTIS. All of the supermarkets?

Mrs. FOREMAN. No. There are a number of supermarkets that are not organized.

Senator CURTIS. What are the principal ones that are organized?

Mrs. FOREMAN. At various places across the country, and I am not totally familiar with the operation of the Retail Clerks Union. Safeway and A&P are the largest chains, to my knowledge. Some of the operations are organized, and some are not.

Senator CURTIS. A great number of meat packing plants in my area of the country have closed down because of strikes. What would be your position in regard to meat inspectors crossing picket lines?

Mrs. FOREMAN. I think that is up to the meat inspectors, Senator. Most of the meat inspectors are organized, and I would expect that they would have to do as they chose.

Senator CURTIS. What would be your position, so far as directions and instructions?

Mrs. FOREMAN. I am not sure it would be appropriate for me to give instructions if there were provisions for that in the labor contract.

Senator CURTIS. In whose labor contract?

Mrs. FOREMAN. The contract between the Government Employees Union and the Department of Agriculture.

Senator CURTIS. If you were approving, or disapproving a contract, would you approve a contract that permitted the meat inspectors to honor picket lines?

Mrs. FOREMAN. I expect that if it were otherwise a legitimate contract, and if I were advised by the Office of General Counsel it was an appropriate decision, arrived at by collective bargaining, that I would.

Mr. President, the meat inspectors are the key to the operation of a meat packing plant. There has to be inspection before the kill and after. Without inspectors they cannot operate. A picket line can be thrown up by a few people. The meat inspectors represent the Government of the United States.

This may not alarm the Senate, but when these facts are known it is going to alarm all of agricultural America.

Agriculture is in a difficult economic situation. Grain and livestock prices are dangerously low. Some farmers and ranchers are facing foreclosure.

The Honorable CLIFFORD HANSEN, the Senator from Wyoming, has provided the Senate with some startling figures which illustrate the distress in the agricultural areas. Senator HANSEN reported that the net income for all Wyoming farmers and ranchers in 1973 was $122 million, and the net income for 1974 had dropped to $62 million, and their net incomes for 1975 had dropped to $14 million. The figures for 1976 are not in but it is Mr. HANSEN's opinion that the situation has not improved.

Here was an opportunity to appoint someone knowledgeable in agriculture as Assistant Secretary of Agriculture, but it was turned over to organized labor.

Mr. HANSEN also reports that the average net income for all farmers and ranchers in Wyoming on a yearly basis is $1,725 with nothing allowed for wages of the owner-operator's interest on his investment.

Individuals of goodwill may disagree as to what steps should be taken. But there is one thing that the administration can do. That is to place farmers and farm-oriented individuals and those with farm knowledge and experience in the high policymaking positions of the Department of Agriculture. There are many men and women who are actively involved in agriculture who are of outstanding ability and who are available for Assistant Secretaries. To turn the high policymaking positions in the Department of Agriculture over to organized nonfarm groups because they represent more voters is to abandon the very purpose for which the Department of Agriculture exists. This appointment does that very thing and I cannot concur.

Mr. President, I yield the floor.

Mr. TALMADGE. Mr. President, the Committee on Agriculture, Nutrition, and Forestry held 3 days of hearings on the nominations of Carol Tucker Foreman to be an Assistant Secretary of Agriculture and a member of the Board of Directors of the Commodity Credit Corporation.

A major topic of the hearings related to Mrs. Foreman's past role as a consumer advocate in her position as executive director of the Consumer Federation of America, and the possibility that she lacked the necessary sympathy and understanding for farmers and the farm community to be an effective Assistant Secretary.

However, in the course of the committee's hearings, Mrs. Foreman dispelled to a great extent the concerns relating to her nomination. She responded candidly and fully to all questions which were asked.

Mrs. Foreman's answer to the questions made it clear that she does understand the problems that farmers face and that she supports programs that benefit farmers. Moreover, she stated that she would be impartial and fair in administering the departmental programs for which she will be responsible, regardless of any previous statements she has made or any biases that she may have held.

Mr. President, the character, integrity, and ability of Mrs. Foreman are not in question. The overwhelming vote by the committee to report the nominations favorably attests to the committee's belief that Ms. Foreman is well qualified

for the positions to which she has been nominated.

I urge the Senate to act speedily in confirming the nominations.

The ACTING PRESIDENT pro tempore. The question is on the confirmation of Mrs. Carol Tucker Foreman, of the District of Columbia, to be an Assistant Secretary of Agriculture.

Mr. CURTIS. Mr. President, I object.

Mr. ROBERT C. BYRD. Mr. President, could we have a vote?

The ACTING PRESIDENT pro tempore. All those in favor of the confirmation will let it be known by saying "aye"; opposed, "no."

In the opinion of the Chair, the ayes have it. The nomination is confirmed.

The Clerk will state the next nomination.

The second assistant legislative clerk read the nomination of Carol Tucker Foreman, of the District of Columbia, to be a member of the Board of Directors of the Commodity Credit Corporation.

The ACTING PRESIDENT pro tempore. The question is on the confirmation of the nomination. All those in favor of the nomination let it be known by saying "aye"; opposed, "no."

It appears to the Chair that the ayes have it. The ayes do have it. The nomination is confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified of the Senate action on the nominations.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, how much time did I yield back under my standing order?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may retrieve control of that 8 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the 8 minutes to the Senator from Massachusetts (Mr. KENNEDY).

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 8 minutes.

SENATE RESOLUTION 124—SUBMISSION OF A RESOLUTION RELATING TO NEGOTIATIONS FOR A COMPREHENSIVE TEST BAN TREATY ENDING ALL NUCLEAR EXPLOSIONS

(Referred to the Committee on Foreign Relations.)

Mr. KENNEDY (for himself, Mr. MATHIAS, Mr. HUMPHREY, Mr. MUSKIE, Mr. CASE, Mr. CRANSTON, and Mr. PELL) submitted the following resolution:

S. RES. 124

Whereas the United States is committed in the Limited Test Ban Treaty of 1963 and of the Non-Proliferation of Nuclear Weapons Treaty of 1968 to negotiate a Comprehensive Test Ban Treaty;

Whereas the conclusion of a Comprehensive Test Ban Treaty will reinforce the Non-Proliferation of Nuclear Weapons Treaty, and will fulfill our pledge in the Limited Test Ban Treaty;

Whereas there has been significant progress in the detection and identification of underground nuclear explosions by seismological and other means; and

Whereas the SALT accords of 1972 and the proposed Threshold Test Ban Treaty established important precedents for arms control verification procedures;

Whereas early cessation of nuclear explosions would have many beneficial consequences: creating a more favorable international arms control climate; imposing further finite limits on the nuclear arms race; releasing resources for domestic needs; protecting our environment from the continuing dangers of nuclear explosions; making more stable existing agreements which place quantitative limits on offensive and defensive strategic weapons; and complementing the post-Vladivostok strategic arms limitation talks;

Whereas a Comprehensive Test Ban would achieve these goals far better than the proposed Threshold Test Ban; and Whereas President Carter has expressed his support for a Comprehensive Test Ban Treaty; Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States (1) should propose an immediate suspension of underground nuclear explosions to remain in effect so long as the Soviet Union abstains from conducting underground explosions, and (2) should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear explosions.

Mr. KENNEDY. Mr. President, I am pleased to submit today with Senators MATHIAS, HUMPHREY, MUSKIE, CASE, CRANSTON, and PELL a resolution endorsing the initiation of an immediate mutual moratorium of all nuclear explosions by the United States and the Soviet Union and the negotiation of a comprehensive nuclear test ban treaty.

Essentially, we are supporting initiatives already outlined by President Carter and, at the same time, expressing the continuing support of many Senators for the United States and the Soviet Union to fulfill a 14-year-old commitment to put a permanent halt to the testing of nuclear weapons.

Hopefully, this goal will be brought closer as a result of the forthcoming visit of Secretary of State Cyrus Vance to the Soviet Union.

In the past three Congresses, I have joined with other Senators to introduce a resolution similar to the one we are presenting today. In the 92d Congress, we introduced Senate Resolution 230, in the 93d Congress, we introduced Senate Resolution 67, and in the 94th Congress, we introduced Senate Resolution 163.

More than 36 Senators ultimately joined these resolutions as cosponsors. The Foreign Relations Committee approved Senate Resolution 67 in June 1973, by a 14-to-1 vote. We expect an even greater number to join with us during the course of the current session. The original group of Senators which pressed this effort forward always had included our esteemed colleague, Phil Hart. He was ever in the forefront of the struggle to put a halt to the nuclear arms race. We are saddened again today by his absence.

While we are introducing this measure once more, it is being done with a different administration in office. Already, we have heard President Carter, strongly endorse the effort to seek a halt to all nuclear testing. He stated in his inaugural address:

> We will move this year a step toward our ultimate goal: the elimination of all nuclear weapons from this Earth. We urge all other people to join us, for success can mean life instead of death.

And again in his first press conference, he stated:

> As far as nuclear arms limitations are concerned, I would like to proceed quickly and aggressively with a comprehensive test ban treaty. I am in favor of eliminating the testing of all nuclear devices, instantly and completely.

The resolution we are introducing today has two key provisions. The first provision is based on the experience that led to the achievement of the limited test ban treaty in 1963. Then President Kennedy announced at American University his intention to halt all testing in the atmosphere and his expectation that the Soviet Union would follow suit. Negotiations quickly followed that produced the limited test ban treaty.

The first provision reads:

> That it is the sense of the Senate that the President of the United States (1) should propose an immediate suspension on underground nuclear explosions to remain in effect so long as the Soviet Union abstains from such underground explosions.

The second provision urges the President, again as was done 14 years ago, to make a concrete formal proposal for a permanent treaty to ban all nuclear explosions.

The second clause reads:

> (2) Should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear explosions.

The new administration has begun to demonstrate its own intense interest in securing an end to nuclear testing and a beginning in the process of nuclear disarmament. We believe those efforts should be encouraged and can be encouraged while maintaining and ever increasing the security of the United States. We have witnessed the growing insecurity that has resulted from the failure to put a cap on the nuclear arms race. Now we have our Nation's leaders finally cognizant that arms control can be the most reliable path to national security.

Briefly, I would like to outline the arguments for a comprehensive test ban treaty.

First, I believe it is essential to recognize that we have a treaty obligation to continue negotiations seeking "to achieve the discontinuance of all test explosions of nuclear weapons for all

time." That solemn commitment is contained within the limited test ban treaty which was signed by President John Kennedy and ratified by the Senate of the United States in 1963.

It is an obligation reaffirmed in the preamble to the Nuclear Non-Proliferation Treaty of 1968.

It is an obligation that we can fulfill this year.

Second, a CTB would be a strengthening and stabilizing support for quantitative agreements on nuclear arms, such as SALT I and the forthcoming SALT II talks.

It would spell out an end to further refinement of warheads, hopefully thereby adding a restraint to the qualitative contest of nuclear one-upmanship. In so doing, we believe that a comprehensive ban is far more desirable than the proposed 150 kiloton threshold test ban agreement, whose ceiling appears just high enough to permit all weapons developers to be assured they can seek the latest warhead refinement far into the future.

Third, we believe that the conclusion of a permanent halt to nuclear testing by the United States and the Soviet Union would add a significant support to the nonproliferation effort. It would be stating to the nations which have not yet entered the nuclear club that the time has come for a halt to the nuclear arms race.

Too many of the nations with the growing capacity to enter the nuclear arena have not yet ratified the Non-Proliferation Treaty. One of the arguments they assert time and again is that the major powers are unwilling to even halt the refinement of their own massive stockpiles of nuclear warheads, while they ask others to forego nuclear weapons entirely. Ending nuclear testing would at least remove that argument from the nonproliferation debate.

In fact, the one potentially significant development in warheads that might be produced through continued testing is the creation of a thermonuclear weapon which did not require a fission trigger. Such a development permitting the production of cheap weapons, however, would make the United States less secure, not more secure. It would bring nuclear weapons within reach of every regime around the globe. No more disturbing image can be conceived.

Already, we have seen India demonstrate its nuclear potential and we have heard loud rumors of Israel's capacity and the future potential of Argentina and Brazil.

Fourth, while we cannot expect that the People's Republic of China or France immediately will alter their current posture, a CTB, at least, will place greater pressure on them to halt their own testing and weapons development.

Finally, a comprehensive ban fills the gaps and closes the loopholes that are present in the threshold treaty and its companion treaty on the conduct of peaceful nuclear explosions. The threshold test ban would permit underground nuclear tests below the level of 150 kilotons. The Treaty on Peaceful Nuclear Explosions would permit PNE's below the same level and provide for some onsite inspection.

These companion measures have been engulfed in controversy. Critics have charged that the threshold of 150 kilotons—10 times the size of the Hiroshima blast—would permit continued weapons tests of considerable range. I share their concerns and view the treaty as one whose benefit is less as an arms control measure in itself, but as an additional webbing in a network of agreements between the superpowers. Similiarly, the companion PNE treaty affords too great an excuse for the conduct of nuclear explosions.

The verification of a comprehensive ban will be far easier and far more sure than one which attempts to define whether a given explosion has passed the precise level of 150 kilotons or whether a peaceful explosion does or does not have military uses.

I far prefer, and this resolution supports, the concepts embodied in the address by President Carter in his speech last year to a conference at the United Nations. There he stated:

> The United States and the Soviet Union should conclude an agreement prohibiting all nuclear explosions for a period of five years, whether they be weapons tests or so called peaceful nuclear explosions, and encourage all other nations to join. At the end of the five-year period, the agreement can be continued if it serves the interests of the parties.

That statement far more accurately describes the appropriate goal for a halt to all explosions. While a 5-year ban would be a major accomplishment, hopefully, a permanent treaty can be achieved.

I believe that while the Soviet Union has expressed its own concern that other nations, particularly the People's Republic of China, join such a comprehensive test ban treaty, their major emphasis on achieving a CTB has been expressed publicly and privately in the past. As Secretary Brezhnev stated only this past week:

> The question of prohibiting all nuclear weapons tests is an extremely important and pressing one.

Much has been achieved over recent years in the verification arena that improves and underscores our capacity to use seismological and satellite means of verifying a complete halt on nuclear testing. The farfetched scenarios for cheating have largely been exposed as unconvincing, and virtually every outside scientist and arms control expert who has examined this issue concludes that no significant gain in weapons technology would accrue to the cheater. A far greater risk exists of being exposed as a treaty violator.

In that vein, it should be noted that under the ABM Treaty, the SALT I agreement and the proposed threshold test ban treaty, significant steps forward have occurred in establishing reporting procedures, monitoring procedures and verification procedures, even including a willingness by the Soviet Union under certain circumstances and conditions to accept some onsite inspections. My own view is that such inspections are merely icing on the cake when our seismological and satellite and other intelligence means of verification are really understood. In fact most experts—even in the absence of onsite inspections—believe that we would be far more secure today with satellite and seismological data and other national means of verification than we would have been in 1963, when the U.S. negotiating position merely required an extremely low number of onsite inspections.

The risks from cheating are so great, and the benefits from cheating so minimal, that it would be more than foolhardy for any nation to try and cheat on an agreement.

I believe that we are at a particularly important moment when the realization of the need for arms control is becoming clear. A CTB would demonstrate that the United States and Soviet are both still committed to specific and concrete limits on arms and to the reduction of those nuclear stockpiles. It might be a fitting and apt stimulus to the conclusion of the SALT II talks.

To understand our current strategic situation with regard to warheads, one must recognize that a CTB at this time is clearly in our interest. We have some 8,900 strategic warheads. We have some 22,000 tactical nuclear weapons. We have some 22,000 tactical nuclear weapons. We have warheads for our MIRV's. Each day that testing goes forward, our lead in this area diminishes.

If opponents of a treaty argue that the nuclear stockpile might be further refined by continued testing, it must be obvious to all that any such refinements pale beside the significance of placing a major cap on the qualitative side of the nuclear arms race.

Another argument raised against a CTB is that it might permit unlimited peaceful nuclear explosions which could be used for military purposes. Any CTB clearly must cover all explosions or make extremely tight restrictions over any exception. From previous statements of Soviet leaders, it is possible that the mutual advantage of a permanent treaty to ban all tests may well be sufficient incentive for them to yield on this issue.

The time for restraining the qualitative arms race is now. What we need now is the political initiative on both sides to carry the movement for a halt to all nuclear explosions to its conclusion. This resolution expresses support to Secretary of State Vance and President Carter in their efforts to achieve that goal. We hope that it will be viewed as an encouragement to the administration to direct its aim toward achieving a comprehensive test ban treaty as a goal of the highest priority and significance.

It is time to take this step away from the nuclear brink of destruction.

Mr. President, I send to the desk a resolution and ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

Mr. MUSKIE. Mr. President, Secretary of State Cyrus Vance's visit to the Soviet Union provides an early opportunity to

open talks centered on one of the most vital issues facing our world today: the development and implementation of an agreement to ban nuclear testing by the Soviet Union and the United States.

We took a major step toward that goal in 1963, with the signing of the Limited Test Ban Treaty, which bans atmospheric and underwater nuclear tests. One hundred and four nations have ratified it. Congress has enacted legislation limiting the transfer of nuclear energy materials to nonsignatory nations. And complete agreement to it by all the nations of the world remains a goal to which we are committed.

But it is time to step beyond the limited test band and work aggressively toward a comprehensive test ban.

The commitment of the President to such a ban is clear. He enunciated it at his inauguration, and he repeated it in his statement before the United Nations General Assembly on March 17. The President specifically said his administration will "explore the possibility of a total cessation of nuclear testing. While our ultimate goal is for all nuclear powers to end testing, we do not regard this as a prerequisite for suspension of tests by the two principal nuclear powers."

Secretary Vance's visit is a splendid opportunity to begin that exploration.

Perhaps, as the President has suggested, an informal start toward an agreement can be made through a process of voluntary prenotification of testing, giving ourselves and the Soviets the necessary degree of confidence in each other's intentions.

Technological advances in seismic research have moved us toward an adequate offsite monitoring ability which can provide a firm basis for negotiating such an agreement. And the repeated signs of willingness on the part of the Soviet Union to consider this as one component of wide-ranging arms control efforts is an opportunity we cannot afford to ignore.

The need for a complete ban is clear, especially in light of the Chinese atmospheric explosion last September and underground test in October. If we are to prevent the growth of a third major nuclear armaments stockpile which can only add to the instability that nuclear arms create for all mankind, it is imperative that we move now toward a comprehensive and total ban on all weapons testing, and that we use the impetus of that agreement to urge all the nations of the world to join us.

By the terms of both the Limited Test Ban Treaty of 1963 and the Nuclear Non-Proliferation Treaty of 1968, the United States committed itself to making every effort to conclude an agreement ending all nuclear testing. In 1969, President Nixon explicitly committed his administration to work toward the conclusion of a comprehensive nuclear test ban treaty.

Official U.S. policy for many years favored a comprehensive test ban provided it could be adequately verified to protect our security. For verification, the United States has always insisted on on-site inspections to provide assurances that unidentifiable seismic events are not clandestine explosions. The Russians have consistently claimed that such inspections are unnecessary, although they have at times consented to limited onsite inspections.

Mr. President, both in 1971 and 1972, the Arms Control Subcommittee of the Foreign Relations Committee, which I chaired, held hearings on a comprehensive test ban treaty. At those hearings, a host of national scientific experts documented the progress made in recent years in the techniques of detection and identification of underground nuclear tests. The fact is that our seismic research during the last decade has paid off handsomely.

Onsite inspections now add very little to our verification capabilities. Discrimination between earthquakes and underground explosions is now possible with high reliability for energy yields of a few kilotons.

Onsite inspections at best now seem useful for only a narrow yield range below this level and above the threshold at which seismic signals are detectable, that is, about one to a few kilotons. It is hard to see how cheating in this yield range could be of great security significance. Strategic weapons have yields 10 times more than these levels.

The time is ripe for a new and bold initiative toward concluding a comprehensive test ban treaty. Such an accord is a natural corollary to SALT II, and the effort being made to break the deadlock in those negotiations. A ban would strengthen the likelihood of acceptance by emerging powers whose nuclear capability is not yet substantial enough to pose a global threat.

Continued lack of action on a comprehensive test ban provides no assurance to the nonnuclear nations that their restraint in not developing a nuclear capacity has served their security interests. In a world dominated by sometimes hostile superpowers with huge stocks of lethal weapons, that sense of insecurity can only be heightened by an apparent deadlock in the superpowers' positions on a comprehensive test ban.

Renewed negotiations for a comprehensive test ban serve to reassure both our allies and nonalined nations that the lack of their own strategic forces does not inevitably expose them to greater threats. The climate for nonproliferation would be vastly improved, and the efforts of the superpowers in reaching agreements on arms controls would be enhanced.

Thus, we stand to gain much and risk little by taking this step now.

If the United States and the Soviet Union can rededicate themselves to finding a way to end their nuclear testing, the world will have taken a desperately needed step toward controlling the spread of nuclear weapons.

But if they let this opportunity go by, we can only expect a continued acceleration of the development of nuclear arms by other nations.

And that is a consequence with grave implications for the future of humanity.

Mr. MATHIAS. Mr. President, in 2 days Secretary of State Cyrus Vance will leave for Moscow to negotiate on strategic arms limitations with the leaders of the Soviet Union. Our prayers and our heartfelt wishes for his success go with him.

The SALT talks are the most important negotiations in the world today. They are, however, only a part of what needs to be done to control the scourge of nuclear weapons. The SALT talks deal with nuclear arms after the fact—they deal with the consequences of the development and deployment of nuclear weapons.

But, if we are to get to the heart of the nuclear problem, we must begin to anticipate, we must act before the fact. We must take steps that will deal with the testing and the scientific effort that go into the development of ever more devastating nuclear weapons.

The resolution which the Senator from Massachusetts, Mr. KENNEDY, and I are submitting today is aimed at fulfilling the commitment of the Partial Test Ban Treaty of 1963 and the Nonproliferation of Nuclear Weapons Treaty of 1968 to negotiate a comprehensive test ban treaty.

The vital importance of a comprehensive test ban treaty should be obvious to all who support bringing the dangers of nuclear war under control. We are introducing this resolution at this time so that, as Secretary Vance begins his negotiations, he will know that he has the full support of the Senate to seek, in addition to strategic arms limitations, agreement on the suspension of underground nuclear testing and on a permanent test ban treaty.

I would like to remind my colleagues that various forms of this resolution have been before the Senate since 1972 when the late Senator Philip Hart and I submitted Senate Resolution 273 calling upon the President to propose an extension of the Nuclear Test Ban Treaty of 1963 to include underground testing. I can think of no more fitting memorial to Phil Hart than resounding Senate approval of this resolution to which he gave so much of himself.

Mr. PELL. Mr. President, I am pleased to cosponsor the comprehensive test ban resolution offered by the distinguished senior Senator from Massachusetts. I heartily endorsed a comprehensive test ban, as such a ban will contribute significantly to slowing the nuclear arms race and help control further nuclear proliferation.

Over the past several years, significant progress has been made in the detection and identification of underground nuclear explosions by seismological and other means. While there may be a small range in which it would be difficult to distinguish between an illegal nuclear explosion and an earthquake, the upper limit of this range of cheating possibilities is very low. Hearings by the Senate Foreign Relations Committee in 1973 showed that the level of detection is around 5 kilotons or less—and there has been further significant progress since those hearings. The strategic benefits to be gained by the Soviets or any other nuclear power by cheating is, in my view, negligible in comparison with the risks which would be run of this cheating being discovered.

The test ban resolution considered in

1973 and earlier efforts called for an end only to nuclear testing. This resolution would also encompass so-called peaceful nuclear explosions. It is these explosions which represent the most insidious means of circumventing a comprehensive nuclear weapons test ban. An ostensibly "peaceful" project or even an entire "peaceful" program could be used to further weapons developed by one of the presently nuclear nations or by a nonnuclear nation trying to get nuclear weapons under the guise of a "peaceful" program. In this connection, it should be recalled that when the Soviet Union conducted its first nuclear weapons test in 1949, it claimed that the device being tested was designed to "move mountains and dam rivers." So a healthy skepticism about the nature of "peaceful explosions" conducted by previously nonnuclear states is in order.

Mr. President, the time for a complete ban on nuclear explosions has come, and I am delighted that President Carter has endorsed such a ban himself. The resolution being introduced today will support and encourage him in that effort, and I urge my colleagues to join in adopting this resolution.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Senate will resume consideration of Senate Resolution 110, which is the ethics resolution.

The clerk will state the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 110) to establish a code for official conduct for the Members, officers and employees of the U.S. Senate, and for other purposes.

AMENDMENT NO. 153

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendments, amendment 153, en bloc, of the distinguished Senator from New Mexico (Mr. SCHMITT). The time for debate is limited to 1 hour, equally divided between the Senator from New Mexico (Mr. SCHMITT) and the Senator from Wisconsin (Mr. NELSON).

The clerk will state the amendments.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) for himself, Mr. JAVITS, and Mr. RIBICOFF, proposes amendment No. 153:

On page 10, delete lines 8 through 12.

On page 10, line 13, delete "(2)" and insert in lieu thereof "(c)(1)".

On page 10, after line 21, insert the following new paragraph:

"(2) For the purposes of subparagraph (a)(3) and subparagraphs (d) through (j) of paragraph (2) a reporting individual shall also report the interests of the spouse or dependents of that individual if such interests are within the constructive control of the reporting individual. For the purposes of this subparagraph, an interest is in the constructive control of a reporting individual if the enhancement of the interest would substantially benefit the reporting individual.

On page 12, line 8, delete "knowledge; however, it is the responsibility" and delete lines 9 and 10 and insert in lieu thereof "knowledge.".

On page 21, line 24, delete "or knowingly permit his spouse or dependent to accept".

Mr. HELMS. Mr. President, I ask unanimous consent that Mr. Dick Bryan of my staff be accorded the privilege of the floor during consideration of Senate Resolution 110 and any votes thereon.

The ACTING PRESIDENT pro tempore. Without objection, is is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time therefor be charged against both sides on the resolution, not on the amendment.

The ACTING PRESIDENT pro tempore. Is there objection? There being no objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. METZENBAUM). Without objection, it is so ordered.

REQUEST FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS TO MEET TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet at 3 p.m. today.

Mr. BAKER. Mr. President, with great reluctance, but in keeping with my previous statement in that respect, I object.

The PRESIDING OFFICER. Objection is heard.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. NELSON. Mr. President, I ask unanimous consent that the time for this quorum not be charged against the bill or any amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, inasmuch as there has been objection, I ask unanimous consent that the time for the quorum call suggested by Mr. SCHMITT be charged against the resolution, equally against both sides, not against the amendment.

Mr. HELMS. Very well.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHMITT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SCHMITT. The Senator from New Mexico yields himself 5 minutes.

Mr. President, in the consideration of amendment No. 153, which has been worked out with the cooperation of numerous staff members and numerous Senators, as a consequence of last night's discussion and debate, I first wish to express my appreciation to Senator JAVITS and Senator RIBICOFF and their staffs for working out the compromise language which is in the printed amendment and which was printed in the RECORD yesterday.

I believe that this language clearly protects the basic individual rights of spouses and dependents, while at the same time it prevents any possible abuse of this protection by the transfer of assets through which a Member might benefit.

I strongly recommend that the Senate approve this amendment.

At this time, I yield to the distinguished Senator from New York, if he has additional comment.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. SCHMITT. I yield.

Mr. RIBICOFF. There is a typographical error in the amendment. On line 7, the numeral "2" in parentheses does not belong there. It should be removed. I ask unanimous consent that on line 7, the numeral "2" be removed.

Mr. SCHMITT. The parentheses, I believe, should be removed. Is that correct?

Mr. RIBICOFF. That is correct.

Mr. SCHMITT. Not the number, just the parentheses.

Mr. RIBICOFF. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCHMITT. I yield to the Senator from New York such time as he may require.

Mr. JAVITS. Mr. President, I think we are ready now to act upon this matter. I gather that Senator NELSON and his colleagues, Senator RIBICOFF and Senator CLARK, wish to have a colloquy; and I am quite prepared for that, whenever the Senator is ready.

Mr. RIBICOFF. I thank the Senator.

First, Mr. President, I express my appreciation to the Senator from New Mexico, the Senator from New York, the Senator from Wisconsin, the Senator from Iowa, and our respective staffs, who tried to work out carefully a very complex and sticky situation. I think our objectives all have been the same, but we tried to find language to carry it out. To this end, I thought it would be wise, for the record—and to assist the members of the Ethics Committee, who will have the obligation to issue rules and regulations—to know on what basis to work.

Mr. President, last night a number of Senators engaged in extensive debate on to what degree public financial disclosure should be required of the financial

interests of a spouse or dependent of a Member, officer or employee of the Senate. As a result of that dialog, a compromise was agreed to by Senator SCHMITT, the sponsor of the pending amendment, Senator JAVITS, one of the chief proponents of that amendment, Senator NELSON, the manager of Senate Resolution 110, and myself. I believe that that compromise amendment is acceptable only if accompanied by a clear expression of how the Senate interprets the language in that amendment.

The first part of that amendment would amend rule XLII relating to financial disclosure by deleting paragraph 3(c)(1) of that rule—found on page 10, lines 8 through 12 of amendment number 65 to Senate Resolution 110. Subparagraph 3(c)(2) would be renumbered to be subparagraph 3(c)(1) and a new subparagraph (2) would be added. The new subparagraph would state:

> For the purposes of subparagraph (a)(3) and subparagraphs (d) through (j) of paragraph 2, a reporting individual shall also report the interest of the spouse or dependents of that individual if such interests are within the constructive control of the reporting individual. For the purposes of this subparagraph, an interest is in the constructive control of a reporting individual if the enhancement of the interest would substantially benefit the reporting individual.

This language was chosen because it utilizes the concept of constructive control used in the Code of Conduct adopted by the House of Representatives while also incorporating the interpretation given the term "constructive control" by the House of Representatives.

The purpose of the public financial disclosure provisions of the proposed Senate Code of Official Conduct is to provide information to the public on financial interests or sources of income which could present a potential conflict of interest or the appearance thereof. Clearly, the financial interests and income of a Member, officer, or employee covered by this rule must be disclosed. In addition, if there are investment holdings held in the name of a reporting individual's spouse or dependents, such investment holdings should be disclosed if the reporting individual is in any way substantially benefited by those holdings. It is obvious that if we are going to rely on public financial disclosure to permit the public to judge whether or not a high-level Government official is acting in furtherance of a private financial interest to the detriment of the public interest, a private financial interest which he is receiving substantial benefit from, whether the interest is in his name or in the name of some other member of his immediate family, should be disclosed.

The best way of clearly expressing this concept is by citing a few examples. If a spouse of a Senator has substantial holdings in stocks, bonds, real estate, business proprietorships, farm or other property and the Senator and his spouse have a home in Washington, a residence in his home state, and a summer vacation home elsewhere, and income from these investments held by the spouse is used to defray the expenses of those homes, including the purchase of the homes, the maintenance of the homes, taxes on the homes, or the upkeep of the homes; and both the Senator and his spouse benefit from those homes and use those homes; then the identity of the property held by the spouse would have to be disclosed because the Senator is deriving substantial benefit and enhancement from that interest. If the value of these holdings were to increase, the Senator and his spouse would both benefit from such an increased value in these holdings.

Similarly, if income from investment holdings of a spouse are used to pay for vacations for the family, or the cost of sending their children to expensive private schools, the Senator is gaining substantial benefit from those holdings and would presumably suffer substantial detriment if the value of the holdings were reduced; therefore, the holdings of the spouse would have to be disclosed.

In addition, the enhancement of an investment holding of a spouse would substantially benefit a Senator if the Senator had a legal right to a portion of the holdings of a spouse. In a community property State, by law one spouse has a legal interest in the property holdings of another spouse obtained during the marriage. Therefore, the enhancement of the interest of one spouse inevitably would benefit the other spouse. Therefore, such holdings would have to be reported.

The original amendment which was drafted by the staff to reflect the construction placed on the terms "constructive control" by the House of Representatives and which was presented to Senators JAVITS and SCHMITT, contained a sentence which stated—

> Normally, in the absence of a specific property division agreement, the interest of a spouse or dependent are constructively controlled by the reporting individual.

This sentence directly conveys the concept that in the normal family situation, one spouse has constructive control over the holdings and interests of another spouse or dependent unless there is some kind of specific property division agreement which would provide that the reporting individual would not benefit by the enhancement of the interest of his spouse or dependent. The sentence I have referred to was deleted from the compromise amendment because Senator JAVITS felt that the sentence was not drafted in statutory-type language. Therefore, I agree to have this sentence omitted from the language of rule XLII. However, it is my clear understanding that Senators JAVITS, SCHMITT, and NELSON have agreed that this sentence accurately describes the way we interpret the term constructive control at this time.

At this point I would like to ask Senator NELSON if he agrees with my description of the amendment and the interpretation which the sponsors of this compromise place on that amendment?

Mr. NELSON. Mr. President, I believe that Senator RIBICOFF has accurately described the compromise amendment which Senators SCHMITT, JAVITS, RIBICOFF, and I agreed to on the floor last night. Given the language of that amendment, I do not see how any other interpretation could be given to it. The amendment states that the interest of a spouse or dependent must be reported if the enhancement of the interest would substantially benefit the reporting individual. If the interest held by a spouse or dependent is used for the education of one's children or the maintenance of a home or for vacations, there can be no doubt that the Senator would benefit from the enhancement of that interest. I believe that this compromise amendment provides a degree of financial disclosure that is needed so that the public will know the identity of investment holdings held by anyone in the immediate family of a Senator if any action taken by a Senator might appear to affect the value of a holding from which the Senator derives some economic benefit.

Senator CLARK has been also very concerned and involved in this discussion of what reporting should be required with respect to the holdings of a spouse and dependents. I would like to ask Senator CLARK at this point whether he believes that Senator RIBICOFF and I have correctly explained the meaning of the compromise amendment from the Senator's viewpoint.

Mr. CLARK. Mr. President, as you know, I believe that Senator RIBICOFF was correct last night in arguing that in almost all situations in our society each of the members of an immediate family derives some benefit from the income and investment holdings of the other members of the immediate family. However, I understand the concerns of the Senator from New Mexico and the Senator from New York about the new status of women and their desire to follow the approach taken by the House of Representatives. I believe that the interpretation of this provision described by Senator RIBICOFF and Senator NELSON accurately reflects the content of the amendment and the discussion we had on the floor last night.

There can be no question that if an investment holding such as common stock in the name of a spouse is used as security for a mortgage on a home occupied by the reporting individual or used as security for any other kind of loan which is used to benefit the reporting individual and his spouse, whether it be for financing a vacation or a summer home or the education of their children, the reporting individual benefits from the enhancement of that interest, or may I add, suffers from a decrease in the value of that interest and, therefore, that interest, even though held by the spouse, would have to be disclosed.

Mr. RIBICOFF. Mr. President, I would like to make one more concept clear about the effect of this compromise amendment. I am sure it is not the intent of the sponsors of this compromise amendment that a Senator or other reporting individual could transfer assets or investment holdings into the name of a spouse or dependent in order to avoid the reporting requirements of this rule. If an investment holding is presently in the name of a Senator or other employee who has to report under this rule, or if an investment holding is purchased with the income earned by a Senator or other

reporting individual, but that investment holding is transferred or placed in the name of a spouse or dependent, that holding would clearly have to be reported on the financial disclosure statement required by rule XLII. Any other interpretation than that would provide a huge loophole where financial interests of a Senator or reporting individual are placed in name only in the name of a spouse or dependent to avoid the effect of this disclosure rule.

During the course of the debate last year on the Watergate bill, I believe Senator JAVITS took the position that even if the concept of "control" were used, that it was his intent to prevent an officeholder from transferring assets to a spouse or child to avoid disclosure. I would like to ask the Senator from New York whether he interprets this compromise amendment to require the disclosure of any assets which are so transferred from an officeholder to a spouse or dependent.

Mr. JAVITS. Now, Mr. President, I would like to comment on the whole presentation. The only addition I would like to make occurs in respect of a statement made—I will come to this last point—both by Senator RIBICOFF and Senator CLARK about income from investment holdings of a spouse being used to pay for vacations for the family or the cost of sending their children to expensive private schools, and so on.

The only thing I want to be sure of is that we mean material. It is understood there has got to be some material contribution.

Mr. RIBICOFF. Oh, yes.

Mr. JAVITS. In other words, if the lady has a private savings account or she does the tipping——

Mr. RIBICOFF. There is no question about it.

Mr. JAVITS. I knew that.

Mr. RIBICOFF. There is no question. I am in complete agreement with it.

Mr. JAVITS. I had no doubt about it.

As to the end point about transfers of assets, I believe, and I have to draw on my recollection—we will rely on the experts—that there is something here about not reporting what you transfer to your dependents or spouse in the reporting section, but what Senator RIBICOFF means, I believe, is that the Senator would have to report that because he really would be reporting it as his own.

Mr. RIBICOFF. That is another section of the rule.

Mr. JAVITS. That is correct.

Mr. RIBICOFF. I mean there is nothing to prevent a Senator from making transfers to his wife or family during the course of the year.

Mr. JAVITS. Exactly.

Mr. RIBICOFF. But then when the next year came around he would not have to report he made the transfer but it would show up as an asset held by the Senator's dependent; is that correct?

Mr. JAVITS. That is correct.

Mr. RIBICOFF. That is correct.

Mr. JAVITS. In other words, he would identify that.

Mr. RIBICOFF. The Senator is absolutely correct.

Mr. JAVITS. Within the meaning of the rule he would still have to report it.

Mr. RIBICOFF. The Senator is absolutely correct.

Mr. JAVITS. I think those are all valid. I wish to state now why I asked for a change on another knotty matter in the amendment as originally submitted. The Senator may recall that when it was drafted it provided, "written specific property division agreement." I asked that the word "written" be stricken because in a family situation it just may not be, and I think we can leave to the Committee on Ethics that under the circumstance in a given family situation there may be what is tantamount to an agreement. We leave that as a factual question for them.

Mr. RIBICOFF. I would say that is a problem. We have two members of the Ethics Committee here.

Mr. JAVITS. Right.

Mr. RIBICOFF. They do understand that, and I would imagine that provision could be provided for, that when a situation comes up that the Senator could get an advisory opinion from the Ethics Committee to approve it.

Mr. JAVITS. Or they would take into consideration the actual facts, because I think in a family situation we cannot ask them to sign a separation agreement. If they did the section would not apply at all.

Mr. RIBICOFF. As soon as the Senator raised that point it was clear to me it was justified, and we are more than willing to delete that word.

Mr. JAVITS. I thank my colleague, and as far as I am concerned we are in agreement.

Mr. CLARK. Mr. President. will the Senator from Wisconsin yield for 1 minute for a question?

Mr. NELSON. I yield.

Mr. CLARK. Mr. President, on another point, on page 12, in subsection (e), lines 8 through 10, the pending amendment would delete the phrase which reads:

. . . however, it is the responsibility of a reporting individual to exercise reasonable diligence to obtain the information necessary to comply with this rule.

It is my understanding that in case law the word "knowledge" carries with it the implication that the individual involved has exercised good faith, in other words, has made a reasonable attempt to obtain the requisite knowledge. Is it the understanding of the distinguished floor manager of the resolution that this case law definition of "knowledge" would still apply as the word is used in subsection (e)?

Mr. JAVITS. I ask if the floor manager will yield to me before he answers that question.

Mr. NELSON. I might say to the Senator, staff had intended to let me read this part of "knowledge" and I had not gotten around to it. So in any event I wish to look at it first.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. SCHMITT. I yield.

Mr. JAVITS. I do not accept that interpretation in this situation. We are striking the words which appear at page 12, lines 8 to 10, because we are dealing with family situations. We are not dealing with the kind of a situation that the case Reynolds against Moseley dealt with, to wit, an arm's length transaction. I am enough of a lawyer to know that "knowledge" means that you knew or should have known. But we are dealing here with a family situation. I do not think any Senator true to his oath can account to the Ethics Committee for walking around with his eyes shut. Certainly not. But at the same time I do not think we expect any Senator to go investigate his wife and rummage through her property, and so on. Therefore, I just do not think we can qualify what we are saying. The Ethics Committee will determine whether he had knowledge, and they can easily prosecute him if they and the Senate think so. But I do not believe that we should qualify that where it is a familial relation in any sense. As a matter of fact, that is one of the most important amendments the Senate has accepted. It is recognizing the familial relation between husband and wife, and it is not trying to impose a rule which we know is unenforceable, impractical, and against that familial relation. So I cannot accept that interpretation of what we are doing here.

Mr. CLARK. I might respond to the Senator that that language is in the resolution now:

. . . however, it is the responsibility of the reporting individual to exercise reasonable diligence to obtain the information necessary to comply with this rule.

Mr. JAVITS. The Senator had better know what it means.

Mr. CLARK. It would take positive action of this body to take it out. What I am simply saying is, if I can read my statement again, we are simply asking that there be a good-faith effort made to obtain that knowledge, because if we are not going to ask Members, in fact, to make a good-faith effort to determine what their spouse or dependents in fact hold, then it seems to me that obviously one could simply not become knowledgeable on those holdings and would be relieved of reporting them.

I would say this language on page 12, subsection (e), lines 8 through 10, does not simply apply to a spouse; it applies to every part of this resolution. It applies to the entire disclosure provision. I think that to eliminate it might be a rather significant loophole.

Remember all I am saying is it is my understanding in case law the word "knowledge" carries with it the implication that the individual involved has exercised good faith, in other words, has made a reasonable attempt to obtain the requisite knowledge.

I do not see anything wrong with asking a Member to make a reasonable attempt to obtain requisite knowledge of his dependents' or his spouse's holdings.

Mr. NELSON. I wish to raise a point at this time. I must say, with all due respect, I do not agree with the Senator from Iowa.

But let me inquire of the Senator from New York. This issue on the exercise of due diligence was raised yesterday, and I thought an amendment of the Senator from New York eliminated it because you either have knowledge or you do not.

Mr. JAVITS. It does eliminate it. The amendment at the desk eliminates this clause.

Mr. NELSON. May I say a word on that to the Senator from Iowa?

The Senator is asking something about a personal relationship which just seems to me is preposterous.

The Member, whoever it is, either has knowledge or he does not have knowledge. To say that the Senator has to exercise diligence to find out what assets his wife may have——

Mr. CLARK. I never used the word "diligence."

Mr. NELSON. The Senator is using the word. I thought "due diligence" was still in there, and I thought we agreed to take that out.

Mr. CLARK. A reasonable attempt, I said.

Mr. NELSON. Let me say to the Senator, "knowledge" carries with it the implication the individual involved has exercised good faith, in other words, has made a reasonable attempt to obtain the requisite knowledge.

If the Member says, "I have no knowledge," you must take him at his word. If a joint return is filed, which I would guess is the commonest way to file tax returns—the overwhelming majority file joint returns—the return reflects knowledge, and the Member would report the knowledge shown on that return. But to be saying to a Member, or anyone in this country, that you have to exercise good faith, make a reasonable attempt, to find out something about your spouse's assets goes beyond anything you can require reasonably.

And how would you decide if a sufficient effort was not made? In a case before the Ethics Committee, who would prove who made a good faith effort? So a spouse becomes mad, and says, "I don't think he made a good faith effort," and the Member says, "I made a good faith effort." Who is going to decide this nonsense? As far as I am concerned, I think it is preposterous, and on some of these things we are going beyond all reason whatsoever. I certainly cannot support that.

Mr. RIBICOFF. Mr. President, will the distinguished Senator yield?

Mr. NELSON. Yes.

Mr. RIBICOFF. The Senator from New Mexico, the Senator from Wisconsin, the Senator from New York, and I did come to this understanding last night, and incorporated it in the substitute that is now before the Senate, and I agreed to it.

I think if we go back to a little history of what happened in the Nelson committee, we will understand the background to this matter. All spouses do not have the same relationship. We know there have been Members in recent years who have been divorced from their spouses, which would indicate that prior to the divorce there has been a period of time where the relationship has not been close and intimate, and it would be unfair to place upon the shoulders of such a Member the complete obligation and responsibility to discover all property and all interests that his wife may have.

I can see a situation where a wife may have a savings account of $10,000, and it might throw off $500 or $600 a year in interest, which is not a great sum. Very obviously we could not charge the Member of being in bad faith if he did not know his wife had a savings account of $10,000.

It would be different if she had an investment in the magnitude of $1 million, that would bring in $50,000 or $60,000 a year, which would show up in their standard of living.

Again, I think we have a situation where we are going to have to rely on the commonsense and intelligence of the Ethics Committee, who at times are going to really need, may I say to my friend from New Mexico, to exercise the wisdom of a Solomon. It may be that there are situations that, on the face of them, may look difficult or bad, but when you consult with the Member and get the facts, it is obvious they are perfectly proper.

As the Senator from Wisconsin points out, if there is the filing of a joint return, a joint return that you both signed, and there is an indication there that income is coming in from a different source, then you have knowledge.

I think we have worked out a good understanding. We understand one another. The Ethics Committee is composed of members of various shades of thinking and experience, and I do believe we can work this out fairly and properly.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. JAVITS. I do not wish to be in the position of belaboring anything, but I think, in trying to put this interpretation in of what knowledge means, my opinion of it was the negative one, that it was too restrictive on the Ethics Committee.

Now we are giving the Ethics Committee the ability to determine what is knowledge. It is obvious, and that is the only thing I am contending for—and Senator RIBICOFF, with his accustomed sensitivity, has put his finger on those problems that arise in marriages—we must apply that standard realizing that a Senator may think differently in an arm's length situation than he would in a husband-wife situation. That was my only reason for contending for what I did.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. SCHMITT. Mr. President, I believe I have control of the time. First I would like to associate myself with the remarks of the Senator from Connecticut, the Senator from Wisconsin, and the Senator from New York in the interpretation they have placed on the amendment language.

I think the Ethics Committee will have the ability to determine broadly what violations of the code might occur and what violations in fact did not occur, with the language that is in the amendment combined with other language in the resolution.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. SCHMITT. Does the Senator from South Carolina need any specific amount of time?

Mr. THURMOND. Just several minutes.

Mr. SCHMITT. I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, on page 12, the committee wrote into this resolution, into its code of ethics, these words:

> (e) An individual only is required to report information within his knowledge; however, it is the responsibility of a reporting individual to exercise reasonable diligence to obtain the information necessary to comply with this rule.

Now, when this was written into the code, I had serious doubts then, and I raised the point and would have preferred some other wording, but we did not seem to be able at that moment to find the exact wording that we needed to convey what we thought.

The House of Representatives provided that the spouse has constructive control. Now the amendment by the Senator from New Mexico, the Senator from New York, and the Senator from Connecticut provides these words:

> A reporting individual shall also report the interests of the spouse or dependents of that individual if such interests are within the constructive control of the reporting individual.

Then the amendment goes on to explain what constructive control is, and they define it in these words:

> For the purposes of this subparagraph, an interest is in the constructive control of a reporting individual if the enhancement of the interest would substantially benefit the reporting individual.

So, Mr. President, the way I understand it now, this amendment takes away the question of knowledge. It is not a matter of knowledge any longer, if this amendment is adopted. It is a matter of constructive control.

I favor this amendment, because I think it is more reasonable than what we wrote into the code of ethics when we were considering the matter. I think what the House did is in line with this, except I believe we are going a little further here, and not only staying within constructive control of the reporting individual, but we are defining what is constructive control, which the House did not do.

I think the amendment is fair. It is just a question of whether the Senate wants to adhere to the words we wrote in the code of ethics about the reporting Member having knowledge of the property of the spouse, or whether we want to accept this amendment, which I think is more practicable and more workable, and for that reason I favor the amendment and shall support it.

Mr. SCHMITT. I thank the Senator.

Mr. CLARK. Mr. President, will the Senator yield for another 30 or 60 seconds?

Mr. SCHMITT. I yield 1 minute to the Senator from Iowa.

Mr. CLARK. I do not wish to belabor the point, but let me make it clear one more time: my concern is that on page 12, we strike lines 8 through 10, which apply not just to a spouse or a dependent, but to a Member himself, or an employee, or anyone covered by the disclosure provision.

It certainly should not be interpreted that if Members do not know the value of their home, or do not know the value of their stock, or if at some time in the past they have put their money in a blind

trust, that not knowing that in some way gives them sanction not to report it, or, indeed, with the wife or the dependent, if you simply do not ask—and obviously you do not know what those holdings are—that somehow you have less responsibility for finding out.

I am not trying to create any new rule of law. Let me just quote from *Reynolds* v. *Moseley* (8th Cir. 1929, 32 F.2d 979, 981):

> Knowledge of facts sufficient to put a reasonably prudent man upon inquiry, which if followed up with reasonable diligence, would lead to knowledge . . . is equivalent to knowledge.

That is the law. I am simply saying I think it is important, as Members read this, that they understand there ought to be some reasonable effort to know their holdings, their spouse's holdings, or their dependent's holdings in the process of reporting.

Mr. NELSON. May I ask a question at that point?

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield myself 3 minutes.

It is the practical application that concerns me and the impossibility of the Ethics Committee dealing with it. For example, I remember a friend of mine 3 or 4 years ago in rather limited circumstances whose wife had spent 2 years setting aside nickels and dimes so that they could take a trip to visit a child, a daughter of theirs. They never thought they would make it. But she saved the money in 2 years. If that person was a Member when the date to file comes, exercising good faith and so forth, does that mean that he would sit his spouse down and say, "Now, tell me true, have you squirreled aside a little money here?" And if he did not do that, has he exercised good faith or not? This is the kind of thing the Senator is talking about.

Mr. CLARK. No, I am saying that we ought not to create the impression that if one does not ask or find out either about his own holdings or his wife's or dependent's holdings, there is no problem at all about not reporting those things we have not asked about. That is the only concern I have.

Mr. NELSON. For the record, is the Senator saying that in the case I suggested a moment ago, a person would not have been exercising due care and good faith if one failed to make that inquiry of one's spouse at the time one filed the report?

Mr. CLARK. I would not think it would be reasonable for him to necessarily assume that he has to make that kind of deep inquiry.

Mr. NELSON. Then what inquiry does he have to make?

Mr. CLARK. I do not see anything wrong with sitting down with a spouse or a dependent and saying, "It is time this year for us to file." I do not see anything wrong with simply sitting down and saying, "Now we are going to file our accounts with the Senate as required by law. Let us figure out what they are." They are gone through, they are brought in, and that is it. To be able to say to your spouse, "I do not want to know any of your holdings because if I know that, I have to file it." I do not think we want to give particular encouragement to that approach.

Mr. NELSON. May I say to the Senator, if any Member of this or any other institution wants to consciously engage in fraud, evasion of the law, or anything else, they may do so and nice little golden rules will not solve that. In the ordinary family situation each spouse knows what they have. Is the Senator saying that if a spouse acquired some assets and did not notify the other spouse over a period of time, and the Member failed to ask the spouse, whom the spouse never supposed had any assets, that the Ethics Committee is going to say that Member did not exercise good faith in a case before it?

Mr. CLARK. Not at all.

Mr. NELSON. The Senator was saying he did not see anything wrong with a Member sitting down each year with his spouse and saying, "What do we have, Honey?" I just say we are creating a situation that is impossible to live with.

Mr. CLARK. Does the Senator argue that it is inappropriate for a Member to sit down with his spouse and dependent and ask such a question?

Mr. NELSON. I say in almost any situation I can think of, two married people know what each other's assets are. All this does is say, "Reveal what you know." If a Member is a liar, so he is a liar. If he is found out, he is sent to the Ethics Committee. But to start setting up little rules about having to comply with an exercise of good faith, and so forth and so on, will be absolutely meaningless. If a Member wants to say to his spouse, "Do not tell me anything," does the Senator suppose one day he will come before the Senate Ethics Committee and say, "I told my wife not to say anything." Nonsense. We are writing provisions in here that do not mean anything, that accomplish no purpose, and just bring disrespect upon the sensible rules I hope we are going to adopt. I am opposed to it.

Mr. JAVITS. Will the Senator yield?

Mr. SCHMITT. I yield 1 minute to the Senator from New York and 2 minutes to the Senator from Kansas.

Mr. JAVITS. Mr. President, all I was trying to state was that the agreed upon colloquy ended when Senator RIBICOFF said:

> I would like to ask the Senator from New York whether he interprets this compromise agreement to require the disclosure of any assets which are so transferred from an officeholder to a spouse or dependent.

That is the only point I was trying to make. That ended our agreed upon interpretation of these amendments which hopefully will be adopted. On everything else, every Senator has a right to his views of the facts, of the law, whatever, and he has a right to state them. I just wanted to make that point clear, which I do now.

Mr. SCHMITT. I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, this Senator is bothered by the idea that normally, in the absence of a specific property division or agreement, the interests of a spouse or dependent are constructively controlled by the reporting individual.

That happens not to be the case in many marriages. I would suggest that there may be a relationship where the spouse comes into the marriage with her own or his own checking account, or their own job. I do not understand the distinguished Senator from Iowa saying that we necessarily can just sit down every year and say, "We are going to fill out this report."

What if the spouse says, "It is none of your business." Is that a reasonable effort to find out what property your spouse has? I would like someone to respond to that question. Are we required, if a spouse has separate property, a separate job, a separate checking account, to somehow investigate that? That is in the colloquy. It says "normally." It is not normal these days. I think it is abnormal.

Mr. JAVITS. The Senator has just answered his own question. The colloquy says, which is why it is satisfactory to me and I think to many others, "in the normal family situation." The Senator has just said it is not normal so, therefore, it is not encompassed within this expression which is used in this section.

Mr. DOLE. In other words——

Mr. JAVITS. If the Senator will forgive me, we cannot get into individual finite details, obviously. Probably there are 100 different situations in the Senate. I was willing to accept that fact, that the burden of proof would then be on a Member if he ran into a situation like this to show that his situation was not "the normal family situation." If he did, then he would have to justify it on the circumstances of his case.

Mr. DOLE. Without going the extra step suggested by the Senator from Iowa?

Mr. JAVITS. We just wrestled that one. We should leave it be.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. I wish to compliment the effort made by all parties, Mr. President. I think we do have an agreement in an amendment here which does protect the basic individual rights of spouses and dependents and at the same time reflects the purpose of this resolution. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SCHMITT. The Senator from New Mexico yields back the remainder of his time.

Mr. NELSON. Mr. President, has a rollcall been requested?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Does the Senator from Wisconsin yield back the remainder of his time?

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico, amendment No. 153. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from West Virginia (Mr. RANDOLPH) and the Senator from South Dakota (Mr. ABOUREZK) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Florida (Mr. STONE) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Idaho (Mr. McCLURE) is necessarily absent.

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—93

Allen	Goldwater	Moynihan
Anderson	Griffin	Muskie
Baker	Hansen	Nelson
Bartlett	Hart	Nunn
Bayh	Haskell	Packwood
Bellmon	Hatch	Pearson
Bentsen	Hatfield	Pell
Biden	Hathaway	Percy
Brooke	Hayakawa	Proxmire
Bumpers	Heinz	Ribicoff
Burdick	Helms	Riegle
Byrd, Harry F., Jr.	Hollings	Roth
	Huddleston	Sarbanes
Byrd, Robert C.	Inouye	Sasser
Cannon	Jackson	Schmitt
Case	Javits	Schweiker
Chafee	Johnston	Scott
Chiles	Kennedy	Sparkman
Church	Laxalt	Stafford
Clark	Leahy	Stennis
Cranston	Long	Stevens
Culver	Lugar	Stevenson
Curtis	Magnuson	Talmadge
Danforth	Mathias	Thurmond
DeConcini	Matsunaga	Tower
Dole	McClellan	Wallop
Domenici	McGovern	Weicker
Eagleton	McIntyre	Williams
Eastland	Melcher	Young
Ford	Metcalf	Zorinsky
Garn	Metzenbaum	
Glenn	Morgan	

NAYS—1

Durkin

NOT VOTING—6

Abourezk	Humphrey	Randolph
Gravel	McClure	Stone

So Mr. SCHMITT's amendment was agreed to.

Mr. SCHMITT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order, the Senator from Alaska (Mr. STEVENS) is recognized to call up an amendment on which there shall be 1 hour of debate to be equally divided and controlled.

AMENDMENT NO. 134

Mr. STEVENS. Mr. President, I call up amendment No. 134.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendment No. 134 to amendment No. 65.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At page 24, line 12, add subparagraph 5.

5. (a) In the alternative to any other provisions of this rule, a Member, officer, or employee of the Senate may comply with this rule if he makes a regular public disclosure, in a form and manner as prescribed by the Select Committee on Ethics, of any gift, favor, service, or anything of value exceeding $35 per contributor accepted by himself, his spouse, or dependent thereof from any person, business, or other entity under circumstances where he knows by the exercise of ordinary care that such gift, favor, service, or thing of value will, might tend to, or is intended to affect the present or future performance of official duties—

(b) each supervisor, as defined under rule XLV, subparagraph 11, shall personally review and sign disclosure statements filed by an employee under his supervision;

(c) each disclosure filed pursuant to this subparagraph shall include: (1) the identity of the contributor; (2) the nature of the gift; and (3) the date and location of the receipt of such gift; and

(d) such public disclosure shall be made quarterly on dates to be established by the Select Committee on Ethics.

Mr. STEVENS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Those Senators desiring to converse may retire to the cloakroom. The Senator will not proceed until the Senate is in order.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I offer this amendment so that we might consider the alternative of full disclosure to the limitations we apply to gifts in this resolution. I hope each Member will look at the first section of rule XLIII on page 21. I will read it:

No Member, officer, or employee of the Senate shall solicit or accept a present or future gift, favor, service, or anything of value from any person, business, or other entity, under circumstances where he knows, by the exercise of ordinary care, that such gift, favor, service, or thing of value will, might tend to, or is intended to affect the present or future performance of his official duties.

Let me cite to the manager of the bill some examples that have actually occurred during the time this Senator has been in the Senate.

We had a problem that raised national concern over the quality of the welds on the Alaska oil pipeline. I called the company involved and said, "I want to see that pipeline. I want to see the area where these welds are questioned." That meant I was soliciting a service, because there is no other way to go to see that pipeline, except to go with the company.

The company has planes under charter, and these are either twin-engine turbo-prop planes or twin engine jets. The turbo-prop costs $600 an hour to ope- the quality of the welds.

The company, realizing that my interest was official, arranged to take me out there. We flew to one of the camps, and then we took a helicopter to fly from the landing strip to the camp involved, where serious question was raised as to the quality of the wells.

So, having solicited the ride, I accepted the service, and I accepted it for the purpose of influencing the future performance of my official duties. I wanted to know what was going on, and the company wanted me to know what was going on, so that I could express the Alaskan point of view concerning this issue.

There was another situation, which I mentioned to the manager of the bill the other day, when we had brought into the State of Alaska one of the new balloon devices for harvesting timber. When I learned that this balloon device would be unveiled in southeast Alaska, I called the company involved and said, "I want to see this." This new technology may mean that we will not have to build logging roads any more, provided it proves successful on these islands of southeast Alaska. The company was very pleased with my interest in this balloon device and arranged to have a plane pick me up and fly me down to the island where they were logging.

It was done for the purpose of influencing my actions as a U.S. Senator. It did influence them, because I have supported that particular method of harvesting timber; and I believe we can eliminate some of these problems in the future with respect to logging from islands such as those in the southeastern part of Alaska.

I have raised to the manager of the bill the question of section 1. If the President of the United States invites one of us, as Members of the Senate, to a working breakfast in the White House for the purpose of influencing us on an issue before the Senate, we are accepting a service or a gift or a favor, whatever you want to call it. It is a breakfast, paid for by the President of the United States, and he seeks to influence us in the performance of our official duties.

That section has no business in this gift provision, so far as I am concerned. The balance of this amendment, however, does have merit, and I offer an alternative to that section.

However, I again raise the question of section 1. I urge every Member of the Senate to take a look at it; because if we mean to have a new official code of conduct that Senators will really live up to, the first section is something no one can live up to if he is honest with himself and the American people. There is nothing one can do in this respect when meeting and discussing with his constituents, whether it is the American Legion, or the people who are in favor of the hot lunch program, who by the way came here the other day, and had a list of things they were interested in, in terms of legislative action by Congress. Attached to it was a note which stated something along the lines of . . .

You are invited to a cocktail party. By the way, Miss So and So, from your State, will be there to be your hostess.

Who is kidding whom? They are trying to influence us in the performance of our official duties, and they are offering us a gift. They are offering us the right to attend a hosted cocktail party or lunch, or whatever it might be. There is nothing we can do to live within the confines of section 1 and be honest with ourselves and the American public.

My amendment attempts to go beyond that by offering an alternative of full disclosure, to those limitations provided

in this rule. Under this rule, if a corporation is registered under the Lobbying Act or an individual is registered as a lobbyist, or if a corporation or a labor organization has a political action fund, the limitation that applies is $100.

Again I tell the manager of the bill about an example which really happened. I was in my State, making a speech at Mount McKinley National Park. I received a call from a labor organization indicating that there was a matter coming up the following week in which they were interested. They wanted to tell me how they felt. I said, "I'm sorry. I have to catch a plane to go to Anchorage, and from there I have to go on to Washington, and I cannot take any time."

They said: "If we come and get you with our plane and fly you down and land you in Anchorage so that you can get on the plane that goes back to Washington, will you discuss it with us?"

I said, "Of course."

So they brought their plane up, and I rode back to Anchorage from Mount McKinley National Park; and they told me of their interest in legislation that was pending before the Senate—as I think they have a right to do. In doing so, they provided me a service, and that service, as I pointed out, is $600 an hour for a turboprop jet. If I called for that plane myself, it would have cost me $1,200. They took me back to Anchorage because it was for their convenience to do so, in order to assist me in representing them.

I say to my friend—and he is my good friend—that to put a limit of $100 on those people who have already taken action to participate legally in the lobbying process, or legally in the process of funding those who are candidates for election to Congress, is wrong in my opinion.

The committee has chosen that course. My amendment offers the alternative of full disclosure, under rules promulgated by the Ethics Committee, on a quarterly basis. Let a Senator have the alternative of listing anything he has accepted which exceeds $35.

That comes back again to the very interesting language in my amendment, which is from the resolution directly. It is from the first section of rule XLIII, and it reads:

> . . . under circumstances where he knows, by the exercise of ordinary care, that such gift, favor, service, or thing of value will, might tend to, or is intended to affect the present or future performance of his official duties.

Many of my friends have said to me, "Do you really mean to put that in there? That is right out of the bribery statute. You mean you want to go and admit that you have accepted a bribe?"

I called my friends' attention to the fact that it is right out of section 1 of this ethics resolution, because that says that when I accept the invitation of the President of the United States to have a working breakfast with him, to discuss appointments, or if I go to a meeting of the Associated General Contractors, or to a meeting of the boilermakers and accept a drink and discuss with them their legislative program, I have accepted a bribe.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. NELSON. There is a difference, in that with respect to the section referred to by the Senator, describing the circumstances in which the Member knew or should have known that the gift was given for the purpose of influencing a vote—the section provides that under those circumstances, the Member should not accept the gift. That is quite different from the situation of accepting and reporting it.

I happen to think it is an unnecessary piece of language in there, and I did not think it should be included, because that is obvious, if that is its purpose.

Mr. STEVENS. The Senator is saying that if it is given to a Senator with a criminal intent, he has committed the crime of accepting a bribe. If it is given to the Senator for the purpose of carrying out his constituent's right to petition a Member of Congress to properly represent them, it is not a bribe; except that the Senator says that even if it is a gift, it should not be accepted.

Again, I call the Senator's attention to the labor union that brought the plane to Mount McKinley and took me to Anchorage. That was a service which I had solicited. Was that a bribe? I do not think it was. Was it a gift? Certainly it was. Under the Senator's rule, it was a gift. It was a service provided to me at my solicitation.

The difference between bribery and gifts, I think, is there, between title 18 and this rule. But the problem is that the committee, in its wisdom, has seized upon the bribery language and put it into the rule. So that, in effect, if you accept a gift under those circumstances, people can say, "Ah ha, he was just bribed by a labor union," or by the person who provided the transportation.

I urge Senators to take a look at section 1. It is the most harmful section in the entire resolution. It is a standard of conduct with which one cannot comply in good faith and good conscience as a Member of the U.S. Senate.

Does the Senator seek time?

Mr. BUMPERS. I just wanted to ask the Senator a question.

Mr. STEVENS. Yes.

Mr. BUMPERS. I am not sure how the section reads. But it is a common occurrence that when I go home I land in Little Rock and have a speaking engagement with a chamber of commerce in the southern part of the State, normally they will have a plane at Little Rock to fly me to the community which is not served by a commercial airline.

I received an opinion last year from the Federal Election Commission saying that that did not constitute a contribution as long as I was not a candidate. There was nothing wrong with it.

My question is now under this resolution could that be construed as a gift?

Mr. STEVENS. Yes. And, what is more, it is not only a gift but if the plane happens to be owned by a company or a labor organization which as a political action committee or a registered lobbyist, the limitation is $100, and I think in Arkansas you can fly just about the same distance for the same amount as in Alaska. I mean the cost of operating a plane is not that different. You are not going very far in small planes provided for the convenience of the Senator or the constituency under this rule unless something is done to make certain that we understand that those services provided to assist you to carry out your official duties, even though they are provided with the intent of influencing you, are still not to be included within the realm of this section.

Mr. BUMPERS. Will the Senator allow me to propound a question to the floor manager on that point?

Mr. STEVENS. He has time on this, yes.

Mr. BUMPERS. Mr. President, will the distinguished floor manager yield for a question on his time? It is not the Senator from Alaska's right to yield, I recognize, but I think the Senator from Alaska will permit this.

Mr. NELSON. I will be glad to yield time.

Mr. BUMPERS. The first question I asked the Senator from Alaska was if I fly from Little Rock to another part of the State in a private plane to keep a speaking engagement to a nonpartisan group would that be considered a gift under this resolution?

Mr. STEVENS. The answer is, "Yes."

Well, it is a service. I do not see how the Senator can hesitate at all. You are accepting a service which, if you wanted to go and they are coming after you, you would otherwise have to pay for yourself.

Mr. NELSON. I would appreciate it if the Senator from Alaska would not decide when I should hesitate. [Laughter.]

If the question the Senator is raising is if the Senator is invited to speak in his State or any place, for that matter, and is provided transportation, that is acceptable. There is no prohibition against that.

Mr. BUMPERS. What if the plane is owned by a labor organization or some business firm that has a PAC?

Mr. NELSON. Is this the kind of a case where it is the Arkansas Federation of Labor, and the Arkansas Federation of Labor had a plane or chartered a plane or is it the Chamber of Commerce and a member of the Chamber of Commerce?

Mr. BUMPERS. Let me give you two illustrations. Let us assume I am going to the southern part of the State to speak to a Chamber of Commerce banquet, and the AFL-CIO provides me with a plane to fly from Little Rock to that town.

Mr. NELSON. I do not think I have to answer that. If that were the case, the chamber would not let you speak. [Laughter.]

That would be a case prohibited under the rules.

Mr. BUMPERS. If I were going to the same town to speak to the COPE convention and the AFL-CIO picked me up, would that be prohibited?

Mr. NELSON. No.

Mr. STEVENS. Why not?

Mr. NELSON. Because they are authorized to provide transportation to the speaker to get there. They can pay for the commercial ticket, they can charter a plane to get you to their meeting; if they own a plane, they can take you to the meeting.

Mr. BUMPERS. Let me ask the Senator a third question. Let us assume that going to the same destination, a corporation which does not have a PAC of its own but which belongs to an association, for example, let us assume Weyerhaeuser, which does not have a PAC but belongs to the National Association of Foresters, which does, and they pick me up, would that be prohibited?

Mr. NELSON. Pick you up to fly you to one of these meetings?

Mr. BUMPERS. No, flies me to a Chamber of Commerce banquet.

Mr. NELSON. Are they a member of the Chamber of Commerce?

Mr. BUMPERS. Yes.

Mr. NELSON. It is not prohibited.

Mr. STEVENS. I might interrupt—would the Senator allow me to interrupt—to clarify the facts a little bit? I think the Senator did not correctly answer one question, and that is where the union provided you a plane to speak at a convention. If they are paying you an honorarium they can provide the transportation. There is nothing in this rule that says if you are not provided an honorarium, that you can accept a gift of service of transportation that is not subject to this limitation of $100 or $250.

Mr. BUMPERS. Does the floor manager agree with that statement?

Mr. STEVENS. Well, he has to, because it is in the report.

Mr. NELSON. You are raising the question if a corporation places a——

Mr. BUMPERS. No, we passed that. In the question posed by the Senator from Alaska if I am speaking to the COPE convention, and they pick me up in a plane, the AFL–CIO picks me up in their plane, and they are paying me no—they are not paying me an honorarium, do I correctly state the point?

Mr. STEVENS. Yes.

Mr. BUMPERS. They are not paying me an honorarium, the Seantor from Alaska says their flying me to that convention would still be prohibited under the rule.

Mr. NELSON. That is not correct.

Mr. STEVENS. Where the Chamber of Commerce does it it is still under the gift section and not the honorarium section. Therefore, it is a gift of $150. If you are going under the honorarium section, you have to receive an honorarium to fall under it. We have two different rules here, and we have to be careful. One deals with earned income and the other with gifts. If you do not have any earned income, you come under the gift section. These are several good lawyers around here, and I urge them to take a good look at it. I do not see how you can get under the honorarium rule and the provision that says reasonable expenses, when you are not getting paid. You have to be under the gift section, in this case.

Mr. NELSON. Any transportation to a meeting where you are going to speak is not a gift.

Mr. STEVENS. Where does it say that in the resolution?

Mr. RIBICOFF. On page 23, beginning at line 7, "reimbursement for other than necessary expenses," is a gift, but if you are being reimbursed for necessary expenses——

Mr. STEVENS. It is not a necessary expense for them to send a plane after him if he can ride on a commercial plane. We are getting down to a different situation. Again, this relates to my State. I ask the Senator, is it a necessary expense if I could wait until tomorrow and take a commercial plane, rather than send a plane after me tonight?

Mr. RIBICOFF. On page 20 of the report:

> When an individual required to report under this rule is reimbursed for (or is provided) transportation, lodging, or food, such reimbursement need not be reported.

We were very clear in the report to set out in the first paragraph on page 20 that we contemplated that situation. We understood that.

If you were going to be giving a speech or going back home to do something for an organization, and they provided you transportation, lodging or food, then you did not have to report it.

Beginning in the first paragraph on page 20——

Mr. DURKIN. Mr. President, will the Senator yield for another question?

Mr. STEVENS. Wait, just a minute, please. I want to be sure we understand what is necessary under the gifts rule, right? Under the honorarium rule the question is what were the expenses that were paid. As long as you are within the section of the report that deals with the fact that you cannot go out 2 days early and come back 2 days late. But the necessary test still applies to gifts, and again I raise the question posed by the Senator from Arkansas about the plane that comes up to get him for his convenience to take him to a town where he could wait and take commercial transportation. The question of necessary expense is still raised. Perhaps the Senator—I would be happy to have a legislative history that says he can take his plane, because if he can take it from Little Rock to wherever he wants to go, then I can take it from Anchorage to Prudhoe Bay.

Mr. NELSON. I think it was clearly the intent, although, as the Senator knows, one cannot write into a committee report or a statute every conceivable case that could be raised. I think the committee report makes it clear that if transportation may be furnished by any organization for the Member to come and speak to them; they may do it by reimbursing the Member for a ticket, they may do it by buying a ticket and sending it to the Member; they may do it by sending a plane for the Member. It is not a gift. They are providing transportation, and I do not think the fact that one could catch a commercial plane 1 or 2 hours later or 1 hour earlier makes any difference at all.

Their responsibility is to provide the transportation for the Member to get there to speak to the organization, however, they wish to do it. I do not think there is any question, under the rule or under the intent of the committee, they may furnish it.

Mr. STEVENS. What if I solicit? Suppose I ask them:

> I want you to send a plane after me, come get me, and I will speak to you; if you don't, I won't.

Mr. NELSON. I do not think there is any question about that either.

Mr. STEVENS. Even under section 1?

Mr. NELSON. No. I do not think there is any question under section 1 at all.

Mr. STEVENS. As long as I am making a speech they can influence me, if I am soliciting.

Mr. NELSON. I do not think there is anything wrong.

Mr. STEVENS. The Senator did not hear me.

Mr. NELSON. If a Member is going to speak to an organization, they are asking the Member to speak and if it is more convenient to supply transportation one way or the other I do not think there is any doubt whatsoever but that that is authorized.

Mr. STEVENS. But the Senator did not hear me. As long as I am going to speak it is all right if they pay my way or send a plane. If I am going to listen to them, to influence me in the course of my official duties and, if I am not going to make a speech, they are not paying me an honorarium. They want me to come listen to them so I can come back here and properly represent them. Does that change the Senator's mind about the service? Is it limited to $100 if they send a plane after me so I can go listen to them?

Mr. NELSON. The Senator's fertile mind raises a point I had not thought about. But I guess it would be clear that if the Senator is being invited to meet with his constituents so he can hear what their problems may be, that is clearly covered.

Mr. STEVENS. Now we are getting someplace. Will the Senator agree with me? I hope the Senator from Connecticut and members of the Ethics Committee will listen. If a Senator is provided a service, whether he solicits it or not, to assist him in the performance of his official duties as a Senator and that service involves transportation, whether be it by automobile, bus, boat, or plane, is that to be considered a gift or a service within the confines of this rule and therefore subject to a limitation as far as the $100 or $250 limitation?

Mr. RIBICOFF. Personally I do not think so. The Senator's constituents in Alaska are saying to him:

> There is a meeting involving environmental factors of a large section of our State and there will be a large meeting with different input from all the groups, and we think it is only right and it is your duty as a Senator from Alaska to listen to all points of view.

The Senator replies:

> How am I going to get there?

They say:

> We will send a plane.

If they provide the plane, I think that is all right.

Mr. STEVENS. I do, too, but I think it is still within the confines of this rule, unless the Senator agrees it is out.

Mr. RIBICOFF. I can see the situation where the officers of a company state:

> We are having the 50th anniversary celebration of the founding of our industry in Bridgeport, Connecticut, and we would like you, Senator Ribicoff, to be present at the 50th anniversary of the founding of our company.

I say:

Well, you know we are pretty busy down here and it is hard for me to get a plane to Hartford and drive to Bridgeport and get back here and vote at 6 o'clock.

They respond:

We will send our company plane to get you to Bridgeport and after the ceremony fly you back to Washington so you make your vote.

In that event, I do not think I have violated anything in this code.

Mr. STEVENS. I am glad the Senator said that.

Mr. RIBICOFF. If the Senator from Arkansas is to make a speech at some place in Arkansas, and they say, "If you come and make the speech we will supply you a plane," whether he gets an honorarium or does not get an honorarium, that, in my opinion, is legitimate.

Mr. STEVENS. I have great faith in the Senator's ability to interpret the English language as well as any of the rest of us. I hope he would read between lines 15 and 21 on page 21 and tell me, if I asked them to send a plane after me, how I am not soliciting a service to influence me in official duties?

Mr. NELSON. May I comment on that? And I wish the other members of the committee were here.

Let me say to the Senator from Alaska, from the first minute I looked at the paragraph I have been arguing with the staff about the lack of necessity, the confusion, and foolishness of having that paragraph in there. It is a wordy restatement of the Golden Rule and totally unnecessary, totally confusing, and I am personally prepared to strike it out personally.

Let me read the language. I do not think it makes any sense at all, and someone who was working overtime and got tired must have written it:

No Member, officer or employee of the Senate, shall solicit or accept a present or future gift, favor, service, or anything of value from any person, business, or other entity under circumstances where he knows by the exercise of ordinary care that such gift, favor, service, or thing of value will, might tend to, or is intended to affect the present or future performance of official duties.

What does that mean?

It is nonsense, and I do not even understand it. I have been through it 10 times with staff. As far as I am concerned I am prepared to knock it out of there unless someone tells me it does mean something.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. RIBICOFF. I say I agree with the chairman on the condition that our colleagues stop this discussion, on the proviso that the chairman knock it out of the resolution.

Mr. STEVENS. Mr. President, I move to modify my amendment.

The PRESIDING OFFICER. The clerk objection to the modification?

The legislative clerk read as follows:

On page 21, strike lines 15 through 21.

On page 21, line 22, strike "2." and insert in lieu thereof "1."

On page 23, line 6, strike "3." and insert in lieu thereof "2."

On page 24, line 6, strike "4." and insert in lieu thereof "3."

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. This modification removes the section in question that gives me so much problem.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. NELSON. Is the Senator modifying the amendment that is at the desk?

Mr. STEVENS. That is right. It has the effect of withdrawing amendment No. 134, and instead deletes section 1 of the proposed rule 43.

Mr. NELSON. So the Senator is simply striking out lines 15 through 21.

Mr. STEVENS. The rest of the amendment will be struck but subject to the history that I just heard which states that if a Senator solicits transportation to take him to perform his official duties, that that is not to be considered subject to the limitation of $100 and $250 that is within this section.

Mr. NELSON. Let me see if I can make a record here that will be acceptable to Senator CLARK, Senator RIBICOFF, or anyone else for that matter.

This has been written carefully to try to cover the circumstances raised by the Senator. Let me say, with regard to travel by airplane, the committee believes that there is a latitude for use of private planes in certain limited circumstances. When no other transportation is reasonably available because of the time factor or remoteness of a destination and the trip is for official business, then it would not be a gift if a private plane is used by a Senator.

However, this would not permit the use of a private plane by a Senator to go home for weekends or to fly to vacation spots in private planes. That must be obvious anyway. The use of such planes should only pertain to situations where a Senator feels there is no other reasonable way to get to the place in connection with official duties and there is a pressing need to reach the destination. There should be reimbursement out of official funds for these types of trips at ordinary commercial rates pertaining in the United States.

I believe that to be the law now, that one can charter a plane if it is necessary, and one can reimburse for the cost of private transportation, but, in any event, this part of colloquy represents my view and I ask if the other committee members endorse that.

Mr. DURKIN. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I shall take 1 minute to clarify this in terms of what the Senator from Connecticut just said.

He is asked to make a speech in Connecticut, and because of the timing of his Senate duties, he says, "I cannot make it," and they say, "We will send a plane after you, and we will see that you get back there for the vote."

Is the Senator saying if he does that, he ought to reimburse them for the cost of what it would have cost him to fly back and forth? The Senator is not saying that, is he?

Mr. NELSON. No; what we are saying in that case is that if you are being requested by an organization in your State, or any place, to come and give a speech, they may provide the transportation in any way that suits your convenience.

Mr. STEVENS. When I went down to look at the pipeline in connection with that weld problem I mentioned earlier, there were a bunch of welders there that were mad as hops, and I gave them a little off-the-cuff speech about what went on back here, but that was not the purpose of my trip. I was going to inspect the pipeline. Is the Senator saying that if the company provides me transportation in that instance, I have to pay for it, out of official funds, but the Senator from Connecticut does not have to pay out of his official funds if he goes for the purpose of speaking, even though it is a trip without an honorarium?

Mr. NELSON. No. If an organization is providing the transportation, obviously that is not reimbursable, and they should pay for it. But if the Senator is attempting to get around his State, and it is not convenient, because of lack of availability of transportation, the Senator may charter a plane or he may ask a private owner of a plane to transport him, if that is all that is available, and then reimburse at commercial rates out of his official accounts for that trip. However, if it is provided free by a private source of some kind, not for the purpose of speaking at a meeting, then it comes under the section of a reportable gift, if it has a value of over $250.

Mr. STEVENS. Just so I understand, and I think we have come a long way down the road that I wanted to come down: As I understand this, in terms of my flight, for instance, going back to see the balloon that was taking the logs up, when I called that company and asked them to show me that balloon so I could know whether or not we ought to increase the road funds in the forest or stimulate further use of these balloons, when they come and get me and take me out and show me, and bring me back again—that is two round trips for them, from the island—if I reimburse them at the rate of what it would have cost me to fly commercially or to charter a plane, then, as far as the Senator is concerned, I have complied with this rule; is that correct?

Mr. NELSON. I think it is reasonably clear that you have complied with it if you pay them out of official funds for it. In the case the Senator states, if within his State, where they are using this method of forestry or if the Senator were to come to look at a mine or a new mill or something like that—I have not thought about that. My inclination would be that they ought to be able to fly you into their place to look at it, and then back.

Mr. RIBICOFF. Mr. President, may I make a suggestion? We are going to be on this resolution a couple of days. The purpose of this kind of colloquy on amendments is to show weaknesses or uncertainties in legislation.

If there is an uncertainty or question in the mind of any Senator, we ought to try to do something about it. I wonder if

the distinguished Senator would be willing to lay aside his amendment—we are not going to finish this week, anyway, I understand—so that his staff, having listened to the colloquy, could try to work out better language.

Mr. STEVENS. Would the Senator agree to strike section 1, and try to improve the language of the balance, on the gift section, later?

Mr. RIBICOFF. That is right. The chairman has agreed to strike section 1, and that is perfectly all right with me. But I think we could save a lot of time if we let the staff, who have been on the floor and heard this colloquy, try to perfect language to take care of the situation.

Mr. STEVENS. The Senator from Wyoming wanted to speak on this point.

Mr. HANSEN. Mr. President, I do not wish to impose on the Senator's time. I do have 80 minutes on amendments of my own. However, I do understand his situation, and I can understand full well what the Senator from Alaska is talking about.

I have made trips to Wyoming to inspect surface mine reclamation lands. There are no commercial airlines going into those areas. There is no way to get there except by private auto.

Mr. STEVENS. Or plane.

Mr. HANSEN. Or private plane. I have done precisely what the Senator from Alaska has done. To say the very least, and to be as charitable as I can be, I have to say that when this bill was put together by the staff, there were a lot of things they did not think about or anticipate.

As I understand, I think of a gift as presumed to be something of benefit to me, and perhaps of equal detriment to the person who makes that gift. In this case, I would have to join with my friend from Alaska in saying I was simply trying to do a better job.

Here would be another situation: Suppose a disaster strikes, and time is of the essence, and you want to get out to some place. You may be aware there are no commercial flights scheduled, and the quickest way to get there is to go in a company plane.

I think you have a responsibility to find out what has happened, to see what can be done to alleviate the suffering and to bring about conditions which would help restore things to normal.

I would have struck the entire gift provision, but I realize that probably is not going to happen. I think at the very least the first section should be stricken, and I believe that has tentatively been agreed to. Am I right about that?

Mr. NELSON. Yes. I just wanted to say to the Senator from Wyoming that I commend the Senator from Alaska for his great influence in being able to strike lines 15 through 31, which I have been trying to do for weeks without success. I thank the Senator for his help.

Mr. STEVENS. In view of the fact that the Senator has said they were meaningless, I accept the compliment.

Mr. NELSON. Let me make one further comment. The Senator from Connecticut (Mr. RIBICOFF) did suggest laying the amendment aside because some questions were raised on which I cannot speak for the committee. But it has always been my view that if one is going to speak to his constituents, and they wish to provide the transportation, however it is provided, it can be accepted. On the other hand, if one wants the opportunity to see some industrial development, or some strip mining operation, some new process to learn more about it, and if the people involved in the operation provide the transportation, it is perfectly okay to reimburse from official funds if you want to travel by plane to look at it.

But Senator RIBICOFF has suggested setting the amendment aside.

Mr. RIBICOFF. There is no point in setting aside section 1. We have agreed to strike that right now.

Mr. NELSON. We have not voted yet.

Mr. RIBICOFF. To set aside the subject for further consideration of the ramifications of the limitations of $150 or $250, after we have written out the colloquy, or whatever the two Senators wish to do.

Mr. STEVENS. I wonder, if there is no objection, if we could adopt the amendment——

Mr. NELSON. The Senator from New Hamoshire has some comments he would like to make. I would like to yield first to him.

Mr. President, how much time does the Senator from Wisconsin have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 11 minutes remaining, and the Senator from Alaska has 10 minutes remaining.

Mr. NELSON. The Senator wants 2 minutes. I yield 2 minutes to the Senator from New Hampshire.

Mr. DURKIN. Mr. President, to clarify my understanding, let us go back to Alaska for a moment. Its people are not my constituency. There is no speech involved, and no honorarium involved. Again, it is not the State that I represent. And a company is flying me out, in a helicopter, to an oil rig in the Cook Inlet to see an oil rig functioning.

Those landing platforms are small enough. There are not that many people who are adept in landing in about 3 square feet of space in a windswept inlet. Would that run afoul of the second section?

Considering it is official business, it is committee business. There was no committee reimbursement contemplated, but it involves questions of energy, natural gas, oil, and taking a look at the Alaska pipeline.

It is not a Senator's State, no constituents are involved, no speaking fee involved, no speaking honoraria.

Then the second question: If a Senator is in his State and there is the practice of a rental car company making available to a Member a car at cost, is that considered a gift? Is that considered a gift under the ethics code?

Mr. STEVENS. Let me address the first question. The Senator from Connecticut, the Senator from Wisconsin, and the rest of us can deal with it regardless of how we deal with the limitations of $100 or $250.

Incidentally, I took a trip and saw the *Glomar*. I thought the *Glomar* might be useful in terms of development of the Outer Continental Shelf of Alaska. I went to see that vessel to try to determine its advantages and limitations in the climate that we have as far as the Gulf of Alaska is concerned. That was in California, not in my State. But it was official business. I think it was official business.

If the Senator comes to my State and wants to visit a platform to take a look at one, and I hope he will, there are very few people I would send the Senator out with to land a helicopter on a platform. They are all people working for the oil and gas companies.

I do not see that type of activity within the scope of this amendment. We will define that, I am sure, as we go through the concept of what are official duties.

Official business is not limited to a Senator's own State. I believe the Senator from Connecticut would be willing to conduct a study to determine the concept of official duties.

As far as the second point is concerned, I believe that has already been covered by the Ethics Committee. The practice in the past has been that we rented automobiles at a fleet rate from car rental agencies. The Ethics Committee informed me that was considered in violation of the old ethics rule and we all discontinued our rentals at less than the cost at which cars were available to the public.

That is another subject about which I would urge the Senator to inquire of the Ethics Committee people.

Mr. DURKIN. But it was coming out of a consolidated account. It was official business but the rate charged the consolidated account was at cost rather than cost plus.

Mr. STEVENS. The Senator raises a good question. If one goes into a hotel and asks for a Government rate, he can get a room at less cost than if he forgets to tell them he works for the Government. I tell them I work for the Government and I save some money. It is reimbursed, but I do believe we have an obligation to try to reduce the cost to the taxpayers.

Again, I do not believe that subject matter is within the purview of this section.

Mr. BUMPERS. Will the Senator from Wisconsin yield for a question before we lay this aside?

Mr. STEVENS. We are not going to lay this aside. I hope the Senator will agree to have the vote on the amendment to strike section 1, lines 15 through 21, and get it done, and then go on from there as to the application of the balance of the rule.

Mr. BUMPERS. Let me ask the Senator from Wisconsin this question: A week from tonight the Arkansas bankers will be in town and have a big reception and a big dinner. There are about 35 of them. It is what they call their legislative group. I hear these receptions around town and in some of the fancier hotels cost about $20 a person. I assume the dinner would probably cost around $30 to $40 a person.

Let us assume that my wife and I go to

the reception. That is $40. Let us further assume that they spend another $50 for dinner. That is $90. Those same bankers will be back in town in July and they are going to expect their Senator to be there. Shall I tell them I can come to half of the reception but I cannot stay for the balance and I cannot go to dinner with them, that I would be in violation of the law? Or next Thursday night shall I inquire as to what it is costing them per person to hold that reception and what the cost of the dinner is?

Mr. NELSON. The Senator is addressing himself to another section about which I have some concerns. However, there are two pending amendments that will be brought up and debated subsequently. I would hope we would not get into a debate on those two amendments now. However, I can say something from my casual glance at them.

One amendment would simply say that if it is the annual institutional American Legion, VFW, bankers, Wisconsin Bar Association, what have you, to which the congressional delegations are invited, it would be exempt.

There will be another amendment that I am aware of, if it is called up, which would simply exempt food, beverages, and entertainment so long as there was no overnight lodging involved. We will have those two amendments before us.

Mr. RIBICOFF. If the Senator will yield, I think the best favor we could do for the 100 of us is to outlaw all of these functions and we would not have to attend them.

Mr. BUMPERS. I will vote for outlawing or exempting, but I will not vote for the proposal the way it is presently written.

Mr. PELL. Mr. President, will the Senator yield 2 minutes on the question just raised?

Mr. NELSON. Is this on the amendment of the Senator from Alaska?

Mr. PELL. No. It is on the comment of the Senator from Arkansas.

Mr. NELSON. I wonder if the Senator would withhold that. There are two amendments on exactly that point. Maybe we can dispose of this section now and get to that subject matter later.

Mr. PELL. Very well.

Mr. NELSON. Mr. President, can we have a vote on the amendment striking section 1?

Mr. STEVENS. If the Senator from Wisconsin is prepared to yield back the remainder of his time——

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. Before I yield back the remainder of my time, I would like to know the next order of business, Mr. President.

The PRESIDING OFFICER. The Senator from Maine will present his amendment as the next order of business.

Mr. NELSON. The Senator from Maine has a brief amendment which I believe is acceptable. Does the Senator yield back the remainder of his time?

Mr. STEVENS. I will not be here tomorrow because of a very personal commitment I have made. I have been discussing with the Senator an amendment which deals with the question raised by the Senator from Arkansas, the admission to an event held by an organization or association as an annual or periodic event for Members of Congress. Is it the Senator's intention to address that subject sometime today?

Mr. NELSON. I do not know whether the subject will come up today or not. In any event, I believe it is quite certain the resolution will not be finished tomorrow. If the resolution has not been disposed of, the Senator may bring the subject up on Monday.

Mr. STEVENS. I thank the Senator, and I yield back the remainder of my time.

The PRESIDING OFFICER. Both sides have yielded back the remainder of their time. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. As the next order of business, the Senator from Maine is recognized to call up an amendment on which there will be 10 minutes of debate, to be equally divided.

UP AMENDMENT NO. 94

Mr. MUSKIE. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. MUSKIE) proposes an unprinted amendment numbered 94.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 29, strike lines 5 through 12 and insert in lieu thereof the following:

"8. An employee on the staff of a committee who is compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year (unless hired on a per diem basis) shall divest himself of any substantial holdings which may be directly affected by the actions of the committee for which he works, unless the Select Committee, after consultation with the employee's supervisor, grants permission in writing to retain such holdings or the employee makes other arrangements acceptable to the Select Committee and the employee's supervisor to avoid participation in committee actions where there is a conflict of interest, or the appearance thereof."

Mr. MUSKIE. Mr. President, I have two reasons for bringing up this amendment: First, I searched desperately for some way of doing something with this bill which would find the distinguished Senator from Wisconsin and the Senator from Maine in agrecment. I wanted to make some contribution to this bill which would find us in agreement. That is one of my reasons for offering this amendment.

Second, it is designed to get at what I think is a rather tough provision, which is on page 29. This is in the conflict-of-interest section. The language to which my amendment addresses itself begins on line 5. What that provides, as in the bill, is that an employee on the staff of a committee who is compensated at a rate in excess of $25,000 per annum and employed for more than 90 days in a calendar year shall divest himself of any holdings which may be directly affected by the actions of the committee for which he works unless he has received permission in writing from his supervisor and the Select Committee on Ethics to retain such holdings. There are two features to that language that trouble me.

One, it seemed to me that the divestiture provision left too few options to the employee or to his supervisor or to the Ethics Committee. In the executive branch, there are other options which are available—disqualification, for example, from engaging in an activity which poses the conflict, or a blind trust, for example, or some other kind of limitation.

Second, I was troubled that this kind of police work was imposed on the chairmen of committees. I happen to be chairman of the Committee on the Budget, on which there are many professionals whose wage level is above the $25,000 mark. I simply could not see myself taking on that workload and making those kinds of judgments in anything like a thorough manner. So what we have done with this amendment—I shall read the amendment, and I think it explains itself. We have discussed it with the distinguished Senator from Wisconsin and the distinguished Senator from South Carolina. This is how it would read:

"8. An employee on the staff of a committee who is compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year (unless hired on a per diem basis) shall divest himself of any substantial holdings which may be directly affected by the actions of the committee for which he works, unless the Select Committee, after consultation with the employee's supervisor, grants permission in writing to retain such holdings or the employee makes other arrangements acceptable to the Select Committee and the employee's supervisor to avoid participation in committee actions where there is a conflict of interest, or the appearance thereof."

That puts the principal responsibility for oversight with respect to staff and employees on the Ethics Committee. It does provide for consultation with the chairman of the committee in the event a problem arises, and then provides greater flexibility with respect to the action to be taken to insulate the employee from any potential conflict. I think this is a reasonable resolution.

I do not think it needs further explanation, but I yield to my good friend from Wisconsin.

Mr. NELSON. I yield myself 3 minutes.

The amendment is clearly explained, but for purposes of the record for legislative intent, I would like a little bit more elaboration. The Senator mentioned that divestiture may be too harsh and not flexible enough, considering

other alternatives, that the executive branch does have other alternatives, and that there are people with substantial holdings who could never serve in the Government, no matter how valuable they could be, if divestiture were the only answer.

It is correct, is it not, that the staff employees in that salary class must disclose their holdings, just as Members of the Senate do, so that the chairmen of committees, the Ethics Committee, and the public are aware of their holdings?

Mr. MUSKIE. The Senator is correct.

Mr. NELSON. It is also correct that there is much room for flexibility, as suggested by the Senator from Maine, on any one of these large committees which deals with a large spectrum of activities. It may very well be that a staff member who had a substantial holding that might be affected by one piece of legislation would not be affected by 95 percent of the rest of the work of the committee, and it gives the opportunity for the Ethics Committee and the chairman to look it over and decide whether or not that member may participate in the work on that particular legislation.

Is that not correct?

Mr. MUSKIE. The Senator is correct. I think that is a very important point to make.

Mr. BAKER. Will the Senator yield to me for a question?

Mr. MUSKIE. Yes, I yield to my good friend from Tennessee.

Mr. BAKER. I notice in the language that was brought to my attention in the amendment as originally proposed, I believe, in the third line, it says, "unless hired on a per diem basis." Is that language included in the amendment today?

Mr. MUSKIE. Yes, that language is still in the amendment. I just did not read it.

Mr. BAKER. I wonder what the situation would be if, as sometimes is the case, we have a consultant who is hired on a per diem basis who may be paid $25,000 in the course of a year and may be there more than 90 days.

Mr. MUSKIE. That language I left in because it was in the committee language. I had not focused on the implications. The Senator has raised a question I had really not considered.

I wonder if the manager of the bill would explain that. I did not submit that language.

Mr. NELSON. What was the question, may I ask, that one might go beyond the 90 days?

Mr. BAKER. Does this exempt from the provisions of section 8 an employee who may be hired as a consultant on a part-time basis but may work more than 90 days and make more than $25,000? Does this language mean that in such a case, he would not have to go this route? If it does, we have set up two standards of conduct.

Mr. MUSKIE. I have the same reaction, I say to the Senator. I am interested in the answer, too.

Mr. NELSON. As I recall it, the Senator from Idaho (Mr. McCLURE) raised this precise question as to another section in the bill. The intent is not to exempt somebody who might work on a per diem basis endlessly. We attempted to work out, and may well have, an amendment to clarify that question, which is the same as the issue raised by the Senator from Idaho.

Mr. BAKER. If the Senator will yield just briefly, my concern—and I am not familiar with the amendments of the Senator from Idaho—would just be that we are creating two different classes of employees that are subject to different levels of procedure. That concern could be met if that language in the parentheses in the third line of the section 8 were changed to read:

(unless hired on a per diem basis and unless such employee earns less than $25,000 per annum, or for less than 90 days.)

Mr. NELSON. I do not think that gets at the problem, because you may be hiring somebody for a period, on a per diem basis, at a higher rate for 90 days or less.

Mr. BAKER. What is the per diem rate now? Per day, $100 or $135? Is that the maximum?

Mr. NELSON. I do not know what the maximum is.

Mr. BAKER. I think that figure is correct, a GS–18 equivalent, which I believe would be $135 a day; but there is no limitation on the number of days that employee can be hired.

The PRESIDING OFFICER (Mr. LEAHY). The time of the Senator from Wisconsin has expired.

Mr. BAKER. Mr. President, I shall address the question later.

The PRESIDING OFFICER. The Senator from Maine has 1 minute remaining.

Mr. MUSKIE. We ought to be able to solve a lot of problems in 1 minute.

Mr. THURMOND. Will the Senator yield to me?

Mr. MUSKIE. Yes, I yield a minute.

Mr. THURMOND. Mr. President, I think this amendment offered by the distinguished Senator from Maine is practical. I think it improves the wording in the code. As far as I am concerned, I am willing to accept it.

Mr. NELSON. Perhaps this will clarify the question raised by the Senator from Tennessee.

Mr. BAKER. Mr. President, I yield 2 minutes of the bill for this purpose.

Mr. NELSON. On page 39, line 3, that section overlies this issue:

"4. No Member, officer, or employee of the Senate shall utilize the full-time services of an individual for more than ninety days in a calendar year in the conduct of official duties of any committee or office of the Senate (including a Member's office) unless such individual—

"(c) agrees in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate.

Mr. BAKER. The problem is, as I understand the reading of that section, that it does not provide for a consultant who is not a full-time employee, who then may be on the payroll constantly, more or less, as a part-time employee, and in the course of a year earn more than $25,000.

Mr. NELSON. That is true. But we did not see that as the kind of abuse we are——

Mr. BAKER. I think we have a problem, Mr. President. I will try to draft an amendment to reach the problem, rather than trying to deal with it at this point. So I will not proceed any further on this matter at this time.

Mr. MUSKIE. May I have 1 more minute?

Mr. NELSON. I yield to the Senator from Maine.

Mr. MUSKIE. Mr. President, the only thing I would like to suggest to the distinguished floor manager is that the phrase "of any substantial holdings" may well be standards or regulations for the Ethics Committee. It seems to me, there ought to be some objective standard that would be difficult to write into the law. I wonder if we might have some indication here of the desirability of that.

Mr. NELSON. I think the Senator is correct.

Mr. RIBICOFF. If I may respond, I think the Senator from Maine has addressed a basic weakness that will be corrected. I think it would be tragic if the Senate lost the services of so many valuable people who got in as a result of this system.

It would seem to me, first, there would not be so many cases coming before the Ethics Committee, and when a case presents itself to a chairman, he could take it up with the Ethics Committee. I do believe the Ethics Committee would have no difficulty ruling on the cases as they came up. I am sure each member of the Ethics Committee—I certainly would be more than willing and I think I can speak for the other five members—would take these problems up with respective chairmen when they were presented.

I think the Senator has addressed himself to a basic weakness we could rectify between the various chairmen, as a whole.

Mr. MUSKIE. I thank my good friend and the distinguished floor manager.

Mr. NELSON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois (Mr. STEVENSON) is recognized to call up an amendment on which there shall be 2 hours of debate to be equally divided and controlled.

The Senator from Illinois.

AMENDMENT NO. 146

Mr. NELSON. Mr. President, I wonder if the Senator will yield for a question?

Mr. STEVENSON. Mr. President, I yield to the Senator.

Mr. NELSON. It is my understanding that the Senator from Illinois has refined this amendment to quite a precise point and that it is highly unlikely that the 2 hours is needed. Am I correct on that?

The PRESIDING OFFICER. Would the Senator from Wisconsin withhold for just a moment and let us have the amendment stated, then he can continue with his question.

Mr. NELSON. I leave the question with the Senator from Illinois.

Mr. STEVENSON. Mr. President, I call up my amendment No. 146.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON), for himself, Mr. RIBICOFF, Mr. CLARK, and Mr. RANDOLPH, proposes an amendment numbered 146.

The amendment is as follows:

On page 32, strike lines 11 through 24, and on page 33, strike lines 1 through 13, and insert in lieu thereof the following:

"RULE XLVI

"PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

"1. No Member may maintain or have maintained for his use an unofficial office account.

"2. The term 'unofficial official account' means an account or repository into which funds are received for the purpose of defraying ordinary and necessary expenses in the operation of a senatorial office.

"3. No funds derived from a political committee (as defined in section 301(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) can be used for the purpose of defraying ordinary and necessary expenses in the operation of a senatorial office.

"4. No contribution (as defined in section 301(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) shall be converted to the personal use of any Member, or any former Member who is defeated for reelection or does not seek reelection.".

On page 55, after line 4, insert the following:

"(3) Except as modified by the resolution required to be reported pursuant to section 301 of this title, paragraph (3) of rule XLVI shall take effect thirty days after the Senate takes final affirmative action on the resolution so required to be reported under section 301 of this title.".

Mr. STEVENSON. Mr. President, I ask that the amendment be modified further in accordance with the modification which I send to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. STEVENSON. Mr. President, in response to the question from the distinguished Senator from Wisconsin, this amendment has been refined. It has been printed and made available to the Senators. It has also been debated at some length. So it should be fairly well understood by all of the Senators now.

That being the case, I would not propose to take long on it. The proponents might need about 40 minutes; if the Senator would be willing to agree to a further limitation of 40 minutes on a side, that would be agreeable to me.

Mr. NELSON. I have no objection. I just raised the question because it had been debated.

Mr. DURKIN. Mr. President, reserving the right to object. I would like to see the modification, or hear it.

The PRESIDING OFFICER. The Clerk will state the modification.

The assistant legislative clerk read as follows:

Modification of Stevenson amendment No. 146:

On page 2, line 11, after the word "Member," insert a period and strike the words "who is defeated for reelection or does not seek reelection."

Correct the word "formed" to read "former".

Mr. STEVENSON. Mr. President, I will explain the modification for the purposes of this discussion.

Mr. President, Senate Resolution 110 was intended to prohibit the conversion of unofficial office accounts to the personal use of Members, but paragraph 4 of rule XLVI seems to say that the prohibition only applies to Members who are defeated for reelection or not seeking reelection.

To clarify that provision of XLVI, I have in this modification deleted the expression, "who is defeated for reelection or does not seek reelection" in order to prohibit the conversion of these funds, as was intended, by all Members, regardless of whether they were defeated for reelection or were seeking reelection to the Senate. That is the only purpose of that modification.

Having explained the modification, Mr. President, I ask unanimous consent that the remaining time on this amendment be evenly divided with 40 minutes hereafter for the proponents and 40 minutes for the other side.

Mr. DURKIN. Mr. President, I am forced to object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENSON. Mr. President, unofficial office accounts first came to public attention when Senator Nixon's use of private funds to defray official expenses almost caused his demise as a candidate for national office. The ambiguities inherent in using political funds for varying purposes were later illustrated in the censure of Senator Dodd. They are euphemistically called unofficial office accounts—and more commonly called slush funds or "Checkers" funds.

Senate Resolution 110 purports to prohibit unofficial office accounts. But in the same breath that it prohibits such funds it permits them. It permits the use of private contributions or political funds to defray official expenses, so long as they are derived from a political committee. Indeed, the proposed rule XLVI of Senate Resolution 110 would not only sanction the use of political contributions for official purposes, it would authorize expanded use of such funds by removing the restrictions imposed since 1968 under the present rule XLII.

That rule, Mr. President, says that a Senator may use contributions only to influence his nomination for election or his election and shall not use any part of any contribution for any other purpose, including the deferral of his official expenses, except as otherwise provided in the rule.

Then the rule goes on to enumerate certain exceptions. In Senate Resolution 110 as it is presently drawn, these political funds, private contributions, unofficial office accounts, or whatever they may be called, can be used for any official expenses of a Senator.

The House of Representatives, in its recent debate upon this subject, concluded—and I believe rightly—that official expenses should be paid from official allowances and not from private contributions. It adjusted allowances accordingly.

This amendment would put an end to unofficial office accounts by whatever name. Political and private contributions could not be used for official expenses. A Senator's personal funds could, of course, be used to defray such expenses. The prohibition against the use of political or private contributions for official expenses would become effective 30 days after the Senate had acted to adjust allowances in order to cover Member's official expenses.

Official allowances and personal resources are not in most cases now adequate to cover the actual expenses of service in the Senate. So, Mr. President, Members have turned to unofficial office accounts—namely, excess political funds and private contributions—to defray the ordinary and necessary expenses of their office. This use of private contributions to pay for the public's business is both politically vulnerable and ethically questionable.

A Senator may with the best of motives accept the availability of a corporate plane or the largesse of private contributions as the readily available alternative to spending the taxpayer's money. But the damage to public confidence in this body by having Senators' performance of their responsibilities dependent upon private contributions is a high price to pay for an infinitesimal reduction in the tax burden.

Disclosure does not wash private contributions for public business of their taint. Senators are beholden to their benefactors and demeaned by a process which invites them to seek private patrons. And the public, most reasonably, questions whether those who pay for public duties acquire a disproportionate influence over public duties. Senators are forced in these circumstances to spend time away from public duties to seek the funds with which to discharge public duties. These funds bring disfavor and suspicion upon the Congress. They should be done away with. It is no more necessary to conduct the public's business with private funds than it is to conduct private business with public funds. Public money ought to fund public duties as it does in the other branches of the Federal Government and now in the House of Representatives.

The Senate has already acted in this Congress to reorganize itself. Now it is acting to eliminate public suspicion of improper influence and inattention to the public's business. The Senate is entitled to much credit for what it has already done. The public should already be reassured. But one large step remains—the elimination of "slush" funds.

It will be said that the distinction between official and political activities is not always clear—and, indeed, it is not. But Senators make those distinctions each day in the use of the frank, the computer and the Senate television studio.

Under this amendment, the Senate Appropriations Committee would provide guidelines to govern the use of funds for the ordinary and reasonable expenses of service in the Senate. The Senate itself would make the determination as

to what is ordinary and reasonable and as to what amounts are adequate. It is a distinction which must be made in any event. The Internal Revenue Service has already proposed rules that jeopardize the exempt status of political committees which provide funds for the ordinary and necessary expenses of a Member's office. Under those rules, Senators will be required to segregate political funds for official expenses from political funds for political expenses. Members would be required to make determinations of what are exempt political expenditures and what are ordinary and necessary official expenses, keep accounts accordingly and then justify those decisions to the Internal Revenue Service.

The deduction and tax credit to the contributor of a political contribution would depend on the use to which it was put and the fund to which it was assigned by the Senator. What is more, the Federal Election Commission may impose additional requirements respecting the use of political contributions for nonpolitical purposes. These unofficial accounts not only invite the public's suspicion and demean the Senators, they embroil the Senators in controversy and detail over what is and what is not political, which funds for which accounts, which contributions get the deductions, which expenditures are deductible, which receipts are taxable, and so on.

This is one of those fortuitous circumstances in which right conduct and convenience coincide. As in industry and as in government, the Senate can fund its ordinary and necessary expenses, and put up a wall between those which are political and those which are personal. The "Checkers" funds and the slush funds would be behind us. Then the Senators would be better off, and the country better served.

So, Mr. President, I urge Members to approve this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DURKIN addressed the Chair.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Who yields time?

Mr. DURKIN. Mr. President, I do not think the Senator has the floor.

The PRESIDING OFFICER. Time is controlled by Senator STEVENSON and Senator THURMOND. Does Senator STEVENSON or Senator THURMOND yield time?

Mr. STEVENSON. Mr. President, I would prefer that someone else yield time. I already have used up a good deal of my time.

Mr. THURMOND. Mr. President, if Senator DURKIN is going to speak, I withdraw the request.

Mr. NELSON. Mr. President, who has control of the time?

The PRESIDING OFFICER. The Chair made a mistake. The time is controlled by the Senator from Wisconsin and the Senator from Illinois.

Mr. NELSON. Mr. President, I yield 5 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. DURKIN. I thank the Senator from Wisconsin.

Mr. President, the Senator from Illinois is correct. This matter, in some form or other, has been discussed for 2 or 3 days.

Again I should like to state that I am not talking about a personal situation. I have never solicited contributions for an office account. I have never accepted contributions for any type of Checkers account or any similar type of account. I think it characterizes the debate and clouds the issue when we start talking about Checkers accounts.

As I say, I have never maintained or solicited or accepted contributions for any kind of unofficial office account or slush fund or Checkers account. I strongly resent anyone who would suggest that my questioning this amendment is an attempt to protect a slush fund or seek the authority to begin one.

I think a very real problem exists with this amendment. What I am talking about are funds that are excess campaign funds. They are funds that were reported in accordance with requirements of the FEC. The reporting of these funds went far beyond the requirements of the FEC and, I think, during the campaign we made daily reports; we reported much more information than was required by the FEC.

I do have some problems. Earlier, the debate seemed to focus on television tapes and radio clips being sent back to the home State. That is not the reason why I am concerned. I do not think we have ever used television tapes, and I do not think we have used the radio clip except for public service announcements.

The problem is that the amendment does not define "ordinary and necessary." There is no assurance of additional funds, and we are not talking about money being diverted to personal use.

In my office we accepted the suggestion of Common Cause and installed a toll-free citizen "hotline" enabling anybody in the State of New Hampshire to call my state office toll free.

It requires five, six or seven people, depending on the number of calls, just to handle the workload generated by the "hotline".

What I am talking about is the utilization of excess campaign funds to pay for the incoming WATTS line, and to pay for the telephone key systems that are required to return those calls, and the service that that is needed to keep the system functioning.

The space allowance for an in-State office, in a State the size of New Hampshire, is 4,800 square feet. The office allowance is not adequate to put phones and people into the 4,800 square feet.

So in the 1½ years I have been here, on both year-ends we have had to take money from the excess campaign funds which were solicited and reported in accordance with all—in fact far beyond all—the laws, to defray the cost of that telephone service and to defray that cost of these constituent services.

I am concerned that if this amendment is adopted as it reads today, and there are no funds appropriated to defray these costs, and no definition of "ordinary and necessary expenditures" is made, that I may well have to tell the people of New Hampshire we are going to have to curtail the "hotline" or curtail the services provided to them.

If the clerk hire account, could be utilized to pay for telephones, it would solve a good deal of the problem. But what we have now is we are allowed to hire more people, but the person has to use seaman flags to communicate because there is not enough money in the consolidated account to pay for telephone service.

I do not think anybody in the Chamber is in favor of Checkers accounts or using excess funds for expenses that would not fall into the "ordinary and necessary" category as expenditures incidental to a Federal officeholder duties.

I would like to ask the sponsor of the amendment this question: Say that a group of Boy Scouts was in the Senate dining room, and the group were guests of a Senator, or guests visiting Washington prior to Jimmy Carter's second inauguration, and the Illinois delegation wanted to host the people from Illinois.

Could, under the Senator's amendment, any excess——

The PRESIDING OFFICER (Mr. LEAHY). The Senator's 5 minutes have expired.

Mr. NELSON. How much time does the Senator from Wisconsin have?

The PRESIDING OFFICER. The Senator from Wisconsin has 54 minutes left.

Mr. NELSON. I yield the Senator from New Hampshire 5 more minutes, and if he desires more time, additional time will be yielded.

Mr. DURKIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. DURKIN. To repeat the question, say the Illinois delegation would like to host a pre-inauguration reception here in the Capitol Building on the eve of Jimmy Carter's second inauguration. This would be prohibited by the amendment if to defray the cost of that reception the funds were coming out of excess campaign funds or even campaign funds which had been properly reported in strict conformity with the Federal law.

Mr. STEVENSON. The kind of judgment the Senator is suggesting, that would have to be made under my amendment, has to be made now. If he makes a mistake now he violates the Internal Revenue Code and his political committee could lose its tax-exempt status, and his political contributors lose their deductions and their credits.

That is the situation which the Senator faces now if he makes a mistake and uses those political funds in that campaign fund for purposes which are not political, and under my amendment that decision would be made under guidelines that were first recommended by the Appropriations Committee and then approved by the Senate. He would know

how to make that judgment. At the moment he makes it at his peril.

Mr. DURKIN. With all due deference to the Senator, I think he has raised and slain a straw man. Has the IRS come in and removed the tax-exempt status from any campaign account? Has that event happened to any Member in this Chamber in recent times? With all due deference to the Ethics Committee, I do not think the Ethics Committee or the Senate by resolution is going to alter what the IRS intends. We passed the IRS Code, it is written into law, and they interpret it. So I do not think a mere resolution of this body is going to have much impact on the IRS.

I do not think I heard an answer to my question with respect to the Illinois delegation hosting a reception on the eve of the second inauguration. There are many question raised: Is hosting a reception out of your campaign funds rendered unethical by this amendment?

Mr. STEVENSON. My amendment is intended to pick up all political funds. It makes very little difference if they are contributed in a campaign or after a campaign. I cannot be very responsive to the Senator's hypothetical reception because it is not this Senator, it is not the Senator from Illinois, who would be laying down the guidelines under which the Senators in the future would be making that decision.

But I think that any reasonable guidelines would permit the expenditure of political funds for the expenses of such a reception. That sounds to the Senator from Illinois like a political, as opposed to an official, expense, and political funds could be used to defray it exactly as they can now.

But I say to the Senator, in response to his other question, has the Internal Revenue Service deprived political committees of their exemptions? I do not know. I have not asked the IRS. After my last campaign for the U.S. Senate, I asked the best lawyers and the best accountants I could get, and they said: "You better not use any campaign funds"—and I had a surplus—"for any such official purposes." And I did not. I turned my surplus over to the Democratic National Committee.

The PRESIDING OFFICER. The 5 minutes yielded to the Senator from New Hampshire have expired.

Who yields time?

Mr. DURKIN. The Senator from Wisconsin (Mr. NELSON) said he would yield additional time.

Mr. NELSON. I yield an additional 5 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. DURKIN. To offer this as a way to solve tax problems I do not think is addressing the real issue, I submit that the IRS is not going to be intimidated or influenced by virtue of a Senate resolution which does not define "ordinary" and "necessary."

And I am not sure I have an answer. If it slipped by me, I apologize. Second, I am not sure I have an answer to the question: Could one even use political funds from an active campaign account? Say someone in the Illinois delegation is campaigning for election or running for mayor of Chicago. I do not know when that comes up. I am not sure one would want to go from Congress to mayor of Chicago, but someone may so wish. I do not know. Suppose he pitched into that reception out of an active campaign account. I think the Senator said it was set. The Senator has not done a thing for us with respect to IRS, but he said that the type of contribution to a reception, that I described, would be unethical.

Mr. STEVENSON. No, if the Senator will yield, I did not say that. I said in my own opinion, which is of little relevance, the guidelines the Senate will subsequently adopt will determine which political expenses are appropriate.

I certainly did not intend to suggest there would be anything unethical about the expenditure of political funds for what I would regard as a legitimate political purpose.

Mr. DURKIN. The Senator is saying if it is an ongoing campaign, as he sees his amendment, there is no problem taking money from an FEC account, if it is fully reported in accordance with FEC requirements. If it is an active campaign or an active campaign of a Congressman or Senator running for Governor of Illinois or mayor of Chicago, there is no problem as long as it is still an active campaign, as long as it is reasonably prior to election; but once the election is over it is unethical to use those funds. And God knows we are not asking for appropriated funds for a reception on the eve of inauguration.

Mr. STEVENSON. The Senator misunderstands me or I am not making myself clear. I do not make a distinction between political funds and private contributions raised during the campaign and before an election or after an election. Those are contributions obtained by Members of the Senate from private sources. And I am saying they should be used for the purposes for which they were intended. Those purposes are political. Political expenses take place and are contracted during campaigns and, as in the Senator's example, after campaigns. They could be used for such political purposes, whether they are raised before, after, or during a campaign and for political purposes before, during, and after a political campaign.

My simple point is political funds, funds raised by Senators for political purposes, should be used for political purposes, and the corollary of that proposition is that official funds should be used for official expenses. I remind the Senator that this wall would not be built the line drawn, or the prohibition take effect, until after allowances were adjusted, as the House of Representatives already has done, to make adequate official funds available to cover official expenses. So at that point there should not be any need on the part of any Member for political funds with which to defray his personal expenses. He still could, in addition to the allowances made available to him, of course use personal funds, including the honoraria that are still permitted, for the official expenses of his office.

Mr. DURKIN. But on line 17 the Senator says that this amendment shall not take effect until there is affirmative action. If they increased the consolidated account by $5 that is affirmative action.

Mr. STEVENSON. Again, if the Senator will permit me, it only takes effect, not when the Appropriations Committee has acted, but after the Senate has acted. It will be the Senate that makes the judgment, and I think it unlikely that the Senate would regard $5, or an increase of $5, or any such nominal, obviously inadequate amount, as adequate.

The PRESIDING OFFICER (Mr. SARBANES). The time of the Senator has expired.

Mr. DURKIN. Mr. President, will the Senator yield 2 additional minutes?

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield 2 additional minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 additional minutes.

Mr. DURKIN. I thank the Senator and thank the Chair.

The net effect of his amendment is we are going to go back and ask the American taxpayer and the American public Congress.

Mr. STEVENSON. I think the American public for more money to run would be delighted to pay a fraction of a penny a year to rid itself, rid Congress, and rid this Government of the last of the slush funds. The House of Representatives has already acted to do so. This is the only branch of the Government in which they are tolerated.

Mr. DURKIN. I resent the Senator's reference to slush funds. I do not have one. If the Senator has one and wants to make a public confession, go ahead. I am talking about accounts completely recorded disclosing far beyond the requirements of the Federal Election Commission. We are not talking about slush funds. That is another straw.

Mr. STEVENSON. It is aimed at this amendment. That is all it is aimed at. I acknowledge that they are now, as a result of the Federal Campaign Act, publicly disclosed slush funds.

Mr. DURKIN. Will the Senator answer me this question: Paragraph 2 of concurrent rule 42 says that a Senator may use the contribution only to influence his nomination for election or his election. When does that period begin? We still have that problem even in the Senator's resolution. So we muddied the water rather than clarified it.

Mr. STEVENSON. I beg to differ with the Senator. Will he refer me to the specific provision? Certainly the intention of this amendment is to permit the use of political funds for all political purposes. They need not be directly related to his campaign for reelection and, if I am in error and my amendment does anything that is different, I want to be aware of it so that I can correct it.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. ALLEN. Mr. President, will the Senator yield me 10 minutes so that I might engage in further colloquy with the distinguished Senator from Illinois?

Mr. NELSON. Mr. President, how much time does the Senator from Wisconsin have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 40 minutes remaining.

Mr. NELSON. I yield 10 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished chairman.

Mr. President, I must say that when this amendment was first offered, I was very skeptical of it, because I saw it as an attempt to place on the taxpayers the burden of paying official nonreimbursable expenses of a Senate office, whereas at present they might be paid from a political committee. I say, too, the danger that if the political committee was forbidden from paying official nonreimbursable expenses of a Senate office, and no provision was made by the Appropriations Committee for the payment of these expenses, then the Senator personally would be charged with the expense of paying for these official senatorial expenses for which no reimbursement is being made.

The distinguished Senator from Illinois, in answer to that, did modify his amendment to provide that section 3 of his amendment, which forbids the use of political funds to pay nonpolitical official nonreimbursable expenses of a Senate office, not take effect until provision was made by the Appropriations Committee and approved by the Senate.

The question remains in my mind still, I will say to the distinguished Senator from Illinois, inasmuch as section 302 does mandate that the Appropriations Committee and the Finance Committee—the Rules Committee has been dropped from that by amendment—should study the Internal Revenue provision, and I assume consult with the IRS as to the tax features, the tax liability for expenditures from a political fund for official senatorial nonreimbursable expenses, it would seem to me that the amendment as now presented would prevent this question that he is having the Appropriations Committee and the Finance Committee confer with the IRS on.

The Senator assumes in his amendment that these official nonreimbursable expenses would be taxable to the Member, whereas that is the very question that the committees are mandated to find out from a study of the IRS ruling and a conference with the IRS itself. So I would like to ask the distinguished Senator from Illinois if it would not be the better course of wisdom to delay the implementation of this amendment, that is, not seek to put it in until a report has been made by the Appropriations Committee and the Finance Committee as to the tax liability for expenditures from this fund. Then that would serve as a guideline to the Senate in working out a blueprint for the putting of this liability on the taxpayers through increasing allowances, or whether it might properly remain with the political committee, without any tax liability on the part of the Member.

Are we not getting the cart before the horse, I ask the distinguished Senator from Illinois?

Mr. STEVENSON. Mr. President, the distinguished Senator from Alabama has been most helpful to the Senator from Illinois, and I am grateful to him. His suggestions have led to modifications of this amendment which I believe improve it, and I am certainly not unsympathetic to his most recent suggestion. But I believe it is accommodated already by the amendment.

First of all, the Internal Revenue Service has already issued proposed regulations.

Mr. ALLEN. Are those available?

Mr. STEVENSON. Yes.

Mr. ALLEN. I wish the Senator would place them in the RECORD. I have not seen a copy of them myself.

Mr. STEVENSON. Very well, I will attempt to do so. But it is my understanding that it has, and that those proposed regulations would require Senators to segregate political funds to be used for nonpolitical purposes—the official expenses as opposed to the political expenses—and failure, then, to make a proper judgment as to which contributions are for official expenses and which for political expenses, and therefore which goes into which fund, would cause the political committees of the Senator the loss of their exemption.

As I understand it, under these proposed regulations, if a Senator made a mistake and were to use political funds for official expenses, they would be taxable to him, and without any firm assurance that the expenditure of those funds would entitle him to a deduction.

So, I think that Senators are already faced with this problem, and no amount of consultation between committees of the Senate and the IRS is going to change the law. It would take more than that to change the law.

I say further to the Senator that other Members of this body and myself have already consulted accountants, lawyers, and others who are expert on taxation, and have been advised that this is the case, and that political contributions, funds received for political purposes, or the funds of political committees, should not be used for any different purposes.

It was because of such advice, as well as my own feelings about the questionable ethics involved, that, after my last campaign for election to the Senate, I turned over my campaign surplus to the Democratic National Committee, which is clearly a political purpose.

But let me add further, in response to the Senator's question, that there will be time under this amendment to act, and in the light of consulations between the Finance Committee and the Appropriations Committee of the Senate and the IRS, because the prohibition against the use of political funds for official purposes would not take effect until 30 days after the Senate had acted to adjust its allowances, and it will not act to adjust its allowances until after the Appropriations Committee has reported, and the Appropriations Committee is mandated to report within 120 days.

So I think that it would be reasonable to expect about 120 days before the Appropriations Committee reported, and then still more time, which could be adjusted by the Senate, by the leadership, in order to hear from the Finance Committee before the Senate were to act on the allowances and make this amendment effective.

Mr. ALLEN. Well, now, the potential tax liability to a Senator actually gives me very little concern——

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. ALLEN. An additional 5 minutes?

Mr. CRANSTON. Mr. President, I yield the Senator 5 minutes.

Mr. ALLEN. I thank the Senator. Because if a Senator is charged, with having received from a campaign committee funds that he uses to pay official nonreimbursable expenses of his office, that would be a checkoff; I mean the one would offset the other. It would be an offset, so there would be no tax liability there.

I do see the problem that if these funds are used for other than political purposes, it might destroy the political nature of the contribution which, to a certain extent, is deductible by the contributor. I can see that point. I did fear that if we simply rule out all possible expenditures from a political fund for necessary expenses of an office, we might be faced with this problem, irrespective of the findings by the Appropriations Committee and the Finance Committee in its consultations with IRS on an entirely different situation. They might rule that some of these expenses could be paid from a political fund. The Senator, by this amendment, has banned any such expenditures. We do not know what they will rule, I assume.

Mr. STEVENSON. As I tried to indicate, I have proposed a prohibition against the use of political funds for official expenses, because I believe they are wrong. I believe they are unethical. I am not making this proposal to benefit Senators so much as I am to benefit the public interest, to try to enlarge the public's confidence in the impartiality of this body.

The Senator may be right that, if the use of political funds for official expenses would subject the Senator to tax liability, he will get an offset by the deduction. I do not think that is entirely certain, but it ought to be. It ought to come out that way. I agree with the Senator.

Let me say to the Senator that in those decisions as to what is the appropriate use of political funds, whether political or official, with some taxable and, therefore, subject to a deduction, a decision is made in the first place, at least, by an agent of the Internal Revenue Service, made by an official of the executive branch, sitting down with a Senator to tell him what is an official expense and what is a political expense. Senators may end up with as many different judgments on the same set of

facts as there are agents of the IRS auditing returns.

Leaving aside all the questions of executive control over actions of the Senate, my amendment is intended to produce guidelines originated in the Appropriations Committee, acted upon by the Senate, which would establish the principles by which the Senate itself, and not some agent of the IRS, made these determinations as to what is a reasonable, ordinary expense of a Senator in the conduct of his senatorial duties.

The Senator says there can be no assurance that the IRS will accept the judgment of the Senate as to what is a Senate expense. I disagree with the Senator. If that judgment is made under the guidelines of the Senate, adopted in its rules, and interpreted from time to time as necessary by the Ethics Committee or some other more appropriate body of the Senate the IRS will pay need.

I would be surprised if the Internal Revenue Service did not respect that judgment. Of course, if it did not, if its authority was abused, then it would be appropriate for the Senate to take more formal action, perhaps in the Internal Revenue Code.

Mr. ALLEN. The Senator speaks of guidelines. What disturbs me is that we are acting now and then awaiting guidelines, whereas we ought to have the guidelines first and then act. It is a question of timing with the Senator from Alabama.

I also wish to express my appreciation for the Senator's willingness to accept my suggested modification about the effective date of section 3. I think possibly this does give added protection to those who are interested in not placing this burden on the taxpayers.

Mr. STEVENSON. I thank the Senator.

The PRESIDING OFFICER (Mr. CULVER). The time of the Senator has expired.

Mr. ALLEN. Mr. President, could I have 1 additional minute?

Mr. CRANSTON. I yield 1 additional minute, Mr. President.

Mr. ALLEN. There were at least four Senators in the Chamber when this matter came up before who expressed some misgivings about the amendment. While I now feel inclined to support the amendment, in order to protect them when all time has been yielded back I am going to suggest the absence of a quorum in order that they might come to the Chamber and possibly offer amendments to this amendment or strike section 3.

I thank the distinguished Senator.

Mr. DURKIN. Will the Senator yield for a question?

Mr. STEVENSON. I will be happy to yield on someone else's time.

Mr. NELSON. Mr. President, I yield 2 minutes.

Mr. DURKIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. DURKIN. Thank you, Mr. President.

I agree with the stated intent of the Senator from Illinois. As I read the amendment, and I have read it again during the colloquy, the amendment says a Member can use political funds, referring to publicly disclosed FEC accounts, for political purposes. A Member can use political funds for a political purpose, but a Member cannot use campaign funds or excess campaign funds after the campaign for ordinary and necessary expenditures. Is that correct?

Mr. STEVENSON. The Senator is correct. Let me say first——

Mr. DURKIN. Let me propound the rest of this as I only have 2 minutes.

But the Senator does not define either one—ordinary and necessary expenses or political expenses. The Senator does not define what a political purpose is or define what is necessary. Did I understand the Senator to say that to use excess campaign funds to pay for a toll-free citizen hotline in the home State, to allow every citizen in my State just a phone call away 24 hours a day, is unethical?

Mr. STEVENSON. No, I did not say that. I did intend to say earlier that there could be some question as to what is ethical in that situation. But as to what is a taxable use of political funds, if they are used for official purposes they are taxable to the Senator. If he makes the mistake of treating those political funds as political funds used for political purposes and does not report them now, if they are used for official expenses, he violates the Internal Revenue Code. It is an agent of the Internal Revenue Service who makes that judgment.

Mr. DURKIN. But nothing we can do here will save anyone from the tax collector.

Mr. STEVENSON. I do not agree with that. Nothing is done by this amendment until after the Senate has acted on what are the ordinary and reasonable expenses of the Senate.

Mr. DURKIN. Is the Senator saying this amendment does not become effective until we define what is political and we define what is ordinary and necessary, and which is prohibited? Is the Senator saying those definitions must be forthcoming before this section takes effect and there must be an affirmative statement as to each?

Mr. STEVENSON. It is my intention to mandate the Appropriations Committee in the first instance to report adequate allowances for official expenses. To do that, it will have to define official expenses.

It will define them. It must to avoid adverse tax consequences. Otherwise, the reimbursements obtained by a Senator for costs which were not ordinary and reasonable would be taxed to him.

So the Appropriations Committee in the first instance, then the Senate as a body, will have to make a determination in a general way as to what are ordinary and reasonable expenses for services in the Senate and then act on the adequacy of allowances to cover those expenses before the prohibition will take effect.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. DURKIN. May I just follow that up for 2 minutes?

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Mr. President, how much time do I have remaining on this amendment?

The PRESIDING OFFICER. Forty-four minutes the Senator from Illinois has remaining to him.

Mr. STEVENSON. I yield 2 minutes to the Senator from New Hampshire.

Mr. DURKIN. I thank the Senator. If I get a yes or no, I shall not use up the 2 minutes and I shall not have to ask for any more time.

This amendment does not take effect until there has been a definition of "political," which is permissible, and "ordinary and necessary," which is prohibited. Yes or no, otherwise my 2 minutes are gone.

Mr. STEVENSON. The Senator is correct. It will be the Senate that makes that decision—the Senate as a body—before this amendment can take effect and the use of political funds for official purposes be prohibited.

Mr. DURKIN. If it does not take effect until the terms are defined by this body, then some of my concerns are eliminated. But I am concerned that there is no definition of what is permitted as political and we are asked to vote now. It is sort of a pay-now-and-fly-later program.

The Senator has allayed some of my fears, and I thank the Senator for yielding.

Mr. STEVENSON. Mr. President, I would have much preferred it if it had been possible to do this differently, as the House did, but it is a much easier matter for the House, with every Member representing the same size constituency, to make a determination on short notice or on the floor as to what is ordinary and reasonable and establish an appropriate allowance.

It is not easy, it will not be easy, for the Senate to do it. The circumstances of our constituencies are vastly different. The Senator from Alaska is faced with extraordinary expenses for the conduct of his official duties in that State, which lacks the kind of transportation facilities that are available, for example, in New Hampshire. So it is a job that will take some time. It will take some thought. It is a job that can be done, but not now.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. CRANSTON. Will the Senator yield?

Mr. STEVENSON. I yield myself 2 more minutes. Unless it is done to the satisfaction of the Senate, then the prohibition in this amendment will not take effect.

Mr. JOHNSTON. Will the Senator yield?

Mr. STEVENSON. Yes, I yield to the Senator from Louisiana for a question.

Mr. JOHNSTON. If I may ask a slightly long question, because it is a little bit rhetorical, I urge the Senator to think of the wisdom of perhaps pulling back this amendment at this time. This happens to be an area that I have taken a lot of interest in. It was my amendment

to the Federal Election Code that limited the uses to which the old office accounts could be put to "any ordinary and necessary expenses incurred by him"—that is, by the Senator—"in connection with his duties as a holder of Federal office."

Now, there are three other phrases used in this resolution which may or may not have slightly different meanings:

"Otherwise unreimbursed expenses allowable in connection with the operation of a Member's office"—that is used in one place.

In another place, we have, "Expenses incurred by a Member in connection with official duties;"

In another place, "Reimbursement of expenses incurred by a Member in connection with his official duties."

I am advised that those phrases mean the same thing as the FEC language does.

My point is this: We allowed the FEC to define what that phrase meant, first, by rulemaking power and, second, by giving advisory opinions to Senators. There are still enormous gaps in the area of definition of what is and what is not a proper office expense. I think the committee is going to have a great deal of difficulty in trying to define what that is. So I urge the Senator, I ask him if he will not consider pulling the amendment down for the time being. I know what he wants to do and I have been in sympathy with him for months and years in the Senate, but it is a most difficult thing to make that definition. I hate to see us sort of buy a pig in a poke, say that we are for this principle, but it does not take effect until we get around to defining what we mean.

Would the Senator consider doing that?

Mr. STEVENSON. The Senator from Illinois is reluctant to disappoint the Senator from Louisiana, but I cannot accept his suggestion that I withdraw my amendment. In fact, I wish he would withdraw his suggestion that I withdraw my amendment. I feel strongly about this and have for the years that I have been in the Senate. This is an obvious reform. It has been obvious ever since the campaign of 1952 that something needed to be done about Checkers funds in the U.S. Senate.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. STEVENSON. I yield myself 2 more minutes, Mr. President.

Nothing has been done, and I am not very optimistic that anything will be done, unless we act and act now. I frankly do not see any reason for delay, though I recognize that it is not an easy proposition; but it is one that, in my judgment, can be resolved satisfactorily in the timeframe that would be established by Senate Resolution 110 as amended by this amendment.

Mr. JOHNSTON. Will the Senator yield for another question?

Mr. STEVENSON. The Appropriations Committee would not have to report for 120 days. If more time is necessary, it could be granted.

Yes, I yield to the Senator for another question.

Mr. JOHNSTON. Under the Senator's amendment, it would not be permissible for a Senator to use his own personal funds for these purposes?

Mr. STEVENSON. Yes, it certainly would be. A Senator could use his personal funds, including honoraria, for any personal, official, or political purposes under this.

Mr. JOHNSTON. Would that not then discriminate against those Senators who are less wealthy by allowing their more wealthy colleagues to establish traditions in the Senate—traditions like entertaining your constituents in a certain style, at a certain expense level?

Mr. STEVENSON. No, I cannot agree with the Senator. On the contrary, I think that those who do not have adequate personal funds for these official expenses would be the principal beneficiaries. They would no longer be forced to rely on political funds, with the possibilities of adverse political and tax consequences. Instead, they would be able to receive an adequate allowance from the Government, official funds instead of their personal funds, to defray official expenses.

Mr. JOHNSTON. Certainly not entertainment expenses.

Mr. STEVENSON. No, and they would not be prevented from using their political funds for political purposes.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STEVENSON. Mr. President, I yield myself 2 more minutes.

If the purpose is political, if it is a fundraising reception or the entertainment of a contributor, he would continue to have his political funds available for such a political purpose.

Mr. JOHNSTON. Well, suppose, for example, that he entertained all of the people from his home State with coffee, as my colleague and I did at the inauguration. Are we going to have Federal funds that would provide for that?

Mr. STEVENSON. That is a question that would have to be worked out by the Appropriations Committee and, finally, the Senate, under this amendment.

I would assume that such an expenditure would be regarded as a political expenditure and would not be absorbed by Government funds and, therefore, political funds would remain available for such purposes.

Mr. STEVENS. Will the Senator yield?

Mr. STEVENSON. The Senator from California had been seeking to ask a question.

Mr. STEVENS. I do not intend to get into dialog.

Mr. CRANSTON. It is all right to proceed with the Senator.

Mr. STEVENS. I would like to offer an amendment at the appropriate time on section 3. I wanted to know how much time remained on this amendment, if I could ask. It is my understanding I cannot offer that amendment until the Senator's time is exhausted.

The PRESIDING OFFICER. That is correct.

The Senator from Illinois has 34 minutes of time remaining and the manager has 19.

Mr. STEVENS. For the information of the Senator from Louisiana, I had the same problems and I have discussed them previously with the Senator from Illinois.

It is my intention to offer an amendment to strike section 3 from the amendment when the time comes.

Mr. CRANSTON. Will the Senator yield.

Mr. STEVENS. Yes.

Mr. CRANSTON. I would like to ask one question which follows on that which was asked by the Senator from Louisiana.

As I understand, this amendment was a revision of page 32 of Senate Resolution 110, rule XLVI, for the purpose of eliminating the use of political committee funds.

That raises a question about three matters, one of which the Senator from Louisiana already inquired about. He asked if it was all right to have an unofficial office account that included the personal funds of the Member, and it was stated, "Yes, you could have that kind of fund."

I would like to ask if we can have an account which includes official funds specifically appropriated for that purpose and also funds received as reasonable reimbursements for expenses incurred by a Member in connection with personal services provided by the Member to the organization making the reimbursement? Both these provisions were included in the original language of the resolution.

Mr. STEVENSON. Yes; if I understand the question correctly, it is certainly proper and, indeed, my own practice is to maintain a separate fund or bank account to which payments are made to defray official expenses and to make deposits or contributions to such a fund from one's personal resources.

Mr. CRANSTON. Including expenses paid by some organization that one gives a speech to?

Mr. STEVENSON. Yes; I would certainly think so.

In fact, it is necessary to maintain such accounts because one is not usually reimbursed for the expenses until after he has paid the expense.

Mr. CRANSTON. Right.

Mr. STEVENSON. And that requires the expenditure of the personal funds by the Senator.

Mr. CRANSTON. Right.

Mr. STEVENSON. And many Senators maintain a separate account for such purposes.

That would not be affected in any way.

Mr. CRANSTON. Right.

Also, just to make it crystal clear, official funds specifically appropriated for some purpose may be placed in a separate unofficial office account?

Mr. STEVENSON. The Senator is correct.

There, again, official reimbursements in the normal course do not obtain until after the Senator has made the expenditure. So it is necessary for him to maintain such an account and to maintain some personal funds in it in order to make such expenditures before reimbursement is received.

The PRESIDING OFFICER. The Senator's 2 additional minutes have expired.

Mr. CRANSTON. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, will the Senator yield me 3 minutes?

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Mr. President, I will yield the distinguished Senator from Louisiana 3 or 4 minutes for a question.

The PRESIDING OFFICER. How many minutes did the Senator from Illinois yield?

Mr. STEVENSON. Three.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Mr. JOHNSTON. Mr. President, in connection with the concern of the Senator from Louisiana and the Senator from Alaska (Mr. STEVENS) with reference to section 3, I would submit that to amend section 3 out of this amendment would not have totally the desired effect, for this reason.

The Senator from Illinois is amending rule XLVI and his amendment is a substitute for rule XLVI.

Now, in its official form, rule XLVI makes clear that we can make expenses——

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend, the Senate is not in order.

The Senator from Louisiana.

Mr. JOHNSTON. I thank the Chair.

Mr. President, in its original form, rule XLVI makes clear that a Member may make expenditures for office purposes from four different sources, which include personal funds of the Member, official funds appropriated for that purpose, funds derived from a political committee, and funds received as reasonable reimbursement.

If we adopt the amendment of the Senator from Illinois as amended by the Senator from Alaska (Mr. STEVENS), then I fear it would leave unclear as to whether expenditures from those four sources could be made.

So while I support the amendment, simply to take some of the difficulty out of this situation, I think the whole amendment of the Senator from Illinois should be defeated at this time, and not because the purpose is not excellent, but because we are, in effect, buying a pig in a poke, limiting expenditures in some ways while not making it clear how we can provide for those expenditures.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. STEVENSON. The time to be taken evenly from both sides.

The PRESIDING OFFICER. Will the Senator put that in the form of a unanimous consent?

Mr. JAVITS. Mr. President, why does the Senator not ask unanimous consent not to charge it to either side?

Mr. STEVENSON. I do so, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, will the Senator yield me 5 minutes on the bill?

Mr. THURMOND. Mr. President, I yield 5 minutes on the bill to the Senator from Alaska.

Mr. STEVENS. Mr. President, I indicated that I would offer an amendment to delete section 3; but first I wish to ask the Senator from Illinois if he will respond to some questions concerning this amendment.

As he knows, I was chairman of the senatorial campaign committee for the Republicans. My good friend from Louisiana was the chairman of the Democratic campaign committee for that party. In the course of our duties, we administered funds of a political committee, and we defrayed the expenses incurred by the Senators on our respective sides of the aisle for photographs.

A photograph taken in my office by the photographer is reproduced, and the expenses are paid by the Senatorial campaign committee. The Senatorial campaign committee, likewise, pays the cost of the radio and television tapes that I make in the basement of this building, to the extent of the limitation that we have figured out in terms of a formula based on population.

It is my understanding that section 3 provides that no funds derived from a political campaign can be used for the purpose of defraying ordinary and necessary expenses in the operation of a Senatorial office. The existing rule of the Senate permits just that. That is existing rule XLIII, as I recall.

Mr. STEVENSON. XLII.

Mr. STEVENS. It is the Senator's intention to change that long practice that has been followed by Members of the Senate on both sides of the aisle with respect to this amendment?

Mr. STEVENSON. The Nelson committee, in Senate Resolution 110, makes a change in rule XLII. I do not know—I was not a member of that committee—whether the change was intentional; but instead of going forward to rule out the slush funds, it goes backward to open up even more exceptions. It is wide open from here on out.

Mr. STEVENS. Mr. President, I have yielded on my time, and I have only 5 minutes.

I am not talking about slush funds or whatever it might be. I am talking about the money raised by two recognized campaign committees, two of the parties in the Senate, that have legally contributed moneys. There is no question about the violation of any laws or slush funds or anything else. These are moneys raised in the public eye, moneys which have been used to pay for photographs and radio and television tapes.

Is it the Senator's intention to do away with that? It is my interpretation of his amendment that these expenses could no longer be paid by either the Democrats or the Republicans, that we no longer could use funds derived from either Senatorial campaign committee to pay for photographs or for radio and television tapes. Is that the Senator's intention?

Mr. STEVENSON. First of all, if the Democratic Party has such funds available for the use of television studios or photographers, it is news to me. I have never been a recipient of such funds for such purposes.

Under this amendment, if the purpose of photographs in the Senator's office is political, then the political funds could be used for that purpose. On the other hand, if the purpose is official, a normal, official communication by television or radio, and by the use of publicly owned facilities in the basement of this building, no. Then political funds could not be used for those facilities. What is more, they cannot be used for such purposes now, legally.

Mr. STEVENS. I beg the Senator's pardon. The Senator from Louisiana and I went before the FEC and they did, in fact, change their regulations so that the funds derived from the political committees can, and are, in fact, used today legally for this purpose.

There is a provision in the existing law that states—and the two of us joined together to put it in there—that for the first 5 years of Senators' terms they do not charge against any limitation that was imposed by the Federal Election Act. So the law does, in fact, recognize them. They are legal.

As I understand it, your party makes contributions to the Senator. Our party pays the bills at the Senate office, but the limitations on contributions in the two campaign committees are the same, so the net result is the same.

But my problem with this is that it does not seem that we are recognizing the fact that when the chairman of the Democratic Party of Alaska comes to see me, the senior Senator from Alaska, and he pays his respects, and I pay my respects to him, and we have a picture taken, most of the papers in my State would print that picture recognizing that it was official business. And I assure you he is coming to see me on official business because I am a Senator.

Now, that is, incidentally, paid for by the Republican Campaign Committee.

There are no funds I know of in any allowance that are provided to any Senator today to pay either for photographs, for radio tapes, for television tapes, or for paying the charges of the senatorial radio and television studio.

The Senator is saying, as I understand it, that no funds derived by a political committee, whether it is the National Senatorial Campaign Committee for the Republicans or the Democrats or my own campaign committee, can pay for these things when there are, in fact, no other funds available.

The PRESIDING OFFICER (Mr. CULVER). The Senator's 5 minutes have expired.

Mr. STEVENS. May I have another 5 minutes?

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. STEVENS. I am very serious about this my friend, and I will raise the issue again. I asked my good friend from California, the Democratic whip, what he was going to do if this passes and we find that there are no funds for expenses for the positions the two of us hold. I take it, the office of assistant leader on both sides of the aisle is a senatorial office within the terms of this amendment.

I today have my assistant out doing something I should have done had I not been involved in this business.

I accepted something a long time ago and could not go. He has gone in my place. His expenses are today being paid by my campaign committee even though they have nothing to do with my campaign in the direct sense. They would have something to do with my campaign if I broke the promise and did not get there or at least send somebody in my place while I am doing my official business here.

That, I take it, is official business I would have done had I been able. I take it is official business he is doing there. It is not campaign business.

But the Senator from Illinois would say, "No, the Senator from Alaska can pay for it personally, if he has his own money or if he has family money, but he cannot use the funds collected by his campaign committee to maintain his official business expenses."

Again this gets back to where we were a week ago. I questioned the Senator's judgment with regard to the standard he is setting, in that a double standard comes out—I think the Senator from Louisiana sees it also. Those of us who have no private fortune or have no access to large amounts of funds would have to say to the Senate, "Increase the official allowances of a Senator because we can no longer use the funds contributed legally by our supporters."

They are not slush funds; they are collected, they are reported, they are honest, there is no question of taint to these funds. You cannot, however, use those funds to do anything that would be considered by somebody else to be ordinary and necessary expenses in the operation of a senatorial office.

Again I ask my friend, and I am sure he is sincere about this, does he really intend to do that? Does he intend to prohibit the Senator from California from using funds contributed to his last campaign, funds left over, to pay the expenses of being a whip or that I cannot do the same? Does the Senator mean to say we cannot use the funds in the Democratic Senatorial Campaign Committee to pay for those photographs that were made?

I really do not think this was part of the official code of conduct we started out to enact. This is going back to where we labored, twice we labored, with the House to get a fair election bill, a bill that covered the use of political funds, a bill which is the law now, a standard of conduct which I thought had the support of Common Cause, of everyone at that time, when we created the Federal Election Act, and then brought about the amendment to that act.

Now, this imposes a standard of conduct on us that I think, and again, I say with due respect to the Senator from Illinois, means that if you are a rich man you can do it, if you are a poor man do not come.

Mr. STEVENSON. Mr. President, I remind my good friend from Alaska that the prohibition in this amendment against those funds which are euphemistically called unofficial office accounts——

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. STEVENSON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized. The Senate will be in order. The Senator will suspend.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STEVENSON. I am answering a question.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. Mr. President, in response to the statement by my good friend from Alaska, I want to remind him that the prohibition in my amendment against those funds, which are most commonly called Checkers funds or slush funds, would not become effective until official funds were available for official expenses and, at that time, the political funds could be used for photographs or all of the other political purposes and requirements of a Senator.

Mr. STEVENS. Mr. President, will the Senator yield for just a moment?

Mr. STEVENSON. The hypothetical Senator, without private resources, that the Senator from Alaska has referred to would be better off. His expenses would be covered if they were official by official funds, and his political funds could be used to cover his political expenses.

Mr. STEVENS. Mr. President, will the Senator yield for just one moment?

Mr. STEVENSON. What is more, Mr. President, according to the best opinions available to me, and according to the proposed regulations of the Internal Revenue Service, that poor Senator is not going to be able to use those funds anyway because a political committee which, under Senate Resolution 110, made funds available to defray the official expenses of a Senator would lose its exemption. That is what the IRS is saying, that is what the accountants are saying, that is what the lawyers are saying.

That is why this Senator, with a surplus after his last campaign, got rid of all of his political funds and turned the surplus over to the Democratic National Committee, which was a legitimate political purpose.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. STEVENSON. It has been 25 years, a quarter of a century, since these funds in the Senate, privately solicited, solicited by Senators with their tin cups in hand, from the special interests, from the rich, those with interests in the legislative process——

Mr. STEVENS. Mr. President, will the Senator yield, please, for just one question?

Mr. STEVENSON (continuing). Were brought to the attention of the American people. That was in 1952, and the fund was the Checkers fund, and still the Senate has not acted.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STEVENSON. Now it is proposing to go back on the action, the modest action, it took to permit unlimited use of political funds for official expenses.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. STEVENSON. I say to my good friend the time has come, and it was recognized in the other body, it was recognized in the House of Representatives, just a couple of weeks ago when the same question came up, and the House acted, as this body should, once and for all——

Mr. TALMADGE. Mr. President, will the Senator yield for a question?

Mr. STEVENSON (continuing). To put behind us these unofficial office accounts——

Mr. TALMADGE. Mr. President, will the Senator yield for a question?

Mr. NELSON. I wonder if the Senator, Mr. President, would allow me to ask one question for clarification?

Mr. STEVENSON. I have not finished my answer—and replace them with allowances or official funds for official expenses as is the practice now not only in this other body but in every branch of Government. This is the only one that holds out.

Yes, I yield to the Senator.

Mr. NELSON. Simply for clarification because, as I was listening to the Senator, he was referring to office accounts or unofficial office accounts: the resolution abolishes unofficial office accounts. So far as I know and so far as I have heard, no one objects to the abolition of the so-called unofficial office account, and that is what is provided in the House of Representatives, and that is what is provided in the Senate resolution.

What we are talking about is the expenditure of campaign funds under the law and the resolution. Am I not correct in that?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENSON. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 additional minutes.

Mr. STEVENSON. The Senator is technically correct. Senate Resolution 110 says unofficial office accounts are abolished. But in the same breath it says they are permitted.

It says that funds derived from a political committee and used for the expenses of the Member in connection with his official duties are not unofficial office accounts.

So the point is a semantic point. Yes,

the Senator is correct. Unofficial office accounts, it says, are abolished, but it also says that political committees of which Senators are beneficiaries can continue to go out and raise money and pass the money through these committees and into their official expenses.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STEVENSON. Yes, the Senator is correct in that sense. But in the larger sense, call them what one will, unofficial accounts are still with us.

The TALMADGE. Will the Senator yield for a question?

Mr. STEVENSON. Yes, I yield to the Senator from Georgia.

Mr. TALMADGE. I refer to the Senator's amendment on page 2, paragraph 3, line 1:

> No funds derived from a political committee (as defined in section 301(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) can be used for the purpose of defraying ordinary and necessary expenses in the operation of a senatorial office.

My point is this: Saturday evening in Macon, Ga., I shall be the chief speaker at a fundraising dinner for the newly elected Congressman from the State of Georgia to help pay off his debts. I do not consider that official business. When I get to Georgia the only way I can pay my expenses at the hotel will be out of remaining campaign funds. Is it the intention of the Senator from Illinois to prohibit that?

Mr. STEVENSON. No. It is not the Senator's intention.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. STEVENSON. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. STEVENSON. The Senator has pointed to an expense which is clearly a political expense and, consequently, political funds are appropriate. These funds of political committees could, under this amendment, as in the past, be used to defray those expenses.

Mr. TALMADGE. Will the Senator yield for a further clarification?

Mr. STEVENSON. I yield for a further clarification.

Mr. TALMADGE. As he knows, we serve 6-year terms, and in this business we run all the time or else someone will be running against us all the time and we will find ourselves victims at the ballot box at the next election. It is not the Senator's intention, is it, that we cannot use our political funds for political purposes during this 6-year term in which we serve?

Mr. STEVENSON. No. It is not this Senator's intention. On the contrary, it is my intention to permit the use of political funds, be they raised before, during, or after a campaign, for political purposes before, during, or at any point in the Senator's term, recognizing, as the distinguished Senator from Georgia does, political expenses continue throughout, day in and day out.

Mr. TALMADGE. If the Senator will yield further, from time to time I have considerable expenses entertaining guests that come from Georgia to Washington. As a matter of fact, only last week my colleague, Senator NUNN, and I cohosted a luncheon for some 40-odd newspapermen. I intend to pay that out of my political campaign fund. It is not the Senator's purpose to abolish that, is it?

Mr. STEVENSON. That becomes a closer question. Under this amendment the Senate would make the final judgment as to what is political and what is official after the Appropriations Committee had studied the matter and made a recommendation. In that particular situation I suppose it could be argued that this is a means of communicating with one's constituents and, therefore, it is reimbursable out of official expenses. My own feeling is no, that is a political expense and should be reimbursed out of political funds.

Mr. TALMADGE. If the Senator will yield further, there are no further funds for which that could be paid except personal funds, which would be prohibitive over a period of years, or else remaining political funds. Now a Senator is the best judge of what is political and what is not political, and he must have some discretion in using his political fund. If he is denied that discretion in using his political funds, he cannot operate effectively to represent his constituents and remain in office.

Mr. STEVENSON. The Senator is exactly right, and that is why it is the intention of the Senator from Illinois to permit the Senate to make that judgment, instead of leaving it to an Internal Revenue Service agent, who under the proposed regulations of the Internal Revenue Service will make such determination, and if the Senator has made a mistake his political committee loses its exemption from the Internal Revenue Code.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENSON. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. STEVENSON. Those are judgments which the Senate can best make. They are judgments now which are made by agents, lesser officials, at least in the first instance, of the executive branch, and they are judgments I would point out to the Senator which can vary on the same set of facts, from Senator to Senator to Senator, depending on which agent looked over his shoulder and reviewed his return and made that judgment.

I say in this amendment that is a judgment which the Senate should make. When the Senate adjudges that certain expenses are official, reasonable, ordinary, and necessary expenses of service in the Senate, then they should be reimbursed from official funds.

If they are political expenses in the judgment of the Senate, a political body, then they should be reimbursed out of political funds. In both cases, of course, also they can be paid out of personal funds.

Mr. TALMADGE. If the Senator will yield further, there is no such fund in existence at the moment, and I doubt there ever will be. I do not think the Appropriations Committee or the Senate would authorize a blank check to any Senator to use for entertainment purposes or such purposes as he saw fit that might benefit his political future.

The only way a Senator can operate for his poltical future is with political campaign funds that his friends have been generous enough to make available for him. We have adequate disclosure laws. They are very stringent. We have to report every dime that is received and every dime that is expended, and I do. And that seems to cover the subject, without trying to fuzz it up where a Senator cannot make decisions as to how he can operate for his political benefit in future years.

It seems to me the Senator is attempting to go much too far here. I have no objection to abolishing these so-called office funds. I have an extremely modest one. I have not solicited any money for that purpose. I think I spend some $200 annually, and I think the bank account at the present time contains some $1,500 or $1,800 at the moment. I have used that fund heretofore to purchase paper to send newsletters to my constituents.

There are not adequate funds for that purpose. But traveling around a Senator's State when he is buying food for friends, renting hotel rooms for himself, and entertaining constituents who come to Washington, D.C., the only fund a Senator has to pay for it is with his political funds that have been contributed.

They are disclosed, the laws are stringent, and the law is adequate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. STEVENSON. Mr. President, first I point out to my colleagues that as to one of those examples, the purchase of paper, this resolution would prohibit any expenses for that purpose except from official funds. Also, this amendment would permit Senators to make exactly the judgments that the Senator from Georgia is talking about, and that he is not permitted to make now and will not be with any confidence in the future—not by the Senate, but by the Internal Revenue Service and probably the FEC.

The prohibition in this amendment will not become effective until and unless the Appropriations Committee and the Senate itself make the judgment about what is reasonable, what is official expense, what are the political expenses, and provides, as the House of Representatives already has, allowances to cover the official expenses. If that has not been done, and if there are no funds to cover what clearly are official expenses for the cost of a Senator's service in this body, there will not be a prohibition against the use of political funds for those official expenses.

That, in my judgment, would be important. And I think the taxpayers of the United States would be happy to pay

a small fraction of one penny per year to get rid of what are commonly called, and not inaccurately, slush funds.

Mr. HART. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield to the Senator from Colorado.

Mr. HART. I would like to ask the same sort of question as has the Senator from Georgia. The Senator from Colorado has the same sort of expenses as the Senator from Georgia. I travel through the State, in my case in a mobile office, funds for which are not voucherable, and have some other costs of holding the office which I do not consider political.

Suppose the Senator from Colorado does not have political funds left over from his campaign, as I did not. Fortunately, some people who run for office have friends who are sufficiently generous contributors that they have such funds available, but in my case it did not work out that way.

Under this amendment, am I prohibited from hiring a singer or a guitar player, or some such, to come to Colorado for a concert, and charge the people for the entertainment, about $5 or $10 apiece, for the purpose of raising funds?

All the discussion so far has focused on the political campaign funds. I did not have any, but I still have all the burdens of holding this office. My question is, would the Senator's amendment prohibit me from holding that kind of fundraiser, to raise funds to use for these puropses?

Mr. STEVENSON. No, the amendment would not prevent the Senator for holding such a gathering to collect political funds for political purposes at any time.

Mr. HART. No, not political.

Mr. STEVENSON. Or to be used for any purpose, until the Senate puts its house in order, as every other branch of Government has, by providing adequate allowances to defray official expenses. At that point, then, the political funds raised in such circumstances as the Senator just mentioned would not also be available to cover official expenses. Official funds would cover the official expenses, and the political funds would cover the political expenses, and the Senate, not the IRS, or someone else would make the judgment as to which is which.

Mr. HART. But the amendment offered by the Senator from Illinois would not have the effect of prohibiting that kind of fundraiser, which he calls political and which I do not.

Mr. STEVENSON. No. No, but the Senator——

Mr. HART. Or the expenditure of those funds for such purposes.

Mr. STEVENSON. It would not prohibit the Senator from raising the funds as outlined. Under Senate Resolution 110, the resolution that the Senate is now considering, those funds could not go into an unofficial office account. Unofficial office accounts are abolished under this resolution.

Mr. HART. I understand that.

Mr. STEVENSON. Senate Resolution 110 provides that they have to come through a political committee, and if they do, they can then be used for official expenses. All my amendment would do is state that when, as, and if the Senraising activities for official expenses; then Senators could no longer hold fundrasing activities for official expenses; and and that is what the Internal Revenue Service seems to be saying.

Mr. HART. Leaving that aside, the Senator from Colorado being less sanguine than the Senator from Illinois about the Rules Committee acting and taking care of the matter, what if the Rules Committee does not take care of the matter, and then the Senator's amendment does not take effect. Where are the less affluent Members of the Senate then?

Mr. STEVENSON. First of all, it is not the Rules Committee that acts.

Mr. HART. Well, whatever committee.

Mr. STEVENSON. The Appropriations Committee. The Appropriations Committee is mandated to act. The amendment would not become effective until and unless the Senate had acted and 30 days after it acted. So, without action, the amendment would permit the use of political funds for official expenses.

Mr. HART. But the action is to solidify the decision of Senate Resolution 110, and we are not going to expand the definitions of what is voucherable under our office accounts; that is the action that the Appropriations, Rules, or Ethics Committee, or whoever has to act on this, would take. Then 30 days pass, and the amendment of the Senator from Illinois takes effect, and some of us are left out in the cold.

Mr. STEVENSON. I call the attention of the Senator to paragraph 4 of proposed rule XLVI, which says, in subparagraph 3, that the prohibition will take effect 30 days after the Senate takes final affirmative action on the resolution so required to be reported under section 31. So there would not be any prohibition at all until the Senate had acted and 30 days after that, to approve the allowances of official funds for official expenses. There is no hiatus.

Mr. HART. I am not talking about a hiatus, but the Senator from Illinois is assuming the action will be positive. The action can be to finally cut things off, or even more strictly define what is voucherable.

Mr. STEVENSON. The Senator is assuming the Senate is going to approve zero. I do not make that assumption. I do not think it is reasonable.

Mr. HART. But I have to.

Mr. STEVENSON. If the Appropriations Committee so reports, then the Senator will have the opportunity, as will all other Senators, to say no, and require the Senate to act as the House has already.

We have been waiting a quarter of a century; we can go on waiting another quarter of a century, and that is exactly what will happen. Unless this amendment is adopted, the Appropriations Committee is not mandated and the Senate does not know. But when that moment comes, there will be no more Checkers funds, no more slush funds, no more tin cups for oil companies and special interests who wish to defray the expenses of Senators. When that moment comes, maybe the Senate will do what it should have done a quarter of a century ago.

Mr. HART. It is a big maybe for a person who has no other source of income, and whose sources for an unofficial account are not the oil companies or other special interests, but people who contribute $5 or $10 to go to a concert.

Mr. ALLEN. Will the Senator yield?

Mr. STEVENSON. Mr. President, I cannot yield any more of my own time. I have yielded too much already. I would be glad to yield on the time of other Senators.

Mr. ALLEN. Who has time? Who controls the time?

Mr. President, on behalf of Senator NELSON, I yield myself 5 minutes.

I would like to ask the distinguished Senator a question. In listening to the Senator respond to the question of the distinguished Senator from Colorado, I believe the Senator from Illinois unwittingly left the wrong impression. He seemed to indicate there to be some sort of distinction between an ongoing political fund, as outlined by the Senator from Colorado, and the other type of fund to which he referred, which would be the disbursement from a surplus political fund.

Actually, there is no difference between the two. The same rules under paragraph 3 as to disbursements from these funds would be identical. Is that not correct?

Mr. STEVENSON. The Senator is absolutely correct. I was mistaken, if I left that impression.

Mr. ALLEN. I thank the Senator.

The PRESIDING OFFICER (Mr. BUMPERS). Who yields time? Is all time yielded back?

Mr. STEVENSON. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes.

Mr. STEVENSON. Mr. President, I think it is unfortunate that the debate has taken this turn and centers almost exclusively on what is good for Senators. The purpose of this amendment is to benefit Senators, but its larger purpose is to benefit the country.

I do not believe that Checkers funds or unofficial office accounts, whatever they are called, are cured just because they are made public. The system still forces Senators to be, or to be preceived as being, beholden to their benefactors, demeaned by a process which invites them to seek patrons. The public reasonably questions whether those who pay for public duties acquire a disproportionate influence over public duties.

Senators are, and they have cited numerous circumstances, forced to spend time away from public duties to seek the funds with which to discharge public duties. These funds ought to go. They have been with the Congress too long. They bring disfavor. They bring suspicion upon the Congress. It is no more necessary to conduct the public's business with private funds than it is to conduct private business with public funds.

Mr. President, this amendment would make public money available to defray the cost of performing public duties, just as has been done in the other body and is done in the other branches of the Federal Government. This is the one holdout. I urge Senators to support this amendment. It has been a quarter of a century, it has been too long already.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENSON. The chance for Senators to act in this regard may not come again for a long time.

Mr. JOHNSTON. Mr. President, I move to table the amendment of the Senator from Illinois.

The PRESIDING OFFICER. The motion is not in order until the opposition time has either expired or has been yielded back. Does the floor manager yield back his time?

Mr. THURMOND. Mr. President, we yield back the remainder of our time.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. The motion has not yet been made.

Mr. JOHNSTON. Mr. President, I move to table the amendment of the Senator from Illinois, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Illinois. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Massachusetts (Mr. KENNEDY), the Senator from North Carolina (Mr. MORGAN), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Florida (Mr. STONE) are absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "nay."

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. MCCLURE), and the Senator from New Mexico (Mr. SCHMITT) are necessarily absent.

The result was announced—yeas 47, nays 43, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—47

Baker	Dole	Huddleston
Bayh	Domenici	Inouye
Belimon	Durkin	Javits
Bentsen	Eastland	Johnston
Brooke	Garn	Laxalt
Bumpers	Glenn	Mathias
Burdick	Hansen	Matsunaga
Cannon	Hart	Melcher
Case	Hatch	Nunn
Chafee	Havakawa	Packwood
Curtis	Heinz	Pearson
Danforth	Hollings	Percy
Riegle	Stennis	Tower
Schweiker	Stevens	Wallop
Scott	Ta.madge	Williams
Stafford	Thurmond	

NAYS—43

Allen	Goldwater	Muskie
Anderson	Griffin	Ne.son
Bartlett	Haskell	Pell
Biden	Hathaway	Proxmire
Byrd,	He ms	Randolph
Harry F., Jr.	Humphrey	Ribicoff
Byrd, Robert C.	Jackson	Roth
Chiles	Leahy	Sarbanes
Church	Lugar	Sasser
Clark	Magnuson	Sparkman
Cranston	McClellan	Stevenson
Culver	McGovern	Weicker
DeConcini	McIntyre	Young
Eag.eton	Metcalf	Zorinsky
Ford	Metzenbaum	

NOT VOTING—10

Abourezk	Long	Schmitt
Gravel	McClure	Stone
Hatfield	Morgan	
Kennedy	Moynihan	

So the motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas (Mr. TOWER) is recognized to call up two amendments on each of which there shall be a 1-hour debate, equally divided and controlled.

Mr. ROBERT C. BYRD. Will the Senator from Texas yield for a unanimous-consent request only?

Mr. TOWER. I yield to the distinguished majority leader.

Mr. President, may we have order?

The PRESIDING OFFICER. Senators will cease conversation.

The Senator from West Virginia.

ORDER DEFERRING HUDDLESTON AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, following the amendments by Mr. TOWER, Mr. HUDDLESTON has an amendment, but he has asked that the order recognizing him at that time to call up his amendment be vitiated.

I, therefore, ask unanimous consent that instead of Mr. HUDDLESTON, Mr. JOHNSTON be recognized at that time to call up his amendment, and that Mr. HUDDLESTON not be recognized today to call up his amendment.

I am just substituting one Senator for another.

The PRESIDING OFFICER. Is this a unanimous-consent request?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 96

Mr. TOWER. Mr. President, I call up my first amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an unprinted amendment numbered 96.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, line 14, after the word "INCOME", add "; INCOME FROM GOVERNMENT SOURCES".

On page 26, after line 24, add the following new language; "4. During the period of service in a calendar year of a Senator, or of an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year (unless hired on a per diem basis), such individual shall not accept any subsidy payment from the Treasury of the United States, nor shall he accept any income from any enterprise which is regulated or financed either wholly or in part by the Government of the United States, except that this paragraph shall not apply to any income from securities of the United States Government.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The purpose of this amendment is very simple. I am hopeful that the distinguished manager of the bill will agree to it. I feel some optimism that he will agree to accept it in that he supported this identical amendment about 2 years ago when this same issue came up on the Senate floor.

As a matter of fact, this is identical to an amendment that I offered to the Federal election campaign financing bill. Actually, I offered it as an amendment in the second degree to an amendment of the Senator from Alabama, which passed the Senate by a vote of 56 to 37—a vote of 56 to 37 by which it passed.

It is very simple. It is something that if we want a meaningful ethics code I am sure all Senators will want to support because it removes any doubt about what we are trying to do here.

Its purpose is to prohibit any Senator or Senate employee making $35,000 or more from accepting any Federal subsidy or any income from any enterprise which is regulated or financed, wholly or in part, by the Federal Government. That is all it does. Just so that we will not be earning income from business enterprises that are either federally regulated or federally financed. Also, we cannot accept Federal subsidies such as agricultural subsidies and that sort of thing.

If we want to convince the people that we mean business, we should adopt this amendment. It makes eminent sense, because every day we pass on legislation here that influences the earned income and the unearned income of people who have some kind of equity ownership in a business enterprise in this country.

For example, let us take regulation Q. We have gone on extending that about every 3 or 4 months around here. Anybody who has any income invested in a savings and loan, it would seem to me, would want to divest of that savings and loan investment, because he is voting on regulation Q, which puts money in his pockets. We want to be entirely incorruptible and that no longer, under the good ethical standards, will this kind of thing be tolerated.

When I was assigned to the Committee on Banking, Housing, and Urban Affairs, I divested myself of all my banking stock, such as it was, and my small business

investment corporation stock, because I did not want there to be even a suggestion of conflict of interest. Since we have been considering this measure, I have learned what a sap I was. Being a clergyman's son by background and a teacher by profession, I never accumulated much in this world except a little of that stock. I got rid of it at a loss.

If this ball passes in its present form, what we are being told is, "Go out and make your real estate deals, invest in a savings and loan association or a bank, and you can influence the kind of earnings that you make by the legislation that you pass on here, in the Congress of the United States."

Without some proscription such as this, if indeed earnings are corruptible, then this bill is a hoax. It is a PR gimmick. I am amazed that the press, for the most part, is bought off on this business, that if we simply proscribe the earning of honoraria, somehow we have become ethical and we have legislated ourselves into a high state of public morality that everybody is going to accept.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. TOWER. A distinction between honoraria income or other earned income and unearned income is invidious, and any court in the land would so hold. If we do not adopt something like this amendment, this resolution is a hoax.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. TOWER. Regardless of what the press says about it, the people are going to find out about it one of these days.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Georgia.

Mr. TALMADGE. If you have a savings account in an S. & L. bank, would the Senator's amendment prohibit that?

Mr. TOWER. Yes. It would prohibit your earning income from it.

Mr. TALMADGE. Would it also prohibit a savings account in any national bank?

Mr. TOWER. It would prohibit that; yes. If it is a federally regulated bank, it would, so you would have to put your money in a nonfederally regulated bank.

Mr. TALMADGE. Suppose you owned stock in A.T. & T.

Mr. TOWER. Yes; the income would be prohibited.

Mr. TALMADGE. And any regulated business whatever—a bank or a savings and loan?

Mr. TOWER. That is correct. This is broad and sweeping in scope.

I think it makes us even more pure and above reproach than Caesar's wife. We will be so pristine in the eyes of the world that they will not be able to stand us. [Laughter.]

Mr. TALMADGE. Is the Senator offering his amendment in a spirit of levity?

Mr. TOWER. I am not offering it in a spirit of levity.

I see no distinction between earned income and unearned income, and I think we are deceiving the American people when we say there is a difference. There are men in this body who earn one hell of a lot of money on matters that are federally regulated.

Does the Senator from Georgia think that is right? Does he really think we should?

Mr. NELSON. May I ask the Senator a question?

Mr. TOWER. By the way, I would expect my distinguished friend from Wisconsin to accept this amendment, because he voted for it the last time it came up.

Mr. NELSON. I have supported a lot of stuff, but nothing this radical. I would like to try it out sometime.

Mr. TOWER. As a matter of fact, the Senator from Wisconsin did vote for it the last time. It passed the Senate by a vote of 56 to 37 the last time. Why it was good then and is not good now, when we are all covered up with the spirit of wanting to do something ethical, I do not know.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. NELSON. The reason I voted for it the last time was that I was not here when the Senator from Texas gave his speech. [Laughter.]

Mr. TOWER. I will be glad to stop speaking, if the Senator will vote for it this time.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Arizona.

Mr. GOLDWATER. Would this apply to income from agricultural support programs?

Mr. TOWER. Yes, it would. No agricultural subsidies.

Mr. GOLDWATER. Any subsidies at all from the Federal Government?

Mr. TOWER. That is correct.

Mr. GOLDWATER. I am glad I am not a farmer.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. TOWER. Are we going to say, by defeating this amendment, that we think that Members of Congress should accept the subsidies we authorize and appropriate? That is precisely what we would be doing.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. HUMPHREY. We have a little family drugstore that continues to lose money, which I would be glad to sell at any time, so I have no conflict of interest. Give me 50 cents on a dollar, and you can have it today.

Mr. TOWER. As long as it continues to lose money, the Senator from Minnesota is all right; but once it starts to earn money, he is in trouble.

Mr. HUMPHREY. We have filled a few medicaid prescriptions. Would there be any conflict of interest?

Mr. TOWER. Obviously, there is. That will have to be interpreted by the Ethics Committee. That should not give us any problem.

Mr. HUMPHREY. We do not need the Ethics Committee to look over the drugstores. We have enough problems.

Mr. TOWER. That would not cause any problem, because we confer on the Federal bureaucracy broad powers to interpret all the time; and they do it, and they go beyond the intent of Congress. I think we could count on our own Ethics Committee to determine this in a fair way. I think that someone wholly engaged in intrastate commerce, not subject to Federal regulations, would be excluded.

Mr. HUMPHREY. It is subject to Federal regulation from OSHA on up.

Mr. TOWER. I would like to see the Senator trying to vote for an exemption for drugstores from OSHA if he is earning money from a drugstore.

Mr. HUMPHREY. I am losing money. That does not make any difference.

By the way, we give a 10-percent preacher's discount to Members of Congress if they stop by. Would that in any way cause any trouble with this code of ethics?

Mr. TOWER. I would be glad to accept a clarifying amendment from the Senator from Minnesota, if he would offer one. [Laughter.]

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Nebraska.

Mr. CURTIS. Congress is called upon to vote for or against including the cost of prescription drugs in the medicare program.

Mr. TOWER. That is correct.

Mr. CURTIS. I think that probably would put the matter under discussion within the purview of the amendment of the Senator from Texas.

Mr. TOWER. I think it would.

Mr. DECONCINI. Mr. President, will the Senator yield for a question?

Mr. TOWER. I yield for a question.

Mr. DECONCINI. Would this amendment prohibit the purchase of savings bonds by Members of this body?

Mr. TOWER. It would not prevent income earned from U.S. savings bonds, no.

Mr. DECONCINI. Even though that is regulated by the Federal Government?

Mr. TOWER. It would not prevent that, because the Federal Government needs the money. [Laughter.]

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. TOWER. There is a specific exception in the amendment for all U.S. securities.

I yield to the Senator from Arizona.

Mr. GOLDWATER. How could this apply to pensions?

Mr. TOWER. It would not apply to pensions, retirement.

Mr. CURTIS. Why should it not?

Mr. TOWER. Why should it? Because that is a double dip. [Laughter.]

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. It looks pretty bad right now. Perhaps I had better keep talking.

Mr. President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TOWER. Before I yield back the

remainder of my time, I wish to say this: A lot of fun has been made of this amendment, and perhaps there is a great deal that might invoke a spirit of levity here. But I simply would like to raise a question to dramatize the point.

How can we really say this is an honest bill when many of us are going to be sitting here earning income from business enterprises that are federally regulated, federally controlled in some instances, federally subsidized, federally financed, and farm subsidies?

If we fail to pass this what we say is this is all legitimate, that we are not corruptible on this. Why not? What is the difference between this and an honorarium? I fail to see the distinction, and I do not think it has been made. I think the Senator from Maine did a great service the other day when he challenged anyone here to explain why earned income is corrupting and unearned income is not. That distinction has not been made, and I wonder if the general public is going to see the distinction? I do not think they are.

What we are going to do here when this is voted down—and I am certain it will be—is to tell the public we do not think it is unethical for us to vote, for example, to extend regulation Q if we have money invested in a savings and loan when we are casting a vote that directly puts money into our pockets if we have that type of investment.

I cite that merely as an example.

I yield to the Senator from Maine.

Mr. MUSKIE. I am not going to indulge in any extended repetition of what I said the other day, but I must support the amendment of the distinguished Senator from Texas.

He is absolutely right. Normally, I would be impressed by these questions that are suggesting difficulties that would be involved for Members who are in one way or another running afoul or who would run afoul of the restriction the Senator's amendment would propose. But I have lost all sensitivity to those problems because the sensitivity is not reciprocated.

Perhaps the only way you can get the Senate to focus on the realities of unearned income as well as earned is to adopt an amendment of this kind, and I enthusiastically support the amendment.

Mr. HANSEN. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I, too, shall support this amendment not because I agree at all with what the result of the amendment, if it were to become law, would be, but rather because, as was expressed by the Senator from Maine, it does clearly point up the hypocrisy of what we are doing here.

I supported the Senator from Maine, as did some 33 or 34 others in this body. For reasons that I do not understand, being on the minority side, we did not do too well that afternoon, as I remember. But, at least, I would like to assure my friend from Texas if he will stay hitched, the Senator from Maine and I will assure him there will be three votes for it.

Mr. NELSON. Mr. President, I must say to the distinguished Senator from Texas that he achieved a level of eloquence that matched the eloquence of the Senator from Maine the other day, and I have never seen the Senator so sincere about an amendment before in my life. If there is no objection, I will accept the amendment.

Mr. TOWER. Good. [Laughter.]

Mr. NELSON. I just want to see how many people here wanted to kill the code of conduct.

Let me point out——

Mr. TOWER. Is there objection? There does not appear to be any objection.

Mr. NELSON. I think I will move to table it.

Mr. President, I ask unanimous consent that title 18, section 431, respecting contracts with Members of Congress, and section 433 of title 18 of the United States Code be printed in the RECORD.

They prohibit payments to Members of Congress based upon contracts with the Government, but they make exceptions for the Reconstruction Finance Corporation Act, the Agricultural Adjustment Act, the Federal Farm Loan Act, the Emergency Farm Mortgage Act of 1933, the Farm Credit Act of 1933, the Homeowners Loan Act of 1933, the Farm Home Administration Act of 1946, the Bankhead-Jones Farm Tenant Act or as to crop insurance agreements or contracts or agreements of the kind which the Secretary of Agriculture may enter into with farmers.

I ask unanimous consent that both of those sections be printed in whole in the RECORD.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

§ 431. Contracts by Member of Congress.

Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertakes, executes, holds, or enjoys, in whole or in part, any contract or agreement, made or entered into in behalf of the United States or any agency thereof, by any officer or person authorized to make contracts on its behalf, shall be fined not more than $3,000.

All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States or any agency thereof, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department or agency under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing and his sureties for the recovery of the money so advanced. (June 25, 1948, ch. 645, 62 Stat. 702; Oct. 31, 1951, ch. 655, § 19, 65 Stat. 717.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U.S.C., 1940 ed., § 204 (Mar. 4, 1909, ch. 321, § 114, 35 Stat. 1109).

Word "agency" was inserted in three places to eliminate any ambiguity as to scope of section. (See definition of department or agency under section 6 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out ": exceptions", following "Congress" in catchline of section.

CROSS REFERENCES

Contracts not affected by this section, see section 433 of this title.

Counterfeiting and forgery of contracts, see section 495 of this title.

Interest in contracts with government prohibited, see section 22 of title 41, Public Contracts.

Loans or payments made under Agricultural Adjustment Act of 1938 as not affected by this section, see section 1386 of title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 433 of this title; title 10 section 2?9; title 15 section 714m; title 22 section 2676.

§ 433. Exemptions with respect to certain contracts.

Sections 431 and 432 of this title shall not extend to any contract or agreement made or entered into, or accepted by any incorporated company for the general benefit of such corporation; nor to the purchase or sale of bills of exchange or other property where the same are ready for delivery and payment therefor is made at the time of making or entering into the contract or agreeemnt. Nor shall the provisions of such sections apply to advances, loans, discounts, purchase or repurchase agreements, extensions, or renewals thereof, or acceptances, releases or substitutions of security therefor or other contracts or agreements made or entered into under the Reconstruction Finance Corporation Act, the Agricultural Adjustment Act, the Federal Farm Loan Act, the Emergency Farm Mortgage Act of 1933, the Farm Credit Act of 1933, or the Home Owners Loan Act of 1933, the Farmers' Home Administration Act of 1946, the Bankhead-Jones Farm Tenant Act, or to crop insurance agreements or contracts or agreements of a kind which the Secretary of Agriculture may enter into with farmers.

Any exemption permitted by this section shall be made a matter of public record. (June 25, 1948, ch. 645, 62 Stat. 703; Oct. 4, 1961, Pub. L. 87-353, § 3(o), 75 Stat. 774.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 1514(f) of title 7, U.S.C. 1940 ed., Agriculture; sections 264w, 598, 1188d(e), 1441(e) 1467(d) of title 12 U.S.C. 1940 ed., Banks and Banking; section 616(e) of title 15, U.S.C., 1940 ed., Commerce and Trade; title 18, U.S.C. 1940 ed., § 206 (Mar. 4, 1909, ch. 321, § 116, 35 Stat. 1109; Dec. 23, 1913, ch. 6, § 22(j), as added June 19, 1934, ch. 663, § 3, 48 Stat. 1107; Jan. 22, 1932, ch. 8, § 16(c), 47 Stat. 12; July 22, 1932, ch. 522, § 21, 47 Stat. 738; June 13, 1933, ch. 64, § 8, 48 Stat. 135; June 16, 1933, ch. 98, § 64, 48 Stat. 268, 269; Jan. 25, 1934, ch. 5, 48 Stat. 337; Jan. 31, 1934, ch. 7, § 13, 48 Stat. 347; June 27, 1934, ch. 847, title V, § 510, 58 Stat. 1264; May 28, 1935, ch. 150, §§ 20, 21, 49 Stat. 298; Aug. 23, 1935, ch. 614, § 101, 48 Stat. 703; Aug. 20, 1937, ch. 821, 50 Stat. 838, Feb. 10, 1938, ch. 30, title V, § 514, 52 Stat. 77).

These sections were consolidated with such changes of phraseology as were necessary to effect consolidation. Said section 206 of title 18, U.S.C. 1940 ed., was the principal source of this section, but the enumeration of the kinds of commitments exempted was drawn from the various sections of said title 12 set forth above. The reference to crop insurance agreements is drawn from section 1514(f) of Title 7, Agriculture.

The applicability provisions of the sections

here consolidated were unclear and of doubtful value. As revised the section preserves everything of value without change of substance.

References to the Bankhead-Jones Farm Tenant Act and the Farmers' Home Administrative Act of 1946 were included in this revised section notwithstanding the emission (and consequent repeal) of former subsection (d) of section 52 of the said Bankhead-Jones Act (1937) (Title 7, U.S.C., 1940 ed., § 1026) in the amendment of said section 52 of such Act by section 3 of the said Farmers' Home Administration Act of 1946 (August 14, 1946, ch. 964, 60 Stat. 1062). The essential nature of the transactions under the several acts would render inconsistent any attempt to include some and exclude others.

REFERENCES IN TEXT

The popular name acts referred to in the text have been classified to the Code as follows:

Reconstruction Finance Corporation Act.—Sections 601, 603, 605, 606, 607, 608, 609, and 611 of Title 15, Commerce and Trade.

Agriculture Adjustment Act.—Sections 601–604, 607, 608, 608a, 608b, 608c, 608d, 608e—1, 608f—612, 613, 614–619, 620, 623, and 624 of Title 7, Agriculture.

Federal Farm Loan Act.—Sections 641, 642, 651, 656, 658–664, 672, 673–678, 691–697, 701, 711–723, 731–734, 741–744, 745–747, 751–757, 761, 771, 772, 781, 791, 801–808, 811–824, 831, 841–844, 851–857, 861–864, 871–886, 891–899, 901–903, 911–915, 921, 931, 932, 933, 941–943, 951–953, 961–963, 964–967, 971–973, 991, 992, 993, 1011, 1012, 1021–1023, 1024–1026, 1031–1033, 1041–1045, 1051–1053, 1061, 1072, 1081, 1091–1095, 1101, 1111, and 1129 of Title 12, Banks and Banking.

Emergency Farm Mortgage Act of 1933.—Sections 347, 462b, 636, 723, 771, 781, 810, 823 note, 992, 993, and 1016–1019 of Title 12, Banks and Banking.

Farm Credit Act of 1933.—Sections 639, 640, 659, 674, 677a, 694, 723, 744a, 771, 781, 791, 874, 876, 878–880, 884, 952, 964, 971, 972, 992, 1016–1018, 1022, 1031, 1131c–1131e, 1131f, 1131g, 1131h, 11311, 1134–1134m, 1138–1138c, 1138e, 1141c, 1141d, 1141e, 1141f, 1141j, 1148a, and 1151a of Title 12, Banks and Banking, and section 610 of Title 7, Agriculture.

Home Owners' Loan Act of 1933.—Sections 1424, 1461–1463, 1464–1466, and 1468 of Title 12, Banks and Banking.

Farmers' Home Administration Act of 1946.—Sections 1001, 1001 notes, 1002–1005d, 1007, 1008, 1009, 1015, 1015 note, 1016–1025, and 1027–1031 of Title 7, Agriculture, sections 371, and 1702 note of Title 12, Banks and Banking, and section 82h of Title 31, Money and Finance.

Bankhead-Jones Farm Tenant Act.—Sections 1000–1005d, 1006c, 1006d, 1007, 1008–1012, 1014–1025, and 1027–1029 of Title 7, Agriculture.

AMENDMENTS

1961—Pub. L. 87–353 struck out "the Federal Farm Mortgage Corporation Act," following "the Emergency Farm Mortgage Act of 1933,".

ABOLITION OF HOME OWNERS' LOAN CORPORATION

The Home Owners' Loan Corporation, which was created by the Home Owners' Loan Act of 1933, referred to in this section, was dissolved and abolished by act June 30, 1953, ch. 170, § 21, 67 Stat. 126, set out in note under section 1463 of Title 12, Banks and Banking.

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

The Reconstruction Finance Corporation, which was created by the Reconstruction Finance Corporation Act, referred to in this section, was abolished by section 6(a) of 1957 Reorg. Plan No. 1, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Exemptions from requirement of express conditions in contracts involving interest of Member of Congress, see section 22 of Title 41, Public Contracts.

Financial control of government corporations, see chapter 14 of Title 31, Money and Finance.

Secret Service, detection and arrest of violators, see section 3056 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3056 of this title; title 12 section 209.

Mr. NELSON. I intend to move to table the amendment of the Senator from Texas.

Does anybody wish to have time or is the Senator prepared to yield back the time?

Mr. TOWER. I will yield it back in just a moment.

Again I want to say in all seriousness that a lot of questions have been raised about the scope of this. The scope is admittedly very broad indeed. We got a lot of levity and a lot of fun over this amendment, but really is it any laughing matter if we purport to establish standards of ethical conduct for ourselves and tell the public this is what we have done, when a number of us profit from enterprises that are impacted by legislation we pass? It occurs to me if one form of income from a private sector of this economy is evil, all forms should be.

No, I do not think this amendment is really good, but I do not think any limitation on income is good. I think full disclosure is enough, and let the people decide. We are taking the decision-making process away from the people, that is what we are doing.

Why not full disclosure and let the people decide? But if we are going to limit income and say we have removed potential corrupting influences from the Senate, let us be honest about it. We have been patently dishonest to this moment when we say that one kind of income is corrupting and, therefore, we removed it; it does not affect many people.

I think the Senator from Maine properly raised the possibility this may be a rich man's body one of these days. It is called an exclusive club, and it is going to get even more exclusive, and we are going to find it more difficult by virtue of proscriptions on income to get people to serve in the Senate.

There is no difference between income in the sense that if it comes from the same source it is incorruptible or corruptible; it is in terms of the form in which you get it.

I say we are being hypocrites. We are being dishonest if we suggest we removed every potential for corruption of the Senate by removing one type of income. When a man's pocketbook can be vastly more influenced by a vote he casts in the Senate on a matter from which he derives a regular earning than a vote he casts on a matter in which some association he has spoken to has an interest, I think we are being dishonest.

Why put a $1,000 limit? Does that mean Senators can be bought for $2,000 but they cannot be bought for $1,000? What does that mean? What is the going price for a Senator? Or if indeed getting honoraria from 25 different organizations is more corrupting than getting it from 8 different organizations, what kind of sense does that make? It does not make any sense; it does not make any at all.

So why do we not confess what we are doing here in engaging in some PR gimmickry—that is what we are doing. We are not really setting a rigid ethical standard for the Senate to follow, because you can still go on with your real estate deals, fellows, you can still get involved in some promotional "sweetheart" deals.

Some of your constituents can tell you and say they have a little promotional scheme; "Put in $500, we will put you down and we will make it $10,000 in 6 months." You can do that, that is ethical, by definition it is ethical, by virtue of what we do here.

Mr. MUSKIE. Mr. President, will the Senator yield? The Senator might be interested to know the other evening after I returned to my office after that overwhelming vote against my amendment I was advised by my staff I had received several invitations from colleges to visit their campuses and to lecture on the new Senate code of ethics.

Mr. TOWER. New Senate what?

Mr. MUSKIE. To lecture on the new Senate code of ethics.

It seems to me my answer has got to be that next year, if I have already earned $8,600 from hororaria, that accepting their invitation will be unethical, but if I have not yet reached that ceiling, I can ethically accept their invitation.

That is the ridiculousness of the situation in which we have been put, and I cannot imagine an argument against the Senator's amendment which would be more ridiculous than the implications of what we have already voted on in the Senate.

Mr. TOWER. I thank the Senator from Maine.

I shall simply close with this: What we are trying to do is placate the public in their outrage over our voting to raise our pay. That is all we are doing here. I think they will respect us more if we are honest about it and say: "Look, we are just trying to soothe your ruffled feathers because we voted to raise our pay and you raised hell with us about it, and now we are going to put this bad ethical code out here."

Oh, we are going to still engage in our private business deals, and we may use some of our insider information to buy equity in some business or to buy a security. We could do that because by definition that is ethical. We are not going to say that, but that is what we can do.

Some day the public is going to cotton onto the fact that what we have given them here is window dressing. This is a cosmetic resolution. It is rank hypocrisy. It is a hoax.

I yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, is any time left?

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I do not yield back the remainder of my time.

The PRESIDING OFFICER. The Senator does not?

Mr. TOWER. No.

Mr. NELSON. How much time does the Senator from Wisconsin have?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. NELSON. I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. FORD). The Senator from Minnesota is recognized for 10 minutes.

Mr. HUMPHREY. Mr. President, I think what we are doing here more than anything else is saying to the American people that we are not trustworthy. That is really what we are doing.

I have checked my mail on the whole issue of this so-called code of ethics. I get a lot of mail, over 1,000 letters a day. That is a lot of mail. I have had six letters on this issue. And by the way, I have not had very many on the pay increase either. I get a whole lot more letters on a lot of other issues that people are concerned about. We received a little batch of mail after the editorials went out in the local newspapers from some of our constituencies, but we did not get very much on it, if one really checked it out, as compared to our other mail on issues.

What we are really saying and telegraphing to the American people here is that a group of us have got together here and we decided, looking at each other, that we are not trustworthy. I tell Senators that their opponents will find out whether we are trustworthy or not in an election. I do not know what the Senators media are in their State, but they are able to investigate pretty well. And most of us are under the glare of public examination in our private and public conduct.

There is not a saint in this body, I might add, unless I have missed one of them. There are some who are close to it, but I do not think we should proclaim that we are saints. But we are reasonably good mortals.

I do not recall hearing too many Senators in this body say by whisper, innuendo, in private conversation, or in public statement that they are voting for a particular bill, because it is going to enrich them.

I do not have time to think about that. And that is why 12 years ago what little assets Mrs. Humphrey and I had we put in a blind trust, and to this day I do not know what is in it, because it has been blind. My lawyer says keep it that way. And it has been kept that way. In that trust was an inheritance that came from my father-in-law, some that came from my father, and some of it, thank God, someone had some sense to wisely invest. I have not had the time or maybe the sense. I have hardly had time to take care of my family much less talking about taking care of a business.

I joked many times in here about a family drugstore. All I know about is once a month, because it is an incorporated little town business that my father set up years and years ago, I get a monthly statement showing us what the effect of the drought is in South Dakota.

I can learn more about the economy out of that business than I can learn from Dr. Burns or the Council of Economic Advisers. All I need to look at are the accounts receivable that are not being received and the bad checks that we have in the cash drawer. I do not need to go to Harvard Business School to find out what is happening to this economy insofar at least as that part of the country is concerned.

But really if we are going to adopt a code of ethics here I think we should make up our mind that we should not during the process by implication by what we say and do make us all look as somehow or other we are not worthy of the public trust or the trust of our local constituency or our next door neighbor.

Quite frankly I was deeply moved by what Senator MUSKIE had to say about earned income. There is no man in this Senate who has had the privilege of earning more money on the speaking circuit than HUBERT HUMPHREY, and I am proud of it. I worked hard. I sacrificed body and family. I went out late at night. I traveled all night to get up early and come back the next morning.

I told Senators that I had a home out there in Minnesota. I have a sign on it that says "The home that wind built." I never would have been able to buy it except I went out and I spoke, I wrote, and I lectured.

When I was out of office for 2 years I made more money in 2 years than I made in all the years that I was in office. Hallelujah. Private enterprise. It was like picking it off the trees, and I worked for it, too. I taught two schools, served on the board of directors, chairman of a corporation, wrote a column, did a radio show, and lectured, worked like blazes 18 hours a day, 7 days a week, and packed it in.

I thought I might be foolish enough to come back to office again and would not be able to earn anything, so I put all I could put away in 2 good years of private life. The electorate took care of me, they defeated me for the Presidency, and the private enterprise system helped take care of me financially. And I thank both of them for both judgments.

There is not any doubt that a Member of this body should have a chance to earn income, but we are getting a salary of $57,000 a year. In my State that is a lot of money. I do not know how many people in Minnesota get that much money, but not too many. I also recognize that they do not have the same expenses. I have a home in Minnesota, and I have one here. I am going to keep it in Minnesota if I never get out there, because that is my home. If I can get there 1 week a year I still love it. And I did not come on this Earth just to come down to Washington and be in this body. And here we are so much we do not even know we have a wife or kids.

I had someone interview me today about my marriage who asked:

Why did your marriage hold together?

I said:

Because I am a good husband.

I put a couple other words in there. This is a male chauvinistic attitude, but I said:

I have an understanding and tolerant wife who is very self sufficient, who is forgiving, tolerant, and when I get out of hand she knows how to shape me up.

That is about true. But I did not have much time with those kids, because I was out speaking, and I was out working.

And this place consumes a Senator, and every Member here knows it if he is honest about it. We come up here early in the morning; we are here all day. This is like a sinful monastery. We are here all the time.

If a Senator wants to go out and make a speech I think he should be able to be paid for it. But we did set a code here. What we did was we put a limit on how much we could earn.

I told the majority leader here today when I said the hardest vote I had to make—and he is here; he knows I am telling the truth—was when I voted "no" on Senator MUSKIE's amendment, the most difficult vote, because I know what this means to a number of younger Members of this body. I guess if I had a vote I wanted to change, it would have been the vote on the unearned income, but I decided to stay with the committee, because they have spent more time with this business than I have. But I will say this: This body may become a rich man's club, but it will be worse if it becomes a civil service club. We are going to get ourselves painted into a box where these campaign bills are paid out of the public Treasury. We are all paid out of the public Treasury. And a Senator will not dare cast a vote because he will go home and look his wife in the eye later on in life and say:

I don't know whether I can have any independence of judgment on this, Momma, because all I have is my salary there and if I vote on this the way I really ought to vote, I maybe will get kicked out of office. And then where will we be?

I think a certain amount of independence of judgment is very necessary around here. There are two ways to get that—three ways, I guess. One is just plain caring. I hope we all have that.

The second is to have some resources of your own, and the third is just not to care.

I guess that is what I am saying now, because I am now at the point of my life where I am just deciding to get up and lay them out as I see it.

I think the code we are considering is far to meticulous. I have looked it over. This gift section; I guess we are going over it again.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUMPHREY. Two more minutes, and then I am through.

Mr. NELSON. I yield the Senator 2 more minutes.

Mr. HUMPHREY. I looked over that gift section, and it has me confused. I do not know what it means. I cannot say before the Lord God Almighty that I have never accepted a gift from any-

body in this body. We have gotten a lot of presents, and we give a lot of presents.

I will never forget that I had an IRS man to me one time:

You stayed at such and such an apartment; we are going to call that income.

I said:

Why are you going to do that?

He said:

That is a fee for services.

I said:

You're nuts. I stayed at a friend's apartment. His son is my godson, and he stayed at my home all summer. Am I supposed to charge that family for that boy staying at my home?

We can get ridiculous around here. We are not all going to be bought off. If we are, we better get out of here.

The people who elect us know what we are. If not, they will catch on. This is representative government. The people will get what they want.

I think it behooves us to have a standard of conduct, to be sure, public and private, but I do not think you can write any law so good and so strict that anyone who wants to break the law will not do it.

I am not happy with all the rules we are adopting, but I voted for that pay increase, and it was not particularly propitious. I voted for it the other time. In fact, my colleague from my State, who today is the Vice President, sat alongside me and said:

If you don't vote for that pay increase, Hubert, I won't be able to go home and face Joan.

He was having some financial problems at the time.

I voted for pay increases, and I got reelected in Minnesota. I have been reelected in Minnesota time after time, and have not hesitated to vote for a pay increase, because I am worth it. I give my constituents full measure, 14, 15, or 16 hours a day.

I hope we will exercise some good judgment here and not paint ourselves into a corner. This is an honorable body, the Senate of the United States, and the best way to keep it honorable is to act honorably and not send a message out from here that somehow or other we cannot trust each other. We can argue with each other, but I trust every Member of this body.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. HUMPHREY. I am done.

Mr. CURTIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. CURTIS. Will the Senator from Texas yield some time to me?

Mr. TOWER. Mr. President, I yield 5 minutes to the Senator from Nebraska.

Mr. CURTIS. I thank my friend.

Mr. President, there is no man I admire and love more in this body than HUBERT HUMPHREY. I have heard him make some wonderful speeches, but I have never heard him make a better one than he did today.

Mr. President, if we pass this resolution anything like it is now, it will bring discredit upon the U.S. Senate, it is so ridiculous.

To go out and make a speech is a part of our representative government. When I go to make a speech, I go to sell my ideas and get some support on them. It is a part of our representative government to go back and forth. If someone is a bank director, and he comes here and brings that knowledge, it means better Government, just as Senator HUMPHREY gets valuable information from the drugstore. We are not living in a vacuum.

How ridiculous can we get? This monstrosity has 11,000 words in it. The Ten Commandments have less than 400. It is not a code of ethics; it is a sham.

I would hope that the lead leadership would look into this situation and postpone this matter until it can be thought through with a different approach. If you feel that you must go on with something, I cannot present it in 5 minutes, but I wish to call it to your attention: I invite your attention to amendment No. 75. It is a code of ethics. It provides that at the first day of the session every year, every Senator shall subscribe to a code of ethics, the first point of which is:

I will not cast a vote in a committee or in the Senate, or refrain from casting a vote, in return for anything of value from any person, firm, association, organization, committee, or corporation.

It relates to gifts, it relates to entertainment, but you do not do them. You do not get those things in exchange for your official action here.

Then it provides:

I hereby waive any immunity or any privilege against self-incrimination afforded to me by any law or by the Constitution of the United States with respect to any matter which may constitute a violation of this Code.

This code has teeth in it. It says:

I shall not engage in any conduct unbecoming to a Senator, or that would bring disgrace to the Senate, and upon a majority vote of the Committee on Ethics, I agree not only to waive all of the immunity, but to provide them with all information, facts, figures, documents, and data pertaining thereto, requested of me by the select committee.

Then, if the Senate finds a person has engaged in corruption, conflict of interest, or other wrongdoing, he can be punished, and punished severely, by censure, by forfeiture of pay, by forfeiture of retirement or a part thereof—and I put that in there, because some day, some time, there may be someone who would enrich himself by a great amount of money, and he ought not to go unpunished. Or he can be expelled.

Now, Mr. President, the idea of 11,000 words of sham and fraud is ridiculous. I can live under anything we pass here. This is my 39th year in Congress, and I am not going to annoy Senators every day by bragging about that. I will have to live under that which we pass here, or yield, and I am as tough as anyone here. I can endure anything you can.

But I am thinking about the reputation of the U.S. Senate, and the idea of sending word out that if you earn $8,000 it is pure, but if it is $9,000 you are corrupt, or saying to people, "If you amount to something back home, if you are involved in business, if you know something about banking or manufacturing or farming, you are disqualified to come here." How many people are going to refuse to run for office?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CURTIS. Will the Senator give me 1 more minute?

Mr. TOWER. One minute.

The PRESIDING OFFICER. The Senator has 1 additional minute.

Mr. CURTIS. It is time for us to quit being the pot calling the kettle black. What is the difference between going before a trade association and saying some nice things to get them to like me and vote for me, and someone else coming into this body and voting at the behest of Common Cause, in order to get them to like him and vote for him? What is the difference?

What we need here is God-fearing men, who will obey the law and be honest, and stop all of this sham.

As I say, if you feel you must have a code of ethics, take a look at amendment 75. But what I would much prefer is that the leadership would move in and rescue this body from this foolishness, and that we take a little while to think about it.

I thank my good friend.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. NELSON. The Senator from Wisconsin in the past week has taken more time on this floor than anyone else.

I am sure Senators do not wish to defeat the code of conduct by agreeing to this amendment. Mr. President, I yield back the remainder of my time. I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to table the amendment of the Senator from Texas. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from North Carolina (Mr. MORGAN), the Senator from New York (Mr. MOYNIHAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Arkansas (Mr. BUMPERS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Florida (Mr. STONE) are absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "yea."

Mr. BAKER. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. MCCLURE), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Mexico (Mr. SCHMITT), the Senator from Alaska (Mr. STEVENS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 63, nays 22, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—63

Allen	Eastland	Nelson
Anderson	Ford	Nunn
Baker	Glenn	Pearson
Bartlett	Griffin	Pell
Bellmon	Hart	Percy
Bentsen	Haskell	Randolph
Brooke	Hathaway	Ribicoff
Burdick	Hayakawa	Riegle
Byrd, Harry F., Jr.	Heinz	Sarbanes
	Huddleston	Sasser
Byrd, Robert C.	Humphrey	Schweiker
Cannon	Jackson	Scott
Case	Javits	Sparkman
Chafee	Johnston	Stafford
Chiles	Leahy	Stennis
Clark	Magnuson	Stevenson
Cranston	Mathias	Talmadge
Culver	Matsunaga	Williams
Danforth	McIntyre	Young
DeConcini	Melcher	Zorinsky
Durkin	Metcalf	
Eagleton	Metzenbaum	

NAYS—22

Bayh	Hansen	Muskie
Biden	Hatch	Proxmire
Church	Helms	Roth
Curtis	Hollings	Thurmond
Dole	Inouye	Tower
Domenici	Laxalt	Wallop
Garn	Lugar	
Goldwater	McClellan	

NOT VOTING—15

Abourezk	Long	Packwood
Bumpers	McClure	Schmitt
Gravel	McGovern	Stevens
Hatfield	Morgan	Stone
Kennedy	Moynihan	Weicker

So the motion to lay on the table was agreed to.

UP AMENDMENT NO. 97

The PRESIDING OFFICER. By previous order, the Senator from Texas is recognized for another amendment.

Mr. TOWER. Mr. President, I call up my second amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read as follows:

The Senator from Texas (Mr. TOWER) proposes unprinted amendment No. 97.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, line 14, after "INCOME", insert "; INCOME FROM GOVERNMENT SOURCES".

On page 26, after line 24, insert the following:

"4. (a) During the period of service in a calendar year of a Senator, or of an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than 90 days in a calendar year (unless hired on a per diem basis), the aggregate amount of any subsidy payments received by such individual during such period from the Treasury of the United States and any income received by such individual during such period from any enterprise which is regulated or financed either wholly or in part by the United States Government shall not exceed 15 per centum of—

"(1) the aggregate amount of the salary of such an officer or employee disbursed by the Secretary of the Senate during such period; and

"(2) in the case of a Senator, the aggregate amount of base salary paid to Senators and disbursed by the Secretary of the Senate for that period.

"(b) For purposes of subparagraph (a), any income from securities of the United States Government shall not be considered to be either a subsidy payment or income from any such enterprise.

The PRESIDING OFFICER. The amendment has 1 hour of debate, to be equally divided and controlled.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senate will come to order. Senators wishing to discuss can go to the cloakroom. The Senator is entitled to be heard.

Mr. TOWER. After that last vote, Mr. President, I am not sure I am entitled to be heard.

The PRESIDING OFFICER. Well, the Senator is entitled to it, whether he wants it or not.

Mr. TOWER. Mr. President, this amendment is similar to the one that was just tabled, except that it does allow unearned income from subsidies or any enterprise regulated or financed by the Federal Government up to 15 percent. In other words, it places the same stricture on unearned income from federally subsidized, financed, or regulated sources, up to 15 percent, placing the same stricture on such income as is placed on honoraria income. But in that there appears to be no disposition to establish totally the incorruptibility of the Senate in such matters, I have no doubt as to what the fate of this amendment will be.

But I do intend to modify the amendment and see if it will be made more palatable.

Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The modification will be stated.

The second assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes a modification to his unprinted amendment numbered 97.

The amendment, as modified, is as follows:

On page 24, line 14, after "INCOME", insert "; INCOME FROM GOVERNMENT SOURCES".

On page 26, after line 24, insert the following:

"4. (a) During the period of service in a calendar year of a Senator, or of an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than 90 days in a calendar year (unless hired on a per diem basis), the aggregate amount of any subsidy payments received by such individual during such period from the Treasury of the United States and any income received by such individual during such period from any enterprise which is regulated or financed either wholly or in part by the United States Government shall not exceed 15 per centum of—

"(1) the aggregate amount of the salary of such an officer or employee disbursed by the Secretary of the Senate during such period; and

"(2) in the case of a Senator, the aggregate amount of base salary paid to Senators and disbursed by the Secretary of the Senate for that period.

"(b) For purposes of subparagraph (a), any income from securities of the United States Government shall not be considered to be either a subsidy payment or income from any such enterprise.

Mr. TOWER. Mr. President, I have modified my amendment simply to preclude or to prohibit the receipt by Members of the Senate or employees of the Senate of any subsidy from the Federal Government in excess of 15 percent of his aggregate salary.

In other words, he could still receive a Federal subsidy if he were engaged in an agricultural endeavor, but that subsidy could not exceed 15 percent of the aggregate amount of the salary of such a Member or such an officer-employee of the Senate.

I think that is certainly reasonable, if we are going to authorize and appropriate money for subsidies, that we should be prepared to limit what we as individuals could receive if we qualified under any programs so subsidized to 15 percent of our salary.

I do not think that is at all unreasonable. Certainly, if we are going to limit honoraria, this seems to be very reasonable, and because the very money appropriated would go directly into our pockets if we qualified under some program which received a subsidy.

Therefore, I hope that the Senate will give more favorable consideration to this amendment than they did my previous amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin.

Mr. NELSON. I say to the Senator from Texas that we are hoping to get some amendments, other amendments, additional amendments disposed of this evening and at some reasonable hour.

I guess this Senator understands very well the proposal made by the Senator from Texas.

Mr. TOWER. If the Senator will yield, I am prepared to yield back the remainder of my time, provided I am not set upon by such eloquent and aggressive men of the Senate as the Senator from Wisconsin and have to defend myself for an additional few minutes.

Mr. NELSON. That is the nicest thing I heard all week.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin yields back the remainder of his time.

The Senator from Texas.

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, I move to table the amendment now.

Mr. TOWER. I ask for the yeas and nays on the motion to table.

By the way, the motion is out of order,

because I had not yielded back my time, but I yield it back and ask unanimous consent it be in order.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Texas. The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Arkansas (Mr. BUMPERS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from North Carolina (Mr. MORGAN), the Senator from New York (Mr. MOYNIHAN), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Florida (Mr. STONE) and the Senator from Alaska (Mr. GRAVEL) are absent on official business.

I further announce that if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. MCCLURE), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Mexico (Mr. SCHMITT), the Senator from Vermont (Mr. STAFFORD), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 53, nays 28, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—53

Allen	Durkin	McIntyre
Anderson	Eagleton	Melcher
Baker	Ford	Metzenbaum
Bartlett	Glenn	Nelson
Bellmon	Hart	Nunn
Bentsen	Haskell	Pearson
Brooke	Hathaway	Percy
Burdick	Hayakawa	Randolph
Byrd, Harry F., Jr.	Hollings	Ribicoff
Byrd, Robert C.	Huddleston	Riegle
Cannon	Humphrey	Roth
Case	Jackson	Sasser
Chiles	Javits	Schweiker
Clark	Johnston	Stennis
Cranston	Leahy	Stevenson
Culver	Magnuson	Talmadge
DeConcini	Mathias	Williams
	Matsunaga	Zorinsky

NAYS—28

Bayh	Hansen	Proxmire
Biden	Hatch	Sarbanes
Chafee	Heinz	Scott
Church	Helms	Sparkman
Curtis	Inouye	Stevens
Danforth	Laxalt	Thurmond
Dole	Lugar	Tower
Domenici	McClellan	Wallop
Garn	Muskie	
Goldwater	Pell	

NOT VOTING—19

Abourezk	Long	Schmitt
Bumpers	McClure	Stafford
Eastland	McGovern	Stone
Gravel	Metcalf	Weicker
Griffin	Morgan	Young
Hatfield	Moynihan	
Kennedy	Packwood	

So the motion to table Mr. TOWER'S amendment (No. 97) was agreed to.

Mr. JOHNSTON. Mr. President, I have an amendment at the desk.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. ROBERT C. BYRD. Mr. President, I hope we can dispose of this amendment by Mr. JOHNSTON.

I believe Mr. DURKIN has 3 amendments. I wonder if we could not agree to—where is Senator DURKIN? I wonder if Senator DURKIN would agree that we could take up his amendments, discuss them tonight, and if he wants rollcall votes on them we could order the rollcalls, have those rollcall votes tomorrow back to back early in the day. Would that be agreeable to the Senator?

Mr. DURKIN. As I understand it, the request is to debate them tonight and set a time certain tomorrow for a rollcall?

Mr. ROBERT C. BYRD. Set them at a certain time tomorrow, vote them back to back if the Senator wishes or we could take them with 5 minutes in between so they could be explained, and this will accommodate the Members and yet we will be making progress.

Mr. DURKIN. Fine.

What time do we have on it, 30 minutes?

Mr. ROBERT C. BYRD. Yes. Perhaps we could cut it down to 10.

Mr. DURKIN. I would be willing to do that. They are short and sweet, and they speak for themselves. I do not need more than 10 minutes, so 20 minutes equally divided and rollcalls in the morning.

Mr. ROBERT C. BYRD. Very well.

Mr. President, I ask unanimous consent that on each of the amendments by Mr. DURKIN there be a time limitation of not to exceed 20 minutes, equally divided and controlled in accordance with the usual form. That if rollcall votes are ordered on them that the rollcall votes occur tomorrow beginning at 12:30 p.m.

Is the Senator agreeable to having them back to back?

Mr. DURKIN. Yes. We do not need any more debate.

Mr. ROBERT C. BYRD. Yes. We would have the votes back to back, and Senators could go once the Johnston amendment is disposed of tonight, with the understanding we would have those votes the first thing back to back.

Mr. SCOTT. Reserving the right to object—and I do not want to object—I wonder what time we are coming in tomorrow?

Mr. ROBERT C. BYRD. Twelve o'clock.

Mr. SCOTT. Could we do as the Senator suggested but put off the vote until 2:30 or 3 o'clock?

Mr. ROBERT C. BYRD. Yes, we will do that. We might have votes though prior thereto.

Mr. SCOTT. I understand that you might. I agree to those. Frankly, I have some things to do and I may be a little late tomorrow, not expecting to be in on Friday.

Mr. ROBERT C. BYRD. But the Senator would understand votes might occur before 2:30.

Mr. SCOTT. I understand that, but on the unanimous-consent agreement put it off until——

Mr. ROBERT C. BYRD. Is 2 o'clock all right?

Mr. SCOTT. Make it 2:30.

Mr. ROBERT C. BYRD. If we have three votes——

Mr. SCOTT. The first one at what time?

Mr. ROBERT C. BYRD. Two o'clock.

Mr. SCOTT. Well, I do not know how I am going to get my trees sprayed, but all right.

Mr. HATHAWAY. Some of us have to leave before he comes back so we are going to miss the votes.

Mr. ROBERT C. BYRD. May I have the attention of the Senator from Virginia. We have other Senators who have problems if we have the vote delayed.

What I am trying to do is to accommodate Senators tonight if we possibly can.

Mr. SCOTT. What hour does the distinguished majority leader want?

Mr. ROBERT C. BYRD. I had first suggested 12:30 p.m.

Mr. SCOTT. Mr. President, I am constrained to object to 12:30, having a vote at that time. But if the Senator could put it off until later—we are going to have other votes later, I assume, because we are going to be here several hours tomorrow. If we were going to be here for a short time maybe we could put it off until Monday.

Mr. ROBERT C. BYRD. Very well, Mr. President, I guess we will just have to vote on the amendments tonight.

I am sorry to take the time of the Senate, but I do ask unanimous consent that there be a time limitation or was that agreed to? That was agreed to.

AMENDMENT NO. 125

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER (Mr. MELCHER). Will the Senator from Louisiana identify the amendment he is calling up?

Mr. JOHNSTON. Mr. President, I have amendment No. 125 at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state amendment No. 125.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes amendment No. 125.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 23, after "memento," insert the following new (6) and renumber the existing (6) as (7): "(6) food, beverage, or entertainment, provided the food, beverage, or entertainment is not enjoyed or consumed in connection with a gift of overnight lodging,".

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me for a unanimous-consent request?

I ask unanimous consent that there be a time limitation on his amendment of 20 minutes to be equally divided in accordance with the usual form, and if he needs more time we will yield it from the resolution, which fully protects him.

Mr. JOHNSTON. Very well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, this amendment is designed to keep this code from being totally trivial and totally demeaning to Senators.

Under rule XLIII a Senator may not accept gifts exceeding $100 in a calendar year from any person who has an interest in legislation.

Now, what this means—and excluded from the definition of gifts is any meal which costs under $35.

If a meal costs over $35 or if the drinks consumed or the entertainment in connection therewith or if any member of a person's family gets anything that costs over $35 then it obligates the Senator to find out how much it costs, to carry it around in his book, and not to exceed $100 in a year.

That means, I suppose, if you get asked out to dinner by a lobbyist, which happens from time to time, you would have to ask the lobbyist what it cost, and I guess you would have to ask for separate checks, including the tip, and you had better not go over the $100 that night. But if you were still under the $100 you would have to keep the record because 6 months from then you might be asked again.

Mr. President, I do not think I need really to make the case against the trivial nature of that kind of rule. As a matter of fact, I think the authors, the sponsors, are willing to accept this amendment.

Mr. President, I ask unanimous consent to change the amendment as follows, and I will explain this change in just a moment:

On page 23, line 23, after "memento," insert the following new (6) and renumber the existing (6) as (7): "(6) meals, beverages, or entertainment consumed or enjoyed with the host, provided the meals, beverages, or entertainment is not enjoyed or consumed in connection with a gift of overnight lodging,".

In other words, strike from line 3 to line 5 and insert this in lieu thereof.

The PRESIDING OFFICER. Would the Senator send the modified language to the desk?

Mr. JOHNSTON. Yes.

The PRESIDING OFFICER. Is there objection to the amendment being so modified? The Chair hears none, and it is so ordered.

The amendment, as modified, is as follows:

On page 23, line 23, after "memento," insert the following new (6) and renumber the existing (6) as (7): "(6) meals, beverages, or entertainment consumed or enjoyed with the host, provided the meals, beverages, or entertainment is not enjoyed or consumed in connection with a gift of overnight lodging,".

Mr. JOHNSTON. Mr. President, very simply what this does is it relieves Senators of the duty of carrying around their little black books when they get invited out to dinner and asking their host what the meal and what the drinks cost, and it allows the Senator to go to dinner with the feeling of an absolutely free spirit, knowing in full confidence he is not violating the ethics code. I do not mean it in a funny way because it would impose a great burden upon Senators.

It does permit a Senator to get groceries ordered to his door; it does not permit his favorite lobbyist friend to send him a case of whisky to his house; it does not permit anything except for him to go to dinner and to have entertainment that night with drinks that night and not record it in his little black book.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CANNON. Will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. CANNON. The Senator has some language in there that is very disturbing to me. I come from a State that is considered the entertainment capital of the world, and the Senator has written in there "consumed or enjoyed with the host." Now the host normally is the manager of a hotel and generally he does not sit down and eat with you. Someone else will. But the manager of the hotel frequently will pick up the tab for a meal when you are invited to come out to his hotel for a show. I see no reason for that kind of a distinction, "consumed or enjoyed with the host" because that certainly discriminates against the type of situation we have in my State where the host himself frequently does not sit right down and stay with you at the meal.

Mr. JOHNSTON. I am not particularly married to that language "with the host." I simply wanted to make it clear that they could not send you a gift of food or drink to your home.

Mr. SARBANES. They would be covered by the Senator's language.

Mr. CANNON. They could do that anyway. But the Senator has some money there.

Mr. JOHNSTON. I would have, frankly, no objection to taking out the phrase "with the host." It depends on how colleagues feel.

Mr. RIBICOFF. That is fine.

Mr. JOHNSTON. Very well.

Mr. President, I ask unanimous consent that the three words "with the host" be deleted from the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. DOLE. Will the Senator simply explain to the Senator from Kansas the last few words of the amendment in connection with the gift of overnight lodging? Maybe I misunderstand the amendment.

Mr. JOHNSTON. In other words, if he gets invited to fly on the corporate jet to Hawaii and stay overnight out there, really, he cannot do any of that, but let us say he was invited down to a fishing camp in Louisiana and he had food and drinks, then he does have to add that up on his little book and keep a record of it because that is considered to be such a big gift because it involves overnight stay.

What I am trying to except from this rule is the meal, the drinks, the wine or even the cigar or the entertainment if it is all in connection with one episode, not an overnight episode. Let me get another word. Event. [Laughter.]

Mr. DOLE. In other words, it is all right to have dinner, a Senator may have dinner with a friend, but if he and his wife went out to dinner, he could not stay with friends; is that correct?

Mr. NELSON. May I respond to that?

Mr. JOHNSTON. Yes.

Mr. NELSON. The whole resolution exempts all personal hospitality no matter who the person is.

Mr. DOLE. Is that true if the person owned a motel or hotel?

Mr. NELSON. The Senator would think of one question no one else asked yet.

Mr. DOLE. I have been here 4 days trying to think of something.

Mr. NELSON. Yes.

Mr. RIBICOFF. We are trying to do something very simple. The situation the Senator gives concerns a person who own a hotel or motel and who is not a lobbyist. He could stay there, but if the value of his lodging was over $250 he would have to report it. He would not be forbidden to accept the hospitality. If, for example he stayed for 2 days at the Sunset Motel, it would probably not be over $250 and so no report or disclosure would be required.

There have been serious complaints about a situation we all face when organizations and associations have their annual or semiannual dinners at one of the hotels and a Senator and his wife are invited. It is very obvious that by the time they go through the evening's entertainment, the costs are beyond $35 a person. Prohibiting that makes all of us look ridiculous and is ridiculous.

What Senator JOHNSTON is trying to achieve is, if a Senator goes out and has a meal and drinks, and the place has a piano player or singer that night, he does not have to ask his host "does it cost more than $35," since it is being consumed on the premises at that time. He would eliminate any limitation or restriction on such meals. But that does not prevent him from staying overnight and taking entertainment if it is not from a person with a direct interest in legislation. If it is personal hospitality, there is no limitation whatsoever. A Senator does not have to list it.

Mr. DOLE. That is the point I am making.

The PRESIDING OFFICER. The 10 minutes of the Senator from Louisiana have expired.

The Senator from Wisconsin has 10 minutes remaining.

Mr. DOLE. May I have one followup question?

Mr. NELSON. I yield 2 additional minutes to the Senator.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I do not want to delay it. Let us say I have a longtime friend in Kansas who happens to own a motel. He is not a lobbyist. If I stay there without cost, and he buys my dinner, is that permissible?

Mr. RIBICOFF. I will say if the equivalent of the cost to a stranger was up to $250 the Senator would not have to list it. If it is a room worth $25 or $50 a night, and a Senator stayed 5 nights, he would not have to list that at all. If he says it was worth $50 a night and he

stayed 6 nights so it came to $300, he would list that he received a gift of $300. Up to $250 Senators do not have to list at all. There is no limitation on accepting personal hospitality and he does not have to list that at all.

Mr. DOLE. I thank the Senator.

Mr. ALLEN. Mr. President, if the Senator will yield, is the Senator saying that a Senator can accept up to the worth of $250 free accommodations at hotels and motels?

Mr. RIBICOFF. No.

Mr. ALLEN. What is the Senator saying as to $250?

Mr. RIBICOFF. I would say that it is a question of a disclosure requirement. A Senator need not publicly disclose lodging received up to $250.

Mr. ALLEN. From whom?

Mr. RIBICOFF. From anyone but a person with a direct interest in legislation. But he has to list it.

Mr. ALLEN. I understand. Is it under $250 or over $250 or what breaking point?

Mr. RIBICOFF. Up to $250 he does not have to list it. If it is over $250 he has to list it.

Mr. ALLEN. A Senator could accept hotel accommodations up to $250 and not list it?

Mr. RIBICOFF. That is right.

Mr. NELSON. That is in the resolution.

Mr. ALLEN. I declare that is a terrible provision.

Mr. RIBICOFF. That is not what Senator JOHNSTON is talking about now.

Mr. ALLEN. I understand. If that exemption is in the ethics law resolution it ought to be eliminated. I am going to offer an amendment to that effect.

Mr. JOHNSTON. Let me make clear that this has nothing to do with that. That is another provision of the resolution. If the Senator wishes to amend separate provisions that is all right with me. All my amendment does is make a very narrow exemption. It simply says that with respect to food, beverages, and entertainment where they are not consumed or enjoyed in connection with overnight lodging a Senator can accept them from a lobbyist and he does not have to list them even though in a year's time they might aggregate $300.

Mr. ALLEN. At the proper time I will offer an amendment to knock out the up to $250 in free accommodations.

I travel all over my State and I never accept complimentary lodging anywhere. I insist on paying my bill. I did not know that provision was being made for Senators to accept $250 in free hotel accommodations. That must come out.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. JOHNSTON. Let me make it clear.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. Mr. President, will the Senator withhold that for a few minutes?

The PRESIDING OFFICER. There is not a sufficient second.

Does the Senator from Wisconsin yield time?

Mr. STEVENS. Will the Senator yield me 2 minutes?

Mr. NELSON. I yield 2 minutes to the Senator from Alaska.

Mr. STEVENS. I am interested in the problem I mentioned earlier about the question of fishing boats I go fishing on up in Alaska. What does the manager of the bill interpret entertainment to mean? And I understand there is some language in the report that indicates that it might cover this area. But what is the difference between those fishing boats I am getting on that belong to a friend of mine and I go out fishing for a couple hours and having dinner in a hotel in terms of entertainment?

Mr. NELSON. That is another section.

Mr. RIBICOFF. Is this a personal friend of the Senator who owns a fishing boat?

Mr. STEVENS. Yes.

Mr. RIBICOFF. There is no restriction on that at all. That is as if he visited his home and he had a boat. That is part of the entertainment that he supplies the Senator with personal hospitality. There is no requirement for it being listed at all.

It is just the same thing, to visit on the boat, as if you were visiting in his home.

Mr. STEVENS. Does the Senator have a duty to find out if the boat is owned individually or by a corporation?

Mr. RIBICOFF. Well, I think if it is a corporation, that is another matter.

Mr. STEVENS. Would this exception in terms of entertainment cover a hotel that is a member of a hotel association?

Mr. RIBICOFF. No; if it were commercial and political, it would not. It would not be personal.

Mr. ROBERT C. BYRD. Mr. President, this amendment is going to be accepted, if the Senator from Alabama is willing to withdraw the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were not ordered, for lack of a sufficient second. Who yields time?

Mr. JOHNSTON. Mr. President, will the Senator yield to me? I want to make something clear.

Mr. NELSON. I yield to the distinguished Senator from Louisiana.

Mr. JOHNSTON. I just want to make clear to my friend from Alabama that my amendment does not exempt any overnight hotel accommodations; it has absolutely nothing to do with that. All it has to do with is meals, beverages, and entertainment in connection therewith.

Mr. President, before we vote I have a question which I have been trying to ask the distinguished manager of the bill for 3 days, and while I have time, I wonder if I could ask it at this time.

Mr. NELSON. Is it on the pending amendment.

Mr. JOHNSTON. No, on a separate amendment.

Mr. NELSON. Why do we not yield the time back and vote on the amendment, and deal with that question as soon as we adopt the amendment?

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be given 2 minutes to ask the distinguished Senator from Wisconsin a question immediately following the vote.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, is the Senator yielding time on the resolution?

Mr. NELSON. I could.

Mr. ROBERT C. BYRD. Sure, 2 minutes on the resolution.

Mr. NELSON. Let us settle this amendment first. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. I have yielded 2 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. JOHNSTON. I thank the Senator.

In the Federal Election Campaign Act (2 U.S.C. 439a), the phrase "any ordinary and necessary expense incurred by him in connection with his duties as a holder of Federal office" is used.

That phrase, in turn, has been interpreted a number of times by the Federal Election Commission in connection with their ability and their mandate to give advisory opinions to Representatives and Senators.

My question is, Does that phrase have the same meaning as the following phrases, which are found in this resolution: "otherwise unreimbursed expenses allowable in connection with the operation of a Member's office" and "expenses incurred by a Member in connection with his official duties" and "reimbursement of expenses incurred by a Member in connection with his official duties"?

Do those phrases have the same meaning as the phrase quoted from the Federal Election Act?

Mr. NELSON. That is my interpretation. We are referring to official expenses in connection with one's official duties, or, as one would say in the private sector, expenses "associated with the business." What the Federal Election Commission's language interpretation means, in my judgment, is exactly the same as what is in the resolution. Both are related to official duties and performance of official duties. I do not think there is any difference between the two.

Mr. JOHNSTON. So that we could use the precedents, such as they are, by the Federal Election Commission, in interpreting the phrases in this resolution?

Mr. NELSON. That was my belief at the time we framed the resolution. We checked with the staff prior to my response to this question, and that is their interpretation also.

Mr. JOHNSTON. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware (Mr. ROTH) is recognized to call

up an amendment on which there shall be a time limitation of 1 hour of debate.

Mr. STEVENS. Mr. President, is this the amendment of the Senator from Delaware?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. It is my understanding that he was left under the understanding that that matter would be brought up tomorrow. I wonder, since the Senator from New Hampshire has amendments, if we might ask unanimous consent that Senator ROTH's amendments would follow those to be presented now, three of them, I believe, by the Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Under the previous order, the Senator from New Hampshire (Mr. DURKIN) is recognized to call up an amendment on which there shall be 20 minutes of debate, to be equally divided and controlled.

The Senator from New Hampshire is recognized.

AMENDMENT NO. 101

Mr. DURKIN. I thank the Chair. I know the hour is late, and we have discussed ethics almost ad nauseam.

The PRESIDING OFFICER. Does the Senator wish to call up his amendment?

Mr. DURKIN. Yes, I am in the process of calling up amendment——

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. DURKIN. Amendment No. 101.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. DURKIN) proposes an amendment numbered 101.

Mr. DURKIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 7, insert the following: "No member should vote, in committee or on the floor, on any matter where he individually or as a fiduciary, or his spouse or dependents, has a direct financial interest, or any other interest that could be substantially affected by the outcome of the vote.".

On page 32, after line 11, insert the following new section:

"(j) For purposes of this rule 'financial interest' means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the matter being voted, except that—

"(i) ownership in a mutual or common investment fund that holds securities is not a financial interest in such securities unless the member participates in the management of the fund;

"(ii) an office in an educational, religious, charitable, fraternal, or civil organization is not a financial interest in securities held by the organization;

"(iii) the proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a financial interest in the organization only if the outcome of the vote could substantially affect the value of the interest; and

"(iv) ownership of government securities is not to be considered a financial interest vote.".

Mr. DURKIN. Mr. President, the amendment is very short, very sweet, and every direct. It addresses, I think, one of the four preceptions or four concerns that the American public seem to express with respect to the operation of the Senate.

One is outside income, the second is honoraria, and from what source; the third is campaign contributions, which I think will be handled later in the year in a campaign financing bill. But there is a major gap, I think, in the otherwise excellent work of the committee chaired by the Senator from Wisconsin.

I think that the public is very much concerned with the appearance and possibly the fact that Members of this body are voting their portfolios, in committee and on the floor.

Mr. President, if we have one overriding obligation in the 95th Congress, it is to restore the confidence of the American people in the institutions of government. To this end, we must exhibit ourselves as guiding moral forces. Congress is attempting to restore and reshape its image by pledging the adoption of a tough new code of ethics. As written, however, our new code of ethics is weakest where it should be strongest. We have pledged to the Nation that we will eliminate all real and potential conflicts of interest. Yet our new code of ethics fails to include any direct, clear prohibition of voting on the interests of a Member's corporate involvements. My amendment is intended to resolve this void by stressing that, ethically, Members of the Senate should not vote on any matter where he has a direct financial interest or any other interest that could be substantially affected by the outcome of the vote.

We must take concrete steps to eliminate even the appearance of a potential conflict of interest. But how is faith to be restored when the American public learns that a Senator with financial interest in Exxon, Gulf, Mobil, or Standard Oil votes against oil divestiture? Failure to restrict the ability of Members to vote on matters where they have a direct or substantial interest will result in the Senate's new code of ethics being viewed by the people of the Nation as simply another unfulfilled promise. And our governing institutions cannot continue to function effectively without the faith and support of its people.

The code of ethics, as presently written, contains a limitation on outside income but excludes from that restriction the dividend income received from stocks or other investments. My amendment will emphasize that no Senator should vote, either in committee or on the floor, where he or his immediate family has a direct financial interest or any other interest that could be substantially affected by the outcome of the vote. Financial interest is defined to mean ownership of a legal or equitable interest, no matter how small. Excluded from the term financial interest is ownership in a mutual or common investment fund that holds securities, office in an educational, religious, charitable, fraternal, or civic organization and ownership of Government securities or those in a blind trust. The Congress has emphasized its agreement with these restrictions by imposing them as qualifications for judges of the United States. Just as judges should not sit on cases in which they have a direct financial interest, neither should Members of the Senate vote in such situations. We should not be so hypocritical as to apply these limitations to judges, but not adopt them for our own body.

Mr. President, adoption of this amendment will do much to enhance public confidence in the impartiality of Congress. Members of the Senate must be made to vote the interests of the people and not the interests of his corporate portfolio.

Under the language of Senate Resolution 110, Senators can vote on an issue in committee or on the floor even if they have financial holdings that could influence or affect their vote. The committee report justified its action in this respect because it felt it would be "unwise for the Senate to adopt a rule which would require Senators to choose between divesting themselves of their holdings, on the one hand, and disqualifying themselves from votes on the other."

However, the committee recognized the same problem people all across this country have recognized when they said that staff members compensated at a rate in excess of $25,000 a year are required to divest themselves of holdings which could otherwise directly affect their actions, unless they receive permission from the Ethics Committee and their staff supervisor to retain such holdings.

My amendment simply states that no Senator should vote, either in committee or on the floor, when he individually or his spouse or his dependents have a financial interest or any other interest that could be substantially affected by the outcome of the vote.

Direct financial interest is defined as the ownership of any legal or equitable financial interest that is not in a blind trust, contemplating that the Senate will take action under the Danforth amendment and clarify the blind trust rule. A direct financial interest is defined as the ownership of any security or any equitable financial interest that is not in a blind trust. This would not require divestiture. It just would require disqualification with respect to voting, unless the holding in conflict was in a blind trust.

The words substantially affected are not defined in the amendment, but it is the same term and the same prohibition that has been applied to our Federal judges with considerable success for some time.

The distinguished chairman of the Ethics Committee this afternoon argued that the words "ordinary and necessary," and the words "political expenditure," could be defined for purposes of his amendment. I think any problems in administering this amendment, if agreed to, by way of a definition of "substantially affected" could be very well and adequately handled by the Ethics Committee.

As I say, I do not think ethics and pay are linked. If this was a voluntary

job, we should be ethical. However, there are people who linked it. We have tied ourselves to the Federal judges. I think we should be controlled by the same standard which controls our Federal bench. I think in this way the people of the United States will know that when someone votes against oil divestiture they are not voting the interest of their portfolio, but they are voting what they think to be the best interests of the energy situation in this country.

Mr. RIBICOFF. Mr. President, this amendment was considered very seriously and extensively by the Nelson committee. The problem that faced us was that in disqualifying the Member we are really depriving the constituents of the State of representation. For example, a farmer from Wisconsin could not sit on the Agriculture, Nutrition and Forestry Committee and an oil man from Oklahoma could not sit on the Finance Committee. While it certainly would prevent potential conflict of interest, it would jeopardize the interests of a State in full representation on an important committee. For that reason, the Obey commission rejected disqualification as a way of dealing with conflict of interest, noting that such disqualification cut to the heart of the representative function.

Further, a Senator holding limited amounts of common stock, let us say, in 10 companies might have to disqualify himself in an enormous number of votes: a bill from the Judiciary Committee on antitrust; the Finance Committee on taxes; the Banking, Housing, and Urban Affairs Committee on securities; Governmental Affairs on Energy; Commerce, Science and Transportation on transportation. The list is endless.

This amendment makes it explicit that the Senator must not vote on any matter where he has a financial interest, however small.

It seems to us that in listing holdings and listing assets, a Member makes it clear to his colleagues, clear to the public, and clear to his constituency what they have and what their votes imply. The constituency can then determine whether the vote is of such a nature that it represents a conflict of interest.

We have felt that requiring disclosure is sufficient, that the world then knows what the vote means. Consequently, in behalf of the committee, we would have to oppose the amendment of the Senator from New Hampshire.

Mr. DURKIN. I appreciate the statement of the Senator from Connecticut. I believe if someone has substantial holdings they can be handled by a blind trust. If they are insignificant holdings, the parameters for what are insignificant holdings can be ironed out by the Ethics Committee. I believe there will be some inconvenience but this whole code will be some inconvenience.

This amendment goes a long way in eliminating the possibility of the appearance that Members are voting their portfolios. I do not think anyone is upset with the Senator from an oil State, for example, who votes with the oil companies. But they may well be upset and there may well be a conflict when a Senator from a nonoil State votes with the oil companies and then has a substantial portfolio of oil or related stocks that are not in a blind trust.

Mr. RIBICOFF. The Senator raises a very serious problem and it is worth discussing. It was the cause of great concern. The subject matter raised by the Senator's amendment was discussed at length. When we mention the blind trust, keep in mind that under the present rule the blind trust has to be terminated and dissolved. That is why there was an amendment agreed to requiring the Governmental Affairs Committee to go into the entire problem of the blind trust. But I do not know if the result of that study will be adopted by this body or become part of the statutory law.

That being the case, we are passing a rule to govern us until we have statutory language. There is no blind trust in which a Member could place these securities. That is the problem we have at the present time.

Mr. DURKIN. Is the distinguished Senator from Connecticut willing to refer this to his committee to be studied along with the study which is going to be required, and within the same reporting period as is required, under the Danforth amendment?

Mr. RIBICOFF. I am certainly not looking for extra business for the Governmental Affairs Committee. May I say, at the time we have the hearings on blind trusts, we will specifically invite the Senator from New Hampshire to come to testify and present these arguments to us. Those hearings will be comprehensive. At that time we will certainly consider the Senator's views. I do not know what the decision of the committee or the Senate will be at that time, but there will be another opportunity for the Senator from New Hampshire to propose his amendment. There will be that opportunity to go into this matter again.

Mr. DURKIN. I thank the Senator from Connecticut. I really would like a little more than the opportunity to testify. If I could have the same assurance that the matter will be studied, addressed, and reported back at the same time the Governmental Affairs Committee is required to report back on the Danforth amendment, then I would be willing to withdraw the amendment, with the assurance that it will be considered, that it be mandated that the committee consider it in the same time frame.

Mr. RIBICOFF. While the majority leader is here, may I say that the Senator raises a serious question and it is worthy of study. If the majority leader feels the Governmental Affairs Committee ought to take on the additional burden, if he says so, we will make that study and report back with the Danforth amendment.

Mr. DURKIN. Then the proper procedure would be to amend or modify my amendment to incorporate reference to the reporting language of the Danforth amendment. That can be accepted, I believe, by a voice vote.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, I ask that the time be charged equally against the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. I say to the distinguished Senator from New Hampshire that he does not need an amendment. He can take my word for it that when we take up the Danforth amendment, we shall take up the Durkin amendment with it. This is right in the RECORD now and the staff is here from the Governmental Affairs Committee. They will enter it in the docket.

Mr. DURKIN. I thank the Senator from Connecticut.

As I understand it, then, the chairman of the Committee on Governmental Affairs is agreeing to report back—at the same time they report back on the Danforth amendment, they will report back, either accepting or rejecting or modifying my amendment No. 101, depending, and at that time, if it is rejected or modified, we will have, then, an opportunity to address the issue and amend the report of the Committee on Governmental Affairs.

Mr. RIBICOFF. The Senator would have that opportunity at any time on any bill coming out of the Governmental Affairs Committee.

Mr. DURKIN. I am a little perplexed.

I guess what the Senator has done is accept my amendment by unanimous consent, with the unanimous consent understanding that it has the same reporting features as the Danforth amendment.

Mr. RIBICOFF. We are not accepting the Senator's amendment at all.

Mr. DURKIN. Accepting my amendment, as amended, by incorporating the Danforth language with respect to reporting, the net effect is that you have to either accept it, reject it or modify it.

I just do not want it to disappear, never to surface again.

Mr. RIBICOFF. I do not know how I can accommodate the Senator. We have the majority leader here and the chairman of the Governmental Affairs Commitee, who is telling the Senator that there will be hearings on his amendment at the same time that there are hearings on the Danforth amendment; that when we report back the Danforth amendment, we shall then put to the committee the Durkin proposal, to vote up or down, in the Governmental Affairs Committee. When we report back, one way or another on the Danforth amendment, we shall report back, at the same time, that we voted to accept, modify, or reject the Durkin amendment.

Mr. DURKIN. At that time, then, if it is not accepted or is modified in a manner which appears to me to be unacceptable, we can hassle that again when the Danforth amendment is on the floor.

Mr. RIBICOFF. The Senator from New Hampshire may not only do so at that

time, but at any time—there is no germaneness rule, generally, in the Senate. He can always bring his amendment up again in connection with the Danforth amendment.

I cannot say how the Governmental Affairs Committee will treat the Danforth amendment.

Mr. DURKIN. Maybe I am laboring under a misapprehension. I understand that the Governmental Affairs Committee has to report something.

Mr. RIBICOFF. That is correct. At that time, we shall give a report on the committee action on the Durkin proposal.

Mr. DURKIN. That report has to be taken up by the full Senate, either concurring with its rejection or accepting or modifying the Danforth amendment.

Mr. RIBICOFF. The report will be before the Senate. If there is no legislation reported out, then there is nothing before the Senate. We shall make a report, but, generally, as I understand it, if there is no bill reported out, there is nothing for the Senate to act on, either Danforth or Durkin.

Mr. DURKIN. I did not mean to insinuate that I did not accept the word of the Senator from Connecticut. I am a realist, and I find, at the present time, no objection to that suggestion on the assurance of the Senator from Connecticut.

Mr. RIBICOFF. I thank the Senator from New Hampshire.

The PRESIDING OFFICER. Does the Senator request unanimous consent to withdraw his amendment?

Mr. DURKIN. The Chair stated it very well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was withdrawn.

AMENDMENT NO. 104

The PRESIDING OFFICER. Does the Senator from New Hampshire wish to introduce a second amendment?

Mr. DURKIN. Yes.

Mr. ROBERT C. BYRD. Mr. President, could we have an understanding with the Senator that there will be no more rollcall votes tonight?

Mr. DURKIN. I am prepared.

Mr. ROBERT C. BYRD. Will the Senator from New Hampshire call up his amendment and discuss it?

Mr. DURKIN. I call up amendment No. 104, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire proposes amendment No. 104. On page 28, line 1, insert the following: After the word "a" strike the word "principal".

The PRESIDING OFFICER. By previous agreement, there will be 20 minutes on this amendment, to be equally divided.

The Senator from New Hampshire is recognized.

Mr. DURKIN. Again this is a very short amendment. The amendment speaks for itself—maybe to itself, too.

The concern about conflicts of interest forms the heart of the proposed Code of Official Conduct. Almost every section of the code is related to resolving possible and potential conflicts of interest. This is truly the intent of the Code of Conduct.

In the belief that sunshine is the best of all disinfectants, the code requires full disclosure. A full disclosure of financial interests and holdings enables the public to scrutinize our activities and provides the opportunity whereby the public can determine whether any of us have abused the public's trust and used for private positions for private gain.

It is no secret to anyone that one of the principal purposes for this code is the restoration of the public's respect. A Democratic nation is only as strong as its institutions and its institutions are only as strong as the people who comprise them. We are here in an attempt to revamp our public image and go on record to the American public that we are here solely to perform the public's business and no other. This is the reason why the code focuses so sharply on the conflict of interest question.

There are many different types of conflicts of interest. These conflicts can manifest themselves in many different fashions. But of all the conflicts of interest, the most corrosive to both this institution and the public respect needed to sustain this institution is the conflict which enables a Senator to utilize his position of power for personal financial gain. The report and resolution of the Special Committee on Official Conduct recognizes that a conflict is as damaging to this body whether it be real or potential. We must be forever alert to potential conflicts of interest and we must be steadfast in our determination to eliminate, root and branch, all conflicts of interest. But where even the appearance of impropriety exists, the image of a tarnished Congress, blind to its public duty and arrogant toward the public needs, will fester. It is for this reason that I am shocked to learn that the resolution is weakest where it should be strongest.

I could think of no greater disservice that we could perform than to declare in the official code of ethics that there is no impropriety for a Senator to introduce and aid the passage of legislation where one of his purposes in doing so is to foster only his pecuniary interest or those of his family.

The resolution as now written prohibits a Senator from aiding legislation only when his principal purpose in doing so is the furtherance of his own financial interest. This is no restriction at all. It flies in the face of the whole tenor of the committee's resolution and compromises all that we are trying to do here.

We should not let the public believe, for even a moment, that the Senate sanctions a Member's use of his public position to further only his financial interest whether it be his principal purpose in doing so—a significant purpose in doing so—or any purpose in doing so. Certainly there will be bills that we will vote on which will financially affect us. We are a body of lawmakers and unless we are to exempt ourselves from the laws we pass, then it is a natural occurrence that legislation will have an impact on our financial interest. But it is a totally different situation when a Member utilizes his position to introduce legislation when his purpose in doing so is to benefit only his personal interests. Intent here is paramount, and I recognize that it may be difficult to determine whether a Senator's purpose in introducing legislation is to aid his financial holdings. Nevertheless, we should go on record and state clearly and affirmatively to the American public that, under no circumstances and for no purpose, should a Senator introduce or aid legislation when his reason for doing so is the furtherance of his own pecuniary interest. Let the record show that the Senate today is attempting to eliminate the most malignant of all conflicts—the conflict of money.

Mr. RIBICOFF. Will the Senator yield?

Mr. DURKIN. Yes.

Mr. RIBICOFF. Personally, I think he has a good amendment, but the chairman has left for the day and the ranking minority member has left for the day. I would not want to accept the amendment in the absence of Senator NELSON or Senator THURMOND. I wonder, under the circumstances, whether the Senator will not bring that up tomorrow, because I do not think I have the authority to accept it. I happen to like the amendment and I think it makes sense, but I do not have the authority to accept it.

Mr. DURKIN. Fine.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to withdraw his amendment?

Mr. DURKIN. I ask unanimous consent to withdraw this amendment at the present time and unanimous consent to make it the pending business when we reconvene in the morning.

Mr. STEVENS. Before the Senator does that, may I inquire, if I may have a minute?

It is my understanding that in the committee, the word "significant," was there.

Mr. DURKIN. Yes.

Mr. STEVENS. That was changed to be "a principal."

I would rather see it read, if the Senator is going to take out "principal," put in "the purpose of which."

Mr. RIBICOFF. If the Senator will yield, there is a point here. In due respect to the Senator, my feeling is that I do not want to accept the responsibility to accept this amendment or speak against it in the absence of Senator THURMOND and Senator NELSON.

So I hope we ask unanimous consent to allow the Senator from New Hampshire to bring this amendment up the first thing tomorrow.

Mr. STEVENS. My only suggestion is that I will not be here tomorrow and if the Senator takes out "principal" and leaves "a," it is much broader than "the" which is a limiting adjective. It then becomes "the purpose of which," which is very different from "a purpose of which."

Mr. RIBICOFF. All I can say is that the Senator might ask for a rollcall vote tonight on his position.

Mr. STEVENS. No.

Mr. RIBICOFF. There is something

here. But I do not want to take that responsibility, I say to the Senator from Alaska.

Mr. STEVENS. I concur.

The PRESIDING OFFICER. Does the Senator from New Hampshire ask unanimous consent to withdraw his amendment and make it the pending business when we take it up tomorrow?

Mr. ROBERT C. BYRD. Reserving the right to object, why does the Senator wish to withdraw his amendment?

Mr. DURKIN. Well, the Senator from Connecticut——

Mr. ROBERT C. BYRD. I was wondering if the Senator wants to put it aside and take up his next amendment, or what was the idea?

Mr. DURKIN. The Senator took the words out of my mouth.

Then have it become the pending business in the morning?

Mr. ROBERT C. BYRD. Yes; we can make it the pending business in the morning. But does the Senator wish to take up his third amendment?

Mr. DURKIN. Yes.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside temporarily for the purpose of taking up another amendment.

Without objection, it is so ordered.

Does the Senator from New Hampshire have an additional amendment?

AMENDMENT NO. 103

Mr. DURKIN. Mr. President, at this time I call up amendment No. 103.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. DURKIN) proposes an amendment numbered 103:

On page 26, line 8 through line 11, strike the following: "income from a family-owned farm employing no more than ten employees if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor;".

The PRESIDING OFFICER. The time limit on the amendment is 20 minutes, to be equally divided.

The Senator from New Hampshire.

Mr. DURKIN. I thank the Chair.

Mr. President, at this time——

Mr. RIBICOFF. If the Senator will yield to save time, the language the Senator has in his amendment is not found in the bill. He is striking out something that is not in the bill.

Mr. DURKIN. On amendment No. 102?

The PRESIDING OFFICER. Amendment No. 103 is pending.

Mr. STEVENS. I might state, it looks like a typographical error, striking the language and inserting the following.

Mr. DURKIN. It should be.

I ask unanimous consent it be so amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 26, line 8 through line 11, strike all of the language in (c) (2) and insert the following "income from a family-owned farm employing no more than ten employees if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor;".

Mr. DURKIN. Mr. President, again, this is another short amendment that speaks for itself.

Under Senate Resolution 110 income received from a family enterprise is not subject to the 15-percent limitation on outside earned income, provided the services rendered are not a materially income-producing factor. The report states that this income could be distributed in the form of either a salary or a dividend. The label of the money received is not considered to be determinative.

The Durkin amendment would exempt from the earned income limitation only the income received for services rendered for a family-owned farm employing no more than 10 employees provided the services provided are not a materially income-producing factor. All other income received from family enterprises would be subject to the 15-percent limitation on outside earned income. Dividends would not be affected.

I point out that I do not have a family business, nor do I have a farm.

Mr. RIBICOFF. Again, the Senator is involved in an issue that concerns many other Senators. Senator LUGAR, Senator HATHAWAY, and Senator WALLOP, are all concerned with the problem of family enterprises.

As I understand it, they have been meeting with one another to see if they can work out a proposal on which they can all agree.

I wonder if the Senator's staff could join in those discussions to see if there can be a meeting of the minds, because this subject is going to come up again.

I ask the Senator from Alaska if that is correct, that a number of other Senators are involved in the problem of family enterprises?

Mr. STEVENS. Yes. The Senator from Connecticut will recall that before voting on the Muskie amendment, I raised this question with the Senator from Wisconsin.

We have been negotiating on the total question of family enterprises and we almost have some language that appears to deal with the problem. There are still a few points among some Members of the Senate that the language concerning the family enterprises ought to be deleted.

I state to the Senator from New Hampshire, I do not have a family enterprise anymore, but I do feel that the limitation of 10 people gets into a serious problem when we are dealing with even a family-sized farm at harvest time.

My father-in-law has a small 160-acre farm out in Nebraska and at the time the soybeans come in, I guarantee there are more than 10 people there, and it is still a family-sized farm.

I think the Senator intended a different thing. But I urge the Senator not to prematurely go into this. It will be discussed, I understand, either late tomorrow or Monday and the whole concept worked out. It is an ongoing discussion following the discussion I had with the Senator from Wisconsin the other day.

Mr. RIBICOFF. I think the problem, as I say, is that the Senator just deals with a family enterprise involving a farm, so it is restricted to one type of enterprise. But there are other enterprises that have more than 10 employees that are not farms. It would be treating a farm differently than other family enterprises.

However, the Senator should proceed as he wishes.

On behalf of the committee, I would have to oppose this amendment.

Mr. DURKIN. As I am sure we all know, I had another amendment which deleted the family enterprise exemption totally. But it was my feeling that it was going nowhere. This is an alternative.

The justification seems to be that the family farm has been sort of enshrined, although I do not know how many family farmers we have in the Senate. So to eliminate what appears to be more of an emotional than a real problem, we exempted the farm except when there are 10 employees.

If they want to work it out with 10 full-time employees, I do not want the same hassle as on the OSHA bill.

Mr. STEVENS. Will the Senator yield?

Mr. DURKIN. I yield.

Mr. STEVENS. There is a gentleman down at 1600 Pennsylvania Avenue who has a family enterprise in Georgia. I certainly do not think we should have a situation in which a similar person could not run for the Senate. He has a family enterprise; it is continuing. He now has another office, and the family is taking steps to immunize him from that operation. But to disqualify him after he gets here, if such a person is elected, would seem to me to be wrong I do not think we should have a situation in which a person who has a family enterprise that has more than a certain number of employees could not run for the Senate. If they look at this rule, they say, "If I get there, I have to close down the business."

Mr. DURKIN. The thrust of the amendment is just to include the income as part of the 15-percent limitation.

Mr. STEVENS. The limit is 15 percent. That is the problem. The problem is that the limit is in the resolution, and we are going to keep the limits, apparently. Since this is an exception to the limitation, the question is, What is reasonable? What is reasonable is what the man or woman has when he or she comes here.

I am in deep sincerity. We have worked together on other amendments today. I urge the Senator to withhold this and see what happens on Monday.

The question is the amount of time you put in on it, whether it is a conflict in time. If you are just involved in a managerial situation and that seems to be the direction people are going in, and you make a managerial decision, a supervisory decision; what is wrong with that?

I believe that when the Senator sees the new draft, he will see that it is not a question of the amount of income but the question of the conflict of time the family enterprise would take from the Senator's role in this body.

Mr. DURKIN. I am willing to try to work it out. I do see a problem. If you call it income, it has tax benefits to the family enterprise, and the gentleman may well not be an income-producing factor; but he picks up a check on Sat-

urday morning which is called income and is deductible by the family enterprise under the IRS code, and it is exempt from the limitation on earned income. I think it is a loophole that is not consistent with the rest of the code and the limitations that have been imposed on earned income.

But I will soon be talking to myself if I persist, so I am more than happy to set this aside, with the understanding that I will be able to bring it up again.

The PRESIDING OFFICER. Does the Senator from New Hampshire ask unanimous consent to temporarily set aside the amendment?

Mr. STEVENS. Mr. President, will the Senator withdraw it and offer it at the time the Wallop and other amendments are before us which deal with this section?

Mr. DURKIN. The Senator is asking me to withdraw it? What is the problem with asking unanimous consent to set it aside and take it up in conjunction with or immediately after the Wallop amendment? Does the majority leader see any problem with that?

Mr. ROBERT C. BYRD. Why do we not just vote on it tomorrow when we come in?

Mr. DURKIN. All right.

Mr. ROBERT C. BYRD. Mr. President, all of Mr. DURKIN's time has been taken; has it not?

The PRESIDING OFFICER. Yes.

Mr. RIBICOFF. Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF NEW DEFERRALS OF FUNDS FOR WATER PROJECTS—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, pursuant to the order of January 30, 1975:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals of funds totaling $12.6 million. The deferred funds were provided for water resources projects in the Corps of Engineers and the Department of the Interior. Only one of the deferrals—related to the Corps of Engineers' Meramec Park Lake project—is now in effect. This deferral will be maintained, at least until the completion of a review of Federal water resources projects currently in progress.

The details of each deferral are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *March 24, 1977.*

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC-971. A letter from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notice that the appropriation to the Department of Agriculture for the Food Donations Program for the fiscal year 1977, has been reapportioned on a basis which indicates the necessity for a supplemental estimate; to the Committee on Appropriations.

EC-972. A letter from the Deputy Assistant Secretary of Defense, Installations and Housing, transmitting, pursuant to law, notice of three construction projects to be undertaken by the U.S. Army Reserve (with an accompanying report); to the Committee on Armed Services.

EC-973. A letter from the Chairman of the Securities Investor Protection Corporation transmitting, pursuant to law, the Annual Report of the SIPC for 1976 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

EC-974. A letter from the Secretary of the Interior transmitting, pursuant to law, the 1976 annual report of the National Park Foundation (with an accompanyng report); to the Committee on Energy and Natural Resources.

EC-975. A letter from the Assistant Secretary for Congressional Relations of the Department of State transmitting a draft of proposed legislation to improve the Foreign Service personnel system and for related purposes (with accompanying papers); to the Committee on Foreign Relations.

EC-976. A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the past 60 days (with accompanying papers); to the Committee on Foreign Relations.

EC-977. A letter from the Acting Assistant Secretary for Administration of the Department of Commerce transmitting, pursuant to law, notice of a proposal to adopt a system of records in addition to those previously noticed in the Federal Register, in accordance with the Privacy Act (with accompanying papers); to the Committee on Governmental Affairs.

EC-978. A letter from the Acting Director of the National Science Foundation transmitting, pursuant to law, a planned addition to the NSF system of records, in accordance with the Privacy Act (with an accompanying report); to the Committee on Governmental Affairs.

EC-979. A letter from the Secretary of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, a report on a new system of records, in accordance with the Privacy Act (with an accompanying report); to the Committee on Governmental Affairs.

EC-980. A letter from the Director of the National Institute of Corrections transmitting, pursuant to law, the first annual report of the National Institute of Corrections (with an accompanying report); to the Committee on the Judiciary.

EC-981. A communication from the President of the United States transmitting proposed supplemental appropriations for the fiscal year 1977 in the amount of $35,036,000 and amendments to the request for fiscal year 1978 appropriations in the amount of $439,000 (with accompanying papers); to the Committee on Appropriations.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM-101. Senate Resolution No. 4 adopted by the Senate of the State of New Hampshire in opposition to the action of the President of the United States pardoning the draft evaders; ordered to lie on the table:

"SENATE RESOLUTION No. 4

"Whereas, the President of the United States has seen fit to issue a pardon to all the draft evaders, and we firmly believe this to have been a mistake; and

"Whereas, such pardon does nothing to form a more perfect union because it has undermined the very core of responsible citizenship, and, in a single act, demeaned the basic concepts upon which our great nation was founded; and

"Whereas, such pardon does nothing to establish justice because it contradicts the principle that we are a nation of laws, not of men; and

"Whereas, such pardon does nothing to provide for the common defense because it is an effront to every veteran living and dead who has served his country honorably and because it can do nought but weaken the general resolve of our people with respect to freedom and its defense; and

"Whereas, such pardon does nothing to promote the general welfare because each of us is now authorized to make his own decision on a personal basis oblivious to the effect on the whole and because it endorses the actions of the draft evaders in putting their own good and welfare above the good and welfare of the general populace; and

"Whereas, such pardon does nothing to secure the blessings of liberty to ourselves and our posterity because it assures that we can never again depend upon our citizens to put forth their full effort to defend our liberties, back our democratic decisions, nor to protect our rights no matter the source of the attack and, therefore, puts in jeopardy our future survival as a democratic and free society; now, therefore, be it

"Resolved by the Senate:

"That we vigorously protest the action of the President of the United States in issuing a blanket pardon of the draft evaders and request that he be informed of our sentiments; and

"That certified copies of this resolution be forwarded by the secretary of state to the members of the New Hampshire delegation to the United States Congress, the clerk of the United States Senate, the clerk of the United States House of Representatives, and to the President of the United States."

POM-102. Resolution No. 410-77 adopted by the council of the city of Cleveland, Ohio supporting the proposal of Senator EDMUND MUSKIE to provide assistance to low income families to meet the winter's high cost of

heating; to the Committee on Human Resources.

POM-103. House Resolution 2003 adopted by the House of Representatives of the State of Arizona urging the President and Congress of the United States to marshal all the resources at their command to prevent aircraft illegally crossing the international border into Arizona and to take immediate measures to ensure the security of the international border; to the Committee on Foreign Relations:

"HOUSE RESOLUTION 2003

"Whereas, the federal government has given little more than lip service and has shown an insufficient commitment toward containing and solving the problem of aircraft illegally crossing the international border into Arizona; and

"Whereas, innumerable successful daily crossings of the international border by aircraft transporting illegal narcotics present a significant and pressing problem in Arizona; and

"Whereas the importation of such large quantities of illegal narcotics by air is an immediate, critical and ominous threat of the security and safety of the citizens of this nation and the inhabitants of Arizona in particular; and

"Whereas, the situation of international political and social unrest in many countries south of the boundaries of the United States poses a threat to our security; and

"Whereas, the threat of a foreign power hostile to the interests of the United States crossing the international border into Arizona is a real threat to national defense and the security of Arizona; and

"Whereas, the United States has hundreds of miles of unguarded border on its southern boundaries.

"Therefore be it resolved by the House of Representatives of the State of Arizona:

"1. That the Members of the House of Representatives respectfully request that the President and the Congress of the United States marshal all the resources at their command to prevent illegal flights of aircraft across the Arizona border into the United States.

"2. That the Members of the House of Representatives respectfully request that the President and the Congress of the United States take immediate measures to ensure the security of its international border as an intrinsic component of national defense.

"3. That the Secretary of State of the State of Arizona transmit a duly certified copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, with amendments:

H.R. 4877. A bill making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes (Rept. No. 95-64).

By Mr. NELSON, from the Select Committee on Small Business, with an amendment:

S. Res. 105. A resolution requesting a White House Conference on Small Business, together with additional views (Rept. No. 95-65).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

W. J. Michael Cody, of Tennessee, to be U.S. Attorney for the Western District of Tennessee for the term of 4 years.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. McGOVERN:

S. 1116. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietician; to the Committee on Finance.

By Mr. MATHIAS:

S. 1117. A bill reimburse the city of Frederick, Maryland, for money paid by the citizens of such city to save and hold harmless valuable military and hospital supplies owned by the U.S. Government; to the Committee on the Judiciary.

By Mr. CANNON (for himself and Mr. LAXALT):

S. 1118. A bill to amend the Internal Revenue Code of 1954 to provide for specific dollar amounts for the reporting of winnings from bingo, keno, and slot machines; to the Committee on Finance.

By Mr. YOUNG:

S. 1119. A bill to amend the Food Stamp Act of 1964, as amended, to provide for both the continuation and tribal administration of the food stamp and commodity distribution programs on Indian reservations, and for other purposes directly related to the administration of the food stamp and commodity distribution programs on Indian reservations; to implement the Federal responsibility for the care and nutrition of the Indian people by improving services, facilities, and self-determination of Federal food assistance programs and encouraging maximum participation of Indians in such programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HUMPHREY:

S. 1120. A bill to amend the Rehabilitation Act of 1973 to expand the comprehensive systems approach to treatment of spinal cord injuries, and for other purposes; to the Committee on Human Resources.

By Mr. LEAHY:

S. 1121. A bill to provide for the issuance of a special postage stamp in commemoration of Vermont's bicentennial of independence; to the Committee on Governmental Affairs.

By Mr. THURMOND (for himself, Mr. HARRY F. BYRD, Jr., Mr. DOMENICI, Mr. EASTLAND, Mr. GARN, Mr. GOLDWATER, Mr. HELMS, Mr. LAXALT, and Mr. YOUNG):

S. 1122. A bill to amend the Occupational Safety and Health Act of 1970 to insure equal protection of the laws for small business and to provide that any employer who successfully contests a citation or penalty shall be awarded a reasonable attorney's fee and other reasonable litigation costs; to the Committee on Human Resources.

By Mr. NUNN:

S. 1123. A bill to amend the Social Security Act to authorize the issuance of regulations for section 459, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. JAVITS):

S. 1124. A bill to amend the Foreign Assistance Act of 1961 to provide relief, rehabilitation, and reconstruction assistance to the people who have been victimized by the recent earthquake in Romania; to the Committee on Foreign Relations.

By Mr. JAVITS (for himself and Mr. MOYNIHAN):

S. 1125. A bill to authorize the establishment of the Eleanor Roosevelt National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 1126. A bill to amend and strengthen the Equal Educational Opportunity Act of 1974; to the Committee on Human Resources.

By Mr. BENTSEN:

S. 1127. A bill to amend the definition of the term "lawful bridge" in "An act to provide for the alteration of certain bridges over navigable waters of the United States," approved June 21, 1940 (54 Stat. 497), as amended, for the purpose of clarifying such definition; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 1128. A bill to amend the International Security Assistance and Arms Export Control Act of 1976 by extending the deadline for submitting the results of a study on the effects of certain arms export controls; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGOVERN:

S. 1116. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietitian; to the Committee on Finance.

MEDICARE AND HOME NUTRITION SERVICES

Mr. McGOVERN. Mr. President, today I am introducing legislation for nutritional counseling as a home health service under medicare. Under existing law, home health visits are reimbursable for nursing, physical therapy, occupational therapy, speech therapy, and medical social services, but not for nutritional counseling. This is one area where Government spends more by doing less.

In the hospital, medicare patients are eligible for nutritional counseling. After they are discharged, they receive care through a home health agency, but that care does not include nutritional counseling. The denial of such counseling is not only a mistake in human terms, but a needless expense in two ways. First, nutritional deficiencies, which could be corrected by counseling, lead to health problems which must be treated at far greater cost later. We know that 6 of the 10 leading causes of death have been connected to the diet. Second, the more restricted benefits of home health care encourage over-reliance on the more expensive hospitalization of recipients. Reimbursements for home health visits now represent less than 1 percent of the total budget for medicare. Inpatient hospital care is the greatest reason for its escalating costs.

The recently published "Forward Plan for Health, Fiscal Year 1978-82," of the Department of Health, Education and Welfare, cites, as a major priority, the integration of nutritional concerns into the planning, organization, and implementation of health care systems, in the training of all health-related personnel, including stressing the role of nutrition in the promotion of health.

The "Fiscal Year 1977–81 Forward Plan for Health," emphasizes the vital relation between nutrition and health, and concludes:

Nutritional care, including dietary counseling, should be integrated into the preventive, diagnostic and restorative health services of all PHS programs for all family members.

Mr. President, the need is clear. This legislation is a major step toward meeting that need. Its cost will begin to save Federal money almost immediately. So this is the kind of cost-conscious legislation which administration officials should accept without reluctance, if they mean what they say about securing the maximum return for our social expenditures.

I ask unanimous consent that the relevant testimony of the American Dietetic Association before the House Committee on Ways and Means be printed at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

SUMMARY OF TESTIMONY—SPECIFIC MEDICARE ISSUES

(By The American Dietetic Association)

REVISIONS IN HOME HEALTH CARE PROVISIONS

The full range of nutrition services is available to the Medicare patient as long as he is in the hospital. Upon discharge to a home health agency, his eligibility for the services of a dietitian through home health visits is denied under existing law.

Not all beneficiaries of home health services need dietary counseling, but there are those who do need it but are not receiving it under the present Medicare legislation.

Home health services account for less than one percent of the Medicare dollar. It is estimated that the extension of home health benefits to include nutritional care would cost less than $5 million. This cost would be offset by decreased hospitalization and rehospitalization for those suffering from nutritionally related diseases such as diabetes.

The American Dietetic Association's position is that the inclusion of nutrition services as a reimbursable service under the Home Health Care provisions of Medicare will significantly reduce the number of people requiring sick care services in institutions.

REVISIONS IN PROFESSIONAL STANDARDS REVIEW ORGANIZATION PROVISIONS

Quality assurance accompanied by cost containment are the keystones of the Professional Standards Review legislation. Medical care review is the prime factor considered in the provisions and this emphasis is placed on the hospitalized patient with a specific disease.

The American Dietetic Association believes that nutritional assessment of all patients performed by a dietitian would address itself to prevention and diagnostic services as well as curative and restorative care. As long as the system continues to devote itself to crisis intervention with little or no recognition of contributing influences on the total health of individuals cost containment will not be fully achieved.

THE AMERICAN DIETETIC ASSOCIATION FACT SHEET NUTRITIONAL CARE-DIETARY COUNSELING

The American Dietetic Association in commitment to professional and social responsibilities for the promotion of optimal nutritional health recommends that adequately funded prgrams of nutritional care be an integral part of all health care programs.

WHAT IS NUTRITIONAL CARE?

Nutritional care is the application of the science of nutrition to the health care of people. Nutritional care is not complete without dietary counseling.

WHAT IS DIETARY COUNSELING?

Dietary counseling is the process of providing individualized, professional guidance to assist people in adjusting their daily food consumption to meet their health needs.

The objective of dietary counseling is modification of behavior. This objective is accomplished when individuals understand how to make wise food choices.

WHAT DOES DIETARY COUNSELING SERVICE PROVIDE?

Dietary counseling is a component of a nutritional care program in which a registered dietitian gives professional guidance to an individual as part of a physician's treatment plan. The service includes:

1. Assessing present food habits, eating practices and related factors.
2. Developing a written plan for appropriate dietary counseling.
3. Translating the detailed plan with the individual.
4. Planning follow-up care and evaluating achievement of objectives.
5. Using records and reports for sharing pertinent information with other health professionals concerned with the individual's care.

Dietary counseling includes the exploration of the patterns of food intake, socio-economic factors and ethnic beliefs which may influence the individual's choice of food.

WHO IS RESPONSIBLE FOR NUTRITIONAL CARE?

The Dietitian: The American Dietetic Association believes that nutrition is an integral part of total health and life care and urges that all efforts in nutrition and health be multidisciplinary.

The American Dietetic Association believes that registered dietitians, as the only professionally educated group whose primary concern is the application of nutrition science to the health care of people, should be involved in the planning and execution of all health care programs.

The Consumers: As consumers become more aware that nutrition is a cornerstone of positive health, they will realize that it is their right to expect professional guidance and dietary counseling to assist them in developing and maintaining sound "nutritional" habits. It is their responsibility to assure the inclusion of nutritional care in all health programs.

The Government: As the government becomes more deeply involved in legislation to meet the health care needs of the population, it has a responsibility to provide nutritional care for both individuals and groups. Dietary counseling should be a part of every nutritional care program. Increasing costs for both inpatient and ambulatory care make it mandatory that attention be turned to programs that will prepare citizens to assume more personal responsibility for their nutritional well-being.

To neglect the opportunity to insure more positive health for the population is not being totally responsive to a major health concern in this country. Health care legislation for the 70's must provide access to nutritional care.

The American Dietetic Association recommends that nutritional care, including dietary counseling, be integrated into preventive, diagnostic, curative and restorative health services provided under all national health programs and that nutritional care, as a component of health care, be available to all people on a continuing and coordinated basis. The Association recommends further that the planning and supervision of nutritional care be under the direction of persons professionally educated in nutrition as it relates to human health needs.

For further information. Coordinator, Legislative Activities, The American Diabetes Association, 430 North Michigan Avenue, Chicago, Illinois 60611.

STATEMENT OF THE AMERICAN DIETETIC ASSOCIATION ON SPECIFIC MEDICARE ISSUES BEFORE THE SUBCOMMITTEE ON HEALTH, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, SEPTEMBER 19, 1975

Mr. Chairman and members of the Committe. I am Annie Galbraith, a registered dietitian, and I am employed as Associate Director of the Dietary Department and Dietetic Internship at Massachusetts General Hospital in Boston. I am President-Elect of The American Dietetic Association whose headquarters is located in Chicago. It is on behalf of the Association that I am presenting this statement today.

I appreciate the extremely busy time schedule which the Committee has today. For this reason a summary of my testimony is attached as Appendix A, along with a Fact Sheet explaining our definition and position relative to Nutritional Care-Dietary Counseling, Appendix B, and The American Dietetic Association's Position Paper on "The Nutrition Component of Health Services Delivery Systems," Appendix C.

HOME HEALTH CARE PROVISIONS

To fulfill the objectives of The American Dietetic Association as stated in its Constitution, i.e., "To improve the nutrition of human beings; to advance the science of dietetics and nutrition; and to improve education in these and allied areas," the Association recommends that: Nutrition services under the supervision of qualified nutrition personnel should be a component of all health and health related programs and should be designed to reach the total population with priority to such nutritionally vulnerable groups as infants, children and youth in the growing years, women in the child bearings years, and the older age population. was enacted in 1965 it was one of the most progressive pieces of social-health care program ever adopted. But, it did not take into consideration the fact that nutrition is a critical factor in the promotion of health and prevention of disease as well as in recovery and rehabilitation from illness or injury.

In the ten years since the original law was passed there have been three White House Conferences in which the need for greater emphasis on nutritional care has been recognized: The White House Conference on Food, Nutrition and Health, The White House Conference on Children and and Youth and The White House Conference on Aging. The reports and recommendations from each of these meetings indicate that the public recognizes the inadequacies in our present system of nutritional care-dietary counseling and is desirous of legislation that will provide professional guidance and dietary counseling to assist them in developing sound nutritional habits.

Since 1968, the Senate Select Committee on Nutrition and Human Needs has held hearings and published reports where again we can find recommendations citing the need for improved nutritional care which would benefit the public throughout the life cycle.

What is Medicare doing presently to provide continuity of nutritional care; care that is organized and administered to provide maximum health service for dollars expended?

As long as the Medicare patient is in the hospital the full range of nutrition services is made available. Upon discharge to a home health agency his eligibility for the services

of a dietitian through home health visits is denied under existing law.

Let me quote one of our members who recently wrote us as follows:

"I enthusiastically urge the need for diet counseling in the home. In my 7 years experience consulting with a home health agency, I have found that though hospital diet instructions are vital and important, patients often have questions or problems when they return home or need help adjusting diet plans to their own particular needs."

Dietitians would agree with you that not all patients who are the beneficiaries of home health services need nutritional care. But, there are those who do need it: the diabetic, the cardiac, the grossly obese, to give but a few examples. They need it and they are not receiving it under the present Medicare legislation.

The American Dietetic Association's position is that the inclusion of nutrition as a component of home health care will significantly reduce the number of people requiring sick care service and, therefore, contribute directly to:

1. A relief in the strain on the nation's health care delivery system;

2. A decrease in the escalating rate of health care costs; and

3. An increase in physical, mental and social well-being of people so that they may achieve and maintain productive and independent lives.

Home health services account for less than one percent of the Medicare dollar. It is estimated that the extension of home health benefits to include nutritional care would cost less than $5 million. We believe that offering such service should offset this cost by decreased hospital utilization. In 1973 reimbursement for home health services amounted to only $52 million as compared with inpatient services at $6.3 billion.

Revisions in home health care provisions to include nutritional care as we define it in Appendix B, should do much to improve the continuity of health care, to improve the quality of home health services and to assist in cost containment through the prevention of hospitalization and re-hospitalization of those suffering from chronic, nutrition related disease.

The Congress has shown its awareness of the value of maintaining the sick and the aged in their own homes rather than in institutions by introducing such bills as S. 1163 and H.R. 4772 that would improve the home health services program. An amendment is needed to specify that dietary counseling-nutritional care provided under the supervision of a registered dietitian is a covered home health service.

We recommend that Sec. 1861(m) of the Social Security Act be amended by renumbering subsections (2) through (7) as (3) through (8) and inserting the following new subsection immediately after subsection (1):

"(2) nutritional care furnished by or under the supervision of a registered dietitian."

PROFESSIONAL STANDARDS REVIEW ORGANIZATION PROVISIONS

The American Dietetic Association is aware of the current health care crisis in the United States and the effort that is being made in both the public and private sectors to restructure health care delivery systems so that there may be high quality care available for all provided at reasonable cost with optimal utilization of health personnel. The end objective is consumer protection and consumer satisfaction.

The profession of dietetics is committed to helping meet the challenge of changing patterns in health care. We are committed to the principle that the inclusion of nutritional care in comprehensive health care is positively related to the maintenance of health and the reduction of sick care costs and services.

Nutritional care includes at least the following essential services, combined and coordinated to meet individual and family needs:

1. Assessment of food practices and dietary status;

2. Nutrition education and counseling to meet normal and therapeutic needs; and

3. Provision of, or referral to, resources for appropriate food service, special feeding equipment, and/or supplemental food assistance.

Perhaps it is because food and nutrition are accepted as such an integral part of life that special mention of nutritional care has been overlooked as basic to quality health care with the consequent diminishing of the scope of such service. We recommend that all patients have the advantage of nutritional assessment performed by a dietitian who can refer for corroboration and provide data for patient information systems.

We believe that the nutritional care components of any patient care should be integrated with medical and multidisciplinary support services. The dietitian should participate with other members of the health team in overall planning for patient care. Nutrition personnel should help to monitor and evaluate the efficiency and effectiveness of the health care provided to the patient.

Quality assurance accompanied by cost containments are the keystones of the Professional Standards Review Program. Medical care review is the prime factor considered in the provisions and emphasis is placed on the review of the quality of care provided to the hospitalized patient with a specific disease.

The American Dietetic Association believes that nutritional assessment of all patients performed by a dietitian would address itself to diagnostic services and prevention as well as curative and restorative care. Concern with cost of health care emphasizes the need for prevention of rehospitalization whenever possible. We recommend that the role of the "non-physician health practitioner," in this case the dietitian, be given more visibility in total patient care.

As long as the system continues to devote itself to crisis intervention with little or no recognition of contributing influences to the total health of individuals cost containment will not be fully achieved.

On behalf of the twenty six thousand members of the American Dietetic Association I want to thank you for this opportunity to present this statement. I would be happy to answer any questions that the members of the Committee may have.

THE AMERICAN DIETETIC ASSOCIATION POSITION PAPER ON THE NUTRITION COMPONENT OF HEALTH SERVICES DELIVERY SYSTEMS

(NOTE.—One of the main problems resulting from the lack of nutrition training in the nation's medical schools is that however much individual physicians in the federal or state planning agencies may protest their interest, nutrition almost invariably ends up being left out as a component of health-care delivery systems. Indeed, less than two years after the White House Conference on Food, Nutrition and Health, the two strongest nutrition bureaus at the state health level (New York and California) are threatened with extinction.

With government at all levels responsible for an ever increasing proportion of health expenditures, with these expenditures mounting without appreciable effect on the health statistics of the nation, it is becoming obvious that emphasis must be shifted from purely curative to prevention and rehabilitation. This means that nutrition should assume even more importance than in the past. In terms of money—as in terms of human suffering—one can well argue that every dollar spent on nutrition instruction may save tens of dollars in later medical care.

I am delighted to see that The American Dietetic Association has once again asserted its leadership in human nutrition by preparing and endorsing a position paper which outlines clearly the necessary nutrition services to be included in comprehensive health schemes. The paper also clearly describes the need for nutrition input at the planning stages if nutrition services are to be properly structured. At present, the United States Department of Agriculture is operating a gigantic (over $3 billion) food program with what many think is much too small a nutrition component. Present indications are that the Department of Health, Education and Welfare is similarly casual about nutrition. I commend this position paper to health planners at all levels.—*Jean Mayer, Ph. D., S. Sc., A.M. (hon), M.D. (hon), Professor of Nutrition, Harvard School of Public Health, and Chairman, White House Conference on Food, Nutrition and Health.*)

"Nutrition services under the supervision of qualified nutrition personnel should be a component of *all* health and health-related programs and should be designed to reach the total population with priority given to such nutritionally vulnerable groups as infants, children, and youth in the growing years, women in the child-bearing years, and the older age population." (1). The need for the Association to interpret and expand this policy statement is based on a recognition and concern that:

(a) The need and demand for quality health care by the population is not being met by, and is critically straining, the current health care delivery system.

(b) The alarming increase in the cost of medical care mandates a review and evaluation of the present health care delivery system.

The American Dietetic Association's position is that inclusion of nutrition as a component of health care will significantly reduce the number of people requiring sick care service and, therefore, contribute directly to:

(a) A relief of strain on the nation's health care delivery system;

(b) A decrease in the escalating rate of health care costs;

(c) An increase in physical, mental, and social well-being of people so that they may achieve and maintain productive and independent lives.

Nutrition is a critical factor in the promotion of health and prevention of disease and in recovery and rehabilitation from illness or injury. Evidence mounts that Americans who fail to attain a diet optimal for health can be found at every socio-economic level. The reasons are many and complex, but the impact on the health of the nation is seen in the increased risk of complications of pregnancy in the poorly nourished woman, in the chance that her infant may be of low weight with accompanying risk of retarded physical and mental development; in the high incidence of overweight and underweight in school-age children and in adults; in the debilitation of the malnourished elderly; in dental disease, widespread in the total population; and in the high incidence of chronic illnesses that require dietary treatment, monitoring, and follow-up. Since it is apparent that improvements in the nutrition of people will have a direct effect on the level of health and the resulting need for health services The American Dietetic Association recommends that:

I. Nutritional care, as a component of health care, be available to all people on a continuing and coordinated basis. *Nutritional care* is the application of nutrition science to the health care of people. In its broadest sense, nutritional care is provided to the general population through studies

of food consumption and nutritional health, mass education, and food assistants programs. As applied to patient care, it has the same components (assessment of food practices and nutritional status, nutrition education, and food assistance) plus dietary counseling and the service of appropriate food. These nutritional care services must be combined and coordinated to meet individual needs.

II. Nutritional care be integrated into preventive, diagnostic, curative, and restorative health services. Any contemplated health services delivery system should include a nutrition component in its preventive as well as remedial services, if the maximum benefits to health are to be achieved. The following example illustrates the application of this recommendation:

HEALTH SERVICES AND NUTRITIONAL CARE

Public health service—health promotion: mass nutrition education; supplemental food assistance.

Health-testing service (7): assessment of food intake and other indexes of nutritional status.

Health care service; nutrition education and counseling, food assistance, appropriate food service.

Preventive, maintenance service: dietary counseling, food assistance, appropriate food service.

Sick-care service: for all levels of inpatient care, appropriate food service, diet therapy, dietary counseling.

III. The planning and supervision of nutritional care be under the direction of persons professionally educated in nutrition as it relates to human health needs. Dietitians and public health nutritionists, with their educated knowledge of foods and nutrition, are the health professionals who are prepared specifically to help individuals and groups improve their diets and their nutritional status. (In this paper, the term *dietitian* shall be interpreted to mean either a public health nutritionist or a dietitian who is qualified for registration in The American Dietetic Association.) Supportive personnel (dietetic technicians, dietetic assistants) extend the knowledge and skills of dietitians to greater numbers of people.

IV. Dietitians function at the planning and policy-making level of federal, regional, state, and local comprehensive health planning bodies to assure that an appropriate nutritional care component is incorporated into all comprehensive health care planning.

V. Comprehensive health care plans include appropriate administrative placement of the nutrition care component; staffing patterns and qualifications for personnel; identification of nature and extent of nutrition problems, standards of nutritional care; methods to be used for delivery of nutrition service; and evaluation.

VI. To assure that a supply of the dietitians is available and accessible to those in need of nutritional care, steps should be taken to:

A. Support the expansion of existing education and training facilities in nutrition and dietetics and the development of new facilities.

B. Increase support available to students of education and training in nutrition by means of scholarships, loans, and other financial mechanisms.

C. Explore and establish new approaches to undergraduate, graduate, and technical education.

D. Utilize supportive dietetic personnel and improve their career development and status in the health care system.

E. Explore other means to increase the dietetic manpower supply through such mechanisms as proficiency and equivalency examinations and other recruiting efforts.

VII. Dietitians be eligible for payments as providers of health care services. Future health care legislation should stipulate dietary counseling services as an eligible service for third party payment.

VIII. Adequate funding for preventive as well as curative nutritional care services be provided. Until such time as the nation is geared to deliver comprehensive family health care, nutrition services should be supported in existing specialized programs and services, such as: health services for mothers and children; the elderly, special groups, such as migrant agricultural workers and low-income families; family planning programs; chronic disease control services; home health services; rehabilitation services for drug and alcohol addicts; and group care services in facilities such as hospitals, nursing homes, extended care facilities, day-care centers, and residential institutions, detention centers, detoxification centers, and prisons.

XI. A careful appraisal be made by the economic benefits of nutritional care in a comprehensive medical care system. Such an appraisal should also include evaluation of the effectiveness of preventive nutritional care as well as remedial services, on such variables as cost, absenteeism, worker productivity, and so on.

X. Any national health insurance program adopted include incentives for the development of preventive health services. Nutritional care should be identified in the legislation as an essential component of preventive health care service.

XI. Standards for nutritional care services be included in all federal and state guidelines and regulations for health care.

CITED REFERENCE

(1) Promoting optimal nutritional health of the population of the United States, Policy statement of The American Dietetic Association. J. Am. Dietet. A. 55: 452, 1969.

OTHER REFERENCES

AGRIC. RESEARCH SERV.: Household Food Consumption Survey 1965–66. Nos. 1–10. Washington, D.C.: Govt. Prtg. Off., 1968–70.

COMM. ON GOALS OF EDUCATION FOR DIETETICS, DIETETIC INTERNSHIP COUNCIL, AMER. DIETET. ASSN.: Goals for the lifetime education of the dietitian. J. Am. Dietet. A. 54: 91, 1969.

COMM. ON MATERNAL NUTRITION, FOOD & NURT. BD.: Maternal Nutrition and the Course of Pregnancy. Washington, D.C.: Natl. Acad. Sci., 1970.

COMM. HEALTH SERV., HSMHA: Guidelines for Dieticians and Public Health Nutritionists in Home Health Services. Rev. Pub. Health Serv. Pub. No. 1794, 1970.

GARFIELD, S. R.: The delivery of medical care. Sci. Amer. 222: 15 (Apr.), 1970.

Guidelines for developing dietary counseling services in the community. J. Am. Dietet. A. 55: 343, 1969.

Position paper of The American Dietetic Association on the recommendation of the White House Conference on Food, Nutrition and Health, J. Am. Dietet. A. 56:239, 1970.

Registration for Members, The American Dietetic Association. Chicago: Amer. Dietet. Assn., 1970.

SOCIAL SECURITY ADMIN.: Health Insurance for the Aged—Conditions of Participation for Extended Care Facilities. HIM–3, Washington, D.C.: Govt. Prtg. Off., 1966.

SOCIAL SECURITY ADMIN.: Health Insurance for the Aged—Conditions of Participation for Home Health Agencies. HIM–2. Washington, D.C.: Govt. Prtg. Off., 1966.

SOCIAL SECURITY ADMIN.: Health Insurance for the Aged—Conditions of Participation for Hospitals. HIM–1. Washington, D.C.: Govt. Ptg. Off. 1966.

STEWART, W. T.: The nature of the crisis in health care services. *In* Report of the 1970 National Health Forum, N.Y.: Natl. Health Council, Inc., 1970.

White House Conference on Food, Nutrition and Health. Final Report. Washington, D.C.: Govt. Prtg. Off., 1970.

By Mr. MATHIAS:

S. 1117. A bill to reimburse the city of Frederick, Md., for money paid by the citizens of such city to save and hold harmless valuable military and hospital supplies owned by the U.S. Government; to the Committee on the Judiciary.

FREDERICK REIMBURSEMENT

Mr. MATHIAS. Mr. President, I rise to perform an act which has come to be almost a ritual. I now introduce for the ninth consecutive Congress a bill to recompense the people of Frederick, Md., for a debt incurred in 1864 by their great grandparents in the service of our Nation—a debt borne by successive generations of Frederick citizens until finally in 1951 it was paid off out of the taxes levied on them.

When I say that this has become a ritual, I do not mean to suggest that I introduce this bill for ceremonial purposes only. On the contrary, I am deeply committed to seeing that justice is done in this case no matter how long it may take. The ritual aspects of the situation derive from the fact that no Congress thus far has acted to redress the grievous injustice done the citizens of Frederick which my bill would remedy.

I will now relate for the ninth time in the U.S. Congress the ungarnished facts of the case, facts which I think might convince everyone that were it not for the unstinting generosity and unflinching patriotism of the citizens of Frederick we might not be meeting as we now are.

I am confident that the wisdom and the sense of justice of my colleagues in this 95th Congress will work together to resolve this claim once and for all time.

July 9, 1864, the day of the Battle of the Monocacy, was an eventful day for Frederick. On the morning of that day, the city officials received a message from Lt. Gen. Jubal Early, commanding general of the Confederate Armed Forces, who was on his way to the Monocacy ready for battle. The message demanded of Frederick and its citizens $200,000 or in the alternative, medical, commissary, ordnance, and quarter master supplies valued at $50,000 each and equal in value to $200,000. The general surrounded the city with his approximately 20,000 troops and there were rumored threats that all property in the city would be destroyed unless the demand was met.

If the city officials gave the Confederates the Government supplies, it would strengthen their forces for the ensuing battle and thus contribute to a possible Confederate victory. These were the considerations—all of them weighed and balanced under the imminent threat of total destruction to their city. The best to be expected was accomplished; the city officials delayed payment and collected $200,000 from local banks under the promise that the citizens of Frederick would be taxed over the years to reimburse the banks. The debt was finally liquidated in 1951 through a series of bond issues. The stubborn resistance

of the city of Frederick cost the Confederate Armed Forces a day in the march upon Washington, thus giving the union army additional time to successfully defend the Capital City. In addition, their efforts prevented the destruction of Government property.

These are the events which outline the creation of a just and equitable claim by the people of Frederick against their Federal Government, a claim which has gone unfulfilled, a claim which is a blemish on the record of justice we value as a Nation.

The people of Frederick, despite the possible adverse consequences to themselves, saved these vital union supplies. This act of patriotism was costly to the people of Frederick. With a town tax revenue of only $8,000 per year at the time, they nevertheless pledged the ransom in order that Government supplies valued between $1 million and $1.5 million remain unmolested by the Confederacy. The city of Frederick carried the financial burden of the Government supply ransom for 87 years and the cost to the city of the forced debt entailed deprivation of municipal services except through higher taxes and borrowed money. I know of no other city, north or south, which can make this claim.

The time has come for the Federal Government to reimburse Frederick. The Federal Government should pay Frederick value for the value it received as a result of the patriotic acts of this city. The bill I introduce today will allow such payment and right this long overdue injustice.

Mr. President, Frederick is not making a claim for the value of private property damaged or destroyed by the enemy, although Congress has enacted bills on numerous occasions authorizing the claims of private citizens for the value of their private property destroyed by the enemy. Frederick protected and saved very valuable Government property.

The Congress has for many years recognized the merits of claims by the American Indian that arise from colonial days and has reimbursed owners of fishing vessels for fines which had to be paid for the violation of fishing area limitations of various South American countries.

Frederick is justly entitled to reimbursement for the actual costs of the following items:

First. Bonds and certificates issued to the five banks from which the general early money was obtained as security for the loan to the city on July 9, 1864, held by banks, 1868–88.

Second. Interest paid at 6 percent per annum by the city upon the bonds and certificates to the banks, 1868–88, such interest being derived from taxes imposed by the city.

Third. Interest on the tax loss to pay interest 1868–88, at 4 percent per year.

Fourth. Tax exemption granted five banks from general special tax levy of 20 cents per $100 on capital stock, 1868–88.

Fifth. Interest at 4 percent on tax loss in granting exemption to banks, 1868–88.

Sixth. Interest at 4 percent per annum on above costs to city to repay five banks for their respective loans, the bank loans having been made to the city 1864, and compromise settlement agreement on debt payment of $125,225.21 of above bonds and certificates accepted July 1, 1968, paid July 1, 1888, by refunding debt, 1888–1970.

Seventh. Interest paid by city on 24 percent of refunding bond issues of 1888 in amount of $512,500 at 4 percent interest, bank bonds refunded in amount of $123,000, 1888–1917.

Tax loss to pay interest on 24 percent at 4 percent, 1888–1917.

Eighth. Interest at 4 percent per annum on tax loss to pay 24 percent of interest 1888–1917, bonds having been partially amortized, 1888–1917.

Ninth. Interest at 4 percent on interest paid on bonds and on tax loss incurred to pay interest, 1917–70.

Tenth. Interest paid on 24 percent of refunding bond issue of October 1, 1917, at 4½ percent, attributable to refunded bank bonds, of issue of $380,000, October 1, 1917, to October 1951.

Tax loss to pay interest on 24 percent at 4½ percent, 1917–51.

Eleventh. Interest at 4 percent on interest paid on bonds and on tax loss incurred to pay interest, 1951–70.

History records that many cities were destroyed during the Civil War, yet few of them incurred such a prodigious debt as that of Frederick in its attempt to protect supplies for which there was a dire need. Frederick sacrificed money which it did not have in order to defend Federal supplies at a time when President Lincoln indicated to Union generals the critical need of clothing and supplies for Union troops engaged in defensive deployment.

The bill I propose will terminate the financial obligation for the genuine service to the country by the city of Frederick. Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the city of Frederick, Maryland, a sum not to exceed the actual cost to the city, including interest thereon when incurred, to make the payment as hereinafter stated, on the debt incurred until October 1, 1951, and simple interest at the rate of 4 per centum per annum on the cost to the city to liquidate the debt as incurred, until reimbursement is paid of the amount determined by the Secretary of the Treasury to be due as defined herein, as of the date of payment in full satisfaction of the claim of the city against the United States for reimbursement for the money paid by the city on July 9, 1864, upon demand of Lieutenant General Jubal A. Early (commanding general of the Confederate Armed Forces of over twenty thousand troops then surrounding the city) and under rumored threats that all property in the city would be destroyed; the demand having specified $200,000 at current prices, commissary supplies to the same the demand having specified $200,000, and in the alternative medical supplies of $50,000 amount, ordnance supplies with the same, and quartermaster's supplies of a like amount (all of such being the property of the United States Government as part of the supply depot and hospital of the command headquarters of the Union Armed Forces in Frederick for the deployment of Union troops at strategic points along the Maryland shores of the Potomac River in western Maryland as a defense against invasion by Confederate troops across the Potomac and in defense of Washington from attack through Maryland, and to supply Union troops moved through the command area during the war; none of such demanded supplies being the property of Frederick) and with all Federal troops (including advance guard and their mobility supplies) having evacuated the city to be deployed for the imminent battle of the Monocacy, the city and the Government supply depot being left defenseless; after pleading negotiations throughout the day with the Confederate command, which failed, and under stress of the rumored threats of destruction, the city demanded the money required of the banks of the city to be delivered to the Confederate general, the city promising the lending banks that the citizens of the city would be taxed to reimburse the banks, and taxes were imposed over a long period by the city to amortize the debt and through a series of refunding bond issues of the city, finally liquidated in the year 1951, at rates of interest of 6 per centum, 4 per centum, and 4½ per centum and upon delivery of the money by the banks to the city and delivered to the Confederate general late in the day, by orders of the Confederate general none of the Government property was destroyed nor molested, and not only was Government property saved harmless, but the daylong negotiations, between city officials and Confederate officers, gave time for better strategic deployment of the limited Union Armed Forces at the Monocacy and the arrival of some reinforcements, and most importantly the relatively short battle of Monocacy, together with the stubborn resistance and difficulty of Frederick in raising the $200,000 demanded, lost a day in the march upon Washington by the Confederate Armed Forces and gave time for the successful reinforcement of the Union defense of Washington—thus the claim of Frederick is for action taken not only to save United States Government property from being destroyed, but also, at great financial cost to the citizens of Frederick to carry the debt, which contributed greatly in saving Washington from direct attack by over twenty thousand of the Confederate Armed Forces and allowed time for arrival of reinforcements for the Union Armed Forces for the defense of Washington.

By Mr. CANNON (for himself and Mr. LAXALT):

S. 1118. A bill to amend the Internal Revenue Code of 1954 to provide for specific dollar amounts for the reporting of winnings from bingo, keno, and slot machines; to the Committee on Finance.

Mr. CANNON. Mr. President, I introduce this bill for myself and Senator LAXALT, my colleague from Nevada. The purpose of our legislation is to reverse the effect of a temporary Internal Revenue Service regulation requiring information reporting with respect to winnings from Keno, bingo, and slot machine play of $1,000 or more.

Last year in the Tax Reform Act the Congress directed the IRS to conduct a study of the reporting of gaming win-

nings on Keno, bingo, and slot machines. This data was to be evaluated and considered in the Service's recommendation on whether or not Congress should move to require an on-the-spot withholding upon these gaming winnings. I am familiar with the directive in the last committee report because I recall quite well that the IRS requested the language in view of the fact that Congress has acted not to require withholding on Keno, bingo, and slots. I agreed to the language and so indicated to Chairman Long of the Senate Finance Committee as well as the IRS.

In agreeing to the study which called for a recommendation within 2 years, I did not anticipate that the IRS would move within a matter of months to issue new reporting regulations. Quite frankly I thought the Internal Revenue Service would be evaluating the reporting taking place under the old 1099's.

The new level of reporting as required by the temporary IRS regulation raises the level of reporting on bingo and Keno and imposes a new requirement as to slot machines. The new regulation imposes still another bureaucratic nightmare upon hotels and casinos in Nevada. It means more paperwork and quite frankly I believe it is going to adversely affect gaming in Nevada and in the end result in a sharp decline in revenue dollars to the U.S. Treasury.

Another very serious inequity of the temporary IRS regulation is that it does not contain any guidelines for a taxpayer to establish losses from participation in these games. Traditionally, under various sections of the code taxpayers have been able to offset their losses, but in this instance the Service has elected not to permit the established practice.

The bill we offer today does not eliminate the reporting requirement completely, but it does change the level of reporting that would be required. Our bill establishes different reporting thresholds for each of the affected games instead of the first $1,000 level mandated by the IRS. Hotels and casinos would only report winnings over $1,500 for bingo, $2,500 for Keno, and $5,000 for slots. Almost equally important this bill permits the player to deduct losses to the extent such losses can be demonstrated by the player.

I might add here that the gaming industry has met with IRS officials regarding the regulation and that after much discussion with the IRS, the Nevada delegation, and gaming officials, we are still seeking a solution. I, of course, still hope that this dispute can be resolved without legislation and I will continue to work toward that end. In the interim, I hope that this legislation can be considered by the Senate Finance Committee at the earliest opportunity so that the approach proposed here today might be fully considered.

By Mr. YOUNG:

S. 1119. A bill to amend the Food Stamp Act of 1964, as amended, to provide for both the continuation and tribal administration of the food stamp and commodity distribution programs on Indian reservations, and for other purposes directly related to the administration of the food stamp and commodity distribution programs on Indian reservations; to implement the Federal responsibility for the care and nutrition of the Indian people by improving services, facilities, and self-determination of Federal food assistance programs and encouraging maximum participation of Indians in such programs; to the Committee on Agriculture, Nutrition, and Forestry.

INDIAN FOOD PROGRAM AMENDMENTS OF 1977

Mr. YOUNG. Mr. President, today I am pleased to introduce a bill which seeks to correct serious food problems confronting Indian people throughout the country. I introduced similar legislation in the 93d Congress and that bill passed the Senate. However, no action was taken in the House.

Under current law, Indian households are eligible for food stamps and they are subject basically to the same rules that are used for any applicant household. Indian reservations, however, have been granted an extension which permits them to continue operating commodity distribution programs through September of this year. My bill would extend the Commodity program to Indian people beyond this year. This is a program which is very popular with them, and one which they want to continue.

My bill would make it easier for Indian people to participate in the food stamp and commodity distribution programs. One of the problems many Indian people have is that they live great distances from commodity food distribution centers as well as the offices which certify and issue food stamps. Many members of the Sioux Tribe on the Standing Rock Indian Reservation in North Dakota must travel round trip distances of 70 to 100 miles.

Mr. President, I ask unanimous consent to have an analysis of this bill printed in the RECORD as a part of my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE PROVISIONS OF THE "INDIAN FOOD PROGRAM AMENDMENTS OF 1977"

SECTION 1

Section 1(a) of the bill amends section 3(h) of the Act by broadening the term "State agency" (as defined herein) to permit the official governing bodies of Indian tribes, or tribally-authorized inter-tribal organizations to be considered administrative agencies for purposes of the Act.

Section 1(b) of the bill amends section 3(j) of the Act by broadening the term "State" (as defined therein) to include any Indian tribe, or a tribally-authorized inter-tribal organization which requests to administer its own program(s) under the Act.

Section 1(c) of the bill amends section 3 of the Act by adding at the end thereof a new subsection (o) which defines the term "tribe" (as used throughout the bill) in a manner sufficiently broad to encompass Alaskan Indian people as well as Indian people recognized by the Secretary of the Interior or any Tribe holding a treaty with the Federal or state government or any Tribe which has been established by executive order.

SECTION 2

Section 2 of the bill amends section 4(b) of the Act to allow for the operation of the Food Stamp and Commodity Distribution Program(s) separately or concurrently when a request for separate or dual operation is made by the official governing body of an Indian tribe.

Current law provides that in those areas where the food stamp program is in operation, no distribution of federally donated foods to households under the authority of any other law may be made, except (1) during temporary emergency situations; (2) during a period of time necessary to effectuate an orderly transition in an area converting to the food stamp program from another plan; and (3) at the request of the State agency. (P.L. 93-86, 87 Stat. 246 (August 10, 1973))

The primary reason why dual operation of the food stamp and commodity distribution programs is required to make the food programs work on Indian reservations is that no two reservations are alike and what may work for one reservation often does not work for another. Likewise, even within individual reservations themselves, where the food stamp program is accessible for those persons on one end of the reservation (because of reasonable distances to food stores and certification and issuance centers), it may be totally inaccessible to those persons residing on another part of that same reservation.

SECTION 3

Section 3 of the bill amends section 17 of the Act by allowing members of eligible Indian households (under specified conditions) to purchase certain hunting and fishing equipment with their food coupons.

SECTION 4

Section 4 of the bill amends the Act by adding, at the end thereof, a new section 18. New Section 18(a) mandates the Secretary (when requested by the officials governing body of an Indian tribe) to provide for the implementation of separate or dual operation of the food stamp and commodity distribution program(s) upon the request of the official governing bodies of each tribe.

New Section 18(b)(1) permits tribal administration of the food stamp program with assurances of no lapse in services, prompt transition and adequate training to attain successful administration.

New Section 18(b)(2) mandates continued state agency administration (in the absence of a tribal request to administer the food stamp program) according to an agreement entered into between the tribe and the state within which the tribe is located.

New Section 18(c) increases the federal share of administrative costs to facilitate tribal administration and raise the nutritional well-being of the American Indian people in the following three ways: First, the administering agency (i.e., state or tribe) shall receive 100 per cent of the costs necessary to pay for all standard administrative costs. Second, provides for the tribal establishment of non-profit food sales systems (e.g., mobile grocery stores) in areas where food stores are inaccessible due to unreasonably long distances and poor roads. Third, directs the Secretary to promulgate regulations to provide for transportation allowances to Indians who must travel unreasonably long distances to pick up their commodities or food stamps or to purchase food with their food stamps.

Available data on the operation of the federal food programs demonstrate that the situation and needs on Indian reservations vary considerably according to a variety of factors. The intent of this subsection is to provide sufficient flexibility in the type of approaches which are taken to adapt the pro-

grams to the realities of Indian tribal life in the most workable manner possible.

New Section 18(d) directs the Secretary to undertake a comprehensive study to determine whether the food stamp and commodity distribution programs are really meeting the special nutritional needs of Indian people and, if not, to take corrective action to remedy situations where it is determined that the current programs are not providing Indian people with access to nutritionally adequate diets. Such actions might include an increase in the food stamp coupon allotments in Indian areas when food prices are substantially higher than neighboring geographical entities.

SECTION 5

This section amends section 4(a) of the Agriculture and Consumer Information Act of 1973 (P.L. 93-86, 87 Stat. 246 (August 10, 1973)) by extending the authority of the Secretary of Agriculture to continue buying surplus and non-surplus commodities to provide a nutritionally adequate diet to Indians based on their ethnic food preferences.

Typically, Indians subsist on diets high in carbohydrates and fats and low in proteins, vitamins and minerals. Thus, diabetes, obesity and hypertension are common problems for Indian people. Excessive delivery of commodities high in carbohydrates (e.g., corn syrup) tends to aggravate Indian health problems. Hence, commodities provided to Indian people must be nutritionally balanced selections rather than simply surplus farm products.

By Mr. HUMPHREY:

S. 1120. A bill to amend the Rehabilitation Act of 1973 to expand the comprehensive systems approach to treatment of spinal cord injuries, and for other purposes; to the Committee on Human Resources.

SUPPORT FOR SPINAL CORD INJURY CENTERS

Mr. HUMPHREY. Mr. President, more than 125,000 Americans have been paralyzed as a result of spinal cord injuries, and the toll of injured is swelled each year by an additional 8,000 to 10,000 victims.

The costs of care for victims of these injuries are estimated at $2.4 billion annually, much higher than that of other neurologic conditions. This disproportionate cost reflects a number of factors:

The Rehabilitation Services Administration estimates that 80 percent of spinal cord injuries occur in the 15- to 30-year range, many as the result of motor vehicle, sports and industrial accidents, and violence such as gunshot wounds.

Success in extending the life expectancy for spinal cord injured has brought with it increased costs.

A spinal cord injury, particularly to the upper spine, affects most bodily organ systems and requires the intervention of a variety of specialists.

The proportion of quadriplegics has increased in relation to paraplegics, from a 65-35 ratio to at least 50-50. A conservative estimate of the lifetime care of an average quadriplegic is between $325,000 and $400,000.

Along with the staggering economic impact are less quantifiable costs to independence and happiness. This type of injury has proven resistant to rehabilitation, and many victims spend months in hospitals and live out the remainder of their lives in nursing homes. Only a small number achieve self-sufficiency, social adjustment, and satisfactory vocational achievement.

Now we have good reason to believe we can change these discouraging statistics. Progress is being made not only in treating and rehabilitating these patients, but in reducing the high economic cost as well. I want to describe today a program that many of my colleagues have watched and supported from its inception—the demonstration program of model regional systems designed to improve the delivery of services to the spinal cord injured.

The first research grant for this purpose was awarded in June 1970. Since then, RSA has supported 10 additional regional systems with the common objectives of rapid case finding and referral, early rehabilitation, coordination of all community resources, and long-term followup to consolidate and build on rehabilitation gains.

Congress has provided legislative language in section 304(b)(1) of the Rehabilitation Act authorizing the continued development of the model systems. I believe our experience now justifies amending that section to provide the financial commitment and guidelines for an expanded program leading to a nationwide network of effective spinal cord injury services.

SYSTEMS APPROACH

Let me summarize briefly the objectives and experience under the model system approach. The objectives are:

To provide a focus of comprehensive rehabilitation services, from point of injury through acute care to rehabilitation;

To develop and evaluate improved methods and equipment for care and rehabilitation of spinal cord injuries;

To improve treatment methods; and

To mobilize community resources to help the patient to achieve productive integration into his community.

The data developed throughout the system is gathered for analysis by the original model system which has been designated as the National SCI Data Research Center. The trends identified by this analysis show that the systems approach is appropriate, beneficial, and more cost effective than alternatives. Although only the original model system in Phoenix has been collecting data for 5 years, results from the 10 other projects appear to generally confirm the findings.

Preliminary results show:

A reduction in the length of initial hospitalization and rehabilitation from 180 to 240 days, to an average of 103;

An average cost for initial hospitalization and rehabilitation of $13,000, compared to $36,000 for first hospitalization in a nonsystem;

Forty percent of injuries have the potential for some neurological recovery. Improved medical and surgical techniques are increasing functional recovery at a saving of $150,000 per case;

A drop in annual medical costs from $4,000 to $6,000, to less than $1,000, through followup after rehabilitation; and

The vocational rehabilitation rate and successful community adjustment can exceed 75 percent of all surviving SCI cases.

THE NEXT STEP

I propose that we act now to apply this cost-effective knowledge more widely. Currently, established model systems can serve only 750 new referrals a year, a smal percentage of the estimated 8,000 to 10,000 new injuries.

The management and institutional capacity exists to permit the addition of five new systems each year. The legislation that I introduce today would authorize startup funding of $250,000 each for five new centers each year in fiscal years 1978, 1979, and 1980. This is the cost of developing a system, and does not include construction costs, patient care, or clinical personnel.

At the same time, I propose to increase the level of funding for existing systems from $250,000 to $350,000 to allow them to provide technical assistance to developing systems, and to build on their achievements.

This amendment would also increase funds available under section 202 for rehabilitation research, training, engineering, and spinal cord injury research from $29 million to $35 million, with at least $2.5 million specifically earmarked for the model spinal cord injury centers to insure dissemination of research findings, and close working and information exchange relations with the National Institute for Neurological Diseases and Stroke, the Veterans' Administration SCI centers, regional medical programs, and the emergency medical services.

Mr. President, ever-mounting costs of initial hospitalization and lifetime care for spinal injuries plus lost earning capacity and reduced productivity represent billions of dollars each year. A successful program to lessen the severe social and economic costs of spinal cord injuries requires the simultaneous development of research and service delivery.

Spinal cord injuries centers are working. They offer a model for similar systems of care for other chronic or severe physical disabilities. They complement the vital knowledge produced by NINCDS supported research with a system for applying therapeutic advances.

I urge my colleagues to join in this effort to strengthen our Nation's human resources through an effective and efficient system of care for the victims of spinal cord injury.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD, together with a report by Dr. Theodore M. Cole, project director for Minnesota's spinal cord injury center.

There being no objection, the bill and report were ordered to be printed in the RECORD, as follows:

S. 1120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(a)(1) of the Rehabilitation Act of 1973 (87 Stat. 355), as amended by Public Law 93-516 (88 Stat. 1617) and Public Law 94-230 (90 Stat. 211), is further amended by—

(1) striking "and for the fiscal years ending September 31, 1977, and September 30,

1978, such sums as the Congress may determine to be necessary.", and substituting "and for the fiscal year ending September 30, 1977, such sums as the Congress may determine to be necessary, and $35,000,000 for each of the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980."; and

(2) adding at the end thereof the following new sentence: "Of the sums appropriated under this paragraph not less than $2,500,000 shall be available in each succeeding fiscal year for the purpose of carrying out activities under section 202(b)(3).".

SEC. 2. (a) Section 304(a)(1) of the Rehabilitation Act of 1973 (87 Stat. 355), as amended by P.L. 93-516 (88 Stat. 1617) and P.L. 94-230 (90 Stat. 211), is further amended by—

(1) striking "and for the fiscal years ending September 30, 1977, and September 30, 1978, such sums as the Congress may determine to be necessary.", and substituting "and for the fiscal year ending September 30, 1977, such sums as the Congress may determine to be necessary, and $22,350,000 for the fiscal year ending September 30, 1978, $24,100,000 for the fiscal year ending September 30, 1979, and $25,850,000 for the fiscal year ending September 30, 1980,"; and

(2) adding at the end thereof the following new sentence: "Of the sums appropriated under this paragraph not less than $5,100,000 shall be available in the fiscal year ending September 30, 1978, $6,850,000 shall be available in the fiscal year ending September 30, 1979, and $8,600,000 shall be available in the fiscal year ending September 30, 1980 for the purpose of carrying out the activities under subsection (b) of this section, as amended, for funding existing and new spinal cord centers, including $350,000 for funding each existing spinal cord centers, and $250,000 for funding each new spinal cord center.".

(b) Subsection (b) of section 304 of such Act is amended by striking "Projects and demonstrations providing services to individuals with spinal cord injuries shall include provisions to—" and substituting "Not less than 5 regional comprehensive treatment centers shall be established in each of fiscal years 1978, 1979 and 1980 to provide services to individuals with spinal cord injuries; such projects, including existing regional comprehensive treatment centers, shall include provisions to—".

SEC. 3. If the sums appropriated for any fiscal year, under authorizations established by the amendments made by this Act, are not sufficient to pay in full the total amounts which have been provided for, then such amounts shall be reduced ratably. In case additional funds become available for the purposes of the amendments made by this Act, such reduced amounts shall be increased on the same basis that they were reduced.

SPINAL CORD INJURY AND COST ACCOUNTING: A PRELIMINARY REPORT

(By Theodore M. Cole, M.D., professor, Department of Physical Medicine and Rehabilitation, University of Minnesota Medical School)

INTRODUCTION

Spinal cord injury with paralysis almost always elicits feelings of hopelessness and foreboding. The first recorded reference to the injured spinal cord was found in the Edwin Smith Surgical Papyrus,[6] written about 2500-3000 B.C. "Thou shouldst say concerning him, one having a dislocation of the vertebra of his neck while he is unconscious of his two legs and two arms and his urine dribbles, an ailment not to be treated." Almost five millennia later in his novel, "All the King's Men (1946), Robert Penn Warren described the quadriplegic life as one of helplessness, hopelessness and impending death.

World War I greatly added to the number of patients with spinal cord injuries. However, the medical attitude of hopelessness persisted. In his review of the literature, Dick[5] pointed out that until World War II, paraplegic patients were neither able nor encouraged to be independent in self-care. The general attitude of hopelessness led many to become addicted to narcotics and the few that survived did so as pathetic wrecks, dependent and helpless, needing care in homes or hospitals for the chronically sick.

In recent years, a basic change in the approach to spinal cord injury care has begun to emerge. The roots of this change can be in this country and abroad.[9, 2, 14, 4] Several factors contributed to the change in the United States. Most notable among them was the increasing pressure exerted by the consumer of spinal cord health services—the paraplegic or quadriplegic himself. Working through such national organizations as the Paralyzed Veterans of America and the National Paraplegia Foundation, thousands of paralyzed people succeeded in calling attention to some of the elements of acute and rehabilitative care which they believed important. For many these services had made the difference between a successful adjustment to residual disability and a lifetime of medical complications and psychosocial failures. Further, they helped convince the government to undertake research and demonstration projects to test the hypothesis that comprehensive systems rather than fragmented nonsystems of spinal cord injury care yield better outcomes at lower costs. Crisis-oriented care with either strictly medical or vocational objectives came under fire.

Pressures for change were also building from the fiscal intermediaries, private and public. The Liberty Mutual Insurance Company[7] has supported efforts to better understand the problems associated with spinal cord injury. It has also supported research to solve problems through preventive and therapeutic techniques.

Spurred on by Carter[3] and Young and Wilcox,[16] et al.,[15] the Department of Health, Education, and Welfare became interested in encouraging systems of spinal cord care and measuring the cost and outcomes of systematic versus nonsystematic care on a nationwide basis. Carter's figures were sobering. Although the national estimated annual mortality of 1800-3000 cases of spinal cord injury falls well below that of stroke, for example, the annualized estimate of 2.4 billion dollars for spinal cord injury care far outstripped the cost for treatment of the commoner neurological impairments such as stroke, epilepsy, multiple sclerosis and Parkinson's disease. He showed that the estimated medical expenses of an individual case of traumatic paraplegia at age 29.5 years with a normal life expectancy of 41.4 years was $65,089. The economic cost of traumatic paraplegia over a lifetime was in excess of $300,000.

The impact of the high cost is compounded when one considers that even after it is paid, neither the patient nor society is benefited by a cure. The disability persists and in the case of the typical young male patient with a high spinal cord injury, virtualy every organ system in the body remains affected for a lifetime. Clearly, a reexamination of spinal cord injury care was in order.

SPINAL CORD INJURY CENTERS

Under support from the Rehabilitation Services Administration, Department of Health, Education and Welfare, a national network of Spinal Cord Injury Centers is now established to demonstrate, within defined regions in the country, a multi-discipline system of comprehensive services extending from the time of detection and evacuation of the injured through acute care and rehabilitation management to community and job placement and long-term followup.

There are 11 systems, all charged with providing integrated services from the surgical and physiatric disciplines, acute and rehabilitation nursing, vocational counseling, psychology, physical therapy, occupational therapy, social service and others as needed.

TABLE 1.—*Consortium of spinal cord injury centers*

Alabama: University of Alabama, Birmingham, Alabama.

Arizona: Good Samaritan Hospital, Phoenix, Arizona.

California: Santa Clara Valley Medical Center, San Jose, California.

Colorado: Craig Rehabilitation Center, Englewood, Colorado.

Illinois: Northwestern Memorial Hospital, Rehabilitation Institute of Chicago, Chicago, Illinois.

Massachusetts: University Hospital, Boston University Medical Center, Boston, Massachusetts.

Minnesota: University of Minnesota Hospitals, Minneapolis, Minnesota.

New York: Institute of Rehabilitation Medicine, New York, New York.

Texas: Texas Institute of Rehabilitation and Research, Houston, Texas.

Virginia: Woodrow Wilson Rehabilitation Center, Fishersville, Virginia.

Washington: University of Washington Hospital, Seattle, Washington.

Each system must be able to provide detection and evacuation services which can travel to the location of the injury and transport the patient to a medical facility for emergency evaluation. Whether the patient is transported to a local facility or a regional center depends upon his medical status and ability to tolerate travel. It is assumed that well-trained emergency medical services personnel are available to make the transfer of the patient as safe as possible.

Following emergency evaluation, he will be jointly evaluated by specialists in neurosurgery, orthopedics, urology and rehabilitation who will seek to stabilize the medical-surgical problems. During this period of consultation and communication, other members of the spinal cord injury team will also see the family and the patient as appropriate. They will set into motion a tentative plan for long-range goals and prepare the rehabilitation staff and the patient to work with each other. Issues which may not become paramount until some time in the future will be anticipated even at this early date and resources will be identified for later use.

Following medical and surgical stabilization, intensive rehabilitation commences. The focus of care is less and less on medical need and more and more on self-care, mobility, psychosocial and vocational-educational issues. The entire rehabilitation process can be regarded as an educational effort directed by a physician, utilizing all members of the spinal cord injury team and aimed at training the patient and his family to cope effectively with disability in an environment of maximum independence.

Discharge from the hospital, whether to an independent or supportive living situation, does not end the spinal cord team's involvement. Since the disability is often permanent, so too is the need for followup. Paraplegics and quadriplegics are not rehabilitated in the sense that they achieve an optimum level of function and stay there. The nature of their disability places them at an increased risk of medical, psychological, social or vocational deterioration, making desirable lifelong enlightened followup.

NEUROLOGICAL LEVEL AND FUNCTION

A patient's outcome will depend in large measure upon the level at which the spinal cord is injured. Most clinicians [11, 10] recognize

---

Footnotes at end of article.

about 7 critical levels of spinal cord injury. Beginning with the 4th cervical segment, the addition of each successive critical segment adds an important increment to the muscle power of the patient. The quadriplegic who retains the 4th cervical segment will continue to have function in the sternomastoids, upper cervical paraspinal muscles and the trapezius muscles. Voluntary use of the arms, trunk and lower extremities are absent but he may benefit from training in the use of extremity power devices to achieve some useful function of the arms. He can control his head position which in turn assists in balancing the trunk while sitting in the wheelchair. Many such patients find an adaptive tool held in the mouth for typing, writing, page turning, etc. to be more useful than adaptive devices attached to the denervated arms.

When the 5th cervical segment is preserved, the deltoid and biceps muscles continue to function as do the external rotators of the shoulder. These muscles usually remain weak, however, and frequently require external assistance in order to accomplish useful work. He will lack elbow, forearm and hand control, making it necessary to continue use of assistive devices if he is to engage in useful upper extremity activity. He may be able to do some self-feeding and grooming and to assist in dressing activities. However, he will be unable to manually push his wheelchair and will require a motorized wheelchair. He will also be unable to assist in transferring himself to or from chairs, bed and toilets.

When the 6th cervical segment is retained, the patient may gain some voluntary strength in the shoulder depressors, the scapula stabilizers and shoulder adductors, internal rotators and radial wrist extensors. These muscles enhance the ability to perform activities of daily living. The wrist extensor mechanism is especially important. It can be harnessed through a special tenodesis splint which drives the fingers into flexion.

He is more capable of pushing his wheelchair if the wheels have adaptive devices to allow his hands to grasp the rims. With training he can often learn to lean on his arms and periodically shift weight off his buttocks thus increasing his sitting tolerance to 6–8 hours. He can be more useful in dressing himself and assisting others in transferring him from bed to chair, etc. Some patients with 6th cervical segment function intact are able to safely operate an automobile with special adaptive equipment.

When the 7th cervical segment is retained, the patient gains some voluntary control over his elbow extensors. Wrist and finger extension may become stronger and he may gain some use of his finger flexors. He is now able to do pushups on the arms of his wheelchair and therefore his sitting tolerance can be expected to increase to the limit of his overall physical indurance. Most importantly hand fuction is sufficient to allow him to grasp and release voluntarily. This adds important control over activities of daily living as well as greatly increases his potential for vocational activity. He is thus independent in his wheelchair and should need no motorized assistance. With training he can harness his hand control to irrigate his catheter or stimulate his rectum for bowel movement.

When the lesion is at the upper thoracic level, the patient has full control of his upper extremities and is therefore more properly called paraplegic than quadriplegic. He is completely independent in his wheelchair. With motivation and skills, he is able to work full time and can live independently in a community wtihout major architectural barriers to his wheelchair. He is independent in managing his urinary drainage apparatus and in inserting rectal suppositories or a gloved finger for stool extraction.

The next critical level is the lower thoracic or upper lumbar segments. This paraplegic has full abdominal, upper back and respiratory control. He can do all the activities listed above and more. Because of his increased trunk innervation, his sitting balance is improved, allowing him greater capabilities for wheelchair operation, athletics and other skills.

When the lower lumbar spinal cord is transected, the patient may retain the use of his hip flexors and knee extensors. However, voluntary control over hip extensors and abductors may be lacking. He may be able to walk with proper bracing and training but the energy required for functional ambulation is so high as to make it necessary for many such patients to retain the use of a wheelchair on certain occasions.

THE DATA COLLECTION SYSTEM

The spinal cord centers listed earlier are cooperating in a broad data collection system. The information they collect is biographical, medical, psycho-social, sexual and vocational-educational. Information is also collected relating to mobility and self-care. The data items themselves have been selected on the basis of collectability, reliability, and meaningfulness.

One set of data reflects the time interval between the onset of spinal cord injury and discharge from comprehensive rehabilitation. Another set is collected on each anniversary of the spinal cord injury. The information is gathered from the spinal cord injury system hospital and from all other hospitals and health care professionals from whom the patient has received care. Additional information is gathered from community agencies and from the patient himself. Examples of issues being addressed are: (1) costs of spinal cord injury, both human and economic, (2) preventative maintenance services, (3) efficiency of a system approach to treatment. In addition, similar data will be gathered on approximately 500 patients from other nonsystem hospitals, rehabilitation centers and insurance companies. This information will serve as a comparison to the data collected from system hospitals. Cost effectiveness conclusions can then be drawn.

The system hospitals are also attempting to separate system from nonsystem patients. System patients are defined as those who receive the full impact of systematized care from the time of the traumatic event and remain in the system throughout followup. Nonsystem patients are those who enter the system hospital at some time other than immediately after the traumatic event, who leave the system before completion of their rehabilitation or who elect not to be followed by the system hospital.

HOSPITALIZATION DATA

Only preliminary information is now available from this collaborative study. Tabulation included in the remainder of this report comes from the Southwest Regional System for Treatment of Spinal Injury and the National Spinal Cord Injury Data Research Center, Phoenix, Arizona,[8] the Midwest Regional Spinal Cord Injury Care System, Northwestern University, Chicago, Illinois,[13] and the Regional Spinal Cord Injury System in Minneapolis, Minnesota, University of Minnesota.

The mean age of onset of spinal cord injury is 31 years. Some centers are experiencing a bimodal curve with a peak in the 16–25 year age group and another in the 31–35 year age group. At Northwestern Memorial Hospital in Chicago where the Illinois State Trauma System has a highly developed subsystem for evacuating patients, 65% of the patients were admitted less than 9 hours after the injury in 1975. Twenty percent were admitted in the first week after injury and the remaining 15% were admitted less than one month after injury.

Footnotes at end of article.

The percentage of quadriplegic and paraplegic patients varies from one center to another. In 1970–71 the Southwest Regional System's inpatients were 27.8% quadriplegics and 72.8% paraplegics. In 1975 at Northwestern Memorial Hospital, 53% of the patients were quadriplegics and 47% were paraplegics. In the first 10 months of 1976 at the University of Minnesota, 59% of the spinal cord injured patients were quadriplegics and 41% were paraplegics.

The percentage of patients who die in the first few weeks varies from center to center and seems to fall as each center gains more experience. In 1971, Phoenix reported a 10% early death rate. Northwestern has experienced a 7% early death rate overall since 1972, and for the first 10 months of 1976, Minnesota reported a 2% early death rate.

The length of stay in the hospital following spinal cord injury has dropped dramatically in the last 25 years. In 1950, it was common for a patient to be hospitalized one year after injury. By 1960, 240 days was typical and by 1970, 150 days. For the first 10 months of this year, the University of Minnesota has found that system quadriplegics remain in the hospital an average of 54 days and nonsystem quadriplegics an average of 94 days. System paraplegics remain in the hospital 52 days and nonsystem paraplegics 84 days. Although these data suggest continued progress toward shortening the period of hospitalization from injury to home, a wait-and-see attitude is necessary to determine if patients discharged in such a short period fare well during the subsequent years of follow up. Certainly this preliminary data suggests that the average period of time from injury to home may be shortened to perhaps 3–4 months. However, long term adjustment, family education, bladder training, etc., cannot be accomplished in all patients in such a short time. Subsequent short hospitalizations may be preferable for achieving these goals and at the same time allowing time away from the hospital for integration of the need to learn with available services for training. It therefore appears that not only are we learning how to shorten the duration of hospitalization but also we are shortening the duration of hospitalization for system patients more than we are for those who do not receive systematized care.

The complications of spinal cord injury are myriad. Among the most common are skin pressure ulcers and urinary tract infections. Over the years 1973, 74 and 75 at the Midwest Regional Spinal Cord Injury Care System in Chicago, a difference was found between the prevalence of decubitus ulcers in system patients as compared to nonsystem patients. Twenty-nine percent of system patients developed decubitus ulcers whereas 56% of nonsystem patients developed them. With regard to urinary tract infections, virtually all patients treated at Northwestern Memorial Hospital in 1975 developed urinary tract infections, 92% of the system patients and 88% of the nonsystem patients. Considering the expense of these complications, their reduction would greatly reduce the overall cost and improve the health of patients.

Measures of physical function are made during hospitalization and in the followup period as well. The Barthel index measures independence in individual subtasks of mobility and activities of daily living. The maximum score is 100 units for the patient who is entirely independent in these tasks. At Northwestern Memorial Hospital in 1975, the average spinal cord injured patient was admitted with a score of 26. At discharge his function had increased to 58 units and at the end of one year post-injury it was 71 units for 98 patients. Although the system patients were 5 units higher at discharge and 2 units higher at one year fol-

lowup than the nonsystem patients, these differences are probably not significant.

VOCATIONAL-EDUCATION PLACEMENT DATA

Post discharge vocational-education placement of the spinal cord injured patient has been of great concern to society which ultimately must accept the cost of reduced productivity. In 1975, 200 vocationally-aged eligible spinal cord injured patients came into the vocational rehabilitation unit of the spinal cord injury center at Northwestern Memorial Hospital. Of these, 134 cases have been closed with 67% being placed, but not all gainfully. Of those placed, 29% were gainfully placed and went to work; 59% to college, high school or vocational training programs; 10% are functioning homemakers and 2% in sheltered workshops. The number of persons gainfully placed increases with the time following discharge. The Midwest Regional Spinal Cord Injury System followed its patients from earlier years and concluded that maximum placement level is not reached even at 2–3 years after injury. By the fourth year following injury, 67% of the patients were gainfully placed. By the third year 46% and in the first year 21%. This pattern implies a long-term placement process and shows the benefits of aggressive vocational followup.

KIDNEY FOLLOWUP DATA

There is an almost infinite number of parameters which one could analyze in the late followup of the spinal cord injured patients. This report will focus on only a few. One of the major medical concerns in the long-term management of spinal man is renal function. Price [15] has conducted an ongoing project to study renal function in patients with spinal cord injury. In the 8th year of her 10-year continuing study, she reported that 78% of patients had good function, 13% mild deterioration and only 4% moderate deterioration. Five percent had severe deterioration of kidney function. Her studies are based upon glomerular filtration rate, renal plasma flow and maximal tubular excretory capacity using inulin and sodium hippurate clearances and tubular saturation with PAH. This data stands in sharp contrast to the expectations of only 30 years ago when renal deterioration was thought to be the primary cause for late demise in spinal injured people. She found that the duration of the spinal cord lesion appeared to have little influence on renal deterioration. She also found bladder drainage hard to assess since all patients had at some time or another used an indwelling catheter and had accompanying bacteriuria. Factors which did appear to be predictive in renal function assessment were vesicoureteral reflux demonstrated by cystoureterography, kidney stones, blunting of the calycaeal pattern as observed by intravenous pyelography and the development of multiple decubiti.

SOCIAL ADJUSTMENT DATA

The lightening bolt-like change in the body's motor and sensory function following spinal cord injury is so devastating that most patients must invest a great deal of energy and receive much assistance in achieving a satisfactory adjustment for themselves and their families. An insight into the need for counseling is seen by reviewing some of the outcomes that a representative group of adults with paralysis can anticipate. The following are data selected from studies by Athelstan, et al,[16] at the Research and Training Center, University of Minnesota and continued at the Regional Spinal Cord Injury Center. Two hundred and fifty-six patients from 2–22 years post-injury responded to questionnaires to provide data on their status. The age and sex distribution and levels of injury were representative for a typical population of spinal injured adults. Approximately 4 out of 5 were males and the modal age group was below 30 years. Approximately half were paraplegics and the other half quadriplegics. An examination of these data provides a realistic framework for the future following discharge from the hospital. These expectations for the future in turn can serve as guidelines for the physician who is answering the patient's questions about the future. The counseling process is, of course, the bridge between the present, the patient's expectations and realities of life in the future.

Social adjustment can be understood in part by examining marital and dating status, living arrangements and frequency of getting out of the home. Figure 1 shows that less than half of this group of former patients is married. Slightly more of them date members of the opposite sex with slightly over a third dating with any frequency. With respect to living arrangements, 18% of them are living either in a nursing home or receiving care from an attendant. Thirty-seven percent are living with a spouse while 25% have returned to their parent's home. Only 12% are living alone. A measure of social adjustment as opposed to social withdrawal is the frequency with which the former patient gets out of the home. Almost ⅔ of them are seen to get out of the home at least once a week which suggests that they are continuing to interact socially with their environment. One third are getting out of their home rarely or less than once a week and it is this group who are probably experiencing moderate to severe social withdrawal.

Athelstan found that only 44% of the women and 39% of the men in his group reported themselves as working. In Figure 3 the annual income and reasons given by the nonworkers for not working are analyzed. Two thirds of the former patients are earning below a level of income which would be considered adequate for the average person. However, approximately 16% are earning greater than $10,000 a year. Of those who do not work, physical limitations is the reason given by 35% of them. This coupled with 11% who give medical problems as reasons for not working suggest that almost half of the unemployed former patients attribute their reason for not working to the spinal cord injury.

Lastly, an overall rating of patient satisfaction is seen in Figure 4. Not surprising, the patient's financial situation is the least satisfactory aspect of his life following spinal cord injury. Also interestingly, sex life is listed as the second most dissatisfied area studied. Both of these measures fell below the neutral point in the satisfaction-dissatisfaction scale.

COST DATA

Ultimately, the cost of all benefits, complications and treatments must be measured to determine cost effectiveness. The National Spinal Cord Injury Data Research Center in Phoenix, Arizona, has been collecting and storing data submitted by the consortium of 11 spinal cord injury systems. Although this data is only in its earliest stages of assembly, a preliminary look at it is of interest.

Table 2 breaks out the cost data on a combined population of paraplegics and quadriplegics for three variables during initial spinal cord injury system hospitalization and seven variables during a typical anniversary year after spinal cord injury. The data represents information gathered on system patients only and compares the combined experience of the consortium of 11 centers with the experience of the Minnesota Center alone. The Minnesota data is for the first anniversary year which is an average of ten months. It should be noted that median figures, shown in 500 dollar increments, rather than mean figures are used. This was done because the mean value was often inflated with high costs sustained by a comparatively few number of patients. Only actual dollar figures were used. No estimates were accepted.

It can be seen that on a national average, the combined median cost of the three variables listed during the initial spinal cord injury hospitalization is $16,750. Additional expenses incurred over the first anniversary year add $3500 to this figure giving a total of $20,250 as a median cost for the year following spinal cord injury. The Minnesota experience is only slightly different. The combined median cost of the three variables during the initial spinal cord injury system is $13,250. To this is added $4000 of cost incurred during the first anniversary year yielding a grand total of $17,250. These costs might be anticipated for the average paraplegic-quadriplegic over the course of one year after spinal cord injury.

THE SURGEON AS FACILITATOR

The neurosurgeon or orthopedic surgeon who has first contact with newly spinal cord injury patients is in a unique position to initiate the complex interactions of the comprehensive spinal cord injury treatment program. He is also in a position to help the patient and patient's family to understand and begin to accept the fact of the spinal cord injury and the need to look beyond the immediate medical and surgical problems to a lifetime of education and training which are necessary to cope with the chronic disability.

The surgeon can aid the patient by projecting a positive yet realistic attitude towards the disability. To the extent that the surgeon deals directly with the sequelae of spinal cord injury, the patient is positively encouraged to begin the process of self-reassessment which will lead to the necessary changes. If the surgeon avoids a direct and informative approach with the patient, no matter how sensitive the subject area, the patient may be reinforced to begin construction of defense barriers to protect himself from the psychological impact of the injury. Later, removal of these barriers by the rehabilitation staff often requires extensive work. Sometimes the barriers cannot be removed. It has been our experience that patients benefit from being fully informed about their neurological prognosis and the medical and surgical procedures which may be necessary. They also benefit from being encouraged to deal with the disability forthrightly with their own families.

The surgeon is usually in charge of the patient immediately after injury. He can also benefit the patient by making it possible for the multi-disciplined spinal cord injury team to have its effect. This means that most spinal cord injured patients should be seen immediately by physicians from other specialities such as rehabilitation medicine, urological surgery and when necessary, respiratory medicine, general surgery and internal medicine. The patient should also be evaluated immediately by physical and occupational therapists, a counseling psychologist, a social worker and a vocational rehabilitation counselor. These people bring to the patient the foundations for a broad education which will be necessary for an optimum outcome. Provisions must also be made for these professionals to interact with other members of the spinal cord injury team including the physicians. In this way, a uniform presentation is made to the patient who receives consistent messages. Not to do this is to risk individual interpretations by each member of the team with the patient being caught in the middle of mixed and sometimes conflicting information. All of this should be started as soon as the patient is medically and surgically stable.

Later, when the patient leaves the acute surgical area and goes on to rehabilitation,

Footnotes at end of article.

it is vital that the surgeon continue to follow him. This provides continuity of physician services which the patient needs. It also assures the rehabilitation team of the continued expert opinion of the surgeon in the after care of fracture and spinal instability.

The surgeon will be responsible during the time when decisions are made which deal with life and death and partial or complete recovery of neurological function. However, this period in the patient's evolution as a paraplegic or quadriplegic is extremely short when compared with the lifelong process of adjustment and education. The surgeon does well to remember that soon the major therapeutic mode which will benefit the patient is an educational one and not a medical or surgical one. The timely turning over of responsibilities for care to those whose skills and interests lie in this area is one of the hallmarks of the complete surgeon.

TABLE 2.—SELECTED COST DATA ON SYSTEM PARAPLEGIC AND QUADRIPLEGIC PATIENTS

Variable	11 centers combined		Minnesota only	
	Number of patients	Median cost (dollars)	Number of patients	Median cost (dollars)
Initial SCI system hospitalization:				
Hospitalization expense	222	14,750	36	11,750
Physician fees	109	1,250	33	1,250
Equipment expense	191	750	38	250
Subtotal		16,750		13,250
Anniversary year:				
Hospitalization expense	81	500	12	1,000
Physician fees	42	500	12	500
Outpatient therapies	47	500	12	500
Outpatient medications and supplies	35	500	11	500
Attendant care expenses	76	500	11	500
Custodial care expenses	77	500	12	500
Vocational rehabilitation expenses	59	500	12	500
Subtotal		3,500		4,000
Total		20,250		17,250

FOOTNOTES

[1] Athelstan, G. (1975): Ongoing research project reported in annual report of Minnesota Medical Rehabilitation Research and Training Center, No. 2. University of Minnesota, Minneapolis, Minnesota.

[2] Bedbrook, G.M. (1967): The organization of a spinal injuries unit at Royal Perth Hospital. *Paraplegia* 5:150–158.

[3] Carter, R.E. (1972): Research and training center accomplishments in spinal cord injury. Presented at the Conference of Rehabilitation, Research and Training Centers, Temple University, Philadelphia, Pa.

[4] Cheshire, D.J.E. (1968): The complete and centralized treatment of paraplegia. *Paraplegia* 6:59–73.

[5] Dick, T.B.S. (1969): Traumatic paraplegia pre-Guttmann. *Paraplegia* 7:173–177.

[6] Elsberg, C.A. (1931): The Edwin Smith Surgical Papyrus and the diagnosis and treatment of injuries to the skull and spine 5000 years ago. *Ann. Med. Hist.* 3:271–279.

[7] Freed, M.M., Bakst, H.J., Barrie, D.L. (1969): Life expectancy, survival rate, and causes of death in civilian patients with spinal cord trauma. *Arch. Phys. Med. Rehabil.* 47:457–463.

[8] Grant Progress Report (1972), SRS Grant No. RD337–M–70. Good Samaritan Hospital, Phoenix, Arizona.

[9] Guttmann, Sir L. (1967): History of the national spinal injury services, Stoke Mandeville Hospital, Aylesbury. *Int. J. Para.* 5:115–126.

[10] Long, C. (1971): Congenital and traumatic lesions of the spinal cord. In—*Handbook of Physical Medicine and Rehabilitation*, edited by Krusen, F.H., Kottke, F.J., Ellwood, P.M., Jr. W.B. Saunders Company, Philadelphia, 566–578.

[11] Long, C., Lawton, E.B. (1955): Functional significance of spinal cord lesion level. *Arch. Phys. Med. Rehabil.* 36:249–255.

[12] Price, M., Kottke, F.J., Olson, M.E. (1975): Renal function in patients with spinal cord injury: the eighth year of a ten-year continuing study. *Arch. Phys. Med. Rehabil.* 56:76–79.

[13] Progress Report IV (1975–76). Grant No. 13P–55864. Northwestern Memorial Hospital (Wesley Pavillion) and Rehabilitation Institute of Chicago, Chicago, Illinois.

[14] Weiss, M. (1967): 15 years experience on rehabilitation of paraplegics at the Rehabilitation Institute of Warsaw University, Poland. *Paraplegia* 5:1158–1166.

[15] Wilcox, N.E., Stauffer, E.S., Nickel, V.L. (1970): A statistical analysis of 423 consecutive patients admitted to the spinal cord injury center, Rancho Los Amigos Hospital, 1 January 1964 through 31 December 1967. *Paraplegia* 8:27–35.

[16] Young, J.S. (1976): United States National Spinal Cord Injury Data Research Center. *Paraplegia* 14:81–86.

By Mr. THURMOND (for himself, Mr. HARRY F. BYRD, JR., Mr. DOMENICI, Mr. EASTLAND, Mr. GARN, Mr. GOLDWATER, Mr. HELMS, Mr. LAXALT, and Mr. YOUNG):

S. 1122. A bill to amend the Occupational Safety and Health Act of 1970 to insure equal protection of the laws for small business and to provide that any employer who successfully contests a citation or penalty shall be awarded a reasonable attorney's fee and other reasonable litigation costs; to the Committee on Human Resources.

Mr. THURMOND. Mr. President, I am today introducing legislation to provide that any employer who successfully contests a citation or penalty under the Occupational Safety and Health Act of 1970—OSHA—shall be awarded a reasonable attorney's fee and other reasonable litigation costs.

As I watch small business struggle for its survival, it is clear to me that Congress has failed miserably in the effort to come to grips with overregulation and government power.

While OSHA embodies the worthy goal of improved health and safety in industry, it has also served as an excellent example of government excess in the regulatory field.

The OSHA laws are 31 pages long and there are over 800 pages of regulations. OSHA laws are complex, and small businessmen have found OSHA compliance procedures particularly burdensome. Additionally, the heavy hand of OSHA enforcement has caused economic hardship for many small businessmen.

Unfortunately, adequate communication is unavailable for small industry to consult with OSHA compliance officers for advice and consultation without being subject to penalty. Uncertainty exists about employer obligations and standards. Inconsistent treatment by different compliance officers, limited access to safety and health advisory services, and lack of knowledge about how to contest citations have added to the burden. In many instances, small employers are still unaware of OSHA rules and regulations, and significant doubt exists as to the effort OSHA has made to supply employers with precise information about employer responsibility.

To compound these problems, a legal and policy interpretation by the Department precludes Federal onsite consultation procedures.

In addition to the problems of bureaucratic administration, small businessmen have been at a significant disadvantage in their efforts to contest citations and pay for other litigation costs involving OSHA. Expenses involved in contesting an OSHA citation amount to hundreds of dollars, and in many cases, small businessmen have had to forgo litigation because of the cost involved.

Mr. President, I am, therefore, introducing legislation to aid small businessmen in their efforts to get a fair deal from the Federal bureaucracy in OSHA legal actions. My bill will amend the OSHA laws to provide that employers be reimbursed for reasonable attorney's fees and other litigation costs when they successfully contest OSHA actions which have been brought against them.

Large corporations have no problems in financing their legal services. It is the small businessman, who operates with great overhead, who has suffered most in assuring that his legal rights are protected. I am hopeful that this legislation will encourage small businessmen to stand up for their rights when they feel they have been jeopardized by the Federal bureauracy. These attorney's fees will not be available where employers contest an OSHA citation unsuccessfully. Where there is no legitimate case, there would be little reason for employers to contest a citation since they inevitably will have to bear the litigation costs.

I believe this is a fair approach. It should enable small businessmen to protect their legal rights. I hope it will receive favorable consideration in this Congress.

I am pleased that Senators BYRD of Virginia, YOUNG, HELMS, GARN, GOLDWATER, DOMENICI, LAXALT, and EASTLAND have joined me in sponsoring this important legislation.

Mr. President, I send this bill to the desk so it can be appropriately referred, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 10(c) of the Occupational Safety and Health Act of 1970 is amended by inserting immediately after the second sentence thereof the following new sentence: "In any case where the Secretary's citation or proposed penalty is vacated, such order shall include an assessment against the United States of a reasonable attorney's fee and other reasonable litigation costs in connection with contesting the citation or proposed penalty, which shall be paid to the employer contesting the citation or proposed penalty.".

(b) The first sentence of section 11(a) of such Act is amended by inserting immediately after "section 10" the following: ", or any employer seeking enforcement of an order

of the Commission issued under such subsection for assessment against the United States of attorney's fees and other litigation costs,", by inserting "or enforcement, as the case may be," immediately after "review", and by inserting immediately before the period "or enforced".

(c) Section 11(a) of such Act is amended by immediately after the third sentence the following: "In any case in which an order affirming or modifying a citation or proposed penalty is set aside by the court, such decree shall include an assessment against the United States of a reasonable attorney's fee and other reasonable litigation costs in connection with contesting the citation or proposed penalty and seeking review of such order, which shall be paid to the employer contesting the citation or proposed penalty and seeking review of such order.".

(d) Section 11 of such Act is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding section 2408 of title 28, United States Code, costs assessed against the United States under subsection (a) or under section 10(c) shall be paid from funds appropriated under section 33.".

By Mr. NUNN:

S. 1123. A bill to amend the Social Security Act to authorize the issuance of regulations for section 459, and for other purposes; to the Committee on Finance.

CHILD SUPPORT PROGRAM

Mr. NUNN. Mr. President, today I am introducing legislation to amend title IV–D of the Social Security Act relating to the child support program which was established in Public Law 93–647. With a few modifications, these amendments passed the Senate during the 94th Congress; however, they did not receive final congressional approval.

The Federal child support program is based on the belief that all children have the right to receive support from their fathers. This law has been on the books for only 2 years and full implementation has been slow; however, thousands of children have already benefited from the child support collected by this program and the taxpayers have already received some relief through the reduction of the welfare rolls.

Data is still incomplete on the first full year of operation of the child support program; however, available information shows that 23,000 families left the AFDC rolls as a result of child support collections in the first three quarters of fiscal year 1976. The majority of these were in six States, therefore, indicating enormous potential for the program when other States have their programs fully implemented. Other statistics for this period show that support was collected for 325,000 families and 106,000 absent parents were located.

The child support enforcement program became operational on August 1, 1975.

The total reported AFDC child support collections was $208 million for fiscal year 1976 and $76 million for the transitional quarter, a total of $284 million for the period. This amounts to a monthly average of $20.3 million for the 14 months. These reported AFDC collections are about $80 million less than what the States actually received in child support collections primarily due to delayed reporting by California and to support payments made directly to these families. The States also reported collections of $383 million for children not on welfare during this 14-month period, an average of $27 million a month.

The administrative costs for the Federal, State, and local agencies for this period was $178 million.

These figures do not show the savings which result from families having been completely removed from dependency on AFDC or not needing to apply for AFDC as a result of the child support program.

The estimated AFDC collections for fiscal year 1977 amount to $414 million at a cost of $235 million. In fiscal year 1978 the States expect to collect $525 million for AFDC child support at a cost of $227 million.

In my view, these figures are evidence that this program is beginning to work as Congress intended. The intent of these amendments that I am introducing today will be to clarify the garnishment provisions, to provide for administrative improvements and to aid in the evaluation of the program. I feel that these amendments will only add to the efficiency and effectiveness of the program.

Briefly, these amendments will accomplish the following:

First. A new section is added to title IV–D to authorize the issuance of garnishment regulations for the executive, legislative, and judicial branches. This title is also clarified to include employees of the District of Columbia under the garnishment provisions. It also establishes reasonable limits on the amount that can be garnished from a person's wages so that an individual, and his second family if there is one, will not be forced into financial ruin.

Second. Bonding will be required of State and local employees who handle collection or accounting of child support payments. The accounting and collecting procedures must also be handled by different individuals.

Third. The incentive payment to political subdivisions which collect child support for another governmental unit is simplified to a standard 15 percent of the amount retained by the governmental unit where the family lives. This should relieve administrative complications as well as encourage governmental units to continue to pursue older cases.

Fourth. The research and demonstration projects authorized under section 1115 of the Social Security Act are extended to include the child support program. These pilot projects should facilitate the development of more efficient and effective child support programs.

Fifth. The annual reporting requirements are amended to specify the kind of information that Congress needs from HEW to properly oversee and amend the program when necessary.

Sixth. A provision is also included to allow the State of Georgia time to resolve a problem regarding the treatment of child support collections for the purpose of reimbursement.

These amendments, which have only been slightly modified, received Senate approval during the 94th Congress. I hope that the Senate and the House will act expeditiously on these amendments so that needed clarifications and improvements can be enacted into law.

Mr. President, I ask unanimous consent that this bill and general explanation of its provisions be printed in the RECORD.

There being no objection, the bill and explanation were ordered to be printed in the RECORD, as follows:

S. 1123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CLARIFICATION OF GARNISHMENT PROVISIONS

SECTION 1. (a) Section 459 of the Social Security Act is amended—

(1) by striking out "(including any agency or instrumentality thereof and any wholly owned Federal corporation)" and inserting in lieu thereof "or the District of Columbia (including any agency, subdivision, or instrumentality thereof)"; and

(2) by inserting "or the District of Columbia" immediately after "United States" where it appears the second time.

(b) Section 459 of such Act is further amended—

(1) by inserting "(a)" immediately after "SEC. 459.", and

(2) by adding at the end thereof the following new subsections:

"(b) Service of legal process brought for the enforcement of an individual's obligation to provide child support or make alimony payments shall be accomplished by certified or registered mail, return receipt requested, or by personal service, upon the appropriate agent designated for receipt of such service of process pursuant to regulations promulgated pursuant to section 461 (or, if no agent has been designated for the governmental entity having payment responsibility for the moneys involved, then upon the head of such governmental entity). Such process shall be accompanied by sufficient data to permit prompt identification of the individual and the moneys involved.

"(c) No Federal employee whose duties include responding to interrogatories pursuant to requirements imposed by section 461(b)(3) shall be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by him in connection with the carrying out of any of his duties which pertain (directly or indirectly) to the answering of any such interrogatory.

"(d) Whenever any person, who is designated by law or regulation to accept service of process to which the United States is subject under this section, is effectively served with any such process or with interrogatories relating to an individual's child support or alimony payment obligations, such person shall respond thereto within thirty days (or within such longer period as may be prescribed by applicable State law) after the date effective service thereof is made, and shall, as soon as possible but not later than fifteen days after the date effective service is so made of any such process, send written notice that such process has been so served (together with a copy thereof) to the individual whose moneys are affected thereby at his duty station or last-known home address.

"(e) Governmental entities affected by legal processes served for the enforcement of an individual's child support or alimony payment obligations shall not be required to vary their normal pay and disbursement cycles in order to comply with any such legal process.

"(f) Neither the United States, any dis-

bursing officer, nor governmental entity shall be liable with respect to any payment made from moneys due or payable from the United States to any individual pursuant to legal process regular on its face, if such payment is made in accordance with this section and the regulations issued to carry out this section.".

(c) Part D of title IV of such Act is further amended by adding at the end thereof the following new section:

"REGULATIONS PERTAINING TO GARNISHMENTS

"SEC. 461. (a) Authority to promulgate regulations for the implementation of the provisions of section 459 shall, insofar as the provisions of such section are applicable to moneys due from (or payable by)—

"(1) the executive branch of the Government (including in such branch, for the purposes of this subsection, the territories and possessions of the United States, the United States Postal Service, the Postal Rate Commission, any wholly owned Federal Corporation created by an Act of Congress, and the government of the District of Columbia), be vested in the President (or his designee),

"(2) the legislative branch of the government, be vested jointly in the President pro tempore of the Senate and the Speaker of the House of Representatives (or their designees), and

"(3) the judicial branch of the Government, be vested in the Chief Justice of the United States (or his designee).

"(b) Regulations promulgated pursuant to this section shall—

"(1) in the case of those promulgated by the executive branch of the Government, include a requirement that the head of each agency thereof shall cause to be published, in the appendix of the regulations so promulgated, (A) his designation of an agent or agents to accept service of process, identified by title of position, mailing address, and telephone number, and B) an indication of the data reasonably required in order for the agency promptly to identify the individual with respect to whose moneys the legal process is brought,

"(2) in the case of regulations promulgated for the legislative and judicial branches of the Government set forth, in the appendix to the regualtions so promulgated, (A) the name, position, address, and telephone number of the agent or agents who have been designated for service of process, and (B) an indication of the data reasonably required in order for such entity promptly to identify the individual with respect to whose moneys the legal process is brought,

"(3) provide that (A) in the case of regulations promulgated by the executive branch of the Government, that each head of a governmental entity (or his designee) shall respond to relevant interrogatories, if authorized by the law of the State in which legal process will issue, prior to formal issuance of such process, upon a showing of the applicant's entitlement to child support or alimony payments, and (B) in the case of regulations promulgated for the legislative and judicial branches of the Government, or the person or persons designated as agents for service of process in accordance with paragraph (2) shall respond to relevant interrogatories if authorized by the law of the State in which legal process will issue, prior to formal issuance of legal process, upon a showing of the applicant's entitlement to child support or alimony payments.

"(c) In the event that a governmental entity, which is authorized under this section or regulations issued to carry out this section to accept service of process, pursuant to the provisions of subsection (a), is served with more than one legal process with respect to the same moneys due or payable to any individual, then such moneys shall be available to satisfy such processes on a first-come first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.

(d) Part D of title IV of such Act is further amended by adding after section 461 (as added by subsection (c) of this section) the following new section:

"DEFINITIONS

"SEC. 462. For purposes of section 459—

"(a) The term 'United States' means the Federal Government of the United States, consisting of the legislative branch, the judicial branch, and the executive branch thereof, and each and every department, agency, or instrumentality of any such branch, including the United States Postal Service, the Postal Rate Commission, any wholly owned Federal coropration created by an Act of Congress, any office, commission, bureau, or other administrative subdivision or creature thereof, and the governments of the territories and possessions of the United States.

"(b) The term 'child support', when used in reference to the legal obligations of an individual to provide such support, means periodic payments of funds for the support and maintenance of a child or children with respect to which such individual has such an obligation, and (subject to and in accordance with State law) includes but is not limited to, payments to provide for health care, education, recreation, clothing, or to meet other specific needs of such a child or children; such term also includes attorney's fees, interest, and court costs, when and to the extent that the same are expressly made recoverable as such pursuant to a decree, order, or judgment issued in accordance with applicable State law by a court of competent jurisdiction.

"(c) The term 'alimony', when used in reference to the legal obligations of an individual to provide the same, means periodic payments of funds for the support and maintenance of the spouse (or former spouse) of such individual, and (subject to and in accordance with State law) includes but is not limited to, separate maintenance, alimony pendente life, maintenance, and spousal support; such term also includes attorney's fees, interest, and court costs when and to the extent that the same are expressly made recoverable as such pursuant to a decree, order, or judgment issued in accordance with applicable State law by a court competent jurisdiction. Such term does not include any payment or transfer of property or its value by an individual to his spouse or former spouse in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses.

"(d) The term 'private person' means a person who does not have sovereign or other special immunity or privilege which causes such person not to be subject to legal process.

"(e) The term 'legal process', when used in the context of section 459, means any writ, order, summons, or other similar process in the nature of garnishment, which—

"(1) is issued by (A) a court of competent jurisdiction within any State, territory, or possession of the United States, (B) a court of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor such process, or (C) an authorized official pursuant to an order of such a court of competent jurisdiction or pursuant to State or local law, and

"(2) is directed to, and the purpose of which is to compel, a governmental entity, which holds moneys which are otherwise payable to an individual, to make a payment from such moneys to another party in order to satisfy a legal obligation of such individual to provide child support or make alimony payments.

"(f) Entitlement of an individual to any money shall be deemed to be 'based upon remuneration for employment', if such money consists of—

"(1) compensation paid or payable for personal services of such individual, whether such compensation is denominated as wages, salary, commission, bonus, pay, or otherwise, and includes but is not limited to, severance pay, sick pay, and incentive pay, but does not include awards for making suggestions, or

"(2) periodic benefits (as defined in section 228(h)(3) of this Act) or other payments to such individual under the insurance system established by title II of this Act or any other system or fund established by the United States (as defined in subsection (a)) which provides for the payment of pensions, retirement or retired pay, annuities, dependents or survivors' benefits, or similar amounts payable on account of personal services performed by himself or any other individual (not including any payment as compensation for death under any Federal program, any payment under any Federal program established to provide 'black lung' benefits, any payment by the Veterans' Administration as pension, or any payment by the Veterans' Administration as compensation for a service-connected disability or death, except dependency and indemnity compensation paid under chapter 13 of title 38, United States Code, and any compensation paid by the Veterans' Administration to a former member of the Armed Forces who is in receipt of retired or retainer pay if such former member has waived a portion of his retired pay in order to receive such compensation), and does not consist of amounts paid, by way of reimbursement or otherwise, to such individual by his employer to defray expenses incurred by such individual in carrying out duties associated with his employment.

"(g) In determining the amount of any moneys due from, or payable by, the United States to any individual, there shall be excluded amounts which—

"(1) are owed by such individual to the United States,

"(2) are required by law to be, and are, deducted from the remuneration or other payment involved, including but not limited to, Federal employment taxes, and fines and forfeitures ordered by court-martial,

"(3) are properly withheld for Federal, State, or local, income tax purposes, if the withholding of such amounts is authorized or required by law and if amounts withheld are not greater than would be the case if such individual claimed all dependents to which he was entitled (the withholding of additional amounts pursuant to section 3402(i) of the Internal Revenue Code of 1954 may be permitted only when such individual presents evidence of a tax obligation which supports the additional withholding),

"(4) are deducted as health insurance premiums,

"(5) are deducted as normal retirement contributions (not including amounts deducted for supplementary coverage), and

"(6) are deducted as normal life insurance premiums from salary or other remuneration for employment (not including amounts deducted for supplementary coverage).".

(e)(1) Subsection (b) of section 303 of the Consumed Credit Protection Act (15 U.S.C. 1673(b)) is amended—

(A) by inserting "(1)" immediately after "(b)".

(B) by redesignating clauses (1), (2), and (3) thereof as clauses (A), (B), and (C), respectively, and

(C) by adding at the end thereof the following new paragraph:

"(2) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed—

"(A) where such individual is supporting his spouse or dependent child (other than a spouse or child with respect to whose support such order is issued), 50 per centum of such individual's disposable earnings for this week, and

"(B) where such individual is not supporting such a spouse or dependent child described in clause (A), 60 per centum of such individual's disposable earnings for that week;

except that, with respect to the disposable earnings of any individual for any workweek, the 50 per centum specified in clause (A) shall be deemed to be 55 per centum and the 60 per centum specified in clause (B) shall be deemed to be 65 per centum, if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such workweek.".

(2) The provision of section 303(b) of the Consumer Credit Protection Act which is redesignated under paragraph (1) as clause (A) is amended by striking out all that follows "any order" and inserting in lieu thereof the following: "for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure, which is established by State law, which affords substantial due process, and is subject to judicial review.".

(3) Section 303(c) of such Act is amended by inserting ", and no State (or officer or agency thereof)," immediately after "or any State".

(4) Section 305 of such Act is amended by inserting "and (b)(2)" immediately after "section 303(a)" each place it appears therein.

(5) The amendments made by this subsection shall take effect on the first day of the first calendar month which begins after the date of enactment of this Act.

BONDING OF CERTAIN STATE OR LOCAL EMPLOYEES; HANDLING OF CASH RECEIPTS

SEC. 2. (a) Section 454 of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting a semicolon in lieu thereof, and

(3) by adding at the end thereof the following new paragraphs:

"(14) comply with such bonding requirements, for employees who receive, disburse, handle, or have access to, cash, as the Secretary shall by regulations prescribe; and

"(15) maintain methods of administration which are designed to assure that persons responsible for handling cash receipts shall not participate in accounting or operating functions which would permit them to conceal in the accounting records the misuse of cash receipts (except that the Secretary shall by regulations provide for exceptions to this requirement in the case of sparsely populated areas where the hiring of unreasonable additional staff would otherwise be necessary).".

(b) The amendments made by this subsection shall take effect on the first day of the day of the first calendar month which begins after the date of enactment of this Act.

INCENTIVE PAYMENTS TO STATES AND LOCALITIES

SEC. 3. (a)(1) Section 458(a) of the Social Security Act is amended by striking out "parent—" and all that follows and inserting in lieu thereof "parent an amount equal to 15 per centum of any amount collected and required to be distributed as provided in section 457 to reduce or repay assistance payments.".

(2) Section 458(b) of such Act is amended by striking out "paragraphs (1) and (2) of".

(b) The amendments made by subsection (a) shall be applicable with respect to amounts collected on and after October 1, 1977.

EXTENSION OF DEMONSTRATION PROJECTS TO CHILD SUPPORT

SEC. 4. (a) Section 1115 of the Social Security Act is amended—

(1) in the matter preceding clause (a), by striking out "part A" and inserting in lieu thereof "part A or D",

(2) in clause (a) thereof, by inserting "454", immediately after "402,",

(3) in clause (b) thereof, by inserting "455," immediately after "403,", and

(4) in the second sentence thereof, by striking out "$4,000,000" and inserting in lieu thereof "$6,000,000.".

(b) The amendments made by subsection (a) (other than the amendment made by clause (4) thereof) shall be effective on and after the date of enactment of this section, and the amendment made by such clause (4) shall be effective in the case of fiscal years which begin after September 30, 1977.

ANNUAL REPORT OF THE SECRETARY

SEC. 5. (a) Section 452(a)(10) of the Social Security Act is amended to read as follows:

"(10) not later than three months after the end of each fiscal year, beginning with the year 1977, submit to the Congress a full and complete report on all activities undertaken pursuant to the provisions of this part, which report shall include but not be limited to, the following:

"(A) total program costs and collections set forth in sufficient detail to show the cost to the States and the Federal Government, the distribution of collections to families, State and local governmental units, and the Federal Government; and an identification of the financial impact of the provisions of this part;

"(B) costs and staff associated with the Office of Child Support Enforcement;

"(C) the number of child support cases in each State immediately prior to the effective date of this part and the number of such cases added each quarter thereafter, and the disposition of such cases;

"(D) the status of all State plans under this part as of the end of the fiscal year last ending before the report is submitted, together with an explanation of any problems which are delaying or preventing approval of State plans under this part;

"(E) data, by State, on the use of the Federal Parent Locator Service, and the number of locate requests submitted without the absent parent's social security account number;

"(F) the number of cases, by State, in which an applicant for or recipient of aid under a State plan approved under part A has refused to cooperate in identifying and locating the absent parent and the number of cases in which refusal so to cooperate is based on good cause (as determined in accordance with the standards referred to in section 402(a)(26)(B)(ii)); and

"(G) data, by State, on the use of Federal courts and on use of the Internal Revenue Service for collections, the number of court orders on which collections were made, the number of paternity determinations made and the number of parents located, in sufficient detail to show the cost and benefits to the States and to the Federal Government; and

"(H) the major problems encountered which have delayed or prevented implementation of the provisions of this part during the fiscal year last ending prior to the submission of such report.".

(b) The amendment made by subsection (a) shall be effective in the case of reports, submitted by the Secretary of Health, Education, and Welfare, after 1976.

"(c) The Secretary of Health, Education, and Welfare shall submit to the Congress not later than June 30, 1977, a special supplemental report, with respect to activities undertaken pursuant to part D of title IV of the Social Security Act during the fiscal year ending June 30, 1976, and during the transitional period beginning July 1, 1976, and ending September 30, 1976. Such report shall, with respect to such transitional period, contain all the data and information specified in clauses (A) through (H) of section 452(a)(10) of such Act (as amended by subsection (a) of this section), and with respect to the fiscal year ending June 30, 1976, contain all such data and information which was not included in the report made by such Secretary to the Congress on June 30, 1976, pursuant to section 452(a)(10) of such Act, as in effect on such date.

"SEC. 6. For purposes of determining the amount payable to the State of Georgia under section 403(a) of the Social Security Act on account of expenditures made by such State as aid to families with dependent children under its State plan approved under part A of title IV of such Act during calendar quarters, beginning after June 30, 1975, and prior to January 1, 1977, there shall be included as an offset against such expenditures amounts which—

"(1) were collected as child support by the State pursuant to a plan approved under part D of such title IV, and

"(2) were retained by the State pursuant to, and in accordance with the provisions of, section 457(a)(2) or section 457(b)(1).".

GENERAL EXPLANATION OF THE BILL

A. CLARIFICATION OF GARNISHMENT PROVISIONS

(Section 1 of the bill)

The child support legislation enacted by the 93rd Congress (Public Law 93-647) provides for the garnishment of Federal payments for purposes of child support and alimony. Although the garnishment provision has been in effect since January 1, 1975, it has not yet been fully implemented by Federal agencies.

The following provisions in the bill are designed to authorize the issuance of regulations, clarify congressional intent and establish procedures to be followed in carrying out the law.

Inclusion of District of Columbia.—Section 459 of the Social Security Act provides that moneys due from, or payable by, the United States, including any agency or instrumentality thereof, shall be subject to legal process brought for the enforcement of legal obligations to provide child support or alimony payments. It was intended that employment with the District of Columbia be included. However, because a question has been raised about whether the language of the statute adequately states the intent of the Congress, section 1(a) of the bill would add specific reference to the District of Columbia.

Conditions and procedures.—The bill provides specific conditions and procedures to be followed under section 459. It specifies that service of legal process brought for the enforcement of an individual's obligation to provide child support or alimony is to be accomplished by certified or registered mail, or by personal service, upon the person designated to accept the service for a governmental entity. The process must be accomplished by sufficient data to permit prompt identification of the individual and the moneys which are involved. These provisions will permit inexpensive and expedited service and will enable the agency to respond in an efficient way.

Federal employees whose duties include re-

sponding to relevant interrogatories made prior to the issuance of legal process and authorized by law would not be subject to any disciplinary action, or civil or criminal liability or penalty for, or on account of, any disclosure of information made in connection with the answering of such interrogatories.

The bill also provides that the head of a governmental entity or his designee shall have 30 days (or a longer period if provided by applicable State law) from the effective date of service within which to respond to interrogatories or to legal process seeking the payment of child support or alimony obligations. The Federal Government is so large and its activities and offices are so numerous that a reasonable time for response is required to permit identification of the proper account, ascertainment of the sufficiency of process, and consultation with counsel.

As a protection to the employee, however, the bill also would require that the person who is served must, as soon as possible but no more than 15 days after the date of service, send written notice that the process has been served (together with a copy thereof) to the individual whose moneys are affected at his duty station or last known home address.

To avoid the problems which might ensue if Federal agencies were compelled to alter their disbursement cycles to accommodate payments due for child support or alimony, the bill specifically provides that government entities shall not be required to vary their normal pay and disbursement cycles in order to comply with any such legal process. Generally, disbursements of regular periodic payments of remuneration for employment are computerized. Process served upon an agency may unreasonably require that a pay check of a certain date be held up when in fact such process was not received in time to permit the reprogramming of the computer run affecting that particular check. In other instances a writ may call for deductions which are more or less frequent than the times the individual is actually paid. The provision in the bill would avoid very substantial additional costs to the Government and serious inconvenience or hardship to thousands of others affected by the computerized payrolls.

The bill provides that neither the United States, any disbursing officer, nor governmental entity shall be liable with respect to any payment made from money due an individual pursuant to legal process regular on its face, if the payment is made in accordance with the section and the regulations issued thereunder. This provision would protect the United States and its employees with regard to actions they are required to perform.

Issuance of regulations.—Section 459 has no provision specifically authorizing the issuance of regulations by the three branches of Government charged with administering the garnishment law. At this time, more than two years after the effective date, there are still no regulations relating to this statutory provision. The General Accounting Office has recommended that the law be amended to provide specific authority to issue regulations, commenting in a recent report that "the garnishment provision in section 459 should be expanded to specifically provide authority to one or more organizations to issue implementing regulations." The Attorney General sent to the 94th Congress a legislative proposal aimed at clarifying the regulatory authority. The bill would add a new section 461 to title IV which would vest the authority to issue regulations for section 459 in: (1) the President (or his designee) for the executive branch, including the territories and possessions of the United States, the United States Postal Service, the Postal Rate Commission, any wholly owned Federal corporation created by an Act of Congress, and the Government of the District of Columbia; (2) the President pro tempore of the Senate and the Speaker of the House of Representatives (or their designees) jointly for the legislative branch; and (3) the Chief Justice of the U.S. Supreme Court (or his designee) for the judicial branch.

The bill also provides that regulations issued for the three branches of Government are to include a requirement that the head of each governmental entity involved shall cause to be published in the appendix of the regulations (1) the designation of the agent or agents to accept service of process, identified by title of position, mailing address and telephone number, and (2) an indication of the data reasonably required in order for the governmental entity promptly to identify the individual with respect to whom legal process is being brought. This provision will eliminate the problems private attorneys have had in determining how to effect service of process in order that their clients may obtain the benefit of the garnishment statute. They will make it possible for the private attorney to easily locate the person who is to receive the process, and to know the kinds of information which must be provided to enable the Government entity to identify the employee concerned.

The bill would require that heads of governmental entities or their designees respond to relevant interrogatories, if authorized by the law of the State in which legal process will issue, prior to formal issuance of the process, upon a showing of the applicant's entitlement to child support or alimony payments.

The bill also makes clear the procedure to be used in case of disputes which may arise when two or more parties seek to attach the same payments with legal process issued from more than one source. It provides that if a governmental entity is served with more than one legal process with respect to money payable to any individual, then the money shall be available on a first-come-first-served basis. This simple approach to such situations should expedite agency action and eliminate the need for lengthy procedures during which the individual concerned will not have his income subject to garnishment from any source. Subsequent process will be satisfied out of money remaining after satisfying a prior process.

The bill does not include any specific requirements for reports by the separate branches of Government on the garnishment provision. However, in order to have information by which to evaluate the provision in the first years of its implementation, the committee requests that sufficient data be kept by each branch of Government so that a close estimate of the garnishment activity may be made and submitted to the Congress in a form which would enable the Congress to evaluate the impact and operation of the garnishment provision.

Definitions.—The bill would add a new section 462 to define the terms used in section 459.

(1) *United States.*—Present law provides that moneys due from or payable by "the United States * * * shall be subject to legal process brought for the enforcement of legal obligations to provide child support or alimony as though the United States were a private person." Because questions have been raised about what the term "United States" means for purposes of the provision, the bill adds a definition which makes clear that the term includes all three branches of Government—legislative, judicial and executive, and each and every department, agency, or instrumentality of any such branch, including the U.S. Postal Service, the Postal Rate Commission, any wholly-owned Federal corporation created by an act of Congress, any office, commission, bureau, or other administrative subdivision, and the Governments of the territories and possessions of the United States.

(2) *Child Support.*—The bill provides a definition of the term "child support" which states that it means, when used in reference to the legal obligations of an individual to provide such support, any periodic payment of funds for the support and maintenance of a child, and (subject to and in accordance with State law) includes (but is not limited to) payments to provide for health care, education, recreation, clothing, or other specific needs. Uncertainty as to whether agencies may pay court-ordered attorneys' fees, interest, and court costs is removed.

These are included when and to the extent they are recoverable pursuant to a decree, order, or judgment issued in accordance with applicable State law by a court of competent jurisdiction.

(3) *Alimony.*—The bill would define "alimony" for purposes of section 459, when used in reference to the legal obligations of an individual to provide the same, to mean periodic payments of funds for the support and maintenance of the spouse (or former spouse). It includes (subject to and in accordance with State law) separate maintenance, alimony pedente lite, maintenance, and spousal support. This definition is in keeping with the increasing State use of "support" terminology instead of "alimony." The same provisions relating to attorneys' fees, interest, and court costs as are provided with regard to "child support" are also included with regard to alimony. The bill also clarifies the committee intent that "alimony" does not include payments or transfers of property made in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses.

(4) *Private person.*—The definition provides that "private person" means a person who does not have sovereign or other special immunity or privilege which causes the person not to be subject to legal process.

(5) *Legal process.*—This term is defined for purposes of section 459 to mean under normal circumstances any writ, order, summons or other similar process in the nature of garnishment which is issued by a court of competent jurisdiction, or by an authorized official pursuant to a court order or pursuant to State or local law, and which is directed to, with the purpose of compelling, a governmental entity which holds moneys otherwise payable to an individual to make a payment to another party in order to satisfy a legal obligation for child support or alimony payments. Thus, legal process includes the statutory remedy for recovery of support and maintenance under the Aid to Families with Dependent Children program which is provided in the law of the State of Washington, and other States which have similar statutes.

The reference to domestic courts in the definition 'legal process' is not, however, intended to preclude the United States from honoring its obligations under Article 34 of the German Supplementary Agreement to comply with writs of garnishment, or other similar process in the nature of garnishment, issued by the courts of the Federal Republic of Germany for the purpose of enforcing the legal obligations of military members or civilian employees of our forces stationed in Germany to pay child support or alimony.

(6) *Moneys, the entitlement to which is based on remuneration for employment.*—When the Finance Committee made its report on the child support amendments in 1974, it stated:

The committee bill would specifically provide that the wages of Federal employees, including military personnel, would be sub-

ject to garnishment in support and alimony cases. In addition, annuities and other payments under Federal programs in which entitlement is based on employment would also be subject to attachment for support and alimony payments. This provision would be applicable whether or not the family upon whose behalf the proceeding is brought is on the welfare rolls. It would also override provisions in various social insurance or retirement statutes which prohibit attachment or garnishment. (S. Rept. 93–1356).

Although the intent of the Congress would appear to be clear from this report language, questions as o the applicability of the statute to social insurance and retirement statutes have arisen. Other questions as to the kinds of remuneration which are covered by the statute, such as commissions or bonuses, have also been raised. To remove the possibility of confusion, the bill adds a definition of "remuneration for employment" which covers compensation paid or payable for personal services of an individual, whether as wages, salary, commission, bonus, pay, or otherwise, and includes but is not limited to severance pay, sick pay and incentive pay, but does not include awards for making suggestions. It also includes periodic benefits (as defined in section 228(h)(3) of the Social Security Act) or other payments to an individual under the insurance system established by title II, or any other system or fund established by the United States which provides for the payment of pensions, retirement or retired pay, annunities, dependents or survivors' benefits, or similar amounts payable on account of personal services performed by an individual. It excludes any payment as compensation for death under any Federal program, any payment under any program established to provide "black lung" benefits, any payment by the Veterans' Administration as pension, or any payment by the Veterans' Administration as compensation for service-connected disability or death. Such exclusion, however, does not apply to dependency and indemnity compensation paid under chapter 13 of title 38, United States Code, and any compensation paid by the Veterans' Administration to a former member of the armed forces who is in receipt of retired or retainer pay if such former member has waived a portion of his retired pay in order to receive such compensation.

Thus, the provisions of section 459 would apply, in addition to those already mentioned, to payments under: (1) The civil service retirement program; (2) the retirement and disability system established for employees of the Foreign Service; (3) the various retirement, annuity, and survivor benefit plans and programs established for members of the Armed Services or employees of the United States; (4) the Railroad Retirement Act, and the Railroad Unemployment Insurance program; (5) beneficiaries of life insurance policies provided under Government programs where the amount of coverage is directly or indirectly based (wholly or in part) on the amount of remuneration for the employment involved; (6) the Federal program for compensation for work injuries of Federal employees (but not death benefits thereunder); and (7) the Longshoremen's and Harbor Workers' Compensation Act (but only in cases where the payments are made by the United States).

The provision would not apply to reimbursement of expenses incurred by an individual in connection with employment or allowances in lieu thereof, e.g., per diem, mileage allowance, travel and transportation allowances, cost-of-living allowances, military quarters and subsistence allowances, uniform and clothing allowances, overeas station allowances, Armed Forces health profession scholarship stipends, and other similar work-related expenses or allowances.

It would not apply to State or locally administered programs even though such programs have been established under Federal auspices and there is Federal participation in the costs thereof simply because the benefits paid out are not paid by the Federal Government. The State unemployment compensation programs are prime examples of this category.

It should be emphasized that the fact that section 459 is applicable to particular moneys does not necessarily mean that those moneys will be subject to legal process; it merely means that the question of whether such moneys will be subject to legal process will be determined in accordance with State law in like manner as if the United States were a private person.

The bill would also provide for exclusions which are to be made in determining the amount of money due from or payable by the United States to any individual for purposes of section 459. Thus there would be excluded from garnishment any amounts which are owed by an individual to the United States; are required to be, and are, deducted from the remuneration or other payment involved, including, but not limited to, Federal employment taxes, survivor benefit program contributions, fines and forfeitures ordered by court-martial; and are properly withheld for Federal, State or local income tax purposes, if the withholding is authorized or required by law and if amounts withheld are not greater than would be the case if the individual claimed all dependents to which he was entitled (the withholding of additional amounts pursuant to section 3402(i) of the Internal Revenue Code of 1954 may be permitted only when such individual presents evidence of a tax obligation which supports the additional withholding); are deducted as health insurance premiums; are deducted as normal retirement contributions (without supplementary coverage); and are deducted as normal life insurance premiums (without supplementary coverage).

Limitation on percentage of wages subject to legal process.—There is no limit in Federal law on the percentage of wages or other employment-related income which may be garnisheed for child support or alimony under court order. Many States allow garnishment of 100 percent of earnings and others provide that 100 percent of wages may be subject to wage assignment. Because of the arrearages that have resulted through incomplete payments (or no payments) of child support and alimony orders, the wages or the annuities of a number of people have been garnisheed at 100 percent for periods of many months and even years. This has sometimes caused the second families of the fathers in those cases to face financial ruin. It would be of questionable equity to place a limit on section 459 which affects only Federal employees and do nothing for other persons faced with financial ruin which cannot be avoided even under the bankruptcy provisions since both child support and alimony are exempt from bankruptcy. To provide equal treatment to all persons who are subject to garnishment under State laws, including persons affected by section 459, the bill would, therefore, modify the provisions of the Consumer Credit Protection Act (15 USC 1673(b)) which now permit 100 percent of earnings and other employment-related income to be garnisheed for child support and alimony, by setting a limit of 50 percent on the amount which is subject to garnishment for child support and alimony for a person supporting a second family and 60 percent for a person who is not—plus an additional 5 percent in each situation if there are outstanding arrearages over twelve weeks old.

The Consumer Credit Protection Act would also be modified to cover garnishment provided under State administrative procedures, as well as under court orders for child support. The administrative procedures would have to be established by State law, afford substantial due process, and be subject to judicial review. At present, the Act refers only to garnishment under court orders. However, in recent years, the legislatures of at least six States—Florida, Georgia, Maine, Utah, Virginia and Washington—have enacted legislation providing for the use of certain administrative procedures for the enforcement of support for financially dependent minor children. States have enacted these laws generally because they have found existing common law and statutory remedies to be insufficiently effective and efficient. These procedures are clearly included in the definition of "legal process" for purposes of section 459 of the Social Security Act. In the view of the committee, these procedures are equally appropriate for inclusion under title III of the Consumer Credit Protection Act and will make the two laws consistent.

The amendment to the Consumer Credit Protection Act would become effective on the first day of the first calendar month beginning after the date of enactment.

A spokesman for the Department of Justice stated before the Finance Committee on September 22, 1976 that his Department strongly endorsed the enactment of the garnishment provisions.

B. BONDING OF STATE AND LOCAL EMPLOYEES

(Section 2 of the bill)

The new child support legislation is expected to result in the collection by State and local agencies of increasingly large amounts of money. Although normal procedures would seem to call for the bonding of employees who are responsible for handling this money, it has come to the committee's attention that this is not the case in all instances. My bill would therefore require bonding of all State and local employees, or employees of contractors used by agencies, who handle the collection of or accounting for child support payments.

The bill would also provide for the separation of functions of collection of money from accounting by requiring that individuals responsible for handling the money not be the same individuals who are responsible for the accounting of such money. The principles, standards, and related requirements prescribed by the U.S. Comptroller General concerning control over collection of funds require that persons responsible for handling cash receipts should not participate in accounting or operating functions which would permit them to conceal in the accounting records the misuses of cash receipts. Again, however, the committee is aware that these procedures are not always followed.

The bill would make clear in the law that this kind of precaution must be taken in all States and localities, with only limited exceptions. The Secretary of HEW would be required to prescribe by regulation exceptions to this requirement for sparsely populated geographic areas where the hiring of unreasonable additional staff would otherwise be necessary.

C. INCENTIVE PAYMENTS TO STATES AND LOCALITIES

(Section 3 of the bill)

Section 458 of the Social Security Act provides for incentive payments to States and localities for the purpose of encouraging broader participation in the child support program. It provides that if a political subdivision of a State or another State collects the child support payment, it is entitled, for the first 12 months of collections, to 25 percent of the amount retained by the State in which the recipient family lives. This 25 percent is paid from the Federal share. After the first year the collecting unit of Government is entitled to 10 percent of the amount

retained. This provision has two potentially negative features: it encourages States to concentrate on new cases in order to get the higher percentage payment at the expense of older cases; and it creates serious administrative complications in calculating the amounts payable. The bill would change this provision to allow the payment of a single uniform percentage of 15 percent for all incentive payments, without regard to the time period of collections.

D. DEMONSTRATION PROJECTS

(Section 4 of the bill)

The basic research and demonstration authorization for health and welfare programs under the Social Security Act is in section 1115. However, the provisions of that section do not apply to part D of title IV. This means that there is no authorization for experimental, pilot, or demonstration projects relating to the child support program. Such projects could be particularly useful in promoting the development and more effective implementation of this new program by the States, and therefore, the bill would extend this provision to include projects under part D. The amount of money now authorized for purposes of section 1115 is $4 million. The bill would increase the authorization to $6 million to insure adequate funds for the new child support projects. The new authorized amount would be effective in the case of fiscal years beginning after September 30, 1977.

E. REPORTING REQUIREMENTS

(Section 5 of the bill)

Present law requires that the Secretary of HEW submit an annual report to the Congress on all activities under the child support program. The law does not specify, however, the kinds of information which should be included in these reports. The bill spells out in the law some of the kinds of information which are necessary for program evaluation. Examples are data (for both AFDC and non-AFDC families) on program costs, collections, court support orders, paternity determinations, and parents located in sufficient detail to show the cost and benefits to the States and Federal Government of child support programs; costs and staff associated with the Office of Child Support Enforcement; and data showing use by States of the Federal Parent Locator Service, use of provisions for IRS collections, use of Federal courts, and the number of cases by State in which AFDC applicants and recipients refuse to cooperate in identifying and locating the absent parent.

The bill also provides that annual reports be submitted to the Congress within three months of the end of each fiscal year to assure the possibility of prompt and current evaluation of program developments. The second annual report would be due December 31, 1977, three months after the end of fiscal year 1977.

Due to the various problems encountered in establishing the new child support enforcement program, the first annual report submitted to Congress on June 30, 1976, did not show a complete picture of the first year's total activities. The committee, therefore, has provided that a special supplemental report on fiscal year 1976 be provided by June 30, 1977, which will also include a report on the transitional quarter July 1 through September 30, 1976.

F. EXCEPTION TO THE DISTRIBUTION OF COLLECTIONS PROVISIONS RELATING TO CURRENT MONTH CHILD SUPPORT COLLECTIONS

(Section 6 of the bill)

The bill also includes a provision which would give the State of Georgia until the end of calendar year 1976 to straighten out a problem of interpretation that State has concerning the treatment of child support collections for purposes of reimbursement. It validates a letter of exception by HEW to Georgia dated January 22, 1976, and its scope is the same as authorized in that letter.

By Mr. KENNEDY (for himself and Mr. JAVITS):

S. 1124. A bill to amend the Foreign Assistance Act of 1961 to provide relief, rehabilitation, and reconstruction assistance to the people who have been victimized by the recent earthquake in Romania; to the Committee on Foreign Relations.

ROMANIAN EARTHQUAKE ASSISTANCE

Mr. KENNEDY. Mr. President, I am introducing today, for myself and the distinguished Senator from New York (Mr. JAVITS), a bill to provide $20 million in rehabilitation and reconstruction assistance for the earthquake victims in Romania.

Mr. President, the Congress is clearly on record in support of humanitarian assistance to Romania. On March 14, the Senate adopted Senate Concurrent Resolution 12, sponsored by Senator JAVITS and myself and additional cosponsors, which expresses the deep sympathy of all Americans to the people of Romania. The resolution also resolves:

That the United States should do all that is possible to assist the people of Romania in their hour of need following the terrible natural disaster which has just afflicted them . . .

On March 17, the House concurred in this resolution.

Mr. President, the relief phase of the internationally supported assistance effort in Romania is now ending. And reports suggest that there are adequate emergency supplies within the country to meet the daily needs of displaced persons and other victims of the earthquake. The United States has contributed some $500,000 in medicine and food supplies to help meet emergency needs, and we have also dispatched to the field a team of seismological experts to assist the Romanian Government in preparing its plans for rehabilitation and reconstruction.

The bill we are introducing today continues American assistance to Romania and gives additional substance to the resolution recently passed by Congress. The bill was drawn up in consultation with the Department of State and others, and provides tangible support for rebuilding efforts in the health field and other public sectors which touch the daily lives of the Romanian people.

Mr. President, given the urgent needs in Romania, we are hopeful that early action can be taken on this bill in the context of supplemental appropriations for the current fiscal year.

Additionally, we are hopeful that Congress and the administration will fully consider other kinds of assistance to Romania which may be appropriate to help its people overcome the human and social and economic hardships produced by the earthquake. Officials in the Department of State and the Agency for International Development have indicated to us that such assistance might include housing guarantee credits, low interest loans, and Public Law 480 commodities. If such assistance is provided by the United States and requires additional legislation, we are prepared to support its enactment.

For now, however, it is important that Congress and the administration move ahead on the bill we are introducing today.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Romania Earthquake Relief and Rehabilitation Act of 1977".

SEC. 2. Chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 495–. Romania Earthquake Relief and Rehabilitation.—(a) Notwithstanding any other provision of law, the President is authorized to provide assistance, on such terms and conditions as he may determine, for relief, rehabilitation, and reconstruction purposes among the people who have been victimized by the recent earthquake in Romania. There is authorized to be appropriated to the President to carry out the purposes of this section $20,000,000 for the fiscal year 1977, which amount is authorized to remain available until expended.

"(b) Notwithstanding any other provision of law, the amount authorized to be appropriated in subsection (a) of this section may be used only for the purposes specified in this section. The authority contained in section 610(a) of this Act may not be used to transfer funds made available under this section.".

By Mr. JAVITS (for himself and Mr. MOYNIHAN):

S. 1125. A bill to authorize the establishment of the Eleanor Roosevelt National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

ELEANOR ROOSEVELT NATIONAL HISTORIC SITE

Mr. JAVITS. Mr. President, I am introducing together with my distinguished colleague Senator MOYNIHAN a bill which would allow the National Park Service to designate the former home of Eleanor Roosevelt, Val-Kill, together with its adjoining lands and buildings which are located in the town of Hyde Park in New York State, as a national historic site.

Mrs. Roosevelt was an outstanding figure in American history and I believe it fitting to designate her estate as a site for the continuing study of the many humanitarian issues to which she devoted her life. The Val-Kill estate is located approximately a mile from the Hyde Park Estate which was established as a national historic site in 1945.

Congressman JONATHAN BINGHAM of New York is introducing the companion measure in the House today.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1125

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That in order to commemorate for the education, inspiration, and benefit of present and future generations the life and work of an outstanding woman in American history, Eleanor Roosevelt, to provide a site for continuing studies, lectures, seminars and other endeavors relating to the issues to which she devoted her considerable intellect and humanitarian concerns, and to conserve for public use and enjoyment in a manner compatible with the foregoing purposes an area of natural open space in an expanding urbanized environment, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to designate such lands, including the former home of Eleanor Roosevelt, Val-Kill, together with such appurtenant lands, buildings and other improvements thereon located in the Town of Hyde Park in the State of New York, as he deems appropriate, to establish the same as the Eleanor Roosevelt National Historic Site (hereinafter referred to as the "Site"), and to acquire such designated lands and interests therein by donation, purchase, exchange, condemnation or otherwise with donated funds, the acceptance of which for such purpose by the Secretary is hereby authorized, or with appropriated funds.

SEC. 2. (a) Except as otherwise provided in this Act, the Site shall be renovated, maintained and administered by the Secretary in accordance with the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

(b) The acquisition, renovation, administration and management of the Site and its conservation for public use and enjoyment shall be carried out by the Secretary and the studies, lectures, seminars and other endeavors relating to the issues to which Eleanor Roosevelt devoted her intellect and concern shall be carried out under cooperative agreements between the Secretary and qualified public or private entities. Such agreements shall contain provisions authorizing the Secretary or his designated representatives to enter upon the Site at all reasonable times for purposes of renovation, maintenance, administration, interpretation and visitor conduct, assuring that no changes or alterations are made to the Site inconsistent with its historic significance, and may include such other provisions assuring the conduct of studies, lectures, seminars and other endeavors as are mutually agreeable to the Secretary and the public or private entities responsible for conducting the same under such agreements.

SEC. 3. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. MOYNIHAN. Mr. President, I am happy to join with my distinguished colleague, Senator JAVITS, in cosponsoring legislation which will, at long last, create an appropriate memorial to Eleanor Roosevelt. Let us hope that the Eleanor Roosevelt National Historic Site in the State of New York and its ongoing activities will infuse into our civic and cultural life some of the power of mind and of spirit which Mrs. Roosevelt exemplified. I applaud Senator JAVITS and our colleagues in the House of Representatives for their leadership and imagination in taking this important step.

By Mr. ROTH:

S. 1126. A bill to amend and strengthen the Equal Educational Opportunity Act of 1974; to the Committee on Human Resources.

EQUAL EDUCATIONAL OPPORTUNITY ACT AMENDMENT

Mr. ROTH. Mr. President, I send to the desk a bill which amends title II of the Education Amendments of 1974 dealing with equal educational opportunities and the transportation of students.

In 1974, the Congress, pursuant to the powers granted to it by the Constitution of the United States, enacted a comprehensive law establishing appropriate guidelines for fashioning remedies to dismantle dual school systems. The act declared it to be the policy of the United States that all children enrolled in public schools are entitled to equal educational opportunities without regard to race, color, sex, or national origin and that the neighborhood is the appropriate basis for determining public school assignments. The act properly differentiates de jure from de facto situations and specifically provides that failure of an educational agency to obtain a balance on the basis of race, color, sex, or national origin of students among schools shall not constitute a denial of equal educational opportunity, or equal protection of the laws.

The polls indicate that the vast majority of Americans favor desegregation yet oppose busing. The act establishes a priority of remedies consistent with the will of the American people that busing be a remedy of last resort. That priority of remedies is as follows:

First. Assigning students to schools closest to their homes, taking into account school capacity and natural physical barriers.

Second. Assigning students to schools closest to their homes, considering only school capacity.

Third. Permitting students to transfer from a majority to a minority student concentration of their race, color, or national origin.

Fourth. Creation or revision of attendance zones or grade structure without requiring transportation beyond the school next closest to the students home.

Fifth. Construction of new schools.

Sixth. Closing of inferior schools.

Seventh. Any other plan which is educationally sound and administratively feasible which does not require transportation beyond the next closest school or across district lines.

In formulating a remedy for a denial of equal educational opportunity, the act requires the court to consider and make specific findings on the efficacy of these remedies and requires implementation of the first remedy or first combination thereof which would redress the denial.

Unfortunately, some Federal courts have determined that this act is not applicable to the U.S. Judiciary. In 1975, the U.S. Court of Appeals for the Sixth Circuit determined that title II of the Education Amendments of 1974 was not applicable to the Federal courts, because of certain language contained in section 203(b). *Brinkman* v. *Gilligan,* 518 F.2d 853 (6th Cir. 1975). The purpose of my bill is to make clear that it is the intent of Congress that the courts of the United States apply title II of the Education Amendments of 1974. My bill would strike from section 203(b) the so-called Scott-Mansfield language which gave rise to the confusion, and permitted the courts to avoid applying the act.

Additionally, my bill would add a new section which would require proof of discriminatory intent or purpose as an essential element to establish a violation of the fifth or fourteenth amendments to the Constitution. This section is completely consistent with the recent Supreme Court decisions in Washington against Davis and Village of Arlington Heights against Metropolitan Housing Development Corporation. In those decisions, the Supreme Court made it clear that official action will not be held unconstitutional solely because it results in a racially disproportionate impact. These decisions require proof of a racially discriminatory intent or purpose as essential to establish a violation of the Constitution. My bill makes this discriminatory intent or purpose requirement applicable to all remedial orders not finalized prior to enactment.

While admittedly this is already the law of the land, I believe it is imperative to incorporate this language so as to insure that this standard is universally applied by all courts. A case in point is the recent action taken by the Justice Department in the Indianapolis and Wilmington cases. The two cases are identical. In both instances the courts struck down State statutes without any finding of discriminatory intent. While the Justice Department did advance the critical issue of discriminatory intent in the Indianapolis case it failed to do so in the Wilmington case.

I urge my colleagues to join me in assuring this bill is passed. I believe this bill, if enacted into law, would be welcomed by Americans of all races as a step toward sanity in national education policy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(b) of the Equal Educational Opportunity Act of 1974 is amended by inserting a period after "dual school systems" and striking out the remainder of the sentence.

SEC. 2. (a) Section 213 of the Equal Educational Opportunity Act of 1974 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) Proof of discriminatory intent or purpose is essential to establish a violation of the fifth or fourteenth amendments to the Constitution of the United States.".

(b) The amendment made by subsection (a) of this section shall take effect with respect to any order of a court, department, or agency of the United States, which is made after the date of enactment of this Act or which is made prior to such date but is not final on such date.

By Mr. BENTSEN:

S. 1127. A bill to amend the definition of the term "lawful bridge" in "An act to provide for the alteration of certain bridges over navigable waters of the United States," approved June 21, 1940 (54 Stat. 497), as amended, for the purpose of clarifying such definition; to the Committee on Environment and Public Works.

NAVIGATION ON GREENS BAYOU

Mr. BENTSEN. Mr. President, today I am introducing a bill to clarify a provision of the Truman-Hobbs Act dealing with eligibility for funding under the act. The Truman-Hobbs Act authorizes funds for altering bridges which are ruled obstructions to navigation by the U.S. Coast Guard.

The need for this legislation stems from what I consider to be an unduly strict interpretation of the act by the Coast Guard. The decision issued last year denied funds to owners of a bridge across Greens Bayou near Houston, Tex., for purposes of raising the bridge and improving navigation on the bayou.

Mr. President, when this bridge was originally constructed under Department of War and Corps of Engineers permits in 1930, it had an elevation of 27.6 feet. The 27.6 foot clearance was maintained for 20 years; however, since that time land subsidence has reduced the clearance to only 19.5 feet. As a result, barges and tugboats which once cleared the bridge easily now sometimes collide with the bridge. An application for funding to raise the bridge was submitted to the Coast Guard. In rejecting the request, the Coast Guard cited the following section of the law:

. . . it shall not be lawful to deviate from such plans either before or after completion of construction unless the modification of said plans has previously been submitted and received the approval of the Chief of Engineers and the Secretary of the Army.

The Coast Guard concluded that the lowering of the bridge as a result of land subsidence constituted a "deviation from the plans" without prior approval and thus disqualified the application for funding.

Mr. President, if this problem had come about because of negligence on the part of the bridge's owners, I would not be offering this legislation today. There was not an intentional deviation from the original plans by the owners that would have been susceptible to prior approval by the appropriate Government officials. The problem arose, rather, as a result of land subsidence—a condition clearly beyond the control of the owners. Land subsidence, a matter of growing concern in the gulf coast area of my State, is an unfortunate and damaging side effect of ground water withdrawals by surrounding residents and industries. One industry in particular, Mr. President, that is a major beneficiary of the underground water reserves in the area is the petroleum refining industry. The many consumers across the country who purchase gasoline and other products refined by a channel refinery also benefit indirectly from the ground water withdrawals.

Mr. President, my legislation would clarify the definition to insure that bridges, which were lawful at the time of construction but have undergone modification through no action or fault of the owner or users, are eligible for alteration funding.

Mr. President, for the reasons outlined above, I feel that a request for funding by the Federal Government in this instance is a reasonable request and urge acceptance of my bill to remedy the overly restrictive interpretation by the Coast Guard.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. DOLE, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 8, a bill to amend the Watershed Protection and Flood Prevention Act.

S. 12

At the request of Mr. DOLE, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 12, a bill to extend the Rural Fire Community Protection Act.

S. 248

At the request of Mr. DOLE, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 248, a bill to establish a National Agricultural Research Policy Advisory Board.

S. 311

At the request of Mr. ROTH, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 311, a bill entitled "The College Tuition Tax Relief Act of 1977."

S. 317

At the request of Mr. MCGOVERN, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 317, a bill to provide service pensions for World War I veterans and their widows.

S. 380

At the request of Mr. DOLE, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 380, a bill to amend the Agricultural Trade Development and Assistance Act of 1954.

S. 497

At the request of Mr. DOLE, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 497, the Federal Crop Insurance Expansion Act of 1977.

S. 543

At the request of Mr. PELL, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 543, to amend title VII of the Social Security Act to provide that benefit checks shall be mailed for delivery on the day preceeding a Saturday, Sunday, or legal public holiday, and to amend section 3020 of title 38, United States Code, relating to the time of delivery of benefit checks paid under laws administered by the Veterans' Administration.

S. 687

At the request of Mr. MAGNUSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 687, the National Oil Pollution Liability and Compensation Act of 1977.

S. 752

At the request of Mr. MCGOVERN, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 752, a bill to foster and continue the family farm in the United States by providing young farmers with necessary assistance to purchase family farm units, and for other purposes.

S. 802

At the request of Mr. TOWER, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 802, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1976 to provide that States will be assured of receiving grants at a level equal to that which was received prior to the date of enactment of such amendments.

S. 803

At the request of Mr. HELMS, the Senator from North Carolina (Mr. MORGAN) and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 803, a bill to amend the Internal Revenue Code of 1954 to provide that certain liens for taxes shall not be valid unless actually entered and recorded in the office in which the lien is filed.

S. 985

At the request of Mr. HUMPHREY, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 985, to prohibit State and local law from permitting construction which interferes with sunlight necessary for solar energy equipment.

S. 991

At the request of Mr. RIBICOFF, the Senator from Iowa (Mr. CULVER) was added as a cosponsor of S. 991, a bill to establish a Department of Education, and for other purposes.

S. 1011

At the request of Mr. ROTH, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 1011, a bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation.

S. 1040

At the request of Mr. ROTH, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 1040, a bill to amend the Child Abuse Prevention and Treatment Act to prohibit the sexual exploitation of children and the transportation and dissemination of photographs or films depicting such exploitation.

S. 1050

At the request of Mr. RANDOLPH, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1050, to amend title 39 of the United States Code to extend the period during which there is a moratorium on the increase of any rates, the reduction in levels and types of postal services, and the closing of certain post offices.

SENATE RESOLUTION 120

At the request of Mr. HUMPHREY, the Senator from Nevada (Mr. GARN) was added as a cosponsor of Senate Resolution 120, relating to the ban on saccharin.

AMENDMENT NO. 146

At the request of Mr. STEVENSON, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of amendment No. 146, intended to be proposed to Senate Resolution 110, to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate, and for other purposes.

AMENDMENT NO. 147

At the request of Mr. WALLOP, the Senator from Wyoming (Mr. HANSEN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), the Senator from Oklahoma (Mr. BELLMON), the Senator from Mississippi (Mr. STENNIS), the Senator from Nebraska (Mr. CURTIS), the Senator from Indiana (Mr. LUGAR), and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 147, intended to be proposed to Senate Resolution 110, to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate, and for other purposes.

SENATE RESOLUTION 125—SUBMISSION OF A RESOLUTION DISAPPROVING ENERGY ACTION NUMBERED 11

(Referred to the Committee on Energy and Natural Resources.)

Mr. JACKSON (for himself, Mr. DURKIN, Mr. METCALF, Mr. ABOUREZK, and Mr. CHURCH) submitted the following resolution:

S. RES. 125

Resolved, That the Senate does not favor the energy action numbered 11 transmitted to the Congress on March 15, 1977.

AMENDMENTS SUBMITTED FOR PRINTING

CODE OF OFFICIAL CONDUCT—S. RES. 110

AMENDMENT NO. 154

(Ordered to be printed and to lie on the table.)

Mr. WALLOP submitted an amendment intended to be proposed to Senate Resolution 110, to establish a Code of Official Conduct for Members, officers, and employees of the U.S. Senate, and for other purposes.

Mr. WALLOP. Mr. President, I am introducing an amendment in the nature of a substitute to Senate Resolution 110, the Senate Code of Official Conduct. This amendment deals only with title I of Senate Resolution 110, and leaves title II and title III standing as proposed in Senate Resolution 110.

I do not doubt, and I do not think that any of my colleagues in the Senate doubt, that the Committee on Official Conduct worked long and hard on Senate Resolution 110. The committee is to be commended for its dedication and perseverance to a difficult and delicate task.

But as I have stated before, and I know that I am joined in my sentiments by several other Senators, that this code tackles the laudatory goal of ethical conduct in the U.S. Senate in the wrong way, for the wrong reasons, and potentially with the wrong results. We have, in our effort to placate the public, the press, and other perceived commitments, lost sight of the objective which should be our guiding light in this matter; that we need and should have a code of conduct for the U.S. Senate because it is right to do so, and because it is correct to aspire toward ethical conduct. We should not have a code of conduct for the mere sake of appearances, or because we are trying to satisfy anyone else.

Senate Resolution 110 does not approach the subject of ethics by encouraging us to aspire to do the right thing at all. It is rather a shopping list of don'ts, a litany of what Senators cannot do rather than a proclamation of what they should do. It reeks with suspicion, and implies that we do not have the moral fortitude to resist temptation, or the wits to recognize it. I think that it debases, rather than inspires, the Senate with its constant implication that Senators are not honest men who know right from wrong. This code leaves us no pride; it gives us no responsibility to decide right from wrong on the individual merits of the case; it negates the trust bestowed on us by our constituents, who demonstrated their belief in our ability to make decisions on their behalf when they elected us in the first place.

Furthermore, Senate Resolution 110, as we each know in our hearts, is in too much part a reaction to outside forces and pressures. It is a sad tribute to this body that we will allow moral elitists and public polls to prescribe our ethical behavior, rather than determining it ourselves. We have all heard of the Harris poll, the fact that the House has enacted similar measures of ethics, and talk of being committed to this code because Congress quietly voted themselves an inordinate pay raise. Bending to these pressures, we have come up with and will probably adopt a code that is arbitrary and in many instances unenforceable. It is a code loaded with figures that make it advantageous to stay in arbitrary brackets, chock full of loopholes and unenforceable terms that in the end confirm that ethics cannot be legislated by rules and figures. Senator MUSKIE was absolutely right when he said that this code sends a few easy prey to the wolves, for it does precisely that to ease consciences, and we should be ashamed.

This code moves the U.S. Senate one step closer to becoming a body of elected bureaucrats, paid and kept by the public, and I question the wisdom of that direction. The foundation of our system of government lies in the British Parliament, which through its two Houses purposely represented various components of the British society such as the clergy, the universities, and so forth. Are we citizen legislators, representing our constituents' interests through our own expertise and experience, or are we political eunuchs in the words of another Senator, separate and apart from the concerns we represent?

I think that there are too many problems with Senate Resolution 110 for us to continue to try to patch it up with piecemeal amendments. Rather, I propose that we adopt another code, with another approach, which inspires us towards high ethical standards of behavior. For this reason I submit an amendment in the nature of a substitute made up of seven canons of conduct. Such canons have long been used by both the judicial and legal professions, and have proved most successful. The Code of Judicial Conduct has existed since 1923, while the lawyers' Code of Professional Responsibility dates back to 1908. Both are enforced by the respective profession through boards of review as prescribed by each separate State. Both are composed of broad, inspirational canons, supplemented by accompanying rules and commentary.

The Code of Conduct I propose for the Senate would pattern itself after these models. In adopting these seven canons, we would immediately have a code of conduct that is inspirational and noble. As provided by my amendment, the canons would then go to the Ethics Committee for further consideration and elaboration through the creation of accompanying regulations. Such regulations would govern specific situations and infractions and, when adopted by the Senate, carry the full authority of the canons and be enforced likewise. I believe that adoption of such a code would enable the Ethics Committee to implement many of the very fine suggestions that have been made during the debate on Senate Resolution 110. I further believe that every provision in Senate Resolution 110 could conceivably be included in the canon format, through appropriate regulations, although I would hope that with this additional time the committee may wish to modify some of the proposed provisions. If adopted, the amendment would further instruct the Ethics Committee to report back to the Senate by resolution within 40 days with the proposed regulations for Senate approval.

Mr. President, when our Founding Fathers wrote our Constitution, they wrote a document which would last, and that document has withstood the tests of time. Likewise, a code of ethics must also be designed with the future in mind. What we have here is a capricious and cosmetic response to immediate pressures. What we have here is a document which is designed to appease the public of 1977, with no forethought to 1978, 1980, or beyond. Senate Resolution 110 as written is a sham, a debasement of all that I and many others have aspired to in public life, and you expect me to justify this and rationalize it to my family, my friends, and the people of Wyoming.

I entered public life proud to represent Wyoming, proud to be an American, and proud to have the confidence of those I represent. This resolution makes me question that pride and even that confidence. I cannot be proud of a resolution which casts suspicion upon all that

I have stood for. My amendment, equally strong on ethics, equally harsh on those who break the public confidence, approaches the same problems from what I believe is a more positive, more inspiring perspective. It is a document which will last beyond 1977.

I would urge my colleagues to support this effort.

Mr. President, I submit the amendment in the nature of a substitute, No. 154, which I will in all probability not call up. I wish, therefore, to have the amendment printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 154

On page 1, beginning with line 1, strike out all through page 40, line 7, and insert in lieu thereof the following:

"That this resolution may be cited as the 'Official Conduct Amendments of 1977'.

"TITLE I—CODE OF OFFICIAL CONDUCT

"SEC. 101. The Standing Rules of the Senate are amended—

"(1) by striking out rules XLI, XLII, XLIII, and XLIV; and

"(2) by renumbering rule XLV as rule XLI, and by adding after such rule the following new rule which shall be known as the 'Senate Code of Official Conduct':

'RULE XLII—CODE OF OFFICIAL CONDUCT

Canon 1

'A Senator, and an officer or employee of the Senate, shall uphold the integrity, dignity, and independence of the Senate.

Canon 2

'A Senator, and an officer or employee of the Senate, shall avoid professional impropriety and the appearance of professional impropriety in all activities.

Canon 3

'A Senator, and an officer or employee of the Senate, shall perform the duties of office impartially and diligently.

Canon 4

'A Senator, and an officer or employee of the Senate, shall not receive any compensation, nor permit any compensation to accrue to his beneficial interest from any source, the receipt or accrual of which would occur by virtue of influence improperly exerted from his position as a Senator, officer, or employee.

Canon 5

'A Senator, and an officer or employee of the Senate, shall annually file reports disclosing assets, debts, gifts, and income as required by the Select Committee on Ethics.

Canon 6

'A Senator, and an officer or employee of the Senate, shall recognize at all times that he is a servant of the people of this nation.

Canon 7

'A Senator, and an officer or employee of the Senate, shall avoid expenditures of public funds that are wasteful or designed to obtain political advantage.'

"SEC. 102. The Select Committee on Ethics shall report to the Senate by resolution specific regulations as to the application of each Canon of the Senate Code of Official Conduct. After adoption of such regulations by the Senate, such regulations shall carry full effect as part of such Code."

AMENDMENT NO. 155

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 156

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 157

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 158

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER RESOURCES

Mr. RANDOLPH. Mr. President, the Subcommittee on Water Resources of the Committee on Environment and Public Works has scheduled hearings on national water policy.

The jurisdiction of the Committee on Environment and Public Works has been expanded to include water resources policy. This encompasses water resources research, the desalination program, and activities of the Water Resources Council.

While the main focus of the hearings will be on the drought situation in the Western United States, considerable emphasis will be placed on current Federal water policy and the efficient use of water. The subcommittee seeks to establish short- and long-term solutions to the water supply problems of this country.

Testimony will be received from interested State witnesses, Federal agencies, and public witnesses. Hearings are scheduled in Washington on March 31 and April 18. Other hearings will be held on April 6 in San Francisco, Calif.; April 7 in Denver, Colo.; April 11 in Albuquerque, N. Mex.; April 12 in Roswell, N. Mex.; and April 14 in Boise, Idaho.

Members of the Senate and other interested parties wishing to testify or submit statements for the record should have their staff contact Ann Garrabrant, professional staff member, Subcommittee on Water Resources, on extension 48426.

SUBCOMMITTEE ON THE HANDICAPPED

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on the Handicapped, I announce that our subcommittee has scheduled oversight hearings on the Developmentally Disabled Assistance and Bill of Rights Act. The hearing will be held on Thursday, March 31, 1977 in room 6202 Dirksen Senate Office Building starting at 9:30 a.m.

Persons wishing to testify should contact Mrs. Patria Forsythe, staff director, 10–B Russell Senate Office Building, (202) 224–9075.

SUBCOMMITTEE ON LABOR

Mr. WILLIAMS. Mr. President, I wish to announce that the Labor Subcommittee of the Committee on Human Resources will hold an additional day of hearings on S. 717, the Federal Mine Safety and Health Amendments Act of 1977, on Friday, April 1, 1977, commencing at 10 a.m., in room 4232 of the Dirksen Senate Office Building. Any person seeking information or wishing to testify or submit a position for the record should contact Michael L. Goldberg of the Labor Subcommittee staff at room G–237, Dirksen Building, (202) 224–3674.

ADDITIONAL STATEMENTS

RELATIONS WITH CUBA

Mr. GARN. Mr. President, once again there is a push on to normalize relations with Cuba and reestablish full trade. With regard to the latter, I am aware that some American companies are unofficially studying potential trade agreements with Cuba—all the more avidly, perhaps, because of Fidel Castro's recent encouraging remarks during a television interview.

As I have often said, I am personally opposed to reestablishing either diplomatic ties or trade relations with Cuba unless a fundamental change takes place in the island. As I have pointed out, Fidel Castro apparently remains committed to fomenting communism around the world; within his own nation he is repressive toward the general citizenry and brutal in his treatment of political prisoners. For reasons of principle, if nothing else, I oppose making overtures to Castro.

There is another factor, moreover, which should discourage interest, specifically commercial interest, in the island: The increasingly apparent fact that from a financial point of view, Cuba is a risky undertaking.

Two articles have recently appeared on the subject which should be of interest to my colleagues, and of particular interest to the American business community. These totally unrelated articles deal with the problems which Canada and Japan, respectively, have had in their trade dealings with Cuba. The story is the same with regard to both countries: with the drop in sugar prices—and the corresponding decline in Cuba's purchasing power—specialized equipment ordered by Castro is gathering dust in Canadian and Japanese warehouses until some indefinite future date when Cuba can scrape together the money to pay for it.

In Japan some 200 companies are involved in this "$150 million pileup." In an effort to cut their losses, many of the smaller firms are now reconciled to absorbing the high storage costs, for fear that Castro will default totally. In Canada, where technical goods ordered by Cuba have been stored in Montreal warehouses since last April, it is expected the Government will have to guarantee loans to businesses facing trouble, because of assets tied up in Cuban orders. Corporations have found, moreover, that pressing Cuba for payment proves counterproductive. According to the article on Canada:

Companies complaining too much have been overlooked by Cuflet, the Cuban ship-

ping line making allocations and giving most of the instructions.

Mr. President, I want to empasize that these are just fragments of information which happened to come to my attention. I suspect that, far from being the whole story, they are only the tip of the iceberg, and that many of Cuba's trading partners are facing the same situation. It is understandable they would not want to publicize their problems; the situation must be highly embarrassing to them, if nothing else.

The question of reestablishing closer ties with Cuba must be considered very, very carefully, Mr. President, and full weight must be given to objective facts such as these.

For the present, I hope the sectors of the American business community advocating trade with Cuba will learn something from the experience of their counterparts abroad.

At this time, Mr. President, I ask unanimous consent that the articles I have discussed be printed in the RECORD. These are "Cuba in Trouble," from To the Point International, January 10, 1977, and a section from "Business Around the World," in U.S. News & World Report, February 21, 1977.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CUBA IN TROUBLE

Strong rumours that the Cuban economy is once again in trouble have been confirmed indirectly by Canadians doing business with Havana trading corporations. Not only has Cuba become a slow payer, but specialised industrial equipment ordered last year has been lodged in Montreal warehouses since April.

Companies are reluctant to disclose details for fear of retaliation, however, and the situation only came to light when a senior trade and commerce department official said it was "prepared to talk to any branch manager of a bank" who might be concerned about the affairs of loan customers trading with Cuba.

Canadian Export Association executive James Moore says that even he does not know the size of the backlog or extent of the financial problems, explaining that corporation executives are "reluctant to talk since they might fall further in the pecking order." Apparently Cuban officials have been selective when choosing ordered goods and authorising payment. Companies complaining too much have been overlooked by Cufiet, the Cuban shipping line making allocations and giving most of the instructions.

Since the situation is deteriorating rapidly, Ottawa probably will guarantee bank loans to businesses facing trouble because of assets tied up in Cuban orders. Prime Minister Pierre Trudeau had encouraged trade with Cuba.

Fidel Castro's main problem is the collapse of world sugar prices, now around 7½ cents a pound on international markets against a peak of 60 cents two years ago. Lacking foreign exchange, his modernisation programme has come to a grinding halt. Falling production could also add to the sugar problem. Last February Cubans gave a 98 per cent majority to a new constitution, which calls for nationalisation of all small farms still in private hands. Visitors report that the 200,000 owners became so disheartened that output slumped sharply.

Anti-Castro Cubans at the time predicted this would happen and that state control would cripple the economy, since small farm productivity is five to six times greater than that of the large government-run plantations. With sugar accounting for 80 per cent of Cuba's export earnings, any shortfall is a disaster.

Apart from price and production headaches, there is also an internal administrative crisis. Because Cubans resented their country being run solely from Havana, a stronger provincial government system is being created. However, the headaches and chaos stemming from this changeover are thought to be highly injurious to the economy.

The outlook for 1977 looks bleaker. Canadian business analysts feel that exports to Havana will be well below the $220 million booked for this year, solely because of Cuba's economic crisis.

BUSINESS AROUND THE WORLD

In Japan, worldly-wise merchants are in a tizzy over trade with Cuba.

What irks them: Havana's agents went on a buying spree, then got stuck with insufficient funds when sugar prices fell. Strapped by a weak payments position, the Cubans have delayed for months picking up their orders in Japan.

This has left thousands of tons of steel, factory parts, motor vehicles, textiles and electrical appliances choking warehouses in Nippon.

It is a 150-million-dollar pile-up. Tokyo's commercial experts want the Cubans to move the freight by March—and foot a rapidly mounting bill for storage costs, financing charges, other expenses the Japanese have had to pay.

Havana's idea: Ease the goods out gradually—and forget those extra fees.

Of some 200 Japanese firms in this snarl, most of the smaller ones have given in, perhaps fearing contract cancellations. But Mitsubishi Corporation has a huge textile plant to go, keeps angling for Cuba to take it—and pay up.

The tie-up is expected to slow action on other proposed sales by Japan to Cuba. These include a Mitsui & Company fertilizer unit, a Hino Motors bus and truck-assembly factory, a polyester-fiber plant and a sugar refinery.

SECRETARY OF STATE CYRUS VANCE'S VIEWS ON FOREIGN AID AS INTEGRAL TO OVERALL U.S. FOREIGN POLICY

Mr. HUMPHREY. Mr. President, yesterday Secretary of State Cyrus Vance testified before the Senate Foreign Relations Committee in support of the administration's foreign assistance requests.

As the Secretary noted in his opening remarks:

This is the fourth time in the short period since this Administration took office that I have come before Committees of the Congress to describe and support our foreign assistance requests. This is a measure of the importance we give to these programs in the larger scheme of our foreign policy.

The Secretary emphasized the importance of these programs not only to the social, economic, and technological development in poor countries, but also to the economic welfare of the American populace.

The Secretary pointed out:

The expansion of our own economy is linked to the growth of demand abroad. Foreign buyers take some 40 percent of our grains; they take an eighth of everything we produce. The developing countries are increasingly vital markets for our induustries and firms. Over a third of our trade is with these countries; that amounts to more than our trade with the European Community. Our raw materials come more and more from foreign sources, especially from those developing countries we are now encouraging.

This is a very significant point, as I noted in hearings later that day before my Foreign Assistance Subcommittee. By virtue of the fact that the United States, with only 6 percent of the world's population, consumes 40 percent of the world's resources, we are highly dependent upon the global community for our own economic viability. We cannot ignore what happens in other parts of the world, least of all in the developing nations.

The President has called for a major expansion of our contributions to both bilateral and multilateral development efforts. As the Secretary pointed out, there is a growing economic crisis in the developing countries which began with the quadrupling of energy prices in 1974 which more than offset all assistance the developing countries received, and in 1975 their exports fell by almost $5 billion—the biggest drop in the postwar period.

In noting that the North-South dialog offers unprecedented opportunities for cooperation between the rich and poor regions of the world, Secretary Vance observed:

We must keep in mind the importance of the political as well as economic stakes in achieving this progress. This is obvious in terms of our bilateral relations. Additionally, the developing nations are more likely to cooperate with us in addressing such longer term global issues as halting the spread of nuclear weapons or protecting the environment if they are confident of our cooperation in addressing their economic difficulties.

The Secretary also called attention to two major foreign assistance initiatives being undertaken this year by the President:

The International Development Association now faces its fifth capital replenishment—a call to both the industrialized countries and the newly rich oil producers to address jointly the problems faced by the poorest countries. This is also the initial year of a multilateral long-term program to help develop the Sahelian region of Africa, which has been devastated by drought, but which now shows promise of recovery.

I might add the Sahelian program is a unique effort in development. It is a multidonor effort aimed at bringing the best expertise and technical assistance available in the donor community to bear in a coordinated manner on agricultural productivity of the region. Our experiences could serve as a basis for future development efforts, whose success will depend upon coordination rather than duplication. I will have more to say about this program at a later date.

The Secretary also pointed out that the administration proposes a total foreign assistance package of $7.2 billion in fiscal year 1978, an increase of nearly $1.7 billion over 1977.

However, the Secretary properly explained that the bulk of that increase—a billion dollars—resulted from a procedural change at the request of the Congress.

This procedural change is the requirement that the callable capital of the international financial institutions will now

be fully appropriated. In the past the callable capital was always authorized but not appropriated. I might also point out that none of the callable capital in the international financial institutions has ever been called.

In addition, our replenishments to the international financial institutions are multiyear authorizations which will be appropriated over an extended period of time. Thus, in light of these two factors, the outlays the Congress will be expected to make in fiscal year 1978 will be considerably less than the authorization requests.

The Secretary also emphasized the importance the administration attached to the bilateral aid program:

These bilateral programs are designed to address the basic human problems of food and agriculture, population and health and education and human resources development in the world's poor countries. These programs are the most direct way to put American skills and resources to work improving the human condition around the world, and spurring economic development.

The Secretary underscored that the bilateral programs complement the multilateral assistance programs and serve the same broad purpose:

These institutions are mechanisms for sharing the aid burden. Donors contribute according to their ability to provide aid; the share of the United States has actually declined over the years. For instance, our share of the initial subscription in the International Development Association was almost 42 percent. In the proposed fifth replenishment, it will be less than 32 percent.

I might also add that IDA was an initiative of the U.S. Congress. Its sole purpose was to establish a mechanism for burden-sharing in development efforts among the world's rich nations. As the Secretary pointed out—we have succeeded in this purpose.

I also agree that these institutions are valuable for the economic discipline they impose upon the recipient countries:

When developing countries borrow from the international financial institutions, they are expected to adopt sound economic policies, to provide significant amounts of their own resources towards the common goal, and to accept the discipline imposed by obligations to repay their loans.

Mr. President, I believe the Secretary's testimony before our committee yesterday was an effective and articulate expression of the administration's initiatives and concerns in the area of bilateral and multilateral foreign assistance. I commend the administration for its concern and sensitivity and will do all I can to see that these programs are supported by Congress.

Mr. President, I ask unanimous consent that the Secretary's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE CYRUS R. VANCE

Mr. Chairman, members of the Committee. This is the fourth time in the short period since this Administration took office that I have come before committees of the Congress to describe and support our foreign assistance requests. That is a measure of the importance we give to these programs in the larger scheme of our foreign policy.

In their diversity, our foreign assistance efforts meet a variety of American foreign policy objectives. But a unity and common purpose binds them together. The components of the program amount to a humanitarian investment in the social, economic, and technological development of poor countries. The result will be an expanding world economy with benefits for people of all countries—our own included.

It should be clear to us all that the way American workers and consumers live—our standards of living—depend in large part on supplies of food, energy and raw materials from the developing world—from countries we are helping to move ahead on their own courses of economic development. Furthermore, the expansion of our own economy is linked to the growth of demand abroad. Foreign buyers take some 40 percent of our grains; they take an eighth of everything we produce. The developing countries are increasingly vital markets for our industries and firms. Over a third of our trade is with these countries; that amounts to more than our trade with the European Community. Our raw materials come more and more from foreign sources, especially from those developing countries we are now encouraging.

We are investing in the cause of peace, as well, when our aid becomes part of an effort to resolve old—and potential—regional disputes. Our selective military and related security assistance programs can enable our friends and allies to expend less of their national energies on insuring their own security, and to concentrate instead on their own economic and social development.

We are investing through all aspects of our programs—bilateral assistance, multilateral assistance, security assistance—in a world that offers hope of decent lives and worthy goals to people whose common lot is privation and hunger. The danger of failing to address to legitimate aspirations of the developing world would be frustration in the poorer countries that could take violent forms. Terrorism and confrontational economic demands are symptoms of such malaise.

Support for economic development has become particularly necessary in the face of escalating energy costs and the effects of world recession. In 1974 the effect of quadrupled energy prices more than offset all assistance the developing countries received; and in 1975 their exports fell by almost $5 billion—the biggest drop in the postwar period.

At the same time, what is called "the North-South" dialogue offers unprecedented opportunities for cooperation between the rich and poor regions of the world. Dedication of our joint efforts now to an effective economic development strategy is essnetial to its progress. We must keep in mind the importance of the political as well as economic stakes in achieving this progress. This is obvious in terms of our bilateral relations. Additionally, the developing nations are more likely to cooperate with us in addressing such longer term, global issues as halting the spread of nuclear weapons or protecting the environment if they are confident of our cooperation in addressing their economic difficulties.

This may be a pivotal year. Particularly great opportunities bring with them greater demands on both our resources and the wisdom of our diplomacy.

The International Development Association now faces its fifth capital replenishment—a call to both the industrialized countries and the newly rich oil producers to address jointly the problems faced by the poorest countries. This is also the initial year of a multilateral long-term program to help develop the Sahelian region of Africa, which has been devastated by drought, but which now shows promise of recovery.

Private banks have helped the developing countries bridge their financial gaps during recent economic hard times, but at higher cost than most of these countries can sustain. A substantial increase in governmental and multilateral financing is necessary to sustain their development efforts and their access to private credit.

As this committee was early to see, the best way to judge our assistance efforts is by their effectiveness in meeting basic human needs. You were instrumental in charting "new directions" in bilateral foreign assistance. The Carter Administration concurs with them wholeheartedly. "New directions" call for greater emphasis on delivering aid directly to the poor people of the world. Similarly we are called upon to concern ourselves with the status of human rights in the countries we aid. We seek to meet both of these goals, fully mindful of the problems of implementation. How, for instance, are we to proceed in a case where our commitment to development and economic human rights may come into conflict with our commitment to principles of individual justice? No pat formula can resolve such a dilemma. We believe we can best deal with these questions on a case by-case, country-by-country basis, always applying the same set of general criteria. We hope that our example may influence other donors to multilateral aid organizations to adopt the pragmatic principles of "new directions". Meanwhile, we can and will strive for the most effective day-to-day administration of our assistance programs. We will judge our programs by their results, and not just in terms of this year's or next year's funding levels.

To do our part in responding to the needs of the world's poor and to meet new opportunities for development, we propose for Fiscal Year 1978 a total foreign assistance package of 7 billion 271 million dollars, an increase of one billion 670 million over 1977.

The bulk of that increase—a billion dollars, in fact—results from a procedural change. At the request of the Congress, we are in FY 1978 seeking appropriations for the callable capital of the international financial institutions, which in the immediate past was *authorized* but not appropriated. But as you know, none of the callable capital has ever been called, and the appropriations will probably never be spent. The remaining 670 million represents:

First, restoration of reductions made by the previous Administration in its request for security supporting assistance for the Middle East.

Second, substantial increases in our contributions to multilateral institutions.

And third, moderate increases in our bilateral development assistance program.

I submit a table for the record which outlines our budget request. We will be happy to provide more detail later if you wish. Now let me explain how the pieces of our aid proposals fit together, and why we believe each of them is important.

FOREIGN AID ITEMS INCLUDED IN FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION ACT,[1] NEW BUDGET AUTHORITY

[In millions of dollars; fiscal years]

	1976 actual	1977 estimate	1978 Ford budget	1978 Proposed amendments	1978 Carter budget
International affairs function	4,023	4,616	5,348	950	6,298
Multilateral	1,098	1,529	2,211	+661	2,872
International financial institutions	696	1,285	1,985	+631	2,616
International organizations and programs	202	244	226	+30	256
International Fund for Agriculture Development	200				
Bilateral—AID	2,761	2,895	2,840	+427	3,267
Security supporting assistance	1,690	1,735	1,459	+428	1,887
Middle East special req. fund	50	23	25		25
Development assistance	1,021	1,137	1,356	−1	1,355
Other bilateral	164	192	297	−138	159
Peace Corps	81	81	68	+7	75
Migration and refugee assistance	46	47	40	+5	45
International narcotics control	37	34	39		39
Inter-American Foundation					
Israel-United States binational industrial research and development fund		30			
Overseas Private Investment Corp			150	−150	
National defense function:					
Military assistance	1,313	985	976	−3	973
Grant military assistance	225	262	230		230
Foreign military training	23	25	36	−1	35
Foreign military credit sales	1,065	698	710	−2	708
Total, foreign assistance appropriation	5,336	5,601	6,324	+947	7,271

[1] Excludes loan to Portugal and other items not considered "Foreign Aid."

BILATERAL DEVELOPMENT ASSISTANCE

While proposed increases in our bilateral development assistance programs are not so large as those for multilateral institutions, we believe that our bilateral programs are no less important an element in our general aid strategy. These bilateral programs are designed to address the basic human problems of food and agriculture, population and health and education and human resources development in the world's poor countries. These programs are the most direct way to put American skills and resources to work improving the human condition around the world, and spurring economic development. In concert with the recipient countries, we are seeking to promote growth with equity, and sound development policies. This is the core of the "new directions" approach. This effort is complemented by our bilateral food aid programs, which also are aimed primarily at poor countries.

MULTILATERAL ASSISTANCE

Our multilateral assistance programs through the international financial institutions complement the bilateral programs and serve the same broad purpose: to promote economic and social progress in the developing world. These institutions are mechanisms for sharing the aid burden. Donors contribute according to their ability to provide aid; the share of the United States has actually declined over the years. For instance, our share of the initial subscription in the International Development Association was almost 42 percent. In the proposed fifth replenishment, it will be less than 32 percent. Thus other nations are providing a steadily increasing share of the capital requirements of these banks.

These institutions also reinforce the concept of mutual responsibilities on the part of both developed and developing countries. When developing countries borrow from the international financial institutions, they are expected to adopt sound economic policies, to provide significant amounts of their own resources towards the common goal, and to accept the discipline imposed by obligations to repay their loans.

The financial structure of these institutions serves the purpose of development well. They borrow funds in capital markets to finance their "hard" lending operations at commercial rates. This capital is an important source of growth for middle-income developing countries that can service debt on commercial terms. These countries receive little U.S. capital assistance. The capital funds borrowed far exceed the capital contributed by donor members and are secured by pledges of callable capital. This year, as stated, we are for the first time seeking appropriations for this callable capital; these appropriations are unlikely to result in any budget outlays. For their "soft" loan operations to the poorest countries unable to borrow at commercial rates, these institutions rely on donor contributions.

Our leadership and influence in these institutions comes as a result of our sizeable contributions and the system of weighted voting linked to those contributions. Although our measure of control over the policies of the international financial institutions is less than over our own bilateral programs, this diminution of control is more than offset by the burden-sharing advantages that come with the participation of other major donors in these multilateral programs.

We will remain vigilant in encouraging these institutions to maintain their own financial soundness, and to invest their resources well.

We also want to expand our support of the UN Development program, and of the assistance given by the UN specialized agencies.

SECURITY SUPPORTING ASSISTANCE AND MILITARY ASSISTANCE

Our security supporting assistance is a vitally important part of our diplomatic efforts to achieve a just and lasting peace in the Middle East, and to provide the means to support a peaceful settlement in southern Africa.

Our Security Supporting Assistance request for Africa of $135 million includes these elements:

$100 million as our share in an international Zimbabwe Development Fund, to promote Zimbabwe's peaceful transition to majority rule. Its purposes would be rapid restructuring of the economy and of government services to provide more training, education, and economic opportunities for blacks, and the maintenance of confidence among skilled whites to encourage them not to abandon their jobs and homes. Our goal is to prevent a collapse of the Zimbabwe economy.

As part of our planning, we have consulted extensively with the British. We have solicited the views and support of 18 other potential donors. Initial responses have been encouraging.

Congressional support for this multilateral effort to promote economic development benefiting all segments of the Zimbabwe population could be a crucial factor in encouraging a negotiated political settlement. Its presence in this budget would be helpful in persuading other donors to contribute. We would, of course, consult closely with you as the outlines of the programs to be supported by this fund take shape, prior to any commitment of specific amounts.

We also seek $35 million for current development programs in Botswana, Lesotho, Swaziland and Zaire. These countries figure significantly in the political evolution underway in southern Africa. For this reason, these programs have been included under Security Supporting Assistance.

The United States has played a major role in efforts to achieve a peaceful transition to majority rule in southern Africa. It is critically important that this effort be reinforced by economic actions to promote political and economic stability, and to demonstrate that the U.S. can be counted upon to cooperate in a constructive manner. This aid program, therefore, is directly linked to our broader foreign policy objectives.

MILITARY ASSISTANCE

Our military security assistance programs enable friendly and allied countries to meet their basic security requirements, and thus add to our own security as well.

We consider the funds we are requesting essential to reassure our friends and allies of our reliability and consistency in their support.

In his address to the United Nations on March 17, President Carter spoke of the need for "a wider effort to reduce the flow of weapons to all the troubled spots of the globe." He promised American initiatives to limit the exports of conventional arms. The Administration has in fact embarked upon a thorough reexamination of our arms transfer policies.

We have already begun to make important changes in both our security assistance programs and our sales activities.

In support of the President's initiative, we have indicated to other supplier nations our intention to exercise restraint in exports and our hope that they will do so as well. We have also made clear to prospective buyers our hope that they will exercise their own restraint in turn.

We are taking steps to require arms manufacturers to seek State Department approval before they approach foreign governments about prospective sales. It is not our intention to restrict legitimate business activity. But we do have a responsibility to ensure that the sales promotion activities of private American firms in the sensitive area of arms and instruments of war do not conflict with our national security interests and foreign policy objectives.

Finally, we will provide the Congress with a statement justifying every Foreign Military Sales proposal. These justifications will provide you with the basis for the Administration's decision to approve the sale. We are now completing our review of pending sales cases.

It may well be that the review of arms transfer policies which we are conducting and our consultations with you will reveal the need for changes in existing legislation. In the meantime, I believe it would be imprudent to try to change parts of our evolving military assistance effort, and thus to threaten disruptive changes which could put heavy and unexpected burdens on our friends and allies.

CONCLUSION

I have welcomed this opportunity to present our foreign assistance programs. We believe they are coherent in concept and represent a justifiable level of effort.

HUMAN RIGHTS

Mr. CASE. Mr. President, there have been a number of expressions of concern for the cause of human rights in recent weeks, months, and years, but I would like to call to the attention of my colleagues an observation made recently.

We believe that a government that resorts to coercion and force against its own citizens demonstrates both its own weakness and its contempt for human integrity.

These words are from petitions signed by scores of persons attending an interfaith brotherhood meeting held last month by the Sanford Heights Presbyterian Church, Irvington, N.J., and the Beth David Jewish Center, of Newark, N.J.

The petitions to Soviet Party Leader Leonid Brezhnev and to the Soviet Ambassador to Washington, Anatoly Dobrynin, remind the Soviets of the human rights provisions of the U.N. charter and the 1975 Helsinski accord. The petitions, recently delivered to me in the form of two scrolls, also are an illustration of the concern Americans feel for the rights of individuals..

I ask unanimous consent that the text of the identical petitions be printed in the RECORD.

There being no objection, the petitions were ordered to be printed in the RECORD, as follows:

PETITION

FEBRUARY 15, 1977.

To: Leonid Brezhnev, First Secretary, CPSU.
To: Anatoly Dobrynin, Ambassador to the United States.

We, Christians and Jews, gathered tonight as friends and neighbors, are deeply grateful for the blessings of brotherhood, freedom and justice which we enjoy as a matter of right in our community and nation.

We assemble here to make known our profound anguish and concern about the Soviet Union's continuing denial of human rights of our coreligionists and other deprived groups and nationalities.

We believe that a government that resorts to coercion and force against its citizens demonstrates both its own weakness and its contempt for human integrity.

Therefore, we speak to you, a distinguished leader of the Soviet Union: respect the human rights provisions of the U.N. Charter—give your citizens their right to leave for countries of their choice, a right which is theirs under the U.N. Declaration of Human Rights; implement now those provisions of the Helsinki Agreement concerning freedom of thought, conscience, religion and belief as well as the right of people to emigrate.

NUCLEAR PROLIFERATION

Mr. RIBICOFF. Mr. President, I would like to call the attention of the Senate to an outstanding article on nuclear proliferation in the April issue of the Atlantic Monthly. The work is entitled "The Terrifying Prospect: Atomic Bombs Everywhere." The author is Prof. Daniel Yergin of the Harvard Business School.

The article deserves special attention for three reasons. It offers an excellent perspective on the history of the nuclear age from Hiroshima to the present. It explains in layman terms the scientific groundwork to understand the nuclear fuel cycle. But most importantly Prof. Yergin looks into the future and offers a warning of the dangers of nuclear proliferation. It is a sobering look which he calls the "terrifying prospect."

I am pleased that Professor Yergin has been startlingly frank yet constructive in offering suggestions for American policy. He suggests goals for nonproliferation, incentives for countries to avoid nuclear weapons capability, restrictions on uranium enrichment, restraint on the use of plutonium in reactors. and constructive commercial policies. Many of the goals will be considered tough and hard to accept. Yet they are realistic alternatives to unacceptable prospects.

Mr. President, Professor Yergin and editor Robert Manning of the Atlantic Monthly are to be commended for this piece of work. I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD. as follows:

THE TERRIFYING PROSPECT: ATOMIC BOMBS EVERYWHERE

In an automobile accident there is the long moment before impact when you see the other vehicle coming toward you, and you realize that a collision is imminent, and yet you cannot believe that it is going to happen. At last, you hear the sound of colliding metal, and you know that it is too late.

The people of the world are at such a moment, on course for a nuclear collision. The question is whether it is already too late to change direction. Nuclear warfare has been a possibility for more than three decades. But suddenly the threat has intensified—not because of political instability, but simply because of the prospect of widespread proliferation of nuclear armaments. It is not too much to say that we are entering the Second Nuclear Age—the age of proliferation.

While many countries use nuclear energy as a source of power, there are only six "nuclear weapon states" today—the United States, the Soviet Union, Britain, China, France, and India. But recent technical, economic, and political changes have brought nuclear weapons within easy reach of many others. Israel seems very close to a nuclear weapons capability though it feels safer being secretive on the subject. A host of other countries could soon qualify for admission to what newspapers call "the nuclear club"—countries such as South Korea, Iran, Pakistan, South Africa, Brazil, Argentina, Taiwan, and Spain. Turkey's defense minister has publicly discussed his country's developing nuclear weapons and the Yugoslav Communist party newspaper not long ago suggested that some atomic bombs would contribute to that nation's security. A number of Arab countries are exploring ways to obtain nuclear weapons. Libya's president has said that in the future "atomic weapons will be like traditional ones, possessed by every state according to its potential. We will have our share of this new weapon." So eager is Libya that a few years ago it actually went shopping for a bomb. Both France and China are reported to have refused to sell.

In the First Nuclear Age, a country that wanted a bomb had to mount an expensive, complex program. In the Second Nuclear Age, a country acquires the capability to produce a nuclear weapon with relative ease—as a by-product of developing nuclear power. According to present plans, some forty countries will have nuclear energy programs by 1985. Each program would produce enough nuclear material for three or more bombs. Most of them would have enough material for thirty or more bombs.

Looking to 1990, projections indicate that reactors in the Third World alone could be producing enough nuclear material for 3000 Hiroshima-sized bombs a year. In such circumstances, so-called "subnational" groups—terrorists—could take as hostages not planes but a reactor, or even an atomic bomb, or nuclear waste products, and then their terror would reach to an entire city or even a nation. The problem gets worse year by year In 1995, up to a hundred nations could have the knowledge, facilities, and raw materials that, with a little extra effort, would enable them to manufacture a bomb.

David Lilienthal is now seventy-seven years old. His experience with nuclear energy goes back almost to its beginnings. In 1946, he helped to draft America's first plan to control nuclear weapons and became the first chairman of the Atomic Energy Commission. He once shared the dream that the atom could bring good as well as bad into the world. But he now looks with something akin to horror at what is happening. He recently described the proliferated world as "the terrifying prospect for the young men and women who are looking forward to a future."

"I am glad," he added, "I am not a young man, and I am sorry for my children."

HOW WE GOT TO WHERE WE ARE

There were just three nuclear devices in the summer of 1945. The first, called "Trinity", was detonated in the New Mexico desert in July, proving that an atomic bomb would work. It was quickly followed by "Little Boy" over Hiroshima and "Fat Man" over Nagasaki. The American atomic arsenal was depleted, but it did not matter, for it had brought an end to the war with Japan. The First Nuclear Age had begun.

In 1945 there was still only one nuclear weapon state, the United States, which went on producing bombs. Right from the beginning, two questions dominated all considerations. Who else would develop a bomb? And when? American leaders tried to find a way to keep the fearful new invention under surveillance. By the end of 1946, it was clear that the United States and the Soviet Union would not be able to agree on an international control system.

President Truman confidently pronounced the American monopoly a "sacred trust." Most U.S. leaders assumed that it would take the Russians many years to achieve their own capability. (A number of scientists did not agree.) The illusion was shattered in early September 1949, when it was learned that the Russians had successfully detonated an atomic device in Siberia in late August. So then there were two nuclear powers, and a process of mutual deterrence was begun.

The British felt they had been deprived of

the payoff for their wartime collaboration on atomic developments with the United States. They could hardly be a Great Power without nuclear weapons. (The British chiefs of staffs had privately warned: "To have no share in what is recognized as the main deterrent in the Cold War and the only Allied offensive in a world war would seriously weaken British influence.") So on October 3, 1952, they tested a bomb on the Monte Bello islands off Australia. Now there were three atomic weapon states.

The French, especially under De Gaulle, also wanted to maintain the Great Power status, and they were not going to depend on the "Anglo-Saxons." They exploded their bomb in the Sahara on February 13, 1960. "Hurrah for France!" De Gaulle telegraphed the French minister in charge. Now there were four nuclear weapon states.

Between 1955 and 1959, the Soviets provided their Chinese comrades with nuclear know-how. In 1959, as the Sino-Soviet rift developed, the Russians withdrew their assistance, but it was too late. "Whether or not nuclear weapons help peace depends on who possesses them," the Chinese announced in 1963. And on October 16, 1964, the Chinese exploded their first nuclear weapon in the Takla Makan desert in the province of Sinkiang.

There were now five nuclear weapon states. They continued to test atomic and hydrogen bombs, to perfect them, and to increase their number. They developed stockpiles, as well as the planes and missiles required to deliver the bombs from the country of manufacture to their targets. But no new players joined the game. In the possession of nuclear weapons by these five, there seemed a kind of stability, a mutual deterrence. There was even something symmetrical and fitting about it, for the five were the Great Powers. Attention shifted to such issues as limited war, guerrillas, regional conflicts, nationalism, while proliferation and nuclear dangers receded as subjects of concern. That situation lasted for almost a decade after China's first explosion, that is, until May 18, 1974.

THE SECOND NUCLEAR AGE

On that day, shortly after nine in the morning, the Indian foreign minister received a phone message: "The Buddha is smiling." An hour or so earlier, in an underground site in the Rajasthan desert, a hundred miles from the Pakistan border, the Indian Atomic Energy Commission had set off a nuclear device. It was officially announced to the world as a "peaceful nuclear explosive experiment." But there is no discernible difference between a "peaceful nuclear explosion" and the detonation of a prototype for an atomic bomb. Indeed, no satisfactory peaceful use has yet been found for nuclear explosions. India had become, in the words of an official in the U.S. Arms Control and Disarmament Agency, "a fourth-rate nuclear power." The Indian device was similar in design and power to the Nagasaki bomb, and, while lacking a large arsenal or sophisticated delivery systems, India is certainly more advanced than the United States was after Hiroshima and Nagasaki.

Mrs. Gandhi congratulated her scientists: "They worked hard and have done a good, clean job." The Indian newspapers headlined, "Nation is Thrilled" and "Indian Genius Triumphs." Canada, which had shared its technology with India, expressed shock that a country with so many economic problems, and in the face of assurances it had given Canada, would divert precious resources in order to develop nuclear weapons. The Indians said they had not violated any assurances because they had used uranium mined in India to make the explosive. Canada suspended and then canceled its $100 million a year assistance program with India.

The Indian test in the Rajasthan desert ushered in the Second Nuclear Age. It dramatized the fact that we could soon be living in the midst of what has been called "a nuclear weapons crowd." As the director of the Indian Institute for Defense Studies reminded the rest of the world, "The nuclear powers thought they could simply lock up technology. It was absurd."

Powerful forces have promoted the spread of nuclear technology. To make sense of them, we need first to back up several months from the Indian explosion to the "October Revolution" effected by the OPEC oil cartel in the autumn of 1973. The October Revolution revealed several dangers to most industrial and developing countries. These countries were highly vulnerable for they were dependent primarily on a small number of Middle Eastern producers for their supplies. The price hikes delivered a stunning blow to their economies, and many people became convinced that the world will run out of oil within a few decades.

Fortunately, or so it seemed at the time, a "deus ex technologica" was standing in the wings to rescue the world from dependence on OPEC oil—nuclear power. "With the increase in the world of both population and industrialization, we will have no choice for the years after 2000 but to accept nuclear energy," observed a senior official concerned with energy for the European Community in the autumn of 1975. "Everybody is convinced that after 1980 nuclear energy will develop very quickly."

But as the renewed drive for nuclear power took shape, relatively few people were willing to face up to a most alarming fact—that when a country develops a nuclear capability, it is much of the way toward developing a nuclear device. "A great many countries," the strategic Albert Wohlstetter of the University of Chicago has pointed out, "as a result of their civilian nuclear energy programs and the policies of nuclear exporters, can come within days or hours of assembling nuclear explosives without plainly breaking any of their promises to abstain from making or receiving them."

"There are not two atoms, one peaceful and one military," he said. "They are the same atom."

THE PLUTONIUM ECONOMY

The central problem is the "nuclear fuel cycle." This term suggests something pleasing, fulfilling, natural. It is not natural, for it involves tampering with natural uranium to create a new form of uranium as well as a number of elements that do not exist in nature and are very dangerous.

The cycle has, depending on how detailed one gets, between seven and eleven steps. The first several involve the mining of uranium and its preparation for the reactor. Then comes its actual use as fuel. The last steps involve the storage and disposition of the nuclear waste—that is, the leftovers after the uranium has done its job.

Two points in this fuel cycle intersect with the manufacture of an atomic bomb. Both stages produce what is variously known as fissionable or "fissile" material, which could be used as an explosive rather than a source of nuclear power.

As it is mined, uranium is not quite suited for nuclear reactors. It consists mostly of the stable U–238, with typically a .7 percent concentration of the isotope U–235. It needs to be "enriched" to about 3 percent U–235 in order to sustain a controlled chain reaction in the type of reactor developed in the United States. A nation that has enrichment facilities can go ahead and enrich the uranium to a concentration of U–235 much higher than 3 percent. Then it is in a state suitable for use as the explosive core of an atomic bomb. Highly enriched uranium was the material used in the Hiroshima bomb.

Further along in the fuel cycle, at what is called the "back end," after the enriched uranium has been consumed, there is the nuclear waste or ash, containing many different radioactive and toxic materials. Some of these wastes can be "chemically separated" and used again as fuel in the reactor. The two principal materials so recoverable are uranium and plutonium, a man-made element. Plutonium was the substance of the Trinity and Nagasaki bombs.

The most intense concern today focuses on the plutonium at the back end. Uranium enrichment is a costly, complex process. While it is not easy to extract the plutonium from the other wastes, it can be done through what is now the rather standard and less costly process of chemical separation. So even nations dependent on outside sources of enriched uranium can use it to produce their own plutonium.

Plutonium is the nub of the proliferation problem today. It has two uses. It can be separated for use as a fuel in a reactor, and there are those who think such plutonium will become a major nuclear fuel in the future. (Currently, reprocessing for this purpose is being carried out only on a small-scale developmental basis in Europe and the United States. No one has yet found this procedure economical.) But plutonium can also be used as one of the two basic materials for an atomic bomb.

The important point is that no country need decide that it specifically *wants* to accumulate stocks of plutonium. In buying a reactor from country Y, country X does not have to make a conscious decision to acquire nuclear weapons. The thought can be a mere haze, neither analyzed by planners in the foreign ministry nor costed by the economists in the budget office. The opportunity is simply handed over with the keys to the reactor, All that needs to be done is to start up the reactor, and plutonium becomes one of the country's resources. The plutonium used in the core of the Indian bomb was chemically separated from the radioactive exhaust materials produced in reactors outside Bombay.

A good-sized but still standard reactor could produce 200 kilograms of plutonium a year, while a crude implosion bomb requires a mere ten kilograms of plutonium. It is the contrast between these two numbers that causes so much alarm. For they indicate that a satisfactorily operating atomic reactor would produce enough material for the explosive core of a bomb every two or three weeks. And in The Last Chance, his new book on proliferation, William Epstein suggests that a plant for separating plutonium for the purpose of making a bomb could be constructed for as little as $3 million. If current plans and developments for nuclear power go ahead, there will be such a plutonium glut—as a source of fuel, in international trade, and in waste products—that people have begun to speak of the dangers of a widespread "plutonium economy." Plutonium will become extravagantly widespread if the breeder reactor comes into use.

"The real problem of proliferation today is not that there are numerous countries 'chomping at the bit' to get nuclear weapons," Albert Wohlstetter noted. "But rather that all the non-nuclear nations, without making any conscious decision to build nuclear weapons, are drifting upward to higher categories of competence."

Of course, a nation that has neither enrichment nor reprocessing facilities would find it very difficult to do anything with its fissile material except use it as a source of power. Therefore, much of the thinking about proliferation focuses on ways to "safeguard" enrichment and reprocessing.

INCENTIVES

The October Revolution gave another kind of boost to atomic energy. The East–West split has been the historic impetus for the nuclear arms race of the last three decades. The United States, Britain, and France on

one side, and the Soviet Union and China on the other, built up their stockpiles primarily to deter the other side. (Although, in the last several years, China and Russia of course have also been deterring each other.) But the October Revolution dramatized a different division—between North and South—pitting the industrial world in the Northern Hemisphere against the Third World "developing nations" in the Southern Hemisphere. In the United Nations and many other councils, the Third World countries have been asserting their independence, declaiming on the subject of their equality, and, in general, blaming the First World for all their problems. Some of them believe that the acquisition of nuclear weapons is one of the most visible ways to assert their power and influence. It does no good for Westerners to express worry about the dangers for everybody in the spread of nuclear weapons, for the Third World snaps back (in the words of a leading Indian spokesman) that such concerns are merely "modern versions of the doctrine of the white man's burden." Nuclear weapons are taken as a sign of prestige and influence. After all, it was not Mrs. Gandhi but Charles de Gaulle who announced, on the day of its first nuclear explosion, that France was "stronger and prouder since this morning." But it is not only countries such as India that want to augment their prestige and influence with nuclear weapons. Now, as a result of the drastic increase in oil prices, a country such as Libya has not only the desire and egoism but also the wherewithal in cash to buy nuclear technology. It is unsettling, to say the least, to think of nuclear weapons in the hands of Libya's leader, Qaddafi, who even in the Arab world is thought of as erratic ("a mental case," Anwar Sadat has called him). "It is well known that Qaddafi would like to have an atomic weapon," said a CIA analyst. "Some people think he is too irrational and unstable but he has shown himself rational enough in managing Libya." Having failed to buy a bomb, Qaddafi is now reported to be trying to assemble Arab nuclear scientists to develop his own nuclear weapons capability.

There are more specific incentives at work as well. Such countries as India, Brazil, and Iran are striving for what is now known as "regional hegemony." Nuclear weapons are one way to assert their seigneurial rights. But such steps of course only encourage further proliferation. Just as China's nuclear test in 1964 helped induce India's effort to make the bomb, so India's test a decade later had much the same effect on Pakistan, whose prime minister warned that if India took any more steps in the direction of building an atomic arsenal, "We will eat leaves and grass, even go hungry, but we will have to get one of our own." Pakistan is now strenuously seeking to assure itself that it too has the weapons option. Iran has indicated that if other countries in the region come into possession of nuclear weapons, Iran will also develop them. The shah has said, "If every upstart in the region acquires atomic bombs, then Iran must have them as well."

For some there is the basic incentive to go nuclear—to buttress national survival. Three million Israelis face a mostly hostile Arab world of over 100 million people. The nuclear weapon is the deterrent of last resort, and Israel may now be only "a screwdriver's turn away" from having a nuclear capability. But the Israelis have never said they have any bombs, for that would only increase the Arab urgency to obtain their own. The Israelis have concluded that, for the time being, their best deterrent is one clothed in calculated ambiguity.

There is a final incentive. For decades a number of nations have lived and prospered under America's "nuclear umbrella." It has been understood, or implicitly guaranteed by treaty, that if their security is at stake, the U.S. nuclear arsenal stands behind them. But the umbrella has lost some of its covering in recent years. South Korea is not sure that it is protected anymore. Taiwan worries that it will soon be excluded. Therefore, as nations fear that they will be standing in an exposed place, they are sorely tempted to raise their own umbrellas, to develop an independent deterrent.

LIVING IN A NUCLEAR CROWD: BAD DREAMS

Even if we cannot predict how a conflict might occur, we can develop the likely possibilities.

(1) Undermining the balance of terror. So long as there was a sharp distinction between the nuclear weapon states and all the rest, a kind of stability—absurd but real—prevailed. The superpowers have, at least to date, been in agreement on an implicit rule to contain crisis. The closest they ever came to breaking that rule was over Cuba in 1962. But as more and more states acquire nuclear capability, more and more nations (including our own) will feel a heightened sense of insecurity. Nuclear proliferation raises havoc with all the calculations about the nuclear relationship between the United States and the Soviet Union. Current defense thinking is based on the notion that in order to have nuclear stability, there must be parity and balance between the two superpowers, so that no intelligent person will make a mistake.

"There cannot be a balance where there are many different parties with many different objectives, and with entirely different levels of technology," says scientist Herbert York, who has been involved in the American atomic weapons program since World War II. "So if there is—and there does seem to have been—a stability in the nuclear relationship between the United States and the Soviet Union, the stability will be wiped out by proliferation. Even its theoretical underpinnings will be wiped out."

On a visit to China before he became secretary of state, Cyrus Vance pointed to one form of the danger when, in a discussion with Teng Hsiao-p'ing, he said, "The hazards of accidental launch are real and could have devastating effects if one didn't know where the weapon was launched from. Accidental launching will become more likely with the indiscriminate spread of nuclear weapons."

(2) The chain reaction. One can easily imagine Israel being pushed to the wall. Arab forces are advancing on Tel Aviv. The Israelis begin assembling nuclear weapons. The Russians learn of this and dispatch warheads to Egypt. The United States in turn detects the Soviet warheads in transit. And the world is on the edge of destruction. But the chain can start with any client states. Both Iran and Iraq could become nuclear weapon states. A border clash between them could escalate into a nuclear exchange between the two countries, one of them a key American ally, the other tied by treaty to the Soviet Union. How long could the superpowers stay out? Where would it all end?

(3) The easing of the taboo. The world slowly becomes accustomed to the idea that nuclear weapons are not merely for deterrence, but actually of considerable value in a war. Perhaps India and Pakistan go to war, or Brazil and Argentina. Each side uses nuclear weapons, millions are killed, but one side emerges a decisive winner. While the superpowers are not drawn in, this spectacle reduces the taboo and makes it easier for other ambitious leaders to contemplate the use of nuclear weapons. There is also the Crazy State model. A Libya or a Uganda, almost like a terrorist, could in the future use its nuclear bombs as a bargaining chip to achieve some bizarre and self-aggrandizing aim.

(4) Microproliferation. A terrorist group or even the Mafia attempts to steal plutonium—despite the toxic risks—from either a power station or a reprocessing plant, or while it is in transit. This they use to blackmail one or more governments, either for money or for some political aim. Physical security is never perfect. Not long ago, a lunatic walked unnoticed into the control room of a French nuclear plant and randomly threw several switches before being detected. Such a danger is so real that in the United States guards now have shoot-to-kill orders at fourteen federal nuclear installations. As the number of power stations increases, as the trade in nuclear materials and the plutonium economy expand, and as a covert, semilegal "gray market" in sensitive items grows, the threats become so serious that they result in security measures that have a corrosive effect on democratic institutions, for people come to fear that the dangers could not be met without a more authoritarian political system.

The microproliferation threats, however, are more likely to occur in the unstable political systems of the Third World. Thomas Schelling of Harvard University engaged in some chilling speculations in a recent issue of the journal International Security. How different might the course of events have been in Lebanon in late 1975 and early 1976, he asked, had that country had even a small pilot plant for extracting plutonium from spent fuel? "Who would have guarded the facilities? Who would have destroyed them, from nearby or from afar, at the risk of spreading deadly plutonium locally to keep bomb material from falling into mischievous hands? What outside country might have invaded if the spoils of war would have included a nuclear-weapon capability, even only to deny that capability to some other greedy neighbor?

"One thing is certain: in years to come there will be military violence in countries that have sizable nuclear power industries."

Perhaps such possibilities will encourage some caution. Would the president of Egypt or the shah of Iran really want to live with the risk that a terrorist group, or some ambitious colonels, might seize control of the country's atomic bombs in the course of attempting a coup? Argentina has already had a foretaste of what microproliferation can mean. Not long ago a group of terrorists temporarily seized a nucelar power station (still under construction) some sixty miles north of Buenos Aires.

(5) New patterns. We still tend to think that all major nuclear developments will involve advanced industrial states. But one can see the outline of new "atomic alliances" crisscrossing the world. Already, it is reported, Argentinian scientists are at work in Iran's nuclear program, and Egyptian scientists are being trained at the nuclear facility that gave India its device. (India has also noted that after its test, it received discreet inquiries from several countries interested in buying a bomb. The Indians say they refuse to sell.)

AMERICA'S TWO ATOMS POLICY

From 1949, when the Americans realized that the Russians had the bomb, until 1974, when the Indians exploded their device and the Buddha smiled, proliferation was not of much concern in Washington. This omission seems very odd from the perspective of 1977. After all, one would think that the United States, as progenitor of nuclear weapons and nuclear power, would have had some proprietary interest in the subsequent spawning and that special attention would be given to the relationship between atomic power and the atomic bomb. Such was indeed the case in the years immediately after World War II. In 1946, Robert Oppenheimer pointed out that the "heart of the problem" of international control was "the close tech-

nical parallelism and interrelation of the peaceful and the military applications of atomic energy.

But this connection was quickly forgotten. After Hiroshima and Nagasaki, there was a powerful emotional drive to find peaceful uses, something good to do wtih the atom, in order, somehow, to compensate for its horrors. Furthermore, once the Russians had the bomb, the worst seemed to have happened, and fears about the spread were forgotten. There were also strong economic incentives. And so, in 1953, President Eisenhower proposed Project Plowshare and Atoms-for-Peace. The next year, the United States approved the export of nuclear power technology to other countries.

Thereafter, American interests in this realm were defined by a nuclear energy Establishment: government agencies such as the Atomic Energy Commission and the Defense Department; the congressional Joint Atomic Energy Committee; and such powerful industrial allies as Westinghouse and General Electric. Both the AEC and the Joint Committee were committed to the "maximum" utilization of atomic energy. The Joint Committee may well have been the most powerful congressional committee in history. It certainly did a masterful job of pushing a disproportionate share of government research funds into nuclear energy, to the detriment (as we know today) of other forms of energy research. Since the Establishment wanted to promote nuclear power on a worldwide basis, little thought was given to proliferation or to nuclear waste disposal. It has only recently been discovered that the Atomic Energy Commission lost track of sizable quantities of weapons-grade material leased to a score of foreign countries in the 1950s and 1960s. "For twenty years," said Victor Gilinsky, a member of the Nuclear Regulatory Commission, "[the nuclear export bureaucracy] has been freewheeling through the domains of diplomacy and international commerce—out of public view, and under the protection of a myopic Atomic Energy Commission and its own congressional committee."

When an organization or a group of organizations wants to "sell" something badly enough, whether it be nuclear power or a new drug, eyes tend to be shut to possible side effects, especially if they seem far off. Such is what happened with the Atoms-for-Peace program. "Many mistakes were made in the way we executed the idea," observed Fred Ikle, former director of the Arms Control and Disarmament Agency. "We now can see many forks in the road, many turning points where we could have taken a different technological direction. We could have chosen a course that might have greatly reduced the risks of nuclear proliferation without any loss in terms of economical operation of power reactors."

But we did not. The conventional American reactor, the so-called light-water reactor, is after all, a spin-off from the World War II atom project, for which plutonium was a highly desired end product, and, more directly, from the subsequent development of the Navy's nuclear-powered submarines. Habit was strong, and little thought was given to designing reactors that would not involve the dangerous steps in the fuel cycle.

"What is used for reactor design in the United States today is not the same design as for making plutonium for military purposes," said George Kistiakowsky, one of the most prominent scientists in the Manhattan Project, subsequently science adviser to President Eisenhower, and currently professor emeritus of chemistry at Harvard. "But our commercial light-water reactors are derivative copies of the submarine reactor This is the result of the AEC's having been staffed with people who had worked on Admiral Rickover's nuclear submarine program. There could have been other pathways. The Canadian design is in some ways less risky, because its spent fuel is not very desirable for plutonium extraction. The British design is different again. But there was a determined drive by the AEC to adopt the light-water reactor because people in the AEC were to a large degree Rickover's people." In addition, General Electric and Westinghouse were eager to capitalize commercially on their experience in the Navy's reactor program.

Those in the nuclear Establishment held to an underlying faith that the appropriate technological "fixes" would be found for all problems—at the appropriate time. Furthermore, proliferation dangers seemed pretty far away. By the 1960s, the United States was not much worried that its allies in the First World, beyond the French and the British, would seek their own nuclear arsenals. Certainly there was no need to worry that the Russians would be so reckless as to trust their potentially unreliable allies in Eastern Europe with nuclear weapons. And it was difficult to imagine in the 1950s and the 1960s that Third World nations would organize themselves sufficiently and acquire the wherewithal and skills to move on to a nuclear weapons capability. That was a severe miscalculation.

After the first Chinese test in 1964, President Johnson, at the instigation of Defense Secretary Robert McNamara, appointed a high-level committee under Roswell Gilpatric to assess the dangers of proliferation and recommend whether or not non-proliferation should be made a top priority of U.S. foreign policy. The preliminary international negotiations for a nuclear non-proliferation treaty (the NPT) had already begun. Johnson was also looking for gestures before the November presidential election that would show that he was "doing good."

One participant recalled what happened: "The committee worked through the fall of 1964 and the beginning of the winter. We had come up with what looked like a unanimous agreement that proliferation was very dangerous and should be made a very high priority concern. Shortly after Johnson's inauguration in 1965, we had a meeting with Johnson, McNamara, Rusk, and the chairman of the joint chiefs, where we presented our views. Then something very unpleasant happened. One of the most distinguished members of our committee announced that he would not read his part of the briefing papers, but instead would speak ad lib. Instead of speaking for the non-proliferation treaty, he argued that we should arm our NATO allies with nuclear weapons as part of the so-called multilateral force, that this was far more important than the NPT. This weakened the impact of all the other presentations. The impact was then destroyed totally by Dean Rusk, who violently attacked the whole idea of the NPT. He said our conclusions were very dangerous to the security of the United States, and that we should not prepare a written report because it would be leaked. Johnson himself was not very attentive. There was this business where he had a telephone under his desk. He dialed continuously and kept whispering into it. He did this dozens of times while we were talking. Rusk said that our report was unrealistic and unimportant. McNamara tried to defend it, but rather feebly. Johnson then curtly thanked us and ordered us not to write anything and not to discuss it. That was the end of that. Of course, two or three years later he changed his mind." A few crucial years had been lost.

HOW SAFE ARE SAFEGUARDS? OR WHY THE NPT IS ONLY A MEDIUM YIELD DEVICE

Finally, in 1968, the United States did reach agreement with the Soviet Union and other states on a non-proliferation treaty. It went into force in 1970. The International Atomic Energy Agency became the "executive" for the NPT. Headquartered in Vienna, the IAEA was founded in 1957 as a result of the drive to find a peaceful atom that would do good around the world. The agency was supposed to promote peaceful uses of atomic energy, but at the same time to apply "safeguards" to prevent the diversion of peaceful developments to military purposes.

Today, the IAEA is a relatively small, efficient body affiliated with, but not subject to, the United Nations. It is one of the last international organizations to have escaped the Third World agitation and politicking that has so disrupted the work of most other international organizations, including the UN General Assembly.

The IAEA's safeguard functions expanded with the non-proliferation treaty, and the IAEA is now the cornerstone of what might be called the NPT system.

Lately, there has been some tendency to judge too harshly the NPT system. Hedley Bull, a prominent arms control expert, has pointed out some of its accomplishments: "The NPT has made an important contribution to the control of proliferation by advertising the fact that the spread of nuclear weapons is not inevitable, and so strengthening the hand of antinuclear weapons forces in many countries; by enabling countries which wish to remain without nuclear weapons to reassure each other by an exchange of pledges; by contributing to the emergence of détente, especially in Europe; and by the encouragement it has given to the development of International Atomic Energy Agency safeguards. The treaty is not simply the instrument of the nuclear states that are parties to it, but also reflects the desire of many non-nuclear weapons parties to impose limitations on each other."

And an official of the United States Arms Control and Disarmament Agency added: It's indispensable. We couldn't be where we are without it."

All that is true, but it is also now clear that all that is not enough. Since the technological and economic barriers to proliferation are coming down, the effective potential barriers are political, and the most important is certainly the non-proliferation treaty. Unhappily, it is a product of the First Nuclear Age, and is not very effective in the Second.

The NPT system has a number of notable problems. While the IAEA has been getting stronger all the time, it is still not up to the new pressures thrust upon it. It was fine in a world of relatively few nuclear states, but it will need many more trained people to carry out safeguards in a world with hundreds of reactors, and it is not at all obvious where such people will come from.

One can also read too much into safeguards. The IAEA can evaluate plans for atomic facilities, review records of the movement and use of nuclear materials, and carry out inspection and surveillance of plants—where and when allowed by the host country. It is an accounting system. What this comes down to is a threat, "the deterrance of nuclear materials diversion by detection." But detection can be evaded, and agreements canceled. What would happen if cheating were discovered? IAEA officials have no definite channels for making their findings public. To whom would the information be conveyed? Who would be the policeman? That mysterious and often sluggish creature "world public opinion"? What would be the punishment? Even if the United States and the USSR got together to apply heavy pressure on the violator, would not many nations see this as rather hypocritical—as two nations with tens of thousands of nuclear weapons getting mad at some developing country that only wants two or three little ones?

There is another problem with safeguards: reprocessing large quantities of plutonium for commercial use in a reactor is still a relatively complicated and demanding undertak-

ing. But to reprocess for just a few bombs is a much easier task. The quantities needed are so much smaller. The requisite facility might require only a dozen people to operate it.

The rationale of safeguards—and here is the critical point—is that the diversion from peaceful use will be discovered well before the violator reaches a nuclear weapons capability, thus exposing him to the risk of international reaction. And yet when a nation has not only reactors and low-enriched uranium but also a stockpile of separated plutonium or facilities for separation, then the value of safeguards—accounting and inspection procedures—is greatly diminished. Even though safeguarded and stockpiled for peaceful future uses, this plutonium is only a short step away from use as an explosive.

"Should the owner decide, for whatever reason, on a sudden move to appropriate the material for illicit purposes," Victor Gilinsky has said, "the time between diversion of plutonium and complete weapons can be sharply reduced to what might be a matter of weeks, or conceivably days. Under these circumstances, even if it were assumed that IAEA inspection and monitoring systems were improved, it is hard to imagine that an international reaction could be mustered before the assembly of nuclear weapons was completed."

The second problem with the NPT is that although over a hundred countries have ratified the treaty, China, France, India, Argentina, Brazil, Pakistan, Saudi Arabia, Israel, and Spain have given no indication of signing.

The third problem is the NPT's two-tier structure. Under its definition, there are two kinds of states, nuclear weapon states and non-nuclear weapon states. A country that carried out an explosion before 1967 is officially a nuclear weapon state. This distinction rather freezes the relationships, and has caused non-weapon states to charge "discrimination." The weapon states do have special rights and privileges and can go on building up their nuclear arsenals. Thus discontent and permanent instability are built into the NPT system.

The fourth problem goes back to the essential issue. The NPT and the IAEA are caught in a contradiction. On the one hand, they aim to prevent the proliferation of nuclear weapons. On the other hand, they are charged with encouraging peaceful nuclear uses. But to repeat, there is only one atom. So the NPT system encourages the diffusion of the capability to become a nuclear weapon state swiftly, even while trying to prevent it. Also, a nation can opt out after having benefited from sharing the technology of other members. "I don't think withdrawal would be lightly treated," said one U.S. official much involved with the NPT. But after all, a country need give only ninety days' notice, and then it can legally quit the NPT.

THAT GERMAN-BRAZILIAN DEAL

In current nuclear lore the German-Brazilian deal ranks in importance with India's explosion. And this particular bargain shows how complex the whole problem of proliferation has become, how many different interests are involved.

On June 27, 1975, it was formally agreed that Brazil would purchase from West Germany an entire nuclear industry, that is, the technology required for the whole fuel cycle. Not only will this be the largest industrial nuclear deal ever, but it is also a huge deal in any terms—worth something over $8 billion to the Germans. In addition to reactors, Brazil will buy those gateways to becoming a nuclear weapon state: facilities for uranium enrichment and for chemical separation of plutonium. This means that Brazil will have two nuclear weapons options—to enrich uranium to bomb-level concentration, and to separate plutonium from the other wastes.

Rather late in the day, the United States realized what was happening: Germany was selling Brazil the wherewithal to manufacture atomic bombs. At one point, the American firm Bechtel had sought to team up with Westinghouse to offer a similar package, but the U.S. government had forbidden it, for techniques of uranium enrichment and chemical separation are considered too dangerous to export. To make matters worse, Brazil has refused to sign the NPT, and has signaled its interest at different times in acquiring atomic bombs.

Brazil had its own compelling motives for going ahead. The OPEC price hike had hit it very hard, and the Brazilians feared that their growing economy might soon be starved of adequate energy. In addition, there are enough uncertainties about U.S. policy on exporting enriched uranium that the Brazilians wanted to have their own source.

The Germans also had their good reasons to go ahead. They are worried about future sources of raw uranium. In this deal, they will share in putative Brazilian uranium strikes. They also regard American complaints as sour grapes—because an American company did not get the reactor business. The fierce, often mercantilist, economic rivalry to sell nuclear technology can be too easily overlooked. Where profits are the criteria, foreign policy considerations can be shoved to the background. The competition can get very rough. To get the business, the Brazilians made clear, the Germans had to sweeten the deal and do better than Westinghouse—and that meant adding the enrichment and reprocessing facilities that the U.S. government had stricken from the American offer.

The deal is of course of vast economic importance to the Germans, not only in terms of employment, but in providing orders for the troubled German reactor industry. "Wherever we look—in Italy, Spain, Sweden, Thailand, South Korea—the Americans have already been there." So rationalized an executive of the German reactor manufacturer. "The Third World is the only open market left. To fully exploit our nuclear power plant capacity, we have to land at least three contracts a year for delivery abroad. The market here is about saturated and the United States has cornered most of the rest of Europe, so we have to concentrate on the Third World."

The deal may still go ahead in its current form, though a number of major technical problems remain. As one joke has it, "The Germans have sold an enrichment process that does not work, to enrich Brazilian uranium that does not exist." The financial stability of the main German supplier is also questioned in some quarters. The Carter Administration is putting pressure on the West German government, as is a new anti-nuclear lobby within Germany. But at this stage, the deal is still on. Such things as this make large-scale proliferation seem inevitable, hardly to be stayed or deterred by reasonable fears.

AMERICA'S TWO ATOMS POLICY GOES UP IN SMOKE

The German-Brazilian deal caught the U.S. government mostly unawares. But the Indian explosion a year earlier had already severely shaken American complacency.

Initially several congressmen became alarmed at what was happening abroad—and what was not happening in Washington. "It became very apparent that no one was paying any attention," said Senator Abraham Ribicoff. "Here was an issue on which the United States and the Soviet Union saw eye to eye, but no one was trying to get them together. Meanwhile, France and West Germany were moving into the nuclear export business in a big way. No one cared very much about the issue in the U.S. government. It was out of sight of the State Department. The Atomic Energy Commission was not paying much attention to this stuff, nor was the Joint Atomic Energy Committee. I have no proof that the nuclear bureaucracy had a vested interest in keeping it quiet, but we certainly weren't doing anything."

The State Department and the Arms Control and Disarmament Agency joined the congressmen in taking up the issue.

The most important initiative was Henry Kissinger's convening of a "Suppliers Club" in London after the Indian test. It was composed of seven possible exporting nations—the United States, Russia, Britain, France, West Germany, Canada, and Japan. The Americans and the Russians were not far apart on the problem. As a Soviet arms controller said recently. "Our interests on proliferation are almost identical with you Americans." Indeed, a CIA analyst observed, "There is no more sincere antiproliferator than the USSR. One reason is that a number of the countries that might soon become nuclear weapon states are highly antagonistic to the Soviet Union and not too far away from it."

It was much more difficult for the Americans to work out a common position with the French and Germans, who suspected a plot by U.S. commercial interests to recapture the whole business. "The American case would be better if you still had your virginity," is the way a German diplomat put it recently. "You've had a good time for some years and now you want to be pure." After all, he might have added, it was the United States that had trained 1100 Indian nuclear scientists and engineers prior to 1974.

Nevertheless, a year ago, the seven supplier nations were able to arrive at a "code of conduct," an agreement of modest but significant impact. It provides for improved safeguards and agreement not to assist any nuclear explosions, even "peaceful" ones, and for more attention to physical security. "Frankly," said one ACDA official, "much more has been accomplished than could have been reasonably expected. It is a very useful process."

Last autumn the French indicated that their stance on proliferation was "parallel" to that of the United States and that they would cooperate with the other members of the Suppliers Club. "It has required more courage than you can imagine to change our policies," said an official in the French Foreign Ministry. "We have no domestic political pressure against proliferation, and very strong vested bureaucratic and commercial pressures for exports." The French have, though, refused to budge on the sale of a plutonium reprocessing plant to Pakistan despite U.S. pressure. "And Pakistan was a matter of principle. We can go ahead with you in the future. But we can't go back on deals we've already made. Pakistan is the main one. In any event, it is a very small reprocessing plant. Much more important is the German-Brazilian deal."

The original seven members in the Suppliers Club have now been joined by eight others—Belgium, the Netherlands, Sweden, Italy, East Germany, Czechoslovakia, Poland, and Switzerland—and their secret deliberations continue in London.

U.S. policy, however, has remained schizophrenic. Nuclear power has strong advocates. The core of the now-defunct Atomic Energy Commission resides in the Energy Research and Development Administration and, as one official put it, "There's a lot of inertia in ERDA." It took two years before the Ford Administration would admit that U.S. nuclear materials were used for the Indian explosion. Official policy projected 200 new

power plants in the United States by 1985—twenty a year—and encouraged exports. President Ford also wanted to invite private industry into the nuclear enrichment business (now a government monopoly), which would only have enlarged the constituency in favor of rapid expansion of the nuclear business.

The 1976 presidential election changed things. During the campaign, Jimmy Carter seemed to be personally involved with the proliferation issue. After all, he had once received a dangerous dose of radiation while helping to deactivate a damaged reactor in Canada. He spoke strongly about the dangers of proliferation, strongly enough to worry Ford. As a secret memorandum warned Ford in September, there was now "considerable sentiment for a forceful nonproliferation initiative domestically." On October 28, Ford announced a major shift in U.S. policy. He downgraded the emphasis on plutonium reprocessing. He said that future exports would go only to countries that have either signed the NPT or put their entire nuclear energy programs under international safeguards. He also promised that such nations would be guaranteed enriched uranium from the United States. While politics instigated the change, it was really the outcome of a rough struggle between two competing views. The first, representing the attitudes of the old nuclear bureaucracy, wanted to continue to push nuclear power development, especially the breeder reactor, which actually produces more plutonium than it consumes. On the other side was the new concern over proliferation, articulated by the Arms Control and Disarmament Agency. The vicissitudes of presidential politics helped to give ACDA a moderate victory.

The October 28 statement represented a substantial turn in U.S. policy, though hardly one of 180 degrees.

WHAT IS TO BE DONE?

"As forces for proliferation are rising, our historical leverage to impose restraints is eroding," warned the secret memorandum that was the basis for the turn-around by the Ford Administration last autumn. Such sentiments point to the crucial question facing the Carter Administration: How much power over proliferation does the United States have in the Second Nuclear Age?

Many argue that it is already too late. "The technology is not all that magical, and we're not a monopoly," William Anders, former chairman of the Nuclear Regulatory Commission, said last year. "The only way to have our way is to be involved, to not opt out to set the pace, to set the moral tone, if you will." Those who stand to make money from nuclear technology—industry—agree, and are even more outspoken. They argue that the best way we can continue to influence events is by competing aggressively in the marketplace.

This is a distortion. The United States continues to hold dominant power. "We are still *numero uno*," says NRC Commissioner Gilinsky. The United States holds about 70 percent of the nuclear business worldwide. The reactor industries of the other major exporters—France, West Germany, Canada—are all deeply involved with the U.S. industry and technology, and of course these nations are our partners in the Western security system. A United States that put "antiproliferationism" at the top of its agenda would have a profound effect. It is likely that many in the Carter Administration will try to do so.

There is no single solution, of course, but a great number of initiatives can be taken, in addition to those of the last two years, to induce dramatic change and help reduce dangers. (Deftness is also required, especially as the United States does not come to the subject with an unblemished record. "We have to work out a political approach that doesn't set us up as morally superior," says a State Department official. "The sledgehammer approach is not the best way of getting others to see the problems the way we do. In fact, it will have exactly the opposite effect of what we want.")

U.S. policy might work toward the following goals:

(1) Improve the nuclear non-proliferation treaty system and strengthen the International Atomic Energy Agency. Today, the safeguards mainly cover reactors; they should be expanded to the entire fuel cycle, the life of facilities, and research institutes, and they should be aimed not merely at "timely detection" but also at prevention of illicit activities.

(2) Provide incentives for nations to eschew a nuclear weapons capability. For instance, other countries must be confident that they can rely *completely* on the United States to deliver a steady supply of slightly enriched uranium—so long as they observe safeguards. It was lack of such confidence, in part, that drove the Brazilians into German arms. The United States should copy the Soviet Union and only "lease" the enriched uranium so that it can control the waste products.

(3) Keep uranium enrichment out of the hands of private enterprise—and thus avoid further economic incentive to export the makings of proliferation. Instead, cooperative international ventures could enrich uranium and handle the waste. This would make national nuclear programs much more visible. People would know what is happening.

(4) Discourage the belief that plutonium should be used in reactors. Evidence increasingly indicates that plutonium recycling may be uneconomic and impractical, and we should not let people think otherwise. Plutonium separation for power purposes in this country should not go forward. The federal government should, in particular, avoid any commitment to the breeder reactor.

(5) Prevent situations that allow a country to play suppliers off against each other to get the enrichment and reprocessing facilities that are required to make a bomb. One helpful device is the London Suppliers Club, which might give rise to a market-sharing arrangement—as proposed by Senator Ribicoff—that would reduce dangerous competition. Such an arrangement might also help to limit a "gray market," where suppliers with too much capacity or too much enriched uranium sell secretly at higher prices to countries that want a weapons capability.

(6) Tighten American export rules so that, in effect, the United States discriminates against countries that do not cooperate with the NPT system. Up to now, the United States has often seemed to discriminate in favor of the recalcitrants. We should no longer make available cheap credits to help spread nuclear power.

There are also a number of other political options.

(1) The demonstration effect. By one estimate, the United States has some 30,000 nuclear weapons. In current lingo, the accumulation of nuclear weapons is known as "vertical proliferation." Some of those most worried about "horizontal proliferation" scoff at the notion that vertical proliferation has any relevance to the problem. But, in the minds of Third World citizens, the connection is real. Why should they be denied nuclear weapons. Third World leaders ask themselves, when the superpowers cheerily go along building up their arsenals? Under the NPT, the superpowers are obligated to reduce their own nuclear arsenals, but this obligation has not exactly been observed. When James Schlesinger was secretary of defense, he talked about creating a "credible response"—that is, suggesting that nuclear weapons are not merely weapons of last resort but also have a rather precise role to play in limited battlefield conditions. This sounded as if the United States was saying that nuclear weapons are after all quite useful tools. If that is true for the United States, the Third World countries say, it is also true for them. A serious effort to control the nuclear arms race between the superpowers would have major meaning for the proliferation problem. As Michael Nacht of Harvard's Program in Science and International Affairs has said, "Progress in SALT will positively affect the perception of some 'have-nots' toward the 'haves' and should influence the domestic debate in threshold countries in favor of restraint."

(2) The prohibition effect. Prohibit all nuclear explosions, even the "peaceful" underground variety. The United States and the Soviet Union signed a treaty banning tests above a threshold of 150 kilotons in 1974. But this "theshold" is more than ten times higher than the strength of the Hiroshima bomb. Unfortunately, the Russians continue to hold the mistaken belief that "peaceful nuclear explosions" can work wonders, like changing the direction of Siberian rivers, although, increasingly, it seems that such explosions are uneconomic, unbelievably crude for the task at hand, and dangerous. If the United States and the USSR agreed to do away with all peaceful nuclear explosions, it would help to remove the cloak behind which India can disguise its weapons tests.

(3) The reliability quotient. Strengthen American security guarantees to our allies. This can greatly inhibit our allies' desire for nuclear weapons, even if it poses unattractive choices for us. For instance, if American troops are withdrawn from South Korea, South Korea is likely to grope for some different kind of security, perhaps a nuclear capability of its own. Then Japan would feel impelled to follow suit; then other nations in Asia.

(4) The "nuclear free zone" approach. It is feasible—difficult, but feasible—to contemplate treaty arrangements under which in certain regions nuclear weapons are forbidden.

(5) The instability factor. The case can be made that the acquisition of nuclear weapons by countries not now possessing them may invoke dangers that far outweigh any sense of security such weapons may imply. Many West Germans, for example, now realize that an independent German capability would make central Europe more unstable, not less. The same can certainly be said for a number of other countries.

THE DECISIVE STEP?

Yet all these proposals could very well prove inadequate. Even if they are all acted upon, we might nevertheless in the 1980s be living in a world glutted with plutonium. "At least we've reached the point where the people making decisions recognize the problem," observed Professor Irwin Bupp of the Harvard Business School's Energy Project, a leading analyst of the nuclear industry. "But they are putting more faith in institutional solutions than is justified. It's unlikely that you're going to be able to prevent further proliferation through international organizations and controls. The inevitable result of spreading nuclear power is a world of abundant plutonium, and that means a very high risk of malevolent use."

There is a final, bold step the United States could take—a retreat from nuclear power itself. A number of responsible observers have already called for such action. "We must hold back on a great expansion of nuclear power until the world gets better," said George Kistiakowsky. "It's just too damn risky right now."

When one looks at the decline in orders for new reactors in the United States in 1975 and 1976, one could conclude that such a re-

treat is already on. But the United States could go further and announce a moratorium on the new development of conventional fission nuclear power. (This would not preclude the continuing of research.) When all the doubts—about economics, safety, nuclear waste disposal, and proliferation—are added up, it becomes reasonable to ask whether fission power, at a billion dollars or so per reactor, is the wisest way to allocate resources for future needs.

An American moratorium could have a powerful demonstration effect, significantly slowing the spread of nuclear energy and thus the spread of nuclear weapons competence. A moratorium would announce that the world's technological leader, the progenitor of atomic power, had examined it and found it wanting. Then many other countries would surely recalculate their own programs and look in other directions. It is already clear that nuclear energy makes little sense for the Third World. (Several studies now suggest that it is nothing short of ludicrous for a developing country to make the huge capital investment required for nuclear power.) In Western Europe and Japan, as in the United States, nuclear developments lags far behind the expectations of only three or four years ago. As in the United States, the delays result from concern about cost, safety, and proliferation.

It is a commonplace that nuclear warfare could extinguish civilized life. Yet that fact today is imbued with new urgency. While there is no one way to stop proliferation, there are many things to be done that could help to manage the Second Nuclear Age. Even in sum, they may not be enough. Yet there is no choice but to try, and swiftly, when the alternative is the terrifying prospect of atomic bombs almost everywhere.

RIGHT TO PRIVACY IN COMMUNICATIONS

Mr. MATHIAS. Mr. President, I invite the attention of my colleagues to a speech that was delivered to the National Legislative Conference of the Communication Workers of America—CWA—by Representative CHARLES WHALEN.

The CWA, which is meeting in Washington this week, has been in the forefront of the fight to preserve our traditional right to privacy. It is for this reason that Congressman WHALEN was asked to discuss the topic of "Privacy and Service Monitoring" at the conference.

The main focus of his remarks was directed toward a frank discussion of how to balance the needs of the telephone companies to monitor service quality against the citizens' and employees' right to privacy. Currently, no specific restrictions exist with regard to the type or length of the interceptions that can be practiced by the telephone company. They are free to listen-in at will on any call for any period of time that they may choose, including private person-to-person calls as well as calls being handled by telephone company employees.

Our traditional right to privacy is central to our civil liberties. Our right to have a private conversation without the specter of the telephone company arbitrarily listening in should be beyond question. Unfortunately, this is not the case. To remedy this problem, Congressman WHALEN and I have introduced H.R. 215 and S. 14, respectively. We believe that this legislation, which covers not only service monitoring but the privacy of our bank records, credit card records as well as our telephone company records will go a long way toward providing the statutory protection so sorely needed in this area.

Mr. President, I ask unanimous consent that the text of Congressman WHALEN's speech before the CWA be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY CONGRESSMAN CHARLES W. WHALEN, JR.

PRIVACY AND SERVICE MONITORING

President Watts, members of the Communications Workers of America, I want to say, first of all, that this is a genuine pleasure for me. I know that there are many groups and organizations that are interested in the issue of rights to privacy, but few have been as vocal and as active as the CWA when it comes to seeking better protections for the privacy rights of American citizens.

So, I am here to thank you for your past efforts in the privacy protection area and to encourage you to continue in those efforts.

Specifically, this morning I would like to talk with you about a piece of legislation known as the Bill of Rights Procedures Act, H.R. 215 in this 95th Congress. Senator Charles Mathias and I are the chief sponsors of this legislation; in the last Congress it was authored by Senator Mathias and then-Congressman Charles Mosher.

H.R. 215 covers a rather broad spectrum of privacy problems: access to third party records, such as bank, telephone and credit records; regulation of the use of mail covers and pen registers; protection of the privacy of non-oral wire communications, such as telegrams and computer data transmissions; and restrictions on service monitoring.

We believe that in each of these instances the American people do have a reasonable expectation that their privacy will be protected. That is what they think, but the laws now on the books do not protect our privacy interests in any of those cases. Consequently, the Bill of Rights Procedures Act is designed not to create any new concepts in law; instead we are simply trying to give statutory protection to certain privacy rights which most Americans already assume.

I know that you, as communications workers, have a special, personal interest in the issue of service monitoring. Consequently, I shall devote most of the rest of my remarks to that subject.

You, of course, are aware of this problem area, but I wonder if the general public is. Personally, it is troubling to me to know that every day, in every state in the nation, hundreds, perhaps thousands of employees are, in effect, wiretapped by their employers; wiretapped without their specific prior knowledge and without a warrant. Those in the telephone industry seem to be especially vulnerable to this practice, but by no means are you alone.

This situation stems from a clause in the 1968 wiretap law, which states that telephone conversations can be intercepted by the corporation, at its own discretion and without any outside supervision, for the purposes of "mechanical or service quality control checks." The wiretap law also permits warrantless intercepts for the purpose of detecting toll fraud. These exceptions in the law were intended to permit the continuation of practices that were already fairly common and widespread at the time.

Now, on its face, these provisions sound reasonable enough, but I believe that the surreptitious monitoring of telephone conversations is sufficiently serious business to require some regulation and supervision by the government.

It seems to me to be appropriate for the telephone company to randomly check on the quality of transmissions on its lines and equipment. And some can make a good case for the need of any employer to check on the quality of work being performed by employees, especially those providing personal services to the consumer. But I do not think we should tolerate any longer the idea that the phone company should be allowed to intercept and monitor calls without restraint.

In H.R. 215 we approach this problem of restraint in several ways. First, we sharply limit the length of time a customer-to-customer phone call can be monitored for purposes of assuring technical quality. Experts have established that only a few seconds of interception are needed in order to check on transmission quality. Consequently, in this bill, we propose closing off the present, open-ended authority to monitor for service observing and instead say that if a service check runs longer than 10 seconds, a beep tone must be sounded periodically.

In the case of phone company interceptions of customer-to-customer calls for the purpose of detecting toll fraud, we provide a very strict requirement for detailed reporting about this kind of activity, so that the Congress and the FCC will in the future be able to measure more precisely and evaluate its worth.

Now, we have the matter of supervisory observing, in which the telephone company listens in on conversations between its operators and other persons. The stated purpose for this is to provide quality control on the service being provided by the company in general and also to aid in evaluating the performance of the individual employee.

You don't need to tell me that there is some controversy over whether or not this is an appropriate method for accomplishing this. I am well aware of this.

The approach that we take in the Bill of Rights Procedures Act is to require that any employee who is engaged in a job that is or will be subject to supervisory observing must be advised of this fact in advance and in writing. And we provide that any telephone line that is subject to periodic observation must be clearly labelled as such. Beyond this we feel that the fine-tuning, the establishment of the exact limits on how supervisory observing should be conducted, is properly a matter for labor-management negotiation.

I know that there is not yet a very good record of cooperation from management on this point, and we in the Congress recognize this. My understanding is that appropriate references will be made to this fact in any Congressional report on H.R. 215. And the committees and I will then certainly follow up to make sure that there is indeed good faith negotiation.

There are some who have proposed that we go further than this. It has been suggested, for instance, that the Congress just go ahead and ban service monitoring outright. Certainly, I can see how this might appear to be an attractive idea. But, frankly, from a congressional/legislative viewpoint, it is totally unrealistic.

In the first place, an outright ban on supervisory observing would appear to many, including me, to be an intrustion of the federal legislature into what is perceived by many to be a labor-management dispute. In fact, I note that the "CWA's 1977 Bell System Bargaining Council Resolution" includes reference to the need for negotiation with management on this point.

Secondly, we just never would be able to marshal the votes for an outright ban. And I believe the concept we are discussing is pressing enough that we should not sink it ourselves in an all-or-nothing dispute.

So, in H.R. 215, we have set out to establish and achieve a realistic goal of limiting and regulating service monitoring for the first time. We would not outlaw it, but we hope to bring it under control. The details will be left up to you and your company in the bargaining negotiations.

This approach is consistent with the tone and nature of the entire bill. As Senator Mathias and I have stated repeatedly, we are not trying to eliminate activities that are now permitted by law. Rather, we are trying to bring these practices out into the public eye and to assure that they are conducted in a manner that is appropriate to our democratic society.

For instance, Title I of the Bill of Rights Procedures Act deals with the problem of access to third party records. By going to banks, telephone companies and credit card issuers, investigators can find out whom you have called and when and how long you spoke with them; they can learn to whom you have written checks—what doctor you see, what magazines you read, which political activities you support financially; and they can get a pretty good picture of whatever travel you have done. Presently, there is no law that limits in any way the access that federal agents may have to these records.

I think this is wrong. If any of those same records were kept in your home, the government would have to get a search warrant, as is spelled out in the Fourth Amendment, in the Bill of Rights. But the courts have ruled that because the information is stored in computers at commercial institutions its confidentiality is not protected by the law. As I said, most Americans don't realize this.

Recognizing that there are legitimate reasons why the government should sometimes have access to such information, H.R. 215 sets about establishing procedures and guidelines to protect the privacy rights of the individual while also balancing the interests of the community. What we do is to establish that the citizen does have a legal interest in protecting the confidentiality of the records of his or her personal business transactions. And we establish processes by which the customer will be notified of any effort by the government to seek access to third party records, so that you could go to court and seek to stop such an invasion of your privacy if you think that the inspection is not justified.

Privacy laws always present us with a delicate balancing act to perform. On the one hand, we can come up with any number of reasons why the government or others should have information about what we are doing, even if it is done in private. On the other hand, we do have a fine tradition in this country of protecting the individual's right to privacy, of protecting what Justice Brandeis once identified as the individual's right to be left alone.

The Bill of Rights Procedures Act represents an attempt to find this proper balance, and to establish it in law, in a number of crucial areas. Last year, over 75 Members of Congress joined us as cosponsors of the bill and it was approved 5–0 by a House subcommittee before time ran out at the end of the 94th Congress.

Far more gratifying to the bill's sponsors and to all concerned civil libertarians, though, was the terrific outpouring of public support that we got. As you can see in the background sheet that was included in your convention packet, the Bill of Rights Procedures Act in the last Congress was endorsed by groups as diverse as the American Bankers Association and the Consumer Federation of America, the National Retail Merchants Association and the Retail Clerks International Association, the Republican Task Force on Privacy and the AFL–CIO, the American Express Company and Ralph Nader's Public Citizen group. And, of course, there were a number of newspaper endorsements. Already we've begun to get these endorsements again this year.

But the support that meant the most to us in the 94th Congress was that which was given by the Communications Workers of America. In 1975 yours became the first union to come out strongly in support of protecting the privacy rights of all citizens, and this was in keeping with long-standing traditions within your organization. And it was the CWA's representatives who suggested that the AFL–CIO's 1975 national convention should endorse the Bill of Rights Procedures Act; that is what was done, thanks to you.

The great example set by organized labor—of recognizing the importance of supporting a broad approach that will help protect the rights of all citizens, rather than focusing narrowly on just one single aspect of the privacy protection problem—enabled us later to win broad endorsements from the business and public interest communities.

So, I do want you to know how much the CWA's support has meant to those of us who are struggling to win greater protections for the privacy rights of American citizens. We are grateful for your past support, and we hope and trust that we can count on your continued support.

HEALTH COST CONCERNS

Mr. McGOVERN. Mr. President, an issue which has long been of concern to me is the need for bringing skyrocketing hospital costs under control. The National Governors' Conference Committee on Human Resources, which is chaired by South Dakota's Governor Richard F. Kneip, recently stressed the need for prompt action to control health cost increases. I believe that a statement issued by Governor Kneip merits wider dissemination. Mr. President, I ask unanimous consent that the statement be printed in the RECORD. There being no objection, the statement was ordered to be printed in the RECORD as follows:

STATEMENT BY GOVERNOR KNEIP

The Human Resources Committee is pleased that the President and Secretary Califano also recognize this need and we are encouraged by their proposal for an industry-wide cap on hospital cost increases as was outlined in President Carter's budget revisions presented last week.

While the development of the details of an effective cost control mechanism will require time and detailed consultation and cooperation with State and local governments as well as with health care providers and insurers, we believe that such a mechanism is necessary. The Committee commends the President and Secretary Califano for their proposal and we urge Congress to act promptly to provide the necessary legal authority for cost control measures.

Secretary Califano has indicated that the States will be fully involved in the development and implementation of these cost control measures and we look forward to working closely with HEW in this important project.

Many States have already taken significant steps to control health costs. We fully expect to continue to play a major role. As a result Federal/State cooperation in this area is vital.

COMMON SITUS

Mr. HATCH. Mr. President, for the advisement of my colleagues, the common situs picketing bill is speeding through the Senate Committee on Human Resources faster than a speeding bullet. Originally, the committee scheduled only one day of hearings on this complex proposal, which is designed to completely modify the secondary boycott law as it pertains to the construction industry. At my suggestion, the Subcommittee on Labor decided to hold further hearings to give opportunity for more persons to testify; however, it is fairly obvious to me after sitting in hearings for 2 days that another 2 weeks worth of hearings is warranted to determine with some assurance what this bill really provides and what effect it will have on the construction industry.

Unfortunately, the committee will conclude its hearings shortly, thereby denying opportunity for many persons to have their say on this landmark legislation. I am very disappointed that no private or public corporations have been permitted to testify on this legislation and representatives of the National Labor Relations Board, whose technical expertise is critical in this situation, have not been invited to testify on this proposal.

Be that as it may, the Labor Subcommittee has scheduled a markup session for March 23, to be followed by a full committee executive session on March 28, whereupon the common situs picketing legislation may be reported to the Senate. The bill could reach the floor as early as March 31, and it is certainly the aim of the sponsors of this legislation to have it considered by the Senate prior to the break for the Easter recess.

I, as a freshman Senator, do not quite understand the need for rushing this legislation through the committee and through the Senate, but I think I have some pretty good ideas as to why this legislation seems to be receiving priority treatment at this time.

Without doubt, this bill is one of the most important legislative items for the AFL–CIO this Congress. In my view, if the legislation succeeds in being passed, it will in fact open the floodgates for other repressive labor legislation. This issue is therefore a bellwether for both construction industry and construction unions with of course the rank-and-file employee being caught in the middle.

Construction unions know that with the passage of time the public will be informed as to this legislation and will rise up en mass to oppose the enactment of this bill. That has been the history of this legislation in the 94th Congress and organized labor feels as though if they can exercise "blitzkrieg" type tactics with this legislation they can avoid the overwhelming grassroots position which will likely be forthcoming on this bill. Hence, this is the motivation to ram this bill down the throats of those Senators who earnestly see this as being totally detrimental to the construction industry. To demonstrate how badly the construction unions want this bill, the building trades department commissioned a survey of attitudes toward this bill. It very proudly announced that indeed a majority of those surveyed including union and nonunion persons favored the enactment of this change in the law. This did not

seem to jibe with other polls which I have seen conducted by such reputable pollsters as Opinion Research Corp. and Roper. Those polls conclusively demonstrate that a majority of the American public indeed does not favor the enactment of this legislation.

The Opinion Research Corp., a well-experienced and well-respected polling service, conducted a nationwide survey of the American public in May 1976, and in it was the following question: On building sites many unions represent different kinds of employees of contractors working there—electricians, carpenters, plumbers, and so forth. When one of the unions is striking against one of the contractors, which of these two rules do you think should apply? Rule (a)—the union should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site. Rule (b)—the union should be allowed to picket the whole building site, even if it stops work of all of the contractors and employees.

In surveying the results from the general public 72 percent of those asked favored rule (a), while 17 percent favored rule (b) and 11 percent had no opinion. Of those union members asked, 54 percent favored rule (a), 39 percent favored rule (b) and 7 percent had no opinion.

I submit that the question, as presented, was very fair on its face and set forth with a great deal of accuracy the situation that situs picketing presents: whether one union who has a dispute on a construction project with its employer ought to be able to picket the entire job site with the resulting work stoppage of all other contractors and employees on the site.

The ORC survey, which I submit is entirely creditable, was confirmed recently by the Roper organization when on the question of common situs picketing it conducted 2,004 field interviews. The Roper poll, like the ORC poll, shows that the overwhelming majority of all Americans from all walks of life do not believe that building trades unions should be allowed to picket contractors with whom they have no direct dispute. In fact, according to the Roper study, only 12 percent of the American people favor the kind of picketing that would be legalized by S. 924. Among the various groups that the study looked at, only 30 percent of the union members indicated their support for the expanded picketing, only 14 percent of all Democrats and only 14 percent of the people who described themselves as liberal. I submit that the results of both the Roper and ORC polls prove conclusively that the majority of all Americans do not favor this legislation and have expressed their feelings in these various polling surveys.

On the other hand, the AFL–CIO is doing everything humanly possible to rush this legislation through committee and onto the floor for expected final passage. The building trades unions have commissioned a poll that was prepared by the Ruttenberg organization of Washington, D.C. The title of the Ruttenberg poll is "Survey of Equal Treatment for Construction and Industrial Workers."

At some recent hearings involving the common situs picketing proposal, I elicited information from the building trades unions that Mr. Ruttenberg was in fact a former employee of the AFL–CIO and held a high-level job with the Department of Labor at some point during his career. I then had an opportunity to look at the poll that Mr. Ruttenberg prepared. For the information of my colleagues I refer at this point to the question that was asked some 1,000 respondents across the United States on the question of equal treatment under law of U.S. residents. The question reads as follows:

There is also a difference in labor laws, depending on the job.

In an industrial plant, if people on one type of work have a legal dispute with their employer, they are permitted by law to appeal to people on other types of work in the same plant to join them in withholding their services.

There is a different situation on a construction job. Here, if people on one type of work have a legal dispute with their employer, they are prohibited by law from asking people doing other types of work on the same construction to join them in withholding their services.

Some people say that the labor laws should be changed so that construction workers will have equal treatment with industrial workers. Other people say the present situation should remain as it is.

How do you feel about this? Should the labor laws be changed or should they remain as they are?

Mr. President, I am by no means an expert in analyzing polls, but I submit that one need not be an expert to determine with relative certainty that the question so asked by Ruttenberg is loaded. Who is not going to be for equal treatment of employees? Who is not going to be for allowing some workers who have a dispute from asking other people to join them in withholding their services? In the same vein, who can be against motherhood and apple pie?

But, unfortunately, the Ruttenberg survey does not really reach the issue which is under active consideration by the Human Resources Committee, that being, whether we ought to allow a change in the law which would authorize secondary boycotts and secondary picketing which has heretofore been unlawful in the construction industry. Notice in the Ruttenberg survey there is no mention of picketing in the text of the question.

It is fairly obvious to the untrained observer that the Ruttenberg poll is useless. It has been conclusively demonstrated on the other hand through such organizations as Roper and Opinion Research Corp. that the overwhelming majority of Americans want no part of changing this law to permit common situs picketing. In my judgment, the U.S. Senate ought to be mindful that this proposal is rejected by the American people, and I challenge every Senator, assuming this bill is not disposed of before the recess, to go to a construction site and ask the rank-and-file employees as to whether they want this bill. I think it will be demonstrated to everyone's satisfaction that this indeed is not a bill to benefit the rank-and-file employee but is designed solely to increase the power base of the labor officials here in Washington who will be the only intended beneficiaries of this proposal.

SOME INSIGHTS INTO THE ALL-VOLUNTEER FORCES

Mr. PROXMIRE. Mr. President, recently two thought-provoking articles have been published concerning the performance of the All-Volunteer Forces and the possibility of a return to the draft, or the institution of a national service. Each approaches the subject from a different perspective and each, in its own way, reinforces my belief that the All-Volunteer Force is working.

The first article is a Washington Post column written by George Will. Mr. Will describes the current representativeness and quality of the armed services in complimentary terms.

According to the figures cited by Mr. Will, today's AVF accuratley reflects the Nation's composition in regard to regional, racial, or financial standards. For example, 26.3 percent of families and 26.9 percent of recruits are in the under $8,000 income group, while 21.8 percent of families and 16 percent of recruits are in the $20,000 plus group.

Concerning regional composition of the AVF, 53 percent of today's recruits are produced by the 10 most populous States, which contain 53 percent of the Nation's male youths.

Mr. Will also suggests that any potential recruiting problems that the armed services might face can be offset by a few military policy changes, such as the increased use of women.

The second article is written by Nicholas von Hoffman. Mr. von Hoffman suggests that we must pay more attention to the perspective of personal liberty while we discuss a possible return to the draft or the institution of a national service requirement.

Both of these articles provide insight for our discussions of the performance of the All-Volunteer Forces.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the columns were ordered to be printed in the RECORD. as follows:

[From the Washington Post, Jan. 30, 1977]

PROFILE OF AN ARMY

(By George F. Will)

Frost and fire are not more different than the persons—Sens. John Stennis of Mississippi, Sam Nunn of Georgia, Edward Kennedy of Massachusetts, and Joseph Califano, Secretary of Health, Education, and Welfare—who have been most consistently critical of the all-volunteer armed forces. But they all are Democrats.

Some critics dislike the all-volunteer idea; they regard compulsory national service as good for the soul of the citizenry. Most critics have predicted that volunteer forces would be disproportionately poor, "excessively" black, of low quality and unreasonably expensive.

Actually, today's volunteers are remarkably representative of the nation in terms of region, race and family income.

The 10 most populous states have 53 per cent of the nation's male youths and produce 53 per cent of recruits; the 20 most

populous states have 75 per cent of male youths and produce 75 per cent of recruits. Contrary to Califano's and others' emphatic predictions, the all-volunteer forces are not "poor men's forces":

26.3 per cent of families and 26.9 per cent of recruits are in the under $8,000 income group.

29.3 per cent of families and 35.1 per cent of recruits are in the $8,000–$13,999 income group.

22.3 per cent of families and 22 per cent of recruits are in the $14,000–$19,999 group.

21.8 per cent of families and 16 per cent of recruits are in the $20,000-plus group.

In 1964, blacks were 10.6 per cent of armed forces' recruits. In 1976, they were 16.9 per cent. The figures for the Army were 13.7 in 1964 and 24.4 in 1976. Obviously a moderately larger percentage of blacks than of whites find that the armed forces provides an attractive opportunity. So what? The government has no reason—and no right—to worry about whether there are "too many" blacks in the armed forces.

The quality of today's recruits, as measured by education levels and scores on standardized tests, is better than the quality of recruits in 1964, the last pre-Vietnam year. In 1964, 68 per cent of volunteers were high school graduates; in 1976, 69 per cent were. In 1964, 42 per cent of volunteers had test scores placing them in the top two of four mental categories; in the most recent quarter the figure was 44.1 per cent.

True, personnel costs have risen from 47 per cent of defense outlays in fiscal 1964 to 58 per cent in fiscal 1977. But that is primarily because military pay has been raised to comparability with private sector employment. But if the nation returned to conscription, comparability would be a requirement of justice. Without conscription, comparability obviously is necessary as well as just.

Few persons who criticize the all-volunteer forces as "unreasonably expensive" favor returning to the scandalous pay rates of 1971. Then many military families were on welfare. And if, today, pay for junior enlisted men was reduced to the federal minimum wage, the government would save just $1.7 billion.

A few easy, reasonable reforms (for example, seeking more women recruits and converting 50,000 military positions to civilian positions) should compensate for any increased recruiting difficulties in years when unemployment is less than it is today, and the number of persons between ages 17 and 22 is smaller.

The most serious predicted skill shortage, of physicians, has not occurred. There are shortages of some skills, and of reserves, but these are problems less substantial than the political and social problems that would be part of any attempt to return to conscription.

Persons who favor military conscription, or other mandatory national service, usually do so for reasons of political philosophy that are independent of the performance of the all-volunteer forces. Suffice it to note that universal military training would produce an absurd surplus of trained manpower over projected military requirements. And a year of mandatory national service for all youths would cost $50 billion annually, if only the minimum wage were paid, and would involve a revolution in national priorities, and values: The U.S. government has never asserted a right, unrelated to national security, to conscript citizens' lives.

My friend Richard Scammon, the elections expert, says that nothing ails the Republican Party that 12 per cent inflation won't cure. But Republicans also can benefit from Democratic criticism of the all-volunteer forces, which are perhaps the finest achievements of the recent Republican years. Most such criticism underscores two Democratic tendencies—statism and casualness about coercion.

[From the Washington Post]

ON DRAFTING PEOPLE INSTEAD OF MONEY

(By Nicholas von Hoffman)

The talk grows on Capitol Hill and elsewhere that it is necessary to bring back the draft. The timing must be fortuitous to be sure, but it is a fact that the revival of conscription coincides with a tacit, bi-partisan admission that nobody here knows of a safe and practical way to bring unemployment down much faster than Jerry Ford said he could. Depending on how large the recently decried Russian arms build-up is determined to be, and therefore how big our Army should be, one or two percentage points could be knocked off those damnable monthly unemployment numbers.

Some of the rascals who want to reintroduce this form of involuntary servitude are quite open about its sanguine effects on joblessness. These are the people who don't want a mere draft for the Army but a National Service Corps in which all 18-to-20-year-olds, male and female, will have to give two years of labor to the fatherland either playing soldier or emptying bed pans in hospitals or tromping about, a la the New Deal's Civilian Conservation Corps, in the Rocky Mountains planting little pine trees.

The arguments to do this are many and varied, ranging from the nasty pragmatic to idealistic. The most ignoble is that the voluntary army costs too much money, money we'd rather spend on new bombers and aircraft carriers for admirals to strut on, so make the kids work for nothing or next to it. Some of the same people who talk this way will shortly vote to give themselves and the rest of the upper echelons in government huge pay raises.

As ever is the case, they'll conscript people but not capital, not money. This gives a certain piquancy to another pro-conscription argument: The volunteer army is "unfair" because it tends to recruit black youths in a higher proportion than they exist in the general population.

Whether or not a racial slur is intended, that's what it sounds like when pro-draft speakers tell us: 1) the Army is getting blacker and 2) the quality of the personnel is in decline. The argument that ought to get the biggest chuckle is the one that insists the "volunteer" army is becoming mercenary. The men and women signing up, so say the conscription advocates, aren't doing it out of love and a desire to submerge themselves in the larger greatness through service and obedience to the fatherland. No, the urchins want money! Shall we apply the same set of standards of selflessness to Lockheed? If the boys and girls are to serve for love, not money, shouldn't the munitions manufacturers sell their products at cost?

Well, perhaps not, because another reason advanced for the draft is that it's good for the soul. Our young people are soft, overindulged and so pampered that not only are the hard virtues like perseverance and fortitude unknown to them, but they are prey to nervous disorders and frightening insanities. In the old days they said the Army built character even if it did increase a boy's chance of contracting a venereal disease; now they tell us it cures neuroses, as anyone can tell by looking at the low, low figures for alcoholism and drug addiction in the service.

But none of the inconsistencies and airy assertions concerning the benefits of the draft is really that important. If every argument made for the draft were valid and convincing, it still wouldn't abrogate Amendment XVIII of our Constitution: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

It is reasonable to say that Amendment XIII can be licitly suspending in time of war, especially if the enemy is at the gates, if the United States is immediately and directly threatened, but a peacetime draft is a different proposition altogether. To deny millions their liberty, millions who have committed no crime, who have been convicted by no court, to slap them into involuntary servitude to fight unemployment or because the older part of the population doesn't want to pay the tax bill is to threaten liberty herself.

What if Congress said, "Let's draft the teachers. Their salaries are too high, and the garbage collectors and firemen?" Nobody would stand for it because everyone would see it for the threat it is. In the long run it is no less of a threat to steal young people's liberty, and if you doubt it, see how America has changed as the draft has stayed with us longer and longer.

In 1917 and 1940 it was looked on as a dire, exceptional act in an emergency situation. People were actutely conscious that millions of young nonfelons, noncriminals were having their liberty taken from them. After the decades of conscription following the Korean War, the gravity of the draft was lost, and it came to be looked on as just something the government does like taxes or price controls or highway construction.

To mask the fact that people in power had come to be this casual about depriving their fellow citizens of their liberty, the doctrine of service to the state evolved. The notion of owing your country was propagated, the idea that it is more blessed to give to Washington than to receive. The older idea vanished that we are not here to serve the state, but for the state to serve us, and if it doesn't it should be destroyed.

S. 924, COMMON SITUS PICKETING AND CONSTRUCTION COLLECTIVE BARGAINING

Mr. HATCH. Mr. President, S. 924, this year's version of an old subject, common situs picketing, admittedly deals with a very complex section of our labor laws. That section involves the Taft-Hartley Act secondary boycotts which are defined as unlawful acts occurring when a labor organization having a dispute with one employer—the primary employer—extends that dispute to a neutral third party—the secondary employer. The object of the secondary activity is to force the neutral to cease doing business with the primary employer, thereby applying pressure designed to force the primary employer to give in to the union's demands.

I have now sat through 3 days of hearings on this bill and I have heard much rhetoric about what this bill does and does not do. At this point I am not convinced in my own mind that anyone really knows all of the legal ramifications of what will undoubtedly become the Labor Lawyers Relief Act of 1977 if this bill is enacted.

One of the best prepared statements on this bill that I have seen is one submitted to the Human Resources Committee by Attorney Vincent J. Apruzzese, a practicing labor lawyer in Springfield, N.J., on behalf of the Chamber of Commerce of the United States. Mr. Apruzzese brings his 20 plus years of experience in construction labor relations to provide a complete concise analysis deal-

ing with many of the troublesome areas of this proposed legislation. I commend his review to the attention of all of my colleagues who earnestly want to know about the bill, and I ask unanimous consent to have Mr. Apruzzese's statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY VINCENT J. APRUZZESE

I am Vincent J. Apruzzese, senior partner in the law firm of Apruzzese & McDermott, of Springfield, New Jersey. I serve as a member of the Labor Relations Committee of the Chamber of Commerce of the United States. In my labor management relations practice, I have had extensive experience in construction industry labor matters including representation of the Associated General Contractors of America, National Home Builders, various AGC Chapters and major construction companies.

I am appearing before this Committee on behalf of the Chamber of Commerce of the United States, the largest association of business and professional organizations in the United States, and the principal spokesman for the American business community. The National Chamber represents over 3,500 trade associations and chambers of commerce. It has a direct membership of over 62,000 business firms. I wish to thank the Committee for this opportunity to present the National Chamber's views on S. 924, a bill to amend the secondary boycott provision—Section 8 (b) (4)—of the National Labor Relations Act and to revise construction industry collective bargaining. For reasons that I will develop in this statement, the Chamber opposes both the situs picketing (Title I) and collective bargaining (Title II) provisions of this bill.

TITLE I

Section 8(b)(4) outlaws secondary boycotts by all labor organizations. Stripped to its essentials, S. 924 would legalize secondary boycotts by construction unions at construction sites. Secondary boycotts occur when a labor organization having a dispute with one employer—the "primary" employer—extends that dispute to a neutral third party—the "secondary" employer. The objective of a secondary boycott is to compel the neutral employer to cease doing business with the primary employer, thereby applying pressure designed to force the primary employer to give in to the union's demands.

This bill is special interest legislation designed to give an unfair advantage to AFL–CIO building trades unions. The effects of Title I of this proposed legislation exempting a few powerful unions from the general prohibitions on secondary activities would be detrimental to the interests of employers, employees and the general public. By permitting a small dispute to envelop all workers on a project, S. 924 throws another obstacle into the path of the construction industry—an industry which is vital to our recovery from the recession but which has not recovered as rapidly as expected, in part because of high construction costs which S. 924 would force even higher. Not only would home buyers suffer but also secondary employers and workers and suppliers of construction materials and their employees. This Committee should not treat lightly the broader adverse economic impacts that this bill would have on the housing industry in particular and the economy and inflation in general at a time when forecasts of this year's economic activity have been revised downward. With unemployment at its present high levels, is this Committee willing to accept responsibility for the even higher unemployment that would inevitably result from S. 924?

The construction industry is particularly vulnerable to the pressures of a secondary boycott because the efforts of a number of independent employers are commonly required to construct a single project. In our highly specialized economy it is quite common for a large number of independent employers to contribute to a finished product. For example, the efforts and the products of many independent employers such as steel, tire, plastics, aluminum, glass and electrical suppliers, are necessary for the production of one automobile. Likewise, it is not uncommon for a dozen or more independent employers to contribute to the construction of one office building. As in the case of the automobile, the office building could not be built without the contributions of each independent employer. But, unlike the automobile, most of the parts of an office building must be built at the site where the building will be located. The practical effect of the location of all employers and all empolyees involved at a given construction project at one place at one time is that secondary pressures can be exerted by a union easily, effectively and inexpensively.

Labor disputes leading to picketing can arise in three areas: an economic dispute, a work preservation disagreement and an organizing campaign. Due to the presence of multiple employers on a construction site, a building project is unusually susceptible to labor disputes of each type. An example will demonstrate how this might occur. Suppose that on a large construction project, where thousands of workers doing a wide variety of jobs are employed by numerous subcontractors, a group of 50 tile setters get into a dispute with their employer who has contracted for all tile setting work. Under S. 924 these 50 tile setters would not only be permitted to picket their employer but they would be allowed to picket the entire construction site. A chain reaction of work stoppages by the thousands of other employees on the project would follow, and, eventually, all work on the project would be brought to a standstill. If the primary tile setter employer refused to give in to the union's demand, the general contractor would be forced to replace him with a subcontractor having no dispute with the union to get the job moving again. Regardless of the outcome of such a union squeeze play, many innocent persons would be hurt, a great deal of money would be lost by purchasers of construction (including the government) and suppliers, and there would be little possibility of the primary employer obtaining a just resolution of the original controversy under such tremendous pressure. Furthermore, one union successfully using secondary pressure will lead others to follow that approach, adding to instability in the industry. Moreover, local unions can be uncontrollable at times and may seek unreasonable wage increases using the additional power given them by S. 924.

Secondary boycotts detract from national labor policy

S. 924 is drastic legislation—drastic not only because it would extend unjust, final and unnecessary power to the building trades unions but also because it represents a radical departure from the philosophy of our long established national labor policy.

One of the express purposes of the National Labor Relations Act is to promote industrial stability by eliminating or minimizing the causes of industrial strife. By their very nature, however, secondary boycotts detract from this purpose. As they reach out to ensnare neutral employers and employees, they cast into jeopardy that many more businesses and jobs. Secondary boycotts undermine existing employment relationships and are clearly designed to jeopardize, if not eliminate, the free choice of employees in representation matters and any possibility of equitable resolution of labor disputes.

When Congress acted in 1947 to specifically outlaw the type of secondary boycott activity contemplated by S. 924, it acted out of a firm conviction that secondary boycotts—by any unions—are against the public interest. That conviction stemmed from concern over the obvious evil of such boycotts—injury to wholly innocent parties. That evil is as real today as it was then and should, in and of itself, be reason enough for rejection of S. 924.

Trade unions already have adequate picketing rights

The alleged purpose of S. 924 is to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers. But there is no need for this special interest legislation because the building trades unions operate at no disadvantage under the present law. In fact, under the present law certain exceptional powers such as those in § 8(e) (hot cargo) and § 8(f) (hiring agreement) of the NLRA, are given solely to construction unions.

All unions have the same right to picket at any common work situs. The National Labor Relations Board and the courts have carefully formulated exact standards which permit primary picketing and at the same time protect innocent third parties who are also performing work at the common work at situs. These safeguards were established in the *Moore Dry Dock* case, 92 N.L.R.B. 547, and apply to all unions. They are:

1. The picket signs must clearly indicate the employer with whom the dispute exists;
2. Picketing at the job site may be carried on only when the primary employer or his employees are engaged in their normal business at the situs;
3. The picketing must be limited to times when the situs or physical site of the dispute is located on the secondary employer's premises; and
4. The picketing must be limited to places reasonably close to the situs.

It must be emphasized that these restrictions apply to all industrial or craft unions engaged in a dispute at a common work situs and that the restrictions justly balance what the U.S. Supreme Court called the "dual Congressional objectives of preserving the rights of labor organizations to bring pressure to bear on an offending employer in primary labor disputes and of shielding unoffending employers and others from pressures in controversies not their own." *N.L.R.B.* v. *Denver Building and Construction Trades Council*, 341 U.S. 675 (1951). Since reasonable criteria already exist to balance the picketing rights of all unions with those of neutral parties, it would be unconscionable to destroy this balance with special interest legislation favoring the construction unions.

"Joint venturers" fiction

For a number of years, those who stand to benefit by unrestrained secondary picketing have resorted to a number of fictions to justify their position. The foremost of these fictions is that all employers at a construction site are "joint venturers", and that none of them can consequently be considered neutral to a union dispute with any of the others.

This argument is legally and realistically unsound. The Supreme Court itself rejected it in the *Denver Building Trades* case, pointing out that the fact that a contractor and subcontractor were engaged in work on the same construction project "did not eliminate the status of each as an independent contractor or make the employees of one the employees of the other." (341 U.S. at 689, 690.) Moreover, as anyone even remotely familiar with the realities of construction

project work knows, the general contractor and each subcontractor at a construction project are in every sense of the word separate entities.

They deal with each other at arm's length and on a practical, businesslike basis. Subcontractors may be small businesses, but they can also be large specialized companies that invest considerable money, equipment and personnel in a job, and operate with little day to day contact with the general or prime contractor. Subcontractors often compete with each other in the same field, and they each independently negotiate the wages and working conditions of their own employees. The individual problems of each subcontractor control his ability to determine wages and working conditions of his own employees. Each subcontracting firm is independently responsible for his own profits and losses and the completion of that part of the project for which he is responsible. And frequently there will be numerous contractors on a job who deal directly with the owner of the building rather than with one another or with the general contractor. Moreover, with many contractors on a job, many labor contracts will be expiring at different times. This fact increases the chance of a succession of labor-management disputes which S. 924 would magnify.

The situation on a construction site, in other words, bears no similarity to that of a single manufacturer who employs workers from different trades. Whereas the manufacturer controls the wages and working conditions of all his employees, contractors and subcontractors on a construction site have nothing to do with the terms of employment of the other employees. The only way they can affect each other's terms of employment is by ceasing to do business on the same site as the struck employer, thereby forcing the struck employer either immediately to capitulate to union demands or be replaced by another contractor.

The folly of lumping all contractors and subcontractors on a construction site into one labor relations category becomes clear when the common objective—and the all too frequent result—of common situs picketing is examined. That goal, of course, is the removal from the construction site of any employer offensive to the union. That objective has been demonstrated frequently where an open or merit shop (non-union) contractor performs work on a construction site where the other employers are parties to local union agreements. Time after time, the unions have picketed the open shop employer to "advise the public that this employer does not comply with area standards" without ever attempting to organize the employees of that subcontractor. The clear objective is to have that employer removed from the job site and replaced with an employer who is a party to the local union agreement and who employs persons who are already members of the union. This common event completely contradicts the fiction urged in support of S. 924 that all employers on the common situs are "joint venturers." The objective of having a particular employer eliminated clearly demonstrates that the unions understand that the general contractor ordinarily has a choice between a number of firms competing for a particular subcontract and that the relationship between contractor and subcontractor is no more intertwined than the relationship between the buyer and the seller of any other service.

Perhaps the best way to expose the weakness of the building trades unions' "joint venturer" argument is to carry it to its logical conclusion. In essence, the argument would justify secondary boycotts against any employer who, like a subcontractor, contributes to the creation of a single "product."

For example, the mining company which produces iron ore, the steel company which processes it into steel, and the automobile company which makes it into cars all play a part in producing the end product, just as contractors do on construction sites. Under the trades unions' argument, all of these employers should be deemed "joint venturers", and picketing should be permitted against all of them when only one is involved in a labor dispute.

It is evident, of course, that these employers are not "joint venturers", and that picketing in a dispute with one cannot be visited upon the others under current national policy. It should be equally obvious to those who care to look beyond the fact of their mere physical proximity on a construction project that the prime contractor and the sub-contractors also are not "joint venturers", and likewise should not be embroiled in each other's disputes. Any contrary conclusion would be highly unrealistic.

S. 924 would tilt the scales, not balance them

Another fiction advanced by the proponents of S. 924 is the claim that building trades unions do not now enjoy the same rights as other unions with respect to the right to strike. If unions in the contruction industry have been denied the right to engage in primary picketing in labor disputes, there might be some merit to this claim. But, as we have already shown, this is not the case. Construction unions have always had the same right to engage in primary strike activity as other unions. The proviso in Section 8(b)(4)(B), in fact, specifically states that "nothing contained in this clause (b) shall be construed to make unlawful where not otherwise unlawful any primary strike or primary picketing."

So what the building trades unions would get through S. 924 is more power than other unions now possess.

They would get, for example, the power to bring picketing pressure to bear on an entire group of construction site employers whenever the employees of one choose either to be non-union or to affiliate with a non-AFL–CIO union. This power would effectively enable them to eliminate from the construction scene all employers but those using AFL–CIO labor. Alternatively, an independent union might picket an AFL–CIO job site in an effort to gain employment for its members. By the time token, it would destroy the right of the worker to make a free choice over whether or not to join a union and having made the choice, to be free to work without penalty for it. And, as an AFL–CIO trades union official himself admitted during prior-year hearings on this same legislation, it would give them the power to "destroy independent unions" (C. J. Haggerty, President, Building Construction Trades Department, AFL–CIO, in Hearings before the Special Subcommittee on Labor, House Committee on Education and Labor, 90th Cong., 1st Sess. 1967, p. 86).

Trades unions' wages are proof of power

The success of the building trades unions in securing wage increases is sufficient proof that the existing laws in no way place them at a disadvantage. For example, the average building trades union rate was $11.55 (including fringes) as of January 3, 1977. (USDL Release BLS 77–108, 10 Feb. 1977.)

Electricians in Chicago average $13.76 per hour. In San Francisco, carpenters get $14.24 and in Detroit, the plasterers receive $13.07 In Seattle, plumbers receive $15.28 per hour (including fringes).

These are revealing examples but they cannot be classified as exceptions to the general rule. The Department of Labor reports (for the most recent period recorded) that the average weekly wage in electrical construction in October 1976 was $350.35 for a 38.5 hour average work week. This contrasts with an average of $220.05 weekly in manufacturing for a 40.6 hour work week. The average hourly wage in contract construction rose to $7.91 in December 1976, compared to $5.41 in manufacturing in 1976 (rates exclusive of fringes). (Source: BLS "Employment and Earnings" Vol. 24, No. 2, Feb. '77 and "Current Wage Developments" Jan. 1977.)

The building trades unions have been successful in obtaining the highest overall hourly rates in American industry and it seems reasonable to expect that this construction wage pattern will continue in the future. Construction workers have historically been paid more than manufacturing workers and the gap has been brought about in large part because of the powers of the building trades unions—powers that triggered the wage spiral that resulted in the formation of a Constitution Industry Stabilization Committee and ultimately in the 1971 wage-price freeze. Vesting even more power in the building trades creates a very real danger of starting a new inflationary spiral of wages and prices and a consequent recession and higher general unemployment. Aside from other considerations, this alone is ample reason for the bills rejection.

Seasonality of construction does not explain high wage rates

The building trades unions, of course, attempt to defend such large wage settlements on the grounds of the seasonality of construction work. However, it must be noted that the unions which have won some of the most substantial wage increases perform essentially indoor work protected from the weather. Plumbers, electricians, and sheet metal workers, for example, generally have a roof over their heads and are rarely put out of work by bad weather. Yet these unions are paid top dollar. For example, BLS data show plumbers in large cities currently averaging $13.20 per hour in wages and fringes!

It has been years since the seasonality of construction was a significant factor, if in fact, it ever was such a factor. Studies show that, for example, in 1974 the average number of workers in construction ranged from a low of 3,280,000 in January to a high of 3,847,000 in August, suggesting that relatively few construction workers were out of work during the winter months. The fluctuation is probably even less for union members since work on commercial building projects, where most union members are employed, continues around the calendar.

Under these circumstances, the claimed seasonal aspects of construction fail to justify the wage gains that the trades unions have recorded and certainly do not support giving additional powers to those unions.

In plain language, the building trades unions are not suffering under our present law. If that law really hindered them, the high wages we have noted could not exist. Wages such as these could not be achieved by handicapped unions. To the contrary, such wage rates and gains can be attributed only to the tremendous power the building trades unions obviously enjoy. It would be a catastrophe for the construction industry—indeed, for the nation—if the secondary boycott power were to be added to the already formidable powers at the command of these unions.

S. 924 not the answer to construction industry problems

Beset by high costs and weak demand, construction has been truly one of the industries most adversely affected by the recession and the unusually severe winter weather. Construction unemployment averages 22.9% and is almost 100% for some trades in some areas. Why should society be forced to face the possibility of expanded work stoppages and increased construction costs that S. 924 offers? S. 924 creates no new

jobs. Quite to the contrary, if enacted, the bill would stand to eliminate some existing jobs as small disputes escalated to envelop entire projects. In fact, because the term "site" is undefined it would seem that a union picketing under S. 924 could carry the dispute to every construction site where their subcontractor employer has operations. Moreover, due to total picketing of a job site, markets for construction materials will shrink, displacing employees of suppliers as a result of production cutbacks.

Construction industry efficiency is increasing, and the competition offered union contractors by merit shop contractors has been one factor in encouraging unions to reassess and occasionally revise the operation of restrictive union work rules, such as limiting the width of paint brushes, hand trowelling of cement before and after machine finishing, and excess manning requirements for equipment. For example, here in Washington, D.C. a group of building trades unions has signed an agreement for a major project limiting the right to strike, and foregoing some union work rules in an effort to be more competitive with non-union workers. Had they not agreed, the project would probably have been built open shop or not at all! But with common situs powers, the beneficial competitive influence of non-union workers so helpful to consumers would be blocked out. S. 924 would snuff out that competition, because it is designed to separate union and non-union contractors and subcontractors.

S. 924 would increase sex and minority discrimination

Like any other type of discrimination, that encouraged by S. 924 is unfair and is contrary to the American free market system which entitles each business to be judged on the merits of its prices and the quality of its goods or services and offers employment opportunities to all qualified applicants regardless of race or sex. In areas of the country where union and non-union craftsmen work side by side, general contractors and construction purchasers will use either all union or all non-union subcontractors, and deny employment to the "wrong" kinds of contractors. In parts of the country, or on jobs, where union workers are in the minority, union workers may be kept off the job completely.

S. 924 prohibits common situs picketing in support of "race, sex, creed, color or religious" discrimination but the bill allows picketing to get (or keep) non-union persons off the job which, due to years of union refusal to admit them, are likely to be female and/or minority. This will enable unions to perpetuate their past discrimination against such Americans.

Furthermore, since minority subcontractors are likely to be small businesses, and small businesses are likely to be non-union, the bill would allow building trades unionists to picket a site at which a non-union minority subcontractor was operating. The picketing would be aimed at the non-union aspect of the subcontractor, but the effect would be anti-minority. For example, the Washington AFL–CIO Building and Construction Trades Council strenuously objected to the use of minority non-union contractors on the Metro subway system. ["Unions Fight Metro Rule on Contracts for Blacks," Washington Post, p. A–34, (22 August 1974); also see *Washington Post*, p. A–1, A–7, (29 August 1974).] If common situs picketing had been legal at that time, any minority non-union subcontractors on the job would have been prime union targets. Thus, due to its potential impact on female and minority workers and subcontractors, S. 924 is contrary to national policies of non-discrimination and should not be enacted.

S. 924 would hit hardest in areas of high unemployment

Another negative aspect to Title I of S. 924 would be its likely impact on areas already suffering from high unemployment. As many witnesses, union and management, have agreed, the bill would polarize the nation's construction industry into all union and all non-union regions. The all union areas would be in the Northeast and in the large cities where unemployment is already at high levels. Common situs picketing would be most effective, of course, in those all union areas. An employer considering expansion of an old facility or construction of a new one would necessarily consider the higher cost of construction in areas which would be most affected by common situs picketing, compared to the lower cost of construction without situs picketing and with non-union contractors unrestricted by union work rules in areas that were "polarized" open shop. Faced with those two choices, employers might well decide to do their construction in the open shop regions, leaving behind in the all union areas common situs picketing and the urban jobless who might have found work in the new or expanded facilities.

This is a serious matter. Our large cities and other urban areas have high unemployment and desperately need to attract employers. Common situs picketing will not only not attract new employers, it may well cause existing ones to go elsewhere when their present facility is in need of substantial improvement.

Technical comments

We are extremely concerned about the introductory phrase in the bill, line 7, to the effect "that nothing contained in this *subsection (b)* shall be construed to prohibit any strikes . . ." (emphasis added). The subsection (b) referred to is apparently the entire § 8(b) subsection of § 8. The phrasing seems to exempt construction unions from all unfair practices in § 8(b). We note that H.R. 5900/S. 1479 was limited specifically to § 8(b)4(B).

"That nothing contained in *clause (b) of this paragraph (4)* shall be construed to prohibit any strike . . ." (H.R. 5900/S. 1479, 94th Congress) (emphasis added)

There is no reason to exempt the building trades unions from § 8(b). On the contrary, their predilection for secondary pressure, violence and other improper practices indicates that more control, not less, is needed.

We presume that even the supporters of common situs powers would not support a wholesale exemption of the construction unions from § 8(b) of the Act. Our other technical comments follow.

Technical comments on title I

1. S. 924 not only overrules the *Denver Building Trades* case, it creates a new economic weapon for organized labor to use on all-union jobs. As each of the many contracts covering a multitude of unions working on a large project expires, shut-downs would occur frequently under full site picketing.

2. S. 924 does not define "site of construction." Thus, if all employers on a site are considered one "person" (also not defined), that person could be picketed, under labor law principles, wherever found—at all sites.

3. Although S. 924 does not authorize strikes in violation of collective bargaining agreements, many stoppages would be expected to occur due to expiration of the contract or presence of non-union workers on the site. Moreover, since the Supreme Court decision in *Buffalo Forge Co.* v. *Steelworkers*, there is doubt as to whether a valid contractual no-strike clause can be enforced to make one union cross the picket lines of a striking union.

4. The bill allows construction unions to picket a site where a non-union specialty contractor is working (i.e., computer installers, etc.), or the site owner is having its non-union employees do its own construction work. In addition, there is no specific protection for ongoing industrial operations at a construction site being picketed by building trades unions.

5. S. 924 ostensibly disallows picketing on the basis of race, sex, creed, color or national origin, but in fact, historical union bias has limited the opportunities of minority and females to gain union membership, and non-union workers can be picketed off the site.

6. Although direct product picketing is not authorized by S. 924, once site wide picketing is legalized, it could be used sub rosa for product control purposes.

7. An exemption to the "joint venturer" fiction in S. 924 is made for states having separate bids and awards for various parts of a project. Private projects using the same procedures should be treated no differently than a public project.

8. Exculpation of an international union from civil and criminal liability for authorizing site wide picketing, unless there is actual knowledge of willful unlawful purpose, is a standard extremely difficult to meet to prove a violation.

9. Prior notice of intent to picket at military installations does not prevent picketing of vital defense projects.

10. Because Title I of S. 924 would become effective 90 days after enactment, project estimates figured without allowing for increased costs due to common situs picketing would fail to predict actual expenses, causing losses to owners and contractors.

Title I of S. 924 will harm rather than benefit the construction industry, and we strongly believe it would not be enacted.

TITLE II

The business community is vitally concerned with collective bargaining in the construction industry. Disruptions in construction due to labor disputes touch the lives of every citizen. The skyrocketing costs of construction ultimately are borne by the users and the general public. We are discussing a problem national in scope. If the solution lies in legislation then all affected interests should be heard. If the solution lies in legislation then we respectfully submit that the bills which are now being rushed through the Congress are not the answer.

Collective bargaining has been going on in the construction industry for decades. While many of the settlements being negotiated are outrageously excessive and no doubt highly inflationary, they did not exactly appear overnight. To be sure, the unionized sector of the construction industry has its problems. But they are not new. The fragmentation of the industry and the divisions of labor along craft lines date back for generations. This problem is too complex and its implications are too far-reaching to be dealt with by the Congress in such a superficial, cursory fashion. A matter of this importance demands more careful consideration and study. If there is to be legislation, and we seriously question the need for this type legislation, then it must be precise, it must be backed up by thorough and appropriate legislative history and it must contain carefully devised safeguards against abuse of power.

Summary of title II

The purpose of Title II, which is virtually identical to the provisions developed in August 1975 by then Secretary of Labor Dunlop, is to revise the structure of collective bargaining in the construction industry. The bill creates a new federal agency called the Construction Industry Collective Bargaining

Committee. The parties to collective bargaining agreements in the construction industry are required to give notice to the Committee 60 days prior to the expiration or reopening of existing contracts, and the Committee may assert jurisdiction and intervene in such negotiations, or it may request that national craft boards or national labor and management organizations become involved in the dispute. In the event the Committee intervenes in a dispute, no strike or lockout would be permitted within 90 days of the time that Committee received notice from the parties. In the event the Committee requests national labor and management organizations to participate, no contract could be put into effect until it is approved by the national labor organization.

Almost all international building trades unions now have the power to intervene in local disputes if they choose to do so. Any benefits that could be obtained from the intervention of internationals into local negotiations could be accomplished without additional legislation. The extent to which the present power to intervene, and even veto local settlements, is not exercised by the international unions no doubt is dictated by international union political pressures. But S. 924 will not remove these internal political pressures and it leaves participation in local negotiations by the international union entirely optional. Therefore, it is unreasonable to expect any additional benefits will be obtained from the statutorily sanctioned participation of international unions in local negotiations.

The power this bill would give to national labor organizations is a veto over changes in local working agreements. As stated, many of these organizations already have this power by virtue of their own constitutions, however, they just don't choose to exercise it very often. Section 205(e) of the bill provides that when the Construction Industry Collective Bargaining Committee takes jurisdiction over a dispute and requests the participation of the international unions,

"No new collective bargaining agreement . . . shall be of any force or effect unless such new agreement or revision is approved in writing by the standard national construction labor organization with which the local labor organization or other subordinate body is affiliated. Prior to such approval the parties shall make no change in the terms or conditions of employment."

No one can predict how the power which this legislation grants would be used by the international unions. But we do know that, after the hearings of the so-called McClellan Committee in 1957,[1] Congress determined that excessive power in the hands of international unions was so dangerous that Congress passed the Labor Management Reporting and Disclosure Act of 1959 limiting the power of international unions and including the union members' Bill of Rights. S. 924 represents a step in the opposite direction, a step which increases the probability of the unreasonable abuse of power by the international building trades unions.

We will not attempt to predict the manner in which the power of the internationals created by this bill could be abused by an international wishing to take action against an unpopular local union or a local union which appears to have the misfortune of being led by political opponents of the international officers. Suffice it to say that the power would be there as a matter of law.

We do feel it is appropriate to indicate some ways in which this legal weapon would be used against the employers. The power to veto a settlement agreement should be equated with the power to dictate the terms of a collective bargaining agreement, and this bill contains no limitation on the type of terms which an international union could insist upon being included in local contracts. For example, the Operating Engineers could refuse to approve any contract which did not contain a provision requiring that an operator be assigned to automatic equipment. The painters could veto any local settlement which did not include a prohibition on the use of rollers to apply paint. Examples such as these are endless.

There seems to be an impression that this bill would automatically serve to restrain excessive wage settlements and eliminate restrictive work practices and featherbedding in the construction industry. There is no mandate in the bill to this effect, as AFL–CIO President George Meany recognized at a press conference, commenting on the earlier identical bill "There's really nothing mandatory in it." And in response to a question on wage levels, Mr. Meany noted that "they don't have the power to decide [what is reasonable]." (AFL–CIO News Release, August 31, 1975, p. 7.) There certainly is no restriction upon the veto power to be given to the internationals to this effect. There is just as much power to dictate higher settlements and more restrictive work practices as there is to do the opposite. We are being asked, in effect, to assume that everyone who exercises this newly created, legal power will do so with high purpose and the best intentions. Even if this utopia could be achieved there is plenty of room for honest disagreement over what is good for the trade, the industry or the society. Inherent in S. 924 is a proposition that those who have exercised some of these powers in the past have acted irresponsibily and contrary to the public interest. Who is to say that others with even more power can be expected to do otherwise?

An international union could insist on a subcontracting clause which prohibits subcontracting to open shop contractors. Likewise, an international could insist on a clause requiring contractors to agree not to operate on an "open shop" basis in other jurisdictions or even to subcontract to "open shop" contractors in other jurisdictions. The potential for abuse of the non-union contractor or even contractors who perform work in some areas on a non-union basis is very real. "Open shop" contractors are becoming more of a competitive threat to union contractors as they expand the types of construction they perform and the areas in which they operate. Likewise, the international unions are faced with increasing competition for jobs from non-union workers who make up a majority of the work force in construction in this country. "Open shop" contractors, sub-contractors and their employees could suffer most from the exercise of this new power given to the international unions. The unrestricted power proposed by this bill could and would serve as a weapon to limit competition in the industry.

The basic defect in this bill cannot be cured. Only a few possibilities exist for the improvement of the major deficiencies in this proposed legislation, and none of the possibilities are acceptable to any of the parties to collective bargaining, since they gravitate toward governmental dictation of the terms of collective bargaining agreements. Neither Congress nor the American public would find the cure acceptable if we are to maintain a system of free collective bargaining.

It has long been national labor policy that the parties to collective bargaining cannot be forced to agree to anything, but this bill with the power it gives to the Construction Industry Collective Bargaining Committee represents a major step in the direction of federal dictation of the terms of collective bargaining agreements. Even if it appeared to be desirable to regulate collective bargaining in the construction industry on a short term basis, this bill would establish a precedent for federal dictation of the terms of collective bargaining agreements which could easily be extended beyond the construction industry.

This bill is both an extension of the power of the federal bureaucracy and an extension of federal regulation. The Congress is aware of the public sentiment against the further extension of federal regulation into additional areas of the lives and business of Americans. This expansion of the power and scope of federal regulation is reason enough to oppose this bill.

As the bill is written, the only power of this agency is to "jawbone" in an attempt to accomplish its goals. Already cries have gone up for the addition of enforcement powers to this legislation and eventually Congress will be faced with proposals to make the agency permanent and to give it the power to force the desires of the bureaucracy upon the parties to collective bargaining. This always seems to be the trend once a regulatory agency is established. Why open that door again?

In spite of the year and a half since employers appeared before Congress to reject S. 924's legislative ancestor, Congress made one change in the bill. In fact, it is acting with such haste that it could easily pass this vague and poorly written bill which will be widely misunderstood. Needless to say, the potential for clarifying litigation, as the bill is now written, is breathtaking.

For example, the standards under which the committee could intervene in a dispute provide glaring examples of the vague and imprecise language of the bill. Section 206 provides that the Collective Bargaining Committee can intervene in a dispute, if in its sole discretion it believes such action would:

(1) "facilitate collective bargaining in the construction industry, improvements in the structure of such bargaining, agreements covering more appropriate geographical areas or agreements more accurately reflecting the condition of various branches of the industry;

(2) promote stability of employment;

(3) encourage collective bargaining agreements embodying appropriate expiration dates;

(4) promote practices consistent with appropriate apprenticeship, training and skill level differentials among the various crafts or branches;

(5) promote voluntary procedure for dispute settlements; or

(6) otherwise be consistent with the purposes of this Act."

The only reasonable reading of this language is that the Committee may take action in almost any situation which may arise if it, in the exercise of its sole discretion, decides to assert its jurisdiction. The legal effect of an assertion of jurisdiction raises many questions. The bill provides very limited enforcement procedures, apparently to the exclusion of remedies already available under other laws. There is great potential for conflict with established principles, practices and procedures under the National Labor Relations Act, as amended. The simple question of who will be authorized to bring actions in court is at best uncertain. The restrictions placed upon a court reviewing the conduct and activities of the Committee are about as broad as can be written and amount to practically no review at all.

It is shocking to find a total absolution of civil and criminal liability provided in § 205(f) to the national unions and contractor groups arising out of participation in the implementation of the proposed law. This provision alone should raise clear warning as to the probability of abuse of the power granted national unions by this bill.

[1] Senate Committee on Improper Activities in Labor Management Relations, 1957–58.

The unions already enjoy too many immunities from the laws which apply to others.

The rulemaking powers granted to the committee are another example of the unacceptable language of the bill which imposes no limitations and no guidelines on the power of this Committee to adopt and enforce rules. In fact, the bill exempts the Committee from the Administrative Procedures Act under which it would be required to publish its rules for comment in the Federal Register. The rulemaking power granted the proposed Committee is as broad as Congress can grant. The point is that this bill creates a new agency with broad powers but no standards to be applied in determining when or how these powers will be exercised.

Solving construction industry problems without additional legislation

In his statement to the House Subcommittee, Secretary of Labor Marshall correctly characterized the collective bargaining structure of the construction industry as highly fragmented, unstable and subject to wage rate leap-frogging. It is a fair summary of that statement to say that the fragmented nature of bargaining is construction's basic problem which this bill is designed to solve. But Title II of S. 924 does not directly address itself to this problem. No such assurance can be given. This bill is completely unnecessary. Both informal procedures and formal legal machinery now exist which could be used to consolidate and broaden bargaining units in the construction industry if the parties desire to avail themselves of such machinery.

As pointed out above, the international unions have the power to intervene in local negotiations. In fact, the internationals now commonly bargain on a nationwide basis with a number of construction companies. Furthermore, these national unions have exercised their existing power and bargained with employers on a multicraft basis. This procedure of negotiating directly with the international unions on a multicraft basis is not uncommon and could be expanded to solve the problems Secretary Marshall sees in the construction industry. There could be many other non-legislative possibilities for improving bargaining in the construction industry if the effort were made.

Those who believe that formal legal machinery is necessary to solve these problems should review the powers of the National Labor Relations Board (NLRB) before they advocate additional legislation. The Board has the power to determine and define units appropriate for collective bargaining. The Board has the power to order bargaining in a broad geographic area—even an area covering several states, and the Board has the power to order bargaining on either a single craft or a multicraft basis. Few NLRB certifications exist in the construction industry, but under the Board's rules, the unions or the employers could petition for a certification that would eliminate or reduce the fragmented nature of bargaining in the industry. In the haste to pass this bill, the fact that the NLRB already has the power and the expertise to go a long way toward solving the legal problems of collective bargaining in the construction industry has been overlooked or ignored. The parties themselves have the power and the ability to solve their own problems without another law and another government program.

Conclusion

The construction industry is the largest single industry in the United States today and is responsible for approximately 9% of the Gross National Product as well as about 4% of the employment. If the United States is to meet the increasing need for construction of facilities efficiently and at reasonable cost, the construction industry must not be upset by cost-increasing legislation like S. 924.

As the amount of construction needed continues to increase, the cost to the public of unnecessary work stoppages at construction sites increases dramatically. A substantial portion of this high cost has been caused by unnecessary and frequent illegal work stoppages on construction sites due to the power already in the hands of the building trades unions. For example, of the 3.5 million workers engaged in construction in 1975, 308,000 were involved in stoppages but of the 18.3 million manufacturing workers, only 463,000 took part in stoppages. (Source: BLS) This trend would continue under S. 924 and would encourage the extension of labor disputes to innocent contractors and their employees and would also affect building materials suppliers' access to their markets. Make no mistake: this bill would dramatically increase the already high cost of construction.

What good purpose would be served by S. 924? According to the building trades unions, it would serve the purpose of balancing their picketing rights with those of industrial unions. We have seen that the imbalance to which they refer is wholly imaginary and the result of a misconception of the employment situations in manufacturing and construction.

Thus, there is no "good" purpose behind S. 924. In fact, it is hard to conceive of a purpose so worthwhile as to offset the host of evil consequences of this legislation—consequences such as:

The closing of mammoth construction projects over a trivial dispute with one small subcontractor; a result that would be detrimental not only to all of the parties working on the project, but also the public interest—as in the case of low income housing, for example—or even our national security—as in the case of a missile site project;

The extension of labor disputes to innocent parties—a result that would clearly jeopardize the stability of existing employment relationships;

The destruction of employee free choice over union membership and the elimination of independent unions—a result that could not only rob employees of a basic right, but also give the AFL-CIO trades unions a monopoly of craftsmen in the construction trades;

The expansion of union power to permit trades unions to control work assignment in jurisdictional disputes; and

The certain upward pressure in costs resulting from vesting even more power in the building trades unions at a time when their wage settlements and restrictive work rules are already restraining industry productivity.

The immeasurable harm that would result from the secondary boycott exemption proposed by Title I of this bill clearly demonstrates that it is even more important today than it was when the Taft-Hartley law was enacted in 1947 for us to realize that there is only one kind of secondary boycott—a bad one. To unleash this evil for the singular benefit of the building trades unions is unconscionable. For these reasons, the National Chamber is firmly opposed to Title I.

Not only is Title I of S. 924 a bad piece of legislation, but Title II should not be enacted either. It is wholly unnecessary, it is vague and poorly drafted, and it needlessly expands the scope and power of the federal bureaucracy. From the point of view of the users of construction who ultimately bear the cost of collective agreements in the construction industry, this bill is completely unacceptable because it will increase the cost and price of construction without offering any offsetting solution to the real problems of the industry.

If the sole purpose behind Title II of S. 924 is to obtain passage of the "common situs picketing" bill, then it should be rejected forthwith. If Title II represents a genuine concern for the status of construction collective bargaining, then instead of being passed in haste, it and the real problems of construction bargaining should be carefully examined and proposed remedies discussed. Under the present circumstances, S. 924, with or without Title II, should be rejected.

THE GENOCIDE CONVENTION AND INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, for 200 years our Nation has been governed by the rule of law. Our basic assumption is that all men are equal under the law and no man is above the law. I think this system has served our country well.

In the international realm, the world body of nations is also slowly moving to a system of international law. Through treaties, conventions and world conferences, the world's nations are attempting to establish a system of ground rules under which all nations can operate.

The Genocide Convention is one aspect of this international body of law. It outlaws the mass extermination of any group of people based on cultural, ethnic, or racial grounds. I think that we can achieve a national consensus agreeing that this attempt to make genocide an international crime is an admirable goal.

There are some observers, however, who contend that the ratification of such a convention would do nothing to eradicate genocide. They argue that the Genocide Convention, like many international laws and agreements, would be ignored by national leaders who saw their interests otherwise.

These critics are probably correct. Our ratification of the Genocide Convention would probably not have prevented the atrocities being committed by Idi Amin's government. Like most international treaties, the Genocide Convention has no real enforcement body.

But ratification of the Genocide Treaty is a first step in the direction of establishing international rules prohibiting the commission of such crimes against human freedoms.

The Genocide Convention, like most other international agreements, is part of a growing skeleton of international law. Once the skeleton is built, the body can then be completed.

In other words, ratification of the Genocide Convention represents progress in the right direction. It is a step toward international protection of human rights. It is a step that our Nation must take. I urge ratification of the Genocide Convention.

UNIVERSITY OF MARYLAND JUVENILE LAW CLINIC

Mr. MATHIAS. Mr. President, as an alumnus of the University of Maryland School of Law, I take special pride and pleasure in the favorable notice being given the school's juvenile law clinic. This innovative and constructive project—an educational effort of the highest quality—is designed to train young

men and women in the practical, real life skills of client advocacy.

An article in the Baltimore Sun on March 13, 1977, described this program as one of such high repute that it is keenly watched by other lawyers. The clinic, which is run by Prof. Peter Smith and Phillip Dantes, is only 4 years old but already has achieved many firsts within the field of juvenile justice in Maryland.

Mr. President, in view of the importance of training good minds in the arts and skills of client advocacy and representation, I wish to commend this program to the attention of my colleagues. Perhaps with more training of this type and better quality representation, our citizens will regain confidence in the law's ability to mete out justice for all.

Mr. President, I ask unanimous consent that the text of the Baltimore Sun article be printed in the RECORD.

LEGAL CLINIC AT THE UM IS A MARYLAND NOVELTY

(By Edward Coltman)

Whenever the idea of a clinical education for lawyers-to-be comes up, the discussion has to it the ring of novelty—of an idea whose time has not quite come—even though clinical training has been a commonplace in the education of doctors for the last century.

And when the name of the University of Maryland's Juvenile Law Clinic appears on an appellate brief, many criminal and constitutional lawyers sit up and take notice, because it means that a highly unusual 4-year-old "law firm" has put more effort into its preparation than most law firms could ever afford to and because the clinic may well be headed toward another in a string of far-reaching legal coups.

Earlier this winter, the clinic moved into new quarters at the university's downtown Baltimore campus, bringing the 165-year-old law school back—for the first time in 45 years—to the first building it called its own in 1884.

Created out of the old law school lecture hall, which in recent days has been used by the Medical School for dissecting cadavers, the clinic's offices look like those of any low-budget law firm, with a book-lined library and a rabbit-warren of sparsely furnished individual offices.

But this "law firm," with 2 "partners" (Professors Peter Smith and Phillip Dantes) and 10 "associates" (third-year law students who work full-time in the semester-long clinical program), is first and foremost an educational institution for the training of competent young lawyers.

Maryland is one of only five law schools in the nation that offer full-time clinical programs. Two other clinics—one in general civil law (the successor to Piper & Marbury's storefront poverty law clinic) and the other in law relating to handicapped children—have been established by the law school, but neither is a full-time program yet.

In a way, these clinics hark back to the predominant form of legal training in this country before the Civil War and the advent of modern law schools—the apprenticeship.

But the difference is that, although the clinics practice real law with real clients and real cases, no one's livelihood is dependent on that practice, allowing a caseload that is a mere fraction of what a law firm the clinic's size would have to handle to stay out of red ink.

The small caseload—and 2 "partners" for only 10 "associates"—means that a lot of the "partners'" time can be spent in helping the apprentices learn both the law and legal skills.

Professor Smith, who began the Juvenile Law Clinic in the spring of 1973, described why he believes clinical education for lawyers is essential as a replacement for, or at least a major supplement to, the standard Socratic lecture-and-casebook method of law school education.

"The theory was that, by taking actual cases, you force a student to learn how to analyze cases, but in many law schools, there's not much Socratic method left, so while, on the one hand, we say we are teaching analysis, on the other hand, we shift very easily to the shoveling out of substance, to seeing how much a student can remember from a collection of carefully edited cases.

"There is very little exchange between a professor and student about how he has briefed a case and why he had briefed it in that way, whether his notes are too long or incomplete. I don't doubt that the ability to analyze cases might develop from reading a lot of cases, but we overdo it—in most law schools, that's all we do for three years."

What the clinic provides instead is personal, intensive supervision in the practice of law, with everything from videotaped training sessions in the counseling of clients, negotiation of plea bargains, and cross-examination of witnesses, to the actual representation of clients in state and federal courts.

And throughout all that runs the constant individual review of research and writing, with drafts of petitions and memoranda, briefs and proposed orders thrown back to the student again and again for polishing.

"The learning process, as far as I'm concerned," Professor Smith said, "doesn't begin until the student puts pen to paper for his second draft. Then, he's beginning to learn from his mistakes."

"That's why this is an expensive program," he said. "We spend literally hundreds of hours every semester in meetings with one or two students."

And it is an expensive program. Adding up just faculty and secretarial salaries and normal operating expenses exclusive of the cost of office space, Professor Smith estimated that the program costs $65,000 a year—for the training of only 10 students a semester.

When the clinic began, it was financed by a grant from the Governor's Commission on Law Enforcement and the Administration of Justice. Now, with the strong support of Dean Michael J. Kelly, it is funded as a regular part of the university's budget.

Most lawyers are familiar only with some of the important cases the clinic has won on appeal, but the clients and cases that the clinic deals with are varied, limited only by the rules on student practice of the Bar of the Maryland Court of Appeals—primarily that the clients must be indigent.

The federal courts in Baltimore and Washington refer cases to the clinic, and by special arrangement with the city's Juvenile Court, the clinic has access to the docket listings and may solicit clients (a practice that is forbidden for members of the Bar.)

"You can tell a lot from just the name, age and address of a suspect, the kind of crime he's charged with, and the time and place it occurred," Professor Smith said. "You can usually tell whether it's going to be a factual dispute or will get into constitutional issues."

"We plea-bargain less often and much later in the game than the criminal defense bar of this city usually does, but we can do that because we have a low caseload," he said. "I'm not bothered at all about taking cases that are negotiated to a settlement before trial. A student may be bothered because, to them, the trial is the glory, but sometimes those are very good cases to take."

The choice of cases and the issues raised by the clinic's lawyers and law students during litigation have led to a number of major changes in juvenile law in Maryland during the last few years.

A case that challenged a difference in procedures between the courts of Montgomery county and those in the rest of the state led to a comprehensive revision of the juvenile laws by the General Assembly.

"To a certain extent, law reform issues come up just by doing the very best job that you can for your client," Professor Smith said. "But how far beyond that should we go? We have some obligation in general to try to improve the law."

The consequences of some of the clinic's work for its clients in terms of greater legal rights for young offenders—have generated some opposition.

Part of the problem, Professor Smith said, is the "anti-establishment" nature of providing what he called "the General Motors treatment" to the poor—giving the clinic's clients the time and effort that in normal legal practice only large corporations can afford.

"Then, too," he said "our clients commit the kinds of crimes that concern people far more than the kinds of crime committed by the clients of the largest, most respected firms in town.

"I think it is inevitable if you run an aggressive practice in which you don't conform to the system . . . you're going to create enemies."

But he emphasized that the clinic's purpose is not primarily to change the law or challenge the system—it is to teach students by representing clients:

"We can't let our teaching get in the way of the interests of our clients, but so far that hasn't been a problem, and the purpose of this program is not to turn out experts in juvenile law. It is to teach lawyering skills and attitudes. I want a student to have an idea of what a standard of good law practice is.

"He can cut corners—as you have to in real life—knowing that he's cutting corners, knowing which corner it's best to cut, and knowing that he still shouldn't be cutting corners. Hows' he ever going to know what the cutting of a corner is if he's never walked around a square edge? That's what we're trying to teach."

PRESIDENT CARTER'S ELECTION LAW REFORM MEASURES

Mr. THURMOND. Mr. President, I rise today to comment on a recent White House news release dated March 22, 1977, which reported that President Carter is advocating several measures which could have grave and deleterious effects on our representative form of Government.

First. President Carter has recommended the abolishment of the electoral college, replacing it with a direct popular election for the offices of President and Vice President. I believe this is unwise and violative of the wishes of our Nation's Founding Fathers who foresaw the possibility of unfair representation in popular elections and consequently devised the electoral college.

Because the President is supposed to represent a national constituency, he should be elected by the people in all parts of the country and not just by certain vastly populated metropolitan areas which would dominate any election based solely on popular vote.

Second. This official White House news release reports that President Carter has asked for the easing of the 1939 Hatch

Act restrictions on Federal employees. Again, I believe this is unwise because career Government workers could fall prey to the political influences and chicanery exerted by self-serving, high level Federal workers.

The Hatch Act for nearly 40 years has been the barrier between American Federal workers and "boss" politics. It has protected not only the individual employee's rights but, more importantly, the rights of the public in general.

Influence peddling and coercion could present themselves in such ways that the employee would be hard pressed to resist. If he did, his career interests might be jeopardized. Such a situation must not be allowed to exist.

Mr. President, the freedom of the public to deal with Federal employees without consideration for partisan positions must be maintained. This Nation's Government is so large that each citizen has to deal with it directly on many occasions in their lives. If the Hatch Act were upset, Americans might become less willing to carry their governmental problems to the necessary public administrators. In other words, free expression and fair play could be affected by the "chilling hand" of Federal officials who have been influenced by organized political interest. This, I believe, would be unacceptable to the vast majority of Americans.

Third. President Carter has indicated that he favors a method of voter registration whereby citizens could register at the polling place and then vote—that same day—in Federal elections.

I believe this procedure is unwise, impracticable and an open door for fraudulent practices.

The basic guarantee of this country provides that all qualified citizens have a constitutionally protected right to vote and to have their votes counted equally. This right to vote for the candidate of one's choice is the essence of a free society. I realize that any irrational or unreasonable restriction on that right strikes at the heart of representative Government. However, the Supreme Court has determined that it is neither irrational nor unreasonable to require prospective voters to register several weeks prior to election day, thereby allowing the States to exercise their constitutional role in the election process. It is imperative that the integrity of our election process be protected and the "purity of the ballot box" be maintained. Any voter registration legislation, such as that advocated by President Carter, strikes at the heart of the very integrity and purity that is necessary for our Government to remain truly representative.

Mr. President, this Nation has grown and prospered as a Republic consisting of three separate and equal branches of Government. Each has its own duties, responsibilities, and obligations. The area of election reform is properly within the purview of the U.S. Congress, the legislative branch, subject only to interpretations by the Supreme Court upon consideration of justiciable cases and controversies, and similar constitutional provisions.

Mr. President, all Members of Congress are responsible to the people and, therefore, should reflect the views of those constituents who elected them. I believe that it is proper for Congress, exercising its role as representatives, to voice the wishes of the people should they desire election law reform. To do otherwise, would be for Congress to shirk its duties and responsibilities, thereby permitting another branch of Government to subsume these election reform measures.

Fourth. President Carter has called for public financing of all House and Senate elections in the same manner that Presidential elections are now funded out of the Federal Treasury. Although Congress, in 1974, established the system of public financing for Presidential races, I believe it is wrong to extend this system to House and Senate candidates.

The American taxpayer is burdened enough without having the added expenses of financing the House and Senate races of candidates who they may not approve. I believe that any candidate with a sufficiently broad constituency can produce the needed funds for a successful campaign. Also, Mr. President, pursuant to the recent Federal election laws and the full disclosure requirements of both the House and Senate Codes of Conduct, it will be practically impossible for Members or candidates to engage in questionable financial activity without the American public becoming apprised of such activity.

Mr. President, for these reasons and others, I believe that this body should reject any such radical departure from our established national election laws and procedures.

HELPING THE AGED AND THEIR FAMILIES

Mr. McGOVERN. Mr. President, we have heard and read so much in recent times about the failure of the American family that it is reassuring to find an area in which the family is successful. An article in the March 5 issue of the National Observer by Dr. Robert N. Butler, Director of the National Institute on Aging of the National Institutes of Health, outlines the facts on family care of the aged and suggests some policies that will help make it easier for them to provide that care. He points out that many of the programs that are intended to help the aged often have the opposite effect, actually forcing many of them to leave their families and seek institutional care.

I commend this article to my colleagues and hope that Dr. Butler's observations will be kept in mind as we deal with the problems he addresses.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELPING THE AGED AND THEIR FAMILIES

(By Robert N. Butler, M.D.)

I often receive the question: How many of those over 65 years old are in institutions—in nursing homes, homes for the aged, various chronic-care facilities?

The answer is about 5 per cent: 1.2 million out of 23 million Americans over 65, with most of those in nursing homes. The percentage is about the same in Britain, even though that country has created a panoply of home health and help services by and large not yet available to the American elderly.

Five per cent is probably an irreducible minimum of those who have to be institutionalized because of some serious physical or mental impairment. Ninety-five per cent of our aged (and the emphasis is deliberate because this is a demythologizing statistic) are not in institutions and are either alone or, more commonly, being cared for by relatives—spouses, children, nephews and nieces, or someone part of an extended family who is close enough and caring enough.

In effect, a tenet of U.S. policy toward the aged—alternatives to institutionalization—is already a partial reality. One would, therefore, expect that governmental policies, primarily those having to do with the provision of services needed by the elderly, would support and strengthen what already exists. But that is not yet the case. Indeed, some of our policies—such as the payment mechanisms of Medicare—have had at times the counterproductive effect of encouraging institutionalization.

As Representative Barber B. Conable, Jr., (R-N.Y.) has noted, "Institutions are not only physicially visible, they can also be easily counted, grouped, compared, and evaluated on a series of crude scales such as length of stay, qualified staff, and physical plant; they can be inspected and reimbursed in a way that makes us comfortable and assures us that the money spent can be truly accounted for. But, obviously, a consequence of this approach is that we have created incentives, for our aged (and their families) to seek out institutional care, even in those cases where institutional care is neither socially desirable nor medically appropriate."

The point is not that we don't need nursing homes and similar institutions. Rather we need to balance policies that support those institutions with at least comparable support for the primary unit of care in America—the family.

I am talking about more income for the elderly; Social Security, supplemental security income mechanisms are helping. I am talking about relieving the crushing burdens, financial and emotional, on many of the families that care for their aged.

TAX RELIEF PLAN

We could, for example, provide tax relief to a family that builds an extra room for an aged parent or helps with the rent on a nearby apartment. We could provide a comprehensive array of health and social services: someone to prepare or bring a lunch while the rest of the family is at work or school; to exercise a paralyzed arm or leg; to change a dressing; to help an emphysema victim breathe; to teach self-care; or to provide mental-health counseling, not only to the aged, but also, when needed, to their caring families.

Sociologist George L. Maddox points out that "preoccupation with the cost factor . . . may divert us from the central issue—the co-ordination of services for older persons." And there are seemingly interminable arguments on whether investing in comprehensive services to enable the elderly to stay out of institutions would be too expensive.

The argument remains unsettled and, to my mind, probably based on the wrong questions. We now pay out staggering amounts for a bewildering array of medical insurance programs, various time maintenance schemes—both public and private—and institutional care facilities.

We ought to at least consider whether part of that money could be effectively redirected. In October of 1975 New York State paid out

$833 for a Medicaid bed—$10,000 a year. Suppose $833, provided either directly or via tax mechanisms, went to a family to help it care for its aged. Would that be money better used? Of course these binary questions of either/or are simplistic; but they ought at least to be posed and addressed if we are going to think deeply on how best to help the aged and those who care for them.

FAMILY'S BAD PRESS

The family is getting a bad press in America. Soaring divorce and remarriage rates get attention, as do the tales of child abuse, of teen-age violence, of a restless search for values, and of exaggerated accusations that families "eject" or "dump" their elders into nursing homes.

The facts are quite to the contrary. The family cares for most of our aged. It does that without much help. It does that despite government policies that may encourage them to put their parents in institutions.

BYELORUSSIAN INDEPENDENCE

Mr. DOLE. Mr. President, on March 25, 1918, the people of Byelorussia declared their independence and established the Byelorussia Democratic Republic. This week Americans of Byelorussian ancestry are commemorating the 59th anniversary of that event with appropriate observances throughout the United States.

In their commemorations, Byelorussian Americans will no doubt note that Byelorussian independence was short-lived. Soviet troops invaded free Byelorussia and forcibly incorporated the young republic into the Union of Soviet Socialist Republics.

As we reflect on these events, we should be mindful of the fact that it has always been Soviet policy to ignore not only human rights but national rights as well. Despite the fact that the Soviet Constitution guarantees national and cultural autonomy, Byelorussia has been forced to endure an intensive Russification campaign which has only one purpose—the total obliteration of Byelorussian ethno-national consciousness.

Byelorussia, however, lives on through its courageous people both in the United States and in the Soviet Union. It is important that we express our admiration at this time for their many contributions to American life and for their valor in resisting Soviet Russian oppression.

THE TEAMSTERS PENSION FUND

Mr. GRIFFIN. Mr. President, for too many years, clouds of suspicion and scandal have swirled around the Teamsters Union—apparent assassination of Jimmy Hoffa more than a year and a half ago was a brutal reminder of ills that continue to plague the Nation's largest labor organization.

The announcement on March 13 that Teamsters' President Frank Fitzsimmons and three others will resign as trustees of the troubled Central States Pension Fund was welcome news—not only to many in Government who have been urging reform, but also to thousands of union members who fear that past mismanagement of the fund threatens their future financial security.

The announcement of those resignations was the good news. But, unfortunately, now comes the bad news.

In an article last week Saul Friedman, of Knight Newspapers, reported that the leading candidates to take over management of the Central States Pension Fund are a pair of Dallas millionaires who, from their backgrounds, appear to be wholly unqualified to be independent managers.

They are: Jess Hay, chief executive officer of Loman & Nettleton Financial Corp., the leading mortgage banker in the country; and Trammell Crow, the Nation's largest real estate developer, whose farflung enterprises include hundreds of partnerships and corporations.

On the surface, those credentials may look impressive until you discover, as Saul Friedman did, what lies underneath.

Mr. Hay, for example, raised $300,000 for Jimmy Carter in the Texas primary last year, and has been asked, reportedly, by President Carter, to become national finance chairman of the Democratic Party.

Then there is Mr. Crow—whose reported overinvestment in real estate brought him to the brink of bankruptcy not long ago. In addition, he has borrowed more than $2.2 million from the pension fund, which he would be administering.

Apparently, Mr. Crow has sold his interest in the borrowing company—after Mr. Fitzsimmons approached him last fall about becoming a pension fund manager. However, since then, we are told, Mr. Crow has been paid some $300,000 in consulting fees by the Teamsters.

It happens that Mr. Crow was a supporter of President Ford—indicating apparently that the Teamsters leaders are hedging their political bets.

The final decision on these appointments is to be made by the other pension trustees—but the Labor Department must give its approval.

I heartily agree with the Detroit Free Press, which in a lead editorial last Friday said this:

> Under no circumstances should the Labor Department accept, or be a party to promoting, the apparent choice of the Teamsters' leadership for the job of "independent" investment managers for the Central States Pension Fund. . . .
>
> . . . this is something that needs to be headed off at the pass. As long as these things are worked out on the basis of cozy relationships and mutual backscratching, the membership will have an uncertain guarantee that the fund is sound and well protected by the trustees and ultimately by the government.

Mr. President, I ask unanimous consent that Mr. Friedman's article, appearing in the March 17 edition of the Detroit Free Press, as well as the Free Press editorial of March 18 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRIFFIN. Mr. President, recent revelations confirm fears I have been expressing for a long time about the Central States Pension Fund.

The fund's executive director Daniel J. Shannon estimates that its unfunded liability is about $6.5 billion. If this deficit is not made up over the next few years—through increased contributions and more prudent investment decisions—thousands of Teamster Union members who expect to draw full pensions in future years may be sadly disappointed.

Obviously, the resignation of Fitzsimmons and others is the fruit of work that has been done by a joint Labor and Justice Department task force, which began probing the Central States Pension Fund more than a year ago. I am pleased that some steps have been taken to clean up the fund and to put it back on the right track.

While I commend the task force for its work, it should not be overlooked that difficulties associated with the Central States Pension Fund are only symptomatic of wider and more serious problems. We can applaud the task force's limited accomplishments, but we should not relax. I continue to believe that an intensive top-to-bottom Senate investigation of abuses in this field is badly needed.

The permanent Subcommittee on Investigations has made a modest beginning.

As part of its work, the subcommittee this week reported another shocking example of corruption in Teamsters financial affairs that threatens the well-being of union members.

In this instance—according to the subcommittee's report—a convicted felon and his associates were permitted to squeeze unconscionable commissions and fees from some Teamsters severance trust funds through a life insurance scheme.

At local 299 in Detroit, for example—the home local of Jimmy Hoffa and of current Teamsters President Frank Fitzsimmons—nearly 80 percent of the fund's life insurance payout was sidetracked into fees and commissions between 1971 and 1974.

Among those involved were two of Mr. Fitzsimmons' sons, Donald, business agent for local 614, and Richard, an official of local 299 who was indicted last month by a Federal grand jury in Detroit on charges of conspiracy and embezzlement relating to the insurance scheme.

I ask unanimous consent that a Detroit News article by Seth Kantor which appeared March 21, 1977, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEAMSTER FUND DIVERTED MILLIONS, REPORT SAYS

(By Seth Kantor)

WASHINGTON.—Teamsters President Frank E. Fitzsimmons failed to notify members of Local 299 that an insurance plan operated by convicted racketeer Louis C. Ostrer and pushed by Fitzsimmons' sons, Donald and Richard, was "detrimental to the financial interests of rank and file" members of the large Detroit local, a U.S. Senate report charges.

The 50-page report of the Permanent Investigations Subcommittee, released today, calls for action on Capitol Hill and by the

Labor Department to toughen regulations covering management and marketing of such union employe benefit plans as the one at Local 299.

The report is the result of a behind-the-scenes Senate probe into how the so-called Ostrer Plan was franchised at Teamsters locals in Detroit, St. Louis and several East Coast cities.

An Ostrer Plan has the appearance of a severance trust fund—a fund set up to deliver nest-egg cash to employes if they quit their jobs, are fired or are laid off.

But an Ostrer Plan carries with it a life insurance policy scheme which has siphoned off millions of dollars in commissions and fees from a dozen Teamsters severance trust funds.

In Detroit's Local 299, nearly 80 percent of the fund's life insurance payout was being sidetracked into commissions and fees between the start of 1971 and mid-1974, Senate probers found.

As a result, more than 450 Local 299 office workers signed a petition in 1975, protesting the handling of the fund by its trustees because, "we do not want our money to be used to purchase life insurance which we do not need or want."

After the protest, the Ostrer Plan for the office workers was not included in the 1976 contract with their employers.

A report last summer by the same Senate panel responsible for today's report charged that Ostrer had piloted his plan at New York Teamsters Local 295—where, it said, "the life insurance feature of the plan unnecessarily and seriously depleted the Local's severance pay fund."

Ostrer and his associates "participated not only in unconscionable insurance commissions and excessive administrative fees" at Local 295 but also milked the severance funds at other locals, including Detroit's powerful 299, according to the report issued today.

Ten years ago, Ostrer's insurance agent's license was lifted by New York authorities who said he had "improperly diverted" more than $700,000 from the Canadian Life Assurance Co. Two years later, he pleaded guilty to a charge of grand larceny related to the Canadian Life case.

Six years ago, Ostrer and labor racketeer "Johnny Dio" Dioguardi were charged by a federal grand jury with 40 counts of fraud and Ostrer was found guilty in 1973 on 11 of the counts. Dioguardi was convicted on four counts.

In 1971, the same year he and Dioguardi were indicted, Ostrer met with Donald Fitzsimmons, business agent for Teamsters Local 614.

Donald Fitzsimmons told Senate investigators he signed an agreement with Ostrer's business associate, Seymour Greenfield, to promote the Ostrer Plan in Teamsters locals.

Senate probers say they now have developed evidence showing Ostrer and the younger Fitzsimmons sought the assistance of Allen Dorfman in marketing the Ostrer Plan.

Dorfman, an ex-convict and Chicago insurance operator, has been a longtime kingpin in the manipulations of the Teamsters Central States Pension Fund, riddled with mob associations.

By April 1972, Ostrer and Greenfield were presented by Teamsters President Frank Fitzsimmons to members of the union's general executive board, meeting in Phoenix.

Ostrer and Greenfield told the influential board members about the benefits of the Ostrer Plan, being run through Fringe Programs, Inc.

Fringe Programs, a New York company owned and operated by Dina Gelman, Ostrer's sister, was the company through which Donald Fitzsimmons worked.

Donald Fitzsimmons told the investigators he was paid approximately $25,000 through Fringe Programs. Then, on March 29, 1973, he ended his agreement with that company.

"State of Michigan records show that, on the same day, a new firm authorized to administer fringe benefit plans—Severance Plans, Inc.—was formed by Ronald Prebenda, a Detroit lawyer," according to the Senate report issued today.

Prebenda has maintained Teamsters ties in the past. The company he formed replaced Fringe Programs as administrator of the Local 299 trust.

Richard Fitzsimmons, Donald's brother and an official with Local 299, told Senate investigators that he asked Prebenda to administer the trust and to hire Donald.

At the same time, Richard Fitzsimmons arranged to have the trust get its insurance through Jackson National Life Insurance, according to Jackson's president, Athanase Pasant.

Pasant has told Senate investigators, it was revealed today, that the Fitzsimmons brothers "indicated they had the blessings from Frank E. Fitzsimmons, who desired a local company to be involved."

When Local 299's office workers protested about the bad management of the severance plan in 1975, they were protesting the plan initiated by Richard Fitzsimmons, as chairman of the 1,400-member Michigan state office workers division of the Teamsters.

Last month, a federal grand jury in Detroit indicted Richard Fitzsimmons and Anthony Sciarrotta for conspiracy, embezzlement and conversion "to their own use and to the use of others the sum of $5,000 from the Local 299 Severance Trust Fund to pay premiums on life insurance policies for Teamsters Local 299 officers and business agents," according to the report.

Mr. GRIFFIN. Mr. President, I wish to commend the permanent Subcommittee on Investigations for its work. But worthwhile as these findings are, I think it is clear that far more work must be done if we are to fully understand the pervasive abuse of power that these examples illustrate.

In November 1975, I introduced—and urged the Senate to adopt—a resolution to establish a Select Committee to investigate improper and criminal activities in labor-management relations.

That resolution, Senate Resolution 302, languished on the calendar for the rest of the 94th Congress.

On February 21 of this year, I reintroduced an identical resolution—Senate Resolution 89—and once again, I commend it to the Senate as an appropriate and tested way to deal with this very serious situation.

EXHIBIT 1

[From the Detroit Free Press, Mar. 17, 1977]

ONE A CARTER ALLY, ONE A DEBTOR: TWO TEXANS IN LINE FOR TEAMSTER FUND

(By Saul Friedman)

WASHINGTON.—Management of the Teamsters' troubled $1.4 billion pension fund may be taken over by one Texas millionaire deeply involved in Democratic Party fundraising activities and another who has had financial problems of his own and has borrowed $2.2 million from the fund.

The two leading candidates to become "Independent" investment managers for the union's Central States Pension Fund are Trammell Crow of Dallas, the nation's largest real estate developer, and Jess Hay, also of Dallas, chief executive of Lomas & Nettleton Financial Corp., the nation's leading mortgage banker.

The final decision will be made by the pension trustees, subject to approval by the Labor Department.

Hay, who raised $300,000 for Jimmy Carter in the Texas primary last year, has been asked by the president to become national finance chairman for the Democratic Party.

His position as manager of the huge Teamsters pension fund, which has had great political clout in the past, could bode Democrats. Hay would be making loan and investment decisions effecting hundreds of businessmen from whom party contributions are sought.

Crow, who was a friend and political fund raiser for President Ford, was along with his son and other partners a founder of Crow Pacific Development Corp. of Newport Beach Calif.

In 1975 the company—one of 600 partnerships and corporations in which Crow is involved—purchased from the pension fund a tract of land in California with a $2,292,000 note payable to the fund.

Last November, soon after Crow began talks with Teamsters President Frank Fritzsimmons about managing the pension fund investments, Crow sold his stock in Crow Pacific.

Nevertheless, his deal with the pension fund as well as other possible relations with the Teamsters may raise questions about his independence as a fund manager.

Little more than a year ago, according to Forbes magazine, a business journal, Crow and his vast network of warehouses, shopping centers, hotels, apartments, condominiums and office buildings, then worth an estimated $1.6 billion, were near the brink of bankruptcy.

He and his companies owed an estimated $384 million and along with his partners, Crow was forced to sell off and borrow on properties to raise more than $150 million to tide him and his companies over.

According to Crow's associates, Crow had invested too heavily in real estate that was not paying off. And when the recession and high interest rates of 1974 closed in, Crow was far out on a limb.

The Teamsters pension fund has a similar problem of being overextended in real estate, driving it near the point of insolvency.

One source at pension fund headquarters in Chicago questioned whether Crow, who wheels and deals in real estate throughout the nation, should manage the shaky $922 million investments the pension fund has in real estate.

Furthermore, it was learned that Fitzsimmons, who was pressed by the Labor Department into resigning from the fund's board of trustees, picked Crow and Lomas & Nettleton to manage the fund's investments after visiting their offices in Dallas and throwing some business Crow's way.

Crow said in a telephone interview that Fitzsimmons and a teamster attorney, Charles Morin of Washington, visited him "to see our operations and to see if we had the competence to help manage the real estate in the fund. That's our business."

It was after the visit that Crow sold his interest in Crow Pacific Development Corp. and was retained by the pension fund to appraise and analyze properties.

So far Crow has received about $300,000 for analyzing a federal complex in Austin, which is leased from the pension fund, and property in Florida owned by a Las Vegas hotel and casino company.

The pension fund received these properties, incidentally, as a result of foreclosing on loans that had been given to men associated with organized crime.

The pension fund has substantial real estate holdings in Dallas and other cities, which could have an effect on the fortunes of the many Crow companies.

The law requires that any pension fund manager keep the fund's assets entirely separate from his own. But control of the Teamsters' investment would give Lomas & Nettleton and Crow added clout in general in the real estate marketplace.

The revelations about the new directors came as the Teamsters worked out a new pension arrangement in a Chicago session Wednesday.

The new pension plan, which will cover all of the fund's 380,000 active Central States participants, is subject to approval by the Internal Revenue Service, a Teamsters spokesman said.

The new plan was adopted at a closed-door meeting of the trustees in which Fitzsimmons actively participated, a spokesman said. The plan can raise maximum pension benefits as much as $181 above current levels, to $711 a month, he said.

FITZ TO STAY AS BOSS

CHICAGO.—Frank Fitzsimmons said Wednesday that he will not resign as president of the Teamsters Union and will be a candidate for re-election when his current term expires in 1981.

Fitzsimmons spoke to newsmen during a break in a Wednesday meeting where directors of the Teamsters Central States Pension Fund announced a new plan to go into effect Jan. 1.

In a deal struck with the Labor Department and the Internal Revenue Service, Fitzsimmons and three others agreed to resign as trustees of the pension fund by April 30.

Fitzsimmons said Wednesday, however, that the agreement does not mean he is giving up his top post in the union.

He noted there have been rumors that he would resign but said, "I was elected by a unanimous vote in Las Vegas at our 1976 convention, and I will serve my full term . . . and I will be a candidate for re-election. There is no way I am going to resign."

[From the Detroit Free Press, March 18, 1977]

TEAMSTERS' FUND PICKS ARE HARDLY "INDEPENDENT"

Under no circumstances should the Labor Department accept, or be a party to promoting, the apparent favorite choice of the Teamsters' leadership for the job of "Independent" investment managers for the Central States Pension Fund.

Enough questions have been raised about the independence of Trammell Crow of Dallas and Jess Hay, also of Dallas, chief executive of Lomas & Nettleton Financial Corp, to make such a selection a dubious gain. Crow, the nation's largest real estate developer, and Lomas & Nettleton Financial Corp. the nation's leading mortgage banker, obviously have the requisite skills. But do they have the independence of either the Carter administration or the Teamsters Union itself to provide the reform intended?

Under an agreement reached this week between the trustees of the Central States Fund and the Labor Department two employer and two Teamster trustees must resign and be replaced by independent trustees. The trustees must then appoint an outside real estate investment management firm to advise the trustees, an effort to correct the mismanagement and possible corruption of the fund's operation in the past. Mr. Hay, however, raised $300,000 for Jimmy Carter in Texas and has been asked by the president to be national finance chairman for the Democratic Party. And Mr. Crow has borrowed $2.2 million from the pension fund and was himself described a year ago as being on the verge of bankruptcy.

While the two firms may be perfectly capable of handling the mechanics of pension fund management (though even that is surely in doubt given Mr. Crow's own experience), this scarcely constitutes the bright new beginning needed for the Central States Pension Fund.

At this point, to be sure, no formal nomination of outside investment advisors has been made, and there is no indication that the Labor Department would either seek or accept the nomination of Mr. Crow or Mr. Hay's firm or both. But this is something that needs to be headed off at the pass. As long as these things are worked out on the basis of cozy relationships and mutual back-scratching, the membership will have an uncertain guarantee that the fund is sound and well protected by the trustees and ultimately by the government.

IMPORTANCE OF ECONOMICS IN FOREIGN POLICY

Mr. PELL. Mr. President, for some time I have been arguing that a new U.S. foreign policy is needed. We can no longer look at events only in terms of democracy versus communism nor can we rely so heavily on military power to accomplish our goals as we did in the past. Coming to grips with today's world requires that we view it realistically and as it is now. To do so, we must cease looking at it in terms of poles or absolutes and instead think in more sophisticated terms. The view I have advocated suggests thinking in terms of expansion and contraction—expanding those activities which are urgently required to meet today's challenges and contracting others which respond to yesterday's challenges. One of the most obvious changes in the world is the growth of economic interdependence. This change dictates, in my view, the expansion of the role of economics in foreign policy.

Arnold Saltzman, a distinguished American businesman who has also served his government in a variety of important positions, most recently as Chairman of the Advisory Commission on National Growth Policy Processes, has written a very perceptive article in the December 12, 1976 issue of Newsday which makes much the same point. He correctly points out that—

The world has shrunk very rapidly, producing both greater interdependence and yet greater conflict at the same time.

That—

. . . a substantial and rapidly increasing portion of the world economy escapes the political control of any individual nation and yet at the same time represents an accelerating portion of each nation's total economy.

And finally that—

What must capture the immediate attention of the entire new Administration, including the State Department, is the recognition that decisions made from an interpretation of recent historical perspectives no longer apply. We need new mechanisms, new capability in our decisionmaking . . .

Mr. President, I commend Mr. Saltzman's article to the attention of my distinguished colleagues in the Senate as well as to that of the administration, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsday, Dec. 17, 1976]

FACTORING THE DOLLAR INTO DIPLOMACY

(By Arnold Saltzman)

The end of Henry Kissinger's reign as shaper of America's foreign policy provides an opportunity for reappraisal and change. I refer not so much to his oftmentioned personal diplomacy contrasted with the more conventional, institutionalized technique of negotiations that Cyrus Vance will reintroduce in the State Department and which is a matter of style—but rather to fundamental policy approaches.

Our foreign policy, both before and during Kissinger's administration, has been based previously on political and military considerations without proper emphasis on economic implications. We have been frustrated or damaged time after time by the inadequacies and rigidities of such military and political solutions. There was a time in our recent past when it would have been impossible for Kuwait or Saudi Arabia to quadruple the price of oil and temporarily withhold shipments to us, or for Jamaica to threaten supplies of bauxite for our aluminum plants. Military force would have been threatened or invoked—especially since American capital investments were also arbitrarily diminished. The potential risk of nuclear war spreading from any international conflict has—and indeed most appropriately—virtually eliminated "gunboat diplomacy" as a reliable foreign policy tool, but what worthwhile alternatives have we developed?

Politically, the world is in ferment, reflecting the scores of new emerging countries, many using their natural resources with sledgehammer nationalistic effect against us. We also face adversary positions of both potential enemies or allies competing with us for scarcer natural resources or greater world trade. The orthodox, rigid, political diplomacy of power bloc alliances is diminished in a world reflecting new economic evolution accompanied by heightened nationalism.

President Ford tried to reach for this concept in his debate with Jimmy Carter in discussing Eastern European Communist nations, but failed. It is appropriate to say that communism does not produce a political monolithic structure of nations just as capitalism does not. Indeed our relations with Rumania or Yugoslavia are more cordial than with Hungary or East Germany. In fact Communist Yugoslavia has been possibly less troublesome to us over the last 10 years than capitalist France. There are serious cracks in both the NATO alliance and the Warsaw Pact—which goes double for the relations between Communist Russia and Communist China.

Jimmy Carter scored better in the television debate in stating that a strong and successful American policy abroad was not possible without a strong America at home. What remains to be said is (a) how will that policy abroad be altered and (b) what changes have occurred in recent years which suggest a reappraisal of our basic approach to the world of nations?

Our nation and the world have changed enormously in the last 15 years. Our government has not kept pace. Governmental institutions and processes have not responded to changes in the environment we are supposed to first understand and then manage. We are backing into the future, stumbling as we go.

The world has shrunk very rapidly, producing both greater interdependence and yet greater conflict at the same time. What is one man's transportation, the Concorde of Britain and France, is another's man's jet noise in Long Island. A hydrogen bomb explosion in China carries with it the threat of contaminated milk in Wisconsin or Long Island. Not too long ago, problems tended to be contained—with a city, then a state,

then a nation. Now, almost everything in the world relates to everything else—and someplace else.

Growing world trade in recent decades has cemented global interdependence while spurring prosperity. Between 1960 and 1974, the U.S. gross national product tripled but the value of its exports and imports increased sixfold. In 1960 exports and imports each totaled approximately $25 billion; in 1974 both exceeded $140 billion. Today 10 per cent of all American goods and services are intended for use overseas, and 10 per cent of what America consumes originates outside our borders. It is symptomatic of this changing world that transnational corporations have recently grown at an annual rate of 10 per cent, twice the rate of the world's economics as a whole. By 1980 it is expected that sales of transnational corporations will equal 16 per cent of the gross world product.

Thus a substantial and rapidly increasing portion of the world economy escapes the political control of any individual nation and yet at the same time represents an accelerating portion of each nation's total economy. The new Carter administration is confronted by the fact that (a) increasingly, economic considerations affect our foreign relations and in turn require better economic policy-making capability in our State Department; (b) that we must have a coordinated set of economic policy objectives, both as to foreign and domestic considerations, in the absence of which we will perform inadequately both at home and abroad; and (c) that the recent dislocations in prices or supply of the world's materials and commodities, coupled with a 200,000 person per-day increase in the world's population imply the need of a major overhaul of our policy objectives.

What must capture the immediate attention of the entire new administration, including the State Department, is the recognition that decisions made from an interpretation of recent historical perspectives no longer apply. We need new mechanisms, new capability in our decision-making, if we are to avoid the drift of a nonenergy policy, of no policy to deal with the simultaneous plagues of unemployment and inflation, of no plan to deal with our negative international trade balances or the inadequate rate of growth of our economy vis-a-vis other developed nations of the world, and a host of other ills. To all of these problems or crises we have been responding with ad hoc, piecemeal, noncoordinated policy.

Our federal policy-making performance has suffered from two major shortcomings: (a) a lack of integration which has resulted in our tackling problems in bits and pieces, often producing results favorable in one area and counterproductive in another, and (b) a lack of foresight in averting problems because we lack mechanisms to anticipate, analyze or understand them.

We need to create a longer range analysis capability (an early warning system) to anticipate problems before they descend on us and to suggest to Congress, the President and the public alternative solutions for both domestic and foreign policy issues. This would give the American people—with the help of the media—the opportunity to understand what threatens us, to debate the various alternatives and thus truly influence the legislative or executive decision-making process.

Two years ago President Giscard d'Estaing of France said, "The world is unhappy because it does not know where it is going. It is unhappy because it senses that if it knew, it would discover that it was heading for disaster." We see the same cynicism and fear in our country expressed in the growing distrust Americans feel for their government. This is what we must address ourselves to and reverse.

THE 100TH NIGHT

Mr. GOLDWATER. Mr. President, on February 26 it was my distinct honor to have been the speaker at the 100th night dining out at the U.S. Air Force Academy. This marked the resumption of the recognition by the cadet corps that only 100 nights remained before they were commissioned second lieutenants. I ask unanimous consent that my comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

100TH NIGHT DINING OUT U.S.A.F. ACADEMY

General Allen, other distinguished guests of the Academy, members of the cadet corps, your girls, instructors: it's a real pleasure for me to be here and I have a strange, nasty suspicion that I was the speaker at the last 100th night, and I don't want that to happen again.

Standing here before you gentlemen who will shortly be Second Lieutenants always reminds me of one of the funniest things that ever happened to me in my life, because it involved just that:

I had gotten back from World War II and was asked by my Governor to organize the Arizona Air National Guard. I was a Lieutenant Colonel at the time in the Reserve, but the highest rank in the Guard was Captain. So I took the demotion and first thing I knew I was asked to fly to the National Guard Convention in Columbus, Ohio. I remember landing at Tinker in a P-51 and had to refuel there. While I was at the operations desk filling out my form No. 26, which was clearance, I had on my old leather jacket, I was gray then and wrinkled and I wore glasses. Standing next to me was this young, smartly dressed Second Lieutenant in a clean flight suit, and I knew he was looking at my Captain's bars and my gray hair and all the wrinkles.

Finally he couldn't stand it any longer and he finally said, "Pardon me, Captain, but where did you screw up?" I just mention that because there might be times when you Second Lieutenants think there is a long road ahead. I'll tell you it is long, but looking back on it now, if I had kept on as I wanted to in 1930 when I became a Second Lieutenant, I'd either be a retired general or a dead one. So keep at it.

It's not easy for a man in my position to know what to discuss with a group like you, young men who are going to carry on the traditions of our Air Force, young men who are going to play a prominent part in the military future of our country. But I have always felt that there is only one thing about getting older that's worth a darn, and that is that you can pile up a few hours of experience. If you have learned anything or think you have, it's wise, I think, to try to pass it on to younger people.

What I would like to mention just briefly tonight is in that general field, because in the last two weeks in Washington, in fact, for the last month or so, we have been subjected to a new Administration, which I'm not complaining about, but we have been busy on the Armed Services Committee and the Intelligence Committee and the Space Subcommittee listening to the new appointees, and one in particular, which I won't mention, forced me the other day to get on this subject, because I have been feeling more and more—in the last several months, maybe a year, that we are going through a repetitive period. I would remind you that all of history is just that. "What is Past is Prologue, Study the Past."

That is engraved above the steps of the National Archives Building in Washington. There isn't a thing that we are going through today as a nation or as a world, that we haven't gone through before. The dangerous thing in history is that man has never learned lessons. Man has never learned that he can be wrong and be willing to admit it, and either go to something that is sensible or learn something that's sensible.

I recall, as a young man, how we stumbled into World War I. A war that was not necessary, but we were not prepared and neither was the rest of the world so we went through that. We won the war, but we really lost it, because the country didn't learn from it. I recall in the 1920's when the Congress would not appropriate funds for a proper military position, when they would not make it attractive for young men to come into the services, and as a result of that we went into the 1930's a very, very weak nation. We didn't have tanks, guns, I think there were 1,300 men in the Air Corps in 1939. Yet England, who was certainly one of the large, powerful countries of the world at that time, was playing around with the idea that the world could live with Adolph Hitler.

I'll never forget the concessions that Mr. Chamberlain made coming back to London, announcing to the world that "peace" was to be ours, and within days, World War II started. We did not learn from that. We went into Korea, I think, correctly. I think the decision of President Truman was right, but I don't think the decision not to win in Korea was right, because it allowed the Chinese to become militarily strong.

We went into Vietnam, not for the purpose of war. We went there because President Eisenhower felt that, under the terms of the agreements reached in Geneva in 1954, to which we were not signators, we owed the South Vietnamese some help. It turned into a war, again. We didn't know what we were doing because our troops were sent there with orders not to shoot back. I can tell you the experiences of some of the airmen right in this room who were not allowed to shoot or destroy targets because of Vietnam, not because of the man in uniform, not because of any failure on the part of our military academies, or our other sources of officers and enlisted men; we failed because we had men in civilian clothes in Washington who didn't understand that when you decide to fight, you with the same breath decide to win, or don't fight. That applies to you in your daily lives, in your business lives, in your military lives but particularly does it apply to a country such as ours.

Now the questions come to me as I listen to people talk in Washington about getting along with the Soviets, about settling the SALT talks, about giving in on the B-1, about giving up on some weapons systems, because they may be offensive to the Soviets.

I wonder, where are we now? Where are we tonight, as you gentlemen in 100 days will put on your gold bars and the blue uniform of the Air Force and step out to responsibility? I think we are back in the 30's. I have that feeling—I think there is too much of a willingness to give in, too much of a willingness to yield, too much of a willingness to be weak, because weakness has an appeal to it. The attitude that I sense among some of these men who are supposedly going to represent us in negotiating an arms control, is pretty much the feeling that I can remember in the 30's when Mr. Chamberlain visited Hitler, and we got into war.

Then I wonder, too, as I sit in committee meetings listening to the men who are

trained in the business of the military, the chiefs, those experts on weaponry, the Chairman of the Joint Chiefs, all those who come to us from research and development in the Pentagon and from the academic field. I wonder who we are going to listen to? The people who know or the people who don't know, but sort of hope. We hear arguments against weapons, for example, like the B–1.

Now it doesn't do any good to argue with these people that we have crews flying B–52's who weren't even born when the B–52 first rolled down the runway. It's an old, tired airplane. Oh, it's a good airplane, but we need a new bomber.

We watched our fighters be cut back, just this week, without any explanation as to what the force level is going to be in five years. We don't mind a little cut here and there, but we want you gentlemen who are going to fly to be flying the best—not something that is 20 or 21 years old, something that is brand new. We haven't had a new battle tank, a main battle tank since World War II. And we haven't even formally let the contract yet.

We haven't had a new artillery piece since World War II. And we are hearing strong arguments against what I think is a definite trend in the direction of wars being fought with a minimum of people. This particular piece of equipment is called the AWACS. It will enable our commanders, the commanders of NATO or any other field of activity in this world to see the battlefield and control our weapons from an aircraft. Yet we we are told that it is not needed. Just last week, I visited the Boeing factory.

This is interesting to me because the week before I did a television show on the B–1 and the interviewer wanted to know if I thought we would ever see the day when we didn't need eyes. That's one of my big arguments about the bomber. Somebody has to get in that bird and fly over the target to see if we hit it. I'm not all that confident that our missiles are that accurate. We've never fired one at a target and never fired one with a warhead added.

So until I can see it splashed down on the target, I'm going to want a bomber to go over and take a look to see if we hit. The man asked me if I thought that we would ever see the day when we wouldn't need "eyes" in an aircraft to see the results. I thought, well, anything can happen. I said, maybe yes, in 25 or 50 years and, by golly, the next day we were up at Boeing and saw a remotely piloted vehicle that had stayed aloft for 28 hours at mach 65 and their target is over 50 hours.

So we will have, before you gentlemen probably get promoted, we will have a remotely piloted vehicle which can do some of those chores, and I'm not talking about just where'd you screw up. I'm talking about normal affairs. Then we have a third point which concerns me, although I sense that corrections are being made. It's the attitude of the Congress versus the attitude of the American people. Now the polls and the discussions that I get into with people wherever I go indicate that the American people are concerned about the rapid rate that the Soviets have been catching us and passing us in some areas of the military. The Congress isn't quite awake to that fact yet. I hope that they will be come this summer when it's time to vote on authorization and appropriation.

So we get down again to this business of history and "what is past is prologue." Here we are with the Soviets ahead of us in the Navy, ahead of us on the ground, and we are ahead of them in the air only because of the quality of our men in the air and the men on the ground who support the men in the air. This goes across the board in the Air Force, Army Air, Marines and the Navy, but as anyone can tell you and as you will learn, you can get experience in the air, probably faster than anyplace else.

But here we are again, like we were in the 30's, with a country or a philosophy, I won't say a country because I have never been convinced that the Russians are "bad people." I think those all live in the Kremlin and I don't even know if the Russian people understand what is going on there. But here we are faced with a philosophy that is determined to destroy our concept of life. Our concept of life is based on one thing and that's "freedom." There is no other reason for this country being here, except for freedom. That freedom came, I must remind you, as a "gift from God," and it's your responsibility and mine to protect that freedom, before it goes.

Ten years ago 35 percent of the people of this world lived under some kind of freedom. Last year it was 20 percent. The latest polls show 17 percent. We're not winning this war, and we can't allow the people of this country to watch its government allow the country to become a weak country, militarily, economically or, let me suggest, morally. So where will we be? Where will we be when your sons are sitting here at their 100th Night? Will they be here as free men? Will there even be an Academy? Will we even have a free system of government? I am an eternal optimist, and I think we will.

I think maybe we are going to be the exception in a whole long history of nations who seem to have gotten so far in their civilization and culture, when something happened. We don't know exactly what it is. I have a sense that, when 50 percent of the people have to support the other 50 percent of the people—whether the other 50 percent want to work or not, that we are reaching that stage that Rome met, that ancient Greece met, that ancient Babylon met and if we are, we are going to know about it in a short time.

So really what I am trying to say to you is that, with history being repetition and with ourselves living history all over again in these years, it is pretty much up to what you and I and the other people who live in this country want this country to be. I'm afraid that you may be disappointed at times, as you go out in your uniforms and find that the attitude toward your uniform is not what you think it should be . . . Let me tell you that we have all been through that before several times, and we'll all go through it again. I'm just standing here tonight sort of reminiscing off the top of my head about things that I think might be wise for you to think about. I just want you to know that I am very, very proud of this school, I'm proud of all the Academies, and I'm proud of the men that these Academies have turned out. I won't say that I have always liked them or gotten along with them, but I have never known a graduate of an Academy, in my life of service to the military of this country, who ever told me a lie.

Oh, they might try to steal your girl, or they might try to steal your car, but they will never tell you a lie, and that's the important thing.

So as you go out to represent, not the Academy, but our country, do so with a great deal of pride, because America has a great deal of pride in you.

CIVIL RIGHTS

Mr. HATCH. Mr. President, a recent letter has come to my attention by our colleague, Senator STROM THURMOND, in answer to questions from a Whitesboro, N.Y., college student on the subject of civil rights. It is an excellent letter and I should like to commend it to the attention of all Members of the Senate.

In his reply, Senator THURMOND spelled out in clear detail his strong, lifelong support of freedom and opportunity for all Americans. At the same time he pointed out with equal clarity the reason for his votes against a series of bills, primarily in the 1950's and 1960's, designed to insure civil rights.

Since I was not in the Senate when these various bills were debated and decided, I found the contents of this letter very informative. While Senator THURMOND's votes may have been misconstrued by some as indicative of bias, his letter shows otherwise. Instead, it shows that his votes against these bills—and, indeed, probably the votes of all who opposed them—were rooted in what Senator THURMOND and many others believed was sound constitutional law which is the basis of all our freedoms.

Mr. President, since Senator THURMOND's letter established his position on such questions so decisively and so well, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES,
Washington, D.C., March 17, 1977.

Mr. RICHARD RODRIGO,
53 Bedford Drive,
Whitesboro, N.Y.

DEAR MR. RODRIGO: I have received the recent letter concerning your studies about civil rights and I am very pleased to respond to your inquiry. Of course, the subject you have raised is one which could be discussed at great length. In fact, it is difficult to give a definitive answer to such a broad topic in a brief letter, but I will try to give you a concise review of this matter.

My opposition to the series of bills which were raised over a period of years in the name of civil rights was based on the fact that they are inherently unconstitutional. While the goal of greater opportunity for American citizens is surely commendable, the means for achieving these worthy ends should be equally as commendable. In short, the series of bills to which you referred violated our system of Constitutional law and that system is the base from which all of us maintain our freedom.

I will not undertake to analyze each of the bills mentioned in your letter, but will review two of them as typical.

First, the 1957 act was one designed to bring certain civil rights litigation directly before a Federal District Judge, without a jury. In other words, the time-honored Constitutional guarantee of trial by jury was being denied by this legislation. If jury trials can be denied in civil rights cases, they can be denied in other cases. At some time in the future, when public sentiment is aroused by certain events, this cherished Constitutional guarantee might again be waived as an expedient to more quickly reach a specific goal. I believe the rights of all Americans are endangered when any of the guarantees in our Constitution are suspended, even in search of worthy objects.

Second, the 1965 act on voting rights was unconstitutional since the qualifications for voting are left by the Constitution to the States. However, the greatest inequity in the bill is its simple unfairness to certain states, including my home state of South Carolina. Instead of making this act applicable to all states on an equal basis, it only applied to

a handful of Southern States and Arizona. Thereafter, all elections and state election laws in the affected states came under the purview of the U.S. Justice Department for final approval. No state law affecting elections in these states, down to those affecting only local jurisdictions, can be changed even to the most minimal or technical degree without approval of the Civil Rights Division of the Justice Department. Only the few states which were singled out by this law have to abide by this Federal encroachment into its laws. The triggering device of the Voting Rights Act which makes it applicable to a state is simply the number of persons registered at the time of passage. If fewer than half of the states population over 21 years of age was registered at the time, the Federal government then became the watchdog and final judge of all election matters in that state. It had nothing to do with existing state laws or practices.

While, historically, there were state laws prior to the landmark court cases of the late 1940s and early 1950s which discriminated on the basis of race, there were none at the time of the Voting Rights Act of 1965. Blacks in my states registered freely and voted freely at the time. The fact that insufficient numbers of them had yet registered to satisfy the quota established by the 1965 act should not have placed the state under Federal jurisdiction. Black citizens of South Carolina, for example, began registering at will by the late 1940s when, by the way, I was Governor. Their numbers increased steadily through the years and the 1965 act was not necessary to ensure their participation in the elective process. The bill is unfair to those few states to which it is applicable, since it does not apply to all states, and it does not meet the test of the Constitution.

With respect to your question about my position through the years on civil rights, I do not feel that I have changed my basic position. I am for full participation and opportunity for all citizens and I always have been. For example, as Governor, I led the successful fight to repeal the state's former requirement for the payment of poll taxes as a prerequisite to voting. This action came long before Federal legislation repealed this requirement nationwide. In earlier times, the requirement for paying poll taxes in order to vote was an indirect device used to exclude some citizens from the electoral process. It most frequently affected black citizens of that era. However, repeal of this law combined with the court decisions affecting voter participation removed all barriers to full voting rights by all citizens.

My record of support for complete opportunity and individual liberty for all Americans is as long as my public career. Again referring to my Administration as Governor, it was my program for establishing a state system of job training which later became the current Technical Education System. It was this program, particularly in its earlier days, which provided so many black citizens a chance to upgrade their skills and their opportunity for better jobs.

Throughout my public career, I have followed the course of keeping the government consistent with individual liberty and opportunity, while in tune with the Constitution. As a matter of fact, I was the first member of Congress from the South to appoint black staff members in my office. I was also the first to successfully recommend and sponsor the appointment of a Southern black person to a Federal judgeship.

As a private matter, I established many years ago The Strom Thurmond Foundation to provide scholarship funds for needy, worthy South Carolinians. Many of the students receiving aid from this Foundation have been black students.

Unfortunately, the votes I cast against civil rights bills created the false impression with some people that I was opposed to blacks or civil rights for all people. Such an impression, where it existed, was, indeed, false then as it is today.

I am for the full freedom of every American citizen, so long as the exercise of that freedom does not infringe on someone else's freedom. That is what the Constitution guarantees. In my view, the various acts to which you referred violate the Constitution and infringe on the general population's guaranteed freedom of Federal control.

Good luck in your college work.

With kindest regards and best wishes,

Very truly,

STROM THURMOND.

THE ROBERT J. COLLIER TROPHY

Mr. GOLDWATER. Mr. President, today the National Aeronautic Association, of which I am proud to be a member, met to decide who would be the winner of the Robert J. Collier Trophy for 1976. This probably is America's most prestigious aeronautics and astronautics award and whoever receives it has had to excel in the field dominated by the very best in the business. At this point in my remarks, I ask unanimous consent that the description of this trophy be printed in the RECORD, and following that a list of the recipients of the trophy dating back to 1911.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ROBERT J. COLLIER TROPHY

ORIGIN

The Robert J. Collier Trophy was established in 1912 as the "Aero Club of America Trophy" by Robert J. Collier. In 1922 the Aero Club of America was incorporated as the National Aeronautic Association. At that time NAA assumed administration of this Trophy and in 1944 renamed it the "Robert J. Collier Trophy." Since the Trophy is awarded for achievement in the year prior to actual presentation, the Trophy was first presented in 1912 to Glenn H. Curtiss for his achievements in 1911.

AWARDED TO

The Robert J. Collier Trophy is awarded annually "for the greatest achievement in aeronautics or astronautics in America, with respect to improving the performance, efficiency or safety of air or space vehicles, the value of which has been thoroughly demonstrated by actual use during the preceding year."

COMMITTEE

The Robert J. Collier Trophy Committee is appointed annually by the President of the National Aeronautic Association. The size of the membership of the Committee is determined by the President of NAA.

PRESENTATION

The Robert J. Collier Trophy has, in most instances, been presented by the President of the United States at a ceremony in the White House. It is permissible to present the Trophy outside of the White House, and the presentation may be made by whomever is selected by the National Aeronautic Association.

RECIPIENTS OF THE ROBERT J. COLLIER TROPHY: CHRONOLOGY

1911: Glenn H. Curtiss, for development of the hydro-aeroplane.

1912: Glenn H. Curtiss, for the flying boat.

1913: Orville Wright, for development of the automatic stabilizer.

1914: Elmer A. Sperry, for gyroscopic control.

1915: W. Sterling Burgess, for the Burgess-Dunner hydro-aeroplane.

1916: Elmer A. Sperry, for drift indicator.

1917–1920: No awards because of war.

1921: Grover Loening, for development of the aerial yacht.

1922: Personnel of the United States Air Mail Service.

1923: Personnel of the United States Air Mail Service for night flying.

1924: The United States Army.

1925: S. Albert Reed, for development of the metal propeller.

1926: Major E. L. Hoffman, for development of a practical parachute.

1927: Charles L. Lawrence, for his radial air-cooled engine.

1928: Aeronautics Branch of the Department of Commerce, for development of airways and air navigation facilities.

1929: The National Advisory Committee for Aeronautics, for the NACA cowling.

1930: Harold Pitcairn and his staff, for their autogiro.

1931: The Packard Motor Car Company, for the aircraft diesel engine.

1932: Glenn L. Martin, for development of an outstanding bi-engined, high-speed, weight-carrying airplane.

1933: The Hamilton Standard Propeller Company and Chief Engineer, Frank W. Caldwell, for the controllable pitch propeller.

1934: Major Albert F. Hegenberger, for blind landing experimentation.

1935: Donald Douglas and his staff, for development of the DC–2.

1936: Pan American Airways, for its trans-Pacific and overwater operations.

1937: The Army Air Corps, for design and equipment of a sub-stratosphere airplane.

1938: Howard Hughes and his Crew, for his round-the-world flight.

1939: Airlines of the United States, for their record of safety in air travel.

1940: Dr. Sanford Moss and the Army Air Corps, for development of the turbo-supercharger.

1941: The Air Forces and the Airlines, for the world-wide operations typified in the routes of the Air Transport Command.

1942: General H. H. Arnold, for organization and leadership of the mightiest air force in the world.

1943: Captain Luis de Florez, USNR, for development of synthetic training devices for flyers.

1944: General Carl A. Spaatz, for demonstrating the air power concept through employment of American aviation in the war against Germany.

1945: Dr. Louis W. Alvarez, for development of the ground controlled approach radar landing system.

1946: Lewis A. Rodert, for development of thermal ice-prevention system.

1947: John Stack, Lawrence D. Bell, and Captain Charles E. Yeager, for supersonic flight.

1948: Radio Technical Commission for Aeronautics, for the development of a system of air traffic control to permit safe and unlimited operations under all-weather conditions.

1949: William P. Lear, for the development of the Lear F–5 automatic pilot and automatic control coupler system.

1950: The Helicopter Industry, the Military Services, and the Coast Guard, for development and use of rotary-wing aircraft for air rescue operations.

1951: John Stack and Associates at the Langley Aeronautical Laboratory, NACA, for the conception, development, and practical application of the transonic wind tunnel throat.

1952: Leonard S. Hobbs of United Aircraft Corporation, for design, development, and production of the J–57 jet engine.

1953: James H. Kindelberger and Edward

H. Heinemann, for development of the first supersonic airplanes in service.

1954: Richard Travis Whitcomb, NACA Research Scientist, for discovery and experimental verification of the area rule, yielding higher speed and greater range with same power.

1955: William M. Allen and the Boeing Airplane Company and to General Nathan F. Twining and the United States Air Force, for development and operational use of the B–52.

1956: Charles J. McCarthy and Associates of Chance-Vought Aircraft, Inc. and to Vice Admiral James S. Russell and Associates of the U.S. Navy Bureau of Aeronautics, for conception, design, and development of the F–8U Crusader.

1957: Edward P. Curtis, for his report entitled, "Aviation Facilities Planning," developed which he was Special Assistant to the President of the United States.

1958: The United States Air Force and Industry Team responsible for the F–104 Interceptor: Clarence L. Johnson of Lockheed Aircraft Corporation for design of the airframe; Neil Burgess and to Gerhard Neumann of the Flight Propulsion Division, General Electric Company, for development of its J–79 turbojet engines; Major Howard C. Johnson, USAF, for establishing a World Landplane Altitude Record, and Captain Walter L. Irwin, USAF, for establishing a World Straightaway Speed Record.

1959: The United States Air Force, the Convair Division of General Dynamics Corporation, and to Space Technology Laboratories, Inc., for developing, testing, producing, and putting into operation the Atlas—America's first intercontinental ballistic missile.

1960: Vice Admiral William F. Raborn, under whose direction the United States Navy, Science and Industry created the operational Fleet Ballistic Missile Weapon System—Polaris.

1961: Major Robert M. White, Joseph A. Walker, A. Scott Crossfield, and Commander Forrest Petersen, representing the United States Air Force, National Aeronautics and Space Administration, North American Aviation, and the United States Navy, respectively, for invaluable technological contributions to the advancement of flight and for great skills and courage as test pilots of the X–15.

1962: Lt. Cmdr. M. Scott Carpenter, USN; Major L. Gordon Cooper, USAF; Lt. Col. John H. Glenn, Jr., USMC; Major Virgil I. Grissom, USAF; Cmdr. Walter M. Shirra, Jr., USN; Cmdr. Alan B. Shepard, Jr., USN; and Major Donald K. Slayton, USAF, for pioneering manned space flight in the United States.

1963: Clarence L. "Kelly" Johnson, for designing and directing the development of the USAF A–11 Mach 3 aircraft.

1964: General Curtis E. LeMay, for contributing great achievements with respect to our air vehicles and our national defense.

1965: James E. Webb and Hugh L. Dryden, representing all of the Gemini program teams which significantly advanced human experience in space flight.

1966: James S. McDonnell, for his leadership and perseverance in advancing aeronautics and astronautics exemplified by the F–4 Phantom aircraft and the Gemini space vehicles.

1967: Lawrence A. Hyland, representing the Surveyor Program Team at Hughes Aircraft Company, the Jet Propulsion Laboratory, and associated organizations that put the eyes and hands of the United States on the Moon.

1968: Col. Frank Borman, USAF; Capt. James A. Lovell, Jr., USN; and Lt. Col. William A. Anders, USAF, as the crew of Apollo 8 and representing the entire United States space flight team for the successful and flawless execution of the first manned lunar orbit mission in history.

1969: Neil A. Armstrong; Col. Edwin E. Aldrin, Jr., USAF; and Col. Michael Collins, USAF, for the epic flight of Apollo 11 and the first landing of man on the surface of the Moon, July 20, 1969.

1970: The Boeing Company, as leader of the Industry-Airline-Government team which successfully introduced the 747 into commercial service with particular recognition to Pratt and Whitney Division of United Aircraft Corportion and to Pan American World Airways.

1971: Col. David R. Scott, USAF; Col. James B. Irwin, USAF; and Lt. Col. Alfred M. Worden, USAF, for demonstrating superb skill and courage and to Dr. Robert R. Gilruth as representative of the engineering genius of the manned space flight team, culminating in Apollo 15—man's most prolonged and scientifically productive lunar mission.

1972: Admiral Thomas H. Moorer, USN, representing the Officers and Men of the 7th and 8th Air Forces of the United States Air Force and Task Force 77 of the United States Navy for "Operation Linebacker II."

1973: The Skylab Program, with special recognition to William C. Schneider, Program Director, and the three Skylab Astronaut Crews for proving beyond question the value of man in future explorations of space and the production of data of benefit to all the people on Earth.

1974: Dr. John F. Clark, NASA, and Daniel J. Fink, General Electric Company, representing the NASA/Industry Team responsible for the Earth Resources Technology Satellite Program—LANDSAT—for proving in 1974 the value of U.S. space technology in the management of the earth's resources and environment for the benefit of all mankind, with special recognition to Hughes Aircraft Company and RCA.

1975: David S. Lewis, General Dynamics Corporation, and the F–16 Air Force-Industry Team, for significant advancements in aviation technology leading to innovative fighter aircraft effectiveness.

Mr. GOLDWATER. Mr. President, this year after a very close vote the award was given to the B–1 bomber and its people who were and are responsible for its achievements. I think it would be of great interest to the readers of the CONGRESSIONAL RECORD to be able to know a little more about this great aircraft that many of us feel is of such extreme importance to the future safety of our country. Therefore, once again I ask unanimous consent that a breakdown of the reasoning for this award being given to the B–1 be printed in the RECORD.

There being no objection, the breakdown was ordered to be printed in the RECORD, as follows:

1976 ROBERT J. COLLIER TROPHY

NOMINEE

The "B–1 team" consisting of the United States Air Force, prime contractor Rockwell International, and associate contractors General Electric Company, the Boeing Company, Airborne Instruments Laboratory Division of Cutler Hammer Inc., and the more than 3,000 subcontractors and suppliers.

By Rockwell International for the design, development, and integration of technologies and subsystems resulting in the B–1 weapons system that met all Air Force mission requirements during a stringent ground and flight test schedule. This resulted in a decision on December 2, 1976 by the Department of Defense to begin production. In addition, the successful melding of many of the most modern technological advancements in aerodynamics systems innovations and integration, propulsion, materials selections through fracture mechanics processes, and metal joining and fabrication techniques should have a great impact in the performance and efficiency of future large turbofan powered aircraft.

JUSTIFICATION

The B-1 program was the first "fly before buy" project started under former Deputy Secretary of Defense David Packard, which resulted in demonstration of both the flying characteristics and structural integrity of the aircraft. From a flight test standpoint three aspects unique to large aircraft test porgrams resulted: (1) Demonstration of the operational mission capabilities at the earliest possible date, (2) A concurrent structures test program that would result in two lifetimes of fatigue testing for critical airframe structures prior to production decision, (3) A team approach for flight testing with both the Air Force and contractors participating from conception to execution, which would include mission planning, actual crew manning, and maintenance, and data analysis.

All of the above goals were met or exceeded prior to the planned production decision announced on December 2, 1976. At this time the Department of Defense authorized the construction of the first three operational B–1s and the purchase of "long lead" items and material for eight additional aircraft.

The three prototype B–1s logged nearly 40% more flying hours at the end of Phase I of flight testing than were required by the Department of Defense before a production decision. During that time, the efficient cost effective management exercised by the USAF/Contractor team resulted in a B–1 flight test program whose performance will become the measuring standard for future aircraft programs. The test team concept was evident in planning and implementing the flight test program in all areas. All flights had joint crews except those specifically designated initial operational test and evaluation (IOT&E which were SAC/AFTEC personnel.

The program was accomplished with a perfect safety record while attaining the following significant achievements:

1. Automatic terrain following, 0.85 Mn/200 feet over "local" terrain and 400 feet over remote mountainous ranges.
2. Maximum speed, in excess of 2.1 Mn.
3. Maximum altitude, 50,000 feet.
4. Extensive experience (40 hours) at low altitude/high speed, i.e. below 10,000 feet/above 0.80 Mn.
5. Maximum gross weight take-off (on eighth flight).
6. Operation of weapon doors, high speed, supersonic 1.5 Mn, low altitude subsonic 0.85/1500 feet.
7. Stores separation, SRAM, Mk 82 Snakeye.
8. Routine aerial refueling, including loading to maximum inflight gross weight.
9. Night flight, including aerial refueling.
10. Airloads, initial testing complete.
11. Manned/unmanned alert demonstration, SAC/AFTEC.

AIRCRAFT DESCRIPTION

The B–1 Strategic Weapon System embodies the integration of selected advanced technologies and design concepts developed through government and industry efforts throughout the late 1960's and early 1970's. The design criteria for this weapon system were evolved from numerous studies, such as the AMSA (Advanced Manned Strategic Aircraft) Series. These studies established the stringent requirements for a cost effective air vehicle with high aerodynamic, propulsive and structural efficiency.

The B–1 aerodynamic design has incorporated blended body/wing features together with a variable sweep wing to provide high payload capability from short runways. The air vehicle has the ability to carry these payloads at high subsonic speeds at low altitudes as well as high supersonic speeds at high altitudes over extremely long ranges. The propulsion system installation has been

integrated into this aerodynamic configuration to minimize the aircraft cross section while efficiently supplying the required propulsive effort with low specific fuel consumption. A durable, damage tolerant structure with a high structural efficiency of 24.9 percent (structural weight/gross weight) has been achieved. The level of structural durability was enhanced by the utilization of high fracture tough materials.

Reliability has been maximized by a careful utilization of redundant, highly reliable components. This reliability and redundancy has been demonstrated by testing including failure simulation. The result of this high reliability is decreased maintenance and safe aircraft operation.

The unique manner in which these features have been combined into the B–1 has advanced air vehicle design a quantum step.

AERODYNAMIC EFFICIENCY

The operational characteristics of the B–1 have met the requirements for minimum length runways and intercontinental range combined with the capability for both high speed, low altitude penetration and sustained Mach 2 plus high altitude cruise. This has resulted from a high level of aerodynamic efficiency. As is strikingly visible, the B–1 has met the challenge through an optimized combination of the area rule to a blended fuselage/wing configuration and a variable sweep wing to provide high efficiency and flexibility through the wide range of design operating conditions. Good short field take off and landing characteristics were achieved through the use of large area single slotted flaps, variable wing sweep and full span segmented leading edge slats.

Pitch and roll requirements have been met by all movable horizontal tail surfaces mounted high on the vertical fin combined with wing spoilers to augment roll control at low speeds. The spoilers function as speed brakes for descent and landing. The high level of aerodynamic efficiency achieved by the B–1 aerodynamic configuration has been demonstrated by one of the most extensive wind tunnel programs yet conducted including nearly 17,000 hours of aerodynamic performance and flying qualities testing.

The overall efficiency of the B–1 configuration is evident when it is noted that although significantly smaller and lighter than the B–52 it is intended to replace, the B–1 carries nearly twice the payload. Further, the careful aerodynamic shaping of the blended wing-body in addition to high aerodynamic efficiency, results in a radar image only a small fraction of that presented by existing weapon systems—a very significant advantage in penetrating a hostile environment.

STRUCTURAL INTEGRITY

The design and development of the basic structure for the B–1 is characterized by many innovative concepts for achieving the durability required for advanced aircraft. These concepts have combined, for the first time in aircraft design, the principles of fracture mechanics, redundant load path and fatigue resistance practices. The capability to meet these challenging goals has been demonstrated by an extensive structural test program.

The resulting design has progressed successfully through a structural integrity test program of greater depth than any previously developed aircraft. The development of fracture toughness material specifications resulted from over 2,000 fracture mechanics material properties specimens as well as 300 crack growth element tests. The materials selected from these tests were integrated into the structural design and a series of over 600 design development tests were completed prior to the final basic structural drawing release.

The soundness of the design evolved from this process has been further demonstrated by design verification testing to ultimate static loads for the following major sections: wing outer panel, wing pivot, wing center section, forward intermediate fuselage, aft intermediate fuselage, aft fuselage, horizontal stabilizer, vertical stabilizer, landing gear, nacelle support, flaps and slats.

Acoustic testing (11 major sections), ground vibration testing (complete air vehicle) and surface free-play tests (complete air vehicle) have all been completed to provide additional confidence in achieving the structural durability necessary for the mission requirements.

The efficiency of this design is best illustrated by comparing the structural weight ratios (structural weight/gross weight), of some recent aircraft:

[In percent]

B–1	24.9
FB–111A	23.0
C–5A	28.4
C–141	24.6

This structural efficiency has been accomplished while still achieving durability, long fatigue life (13,500 hours times 4 lives), and high static strength.

SUBSYSTEM TECHNOLOGY

The B–1 subsystems installation provide a level of safety and performance for exceeding any comparable aircraft. The incorporation of a high level of redundancy has been a keynote in the subsystems design. This redundancy along with selective application of the lastest advanced technologies has been utilized to maximize safety, reliability and maintainability. These subsystems have gone through prequalification testing and demonstrated their contribution to the total, fully integrated air vehicle. No other aircraft has so fully integrated these new technologies in their design to achieve as high a degree of safety, reliability (96.8%), and maintainability (21.7 maintenance man hours/flight hour). Some representative examples of these advancements are presented in the following.

One of the most advanced electrical control systems designed for large aircraft is operational on the B–1. The system, called Electrical Multiplex System (EMUX), controls many of the aircraft's major subsystems, permitting the elimination of approximately 30 percent of the air vehicle wiring. The reliability of the system was thoroughly demonstrated in thousands of hours of laboratory testing and it was fully operational during the first flight of the B–1. The system affords greater simplicity in installation and maintenance. Actual use has demonstrated a Mean-Time-Between-Corrective-Action of 40 hours and a positive reliability growth which will result in EMUX exceeding its specification requirements.

The B–1 flight control system has integrated the advanced aerodynamic features of the aircraft with the latest technological achievements in flight control augmentation systems to provide safe, reliable, air vehicle handling qualities throughout the varied mission requirements of low altitude high subsonic flight to high altitude supersonic flight. These design features include a fail-operational/fail safe control system, safe flight after dual failures, mission completion after single failure and no degradation of basic air vehicle structural damping. The flight controls design redundancy has achieved a higher level of safe and reliable controls than has been previously possible on past aircraft designs. Extensive flight simulator testing (2.1 million cycles in 1974), flight mission simulator testing, and prequalification testing has been accomplished on the flight control ssytems to demonstrate high confidence in the advanced safety and reliability concepts.

The wide range of operational requirements of the B–1 demands high thrust as well as high efficiency from the propulsion system at both low and high altitude and for both subsonic cruise speeds and sustained Mach 2, plus operation. Meeting these inherently contradictory criteria required the careful combination of an advanced technology engine with specifically tailored nacelle features. The two spool F–101 engine developed by the General Electric Company combines a 2:1 bypass ratio 2 stage fan, with a high pressure ratio core gas turbine and mixed flow completely throttleable afterburner to achieve high efficiency with high thrust potential for both subsonic and supersonic operation. Overall propulsive efficiency is maximized by mounting the F–101 engine in dual nacelles with external compression variable geometry inlets incorporating bypass and boundary layer bleed control, good transient response and front face distortion free flow distribution. Moveable outer inlet lips are also provided to boost mass flow for takeoff. Overall nacelle configuration is optimized to favor the primary subsonic mission slightly as well as to insure satisfactory engine/inlet compatibility throughout the B–1 operating and maneuver envelope.

Outstanding compatibility and better than design performance has been demonstrated by over 10,000 hours of wind tunnel testing including testing of a full scale inlet and engine in the 16-foot transonic and supersonic tunnels at the Arnold Engineering Development Center (AEDC). The integration of the engine and aircraft secondary power systems has been validated in the Secondary Power/Engine Integration (SP/EI) simulation facility. Over 400 hours of combined engine and secondary power systems operations were completed before first flight in December 1974.

B–1 FACTSHEET

Primary function: Strategic heavy bomber to modernize, the bomber force.

Powerplant: Four General Electric F–101 turbofan engines (30,000 pounds thrust class).

Maximum speed: Over Mach 2 at high altitude; high subsonic on the deck.

Range (unrefueled): Intercontinental.

Tanker support: Compatible with existing KC–135.

Crew: Four: pilot, copilot, and two systems operators (with provisions for two instructors).

Maximum gross takeoff weight: 350,000 to 400,000 pounds.

Weapons payload: Approximately twice as great as B–52.

Dimensions: Approximately 2/3 the size of B–52.

Wing span: wings forward, 137 ft.; wing swept, 78 ft.

Length: 151 ft.

Height: 34 ft.

Runway requirements: Significantly shorter than B–52.

JULIUS HOBSON

Mr. KENNEDY. Mr. President, Julius Hobson, a man of tremendous courage, strength of spirit, and determination died yesterday.

Julius Hobson's untiring efforts to bring an end to racial discrimination earned him the respect of both blacks and whites in Washington. He struggled to improve the quality and responsiveness of the District public school system, to improve the housing of low-income District residents, and to enhance the opportunities available to the poor in this city he loved.

Julius was always there, a voice that would not be muffled. Like a mirror, he stood as a reminder of those who were

in positions of authority and needed to see their image clearly.

I worked with him on the issue of D.C. representation in Congress. He felt very deeply the truth in the slogan that the District of Columbia is America's last colony. He supported our constitutional amendment to provide full voting representation in the Senate and the House of Representatives for the people of the District. But he did not think we went far enough. He believed in statehood as the only credible solution, and singlehandedly he made statehood a credible solution for the District.

In everything he did, his eloquence and his passion, his intellect and his inexhaustible commitment shone through. And his courage against his illness was an inspiration to all who knew him. He was a great leader in this city, and we shall miss him as we carry on his work.

I know that many in this Chamber join me in offering to the Hobson family our shared sense of loss, even as we pay tribute to him for his enormous achievements for the benefit of this city.

I ask unanimous consent that an editorial and series of articles from today's Washington Post may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 24, 1977]

JULIUS W. HOBSON SR.

To the last, Julius W. Hobson Sr. remained the uncompromising curmudgeon, refusing to go quietly from his six-year battle against a cancer for which there's yet no cure. Typically, when he first learned that he was terminally ill, he said he counted on defying the illness for just about this many years—and he went on, shunning sympathy, battling complacency, infuriating some people, inspiring others.

Until his death yesterday at the age of 54, Mr. Hobson—with his wife, Tina, and a loyal city council staff—never let the business of this community drop in deference to his waning energy or to the enormous pain that he would suffer. Rather—as councilman-at-large and sole representative of the Statehood Party in the city's first elected council of the century—Mr. Hobson was still refusing to let things be. He was pushing his own legislative agenda for 1977, a list of bills covering a broad range of local subjects from statehood to a state fair.

For 25 hell-raising years, Mr. Hobson shook Washington in unorthodox, unpredictable ways. As often as not, he was the lone frontline fighter against some aspect of racial discrimination, the gruff-and-ready stickler for equal education. He was always fast with an irreverent quip, and he never let up on his lawsuits, his books, his thorough research, his provocative political activities and his extraordinary ability to intimate, embarrass or fool officialdom into doing something about civil rights.

In truth, though, it wasn't until the news of his illness in 1971 that the great majority of citizens paused long enough to begin appreciating the measure of the man. There was the lawsuit ending rigid tracking of public school students and Mr. Hobson's picketing and other protests that had relentlessly bulldozed down color barriers everywhere—in housing, hiring, education and anything else Mr. Hobson confronted. And just as he championed the civil rights of black people, Mr. Hobson, with equal adamance, insisted that reverse racial innuendo be challenged.

"I sleep mad," Mr. Hobson used to say, and you believed it. Still, for all his strident bluster, Julius Hobson was a deeply compassionate, gentle, generous and astonishingly candid man. His death is an enormous loss to the community. But the memory of that hat, that pipe, that freewheeling Alabama twang and the legacy of Julius Hobson will remain to be cherished.

[From the Washington Post, Mar. 24, 1977]

HOBSON HELPED CHANGE THE CITY HE LIVED IN

(By Richard Cohen)

If you came to Washington when I did, which was after Julius Hobson had done much of his work, you might have found it hard to understand the man. From the eyes of one newly arrived the city looked just fine. Julius Hobson looked at it and raged. It took a while to understand. He saw things others didn't. He saw the history of the place.

You have to know that to understand Hobson. This town is a funny place. It has managed to hide its history and when you come here from the North or the West you would think that Washington is much like the place you left. It isn't, or at least it wasn't. This was once a Jim Crow town and people like Hobson knew there was work to be done here.

If you stay here long enough, the history of the place starts to seep out. Someone will mention a civil rights march. Once there was an old woman in Silver Spring who told me how she used to take the bus downtown to picket some store. She would march around the place until it was time to take the bus home to prepare her husband's dinner. She sensed the puzzlement in my eyes. Yes, in Washington, she said. The stores would not hire blacks.

Sometimes the history comes out in other ways. A native might refer to some school and say something like "colored" or "white". Sometimes an old cab driver will be talking and he'll refer to a park by race—the way things used to be. Things are no longer that way. Julius Hobson is one of the reasons.

He did not fight alone and he did not fight without making enemies and he did not, Lord knows, fight anonymously. But he was usually out in front and he was usually right and he was usually, if you'll pardon the expression, the biggest mouth around. He would open it and this gift of a voice would come out—deep and strong with a timbre to it that said very clearly that this man was not to be messed with. He had something else—a look. There was something in his eyes. Sometimes they danced with delight and sometimes they fixed you hard, telling you that you had just asked another fool question.

He was elected to the first elected school board and later to the City Council. You could see him up at the City Council dais, a head peeping up at you, his spine crumbled and the man himself dying, and you had to ask yourself why he was there. He was a leader, a troublemaker, born to march at the head of a column, to excite the imagination of journalists. Now he was dealing with zoning and on one particular day with whether smoking should be permitted in public places. He was by then a crippled man, but when he opened his mouth, the voice was still there—loud, proud and saying things that were well worth listening to.

Civil Action No. 82-66 was his towering achievement. The popular name varied. Some gave credit to the judge and called it the Wright decision. Others called it Hobson vs. Hansen. Call it what you want, it was the lawsuit that Julius Hobson had brought in behalf of his son and daughter and when he was finished the Washington school system was not the same.

You have to understand the school system to appreciate what Hobson did. You have to understand a system that would not return phone calls, that would tell you things that were not true, that could put you on hold until hell froze over and then transfer you to an office that couldn't possibly know what you wanted. This was a system that could tell you attendance was no problem when you could see for yourself that the classrooms were half empty. If you questioned, you were given proof. The records showed attendance was good.

Julius Hobson waded into this system and got answers from it. He did much of his own research, mastering the numbers and terms that befogged the issues. He studied and he worked and he compiled his facts. When he was finished and had presented his case in court, this is what the judge had to say: "In sum, all the evidence in this case tends to show that the Washington school system is a monument to the cynicism of the power structure which governs the voteless capital of the greatest country on earth."

So now he is dead and now is the time for eulogies. Some will recall the time he came into Georgetown with rats from the ghetto and some will recall the flamboyant way he could lead a demonstration. All this will be shown on television because all this is great film. But the film will not show a man working alone, going over the figures and the reports, the graphs and the jargon, until the back ached and the eyes watered and he had to ask himself, as he did, whether it was worth it—whether he could make a difference.

It was and he did.

HOBSON WON RESPECT AS FREEDOM FIGHTER, "GREAT HUMAN"

(By Milton Coleman)

For many of those with whom Julius Hobson worked in city government, news of his passing yesterday meant the loss of someone who was sometimes an adversary, but also considered a warrior, freedom fighter, pioneer and "great human being."

"We may have differed with him from time to time. But you never lost respect for Julius Hobson," said Mayor Walter E. Washington.

"All of us on the Council will miss the guy," said City Council Chairman Sterling Tucker. "He was a real man."

Mr. Hobson, an at-large city councilman and member of the D.C. Statehood Party, died yesterday at George Washington University Hospital after suffering from leukemia. He was 54.

His death had been anticipated for many weeks, and already yesterday speculation was beginning among some members of the party's 23-percent Statehood Central Committee as to who would succeed Mr. Hobson on the Council.

City law gives the Statehood Committee the right to choose a temporary successor for Mr. Hobson until a special election can be held, probably in mid-July, to complete the remaining 18 months of Mr. Hobson's four-year term.

Mr. Hobson's immediate successor is likely to come from among four persons, according to some Statehood Party sources: Mr. Hobson's wife, Tina (his stated choice to succeed him); his son Julius Jr., who is a Washington school board member; Hilda Mason, who also serves on the school board; and recently elected Statehood Party chairperson Josephine (Jo) Butler.

Several of Mr. Hobson's 12 colleagues on the City Council were surprised to learn of his passing. Even though it was uncertain how long he would live, he had only Tuesday been among them at Tuesday's regular Council meeting.

"Even though we knew that Julius had an incurable illness, we regret his leaving," said Council member Marion Barry.

"I'm just glad that he didn't have to suffer

a great deal," said Council member John A. Wilson.

Many of the Council members saw themselves as being active in different sectors of the same struggles that marked Mr. Hobson's career, and they eulogized him in terms that reflected those struggles.

"Before the cause of social and racial justice came in vogue, his strong but lone voice could be heard," said Council member David A. Clarke. "When many joined in the campaign, he provided the leadership of a pioneer. And, when the focus shifted, Julius fought on."

In the last days of his service on the Council, Mr. Hobson had become concerned that many of those he had struggled beside had somehow betrayed the trust of the voters.

At a recent press conference introducing legislation that would allow elected officials to be recalled from office by the voters, he said politics had gotten too involved in City Council activities and that was enough to drive him out.

It was shortly after Mr. Hobson's doctors told him in January that he might die within six months, that the Statehood Party held its first convention in two years to prepare for his possible passing.

Anton Wood, a member of the party's central committee and former party chairman, said yesterday that it is not certain yet how the party will select the successor to Mr. Hobson.

The central committee could choose a replacement immediately on its own, Wood said, or the selection could be made through some kind of poll of the 1,800 people who are registered to vote as Statehood Party members in D.C. elections.

If the 23-person committee makes the decision alone, sources said, chairperson Butler—a 56-year-old health educator for the D.C. Lung Association—would have an edge.

Some of the central committee members worked in her unsuccessful campaign for at-large council member last fall, and she also has broad support among party members because of her longtime involvement in the party, according to the source.

Mr. Hobson had told the recent convention he would prefer that his wife succeed him. But several party members said yesterday that Mrs. Hobson might not be chosen, or could be picked to fill the spot temporarily, but not be nominated to run in the special election.

Mr. Hobson's son said yesterday that he had often discussed becoming a council member with his father. "I think he really wanted me to do it," Hobson Jr. said. "He said on several occasions that he would like for me to follow in his footsteps."

Mrs. Mason was unavailable for comment yesterday.

The special election to choose a person to complete Mr. Hobson's term will mark the first time that the city's fledgling home-rule government will have to fill a City Council vacancy in midterm, and some of the peculiarities of the election law could be important.

For example, the law provides that only two of the four at-large seats on the Council may be held by Democrats, and Democrats already hold two.

Thus, only independents, Republican and Statehood Party members will be able to run in the election to fill the Hobson vacancy.

If Hobson Jr. or Mason is nominated to run in that special election or chosen to succeed Hobson Sr., either would have to relinquish the school board seat. The board then would choose a successor.

If Hobson Jr. or Mason were defeated in a special election, either still could be reappointed to the school board or run in a special election to fill the vacancy either's resignation created, according to a lawyer for the Board of Election and Ethics.

Mr. Hobson's successor as chairman of the Council's Committee on Education, Recreation and Youth Affairs is expected to be William Spaulding (D.-five), who is now vice chairman of that committee.

JULIUS HOBSON SR. DIES—ACTIVIST STIRRED UP CITY FOR 25 YEARS

(By Cynthia Gorney)

Julius Hobson Sr. died yesterday at age 54 of the cancer that would not let him fight any more.

When he died he was a city councilman—the at-large representative of the party seeking statehood for the District of Columbia. He worked almost full-time until the day before his death, when he attended his last City Council meeting.

Behind him stretched an extraordinary record of achievement in local civil rights and educational reform: the lawsuit that ended tracking in Washington schools, the picket lines that opened downtown hiring to blacks, the demonstrations and speeches and pointed theatrics that unsettled Washington for 25 years.

"I sleep mad," Mr. Hobson used to say. A Marxist who never learned the fine political art of moral compromise—and never wanted to—he spent his adult life waging an unorthodox and often lonely war on the racism that had shaped his childhood. His weapons were publicity, statistics, the American legal system, and an implacable refusal to let things be.

His death shortly after noon yesterday at George Washington University Hospital came six years after Mr. Hobson learned he was sick—first with multiple myeloma, a cancer of the spine, and then with acute leukemia, which sapped his resistance to infection and allowed internal complications to finally kill him. It was an illness he loathed, not because he knew it would kill him, but rather because it ate away at the enormous and angry energy that was the essence of Julius Hobson.

Exhorting and prodding, manipulating the press and ignoring the hesitant, Mr. Hobson infuriated as many as he inspired. He was told that he wanted too much, that he pushed too hard, that he didn't understand people. He was called a maverick, an egomaniac, a gadfly, a hero, Mr. Hobson knew all that. "When you take the negative position and you're always screaming," he reflected, a few months before his death, "people are going to brand you as they see fit."

There are no real victories, Mr. Hobson would tell people, no comfortable resting places. He believed there is no God to make things better in the end. There is only the here and now, and the small successes that propel you to the next fight.

For 20 years his presence rocked Washington: Mr. Hobson climbing into a hospital bed in a white ward and refusing to leave. Mr. Hobson stepping onto a wooden crate in Lincoln Park and demanding that people listen. Mr. Hobson driving toward Georgetown with a cage full of rats on the roof of his car, suggesting the rich share a problem they said was unsolvable, and then stealing away from the television cameras to drown the rats in the Potomac River. Mr. Hobson under picket signs, behind microphones, in police vans—always with his hat and his pipe (or cigar) and his rich, strident Alabama voice.

And there was the private Julius Hobson, who seemed to draw sustenance from conflict and the certainty that he could not be pushed. The husband who emerged from furious protests so invigorated he would do all the grocery shopping and lunge into the preparation of dinner. The soldier who memorized poetry while flying World War II artillery spotters and continued to recite the words of this private music 20 years later. The Alabama kid who, way back around 1930, sat by the window on rainy days with Lewis Carroll's "Through the Looking Glass," reading the scene where a mad queen mocks justice by crying, "Sentence first! Verdict afterward!"

"I understood it even then," he later recalled.

Mr. Hobson was born in 1922 in Birmingham, Ala., where there were streets where blacks could not walk. The church of Mr. Hobson's christening, the church still attended by his mother, Irma Reynolds, shocked much of white America into an awareness of the civil rights movement in 1963 when it was shattered by a bomb that killed four children.

Mr. Hobson's father had died when Julius was very young. The young Hobson's stepfather ran a drycleaning plant and drugstore, and his mother was a school-teacher and principal. His background has been called middle class, a term Mr. Hobson found irritating.

"I don't see how you can grow up middle class and be black," he said not long before he died. "A man who can't go into public parks, can't go into a store and try on a suit, can't drink from a public fountain, can't ride in front of a public vehicle like a streetcar—how are you going to call him middle class?"

It was a home, Mr. Hobson said, where education mattered deeply, where the dinner table talk was of learning and schools. He worked in the public library as a boy, where he could sweep the floors but could not check out books, according to library rules.

So he stole one. The book was the Home Book of Verse of the English Speaking World, a 3,900-page anthology of the poems he learned by heart and recited quietly to himself for the rest of his life. Forty years later, wearing a bathrobe and the neck brace that eased the pain of spinal cancer, Mr. Hobson could gaze out the window of his Southwest Washington apartment and remember "The Prisoner of Chillon," the Lord Byron poem he loved: "There are seven pillars of Gothic mold/in Chillon's dungeons deep and old . . ."

In Birmingham, Mr. Hobson attended what was then called Industrial High School, the only black high school in the city's segregated school system. At his graduation, as he told the story later, the school superintendent stopped by and listened to the class sing spirituals. "When we got through singing, this white superintendent was mopping tears from his eyes," Mr. Hobson recalled. "He said, 'I'm sure God's got a place set aside in heaven for you people.' That did it. I never sang another spiritual."

Mr. Hobson went to Tuskegee Institute after graduation, but was called away to World War II. As an Army pilot he flew 35 missions in Europe, according to the 1944 Army Times, and was awarded three bronze stars and a number of other medals.

He never returned to live in Alabama. For a while he lived in Harlem, looking for "the promised land of New York and how everybody was getting rich and so forth," as he said in a 1972 series of Washington Post interviews. But, after a disappointing few months at Columbia University, he gave up, took the train to Washington, and registered at Howard University.

Howard was an electric place when Mr. Hobson arrived, churning with political debate in the pre-McCarthy years. As he recalled it, many of the professors whose most excited him during his graduate study of economics were subsequently fired for their leftist politics. Mr. Hobson found a job in

economics when he left Howard, as a researcher for the Library of Congress, and he said later that during those years of preparing papers he developed many of the painstaking research techniques that became part of his political arsenal.

In 1947, he married Carol Smith, whom he had met at Howard, and by the time he left his Library of Congress job to go to work at the Social Security Administration, the couple had their first child, Julius Hobson Jr. The son's schooling began in the early 1950s, when the city's schools were segregated, and as Mr. Hobson walked his son past the all-white neighborhood school to Slowe Elementary in Northeast every morning, the anger inside him began to distill.

"That was just about the first fight I got involved in," Mr. Hobson said. He became president of the school PTA, arguing that white schools should be used for students at overcrowded black schools. He joined the local civic association—later becoming vice president of the Federation of Civic Asociations—and then became a member of the executive committee of the NAACP, "each organization theoretically becoming more radical as I went along," he later said.

His style was sharpening. In 1954, he spoke to the first meeting of the newly desegregated Woodbridge Elementary School PTA: "My boy washes with the same Ivory soap your kids use," Mr. Hodson said. "His color won't rub off, and he's coming here for the same reason your kids do—to get an education." In 1957, when a Hobson-initiated NAACP suit against the Metropolitan Police Department documented racism in the promotion of officers to sergeant, Washington began to taste the blend of research and confrontation that became Mr. Hobson's trademark.

In the midst of these first years of activism Mr. Hobson suffered a heart attack. He was hospitalized briefly, in January, 1955, and from the unfamiliar quiet of his hospital bed he wrote to his mother in Birmingham, "They say that between the ages of 35 and 50 a man begins to examine himself. I guess I have started a little early."

He told his mother his heart was all right, but his spirit was troubled.

"I feel as though the world will have been no better off by my having been here," he wrote. "I feel ashamed when other men have sacrificed, gone to jail, or even been executed for mankind ... it's just that the injustice, suffering and chating and all of man's inhumanity to man seems to be my personal problem. I cannot divorce myself from it. I will be ever unhappy if I cannot do something about it. I just hope this heart will last long enough for me to strike one blow at all the things around me which I detest."

In 1961, having watched him grow increasingly active in local desegregation battles, the Washington chapter of the Congress of Racial Equality asked Mr. Hobson to become president of the organization. "From then on," Mr. Hobson recalled, "I was locked into the whole business of protest."

For three years Mr. Hobson led CORE members, both black and white, on an unprecedented series of demonstrations and marches here. They walked the streets of downtown Washington with picket signs, asking shoppers to boycott merchants who employed only whites. By the time they let up, about 120 retail stores had hired blacks. They threatened a boycott of the bus company for employment discrimination, and the company hired 44 black drivers and clerks. They staged "live-ins" at privately owned buildings that rented only to whites, and then organized a march of about 4,500 persons to the District Building to demand a fair housing law. They got it: shortly after the march, the D.C. Commissioners enacted the housing ordinance desegregating D.C. rentals.

CORE picketed automobile dealerships that sold to black customers but would not hire black clerks. It conducted a sit-in at the Washington Hospital Center, during which Mr. Hobson walked upstairs to an all-white ward, climbed into bed, and announced that they would have to arrest him to make him leave. The hospital obliged, the newspapers wrote it up, and not long afterward Washington Hospital Center desegregated its wards.

It was a tumultuous period for both CORE and the city, and the restless pipe-smoking man from Alabama dominated the drama. Some civil rights leaders both inside and outside CORE called Mr. Hobson a crazy man, an egotistical tyrant who would do things only his own way and could not abide dissent.

When the hospital center was desegregated, as one of the demonstrators recalls, it was said they could have achieved the same results through quieter meetings with officials. When the pickets marched downtown, another former CORE member said, some people objected that a few targets of the boycott were businessmen who had been generally cooperative toward the black community.

But Mr. Hobson was not a patient man. What he wanted was visibility and results, and he had little use for those who thought he was going about it in the wrong way. Mr. Hobson would argue his tactics up to a point, associates remember, and then he pulled rank. "All in favor of this proposal, say 'Aye,'" he would announce, goodnaturedly. "The rest get the hell out of here."

He used both the law and the press to his advantage, saying arrests drew attention and attention brought change. Sometimes they would call the police before a demonstration, remembered former CORE member Charles Cassell recently, and warn them that really serious militants were coming, that Stokely Carmichael or Malcolm X might show up and set off a bomb or something. "That meant we didn't have to engage in too much PR ourselves," Cassell said.

And when CORE picketed Royal Motors on Georgia Avenue for hiring only white salesmen, Cassell recalled, he and Mr. Hobson spent a while researching city ordinances to figure out how to break the law. "We found out that a picket was legal, but that if you sang or talked, that was disturbing the peace," Cassell said. So the demonstrators sang, loudly and cheerfully, belting out "We Shall Overcome and a little jingle they had made up about the racist auto dealer. They were arrested. Royal Motors hired a black salesman.

"Hobson would never countenance any challenge or opposition," Cassell said. "Hobson was an Alabama boy. He'd had to put up with compromise for so long ... his attitude did turn people off from time to time."

The national CORE leadership was growing increasingly irritated with Mr. Hobson, both as a tactician and as a CORE leader. In 1964, calling the Washington chapter a "dictatorship," CORE expelled him from the organization.

When Mr. Hobson left CORE, he took his closest associates with him, and together they formed a new organization called Associated Community Teams (ACT). The activism was as flamboyant as ever, although sometimes ACT focused as much debate on Mr. Hobson as it did on the problem.

As a member of the Advisory Committee to the Chief of Police, Hobson built a long-range microphone and drove around after police officers, recording their abuse of civilians. Police and city officials protested, but the tapes proved his point.

When Mr. Hobson suggested in August, 1964, that Georgetown share the city's rat problem—and then drove through the city displaying a cageful of possum-sized rats, which he said would be released in Georgetown—the city expended far more energy trying to stop Hobson's forays than it did killing rats. But people noticed. They watched the cages cruise by and knew the rats had come from the ghetto. Shaking up the complacent was much of what Julius Hobson had in mind.

Besides, there was a far more serious project under way. Armed with graphs and statistics compiled after months of research, Mr. Hobson was suing the Washington public schools. The suit, called Hobson vs. Hansen (then city school Supt. Carl F. Hansen), argued that more than a decade after desegregation, the school system was discriminating against black students by channeling them into the lower rungs of rigid academic tracks that received inadequate resources and discouraged achievement.

On June 19, 1967, the federal court agreed. In a sweeping decision then labeled one of the most important school rulings since desegregation, U.S. Circuit Court of Appeals Judge James Skelly Wright abolished the track system and ordered substantial integration of school students and faculty, specifying that students from overcrowded black schools should be bused to the undercapacity white schools west of Rock Creek Park. The state of the public schools here, Wright declared, was "a monument to the cynicism of the power structure which governs the voteless capital of the greatest country on earth."

Mr. Hobson, who had shifted his own 10-year-old daughter Jean from public to private school after she was assigned to the lowest track, was jubilant. He ran for the school board a year later, in the first local elections held in Washington during this century, and received so many votes that he was the only candidate who did not have to enter a runoff. Mr. Hobson carried six of the city's eight wards, losing only in the predominantly white areas in Southwest and west of Rock Creek Park.

Mr. Hobson's private life had suffered as his public life grew. In 1966 his wife Carol filed for divorce. Mr. Hobson and his son later said the marriage had been troubled by religious differences and Mr. Hobson's commitment to activism at the occasional expense of his family.

Mr. Hobson lived alone for a while, and then three months after the 1967 Wright decision he invited Tina Lower, then a National Institute for Public Affairs employee with whom he had lunched once, to his apartment for dinner. He fixed her a steak with homemade barbecue sauce, drove her to her apartment in Georgetown, and asked her to marry him.

"I want you to know that my intentions in taking you out are perfectly proper," Tina Hobson remembered him saying. A divorcee with two sons, Tina Lower had grown up "middle class white," as Mr. Hobson used to say, in Southern California. They saw each other for two years, ignoring the comments of some local activists that Hobson "talked black but dated white." In 1969, they announced their engagement—on the night Hobson lost his bid for re-election to the school board.

"If there was anything he lost that he felt he should have won, it was that election," Mrs. Hobson said. "Otherwise, I don't think he ever felt anybody owed him anything."

Mr. Hobson had spent a stormy year on the school board, pushing the adoption of black studies and a students' due process procedure so controversial that at one point teachers walked out in protest, saying discipline had fallen apart. But as in the past, much of his time was spent soberly collecting data for a legal attack on District schools. The school system, Hobson charged,

was spending far more on some schools than on others.

Again Judge Wright agreed. In September, 1970, Wright declared that "the richest and whitest area of the city is being substantially favored over poorer and blacker areas." The judge answered Mr. Hobson's second complaint by ordering the city to equalize per-pupil spending for teachers' salaries at all elementary schools. The reshuffling that followed moved a number of teachers from mostly white schools west of Rock Creek Park to poorer schools in the rest of the city.

Mr. Hobson's public response to his school board election defeat was typically brusque: "I got sidetracked and thought I was part of the power structure. The rabbit's back in the briar patch."

For four years, while still working at the Social Security Administration, Mr. Hobson functioned as a kind of agitator-at-large. Already the coauthor of a black history called "Black Pride," he prepared two guides to the use of statistical data as an activists' tool—"The Damned Children" and "The Damned Information." The books were published under the auspices of an organization Hobson called the Washington Institute for Quality Education.

Mr. Hobson joined antiwar demonstrators every time they marched on the Capitol. He denounced a statement by local blacks that the antiwar movement was racist. He was nominated by the People's Party to be vice president of the United States, as a running mate to its presidential candidate, Dr. Benjamin Spock.

He also found out he was dying.

The pain began in early 1971, one friend remembered, a backache that sometimes made Mr. Hobson stoop when he stood up. That autumn he went to the doctor, saying he needed a back brace. When his wife came home that night he said there was something wrong with the blood cells in his bone marrow.

"Don't worry," he told her. "It's not cancer." But it was. Mr. Hobson had multiple myeloma, a cancer that attacks the spine. Doctors said then, in 1971, that he could die in six months.

"I had my crying time, you know," Mr. Hobson told The Washington Post in 1972. He struggled with the pain, with the morphine he took to ease it, with the unfamiliar dependence of illness. "I don't want to go on my knees," Mr. Hobson said. "I'd like to go standing up."

In November, 1972, 2,000 people crowded into a room of the Sheraton Park Hotel to honor the man who had spent 20 years stirring up Washington. In the audience were his family, his admirers, and many of the local Washington figures Mr. Hobson had fought for years. Hobson was so sick that he lay on a couch for most of the evening, but he still smoked a cigar.

"My first wake," Mr. Hobson would later call that testimonial, because for a long time afterward he beat back the disease. In 1974, after a campaign conducted mostly from his wheelchair, Mr. Hobson was elected as an at-large member of what he had often referred to as the "so-called City Council." He represented the Statehood Party, ridiculing what he said was the District's colonial status, promising that statehood would be his first goal.

In January, 1975, for the first time in his life, Mr. Hobson looked down at the City Council chambers from the official side of the desk. He had become a councilman. He had a special license plate and a separate entrance to the chambers. His politics were now supposed to be packaged as motions, or substitute motions, or amendments to substitute motions. The mayor was now his colleague.

It was a sudden respectability that made Mr. Hobson uneasy. He chafed under dictates of parliamentary procedure, sometimes interrupting other Council members in midmotion when he thought they had strayed from the issue. He would leave Council meetings impatient and angry, muttering to his aides about the self-indulgent posturing that went on in the name of government. But he always went back, and one by one the issues that mattered to Mr. Hobson began to appear as bills and resolutions.

He sponsored an Initiative and Referendum Act, which would allow citizens to draft legislation and then place it on the ballot. His Non-Criminal Police Surveillance Act would curtail surveillance of D.C. individual and group political activity. An Educational Accountability Act would implement minimum standards of student competency for promotion and graduation. All this legislation is now pending.

Mr. Hobson didn't think much of the Council as an institution—"a small and exclusive club," he called it. And he hated being labeled a dying man. "I don't have any enemies now," Mr Hobson said not long ago, and there was wistfulness in his voice "I can't find anybody that's willing to attack Julius Hobson. I'm not used to that. I'm used to being attacked all day, every day and defending. In fact, I used to thrive on it, but now in recent years, nobody's attacked Hobson."

Mr. Hobson had sat through Tuesday morning's Council meeting, alert and apparently in good spirits, and had chatted with his legislative aide Sandy Brown, about the initiative and referendum bill as they visited the George Washington Hospital outpatient clinic for a routine checkup. Tuesday evening in his apartment in Southwest, Hobson developed digestive problems He spent the night at home. But by yesterday morning, he was so uncomfortable that Mrs. Hobson drove him back to the hospital.

He was admitted to the hospital about 10:30 a.m. with infections and internal bleeding. Two hours later, at 12:25 p.m, Julius Hobson died.

He had hoped his heart would last until he could begin to change his world, and it did.

SUBPAR PERFORMANCE BY THE EDUCATIONAL TESTING SERVICE

Mr. PERCY. Mr. President, there recently appeared in the New Republic a thought-provoking article, written by Kim Masters, on the Educational Testing Service of Princeton, N.J. ETS is responsible for a number of the exams most school-age children and young adults have encountered sometime on their educational journey. Such exams as the SAT, LSAT, and MCAT are familiar terms for anyone interested in higher education in America.

Today, of necessity, our centers of higher education rely on exams administered by ETS and the American College Testing Service—ACTS—in order to make distinctions among their overflowing files of applicants. Colleges, universities and graduate schools have found it necessary to use some common standard to begin their selection process. These institutions require applicants to take a national exam, which is usually an ETS- or ACTS-administered exam. That score is then considered a reasonably fair assessment of ability or intelligence as compared to one's peers. It has become a major determinant in deciding who will be tomorrow's architects, clinical psychologists, lawyers, doctors, and professors.

Understandably, there is a built-in cycle of dependence between ETS, the larger of the two testing services, and American universities. Simply because of the legion of applicants to these schools each year, admissions committees cannot hope to review every person's application with the time it deserves. Last year, Georgetown Medical School had over 9,100 applications for 205 available positions—a ratio of 44 candidates to each opening. As a result, most graduate schools depend on the ETS and, in turn, obligate all their applicants to take the exams ETS offers.

Thus, placement in the institutions of higher learning, and the concomitant social mobility that education makes possible, become a golden fleece attainable only by first experiencing an ETS or ACTS exam. ETS, because of its dominance over graduate and professional school exams, has become, in many ways, a major arbiter of American values. Anyone aspiring to a career in certain highly competitive fields must first make a pilgrimage, sharpened No. 2 pencil in hand, to an ETS-administered exam.

Yet ETS is a private monopoly; there are no real watchdogs or public controls over it. A student takes the exam and receives a score; he has no means of checking the accuracy of its decisions. The potential for mistakes or the passing on of clandestine information—as Kim Masters' article shows—is too great to be ignored. Even though ETS provides an important service to overburdened admissions committees making onerous decisions day in and day out, it should not be above the public scrutiny of students and universities who have come to depend on it. Kim Masters' article exposes a perspective on the danger of insulating powerful organizations—public or private, profit or nonprofit—from public scrutiny.

Mr. President, I ask unanimous consent that the New Republic article of February 5, 1977, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ETS's STAR CHAMBER

The Educational Testing Service of Princeton, New Jersey, rapidly is becoming the cradle-to-grave arbiter of social and economic mobility in America. Its tests determine who will be admitted to the nation's prestigious private schools, to almost all colleges and graduate schools, and even to the practice of medicine and law in many states. The typical educated American breaks the seal of his or her exam book (using the eraser end of a number-two pencil) while still in elementary school, and still is filling in between the pale blue lines well into middle adulthood.

Anyone who must deal with it is completely at the mercy of this private monopoly. He or she must take the tests ETS offers, must supply the information ETS requests, and must pay the fees ETS charges.

Most important, individuals whose lives are crucially affected have no way of checking the accuracy of information ETS supplies

to schools, universities and state accreditation boards. ETS has been treated as exempt from the requirements of the Family Education Rights and Privacy Act of 1974, commonly known as the Buckley Amendment. This law requires schools to give students access to files containing information about them and limits the use schools can make of this information without a student's permission. The Privacy Act also created a Privacy Commission to study the effects of the act and make recommendations to the office of HEW that administers it. The Privacy Commission currently is considering whether to recommend that ETS lose its exemption. The following cautionary tale may aid the commission in its deliberations.

The story involves the Law School Admissions Test, one of ETS's most popular offerings. When a candidate applies to take the LSAT, the application form asks whether he or she has taken the test before. This question appears among a series of general clerical questions (name, address, and so on). Applicants have no way of knowing that failure to indicate that they have taken the test before (whether by answering the question incorrectly or merely leaving it blank) will have any significant effect on their final applications.

The reason for asking the question was not clerical. Until last year, the test score report form sent to law schools contained—unbeknownst to the student who was paying to have this information sent—a space labeled "unacknowledged repeater." When this space was marked by an asterisk, it indicated that a candidate applying to take the test for the second time had not indicated that this was the case. The asterisk appeared even if a candidate (possibly by accident) failed to answer the question at all. Ralph Smith, a professor and admissions committee member at the University of Pennsylvania Law School, explained that the "unacknowledged repeater" designation raised "a question of [the applicant's] integrity." A number of other law school admissions officers confirmed that this was the construction admissions committees put on the asterisk.

Smith and several others think the appearance of the asterisk kept some applicants out of law school. Of course there are such a variety of reasons an admissions committee can give for denying admission to any one applicant that it is all but impossible to prove that anyone was excluded because of being designated an "unacknowledged repeater."

In the 1975–76 applicant year, the dean of admissions at the University of Pennsylvania Law School noticed that more and more of these asterisks were appearing on LSAT score reports. He reported this to ETS and asked whether the designation was correct in all these cases. Shortly thereafter ETS responded with a memo sent to all law school admissions deans, which read in part:

"It has recently become apparent that a problem exists with regard to the flagging of candidates as 'unacknowledged repeaters' (an asterisk in the area under 'Unacknowledged repeater' in the summary section of reports). This problem has been caused by several factors, some of which raise policy questions which will be considered next spring. The result for the current year, however is that some candidates who are not 'unacknowledged repeaters' have been designated as such."

The memo warned that the designation should be disregarded and explained that "it will not be possible to identify all such candidates" (those wrongly identified as "unacknowledged repeaters"). For 1976-77, ETS has dropped the asterisk.

There are several disturbing things about this incident. First of all, since applicants have had no way of knowing that the "unacknowledged repeater" designation existed, discovery of this error depended on the fortuitous curiosity of one admissions dean. Second, since applicants are not permitted to see the reports ETS sends to law schools, individuals would have had no way of clearing themselves of false charges even if they had known that the problem existed. Third, even after the error was discovered, ETS kept it quiet and apparently made no attempt either to correct its past mistakes or to inform the applicants who were harmed by them. In short, candidates who were perfectly acceptable may have been denied access to their chosen profession without ever suspecting the reason.

ETS avoided any mention of the "unacknowledged repeater" incident in testimony at a Privacy Commission hearing in November. Robert Solomon, vice president of ETS, was asked specifically and repeatedly about errors that might be correctable if students had access to their ETS files, but he failed to mention the asterisk episode and insisted that ETS errors were "to the best of our experience" no problem. Solomon now says the failure to mention it was an oversight: "We had no intention not to mention that." Tom White, an ETS official who deals with law schools, says the episode "just wasn't important enough to mention. All of the discussions at the commission were based on what our system is now doing. No effort to describe the system as it has grown and changed was made."

ETS argues it should continue to be exempt from the Buckley Amendment because of the time and expense that would be required to bring its files into compliance, and because the organizations that contract for its services provide sufficient regulation. Of course far poorer organizations, and others (such as state universities) with many more people looking over their shoulders, have been forced to comply. Even apart from the Buckley Amendment, ETS is far too immune from public regulation and scrutiny, given the function it serves and the power it enjoys. There is no good reason to continue this exemption as well.—KIM MASTERS

CHARLES E. MATTINGLY RETIRES

Mr. THURMOND. Mr. President, I wish to commend to the Senate and to the Nation the services rendered to our veterans population by Charles E. "Chuck" Mattingly who recently retired from his position as deputy director of the National Legislative Commission of the American Legion.

Mr. Mattingly was born and reared in Kentucky where he attended Breckinridge High School in Hardinsberg. He later attended American University in Washington, D.C.

Chuck served in the European Theater during World War II with the 1st Armored Division. Injuries which he received in 1942 resulted in his discharge from service in August of 1943 after 3 years of service.

Mr. Mattingly's record of service to his fellow man and to the veterans of our Nation in particular is long and distinguished. Immediately upon being discharged from service, he joined Post No. 15 of the American Legion in Louisville, Ky., and became an active member. In 1944, Mr. Mattingly was appointed assistant department service officer of the American Legion for the Department of Kentucky and claims representative for the Kentucky Disabled Ex-Servicemen's Board.

Mr. Mattingly's association with the national headquarters of the American Legion began in 1945 when he assumed responsibilities as field representative for the Mid-Pacific Area headquartered in Honolulu, Hawaii, and Indianapolis, Ind., He transferred to the National Rehabilitation Commission in 1946, and served as rehabilitation representative in the Veterans' Administration branch and district offices in St. Louis, Mo. Chuck joined the Washington office staff of the American Legion in 1950, where he supervised government insurance activities, social security appeals, forfeitures, and related matters, and was named chief of insurance activities in 1960.

Mr. Mattingly's selfless devotion to his responsibilities during his years of service has not gone unrecognized. In 1971, he was presented the National Department Service Officers Association "Proud" Award in recognition of his over 25 years of service to the American Legion and the Nation's war veterans. In 1973, he was the recipient of the American Legion News Service Association's Presidents Award. Furthermore, he has been recognized for his work and leadership in Scouting activities by being awarded the coveted Silver Beaver and St. George Awards.

The American Legion, the Nation's veterans population, and all of us who had the pleasure of working with Chuck Mattingly, will miss his valuable contributions to our efforts in the future. Chuck, his wife Jacqueline, and his family currently reside in Silver Spring, Md. I am sure that all of my colleagues in this body join with me in wishing them every happiness for the future.

NUCLEAR POWER ISSUES AND CHOICES

Mr. PERCY. Mr. President, earlier this week the Nuclear Energy Policy Study Group released a report entitled "Nuclear Power Issues and Choices." It is a comprehensive analysis of our national energy needs and potential, and it focuses particularly on nuclear power. The report deserves careful analysis by all policymakers in the energy field. It was sponsored and financed by the Ford Foundation and administered by the MITRE Corp.

The study group proposes that we deemphasize the breeder reactor and postpone indefinitely the development of plutonium reprocessing. There seems to be mounting evidence that this is a wise policy. Widespread use of breeder reactors could place the potential for nuclear blackmail in the hands of terrorists all over the globe, and help increasing numbers of nations arm themselves with atomic weapons.

Last November 22, in a speech to the National Press Club, I said:

I have concluded that my early support for the breeder reactor was misplaced. In the immediate future, a large share of funds now earmarked for the breeder should be redirected to conservation, solar and coal. The prime reason for this is that the dangers of a plutonium economy—and the related spread of atomic weaponry around the globe—demand that we go slowly on this technology.

The Washington Post in a March 23 editorial takes much the same position.

The consensus against the breeder reaactor grows daily.

Mr. President, I commend "Nuclear Power Issues and Choices," as an outstanding research effort, and ask that its conclusions on "Nuclear Power and Proliferation of Nuclear Weapons," a New York Times summary of the report, and the Washington Post editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 23, 1977]

JUDGMENT ON PLUTONIUM

The case for plutonium fuel and the breeder reactor has been growing steadily more dubious. With each re-examination, the risks become clearer and the benefits dimmer. The latest analysis, published this week by a research organization called the Mitre Corporation, is remarkable for its intelligence and balance. It deserves to be considered authoritative. It strongly urges the Carter administration to postpone plutonium fuel production "indefinitely" and to relegate the breeder technology to the laboratory as a standby for the middle of the next century. That judgment is unquestionably the right one.

The penalties for a mistake here would be monstrous. Plutonium is one of the most potent poisons ever devised and, in its fuel form, it can be fashioned into nuclear weapons relatively easily.

The technology is within the capacity of terrorist organizations as well as national governments of every kind. Putting the stuff into commercial use would be an irreversible decision.

Yet that is the direction in which U.S. policy has been heading, guided mainly by obsolete assumptions and blind momentum. A reprocessing plant for the manufacture of plutonium now stands, two-thirds completed, near the town of Barnwell, S.C., waiting for a federal policy on subsidies. A breeder reactor is under construction at Clinch River, Tenn., scheduled to go into operation in the early 1980s as a prototype for commercial plutonium-fueled reactors in the 1990s. The Mitre report is addressed primarily to President Carter and his energy advisers. If they follow its clear and forceful logic, they will abandon both of these projects.

The Mitre report is the work of a committee of 21 men who, collectively, know as much about these questions as anyone in the world. One member of the committee, Harold Brown, was president of the California Institute of Technology and is now Secretary of Defense. Another, Kenneth Arrow of Harvard, holds the Nobel Prize in economics. A third, Wolfgang Panofsky, is director of the Stanford Linear Accelerator Center. There's no need to run through the entire list. Their report has been published as a book, incidentally, by the Ballinger Co., under the title, "Nuclear Power Issues and Choices." But it covers a great deal more than nuclear issues alone—because, to get to the plutonium question, you first have to consider the future American economy, its requirements for energy and the various possible sources.

The nuclear reactors now being built by utilities around the country are fundamentally different from the plutonium breeder—and far less dangerous. The present commercial reactors are fueled with rods of uranium; when the fuel is spent, the fission process has left a residue of plutonium in the rod. But in that form, it's not explosive. It's the next step that takes the country over a new threshhold—the reprocessing procedure that refines the plutonium and mixes it into a new kind of fuel for the breeder, which, in turn, produces more plutonium than it consumes. It's this second fuel, the one that emerges from the reprocessing plant, that contains weapons-grade plutonium and presents truly extraordinary dangers.

The only conceivable reasons for resorting to the plutonium technology now would be either a looming shortage of uranium or the threat of energy prices so high that they could derail the nation's economic growth.

Plutonium recycling can be postponed indefinitely "at essentially no economic cost," the report finds. "The fears that energy scarcity will force fundamental changes in economic and social structures or the lifestyle of the industrial world are not well founded."

The Mitre group, in other words, considered both possibilities and concluded that there was nothing to justify risking, in this century, the dire hazards of reliance on plutonium fuels.

[From the New York Times, Mar. 22, 1977]

FORD PANEL URGES MAJOR POLICY SHIFT ON NUCLEAR POWER

(By David Burnham)

WASHINGTON, March 21.—A panel of 21 scientists and economists today recommended major changes in the nuclear policy of the United States, including an indefinite postponement of plutonium reprocessing and the end of the crash program to build a commercial breeder reactor.

The panel, in making its negative recommendations on plutonium and the nation's major nuclear energy research project, said it had concluded that the most serious risk associated with nuclear power was that it would help an increasing number of nations arm themselves with atomic weapons.

The panel's study, undertaken with an $860,000 grant from the Ford Foundation, was made public while three teams within the Carter Administration continue to work on separate studies that touch on other aspects of nuclear energy.

ADMINISTRATION MEMBERS ON PANEL

Partly because the Ford Foundation panel included two top members of the Administration and partly because of previous comments of President Carter, the report's recommendations were widely seen as previewing what will probably be the Administration's own final positions on nuclear power.

For example, in a recent letter to Representative Tom Harkin, Democrat of Iowa, President Carter said flatly that "this Administration generally considers nuclear power a low-priority energy source and views the liquid metal fast breeder reactor as a potential security risk."

After a news conference this morning, members of the panel, headed by Spurgeon M. Keeny Jr., the director of Washington operations of the MITRE Corporation, met with President Carter at the White House and then briefed Congressional staff members at the Capitol.

The 418-page report, entitled "Nuclear Power Issues and Choices," appeared to rest on two fundamental assumptions that somewhat contradict those held by the nuclear industry and by many energy experts in Congress and the Nixon and Ford Administrations.

The first key assumption is that conventional nuclear reactors, now generating about 10 percent of the electricity in the United States, will be about as expensive and dangerous to operate as electrical generating stations fired by coal.

For many years, nuclear proponents have argued that nuclear reactors would be substantially cheaper and have significantly fewer health consequences than coal-fueled stations.

The second key assumption of the study is that the current official estimates of uranium reserves and resources substantially underestimate the amount of uranium that will be available during the next two or three decades.

This assumption, disputed by some experts, is of major importance to the panel's recommendations to postpone plutonium recycling indefinitely and to slow the swift development of the breeder reactor because both new technologies have been held to be vital to the United States because of alleged potential shortages of uranium.

Plutonium recycling is a complex chemical process in which plutonium, a heavy grey metal rarely found in nature, and uranium are extracted from used reactor fuel so they can be re-used to fire reactors.

The breeder reactor is an experimental model that would be fueled with plutonium and which could, the engineers believe, be made to operate so that it would actually create more plutonium than it burns.

The study panel, whose members included Harold Brown, Secretary of Defense, and Joseph S. Nye Jr., deputy to the Undersecretary of Security Assistance in the State Department, argued that the importance of nuclear power to the United States had been considerably exaggerated.

"It is incorrect to argue that nuclear power is 'needed' now to allow society to continue its development as it is," the report said. "While nuclear power is one of the options that should be pursued, it is not as critical to future economic development as its advocates claim."

Concerning requirements of the next century, the panel said, "We believe that some mix of coal, solar, and fusion energy, assisted by conservation, would be capable of supplying society's long-term energy needs."

"But we also believe that the nuclear breeder will be competitive and is likely to prove eventually to be socially acceptable," the report continued. "Society does not have to act on these guesses today. Our children will be in a better position to worry about our grandchildren than we are."

The report was, however, far less easy-going about proliferation: "In our view, the most serious risk associated with nuclear power is the attendant increase in the number of countries that have access to technology, materials and facilities leading to a nuclear weapons capability," it said.

FEARS OF PROLIFERATION

"If widespread proliferation actually occurs, it will prove an extremely serious danger to United States security and to world peace and stability in general," the report added.

In an attempt to meet this hazard, the panel recommended a large number of different approaches, including intensive new diplomatic efforts to assure the rest of the world of adequate supplies of uranium for conventional reactors and of the United States policy decision to abandon the use of plutonium for at least the next few decades.

The United States has already invested more than $3.5 billion in general breeder research and in the planning and engineering of a demonstration commercial breeder reactor on the Clinch River in Tennessee.

If the Ford Foundation panel's recommendations are adopted by the Carter Administration, the big immediate losers would be the Clinch River Reactor—which so far has received $325 million from the government and $130 million from a consortium of private companies—and a reprocessing plant under construction in Barnwell, S.C., in which the Allied Chemical Corporation and General Atomic so far have invested about $200 million.

NUCLEAR POWER AND PROLIFERATION OF NUCLEAR WEAPONS

SUMMARY AND CONCLUSIONS

A strategy to constrain proliferation must be complex and comprehensive. U.S. nuclear power policies and programs can be shaped to support such a strategy, but they can be only partially effective unless they are meshed with political actions and with broader international arrangements.

Some of the fundamental elements of a nonproliferation strategy are broader than nuclear power. They include:

A foreign policy in support of international security, peace, and stability; patient efforts to contain and resolve conflicts which might lead to recourse to nuclear weapons.

Relations with the Soviet Union that will foster continuing cooperation on nonproliferation.

Adherence to security commitments serving the interests of the United States and allies and certain threatened states, so that isolation will not make nuclear weapons appear necessary.

Where necessary, use of U.S. influence to discourage states from preparatory moves toward a nuclear capability.

Vigorous efforts toward nuclear arms limitations which would implement Article VI of the NPT and build additional barriers (e.g., a comprehensive test ban) against proliferation.

An active program of international cooperation in energy development and exploitation, so that the full range of energy resources will be available in international commerce and national planning, without need for excessive reliance on nuclear power.

Deemphasis on nuclear weapons in military policy, particularly doctrines that present nuclear weapons as acceptable necessary armaments for a limited application or political pressure.

Other international measures are directly related to nuclear power.

Support of the NPT and encouragement of present nonparties to adhere.

Support of the IAEA, in particular, generous financial and technical help for IAEA safeguards, standards, and practices relating to safety and physical security.

Leadership in supplementing the NPT with arrangements controlling the spread and utilization of sensitive nuclear fuel cycle facilities.

Coordination with other suppliers to handle nuclear exports and associated safeguards uniformly and in support of both current NPT requirements and new fuel cycle arrangements. Classification of the technology of laser isotope separation would be one useful area of coordination.

Interchange of objective data and analysis on recycle and the breeder, in the interests of a realistic appreciation of costs, benefits, risks, and time scale.

Support of coordinated actions by suppliers of low-enriched uranium to assure supply of reactor fuel, with special attention to needs of countries cooperating with international arrangements for control of the nuclear fuel cycle and related facilities.

Leadership in exploring arrangements for storage of spent fuel and for disposal of nuclear waste.

A clearer stand on the doubtful practical value and ominous proliferation dangers of "peaceful nuclear explosives," and greater effort to persuade the Soviet Union to discontinue its PNE activities.

Actions and policies regarding the U.S. domestic nuclear power program, discussed in other sections of this study, would affect proliferation in important ways. The following measures would have major nonproliferation significance:

A clear decision to defer plutonium reprocessing and recycle.

Deemphasis of the breeder program with deferral of the early date of commercialization.

Reduced priority for nuclear power in energy research and planning, in a framework giving equal weight to coal in the short term and alternative replenishable energy sources over the longer term.

Avoidance of promotion of nuclear power both at home and abroad.

Orderly expansion of enrichment facilities to correspond to realistic projections of future demand at home and abroad.

Continued refusal to export plutonium separation and enrichment technology, coupled wtih efforts to achieve similar action by other suppliers.

Approval of nuclear exports only where consistent with U.S. security interests and obligations and nonproliferation policy.

CHARLES BENTON: "HOW THE DEBATES CAME TO BE"

Mr. PERCY. Mr. President, although the 1976 Presidential debates are old news, it is time we looked at them in retrospect to understand how they came about.

Charles Benton, president of Films, Inc., and a member of the board of Encyclopaedia Britannica Educational Corp., recently reviewed the history of the Kennedy-Nixon debates and the origin of the 1976 Presidential debates in an article published in the "Encyclopaedia Britannica 1977 Book of the Year." Charles Benton, who was instrumental in the preliminary planning of the 1976 debates, provides interesting insights into the debates. And he raises some important questions to consider in planning future debates.

I ask unanimous consent that the article "How the Debates Came To Be" by Charles Benton be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW THE DEBATES CAME TO BE

(By Charles Benson)

The first television debates between major-party candidates in U.S. political history occurred during the 1960 presidential campaign, when John F. Kennedy and Richard M. Nixon met in four highly publicized confrontations that, it was later felt, probably helped Kennedy to win the election. Those debates were made possible by a suspension by Congress of the so-called equal time provision, sec. 315 of the Federal Communications Act.

A new ruling by the Federal Communications Commission in the fall of 1975 once again opened the way to presidential debates on television. The ruling broadened the interpretation of "bona fide news events," which were not subject to the equal time provision, by excluding from coverage under sec. 315 all events that were sponsored by organizations independent of the broadcasting media.

Six months earlier three citizen activists, Marjorie and Charles Benton and Gene Pokorny, had developed a proposal for a series of "presidential forums" to be held during the presidential primaries in the winter and spring of 1976. The idea was to hold a number of televised "town meetings" during the U.S. Bicentennial to which the presidential candidates of both parties would be invited to speak concerning the major issues confronting the nation. In July 1975 the William Benton Foundation made a grant of $50,000 to develop the idea. Jim Karayn, former head of National Public Affairs Center for Television, was named staff director, and discussions began with several major organizations involved in public television.

Immediately following the FCC ruling contact was made with the League of Women Voters, a leading voter education organization that had just announced its theme for the 1976 election as "Issues Not Images." When the League agreed to adopt the project, the Benton Foundation increased its grant to $200,000, and a further $100,000 was obtained by the Public Broadcasting System from the Ford Foundation to help fund public television coverage of the forums.

Four forums took place, although five were planned. The first occurred in Boston on Feb. 23, 1976, just before the Massachusetts primary. Seven Democratic hopefuls participated: Jimmy Carter, Morris Udall, Henry Jackson, Fred Harris, Sargent Shriver, Birch Bayh, and Milton Shapp. Participation fell off in later forums—in Miami, Fla., on March 1, in New York on March 29, and in Chicago on May 3—as the list of Democratic candidates contracted. No Republican joined any of the forums, although all were repeatedly invited by the nonpartisan steering committee. The last forum, scheduled to be held before the California primary, was canceled owing to a lack of candidate participation but the earlier ones had attracted a solid audience on public television—between 1.5 million and 2 million viewers.

With the experience, staff, and credentials of the forums behind it, the League of Women Voters, at its annual spring convention, announced through its president, Ruth Clusen, that the League would invite the major party nominees to engage in television debates during the fall campaign. Along with this announcement the League launched a petition drive for four million signatures and an editorial and press campaign to mobilize public opinion in favour of such debates.

Early in August the League formed a steering committee for the debates comprised of distinguished Americans and headed by three co-chairpersons: Rita Hauser, Newton Minow, and Charles Walker. In late August in his acceptance speech at the Republican convention, Pres. Gerald Ford issued a challenge to his Democratic rival Jimmy Carter to engage in debates during the campaign. Ford had learned that Carter was going to issue a similar challenge the next day and, at the last minute, decided to seize the initiative. Carter immediately accepted.

Heated discussions ensued among representatives of the League, the U.S. television networks, and other interested parties as to who would sponsor the debates, and about their framework and format. The League was finally chosen and proposed four debates, three between the presidential candidates, with the first on domestic affairs and the second on foreign affairs, and one between the vice-presidential candidates. The Ford entourage wanted to begin with foreign affairs and to have longer debates; both Carter and Ford wanted less informality than the League did, preferring a more structured exchange with representatives of the print and electronic media acting as intermediaries.

The first presidential debate was held at the Walnut Street Theatre in Philadelphia, the second in San Francisco, and the third at William and Mary College in Virginia; the vice-presidential debate was held in Houston, Texas. Unlike 1960, when the viewing audience fell sharply as the debates followed one another, the television audience in 1976 stayed fairly constant, at least for the three Carter-Ford debates: the average audience was over 70 million people, or roughly one in every three Americans. While much ground was covered, certain specifics stand out, such as Ford's assertion that the Eastern European

countries were essentially in control of their own destiny and free of Soviet domination. The debate between the vice-presidential candidates also seemed to accentuate the differences in the style and character of Senators Walter Mondale and Robert Dole.

Though commentators were uncertain of the overall impact on voter attitudes, there seemed to be a consensus that the debates helped to shape the 1976 presidential campaign. In a country of continental size, with its vast regional differences, the images of national candidates become blurred as they tailor their speeches to the special interests of different audiences and surroundings. In nationally televised debates, the candidates have to speak to all Americans.

There is also general agreement that the debates have raised some important questions for the future. Among them are these:

1. The year 1976 was the first in which the public directly, through the Campaign Reform Act of 1976, funded the primary and general election campaigns. Assuming that will continue, do candidates have a special obligation to be accountable to the public on the major issues through televised debates?

2. Television has become the most pervasive news medium. Assuming that, too, will continue, what is the proper balance between commercial time (bought by the candidates), news reporting (provided by the networks), and debates or forums organized independently of both candidates and networks?

3. In 1977 Congress will begin hearings on the revision of the Communications Act of 1934. How should sec. 315 and other provisions of this old law be changed to accommodate the needs of U.S. society now and in the future?

4. Finally, how can the issue of minor party participation in media debates be resolved, in fairness to such candidates but also keeping in mind the size of the constituencies—often relatively tiny—that they represent?

In American society today, how can mass communications technology play a role that supports, rather than erodes, the basic foundations of political democracy—public education, public understanding, and enlightened public choice? Since the technology itself is neutral, what is done with and through it remains the central issue.

ECONOMIC GROWTH WITHOUT ENERGY GLUTTONY

Mr. PERCY. Mr. President, on February 7, Business Week carried an article entitled "Support for Carter's Energy Priorities." The article describes a "blue-ribbon panel of energy experts" which will soon deliver its recommendations concerning long-term energy policy to President Carter.

The panel has found that we can continue to increase our economic output without a substantial increase in energy consumption. This would be accomplished through energy conservation. The article reports:

> In fact it seems likely that GNP could triple over the next 40 years without significant energy growth.

The ramifications of this prediction are startling. It means that, through wise energy husbandry, we can have the best of both worlds: Increasing economic wealth and a cleaner environment. Through energy conservation we can minimize the threat of foreign embargoes and capricious weather. And we can save nonrenewable resources for future generations.

Energy conservation is not only our best bet, it may be our only bet. The blue-ribbon panel predicts that alternate energy sources, such as solar energy and synthetic fuels, will not be available for large-scale use until the 21st century.

Mr. President, the article points out the tremendous potential of energy conservation, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUPPORT FOR CARTER'S ENERGY PRIORITIES

A blue-ribbon panel of energy experts will soon deliver to the government a major study of long-range policy that could have significant influence on the Carter Administration's own energy planning in topics ranging from fuel pricing to relations with OPEC.

A committee carefully balanced among academics, environmentalists, and representatives from banks, utilities, and corporations, including several oil companies, will soon submit to government energy agencies a report that contradicts many of the standard assumptions concerning the relationship between energy supply and industrial growth.

The consensus of the committee is that the growth of gross national product is not dependent on the parallel growth of energy supplies. In fact, it seems likely that GNP could triple over the next 40 years without significant energy growth.

The report provides powerful support for proponents of stringent conservation measures in reallocating energy resources. The panel substantially agrees that economic incentives and plant-design improvements can promote enough efficiency in the use of available energy to maintain GNP growth.

One of the most striking conclusions of the committee is that the so-called "alternative" energy technologies are a good deal further off than experts had hoped. Indeed, none of them will contribute much in this century. Synthetic fuels, solar electric generation, and advanced nuclear power plants are considered promising but extremely long-term. Moreover, government regulation is seen as a signaficant barrier to development.

The panel, which is filled with people who have good connections with the Carter Administration, may serve to reinforce Carter's own preferences for a policy heavily dependent on conservation measures.

(This concludes additional statements submitted by Senators today.)

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BURDICK). The Chair, on behalf of the Vice President, pursuant to Public Law 91-452, appoints the Senator from Maryland (Mr. MATHIAS) to the National Commission on Individual Rights.

ORDER FOR RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF MR. BARTLETT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized on tomorrow, Mr. BARTLETT be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF MR. PELL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, upon the resumption of the consideration of the Code of Conduct measure tomorrow, I ask unanimous consent that Mr. PELL be recognized for not to exceed 15 minutes to engage in a colloquy with Mr. NELSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICIAL CONDUCT AMENDMENTS OF 1977

Mr. ROBERT C. BYRD. Mr. President, am I correct that upon the expiration of the 15 minutes on tomorrow, the two amendments by Mr. DURKIN which were temporarily laid aside would automatically come before the Senate? One was temporarily laid aside and the other one was before the Senate when we went into morning business. They both would be before the Senate, would they not?

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. And all time has expired on both.

The PRESIDING OFFICER. That also is correct.

Mr. ROBERT C. BYRD. Mr. President, which of the two amendments would be before the Senate first?

The PRESIDING OFFICER. Amendment No. 103 would be the amendment that would come before the Senate first.

Mr. ROBERT C. BYRD. And then the second amendment would be the one which was temporarily laid aside?

The PRESIDING OFFICER. That is correct, and that is amendment No. 104.

Mr. STEVENS. Mr. President, a parliamentary inquiry. Does that mean that the votes would necessarily occur at that time, after the expiration of the two 15-minute periods, or will the vote occur when the Senator requests a vote?

Mr. ROBERT C. BYRD. No. All time has expired on the two amendments, so the votes would occur then, unless Senators yielded time from the resolution for further debate.

Mr. STEVENS. But it is my understanding that the managers could yield time at that time, should they wish to do so, to discuss these matters, before the vote.

Mr. ROBERT C. BYRD. They could, if they yielded time from the resolution. Otherwise, the votes would occur at that time.

REREFERRAL—SENATE JOINT RESOLUTION 13

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senate Joint Resolution 13, relating to energy conservation, be referred jointly to the Committee on the Judiciary and the Committee on Energy and Natural Resources. This request has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on tomorrow the Senate will convene at 12 noon.

Committees may meet until 2 p.m. tomorrow, under the Stevenson resolution. They could meet during the morning, when the Senate is not in session; they could meet during the afternoon, when the Senate is in session, until 2 p.m., under the Stevenson resolution. Of course, the Appropriations and Budget Committees have standing authority to meet.

After the two leaders have been recognized, the Senator from Oklahoma (Mr. BARTLETT) will be recognized for not to exceed 15 minutes.

The Senate will then immediately resume consideration of Senate Resolution 110, at which time the distinguished senior Senator from Rhode Island (Mr. PELL) will be recognized for 15 minutes, to engage in a colloquy with Mr. NELSON.

The pending question at that time will be on the amendment by Mr. DURKIN, No. 103. The Senator at that time may ask for the yeas and nays, if he wishes to have the yeas and nays thereon; and upon the disposition of the amendment, Mr. DURKIN's amendment No. 104 will be the pending question.

Upon the disposition of amendment No. 104, the Senate will take up the amendment by Mr. ROTH, in accordance with the order of last evening.

Upon the disposition of the amendment by Mr. ROTH, Mr. WALLOP will be recognized to call up his three amendments.

There is an amendment by Mr. HATHAWAY which will follow. Then Mr. PERCY has at least four amendments that have been ordered, with the understanding——

Mr. STEVENS. Six amendments.

The PRESIDING OFFICER. Mr. PERCY seems to have four amendments, under the previous order.

Mr. ROBERT C. BYRD. That is correct. He has four amendments. There was a time limitation on six, but we have the order for only four at that point. It may very well be that tomorrow we can arrange for him to call up all six, and I hope we can.

Beyond that, Mr. HELMS has several amendments, but they will be carried over until Monday. My judgment is we will have rollcall votes tomorrow during the afternoon, and that the Senate will be in until 5 or 6 p.m.

RECESS

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 12 noon tomorrow.

The motion was agreed to; and, at 8:14 p.m., the Senate recessed until tomorrow, Friday, March 25, 1977, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate March 24, 1977:

DEPARTMENT OF AGRICULTURE

Dale Ernest Hathaway, of the District of Columbia, to be an Assistant Secretary of Agriculture, vice Richard E. Bell, resigned.

Dale Ernest Hathaway, of the District of Columbia, to be a member of the Board of Directors of the Commodity Credit Corporation, vice Richard E. Bell, resigned.

IN THE NAVY

Vice Adm. Jon L. Boyes, U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 24, 1977;

DEPARTMENT OF AGRICULTURE

Carol Tucker Foreman, of the District of Columbia, to be an Assistant Secretary of Agriculture.

Carol Tucker Foreman, of the District of Columbia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

The above nominations were approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

BAN ON SACCHARIN

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. GEPHARDT. Mr. Speaker, undoubtedly all my colleagues have received as many calls and letters as I have expressing outrage at the Food and Drug Administration's announced intention to propose a ban on saccharin.

Certainly, such action would, at best, inconvenience large numbers of Americans who use artificial sweeteners regularly for dietary purposes. True hardships will be created for Americans with health problems which prohibit their consumption of sugar. The 10 million diabetics in the country and the many millions with other conditions aggravated by natural sweeteners will have greater difficulty obtaining saccharin and will certainly suffer increased costs if they have to depend on prescriptions to get the product.

Although the Canadian test which concluded saccharin is carcinogenic relied on methods universally accepted by the scientific community, the public outcry about the possible ban on the product, in my view, is justifiable. It is difficult to understand, and indeed does not make sense, for saccharin to be taken off the market when it is still possible to buy cigarettes, which far more conclusive evidence has shown are health hazards. Similarly, substances which have been found to cause other diseases are also available, often without even the type of warning carried on cigarette packages.

The inconsistency has turned the proposed saccharin ban into a classic big Government issue. For too many of us, such action would constitute another instance of the Federal Government interfering in our daily lives, when we should be considered intelligent enough to exercise our own judgment once given all the facts. Is it necessary for FDA to tell us we cannot have a product or is it not sufficient for the agency to merely warn us of a possible health hazard?

Further questions arise from the proposal to ban saccharin before testing it on humans, an experiment which should be possible. The product has been available for 80 years and has been used in large quantities by a readily identifiable group of people. The 10 million diabetics in the country have consumed saccharin under controlled conditions over a long period of time. With the large data banks which have been developed in medical research to test the effect of various chemicals on different types of tumors, it is hard to believe that information about the relationship between the consumption of saccharin and the instance of cancer cannot be put into computers and analyzed to establish the human reaction.

This issue warrants close attention, and I am pleased the Health Subcommittee has begun hearings. Hopefully, the subcommittee action will help provide answers to these questions and lead to a more reasonable approach before the drastic step of an out-and-out ban is taken.

In this connection, I hope some attention will be given to the measure which my colleague from Arizona, Mr. RUDD, has proposed. His bill would put potential carcinogens in the same category as all other substances which FDA must test. It would require, basically, that the same criteria for determining the safety of other products and appropriate protective action be applied to additives suspected of causing cancer. This measure would enable us to legislate flexibility. It would give FDA the opportunity to weigh alternatives and find the best way of protecting public health with minimal disruptions or hardship.

I have advised Mr. RUDD of my support for his bill and urge the other Members of the House to join in this effort to inject some reason and discretion into the regulation of food and drugs.

OF ALL THINGS RESPONSIBILITY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. DERWINSKI. Mr. Speaker, H. Marlin Landwehr, editor of the Subur-

anite Economist, an outstanding newspaper chain of suburban Cook County, Ill., is also a keen observer of domestic and current events.

In his column of March 20, he discusses the issue of freedom of the press, in view of the recent questions raised by U.N. Ambassador, Andrew Young. His article follows:

OF ALL THINGS RESPONSIBILITY

(By H. Marlin Landwehr)

It's ironic that Andrew Young, U.S. ambassador to the United Nations who President Carter has called the greatest civil servant he (Carter) has known, should find himself in disagreement with the nation's press.

As a leading liberal Young has enjoyed the support and praise of the press. Now Young has taken a conservative stance and drawn the censure of the press, which is usually considered to be largely conservative but in this instance takes the liberal position.

We refer, of course, to Young's statement that the U.S. supreme court should re-evaluate freedom of the press and perhaps restrict the publication of information about violent crimes, such as the Moslem terror in Washington, D.C. Young apparently agrees with others who have been saying that extended television, radio and press coverage of such events encourage others to engage in similar or even more revolting incidents. Young's view is heard more and more these days, though he may be the highest public official to make such a declaration to date.

Naturally, the press is quick to beat down any such opinion and the natural answer is the Constitutional guarantee (First amendment) of freedom of the press. And it is an irrefutable argument.

The situation is, truly, a dilemma. You cannot limit freedom of the press without doing damage to the democracy. Without a free press you would have dictators at every level of government. You might as well move to Russia. Yet there is no denying Young's contention that terror feeds on terror and the more publicity attached to such events the more likely the terror will grow.

The answer lies in one word—responsibility. There was a time when publishers and editors realized the good and the harm that could flow from the printed word. They were careful of the effect their stories might have on a child, a community or a nation. Some subjects—race, religion, riot—were treated with special care. They weren't avoided, there was no suppression, but they were presented in a manner that would foster race relations, respect freedom of religion and refrain from inciting riot.

Today such advice would be laughed at in most newspaper offices. We blame it mostly on television and the ensuing competition with newspapers and all other forms of printed matter. Each has to outdo the other in shock value and exclusivity. As so often happens, in the rush principles get trampled upon.

But the pendulum is turning. Young may be the biggest name to speak out on the subject, but he is not alone and won't be the last. Some in the industry are also aware of the problem and are trying to do something about it. This combination of a change in the public opinion and responsibility within the profession is the only way to change things and it will. After all, aren't there even signs that the public is wearying of the gore on television? And if that era can end—however long it takes—anything can.

BERGLAND PEANUT PROPOSAL—REAL REFORM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. FINDLEY. Mr. Speaker, Agriculture Secretary Robert Bergland today outlined to the Committee on Agriculture his recommendation for reform of the peanut program. In brief, it would shift from acreage to poundage allotments, and over 4 years reduce price supports about 15 percent and total poundage allotments substantially. In making this proposal, he is taking on the State of Georgia, a decision which takes special courage these days.

In my view, it is a constructive proposal which gets peanuts close to a sound economic base within 4 years. As it now stands, the Federal peanut program is the most outrageous of all commodity programs.

Here are the outline details of the peanut proposal as distributed by the Secretary last week informally to the Oilseeds and Rice Subcommittee:

PROGRAM DETAILS: SUGGESTED TWO-PRICE PROGRAM

The suggested program has been designed as a transitional program to be offered as amendments to present legislation effective for the 1978 through 1981 crops. The amendments will expire at the end of four years unless extended.

A. LEGISLATIVE PROVISIONS

Item and Amendment

National allotment: The minimum national allotment of 1,610,000 acres will be retained as the minimum allowed to allotment holders for total peanut production, quota and nonquota.

National marketing quotas—Minimum: Minimum national poundage quotas eligible for high support will be legislated, the proposed minimums ranging from 1,680,000 tons in 1978 to 1,440,000 tons in 1981. Acreage equivalents are 1,300,000 acres in 1978 to 1,114,000 acres in 1981.

National marketing quotas—Actual: Poundage quota will be raised if the minimum quota for a crop year will be insufficient to meet estimated requirements for domestic edible and related use plus a year-end inventory carryover equivalent to a two-month supply for quota uses.

The poundage quota also may be raised at the Secretary's discretion (a) as a result of pre-season short supply determinations originating with growers of a particular type of peanuts (e.g., Valencia type) and (b) as a means of channeling nonquota production of a particular type to quota uses during the marketing year.

Nonquota production: Will be restricted to allotment holders and limited to each grower's share of the national acreage allotment.

Preliminary farm yield: To be established for each allotment holder based on the average of his best 3 years out of the 1973–77 period, times his allotment.

Farm Marketing quota: The preliminary farm yield established for the 1978 crop will be used each crop year to determine each grower's share of the national marketing quota.

Sale or lease of acreage allotments: New language may be needed, e.g. (a) to adapt to poundage quotas, and (b) to permit crossing county lines.

High price support rates: For quota production, in lieu of rates based on percent of parity, establish explicit support rates for each year 1978–81, ranging downward from $390 per ton net in 1978 to $345 in 1981. These rates are roughly equivalent to 65–60–55–50 percent of assumed parity levels.

Low price support rates: For nonquota production, the Secretary has discretionary authority to set low support rates taking into consideration projected crushing and edible export prices and such other guidelines as may be written into the legislation. The latest practicable deadline should be set for announcing low support rates.

Nonquota production for edible use: Provide mechanism whereby Secretary may channel nonquota. production (including nonquota inventories under loan) into domestic edible channels in short supply situations.

Handling nonquota productions:

a. Define permitted uses.

b. Define method of handling. If practicable give Secretary discretion whether to channel all nonquota production through the loan or permit contracting.

c. Establish controls and penalties to assure compliance with permitted uses.

PEANUT LEGISLATION: SUGGESTED 2-PRICE PROGRAM—CCC MINIMUM SALES POLICY ON EXPORTS, WITH MINIMUM AT LOW-LOAN RATE ON 2-PRICE PROGRAM

Item	Unit	Marketing year beginning Aug. 1			
		1978	1979	1980	1981
Minimum national allotment	1,000 acres	1,610	1,610	1,610	1,610
Harvested acres	1,000 acres	1,450	1,360	1,350	1,350
Total production	1,000 tons	2,045	1,979	2,025	2,086
Marketing quota:					
Minimum	1,000 tons	1,680	1,596	1,516	1,440
Actual [1]	1,000 tons	1,710	1,641	1,576	1,515
Domestic edible and related use and exports at or above high loan rate.	1,000 tons	1,320	1,300	1,370	1,440
Export and crushing, nonquota production, with exports at or above low-loan rate.	1,000 tons	335	338	449	559
CCC diversion, quota production	1,000 tons	479	329	195	75
Assumed loan rate:					
Quota:	Dollars per ton	390	375	360	345
Nonquota	Dollars per ton	200	205	215	225
Farm value of production [2]	Million dollars	750	702	685	676
CCC net outlays	Million dollars	90	54	27	9
Percent of farm value	Percent	12	8	4	1

[1] Includes (a) nonquota production used for domestic edible and related and (b) increases in national marketing quota resulting from short supply determinations.

[2] Assumes no deduction, does not include value of production of alternative corps grown in lieu of nonquota peanuts.

PEANUT LEGISLATION: PRESENT LEGISLATION WITH ALL EXPORT SALES AT OR ABOVE HIGH-LOAN RATE

Item	Unit	Marketing year beginning Aug. 1			
		1978	1979	1980	1981
Minimum national allotment	1,000 acres	1,610	1,610	1,610	1,610
Harvested acres	1,000 acres	1,530	1,530	1,530	1,530
Total production	1,000 tons	2,135	2,205	2,270	2,340
Marketing quota—Minimum	1,000 tons	2,135	2,205	2,270	2,340
Domestic edible and related use and exports at or above high-loan rate.	1,000 tons	1,415	1,445	1,485	1,525
CCC diversion	1,000 tons	720	760	785	815
Assumed loan rate	Dollars per ton	450	478	514	556
Farm value of production [1]	Million dollars	918	1,010	1,121	1,254
CCC net outlays [2]	Million dollars	158	188	223	266
Percent of farm value	Percent	17	19	20	21

[1] Net after $20 deduction for storage and handling.

[2] Without minimum sales policy estimated CCC net outlays would be higher by $50,000,00 to $70,000,000.

SQUIRREL POWER

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. SYMMS. Mr. Speaker, for several years the great energy debate has raged across America. Most frequently, we hear the complaint from all segments of opinion that we lack a national energy policy. But, I submit, Mr. Speaker, that we do have a national energy policy—and that our policy amounts to making sure that nothing is done to encourage energy production while paying lipservice to conservation at the same time.

Government, as we all know, is very ingeneous and creative—always has been—and I have always believed that government would find the solution to our energy dilemma. Well, the expected breakthrough has finally come. The details are reported in the March 9, 1977, issue of Review of the News by Mr. John Brennan. The article describes a revolutionary new power source that may even attract the blessings of Ralph Nader and Environmental Action, Inc.:

"Wait till you see what government squirrels can do" cried Mr. Nader, who then called for the halting of construction of all nuclear power plants, all electrical energy production stations, all oil refineries, and an immediate return to the oar, the pedal, and the windmill. In this he was a bit late, for the federal government is already sponsoring construction of giant windmills in the Rockies.

In the billion-dollar squirrel scheme the Federal Energy Administration has relied on a report, prepared by Mr. Nader, showing how a healthy squirrel running on a wire wheel attached to a small generator might produce enough electricity to heat a six-room house while powering all the electrical appliances in the average household. Some skeptics complained that a tiny squirrel whirling in a cage could not possibly produce sufficient energy to do this, but experts from the Internal Revenue Service said that a properly motivated squirrel could do the job. They assured the nation they had the methods and the personnel to guarantee compliance.

The first squirrel-cage factory is due to open in Cambridge, Massachusetts, on April 1, 1977, and will be dedicated by House Speaker Thomas P. "Tip" O'Neill. Speaker O'Neill replied at a recent press conference that he saw no conflict of interest on the part of the Administration in the fact that the government squirrels will live on a diet of peanuts. Later in the week the White House announced that a squirrel farm will be constructed on the former site of the now defunct Harvard University, from which some 1,200 professors had fled in terror upon learning of the squirrel roundup.

Bert Lance, President Carter's director of the Office of Management and the Budget, is overseeing the massive squirrel project in its initial stages. Lance stated that he is certain the squirrels will see America through her time of need, adding that the "same uncanny equilibrium that helps the squirrel maintain his balance high in the treetops might well be harnessed to help me achieve a balanced Budget by 1980."

Mr. Lance estimates that approximately 276,989,436 squirrels will be needed to supply America's energy needs. Since the young people employed under the federally funded program known as Youth And Squirrels Save America's Heat (YASSAH) appear to be catching the furry little animals at the rate of 2.4 squirrels per youth per day, it appears that the goal of capturing 276,989,436 squirrels before next winter will not be met. The youth of YASSAH blame their relative lack of productivity on the slowness of the federally developed ox carts, originally designed by the L.E.A.A. as police patrol cars.

The government is meanwhile banking on the well-known ability of squirrels to reproduce in large numbers as a means of saving the program. A high Welfare official recalled just the other day that when his mother began handing out bread to two little squirrels in his backyard it was impossible to enter the yard after only two months without being besieged by a pack of the persistent and ravenous creatures. The problem was solved when his father purchased a large dog which he kept tied to a tree in the yard and fed sparingly. The Welfare official thus far has been disinclined to apply a similar solution to the problems of his agency, but he has presented abundant data to prove that subsidies for squirrels should produce abundant offspring.

The Congress Of Racial Equality and the American Indian Movement have meanwhile been watching the squirrel project with much interest. Indeed, both organizations threatened legal action when the squirrel search was originally confined to gray squirrels because of their alleged superior energies. Red and black squirrels are now as welcome on the government squirrel farms as the gray.

Ambassador Andrew Young, whose pronouncements have been getting him in difficulty, ran into more trouble this week when his limousine struck and killed a squirrel in Central Park. Ambassador Young was photographed tearfully holding the carcass of the dead squirrel by the tip of its tail. The picture was captioned "America's Friend Makes Ultimate Sacrifice," but was withheld from most newspapers as not being in the national interest. It was widely reproduced in foreign countries, however, and became the cause of unseemly merriment in the O.P.E.C. nations and South Africa. General Idi Amin Dada telephoned Ambassador Young to say that Acts of Heaven will happen. Idi offered to replace the defunct squirrel with an anxiously running missionary.

Paul Warnke, whose nomination to head the arms control agency had such a stormy time in the United States Senate, is among those who are very interested in the squirrel energy program. He feels it is somewhat similar to his well publicized but little understood plan to replace the B–1 Bomber with horse cavalry. Mr. Warnke also has an answer for those who say the squirrel might fail to run and turn his little wheel. He says the same motivational technique should be used when dealing with squirrels as he would use when dealing with the Russians. "Build a man-sized cage and I will get in it," says Mr. Warnke. "Once the squirrels see me running they will know I am sincere and I am sure they will then want to run in their own little cages."

A late development in the squirrel energy story has broken just as we go to press. According to Jimmy Carter's chief economic advisor, Lawrence Klein, a slight error has been found in Ralph Nader's initial calculations that had indicated the energy of one squirrel could provide enough electricity for the average household. The new government figures, says Klein, confirm that the original plan was correct in all respects . . . except that the squirrel would have to weigh 200 pounds. A crash federal program with cost overrides is now under way to develop a 200 pound squirrel, and President Carter believes that with the sacrifices and forbearance of the American people his dream of energy independence will soon be a reality.

Mr. Speaker, I am sure that the American people will be pleased to learn that the Government has found a satisfactory alternative to coal and nuclear energy for power generation.

HUMAN RIGHTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. DERWINSKI. Mr. Speaker, the well-known philosopher and columnist, William F. Buckley, Jr., in an article appearing in the Chicago Daily News, weekend edition of March 12–13, comments on the recent discussions on human rights. His views are especially pertinent and timely in view of President Carter's recent remarks. The article follows for the Members' attention:

HUMAN RIGHTS INTO THE OPEN

(By William F. Buckley, Jr.)

LONDON.—President Carter's references to human rights are causing quite a commotion in these parts. It is not really expected, by working statesmen, that anything more will be done about human rights than to mention them genially from time to time.

That is why Carter's behavior, which one would not really have thought so extraordinary, is causing such upheavals here. President Giscard d'Estaing is positively truculent on the subject. Human rights, he passed

the word to the noble Amalrik who sought vainly to interview him, are not to be discussed with mere Soviet martyrs.

Another interesting argument has been raised against Carter's behavior, this time from the right. Mr. Worsthorne of the Daily Telegraph, who specializes in saying interesting things, makes this point: America is way behind in the business of keeping up militarily with the Soviet Union. And the only reason we exert ourselves as we do is that we sense how awful Soviet life is. Now, if we continue to put pressure on the Soviet Union, what is likely to happen is that the Russians will give free speech to all of the 200 Rusians who desire it, then will smile toothily at us, and we will fall over ourselves with appreciation, disbanding the Army, the Navy, the Air Force and the Boy Scouts.

What actually has President Carter done? And how can the Soviet Union respond?

Carter has with utter dignity done just a little more than talk abstractly about human rights. He has recognized the existence of real heroes, genuine victims of systematic persecution. He has mentioned a few by name. He has, albeit as discreetly as if he had arranged to see a peep-show, actually visited with one. In terms of policy, he has used no sanctions against the Soviet Union—only against relatively impotent Latin American nations. In the course of doing so—of ruling, e.g., against Uruguay but not against the Philippines—Carter stressed quite candidly the necessity of superordinating the national interest. Translated, that means the Philippines can hit back at us; Uruguay can't.

The Soviet Union would not be motivated to strike or not to strike by our behavior toward the Bukovskys. But a crystallization of world opinion against the tormentors of the Bukovskys is something the Soviet Union clearly does not want—and may not be able to afford. Are we willing to see through to the implications of our challenge to the Soviet Union to civilize itself? It means, among other things, giving them no acceptable alternative. And that means rearmament, and all those grim and costly things.

THE GOP AND THE FORTUNE 500

HON. BOB WILSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Wall Street Journal, Mar. 23, 1977]

THE GOP AND THE FORTUNE 500

(By James P. Gannon)

WASHINGTON.—Ronald Reagan thinks big business is gutless, when it comes to standing up for political principle.

Republican National Chairman Bill Brock believes that the public image of the GOP as the party of big business is "a significant liability" which ought to be wiped out to aid the GOP's rebuilding effort.

Sen. Paul Laxalt of Nevada is "shocked" at how business groups split their political contributions in 1976 between Democrats and Republicans. "Political eunuchs," he mutters.

House GOP leader John Rhodes of Arizona says "there are lots of Republicans who would just welcome the opportunity to do something against big business," to demonstrate their independence.

As these comments from leading Republicans indicate, something strange is going on within the range of the GOP. In this period of introspection following their bitter election disappointments of 1976, Republicans are rethinking their party's relationship to big business. Particularly among conservatives, this self-analysis is generating a nearly heretical thought: Republicans ought to stop fighting big business battles, because corporate titans are fickle friends who give GOP politicians little more than political body odor.

It's not that the disenchanted Republicans are about to launch an anti-business crusade: their free-enterprise philosophy isn't changing, just their attitudes about corporate America. At this stage, they are merely pondering some questions they hadn't seriously faced before, and groping for answers, which don't come easily.

NEW QUESTIONS BEING ASKED

Isn't big business in bed with big labor and big government? Aren't corporations basically apolitical, willing to curry favor with whichever politicians happen to hold power, regardless of party or philosophy? Haven't Republicans paid a high price, politically, for being defenders of rich, unpopular companies? Isn't the party's pro-business image a major obstacle to building a middle-class majority of wage-earners?

To these and similar questions, many GOP thinkers and leaders are answering "yes." Attitudes which previously seemed confined to conservative neo-populist theorists such as former Nixon speechwriter Patrick Buchanan now appears to be spreading much more widely within the party, notably in its conservative-to-middle ground. But the rethinking is in a formative stage, with many Republicans only groping for answers.

"There are straws in the wind," remarks Max Friedersdorf, former White House lobbyist and now staff chief of the Senate Republican Policy Committee. He observes: "There is, beneath the surface, a grumbling among Republicans that their close connection with business hasn't paid off politically. You hear it wherever you are with a group of Congressmen or party people. It isn't that they want to desert their principles: it's just that, politically, it's been a bummer."

The rethinking is occurring now for several reasons. The party's loss of the White House and its failure to dent the big Democratic majorities in Congress have prompted GOP soul-searching on all sorts of questions, including the Republican-business link. Philosophically, many conservatives are coming to see a growing disparity of interest between giant corporations with multinational empires and the back-home small businessmen who actually vote. Politically, Republicans had their eyes opened by recent disclosures showing how widely business hedges its bets by contributing to both Democrats and Republicans, both liberals and conservatives.

The Republican who's making the most noise about "getting the Fortune 500 off our backs is Sen. Laxalt of Nevada. An outgoing Westerner who wears cowboy boots and speaks with shotgun bluntness, the conservative chairman of the 1976 Reagan-for-President campaign is hitting the dinner circuit with a speech designed to make corporate bosses wince.

With big government and big labor threatening the free-enterprise system, Sen. Laxalt complained to a recent Ogden, Utah, businessmen's banquet, "big business sits on its hands for fear involvement may dip into profits." He blistered corporate political action committees for giving "a shockingly high percentage" of their contributions to Democrats. "Business tries to play both sides," he complained. "They look to the Republicans for protection and to the Democratic Party for gravy."

In an interview, the Senator cites figures compiled by conservative fund-raiser Richard Viguerie to support his comment that "businessmen have become so sophisticated they are political eunuchs." The "Right Report," a newsletter put out by Mr. Viguerie, recently published a list of 20 corporate and trade-association political committees which reportedly gave between 26% and 87% of their contributions to Democrats in 1976.

Big business, big labor and big government "are politically sleeping with one another and they depend on each other for their political and economic survival," Mr. Laxalt figures. He wants Republicans to forget the Fortune 500 and concentrate on aiding small businessmen and the middle-income taxpayer.

Ronald Reagan, still the biggest name on the Republican right, is thinking along the same lines. He's dismayed that big business is "feeding the crocodile" of big government "hoping it will eat them last."

The former California governor notes that it wasn't a big corporation but a small Idaho company which went to court to stop federal safety inspectors from conducting plant searches without a warrant. "Why didn't General Motors do that," Mr. Reagan asks. The answer, he thinks, is that big corporations are "too timid about rocking the boat" and too willing to go along with more government regulation—which is easier for them than for small firms.

This sort of complaining about business might be dismissed as meaningless if it weren't being heard from party pros who are groping for ways to improve the GOP's future prospects. "We're improperly perceived as the business party," says Sen. Robert Dole of Kansas, the 1976 GOP nominee for Vice President. "We've got to change that if we are going to win elections," he adds.

The new national chairman of the party, former Sen. Brock of Tennessee, agrees. The big-business tag is "a significant liability," he says, even though "big business by its own action has belied the validity of the charge." He contends that business' heavy contributions to incumbent Democrats reflect a desire "to buy access to Congress," regardless of party or philosophical considerations.

The GOP, Mr. Brock declares, is facing "a political evolution that could be significant." Historically, political parties renew themselves by reaching out to large blocs of unaffiliated voters, in Mr. Brock's view. The big bloc which the GOP must reach, he thinks, is that vast middle: working adults in their middle years, with middle incomes, and with middle-road political attitudes which don't attach them strongly to either party.

Reaching out to these taxpaying, wage-earning, child-rearing middle Americans may require the GOP to become "a little less concerned about the corporate sector," Mr. Brock says. It doesn't mean a sharp left turn. "I don't foresee the majority of Republicans adopting an anti-business stand for short-term political gain," he emphasizes. But if the hoped-for "political evolution" actually occurs, the GOP would take on a more populist cast that might clash with acting as defenders of the corporate interest.

"Then the business community would have a heck of a time finding political representation," Mr. Brock points out.

So far, all this is so much thinking-out-loud, and even those doing the thinking are hard pressed to say whether it will translate into action. House GOP leader Rhodes finds many of his colleagues groping for ways to demonstrate that they're not captives of business, but "it's hard to figure out what to do."

TILT TOWARD SMALL BUSINESS

Robert Griffin of Michigan, a Republican Senator who may face a tough reelection

fight in 1978, thinks the GOP "could make an effort to concentrate more on small-business and middle-income groups." In fact, that's just what the Senate Republicans did last month in constructing a GOP alternative to President Carter's economic stimulus package. The Republican Senators unanimously agreed on a tax proposal that would sharply reduce taxes on the first $100,000 of profits—a benefit of great value to small companies but peanuts to IBM. Furthermore, the GOP alternative doesn't include any Carter-like increase in the investment tax credit, which benefits big companies the most.

That sort of tilt toward small business is exactly what many conservative thinkers insist the GOP must adopt. "What has IBM or Xerox done for the Republican Party lately?" asks former Nixon aide Pat Buchanan, who's preaching an anti-big business gospel at conservative gatherings.

Mr. Buchanan argues that the GOP must be seen to be fighting for the little guy against the corporate giant. "When it is a contest between Henry Ford and the United Auto Workers, or the coal companies and the coal miners, we shouldn't automatically side with management," he says. "We've got to side with the working guy and his job."

When Pat Buchanan starts sounding like a union organizer, it's clear something remarkable is fermenting within the GOP. At a minimum, it raises a warning that big business can't take conservatives for granted, as they have for so long. Warns Nevada's Mr. Laxalt: "If we ever were, we are no longer automatic Fortune 500 votes."

THE CONSERVATION OF HARP SEALS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. WHITEHURST. Mr. Speaker, in the March 19, 1975, Extensions of Remarks in the CONGRESSIONAL RECORD, I inserted the text of a factsheet which I had received from the State Department regarding the need to protect harp seals. Because the killing of those seals is still going on, I believe that this information is still germane, and I am sharing it with my colleagues again at this time.

On February 8 of this year, I reintroduced my resolution to conserve these hapless creatures. It is now House Concurrent Resolution 109, and it states:

That the United States should, as expeditiously as possible, take all necessary actions to effect a regional conservation treaty for the protection of northern hemisphere pinnipeds.

I would again welcome the cosponsorship of any of my colleagues who share my concern for these animals.

The material follows:

THE CONSERVATION OF HARP SEALS

The harp seal is taken by Canadian and Norwegian hunters in March of each year off the coasts of Newfoundland and Labrador (known as the "Front") and in the Gulf of St. Lawrence. In 1972, the Canadian Government limited the hunt in the Gulf by banning there the use of aircraft and large vessels. Harp seals are also taken, but in considerably fewer numbers, by natives in the eastern Canadian Arctic (Baffin Islands and the Labrador coast) and in Greenland, and by Norwegians around Jan Mayen in the Arctic Ocean and in the White Sea area. The Russians participated in the hunts in the last two areas during the early sixties, but we do not know if they are still doing so.

The Canadian Government in January, 1972 released a report, drawn up by a special advisory committee, which stated that "if the (harp) seal hunt is maintained at the 1972 level, there will be a total elimination of the one year old animals in 2014. The harp seal would then move toward extinction as the older animals die off." The Committee recommended a phase-out of the Canadian and Norwegian Atlantic hunt (i.e., in the Gulf and the "Front") by the end of 1974 to be followed by a minimum six years moratorium, except for a yearly quota of 10,000 for aboriginal hunting in Canada and Greenland. It further recommended that the decrease in hunting activity in the Atlantic should not produce an increase in the exploitation of seals in other areas of the world. Presumably these other areas would include the White Sea and the waters surrounding Jan Mayen. The recommended phase-out schedule was 160,000 (85,000 less than the previous year) to be taken in 1972, 120,000 in 1973 and 80,000 in 1974. The Canadians, Norwegians and Danish followed the Committee's recommendations for 1972, but in 1973 and 1974 they set the quota at 150,000.

Since 1964, the harp seal has been subject to the conservation and management measures adopted by the International Commission for the North Atlantic Fisheries (ICNAF), whose sixteen member nations include the United States, Canada, Norway and Denmark. In practice, the Commission has accepted the recommendations of Canada, Norway and Denmark. At the 1973 ICNAF annual meeting, the Commission's scientific experts stated that the quota of 150,000 equals the sustainable yield, meaning that this is the number that can be taken without further reducing the harp seal population in the Atlantic, but not allowing for any rebuilding of the stock. Also at the meeting, the United States presented a paper that urged Canada, Norway and Denmark to consider the harp seal in relation to the health and stability of the ecosystem rather than on the basis of their economic utility.

In the longer run, the United States would like to remove the harp seals from ICNAF and, in accordance with the principles and purpose of the Marine Mammal Protection Act of 1972, place them under the protection of a regional conservation treaty for northern hemisphere pinnipeds (the order of marine mammals which includes seals). Scientists have informed us, however, that there is insufficient scientific information available at the present for the conclusion of such a treaty. They have suggested that the conference for the treaty be preceded by a preparatory scientific meeting. Currently we have been cooperating with the UN Food and Agricultural Organization (FAO) in gathering scientific information for the preparatory meeting, which we hope will be held as soon as possible. This would be followed by the conference to negotiate the treaty for the protection and conservation of northern hemisphere pinnipeds.

GREEK INDEPENDENCE DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. RODINO. Mr. Speaker, over 2,000 years ago the philosophers of ancient Greece gave civilization the priceless concept of democracy, which became the very foundation of our American government.

Had this been the sole contribution of the Greek people to mankind, their memory would have been enshrined eternally. However, as we all know, the contributions of the Greek people and those of Greek heritage have enriched Western civilization. Greek influence in America extends from the design of our magnificent Capitol to the very letters in which these remarks are printed.

It is appropriate, therefore, that we join Americans of Greek heritage in celebrating tomorrow the anniversary of the independence of Greece from the Ottoman Empire.

Following the capture of Constantinople by the Ottoman Turks in 1453, the Greeks suffered from the many injustices of foreign domination. However, in early March of 1821 Prince Alexandros Ypsilantis led a rebellion which quickly sparked a series of popular uprisings throughout Greece. The action was inspired in part by the success of the American Revolution. Independence was declared on March 25, 1821, a date which has become an occasion for great celebration by Greeks and their descendants throughout the world.

Mr. Speaker, the spirit of Greek freedom has never faltered. Even in the dark days of the Second World War Greek resistance to the German occupation was unceasing. Following the war the Greeks, with American assistance, successfully thwarted attempted domination by the Soviet Union, and today independent Greece is a partner in our North Atlantic Treaty Organization.

Mr. Speaker, I am proud and happy to join the many Americans of Greek heritage in celebrating this anniversary of Greek independence.

JOURNAL'S GUIDE FOR WOMEN CRIMEFIGHTERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. CONYERS. Mr. Speaker, in the March 1977 edition of the Ladies Home Journal, the editors have compiled the answers of 22 prominent Americans as to what should be done to lower the Nation's crime rate. At the conclusion of the Journal's presentation of these diverse views, the editors offer readers the opportunity to write their own responses to President Carter. Several of the contributors agreed that job creation would be the most effective way to mitigate the crime problem. This view struck a responsive chord in my mind as a Member of Congress heavily involved both in issues of crime prevention and full employment.

Across the Nation, crime is becoming a dominant factor in people's lives, no matter where they live or their status in

society. Daily life now has to be organized to one degree or another around fear of crime. People are fed up with living in fear, but do not know what they can do about crime. There are few if any useful models to guide group or community action. The verities of liberal criminology provide little guidance and less comfort.

A recent Gallup poll found that nearly half of all Americans living in big cities—and over three-fourths of the women—are afraid to walk their neighborhoods at night. After seeing the film "Jaws," the media reported that people even hesitated to use their own swimming pools. After reading about and, worse, experiencing a rash of burglaries, muggings, and robberies in their neighborhoods, often in broad daylight, people no longer feel safe either in their swimming pools or living rooms.

Fear of crime is escalating. Handgun sales are up dramatically as are dogbites from protective canines. Some people are even resorting to wolves as pets and it is well known that mace is replacing cologne in many handbags. In small towns, suburbs, and big cities, citizens are organizing anticrime patrols. However, communal control of crime in China may offer some inspiration, but the model is too remote to reassure most of those Americans worried about getting mugged tonight under advance capitalism.

The two things we know for certain about crime are: it is rooted in the social and economic realities of life in contemporary America; and it is inflicted with special severity on lower income people and minorities.

Today, even the most conservative crime theorists acknowledge the close relation between crime and unemployment. Data from Congressional Research Service, Congressional Budget Office, and Joint Economic Committee studies shows a clear relationship between unemployment and imprisonment rates for both State and Federal prison systems. A recent CBO study, for example, documented a 94-percent positive correlation between unemployment and Federal prison admissions.

These same studies suggest that without fuller employment, there is every reason to expect that crime rates will continue to rise accompanied by accelerated prison construction. Part of the importance of the Humphrey-Hawkins Full Employment and Balanced Growth Act is that it offers the only comprehensive alternative to the inevitable failure of harsh criminal justice solutions in dealing with economic, social and racial ills.

Those victimized by crime, especially street crime, are among the same groups whose victimization by enforced unemployment leads to crime. A sample survey of crime victims undertaken in 1974 by the Law Enforcement Assistance Administration shows that: persons with an annual income above $25,000 are only half as likely to get robbed as a person making less than $3,000; a woman whose annual family income is below $3,000 is roughly seven times as likely to be raped as a middle-income woman; and so forth.

No amount of tinkering with the institutions of justice, however well intended, will have much impact on crime. At the same time, efforts that hold the promise of reducing the danger of crime, addressing the special needs of groups, such as women, need to be developed in the short range. The 22 contributors to the Journal article suggest some constructive short and longer range approaches to dealing with violent crime. I commend the article to the attention of my colleagues in Congress:

HOW AMERICA LIVES: HOW WOMEN CAN FIGHT BACK AGAINST VIOLENT CRIME

There is no place to hide, in city, suburb or town. Violent crime is everywhere, and we are all potential victims. With a murder, robbery, assault or rape in the U.S. every 31 seconds, the shocking thing is that we have almost lost our capacity to be shocked by this. Our TV and movie screens make violence fashionable; public disrespect for law enforcement agencies is growing. What can we do to save our society, our children, ourselves? Violent crime is a complex problem, and there are no easy solutions. But because the Journal feels this issue is perhaps the most important one in American life today, we ask our readers to join with us in a search for answers. Citizen involvement can accomplish two things: it can focus the attention of the government on the problem, and it can furnish the womanpower and manpower needed to people a crusade.

Please read this section—a small first step—and, if you care, fill out the coupon at the end of it; it will be forwarded by the Journal to President Carter and/or his designate. America can no longer countenance the kind of spiritual death that violent crime is forcing on us all. Something must be done. You can help.—THE EDITORS.

THE MANY ANSWERS: 22 PROMINENT AMERICANS TELL THE JOURNAL: WHAT SHOULD BE DONE TO LOWER THE CRIME RATE

Gerald R. Ford, former President of the United States:

"It is imperative that the Federal government continue to provide leadership in the battle against crime. As John Locke once wrote, "Where there is no law, there is no freedom." Since a hard core of lawbreakers commit a large portion of our crime, as president I called for the following: Mandatory minimum sentences for those convicted of committing Federal offenses with dangerous weapons; a career-criminal program to deal swiftly with persons repeatedly convicted of serious crimes; a new Federal criminal code to serve as a model for the states and localities; and additional Federal judgeships and prisons. But law enforcement alone cannot reduce crime. The American people must . . . instill within their own families and communities respect for the law and the rights of others."

Benjamin Spock, M.D., pediatrician, activist, author:

"Crime is not the fault of criminals, but of society. People who become criminals have been neglected or unloved and treated brutally in early childhood. We should have welfare programs ten times as good as we do now, and concentrate on rehabilitating families. The answer is not a return to the death penalty, or to put people in jail for longer and longer periods of time. Prison brutalizes, it does not reform. To follow the general hue and cry for increased penalties will only increase the general murderousness of society, which is now at a frightening level."

Edward M. Kennedy, U.S. Senator, Massachusetts:

"We must continue efforts to reform the Law Enforcement Assistance Administration, which has dispensed over $5 billion to localities since 1968 to help them curtail crime. This program will only work if it is accompanied by less bureaucracy and more efficiency at the national and local level. The second step is sentencing reform, including mandatory sentences of at least two years for the violent offender. Judges should be given guidelines so that similar offenders get similar sentences. Finally, we need a complete overhaul of the Federal Criminal Code, which is hopelessly outdated and ambiguous. Any changes, however, must include safeguards to our civil liberties."

James M. Rochford, Superintendent of Police, Chicago:

"Criminals must be served notice that anti-social behavior will not be tolerated. Those who do not heed the warning must be removed from the community until they prove they can live among decent human beings. Police and citizens must work together to reduce the spread of crime and create awareness that crime is unacceptable. We must begin by fighting the little things like window-breaking, writing on school walls, vandalism of all sorts. When we get into the habit of overlooking minor offenses it is easy for this apathy to carry over into the larger things such as robberies, burglaries and even murders."

John Wayne, actor:

"Curtailment of crime should begin at home. Parents shouldn't be afraid to show a little love for their children; they'll get some respect in return. And adults should show some love for their neighbors' children, who will show a little responsibility in return. By love I don't mean gifts. I mean time and thought and communication and caring."

Arnold A. Hutschnecker, M.D., psychiatrist, former member of President's Special Action Office of Drug Abuse Prevention:

"We must institute mental health and social education in kindergardten with small classes and teachers trained in psychology. While children are taught conventional educational disciplines, they must also learn to express basic feelings and vent their discontent. By channeling feelings of violence, hostility and aggression into the open at a formative age, a peaceful society will evolve. Our system of law and order relies on fear as a deterrent against crime. It has failed because it is not a cure."

Edward H. Levi, former Attorney General of the United States:

"For punishment to be a deterrent to crime it must be swift, certain and even-handed. The sentence imposed must be the sentence served, with time off for good behavior. There should be mandatory minimum sentences for certain heinous crimes. . . . I favor the death penalty in some situations because I think it is a necessary deterrent. However, I am certainly not in favor of a death penalty in the United States if we're going to have a flamboyant, macabre [spectacle] every time an execution is scheduled."

Norman Carlson, Director of Federal Bureau of Prisons:

"Rehabilitation is not the prime purpose of penal institutions. Criminals are sent for punishment, or as deterrent. Many have no desire or motivation to try to be rehabilitated. We can only help those who want to help themselves. The penal institutions have not failed; society—homes, schools and churches—failed first. You can't expect the correctional institutions to correct a lifetime of neglect, poverty, racism."

Judianne Densen-Gerber, J.D., M.D., founder of Odyssey House and pioneer in the treatment and care of child addicts and addicted mothers:

"Criminals are made; they just don't happen. America must make its children its first priority. We must establish a Cabinet post for the concerns of children—a Secretary of Children as well as a Secretary of War. Only when we free our last slaves—our children—from being property and make them a sacred trust can we expect them to become responsible adults."

Richard J. Daley, former mayor of Chicago. Mayor Daley gave this statement three days before his death:

"Because the police are relatively few in number, their work must be aided by the public. Citizen information, which can be used to prevent crime or lead to arrests and convictions, must be passed on to the police. Witnesses must be encouraged to testify. Citizen representatives in Chicago, working closely with the police, helped bring about a substantial reduction in crime in 1975 and 1976. Also, there must be an end to the almost constant portrayal on national television of violence and inducements to commit crimes. Current programming is obstructing efforts of the family, church and school to teach obedience for the law and respect for human dignity."

Susan Brownmiller, author of "Against Our Will: Men, Women and Rape":

"If people are really serious about crime, the most critical thing is to change the social attitude that continues to equate aggression with masculinity. I am convinced that violent crime springs out of the offender's belief that she or he is being heroic in the best male model."

Telly Savalas, star of "Kojak":

"Kojak's a different kind of hero. When was the last time you saw him pull a gun? He knows about violence, he's exposed to it but rarely uses it. I think TV has an effect on violence in the streets. And the responsibility rests with the news media. Give the kids different kinds of heroes, not guns. Don't give them the tools of violence. Give them the tools of love and sanity."

Sol Wachtler, Justice, New York State Court of Appeals:

"We can no longer afford to use our criminal courts for the hoped-for, but never realized, purpose of safeguarding all our personal moral values. Some 75 percent of our criminal justice system's time and manpower is devoted to so-called victimless crimes: drunkenness, possession or use of marijuana, consensual sexual 'crimes' and gambling. That leaves much too little capability to deal effectively with violent crimes."

Monsignor John Ahern, Director, Department of Social Justice of Catholic Charities, Archdiocese of New York:

"The correlation between family breakdown, high unemployment and crime cannot be ignored. As a society, we must reassess the swiftness, fairness and purpose of the criminal justice system. But we must also re-examine the seriousness of our commitment to full employment and family stability. Without the latter, even the best criminal-justice system can have little impact on the high incidence of crime."

Carol Kimmel, National P.T.A. President:

"We are looking at a generation that grew up with television. The constant exposure to violence desensitizes people to the actual hurt and consequence of violent crime. If we really believe that TV is a great teacher, then our children are getting great instruction in violent behavior. We also believe that when you move children away from their local schools for any reason, parents become less involved in the school; it ceases to be part of community life, and violence and vandalism increase. The high absentee rate also seems to be a contributing factor in the increase of crime by young people. But the schools can't accept the entire burden of discipline; parents have to be willing to help. The way to get parents involved is to allow them to be part of decision-making in schools."

Betty Friedan, author:

"We must erase the pathology, hate and hostility that nurture the potential for violence and crime. We must open opportunities for full employment, especially to women and the young, who are hardest hit by the recession. And we must establish new values so people can participate more meaningfully in society."

Edmund G. Brown, Jr., Governor of California:

"We need fuller employment, including a public service corps open to all young people so that they may give at least a year of service to their community and their country I also believe there must be swift, fair and certain criminal punishment, good community-police relations; and neighborhood organization and leadership so that people take responsibility for their own living and working areas."

F. Lee Bailey, attorney:

"When one is seeking to mortally wound an enemy, one goes for the jugular. The jugular of large crime (but not passionate crime) is cash. Without it, drugs couldn't be sold, illicit gambling couldn't exist, hookers would have to quit or take credit cards and corrupt public officials would have to do the same. Honest people have no need to carry large amounts of cash. They have checkbooks, credit cards, charge accounts. The few who must carry cash could be licensed to do so. All others could be limited to possesion of no more than $200. As to those who offend because of emotion, frustration or deprivation, frankly, I have no easy answer."

Brian Garfield, author of the novel "Death Wish":

"A particular work of fiction may inspire a crime or two. But . . . will censorship reduce crime? Can we presume to tell the purveyors of news and entertainment what they can and cannot show? It can't be done with justice—and, in any case, you can't deal with crime by chastising entertainers; you can deal with crime only by dealing with criminals. At the moment, crime is profitable, the risks minimal. This is largely because our criminal justice system has rotted. There must be a balance between the rights of the accused and the rights of victims or potential victims. A system of justice must protect all of us—not just the criminals. Perhaps we're still more apathetic than alarmed. Possibly, before we take action, we all need to be mugged."

Clarence M. Kelley, Director of the FBI:

"There is convincing evidence that as much as two-thirds of all crimes are committed by repeat offenders. Their neutralization, whether through lengthy imprisonment or rehabilitation, should be the prime objective of professionals and laymen alike."

Connie Francis, singer-actress (Miss Francis was raped by an intruder in her Long Island motel room in 1974. She says the resulting trauma has ended her career):

"More quality police officers, prosecutors and judges with better salaries to attract the finest people to law enforcement's ranks; higher priorities to all our courts' needs; an end to plea bargaining; stringent punishment for all offenders; heavy bail for second offenders and those in violent crime; reinstatement of capital punishment; and bigger—not prettier—prisons. Also, deemphasize such 'crimes' as gambling and prostitution and direct greater attention to violent crimes against people. The cost will be high, but the problem is serious. The money can come from our defense budget because our first priority must be a sense of safety on our streets. Peace of mind to the elderly, to mothers, daughters and sisters is far more important than the abstraction of losing out in the world struggle for ideological supremacy. Ask me—I know."

Michael J. Codd, Police Commissioner, New York City:

"We must start taking a harder position with both adult and juvenile criminals. Punishment must be swift and certain for all. I recommend mandatory prison sentences for repeaters and perpetrators of intentional crimes of violence. I recommend additional penalties for the use of firearms in the commission of crimes. Young criminals who commit serious crimes should be made to answer for their crimes. And correctional programs must concentrate on practical vocational training so that released prisoners can become self-supporting upon their return to the community."

NO BEEF ON BEEF

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. ABDNOR. Mr. Speaker, the American consumer has become accustomed to plentiful supplies of reasonably priced, highly nutritious food, and as long as our farmers and ranchers are able to stay in business, the great record will continue.

That consumers have no beef on beef and other meat items, particularly, is apparent from this article which appeared March 1, 1977, in the Livestock Market Digest:

PUT IT ANY WAY: BUYERS WELL OFF

There seems a conflict in two reports on beef consumption during 1976. USDA figures showed there was an 8 per cent increase in beef production, to 25.7 billion pounds. This was translated into per capita beef consumption of 128.9 pounds, up from 120.1 in 1975.

The gain in pork consumption was in proportion, too, with the per capita average going from 54.8 in 1975 to 58.1 in 1976. Combining all meats, Americans returned to a record-setting pace which had not been the case from 1972 to 1975. The total average for 1976 was 193.1 pounds per capita, a rate that beat the 1971 record of 191.8 by little more than 1 pound.

Those are figures to be kept in mind when reading another statistic. The Agriculture Department says that Americans spent an all-time low percentage of disposable income on beef in the last quarter of 1976. The percentage was 2.27. That compares to an average of 2.52 per cent for the past three decades and an average of 2.41 for all of 1976.

One quarter does not make a trend, but the figure is justification for concern. William C. Helming, a Kansas City livestock industry analyst, sees that figure as raising "a bright red flag for the industry . . . the most significant single event of the year for the beef industry."

How could beef consumption grow at a good pace yet disposable income spent for this product decline? The answer, of course, should be price. Yet the price statistics show

that February averages for representative beef cuts were much the same as a year ago.

So the real culprit is inflation. The money used to purchase beef—or anything else—today is approximately 5 per cent less in value than a year ago, but average wages have more than made up the differences while beef and meat prices remain the same. The level of beef purchases can be maintained with less "real money" now as opposed to a year ago.

Without getting lost in a sea of statistics, one can put it more simply: The American consumer is much better off when it comes to beef and other meat purchasers today than a year ago, and more. Which is to say well off, indeed. It is a point that deserves all the stressing that a $30 million to $40 million information program could give it. And that can become possible with the beef market development plan.

ENERGY CONSERVATION IN BUILDINGS ACT OF 1977

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. MOAKLEY. Mr. Speaker, energy is the lifeblood of our economy. It is the catalyst that enables us to convert raw resources into the products and services that make up our high standard of living. But we are using up our energy at an alarming rate and once it is used, it is gone forever. Who could have imagined that the fossil fuels that took 500 billion years to make, could be all burned up in just a mere 300 years?

Cheap energy is gone forever and it is time for us to reevaluate our priorities. There is an obvious need to conserve as much energy as possible but we must also develop alternative energy sources. It is for these reasons that I have introduced The Energy Conservation in Buildings Act of 1977.

This legislation seeks to incorporate energy conservation principles in the design and operation of Federal buildings by considering, prior to construction or renovation, the total cost of energy to be consumed during the buildings' useful life. These life-cycle cost analyses shall be made in an effort to determine the least expensive reliable source—or combination of sources—for the energy system.

Buildings larger than 25,000 cubic feet shall be subject to the analyses, which will include examining the building's orientation, the insulating factors, the climatic conditions and the amount and placement of doors and windows. Some Federal buildings and property, including ones in foreign countries and covered under historic American sites, are to be excluded from this act.

Also the advantages and disadvantages of at least 5 available sources—or combination of sources—shall be taken under consideration while determining in the projected cost and amount of energy consumed by each such system during each year of the buildings' expected life cycle.

It is the aim of this legislation to promote the alternative technologies of the sun and wind, for despite higher initial costs, these renewable resources may prove to be vastly more economical over the sytem's life-cycle when compared to the continually increasing fuel and utility charges of conventional systems.

States from all regions of the country, including Texas, Washington, North Carolina, and my homestate of Massachusetts, have already enacted similar laws and it is now the Federal Government's turn to move the country a step closer to a sensible energy policy.

TAX REBATE PROPOSALS ASSESSED

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. DEL CLAWSON. Mr. Speaker, an editorial from the Topeka, Kans., Daily Capital has been brought to my attention and because it contributes an objective assessment of the so-called benefits of the tax rebate proposals, I would like to bring it to the attention of my colleagues. The article follows at this point in the Extension of Remarks of the CONGRESSIONAL RECORD:

The Carter administration's income tax rebate plan suddenly is no rebate at all. It is another government give-away program.

The dictionary definition of rebate is "to give back part of an amount paid." But the proposal as it stands now, after some juggling by the House Ways and Means Committee, would:

Rebate no taxes because there aren't any to rebate. All those taxes have been spent. What the government will rebate will be new money that it must borrow.

Pay the full rebate to 11½ million Americans who paid no taxes at all. How can you give them back part of something they didn't pay in the first place? The Congressional solution: Give it to them anyway. These 11½ million people already are on the government welfare rolls and are not paying any income taxes at all.

Pay less of a rebate to those Americans who pay more taxes than most and pay no rebate at all to those who pay the most. Americans who earn $25,000 to $30,000 a year would receive less than $50 each. Those earning more than $30,000 would receive none of their taxes back. This category includes many working couples, persons who moonlight and persons who have built a small business that they work on the side. So this provision penalizes the industrious and productive, the people who are willing to work more hours or risk private capital.

This includes people who pay taxes that are too high, along with paying their own doctor and dental bills and the tab for their children's education because they are "too affluent" to qualify for all those other give-away goodies.

To put the congressional reasoning into focus, consider this. Taxpayers earning $25,000 a year and up are so "rich" that Congress reduces or denies altogether any tax relief for them; on the other hand, members of Congress who are paid $44,600 a year are so "needy" that they granted themselves a $12,900 a year pay increase. This goes along with the almost $1 million allowances, expenses and fringe benefits they have allotted to each member of Congress.

The proposal will benefit millions of working, taxpaying middle income Americans who need and deserve tax relief. But it is reducing or denying the relief to millions of other taxpayers who are paying taxes that are too high and giving it to millions who escape taxation.

BUDGET RECOMMENDATIONS FOR RURAL LOAN

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. HARKIN. Mr. Speaker, the Congressional Rural Caucus has proposed a series of budget recommendations for rural loan, grant, and other special programs for fiscal year 1978. These proposals deserve the very serious consideration of each and every Member of this body.

The fresh air and open beauty of rural America often masks the fact that there are some very serious problems in rural America.

Over 30,000 rural communities do not have adequate water systems. Another 30,000 do not have adequate sewer systems. One-third of America's people live in rural America, yet a full 60 percent of all substandard housing can be found in rural America, as are 45 percent of the Nation's poor.

In terms of rural development and revitalization, the real needs of rural America have, in the past, been ignored.

The Congressional Rural Caucus proposes to change that. Their budget recommendations can change this situation, and at the same time make a tremendous contribution to the fight against unemployment.

There are others far more qualified than I who can discuss the impact of these proposed funding levels on our unemployment problem.

What I wish to discuss today is the real cost to the taxpayer for these proposed increases.

The Congressional Rural Caucus has proposed the various loan programs be funded in fiscal year 1978 at a level of about $15.8 billion. That is an increase of $10 billion from 1976. But I hope no one makes the mistake of reading that increase and assuming the increased loan levels will cost the American taxpayers an additional $10 billion.

These are loans. They must be, and are repaid with interest. They have proven to be some of the best loans the Government has ever made. The default rate for these loans is one of the lowest in the entire Government, about 3 percent. That means these proposed increases would not cost $10 billion, but rather about $300 million.

That is about one-third what we will spend to build one Trident submarine.

That is about one-sixth what we will spend to build one Nimitz-type nuclear aircraft carrier.

It is only one-third more than what we loaned Lockheed to bail them out, two-thirds more than what we loaned Penn Central to bail it out, and only one-fourth what we loaned New York City to bail it out.

Surely we can do this much to help revitalize our decaying rural America.

But even this $300 million price tag is not the real cost of these increased loan programs. The truth is, they do not cost anything at all. They pay. They create jobs in the private sector. They make it

possible for people to become self-sufficient once again, to pay taxes, instead of drawing welfare.

Instead of draining the Federal Treasury, these expended Federal loan programs can help stock it with interest and with reduced welfare expenses and higher tax revenues.

BYELORUSSIAN INDEPENDENCE DAY

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Ms. MIKULSKI. Mr. Speaker, 59 years ago, an event of great significance occurred for those who embrace freedom. March 25, 1918 marks the anniversary of Byelorussian Independence Day.

During the First World War, the Byelorussians, like the Ukrainians, Lithuanians, and others within the collapsing Russian empire, seized the opportunity to establish their own national independence. The Great National All Byelorussian Congress on March 25, 1918 established a Republic embodied in the ideals of democracy and freedom.

Despite great difficulties created by the war and its consequences, the Byelorussian Government made advances in the fields of education, culture, and social welfare. The Government was also able to achieve de jure and de facto recognition from a number of European countries.

However, the year 1918 sealed this small country's fate. In November and December of that year the Bolshevik army advanced into the young Republic and within a few months the Republic was ended.

These few months of freedom which the Byelorussian Republic enjoyed will remain important to those of the Byelorussian heritage and to all who cherish independence.

ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. DERWINSKI. Mr. Speaker, tomorrow, Americans of Byelorussian descent will celebrate the 59th anniversary of the Proclamation of Independence of the Byelorussian Democratic Republic which took place in Minsk on March 25, 1918. Although this anniversary is of great significance for the citizens of Byelorussian origin in the United States and in other countries of the free world; in Byelorussia itself, this national observance of independence is replaced by the forcibly imposed observance of the Bolshevik revolution.

Despite the continuous oppression imposed upon them by the Russian Communist regime, the Byelorussians have, at every opportunity, sought freedom from Soviet Russian domination. At the end of World War II, the All-Byelorussian Congress again convened to approve a second proclamation of independence, but was immediately dispersed by the Soviet armies.

It is indeed an unfortunate development that the Byelorussian people, whose heritage is so rich in traditions of democracy, must now live under the oppressive rule of the Soviet Government. As we commemorate their independnce of 1918, we must also recognize and support the courage of the Byelorussian people who are still struggling to preserve their ethnic and cultural identity.

Now more than ever, when human, national, and religious rights are actively defended throughout the world, but are subject to flagrant violations that occur in Communist countries in Eastern Europe, including Byelorussia, this commemoration gains additional significance. Through this annual observance on behalf of the Byelorussian people, I trust that we can help reassure those people whose human rights and cultural heritage are held captive behind the Iron Curtain, that they will continue to receive our encouragement and support for their goal of self-determination.

QUESTIONNAIRE RESULTS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. OTTINGER. Mr. Speaker, in January of this year, as is my custom at the start of every session of the Congress, I sent out a questionnaire to every mailing address in my 24th Congressional District in Westchester County, N.Y.

I have received over 10,000 responses from my constituents, many with two respondents answering on one questionnaire. The following are the results of that questionnaire broken down into percentages:

QUESTIONNAIRE

[In percent]

	Favor	Oppose	Undecided
A. ECONOMY—DO YOU FAVOR OR OPPOSE?			
1. A general tax cut to help spur the economy?	75	16	9
2. Decreasing business taxes to stimulate the economy and generate jobs?	69	20	11
3. A Federal program to pay partial salaries to provide jobs in the private sector?	33	53	14
4. Creation of a permanent CCC-WPA type job program to act as employer of last resort?	55	31	14
5. Eliminating Federal programs for health, education, and welfare, and turning program and tax responsibility over to State and local governments?	28	59	13
6. Wage and price controls?	35	50	15
7. Price controls on key commodities like oil and steel?	55	33	12
8. Extending and improving antitrust laws to require competition in concentrated industries?	66	22	12
9. Legislation preventing any competition with AT & T for terminal telephone equipment (telephone instruments, answering service equipment, business switchboards, and other communications equipment)?	18	71	11
ENERGY—DO YOU FAVOR OR OPPOSE?			
1. National insulation standards for homes, offices and factories?	64	25	11
2. National conservation standards for autos, appliances and industry?	71	19	10
3. Tax incentives instead of standards to accomplish 1 and 2 above?	50	34	16
4. National program to promote solar heating for homes, offices, and factories?	78	11	11
5. National program for recycling newspapers, bottles, and other materials?	77	15	8
6. Requirement that utilities adopt lower base rates that increase with use and lower rates for off-peak hour use?	76	14	10
7. Moratorium on construction of new nuclear plants until plants and waste disposal are proven safe?	56	30	14
8. Giving higher priority to energy conservation and solar, wind, tidal, and geothermal energy research than to nuclear power research?	68	19	13
9. Legislation to require major oil companies to sell 1 or more of their production, refinery, distribution, or retail components?	37	39	24
10. Legislation to require major oil companies to sell 1 or more of their holdings in other energy fields like uranium, coal, and natural gas?	42	34	24
11. Increased Federal aid to mass transit?	54	38	8
C. WELFARE REFORM—DO YOU FAVOR OR OPPOSE?			
1. Federal take-over of costs?	63	29	9
2. Requirement that potential recipients who are able to work (except mothers of young children) be disqualified for welfare if jobs are available?	83	9	8
3. Negative income tax to replace welfare?	44	29	27
4. Family assistance allowance to replace welfare?	45	26	29
D. GOVERNMENT REFORM—DO YOU FAVOR OR OPPOSE?			
1. Public financing of congressional elections?	48	38	14
2. 4-yr term for House Members?	64	31	5
3. Abolishing the electoral college and instituting a system of direct popular election of the President and Vice President?	71	18	11
4. Providing for regional primaries to select delegates to Presidential nominating conventions?	57	20	23
E. MISCELLANEOUS—DO YOU FAVOR OR OPPOSE?			
1. National health insurance?	63	27	10
(a) Operated by Federal Government?	41	41	18
(b) Operated by private insurance companies?	42	39	19
2. Increased Federal aid to education?	48	32	20
3. Increased defense spending?	36	48	16
4. The reestablishment of trade with Vietnam in return for an accounting of our missing in action?	44	41	15
5. Constitutional amendment abolishing legal abortions except to save the life of the mother?	29	62	9
6. Federal registration of handguns and licensing of owners?	69	24	7
7. Disability benefits for pregnant women?	35	53	12

CIVIL ENERGY FROM LASER FUSION: A GROWING REALITY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. PURSELL. Mr. Speaker, this is my third installment regarding laser fusion. I am quite hopeful that laser fusion can help solve our burgeoning energy shortage. But the benefits of laser fusion do not inure solely for the purposes of energy production. The following document articulates in "laymenese" the principles and probable utilization of laser fusion. Having read this document, I believe you will begin to share my enthusiasm for laser fusion:

BASIC LASER FUSION PRINCIPLES

Laser driven fusion is conceptually a simple process. Unlike nuclear fission, where the nuclei of the heavy elements like uranium and plutonium are split apart to release energy, in fusion the light nuclei elements such as isotopes of hydrogen—most commonly deuterium and tritium—are fused together to release energy.

The essential step in the fusion process is to squeeze the molecules together very quickly raising the temperature and pressure high enough to cause the nuclei to combine. This has been likened to creating a small sun in the laboratory as it is under conditions similar to the interior of the sun that fusion occurs.

To achieve man-made fusion, a tiny pellet about 1/32 of an inch in diameter, and filled with the gaseous isotopes of hydrogen is illuminated by a high power laser beam for a fraction of a billionth of a second. The energy impinging on its surface so compresses the pellet that it is heated to millions of degrees while the inward force or implosion raises the pressures at the core to thousands of atmospheres; the combined action creates conditions which theory indicates will cause fusion to occur.

The process is difficult to achieve, control and measure. Extensive laboratory tests to date have shown excellent progress leading to the required conditions. While neither government nor industry labs have achieved man-made fusion, there is general agreement that it will be achieved, probably within 5 years and possibly within 2 years; all experiments confirm this to date. A major pacing factor is increased laser power; and advances in both laser availabilities and target-interaction knowledge are being made almost monthly.

When fusion occurs in the fuel pellet, the binding energies of the nuclei are released in the form of high energy neutrons, plus heat and some minor radiation energies. The reaction takes place in a suitable atmosphere contained in a reactor designed to transfer these radiating energies and convert them to useable power, or employ them to split the molecule of other elements (such as water) into useful products.

In a practical laser fusion operating system, the pellets would be injected into a shielded reactor at rates up to 50 per second, with the laser pulses synchronized to produce a steady outflow of radiation energies to be removed in a manner to give a continuous power output. Systems designs may vary widely in size from as small as 10 megawatts (MW) to 5000 MW. (For example: the largest nuclear fission utility plants in operation or under construction today range are about 1000 MW in size. The Delaware Delmarva Summit site plant will be in the 900–1200 MW range. There are no fission plants as small as 10 MW because it is not practical. Such a plant is equivalent to a 10,000 horsepower system. Our nuclear submarines use plants ranging in the 60–100 MW size).

Laser fusion is basically a benign process. It produces no radioactive wastes as do the nuclear fission plants. Thus there is no long term storage problem to be passed on to future generations or civilizations. The absence of the materials used in nuclear bombs removes the threat of terrorists actions.

Tritium, one of the hydrogen isotopes used as fuel in the process, is fusion's only potential pollutant. Studies show its potential hazards are about a million times less than fission's radioactive wastes. Gaseous tritium is easily trapped and handled by normal procedures within a plant. And since it is used in the cycle, there is every incentive to do so. In essence, it poses neither threat nor difficulty to safety or the cleanliness of any outputs from the process.

Laser fusion is safe and controllable, it cannot "explode" or run away as there is no critical mass. It is essentially environmentally clean as it does not contaminate either the air or water used in the supporting systems.*

The laser fusion process is an inexhaustible source of energy as the hydrogen fuel isotopes used for the fuel pellets are derived from seawater or generated internally during the process. Thus it depletes no natural resources and it truly qualifies as a prime candidate for providing the U.S. with "Energy Independence".

Applications will be described in subsequent sections in order of their likelihood of coming into practical usage on a chronological basis.

APPLICATION NO. 1—CANCER RADIATION THERAPY

The earliest near term application to which laser fusion might be used is in the medical arena. There is some medical evidence and theory both here and abroad that fast neutrons produced by the laser fusion process may destroy certain types of cancer cells.

Preliminary tests at the Hammersmith Hospital in London, which started in 1969 and by the Harvard Medical School, Department of Radiation Therapy, indicate that a controllable source of fast neutrons provide benefits in certain cancer treatments superior to that obtainable at the present time by the 3 treatment methods of surgery, radiotherapy (X-ray or cobalt) or chemotherapy.

Neutron irradiation techniques require dosages that are precisely controllable, economically producible, and rapidly repetitive. The main reason why little use has been made of fast neutron beams has been the expense and difficulty of generating the neutrons. Laser fusion promises such an output. An important feature of current laser fusion research work is that the achievement of thermonuclear fusion is not required to initiate immediate specimen testing for cancer treatments; it can be started at the low level of neutron production available today and could be put in experimental practice sometime thereafter even if complete laser fusion for energy production is not reached.

KMSF and Harvard Medical School have initiated informal discussions aiming at early specimen testing in conjunction with the current scientific test experiments on a non-interference basis. There is a need for a better laser and improved optics, both of which are available but which ERDA has not yet seen fit to support.

This potentially promising non-energy application grew out of the commercial orientation that KMSF gave its program from its early start. It demonstrates graphically the unpredictable benefits that an unencumbered industry effort can generate.

*From an independent Environmental Impact Study done on 2/22/76 by G. Hoyt Whipple and John R. Trabalka.

APPLICATION NO. 2—THE FIRST ENERGY USE

The major thrust of the KMSF commercial effort is to produce hydrogen for conversion to methane as a substitute for the rapidly depleting supply of natural gas. The KMS program, under contract from Texas Gas Transmission Co. has evolved a process, both laboratory proven and patented, which uses the laser fusion process to split (dissociate) the water molecule H_2O into hydrogen and oxygen. Thus it provides an inexhaustible supply of the most abundant and basic element, in nature, i.e., hydrogen, from ordinary water.

All liquid and gaseous fuels are primarily a combination of hydrogen and carbon. Any synthetic fuel program requires abundant and low cost hydrogen. Carbon is available in virtually unlimited quantities from limestone and coal. The production of methane—a combination of hydrogen and carbon—was selected in response to the foreseen shortage of natural gas by TGT. This severe winter has well substantiated the projected shortage that lie ahead for the U.S. in the current energy environment. Methane (synthetic natural gas) can be the first available energy supply quantity-produced from laser fusion if an aggressive program is undertaken.

While KMSF in 1975 projected a schedule of events and financial support that had a hydrogen-methane pilot plant goal in 1981, this with joint industrial and U.S. Government financing; no such program has been aggressively pursued for a variety of reasons. Today, almost 3 years later, the U.S. still lacks a coherent energy plan, there is still uncertainty, bureaucratic jealousies, indecisiveness, and a complete lack of dynamic leadership to direct the type of accelerated program that all scientific, technical, financial, and political evidence demands.

Today, with U.S. annual petroleum import costs of over 30 billion dollars and rising 10–15% annually, we still dicker and quibble about a 100 million dollar program that might, just might, save the U.S. and provide real energy independence.

APPLICATION NO. 3—USES FOR HYDROGEN

Beyond the production of methane, abundant and low cost hydrogen from the inexhaustible sources of water could benefit many other energy and energy-intensive processes. For example, transportation fuels for ground vehicles, air and sea vehicles are all hydrogen carbon combinations which current day technology can produce synthetically. Transportation fuels today use about 50% of each barrel of crude petroleum produced and imported by the United States—it is the single biggest liquid fuel requirement.

The U.S. has long considered various transportation fuel alternatives: methanol, synthetic gasoline or jet fuel, combinations of synthetics and gasoline, alcohols, etc. All require an abundant low cost source of hydrogen. Technology now promises that capability could soon be at hand.

A beneficial spin-off for the nation's anti-pollution struggle would derive from wide scale production and common usage of synthetic transportation fuels. Such fuels would not contain contaminants like sulfur, tetraethyl lead, bromines and dyes routinely used in gasoline. Thus, atmosphere would be freed of the sulphuric oxides and lead poisons commonly found in vehicular exhausts today.

In many of the current "under-development" energy projects such as: coal gasification, coal liquefaction, the several variations for hydrogenation of coal, reduction of shale both above ground or in situ, the Consol Synthetic Fuel Process, and others; an essential and often limiting element is hydrogen. With that same abundant and low cost availability of hydrogen mentioned earlier many of the other buried energy sources may be brought to productive fruition. The significance of available hydrogen

cannot be over-emphasized as it can make available trillions of BTU's that would otherwise be buried forever.

For the very critical and highly specialized field of petrochemicals, i.e., that which manufactures an almost infinite variety of plastics, synthetics, drugs and other man-made hydrocarbons upon which our society depends so heavily, hydrogen is the basic feedstock element and its continued availability assures the healthy growth of the petrochemical industry independent of depleting petroleum feedstocks.

APPLICATION NO. 4—FERTILIZERS AND FOOD

The world's food problem is very well appreciated by government personnel of all nations. The shortages are certainly felt by at least two billion of this earth's four billion population—these multitudes face it every day. We recognize there is no single answer to solve this ever present threat of mass starvation and famine. However, one important element of increasing the world's food production is recognized to be related to the ability to provide better, cheaper and abundant quantities of fertilizers. In the United States liquid fertilizers are frequently used because our distribution and handling methods are rather advanced. In most areas of the world dry fertilizers must be used because of ineffective distribution, storage and handling systems.

Nitrogen is a major constituent element of life essential for the construction of proteins. It is also a major component of air (79% being N). The natural supply of N is limited and it limits the world's agricultural capacity. Supplemental N is provided by chemical fertilizers in which nitrogen (N) is fixed by combination with hydrogen to form ammonia. In 1972 14 million tons of ammonia were made in the U.S.; and production is doubling every 5 years.[1]

The Haber Process is the main method used to produce ammonia; it is efficient and effective. Any reductions in the cost of fixed N depend almost exclusively in the supply of raw materials needed for fixation. Hydrogen not only provides the energy for the Haber process; it also determines its cost.[1]

A substantial reduction in fixed nitrogen prices would have extraordinary worldwide agricultural consequences. Current limitations are not imposed by technologies, but are dependent upon investigations that could lead to potential sources of less expensive hydrogen.[1]

It is thus apparent and obvious that an abundance of low cost hydrogen which laser fusion can provide may assure the world of an inexhaustive supply of fertilizer.

APPLICATION NO. 5—NATIONAL DEFENSE APPLICATION

While the Department of Defense is relatively a small user of the total national energy pie—varying somewhat between 2.5 to 8%—it is obviously a vital element for national security as without fuel any military machine comes to a quick grinding halt. The availability of hydrogen as mentioned previously may assure a stable and totally independent synthetic fuel industry upon which the military may depend for its navy petroleum fuels, its air vehicle aviation gasoline and jet fuels, its ground vehicle diesel or common gasoline and its installations heating and power fuels.

Another facet of great concern to the military is the logistics or "life line" problem of providing fuels to remote bases and fleets at sea. The laser fusion process which could provide hydrogen from water would assure any remote base of the capability of producing on site synthetic fuels. This would depend on carbon being available, but carbon is distributed in vast quantities throughout the world both in coal and limestone.

[1] Data from Scientific American.

An additional feature that seems to be of particular interest to the Navy is the concept that floating hydrogen processing plants within tanker sized vessels or aircraft carriers can be envisioned, which systems would make hydrogen from seawater and provide this gaseous fuel to accompanying naval combatant ships, many of which use gas turbines for propulsion and which are capable of using gaseous hydrogen as a fuel. It is an intriguing concept because it promises the Navy a capability to make a fuel from the water upon which they float.

The KMSF program has also evolved a concept for a closed loop nuclear fusion power system to produce shaft horsepower which might provide in essence unlimited range for naval ships, possibly very large aircraft, and be useful as transportable power stations for the military forces.

APPLICATION NO. 6—OVERALL COMPATIBILITY

While the KMSF project has as its major goal the production of hydrogen for methane conversion, it should be realized that a successful laser fusion process could subsequently be adapted to provide electricity by any of several downstream cycles. It is anticipated, however, that the heavy emphasis being placed by the Government on research in the utilization of Solar energy will come to fruition in the near term future.

All energy technologists are aware of the limitless solar energy that shines on the earth endlessly and hopes that technology will soon find answers to the critical questions of efficient conversion, cost of conversion energy and storage, and transmission which have prevented widespread acceptance of solar energy in most areas of the U.S. and the world.

Solar energy and its cost effective conversion to electricity will assure independence from fossil fuels as prime energy sources for electric generating plants. It does not provide any capability, however, for use as liquid or gaseous fuels upon which most civilized societies depend for transportation vehicles.

Thus we see in solar and laser fusion programs a complementary and gratifying energy mix that can satisfy virtually all requirements: the former as an inexhaustible and environmentally clean source of electricity; and the latter as another inexhaustible and equally clean source of the liquid and gaseous fuels for transportation, heating and combustion systems.

The above conclusions do not imply that the U.S. can today shrug off conservation, or deplete too hastily and unwisely our remaining natural fossil resources. No system or systems, be they solar or laser fusion, can be introduced into the public marketplace at an unreasonably accelerated pace, despite any emergency or need. Therefore, we would be well advised to recognize the realities of life in our expectations, while simultaneously accepting the technological and administrative challenges of program implementation decisively, boldly and promptly.

CONGRESSIONAL SALARY INCREASES

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. ASHLEY. Mr. Speaker, I am pleased to be offering legislation along with a number of my colleagues that will unravel the tangled web of procedure that has grown up around the question of congressional salary increases. I speak of H.R. 4504, which will reduce the role of the Quadrennial Presidential Commission to an advisory one only, and will eliminate the automatic aspect of congressional cost-of-living increases. The net effect of this bill will be to place the onus for congressional salary increases precisely where it belongs—with the Members.

Many of you will recall that this mirrors my express views at the time Congress was considering the propriety of the recent pay increases. With the submission of this bill, I underscore the disapproval I then expressed over method in my testimony before the Subcommittee on Presidential Pay Recommendations. Moreover, it begins to make good on my pledge at the time of consideration of the resolution on financial ethics that I would assume a leadership role in attempting to restore accountability to the matter of Federal salaries. The American people demand accountability and responsibility on this issue. The flood of mail we have all received in the past several weeks gives eloquent testimony to that fact. Some of this correspondence, it is true, has protested the raise per se. Much of it, however, has articulated the public's outrage over the indirect, devious method in which the raise became law. Congress has been perceived, and correctly so I believe, as ducking its responsibility on this issue.

To retain such an indirect method, however, offends more than public conscience. In my view it is also violative of at least the spirit of article 1, section 6 of the U.S. Constitution, which mandates that—

> Senators and Representatives shall receive a compensation for their services to be ascertained by law . . .

I submit that the phrase "by law" was not an invitation to congressional inventiveness nor imagination in devising a method for increase. Rather it contemplated forthright congressional action. Congress and Congressmen are not honored nor are their reputations enhanced when they succeed with such a subterfuge; clearly the American people have not been deluded.

Moreover, we now have proof that the indirectness and deviousness of the current method precludes a meaningful dialog as to the justifiability of the raises themselves. In the recent controversy, for example, the talent drain being experienced by the Federal judiciary was a problem that begged for reasoned attention and cure, yet it was obscured by the transcendent furor over methodology. As a matter of fact, that Congress had not had a pay raise in eight years—a period of escalating prices—was a matter worthy of measured debate and thoughtful, recorded votes. It is at least possible that a majority of Americans would have favored a modest salary increase, had the issues been discussed against a background of accountability.

This bill will insure such accountability and it will insure a reasoned presentation of the issues in any future salary debate. Due consideration will be given the opinions of the Quadrennial Commission, but their findings will not have the force of law through congressional inaction. Direct congressional action will be required for a pay raise, or

for periodic cost-of-living increases. The public's right to know will be honored.

The passage of the resolution on financial ethics was a significant first step in the arduous process of restoring public confidence in Congress. I urge passage of this bill as a meaningful second step.

REPRESENTATIVE GEPHARDT DISCUSSES SCHOOL LUNCH PROGRAM

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. SIMON. Mr. Speaker, many of us in the House have been most impressed by our new colleague from Missouri, Congessman RICHARD GEPHARDT.

The other dav I was attending a meeting of our Subcommittee on Elementary and Secondary Education chaired by Congressman CARL PERKINS when Mr. GEPHARDT came and presented his testimony.

It was the kind of solid, constructive discussion of issues that we have learned to expect from him in the few weeks that he has been a Member of this body.

I think many of my colleagues who were not present to hear his contribution would be interested in his testimony.

TESTIMONY BY RICHARD A. GEPHARDT

Mr. Chairman. I appreciate this opportunity to come before the Committee to discuss commodity distribution under the School Lunch Program.

In the two months since I entered the Congress, school officials in my district, which includes parts of St. Louis and St. Louis County, have told me some alarming stories about their experience with commodity distribution. I am concerned that if the present situation is allowed to continue, it will cripple a program which has been so valuable in making sure the children of our country get the nutrition they need for their health and education.

I would like to relate for you some of these stories because they reveal problems that ought to be addressed by the Congress as we debate legislation to extend the National School Lunch Act.

Most widespread are reports of massive inventories of some products which it seems could never be exhausted without spoilage or waste. For example, the Rockwood School District in St. Louis County, which serves about 4,500 lunches a day, has a 2½ year supply of peanut butter and a 2 year supply of orange juice. Another district in the County has on hand 153 cases of cranberries, a notoriously unpopular item which can be served in very few ways. A third district reports an inventory of over 6,200 pounds of margarine, which may not seem unreasonable considering the wide variety of uses for the item. But the same district also has on hand almost 1,300 pounds of butter and another 1,700 pounds of peanut shortening. The result has been that since peanut shortening has an undesirable flavor for use in cooking and baking, it is often melted and poured down the drain.

In addition, some school districts have reported massive quantities of ground beef, forcing them to serve it three, four and even five times a week. The Special School District in the St. Louis area, for example, reported one weekly menu as follows:

Monday—Barbecued beef on bun.
Tuesday—Cheeseburgers.
Wednesday—Spaghetti with meat sauce.
Thursday—Meatloaf.
Friday—Chili.

One of the smaller districts in St. Louis County has on hand 12,155 pounds of ground beef. According to the State's allocation rates, that is twice the amount appropriate for the district, and more shipments are due this month.

Other reports demonstrate that commodities are often unsuitable for many schools. There is little use for some commodities, like peanut granules which have been distributed in large quantities this year. Schools can use them for little more than topping on some baked goods; and one school superintendent said that they usually end up as ammunition in pea-shooters.

Other schools have received oil but have no facilities for deep-frying. Rather than waste the product, they rig up some system for cooking in the sink.

Furthermore, the packaging of commodities is often inappropriate. Packages are either too large, like a 70-pound block of butter, half of which becomes spoiled before the whole block has softened enough to be used; or some are too small, like the 12-pound turkeys that were distributed last year requiring much time and expense on processing before they could be served in the large quantities required in a school cafeteria.

Committee members are familiar with the General Accounting Office report issued in January which found the stories I have heard in St. Louis to be typical of the experience with school lunch programs throughout the country. The large inventories, the lack of variety and the unsuitability of commodities raise costs for the district and encourage waste by school kitchen staffs and children alike. Storage of large inventories alone can raise costs for a single school district by as much as $150 a month, particularly if commercial freezers have to be used. One school system in my district is finding it necessary to build additional freezers and warehouses because commercial storage facilities are too far away to provide convenient storage and timely deliveries.

In contrast to the operation of the School Lunch Program in my home state of Missouri and elsewhere is the experience in Kansas, where cash in lieu of commodity assistance for school lunches has proved to be advantageous. You are familiar with the findings of the GAO study there, where most school officials reported they could buy more food with cash than they received under the commodity program. They have been able to serve a wider variety of food, making the menus more desirable and cutting down on plate waste. Furthermore, the purchases have been better suited to their needs and facilities, thereby lowering storage and processing costs.

Officials of the Kansas City, Kansas school district reported a total annual savings of over $26,000 since cash assistance replaced commodity donations for school lunches. A suburban district, Shawnee Mission, has saved $42,000 per year in freight, storage and delivery costs since the cash program was implemented.

The Subcommittee may be familiar with a study underway at Kansas State University comparing the cash system in Kansas with the commodity system in Oklahoma. Preliminary findings show administrative costs for the Kansas school lunch program are one-quarter those for Oklahoma.

In my view, the findings of the Kansas State and the GAO studies, as well as the many problems which have come to light about commodity assistance, warrant more careful and constructive action than a simple five-year extension of the School Lunch Program as it presently operates. Cash in lieu of commodity assistance deserves more complete analysis to determine whether it would impair the quality of nutrition provided children under the program, whether it fosters economy and efficiency in the program in all school districts or only those in urban areas, and whether it would damage our agricultural programs which are designed to assure just and adequate incomes for farmers through price supports and surplus removal.

It would also be beneficial to test the feasibility of some combination of cash and commodities, perhaps giving school districts the option of accepting the type of assistance they prefer, or providing cash in lieu of commodities to schools in urban areas while continuing food assistance in rural areas where food purchasing costs tend to be higher.

Finally, some of the administrative recommendations of the Comptroller General should be implemented and evaluated to determine if any statutory changes are needed at all or if the problems I have described this morning can be solved without Congressional action.

I therefore urge the Committee to extend the School Lunch Program for only a short period—say one or two years—during which time a number of pilot projects can be carried out to answer these questions.

The National School Lunch Program has made an outstanding contribution in promoting adequate nutrition for the children of this country. To continue the benefits of the program, it is important that we in the Congress make sure it is operated in a manner that will maximize those benefits while minimizing the costs. The evidence shows that the present administration of commodity assistance for school lunches, in many respects, incurs unnecessary costs for both the government and school districts while lowering nutritional benefits by fostering plate waste. The types of controlled experiments I have suggested can help us find the changes most appropriate for realizing the full potential of the School Lunch Program.

TERRORISM: CHRISTIAN SCIENCE MONITOR OVERVIEW

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. McDONALD. Mr. Speaker, Christian Science Monitor staff correspondent David Anable has writen two carefully documented and much needed articles outlining the problem of international terrorism.

Mr. Anable makes the point that the international terrorist organizations are able to operate because they are supported by the resources of foreign governments. These resources include training in sabotage, political indoctrination, organization, supplies of modern automatic weapons, money, and false identity papers and passports. In every case, the international terrorist groups and many local ones have been aided either by the Soviet Union directly, or through its satellites and allies which serve as "cut-outs" or surrogates such as East Germany, Cuba, Czechoslovakia, Bulgaria, Algeria, Libya, Yemen, Iraq, and North Korea.

I take exception to his definitions of terrorism, however, as being confused. Communist literature, as well as pronouncements by certain Western "experts" on terrorism, argues that terrorism cannot be condemned because "one man's

terrorist is another's freedom fighter for national liberation." To replace this morally bankrupt "pop wisdom" I have offered the following definition of terrorism:

Terrorism: A violent attack on a non-combatant segment of the community, for the purpose of intimidation to achieve a political or military objective.

Terrorism is not guerrilla warfare. When ZANU forces attack a Rhodesian army unit that is not terrorism. But when ZANU slaughters innocent villagers and missionaries to demoralize the population that is terrorism. When the PLO attacks an Israeli Army unit that is not terrorism. But when they place land mines in the roads and destroy civilian buses or throw little children out the windows of captured buildings or machinegun tourists in an airport, that is terrorism. In World War II both the Nazi and Communist armies took civilian hostages and in some cases murdered them to intimidate the rest of the population. This was terrorism. Anti-Nazi partisan irregulars who targeted only Nazi army targets were not commiting terrorism.

Civilized nations have the duty to protect noncombatants from the horrors of war. And even when legitimate military attacks result in civilian deaths inadvertently, the attacker has the responsibility to minimize the effects on civilians.

International terrorism, properly, refers to terrorist actions carried out across the national boundaries of the terrorists' home country. International terrorism includes PLO members crossing from East Germany into West Berlin armed with hand grenades—they were arrested by the West Germans—hijackings of airplanes from one country to another, and so forth. Transnational terrorism involves attacks by a group in one country on behalf of an allied terrorist group in another country. Transnational terrorism has included attacks on Jews in Great Britain by the IRA on behalf of the Palestine Liberation Organization; bombings by the Weather Underground in support of the Puerto Rican revolutionary movement; and similar "solidarity" terrorism.

I commend the articles to the attention of my colleagues:

TERRORISM

(By David Anable)

Dec. 20, 1973. In the chilly predawn, agents of the DST, France's security service, burst into a villa in a suburb of Paris and arrested 10 members of the Turkish Peoples Liberation Army (TPLA). Among weapons found: American M-26 grenades.

Sept. 13, 1974. Three Japanese terrorists stormed into the French Embassy in The Hague, seized 11 hostages, and demanded that France release a Japanese Red Army (JRA) courier arrested at Paris's Orly Airport two months earlier. Four tense days later all four JRA members are flown to Damascus, Syria. They leave behind: M-26 grenades.

Sept. 15, 1974. An explosion tears through a crowd in "Le Drugstore," a Jewish-owned complex of shops on the Left Bank in Paris. Two people are killed, more than 30 injured. The weapon: an M-26 grenade.

June 17, 1975. Three DST officers with a Lebanese informer enter a Paris apartment on the Rue Toullier to arrest Venezuelan-born Ilich Ramfrez Sánchez, better known today by his pseudonym, Carlos Martínez. But Carlos shoots his way out, killing the informer, two DST agents, and gravely wounding the third. Left behind by Carlos in Paris and London: M-26 grenades.

The trail of the M-26 grenades is only one of many indicators of a growing international web of terrorist cooperation. Western intelligence experts see it not so much as an all-embracing conspiracy with a single sinister figure or nation lurking at its center. Rather, they view it as a series of interconnecting supply lines of funds, documents, and weapons that feed a great variety of terrorist or "liberation" causes. Perhaps most significant of all is a noticeable trend toward joint operations.

Such linkages provide an infusion of vital supplies, a boost for terrorist morale, and a greater ability to evade or penetrate purely national defenses. They are an ominously spreading part of what is becoming known as "transnational terrorism." In the words of a research study on terrorism drawn up last year by the United States Central Intelligence Agency (CIA):

"The trend toward greater international contact and cooperation among terrorist groups that has already markedly enhanced the operational capabilities of some of the organizations involved seems likely to gain further momentum."

LOD AIRPORT RAID

An early example of such cooperation was the 1972 attack by three members of the Japanese Red Army on Israel's Lod Airport in which 26 people were killed. The Japanese fanatics had been trained at a camp in Lebanon run by one of the extreme groups that reject compromise with Israel—the Popular Front for the Liberation of Palestine (PFLP). They got Czechoslovak weapons in Rome, picked up false papers in Frankfurt, West Germany, and descended on Israel in a French plane in the guise of innocent Japanese tourists.

Since then, the inter-group links have become more pervasive. And, under the guidance of Carlos and his immediate boss, Waddieh Haddad, the PFLP has been the most skillful in forging and using these ties.

It was Carlos, for instance, who got hold of a batch of those M-26 grenades stolen by members of the Baader-Meinhof gang from a U.S. Army base in West Germany. He appears to have doled them out as occasion demanded to Turkish, Palestinian, and Japanese terrorists. At the same time, he was carefully assembling his own international network which continues to operate long after his narrow and violent escape from the Rue Toullier.

It was this Carlos-Haddad network that under Carlos's personal command kidnapped astounded oil ministers from the Vienna meeting of OPEC (Organization of Petroleum Exporting Countries) in December, 1975. The same network carried out the hijack of the Air France jetliner to Entebble, Uganda, last year. Then, last August in retaliation for the Israeli rescue of the Entebbe hostages, members of the same group blew up a transit lounge in the Istambul airport, killing four people who were waiting for an El Al plane (including an aide to Sen. Jacob Javits (R) of New York).

Waddieh Haddad now is thought to be based in Baghdad, Iraq—reportedly seeking safety from a "contract" put out for his life by a more moderate guerrilla group. Carlos, together with his faithful retainer. Hans Joachim Klein, visited Haddad last fall. Carlos and Klein, a West German anarchist who was almost fatally wounded in the OPEC raid, traveled from Libya via Algiers and Belgrade to Baghdad. Both were back "at home" in Libya by a year's end.

Such travels make Western security men edgy. The have to be constantly braced for new spectaculars. Nor do they lightly dismiss Carlos's boast that he controls some 40 seasoned professionals. "Violence," Carlos has said, "is the only language the Western democracies understand."

But the PFLP is far from being the only example of the terrorists' international skein. The linkages vary from innumerable shadowy gatherings of terrorist, leftist, rightist, and nationalist clans to a system of essential supplies that the CIA study describes as a "European-based terrorist 'service industry.'"

One Europe-wide meeting in 1974, for instance, brought together in Trieste a score of separatist and terrorist emissaries, a motley crew of militant Basques and Irish, Croats and Bretons, Welsh and Catalans, and many others.

On the other side of the Atlantic a gathering in Buenos Aires the same year saw four Latin-American underground groups from Chile, Bolivia, Uruguay, and Argentina set up a "junta for revolutionary coordination." A follow-up meeting in Lisbon a year later cemented the pact and brought in Paraguayans, Dominicans, Colombians, and Venezuelans.

Meanwhile, money has flowed between revolutionaries and terrorists in extaordinary volume. Argentina's groups, for instance, have collected well over $200 million over the past three years, mainly from ransoms for kidnapped local and foreign businessmen. Some of the cash has spilled from the overflowing coffers into other revolutionary groups. More than $2 million has been traced to Europe, spent by leftists who fled Chile after the fall of Salvador Allende Grossens in 1973.

LIBYA, IRAQ BACKING

The extreme Palestinian groups, including Carlos and the PFLP, have liberal backing from Libya and Iraq.

The factions of the Irish Republican Army have different arrangements. The Marxist "official" IRA reaches out to Eastern Europe. The supernationalist "provisionals" supplement their local sources of funds (bank robberies, rackets, and extortion) with dollar-raising in, and arms smuggling from, the U.S. And, on the other extreme, Northern Ireland's Protestant "loyalists" seek support and weaponry from Canada.

Training, too, has become international in scope. During the 1970s the Palestinians camps in the Mideast have seen as disparate a bunch of trainees as can be imagined. Black Panthers and Weathermen from the U.S. once struggled over the assault courses. So have West Germans, Irishmen, Latin Americans, Scandinavians, Italians, Turks, Iranians, Eritreans, and many others.

When Lebanese Christians finally smashed their way into the Palestinians' Tel Zatar camp last July, among those surrendering was a member of the Japanese Red Army.

It is a moot point as to how many of these trainees have ended up as guerrilla fighters or terrorists. Certainly many have—from the three Japanese who seized the French Embassy in The Hague in 1974, to the two members of the Dutch "Red Help" group arrested last year while reconnoitering Tel Aviv and Bombay for a planned hijack of an Air France flight from Bombay to Israel to Paris.

TRAINING IN SOUTH YEMEN

These Japanese and Dutchmen were trained in the PFLP's camp in South Yemen. And it is the PFLP that the Iranian Government accuses of providing Iranian revolutionaries with training and arms.

The IRA provisionals, although one of the most active groups in the world (more than 5,000 bombings and 25,000 shooting incidents since 1969), have not set up a network like the PFLP's. But the "provos" have forged loose links with other groups, notably the Basque separatist "ETA." They are said to exchange tips with ETA members on obtaining and using weapons and explosives. In 1975 Belgian police cracked an arms-smuggling ring that had supplied guns and

bomb materials to both the IRA and ETA as well as to the Palestinians.

One of the dangers of a spreading supply network is that dissident nationalists or terrorists could more easily be able to obtain sophisticated equipment. Rocket-launchers, for example, have been used on a number of occasions by the PFLP in attacks on airliners at Orly Airport (using American rockets stolen from U.S. bases in West Germany) and by the IRA against British military outposts (using Soviet equipment, probably a gift from Libya's Col. Muammar al-Qaddafi).

Still more ominous has been the appearance of the Soviet-built heat-seeking missile, the SA-7 or "Strela." This portable weapon is capable of hitting aircraft at ranges of up to several miles. In its first attempted use PFLP members were arrested in possession of Strelas near the Rome airport in 1973.

In January last year another Strela attempt was planned, this time on an El Al airliner coming in to land at Nairobi, Kenya. Three PFLP terrorists (two of them had been involved in one of the Orly Airport rocket attacks a year earlier) were arrested at the Nairobi airport perimeter fence just as they prepared to fire the missiles.

Although the potential clearly exists for such weapons (and even more devastating ones) to circulate on a terrorist supply network, in both these cases they are thought to have come from Arab governments—probably via Libya and, in the Nairobi incident and thereafter, via Uganda's President Idi Amin.

But when it comes to phony documents there is amply evidence of a central supply system. Often during the '70s examination of captured terrorists' papers, such as passports, visas, and driving licenses, has indicated a single source. The Israelis refer to what they call a "sophisticated workshop" which they charge is run by the PFLP.

Palestinians, West Germans, Japanese, and even Carlos all have traveled on these papers. The Japanese-Palestinian quartet that attacked a Shell Oil refinery in Singapore in 1974 carried a selection. So did the Japanese pair who were caught photographing embassy buildings in Stockholm shortly before six West German terrorists attacked their country's embassy there in 1975 and unsuccessfully demanded the release of Andreas Baader, Ulrike Meinhof, and 21 other West German anarchists.

Most recently, when the Baader-Meinhof gang's weapons specialist, Rolf Pohle, was arrested in Athens last July, he was using papers from the same nest of forgers. To complete the circle, it was probably Pohle who first organized the Baader-Meinhof raids on U.S. Army bases in West Germany that netted the much-spread-around consignment of M-26 grenades.

And it was the Greeks who were among the most edgy when Carlos suddenly turned up in neighboring Yugoslavia en route to Baghdad last September. They were anxious lest Carlos try to spring Pohle from his Greek cell. However, Carlos moved on; and Pohle was extradited back to jail in West Germany . . . 20 months after he and four companions had been released to South Yeman in exchange for kidnapped West Berlin politician Peter Lorenz.

TERRORISM PLAYED DOWN

Western officials tend to play down the extent of the terrorist network. "There is no central conspiracy, no central body of terrorists operating worldwide," says one American official. "Rather there is a loose-fitting collection of groups, coalescing, splintering, reforming in certain areas and at certain times."

Clearly, too, the terrorists themselves are keen to emphasize their links with each other so as to add propaganda impact to their violence. Hence it is necessary to avoid any exaggeration of their capabilities. Says one leading antiterrorist expert, Hans Josef Horchem, chief of the Office for the Protection of the Constitution in Hamburg:

"Terrorism is overestimated in its threat to society, to democracy. . . . More people are killed by dog bite in the world than by terrorism."

Such experts go on to point out that the number of terrorist incidents has declined over the past couple of years, perhaps partly because of the Palestinians' preoccupation with the Lebanese civil war. Also, they add, while most of these groups in the long run have little in common and frequently are split by raging internal feuds, the cooperation among Western security services has increased.

But it is equally clear that contacts, cooperation, and joint operations among terrorist groups are becoming more common, providing them with new opportunities to exploit the weaknesses of free societies. Meanwhile, say Western officials, reports are continuously coming in of new terrorist operations being planned. In the words of the CIA study:

"All told, transnational terrorism promises to pose a continuing and potentially gravely unsettling problem for the world community until such time—possibly years hence—that the international system gets into new and generally accepted contours."

IS CUBA REALLY OPEN?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. DERWINSKI. Mr. Speaker, Alex Seith, the noted observer of the international scene, comments on the recent developments involving our relations with Cuba. It is my understanding that the United States is now entering formal negotiations with the Government of Cuba, and Mr. Seith's editorial of March 20, appearing in Star Tribune Publications of Cook County, Ill., sheds some light on the politics involved in the negotiations:

IS CUBA REALLY OPEN?

(By Alex R. Seith)

So now you can go to Cuba? So what? When President Carter announced that he would abolish the 16-year prohibition on travel to our Communist neighbor in the Caribbean, there was no loud rejoicing. There wasn't much complaining either. In fact, hardly anyone, whether politician, press or public, seems much concerned.

Yet there is more to the President's proclamation than has immediately caught the public's attention. The next day I decided to try booking reservations to Cuba. A quick analysis made me realize that no U.S.-based airline would be of any help. Pan Am, TWA, Eastern and other airlines which once had daily service to Havana, have not flown that route for 16 years.

But what about the Canadians? Air Canada must have regular flights to Havana because our anti-Communist neighbor to the north never chose to follow our lead in breaking diplomatic relations with Fidel Castro's regime. So I called the Air Canada office in Chicago.

"Do you have space on your flight on April 9 from Toronto to Havana," I asked routinely. Recognizing my obvious American accent, the booking agent immediately asked,

"Are you an American?"

"Yes."

"Then you can't go to Cuba," she declared.

"But," I answered, "the President just abolished the ban."

Coolly, the agent responded, "I'll check with my supervisor." Within moments she returned to the line in an excited tone. Her cool was gone. After years of telling callers that Americans could not go to Cuba, the thought of flying to Havana was exhilarating. She, too, was American.

When the excitement subsided, we reviewed the practicalities of booking room space and finding a way to travel around the island. It seems that Cuba's Communists have learned well from their Communist mentors in Moscow. All travel in Cuba is tightly controlled by Cubatur, a government agency modeled after the Soviet Intourist. Without clearance from Intourist, a Westerner cannot even get a plane reservation to the Soviet Union. Since Cubatur does not control Air Canada, you can get the reservation, but you can't go anywhere in Cuba without Cubatur's approval.

Confronted with the Cubatur obstacle, the still-excited booking agent offered to be especially helpful. She would call Toronto and Montreal to seek a way to arrange rooms and travel within Cuba. An hour later she called back with bad news. Individual travel to Cuba is not welcomed by Cubatur. You might land at Havana airport and be told there is no room space. Or be given the shabbiest room at the highest prices with the phony excuse that nothing else is available.

A group trip is possible, the agent explained, but there are conditions imposed by Cubatur. You must stay at a hotel of its choice. You must pay in advance for all three meals each day at its chosen hotel. But, I protested to the agent, my purpose is to see all of Cuba, not to be stuck in a single hotel. It is impossible to go far in the few hours between one meal and the next.

With this set of obstacles already diminishing the prospects of an early visit to Cuba, a quick call to Washington revealed still more obstacles. Since Cuba has no embassy in the U.S., its affairs in Washington are handled by the embassy of Czechoslovakia. Visas to Cuba are no simple matter, the embassy explained. A prospective visitor should send a request by mail and expect a wait of three to four months.

A three-four month delay seemed unnecessary. Communist Czechoslovakia issues its own visas within one or two weeks. The vague answer: Cuban visas require "additional processing." Translated, this probably means that visa requests are either sent to, or cleared with, some agency in Havana.

Since a three-month delay would wreck my chances for a trip to Havana in early April, I asked if there were not some expedited procedure. The reply: Send us a letter.

This futile go-around brought me back to the question first asked by the Air Canada agent, "Are you American?" I'm always proud to say "yes." But for 16 years a "yes" answer meant a closed door to Cuba; a door that was closed by our own government. Jimmy Carter, having criticized Communists in Russia and Czechoslovakia for denying their citizens the right to travel, saw the inconsistency of prohibiting Americans from traveling to Cuba.

By lifting the ban, the President also lifted a veil. Behind the mystery of Cuba's 16-year inaccessability is a Communist country made in Moscow's mold.

THE CARRYOVER BASIS PROVISIONS OF THE TAX REFORM ACT OF 1976

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. CONABLE. Mr. Speaker, during the past 10 days I have placed various materials in the RECORD intended to bring to the attention of the Members some of the problems associated with the carryover basis provisions of the Tax Reform Act of 1976. In this connection, on March 17 an item appeared in the Tax Coordinator Weekly Alert, published by the Research Institute of America, Inc., which is worthy of careful consideration. The item follows:

ESTATE CARRYOVER BASIS RAISES MORE PROBLEMS

The '76 Tax Reform Act with its requirements for carryover of a decedent's basis raises new will and estate tax problems. The reason is that a new factor, income taxes, has been added to what was formerly solely an estate tax problem. Prior to '77, since all property left by a decedent had a basis equal to its value at death, there was rarely an income tax problem since there would generally be no gain or loss realized by disposing of any property. But now because of the basis carryover, the income tax can be an important factor. While the "fresh start" (Dec. 31, '76) value will cushion the effect somewhat, it will be less and less a factor as time goes on because the formula method for determining the Dec. 31, '76 value of property other than marketable securities will generally reduce the Dec. 31, '76 value as time goes on (unless the date of death value keeps increasing). And property acquired after '76 will be unaffected by the "fresh start" rule.

The basis carryover raises these problems:

An executor who disposes of property in order to pay estate taxes, expenses, bequests, etc., must take into consideration the possible income tax on the property sold. If he sells high basis property and the estate has no gain, he may then be giving low basis property to some beneficiary. This means the estate saved taxes at the expense of a beneficiary. If the will doesn't give him the right to use his judgment, regardless of the effect on any beneficiary, etc., he may have to go to court for approval of his proposed action or face possible trouble from the heir. If the decedent doesn't want to give the executor a "blank check," he may have to specify what property is to be sold (high basis, low basis, etc.).

A similar problem can arise in making distributions to beneficiaries. While property given to each beneficiary is equal in value it may not be equal in basis. The will again may have to anticipte this problem.

As a general rule under the new law it is advisable to give a spouse high basis property if the marital deduction will be allowed. The reason is that the carryover basis of *appreciated* property can be increased by the estate taxes paid on the appreciation in value. But since marital deduction property pays no estate tax, there is no estate tax to add to the basis. Giving low basis property wastes the estate tax.

Illustration

Take an obviously extreme case. A decedent owns two pieces of property each worth $500,000. One has a basis of zero, the other $500,000. If the low basis property is given to his wife, the basis in her hands is zero since there was no estate tax paid on the property because of the marital deduction. The high basis property keeps the $500,000 basis because no estate tax was paid on any appreciation.

If the property transfers had been reversed, the wife would have a $500,000 basis and the estate would have a zero basis plus the estate tax paid on the appreciation in value (assume $150,000) of $150,000. Thus the "family" would then have a total basis of $650,000 instead of $500,000.

No more "outs" for tax shelters?

One difficulty with many tax shelters has been that after a period of time they become tax liabilities. Deductions far in excess of the capital invested have been claimed and there are no further tax benefits. But the excess deductions are represented by partnership debts which if wiped out, forgiven, etc., actually or by a transfer of the partnership interest, can result in capital gain or ordinary income.

Up to now, the death of the investor wiped out the overhanging tax liabilities and, in effect, kept the excess deductions from ever being put back in income. But the new carryover basis rules seem to prevent such avoidance. The investor may thus be passing on a substantial tax headache to his heirs.

FEDERAL POLICIES INCREASE HEALTH PROBLEMS

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. DANIELSON. Mr. Speaker, I recently received a letter from a doctor in my district which is one of those that "hits you right between the eyes." I would like to share that letter with my colleagues.

Dr. Weldon J. Walker complains of Federal Government policies that are in direct contradiction to proven health problems created by the use of tobacco and the consumption of saturated fat and cholesterol in the American diet. Dr. Walker's letter follows:

Hon. GEORGE E. DANIELSON,
House of Representatives,
Washington, D.C.

Hon. GEORGE E. DANIELSON: You probably share my concern with both the spiraling costs of health care in our nation and for the moral tone, integrity and efficient operation of our government. These are complex issues. While I do not claim a comprehensive understanding or solution to either, I would like to point out one major area that contributes significantly to both problems.

Illness and death resulting from tobacco use are major contributors to medical costs in the United States. In January 1964, the Surgeon General of the Public Health Service warned Americans of the health hazards of tobacco consumption, particularly of cigarette smoking. Yet each year, despite this health warning, Congress has voted and the President has approved increased levels of price support for tobacco. Also, early in 1964, the American Heart Association advised limiting the consumption of saturated fat and cholesterol in the American diet, with the specific goal of reducing the number of heart attacks and strokes. However, both the Food and Drug Administration and the Department of Agriculture have tended to impede implementation of this recommended change in diet.

The public has been far ahead of the government in its perception of the issue and its response to these recommendations. United States Government Statistics show that in the twelve years from 1963 to 1975, there was more than a twenty percent decline in per capita consumption of tobacco, animal fat and cholesterol,[1] and an equal age-specific decline in coronary and cerebrovascular mortality[2] (the first and third leading causes of death in the United States.) For the first time, a decline in coronary mortality has been recorded!

By using a fraction of the money now spent for tobacco-related medical care we could better inform the public of its dangers with further saving of lives and dollars. No more taxes should be spent to support tobacco. In a world threatened with recurrent food shortages, much of the land made available could be devoted to food production. Imaginative national leadership should allow barter of this food for resources we lack, with mutual benefit to all.

How can one speak of responsible moral leadership in Washington, when each year our government spends our tax dollars to support a special interest that is a major contributor to death, disease and spiraling health care costs in the United States? Such action is undercutting the most productive preventive medical effort of this generation. Since about 60 percent of all coronary deaths occur before individuals reach any medical facility, prevention is of paramount importance. It is counterproductive for Congress to support tobacco production while voting increasing sums for medical care.

Sincerely yours,

WELDON J. WALKER, M.D.,
Clinical Professor of Medicine, University of Southern California and Loma Linda University Schools of Medicine.

REFERENCES

[1] Agricultural Statistics 1976. U.S. Department of Agriculture, U.S. Government Printing Office, Washington, D.C. 1976

[2] U.S. Vital Statistics, Department of Health, Education, and Welfare. Current unpublished mortality figures obtained personally by corresponding with National Center for Health Statistics, Rockville, Md.

MERIT SELECTION OF U.S. ATTORNEYS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. DRINAN. Mr. Speaker, today I am introducing a bill which would provide for the selection of U.S. attorneys on the basis of merit. At the present time, such officials are "political" appointments: candidates are chosen by the President with the advice and consent of the Senate. This proposal would remove the Presdent and the Senate entirely from the selection process and assign the appointment authority to the Attorney General. In short the bill would place the selection of U.S. attorneys on the same footing as selection of all other attorneys in the Department of Justice.

The reason for changing the selection process is the same reason the Congress and the President have, since the first civil service act, transferred other po-

litical appointments into the merit system. It has been found that hiring on the basis of objective qualifications, in the long run, produces a more sound, fair, and efficient civil service. The "spoils system," once considered an essential prerogative of elected officials, is now considered deleterious to good government.

The existing appointment system is attended by many of the difficulties associated with other offices of a political nature.

For many U.S. Attorneys, the position has been a short-term, often honorary appointment he holds prior to being appointed a federal judge, seeking other political office or pursuing a prosperous legal practice. Cohen, 5 National Journal Reports 1785 (1973).

In addition, because the U.S. attorney is a Presidential appointment, the office carries with it a certain independence which produces a very uneasy and uncertain relationship with other Department of Justice officials, including the Attorney General. As a consequence the development and enforcement of uniform policies are frequently inhibited. One writer has referred to the process as a "haphazard system of determining Federal litigation strategies and priorities." The same at 1794.

The result, of course, is a very uneven system of law enforcement. The emphasis placed on the enforcement of certain statutes—both civil and criminal—by one U.S. attorney may be at the bottom of the list of the U.S. attorney in the adjoining district, which may be in the same State.

Furthermore some U.S. attorneys, because of their political base, may be very reluctant to initiate or litigate law suits of a "sensitive" nature. For example, until relatively recently, nearly all civil rights actions were instituted and tried by the Civil Rights Division in Washington. Apart from the psychic stress it placed on employees and their families, this system required a large travel budget for that division. In some districts, a similar reluctance obtained in other areas of Justice Department responsibility.

Since the creation of the office of U.S. attorney in the Judiciary Act of 1789—the officeholders were then called U.S. district attorneys—Congress has, through the years, brought that position closer and closer into the fold of the Justice Department. It is now time to complete that process by fully integrating it into the Department. This bill would accomplish that goal.

Before concluding, I should note one other feature of this proposal. Under 28 U.S.C. 546, vacancies in the office of U.S. attorney may be filled by the Federal judges in that judicial district. In my judgment that appointment process, even though of a temporary nature, raises serious constitutional issues and conflict of interest. The duty of the U.S. attorney, like that of the President, is to "take care that the laws be faithfully executed." If the judges are to decide impartially whether the U.S. attorney has proved a case, they cannot perform that function untainted if they have selected the attorney. Of course, the converse is true also.

It may be that when communications between Washington and the various districts around the country were difficult, the need for continuity in the office of U.S. attorney was so paramount that the court-appointment system was the only alternative of filling the vacancy. It may be too that the delay which sometimes occasions the appointment of a political officer by the President, with the advice and consent of the Senate, provided a second rationale for that mechanism.

Neither of those justifications is applicable today. Telecommunications have so advanced that the resignation, incapacitation, or death of a U.S. attorney is instantly known in Washington. Second, every district has at least one assistant U.S. attorney who is available to serve as the acting U.S. attorney. Third, this bill would remove the President and the Senate from the appointment process, thus allowing the Attorney General to speed the filling of vacancies. Consequently, it repeals the provision in current law giving the district judges the authority to fill a vacancy in the office of U.S. attorney.

I should note that President Carter and Attorney General Bell have expressed their interest in making U.S. attorney appointments on a merit basis. They too appear to agree that the present system is not adequate. I would hope therefore that they would place their strong support behind this bill and urge the Congress to enact it swiftly.

The text of the bill follows:

H.R. —

A bill to amend section 541 of title 28 of the United States Code to change the term of office and the manner of appointment and removal of United States attorneys and to repeal section 546 (relating to temporary appointments to vacancies by courts) of such title

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 541 of title 28 of the United States Code is amended to read as follows:

"§ 541. United States attorneys

"(a) The Attorney General shall appoint a United States attorney for each judicial district.

"(b) Each United States attorney is subject to removal by the Attorney General.".

SEC. 2. (a) Section 546 (relating to temporary appointments to vacancies in offices of United States attorney by courts) of title 28 of the United States Code is repealed.

(b) The table of sections for chapter 35 (relating to United States attorneys) of such title 28 is amended by striking out the item relating to section 546.

MANDATORY RETIREMENT MUST END

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. MOAKLEY. Mr. Speaker, I urgently recommend swift passage of H.R. 65, terminating mandatory retirement laws based on age. Sixty-five, the year most often stipulated for mandatory retirement, is an arbitrary age selected for bureaucratic reasons, and not a biological signal of approaching physical exhaustion or mental feebleness in our working citizens. It certainly should not be upheld as some sacred indicator of a worker's future uselessness. Winston Churchill, for example, was reelected British Prime Minister at the ripe age of 77, while our own Speaker, the Honorable TIP O'NEILL, turns 65 this year with no sign of slack in his physical and mental vigor. No one would dare ask such men as these to halt their vital work.

As science continually upgrades our health and prolongs our lifespan, our elderly increasingly remain alert and active. We can no longer demand the retirement of 65-year-old workers and expect to be relieving only employees eager to rest. While H.R. 65 recognizes and continues to protect the right to retire that many—perhaps still the majority—of elderly workers require, it now also recognizes the senior citizen's right to work for as long as he feels capable. Often only experience affords the individual worker the competency and proficiency he seeks throughout his career, and to retire individuals of this caliber solely because of their age is to deprive both individual and economy as a whole of his efficiency and productivity.

One final point needs to be made. Statistics tell us that workers between the ages of 60 to 64 make up only 8.4 percent of the poor, while senior citizens—65 and over—suddenly constitute almost 14 percent of this disadvantaged group. Surely, mandatory retirement laws account at least partially for this increase in poverty levels. Given the chance, perhaps many elderly citizens would and could be self-supporting, gladly adding to, rather than subtracting from, our beleaguered welfare and social security coffers. If these fine people can and want to work, no Federal authority should stay their efforts. To demand retirement of competent, experienced, willing workers is to take action that is not only cruel but foolish. I strongly urge support of H.R. 65.

I include the following:

A bill to terminate age discrimination in employment

Be it enacted by the Senate and House of Repeserntatives of the United States of America in Congress assembled, That section 12 of the Age Discrimination in Eemployment Act of 1967 is amended by striking everything after the word "age" and inserting a period.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 25, 1977.

DEAR COLLEAGUE: One of the ugliest forms of age discrimination badly needs legislative action. We urge you to join in cosponsoring H.R. 65, a bill to end mandatory retirement.

Each year thousands are forced to retire not because they can no longer work but merely because they reach an arbitrary age usually 65. Our bill would protect their right to retire but it would establish their right to keep working if they are able and wish to do so.

H.R. 65 would help the economy, as well, by adding an estimated $10 billion to the gross national product from the skilled and experienced older workers who remain in our factories and offices. And those workers would extend their years of peak earning and purchasing power, increasing consumer demand and creating jobs.

Our burdened social security retirement system would also be strengthened as those

who do not retire continue paying in beyond age 65 instead of drawing benefits.

Many prove well able to work past age 65 and often excel in later years. Dr. Albert Schweitzer won the Nobel Prize at 68, Frank Lloyd Wright designed New York's Guggenheim Museum at 76, and Winston Churchill was reelected British Prime Minister at 77.

Carl Sandburg wrote some of his most beautiful poetry in his eighties, Leopold Stokowski still conducts at 94, and Grandma Moses kept painting beyond 100.

Both justice and common sense cry for us to end retirement required by age alone. To cosponsor call 55271.

Sincerely,

AUGUSTUS F. HAWKINS,
Chairman,
Subcommittee on Equal Opportunities.
CLAUDE PEPPER,
Chairman,
Select Committee on Aging.
PAUL FINDLEY,
Representative in Congress.
BENJAMIN S. ROSENTHAL,
Representative in Congress.

CHIEF DEPUTY SHERIFF G. STANLEY KREILER HONORED FOR 45 YEARS OF PUBLIC SERVICE

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. CARNEY. Mr. Speaker, I would like to take this opportunity to pay tribute to G. Stanley Kreiler, chief deputy sheriff of Mahoning County, who recently retired after 45 years of distinguished and dedicated public service for the State of Ohio.

Upon graduating from Rayen High School in Youngstown, Ohio, Stan was appointed deputy sheriff under Sheriff William J. Engelhardt. The youngest deputy sheriff in the State of Ohio. He worked initially as a jailer and eventually became head of the detective bureau. In 1942, he went into the Armed Forces and graduated as a classification specialist. Later he graduated from Counter-Intelligence School and the FBI school, and was attached to the 85th CIC Unit as a special agent. During his career in the service, he spent 13 months in Korea and received a ribbon of recommendation for outstanding service for his efforts in reorganizing police departments in Inchon and other areas. He was honorably discharged from the service in 1946.

After World War II, Stan was appointed secretary to Chief of Police Edward J. Allen, assigned to internal affairs and special investigative work. In 1961, he became deputy sheriff of Mahoning County and served in that position for 16 years. Stan's tenure as chief deputy sheriff of Mahoning County was marked with dedication as he assumed various law enforcement responsibilities and positions. He assisted in coordinating the Ohio Peace Officers Training Council and participated in the administration of the summer cadet program and the youth enlightenment program; both programs received commendation by the Law Enforcement Assistance Administration for their success.

In addition, Stan held office as president of the Tri-County Law Enforcement Group for Ashtabula, Trumbull, and Mahoning Counties. Further, he was director of the Reserve Officers Corporation and director of the Berlin Dam Marine Patrol.

Mr. Speaker, G. Stanley Kreiler is an outstanding, personable gentleman, and those of us who have known and worked with him will miss him greatly in public service. Certainly, I wish Stan the very best of good luck, health, and happiness in his richly deserved retirement.

At this time, I would like to include excerpts from a newspaper article in the Austintown Leader designating November 10, 1976, as "G. Stanley Kreiler Day" in Austintown, Ohio:

G. STANLEY KREILER DAY

G. Stanley Kreiler, chief deputy sheriff under Ray T. Davis the past 16 years, was lauded for his 45 years of service to the state, county and city as 300 of his friends honored him at a luncheon at the Saxon Club November 10, 1976.

Letters were read from William O'Neill, Chief Justice of the State Supreme Court, Judge Paul Brown, a member of that body, Governor James Rhodes, Charles Vimmerstedt, William Cafaro, Judge Charles Bannon and Phil Rogers.

During the Admininstration of Judge Henderson, then mayor of Youngstown, Kreiler was secretary to Chief of Police Edward J. Allen, now retired and living in California.

Henderson paid personal tribute to Kreiler and read a letter from Allen lauding Kreiler's efficiency as a secretary and "partner", as well as his loyalty and friendship.

Youngstown City Council President Emmanuel Catsoules said he would never forget Kreiler's kindnesses to him. He represented the City of Youngstown in the absence of Mayor Jack Hunter.

The invocation was given by Rabbi Jordon Taxon of the Oved Tzedek Temple and the pledge to the flag was led by Col. Joseph Alessi of the Mahoning County Bicentennial Brigade, and his two children, Joseph Jr. and Lisa.

Sheriff Davis praised his chief deputy, saying he was an inspiration through his devotion to duty. "I feel toward him as though he were my brother," he remarked.

Mrs. J. Alessi presented Kreiler with a letter from Governor Rhodes; and commendation resolutions were presented by George Meshel representing his brother, Senator Harry Meshel; Thomas Gilmartin from the Ohio House of Representatives; William Houser, from the Boardman Township trustees, Councilman Pete Starks, E. Ray Davis from Austintown Township trustees; John Palermo from the county commissioners; and Clingan Jackson from the Bicentennial Commission.

Kreiler said he couldn't begin to thank everyone who attended. He said he found out through life that "The way to have a friend is to be one".

MIDWIVES: A GROWING PROFESSION

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Ms. MIKULSKI. Mr. Speaker, I am pleased to see the growing interest in midwivery, not only in Maryland, but all across the country. In the early days of our Nation, when the science of medicine was young, and doctors scarce, it was the midwife who helped women through the emotional and physical difficulties of childbearing.

Midwivery nearly disappeared in this country with the increasing availability of hospitals and advances in medical training. Today, however, with the increasing high costs of medical care, many women are welcoming the reemergence of the midwife as part of the medical team.

I support the development of this humane experiment and thank Lynelle King, associate executive director of the Maryland Nurses Association for passing on to me the following article printed in the Baltimore Evening Sun. I commend the article to the attention of my colleagues:

MORE WOMEN TURNING TO MIDWIVES

(By Sue Miller)

At City Hospitals more and more affluent and middle-class women are requesting midwife delivery of their babies.

"They are seeking a kind of sensitivity a woman brings to birth, a peak experience," says Cindy Monshower, who has a clinical midwifery practice at the southeast Baltimore hospital.

The staff nurse-midwife is part of a four-member midwifery team that is on call 24 hours a day and is bringing into the world about 10 babies a month at a time when the overall number of deliveries is down.

And a quick check of the team's schedule for the next few months shows that this figure will be increasing.

"Women's consciousness has changed," says Ms. Monshower. "Women are seeking out women health-care givers. They don't want to be drugged and they don't want stirrups.

"We (midwives) are committed to dignity in birth and to women being treated like adults."

She continues, "I can unreservedly say that we get many, many calls from women who ask, 'Where can I find a midwife?' They are calling and coming to us here at City from many sections of the city."

A midwife, according to Ms. Monshower, manages the maternity cycle for mothers and infants and, if any abnormalities are discovered, she consults a doctor. If complications develop, she co-manages the delivery with the doctor.

Under this interpretation, she says a midwife can deliver babies singlehandedly, without a doctor looking over her shoulder—with "only God, and I hope he's always there."

In addition, a midwife can give prenatal care. She can administer anesthesia to numb the birth canal and, under certain conditions, administer drugs prescribed by doctors.

City Hospitals is one of a few hospitals in the state that allow midwives to have hospital delivery privileges.

Generally, Ms. Monshower says, midwives (there are about 85 in Maryland) are not allowed by hospitals to do what they are trained to do. But, at City, where midwives are not held back, she has been encouraged "to go to my potential and that's why I'm here."

Midwives are denied hospital privileges, she believes, partly because of economic pressure and partly because some doctors "don't feel comfortable yet with the expanded role of the nurse."

Ms. Monshower decided to become a midwife when, after having a pregnancy and a delivery and then breast feeding the baby, she realized "how women have kind of lost control of birth."

The 28-year-old midwife, who trained at the New Jersey College of Medicine, believes in women taking care of women, and she is committed to women's health care.

"I think birth is a normal process," she says, " and women do it well. If you help them and teach them and support them, they have a great time."

In her newly created position at City, Ms. Monshower during the past four months has observed what she and other midwives in the state and country are calling another trend among affluent, middle-class women—an increasing interest in home deliveries.

"The demand is coming from all parts of the city," she says. "I get several calls a week. The demand is there and no one is meeting it."

For the time being, Ms. Monshower is limiting her deliveries to the hospital setting, but a trio of midwives has hung out a shingle in Bethesda, Md., for the sole purpose of handling home deliveries. Those three have formed a corporation and hired a doctor as its medical director.

Those three Montgomery county midwives are handling 20 births a month, and "women want home deliveries badly enough that they're willing to pay out of pocket for them," says Ms. Monshower.

In Maryland, the services of nurse-midwives in any setting are not covered by third-party insurers—Medicaid, Blue Cross and Blue Shield—although there is a bill before the legislature that would change that.

This means, for example, that those mothers-to-be who opt for midwifery services through the Bethesda corporation have to pay $500 of their own money to cover costs.

If these same women had their babies delivered by doctors in a hospital, the bulk of the medical bills—about $1,800 for each birth—would be covered by the insurer.

Ms. Monshower, who also teaches City's nurses maternal child care and Johns Hopkins Medical School students normal labor delivery, sees herself not only as a teacher but also as a monitor "to see that everything goes well before and after birth."

She tells her patients everything that is happening to minimize fear. And, she teaches them what she terms "the realities of newborns—that babies are not fun, but hard work and a big responsibility."

Women are not prepared for the role of mothering, she feels. She addresses herself to that concern by including mothers and fathers from the very beginning in the teaching and delivery.

"I feel a father should be in for prenatal visits to hear the heart beat," she says. "I think it is crucial that mother and father and baby be together after birth and that the parents touch the baby to get used to its being there forever."

PERSONAL EXPENDITURES BY MEMBERS FOR OFFICIAL TRAVEL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. JACOBS. Mr. Speaker, there is no truth to the rumor that cost-of-living adjustments will be made to reimbursements of personal expenditures by Members of Congress for official round trips to their districts if and when such reimbursements are ever made.

FOOD AND POPULATION: IV

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. RICHMOND. Mr. Speaker, the future security of the world's food supply will be determined to a large extent by the twin forces of population growth and changes in the world's climate. We know that populations continue to grow rapidly, doubling every 41 years in the United States and every 32 years worldwide—at current rates. It has been noted that rapid population growth is placing serious and often irreversible strains on the food producing systems of much of the world through overgrazing, deforestation, deserification, and erosion.

On March 5, 1977, columnist Tom Braden warned us—both foods producers and food consumers—that this summer's weather may well be worse than this winter's. According to Dr. Reid Bryson, director of the Institute for Environmental Studies at the University of Wisconsin, the summer ahead could be one of the worst in our history. There could be widespread crop failures with far-reaching domestic and foreign consequences.

For the urban consumer, this would mean higher food prices. For the many rural American farmers, this would mean financial loss if not ruin. For America's economy, it would mean a serious balance-of-payments deficit—depending upon what percentage of our $26 billion agricultural exports are forgone.

I have discussed this with Dr. Bryson many times. I hope he is wrong, and so does he. However, he has been consistently right in the past. His track record is such as to make his remarks extremely important for all of us. Secretary of Agriculture Robert Bergland has, with his usual foresight, already conferred with Dr. Bryson.

For a moment, let us explore the possible consequences of the climatic changes predicted by Dr. Bryson. According to Dr. Kenneth E. F. Watt, professor of zoology, Institute for Ecology, the University of California at Davis, and author of the book "The Titanic Effect," should the United States now experience climate changes similar to those which have occurred in the past, our annual grain production would fall precipitously.

In our efforts to feed a globally unprecedented number of human beings—to say nothing of the critical task of providing an adequate and nutritious diet for millions of Americans, especally our urban and rural poor—the effects of climate on agriculture must be high on our agenda of concerns.

Professor Watt, in a paper submitted to Science for publication, has outlined the dimensions of the problem now being examined by Dr. Bryson. His argument is, essentially:

First. The world's population is larger now than at any other time in history and rising rapidly;

Second. The continued support of such a population will require major improvements in agricultural technology, placing increased amounts of land under cultivation and a continuously benign climate for crop growth—past benign weather, it should be remembered, has made possible the rise of the world population to its present 4.2 billion level;

Third. Substantial evidence has now been accumulated that the world's climate is undergoing a fundamental change and in a direction less suitable for agricultural production—we had strong evidence of this this winter;

Fourth. A high proportion of worldwide food supplies are now produced in a very few countries vulnerable to a sudden deterioration in weather. Forty-seven percent of the world's wheat is grown in the United States, U.S.S.R., and Canada and 93 percent of the available world wheat exports come from Canada and the United States; and finally

Fifth. With present acreage and technologies, weather as poor as 1936, for example, would result in a drop—from levels during optimum weather conditions—in Canadian wheat production of 44 percent, in the United States wheat production of 21 percent; and United States corn production of 42 percent.

It would seem, Mr. Speaker, that prudence would compel us to adopt a number of strategies to lessen the impact of future climatic changes in U.S. and world food production. It would seem that prudence would compel us—we do not have much time and changes do not occur overnight.

We should, therefore, establish a domestic and, if possible, an international grain reserve—equal to 1 full year of grain consumption. Such a strategy is imperative, as has been noted by Stephen Schneider in his book "The Genesis Strategy."

As grain reserves are still precariously low, sole reliance upon this action would not be wise. While good harvests can build up our reserves—as has been done this past year—we cannot count on bountiful harvests forever.

As we are now vulnerable—worldwide—to a drop in food production, the only allowable conclusion is that national governments should become more aggressive about controlling population growth—here in America as well as elsewhere.

I would like to share Mr. Braden's article on Dr. Reid Bryson with you at this point, as well as two additional articles concerning drought in the United States and China:

AFTER THIS WINTER, WILL SUMMER BE WORSE?

(By Tom Braden)

After what has been officially described as the hardest winter in more than 200 years, the country may be facing something worse. Secretary of Agriculture Bob Bergland has conferred recently with a prominent climatologist who advised him that immediate steps should be taken to store food against the probability of major drought this summer.

Dr. Reid Bryson, director of environmental studies at the University of Wisconsin, says the summer just ahead will be one of the worst in our history.

There will be, says Bryson, widespread crop failures, particularly of wheat, with

both domestic and foreign consequences that will make the weather-induced troubles of this past winter seem trivial by comparison.

Bryson says that, except for a very brief period of rainfall in April, drought is likely to occur throughout the country through the month of July. "We are now working," he told me, speaking of his colleagues at Wisconsin, "on a study of what the effects of major drought will be, and we expect to have some statistics ready soon. At the moment all we are fairly confident about is that next summer looks very bad."

Bryson has recently developed a system for long-range weather predictions. Unlike standard weather forecasting, which is based upon linear projections beginning with atmospheric pressures on a given day, his system is based primarily on two factors.

The first is a measurement of particles in the air, the density of which affects the amount of sunlight reaching the earth's surface.

The second is a measurement of the "Chandler wobble" of the North Pole. For many years, climatologists have speculated as to whether slight variations in the position of the North Pole affect the weather. Bryson believes he can prove that the "wobble" does have an effect, and he now believes he has found a means of measuring it.

He is, at any rate, "elated," if that word may be used, at what happened to weather across the country during the month of January. In December he made his predictions based upon the new theory. The bitter cold in the East and Midwest and the drought in the West met his calculations precisely, he says, and he is convinced that his forecast for the spring and summer will prove equally accurate.

If Bryson is right, the summer of 1977 will be of about the same harshness as that of 1934, which was the year of the great dust bowl. Food prices will soar, there will be no wheat for export, and therefore no balance of trade to counter increasing imports of oil. The result could very well be near catastrophic.

The U.S. Weather Service considers Dr. Bryson something of a gadfly, but it does not dismiss him. "Almost every known change in the earth from quakes to sunspots has been postulated as a means of predicting weather, and Bryson may be in to something with the 'Chandler wobble'," said one official. "But he has not yet published his theories, and so we can't study them."

Another official of the Weather Service said, "Bryson is a brilliant mathematician, but he's far out." A third remarked, "Butz (former Secretary of Agriculture)) wasn't interested in weather. Bob Bergland is interested in weather, and I'm glad he's been talking to Bryson."

The Weather Service's own long-range prediction calls for heavier than normal rainfall this spring in areas afflicted by drought this winter. Beyond that, nothing is ventured.

[From the Washington Post, Mar. 22, 1977]

SOUTHERN CHINA WARNED OF DROUGHT

(By Jay Mathews)

HONG KONG, March 21.—The General alarm over China's worsening drought has spread into the huge southern Kwangtung Province, increasing the threat to party Chairman Hua Kuo-feng's plan for economic recovery.

An official Kwangtung radio broadcast monitored here yesterday said, "The current situation of drought in our province is developing daily, seriously threatening the smooth progress of spring farming. Since November of last year, there has been no heavy rain. Some of the water levels are close to the lowest levels ever recorded.

The drought in usually well-watered Kwangtung, the province of 53 million people that surrounds this British colony, aggravates a severe national water shortage parching at least six northern Chinese provinces.

According to a series of official reports, many on the front pages of Peking newspapers, the drought now affects the provinces of Shansi, Shensi, Honan, Hupei, Hopei, Shangtung and now Kangtung.

The reports indicate that water has been rationed to allow bucket brigades to bring as much as possible out to the fields.

The situation has become so serious that Peking's State Council issued a circular calling for immediate action yesterday.

"At present the drought is extremely severe in areas along the Yellow and Huai Rivers and a number of places in northern China," the New China News Agency quoted the circular as saying. "Many places had no rain or snow for half a year. In some other places, the drought continues to develop. It is greatly threatening the growth of the summer-harvested crops and spring plowing and sowing."

The drought, which Peking has called the worst in at least 28 years, puts unusual pressure on Hua and his government.

He has, in effect, pledged to restore an economy that he said was ravaged by Peking dogmatists, like Mao Tse-tung's widow, Chiang Ching, whom Hua purged in October. To make the "proper arrangements for the masses' daily lives," which has become a watchword of his administration, Hua may have to dip into grain reserves or spend precious foreign-exchange funds on overseas grain. A 2-million-metric-ton Australian wheat contract was announced this month.

The official reports on the drought say that 14 million people have been mobilized in Honan and 17.5 million in Shangtung to bring water from rivers and reservoirs to the wheat fields. Army troops are being assigned to drought work in great numbers, the reports said.

The most severely affected northern crops are the wheat and barley sown during the winter and due to be harvested in June and July. The small shoots now coming out of the ground represent about 50 million of China's total annual grain output of about 285 million metric tons, according to economists here.

In Kwangtung, peasants are working to save the rice seedlings that must be kept in well-watered paddies.

"We must . . . mobilize the masses to carry, store and transport water, resist drought, crash-plant, crash-transplant, and protect the rice seedlings," said yesterday's broadcast report of a telephone conference Friday of provincial leaders.

The broadcast said a general headquarters for fighting the drought had been established in the province under the command of a veteran agricultural expert on the provincial party committee, Chang Ken-sheng.

[From the Christian Science Monitor, Feb. 23, 1977]

PEOPLE, NOT DROUGHT, THE REAL CULPRIT

(By Robert C. Cowen)

DENVER.—Robert D. Miewald of the University of Nebraska looks at the mountains that frame this mile-high city and thinks of Africa's Sahel (semi-desert lands south of the Sahara). The gray of bare ground that softens the brilliance of what should be snowy peaks here symbolizes a drought that has caught officials napping, as did the Sahelian drought a few years ago.

The problem, says the Nabraska political scientist, is a blindness on the part of governments and their people to the climatic implications of living in semi-arid lands.

Development pursued in good years demands more water than such regions can supply when the weather turns dry. Dr. Miewald says his greatest concern is that there will be a return to the old complacency when the present drought is passed.

The real threat of drought, Dr. Miewald feels, is not empty reservoirs or crop failures this year or the next. It is the long-term disruption it will eventually cause if arid lands continue to be developed beyond the carrying capacity of their climate. This, indeed, was the underlying thread of concern here in a symposium on drought held as part of the annual meeting of the American Association for the Advancement of Science at which Dr. Miewald spoke.

Part of the problem lies in the heavy pressure that expanding population and development are putting on all natural resources, including water.

James E. Newman, agronomist from Purdue University, pointed out, for example, that U.S. grain production has both increased substantially in volume over the past few decades and reduced its variability due to weather changes. But even though a bad year may see a smaller percentage loss, the number of bushels involved is far greater than ever before. Also, since more people than ever before depend on that harvest, the impact of the loss is heavier.

Part of the arid land problem also lies in the inability of meterologists to forecast drought with certainty.

Lacking that certainty, officials have been reluctant to do much contingency planning. Noting this, Stephen H. Schneider of the National Center for Atmospheric Research emphasized a point he has been making for several years: that the likelihood of recurrent great plains droughts is certain enough to play a prominent role in long-range planning.

Even now, he explained, no meteorologist could say definitely that this area is entering a several-year drought cycle.

But such cycles do recur with varying severity at roughly 20-year intervals in the climatic record. "Prudence," scientists here say, "demands advance planning for these cycles, particularly in an era when many parts of the world depend on U.S. farm production."

For his part, Dr. Schneider advocates a system of substantial grain reserves. He calls this a "Genesis strategy"—after the example of the biblical Joseph.

When scientists such as Drs. Schneider and Miewald urge planning for recurrent drought, they warn against looking for some magical technological solution. Dr. Miewald said he welcomes the promise of present action implied by the meeting here Feb. 20 of 11 Western Governors to plan drought strategy. But he noted that crisis response is no answer to the underlying challenge.

There's a tendency, he said, to talk about cloud-seeding when no one knows that this will work—or to promote big dams and dream about piping water from Alaska at great cost. "Instead of talking of too little water," he advised, "we should talk about too many people, too much development."

OREGON ISLANDS

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. WEAVER. Mr. Speaker, the bill I am introducing today would designate as wilderness 54 small islands off the Oregon coast and add them to the single island Oregon Islands Wilderness, established by Public Law 91-504 in 1970. The wilderness will be administered by the U.S. Fish and Wildlife Service within the Oregon Islands National Wildlife Refuge.

Establishment of this wilderness is, by law, supplementary to the primary purposes for which the wildlife refuge was established. As wilderness, these islands would continue to serve their primary objectives, namely to preserve and maintain natural habitat for nesting colonies of native marine birds. Hundreds of thousands of nesting birds utilize the islands each spring. For example, over 500,000 Leach's petrel, a nocturnal burrow-nesting bird, have been recorded nesting on a mere eight acre site on Goat Island, which is already in the National Wilderness Preservation System. Other Islands have similar abundant use from a wide variety of sea birds. The islands also serve as resting areas for sea lions and seals. Wilderness designation would aid management by its added legislative assurance that the natural qualities of the islands will be preserved for wildlife benefit.

Mr. Speaker, I am sure that when the term "wilderness" is mentioned, most of my colleagues picture a large area consisting of high mountain peaks with tree covered flanks, jewel like lakes and, perhaps a pack train winding in the distance. While this image fits many of the larger wilderness areas in national forests in the western part of the country, official wilderness designation is much broader in scope and purpose. For, the Wilderness Act required the Secretary of the Interior to review all roadless islands in the National Wildlife Refuge System and make wilderness suitability recommendations to the President who, in turn, transmits his recommendations to the Congress for legislative enactment. Small wildlife refuge islands off our east coast, Florida, Washington, Alaska and even in Lake Erie have already been included in the Wilderness System by act of previous Congresses.

Mr. Speaker, last year hearings were held on this wilderness proposal by the Subcommittee on Pacific Lands of the Interior and Insular Affairs Committee and subsequently reported by the committee in an omnibus wilderness bill. Unfortunately, due to erroneous last minute information furnished the committee, the Oregon Islands proposal was struck from the bill by committee amendment on the floor.

Last year the proposed wilderness, as reported by the committee, contained only those islands presently within the national wildlife refuge. Apparently, some were advised that other nearby federally owned islands, proposed for addition to the wildlife refuge and wilderness by the Interior Department but not yet transferred from the Bureau of Land Management were included. Inclusion of these additional islands in the wildlife refuge and wilderness received overwhelming public support—and the concurrence of BLM—at the field hearing in Newport, Oreg., in June 1972. An application for withdrawal was filed in January 1974, with the assumption it would be approved quickly.

Unfortunately, bureaucracy moves slowly and no final action has been taken to date, over 3 years later. This year my bill includes all of the islands proposed by the Interior Department for wilderness classification. Those not yet transferred to the U.S. Fish and Wildlife Service are included under the assumption that the public land order will be issued shortly. If not, it is my intention to request the committee to transfer them and designate them as wilderness simultaneously.

Mr. Speaker, the rugged rocks, islands, and reefs of this 55-island wilderness vary greatly. Many are over 100 feet high; many frequently are awash by the surf. Some are bare rock; others support a modest cover of low-growing vegetation. They have remained undeveloped because of their small size—up to 20 acres—Federal ownership, and generally inhospitable character. They extend from near Tillamook Head to Twin Rocks, are within a half mile of the Oregon coast in most places, and are eminently qualified for immediate inclusion in the National Wilderness Preservation System.

ADMIRAL RICKOVER TESTIFIES ON AEGIS SHIPS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. BOB WILSON. Mr. Speaker, Admiral Rickover recently testified before the Subcommittee on Seapower of the House Armed Services Committee on the need for Aegis ships in the Navy.

He presented a chronology of the decisionmaking process that has taken place to date respecting the Aegis program.

Aegis is the latest and best fire control system the Navy has devised to launch missiles to protect surface ships against enemy air attack.

Since procurement of the Aegis program is so important to the Navy, I believe it would be helpful for all the Members to carefully read the admiral's excellent summation of the Aegis requirements.

AEGIS SHIPS

This year again marks a real test of the effectiveness of Title VIII. The issue is whether or not ships to be equipped with the Aegis fleet air defense system will be nuclear powered. Aegis is the latest and best fire control system the Navy has devised to launch missiles to protect surface ships against enemy air attack. The decision this year on the issue of whether the Aegis ships to be built for naval strike forces will be nuclear powered will have a profound effect on the future of the Navy, and will determine the rate of application of nuclear propulsion for surface ships.

The Aegis fleet air defense system has been under development for several years. The development has now reached the stage where the Navy is asking for authorization to construct Aegis ships. The Congress will make the decision this year whether Aegis strike force ships are to be provided nuclear propulsion, or whether some or all Aegis ships will be non-nuclear.

Up to April 1971, Navy programs were based on all Aegis ships being nuclear powered. It was planned to modify future *Virginia* Class nuclear cruisers to accommodate Aegis. In April 1971, the Secretary of Defense cancelled the third *Nimitz* Class carrier, the CVN 70, and the two nuclear cruisers, CGN 41 and 42; he also cancelled the Navy's future plans for building Aegis equipped nuclear cruisers. During the next two years, the Defense Department restored the CVN 70 and the CGN 41 and 42. Congress subsequently cancelled the CGN 42.

In 1973, Admiral Zumwalt, who was then the Chief of Naval Operations, recommended starting a class of gas turbine powered Aegis destroyers in FY 1977 and a class of nuclear cruisers with Aegis in FY 1978. Secretary of the Navy Warner requested that the CNO investigate "the feasibility of building a single new class of aircraft carrier escort, nuclear powered, vice the two now planned . . ." In a meeting I attended on 12 October 1973, Admiral Zumwalt chose a program of 16 gas turbine powered Aegis ships and 8 nuclear Aegis ships to provide two Aegis ships per carrier for a projected force level of 12 carriers of which four are already authorized to be nuclear. This decision became the basis for a planned mix of conventional and nuclear Aegis ships.

At this meeting, he said that the talk of an energy crisis was just so much talk, that we are sitting on a 400-year supply of coal and that we will soon have the capability of putting this in a form we can use in our ships. He said that if he had his way, he would never build another nuclear powered surface ship. He said that his decision on the number of conventional Aegis ships was based on the assumption that all new carriers will be non-nuclear. Therefore, he approved eight nuclear Aegis ships to provide two each for the four nuclear carriers and 16 non-nuclear ships to provide two each for 8 conventional carriers he assumed would later be replaced by new conventional carriers.

Admiral Holloway became Chief of Naval Operations in July 1974, a month before Title VIII became law. Based on his review of future shipbuilding plans, he recommended that future carriers be nuclear powered. He also recommended, and the Navy adopted his position, that the Navy build 18 nuclear powered strike cruisers, CSGNs, in lieu of the prior proposed mix of 16 non-nuclear and 8 nuclear ships with Aegis.

In a letter of December 6, 1974, to the Chairman of the Seapower Subcommittee of the House Services Committee, Admiral Holloway proposed a four-year program for building Aegis ships. This program called for six nuclear powered strike cruisers, CSGNs, to be authorized in the four-year period from fiscal 1977 though fiscal 1980, and no conventional Aegis ships.

The Navy subsequently recommended to the Secretary of Defense that, in addition to all new construction Aegis ships being CSGNs, Aegis should be introduced into the fleet by concerting the nuclear cruiser *Long Beach* to Aegis as soon as possible. The Defense Department disapproved the 18 CSGN program proposed by the Navy. The Navy continued to recommend that the first new Aegis ship be a CSGN in FY 1977 with advance procurement funds in FY 1976. The Defense Department cut the Navy's FY 1977 budget and persuaded the Navy to recommend in the FY 1977 program a DD–963 type ship with Aegis; this was named the DDG–47 Class.

In June 1975, President Ford disapproved this DOD/Navy recommendation and requested Congress to provide advance procurement funds in the FY 1976 budget for the first CSGN to be authorized in the FY 1977 program. The Congress did not authorize the long lead funds. The Navy program was then changed to four nuclear strike cruisers to be built over the five year period FY 1977–81, along with seven conventional ships.

In the program subsequently proposed by President Ford in early 1976 there were only two nuclear strike cruisers and eight conventional Aegis ships to be built in this same five-year period. The five-year plan also included two nuclear carriers, one of which was later dropped by the Ford Administration. Congress approved advance procurement funds for one nuclear carrier as requested by President Ford, but did not approve starting either the CSGN or DDG-47 programs in FY 1977. Instead, Congress directed that the existing nuclear cruiser *Long Beach* be the first Aegis ship and appropriated $371 million in FY 1977 to start the conversion.

Last month President Ford recommended that the advance procurement funds for the *Long Beach* conversion and for the nuclear carrier be rescissioned. He submitted a five year program from FY 1978 through FY 1982 which included two conventional carriers, two CSGN's, and ten DDG-47 Class AEGIS ships. It has subsequently been proposed that the nuclear strike cruiser program be eliminated entirely.

I testified last year that I was firmly convinced that by this year the analysts in the Office of Management and Budget and in the Defense Department would attempt to eliminate completely the nuclear strike cruiser program. I said that:

"It would not surprise me if they then again recommended building conventional aircraft carriers in lieu of nuclear carriers. That has been the pattern for over 25 years, starting with nuclear submarines. And I see no indication that the analysts have changed one iota in their position that, since nuclear surface ships cost more, we should build conventional ships."

Unfortunately, my prediction turned out to be correct.

Aegis is planned as our most capable AAW weapons system. Because Aegis ships will be expensive, regardless of their means of propulsion, there will never be a large number. In a naval war against an enemy employing sophisticated weapons systems, all strike force Aegis ships will be needed in the areas of highest threat. It is under just such circumstances that the advantages of nuclear propulsion are most urgently needed to maximize mobility and minimize logistic support. It is into such high threat areas where the nuclear carrier task forces will be sent in time of war, and they will need nuclear powered Aegis ships to accompany them. The Aegis ships should be nuclear for the same reasons that carriers should be nuclear.

In areas where the threat is great enough to require nuclear carriers and Aegis ships—our first line naval stike forces—it is highly unlikely that oilers can survive. When a non-nuclear Aegis ship runs low on fuel, it will be necessary to remove the Aegis ship to an area of lower threat to meet the oiler, losing Aegis protection just when it is most needed.

The CSGN also has unique capability for independent operation in areas where carriers are not available and its cruise missiles and 8 inch gun can provide sufficient offensive power.

Another consideration is that to have a credible nuclear powered guided-missile ship capability in both the Atlantic and Pacific Fleets, it is necessary to build a reasonable number of nuclear ships so that some ships are available for immediate deployment at all times. There are only nine nuclear cruisers authorized to date, and none of these have Aegis.

Unless nuclear Aegis ships are built, our nuclear carriers will have to be accompanied by DDG-47 Class ships when they enter the highest threat areas, thus giving up the significant military advantages of the *all*-nuclear carrier task force in the very areas where nuclear propulsion is most needed.

COMPULSORY PUBLIC SERVICE SHOULD BE AVOIDED

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. DRINAN. Mr. Speaker, our long tradition of voluntary public service is a fundamental characteristic of American society. Tens of thousands of volunteer firemen protect rural communities against fire. In my own area, volunteers care for patients in nursing homes, raise funds for vital medical research, clean up refuse in parks and along riverbanks, and carry out innumerable other beneficial projects. Participation in the town meeting is, perhaps, the most basic form of voluntary public service engaged in by the citizens of my congressional district.

In recent months, an increasing amount of attention has been given to various proposals to institute a system of compulsory public service. Proponents suggest that such a plan could provide adequate personnel for the Armed Forces along with the manpower necessary to carry out numerous projects in the fields of environmental protection, transportation, health care, and education.

These proposals strike at the very basis of our free society. Compulsory service, such as a military draft, should be employed only as a last resort in times of national emergency. Prof. Charles Fried of Harvard Law School authored a critical analysis of these universal service proposals in the Washington Post of March 15, 1977. I commend this incisive and provocative essay to the attention of my colleagues:

COMPULSORY PUBLIC SERVICE: A BAD PRECEDENT

(By Charles Fried)

Proposals for a program of compulsory public service for all young people have been making the rounds in congressional and editorial circles. One major network news commentator hailed such a program as an idea "whose time has come."

I disagree. In this, the beginning of our third century of liberty, it is shocking that so many should be ready to impose in so drastic and total a way on the liberties of a whole generational slice of the American population. And it is particularly disheartening that the liberties of our young people should be casually disposed of on such ill-conceived and essentially self-serving grounds.

The proposal, which has attracted so much favorable comment, is this: All youths—say at high school-leaving age—would be required to spend a year in some form of public service activity, but this obligation could be discharged by enlistment in one of the military services. The proposal is thought to be good in principle and good in practice. In principle, it is thought to affirm the notion of an obligation of public service. And practically it would help alleviate a problem which is showing up in the volunteer army. It appears that the volunteer army is turning out to be very expensive while still failing to attract recruits of a desirable quality. It is thought that by instituting a general obligation of service, many more will find it worth their while to discharge that obligation in the military, thereby improving the quality of the army and lessening the burden on the taxpayers.

The idea is wrong in principle and would surely be a nightmare in practice.

The idea is wrong in principle because the liberty of young people is worth no less than the liberty of middle-aged politicians and editorializers who would take from them the right to determine how to live their lives during a substantial period of time. I would not wish to denigrate the principle that we all have an obligation to serve our community, but the notion that we may be compelled to do so absent manifest necessity and some clear national emergency, is foreign to our traditions. The shoddiness of the proposal, indeed, reveals itself when we see that it really boils down to a desire on the part of the middle-aged to get something—a high quality defense manpower pool—without paying for it. If the nation needs a military establishment of a particular qualtiy, then the nation as a whole should pay for it, and not force a small segment of the popualtion to contribute its services unwillingly for nothing.

But if the argument of principle doesn't convince, the practicalities should. All one has to do is consider the difficulties of tens of thousands of local school boards in enforcing useful activities on high school students during some five or six weekday hours, to see how unlikely we would be able to provide and supervise a meaningful, compulsory year-long, 24-hour-a-day-experience for every 18 year-old in the nation. (And make no mistake about it, anything less total would not have the desired effect of driving large numbers of youths into the military as a preventive alternative.)

I ask those who would casually deprive their fellow citizens of their liberty for a year of their lives, who would administer these programs? Who would determine what constituted appropriate public service alternatives? Who would enforce atendance, and discipline participants who snuck away for an hour, or a day, or a week? Who would keep order in the dormitories? Or would there be dormitories? What about drinking and drugs? Would there be exemptions for students? For persons engaged in essential activities? And so on.

I would have thought the loathing the American people have displayed for multiplication of bureaucracies and regulations would indicate that the last thing in the world the public would want at this point would be a program that turned over every 18-year-old in the nation (man and woman) to wholly undefined, non-existent set of institutions.

RESOURCES FOR THE FUTURE

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. JEFFORDS. Mr. Speaker, I would like to draw my colleagues attention to an important statement by a group of eminent American agricultural experts from across the country on the subject of food reserves. The group of 22 experts, which was organized by senior fellows from the Brookings Institution and under the auspices of the Federation of American Scientists, has rightly pointed out that a combination of increased demand for food and the vagaries of current world weather conditions require that a major contingency be developed to forestall the possibility of massive

starvation, perhaps on a global scale in the decades ahead.

It seems to me that the 95th Congress cannot escape a full investigation of the issue of building some kind of world reserve system.

I here reproduce for my colleagues a statement released today by the Federation of American Scientists on the subject, which includes excerpts of a letter to President Carter from George Rathjens, chairman of the Federation of American Scientists calling for the rebuilding of a grain reserve system:

EXPERTS CALL FOR U.S. TO INITIATE WORLD FOOD POLICY

The Federation of American Scientists released today the names of 22 distinguished America agricultural experts who have united to call for the formation of a multilateral system of grain reserves by endorsing the following statement:*

"We the undersigned, call on the next Administration to reaffirm United States support for, and to take action to achieve, a multilateral system of national grain reserves, managed according to common principles and guidelines."

These individuals included:

Martin E. Abel, Professor, Department of Agricultural and Applied Economics, University of Minnesota.

Harold F. Breimyer, Professor, Department of Agricultural Economics, University of Missouri.

Lester R. Brown, President, Worldwatch Institute.

Williard W. Cochrane, Professor, Department of Agricultural and Applied Economics, University of Minnesota.

James H. Cothern, Professor, Department of Agricultural Economics, University of California at Davis.

Howard Cottam, Professor, American University School of International Service.

Brady J. Deaton, Associate Professor, Institute of Agriculture, University of Tennessee.

Raymond O. P. Farrish, Professor, Head of Department of Agricultural Economics and Rural Sociology, University of Connecticut.

Lincoln Gordon, Resources for the Future.

Roger W. Gray, Professor, Food Research Institute, Stanford University.

Jimmye S. Hilliman, Professor, College of Agriculture, Department of Agricultural Economics, University of Arizona.

James P. Houck, Professor, Department of Agricultural Economics, University of Minnesota.

Theodore W. Lead, Professor of Food Marketing, Department of Food and Resource Economics, University of Massachusetts.

Robert G. Lewis, National Secretary and Chief Economist of the Farmers Union.

J. Paxton Marshall, Professor of Agricultural Economics and Extension Specialist, Virginia Polytechnic Institute and State University.

John R. Moore, Professor, College of Agriculture, Department of Agricultural and Resource Economics, University of Maryland.

V. James Rhodes, Professor, College of Agriculture, Department of Agriculture.

Fred H. Sanderson, Brookings Institution.

Philip H. Trezise, Brookings Institution.

Warren L. Trock, Extension Economist, Cooperative Extension Service, Colorado State University.

Melvin Walker, Assistant Professor, Department of Agricultural Economics, Fort Valley State College, Fort Valley, Georgia.

T.K. Warley, Professor, School of Agricultural Economics, University of Guelph (Guelph, Ontario, Canada).

*The petition was promulgated by Lincoln Gordon, Fred H. Sanderson, and Philip H. Trezise.

In a letter to President Carter, Chairman of the Federation of American Scientists George Rathjens said:

"Underlying the concern of the signers over the absence of food reserves are the burdens that the consumer and the world economy would be forced to bear because of increased demand for grain after poor harvests, and the possibility that during poor growing years millions of people might starve.

"In particular, all will recall the explosion of grain prices after the ill-advised bargain basement sale of wheat and feed grains to the USSR in 1972. With reserves depleted by exports to the USSR, prices skyrocketed. As always, the principle victims were the poorest people. But the damage to consumers and to economic well-being worldwide was extensive and lasting.

"The need to rebuild grain reserves is now widely recognized. There is no other way to contain the impact of inevitable fluctuations in supplies. We believe that the responsibility is an international one, and that a system of reserves should be a priority subject for multilateral negotiation. The leadership of your Administration is crucial to the prospects for success."

In releasing the statement Rathjens commented that the concern of these 22 signers reflected the feelings of a major segment of the world economic and agricultural communities, and expressed the hope that this F.A.S. initiative would catalyze a new dialogue both within the U.S. and abroad.

UPDATE ON THE OZONE LAYER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. MURTHA. Mr. Speaker, for the weekly column which I prepare for the news media in the 12th Congressional District, I recently asked the Library of Congress for an update on our knowledge of the ozone layer and man's effects on its density.

I would like to submit the following report for the RECORD which was prepared by Mr. George N. Chatham, specialist in Aeronautics and Space, Science Policy Division, and a copy of the column I wrote based on this material:

REMEMBER THE OZONE LAYER?

The ozone layer used to be something we all learned about in ninth grade science, and then quickly forgot.

Then, eight years ago, the debate of the Supersonic Transport Plane (SST) raised the fear that man was destroying the ozone layer of air which protects our skin from ultraviolet light. The results of its destruction would be a dramatic rise in skin cancer, eye damage, and skin burns from normal sunlight.

In succeeding years followed reports that spray cans, fertilizer, and refrigerants were also destroying this air layer in a rapid rush to destroy the environment that protects us all. At the same time the British-French Concorde SST began a few flights into Washington.

With the debate now somewhat quieter (and further SST flights into the U.S. being considered), I asked the Library of Congress what the exact status of our information is concerning the ozone layer.

For openers, the Library reported that "no disturbance in the cycle of ozone density has been detected which can be related to man's use or mis-use of the atmosphere."

Although reassuring, the report goes on to note that "determining the presence of a man-related disturbance, unless it is a dramatic one, is extremely difficult and would require continuous measurement of ozone densities . . . for a period of not less than 22 and perhaps as much as 50 years."

In other words, several hundred articles in scientific journals have been published on ozone destruction, some predicting harmful consequences. To date, none have been tested, though, and only the actual monitoring of the ozone layer will provide final proof.

The exclusive Library of Congress report prepared for me came to these conclusions:

1. "Although increasing knowledge of the upper atmosphere is rapidly becoming available, data are not yet available to demonstrate the effects of photochemical pollutants, natural or man-made on the ozone density."

2. "The air of crisis, which was present when the first theories of photochemical-ozone control first appeared, has diminished as increasing information has been gathered. But the concern remains strong and the debate is not likely to be settled" for many years.

3. "In view of the distinguished scientific memberships of several of the review panels which have raised warnings about possible destruction of the ozone layer based upon review of laboratory tests, one must take the issue as a serious concern for public policy . . . We suggest keeping an open mind, neither accepting the more alarming views nor discussing the matter as one of no consequence."

I believe there is an important lesson in this report. That is never to legislate without all the facts, in the air of emotion that surrounded the initial SST debate. The final decision that allowed a few test flights seems fair as far as the ozone layer and the public are concerned.

NATURAL VERSUS MAN-CAUSED VARIATIONS IN OZONE DENSITY

WHAT IS OZONE (O_3)?

Ozone (O_3) is an unstable molecule of oxygen formed (as well as destroyed) by the ultraviolet portion of the solar spectrum. It is thinly dispersed through the atmosphere from the surface up to about 70 kilometers reaching a maximum density between 20 and 25 kilometers. If all of the ozone was collected and reduced to standard temperature and pressure at the Earth's surface, it would form a layer 2½ mm (1/10 inch) thick.

The ultraviolet (UV) light that forms and destroys ozone is absorbed by it in the process, thus prevented from reaching the surface. Of course, not all of the UV is stopped. The amount reaching the surface varies with the ozone density. Ozone density over a single spot on the surface varies by about 25 percent with the seasons and by as much as 300 percent over the Earth's surface. There are also long term variations in which ozone density rises steadily (by as much as 7½ percent per decade in the Northern Hemisphere) and then declines again. The long term fluctuations are not understood but thought to be related to the solar flare cycle. The density rose during the 1960's and early 1970's.

Variations in UV intensity are much greater, peaking at any point on the surface when the Sun is most directly overhead and increasing in intensity toward the Equator. The UV intensity drops rapidly over a given point as the Sun declines toward the horizon.

UV intensity increases as O_3 becomes less dense. Peak UV intensity over the Tropics indicates that O_3 is least dense in these regions. The regions of highest O_3 density are the polar regions, with the Temperate Zones being of intermediate density. Since O_3 density is at no place and time homogenous, increases and decreases in overall concentration are determined by the averaging of

many measurements. Determining the presence of a man-related perturbation, unless it is a dramatic one, is therefore extremely difficult and would require continuous measurement of ozone densities and the simultaneous concentration of the suspected contaminating substance through not less than 2 and preferably 5 or more solar flare cycles, or a monitoring period of not less than 22 and perhaps as much as 50 years.

No perturbation in the cycle of ozone density has been detected which can be related to man's use or mis-use of the atmosphere.

IS MAN ENDANGERING THE OZONE?

Several hundred articles in science journals and magazines have dealt with the ozone destruction issue since 1969, the peak of the debate on the American SST. The preponderance of these papers have proposed (and many forecast) ozone destruction to various degrees of severity resulting from some man-caused pollutant. These pollutants have ranged from the now rejected idea that water vapor created by the hydrogen in burning fuel in the stratosphere would destroy ozone; now nitrogen oxides (NO_x) created in part, by the heat of aircraft engine combustion but predominantly from artificial fertilization of soil, agricultural fungicides containing bromine, to refrigerants, solvents and other chemicals containing chlorine compounds are viewed by many as dangerous.

For the most part, publications on this topic are scholarly papers, often supported by laboratory tests and related to various mathematical models of the atmosphere. Most of these authors have concluded that the density of the ozone is dominated by photochemical reaction, not by other variables, such as ozone creation and destruction cycles by UV radiation. Models of the atmosphere in which ozone density is a function of photochemical reaction show that additional photoreactive substances such as NO_x or ClO, is inserted into the air by man, will increase the rate at which ozone is decomposed, hence, thin the protective ozone shield.

Many of these papers offer their conclusions as facts, without informing the reader that at this time, they are unsupported by empirical proof.

One difficulty with the photochemical theories of ozone control was stated by Dr. Alan J. Grobecker who managed the three year Climatic Impact Assessment Program (CIAP). He notes:

"Any purely photochemical model of this type predicts the wrong sense of the variation in the total vertical ozone column with latitude and season: as ozone is produced by solar irradiance, photochemical models predict ozone maxima in the equatorial regions as a result of the greatest total solar irradiance there. In fact, the data indicate precisely the opposite: there is a minimum in the equatorial regions and relatively little total ozone over the summer pole, with a maximum over the winter pole."

In other words, the distribution of ozone from the Tropics to the poles, as called for by all photochemical models is exactly the reverse of that actually found in nature. The transportation of ozone through large scale air circulation patterns is suggested as a means by which the Earth's ozone distribution could somehow be held reversed. If this condition is found to prevail, then the natural distribution of ozone would not refute the photochemical theories.

Although in the minority, there are other sicentists who object to conclusions, of far reaching economic and social impact, being accepted prior to the time the theoretical work could be supported by empirical testing. Notably caustic among these is Professor R. S. Scorer of the Empirical College of Science and Technology, London. He took the CIAP participants to task in numerous papers and speeches for deriving conclusions from atmospheric models described by CIAP as "primitive" and by Scorer as less than that because they contained gross errors of an obvious nature.[1]

Dr. James P. Lodge, a consultant to the Chemical Specialties Manufacturing Association, a group having a vested interest in aerosol sprays, wrote a number of assessment papers for his client and cautioned them on the CIAP as well as the National Academy of Science findings that ozone destruction could indeed be linked to the effluents of supersonic aircraft, aerosol sprays and possibly other man-inserted substances. "It should be noted," he said, "that these conclusions were based entirely on theory. At the time these reports were completed, no demonstration of any ozone destruction in nature was available to either party" (CIAP or NAS).

Finally, an overview from a principal CIAP participant and director of a follow-on work shop adds another perspective. Dr. Donald M. Hunter[2] lists the basic steps required by the scientific method:

1. Study existing data.
2. Formulate an hypothesis.
3. Predict the consequences.
4. Test those consequences (gather empirical data).
5. Modify the hypothesis as required.

Dr. Hunter says of CIAP and other work to date:

"At present we are in a sense stalled at the end of step 3; in some cases we do not even have enough data to get going on step 1. There has been a lively debate about whose, or what kind of, model is best for predicting SST effects. The reason we were reduced to that kind of thing is simple: we did not have enough data about the actual atmosphere to decide, *and there was nothing left to do but hold a scholastic debate.*" (emphasis added).

In summary, the major positions are the following:

1. Although increasing knowledge of the upper atmosphere is rapidly becoming available, data are not yet available to demonstrate empirically the effects of photochemical pollutants, natural or man-made, on ozone density.

2. In the present state of knowledge, the known increasing average density of ozone, which has persisted over the past decade, does not disprove the concept that photochemical reactions dominate in the control of ozone density. The quantities of substances shown to destroy ozone in theory and in laboratory tests have been released to the atmosphere in steadily increasing amounts over the past four decades. However, two possibilities are: 1) the ozone density, increasing from some natural cause, would have reached much higher densities were the photo-reactant substances not present, and/or; the bulk of the suspect materials has yet to reach the stratosphere in sufficient quantity to have an effect.

3. Almost all of the stratospheric flight, artificial fertilizing, releases of halocarbons from refrigerants, aerosol sprays and agricultural fungicides occurs in the Northern Hemisphere, where the ozone shield persists in a slightly denser layer than in the Southern Hemisphere. This observation would seem to challenge the concept of photochemical control of ozone density but is not adequate to disprove it. There is a possibility that patterns of upper atmospheric circulation tend to cause a hemispheric imbalance in ozone distribution great enough to compensate for Northern Hemisphere losses to photochemical reactants.

4. The air of crisis, which was present when the theories of photochemical-ozone control first appeared, has diminished as increasing information has been gathered. But, the concern remains strong and the debate is not likely to be settled prior to the completion of not less than two full solar flare cycles (22–25 years) or perhaps more.

5. In view of the distinguished scientific memberships of several of the review panels which have raised warnings about possible destruction of the ozone layer based upon review of laboratory tests, one must take the issue as a serious concern for public policy. The purpose of this review is simply to distinguish between these hypotheses, however well thought out and tested in laboratories, and our present factual data on the real atmosphere which to date does not match the hypotheses by seeming to show tendencies the reverse of those postulated. We suggest keeping an open mind, neither accepting the more alarmist views nor discussing the matter as one of no consequence.

[1] CIAP Assessed, Professor R. S. Scorer, Flight International, April 10, 1975, p. 584.

[2] The Stratosphere, 1975–1980, Report of a Workshop, May 28–30, 1975, Donald M. Hunter, Editor, Goddard Space Flight Center, Greenbelt, Maryland.

YOUTH CAMP SAFETY ACT

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. MOAKLEY. Mr. Speaker, I would like to take this opportunity to express my support for legislation that insures the safety and well being of American children attending summer camps. These youngsters represent our hope and our future. The official attitude of neglect and indifference on the part of camp administrators can no longer be sanctioned. These children must be protected as heirs to the cherished legacy which resides in our American heritage of respect for individual rights, defense of the weak, and compassion for those in need. It is the dynamic spirit of this rich tradition which demands that we take action in this area. As has been the case in the past, our Government must once again protect those not capable of protecting themselves. We must, as public servants, safeguard the rights, the lives, and the happiness of those people whom we represent.

The particular measure of which I am speaking is the Youth Camp Safety Act, H.R. 2518, which I am cosponsoring. This bill directs the Department of Health, Education, and Welfare to draw up minimum standards of health and safety for summer camps for our youth. It is unfortunate to note how miserably most of our States have failed in this area. The Federal Government must now insure that this situation is remedied. Forty-five States have no regulations pertaining to camp personnel or out-of-camp excursions; 17 have no regulations dealing with program safety; 24 do not have any regulations on personal health; 34 States do not regulate day camping. Surely, we in Congress can do something to protect our 2 million youngsters who go to camp every year. Nothing stands between our youth and potential disaster at summer camps.

This year, over 250,000 children will be hurt at camps; most of these injuries can be avoided simply by better supervision or higher standards of camp maintenance and administration. Certainly the $7.5 million authorized in this

bill is a small amount to pay for the prevention of tragedy. The goal of H.R. 2518 is just that. Under this measure, States are encouraged to develop their own plans and adopt their own enforcement procedures. In the meanwhile, nationwide standards will be set by the Federal Government. It is the least that we in the Congress can do.

This piece of legislation passed with amendments in the House last year, but died in the Senate. Hopefully, in dealing with the newer, slightly modified version, we will be able to avoid such shortsightedness this year. This is a measure which deserves passage. While establishing some degree of safety for youth, it does not pose a threat to individuals operating camps. The camp administrators will be faced with no harsh first instance penalties and they will be offered opportunities to consult with officials before inspections are made of their facilities. Indeed, the American Camping Association, representing over 8,000 camps, is one of the many organizations that have endorsed this bill. It is also backed by the Campfire Girls, the YMCA, the Boy Scouts, the Girl Scouts, the Methodist Church Camps, and the National Safety Council. With such highly reputable and widely esteemed groups supporting passage, it is easy to understand that this is vital and necessary legislation.

Soon hearings will be held on the Youth Camp Safety Act before the Committee on Education and Labor's Subcommittee on Compensation, Health and Safety. I strongly hope that affirmative action will be taken in committee on H.R. 2518, and that it will shortly be enacted into law. American families deserve nothing less than summer camps which are safe, healthy, and responsible as well as being enjoyable and worthwhile.

SOUTH DAKOTA LEGISLATURE URGES BETTER RELATIONS WITH REPUBLIC OF CHINA

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. ABDNOR. Mr. Speaker, it is my pleasure today to bring to the attention of the House the text of a resolution adopted by the South Dakota State Legislature. We have heard much in recent months about citizen participation in Government. Yet for years State legislatures have done this very thing and this is a continuation of this tradition of citizen imput through the duly elected officials of the State of South Dakota.

It is particularly important that the message of this resolution be heard in Washington. In recent years, the pressures and strains of international relations have often resulted in policies pursued at the expense of our allies and friends. By this resolution the elected representatives of the legislature of the State of South Dakota are urging this Congress and this administration to keep uppermost in mind the interests of our allies and friends. It is a message that truly needs to be heard in Washington:

SENATE CONCURRENT RESOLUTION No. 3

A concurrent resolution urging the President and the Congress of the United States to maintain close relations with the Republic of China

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, the great free nation of the Republic of China has been a continuous and faithful ally of the United States, supplying both moral and economic support to the benefit of both nations; and

Whereas, the Republic of China has made every effort to develop a free enterprise-based democratic form of government on the island of Taiwan; and

Whereas, the cultural interchange between the Republic of China and the United States has benefited both nations; and

Whereas, the Republic of China, during the many years since its founding, has pledged its human and economic resources to the defense of free people everywhere; and

Whereas, the Republic of China remains steadfast in its friendship toward the United States:

Now, therefore, be it resolved, by the Senate of the Fifty-second Legislature of the State of South Dakota, the House of Representatives concurring therein, that the President and Congress of the United States make every effort to develop better social and economic relations with the Republic of China and not in any way detract from our relations with the Republic of China, and that the government of the United States do nothing which would compromise the freedom or security of the Republic of China or its people; and

Be it further resolved, that copies of this resolution be sent to the President, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the South Dakota Congressional delegation.

TRIBUTE TO LAWRENCE M. STOLLE, YOUNGSTOWN VINDICATOR SPORTS EDITOR, AND DON GARDNER, WKBN RADIO-TV SPORTS ANNOUNCER

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. CARNEY. Mr. Speaker, on Sunday, March 20, 1977, I had the pleasure and the privilege of attending the appreciation dinner in honor of two distinguished gentlemen in the world of sporting news: Mr. Lawrence M. Stolle, sports editor of the Youngstown Vindicator, and Mr. Don Gardner, retired WKBN sportscaster.

More than 400 people, including the Youngstown area's most prominent athletes, coaches, political, civic, business and community leaders attended the testimonial banquet to pay tribute to these outstanding sports reporters. During his long and illustrious career, Lawrence Stolle has covered, with keen insight and an abundance of enthusiasm, virtually every kind of sporting event. At the same time, Don Gardner has been "The Voice" of Youngstown sports for nearly all of WKBN Radio-TV's entire 50-year existence. Together, their vivid descriptions and analyses of sporting events have given countless sports fans a better understanding and appreciation of those events.

More than being a great sports editor and a great sports announcer, Larry Stolle and Don Gardner are great human beings They are known, respected and loved by nearly every citizen of the greater Youngstown metropolitan area. Likewise, their love of sports has been contagious, and has been translated into a love of their fellow man.

Mr. Speaker, Don Gardner and Larry Stolle have received almost every award, honor and commendation available to members of their profession. I would like to extend my hearty congratulations, in this public forum, to Mr. Lawrence M. Stolle and Mr. Don Gardner for the outstanding contributions they have made both to Youngstown sports, and also to the Youngstown community as a whole. I would also like to take this opportunity to insert a portion of the appreciation dinner program and two Vindicator articles in the RECORD at this time for the information and consideration of my colleagues:

THE PROGRAM

God Bless America, Mrs. John DeMain, Sr.

Pledge of Allegiance.

Invocation, Rev. Henry Fabrizio, retired pastor, Our Lady of Mt. Carmel Church.

Dinner, catered by Lou Fusillo.

General chairman, Dr. Frank Bellino.

Welcome address, Jack C. Hunter, mayor of Youngstown.

Resolutions:

1. Ohio State Senate.
2. Ohio House of Representatives.
3. Mahoning County Commissioners.
4. City Council, City of Youngstown.

Remarks—roastees:

1. Dom Rosselli.
2. Norm Berger.
3. Val Carano.
4. Dr. Phil Davidson.
5. Paul Amadio.
6. George Bellino.
7. Joseph (Blackie) Gennaro.
8. James Keifer.
9. Vic Frolund.

Introduction of honorees, Dr. Frank Bellino.

Response, Don Gardner, retired Sports Director, Channel 27—W.K.B.N., Lawrence Stolle, Sports Editor, Youngstown Vindicator.

Benediction, Rev. Joseph Iati, pastor, Our Lady of Mt. Carmel Church.

Music by Frank Sainato.

Banners by John Witek.

COMMITTEE

Dr. Frank Bellino, General Chairman.

Felix Malone, Co-Chairman.

Carmen Ross, Treasurer.

Michael Lariccia, Co-Treasurer.

Dom Conti, Byrd Giampetro, Program and Ticket Chairmen.

400 TO ATTEND FETE HONORING STOLLE, GARDNER THIS EVENING

Upwards of 400 persons are expected to gather in the C.C.D. Center at Mt. Carmel Church this evening to attend a testimonial dinner honoring Vindicator sports editor Lawrence M. Stolle and retired WKBN sports announcer Don Gardner.

Dr. Frank Bellino is general chairman, Dom Conti and Byrd Giampetro program cochairmen on the committee which made arrangements for the event citing two individuals who have played significant roles in the coverage and growth of Youngstown sports for half a century.

All realms of area sport will be represented, and those attending will include business, civic and political leaders of the community as well.

Through the years Stolle has covered almost every conceivable type of major sporting event—baseball, boxing, horse racing, golf, basketball, etc.—and has been cited numerous times for his literary contributions. Most recently he was recipient of an award for his coverage of the 1976 Mahoning-Shenango Kennel Club show, gaining national honors in its category as "the best story of the year."

A golf addict in his younger years, Stolle also was instrumental in helping to organize the Youngstown District Amateur Invitational Golf Association, and has written extensively about this sport in particular along with his regular weekly column. He also has made lasting contributions to the promotion of area horse racing at Thistledown and Waterford thoroughbred tracks, and Northfield's harness racing plant.

Gardner was a prominent "voice" of Youngstown sporting activities for most of WKBN's 50 years in radio and nearly three decades in television. He has always had an ardent interest in Youngstown area athletics and athletes, has rendered valuable behind-the-scenes assistance to many individuals in the sports world as well.

A former teacher in the local school system and at Youngstown State, Gardner has provided play-by-play accounts of hundreds of local and area scholastic football and basketball games, as well as those of the Penguins. In addition, he provided on-the-scene coverage several years of state scholastic track, tennis, baseball and golf events.

His gifted eloquence frequently resulted in Don's being called upon either as a guest speaker or toastmaster for varied functions, and he always seemed to find the time to oblige.

FOUR HUNDRED HONOR STOLLE, GARDNER AT BANQUENT

A crowd of 400 turned out for an "Appreciation Dinner" last night to pay tribute to Lawrence M. Stolle, Vindicator sports editor, and Don Gardner, retired WKBN sportscaster.

The event took place at Our Lady of Mt. Carmel Church Hall.

A number of the area's top sportsmen took part in the program, which followed a "roast" type format, in which speakers' remarks were both complimentary and whimsical and directed to the honored duo.

Taking part in the "roast" were Dom Rosselli, YSU cage coach; Norm Berger of WKBN, Val Carano of the Curbstone Coaches, Paul Amodio, YSU athletic director: George Bellino, golf pro at Tippecanoe, Atty. Henry DiBlasio, Judge Frank Kryzan, Vic Frolund, noted sports historian and Stephen R. Olenick, president of the Baseball Oldtimers.

Mayor Jack C. Hunter gave the welcoming address. Dr. Frank Bellino, general chairman, introduced the honorees.

Both Gardner and Stolle gave sincere talks, describing their appreciation to the group in attendance and those on the various committees.

A number of resolutions were read. The Ohio State Senate, House of Representatives, Mahoning County Commissioners and Youngstown City Council prepared the resolutions honoring Stolle and Gardner for their contributions to the Ycungstown area sports scene.

Assisting Bellino on the committee were Felix Malone, Carmen Ross, Michael Laricia, Dom Conti and Byrd Giampetro.

The Rev. Henry Fabrizio gave the invocation and Rev. Joseph Iati the benediction. Mrs. John DeMain Sr. sang God Bless America.

WHY WE NEED TO "INFLATION-PROOF" THE TAX SYSTEM TO PROTECT PEOPLE'S PURCHASING POWER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. KEMP. Mr. Speaker, inflation has become a fact of life in America. Unfortunately, many of the Government's policies and institutions were developed in an era when a dollar was worth a dollar, and the value of a dollar could be assumed to be constant, like an inch, a foot, or a yard. Throughout most of American history this was a valid assumption, but since the early 1930's we have come to live with ever-increasing rates of inflation. The corollary to this is an ever-declining value of the dollar.

The institutions which rely on dollar figures in order to measure value, however, have not kept pace with this new reality. In many cases it is impossible to ever accurately compensate for inflation because its effects are not uniform. All prices and wages do not rise at the same rate for many reasons, including imperfect knowledge, contractual arrangements, wage and price controls of various kinds, and so forth. Thus, there will always be gross inefficiencies built into the economic system by inflation, with those distortions becoming magnified with every increase in the rate of inflation.

At this point it should be kept in mind that inflation has only one major cause, namely, an increase in the quantity of money. It is true, of course, that real factors, such as the tremendous increase in the price of oil recently, do affect prices. But it is impossible, I repeat impossible, to have a general increase in the price level without an increase in the quantity of money.

Insofar as the Congress is responsible for this state of affairs, it is due to the tremendous increase in deficit spending over the past several years. This deficit can only be financed to a limited degree by borrowing—which in any case depletes the resources available for capital investment, thus leading to a lack of growth in productivity, which exacerbates the effects of the inflation. Whatever money cannot be borrowed must be created by the Federal Reserve System through monetization of the debt.

Thus a recent study by the Subcommittee on Domestic Monetary Policy concluded that as much as 70 percent of the rise in the Consumer Price Index between 1966 and 1975 can be attributed to excessive monetary growth. Furthermore, this inflation is largely responsible for the current recession. According to the study, for each 1 percent rise in the Consumer Price Index, on average, real gross national product decreased by 1 percent the next year. Likewise, every decrease of 1 percent in the rate of inflation achieved this year can be expected to increase the rate of real GNP growth by 1 percent next year.

The first step toward reestablishment of real economic growth, therefore, must be an end to deficit spending and a reduction in monetary growth. Given the current political situation and the vast number of mandated spending programs already committed, however, this is not likely to occur in the near future.

In the meantime, the Congress can take steps to reduce some of the distortions caused by its inflationary policies. The most important step would be a revision of the tax system to reflect inflationary increases in corporate profits and individual incomes.

Because our tax rates are steeply graduated, the higher one's income the greater the proportion of that income which must be paid in taxes. I do not intend to justify this system, I merely note its existence. Suffice it to say that progressive tax rates do not exist for economic reasons. It is a well-known fact that, all other things being equal, a flat rate of about 21 percent would raise exactly the same amount of tax revenues as all the income tax rates from 14 to 70 percent.

Consequently, when incomes begin to rise in response to the inflation they become subject to higher rates of taxation. If prices have also risen by the same amount, therefore, real income may actually be unchanged, though it is subject to higher tax rates nevertheless. The following tables demonstrate

EFFECT OF 10-PERCENT INCREASE IN TAXABLE INCOME ON NET AFTER-TAX INCOME (1974 RATES)

Before 10-percent increase			After 10-percent increase			Increase in net income	
Taxable income	Tax	Net income	Taxable income	Tax	Net income	Amount	Percent
$1,000	$140	$860	$1,100	$155	$945	$85	9.9
$3,000	450	2,550	$3,300	501	2,799	249	9.7
$5,000	810	4,190	$5,500	905	4,595	405	9.7
$10,000	1,820	8,180	$11,000	2,040	8,960	780	9.5
$20,000	4,380	15,620	$22,000	5,020	16,980	1,360	8.7
$30,000	7,880	22,120	$33,000	9,080	23,920	1,800	8.1
$50,000	17,060	32,940	$55,000	19,650	35,350	2,410	7.3
$75,000	30,470	44,530	$82,500	34,790	47,710	3,180	7.1
$100,000	45,180	54,820	$110,000	51,380	58,620	3,800	6.9
$200,000	110,980	89,020	$220,000	124,980	95,020	6,000	6.7

EFFECT OF 10-PERCENT INCREASE IN TAXABLE INCOME ON TAX LIABILITIES (1974 RATES)

Taxable income	Tax	Income after 10-percent increase	Tax on increased income	Increase in tax	
				Amount	Percent
$1,000	$140	$1,100	$155	$15	10.7
$3,000	450	3,300	501	51	11.3
$5,000	810	5,500	905	95	11.7
$10,000	1,820	11,000	2,040	220	12.1
$20,000	4,380	22,000	5,020	640	14.6
$30,000	7,880	33,000	9,080	1,200	15.2
$50,000	17,060	55,000	19,650	2,590	15.2
$75,000	30,470	82,500	34,790	4,320	14.2
$100,000	45,180	110,000	51,380	6,200	13.7
$200,000	110,980	220,000	124,980	14,000	12.6

Source: The Tax Foundation.

how a 10-percent inflation rate would affect the proportion of taxation paid:

As one can see, the progressive income tax increases the rate of taxation on additional income at higher than the average rate on existing income. This tends to discriminate against those with larger incomes especially.

The result is that the burden of taxation in the United States is continually rising even though real income has not risen significantly. Thus, according to the Congressional Budget Office, every 1-percent increase in the Consumer Price Index automatically increases Federal tax revenues by 1.2 percent. Furthermore, most of this increase falls on individual incomes such that there is a 1.5-percent increase in the individual income tax for each 1-percent rise in GNP.

Since these hidden tax increases are unresponsive to the rate of real growth in GNP and income, they have seriously hampered recovery from the current recession. For example, real GNP in the United States was more than 2 percent lower in 1974 than in 1973. Yet total Federal tax revenues, expressed in real terms, rose by more than 2 percent. This fact has led Prof. Thomas Dernburg to conclude in a recent Joint Economic Committee study that an indexed personal income tax would have relped to avert the collapse of 1974.

Indexing would have meant that the real tax burden would not have risen in response to inflation and that everyone would still be paying the same proportion of their income in tax both before and after the inflation. It is my opinion that implementation of such a system is one of the most important ways in which the Congress can help alleviate some of the most harmful effects of its own inflationary policies. That is why I have introduced H.R. 426 in the current Congress.

I should point out that it is not sufficient to merely eliminate the inflationary distortion on personal income taxes. Allowance must also be made for the overstatement of corporate profits caused by inflationary increases in the value of inventories and the increase in replacement costs for plant and equipment which are not compensated for by depreciation allowances. Therefore, I have included a provision for indexing depreciation, as well as indexing personal income tax rates.

To be sure, this is only a first step. Ideally, an indexing feature should compensate for all distortions in capital gains and remove the bias against saving as well.

Take, for example, the person who buys a house. He may be able to sell that house for three or four times what he paid for it after only a relatively few years. But this does not reflect true profit because this increase is largely due to inflation. Even someone with a very moderate income may suddenly find himself paying a rate of tax on this illusory profit usually reserved for the truly rich. Nominal capital gains, in fact, may actually be a loss after inflation is factored in. Yet the Tax Code does not recognize this fact.

As I said earlier, the first priority must be a reduction in inflation through the adoption of enlightened fiscal and monetary policies. In the meantime, it is grossly unfair and detrimental to economic growth for the Government to continue deriving increased tax revenues which do not reflect an increase in real income. Indexing would be a first step in this direction.

CARTER ELECTION PROPOSALS DRAWS WARNING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. FRENZEL. Mr. Speaker, today's lead editorial in the Washington Post demonstrates a thoughful analysis that I would like to see more frequently. It describes most of the Carter administration's election proposals as "chancy" and reminds that "at some point the system, . . . starts to choke the politics."

The editorial follows:

THOSE CARTER ELECTION REFORMS

"Political reform" is a nice, all-purpose term whose definition—and possible drawbacks—must be found in the details. A good example is the package of election changes proposed by President Carter and Vice President Mondale this week. Some of their recommendations strike us as being sound. These include a constitutional amendent to abolish the archaic electoral college in favor of direct popular election of the President and revision of the Hatch Act.

The Hatch Act is a good example of a well-intentioned law that has become stifling. Mr. Carter proposes enabling most federal employes, except those in acutely sensitive posts, to engage in political activity if they choose. He would also—essentially—maintain protections against political coercion and partisan abuse of federal offices. We're not sure whether or how Congress can draft a statute meeting all these goals. But generally we favor the effort to promote both governmental integrity and individual rights—including the freedom not to take part in politics.

The rest of the Carter-Mondale proposals strike us as being a good deal chancier and more open to objection. We will reserve for the moment comment on his proposal to extend public financing to congressional elections, an idea that is fraught with dangers and complications and one we intend to address separately soon. For now we prefer to take Mr. Carter's recommended improvements in the method of registering voters as an illustration of the way in which the pursuit of unexceptionable democratic values can lead the best-intended reformer into self-defeating results.

The Carter-Mondale plan for election-day registration raises questions of the limits of the law as a stimulus to political reform. The plan's purpose is to encourage more citizens to vote. That is a worthy aim—but registration does not seem to be a major barrier any more. Since 1960 the opportunity to vote has been vastly expanded through the Voting Rights Act, the lowering of the voting age to 18, shorter residence requirements and simpler registration systems in many states. And voter participation has been dropping nonetheless. Non-voting is most rife among the young, the less affluent, the less educated and those who lack strong community ties. This is more an indictment of recent politics than a reflection of the registration laws.

That is not to say that polling-place registration isn't worth a broader try. Messrs. Carter and Mondale, however, are not content to recommend this plan to other states. They want to make it a full-fledged federal program, mandatory in federal elections, strengthened by federal approval of states' voter identification rules, and sweetened by federal grants to the states—with supplemental funds for "voter outreach" and other activities. All in all, it's one of those nice-sounding but awful ideas. Anybody can guess what would come next: affirmative action programs for precinct workers, "outreach" demonstration projects, charges that federal funds are being used as walking around money, and more rules and restrictions and "reforms." And each such step erodes the traditional role of the states and stifles free, competitive political activity.

The problems of the current campaign financing law should have taught us all that government can only do so much to promote better politics. President Carter has had a few glimpses of this himself. Indeed, he now wants to modify the system of public financing of presidential contests in order to revitalize state and local campaigning that involves a national ticket. He also thinks the reporting rules could be simplified. Yet, at the same time, he has proposed this new national-registration program and endorsed public financing for congressional elections. All this suggests to us that Mr. Carter and his allies, in their zeal to improve the political system, are not fully mindful of the fact that at some point the system—sure as death and taxes—starts to choke the politics.

BUTTERING UP INFLATION—CARTER DAIRY SUPPORT MILKS EVERYBODY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. FINDLEY. Mr. Speaker, the new price support level for milk, just announced by the Carter administration, is a billion dollar budget buster that will raise prices to consumers by $800 million a year, increase tax-supported annual Government costs by at least $400 million, and trigger a whole new round of inflation. It will also complicate our trade relations with Europe. The decision can be accurately characterized as buttering-up inflation. The higher Carter support clearly milks everybody.

It is difficult to believe that a President who is truly committed to balancing the budget and easing inflation would even consider raising price supports for milk to 83 percent of parity when price supports are already too high. Apparently, the increase reflects partial compliance with a campaign promise he made as candidate in the Wisconsin primary in order to get dairy lobby support—a promise for which the rest of the country must now pay, and pay dearly.

I am especially saddened by the fact that the milk support increase comes at a time of enormous dairy surplus—about a half-billion pounds in Government hands; and a time when administration rhetoric is at a high pitch regarding a commitment to consumers. The commitment is hard to find in the milk decision.

I submit for the RECORD a recent Washington Post editorial and news article which appropriately describe the Carter assault on food shoppers and taxpayers. These news stories certainly reflect my sentiment on the milk support increase; and I believe, more importantly, they

sum up the American public's view as well:

[From the Washington Post, Mar. 22, 1977]

BUTTERING THE DAIRY FARMERS

The new Secretary of Agriculture, Bob Bergland, is about to raise dairy support prices—and, by all hints and portents, he's going to raise them far too high. It is taking awhile, evidently, for Mr. Bergland to get used to the idea that he's no longer a congressman from Minnesota. He's reportedly on the verge of moving the price up to $9 for 100 pounds of milk. The present support price is $8.26, and most of the increase would get passed right along to the consumer.

Why make a fuss over a minuscule seven-tenths of a cent per pound? Because this country's exceedingly productive dairy herds give us 115 billion pounds of milk a year. That tiny seven-tenths of a cent means something over $800 million a year to consumers. But that's not the full cost to the public. The Agriculture Department maintains the price by buying surplus milk products to take them off the market. That would cost more than $400 million this year, at the present support level. Raising it to $9 would add another $350 million or so over the coming year—and that's on top of the aforementioned $800 million from consumers.

That kind of an increase in support threatens to bust President Carter's budget. It promises to fan up inflation at the grocery store—adding available damage to the unavoidable food price increases already resulting from this year's strange weather. If the $9 support price goes through, it will raise real doubts about the Carter administration's grip on economic policy.

The principle of price supports is a good and useful one, in dairy products as in other basic foodstuffs. Milk production fluctuates, and farmers are entitled to insurance against severe and unexpected drops in prices. Supports benefit consumers as well, for they guarantee a steady and adequate flow of milk to market. The issue is where to set the price. The Council on Wage and Price Stability, which is the White House's early warning system for inflationary threats argues that even the present support price is a shade too high. Other specialists argue that it's a bit too low, in view of rising costs of production. But there's hardly anyone, except perhaps some of the dairymen, who think that it ought to be as high as $9 a hundredweight.

[From the Washington Post, Mar. 23, 1977]

MILK SUPPORT PRICE GOING UP 6 TO 8 CENTS A GALLON AT RETAIL

Agriculture Secretary Bob Bergland announced yesterday he will raise government milk supports 6 cents a gallon April 1 in hopes that higher prices this year will prevent shortages and even higher retail prices in the future.

The increase is expected to cause retail prices to jump 6 to 8 cents a gallon. Rep. Paul Findley (R-Ill.) said it likely will cost consumers $800 million a year.

Bergland estimated it will add $3,000 to the annual cash receipts of a typical small dairy farmer with a 40-cow herd.

Questioned at a news conference, Bergland said President Carter approved the 9 percent increase—instead of a 5 percent hike recommended by the National Milk Producers Federation—"partly" to keep a campaign promise to Wisconsin dairy farmers.

Bergland said drought in major Western and Midwestern dairy regions boosted cattle feed costs "significantly."

"Our concern is that in the absence of any increase in this modest price support, we would see heavy attrition in the dairy industry, the result of which would be extremely high prices sometime during the next year or two," he said.

The government price support currently is $8.26 per hundred pounds of milk. It will go to $9 on April 1, and Bergland said it will be reviewed again for possible adjustment in six months.

The government has been spending $330 million a year to buy up dairy surpluses. The increase may boost that to $700 million.

Sen. William Proxmire (D-Wis.) said Bergland's decision to raise supports to about 83 percent of parity wasn't enough. He said it's below the 85 percent commitment made by Carter during the election campaign.

Proxmire said the cost of producing milk in Wisconsin is more than $10 per hundred pounds.

Government experts said the increase likely will cause retail milk prices to climb 6 cents a gallon, but Patrick Healy, secretary of the National Milk Producers Federation estimated the retail increase at 8 cents.

THE 59TH ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. ANNUNZIO. Mr. Speaker, March 25 is the 59th anniversary of the Declaration of Independence of Byelorussia. We in the U.S. Congress have been elected by a free people and therefore we have an obligation to take this opportunity to focus the world's attention on the conditions under which the Byelorussian people are forced to live and speak out most energetically in behalf of their freedoms.

Excerpts from a statement on the occupation and oppression of Byelorussia by Soviet Russia issued by the Byelorussian Congress Committee of America follows:

OCCUPATION AND OPPRESSION OF BYELORUSSIA BY SOVIET RUSSIA

At the end of the First World War in March 1917, the Czarist Russian Empire collapsed. At this favorable situation, simultaneously with other Captive Nations. Byellrussia restored its national sovereignty.

After an extensive preparatory activities by many various organizations, the First All-Byelorussian Congress assembled in Mensk on December 14, 1917. It consisted of 1,872 delegates, elected democratically and covering all the ethnographic Byelorussian lands. This Congress was a national Constituent whose aim was to decide the future statehood of Byelorussia. Bolshevik-Russian delegates were in a small minority and were not able to influence the Congressional decisions. After the Congress had chosen independence for the Byelorussian state, the Soviet Russian troops dispersed it on December 18, 1917.

The next day, the Congress reconvened and delegated its rights and power to the Council of Congress. On March 25, 1918 this enlarged Council proclaimed independence of Byelorussian Democratic Republic. This Republic was recognized de jure by Austria, Estonia, Czechoslovakia, Finland, Georgia, Latvia. Lithuania, Poland, and Ukraine. It was acknowledged de facto by Bulgaria, Denmark, France, and Yugoslavia.

Having established its power in the U.S.S.R., the Bolshevik government of Moscow in 1929 drastically changed its relative liberal N.E.P. into a Communist policy of severe national persecution and economic exploitation. The first Five Year Plan inaugurated in 1928 signalized this basic change. It started with annihilation of Byelorussian leaders. Thousands of scholars, writers, teachers, state officials, and even students, were arrested, deported or murdered in jails Subsequently, Byelorussians were constantly removed from all leading posts and replaced by non-Byelorussians.

At this time forced collectivization of agriculture was introduced into B.S.S.R. The Byelorussian peasants were distinguished by their traditional attachment to private property. They offered firm resistance to collectivization. The Moscow government applied a mass and ruthless terror. The more prosperous peasants, over 1.5 million, were arrested and deported to the concentration camps in the forests of Siberia and deserts of Kazakhstan. In this way the collectivization of the individual farms was conducted in B.S.S.R. over several years and completed only in 1937, four years later than projected in the 1930 plan.

The waves of mass arrests, shootings and deportations were systematically passing over Byelorussia.

After occupation of Western Byelorussia in 1939 the Soviet government of Moscow immediately deported more than half of million of its population to the concentration camps of Siberia and Kazakhstan.

During the Second World War the Soviet Russian diversionist partisans were murdering, as a rule, Byelorussian teachers, officials, writers, priests, and all relatives of those, who were occupying any position in national Byelorussian life.

Despite mass terror and huge devastation of Byelorussian population by Soviet Russia, the Second All-Byelorussian Congress, held on June 27, 1944 in Mensk, the activities of the Byelorussian Central Council, and the armed fight of Byelorussian National Guard against Soviet Russia for independence of native country, gave the best proof for real desire of Byelorussian people. Therefore, after occupation of Byelorussia in 1944, the Russian government used its mass bloody reprisals on Byelorussian people. Again there took place mass deportations, public hangings, and shootings of Byelorussian national and cultural leaders, workers and peasants.

During years of occupation the Moscow government has annihilated over 6 million of the Byelorussian population.

On March 13, 1938, by a governmental decree, the study of the Russian language was made obligatory in schools of Byelorussia, and other national republics of the U.S.S.R. Immediately a final Russianization of schools was pursued. The language of instruction in all higher schools and in about all secondary and grammar schools was made Russian. The Russian language was introduced in cultural life, administrative offices, commerce, communications, armed forces, etc.

The Moscow government commenced to liquidate the cultural achievements of the Byelorussian people, created in the historical past. Many architectural and religious monuments: cathedrals, churches and monasteries, were ruined completely. Even after the 2nd World War at the Freedom Place in Mensk, the Roman Catholic Cathedral and a mediaeval firehouse tower of the specific Byleorussian architecture were destroyed. The buildings in Byelorussia were erected in the uniform present Russian fashion.

The names of towns, streets, institutions, schools, etc. are dedicated to the Russians or international Communists. The university in Mensk is dedicated to Russian Communist Lenin; the military school in Mensk is dedicated to Russian czarist general Suvoroff; the prospect in Mensk is dedicated to Russian poet Pushkin. In Byelorussian towns and cities many monuments were erected and dedicated to the Russian personalities.

It is hard to assume that the genocidal policies of present Soviet Russian government will be able to eradicate the Byelorussian people with their desire for national independence. The historical past is convincing that at the suitable opportunity

Byelorussians will again open the military fight for their liberation.

Mr. Speaker, the members of the Bielarusian Coordinating Committee of Chicago, Ill., have also informed me of their concern that the proper designation of Bielarus has not been generally known, and I quote from the committee's letter:

Though our native country is known as Byelorussia in English, we reject this terminology as incorrect and confusing our people with the Russians. In the first place, we do not like the "erzatz"—one-half of the word being the original Bielarusian while another half a Russianized English translation of the ending "rus," which properly means Ruthenia and not Russia. Secondly, the English name for Bielarus was not the choice of the Bielarusian people but was introduced by the Russians, and presumably Stalin, when the United Nations was established and Bielarus was allowed to become a signatory member. We, therefore, feel that the words Bielarus in its original form for the country and Bielarusian and/or Bielarusians for the people are best suited and most proper and should be used to describe our native country and the people as opposed to the terms of Byelorussia and Byelorussians, which in our opinion, should be used only when speaking of the present Russian imposed Soviet regime in Bielarus.

Mr. Speaker, I am privileged to join those Americans of Bielarusian descent in the 11th Congressional District, which I proudly represent, in the city of Chicago, and all over the Nation as they speak out in common concern for the plight of the people of Bielarus and rededicate themselves to hasten the day when human dignity and justice may again flower in Bielarus.

ELIOT JANEWAY DISCUSSES THE NEED FOR CAPITAL INVESTMENT AND THE DISTURBING BEHAVIOR OF LOAN MARKETS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. KEMP. Mr. Speaker, one of the most widely recognized aspects of the current economic recovery is the sluggish level of capital investment by industry. Under normal circumstances one would expect that there should be heavy demand for business loans as companies expand to take advantage of the more favorable economic climate. This, in turn, would normally express itself in higher interest rates. Manifestly, this has not occurred.

The Carter administration's position on this is that the economy is still not moving sufficiently fast enough and needs another quick-fix to get it moving again. They argue that this can be accomplished by stimulating more demand, which will then lead to an expansion of plant capacity—which allegedly is underused.

I do not believe this is the proper diagnosis for the current situation and I think that this can be demonstrated by an examination of loan market activity. As I have noted, there is little demand for commercial credit at this time. Yet banks are known to be overflowing with funds, as a result of extraordinarily high levels of saving by individuals. I believe that these two facts are closely interrelated and result from the same thing: a lack of confidence.

I think that there are two reasons for this lack of confidence: A fear of renewed inflation and the lack of incentive caused by a crushing burden of taxation—especially on capital. As a result, large amounts of money are being loaned out for very questionable and risky ventures, such as loans to third world nations. Or else they are simply going into the Treasury to cover the vast Federal deficit. Not enough money is going into business investment, and the country as a whole is the loser because this will eventually reflect itself in higher inflation, as production bottlenecks appear, and, ultimately, a lower standard of living. This is why I have spoken out so forcefully on the need for tax rate reductions, the need to control Federal expenditures and the need to remove excessive regulations and disincentives to production.

Eliot Janeway, the noted stockmarket analyst, has examined some of these issues and come to similar conclusions. I offer the following article of his to my colleagues:

MONEY MARKETS PROVE THIS SLUMP'S DIFFERENT

(By Eliot Janeway)

"Money, money everywhere, but not a dollar to use" is this year's American variant of the Ancient Mariner's lament which every schoolchild memorizes.

This winter saw the greatest inflow of idled cash into family savings accounts ever. Those who have been oversaving all along are doing so even more anxiously now. Country savings institutions don't know what to do with the spare cash cascading across their tellers' windows. But they're certainly not putting it out into loans to finance new construction.

In a normal slump, the country's mortgage-lending institutions come under pressure to put any buildup of new savings deposits to work. The workings of the supposedly inexorable law of supply and demand explain the source of the pressure.

As the supply of idle money builds up in savings deposits, interest rates are expected to fall. As a matter of fact, this is exactly what was happening last year—until the President's ill-conceived and ill-timed $30 billion recovery program scared the money markets to death.

Generally, once the mortgage-lending institutions find themselves earning less from risk-free Treasury securities, they become more willing to take chances on new construction loans. But now the backlash from the new inflationary scare the President has provoked is having the reverse effect.

The country's mortgage-lending institutions have been dumfounded to discover that they can earn more from riding risk-free in Treasury paper than taking chances on doing business with the builders.

The country's trend-making businesses are making a good thing out of sitting tight, too. The same expectation of lower interest rates is supposed to prod corporations into switching back into a "spend and invest" stance after months of slump.

But still further proof that this slump is different is coming from the money markets; and corporate treasurers are sharing the surprise of mortgage bankers. The jump in interest rates on risk-free Treasury paper is rewarding them for using their idled cash to lend money to the government instead of putting it to work by making commitments that will put people to work—not just 40 hours a week, but overtime, as the economy requires if it is to do the job of sharing the wealth only it can multiply.

The grim lament of the Ancient Mariner applies to the original version of the standard Washington Operation Tanglefoot which the new administration has dreamed up. It is proposing to borrow $30 billion to pass out as a stimulant: Some of it to those who already have too much; and the rest to those who are in urgent need of much more than the government is likely to offer, much less to give.

The irony of it is that the government will borrow this extra cash from the very businesses to which it is offering handouts.

The winter statistics being carried into the March opinion stream go far to explain this apparent perversity in the marketplace.

Albert Sindlinger, the well-known surveyor of consumer attitudes and preferences with whom I have been collaborating for years, is the source of the first revealing statistic. Sindlinger's February findings indicate that 22 percent of all American families with telephones listed in their own names—there are millions more unable to afford this basic necessity—do not own savings accounts.

The second telltale statistic came from the Federal Reserve Board, which is the official scorekeeper of consumer credit. It seems that January broke a variety of records for consumer borrowings.

After months of a normal slump, a surge in consumer borrowing is generally great good news; auto installment sales are the biggest ingredient of this important total, and an increase in car buying on time heralds recovery.

This January's consumer borrowing surge, however, was racked up despite a startling drop in new auto installment paper written—and when people weren't going shopping. The subsequent dampening of auto sales has confirmed this advance indication that no new auto boom is on. It also leaves no doubt that this slump is different.

The kind of borrowing that more than offsets the drop in auto paper explains why. Personal cash loans to families needing the money to pay bills made the difference; and it was the largest increase in borrowing for necessities ever. In fact, it's a wonder that savings accounts were up despite the squeeze on families in trouble.

Sindlinger finds that $10 billion have been withdrawn from savings accounts to pay bills so far this year; and that 3 million stockholders have dumped their holdings for the same reason.

As matters stand, the people who have more than enough money to trigger recovery are afraid to use it; and the people who are in trouble because of this strike of capital can't borrow to keep afloat.

The government won't straighten out this tangle by borrowing more from the people who are already lending money to it. Selling them confidence in putting their money to work would be easier and cheaper—and, incidentally the only way to recovery.

HON. FRANCES PAYNE BOLTON

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. LATTA. Mr. Speaker, I rise to pay tribute to the late Frances Payne Bolton, former Republican Representative from Ohio and one of the most distinguished,

innovative and visionary women ever to serve in the U.S. Congress.

Born into a wealthy industrial family, Frances Bolton dedicated her life to improving the lot of those less fortunate than herself. During nearly three decades in the U.S. Congress, she became a champion of social, hygenic, educational, and industrial programs, pushing through reforms to guarantee equal opportunities for all Americans, and encouraging similar initiatives around the world.

Through the Bolton Act, this distinguished Ohioan prodded Congress to establish a $5 million U.S. Cadet Nurse Corps which trained 124,000 nurses. Those nurses, in return for their training served in the Armed Forces or in essential civilian positions, and proved to be an invaluable resource to American forces during World War II. Though Mrs. Bolton, a widow and mother of four children, was ahead of her time in urging fair treatment for women, she was also concerned that traditionally female domains be opened to men, who gained access to the military nurse corps through her efforts.

As ranking Republican on the House Foreign Affairs Committee, Frances Bolton was extremely active in international affairs, and among many of her firsts was the first woman appointed as a congressional delegate to the United Nations General Assembly. In 1955, she was the first Congresswoman ever to head a mission abroad, and soon afterward was a U.S. delegate to the British-American Parliamentary Conference. At different times she also served as an alternate delegate to the 1966 NATO Parliamentary Conference in Paris, a U.S. delegate to the Ghana independence ceremonies, and a U.S. delegate to the 1966 Council of Europe in Strasbourg, France. Chairman of the House Subcommittees on the Mideast and Africa, Mrs. Bolton played a crucial role in promoting black educational and social projects in both America and Africa, and in 1965 was honored by an award from Operation Crossroads Africa.

The wife of the late U.S. Congressman Chester Castle Bolton, Frances Bolton originally joined the ranks of Congress to fill the unexpired term of her late husband, but because of her own outstanding initiative, talent, and leadership was elected to 14 full congressional terms. Serving from 1940 through 1969, she was half of the first mother-son team in Congress, with her son Oliver Payne Bolton elected as a Representative from Cleveland from 1953 through 1957, and from 1963 through 1965.

It was my privilege to serve with Frances Payne Bolton as a member of the Ohio delegation to the U.S. Congress, and it is a great pleasure today to pay tribute to her as a fine legislator who spanned social, geographical, and ethnic barriers to become an inspiration far beyond her very grateful and proud State of Ohio.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Friday, March 25, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

MARCH 28

9:00 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriation
HUD—Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Transportation
Communication Subcommittee
To resume hearings to inquire into domestic communications common carrier policies (i.e., telephone, computer, etc.)
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for ERDA's budget as it pertains to nuclear power.
3110 Dirksen Building

Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To resume hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

11:00 a.m.
Foreign Relations
Foreign Economic Policy Subcommittee
To resume oversight hearings on major international economic issues facing the United States.
S-116, Capitol

1:30 p.m.
Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

2:30 p.m.
Foreign Relations
African Affairs Subcommittee
To receive a briefing in closed session from CIA Officials on internationalization of local conflicts in Africa.
S-116, Capitol

MARCH 29

9:00 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Rural Development
To hold hearings on medicare reimbursements for rural health care clinics.
322 Russell Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Office of Human Development.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Energy and Natural Resources
Energy Production and Supply Subcommittee
To continue hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Foreign Relations
To hold hearings on the nominations of Joseph D. Duffey, of the District of Columbia, to be Assistant Secretary; Herbert J. Hansell, of Ohio, to be Legal Adviser; Matthew Nimetz, of New York, to be Counselor; all of the Department of State; to be followed by consideration of the above nominations and the nomination of W. Michael Blumenthal, of Michigan, to be U.S. Governor of the International Monetary Fund and U.S. Governor of the International Bank for Reconstruction and Development; a Governor of the Inter-American Development Bank and U.S. Governor of the Asian Development Bank and African Development Fund.
4221 Dirksen Building

Governmental Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To continue hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

11:00 a.m.
Foreign Relations
Foreign Economic Policy Subcommittee
To continue oversight hearings on major international economic issues facing the United States.
S-116, Capitol

1:30 p.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Technical Institute for the Deaf; the American Printing House for the Blind; Gallaudet College, and Howard University.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nomination of Joan Bucker Claybrook, of Maryland, to be Administrator of the National Highway Traffic Safety Administration.
5110 Dirksen Building

MARCH 30

9:00 a.m.
Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear Secretary Bergland.
1224 Dirksen Building

Energy and Natural Resources
To hold hearings on the nomination of Guy Richard Martin, of Alaska, to be an Assistant Secretary of the Interior.
3110 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Park Service.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
235 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Agricultural Production, Marketing and Stabilization of Prices
To hold oversight hearings on problems of flue-cured tobacco farmers.
322 Russell Building

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Export-Import Bank, and Overseas Private Investment Corporation.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Social and Rehabilitation Service.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To mark up S. 305, to require issuers of securities to maintain records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Governmental Affairs
To continue hearings on S. 591, and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To continue hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

10:30 a.m.
Commerce, Science and Transportation
To consider the nomination of Michael Pertschuk, of the District of Columbia, to be a Federal Trade Commissioner.
5110 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Foreign Relations
Subcommittee on Foreign Economic Policy
To meet in closed session to receive a staff report on U.S. Foreign Economic Policy Issues: The United Kingdom, France, and West Germany.
S-116, Capitol

Rules and Administration
To resume consideration of S. Res.'s 5 through 12, proposing several changes in the Senate rules, principally with regard to Rule XXII (cloture); and to consider other committee business.
301 Russell Building

MARCH 31

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.

Foreign Relations
Foreign Assistance Subcommittee
To mark up legislation on international financial institutions and bilateral development assistance.
4221 Dirksen Building

Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until: 1 p.m. 3302 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Select Committee on Small Business
To hold hearings on the nomination of Arthur Vernon Weaver, Jr., of Arkansas, to be Administrator of the Small Business Administration.
424 Russell Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear public witnesses.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Social Security Administration.
S-18, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for pub-

lic works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for National Highway Traffic Safety Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on S. 664, to provide for the insurance of graduated payment mortgages, and S. 1078, to revise the experimental mortgage insurance program.
5302 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on national water policy in light of current drought situations.
4200 Dirksen Building

Governmental Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

11:00 a.m.
*Foreign Relations
Subcommittee on Arms Control, Oceans and International Environment
To hold hearings on S. Res. 49, favoring international agreement to a treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of Civil Rights, Inspector General, Policy Research, and General Management.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

3:30 p.m.
Foreign Relations
To receive a briefing (in closed session) from officials of the Central Intelligence Agency on the general world situation.
S-116, Capitol

APRIL 1

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 664, to provide for the insurance of graduated payment mortgages, and S. 1078, to revise the experimental mortgage insurance program.
5302 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on the nominations of Charles Linn Haslam, of North Carolina, to be General Counsel, and Frank Alan Weil, of New York, to be an Assistant Secretary, both of the Department of Commerce.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

11:00 a.m.
Foreign Relations
International Operations Subcommittee
To hold hearings on proposed 1978 authorizations for the International Broadcasting Board.
4221 Dirksen Building

APRIL 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To hold oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To resume hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
S-407, Capitol

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
5110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for

Energy Research and Development Administration.
Room to be announced

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

*Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

APRIL 6

9:00 a.m.
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 393, the proposed Montana Wilderness Study Act.
Room to be announced

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear Congressional witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Select Small Business
Monopoly Subcommittee
To continue hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To continue oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on the benefits from and technological uses of genetic engineering-Deoxyribonucleic Acid (DNA) research.
6202 Dirksen Building

APRIL 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Dr. Frank Press, of Massachusetts, to be Director of the Office of Science and Technology Policy.
5110 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings to receive testimony in connection with delays and congestion occuring at U.S. airports-of-entry.
235 Russell Building

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To resume hearings on the national water policy in view of current drought situations.
4200 Dirksen Building

Judiciary
To hold hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building

Environment and Public Works
To resume hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 am..
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimate for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget etimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

Select Committee on Small Business
To hold hearings on S. 927, to establish a Minority Business Development and

Assistance Administration in the Department of Commerce.
424 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Judiciary
To resume hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 26

9:30 a.m.
Small Business
To hold hearings on problems of small business as they relate to product liability.
1202 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 10

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To resume oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To resume hearings to examine governmental accounting and auditing practices and procedures.

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To continue hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To resume hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To continue hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

CANCELLATION

APRIL 6

2:30 p.m.
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on proposed authorizations for fiscal year 1978 for the Coast Guard.
5110 Dirksen Building

SENATE—*Friday, March 25, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 12 meridian, on the expiration of the recess, and was called to order by Hon. JOHN MELCHER, a Senator from the State of Montana.

PRAYER

L. R. Elson, D.D., offered the following prayer:

The Chaplain, the Reverend Edward

Eternal Father, may Thy spirit brood over the Earth to allay fears and raise the hopes of mankind that there may yet come a just and righteous order after the

pattern of Thy kingdom. Be with the emissaries of this Nation and the representatives of other nations in their consultations, to the end that conciliation and concord with justice and freedom may prevail. Arm us with the sinews of a righteous people that we may wage peace in accord with Thy kingdom purposes. Spare us from mistaking angels of death for doves of peace. Cultivate in each of us the desire and the will to do justly, to love mercy and to walk humbly with our God that Thy kingdom may begin in us.

Grant Thy grace to the President and all whom we have set in authority over us that they and we may be obedient to Him who is King of Kings and Lord of Lords, in whose name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 25, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN MELCHER, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. MELCHER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Thursday, March 24, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATIONS

Mr. ROBERT C. BYRD. Mr. President, there is one measure which has been on the unanimous-consent calendar for 2 days now, I believe. It is Calendar Order No. 48, S. 1025.

I ask unanimous consent that the Senate proceed to its consideration.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1025) to amend the Securities Exchange Act of 1934 to increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal year 1977.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 1025) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by striking the amount "$55,000,000" before the words "for the fiscal year ending September 30, 1977" and inserting in lieu thereof the amount "$56,500,000".

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-56), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND

In the Securities Acts Amendments of 1975 (Public Law 94-29), Congress authorized to be appropriated $55 million for the Securities and Exchange Commission in fiscal year 1977. Of this amount, only $53 million has actually been appropriated.

The Commission served notice to the appropriate Committees of the Congress in January 1977, of its needs for additional appropriations for the current fiscal year. The request for additional appropriations necessitates legislation raising the current level of funds authorized to be appropriated.

Originally, the Commission requested an increased budget authorization to a maximum $58 million to accommodate two supplemental appropriations which have been submitted to the Congress. The first is an additional $2.4 million needed to pay for the cost-of-living wage increase granted Federal employees last October. The second supplemental request involved $2.6 million, which the Commission claimed was the minimum additional amount needed to assure the continued efficient operation of the Commission.

After further analysis and consultation with the appropriate authorizing committees of the Congress, the Commission reduced its second supplemental budget request and recommended to the Committee that its authorization ceiling be increased from the present $55 million to $56,500,000.

The nature and purpose of the legislation

The Commission has initiated an ambitious, and costly, effort to modernize its automated data processing and record system. Through increased reliance on micrographics, the Commission expects the anticipated benefits will far outweigh the actual cost. With the completion of the modernization program, the Commission will be better able to meet effectively its responsibilities under the securities laws, as well as improve public access to information contained in public files.

The Committee believes this supplemental request is essential to the successful completion of the Commission's modernization program and also necessary to enable it to meet its obligations under mandatory and unanticipated budget items.

The following information furnished by the Commission, details the nature and purpose of the request to raise the authorization ceiling from the present $55 million to $56,500,000:

Current appropriation	$53,000,000
Supplemental request relating to October pay increase	2,390,000
Supplemental request relating to executive pay increase	230,000
Supplemental request relating to modernization program and miscellaneous operating expenses	880,000
Total authorization	56,500,000

The Committee unanimously recommends the enactment of legislation to accomplish this purpose in order that the necessary funds can be appropriated.

ESTIMATED COST OF THE LEGISLATION

This legislation will increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal year 1977 from $55 million to $56,500,000. Assuming the full amount of the increased authorization is subsequently appropriated, the costs incurred in carrying out the bill will be $1,500,000.

HUMAN RIGHTS

Mr. ROBERT C. BYRD. Mr. President, in recent weeks President Carter has spoken several times in support of basic human rights. The President's statements on this vital issue have met with considerable criticism from several quarters, notably among some of the nations that have the least admirable record on the subject of human rights.

There has been some conjecture that President Carter's stance on the question of human rights might even jeopardize our continuing arms limitation talks with the Soviet Union.

I fully support President Carter's expressions of concern for human rights. The hope and the dream of generations of Americans, a hope and dream for which millions of Americans have fought and many thousands have died just in this century, has been the extension and strengthening of basic human rights, wherever such rights have been denied or suppressed.

President Carter has magnified a position that has been distinctly American from the earliest days of this Nation. We live in an era in which tyranny and dictatorship are apparently reasserting themselves in country after country.

I believe that future Americans will take pride in the fact that our President spoke words of hope and light in a time of increasing darkness and oppression.

With regard to the Soviet reaction and the arms talks, I do not believe that any arms talks would be very promising at best if they were to be jeopardized or if they were to collapse on the pretext that the United States took a stance in favor of human rights.

We have heard a good bit about the theory of "linkage" in connection with the arms talks. I believe in the theory of linkage, but only in a sort of reverse concept. I personally believe that there is a linkage between human rights and the keeping of an arms limitation agreement. A nation whose people are free to speak out on matters that affect their own lives is a nation that will be more prone to fulfill its commitments under an arms control treaty.

To speak out on matters as precious as human rights is not to be equated with intervention in a nation's internal affairs. The Soviet Union has never hesitated to speak out on matters that we have, from time to time, considered to be internal to our own country. Speaking out on matters as precious as human rights is a reflection of a principle so basic to American life that it has made this Nation the refuge for the oppressed for more than two centuries.

The more open a society the greater the likelihood that it will live up to its commitments.

It is my strong belief that an arms agreement which is the product of negotiations between the United States and the Soviet Union is far more likely to be a good and lasting one in a society where there can be open dialog and dissent than would be the case if that society is closed, if dissent is suppressed, and if repression is practiced against those individuals who feel compelled to freely speak their minds and their beliefs.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, I have two matters that I wish to bring to the attention of our colleagues.

ENERGY POLICY

Mr. BAKER. Mr. President, I invite the attention of Senators to a column by Evans and Novak in this morning's Washington Post. Many of the points which are covered in this article deserve repeating.

I endorse the authors' opinion that the United States cannot be quickly turned into an energy efficient society such as Sweden, however, conservation must become a very important part of our energy policy, as we are too well aware, the voluntary and mandatory energy conservation measures invoked in the 3 years since the oil embargo have not resulted in a dramatic change in our habits of energy consumption, and the road to energy efficiency will be a slow and difficult one.

A second point brought out in this column that deserves repeating is that power utilities and electric manufacturers are unwilling to embark on a major nuclear development program because they are fearful that our natural uranium reserves will be depleted around the year 2000 A.D. The recent Ford-MITRE report entitled "Nuclear Power Issues and Choices" reached the conclusion that there will be sufficient uranium reserves to fuel light water reactors well into the next century. Mr. President, I hope the authors of the Ford study are correct, but I must point out that many other experts disagree with their conclusion.

Considering the doubts about the extent of our reserves of natural uranium which are raised in this editorial, I urge Senators to carefully consider the potential consequences before the breeder reactor option is foreclosed. I particularly concur with the opinion expressed in this column that we should at least continue building the fast breeder reactor at Clinch River, Tenn. This demonstration project serves as a safeguard for the future and a reassurance to the U.S. nuclear industry that we will not let our reactors run out of fuel. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

ENERGY POLITICS

(By Rowland Evans and Robert Novak)

The nagging question for President Carter one month before his energy message to the nation is whether political success in avoiding confrontation with passionate environmentals over nuclear and coal production will yield political failure in providing the nation's energy needs.

Contrary to Carter's warnings of painful sacrifices ahead, there is no intent of radical energy conservation that would change the American way of life. Consequently, to become invulnerable to a future oil embargo requires the production of much more energy from coal and nuclear sources. But coal and nuclear power are taboos for environmentalists who backed Jimmy Carter for President and are now strategically placed in his administration.

The Carter answer is to appease the environmentalists with prestigious government jobs and conservation measures while at the same time going slow on the nuclear and coal programs. But is the President going too slow? Those who say yes, mainly in industry, are privately telling energy czar James Schlesinger that the plan now forming may not even put a dent in the frightening energy deficit.

Final decisions on Carter's first major program are not yet in concrete. Nor do those who have read sketchy first drafts of the President's message feel it approaches the clarion call to action that they want. What's more, decision-makers and speech-drafters must confine themselves to two unspoken political realities that circumscribe Carter on energy.

The first is that not even a President so popular as Carter can convert his energy-spoiled nation into an energy-saving China or Sweden. While Cadillacs and Corvettes may soon disappear and home insulation become mandatory, Americans will not let anyone drive them from auto and home into bus and apartment. One Schlesinger aide feels that "inconvenience" is a better description than "sacrifice" for what Carter is cooking up.

To maintain a faintly reduced American way of life without vulnerability to the international oil cartel, the need for new energy—from coal and nuclear sources—is obvious. But that runs into the second political reality: President Carter will not reenact President Ford's head-on charge against the environmentalists.

The conscious plan of Dr. Schlesinger is to trade off energy conservation for environmentalist acquiescence in coal-nuclear development. Just to make sure, the President is naming prominent environmentalists to key positions in the Justice Department and the Council on Environmental Quality.

Nevertheless, the administration's energy operatives are getting cold feet about relaxing environmental standards for coal production. The clear downgrading of coal leaves only one other option: nuclear power. But that brings Carter in conflict with his own campaign description of nuclear power as "a last resort" and with his intense fear of nuclear arms proliferation caused by supposedly peaceful production of plutonium.

The Carter-Schlesinger answer is to press ahead with nuclear energy production through so-called "conventional" means but not through reprocessing spent uranium into plutonium (which then could be used for weapons). More specifically, the decision has been all but pinned down at the White House to stop developing fast breeder reactors that burn reprocessed plutonium and yield additional plutonium. This compromise satisfies all but radical anti-growth environmentalists.

But it certainly does not satisfy power utilities or electric manufacturers, fearful that natural uranium will be depleted around the year 2000 and unwilling to embark on a major nuclear development program for only 25 years. One important utility executive told us that, as news of tentative decisions has spread from Washington, he and his colleagues over the past two weeks have devolved from cautious optimism to deepening gloom.

Their pleas, however, have not moved the decision-makers. When Schlesinger was told that General Electric Co. was on the verge of quitting the nuclear power business, he replied with a brief but salty expletive. In truth, dispassionate experts disagree among themselves over the immediate need for fast breeder development.

Considering that doubt, one objective energy consultant believes that Carter should at least continue building the $2 billion fast breeder reactor at Clinch River, Tenn., both as a safeguard for the future and to reassure industry. Yet, it seems dead beyond all hope. The reason: Clinch River has become a hated symbol for environmental activists.

Clearly, then, the real politics of energy goes beyond the President exhorting fellow citizens to drive smaller cars, pay more for gasoline and insulate homes. Although they may not end up in the final draft April 20, two lessons have emerged from its preparation: first, production rather than conservation is the toughest obstacle for an energy program; and second, the biggest sacrifice of all may be sacrificing an environmentalist scruple or two.

TVA CONSERVATION PROGRAM

Mr. BAKER. Mr. President, for the past several years the energy shortage has occupied much of the time of the policy institutions of Federal Government. There has been considerable debate over the national security, economic, environmental, and consumer impacts of our energy situation, and the evolution of clear policy guidelines has been slow.

In the past few months there has been a growing consensus that energy conservation—reduction of unnecessary energy usage—must play a substantial part in our national energy policy. The per capita consumption of energy in the United States is higher than can be justified by economic or social needs. While it is true that a sufficient supply of energy is essential to economic stability and growth, it is also clear that Americans waste incredible amounts of energy.

I am certain that the implementation of a Federal conservation effort will raise fundamental philosophical and political issues which will be debated at length in coming months. But I want to take this opportunity to applaud the efforts of one Federal agency which has begun practical action to bring about conservation already.

The Tennessee Valley Authority yesterday approved a no-interest loan program to assist low-income families weatherize their residences. Loans will be made to homeowners who heat with electricity to purchase insulation for attics and walls.

The loans may be repaid as a part of regular energy bills over a period so that the monthly charge will reflect a savings to the consumer as the result of reduced usage. The loans will be furnished out of the proceeds from the sale of power by TVA in the same manner that capacity improvements are financed.

The concept of this loan program should serve as an example to other energy producers. An investment in eliminating waste energy use is as sound as an investment in expanding capacity. To the consumer the result is decreased energy costs and enhanced property value. To the Nation the result is sounder management of energy resources.

The Tennessee Valley Authority deserves applause for undertaking this farsighted program of energy conservation.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no other requirements nor requests for time, and I yield back the remainder of my time under the standing order.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there is one nomination that I should like to call up at this time. Both of the distinguished Senators from Tennessee (Mr. BAKER and Mr. SASSER) have expressed interest in this nomination. I ask unanimous consent that the Senate go into executive session to consider the nomination under "Department of Justice."

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the nomination.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of W. J. Michael Cody, of Tennessee, to be assistant U.S. attorney for the western district of Tennessee.

Mr. SASSER. Mr. President, I commend the President of the United States on the appointment of Mr. Michael Cody as U.S. attorney for the western district of Tennessee. Mr. Cody is a native of Memphis, Tenn., and was educated in the Memphis public schools. He graduated with distinction from Southwestern University in Memphis in 1958. While in undergraduate school at Southwestern, he served as president of the student body at Southwestern University.

His legal training is excellent. He is a graduate of the University of Virginia Law School, and holds the degree of doctor of jurisprudence, awarded to him in 1961 by that distinguished law school.

He practiced law in the city of Memphis for 16 years, with the prestigious law firm of Burch, Potter & Johnson. He has served his city well as councilman at large on the Memphis City Council.

Mr. President, I think that the appointment of this young man as U.S. attorney for the western district of Tennessee can give us all hope in the future of our Government in this country. He is seeking this post at considerable personal financial sacrifice to himself; and I must say that it is to his credit and to the credit of the State of Tennessee that he did, at this point in his career, enter the Government service, at a time when he must make financial sacrifice to do so.

I might add that Mr. Cody is married and he has four lovely children, and not the least of his assets is his lovely wife, Nancy Cody.

So, Mr. President, I again commend the President on this excellent appointment. I am confident that Mr. Cody will serve in his capacity as U.S. attorney for the western district with the same distinction that he has served the people of the city of Memphis and the city council and with the same distinction that he has served at the Memphis bar.

Mr. BAKER. Mr. President, I was pleased to learn today that President Carter has forwarded to the Senate for consideration the nomination of W. J. Michael Cody for the position of U.S. attorney for the western district of Tennessee. Mr. Cody is a fellow Tennessean and is a respected member of the bar of Shelby County.

The position for which Mr. Cody has been nominated is a demanding one, and therefore it is of utmost importance that it be filled by a person who is strong, self-confident, public spirited and who has the integrity to perceive that the ultimate constituency of this office is the public interest.

The capabilities of the person holding the office of U.S. attorney becomes even more critical in the context of the tremendous problems presently being encountered by the country's legal institutions. Only through strong leadership by those in policy making positions such as that of U.S. attorney can our legal system continue to provide the prompt and equal justice which the citizenry of our country demands.

I have visited with Mr. Cody and am convinced that he is aware of these problems and is willing to confront them. I therefore feel he is an excellent choice by the President and will make an outstanding U.S. attorney.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objeciton, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSFER OF SENATE RESOLUTION 105 TO THE UNANIMOUS-CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there is a measure on the calendar that can be passed by unanimous consent. I ask the clerk to place it on the unanimous-consent calendar for consideration at a later date. The measure is Calendar No. 54, Senate Resolution 105.

The ACTING PRESIDENT pro tempore. The measure will be so transferred.

Mr. ROBERT C. BYRD. Mr. President, I do not believe that unanimous consent is required to place it on the consent calendar.

The ACTING PRESIDENT pro tempore. The Senator is correct; as majority leader, he has the power to transfer measures.

Mr. ROBERT C. BYRD. I thank the Chair. Mr. President, I have nothing further at this time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BARTLETT) is recognized for not to exceed 15 minutes.

AIR DEFENSE IN EUROPE

Mr. BARTLETT. Mr. President, the Carter administration, after only 1 month's deliberation, has proposed drastic cuts in procurement of Chaparral and Stinger surface-to-air missiles—SAM's—and in Hawk launchers at a time when shoring up the air defenses of our ground forces in Europe is one of the most important tasks confronting the U.S. Army. Given the history of rising costs and delays which have plagued our follow-on Roland and Patriot air defense missiles planned for the 1980's, this cut in all our production SAM's except the obsolescent Redeye is another example of muscle-cutting in the defense budget. The 60-percent reduction in funds requested for the Stinger missile will result in a 71-percent decrease in the number of Stinger missiles received—258 instead of 890. The proposed 40-percent cut in Chaparral funds will have a similar effect. The entire buy of six Hawk battery sets—nine launchers each plus radars and fire control computers—designed to plug holes in NATO defense when operational launchers are being repaired, has been canceled. Funds for other equipment related to tactical air defense have also been reduced in the Defense Department request. Either the Carter administration does not understand the importance of air defense on the modern battlefield or it does not recognize the present weaknesses in our air defenses in NATO.

If war should come to Europe, it is most likely that NATO forces would face a blitzkrieg style attack from Soviet air and ground forces launched with little or no warning, perhaps disguised in the beginning as a training exercise. As massive Soviet ground formations would advance under the protective cover of their own mobile air defense systems, Soviet ground attack aircraft would pound our defending forces. The need for effective antiaircraft weapons which stay with the ground forces was learned at great cost by the Soviet Union in World War II.

The Middle East war of 1973 revealed to Western observers that the Soviets had developed a superb air defense network consisting of mobile surface-to-air missiles and radar-controlled automatic cannon. The United States, with its tradition of maintaining absolute air superiority, has been slow to develop mobile air defense artillery. However, the development of advanced Soviet ground attack aircraft such as the SU-19 Fencer with the Warsaw Pact has forced the NATO nations to upgrade their air defenses in light of the probability that NATO will not be able to

maintain complete air superiority during the critical early days of war.

American forces in Europe rely upon the mobile, all-weather improved Hawk missile for its low- to medium-altitude SAM protection against Soviet aircraft. The Hawk missile has incorporated many improvements during its long history, and is once again undergoing a program to update its capabilities against advanced electronic countermeasures. However, the major fault with the Hawk missiles deployed in Europe has been that maintenance problems result in gaps in our air defenses. Sixty percent of the improved Hawk missile electronics consists of outdated items such as vacuum tubes that break down frequently. Further, the Hawk, which was deployed in 1972, was designed to be overhauled every 5 years. The Army has explored numerous methods for increasing Hawk readiness, including hiring more civilian technicians and rebuilding equipment onsite, but has come to the conclusion that the most cost-effective means of keeping gaps out of our European air defenses is to replace launchers undergoing repair with spare launchers not normally deployed. The Carter administration decision not to purchase the additional Hawk launchers and radars for this role only insures that our thin SAM defenses in Europe become thinner and thinner until replacement systems are hopefully deployed in the 1980's.

The Chaparral missile system is the U.S. Army's fair weather, low altitude air defense system deployed in Europe. Basically, it is the Air Force Sidewinder heat seeking missile mounted on a tracked vehicle and launched from the ground. In this makeshift role, the Chaparral has suffered from operational problems which have necessitated continual modifications. Nevertheless, the Chaparral is our standard quick reaction surface-to-air missile, and it is vital to ground forces on the move. The decision by the Carter administration to reduce the number of Chaparral missiles manufactured this year will not only increase the unit cost, but far more importantly, it will reduce the basic combat load for missile launchers deployed in Europe and for reinforcements.

During the wars in Vietman and the Middle East, military planners discovered the importance of providing infantry with a shoulder-fired weapon capable of shooting down attacking aircraft. The Soviet SAM-7 was fairly successful in this role, and the American Redeye, deployed in Europe, remains a threat to Russian aircraft. Still, the Redeye missile is vulnerable to countermeasures and can engage enemy aircraft only after they have completed their attack since the Redeye tracks the heat from their tailpipes. The new Stinger missile, however, can attack enemy aircraft from any angle and has overcome all of the problems associated with the Redeye. Because of its low cost, excellent capability, and immediate availability, the decision by President Carter to delay procurement of 632 of the 890 Stinger missiles which would have been purchased this year is particularly harmful, especially since production had already been deferred from last year.

While the Carter administraiton proposes major cuts in our programs to improve the readiness of our present tactical air defense network, NATO commanders are watching the Soviet Union deploy a new generation of surface-to-air missiles designed to accompany their armoured formations into battle. The Soviet combat-proven SA-6 is now being supplemented by the all-weather SA-8 which is extremely effective against high performance aircraft at low altitude. Also, the new SA-9 is being introduced to improve Soviet air defenses during good weather. The U.S. Army, however, still awaits the Roland, which is being modified from a European design, and the Patriot, which is the final result of the long delayed SAM-D program.

Mr. President, I reserve the remainder of my time for the distinguished Senator from Kansas (Mr. DOLE).

The ACTING PRESIDENT pro tempore. The Senator from Kansas has 5 minutes.

MIA ISSUE NOT YET RESOLVED

Mr. DOLE. Mr. President, I have followed with interest the Woodcock Commission's visit to Hanoi, as well as the actions and statements that followed that visit.

I certainly commend the Commission for the effort made, particularly Representative G. V. MONTGOMERY, who has probably more knowledge and more experience in dealing with the problem of POW's and MIA's than any other Member of Congress.

Frankly, I am disappointed with the apparent lack of progress in gaining an accounting for missing American servicemen. The Woodcock Commission returned essentially emptyhanded, yet the administration appears determined to proceed with plans for normalizing relations with Vietnam.

I am pleased that President Carter acted early in sending an executive commission to Vietnam to raise the subject of an accounting. But the Commission's visit, in fact, produced no tangible accounting for 2,500 missing Americans in Southeast Asia. It did acquire the remains of 11 U.S. casualties who had already been identified by the Vietnamese Government last September. But those bodies could and should have been returned long before now.

The Commission also garnered a pledge that the Vietnamese will set up a study mechanism to seek further information about missing American servicemen. It seems to me that this is hardly indicative of substantive progress. The study mechanism should have been set up long ago in accord with a pledge the Vietnamese made to us under the Paris peace agreement in 1973.

My chief concern at this point is that momentum appears to be building toward early normalization of U.S. relations with Vietnam, without tangible progress toward the accounting we have been seeking. The Vietnamese seem almost eager to gain membership in the United Nations and to implement trade channels with the United States. But we have reduced the matter of the MIA accounting from a precondition, to an unobtrusive footnote of normalization talks. In my opinion, it is vital that the United States sustain an active effort to achieve progress toward an accounting before agreeing to trade, aid, or formal diplomatic ties with Vietnam.

It is disturbing to me that the Vietnamese did not provide our Presidential Commission with new information on some missing Americans. The Department of Defense is said to have documented evidence of many other Americans who were known to have been alive or died in North Vietnam. The Commission report itself states that:

> Although they (the Vietnamese Government) almost certainly have at least some additional MIA information available, they did not provide it to the commission during its visit.

This, in my opinion, is not progress and cooperation.

HUMAN RIGHTS

We have been hearing a lot lately about the subject of human rights, and the impact this factor will have on U.S. foreign policy. I suggest that the Carter administration apply the same standards to improvement of relations with Vietnam that are being applied to our ties with Eastern Europe and Latin America. What we have witnessed, and are continuing to witness in the Vietnamese Government's attitude is a callous disregard for the basic human rights of American MIA's and their families. The withholding of this information is a violation of the rights to an accounting of the fates of American servicemen—a humane and compassionate obligation to family and friends, and to the memory of the servicemen themselves.

At a time when this administration addresses itself so eloquently to the matter of universal compassion for human rights, it seems only fitting that the same criteria of judgment needs to be applied to Vietnam's treatment of the MIA issue.

SUPPORT FOR ACCOUNTING UNDIMINISHED

Only 4 weeks ago, the Senate went solidly on record as supporting a full accounting for missing American servicemen in Southeast Asia. I can say with confidence that the Congress and the American public are not going to forget the MIA accounting. Nor are they going to quietly accept a reinstatement of diplomatic relations and bilateral trade in advance of substantive progress toward an accounting.

We have waited too long, and labored too hard for an honorable accounting, and we are not going to be satisfied with less than full Vietnamese compliance on this issue.

I would add that my disappointment extends to the apparent lack of progress in obtaining cooperation from Laotian and Cambodian officials on missing American servicemen in those countries. The Cambodians have thus far refused to even meet with American representatives on the matter, and Laotian officials indicated to the Woodcock Commission that they considered American aid a precondition to accounting efforts. A sizable number of missing servicemen are lost within this territory, and I urge the administration to continue to press for contacts and cooperation with Laotian and Cambodian officials on the accounting matter.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Senate will resume consideration of Senate Resolution 110, which is the ethics resolution.

The clerk will state the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 110) to establish a code for official conduct for the Members, officers and employees of the U.S. Senate, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Rhode Island (Mr. PELL) is recognized for not to exceed 15 minutes, to engage in colloquy with the Senator from Wisconsin (Mr. NELSON).

The ACTING PRESIDENT pro tempore. Does the Senator suggest the absence of a quorum?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged equally to both sides on the resolution until Senator NELSON arrives.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute without the time being charged against Mr. PELL.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT—S. 1051

Mr. ROBERT C. BYRD. Mr. President, there is a measure on the calendar, Calendar Order No. 51, S. 1051, on which I believe we have been able to work out a time agreement. This is a bill to amend the U.S. Grain Standards Act with respect to recordkeeping requirements and supervision fees. I ask unanimous consent that, at such time as the measure is called up and made the pending business before the Senate, there be a time limitation on debate of 2 hours, to be equally divided between Mr. HUDDLESTON and Mr. DOLE; that there be a time limitation on any amendment of 1 hour; a time limitation on any amendment in the second degree, debatable motion, or appeal of 30 minutes, and likewise with respect to a point of order if such is submitted to the Senate for discussion; and that the agreement be in the usual form.

Mr. BAKER. Mr. President, reserving the right to object, I shall not object. My calendar notes that Senator TOWER has amendments to this bill. I know of no others. That agreement has been cleared on our side. We have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That during the consideration of S. 1051 (Order No. 51), a bill to amend the United States Grain Standards Act with respect to recordkeeping requirements and supervision fees, and to establish an advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service, and for other purposes, debate on any amendment in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any amendment in the second degree, debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manpower of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Kentucky (Mr. Huddleston) and the Senator from Kansas (Mr. Dole): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, the committee resolution, subparagraph 4(g), on page 13, requires that the Comptroller General should "provide assistance in completing any reports required under this rule when requested by a Member, officer, or employee of the Senate." I ask the manager of the bill, what is the extent of the assistance which the Comptroller General is required to provide, and does that assistance extend to the maintenance of records necessary to provide information for filing the report?

Mr. RIBICOFF. No, not at all. I think he can just tell you how to fill out the report and be of help. Frankly, so far as I am personally concerned, I would ask my certified public accountant to fill out mine. I want to be frank with the Senator.

Mr. PELL. Then, it is not foreseen that the Comptroller General will provide any actual tangible assistance to Members or staff in keeping records or in filling out the forms.

Mr. RIBICOFF. I think he would give advice. I cannot see him doing all the detailed work or having his staff do it. He would give advice to those that might ask him, but I do not anticipate that keeping records is within the purview of his duties and obligations.

Mr. PELL. It is evident, I believe, that the reporting and disclosure requirements will impose additional costs on Senators, officers of the Senate, and many Senate employees who are required to file reports. Is it the intention of the committee that these costs be paid out of the pockets of those who are required to file?

Mr. RIBICOFF. Well, I would anticipate that that would be a personal expense of the Senators or the staff who are required to do so. They could do it themselves, of course, which would not be an expense, or they would have to get assistance and pay for that assistance.

Mr. PELL. In that regard, section 301 of the resolution would require that the Committee on Appropriations report, within 120 days, legislation to adjust the amounts and permissible uses of senatorial allowances so the allowances will be adequate to defray "necessary and appropriate expenses incurred in connection with the operation of a Member's office."

For the guidance of all of us, would the manager of the resolution consider the expenses required to comply with this resolution to be necessary and appropriate expenses which should be included in any adjustment of Senate allowances?

Mr. RIBICOFF. If the Senator is just asking me personally, I would not. I cannot speak for the committee. With respect to the preparation of a personal financial disclosure statement it seems to me that that would be more or less in the nature of the expenses one would have if one had a CPA fill out an income tax return. However, the Committee on Rules could consider that and make provision for that. I would leave that entirely within the purview of the Committee on Rules when they start their consideration.

Mr. PELL. Under Senate Resolution 110, Senators and staff members and officers of the Senate will be required to file disclosure statements listing assets, liabilities, securities transactions, and other items. For many, there could be considerable expense involved because of the complexity of the statement. I ask the managers of the bill whether expenses incurred in the preparation of these reports will be deductible for income tax purposes.

Mr. RIBICOFF. First, I should say that, obviously, a definitive answer on this question can only be given by the Internal Revenue Service after review of the individual situation. However, the forms submitted by Senators under this resolution will be necessary to comply with requirements placed on all Senators in their capacity as Members of the Senate. I therefore believe that any expenses involved would be ordinary and necessary business expenses and deductible for tax purposes. They would not be personal expenses or political expenses, but an expense related to the requirement of being a Senator.

I do believe these expenses would also be analogous to expenses incurred in the preparation of a tax return, which expenses are deductible under the current law. Therefore, I believe that Senators would certainly be justified in taking a tax deduction for any expenses incurred in preparing information required to be submitted under Senate Resolution 110.

Mr. PELL. I thank the manager of the bill for that scant consolation on the problems involved in filling out all these forms, and I appreciate his views very much.

Now, another question: The committee resolution requires the disclosure of the amount and identity of each source of unearned income. It also requires the disclosure of the identity and category of value of each item of personal property and requires the disclosure of identity and category of value of real property. So, essentially, it requires disclosure with regard to property and income. What we are trying to see here is whether there may be any strains on loyalty, any tugs and pulls or potential conflicts of interest. Is it not sufficient to know the property and, if a person has 100 shares of General Electric, is it not enough to know that he has 100 shares or whatever it is of General Electric, not to have to file also the information with regard to income from the General Electric? I submit that one could omit the provision required in the filing of the income as long as you have the value of the assets and save the time and money and expense of the accountant's fees.

Mr. RIBICOFF. If the Senator is talking about conflict of interest, income certainly is a factor. It is one thing, of course, where you have a listed security on the New York Stock Exchange and you know what the dividends are on that stock and you also know its value. But there are many items of property with respect to which there is nothing listed and no one would know what the income on that property is or what the value is unless the Member actually states it. So I do believe that, in making disclosure with respect to property, it is also necessary to have the income. We try to do that by way of category, too.

Mr. PELL. But as long as the property is a matter of public record, what difference does the income make? In other words, if you have the property listed there, 1,000 shares of General Electric, why does one have to add that the income, in another item, is x? Or if it is real estate that is not producing any income, as long as he lists the real estate, then it is a matter of record. If it is producing a large income or a small income, it still does not make any difference.

Mr. RIBICOFF. All I can say is that this is a decision that the Nelson committee made, and I do believe it was unanimous. I think we get into many problems because there are so many items of property where the income is not obvious, and it would become important to indicate the relative magnitude of a potential conflict.

(At this point, Mr. NELSON assumed the chair.)

Mr. RIBICOFF. That is the reason we have listed two items, the items of income and the items of property.

I cannot be of much help to the Senator. I cannot give the interpretation he wants. It can only be changed by way of amendment before the Senate. But I can only give the Senator the philosophy that the committee adopted when we felt we had to list both the value of the property and a descripiton of the property, as well as the income from the property.

Mr. MELCHER. Will the Senator yield?

Mr. PELL. I yield.

Mr. MELCHER. When this Senator was in the chair, the Senator from Rhode Island addressed the question to the manager of the bill regarding the responsibility of the Comptroller General in assisting either a Senator or a staff member who is covered under the terms of the bill in reporting on their financial disclosure forms.

It was the intent, as I understood, of the Nelson committee during the mark-up of the bill that that type of service would be provided by the Comptroller General to those who requested it, much in similar vein as the Internal Revenue Service would provide for a taxpayer who asked questions in filling out forms.

I want it clearly understood if that is the response of the manager of the bill.

Mr. RIBICOFF. The Senator is correct. Like the Internal Revenue Service, the General Accounting Office would assist in filling out the form, but the GAO would have no responsibility to keep the records or to attest to the accuracy of the records.

If the Senator or Member came to them with his records, with his information, and asked for assistance, they would give the assistance, as would the Internal Revenue Service. They would not be required to authenticate the actual records or the information given by the Member to the GAO. GAO would assist in giving advice as to filling out the form.

In that, the Senator is correct.

Mr. MELCHER. Will the Senator continue to yield to me?

Mr. PELL. I yield again to the Senator from Montana.

Mr. MELCHER. I thank the Senator from Connecticut for his response, but I am a little bit troubled about discussion of expense involved in the use of a CPA.

While it may be advisable and necessary and acceptable to Members of the Senate to use a CPA's services in ascertaining whether the reports are accurate and true and valid, to infer that the staff members might also need the services of a certified public accountant goes a little bit too far, and it is specifically why I was anxious. In the final version of the bill, we did direct the General Accounting Office to provide services so that staff members may have expert advice on how to keep these records.

Mr. RIBICOFF. If the Senator misunderstood it—or if I did not make it clear—I should like to correct the record.

Certainly, there is no requirement for either a Senator or the members of his staff to hire a CPA or an accountant. That was entirely up to the person.

I was trying to make the point that, personally, I would get a CPA. I use one to make out my income tax return, and as long as he is making out my income tax return, I would also make sure that all the information he had was correct and I would ask him to make out my disclosure statement as required by this measure.

This is only something that I would do personally, but in no way should it be inferred that that would be a requirement.

A member of the staff, his spouse, or any assistant are certainly competent to complete the financial disclosure statement and there is no requirement at all—inferred, implied, or required—that one get a CPA to do it.

Mr. MELCHER. I quite agree with the Senator from Connecticut, and I will follow the same procedure. But the first step I will tell my certified public accountant will be to consult with the General Accounting Office so that he will understand what the forms mean.

Mr. RIBICOFF. I hope that the Ethics Committee will try to make the forms as clear and as uncomplicated as possible for the benefit of everybody involved.

Mr. MELCHER. I hope the Ethics Committee and everyone else will follow this colloquy as established in the record.

Mr. PELL. I was delighted to hear the Senator from Connecticut say that some forms would be provided, so there would be some simple way of organizing the information that is required, and then we could turn that over to whoever prepares our income tax return and they would fill it in.

Would the form be similar to the forms presently used by the Committee on Ethics?

Mr. RIBICOFF. I cannot say. My secretary told me that the Ethics Committee has set an organization meeting for some time next week. It is a completely new Ethics Committee, under the chairman, Senator STEVENSON and the ranking minority member Senator SCHMITT. At that time, I imagine this will be discussed.

We have a considerable amount of time to develop forms. I would hope we will exercise our responsibility to get help and advice and try to have as clear and precise and as simple forms as we can possibly develop.

Mr. PELL. I think the present forms are pretty good and, frankly, I believe if they were made public it would provide the public disclosure needed. But we would not have to fill out two sets of forms, I would hope, the previous ones we have, plus these?

Mr. RIBICOFF. Just in May of 1978 for the period covering this calendar year. The first filing under the new code, May 15, 1978, only requires disclosure under the new rule for the period from October 1 to December 31, 1977.

We will be required, consequently, to fill out forms covering the period from January 1, 1977, to October 1, 1977, under the financial disclosure rule which presently exists.

Mr. PELL. The forms we fill out now are on a calendar year basis.

Mr. RIBICOFF. Yes.

Mr. PELL. I hope these required in this bill are on a calendar year basis.

Mr. RIBICOFF. They will be, except for the first filing, which only is required to cover income and holdings for the period from October 1, 1977, to December 31, 1977. Only the last 3 months of the year.

Mr. PELL. I see.

Mr. RIBICOFF. One would have the option of filing the whole year, if he wanted.

Mr. PELL. Right.

Mr. RIBICOFF. In the filing due May 15, 1977, that is in less than 2 months, he would be filing a statement covering last year, that is 1976. The proposed new code does not affect the filing due on May 15, 1977 at all.

Mr. PELL. So it will be on a calendar year basis?

Mr. RIBICOFF. That is right.

Mr. PELL. So we at least can save a few nickels in preparing reports.

Mr. RIBICOFF. Absolutely correct.

As a member of the new Ethics Committee, I am listening to this colloquy as well as talking. I will convey it to the other five members of the Ethics Committee, and I hope we can work out as simplified and clear a form as possible.

Mr. PELL. I was talking to an accountant about it because I am not sure there was any great accountant input into this legislation. It is a complicated matter, but will be rendered much easier, we hope, if it is done on the calendar year basis and the same information compiled for tax returns can be used.

Mr. RIBICOFF. I thank the Senator from Rhode Island. I look at this problem exactly the same way.

Mr. PELL. I thank the Senator from Connecticut very much for this colloquy.

UP AMENDMENT NO. 99

Mr. RIBICOFF. Mr. President, I ask unanimous consent to offer a brief amendment necessary to correct a printer's error, and I send the amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be considered at this time.

The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. RIBICOFF) proposes an amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 46, line 23, insert the following: "(3) by amending subsection (c) (1) to read as follows:

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information, and facilities of any such department or agency of the Government, and"."

Mr. RIBICOFF. Mr. President, The paragraph I would like to add was in Senate Resolution 110 as reported by the Nelson committee, but was left out of substitute amendment No. 65 to Senate Resolution 110 because of a printer's error.

The amendment would place in the resolution the language in Senate Resolution 110 found at page 46, lines 12 through 17. The amendment would permit the Select Committee on Ethics, with the prior consent of the department or agency concerned, to utilize the services, information, and facilities of any such department or agency of the Government. This amendment permits the select committee to utilize the services of the Congressional Research Service or other Government agencies not now mentioned in Senate Resolution 338.

In the substitute amendment, that paragraph was left out, and we want to put it in to make sure that the Congressional Research Service can be of assistance.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

AMENDMENT NO. 103 (AS MODIFIED)

The ACTING PRESIDENT pro tempore. Under the previous order, the pending question is on amendment No. 103 by the Senator from New Hampshire (Mr. DURKIN).

The amendment is as follows:

On page 26, line 8 through line 11, strike all of the language in (c)(2) and insert the following "income from a family-owned farm employing no more than ten employees if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor;".

The ACTING PRESIDENT pro tempore. There is no time remaining on the amendment.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum. I do not see Senator DURKIN on the floor.

The ACTING PRESIDENT pro tempore. Does the Senator ask unanimous consent that the time be charged equally?

Mr. RIBICOFF. Charged equally on the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I have a series of technical and clerical amendments to amendment 65 to Senate Resolution 110. I ask unanimous consent to have printed in the RECORD at this point these technical and clerical amendments so that Members will be able, in looking at the Friday RECORD next Monday, to see what the technical and clerical amendments would do.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

On page 3, line 23, after "(1)" strike out "the" and insert "The".

On page 4, line 2, strike out the colon and insert a semicolon.

On page 5, line 14, after "value" insert "of".

On page 9, line 19, after "list" insert "the date of purchase and".

On page 9, lines 20 and 21, strike out "at the time of purchase and the date of purchase".

On page 15, lines 2 and 3, strike out "the date of the enactment of this Act" and insert "December 31, 1977".

On page 19, line 9, after "Act" insert a comma.

On page 19, lines 19 and 20, strike out "has the same meaning given to such term" and insert "includes any employee or individual described".

On page 19, line 21, after "4" insert "(c)".

On page 20, line 3, strike out "shall" and insert "does".

On page 20, line 7, after "inheritance" insert a comma.

On page 23, line 1, strike out "this subparagraph" and insert "subparagraph (a)".

On page 23, line 13, strike out "shall" and insert "does".

On page 25, line 6, strike out "(1)" and insert "1".

On page 25, lines 20 and 21, strike out "shall, subject to the provisions of subparagraphs (b) and (c), mean any income" and insert "means, subject to the provisions of subparagraphs (b) and (c), any income (other than compensation disbursed, or treated as disbursed, by the Secretary of the Senate)".

On page 26, line 1, strike out "shall include" and insert "includes".

On page 26, line 5, strike out "or" and insert "and".

On page 27, line 6, after "receipt" insert "or accrual".

On page 30, lines 9 and 10, strike out "has the same meaning given to such term" and insert "includes an employee or individual described".

On page 30, line 10, after "4" insert "(c)".

On page 30, line 20, strike out "(A)" and insert "(1)".

On page 30, line 25, strike out "(B)" and insert "(2)".

On page 38, line 7, delete "State" and insert in lieu thereof "Senate".

On page 40, line 16, strike out "(k)" and insert "(i)".

On page 41, line 12, before "Committee" insert "Select".

On page 42, line 3, before "Committee" insert "Select".

On page 42, line 14, after "'technical" insert a comma.

On page 42, lines 21 and 22, strike out "section 2(a)(2)" and insert "subsection (a)(2)".

On page 43, line 9, strike out "section 2 (a)(2)" and insert "subsection (a)(2)".

On page 43, lines 17 and 18, strike out "(as defined in subsection (b)(4))".

On page 44, line 14, after "relationship" insert a comma.

On page 47, line 19, delete the first "of" and insert in lieu thereof "or".

On page 54, line 23, before "relating" insert a comma.

The ACTING PRESIDENT pro tempore. The pending question on agreeing to amendment No. 103, by the Senator from New Hampshire (Mr. DURKIN), with no time remaining.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally on both sides of the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON. What is the pending amendment?

The ACTING PRESIDENT pro tempore. The pending amendment is No. 103, by the Senator from New Hampshire (Mr. DURKIN). There is no time remaining.

Mr. NELSON. No time remaining?

The ACTING PRESIDENT pro tempore. No time remaining.

Mr. NELSON. Mr. President, I move to lay on the table the amendment of the

Senator from New Hampshire, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against both sides on the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the motion to lay on the table the amendment of the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Dakota (Mr. ABOUREZK), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from Arizona (Mr. DECONCINI), the Senator from Mississippi (Mr. EASTLAND), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from Michigan (Mr. RIEGLE), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Florida (Mr. STONE) and the Senator from Alaska (Mr. GRAVEL) are absent on official business.

Mr. BAKER. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Utah (Mr. HATCH), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr. MCCLURE), the Senator from Virginia (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Alaska (Mr. STEVENS) would eash vote "yea."

The result was announced—yeas 71, nays 4, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—71

Allen	Case	Goldwater
Anderson	Chafee	Griffin
Baker	Church	Hansen
Bartlett	Clark	Hart
Bayh	Cranston	Helms
Bentsen	Culver	Huddleston
Biden	Danforth	Humphrey
Brooke	Dole	Inouye
Burdick	Domenici	Jackson
Byrd, Harry F., Jr.	Eagleton	Javits
Byrd, Robert C.	Ford	Lugar
Cannon	Garn	Magnuson
	Glenn	Mathias
Matsunaga	Pearson	Sparkman
McClellan	Pell	Stafford
McGovern	Percy	Stennis
Melcher	Proxmire	Stevenson
Metzenbaum	Randolph	Thurmond
Morgan	Ribicoff	Tower
Moynihan	Roth	Wallop
Muskie	Sarbanes	Weicker
Nelson	Sasser	Williams
Nunn	Schmitt	Young
Packwood	Schweiker	Zorinsky

NAYS—4

Bellmon	McIntyre	Metcalf
Durkin		

NOT VOTING—25

Abourezk	Hatfield	Long
Bumpers	Hathaway	McClure
Chiles	Hayakawa	Riegle
Curtis	Heinz	Scott
DeConcini	Hollings	Stevens
Eastland	Johnston	Stone
Gravel	Kennedy	Talmadge
Haskell	Laxalt	
Hatch	Leahy	

So the motion to lay on the table Mr. DURKIN's amendment (No. 103) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 104

The PRESIDING OFFICER (Mr. BAYH). The pending question is on agreeing to the amendment (No. 104) of the Senator from New Hampshire (Mr. DURKIN).

Mr. NELSON. Mr. President, has all the time expired on that amendment?

The PRESIDING OFFICER. It is the understanding of the Chair that all time on the amendment has expired.

Mr. NELSON. Mr. President, I yield, from the bill, 5 minutes to the Senator from New Hampshire.

Mr. DURKIN. I thank the Senator from Wisconsin. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DURKIN. Mr. President, under the resolution a Senator is prohibited from aiding the passage of legislation only when his principal purpose in doing so is the furtherance of his pecuniary interest, the pecuniary interest of his immediate family, or the pecuniary interest of a limited class of persons or enterprises associated with him.

That is no restriction at all. The resolution says it is unethical for a Senator to push legislation only when his principal purpose is to profit himself, his family, or his limited class of associates.

My amendment would strike the word "principal," so that it would be unethical for a Senator to introduce or aid in the passage of legislation when one of his purposes in doing so, whether it be the principal purpose or a secondary purpose, is the furtherance and only the furtherance of his or his family's pecuniary interest.

As we have said throughout the debate, there are several perceptions afoot in the land. We have covered the outside income and the honoraria, and the campaign financing will come up later in the year; but I think the American public is justifiably upset when it appears that Members are introducing or supporting legislation, if that is the case, in committee and on the floor, when their purpose is to profit themselves or a group of their associates.

The resolution as drafted is really no restriction at all. A person would have to have a smoking pen in each hand to be found in an unethical situation, as long as we retain the word "principal" in the resolution.

Again, the amendment is very short, direct, and to the point. It deletes the word "principal," so that if a purpose of a Senator's conduct in committee or on the floor is to profit himself, his family, or his business associates or friends, that would be unethical.

As I say, I think it addresses a very real concern of the people who sent us here, who are concerned with the appearance that we may be voting our portfolios and our own interests rather than the interests of the people.

That, in a paragraph or two, is the amendment.

I was encouraged last night by a statement of the senior Senator from Connecticut in which he indicated that he personally had no problems, but he was waiting until the distinguished chairman of the Ethics Committee returned today. I hope the chairman of the Ethics Committee will accept this amendment, thereby eliminating the need for a rollcall vote

Mr. NELSON. Mr. President, I would like to be sure that we are clear on this paragraph. I yield myself 5 minutes from the resolution.

What we are talking about here is page 27, line 23, which reads:

> 4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class.

The committee put the paragraph in there, of course. I do not think the paragraph should be in there at all. Although the paragraph has a narrow meaning, the general principle is troubling. The argument is made by some people that if a Member has a substantial interest, he should not be allowed to vote. The fallacy of this reasoning is clear from an example. If Senator Bob Kerr were here today, worth $100 or $200 million, representing the State of Oklahoma, and the issue was reducing the 27.5 percent depletion allowance, Senator Kerr would have a very substantial personal interest and every oil interest in his State would have a interest.

He had to be in the Chamber to cast his vote as he saw fit on that issue. If he was against it, he should have cast his vote, against it. He would not be prohibited by this paragraph, because the interest he was representing was that of a large class, not a limited one. There are people around the country who are trying to set standards concerning when a Member should be forced to disqualify himself. I asked the representative of the

Common Cause organization a year ago what a substantial interest was. I said:

Let me ask you a question. If a dairy farmer is on the Agriculture Committee and the issue is whether or not we should increase the support price from 80 to 85 percent of parity, which is about the break even point, and if he has 100 cows and it affects him because he is losing money and 85 percent of parity would give a price that would give him the cost of production, can he vote?

The answer was, "No."

If that is the case, no dairy farmer can come to the Senate. They will send GAYLORD NELSON, who does not own a cow and who votes 100 percent for the dairy farmers every time, because I believe in their cause.

So should we start setting the standard and if a Member has a substantial interest he cannot vote?

Mr. DURKIN. Will the Senator yield?

Mr. NELSON. I will yield in a moment. I am explaining the concept which is being advocated.

This paragraph, which I believe is unnecessary, and with which I do not agree, simply says if there is an interest which affects just one Member or just his family, or a narrow group of people in which he or his family are a part, he should not vote.

For example, the committee report indicates that if the Federal Government were to buy a piece of property, condemning it for an airbase or something, and a Member was one of the owners who would be a beneficiary in a small class, of course they could not vote. I do not think we need it in the rule, but there it is.

We have another kind of case that would be clear, the failing newspaper doctrine of a few years ago. That would only affect two newspapers in the same town, both of whom may qualify under the failing newspaper doctrine.

Senator HARRY F. BYRD, JR., of Virginia, who owns several newspapers did not vote. That was not because it affected him. It did not affect him at all. I do not think there was a potential that it ever would affect him, so he could have voted. But he decided he would not vote.

If a Member were a newspaper owner in Tucson, Ariz., where the case started, and he was one of the two newspapers involved and it benefited those two newspapers, and maybe 20 or 30 others around the country, obviously he should not vote and he would not need this provision to tell him that.

I want to make it clear for the record that we are talking about that kind of narrow, narrow case. I hope that when the statute comes along to follow this up, we will knock it out and leave it, to public disclosure. The public will decide whether or not a Member has an interest which ought to bar him from voting.

I am moving to table the amendment which knocks out the word "principal" and broadens this provision beyond what it says at this time.

Mr. DURKIN. Mr. President, will the Senator yield?

Mr. NELSON. I yield 2 minutes.

Mr. DURKIN. I thank the Senator.

I have to quarrel with the Senator from Wisconsin. If he will turn to page 27, beginning at line 23, it says:

4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class.

On line 2 at the top of page 28 are two words that are extremely important. I do not think the Senator has read them in the context that they exist in the resolution. It says:

Further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises.

This does not prohibit the Senator from Wisconsin from voting for increased price supports. It does not prohibit the Senator from Oklahoma, who succeeded Senator Kerr, from voting on oil legislation. I think the record will show that the Senator who succeeded Senator Kerr has put his assets in a blind trust.

Amendment 101, which the Governmental Appropriations Committee is going to study, and which was proposed last night, would go a long way in solving this problem, if agreed to. We would apply the same standard in this Chamber that we have applied to the Federal judges, that a Member cannot vote his portfolio. He puts it in a blind trust, if it is significant enough, and he does not vote the portfolio.

This amendment eliminates the word "principal." It does not prohibit a farm State representative from voting for exporting white, milk price supports, or what have you.

The PRESIDING OFFICER. Does the Senator yield further?

Mr. NELSON. I yield 2 more minutes to the Senator from New Hampshire, from the resolution.

Mr. DURKIN. I thank the Senator.

It seems we have been discussing this matter for what seems to be months. I am intrigued now that disclosure is enough. We have weaved in and out of it. On one day disclosure is a perfect disinfectant and the next day it is not an adequate disinfectant. Disclosure has to be buttressed by limitations, buttressed by all means. I am intrigued by the fact that now disclosure is enough, when disclosure has not been enough in this Chamber all week.

If the resolution stands with the word "principal," literally, a Member will have to be caught with a smoking pen when legislation clearly benefits only himself or only a small group. It will have to be his principal and practically his sole purpose. To me, that is a gaping hole. I thank the Senator.

Mr. NELSON. Mr. President, I yield myself 3 additional minutes.

I say to the Senator from New Hampshire that a legislative body is not a judicial body and that representatives in a legislative body should come from all walks of life, because they represent people from all walks of life. The suggestion that the late Senator Bob Kerr could put $200 million of oil stock in a blind trust and have it meaningful would be like putting the Empire State Building in a blind trust and claiming you do not know what is there. It is impossible.

If somebody wants to use a blind trust and it really is a blind trust, I have no objection to that, as long as there is disclosed what went into the trust.

What I am saying is that the concept of a rule which says that if one has a substantial interest, he may not vote is wrong. I defy anybody to define what that is. If you drew a Bell curve and put on that Bell curve $1,000 worth of stock in some company, or $2, $3, $4, $5, up to $10 million worth, and asked 1,000 people to mark on the Bell curve where the substantial interest occurred, you would have 1,000 different marks on the Bell curve.

So it does not make any sense whatsoever to get into the position of making those judgments. The public will decide whether or not they think he is voting his interest. If a dairy farmer is down here with 100 or 500 cows, he is representing 55,000 dairy farmers and he ought to vote. He cannot put his cows in a blind trust, either.

Mr. THURMOND. Mr. President, I associate myself with the remarks of the distinguished Senator from Wisconsin. He has answered completely the amendment by the Senator from New Hampshire. This amendment is unnecessary, it is unwise, and it should be defeated. I shall not take the time of the Senate, but I ask unanimous consent that the section in the report on the code of ethics on this point be printed in the RECORD. It begins on page 41, the 11th line from the bottom, beginning with "paragraph 4" and ending with "should be total" on page 42.

There being no objection, the material ordered to be printed in the RECORD, as follows:

Paragraph 4 provides that no member, officer, or employee of the Senate shall knowingly use his official position to introduce or aid the progress and passage of legislation, a principal purpose of which is to further his pecuniary interest, the pecuniary interest of his immediate family, or the pecuniary interest of a limited class of people or enterprise, when he, his family or enterprises controlled by them are part of the affected class.

The Committee recognizes that in many cases, legislation advancing through the Senate will have some impact on the financial situation of a member, officer, and employee. All tax legislation has such an impact. Ordinarily, however, the impact on an individual's holdings is likely to be quite minimal in comparison to the impact of the legislation on the public and the public interest served. This paragraph addresses itself to the rare case when the relationship between the legislator's private interest and the public interest is dramatically different from the ordinary situation. It applies when a principal purpose of the legislation is to further the financial interests of the member, officer, or employee or his family. Legislation may have a significant financial effect on a Senator because his holdings are involved, but if the legislation also has a broad, general impact on his state or the nation, the prohibitions of the paragraph would not apply.

Thus, for example, if a dairy farmer represented a dairy farming state in the Senate, and introduced, worked for, and voted for legislation to raise or maintain price supports for dairy producers, he would not fall under the strictures of this Rule. The strong

presumption would be that the Member was working for legislation because of the public interest and the needs of his constituents and that his own financial interest was only incidentally related. In the terminology of the paragraph, the dairy farmer would be part of a class affected by the legislation, but not a member of a "limited class," as envisioned in this paragraph. The Committee tried to apply a number to the concept of "limited class" but found the task futile. However, the Committee intends that a class of people or enterprises sharing a particular economic interest (i.e. dairy farmers; shoemakers; disabled veterans) would not be a "limited class." By "limited class," the Committee means a class which resembles much more closely the class of people affected by a private bill. Therefore, to return again to the example of the Senator who was a dairy farmer, he would not be prohibited from working for legislation to help boost or maintain the price supports of dairy products. If, however, legislation was introduced to purchase a piece of land made up in part of a piece of his property and in part of pieces of his neighbors' property, in order to build a federal project there, the Senator would be foreclosed from working on the legislation.

If the legislation does meet the "principal purpose" (and "limited class") standards as necessary, the Committee intends that the disqualification from involvement with the legislation should be total.

The PRESIDING OFFICER. All time has expired.

Mr. DURKIN. Mr. President, will the Senator yield me 1 minute?

Mr. NELSON. I yield 1 minute to the Senator from New Hampshire.

Mr. DURKIN. I thank the Senator.

Mr. President, I would like to read the heresy that my amendment will perpetuate on this body:

No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class.

If that is heresy, table it.

I ask for the yeas and nays on any motion to table.

The PRESIDING OFFICER. Is there a motion to table

Mr. NELSON. I move to lay the amendment on the table and ask for the yeas and nays.

The PRESIDING OFFICER. A motion to lay on the table has been made and the yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from New Hampshire. The yeas and nays have been ordered. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), The Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from Michigan (Mr. RIEGLE), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Florida (Mr. STONE) and the Senator from Alaska (Mr. GRAVEL) are absent on official business.

Mr. BAKER. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Utah (Mr. HATCH), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr McCLURE), the Senator from Virginia (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 63, nays 12, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—63

Anderson	Garn	Packwood
Baker	Glenn	Pearson
Bartlett	Goldwater	Pell
Bayh	Griffin	Percy
Bellmon	Hansen	Proxmire
Bentsen	Helms	Randolph
Brooke	Huddleston	Roth
Burdick	Humphrey	Sasser
Byrd, Harry F., Jr.	Inouye	Schmitt
	Javits	Schweiker
Cannon	Lugar	Stafford
Case	Magnuson	Stennis
Chafee	Mathias	Stevenson
Clark	Matsunaga	Thurmond
Cranston	McClellan	Tower
Culver	McGovern	Wallop
Danforth	Melcher	Weicker
DeConcini	Morgan	Williams
Dole	Moynihan	Young
Domenici	Muskie	Zorinsky
Eagleton	Nelson	
Ford	Nunn	

NAYS—12

Allen	Hart	Metzenbaum
Biden	Jackson	Ribicoff
Byrd, Robert C.	McIntyre	Sarbanes
Durkin	Metcalf	Sparkman

NOT VOTING—25

Abourezk	Hatfield	Long
Bumpers	Hathaway	McClure
Chiles	Hayakawa	Riegle
Church	Heinz	Scott
Curtis	Hollings	Stevens
Eastland	Johnston	Stone
Gravel	Kennedy	Talmadge
Haskell	Laxalt	
Hatch	Leahy	

So the motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 100, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized to call up an amendment on which there shall be 1 hour of debate, to be equally divided and controlled.

Mr. ROTH. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment proposed by Mr. ROTH (for himself, Mr. HASKELL, and Mr. WALLOP) is as follows:

On page 41, line 14, strike out the comma "; ADVISORY COMMISSION ON ETHICS".

On page 41 line 13, insert before the period the following: "or a proceeding undertaken by the Advisory Commission on Ethics pursuant to section 207(b)(2) (B)(i) or (C) of the Official Conduct Amendments of 1977".

On page 41, line 14, strike out the comma after "Member".

On page 41, line 15, after "officer" insert "by the Select Committee, no referral to the Advisory Commission on Ethics for an investigation of the conduct of a Member or officer".

On page 41, line 16, strike out "thereto" and insert in lieu thereof "to either such investigation".

On page 43, line 6, strike out "conduct an investigation" and insert in lieu thereof "refer the matter to the Advisory Commission on Ethics for an expeditious investigation and determination of the facts with respect thereto".

On page 43, line 11, beginning with "Upon", strike out all through page 43, line 15, and insert in lieu thereof the following: "Upon the receipt of the findings of the investigation conducted by the Advisory Commission on Ethics, the Select Committee may conduct its own investigation if it deems such investigation advisable. However, the Select Committee shall report to the Senate, as soon as practicable, the results of the investigation conducted by the Advisory Commission on Ethics and its own investigation (if any) together with its recommendations (if any) pursuant to subsection (a)(2).".

On page 43, line 16, after "(6)" insert "(A)".

On page 43, between lines 21 and 22, insert the following:

"(B) Upon the receipt of the findings of any other investigation respecting the conduct of a Member or officer undertaken by the Advisory Commission on Ethics, the Select Committee shall—

"(i) make a determination under paragraph (2), (3), or (4) of this subsection and take such action as provided in such paragraph, or

"(ii) report to the Senate the results of the investigation of the Advisory Commission on Ethics together with its recommendations (if any) pursuant to subsection (a)(2).

The Select Committee may conduct its own investigation if it takes any action as provided under clause (ii) and if it does, shall include the results of the investigation in its report to the Senate.".

On page 44, line 25, after "complaints" insert "by the Select Committee".

On page 46, line 20, after "conducted" insert "by the Select Committee".

On page 49, between lines 13 and 14, insert the following:

"SEC. 207. (a)(1) There is hereby established a permanent Advisory Commission on Ethics (hereafter in this section referred to as the 'Commission') which shall be composed of three members recommended by the Select Committee of Ethics (hereafter in this section referred to as the 'Select Committee')

to become effective upon approval, by resolution, of the Senate.

"(2) The Select Committee shall make recommendations under this section from among individuals who are retired Members of Congress unless the members of the Select Committee find it appropriate to appoint an individual other than a retired Member of Congress, and shall be based on the integrity, impartiality, and good judgment of the individuals.

"(3) Members of the Commission shall serve for a term of three years, except that of the members first appointed one shall be designated by the Select Committee to serve for a term of two years, one to serve for a term of three years, and one to serve for a term of four years. Any vacancy occurring in the membership of the Commission shall not affect the authority of the Commission to carry out its duties and shall be promptly filled in the same manner as in the case of the original appointment. Any individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he succeeds.

"(4) The Commission shall elect a chairman from among its own members. A majority of the Commission shall constitute a quorum for the transaction of business.

"(5) The Senate may, by resolution, remove any member for any substantial impropriety or for unwillingness or inability to carry out any duty under this section.

"(b)(1) It shall be the duty of the Commission to assist the Select Committee and the Senate in carrying out their responsibilities in maintaining the highest standards of ethical conduct.

"(2)(A) Any person who believes that any individual in the performance of his duties as a Member of the Senate or an an officer or employee of the Senate has violated any law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate, or has engaged in any improper conduct which may reflect adversely upon the integrity of the Senate, may file a complaint with the Commission.

"(B)(i) If the Commission, after initial review of a complaint initiated with the Commission, finds that there is substantial credible evidence which provides substantial cause for the Commission to conclude that a violation within the jurisdiction of the Commission has occurred, it shall notify the Select Committee and the individual involved of such finding, and shall expeditiously conduct an investigation of such apparent violation.

"(ii) If the Commission, after initial review of a complaint that initiates with the Commission, finds no substantial creditable evidence which provides substantial cause for the Commission to conclude that a violation has occurred, it shall notify the Select Committee and the individual involved of its findings.

"(C) The Commission shall expeditiously conduct an investigation whenever directed to do so by the Select Committee pursuant to section 2(d) of Senate Resolution 338, Eighty-eigth Congress, agreed to July 24, 1964.

"(D) The Commission shall, after an investigation under subparagraph (B)(i) or (C), submit, in writing, the results of its investigation and the facts on which such results were based to—

"(i) the individual who was the subject of the investigation, and

"(ii) the Select Committee,

"(E) A member of the Commission may, at his discretion, disqualify himself from participating in any investigation pending before the Commission and any determination with respect thereto. Notice of such disqualification shall be given in writing to the Select Committee which shall appoint another individual to serve as a member of the Commission solely for purposes of such investigation and the determination with respect thereto.

"(c) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship or transaction which occurred prior to the effective date of the applicable provision of the Code. The Commission may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occured while such rule or law was in effect and the violation was not a matter resolved on the merits prior to the date of the adoption of this resolution.

"(d)(1) Members of the Commission shall receive, for each day in which they are engaged in the performance of their duties as members of the Commission, compensation at a daily rate equal to the per diem equivalent of the highest rate of gross compensation which may be paid to an employee of a standing committee of the Senate; and shall be entitled to reimbursement for transportation expenses and to receive a per diem, in lieu of subsistence, at the same rate as is payable to employees of the Senate, for each day on which they are away from their home or regular place of business or employment and are engaged in the performance of their duties as members of the Commission or in traveling to or from the place where such duties are to be performed.

"(2) The Commission shall appoint, prescribe the duties and responsibilities of, and fix the compensation of a staff director and such other employees as may be necessary to enable it to carry out its functions and duties. The staff director may be paid at a maximum annual rate of compensation not exceeding the maximum annual rate which may be paid to the two committee employees of a standing committee of the Senate referred to in section 105(e)(3)(A) of the Legislative Branch Appropriation Act, 1968, as amended and modified, and other employees of the Commission may be paid at a maximum annual rate of compensation not exceeding the maximum annual rate which may be paid to the four committee employees of a standing committee of the Senate referred to in such section.

"(3) The Commission is authorized to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946.

"(4) The Commission is authorized to utilize the services, information, facilities, and personnel of the Office of the Secretary of the Senate, the Office of the Sergeant at Arms of the Senate, the Office of the Secretary for the Majority, the Office of the Secretary for the Minority, the Library of Congress, and the General Accounting Office; and the Secretary of the Senate, the Sergeant at Arms of the Senate, the Secretary for the Majority, the Secretary for the Minority, the Librarian of Congress, and the Comptroller General of the United States are authorized to furnish such services, information, facilities, and personnel as may be requested by the Commission.

"(5) Office space and office furniture, furnishings, and equipment shall be provided to the Commission in the same manner as other offices of the Senate.

"(e) The Commission may, at any time, recommended to the select committee any additional rules, regulations, rules of conduct, or other legislative measures which the Commission believes would help maintain high standards of ethical conduct in the Senate.

"(f) The Commission is authorized to make such expenditures from the contingent fund of the Senate as may be necessary to carry out its functions and duties. Such expenditures shall be paid upon vouchers signed by the Chairman of the Commission and approved by the majority leader and the minority leader of the Senate, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.".

Mr. ROTH. Mr. President, without losing my right to the floor, I ask unanimous consent to yield to the Senator from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I ask unanimous consent to speak out of order, although it is not going to be entirely out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARYLAND DAY 1977

Mr. MATHIAS. Mr. President, March 25, is the 343d anniversary of the founding of Maryland. For citizens of the Free State, Maryland Day is an occasion for celebration and for reflection.

It has been my custom since first being elected to the Congress of the United States, to mark Maryland Day by calling to the attention of my colleagues some particular facet of my State's many-faceted character.

Today, as the Senate debates questions of ethics and of the need for a code of ethics, an appropriate way to mark Maryland Day is by calling attention to a remarkable letter about Maryland and America written in 1765 by Charles Carroll of Carrollton, a prime mover in the American Revolution and the last surviving signer of the Declaration of Independence.

In that letter, Charles Carroll of Carrollton, writes to Mr. Bradshaw of London, on the 21st of November 1765, and he says:

> The climate here is delightful—particularly ye Autumn: the weather is now as mild and serene as it generally is in England in August and September; many who have traveled through the colonies give ye preference to Maryland both in point of climate, ye fertility of its soil, and ye sociability of its inhabitants.
>
> As the English Constitution seems hastening to its final period of dissolution, and the symptoms of a general decay are but too visible, I advise you to sell your estate in England, and to purchase lands in the province where liberty will maintain her empire, till a dissoluteness of morals, luxury and venality shall have prepared the degenerate sons of some future age, to prefer their own mean lucre, ye bribes, and the smiles of corruption and arbitrary ministers, to patriotism, to glory, and to ye publick weal—no doubt the same causes will produce the same effects and a period is already set to ye reign of American freedom; but that fatal time seems to be at a great distance . . .

I call particular attention to its final lines, and express the confidence that the passage of 212 years has not yet diminished the "great distance" that lies between us and a dishonorable future.

I thank the Senator from Delaware for yielding at this time to observe Maryland Day.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

Mr. ROTH. Mr. President, this amendment is cosponsored by the distinguished Senator from Colorado (Mr. HASKELL) and the distinguished senator from Wyoming (Mr. WALLOP).

Our amendment is designed to establish an outside, three-member group, which I have called the Advisory Commission on Ethics, to assist the Select Committee on Ethics by investigating serious allegations of wrongdoing. This group would conduct the investigations and make findings of fact, either when directed to do so by the Ethics Committee or on its own initiative when it believed that there was substantial credible evidence of wrongdoing by Members of the Senate, officers, or employees. Its findings would be referred to the Ethics Committee which would retain the right to make any additional investigation needed and to recommend to the Senate any appropriate sanction.

There are two main reasons why an independent fact-finding commission is needed.

First, history has shown that it is very difficult for any small group to really investigate the conduct of its own Members. The ethics problem in Congress has not been a lack of laws or rules, but a lack of enforcement. The public has found that Congress, which is usually so eager to investigate allegations of misconduct involving the executive branch or private sector, has been reluctant to seriously examine allegations involving its own Members.

For 10 years we have entrusted enforcement to the Ethics Committees in both the House of Representatives and the Senate. I was a Member of the House when that body's Ethics Committee was established, and I was an original sponsor of the resolution creating that committee. Like my colleagues at the time, I hoped that our action has solved the problem.

Despite the very fine and honorable people who have served on these committees, the procedure has not really worked. It has a fatal flaw, and the flaw is that in any body as small as the Senate and even as small as the House, there are conflicts of affection and conflicts of interest that inhibit careful and full investigation. It is extremely difficult for Members to conduct investigations of their colleagues, the people with whom they have to deal on other issues every day. It is distasteful. Women and men come to the Congress to help shape national legislation, not to investigate friends and colleagues.

In the present resolution, an attempt was made to address the enforcement problem by establishing a sworn complaint procedure requiring the select committee to make at least an initial review. This may be an improvement, and, in fact, it reminds me very much of a procedure I had proposed last year for dealing with congressional leaks of classified information. However, an initial review can be as complete or as limited as the Members themselves make it. I believe, and history confirms, that the institutional pressures, the fact that we are all friends and colleagues, and the time constraints tend to tip the scales in the direction of a limited review.

Moreover, I believe the public will not have confidence in an in-house procedure, no matter how much we try to tinker with it.

My second main reason for proposing this amendment is to alleviate the members of the select committee from the burdens of making investigations. A full and careful investigation of an alleged ethical violation can be a very, very time consuming business. Yet the Ethics Committee is a "fourth committee," an assignment additional to a Senator's three main committees.

The Nelson substitute does attempt to address this problem by allowing the committee to use hearing examiners. In my judgment, a hearing examiner would not be independent enough from the committee. While a hearing examiner might be appropriate in a case involving a staff member, I do not believe that the public would have any more confidence in using a hearing examiner in a case involving a Senator than they would if the committee's own professional staff were used.

What is needed—and what my amendment establishes—is a group with the authority, the status, and the national prestige to give the public and the Senate confidence that the rules of ethics will be enforced fairly and effectively. Under my amendment, the Advisory Commission on Ethics would consist of three members, recommended by the Ethics Committee and approved by the entire Senate. These members might be retired Members of Congress with national reputations for integrity—men and women such as former Senators John Williams and Mike Mansfield or former Congresswoman Edith Green. They could also be drawn from other groups, such as retired judges.

Without this kind of independent, prestigious group, Mr. President, I am afraid we are heading toward a repeat of the past decade.

I do not wish to see the Senate, a few years down the road, suffering from another crisis of ethics. If we want to regain our effectiveness as an institution and restore our standing in the public esteem, we must establish a strong, effective enforcement procedure.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement bv the distinguished Senator from Colorado (Mr. HASKELL).

The PRESIDING OFFICER (Mr. McGOVERN). Without objection, it is so ordered.

STATEMENT BY SENATOR HASKELL

I support the amendment of the distinguished Senator from Delaware, Mr. Roth, of which I am a cosponsor, along with the distinguished Senator from Wyoming, Mr. Wallop.

We have spent several long days debating the proposed Code of Ethics. I support the code and believe it is a good one. It is regrettable that such a code has ever become necessary, but we all know the series of events which have made it so. For the same reasons that a formal code of ethics is necessary, I believe that an enforcement mechanism beyond that proposed by the committee is also necessary.

The committee resolution before us vests responsibility for enforcement of the code in a revised and reconstituted Select Committee on Ethics. I have every confidence that the members of this new ethics committee will take their responsibilities very seriously, and will do a very conscientious and fair job. To suggest that the mechanism itself is inadequate is in no way a reflection on the members of the committee which created it, or the members of the Ethics Committee who will be expected to administer it.

In offering this amendment, rather, we simply contend that any enforcement mechanism must not rely wholly on the self-regulation of the Senate. We must provide some measure of outside enforcement.

I have argued in the past for legislation I have introduced creating an office of ethics enforcement with Government-wide responsibilities for enforcement of uniform standards of financial behavior. I continue to believe that is the proper direction to head.

But obviously that is a problem to be addressed by statute, and there are many practical difficulties and constitutional questions to be resolved in such an approach.

The problem before us now is to address the question of enforcement of Senate ethics alone.

The Roth amendment offers a workable and reasonable means of securing a necessary degree of outside enforcement, while continuing to rely upon and utilize the basic procedures prescribed in the bill.

This amendment creates a three-person Advisory Commission on Ethics—to assist the Select Committee on Ethics by making actual investigations and determinations of fact. The Advisory Commission could also initiate investigations, but the Select Committee on Ethics would retain the sole right to come to a final judgment of innocence or guilt, and could alone recommend appropriate sanctions to the full Senate.

This procedure has the advantage of relieving the members of the select committee of the time-consuming burden of conducting investigations, and also separates the two functions of investigation, and coming to a judgement about a specific case. It seems to me that is entirely proper, as well as an altogether practical division of duties.

But most importantly, it provides a needed measure of outside participation in the enforcement of this code. Obviously, this code will only be as worthwhile as the political will to support it and live up to it, and the credibility of the mechanism established to enforce it.

It has unfortunately been rather clear for some time, that self-enforcement lacks credibility. Past performance of the Congress in policing itself simply provides no evidence that such a mechanism is adequate.

I am afraid it is in the very nature of the institution. We are a body of only 100 Members. We all know each other to varying degree. We are colleagues in more than just a formal sense. The public is entirely right in expressing a healthy dose of skepticism about any enforcement mechanism which relies 100% on Senators. We need some outside participation, with a proper degree of independence.

This amendment offers that proper degree of outside participation, and deserves the support of the Senate.

Mr. ROTH. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I was aware of, and had discussed with staff, the proposal made by Senator ROTH. I

am going to move to table it. But I say to the Senator that I do so not making a judgment on the merits one way or another. We briefly touched upon that concept in the committee. The House of Representatives, also, had some discussion of it and did not act on it.

It may very well be that it is the proper and a good device to add to the procedures which we have in title II of the resolution, which this Senator thinks are good procedures. Title II establishes a procedure for sworn complaints. We require an initial review of the complaint. The resolution has procedures for settling de minimis violations of the code, procedures for resolving those that are more important, with public reporting of the remedy and procedures requiring a full investigation, with a report to the Senate, in a serious case where the committee finds that substantial credible evidence exists.

I think the procedure is very good. I think Senator ROTH also believes it to be a good procedure but believes that we should add to that procedure this independent commission of three citizens to investigate and make findings.

I want to report that I may come down on that side when we get to the question of writing the resolution into statute. But I would first wish to see some hearings on it. I am almost neutral on the question as of now, to be frank with the Senator. So the way we resolved it in committee was to adopt this procedure and not involve a group of outside citizens, which certainly should be considered, in my judgment, at the time the House of Representatives sends a statute over to us.

Therefore I am not arguing for or against the proposal on the merits and may very well support it later in the year, or I may oppose it later in the year.

So, I will move to table. But I do not know whether anyone wishes to speak first.

Mr. THURMOND. I wish to say a few words.

Mr. NELSON. Yes.

Mr. THURMOND. Mr. President, I have tremendous respect for the able and distinguished Senator from Delaware. I think he is one of the finest men in this body.

I cannot go along with him on this amendment, however, as I feel that a constitutional provision on this subject is important. Article I, section 5, clause 2 of the Constitution provides:

> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

So we can see from this that the responsibility to punish Senators for disorderly behavior or to expel a Senator lies with Members of the Senate.

It is possible that the court might hold to bring in outside individuals would be constitutional, but I do not think that is necessary.

Mr. President, the Constitution specifically delegates to the Senate the right to discipline its Members and to the House the right to discipline its Members. To further delegate the investigatory function to an outside commission, unaccountable to the Senate as a body, is a delegation of authority which I view in derogation of article I, section 5, clause 2 of the Constitution.

I fully understand the desirability of retaining outside counsel to conduct an investigation. I support such a procedure, as it removes the investigatory function from the hands of one who may have personally dealt or may in the future personally deal with the accused party on other committee matters. Section 204 of the resolution authorizes this procedure, but I stress the point that outside counsel retained by the committee is responsible and accountable to the Senate during the investigation.

If we adopt the amendment of my friend from Delaware, we are failing to meet our responsibility of keeping our own house in order.

Official conduct and ethics procedures are internal matters for the Senate to determine, and adoption of the pending amendment will be a step in the wrong direction.

For this reason, Mr. President, I oppose the amendment.

Mr. NELSON. Mr. President, I was going to say I am prepared to yield back my time. Does the Senator wish to speak?

Mr. ROTH. Mr. President, I shall be very brief. But I wish to make a few additional comments.

First, of all, I have great respect and admiration for both the Senator from Wisconsin and the Senator from South Carolina and am pleased to hear the Senator from Wisconsin say that he still has an open mind on this matter.

In answer to Senator THURMOND, I point out that under my proposal, the right to recommend appropriate sanctions is retained by the select committee, so we are in no way downgrading or minimizing the authority of the Senate as it is provided in the Constitution.

One observation I make to Senator NELSON is that it does concern me that in writing a statute which involves the President, once we have a statute, we may be delegating a certain authority to the executive branch that would prevent us from making modifications in the future. So I have some reservations as to writing this into the statute. I prefer to see it done by rulemaking of the Senate.

But I reemphasize once more that 10 years ago, when I was a freshman Congressman, I was very enthusiastic about the creation of the Ethics Committee; and I was one of a small group of freshmen who came up with the idea of modeling it, frankly, very much on what was done over here.

However, as I pointed out, I feel very strongly that the disenchantment with the problems that the Senate is facing with public reaction is not because of a lack of rules but because the public feels very strongly that neither the House of Representatives nor the Senate has had the courage to investigate itself when there are serious complaints.

As I indicated in my opening statement, it is very difficult for Members of the Senate to work with colleagues one day and then attempt to act as a judge the next day.

What concerns me with this set of rules is that we are in the process of adopting some very complicted rules, and I really doubt seriously that it adequately addresses the basic question in the American mind, which is the question of enforcement.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, first, the point made by the Senator from Delaware respecting the problems which may arise from putting this in statutory language is a good point. Second, I think there is a lot of merit to independent citizens involved, because it is clear to me, at least, that such a provision could have the benefit of adding to the credibility of the fact finders.

So I repeat that I may very well support the Senator's concept when we get around to this the second time; but at this time I feel constrained to move to lay the amendment on the table.

Mr. President, I yield back the remainder of my time. Is all remaining time yielded back?

The PRESIDING OFFICER. Does the Senator from Delaware yield back the remainder of his time?

Mr. ROTH. I yield back the remainder of my time.

Mr. NELSON. Mr. President, I move that the amendment be laid on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Delaware. On this question, the yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. (ABOUREZK), the Senator from Arkansas (Mr. BUMPERS), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. MUSKIE), the Senator from Michigan (Mr. RIEGLE), the Senator from Illinois (Mr. STEVENSON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Florida (Mr. STONE) and the Senator from Alaska (Mr. GRAVEL) are absent on official business.

Mr. BAKER. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from Pennsylvania

(Mr. HEINZ), the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr. MCCLURE), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from Alaska (Mr. STEVENS) would each vote "nay."

The result was announced—yeas 47, nays 26, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—47

Allen	Huddleston	Pell
Anderson	Humphrey	Percy
Bartlett	Inouye	Proxmire
Bentsen	Jackson	Randolph
Brooke	Javits	Ribicoff
Burdick	Magnuson	Schmitt
Byrd, Robert C.	Mathias	Scott
Cannon	Matsunaga	Sparkman
Chafee	McClellan	Stafford
Cranston	McGovern	Stennis
Danforth	McIntyre	Thurmond
DeConcini	Metzenbaum	Weicker
Domenici	Moynihan	Williams
Eagleton	Nelson	Young
Glenn	Nunn	Zorinsky
Hart	Pearson	

NAYS—26

Baker	Culver	Lugar
Bayh	Dole	Metcalf
Bellmon	Durkin	Morgan
Biden	Ford	Packwood
Byrd, Harry F., Jr.	Garn	Roth
	Griffin	Sarbanes
Case	Hansen	Sasser
Chiles	Hatch	Schweiker
Clark	Helms	Wallop

NOT VOTING—27

Abourezk	Hathaway	McClure
Bumpers	Hayakawa	Melcher
Church	Heinz	Muskie
Curtis	Hollings	Riegle
Eastland	Johnston	Stevens
Goldwater	Kennedy	Stevenson
Gravel	Laxalt	Stone
Haskell	Leahy	Talmadge
Hatfield	Long	Tower

So the motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was laid on the table.

Mr. RIBICOFF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

UP AMENDMENT NO. 100

The PRESIDING OFFICER. In accordance with the previous order, the Senator from Wyoming (Mr. WALLOP) is recognized to call up an amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. ALLEN be recognized without prejudice to Mr. WALLOP.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I call up an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes unprinted amendment numbered 100:

On page 35 at the end of line 15 add a comma and the following: "including his official Senate allowances,"

On page 50, line 3, strike "raised and expended" and insert in lieu thereof the following: "expended by a political committee".

On page 55, lines 7 and 8 strike "August 1, 1977" and insert "January 1, 1978."

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield myself 2 minutes.

Mr. President, this is largely a technical amendment. Where it is not technical, I shall explain it. It is in three parts. If there is no objection, when I get through my remarks, I am going to ask that the amendments be considered en bloc.

On page 35, where it says that the expense of the newsletter must come out of funds of the Senator, I add the words "including his official Senate allowances." I am told that the committee had this in mind in drafting the resolution, but it is not clear enough. That is one point.

On page 50, line 3, I ask the Committee on Appropriations and the Committee on Finance to work with the IRS with regard to a fund which raises and expends money on official expenses of Senate offices. The resolution abolishes such a fund. What the committee really was talking about was the tax aspects of payments out of a political fund to defray official nonreimbursable expenses. That is all that this wording has to do with. This also was approved by the committee.

The third amendment, which is nontechnical—it is substantive—makes the effective date of the newsletter regulation January 1, 1978, instead of August 1, 1977. The reason for that is that annual reports are required and, therefore, it should date from the 1st of next year. Furthermore, the so-called nonofficial funds are allowed to continue until January 1, also. Some Senators—not this Senator—use such funds to help defray the cost of newsletters. This would have the same uniform rule as to the effective date of the regulation, which is January 1, 1978. It also coincides with the ruling on the disclosure requirement.

Mr. RIBICOFF. Mr. President, the amendment of the Senator from Alabama is acceptable to the Senator from Connecticut.

Mr. THURMOND. Mr. President, the distinguished Senator from Alabama, I think, has offered some helpful amendments here. As far as I am concerned, they are acceptable.

Mr. RIBICOFF. I yield back the remainder of my time.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RIBICOFF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HART). The Chair, on behalf of the Vice President, pursuant to Public Law 86-420, appoints the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oklahoma (Mr. BELLMON) to the Mexico-United States Interparliamentary Conference, to be held in Guaymas, Mexico, May 27-31, 1977.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair, with the time to be charged equally to the time of both sides on the resolution.

There being no objection, at 3:15 p.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3:29 p.m., when called to order by the Presiding Officer (Mr. HART).

ORDER FOR RECESS UNTIL 11 A.M., MONDAY, MARCH 28, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 3965. An act to authorize research, development, and demonstration projects relating to aviation, and for other purposes;

H.R. 4991 An act to authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.R. 5040. An act to authorize additional appropriations for the Department of State for fiscal year 1977.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 3965. An act to authorize research, development, and demonstration projects relating to aviation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4991. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Human Resources.

H.R. 5040. An act to authorize additional appropriations for the Department of State for fiscal year 1977; to the Committee on Foreign Relations.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC-982. A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a listing of contract award dates for the period March 15, 1977, to June 15, 1977 (with an accompanying report); to the Committee on Armed Services.

EC-983. A letter from the chairman of the Senate Committee on Commerce, Science, and Transportation transmitting, pursuant to law, a report on allocation of entitlement funds under the third concurrent resolution of the budget (with an accompanying report); to the Committee on the Budget.

EC-984. A letter from the Acting Secretary of the Federal Trade Commission transmitting, pursuant to law, the second report of the Federal Trade Commission concerning the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the international energy program (with an accompanying report); to the Committee on Energy and Natural Resources.

EC-985. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Financial Disclosure Systems in Banking Regulatory Agencies" (with an accompanying report); to the Committee on Governmental Affairs.

EC-986. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Energy Policy Decisionmaking, Organization, and National Energy Goals" (with an acompanying report); to the Committee on Governmental Affairs.

EC-987. A letter from the Secretary of the Interior transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM-104. House Joint Resolution 62 adopted by the Legislative Assembly of the State of Oregon ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women; to the Committee on the Judiciary;

"HOUSE JOINT RESOLUTION 62

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"Paragraph 1. The ratification of the proposed amendment to the Constitution of the United States relating to equal rights for men and women, as set forth in and ratified by Senate Joint Resolution 4, 1973, is reaffirmed.

"Paragraph 2. The Secretary of State shall send certified copies of this resolution to the Administrator of General Services of the United States, to the Vice President of the United States and to the Speaker of the House of Representatives of the United States Congress."

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. STENNIS, from the Committee on Armed Services;

Gerald Paul Dinneen, of Massachusetts, to be an Assistant Secretary of Defense.

David E. McGiffert, of the District of Columbia, to be an Assistant Secretary of Defense.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. STENNIS. Mr. President, from the Committee on Armed Services, I report favorably the nominations of Rear Adm. Kenneth M. Carr, U.S. Navy, for appointment to the grade of vice admiral; and Lt. Gen. William B. Fulton, U.S. Army, to be placed on the retired list in the grade of lieutenant general; and John B. Hirt and Kenneth W. Weir for appointment to the grade of brigadier general, U.S. Marine Corps Reserve. Also, Lt. Gen. William G. Moore, Jr., U.S. Air Force, to be general; and Lt. Gen. John N. McLaughlin, U.S. Marine Corps, to be placed on the retired list in the grade of lieutenant general; and Col. John B. Conaway, Air National Guard, to be brigadier general as Deputy Director, Air National, National Guard Bureau; and Lt. Gen. John A. Kjellstrom, Army of the United States, to be placed on the retired list in the grade of lieutenant general. I ask that these nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. In addition, Mr. President, there are 540 in the Navy for temporary and permanent promotion to the grade of lieutenant—list beginning with David H. Acton; and 1,368 in the Navy for temporary and permanent pormotion to the grade of lieutenant commander and below—list begins with Ronald J. Abler; and 655 in the Army for appointment and reappointment to the grade of colonel and below—list beginning with James J. Hill. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings in the RECORD of March 1 and March 14, 1977.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. ALLEN:

S. 1129. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain reservists who did not perform active duty before August 16, 1945, and for other purposes; to the Committee on Armed Services.

By Mr. GARN (for himself, Mr. SCHMITT, and Mr. TOWER):

S. 1130. A bill to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HART (for himself and Mr. RANDOLPH) (by request):

S. 1131. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BIDEN:

S. 1132. A bill to amend the Equal Educational Opportunity Act of 1974 to provide for an improved standard for enforced transportation of students, and for other purposes; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1133. A bill to repeal section 3306 of title 5, United States Code, to eliminate the requirement of apportionment of appointments in the departmental service in the District of Columbia; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN:

S. 1129. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain reservists who did not perform active duty before August 16, 1945, and for other purposes; to the Committee on Armed Services.

RETIREMENT BENEFITS FOR CERTAIN RESERVISTS

Mr. ALLEN. Mr. President, over the years it has on several occasions been brought to my attention that reservists who did not perform active duty before the end of World War II have been denied retirement benefits notwithstand-

ing the fact that their total service inclusive of years prior to the termination of World War II amounts to 20 years or more.

Many of these reservists served later in the Berlin crisis or Vietnam yet they have still been denied retirement because they have not been permitted to count for retirement purposes service in the Reserve performed during the World War.

The Senate acted once to resolve this inequity when it passed during the 93d Congress S. 3283, a bill identical to the measure I am introducing today.

Unfortunately, S. 3283 was not acted upon by the House of Representatives; however, I believe the House might now favorably consider this legislation should it again pass the Senate.

Toward the end of the 94th Congress, I introduced the same bill under the designation S. 3846, but the Committee on Armed Services did not have sufficient opportunity to act on it.

Inasmuch as the measure has once passed the Senate and has been amply studied in committee, Mr. President, I urge that the Committee on Armed Services now act promptly to report the measure and that thereafter it be given priority for consideration by the full Senate.

By Mr. GARN (for himself, Mr. SCHMITT, and Mr. TOWER):

S. 1130. A bill to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors; to the Committee on Banking, Housing, and Urban Affairs.

FAIR DEBT COLLECTION PRACTICES ACT

Mr. GARN. Mr. President, on behalf of Senator SCHMITT, Senator TOWER, and myself, I am pleased to introduce the Fair Debt Collection Practices Act to eliminate in interstate commerce abusive debt collection practices by independent debt collectors and to encourage the States to adopt Model Fair Debt Collection Practices Acts and to provide consumers with convenient access to informal debt controversy resolution mechanisms which are effective, fair, inexpensive and expeditious.

The Fair Debt Collection Practices Acts attacks abusive debt collection practices on two levels. First, it amends the Federal Consumer Credit Protection Act to prohibit the harassment or intimidation of the consumer in the collection of debts in interstate commerce. Next, it provides a program of grants to States for study and demonstration projects to stimulate and improve State regulation of the operation of debt collectors and to provide on the local inexpensive procedures for the resolution of debtor-creditor controversies.

NEED FOR THE LEGISLATION

Recent television and newspaper accounts and hearings before the House Consumer Affairs Subcommittee publicized sensational allegations of maddening harassment of consumers by independent debt collectors. Although there is considerable question as to the probability of the antidotal evidence thus far presented to support comprehensive Federal regulation of debt collectors, there is considerable evidence in the form of testimony by State officials that some debt collectors have utilized watts lines and other means of communication to harass debtors in interstate commerce. In addition, reports from the New York Regional Office of the Federal Trade Commission, the Better Business Bureau and law enforcement officials tend to establish that the existing debt collection redress mechanisms are often inadequate to protect the interest of the consumer. Our bill would address both of these problems by prohibiting the harassment of the consumer by using the mails or telephones in interstate commerce and by establishing a grant program to encourage the States to pass model acts and provide local consumer redress mechanisms. This would permit the States to continue experimentation to determine the best way in which the consumer's interest can be protected.

HISTORY OF FEDERAL DEBT COLLECTION PRACTICES LEGISLATION

Bills are pending in the House and Senate (H.R. 29 introduced by Congressman ANNUNZIO and S. 918 introduced by Senator RIEGLE), which would amend the Federal Consumer Credit Protection Act to regulate the practice of independent professional debt collectors by prohibiting harassment and restricting the methods and procedures used in debt collection. In 1976, after 5 days of hearings, the House passed a debt collection bill (H.R. 11969) but no action was taken in the Senate. Hearings were held during the week of March 8 by the House Consumer Affairs Subcommittee at which former employees of debt collection agencies and State officials testified concerning the use of harassing tactics. The industry witnesses claimed these were isolated instances.

Basically, the bills pending in the Senate and House would mandate a mechanism which would restrict the methods that a debt collection agency may use in locating and contacting a debtor. They also require the debt collector to cease communications upon request of the debtor or when the debtor employs an attorney. A complex validation procedure is imposed upon the debt collector when the debt is disputed. Debt collectors are restricted in the manner in which they may bring legal actions. Several provisions prohibit harassment, intimidation, and false representation. Enforcement is given to the Federal Trade Commission and there are both criminal and civil sanctions.

MAJOR PROBLEMS WITH PENDING DEBT COLLECTION LEGISLATION—IT IS REGULATORY OVERKILL

Although both of the bills introduced in the House and Senate purport to prohibit harassment and abusive tactics, in reality they provide a Federal mechanism for the minute regulation of the internal business operations of the debt collection industry. For example, the bills in regulating the acquisition of location information, prohibit the debt collector from making a personal contact in an attempt to find a debtor who has skipped without leaving a forwarding address. The debt collector is severely limited in contacts that can be made with the debtor at his place of employment or home. In addition, the debtor may require the debt collector to cease communications. A complicated procedure is set up for the validation of debts.

Although there may be merit in establishing such a procedure in large metropolitan areas such as New York City or the District of Columbia, it does not follow that these procedures would be to the advantage of the consumer in small urban areas such as Logan, Utah, or Rawlings, Wyo. By and large, the debt collection industry is composed of small businesses operating in local communities. The regulation of the operation of these small business people should be left to the States rather than preempted by the Federal Government.

In addition to the problems which may be created by Federal legislation in an area that can best be regulated by State and local government, the House hearings to date have produced no empirical studies or evidence regarding the cost of compliance with these complicated procedures. It is difficult for one to perceive how the typical debt collection agency with 8 to 10 employees can comply with these intricate proposals. I fear that Congress is on the verge of creating another RESPA.

THE BILLS INTERFERE WITH STATE PREROGATIVE TO LEGISLATE IN THE LOCAL AREA

The Senate and House bills deal with abuses covered by legislation already enacted in approximately 33 States. The National Conference of Lawyers and Collection Agencies is actively promulgating a model act to be enacted in the remaining States. In addition, it is an area which is partially covered by the Uniform Consumer Credit Code adopted by the National Conference of Commissioners on Uniform State Laws. With the States actively pursuing remedies in this area, it is not in the public interest for Congress to discourage further efforts of State experimentation.

THE SENATE AND HOUSE BILLS INTERFERE UNDULY WITH THE PREROGATIVE OF STATE COURTS TO REGULATE THE PRACTICE OF LAW

By not exempting attorneys from the definition of debt collectors, the legislation would place the action of attorneys in collecting debts under the supervision of the Federal Trade Commission and Congress. Traditionally, the conduct of the attorneys has been regulated by State courts and legislatures. In addition, the limitation on where a debt collector may file suit and serve process could conflict with Federal and State laws or jurisdiction and venue. The provision prohibiting communication by a debt collector with a debtor once the debtor is represented by counsel could interfere with the attorney/client relationship. This provision could be interpreted as abrogating the historical and essentially confidential relationship between attorney and client.

THE SENATE AND HOUSE BILLS WOULD PLACE A SERIOUS BURDEN ON THE JUDICIAL SYSTEM

The bills as presently drafted would impose the risk of serious civil and criminal liability for trivial infractions. The civil and criminal sanctions are overbroad. This would encourage and invite

the filing of frivolous lawsuits in both the State and Federal courts. This is compounded by the stifling effect the bills would have on informal collections forcing many more cases into court. In spite of the foregoing, the House hearings made no attempt to determine the judicial impact of the legislation.

I am hopeful that when the Senate Consumer Affairs Subcommittee holds hearings on debt collection legislation attention will be given to the costs of the proposals in terms of the impact they might have on the overcrowded judicial system, the overregulated small businessman, and the overburdened consumer's pocketbook.

Mr. President, I request unanimous consent that the section-by-section analysis and the bill be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VIII—DEBT COLLECTION PRACTICES

"Sec.
"801. Short title.
"802. Definitions.
"803. Harassment or intimidation.
"804. False or misleading representation.
"805. Civil liability.
"806. Administrative enforcement.
"807. Relation to State laws.
"808. Exemption for State regulation.
"809. Resolution of consumer controversies.
"810. Effective date.

"§ 801. Short title

"This title may be cited as the 'Fair Debt Collection Practices Act'.

"§ 802. Definitions

"As used in this title—

"(1) the term 'Board' means the Board of Governors of the Federal Reserve System.

"(2) the term 'Commission' means the Federal Trade Commission.

"(3) the term 'communicate' means to complete the transmission of a written or verbal message.

"(4) the term 'consumer' means an individual who owes or allegedly owes a debt created primarily for personal, family, or household purposes.

"(5) the term 'credit bureau' means any person, firm, partnership, corporation, organization, association, or any other legal entity engaged in furnishing credit reports, as the term is defined by section 603(f) of the Fair Credit Reporting Act.

"(6) the term 'creditor' means a party to a consumer transaction other than a consumer.

"(7) the term 'debt' means any obligation arising out of a transaction in which credit is offered or extended to an individual, and the money, property, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Such term does not include transaction involving extension of credit for business, commercial or agricultural purposes.

"(8) the term 'debt collector' means any person who engages in any business the principal purpose of which is the collection of any debt for another person, or any person who directly or indirectly collects or attempts to collect a debt owed or due or asserted to be owed or due another, unless, on or after the effective date of this title, substantially all of the activities in the course of such business or in such collection of debts occur within one State, but such term does not include—

"(A) any creditor or assignee of such creditor who engages in the business of extending credit and primarily collects or attempts to collect debts owed to such creditor or any person, both of whom are related by ownership or affiliated through corporate control;

"(B) any officer or employee of the United States or any state to the extent that collecting or attempting to collect any debt is in the performance of his official duties;

"(C) any attorney acting in a professional capacity on behalf of a client;

"(D) any person serving or attempting to serve legal process on the consumer or on any other person in connection with the judicial enforcement of a debt;

"(E) any person who enforces or attempts to enforce a security interest in real or personal property which is valid under state law;

"(F) any person acting in the capacity of a debt collector on behalf of another person, both of whom are related by common ownership or affiliated through corporate control;

"(G) any officer or employee of a creditor who is acting in the capacity of collecting a debt owed to that creditor or any person acting in the capacity of a debt collector on behalf of another person pursuant to a reciprocal service agreement, both of whom are financial institutions who regularly extend or arrange for the extension of credit; or

"(H) any person who is a member of a trade association, whose primary business is not the collection of debts of others and whose members' primary business is not the collection of debts of others, who acts in the capacity of a debt collector on behalf of another member pursuant to a reciprocal services plan provided by the association to its members to facilitate the collection of debts owed to its members.

"(9) the term 'State' means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of any of the foregoing.

"(10) the term 'Bureau' means the Bureau of Consumer Redress.

"(11) the term 'Director' means the Director of the Bureau.

"(12) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

"(13) the term 'Administrator' means the individual or agency which is designated under State law to direct, coordinate, or conduct a State system.

"(14) the term 'State system' means all the mechanisms and procedures of a State for the resolution of controversies involving consumers, including small claims courts, arbitration, and other mechanisms and procedures referred to in section 809.

"§ 803. Harassment and intimidation

"A debt collector may not collect or attempt to collect any debt alleged to be due and owing by—

"(1) using or threatening to use violence or other criminal means to cause harm to the person or property of any person;

"(2) accusing falsely or threatening to accuse falsely any person of fraud or any other crimes;

"(3) representing or threatening to represent to a third party or any other person, that a consumer is willfully refusing to pay a non-disputed debt when the debt is in dispute for any reason and the consumer has notified such debt collector in writing of the dispute;

"(4) threatening to sell or assign to another the obligation of the consumer with an attending false representation that the result of such sale or assignment would be that the consumer would lose any defense to the alleged debt or would be subject to illegal collection attempts;

"(5) threatening that nonpayment of an alleged debt will result in the arrest of any person or the seizure, foreclosure, garnishment or sale of any property or wages of any person without a judgment, court order or other legal authority permitting such actions;

"(6) using profane or obscene language or language the natural consequence of which is to reflect unreasonably and falsely on the character, morals or habits of the hearer or reader;

"(7) placing telephone calls without a meaningful disclosure of the identity of the caller;

"(8) causing expense to any person in the form of long distance telephone tolls, telegram fees, or other charges incurred by a medium of communication, without first disclosing the name of the person making the telephone call or transmitting the communication; or

"(9) causing a telephone to ring so repeatedly or continuously as to be unreasonable or at unusual times or at times known to be inconvenient and unreasonable.

"§ 804. False or misleading representation

"A debt collector may not collect or attempt to collect debts or obtain information concerning a consumer by any fraudulent, deceptive, or misleading representations by—

"(1) using any name while engaged in the collection of debts other than the true business or professional name or the true personal or legal name of the debt collector unless the given and correct names of the user are posted in a public area of the debt collector's office or unless otherwise authorized by law;

"(2) falsely representing that the debt collector has information in his possession or something of value for the consumer in order to solicit or discover information about the consumer;

"(3) failing to clearly disclose, in any communication with the debtor, the name of the person to whom the debt has been assigned or is owed at the time of making any demand for money;

"(4) failing to clearly disclose, in any communication with the debtor, that the debt collector is attempting to collect a debt;

"(5) using any written communication which fails to clearly indicate the name of the debt collector and the debt collector's street address, when the written notice refers to an alleged delinquent debt, provided that the foregoing shall not require disclosure of names and addresses of employees of debt collectors;

"(6) falsely representing that any debt collector is vouched for, bonded by, affiliated with, or an instrumentality, agent, or official of this state or any agency of federal, state, or local government;

"(7) using, distributing, or selling any written communication which simulates or falsely represents to be a document authorized, issued, or approved by a court, an official, a governmental agency, or any other legally constituted or authorized governmental authority, or which creates a false impression about its source, authorization, or approval; or using any seal or insignia or design which simulates that of any governmental agency;

"(8) representing that a debt may be increased by the addition of attorney's fees, investigation fees, service fees, or other charges

when there is no written contract or statute authorizing such additional fees or charges;

"(9) representing that a debt will definitely be increased by the addition of attorney's fees, investigation fees, service fees, or other charges when the award of such fee or charge is discretionary by a court of law;

"(10) falsely representing the status or true nature of the services rendered by the debt collector or his business;

"(11) using any communication which purports to be from any attorney or law firm, when in fact it is not;

"(12) representing that a debt is being collected by an attorney when it is not;

"(13) representing that a debt is being collected by an independent, bona fide organization engaged in the business of collecting past due accounts when the debt is being collected by a subterfuge organization under the control and direction of the person to whom the debt is owed; however, nothing herein shall prohibit a creditor from owning or operating its own bona fide debt collection agency; or

"(14) falsely representing that the debt collector is a credit bureau by use of the term in its corporate or trade name when in fact the debt collector is not a credit bureau or using any other term of similar impact or meaning in its corporate or trade name, or in any other manner, to create the false impression that such debt collector is a credit bureau when in fact it is not.

"§ 805. Civil Liability

"(a) Any debt collector who willfully fails to comply with any requirement imposed under this title with respect to any person is liable to that person in an amount equal to the sum of—

"(1) any actual damages sustained by such person as a result of the failure; and

"(2)(A) in an individual action, such amount of punitive damages as the court may allow, or

"(B) in the case of a class action, such amount as the court may allow, except that the total recovery in such action shall not be more than the lesser of $500,000 or 1 per centum of the net worth of the debt collector.

"(b) Any debt collector who is negligent in failing to comply with any requirement imposed under this title with respect to any person is liable to that person in an amount equal to the sum of any actual damages sustained by such person as a result of the failure.

"(c) In the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee in relation to the work expended and costs. On a finding by the court that an action under this section was brought in bad faith or for purposes of harassment, the court shall award to the defendant attorney's fees reasonable in relation to the work expended and costs.

"(d) In determining the amount of award in any class action under subsection (a)(2)(B) the court shall consider, among other relevant factors, the frequency and persistence of failures of compliance by the debt collector, the resources of the debt collector, the number of persons adversely affected, and the extent to which the debt collector's failure of compliance was intentional.

"(e) A debt collector may not be held liable in any action brought under this title if the debt collector shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to assure compliance.

"(f) An action to enforce any liability created by this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within one year from the date on which the liability arises.

"(g) A consumer may not take any action to offset any amount for which a debt collector is potentially liable to such consumer for punitive damages against any amount allegedy owing to such debt collector by such consumer, unless the amount of the debt collector's liability to such consumer has been determined by judgment of a court of competent jurisdiction in an action to which such consumer was a party.

"§ 806. Administrative enforcement

"(a) Compliance with this title shall be enforced by the Commission. For the purposes of the exercise by the Commission of its functions and powers under the Federal Trade Commission Act, a violation of this title shall be deemed a violation of that Act. Except as provided for in subsection (b) all of the functions and powers of the Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional test in the Federal Trade Commission Act.

"(b) The rule making authority of the Commission for enforcement of this title shall be limited to the promulgation of procedural rules necessary to enforce compliance with this title.

"§ 807. Relation to State laws

"This title does not annul, alter, or affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to debt collection practices, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency. The Commission is authorized to determine whether such inconsistencies exist.

"§ 808. Exemption for State regulation

"The Commission shall by regulation exempt from the requirements of this title any class of debt collection practices within any State if the Commission determines that under the law of that State that class of debt collection practices is subject to requirements substantially similar to those imposed by this title, and that there is adequate provision for enforcement.

"§ 809. Resolution of consumer controversies

"(a) The purposes of this section are to eliminate abusive debt collection practices and to assure consumers convenient access to consumer debt controversy resolution mechanisms which are effective, fair, inexpensive, and expeditious, and to facilitate better representation of consumer interests.

"(b)(1) Not later than 30 days after the effective date of this section, the Board shall establish a Bureau to be known as the Bureau of Consumer Redress. The Board shall appoint a Director of the Bureau.

"(2) The Board, through the Director shall, consistent with the purposes and goals of this section—

"(A) enter into or renew cooperative agreements with the States;

"(B) allocate and pay to the States funds appropriated for financial assistance to States under cooperative agreements;

"(C) issue, from time to time, such regulations as are necessary to carry out the provisions of this section, in accordance with the provisions of section 553 of title 5, United States Code;

"(D) encourage and assist the development and implementation of innovative concepts and approaches;

"(E) investigate and award discretionary grants;

"(F) determine whether a State plan is in accordance with this section;

"(G) review the operation and effectiveness of each State plan for the resolution of debt controversies involving consumers which has been approved under this section;

"(H) articulate and evaluate the goals for a model State system of consumer controversy resolutions, including the formulation and promotion of Model Consumer Debt Collection Fair Practices Acts and ordinances which may be adopted by the several States. The Model Acts and ordinances shall be formulated within the 12 months after the effective date of this section and shall be revised from time to time as is deemed appropriate by the Director.

In the formulation of Model Consumer Debt Collection Fair Practices Acts, there shall be taken into consideration existing Model Acts, the costs and benefits to the consumer and the public, and the impact on the judicial system;

"(I) Coordinate and integrate the functioning of both public and business sponsored mechanisms; and

"(J) take such other actions as are appropriate to fulfill the purposes of this section.

"(c)(1) in carrying out its functions under this Act, the Director and the Board shall cooperate, to the maximum extent practicable, with the States and the business and legal community. In addition to any other enumerated obligation, the Director shall consult, from time to time, with the State Administrator, if any, in each State.

"(2) The Board, through the Director, is authorized to enter into a coopeartive agreement to provide financial assistance to any State which establishes and maintains a system approved by the Board for the effective, fair, inexpensive, and expeditious resolution of controversies involving consumers or to assist any State to develop such a system. Before a State shall be deemed eligible to enter into or renew a cooperative agreement for the development or maintenance of a State system, the Director shall make, justify, and publish in the Federal Register a finding that such agreement would further the purpose of this section.

"(d)(1) The Director, in accordance with the purposes and goals of this section, shall promote, develop, encourage, and assist in the development of consumer debt controversy resolution mechanisms through research and demonstration projects or other activities that will encourage innovation or effectuation of the policies of this section.

"(2) The Director is authorized to make discretionary grants under this subsection, in a total amount each year not to exceed 25 per centum of the financial assistance appropriated under this section.

"(3) The Director shall establish criteria for awarding grants for research or demonstration projects which are consonant with the purposes and goals of this section. These grants may be made to units of local government, combinations of such units, or nonprofit organizations and foundations, under established criteria and such terms and conditions as may from time to time be established by the Director.

"(e)(1) By the end of 6 months after the effective date of this section, a State may establish and submit a plan in accordance with this section for the resolution of debt controversies involving consumers. A plan is in accordance with this section if it is designed to meet or exceed the requirements set forth in subsection (c), responds to the goals set forth in subsection (f), and represents an effective response to the Nation's need for fair, expeditious, and inexpensive resolution of such controversies. Upon the establishment of such a plan, the State administrator shall promptly transmit a certified copy to the Board.

"(2) Within 90 days after the Board receives a certified copy of a State plan established under paragraph (1), the Director shall make a determination whether (A) the State is eligible to receive financial assistance under subsection (c), and (B) such State has established a plan which is in accordance with this section. Unless the Board determines, within 30 days after the Director determines that a State plan is in accordance with this section, that such plan is not in accordance with this section, the Director shall, to the extent resources are available, enter into a cooperative agreement designed to effectuate such plan. A State may submit a revised or improved plan designed to better effectuate the goals of this section at any time.

"(3) The Director shall periodically, but not less than once every 2 years, or may at any time upon complaint of affected consumers, review any State plan or any discretionary grant for the resolution of debt controversies involving consumers which has been approved and for which there is (A) experience to determine whether such plan or grant is still in accordance with the goals of this section, and (B) to evaluate the success of such plan or grant in terms of the policies and purposes of this section. In addition to the data required under subsection (g), reports must be submitted on each mechanism showing the extent to which it has met the applicable goals of subsection (f), including results of random sample surveys of attitudes of consumers who have actually used the services of the organization. Any plan or grant which is found not to be in accordance with such goals or which has not been successful shall be terminated in accordance with the procedures set forth in paragraph (4). To facilitate such review, the State administrator in each such State shall submit to the Director, not later than March 15 of each year, an annual report containing all revelant information requested by the Director and comments of consumers, including low-income consumers, on the effectiveness of mechanisms funded under this section.

"(4) Before making any determination under paragraph (2) or (3), the Director shall cause a notice and a summary of the plan under consideration to be published in the Federal Register and shall afford the affected State and all interested parties a reasonable opportunity to present their views by oral or written submission, and to propose amendments; if any, to such plan or grant program. The Commission, through the Director, shall notify the affected State or grantee of any determinations made under this section and shall publish these determinations with reasons therefor in the Federal Register. Any final determination by the Director under this subsection shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code, in the United States Court of Appeals for the circuit in which is located the State whose plan or grant is the subject to such determination or in the United States Court of Appeals for the District of Columbia. Any such review shall be instituted within 60 days from the date on which the determination of the Director is published in the Federal Register.

"(f)(1) A State is responsive to national goals if—

"(A)(1) there are sufficient numbers and types of readily available debt consumer controversy resolution mechanisms responsive to the goals set forth in paragraph (2);

"(B) a public information program is effectively communicating to potential users the availability and location of debt consumer controversy resolution mechanisms and consumer complaint offices in such State; and

"(C) each such mechanism and unit thereof files an annual report with the State administrator in such form and with such content as is prescribed by him in consultation with the Director.

"(2) A debt consumer controversy resolution mechanism is responsive to national goals if—

"(A) its forms, rules, and procedures are, so far as practicable, easy for potential users to understand, free from technicalities, and it is inexpensive to use;

"(B) it is open and available for the adjudication or resolution of controversies during hours and on days that are convenient for consumers, such as evenings and weekends, and that a fair proportion of controversies are scheduled to be resolved at such times;

"(C) it provides for adequate arrangements for translation in areas with substantial non-English-speaking populations;

"(D) it is governed by reasonable and fair rules and procedures which are approved by the State administrator. Such rules and procedures shall—

"(i) facilitate the early resolution of consumer debt controversies by means in addition to the adjudication of claims;

"(ii) encourage the fairest and most effective use of the services of attorneys in the resolution of such controversies;

"(iii) encourage the finality and conclusiveness of the resolution of such controversies;

"(iv) provide for the qualification, tenure and duties of persons charged with resolving or assisting in the resolution of such controversies;

"(v) provide for the maintenance of thorough and complete records of each grievance submitted to it and each complaint filed with it together with a notation as to and the disposition of each such grievance or complaint;

"(vi) insure that both sides to a dispute are directly involved in the resolution of such dispute;

"(vii) insure that the results of dispute settlement efforts are actually carried out;

"(viii) assure that the consumer is informed of the status of his case; and

"(xi) provide useful information about other available redress mechanisms in the event that dispute settlement efforts fail or the controversy does not come within the jurisdiction of such mechanism.

"(g)(1) Each recipient of assistance under this section shall keep such records as the Board, through the Director, shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the project or understanding supplied by other sources, and such other records as will facilitate an effective financial and performance audit. This provision shall apply to all recipients of assistance under this section, whether by direct grant or contract with the Board through the Director or by subgrant or subcontract from primary grantees or contractors of the Board, through the Director, or from any State Administrator receiving financial assistance under this section.

"(2) The Board or any of its designated representatives shall have access for purpose of audit and examination to any relevant books, documents, papers, and records of the recipients of grants and financial assistance under this section.

"(3) The Comptroller General of the United States, or any of his duly authorized representatives, shall, until the expiration of 3 years after the completion of the program or project with which the assistance is used, for the purpose of financial and performance audits and examinations, have access to any relevant books, documents, papers, and records of recipients of financial assistance under this section.

"(4) The Board, through the Director, shall submit an annual report to the President and the Congress simultaneously by June 15 each year. Such report shall include, but need not be limited to—

"(A) A summary of any reviews undertaken pursuant to subsection (e)(3).

"(B) The results of financial and performance audits conducted pursuant to this subsection.

"(C) An evaluation of the effectiveness of the Bureau and the Board in implementing the purposes of the section, together with any recommendations for additional legislative or other action.

"(h) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"§ 810. Effective date

"This title takes effect upon the expiration of one year after the date of its enactment.".

SECTION-BY-SECTION ANALYSIS OF THE FAIR DEBT COLLECTION PRACTICES ACT

The Fair Debt Collection Practices Act adds a new Title VIII to the Consumer Credit Protection Act to be cited as the Fair Debt Collection Practices Act.

Section 802 defines the various terms used in the Act.

The term "debt" is defined to make clear that the Act only covers transactions primarily for personal, family, or household purposes and not transactions involving extension of credit for busines, commercial or agricultural purposes.

The term "debt collector" is narrowly defined as a person whose principal business is that of engaging in the collection of debts in interstate commerce for another person. Specifically exempted from coverage are:

(A) creditors or assignees and their affiliates;

(B) employees of the United States;

(C) attorneys acting in a professional capacity for a client;

(D) process servers;

(E) persons enforcing a security interest in real or personal property;

(F) persons acting in a capacity of a debt collector, when they are affiliated by common ownership;

(G) employees of a creditor who are collecting a debt for another creditor under a reciprocal service agrement;

(H) members of a trade association collecting debts for other members of the trade association under agreements.

Section 803 prohibits a debt collector from attempting to collect a debt by:

(1) using or threatening to use violence or criminal means;

(2) accusing falsely or threatening to accuse falsely a person of fraud or other crimes;

(3) representing or threatening to represent to a third party that a consumer is willfully refusing to pay a non-disputed debt when the debt is in dispute;

(4) falsely representing that the sale or assignment of a debt will result in the consumer's lose of defenses;

(5) threatening that nonpayment will result in arrest or seizure of property without court order or legal authority;

(6) using profane or obscene language;

(7) placing telephone calls without a meaningful disclosure of the identity of the caller;

(8) causing expense in the form of long distance telephone calls or other charges without the person disclosing the name of the person making the telephone call;

(9) causing the telephone to ring so repeatedly or continuously as to be unreasonable or inconvenient.

Section 804 prohibits a debt collector from collecting or attempting to collect a debt by:

(1) using an alias unless the correct names of the user are posted in a public area of the debt collector's office;

(2) falsely representing that the debt collector has information or something of value for the consumer;

(3) failing to disclose the name of the per-

son to whom the debt has been assigned or is owed;

(4) failing to disclose that the debt collector is attempting to collect a debt;

(5) failing to disclose the name and address of the debt collector's firm;

(6) falsely representing that the debt collector is affiliated with an instrumentality of a governmental agency;

(7) using or distributing a communication which falsely represent that they are approved by a court or governmental body;

(8) falsely representing that a debt may be increased by additional fees when no written contract or statute authorizes the charges;

(9) representing that attorney's fees or charges will definitely be added when the matter is in the discretion of a court;

(10) falsely representing the status or true nature of the services rendered by the debt collector;

(11) falsely representing that a communications is from an attorney or law firm when it is not;

(12) representing that a debt is being collected by an attorney when it is not;

(13) representing that a debt is being collected by an independent collection agency when it is not;

(14) falsely representing that a debt collector is a credit bureau.

Section 805(a) imposes actual or punitive damages as a court may allow when a debt collector willfully fails to comply with the requirements of the Act.

In a case of a class action, the total recovery is limited to not more than the lesser of $500,000 or 1 per cent of the net worth of the debt collector.

Section 805(b) imposes liability for actual damages when a debt collector is negligent in failing to comply with the requirements of the Act.

Section 805(c) provides that attorney's fees may be awarded to a successful plaintive based on the work expended and costs. Where the court finds that an action has been brought in bad faith for the purposes of harassment, the court shall award the defendant attorney's fees.

Section 805(d) provides that in determining the amount of award in any class action the court shall consider relevant factors.

Section 805(e) provides that a debt collector may not be held liable when by preponderance of evidence, it is shown that the violation was not intentional and the result of a bona fide error.

Section 805(f) gives jurisdiction to any appropriate United States district court without regard to the amount in controversy and any other court of competent jurisdiction within one year from the date on which the liability arises.

Section 805(g) provides that a consumer may not take an offset for punitive damages until an award has been made by a court.

Section 806 vest authority for compliance with the Federal Trade Commission but restricts rulemaking authority of the Commission to the promulgation of procedural rules.

Section 807 provides that Act shall not exempt any person from complying with state laws except to the extent that those laws are inconsistent with the provision of the Act and that the Commission shall determine such inconsistencies.

Section 808 provides that the Commission shall exempt compliance with the Act in any state which the Commission determines has debt collection practices laws that are substantially similar to those imposed by the Act and where there is adequate provision for enforcement.

Section 809 establishes a grant procedure under which the Federal Reserve Board is directed to encourage the states to adopt Model Consumer Debt Collection Fair Practices Acts and debt controversy mechanisms to eliminate the abusive debt collection practices and assure a convenient forum for the out of court resolution of the controversies in a fair, inexpensive nad expeditious manner. In the formulation of Model Consumer Debt Collection Fair Practices Acts, there shall be taken into consideration existing Model Acts, their costs and benefits to the consumer and the public, and their impact on the judicial system. It is intended that the Board shall consult commissions on uniform state laws and bar associations and foundations. In addition to grants to the State governments, grants may be made to local goverments and non-profit organizations and foundations.

Section 810 provides that the title shall take effect upon the expiration of one year after the date of enactment.

Mr. TOWER. Mr. President, I am delighted to join in the introduction of amendments to the Consumer Credit Protection Act to prohibit harassment and intimidation of the consumer by debt collectors.

In our society, the harassment and intimidation of any person for the purpose of collecting a debt is abhorrent. Particularly vulnerable to abusive practices is the lower income innercity dweller. Our bill attacks this problem by prohibiting a debt collector from attempting to collect in interstate commerce any debt by the use of harassing tactics such as threats of violence, false statements, repeated telephone calls, use of obscene language, and threats of loss of employment. So as not to interfere with the important work of the States in protecting the consumer on the local level and to avoid placing unreasonable burdens on small business, our bill would encourage the States to pass Model Fair Debt Collection Practices Acts and to provide mechanisms for the resolution of debtor-creditor disputes.

In considering consumer credit protection legislation which curtails creditor's remedies, Congress should weigh the overall effect it might have on the cost and availability of credit to the consumer. Bad debt losses in this country amount to billions of dollars and must be made up by someone. If the losses are too high, the result could be business failures and loss of jobs.

In some sectors of the economy such as retailing and hospital services, these losses come out of the consumer's pocketbook in the form of higher prices. For low income groups who rely heavily on installment lending, the outcome can be a curtailment of the availability of credit. Thus, consumers have a vital interest in a proper balance which will outlaw unconscionable practices but permit legitimate debt collection methods unfettered by burdensome redtape. The bill we are introducing today is designed to properly strike that balance.

Equally important is the impact Federal legislation will have on small business. The proliferation of Federal regulation in the consumer credit area is a factor which is forcing small retailers to abandon their credit plans. This is an unwise public policy which is placing the small retailer at a competitive disadvantage with the large retailers who have inhouse credit plans. It encourages the concentration of power over credit granting in the large financial institutions. To avoid this regulatory over-kill so destructive to small business, our bill has been tightly drawn to cover only those abuses which have been demonstrated to exist and can best be treated by Federal control.

Finally, it is important that the Federal Government not needlessly encroach upon the important role of the States in providing consumer protection on the local level. Approximately 25 States, including Texas, have enacted Model Consumer Debt Collection Fair Practices Acts and some 33 States require debt collection services to be licensed. Other State legislatures are moving to fill in the gap. Our bill will encourage this experimentation by the States which is so vital to the well being of the consumer and the small businessman who both need protection from unethical operators.

In sum, the Fair Debt Collection Practices Act will protect the consumer from harassment and the ethical business firm from unfair competition in interstate commerce. Equally important, it will encourage the States to take a prominent and effective role in consumer protection on the local level.

Mr. President, I am hopeful that the Senate Consumer Affairs Subcommittee, which will soon hold hearings on debt collection legislation, will thoroughly explore the merits of this proposal.

By Mr. HART (for himself and Mr. RANDOLPH) (by request):

S. 1131. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 251 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; to the Committee on Environment and Public Works.

NUCLEAR REGULATORY COMMISSION AUTHORIZATION

Mr. HART. Mr. President, at the request of the Nuclear Regulatory Commission, I and the distinguished Senator from West Virginia, Mr. RANDOLPH, are introducing a bill authorizing appropriations to that Agency for fiscal years 1978 and 1979.

The Subcommittee on Nuclear Regulation of the Committee on Environment and Public Works, which I chair, plans to hold hearings in the near future to explore the detailed justification for the requested funds and programs. This bill will provide a logical starting point for our deliberations. However, we intend to conduct a thorough examination of the NRC programs before reaching any final conclusions regarding the appropriateness and necessity of any given program as well as the required level of funding. With the understanding that we are in no way bound by the programs or funding levels appearing in this bill, we are privileged to introduce it at this time.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1978

SEC. 101. There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1954, as amended, for Salaries and Expenses, $292,150,000 to remain available until expended.

SEC. 102. Moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in Appropriation Acts.

SEC. 103. Transfers of sums from salaries and expenses may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

SEC. 104. Public Law 94-291 is amended by adding section 105 to read as follows: "In addition to the funds authorized under section 101, there is hereby authorized an amount of $200,000 for funding of intervenors to the proceeding to determine whether widescale commercial use of mixed oxide fuel should be authorized (commonly called the "GESMO" proceeding), to remain available until expended.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1979

SEC. 201. There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, for salaries and expenses, such sums as may be necessary.

SEC. 202. Moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in appropriation acts.

SEC. 203. Transfers of sums from salaries and expenses may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

By Mr. BIDEN:

S. 1132. A bill to amend the Equal Educational Opportunity Act of 1974 to provide for an improved standard for enforced transportation of students, and for other purposes; to the Committee on the Judiciary.

EQUAL EDUCATIONAL OPPORTUNITIES AMENDMENTS OF 1977

Mr. BIDEN. Mr. President, today I introduce the Equal Educational Opportunities Amendments of 1977 which would amend the Educational Opportunities Act of 1974 to prohibit the courts from ordering the transportation of any student unless the court first determined that a racially discriminatory purpose was a motivating factor in the constitutional violation for which the transportation is proposed as a remedy.

The bill is predicated upon a series of decisions handed down by the Supreme Court, beginning in June of last year, in which the Court fashioned a new rule in racial discrimination cases. The basic rule which the Court first applied in the employment discrimination case of *Washington* v. *Davis*, 426 U.S. 229 (1976), the *Arlington Heights* v. *Metropolitan Housing Corp.*—January 1977—housing case, and now seems prepared to apply to school cases, is that a court cannot impose a remedy for alleged discrimination based upon evidence of discriminatory effect alone. The Court now requires that there be a finding that "a discriminatory purpose was a motivating factor in the constitutional violation for which the remedy is proposed." In essence, the Equal Educational Opportunities Amendments of 1977 would legislate this rule for busing cases.

My bill strikes at the heart of the injustice of court-ordered busing. It prohibits the Federal courts from disrupting our educational system in the name of the Constitution where there is no evidence that the governmental officials intended to discriminate.

My bill is limited in several important respects. First, it is only directed at busing cases which are still in the courts and for which busing has not yet been ordered.

Second, the bill only goes as far as the Supreme Court seems to go. It only goes as far as the new "discriminatory purpose" rule recently enunciated by the Court. It only goes this far because, I believe, that except via a constitutional amendment, the Congress could not go beyond the rulings of the Supreme Court.

I believe there is a growing sentiment in the Congress to curb unnecessary busing. In September of 1975, the Senate passed my amendment to the HEW appropriations bill that prohibited HEW from ordering busing to achieve school integration. That was the first time the U.S. Senate took a firm stand in opposition to busing. The Supreme Court seems to have recognized that busing simply cannot be justified in cases where State and local officials intended no discrimination.

This legislation protects legitimate constitutional rights without permitting the extreme remedy of busing where it is not justified.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with a list of questions and answers that I prepared regarding this legislation.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunities Amendments of 1977".

SEC. 2. Section 215 of the Equal Educational Opportunity Act of 1974 (20 U.S.C. 1714) is amended by redesignating subsection (c), and all references thereto, as subsection (d), and by inserting after subsection (b) the following subsection:

"(c) No court of the United States shall order directly or indirectly the transportation of any student unless the court determines that a discriminatory purpose was a motivating factor by the school officials in the constitutional violation for which such transportation is proposed as a remedy. No court of the United States should otherwise abridge the right of any child to attend the school nearest his home except for purposes of 'special education' as defined in Section 602(16) of the Education of Handicapped Act (20 U.S.C. 1401)."

SEC. 3. The Amendment made by section 2 of this Act shall take effect with respect to any order of a court of the United States which is made after the date of enactment of this Act or which is made prior to such date but which has not been effected by such date.

SOME QUESTIONS AND ANSWERS ABOUT THE "EQUAL EDUCATIONAL OPPORTUNITIES AMENDMENTS OF 1977"

Q. 1. Is this attempt to limit the authority of the Courts to order busing by Congress constitutional?

A. 1. Yes. It is constitutional for Congress to set standards for the implementation of a constitutional right by the courts so long as those standards do not interfere with the right itself. Congress can, therefore, enact legislation limiting busing as a remedy provided it does not restrict the 14th Amendment rights of litigants as interpreted by the courts. Since this legislation is consistent with the evolving principles of 14th Amendment law as developed by the Court in recent cases, it is, thereby, constitutional.

Q. 2. Since the Supreme Court appears to be nearing a definitive ruling in busing cases consistent with this legislation, why is it necessary now?

A. 2. The Supreme Court, and indeed all Federal courts, are courts of limited jurisdiction and can decide only cases properly brought before it upon appeal. It could be months or even years before the proper case is brought before the Supreme Court providing it with a record from which to make this decision.

In this instance, Congress would be taking the initiative on a matter of immediate concern to many areas in the country by framing the issue for the courts consistent with the Constitution.

Q. 3. Would this legislation permit all busing cases previously decided by the courts to be re-opened?

A. 3. No. It would apply only to busing cases which are still in the courts and for which busing has not been ordered.

Q. 4. The Court appears ready to require that there be a finding that a "discriminatory purpose was a motivating factor" in its determination of racial discrimination cases. Does this legislation provide guidelines for determining a "discriminatory purpose"?

A. 4. No. The operative language of the legislation, "discriminatory purpose was a motivating factor", is based on the Supreme Court's decision in the case of *Arlington Heights* v. *Metropolitan Housing Corporation* (Jan. 1977). In that decision, the Court established some guidelines for implementation of the "discriminatory purpose" rule. For example, the Court said in footnote 21 of the decision:

"Proof that the decision by the Village was motivated in part by a racially discriminatory purpose would not necessarily have required invalidation of the challenged decision. Such proof would, however, have shifted to the Village the burden of establishing that the same decision would have resulted even had the impermissible purpose not been considered. If this were established, the complaining party in a case of this kind no longer fairly could attribute the injury complained of to improper consideration of a discriminatory purpose. In such circumstances, there would be no justification for judicial interference with the challenged decision. But in this case respondents failed to make the required threshold showing. See *Mt. Healthy City School Dist. Bd. of Education* v. *Doyle*, No. 75-1278, post, p. ——.

Furthermore, as stated elsewhere in the decision, the Court based this language on an earlier line of cases. The Court cited *Keyes* v. *School District No. 1*, 413 U.S. 189, 208 (1973); *Wright* v. *Rockefeller*, 376 U.S. 52, 56–57 (1964); *Akins* v. *Texas*, 325 U.S. 398, 403–404 (1975).

Therefore, the "discriminatory purpose" language has a well established meaning in 14th Amendment law.

By Mr. MATHIAS:

S. 1133. A bill to repeal section 3306 of title 5, United States Code, to eliminate the requirement of apportionment of appointments in the departmental service in the District of Columbia; to the Committee on Governmental Affairs.

REPEAL OF CIVIL SERVICE APPORTIONMENT REQUIREMENTS

Mr. MATHIAS. Mr. President, I am introducing a bill to repeal the apportionment requirements for employment with the civil service system.

This requirement of the law states that all sections of the country should have a proportionate share of Federal appointments to headquarters jobs in the Washington, D.C. metropolitan area. The concept of proportional geographic representation in the civil service dates back to 1883 in the enactment of the Civil Service Act.

Back in those days, there was little usage of a merit system. Friends and relatives of politicians and high officeholders got the civil service jobs. Forty percent of all civil service jobs were concentrated in the District of Columbia at that time.

But times have changed since 1883. The civil service system instituted a merit system which assured a modern, professional work force of dedicated Americans. Transportation and communication brought the country together both physically and psychologically. The Federal Government decentralized many of its policy making and program administration jobs to field offices outside the Washington area. Today, less than one in seven of the jobs in the competitive civil service are in Washington.

And a number of exceptions were made to the geographical apportionment law which had the effect of discriminating against minorities. For example, the "excepted service" is exempt from apportionment. These positions total about 70,000.

Veterans and those with veterans preference are not subject to apportionment. The Civil Service Commission estimates that 50 percent of all Federal appointees are veterans.

All positions at GS–13 and above are exempt from apportionment on the grounds that these positions should be based on merit alone and attract the most qualified. There are 183,867 positions at grade 13 through 18 in the civil service.

It is indeed anachronistic to believe that certain higher grade civil service jobs require none but the best while others, at lower grades, which require specialized training as well, should not also be based solely on merit.

Other exceptions from the apportionment law are field office positions located in Washington; Government Printing Office positions; apprentice positions in the recognized trades and skilled occupations; and part-time and intermittent jobs.

In sum, as a result of all these exceptions to the rule, about 50,000 Federal positions—15 percent—of the total 326,000 Federal civilian jobs in Washington are subject to apportionment.

The Civil Service Commission has long held that the apportionment requirement is outmoded, ineffective, and cumbersome to administer.

The Commission reported:

Our records show 41 States and Territories currently in arrears and 15, including the metropolitan area of the District of Columbia, in excess of their apportionment quotas. This imbalance has remained virtually unchanged for the last 25 years or more. Apportionment simply has not made a significant difference in the number of persons from States perennially in arrears who take employment in Washington, D.C. To a considerable extent this is because residents of the States in arrears who want Federal jobs find they can get them in their own States without having to uproot self and family to move to Washington.

Apportionment is based on quotas that do not take into consideration the relative qualifications of applicants and thus subverts the merit system which we all have worked hard to perfect, preserve and protect. And because of the veterans preference in civil service hiring, women have had to bear more than their fair share of the burden of apportionment.

The fact of the matter is that Federal civil service jobs are widely dispersed throughout the country. Competitive exams are held on a regular basis throughout the country for those jobs, and regional representation and equal employment opportunity in the Federal civil service are assured through this system based on merit.

A small percentage of the jobs, however, are subject to this archaic apportionment law here in Washington.

It is so outmoded at this point that nobody is sure anymore about the latest count of persons in apportioned jobs against their State of legal residence. Civil Service has a very difficult time getting agencies to report on their apportioned employees and to keep track of them.

This bill has been introduced several times in the last few years. It has received overwhelming support from the Civil Service Commission, the Office of Management and Budget, and the Comptroller General of the United States.

Our President has written a book, the title of which, I believe, applies here to the repeal of the apportionment rule: "Why Not the Best?" It is time to insure that the best are afforded equal employment opportunity to all merit positions in the civil service by removing the apportionment obstacle.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. MATHIAS, the Senator from Oregon (Mr. HATFIELD), the Senator from Montana (Mr. MELCHER), the Senator from Vermont (Mr. LEAHY), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 14, the Bill of Rights Procedures Act of 1977.

S. 28

At the request of Mr. MATHIAS, the Senator from Oregon (Mr. HATFIELD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 28, the Repeat Offenders Prosecution and Prison Improvement Act.

S. 35

At the request of Mr. MATHIAS, the Senator from New York (Mr. JAVITS) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 35, the Civil Rights Improvements Act of 1977.

S. 682

At the request of Mr. MAGNUSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 682, the Tanker Safety Act of 1977.

S. 685

At the request of Mr. MATHIAS, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 685, a bill to amend the Tax Reform Act of 1976 to conform the termination date for certain tax deductions for transfers of partial interests in property for preservation purposes with the termination dates of related provisions.

S. 708

At the request of Mr. CLARK, the Senator from Texas (Mr. BENTSEN) and the Senator from Missouri (Mr. DANFORTH) were added as cosponsors of S. 708, a bill to amend title XVIII of the Social Security Act to provide payment for rural health clinic services.

S. 926

At the request of Mr. CLARK, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 926, a bill to provide for the public financing of primary and general elections for the U.S. Senate.

S. 957

At the request of Mr. FORD, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 957, the Consumer Controversies Resolution Act.

S. 969

At his own request, the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of S. 969, a bill to amend the Service Contract Act of 1965 to extend its coverage to professional employees.

S. 972

At the request of Mr. NELSON, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of S. 972, a bill to authorize the Small Business Administration to make grants to support the development and operation of small business development centers in order to provide small business with management development, technical information, product planning and development, and domestic and international market development.

S. 1045

At the request of Mr. STEVENSON, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1045, a bill to change the name of the Indiana

Dunes National Lakeshore to the Paul H. Douglas National Lakeshore.

S. 1046

At the request of Mr. SCHWEIKER, the Senator from New Mexico (Mr. SCHMITT) and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 1046, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it.

S. 1119

At the request of Mr. YOUNG, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1119, a bill to amend the Food Stamp Act of 1964, as amended, to provided for both the continuation and tribal administration of the food stamp and commodity distribution programs on Indian reservations, and for other purposes directly related to the administration of the food stamp and commodity distribution programs on Indian reservations; to implement the Federal responsibility for the care and nutrition of the Indian people by improving services, facilities, and self-determination of Federal food assistance programs.

SENATE JOINT RESOLUTION 39

At the request of Mr. BIDEN, the Senator from Utah (Mr. GARN), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. FORD), and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of Senate Joint Resolution 39, a joint resolution on the Food and Drug Administration's ban of saccharin.

SENATE JOINT RESOLUTION 34

At the request of Mr. GOLDWATER, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of Senate Joint Resolution 34, a joint resolution to designate the week commencing with the third Monday in February of each year as "National Patriotism Week."

SENATE RESOLUTION 105

At the request of Mr. NELSON, the Senator from West Virginia (Mr. BYRD), the Senator from Alaska (Mr. STEVENS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. ANDERSON), the Senator from Kentucky (Mr. FORD), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Resolution 105, a resolution calling for a White House Conference on Small Business.

AMENDMENTS SUBMITTED FOR PRINTING

CODE OF OFFICIAL CONDUCT—SENATE RESOLUTION 110

AMENDMENT NO. 159

(Ordered to be printed and to lie on the table.)

Mr. WALLOP (for himself and Mr. DANFORTH) submitted an amendment intended to be proposed by them jointly to Senate Resolution 110, to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate, and for other purposes.

AMENDMENT NO. 160

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to amendment No. 65 intended to be proposed to Senate Resolution 110, supra.

AMENDMENT NO. 161

(Ordered to be printed and to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

TAX REFORM ACT OF 1977—H.R. 3477

AMENDMENT NO. 162

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted an amendment intended to be offered by him to H.R. 3477, to provide for a refund of 1976 individual income taxes and other payments, to reduce individual and business income taxes, and to provide tax simplification and reform.

AMENDMENT NO. 163

(Ordered to be printed and to lie on the table.)

Mr. NELSON submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. NELSON. Mr. President, I wish to announce that the Committee on Small Business has scheduled a hearing on Thursday, March 31, 1977, at 9:30 a.m., in room 424 of the Russell Senate Office Building, on the nomination of Arthur Vernon Weaver, Jr., of Arkansas, to be Administrator of the Small Business Administration. Persons wishing to testify or submit statements, please contact Allen Neece on 224-3794.

ADDITIONAL STATEMENTS

CONGRESSIONAL ACTION NEEDED ON PUBLIC WORKS EMPLOYMENT ACT

Mr. RANDOLPH. Mr. President, it has been more than two weeks since the Senate passed the Public Works Employment Act of 1976 (H.R. 11). Immediately after passage, the Senate appointed conferees and asked the House of Representatives to confer on this important measure. There has been no response from the other body and conferees have not been appointed.

Mr. President, I had the opportunity to confer today on this matter with Representative HAROLD T. JOHNSON, chairman of the House Public Works and Transportation Committee. I expressed to him my concern about the delay in resolving our differences on this legislation. There are differences in the two versions of the bill, but these can never be resolved until the conferees meet.

I have subsequently written to the chairman of the House committee reemphasizing my concerns and stating my belief that the Public Works Employment Act should become law without delay.

Mr. President, I ask unanimous consent that the text of my letter to Representative JOHNSON be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
March 25, 1977.

Hon. HAROLD T. "BIZZ" JOHNSON,
Chairman, Committee on Public Works and Transportation, House of Representatives, Washington, D.C.

DEAR BIZZ: I am sorry we had to cut short our conversation this afternoon but a vote in the Senate required my immediate attention. I re-emphasize the belief that a Senate-House conference should be convened early next week to consider the Public Works Employment Act of 1977. There are differences in the versions of the bill passed by the two Houses. These can be resolved only by a conference.

When the 95th Congress convened, legislation to stimulate the creation of jobs was given the highest priority. The Public Works Committees in both the Senate and House responded to this need by expediting consideration of legislation. The House bill passed on February 24 and the Senate completed action on March 10. Senate conferees were appointed immediately. The failure of the House to take similar action continues to delay resolution of differences leading to enactment of this vitally needed measure.

I understand your concern about inclusion in the Senate bill of authorizations for the construction grant program of the Water Pollution Control Act. This action was taken to relieve a serious shortage of Federal funds to build sewage treatment facilities. Approximately 34 states will have exhausted their construction capability by the end of this fiscal year. Prompt authorization and appropriation of these funds—which also have substantial job-creating ability—in no way precludes the development of legislation addressing other water pollution issues. Members of our Committee repeatedly stated their commitment to consider all water pollution issues this year. The Committee, in fact, is planning hearings in May.

I suggest, Bizz, that by failing to meet in conference, we are breaking faith with the American people to whom we made a commitment to ease unemployment. I believe it would be extremely helpful if the conference could meet to explore our concerns. This is the only way that we can ever reach agreement.

With personal regards and official esteem, I am,

Truly,

JENNINGS RANDOLPH,
Chairman.

CENTRAL ARIZONA PROJECT

Mr. GOLDWATER. Mr. President, one of the country's best informed men on Western, Indian, land, and water problems is Mr. Howard Pyle, former Governor of the State of Arizona. In a recent series of newspaper articles, Mr. Pyle has dealt expertly with current developments in these areas, especially that concerning President Carter's attempt to halt construction of the Central Arizona project. Because of their timeliness and importance I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the the articles were ordered to be printed in the RECORD, as follows:

HOWARD PYLE WRITES

This week's revelation that members of Arizona's Indian community had filed suit in U.S. District Court in Phoenix claiming they were entitled to 70 percent of the state's allocation of Central Arizona Project water was reminiscent of one of the most fantastic episodes in Arizona's history.

The facts differ in a wide variety of ways, but the impact is certainly comparable.

The earlier incident began when one James Addison Reavis, a street-car conductor from Missouri, claimed to have acquired title dating back to December 20, 1748, to a Spanish land grant embracing the largest part of what we know as the Salt and Gila River valleys. The area involved totaled some 2,000 square miles.

As history records it, the Reavis-Peralta land-grant scheme was based on titles guaranteed to Mexican land owners by the United States in the Treaty of Guadalupe Hidalgo and the Gadsden Treaty. Reavis set out to prove that the King of Spain had endowed one Miguel Peralta de Cordoba as Baron of the Colorados in 1748.

An impressive collection of documents was produced as evidence that the grant of land to the Peralta family included the water and mining rights to a tract 236 by 78 miles in size. It was alleged that a descendant of the original Baron had transferred the entire grant to an Arizona pioneer by the name of George M. Willing, and that Willing gave over the claim to Reavis in 1867.

To strengthen his claim to the property, Reavis managed to marry a Mexican girl who was said to be the only direct surviving descendant of Miguel Peralta. Reavis' claims were so plausible that he was able to torment settlers in the Gila and Salt valley by collecting tribute from them.

Since the Southern Pacific Railway's right-of-way crossed the same area, tribute was collected from the SP, too.

The Reavis family lived magnificantly once their claim was officially recognized by the United States courts. They traveled widely in Europe, maintained homes in Washington, St. Louis and Chihuahua City. Headquarters for the family business was established on the railway near the present town of Casa Grande.

The Reavis bubble of prosperity lasted until the early 90's. It was discovered that the supposed deeds to Peralta property were recorded on paper that was less than 20-years old. It was determined that some of the printing was done with type of approximately the same vintage. Gradually the older manuscripts involved were declared to be fraudulent.

Reavis' wife, supposed heiress to the Peralta wealth, was found to be from a California Indian reservation, but well trained to play her part.

In 1895, Reavis went to prison in Santa Fe. Released before his 6-year sentence was up, he and his family retired to obscure poverty in old Mexico.

It will be most interesting, and of great significance, to see what happens to the suit Arizona Indians have filed claiming 70 percent of the state's allocation of Central Arizona Project water based on conditions alleged to date from 1864.

HOWARD PYLE WRITES

When an unidentified White House aide is reported as saying—"President Carter believes the Central Arizona Project is unjustifiable, environmentally unsound and uneconomical and unnecessary"—it's strongly reminiscent of the days when national domestic policy was being manhandled by Haldeman-Ehrlichman and company.

Never having been elected to take on this much responsibility these two men and their palace guard associates could be just as brash as their whims might dictate while the head man in the White House was too preoccupied with such things as international policy to be bothered with all of the minutia involved.

We saw it happen then and we now see perhaps the first evidence of a replay of this kind of administrative performance during the regime of President Carter.

Governor Raul Castro and our Congressional delegation have expressed amazement that none of them were consulted in any way before it was abruptly announced that the CAP and x-number of comparable projects in various areas would be dropped from the federal budget.

Now we are told that it wouldn't have made any difference if these leaders had been consulted, the President's answer would have been the same. Again, a staff source, and not President Carter personally, provides the quote. As in the Nixon days when politically unsound judgments were being tossed about, you begin to wonder who is in charge.

Our new president didn't make it to the White House on the basis of what his campaign staff had to say about what he thought. He impressed those who voted for him by being his own man, by assuring the electorate over and over, that he, Jimmy Carter, would be the President.

He lost no opportunity to make it clear that he would never tolerate critical decision-making by administrative personnel who had not been elected to represent the people of this country. Instead, he, Jimmy Carter, would do the leading and that his ear would be finely tuned to the wishes and interests of those affected.

Plans are known to be under way for a two-hour, question and answer, live radio broadcast from the White House to enable Preisdent Carter to hear from the people personally and directly. Still, as this is written, the President has failed to even acknowledge Governor Castro's efforts to be in touch with him, or respond to other appeals for an audience on the subject.

The only answer so far is a staff engineered 60-day review of the questions involved with the Office of Management and Budget in charge. In all probability the curtailment recommendation originated with OMB and it is conceivable that the President's personal silence can be attributed to his having decided—OMB got us into this jam—it's up to them to get us out of it.

It's just the way things work too often in Washington, D.C.

HOWARD PYLE WRITES

As we try to comprehend the impact of what the new recruits in Washington are threatening to do to the Central Arizona Project and 18 other water projects throughout the country, we need to understand something of the historic significance of what is involved here.

One of the oldest and most essential pursuits in the history of the human race has been the conservation and beneficial use of water. Thousands of years ago, the big attraction in ancient Egypt was the River Nile.

Sustained by its life-giving flow, the land prospered and, in the Fourth Millennium before Christ, irrigation projects were launched on a grand scale under the pharaohs. As a spreading network of canals carried water to the fields, the Nile's green fringe of agriculture brought increasing wealth to Egypt.

The earliest prehistoric culture known to have thrived in what we now call Arizona and New Mexico did so because of extensive systems of dams and ditches for irrigation purposes. A combination of drought, unfriendly tribes and sickness, is believed to have driven the Hohokam from this area.

The next time an organized effort was made to give water an opportunity to encourage growth and development hereabouts was in 1867 when the Jack Swilling Ditch Company went to work restoring many of the old Hohokam waterways for irrigation use. In the 110 years since the Valley of the Sun has become world famous for its agricultural productivity.

In 1902 the Congress of the United States put its stamp of approval on water conservation and development as national policy by passing the widely acclaimed Reclamation Act. The first dam built under the Act was Arizona's Roosevelt Dam. It was the beginning of perhaps the most successful enterprise of its kind in the entire history of water conservation and flood control.

As the second half of the 20th century was well underway, the total irrigated acreage of the world had nearly tripled since 1900. Where has the most effective job been done? In the United States!

How well I remember the visits of water conservation specialists from all over the world during my years in the Governor's office. One of the most distinguished of those who came by to see how we did it was the Shah of Iran.

We have had superb leadership in this field in our country. Among the many who have worked miracles is Herbert Hoover, our 31st President and the man for whom Hoover Dam is named. Before his White House years it was Mr. Hoover who presided over the long and arduous sessions of the Santa Fe Compart Commission, the group charged with developing agreement among the states having an interest in the waters of the Colorado River.

Mr. Hoover was motivated by the conviction that our country needed—"A broad national program for the full utilization of our streams, our rivers and our lakes." It was Mr. Hoover's view that—"True conservation of water is not the prevention of its use. Every drop of water that runs to the sea wtihout yielding its full commercial returns to the nation is an economic waste."

No state has made better use of its water resources than Arizona. No state could be better prepared to continue to do the same with the completion of the Central Arizona Project.

The water involved belongs to Arizona. Let President Carter know how you feel about his administration's attempt to keep Arizona from protecting its future through the earliest possible completion of the CAP.

HOWARD PYLE WRITES

It's refreshing to feel the rising anger of our people over the Carter Administration's surprising criticism of the Central Arizona Project as one of 19 major water development programs throughout the country that can't be justified on the basis of cost benefits.

The CAP is a $1.6 billion investment in imperative protection for Arizona's future. Too seldom emphasized is the fact that 75 percent of the federal funding involved will be repaid to the federal treasury in 50 years. An examination of the record proves that Arizona has never defaulted on a reclamation obligation and the CAP will be no exception.

Anyone who has read the February 28 issue of US News & World Report will understand why it is extremely difficult to be patient with a government that talks about cost benefit formulas when the meaning of the concept has been so inconsistently applied for so long.

The particular article to which reference is made is entitled—"Budget Deficits Year After Year And No End In Sight." The substance of the statement is contained in the opening paragraphs—"You can count on another 3 years of red ink, and probably more, before the government balances its books. Besides that, one of those deficits could turn out to be the largest in history."

As Congressman John J Rhodes once put it in an address he entitled—"Inflation· Still Public Enemy No. 1"—"Four decades of def-

icits—postponement of the day of reckoning have dimmed the light of reality."

Those of us who are feeling the impact of inflation where it hurts the most—the pocketbooks of every citizen—want nothing like we want to see inflation stopped, but who believes it's going to happen? How can it happen when the pressure for more and more politically motivated programs never ends.

A federal outlay that totaled $366.5 billions in 1976 now appears to be headed for the half-trillion mark before long. No matter, demands are increasing for a national-health-insurance program costing possibly $100 billion or more annually.

Additionally, Washington continues to aid and abet an awesome growth in expenditures at state and local levels of government. From $36 billion annually 20 years ago, the cost of state and local government has multiplied 6 times, to well over $200 billion. From 4 million employes, payrolls have swelled to 11 million.

High marks should be given to consistent efforts to put cost benefit analysis to work in dealing with government budgets, but having been personally involved in the process while politically potent interests were cutting the best intentions of all concerned to ribbons, I am not encouraged by the prospect of future success.

My most recent experience is especially vivid. As chairman of the National Advisory Committee under the Occupational Safety and Health Act, better known as OSHA, we lost no opportunity to try to apply cost benefit analysis to what was projected. It was a miserable failure.

Against this backdrop of the way it is, it's hard to believe that any investment as certain to be productive of real value as the Central Arizona Project should be handcuffed to anything as unworkable as cost benefit analysis has proved to be in the administration of government fiscal policy.

HOWARD PYLE WRITES

The current controversy over the Central Arizona Project is a continuation of what has become an old, old story.

Long years after his service as chairman of the Colorado River Commission, the forum that allocated the waters of the Colorado River to the upper and lower basin states, former President Herbert Hoover wrote in his memours—"After years of labor we had untangled the legal, legislative, engineering and financial delays in the development of the Colorado River Compact."

The last formality, federal ratification of the Compact, was completed June 25, 1929. In the proclamation that followed, President Hoover said, among other things—"It is the final settlement of disputes that have extended over 25-years and which have stopped the development of the River."

Much progress has been made in the half century since, but the road to this moment in time has been anything but trouble free. In the main, this fact bears out the urgency that always pertains when water rights and use are at issue. Some of the bitterest feuds of record have involved arguments over water.

During the years that the Central Arizona Project was before the Congress it was war of the severest kind. The prize was water and none of those who were in the fight would surrender a drop of it as long as there was the slightest hope of prevailing.

Not until the United States Supreme Court had ventilated the case for what seemed like forever, and Arizona's claims had been fully validated, was the Congress persuaded to authorize the Project. With Arizona's all-time favorite Democrat, Tempe's native son and the dean of the United States Senate, Carl Hayden, leading the way, it was finally accomplished.

Next came the struggle for appropriations to underwrite the cost of the Project. Although 75 percent of the $1.6 billion plus that will be needed is to be paid back to the federal government within 50-years, it is still a major investment. Delays were inevitable and the friction never seemed to cease. Again our Congressional delegation was equal to the challenge and the funds were finally commited.

Today nearly $400 million are in the consrtuction pipeline. It is estimated that 25 percent of the work is completed. The Paradise Valley Detention System, 12 miles of dams and dykes north of Scottsdale, designed to divert water to the river by way of the Project Canal, are in place.

If the work stoppage that is now threatened is not set aside, the safety problem that will be caused by not finishing the Project, will be awesome. Without outlet works to back up what has been built, and the least expensive answer is the Canal itself, potentially destructive flood waters will have no place to go but through the City of Scottsdale.

If these and assorted other facts were some kind of top secret it might justify what the Central Arizona Project is now being subjected to, but such is not the case. Instead, it appears that there are those who are so opposed to the construction of Orme Dam, regardless of the multipurpose advantages it has to offer this water-hungry state, that they will stop at nothing to try to kill it.

Orme Dam is not essential to the Central Arizona Project, but it's safe to predict that Arizona will see the time when it would make almost any sacrifice to have the additional benefits it would help to assure.

HOWARD PYLE WRITES

What is the primary reason for the Central Arizona Project?

Sixty percent of Arizona's water supply is now being withdrawn from declining underground sources. This means it is being mined as minerals are mined. While it is true that Mother Nature replaces some of this water each year, most of it is irreplaceable.

Our only hope of reducing the rate of depletion of our underground water resources is the Central Arizona Project. Once the Project is operational it will have the potential of decreasing our groundwater imbalance by at least two-thirds.

Put even more explicitly, in some areas where pumping is going on, the underground water table is dropping as much as 10 feet each year. In the 3 central Arizona counties of Maricopa, Pinal and Pima, the estimated annual overdraught from underground is 1.8 million acre-feet of water. The estimated long-term water supply that can be imported by the Central Arizona Project is 1.2 million acre-feet annually, or approximately two-thirds of our current overdraught from underground sources.

Again, in the bluntest possible language, the facts show that Arizona is exhausting its water resources at nearly twice the replenishment rate. As our water requirements continue to increase it is clearly obvious that our present losses cannot go on forever. Without the Central Arizona Project, plus well planned and administered water conservation, realistic water law and improved watershed management, an inevitable bottom line is not far away for Arizona in terms of its water needs.

As it is being repeatedly emphasized that 75 percent of the total $1.6 billion plus cost of the CAP will be returned to the federal treasury in 50 years, questions are being asked about the other 25 percent of the investment.

This portion of the expenditure covers flood control, fish and wildlife enhancement and recreation. In the public interest nationally, because there are activities of this kind in virtually every locality in our country for which we all pay a share, federal financial participation is generally nonreimbursable. The Central Arizona Project will earn the benefits of this policy.

With jobs being a top priority in today's economy, questions are also being asked about the affect on employment if work on the CAP is stopped. On the very best authority we are advised that about 650 people will have to be terminated almost immediately. If the work is allowed to go forward, as many as 3,500 to 4,000 people will be employed during the peak stages of the construction.

Put another way, about 40,000 man-years of direct employment will be associated with the building of the Project. Additional employment will be enabled through operation and maintenance of the CAP.

These are the kinds of facts that our representatives in Washington will be using to sustain Arizona's contention that the Central Arizona Project is worthy of the support the United States Congress has authorized and in which nearly $400 million has already been invested.

We all have a responsibility to write to the President about this very urgent piece of business.

HOWARD PYLE WRITES

The news from the nation's capital is beginning to give us another taste of an imperial White House.

Jody Powell, the President's press secretary, was being questioned about the 10 water projects that had been placed in jeopardy by executive order.

Asked if the members of Congress had been involved in the process that led to the decision to recommend halting the projects, Powell replied—"There was no possibility of preconsultation with 60 members on 19 projects."

Then the prevailing White House philosophy came through loud and clear as Mr. Powell added—"To have informed members with projects in their districts would have permitted them to organize their opposition."

In spite of the uproar the exercise has caused, climaxed by Senate action overriding President Carter's decree, 38 more water projects have now been added to the list as failing administration fiscal criteria. Included are projects in 23 states.

Four days of hearings are scheduled to begin on March 21 with the Central Arizona Project first on the list for a full day of discussion. The Arizona team is in Washington in full force. Opinions vary as to the outcome of the controversy with no one willing to risk a prediction as to just what can be expected.

Next week's hearings are not likely to be conclusive in view of the fact that an administration task force is surveying all of the strategic factors involved from an interdepartmental point of view. The survey recommendations are to be completed by April 15 after which the White House will announce its conclusions.

Few there are who believe that the vast spread of details that pertain can be adequately reviewed in so short a time. It sounds simple enough to decide that the complexity of it all can be quickly reduced to a matter of pure economics and compliance with certain environmental and safety standards. Still, this appears to be the objective.

With the Congress so vitally concerned on so many different fronts, politically and otherwise, the prospect of an unruffled peace seems remote, indeed. The heavy Senate vote telling the President to get on with water and dam projects is being described as just a skirmish. While Vice President Mondale tries to calm the Congressional storm, President Carter is said to be standing pat.

Meanwhile, here at home in Arizona, the committee that Governor Castro has named to put the pressure on in every way possible,

is calling on every resource at its command to dramatize the state's imperative need for the already partially completed Central Arizona Project. The cooperation of all concerned is mounting a tremendous testimonial that may or may not be helpful, but it will be delivered just the same.

It may be hard for some to believe, and many of us would rather not believe it, but the feeling grows that we are in the throes of one of the severest tests in the entire history of the CAP, and certainly one of the most unpredictable.

JOAN MONDALE HAS LEADERSHIP ROLE IN THE ARTS

Mr. HUMPHREY. Mr. President, I always have believed that the good life, the civilized life, is more than bread, more than automobiles, more than modern conveniences—it is poetry, it is drama, it is music, and all the arts. And for this reason, effective support for the arts and humanities has been one of my primary concerns, not only during my term as Vice President, but also during my career as a U.S. Senator from Minnesota.

Over the years I have learned a special appreciation for those people who are involved in increasing public awareness of and support for the arts. And so, I am especially pleased to bring to the attention of my colleagues the efforts of a bright and gracious and intelligent woman of whom I am both proud and very fond—Joan Mondale.

Minnesota has given this Nation not only the able and intelligent leadership of the Vice President, but also the talented and knowledgeable leadership of a woman whose efforts may well permanently influence the American public's view of the arts. I am grateful for and strongly encourage these efforts.

Promotion of the arts is not a new interest for Joan Mondale. Indeed, the author of "Politics in Art," Joan has worked in art museums in Minneapolis, Washington, and Boston. Her credentials and her enthusiasm for this area are well detailed in articles by Sarah Booth Conroy and Paul Richard in the Washington Post, and Laura Foreman in the New York Times. I commend these articles to the attention of my colleagues and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MODERN ART DECORATES THE VICE PRESIDENT'S HOME

(By Paul Richard)

"If contemporary art can teach us anything," Joan Mondale said yesterday, "it is that context changes content."

The art she has installed in her official residence is more than decoration. The wife of the Vice President is using her position to support modern art.

The first work one encounters when one enters the front door is a lithograph of ale cans by Jasper Johns. The last thing one sees is the print by Robert Rauschenberg that made the cover of her book, "Politics in Art" three years before that artist made the cover of Time magazine. Fifty other works most borrowed for a year from Midwestern museums, have been installed between them The furnishings are bland. The color scheme is white and beige. The decor is so anonymous—and the works of art so striking—the visitor feels commanded to think about modern U.S. art.

At a press luncheon yesterday, Mondale spoke of her "commitment to all arts." She paused. "Especially the visual arts," she said.

Her uncle, Philip R. Adams, was for three decades director of the Cincinnati Art Museum. Mondale herself has worked in art museums in Minneapolis, Washington and Boston. It is wonderful," says one museum official, "to have a friend in court."

Betty Ford did it for the dance. Lady Bird Johnson did it for trees and flowers. The art world expects Joan Mondale to do as much for art. There is reason for that optimism. Already she has:

Chosen an art specialist for her staff. She is Mary Ann Tighe, 28, now an education specialist at the Hirshhorn Museum and Sculpture Garden. Tighe, whose art criticism has been published in the New Republic, The Washington Post and other periodicals, is the author of "Art America," a survey of American art which is scheduled to be published soon. At the University of Maryland, she did her master's thesis on Max Ernst.

Asked the concessionaires of the National Park Service to offer, in their gift shops, fewer plastic trinkets and more works handmade by craftsmen.

Addressed museum trustees at the National Gallery of Art. "It is important," she told them, "not only that you take pride in your achievement, but that you be recognized for it by your nation and your nation's government."

Attended the openings of the museum retrospectives of Alexander Calder (in New York) and Rauschenberg (in Washington).

Asked 40 museum directors to a reception at her house. They visited her Sunday to see the art displayed.

Mondale is expected to encourage federal departments to install works of art.

The Mondale collection ranges from the academic to the experimental. It includes a little bronze of 1933 by Paul Manship, the Minnesota native who did the shiny statutes for New York's Rockefeller Center, and a piece—of knotted rope and wood—by New York's Robert Morris.

"Isn't it enigmatic?" asked Mondale. Isn't that rope a mess?"

Among the other sculptures are a 6-foot bronze by Isamu Noguchi; "Star Cage" of 1950, a superb welded steel drawing by the late David Smith; two works by Louise Nevelson, a pivoted steel piece by Mark di Suvero, and "Alphabet in the Shape of a Good Humor Bar," 1975, by Claes Oldenburg.

The Oldenburg is displayed beside an Andy Warhol soup can. "It's our pop art corner," Mondale explained.

Some of America's best known painters are also represented. They include Edward Hopper ("Sunday," his 1926 oil, on loan from Washington's Phillips Collection, also was reproduced in Mondale's book;) Georgia O'Keefe, Roy Licthenstein, Sam Francis, Robert Motherwell, Hans Hofmann, Willem de Kooning, Richard Estes, Jacob Lawrence and Ellsworth Kelly.

Younger artists, among them Washington's Sam Gilliam, also are represented. So are Thomas A. Rose and George Morrison, Minnesota artists Mondale calls "unknown."

She was aided in her choices by Martin Friedman, director of the Walker Art Center, Minneapolis, a longtime friend. It is clear from the way the colors of the Gottlieb echo those of the Ellsworth Kelly, and from the mix of small and large works, that their intention was not just to honor modern art but to grace a home. The art looks fine.

The works were borrowed from museums in Detroit, Kansas City, Ann Arbor, Madison, Des Moines, Lincoln and other Midwestern cities. They will remain on view one year. "Next year," said Mondale, "I'll work with a Texas museum and replace these objects with Southwestern arts and crafts."

"GOOD HUMOR" RULES AT MONDALE MODERN ART SHOW

(By Laura Foreman)

WASHINGTON, March 23.—Gazing across the den of the placid and elegant Victorian mansion, the eye is jarred by a flesh-colored mass that bears a distressing resemblance to internal anatomy.

It isn't. A comforting closer look discovers that this is not viscera but Art—a three-foot-high fiberglass prototype by Claes Oldenburg entitled "Good Humor." It consists of bloated letters of the alphabet squashed together in the shape of a popsicle, complete to a realistic dollop dripping off one end.

It won mixed reviews today from reporters and critics who toured the Vice-Presidential mansion occupied by the Walter F. Mondale family. Some praised Mrs. Mondale's judgment in not placing it in the dining room.

NOT A PUBLIC SHOW

But no matter. She likes it, and the Mondale children like it, and they're the ones who, for the next year, will be living with the Oldenburg opus and 51 other works by 20th-century American artists that have been installed in the Mondale household.

The exhibition will not be open to the public, since, unlike the White House, the Vice President's house, is not divided into a private family section and a public section open to tours.

"This is our own house, we live here," Mrs. Mondale said at today's showing. "I can't go upstairs to escape the tours."

Nevertheless, she assembled the collection with the aim of spotlighting and encouraging achievement in contemporary American art.

The display is the first in a planned series to be lent for one year by museums in various parts of the country. The lenders in this case are mostly from the Middle West.

"Sometimes when we're all here in Washington," said Mrs. Mondale, "we tend to forget there's an active, deeply committed cultural life" away from the East and West Coasts.

VICE PRESIDENT'S FAVORITES

The works in this exhibit include contemporary paintings, drawings, prints, sculptures and crafts in a variety of media on loan from museums in Minnesota, Iowa, Michiga, Nebraska, Wisconsin, Kansas, New York and Washington.

The works were assembled by Mrs. Mondale in consultation with an old friend, Martin Friedman, director of the Walker Art Center in Minneapolis.

Painters represented in the collection include Willem de Kooning, Joseph Albers, Robert Motherwell, Georgia O'Keeffe, Milton Avery, Mark Tobey, Charles Sheeler and William Baziotes.

Mrs. Mondale said that her husband's two favorite works were Robert Rauschenberg's "Signs," a silkscreen montage memorializing the turmoil of the 1960's, and the martyrs that decade produced, and Edward Hopper's painting "Sunday," which depicts an old man sitting alone on a curb and expresses something of the loneliness and isolation of old age.

The two pieces are perhaps the most representational and least abstract of the collection, and Mrs. Mondale was asked whether this indicated anything about her husband's taste in modern art.

"He'll learn to relax and enjoy just the colors and the shapes and the forms and not worry about the story-telling content," she predicted, adding that appreciating abstract art devoid of narrative requires a "gigantic leap" in perception.

It's one she doubtless made long ago. Joan Adams Mondale graduated from Macalester College in St. Paul with a minor in art,

worked at the Boston Museum of Fine Arts and the Minneapolis Institute of Arts and, after moving to Washington, gave tours at the National Gallery of Art. She is the author of "Politics in Art" and is an enthusiastic and reputedly talented potter.

As for her three teen-aged children's reaction to the new collection, she said:

"The only thing I asked is that they know the name of the painting and the artist who did it, but they're picking out the ones they like. They get a big charge out of Oldenburg's 'Good Humor,' " she said, adding that she did, too, since Oldenburg "makes you look at ordinary things in a way you have never looked at them before."

Another glance at the fleshy popsicle prompted agreement.

THE HOUSE IS NOW A HOME * * *

(By Sarah Booth Conroy)

Joan Mondale is the Vice President's wife, but the problem she faced is one many people in Washington have: how to make a furnished temporary house look like home.

Her answer is the one official wives learn: the paintings on the walls, the ashtrays and vases on the table make all the difference in the atmosphere of the house. Mondale had advantages most people in furnished homes don't have—years of studying and teaching art and practicing a craft, and the ability to borrow the art she likes best from her favorite museums.

The result is that the official Vice President's house, above the newly-painted white anchors on Observatory Hill, looks quite different from the way it did when the former Vice President and Mrs. Nelson Rockefeller decorated it.

Gone are the three or four big American eagles fancied by Rockefeller, the safe, representational paintings, and the big controversial Rockefeller choice, the Max Ernest bed. Still aboard are the Kittinger Williamsburg classic traditional furniture and the several handsome Chinese and Korean pieces which belonged to Rockefeller's mother.

The 11½-feet high white walls are a shade less yellow now, to show off better the paintings and the white and beige furniture. The assertive, brilliantly colored paintings, important sculptures and handsome craft objects make the house seem lighter, brighter and more spacious. The effect moves the 1891 towers-and-turrets Victorian house into the 1970s.

All that's left of former Vice President's taste in art is a Mussolini-modern eagle from Dwight Eisenhower's inaugural stand. Wrapped in plastic, the eagle still stands in the garden, waiting to be moved in favor of something more contemporary.

Mondale showed the house yesterday at a press luncheon. Sunday, a group of museum officials previewed the installation.

The art works are lent by 13 Midwestern museums and the Phillips Collection here, chosen by Martin Friedman, director of the Walker Art Center in Minneapolis, a old friend and colleague of Mondale's. Most craft objects are from the National Collection of Fine Arts in Washington, chosen by the Smithsonian's Ralph Rinzler for a show several years ago, plus several pieces owned by the Mondales.

In place of the delicate flower painted china saucer are great pottery platters. "They'll hold lots of stubbed out cigarettes. We won't have to empty them as often," Mondale said.

Several of these pottery pieces were made by Mondale's own pottery teacher, Vally Possony. There are even one or two smaller pieces by Mondale herself.

Instead of stiff official bouquets, there are great bundles of forsythia and magnolia stuck in honeysuckle baskets by Lucy George and Lizzy Youngbird of North Carolina.

In the dining room, the massive American empire table carries a plaque marking it as once having been in the Manhattan apartment of John Rockefeller Sr., a gift of his son, Nelson. Atop it are Jugtown potter Vernon Ray Owens' earthenware, and nearby is a pot by Otto and Gertrude Natzler.

On top of the handsome Korean chest is a glazed black pot by Maria Martinez. In the living room, by the fireplace, is a garden set by Toshiko Takaezu.

The Mondale children, Eleanor, 17, Teddy, 19, and William, 15, have their own favorites: the Claes Oldenburg "Alphabet/Good Humor, 3-foot prototype," a piece as funny as the name; and James Rosenquist's "South from Horse Blinders" and "North from Horse Blinders" suite—possibly because Eleanor, with two horses, one of which she wants to sell, finds it easy to relate to.

Mondale said neither the children nor her husband has taken the "docent tour" she gave to the press at a luncheon yesterday, when she gave capsule catalog notes for several of the pictures.

The children also have had their effect on the house: Teddy's dirtbike road trophy sits on the marble sideboard in the dining room. Eleanor and her art class at Georgetown Day School are working on a mural on canvas for the third-floor hall. For another kind of educated taste, the Mondales have dug a vegetable garden on the south hillside.

Upstairs, the Mondales have used some of their own pieces and some from the Navy (the house, originally the Admiral's House, still technically belongs to the Navy). "But our Danish modern teak is rather overwhelmed by this house," said Joan Mondale. "I've had to store most of our things."

Eleanor Mondale says the house doesn't have a ghost, so far as they know. But Bess Abell, Mondale's aide, said the Mondales' dog, Bonnie, who is blind, spent some weeks bristling at things no one else could see. Joan Mondale said the great howl which whistles through the front door and down the chimney on windy days "reminds me of home. We always had a howl like that from our front doors in Minnesota."

The Mondales plan to invite people, in small groups, on an individual basis to see the house.

MILES CLAYTON ALLGOOD

Mr. SPARKMAN. Mr. President, former Congressman Miles Clayton Allgood, of Mentone, Ala., passed away recently in Mentone at the age of 99.

Miles Allgood held a variety of public offices at the local, State and national levels. Following his retirement from the House of Representatives, having served six terms, he was a member of the Farm Security Administration for 8 years.

I remember as a young lad listening to Miles Allgood's political oratory at Decatur, Ala., county seat of my native Morgan County. I told him many times that he deserved at least part of the credit for my decision to enter politics.

E. E. "Red" Cox, who many Members of Congress and staffers will remember as former Congressman Albert Raines' administrative assistant, wrote a fine tribute to Congressman Allgood in the Etowah County, Ala., News-Journal. I ask unanimous consent that Red Cox's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN OLD FRIEND PASSES AWAY

(By Red Cox)

Alabama has lost one of its most distinguished citizens of our time. I have lost a good friend. Former United States Congressman Miles C. Allgood, age 99, of Mentone, a place he loved so much, passed away Friday, March 4. He was buried in Valley Head Cemetery on Sunday. Funeral services were held in the Chapel of the Wilson Funeral Home at 2 p.m.

As I stood by his graveside, along with my lovely wife, in the cold rain, with his wife, and many friends, I recalled some of the accomplishments and contributions he had made to our country. He served in the House of Representatives 12 years, from 1923 to 1935. I first met Congressman Allgood in 1932 at the old Gadsden Mallard Hotel, where my brother-in-law, W. H. Cummings, was Manager. I had just graduated from Etowah High School. I was a clerk there and attended the Alabama School of Trades. The Congressman would use the lobby to meet with his friends. He was handicapped by the loss of one arm. He had a gregarious personality, hearty laugh, and a heart of gold. I would listen to him tell about Washington, the Panama Canal, Muscle Shoals, and why we should develop the Tennessee Valley. I would cling to every word he would say with amazement. When everything was quiet and we were alone, I would ask him questions about Washington. Such as "Where is Washington?" And "How do you get there?" I remember him saying, "Young man, you seem to be a very fine boy. I will just get you a job up there!" And he did.

I went to Washington and found him to be a great leader, along with Senator John Bankhead and Congressman William Bankhead, who was later Speaker of the House and was also the father of the famous actress, Tallulah. Congressman Allgood was Chairman of the War Claims Committee, now known as the Veterans' Affairs Committee, also Chairman of the Reclamation and Irrigation Committee. The economic conditions of the farmer were so bad that President elect Roosevelt wanted to do something about it. In 1932, before he was inaugurated, he called Congressman Allgood and asked him to come to Warm Springs, Georgia. He was impressed with Congressman Allgood's knowledge of the conditions that existed, and in January 1933 his Secretary, Marvin McEntire, called from Albany, New York, and said President elect Roosevelt was formulating a party to visit and inspect the Muscle Shoals properties. He asked Congressman Allgood to give him a list of representatives interested in the project. Senator Norris of Arizona, some other interested Senators and Congressman Allgood, along with the Alabama Delegation, took the special train out of Washington with Mr. Roosevelt. I remember him telling how hundreds of people were gathered at the railroad stations with the hope of getting a glimpse of the President.

Later that year, Senator Norris introduced President Roosevelt's Tennessee Valley Authority Bill in the Senate. Then Congressman Lister Hill introduced it in the House. The bill was passed by a large majority. I have a picture of President Roosevelt signing it into law, and beside him is Congressman Allgood who received the Third Pen he used.

On January 15, 1968, Senator Carl Hayden of Arizona, President of the Senate and Dean of the Senate, wrote to Mr. Allgood expressing his gratitude for the help he had given when they were serving in the House of Representatives from 1923 to 1927.

Congressman Allgood joined him in sponsoring the bill which made possible the Grand Coulee Dam on the Columbia River—the greatest water power in our Nation. He also helped to bring about a just settlement of the controversy between Arizona and California over the construction of the Hoover Dam on the Colorado River.

Congressman Allgood was blessed with an excellent secretary, R. Lee Barnes, from Guntersville, and formerly Superintendent of Schools in Marshall County. Lee was one of

the best loved men that ever came from Alabama. He was President of the Little Congress (composed of secretaries of Members of Congress and, incidentally, was succeeded by Lyndon B. Johnson, who was then secretary to Congressman Richard Kleberg). Lee was responsible for my ambition to become a secretary to a Congressman. I could see the power they had when it came to dealing with the government. I got my chance when Congressman Albert Rains, one of the greatest, was elected. I worked with him as his Administrative Assistant until he retired.

President Roosevelt had great respect for Congressman Allgood and appointed him as a member of the Farm Security Administration, where he served until his retirement and return to his beautiful home in Mentone in 1943.

Congressman Allgood was a member of the Masonic Lodge of Gadsden and had just recently received the 50th Year Masonic Award.

Mr. Allgood loved to tell the story about the old man who gave his testimony in a church revival. He said he loved everybody and did not have an enemy in the world. He kept repeating this statement until, finally, the minister asked him, "How do you know you haven't an enemy in the world?" The old man replied, "I have outlived all of the old rascals!"

I prize a letter I received from Mr. Allgood when I was appointed Special Assistant to the Comptroller of the Currency of the Treasury Department. He wrote me "I wish you to know that I class you and Lee Barnes as two of my top choice of friends and appointees. No one is prouder of you than M. C. Allgood." So you see, I have lost a good friend.

Congressman Allgood is survived by his wife, Mrs. Willie Allgood of Mentone; two sons: Dr. William B. Allgood of Fort Payne and Miles C. Allgood, Jr., of Ocean City, Maryland; and one daughter: Mrs. Mary Boisseau of Lee Hall, Virginia; and seven grandchildren.

My love goes out to his fine family and his many friends. May he rest in peace.

EFFICACY OF A PERMANENT TAX CUT

Mr. LUGAR. Mr. President, by a vote of 282 to 131, the U.S. House of Representatives has adopted an economic stimulus package that includes $50 tax rebates for most low- and middle-income Americans.

The bill has now been sent to the U.S. Senate, and I will be working to substitute a better idea.

Here is why:

Americans need a permanent tax reduction, not just a one-shot tax rebate and continued high Federal rates.

A permanent tax cut would reduce the tax burden on working men and women and provide a more assured and long lasting economic stimulus than would a one-time handout scheme.

Tax reductions should be heavily weighted toward middle income taxpayers—those most heavily burdened by taxation and inflation. A permanent tax cut would allow taxpayers to commit themselves to buying more durable goods like major appliances and automobiles. This, in turn, would boost overall consumer demand and spur economic activity.

Inflation has made a permanent tax cut more advisable than ever. Inflation pushes taxpayers into higher income tax brackets and reduces the value of the exemptions and deductions they are allowed when filing their income tax returns. The result is that taxpayers must pay higher tax rates—but in the same or lower amounts of real income.

Our citizens should not be misled. The $50 rebate provision of the bill now before the Senate does not in any way mean a tax rate reduction. There is no relation at all between the rebate and tax liability. Under this legislation, taxpayers who bear more than a third of the total individual income tax burden would receive no rebate at all while millions of nontaxpayers would receive a rebate.

That is not fair. And it is not tax reduction.

Presently, nearly 40 percent of the total income of American taxpayers is taken by Federal, State and local governments and redistributed to other Americans by these various governments. I would like to see this growing stranglehold of governments loosened, and one way to do it is to provide substantial, certain, and lasting Federal tax cuts.

Many who advocate a one-time tax cut argue that tax rates should be kept high to provide future money for more Government spending programs that the new administration and the Congress may want to try. These same people feel confident that more general benefit to the Nation will come by taking money from some Americans and redistributing it to others.

But at this point in our history, it is from middle-income citizens and from business, large and small, that money is being taken—the money that might create the new jobs that many Americans need.

Mr. President, the case for permanent tax reduction is a strong one. A permanent tax cut would be more effective than a temporary rebate in stimulating economic growth, increasing investment and productivity, and decreasing unemployment.

A permanent tax cut would encourage business investment based on increased and continuing consumer demand.

A permanent tax cut would offset some of the effects of inflation and would sustain the current economic recovery.

Our choice is between a spoonful of sugar and a well-balanced diet of tax equity.

MINNESOTA FIRM RECEIVES FIRST NATIONAL ENVIRONMENTAL INDUSTRY AWARD

Mr. HUMPHREY. Mr. President, I would like to congratulate the Erie Mining Co., of Hoyt Lakes, Minn., for receiving the first National Environmental Industry Award.

The award, part of a program jointly sponsored by the President's Council on Environmental Quality, and the Environmental Industry Council of Washington, with the endorsement of the Environmental Protection Agency, was presented to the Erie Mining Co., for the work they have done in the area of revegetation of taconite tailings.

The Erie Mining Co. should be doubly commended for what it has done. It has managed after years of trial and error to develop a comprehensive revegetation program that is now an integral part of Erie's operations. But, also, its experiments in developing this program were started in 1948, long before words like environment and ecology became as important as they are today.

The Erie Mining Co., owned by Bethlehem Steet Corp., Youngstown Sheet & Tube Co., Interlake, Inc., and the Steel Co. of Canada, Ltd., can take great pride in its experimental program leading to successful revegetation of infertile iron ore tailings, and for receiving this award for outstanding achievement in solid waste management.

ECONOMIC ASSISTANCE TO VIETNAM

Mr. ROTH. Mr. President, I am disturbed that President Carter's remarks in his news conference yesterday may be interpreted by the Vietnamese as a new promise of economic assistance.

A good part of our present misunderstandings with the Vietnamese stems from an apparent promise of aid made by former President Nixon. This promise was inconsistent with the sentiments of the American people and of the Congress which, for some very good reasons, did not appropriate the aid.

I am just as opposed to economic assistance to Vietnam today, and I am confident that the vast majority in Congress would agree.

It is ironic that at the same time the President is reducing aid to some allies because of human rights conditions, he can envisage assistance to Vietnam, a country where all reports indicate massive violations of basic human rights.

I strongly support continuing negotiations with the Vietnamese in Paris. This is one means of actively pursuing our efforts to obtain a fuller accounting of the missing in action, which must be our highest priority in negotiations with Vietnam. But any changes in our posture should be predicated on hard evidence of real and vigorous Vietnamese efforts to assist us in making a satisfactory accounting of the MIA's.

The President should make it crystal clear to the Vietnamese that the United States is not prepared to provide foreign assistance, normal or otherwise. Even the vaguest references to such assistance is very unwise diplomacy.

By appearing to promise the Vietnamese something that the Congress will not deliver, the President will repeat Mr. Nixon's mistake. It would only encourage false hopes on the part of the Vietnamese and prolong a settling of the missing-in-action problem.

GENOCIDE AND AMERICAN SYMBOLISM

Mr. PROXMIRE. Mr. President, I belive most, if not all, Americans consider our Nation to be a bulwark of human freedoms. Born in the light of individual liberty, our great Nation has withstood adversity for over 200 years. We have successfully shown that government is instituted not to rule the people, but to be ruled by them.

I believe that this American image is perceived by the rest of the world, also. In countries where human dignity and rights are protected, the people appre-

ciate America for the example it put forth by its democratic government. In nations where the people are still repressed and freedom is only a cosmetic phrase, the United States serves as a ray of hope for those suffering people. The existence of our governmental system and its beliefs in the inviolability of human rights gives hope to those who have no rights.

Mr. President, our national heritage and our actions in today's world serve as a symbol of freedom for the entire human population. Whether we like it or not, our national actions are visible representations of the intangible rights of freedom. It is for this reason that I have continuously worked for the ratification of the Genocide Convention.

To ratify the Genocide Convention is to place our Nation squarely on the side of human rights. Both past and current history have too often shown that even this most basic of human rights—the right to live—has been trampled by those who would use power for their own evil designs. We, as the world's foremost symbol of human rights and decency, must place ourselves on the record as totally opposed to genocide. We must assume our responsibility as the world's symbol of freedom. I think our people want us to accept this challenge. I cannot believe we would do otherwise.

I urge immediate ratification of the Genocide Convention.

WATER DEVELOPMENT

Mr. McGOVERN. Mr. President, in its rush to terminate water projects in South Dakota and elsewhere in the country, the administration apparently has neglected to consider the human element of what the termination of these water development efforts really means.

An editorial from the Aberdeen, S. Dak., American News brings this concern into special focus with a letter from college student Scott Sperry of Bath, South Dakota.

I ask unanimous consent that the full text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A YOUNG MAN'S PLEA TO THE PRESIDENT

Dear Mr. President:

I am a Junior at South Dakota State University. For many years I have planned to join my father and grandfather on our family farm. My grandfather started farming here in 1928. He struggled with the low prices of the early 1930s. Then came the drought years of the middle 30s when he had very little to sell.

My father started farming with my grandfather in 1952. Again they found themselves in the drought of the 50s with very low production. It was during these years that my grandfather began working to secure irrigation water for the arid soil of the James River Valley. Irrigation districts were formed, Congress authorized construction, repayment contracts with the U.S. government were signed and finally Congress appropriated construction funds. At last the Oahe Irrigation Project was becoming a reality.

Again our family farm is suffering a severe drought. In 1976 we had not one bushel of grain to sell. In 1977 you were sworn in as President. Within six weeks you announced that the Oahe Project would not be funded in 1978. It appears that you have decided, without consulting any of the many people in S.D. who have worked to bring water to the soil, that Oahe is a waste.

I hope you will give more consideration to this matter as there are a great many of us in S.D. whose lives will be affected by your breaking this contract for water delivery to the dry James River Valley.

SCOTT SPERRY.

BATH.

NEW PANAMA CANAL TREATY

Mr. THURMOND. Mr. President, the March 24, 1977, edition of the Washington Post contained an article by Don Oberdorfer entitled, "Panama Plans Intense Publicity Effort To Push New Treaty."

This article points out that Panama has hired an American public relations firm to mount a drive within the United States to back a new Panama Canal Treaty.

I am deeply concerned that there is a strong move to win the American people to support any new treaty without regard to whether or not it is in the best interest of this country.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PANAMA PLANS INTENSE PUBLICITY EFFORT TO PUSH NEW TREATY

(By Don Oberdorfer)

Panama has hired former presidential campaign aides of Sen. Barry Goldwater (R-Ariz.) and Sen. Hubert H. Humphrey (D-Minn.) to plan and execute a nationwide public relations drive backing a new Panama Canal treaty.

The contract between Panama's United Nations Mission and Public Affairs Analysts, a New York firm, became effective in January. F. Clifton White, who was the architect of Goldwater's 1964 bid for the White House, is president of the firm. Joseph Napolitan, who was the Humphrey campaign's media director in 1968 and has worked on many other political drives, is chief executive officer. Former Democratic National Chairman Lawrence F. O'Brien is an owner of the firm, though not active on a day-to-day basis.

Napolitan, in a telephone interview, estimated that Public Affairs Analysts would charge Panama $150,000 to $200,000 for its services over the first six months. He said the firm will send pro-treaty information to some 6,000 influential politicians, journalists, academicians and business people as well as monitor the activities of groups opposing a canal treaty. He said the firm will not engage in lobbying or "propaganda" activities.

Panama's new public relations advisers represent only one facet of growing activity by groups on all sides of the canal issue, which may well become one of the major political controversies of 1977. The Carter administration is seeking to conclude negotiations with Panama on a new treaty by this summer, hoping for Senate ratification before 1978, a congressional election year in which the controversial treaty could become an issue.

Senate Democratic Whip Alan Cranston (Calif.) has been quietly conducting a headcount since Carter identified the canal treaty as a high-priority matter in a talk with legislators before Inauguration Day. Cranston said yesterday that 22 to 25 senators are "apt to be negative" to a new treaty, 38 senators are "firmly for a sensible treaty" and up to 20 more senators appear amenable to consideration of a new treaty, with the positions of the rest unknown.

Sen. Strom Thurmond (R-S.C.) last year mustered 38 senators on an anti-treaty resolution. This is more than the one-third of the Senate, which can block ratification of a treaty by a two-thirds vote. Cranston's figures show improved chances for treaty ratification, but a tough political battle likely, is still likely.

Congressional aides report continuing heavy mail on the Panama Canal treaty issue, mostly from groups opposing what they maintain is a U.S. "giveaway." Some of the mail is generated by conservative publications, such as headlined articles in the current issues of Liberty Lobby's "Spotlight" and National States Rights Party's "Thunderbolt" attacking a new canal treaty.

The Council of the Americas, made up of 220 major U.S. corporations with investments in Latin America, asked each senator in a Jan. 28 letter to reject any resolution that would block negotiations for a new canal treaty. The letter, signed by council president Henry R. Geyelin, said successful solution of U.S.-Panamanian differences would have "a very positive impact" on U.S. relations with Latin America.

The council has established a "work group" of senior executives from 45 corporations to counter opposition to a canal treaty. Officials said an initial budget of $31,000 for year's work has been far exceeded by actual operations, including publication and distribution to 6,000 people of a 36-page phamphlet on the arguments for and against a new treaty.

The council's research arm has compiled a list of 20 organizations that have taken anti-treaty positions, ranging from the American Legion and Veterans of Foreign Wars to the Canal Zone Police Lodge.

Among the active anti-treaty groups are:

Task Force on the Panama Canal, a project of the American Council for World Freedom, a Washington-based conservative group. In a fund-raising letter for the project last September, council president Fred Schlafly claimed his organization in 1975 "spent just under $100,000 to stop the surrender of the Panama Canal."

Committee on Latin American Policy, a previously independent conservative group that last year became an "autonomous" division of the John Birch Society. It recently sent out an appeal for funds featuring a five-page pamphlet titled, "Who Owns the Panama Canal Anyhow?"

Canal Zone Non-Profit Public Information Corp. whose director of public information is Phillip Harman, a tireless anti-treaty figure who calls himself "the grandson-in-law of the founder of the Republic of Panama." Harman in 1953 married a granddaughter of Jose Aranga, a member of the junta that established the first Panamanian government.

U.S. officials expect perhaps the most important sales campaign of all to be launched within a month or two, if negotiations with Panama proceed favorably. President Carter has committed himself in private to a major drive backing the new treaty, including a televised "fireside chat" devoted to the issue.

ELECTORAL COLLEGE EDITORIAL PRESENTATION OF WSB-TV

Mr. NUNN. Mr. President, in recent days the subject of election reform has received national attention due to President Carter's message to Congress recommending major alterations in our Federal election procedures. Contained in this message was a recommendation

that the Congress adopt a constitutional amendment to provide for direct popular election of the President.

The manner in which the President and Vice President are selected has been the focus of continual debate since the Constitution Convention of 1787. Our original Constitution provided that every 4 years States should appoint electors equal to the sum of the Representatives and Senators to which that State was entitled in Congress. These electors met in the State capital to cast votes for President and these votes were transmitted to Washington and counted before a joint session of Congress. After the President-elect, the person having the greatest number of electoral votes became Vice President. In case of a tie or if no one received a majority of the electoral votes, the House was empowered to choose the President by a majority vote with each State having one vote.

As the 19th century began, several changes had evolved in this process. The role of the electors, which had originally been one of a trustee for the people, became one of an agent as their Presidential preferences became the basis for their selection. States began providing for the selection of slates of electors which resulted in all of the electoral votes of a State going to the candidate whose slate won on a statewide plurality. Presidential and Vice Presidential candidates began forming tickets, and this practice led to the only change in the system formalized by a constitutional amendment.

In June of 1804, the 12th amendment was ratified providing simply that electors must designate one of their two votes as one for President and the other for Vice President. This was implemented so as to avoid the circumstance such as arose in 1800 when Thomas Jefferson and his running mate Aaron Burr tied in the balloting due to the lack of specifying the office. Since the ratification of the 12th amendment, the only change in the system of consequence has been the evolution of popular election of the electors.

The electoral system has been subject to heated debate since its inception. Since 1789, hundreds of bills have been introduced in the Congress proposing alteration of the Presidential election process and, as you know Mr. President, Senator BAYH currently has legislation proposing direct popular election of the President.

Several arguments can be made in favor of the electoral system. It certainly has been a factor in the maintenance of our two-party system and the effect of this system should the electoral college be abolished is by no means certain. The electoral vote usually magnifies the popular margin of the winner and permits him to enter the White House with a psychological mandate even following a relatively close election. In addition, it has insured that smaller States are not totally ignored during a Presidential campaign.

On the other side of the coin, however, are some very persuasive arguments that could easily produce the conclusion that the electoral college has outlived its usefulness. The American electorate is no longer scattered around an undeveloped country with no reliable means of communication. The advent of our sophisticated media and education systems has eliminated the need for an "informed trustee" to vote on behalf of the populace. The independence of the electors presents the potential for post-election negotiations that could dramatically damage our constitutional form of government and result in an extra-constitutional balance of power. The inevitable specter of an individual being elected President by the electoral college who did not receive the most popular votes must be appreciated and this has in fact occurred twice in our history—1876 and 1888.

Several options have been suggested as potential improvements in our system of choosing a President. The most publicized of these is direct popular election. A proportional proposal involving allocation of the electoral votes in proportion to the popular votes received in the State has been suggested. A district method has also been discussed.

Mr. President, my concern regarding this issue is not a new one; however, I must admit that it was recently renewed by an outstanding editorial presentation on the subject which was broadcasted by WSB–TV in Atlanta in early December 1976. Don Elliot Heald, a good friend of mine, who is vice-president and general manager of WSB, did a tremendous amount of research on the history and development of the electoral system and then presented his findings and conclusions in an exemplary six-part series.

This editorial package was an example of thought-provoking public service broadcasting at its best. As I mentioned, it certainly caused me to reexamine the issue, and I know from my correspondence that it initiated thought on the part of many Georgians. Mr. President, because of my belief that Don Elliot Heald has done an outstanding job of recounting the background, analyzing the issues, and presenting the options, I would like to share his presentation with my colleagues. Whether we totally agree with his conclusion or not, I think the Senate will agree that Don Heald and WSB are to be commended for this series.

Mr. President, I ask unanimous consent that this editorial package be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WSB–TV,
Atlanta, Ga., March 7, 1977.

Ladies and Gentlemen of the 95th Congress:

You may well be called upon to cast a vote in the near future on a revision or repeal of our electoral college system. A recent series of WSB–TV editorials highlights some of the deficiencies and offers several alternatives to the dangerous and outmoded current system. Those editorials are included in this booklet which we hope you will find helpful in your deliberations.

If you have any comments or questions, I would be happy to hear from you.

Cordially yours,

DON ELLIOT HEALD.

EDITORIALS

THE PROBLEM

Next week, Jimmy Carter will be selected 39th President of the United States—maybe. You thought the question had already been settled? You could be wrong!

By secret ballot next Monday, the Electoral College will name the next President. When you voted last month, you voted—not for a presidential candidate—but for a group of these electors. And they will make the actual decision about the Presidency—next week.

Also, they are not obligated by your vote! Except for six states, they are not even legally bound by their own party's wishes!

There's no doubt they will elect Jimmy Carter next Monday, but the electoral college system is antiquated, unneeded and potentially dangerous. Changes need to be made.

All this week, we'll take an editorial look at the electoral system and the potential disasters it contains. For instance, the Electoral College might overturn the popular vote and name the runner-up as President. It has already happened three times!!!

Another for instance, a President could be elected under the present system, by carrying just 12 states. Incredible? It could happen.

We'll talk more about these frightening situations later in the week. Tomorrow, we'll look at the system itself and the way it works.

December 6, 1976.

THE SYSTEM

The electoral college system was first used in 1789. It provides that a few select people actually make the decision about the presidential and vice presidential candidates. These select people are usually designated by the various political parties and need have no special credentials except that they be friends of friends selected by political party committees.

When you cast your vote last month, you were voting, not for a president, but for members of the Electoral College. And a very important part of the arrangement that you should be aware of is that members of the Electoral College are not bound by law in their eventual vote, except in six states.

Also, you should know all of a state's votes go, in theory, to the candidate receiving the most votes in that state. Because of the way the system is set up, members of the Electoral College have, on three separate occasions, named a president who was not the popular choice of the American voters.

Next Monday, the electors will cast secret ballots in each of the individual states. Then the Secretary of State in each state will compile the vote and send the tally to Washington where the final tabulation will take place in January.

That's how the system is set up. And the system can, and has on three occasions, gone against the wishes of the American people.

We'll look at those elections tomorrow.

December 7, 1976.

EXAMPLES FROM THE PAST

Because of the way the electoral college is set up, it not only can, but it has, on three occasions broken down and second-runners have become presidents.

In 1824, Andrew Jackson received over 43% of the popular vote; John Quincy Adams received about 30% of the popular vote. The electoral system failed and Congress named John Quincy Adams as President.

In 1876, Samuel Tilden received over 50% of the popular vote, not only the most votes, but a clear majority of the popular vote. But a special election commission gave disputed electoral votes to Rutherford B. Hayes. He won the electoral vote with only 48% of the popular vote.

Then, in 1888, the electoral college put Benjamin Harrison in the White House despite the fact that Grover Cleveland had outpolled him in the popular vote.

Any system which can ignore the mandate of the American people should be changed or abolished. The situation that existed in 1787, when the Continental Congress decided it needed an electoral college, no longer exists. The American people are now the most educated and best-informed people in the world. And the popular vote for the nation's highest office should be held inviolate.

The voters in 12 particular states represent 20% of the nation's population and they can elect a president.

Tomorrow we'll look at that nightmare.

December 8, 1976.

A FUTURE POSSIBILITY

Yesterday we talked about the three elections when the runner-up named President, rather than the winner of the popular vote.

But a much more lopsided and terrifying possibility exists because of the electoral college system. Under the system it is possible for just 12 states to put a candidate in the White House.

If a candidate carried Massachusetts, New York, Pennsylvania, New Jersey, Illinois, Ohio, Michigan, Indiana, Missouri, North Carolina, Texas and California, that candidate would become president, no matter how many votes the candidates got in the other 38 states.

In other words, the popular vote in 38 states would have no effect on the outcome of the election. That's because the 12 states mentioned have 280 electoral votes between them. More than enough to give a candidate the Presidency. And a system that might allow this to happen should be done away with.

December 9, 1976.

WHY ELECTORAL COLLEGE?

Why an Electoral College? If we think the electoral system should be changed, we should know why we have it in the first place.

Back in 1787, when some very wise people were writing the U.S. Constitution, they wrestled with the idea of how to name a president. There was no television, no jet aircraft, many people were uneducated and only land owners were voters. The idea of the people electing a president was out of the question.

So instead, the writers of the Constitution decided some of the wisest men of the country should have that right—a special group of public men. Perhaps Congress, perhaps governors or instead: a compromise under which each state would have a few appointed to select the President and Vice President. They were electors who later became known as the Electoral College. But the electors at that time were not voted upon, that came a number of years later. For that matter, political parties were unknown to the constitutional writers.

Through the years, we have changed the system to allow the people of each state to elect a group of representatives to meet and cast their ballots for a president and vice president. It doesn't matter what the majority or even plurality of the American people want, it's what this group of electors wants.

And there is an imbalance between population and electors. For instance, Georgia and Alaska. Each Alaskan's vote has four times the weight of a Georgia ballot. It takes four votes in Georgia to equal one in Alaska. Hardly fair.

December 10, 1976.

But even though the founding fathers did not have enough faith in the people to allow them to elect their president, they did have the great wisdom to write a flexible Constitution that could be changed and has been changed many times.

Next Monday the electors will cast their ballots and we will talk about how the Constitution can be changed to instead give the people the power to elect a president.

WHAT CAN BE DONE ABOUT THE ELECTORAL COLLEGE

If about 10,000 people in Ohio and Hawaii had voted differently on November 2, the electors who voted today would have elected Gerald Ford rather than Jimmy Carter. Jimmy Carter would still have had a clear national plurality but because of the weaknesses in the present electoral system, he would not be the President-elect.

In last week's series of editorials, we pointed out that three Presidents have been elected in spite of someone else having pluralities and how in the future, a president could be elected with the approval of just 12 states.

The system is antiquated, dangerous and needs to be changed. Some possible variations:

Allow each congressional district to have one electoral vote. In that way, any candidate would have to campaign nationally and not just concentrate on heavily-populated areas. But the fallacy of this plan is the weight of the individual vote depending on the population of each district. The popular vote could still be defeated but less risk.

Another idea would be the division of electoral votes depending on the percentage of votes gained by each candidate in that state. As it is now, all votes in the state go to one candidate or the other. Disenfranchizing completely 30 or 40% of the voters who favor the second candidate. A prorata share of state electors would certainly be a safer system than we have now.

But in this day of fast communication, well-informed voters, computers, television and satellites, why not a presidential election system that gives each person an equal vote with every other voter in the nation? Isn't it time we had a true democratic election by all the people?

Though the founding fathers who wrote the Constitution did not have enough confidence in the people of the new nation to allow them such a privilege, they did have the intelligence to make a flexible Constitution that could be changed if a day of jet planes and instant communication ever arrived. That day is here and we have a system of changing the Constitution, but it is lengthy and complicated. It starts in Congress with a proposed amendment to the Constitution followed by either ratification by state legislatures or by a vote of the people. Let's hope some member of Congerss will start it in the 95th.

December 13, 1976.

THE OSHA LEGAL FEES BILL

Mr. HARRY F. BYRD, JR. Mr. President, I was pleased to join yesterday with the Senator from South Carolina (Mr. THURMOND) in introducing S. 1122, a bill to grant legal fees to successful parties challenging citations under the Occupational Safety and Health Act.

I believe this legislation would curb one of the most arbitrary bureaucracies in Washington. And it would force OSHA—the agency which brought us portable toilets for cowboys and two-way intercoms for one-man mining operations—to pay for some of its mistakes.

The Occupational Safety and Health Act is perhaps the premier example of what happens when the Federal Government attempts to solve a problem by creating another bureaucracy.

The act tackles the problem of occupation safety by mandating creation of the National Advisory Committee on Occupational Safety and Health. The act defines the composition, selection, compensation, and recordkeeping procedures of the National Advisory Committee. The committee is authorized to appoint advisory committees, experts, and consultants.

In addition, the act establishes the Occupational Safety and Health Review Commission, and elaborates on its establishment, membership, location, compensation, quorums, and recordkeeping procedures. A single minor omission in the act is a statement of what all of these committees, commissions, and boards are actually to do in order to increase occupational safety and health.

Apparently, this is a question which these committees, commissions, and boards have yet to ferret out on their own.

OSHA has spent or will spend a total of a half-billion dollars in its first 5 years of operation, and the rate of accidents in the country's workplaces has not decreased.

Between 1972 and 1974, in fact, the National Safety Council has found that the injury and illness rate per 100 full-time workers has increased from 10.17 to 10.20.

The Bureau of Labor Statistics has found that the workdays lost to injuries and illness per 100 workers rose to 54.4 in 1975, compared with 53.1 in 1974. The 1975 figures, therefore, represent a dramatic increase in serious accidents, at the expense of less serious ones.

All the while, OSHA continue to publish rosy statistics concerning decreases in the number of industrial violations. But industrial accidents increase, and industrial health and safety expenditures decrease. What OSHA has done is to divert funds from serious health and safety measures to trivial ones.

Ninety-seven to ninety-eight percent of the violations found by OSHA are classified as "nonserious"—a self-admission that its activities constitute little more than harassment. Regarding ladders, for example, OSHA prescribes the following:

> The general slope of grain and that in areas of local deviations of grain, shall not be steeper than one in fifteen in rungs and cleats. For all ladders cross grain not steeper than one in twelve are permitted in lieu of one in fifteen, provided the sizes increase to afford at least 15 percent greater calculated strength for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible regularities are permitted.

The tragedy is that, absent a Washington infrastructure, industry would make major expenditures to alleviate unhealthy and unsafe conditions. Employers do apply safety in response to market incentives, and risks sufficiently great to trigger probable employer liability will generate corrective measures.

By forcing industry to shift expenditures from serious health hazards to arcane specifications governing nonserious ones, OSHA has defeated this market mechanism. OSHA is proving itself counterproductive.

The social choice which faces us is not, therefore, one of whether we will have safe working conditions or unsafe working conditions, but rather a question of how we shall allocate our limited re-

sources for purposes of minimizing accidents resulting from unsafe job conditions.

The first step is to force OSHA to pay for the thousands of dollars of fees and expenses required to defend against frivolous and arbitrary citations. And this is the purpose of the legislation which we introduced yesterday.

PROTECTION FOR THE LAND

Mr. McGOVERN. Mr. President, I recently introduced a bill providing that the Great Plains Conservation program, which is scheduled for completion in 1981, be extended for an unlimited number of years and that the funding requirements for that program be excluded from fiscal year limitation. The purpose of this legislation is to promote greater agricultural stability through the cost sharing of conservation practices. Unfortunately, this program and other similar efforts have not been used to their full potential—and the land has suffered for it, especially during the severe drought conditions in the Midwest.

A recent newsstory carried in the Rapid City Journal confirms the need for immediate action on this legislation and quotes the agreement of Secretary of Agriculture Bob Bergland to the need for greater concentration of soil conservation technical assistance urged by a GAO report. This report included the Great Plains Conservation program in its investigation. I ask unanimous consent that this newspaper report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DROUGHT DRAWS ATTENTION TO PROTECTION OF THE LAND

WASHINGTON.—Drought in some of the nation's richest and most important food-producing areas is helping call attention to the government's role in helping farmers protect the land.

Huge dust clouds, parched fields and dried-up mountain reservoirs are evidence that despite federal programs and pleas by conservationists, there is much to learn about protecting irreplaceable topsoil from erosion.

Drought isn't the only culprit, since heavy rains carry tons of topsoil from fields into streams and rivers. The General Accounting Office says that some programs for conserving the land simply are not being run well by the Agriculture Department.

Agriculture Secretary Bob Bergland and some top officials of the Soil Conservation Service in USDA basically agree, but they also note that Congress holds the purse strings and that there are limits to what can be done unless more spending is approved.

The GAO, an investigative agency of Congress, says in a report that more money is not the entire answer, however. It says the money and technical help given farmers "could be used more wisely" and that the Soil Conservation Service (SCS) has been dragging its feet.

The GAO said the agency takes "a passive approach" to its mission of helping farmers conserve soil and water by usually confining advice and help to farmers who request aid and who volunteer to become cooperators.

"As a result, the program has not been as effective as it could be in helping farmers to control erosion and preserve topsoil on agricultural lands," the GAO said.

"Some SCS district conservationists told us that manpower limitations and the considerable amount of time involved in developing conservation plans for farmers who visited their offices and requested such assistance had kept them from establishing a system for identifying and contacting all the farm operators in their districts who had severe soil erosion problems," the report said.

Other observations by GAO included:

"Estimates of soil losses for 283 farms GAO visited on a random basis in the Great Plains, Corn Belt and Pacific Northwest indicate that topsoil losses are threatening continued crop productivity.

"Soil scientists estimate that annual soil losses must be limited to no more than five tons an acre in the deep soils and one ton an acre in shallow soils to maintain soil fertility and productivity over time.

Bergland, responding to the GAO report, said the review was basically sound. He noted recommendations in the report for each USDA agency, including the Soil Conservation Service.

"The service concurs in the intent of the recommendations and will carry them out within the limits of its manpower, budgetary resources and institutional arrangements," Bergland said.

The report's comments on the effectiveness of the Agricultural Conservation Program (ACP), designed to help farmers pay the cost of carrying out approved projects, also were noted by Bergland as being "useful" and of future value.

"However, the report concentrates solely on the effect of the program on controlling soil erosion," Bergland said. "Congressional authority mandates use of program funds to conserve water, wildlife and woodland resources, and to combat agriculture-related pollution, as well as for soil conservation."

Bergland said he will see that the Extension Service "intensify its efforts" to carry out GAO recommendations on reaching more farmers and to coordinate more closely with other agencies.

"Extension in its education role has a responsibility to advise on practices that apply under varying local conditions and will make all reasonable efforts to coordinate with other USDA agencies to eliminate or minimize inconsistencies in advice given to farmers," he said.

A BOLD SPACE PROGRAM

Mr. GOLDWATER. Mr. President, under the reorganization program recently passed by the Senate the Aeronautical and Space Sciences Committee no longer exists. It has been absorbed into the Commerce Committee under a subcommittee on this subject chaired by that able Senator from Illinois (Mr. STEVENSON) and having as its ranking Republican member that famous astronaut and colleague, Senator HARRISON SCHMITT. The subcommittee is already at work holding hearings and absorbing the knowledge and suggestions of NASA. Dr. Allen Lovelace, who is Deputy Administrator of NASA, recently made a statement about the need for a bold space program. This appeared in Aviation Week & Space Technology of February 28th of this year, and it so quickly and completely comes to the point of what we, as Members of Congress, hold as our responsibility to the people of this country relative to space that I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A BOLD SPACE PROGRAM

The first of these new opportunities is the one already closest to realization—the formal establishment of an operational earth resources survey program. . . . The hardware is here—but where is the commitment to a significant demonstration on a significant scale? It is still missing, despite the many new and useful applications of routinely repetitive global multispectral observations; still missing, despite a very real commitment abroad—in South America, Canada, Africa, Europe and Asia—to the continuity of this unique information service; still missing, despite its potential for crop measurement, environmental monitoring and mineral exploration. Why? It is simply because Landsat has, in one sense, too many different customers who have too many different objectives. There is no easy, cozy one-to-one relationship with a particular industry or social sector.

Yet, there is no question that the earth resources program is one of the great opportunities to make space pay its way; that opportunity is before us now, and if not acted upon soon, it may disappear. The real currency in which to measure its benefits is current knowledge of global conditions, not the specific value of a given crop forecast or pollution assessment. It seems to me that what is needed is a simple declaration that the United States will continue to provide repetitive global multispectral data to all users at a reasonable charge. I believe experimentation on a shoestring has gone as far as it can—and as far as it need—to prove the next step to be worthwhile. That step requires only an act of courage, not necessarily an act of Congress, to begin a real turn in the tide of benefits.

Another class of new applications not yet at the same point of self-evident readiness for operational consideration is the entire field of public service telecommunications, those services that do not attract the commercial sector because of risks, costs and un-unified clienteles. This broad field encompasses such possibilities as national and regional emergency broadcasts, education and public information, emergency beacon location, direct broadcast, citizen-band expansion, data or library access and even the Dick Tracy personal wrist radio intercommunication systems.

CHALLENGE FROM ABROAD

There is no question but that space is probably the only feasible technical approach. But, by and large, NASA has not pursued a focused R&D program in civil telecommunications for the past several years, since it appeared this was now well within the scope of the private sector. Yet, we see a growing overseas competition in areas where the United States has traditionally been a leader; high power transmitters, low-cost space systems, efficient small receivers, effective use of very high frequencies—these are becoming the province of other national industries such as the Japanese, the Germans, and the Canadians.

I believe that our national telecommunications technology capabilities are still the greatest in the world today; unexercised, however, those capabilities can rapidly fade from sight. It seems to me a very real policy option before the country is the selection of a few new services to be pursued, at least through a full-scale demonstration phase. These demonstrations would provide the focus and regain our leadership in practical total systems development for the economic delivery of important services. . . .

The third class of significant future space applications is one directly related to the space shuttle's capacity for easy repetitive access to space: it is the use of the space environment. . . . We foresee here great op-

portunities for the development and processing of new materials, components and products, chemical, biological, or physical, that can add enormously to the national economy and standard of living.

Yet, there are the seeds of a future dilemma here. Free enterprise is the logical source of marketable invention, together with the proprietary protection of patents, copyrights and trade secrets that makes investment risk worthwhile. If the government dominates the scene even in an area as new as space manufacturing, under today's policies there is a real possibility that it would create a noncompetitive economic environment leading to that loss of national energy we have seen in other societies where free enterprise lost its freedom. Current policy requires that federally funded advances be made impartially available to all for further exploitation or use. There are some cost-sharing schemes that permit retention by the participant of some of the fruits of his investment; but there are, however, no real incentives for the high-cost, high-risk investments associated with pioneering in a whole new economic dimension. . . .

SOLAR POWER OPPORTUNITY

The last example of a space applications area surrounded by unresolved policy issues is perhaps the most controversial, the furthest off in the future, and yet the most significant for societal survival; it is the large-scale exploitation of solar radiation for generating terrestrially consumed electrical power. Here the clientele is clear: all America uses electricity delivered through public or private utilities. Here the promise is clear: a new non-polluting, environmentally acceptable, virtually inexhaustible energy source. Here the problem is also clear: cost. At present, we are certain our present technology can build a space solar power plant and its ground receivers, and that we can produce gigawatts of electrical power on a routine basis. What we are uncertain of is the real cost per kilowatt—in comparison to the real costs of all other energy options—when all factors are taken in consideration.

It would take half a generation anyway to test a solar power system in the full systems context of operational, routine, reliable energy delivery. How much dare the nation risk, in terms of money for investigation of alternative systems, or in terms of foreclosing options that may, in hindsight, have been the most preferable? Paper studies have their limits, economic analyses are constrained by future assumptions, crises have a way of forcing instant, if not necessarily correct, decisions.

NASA's most critical job is to find a meaningful middle way—at less than "all-up" prices—that still provides adequate answers. The next decade holds a thousand policy challenges in the area of space applications, but the decisions on whether to exploit the sun for electrical power may dominate them all.

BYELORUSSIA'S RIGHTS VIOLATED FOR 59 YEARS

Mr. ZORINSKY. Mr. President, today marks the 59th anniversary of the Declaration of Independence of the Byelorussian Democratic Republic, a nation which was overtaken by the Union of Soviet Socialist Republics less that 1 year after its independence and was forced to accept a new unwanted government.

Since the inauguration of President Carter, the world has been alerted to violations of human, national, and religious rights more strongly than in any time in recent memory. Byelorussia has suffered the denial of choice and endured an unwanted government for nearly 59 years, a violation of rights which we hold to be universal principles. We must continue to speak out concerning these violations, in Eastern Europe and wherever in the world they may happen.

Let us use this day as a time to once again reaffirm the American commitment to these rights and to human rights around the globe.

BYELORUSSIAN INDEPENDENCE DAY

Mr. WILLIAMS. Mr. President, today marks the 59th anniversary of the Proclamation of Independence of the Byelorussian Democratic Republic. On March 25, 1918, the Byelorussian people proclaimed their independence from 350 years of foreign rule.

The history of the Byelorussian people dates back to the eighth century A.D.

In the 16th century A.D. Byelorussia enjoyed a "Golden Age," characterized by a great tolerance for religious and political difference, and an advanced legal system that was a forerunner of much of the West's modern legal doctrine. Toward the end of the 16th century, however, foreign domination settled on the country, from which it would not emerge until 1918. In that year, the Byelorussians declared their freedom and looked forward to controlling their own lives and their country's future.

Yet the realization of their long-held dream disappeared once more after the briefest periods. Following the end of the First World War, Byelorussian Independence fell victim to the revolutionary upheaval in Russia, and in 1920, it was consolidated into the Soviet Union. Still the Byelorussian people held fast to their national spirit and their deep belief in democratic principles. The people refused to accept their foreign oppressors. Uprisings occurred at the end of 1920, and again in 1922, but they failed.

In 1944, at the end of the Second World War, the Byelorussian people found another opportunity to renew their independence. They convened an All-Byelorussian Congress, quickly reapproved their declaration of independence, and elected a Byelorussian Central Council. Unfortunately, once again, their hopes were shattered with the return of Soviet occupation.

Byelorussia has remained under the harsh control of the Soviet Union since 1944. But despite the Soviet policy of assimilation and deculturalization they have retained their independent spirit and their own national identity, and they have remained strong in their faith that their cause shall one day prevail.

It is with great pride that I join the Americans of Byelorussian descent in the commemoration of today's important anniversary in expressing the hope that some day very soon the Byelorussian people will enjoy the blessings of democracy for which they have fought and prayed and to which all are devoted.

THE POLITICS OF ECONOMIC INTERDEPENDENCE

Mr. PERCY. Mr. President, I was asked recently to contribute an article to a business information publication reflecting my thoughts on the issue of world economic interdependence. The discussion in the article has been made very timely by the recent economic talks held by Vice President MONDALE on his around the world trip and the plans for President Carter's economic summit meeting in London in early May. In summary, my beliefs on economic interdependence are:

First, only through the increased international economic interdependence can the world achieve the level of economic wealth and well-being its people desire;

Second, the long-term economic benefits of interdependence outweigh the short-term economic adjustment problems although the latter must be solved in a politically acceptable manner;

Third, economic interdependence must be seen in the long-term historical context of the evolution of our industrial society rather than be evaluated on the short-term prospective of economic mercantilism or protectionism; and

Fourth, the key to the rate of growth of interdependence, and the key to the major economic problems facing the non-Communist industrial states, is the restoration of a healthy rate of economic growth in the world economy.

Mr. President, in the hopes of stimulating debate on this issue before President Carter leaves for London and sharing my own views with my colleagues, I ask unanimous consent that my article, which appeared in a top management report of the International Management and Development Institute, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLITICS OF ECONOMIC INTERDEPENDENCE

(By Hon. CHARLES H. PERCY)

The growth of economic interdependence since World War II has been the result of a new industrial structure encouraged by international institutions designed to promote the movement of economic goods across national boundaries.

The process of world economic integration could only be reversed with severe economic hardship in the most advanced industrial nations. How rapidly integration continues will depend on the balance of domestic and international political forces. These political aspects of economic interdependence will, in the near future, slow but not stop further world economic integration.

LONG-TERM VS. SHORT-TERM RESULTS

The argument for more economic interdependence rests on the belief that international economic specialization and integration provide the United States and some other countries with maximum efficient utilization of their economic resources. In such a system, all countries have the capability of developing comparative advantages in the utilization of capital, raw materials and labor. Advocates of economic integration see the United States, in particular, benefiting from accelerated world economic growth. As a major exporter of raw materials and high-technology products, the U.S. economy gains from demand generated by economic growth in other geographic regions Furthermore, because other countries can produce certain goods at relatively lower costs than the United States, imports in an interdependent world economy are anti-inflationary.

But these are long-term economic results A number of interest groups in the United States, mainly organized labor, have shorter-term economic interests to satisfy. They see

economic interdependence resulting in a loss of U.S. jobs. They fear that foreign labor, in conjunction with U.S. capital, management and technology, will produce goods that will be imported into the United States to the detriment of domestic employment.

A second argument used against economic integration is that it redistributes national income from those who receive income from wages to those who receive income from capital. The argument is that capital is scarce in the world; and because capital is less plentiful abroad than in the United States, it receives greater returns when invested abroad and gives its owners greater income. Simultaneously, the productivity of American workers is seen as reduced because the capital is not invested in the United States. Therefore, it is argued, capital flows abroad should be halted and interdependence restricted.

A third argument centers on the capability of central governments to manage such a large integrated economy. It appears to many that the U.S. Government manages our economy only with great difficulty. They question how far the United States should commit itself to interdependence if we, as a Government, have difficulty managing our own economy. They ask, rhetorically, how we can manage an international economy three times the size of the U.S. economy.

Critics point out that during the last recession the major industrial economies were on the same business cycle. This was the first time since World War II that such a phenomenon existed. The result was a higher boom and a deeper recession than we had experienced in the past. Economic interdependence is seen by critics as eliminating the offsetting business cycles of the post-World War II period which provided some self-regulating capability to the world economy. They want a return to a simpler world or, at least, a halt in further steps toward more economic integration.

Economic interdependence is valuable because it expands economic wealth throughout the world. By expanding wealth, economic interdependence expands the probability of our having the economic resources to achieve our social objectives. In advocating this policy, I do not disparage the points raised by its critics. But these criticisms must be examined and answered in the context of the evolution of international economics rather than in the short-term framework of economic mercantilism or protectionism.

INTERDEPENDENCE IN THE UNITED STATES

The United States began its economic life with local and regional markets, supplemented by trade with Europe and other continents. With the advent of the national railroad system, a national market emerged. The increasingly efficient use of resources, labor, and capital rapidly expanded the economic wealth of the United States. National markets produced national corporations, which in turn produced national trusts and monopolies that came to dominate U.S. business.

This structural change in U.S. business organization brought a political response in the Sherman Antitrust Act of 1890, the first attempt to guide the structure of the economic system, based on the belief that competition serves the national welfare better than trusts and monopolies. This structural reform is, of course, still in effect.

The global or multinational corporations, which came to prominence after World War II, provided a totally new industrial organization. Encouraged by more open national markets, cheaper transportation, and the freer flow of international capital and goods corporations in the United States, Europe, and Japan devised global strategies for organizing resources and selling products. As in the case of national corporations, more efficiency was achieved and more wealth was created.

Today's economic debate concerns how to structure this new world economic strength, and how to divide the economic "spoils" of this new world organization. New wealth is being claimed by the home countries of the corporations, the host countries of the investments, and the multinational corporations themselves, along with labor unions through collective bargaining with the corporations.

THE COSTS OF ECONOMIC READJUSTMENTS

Economic interdependence assumes readjustment in national economies. In economic theory, this readjustment is termed painless because labor is assumed to have perfect mobility. But workers know better. Economic readjustment potentially means unemployment for both management and labor in many affected industries—a social cost which, to the extent it cannot be eliminated, should at least be tempered by adjustment assistance and programs to encourage re-training and geographic mobility of workers.

Over the last 40 years, the United States has experienced major economic readjustments in the movement of the textile industry from the Northeast to the South, the migration out of Appalachia as the coal mines were mechanized, and rural to urban migration. This harshness need not be repeated on an international scale, nor do the personal costs need to be so high. We must anticipate the readjustments and devise programs to lower the costs to individuals. But we should not halt changes in industrial organization that bring increased wealth throughout the world.

The same logic prevails on the issue of who benefits when U.S. capital flows abroad to more productive uses. Why prevent this wealth? If we determine that income redistribution occurs in the United States because of U.S. investment abroad, and that this is an undesirable outcome, then we should redistribute such income by taxing it and transferring it to those damaged by overseas investment. It should not be a national policy to stop the efficient production of wealth because we do not find the resulting income distribution desirable.

COORDINATED INTERNATIONAL MANAGEMENT

The issue of international economic management is a difficult problem. The primary factor necessitating economic coordination is the predominance of U.S. production and the U.S. domestic market in the world economy.

Coordinated management means sacrificing some national policy freedom for the greater good of the whole. But there is no easy way to make economic interdependence an operation concept among sovereign nations.

Yet we have seen a beginning in this process in the economic summit conferences in France in November 1975, and in Puerto Rico in June 1976. In the past two years, the non-Communist world has effectively reformed its monetary system and is renegotiating its trading system at the multilateral trade negotiations in Geneva. Economic coordination is now taking place through the Organization of Economic Cooperation and Development (OECD) in Paris, and through the Group of 10, a loose-knit organization of the largest nations.

The critics of economic interdependence will agree that the United States must trade for goods and raw materials essential to our economy and not produced domestically. An outstanding example is our estimated 40 percent reliance on imported oil. Many will also argue for a U.S. balance of trade surplus because it represents a stimulus to the U.S. economy and creates jobs. Organized labor favored open world markets for many years after World War II. It was only after the economies of Japan and Western Europe were rebuilt and became competitive with ours that a large proportion of organized labor turned protectionist.

Implicit in this protectionist attitude is the parochial belief that the United States can, to some degree, remain economically self-sufficient and independent of the world economic situation. But we cannot. As we consume our own national resources, supplies from abroad become progressively more attractive. To have the foreign exchange to buy abroad, the United States must sell goods abroad. Our needs and the desire to sustain our standard of living force us into a growing reliance on foreign supplies and foreign markets.

In addition, the major partners in our national security alliance—Europe and Japan—require economic interdependence. Japan is almost void of raw materials and energy, and Europe is heavily dependent on the importation of both. Therefore, in fostering a policy to construct a more interdependent world, the United States recognizes its own needs and those of its closest allies. Economic interdependence has meaningful political security ramifications well beyond U.S. domestic politics.

POLITICS OF ECONOMIC INTERDEPENDENCE

The politics of world economic interdependence are exceedingly complex. We are talking about integrating a myriad of political and economic systems into one economic system that can efficiently ration the supply of economic resources on an international basis among competing users. While it is an oversimplification, this problem can be seen as one of integrating four different institutional systems, each with its own structure of industrial organization.

There is, first, the United States, with its non-collusive oligopolistic structure associated with minimal government involvement in corporate decision making. Then competing with this system in international markets are three other major systems: (a) the European system of recognized, legitimate, collusive cartels that operate with a minimal amount of government involvement; (b) the Japanese system of government-sanctioned cartels with governmental "administrative" guidance; and (c) the state trading systems of the Communist bloc countries, which in most cases are state monopolies run in close coordination with central government economic policies.

These four institutional systems have different objectives in terms of production units and government policy. Yet all compete in the same world market. It is not surprising that there are major conflicts among the surprising that there are major conflicts among the national interests involved. What is surprising is how relatively well these problems are handled among the nations with these various structures.

While the national economic synthesis is far from perfect among the industrialized democracies, there are continuing national interests that favor negotiated settlements of differences. These ameliorating interests are not prevalent between industrial democracies and less developed countries or between industrial democracies and Communist bloc countries. Economic friction between blocs of countries is more visible, and rhetoric more strident.

Economic discussions between industrial nations and less developed countries are under way in the Conference on International Economic Cooperation (CIEC) in Paris and in the United Nations Conference on Trade and Development (UNCTAD). The basic contention of the less developed countries is that the international economic system based on a market structure is inequitable and favors industrial nations over raw materials producers.

The real issue concerns international re-

source transfers and economic development in less developed countries. Industrial nations have not provided economic aid to less developed countries at e ective levels. As a result, the rhetoric of industrial nations in terms of official development assistance is no longer believed. And the less developed countries, for their own interests, wish to change the market price structure so they receive more economic resources. They see the OPEC nations as prime examples of less developed countries taking advantage of the price system to transfer economic wealth for development purposes.

INTEGRATION BETWEEN EAST AND WEST

East-West economic integration is much more difficult. It is not a matter of politics following economics, but of economics following politics. Economics in East-West diplomacy is used within the context of détente as a mechanism to achieve political goals. This fact adds complex overtones to the entire area of economic integration.

An example of this political complexity was the 1974 Trade Act and the important role in that piece of legislation of what became known as the Jackson Amendment. The Jackson Amendment tied the growth of East-West trade to the emigration of Jews from the U.S.S.R. This was an emotion-filled issue that caused severe political tension between the United States and the Soviet Union.

In the United States the politics of interdependence operate on two interrelated levels:

1. *Straight U.S. domestic politics.* There is a divergence of interests between groups in our society that benefit from the long-term evolution of interdependence and groups that consider economic adjustment caused by growing interdependence undesirable Compromises will and are being made. When adequate government programming is too expensive or too difficult to relieve the personal costs of readjustment, then the growth of interdependence will have to be slowed. This is happening in sectors where "voluntary" import agreements have been negotiated, or where adjustment relief has been sought because of heavy import pressure. These arrangements will delay but will not permanently impede the continuing growth of economic interdependence.

2. *International Diplomacy.* The second level of politics is diplomatic. It concerns relations between our close economic allies in Europe and Japan; the North-South dialogue between the non-Communist industrial world and the less developed world; and East-West trade in the perspective of détente with the U.S.S.R. Each of these aspects of economic interdependence will have to be negotiated carefully. In the first two cases, negotiations are stalled because low levels of economic growth have created domestic political obstacles to compromise. In the area of East-West trade, political diplomacy will have to proceed further before economic relations with the Communist bloc countries can be broadened.

U.S. domestic politics and progress in international economic diplomacy indicate a slackening in the rate of growth of economic integration as experienced over the last two decades. The most prevalent common depressant is the slow rate of economic growth. Slow growth necessitates longer periods of economic adjustment. Pressure for more rapid adjustment during periods of slow growth results in increased political pressure to impede the integration process. The rate of growth in economic interdependence has a direct relation to economic growth, and its growth rate will be restored only when growth is restored in the world economy.

REMEDY FOR RESTORING GROWTH

The key question facing the industrial democracies is how to restore this growth. The effort to restore the growth should not be for reasons of fostering more interdependence; that will come as a by-product of growth. We need growth to employ people and to fully use the potential of the economic resources our society has available. Low growth means 7 to 8 percent unemployment and billions of dollars lost each year.

There are only three countries in the world that have the economic strength to stimulate growth—Germany, Japan and the United States. However, acting independently, neither Germany nor Japan have large enough economies relative to the world to pull up growth rates. The United States might have this capacity, but it would risk a return to double-digit inflation acting alone. What is needed is a cooperative trinational effort to stimulate economic recovery in the OECD countries.

Any attempt at such a cooperative recovery will be short-lived if two policy decisions are not made prior to this effort.

1. That the three healthy economies be willing to finance the world recovery with large enough current account deficits on their balance of payments to absorb the OPEC current account surpluses. This will allow the growth stimulus to ripple out of the three domestic economies and stimulate the world economy.

2. That there be an international energy policy. Any sustained OECD growth at an average of 5 or 6 percent will cause an oil shortage in the mid-1980's. Any such shortage will put the industrial nations back on their financial knees. The greatest user of energy in the world is the United States. Therefore, it is we who must have the political will to put into place stringent energy controls. Until this is done, other industrial countries have no reason to sacrifice, and the possibility for sustained growth will be severely compromised.

A stringent U.S. energy policy stands as the first order of business for rebuilding the world growth rate. Closely linked to it will be a willingness by the Big Three to accept current account deficits and cooperative programs to stimulate their domestic economies. None of this will be easy. The political hurdles are many. We face the task for the first time in history of how to translate political economy into an operational policy of economic interdependence.

SPEECH BY JUDGE JAMES PLEMON COLEMAN OF MISSISSIPPI

Mr. STENNIS. Mr. President, in the February 1977 issue of the Journal of Mississippi History, there was reprinted in full a particularly moving speech by Mississippi's distinguished former Governor, James Plemon Coleman, now a judge on the Fifth Circuit Court of Appeals. The occasion for Judge Coleman's remarks was the official Mississippi celebration of the Bicentennial, which was held on the 4th of July, 1976, at Jefferson College, Washington, Adams County, Miss. It was here that Mississippi's first constitution, the one under which the State came into the Union in 1817 as the 20th State, was written. Judge Coleman delivered the principal address. The occasion was honored by the presence of many Mississippi citizens and other dignitaries.

I personally found Judge Coleman's speech to be inspirational and relevant to the times in which we live. He paints a clear picture of the type of ideals on which our Nation was founded and of the character of the Founding Fathers who held these ideals. The speech further serves as a clarion call for America to face the challenges before us and to meet the need—I dare say necessity—of capturing the visions, ideals, and courage of 1776, and of insisting that these ideals be actively striven for by the political leaders of today as well as by the people of all groups.

Judge Coleman is eminently qualified in every phase of State as well as national government. He has served Mississippi in every branch of the State government as a district attorney, circuit judge, supreme court judge, attorney general, member of the house of representatives, and Governor of the State of Mississippi.

Mississippi has produced few statesmen of such outstanding ability as Judge Coleman and none to exceed him. I ask unanimous consent, Mr. President, that the text of his speech be printed in the RECORD in order that his counsel might be preserved and given wide circulation throughout the Nation.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ADDRESS OF JUDGE JAMES PLEMON COLEMAN OF MISSISSIPPI

If Philadelphia is the cradle of American independence, which it is, then it is altogether fitting and proper that these ceremonies should be held today in the area where our beloved State likewise had its beginnings.

It was here, on the fifteenth day of August, 1817, in the forty-second year of the independence of the United States, that the delegates from the counties of Adams, Amite, Claiborne, Franklin, Greene, Hancock, Jackson, Jefferson, Lawrence, Marion, Pike, Warren, Wayne, and Wilkinson adopted Mississippi's first Constitution and we became the twentieth state in the Nation. Washington was the first capital of Mississippi.

Many years before the remainder of Mississippi was opened for settlement, this area had already progressed to an advanced state of civilization, inhabited in many instances by wealthy people, occuping imposing homes, and pursuing an enlightened role in public affairs.

In many respects, the years 1795 to 1817 represent a kind of golden age in which these inhabitants quickly laid the foundation upon which Mississisippi came to be built and upon which for 159 years it has endured.

It is also a source of genuine satisfaction that these ceremonies are being held on the grounds of Jefferson College, named for the author of the Declaration of Independence. Its charter in 1802, while Mississippi was yet only a territory of the United States, and fifteen years before statehood, stands as a continuing remainder that our forebearers, even in those early days, appreciated the value of an education in the enrichment of human life, in the enhancement of human usefulness, and as the very handmaiden of progress itself.

Thus, we may correctly assert that South and Southwest Mississippi provided the cradle for our State and likewise provided the Mississippi cradle for that most useful instrumentality of freedom, the education of the human mind.

We who are alive today have been granted a most unusual privilege. Not only do we celebrate 200 years of American freedom but we are living witnesses to the beginning of the third hundred years of that freedom, with their great challenges, opportunities, and responsibilities.

Two hundred years ago fifty-six men signed, although not all at the same time, a document which history recognizes as one of the greatest documents of all time. In fact, it must be said that this writing, which flowed from the head and the hand of a thirty-two-year old, red haired Virginian,

stands as one of the lofty mountain peaks in any recitation of human accomplishment.

The document which Jefferson wrote and which those fifty-six men signed is the Declaration of Independence.

Speaking directly to the King, whose role as a monarch had never before been disputed, these fifty-six men fearlessly declared:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these rights, governments are now instituted among men, . . ."

It is sometimes forgotten that the Declaration did not stop with a declaration of the rights of free men. It also drew limits against unfettered power in the hands of governments. In words that will never die it declared that "Governments derive their just powers from the consent of the governed."

One rarely hears it mentioned that this Declaration was unanimously adopted. In these days of strife, of dissension, and of widespread forays for power and personal advantage—when disagreement seems to be the rule rather than the exception—a great lesson we may learn from the Declaration of Independence is that in a time of towering stress and acute personal danger our forefathers could and did act together, emphatically, unanimously, on one accord. What a lesson for those of us who are here in 1976.

More than that, we should never for a moment forget what these fifty-six men had to say when they came to the close of the Declaration.

"And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

I am afraid that today we generally forget that even if they had not said it this is exactly what these men were doing. Plainly stated, they were laying their lives and all of their material possessions squarely on the line. It was a long shot, against overwhelming odds, and if the cause had failed they would promptly have been hanged as traitors and their property confiscated. They knew that, and it did not stop them for a moment. In 1776 it was a common saying that these men "had signed their own death warrants."

When the first signer, John Hancock, put his name on the dotted line he wrote in a large hand, so that King George the Third could read without his spectacles.

Benjamin Franklin, who had lived in England for many years as a representative of the Colony of Pennsylvania said, "Now we shall all have to hang together or we most assuredly shall hang separately"—that is, one at a time, as the British caught them.

How many of us today will take a stand which we know we ought to take for the common good if it is likely to *cost* something, even something far less than our lives or our property? Most regrettably the policy seems to be to avoid such risks, even when inspired or commanded by a noble cause.

Who were these men who were brave enough in 1776 to bring forth, as Abraham Lincoln said, *"A new nation—conceived in liberty"?*

Some of them were as young as twenty-six; others were as old as seventy. The majority were in their thirties and forties. A few were the richest men in the Colonies. Charles Carroll had 10,000 acres of land. Men like Carter Braxton were immensely wealthy.

Some of the signers were poor. Samuel Adams' friends had to buy him some clothes and donate the necessary money that he might attend the Continental Congress. George Taylor had come to America as an indentured servant, bound by his own contract for a term of years. Ten of the signers had as many as ten children. Only two were bachelors.

Half of the signers were lawyers, one fourth were farmers or planters, and four were doctors.

I would like to point out that women played a highly sacrificial role in the attainment of American independence.

Francis Lewis of New York was a signer of the Declaration. The British burned his home. They took his wife prisoner. Her sufferings while in prison caused her death.

John Hart of New Jersey was another signer. He was driven to the woods. When he got out he learned that his wife had died, and his children were scattered.

George Clymer's wife and children hid in the woods while the British vandalized their home.

William Hooper had his home destroyed and for ten months he was separated from his wife while both were refugees.

I shall briefly mention what happened to some of the other signers.

Dr. Barton and Dr. Hall say their homes burned to the ground and their property destroyed. They lived to serve as governors of their states.

Abraham Clark had two sons captured by the British.

When Thomas Nelson Jr.'s house at Yorktown was occupied by the British under Cornwallis he ordered his soldiers to knock it down with cannon fire. He was never able to rebuild it.

Richard Stockton of New Jersey was one of the ablest lawyers in America. He was captured by the British, his home destroyed, he was kept in prison until his health was gone, and he died at the age of thirty-eight.

Thomas Heyward, Arthur Middleton, Edward Rutledge, and George Walton were captured and put in prison far from home, at St. Augustine.

I shall not take the time to read the long roll of homes destroyed, of signers who were reduced from riches to poverty. I have made my point—the Declaration of Independence was not born of a picnic; it was born of the blood, sweat, and tears of those brave enough to sign it and support it—men and women who were willing to pledge their lives, their fortunes, and their sacred honor that those who came after them might govern themselves in an independent nation.

My purpose here today is to remind you that our free country today confronts no problem, however complicated, that could not be solved with about ten per cent of the sacrifice and suffering that our forebears of 1776 were willing to endure, not to save a great nation already in existence, as we now enjoy, but to bring forth a new nation which yet had it all to do.

Stephen Hopkins of Rhode Island was a very old man. He had the palsy. When he signed the Declaration of Independence he said: "My hand trembles, but my heart does not." Like "Remember the Alamo" or "We have met the enemy and he is ours," I propose this as our motto for our next hundred years—"My hand trembles, but my heart does not."

Now, what are some of the problems we face at the outset of this new century of freedom?

It took until 1850 for the world to attain a population of one billion.

It took eighty years to reach its second billion (1930).

It took only thirty years to reach the third billion (1960).

It took just sixteen years to arrive at four billion (1976).

It is estimated that in thirteen years (1989) we shall have our fifth billion.

Living space—food—are among the stresses that we ourselves are destined to see. It is inevitable that "push" is going to come to "shove."

In one year—1975—750,000,000 people in this world went from a free form of government to a dictatorship in some form. So, 2,000,000 people have been losing their fundamental liberties every day. That equals the total population of all of Mississippi.

Right on our doorsteps, in our own hemisphere, in all of South America there are only two nations not under a dictatorship.

Only 600,000,000 people in the world live in a free society. Nearly half of these free people are in the United States. Three billion people live under dictatorships of one kind or another.

We who enjoy the blessings of freedom are outnumbered by more than four to one.

This sad state of affairs mocks the words of the Declaration of Independence that "governments derive their just powers from the consent of the governed." We are struck in the face with the fact that we in America are *right now*, among the *last* high priests of freedom. To use the words of Thomas Jefferson, "This is a fire bell in the night." Will the fire bell arouse us from our slumbers?

In Sweden a self-employed farmer, doctor, lawyer, or businessman has to pay all of his yearly income above $35,000 to the government. What he makes below $35,000 is also heavily taxed. "Oh," we may say, "That is Sweden." It may or may not be out of order to remind ourselves that in 1929 federal taxes took 5% of our gross national product; today federal taxes take 25%. Stated another way, we are now working three months of the year for the federal tax collector. This is not the collector's fault. He simply collects what a majority of the Congress thinks it has to have to meet *our* demands. And those demands have plunged us seven hundred billion dollars in debt.

Now, let us look at Great Britain, our Mother Country, from which we wrested our freedom, and later our great ally, once an empire upon which the sun never set. At the end of World War II it was the second wealthiest nation in northern Europe. Today, thirty years later, the British government takes sixty per cent of the gross national product and it is poorer than any other nation in northern Europe, Ireland alone excepted. This ought to teach us that we cannot rely on the government for our salvation.

Our spiraling crime rate, which nobody seems to understand and for which nobody offers any solution, although there obviously must be solutions, reminds us of what De Tocqueville wrote after his visit to the new nation, called the United States. This is what DeToqueville said:

"I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there, in the fertile fields and boundless prairies, and it was not there, in her rich mines and her vast world commerce, and it was not there. America is great because she is good, and if America ever ceases to be good, American will cease to be great."

Have we forgotten this? Do we no longer believe this? If so, your freedom dangles on a shockingly thin thread.

What I have come here to tell you is that the next century of American independence is now up to us. The challenges we face, although different in kind and degree, are no less urgent than those once encountered by the brave, resolute, self-sacrificing founders. The critical question is whether we, their successors, shall measure up in the manner and form so clearly demonstrated by them. There is no doubt about our ability to do so. The question is, shall we have the will to do so? Will we say, with Stephen Hopkins, that our hands tremble, but our hearts do not!

I respectfully suggest to this distinguished assemblage that our forefathers are no longer here to save our free heritage. We can no longer "trade" on what our ancestors did. In the world of 1976 we can no longer survive by halfhearted lip service to the sacrifices and dedication of those of another day. We must be the architects of our own salvation or we shall become the authors of our own destruction.

We must make a new declaration of our own and then at all costs we must defend

that declaration. We, *ourselves*, must solemnly resolve that America will not abandon the pursuit of excellence, personal, professional, and in the public service;

That we shall not forget the mighty power of self-reliance, flatly refusing to be led to our own destruction along the line of personal comfort and least resistance;

That no future historian shall ever have a chance to write that we in America were so weakened by the successes born of personal and national strength that we found oblivion by eluding our responsibilities, by playing traitors to our trust, and thus went the way of all the dead nations of the past.

Thomas Jefferson, John Adams, and all of that illustrious company of patriots in 1776, were of the flesh, even as we are. They had almost none of the comforts and conveniences of life that we now demand as a matter of course. Yet, they met the blood curdling challenges of their time, whatever the cost, and we have inherited the benefit. *It did not come free of charge and it cannot be maintained free of charge.*

It simply comes down to this: We must measure up to the promises bought by the blood of countless thousands of men, the tears of unknown thousand of women and even the cries of helpless children.

If the spirit of the people goes wrong, the lessons of history warn us that no Congress can save us, no president can save us.

That in this we shall not fail is the hope for our next hundred years.

We know what we celebrate in 1976.

What do you think America will celebrate in 2076?

In the name of our children and grandchildren, and even as in 1776, the answer is up to you.

POLICIES OF THE CARTER ADMINISTRATION

Mr. BELLMON. Mr. President, like many of my colleagues in the minority party, I have endeavored to withhold criticism of President Carter during the formative stages of his administration.

Observing the actions of the President and his official family over the past 2 months—and most especially during the past few days—I have concluded that the policies emerging from the Carter administration are so contrary to the interests of the Nation that this member of the loyal opposition can no longer remain silent.

Many of President Carter's decisions are inconsistent with statements made in his campaign, and some of his policies are in conflict with each other. In fact the only consistency apparent from the White House is its inconsistency.

One common theme, however, is becoming clear with each new White House pronouncement; short-term expediency with little regard for future consequences.

In yesterday's newspaper this "deny now, pay later" philosophy expresses itself in two stories about recent Carter decisions.

One story deals with the Carter administration's plans to eliminate a number of important water development projects across the country. Right below that story is one about the President's opposition to a realistic farm program.

Both of these ideas are advanced in the name of fiscal conservatism and a balanced budget. Certainly, I agree that each of these fiscal policies is desirable. But responsible public officials must look beyond the dollar that can be saved today and ascertain tomorrow's demands.

Take the case of the water projects. Some of these projects are well on the way to completion. To shut them down now, after spending millions of dollars, would be fiscal foolishness. But look at the situation in a broader sense. Multipurpose water projects are designed to provide flood control, municipal and industrial water supply, irrigation, recreation, power generation or a combination of these benefits.

It seems inconsistent with sound public policy to one day recommend spending $844 million in aid to drought-stricken Western and Plains States and then call for an end to projects that could bring water to these dry areas of the country, thus making such drought relief unnecessary in the future.

We can also use hydroelectric power produced by such facilities. During these days when we are concerned about environmental quality and about the worsening energy shortage, hydroelectric power meets some of our needs in a manner that is not objectionable.

The farm bill is another example of the shortsighted and inconsistent thinking of this administration.

The President has recommended increasing price supports for milk producers to 83 percent of parity; yet, he proposed supports of less than 50 percent of parity for other commodities. By holding down spending for Federal assistance to farmers now, the President will trigger widespread bankruptcy of younger farmers thus jeopardizing the Nation's food supply for the future.

If President Carter's policies are allowed to go into effect, millions of Americans will be cold, hungry and thirsty in the years ahead.

Economizing in Government is a worthy goal that I wholeheartedly endorse; however, I detect much inconsistency in Mr. Carter's pronouncements about costcutting and what actually is taking place in his departments and at the White House.

It is interesting to note that newspapers have reported that Secretary of Health, Education, and Welfare Califano has hired his own personal cook at a salary of $12,763. The White House announced that the Secretary, after a talk with the President, said he is "going to deal with" the situation. Perhaps he is going to instruct the cook to eliminate saccharin from the meals.

I noted in last night's paper that Mr. Califano has added another position to his personal staff—a $43,923 bodyguard.

Such increases at the departmental level should not be surprising considering that the President has raised the pay of 48 White House staff members at a cost of $400,000 while announcing that taxpayers are actually getting a savings of $166,400. If the congressional budget committees used that kind of arithmetic, we could balance the budget tomorrow.

As a member of the Budget Committee I know of the strenuous effects which have been made to get the executive branch to furnish Congress with an honest budget. If President Carter plans to use this arithmetic in the budget process, we are headed again into a series of confrontations with the executive branch.

The White House staff that is saving money for the American taxpayer through this new arithmetic is the same White House staff that candidate Carter said he would cut drastically to save money. The Congressional Quarterly reported recently that the President's promised drastic cut has reduced the staff from 485 people under President Ford to 460 people presently. At the same time, President Carter is spending $1 million more for his staff than did President Ford.

Mr. President, the Nation needs a strong, dependable, believable, truthful leader. President Carter began his administration as if he desired to fill this need. The actions of the President and his administration during recent days indicate that he has sadly departed from his earlier policies.

WILDERNESS IN A BALANCED LAND USE FRAMEWORK

Mr. METCALF. Mr. President, on Monday of this week, my distinguished colleague, the senior Senator from the State of Idaho, Senator CHURCH, delivered a major policy address before the first annual wilderness distinguished lecture series at the University of Idaho.

This speech, entitled "Wilderness in a Balanced Land Use Framework," touches on a number of contemporary wilderness issues, which merit further discussion. Senator CHURCH speaks in some detail about the early controversy which surrounded the establishment of the National Wilderness Preservation System, the growth of the wilderness concept, congressional strategy for wilderness classification, wilderness related to better use of other national lands, and the issue of wilderness purity. All in all, this speech is an important cornerstone of the debate over the future of our wilderness resources, and I commend it to my colleagues.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WILDERNESS IN A BALANCED LAND USE FRAMEWORK

(By Frank Church)

Thank you for asking me to be the first speaker in your annual "Wilderness Resource Distinguished Lecture Series." The College of Forestry, Wildlife and Range Sciences is to be congratulated for establishing this new series of lectures. I hope they will contribute to balanced land and resource management.

The chance to speak here on "Wilderness in a Balanced Land Use Framework" is a treat for me. That subject has claimed a good deal of my time during twenty years in the Senate. And, being from Idaho, I have had more opportunity than most to savor wilderness.

THE EARLY CONTROVERSY

Passage of the Wilderness Act in 1964 marked the beginning of a legislative effort; to preserve certain federal lands in their natural state. The Act was preceded by eight years of lively debate in Congress, in the press, and in public hearings throughout the country. Congress finally passed the legislation after sixty-five separate bills had been

introduced. In the end, it was the public interest to be served by a wilderness system which overcame the vested interests arrayed against it. Still, it was never sufficiently understood at the time that the bill formed only part of a larger equation: by designating some lands as wilderness, it followed that more intensive use should be made of other lands, such as our working forests.

If any Senator were singled out, it is Hubert Humphrey who deserves the credit for being the father of the Wilderness System. He introduced the first bill. However, by the time the legislation reached the Senate floor in 1961, its principal sponsor and advocate was Clinton P. Anderson of New Mexico, then serving as Chairman of the Senate Interior Committee. Unfortunately, Senator Anderson was taken ill and had to be hospitalized just before the bill was called up for debate. At his request, I filled in a floor manager of the legislation.

Because the bill engendered a heated controversy in Idaho and elsewhere in the West, it was considered a heavy political cross to bear. In 1962, when I ran for re-election, the newspapers in Idaho were filled with references to the "Church Wilderness Bill," which was not intended as a compliment and gave me more credit than I deserved.

It was apparent that my opponents were determined to make wilderness the major issue of the campaign. No other politician in either party stood with me, and as the election approached, most of them joined in a chorus of calamity over the awful fate in store for Idaho, should the Senate-passed bill become law.

Looking back, I still have vivid memories of that bitter campaign. I recall meetings where the mood of the crowd made me wonder if a hanging were planned, with the noose intended for my neck! Wild-eyed descriptions of the Wilderness Bill had spread anger and alarm throughout the mountain communities. But Idahoans are fair-minded, even when aroused, and they were willing to hear me out. They peppered me with questions:

"Senator, why are you in favor of converting our Western forests into wilderness playgrounds for Eastern millionaires?"

I replied that I thought the wilderness areas in Idaho would be used principally by our citizens, a prediction since borne out by Forest Service statistics.

"But, Senator, only the wealthy can afford to hire guides and packstrings. What about us ordinary folks?"

This argument, widely circulated and surprisingly believed, was enough to blow the mind. Most people hike into the wilderness, with packs on their own backs and their children in string. A few years ago, in the Summer of 1973, I spent a week in the Sawtooth Wilderness. We were the only party with horses. But we encountered many other wilderness visitors: college students and mountain climbers in small groups, older back-packers and fishermen, and hardy parents and their kids. That's not exactly the chic clientele you find at Sun Valley! Around the campfires, I remember the conversations well. One young father, leaning back to glimpse the treetops, and the arching star-studded sky, put it this way: "What an irony. No amount of money could buy what is given us free tonight. No King could purchase these splendors. This is the best vacation we could possibly have as a family. And, you know, it happens to be the only kind I can afford!" [1]

Well, enough of rhapsody. Let's return to the grim inquisition of the 1962 Senatorial campaign. A familiar statement was:

"That's not the point, Senator. Maybe some just-plain people do enjoy the wilderness. Still, they're not the majority. Most of us want to drive through the woods and find places to park our campers. The great outdoors is O.K., but we like a little comfort, too."

"Well, fine," I would reply. "We're spending a fortune building forest highways, developing campgrounds, marinas, and other recreational facilities. By the time we are done, 90 percent of our public lands will be accessible to the majority who want to take their vacations on wheels. But what about the people who don't? Are we to leave nothing for them, no escape from the pavement, the crowds, the billboards, the costly resorts? This country is big enough to leave some of its land alone, as a sanctuary for those who, from time to time, feel the need to get away from it all. Otherwise, we'll turn this country into a cage!"

Still, in the autumn of 1962, it was not possible to debate the wilderness issue solely on its merits. Too many people who depended on the public domain for their livelihood were afraid that the wilderness concept, once imbedded in the law, would spread and spread, until their jobs were threatened. They forecast a time when our resource-based industries—timber, cattle and sheep grazing, mining, and water development for power and irrigation—would all be constrained by the expanding wilderness system. That was the rub which no amount of argument could dispel.

So, looking back, it was hardly surprising that the user groups should have combined against me on the wilderness issue. The night before the election, my chances looked bleak. My father-in-law, the late Chase Clark, paced back and forth in our living room at home in Boise. He was then Federal District Judge, but he had formerly served as Governor of Idaho, as Mayor of Idaho Falls, and had held membership in both houses of the State Legislature. As well as any man, he knew that the user groups had historically dominated Idaho politics.

"Tell me, Frank," he asked, "how do you expect to win? All the organizations that count are against you: the cattlemen, the woolgrowers, the mining association, the forest products industry, the newspapers, the chambers of commerce . . . and for what? For wilderness! You don't just have rocks on your mind; you've got rocks in your head!"

Well, he hadn't exhausted the list. The doctors and dentists were also against me—but that was on account of Medicare.

The Judge's case was pretty persuasive that night. All I could say was: "Pop, maybe I'll be lucky like Harry Truman. Remember 1948? Everybody was against Harry Truman; everybody but the people."

The next day I won the election. A corner had been turned. Despite the raging editorials, the united efforts of the user groups, the scare talk, a majority of the people wanted a part of our fast-vanishing wilderness saved. They knew this was the right thing to do, if the good life they had enjoyed was to be preserved—for themselves and their children. The campaign had been a classic case of the West divided against itself, and the issue was decided in accordance with the best instincts of the voters.

Valid as the verdict favoring wilderness was then—and is now—the fears of those who opposed the Wilderness bill in 1962 have not proved to be unfounded. The concept of an expanding wilderness has extended far beyond the limits of the original bill. To understand how it happened and what it may imply for the future calls for a brief review of our recent history.

THE GROWTH OF THE WILDERNESS CONCEPT

As finally enacted into law in 1964, the original Wilderness Act created 54 instant wilderness areas totaling 9.1 million acres. In addition, the 34 existing Primitive Areas in our National Forests were to be reviewed, their boundaries redrawn, with the objective of then admitting them, one by one, into the system. The roadless land within the National Parks and Wildlife Refuges was also to be reviewed, and tracts found appropriate were to be recommended to Congress for inclusion. Altogether, a wilderness system of 40 to 50 million acres was anticipated.

Since then, despite growing pressures for more wilderness, Congress has acted with restraint. In 1975, the Eastern Wilderness Act was approved. It designated 16 National Forest areas—some 207,000 acres—as Wilderness, and directed a study of 17 other areas, an additional 125,000 acres. Considering the urgent need for wilderness in the densely populated regions of the East, this was hardly a runaway program.

Then came passage of the so-called BLM Organic Act last year. It requires a study of BLM's 13 primitive and natural areas, comprising 307,000 acres, for possible wilderness classification, plus an inventory of all the 90 million acres of roadless lands within the vast domain of the BLM, to be completed within the next 15 years, looking toward the selection of new wilderness study areas.[2] Since most of this land is arid or semi-arid, no serious impact on existing uses should be entailed.

Since 1964, however, unanticipated court decisions have greatly confused the picture. The East Meadow Creek decision, upheld by the Supreme Court in 1972, decreed that no roadless area next to a National Forest Primitive Area may be developed prior to a Congressional decision on whether or not to incorporate the area in the Wilderness system. Following this decision, the Forest Service conducted a far-reaching review and identified 1449 roadless areas, 5,000 acres or larger, selecting 274 of these—a total of 56 million acres—as new wilderness study areas. Furthermore, the Chief of the Forest Service ordered that agency plans for any of the forest areas not selected for wilderness study—44 million acres—must still consider wilderness as one possible use. Furthermore, environmental impact statements would have to be prepared for each planning unit.

All these events have increased the potential size of the Wilderness System from the 40 to 50 million acres originally contemplated by Congress into something much larger. Today, 14.4 million acres are in the system, excluding proposals under the Alaska Native Claims Settlement Act; nearly 25 million acres are pending action by Congress; another 24 million acres have been committed either by Congress or the agencies to wilderness study; while nearly 150 million acres of roadless lands remain with opportunities for wilderness as well as other uses. These are agency estimates; environmentalists claim an even greater acreage.[3]

All this presents us with serious questions about the future use of at least 150 million acres of roadless land that may also be of value for logging, mining, or other multiple-use applications. What part of this should be wilderness? What part should be managed for other purposes?

There are no easy answers to these questions. Experience proves that. However, there are a number of things which can help us make the hard decisions.

CONGRESSIONAL STRATEGY FOR WILDERNESS CLASSIFICATION

Congress must begin to do some long-range thinking about the ultimate size and location of the Wilderness System. The current practice of area-by-area classification obscures the need for a comprehensive view of the national system we intend to build. Omnibus bills to incorporate a number of areas at once are obviously necessary. This is the purpose of the Endangered American Wilderness Bill I will soon introduce in the Senate. By speeding up the incorporation of areas for which there is widespread agreement, the study of remaining areas can be expedited and the needed decisions sooner made.[4]

Meanwhile, we should move ahead with

Footnotes at end of article.

the backlog of proposals now pending before Congress. For example, here in our own state, the Idaho and Salmon River Breaks Primitive areas have still to be reclassified as wilderness. That's a high priority on my list for this session. This region is the largest roadless tract left in the United States south of Alaska. It will constitute a wilderness of immense attraction and significance.

In addition to the workload now facing us, Congress must also exercise an oversight of the ongoing management and classification plans. Congress is not properly representing the people if concerned citizens can't turn to us and say, "We think the agency is mistaken in proposing to develop—or not to develop—this or that area. Come take a look."[5]

But in carrying such appeals to Congress, I would hope that the various interest groups would strive to present broadly balanced and well-reasoned arguments. For example, proponents of wilderness sometimes appear to be more concerned about obtaining the maximum size than they are about the true wilderness quality of an area. At the same time, some timber interests are more concerned with total allowable cut reductions than actual use of the timber in the proposed area. Mining interests seem of the opinion that nothing should ever restrict exploration or mining anywhere—even if the minimal potential of the survey is very low.

Most of the 1175 Forest Service roadless areas not selected for wilderness study—and perhaps many of the BLM tracts yet to be inventoried—will be better suited for other uses. Our goal should be to see that endangered and deserving areas move more swiftly into wilderness designation. And, equally important, that areas better suited for resource development are scheduled for such use with all deliberate speed, thus reducing the uncertainty now facing our resource dependent industries.

WILDERNESS RELATED TO BETTER USE OF OTHER LANDS

It is not possible to resolve wilderness issues in a vacuum. For example, a relatively small amount of the nation's timber supply is tied up in potential wilderness. But a loss of this timber to wilderness could be made up easily through more intensive management of our working forests. Better reforestation, thinning, fertilization, genetic makeup of seedlings, fire, insect and disease control, along with improved timber utilization, logging methods and planning, could all help boost the annual harvest. Elsewhere, incentive programs might spur fiber production on small, privately owned woodlots. Wilderness advocates should—and they often do—recognize that it's in their best interests to see multiple-use management improved. The ultimate size of the wilderness system may well depend on increasing production levels from our other lands.

I'm reminded here that, back in the early 70's, following debates on the proposed Timber Supply Act, an ad hoc committee of conservationists and lumber industry representatives was convened by the American Forestry Association. Its purpose was to identify "areas of agreement." The concept is a good one because it puts diverse groups to work, side by side, searching for consensus on matters they do agree upon. And, in addition, by helping build a common effort to get more from our forests—both wood and wilderness—it helps reduce the polarization that so often bogs us down in resource matters.

So, as I work for wilderness, I work also for more efficient forest management across the board.[6] I urge sportsmen, conservationists, and environmentalists to help. Because the only way we can fashion an adequate Wilderness System is if it's part of a well-balanced resource management program for the entire country.

THE PURITY ISSUE

My final comments tonight concern the issue of wilderness purity. Time after time, when we discuss wilderness, questions are raised about how developed an area can be and still qualify as wilderness, or what kind of activities within a wilderness area are consistent with the purposes of the Wilderness Act. I believe, and many citizens agree with me, that the agencies are applying provisions of the Wilderness Act too strictly, and thus misconstruing the intent of Congress as to how these areas should be managed.

One of my longtime friends, Ted Trueblood, challenged the purity doctrine of the Forest Service in a September 1975 issue of *Field and Stream*.[7] As Ted put it, the Forest Service with their purist doctrine is trying to "scuttle the Wilderness Act." In arguing his case, Ted refers to the exclusion of deserving Idaho areas from wilderness classification because they contain minor evidence of man's prior activities, to requirements which make outfitter operations difficult, to fish and wildlife management activities which limit the enjoyment of hunters and fishermen, and—perhaps most tragic of all—to the burning of historic cabins to eliminate the evidence of earlier human habitation.

Such policies are misguided. If Congress had intended that wilderness be administered in so stringent a manner, we would never have written the law as we did. We wouldn't have provided for the possibility of insect, disease, and fire control. We wouldn't have allowed private inholdings to remain. We wouldn't have excluded condemnation, as the means for forcibly acquiring developed ranches within wilderness areas—a practice allowed on ordinary national forest lands from which wilderness is created. We wouldn't have made wilderness classification subject to existing private rights such as mining and grazing. We wouldn't have provided for the continuation of non-conforming uses where they were established—including the use of motor boats in part of the Boundary Waters Canoe Area and the use of airfields in the Primitive Areas here in Idaho. As these examples clearly demonstrate, it was *not* the intent of Congress that wilderness be administered in so pure a fashion as to needlessly restrict their customary public use and enjoyment. Quite to the contrary, Congress fully intended that wilderness should be managed to allow its use by a wide spectrum of Americans.

There is a rule of reason in interpreting the Act, because wilderness values are to be protected. As I stated in 1972, while chairing an oversight hearing of the Subcommittee on Public Lands:

". . . The Wilderness Act was not deliberately contrived to hamstring reasonable and necessary management activities. We intend to permit the managing agencies . . . latitude . . . where the purpose is to protect the wilderness, its resources and the public visitors within the area . . . (including, for example) minimum sanitation facilities . . . fire protection necessities . . . (and) the development of potable water supplies. . . . The issue is not whether necessary management facilities are prohibited; they are not. The test is whether they are necessary.[8]

Thus, the wilderness management framework intended by Congress was for the agencies to do only what is *necessary*. The facilities just mentioned may be required—and restrictions on use may sometimes be needed to protect especially fragile locations. But in adopting regulations, common sense is required. For example, I can understand the Forest Service urging outfitters and guides to make their camps conform to the spirit of a wilderness experience for their clients; but it seems insane to allow wooden tent floors in their camps, only to require them to be packed out of the area each fall, before they disappear below the snow, and then carried back in again after the Spring thaw!

SUMMARY AND CONCLUSIONS

In summary, if purity is to be an issue in the management of wilderness, let it focus on preserving the natural integrity of the wilderness environment—and not on needless restriction of necessary facilities for human use and enjoyment.

We often embark on a journey looking for one thing and discover something else. Columbus and other explorers of his time were looking for the East Indies and discovered two continents they did not know existed. The search begun by Aldo Leopold, Bab Marshall and others earlier in this century for a system to protect some of America's wilderness remnants led eventually to a heightened concern for our natural environment. Yes, the wilderness movement was the forerunner of the environmental movement. Through our concern for these wildlands, we came to realize that it is folly to extract and exploit resources without considering the impact of these actions on the surrounding environment. We have been forced to recognize that man cannot live well in an empty open-pit copper mine, or on a falling water table, an eroded farm, or field of tree stumps.

Thus, the wilderness movement was not a romantic excursion into the past; rather, it was the start of an exploration of our future. We are learning, at times painfully slowly, that the environment—both the living plants and animals and the fossil fuels and minerals which are their ancient relatives—are all vital to our well-being.

I think the real meaning of wilderness was stated best twenty years ago by my late colleague from New Mexico, Senator Clinton Anderson. He was not only Chairman of the Senate Interior Committee, and a former Secretary of Agriculture, but a hard-headed businessman to boot. He put it this way:

"Wilderness is an anchor to windward. Knowing it is there, we can also know that we are still a rich nation, tending to our resources as we should—not a people in despair scratching every last nook and cranny of our land for a board of lumber, a barrel of oil, a blade of grass, or a tank of water."[9]

Today as we rise to the difficult challenge of designating and managing wilderness, we must rise, too, to the challenge of better stewardship of all our natural resources: the land, the water, and the air. As we proceed on this journey together, the real meaning of wilderness will open our eyes like an Idaho sunrise on a summer morning.

FOOTNOTES

[1] Two studies of the Selway Bitteroot Wilderness, in 1971, by the Forest Service, and last summer by the University of Idaho's Wilderness Research Center, show that it's not just wealthy people that use the wilderness; nor is it people from far away. It is people representing *all* incomes, ages and educations; and the vast majority of them live *near* the area. Maybe most important is the fact that so many of them are students; nearly one-fourth in the 1971 study and more than one-third last year in this Idaho-Montana Wilderness.

[2] The exact acreage of BLM roadless lands potentially suitable for wilderness is debatable until an inventory is carried out. This estimate is documented in House of Representatives Report 94–1163, May 15, 1976, pages 18 and 50.

[3] See Table 1 attached.

[4] On this point, see my "Introductory Statement for the Endangered American Wilderness Act," Con. Rec. 122 (103); June 29, 1976.

[5] Recent laws and current proposals in Congress often reflect that, after taking such a look, Congress has disagreed with agency decisions and has upheld the intent of these citizen requests:

P.L. 94–557, an omnibus Wilderness Act added 16 Wildlife Refuge and 3 National Forest Areas to the Wilderness System, one

of which was a noninventoried and one a non-selected roadless area. The Act also designated 8 new Wilderness Study Areas in the National Forests, 4 of which were noninventoried, 2 and part of a third of which were nonselected roadless areas.

P.L. 94-567, an omnibus Wilderness Act added 13 National Park areas to the Wilderness System, revised boundaries of 3 existing wilderness, and created one Wilderness Study Area from National Forest noninventoried and nonselected roadless areas.

S. 393, the Montana Wilderness Study Areas Bill, which passed the Senate only in the 94th Congress, designated 10 new Wilderness Study Areas on National Forests which, with the exception of portions of 3 of them, were nonselected roadless areas. (See Senate Report 94-1027.) This bill has been reintroduced to the 95th Congress under the same number.

S. 3630, the proposed Endangered American Wilderness Bill, introduced in the Senate late in the 94th Congress, called for 9 instant Wilderness Areas and 6 Wilderness Study Areas, with all or part of the 15 areas being Forest Service noninventories or nonselected roadless areas. A nearly identical "Endangered Bill" was also introduced in the House by Congressman Udall, H. 14524. A revised version of H. 14524 has been reintroduced as H.R. 3454 in the 95th Congress. I will soon reintroduce a revised version of last year's Senate bill.

S. 1381, the Oregon Omnibus Wilderness Areas Bill, called for instant wilderness classification of 14 areas, 4 of them nonselected roadless areas. This bill has been reintroduced to the 95th Congress but has been revised to focus only on nonselected Forest Service roadless areas.

[6] While I have strongly supported wilderness and wild river additions, I'm equally proud of my support for across-the-board improvements in resource management—the "Church clearcutting guidelines" in the recent National Forest Management Act and my sponsored amendment to that Act to provide increase annual funding for reforestation and timber stand improvements. See also, Church, Frank, "Tussock Moth—A Call for Control," Cong. Rec. 120 (13), February 7, 1974; Church, Frank, "The Forest Service Needs Adequate Funding," Cong. Rec. 119 (73), May 15, 1973; Church, Frank, "Senator Church Calls for Comprehensive Management of the National Forest Resources," Cong. Rec. 122 (5), April 12, 1976.

[7] "The Forest Service versus the Wilderness Act," by Ted Trueblood, *Field & Stream*, September 1975. Inserted in the Congressional Record at the request of Frank Church, Cong. Rec. 121 (136), Sept. 17, 1975.

[8] Senate Interior Subcommittee on Public Lands, Hearings on S. 2453 and related wilderness bills, May 5, 1972, 92nd Cong., Second Session, pages 61-62.

[9] Anderson, Clinton P. "This We Hold Dear," *American Forests*, 1960.

TABLE 1.—THE WILDERNESS SYSTEM AS OF JANUARY 1977, WILDERNESS PROPOSALS, WILDERNESS STUDY AREAS DESIGNATED BY CONGRESS AND THE AGENCIES, AND REMAINING ROADLESS LANDS THAT ARE POTENTIAL WILDERNESS

Agency	Total agency jurisdiction (million acres)	Classified wilderness		Proposals to Congress (million acres)	Congress mandated study areas (million acres)	Administration established study areas (million acres)	Remaining roadless (potential wilderness) (million acres)	Tota
		Number of areas	Million acres					
USFS	187.6	92	12.6	3.2	1.6	10.9	42.2	70.
NPS	31.1	17	1.1	14.0	10.6	.3		26.0
FWS	32.1	52	.7	7.2			13.8	21.7
BLM[1]	450.0				.3		89.5	89.8
Total		163	14.4	24.4	12.5	11.2	[2]145.5	208.0

[1] The BLM figures reflect the following. 120,000,000 to 140,000,000 acres, including some of the roadless lands, may be withdrawn or assigned to other agencies under the Alaska Native Claims Adjustment Act. The study areas are BLM primitive and natural areas which total 307,000 acres. Remaining roadless lands are minimum estimates, cited from H. Rept. 94-1163.

[2] Excluding any proposed allocations under the Alaska Native Claims Adjustment Act, these remaining roadless lands include the following agency estimates of acreage in Alaska: USFS 1[2],000,000 acres; NPS none; FWS 13,600,000 acres; BLM a minimum of 64 000,000 acres. Thus, a total of 95,700,000 acres of these roadless lands are in Alaska and 49,800,000 acres in the other States.

BYELORUSSIAN INDEPENDENCE DAY

Mr. CASE. Mr. President, I wish to congratulate all Americans of Byelorussian descent on the occasion of the 59th anniversary of the Declaration of Independence of Byelorussia. The Proclamation of Independence of the Byelorussian Democratic Republic took place in Minsk on March 25, 1918. True independence was short-lived, however, because Byelorussia was annexed by the new Soviet Socialist Republic on January 1, 1919, and the Byelorussian Soviet Socialist Republic was instituted.

Throughout its long history, Byelorussia has been subject to periods of domination by foreign powers—since 1386 by Poland, and since the Treaty of Vilna in 1656 mostly by Russia and then the U.S.S.R. In both world wars, Byelorussia was devastated—it was one of the chief battlegrounds between the Germans and the Russians. Thus, Byelorussia has a unique stake in peace in Europe. It is the only Soviet Republic other than the Ukraine to have individual representation at the United Nations. At the European Conference on Security and Cooperation in Europe, Byelorussia was not given individual representation. Nevertheless, the tragic history of Byelorussia gives it a particular interest in the humanitarian problems raised in the Helsinki Final Act.

As a member of the Commission on Security and Cooperation in Europe, I am especially concerned with the obligations which the Soviet Government has solemnly undertaken in regard to such areas as the reunification of families, freedom of information and religion, the right to binational marriages, and the rights of ethnic minorities. The activities of this Commission—for which I was one of the legislative sponsors—are keeping me informed of many developments in the ongoing struggle for human rights in the Soviet Union—including, of course, Byelorussia.

Once again, let me extend my best wishes today to all Byelorussian-Americans and let us all work together so that Byelorussians wherever they are, will be free to practice their religious, cultural, and political rights as they see fit.

OPERATION PUSH AND EDUCATION

Mr. GLENN. Mr. President, earlier this month I had the pleasure of meeting with Rev. Jesse L. Jackson, president of Operation Push. We talked about the hard and difficult educational issues facing the Nation, particularly those issues impacting most heavily on the black communities of the Nation.

Reverend Jackson is most forceful and articulate in presenting his national program "push for excellence." This program is a nationwide education campaign that stresses excellence, self-reliance, and total community involvement in and responsibility for the education of young people. Reverend Jackson is a young veteran of both the civil rights movement as well as the complex struggles being waged in our northern cities. He has the vision and the perspective to view today's problems as involving much more than dollars, programs, and ideological labels. Thus, he lays great stress on individual responsibility along with his calls for a society-wide commitment to excellence and morality as essential ingredents necessary to create an enviroment in which our programs and dollars might work better. It is a powerful message that needs broad distribution.

Mr. President, I ask unanimous consent that two articles describing the push for excellence program be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sun-Times, Sept. 26, 1976]

PUSH FOR EXCELLENCE

(By Jesse L. Jackson)

For nearly a year Operation PUSH has been engaged in a national education campaign. We contend that the present *atmosphere* around and *attitude* toward education must be radically changed.

Specifically, education must be seen by black and other oppressed people as essential to our struggle for liberation. Generally, education must be seen by all as essential to progress and as a civilizing agent.

Everyone agrees that excellence is a worthwhile goal. But push means something specific when we call for a "Push for Excellence" in education.

First, Push for Excellence is the recognition of the intrinsic worth and potential of every human person. Education is not a reward conferred only on those who succeed and win as competitors. Ultimately we must compete, not merely with others, but for our own unfulfilled potential. From this recog-

nition will come increased personal freedom and self-direction. We can pursue excellence without holding others less gifted or fortunate in contempt.

Secondly, Push for Excellence is a move toward self-reliance and away from dependency. That is what I mean when I say, "nobody will save us, from us, for us, but us." In our schools and in our society it is time for self-reliance to replace the dependency that has victimized too many of us. We must break the chains of mediocrity, striving mightily to achieve excellence in education as in all areas of our lives. Academic excellence is achieved by using the same formula as athletic excellence: sacrifice, discipline, duty and perseverance.

Thirdly, Push for Excellence is a total involvement concept. Parents, pupils, principals, preachers, teachers, businesspersons, politicians, civic and community leaders, and the media must all see good education as part of their responsibility. It has been too easy to hold the notion that the schools and professional educators have the total responsibility or capability for educating our children. We must redistribute *responsibility*, so that education will be seen as a shared function, benefiting all who participate.

Parents must provide care, motivation, chastisement and discipline in love. Students must be challenged with what they need and not coddled with what they want; given appropriate freedom and held responsible for exercising it. They must be taught, by precept and example, that a combination of sacrifice and self-reliance will take them further than a combination of liquor and "luck".

Professional educators must administer and teach with competence and enthusiasm. Preachers must view education as part of God's will. Businesspersons, politicians, the media, civic and community leaders must see education and support it, among other reasons, out of an enlightened self-interest.

At the teaching level, the Chicago Teachers Union must find ways of protecting the pay and benefits of the teaching staff without losing integrity and excellence. Teachers who are incompetent should be made competent or fired—with the understanding and support of the union.

At the administrative level, the ratio of one staff person to every eleven students (or approximately 48,500 employes to 520,000 students) should be examined, with a way found to increase the proportion of teachers while decreasing the proportion of administrators or overlapping bosses.

Saving children must be our first priority. Only a moral and ethical imperative will result in dedicated teachers, concerned parents and motivated students.

[From the Commercial Appeal, Sept. 20, 1976]

BUCKET WITH A HOLE

The message of moral revival that Rev. Jesse Jackson is taking to school systems across the country may belabor the obvious, but it holds as much promise as anything we have heard in recent years for the improvement of educational quality in the public schools.

As national director of Operation PUSH, Jackson has been identified with black militancy. Some Americans undoubtedly think of him as an agitator, a troublemaker, a man who manipulates mass emotions, especially those of poor blacks, to create confrontations and even violence.

But Jackson is a former lieutenant of Dr. Martin Luther King Jr. and a follower of King's philosophy of nonviolence. His militancy has been dictated by the circumstances of resistance to equal treatment and opportunity for minorities that traditionally have been held back by discrimination. It's a cause that many whites also support. And now Jackson is speaking to a problem that, as much as any other, crosses all lines of race and social and economic standing. All Americans should listen to what he has to say.

In an article in the Viewpoint section of The Commercial Appeal yesterday, Jackson told staff reporter Jerome Wright, "We have a bucket with a hole in it. It doesn't matter whether you put black water, white water or black and white water into the bucket. If it has a hole in it, it will not hold substance." The hole is what Jackson calls "the death of ethics . . . the sabotage of excellence."

Ever since the educational programs of the Great Society failed to uplift the educational achievement of students from poverty areas, educators and a disgruntled public have been tossing around for solutions to what has seemed at times an impossible problem. But achievement failures haven't been limited to the poor. National scores have declined across the board. Discipline has become a major concern in the suburbs as well as in the inner cities. The use of drugs and scorn for authority have bedeviled all. As Jackson said, the glorification of sex, violence, killing, hustling, rape and robbery has caused many youngsters to develop values of spiritual decadence. And many others, for whatever reasons, don't seem to be willing to put in the effort that demanding goals require.

Educators, backed up against the wall of accountability, have said repeatedly the schools can't remake society by themselves or change the attitudes of every child they see only six hours a day. Jackson concurs. He places the greatest responsibility for student behavior on parents. The moral authority needed to develop self-discipline and personal growth, he said in the Viewpoint article, must have its source in the home.

Jackson has suggestions for greater community involvement, especially by parents, in the public schools. He says he would like to see stricter standards for students to encourage them to strive for excellence. But such ideas have been repeated in a thousand variations at every PTA meeting and teacher convention for decades. The crux of Jackson's message is to say these things in a way that awakens.

"The mediocre students," he says, "are going to be mediocre adults. They are going to produce mediocre family lines, and families are going to disintegrate not because of a lack of money but because of a lack of adequate values. And children are going to grow up in split homes—not split levels—because the mother and father did not develop the capacity to learn how to live with other people."

To blacks, he says, "it is time, I think, for us to stand up, admit our failures and weaknesses and begin to strengthen ourselves . . . Racism and oppresion have to be fought on every front. But it takes strong soldiers to fight the battle."

The response to Jackson reportedly has been dramatic. Wright pointed out that another black would be called an "Uncle Tom" for saying the same things. A white person would be called a "racist" for doing it. Rev. Samuel B. Kyles, director of the Memphis PUSH chapter, told Wright it's amazing that students are listening to Jackson. "He speaks their language," Kyles said. "He is telling them to stop shuckin' and jivin' and straighten up, and they are applauding him."

Students and parents have heard the same challenge from teachers, principals, ministers and community leaders. They respond to Jackson because of his eloquence, his image and his credibility as a civil rights activist. But the success of the schools has to be founded on something more stable than a cult of personality. What Jackson says is more important than the man himself.

A major effort is needed to make parents aware of their responsibilities, even to hold them responsible for their children. Parents have to insist that their children behave with honor and decency, that they do the homework assignments given them, that they obey the teachers, that they respect other people.

Mrs. Bertha Jackson, a counselor in the city schools, backs up Jackson's statements. "You have only a handful of parents," she said, "who really participate in the schools. And their kids are the ones who are excelling."

Jackson has a program for the schools called PUSH for Excellence. Several school systems have started to use it. The program probably doesn't have all the answers, but it focuses sharply on the underlying weakness in public education and much of our society. It could give the Memphis school system a starting point for exploring ways to increase the responsiveness of parents and the community at large to the needs of the schools and their students. Young people must be made to realize what a lifelong stake they have in getting an education. And parents must be made to realize how important they are for their children's success in achieving productive life.

AN AURA OF AWE ABOUT CHAIRMAN BURNS

Mr. PERCY. Mr. President, on March 14, 1977, the New York Times printed a feature story entitled, "An Aura of Awe About Chairman Burns," by Clyde Farnsworth. The article was a profile on Arthur F. Burns, Chairman of the Federal Reserve. Mr. Farnsworth is correct in his statement that an aura of awe does exist around Chairman Burns. But Mr. Farnsworth misses the point when he attributes this aura to Chairman Burns' stature and dress, to the power of the "Fed," or his "philosophy of crusty, homebaked conservatism, seasoned with spices of academia . . ." The respect accorded to Arthur Burns in Washington is a direct result of what Arthur Burns has accomplished.

When Arthur Burns became Chairman of the Federal Reserve in 1970 the U.S. economy was well into an inflationary cycle caused by a Johnson administration belief that the U.S. economy could provide both guns for Vietnam and butter for America without drastic effect on our domestic economy. They were wrong. This inflationary pressure contributed to the collapse of the international monetary system between 1971 and 1973 and was exacerbated by an investment and commodity boom in 1973 and 1974. This economic bubble burst under the pressure of a fivefold increase in the price of crude oil in 1974. Subsequently, the economics of the non-Communist world have gone through the deepest recession since the Great Depression and the world economy is still under severe strain.

Through all of this tumult Chairman Burns has helped guide the U.S. economy, using the power of both word and deed, through the worst of the economic shoals. He is the first one to admit that the journey is not over and the U.S. economy is not functioning well enough. However, he has provided the vision and the voice that economic cycles are not rectified by quick political fixes. He has held to policies that have slowly squeezed the excess inflation out of our economy and hopefully will increase the flow of investment that is needed to create employment. He has stood against many

who have advocated, in the name of the people, dangerous policies whose only merits were extra votes from those who did not understand. The proposed $50 per individual rebate on 1976 taxes already paid costing the Treasury $11.4 billion when other means of economic stimulus are so readily available is a recent example of his sound thinking.

Many individuals in Washington honestly disagree with Chairman Burns, but they do it with respect. It is this profound respect that generates the aura of awe. In my opinion, both the aura and the awe are well-deserved. Mr. President, for the benefit of my colleagues I ask unanimous consent that Mr. Farnsworth's story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN AURA OF AWE ABOUT CHAIRMAN BURNS

(By Clyde H. Farnsworth)

WASHINGTON, March 13.—In the high-ceilinged committee chamber he sits alone at a big table, briefcase filled with charts and graphs to one side, pipe and paraphernalia to the other. His dark blue, ultraconservative suit brings out the salt and pepper shades of his neatly cropped gray hair. And, as Arthur F. Burns speaks, the words slide out in scratchy nasal tones slowly, precisely, with a sharp cutting edge.

When the chairman of the Federal Reserve Board sits before the House Banking Committee to disclose new quarterly targets for monetary growth, the words slice through a hushed, standing-room audience composed largely of bankers in expensively tailored pinstripe suits who have just stepped off the morning shuttle from New York. With the precious words stored in tape recorders or on note pads, the bankers troop back to Wall Street for afternoon meetings of interpretation on which million-dollar deals are hanging.

Before all the committees (Banking, Budget and Finance in both Senate and House) Chairman Burns—or simply The Chairman, he is frequently called—is held in the kind of veneration rarely accorded anyone in this city apart from the President. Whether or not Senators and Representatives agree with the Burns philosophy of crusty, homebaked conservatism, seasoned with spices of academia—and many do not agree with it—they hear him out with what can only be described as awe

What is the phenomenon of Arthur Burns? Whence derives his authority? Who is the man, and how does he operate?

Alexander Hamilton wanted to found an American central bank, but for more than a century all attempts to do so were either abortive or temporary. In the crisis of the 1890's it was the House of Morgan that floated a gold loan to save the credit of the United States Government.

Just prior to World War I Congress, finally asserting its right (as the Constitution says) to coin money and "regulate the value thereof," established the Federal Reserve System, independent of the executive branch. Woodrow Wilson went so far as to refuse to invite the original Federal Reserve governors to the White House for social occasions, fearing that it might jeopardize their independence. Removal of the Federal Reserve from the daily battles of economic politics—and from special groups seeking speculative advantage in the marketplace—was deemed essential if the new institution was to fulfill its functions of managing the money and checking inflation.

During World War II the Federal Reserve had to finance the war deficits with its dollar-printing presses. But what has come to be known as the Accord of 1951 restored the right of the Fed to refuse to finance with easy inflationary money whatever budget deficits an Administration might choose to incur.

The Fed's power, and that of Dr. Burns, is still far from clearly defined. Despite recommendations in the early 1960's by the Commission on Money and Credit to increase the powers of the executive branch over the Federal Reserve, the tradition has gained ground that the Fed is primarily responsible to Congress. But it's not even clear what this means, except that Dr. Burns has to tell the Congressional committees what he's doing.

President Kennedy could not get Dr. Burn's predecessor, William McChesney Martin, to go along with the Administration's expansionary economic policies. After informal pressures were put on it, the Fed did accommodate the Kennedy programs. A comparable situation exists today. Dr. Burns, in luncheons with Budget Director Bert Lance and Treasury Secretary W. Michael Blumenthal, is being subjected to informal pressures to accommodate the Carter plan to economic stimulus.

THE CHOICE OF A CHAIRMAN

But the Federal Reserve—as one student of the institution, Prof. Paul Samuelson of the Massachusetts Institute of Technology, points out—is not, and was never regarded as, a fourth branch of government. Its measure of day-to-day autonomy is subject to review by Congress. Its duty to confer with the executive is imperfectly spelled out, but Professor Samuelson and other persons (including the House Banking Committee chairman, Henry S. Reuss, Democrat of Wisconsin) believe this must become a concrete obligation.

"Since nature abhors a vacuum," Professor Samuelson says, "I believe it must be the Congress that sets out the longer-range range choices that the Federal Reserve is to implement in its day-to-day decisions." At a minimum, he says, legislation should be enacted that gives each incoming President the right to name the chairman of the Federal Reserve Board. Dr. Burns was appointed by President Nixon in 1970, and his term as chairman expires next January. Governors on the seven-man board have a 14-year term, so he can remain on the board (though not as chairman) until 1984.

Decisions of the Federal Reserve lead to crucial political tradeoffs between unemployment and inflation. In arguing for a shorter string in the Fed's responsibility to the executive branch or to Congress, Professor Samuelson declares, "No Professor Burns, no Professor Samuelson, no Dr. Burns, no Governor Burns can exercise, as a matter of his conscience and expert scholarly knowledge, control over the economic destinies of diverse groups, regions, and classes of American citizens."

A DOMINATING PERSONALITY

Autonomy of the institution accounts at least in part for the phenomenon of Arthur Burns. The other part of the story is the man himself. "He is a dominating personality," says an associate. "You sense it simply by the hush that falls over a room when he walks into it."

A former college professor at Rutgers and Columbia, Dr. Burns lectures the Senators and Representatives in the hearing galleries as if they were his students.

Answering a question on unemployment at recent House Budget Committee hearings, he went into a long discourse about the high jobless rate. He said there were many more women in the labor force because women were taking advantage of the "new opportunities life offers." He said that the cost of living had gone up for everybody and that, since "Americans do not want a decline in their living standards, inflation causes upward "pressure on the labor force." He said Congress had made unemployment "attractive for some members of our general public who lack energy." In addition, he said there were "serious deficiencies" on the investment side.

WHEN IT'S TIME TO SUM UP

The Budget Committee's chairman, Robert N. Giaimo, Democrat of Connecticut, tried to sum it all up: "If I infer correctly, what you are saying is that the unemployment problem is really one of women and young people."

"Oh," said Dr. Burns, taking a long puff at his pipe and timing his reply for maximum impact, "I said a good deal more than that." The gallery broke up in laughter. Mr. Giaimo, laughing heartily himself, interjected: "Thank you. I will stand on the inference."

Dr. Burns's constitutency is the conservative business and banking community. He talks what businessmen consider to be "good sense" to the politicians, and they identify with him in his constant battle with the politicians to curb Government spending and check inflation. At a moment when efforts are under way to revive business confidence as an ingredient for economic renewal in the nation, his identification as a symbol of that constituency makes it extremely difficult for any politician to tangle with him. This is another major source of his power.

His independence allows him to speak with certain candor, making the lively Burns hearings perhaps the best show in town.

For instance, he tells the Representatives that everyone is concerned over the plight of the poor, but he goes on to say: "What I find missing in much of our thinking today is that we forget that there is such a thing as the middle class, that the great energies of our people are largely concentrated in that class and that, when we start manipulating taxes and so on, we tend to ignore that class. Perhaps that is right and proper from some social viewpoint. But, from the viewpoint of energizing the economy, we are definitely making a mistake."

IMMIGRANT FROM AUSTRIA

And he drives home a point in a discussion of the reforms of the 1930's. The New Deal, he recalls, "introduced one measure after another to reform our financial system" as well as labor practices and public utility setups. "The reforms served our country well, but the recovery lagged and the decade of the 1930s was a decade of depression. Now if the reforms had been spread out, if the accent originally had been on recovery, I think that we would have avoided much of the heavy unemployment of those times. Therefore, when thinking of a quick way of stimulating the economy, I would say put reform to one side."

Dr. Burns came to the United States as a youth from Austria, where he was born in 1904. The hyperinflation of that country in the 1920's made a deep and lasting impression on him and probably accounts more than anything else for his encrusted conservation. To him it is a crime to have even 5 to 6 percent inflation in the United States, let alone the double-digit rates of a few years ago, which he ascribes in large measure to the unwillingness or inability of the Johnson Administration to get the taxpayers to finance the war in Vietnam.

"I think inflation is still raging in our country," Dr. Burns tells the legislators, and his position is that the Federal Reserve Board is doing far more than it should be to accommodate that inflation. But if he curbs the growth of the money supply and drives interest rates higher he would in effect be tearing up President Carter's stimulus package of tax cuts and new-jobs spending.

PRIVATE UNIVERSITY EDUCATION

Mr. MOYNIHAN. Mr. President, America's private universities and colleges are surely an educational and cultural resource of incalculable value to our

country. Yet, in recent years, much has been written about the future of private university education; most of the more dire predictions center on the financial problems which these institutions must overcome. We know that one dramatic change in private higher education in America has been the growing financial involvement of the Federal Government—but that involvement has not been without cost or controversy.

A particularly illuminating analysis of these questions was offered last December by William McGill, president of Columbia University, an institution that is older than the State of New York itself and certainly one of the most distinguished universities in America. Because of the timeliness of William McGill's remarks, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

GOVERNMENT REGULATION AND ACADEMIC FREEDOM—UNIVERSITY CENTERS FOR RATIONAL ALTERNATIVES CONFERENCE

In his annual report of 1926–27, President Nicholas Murray Butler advised the Trustees of Columbia University of a painful truth already quite well-known to them. The task of formulating the University's budget for the year ending June 30, 1928 had proved to be one of "exceptional difficulty and embarrassment." Expenditures for University operations were anticipated to be $8.6-million. The budget would be in balance if the general income of the University apart from gifts and endowments were as large as $6.2-million, but the most optimistic income estimates yielded only $5.8-million. Hence the President contemplated the embarrassment of an operating deficit in the 1927–28 academic year amounting to more than $400,000. Butler, making full use of the pious language which university presidents reserve for the most painful financial moments with their trustees, observed that "the estimated deficit was kept even at this very large sum only by declining to make appropriations urgently asked for and really all but necessary for the effective carrying forward of the University's work."

Having used nearly the same rhetoric last May to divert a new generation of Columbia Trustees from the star reality of a projected operating deficit in 1976–77. I can appreciate Butler's embarrassment as thoroughly as I can savor his faultless display of presidential legerdemain in slipping a bad budget past a skeptical board. It is almost as though nothing had changed in the last fifty years at Columbia. But closer observation reveals that a great deal has changed. The essential circumstances governing that change have brought us together in this conference to discuss the proper role of government in higher education.

The budget which I expect to bring to the Columbia Trustees next April will forecast university expenditures in 1977–78 approximating $230-million. Roughly $70-million of that figure will be generated by the university's instructional activities. Another $70-million will come directly from the federal government via programs of research support and student aid. An additional $25-million of our budgeted expenditures will come to us from New York City and New York State. Substantial portions of this funding have their origins in federal programs.

Nicholas Murray Butler's budget for Columbia University in 1928 had no government money in it at all, whereas nearly one-third of my budget in 1978 will be paid for in Washington. During the last fifty years we have entered into a remarkable partnership with the federal government. In so doing we and government have managed to create an extraordinary educational enterprise contributing greatly to the advancement of our nation. The partnership has fostered standards of excellence in colleges and universities across the nation unmatched elsewhere in the world. It has generated an almost unbroken sequence of American accomplishments in science and in the arts since the Second World War. These achievements have projected our country and our educational system into positions of world leadership. I need not belabor this sophisticated audience with the obvious caveat that this major accomplishment did not happen by accident. It was built out of the brains and the labors of extremely capable men and women working cooperatively over many years to create an educational system that has now trained increasing numbers of even more capable men and women. The evidence of success is clear as the Nobel Prizes begin to roll in, and as our remarkable economy manages to adjust to the rigors of a hostile world environment in which we can no longer claim to control a significant portion of the resources consumed by our industry and by our standard of living. Our technology continues to be the marvel of the rest of the world, and of course it has been built upon a foundation of higher education.

In comparing Butler's budget of 1928 with Columbia's budget forecast for 1978, I should also note that the 1928 expenditures in each of the traditional major categories of expense are now multiplied by a factor of about twenty. The last fifty years have not produced a major expansion of the University either in its student body or its faculty. We have gone from about 12,000 students and 2,000 faculty in 1927 to about 16,000 students and 3,700 faculty in 1977. The very large increases in our dollar expenditures are due chiefly to the inexorable force of currency devaluation over the last fifty years. Endowment earnings are systematically eroded in times of inflation by the operation of what seems to be an economic law affecting institutions dependent upon the delivery of costly professional services. Investments tend to increase in yield at a rate determined by inflation in the productive areas of the economy, whereas a university's operating budget grows at a substantially higher rate since costs of professional services cannot be controlled by enforced productivity changes. This means that in times of inflation endowment income grows more slowly than operating expenditures.

The financial pressures experienced by Columbia during the last fifty years have forced us to search for new sources of current income. Accordingly our partnership with the federal government was not entirely voluntary. The more than twenty-fold inflation of our basic costs over the past fifty years, coupled with the inability of our endowment to keep pace, led us to turn increasingly to the government for financial assistance. During the 1950's Columbia University crossed a fundamental threshold that will determine the basic structure of the University for at least as long as we are alive. In this period and for the first time in Columbia's long history, a yearly infusion of federal resources became absolutely necessary for our operation and for our survival. It is a fortunate thing that Columbia's emerging need for sources of revenue over and above tuition and endowment earnings happened also to coincide with the federal government's decision to turn to the major research universities for a unique kind of public service. These universities were given stewardship over the nation's expanded commitment to basic research and advanced teaching. The threshold was passed in 1957 when the Soviets launched their Sputnik beeping to the world its message of technological superiority. After Sputnik the involvement with government initiatives in higher education, and the dependence on federal funds for expansion of facilities and mission, was such that no major American university would ever be the same again. On our side at least the new federal partnership was born in part because of serious financial needs and in part because of understandable aspirations to excellence. Despite Columbia's ancient charter, and despite our reputation as one of the world's great independent institutions, we are no longer a truly private university. We are now acutely and critically dependent on the federal government not only for roughly one third of our annual operating budget but for the sustenance of the intellectual activity of perhaps half of our faculty. In this respect we differ only in trivial ways from the fifty or so other large universities in the United States, both public and private. There is no substantial qualitative difference between Columbia, Berkeley and Michigan for example. Each of us holds substantial private resources, and each of us is also critically dependent on major federal support to insure the quality of our scholarly activities. Berkeley and Michigan happen to go to their legislatures annually to meet the costs of faculty salaries and to maintain their physical plants. Columbia passes most of such costs through to its students in tuition charges. The difference does not seem to me to be crucial in defining the style of operation of the three universities. Each of us functions in essentially the same way and none of us could survive in anything remotely resembling our current configuration without a transfusion of resources received each year from the federal government. Columbia ranked 7th in the nation in the dollar amount of federal support in 1975, whereas Berkeley ranked 11th and Michigan 12th.

I have offered this somewhat unusual treatise on the elements of modern university financing as a preliminary argument in order to make clear the vulnerability of the nation's major universities to currents of change in federal policy. President Nixon was not misdirected in threatening to cut off federal grant support for MIT when he became furious with the policy advice given by MIT's president. Mr. Nixon was angry enough to want to destroy MIT, and in his own inimitable fashion he chose the surest and deadliest way of doing it. Fortunately no one else in the government took him seriously. His intemperate outburst illustrates more clearly than any reasoned argument how vulnerable large universities have become to federal economic attack. We are totally dependent upon the cooperative efforts of an enlightened citizenry and wise public officials for providing the necessities of political freedom and assured financing on which our stability rests. Nicholas Murray Butler could plan Columbia's activities in 1927 with evident disregard for the impact of federal support of his University. Butler's successor in 1977 is virtually obsessed by the problem. That has happened not just to Columbia but to every university in the United States during the last fifty years. It is, as I have said, a fundamental change and there will be no turning back.

Have we in fact traded away our political freedom for federal dollars? There are now insistent voices in the academic community claiming that this is really what has happened to us, but a more temperate analysis suggests that the partnership between the federal government and American education was not only inevitable but has proved to be immensely beneficial to most universities. No institution can afford to build and equip the major instructional facilities or to design and implement the advanced curricula demanded by the march of human knowledge without going heavily into debt. The cost of educating a medical student in the United States is now in excess of $20,000 annually.

Would it be better to pass on such costs to students in heavy tuition charges or should the government be asked to share the burden with us? It is claimed that we should not have first class science facilities and modern instructional programs in American universities or that we should not educate medical students because we cannot afford to do so without federal assistance? That is the dilemma. The angry voices in the academic community, claiming that we have sold out our academic freedom in pursuit of federal dollars, seem determined nevertheless to enjoy all the benefits of federally supported educational excellence. They want their chief administrators to increase federal economic assistance and at the same time to eliminate federal oversight of colleges and universities—no minor accomplishment!

Nothing draws American academics to the barricades more readily than threats of government interference with the internal affairs of a faculty, or attempts by public officials to limit what a faculty might think or teach so as to conform to political standards of orthodoxy. I have spent all my adult life in universities and have experienced a great deal, yet I continue to be amazed at the way in which even I can become stirred by struggles involving academic freedom.

For three years the University and I waged a bitter struggle with the Soviet Union in order to secure an exit visa for Vitaly Rubin, a Soviet professor of Chinese language and culture, permitting him to come to Columbia in order to take up an appointment as a visiting professor. The Soviet government refused on the ground that Rubin was the possessor of state secrets. We were outraged to see a fellow academic refused the privilege of a visiting appointment at Columbia because his government had subjected him to such a ridiculous political test. Then suddenly last June we were notified that Rubin was free. When he arrived at Columbia in September I wept openly to think that our public struggle had not only restored Vitaly Rubin's academic freedom but had given new hope to countless unknown professors elsewhere in the world laboring under the cold scrutiny of oppressive governments.

When I was a graduate student at Harvard, I experienced the chill engendered by Senator Joseph McCarthy's merciless public handling of a fellow graduate student whose crime happened to be that he believed in Marxism. It was frightening to see close at hand the damage to one individual's life caused by an irresponsible public official interested largely in personal publicity.

Years later when I became Chancellor of the University of California, San Diego I found myself jousting with the American Legion, the people of San Diego, the California legislature and even the Governor, as they all sought to force in aging Marxist philosopher, Herbert Marcuse, from his post on our faculty on the ground that his teaching posed a danger to the community. The memory of Senator McCarthy made me very difficult to deal with on that occasion.

At Columbia in 1971 I experienced the threats and insults of the Puerto Rican Independence Party as they sought to prevent Arturo Morales Carrion, then a visiting professor, from teaching his classes on Morningside Heights because they disagreed with his version of Puerto Rican history. Professor Morales Carrion taught his classes protected by security guards, but he taught them. He was recently elected President of the University of Puerto Rico. We now laugh about the incident because it is his responsibility to defend unpopular professors just as I once had to defend him.

These academic freedom battles were easy because the offenses were gross. The imperative need to resist incursions on the freedom of a teacher in his classroom was perfectly clear to everyone. The heavy boot of oppression was evident and no great qualities of mind were required to detect it. One needed only the courage to resist. And of course over the years we have managed to win most of these struggles. American public officials and crusading groups now rarely attempt to interfere directly in faculty appointments or in classroom and laboratory activities. They have found the American academy to be both explosive and persistent when our academic freedom is challenged. Hence, most of our current efforts are directed at recalcitrant officials in the Soviet Union, in South America, and the Middle East.

Our dealings with the federal regulatory establishment pose a much more subtle set of questions. We are struggling not with political zealots but with bureaucrats, ordinary government employees carrying out what they perceive to be the requirements of public policy. In order to understand whether or not this bureaucratic environment offers a genuine threat to the freedom of the academic community we need to look more closely at the nature of the regulatory process.

The topic of federal regulation is now almost a commonplace gripe among executives attempting to manage enterprises subject to federal regulatory control or dependent on federal resources. There is no doubt that such regulation has been accelerating with unusual rapidity during the last decade. During a recent session of the American Assembly at Columbia a St. Louis banker, Leonall C. Anderson, noted that the Federal Register, where agencies publish their regulations, had grown from 3,450 pages in 1937 to 35,591 pages in 1973, 45,422 pages in 1974 and 60,221 pages in 1975. Not long ago a business colleague pointed out to me that during the past year Congress enacted 402 laws, whereas in the same period 7,496 new federal regulations appeared. The sheer expansion of the regulatory framework attested to by these statistics is both astonishing and worrisome. What began at the turn of the century as a somewhat hesitant attempt to control public utilities and other monopolies, has become in our time a vast legal and bureaucratic apparatus for the public management of nearly all forms of commerce, universities included.

No experienced university president would think of criticizing a process that has liberated America's minorities, protected our consumers, and provided a standard of living for American workers unequalled elsewhere in the world. Clearly this socially oriented regulation of business has strengthened our society and buttressed it against revolutionary pressures inherent in the growth of industry. A well-established body of law implements the regulatory process. It has been studied and shaped by our law schools and political science departments over many years, but administrative law tends to be less well understood by faculty in other fields. Most of the rest of us tend to confine our interest in the law to the Constitution and the Bill of Rights. Clearly that is not a sensible way to deal with regulation. Constitutional doctrine is not entirely relevant to regulatory practice.

As I have suggested, federal regulation is hardly an unmixed blessing. Among other things it has sponsored a formidable bureaucracy in Washington and in countless other outreach offices. This bureaucracy supervises vast programs of salary and wage administration, personnel management, equal opportunity regulations, pension rights and retirement benefits, health and safety regulations, expenditure audits, rules on accounting, record-keeping, and reporting of commercial transactions. The list grows longer every day. Today any enterprise dependent on federal funds must, as a matter of course, organize itself to furnish a continuous flow of documentation to regulatory agencies in any of these areas. The paper flow is truly stupendous. I would estimate that Columbia University spends easily in excess of $1-million each year just in meeting its various federal reporting obligations.

We must also be prepared to submit to the quasi-judicial judgments of the regulators in disputes that are bound to arise from time to time in the conduct of our activities. During the past five years, for example, we have been in periodic difficulty with the Office of Civil Rights of the Department of Health, Education, and Welfare on the adequacy of Columbia's Affirmative Action Program. After much public trauma a major submission was made by the University in 1972 and eventually approved by HEW. Last June we received a notice from the agency disallowing our 1972 Affirmative Action Program and calling for improved data based on recent changes in regulations as well as new guidelines governing the submission of such plans. The letter of disallowance was accompanied by a long and carefully drawn document citing the deficiencies in our plan of 1972. This kind of problem no longer throws us into panic. We have tried to organize ourselves to achieve affirmative action compliance via the development of a modern personnel administration under the direction of an experienced Vice President for Personnel Management, but the effort has taken a great deal of money as well as a great deal of our attention, and it is still by no means complete.

Recently we were sued by a group of thirty of our employees, university maids, who charged that we had entered into an illegal labor contract with a union because the distinction between janitors and maids provided in the contract was a form of sex discrimination. On this ground we were charged with various offenses and violations of the Equal Pay Act. Actually, of course, we were not sued by the Columbia maids but by two very able young lawyers who sought to represent the maids against Columbia and thereby to project themselves into national prominence. I was particularly privileged in this case to be sued personally by two successive Secretaries of Labor who joined the maids in their action against the University. In such matters one cannot make basic mistakes although I suppose I can always show my grandchildren the legal papers in which Secretaries Brennan and Dunlop take dead aim at me.

Fortunately we won the case in court. We had originally sought to lay off the maids in order to reduce our building maintenance budget by $100,000. At the conclusion of the litigation we found that there had been no layoffs and the legal costs of our defense exceeded $50,000. The principal outcome of the suit was that our labor contract was modified to provide for "light cleaners" and "heavy cleaners" without distinction as to sex. I do not see it as a great intellectual or administrative advance but that seems to be the way in which the Department of Labor wants it, and our policy is to keep Columbia out of trouble. Evidently any administrative initiative that begins as an attempted expenditure reduction of $100,000 and ends with not only no savings but an added $50,000 in legal costs is hardly the way to administer a university in today's hazardous environment. I will not make that kind of mistake again!

Currently a large number of women employees, including many faculty, have filed a complaint with the Equal Employment Opportunity Commission charging the university with maintaining a discriminatory pension benefit plan. Women employees with the same salary history as male employees nevertheless receive smaller monthly retirement payments because their expected lifetime is greater according to insurance actuaries. The problem is that Columbia does not administer the retirement plan at all. We subscribe to the TIAA-CREF program

which has been offering retirement benefits to university employees all over the country for almost sixty years predicated on the principles now under challenge.

The action is directed against the university rather than TIAA–CREF because we could have elected to purchase added benefits at our own expense, assuring equal retirement payments to men and women. Our lawyers tell me the Department of Labor treats the TIAA–CREF retirement plan as acceptable whereas EEOC does not. The university is thus caught in the middle of a regulatory dispute between two federal agencies.

Finally, I will mention that two years ago, a letter of complaint written by a graduate student to a local congressman led to an in-depth investigation of Columbia's Chemistry Department by OSHA, the federal Occupational Safety and Health Administration. What happened was that a senior member of the Department of Chemistry contracted cancer and died. In cleaning out his laboratory, the Department discovered a low level of residual radiation from several bottles of radioactive salts left on the laboratory bench. This was reported routinely to the University's radiation safety officer. There was no problem and there never was any danger, but a physics graduate student who had been sponsoring political demonstrations against his Department claiming their involvement with the JASON group of the Department of Defense, found out about the incident and reported it to OSHA and also to his congressman. He warned of a radiation hazard in the Department of Chemistry at Columbia. The congressman did what he had to do in the circumstances—he passed the complaint off to OSHA. The next thing we knew we were being investigated. Of course, it all came to nothing, but for awhile we were very worried about and very busy with the formalities. In fact, the entire affair could have been settled by a phone call to a responsible administrator or the Chairman of the Chemistry Department but things seldom work out that way in areas subject to federal regulation.

These few incidents will suffice to show the character of the regulatory process as it is currently being experienced in colleges and universities. The list might have been amplified one hundredfold but I have spared you a full accounting of audit disputes, IRS investigations, Labor Relations Board rulings, and other common problems. Each of the matters I have cited suggests a special difficulty to which we might address ourselves constructively as we consider what might be done to diminish the adversary character of regulation of universities. The basic issue of academic freedom seems to me to be closely related to the adversary approach taken by the regulators.

University people accustomed to thinking in terms of constitutional protections find the Federal Register to be quite a revelation. It is, as I have said, a set of published standards describing in legal language the manner in which federal agencies will interpret and enforce the titles of legislation that require supervisory activities by the government.

Typically such legislation will state a requirement in the form: "No funds appropriated under this act may be disbursed to educational institutions which as a matter of policy do such and such"—for example, "which bar military recruiting on campus". The entire requirement may be set down in no more than ten lines of legislation, but the pertinent regulation will then often develop the federal agency's interpretation of the meaning and scope of the legislation in several thousand lines of detailed controls. The now well-known rules governing Title IX of the higher education amendments of 1972 are a good example.

One of the major features of the regulatory process is that regulations are typically cast in such a way as to place the burden of proof of good behavior on the defendant institution, reversing the ordinary requirements of legal procedure. This means in effect that every silly claim is investigated seriously and a great deal of time must be devoted by both agencies and universities to the handling of frivolous and trivial complaints. As a consequence the regulatory agencies find themselves buried beneath a paper mountain of ultimately worthless allegations. The incident at Columbia in which a graduate student's complaint about a radiation habard in the Department of Chemistry led to an OSHA investigation illustrates this difficulty nicely.

It is a situation which cries out for the concept of an administrative action threshold placing an important part of the burden of establishing the seriousness of a complaint on the complainant himself. Federal agencies should be prepared to exercise their power only in the most serious matters.

Presently there seems to be no effective review mechanism governing the correspondence between the regulatory language and the intentions of Congress in framing legislation. Thus for example, we have recently seen the ridiculous circumstance in which the President of the United States was forced to intervene personally to deter HEW from prohibiting father-son affairs in school districts on the ground that they constitute a form of sex discrimination barred by Title IX. Certainly this is not what Congress intended. There is little doubt that congressional review of regulations would avoid their misapplication to cases having little or no merit and there is no doubt at all that such congressional review can be carried out.

Congresswoman Edith Green wrote a provision in Title IX of the Higher Education Amendments of 1972 requiring that the text of the proposed regulations be specifically reviewed and approved by the Congress. It was an extremely good idea. We cannot guarantee that Congressional review would control the growing numbers of questionable regulations although I believe that to be a likely consequence if the review were carried out broadly. More important, in my judgment, is the fact that congressional review and supervision of regulations would assure correspondence between regulatory language and congressional intent. Thus we might put to rest one of the most frequently expressed complaints about the federal bureaucracy, namely, that it is a unique form of government by the non-elected.

One of the first tasks to which the new administration should address itself if it intends to limit the almost cancerous growth of regulatory initiatives by government, ought to be the maze of bureaucratic conflicts and overlapping jurisdictions that have developed around the important social legislation of the last two decades. The case of Columbia's women employees charging a discriminatory pension plan under guidelines provided by EEOC offers a good illustration of the problem. Columbia's administration relies on guidelines followed by the Department of Labor, and it is plain that the two federal agencies seem to be in basic disagreement on what constitutes sex discrimination in retirement benefits. A University cannot act in such circumstances without inviting attack from one aggrieved party or another. In this instance it is women faculty who filed the action, and EEOC is pursuing it. If we or TIAA–CREF were to move to unisex mortality tables in determining our pension benefits we would almost certainly invite suit by male faculty who could claim that they were being forced to pay for extra pension benefits for women. In this claim they would appear to be supported by the policy of the Department of Labor.

As we deal with the government on matters of affirmative action in employment and promotion, universities must work with the Office for Civil Rights of the Department of Health, Education, and Welfare and the Office of Federal Contract Compliance of the Department of Labor. These two agencies appear to coordinate quite will but when compliance disputes develop, their staffs have been known to give different brands of advice, forcing universities to follow two different tracks of conflict resolution among the federal departments.

And of course, it is well known to this audience that an employee charging race or sex discrimination in employment has almost unlimited recourse to advocacy of his claim by a veritable maze of city, state, and federal agencies. Few of these agencies recognize the jurisdiction of the others. I know of at least one case at Columbia in which a terminated member of our research staff took his case to all four jurisdictions (including EEOC) during the last five years. It pains me even to think of the money expended in unnecessary legal costs attributable to the necessity of responding to the same charges in multiple jurisdictions.

I have sought in these remarks to address myself to what I take to be the real problems, and not to stress the familiar litany of complaints asserted by university people in response to the federal requirement for submission of goals and time tables for increasing the utilization of the so-called protected categories in university affirmative action programs. Columbia University was one of the first to come under federal scrutiny in 1971 because of the inadequacy of its federal reporting on matters of affirmative action. We said then that we were willing and anxious to meet federal regulations on affirmative action. The fact is that we believe in equal opportunity and we acknowledge the ugly history of discrimination in the United States. Of all the institutions of society, universities should be prepared to exercise leadership in the national commitment to break down race and sex discrimination in employment. Our problem was the inadequacy of our data analysis. We sought promptly to correct those deficiencies. Accordingly, Columbia was one of the first universities to achieve a federally approved affirmative action plan in 1972. There has never been any attempt by the government to treat the goals and timetables we submitted as though they were contractual obligations. We have dealt with HEW in good faith and the agency has dealt with us in the same way. On the essentials of affirmative action we agree with the intent of the law and the regulations. We see such matters as issues of moral principle and we are committed to lead in breaking down all vestiges of discrimination in American life.

The major problems associated with affirmative action plans seem to me not to be in the area of academic freedom but in the rigidity of the regulations themselves. In 1972 several of us made urgent representations to the Secretary of HEW, that the use of principles identical to those applied earlier with business firms would wreak havoc among us. The regulations required that responsibility for employment policy be highly centralized in the personnel management function. Any university, as we all know, operates best on a loosely coupled collegial organization in which each academic unit is primarily responsible for supervising its own conduct. If the president of the university were to attempt to dictate enforcement of affirmative action in tenure actions by departments, it would be a certain prescription for campus warfare. Yet the regulations are written assuming such managerial control. We suggested to the Secretary of HEW that special guidelines should be developed after consultation with universities on the specifics of such problems. To the great credit of HEW this was done, but there was very little give and take between the universities and the HEW regulators in the development of the guidelines. Our goal of working closely

with federal agencies in the development of practical and enforceable guidelines could not be realized. Of course, the agencies are faced with continuous political pressures from representatives of the so-called protected groups. Regulators cannot appear to be in league with universities or subject to the charge that they have entered into cozy agreements which have the effect of perpetuating employment discrimination. This has always been the dilemma of regulatory bodies. The adversary polarities in society prevent regulatory agencies from working closely with the institutions they regulate. For instance, several of us have sought to point out the scientific inadequacies in the so-called utilization analyses in affirmative action plans. Members of protected categories currently employed are compared with expectations based upon random sampling from a pool or universe of qualified potential employees. Under-representation is treated as an inadequacy to be corrected by setting appropriate hiring goals. The problem with this argument is that it assigns spurious precision to the discrepancies which every student of probability theory knows to be subject to random fluctuations. There is a well-established body of knowledge for making valid estimates in the face of random fluctuation, but it does not appear in the mechanics of the regulations. They will therefore be viewed skeptically by knowledgeable university people, but any attempt to introduce probability theory at this point would no doubt lead to a political struggle on the ground that HEW was becoming soft on enforcement at universities. The regulators have their problems too.

We have urged HEW to develop a graded series of sanctions for dealing with noncompliance. At present affirmative action regulations are written at the maximum level of enforcement. You must comply or face a cutoff of federal funds. Clearly a university with a faulty personnel management system or inadequate data reporting should not be placed in the same jeopardy as a state which creates publicly supported private academies in order to avoid desegregation. Yet the regulations provide no flexibility for dealing with minor inadequacies or limited non-compliance. One entrenched and misguided department chairman can bring an entire university under federal threat. It would be more reasonable and perhaps also more just if federal regulators could direct their pressures pointedly at the malingerers.

Certainly it is the case that the regulatory code makes the power of federal agencies very great in relation to the recipients of federal funds. The only prudent course for institutions dependent upon federal funds is to attempt to comply with all applicable regulations and stay out of trouble with the government. This, however, implies a parallel obligation on the part of government to review and supervise its regulatory code in order to insure that it accords fully with the intentions of Congress.

Similarly the government must act to minimize the regulatory burden by eliminating jurisdictional and policy ambiguities among federal agencies in the enforcement of regulations.

Finally, the government, having established a public policy in the form of laws we are all obliged to accept, must make a determined non-adversary effort to work closely with regulated institutions in order to insure that the mechanisms of regulation are reasonable, just, and flexible.

A recipient of federal funds who feels himself mishandled by a regulatory agency can always take his complaint to court. But this involves months and sometimes years of litigation. Columbia's dispute with its maids illustrates this dilemma. It is cold comfort to discover at the end of a long court case that you have won your point at the expense of very heavy legal fees. Few people prefer to go broke in a just cause. Such disputes never should be brought to a negotiated peace in some alternative form of dispute settlement matched to the subtlety of the issues involved.

Last spring the Chief Justice of the United States appeared before a judicial conference in St. Paul honoring the 75th Anniversary of Roscoe Pound's famous 1906 address to the Bar Association on "The Causes of Popular Dissatisfaction with the Administration of Justice". He observed that the federal courts were heavily overburdened and much too taken up with procedural and jurisdictional disputes. He urged the removal from the adversary courtroom process of a variety of personal disputes: divorce, child custody, medical negligence, probate among others, in the hope of creating a more effective and a more responsible legal system.

It saddens me to observe that the United States has drifted into an unparalleled growth of adversary struggle. The emerging social order appears to be one in which policy at all levels is forged out of the struggle of narrowly based constituency groups at war with one another, each pressing for its own special interests. One aspect of this struggle is the remarkable recent growth of federal initiatives in regulation. I believe it to reflect an activist political philosophy that seeks desirable social goals by direct intervention into the operation of society's institutions, rather than by the patient application of social incentives. The impact has been stunning, and the protests over government by a bureaucratic elite rather than by elected representatives appear to be growing. Presidential candidates now campaign vigorously against the bureaucracy, but no President has been able to mold it to his policy or to limit its growth.

It is time to pay some attention to this problem. Federal regulation, if carried out fairly and responsibly and if aimed at genuine abuses, is a clear necessity in a free society. Twenty years of experience with America's civil rights problems has taught us that federal regulation is a necessary mechanism for the governance of a just society. But coercive regulation as an exercise of power by inexperienced young advocates of narrow constituency groups is very dangerous indeed and must be curbed.

Is federal regulation a threat to academic freedom? I would have to conclude that it is not in principle, and certainly not yet, but we appear to be moving in worrisome directions.

LETTER TO PRESIDENT CARTER

Mr. METZENBAUM. Mr. President, this morning I delivered to President Carter a letter supporting the President's commitment to a foreign policy based on the protection of human rights. The letter was cosigned by 58 liberal, moderate, and conservative Senators from both political parties. It is an unmistakable signal to all nations that the President's commitment is shared by all Americans and will continue to be the foundation of our foreign policy.

I ask unanimous consent that the text of the letter, and the names of the cosigners be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 23, 1977.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In the three months that you have been in office, you have expressed a strong commitment to the ideals of human rights and individual freedom. While this concern is not new for our Nation, its eloquent expression by your Administration serves as further evidence to foreign governments and to the American people that our Nation's concern for human rights is no less valid or strong today than it was 200 years ago.

We freely concede that we, too, like all nations, have unfinished business in human rights, but you have properly reminded the world that there can be no true understanding among nations unless formal pledges about human rights are implemented. Your statements imply no special status for America, but simply demonstrate a world-wide commitment to the belief that human rights must be clearly stated and energetically pursued.

American leadership in the field of human rights will be welcomed both by our own citizens and overwhelmingly by the peoples of the world. We support your efforts to tell the nations of the world that American foreign policy will continue to be dedicated to the cause of freedom.

Sincerely,

Alan Cranston, Frank Church, Hubert H. Humphrey, Henry Jackson, Howard M. Metzenbaum, Birch Bayh, Mark Hatfield, and Clifford P. Case.

Gaylord Nelson, Richard G. Lugar, Harrison A. Williams, Jr., Edward Zorinsky, Dennis DeConcini, Spark Matsunaga, Thomas McIntyre, John A. Durkin, John Culver, Daniel K. Inouye, Jacob K. Javits, James B. Allen, Lloyd Bentsen, Lee Metcalf, Edward S. Muskie, Edward M. Kennedy, Tom Eagleton, Gary Hart, Howard W. Cannon, Ernest F. Hollings, Warren G. Magnuson, Sam Nunn, Dick Clark, Orrin G. Hatch, and Charles H. Percy.

Richard Stone, Wendell R. Anderson, Strom Thurmond, D. P. Moynihan, Edward W. Brooke, Lowell P. Weicker, Jr., John Melcher, George McGovern, Adlai Stevenson, Paul Sarbanes, Abraham Ribicoff, S. I. Hayakawa, William Proxmire, John Sparkman, Robert C. Byrd, Patrick J. Leahy, Claiborne Pell, John Danforth, Robert Stafford, Jesse Helms, Walter D. Huddleston, John Glenn, Herman E. Talmadge, Jim Sasser, and John H. Chafee.

THE IMPORTANCE OF UNITED NATIONS PROGRAMS TO THE NATIONAL INTERESTS OF THE UNITED STATES

Mr. HUMPHREY. Mr. President, yesterday, Charles Maynes, Assistant Secretary-Designate for the Bureau of International Organization Affairs of the Department of State, testified in support of the administration's request to fund IO programs in fiscal year 1978. I want to call my colleagues' attention to both Mr. Maynes' prepared statement and the remarks I made in opening the hearings before my Foreign Assistance Subcommittee.

My concern, as I pointed out in my statement, is that the Congress spends little time studying U.N. programs in general. As a result, congressional perceptions of the United Nations represent only a surface examination of the U.N. system.

As I noted:

Very few people in this country, or the Congress, realize the important daily contributions the U.N. system makes to the well-being of millions of Americans.

Mr. Maynes' testimony was particularly effective in gaining a deeper insight into our voluntary contributions to U.N. and other multilateral assistance programs. As he pointed out:

To us these agencies are an essential element in our quest for global prosperity and the search for creative solutions to problems which are of concern to all of us. As the world's greatest industrial power we are direct beneficiaries of a prosperous and developing world economy. Thus, the activities of these agences have a direct bearing on the living standards of American workers and consumers. It is increasingly clear that our economic fortunes are interlocked with those of the developing countries where our investments are going and on whom we depend for resources and markets. The programs in-place, functioning and capable of acting, spur the global economy and address social and economic dislocations as well.

Of particular interest is the fact that the U.N. programs such as UNDP are nonpolitical in nature. The assistance is provided on the basis of nonpolitical jurisdiction and projects are implemented nonpolitically. No better example of this can be found than in the UNDP program in Israel, which was recently terminated at Israel's request.

As Mr. Maynes noted:

In a recent editorial commenting on the closing of the UNDP office in Israel after 26 years of operations, the Jerusalem Post comented, "In contrast with the political arm of the United Nations, the technical assistance administration has always shown impartiality. It is distinguished from the various bilateral (nation-to-nation) programs by its exclusive devotion to the interests of the recipient country." I might add that the Post praised the UNDP's quarter of a century of devoted service to Israel's development. Because of the impartiality of the service, multilateral assistance is also preferred by many developing countries in areas such as mineral exploration, exploitation, telecommunications and atomic energy.

The UNDP office in Israel closed because that country had reached a degree of development that they chose no longer to seek assistance from UNDP.

Particular attention was paid to the UNDP program in Mr. Maynes' testimony because it represents the largest U.N. development activity:

Through UNDP we foster institution of growth, a new self-reliance, transfer of essential technology and expertise. UNDP also funds vital pre-investment investigations, carried out cooperatively with the World Bank and other financial institutions. These provide the basis for sound investment in important capital projects—roads, dams, and irrigation schemes, universities and housing development. UNDP meets needs in countries and sectors that are not assisted by any other bilateral and multilateral program.

Once again, I think it is important to point out how the variety of development programs—both multilateral and bilateral—complement each other in addressing the total development needs of a recipient country.

Of particular interest to my colleagues should be the direct economic benefits the United States derives from participation in UNDP. Once again, quoting from Mr. Maynes' testimony:

For example, UNDP provides U.S. businesses and individuals with many contract opportunities. In 1975 thirty percent of all UNDP equipment contracts, valued at $20 million, were supplied by U.S. firms. Thirty-five percent of all UNDP consulting contracts with a value of $20 million were awarded to U.S. companies. Also, 13 percent of the 10,800 experts serving UNDP in 1975 were Americans. In fact, adding the salaries paid U.S. experts . . . and the expenditures UNDP made in the United States for headquarters expenses (salaries, rent, utilities, printing, etc.) to the sum of these contract awards, we find that in 1975 total cash outlays of UNDP in the United States were $125.6 million, substantially in excess of our contribution that year ($77.9 million). UNDP preinvestment studies have also been of substantial importance to the U.S. business community. By the end of 1975 an estimated $3 billion in follow-in bilateral investment in the developing countries had resulted from UNDP projects. Of this amount over $600 million was U.S. investment.

Mr. President, I think it is abundantly clear that the congressional perceptions of the United Nations system is shaped by a very limited scope of its activities—that on the political side which oftentimes is of marginal concern to us.

In pointing out just a few examples of how the American people benefit from the U.N. programs and activities, I made the following observations:

This is just a handful of examples of the positive contributions the United Nations makes to the security, health and economic well-being of the average American. The list is endless. This is the side of the story that never gets told. Yet, it probably represents ninety-nine percent of the U.N. activity which occurs in this world. The U.N. system has many problems, as I mentioned earlier in my remarks, and we should not ignore them. But these problems must be weighed against the positive side of the United Nations activities and placed in their proper perspective.

Mr. President, I ask unanimous consent that both statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

OPENING REMARKS BY SENATOR HUBERT H. HUMPHREY

We begin hearings today on the International Organizations and Programs section of the Foreign Assistance Act at a very propitious moment. I say propitious because our hearings follow closely on the heels of a major foreign policy address delivered by President Carter at the United Nations last week. In that speech, the President placed a significant emphasis on the United Nations as a vehicle for attacking a multitude of global political and human problems.

In according the United Nations a high priority in our foreign policy considerations, the President has ended an era of neglect of this institution on the part of U.S. policymakers. I commend him for what I consider to be a long overdue shift in our policy towards the U.N. system.

These hearings are also being held at a time when the United Nations is the object of considerable disenchantment and frustration within the Congress. Increasing concern has been expressed over the politicization of certain U.N. programs and agencies; concern has been expressed over the proliferation of U.N. organs; and concern has been expressed over allegations of waste, mismanagement, and over-paid employees. All too often the Congress has preoccupied itself, in recent years, with marginal issues such as whether or not U.S. contributions are being used for UNDP projects in Vietnam, Cuba, or Uganda. Yet, this is the side of the United Nations which captures the news headlines in this country. This is the side of the United Nations emphasized by many in the Congress to justify cutting back our contributions to various international programs or to curtail our participation in the U.N. system.

However, these perceptions represent only a surface examination of the U.N. system. At worst, they ignore that in many instances the political actions of the majority of nations at the U.N. are but manifestations of a decade-long frustration over U.S. neglect of, or insensitivity to, their legitimate economic needs and concerns.

Very few people in this country, or the Congress, realize the important daily contributions the U.N. system makes to the well-being of millions of Americans. For example, U.N. activities contribute to the good health of Americans. Preventive health care has always been a major concern of our public health authorities. To most Americans, this means a series of shots beginning in infancy. Prior to 1971 among the first shots infants received was a smallpox vaccination. Yet, today, thanks to new techniques and a worldwide campaign by the U.N.'s World Health Organization, smallpox has been almost completely wiped out. Routine smallpox vaccinations have not been given in the United States since 1971 as a result of these efforts of W.H.O. The savings to the United States in the production of vaccine and allied medical services is estimated to be over $150 million per year, or a little more than one-fourth of our total yearly contributions—assessed and voluntary—to the U.N. system.

Vaccines and needles supplied by the United Nations Children's Fund during the first twenty-five years have protected nearly 400 million children in the world against tuberculosis. Many millions more have been vaccinated against diphtheria, tetanus, typhoid, and other child-killing diseases.

National efforts alone are not enough to control pollution of air and water. Environmental problems must be attacked on a global basis. Through the U.N. Environment Program, a worldwide surveillance system, caled Earthwatch, is using a network of national and international programs to check on conditions and changes in our environment. Among the accomplishments of the Environment Program is a 16-nation agreement on long-term efforts to protect the Mediterranean.

Food shortages in other countries mean high food prices here at home. The U.N. is working on increasing the quantity and quality of food in the developing countries. The "Green Revolution" of the 1960s, with its high-yield miracle grains, was the result of a cooperative effort among several U.N. agencies, national governments and private foundations. Now, after 20 years of experimentation, scientists in these same institutions have developed a high-protein corn that can grow almost anywhere at any altitude. It is now being introduced to farmers around the world through agricultural training programs.

Much land in the world is unused because of pests. The desert locust has destroyed crops from North Africa to southwestern Asia since Biblical times. Swarms of up to a billion insects had been known to black out entire cities. In 1958 alone, the locusts ate 167,000 tons of grain—more than enough to feed a million people for a year. In 1960, several U.N. agencies joined with the 42 nations in the locust area in a massive attempt to wipe out the species. After nine years of operations, not a single swarm has been reported in many areas of the world. Should one reappear, an international network is ready to predict it three weeks in advance, in time to mobilize the equipment and manpower needed to destroy it.

We need over a million new jobs every years, just to maintain stable employment levels in the United States. This means finding new markets for our goods and services.

U.N. economic assistance in developing countries is creating a potential two billion new customers for American products. In the past 15 years alone, our exports to these countries have increased by more than 80 percent. Even before the developing countries themselves become paying customers, U.S. firms supply about one-third of the equipment used by the U.N. in preliminary development projects.

With just six percent of the world's population, Americans consume nearly 40 percent of the world's natural resources. We are rapidly using up our own resources and importing larger amounts each year. New mineral deposits must be found to meet our future needs. Most of these untapped resources are to be found in the developing countries. United Nations Development Program surveys have already helped to locate mineral deposits worth over $20 billion. More explorations are currently underway.

The U.N. has helped settle disputes in almost 50 countries during its first 31 years—through the Security Council, the General Assembly, and the behind-the-scenes efforts of the Secretary-General. Today, blue-helmeted U.N. soldiers are trying to keep the lid on in Cyprus and the Middle East. Both these cases involve highly charged issues that arose long before the founding of the U.N. But the U.N. was still able to provide the only mutually acceptable peacekeeping mechanism for all parties concerned. It has been the indispensable safety valve for all concerned.

And, finally, it was because of the United Nations that the transition from colonial rule in independence for more than one billion of the world's population in Africa and Asia was achieved in relative peace.

This is just a handful of examples of the positive contributions the United Nations makes to the security, health and economic well-being of the average American. The list is endless. This is the side of the story that never gets told. Yet, it probably represents ninety-nine percent of the U.N. activity which occurs in this world. The U.N. system has many problems, as I mentioned earlier in my remarks, and we should not ignore them. But these problems must be weighed against the positive side of the United Nations activities and placed in their proper perspective.

It is within this framework that I welcome Mr. Charles William Maynes, Assistant Secretary-Designate for International Organization Affairs, and Mr. James Leonard, Deputy Ambassador-Designate to the United Nations to these hearings. I hope we can utilize this opportunity to expand upon a story which needs to be told if we are to approach our consideration of requests for these programs with intelligence and rationality. Mr. Maynes, you may begin.

STATEMENT OF CHARLES WILLIAM MAYNES

Mr. Chairman: I welcome the opportunity to be with you and the committee today to discuss the President's request for $256 million in support of the UN and OAS development, humanitarian and other programs. U.S. support for these programs, which have the confidence of both the developing and developed world, is an important aspect in the ongoing North/South dialogue. Their activities respond to the real and pressing needs of the world about us and through them we are able to deal with the problems of the poorest, and most disadvantaged and most vulnerable elements of the global society.

The U.S. played a leading role in the establishment of virtually all of these programs, which were created to deal cooperatively with some of the world's most pressing problems: food, population, energy and natural resources, environmental protection, and education. The UN and OAS developmental and humanitarian activities have been perceived to meet our foreign policy objectives over the years and we remain strongly committed to them. While these programs can be viewed in their narrow development context they can also be seen in a broader light. To us these agencies are an essential element in our quest for global prosperity and the search for creative solutions to problems which are of concern to all of us. As the world's greatest industrial power we are direct beneficiaries of a prosperous and developing world economy. Thus the activities of these agencies have a direct bearing on the living standard of American workers and consumers. It is increasingly clear that our economic fortunes are interlocked with those of the developing countries where our investments are going and on whom we depend for resources and markets. These programs in-place, functioning and capable of acting, spur the global economy and address social and economic dislocations as well.

One of the special attractions of these multilateral agencies is the fact that assistance is provided to nations on the basis of non-political justification and projects are implemented non-politically. Thus they can be carried on on technological and economic terms, and not subject to the vagaries of bilateral relations between countries. Because of this factor sensitive developing countries often prefer development assistance on a multilateral basis. In a recent editorial commenting on the closing of the UNDP office in Israel after 26 years of operations, the Jerusalem Post commented "In contrast with the political arms of the United Nations, the technical assistance administration has always shown impartiality. It is distinguished from the various bilateral (nation-to-nation) programs by its exclusive devotion to the interests of the recipient country". I might add that the Post praised the UNDP's quarter of a century of devoted service to Israel's development. Because of the impartiality of the service, multilateral assistance is also preferred by many developing countries in areas such as mineral exploration and exploitation, telecommunications and atomic energy.

The UNDP office in Israel closed because that country had reached a degree of development that they chose no longer to seek assistance from UNDP. In our view a number of the more advanced countries should "graduate" from the program as has Israel. And Spain, Kuwait and Qatar have also chosen not to receive further UNDP grant aid. The U.S. will continue to press for other countries to follow suit.

At the center of UN assistance activity is the all important UN Development Program, funding the field program of the Specialized Agencies. Through UNDP we foster institution of growth, a new self-reliance, transfer of essential technology and expertise. UNDP also funds vital pre-investment investigations, carried out cooperatively with the World Bank and other financial institutions. These provide the basis for sound investment in important capital projects—roads, dams, and irrigation schemes, universities and housing development. UNDP meets needs in countries and sectors that are not assisted by any other bilateral or multilateral program.

Because of its central role in the UN development system our contribution to UNDP has been viewed as a major signal of U.S. interest in and commitment to the development efforts of the international community. There are, however, other benefits to UNDP beyond the symbolic. It helps us to influence the nature of the development process and to guide developing countries in the direction of responsible and compatible economic policies which serve our national interests.

Of key importance is the fact that there has been a marked shift in the UNDP program and it is now aimed in very large measure at the poorest of the poor. During 1977–81 almost 55 percent of its funds will go to countries below the $200 GNP level and 80 percent below $600.

UNDP is helping to support projects of technical co-operation in over 140 countries and territories of Asia, Africa, Latin America, the Middle East, the Metiterranean and parts of Europe. Moreover, through its network of over 100 country offices, UNDP is playing a significant role in coordinating the strategic development planning and the field development work of the UN system as a whole and in integrating both with national development efforts and other forms of external assistance.

Services provided by UNDP aim at laying the groundwork for:

The increased production and processing of food, timber, and other agricultural commodities;

The expansion and modernization of industry, power generation, transport and communications;

The improvement of basic essential facilities for education, health care, housing, employment, and administrative and social services;

The growth of more equitable trade, and other advances toward the goal of establishing a more cooperative international economic system;

Progress in integrated rural development, comprehensive urban renewal, integration of women in development and other pioneering fields.

Mr. Chairman, as we all know Mr. Morse inherited a Program undergoing severe liquidity difficulties which required temporary program retrenchment. I am happy to report that during the past year he has instituted strong and effective measures to tighten UNDP headquarters management control, reduce administrative costs and restore financial integrity. Among some of those management improvements have been:

Top heaviness in the Secretariat has been reduced. Plans were completed for 1977 decreases in professional staff of 17 percent at headquarters and 13 percent in the field. Since January 1976 there has already been a reduction of 40 posts at senior level.

UNDP's 1976 administrative budget was cut by $2 million and the proposed 1977 budget by $4 million.

Concerted efforts were launched for the collection of pledges with the result that an impressive 89% of 1976 pledges were paid in the year and unpaid pledges for prior years were reduced from $41.6 million at the end of 1975 to $21.9 million at the end of 1976.

An improved financial management information system was installed and financial planning overhauled.

The $40 million deficit facing UNDP for the end of 1976 was eliminated, in part through $23.1 million in new pledges.

The UNDP Governing Council made a strong decision at its January meeting which it is hoped will lead to greater utilization of the program's accumulation of non-convertible currency holdings.

The evaluation office of UNDP has been expanded under the leadership of an American from AID, and greater emphasis is being given to this activity.

Brad Morse has met recently with OPEC Finance Ministers in Vienna who have agreed in principle on increased cooperation between the OPEC Special Fund and UNDP. Negotiations have begun with the OPEC Special Fund which may lead to a decision on significant contributions to UNDP resources at the Fund's next Board of Governor's meeting in May or June.

As a result of these developments, in our opinion UNDP has the ability and capacity to increase its programming significantly above current levels in line with the objectives of its Second Development Cycle (1977–81). While U.S. legislative procedures would

not permit us to formally endorse the multi-year program target of $3.46 billion for the Second Development Cycle which was agreed to by consensus by the Governing Council, a forthright and positive participation by the United States must include an attempt to meet these goals. The proposed increase in our contribution, which President Carter endorsed during his General Assembly speech March 17, is a major step in that direction.

While significantly higher than the previous year, our proposed 1978 contribution to UNDP of $130 million would represent about 22% of expected contributions in that year from all governments. In 1971 the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations (the Lodge Commission) recommended that U.S. contributions to UNDP at a minimum reach a level of $200 million by 1975.

The direct economic benefits in the U.S. from participation in UNDP are many. For example, UNDP provides U.S. businesses and individuals with many contract opportunities. In 1975 thirty percent of all UNDP equipment contracts, valued at $20 million were supplied by U.S. firms. Thirty-five percent of all UNDP consulting contracts with a value of $20 million were awarded to U.S. companies. Also, 13% of the 10,800 experts serving UNDP in 1975 were Americans. In fact, adding the salaries paid U.S. experts (13% of the 10,800 experts serving UNDP in 1975 were Americans) and the expenditures UNDP made in the United States for headquarters expenses (salaries, rent, utilities, printing, etc.) to the sum of these contract awards, we find that in 1975 the total cash outlays of UNDP in the United States were $125.6 million, substantially in excess of our contribution for that year ($77.9 million). UNDP pre-investment studies have also been of substantial importance to the U.S. business community. By the end of 1975 an estimated $3 billion in follow-on bilateral investment in the developing world had resulted from UNDP projects. Of this amount over $600 million was U.S. investment.

The second largest item in the administration's request for International Organizations and Programs is a proposed $52 million voluntary contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for 1978. This would constitute approximately 35% of total government contributions projected for that year, our traditional share which we feel strongly must be maintained at this time.

We have long attached great importance to UNRWA's program for the Palestinian refugees. We believe UNRWA is a significant positive element in the long term effort to achieve a permanent Middle East settlement. UNRWA has recently been able to broaden its base of support. In response to a special appeal in 1976, more than 20 countries contributed in excess of $28 million (including $12 million by U.S.) over and above the regular contributions for that year. This included $11.5 million from Arab countries, for a total of $14.8 million from them in 1976. In addition, Egypt, Syria, Jordan and Israel provided approximately $60 million in direct assistance to Palestine refugees in 1976.

We are genuinely concerned about UNRWA's financial outlook the implications of a reduction in U.S. funding below our traditional share.

I would like to point out, Mr. Chairman, that the majority of Palestinian refugees receiving UNRWA services reside in Israeli-occupied territories and in Jordan, while significant numbers are in Lebanon and Syria. A substantial reduction or termination of UNRWA services caused by under-funding could place an added burden on those countries which already provide substantial supportive services and assistance complementing UNRWA's direct relief.

The next item in our request is $20 million for UNICEF, the UN Children's Fund. Established thirty years ago, UNICEF has become one of the UN's most effective organizations, helping children and their mothers in over 100 countries and territories, and also calling world attention to their plight. UNICEF is helping children so that their current problems of health, nutrition, and education do not become problems of the future. UNICEF aims at the poorest people in the poorest countries. These children have been among the hardest hit by the world economic crisis.

Although the United States has until this year been UNICEF's largest single supporter, I am happy to report that many other countries have given generously, and almost all have given something to UNICEF. In 1976 there were 133 countries of every political persuasion which contributed to UNICEF. Nonetheless, a great deal more needs to be done to help countries help the lot of their own children, and tens of millions of dollars worth of projects around the globe await only sufficient funds to start them.

We are requesting $10 million in support of the programs of the International Atomic Energy Agency and the development and strengthening of the Agency's nonproliferation international safeguards responsibilities.

Of this total amount, $4.4 million will be used as contributions, either in cash or in-kind, in support of the Agency's technical assistance and training program for the developing countries.

The remaining $5.6 million is directly related to the determination of the past and present U.S. administrations to intensify the development of international safeguards in order to enhance the effectiveness of the IAEA's safeguards system and improve measures for physical security of nuclear materials.

In the face of growing worldwide concern over rising costs and depletion of readily available fossil fuel to meet increasing energy requirements, the role of nuclear power in meeting this need is expected to grow. While the IAEA safeguards system, which is the central safeguarding body under the Nonproliferation Treaty, has adequately kept pace with the development of peaceful uses of atomic energy up to this point, it has now become apparent that greatly accelerated efforts on our part, in cooperation with other nuclear advanced countries, are required.

The additional funds requested in FY-78, therefore, will enable us to continue the expanded program of international safeguards development which we hope to augment with the additional $3 million we have requested for 1977.

We are requesting $10 million for the United Nations Environment Program. This Program was launched on the wave of deepening awareness of global environmental problems within the United States, but which quickly swept the world, and remains in full force today. The Environment Fund itself was directly the product of a U.S. Presidential initiative, which received broad bipartisan support in the Congress. The $10 million request, which is the same level as 1977, will complete the initial U.S. pledge to contribute up to $40 million to a $100 million goal for the first five-year period of the program, 1973–1977, subject to other countries contributing $60 million. Pledges total approximately $109 million, and contributions received suggest that the $60 million goal will be fully met by the end of this year.

A provision for the United States to make a contribution of $10 million to the Endowment Fund of the United Nations University is one of the new items contained in the President's request.

This new institution, which was created to develop intercommunications networks among advanced research and training institutes engaged in applied research projects, is a practical response to the need for greater collaboration in research on problems of global significance.

This is an initiative in which one of our allies, Japan, has taken the lead and has already provided generous support. As nine other countries have pledged or contributed to the UN University, we believe a contribution at this time is urgently required if other potential major donor nations are to provide their support with significant contributions.

We have been favorably impressed with the University's first year of activities and the leadership of a distinguished American educator, Dr. James M. Hester, the former President of New York University, who was appointed Rector of the UN University in 1975.

Mr. Chairman, the ten-fold increase (to $500,000) in funding requested for the United Nations Educational and Training Program for Southern Africa is directly related to the pressing needs of Namibians and Zimbabweans for training in administrative and technical matters in order to provide needed skills when majority rule is attained in these territories. UNETPSA has a pressing need for substantial increased funding in order to address this problem. At present, most of its money is being taken up by renewals with little left for new training and educational awards. In view of the rapidly evolving situation in Southern Africa, it is urgent that UNETPSA be able to increase substantially the number of assistance awards it can grant.

Included in the Administration's request is an item for $17.5 million for development programs carried out by the Organization of American States (OAS).

With the gradual reduction in the funding available for the bilateral development programs, the resources made available through the OAS assume greater importance. Furthermore, the OAS programs are viewed by the Latin American countries as reflecting their priorities and complement those carried out by the UN as well as other development agencies.

A significant percentage of the training and technical assistance available to Latin America comes through OAS funded programs which are related to many of the key sectors; e.g., economic and social (public finance, employment services, wages and social security, tourism and export promotion), and several areas of education, science and technology.

The importance of these programs, for example, may be seen in the fact that annually at least three thousand Latin Americans participate in formal studies, seminars, and other training programs carried out under OAS auspices. OAS programs are also viewed as having opened up new ground, particularly in science and technology, which indicate the high priorities the member states place on these sectors. Given Latin American development requirements during the next decade, reflecting in part its still rapidly growing population, the need for OAS collaboration is viewed as being of great value.

As a major donor the U.S. has continuously sought to make OAS programs more efficient and effective. The External Audit Committee now in tis second year of operation, was established to assure that comprehensive audit reviews would be carried out. The U.S. is represented by a senior GAO official who is also President of the committee. An Advisory Committee on Administrative and Budgetary Matters has been established to provide expert analyses and recommendations directly to the governing bodies of the OAS. Made up of five members, one of whom is an experienced U.S. expert, the committee makes recommendations for later review and approval by the Permanent Council, and re-

views the programming budget procedures. Other areas of concern include the OAS personnel structure and practices, financial management procedures, as well as other administrative areas.

The present OAS Secretary General assumed office in July 1975, and has devoted his energies to restructuring and modernizing operations. Given the priority placed on development, he puts great emphasis on maximizing delivery of direct technical services to the member states.

U.S. support of the OAS activities in this area was emphasized by the Secretary of State during the meeting of the General Assembly in June 1976. At that time he indicated continued U.S. commitment to the OAS and advanced ideas regarding areas, particularly in science and technology, where the organization should provide leadership.

Mr. Chairman, the request also includes $2,000,000 for the UN Revolving Fund for Natural Resources Exploration (a decrease of $500,000 from the 1977 level), $2 million for WMO's Voluntary Assistance Program, $1.5 million for the World Food Program and $500,000 for the UN Institute for Training and Research (UNITAR). The latter amount reflects a slight increase over the 1977 appropriation of $400,000.

This concludes my prepared statement, Mr. Chairman. I will be glad to answer any questions or provide additional data for the Committee.

THE HEALTH OF BLACK AMERICANS

Mr. GLENN. Mr. President, the March 1977 issue of Ebony magazine contains a very informative article by Dr. Therman E. Evans concerning the health of black Americans. Dr. Evans carefully documents a very disturbing pattern showing that in many areas blacks suffer far higher incidences of illness and disability than the population as a whole. This health gap is one of the tragic vestiges of racial discrimination that must be eradicated from our society.

This is not just a Federal problem. While it is national in scope, the excellent questions Dr. Evans raises must be answered at all levels of government, by our health care system, Federal, State, and local.

Furthermore, Dr. Evans very properly points out that the problem must be attacked on three levels: Individual responsibility for one's own health, the health professional becoming increasingly aware of this inequity, and the system better reflecting these needs.

Dr. Evans offers several positive suggestions for beginning to solve this problem. I recommend this article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Ebony magazine, March 1977]

ON THE HEALTH OF BLACK AMERICANS

(By Therman E. Evans, M.D.)*

In reviewing the latest available comprehensive document on the health of Americans, "Health United States 1975," it is clear that the current health of black Americans continues to lag far behind that of their white counterpart. In fact, in some categories there is strong evidence of actual mistreatment of blacks by the medical care system.

The health picture for black Americans is not a good one. And it all begins where, in my opinion, the poverty cycle begins, during pregnancy. Essential to a safe and healthy pregnancy and a healthy baby, is prenatal care. Yet prenatal care is received in the first three months of pregnancy by only 52 percent of pregnant black women as compared with 75 percent of pregnant white women. This situation contributes to the fact that black mothers die during childbirth (maternal mortality) three to four times as commonly as white mothers, and black babies die during their first year of life (infant mortality) twice as commonly as white babies. Maternal and infant mortality are higher when the mother is economically poor or poorly educated, when the birth is out of wedlock, or when the mother is under 20 or over 35 years old. Proper prenatal care with adequate nutrition—especially protein nutrition—will result in a reduced incidence of complications of pregnancy, premature deliveries, low birthweight babies, mental retardation and future generations of poverty cycled people.

Next we are concerned about the lasting damaging effects of inadequate care received during pregnancy and infancy. Dr. James P. Comer and Dr. Alvin F. Poussaint, in their book, *Black Child Care*, clearly describe these effects. They say, "A child's life chances are to an extent determined before his birth. The health of the mother while she is pregnant affects the well-being of the child. Black women have often carried their babies without the benefit of a balanced diet and adequate medical care. Children born of malnourished women are often weak and sickly, running a high risk of mental retardation and delayed physical development. The care received by the mother and infant at birth also affects a child's development. Black women have consistently lacked adequate access to doctors and medical facilities at the time of delivery. Prenatal complications and physical birth injuries have resulted in brain-damaged and otherwise handicapped children."

In addition to the above, the immunization of one- to four-year-old black children against such diseases as polio, diphtheria, typhoid, whooping cough and measles continues to lag far behind that of their white counterpart. In all instances, the number of black children in this age group protected against these communicable diseases ranges from slightly under to slightly over one-half, compared with the number of protected white children ranging from at least two-thirds to three-fourths.

Other communicable diseases that continue to be reported at a much greater frequency in blacks than whites are hepatitis, gonorrhea and syphilis The devastating effects of these diseases have been chronicled many times in the literature.

Along with the continued prevalence of these very serious illnesses, there is significant evidence of mistreatment of blacks by the medical care system (i.e., doing them more harm than good).

For persons under 17 years, more whites (10 in 1,000) than blacks (8 in 1,000) have vision impairments. In the age group 17 to 44, the gap widens. Even more whites (33 in 1,000) than blacks (27 in 1,000) have vision impairments. However, in the next age group, 45 to 64, this trend is totally reversed as we find, surprisingly, that blacks have an overwhelmingly higher incidence of vision impairments (100 in 1,000) than whites (60 in 1,000). Perhaps during this time period their vision needed correcting but the expense made it prohibitive. Or perhaps (and more likely) the vision correction received at the hands of both "qualified" and unqualified people was incorrect. To illustrate further, a recent study done by the National Center for Health Statistics pointed out that more black youths (77 percent) than white youths (69 percent) have 20/20 vision without glasses. However, when tested after they had been given glasses, a consistently larger proportion of white than black youths had superior vision. Why?

For persons 17 to 44 years old, many more whites (51 in 1,000) than blacks (33 in 1,000) suffer some impairment of the back or spine. In the next age group, 45 to 64, the picture is completely the opposite, with many more blacks (81 in 1,000) than whites (67 in 1,000) suffering from some impairment of the back or spine. I can surmise that this reversal results from a combination of the many years of hard, menial labor type of work for survival in which blacks predominate, and the economic and educational inability to deal with relevant medical and health problems. Otherwise my question would be, "Why?"

In addition to the above, blacks have twice the incidence of iron deficiency anemia; a higher incidence of arthritis, a very serious disabling disease; nearly twice the incidence of diabetes; a significantly greater incidence of heart conditions (heart disease is the number one medical killer of all people in this country); two to three times the incidence of high blood pressure, and a strikingly higher incidence of cancer (the number two medical killer).

These illnesses and diseases result in longer average hospital stays for blacks (11.3 days) than for whites (9.2 days). In addition, they have caused limitation of mobility (i.e., confined to house, need help in getting around or has trouble in getting around) in approximately 5 percent of the black work force between ages 18 to 64 compared with 2.7 percent of the white work force. Further, almost one tenth (9.3 percent) of the black work force have been completely work disabled compared with about one twentieth (4.9 percent) of the white work force.

All of this and more is a part of the health picture for Black Americans. In 200 years, the health of blacks relative to whites has gone virtually unchanged. The gap that was, is.

How do we change this picture? It must be attacked at three levels: the individual (or consumer), the health professional, and the system.

At the individual or consumer level, each of us must begin to accept more responsibility for our own health. For example, we cannot continue to disregard what we eat as if our diet has no effect on our health status. In fact, what we eat is both directly and indirectly related to every major illness we know of, including heart disease, high blood pressure, cancer, diabetes and infectious diseases. We must, individually, take care of our bodies not only by putting nutritious food items on the inside but also by exercising it from the outside and by demanding to know what is being done to us by any medical personnel who touches us or writes us a prescription.

Our health professionals must assume the necessary roles in delivering health information to our people who need it. Black professionals in the various health disciplines have a responsibility and an obligation to be excellent, and to take the lead in the struggle to improve the health status of poor black people. Finally, they must head up the ongoing political struggle to secure more resources from the federal health establishment, and inform, motivate and recruit more black youth into the health professions.

*Dr. Evans is president of the Board of Education of the District of Columbia and is National Health Director of Operation PUSH. Formerly he was executive director of the Health Manpower Development Corp. A pediatrician, he was graduated from the Howard University College of Medicine.

SOME VIEWS ON FEDERAL GRAIN INSPECTION

Mr. HUMPHREY. Mr. President, the Congress recently enacted legislation to provide for an improved system of weighing and inspection of grain exported from the United States. This legislation was in response to abuses in grain inspection and weighing which were carefully examined in an extensive series of committee hearings.

This examination was undertaken by the Foreign Agricultural Policy Subcommittee, which I chair, and the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices. The General Accounting Office, the FBI, and the Justice Department also were involved in the study of this important matter.

I believe that the legislation which was formulated as a result of this process will be an important contribution in strengthening the grading, inspection, and weighing system to assure the highest standards of quality for our farm exports.

Yet, the complexity of these areas has led to certain deficiencies in the present system which have only come to light as the new system of grain inspection becomes operational. The Committee on Agriculture, Nutrition, and Forestry is well aware of these deficiencies and has already reported corrective legislation.

Furthermore, we will continue to monitor the implementation of this new system to make sure that it is responsive to the objective of maintaining high quality and accurate quantities of grain exports. But we also will seek to make sure that it is fair to exporters, importers, producers, and others involved in the production and marketing of grain for export.

In our effort to explore all views related to the issue of grain inspection, I would like to share two statements which were made on this subject at the midwinter board meeting of the U.S. Feedgrains Council. The first is by Mr. Myron R. Laserson, senior vice president, North American Grain Division, Continental Grain Co. Mr. Laserson provides an interesting view of the problem from the perspective of a major grain exporter.

The second statement is by Mr. Norman Weckerly, a farmer and chairman of the North Dakota State Wheat Commission. Mr. Weckerly expresses concern that the competitive implications for U.S. agricultural exports should be taken into account as changes are considered in the Grain Standards Act.

Mr. President, I ask unanimous consent that these statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

THE FGIS ACT—A GRAIN EXPORTER'S VIEW

(By Myron R. Laserson)

I have always admired the balanced planning which governs U.S. Feed Grains Council meeting programs.

In sponsoring this forum for the broad exchange of information, the Council is encouraging the open opinions of a representative cross-section of our industry, and this is all to the good. I would hope that the citing of facts and the expression of all the expert opinion in this room may influence our Congress as it is now at work on amendments to FGIS.

Believe me, I have some opinions to voice today. I hope sincerely that any knowledge which comes out of this presentation spreads beyond this room . . . into the working conference rooms of the Senate and the House in Washington. At the same time, I want to offer our comments to the control center of FGIS, so that the administrators of this program may better understand the implications of their regulations on America's grain producers and marketers.

For a long time now, we in grain export—as we as some other grain industry sectors—have been made to appear as villains in a spectacular portrayal of headlines and accusations that have been heard not only in our own country but around the world. I am delighted at this opportunity to present what I consider to be a more objective picture.

You all know of our earlier problems with weights and grades. It may interest you to know that despite all the publicity given to the subject I am aware of only one personal benefit. Back home, especially during the summer, we sometimes have lobster over the week-end. Lobster, as everything else, has gone up substantially in price, and I have a large family. The supplier of the lobster, in an effort to make things tidy. . . puts the lobsters in a large pet food bag—before weighing. Having learned something about the science of weights I now am able to persuade him to deduct the weight of an empty bag before I pay.

As exporters we recognize that some industry elements needed cleaning up. The dramatic growth in export volume over the past several years no doubt contributed to a few loose ends. Management's attention was concentrated on handling the new and unprecedented volume and thus was diverted from the tight controls and procedures routine to our business.

Following various investigations and legal actions, we took a good hard look at the problem areas. As one major consequence, exporters embarked voluntarily on costly, full-scale compliance or affirmative action programs which met with government approval. These compliance programs, in many ways more stringent than the regulations of FGIS and covering every major aspect of elevator function and management, have become basic policies and procedures.

Maybe we needed this government assistance. Maybe we needed only more gentle prodding. In any event, we concede that these compliance programs are useful.

However, these corrective actions undertaken by the trade seem of small importance to our critics. We live with the schoolboy doctrine that "repetition builds retention", as we hear again and again of the alleged misdeeds of the grain exporters. When is enough. . . enough?

But let's remember: he who would separate the true from the false must have a good idea of what is true and what is false.

Now, what about all these claims by foreign buyers concerning quality and weight?

Well, the facts are these:

Item: As brought out by the General Accounting Office in a report last year:

Many complaints stemmed from grain price fluctuations, as foreign buyers sought relief from earlier perhaps higher priced commitments.

Condition of the 1974 U.S. corn crop undoubtedly was the cause of many quality problems.

Of 582 formal complaints filed with USDA over a 10-year period through June 30, 1975, all but 17 dealt with quality. And GAO says the "total amount of grain in question would have been small in relation to total grain exports during the period."

In the same study, 7 of 9 agricultural attaches contacted said they did not believe importers were having significant problems with U.S. grain.

Item: About a year ago Congressman Edward Madigan of Illinois, concerned by allegations against U.S. grain exports and indirectly against American farmers, set out on a fact-finding mission to Europe.

He found in his talks with officials of the European Common Market that complaints about the quality of U.S. grain had been overstated, coming mostly from speculators who paid too much for the grain in the first place.

In London, officials of the Port of London Authority told him that complaints about U.S. grain quality have dropped steadily over the past few years.

Madigan went to the Nertherlands and visited with Komite, a grain and feed trade association. He was advised Komite had received no complaints about quality of grain from the United States. Further, it was their opinion that breakage occurred during loading, off-loading and/or transshipping.

He reported a number of instances where methods of grain handling at destination could materially affect quality.

Finally he asked . . . at every stop . . . for suggestions as to how grain quality could be improved. He said he received not one constructive comment.

Item: This observation from a group of grain importers from Belgium and the Netherlands who toured the United States a few months back:

To a man, they were surprised that the United States seems so intent on finding fault with its grain inspection system. In fact, customers abroad seem to be more satisfied with the quality of the grain they received from the U.S. than are the U.S. critics of the system.

"The unbelievable amount of publicity the United States gives to irregularities in its system is damaging the country's interests abroad", they said.

They acknowledged an "occasional" problem with grain from any origin, but by far the majority of shipments arrive in good condition and correspond to what the buyer ordered.

In this group's view, the United States has been found to be a very dependable supplier with regard to both grain quality and consistency in marketing.

Item: I have been in the export business myself for almost 25 years. During this time I have had occasion to talk about quality with buyers from all over the world. What I have learned during this time is that whenever there is allegitimate complaint about our quality, and it is extremely rare, the buyer is so surprised he feels compelled to tell us we made a mistake. Those buyers would not accept our terms if we made many mistakes.

You know and I know that there is considerable information available on what happens to grain . . . for instance, corn . . . during export shipment.

What about the good work by Messrs. Sellam and Christensen at the University of Minnesota?

Their study published by the Minnesota Agricultural Experiment Station found that corn which is well within the limits for moisture and other characteristics for U.S. Grade No. 2 can—after loading into barge or ship—undergo moderate to severe spoilage within a month or six weeks.

I wonder if information of this type, based on work going back to 1954, isn't available to complaining buyers?

Or what about the research done by Lowell Hill and his associates at the University of Illinois? We know about his study of a corn shipment from Toledo to Rotterdam which showed increase in BCFM between origin

and destination of 8.3 percentage points. But do foreign buyers know about this? My guess is they do.

For anyone to imply that the grain exporter is out to exploit the buyer-seller relationship is to question some very sound business motives. The reputation of the grain exporter is bound up in continued business and future sales.

I don't have to tell *this* audience, certainly, of our contribution to American agriculture and to the countrys' economy as a whole. The Midsouth Soybean and Grain Shippers Association in Blytheville, Arkansas puts it this way: "A system that exported as much grain out of the U.S. as it did last year and years before can't be all that bad."

Farm exports are a 22-billion-dollar plus business today.

We are doing our part!

It may seem that I have spent an inordinate amount of time on grades and FGIS is concerned with weights as well as grades. Let me repeat from the GAO study: of 582 formal complaints filed with USDA over a 10-year period through June 30, 1975 all but 17 dealt with quality. All but 17 . . . over 10 years.

Let us look also at how this weight business works:

Item: Most buyers in Western Europe elect to pay a nominal cost to insure outturn weights. In those situations the weight at the export elevator is not used for commercial settlement.

Item: The largest buyer of U.S. grain—Japan—elects not to pay for guaranteed outturn weights. I have been assured that the Japanese keep meticulous records and have clearly decided they do not need the insurance. I do not consider them naive.

Item: In many instances, particularly with trainloads of hopper cars shipped from interior points, the commercial settlement weight is the interior weight. Think about it: the export elevator weight is of no commercial significance.

Item: In many other instances the export elevators receive a large percentage of grain from their own inland points. The system is called stock transfer . . . the reality is that the export elevator is receiving grain already settled for in quantity and price as well as quality someplace else.

Why mention all of these items? Because now we have the new Federal Grain Inspection Service.

My friends, we are facing a threat today not unlike that of this country's first colonists who complained in the Declaration of Independence of a king who had erected a multitude of new offices, and sent hither swarms of officers to harass our people. We do not declare ourselves independent of the law but we ask that the law be reviewed fairly and objectively.

We want our industry to prosper with integrity and vitality. Just as we must avoid practices that are wrong we must also avoid regulations that stifle.

The economic impact of the new FGIS established under the 1976 Act is not to be taken lightly. It becomes a significant added burden to export business which must be borne by the users of the service. The exporters, in turn, cannot merely absorb this as an additional non-productive incremental cost of operations. It will find its way back to the producer in most cases.

If we assume that this incremental cost is about ½ cent per bushel at the export point, as has been frequently quoted, we might tend to consider this an almost imperceptible added burden in the total pricing structure of export tonnage; but in absolute dollars, this is far from true.

The calendar year 1976 nearly equalled the 1973 record year with 3.56 billion bushels of grain and oilseeds exported from the United States, of which 2.76 billion bushels or 77½ % left our shores from those port areas which are being federalized. Only 22½ % or 800 million bushels were shipped from those 10 states which are still delegated to officially inspect and certify export grain.

The 2.76 billion bushels, at an added ½¢ bushel cost for Federal inspection and weighing supervision, will require an additional $13.8 million annual outlay. The federal supervisory costs for the 10 states still doing business will be another $1.25 million based on the announced fees totaling $1.50 per 1,000 bushels.

In our opinion, however, the ½¢ per bushel is a very conservative estimate. The true story is slowly unfolding as the take-overs are implemented on an area-by-area basis. In our own experience we are finding that weighing supervision alone is going to impose between 5 to 8 persons per eight-hour shift, depending upon the configuration of a specific elevator.

We have already established that this weighing supervision is in many instances a clear redundancy and the requirements should be modified realistically.

By the government's own calculation, the FGIS total manpower needs will grow to an ultimate 2,800 people in 1978 versus a staff of 450 persons in 1976. This 2350 headcount growth, at approximately $30,000 per year per person (2080 hours x $14,00/Hr.) will amount to a minimum of $70 million dollars—all of which will be borne by the trade!

Other costs emanating from the mandatory FGIS export inspection law include capital expenditures to provide enlarged inspection laboratory space, revisions to sampling device systems, surveillance equipment, revisions to grain flow patterns with security devices, upgrading of scales with quick testing appurtenances, etc. We estimate that this could require a $15–20 million expenditure on a nation-wide basis. Our company alone is budgeting nearly $1.5 million in the next year for such capital projects—all at the government's request.

Even more alarming are the indirect and incalculable added costs of "slow-down" of export operations. When large numbers of new federal people, to whom absolute power is given to halt an activity either with cause or on a mere uncertainty in their minds, choose to exercise this power, the consequences are financially catastrophic and non-recoverable. This would encompass such items as ship, barge and rail demurrage, idle elevator labor, penalties for B/L default, longshoring labor, etc.

U.S. grain exports compete successfully in world markets not only because we are blessed with a temperate climate producing an abundance, but because we are geared to efficiently move over 100 million tons of these commodities through a network of complex handling processes from farms to the ports and onto ships at greater speeds and minimum costs. Productivity has indeed been phenomenal and will never be equalled elsewhere in the world. This must not be diminished!

We wonder, then, how long we can endure the growing burdens being imposed on the free U.S. grain trade when other nations, with subsidies, are becoming larger suppliers to the world's markets. FGIS is not the only significant new financial factor, but it must be added to costs of other non-productive regulations.

Since 1887, when the Interstate Commerce Commission was established, Congress has set up 82 regulatory agencies, 14 alone in the last eight years. Total employment is over 64,000 and in 1976, their budgets totalled nearly $3 billion. In 1975 alone, this government within government published some 45,000 pages of rules, regulations, standards and notices in the Federal Register. True, unfortunately, all true!

This heavy burden for an efficient marketing system by a regulatory agency is the only one of which I know where those being regulated are nearly the sole support of the program.

And now FGIS. Can we carry the load?

Are we to believe that the FGIS entry into the export picture will make everything right?

We have our doubts.

Recently, a representative of the North American Grain Export Association attended a series of grain inspection seminars conducted by FGIS in Europe—including the very active grain markets in Copenhagen, Frankfurt, Rotterdam, Antwerp and London.

The stated purpose of the seminars was to explain the new grain standards act and the proposed FGIS organization, as well as export sampling and certification procedures. At the same time, the audiences heard about new wheat standards and proposed changes in corn and soybean standards.

We learned that the audience at each location was generally uninformed on the complexities of our shiploading and grading procedures for export. It did not help that the FGIS representatives lacked commercial and practical knowledge, and it was fortunate that the export association representative was there to expand or correct statements relating to blending, shiploading and certification.

There was general confusion on the subject of complaints, foreign monitoring, meal quality, federal appeal, and the proposed corn and soybean standards which may never be implemented anyway.

Specifically, questions relating to certificate by hatch, mixing in vessel, buying without official grade, certificate final, divided original certificate and domestic vs. export pricing left no doubt that there is room for education and an information effort on the part of the grain exporters. We cannot rely on FGIS representatives to do this job for us. At this point we would be content if they worked with the exporters in a positive way so as to end turmoil and doubts in the minds of our buyers.

As it now stands, we face the nightmarish prospect of our unique free market system being regulated to a near-halt as costs and distrust mount and our world prestige suffers. We can reverse this prospect if we can convince Congress about what is happening to us. Let's regulate what needs to be regulated but let's avoid duplication. Let the government monitor our controls but not crowd us out of business. Let us restore mutual respect. I call upon all of you to join in a massive effort.

We've been down before, but if you don't see me as defeated today, it's simply because I don't believe we're down for the count. In any event, we have to try.

We as exporters are constantly striving to improve. You as producers, country elevator managers, transportation specialists, are doing the same. The history of investment in and the growing complexity of our businesses attests to this.

But while we improve, let us be sure of our objectives. And of course, let us be certain we can retain the sense of pride, the efficiencies, and the reality of past accomplishments as guideposts to greater progress in the years to come.

PRESENTED BY NORMAN WECKERLY

Mr. Chairman, panel members and distinguished guests; I am honored to have been asked to participate in this discussion and I would like to express greetings from the North Dakota wheat producers and grain handlers from our area.

I feel a little bit like a duck out of water with all you corn-feed grain people, but I guess that a lot of our grading problems are all the same—we're all in the same boat.

When I was asked to discuss the impact on internal/producer pricing and compli-

ance, I think I have to add producer attitudes to this also because concerned producers and country elevator operators and directors in North Dakota and other states are expressing uncertainty regarding *what* impact the new Federal grain inspection system will have on grain movement and pricing. I think out there in the country many of you probably know we really don't know what is coming, with the changes that are being proposed, we're in that next tier and, believe me, Myron, we don't think we're out of the woods just because the Senate Ag Committee may have this funded out of an appropriation.

Of the many things that are being considered, it's not only the cost of inspection fees that we're looking at but, of course, also the closer internal scrutiny of grading and, probably what would hit home closest to us would be the record keeping costs, if these are put through. There have been many direct cost projections expressed and some of them up as high as 2½ cents and more per bushel, but I'm not going to spend any time on costs because I don't believe that any of us really know what the costs will be.

If I may, I would like to go back a couple of years for a quick look at what one might consider a more normal trade situation, if in fact, there ever was such a state of affairs as a normal trade situation. At that time producers and elevator operators felt that our system consisting of private trade, state and Federal grading was doing a very acceptable job. I recognize and other producers recognize that we then entered into a period of trying times for the trade and grain producers. The U.S. production, transportation, handling and certainly, the grain grading capabilities were overtaxed during this period of unusually heavy grain movement. I think that considering that the U.S. picked up the bulk of increased world grain trade during this period, we, as producers, realized some of the inherent strengths of our free enterprise system. Ours was a system that could adapt and meet the challenge of this.

Producers and local elevators in our areas have always experienced and will continue to experience some grain grading problems—spring wheat, protein variance, barley protein variance and durum graded on color—these are extremely hard to grade. They contain a lot of human elements. Many times I've shipped a lot of durum which graded 80% hard & vitreous and a month later I shipped out of the same bin and got 70% hard & vitreous. I think that probably between Grand Forks and Duluth is one of the worst points mentioned by the GAO as being an area of great changes; but I guess the trade there has taken this in stride and producers also.

However, our producers also felt that there were some serious abuses of our grading and weighing system which existed at some points, primarily the Gulf as we saw it there. It is certainly too bad that these abuses took place because we now are seeing the results of government overreaction to try to solve a problem caused by the failings of our own private industry.

Obviously, some well-thought-out changes were necessary, especially regarding the penalties imposed on individuals or companies involved in such irregularities. Such breaches of faith have done a great deal of harm to the U.S. export grain effort. Hopefully, this harm is not irreparable because, we, as producers, need this sales avenue if we hope to receive a reasonable return for our efforts.

As these irregularities were made public, many producers also called for complete government takeover. However, the North Dakota Wheat Commission and the U.S. Durum Growers Association presented testimony before the Senate Agricultural Committee on March 16, 1977, which called for reasonable reforms, recognizing that extending Federal supervision to all points would be too costly, too disruptive and would not materially improve the system. The testimony further stated that such regulations would tend to be overreactive and would bring about cumbersome bottlenecks throughout the marketing chain. This, it was felt, would eventually throw an unfavorable reflection on the American farmers' efforts to compete aggressively in the world grain market. We feel that all efforts to correct and strengthen the Grain Standards Act should be designed primarily for one purpose—the preservation of the integrity of the American export certificate and the American export system.

It seems that there are those who believe that government can be or is infallible. Some believe that government can perform services better and be free of corruption and problems. During the past week I have noted USDA press releases which express the minimal cost of the new Federal grain inspection system. I agree that the actual cost of inspection and supervision may be minimal, but I don't believe we can forecast the costs of a slowdown of the grain marketing system or the record keeping and duplication of costs. Actual labor costs are very low in my business and I am sure in many of yours, but slowdowns and downtime of our tremendous plant investment is a tremendous cost.

Farmers can see the effects of overregulation by looking at other industries and the inefficiency overregulation has brought to these businesses. The U.S. railroad transportation system is a prime example. We also witnessed the results of the new Federal meat grading standards which brought meat processing costs to such prohibitive levels that half of our local, small town meat businesses had to close. We, as producers, didn't believe that this could happen, that before a farmer could take a critter to get butchered at his local plant, he'd have to have a Federal grader look at it. I realize that this legislation doesn't propose that, but I think that these are things that can happen when you carry this a little farther.

I think we must all remember that there are no "free lunches." I believe that any cost that is added to our marketing system will ultimately be paid for by the consumer. The end result is a lower standard of living for our consumers.

It is obvious that the initial effect of such added costs will also mean *lower* prices to producers if commodities are in an adequate supply situation. Another detrimental effect will be that U.S. producers will be put at a competitive disadvantage in the export market because of higher marketing costs.

Up to now I have dealt with the primary impact of the new regulations. I would like to make a few other observations pertaining to our industry—producing and marketing commodities. I believe that we have the best system in the world. However, I think we must continue to make improvements without being forced to by the government. As a producer and country elevator operator, I do feel that we need much more communication between a private trade and farmers for the production side of agriculture. For all too long there has been too much secretism from the trade, too much producer apathy and too much ignoring the people on the consumer side of our business. I may be naive; however, I believe our business as grain traders and handlers is to serve these consumers, to be the most efficient system to get commodities from the producer to the consumer. These problems we are facing today are the product of our failures. Now we must not only work together to try to moderate the government action taken but also work on the basic cause of these government overreactions.

THE F–15 EAGLE

Mr. BARTLETT. Mr. President, the decision by Defense Secretary Harold Brown to cut this year's procurement of F–15 Eagle advance air superiority fighters from the original 108 programed to only 78 is another example of the false economies which are being made by the new administration in the name of streamlining the defense budget. The Carter administration has decided to cut the production rate for F–15 fighters down to 6½ per month, well below the present rate of 9 per month. This arbitrary delay in the F–15 Eagle procurement program not only deprives many American combat aircrews of the world's finest air superiority fighter, but it increases the program unit cost to the tune of over $1 million per aircraft.

With a top speed of Mach 2.5, the F–15 Eagle is our fastest, highest flying fighter. Still, advanced technology has made the Eagle far more maneuverable than the old F–4 that it replaces. In fact, the F–15 is nearly as maneuverable as the much smaller F–16. And the Eagle, unlike the F–16, is an all weather fighter capable of tracking and attacking enemy aircraft which are trying to avoid radar detection by flying close to the Earth. Also, the F–15 can climb rapidly to high altitudes in order to engage the Soviet Union's Mig–24 FOXBAT which can fly unopposed high above present air defenses. In 1975, the F–15 set eight climb to altitude records. While its Sparrow missile permits the F–15 to intercept aircraft at long ranges, its Sidewinder missile and 20 mm. cannon permit the F–15 to exploit its superb agility in close air-to-air dogfighting. Although primarily an air superiority fighter, the F–15 has been tested in the ground attack role and can carry more ordnance and has greater range than does the F–16 lightweight fighter. Its long range virtually eliminates the need for tanker support during global deployments. Furthermore, its advanced electronic countermeasures permit the Eagle to operate effectively in the intense air defense environment found on the modern battlefield.

The McDonnell Douglas F–15 Eagle was born in 1965 when the U.S. Air Force decided to develop an air superiority fighter free from the mistakes and errors forced into the ill-starred TFX program, and in this they have succeeded magnificently. After 7 years of careful development, the first F–15A flew in 1972, the first F–15A was delivered to the Air Force in November 1974, and the first F–15 Wing was operational in 1976. Israel has already received four of the 25 F–15 Eagles it purchased to prevent Mig-25's from flying over her sovereign territory, and after extensive operational testing and competition, the Japanese air force found the F–15 best suited to its needs—better than the F–14, F–16, or F–18. Already the sound engineering has paid off in an outstanding safety record. This properly paced program has resulted in the need for few changes to the basic design and has left room for growth and improvement in the F–15 system.

One longtime critic of the Defense Department who had opposed the development of advanced air superiority fight-

ers like the F–14 and F–15, and who still opposed the F–14, recently told the Senate Armed Services Committee that—

The F–15 has demonstrated that it is a significant improvement in terms of air superiority so that the program could continue; yes, I think also consideration ought to be given as to whether or not some version of the F–15 might be adaptable for carrier service.

This is high praise indeed from Mr. Paul C. Warnke, our chief SALT negotiator, who also maintains that the F–15 is a "cost effective weapon."

More important than meeting the objections of a longtime critic is the ability of the Eagle to meet the current needs of our Air Force. In our report on NATO, submitted to the Senate Armed Services Committee, Senator SAM NUNN, Democrat of Georgia, and I pointed out that the Warsaw Pact superiority in numbers was being coupled with major improvements in the quality of Soviet aircraft. The introduction into Eastern Europe of advanced offensive aircraft like the Mig–23, the SU–19, and the Backfire bomber, along with the excellent Mig–21 and the Mig–25, gives the Soviet Union a long-range, low-altitude penetration capability along with the capacity to deny NATO air superiority in the crucial early days of battle when Western ground forces would be dependent upon close air support. The F–15 Eagle is our best countermeasure to both of these Soviet threats and an effective Air Force is our best insurance against an intense "blitzkrieg" attack launched with little warning. Just last week, Lt. Gen. Alton Slay, Air Force Deputy Chief of Staff for Research and Development told the Senate Armed Services Committee that the F–15 is the best fighter in the world today and the only aircraft able to meet the increased threat from Soviet all-weather fighters. I had already heard such praise from military commanders in Europe.

President Carter pledged to cut $5 to $7 billion in fat from the defense budget. Instead, he has simply delayed the delivery of additional muscle to our armed services. It makes no sense to deprive our Air Force of the best fighter plane possible, the F–15 Eagle, at a time when the Warsaw Pact has conventional superiority in Europe and when the Soviet Union has the advantage of momentum in deployment of conventional weapons.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT SETTING DATE AND TIME FOR VOTE ON SENATE RESOLUTION 110

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and I have discussed this with the distinguished Republican leader and various Senators on my side of the aisle—that the final vote on the adoption of Senate Resolution 110, resolution to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate, occur at 11:15 a.m. on Friday next, provided, that at 9:45 a.m. on Friday, Mr. BAKER be recognized to call up an amendment, on which there be a 1-hour limitation; provided further that in the event there is an amendment to Mr. BAKER's amendment, such amendment may be called up during that hour, but not prior to the expiration of the first 30 minutes; provided further that the time during the hour for debate be equally divided between the majority and minority leaders or their designees; provided further that at the expiration of the hour, the vote occur on the amendment by Mr. BAKER if no amendment is offered thereto and if no tabling motion is offered in relation thereto; provided further that, in the event an amendment is offered to the amendment by Mr. BAKER and the yeas and nays are ordered thereon, the vote on such amendment to Mr. BAKER's amendment occur at 10:45 a.m., with the vote on Mr. BAKER's amendment—in the event there is either a tabling motion or an amendment thereto—to occur immediately following the disposition of the amendment thereto or the tabling motion thereto.

So that, in any event, a vote on the Baker amendment, as amended, as amended, if amended, if not tabled, would occur not later than 11 a.m., with the further understanding that, immediately upon the disposition of the Baker amendment, if not tabled prior thereto, as amended, if amended, the vote occur, which is already set for 11:15 a.m.

Mr. BAKER. Mr. President, reserving the right to object, I ask the majority leader if we could clarify the beginning part of the time allocation. It is my understanding that the Senator from Tennessee would have not less than half of the hour allocated for debate on this amendment or any amendment to the amendment. As I understand the majority leader, he suggested that any amendment would not be offered until 30 minutes had first expired.

The point the Senator from Tennessee wants to make is that he wants to make sure that he has 5 or 10 minutes at the end of the period for debate. I have no objection to the form it was put in by the majority leader; but I want to make sure that nothing in the agreement prevents me from reserving a part of my 30 minutes to conclude the debate on the amendment.

Mr. ROBERT C. BYRD. The Senator wishes to conclude the argument on the amendment.

Mr. BAKER. I want to be able to reserve a part of my half of the hour in order to conclude the debate. I may, in fact, not be able to conclude the debate. I may not be the last speaker, but I should like to reserve a few minutes in order to speak, for instance, after someone might offer an amendment.

I simply want to make sure that nothing in this formulation would prevent me from reserving, say, 5 minutes as an example, and using that 5 minutes after the expiration of the first 30 minutes.

Mr. ROBERT C. BYRD. In the event another amendment is offered.

Mr. BAKER. That is correct.

Mr. ROBERT C. BYRD. Mr. President, I shall assure the Senator he will have that 5 minutes if I have to yield him 5 minutes out of my time.

Mr. BAKER. I thank the distinguished majority leader.

Mr. ALLEN. Reserving the right to object—and I shall not object—the final vote is set for Friday at 11:15 a.m.

Mr. ROBERT C. BYRD. Yes, sir.

Mr. ALLEN. In the unlikely event that all amendments have been disposed of and no Senator wishes to argue the resolution, would the distinguished majority leader, prior to that time, set this matter aside until Friday at 11:15 and take up something else in the interim?

Mr. ROBERT C. BYRD. Yes, I was going to get to that. All that we are trying to do at this time is to have an agreement that would deal with Friday morning between 9:45 and 11:15.

Mr. ALLEN. I see. I thank the Senator.

Mr. ROBERT C. BYRD. The distinguished Senator recalls something to mind.

Mr. President, I ask further unanimous consent that, upon the disposition of the amendment that is offered by Mr. BAKER, whether it be tabled or whether it be an up and down vote, there be no intervening amendment, motion, or debate between that moment and the hour of 11:15, when the final vote occurs.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Under the formulation just stated, is it clear that this unanimous-consent request would obtain with respect to time, notwithstanding the 50-hour limitation on the resolution?

The PRESIDING OFFICER. That is the Chair's understanding. The Senator is correct.

Without objection, it is so ordered.

The text of the unanimous consent agreement is as follows:

Ordered further, That on Friday, April 1, 1977, at the hour of 9:45 a.m., the Senator from Tennessee (Mr. BAKER) be recognized to call up an amendment upon which there shall be 1 hour debate, to be equally divided and controlled by the Majority and Minority Leaders, or their designees, and that if an amendment thereto is offered, it can only be offered after the first 30 minutes of that hour has elapsed, and that at the end of the 1 hour on the Baker amendment, the vote occur on any amendment offered to the Baker amendment, if any has been offered, or on a tabling motion, if one is offered, with such vote to occur at 10:45 a.m.: *Provided further*, That in any event, the vote on the Baker amendment occur no later than 11:00 a.m., unless tabled, and that following such vote, no intervening amendment, motion, or debate be in order, with a vote on adoption of S. Res. 110 to occur at 11:15 a.m.

ORDER FOR RECESS FROM MONDAY, MARCH 28, 1977, UNTIL 4 P.M. ON TUESDAY, MARCH 29, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday—I anticipate that that would be around 7 p.m.—it stand in recess until 4 p.m. on Tuesday.

The PRESIDING OFFICER Without objection, it is so ordered.

AUTHORIZATION FOR MAJORITY LEADER TO CALL UP H.R. 4877 AT ANY TIME ON WEDNESDAY OR THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the majority leader be authorized to call up the supplemental appropriation bill, H.R. 4877, at any time on Wednesday or Thursday, whichever seems to meet with the desire of the chairman of the Committee on Appropriations, Mr. McCLELLAN, and the ranking member Mr. YOUNG.

Mr. BAKER. Mr. President, reserving the right to object—and, once again, I shall not object—the 3-day rule respecting the availability of reports by that time will have been complied with, and the authority sought by the majority leader at this time is simply that it be in order for him to call up this measure, either Wednesday or Thursday.

Mr. ROBERT C. BYRD. Yes, depending upon which day, if either, the chairman of the committee—I think I should give him the last word in this—desires that it be called up. He works very closely with Mr. YOUNG. I am sure they will be working together.

Mr. BAKER. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I cannot guarantee that there will be no votes on Monday prior to 3:30 p.m., but with the cooperation of the distinguished minority leader and the managers of the resolution, it is my hope that we could work together and possibly arrange on Monday, if any rollcall votes are ordered prior to the hour of 3:30 p.m.—and undoubtedly there will be—that such votes occur at 3:30 p.m., or thereafter.

Mr. BAKER. Mr. President, if the majority leader will yield, I would be most agreeable to trying to accomplish that schedule. I know that some Members on both sides of the aisle on Monday have travel difficulties on occasion. I think that this would be an accommodation to them, in all likelihood; and I shall be glad to help the majority leader in an effort to arrange the schedule that way.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader.

There are several amendments on which very short time limitations have already been agreed to. It might be possible for Senators, if they wish to do so, who intend to call up those particular amendments, to call them up and have debate thereon. Then—if unanimous consent can be gotten—we can set the votes back to back beginning at 3:30 p.m. But we shall have to wait until Monday to see what the circumstances allow.

In any event, I guess that is about it for today.

Mr. President, I suggest the absence of a quorum and ask that the time be charged equally against both sides on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I would ask the distinguished majority leader if he has any plans to try to arrange a sequence of amendments for the schedule on Monday next?

Mr. ROBERT C. BYRD. I would rather have some little degree of flexibility on Monday, not knowing which Senators may be here early or who would be prepared to call up amendments.

I think it would be helpful if the distinguished minority leader would indicate, however, the names of those Senators who will be prepared on his side of the aisle to call up amendments; and if he could do it in sequence, that would be fine. We would have the understanding, however, that that is not necessarily the order, because no order has been entered into in that regard. There may be a Senator or so on this side of the aisle who would also want to call up amendments. But it would be appreciated, because it would be helpful to the disposition of the resolution on both sides of the aisle, if the minority leader could do that.

Mr. BAKER. I thank the majority leader.

I understand the requirement for flexibility. I might say that I have inquired on this side to see who might be available on Monday and what sequence they would prefer. I understand, of course, we are not now establishing a schedule on Monday, but this is the sequence and these are the names of the Members on this side who are agreeable to offering their amendments on Monday: Mr. HELMS, who has six amendments; Mr. WALLOP, three; Mr. CURTIS, two; Mr. JAVITS, three; Mr. PERCY, six; Mr. HANSEN, one; and Mr. DOLE, five.

Mr. ROBERT C. BYRD. If I may suggest to the distinguished minority leader, if Mr. HELMS is ready to go with his, I think we ought to get an order now that he would be recognized to call his amendments up.

Mr. BAKER. Mr. President, it is agreeable to Mr. HELMS that we would probably try to make his the first series of amendments on Monday.

Mr. ROBERT C. BYRD. Yes.

Mr. President, do we have any orders for the recognition of Senators?

Mr. BAKER. We do not.

ORDER FOR MR. HELMS TO OFFER AMENDMENTS

Mr. ROBERT C. BYRD. I ask unanimous consent that on Monday, after the two leaders or their designees have been recognized under the standing order, Mr. HELMS be recognized to call up his first amendment and that he may have the privilege of calling up his six amendments in sequence, if he so desires, on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Reserving the right to object, and I will not object, once again it is the Senator from Tennessee's understanding that there is already an order further limiting the time on these six amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MR. CRANSTON TO OFFER AMENDMENTS

Mr. CRANSTON. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. CRANSTON. I have two amendments that I believe will both be accepted. Could there be an order entered for me to bring up those two amendments under a strict time limit, following the Helms amendment?

Mr. ROBERT C. BYRD. That would be agreeable to me, if it would to the minority leader.

Mr. BAKER. Surely.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Helms amendments, Mr. CRANSTON be recognized to call up two amendments on which there be a time limitation of 15 minutes, equally divided, on each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask the majority leader, is it his intention, as he has done in the past generally, to try to interlace majority and minority amendments, or series of amendments, as we proceed during the day?

Mr. ROBERT C. BYRD. Yes. That would be the case. But may I say to the distinguished minority leader, we are soon going to run out of amendments on our side.

I recognize that the distinguished minority leader has many Senators and many amendments on his side of the aisle. But I only know of four or five amendments on the majority side.

Mr. BAKER. I thank the majority leader.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, with the time not to be charged against either side.

There being no objection, at 3:48 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3:55 p.m., when called to order by the Presiding Officer (Mr. HART).

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 11 a.m. on Monday. After the two leaders or their designees have been recognized under the standing order, the Senate will resume consideration of Senate Resolution 110, the Code of Conduct for Members, officers, and employees of the Senate.

At that time, Mr. HELMS will be recognized to call up a series of amendments. It is my understanding he has as many as six amendments on which time limits have already been agreed to.

It will be the intent and desire of the joint leadership to postpone any rollcall votes, if possible, until 3:30 in the afternoon. We cannot guarantee that, but we will make every effort to do that, consistent with the will of our colleagues.

Upon the disposition of the amendments by Mr. HELMS, Mr. CRANSTON has two amendments on which there is a time limitation of 15 minutes each; and upon the disposition of the Cranston amendments there are several other amendments which will be taken up during the afternoon. It is anticipated that the Senate will remain in session until about 7 p.m., and that votes will occur until that hour.

ORDER OF BUSINESS ON TUESDAY, MARCH 29, 1977

Mr. ROBERT C. BYRD. On Tuesday, the Senate will not come in until 4 p.m., the reason being that the leadership hopes to give committees a full day for the conduct of hearings and markups on bills, and so forth, without interruptions by rollcalls or quorum calls from the floor.

It is hoped that at least some committees will meet as early as 8 a.m. on Tuesday. It is my understanding that some of the committees are overlapping in their meetings, which causes Members in many instances to find it impossible to attend all committee meetings in which they are interested.

So, I would voice the hope that some committees could meet as early as 8 a.m., which they are allowed to do when the Senate is not in session, and they could, perhaps, so coordinate their work among themselves—certainly in some instances this might be done, some committees could meet at 8, some at 10, some at 12, and some at 2 o'clock on Tuesday, so as to facilitate as much committee work as possible, without conflicting meetings, on Tuesday before the Senate comes in at 4 p.m.

Mr. BAKER. Mr. President, I misunderstood the majority leader. I thought he said he hoped the committees could meet as late as 8 o'clock, and I was preparing to ask how that could be done under the rules. I understand the Senator is speaking of 8 o'clock in the morning.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Which, I am sure, will come as much of a surprise to some of our colleagues as it did to the minority leader.

Mr. ROBERT C. BYRD. Under the Stevenson resolution, as the minority leader will remember, provision was made for committees to meet from 8 o'clock to 10, 10 o'clock to 12, and in no event after 2 p.m. if the Senate is in session—without consent. So, I had in mind the Stevenson resolution in suggesting that some committees might, if possible, meet as early as 8 a.m.

I think we find many committees meeting at 10 o'clock. I have heard some of my colleagues express concern because, while they are on good committees, in many instances their committees are all meeting at the same hour of 10 o'clock.

I am merely voicing hope on the record that some committees may start meeting at 8 a.m. so as to allow Members to attend different committees to which they are assigned, which otherwise would result in overlapping meetings.

On Tuesday afternoon, the Senate, at 4 p.m., will continue its consideration of the code of conduct resolution with rollcall votes occurring. The Senate will not stay in beyond circa 7 p.m. I think that is about as far as I had better venture into next week.

It is understood that the supplemental appropriations bill may be called up on Wednesday or Thursday, and of course the order has already been entered for the final vote on the code of conduct resolution, which will occur at 11:15 a.m. on Friday next. Other measures cleared for action may also be called up during the week. The unemployment benefits extension bill may come up inasmuch as there is a March 31 deadline involved.

Mr. BAKER. Mr. President, I especially express my agreement with the majority leader in the matter of the late starting hour on Tuesday and the suggestion that it will give committees some flexibility in scheduling so that we minimize the overlap. Overlapping commitee responsibilities is a matter of great concern to a large number of Senators. I think that the majority leader has suggested a good procedure, and I would hope that we might pick a day a week when we give special emphasis to virtually a full day of committee activity and then encourage the committees to try to coordinate those meetings so that they do not overlap, or at least so that they minimize the overlap.

Mr. President, during much of the day today, the Senator from Tennessee and the distinguished majority leader have tried to negotiate a time to have a final vote on the ethics resolution, and it has been with great difficulty that we have arrived at this agreement to have the final vote at this time. A great number of Senators have been consulted on our side. We put out the so-called hotline request for expressions of agreement or disagreement with this arrangement. I believe that we have worked out an accommodation that is suitable to all or virtually all the Members on our side. I take this opportunity to thank the majority leader for spending all day, virtually, in trying to arrive at an agreement that was acceptable on our side as well as to the majority.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader. It has been difficult.

I thank him also for the splendid cooperation that he and his colleagues have given in the effort to agree upon an hour for final decision on Senate Resolution 110.

Mr. President, it is my intention to attempt during the last 2 weeks of April and the first 2 weeks of May to establish 1 or 2 committee working days each week. I met on yesterday with the staff directors of the legislative committees and discussed this problem with them. The distinguished majority whip (Mr. CRANSTON) was also present. Committees have a very important May 15 deadline to meet under the Budget Reform Act. Therefore, I think it is important that during the last 2 weeks of April and the first 2 weeks of May, committees have at least 1 day a week on which they may meet throughout almost the entire day.

This is not to say that it would not be necessary to come in on those days but it would be, say, at around 4 p.m., just as we are going to do next week on Tuesday.

This will allow committees to come in early, at 8 a.m., and stagger their sessions, so that all committees would not be convening at the same hour, as is so often the case when they all convene at 10 a.m. But at least they would not be interrupted in their work, and we could still get 2 or 3 hours of work done on the floor calendar. I announce this at this time so the committee staffs can be thinking about it.

I will try to work out a schedule within the next few days so that the various legislative committees will know well in advance the special committee days that will be set aside during the last 2 weeks of April and the first 2 weeks of May, for their convenience in expediting the flow of legislation to the Chamber to meet the budget reform deadline.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:06 p.m., took a recess subject to the call of the Chair.

The Senate reassembled at 4:10 p.m., when called to order by the Presiding Officer (Mr. LAXALT).

RECESS UNTIL 11 A.M. ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. on Monday.

The motion was agreed to; and, at 4:11 p.m., the Senate took a recess until Monday, March 28, 1977, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 25, 1977.

DEPARTMENT OF STATE

Charles William Maynes, Jr., of New York, to be an Assistant Secretary of State.

Barbara M. Watson, of New York, to be Administrator, Bureau of Security and Consular Affairs, Department of State.

James F. Leonard, Jr., of New York, to be Deputy Representative of the United States

of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Chester Crawford McGuire, Jr., of California, to be an Assistant Secretary of Housing and Urban Development, vice James H. Blair, resigned.

Geno Charles Baroni, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development, vice Constance B. Newman, resigned.

DEPARTMENT OF AGRICULTURE

Robert Haldeman Meyer, of California, to be an Assistant Secretary of Agriculture, vice Richard L. Feltner, resigned.

Robert Haldeman Meyer, of California, to be a member of the board of directors of the Commodity Credit Corporation, vice Richard L. Feltner, resigned.

FEDERAL TRADE COMMISSION

Michael Pertschuk, of the District of Columbia, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1977, (reappointment).

CONFIRMATION

Executive nomination confirmed by the Senate March 25, 1977:

DEPARTMENT OF JUSTICE

W. J. Michael Cody, of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

PROPOSAL TO BAN OFF-ROAD VEHICLES FROM PUBLIC LANDS

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. BAUCUS. Mr. Speaker, over the last few days a number of my colleagues and I have received calls from constituents who are very concerned over a rumor that President Carter may be about to ban off-road vehicles from public lands.

After a lot of checking—and I must say, after getting somewhat of a "runaround" from the executive branch—I have learned that there is more than a grain of truth to these rumors. I want to take this opportunity to share with my colleagues what I have learned. Incidentally, I am inserting below a copy of the proposed change in Executive Order 11644—a document which those of us concerned about the problem have been unable to get from the executive branch but which I managed, finally, to secure from other sources.

First, by way of background, let me explain that Executive Order 11644, issued in 1972, required Federal agencies to specify those areas of public lands on which off-road vehicle use would be allowed or prohibited.

The purpose of the 1971 Executive order—and I think it is a good purpose—is to protect the ecology of publicly owned lands while recognizing the legitimate needs of off-road vehicle users.

Now to the present controversy. As I understand it, President Carter is to give a major environmental message at the beginning of April. In making decisions about environmental policy in preparation for this address he had asked the Council on Environmental Quality, among other entities, to prepare possible environmental initiatives for his consideration.

One of the suggestions from CEQ is to amend Executive Order 11644. It is this proposed amendment which is the cause of the present controversy.

Following is the unreleased text of the proposed amendment to Executive Order 11644, including an explanation. To place this in context, it is followed by a copy of the original Executive order:

AMENDMENT TO EXECUTIVE ORDER 11644 ON "USE OF OFF-ROAD VEHICLES ON THE PUBLIC LANDS"

ISSUE PAPER

Executive Order 11644 provides for the regulation of off-road vehicles on the public lands. Under section 3 of the Order, Federal agencies are required to designate specific areas and trails where such vehicles will be permitted to operate. While the Executive Order reflects an urgent concern over the environmental harm caused by off-road vehicles, it is now apparent that some agencies may not complete the designation process for at least another ten years.

It is generally agreed that the environment of the public lands may be seriously degraded during this lengthy implementation period. Indeed, in its "Draft Environmental Impact Statement, Departmental Implemention of Executive Order 11644 Pertaining to Use of Off-Road Vehicles on the Public Lands," ("Draft EIS") the Department of Interior acknowledged that some "unique and fragile biophysical, archeologic, or historic resources . . . will have been damaged or destroyed irreversibly as a result of ORV use during the undesignated periods." Draft EIS at 56.

To eliminate this threat to the public lands, we propose to amend the Executive Order by adding a section 3A which reads:

Section 3A. Protection of the public lands

Notwithstanding the provisions of section 3, where the use of off-road vehicles may cause undue adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas of the public lands, the respective agency head shall immediately close such areas to the use of off-road vehicles.

This amendment is clearly consistent with the policies and objectives of the Executive Order. By requiring agencies to take immediate action to protect the public lands from environmental damage, it will ensure that the Presidential mandate is fully implemented both before and after specific areas and trails have been designated under section 3.

We propose a second amendment to clarify the original intent of Executive Order 11644 and to resolve uncertainty within the Bureau of Land Management arising from the recent court decision in *National Wildlife Federation* v. *Morton*, 395 F. Supp, 1286 (D.C.D.C. 1975). The Bureau maintains that this decision limited the options available for managing the public lands under the Executive Order.

[Executive Order 11644, February 8, 1972]

USE OF OFF-ROAD VEHICLES ON THE PUBLIC LANDS

An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others—are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

Now, therefore, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

SECTION 1. *Purpose.* It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

SEC. 2. *Definitions.* As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

Prior to the court decision a number of federal agencies, including the Tennessee Valley Authority, the Department of Defense and the Bureau of Reclamation, had adopted a policy to close all or portions of the public lands within their jurisdiction to use by off-road vehicles except those areas and trails specifically designated as open to such use. The Society of American Foresters, among others, favors this approach to regulating off-road vehicles and has taken the position that

"In order that control be effective, off-road vehicles should be allowed only on forest roads, trails and areas . . . which are explicitly designated for off-road vehicles use Experience shows this approach to be less costly, and easier to enforce than a restriction in which off-road vehicles are allowed on all forest roads, trails and areas except where designated to the contrary."*

*Society of American Foresters, "The Use of Off-Road Vehicles on Public Forest Lands: A Position of the Society of American Foresters" (Washington, D.C., Nov. 12, 1975)

While the Bureau itself has described this approach as the "most environmentally beneficial alternative", it maintains that, in view of the Court's opinion, "such a course of action would require modification of Executive Order 11644." Draft EIS at 65. The Council differs with this interpretation of the law, but proposes to adopt the Bureau's suggestion for resolving the matter by adding a subsection (d) to section 3 as follows:

(d) Each respective agency head shall be authorized to adopt the policy that all or portions of the public lands within its jurisdiction shall be closed to use by off-road vehicles except those areas and trails which are suitable and specifically designated as open to such use under subsection (a) of this section.

This amendment would clarify the original intent of the Executive Order and dispel the Bureau's uncertainty over this issue. With authority to close the public lands until specifically opened under the Executive Order, Federal agencies would retain an administratively sound and flexible option for regulating off-road vehicles.

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

SEC. 3. *Zones of Use.* (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

SEC. 4. *Operating Conditions.* Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

SEC. 5. *Public Information.* The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

SEC. 6. *Enforcement.* The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

SEC. 7. *Consultation.* Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Atomic Energy Commission.

SEC. 8. *Monitoring of Effects and Review.* (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

RICHARD NIXON.

THE WHITE HOUSE, *February 8, 1972.*

First, Mr. Speaker, I call to your attention the language in the proposed amendment ordering the closing of public lands to off-road vehicles when they "may cause undue adverse" impacts.

Second, let me call to your attention the later language authorizing agencies to close "all or portions" of public lands under their jurisdiction to off-road vehicles, "except those areas and trails which are suitable and specifically designated as open to such use."

These two statements, taken together, are the cause for concern by off-road vehicle users.

I have talked with officials at CEQ, where I learned that their intent is simply to prohibit off-road vehicles from critical areas where irreparable adverse impacts may occur. I have talked with officials at the Department of the Interior, and this is their understanding as well.

Finally, I have talked with the White House where I learned two things: First, the President is not yet at the point of reviewing suggestions in this area for his April 1 address. Second, the President's advisers believe that he has no intent whatsoever of banning all off-road vehicle use from public lands.

Rather, from what I gathered, the intent of this amendment may be simply to clarify Executive Order 11644, in order to prod the Bureau of Land Management into moving more rapidly to protect some critical areas under its jurisdiction.

Mr. Speaker, I hope this information is useful to my colleagues, and to Montanans, and to other individuals who are concerned over the proposed amendment.

Before I close, I would like to make a few observations about this proposal with the hopes that executive branch officials who may read today's CONGRESSIONAL RECORD may be influenced by what I say.

First, Vice President MONDALE, as well as Secretary of Interior Andrus, are both from States in which off-road vehicle use is extensive. I am sure they know how important off-road vehicles are to these States' economies. I understand that Secretary Andrus owns a snowmobile. With this in mind, I wonder if it is necessary to amend an Executive order in such a way as to cause anxiety and concern by many reasonable people who use off-road vehicles in their everyday lives. If, as I have been told repeatedly, this amendment is to clarify the existing Executive order, not to add to or extend its powers, I suggest that it is unnecessary and is needlessly alarming a lot of people.

Second, if the problem is in the Bureau of Land Management's interpretation of the existing Executive order, a situation which I understand is causing difficulty because the rest of the Government is interpreting the Executive order differently than the BLM, I suggest that a short phone call from the Secretary of Interior to the Director of the Bureau might clarify and change the interpretation with much less agony than has already occurred with the present proposal.

Third, since this subject has been opened, I would suggest a review of the existing order to allow more flexibility in limiting off-road vehicle use. Blanketly banning all off-road vehicles from an area is not always necessary. It does not take into account the different natures of snowmobiles and trail bikes, for example.

Further, it does not take into account the possibility that snowmobiles might be prohibited under certain low snow conditions, and not under other conditions. The thrust of the Government's activity must be to protect the environment in a sensible way. Arbitrary assumptions that all off-road vehicle use necessarily causes significant environmental damage are just as groundless as assumptions that all off-road vehicle use is always environmentally compatible.

Finally, I would suggest that everyone in the executive branch who has been involved with this problem, take note of all the time and effort that they and we in Congress have had to spend on this. And I remind you that I am told by the executive branch that this proposal would not really do anything more than clarify the existing Executive order.

If we are going to make Government more effective, more efficient and more responsive, we would be well-advised to think a little longer before raising new requirements that duplicate old ones—especially when there is a chance that they might be interpreted in such a confusing way.

A member of my staff this week was talking to Mrs. Nina Smith, chairman of the Montana Snowmobile Association, and she said she could not understand why this amendment was being proposed

if, as we were being told, it did nothing new. Frankly, I cannot either.

A NEW LOOK AT THE WAR POWERS RESOLUTION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. MAZZOLI. Mr. Speaker, 3 years ago, the Congress enacted with my vigorous support—and over then-President Nixon's veto—the war powers resolution. The general consensus was that this was a good piece of legislation.

It marked the reassertion of Congress' proper role in making life and death, peace and war decisions.

I fully concur with the basic premise of the war powers measure. Congress has a central role to play in American foreign policy. A sound approach here can only be based on cooperation, consultation, and good faith between the legislative and the executive branches of the Government.

The following Washington Post article contains incisive and interesting observations and raises some vexing questions regarding the war powers resolution which should receive careful consideration by the Congress:

THE WAR POWERS FLOP: CONGRESS STILL CAN'T RESTRAIN PRESIDENTS

(By W. Stuart Darling and D. Craig Mense)

Three years have passed since Congress enacted the War Powers Resolution over President Nixon's veto. Since then, there has been relatively little discussion about this law which purports to ensure that the United States will never again become involved in another unpopular war like that in Vietnam.

In essence, the law seeks to ensure that American armed forces will not be committed to hostilities by the President without prior congressional authorization except in "emergency" situations. In the event that such an emergency does arise, the President can, on his own, commit forces to combat provided that they must be withdrawn after 60 days unless Congress has enacted a measure specifically endorsing his action. The statute grants the President authority to extend this 60-day period for an additional 30 days if, in his opinion, "unavoidable military necessity" so requires. Thus, the President can wage war on his own for 90 days before Congress really enters the picture.

The present act has seemingly been forgotten since the resignation of Richard Nixon. But whether, as is claimed, the law will compel future Presidents to allow for congressional participation in any decisions to commit U.S. troops to hostilities overseas is questionable. And as we enter a new era, there is a clear need to analyze the law's practical effects on the nation's foreign policy.

It is not difficult to envision, drawing from the current world situation, a crisis which might precipitate the introduction of U.S. troops overseas to protect our real or imagined interests. The death of Marshal Tito, now 85, could tempt the Soviets to grab for power in strategic Yugoslavia, probably by a variety of subtle means, conceivably by overt military action, and should that occur President Carter would not necessarily be bound by the comment of candidate Carter dismissing a military response. The potentialities for trouble in the Middle East are not limited to the Arab-Israel conflict but cover as well the volatile Persian Gulf into which has flowed in recent years large quantities of American weapons and thousands of American military instructors.

One can go on identifying potential trouble spots, evoking Cassandra-like images of the future in southern Africa or Korea.

PROBLEMS CREATED

The question which must be asked is this: Would an American President, faced with what he saw as an unavoidable conflict and aware of the military advantages of quick action, be restricted by the current war powers law from initiating U.S. military actions until he could acquire congressional approval? We think not. In fact, the existing statute creates more problems than it solves. As Yale Law Professor Charles L. Black characterized it: "Presented as a limitation on presidential power, [it] can hardly be read as other than a very nearly explicit authorization of any presidential action whatever, with Congress exercising supervisory power later along, after the commitment has been made."

The failure of the law stems from a decision made in 1973 in a conference committee formed to reconcile the differences between the bill's House and Senate versions.

The Senate had acknowledged the necessity of the President's acting without prior congressional approval in certain emergency situations, but spelled out what those "emergencies" were: (1) responding to or preempting an attack on the United States itself (2) responding to or preempting an attack on U.S. armed forces stationed abroad (3) and rescuing American citizens abroad from circumstances which endangered their lives.

The House, on the other hand, had allowed the President unilateral emergency power without specifying what would constitute an emergency. The conference committee placed the Senate codifications of emergencies under the "Purpose and Policy" section of the compromise bill. The conference report explained that the "Purposse and Policy" section was "a statement of the authority of the commander-in-chief respecting the introduction of armed forces into hostilities" and went on to say "subsequent sections . . . are not dependent upon the language of this subsection, as was the case with a similar provision of the Senate bill."

By delaying the congressional imprimatur for 90 days, one of the bill's main goals was compromised. The authors of the Senate bill felt it crucially important that Congress share in the decision to use force before an actual commitment had been made. Otherwise, Congress would have to make the very difficult choice of compelling a withdrawal or evacuation of forces already engaged in hostilities. For these reasons, Sen. Thomas Eagleton (D-Mo.) voted against adoption of the conference report, though he had helped draft and guide the legislation through the Senate.

Most other supporters of the Senate bill, even though they shared many of Eagleton's reservations, chose to accept the conference version. They did so to a significant and unfortunate degree because of unrelated political events. Remember the atmosphere at the time: President Nixon, under mounting criticism from all sides because of Watergate, had recently fired special prosecutor Archibald Cox in the "Saturday Night Massacre."

Nixon vetoed the conference bill, claiming that it was both unconstitutional and an unwise inhibition on the President's conduct of foreign policy. By this time, however, Congress seemed to have tired of arguments for or against the bill itself. Nixon's veto tended to transfer the issue from the bill's provisions to a question of congressional capability to stand up to an increasingly discredited President. In its 10-month existence, the 93d Congress had not overridden any of Nixon's vetoes. In the House, the vote to override was very close. Eight House liberals who had formerly opposed the conference bill switched sides to make the override possible. The margin was only four votes above the necessary two-thirds majority. In the Senate, the override margin was 13, and on Nov. 7, 1973, in Public Law 92-148, the country at last had a war powers act.

But is this law worth having? Does it do more harm than good?

De Tocqueville observed that "foreign politics demand scarcely any of those qualities which are peculiar to a democracy; they require, on the contrary, the perfect use of almost all those in which it is deficient."

It is difficult for democracies to compete in world politics against totalitarian states. Democracies are suspicious of secrecy and not very good at it. Yet successful foreign policies sometimes require secrecy, as well as intimidation, threats, alignments with undemocratic states and, too often, the application of force to obtain desired ends. When a democracy must resort to violence, however, it is imperative both for the success of the foreign policy leading to the use of force, and for the military operation itself, that the people understand why they are fighting and accept the sacrifices necessary for victory. Without this element of consent and a willingness to bear the burdens of war, a democracy is wise to keep out of combat situations.

In effect, by deciding not to require prior congressional consent for presidential war-making in other than designated emergency situations, the conference committee awarded the President *carte blanche* to undertake any sort of military operation subject only to *ex post facto* congressional review. A situation in which Congress felt compelled to force a withdrawal of forces already engaged in hostilities would be a nightmare for all concerned, not least to the military personnel, officers and men, doing the actual fighting. The effects on service morale would be lamentable and frightening.

More likely, however, Congress would never steel itself to make such a decision unless a military venture had proved utterly calamitous, either on the battlefield or at home, or both. Additionally, if for some reason (albeit an unlikely one) Congress became too zealous in compelling withdrawals after 60 days, the world could bear witness to a succession of American Dunkirks that would be unredeemed and unredeemable.

Sen. Barry Goldwater (R-Ariz.) and others have expressed the view that the President must not be deprived of his ability to defend and protect U.S. lives and interests throughout the world. True. It is the price we pay for living in a world where force, and not law, is oftentimes the arbiter of the future. It would be a foolish mistake to deprive the President of the ability to wage a defensive war.

WHAT IS DEFENSIVE WAR?

However, there remains the problem of determining what a defensive war is. Nearly all belligerents call their half of any war "defensive," it is the other side who's waging an aggressive, "offensive" war. Hitler claimed his invasion of Poland was a defensive war justified by a fabricated "seizure" of a German radio station, actually carried out by SS troops masquerading in Polish uniforms.

In 1848, Congressman Abraham Lincoln addressed himself to this point:

"Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you will allow him to do so whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect. . . . If today he should

choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, I see no probability of the British invading us but he will say to you be silent: I see it if you don't."

The Senate bill presented as workable a definition of defensive war as can likely be written. In that section, the President was empowered to "forestall" or preempt, the "direct and imminent threat" of attacks on the United States itself and on American armed forces abroad without a declaration of war. In the event of attacks on the United States, he could take "retaliatory" action as well. He could use the armed forces to rescue American citizens abroad, but with provisions that prevent such an operation from being used as a guise to cloak ulterior motives. In any other situation, the President would first have had to secure the approval of Congress before resorting to the use of armed forces.

The present law, however, took one step forward and two steps backward. Certainly, this War Powers Resolution is not without some valuable ideas. It makes clear, for example, that our treaty commitments are not self-executing. Apparently, this surprised several of our allies and caused them to worry aloud about American credibility as a world power. In reality, however, the mere fact that a given nation's signature appears on a treaty proclaiming a military alliance is not what matters. Alliances are based on a shared preception of a common threat. Alliances are little more than verbal expressions of a common view of potential danger. This common perception can change as the danger mellows or if it is mistakenly though to mellow. In this way treaties can become only "scraps of paper."

History offers few examples of nations risking their security for "scraps of paper" that did not represent a much deeper concern than keeping promises. In 1914, Britain went to war ostensibly to honor its treaty commitment to Belgian neutrality, but the fundamental reason was that the British would not accept the jeopardization of their security which a German defeat of France would cause. The NATO treaty will become only a scrap of paper if, for whatever reason, the United States, or the West Europeans come to feel that Soviet domination of Europe is not something worth fighting to prevent.

THE NEED FOR CLARITY

The congressional record in foreign affairs since the adoption of the present war powers law has not been impressive. The failure of the bill to involve Congress in the decision-making processes surrounding the evacuation from Vietnam or the Mayaguez affair illustrates both the weaknesses of the statute and congressional reservations about accepting the constitutional responsibility that some claimed the President has usurped. If Congress continues to evoke its constitutional authority in as haphazard a manner as it has in the last two years, becoming involved in the Angolan and Cypriot situations but not in the evacuation from Vietnam or the Mayaguez affair, Congres will justifiably be subject to charges of meddling in presidential concerns and the formula for democratic participation in decisions to use force will remain cloudy.

The current period of relative domestic and international tranquility offers the opportunity to reopen the issue for further consideration. Now is a good time for a reasoned and dispassionate analysis of the existing law. A better opportunity may not be forthcoming. It is bitter to contemplate the effects of a renewed war powers debate instigated by a future military conflict involving U.S. troops. Common sense should beckon the Congress to settle the issue beforehand.

A return to the original Senate bill would clarify the situations in which the President's emergency powers do allow him to act unilaterally and would specify the situations in which the President can act only with prior authorization.

Some flexibility would be lost to the President in his conduct of diplomacy. This weakness is inherent in our democracy and we would be better off recognizing our limitations. However, that loss of flexibility would be more than compensated by the gain of a truly democratic dialogue on the issues of foreign policy. The President, too often shielded from adversary politics, would be obliged to engage in public debate. He would be forced to state his proposal and to persuade Congress and the American people to accept it.

The adoption of such a bill would demonstrate to any future President that the judgment to send this nation to war is not his alone and that, while unforeseen circumstances may compel him to abandon the rule in favor of an exception, as Arthur Schlesinger has written, "he should not pretend—as Jefferson, Lincoln and Roosevelt declined to pretend and as Johnson and Nixon have pretended—that the exception is the rule."

The Senate bill is not perfect, but then we do not claim to know what a perfect war powers law would be. As the spokesmen for the Nixon administration pointed out throughout the war powers debate, the world has probably seen the last formal declaration of war. Future wars will either be conventional wars limited in scope, or total, nuclear wars which could be over within hours, if not minutes. For the former, declarations of war are undesirable; for the latter, impossible.

Nevertheless, Congress must have a part beforehand in any decision that involves armed forces in combat situations. A good war powers law would help ensure that the President will not commit the nation to policies it will not accept. If the President does perceive dangers which this countrymen are too slow to recognize, then his task is to educate them, and not compel them to do what they do not want to do.

THE HUMPHREY-BAUCUS BILL: AGRICULTURAL EMERGENCY ASSISTANCE

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1977

Mr. BAUCUS. Mr. Speaker, it is easy to see why Secretary of Agriculture Bergland's remark that Federal disaster programs are a disaster has been so widely quoted. Anyone who has been affected by a natural disaster knows about the redtape, insufficient coverage, and lengthy delays which our disaster programs involve. Farmers and ranchers whose crops and stock are threatened by the prolonged drought in the West are already grimacing at the prospect of trying to seek remedies through Federal programs. Secretary Bergland was only voicing an opinion which many already share.

Much of the blame for this sorry state of affairs must unfortunately rest with Congress. We created the patchwork of disaster programs, and it is our duty to revise and improve them. For this reason, I am today introducing the Agricultural Emergency Assistance Act of 1977. This bill is identical to S. 788, which Senator HUMPHREY has introduced in the Senate. The bill is designed, not only with the drought situation in mind, but also in anticipation of other agricultural emergencies such as abnormal hailstorms. The bill makes necessary additions to the current disaster programs, and streamlines the operations of the overall set of disaster programs. I have included a summary of the bill's provisions at the end of this statement.

Critics have attacked the notion of aid to ranchers and farmers. They claim that the farmers and ranchers who are in trouble are inefficient. The solution to inefficiency, they believe, is not to keep the inefficient producers in business, but to let them go out of business, leaving the industry to a smaller number of supposedly efficient producers.

This argument is a good example of how a little economics is a dangerous thing. While in most cases, declining industries should be allowed to shrink, agriculture is different from most other industries. Perfectly efficient, farmers and ranchers can suffer major economic losses if natural disasters—over which they have no control—deprive them of crops or reduce their herds for a year or two. When conditions become more favorable, these farmers and ranchers would again be able to produce effectively. But if we allow them to go out of business during the bad years, we will not have them around to produce when conditions improve. And make no mistake; new farmers and ranchers will not materialize if the weather improves. Ranching and farming are highly technical industries today. Their owners and employees are skilled professionals who are not easy to replace.

This whole argument reminds me of the biblical parable, from the story of Joseph, about the seven fat cows and the seven lean cows. Back in ancient Egypt, where most people worked the land, resources were set aside during the good years to help producers through the bad years. We ought to take a lesson from the Bible and formulate effective disaster relief programs.

We have a great need right now for a reformed, efficient disaster program. Most of the West has suffered 2 years of prolonged drought; current precipitation will simply not relieve these long-term deficiencies. Meanwhile, current emergency programs are confusing and inadequate. They are often designed to meet sudden disasters, like floods, but not prolonged, slow disasters, like droughts. Farmers and ranchers, particularly young farmers and ranchers, are leaving the land because of weaknesses in our emergency programs.

Yesterday, President Carter released his drought relief package. If enacted, the President's program would go a long way toward helping this country through its worst drought in nearly half a century. However, much of the President's program deals with such drought-related problems as energy production, community water conservation, and aid to small businesses. While these problems are certainly important, ranchers and farmers' concerns go well beyond the scope of his proposals. My constituents

want emergency programs which will help them through, not only the drought, but the unforeseen emergencies of the future. My bill can serve as an effectvie addition to the President's program.

Everyone in this country has a stake in the welfare of our American ranchers and farmers. After all, they produce our daily food. And they consume the output of all major industries. But, when they are forced off their farms, they often join the urban unemployment rolls, becoming drains on society rather than boons to society. We all have a stake in effective disaster relief. Enactment of this bill would be an important step in providing that relief.

I will conclude with the following summary of the provisions of the bill:

SHORT EXPLANATION OF THE AGRICULTURAL EMERGENCY ASSISTANCE ACT OF 1977

The major provisions of the bill would—

(1) direct the Secretary of Agriculture to provide leadership in coordinating, within the Executive Branch, all Federal programs designed to assist farmers and ranchers in disaster areas, and coordinate Federal efforts with State and local governments and county ASC committees;

(2) authorize research and development efforts that (a) administrative delay and confusion in the implementation of assistance programs for farmers and ranchers, and related problems, and (b) the need to develop programs that are specifically designed for drought situations;

(3) direct the Secretary to give special consideration to areas of the United States subject to frequently recurring natural disasters, such as drought, in administering the Department's conservation programs;

(4) authorize in a supplemental appropriation for FY 1977 of $10,000,000 for drought emergency conservation measures;

(5) continue, through the 1982 crop year, crop production disaster assistance to farmers in the form of payments to producers for deficiencies in production—

a. if crop insurance is not available to them;

b. for the commodities of wheat, feed grains, upland cotton, rice, and soybeans;

c. if production is below 75 percent of normal production;

d. on all acreage planted (not just allotted acreage);

e. at the rate of one-third of the cost of production;

(6)(a) require a minimum disaster reserve, to be held by the Commodity Credit Corporation, of 20,000,000 bushels of grain or, as necessary, hay or other livestock forage;

(b) authorize the Secretary of Agriculture to purchase commodities for the reserve, if necessary to maintain it at the minimum level; and

(c) authorize the Secretary to use the reserve, in disaster situations, to provide emergency feed for livestock;

(7) authorize the use of the emergency livestock feed program when the Secretary of Agriculture, under the Consolidated Farm and Rural Development Act, has made a designation that an area is eligible for emergency loan assistance, in order to improve the coordination of the two programs;

(8) improve the hay transportation program for livestock producers in disaster areas: The Secretary of Agriculture would be authorized to pay livestock producers up to three-fourths of the actual cost of transporting up to a 90-day supply of hay into the disaster area, when local hay production falls to less than 60 percent of normal production; and though normally it would be a temporary program, it could be renewed if disaster conditions continue;

(9) make permanent the Emergency Livestock Credit Act of 1974, under which the Secretary of Agriculture may guarantee loans made to livestock producers who are otherwise unable to get financing for their operations; and

(10) authorize the Secretary of Agriculture to modify repayment schedules on FmHA loans for borrowers located in disaster areas, to allow such borrowers grace periods of up to two years on repayment of the principal or interest on their FmHA loans.

The text of the bill follows:

H.R. 5560

A bill to improve and strengthen disaster assistance programs for agricultural producers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Emergency Assistance Act of 1977".

TITLE I—FINDINGS AND PURPOSE

FINDINGS

SEC. 101. (a) Congress finds that—

(1) United States agricultural producers efficiently supply high-qality food and fiber to meet the needs of the American people through intensive yearly production and will be called on in the future to maintain or increase this production

(2) natural disasters are not infrequent occurrences, but recurring destructive climatic events to which agricultural producers are especially vulnerable;

(3) costs of agricultural production have sharply increased in recent years, making it increasingly difficult for producers to overcome the effects of natural disasters that reduce or destroy crop and livestock production;

(4) existing agricultural programs designed to support prices or adjust production and to aid producers who suffer losses from natural disasters are not adequate to meet the needs of agricultural producers;

(5) a Federal crop insurance that would be available nationwide for all agricultural production and producers is not possible in the foreseeable future; and

(6) a well-coordinated Federal emergency assistance program is necessary to help agricultural producers cope with natural disasters and, therefore, assure the maintenance of the efficient and productive United States agricultural system.

(b) Congress further finds that there is need for improved administration and coordination of all Federal agricultural emergency assistance programs in order to assure that the programs are responsive to the needs of agricultural producers.

PURPOSE

SEC. 102. It is the purpose of this Act to develop a strengthened and better coordinated Federal effort in providing emergency assistance to agricultural producers who suffer losses as a result of natural disasters.

TITLE II—RESPONSIBILITIES OF THE SECRETARY OF AGRICULTURE; CONSERVATION ASSISTANCE

SEC. 201. Section 526 of the Revised Statutes (7 U.S.C. 2204) is amended by adding at the end thereof new subsections (c) and (d) as follows:

"(c)(1) The Secretary of Agriculture is authorized and directed to provide leadership in coordinating, within the executive branch, all Federal programs designed to assist agricultural producers in alleviating distress caused by natural disasters. In exercising this responsibility, the Secretary shall utilize the services of (A) other executive branch departments and agencies, and (B) the agencies, bureaus, offices, and services of the Department of Agriculture, in coordination with State and local governments and State and county agricultural stabilization and conservation committees. The Secretary is authorized to initiate or expand research and development efforts related to—

"(i) the coordination of emergency assistance programs for agricultural producers;

"(ii) uniformity and consistency in the application of criteria for eligibility;

"(iii) administrative delay and confusion in the implementation of assistance programs;

"(iv) the need for (a) the development of programs specifically designed to alleviate the distress caused to agricultural producers by prolonged drought, and (b) increased scientific understanding of climatic trends in order that timely preventive measures may be taken by producers to reduce the effects of drought;

"(v) the need for maximum flexibility in the administration of Federal emergency assistance efforts; and

"(vi) the need to assure maximum producer input and participation in the administration of Federal emergency assistance efforts.

"(2) The Secretary shall report to Congress, not later than February 1 of each year, on the progress made in carrying out the provisions of this subsection.

"(d) With respect to areas of the United States subject to frequently recurring natural disasters, the Secretary shall, in the administration of agricultural conservation programs and consistent with other provisions of law, give special consideration to such areas in allocating the funds for such programs and otherwise encouraging the adoption in such areas of conserving practices, including, but not limited to, the development of shelter belts, stock dams, and the use of agricultural land for soil conservation purposes."

EMERGENCY CONSERVATION MEASURES

SEC. 202. There is hereby authorized to be appropriated for the fiscal year ending September 30, 1977, for drought emergency conservation measures, to be used for the same purposes and subject to the same conditions as funds appropriated for emergency conservation measures in the Third Supplemental Appropriation Act, 1957, $10,000,000, in addition to any sums heretofore appropriated for the fiscal year ending September 30, 1977.

TITLE III—CROP PRODUCTION ASSISTANCE

DISASTER PAYMENTS

SEC. 301. Effective only with respect to the 1978 through 1982 crops of wheat, feed grains, rice, soybeans, and upland cotton, the Agricultural Act of 1949, as amended, is amended by inserting after section 107 new sections 108 through 112 as follows:

"DISASTER PAYMENTS FOR WHEAT

"SEC. 108. (a) Notwithstanding any other provision of law, if the Secretary determines that, because of drought, flood, or other natural disaster or condition beyond the control of the producers, the total quantity of wheat on a farm which the producers are able to harvest is less than 75 per centum of the farm acreage planted to wheat for harvest times the projected yield of wheat, payments shall be made to the producers on the farm for the deficiency in production below 75 per centum by multiplying such deficiency times one-third of the cost of production of wheat per bushel.

"(b) The provisions of this section shall be applicable only in counties where Federal crop insurance for wheat cannot be obtained by the producers for the crop year involved.

"DISASTER PAYMENTS FOR FEED GRAINS

"SEC. 109. (a) Notwithstanding any other provision of law, if the Secretary determines that, because of drought, flood, or other natural disaster or condition beyond the control of the producers, the total quantity of feed grains on a farm which the producers are able to harvest is less than 75 per centum

of the farm acreage planted to feed grains for harvest times the projected yield of feed grains, payments shall be made to the producers on the farm for the deficiency in production below 75 per centum by multiplying such deficiency times one-third of the cost of production of food grains per bushel.

"(b) The provisions of this section shall be applicable only in counties where Federal crop insurance for feed grains cannot be obtained by the producers for the crop year involved.

"DISASTER PAYMENTS FOR RICE

"SEC. 110. (a) Notwithstanding any other provision of law, if the Secretary determines that, because of drought, flood, or other natural disaster or condition beyond the control of the producers, the total quantity of rice on a farm which the producers are able to harvest is less than 75 per centum of the farm acreage planted to rice for harvest times the projected yield of rice, payments shall be made to the producers on the farm for the deficiency in production below 75 per centum by multiplying such deficiency times one-third of the cost of production of rice per bushel.

"(b) The provisions of this section shall be applicable only in counties where Federal crop insurance for rice cannot be obtained by the producers for the crop year involved.

"DISASTER PAYMENTS FOR SOYBEANS

"SEC. 111. (a) Notwithstanding any other provision of law, if the Secretary determines that, because of drought, flood, or other natural disaster or condition beyond the control of the producers, the total quantity of soybeans on a farm which the producers are able to harvest is less than 75 per centum of the farm acreage planted to soybeans for harvest times the projected yield of soybeans, payments shall be made to the producers on the farm for the deficiency in production below 75 per centum by multiplying such deficiency times one-third of the cost of production of soybeans per bushel.

"(b) The provision of this section shall be applicable only in counties where Federal crop insurance for soybeans cannot be obtained by the producers for the crop year involved.

"DISASTER PAYMENTS FOR UPLAND COTTON

"SEC. 112. (a) Notwithstanding any other provision of law, if the Secretary determines that, because of drought, flood, or other natural disaster or condition beyond the control of the producers, the total quantity of upland cotton on a farm which the producers are able to harvest is less than 75 per centum of the farm acreage planted to upland cotton for harvest times the projected yield of upland cotton, payments shall be made to the producers on the farm for the deficiency in production below 75 per centum by multiplying such deficiency times one-third of the cost of production of upland cotton per pound.

"(b) The provisions of this section shall be applicable only in counties where Federal crop insurance for upland cotton cannot be obtained by the producers for the crop year involved."

TITLE IV—LIVESTOCK PRODUCTION ASSISTANCE

DISASTER RESERVE

SEC. 401. (a) Section 813 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (87 Stat. 239; 7 U.S.C. 1427a), is amended as follows:

(1) Subsections (a) and (b) are amended to read as follows:

"SEC. 813. (a)(1) Notwithstanding any other provision of law, the Secretary of Agriculture shall, under the provisions of this Act, establish, maintain, and dispose of a separate reserve of grain for the purpose of alleviating distress caused by a natural disaster.

"(2) Such reserve inventories shall include such quantities of grain that the Secretary deems sufficient so that the reserve may, from time to time, be drawn on for the alleviation of distress as the result of natural disasters, but not less than twenty million bushels nor more than seventy-five million bushels of grain.

"(3) The Secretary is authorized to acquire hay and other livestock forages for the purpose of alleviating distress caused by natural disaster at such times and in such amounts as the Secretary may determine.

"(b) The Secretary is authorized to purchase such commodities through the Commodity Credit Corporation or acquire them through the price-support program.".

(2) Subsection (d) is amended to read as follows:

"(d)(1) The Secretary is also authorized to dispose of such commodities only for (A) use in relieving distress (i) in any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, (ii) in connection with any major disaster or emergency determined by the President to warrant assistance by the Federal Government under the Disaster Relief Act of 1974 (88 Stat. 143; 42 U.S.C. 5121), and (iii) in connection with any emergency determined by the Secretary to warrant assistance pursuant to section 407 of the Agricultural Act of 1949, as amended (63 Stat. 1055, as amended; 7 U.S.C. 1427), or the Act of September 27, 1959 (73 Stat. 574, as amended; 7 U.S.C. Prec. 1427a); or (B) use in connection with a state of civil defense emergency as proclaimed by the President or by concurrent resolution of the Congress in accordance with the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297).

"(2) Whenever commodities are disposed of as described in paragraph (1) of this subsection in such quantities that the inventories are reduced below a level of twenty million bushels, the Secretary is authorized to acquire commodities pursuant to subsection (b) of this section over a period of six months immediately following the end of the natural disaster, major disaster, emergency, or the expiration of the concurrent resolution, in order to reestablish the separate reserve at a minimum level of twenty million bushels.".

(b) The Secretary of Agriculture is authorized to acquire commodities pursuant to subsection (b) of section 813 of the Agricultural Act of 1970 over a period of two years immediately following the effective date of this section.

EMERGENCY LIVESTOCK FEED

SEC. 402. (a) Section 407 of the Agricultural Act of 1949, as amended (63 Stat. 1055, as amended; 7 U.S.C. 1427), is amended by striking out from the fifth sentence "any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress, as amended (42 U.S.C. 1855)" and inserting in lieu thereof "(A) any major disaster or emergency as determined by the President to warrant assistance by the Federal Government under the Disaster Relief Act of 1974 (88 Stat. 143; 42 U.S.C. 5121), or (B) any emergency as designated by the Secretary pursuant to the provisions of section 321 of the Consolidated Farm and Rural Development Act (75 Stat. 331, as amended; 7 U.S.C. 1961)".

(b) Section 2 of the Act of September 27, 1959 (73 Stat. 574, as amended; 7 U.S.C. Prec. 1427a), is amended by striking out the period at the end of the first sentence and inserting ", or if he has designated the area as an emergency area pursuant to the provisions of section 321 of the Consolidated Farm and Rural Development Act (75 Stat. 331, as amended; 7 U.S.C. 1961)".

EMERGENCY HAY TRANSPORTATION

SEC. 403. (a)(1) The Secretary of Agriculture is authorized to pay up to three-fourths of the actual cost of transporting a maximum ninety-day supply of hay or other livestock forage from areas in which hay is in plentiful supply to livestock producers in major disaster or emergency areas whenever—

(A) a State or area within a State is designated by the President as a major disaster or emergency area, pursuant to the Disaster Relief Act of 1974 (88 Stat. 143; 42 U.S.C. 5121), or is designated by the Secretary of Agriculture as an emergency area pursuant to the provisions of section 321 of the Consolidated Farm and Rural Development Act (75 Stat. 311, as amended; 7 U.S.C. 1961), or section 407 of the Agricultural Act of 1949, as amended (63 Stat. 1055, as amended; 7 U.S.C. Prec. 1427a), or the Act of September 21, 1959 (73 Stat. 574, as amended; 7 U.S.C. Prec. 1427a);

(B) the Governor of the State submits evidence during the period of designation to the Secretary of Agriculture showing that the combined hay, forage, or pasture losses in the major disaster or emergency area are or will be at least forty percent of the normal production for such area; and

(C) the Secretary of Agriculture concurs in the evidence of loss submitted by the Governor.

(2) As used in this section, "normal production" means the average production of hay, forage, and other pasture crops in the major disaster or emergency area, using statistics from the three calendar years immediately preceding the calendar year in which the major disaster or emergency designation was made: *Provided*, That if during any of those three years, the State or area was designated as a major disaster or emergency as described in paragraph (a)(1)(A) of this subsection, such year shall not be used to determine normal production, and, in lieu thereof, the next preceding calendar year in which no such major disaster or emergency designation was made, shall be used.

(3) In computing the amount of hay or other livestock forage for which a livestock producer will be entitled to transportation assistance under this section, the Secretary shall utilize a formula of forty pounds of hay per brood cow or dairy cow per day and twenty pounds per replacement heifer or head of beef cattle per day. The Secretary shall develop appropriate feed ratios for other forages and other livestock, as required.

(4) Within ninety days after the Secretary initially makes the assistance under this section available to livestock producers in an area, the Secretary, at the request of the Governor, shall review any additional information submitted by the Governor and evaluate the immediate situation and the long-term situation for livestock producers in the area.

(5) The Secretary is further authorized, whenever the Secretary determines such action to be necessary and appropriate based on the Secretary's evaluation of the continuing situation as provided for in subsection (4) of this section, to pay up to three-fourths of the actual cost of transporting additional supplies of hay or other livestock forage to livestock producers in the major disaster or emergency area, in such amounts as determined by the Secretary to be necessary to alleviate the distress caused by the major disaster or emergency.

(b) The Secretary is authorized to provide assistance under this section to any livestock producer whenever such action is necessary to prevent undue financial hardship to the producer in maintaining the producer's livestock herd, as determined by the Secretary.

(c) The Secretary is authorized to issue such regulations as he determines necessary to carry out this section.

(d) Whoever disposes of any hay or other livestock forage for which transportation costs were paid under this section, other than with the prior approval of the Secretary of Agriculture, shall be subject to a penalty equal to but not in excess of the amount paid by the Secretary to transport the hay or other livestock forage involved, to be recovered by the Secretary in a civil suit brought for that purpose, and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $3,000 or imprisonment for not more than one year.

(e) Section 8 of the Farmer-to-Consumer Direct Marketing Act of 1976 is hereby repealed. Notwithstanding such repeal, the provisions of section 8 of the Farmer-to-Consumer Direct Marketing Act of 1976 shall continue in effect with respect to any emergency or major disaster declared prior to the effective date of this section.

(f) The provisions of this section shall become effective thirty days after the date of enactment of this Act.

(g) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE V—CREDIT ASSISTANCE

EMERGENCY LIVESTOCK CREDIT

SEC. 501. The Emergency Livestock Credit Act of 1974 (88 Stat. 392, as amended; 7 U.S.C. Prec. 1961) is amended as follows:

(a) Section 3 is amended by striking out from subsection (a)(3) "eighteen months immediately preceding the date of enactment of this Act" and inserting in lieu thereof "five years immediately preceding the date the loan applicant applied to the lender for the loan".

(b) Section 8 is amended by striking out all that follows after the word "enactment" and inserting in lieu thereof a period.

GRACE PERIOD FOR LOANS

SEC. 502. The Consolidated Farm and Rural Development Act, as amended, is amended by inserting immediately after section 324 a new section as follows:

"SEC. 324a. (a) Notwithstanding any other provision of this title, and subject to the provisions of subsection (b) of this section, the Secretary is authorized to modify repayment schedules on loans made under this title to be commensurate with borrower circumstances by postponing all principal and interest payments for up to two years, except for annual payments equal to 1 percent of the principal. During this grace period, interest shall accrue on principal, but shall not accrue on the deferred interest.

"(b) The authority to modify repayment schedules shall be exercised only with respect to borrowers whose farming, ranching, or aquaculture operations are located in areas which—

"(1) the President has determined to be in need of assistance by the Federal Government under the Disaster Relief Act of 1974 (88 Stat. 143; 42 U.S.C. 5121), because of major disasters or emergency situations; or the Secretary has designated as emergency areas in accordance with section 321(a) of this title; and

"(2) have been, within the five years immediately preceding the date of such determination by the President or designation by the Secretary, subject on one or more occasions to either such determination by the President or designation by the Secretary; or the major disasters or emergencies have resulted in economic distress of such severity that the assistance provided herein is warranted, as determined by the Secretary.".

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

MEETINGS SCHEDULED

MARCH 28

9:00 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to inquire into domestic communications common carrier policies (i.e., telephone, computer, etc.)
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for ERDA's budget as it pertains to nuclear power.
3110 Dirksen Building

Environment and Public Works
To resume consideration of bills proposing amendments to the Clean Air Act (S. 252 and S. 253).
4200 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To resume hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

10:30 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

11:00 a.m.
Foreign Relations
Foreign Economic Policy Subcommittee
To resume oversight hearings on major international economic issues facing the United States.
4221 Dirksen Building

1:30 p.m.
Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

2:30 p.m.
Foreign Relations
African Affairs Subcommitte
To receive a briefing in closed session from CIA Officials on internationalization of local conflicts in Africa.
S-116, Capitol

MARCH 29

9:00 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Rural Development
To hold hearings on medicare reimbursements for rural health care clinics.
322 Russell Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Fish and Wildlife Service.
1224 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Office of Human Development.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Armed Services
Research and Development Subcommittee
To resume closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building

Banking, Housing, and Urban Affairs
To markup S. 69 and S. 92, to extend the Export Administration Act.
5302 Dirksen Building

Energy and Natural Resources
Energy Production and Supply Subcommittee
To continue hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Foreign Relations
To hold hearings on sundry State Department nominations, to be followed by consideration of those and other pending nominations.
4221 Dirksen Building

Governmental Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To continue hearings on S. 2 to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

1:30 p.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommitee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Technical Institute for the Deaf; the American Printing House for the Blind; Gallaudet College, and Howard University.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Armed Services
Research and Development Subcommittee
To continue closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building

Commerce, Science, and Transportation
To hold hearings on the nomination of Joan Buckler Claybook, of Maryland, to be Administrator of the National Highway Traffic Safety Administration.
5110 Dirksen Building

Human Resources
Health and Scientific Research
To hold hearings on S. 705, to revise and strengthen standards for the regulation of clinical laboratories.
4223 Dirksen Building

2:30 p.m.
Foreign Relations
*Foreign Economic Policy Subcommittee
To continue oversight hearings on major international economic issues facing the United States.
S-116, Capitol

MARCH 30

9:00 a.m.
Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear Secretary Bergland.
1224 Dirksen Building

Energy and Natural Resources
To hold hearings on the nomination of Guy Richard Martin, of Alaska to be an Assistant Secretary of the Interior.
3110 Dirksen Building

9:30 a.m.
Appropriations
*Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Park Service.
S-126, Capitol

Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
235 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Agricultural Production, Marketing and Stabilization of Prices
To hold oversight hearings on problems of flue-cured tobacco farmers.
322 Russell Building

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Export-Import Bank, and Overseas Private Investment Corporation.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Social and Rehabilitation Service.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Armed Services
Research and Development
To continue closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building

Banking, Housing, and Urban Affairs
To mark up S. 305, to require issuers of securities to maintain records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Governmental Affairs
To continue hearings on S. 591, and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To continue hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Human Resources
Health and Scientific Research
To continue hearings on S. 705, to revise and strengthen standards for the regulation of clinical laboratories.
4232 Dirksen Building

Human Resources
Labor Subcommittee
To hold hearings on S. 717, to promote safety and health in the mining industry.
4232 Dirksen Building

Joint Economic
To hold hearings to receive testimony on a study on food chain stores' profits and prices.
318 Russell Building

Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

10:30 a.m.
Commerce, Science and Transportation
To consider the nomination of Michael Pertschuk, of the District of Columbia, to be a Federal Trade Commissioner.
5110 Dirksen Building

11:00 a.m.
Foreign Relations
Foreign Assistance Subcommittee
To consider proposed legislation authorizing funds for development assistance programs, and for contributions to international organizations.
4221 Dirksen Building

1:30 p.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Foreign Relations
Subcommittee on Foreign Economic Policy
To meet in closed session to receive a staff report on U.S. Foreign Economic Policy Issues: The United Kingdom, France, and West Germany.
S-116, Capitol

Rules and Administration
To resume consideration of S. Res.'s 5 through 12, proposing several changes in the Senate rules, principally with regard to Rule XXII (closure); and to consider other committee business.
301 Russell Building

MARCH 31

9 00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.
332 Russell Building

Foreign Relations
Foreign Assistance Subcommittee
To mark up legislation on international financial institutions and bilateral development assistance.
4221 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.
1318 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Handicapped Subcommittee
To resume oversight hearings on the implementation of the Developmentally Disabled Assistance and Bill of Rights Act (P.L. 94–103).
6202 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings in connection with the protection of human subjects used in experimental research.
6226 Dirksen Building

Select Small Business
To hold hearings on the nomination of Arthur Vernon Weaver, Jr., of Arkansas, to be Administrator of the Small Business Administration.
424 Russell Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear public witnesses.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Social Security Administration.
S128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for National Highway Traffic Safety Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on S. 664, to provide for the insurance of graduated payment mortgages, and S. 1078, to revise the experimental mortgage insurance program.
5302 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on national water policy in light of current drought situations.
4200 Dirksen Building

Governmental Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

*Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until: 1 p.m. 1202 Dirksen Building

11:00 a.m.
Foreign Relations
Subcommittee on Arms Control, Oceans and International Environment
To hold hearings on S. Res. 49, favoring international agreement to a treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of Civil Rights, Inspector General, Policy Research, and General Management.
S–128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense establishment, to hear public witnesses.
S–126, Capitol

Appropriations
Legislative Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the legislative branch, on items under the Office of the Secretary of the Senate.
S–146, Capitol

Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S–407, Capitol

3:30 p.m.
Foreign Relations
To receive a briefing (in closed session) from officials of the Central Intelligence Agency on the general world situation.
S–116, Capitol

APRIL 1

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on the administration's proposals relative to the food stamp program.
322 Russell Building

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Environmental and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To continue hearings in connection with the protection of human subjects used in experimental research.
6226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 664, to provide for the insurance of graduated payment mortgages, and S. 1078, to revise the experimental mortgage insurance program.
5302 Dirksen Building

Budget
To markup proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on the nominations of Charles Linn Haslam, of North Carolina, to be General Counsel, and Frank Alan Weil, of New York, to be an Assistant Secretary, both of the Department of Commerce.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

11:00 a.m.
Foreign Relations
International Operations Subcommittee
To hold hearings on proposed 1978 authorizations for the International Broadcasting Board.
4221 Dirksen Building

Joint Economic
To hold hearings on the employment/unemployment situation.
1202 Dirksen Building

APRIL 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To hold oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To resume hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
S-407, Capitol

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the glass eye industry.
318 Russell Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Joint Economic Committee
To resume hearings to receive testimony on a recent study prepared by the University of Wisconsin on food chain stores' profits and prices.
318 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
5110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorization for fiscal year 1978 for Energy Research and Development Administration.
Room to be announced

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

APRIL 6

9:00 a.m.
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 393, the proposed Montana Wilderness Study Act.
Room to be announced

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear congressional witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Select Small Business
Monopoly Subcommittee
To continue hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To continue oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

*Government Affairs
Energy Subcommittee
To continue hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on the benefits from and technological uses of genetic engineering-deoxyribonucleic acid (DNA) research.
6202 Dirksen Building

APRIL 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

Select Intellegence
To hold a closed hearing on proposed fiscal year 1978 authorizations for Government intellegence activities.
S-407 Capitol

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Dr. Frank Press, of Massachusetts, to be Director of the Office of Science and Technology Policy.
5110 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings to receive testimony in connection with delays and congestion occurring at U.S. airports-of-entry.
235 Russell Building

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal years 1978 and for Department of Housing and Urban

Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To resume hearings on the national water policy in view of current drought situations.
4200 Dirksen Building
Judiciary
To hold hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building
Environment and Public Works
To resume hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building
10:00 a.m.
Banking, Housing and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendation thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building
Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building
Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building
3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimate for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of lock and dam 26, Alton, Ill.
4200 Dirksen Building
10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building
Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building
Select Small Business
To hold hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Judiciary
To resume hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 26

9:30 a.m.
Select Small Business
To hold hearings on problems of small business as they relate to product liability.
1202 Dirksen Building
10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Commerce, Science, and Technoolgy
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recomendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 9

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To hold oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 10

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To resume oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To resume hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 11

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To continue hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To resume hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To continue hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

CANCELLATION

MARCH 28

10:00 a.m.
Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

SENATE—*Monday, March 28, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and Ever-Gracious God, as we turn to Thee in prayer may our hearts and minds be quickened and purified by Thy spirit. As the times demand stout hearts, true faith, and willing hands, take us as we are and by Thy touch magnify our wisdom and increase our strength. Give us grace sufficient for our tasks. And grant that we may walk in the steps of Him who with the fewest hours finished the divinest work, even Jesus Christ, Thy Son, our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 28, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. CLARK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, March 25, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Chair recognizes the minority leader.

Mr. BAKER. Mr. President, I yield 5 minutes to the distinguished junior Senator from Rhode Island.

RHODE ISLAND 4 YEARS LATER: PULLOUT STILL HURTS

Mr. CHAFEE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article appearing in yesterday's Washington Post, business and finance section, entitled "Rhode Island 4 Years Later: Pullout Still Hurts."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RHODE ISLAND 4 YEARS LATER: PULLOUT STILL HURTS

(By William Claiborne)

QUONSET POINT, R. I.—When the U.S. Navy abruptly announced in 1973 that it was pulling its Atlantic destroyer fleet out of Rhode Island and closing its sprawling air base and Seabee center here, state officials were hard-pressed to grasp the logic of the decision.

Gov. Joseph Garrahy, who was then lieutenant governor, first heard about it on a radio newscast and, by his own account, was dumfounded. What Garrahy heard was that Rhode Island, the smallest state in the nation, was going to absorb 50 per cent of the defense cuts ordered by President Nixon.

"I thought, 'This can't be right. That announcer has got to be wrong'," recalls Garrahy.

Raymond G. Neal, a Navy captain who recently had retired as chief of staff of the Quonset Point Air Base and who is now vice president of the Hospital Trust National Bank, Rhode Island's biggest bank, had just mailed a recommendation to bank officials that they open a new branch at the base because of "burgeoning" growth.

Then-Gov. Philip W. Noel and other top state officials had come to think of the destroyer fleet in Newport and the air base here, which was built in 1941, as permanent Rhode Island institutions.

After all, the Navy had just built scores of new duplex housing units at $40,000 apiece, had just completed a new commissary scheduled to open days after the shutdown announcement, and had let local officials float

millions of dollars in bond issues to build several new schools to accommodate dependents of the military.

Earlier, the Navy forced the state to spend an additional $8 million to change its plans for the proposed Newport Bridge so that it would be high enough to allow the passage of aircraft carriers of designs projected to the year 2000. The bridge, with a conspicuous bulge in the center, was completed in 1969.

If officials of the tiny State of Rhode Island (pop. 950,000) were hard-pressed to understand the officials of the big state of U.S. government bureaucracy (pop. 2.8 million) in 1973, they are even more bewildered now.

For after devising an ambitious industrial plan for economic recovery that would offset the loss of 17,000 military personnel and their families and 6,000 civilian workers, the state still has not been allowed to acquire the surplus Navy land it needs to build new factories.

It took the Defense Department nearly four years to release $1 million needed to fund an environmental impact study of the industrial plan, and state economists estimate that the federal government has pumped $30 million a year into Rhode Island for unemployment insurance during that time.

The General Services Administration still has not made an official fair market appraisal of the 4,600 acres of land covering 10 sites, nor the 1,311 structures the Navy is giving up.

And environmental groups have gone to court to bottle-neck the industrial development further, and in a decision bitterly received in most quarters of the statehouse, a New York federal judge last month set back plans for creating a large offshore oil-staging facility here by voiding leases for exploration of oil fields in the so-called Baltimore Canyon off the New Jersey and Delaware coasts, which could have provided thousands of jobs here.

"There's no way of describing how frustrating the last four years have been," Garrahy said in an interview in his statehouse office.

"We've got the best industrial site in the whole Northeast. It's got a deepwater port, rail lines, an airfield and hundreds of good buildings for sale at surplus prices. It's a natural, but we can't do anything with it."

Meanwhile, according to Garrahy and a dozen economists, bankers and state officials interviewed, Rhode Island continues to suffer from the debilitating effects of the base closures.

After the base closings, the statewide unemployment rate soared from about 6 per cent to 18.2 per cent, rising to more than 30 per cent in some towns.

Coupled with the economic impact of the Middle East oil embargo and the national recession, the loss of the Navy's $344 million annual payroll caused an immediate 6 per cent loss in the gross state product. Rhode Island, which trailed the average national per capita income by only $9 in 1972, fell $38 behind two years later. In one year, small-business income dropped by 25 per cent in the Newport area and by 15 per cent in the Quonset Point area.

Restaurants and bars on Sailor's Row in Newport folded almost immediately and, as the Navy withdrew its forces rapidly over the first year, hundreds of rental houses and apartments became vacant.

National chain retailers which had announced plans for new outlets suddenly withdrew, leaving shopping center developers with big parking lots and little else.

Teacher employment plummeted, and several towns found themselves with empty schools and bond issues they will be paying off for years.

"There has been nobody as little as us who has ever been so devastated," said James O. Roberson, director of the State Department of Economic Development.

"Other states could absorb this. What does the Brooklyn Navy Yard mean to New York, or the Boston Navy Yard to Boston? But to us, my God, it's [the base closings] a big part of our economy," Roberson said.

With the movement of most of Rhode Island's textile industry to the South in the 1940s and 1950s, the state was left with a labor force of 430,000, nearly a quarter of them employed in the jewelry industry and a third in mostly light manufacturing. Gorham Silver and several large gold and silverworking firms are located here.

It was against this backdrop that the state launched an aggressive economic development program, committing more funds per capita on such promotion than any other state in the nation.

Among the projects designed to recoup the loss of the Navy were an $80 million mortgage guarantee program for new factories and equipment, tax-exempt industrial revenue bonds, tax credits and write-offs for research and development, elimination of property and sales taxes for factory equipment, a state-funded-job training school and other incentives.

The state also feverishly solicited new industry, building an elaborate, $200,000 "briefing room" at the Providence airport, with sliding screens and multimedia visual presentations designed to seduce visiting industrialists into moving to Rhode Island.

But the linchpin of the recovery scheme was the plan to convert the old Navy installations into nearly instant factory centers, which were envisioned as providing 10,000 new jobs at Quonset and 2,500 more in the Newport area.

Rhode Island has had some success, despite the tieup of its planned industrial land. General Dynamics Corp.'s Electric Boat Division opened a plant at Quonset that fabricates hull plates for the atomic-powered Trident submarine. The component parts are shipped to Groton, Conn., by barge.

Electric Boat, which invested $17 million at Quonset in the face of a restrictive, one-year lease, employs 5,000 workers—all hired from the unemployed work force. The division's capital investment was considered extraordinary because the state—restricted to the terms of its tenuous and temporary control over Navy land—could offer nothing more than a one-year lease, cancelable in 30 days.

John B. Dana, Rhode Island Port Authority director in charge of the Quonset Point land, also has granted one-year factory leases—permissible under the surplus land terms with the Navy—to 13 small factory owners. The businesses—regarded as the vanguard of the industrial development plans—include a sailmaker and a pipe fabricating plant.

Dana, however said that the Navy property—which includes 82 miles of paved roads, 94 miles of water lines, 40 miles of sanitary sewers and 25 miles of underground steam pipes—is overdeveloped for the use that the site is now getting.

Moreover, few industrialists are willing to make a capital investment in Rhode Island on the basis of a one-year lease. But until the state takes title to the surplus Navy land, it is not permitted by law to offer more than a short-term lease.

Rhode Island officials recently took a bold step and tried to talk a consortium of two dozen oil companies into establishing an oil-rig services center on the surplus piers at Quonset Point.

Encouraged by the potential for oil discoveries in the Georges Bank Field in the Atlantic and in the Baltimore Canyon, the oil companies tentatively set up a staging center here. They brought in tons of equipment, including drilling pipe and facilities for making the chemical compound called "mud" that is used as a drilling lubricant.

Richard McCone, general manager of Superior Oilfield Service, Inc., one of the lessees who located at Quonset in anticipation of a major oil find at Georges Bank, said 3,500 to 5,000 oil workers could be employed at Quonset in two years if federal government site restrictions are lifted.

"All the supplies for the rigs offshore will have to come from this staging base. Drill pipes will be overhauled, mud will have to be supplied, and the entire nuts-and-bolts backup operation will have to be made out of here' McCone said.

The environmentalists, led by the Rhode Island Conservation Law Foundation, say they are not trying to stand in the way of progress, but that they are committed to preserving the bay from industrial ruin.

Harold R. Ward, chairman of the foundation, said the $1 million promised by the Defense Department for an environmental impact study may not be enough to chart the ecological impact on undeveloped lands surrounding the naval facilities.

But in the view of bankers such as Neal and Hospital Trust president Henry Woodbridge, the surplus Navy lands are essential to Rhode Island's economic recovery. They argue that the state is "losing face" with industrialists across the country because of the bureaucratic tieups, and that chances of exploiting the potential of the Navy land may never be realized.

"How long can you hold people's hands and say, 'Here's this great industrial site, but we can't give you anything more than a one-year lease, because we don't own it yet'?" asked Roberson.

"If General Motors wanted to move their whole Detroit operation here right now, we couldn't do a thing about it. That's the frustration of it," he added.

Mr. CHAFEE. Mr. President, I wish to offer a few comments in connection with this article, which is a very fine one. The article deals with the 1973 decision which substantially reduced military installations across the country.

In that decision Rhode Island suffered some 50 percent of the total reductions that were suffered throughout the Nation. I believe it is important to remember that when such cuts take place, usually there is a good deal of publicity, a good deal of furor, and then the Nation, in its consideration, moves on to other problems and difficulties. But to those areas which have been hit by such cutbacks, especially when they are small areas, the remaining effects of such activities are truly devastating.

Our State is, as Senators know, a small one. As a result of the Navy pullout, we suffered the loss of some 17,000 military personnel and some 6,000 civilian personnel, with a total payroll loss of over $344 million. Our gross State product dropped some 6 percent immediately. Our per capita income dropped. Our unemployment rate rose from 6 percent to some 18 percent.

In all fairness, these problems are not entirely attributable to the loss of the Navy installations, but certainly a large part of it was.

A further difficulty I would like to point out, Mr. President, is that when such actions take place, I believe it behooves the Federal Government to move as rapidly as possible to provide a solution or amelioration of the effects of such cutbacks. Unfortunately, while our State has been trying to gain title to the former Navy lands, we have been caught in a good deal of Federal redtape dealing with this problem. Consequently only short-term leases are available to those companies choosing to come in and develop.

As we all know, a 1-year or a 2-year lease is insufficient to enable any company to make a major capital investment. I am extremely hopeful that the Federal Government will move swiftly in trying to resolve the difficulties which stem from the abandonment of those lands by the Navy so that our State can move in, obtain the lands and facilities, and move ahead with its vigorous industrial program.

Thank you, Mr. President.

CONSERVATION, COAL, AND URANIUM

Mr. BAKER. Mr. President, I would like to call the attention of my colleagues to an editorial in this morning's Washington Post entitled "Coal or Uranium?"

This editorial concerns our energy options for the rest of this century. Its conclusions are consistent with what the former Administrator of ERDA, Dr. Robert Seamans, has been saying for the past 3 years. New energy technologies such as solar and geothermal will emerge, but they will not be major contributors until the next century. For the next 25 years we must solve our energy problems with a mixture of conservation, coal, and uranium.

It is imperative, therefore, that Congress and the administration develop a realistic energy policy that chooses the correct mixture of these three resources. The consequences of trying to implement an unrealistic plan or of avoiding the issues altogether will be increasing impediments to needed economic growth and the inevitably attendant rise in unemployment.

Mr. President, this editorial highlights some of the strengths and weaknesses of our energy options. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 28, 1977]

COAL OR URANIUM?

To generate increased amounts of electricity, this country now has only two choices. It can either burn more coal or build more uranium-fueled nuclear reactors. Sometime in the next century other technologies will emerge—perhaps solar or geothermal generators. But for the next 30 years or so, this country must expect to depend on the sources that we already have. As Americans work their way toward a coherent national energy policy, it's necessary to weigh these two fuels, coal and uranium, against each other. What are the respective risks to health, safety and the natural environment?

Coal, on present evidence, is more dangerous than the present generation of nuclear reactors running on enriched uranium. Coal is also likely to be a bit more expensive than nuclear power in most parts of the country. The evidence is admirably summarized in the report published last week by a distinguished committee brought together by the Mitre Corporation with a grant from the Ford Foundation. The Mitre report argues that there is no reason for the United States to proceed in this century to build the plutonium breeder reactor. But uranium and the present commercial reactors are an altogether different story from plutonium and the breeder—and far less hazardous. Fuel policy is, above all, a weighing of hazards.

Coal smoke contains poisons that, inhaled over the years can kill people. That truth is widely known, yet there seems to be a tendency to discount it because people have been living with it for a long time. How many lives would it cost to carry out a massive increase in coal-fired power generation? Estimates vary, just as estimates of nuclear dangers vary. But they do not vary so much that a comparison is impossible. The Mitre committee concludes that "new coal-fueled power plants meeting new source standards will probably exact a considerably higher cost in life and health than new nuclear plants."

Large increases in coal consumption throughout the country would also probably affect the weather. Burning coal (or anything else) produces carbon dioxide, and there are already indications that humanity is burning fossil fuel fast enough to tip the natural balances in the atmosphere. The impact on the climate cannot be predicted accurately—and that's another reason for caution.

But certainly the list of imponderables also includes the chances of serious nuclear accidents. Mankind's experience with reactors has been very brief, and any calculation of danger has to be based on extrapolation rather than experience. Precisely because the uncertainties are very great, in coal as well as in nuclear generation, the Mitre committee wisely counsels using both. Nuclear energy will not be indispensable to this country for many decades, it argues. But a cautious and steady expansion of the reactor system would offer a valuable kind of insurance against unexpectedly severe consequences of greatly increased coal use.

There is one crucial point that the Mitre report does not directly address: How much electric power will the country need? Most of the power companies currently expect demand to rise about 5.5 per cent a year. That would mean more than trebling the country's generating capacity by the end of the century—requiring a truly awesome expansion of both coal and nuclear power. The conventional view is that any great reduction below that rate would jeopardize the nation's economic growth. But that's not necessarily true, if conservation is carried out with careful thought and preparation. The public issue is not just how to balance coal against nuclear power. First of all, it's deciding how much of either the country wants—with all of the risks and penalties that will inevitably accompany either. That's a question for President Carter and Congress, to be answered in the energy policy that they must hammer out this year.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no other requirement or request for time under the standing order. I yield back the remainder of my time.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, Senate Resolution 110, which the clerk will state.

The assistant legislative clerk read as follows:

A resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the United State Senate, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Carolina (Mr. HELMS) is recognized to call up six amendments. The time for debate on four of these amendments shall be limited to 20 minutes each and time for the other two shall be limited to 40 minutes, with the time on each amendment to be equally divided and controlled.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged against both sides on the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there is one measure on the unanimous-consent calendar that was placed there last week. Without taking any time from the pending measure, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 54 on the unanimous-consent calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 105) requesting a White House conference on small business.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Select Committee on Small Business, with an amendment to strike out all beginning with the preamble and insert the following:

Whereas the United States of America is entering on a crucial period of economic rebuilding;

Whereas such rebuilding can only be accomplished by a revitalization of the Nation's small business community;

Whereas small business provides 52 per centum of all the nongovernment employment in the United States;

Whereas small business provides 48 per centum of business output;

Whereas 43 per centum of the gross national product of the United States is produced by small business;

Whereas 97 per centum of all United States enterprises are defined as small business;

Whereas significant innovative and technological developments frequently originate in the small business community; and

Whereas the Senate Small Business Committee has actively recommended better development of the Nation's small business community to reduce unemployment, increase production, and provide for the future: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States that the President of the United States convene a White House Conference on Small Business with the help of the Senate Small Business Committee to develop specific and comprehensive recommendations to increase public awareness of

the importance of small business; to identify the problems of new, small, and independent business enterprise; and to suggest legislative, executive, administrative, and other appropriate governmental actions for encouraging and maintaining the economic interests and potentials of the American small business community in order to strengthen the overall economy of the Nation.

UP AMENDMENT NO. 101

Mr. NELSON. Mr. President, I send to the desk an amendment and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) proposes unprinted amendment No. 101.

On page 3, after line 12, insert the following:

SEC. 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the President of the United States.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The committee amendment, as amended, was agreed to.

The resolution, as amended, was agreed to.

The preamble was amended and agreed to.

The resolution, as amended, with its preamble, as amended, is as follows:

S. RES 105

Whereas the United States of America is entering on a crucial period of economic rebuilding;

Whereas such rebuilding can only be accomplished by a revitalization of the Nation's small business community;

Whereas small business provides 52 per centum of all the nongovernment employment in the United States;

Whereas small business provides 48 per centum of business output;

Whereas 43 per centum of the gross national product of the United States is produced by small business;

Whereas 97 per centum of all United States enterprises are defined as small business;

Whereas significant innovative and technological developments frequently originate in the small business community; and

Whereas the Senate Small Business Committee has actively recommended better development of the Nation's small business community to reduce unemployment, increase production, and provide for the future: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States that the President of the United States convene a White House Conference on Small Business with the help of the Senate Small Business Committee to develop specific and comprehensive recommendations to increase public awareness of the importance of small business; to identify the problems of new, small, and independent business enterprise; and to suggest legislative, executive, administrative, and other appropriate governmental actions for encouraging and maintaining the economic interests and potentials of the American small business community in order to strengthen the overall economy of the Nation.

SEC. 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the President of the United States.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HELMS. Mr. President, I yield myself as much time as I may require.

AMENDMENT NO. 114

Mr. HELMS. I call up my amendment No. 114 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes amendment No. 114.

On page 35, line 25, strike out "and" and insert a comma.

On page 36, line 2, before the period insert ", and the cost of the mailing (such cost to include the amount of postage which would be payable if the frank were not being used, materials, labor, and prorated overhead including the cost of the maintenance of computer lists)".

On page 36, line 7, strike out "and".

On page 36, line 7, before the period insert ", and the cost of the mailing (such cost to include the amount of postage which would be payable if the frank were not being used, materials, labor, and prorated overhead including the cost of the maintenance of computer lists)".

On page 36, after line 7, insert the following:

"(c) When a Senator disseminates information under the frank by a mass mailing (as defined in section 3210(a)(5)(D) of title 39, United States Code), the following statement shall be printed in a boxed area on the front page of each piece of the mass mailing: (1) in ten-point boldface type: 'This mailing prepared and delivered at taxpayers' expense'; and (2) in regular ten-point type a statement of the total cost of the mailing, such cost to include the amount of postage which would be payable if the frank were not being used, materials, labor, and prorated overhead including the cost of the maintenance of computer lines.".

The ACTING PRESIDENT pro tempore. The Chair inquires of the Senator whether this is a 20-minute amendment or a 40-minute amendment.

Mr. HELMS. Let us decide that later. I do not anticipate taking much time. I hope it will be a 20-minute amendment.

Mr. President, this amendment has been modified to correct a typographical error on page 2, line 17, changing the word "lines" to the word "lists."

I ask unanimous consent that Dr. James P. Lucier of my staff be accorded the privilege of the floor during consideration of Senate Resolution 110 and any votes thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, while waiting for Mrs. Helms to pick me up one evening recently, I decided to step inside the Senate print shop in the basement of the Dirksen Senate Office Building. Frankly, Mr. President, I had not fully known the purpose of that room. I had heard machinery clicking there from time to time. I had seen rolls of newsprint being delivered. I had seen various other signs of activity, and it all caused me to wonder what was going on. So I went in and I was greeted very cordially. The employees were most gracious and polite. Indeed, one of them was kind enough to give me a sort of "minitour" of the Senate print shop.

I was fascinated by the sheer volume of printed matter coming off the high-speed offset presses in that facility. Upon inquiry, I learned that the printing in process that evening included no less than 700,000—let me repeat, 700,000—copies of a senatorial newsletter; and that, Mr. President, was for just one Senator. Moreover, I learned that newsletters of at least one or two Senators have been sent out to over 1 million persons in their States, presumably on a regular basis.

I hope the Senate will stop for just a moment and examine the cost of all of these newsletters. These newsletters are treated by the Postal Service as first-class mail. Then there is the cost of the paper, ink, and other materials. There is the cost of labor, the care and maintenance of the printing equipment, and the very costly, continuous updating of computer lists. There is the value of the space provided in the Dirksen Building for the Senate printshop. There is extensive staff time taken up in preparation of the contents of newsletters.

So, Mr. President, if we start with 13 cents, being the first-class postage that is covered by the frank, and add all the other expenses mentioned, we can see these newsletters cost in the neighborhood of 25 cents apiece. Hence, when one Senator mails out a million copies, it is costing the taxpayers at least $250,000. Multiply that, if you wish, by the 12 months of the year and again by the number of Senators who send out newsletters, and add similar expenses in the House of Representatives—we are talking, Mr. President, about hundreds of millions of dollars of the taxpayers' money.

I know that Senators will respond that newsletters are worth the cost, because they keep the people informed. Frankly, Mr. President, I do not believe it for a minute. It may be that the only thing newsletters keep the citizens informed about is whom to vote for in the next election. But even assumig there is some information of value, is it necessary? There are plenty of newspapers, magazines, television, and radio stations across this country which do a pretty thorough job of coverage. Of course, any citizen who has a specific question can always write or telephone his Senator for information.

So the question emerges—and it is one, I believe, that Senators should face up to—do we really need to spend hundreds of millions of dollars of the taxpayers' money to give the citizens of this country this additional "information"?

More fundamentally, do the citizens, who are purportedly being benefited, want their tax money to be spent to be so informed? I do not know the answer to the question, Mr. President, but there is one sure way to find out. The pending amendment requires a simple statement on the front page of each newsletter distributed by a Senator to contain the declaration that "this mailing is pre-

pared and delivered at taxpayers' expense" followed by the total estimated cost of the mailing.

That is the kind of education I think the taxpayers ought to have, and I believe that Senators owe it to the taxpayers to give it to them. If the notation that it cost, for instance, $250,000 of a citizen's tax dollar to mail a newsletter causes such adverse reaction that no Senator would dare mail out a newsletter with such a notation, then I believe we will have had an adequate answer to the question whether the citizens really want these newsletters.

Mr. President, I suppose this could be called a sort of a "truth in packaging" amendment. If the citizens are to be thusly informed, let them first be informed about how much it is costing them to be informed. Surely no one could object to this amendment. Who would want to advocate that the citizen should not know how much their Senator is spending of their tax dollars to keep them informed?

We now are supposed to have Government in the sunshine, so let the sun shine in. If these newsletters are so necessary and the cost is so justified, then surely the citizens will see the wisdom of all of this and heartily approve it.

Mr. President, I reserve the remainder of my time.

Mr. NELSON. Mr. President, what was the time limitation on this amendment?

The ACTING PRESIDENT pro tempore. There is a complicated time agreement on the six amendments by the Senator from North Carolina. Four of them are to have a 20-minute limit and two are to have a 40-minute limit to be selected by the Senator from North Carolina. So it is either a 20-minute limit or a 40-minute limit.

Mr. HELMS. Mr. Presdent, may I ask how much time I consumed?

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. HELMS. I choose to make this a 20-minute amendment, 10 minutes to a side.

The ACTING PRESIDENT pro tempore. The Senator has 10 minutes.

Mr. NELSON. Mr. President, I yield whatever time is desired to the Senator from Montana.

Mr. METCALF. I thank the Chair.

Mr. President, last year Senator Mansfield in the Democratic conference and Senator Hugh Scott in the Republican conference appointed an ad hoc committee to consider matters arising in connection with a lawsuit that was brought against the Postmaster General to declare the franking statute unconstitutional.

Affidavits have been made by all of our administrative assistants, and a massive file of information with respect to actual use of the frank has been made available to the court. Just one of the pleadings made on behalf of the subpenaed Senate employees is about 3 or 4 inches thick and weighs several pounds.

The ad hoc committee has made a thorough study of the franking privilege and the use of the frank. The committee has found, for example, that use of the frank by Senate offices has not been by any means excessive. In fact, from 1973 to 1975, 92 Senators distributed less than two pieces of mail per voting-age constituent each year. Considering the fact that it is our responsibility as Senators to maintain two-way communication with our constituents, only two pieces of mail per year indicates not that we are overusing the frank but that we are underusing it. Even more revealing is the fact that 81 Senators sent out less than one piece of mail per voting-age constituent each year, 1973 to 1975.

The Senator from North Carolina is a distinguished and able Senator and a good friend of mine. But he may have the capability to report to his constituents by other means than newsletters. Mr. President, in the State I represent, I have tried to send columns to the weekly newspapers. Except for two weekly newspapers none of them would print the columns. And the weekly newspapers that printed it for a time are now out of business. So sending columns to weekly newspapers is out, where my State is concerned. I have tried to send weekly radio programs. But the stations, play them on public-service time—about midnight every night. I have tried to send television programs, but the television stations will not even use my clips on news breaks.

The only way that I have to communicate directly with my constituents is by sending them newsletters and telling them how I feel about the legislation that is coming to the floor of the Senate.

In the ad hoc committee we discovered that there is no relationship between the volume of mail sent by a Senator and his status as a candidate for reelection.

The ad hoc committee has published a committee print entitled "Communication With Constituents: The Senator's Duty To Inform the People." In that print is an analysis of the use of newsletters, including polls that have been taken on the public's reaction to newsletters, together with the history of the franking privilege, which has been in use ever since the American Revolution.

Mr. President, I ask unanimous consent that this committee print be made a Senate document.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METCALF. We have found in the ad hoc committee, which consisted of representatives of the minority as well as the majority, that anything unnecessarily restricting use of the frank would be contrary to the public interest. Every poll indicates that the citizen today wants and needs more and not less information about the activities of their elected representatives.

Mr. President, I ask unanimous consent that excerpts from the committee's report pertaining to the public's evaluation of newsletters be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS

Today, newsletters and similar information mailings by congressional offices receive widespread attention from the public—and the response is generally favorable.

In a survey conducted for a Senate subcommittee in 1973, for example, it was found that about three out of every four respondents had received a letter or mailing from their representative in the U.S. House of Representatives. About six out of 10 had received a similar mailing from their Senator.

When asked for their evaluation and reaction to these communications—according to the Louis Harris and Associates organization—a majority of those surveyed gave positive responses. More than half (57%) said the communications contained "useful information," and about the same number described them as "interesting to read." Just under half of the respondents (47%) indicated that such mailings "tell you how" your congressional representatives are voting.

Through such communications—in correspondence, as well as in travel to his State or district, in talks with constituents to discuss their problems, in speeches and lectures—the Member of Congress is not merely providing the citizen with "useful information." He is also getting to know and to feel the issues, the competing interests, desires, complaints, and needs which he as a representative and the legislature as a representative institution, if both are to carry out the functions intended for them, must weave into some sort of working resolution.

Mr. METCALF. And the committee's report further stressed the historic importance of newsletters and the franking privilege in a concluding section, Mr.President, and the relevant portions follow:

As is shown elsewhere in this report, the franking privilege predates the Constitution, and the Congressional "circular letter"—or newsletter—was in use shortly after its ratification. Indeed, it was a Federal grand jury investigation into a Congressman's conduct in circulating just such a letter, in 1797, which prompted Jefferson and Madison to defend—and, furthermore, to encourage—their use as not only "of right" but also "of duty," for communicating "information of the public proceedings," for "asking and receiving" the advice and opinions of constituents.

Such correspondence, they argued, was essential "to give to the will of the people the influence it ought to have, and the information which may enable them to exercise it usefully. . . ."

Today, to supplement information available through commercial press and broadcast outlets, all Senators mail, in quantity, various publications and documents to their constituencies. Because access to the news media is not always available, almost all employ the "newsletter" technique to provide information about governmental activities and to elicit the views of their constituencies.

Such informational mailings from Congressional offices receive widespread recognition from the public. The response to them is generally favorably. And it is the use of the frank in mailing newsletters and other informational materials that remains the most effective method the individual Senator has of communicating directly with and thereby remaining accountable to those he represents.

The franking privilege—for correspondence to and from delegates of the United Colonies—was extended to Members of the Continental Congress as early as 1775. In 1789—in the First Congress—it was extended to Members of the Senate and the House of Representatives, again for correspondence to and from their constituencies.

Then, as now, the reasons for encouraging such correspondence were compelling. The privilege, it was pointed out during debate

on motions to eliminate it in the Second Congress, "was not assumed by the members for their own private accommodation but for the benefit of their constituents, to transmit to them every necessary information respecting the operations of the General Government, and to receive from them such information as they might have to communicate." The "motives for adopting certain measures ought always to be explained to influential characters in the different parts of the Union," it was added, thus "reconciling the people to the measures of Government. . . ." And further, "the citizens have a right to expect information, not only of the acts of government, but also the principles upon which they were grounded."

Without this privilege, it was argued, the right of petition would be curtailed, and the citizens far from the seat of government would be cut off from any direct information as to the affairs of State.

Today, there is every indication that the people of this Nation want and need more, not less, information about the activities of their government and their elected representatives.

Inhibiting the exchange of information between Congressman and constituent will diminish, not enhance, the influence the people must have in our democracy, the influence that flows from the right they have exercised, "of being governed by laws to which have consented by representatives chosen by themselves. . . ."

Mr. METCALF. Certainly, there are millions of pieces of mail going out. There are millions of people in the United States. Certainly, there are millions of communications going out, but the fact remains that 81 Senators—an overwhelming majority—sent out less than one piece of mail per voting age constituent each year, from 1973 through 1975. That is just not enough communication from Senators to their constituents.

Mr. President, the business of the Senate and Senators in communicating with constituents is a basic duty we have under the Constitution. The opportunity for us to communicate directly with our constituents, to tell them what is going on in their Federal Government, to tell them how we feel about pending and proposed legislation, is at the heart of the democratic process.

Anything that would inhibit or unduly limit that opportunity for communication is something that I feel would be not only contrary to the public interest but abhorrent to the American people as well.

Mr. President, I yield to the Senator from Wisconsin the remainder of my time.

Mr. NELSON. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin has 3 minutes.

Mr. NELSON. Mr. President, I say to the distinguished Senator from North Carolina that with respect to one of his amendments on franking, I have mailings 180 days before a general election, 90 days before a primary. We will get to that issue later.

The issue was before us in the committee, because the House had gone to 60 days. I was pushing for 90 days which because of the timing of the primary and general elections in my State would amount to 6 months. We finally took 60 days, knowing that we are going to have to deal with the House on this question when the Preyer committee has finished.

So even though I think I would end up about where the Senator is on that amendment, I am inclined not to do anything more on franking than we did, until the Preyer committee comes along with a statute.

How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. NELSON. Does the Senator wish me to yield that minute to him?

Mr. HELMS. The Senator is most gracious.

Mr. President, I say to the distinguished Senator from Montana that I do not disagree with a word he has said. I agree that it is essential that we communicate with our constituents. The point of this amendment simply is that Senators communicate to them information in addition to that which Senators would perhaps like to communicate—that is to say, the cost of educating or communicating with them.

I am not passing judgment on the newsletters. It so happens I do not send them out. That is a judgment I have made. Other Senators make other judgments. I simply am saying that the taxpayers have a right to know how much all this "education" is costing them.

I thank the Senator from Wisconsin for yielding to me.

Mr. NELSON. Mr. President, I ask unanimous consent that this amendment be temporarily laid aside so that we may proceed to each amendment of the Senator from North Carolina. We may reach an agreement to vote tomorrow.

Mr. HELMS. That is satisfactory to me, and I thank the Senator.

Mr. NELSON. I yield to the majority leader on this.

Mr. ROBERT C. BYRD. Mr. President, is it agreeable with the distinguished Senator from North Carolina that we put this vote over until tomorrow?

Mr. HELMS. Yes, indeed.

Mr. ROBERT C. BYRD. We discussed that with the Republican leader earlier, and he seems to be agreeable to it.

Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized on tomorrow, the Senate resume consideration of the Code of Conduct, at which time the question be on the pending amendment by Mr. HELMS, No. 114.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object—and I shall not object—the Senator from North Carolina wishes to reiterate publicly what he has said to the distinguished majority leader and to the distinguished manager of the bill: I do hope that on this amendment we can have an up-and-down vote and not a tabling motion. If the Senator from North Carolina can be accorded that courtesy, he will be most grateful.

Mr. NELSON. As the Senator knows, I have made the argument with other Senators that a motion to table is easier to handle because the Members then know the position of the manager is to table. But I respect the desires of the Senator from North Carolina.

Would the Senator be agreeable, then, if we had a straight up-and-down vote on this amendment and I moved to table the other four?

Mr. HELMS. None whatever. I would appreciate the accommodation of the Senator.

Mr. NELSON. I have no objection to this—that on this amendment there be a straight up and down vote, and it is the first amendment, No. 114.

Do I correctly understand that the majority leader's unanimous-consent request also will provide that the next four amendments of the Senator from North Carolina, if he calls them up today and discusses them, will follow in succession behind the first one?

Mr. ROBERT C. BYRD. That was going to be my next request, because I think the distinguished Senator from North Carolina had indicated earlier to me and to the Republican leader that this would be agreeable.

Mr. HELMS. That is correct.

The ACTING PRESIDENT pro tempore. Is there objection to the first unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the disposition of the pending amendment, No. 114, the Senate then proceed to vote on the remainder of the amendments by Mr. HELMS, in sequence, as he calls them up today.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. METCALF. Mr. President, the Sen-Senator from Wisconsin yield?

Mr. NELSON. I yield to the Senator whatever time he desires, from the bill.

Mr. METCALF. Mr. President, the Senator from Wisconsin knows that the Senator from Montana objects to tabling motions and prefers to vote on the major issues.

Inasmuch as I have opposed the first amendment of the Senator from North Carolina, I wonder whether we can have an up and down vote on that issue, so that the Senator from Montana will not have to vote against his own convictions insofar as a tabling motion is concerned.

Mr. NELSON. As I understand it, the agreement between the Senator from North Carolina and myself on this amendment is that——

Mr. METCALF. The second amendment?

Mr. NELSON. We agreed that on the pending amendment there would be a straight up and down vote.

Mr. METCALF. But on the first amendment, to which I objected, I would like to have a straight up and down vote, also.

Mr. NELSON. That is the one on which we have agreed to have a straight up and down vote. We agreed that on the next four there would be motions to table.

Mr. METCALF. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a motion to table be in order on the amendments

to be offered by Mr. HELMS, with the exception of the first amendment, No. 114.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, the distinguished Senator from New Mexico (Mr. SCHMITT) is away on official business today, and he has asked the Senator from North Carolina to delay consideration of amendment No. 112, which I had intended to call up at this time. With the approval of the able manager of the bill, I shall defer calling up amendment No. 112 until tomorrow, and proceed with amendment No. 113, which is at the desk, and I ask that it be stated.

AMENDMENT 113

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 113.

The amendment is as follows:

On page 35, between lines 14 and 15, insert the following:

"2. A Senator may not use the frank for any mass mailing (as defined in section 3210 (a) (5) (D) of title 39, United States Code) on more than two occasions during any calendar year.".

On page 35, line 15, strike out "2" and insert "3".

On page 35, line 18, strike out "3" and insert "4".

On page 36, line 8, strike out "4" and insert "5".

On page 36, line 14, strike out "5" and insert "6".

On page 36, line 22, strike out "6" and insert "7".

Mr. HELMS. Mr. President, I yield myself such time as I may require. The time on this amendment will be 20 minutes, equally divided.

Mr. President, this amendment simply proposes to restrict the number of newsletters that may be mailed under the frank to two newsletters per calendar year.

Frankly, I would rather see the number reduced to zero, but if we are going to have newsletters, if it is indispensable that the citizens share Senators' wit and wisdom at the taxpayers' expense, then I am inclined to think that twice a year for such an educational process ought to be sufficient.

A senatorial newsletter, as I understand it, is certainly not intended to give an up-to-date synopsis of recent events. But I also understand that a newsletter is intended to give a broad overview of the Senator's activities and the activities of Congress viewed through the Senator's eyes. Therefore, it seems to me, costing what they do, that it is appropriate to limit these excursions into intellectual enlightenment to two a year.

We are all talking about economy in Government. But, as Mark Twain remarked about the weather, few people are doing much about it. Let us do something to encourage economy in Government, starting with our own practices.

I noticed the other day the Federal debt is now in the neighborhood of $655 billion, which is a pretty expensive "neighborhood" for the taxpayers, when one considers that the interest alone on this Federal debt is costing almost half as much as it cost to operate the entire Federal Government just 15 years ago.

So we can strike a blow for economy in Government and we could go home and honestly say we are practicing what we are preaching, by cutting newsletters down to two a year.

Not only would the semiannual restriction hold down costs, but it would also minimize the inherent political benefits, which I am sure our political opponents 2 years or 4 years hence will appreciate as a matter of fair play.

I happen to believe the majority of the American citizens would favor this restriction to two per year. As a matter of fact, I think they would be most grateful to be relieved of the constant barrage of often unwanted and unneeded "information" from their friendly Senator.

Mr. President, I reserve the remainder of my time.

Mr. NELSON. Mr. President, what the committee did do in the resolution, Senate Resolution 110, was to provide an increased period before an election during which no mass mailings could be franked 60 days before a primary and 60 days before a general election.

I had, in fact, advocated 90 days for each, and in many States that would, in effect, be 180 days—it would in my State.

But the House went to 60 days, and we decided, as I stated a few moments ago, we would conform our rule to the House, and then see what agreement could be reached with them when they sent over legislation.

We also provided a prohibition against franking any mailing which is printed with private funds because we felt that the newsletters should be printed only with paper officially furnished, rather than with campaign funds or private funds, which have been used in some instances in the past.

We also provided a registration of mass mailings for public inspection, and prohibition against storage of political lists in computer facilities.

I realize there are other provisions that, at least, this Senator would support. As I mentioned previously, a longer period in advance of primaries and general elections would be one of those things. But this was the agreement we could reach in committee unanimously, and that is the reason at this time why I would vote opposing each of the Senator's amendments, although, as I said, I may support one of them later in the year.

Mr. HELMS. I thank the Senator.

Mr. NELSON. How much time does the Senator from Wisconsin have, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin has 7 minutes remaining. The Senator from North Carolina has 6.

(The following proceedings occurred later in the day and printed at this point in the RECORD by unanimous consent.)

Mr. HARRY F. BYRD, JR. I say to the distinguished Senator from North Carolina, as I understand it, amendment No. 113, offered by the Senator from North Carolina, would limit the number of newsletters per year to two.

Mr. HELMS. That is correct.

Mr. HARRY F. BYRD, JR. I wonder if the Senator from North Carolina would consider modifying that amendment to an extent.

First, let me say that I think it is desirable and it is a good idea to put a limit on the number of newsletters which could be sent by the Members each year. It seems to me that two is limiting, shall we say, too much. I wonder if the Senator from North Carolina would be willing to modify his amendment to make it four.

Mr. HELMS. The distinguished Senator from Virginia, Mr. President, has discussed this with me and he is very persuasive. I shall certainly be glad to modify the amendment. I send the modification to the desk.

Mr. HARRY F. BYRD, JR. I think it should cause the amendment to have a better chance of passage were the figure 4 inserted in place of the figure 2. I would like to see a limitation passed, I may say.

Mr. THURMOND. Will the distinguished Senator yield for a question?

Mr. HARRY F. BYRD, JR. Yes.

Mr. THURMOND. What is considered a mass mailing? Would it be 5,000, 10,000, 20,000?

The PRESIDING OFFICER. Is there objection to the modification?

Mr. NELSON. I have no objection.

Mr. THURMOND. I wonder what the Senator considers a mass mailing. First, there are some Senators that, I understand, send to everybody in their State, maybe, 400,000 or 500,000 or more, several times a year. Other Senators send 10,000 or 20,000 each month.

Mr. HELMS. I believe the Senate Committee on Rules has stipulated that a mass mailing is defined as 500 or more. Is that not correct, I ask the Senator from Wisconsin?

Mr. NELSON. A mass mailing is defined as 500 pieces or more.

Mr. THURMOND. I wonder, if that is the case, then the Senator who sends, say, only 1,000, if he sends it four times a year, is sending only 4,000, whereas, if some other Senator sends a half million 4 times a year, that is 2 million. The Senator might want to consider some number, maybe, according to the size of the State, rather than the number of mailings?

Mr. HELMS. The Senator from North Carolina would be willing to consider any suggestions of the able Senator from South Carolina. But what the Senator suggests would involve a rather complicated formula.

Mr. THURMOND. He might think on that. I know one Senator in a State might send to everybody four times a year, over 400,000. Then the other Senator probably sends 10,000 to 20,000 at more frequent intervals, but does not aggregate half as much as the first Senator, who sends only four times a year.

The PRESIDING OFFICER. Is there any objection to the modification of the amendment by the Senator from North Carolina?

The amendment was modified.

Mr. NELSON. Mr. President, I wish to add just a comment as to amendment 113.

The PRESIDING OFFICER. The Senator will proceed.

Mr. NELSON. I think it should be pointed out, if I understand the amendment correctly, that it now would allow four "mass mailings" per year. A mass mailing is defined as a mailing of 500 pieces or more of the same material within your State.

We have the anomaly, then, that someone might send four newsletters of 500 or 600 each totaling 2,000 or 2,400 total in the year or four newsletters of 600,000 each, which would be 2,400,000.

I do not know what that accomplishes. But this Senator wishes to point out that there are some issues which are of special consequence to one group: perhaps to farmers, to the bar such as an issue involving the appointment of a member to the Supreme Court, or it may be a question of interest to a localized area within the State respecting some Federal project. To provide in order to get to that one key issue, one would have to send a mass mailing to the whole State really does not make much sense to me. Yet this would be the effect of the amendment. No one could afford to send a mass mailing to one group on an issue, because it would count as one of their four mass mailings.

Mr. NELSON. I have nothing further to say on it. When the time is yielded back, I repeat that it will be my intention tomorrow to move to table this amendment as well as the next three if they are called up.

I am prepared to yield back the remainder of my time.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

The Senator from North Carolina is recognized to call up a third amendment.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HELMS. Does the Chair understand there will be a roll call vote on these amendments, one of them up or down and the other four—

The ACTING PRESIDENT pro tempore. If the yeas and nays are ordered that has been the unanimous-consent agreement.

Mr. HELMS. Mr. President, I ask unanimous consent that when there are enough Senators on the floor to achieve a sufficient second that it be in order to ask for the yeas and nays en bloc for all of these amendments.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I shall not object.

Mr. HELMS. With the understanding that the majority leader and I reached earlier.

Mr. ROBERT C. BYRD. I do not object to this.

What the Senator is asking is unanimous consent that it be in order to order the yeas and nays on these amendments at any time and with one show of seconds; is that correct?

Mr. HELMS. That is correct.

Mr. ROBERT C. BYRD. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 158

Mr. HELMS. Mr. President, I call up amendment No. 158 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes amendment No. 158.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 5, strike out the period and insert "; or ", and after line 5 insert the following:

"(4) from an organization established in a foreign country if (A) the government of such country certifies that the organization is organized under the laws of such country as a charitable or educational organization or foundation, and that no substantial part of its funds are provided by the government of such country, (B) such gifts are tendered only in connection with an educational visit to such country, and (C) the organization's name is on a list, to be maintained by the Select Committee on Ethics, of organizations that have been so certified within twelve months preceding the tendering of such gifts.".

Mr. HELMS. Mr. President, this amendment would clarify the status of foreign travel by Senators and their staffs when that travel is paid for by charitable and educational foundations in foreign countries.

rule XLIII, dealing with "gifts," the definition of the word gift includes "anyfinition of the word gift includes "anything of value, including food, lodging, transportation, or entertainment and reimbursement for other than necessary expenses, paragraph 3(a), page 23, lines 7–11. Rule XLIII forbids the acceptance of such gifts in an aggregate amount of more than $100 per year from any person, organization, or corporation having a direct interest in legislation or from any foreign national.

The phrase "from any foreign national" is ambiguous in that it does not clearly state what is meant by "any foreign national." The report which accompanies Senate Resolution 110 says the following:

The committee intends that "foreign national" be given the same definition as it has under the Federal Election Campaign Act 2 U.S.C. section 441(e), which defines it to include (1) a "foreign principal", as the term is defined in the Foreign Agents Registration Act of 1938 (22 U.S.C. section 611(b) or (2) an individual who is not a citizen of the United States, or a resident alien. Under this definition, the term "foreign national" would include a foreign citizen; a corporation, a partnership, or other business enterprise organized under the laws of a foreign country and having its main place of business in that country; a domestic business entity subsidized, directly or indirectly, by a foreign principal, a business entity supervised, directed, controlled or financed in whole or substantial part, by any foreign government or foreign political party; or a foreign government or a foreign political party.

Now it is quite clear from this that the thrust of the prohibition goes against accepting gifts from a foreign government or political party, or from an individual or business, particularly one with commercial interests affected by U.S. laws. Such prohibition is sensible and valuable. Both the U.S. Constitution and the laws of this Nation already forbid the acceptance of gifts from a foreign government. And it is clear that individuals or commercial enterprises could well have concealed motives that could be embarrassing later to any Senator or staff person who accepted such gifts.

But on the other hand, the concept of international exchanges of scholars, business leaders, and political figures is an established part of international relations. Many foreign leaders are brought to this Nation as guests, both through private foundations and through U.S. Government programs. Our own international visitors program, administered by the State Department, brought 2,184 foreign visitors in 1975 and 2,102 foreign visitors in 1976. This program began with the Fulbright-Hayes Act of 1961 and has always been considered a strong asset working for international understanding.

Of course many of these official visitors are members of parliamentary bodies and high government officials. No one has ever suggested that the fact that U.S. Government funds are used to provide transportation and hospitality is in any way subverting their countries or suborning their integrity. These programs contribute directly to a broader understanding of the U.S. way of life—its faults and its virtues—throughout the world. Without such programs, the leaders of other nations would have few opportunities for direct personal experience of our culture and life.

I think that it is unanimously agreed that the interest of the United States in such programs is not to bribe government officials and scholars of other countries, but to present them with the opportunity for the free exercise of their own judgment.

It only makes sense, therefore, to turn the programs around and look at them from the other nations' point of view. The travel of U.S. Government officials—including Senators and their staffs—is an important opportunity to secure greater understanding and even personal friendships among world leaders. To deny other nations the opportunity of returning hospitality and reciprocating such invitations would be the height of hypocrisy. We cannot pretend that other nations are attempting to exert undue influence by the offer of hospitality to Government officials when we are offering such hospitality to them and congratulating ourselves upon our disinterested motives.

Now, unfortunately, the U.S. Constitution raises a bar to allowing U.S. Government officials from accepting the hospitality of other governments. We cannot, through legislation, allow Senators and their staffs to participate in government programs of the very kind that we provide. But there is no reason at all why Senators and their staffs cannot accept the hospitality of entities established abroad which have disinterested motives of international understanding and friendship.

My amendment provides a test for such disinterested motives. It would exclude from the category of unacceptable gifts the gift of transportation and related expenses from bona fide charitable and educational foundations organized abroad. We cannot be in the position of saying that our Rockefeller Foundation or our Ford Foundation or whatever is acting from disinterested motives in assisting foreign nationals and at the same time attempt to assert that similar foundations organized in other countries are attempting to exercise undue influence in assisting U.S. citizens and leaders.

There are such foundations in other countries, and they have in the past invited U.S. leaders to their countries so that our leaders can learn more about those counties. Some allegations have been raised whether such foundations are truly independent, or acting under government policy. We have no way of investigating such allegations. Indeed, the very nature of international relations prohibits such investigations. We cannot meddle in the internal affairs of other countries.

We can impose a test, however; any foreign foundation that wants to invite U.S. Senators can seek from their government certification that they are organized under the prevailing laws of their country as a charitable and educational foundation, and that no substantial part of their funds come from the official government funds of that country.

This would go about as far as we could in assuring that the foundation was bona fide, and that it was funded from the private sector. At the very least, it would provide a reasonable assurance upon which members of this body and their staffs could rely in complying with the laws of this country and the ethics of the Senate. By limiting the acceptance of such gifts to travel and related expenses only, my amendment would insure that the gift was made only in the name of international understanding. By limiting the donors to foundations not funded in any substantial amount by foreign government funds, my amendment insures that the gift of travel meets the constitutional test.

This amendment assumes, of course, that the country in question has a nongovernmental economic sector. Because of the constitutional prohibition, I think that any arrangement with a country that excludes a private sector is highly dubious. But where there is a private sector, and that private sector can contribute to a charitable and educational foundation, thereby establishing a disinterested motive, then it is both proper and desirable to promote such exchanges. It will not cost the U.S. taxpayer 1 penny, and it will build a strong relationship precisely with those countries which encourage a private sector.

One additional feature of my amendment is that the Select Committee on Ethics would maintain a list of qualified foundations that have been certified within the previous 12 months. This would insure that the status of the foundation is current, and that Senators and their staffs would have an authoritative source with which to check their information before accepting foreign hospitality.

Needless to say, Mr. President, any gift of travel accepted from a foreign charitable and educational foundation under rule XLIII also is subject to public financial disclosure under rule XLIII, paragraph 2(A)5(c). Public disclosure will work to curb any abuse which might creep in due to excessive acceptance of foreign hospitality.

Mr. President, I reserve the remainder of my time.

Mr. NELSON. Mr. President, I yield myself whatever time I may need.

I wonder if the Senator from North Carolina would yield to a question.

Mr. HELMS. Certainly.

Mr. NELSON. On line 5, the language reads, "and that no substantial part of its funds are provided by the government of such country."

Just to ascertain the legislative intent if a charitable or educational organization in a foreign country is treated in terms of taxes the same way we treat them here in the United States, that is to say, they are not required to pay taxes, is it the intent of the Senator that that would be considered a contribution by the Government?

Mr. HELMS. No, indeed. It would be on the same basis that we treat it in this country.

Mr. NELSON. So that it is clear: if it is a tax-exempt organization, the fact that it is tax exempt would not mean that it is receiving a substantial part of its funds by the Government?

Mr. HELMS. That is correct.

Mr. NELSON. Mr. President, there is a statute, and I do not know whether we have it handy, that provides that staff and Members of Congress may participate in cultural exchanges. I do not have the statute. I do not know the breadth of it. It may very well be affected by this amendment.

We also have another amendment that relates to this issue. We might want to offer it to the amendment of the Senator from North Carolina.

So let me suggest that since we are not going to deal with it until tomorrow anyway, the Senator's staff and the staff here, as well as the Senator, check the statute, plus the proposed amendment we have, and see how it fits in with his amendment.

Mr. HELMS. Very well, we will do that.

I thank the able Senator for his suggestion.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time has been yielded back. The Senator from North Carolina was recognized to call up his fourth amendment.

AMENDMENT NO. 111

Mr. HELMS. Mr. President, I wonder if the able manager of the bill will indulge me a quorum call charged against the resolution itself for just a moment, no longer than 2 or 3 minutes?

Mr. NELSON. Mr. President, I ask unanimous consent that the quorum call be charged against my time on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment of the Senator from North Carolina should be sent to the desk so that the time can be run against it.

Mr. HELMS. I thank the Senator. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I call up amendment No. 111, which is at the desk, and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 111.

The amendment is as follows:

4. If a Member, or an employee in a Member's office (including an employee employed under section 705 of S. Res. 4, Ninety-fifth Congress), engages in foreign travel and, in connection therewith, claims any payment or accepts any funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754 (b)), or is furnished any transportation, food, lodging, or other service or facility by any department or agency of the United States Government, such Senator shall cause to be printed in the Congressional Record, on or before the fifteenth day of each month (or as soon thereafter as possible), an accounting of such travel during the preceding month. Such accounting shall include—

(a) the name of the individual or individuals who engaged in such travel and their purpose or purposes in traveling;

(b) the amount of such payments claimed and such funds received;

(c) a description of such transportation, food, lodging, or other service or facility furnished;

(d) the itinerary, and the number of days or hours spent at each stop during such travel; and

(e) the nature of the business transacted during such travel, and the number of hours spent each day in the transaction of such business.

Mr. HELMS. Mr. President, this amendment is intended to carry out further the purposes of the ethics resolution; namely, to increase public confidence in the actions of the Members of this body. This amendment would simply require that whenever a Senator or an employee in his office engages in foreign

travel at the taxpayers' expense, then he must make a full report on such travel to the public.

Mr. President, it is the experience of the Senator from North Carolina that there are few activities that arouse more suspicion and indignation among the people than when Members of this body travel abroad at the taxpayers' expense. The Senator from North Carolina knows that many Senators consider much of this criticism to be unfair. There is general agreement that it is important for this body to have Senators who are experienced and well-informed in world affairs. When Senators travel abroad on official business, there is always a well-filled schedule of meetings and inspection trips.

But frankly, Mr. President, it is very difficult to convince the average citizen that such trips are an important and necessary part of the Senate's business. The Senate is a privileged group. Those who are among the privileged few and who therefore have the opportunity for frequent foreign travel sometimes forget how the voter feels who does not have the same opportunities. It is very difficult to convince the voters that these trips are not luxurious pleasures indulged in at the expense of taxpayers who earn far less than the Members of the Senate. There is no doubt that the pay raise—which the Senator from North Carolina vigorously opposed—has made the public perception of the U.S. Senate, indeed of the entire Congress, even worse. It is not by chance that such trips are commonly labeled "junkets" by the press, with all the connotations of wastefulness that such a word conjures up.

It is precisely for this reason that the Senator from North Carolina has never traveled abroad at the taxpayers' expense, and unless I change my view of the situation, I do not think I will. That is a value judgment I have made. I criticize no Senator who goes on foreign trips; that is his judgment to make. Nothing in this amendment, and nothing in the remarks that the Senator from North Carolina is making, is intended in the way of criticism of Senators who do travel abroad at the taxpayers' expense.

The Senator from North Carolina fully realizes that it is the consensus of the Senate that such trips are justified. But the Senator from North Carolina also realizes that this consensus is not extensively shared outside of the Senate, and he has tried to bend over backward to accommodate the feelings of the people.

Mr. President, it is public confidence in Congress that is on the line now. It is a problem, which may be, in fact, a good deal more serious than some Senators realize. It must be corrected.

The only cure for this problem is full disclosure, so that the people back home can know precisely and accurately what is going on, how their money is being spent, how the time of their Senators and their Representatives is being used, and for what purposes. I happen to think that full disclosure is all we needed in the first place, when we set out on this ethics bill. But when the Senate is using the taxpayers' money for purposes which the Senate considers legitimate, but are not fully understood by the American people, that is when the problem arises, and that emphasizes the very clear point that the only real remedy is full disclosure.

Let me draw an analogy with a similar problem: The situation which arises when the Congress goes into recess. As we all know, the press has been in the habit of describing nonlegislative periods as "vacations." But all of us also know that such periods are a time of activity which is sometimes more extensive and intensive and sometimes includes a more exhausting schedule of constituent visits and services than the periods when the Congress is in session. My colleagues may recall how effectively Representative PAUL FINDLEY of Illinois responded last month to this kind of criticism by publishing in the Washington Post a complete schedule of his activities on a recent trip to his district.

The point is that by the simple expedient of disclosing what is really involved in the work of the Congress during congressional recesses, the distinguished Representative, in one stroke, rebutted the contention that there were periods of "vacation."

Let us not criticize the people back home for misunderstanding Congress. Let us face the facts: Most voters work hard for a living, and they work constantly at the job with perhaps 2 weeks of vacation a year. When they are away from their place of work, they are on vacation. It is only natural that they assume that our place of work is the Senate Chamber, and that when we are away we are on vacation, too. But I reiterate, for emphasis, that simple disclosure, and only simple disclosure, is a sure rebuttal.

So it is, too, with foreign travel by Senators. We must face the fact that foreign travel is a privilege denied to most Americans. They regard such travel as a vacation, when Senators argue that as a matter of fact it is not. But whether it is or whether it is not, a Senator's travels overseas are a privilege which must not be abused when the taxpayers are working to pay for it. The simplest way to build public confidence or to regain public confidence is full and frequent disclosure of the cost of foreign travel paid for by the taxpayers, the nature of the business that requires it, and the time involved in official business. Such disclosure, assuming that all of these trips are for real, and are necessary, will not only build public confidence; it will be a self-enforcing mechanism against any tendency by any Senator or any staff member toward the abuse of taxpayers' funds.

And why should not the taxpayers know? I think they are entitled to know how their money is being spent, and I would hope that most Senators would leap with alacrity to share the truth with the taxpayers.

Since my amendment requires monthly publication in the CONGRESSIONAL RECORD of the relevant information, any taxpayer will be able to find out quickly what his Senator is doing and where he is traveling with the public's money.

Hopefully, the local press will study the CONGRESSIONAL RECORD also, and help keep the public informed about senatorial travel at the taxpayers' expense.

Mr. President, there seems to be an implication in much of the oratory of the past few days that the spending of taxpayers' money is ethical if the Senate as a whole authorizes and appropriates the money. But just because something takes place in the public sector is no reason to assume that abuses cannot occur, or that those who take advantage of such spending are not compromised. The only way to make sure that the people of this Nation accept and understand what we do is to make it completely clear what we are doing.

It is especially important when we are dealing with what appears to many citizens to be a luxury benefit to Senators. No Senator is ever forced to travel abroad, either at taxpayers' expense or otherwise. Foreign travel is entirely voluntary. It can be of great value to our work. But if the Senate is ever going to convince the voters that such travel, at their expense, is necessary, then we must place all the details on public view. In my judgment, that is what this amendment is all about.

(Mr. INOUYE assumed the chair as Presiding Officer at this point.)

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I am delighted to yield to my friend from Virginia.

Mr. HARRY F. BYRD, JR. May I ask the able Senator from North Carolina how his amendment—which I am inclined to support, by the way—would affect a situation like this: Two years ago the Senator from Virginia, at the request of the Jewish community in our State, led a delegation to Israel.

I paid my own expenses. I paid for the entire cost myself. But while I was there I stayed with a former Member of the Senate, who was then Ambassador to Israel, Ambassador Keating. I was a guest of the Embassy. I do not know how many meals I had in the Embassy. While I was there I met with Golda Meir, the Prime Minister, and many other Israeli officials.

Since this Senator stayed at the American Embassy as a guest of the Ambassador and also as a guest of the Government, and had a number of meals in the Embassy, what would be the reporting process in that regard?

Mr. HELMS. There would be no problem at all for the Senator from Virginia. He would simply publish in the RECORD, as stated on page 2, line 11, a description of such transportation, food, lodging and other service or facility furnished. I might add that the Senator from Virginia would have no problem with this because I know and admire his record in taking every precaution to avoid the misuse of funds. As I understand it, the Senator from Virginia has even reimbursed the White House when he has traveled on Air Force 1.

Mr. HARRY F. BYRD, JR. That is correct.

Mr. HELMS. So has the Senator from North Carolina. So he has no problem. It

would simply be a matter of disclosure of any facilities or any hospitality extended to the Senator.

Mr. HARRY F. BYRD, JR. The Senator from Virginia, on other occasions, has been on official business for the Armed Services Committee. On many of those occasions the Government has paid the transportation, the hotel, whatnot. Of course, that would be covered by this amendment of the Senator.

Mr. HELMS. That is correct.

Mr. HARRY F. BYRD, JR. The point I am not clear on is if the Senator from Virginia pays his own expenses but does stay at the Embassy, or has dinner one night at the Embassy; is all of that included? I have no objection, but I just want to find out how extensive this would be.

Mr. HELMS. It would be included. The point of the amendment is to restore confidence on the part of the American people in the Congress. I know the Senator would not object to disclosing that information even though it might sometimes come under the category of minutia. I know the Senator and I know his record of disclosure. I know how very prudent he is in spending public funds. There would be no problem, but I would think it ought to be reported under this amendment.

Mr. HARRY F. BYRD, JR. On other occasions I have been the guest of the Ambassador at meals or banquets in hotels or restaurants. How do we put a value on that?

Mr. HELMS. No value would have to be reported—only a description, to use the words of the pending amendment.

Mr. HARRY F. BYRD, JR. The Senator's amendment does not call for a value, I do not believe.

Mr. HELMS. It just specifies a description.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. THURMOND. Will the Senator yield?

Mr. HELMS. Yes.

Mr. THURMOND. I have been listening to the questions propounded by the distinguished Senator from Virginia of the Senator from North Carolina. If the Senator were a guest at the Embassy or a guest of the Ambassador and if the U.S. Government paid, that would be charged at that end, I presume. As I understand, what the distinguished Senator from North Carolina wishes to bring out here is what the U.S. Government has paid on account of his trip and what the Senator actually incurred himself. Is that correct?

Mr. HELMS. That is correct.

Mr. THURMOND. For instance, if he is a guest of the Embassy for an evening, the Ambassador would have to show that. The Senator would not also show it. Otherwise, there would be duplication and it might indicate that the Government paid for it at the Embassy and the Government is paying for it here through the Senator.

I am inclined to support this amendment. I have been on trips in which some Members of Congress have drawn counterpart funds and also had their expenses paid. If anything is wrong, I think that is wrong. I believe it is completely wrong.

Mr. HELMS. I agree with the Senator.

Mr. THURMOND. When a man travels for the Government at Government expense only his actual expenses should be paid by the Government and not $75 a day, or whatever the amount is which is allowed, unless he actually spends that much.

There are different items which the Senator has listed to be disclosed, which would seem to be in order. I believe the reports are now made to the Secretary of the Senate. My understanding is that it is required that that information be published in the CONGRESSIONAL RECORD. At any rate, it would be published under this proposal.

To clear up the point asked by the Senator from Virginia, if a Senator is the guest of the Embassy it would not appear to be necessary for him to report that because he did not expend that amount himself.

Mr. HELMS. I say to the able Senator, he would not be required to put a price tag on the meal, but he would be required to disclose it.

Mr. THURMOND. But it is what money the Senator has to pay, if he had to pay it himself, and the Government pays it. Then he ought to have to show it.

Mr. HELMS. The Senator is correct.

Mr. THURMOND. Is that the main thrust of the Senator's amendment?

Mr. HELMS. The main thrust is full disclosure. I thank the Senator for his questions which, as always, are relevant and to the point. Mr. President, I reserve the remainder of my time.

Mr. NELSON. Mr. President, I would like to first say that there is a lot of criticism of travel by Members of the Congress. If my memory is correct, I have not traveled on official business to a foreign country in 4 years. However, I consider travel to be very important. I do not know how the public or anyone else expects the Members of the Senate and the House to vote on the very important issues involved in foreign policy without benefiting from the insight provided by some Member's travel. Take the Middle East, for example; 2 or 3 years ago, after considerable debate, Congress finally passed a provision that the United States would provide the personnel to monitor the line in the Sinai dividing the Israeli troops from the Egyptian troops.

We have had vital issues of military sales to both Israel and the Arabs; all kinds of complicated and difficult questions involving the taxpayers' money.

Does anybody really suggest that with these kinds of decisions in all parts of the world a Member of the Senate should not travel?

I think they must and should travel. Otherwise, what we are really saying is that the Secretary of State and the President shall tell the Congress how much to spend in foreign aid; how much to grant in military sales or contracts, or, when the administration proposes the cease-fire line to be monitored by the United States between Egypt and Israel, we should vote out of ignorance.

Similarly, we belong to NATO. Furthermore, we provide the most equipment and the most money in NATO. There is a NATO conference every year. Is it to be suggested that the Members of Congress should not go to the NATO conference? Congress is supposed to vote the appropriations for those 300,000 American troops in Europe. Would anyone say that no Senator should go there and get informed on the scene about the status of NATO troops, about the status of our own?

That is nonsense. Foreign travel is very important. I have no doubt that a Member here and there may abuse it, that is unavoidable. But foreign travel is important.

I have not traveled for 4 years because the hassle was more than I wanted to take. I turned down a chance to go to the Middle East on a trip I thought was very important. But I looked at that schedule. It was 14 days, covering 5 countries, averaging 2 days or 3 days per country, including travel. I think it was very important that Members went. I did not want to do it, because I did not want to put in 14 days, morning till night meeting with leaders of the various Arab Governments and the Israeli Government, with corporate executives, labor leaders, and everything else. I am glad somebody else did.

I turned down a trip to the Pacific for the same reason. I turned down a trip to the Mexican-American Conference for the same reason. I have some time I like to preserve for catching up in my office, going back to the State, or taking a rest. That is why I have not traveled abroad on official business for 4 years.

I have attended the World Food Conference in Rome. I have attended the ILO Conference. I have attended a NATO Conference. But I have not done my duty in that respect for 4 years.

If that trip to the Middle East 2 or 3 months ago had been a 7- or 8-day trip, I might have done it, but I was not prepared to give up 14 days to do it when I was behind in my office and had some trips to take back to my State.

I think it is a lot of demagoguery to attack foreign trips. We have relations with every single country in the world and we have military bases all over the world, foreign aid all over the world, and policy decisions to be made affecting countries all over the world. So I think it is important that trips be made.

In making this statement, I do not mean to suggest that Senator Helms is implying that there is something wrong with travel. He is not saying that trips should not be made. But I wanted to state for the record at this time that I think these trips are important and I am glad to see people willing to take the time and put in the work. If the Committee on Armed Services does not go over and look at our bases, they are going to be legislating out of ignorance. I want them well informed when they come to the floor and we have debate here. I want to know what is the status of our forces, how much we are spending and in how many countries we are spending it. I want to see members of the Committee on Foreign Relations go, too.

This amendment does not question the importance of travel, but I felt the point should be made.

Mr. HARRY F. BYRD, JR. Will the Senator yield?

Mr. NELSON. Yes.

Mr. HARRY F. BYRD, JR. I agree with the Senator from Wisconsin as to the importance of the Members of the Senate going to various parts of the world, going to various countries where our Nation is spending so many millions of dollars of tax funds. I think it is important to do that. I think it is important, however, and I know the Senator from Wisconsin concurs, that these trips be handled in a businesslike way and be handled in a way that the taxpayers feel is appropriate handling of their tax funds.

I certainly agreed with the Senator from Wisconsin when he indicated the importance of Members of the Senate going to other countries to see how American tax funds are being used and, also, to get firsthand knowledge of the various and great problems which the Senate of the United States must deal with. I do not think we can learn those problems just by sitting here in Washington, D.C., or in Virginia or Wisconsin or North Carolina. We need to go where the facts are and see firsthand the conditions in the various countries so we will know better what policies to pursue when legislation comes before the Senate.

Mr. HELMS. If the Senator will yield, the able Senator from Wisconsin and the able Senator from Virginia have cited the purpose of this amendment, that information on foreign travel ought to be shared with the people so they will better understand that work is indeed done on these trips. As I say, I have never taken such a foreign trip, but I fully respect Senators who do, in their assessment of what they accomplish when they do travel. It is just a matter of gaining public respect and public confidence in the activities of the Senate. That is the purpose of the amendment.

Mr. NELSON. I am sure that we could improve, I suppose, the method of reporting travel now used. But I am also sure that if we put the question to 100 Senators about exactly how detailed reporting should be we would get 100 answers.

The statute now, section 276c–1 and 1754(b) of title 22 of the United States Code, requires the reporting of expenses incurred in connection with travel outside of the United States including those foreign currencies expended and dollar expenditures made through appropriated funds by Members, employees, delegations, and committees of Congress.

The annual report of the Secretary of the Senate lists the name of the Member or staff who has traveled on foreign travel, the itinerary of the Member or staff, the cost of transportation, amount of payments claimed, and description of such transportation.

A report is published now in the RECORD annually on travel and, as I look at it, I note that it starts with the name of the Member or employee; then it has a column for arrival, departure, in each country. As to this particular Member it lists Australia, Indochina, Singapore, Hong Kong, Thailand, Turkey, and France. Then under "per diem" it lists the amount expended in foreign currency. Then it lists another column for U.S. currency equivalent. Then there is a column for transportation which lists the total cost of transportation. Then it has a column, "other purposes." Then it has the total.

So the present report has every item that is listed in the Senator's amendment except the nature of business transacted and how many hours worked each day.

Mr. HELMS. If the Senator will yield, the disclosure to which he has referred occurs up to 6 months after the fact of the trip; does it not? It is twice a year; is it not?

Mr. NELSON. I believe that the Secretary of the Senate report is twice a year. So every 6 months the report of the Secretary of the Senate is printed.

Mr. HELMS. The amendment, as the Senator knows, stipulates that this information shall be published by the Senator in the RECORD within approximately 15 days after his return to the United States. I think it would serve as a good vehicle for renewing the respect of the American people in their Congress. Regardless of the merits or demerits of overseas trips at the taxpayers' expense. Many Americans believe, as the Senator himself said earlier, that these are junkets, that they are pleasure trips. I think it is up to us to provide full disclosure of stewardship as often as we can on as many matters as we can, certainly as to one that is resented by so many citizens of this country. Right or wrong, the citizens are persuaded that these trips are junkets and that they serve no useful purpose other than to entertain Senators and/or their staffs and members of their families. So I urge the adoption of the amendment.

Mr. NELSON. Mr. President, let me say, in response to that, I suppose one can argue that one should report in 10 days, 30 days, or 60 days. The same argument would apply also to disclosure of assets. We disclose assets once a year. I think one can make the same argument that we should disclose assets and transactions in the market every 30 days so that the public's knowledge would be up to date. All we are doing is, it seems to me, creating a cumbersome amount of paperwork. When the Secretary's report is printed every 6 months involving every single Member of the Senate that, it seems to me, that reporting is quite adequate.

I might say that—and I do not wish to have it before me—the Harris poll contracted for by the House of Representatives indicated that something like 80 percent of the people thought Congress should take foreign trips so they will understand what is going on so they can vote intelligently.

So I think reporting twice a year by the Secretary of the Senate and full disclosure in the RECORD covering almost every item listed by the Senator from North Carolina is certainly adequate.

I yield back the remainder of my time.

Mr. HELMS. Mr. President, I likewise yield back the remainder of my time.

AMENDMENT NO. 112

Mr. HELMS. Mr. President, may I ask the able Senator from Wisconsin if we understand each other with reference to amendment No. 112 which, as he will recall, was deferred at the request of the distinguished Senator from New Mexico (Mr. SCHMITT), who is unable to be here today?

I say to the Senator that I am perfectly willing to make this a 20-minute amendment, 10 minutes to each side, but I should like to discuss this amendment prior to the succession of rollcall votes we will have tomorrow.

Mr. NELSON. As I understand it, the unanimous-consent agreement was that amendment 114 would be the pending business at 4 o'clock.

The PRESIDING OFFICER. Amendment No. 114.

Mr. NELSON. I have no objection to postponing it. I would prefer that we check with the majority leader to determine when he might wish that time to be assigned.

Mr. HELMS. I would like the Chair to take note of the fact that the Senator from North Carolina would like to be protected so that amendment No. 112 may be called up prior to the vote, and we will consult with the leadership on that question.

I thank the Senator from Wisconsin, and I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized once again. He has two more amendments. Does he wish to take up this time now?

Mr. HELMS. Mr. President, the next amendment would be No. 112, to which I just alluded, and that would be the final amendment that the Senator from North Carolina wishes to call up.

The PRESIDING OFFICER. Under the previous order, the Senator from California (Mr. CRANSTON) is recognized to call up two amendments, on each of which there shall be 15 minutes, to be equally divided and controlled.

Mr. NELSON. Mr. President, the Senator from Wisconsin does not see the Senator from California in the Chamber. However, I understand that the Senator from Wyoming (Mr. WALLOP) has an amendment, on which there is not much controversy, respecting blind trusts. Would the Senator like to call up that amendment at this time?

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming. Without objection, that amendment will be in order.

AMENDMENT NO. 159

Mr. WALLOP. Mr. President, I call up amendment No. 159.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. WALLOP), for himself and Mr. Danforth, proposes an amendment numbered 159.

The amendment is as follows:

On page 10, strike line 25, and on page 11, strike lines 1 through 3, and at line 4 "reporting individual", and insert in lieu thereof the following:

"(d)(1) Except as provided herein and at clause (2) of this subparagraph, the holdings of and income from a trust or other financial arrangement from which the reporting Senator, officer, or employee or the spouse or dependents of such reporting individual receives income or has an equity interest in".

Mr. WALLOP. Mr. President, I yield myself whatever time this will take; it will not take long.

The amendment clarifies the language in the code of conduct regarding the establishment of blind trusts There was a colloquy several days ago which pointed out an internal conflict in the language, circumstances with which no individual could comply. I have checked this with the distinguished floor manager of the bill and the staff. The effect of the amendment simply is to smooth out the language and put the requirements of blind trusts and the reporting requirements in smoother, more simplified language.

I yield to the Senator from Wisconsin.

Mr. NELSON. Mr President, the Senator from Wyoming has stated the case correctly There is no use in the Senator from Wisconsin repeating it. The Senator from Wisconsin has no objection and is wiliing to accept the amendment.

I yield back the remainder of my time on the amendment.

Mr. WALLOP. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming

The amendment was agreed to.

Mr. NELSON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides, on the resolution.

The PRESIDING OFFICER. Without objection, it so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

AMENDMENT NO. 163

Mr. NELSON. Mr. President, I call up amendment No. 163.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) proposes an amendment numbered 163.

The amendment is as follows:

On page 3, line 23, after "(1)" strike out "the" and insert "The".

On page 4, line 2, strike out the colon and insert a semicolon.

On page 5, line 14, after "value" insert "of".

On page 9, line 19, after "list" insert "the date of purchase and".

On page 9, lines 20 and 21, strike out "at the time of purchase and the date of purchase".

On page 15, lines 2 and 3, strike out "the date of the enactment of this Act" and insert "December 31, 1977".

On page 19, line 9, after "Act" insert a comma.

On page 19, lines 19 and 20, strike out "has the same meaning given to such term" and insert "includes any employee or individual described".

On page 19, line 21, after "4" insert "(c)".

On page 20, line 3, strike out "shall" and insert "does".

On page 20, line 7, after "inheritance" insert a comma.

On page 23, line 1, strike out "this subparagraph" and insert "subparagraph (a)".

On page 23, line 13, strike out "shall" and insert "does".

On page 25, line 6, strike out "(1)" and insert "1".

On page 25, lines 20 and 21, strike out "shall, subject to the provisions of subparagraphs (b) and (c), mean any income" and insert "means, subject to the provisions of subparagraphs (b) and (c), any income (other than compensation disbursed, or treated as disbursed, by the Secretary of the Senate)".

On page 26, line 1, strike out "shall include" and insert "includes".

On page 26, line 5, strike out "or" and insert "and".

On page 27, line 6, after "receipt" insert "or accrual".

On page 30, lines 9 and 10, strike out "has the same meaning given to such term" and insert "includes an employee or individual described".

On page 30, line 10, after "4" insert "(c)".

On page 30, line 20, strike out "(A)" and insert "(1)".

On page 30, line 25, strike out "(B)" and insert "(2)".

On page 38, line 7, strike out "State" and insert "Senate".

On page 40, line 16, strike out "(k)" and insert "(i)".

On page 41, line 12, before "Committee" insert "Select".

On page 42, line 3, before "Committee" insert "Select".

On page 42, line 14, after "technical" insert a comma.

On page 42, lines 21 and 22, strike out "section 2(a)(2)" and insert "subsection (a)(2)".

On page 43, line 9, strike out "section 2(a)(2)" and insert "subsection (a)(2)".

On page 43, lines 17 and 18, strike out "(as defined in subsection (b)(4))".

On page 44, line 14, after "relationship" insert a comma.

On page 47, line 19, strike the first "of" and insert "or".

On page 54, line 23, before "relating" insert a comma.

The PRESIDING OFFICER. Is there objection to the present consideration of the amendment? The Chair hears none, and the Senate will proceed to its consideration.

Mr. NELSON. Mr. President, this amendment consists of a series of technical amendments. It was introduced last Friday, for the purpose of having it printed in the RECORD, so that it could be checked by any Member to satisfy himself as to whether or not it included any matters of substance that concerned him.

Since every Member has had a chance to look at it and been given notice of my intention to move this adoption. I think we can dispose of this amendment without debate.

Mr. THURMOND. Mr. President, the amendment meets with our approval.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from South Carolina yield back his time?

Mr. THURMOND. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time be charged against the resolution equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 99

Mr. CRANSTON. Mr. President, I ask that my amendment No. 99 be called up at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes amendment No. 99.

On page 37, beginning with "to" on line 17, strike out through line 18, and insert in lieu thereof the following: "to two assistants to a Senator, at least one of which is in Washington, District of Columbia.

The PRESIDING OFFICER. On this amendment there are 15 minutes equally divided.

Mr. CRANSTON. Mr. President, I will just very briefly explain this amendment which, I believe, is not controversial in any way, shape, or manner.

Senate Resolution 110 prohibits any officer or employees of the Senate from soliciting, holding, or distributing campaign funds for any candidates to Federal office except for one member of the Senator's staff in Washington and one in the home State office whom the Senator specifically designates to handle such funds.

My amendment will give a Senator the option to have both assistants designated to handle campaign funds in the Washington office.

Because a Senator's campaign committee is located in his home State, I personally do not find it necessary to have any member of my field office staff involved in handling campaign money. The campaign committee staff is, after all, charged with fundraising and handling all other financial aspects of a campaign. I try to keep my field office out of campaign financing activities and engaged only in providing constituent services and other official and nonpolitical Senate duties.

For me, and I imagine for other Senators, too, the need is greater to have people authorized to handle campaign funds in the Washington, D.C., office because of that office's distance from the campaign committee in the home State. As we all know, campaign contributions are sent quite frequently to the Senator directly, rather than to the local campaign organization or to the senatorial campaign committees here in Washington.

I believe that in most offices the handling of campaign money requires two persons—besides the Senator—if only to have one acting as a backup in the event the other is absent in the home State on business or on vacation. The two staff assistants generally are administrative or advisory personnel to whom the Sena-

tor has assigned responsibility over the non-fund-raising political aspects of his office.

Of course, it should be understood that whatever fundraising restrictions are placed on staff, we cannot totally eliminate contact which support personnel such as mailroom assistants or secretaries will have with the fundraising process as contribution checks are channeled to the Senator or his two "political fund" assistants. I do not believe there is any way to control such contact.

Mr. NELSON. Mr. President, the manager of the bill has no objection to that amendment. I think it is practical and makes good sense.

I yield back the remainder of my time.

Mr. CRANSTON. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. On whose time?

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 156 (MODIFIED)

Mr. CRANSTON. Mr. President, I ask that we now call up my amendment No. 156.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes amendment No. 156 .

The amendment, as modified, is as follows:

On page 10, line 17, after the word "entertainment)" strike out through the word "dependents," on line 18 and insert the following: "received by a spouse or minor dependent, and of gifts of over $500 received by an adult dependent,".

Mr. CRANSTON. Mr. President, after conferring with the distinguished Senator from Wisconsin I ask unanimous consent—I ask that I may modify my amendment by striking the word "solely" from line 3 and line 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. And in line 4 also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, under the resolution before us gifts to the Senator's spouse or dependents from any one source aggregating more than $100 or $250 for gifts of transportation, food, or lodging in any 1 year must be disclosed. My amendment would raise the annual aggregate gift disclosure level to $500 for an adult dependent. In addition, under my amendment the earned income of an adult dependent would not have to be reported.

I am concerned about the adult son or daughter of a Senator who is attending college and is listed as a dependent for income tax purposes even though he or she is living away from home and is leading an independent adult life.

To require the public disclosure of gifts of any jewelry or clothing from a boyfriend or girl friend—gifts which might easily aggregate more than $100—would constitute an intolerable invasion of the privacy of these young men and women. A Senator's adult offspring should not be required to live in a fish bowl because of their parent's avocation.

Moreover, where is the equity for the 23-year-old graduate student living away from him but listed as a dependent who must disclose when his 21-year-old brother, still living at home, but employed and not a dependent, is not required to disclose gifts? Anyone attempting to influence the Senator by giving gifts to his dependents would hardly differentiate between the two sons—yet gifts to the older son would be disclosed—while gifts to the younger son would not be.

However, I do agree that a large gift to an adult dependent whom the Senator is supporting could have financial impact on the Senator. Thus, I propose that the disclosure requirement be raised to $500 for an adult dependent.

In addition, I feel that if an adult son or daughter is being listed as a dependent for tax purposes his or her income will be generally small. I feel their privacy need not be invaded even though their mother or father may serve in the U.S. Senate.

In the first place, in order for them to qualify as adult dependents for tax purposes, their parents must be contributing at least 50 percent of the income. These young men and women are usually college students, and they will supplement the income from their parents with whatever they can earn from part-time jobs.

Further, many of them at this point in their lives are trying to establish lives of their own—separate and apart from their Senatorial parents. To require that these young men and women disclose their income and their place of work—part time though it may be—would not only strip away the cloak of privacy, but would force the spotlight of public and press attention on their individual lives.

Therefore, I propose that the earnings of an adult offspring listed as an income tax dependent not be disclosed.

Mr. NELSON. Mr. President, I wonder if the Senator will yield. Did I understand the Senator to be referring only to adult dependents?

Mr. CRANSTON. That is correct.

Mr. NELSON. What about minor dependents? That is in here, too. The Senator has minor dependents here, too.

Mr. CRANSTON. The minor dependents, that is just doing it the way it is in the bill now. That just picks up the bill's language on that.

Mr. NELSON. $500?

Mr. CRANSTON. No, $150.

Mr. NELSON. Mr. President, let me ask the Senator a question which is bothersome to me and is not involved in this amendment, but I would like to have his views.

On page 10, line 15, it states:

For the purposes of subparagraphs—

Starting on line 13 through such and such:

. . . the individual need only report the source, not the amount, of any earned income over $1,000 or gifts over $100. . . .

And this is the one the Senator changed to $500, correct?

Mr. CRANSTON. Correct, for adults.

This problem bothered me for the same reason the Senator raised respecting a gift.

Now, we have a 20- or 21-year-old adult, voting for President, for Governor, for everything else, they work in the summertime and make over $1,000, then in the city where they are working the disclosure occurs.

So the Senator is saying to this 20-year-old, to all the public, the 20-year-old is still a dependent of papa and mama, and even though he made $1,000 it is the same kind of hassle.

Mr. CRANSTON. It is.

For the adult, there is no disclosure of earned income under my amendment.

Mr. NELSON. The thousand-dollar limit only applies to minors?

Mr. CRANSTON. That is correct, minors and spouses under the amendment.

Mr. NELSON. That was not the understanding I had from the staff. I raised the question three or four times.

Mr. CRANSTON. I think the Senator is talking about a different question exactly.

Mr. NELSON. Yes. I am talking about earned income in that paragraph.

Mr. CRANSTON. Our amendment is that there would be a disclosure of earned income.

Mr. President, let us suggest the absence of a quorum.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I want to further modify my amendment to add the word "minor" before the word "dependents" on line 19.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 10, line 17, after the word "entertainment" strike out through the words "minor dependents," on line 18 and insert the following: "received by a spouse or minor dependent, and of gifts of over $500 received by an adult dependent,".

Mr. CRANSTON. Is the Senator from Wisconsin ready to accept the amendment?

Mr. NELSON. Yes, the Senator from Wisconsin is willing to accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CRANSTON. Mr. President, I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on

agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. ROBERT C. BYRD. Equally against both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WALLOP. Mr. President, I ask unanimous consent that Patty McDonald and Bob Jerome of my staff be accorded the privilege of the floor during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, am I correct in stating that the only amendments that we had consent orders to take up in sequence today were the amendments by Mr. HELMS and two amendments by Mr. CRANSTON?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. There are several other amendments on which there are time agreements, and the distinguished minority leader had indicated that certain Senators would be prepared to call up their amendments, possibly in sequence; but no order with reference to the sequence was obtained; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Then, Mr. President, the Senator from Kentucky (Mr. HUDDLESTON) can call up an amendment at this time without a prior order of the Senate; is that correct?

The PRESIDING OFFICER. The Senator is correct.

UP AMENDMENT NO. 102

Mr. HUDDLESTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) offers an unprinted amendment numbered 102.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 23, beginning with "This" strike out all through line 4 on page 29, and insert the following: "The preceding sentence shall not apply to service of a Member, officer, or employee as—

"(a) an officer or member of the board of an organization which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, if such service is performed without compensation;

"(b) an officer or member of the board of an institution or organization which is principally available to Members, officers, or employees of the Senate, or their families, if such service is performed without compensation; or

"(c) a member of the board of a corporation, institution, or other business entity, if (1) the Member, officer, or employee had served continuously as a member of the board thereof for at least two years prior to his election or appointment as a Member, officer, or employee of the Senate, and (2) the amount of time required to perform such service is minimal.

A Member, officer, or employee shall report to the Secretary of the Senate, on forms prescribed by the Secretary, his service as a member of the board of a corporation, institution, or other business entity under subparagraph (c). Such reports shall be made available for public inspection and copying.".

Mr. HUDDLESTON. Mr. President, I would like to take this opportunity to commend the distinguished Senator from Wisconsin (Mr. NELSON) and the Special Committee on Official Conduct for the effort they have made in reporting a stringent code of conduct to the Senate. I believe that Senate Resolution 110 will help restore public confidence in the Congress and benefit the dedicated public official. I have consistently supported a strong code of conduct for Senators and believe that it is in the best interest of the Congress and individual Members to do so. Since coming to the Senate, I have voluntarily made full financial disclosures on an annual basis, and I believe that this has a positive effect on my relationship with my constituents.

While I agree with the basic provisions and goals of the resolution, I do have problems with some of the specific ways of accomplishing these goals. One of the specifics with which I am not in agreement is the broad prohibition contained in paragraph 7 of rule 45 against service on the board of directors of a public corporation or institution. I believe that it goes too far in attempting to correct an activity that could appear to be a conflict of interest without taking into consideration factors which could modify this appearance.

Simply stated, my amendment would permit a Senator to serve on the board of directors of a corporation or institution provided he had served on that board at least 2 years prior to his election; the amount of time spent in performing this service is minimal compared to his senatorial duties; and the service is registered with the Secretary of the Senate for public disclosure.

This amendment recognizes the basic principle that the voters of this country must play the key role in policing the activities of Senators and must have a substantial voice in deciding what is or is not allowed. This is the basic premise underlying the electoral process of a democratic society and must be given due consideration in any congressional code of conduct. In addition to this, the Senate's rulemaking power is not absolute. It is limited by the constitutional requirement of reasonableness and practical considerations of enforcement.

If a Senator has been a member of a board of directors for at least 2 years prior to his election or appointment as Senator, this fact is certain to be made a matter of public knowledge either by his opponent in the election or the press. Given this knowledge, an election of a candidate by the voters would in effect be a vote of approval of the relationship by the citizens of that State. This decision by the voters would be similar in nature to the election of a candidate who owned controlling interest in a public corporation or who owned his own business. Should the Senate as a body presume to impose its judgment over that of the voters in matters such as these, I believe that it would be a serious blow to the electoral process.

The amendment is in agreement with a basic goal of the code of conduct that a Senator should not derive financial gain as a result of his senatorial office. The requirement of prior membership on a board of directors would effectively preclude the possibility that such a position was given in exchange for services or favors rendered as a Senator. The time limitation would also preclude the possibility of a position being bestowed on a candidate who appears certain to become a Senator since it is very unlikely that such a determination could be made 2 years prior to election. The position, instead, would be one of a long-term, continuing nature based on an individual's business expertise. Such an association could not be construed as a reward for granting special favors of a political nature and should not be subject to the overkill limitation imposed by paragraph 7.

A Senator in today's Congress is an extremely busy person with very weighty responsibilities who should devote full time to his role as a public servant. However, this does not mean that a Senator does not have time of his own when he can pursue his own interests or endeavors. This type of outside activity is an accepted way of life for all types of people from average laborers to top professionals. Its acceptability is no more clearly demonstrated than by the fact that outside directors of corporations are usually employed full time in other professions. I have included the requirement that the amount of time required to perform services as a member of a board of directors must be minimal to preclude the possibility that a Senator might serve on a board of directors which required a significant amount of his time, thereby detracting from his senatorial duties. I believe that this limitation is of the same nature as that part of the resolution which excludes earned income from family enterprises if the services provided by the Senator are not a material income producing factor. The committee states in its report that—

If the Senator or employee is making substantially all of the managerial decisions for the enterprise or spending substantial amounts of time with it, then the income so derived should be considered personal services income.

However, I would like to hasten to emphasize that under my amendment, any income from service on a board of directors would be included within the 15-percent limitation on earned income. I use the material income provision only to demonstrate that my amendment employs a similar qualification based upon the amount of time devoted to the activity.

The last provision of my amendment requires registering the service on a board of directors with the Secretary of the Senate for public access. This provision is in conformity with what I believe to be the cornerstone of the code of ethics—full disclosure. As I stated previously, I have been an advocate of full financial disclosure for many years and have been one of those few Members of Congress who not only advocate but practice this. I firmly believe that it is a vital part of a free and open decision-making process which will enhance our democratic form of government.

The logic applied by the committee in exempting service on the board of directors of a section 501(c) tax-exempt organization should have been applied to public corporations, rather than assuming that in all circumstances there would be a conflict of interest or the appearance thereof. A conflict of interest does not have to rest entirely or directly upon a financial interest, and the committee recognized this when it stated in its report that "the possibilities of conflicts of interest are less marked" in a tax-exempt organization. This implies that there could be a conflict of interest for service on the board of directors of a 501(c) corporation. If one looks closely at these organizations, he will find that they cover the entire spectrum of special interest groups. They include labor organizations, civic leagues, agricultural organizations, business leagues, chambers of commerce, real estate boards, social and recreational clubs, fraternal beneficiary societies, and many others.

Most of these have interests which, at one time or another, may come before Congress and represent conflicts of interest for Senators who may serve as officers or directors of them. However, the committee has wisely concluded that it should not make a blanket judgment in these cases but, instead, provides in paragraph 5 of the rule that a Member may decline to vote on any matter when he believes that his voting on such a matter would be a conflict of interest. This leaves the matter to the conscience of the Member and the dictates of his constituents, as it rightfully should. This same logic would be carried forward in my amendment with additional safeguards to assure that service on a board would not be predicated upon the fact that the individual is a Senator.

We who serve the public as elected officials cannot completely eliminate every conceivable activity that "has the appearance of a conflict of interest" because to do so would isolate us from the public we are supposed to serve. An elected official must interact with the public and try to pursue a normal life. Unfortunately, in politics almost every contact we have with those who have special interests related to the Federal Government could be construed as having the appearance of a conflict of interest. Because it is extremely difficult to define exactly what a conflict of interest is, it is incumbent upon us to use great care when prohibiting certain activity. Otherwise, we run the grave risk of trampling upon the right of some Senators who happen to fall within a narrow category and of interfering with the rights of voters to make decisions about the type of representation they want. The courts have stated that in the making of congressional rules, a House "may not by its rules ignore constitutional restraint or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained." I believe that blanket prohibition of certain service activity is unreasonable and possibly does violate fundamental rights.

The directors of a corporation perform a vital service to both the corporation and the economy as a whole. A board of directors occupies a key position in corporate structure because it is the directors who give the corporation the benefit of their experience, knowledge, and practiced good judgment in setting broad corporate policy. The direction given to a corporation by its directors will often be determinative in whether it is a healthy and growing business, marginally economical, or failing. While additional responsibility has been placed on directors in recent years, this has not significantly altered their role as outside directors with full time interest elsewhere. Given that this service is considered to be vital to the maintenance of sound corporations and that sound corporations are a necessary ingredient of a viable economy, I do not believe that a Senator should necessarily be forced to withhold his expertise and knowledge because there might possibly be a conflict of interest or the appearance of one.

Although the Senate is not required to follow in every respect the code of conduct adopted by the House of Representatives, I believe that the fact that the House did not include a provision similar to paragraph 7 in its code or even give serious contemplation to doing so is a compelling argument that it is not needed.

Mr. President, I am convinced that my amendment complies with the spirit and intent of Senate Resolution 110. I have discussed my amendment with many of the committee members on both sides of the aisle and have found no direct opposition to it. I therefore request its adoption.

Mr. President, the provision of the bill which I am seeking to amend affects me personally. Approximately 5 years prior to my election to the Senate I was named to the board of directors of the First Federal Savings & Loan Association of Elizabethtown, from which I receive a director's fee. My service on that board has not taken 1 hour of time away from my senatorial responsibilities during the 4 years I have been here.

I do not believe that I should be forced to get off that board now that I am a Senator. The whole premise of this legislation is that a Senator should not use his office for financial gain, but that certainly would not apply in my case and that of others in this body who were elected or named to such boards prior to their election to the Senate. I might also point out that I have been very careful not to vote on that legislation that would be specifically beneficial to the savings and loan industry.

So my amendment seeks to prevent the penalizing of a Senator for what he has accomplished or achieved prior to his election, while maintaining the prohibition against becoming a member of such a board after his election.

Mr. President, this amendment merely relates to the question of serving on certain boards by Members of the Senate. The amendment is consistent with the express intention of those who are proposing this code that whatever a Senator has accomplished before he comes here cannot be wiped out by an arbitrary restriction.

The amendment would permit a person who had served on the board of an institution covered by this section of the bill for a period of 2 years prior to coming to the Senate, and if the service on such board requires only a minimal amount of his time, to remain on that board.

I have discussed this proposal with those on both sides of the aisle relative to this code of conduct, and they say it is acceptable.

Mr. NELSON. Mr. President, the Obey Commission in the House recommended, and the full House adopted, a scheme in which Members would be allowed to sit on boards, as long as their income was within the 15-percent ceiling. The amendment suggested by Senator HUDDLESTON would be stricter. It provides that a Member, officer, or employee could only sit as—

. . . a member of the board of a corporation, institution, or other business entity, if (1) the Member, officer, or employee had served continuously as a member of the board thereof for at least two years prior to his election or appointment as a Member, officer, or employee of the Senate, and (2) the amount of time required to perform such service is minimal, and the Member, officer, or employee is not a member of or a member of the staff of any Senate committee which has legislative jurisdiction over any agency of the Government charged with regulating the activities of the corporation, institution, or other business entity.

I called up Representative OBEY, after thinking about this matter, to inquire as to why they applied the earned income limitation to service on boards, rather than barring the service. And he said that in their judgment the earned income limitation was sufficient to avoid conflicts or appearances of conflicts, and that we could have any number of cases in which the appearance of conflict would be much greater, say, for a Member who owned majority stock in a publicly held corporation or a regulated corporation and was permitted to continue to own

the controlling interest in a bank or such organization, while another Member who had a 5-percent interest, but was a board member, had to get off the board.

I think it is important to note that many people have spent 20 or 25 years of their lives accumulating some kind of assets. Lawyers for corporations sometimes take stock in the corporation instead of a legal fee. Twenty years go by, they are on the board, and they have accumulated an asset of considerable value. To say that they must, if they run for Congress, get off the board first, give up that asset, and be replaced by another member seems to me to be too harsh a treatment.

If a Member were on a board, or on four boards, as many people are, and if each board paid $10,000 a year, or a total of $40,000, the Member would not be able, while serving in Congress, to receive the $40,000. He could receive only a maximum of 15 percent of his salary, which would, at this stage, be $8,600, which would mean about $2,000 per board instead of $10,000 per board.

But board membership is a valuable asset, and he or she would be giving up retirement rights and other things in order to speculate on being in the Senate more than 6 years.

This amendment moves us back toward the House position. With respect to Members who were serving on boards more than 2 years prior to coming to the Senate, and whose membership is not affected by their committee assignments, it would conform to the House treatment.

Mr. President, I yield back the remainder of my time.

Mr. HUDDLESTON. I yield back the remainder of my time, and move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The resolution is open to further amendment.

AMENDMENT NO. 147

Mr. WALLOP. Mr. President, I call up amendment No. 147.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. WALLOP) proposes an amendment numbered 147.

The amendment is as follows:

On page 26, lines 9, 10, and 11, strike the following: "if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor;".

On page 26, lines 15, 16, and 17, strike the following: "if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor;".

Mr. WALLOP. Mr. President, I call attention to the fact that Senators HANSEN, SPARKMAN, TALMADGE, BELLMON, STENNIS, CURTIS, LUGAR, and HATCH have joined as cosponsors of this amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. WALLOP. Yes.

Mr. ROBERT C. BYRD. The Senator has one amendment on which he has a 30-minute limitation and another amendment with a 1-hour limitation. Which amendment is this?

Mr. WALLOP. Mr. President, this amendment has the 1-hour limitation.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. WALLOP. Mr. President, the effect of this amendment is to remove from the definition of earned income those services provided by a Senator, officer, or employee of the Senate which are not material income-producing factors to small family enterprises.

Mr. President, small family enterprises, and I do not know how we qualify an enterprise as being family, small, or otherwise, are the backbone of the Nation and do not necessarily interfere with the smooth and legitimate functioning of a Member of the Senate.

I would point out that in this code and in these definitions there are no other restrictions which are similar to these concerning family enterprises. A Senator can write books for as long as he wants. I would refer the Senate to the definition in clause 2 on page 26. He can even receive advances on books other than from established trade publishers under usual contract terms, or advances on other relative or artistic works.

As some have done, he can even have members of his staff write the book for him while on the public payroll and receive that kind of income.

Gains from property or investment are excluded from the definition of outside earned income.

I would point out, Mr. President, that a Senator can sit in his office with his feet on his desk and wheel and deal in real estate, in commodities, or anything else all day long, making decisions that are material to the income-producing factor of his investment.

There are no restrictions with rents. The Senator can collect rents. Obviously, if he can collect rents, he can manage a property which he possesses. Presumably that is not a small family enterprise.

He can receive proceeds from the sale of creative or other artistic work.

In short, a Senator can do anything except have a small family enterprise.

There are others who will speak on the tax problems. Both from a standpoint of income tax and a standpoint of inheritance tax, this provision can result in double taxation to a Senator if he has a corporation in which he does other than participate in a material income-producing manner.

Presumably, under such a set of circumstances, the Internal Revenue Service could say:

Your services are not material to the income-producing nature of your small corporation, your closely held corporation, and, therefore, the monies you are receiving are dividends and not compensation for legitimate services.

The amendment of the Senator from Wisconsin to the tax bill of last year made the qualification with regards to tax provisions, which were written into that code, designed to continue the existence of small agricultural holdings in America. That amendment had a requirement in it that the participation of the holding member be material to the income-producing nature in order to qualify for the inheritance tax advantages.

It seems to me that what happens when the Senate is not in session is not the business of the Senate.

This resolution talks about services not being material to the income-producing nature. Presumably, I can call for stocks and bonds and trade in the commodities market, but I cannot call my ranch foreman and tell him to sell cattle or not sell cattle, to plant wheat instead of corn, and other things, because that is a material decision to the income-producing nature.

Presumably, when all other things in the Senate have been taken care of, I cannot go home and join in the branding.

Presumably, a Senator who might own a drugstore cannot go home and move stock within the store or even make a decision to follow the Senate's professed desire to move from trade names to generic names for drugs.

There has been a suggestion that this particular provision should be modified to the point where Senators would be allowed to pursue these things from a supervisory or a managerial point, providing they do not consume significant amounts of time. If I were to go home and get on a tractor, or grab hold of an irrigating shovel, that can scarcely be called supervisory or managerial. It certainly can be considered income producing. It can also be considered mind cleansing from the incredible participation in this body.

Even so, what is a significant amount of time as is proposed by some who would modify this provision? We have taken Senators from the American public by this whole process. We have stated that there is no Senator who can be trusted. Now, with the implications of all of this, we are saying the public cannot be trusted either. I do not know who can be trusted if it is not, I guess, Common Cause.

It seems that this body ought to encourage rather than discourage Senators from participating in the productive world. Too few Members of this body have ever participated in the productive world of Americans. Somebody in this Senate ought to be able to bring back some firsthand knowledge of what it is like to live with the kinds of laws the Congress passes. So many Members have never met payrolls, have never been part of the commerce of America. They are perfectly willing to give us a code saying that no Senator should remain a part of the commerce of America, and that we should be insulated from the incredible burdens that we lay on the productive sector the American society.

And the public? The judgment of that poor body of Americans is completely mistrusted by this code and by

Common Cause. But that public, despite what we think and despite what Common Cause thinks, is an almightly, commonsense body which can make legitimate decisions. They have made them in the past and they will continue to make them.

I do not know why we in this body cannot display confidence in something. The code before us displays no confidence in ourselves. It displays no belief that we have any ability to resist temptations which could be thrust upon us by membership in the Senate.

If we cannot trust ourselves, can we at least trust the public? We have provided for disclosure. We have provided that a Senator live in a cocoon, and that it be opened at will by the public. It is really a sad time, such an incredibly sad time, for me to watch us insulating ourselves from reality and moving further and further from real life, so that no Member of this body can ever again understand, until he returns to the public world, what it is like to be a part of the productive society in America.

With that, Mr. President, I yield to the Senator from Indiana.

Mr. LUGAR. Mr. President, I associate myself with the remarks of the distinguished junior Senator from Wyoming. I indicate that the Obey Commission, in its thoughts about the issue at hand—namely, the income from family enterprises—and, certainly, the work of the Special Committee on Official Conduct of the U.S. Senate, both recognized that outside earned income did not include the following and, first of all, they have listed royalties from books, but second, income from family enterprises. The disturbing clause which follows, however, provides that the exclusion applies only to income from family enterprises "if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor."

It is this clause that gives many of us who are involved in family farming or, for that matter, in other productive family enterprises, some difficulty. We are hopeful that it will be the consensus of this body that that conditioning clause might be changed or deleted, because we believe it will be productive of a great deal of interpretive difficulty.

I want to carry the argument further in two ways and suggest that this is a good time, in deliberating on family enterprises, to discuss the nature of our work as U.S. Senators. There clearly is value, in my judgment, in a Senator being associated with a family farm or with a small family business. It seems to me clear that the problems that are faced by ordinary Americans in farming, in merchandising or in small manufacturing are problems of which we ought to be aware in our deliberations. As a matter of practical import, if many more of us were faced with filling out tax returns and regulatory forms, we would understand the implications of the things that we do upon family enterprises. It is logical to assume that many of the laws that we pass might have a great deal more credibility with the public, and be of greater applicability if we were aware of the problems encountered in having to live with them.

In other words, I stand today to suggest that there is real positive value in Senators being a part of family businesses and not the contrary. In fact, the Special Committee on Official Conduct has recognized that by excluding, in the draft of the legislation, income from family concerns. There is an explicit recognition as to the value of being involved in a family business.

I think that, beyond that, as we try to take a look at a code of conduct, income-producing factors and at the limitations that have been involved, we also are compelled to take a look down the trail at what the nature of Senate service might become.

It seems to me that some have suggested, and I would like to associate myself with them, that there may come a day in which we are not involved in legislation for 12, 11, or even 10 months of the year, but that a great deal of our time might, in fact, be devoted to family enterprises or to other practical affairs of Americans that bring us closer together with our constituents. It seems to me important, at this stage of discussing the code of conduct of the U.S. Senate, that we take a look at the practical affairs that might transpire in due course; namely, that many of us should, in fact, derive substantial portions of our income from family or small business concerns. It might be highly desirable for us to spend much less of our time in being full-time Senators and conceivably, even less of our salaries would come from that service and much more from other enterprises that would leave us in touch with the people with whom we associate and who we try to represent.

I am hopeful that, as a practical effect of the amendment offered by the junior Senator from Wyoming, the language that creates difficulty—namely, "if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor"—might be deleted or changed, simply because the concept of a test based exclusively upon income being a material income-producing factor begs many definitions and, I think, endless interpretation.

I am, I suppose, compelled to say that it is so ambiguous that a Senator, in order to avoid any implications of impropriety, might simply be forced to curtail or abandon what would otherwise be perceived as a legitimate and constructive enterprise. In short, each one of us should not want to be compelled to go before one committee after another seeking interpretation as to whether the specific family farming operation in which we are involved or the specific small business operation in which we might be involved is, in fact, a legitimate one.

In my own case, I would hope that marketing decisions that I might make as a U.S. Senator as to the crop plan for our farm in Indiana might, in fact, be good decisions and, to the extent that they are good decisions, they are obviously material income-producing factors. Only to the extent that they are bad decisions, presumably, would they be loss factors or something other than material income-producing factors. Each one of us hope that even if our associations were not time-consuming and only casual, they would, in fact, be constructive, legitimate decisions for profit as opposed to for loss.

It is in this sense that it seems to me we can clarify this language at a point that will save a great deal of grief and, furthermore, may save, at least, a number of family farms and family enterprises from reroganization or from substantial material loss. Such a result was clearly not intended, in my judgment, by this body or by its Committee on Official Conduct but the interpretation of the existing language which we seek to omit or change, might cause exactly that result.

I yield back to my distinguished colleague, the junior Senator from Wyoming.

Mr. HATHAWAY. Will the Senator from Wyoming yield?

Mr. WALLOP. The Senator from Wyoming yields to the Senator from Maine.

Mr. HATHAWAY. Mr. President, I have two perfecting amendments which I send to the desk and ask that they be considered en bloc. They are perfecting amendments to the amendment offered by the Senator from Wyoming. In the event that there should be any question with respect to both of those——

The PRESIDING OFFICER. The Senator's amendments are not in order until all the time is yielded back.

Mr. HATHAWAY. I was going to ask unanimous consent that they may be considered in order at this time. I intend also to attempt to enter into a time agreement on all of the amendments that pertain to the same subject matter.

The PRESIDING OFFICER. Is there objection to that request?

Mr. HATHAWAY. I ask unanimous consent that the amendments may be considered in order at this time.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON. I did not hear the unanimous-consent request.

Mr. HATHAWAY. The unanimous-consent request was in two parts: One, that the amendments which are perfecting amendments to the amendment of the Senator from Wyoming may be considered at this time and two, that they be considered en bloc. Technically, they may not be offered until after the Senator from Wyoming has yielded back all his time. That is the pending unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Mr. President, it is my understanding that there was a time allotment for the amendments of the Senator from Maine. I certainly would ask that they not be charged to my time.

Mr. HATHAWAY. The Senator is correct. I assume that the 1 hour of time allotted to me for these amendments would be the time used on them and would be added to the 1 hour of the Senator from Wyoming, so that we have a total of 2 hours on all of the amendments involved in this particular issue.

Mr. WALLOP. It was also my understanding that a half hour would be preserved out of the total time of 2 hour allotted to these amendments for tomorrow, to be equally divided, with 15 minutes apiece, before the vote tomorrow.

Mr. HATHAWAY. The Senator is correct. I think that is appropriately the subject of a second unanimous-consent request, unless we want to put it all into one.

Mr. NELSON. I am not prepared to agree to that unanimous-consent request for the moment because I may have an amendment of my own to offer if the amendment of the Senator from Maine does not prevail. So I wish he would withhold that request for the time being at least as I have no objection to the request of the Senator from Maine at the moment on his technical amendments. Are they technical amendments?

Mr. HATHAWAY. No.

Mr. NELSON. What is the request of the Senator from Maine, again?

Mr. HATHAWAY. The first unanimous-consent request was that the amendments be considered en bloc and may be considered in order at this time.

Mr. WALLOP. Was the remainder of that unanimous-consent request that the time of the Senator from Maine be allocated to himself and not to the Senator from Wyoming?

Mr. HATHAWAY. The Senator is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, will the Senator from Wyoming yield further?

Mr. STEVENS. Will the Senator yield for a parliamentary inquiry right there?

Mr. HATHAWAY. The Senator from Wyoming has the time.

Mr. WALLOP. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WALLOP. I thought that the Senator from Maine had gained the floor by the introduction of his amendment and with the allocation of time.

The PRESIDING OFFICER. I believe he yielded.

Mr. HATHAWAY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Wyoming technically had the floor and yielded to the Senator from Maine.

Mr. WALLOP. I yield to the Senator from Maine with time to be credited to his amendment.

Mr. HATHAWAY. I thank the Senator.

UP AMENDMENT NO. 103

Mr. HATHAWAY. Mr. President, I send unprinted amendment No. 103 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY) proposes unprinted amendment en bloc No. 103.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, line 23, strike out all after "rendered" through page 25, line 24, and insert in lieu thereof a period.

On page 26, lines 9, 10, and 11, strike the following: "if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor;" and insert in lieu thereof the following: "if the enterprises are ones in which the Senator, officer, or employee of the Senate holds a controlling interest and in which both personal services and capital are income-producing factors so long as the personal services actually rendered by the Senator, officer, or employee of the Senate in such enterprises do not generate a significant amount of income;".

On page 26, lines 15, 16, and 17, strike the following: "if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor;" and insert in lieu thereof the following: "if the partnership involved is one in which both personal services and capital are income-producing factors so long as the personal services actually rendered by the Senator, officer, or employee in the partnership do not generate a significant amount of income;".

Mr. HATHAWAY. Mr. President, I ask unanimous consent to be recognized in my own right to speak on the amendment for a few minutes?

I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. HATHAWAY. Mr. President, I feel constrained to oppose the pending amendment offered by the Senator from Wyoming, and I have sent to the desk perfecting amendments which would, in lieu of the language that is proposed to be stricken, insert additional language.

The amendment of the Senator from Wyoming has the effect of removing totally from any and all limitations of any income received by Senators, officers, and employees if that income is from a partnership or a family enterprise. His amendment would totally ignore any consideration of whether such income is earned or unearned.

This, I believe, totally ignores the original rationale of the code and the subsequent determinations of this body to subject all outside earned income to a limitation of 15 percent of salary.

The amendment which I have offered would preserve and reaffirm the principle that outside earned income, income which results from personal services, must be limited in order to avoid conflicts of interest and conflicts of time. The amendment which I have offered would at the same time allow for Senators, officers, and employees to accept unlimited unearned income from partnerships, and from family enterprises if such income were truly unearned.

The amendment would achieve this goal by allowing income from partnerships and family enterprises if these entities utilize both personal services and capital as income-producing factors and so long as the personal services actually rendered by the Senator, officer, or employee in the family enterprise or business do not generate a significant amount of income.

In this way, the amendment limits the exemption to those sorts of businesses which are a hybrid, with both capital and personal services as potential sources of income, but insures that the income received by the Senator does not, to any significant degree, flow from his own personal services. It allows income as a return on prior investment but serves to restrict the personal services actually rendered, consistent with the restrictions placed on all Senators in this area—namely 15 percent of salary.

This amendment is critically important if we wish to insure that the code is to treat all kinds of earned income consistently and all kinds of unearned income consistently.

We cannot have a code which subjects earned income to a 15-percent limitation and at the same time states that if that income is from a family business or a partnership, the limitation does not apply. This would be the effect of the amendment of the Senator from Wyoming. Such a code would be blatantly unfair to all those Senators who did not arrive here with family businesses or with interests in partnerships. It would be unfair to these Senators because the code would tell them they could not do anything involving their personal services which generated more than $8,625, but those with partnerships and those with family businesses would be perfectly free to earn through their personal services an additional $50,000, $100,000, or even more.

I fail to see why this body should knowingly authorize such a schizophrenic code of conduct.

Furthermore, there is no evidence of which I am aware that indicates that partnerships or family businesses are inherently conflict-free, or represent a more ethical use of an individual's time than many of the other sorts of personal services activities which this code will clearly limit.

Why should a Senator be limited to accepting 15 percent of salary in speaking fees, yet be perfectly free to run a bank, a farm, a real estate business, a contracting firm, or any of the many other sorts of businesses which would fit under the umbrella of family enterprise or partnership? Why should the code totally outlaw the practice of any profession—whether law, medicine, architecture, or engineering, yet place no limits whatsoever upon those in business if they can show that their business is an old family business or a partnership?

I supported the 15-percent limitation on earned income because I felt it was necessary to demonstrate to the American people that this is a full-time body and that all of us were willing to place strict limits on the permissible sorts of outside income earning activities in which we would participate. I supported it, but I intend now to insure that this policy is implemented, and not riddled with loopholes.

Mr. President, I reserve the remainder of my time.

Mr. WALLOP. Mr. President, will the Senator yield for a question?

Mr. HATHAWAY. I am happy to yield for a question.

Mr. WALLOP. Am I correct in understanding that the effects of this amendment would do away with the other qualifications in the subparagraph determining what outside earned income

actually is? I refer the Senator to page 26, line 7, "Outside income does not include the following." Does his amendment strike all of that language?

Mr. HATHAWAY. No, it does not. It strikes the language on page 26 in subsection 2 and subsection 10 and changes the language in both of those as follows:

With respect to family business on lines 9–11:

If the enterprises are ones in which the Senator, officer, or employee . . . holds a controlling interest and in which both personal services and capital are income-producing factors . . .

These are the important changes:

. . . so long as the personal services actually rendered . . . do not generate a significant amount of income; . . .

The same language is applied on page 26, lines 15, 16, and 17—with respect to partnership shares as long as they do not generate a significant amount of income.

This is the language that was used in what was finally adopted in the House Code of Ethics.

To be sure, there is some ambiguity with respect to the word "significant," on which I will be glad to elaborate in debate with the Senator from Wyoming. But, I think it is a much better standard than the standard that is now in the exemptions subsection, which, it seems to me, allows a considerable amount of latitude with respect to what an individual can do in a partnership or family business and earn considerable amounts of money so long as it is not "material."

Mr. WALLOP. On the other hand, will the Senator agree that the resolution before us says that outside earned income is not limited to honoraria. We dealt with that.

Consider this:

advances on books other than from an established trade publisher under usual contract terms, or advances on other creative or artistic works.

The family business might be writing for Playboy, or even interviewing. The fact is that you can do anything artistic and receive advances. You can invest anywhere. You can sit in your office and deal in the commodities market. You can deal in investments. You can write books. You can do all these things, but you cannot participate in a family enterprise. I fail to see any logic in that. I ask for some kind of explanation as to why it would be fair to exclude some participation in a family enterprise.

Mr. HATHAWAY. With respect to advances on books, it is my understanding that in subparagraph 2(a) on the bottom of page 25 and in subparagraph 2, under (b), at the top of page 26, those are in effect limited to $8,600 per year.

Mr. WALLOP. On the contrary, they are not. If Senators will read it, it says:

advances on books other than from an established trade publisher.

So if it comes from an established trade publisher, you can get any advance you like; and you can get all the royalties you like for writing books any year.

Mr. HATHAWAY. I am not holding any brief for those other exemptions. If the Senator would like to strike the exceptions, I would be glad to join him in that amendment.

Mr. WALLOP. On the contrary, the Senator would not like to strike them.

My point is that it is beneficial to this body that somebody, somewhere, have a knowledge of what the productive world suffers from the measures that pass through these Houses.

Mr. HATHAWAY. Does the Senator think that that should apply to family businesses and partnerships? There is a lot of other information we would like to get as well from many other sources. I do not think that we would necessarily gain additional information of value just because we have a Member who is currently operating a farm or any kind of partnership, that we could not just as easily get that same information from the past experience of Members of the body or from outside witnesses who are involved in those particular businesses.

Mr. WALLOP. Will the Senator provide a definition of what is a family enterprise? Could not real estate dealings, which are exempted here, be considered a family enterprise? What about investments? Because you are investing, you are no longer in a family enterprise. You are looking out for your own interests. You can trade real estate and buy apartment houses and do a lot of other things, and those are not family enterprises, according to this definition.

I suggest that the amendment of the Senator from Maine, far from perfecting mine, would be totally disruptive of the whole code.

Mr. HATHAWAY. I am not clear, from the Senator's statement, just what part of the exclusion he is talking about. If it is truly from rents, I presume that is unearned income, not from personal services, and ought to be exempt.

Mr. WALLOP. It refers to the income from dealings in property. Presumably, if you deal in property, that is not a family enterprise.

Mr. HATHAWAY. I understand that paragraph 3(c)(3) is intended to be restricted to capital gains from the Senator's or operator's personal holdings. It is not intended to cover income to a Senator actively engaged in the real estate business which results from personal services actually rendered.

Mr. WALLOP. The distinction is drawn rather lightly.

Mr. HATHAWAY. I think the report will indicate what I just said.

Mr. WALLOP. Will the Senator from Maine agree that the tax structure, the amendment presented last year by the Senator from Wisconsin, the floor manager of this bill, requires material participation in order for the agricultural benefit, the inheritance tax benefits, to take place? Is the Senator from Maine suggesting that everybody who enters the Senate in the future give up all those holdings or have his family penalized for that type of service?

Mr. HATHAWAY. I think the Senator is correct so far as the inheritance tax is concerned. This simply would mean that the Senator who is managing the farm, who is contributing personal services which generate a significant amount of income would have to have the farm hold back everything over $8,600. Whether or not that would pose a problem with respect to the IRS on the estate tax benefits, I do not know. I doubt that it would.

Mr. WALLOP. From whom would they hold it back?

Mr. HATHAWAY. It might pose another problem with respect to withholding that amount of salary—that is, the excess over the 15 percent of the Member's salary.

My point is that a person could be the general manager of a farm and potentially be entitled to receive income of $50,000 a year; that is, a salary of $50,000 a year. It is just that everything above the $8,625 would have to be withheld in some way by the family business. He could actually receive only the limitation which everybody else has to adhere to with respect to earned income.

Mr. WALLOP. Why would that be evil, as opposed to the royalties from books or advances from publishers?

Mr. HATHAWAY. I say to the Senator that I would be glad to join him in a motion to strike the rest of this, and we can have that amendment taken up after we get through with this. I am not happy with the other exclusions, either. It is just that these two were the most glaring ones that I thought I would bring to the attention of this body, ones which I thought had a realistic chance of being eliminated.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HATHAWAY. I yield.

Mr. STEVENS. For the life of me, I cannot understand why the Senate should impose upon those who have ongoing enterprises when they come to the Senate, or become involved in them, a standard of conduct that is different from that which we impose upon those who have vast amounts of money in stocks and bonds, investments.

If I understand the Senator correctly, if I were the attorney for the Senator from Wyoming, all I would say is, "Incorporate. You would have no limit."

Of course, it would cost a little more money in taxation. You would have to pay Uncle Sam a little more money. But you could spend all the time you wish on your farm. You could do anything you wish in terms of time or anything else, under this resolution, so long as it is dividends. But if it is the product of a family enterprise or a partnership and you are not in a corporate world, it would be limited.

What kind of a code of conduct are we setting up for Members of the Senate, if we are forcing people to go into the duplicitous world of a corporate structure in order to avoid the implications of a Senate code of conduct?

Mr. HATHAWAY. In answer to the Senator, I suggest that he look at page 25, line 19, which reads:

For purposes of this rule, the term "outside earned income" shall, subject to the provisions of subparagraphs (b) and (c), mean any income earned by an individual which is income received as a result of personal services actually rendered if such services are material income-producing factors.

My amendment would strike the word "if" and all words after that.

So the corporation example that the Senator just gave would not be true. If he earned income within that corporation, he would have to declare it.

Mr. STEVENS. The Senator does not get my point.

The point is that all one has to do in order to avoid the implication of this code of conduct is to incorporate and take his money out as dividends.

If you do you can spend as much time as you want, entirely inconsistent with the purposes of the rule.

What the Senator from Wyoming is trying to do is to set up a system whereby those who are involved in family enterprises—and I have one to deal with a partnership section, too—those who are involved in partnerships can do so so long as it is not inconsistent with their work in the Senate. It is a simple matter, believe me, and I am sure the Senator knows, it is a simple matter, to incorporate these things.

If the question is, in the Senator's mind, the limitation of income, believe me, there is no limitation here on unearned income.

Mr. HATHAWAY. It does not make any difference what form you get the income. If you earn the income from personel services in that corporation you cannot change your earned income over to dividends and, thereby, be exempt. If you are spending your time helping that corporation earning those dividends, that is going to be income to you under the broad definition of "outside earned income".

Mr. STEVENS. I do not see anything in this rule that says it has to be turned into dividends.

Mr. HATHAWAY. It does not have to be in terms of salary to be earned income; it just says income resulting from personal services actually rendered. The dividends could be income under that definition just the same as salary could be income. The rule of this paragraph has to be construed in its entirety.

Mr. STEVENS. Where in the rule, I might ask the Senator, where does the rule cover income, turn dividends into earned income? The provision just read on page 25? I am sure the staff will tell the Senator that is not the case.

Mr. HATHAWAY. On page 25 it says that earned income means any income earned by any individual resulting from personal services. If dividends, in reality were the result of personal services, these would be outside earned income subject to the limitation.

Mr. STEVENS. But dividends are not earned income. Dividends are not earned income; they are specifically excluded. Look at page 12, line 26.

All I am saying is as we look at this I would urge the Senate to consider a code of conduct that allows the Senator to continue his life as he has had it before he came here without being duplicitous.

The end result of what the Senator is suggesting is that anyone in his right mind would incorporate when he came to this body and took his income out in dividends and would not be subject to any limitations or anything else. That is not what we want, and I think in terms of partnerships, I was discussing with the manager of the bill—you know, again going back to that little flower shop my wife had—she does not have it now—it was a partnership and was not a family enterprise because there was another partner not a member of the family.

If this rule had been in effect I would have had to advise her, "Look, you cannot do that and run a risk of making more than $8,600 a year unless you incorporate," and then if the money, this part of the operation, is taken out as dividends it is not taken out as salary, and it is not violating any rule. Is that what the Senator wants me to do in the future?

Mr. HATHAWAY. I cannot find the definition the Senator is talking about.

Mr. STEVENS. Page 26, line 12 exempts dividends. It exempts gains derived from dealings in property or investments; interests, rents, and dividends. So that the Senator from Wyoming is in a position where if he makes a judgment as to a cow to sell this year it is earned income, but if he incorporates and they sell the cow it is a dividend.

Mr. HATHAWAY. I would like to ask the floor manager of the bill. I am interpreting item No. (6) exempting dividends to mean unearned income, and the person cannot merely get around the earned income definition by getting a dividend for personal services actually rendered, otherwise I suppose you could get around the honoraria limitation by forming a corporation to give speeches and pay yourself out in dividends and, thereby, avoid the limitation of 15 percent. Both of these would be sham transactions which I would hope the Ethics Committee would be able to discover and take enforcement action against.

Mr. NELSON. Mr. President, I wonder if the Senator from Wyoming will yield for a question?

The PRESIDING OFFICER (Mr. FORD). Does the Senator yield?

Mr. WALLOP. The Senator from Maine has the floor.

Mr. HATHAWAY. I would be happy to yield the floor at this time.

Mr. NELSON. Amendment No. 147, proposed by the Senator from Wyoming, does affect two different sections, one of them dealing with income from family enterprises, and the other one dealing with partnerships. They are not identical. In fact, there may be substantial differences between a partnership which may have a large number of partners, in which a Member may own a relatively small percentage, and a family enterprise.

I am wondering if the Senator would not be prepared to divide the question—in fact, I think they are divisible as a matter of right—because I may be prepared, as may many others, to vote one way on the family enterprise question and quite a different way on the partnership question. So I would want a division of the question anyway.

May I ask the Parliamentarian whether or not the two parts of Amendment 147, the first starting on line 1 through 3, and the other part, lines 4 through 7, are divisible as a matter of right.

The PRESIDING OFFICER. They are not now divisible because unanimous consent has been agreed to to consider them en bloc.

Mr. NELSON. I will be prepared to move to strike or table because I think these two propositions are too different to be treated as one. At the time the unanimous-consent agreement was requested, I thought we were only dealing with lines 9, 10, and 11, and I did not realize until subsequently we were also dealing with lines 15, 16, and 17 on page 26.

I take it that it takes unanimous consent at this stage to even modify the amendment?

The PRESIDING OFFICER. Motions are not in order until all the time of the Senator from Maine has expired.

Mr. STEVENS. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. STEVENS. Mr. President, will the Senator yield? It was my understanding that the Senator from Maine's amendment was considered in order and his time was to run during this period, but the Senator from Wyoming's amendment is still the amendment pending; is that not correct?

The PRESIDING OFFICER. The Senator from Wyoming's amendment will come back before us when the Hathaway amendment is disposed of. The Senator from Maine's amendment is to the amendment of the Senator from Wyoming.

Mr. STEVENS. So it is now the pending amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Has there been an agreement on the amendment of the Senator from Wyoming with regard to division of the two items in the amendment of the Senator from Wyoming?

The PRESIDING OFFICER. There has been none.

Mr. HANSEN. There has been none?

The PRESIDING OFFICER. None.

Mr. WALLOP. Mr. President, may the Senator from Wyoming inquire as to how much time is left to the Senator from Maine?

The PRESIDING OFFICER. The Senator from Maine has 4 minutes remaining.

Mr. WALLOP. Well, the Senator from Wyoming, by way of saving time, would agree that the question is divisible and he would agree to divide it.

Mr. NELSON. Does the amendment of the Senator from Maine amend both sections covered by the amendment of the Senator from Wyoming or just the first one?

Mr. WALLOP. It is my understanding it covers both sections of my amendment.

Mr. NELSON. Then I would suppose we would want to have the consent of the Senator from Maine since it takes unanimous consent before we divide the question.

I call attention to the absence of a quorum and ask that the time be divided equally between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time on the amendment of the Senator from Maine has expired, except for 15 minutes for the Senator from Wisconsin.

Mr. NELSON. I yield back the remainder of my time on the pending amendment.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment.

Mr. NELSON. Mr. President, I understand that the Senator from Wyoming wishes to ask unanimous consent to withdraw the amendment.

Mr. WALLOP. Mr. President, I ask unanimous consent to withdraw my amendment No. 147.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

UP AMENDMENT NO. 104

Mr. NELSON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) proposes an unprinted amendment numbered 104:

On Page 26, lines 10 and 11, strike the words "not a material income-producing factor" and insert the following:

"managerial or supervisory in nature, necessary to protect the interests in the family enterprise and do not consume significant amounts of time while the Senate is in session."

Mr. NELSON. Mr. President, this amendment addresses itself to the question that has concerned us, and the question of spending a considerable amount of time in income producing activity, and by the addition of the phrase "while the Senate is in session," I think it presents a provision which avoids the matter of concern to us. So far as I am concerned, it is a good resolution to the question involving family enterprises.

Mr. WALLOP. Mr. President, I thank the distinguished floor manager, the Senator from Wisconsin (Mr. NELSON), for this language. I think it does address the problem that I raised. I understand that there will be some further discussion on partnerships at a later time, but this in fact does answer the question the Senator from Wyoming brought up about small family enterprises in a way which I think is satisfactory to all of us.

I thank the Senator, and I agree to the amendment.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. LUGAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time to the Senator from Indiana?

Mr. LUGAR. Mr. President, I would like to——

The PRESIDING OFFICER. The Senator has no time unless some Senator wishes to yield him time.

Mr. LUGAR. Mr. President, will the Senator yield?

Mr. NELSON. Yes, I yield the Senator from Indiana 5 minutes.

Mr. LUGAR. I thank the Senator. I would like to ask the Senator from Wisconsin a question for the benefit of the RECORD.

Would the Senator, who has proposed the amendment, please clarify his intent in offering the language "while the Senate is in session"? Will the Senator state whether that language offers a rationale or at least a defense against a charge that might be made that efforts by a Senator are a material income-producing factor or that they are not needed to sustain the business? I have argued that indeed they ought to be, if he is making such decisions. But is the intent of the amendment as the Senator has offered it, to see that if these efforts are made, a decision on a crop plan, for example, or examination of a farm, or even the operation of the farm would be permissible conduct for a Senator with regard to the code of conduct insofar as, for example, a family farm is concerned if those activities are undertaken when the Senate is not in session. Would the Senator address that situation for the benefit of the RECORD, so that we could understand what appears to be consistent with a code of ethical conduct on the part of a Senator, for example, involved with a family farm?

Mr. NELSON. I would agree with what the Senator has said, and the way the Senator stated it. It has not been this Senator's intent, nor do I not think, anyone's intent, that when the Senate was not in session or on weekends, that a Member should not be able to give his advice and devote some of his energies in terms of managing and supervising the activities of a family enterprise. I do not think anyone is concerned about the situation of a Member who has an enterprise back in his home State, whether it is a farm or ranch or other kind of business, when the Senate is in recess, going out to his farm and doing some work on his farm and making managerial decisions, then or at any other time, so long as it is not a major effort during the time in which Congress in fact is in session.

That has been my assumption from the beginning. We do not expect someone who spends his life building an enterprise, or who inherited it from his parents, to be prohibited from doing some work on that enterprise and making decisions which probably he alone could make anyway, such as investments, sales, or decisions concerning planting or purchase of equipment, for example.

I do not think anyone should care, when the Senate is in recess during August, if a member wants to spend his time looking over his farm or doing as he wishes with his free time, any more than anyone would want to interfere with any Senator's right to just take a vacation and do nothing.

Mr. LUGAR. I thank the Senator. If the Senator will permit one further question, my understanding of this amendment and the context in which it appears in the resolution is that if it is a family enterprise, and during the time in which the Senate is not in session a Senator's activities result in income, this income is not to be considered as a part of the income which is covered by the limitation of 15 percent.

In other words, the context in which this amendment occurs, as I recall, is in a listing of those areas in which income would not have to be included as outside earned income.

We are now talking about a definition of that type of income, and we are boiling it down, really, to a family enterprise situation, which produces income from efforts that are expended during the time the Senate is not in session, and, depending upon the efforts of the Senator, eventually the income exceeds an amount equal to the 15 percent which is the ceiling on outside earned income. Since the income resulted from activities during the time the Senate was not in session, in any event, it is not a part of the 15-percent consideration and does not have to fit within that ceiling.

Mr. NELSON. That would be my interpretation. I do not see any way to divide the question, really. If one is making managerial decisions in his ranch or farm, and coincident to that, he also operates a tractor or rounds up some cattle, we are not worrying about that. If he is looking after, supervising and making decisions, about the family enterprise on his own time, we are not concerned about trying to divide the Senator's earned from his unearned income in that situation. I do not think we can.

Mr. LUGAR. In any event, the last clause, "while the Senate is in session," controls the other qualifying language the Senator is suggesting; we are not making fine definitions of managerial services as opposed to the thoughts of the junior Senator from Wyoming about service riding the range and actual participation, so long as the activity involving the family enterprise occurs during a time that the Senate is not in session?

Mr. NELSON. Yes. It seems to me it is absolutely impossible to make that kind of exact definition, and I do not think the Senate ought to be telling people what they can do on their family farms when the Senate is not in session.

Mr. LUGAR. I thank the Senator, and I deeply appreciate his support of this amendment.

Mr. NELSON. I yield back the remainder of my time.

Mr. WALLOP. Mr. President, is it in order to move the adoption of this amendment?

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. WALLOP. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

AMENDMENT NO. 132

Mr. JAVITS. Mr. President, I call up my amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) proposes an amendment numbered 132.

The amendment is as follows:

On page 5, line 25, strike the words "For investment,".

On page 5, line 24, insert the following: "for investment" after the word "year".

Mr. JAVITS. Mr. President, this particular amendment raises a very serious question regarding reporting data which must be given about property. It relates to personal property. The problem which is involved are the words "for investment."

If Members will turn to page 5, line 25, the reporting requirement is for the identity and category of value of each item of personal property held, directly or indirectly, during such calendar year in a trade or business or for investment or the production of income which has a fair market value in excess of $1,000 as of the close of business of such calendar year.

The problem raised is normally household goods. While not held for investment, many families could acquire jewelry, works of art, or antiques and there would be a question of whether or not they expect the value will increase as time passes. Those are works held for investment.

The concern of many colleagues, as my colleagues on the committee which drafted this resolution know, is that we should not become an attraction to thieves, et cetera, by the items which need to be reported.

I believe this question can be settled, if I might say to the manager on the part of the majority and the minority, by this amendment.

I would like to read what I believe to be a satisfactory explanation of what it means.

Title 1 of the resolution, rule XLII, financial disclosure, paragraph 2(e)2 provides for the reporting of:

The identity and category of value of each item of personal property held, directly or indirectly, during such calendar year in a trade or business or for investment or for production of income which has a fair market value in excess of $1,000 as of the close of such calendar year.

I am now speaking for myself. It is my understanding that by this provision——

Mr. NELSON. I did not hear the last sentence.

Mr. JAVITS. I am not quoting any longer. I am speaking.

It is my understanding that, by this provision I have just read, the committee intended to establish a broad exemption to the reporting requirements for certain items of personal property of a household nature. These include but are not limited to household goods, such as paintings, antique furnishings and jewelry which are acquired for personal use but which may also be good investments. Thus, even if the sale of such items might produce substantial income, or if they have substantial potential for appreciation, they are not required to be reported unless the reporting individual is in a trade or business of buying and selling such items for profit.

Mr. NELSON. The Senator from New York states the interpretation which had been my interpretation all along. It does not seem to me that it is any particular concern if someone inherited some furniture that turned out to be or was an antique, or if somebody liked a picture and purchased it and over the years it became more valuable. This Senator has never been concerned about that.

If one is in the business of investing in antique furniture, the business of investing in paintings, art, or in the business of investing in antique jewelry for the purpose of making a profit, that is a business activity.

I do not think we need to go so far as to say that if somebody purchases a picture he enjoys and would like to have, and the person is not engaged in the business of buying and selling pictures, as such, he has to try to get an appraisal or an evaluation of that kind of personal property. It is my view that is exempt from disclosure unless it comes within the precise definition within the resolution which refers to the business of buying and selling, investing, and so forth, for a profit in these various items.

Mr. JAVITS. There is only one thing the Senator said that should be clarified a little further. It is true that sometimes these things do come by inheritance. It is also true that often they come by purchase. I am sure that I have, and I am sure many other Senators have, sometimes seen the work of an artist or a cabinetmaker and have said, "That looks very good to me. I will take two or three of those." But, of course, we are not in the business of buying and selling paintings. I would think generally this would encompass the amendment the Senator has in mind. Some Members fool around with ancient cars.

Mr. NELSON. I am one of those; I have two.

Mr. JAVITS. As long as we understand each other, what we are after is any person who makes that a business, a business enterprise, then the words "for investment" are accurate and mean that the assets of that enterprise need be reported. But if it is not in any way a business, they do not have to be reported.

Mr. NELSON. That is my interpretation.

Mr. JAVITS. I thank my colleague.

Mr. HANSEN. Will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. HANSEN. I am fully sympathetic with the concern which has been expressed by the senior Senator from New York. Quite properly, he focuses on an issue that discloses some of the michief, albeit unintended, which is included in this bill. Let me give an example of another situation which I believe deserves consideration and thought.

One of the things which happens in the West in the ranching business is that a Member may inherit property from members of his family and, as that property appreciates—despite the fact that it may not yield very much in the way of cash flow—it would have a substantial value if it were appraised.

I have offered an amendment that would cut off at $500,000 the categories under which disclosure would be made. I do not know whether it will be accepted or not. However, it would seem to me that at this point there is just as much reason to say that there be a cutff as to my having to advertise, or anyone else having to advertise, what an appraisal on real estate might show.

I am thinking about a little different situation than is my friend from New York. He is thinking about how advertising objects, antiques, works of art, or whatever might focuse the attention of evildoers upon that particular residence as a place to rob or burglarize.

There is another concern of many people in the West. My colleague from Wyoming and I know perfectly well about cases where members of families have been subject to kidnaping simply because somebody got the idea that a person either had some wealth or, by virtue of what he owned, could get some wealth.

I would like to ask my friend from New York if he would support a cutoff on the disclosure categories. I am not saying that there should not be some disclosure, but I think that over $500,000 would be a good place to cut that off. There is still something magic in the idea that someone is a millionaire. May we have order, Mr. President?

The PRESIDING OFFICER (Mr. CHILES). Will the Senate come to order and give the Senator from Wyoming its attention?

Mr. HANSEN. Would my friend from New York and my friend from Wisconsin support an amendment to cut off at $500,000 this other disclosure?

Mr. NELSON. As of this moment, the Senator from Wisconsin would not, but I would like to ask: is the Senator speaking about disclosure of income from investments?

Mr. HANSEN. No; I am not.

Mr. NELSON. He is talking about disclosure of investments.

Mr. HANSEN. I am talking about disclosure of investments. I am not talking about income. I am talking about disclosure of investments, real estate.

Mr. NELSON. We went through that in some detail in the committee, and that was not the conclusion of the committee. That is not to say the committee came to the perfect answer.

The Senator is saying that the category of disclosure of assets should terminate at a figure of $500,000, is that correct?

Mr. HANSEN. The Senator is correct.

Mr. NELSON. Or above.

Mr. HANSEN. Yes.

Mr. NELSON. I would not be prepared, myself, to accept that amendment, although we have 2 or 3 days left here if the Senator wishes to put it in.

Mr. JAVITS. I am inclined to agree with Senator NELSON. We set the categories of value because we did not wish to compel Members to get appraisals or to reveal exact value.

I did not understand—I apologize that I was not listening closely. Other things distracted me.

I think that by "cutoff," the Senator meant there should be no reporting of real property up to $500,000.

Mr. HANSEN. No, I did not mean that at all. I meant to keep the categories in, but instead of going up to $5 million, as the categories now provide, have the last category read "$500,000 or over."

Mr. JAVITS. What would be the rationale?

Mr. HANSEN. My rationale is that there is still some magic in the word "millionaire," although there are a lot more millionaires today than there used to be. If somebody is thought to be a millionaire, I have seen, and other Senators have seen, where someone possessed of evil intentions may think that he could get a member of that person's family, a grandchild or somebody, and he would have a pretty important hostage. That is all.

I am not objecting one bit to filing with the Secretary of the Senate a full disclosure, full income tax, full appraisal on everything that we own. However, I must say that it is difficult for me to see how an object of art, that may have great value, ought to be excluded from this, while we require that a person who has some real estate goes ahead and fully discloses.

If a trade is made or if an exchange is made, then the value is based upon that exchange and we come right back to the situation that concerns me and which, I think, in time, will concern many in this Chamber. That is, that unwittingly, we are going to make Members of this body the object of people who are possessed of evil intentions.

Mr. JAVITS. May I speak to that a moment?

Mr. HANSEN. Yes, indeed.

Mr. JAVITS. In the first place, "which has a fair market value" I would define to mean over and above indebtedness by way of mortgage. I would not consider fair market value to include the gross value of the property without deducting the amount of mortgage, because a fair market value is a sales value and a sales value is obviously not a value that will include the amount of mortgage.

Assuming, again, this includes ranches and others which represent very large amounts of money—I certainly would want to consider it. I shall not say now I flatly oppose it. I would like to consider it. I think the Senator makes a very strong point.

The reason I did what I did about investments is that the committee did not include household goods, whether it was paintings or antiques or anything like that. The way in which the words "for investment" were placed, if the Senator will read it, at the bottom of page 5, lines 24 and 25, it says:

held, directly or indirectly, during such calendar year in a trade or business or for investment or the production of income. . . .

Therefore, the words, "or for investment," standing alone, indicated that anything held for investment, even a picture, an antique——

Mr. HANSEN. What page is this on?

Mr. JAVITS. It is page 5, line 25, in the measure we are considering, which is amendment No. 65.

Mr. HANSEN. I would not argue with my friend from New York insofar as the intentions of the committee are concerned, but I would say that I do not ascribe omniscience to everything that the committee has done.

Mr. JAVITS. Certainly not. That is why I suggest to the Senator that he submit his amendment. I am open-minded on it.

Mr. HANSEN. I have submitted it, and I have been told that it may be looked at, but I must say that it seems to me that an appropriate time to consider it is right now. I am in complete accord and full sympathy with the desire and the intentions of my friend from New York. However, I must say that if I do not raise the issue now, my fear is that the amendment proposed by the Senator from New York, which I think has great merit, will be accepted, but when mine comes along a little later on, there may not be as many people interested in that as might be interested now.

Mr. JAVITS. Mr. President, may I suggest to the Senator something which he does not know? I am about to withdraw the amendment.

Mr. HANSEN. I was not aware of that.

Mr. JAVITS. I know that. I am satisfied with the colloquy we have had and with the explanation as to what this means in the bill. So that amendment I do not intend to press, as I do not see it as necessary at this time.

Mr. HANSEN. Of course, that does take somewhat from the interest that I have hoped would have been here. I would have to say that it seems to me that the committee is drawing a pretty fine line if it says, on the one hand, that this is the way this section is to be interpreted, as spelled out by the colloquy that we have just heard, while insisting that the other parts of this bill remain unchanged. Despite what some Senators may think, the part that concerns me is that I do not believe that this provision necessarily enhances the image that constituents may have of this body, an image that I think is important. But I am concerned about what can happen if we leave in this bill language which causes Members of the body or individuals who may aspire sometime to become Members of this body to ask themselves, "Do I want to impose upon my family the risk and some of the dangers that could follow if, by my advertising on the front pages of newspapers what property I have, I would place them in greater danger or greater jeopardy than would otherwise be the case."

I think that is an important consideration, and I just do not see the rationale in saying that to carry these limits on up to $5 million is going to make this body more ethical.

Now, if anyone does not know—I know my friend from Wyoming knows—most ranchers, most cattlemen, have not had any net profit in the cow business for at least the last 2 years. Yet, if you were to look at their ranches and the amount of land they have, it very easily could exceed $500,000. It does not take that much land these days.

If any trade is being effected, and a lot of ranchers are trying to make trades, then it has to be reported.

I hope very much that my friend from Wisconsin, the manager of the bill, will be very sympathetic when this comes up and will reflect upon what will happen absent any changes being made in those different categories. What I think is going to result is that unwittingly we will make targets for kidnappers of many families of Members of this body.

Mr. JAVITS. Mr. President, while I have the floor, I wish to say to the Senator if he does propose his amendment I will personally consider it most sympathetically. I could go into the rationale of the committee now, but I am going to withdraw this one. I have three others which will be accepted; they are routine. I simply wish to get on with the business and then, if the Senator wishes immediately to follow me, I shall be happy, with the consent of the manager, for him to so do.

Mr. HANSEN. I thank my friend from New York.

Mr. JAVITS. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 127

Mr. JAVITS. Mr. President, I call up amendment No. 127.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) proposes amendment No. 127.

The amendment is as follows:

On page 50, line 6, insert following the word "thereto" a semicolon and add "and shall review the amounts deductible for senatorial expenses incurred while living away from home pursuant to section 31c of title 2, United States Code, so that the same will more adequately relate to actual living expenses incurred by a Member in connection with the performance of his official duties.".

Mr. JAVITS. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) proposes a modification to amendment No. 127.

The modified amendment No. 127 is as follows:

On page 50, line 7, insert a new paragraph (b): "The Committee on Finance in consultation with the Appropriations Committee shall review the amounts deductible for senatorial expenses incurred while living away from home pursuant to section 31c of title 2, United States Code, so that the same will more adequately relate to actual living expenses incurred by a Member in connection with the performance of his official duties.".

Redesignate paragraph (b) as (c) and in line 8 insert "and (b)" after line (a).

Mr. JAVITS. Mr. President, this section relates to the study of certain provisions of the Internal Revenue Code, and I ask the Finance Committee in consultation with the Appropriations Committee to study the point that we may deduct only $3,000 annually for our Washington expenses even though we maintain two homes and most of us pay two or three times that amount in rent alone for the home that we maintain in Washington. It is one of the real inequities in which we are very badly in my judgment considered under the income tax code. While I do not wish to get into debate about whether or not to do anything

about it in this code—probably it does not belong here—I do believe that it should be studied by the appropriate committees, and we have a study section anyhow in this paragraph which is sought to be amended.

We might as well include this item, which has been so long before us and we have never done anything about. Perhaps the committees will enlighten us on the subject. I do not believe there is any objection to it.

Mr. NELSON. The Senator from Wisconsin has no objection.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

UP AMENDMENT NO. 105

Mr. JAVITS. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) proposes an unprinted amendment No. 105.

On page 39, line 19, add the following new sentence: "In exceptional circumstances the Select Committee may grant an extension to the time provided in this paragraph not to exceed 90 days.

Mr. JAVITS. Mr. President, this paragraph provides that we cannot utilize the services of any individual for more than 90 days in any calendar year in the conduct of our official duties, unless that individual becomes an officer or an employee of the Government or an officer or employee of the Senate or agrees in writing to comply with the Senate rules, these new rules of official conduct.

The problem we have is this: Many of us organize task forces, consisting of college professors, business people, and labor people to help us with given types of legislation and they do not necessarily complete their work in 90 days.

Mr. NELSON. If the Senator will yield, this precise question was raised sometime back. We may be able to work out an amendment, if the Senator will withdraw that.

Mr. JAVITS. Fine. That suits me. I withdraw my amendment, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

UP AMENDMENT NO. 106

Mr. JAVITS. I send another amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. CULVER). The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York proposes unprinted amendment No. 106.

On page 23, after line 5 insert the following:

"(4) from an individual who is a foreign national if that individual is not acting, directly or indirectly, on behalf of a foreign corporation, partnership or business enterprise, a foreign trade, cultural, educational or other association, a foreign political party or a foreign government."

Mr. JAVITS. Mr. President, the words "foreign national" appear at page 22, line 4, and it is an absolute prohibition against any gift from any foreign national without regard to whether that foreign national is or is not interested in any legislation before Congress.

I do not think that any such thing was intended. Many of us have foreign friends with whom we enjoy very close personal relations and so the amendment which I have proposed, which does not seek to strike those words but goes into the exceptions at page 23, line 5, adds another exception, to wit, if that foreign national is not representing some interest which might have an interest in legislation and spells it out in specific terms. I worked that out with Senator RIBICOFF, and I hope it will be found acceptable by the committee.

Mr. CLARK. The chairman of the committee advises me that he finds the amendment acceptable, and I know of no one on the committee who would object to it. In fact, it seems like a wise addition.

We yield back the remainder of our time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The agreement was agreed to.

Mr. JAVITS. I thank our colleague very much.

Mr. CLARK. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent the time be equally divided between both sides on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the first amendment by Mr. HELMS to be considered tomorrow be amendment No. 112, on which he wants 20 minutes. That is one of his 20-minute amendments. He wanted this amendment carried over until tomorrow. I have discussed it with him, and he indicated that it would be perfectly all right with him to have it as the first amendment of his tomorrow.

So I ask unanimous consent that after the two leaders or their designees have been recognized on tomorrow, Mr. HELMS' amendment No. 112 be the order of business at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. It is understood, is it not, Mr. President, that upon the disposition of the amendment, the votes will occur in sequence in relation to the four other amendments by Mr. HELMS—114, 113, 158, and 111, in that order?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against each side on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 108

Mr. PERCY. Mr. President, I call up my amendment No. 108.

The PRESIDING OFFICER. The amendment will be stated.

The Senate will be in order.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment No. 108.

On page 40, line 7, insert "age," after "origin,".

Mr. PERCY. Mr. President, Senate Resolution 110 prohibits discriminatory employment practices in the Senate on the basis of race, color, religion, sex, national origin or state of physical handicap. However, Senate Resolution 110 does not contain a similar prohibition of discrimination on the basis of age.

I feel age discrimination should also be prohibited. To include age would be comparable with the Revenue Sharing Act which prohibits discrimination on the basis of age in the use of revenue-sharing funds.

Mr. President, I ask unanimous consent that the distinguished Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of amendment No. 108 to Senate Resolution 110.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. It is my understanding, Mr. President, that this amendment is acceptable to the managers of the bill.

I yield back the remainder of my time.

Mr. CLARK. Mr. President, the amendment certainly is acceptable. Congress has enacted into Federal law, as the Senator said, the prohibition against employment discrimination on the basis of age; it is a good amendment.

We yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

AMENDMENT NO. 109

Mr. PERCY. Mr. President, I call up my amendment No. 109.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, after line 5, insert the following new paragraph:

(e) The Select Committee on Ethics shall promulgate regulations and procedures to insure the confidentiality of tax returns and tax return information examined by the staff

of that committee pursuant to subparagraph (b) above. Such regulations shall include the sanction of dismissal for any employee who knowingly and willfully communicates to any unauthorized person information derived from any confidentially filed tax return or tax return information examined pursuant to subparagraph (b) above.

Mr. PERCY. Mr. President, Senate Resolution 110 provides that if the Ethics Committee decides to pursue an investigation of an individual, the committee may make his tax returns and other confidential financial material available to any member of the committee or any member of the staff of the select committee.

I do not want nor does any other Senator or staff member want tax returns going to the Ethics Committee with no restriction on what staff can do with them.

Therefore, this amendment would require the Ethics Committee to promulgate regulations to protect the confidentiality of tax returns and tax return information filed with the Ethics Committee. Such regulations shall include dismissal for employees disclosing such information to unauthorized persons.

I actually would have preferred to have written civil and criminal penalties into law for unauthorized disclosure of such information. However, as this is only a resolution it cannot be used to enact statutory sanctions. The amendment, therefore, provides only for the Ethics Committee to promulgate rules to protect the confidentiality of tax returns.

At such time, however, as the Senate passes legislation to apply in law financial disclosure legislation to all three branches of Government, I shall offer an amendment to apply civil and criminal sanctions in law to employees who violate the confidentiality of the tax return.

I would like to ask the floor manager of the bill, Mr. President, if it is correct for me to assume that the Senate will soon be taking up legislation to apply financial disclosure and other regulations uniformly to all three branches of Government.

Mr. CLARK. Yes; that is our understanding.

Mr. PERCY. Is there knowledge as to whether the chairman of the Governmental Affairs Committee plans to hold hearings and mark up this legislation?

Mr. CLARK. I am advised that Senator RIBICOFF intends to hold hearings as soon as possible, hopefully as soon as early May.

Mr. PERCY. I, being the ranking Republican on that committee, will certainly join with Senator RIBICOFF and, I trust, our distinguished colleague, Senator JAVITS, in working on suitable language. I feel in many ways financial disclosure is just as important for executive branch officials since they handle and disburse billions of dollars of funds annually. If financial disclosure is a good thing for Members of the Senate and the House, where we really have no direct contractual capabilities, where we do not grant contracts, where the chances of conflict of interest are much less than that of many people in the executive branch of Government, it is equally applicable to members of the executive branch, particularly in those very highly sensitive positions where they have major contracting authority.

I feel, therefore, it would be well for us to have a uniform law, and I will certainly participate with Senator RIBICOFF in those hearings, and I trust we can report out legislation soon.

I have no further comments to make on amendment No. 109 which, I understand, is acceptable to the managers of the bill.

Mr. CLARK. The Senator is correct. The amendment is acceptable.

I would just say that throughout the process of discussions on this legislation, Senate Resolution 110, Senator RIBICOFF has said on many occasions that, following this legislation, it is certainly his intent to recommend legislation that would apply to all three branches, for many of the reasons the Senator from Illinois has described.

I yield back the remainder of our time.

Mr. PERCY. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

AMENDMENT NO. 110

Mr. PERCY. Mr. President, I call up my amendment No. 110 and ask the clerk to report the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk will read as follows:

The Senator from Illinois (Mr. PERCY) proposes amendment No. 110.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 22, after the ".", add, "In considering such legislation, the Committee shall consider the need to increase clerk-hire allowances to provide for additional expenses that might be necesary to comply with the requirements of this resolution.".

Mr. PERCY. Mr. President, Senate Resolution 110 requires the Committee on Appropriations to study senatorial allowances to determine whether they are adequate to defray necessary and appropriate expenses incurred in connection with the operation of a Member's office.

This amendment would simply require that that study include whether or not clerk hire allowances should be increased to enable Members to comply with the provisions of this resolution.

It may well be that the resolution as finally adopted will require substantial bookkeeping and other reporting requirements which might involve the need for additional allowances in a Senator's office.

Therefore, I think that as part of the study the Appropriations Committee should study the question of resources needed, if any, to comply with Senate Resolution 110.

Mr. NELSON. Mr. President, I have no objection to that amendment.

Mr. PERCY. I yield back the reminder of my time, Mr. President.

The PRESIDING OFFICER. Is all time yielded back?

The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

AMENDMENT NO. 145

Mr. PERCY. Mr. President, I call up my amendment No. 145.

Is the Senator from Illinois correct that we have 15 minutes to a side on this amendment?

The PRESIDING OFFICER. It is the understanding of the Chair that there are 30 minutes to a side on amendment No. 133.

Mr. PERCY. Thirty minutes to a side?

The PRESIDING OFFICER. Yes, on amendment No. 133.

The Chair is not of the impression there is an agreement on amendment No. 145 on time.

Mr. PERCY. Mr. President, I shall not take the full time, I think, unless there is an extended discussion of it.

I call up amendment No. 145 and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment No. 145.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 14, after "(d)", insert "(1)".

On page 5, after line 16, insert the following:

"(2) In aggregating gifts for purposes of subparagraphs (b) and (c) of this paragraph, the reporting individual may deduct from the total value of gifts received from any source during the calendar year the total value of gifts by the reporting individual to that source during the calendar year, except that, if gifts with a fair market value of less than $35 received from that source are not aggregated, gifts with a fair market value of less than $35 given to that source may not be deducted.".

On page 22, line 4, after the period, insert "In determining whether an individual has accepted any gift or gifts having an aggregate value exceeding $100 during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in subparagraph (c)) given by such individual to such person, organization, or corporation during that calendar year.".

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend.

The Senator from Illinois.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. ROBERT C. BYRD. There was a time limit on each of the Senator's other amendments.

The PRESIDING OFFICER. The Chair was not aware of that.

Mr. ROBERT C. BYRD. I believe it was a time limit of 1 hour, equally divided.

Mr. PERCY. I think subsequently the Senator from Illinois agreed to reduce it to 15 minutes a side. I thought that was what occurred.

Mr. ROBERT C. BYRD. Very well, then we may do that in case we did not.

Mr. PERCY. I am certainly agreeable to do that.

Mr. ROBERT C. BYRD. Thirty minutes on each of the other amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Fine.

Mr. President, this amendment is simply to get down to the crux of what we are trying to accomplish in the proposed rules affecting gifts and to take into account that there are thousands of individuals covered by and potentially covered by the limitation on gifts.

If we take the Bank of America alone, it has 6,000 officers. There are many corporations and other organizations that have a great many people covered by this. Many of us have had extended friendships with people who are or some day might be covered by the provisions of this resolution.

We certainly do not want to alter or make artificial relationships which have no real relationship to potential conflicts of interest or to attempts to influence a Senator in legislative matters.

Proposed rule XLII requires that gifts of over $250 in food, transportation, lodging, and entertainment from a single source be reported. All other gifts from a single source valued at over $100 must also be reported. Gifts valued at under $35 need not be aggregated for purposes of reporting.

Proposed rule XLIII prohibits the acceptance of gifts valued over $100 from a registered lobbyist or from an officer or director of a registered lobbyist or an officer or director of an organization which maintains a political action committee. Gifts under $35 are excluded.

These are the provisions that I find would be extraordinarily awkward, it would seem, in the course of personal relationships that may have existed over a period of many decades.

The amendment allows the value of gifts that a member or employee gives in return to be deducted from the total of gifts received and the net figure is used to determine whether a report must be filed under rule XLII or whether the limit has been reached under rule XLIII.

Certainly, a gift over $100 to an individual that I may have known for several decades, who is a business friend in a company that happens to have a PAC, for instance, might not be that out of the ordinary whether it is at Christmas time or any other time.

What we are attempting to insure in the resolution is that there is no gift that would influence or be of undue influence. But if I give a gift valued at $100 or $101 and someone gives a gift to our family of roughly comparable value, there is no effort being made to influence anyone.

I think it is really a situation which the committee, in the extremely difficult job that they had in trying to put this together, simply overlooked.

Under this amendment, for purposes of reporting under rule XLII, if a Senator or employee aggregates only those gifts given that are worth $35 or more may be deducted for purposes of arriving at the net figure. As an option, all gifts given and received may be aggregated.

For purposes of the limit under rule XLIII, only those gifts given in return that are valued at $35 or more may be deducted. This is because rule XLIII does not cover gifts valued under $35.

The amendment presumes that members and employees will keep accurate records of transactions covered by either rule so that if a question does arise, the records may be made available to the Ethics Committee. This is particularly important in the case of rule XLIII, because the $100 limit will still apply where more than $100 in covered gifts are received than given.

So it is a net effect. But to arbitrarily place a limit would be, I think, an undue restriction in normal, customary hospitality exchanges, or exchanges of gifts between friends of long standing. To say we cannot accept a gift when we have given in kind, we might just as well say at Christmas time, why do people exchange gifts, why not just keep their own gifts? But that is not the spirit of it. The spirit is an exchange.

What we are trying to get at is an undue influence and there cannot be an undue influence if there has been no net difference over the limitations placed.

If someone received a painting valued at $300 and they gave a table worth $150, that difference would be more than $100. They would have to give gifts closer in comparable value.

That is just about what happens, anyway, in human relationships.

I think this kind of situation is a rather small matter. I suppose it could be handled with an understanding between friends, "Well, after all, you are somewhat different, you are in the U.S. Senate, therefore, you have these arbitrary limitations on you."

But it does seem that what we are trying to get at is the principle of the net difference rather than the situation that I have outlined. I do not think we are trying to prohibit that kind of exchange of normal custom.

Mr. CLARK. Will the Senator yield?

Mr. PERCY. I am happy to.

Mr. CLARK. I am just speaking for myself. It seems to me that the Senator makes a very good case in terms of the limitation on gifts, on that section of the bill which is dealt with on page 2 of the Senator's amendment.

In other words, on page 22, line 4, where he is dealing with the gift section of the bill.

But I wonder, really, if the same argument should be applied to disclosure, which is the other part of the amendment covered, because it seems to me they are rather different considerations.

While we are talking about the gift provisions, we simply restricted gifts from lobbyists and PAC's or officers of PAC groups. That is one thing, and I would tend to agree with the Senator on that point. But when we talk about disclosure, remember in this legislation the disclosure provisions apply to everyone, whether you are a lobbyist or associated with a PAC or anyone else.

It seems to me that the exchange ought to be reported, as with all other gifts, under the $100 reporting provisions. It seems to me the two ought to be separated. One could make a much stronger argument for excluding it from the gift section, when you have an exchange of gifts, than simply exempting it from the reporting provisions. Most people would argue that disclosure is the most important factor involved in any case. What would the Senator think about that?

Mr. PERCY. One aspect of it that I think would help, would not require an amendment but just an interpretation of what is intended and meant in the financial and gift disclosure report, might be clarified at this point. A Member, officer, or employee of the Senate may wish to make some explanatory comments regarding information included in the financial and gift disclosure report that is required to be filed. Would the managers of the bill agree that such explanatory comments be considered an integral part of the report, so that they will be available for public inspection along with the report, and will be mailed to those requesting copies of the report from the Secretary of the Senate?

I think that would take care of a part of the problem, at least, so that in the report itself there would be a full explanation that, after all, a Senator or member of the Senate staff received a gift, but in turn they gave a gift, and you could list the respective values. It creates an artificial situation, as I think we can all see, but at least it creates a better record than showing something was received and nothing given in return, so that there is no offset.

Mr. NELSON. Did I correctly understand the Senator to say that the reporting Member or officer may offer an explanation?

Mr. PERCY. He may wish to include it, that is right. There is no obligation, but if he does it, would the manager of the bill agree that the explanation would be an integral part of the report, so that the explanation is available for public inspection along with the report, and is delivered to those requesting copies of the report from the Secretary of the Senate?

Mr. NELSON. It is not a big issue for the Senator from Wisconsin, but if in fact there is a mutual exchange of gifts or hospitality, so that it is a wash, I really do not see any reason for reporting.

Furthermore, I have always thought that the requirement of reporting a personal gift worth over $100 from a friend, not in the excluded classes, was very strict. We are talking in some cases, after all, about transactions among personal friends who are in no way involved in lobbying and in no way involved with PAC's or any other kind of groups.

The amendment does not concern me all that much. I do not like to see more filing than is necessary to be done to accomplish the purpose of the resolution, or any act. As the Senator well stated, if there is an exchange of hospitality between two individuals, and they are a wash in terms of the exchange, I hardly see much point in having people fill out a report saying, "I stayed 10 days with my friend last summer, and he spent 10 days at my place this winter." What are we trying to accomplish other than a lot of paperwork that serves no purpose?

Mr. PERCY. If that illustration is used, let us just take the case of when friends of the distinguished Senator from Wisconsin stay at the Senator's home for a period of a few days; it is

generally customary for guests coming to spend 3 or 4 days to bring a house gift. Let us say the house gift is—let us say the guests brought a pair of skis and gave them to the Senator from Wisconsin. The value of the skis might be over $100. What does the Senator from Wisconsin do then? Under this resolution he would be required to say, "I cannot accept that gift; take it back and give me a gift worth $98."

Mr. NELSON. Let me say to the Senator that the fact is that under the resolution personal hospitality is totally exempted. It was not a good example.

Mr. PERCY. But if it is a gift, any kind of gift given by, let us say, a business friend of long standing of the Senator from Wisconsin, who has stayed in his home for 3 or 4 days, and he brings a house gift, and the house gift is worth over $125?

Mr. NELSON. That would be covered.

Mr. PERCY. Is it true that the gift, if it is worth over $125, could not be accepted?

Mr. NELSON. If it is from one of the two exempted groups it could not be accepted.

Mr. PERCY. Could not be?

Mr. NELSON. That is right.

Mr. PERCY. Even though he has received hospitality for 4 or 5 days at the Senator's house, and is merely bringing it as a house gift?

Mr. NELSON. That is correct.

Mr. PERCY. It is the purpose of the Senator from Illinois to say that there is no attempt of any kind to influence if there is an exchange of equivalent value, and therefore we only report—and I am trying to cut down the paperwork—that we only report the net difference. If there is nothing given in exchange, and it is a gift of over $100, it has to be reported or limited, but if it is in return for a gift that has been received it would not have to be.

I wonder if the amendment does not appeal to the floor manager as a way of reducing paperwork without in any way undercutting the purpose, which the Senator from Illinois thoroughly supports. It is the net difference we are looking for. Thus the matter will end up with no other effect than to eliminate all of those kinds of cases where there is exchanged hospitality, gifts, or whatever it may be.

Mr. NELSON. I think the Senator states the case which would concern everyone, or at least almost everyone; and that is longtime personal relationships with individuals, many existing before we ever came to the Senate.

I have one freind like that whom I happened to know when I was in the State legislature. We have been friends for 20 years. He is a lobbyist, but a personal friend to this day. I am sure there are many other Senators who have all kinds of friends of that type.

I understood that the Senator from Iowa favored disclosure even if there were offsetting gifts. I have no objection to the position of the Senator from Iowa, I have no objection to the position of the Senator from Illinois, and I have no objection to the position of the committee that sent out the resolution. If you can reach some agreement, I am happy.

Mr. PERCY What the Senator from Illinois is trying to avoid is the paperwork.

Mr. NELSON. I understand that.

Mr. PERCY. We are trying to create something here. Let us take the case of old friends. The Senator from Wisconsin says he has friends of 20 or 30 years' standing. The Senator from Illinois has friends of 40 years' standing. We have traveled together. When we travel together on a trip, someone picks up the check for dinner today, and someone else tomorrow. Under the pending resolution, we are going to have to keep books on this whole business, though at the end of the trip it usually works out that you have equalized the expenditures.

We are not trying to evade the situation the committee has faced up to. The question is, over the period of the reporting time, over 1 year, has there been a net factor of financial gain greater than $150 or $200, whatever the case may be?

Then if there is, it is prohibited to accept a gift valued over $100, or if it is over the $250 or $100 limits of rule XLII, it must be reported. The burden of proof is upon the Senator or member of the staff to keep such records that he can prove the value, if ever challenged. I do not imagine there will be 1 time out of 1,000 where it will be challenged.

What I am trying to eliminate is all this filing, all this paperwork, and all this needless reporting which will be done when we take into account that, if we take all the officers and directors of all the organizations we have potentially covered in America, there are literally hundreds of thousands of people involved. That is what the Senator from Illinois is trying to eliminate in this one amendment.

Mr. CURTIS. Will the Senator yield for a question?

Mr. PERCY. I will be happy to yield.

Mr. CURTIS. The time may come when the ladies of the country will again break the doors of the Senate down and we will again have a lady Senator. That will be a great addition to this body. When that time comes, suppose that lady Senator is the object of a courtship and she receives an engagement ring and a wedding ring. Does she report that fact under this resolution? It seems to me that this whole subject which the distinguished Senator from Illinois has been discussing is getting off into a ridiculous area. It has nothing to do with maintaining standards of honesty as Senators.

I would like to have my question answered. In such a case would she report the receipt of her engagement ring?

Mr. PERCY. The Senator from Illinois would prefer the question be directed to the committee or the floor manager of the resolution.

Mr. CURTIS. What is the answer to that question?

Mr. PERCY. We will be faced with many questions like that as we go along. I am trying to eliminate the perfectly obvious cases with which we are really not trying to deal at all.

Mr. CURTIS. Will the distinguished Senator managing the resolution answer my question?

Mr. NELSON. The question again was what?

Mr. CURTIS. If a lady Senator is the object of a courtship—and this would apply to a staff member also—and she receives an engagement ring and a wedding ring, does she report it, under this resolution?

Mr. NELSON. Under the amendment of the Senator from Illinois they cancel each other, I take it.

Mr. CURTIS. I am serious. I am not trying to be humorous. I am serious in this regard. I think in this whole area we are now talking about we are getting quite far away from anything related to honesty on the part of Senators.

Mr. NELSON. Of course, the amendment the Senator from Illinois offers does not apply just to 100 Members. It applies to some 1,500 employees of the Senate. So it is a much broader question.

Mr. PERCY. We all have the same kind of personal relationships. Employees are no different from Senators. They have longstanding friends. They may be exchanging gifts back and forth at Christmastime or throughout the year, whatever it may be.

Mr. NELSON. I agree. I am saying the problem is substantial because there are 1,500 employees involved.

Mr. CURTIS. What is the answer to it?

Mr. NELSON. The answer to it is that under this resolution I guess they would have to report it.

Mr. CURTIS. Now suppose she gives it back before the reporting date. Does she report the gift and the return, or can it be ignored?

Mr. THURMOND. Will the Senator yield?

Mr. PERCY. I will be happy to yield.

Mr. THURMOND. I have a young lady in my office right now who is engaged to a lobbyist. When he gives her a ring, if she has to report it I imagine it will be a little embarrassing to her fiance, who will have to say how much he paid for the ring.

Mr. PERCY. This is the same sort of thing that we are getting at. We are going to have to ask the value of gifts that are given, I suppose, and have them appraised. We will have to report them. That is why the Senator from Illinois in the amendment that was just agreed to request the Rules Committee to determine how much all this bookkeeping will cost and who will pay for it. This pay increase we have been talking about so much may start to dwindle when we start getting into the bookkeeping costs. We will have to keep records and have them audited, and so forth.

Mr. THURMOND. As I understand the proposal of the Senator from Illinois, if a person gives a friend a gift and he gives a gift in return, only the difference in value is reported.

Mr. PERCY. That is right. They only report the net value, if someone gives a Member or employee a gift.

I want to be very serious about this point. In business, and business faces the same problems we do in the Senate, how do they keep people in the purchasing department from getting corrupted? Are

they corrupted with a $5 lunch? Are they corrupted with a night out at the 21 Club?

I adopted a very simple rule that stood the test of time for the 20 years that I was a chief executive officer. Anyone in the purchasing department, or any other department of the company, could accept hospitality from a seller trying to sell him something because mealtime is a good time to talk over business, exchange views and ideas. But I had an absolute requirement that they could not accept two in a row. The next time they would take the seller out to lunch, dinner, whatever it was, and put in an expense voucher. The company would then pay for it. They never could accept two in a row.

That eliminated all the problems. It was an exchange then. There was no obligation. The suppliers were stunned when they learned that our integrity in business was such that they would be treated as coequals, that they were not trying to buy that business with a lunch or a dinner. They were using mealtime as a time to exchange ideas and thoughts and get to know each other, but the company they were selling to would entertain them for a meal the next time. That was one of the best things we ever did.

That is all we are trying to do here, to say if there is an exchange, it is the net difference we are talking about. If a gift is accepted, then one better see that a gift is given back.

There would be a lot of lobbyists around here who will be stunned, and a lot of gifts that will be turned down, if a Senator realized he had to give a gift back, or should, if the difference was over whatever the allowance is.

First, this is one way to eliminate paperwork, and, second, to remove some of the artificiality.

I do not even know whether a lot of my friends have a PAC. I have friends of 30 years standing who have never really discussed a legislative item with me. They have no interest in legislation. They may have a PAC. I do not know. I will now have to ask them if they have a PAC.

The amendment the Senator from Illinois is now offering would eliminate some of the paperwork and remove some of the artificiality I feel we are creating, setting ourselves up as a separate group.

At this juncture, Mr. President, I ask unanimous consent to have printed in the RECORD an article by Charles Bartlett, a distinguished columnist, entitled "Congressional Ethics May Have a Hollow Core."

In a sense, this columnist, respected across the country for his fairness and judgment, has pointed out very aptly some of the problems we are facing. The amendment of the Senator from Illinois is simply to try to lessen the number of instances of this kind which really make no sense, but also to stick to the principle of the committee that there should not be a gift or an unreported gift of over $100 or $250, as the case may be, unless there is such an exchange.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 21, 1977]

CONGRESSIONAL ETHICS MAY HAVE A HOLLOW CORE

(By Charles Bartlett)

If envy is a key ingredient of the egalitarian spirit, Congress is brewing a fresh batch of it in its urgent moves to win back popular esteem.

The new assertions of more rigid ethics in the House and Senate will take members of Congress out of the ranks of the moonlighters. Their sense of vulnerability at having their pay raised sharply has stirred them to react to admonitions that they should now regard themselves as full-time hirelings of the federal government.

Accordingly, the House has adopted and the Senate is about to adopt a restraint that will allow no member to earn more than $8,625 beyond his salary in any given year. No matter how well his book is selling or how heavy the demand for his lectures, he will confront what Speaker O'Neill has called "a scarifice we must all make."

The injustice of this sacrifice is that it will not affect the outside incomes of members who have made money, who inherited it, who own farms, business, rental properties, or who have working wives. They will enjoy whatever added income their assets produce while less endowed colleagues chafe at the restraints on their earnings. The latter will also be tempted to chafe at the wealth which has eluded them and their egalitarian instincts may be inflammed.

The members are too sensitive about being lofted by their pay hike into the top 1 per cent of income earners. They should take heart from the late Sen. Robert Kerr, a shrewd coot who relished being rich. He argued that he had "a community of interest" with Oklahomans through his involvement in oil, farming and banks. He said that without these links, he wouldn't "be worth a nickel to them."

George Bernard Shaw similarly concluded that power does not corrupt men. Actually, he said, power is corrupted by the fools who acquire it. Few who get to Congress are fools and those who exposed the institution to ridicule in recent years became fools because they allowed themselves to stay immersed and isolated far too long in its specialized environment.

Pending proposals to impose purity on those who serve have the huge defect of enlarging the apartness of the average member, pulling him further away from the warp and woof of society.

The disclosure laws, spending limits, and heavy burdens of the job are transforming him into a frocked citizen, a novice in an order with its own code of conduct.

Sen. Floyd Haskell, D.-Colo., testified that no member should spend "any substantial amount of time" managing his financial affairs. By this yardstick, a member should also limit the time he spends tending his garden, playing tennis, or rearing his children. The idea of the code is to commit him to being a full-time politician, an exertion certain to reduce him in a few short years into a caricature.

This is not what the founding fathers had in mind. Legislators were to emerge from the people long enough to do their duties and then return to what they were. They were to keep their identities as striving citizens instead of flaunting their togas. The aim of reform, as Sen. Howard Baker, R.-Tenn., has been saying, should be to help the overworked members recapture their civilian status.

The new code is an over-reaction. Congress is not perceived as corrupt by reasonable people and cosmetic cures will not reach the few members who may have strayed. If the members could learn to take serious trips instead of junkets, retire when their abilities diminish, get organized to face up quickly to the problems that arise, and behave more like citizens than politicians, Congress' popularity will soon revive.

"The first mistake in public business is going into it," Benjamin Franklin said. The old codger will be proven right once again if the members keep accepting indignities as the price of restoring Congress' reputation.

Mr. THURMOND. Mr. President, I see no objection to the amendment but I believe the Senator from Nebraska has raised a point about gifts. As I say, I have a young lady in my office now who is engaged to a lobbyist. The question is whether she can accept a ring valued over $100. I imagine she would be disappointed and give up her job rather than to accept a ring for $100 or less. Maybe we will have to offer some exceptions to the distinguished Senator from Wisconsin to encourage marriages, in other words to make an exception in the case of weddings or marriages.

I think it is a matter we had better think over. I think that both Senators have raised valid points here.

Mr. CURTIS. Will the distinguished Senator in charge of the legislation answer my last question? It is this: The Senator has told me that if someone subject to this bill were involved in a courtship and received an engagement ring, she would have to report it.

My second question is, suppose she returned it before the reporting date arrived. Does she report the receipt and the return, or neither?

Mr. NELSON. I guess the answer to that would be neither.

Mr. CURTIS. I thank the Senator.

Mr. NELSON. At the time of the reporting, there would be no gift.

As I have said previously, however, I was prepared to accept what is in the resolution. I am prepared to accept the amendment of the Senator from Illinois, which I think makes good sense. So if there is no objection, as far as I am concerned, I shall accept the amendment.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 149

Mr. PERCY. Mr. President, I call up my amendment No. 149 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes amendment no. 149.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, line 12, strike out "duties." and insert in lieu thereof "duties, including the expenditure of time, for the purpose of acquiring (other than earned income), in an amount which would interfere with the conscientious performance of official duties.".

On page 53, between lines 19 and 20, add a new section as follows:

"SEC. 310. The Committee on Rules and Administration shall, within one hundred and eighty days after the day on which this resolution is agreed to, report its recommendations to the Senate as to whether a specific limitation should be placed on the amount of time which a Senator may devote to the acquisition of income (other than earned income).".

On page 53, line 20, renumber section 310 as 311.

Mr. PERCY. Mr. President, this is an amendment which I hope will also be acceptable. It really is to get at the whole problem of the relative unfairness that may be charged to us as a body for discriminating between earned income and unearned income. We get into a gray area where there could be Members of the Senate who would have what is now looked upon as unearned income, where they could really devote a considerable amount of time to the management of that property, estate, or whatever it may be. It could be rental property, it could be a farm, it could be all sorts of things. We put a very strict, severe limitation on earned income, but there is no limit on unearned income which is comparable. In the sense of fairness, the amendment that I have offered now goes to the heart of this problem.

The resolution, as we are about to adopt it, places a limit on outside earned income of 15 percent of a Member's pay. However, no limit is placed on unearned income, other than the conflict of interest provision, which states:

No Member, officer, or employee shall engage in any outside business or professional activity or employment for compensation which is inconsistent or in conflict with the conscientious performance of official duties.

The amendment that I offer simply adds the following language at the end of this conflict of interest provision:

. . . including the expenditure of time, for the purpose of acquiring income (other than earned income) in an amount which would interfere with the conscientious performance of official duties.

The amendment also requires the Committee on Rules to make recommendations for more specific guidelines on the amount of time which may be spent on the acquisition of such income within 180 days after adoption of the resolution.

The Senator from Illinois is simply concerned at the appearance of unfairness, of discrimination between two categories of Senators—those who have no unearned income to speak of and might have depended in the past upon earned income; and those Senators who have virtually no restriction on them now, who have no particular interest in earned income, but have a deep vested interest in unearned income.

A major purpose of the limit on earned income in the resolution is to make it clear that the Senate is virtually a full-time job. However, many earned income sources take no more or even less time than unearned income. For example, let us say real estate management. That could take a great deal of time. Yet there is no limitation whatsoever on that. I think a time limitation must somehow be placed on a Senator, such as the Senator from Illinois, who enjoys unearned income but has no restriction whatsoever imposed upon the amount of time that he could put into that unearned income.

It is possible for a Senator to spend 30 or 40 percent of time, 50 percent of his time, managing properties that he owns, and so forth, without, in any way, abdicating his responsibilities, under the resolution as it now stands. This amendment makes it clear that the expenditure of time should also be a consideration in the acquisition of unearned income. So many times, we have repeated that a Senator's job is supposed to be a full-time job. Well, then, let us not just put the limitation on those who have had earned income; let us put that same limitation on time itself on the Senators who have unearned income. I do not think there are many Senators that are spending that proportion of time, but there may be at some time in the future. It could be a loophole that I think would be worthy of plugging at this particular time before some abuse in the future would require us to act in retrospect.

The point may be made that the Committee on Rules is already being asked to report on other items and it is impossible to place a specific limit on the use of time. While it would be difficult to place an absolute limit on the amount of time that may be spent on acquisition of unearned income, the Rules Committee may be able to develop some guidelines based on the amount of time which Senate duties may require.

I know this a difficult question. I think the adoption of the amendment, which does at least say that no time can be spent on unearned income that would interfere with the conscientious performance of official duties, would at least place a moral obligation, if not an actual obligation, on a Senator not to spend undue time on outside unearned income.

I think that would be an improvement. Maybe the Rules Committee could come up with something better. If they cannot and they say it is an impossible job, I would accept their decision, but I think they ought to take a look at it.

Before I offered this amendment, I wanted to see whether I could determine how much personal time I have spent in the last decade in connection with outside unearned income. I think the figure of less than 1 percent could be verified. I think it would be easy to verify that the Senator from Illinois does not spend much time. I do not know of any Senator who does. But it could be that, to those Senators who feel there has been a real discrimination against those who have outside earned income and are now severely restricted by the 15 percent, at least we, in principle, have said, "What is good for the goose is good for the gander; we are going to apply this across the board." Every Senator will be affected by this, because we feel that the Senate should be virtually a full-time job and we are going to cover everyone, not just a part of the Senate.

Mr. NELSON. Mr. President, I do not have any investment portfolio, if that is the correct word. Neither Arthur Anderson nor anybody else manages what I do not have. But let me say to the Senator that it seems to me that, a few moments ago, he was arguing about creating all kinds of paperwork and all kinds of extra duties in accounting and timekeeping; and suddenly, the Senator comes along with an amendment which, if it does anything, would do that. But I do not think it does anything.

Lines 9 through 12, on page 27, state quite clearly:

No Member, officer, or employee shall engage in any outside business or professional activity or employment for compensation which is inconsistent or in conflict with the conscientious performance of official duties.

I consider that an unnecessary paragraph and said so when we had this matter in committee. I assume that anybody who takes a public position—in Congress, State legislatures, or what have you—should not engage in outside business or professional activity or employment which is inconsistent or in conflict. I did not assume we had to write that into a resolution, but, nevertheless, the committee did.

So, there it is. It is, as I said about another provision last week, a kind of Golden Rule badly stated. I do not know why it is there or why it is necessary, but there it is.

Now the Senator would include an added provision that you cannot spend time for the purpose of managing a portfolio.

Mr. PERCY. It just says for the purpose of acquiring income, which is the whole idea of the limitation of 15 percent imposed, over severe objection, upon all Senators.

Mr. NELSON. In the view of some, it may be. I did not make the argument that that was the whole idea at all. I think it is a minor, minor part of the limitation on honoraria income.

But the Senator is saying: For the purpose of acquiring income. What area of income acquisitions is the Senator talking about? We prohibit the rendering of any professional services, such as law, or architecture, for any income. We limit the amount of earned income in other areas. What activity for the purpose of acquiring income is the Senator from Illinois covering other than management of investment portfolio?

Mr. PERCY. It could be a whole variety.

Mr. NELSON. I do not want a variety. Give me one.

Mr. PERCY. It is as wide as the definition of unearned income is. A Senator could acquire 15, 20, or 30 pieces of commercial property, residential property right here in Washington, D.C. He could spend his time going around collecting the rent. He could do any number of services and spend a great deal of time doing it.

It seems as though we have restricted the amount of time that an individual can spend on earned income by simply saying it cannot exceed 15 percent of his own Senate salary, but we place no limitation on unearned income. Again the Senator from Illinois has no particular cases in mind. I know of no Senator

spending that kind of time. But it seems when we are writing regulations we are not writing them only for the present body. We are writing them we hope for a long time to come, and it could well be that there is an inference of unfairness on the part of some Senators who feel, "You have restricted us who before dependend upon earned income,"—and many Senators have said they have depended upon earned income,"—and you put no limitation whatsoever other than this conflict of interest provision on unearned income."

There is a conflict, also, of time, and there could be a case where a Senator might well put a good deal of time in managing properties and managing his estates. In fact, it could be possible that some Members who depended upon earned income before will decide: "It pays to be a capitalist now, and I will try to acquire some capital and I will try to do everything I can to make money that way because that is exempt, that the Senate doesn't put any limitation on whatsoever so long as there is no conflict of interest."

But if we simply say that he cannot spend time on making money that in any way would detract from the conscientious performance of his official duties, that seems to the Senator from Illinois to get right to the heart of what we were talking about.

The Senate accepted a very large substantial increase in salary because we intended to say this is a fulltime job. Why should it not apply, then, with the same brush that paints those living on earned income? Why should not the same brush apply to those who live on unearned income so that they cannot put an amount of time in on unearned income that would detract from the performance of their official duties?

I cannot see how any Senator could really object to that provision. It simply plugs a possible loophole. I know of no cases it applies to today. But it is a possible loophole that I think in fairness we should plug up, and I think it should be offered by someone who is not at all affected by the 15-percent limitation on earned income.

Mr. NELSON. Let me say to the Senator, one of the things that clutters up the statute books of the country is that we have some creative minds in both Houses who attempt to dream up rules to handle situations like these. We do not know of any case yet, never heard of any case yet, may never ever happen in the history of the world, but some day, some time, under some circumstance, maybe in 2050, or 2075, someone might spend more time than he should spend in violation of the Golden Rule which said, "You should not do anything in conflict with your duties or that interferes with the performance of your duties." So let us pass a rule that means absolutely nothing and is totally unenforceable, to defend the institution against something that so far as we know has never happened and even if it did we could not prove it.

Let me ask the Senator, Let us assume we have a Senator who decides: "I am going to spend all my time, except during rollcalls, in my office studying investments and how to handle my portfolio, and then on weekends I am going to go into my study, pull the shades, close the door, and spend all day Saturday and all day Sunday working on the portfolio of investments and when the recess comes I do the same." When the Rules Committee undertakes to establish some kind of recommendations as to whether a specific limit should be placed on the amount of time spent, what should they do?

If I were on the Rules Committee, and that is what we are going to have to stop, and I was told I had to do it, we would hire some detectives, and we would watch that Senator to see what he is doing with his time.

Now we know what the next amendment will be, and it will be equally tough. The next amendment we are going to get will provide that you can only spend a very limited amount of time daydreaming because day dreaming interferes with the performance of your duties. How do we catch the fellow who is day dreaming? It is awfully hard to do. So I do not think we should have resolutions saying that you cannot daydream.

Mr. CURTIS. Will the Senator yield right there?

Mr. NELSON. That is most of my enjoyment in life, playing Mr. Mitty, daydreaming about what I "ain't" and what I would like to be. But let us not have a resolution that says we cannot daydream. I cannot afford to do anything for entertainment other than daydream.

Mr. CURTIS. Mr. President, will the Senator yield for a brief question?

Mr. NELSON. I yield.

Mr. CURTIS. I think the Senator could tell whether a Senator has been day dreaming by looking at the legislative proposals that he makes.

Mr. NELSON. I did not say that directly, but I guess the Senator looked at the proposal of the Senator from Illinois.

Mr. CURTIS. Yes. I wonder where this came from.

Mr. NELSON. That may have been the result of daydreaming.

Anyway with all good cheer, I must say to the Senator from Illinois: I realize that having been a dramatically successful man, one of the wonders of the United States, at a young age becoming the president of Bell & Howell, that he wishes to try to be fair and put some limitation on what the rich man can do, this I wish also; I would like to get quite a bit of that money away from him if we could.

Mr. PERCY. Go up in the office and pull the shades down. [Laughter.]

Mr. NELSON. And if we could get it into the General Treasury which is the the second best choice, or into my bank which is the first best choice, I would do it, but I cannot think of any law that I could pass to do so.

I know that the Senator's intent is good, but I do not think there is any way for this to be done, and the Rules Committee will go up the wall trying to come in with a recommendation on the amount of time which a Senator may devote to acquisition of income. I agree with the Senator from Nebraska. We have enough trouble now with provisions in here with which, in fact, I did not personally agree. One Senator said, "You are creating an OSHA code of ethics, or an ethics code with OSHA regulations." So I think that the Senator should take that amendment back, take it home with him, take it into his library and study it a little.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. PERCY. Does the Senator from Wisconsin feel that if a Senator did spend time on outside business or activity in making money, which took considerable time, that it would be inconsistent or in conflict with the conscientious performance of his official duties? Does the Senator from Wisconsin feel that that should be countenanced in any way or is it consistent with what the committee is attempting to establish in this resolution?

In other words, are we differing at all on principle? If it is the duty of a Senator to devote virtually all his time to his Senate job, then he should not be managing properties and running around making money on his caiptal.

Mr. NELSON. I would agree with that, but all that does is——

Mr. PERCY. If that is true—and it applies to 20 Senators, possibly more—then is it any more subject to ridicule, I might say, than certain other provisions in this resolution at which fun could be poked?

What are we trying to accomplish? What are we trying to do? We are trying to do the most conscientious job we can in establishing a code of ethics for the Senate.

All the Senator from Illinois is saying is that a Senator, whether he has earned income or unearned income—both situations—should look upon this job as virtually his full-time job.

If we simply adopted the provision which requires no reporting—it is just a statement of principle with which we both agree—if I eliminated the reporting in 180 days, because I realize that it would be extraordinarily difficult to come up with a rule that would put a time limitation on it that would make much sense; would that then be acceptable to the manager of the bill?

Mr. NELSON. Does that language add anything to the language on lines 9 to 12 on page 27?

Mr. PERCY. Yes, because that language, I believe, only deals with an activity that is inconsistent with or in conflict—a conflict of interest. But a conflict also would arise with the element of time, because one could spend a whale of a lot of time managing real estate property, managing a ranch, managing all sorts of things where there is no conflict of interest whatever, other than the question of time.

What we have been talking about for a whole week with respect to the earnings limitation is that Senators should not be running all over the country making money, because they now are being paid a very substantial salary for their job. The Senator from Illinois simply is say-

ing that if it applies to those on earned income, it should apply to those on unearned income.

Mr. NELSON. I was going to say something that I could not defend. I was going to say that I do not like to see redundancy in our statutes, but I see it so often that I have become used to it.

Mr. PERCY. Can the Senator point out that redundancy?

Mr. NELSON. I will read it to the Senator:

No Member, officer, or employee shall engage in any outside business or professional activity—

"Outside business" would cover investments and managing an investment portfolio—

or employment for compensation which is inconsistent or in conflict with the conscientious performance of official duties.

So if one is spending all day long in his office and weekends and other time managing his portfolio, that is in conflict with the conscientious performance of official duties. In fact, the last few words on lines 4 and 5 say "interfere with the conscientious performance of official duties."

So the time element is involved already. I do not see any point to the Senator's amendment at all.

Mr. PERCY. That is an interpretation of the amendment which the Senator from Illinois has not heard heretofore. If that is simply not aimed at a conflict of interest——

Mr. NELSON. Oh, no.

Mr. PERCY. But also aimed at the conflict in time, which would prevent the Senator from carrying out the conscientious performance of his duties, with that interpretation by the floor manager, I agree that this amendment is not necessary, and I will be happy to withdraw it.

Mr. NELSON. That is the way I interpret conflict, that the conscientious performance of duties involves time spent. There is no question about that in my mind.

So if the Senator is prepared to withdraw his amendment, I will yield back the remainder of my time.

Mr. PERCY. Mr. President, I withdraw my amendment.

I thank the floor manager of the bill very much. I hope he does not think we have been nitpicking. Some clarifications have been extremely helpful. The Senator from Illinois simply did not read the resolution with that interpretation. I accept that explanation as the binding intepretation of it now; and I think that, therefore, we are fully in accord on it.

AMENDMENT NO. 161

Mr. BIDEN. Mr. President, I call up my amendment No. 161.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN) proposes an amendment numbered 161.

The amendment is as follows:

On page 53, between lines 19 and 20, insert the following:

"SEC. 310. The Committee on Rules and Administration and the Committee on Finance shall, within one hundred and twenty days after the day on which this resolution is agreed to, report to the Senate legislation to prohibit the conversion of any contribution (as defined in section 301(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) to the personal use of any former Member of Congress who is defeated for reelection or who does not seek reelection, any individual who is unsuccessful in his campaign to be nominated for election, or elected, to either House of Congress, and the estate or any beneficiary of any such former Member or individual who dies.".

On page 53, line 20, strike out "SEC. 310" and insert in lieu thereof "SEC. 311.".

Mr. BIDEN. Mr. President, on March 9, 1977, I introduced S. 962, the surplus campaign funds amendment, which would amend the Federal Election Campaign Act of 1971, to prohibit the personal use of excess campaign funds held by a defeated candidate for Federal elective office or of a retired, resigned, or deceased holder of such office. Senate rules already cover the incumbents.

Under the existing campaign financing law, anyone of us could raise more money than we need for financing our campaign, retire from the Senate, pay taxes on the excess campaign money, and pocket the rest. My bill would make this illegal.

Senate Resolution 110, which is currently before this body, attempts to partially address this problem. The proposed rule XLVI, paragraph 2, prohibits the conversion of campaign funds for the personal use of any Member or former Member who is defeated for reelection or does not seek reelection.

It is clear that the Senate Rules cannot, however, provide adequate enforcement against former Members. Even the Special Committee on Official Conduct recognized this problem. On page 47 of the report of the committee, the following statement is made:

The Committee recognizes that paragraph 2 may be difficult to enforce against former Senators. The Committee believes that this standard should be set, however, and urges that a prohibition against conversion of campaign funds to personal use be incorporated in the Federal Election Campaign Act at the earliest possible occasion.

The amendment I am proposing today to Senate Resolution 110 would require the Committee on Rules and Administration and the Committee on Finance to report a bill within 120 days that would accomplish this.

It really is a request of the committee, under the measure we are now considering, Senate Resolution 110, to make a part of their resolution the requirement that there be a report within 120 days.

Mr. NELSON. As I understand the distinguished Senator from Delaware—and I just glanced at this amendment for the first time—his proposal aims at requiring the adoption and consideration of a statute which would prohibit former Members, or those not running for reelection, or who are defeated, from converting campaign funds to personal use, is that correct?

Mr. BIDEN. Yes, I think that is what I mean. I am not sure that I heard the beginning of the Senator's question.

If this amendment were accepted by the committee, it would mean that the committee is simply saying in this measure that we must report within 120 days a statute which says that.

Mr. NELSON. As the Senator knows, the committee recognized that a rule could not bind someone who had left office.

We put it in there, although it may not be legally enforceable, for whatever moral or other suasion may be the result of its having been written into the code.

This Senator expects a statute to be adopted on this question, as it should and it must, in order to amend the Federal Election Campaign Act, which, in fact, does permit conversion to personal use of campaign funds.

The reason I would hope, though, the Senator would not add it to this resolution is that the Preyer committee in the House is going to be sending over to the Senate a statute covering those aspects of the rules adopted there, and whatever is adopted here, that should be written into statutory language.

I think I am correct in saying it is expected that the Preyer committee would have recommendations ready by the end of July so that members over there could study them during the August recess, comment in September to the committee on their views and a statute would emerge in October or possibly November.

While I agree that what the Senator from Delaware proposes should be done, I am concerned about mandating a committee here to take one specific aspect of a rule and conduct its hearings and translate it into a statute to be sent over to the House within 120 days, when the Preyer committee is going to be doing the same thing. That is the only objection I would have to it.

Mr. BIDEN. My main concern is what the committee's concern was, that this does not slip between the cracks. The reason for the amendment was to insure that after this election bill is passed it does not go away. It, at least, requires the Senate to take some action one way or the other on the question. So I am not concerned that it be 120 days. Would it allay the Senator's concern if it were 190 days, which would give it plenty of time to not conflict with the House commission report that is forthcoming?

Mr. NELSON. I agree with the Senator that I would not want it to slip between the cracks and not be considered. But I do not like to impose upon the Rules Committee the requirement of drafting a statute if it is going to be done on the House side. As a matter of fact, we as a consequence of this resolution, we have already loaded on the Rules Committee—a whole lot of work they are going to have to try to get done, within 120 days or 180 days.

I agree with the Senator that that prohibition on conversion to personal use should apply to former Members.

However, the issue as to former Members is not raised again, unless there is a death, until after the next primary election in 1978.

Mr. BIDEN. But it exists right now.

Mr. NELSON. Yes. But as to Members who retire or who were defeated last fall, is that what the Senator is saying?

Mr. BIDEN. Yes.

If the Senator will permit me, I am just

concerned about leaving whether or not this gets done to the House. In other words, if the House sends over a bill that has it incorporated in it, then, fine. You know, we have to vote up or down at some point on some aspect of that.

But if the House does not send a bill over, that, in fact, has this aspect, then it makes it more difficult to find a vehicle to attach it to, and we get——

Mr. NELSON. What I would suggest to the Senator are two things: One is the House is very unlikely to send over a bill without that provision in it, because they have adopted the same rule, knowing that it was not binding, and recognizing it had to be put into statute.

But if there is some remarkable oversight which, I would suggest, is unlikely to happen, the Senator could amend that statute when it is here and put in such a provision.

My sole concern—and I agree with him 100 percent—is I would hate to say by resolution that the Rules Committee must conduct hearings, and must resolve this question and report back in 120 days when, in fact, this thing is not going to fall through the cracks. A statute is coming over, and if it were not, I would be happy to join the Senator in offering an amendment on the floor of the Senate that accomplished our purpose because there is nobody in either House, I think, who would vote against it.

Mr. BIDEN. With that assurance from the Senator, that is enough for me, and if it does not, if the Senator will cosponsor such a bill with me with the weight and prestige he has picked up as a consequence of taking this election bill through, I am sure I would not have any question about it falling through the cracks.

Mr. NELSON. With the many, many friends I have picked up as a consequence of managing this bill, I think when we call the roll on this there will be one vote, at least mine, and if the Senator does not desert me, because of a lack of friendship, we will have two.

[Laughter.]

Mr. BIDEN. All right.

I ask permission to withdraw the amendment.

Mr. CLARK. I wonder if the Senator will withdraw his last statement.

Mr. BIDEN. I withhold that.

Mr. CLARK. I just want to point out that the Senate has already supported this amendment. I offered it, as a matter of fact, to the Federal Election Campaign Act Amendments last year. It passed the Senate, and the House dropped it in conference.

Mr. BIDEN. That was my concern. The House did drop it in conference the last time, and that is why I have reluctance, I evidenced reluctance, to rely on the House commission coming forward this year with a provision they dropped last year.

Mr. CLARK. Exactly.

Mr. BIDEN. I think the Senator from Iowa should be complimented on having foreseen this problem long before the publicity and the glare of public light focused on this issue, and I only wish the House had followed the Senator's language, and we would not have had the problem that I think embarrasses us all. That came as a consequence of the recent public disclosure of the potential that exists.

But based on the assurance of the Senator from Wisconsin, I will withdraw my amendment, and I thank the committee for its time and the Senator from Oklahoma for waiting.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 120

Mr. BELLMON. Mr. President, I call up my amendment No. 120.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes amendment No. 120 to S. Res. 110, a resolution to establish a Code of Official Conduct for Members, officers, and employees of the U.S. Senate; and for other purposes, viz:

On page 28, strike out lines 12 through 19.

Mr. BELLMON. Mr. President, the purpose of this amendment is to strike the language on page 28 that prohibits Members of the Senate from engaging in what is referred to as professional services, and those services are defined as services as an engineer, real estate agent, insurance agent, attorney, physician, architect, consultant, and then the phrase "or activities of a similar character."

Mr. President, I offer this amendment for two reasons: One is because I am concerned about the vagueness of that last phrase "activities of a similar character" and, second, because I feel very strongly it is contrary to the national interest for this body to refuse service to those who wish to come here and maintain their professional capabilities in their careers and to, in effect, turn the Senate into a body of professional politicians.

Mr. President, all this does, as I say, is strike out the language in that conflict-of-interest section. Simply stated, my amendment would allow Members of the Senate to continue their normal career activities, and this is very significant, so long as their earnings from those activities were within the income limits set by the bill.

We are saying if a person is an attorney or physician, he could continue practicing his profession, but the earnings limitation would still apply.

To me, this section raises a fundamental issue. When our Founding Fathers created the legislative profession, they did not intend that legislators would become members of a full-time governing class.

Rather, it was their intention that individuals would take a limited time away from their normal activities and participate in the lawmaking process. This was a sharp departure from established tradition in other governments where laws were made by a governing elite. In my judgment, this provision for a nonprofessional legislative body is a fundamental part of the basic genius of our representative form of government. It is to a large extent responsible for the length and stability of our system.

Mr. President, to sacrifice our system of lawmaking by nonprofessionals and change over to a procedure by which a selected few of our citizens give up all outside activities in order to become full-time legislators is a departure from the past which I do not believe is in the national interest. The country has been served well by a Congress made up of ordinary citizens. I have grave reservations that a Congress of professional politicians can serve as well. Therefore, Mr. President, this amendment is offered because of my concern for the future of the legislative process.

I might say parenthetically that I am not covered by any of the prohibitions in this section. I am not an engineer, real estate agent, insurance agent, attorney, physician, architect, consultant, nor do I have any activities of a similar character.

I am a farmer and, apparently, farming is not considered a profession by this legislation.

I am also concerned because of the inequities this paragraph creates for those who have dedicated their lives to gaining the education and training a profession requires and who either now or later may want to choose to serve their country as a Senator, officer and/or employee of the U.S. Senate. Without this amendment, men or women with highly developed skills in a profession will be reluctant to come to the Senate because of the long forced abstinence from their normal career activities.

On the surface, the prohibition against Senators continuing normal professional practice may seem to have merit. Serving as a Senator, officer and/or employee is a fulltime job. We all accept that. However, it is essential to the effectiveness of this body that we have access to the unique knowledge and expertise which each Member brings. It is also vital that this knowledge and expertise be kept current. It is the solid base upon which meaningful legislation moves forward.

Thus, a medical doctor who is elected to the Senate brings to this body not only knowledge about health gained from years of study but also, and more importantly, experience gained by remaining active and current in the profession. This can also be said of the engineer who builds bridges and roads, the real estate developer who builds houses, the CPA who works with taxes, and certainly the lawyer who must work with the laws we pass.

This opportunity to remain active in any profession is essential to a continued understanding of that profession or business. The application of that continued knowledge and expertise is essential to the important legislation which we consider. I welcome the expertise of my professional colleagues and I think that it is essential that such expertise be current.

Mr. President, I also question whether we nonprofessionals have the right to require that our professional colleagues cease to use the knowledge and skills gained in a lifetime of work and study and lose their professional excellence in order to serve in the Senate since service here is clearly at the whim of the

voter. The bill, as written, forces a prospective Senator to choose between giving up a lifetime profession for the chancy career of an elected or appointed official. I also do not believe that the paragraph is definitive of what constitutes a profession and may well be unconstitutional.

Notwithstanding the fact that we will lose the benefit of the knowledge and expertise of any given profession through this prohibitive paragraph, we require even a greater sacrifice of the professional who would join our ranks—that is we require Members to surrender their independence.

The distinguished Senator from Minnesota (Mr. HUMPHREY) raised this point last week in his eloquent speech on his concern with this code as proposed. For those of you who failed to hear this speech or have not had the opportunity to read the March 24 CONGRESSIONAL RECORD, let me quote the portion which dealt with his concern about the restrictions on outside earned income:

> We are going to get ourselves painted into a box where these campaign bills are paid out of the public Treasury. We are all paid out of the public Treasury. And a Senator will not dare cast a vote because he will go home and look his wife in the eye later on in life and say: "I don't know whether I can have any independence of judgment on this, Momma, because all I have is my salary there and if I vote on this the way I really ought to vote, I maybe will get kicked out of office. And then where will we be?"

Mr. HUMPHREY goes on to say:

> I think a certain amount of independence of judgment is very necessary around here. There are two ways to get around that—three ways, I guess. One if just plain caring. I hope we all have that. The second is to have some resources of your own and the third is just not to care.

The point is that by prohibiting a professional from maintaining occupational proficiency we have essentially destroyed that person's independence. Such a Senator is in danger of losing the freedom of action needed when complex and controversial issues are before this body. It may be one thing to say that a Member, employee, or officer cannot make more than 15 percent of the base salary in outside earned income, and I certainly agree with that concept. But it is quite another thing to say that active participation in the career for which the person was trained is prohibited. The end result of this provision could well be to eliminate the knowledge and expertise which is vital to good legislation.

Mr. President, knowledge is a precious asset. In discussing knowledge, Will Rogers once said: "Everybody is ignorant, only on different subjects." Rogers was correct. We need Members in the Senate who can protect this body from the errors ignorance brings. We should not require nor encourage ignorance among the Members of the Senate.

We need the knowledge and expertise of many. Let us not pass a law which would prevent us from access to that knowledge and expertise.

Mr. PERCY. Will the Senator yield?

Mr. BELLMON. I yield to the Senator from Illinois without losing my right to the floor.

The PRESIDING OFFICER (Mr. ANDERSON). The Senator from Illinois.

Mr. PERCY. I simply wish to indicate that the concerns of Senator BELLMON and of Senator PERCY are very similar.

I offered an amendment and put it into the RECORD 3 days after Senator BELLMON did, and I was really unaware of the fact that he had offered an amendment along the same lines.

I expanded on the amendment a little bit after deleting lines 12 through 19 and defined the section a little more clearly to be certain the earnings limitation did apply.

But I think the Senator's amendment is a straightforward addressing of this problem which the Senator from Illinois could support.

The concern that the Senator from Illinois had is that, first of all, there is a 15-percent limitation placed on honorariums, for instance, for outside earned income. But there may be many members of the staff who are not equipped to give speeches and earn income that way.

The provision of the resolution on page 28 simply says "For the purposes of this paragraph, professional services shall include services as an engineer, real estate agent, insurance agent, attorney, physician, architect, consultant, or activities of a similar character."

Does that mean then that someone who has been professionally trained as a carpenter could not provide those services?

Would it mean that a person who has graduated from vocational school in automotive repair could not in any way accept compensation as an automobile repairman?

Could a person who received professional training as an interior decorator be prevented then from providing such services in his spare time up to the earnings limit of 15 percent?

I think those are questions that really should be raised and asked of the floor managers of the bill.

Mr. BELLMON. If the Senator will yield to me and if I can get the attention of the Senator from Wisconsin, I would like to ask a question along that line.

This language prohibits a Member of the Senate, or a staff member, or an officer of the Senate, from being an insurance agent. Could he be a stockbroker?

I will read the list. It says:

> Engineer, real estate agent, insurance agent, attorney, physician, architect, consultant, or activities of a similar character.

Could he be a fuel broker, for example, or could a Member of the Senate——

Mr. NELSON. I believe the committee report addressed some language to this question, but I do not remember the language. If the distinguished Senator will wait a moment, I will try to locate that language.

Mr. BELLMON. I am curious to know what is so evil about these jobs set forth here, and why it is important not to do those things, and yet permissible to perform other services that are not greatly different.

Mr. NELSON. My guess would be, from reading the committee language, that given the professions that it names and those that it excludes, it would probably cover stockbrokers, but that only is my guess. I think it would probably be a question that would have to be answered by the Ethics Committee.

Mr. PERCY. Would the Senator from Wisconsin, then, comment on the cases that I have mentioned to Senator BELLMON? For example, what about the case of a person who had received a certificate as an interior decorator, and graduated from a school and considered that his profession? Would he be unable, on a weekend, to give advice and counsel and receive any fees at all for giving advice, as an interior decorator? This could well apply, for example, to women staff members, in order to supplement their income.

Mr. BELLMON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NELSON. Let me read from the language of the report:

> This paragraph reaches the major professions in addition to law, such as medicine, engineering, architecture and similar types of activities. The Committee also intends the ban to reach service as a real estate or insurance agent or consultant. This paragraph is not intended to deal with jobs such as plumbers, auto mechanics, or hairdressers, which may be considered professional services but rarely pose conflict of interest problems.

I would think that interior decorating would not be included in what is normally accepted as a major profession. But as the Senator knows, there are almost innumerable technical, scientific, and professional activities in our society, and there was no way that the committee could name everything that was to be included and everything that was to be excluded; so we used the phrase "major professions."

If a question were raised, I think it would have to go to the Ethics Committee for an opinion as to whether or not it was covered.

Mr. BELLMON. Would the Senator agree that it is a very dangerous precedent or proposition to build into our law, so that a person might run for the Senate and find out after he got here that he was not going to be able to serve?

Mr. NELSON. I cannot say that that is an issue that bothered me very much.

Mr. BELLMON. Let me ask this hypothetical question: Let us take the case of Dr. Nelson, who has spent 7 years getting his medical degree, going through his residency, and becoming qualified to practice. He comes to the Senate, and finds that he cannot any longer practice his medicine. But if, instead of practicing, he wished to teach, for instance, could Dr. Nelson teach medicine?

Mr. NELSON. On page 43, the report states:

> Engaging in part time teaching or study in a professional field does not constitute practicing a profession or rendering professional services and is therefore not affected.

I might say it is a remarkable coincidence that the Senator used the example of "Dr. Nelson." I did not know that he knew that my father graduated from

medical school in 1907 and practiced for 50 years.

Mr. BELLMON. I did know it.

Mr. NELSON. And was very much interested in politics, but could not give up his profession to come here, so he sent me in his place.

Mr. BELLMON. I might say that was probably an advantage to the Senate.

Mr. NELSON. I am sure it was an advantage to his patients.

Mr. BELLMON. But under the terms of the resolution, then, a doctor, lawyer, or architect could teach in his field if he chose?

Mr. NELSON. That is correct.

Mr. BELLMON. But could not practice his profession?

Mr. NELSON. Yes.

Mr. BELLMON. Taking the case of an insurance agent who comes here and wants to retain his selling ability, could he become, then, say, a broker for an oil company?

Mr. NELSON. What was the last part of the question?

Mr. BELLMON. If an insurance agent came here, he could no longer be an insurance agent, but could he, for instance, become a fuel broker? I cannot quite understand why these professions were picked out.

Mr. NELSON. Did the Senator ever take a close look at what goes on over in Maryland? There has been lots of publicity on that. Is he familiar with the insurance business in Illinois, or what is going on with the insurance business all around this country, when someone in the insurance business who is a great supporter of the Governor or someone else suddenly receives a whole lot of insurance business which he never had before?

That does not happen in the State of Wisconsin, or never has, but I will wager that once, twice, or three times a year a case like it arises. Maryland is the last one I have read about, in which certain friends of the people in power end up with large insurance contracts.

It is an area in which the possibilities for corruption or the appearance of corruption are obvious, and that kind of corruption has been well known for many years in this country.

I might say to the Senator that the House made no prohibition. The House simply provided that the earned income limits should apply to all these activities.

The Senate committee decided otherwise. My own view is that the important prohibition involved here is the one involving the practice of law. That is my personal view. That was not the majority view, as I recall it, when we took it up in the committee.

I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I am strongly opposed to any effort to change paragraph 6 of proposed rule 45 to dilute its effect on Senators and full-time Senate employees. I proposed the restriction in committee to prohibit practicing a profession for compensation, and do not believe it should be altered.

Paragraph 6 reflects the belief that the practice of a profession usually requires substantial amounts of personal involvement and time and may also present conflicts of interest, or in some cases, an appearance of such conflicts.

The most familiar problems in this area are posed by the practice of law by Members of Congress. I believe it is desirable to place a flat ban on that activity.

There are two problems which the ban is intended to reach: First the actual practice of law, where the Member is rendering personal services to his clients; and second, the so-called facade practice of law, where the Member is not practicing but is still receiving income from a firm, whether or not he is lending his name to the partnership from which he receives income. This provision also prohibits use of a Member's name as "of counsel" to a law firm even if he receives no income from that firm. While the practice of law poses special difficulties and conflicts because of the obligations imposed by the attorney-client privilege, the committee felt that other professional services also demanded a substantial time commitment and could pose conflict of interest problems. This paragraph reaches the major professions in addition to law, such as medicine, engineering, architecture, and similar types of activities. This paragraph is not intended to deal with jobs such as plumbers, auto mechanics, or hairdressers, which may be considered professional services, but rarely pose conflict of interest problems. Engaging in part-time teaching or study in a professional field does not constitute practicing a profession or rendering professional services and is therefore not affected by this paragraph.

Now, Mr. President, I shall address the personal involvement and time factor. The job of U.S. Senator is a full-time job, and if one is able to find time to render professional services for compensation, I seriously question his ability to render the commensurate service necessary to be a full-time Senator.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. THURMOND' I will yield in just a moment.

We deal with complex and intricate matters in the Senate, Mr. President, and I believe the public is entitled to no less than the full-time service of those charged with legislative responsibility.

It is easy to argue that law practice or other professional practice can be tolerated on the weekends or evenings, Mr. President, but unfortunately it is impossible to categorize and separate official duties from professional duties. A will which has to be probated or an architectural drawing which has to be sketched can too easily take precedence over a committee meeting or other official functions.

In a recent poll conducted by pollster Louis Harris, it was found that the public wants Members of Congress to be on the job "full time." By 54 to 37 percent, a majority of the public feels that "with the job so demanding, regardless what their occupations were in private life, Congressmen should give up their private careers and devote full time to Congress."

A 68–30-percent majority of the majority say they feel "very strongly about it." Although the public was willing to bend somewhat—for example in Members owning businesses and receiving a share of the profits without spending any time running these businesses on a day-to-day basis—on an up or down vote, a 54- to 37-percent majority still preferred Members of Congress who work full time on the job.

Mr. President, a second, more important argument advanced against allowing a Senator or full-time Senate employee to practice a profession for compensation is the serious potential for conflict of interest. In the same Harris poll I referred to earlier, a 59- to 33-percent majority of the people interviewed were bothered by a conflict-of-interest situation where a Congressman retains interest in a law firm if the firm does business with the Federal Government and the Congressman receives a share of the profits, even though the Congressman spends no time away from his official duties doing business for the firm.

Again, I shall use the law as an example, but the argument holds for other professions also. A famous Senate investigation of several years ago serves to illustrate my point. Cash payments were made to an implicated party by a lobbyist after the passage of favorable legislation. Reportedly they were made for "future legal fees." In the ensuing investigation, these "future legal fees" were never established to have been rendered, and the Rules Committee investigation concluded that the law firm played an important role in the questionable business and financial activities.

Mr. President, a conflict or potential conflict situation can easily develop in situations where a Member practices a profession for compensation. It is a significant conflict, in my judgment, to devote excessive time and attention to outside remunerative activities at the expense of the public interest. Likewise, there is a potential conflict in using the facilities of one's office or official position to further outside professional activities. Clientele of a Senator, officer, or employee may well increase by virtue of one's service in Congress. A potential conflict exists where there is an appearance of using an official position to further the interest of a client.

An excellent analysis of congressional law practice has been prepared by the City Bar of New York and has been published under the title, "Congress and the Public Trust." Mr. President, I would like to share with my colleagues the comments of former President of the American Bar Association, Ross L. Malone, and former Senator William E. Borah on this subject. Their remarks are equally applicable to other fiduciary relationships which are a part of rendering professional services for compensation.

Former ABA President Malone saw the relationship as follows:

> Inevitably, however, the legislature is going to consider proposed legislation affecting clients of his office. He may have accepted an annual retainer from others. While accepting a retainer in no sense involves a surrender of independence of either thought or action on the part of a lawyer, it is not realistic to say that he has the same

freedom of choice on matters affecting the client that would exist in the absence of such an arrangement. Regardless of the subjective effect upon him and his vote as a legislator, it is certain that the public would never believe—nor could it be expected to believe—that his vote would not be affected by his relationship with his client. A lawyer voting as a legislator on matters affecting the interests of a retained client invites justified criticism, if not distrust, not only of the lawyer but of the legal profession itself.

Senator Borah perceptively saw the same potential for conflict when he wrote on the lawyer and the public 60 years ago:

The relationship of client and attorney is the closest. Consciously or unconsciously he comes to feel that his client's demands are wholly just. Yet men will argue that a lawyer with a thirty or forty thousand dollar retainer from some client is perfectly fitted to shape legislation which his client will argue is all wrong, wholly unjust and vitally injurious to his business interests. I am not speaking now of a conscious corruption which some people assume to take place in legislation more often, affirmative corruption for which some one may be sent to the penitentiary when the same thing can be accomplished by that unconscious and subtle influence for which there is no punishment and which may even be justified by good people. Suppose every lawyer in the legislatures of the country or in Congress were in the employ of those great business interests engaged in interstate commerce. What do you think would be the necessity of employing lobbyists in order that no laws seriously affecting interests might be passed? A member of Congress is in an indefensible position who is called upon to legislate concerning those matters in which his clients may have an interest and which may concern them vitally.

Mr. President, the bottom line of this debate deals with contracting fiduciary relationships. The first obligation of a professional is to his client; the first obligation of a Senator is to his constituency. Mr. President, we cannot serve two masters, and paragraph 6 assures that we will not be put in such a position.

I am pleased to yield to the distinguished Senator from Oklahoma if he has a question.

Mr. BELLMON. I thank the Senator from South Carolina.

The Senator from South Carolina said he felt, and I agreed, that the Senate has become a full-time job, and that voters expect us to spend our full time here. I am curious. If he feels that way, why do we not move to strike all outside earnings? We allow, under terms of this bill, earnings on the outside of up to 15 percent of our salary. We could make those earnings in many, many fields, except the ones listed here.

Mr. THURMOND. The reason that was allowed is that Senators receive many invitations from colleges and universities, from educational institutions. It was felt that it might be worthwhile to allow a Senator to accept a reasonable number of those invitations in order to discuss the issues of the day. There are many paramount issues of the day which need to be taken to the people.

For that reason, the committee exempted 15 percent. As far as I am concerned, we could have eliminated the 15 percent. If a Senator is willing to go out and speak at colleges and universities, which is where most of the invitations originate, he does get to discuss the issues of the day. We think that is probably helpful, to do that in a reasonable way.

Now, if they are going to accept $40,000 or $50,000 in speaking engagements, that is a different thing. That is the reason we limited it to 15 percent.

The House, I might say, followed the same procedure. The House of Representatives limited the speaking engagements, honoraria, to 15 percent.

Mr. BELLMON. So it is the Senator's impression that all this bill allows is for a Member to earn 15 percent making speeches. He could not earn 15 percent running a filling station or working in a grocery store, or any activity except making speeches?

Mr. THURMOND. I think it is a different situation. If he is running a grocery store or a filling station, he is merely making money to put in his pocket. He is not contributing to the public good. If he is going out discussing paramount issues of the day before college audiences, high school or other places, we think he is contributing to the public good.

Mr. BELLMON. So this amendment prohibits a Senator from earning outside income by doing anything other than making speeches?

Mr. THURMOND. Well, it involves professional services.

Mr. BELLMON. As I read the bill, a Member can make 15 percent in outside income doing anything but being an engineer, real estate agent, insurance agent, attorney, physician, architect, consultant or activities of a similar character. Does the Senator agree?

Mr. THURMOND. That is true. In other words, I think we explained that in the report:

This paragraph reaches the major professions in addition to law, such as medicine, engineering, architecture and similar types of activities. The Committee also intends the ban to reach service as a real estate or insurance agent or consultant. This paragraph is not intended to deal with jobs such as plumbers, auto mechanics, or hairdressers, which may be considered professional services but rarely pose conflict of interest problems. Engaging in part time teaching or study in a professional field does not constitute practicing a profession or rendering professional services and is therefore not affected by this paragraph.

In other words, it is calculated that, where there is a fiduciary relationship, there could be a conflict. That is the point.

Mr. BELLMON. Let us take a very simple case: someone who raises, we shall say, and sells landscaping plants or shrubs to be put in people's lawns. This would be permitted under the terms of the bill, would it not?

Mr. THURMOND. I think it would.

Mr. BELLMON. Suppose that person called himself a landscape architect?

Mr. THURMOND. He can call himself what he wants to, but unless he is licensed as a landscape architect, he would not be one.

Mr. BELLMON. If he is licensed as a landscape architect, that becomes prohibited.

Mr. THURMOND. If he is licensed as a landscape architect and if that is his profession, rather than doing some lower type work, it would be different than that.

What we are trying to do, I say to the Senator, is provided that the people will get a full-time Senator for full-time pay.

Mr. BELLMON. It does not take any more time to be a landscape architect than it does to go out and dig holes and set plants in the ground. If you are limited to 15 percent of Senate income outside of the Senate, what I cannot understand is why we make these particular professions no-nos.

Mr. THURMOND. Where there is a fiduciary relationship. If he is a landscape architect and a U.S. Senator, that is a different thing. I think he could have a conflict there.

Mr. BELLMON. Let me take another case. We do not allow a Member of the Senate to be a physician under the terms of this bill. He cannot practice medicine.

Mr. THURMOND. That is correct.

Mr. BELLMON. Could a Member be a nurse?

Mr. THURMOND. I think probably, if he wanted to go out and do a lower type work, that is——

Mr. BELLMON. What is so evil about being a physician and so nice about being a nurse? I cannot understand this.

Mr. THURMOND. Because a physician has a higher degree of skill; there is a doctor-patient relationship there that you do not have with a nurse. You are in a different world when you are a doctor than when you are a nurse, so to speak, although they work together.

Mr. BELLMON. Is it an evil world?

Mr. THURMOND. No, it is not an evil world, it is a noble world. I have two brothers-in-law who are doctors; I have two nephews who are doctors; I have two brothers who are doctors. I think it is a noble profession. But if they want to come to the Senate, they should come here and give their time to the people.

Mr. BELLMON. I think the Senator has a point: Under the terms of this bill, there will be no more doctors coming to the Senate, because they know that during those 6 years, they are going to do nothing in their profession; they are going to get out of date, and they are going to lose their skills. So they are going to choose not to come to the Senate, and therefore, this body will be denied the services of those highly qualified professional people who are so valuable to the legislative process.

Mr. THURMOND. I would not think so. If they value their duties and they want to keep up, they can visit hospitals and go out and participate, so long as they do not do it for compensation. In other words, it would give them more time to study and do research and observe medical work and visit hospitals and learn what is going on there, so they can come back here and improve their professional work here, with regard to health, in the Senate.

Mr. BELLMON. Would the Senator agree that lawyers could do the same?

Mr. THURMOND. I think lawyers could do the same if they do not charge compensation.

Mr. BELLMON. They can practice law so long as they do not charge?

Mr. THURMOND. That is right, so long as they do not put their names on law offices or even on stationery that says "of counsel," and so on.

Mr. BELLMON. A lawyer can go before a court——

Mr. THURMOND. I realize that some of the answers to the questions the Senator is asking may appear to be contradictory in a way. What we are trying to drive at is to give the people a full-time Senator here.

Mr. BELLMON. Full-time except for 15 percent.

Mr. THURMOND. If we get a professional man who comes here and then goes home and practices medicine 2 or 3 days a week——

Mr. BELLMON. That is inconsistent. The Senator from South Carolina says he can do it except for 15 percent of his time.

Mr. THURMOND. I remember there used to be a lawyer here who would go down home 2 or 3 days a week and practice law and miss being up here. I wondered how he could miss his work up here and go back and practice law.

Mr. BELLMON. The Senator has agreed that this resolution allows a Member to go out and make 15 percent of his income doing other things. A person may make a speech and miss a session of the Senate on that account. That is permitted. I cannot understand what is so evil about these professions that they have become suddenly no-nos. It has nothing to do with time and being a full-time Senator. That is admitted in the measure.

Mr. THURMOND. We think there is a fiduciary relationship. We think with a professional man, he ought to give his time here or devote it to visiting places where he can bring back information to this body, to help this body legislate in a more effective way.

Mr. BELLMON. Does the Senator see any difference between being a professional engineer and being a professional nurse? Are they not both professions? The Senator has admitted that a Member can serve as a nurse, but this resolution prohibits him from serving as an engineer.

Mr. THURMOND. Personally, I think they are in different categories, myself. The committee thought that, or they would not put it in there.

Mr. BELLMON. It is my hope to convince the Senate to take it out. To me, it is ambiguous, meaningless, and would demean the Senate.

I am ready to vote.

The PRESIDING OFFICER (Mr. SARBANES). Do the Senators yield back their time?

Mr. BELLMON. I am willing to yield back my time.

Mr. THURMOND. Mr. President, I move to lay the amendment on the table.

The PRESIDING OFFICER. Before that is in order, all time must be yielded back.

Mr. THURMOND. Excuse me. We yield back our time.

The PRESIDING OFFICER. The Senator from Oklahoma yields back his time. All time has been yielded back.

Mr. THURMOND. Mr. President, I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on ageeing to the motion to lay on the table the amendment of the Senator from Oklahoma.

Mr. STEVENS. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment. The pending business is the motion to lay the amendment on the table.

Mr. BELLMON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unnanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. I ask for the yeas and nays on the tabling motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I thought I had moved to lay the amendment on the table.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion of the Senator from South Carolina to lay the amendment on the table. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, will the Chair clarify the motion?

The PRESIDING OFFICER. A rollcall on the motion to table is now in progress.

The clerk will continue to call the roll.

Mr. THURMOND. In other words, those in favor of the tabling motion, vote "aye"; those opposed, vote "nay."

The PRESIDING OFFICER. The Chair regrets it cannot interrupt the call of the roll on the motion to table.

The clerk will call the roll on the motion to table.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Maine (Mr. HATHAWAY), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from North Carolina (Mr. MORGAN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from Michigan (Mr. RIEGLE) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from North Carolina (Mr. MORGAN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from Idaho (Mr. MCCLURE), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Mexico (Mr. SCHMITT), the Senator from Virginia (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 53, nays 23, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—53

Allen	Durkin	Melcher
Anderson	Eagleton	Metzenbaum
Bayh	Ford	Moynihan
Bentsen	Glenn	Nelson
Biden	Hart	Nunn
Brooke	Haskell	Pell
Bumpers	Heinz	Proxmire
Burdick	Hollings	Randolph
Byrd, Robert C.	Huddleston	Sarbanes
Cannon	Humphrey	Sasser
Case	Inouye	Schweiker
Chiles	Jackson	Sparkman
Church	Javits	Stafford
Clark	Kennedy	Stone
Cranston	Leahy	Talmadge
Culver	Mathias	Thurmond
DeConcini	Matsunaga	Williams
Domenici	McIntyre	

NAYS—23

Baker	Eastland	Pearson
Bartlett	Hansen	Percy
Bellmon	Hatch	Roth
Byrd, Harry F., Jr.	Helms	Stennis
	Laxalt	Stevens
Chafee	Lugar	Tower
Curtis	McClellan	Wallop
Danforth	Muskie	Young

NOT VOTING—24

Abourezk	Hayakawa	Packwood
Dole	Johnston	Ribicoff
Garn	Long	Riegle
Goldwater	Magnuson	Schmitt
Gravel	McClure	Scott
Griffin	McGovern	Stevenson
Hatfield	Metcalf	Weicker
Hathaway	Morgan	Zorinsky

So the motion to lay on the table Mr. BELLMON's amendment was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY and Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats and clear the aisles.

The Senator from Illinois is recognized.

AMENDMENT NO. 133

Mr. PERCY. Mr. President, I call up my amendment No. 133.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 133.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 3, strike out "and".

On page 26, line 6, strike out "works." and insert in lieu thereof "works, and".

On page 26, between lines 6 and 7, insert the following:

"(3) compensation for professional services.".

On page 27, line 13, insert "(a)" immediately after "3.".

On page 27, between lines 22 and 23, insert the following:

"(b) No Member shall engage in any outside business or professional activity or employment for compensation unless he reports in writing to the Secretary of the Senate upon the commencement and the termination of such activity or employment, including a description of the nature of such activity or employment. Any such report shall be made available for public inspection and copying.".

On page 28, strike out lines 12 through 19, and renumber paragraphs 7 through 12 of proposed rule XLV as paragraphs 6 through 11, respectively.

On page 54, line 18, strike out "9, and 10" and insert in lieu thereof "and 9".

Mr. PERCY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, this amendment, as I discussed with Senator BELLMON, is very similar to his amendment, but it adds one provision, and I will state that provision:

No Member shall engage in any outside business or professional activity or employment for compensation unless he reports in writing to the Secretary of the Senate upon the commencement and the termination of such activity or employment, including a description of the nature of such activity or employment. Any such report shall be made available for public inspection and copying.

Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

Mr. PERCY. Mr. President, under this amendment, professional services would be treated like all other forms of outside earned income such as honoraria. Specifically, the amendment deletes the prohibition against the provision of professional services for compensation, but retains the provisions prohibiting outside activities which would conflict with the conscientious performance of official duties.

In addition, the amendment retains the provision requiring staff to report to their supervisor on any outside activities and the amendment adds a new provision requiring Senators to report to the Secretary of the Senate when they commence and terminate any such activities.

Finally, under the amendment, income received from providing professional services would be subject to the 15 percent of income limitation which applies to all other outside earned income.

Thus, while the amendment removes the prohibition against providing professional services for compensation, it limits the total amount of income which can be received from such activities and insures adequate disclosure.

Mr. President, the Senator from Illinois simply fails to understand the fine line of distinction being drawn by the floor managers between professional services which are prohibited, such as those by an attorney or by a real estate broker or by an insurance broker, from services rendered for earned income by a member of the staff who might have acquired some other type of skill, even with greater professional training, but which are permissible, subject only to the 15-percent limitation. This simply discriminates against those professions which have been specifically listed in "or activities of a similar character," whatever that may be.

I just do not find the degree of commonality in this area, and I really see no rhyme or reason why there should be such a limitation.

I am certainly aware we have argued thoroughly and completely the question that you should not divert an undue amount of time to outside activities, but that has been covered with the 15-percent limitation on earned income.

If a person can go out and earn that extra 15 percent with some skill he possesses, and the Senator from Illinois does not know any skill he possesses that could be sold for that particular fee nor have I taken such income in my 10 years in the Senate, for the life of me I do not understand why a person cannot do that. In some cases—such as teaching—the committee rules that eligible and acceptable up to the 15-percent limit. But if a person has gone out and gotten a certificate as an automobile mechanic, and had 3 years of professional training, he can earn money by repairing an automobile. We are talking essentially about staff members who may earn in excess of $25,000, but who may wish to pick up a little extra income in their extra time.

This certainly would apply, I should think, to anyone who has a skill as an interior designer. He may have gone to a school and gotten a certificate and may have even greater training than a real estate broker. But, according to the interpretation rendered by the floor manager, you could earn earned income in interior designer or as a carpenter, automobile repairman, but you cannot in certain of these other professions such as real estate.

I also tend to feel when you have staff members who have a legal degree and who are tempted by some law firms offering them $35,000 or $40,000, why can't they perform a simple service on a Saturday such as writing out a will or doing some sort of legal service that does not in any way interfere with their professional services to the Senate? They are required to report it and they must receive permission from their supervisor who certifies by that permission that it is not interfering with their duties, I think this is discrimination against certain professions.

In other words, I always thought the incentive was the more you educate yourself, the better trained you get, the more you ought to be rewarded, and in this case the lesser the training, the lower the skill, the more you can earn. You can earn your 15 percent by carpentry, you can earn it by being an automobile mechanic. I presume, although that person might have received greater training than someone in some other professional service such as a real estate broker or an insurance agent.

But it just seems to the Senator from Illinois that this is discrimination. The amendment does not affect the Senator from Illinois one iota, but it does affect, I think, hundreds, and possible 1,000 or more Senate staff members who possess skills they could be compensated for at no injury to anyone that I can see as long as it is reported to their supervisor and as long as it is a matter that the supervisor and the Ethics Committee has approved of and it is within the 15-percent earnings limitation.

So I would really like to ask my colleagues to give thought to this, and I hope they will do so overnight. I hope it will be agreeable to the floor manager and to the majority leader to set this vote over until some time tomorrow so that staff members and Senators can have an opportunity to listen to the arguments made by Senator BELLMON and to look at the language and see whether or not in any way this amendment goes against the grain of the spirit of what we are trying to accomplish.

I direct a question to my distinguished colleague. Perhaps the floor manager of the bill would like to respond to the comments that the Senator from Illinois has made. The Senator from Illinois is perfectly agreeable to set this vote off to any time certain tomorrow and to have a vote on it tomorrow. I think it would be in the interest of the Senate to let Senators have a chance to study this and let the staff take a look at it to see if it is not fair and equitable and to see whether it in no way undercuts or weakens or minimizes the intent and purpose of the floor manager, which I consider to be a noble intent and purpose, and which we all will certainly subscribe to in our final vote.

I would ask that time be given on this amendment for staff members and Members of the Senate to be able to take a look at it overnight to see whether or not it would not have some merit.

Mr. NELSON. Well, it seems to me it need not be looked at overnight. The Senator from Illinois was very eloquent in presenting his case, but it is the same proposition we just voted down 10 minutes ago.

It reminds me of a time when I was in law school and Professor Feinsinger called upon one of the young men to re-

cite the case, and he recited, gave the same recitation as the previous student had, exactly the same.

Professor Feinsinger said, "That is absolutely right. Homer did not write the Iliad, it was written by another man with the same name."

[Laughter.]

We just got through arguing exactly the same proposition. All the Senator changes, after the long time we have been on this, is that a report is required—another one of these OSHA reports should be made.

Mr. PERCY. If the Senator from Illinois would be offering the same amendment it would not be in order. I think I read into the record the distinction and difference between Senator BELLMON's amendment and my own.

Mr. NELSON. What is the difference?

Mr. PERCY. That is we have clearly indicated that no Member shall engage in any outside business or professional activity or employment for compensation unless he reports in writing to the Secretary of the Senate upon the commencement and the termination of such activity or employment, including a description of the nature of such activity or employment. Any such report shall be made available for public inspection and copying.

Certainly, it is subject to the 15-percent limitation.

I think there is enough of a difference so that the point of the Senator from Illinois is apparent. I would like the Senate to consider this overnight and not rush ahead with a vote because I just simply feel there was not enough time on that last amendment to have really had a chance to think through whether or not this in any way undercuts what we are trying to accomplish, and whether we are not losing sight really of what we are trying to accomplish. We are trying to embody a code of ethics in the Senate to make certain we are protecting the public interest.

But I cannot for the life of me see how this amendment would in any way detract from the public interest, and certainly it would help when an employee of the Senate, a member of the Senate staff, is not able to command honoraria, is not able to command lecture fees, so why could he not engage up to a 15-percent limitation in what he is able to do?

The Senator from Illinois feels if you take the time it takes to go out and make a speech, and if you get $1,000 or $2,000 for it in Seattle, he does not see how you can do that in less than the 24 hours necessary for preparing the speech, traveling out there, delivering it, and coming back home. Now that has taken 24 hours, and that is perfectly permissible and is allowable. But the regulations do not permit a staff member on a Saturday afternoon to sit there and write a will or to engage in any kind of activity that will bring compensation even though there is an earned income limit of 15 percent, and it might take the staff member only a couple of hours.

Now, what sense does that make? Can the Senator from Wisconsin explain to the Senator from Illinois what he is really trying to accomplish by this?

Mr. NELSON. Let me say to the Senator from Illinois that I think he is correct, that we ought to let this amendment lie overnight because the distinction between what the Senate just voted down and what the Senator has now offered is so subtle that it will take all night studying to find out what the meaningful distinction is, and I think they are entitled to study it for a while.

Mr. PERCY. I may get 22 votes.

Mr. NELSON. The last amendment by the Senator from Oklahoma eliminated that prohibition against the practice of the professions. That was tabled by 53 to 22.

Now the Senator from Illinois comes up with an amendment that eliminates the prohibition against the professions. However, when he eliminates that section, the Senator provides that there has to be a report.

That is the whole distinction, and it is not even that much because under the resolution, a report is already required.

Under the resolution, on any earned income, we have to report where the income came from, how much the income was.

So I agree with the Senator, I think those who do not have as quick a mind as the Senator from Illinois would need a good many hours.

Mr. PERCY. Or the Senator from Wisconsin.

Mr. NELSON. To figure out the subtle distinction between the two, if there is one, which I think not.

Mr. BELLMON. Wil the Senator yield?

Mr. PERCY. I shall yield in a moment.

I wonder if the Senator from Wisconsin would seriously describe the distinction between how it is possible for a person to have a profession, such as interior decorating, or such as automobile repairing, or such as bartending, and may have to attend many sessions of night school to learn how to mix all those drinks—I do not know—but how one could perfectly properly earn extra income with no restraints or restrictions whatsoever outside of the 15-percent limitation in those professions, but in the professions of real estate, or insurance, or law, they are prohibited from earning any income.

Now, why? What is the difference? What are we trying to accomplish or prove? That there is something more noble or less noble about one profession as against another?

Did the Senator from Oklahoma get a satisfactory answer to the distinction between these professions?

Mr. BELLMON. If the Senator will yield, the answer is no. I got no satisfactory answer.

The only answer was that we are trying to have a professional time Senate and, obviously, we are allowing Senators to earn 15 percent of their income outside of the Senate as long as they are in one of these professions.

I ask the Senator from Wisconsin, how about the oldest profession? Is it eliminated here?

[Laughter.]

Mr. NELSON. There is not anybody in this Chamber who could practice it, anyway.

[Laughter.]

Mr. PERCY. That is what brought up this whole ethics argument to start with, and I cannot find a word about that.

Mr. NELSON. I am prepared to yield back the remainder of my time, unless——

Mr. PERCY. Well, would the Senator from Wisconsin agree that we could hold this vote tomorrow sometime?

I thought there were some back to back votes tomorrow and the Senator from Illinois would be happy to tuck it in among those, either at the beginning or at the end.

Mr. NELSON. How much time is there left on the amendment?

The PRESIDING OFFICER. The Senator from Illinois has 20 minutes remaining, and the Senator from Wisconsin has 23 minutes remaining.

Mr. DANFORTH. Mr. President, before either of the Senators yield back their time, I wonder if I could make an inquiry of the Senator from Wisconsin?

Let me pose a hypothetical question. Supposing I were to offer a job on my staff to a practicing lawyer who has just completed the trial of a lawsuit, and he says to me, "I would very much like to come with you. There is only one remaining matter I want to clear up, I would like to write the brief for my case and then when it comes up for oral argument, which may be 6 months or a year from now, before the Court of Appeals, I would like to argue that appeal."

Can I hire that individual?

Mr. NELSON. I do not think there is anything in the resolution that would prohibit hiring, but there is a statute limiting practice in certain Federal agencies and certain courts by members, and employees of the U.S. Government, and that is already law. The resolution does not affect that.

Mr. DANFORTH. Supposing, though, that this potential employee, obviously, he is an attorney, and part of the agreement between the attorney and his client is that the attorney will handle the trial of the lawsuit and then any appeal that follows and he is going to be compensated for handling both the trial and the appeal.

Could this individual, after completion of the trial of the lawsuit, come to work for me, even though it would mean that over the next 6 months he would spend maybe 20 or 30 hours preparing a brief and preparing for oral argument and then would actually have to appear before an appellate court arguing the appeal?

Mr. NELSON. The way the Senator states the case, unless there was a specific statute about Federal employees, prohibiting Federal employees to appear in that court, I would not think anything in the rule would prohibit that.

The way the Senator states the case, I would assume that the rule of reasonableness would govern. I do not see anything unreasonable about that.

Mr. DANFORTH. Even if the individual were paid, say, $37,000 or $38,000 by me as a member of my staff, he could, on behalf of a client, appear and make an oral argument before an appellate court?

Mr. NELSON. If the income limitation

question is the one the Senator is raising, then I suppose it may be in limbo, so that the question would have to be checked with the Ethics Committee. But if, in fact, he had made, say, $50,000 on the case, but he had done 90 percent of the work and the last 30 hours and the appearance before the court only involved a modest amount of the whole fee, I think that issue could be handled.

Mr. DANFORTH. That is exactly what I am asking.

If he were paid over $35,000 as a member of my staff, would wrapping up this single matter in the appellate court, say a State court, say the Supreme Court of the State of Missouri, be prohibited?

Mr. NELSON. I have given you my reaction to it. But I would like to look at the resolution and respond tomorrow, because we do have a prohibition against the practice of law if the salary is over $35,000, and I do not think there is any de minimus provision in there. But I would want to look at that language and the report and answer that question tomorrow.

Mr. DANFORTH. I would like to say it is more than a hypothetical question. It has been more than a hypothetical situation which I have had to face in the last 3 months.

Mr. NELSON. I can see where that could happen.

Is the Senator from Illinois going to insist upon voting tomorrow?

Mr. PERCY. Mr. President, I would like very much to put it over until tomorrow. I understand that a number of other votes have been put over until tomorrow.

Mr. President, I ask unanimous consent that the vote on amendment No. 133 occur at the end of all of the other votes that have been ordered so far for tomorrow afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON. Mr. President, I do not think the majority leader is here, so I reserve the right to object, because the majority leader was hoping there would be a vote tonight.

Mr. PERCY. The majority leader has returned to the floor now.

Mr. NELSON. The Senator from Illinois is requesting that the vote on the pending amendment—he would yield back all remaining time, I would yield back all remaining time, and the vote would occur at the end of the other votes that have been ordered for tomorrow.

Mr. ROBERT C. BYRD. Is this agreeable to the Senator from Wisconsin?

Mr. NELSON. No, it is not agreeable to the Senator from Wisconsin, but out of the generosity of my heart, I am willing to go along with it.

Mr. PERCY. The Senator from Illinois very much appreciates that, as does the Senator from Oklahoma.

Mr. ROBERT C. BYRD. Does the Senator from Wisconsin intend to move to table at that point?

Mr. NELSON. I assume the Senator from Illinois would yield back all his time, and I would yield back all my time and move to table.

Mr. PERCY. But the Senator from Illinois would very much appreciate a vote up or down on the amendment.

Mr. NELSON. Well, we will vote it down, then; would that be satisfactory?

Mr. PERCY. Well, up or down, but that the Senate be given a chance to express itself.

Mr. NELSON. Let me say to the Senator that I have never seen the distinction. If I vote to table something, I am against it.

I have told a number of Senators, because at that time there were 45 or 50 amendments, that it would make it impossible to have one vote up or down and another on a motion to lay on the table. But Senators know, at least, if there is a motion to lay on the table, that the motion was likely made by the manager of the bill. If the vote is up or down, an added explanation is needed.

Mr. PERCY. I would not think that. If the floor managers are for it, then the Senator from Illinois has never called for a record vote on anything that has ever been accepted by the floor manager. We do not have votes just to vote. I think Senators know an amendment has not been accepted if there is a vote up or down.

Mr. NELSON. The Senator from Wisconsin has made a classic, terrible blunder in making this argument to other Senators who accepted it. Having said to other Senators that I was going to move to table these amendments, although I made one exception today——

Mr. PERCY. I think there have been quite a few exceptions.

My point is that there is not an amendment we have had before us that really affects more of our very high quality people on the Senate staff than this amendment. I would ask Senators, out of consideration for our own staff and out of consideration for the fact that Senators may not have had a chance to think it through and see what an impact it has——

Mr. NELSON. Does the Senator——

Mr. PERCY. I am thinking about the women and children at home, about the orphans, about all those dependents of our professional people who are not going to work, who would rather play golf or do something else with their time, but if they want to work, we should not deprive them of the opportunity. After all, these are the only people in the United States who cannot moonlight, and we are really being very restrictive.

I am not asking for any change in the 15-percent limitation. It would not do any good, anyway. All I am saying is, let us not draw such a fine distinction, now that we have incentives to provide us with highly skilled staff members, let us not put in a disincentive of this kind.

If you are a doctor, for instance, and you have taken 6 years of medical school, you are in a profession, but you are prohibited from accepting anything. Even if you might have gone down the street to the scene of an automobile accident and helped the person involved, and maybe saved his life, you are prohibited, as a doctor, for accepting anything from the person who wants to pay you. But if you are a plumber, you can go fix a screw or a bolt some place and take $25 for that, or more, depending on the amount of time involved.

That does not make sense. This is a commonsense proposal, and I only ask Senators to take a look at this matter overnight, because a quick judgment on it will do more to reduce the living standards of some of our Senate staff members than anything I can think of.

It is really an unfair thing. Senate staff can legitimately say, "You Senators have taken care of yourselves; you are in public demand, you are going to go out and earn $8,600, or whatever it is, in speaking fees; you can go and lecture at Georgetown University; you have the name. We have built your name for you, but you have it; yet if we want to make just a little money staying right here engaging in some professional activity up to the 15 percent limitation, you still say we cannot do it, even though we are required to ask permission; and tell you when we commence the work and end the work. That seems very discriminatory."

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the Senator from South Carolina.

Mr. THURMOND. The Senator is a very able advocate. I would like to ask him, if he has a staff member back home making $25,000 a year, and he goes out and practices law or performs some other duties if he is not a lawyer, does the Senator not think the people back there would think he is already earning a good living, and ought to forego the practice of law?

Mr. PERCY. Mr. President, I can assure the Senator that the people from Illinois would not mind one bit. They would say, "More power to him; he cares enough about his wife and children that he is willing to work a little bit extra."

There is nothing unpopular about someone moonlighting, because many thousands have to do it.

We all know ourselves, is there any limitation on the number of hours, for example, these taxicab drivers work? In fact, you can talk to taxicab drivers who are insurance salesmen during the day and taxicab drivers at night.

I have nothing but admiration for people who do that. It is a fine example of the work ethic in operation. But what I cannot understand is how we can say to them, "You can do that if you do not have a professional skill, but if you have a professional skill that you have worked hard to acquire, then you are prohibited from using that skill, where, if you have a lesser skill and do not fall in the chosen categories, you can use that skill and earn money with no restrictions."

As I say, I just call this a commonsense amendment. I urge that Senators have a chance to think it out overnight, and if the Senator from Wisconsin, on thinking about it, would want to be a cosponsor of the amendment, or if he would like to offer the amendment and put it in his name, I would be happy to

do so, and I think a lot of people would feel very gratified if he would.

Mr. President, I believe the pending decision is whether or not my unanimous-consent request will be agreed to, or if there is objection to it or not.

Mr. NELSON. Mr. President, reserving the right to object, how much time is left on the amendment?

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Illinois has 18 minutes remaining. The Senator from Wisconsin has 13 minutes.

Mr. NELSON. Mr. President, let me ask the Senator from Illinois this: The fact of the matter is that this amendment is almost identical and does exactly the same thing as the amendment of the Senator from Oklahoma, except that it requires reporting. That is the only distinction.

I think everyone understood what he voted on when we voted to table the amendment of the Senator from Oklahoma, but I will say to the Senator from Illinois that if he is willing to yield back his time and vote right now, I would be willing to have an up-or-down vote.

This is now the third week we have been on this resolution. There are many amendments still left, and the difference between this amendment and the one we voted down 53 to 22 amounts to almost nothing. If the Senator would like to vote straight up and down right now, I yield back the remainder of the time, so we can proceed with the resolution.

Mr. PERCY. I would like to comment first on the difference in the amendment.

Mr. NELSON. If I have to listen to another hour on this amendment, I am going to move to table when the time expires.

Mr. PERCY. The Senator from Illinois would still like to comment very briefly. The difference is that a Senate employee is required to report to his supervisor, to the Senator, whether he intends to engage in an activity and give that Senator an opportunity to then judge whether or not it is in conflict with the conscientious performance of the staff member's duties. I think this shows whether we really have a good deal of control over the time and activities of a staff member or not. That distinction is significant. For that reason, I feel the amendment is not the same as the others. Though the intent is the same, the actual fulfillment is somewhat different. For that reason, I think it would obviously warrant a separate vote and I ask for a separate vote.

I would prefer to save the Senate's time by yielding back the remainder of my time and having the vote set for tomorrow. The Senator from Illinois simply cannot understand, when other Senators have been accorded this privilege when they have asked for it, why this particular amendment is of a separate category and classification which would require a vote tonight when many Senators have already gone home.

I have had at least five or six of my colleagues come up and ask whether I was going to insist on a vote tonight. I said no, that I would ask that it be carried over until tomorrow. I am sure Senators have departed feeling that the same courtesy would be extended to the Senator from Illinois which has been extended to other Senators throughout the course of the day. May the Senator ask how many votes are piled up now for tomorrow to be voted on in a sequential order?

The PRESIDING OFFICER. There will be five.

Mr. PERCY. What is the difference whether we have five or six? It would certainly save the time of the Senate. This Senator will yield back the remaining 15 minutes or so, we could go home and have dinner with our families, and come back and vote tomorrow.

Mr. NELSON. Did the unanimous-consent agreement set a time limitation on the votes?

The PRESIDING OFFICER. The votes are scheduled for 15 minutes.

Mr. NELSON. Fifteen minutes each?

The PRESIDING OFFICER. Yes.

Mr. NELSON. And we come in at 4 o'clock. That is 1 hour 15 minutes of straight voting. I will go over to tomorrow——

Mr. PERCY. I will ask unanimous consent that we reduce the time to 10 minutes after the first vote. Maybe the majority leader would like that.

Mr. NELSON. That is not what the agreement is. I have deep respect for the Senator from Illinois, but we are voting on the same proposition twice. It is almost subject to a point of order on the ground that there is no difference between what we voted on a little while ago and what we are discussing now. But that is all right. The record will make sure that nobody will be without notice. I will move to table tomorrow. It will be perfectly clear. If there is any Senator who does not know the difference between a tabling motion and a straight up-and-down vote the Senator and I will have conference and we will explain it before the vote.

Mr. PERCY. The Senator accepts that and considers it very fair. I would rather have the vote tomorrow than have it tabled.

Mr. NELSON. Mr. President, I ask unanimous consent that the vote on the pending amendment occur following those which are already scheduled by unanimous consent, and that I may reserve the right to move to table that amendment at that time.

The PRESIDING OFFICER. Is there any objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. PERCY. Mr. President, I ask unanimous consent, and I can obviously not do so without the permission of the majority leader, considering that there are six votes tomorrow, 15 minutes apiece, in order to save the time of the Senate, that the first vote be 15 minutes and the subsequent votes be 10 minutes each, except for the last vote which shall be 15 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. NELSON. Does the Senator want 15 minutes because it will be hard to figure out what the last one is about?

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ALLEN. Does the Senator from West Virginia wish to address the Senate?

Mr. ROBERT C. BYRD. I would like to have the attention of the Senator from Illinois.

Mr. President, the Senator from Illinois will note that I did not respond to his unanimous-consent request, and I had a reason. I would rather we would wait until tomorrow to determine whether or not those subsequent votes are 10-minute votes. I think some of them may very well be, but it could well be that on the second one we may want a 15-minute vote. I wonder if we should not vitiate this request at this time and do it tomorrow.

Mr. PERCY. That will be perfectly all right.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to vitiate the order providing for 10-minute rollcall votes on tomorrow after the first rollcall vote.

The PRESIDING OFFICER Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

MOTION TO RECONSIDER VOTE ON AMENDMENT NO. 110

Mr. ALLEN. Mr. President, I move to reconsider the vote by which amendment No. 110, by Mr. PERCY, was agreed to. I make this motion with the knowledge and consent of the distinguished Senator from Illinois. The purpose of my motion is to have an opportunity to offer an amendment which the committee has accepted. I discussed it with Mr. NELSON and with the minority staff.

This amendment, amendment No. 110, asks that the committee making this study of the need to place official nonreimbursable Senate expenses under Senate allowances requests the committee to consider increasing clerk hire allowances.

My amendment, which I will offer if the vote is reconsidered, merely adds the other facet of the study to say and/or to combine or merge official senatorial allowances. It is altogether likely that, by combining or merging these allowances, it might not be necessary to increase the dollar amount of the allowances. I presented this matter to the distinguished Senator from Wisconsin and also the distinguished Senator from Iowa (Mr. CLARK).

Mr. NELSON. The amendment we are dealing with which the Senator is moving to reconsider involved a study section of the resolution.

Mr. ALLEN. That is correct. There would also be a study.

Mr. NELSON. It just indicates the additional construction for a study. I have no objection.

Mr. ALLEN. Yes.

Mr. President, I move to reconsider the vote by which amendment No. 110 was

agreed to. I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

UP AMENDMENT NO. 107

Mr. ALLEN. Now, Mr. President, I call up amendment to amendment No. 110, which I have just explained.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an amendment to amendment No. 110.

The amendment to the amendment is as follows:

Amend amendment No. 110 as follows: On page 1 line 3 between the words "allowances" and "to" add the following: "and/or to combine or merge official Senatorial allowances".

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. PERCY. Let me say, Mr. President, that I fully support the amendment and appreciate very much the modification.

Several Senators addressed the Chair.

Mr. ALLEN. If the Senators will yield a moment, we have not yet agreed to the amendment, as amended.

The PRESIDING OFICER. The question is on agreeing to amendment No. 110, as amended.

Amendment No. 110, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes tonight.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. HELMS. Mr. President, will the Senator withhold that?

Mr. ROBERT C. BYRD. Yes.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Hhe PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCREDITATION OF THE CENTRAL NEBRASKA GOODWILL INDUSTRIES

Mr. CURTIS. Mr. President, I congratulate the Central Nebraska Goodwill Industries, which is located at Grand Island, Nebr., on a well-deserved honor that has come to them.

The Commission on Accreditation of Rehabilitation Facilities, a private nonprofit group in Chicago, has named Central Nebraska Goodwill Industries as the first rehabilitation facility in the State of Nebraska to be accredited. This accreditation is a mark of excellence. It will be used as a guideline in the expenditure of some of the Federal funds for rehabilitation.

This recognition that has come to the Goodwill Industries at Grand Island is the result of dedicated work and concern on the part of the people involved. The Grand Island unit is a small agency operating on an annual budget of about $300,000. This accreditation illustrates what can be done on a very small budget when it is compared to Government expenditures.

I congratulate the Central Nebraska Goodwill Industries and all of the individuals who are associated with it and who supported it.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC-987. A communication from the President of the United States transmitting proposals for supplemental appropriations for the fiscal year 1977 in the amount of $730,000,000 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

EC-988. A letter from the Comptroller General of the United States transmitting a report entitled "Nationwide Food Consumption Survey: Need for Improvement and Expansion" (with an accompanying report); to the Committee on Agriculture, Nutrition, and Forestry.

EC-989. A letter from the Acting General Counsel of the Department of Defense transmitting a draft of proposed legislation to amend chapter 5 of title 37, United States Code, to make permanent the special pay provisions for reenlistment and enlistment bonuses, and for other purposes (with accompanying papers); to the Committee on Armed Services.

EC-990. A letter from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for Fiscal Years 1978 and 1979, and for other purposes (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC-991. A letter from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a list of the present and former NASA employees who have filed reports with NASA pertaining to their NASA and aerospace-related industry employment for the fiscal year ended June 30, 1976, plus the transition quarter ended September 30, 1976 (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC-992. A letter from the Vice President for Government Affairs of the National Railroad Passenger Corporation (AMTRAK) transmitting, pursuant to law, a report on the average number of passengers per day and the on-time performance at the final destination of each train for the month of January 1977 (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC-993. A letter from the Secretary of the Interior transmitting a draft of proposed legislation to authorize $15 million for the Government of Guam (with accompanying papers); to the Committee on Energy and Natural Resources.

EC-994. A letter from the Secretary of the Treasury transmitting a draft of proposed legislation to provide for increased participation by the United States in the International Development Association (with accompanying papers); to the Committee on Foreign Relations.

EC-995. A communication from the President of the United States transmitting a draft of proposed legislation to authorize security assistance programs for the fiscal years 1978 and 1979 (with accompanying papers); to the Committee on Foreign Relations.

EC-996. A communication from the President of the United States transmitting a draft of proposed legislation to authorize foreign development assistance programs for the fiscal years 1978 and 1979 (with accompanying papers); to the Committee on Foreign Relations.

EC-997. A letter from the Director of ACTION transmitting a draft of proposed legislation to further amend the Peace Corps Act (with accompanying papers); to the Committee on Foreign Relations.

EC-998. A confidential communication from the Comptroller General of the United States (PSAD-77-42, March 28, 1977) transmitting the status of the FFG-7 Class Guided Missile Frigate Shipbuilding Program (with an accompanying report); to the Committee on Governmental Affairs.

EC-999. A secret communication from the Comptroller General of the United States (PSAD-77-45, March 18, 1977) transmitting the status of the SSN-668 Class Attack Submarine Program (with an accompanying report); to the Committee on Governmental Affairs.

EC-1000. A confidential communication from the Comptroller General of the United States (PSAD-77-43, March 18, 1977) transmitting the status of the Light Airborne Multi-Purpose System Program (with an accompanying report); to the Committee on Governmental Affairs.

EC-1001. A secret communication from the Comptroller General of the United States (PSAD-77-67, March 18, 1977) transmitting mission effectiveness of U.S. Anti-armor Weapon Systems (with an accompanying report); to the Committee on Governmental Affairs.

EC-1002. A letter from the President of the Conference Board transmitting, pursuant to law, a status report and description of the Conference Board's Congressional Assistant Program for 1976 (with an accompanying report); to the Committee on Governmental Affairs.

EC-1003. A letter from the Executive Secretary to the Department of Health, Education, and Welfare transmitting, pursuant to law, a copy of a document "Final Regulation for amendment to State adult education programs under the Adult Education Act" which has been transmitted to the Federal Register (with accompanying papers); to the Committee on Human Resources.

EC-1004. A letter from the President of the Overseas Private Investment Corporation transmitting, pursuant to law, a copy of report on the administration of the Freedom of Information Act for the calendar year

1976 (with an accompanying report); to the Committee on the Judiciary.

EC–1005. A letter from the Acting Administrator of the Small Business Administration transmitting a draft of proposed legislation to provide temporary authority to the Administrator of the Small Business Administration to facilitate water conservation practices and emergency actions to mitigate the impacts of the 1976–77 drought (with accompanying papers); to the Select Committee on Small Business.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM–105. Senate Joint Resolution No. 140 adopted by the General Assembly of the Commonwealth of Virginia ratifying the proposed amendment to the Constitution of the United States relating to denial of the right for failure to pay taxes; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION No. 140

"Whereas, the eighty-seventh Congress of the United States of America, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Senate Joint Resolution 29

"Proposing an amendment to the Constitution of the United States relating to the qualifications of electors

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'Article—

" 'Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

" 'Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.' "

"Now, therefore, be it

"*Resolved* by the Senate, the House of Delegates concurring:

"1. That the amendment to the Constitution of the United States of America herein set forth be, and the same is hereby, ratified and affirmed; and

"2. That certified copies of this joint resolution be forwarded by the Governor to the President of the United States, to the Secretary of the State at Washington, to the Administrator of General Services in Washington, to the President of the United States Senate, and to the Speaker of the House of Representatives of the United States."

POM–106. House Memorial 2001 adopted by the House of Representatives of the State of Arizona relating to construction of the Hualapai Hydroelectric Dam, and urging the Congress of the United States to approve construction of the Hualapai Hydroelectric Dam located in the inner gorge of the Colorado River within the boundaries of the Hualapai Indian reservation; to the Committee on Energy and Natural Resources:

"HOUSE MEMORIAL 2001

"A memorial relating to construction of the Hualapai Hydroelectric Dam, and urging the Congress of the United States to approve construction of the Hualapai Hydroelectric Dam located in the inner gorge of the Colorado River within the boundaries of the Hualapai Indian reservation

"Whereas, the Nation is faced with an energy supply inadequate to meet its rapidly increasing needs; and

"Whereas, preservation of our natural environment must be balanced with the development of energy needed to maintain a sound economy; and

"Whereas, electric energy produced in hydroelectric projects is highly desirable from the standpoints of reliability, cleanliness, efficiency and safety; and

"Whereas, highly desirable hydroelectric dam sites are still available in Arizona along the Colorado River; and

"Whereas, the Hualapai Hydroelectric Project (Bridge Canyon) is potentially a major clean energy source for supplying a significant amount of energy for the Southwest Region; and

"Whereas, it would take approximately six and three-quarter million barrels of oil, our single most-demanded fuel, per year to generate the electricity which can be developed from this project; and

"Whereas, the water which would be the power to run the hydroelectric generators is a vast renewable resource now being wasted down the river; and

"Whereas, income from the Hualapai Dam would provide the State with major financial support to help pay for the Central Arizona Project; and

"Whereas, the project would create more than twenty-five million dollars per year in revenue; and

Whereas, the project would utilize an estimated peak labor force of eight hundred fifty workers; and

"Whereas, the Hualapai Indians support construction of the dam on their reservation recognizing it as their only opportunity for economic development and full tribal employment; and

"Whereas, this project would not interfere with the free-flowing Colorado River through the Grand Canyon; and

"Whereas, construction of the dam will create a ribbon of blue in the narrow inner gorge, making the Hualapai section of the Colorado available to all for recreational uses.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

"1. That the Congress promptly review the many benefits of hydroelectric development along the Colorado River, particularly the proposed Hualapai Project and take action to approve its construction at a time when the Nation could greatly use the electrical energy derived from it, and support the efforts of the Arizona Power Authority and the Hualapai Indian Tribe to preserve the viability of the Hualapai Dam site.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TALMADGE (for Mr. LONG), from the Committee on Finance, with amendments:

H.R. 3477. A bill to provide for a refund of 1976 individual income taxes and other payments, to reduce individual and business income taxes, and to provide tax simplification and reform, together with additional, minority and supplemental views (Rept. No. 95–66).

By Mr. TALMADGE (for Mr. LONG), from the Committee on Finance, with amendments and an amendment to the title:

H.R. 4800. A bill to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such Act, and for other purposes (Rept. No. 95–67).

By Mr. TALMADGE (for Mr. LONG), from the Committee on Finance:

S. Res. 126. An original resolution to waive section 303(a) of the Congressional Budget Act with respect to the consideration of H.R. 3477. Referred to the Committee on the Budget.

By Mr. JACKSON, from the Committee on Energy and Natural Resources, with amendments:

S. 36. A bill to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes (Rept. No. 95–69).

S. 37. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906), and for other purposes (Rept. No. 95–70).

LEGISLATIVE REVIEW DURING THE 94TH CONGRESS BY THE SENATE COMMITTEE ON RULES AND ADMINISTRATION—SPECIAL REPORT OF A COMMITTEE (REPT. NO. 95–68)

Mr. CANNON. Mr. President, pursuant to section 136 of the Legislative Reorganization Act of 1946, as amended, I submit a report on the oversight activities of the Committee on Rules and Administration during the 94th Congress.

The PRESIDING OFFICER. The report will be received and printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Peter F. Flaherty, of Pennsylvania, to be Deputy Assistant Attorney General.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. RANDOLPH, from the Committee on Energy and Natural Resources:

Robert L. Herbst, of Minnesota, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. RANDOLPH, from the Committee on Environment and Public Works:

James Gustave Speth, of the District of Columbia, to be a Member of the Council on Environmental Quality.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services:

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be general

Lt. Gen. John W. Roberts, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following named officer under the provisions of title 10, United States Code, section 3066, to be assigned a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Rutherford McGiffert II, [redacted], U.S. Army.

Maj. Gen. Andrew W. McDonnell, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

JOINT REFERRAL OF A BILL—S. 807

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 807, a bill to amend the Small Business Act and the Federal Energy Research and Development Act of 1974, which was referred to the Energy and Natural Resources Committee on February 24, 1977, be jointly referred to the Select Committee on Small Business for the purpose of considering title I only of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. THURMOND:

S. 1134. A bill relating to the age and service requirements for the resignation and retirement of justices and judges of the United States; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 1135. A bill for the relief of Young-soon Choi; to the Committee on the Judiciary.

S. 1136. A bill for the relief of So San Kim; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 1137. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for older individuals who rent their principal residences; to the Committee on Finance.

By Mr. SPARKMAN (by request):

S. 1138. A bill to amend the Foreign Assistance Act of 1961, as amended, to authorize additional authority for the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

By Mr. SARBANES (for himself and Mr. MATHIAS):

S. 1139. A bill for the relief of Dr. John C. Hume; to the Committee on Armed Services.

By Mr. HART (for himself, Mr. RANDOLPH, Mr. BAKER, Mr. CULVER, Mr. STAFFORD, Mr. ANDERSON, Mr. WALLOP, Mr. BAYH, Mr. BUMPERS, Mr. CASE, Mr. HANSEN, Mr. HUMPHREY, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. RIEGLE, Mr. SARBANES, Mr. CHAFEE, and Mr. WILLIAMS):

S. 1140. A bill to encourage and assist the States to develop improved programs for the conservation of nongame species of native fish and wildlife, and for other purposes; to the Committee on Environment and Public Works.

By Mr. STONE:

S. 1141. A bill to amend title 38 of the United States Code to assist veterans with a permanent and total service-connected disability due to the loss or loss of use of one upper and one lower extremity to acquire specially adapted housing; to the Committee on Veterans' Affairs.

By Mr. SARBANES:

S. 1142. A bill for the relief of Kam Lin Cheung; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. RANDOLPH, Mr. GRAVEL, and Mr. STAFFORD):

S. 1143. A bill to assure more adequate supplies of water to the Nation; to the Committee on Environment and Public Works.

By Mr. PROXMIRE:

S. 1144. A bill to extend mortgage insurance and related authorities under the National Housing Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 1145. A bill to amend the U.S. Housing Act of 1937 to provide authorizations for and amend laws relating to housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 1146. A bill to amend the National Housing Act to increase maximum mortgage amounts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHWEIKER (for himself and Mr. HEINZ):

S. 1147. A bill to relieve the liability for the repayment of certain erroneously made contributions by the United States; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 1148. A bill to authorize the Secretary of the Interior to erect a memorial in honor of the 56 signers of the Declaration of Independence in Constitution Gardens in the District of Columbia; to the Committee on Rules and Administration.

By Mr. BENTSEN (for himself, Mr. TOWER, Mr. LONG, and Mr. JOHNSTON):

S. 1149. A bill to recognize the joint development by the State of Texas and the State of Louisiana of a recurring and enviornmentally sound source of energy represented by the Toledo Bend Dam and Reservoir and exempt Sabine River Authority, State of Texas, and exempt Sabine River Authority, State of Louisiana, from charges for use, occupancy, and enjoyment of certain lands of the United States within the Sabine National Forest, Tex.; to the Committee on Energy and Natural Resources.

By Mr. HUMPHREY (for himself, Mr. HATHAWAY, Mr. ANDERSON, Mr. BAYH, Mr. MATHIAS, Mr. METCALF, Mr. ABOUREZK, Mr. SPARKMAN, Mr. MCGOVERN, Mr. BROOKE, Mr. CRANSTON, Mr. HEINZ, Mr. KENNEDY, Mr. WILLIAMS, Mr. LEAHY, and Mr. SARBANES):

S. 1150. A bill to amend title V of the Housing Act of 1949 to increase and extend authorities thereunder, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENTSEN:

S. 1151. A bill granting the consent of Congress to an amendment to the Sabine River Compact entered into by the States of Texas and Louisiana; to the Committee on the Judiciary.

Br Mr. BENTSEN (for himself and Mr. SCHWEIKER):

S. 1152. A bill to amend the Act of August 24, 1935 (commonly referred to as the "Miller act" to exempt construction contracts not exceeding $25,000 in amount from the bonding requirements of such act, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ANDERSON:

S. 1137. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for older individuals who rent their principal residences; to the Committee on Finance.

Mr. ANDERSON. Mr. President, today I am introducing a bill to provide an additional itemized deduction for individuals over the age of 65 who rent their principal residences.

Under current tax laws, a homeowner may deduct the amount paid during a taxable year in real estate property taxes. Although renters pay property taxes as a part of their rent, they are not allowed to deduct that portion of their rent from their Federal income taxes.

Many of our senior citizens are living on fixed or limited incomes. I feel it is a great injustice to require them to pay additional taxes on money already spent paying city, county, or State property taxes, which are continuing to rise rapidly throughout the Nation.

I am proposing a system to allow older renters to deduct 25 percent of the amount they paid in rent during a taxable year from their Federal income tax. This bill also allows renters to use the Federal tax forms already in existence. They simply place 25 percent of their rent in the space provided for homeowner's deductible property taxes.

We have used a percentage successfully in developing State circuit breaker refunds for property tax relief in Minnesota. I believe incorporation of this principle into Federal law is needed.

Many of our senior citizens have already been priced out of owning their own homes. It is my hope that through this legislation we can keep them from being priced out of renting their own apartments.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was

ordered to be printed in the RECORD, as follows:

S. 1137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as section 222, and by inserting after section 220 the following new section:

"SEC. 221. RENTAL OF PRINCIPAL RESIDENCE.

"In the case of an individual who has attained the age of 65 before the close of the taxable year, there shall be allowed as a deduction an amount equal to 25 percent of the amount paid or accrued by the taxpayer during the taxable year to rent his principal residence.".

(b) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 221. Rental of principal residence.

"Sec. 222. Cross references.".

SEC 2 The amendments made by the first section of this Act shall apply with respect to taxable years beginning after December 31, 1977

By Mr. SPARKMAN (by request):

S. 1138. A bill to amend the Foreign Assistance Act of 1961, as amended, to authorize additional authority for the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1961, as amended, to authorize additional authority for the Overseas Private Investment Corporation.

It has been requested by the President of OPIC and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with a letter from the President of OPIC to the President of the Senate dated March 18, 1977.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1138

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That title IV of Chapter 2 of Part I of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2191-2200), is amended as follows:

In section 235(a)(4), strike out "December 31, 1977" and insert in lieu thereof "September 30, 1978."

OVERSEAS PRIVATE
INVESTMENT CORPORATION,
Washington, D.C., March 18, 1977.

HON. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On March 14, 1976, pursuant to section 607 of the Congressional Budget Act of 1974, OPIC transmitted to the 94th Congress a request for new budget authority for Fiscal Year 1978. We noted at that time that OPIC was considering a comprehensive proposal to submit to the Congress early this year based on OPIC's experience over the last three years in the formation of private associations to underwrite investment insurance in conjunction with OPIC.

Review of various legislative proposals with respect to OPIC presently is in process within the Executive Branch by an inter-agency committee. When this review is concluded, we will be in a position to transmit comprehensive recommendations to Congress with respect to OPIC's operations over the next four years.

Under Section 104 of the Government Corporation Control Act, OPIC's operating budget for each fiscal year is subject to congressional review and approval in conjunction with congressional review of the President's budget for that fiscal year. Thus OPIC's budget for FY 1978 was transmitted to Congress on January 15 as part of the President's budget. That budget reflects new budget authority for OPIC for Fiscal Year 1978 in the form of an increase from $100 million to $250 million in OPIC's borrowing authority under section 235(f) of the Foreign Assistance Act of 1961, as amended, to satisfy claims liabilities under investment insurance and reinsurance.

Because of the ongonig inter-agency review, and the improbability that OPIC would need to use any of its borrowing authority during FY 1978, the attached draft bill does not provide for increased borrowing authority for FY 1978. Although the comprehensive proposals to be submitted may include such a request, we would not ask that such new budget authority be available prior to Fiscal Year 1979. Accordingly, since the proposal would not involve new budget authority for FY 1978, congressional action would not be required under the Congressional Budget Act deadline of May 15 for reporting measures to the floor.

Consistent with the foregoing, the attached draft bill is limited to the extension of OPIC's authority to issue new investment insurance and investment guaranties from December 31, 1977, to September 30, 1978, the last day of Fiscal Year 1978. Such an extension coincides with the President's budget, which provides for the continued operation of OPIC through the end of the fiscal year.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft bill to the Congress.

Sincerely yours,

MARSHALL T. MAYS.

By Mr. SARBANES (for himself and Mr. MATHIAS):

S. 1139. A bill for the relief of Dr. John C. Hume; to the Committee on Armed Services.

DR. JOHN C. HUME

Mr. SARBANES. Mr. President, Dr. John Hume of Baltimore, Md., left a secure job with the U.S. Public Health Service in 1961 after receiving written and oral assurances that his years of service with the PHS would count for purposes of retirement from the Air Force Reserve retirement program. Now that he has reached retirement age, he has found that these assurances were incorrect and has been told that he is neither eligible to receive retirement benefits from the Air Force Reserve nor from the Public Health Service retirement program. Senator MATHIAS and I are today introducing a bill to allow Dr. Hume's years of employment with the PHS to be counted so that he can receive retirement benefits from the Air Force Reserve. This legislation is needed to overcome the hardship Dr. Hume now faces as a result of his having relied on assurances he was given with respect to retirement benefits by responsible officials of the U.S. Government.

By Mr. HART (for himself, Mr. RANDOLPH, Mr. BAKER, Mr. CULVER, Mr. STAFFORD, Mr. ANDERSON, Mr. WALLOP, Mr. BAYH, Mr. BUMPERS, Mr. CASE, Mr. HANSEN, Mr. HUMPHREY, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. RIEGLE, Mr. SARBANES, Mr. CHAFEE, and Mr. WILLIAMS):

S. 1140. A bill to encourage and assist the States to develop improved programs for the conservation of nongame species of native fish and wildlife, and for other purposes; to the Committee on Environment and Public Works.

FEDERAL AID IN NONGAME FISH AND WILDLIFE CONSERVATION ACT OF 1977

Mr. HART. Mr. President, I am today reintroducing with 18 of my colleagues the Federal Aid in Nongame Fish and Wildlife Conservation Act which would authorize the Department of the Interior to distribute $20 million, $30 million, and $40 million to the States in fiscal years 1978, 1979, and 1980 for nongame fish and wildlife conservation programs.

Wildlife programs have in the past been directed primarily toward game species because the funding has been provided by sportsmen who pay excise taxes on hunting and fishing equipment. These sportsmen can rightly take pride in the fact that few game species have been reduced to threatened or endangered status.

At the same time, it is discouraging that a nation which has accepted the fact that all species of wildlife are important to maintain an environmental balance still spends so much of its wildlife management funds on a small percentage of all species: game animals. A 1975 report by the Wildlife Management Institute confirms that States have primarily sought to maintain sufficient numbers of game animals for hunting, fishing, and trapping while only coincidentally providing for other species of wildlife. That report, entitled "Current Investments, Projected Needs, and Potential New Sources of Income for Non-Game Fish and Wildlife Programs in the United States" was undertaken at the request of the Council on Environmental Quality and the U.S. Fish and Wildlife Service. This study showed that a total of 36 States conducted programs directed specifically toward nongame fish and wildlife in 1972. While their total budget for fish and wildlife management, research, and law enforcement programs totaled $176 million, only $3.3 million, or approximately 2 percent of the total, was used for nongame programs.

Of course, proper management programs for game animals will often benefit nongame species, but this is not always the case. The fact that all wildlife has important scientific, cultural, and nonconsumptive value leads to the conclusion that we cannot leave the management of nongame wildlife to chance. It seems clear that the only way to guarantee that this Nation's nongame

resource will receive the attention it deserves is to establish a new and separate funding source for nongame programs—an idea that has long been supported by the Audubon Society, the Environmental Defense Fund, the Sierra Club, Friends of the Earth, the Natural Resources Defense Council, the Wildlife Management Institute, and many other local and national conservation organizations.

Mr. President, this legislation will set up such a new funding source, authorizing the Federal Government to distribute funds to the States for nongame fish and wildlife conservation programs.

Activities which a State might undertake with this money include habitat acquisition and modification, census and monitoring programs to keep abreast of the population trends, protection of wildlife through improved law enforcement, and many other activities and programs. Under the provisions of this bill, the Federal Government would fund up to 75 percent of the cost of the programs approved by the Secretary of the Interior, with the remaining 25 percent to be funded by the State. To prevent a drain on traditional State funding sources, the legislation specifies that not more than 10 percent of the State's share of program costs in any individual year may be derived from the sale of hunting, fishing, and trapping licenses. Furthermore, not more than 25 percent of a State apportionment may be used for information and education programs, law enforcement, and extension services. This provision is intended to insure that primary emphasis will be placed upon fundamental research and management activities.

In addition, to encourage the development of programs on an ecological rather than a geographical unit basis, the legislation would authorize the Secretary to fund up to 90 percent of any program which is undertaken jointly by two or more States.

Finally, the legislation would require all Federal agencies with land management responsibility to review their programs to determine whether these programs can be reasonably modified to include nongame wildlife conservation. Federal departments and agencies would be authorized to enter into cooperative agreements with the States to carry out these programs.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Aid in Nongame Fish and Wildlife Conservation Act of 1977".

SEC. 2. DECLARATION OF POLICY.

(a) Findings.—The Congress finds and declares the following:

(1) Nongame species of native fish and wildlife are of ecological, economic, educational, esthetic, historical, recreational, and scientific value to the Nation and its people.

(2) The improved conservation of these species, including retention, maintenance, and improvement of their habitat, would help assure a healthier and more esthetically pleasing environment for all Americans.

(3) Urban dwellers have insufficient opportunity to participate in recreational and other programs designed to foster human interaction with nongame wildlife and, thereby, a greater appreciation and awareness of the environment.

(4) Existing State programs for nongame fish and wildlife species have been supported largely on the basis of hunting and fishing license revenues and excise taxes on certain hunting and fishing equipment. These traditional financing mechanisms are not adequate to meet the needs of programs for both nongame and game species, and they must be supplemented.

(5) The States should be encouraged to develop, expand, and maintain, in urban and non-urban areas, programs for the conservation of nongame species of native fish and wildlife.

(b) Purpose.—It is the purpose of this Act—

(1) to provide financial and technical assistance to the States for the development, expansion, and maintenance of conservation programs for nongame species of native fish and wildlife; and

(2) to direct that all Federal departments and agencies utilize this statutory and administrative authority, to the maximum extent practicable, actively seek to conserve and to promote conservation of, nongame species of native fish and wildlife and the habitats of such species, in furtherance of the policy of this Act.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The terms "conserve," "conserving" and "conservation" mean to use, and the use of, methods or procedures which are necessary to insure, to the extent practicable and desirable, the continued existence of populations of nongame species of native fish and wildlife. Such methods and procedures may include any activity associated with scientific resources management, such as research, census, law enforcement, habitat acquisition and development, information and education, live trappings, and transplantations.

(2) The term "fish and wildlife" means any member of the animal kingdom, including without limitation any species of mammal, bird, fish, reptile, amphibian, mollusk, crustacean, arthropod, or other invertebrate which, with respect to a particular State, is native to that State.

(3) The term "resignated State agency" means a commission, department, division, or other unit of a State government which is certified to possess legal authority regarding nongame animals which occur in such State, as required under subsection 5(e).

(4) The term "nongame species" means and includes wild mammals, birds, fishes, reptiles, amphibians and invertebrate animals that (A) are not ordinarily pursued, sought, trapped or otherwise taken for sport, food, or commercial purposes, (B) are not subject to open seasons provided by law or regulation for such pursuit, seeking, taking or trapping, (C) offer benefits in the form of cultural and scientific values or non-consumptive recreation, and (D) are not an endangered species.

(5) The term "plan" means a comprehensive and continuing program for the conservation and rehabilitation of nongame species of fish and wildlife under the jurisdiction of any State. Such plans may include a number of nongame wildlife projects.

(6) The term "project" means an undertaking designed to conserve or rehabilitate nongame species of fish and wildlife.

(7) The term "Secretary" means the Secretary of the Interior, directly or through the United States Fish and Wildlife Service, as appropriate.

(8) The term "species" means, with respect to fish or wildlife, any species, any subspecies, and any other group of fish or wildlife of the same species or smaller tax in common spatial arrangement which are capable of interbreeding.

(9) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Mariana Islands, and the Trust Territory of the Pacific Islands.

SEC. 4. NONGAME FISH AND WILDLIFE CONSERVATION PROGRAM.

(a) PROGRAM.—The Secretary shall cooperate with the States in programs for the conservation of nongame species of native fish and wildlife by providing, through designated State agencies, financial assistance to carry out approved plans or projects for the conservation of such species. Such assistance shall be provided pursuant to the formula set forth in section 5(c) and in accordance with the requirements of sections 5 (e) and (f).

(b) TRANSFER OF PERSONNEL AND EQUIPMENT.—The Secretary may, in assisting the States in carrying out programs under subsection (a), assign or transfer personnel and equipment and share scientific information, in such manner as the Secretary deems appropriate.

SEC. 5. NONGAME FISH AND WILDLIFE CONSERVATION FUND.

(a) UNEXPENDED FUNDS.—Any amount apportioned to a State pursuant to subsection (b) which is unexpended or unobligated at the close of two fiscal years may be used by the Secretary, during the succeeding two fiscal years, to assist other States in carrying out approved nongame conservation plans or projects. Any amount granted to any State under this paragraph shall be supplemental to, and shall not be charged against, any funds apportioned to such State under subsection (c). Any amount which is not paid or obligated by the Secretary pursuant to this paragraph after the close of the second such two-year period shall be made available for expenditure by the Secretary in carrying out any program administered by the Fish and Wildlife Service which serves the nongame fish and wildlife resource.

(b) ADMINISTRATIVE EXPENSE.—The Secretary may use not to exceed eight percent of funds appropriated pursuant to this Act for the expenses incurred in administering this Act, including the study authorized by section 10. Such sums shall be available until the expiration of the next succeeding fiscal year. If any such amount remains unexpended by the Secretary at the close of such fiscal year, the Secretary shall, within 60 days thereof, apportion such amount to State agencies on the same basis and in the same manner as is provided for other amounts authorized by subsection (c) to be apportioned among the States for such fiscal year.

(c) APPORTIONMENT.—The Secretary, after making deductions under subsection (b), shall, subject to the provisions of section 6, apportion the remaining appropriated funds among the several States for each fiscal year in the following manner:

(1) One-half in the ratio which the area of each State bears to the area of all of the States; and

(2) One-half in the ratio which the population of all States; except that no State shall receive less than one-half of one percent, nor more than five percent, of the total amount apportioned.

(d) CERTIFICATION.—For each fiscal year, the Secretary shall certify to the Secretary of the Treasury and to each designated State

agency the sum which the Secretary has estimated to be deducted for the administration of this Act under subsection (b) and the sum which the Secretary has apportioned to each State.

(e) SUBMISSIONS AND CONSIDERATION.—If a State wishes to avail itself of the benefits of the Act, it shall certify to the Secretary that it has a State agency (which shall be identified) which has adequate statutory and administrative authority and the necessary resources and personnel to conserve nongame species of native fish and wildlife, and it shall make submissions to the Secretary in accordance with paragraph (2) or (3). The Secretary shall consider any such submissions and make determinations thereon pursuant to paragraph (4).

(2) The State shall prepare and submit a comprehensive fish and wildlife resource management plan to the Secretary, with respect to the conservation of the native nongame species under its jurisdiction. Any such plan shall—

(A) be submitted in such form and with such content as the Secretary shall prescribe;

(B) include a description of all applicable methods of conservation to be used in the plan and projects to be carried out and projections as to possible future such plans and projects;

(C) indicate the general chronological order in which phases of the comprehensive plan should be carried out over a period of years;

(D) be designed to perpetuate the species covered for the cultural, esthetic, scientific, and recreational enrichment of the State and its residents and visitors;

(E) be based on the State's projections as to the needs of such species and the desires and needs of its residents and visitors for a period of not less than 15 years; and

(F) provide for such conservation for a period of five or more years, and shall include a provision for review and revision at regular intervals, not to exceed three years.

(3) A State may elect instead to avail itself of the benefits of this section by preparing and submitting a proposal to the Secretary for a conservation project with respect to one or more native nongame species. Any such proposal shall be submitted in such form and with such content as the Secretary shall prescribe, and shall include a detailed description of the project involved.

(4) The Secretary shall study and evaluate any submission received under paragraph (2) or (3). If the Secretary finds that a comprehensive plan submitted under paragraph (2) or a project submitted under paragraph (3) conforms to standards and criteria established by regulation by the Secretary, such plan or project may be approved. In the case of a project plan, the Secretary shall not grant final approval until the State furnishes such surveys, specifications, and additional information as the Secretary requests, and subject to the Secretary's approval thereof. In the case of a comprehensive plan, the Secretary shall condition approval on substantiality of character and design. Upon approval, the Secretary shall notify the designated State agency of such State and shall immediately set aside, from funds apportioned under this Act, up to 75 percent of the cost of implementing segments of any comprehensive plan involved or of the total estimated cost of the project involved. The non-Federal share may, in the discretion of the Secretary, be provided by the State in the form of money, in-kind contributions, or real property. In-kind contributions may be in the form of personal services rendered by volunteers who possess qualifications, by training or experience, to assist in surveys, censuses, or other scientific studies of nongame species: provided, that standards for the qualifications of such volunteers and the value of such in-kind services shall be in accordance with regulations issued by the Secretary under this Act. The value of any such real property shall be determined by the Secretary, whose decision shall be final.

(5) If any Federal funds provided for an approved plan or project are used or applied for any other purpose, the State involved shall replace or return such funds before it may receive any additional apportionment under this Act.

(f) Project or Plan Funding.—(1) When the Secretary finds that any project which is described in a comprehensive plan, or which is approved, under subsection (e), has been completed or, in the case of research relating to nongame species, that it is being conducted, in compliance with the Secretary's specifications, the Secretary shall pay the amount set aside for such project to the State involved. The Secretary may, in his discretion, make periodic payments as such a project progresses; except that the amount of any such periodic payment shall not exceed the United States pro rata share of the project. If a State has prepared a comprehensive plan under subsection (e)(2), which has been approved under subsection (e)(4), the Secretary may, in his discretion and under such rules and regulations as he may prescribe, advance funds to such State for financing the United States pro rata share agreed upon between the designated State agency and the Secretary. The Secretary and the applicable designated State agency may jointly decide at what times and in what amounts payment shall be made under this Act. Such payments shall be made by the Secretary to such official, officials, or depository, as may be designated by such agency in accordance with the laws of such State.

(2) Any construction work and labor performed in conjunction with an approved plan or project shall be performed in accordance with the laws of such State and under the direct supervision of the designated State agency, subject to the inspection and approval of the Secretary and in accordance with the rules and regulations issued under this Act.

(3) Administrative costs, in the form of overhead or indirect costs for services provided by State central service activities outside of a State agency having primary jurisdiction over the nongame fish and wildlife resources of a State, which may be charged against programs or projects supported by the fund, shall not exceed, in any fiscal year, three percent of the apportionment for such year to such State.

(4) Not more than ten percent of the State's share of program costs in any year may be from funds derived from the sale of hunting, fishing, and trapping licenses and permits.

(5) Not more than 25 percent of a State apportionment under this Act may be used for information and education programs, law enforcement, and extension services.

(g) Increased Federal Share.—Whenever two or more States have a common interest in a nongame species of native fish and wildlife and jointly undertake a program or project agreement with the Secretary for conservation of such species, the Federal share of the cost involved may be up to 90 percent.

SEC. 6. PAYMENT OF FUNDS TO, AND COOPERATION WITH RESPECT TO CERTAIN DESIGNATED AREAS.

The Secretary may cooperate with the Secretary of Agriculture of the Commonwealth of Puerto Rico, the Governor of Guam, the Governor of the Virgin Islands, the Governor of American Samoa, and the Mayor of the District of Columbia in the conduct of nongame fish and wildlife conservation programs. Any such program shall be conducted pursuant to such terms and conditions as the Secretary deems fair and equitable, and which are likely to be effective for such purpose. The Secretary may apportion to such jurisdictions, out of the money available for apportionment under this Act, such sums as the Secretary shall determine; except that such sums shall not exceed (1) for Puerto Rico, one-half of one percent; (2) for Guam, one-sixth of one percent; (3) for the Virgin Islands, one-sixth of one percent; (4) for American Samoa, one-sixth of one percent; (5) and for the District of Columbia, one-half of one percent, of the total amount apportioned for one year. The Secretary shall not require any cooperating agency to pay an amount which will exceed 25 percent of the cost of the project involved. Any unexpended or unobligated balance of any such apportionment shall be available for expenditure in any such jurisdiction in the succeeding fiscal year on any approved project and, if unexpended or unobligated at the end of such fiscal year, may be made available for expenditure by the Secretary in carrying out any program administered by the Fish and Wildlife Service which serves the nongame wildlife resource.

SEC. 7. COOPERATION AND COORDINATION.

(a) IN GENERAL.—All Federal departments and agencies shall, to the maximum extent practicable, cooperate and coordinate their programs and activities with the States in establishing and maintaining programs for the conservation of nongame species of native fish and wildlife.

(b) REVIEW OF EXISTING PROGRAMS.—Each Federal department and agency which has management authority over land and water resources shall, within one year after the date of enactment of this Act, review each of its existing programs for lands, waters, and interests in lands and waters subject to its control or authority to determine which of such programs, if any, can be extended or modified, without jeopardizing the purposes of such programs, to include the conservation of nongame species of native fish and wildlife as authorized by this Act. Upon making an affirmative such determination, any such department or agency shall notify the appropriate State agency and cooperate with such agency in the establishment of conservation efforts with respect to nongame species of native fish and wildlife.

(c) COOPERATIVE AGREEMENTS.—All Federal departments and agencies are authorized to enter into cooperative agreements with State agencies under subsection (b). Each such cooperative agreement shall—

(1) specify those areas in which such programs will be implemented;

(2) provide, where appropriate, for habitat improvements or modifications designed to conserve such nongame species;

(3) provide, to the extent practicable, for educational and recreational programs to foster greater appreciation and understanding of such nongame species; and

(4) contain such other terms and conditions as the Federal department or agency, or the State agency, deems necessary and appropriate to carry out the declaration of policy of this Act.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There are hereby authorized to be appropriated to carry out the purposes of this Act for fiscal year 1978, the sum of $20,000,000, for fiscal year 1979, the sum of $30,000,000, and for fiscal year 1980, the some of $40,000,000.

SEC. 9. ADDITIONAL REGULATIONS.

The Secretary is authorized to promulgate any rules and regulations or any amendments to existing rules and regulations which are deemed necessary to carry out the provisions of this Act.

SEC. 10. STUDY.

The Director of the United States Fish and Wildlife Service, in consultation with the

Chairman of the Council on Environmental Quality, shall conduct, out of funds available for the administration of this Act, such study or studies as may be necessary to determine (1) the best means of funding projects under this Act, and (2) ways and means of coordinating the program authorized by this Act with existing programs of the Fish and Wildlife Service involving fish and wildlife. On or before the expiration of the twenty-four month period following the date of the enactment of this Act, the Director shall report to the Congress the result of such study or studies, together with his recommendations with respect thereto.

By Mr. STONE:

S. 1141. A bill to amend title 38 of the United States Code to assist veterans with a permanent and total service-connected disability due to the loss or loss of use of one upper and one lower extremity to acquire specially adapted housing; to the Committee on Veterans' Affairs.

Mr. STONE. Mr. President, I am today introducing a bill to extend the Veterans' Administration specially adapted housing grant to veterans who have a service-connected wound, disease, or injury resulting in the loss or the loss of use of one upper and one lower extremity.

Under present law (38 U.S.C. 801) a maximum of $25,000 is authorized to assist severely disabled veterans in adapting or acquiring homes with special facilities made necessary by the nature of their disabilities. Veterans are eligible for this assistance if they have a compensable permanent and total service-connected disability that has resulted in:

First, the loss or loss of use of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; or

Second, blindness in both eyes, having only light perception, plus loss or loss of use of one lower extremity; or

Third, the loss or loss of use of one lower extremity together with the residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair.

At the recent National Convention of the Disabled American Veterans a resolution was adopted calling for enactment of the legislation I am introducing today.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 176

Special adapted housing for veterans with service-connected loss or loss of use of one upper and one lower extremity

Whereas, Title 38, U.S. Code, Section 801, provides $25,000 to certain eligible service-connected disabled veterans to provide specially adapted housing; and

Whereas, disabled veterans suffering from the loss or loss of use of one upper and one lower extremity are now excluded from this benefit; and

Whereas, in many instances the loss or loss of use of one upper and one lower extremity precludes locomotion without the aid of braces, crutches, canes, or a wheelchair; NOW

Therefore, be it resolved by the Disabled American Veterans in National Convention assembled in Miami Beach, Florida August 1–5, 1976, that Title 38, U.S. Code, Section 801, be amended to include those veterans who have a service-connected disease or injury resulting in the loss or loss of use of one upper and one lower extremity.

Mr. STONE. Mr. President, similar legislation has been introduced in the House.

Adding this new category of eligible veterans is in keeping with modifications in eligiblity that have been made over the years and the intent of Congress when it created the specially adapted housing grant—allowing a severely disabled, service-connected veteran to live comfortably and move about freely within the confines of his own home.

This modification can be made at a low cost. The Veterans' Administration statistics show there are 2,441 veterans who would become eligible should this modification be made. The initial cost—not considering the provisions of law governing medical feasibility and those veterans who would adapt their existing homes—would at most be $61 million. Quite likely it would be much less than this figure and subsequent yearly costs would add very little to the present ongoing program.

By Mr. SARBANES:

S. 1142. A bill for the relief of Kam Lin Cheung; to the Committee on the Judiciary.

KAM LIN CHEUNG

Mr. SARBANES. Mr. President, I am today introducing a bill for the relief of Kam Lin Cheung, a citizen of China, who presently resides in Maryland. Mrs. Cheung is 78 years old and is residing with her godson and his family in Baltimore, Md. Without this legislation she would be forced to return to Hong Kong, where she has no relatives, since she has been unable to pass the literacy requirement for permanent residence status. Since her godson is not a blood relative, she cannot utilize the provision of the law which would allow her to stay in this country as a member of the immediate family and this private legislation is, therefore, necessary to allow her to receive such status.

Legislation granting Mrs. Cheung permanent residence status passed both the House and Senate in different forms during the 94th Congress, but the differences between these two versions were not resolved before the end of the session. Mr. President, this is a most meritorious case and I am hopeful that the Congress will enact this legislation so that Mrs. Cheung will be allowed to remain in the United States with the only family she knows.

By Mr. DOMENICI (for himself, Mr. RANDOLPH, Mr. GRAVEL, and Mr. STAFFORD):

S. 1143. A bill to assure more adequate supplies of water to the Nation; to the Committee on Environment and Public Works.

WATER SUPPLY ACT OF 1977

Mr. DOMENICI. Mr. President, drought is afflicting many portions of this great land. While some areas have received rain in recent days, while the Congress has moved to alleviate the danger this summer, and while President Carter has announced a proposed drought relief package, the Nation must act more aggressively to head off the threats of future drought.

Mr. President, I am today introducing legislation that will ameliorate our national water supply outlook, and improve the scope of Federal policy. When implemented, it should assure that many sections of the Nation will have a more certain supply of water in coming years.

Mr. President, I am pleased that three of my colleagues have joined me in sponsoring this bill: The distinguished chairman of the Committee on Environment and Public Works, Mr. RANDOLPH, the chairman of the Water Resources Subcommittee, Mr. GRAVEL, and the ranking Republican member of the full Environment and Public Works Committee, Mr. STAFFORD.

As this Nation lacks an energy policy, we also lack a water policy. That deficiency could eventually threaten the survival of communities, regions, and economic sectors of the Nation. We must establish a more focused national water policy, with more effective planning.

The Water Resources Council was established 12 years ago "to maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of water and related land resources policies and programs," and to issue "principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects."

While the WRC has fulfilled its mission to issue coordinated "principles and standards," I am not convinced that it has made any meaningful "continuing study" of plans or policy. In a new study dated March 23, 1977, the General Accounting Office has concluded that "problems have come to GAO's attention which raise doubts about the reliability and usefulness" of the WRC's current national water assessment.

I cannot offer the Senate any comprehensive solution to such problems. I do not know whether the lack of any coherent approach and policy results from the inherent regional conflicts of the Nation, or whether it is the result of an unfocused Federal program spread throughout many agencies. But we must find solutions.

This bill authorizes the U.S. Army Corps of Engineers to undertake regional water supply projects. This is new authority for the corps, although the corps has been on the fringes of this problem for years. This bill will enable the corps to bring its recognized expertise to improve the national availability of water. This legislation has several precedents in existing practice, but precedents that have failed so far to achieve adequate solutions.

Since 1958 (Public Law 85–800), the Corps of Engineers has had the authority to design multipurpose projects that include water supply. But the basic purpose of the project must be something else, such as flood control, not water sup-

ply. This piggyback approach is inadequate.

In 1965, Congress enacted Public Law 89-298 that authorized the Northeastern United States water supply effort. That authority permits development of single-purpose water supply projects by the corps in the Northeast portion of the Nation. These proposals will soon be sent to the Congress for review.

And since 1939, the Bureau of Reclamation has had the authority to develop projects specifically designed to provide municipal and industrial water supply. But this authority has been used sparingly; Bureau projects, justified by municipal water supply, are rare.

The bill I am introducing today would broaden the authority now given to the Bureau and to the Northeastern region of this Nation. It would establish a national approach, but on a basis that will discourage anything resembling an uneconomic boondoggle. The beneficiaries of each project will eventually repay the full cost of the project, as required in other water supply projects.

This bill is one of several that I have introduced that seeks to address various aspects of national water issues. Earlier in this session, I introduced S. 846, a bill to broaden the responsibility of the Office of Water Research and Technology, and to strengthen the Government's very important saline water program. I also introduced S. 772, legislation to modernize some of the aspects of the general Corps of Engineers program. I mention these bills because the Subcommittee on Water Resources, on which I am honored to serve as the ranking member, has scheduled several days of hearings, beginning March 31, into water policy issues.

It is my hope that these three bills will stimulate new approaches during those hearings, new approaches on how to develop a national water policy. I hope that these bills will serve as part of the base of issues that our subcommittee can use as it develops new legislative initiatives later this year. We should receive information about the subcommittee's new and broader responsibilities that could enable us to move, as a nation, toward more effective and efficient use of water for all purposes.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Supply Act of 1977".

SEC. 2. Because many regions of the nation confront water shortages that can be expected to continue or to increase, and because such shortages are, in part aggravated by a lack of any coordinated, national policy for the efficient and productive use and reuse of water, the Congress declares that there is a national interest in the development of new water supplies, on an economical basis, for domestic, municipal, industrial, and other public purposes.

SEC. 3. (a) In carrying out a policy to encourage a more efficient use and supply of water as a way to benefit municipal, industrial, and agriculture development, individuals, wetland preservation, fish and wildlife protection, and other national purposes, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to survey, plan, construct, and operate projects for the storage of water needed to meet present and anticipated demand, and for its transportation to regions of the nation with present or anticipated water shortages, *Provided* that each such project must be specifically authorized by law enacted subsequent to this Act.

(b) The costs allocated to water supply in any project constructed as a result of the authority of subsection (a) of this section shall be repayable, with interest, by the water users over a period of not more than fifty years from the date that water is first delivered, pursuant to contracts with municipalities or other public organizations. Such contracts shall be precedent to the commencement of construction of any unit or stage of the project. The contracting organization shall be responsible for the disposal and sale of water surplus to its requirements, but revenues therefrom shall be used only for payment of operation and maintenance costs, interest, and retirement of the obligation assumed in the contract.

(c) The interest rate used for computing interest during construction and interest on the unpaid balance of the costs of the project allocated to municipal water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

By Mr. PROXMIRE:

S. 1144. A bill to extend mortgage insurance and related authorities under the National Housing Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EXTEND MORTGAGE INSURANCE

Mr. PROXMIRE. Mr. President, I am introducing, at the request of the Administration, a bill to extend: First, the insuring authority of the Federal Housing Administration, Second, the Federal Flood Insurance program; Third, the authority of the Secretary of HUD to set maximum interest rates on FHA and Veterans Administration mortgages; Fourth, the Government National Mortgage Association "Brooke-Cranston" tandem plan.

The bill would extend the basic authority of FHA to insure mortgage loans through September 30, 1978. The provision of this insurance of mortgages made by private lenders is the central function of FHA. By insuring that the loan will be repaid to the lender, FHA enables lenders to make loans on more favorable terms than they otherwise might, or, in some cases, to extend loans which they might otherwise not offer at all. FHA provides this mortgage insurance on mortgages under a number of programs established by the National Housing Act. Some of these programs are unsubsidized, and some provide subsidies to accomplish special housing goals. At present, most of these authorities are scheduled to expire on June 30, 1977, while a few will expire on September 30, 1977.

The bill would also extend the National Flood Insurance program for 15 months. The administration is requesting this extension in order to permit the Secretary of Housing and Urban Development to continue to make flood insurance available to property owners in flood-prone areas under both the emergency and the regular programs, while a broad review of Federal insurance activities is being conducted.

Under existing law, the authorities for the emergency and regular programs expire June 30, 1977. The bill would establish September 30, 1978, as the new expiration date.

The emergency flood insurance program authorizes the Federal Insurance Administration of HUD to provide subsidized insurance in communities which elect to participate in the program and for which detailed flood hazard elevation studies are not completed and actuarial rates are not available.

Extension of the emergency program is essential to assure the availability of insurance in these communities until they can convert to the regular program. The National Flood Insurance Act of 1968 requires that all detailed maps required for establishing actuarial rates be completed by August 1, 1983. Because there is no possibility that the mapping will be completed by September 30, 1977, extension of the emergency program is essential.

Under the regular program, the Secretary of HUD is authorized to write flood insurance contracts for property owners at a reasonable cost. Because such insurance is not readily available in all areas from the private sector, and because the availability of Federal coverage is an important incentive for localities to adopt and enforce flood plain management measures, continuation of the program beyond the present authorized period is necessary.

Some 15,000 communities in the Nation are dependent upon the flood insurance program for protection against loss. This bill would continue that protection.

The bill also contains a provision extending the Secretary of HUD's authority to establish maximum interest rates which may be charged on FHA-insured and VA-guaranteed mortgages. At present, the interest rate for these loans is statutorily limited to 6 percent, except that the Secretary of HUD has the power to set a maximum above that rate in order to approximate market rates. This authority is scheduled to expire on June 29, 1977.

S. 1144 further contains a provision extending the GNMA emergency tandem plan, known as the "Brooke-Cranston" program, through September 30, 1978. This program was established by the Emergency Home Purchase Assistance Act of 1974, to make below-market rate loans available through HUD when, in the opinion of the Secretary, emergency conditions exist in the mortgage market and the economy. The loans are originated by private lenders at below-market rates—currently 7½ percent—and are then sold to GNMA, an agency within HUD, with the lender recouping a market return. GNMA in turn can hold the loans or can resell them as whole mortgages or as mortgage-backed securities.

HUD currently has funds available to purchase loans under this standby program, and is requesting that its authority to do so be extended through fiscal year 1978.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "June 30, 1977" in the first sentence and inserting in lieu thereof "October 1, 1978".

(b) Section 217 of such Act is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1978".

(c) Section 221(f) of such Act is amended by striking out "June 30, 1977" in the fifth sentence and inserting in lieu thereof "September 30, 1978 (June 30, 1977, in the case of a mortgage insured under the provisions of subsection (d)(2))".

(d) Section 235(m) of such Act is amended by striking out "September 30, 1977" and inserting in lieu thereof "September 30, 1978".

(e) Section 236(n) of such Act is amended by striking out "September 30, 1977" and inserting in lieu thereof "September 30, 1978".

(f) Section 244(d) of such Act is amended—

(1) by striking out "June 30, 1977" in the first sentence and inserting in lieu thereof "September 30, 1978"; and

(2) by striking out "October 1, 1977" in the second sentence and inserting in lieu thereof "October 1, 1978".

(g) Section 245 of such Act is amended by striking out "September 30, 1977" where it appears and inserting in lieu thereof "September 30, 1978".

(h) Section 809(f) of such Act is amended by striking out "June 30, 1977" in the second sentence and inserting in lieu thereof "September 30, 1978".

(i) Section 810(k) of such Act is amended by striking out "June 30, 1977" in the second sentence and inserting in lieu thereof "September 30, 1978".

(j) Section 1002(a) of such Act is amended by striking out "June 30, 1977" in the second sentence and inserting in lieu thereof "September 30, 1978".

(k) Section 1101(a) of such Act is amended by striking out "June 30, 1977" in the second sentence and inserting in lieu thereof "September 30, 1978".

SEC. 2. The National Flood Insurance Act of 1968 is amended—

(1) in section 1319, by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1978"; and

(2) in section 1336(a), by striking out "September 30, 1977" and inserting in lieu thereof "September 30, 1978".

SEC. 3. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709–1), is amended by striking out "June 30, 1977" and inserting in lieu thereof "October 1, 1978".

SEC. 4. Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended by striking out "October 1, 1977" and inserting in lieu thereof "October 1, 1978".

By Mr. PROXMIRE:

S. 1145. A bill to amend the U.S. Housing Act of 1937 to provide authorizations for and amend laws relating to housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HOUSING AUTHORIZATION ACT, FISCAL YEAR 1978

Mr. PROXMIRE. Mr. President, I am introducing, at the request of the administration, a bill to provide authorizations for various housing programs during fiscal year 1978.

The proposed legislation would provide funding for: First, the conventional and leased—section 8—housing assistance programs carried out under the U.S. Housing Act of 1937, and for operating payments under that act; second, the urban homestead program begun in 1974; third, the mapping program authorized by the Flood Insurance Act of 1968; and fourth, for the research program conducted by HUD under the Housing and Urban Development Act of 1970.

The new authorizations are needed to enable HUD to carry out its commitments:

To assist 400,000 units of housing for lower income Americans during fiscal year 1978; to expand by some 3,000 units the successful urban homestead demonstration; to conduct necessary surveys of flood-prone areas in order to meet the 1983 completion date set by law; and to carry out a meaningful program of research in order to improve our future housing and community development programs.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing Authorization Act, Fiscal Year 1978".

AMENDMENTS TO THE UNITED STATES HOUSING ACT OF 1937

SEC. 2. (a) The first sentence of section 5 (c) of the United States Housing Act of 1937 is amended—

(1) by striking out "and" immediately following "July 1, 1975," the first time it appears; and

(2) by inserting immediately after "on October 1, 1976," the following: "and by $1,232,120,000 on October 1, 1977,".

(b) Section 8(c)(4) of such Act is amended by striking out the following: "(i) if the unoccupied unit is in a project insured under the National Housing Act, except pursuant to section 244 of such Act, or (ii)".

(c) Section 9(c) of such Act is amended—

(1) by striking out "and" immediately following "on or after July 1, 1976,"; and

(2) by inserting immediately before the period at the end thereof a comma and the following: "and not to exceed $665,000,000 on October 1, 1977".

URBAN HOMESTEADING DEMONSTRATION

SEC. 3. Section 810(g) of the Housing and Community Development Act of 1974 is amended by striking out "and not to exceed $5,000,000 for the fiscal year 1978" and inserting in lieu thereof "and not to exceed $15,000,000 for the fiscal year 1978".

FLOOD INSURANCE STUDIES

SEC. 4. Section 1376(c) of the National Flood Insurance Act of 1968 is amended by inserting immediately before the period at the end thereof a comma and the following: "not to exceed $108,000,000 for the fiscal year 1978, and such sums as may be necessary for each fiscal year thereafter".

RESEARCH AUTHORIZATION

SEC. 5. The second sentence of section 501 of the Housing and Urban Development Act of 1970 is amended by inserting immediately before the period at the end thereof a comma and the following: "not to exceed $60,000,000 for the fiscal year 1978, and such sums as may be necessary for each fiscal year thereafter".

By Mr. PROXMIRE:

S. 1146. A bill to amend the National Housing Act to increase maximum mortgage amounts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. PROXMIRE. Mr. President, I am introducing, at the request of the administration, a bill: First, to increase maximum mortgage amounts that may be insured under the mortgage insurance program established by the National Housing Act; second, to reduce downpayment requirements for home purchases under FHA programs; and third, to place the Housing for the Elderly program authorized under section 202 of the Housing Act of 1959 on budget.

In introducing this bill at the request of the administration, I wish to indicate that I have, at this time, some serious reservations concerning the proposed increase in the FHA maximum mortgage amounts and the section 202 budget provision. The Committee on Banking, Housing, and Urban Affairs will, in several weeks, conduct hearings concerning these and other proposals now pending before the committee. I believe that these hearings will enable the committee to decide the merits of the administration's legislative package.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

INCREASE IN MAXIMUM MORTGAGE AMOUNTS UNDER REGULAR FHA ONE- TO FOUR-FAMILY MORTGAGE INSURANCE PROGRAMS

SECTION 1. (a) Section 203(b)(2) of the National Housing Act is amended by striking out "$45,000", "$48,750", and "$56,000" wherever they appear and inserting in lieu thereof "$60,000", "$65,000", and "$75,000", respectively.

(b) Section 222 (b) (2) of such Act is amended by striking out "$45,000" and inserting in lieu thereof "$60,000".

(c) Clause (A) of the third sentence of section 234 (c) of such Act is amended by striking out "$45,000" and inserting in lieu thereof "$60,000".

(d) Section 235 of such Act is amended—

(1) by striking out, in the last proviso in subsection (b) (2), "$25,000", "$29,000", "$29,000", and "$33,000" and inserting in lieu thereof "$34,000", "$40,000", "$40,000", and "$46,000", respectively;

(2) by striking out, in subsection (i) (3) (B), "$25,000", "$29,000", "$29,000", and "$33,000" and inserting in lieu thereof "$34,000", "$40,000", "$40,000" and "$46,000", respectively;

(3) by striking out "and" at the end of subparagraph (B) of subsection (i) (3); and

(4) by redesignating subparagraph (C) of subsection (i) (3) as subparagraph (D) and inserting immediately following subparagraph (B) a new subparagraph (C) reading as follows:

"(C) involve, in the case of a dwelling unit other than a condominium or cooperative unit, a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed $34,000 ($40,000 in any geographical area where the Secretary authorizes an increase on the basis of a finding that cost levels so require), except that with respect to any family with five or more persons the foregoing limits shall be $40,000 and $46,000, respectively; and".

DECREASE IN DOWNPAYMENT REQUIREMENTS

SEC. 2. (a) Section 203 (b) (2) of the National Housing Act is amended—

(1) by striking out, in clause (i) of the first sentence, all the parenthetical language which begins "(but, in any case";

(2) by striking out clauses (ii) and (iii) in the first and second sentences and inserting in lieu thereof in each sentence "and (ii) 95 per centum of such value in excess of $25,000."; and

(3) by inserting immediately after the second sentence the following: "Notwithstanding any other provision of this section, in any case where the dwelling is not approved for mortgage insurance prior to the beginning of construction, the principal obligation of the mortgage shall not exceed 90 per centum of the entire appraised value of the property as of the date the mortgage is accepted for insurance, unless construction of the dwelling was completed more than one year prior to the application for mortgage insurance, or the dwelling was approved for guaranty, insurance, or direct loan under chapter 37 of title 38, United States Code, prior to the beginning of construction."

(b) Section 222 (b) (3) of such Act is amended by striking out clauses (ii) and (iii) and inserting in lieu thereof "and (ii) 95 per centum of such value in excess of $25,000;".

(c) The third sentence of section 234 (c) of such Act is amended by striking out clauses (A) (ii) and (A) (iii) and inserting in lieu thereof "and (ii) 95 per centum of such value in excess of $25,000,".

HOUSING FOR THE ELDERLY

SEC. 3. Effective for fiscal years beginning on or after October 1, 1977, section 202 (a) (4) (B) of the Housing Act of 1959 is amended by striking out "(i)" after "(B)" and by striking out subparagraph (ii).

By Mr. SCHWEIKER (for himself and Mr. HEINZ):

S. 1147. A bill to relieve the liability for the repayment of certain erroneously made contributions by the United States; to the Committee on the Judiciary.

Mr. SCHWEIKER. Mr. President, today I am introducing a bill for the relief of six Pennsylvania libraries which have been placed in an awkward position by the Federal Government. The Federal Disaster Assistance Administration is demanding from them repayment of $561,066.09 which they received as disaster payments after Hurricane Agnes.

Under most circumstances, I would commend the tenacity of our Federal auditors. Considering the size of this year's Federal budget—over $400 billion—any sums we might recover for our depleted Treasury would seem prudent. However, the circumstances of these six libraries deserves a closer look. I have included at the end of my statement a summary prepared by FDAA detailing their claims.

Pennsylvania, more than any other State, suffered extensive damage from tropical storm Agnes in June 1972. Damage nationwide was so great that Congress wisely adopted, for all States hit by Agnes, a special relief package to help individuals and businesses repair or replace their losses. In addition, section 252(a) of Public Law 91-606, which was law at the time of the Agnes disaster, provided Federal assistance to State and local governments to restore public facilities belonging to such State or local governments which were damaged or destroyed by a major disaster.

Subsequent to the President declaring Pennsylvania a major disaster area, making State and local government facilities eligible for Public Law 91-606 assistance, the Federal Disaster Assistance Administration approved project applications for Federal assistance from a large number of local governments in Pennsylvania. Included among them were applications for damages to these six privately owned library facilities covered by this bill.

Mr. President, I see no evidence of attempted fraud on the part of these libraries. They suffered damages at the hands of tropical storm Agnes, were informed they were eligible for disaster relief, and their applications for relief were approved by the Government. For example, it was pointed out in 1972 to State and Federal officials that although the Shippensburg Public Library received funds from the Borough of Shippensburg and the school district, it was privately owned. But disaster relief aid was still granted.

I cannot dispute the Federal Disaster Assistance Administration when it now claims these six Pennsylvania libraries in fact should not have received funds under Public Law 91-606. The law is clear. Privately owned facilities are not eligible to receive grants. But I am not here today demand to know who is at fault for this payment error or requesting a significant change in Federal law. I am asking Congress to recognize the tenuous financial position in which these libraries will be placed if they are forced to repay FDAA and am encouraging it to adopt this special relief measure.

I have been informed by FDAA that this is a unique situation. These are the only privately owned libraries nationwide which erroneously received disaster relief payments under section 252(a) of Public Law 91-606.

The roots of the community library system go back to our prerevolutionary period when most libraries were privately owned and looked to community generosity for support. Since then, community libraries, both privately and publicly supported, have made valuable contributions in the United States. They frequently double as community centers and make a variety of educational programs available to the general public which frequently cannot be obtained by the average person because of cost or rarity. I would be greatly distressed if we are to turn our backs on these six libraries and force them to raise over one-half million dollars for Uncle Sam to pay for damages received from the worst disaster in Pennsylvania's history.

Mr. President, I strongly recommend this bill to my colleagues and respectfully urge its early passage.

I ask unanimous consent that the summary of the bill be printed in the RECORD.

There being no objection, the summary of the bill was ordered to be printed in the RECORD, as follows:

FISCAL SUMMARY—INELIGIBLE LIBRARIES AFFECTED BY TROPICAL STORM AGNES

Project application and library	Cost of restoration	Refund due Federal Government
OEP 340-DR—		
60-1, Himmelreich	$4,136.68	$4,136.68
49-1, Milton	21,869.89	21,869.89
21-7, Shippensburg	12,827.45	12,827.45
21-9, West Shore	26,772.12	26,772.12
40-57, Osterhout, city of Wilkes-Barre	[1] 565,423.42	[1] 446,474.00
40-20, West Pittston	[2] 48,985.95	[2] 9,984.40
Total	680,015.51	561,066.09

[1] $565,423.42 is the approved audited claim for the Osterhout Library. Final payment has not been made, so that only the advance of $446,474 is due the Federal Government.

[2] A claim of $48,985.95 for the West Pittston Library has been received but not audited. The remainder of the West Pittston Borough project application claim has been audited and approved for $23,362.60. The refund due the Federal Government of $9,984.40 reflects the difference between an advance of $33,347 for the library and the final amount of the West Pittston Borough claim.

Note: Funds have been used for general flood restoration work, including debris clearance, structural repair, and the replacement of contents of the libraries.

By Mr. BROOKE:

S. 1148. A bill to authorize the Secretary of the Interior to erect a memorial in honor of the 56 signers of the Declaration of Independence in Constitution Gardens in the District of Columbia; to the Committee on Rules and Administration.

Mr. BROOKE. Mr. President, I am introducing today legislation authorizing the Secretary of the Interior to erect a memorial in honor of the 56 signers of the Declaration of Independence.

The American Revolution Bicentennial Board has passed a resolution that it would be fitting to pay tribute to the signers of the Declaration of Independence by erecting a memorial on an appropriate site in the District of Columbia. One likely site is the area known as Constitution Gardens, which comes under the jurisdiction of the National Park Service.

No appropriations will be required for design and erection of the memorial, which will be funded solely from nonappropriated funds of the American Revolution Bicentenntial Administration, which funds the Board has approved for this purpose, and which the Administration is prepared to transfer to the Secretary of the Interior. Thus this memorial to the signers of the Declaration of Independence will also be a permanent legacy of the Nation's Bicentennial.

Finally, Mr. President, all of us serving on the Board have emphasized that such a memorial be both functional and suitable to the overall design and purpose of the site.

I ask unanimous consent that this bill be printed in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") may erect a memorial in honor of the fifty-six men who signed the Declaration of Independence, such memorial to be erected on a suitable site selected by the Secretary, after consultation with the National Commission of Fine Arts and the National Capital Planning Commission, in the area known as Constitution Gardens, or other appropriate location, in the District of Columbia.

SEC. 2. The Administrator of the American Revolution Bicentennial Administration (hereinafter in this Act referred to as the "Administrator") shall prepare, in consultation with the American Revolution Bicentennial Board, the Secretary, the National Commission of Fine Arts, and the National Capital Planning Commission, the design and plans for the memorial authorized by the first section.

SEC. 3. (a) Not to exceed $500,000 of the funds, other than appropriated funds, which are available to the American Revolution Bicentennial Administration under the Act entitled "An Act to establish the American Revolution Bicentennial Administration, and for other purposes," approved December 11, 1973 (87 Stat. 697), and as approved by the American Revolution Bicentennial Board, may be used to carry out the provisions of the first two sections of this Act.

(b) Of the funds described in subsection (a) which are not used by the Administrator in carrying out the provisions of section 2, the Administrator shall transfer to the Secretary such sums as may be necessary to enable the Secretary to carry out the provisions of the first section of this Act.

SEC. 4. (a) The construction of the memorial authorized by the first section may not begin unless the Secretary determines that sums expended in carrying out the first two sections of this Act will not exceed $500,000. Such determination shall be made in consultation with the Administrator if the American Revolution Bicentennial Adminstration has not terminated pursuant to section 7 of the Act of December 11, 1973 (87 Stat. 701).

(b) The authority contained in the first section shall expire unless the construction of the memorial authorized by such section is begun within two years after the date of the enactment of this Act.

SEC. 5. (a) The maintenance and care of the memorial authorized under the first section shall be the responsibility of the Secretary.

(b) There are authorized to be appropriated for the fiscal year beginning on October 1, 1977, and each fiscal year thereafter such sums as may be necessary to carry out the provisions of subsection (a).

SEC. 6. No funds other than funds described in section 3 and funds authorized to be appropriated in section 5(b) may be used by the Administrator or the Secretary to carry out this Act.

SEC. 7. The Secretary shall carry out any functions of the Administrator under this Act after the termination of the American Revolution Bicentennial Administration pursuant to section 7 of the Act of December 11, 1973 (87 Stat. 701), provided that the Secretary shall consult with those persons who were members of the American Revolution Bicentennial Board on the date of its termination.

By Mr. BENTSEN (for himself, Mr. TOWER, Mr. LONG, and Mr. JOHNSTON):

S. 1149. A bill to recognize the joint development by the State of Texas and the State of Louisiana of a recurring and environmentally sound source of energy represented by the Toledo Bend Dam and Reservoir and exempt Sabine River Authority, State of Texas, and exempt Sabine River Authority, State of Louisiana, from charges for use, occupancy, and enjoyment of certain lands of the United States within the Sabine National Forest, Tex.; to the Committee on Energy and Natural Resources.

TOLEDO BEND DAM AND RESERVOIR

Mr. BENTSEN. Mr. President, I introduce for myself, and for Senator TOWER, Senator LONG, and Senator JOHNSTON, legislation that would free the Texas and Louisiana Sabine River Authorities from heavy fees that the Federal Power Commission is trying to levy on the Toledo Reservoir project.

Mr. President, one of the few bright spots in this country's energy picture is hydroelectric power. Although limited in its availability, it is a great resource for certain areas and a stable source of low cost electric power. In the case of the Toledo Bend project, its generation carries the additional benefit that the project was completely financed and constructed by non-Federal sources; the Federal taxpayer was not out any expense for the Toledo Bend project.

Yet beyond the local benefits of electrical and water supply, the United States has benefited substantially from the project in terms of siltation control, improved navigation on the Sabine River, fish and wildlife conservation and recreational benefits. While it is typical at this time to criticize water projects, here is a project that has been of great benefit, yet no cost to the Federal Government.

The project is operated by two nonprofit, State governmental agencies, the Texas and the Louisiana Sabine River Authorities. The electricity is being sold under long term contract and all concerns have benefited from a very stable and agreeable situation.

However, this situation has been interrupted by the Federal Power Commission in its effort to levy a charge against the project because some of the reservoir's water backs up over Government property. For the inception of the project, it was made known that the project could not financially compensate for this situation, yet the construction permit was issued by the FPC. Later, once the project was complete, and the electricity sold under contract, the FPC levied an annual charge of $84,000. When the authorities appealed, and asked that the FPC consider the benefits that the United States was gaining from the water quality and the expansion of the wetlands, as well as the electrical production, the FPC responded by raising the ante to an estimated $334,600 by 1979.

Mr. President, this is an awkward situation. We have an energy crisis in this country and our citizens are very concerned over the rising cost of energy. We have a locally funded energy project supplying low-cost electricity to people under long-term contracts. And we have the Federal Power Commission trying to tax a nonprofit river authority that can meet the obligation only by going through the lengthy and painful legal process of breaking its supply contracts, or turning the project over to the Government. The local citizens will ultimately have to pay the price in higher electrical rates which seems highly unfair to those of us introducing this bill. On the one hand, our Government is concerned over rising energy costs and on the other is taking action to raise the costs paid by the citizens in the area of the Toledo Bend project.

I hope my colleagues will understand this problem and join us in supporting this measure.

By Mr. HUMPHREY (for himself, Mr. HATHAWAY, Mr. ANDERSON, Mr. BAYH, Mr. MATHIAS, Mr. METCALF, Mr. ABOUREZK, Mr. SPARKMAN, Mr. MCGOVERN, Mr. BROOKE, Mr. CRANSTON, Mr. HEINZ, Mr. KENNEDY, Mr. WILLIAMS, Mr. LEAHY, and Mr. SARBANES):

S. 1150. A bill to amend title V of the Housing Act of 1949 to increase and extend authorities thereunder, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

RURAL HOUSING ACT OF 1977

Mr. HUMPHREY. Mr. President, I am delighted to introduce legislation today to begin the task of bringing adequate housing to rural America. Joining me in sponsoring this legislation, are Senators HATHAWAY, ANDERSON, BAYH, MATHIAS, METCALF, ABOUREZK, SPARKMAN, MCGOVERN, BROOKE, CRANSTON, HEINZ, KENNEDY, WILLIAMS, LEAHY, and SARBANES.

Much has been written in the recent period about the housing crisis in our Nation's large cities. That crisis exists and is very real. At the same time, there is an even bigger crisis and the despair it causes is no less intense than that caused by its urban counterpart.

This crisis is in the rural areas and small towns of our Nation. These rural housing problems are off the beaten track, away from the roving eye of the Nation's media. But they are there, and despite the fact that rural America has only 30 percent of the Nation's population it suffers almost 50 percent of its poverty and nearly 60 percent of the substandard housing.

These rural people who must often exist under subhuman conditions are in every State of the Union. In the best of States, there is seldom less than 6 percent of the housing which is substandard. And this figure goes as high as 25 and 30 percent in some States. This is clearly unacceptable.

The people most afflicted by this shame are the poor, the elderly, minorities, farmworkers—those often forgotten. How we as a nation serve the housing needs of these people is a measure of our society. I'm afraid we have not nearly measured up to the problem.

Assuring all Americans the opportunity for decent housing has been a national goal for over 25 years. While there have been advances in the efforts to improve housing conditions in our country, there is obviously much that remains to be done. Nowhere is this more true than in rural areas of our country.

Recent rising costs of energy, taxes, construction, and inflation generally have played havoc with the lives of all people, but especially the poor in rural

areas. The real test of how we meet our national housing goals is how well we serve the housing needs of low- and moderate-income people. After all, it is no real problem to provide decent housing for wealthy people.

The reasons for the higher level of rural housing deprivation are no secret. They include deeper poverty, population dispersal, lack of credit resources, and limited institutional development. In other words, the areas with the greatest housing needs are least able to effectively deal with the problem.

To meet these special needs of rural people, we have developed a unique agency, the Farmers Home Administration. The FmHA, which serves rural America directly from 1,750 county offices, has the authority to make direct loans to farm and nonfarm families alike. Over the years, the FmHA has offered the best system to serve the special needs of rural America.

However, in the past several years, it has become obvious to me and many of my colleagues that even this fine agency with its dedicated staff has serious problems in adequately performing its legislative mandate to serve low- and moderate-income families. The cost factors cited above are among the reasons for this difficulty but in addition the FmHA also lacks the legislative authority to do the job in many cases. In addition, we have seen examples of a failure to use the authority which is available.

This bill which is being introduced today will correct a number of deficiencies and limitations in the present law and its administration and will make it possible once again for the FmHA to meet its legislative mandate to serve the housing needs of low and moderate income people in rural areas. We also will need to take other steps to strengthen the operations of the FmHA, most particularly increasing its staff.

Mr. President, the future of rural America is of vital importance to all of us. Without a healthy and vibrant alternative to our Nation's large cities we will continue to push the problems of one area of the country on the others, solving neither. We can, and we must, make the national goal of decent homes in a suitable environment a reality for all of our citizens. This bill goes a long way to meet that promise for all rural people.

There are several sections of the bill which are technical in nature and there are provisions to extend expiring FmHA rural housing authorities. These should generate few problems. However, there are other provisions which are more innovative and undoubtedly will require further consideration.

I am pleased that Senator MORGAN has indicated a willingness to hold hearings on the rural housing program and this bill as well as other related legislation.

Mr. President, at this time I would like to highlight what we feel to be the major provisions of this important bill.

Strengthening the ability of the FmHA to meet the housing and related needs of low and moderate income rural people in this changing time is the major goal of the Rural Housing Act of 1977

This would be done in several ways. First, a number of present authorities would be expanded. Program authorizations which expire this year would be extended for three years, at modestly higher levels. Water and sewer grants would be increased from a maximum of 50 percent of development costs to 75 percent, to bring the FmHA program more in line with EPA's predominately urban program.

FmHA would be directed to carry out an expanded research program through its own research department, which it currently does not have. It is incredible that this agency which made over $7 billion in loans and grants in 1976 has no research capacity of its own.

FmHA site loans would be extended to private builders—currently it is restricted to nonprofit and public agencies—as long as at least 50 percent of the sites developed would be provided for low income borrowers.

A second type of change which would be created by the Rural Housing Act of 1977 would be to clarify a number of existing provisions. The bill would make clear that handicapped individuals and families are to receive the same benefits afforded to elderly people and that FmHA funds can be used to build congregate housing for the elderly and handicapped. The requirement in the Agriculture Appropriations Acts that 60 percent of FmHA funds be used to serve low income families would be made part of the authorizing legislation.

A third type of amendment included in the Rural Housing Act of 1977 would require the Secretary to implement beneficial provisions which have been on the books for years, but have not been implemented. These include escrowing of taxes and insurance for FmHA borrowers, without forcing any individual borrower to use this service if he chooses not to and use of the moratorium on payments for a borrower threatened with foreclosure. It also includes mandatory implementation of the rural rent supplements which Congress has tried unsuccessfully to force FmHA to implement since its authorization in August 1974.

Finally, the Rural Housing Act of 1977 would create several significant initiatives for the FmHA. However, only the last of these would involve significant costs. The bill would provide FmHA with the authority to compensate FmHA borrowers whose houses have serious defects which the FmHA inspection should have, but did not disclose. HUD borrowers already are protected by a similar provision.

A second initiative would be to establish a formal appeals procedure for applicants for FmHA assistance who have been arbitrarily denied assistance. The great advantage to the FmHA county office system is that Federal employees are easily accessible to rural people. But that same dispersion of employees offers the potential for abuse and this appeals procedure is intended to afford protection to applicants. FmHA already has an appeals procedure for builders threatened with disbarment. Loan and grant applicants deserve the same consideration.

A third initiative would recognize the need for energy conservation, which is a national priority, by requiring FmHA borrowers to include energy saving devices and techniques in their housing. The bill would also urge flexibility in the use of plentiful energy sources as alternatives to the present high fuel costs.

While this bill is generally very modest, the Rural Housing Act of 1977 does include one far reaching provision. Over the past few years inflation in construction and land costs, rising taxes and skyrocketing fuel costs have made homeownership possibilities for most Americans increasingly unlikely.

The FmHA single family homeownership program has stood as a beacon of light in an otherwise darkened situation. However, even this fine program has faced increasing difficulties in meeting the homeownership needs of truly low-income people in rural areas. The past administration solved the problem of how to serve low-income people in the face of increased costs by simply increasing the income limits for those defined as low-income. This is an obvious evasion of responsibility.

This bill would provide a homeownership option for those unable to use the regular FmHA programs by making available the same type of subsidy mechanism currently being used under the HUD section 8 rental program. Certainly if we can assist private owners to develop equity in rental properties, we can do the same for low-income borrowers. However, at the same time, to make clear that this is a housing program and no more, a recapture provision has been included to prevent windfall profits in the sale of any such assisted housing.

This and other provisions of the bill deserve careful consideration by the Congress if we are to develop a better housing program for rural America.

Mr. President, I ask unanimous consent that the text of this bill as well as a summary of its main features be included at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Housing Act of 1977".

HOUSING FOR THE ELDERLY AND HANDICAPPED

SEC. 2. (a) Title V of the Housing Act of 1949 is amended by striking out "elderly persons" and "elderly persons or elderly families" wherever they appear and inserting in lieu thereof "elderly or handicapped families".

(b) Section 501 (b)(3) is amended to read as follows:

"(3) For the purposes of this title, the term 'elderly or handicapped families' means families which consist of two or more persons, the head of which (or his or her spouse) is at least sixty-two years of age or is handicapped. Such term also means a single person who is at least sixty-two years of age or handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Secretary, to have an impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions, or if such person is a developmentally

disabled individual as defined in section 102 (a)(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970. The Secretary shall prescribe such regulations as may be necessary to prevent abuses in determining, under the definitions contained in this paragraph, the eligibility of families and persons for admission to and occupancy of housing constructed with assistance under this title. Notwithstanding the preceding provisions of this paragraph, the term 'elderly or handicapped families' include two or more elderly (sixty-two years of age or over) or handicapped persons living together, one or more such persons living with another person who is determined (under regulations prescribed by the Secretary) to be essential to the care or well-being of such persons, and the surviving member or members of any family described in the first sentence of this paragraph who were living, in a unit assisted under this title, with the deceased member of the family at the time of his or her death.".

ESCROW ACCOUNTS FOR PAYMENTS OF TAXES, INSURANCE AND OTHER EXPENSES

SEC. 3. The first sentence of section 501(e) of the Housing Act of 1949 is amended by striking out "may" the first place such word appears and inserting in lieu thereof "shall".

RURAL HOUSING RESEARCH

SEC. 4. (a) Section 506 (b), (c), and (d) of the Housing Act of 1949 is amended to read as follows:

"(b) The Secretary is further authorized and directed to conduct research, technical studies, and demonstrations relating to the mission and programs of the Farmers Home Administration and the national housing goals defined in section 2 of this Act. In connection with such activities, the Secretary shall seek to promote the construction of adequate farm and other rural housing, with particular attention to the housing needs of the elderly, handicapped, migrant and seasonal farmworkers, Indians, and other identifiable groups with special needs, for the purpose of stimulating construction, improving the architectural design and utility of such dwellings and buildings, and utilizing new and native materials, economies in materials and construction methods, and new methods of production, energy conservation, distribution, assembly, and construction, with a view to reducing the cost of such dwellings and buildings and adapting and developing fixtures and appurtenances for more efficient and economical farm and other rural housing use.

"(c) The Secretary is further authorized to carry out a program of research, study, and analysis of rural housing in the United States for the purpose of developing data and information on—

"(1) the adequacy of existing rural housing;

"(2) the nature and extent of current and prospective needs for rural housing, including needs for financing, subsidies, improved design, utility, comfort, and the best methods of meeting such needs;

"(3) the adequacy of the rural housing stock to meet the special needs of the elderly, the handicapped, farmworkers and Indians and the best methods of meeting such needs;

"(4) problems faced by rural people, including farmers, eligible under section 501 in purchasing, constructing, improving, altering, repairing, and replacing their housing;

"(5) rural growth patterns and the interrelation of rural housing problems and the problems of housing in urban and suburban areas;

"(6) the status of community facilities and services in rural areas, problems resulting from inadequate facilities and services and recommendations to alleviate any problems found; and

"(7) any other matters bearing upon the provision of adequate rural housing and related community facilities.

"(d) In order to carry out this section, the Secretary shall establish a research division within the Farmers Home Administration which shall have authority to undertake, or to contract with any public or private body to undertake, research authorized by this section.".

(b) Section 506 of such Act is further amended by adding at the end thereof a new subsection as follows:

"(f) The Secretary shall conduct a study of the location, numbers, quality, condition and cost to occupants, of migrant farm labor housing units, and report the results of such study to the Congress within one year after the date of enactment of the Rural Housing Act of 1977, together with recommendations for correcting any deficiencies discovered in location, numbers or condition of the housing available for migrant farm laborers, and the extent to which existing authority has been utilized and the need for any new authority.".

COMPENSATION FOR CONSTRUCTION DEFECTS; AND LIMITATIONS ON ADMINISTRATIVE AUTHORITY

SEC. 5. Section 509 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsections:

"(c) The Secretary is authorized, with respect to any dwelling or other structure built or purchased (but not previously occupied) with financial assistance authorized by this title which he finds to have structural or other conditions not in conformance with such standards as he has prescribed under subsection (a), to make expenditures for (1) correcting such defects, (2) paying the claims of the owner of the property arising from such defects, or (3) acquiring title to the property, if such assistance is requested by the owner of the property within three years after financial assistance under this title is rendered to the owner of the property or, in the case of property with respect to which assistance was made available more than three years prior to the date of enactment of the Rural Housing Act of 1977 within eighteen months after such date of enactment.

"(d) The Secretary is authorized, with respect to any previously occupied dwelling or other structure purchased with financial assistance authorized by this title which he finds to have structure or other conditions not in conformance with such standards as he has prescribed under subsection (a), to make expenditures for (1) correcting such defects, (2) paying the claims of the owner of the property arising from such defects, or (3) acquiring title to the property, if such assistance is requested by the owner of the property within eighteen months after financial assistance under this title is rendered or, in the case of property with respect to which assistance was made available more than eighteen months prior to the date of enactment of the Rural Housing Act of 1977, within eighteen months after the date of enactment of such Act.

"(e) The Secretary shall make any expenditures authorized by subsections (c) and (d) after finding that structural or other conditions are not in conformance with such standards as he prescribed under subsection (a). If the Secretary subsequently establishes that the defect is one that did not exist, or was not caused by a condition that existed, on the date that financial assistance under this title was rendered and is not such a defect that a proper inspection of the property, or the plans and specifications for construction, could reasonably be expected to disclose, the Secretary may convert the assistance provided into a loan in accordance with section 502. Alternatively, the owner may request that the Secretary make his determination concerning the defect prior to making expenditures for the purpose of repairing the defect. In the case of property which is subject to subsection (c) and which was acquired more than three years before the date of enactment of the Rural Housing Act of 1977 or property which is subject to subsection (d) and which was acquired more than two years before the date of enactment of such Act, the Secretary is authorized to withhold assistance if the applicant for assistance does not establish that the defect is one that existed, or was caused by a condition that existed on the date the financial assistance under this title was rendered and is such a defect that a proper inspection of the property or the plans and specifications for construction, could reasonably be expected to disclose. The Secretary may require from the seller of, or contractor for, any property receiving financial assistance under this title an agreement to reimburse the Secretary for any payments made with respect to any such property under either subsection (c) or (d). Expenditures pursuant to subsection (c) or (d) may be paid from the Rural Housing Insurance Fund created by section 517.

"(f) The Secretary shall issue rules and regulations for the orderly processing of applications for assistance under subsection (c) and (d) and rules and regulations providing for due process review of any determination made by the Secretary denying assistance under subsection (e). The Secretary shall also maintain records at a single location of all requests for assistance filed and the disposition of the requests.

"(g) Nothing in this section shall be construed as precluding judicial review of any decision of the Secretary denying assistance under this section or as precluding any owner from seeking remedies under any other provision of law.

"(h) Notwithstanding any other provision of law, the Secretary shall implement the provisions of this title so that agriculture and forest lands are preserved and protected to the maximum extent practicable and shall not preclude the implementation of the provisions of this title in any place exclusively on the basis of actual or projected population.".

FORECLOSURE PREVENTION

SEC. 6. Section 510 (d) of the Housing Act of 1949 is amended by adding at the end thereof the following: "In no event may foreclosure or transfer action be initiated against any borrower unless such borrower has been given prior notice and consideration of the provisions of section 505 on the availability of the moratorium on payments under such section.".

APPEALS PROCEDURE

SEC. 7. Section 510 of the Housing Act of 1949 is further amended by redesignating paragraphs (g), (h), and (i) as paragraphs (h), (i) and (j), respectively, and by inserting after subsection (f) a new paragraph (g) as follows:

"(g) issue rules and regulations protecting the rights of all persons and organizations applying for or receiving assistance under any of the sections of this title over which the Secretary has authority. Such rules and regulations shall provide that, whenever any person or organization has applied for assistance under this title and such assistance is denied for reasons other than the availability of funds, or whenever a decision has been made to terminate or reduce assistance under this title to any person or organization which is already receiving such assistance, such person or organization will be given:

"(1) adequate written notice of the reasons why assistance was denied, reduced, or terminated;

"(2) adequate written notice that such person or organization has a right to appeal the decision at a hearing held in accordance with the provisions of this section;

"(3) an opportunity to appeal any decision denying, reducing, or terminating such

assistance to an impartial official who has the authority to reverse such a decision after having conducted a hearing within a reasonable time after it has been requested by the person or organization affected by the adverse decision, at which hearing the appellant shall have the right to (A) present evidence through witnesses or otherwise, (B) inspect records and data in the possession of the Secretary which pertain to the appeal, (C) cross examine witnesses, (D) be represented by counsel, and (E) have the hearing officer make the decision on the record, in writing, stating the reasons for the decision;

"(4) an opportunity to have the decision of the hearing officer reviewed by the Secretary.

Such rules and regulations shall also provide that, whenever any person or organization has had assistance reduced or terminated and, as a result of an appeal or otherwise, it is subsequently determined that such assistance was erroneously or improperly withheld, such person or organization shall be entitled to receive all benefits and assistance that have been withheld as a result of the original decision to reduce or terminate such assistance.".

ASSISTANCE AUTHORIZATIONS

SEC. 8. (a) Clause (b) of section 513 of the Housing Act of 1949 is amended to read "(b) not to exceed $100,000,000 during the period beginning Otcober 1, 1977 and ending September 30, 1980;"

(b) Clause (c) of such section is amended to read "(c) not to exceed $100,000,000 during the period beginning October 1, 1977 and ending September 30, 1980;"

(c) Clause (d) of such section is amended by striking out the semicolon at the end of such clause and inserting in lieu thereof a comma and the following: "and not to exceed "$10,000,000 for each fiscal year beginning after September 30, 1977, and ending September 30, 1980;".

(d) Section 514(d) of such Act is amended by striking "$25,000,000" and inserting in lieu thereof "$50,000,000".

(e) Section 515(b)(5) and 571(a)(1) of such Act are each amended by striking "June 30, 1977" and inserting in lieu thereof "September 30, 1980".

(f) Section 523(f) of such Act is amended by inserting "and for each fiscal year beginning after September 30, 1977, and ending September 30, 1980, such sums, not in excess of $20,000,000 for any such fiscal year," immediately after "$10,000,000 for any such fiscal year," in the first sentence; and by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1980" in the second sentence.

(g) Section 523(g) of such Act is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "and not to exceed $5,000,000 for each fiscal year beginning after September 30, 1977, and ending September 30, 1980.".

(h) Section 525(c) is amended by inserting after the first sentence the following sentence: "There are also authorized to be appropriated for each of the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980, not to exceed $10,000,000 for the purposes of subsection (a) and not to exceed $10,000,000 for the purposes of subsection (b).".

CONGREGATE HOUSING FOR ELDERLY AND HANDICAPPED FAMILIES

SEC. 9. (a) Section 515(c) of the Housing Act of 1949 is amended by adding at the end thereof a new sentence as follows: "However, specifically designed equipment required by elderly or handicapped families shall not be considered elaborate or extravagant.".

(b) Section 515(d)(1) of such Act is amended by adding at the end thereof the following: "and such term also means Congregate Housing facilities for elderly or handicapped families who require some supervision and central services, but are otherwise able to care for themselves. Such housing for the handicapped may be utilized in conjunction with educational and training facilities.".

(c) Section 515(d)(3) of such Act is amended to read as follows:

"(3) The term 'Congregate Housing' means housing in which (A) some of the units may not have kitchen facilities, (B) there is a central dining facility to provide wholesome and economic meals for elderly and handicapped families, and (C) provision is made for supervisory assistance personnel, including living quarters for a limited number of such personnel.".

FINANCIAL ASSISTANCE TO PROVIDE LOW-RENT HOUSING FOR DOMESTIC FARM LABOR

SEC. 10. Section 516(e) of the Housing Act of 1949 is amended by adding at the end thereof a new sentence as follows: "The Secretary shall not give priority for funding under this section to any one of the groups over the others listed in subsection (a).".

PROVIDING FOR A DIVISION OF INSURED RURAL HOUSING LOANS

SEC. 11. Section 517 of the Housing Act of 1949 is amended by adding at the end thereof a new subsection as follows:

"(n) At least 60 per centum of the loans made pursuant to section 502 and at least 60 per centum of the loans made pursuant to section 515 shall benefit persons of low income.".

THE USE OF AUTHORIZED RURAL HOUSING FUNDS

SEC. 12. Section 517 (c) of the Housing Act of 1949 is amended by adding at the end thereof a new sentence as follows: "The Secretary shall utilize such funds in a manner that will assure their maximum availability and use during peak construction periods.".

CHANGES IN THE GUARANTEED HOUSING LOAN PROGRAM

SEC. 13. (a) Section 517 of the Housing Act of 1949 is further amended by adding after subsection (n), as added by section 11 of this Act, a new subsection as follows:

"(o) Loans guaranteed under this section shall be made only in the case of persons with above-moderate incomes.".

(b) Section 517(e) of such Act is amended by inserting after the first sentence a new sentence as follows: "The guaranteed loan program under this title shall be operated separately from the insured loan program operated under this title and no funds designated for one program may be transferred to another program.".

(c) Section 310(C)(a)(2) of the Consolidated Rural Farm and Development Act is amended by inserting "(which the Secretary has determined to be without adequate credit resources)" after the word "areas".

(d) Clause (3) of section 310(C)(a) of such Act is amended by striking out all after the word "shall" and inserting in lieu thereof the following: "be processed only by the State offices of the Farmers Home Administration or such other regional offices as may be designated.".

HOMEOWNERSHIP SUBSIDY FOR LOW AND MODERATE INCOME PERSONS

SEC. 14. (a) Section 521(a)(1) of the Housing Act of 1949 is amended by inserting after the phrase "a rate determined annually," the phrase "or more often when warranted and requested by the Secretary."

(b) Section 521(a)(1) of the Housing Act of 1949 is amended by adding at the end thereof the following: "The Secretary shall make available to persons of low income who cannot otherwise afford to repay a loan under section 502 and this section the difference between an amount equal to the sum of the mortgage payments, including principal and interest, taxes, insurance, utilities, and maintenance and an amount equal to 15 percent of gross annual income. In any case in which assistance is made available under the preceding sentence, the Secretary shall place in escrow amounts paid for taxes and insurance and shall institute procedures to recapture payments made by him under such preceding sentence in the event of profitable sale of the property, but the amount of the payments recaptured shall not, as determined by the Secretary, prevent the borrower from having the resources needed to relocate.".

RURAL RENTAL ASSISTANCE

SEC. 15. (a) Section 521(a)(2)(A) of the Housing Act of 1949 is amended by striking out "may" wherever it appears, except in clause (i), and inserting in lieu thereof "shall".

(b) Section 521(a)(2)(A) of such Act is further amended by inserting after "rental" the second time such term appears in the first sentence a comma and "congregate, or cooperative".

(c) Section 521(a)(2)(A) of such Act is further amended by striking out "income" after "25 percent of" and inserting in lieu thereof "adjusted annual income (as heretofore defined by the Secretary for purposes of determining eligibility for housing financed under sections 502 and 515).".

(d) Section 521(a)(2)(A) is further amended by striking the number "20" where it appears twice and inserting in lieu thereof the number "30".

(e) Section 521(a)(2)(A)(i) is further amended by inserting "or by a loan under section 514" after "section 515 for elderly housing" and before "or by a loan under section 514 and grant under Section 516."

(f) Section 521(a)(2)(A)(ii) is redesignated as section 521(a)(2)(A)(iii) and a new section 521(a)(2)(A)(ii) is added to read as follows:

"(ii) when market conditions indicate that a substantial need exists for subsidized family housing that cannot be met without a greater percent of rental assistance, the Secretary shall make such payments without respect to the 30 percent limitation, and".

MUTUAL AND SELF-HELP HOUSING

SEC. 16. Section 523(b)(1)(A) of the Housing Act of 1949 is amended by inserting "or land" after "options".

SITE LOAN CHANGES

SEC. 17. (a) Section 524(a) of the Housing Act of 1949 is amended by striking out in the second sentence beginning with "prescribed" all down through "1 per centum," and inserting in lieu thereof "of 3 percent".

(b) Section 524(a) of such Act is further amended by adding at the end thereof the following: "The Secretary may guarantee loans made by banks and other public and private lending institutions to limited profit developers at the market rate. The authority for loans guaranteed under this section shall be separate from the authority for insured loans under this section. Making and servicing of such guaranteed loans may be conducted only by the State office of the Farmers Home Administration. At least 50 percent of the sites developed under the guarantee site loan program shall be used to serve needs of persons of low income.".

LOANS ON LAND WITH REMOTE TITLE CLAIMS

SEC. 18. (a) The Housing Act of 1949 is amended by adding at the end of title V a new section to read as follows:

"LOANS ON LAND SUBJECT TO REMOTE CLAIMS

"SEC. 528. The Secretary may make loans on land where the title is otherwise uninsurable by private insurance companies because of remote claims or encumbrances to enable otherwise eligible persons holding such land to benefit from assistance under this title. In the event of a court decision adverse to the title claim of any person holding any such loan after assistance has been made available to such person under this title, the Secretary may use the funds of

the Rural Housing Insurance Fund to pay the holder of such remote claim or encumbrance and any funds so expended shall be reimbursed by annual appropriations.".

(b) Section 517(j)(3) of such Act is amended by inserting "including payments under section 528," after "Fund,".

(c) Section 521(a)(1) of such Act is amended by striking out "and 515" and inserting in lieu thereof a comma and "515, and 528".

ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

SEC. 19. (a) In addition to the Assistant Secretaries of Agriculture now provided for by law, there shall be an additional Assistant Secretary of Agriculture for Equal Opportunity who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Section 5315(11) of title 5, United States Code, is amended to read as follows:

"(11) Assistant Secretaries of Agriculture (6).".

WATER AND SEWER GRANTS

SEC. 20. (a) Section 306(a)(2) of the Consolidated Farm and Rural Development Act is amended to read as follows:

"(2) The Secretary is authorized to make grants aggregating not to exceed $500,000,000 in the fiscal year beginning October 1, 1976, $750,000,000 in the fiscal year beginning October 1, 1977, and $1,000,000,000 in any fiscal year thereafter to such associations to finance specific projects for works for the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas. Grants made under the authority of this paragraph may range from 25 to 75 percent of the development cost of the project depending on the need of the community as defined by the Secretary. The Secretary, as a goal, shall direct at least one-third of the funds under this authority to communities on a 75 percent grant basis with at least an additional third provided on a 50 percent grant basis. If an association receives a 25 percent grant from other sources, a project's economic feasibility shall be based exclusively on the association's ability to meet normal operation and maintenance costs of the proposed system.".

ENERGY CONSERVATION

SEC. 21. The Housing Act of 1949 is amended by adding after section 528, as added by section 19 of this Act, a new section to read as follows:

"ENERGY CONSERVATION

"SEC. 529. (a) The Secretary is directed to withhold assistance authorized under sections 502, 514, 515, and 516 of this Act from any otherwise eligible borrower, who after January 1, 1978, fails to incorporate into any structure commenced by such borrower after that date such energy conserving construction techniques, design features, and materials as may be necessary to substantially reduce energy consumption. The additional costs such construction may entail to reduce energy consumption may not exceed the estimated cost of the energy savings over a ten-year period. The Secretary shall take the long-term energy savings into account in determining eligibility under sections 502, 514, 515, and 516 and shall not deny assistance as a result of any increased construction costs due to energy saving devices or techniques that are to be included in the structure.

"(b) The Secretary is directed to encourage the inclusion in all housing constructed with assistance under this Act, locally available space heating systems, including, but not limited to, coal and wood burning stoves, fireplaces or furnaces, heat pumps, low-cost solar or wind powered systems, or any combination of such systems. The cost of such space heating systems may be included in the loan to any eligible borrower when it is determined to be economically feasible for the initial borrower, or to any subsequent borrower who may seek assistance under the provisions of section 502 or 504 to replace or modify an existing space heating system.

"(c) The Secretary is directed to establish minimum standards for implementing the provisions of subsections (a) and (b).".

SUMMARY OF RURAL HOUSING ACT OF 1977

Section 1. Title:

May be cited as the "Rural Housing Act of 1977".

Section 2. Handicapped:

Would amend FmHA legislation to allow program to serve handicapped. (Parallels an amendment to HUD legislation in 1974.)

Section 3. Escrow Accounts:

Would require FmHA to set up escrow system (but use would be optional with purchaser, except as specified for deep subsidy program).

Section 4. Rural Housing Research:

Would create an in-house research capacity, in FmHA, and direct emphasis on rural housing needs, with particular attention to special groups, such as handicapped, farmworkers, and Indians; rural growth patterns; and rural community facilities and services. $10 million annually would be authorized. The present authorization is for $1 million and even this miniscule amount goes unused.

Section 5. Compensation for Structural Defects and Limitations on Administrative Authority:

Would make FmHA responsible for remedying defects, for three years with new housing and eighteen months with existing housing.

Repairs would be made as soon as determined to be needed. If subsequently found not to be the fault of the builder or FmHA inspector, the cost would be added to the loan. Similar authority already exists for HUD.

Would also direct Secretary to preserve and protect agriculture and forest land and would provide that Secretary may not preclude use of Title V programs in any place on basis of actual or projected population alone. Intended to eliminate proposed policy which would preclude FmHA financing of new subdivisions not contiguous to an existing community with sewer, water and other services already in place. This would maintain the flexibility in the current law.

Section 6. Foreclosure Prevention:

Would provide that no foreclosure or transfer action could be initiated by FmHA against any borrower without prior notice and consideration of the moratorium on payments provided under Section 505 of the act. (This provision has been in law since 1949, but has been implemented only since 1975, and goes virtually unused. Provides for moratorium on principal and interest, and cancellation of interest, if borrower's difficulty is beyond his/her control.)

Section 7. Appeals Procedure:

Provides for a mandatory appeals procedure for applicants who are denied loans under FmHA programs (now only limited appeals under 507 are available).

Section 8. Assistance Authorizations:

Would extend all expiring authorizations through September 30, 1980, providing the following amounts:

Section 504 home repair loans and grants—$100 million for 3 years.

Section 516 farm labor housing grants—$100 million for 3 years.

Section 506 rural housing research grants—$10 million annually.

Section 514 farm labor housing loans—$50 million annually.

Section 515 rural rental housing loans—no dollar limit.

Section 523 self-help technical assistance grants—$20 million annually.

Section 524 self-help site loans—$5 million annually.

Section 525 technical assistance grants and seed money loans (not self help)—$10 million annually.

Section 9. Congregate Housing for the Elderly and Handicapped:

Would permit construction of congregate housing under the 515 rental program. Similar to authority available to HUD.

Section 10. Farm Labor Housing:

Would provide that applications for funds from private and nonprofit organizations be considered on the same basis as applications from public bodies.

Section 11. Allocation of Loan Funds to Low-income Applicants:

Would require that no less than 60 per cent of all insured single family 502 loans and 515 rental housing loans go to low income families as defined by the Secretary. Replaces a provision to this effect that has been included in the annual FmHA appropriations legislation.

Section 12. Use of Authorized Rural Housing Funds:

Provides that the Secretary shall allocate funds "to assure their maximum availability and use during peak construction periods", an effort to prevent the arbitrary imposition of monthly allocation formulas which hamper the effective use of housing funds.

Section 13. Changes in the Guaranteed Loan Program:

Would limit the program to applicants with above-moderate incomes, separate guarantee authority from loan authority, and provide for processing by state or regional offices.

Section 14. Home Ownership Subsidy for Low and Moderate Income Persons:

Would authorize FmHA to subsidize the difference between 15 percent of gross annual income of a very low income household and the costs of principal and interest, property taxes, insurance, utilities and maintenance. Also establishes a provision to recapture Federal subsidy dollars in case of a profitable sale.

Section 15. Rural Rental Assistance:

Would require implementation of the rural rent supplement program, make it clear that occupants of congregate and cooperative housing would qualify, make clear that rents are 25 percent of adjusted annual income, and increase proportion of units that could be subsidized from 20 percent to 30 percent in any project.

Section 16. Mutual and Self-help Housing:

Would authorize site loans to Section 523 self-help technical assistance grantees for purchase of sites as well as options.

Section 17. Site Loans:

Would reduce site loan interest rate for nonprofit corporations to 3 percent and would provide a new guarantee program for site loans for limited dividend developers agreeing to provide at least 50 percent of the sites to low income families.

Section 18. Remote Titles:

Would authorize FmHA to make loans where private insurance companies will not provide title insurance solely because of remote claims or encumbrances on title.

Section 19. Equal Opportunity:

Would establish an assistant secretary for equal opportunity within the Department of Agriculture.

Section 20. Water and Sewer Grants:

Would increase authorization from present $300 million to $500 million in FY 1977, $750 million in FY 1978, and $1 billion in FY 1979. Would require that 25 percent to 75 percent of cost of each project be grant, with at least one third at the 75 percent grant level and another third at the 50 percent

grant level. EPA's current program is on a straight 75 percent grant basis.

Section 21. Energy Conservation:

Would mandate use of energy conservation construction techniques and standards in all new housing financed by FmHA.

RURAL HOUSING REFORM

Mr. HATHAWAY. Mr. President, I am pleased to join a number of my distinguished colleagues in sponsoring the Rural Housing Act of 1977.

We are introducing this measure today and are hopeful that it will receive prompt consideration by the Senate Banking, Housing and Urban Affairs Committee, and by the full Senate thereafter.

This bill contains a number of sections, any one of which would improve the efficiency of our rural housing programs. Taken together, these changes promise the kind of comprehensive reform so necessary if the housing needs of our rural areas are to be met in a meaningful fashion.

With regard to the particular needs of citizens in rural areas for better housing, I would like to cite a couple of statistics.

In 1973, the Joint Center for Urban Studies of Harvard-MIT estimated that there were 13.1 million households suffering from "housing deprivation" and of these more than 5 million, or 38 percent, were nonmetropolitan.

In 1974, the ratio of substandard housing to public housing was 5 to 1 for urban counties, and 17 to 1 for rural counties.

The incidence of substandard housing in nonmetropolitan areas was 3½ times that in metropolitan areas in 1974.

The amendments included in this bill focus entirely on title V of the Housing Act of 1949, which is the implementing legislation for the rural housing programs of the Farmers Home Administration. This focus is particularly appropriate for my constituents since Farmers Home rural housing programs have in recent years played a critical role in providing decent housing to all Americans and have been particularly important in the State of Maine. I would hope that the Farmers Home Administration can continue to fulfill its vital role and that all Americans in all parts of the country will ultimately be provided with adequate homes.

FMHA LOANS ON LAND WITH REMOTE TITLE CLAIMS

One of the sections of this bill will be particularly useful to citizens in the State of Maine. This section stipulates that the Secretary of Agriculture shall continue to make loans for the purpose of construction on lands subject to remote title claims which might otherwise render title to such land uninsurable due to the potential encumbrance posed by such claims.

The need for such legislation is pointed out by the present situation in the State of Maine. In this regard, I would like to quote from a portion of S. 842, a bill introduced by Senator MUSKIE and myself on March 1, 1977:

(1) there are currently pending aboriginal land claims by the Passamaquoddy and Penobscot Indian Tribes of the State of Maine which may involve over 40 percent of the land area of the State of Maine and which may result in a cloud on the title of the potentially affected land areas;

(2) these aboriginal land claims were presumed extinguished by conquest, abandonment or by treaties entered into in the late eighteenth and early nineteenth centuries;

(3) the mere pendency of these claims for the return of aboriginal lands may result in irreparable damage and substantial adverse consequences for the State of Maine and its citizens which consequences are disproportionate to the ultimate resolution of the litigation;

(4) while the legal basis for the claims rests in large part on the alleged failure of the Federal Government to carry out its trust responsibility to the Passamaquoddy and Penobscot Indian Tribes, the burden of the claims falls upon the State of Maine and present day good-faith titleholders in the State of Maine.

While these claims have an impact on all legal relations involving the lands subject to such claims, this section of the bill introduced today would insure needed stability in the vital area of family housing.

Thus far, despite the pending court case in Maine, Farmers Home has continued to approve and authorize housing loans on lands potentially affected by that suit. I have received assurances from FmHA that it will continue to do so for the foreseeable future.

This administrative determination is gratifying and appreciated by the people of Maine. But at the same time, in order to provide the kind of long-term predictability and security which is so necessary in this area, it would be of great benefit to write this understanding directly into Federal law, and this bill would achieve this goal.

It is important to emphasize that this provision has broader applicability than to the State of Maine. It is my understanding that it is of particular relevance to parts of the Southwestern and Southeastern United States, to Alaska, and to Appalachia, all of which have some incidence of remote title clouds.

This section also provides that, in the event of title findings by the courts which are in favor of the remote claimholders and adverse to the Farmers Home loanholders, in any area of the Nation, the Secretary of Agriculture may utilize funds from the rural housing insurance fund to pay the holders of remote claims any damages awarded by the courts with respect to such property.

These provisions, if enacted, allow the many families in Maine and elsewhere who live in homes subject to Farmers Home loans to know that they would be able to continue to live there without regard to the findings of the courts, and would also provide a mechanism for the payment of any damages awarded with respect to these homes from a Federal source, the rural housing insurance fund.

While these provisions directly affect only Farmers Home property, they do represent an important first step in providing through Federal mechanisms the long-term security and predictability in this area which is of vital concern to my own constituents and to many other citizens throughout the country. I am pleased to be joined by many of my distinguished colleagues in introducing this important legislation.

ENERGY CONSERVATION

Another section of this bill of particular interest to the State of Maine is the section dealing with energy conservation. Recently, Federal Energy Administrator John O'Leary said that with appropriate construction techniques we could reduce our national home heating bill by 30 percent. This savings is of great significance when one considers that home heating accounts for 20 percent of our national energy needs.

But this is of even greater significance for areas of the country such as Maine where severe winters, particularly the current one, have impacted so heavily on family budgets.

This section would mandate that the Secretary of Agriculture incorporate energy conservation construction techniques into all housing financed by FmHA, without being constrained by current standards or regulations.

This language is necessary because current regulations paradoxically discourage and inhibit energy conservation.

For example, I have heard from a number of constituents in Maine who have informed me that they have been barred from including a fireplace in their FmHA home. FmHA officials respond that the regulations are drafted on a nationwide basis and that their research concludes that in many parts of the country, fireplaces do not represent a sound energy investment—due to costs of wood and energy losses through the chimney when the fireplace is not being utilized. But in Maine, where wood is readily available in quantity these arguments do not seem to hold any weight and it is time that the FmHA regulations recognized these critical regional differences.

This section would correct these difficulties by directing the Secretary to encourage, rather than discourage, the utilization of alternative, locally available heating systems.

In addition, this section would alter the way housing costs are currently viewed by Farmers Home, and would require it to consider the long-term, life-cycle cost of the house and its associated energy costs. It would allow the Secretary to extend loan assistance in larger amounts for initial construction costs, if those costs are matched by associated energy savings in subsequent years.

It would also limit the authority of Farmers Home to finance housing unless it utilized building techniques and design materials which would substantially reduce energy consumption.

These adjustments in philosophy and direction are vitally necessary and sen-

sible—for it makes little sense for the contractor and the buyer to save a few hundred dollars or a few thousand, on initial construction costs if these costs will later be dwarfed by the increased energy expenditures necessitated by the lack of a fireplace or the absence of fully adequate insulation, and so on.

While this section clearly allows for increased initial housing costs if counterbalanced by subsequent energy savings, it is my view that once Farmers Home abandons rigid design concepts and prior methods, a lower cost energy-conserving design might result. This past year the State of Maine Planning Office, the Maine State Housing Authority, and the Sam Ely Community Services, Inc., jointly sponsored an architect's competition to develop alternative housing designs.

So that my colleagues might be aware of the great potential of alternative housing designs, as well as the need for greatly increased coordination among Federal, State, and local authorities on these issues, I ask unanimous consent that an article titled "Low Cost Housing," by Peter Cox which appeared in the Maine Times issue of October 1, 1976, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOW COST HOUSING

A well designed, contractor-built home for less than $20,000. Is it possible?

The federal government, with massive funds and huge projects, has failed to come up with such a home. The classic home financed by Farmers Home Administration (FmHA) with low-interest mortgages costs from $30,000 to $35,000 to build. And the box-like 20 by 40 foot houses tend to be poorly designed, energy inefficient and poorly constructed.

The first step has already been completed in making available to Maine people a truly low-cost home. One, a little offbeat, could be built for $13,000.

Several would cost less than $20,000 and by the time one hits the $20,000 to $30,000 range, the houses look downright sumptuous.

The designs are the result of what may be Maine's first architectural competition, sponsored by Sam Ely Community Services, Inc. and the State Planning Office. There was no prize for the winners, but the plans for the houses will go on tour, and any person who wants one built and who can qualify financially, is guaranteed to receive the money. Several Maine banks have said they would finance the houses and if necessary (due to the buyer's financial status) the Maine State Housing Authority will be a loan guarantor.

A few Maine banks have already been financing alternative housing, most notably owner-built homes of the Shelter Institute type. But with this project, the number of banks participating broadened considerably.

According to Philip F. Harris of the State Planning Office, the idea for the competition germinated last fall at some seminars on alternative housing. Participants felt they had to prove to the federal government and to the banks that good, low-cost housing is possible.

They decided to have a competition which architects and non-architects alike could enter. (All the winners are architects.) No federal funds would be sought. And the competition would not include owner-built homes, part of whose economy comes from labor savings.

The submitted designs would include contractor prices and the techniques would have to be familiar ones to contractors, or at least, techniques which any contractor could quickly understand.

Added to the criteria were energy conservation and proper use of resources.

The judges were broad based: a consumer, a banker, an architectural historian, an architect, a contractor, an energy expert, a representative of Farmers' Home and others.

One entrant presented a garrison-type house of the sort found in housing tracts a few years ago. That was shot down by the architectural historian, among others.

Several designed houses with solar collectors for space heating, but the energy expert pointed out that almost all of these contained major flaws, probably because the designers didn't know enough about solar energy. In fact, Richard Hill, Maine's reigning alternative energy expert, pointed out that the idea of a slanted glass roof to catch the winter sun's rays is more suited to the Southwest than to Maine. In Maine, the winter sun is so low on the horizon that the vertical wall can accept the available heat.

Several designs included berms: houses built with the first floor under pushed-up dirt, much like a potato house. None of these was a winner.

The winners, in fact, most of the entries, used passive solar heat. In other words, the living sides were facing south with large windows. Bedrooms and services were on the north side, with very small windows.

Highly occupied rooms tended to be open, so they would be easy to heat. Most were set up to handle wood stoves. (Current FmHA houses have no chimneys.) One winner actually had a wood burning furnace and a Clivus-Multum composting toilet. However, such details didn't have particular effect on the judging because such decisions would be left to the home owner and would not significantly affect the cost.

All of the homes tended to be much more heavily insulated than traditional homes. Floor plans were flexible among the winners. Modular (interchangeable) design was common; and additions could be easily made although most had 2-3 bedrooms, a full bath and an extra toilet. Besides being less expensive to build, the winners were also much less expensive to maintain and operate.

The designs went on tour at the Maine State Museum last week. Today (Oct. 1) is the last day there.

They will be at the Maine Audubon Energy Fair on Oct. 16 and 17 and, after that, at an energy fair in Farmington.

Anyone may use one of the designs. (Architect's fees are included in construction costs.) The houses may either be financed on one's own or through one of the participating banks.

Of course, some of the houses may be built more than once. But they are not meant to be mass produced.

Harris of the State Planning Office pointed out that manufactured housing or even manufactured-component housing is initially expensive due to the capitalization of equipment and plant. While there might be some panel cutting before lumber is moved to the site, the houses are all designed to be built at the site.

One irony is that even at half the price of an FmHA house, the monthly payments on one of the Maine houses would still be more than the payments on the FmHA house. That's because of mortgage rates. Even under the Maine State Housing Authority guarantee, mortgage rates would still be about 9 percent. FmHA can mortgage for one and two percent if the family involved has a low enough income. Evenutally the federal government may agree to finance such alternative housing.

Winners were Steven Moore and John Weinrich of Rumford Point, C. Richard Malm of North Blue Hill and William R. Sepe of Camden. Designs by the Maine Group of Rockport and David A. Joy of Alfred received honorable mentions. The Maine Group house was the most elegant looking and also one of the most expensive at $29,000. Nicholas Holt of Ellsworth received special mention for his design of a house that would cost only $13,000—By PETER W. COX.

RURAL HOUSING RESEARCH

Mr. HATHAWAY. Mr. President, to help foster these energy conservation goals as well as the great number of other programs of FmHA, it appears necessary that this agency be given an increased budget in order to conduct its own research. In fiscal year 1976 and the transition quarter FmHA made almost 250,000 loans and grants totaling over $7 billion. Yet its research budget was $1 million and apparently none of this has been used. The Department of Housing and Urban Development has a budget of $50 to $60 million per year, yet very little of this is devoted to rural housing.

This bill would increase FmHA research funding to $10 million and would thereby give this agency a long-needed research potential to come up with long-term solutions and programs to remedy the problems of rural America.

ESCROW ACCOUNTS

I am particularly pleased that this omnibus legislation contains one of the provisions included in S. 605, a bill I introduced on February 3 of this year.

This would modify a provision in existing law which authorizes the Secretary of Agriculture to set up escrow accounts in connection with rural housing loans for the purpose of prepaying local taxes, insurance, and other such expenses, as the Secretary deems appropriate.

A section of this bill would require the Secretary to set up such accounts. The Secretary, while currently authorized to do so, has not acted because it is his view that the authority is discretionary and because, according to the Secretary, administration of such accounts, could represent a costly administrative expense.

The provision authorizing the Secretary to set up these accounts as contained in section 501(e) of the Housing Act of 1949, as amended, was added by section 505 of the Housing and Community Development Act of 1974. During the Senate's deliberation of this latter legislation, I was a member of the Senate Committee on Banking, Housing and Urban Affairs which had jurisdiction over the bill.

At that time, I supported these provisions and felt them to be desirable and necessary to ease the burden of tax and insurance payments on low-income families by making such payments due periodically in smaller installments, rather than annually, all at once in a lump sum. In this regard, I would refer to that committee's report in describing then section 504—later became 505 due to an additional section being added.

ESCROW ACCOUNTS FOR TAXES, INSURANCE AND OTHER EXPENSES

Section 504 of the bill would amend section 501 of the Housing Act of 1949 to authorize the Secretary of Agriculture to establish a system of escrow accounts to enable borrowers to budget for the payment of taxes, insurance, and such other necessary expenses as the Secretary may deem appropriate. This provision would make it possible to ease the burden on low-income families and other rural housing borrowers by letting them pay their taxes and insurance in monthly installments along with the payments of interest and principle on their mortgage loans, instead of having to pay these once each year in a lump sum. It permits the Farmers Home Administration to offer the same escrow services which are required in connection with loans insured by the Federal Housing Administration and are optional under Veterans' Administration insured loans.

Further, it was my impression that such authority was mandatory and that the Secretary ought to implement this authority in setting up these accounts as soon as was feasible.

While I can understand reluctance on the part of the Secretary to undertake new burdens and administrative duties, it would seem that the prior legislative intent required this, and that when the burdens upon the Secretary are weighed against the potential burden on the program participants and their communities, in the absence of escrow procedures, the Secretary's reasons would not hold up.

In any event, in order to clarify this situation, section 2 would amend the existing law to make the implementation of escrow procedure mandatory.

COMPENSATION FOR CONSTRUCTION DEFECTS

Many of my constitutents have written to me concerning construction defects in FmHA housing. Under the current statutory structure, there is unfortunately little recourse for these individuals short of protracted and expensive court action.

A section of this bill would remedy this situation and would protect owners against latent defects which do not always manifest themselves in the final FmHA inspection process. This section would also give FmHA a powerful tool in dealing with the small minority of contractors which might be tempted otherwise to cut costs or indulge in shoddy construction methods.

This proposed legislation would conform FmHA provisions to those already in effect for HUD–FHA financed housing. It sets up a mechanism for providing those who purchase new housing within the last 3 years or subsequent to enactment of this act, with compensation for any construction defects discovered within the first 3 years of occupancy.

Purchasers of existing housing would be protected for the first 18 months of occupancy. Those who purchased new housing more than 3 years prior to the effective date, or existing housing more than 18 months prior to the effective date of this legislation, would still be able to receive compensation if claims are filed within 18 months after passage of this legislation.

Those who purchased existing housing more than 2 years prior to the passage of the act or new housing more than 3 years prior would also be eligible, but would be faced with the burden of demonstrating that the defect existed at the time of purchase and should have been discovered by a proper inspection.

Under this section, the Secretary would be required to make the expenditure necessary to remedy the defect as soon as the determination was made that it existed. If it were later determined that the defect was not the fault of the contractor or the FmHA inspector, then the funds expended would be considered a loan rather than a grant.

This section would also authorize the Secretary to enter into agreements with contractors and sellers of FmHA-financed property to require them to reimburse FmHA for any expenditures made by the agency under this section. In this way, those responsible for the defect will foot the bill, and not the innocent purchaser or the Federal Government. But FmHA will be required to be diligent in examining defects, determining whether they are compensable, and then pursuing those responsible.

The amendment provides purchasers with an appeals procedure in the event they are dissatisfied with the initial handling of their complaint by FmHA. It also mandates that FmHA authorities in Washington maintain records on all complaints and their disposition.

While it provides needed protection for purchasers, this system also seems likely to instill sound construction methods and thorough inspections to deter and thereby eliminate many of the problems under the current structure.

HOUSING FOR HANDICAPPED AND CONGREGATE HOUSING FOR ELDERLY AND HANDICAPPED

This legislation also includes sections which clearly specify handicapped individuals are eligible for participation in Farmers Home housing programs. While they have not been specifically excluded, their ability to participate has been limited because their special housing requirements have not been recognized and incorporated into their regulations governing these programs.

These sections will insure that prior oversights are corrected and that handicapped individuals have full and equal access to rural housing financed by Farmers Home.

Further, this legislation recognizes the need for congregate housing facilities in rural areas for handicapped and elderly, as a means to preserve their dignity and meet their special needs. Such facilities would allow these individuals freedom from institutionalized, extended care facilities while at the same time offering some supervisory assistance and centralized kitchen and dining facilities to offer economic and nutritious meals.

ADMINISTRATIVE PROVISIONS: ALLOCATION FORMULAS AND APPEALS PROCEDURES

This legislation contains a section to remedy an administrative problem in the allocation of Farmers Home loan funds. In the past year, Farmers Home has determined to institute a monthly allocation system by which each region, State, and county is empowered to obligate only one-twelfth of its annual loan funds in any given month. This is ostensibly intended to prevent such funds from being over-obligated in the early months of the fiscal year, and thereby avoid the problem of having none left at the end of the year.

But in fact, this system ignores the cycles of housing construction and the need for far greater funds in the peak construction and sales months. This system ends up by curtailing seasonal peak activity and sets aside such funds for months in which these funds are ordinarily not needed. Consequently, buyers and builders must wait extra months for their turn, with concomitant costs associated with buyers obtaining interim rental housing and builders payment of interest on materials and payroll costs. At the present time, there are over 100,000 applications backed up nationwide. All of this could be avoided if FmHA structured its annual allocation formula around these sorts of considerations and did not insist on an arbitrary one-twelfth per month division of funds.

Also, this legislation would set up appeals procedures for individuals, who are denied loan assistance. Currently, for every application which is approved by FmHA, another is rejected. In most cases, this is the end of the line for those seeking assistance—they have no further recourse. At the same time, however, FmHA has appeals procedures for contractors who are threatened with debarment from participation in the FmHA programs.

It therefore seems appropriate that families affected by FmHA decisions should be able to avail themselves of some review procedure.

This bill would require that all denied assistance be given a written statement of the reasons for denial and notice of their opportunity to appeal. At an appeals hearing, they would have access to records, data, and so on, and if they demonstrated they met the applicable eligibility criteria, the original denial would be overruled.

WATER AND SEWER FUNDS

Adequate water and sewer facilities are greatly needed in a large number of rural communities. Over 30,000 rural communities lack adequate water systems, and over 4,000 lack proper sewer facilities. While it was estimated several years ago that $12 billion was necessary to remedy this situation, FmHA has had the authority to spend $300,000 per year. Even this sum, however, has not been fully utilized due to administrative entanglements.

This legislation would authorize $500 million for the upcoming fiscal year, $750 million the following year, and $1 billion thereafter. It would mandate that at least one-third of these funds be allocated as 75 percent grants toward total construction costs to eligible communities with at least another one-third or a 50 percent basis, rather than the restrictive 20- to 30-percent formula used now.

It would also mandate that the designs utilized be the most economic possible, thereby avoiding excess maintenance costs in future years.

RURAL RENT ASSISTANCE

Section 515 rural rental assistance as authorized by the Housing and Community Development Act of 1974, has never been implemented. Instead, FmHA entered into an understanding with HUD that its section 8 program would serve as a substitute, since the goals of the latter were similar. But this ignored the problems of delivering section 8 assistance to rural areas and the need for direct action by FmHA with its own program. This matter is before the U.S. District Court for the District of Columbia and Secretary Bergland has been ordered to show cause why section 515 should not be directly implemented.

This bill would require 515 assistance be implemented, and if enacted would avoid further court deliberations. More important, it would bring needed rental assistance to rural families—also to those in congregate housing.

HOME OWNERSHIP SUBSIDY FOR LOW- AND MODERATE-INCOME PERSONS

This bill would also provide FmHA with an additional means to assist low-income rural families with housing costs. It would authorize the agency to subsidize the difference between 15 percent of the gross income of very low-income households and the cost of the house, taxes, insurance, et cetera. This parallels the formula already in effect for HUD section 8 rental assistance.

There are ample safeguards against this subsidy later creating a windfall for the participants by requiring that some of the profits from sale of such property be recaptured and applied to the subsidy costs.

COMPREHENSIVE APPROACH TO RURAL HOUSING NEEDS

I am enthusiastic about this bill because it approaches our rural housing problems on a comprehensive basis and promises long-term solutions. I look forward to working for its passage and to its subsequent utilization in helping so many of my constituents.

Mr. ANDERSON. Mr. President, I am pleased to join my distinguished Minnesota colleague, Senator HUMPHREY, as a cosponsor of S. 1150, the Rural Housing Act of 1977.

Mr. President, Minnesota has a distinguished record in housing for rural areas. In 1971, at my urging, the Minnesota Legislature established a Minnesota Housing Finance Agency, giving the State a housing policy and commitment for the first time.

During subsequent years, the fiscal capacity of the agency was strengthened and commitments were made to housing assistance for families in outstate Minnesota, families with low incomes, Indian families, loans and grants for rehabilitation of homes, and other housing needs of Minnesotans throughout the State.

Minnesota now has the most comprehensive State housing program in the Nation. In large and small communities throughout the State, the State's credit and direct State funds are being used to add to available housing and improve the stock of existing housing. For example, it was my privilege as Governor of Minnesota to be present at the home of the Wes Radke family at Tracy, Minn., on September 15, 1975, to present the Radkes with the first rehabilitation loan check approved under the program. Tracy is a community of 2,500 in rural southwestern Minnesota.

Mr. President, our Minnesota Housing Finance Agency has provided housing assistance to more than 22,000 Minnesota families during the past 3 years, including financing of apartments, single-family dwellings, and rehabilitation of existing housing. More than half these families live outside our seven-county Twin Cities metropolitan area, and more than one-third of these outstate families are located outside any of our larger cities.

I mention these facts, Mr. President, because one of the reasons for the establishment of our strong outstate Minnesota effort was the inadequacy of Federal housing programs, particularly those under the administration of the Farmers Home Administration. Senator HUMPHREY's legislation addresses many of the concerns we have had in Minnesota as we tried to provide and maintain decent housing for people everywhere in our State.

Through the improvements provided in S. 1150, we look forward to a stronger State-Federal partnership to improve housing in rural Minnesota and the many other rural areas of America that need a strong Federal housing effort.

Mr. MATHIAS. Mr. President, the Farmers Home Administration of the U.S. Department of Agriculture is a unique agency. It provides direct housing and related services to people in the vast rural areas of our country and generally it does so successfully. These services include grants and loans for farms and nonfarm housing, community facilities, and business and industrial development. While FmHA has generally been successful, it has also faced serious obstacles—some administratively created, some through legislative shortcomings. Its mandate to house low income rural people has grown more and more difficult to meet as land and construction costs, property taxes and utilities have all dramatically increased.

The Rural Housing Act of 1977, which I am cosponsoring, is a modest attempt to plug the gaps in the FmHA program through a series of 21 amendments to the existing programs. The amendments range from a long overdue inclusion of the handicapped as direct beneficiaries of the FmHA programs, to inclusion of energy conserving techniques in FmHA-financed housing, to mandating escrow accounts to help FmHA borrowers budget for their tax and insurance payments. One innovative provision permits FmHA to finance congregate housing for the elderly.

The bill also includes several new program approaches which are sorely needed. Foremost among these is a subsidy which would make homeownership a possibility for those who are currently too poor to be assisted through the regular homeownership program—about 1.8 million households nationwide. In Maryland alone, almost 2,250 loans for $53.8 million were made by the FmHA in the 15-month period of fiscal year 1976 and the transition quarter. Many thousand more could not be approved because the families could not afford a loan even at a 1-percent interest rate. The new homeownership subsidy included in this bill would provide FmHA with the ability to assist these families.

For too long emphasis has been placed on the housing crisis in the cities and people have assumed that life in rural areas is bucolic and trouble-free. There is no denying a crisis exists in urban America; however, a different, but no less severe, crisis prevails in rural America as well.

Many of the amenities which are now commonplace in urban areas and taken for granted are not in existence in rural areas. The fact that our rural population is spread out and credit sources are few and far between have hindered the development of decent housing, adequate water and sewer facilities, and local economic activities.

The Rural Housing Act of 1977 is a significant step toward improving FmHA's ability to deal with the housing and related development problems of rural America.

RURAL HOUSING ACT OF 1977

Mr. CRANSTON. Mr. President, I am pleased to join with my distinguished colleague from the State of Minnesota (Mr. HUMPHREY) and several of our colleagues in introducing today the Rural Housing Act of 1977, a bill to improve the quality of rural housing in America by amending title V of the Housing Act of 1949.

The need to move forward in this area is clear. Over 11 million Americans still live in substandard housing in rural areas. These people must look to the Farmers Home Administration to get an adequate place to live for themselves and for their families. Yet, under the previous two administrations, there were policies of impoundment, footdragging, and delay when it came to implementing the programs Congress enacted to redress the situation.

The legislation being introduced today has four major purposes. First, it proposes to extend and to expand current authorizations for rural housing programs and for rural water and sewer programs. Second, it proposes to correct and to perfect language in the existing legislative authority. Third, it proposes to require the Farmers Home Administration to implement heretofore unimplemented provisions in existing law. Finally, it broadens the Farmers Home Administration's ability to finance low-income housing by authorizing deeper subsidies for very low-income families, and it provides procedures to redress certain grievances against the Farmers Home Administration.

Mr. President, while I endorse wholeheartedly the goals of this legislation, I

have reservations about some of the provisions. I question whether the level of authorizations requested in sections 8 and 20 can be effectively and efficiently utilized at this time. I also have a number of questions about the "deep subsidy" home ownership program proposed in section 14 and the liability provisions in section 4. I am pleased that Senator MORGAN, as chairman of the Senate Banking Committee's new Subcommittee on Rural Housing, has already scheduled a hearing on this legislation for April 29, and I am hopeful that my questions will be addressed at that time.

Mr. President, I would also like to note that I understand that President Carter will nominate in the near future a new Administrator for the Farmers Home Administration. Because congressional budget procedures require that all authorizing legislation must be reported to the Senate by May 15—a short 7 weeks away—I believe Congress must begin to move forward in this area now. However, it is my hope that when the new Administrator is confirmed by the Senate we can work together closely to develop the most effective and viable program possible to provide decent, affordable shelter for rural Americans.

By Mr. BENTSEN:

S. 1151. A bill granting the consent of Congress to an amendment to the Sabine River Compact entered into by the States of Texas and Louisiana; to the Committee on the Judiciary.

SABINE RIVER COMPACT

Mr. BENTSEN. Mr. President, today I am introducing a bill to grant the consent of Congress to an amendment to the Sabine River Compact entered into by the States of Texas and Louisiana.

Nearly 30 years ago, officials in the States of Texas and Louisiana, recognizing the vast potential of the Sabine River which acts as a boundary between the two States, entered into an agreement to construct and maintain a dam and hydroelectric facility. Since the project involved interstate agreement, the consent of Congress was required. Congressional consent was given through Public Law 578, 83d Congress. Since that time, the Sabine River Authority has constructed and maintained without Federal assistance a multipurpose facility which includes a water conservation reservoir and a hydroelectric plant.

Mr. President, the purpose of my bill is to address a problem arising from a restrictive clause in the compact's preamble. Although the preamble recognizes pollution and salt water intrusion as potential problems, it states that the compact is limited to the equitable apportionment of the waters of the Sabine River. And, indeed, when the compact was entered into, utilization and conservation of this precious resource were of overriding concern. However, in the intervening years, pollution and salt water intrusion have become increasing problems. Yet, the authority feels that it is precluded from dealing with these problems because of the restrictive nature of the preamble clause.

The original compact was amended by the Texas Legislature in 1973 and by the Louisiana Legislature in 1974 to allow the Sabine River Authority to initiate programs to alleviate pollution and salt water intrusion problems. Specifically, the amendment agreed to by the legislatures would strike out the last paragraph of the preamble which reads as follows:

It is recognized that pollution abatement and salt water intrusion are problems which are of concern to the States of Louisiana and Texas, but inasmuch as this Compact is limited to the equitable apportionment of the waters of the Sabine River and its tributaries between the States of Texas and Louisiana, this Compact does not undertake the solution of those problems.

My bill would provide the consent of Congress which is necessary in order for the amendment to become effective.

By Mr. BENTSEN (for himself and Mr. SCHWEIKER):

S. 1152. A bill to amend the act of August 24, 1935 (commonly referred to as the "Miller Act") to exempt construction contracts not exceeding $25,000 in amount from the bonding requirements of such act, and for other purposes; to the Committee on Environment and Public Works.

Mr. BENTSEN. Mr. President, today I am introducing legislation that will make more Federal Government contracts accessible to small businessmen in the construction industry.

My bill would amend the so-called Miller Act to increase the bonding requirement minimum from $2,000 to $25,000. Under the law as it stands now, a contractor must furnish the Government with performance and payment bonds for the construction, alteration, or repair of any public building or public works contracts exceeding $2,000. This provision has been in effect since 1935 when the law was originally enacted. Clearly, the periods of inflation we have experienced since that time have rendered this figure unrealistic and obsolete.

Mr. President, it is difficult for some minority or other small businessmen, with limited resources and limited finances, to arrange a bond. This problem arises to some degree from a reluctance on the part of surety companies to bond small contractors for larger projects unless they have past experience for a particular job. Further, in a study conducted at the University of Texas, bonding agencies and companies frankly admitted that they hesitate to bond any small company—especially on an initial bond, because the commissions and profits sometimes do not cover all of the administrative expenses of processing a contractor's application for a bond. Without the required bonds, minority and other small businesses fighting for a chance in the industry, are not allowed to bid on Government contracts over $2,000.

Mr. President, when the Miller Act was first enacted back in 1935, contracts below $2,000 provided substantially more experience for contractors than jobs below that dollar figure do today. The amount needs to be changed to bring it more in line with today's economic realities. With my bill, small contractors will have the opportunity to develop a broader record of experience and improve their ability to graduate to larger jobs. Without that experience, not only do they have difficulty obtaining bonding, but they are also frustrated in their efforts to grow and develop as a company. We could alleviate both of these problems by providing the small contractor greater opportunity to participate in public works contracts and prove his performance ability.

ADDITIONAL COSPONSORS

S. 76

At the request of Mr. STONE, the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Vermont (Mr. LEAHY), the Senator from Utah (Mr. HATCH), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 76, a bill to amend title XVIII of the Social Security Act to authorize a payment under the medicare program for certain services performed by chiropractors.

S. 123

At the request of Mr. INOUYE, the Senator from New Jersey (Mr. CASE), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 123, a bill to amend the Social Security Act to provide for the payment of services by psychologists, and for other purposes.

S. 129

At the request of Mr. INOUYE, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 129, a bill to restore the wartime recognition of certain Filipino veterans of World War II and to entitle them to those benefits, rights, and privileges which result from such recognition.

S. 269

At the request of Mr. PEARSON, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 269, the Emergency Farm Credit Act of 1977.

S. 274

At the request of Mr. THURMOND, the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 274, a bill to prohibit unionizing the military.

S. 528

At the request of Mr. WILLIAMS, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 528, a bill relating to collective bargaining contracts.

S. 684

At the request of Mr. PROXMIRE, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 684, a bill to establish a Federal Bank Commission to administer all Federal laws relating to the conduct of the banking business, both foreign and domestic, including such laws relating to the chartering of banking institutions and their branching activities, bank holding companies and their activities, Edge Act corporations and their activities, and the examination, supervision, and regulation of banking institutions under Federal law.

S. 801

At the request of Mr. McINTYRE, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 801, a bill to amend title I of the Housing and Community Development Act of 1974 for the purpose of providing that units of general local government which are not metropolitan cities or urban counties and which are receiving grants under the hold-harmless provisions of such title shall be entitled, after fiscal year 1977, to continue to receive at least the amount to which they are presently entitled under such provisions.

S. 924

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 924, a bill to provide for equal treatment of craft and industrial workers and to establish a national framework for collective bargaining in the construction industry.

S. 1011

At the request of Mr. ROTH, the Senator from Alabama (Mr. ALLEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Utah (Mr. GARN), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. McCLURE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1011, a bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation.

S. 1040

At the request of Mr. ROTH, the Senator from Alabama (Mr. ALLEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Utah (Mr. GARN), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. McCLURE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1040, a bill to amend the Child Abuse Prevention and Treatment Act to prohibit the sexual exploitation of children and the transportation and dissemination of photographs or films depicting such exploitation.

S. 1046

At the request of Mr. SCHWEIKER, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 1046, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it.

S. 1065

Mr. BAKER. Mr. President, at the request of the Senator from Michigan (Mr. GRIFFIN), who is absent on official business, I ask unanimous consent that the Senator from Utah (Mr. GARN) be added as a cosponsor of S. 1065, a bill pertaining to unemployment compensation and school employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1120

At the request of Mr. HUMPHREY, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 1120, a bill to support spinal cord injury centers.

S. RES. 105

At the request of Mr. NELSON, the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Alaska (Mr. GRAVEL), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Resolution 105, a resolution calling for a White House Conference on Small Business.

S. RES. 126—ORIGINAL RESOLUTION REPORTED WAIVING SECTION OF THE CONGRESSIONAL BUDGET ACT WITH RESPECT TO CONSIDERATION OF H.R. 3477

(Referred to the Committee on the Budget.)

Mr. TALMADGE (for Mr. LONG), from the Committee on Finance, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 126

Resolved, That (a) pursuant to section 303(c) of the Congressional Budget Act of 1974, section 303(a) of such Act shall not apply with respect to the consideration in the Senate of the bill (H.R. 3477) to provide for a refund of 1976 individual income taxes and other payments to reduce individual and business taxes, and to provide tax simplification and reform;

(b) That waiver of this section is necessary in order to enable the Senate promptly to consider legislation providing urgently needed economic stimulus measures; and further

(c) That no point of order shall lie under section 401(b) of the Budget Act with respect to consideration of title I of such bill, the budgetary impact of which has already been considered by the Congress in its deliberations on the third concurrent resolution on the budget for fiscal year 1977.

NOTICES OF HEARINGS

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. MUSKIE. Mr. President, I wish to announce that the Subcommittee on Intergovernmental Relations will hold a hearing on S. 904, the Federal Program Information Act on Tuesday, April 5, 1977.

The Program Information Act would establish a center within OMB which would serve as a source of information about Federal domestic assistance programs and other forms of Federal aid. The information would be maintained by the center, and the information would be made readily available to citizens and communities expressing interest in locating sources of Federal aid.

The hearing will begin at 10 a.m. in room 3302 of the Dirksen Senate Office Building.

BLACK LUNG BENEFITS HEARINGS

Mr. RANDOLPH. Mr. President, on March 18 I announced a schedule for hearings on the operation of the black lung benefits program, title IV of the Federal Coal Mine Health and Safety Act. That notice appeared at page S4377 of the RECORD.

The hearing, previously scheduled for Tuesday, April 5, has been changed to Wednesday, April 6, at 10 a.m., in room 4232, Dirksen Office Building. The hearing scheduled for Monday, April 4, remains unchanged.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN. Mr. President, the Governmental Affairs Committee has added March 31 as an additional hearing date on S. 826. The witnesses for that date will be: The Honorable FLOYD K. HASKELL, of Colorado, chairman, Energy Production and Supply Subcommittee; the Honorable Judge Dorothea Baker, president, Federal Administrative Law Judge Conference; the Honorable Philip Loomis, Commissioner, Securities and Exchange Commission; and a representative from the Department of Housing and Urban Development.

ADDITIONAL STATEMENTS

CUBA

Mr. HARRY F. BYRD, JR. Mr. President, to those in the Congress and in the White House who are seeking to have the United States build up the Cuban economy, I invite attention to an editorial in the March 28 issue of U.S. News & World Report.

Written by Marvin Stone, it is captioned simply "Cuba."

I quote only one paragraph:

Cuba still resolutely exports violence and revolution. Not only do Cuba troops remain in Angola, but it is now clear that Castro and Russia's Brezhnev are teaming up to wipe out American influence in all of Africa.

I ask unanimous consent that the text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CUBA

(By Marvin Stone)

CUBA.—Jimmy Carter seems to be misjudging badly the will of millions of Americans by moving in haste to restore normal relations with Castro in Havana. Perhaps the White House should be reminded of the following:

Cuba still resolutely exports violence and revolution. Not only do Cuban troops remain in Angola, but it is now clear that Castro and Russia's Brezhnev are teaming up to wipe out American influence in all of Africa.

Cuba refuses to renounce its anti-U.S. crusade in this Hemisphere, including support for the independence movement in Puerto Rico.

Cuba gives no evidence that it will free the handful of U.S. citizens it has jailed, much less the possibly 15,000 Cuban political prisoners.

Cuba gives even less indication that it will pay off the 1.8 billion dollars in compensation claimed by Americans for property that was seized after Castro came to power in 1959.

Cuba under Castro is still a bad neighbor. It is ironic that we should be aiming to remove the trade embargo against Cuba at the very time we are tightening one against Rhodesia.

UGANDA AND HUMAN RIGHTS

Mr. CASE. Mr. President, one of the difficulties in dealing with a person such as President Amin of Uganda, whose government is accused of murdering thousands of Ugandans, is the reluctance

of the world community to take action or even vigorously protest such gross violations of human rights.

An illustration of this was provided in the recent refusal of the U.N. Commission on Human Rights to take up two proposals by Britain—backed by the United States—to look into the current situation in Uganda.

President Carter, in his recent United Nations speech, proposed that the U.N. Human Rights Commission be moved from Geneva to New York, on the theory that the press might then cover its activities more extensively. Although the idea has some merit, the problem is not so much with the location of the Commission's offices but its composition and the attitudes of some of its members. It is incumbent upon the United States and other members of the U.N. to make an "honest woman" of the U.N. Human Rights Commission.

One useful step suggested by President Carter is the establishment of a special Commissioner on Human Rights, similar to the one on Refugees, or the State Department's Coordinator for Human Rights and Humanitarian Affairs.

I ask unanimous consent to print in the RECORD, a background article from the Baltimore Sun and several other recent articles, including one describing how vulnerable Uganda was to the fuel embargo last July.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Mar. 27, 1977]

THE U.N. HAS A SORRY HUMAN-RIGHTS RECORD

(By Louis Halasz)

NEW YORK.—President Carter's recent call on the United Nations to support protection of human rights was addressed to the wrong audience. The reason: The overwhelming majority of the 147 U.N. member states violate the rights of their own citizens.

The State Department, bending over backwards, has found that out of 82 countries that receive U.S. aid, in only 23 are the rights of people respected. It is a safe assumption that hardly any of the other 65 U.N. member states that do not share the American bounty could be proven innocent of human-rights violations. In short, only about 15 per cent of the nations in the global club can be counted upon to agree with Mr. Carter, that "no member of the United Nations can claim that mistreatment of its citizens is solely its own business."

Explorations with a variety of U.N. diplomats bear out this sombre conclusion. Soviet and East European delegates do not even accept Mr. Carter's good faith in his advocacy of human rights; as they see it, Washington has found a new and dangerously effective weapon with which to "destabilize" Soviet bloc security.

The majority of Third World diplomats are leery, to say the least. "It is contentious," comments an Asian friend, explaining that even the world's great religions cannot agree on what is good and moral.

Another diplomat, this one from Africa, warns that "you have to watch out for the trade-off public postures and basic national interests."

Finally, a Latin American acquaintance feels that attacks by Washington on certain practices elsewhere "could arouse narrow-minded jingoism in the target countries, uniting the abused opposition behind the oppressive regimes."

Even Western diplomats, with the exception of the Scandinavians, mainly the Swedes, worry that Mr. Carter's emphasis amounts to an "overkill," which in the end could prove "highly counter-productive."

Nowhere was this unenthusiastic reception of the new American administration's policy more evident than in the recent session of the U.N.'s Human Rights Commission in Geneva, despite the efforts of Allard K. Lowenstein, who headed the American mission.

That ought not surprise anyone who takes an even cursory look at that curious agency. Out of its total of 32 member nations, there are no more than 8 whose hands are reasonably clean in the matter of human rights, the rest are mainly Communist and unaligned delegations that can be trusted never to detect the beam in their own eyes but see it in those of others.

In fact, the president of the commission, Aleksander Bozovic, comes from Yugoslavia, birthplace and jail location of one of the postwar world's first and most famous persecuted dissidents, Milovan Djilas. Mr. Bozovic lost no time in publicly berating the press covering the session for its particular interest in a Lowenstein proposal that would have asked the Soviet Union to provide information about "the arrest and detention in the U.S.S.R. of persons who have been active in the cause of promoting human rights."

That a vice president of the commission is from Cuba and that one of its members is from Uganda is only an additional comment on the competence of this particular kangaroo court to protect people against governmental abuses. The record of the Geneva session proves it all:

British attempts, first in private then in public, to have the commission investigate Marshal Idi Amin's murders in Uganda were stymied. On the other hand, there was again ample public discussion of human rights violations committed by John Voster's government in South Africa, by the military junta of President Augusto Pinochet of Chile, by Israel in the occupied Arab territories, and even by U.S. troops in South Korea.

Though Mr. Lowenstein claims success in getting the cause of Soviet dissidents aired at all, over the outcries of old Soviet hand Valerian A. Zorin about "unwarranted interference in our internal affairs," the fact still remains that at the end he had to refrain from pressing the U.S. demand, since his motion would have suffered a defeat.

Against this background, the self-flagellation by Mr. Lowenstein's deputy, Brady Tyson—who later was called home for his indiscretion—concerning the U.S. destabilization of the Salvador Allende regime in Chile sounded rather disingenuous, to say the least.

Finally, in a sort of clowning glory, it may be noted that out of the 20 "human rights fellowships" awarded by the commission in the current year two went to "experts" from the Soviet Union and Uganda.

Echoing the comment of Mr. Lowenstein, Andrew Young, the U.S. ambassador to the U.N., claims success in Geneva in that the American efforts prevented a repetition of the equation of Zionism with racism. But the Arabs, noting African disinclination to follow them down this particular garden path, had already given up that odious game last fall, during William W. Scranton's tenure as chief U.S. delegate.

In any case, the Israeli ambassador, Chaim Herzog, does not think much of this argument. "The human rights commission," he said in a recent address, "condemned Israel, as well could be expected, but at the same time rejected a discussion of the massacre of black Christians which is going on in Uganda and which was going on at the time that the President of United States spoke to members of the General Assembly."

Mr. Carter asked that "the entire U.N. Human Rights Division be moved back (to New York), where attention of the press corps can stimulate us to deal honestly with this sensitive issue." The division had been moved to Geneva a few years ago at the insistence of the Soviet Union, so that this particular U.N. activity would be put out of sight, and thus out of mind.

The United States is a mighty country, but denizens of U.N. headquarters would be willing to eat their hats if Mr. Carter's proposal ever succeeded over strenuous Soviet objections and the unwillingness of so many member nations to have the spotlight of world attention focused on their unsavory practices.

[From the Washington Post, Mar. 27, 1977]

EMBARGO ALMOST FORCED AMIN OUT, EX-AIDE SAYS

(By Roger Mann)

Special to The Washington Post

NAIROBI, KENYA, March 26.—Last July during the height of Uganda's fuel crisis, President Idi Amin made preparations to abdicate and take up asylum in Libya, a high-ranking Ugandan army officer who fled to Kenya earlier this month said today.

The officer, who refused to be identified, revealed that by the time Kenya resumed Uganda's fuel supplies after a six-week halt, Amin had already flown his two present wives and many of his children to Libya.

"If the crisis had continued another week or two there would have been a change in Uganda," said the officer, who has served with Amin since 1960 and who has held prominent government posts since Amin seized power in 1971.

At the time, the critical shortage of fuel stopped all civilian and military traffic. Fuel supplies were resumed after pressure from William Eteki, the secretary general of the Organization of African Unity. Eteki was also instrumental in ending the hostilities that brought the two countries to the brink of war.

The fuel supplies had been cut off by Kenya amid growing hostility between the two countries, which reached a high point after the Israeli raid on Entebbe airport that freed more than 100 hostages from pro-Arab hijackers.

Kenya claimed that it cut Uganda's fuel supplies because Uganda was not paying its bills. Uganda was so short of fuel by the end of the blockade that it would have been unable to fight. Soldiers were calling for Amin's resignation.

The refugee officer called Amin, "the second Hitler." He has joined many other Ugandan exiles in calling for international sanctions to bring down Amin's dictatorship.

He is pessimistic that Ugandans themselves will be able to get rid of Amin. "Exiles," he said, "have no money. We all have people inside the country and, if any of us are suspected, Amin will kill all of our relatives there."

"Only international aggression or economic pressure will bring Amin down," he said. The officer called on all countries to sever trade and diplomatic links with Uganda.

Meanwhile, the Nairobi Standard newspaper reported today that a clandestine resistance group inside Uganda, the Uganda People's Passive Resistance Front, intends to poison Ugandan coffee and tea in an attempt to cut off the money for Amin's military supplies.

The group was quoted as saying, "We shall naturally be saddened by any loss of life resulting from contact with contaminated Ugandan goods, but you must hold Amin and yourself responsible."

No spokesman for the resistance group could be found in Nairobi. Observers believe that the group is more likely to be the invention of exiles in Kenya than an authentic

internal resistance movement. It is also thought that the likelihood of crop poisoning is small.

[Amin accused the U.S. Central Intelligence Agency today of using Christian denominations as a cover for subversion and said he would prohibit all foreign aid to churches in his country, according to Uganda radio, which was monitored in Nairobi by news agency.]

[From the Washington Post, Mar. 28, 1977]

FORMER AIDE SAYS AMIN ORDERED DEATHS HIMSELF

(By Roger Mann)

NAIROBI, March 27.—A high-ranking Ugandan army officer who held senior posts in President Idi Amin's government until he fled to Kenya earlier this month says that "Amin personally gave the order that all Lango and Acholi soldiers should be killed."

The officer, who refused to be identified, is one of the most important Ugandans to have left the country in recent weeks. He said that the orders were circulated throughout the country to army commanders via military radio a few days after the death of Anglican Archbishop Janani Luwum and two Cabinet ministers last month. He said he also was given the orders directly by one of President Amin's secretaries.

The officer escaped from Uganda earlier this month after he had been forewarned that his name was on the death list. "They were hunting Christians not because we made mistakes but just for the sake of killing Christians," he said.

The officer, who has served with President Amin in the army since 1960 before independence, said that when Amin, a Moslem, took over in 1971 less than 5 per cent of the army was Moslem. The figure is now probably over 20 per cent, he said.

"That 20 per cent is terrorizing the other 80 per cent whose morale is very low," the officer said. About 15 per cent of Uganda's people are Moslem, while 50 per cent are Christian and the rest Animist.

He blamed the current wave of Christian killings on jealousy. "Christians are better educated than Moslems and by virtue of their education and ability they have been holding positions of responsibility," he said.

Most of the Moslems, he said, are found in the dread State Research Bureau, which is the army's intelligence unit and is reportedly responsible for most of the killings in Uganda. There are very few Ugandan Christians in State Research, which is made up predominantly of members of Amin's own Kakwa and related West Nile tribes and mercenaries from the Sudan, Zaire, Rwanda and Burundi.

The main function of State Research is "to insure the security of the president, not the country. Its members have full powers to kill people who are suspected of being uninterested in the government," the officer said.

Other Moslems are now commanding officers. Some of these, including the vice president, Gen. Mustafa Adrisi, are reportedly illiterate, although Uganda once had the highest standard of education in East Africa. Amin himself is believed to have left school after the fourth grade.

The officer believes he was on State Research's death list because he was a Christian in a high position.

The main targets are the Lango and Acholi in the army. The officer was unable to give precise figures and said he saw only 40 bodies himself but from reports he is convinced that "very many," perhaps 1,000 Lango, Acholi and other Christian soldiers have been killed since Anglican Archbishop Luwum died six weeks ago.

"It is not a new thing to see dead bodies along the roadside in Uganda," he said. When Amin seized power from Milton Obote in 1971, Lango and Acholi comprised about half of the country's 10,000-man army. Most of them were suspected of being loyal to Obote, a Lango, and many of them were killed in 1971 and 1972.

When the recent wave of killings began last month just after the death of Archbishop Luwum, only the 3d Infantry Battalion had significant numbers of Lango and Acholi. The officer said "they were merely shot or butchered like cows."

[From the Washington Star, Mar. 27, 1977]

AMIN MAY BAR AID TO CHURCHES

NAIROBI, KENYA—Ugandan President Idi Amin accused the American CIA yesterday of using Christian denominations as a cover for subversion and said he would bar all foreign aid to churches in his country.

"Imperialist agents and the CIA are using the church as a weapon for subversive activities and assassinations," Uganda radio quoted Amin as saying.

The broadcast, monitored here, said Amin "reminded the church leaders not to involve the church in politics because if they do, the people will lose confidence in them. They should only preach the word of God and not politics and pray for peace and not bloodshed."

Amin has often accused missionaries of being CIA agents, and it was not clear whether the scores of British and American missionaries in the country would be affected by Amin's latest statement.

"Uganda is a rich state," Amin said. "And there is no reason why religious denominations should beg from poor Europeans and Americans, to whom Uganda is in a position to give financial aid."

Christian leaders in Africa have accused Amin, a member of Uganda's Moslem minority, of murdering large numbers of Christians in his East African country.

The charges were leveled following the death last month of Anglican Archbishop Janani Luwum, who Amin said died in a car accident shortly after being arrested for subversion.

Unofficial reports which cannot be confirmed say Luwum was murdered by Amin's agents.

Last Friday, Dr. Donald Coggan, the archbishop of Canterbury and spiritual head of the Anglican church, told reporters he prayed for Amin's overthrow.

Amin, who claims to talk directly to God, said the world would see "which of them will meet God first." Amin said he had invited Coggan to Uganda so he could learn the facts instead of lies "spread by Jews and exiled Ugandan churchmen."

In London, Coggan said he had received no invitation and probably would not visit Uganda if he did.

Meanwhile, a group calling itself "The Ugandan People's Passive Resistance Front" sent letters to journalists in Nairobi threatening to poison Uganda's coffee and tea exports in an effort to topple Amin.

"We ask the world not to touch Ugandan goods or else face the consequences," the mimeographed statement read.

The letters, mailed from the Ugandan capital of Kampala, claimed revenue from the sale of Ugandan tea and coffee "is being used to buy arms for genocidal practices."

OIL SPILL LIABILITY

Mr. BIDEN. Mr. President, one of the most serious environmental problems facing the Nation today is the problem of oilspills. That is why I introduced S. 121, the Federal Oil Pollution Liability and Compensation Act of 1977 on January 10. That legislation is intended to replace the present hodgepodge of laws with one comprehensive liability law that will assure those whose property is damaged or livelihood ruined by an oilspill have a good basis for recovering damages.

Strong comprehensive oilspill liability legislation must be the cornerstone of any effort to deal with oil pollution problems. We must, of course, deal with issues of tanker safety and operation. I am cosponsoring legislation to deal with these. However, it is clear that Government regulation and enforcement is not and should not be our whole answer to the oil pollution problem. As petroleum operations increase, the potential for spills will be greater and the effectiveness of Government administration and enforcement efforts to control oilspills will decrease.

Mechanical improvements are not enough. Of equal importance is that we encourage careful handling of oil cargoes and storge by placing responsibility for the damage caused by careless actions on those who cause a spill. Until those persons directly responsible for operations involving petroleum are given an incentive to prevent spills the problem will not be solved.

The need for adopting strong liability legislation is made clear by an article appearing in the Wall Street Journal on March 15. The story, written by John D. Williams, was headlined: "Oil-Tanker Fleets Seek To Increase Safety, But the Accident Rate Remains at 10 a Day." Just that headline demonstrates the need for pollution liability legislation. This article, while citing efforts underway to improve operations, shows the near inevitability of some spills. This story gives a good picture of the problems of petroleum transportation today that require prompt adoption of oil pollution liability and compensation legislation such as I have introduced. Therefore, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL-TANKER FLEETS SEEK TO INCREASE SAFETY, BUT THE ACCIDENT RATE REMAINS AT 10 A DAY

(By John D. Williams)

The owners and users of the world's tanker fleets—fleets critical to the global economy but perilous to the environment—are taking a variety of actions to head off giant oil spills.

Pressure on the industry, from the U.S. Coast Guard, the public and other quarters, has intensified since the tanker Argo Merchant broke up 27 miles off Massachusetts last December. That accident released 7.6 million gallons of oil in the biggest spill to date so close to the U.S., and it focused attention on a global problem.

Authorities say that since 1964, accidents destroying 198 tankers have caused 1,054 deaths and befouled the seas with half a billion gallons of petroleum. While the industry insists that unavoidable "human error" is behind the majority of tanker accidents, it also says that steps are being taken to make tankers safer.

Tanker fleets say they are investing more dollars in navigational equipment and manpower training. In addition the companies that charter tankers from others say they are probing harder into the seaworthiness of ships and the accountability of the owners. And some ports say they are taking new measures to control harbor traffic.

CONTINUED CASUALTIES

These measures haven't made a mark yet. According to the American Hull Syndicate, an insurance group, 10 casualties are still occurring each day—the pace of recent years—among the world's 4,500 tankers. Although not all accidents are serious enough to result in oil spills, "even brand new tankers with top-notch crews employed by the finest oil companies need to perform in an essentially better manner," says Arthur McKenzie, director of the independent Tanker Advisory Center, which compiles information on tanker accidents.

The industry says that some accidents will be headed off with the spread of navigational controls. The U.S. Coast Guard is requiring tankers plying U.S. waters to have radar, a gyrocompass and a magnetic compass, beginning June 1. The Coast Guard long has permitted the tankers to have only radio direction finders and depth-recording devices, but it reconsidered its position after the highly publicized Argo Merchant incident just outside U.S. waters.

Many of the biggest tankers—which don't enter U.S. waters because the ports are too shallow—already have modern, electronic navigation systems that go way beyond the Coast Guard requirement. But many smaller tankers have little navigational equipment, or pay little attention to maintaining and operating what they have.

For example, the Argo Merchant, according to depositions in insurance litigation after its grounding, had an imperfect gyrocompass and employed an unskilled seaman on one watch as a helmsman even though he didn't know how to steer. (Thebes Shipping Inc., owner of the Argo Merchant, concedes that the gyrocompass wasn't fully functional but insists that all the helmsmen were qualified.)

PLEASE DO NOT USE

And a former officer on another tanker, who declines to be identified, recalls that the owner put a "Please Don't Use" sign on a gleaming new radar device, lest somebody break it; the ex-officer claims it was installed simply to be there whenever an insurance inspector showed up.

However, most tankers are expected to make use of new navigating aids once they are installed. "If the Coast Guard enforces its new June 1 regulations, there certainly will be fewer accidents," says William Gray, senior adviser in the logistics department of Exxon Corp., which owns 150 tankers, the world's largest fleet in tonnage. All the Exxon tankers already meet or exceed the Coast Guard requirements, and 45 are installing computer-aided collision-avoidance systems that go far beyond them.

Manpower training is another area to which tankers owners are devoting more dollars. Exxon, for example, says it will spend $4 million on training of tanker crews this year, up from $3 million last year and double the 1972 level.

More tanker officers are being trained—like airplane pilots—with equipment that stimulates the conditions of the actual job. At New York's La Guardia Airport, for example, is a simulator consisting in part of a semicircular screen onto which pictures of a harbor are projected; trainees use navigation instruments identical to those in a tanker's bridge to "steer" through the harbor.

The La Guardia simulator, run by Flight-Safety International Inc., is outfitted with Sperry Rand equipment to project conditions in six important ports, including one in Saudi Arabia. About 300 Texaco Inc. tanker officers, among others, are scheduled to train on it during the next five years.

DECREPIT TANKERS

One they are trained, officers may have better tankers to sail, for added attention is being paid to just how shipshape many tankers are. It's generally recognized that older tankers, although they pass regular insurance inspections, are more accident-prone than new ones. "There's some right old rubbish afloat," says an official of the Royal Dutch-Shell Group. "The problem is—just as with old autos—how do you get rid of them?"

The insurers themselves are apparently doing little about the problem. One insurance official, who declines to be identified, says, "The marine underwriters are in a position to put bad actors of the seas through insurance pricing—but the race for the dollar is such that they have to take business that they otherwise would be wary of." He adds, however, that at least his own company is saddling oil importers with higher cargo-insurance rates if they "ship on these old tubs."

Oil companies, which turn to independent tankers for about half their shipping needs, increasingly say they are refusing to hire the rust buckets. Texaco, for example, has just doubled (to 20) the number of questions it asks before hiring a tanker. It now asks, for example, if the tanker has been involved in any oil spills during the past year. And Chevron Shipping Co., a unit of Standard Oil Co. of California, says it is undertaking inspections of tankers it charters for a year or more.

HIDDEN OWNERS

Oil companies also hope to identify the owners of independent tankers. Apparently to avoid taxes or personal liability, owners often register the tankers in the names of obscure corporations; nations eager for registration fees (notably Liberia, where the Argo Merchant was registered) have readily cooperated with owners seeking anonymity.

Asserting that hidden owners can't be held accountable for tanker safety, some oil companies now are attacking this anonymity. Chevron Shipping Co. says it will no longer charter a tanker whose ownership can't be traced. "We don't want to do business with anybody we don't know," says Lawrence C. Ford, Chevron's president.

Formal controls over harbor traffic should also lead to increased tanker safety, some cities figure. Traditionally, ships jockey among themselves to gain entry to port. But after two tankers collided in San Francisco Bay in 1971, causing an oil spill that cost $5 million to clean up, Congress adopted a Port and Waterways Safety Act and some U.S. ports moved to control traffic.

Now, Seattle port officials require vessels entering Puget Sound to report their positions by radio; the ships receive entry instructions much as airplane pilots receive orders from traffic controllers. And at least two other ports, San Francisco and Galveston, are offering "vessel traffic services," enabling ships to receive traffic information by radio.

Still, "Our harbors are too congested, and there presently isn't enough information for mariners to make safe decisions," a Coast Guard official in Washington says. Rotterdam and other European ports have far more advanced controls than the U.S., other authorities say.

DOUBLE HULLS URGED

Nobody seems to doubt that more tanker accidents will occur, so some observers are calling for stronger ships that will hold up better in accidents. The Tanker Advisory Center's Mr. McKenzie, for example, says that tankers should be constructed with double hulls. But tanker owners claim a double-hulled ship, while more costly, would sink deeper than an ordinary tanker if the hull were pierced, requiring more oil to be jettisoned to maintain buoyancy.

According to tanker operators, the Shell-owned tanker Metula would have spilled 61 million gallons of oil (rather than the 15.3 million gallons it actually spilled) if it had had a double bottom when it broke open off South America in 1974. (That would have been twice as big as the record spill when the tanker Torrey Canyon broke up off the English coast in 1967.)

Owners and critics agree on at least one construction measure, however. All are supporting the addition of so-called inerting systems inject carbon dioxide into empty tanks, displacing oxygen and thus reducing the potential for fires and explosions.

Late in 1969, three tankers blew up in separate incidents even though they had only ballast water in their tanks; authorities blamed electric sparks and the presence of oxygen. Since then, the inerting systems have been added to many tankers.

CONTROLLING GENETIC RESEARCH

Mr. DOMENICI. Mr. President, the growing debate over the future of research on recombinant DNA has reached national proportions as witnessed by the recent hearings in the House and by numerous scientific colloquia, magazine and newspaper articles, and television specials.

Along with the increased interest in this issue has emerged a widening polarity between those who urge that the work continue and those who demand an immediate ban. I fear that this polarity, attended by growing emotionalism, is diverting our attention away from many of the fundamental questions with which we, as a nation and a Congress, must deal regarding DNA research.

On March 24 the Washington Post offered an editorial which, in my judgment, is balanced, thorough, thoughtful, and very pertinent to this subject. So that my colleagues in the Senate might share in the wisdom of this editorial as they ponder this issue during the upcoming Health Subcommittee hearings on DNA, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONTROLLING GENETIC RESEARCH

There are few areas of scientific research that hold as much hope, and danger, as genetic experimentation. In the future may lie such developments as the creation of oil-eating bacteria that would eliminate much of the damage caused by oil spills, and such spectacular developments as breakthroughs in the cure and prevention of many diseases and human disabilities. But also in the future may lie the possibility that organisms may be created which man cannot control. It is even conceivable that some scientists might choose to tinker malevolently with the genetic makeup of human beings.

These various possibilities led many prominent scientists in 1974 to call for a moratorium on such research. They also led to the guidelines issued last summer by the National Institutes of Health on how federally-funded projects in this field must conduct their work. Now, a high-level government committee has recommended that those guidelines, with some modification, form the base of a new federal law, which would control tightly the production and use of the molecules that are the focus and product of genetic research.

The committee, on which all federal agencies concerned with this research were represented, has taken the right approach. It believes that research into genetic materials must be allowed to go on; the potential benefits to mankind are so great that it would be foolish to deny ourselves their discovery, and the research is so challenging that some scientists would continue with it illegally even

if it were barred by law. But the committee also believes that the dangers are too great to permit the research to proceed unregulated and that the federal government is the proper source of that regulation.

Drafting of the legislation has begun at the Department of Health, Education and Welfare, and will no doubt be difficult. We have had precious little experience in limiting what research scientists can and cannot do. And we have not had much more experience in requiring industrial scientists to keep the government informed of the kind of products they are attempting to develop for their employers. But the need is clear for requiring that the federal government be told what kind of genetic research is under way and that it have the power to ensure that the research is conducted in facilities that meet safety standards sufficiently high to minimize the possibility of, say, loosing new creatures in the world. Developing rules that accomplish those ends without stifling scientific inquiry may be difficult, particularly for a department noted for its ability to complicate enormously the administration of even simple programs, but it must be done, and done quickly.

Genetic research is more than an American problem, and concerns about its promise and its dangers are widely shared. Substantial work is under way, on both the research itself and ways in which it should be regulated, in other countries; these include the United Kingdom and most of Western Europe and Canada. Once Congress determines how research is to proceed in this country, the groundwork for an international agreement will have been laid. The need for such an agreement is as clear as the need for domestic regulation. A tragic mistake in this kind of research anywhere in the world could endanger all of us, just as a brilliant discovery in any country could benefit all mankind.

TWO-PARTY POLITICAL SYSTEM

Mr. MATHIAS. Mr. President, one of the things this country needs and is in danger of losing is a genuine two-party political system. Every American, including Republicans, Democrats, and Independents, has a stake in this matter. Without a vigorous and competent opposition party, American politics will grow moribund and dangerous.

I recently offered some thoughts on this subject to the students at the University of Maryland. For what they are worth, I would like to share them with my colleagues in the Senate and to request their reaction and comment.

I ask unanimous consent that these thoughts be printed in the RECORD.

There being no objection, the thoughts were ordered to be printed in the RECORD, as follows:

TWO-PARTY POLITICAL SYSTEM

Last November only 55.6 percent of Americans of voting age bothered to go to the polls. Just a cat's whisker more than half of the voters went to the polls. Unfortunately for the Republican, more of that 55.6 percent pulled the democratic lever for the presidency than for the Republican candidate, but it was touch and go for a while.

So it seems to me that the 1976 election was not so much a defeat for the Republican Party as it was a signal to both parties that danger lies ahead unless there is something done very soon to reverse the present trend. About half of all voting age Americans chose not to vote. They are turned off. It's a little bit like an aggravated case of the old fellow up near Catoctin, up in the woods near Camp David, who said that he hadn't voted in more than forty years and probably would never vote again. When he was asked why not, he said, "You know, I don't want to encourage them." There are a lot of people like that now. They feel politics is somehow sleazy and dirty and they don't want to encourage it even by voting. But, of course, if it is sleazy and dirty, voting is the only way to clean it up and straighten it out.

I don't think anybody can be particularly encouraged by the turnout for the last election. Even the 55.6 percent of the American voters who are still politically active, who cared enough to come out to vote, clearly are not identifying with either one of the two major political parties in the way that they used to.

I have a chart on voter identification which was prepared by the Survey Research Center of the University of Michigan, one of the great statistical studies centers in this country. It gives a pretty clear picture of the trends of the past 20 years and I can show it to you. This line here is the Democratic registration, this line is the Republican registration, and this is the Independent registration. You can see from the way the Independent line moves upward over a 20-year period from roughly 20 percent to 40 percent of the registered voters in the country, that more and more people have come to feel that they are Independents. The Republicans have obviously suffered most from this trend, you can see the almost straight line fall of the Republican Party in 20 years. But, the Democrats have taken their licks too. I think what's important from the point of view of the whole country, not just from a narrow partisan point of view, is the trend itself, what it means, how to adapt to it, how to profit by it.

Now we may individually be disappointed by the election results but I don't think we have to be completely dispirited. In spite of this chart, which on its face indicates that the Republicans have absolutely no chance whatever to win any kind of an election, the 1976 Presidential election was pretty close and President Ford did come from behind to prove that there is some receptivity to a Republican platform and to Republican ideas which simply is not reflected in the registration figures. I think people pretty much agree now that if the ticket had reflected the full spectrum of the Republican Party, if the ticket had somehow or other been able to convey that historically the Republican Party has been a big house where conservatives, moderates and liberals of every flavor, brand and blend have traditionally been comfortable together, then the election might have been decided in the other way.

But that's all behind us and there is no point in crying about spilt milk. I think that the thing we have to do here is to take stock not of where we were last November but of where we are right now. In a nutshell this is the sort of profile the Republican Party can claim: 12 governors which is obviously less than a quarter of the total number of governors in the union; 38 Senators which is considerably less than half of the total number of 100 Senators; 143 Representatives which is less than one-third of the House of Representatives. In Maryland, of course, the picture is a little worse. The Washington Post had an article recently which said:

"Just four years ago, (Maryland Republicans) could claim a United States Vice President, a Presidential Cabinet member, two United States Senators, the Chief Executive of three of the state's four largest counties and four Congressmen. Today (they) have one less Congressman, one less Senator, one less Chief County Executive and no Vice President."

So that's a pretty grim projection. But, the weakest showing of all is in the State legislature where the Republicans hold only 23 of the 187 seats in the two houses. That's a pretty sad figure, however, I must say it doesn't scare me as much as it might scare some people. When I went to the Maryland House of Delegates in 1958 it was somewhat smaller. There were about 123 members then and we had only seven Republican members out of 123 which is even worse than 23 out of 187. We even were weak enough once to succumb to a suggestion from the press that we have our picture taken together in the same phone booth. We were actually physically able to do it. Politicians will do almost anything for a press picture, but actually that was too much.

Having been in the House of Delegates in that kind of lopsided situation where you have so little chance to do anything really constructive, I can speak with a great deal of feeling about the importance of concentrating on getting a better balance of the State Legislature. It would even be better for the Democrats if there were more Republicans in the State Legislature because parties do their best, as individuals do their best, when they are challenged, when they are in a competitive situation, when they are watching each other, when there is some sort of effective check and balance. People do better under those conditions of competition and when they aren't available, when the condition doesn't exist, people get careless and very frankly they get into trouble.

So, I think if we're really to broaden the Republican Party and revive the Republican Party, we have to begin at the state and local levels. This is a matter in which I don't think we can expect Democrats to be helpful but in which they have a very real interest.

The question is how do we do it? Well, I have been called many kinds of a Republican—a radical Republican, a liberal Republican, a moderate Republican, and progressive Republican—but, speaking let's say as a moderate Republican, I think that you have to begin to do this job by broadening the base of the Republican Party. If you just look at this chart, you see that something has to be done numerically. I know that there are still some people in the Republican Party who want to draw the wagons in a circule around an ideological extreme, who say, "Let's keep them all out". Well, you can draw those wagons into a tight circle and keep people out, you can have the most exclusive little club that can be imagined but it won't be a political party then, and it won't be able to do the things that a political party ought to do. It won't be able to solve problems which is the basic reason for a political party's existence.

So when you hear people say that liberal Republicans have to cease being the tail that wags the elephant, I buy that, I have no problem with that. I don't think any particular part of the elephant's anatomy ought to be wagged by any other part. I think that the elephant ought to move in one well-articulated, coordinated way, and that all the parts ought to get into the act. Now, I happen to think that where there isn't some agitation from each part of the elephant you're going to get rigor mortis. I think there ought to be activity both from the more conservative and from the more liberal side, because that gives you a dynamic inner tension that keeps the whole organization vigorous. But, I don't think that we're going to get the kind of active party we want by shaking our fingers at each other or by saying that what we are proposing is wrong or un-Republican or un-American or un-patriotic. It may be that we disagree, there's nothing wrong with saying I disagree with you completely, you're taking the wrong approach, but it seems to me that it becomes self-defeating to say, "Well, if you're going to talk like that, you aren't really a member of our party and you have to get out". That kind of talk is the business of drawing the wagons in a circle, and it is causing the party to go down and down and down and down, until finally this line will

drop off the edge of this sheet of paper, and we won't have a critical mass which is capable of political action.

I think the task that we face today is remarkably similar to the task that Abraham Lincoln faced when he made the Republican Party an effective political force, which was to put together a coalition of very different people who did not have exactly the same ideas but who were willing to withhold epithets like un-American and un-patriotic and to come together because they felt it was useful to come together—useful for the country and for themselves.

As a result, they were able to gain the Presidency and to put a very important moral commitment before the American people in their time. In 1961 Lincoln told some of his followers that "If we do not make a common cause to save the good old ship of the Union on this voyage, nobody will have a chance to pilot her again". Now that may be a kind of quaint metaphor today, but I think it's about right. The time has come for us to make common cause and, if we don't do it pretty soon, there isn't going to be very much to argue about or discuss in the future. If we substitute the words "Republican Party" for Lincoln's word "Union", then I think that advice can be taken by Republicans today. If we don't make common cause to save the good old ship of the Republican Party, then I don't think it will matter whom we nominate for President or other high office in the future. So, I think that we have to make common cause. I think that in the interest of the State of Maryland, in the interest of the country, we've got to get fitted out for battle in 1978 and in the years beyond.

When Lincoln brought together this very disparate kind of coalition, he did it because he had an idea, and ideas are important in politics. Lincoln's idea was very simple. It could be expressed in one word—Union. To him the Union was the unique, the critical thing about America at that moment. It was the Union that could bring freedom to the slaves, it was the Union that guaranteed liberties to all Americans, it was the Union which provided an essential ingredient in American life which made it possible for Americans to live and prosper and make a great country as they did.

I think today the Republican Party needs an idea. We make a lot of speeches, but I'm not sure that we express an idea in the way that Lincoln expressed the concept of the Union in his day. I think we need an idea that conveys what we stand for—one that speaks of the past, and one that speaks of the future in the same terms—an idea that carries our traditions into the future. We need an idea for the Republican Party that people of every frame of mind—people who are uncommitted, people who are disenchanted—can very easily identify and can identify enthusiastically. It seems to me that the idea should be Freedom, because it is a truly consistent Republican theme.

For 100 years the ideal that moved the Republican Party was Freedom, the simple notion that Americans should be free and should be equal before the law. The Republican Party was founded on that principle, and it grew on that principle as the Party of Freedom. It was the Party of Freedom from bond slavery, under the leadership of Lincoln. It was the Party of Freedom from economic domination, under the leadership of Theodore Roosevelt. It was the Party that advocated Freedom from manipulation by the military-industrial complex, under Dwight Eisenhower. But I think thereafter we have to admit that we flagged in our devotion to Freedom. And the American people noticed the fact that we weren't living up to our ideals even before most Republicans did. Now, I think that if we are to come close to equilibrium, we have to become the Party of Freedom again. And to the Freedoms that have been established in the American system, I think we have to add Freedom from an overbearing bureaucracy. I think we have to add Freedom from a dehumanized technology.

I was in Mexico City last week and went in to see the head of Mexico's equivalent of our National Science Foundation. As I walked in the door, he had a television screen hooked into a computer and was getting my whole biographical background, and my voting record in the Congress flashed to him in Mexico City from some data bank somewhere—very useful no doubt, but with frightening implications.

We have to have freedom for the individual citizen from the pressures of bigness that are all around us. When this country was founded, it was founded with about two million citizens. We have twice that number in the State of Maryland alone today. At a time when we are congratulating ourselves that the national population has slowed in its growth, we are still adding more people every year than the original founding population of the Republic. Bigness, just the sheer size of everything, seems to subordinate individuals—to reduce them to insignificance. People feel that. We have to restore to people a concept of respect for themselves—no matter that there are four billion people in this world, each one is different, each one is unique, each one is unprecedented, each one will never again be repeated.

So we have to have freedom from bigness. We have to have the kind of freedom which goes with a healthy respect for ourselves and for our fellow human beings. I think this concept of freedom is one that we have a historical responsibility to revive and to keep alive. Today, too many people in this country feel that they are just being submerged in the big bureaucracy, the big labor unions and the big business complexes, and now even in big agriculture; so I think that we ought to place the Republican Party in the position of a bulwark of freedom between individuals and these forces that threaten to engulf them. I think that, in this effort, we will have a fair chance of joining a very proud past to a bright future.

I'd like to add just one closing note. It's easy to make speeches, not always easy at 9:00 in the morning, but still it's relatively easy compared to the hard practical things that have to be done. One of the things that needs to be done—and the State of Maryland needs it as badly as the Republican Party needs it—is for the Republican Party to put on an effective and constructive and a positive campaign in 1978. I can't think of any better contribution that the University of Maryland Young Republicans could make than to get behind this 1978 effort. Ed Mason, who is the Minority Leader in the State Senate and Bill Linton, Minority Leader of the House of Delegates, are organizing this campaign and there are a lot of practical day-to-day things to be done. 1978 is not some year in an astronomically distant future, it's next year. So I'd suggest that you get in touch with Ed Mason and Bill Linton in Annapolis and we can get on the road. Thank you all very much. Now, if you have any questions, I'll be glad to answer them.

Q. I agree with you when you talk about the balance of the parties and a lot of your ideas, you know, on specific issues but it seems like the Republican Party this year—you talk about Freedom—they almost went on record against the Equal Rights Amendment for women, in fact even in the Maryland Republican Party, you were denied by your own delegation. You, being the most popular Republican, were denied a position on one of the committees at the Convention. What does it take, to you, to say the Republican Party just isn't willing to change?

A. I think that, as I suggested earlier, if the Republican Party is to become an exclusive club which refuses to change, if it just draws the wagons in a circle, then it will not change. I was shocked, for example, that the Republican Party only attracted about six percent of the black vote in the country in the 1976 Presidential election. And I've reflected on that a great deal.

In fact, I talked to Bob Dole about it, and he said that he had not been scheduled into a single black meeting during the campaign, and that he had noted at the time that this was a serious omission. Well, I think it was. I think there was no real effort on the part of the campaign leadership to reach out and attract the black vote. That was clearly perceived by the black voters, and the result was that 94 percent of them voted Democratic. Now, number one, a political party that wants to solve problems for the American people has to be in touch with, and has to be representative of, every segment of American life. It's wrong in principle not to reach out for a substantial segment of the American population, something like 10–12 percent of our population. But, when we do reach out for new people so that we can have a balanced membership which is representative of the total population, then I think you will see the kind of change which very frankly we haven't seen. And that's the only way change is going to come and, if we don't do that, then, to repeat myself again, that line is going to drop off the edge of the page and there isn't going to be any Republican Party of more than marginal size so it won't really matter much anyway.

Q. What is the danger of a third party?

A. Well, I think that there is a very good likelihood of it. I wouldn't use the word danger because I think, if the Republican Party should cease to function or if the Democratic Party should cease to function, and neither of them is doing very well right now, then it would be absolutely necessary that some alternative party arise to fill that gap. I would not want to see a situation where we had only a single party which was not being effectively challenged at the polls or where there was not some sort of legislative tension in the Congress and in the State Legislatures so that concepts and ideas would be tested in the fire of controversy and of difference of opinion. So, I think there is every likelihood that, if the Republican Party does not reverse its downward trend and start up again, then some new political force will, in fact, come into being. Of course, the seeds are there for it because in this group of Independents, who represent somewhere between 40 and 50 percent of all registered voters today—an astoundingly high figure—there are people who are just simply disgusted with both parties yet who may want to have some sort of political participation, who do not want to be a political eunuch, and who want to do more in the political life than simply go to the general election and vote. They may want to participate in a primary. They may want to participate in block-by-block political organization. They just feel such a distaste for the way the system is running now that they say to the Democrats and Republicans: a plague on both your parties. Now those people, some of them at least, are available. There are all kinds of people at political loose ends. George Wallace says those Independents belong to him. Well, I think the results of the election show that not all of them belong to George Wallace. Some of them undoubtedly do, but there is probably as broad an ideological spectrum among the Independents as there is among the Democrats and Republicans. And out of all that conglomerate of available voters, I think you have the raw material for a new political party.

Q. Senator, do you have any plans for the future to bring the Republican Party closer together? To make it appeal to a wider electorate?

A. Well, all that I can do is to constantly try to keep the door open for bringing more people in. There's a tremendous opportunity for growth for the Republican Party now. There is a tremendous opportunity for younger people to come in and to make their mark there and to change the party. If you look at the race in Maryland for Governor next year, you have half a dozen prominent office-holding Democrats, who are jostling for that nomination. There is probably a good chance for a younger, less well-known, aggressive idealistic Republican to get the nomination, and once you've got the nomination, as Jerry Ford shows, if you can really present yourself to the public, you have a chance of getting elected because of the great mass of Independents, which equal the Democrats and are twice as numerous as the Republicans. So the opportunities to advance are very great within the Republican Party. If people who are considering how they can make a contribution in public life get in the Democratic Party, they have to push and shove and jostle and maybe wait a lifetime before they get any opportunities at all. But it's a different story in the Republican Party—there's real opportunity. Now if this could be perceived, and I don't mean you just do this because of personal ambition—I don't want to be misunderstood on that—then I think more people would consider becoming active in the Republican Party, and that is really the only way that what I am talking about can succeed. There is no way I can do it alone. I can't wave any magic wand and say the doors are going to open and the walls are going to fall down. It's just simply having enough people within the Republican Party who feel this way that will make it happen.

Q. Has there been a tendency on the part of the state party, perhaps because of its small size, to adopt new initiatives, to try to broaden its base? For example, I've heard, although I'm not sure of this, that at the last convention they voted to support the decriminalization of marijuana?

A. I was not at the convention the whole time, I can't testify on that point. But there is an effort, Ed Mason and Bill Linton, for example, in trying to work for the '78 campaign, are making a real effort to broaden their approach and instead of going back to the same old tired people to look for new people to bring into Party activity.

Q. Doesn't that also come from the members of the Republican Party—to go out and reach out to people?

A. Absolutely, it's the members that are critical. That's a very good point. Of course, you can't just rely on leadership of any organization. Your minority leader of the State Senate, for instance, has only the same 24 hours a day that everybody else has, and what he can do individually and personally is very slight. It's what he can motivate other people to do that will be the important thing. So this effort really has got to be aimed at motivating other people to go out and actually do the work.

Q. Senator, let me play devil's advocate and suggest that the Republican Party become more enclosed in circled wagons that you mentioned. Is there any possibility that in the future you may bolt the Republican Party?

A. Well, I'm not contemplating that at the moment, but I am perfectly frank to say to you that, if this constriction continues, then I see that the Republican Party will lose the critical mass that's necessary to be really important in American public life, as an institution. If you look at the demographics of the Party today, it is an older Party, although 18 percent of all registered voters are Republicans, only about 15 percent of young voters are Republicans. So we are not even replacing our losses at that rate. We are attracting fewer young voters than our proportion to the total population and so I think the future will really dictate what happens and we will see the trend very fast.

Q. Senator the latest issue of National Review magazine says that you're considering becoming a Democrat.

A. Well, as I just said, I'm not considering it at the moment. There has been a good deal of press comment on that not only in the National Review, but I think the important thing to do is to see if we can keep the two party system vigorous and vibrant and useful to the American people. If we can't do that, then a lot of us have got to think the future out again.

Q. How would you feel about doing away with the electoral college and going to a proportional system or just a majority system, and how would that affect the Republican Party?

A. I'm rather inclined to go to a direct election. At the very least, I think we ought to get rid of the human electors. You may want to keep the weighting of electoral votes as part of the election machinery because that gives a kind of regional influence to parts of the country that would otherwise have a very slight impact on Presidential elections and it gives a certain binding quality to national decision. I personally think, if I had my own options, I would not do that. I'd go to a strictly one man-one vote Presidential election. But, if that isn't possible, at least do away with the human electors who don't serve any useful purpose and who can fudge an election result other than as indicated by the primary or the general election. I don't know that it would have an effect on the Republican Party different from its effect on the Democratic Party. I think both parties would have to operate differently and instead of going for states, you would find them going for regions. Instead of appealing, say just to New York State, they would look at that big population blob that includes New Jersey, Pennsylvania, New York and Connecticut and you would find a regional kind of campaign going on. A lot of things would be done differently, fundamental things, but I think it would remove the possibility that we could have a President installed in the White House who had lost the election and, of course, that's a very real possibility under the present arrangement.

Q. Senator, I am a Democrat myself and in the Democratic Party there has been quite a comeback since 1972. Part of this is because of the work of the National Committee and Bob Strauss, and their efforts to try to bring the average voter out. Do you see the Republican National Committee getting a dynamic leadership to try to do this?

A. Bill Brock, who is the new Republican National Chairman, is a very bright fellow. He has the reputation of being conservative, but he is bright enough to understand the dynamics of a political organization. I suspect that Bob Strauss is a rather conservative fellow too, but he had no problem in seeing the necessity of bringing all the elements of the Democratic Party together. I think he should be congratulated for the job that he did. He got everybody under one tent—my colleague Jim Eastland from Mississippi and my colleague George McGovern. When you can get those two to sit down together in peace and harmony, you're a master. He did it, and the result was really spectacular. I think that is the model. You have to get people to work together. You have to make common cause and, without it, the country suffers. It isn't just that the Republican politicians don't get elected and the Republican officeholders are unemployed—that may be a personal tragedy for them—but the real tragedy is that you lose the dynamic tension, you lose the vigor, you lose the concentration and the kind of spirit and interest that people ought to be investing into politics and investing in government. The way to encourage people to muster that spirit and to muster that interest is by maintaining this tension between the parties which has always had a fascination for human beings. When we lose that fascination and we lose that interest, then we simply don't have as good and as efficient a government as we should have. With all the problems that exist today, not only in this country but around the world, we have to have the most efficient way of dealing with problems that we can have. I am afraid that, at this moment, we don't have it.

Q. Do you know if there are any plans for a mini-convention?

A. Well, I have advocated it, and I hope that we will have it, but there are no plans for it yet that I am aware of.

CHILD DEVELOPMENT: THE UNMET NEED

Mr. HUMPHREY. Mr. President, on Sunday, March 27, the Northside Child Development Center in Minneapolis dedicated a new building. A last minute conflict prevented me from being present. My son, Hubert H. Humphrey III, State senator, delivered the remarks I had prepared. I am sure he added a number of flourishes of his own, since he is more familiar with State legislation affecting the day care issue.

However, I want to take this opportunity to offer recognition to this fine community institution. At the same time, I want to express my serious concern that this center is the exception, rather than the rule.

It is a profoundly disturbing fact that the problems of day care and child development have not received the priority they deserve. Vice President MONDALE gave a great deal of thought and leadership to this issue when he served as chairman of the Subcommittee on Children and Youth. We need to carry through the important initiatives he undertook in the Senate.

An editorial by Ellen Goodman, in the Washington Post of March 25, sums up very well the lag between the changing composition and customs of the American family and the failure of our educational and child development institutions to adapt to that change.

Mr. President, I ask unanimous consent that the text of my prepared remarks and the Washington Post editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR HUBERT H. HUMPHREY, DEDICATION OF NORTHSIDE CHILD DEVELOPMENT CENTER, MINNEAPOLIS, MINN.

It is very gratifying to celebrate with you this important achievement by Northside Child Development Center, a truly unusual and exceptional facility.

This cheerful, comfortable building that we dedicate today to the welfare of children is a significant success. It is an impressive demonstration of your ability to respond as an institution to community needs within a challenging climate of change, including a shift in federal funding and a mandatory move.

I am confident that the Center, which has won a great deal of merited attention and praise for its leadership in mobilizing community support and resources in an innovative, high-quality program serving children from infancy to adolescence, will

continue to provide progressive leadership in the field of child development.

It might be of interest to discuss briefly the distinction between child development and day care, and to trace some of the social and economic factors that make such programs a legitimate national concern as they critically affect the income and welfare of millions of American families.

The need for day care is an important and growing stimulus to child development programs. Although Title 20 of the Social Security Act responds to this need to some degree, it is only a limited beginning in terms of the population to be served.

In 1975, 27 million children in the United States under the age of 18 had mothers in the labor force. Of those 27 million, 12 million were in households headed by a woman. Six million were preschool children whose mothers worked.

Yet only one million spaces were available in licensed day care programs. Too many other children were in unsafe or substandard environments; too many children were unsupervised; too many were deprived of the stimulation and activities that are part of a happy and growth-oriented childhood.

Increasingly, women are entering the labor force. In 1976, 47.3 percent of all women worked. More than 54 percent of women who headed families worked.

This trend has a number of roots. It is a positive development when it reflects a changing life style in which women wish to make a productive contribution to society through the use of their professional and technical skills.

In perhaps the majority of cases, women work becaues they must. In the growing number of single parent families, mothers are the sole support of their children.

In other families, buffeted by inflation and unemployment, the contribution of the wife and mother raises the family income above the poverty level.

In a great many instances, the availability of day care determines whether or not a woman can work.

It determines whether she does so at the expense of her children's welfare and her own peace of mind.

The availability of day care determines whether she can assume career responsibilities, confident that her children will be safe and well-cared for during a full working day and even when overtime may be required. Without day care, she can be condemned to dead-end, low-pay jobs because only fragmented, unreliable and unsatisfactory care arrangements are possible. This places the family with a woman as head of household at an obvious and unjust economic disadvantage.

Day care determines whether her family will be self-sustaining or dependent on welfare.

Parents want and need to be able to work without sufering anxiety about their children, or guilt because improvised care is inadequate.

Ironically, those who most need this service can least afford it. The median yearly is $6,772, compared to a median income of $11,835 for men. Yet the female head of household has an additional burden of child care costs if and when satisfactory care is available.

Too frequently, there is no margin of income to provide preventive health care and sound nutrition.

It should be a principle of our public policy that those who wish to support themselves and their families be permitted to do so.

It should be an unequivocal principle of our public policy that all children, whatever the income, location, or marital status of their parents, have good nutrition, timely health care and the opportunity for a stimulating environment and quality education.

The relationship between nutrition, health and optimum development are well known. What is required are the commitment and the investment to act on that knowledge.

Improved nutrition helps learning and brain development. It increases resistance to disease. Among poor children, improved nutrition can increase mental achievement from 10 to 30 percent.

It has been estimated that eliminating malnutrition among 3.3 million poor children alone could produce a $6.3 to $18.8 billion increase in Gross National Product over the lifetime of these children.

I have worked a long time to expand child nutrition programs to improve the quality of food, widen participation, and educate parents and teachers in nutrition principles.

Health care is equally essential. Too many persons with limited resources cannot afford preventive health care, and society pays later for their sick care.

I repeatedly have proposed and worked for a broad program to provide access for all children and pregnant women to medical screening, diagnosis and comprehensive care.

I consider child and maternal health a priority goal of national policy.

Every year, 200,000 children are victims of handicaps that could have been prevented by early health care.

The American Academy of Pediatrics has estimated that 10 to 20 percent of all children in the U.S. suffer from chronic, handicapping conditions, and at least one-third could be corrected or prevented by appropriate care during the preschool years. Continuing, comprehensive care up to age 18 would correct or prevent up to 60 percent of these conditions.

Medical care for children costs proportionately less than for any other age group. Yet the return on the investment is enormous in its implications for the general health and productivity of our nation as well as the reduction of the social costs of developmental disabilities.

I know that your program includes health supervision and screening for speech, hearing, vision and dental problems. How wonderful if all children, especially these of low-income families who otherwise would be denied these services, could have similar access to prompt, professional identification and corrective action for any problems which impair the development of their children's learning abilities, health or their ultimate success as productive members of society.

I applaud the emphasis your Center has given to every aspect of child development, including sound nutrition, medical attention, on-going evaluation of each child's progress, and a curriculum designed for growth.

I commend the coalition of concern that links public and private funds, a skilled and dedicated staff, generous sponsors, and concerned parents in this worthwhile enterprise.

This program can be a model and forerunner for an expanded effort to provide excellent care and development enrichment to the children of working and needy parents.

Investment in our children serves a true social purpose. Each generation reflects the quality of its early childhood experience.

With day care available, parents are allowed to earn a better life for their families while they contribute their productive skills to society.

The family is strengthened, and encouraged to contribute to the decision-making, values and operation of child development centers.

I congratulate the Northside Child Development Center. I hope it will prosper and set an example for many, many more centers which draw people together in a common effort to conserve and develop this nation's priceless resource—its children.

A MINORITY BECOMES A MAJORITY

(By Ellen Goodman)

The latest report on a minority group is in, and lo, it is rapidly becoming a majority group. According to the Department of Labor, Working Mothers have nearly reached the 50 per cent mark.

It turns out that a majority of this near-majority are still women with children over six years old—children who are, therefore, recipients of the free, universally available day-care system of America. A system known as public school.

The problem is that the schools continue to operate just as if there were mothers at home, and we let them. In most parts of the country, school hours look like the old banking hours. Kids can only be deposited and withdrawn at the convenience of the institution. Never mind the customer.

This means that vast numbers of kids are wandering the streets, and large numbers of women are locked into part-time jobs, which overwork and underpay them in return for the privilege of letting them out by 3 p.m. While the banks have opened longer to accommodate working parents in the last few years, few schools have any after-school program.

What they do have, however, are No-School Days. During this winter of our discontent, too many school systems blithely cancelled their business on account of weather. They were among the only shops that closed because the employees had difficulty getting to them. In fact, the only working parents who aren't expected on the job regardless of snow, hail, etc., are those who are teachers.

The notion is that, "Well, the kids can always stay in their nice, cozy houses." The truth is that parents often end up driving them all over town during the storm to find a baby-sitter.

Added to the blight of No-School Days is the random terror of Early Dismissal Days. On these days, the school grounds are cleared for things like parent-teacher conferences. Working parents are supposed to have their children go home to "a neighbor's." Unfortunately this neighbor is also likely to be looking for "a neighbor."

As for November, December, February, and April vacations—which working parents do not get—one kid's time off is another's time spent alone in front of the TV or hanging out on the corner. Too few schools have alternative programs.

The problem is one of transition, of playing catchup. In 1930 the average American child went to school for 123 days; now he or she goes to school for 179 days. The expansion of this guilt-free system originally encouraged women to work outside the home. While 39 per cent of the mothers with pre-school children hold jobs, 53 per cent with high school children do.

Women today have fewer children who spend more time in school. They have less "mothering" to do. This encourages them to enter the work force and, in turn, work makes them dependent on the school system. Schools dislike the "day-care" role, and school boards prefer to deny its reality.

Parents, meanwhile, still think of their child-care problems as unique. This is, in part, a hangover from the days when the Working Mother was a socially ostracized member of a minority group for whom No-School Days were a penance.

Today, they are becoming a majority, and it's time they learned to act like one. Isn't that what they taught us in school?

SAFETY SALUTE TO ANDERSON TRUCKING SERVICE

Mr. ANDERSON. Mr. President, on March 18 Anderson Trucking Service, of St. Cloud, Minn., was honored as the grand prize winner in the 1976 Fleet

Safety Contest conducted by the Common Carrier Conference-Irregular Route an affiliate of the American Trucking Associations.

The award was presented to Charles T. Ashton, director of safety and personnel for Anderson, at the 29th annual meeting of the conference in San Diego, Calif. The conference represents more than 450 irregular-route motor carriers in the 48 contiguous States.

Anderson was selected a unanimous winner of this prestigious national safety contest based on its effective driver training, maintenance of equipment, participation in safety programs and organizations and safety incentive programs and overall contribution to highway safety.

Anderson trucks logged 21,162,564 miles in 1976 with an accident ratio of 3.13 per 1 million miles—an outstanding achievement.

I would like to congratulate this fine Minnesota trucking company on its outstanding accomplishment and give a special salute to Mr. Harold E. Anderson, president of Anderson Trucking Service, Inc., for his dedication to highway safety.

UNITED AUTO WORKERS URGE SENATE TO SUPPORT THE RIEGLE-GRIFFIN AUTOMOBILE EMISSION CONTROL SCHEDULE

Mr. DECONCINI. Mr. President, at the request of Senator RIEGLE, who had commitments which prevented him from being here today, I am placing in the RECORD the March 18 letter from the United Auto Workers—UAW—to Members of the Senate concerning the UAW's full support of the Riegle-Griffin automobile emissions schedule contained in S. 919, the Mobile Source Emission Control Amendments of 1977. The Riegle-Griffin proposal will be offered as an amendment to the 1977 Clean Air Act Amendments when that legislation is considered by the full Senate.

The UAW letter, signed by legislative director Howard G. Paster, clearly sets forth the reasons calling for enactment of the auto emissions schedule in S. 919 and the companion House bill, H.R. 4444, as sponsored by Congressmen DINGELL, BROYHILL and 70 additional House Members.

I ask unanimous consent that the UAW letter to Senate Members be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UAW,
March 18, 1977.

DEAR SENATOR: A few weeks ago UAW President Leonard Woodcock sent you a copy of a letter he had sent President Carter setting forth the UAW recommendations for the Clean Air Act Amendments as they relate to automobile emissions. Attached to that letter was a supporting memo, explaining in detail the basis for our position, prepared by Dean David Ragone of the University of Michigan College of Engineering

Subsequent to the time Mr Woodcock wrote to you, Senators Riegle and Griffin reintroduced their proposed legislation on the mobile source provisions of the Clean Air Act and incorporated in their bill—S. 919—the UAW recommendations on auto emissions. My purpose in writing at this time is to request respectfully that you review S. 919 and give this measure your support and cosponsorship.

The auto emission provisions of the Riegle-Griffin proposal are designed to ensure that the public health is protected and that the principles of the 1970 Clean Air Act are achieved, while taking into due consideration important, related questions of auto fuel efficiency. In this regard, I would remind you that the UAW, in recognition of the severity of the national energy problem, and to achieve the goal of energy conservation, did support the enactment of mandatory mileage standards which take effect in the 1978 model year.

Permit me to set out for you in summary fashion the basis for our recommendations, incorporated in the Riegle-Griffin proposal, on auto emissions:

(A) The emissions standards now in effect for the 1977 model year would remain in effect for the 1978 and 1979 model years because of the long lead time associated with auto production, certification to Federal standards for emissions and mileage, and conversion to meet new standards. The standards now in effect are: Hydrocarbons (HC), 1.5 grams per mile; Carbon Monoxide (CO), 15 grams per mile; and Oxides of Nitrogen (NO_x), 2 grams per mile.

(B) Regarding hydrocarbons, the Riegle-Griffin proposal, fully supported by the UAW, proposes to reduce HC emissions to .41 grams per mile in the 1980 model year. This is the original goal of the Clean Air Act and, because of the clear health danger associated with HC emissions which are strongly implicated in smog formation, we oppose any relaxation of the original goal in this regard. The welcome endorsement of this goal by Senators Riegle and Griffin and the subsequent coalescing around the UAW position has forced the automobile manufacturers to acknowledge for the first time that this goal—so crucial to the public health—is attainable.

(C) Regarding carbon monoxide, the Riegle-Griffin proposal sets a standard of 9 grams per mile in the 1980 and subsequent model years. This is totally consistent with the need for air quality, although it is slightly higher than the original goal of 3.4 grams per mile. There are four reasons why we have come to the 9 gram standard:

(1) Every city in the country will meet air quality standards for CO by 1990 with the 9 gram standard.

(2) While a 3.4 gram standard will reduce CO contaminants, based on a worse case example from the early 1970's, by 83 percent by 1990, the 9 gram standard will reduce those contaminants by 80 percent, a statistically negligible difference.

(3) The California Air Resources Board has set a 9 gram standard for CO and is unlikely to set a lower standard because of its finding that the standard is appropriate for protecting the public health.

(4) With the foregoing evidence that the 9 gram standard is consistent with the public health it then becomes highly desirable since it will facilitate the movement to smaller, more energy efficient engines which find it far more difficult to meet the 3.4 standard.

(D) Regarding oxides of nitrogen, this is in many respects the most difficult problem because there is less evidence on the health consequences of NO_x standards, yet the strongest correlation between emission standards and mileage goals. The Riegle-Griffin proposal would keep the present standard of 2 grams per mile through the 1981 model year. Under our proposal the standard would be reduced to 1 gram per mile in the 1982 model year with authority for the EPA Administrator to raise the standard to no higher than 2 grams per mile if it is found to be consistent with public health needs and if the higher standard will permit substantial improvements in auto efficiency or the application of advanced or innovative technology. For example, diesel engines hold great promise for achieving our national goals of energy conservation, yet they cannot now meet a 1 gram per mile standard for NO_x. In no event could EPA raise the standard above the 1 gram goal unless it was first shown that an increase would be consistent with public health requirements.

We believe that this emissions schedule fully protects the public health and is totally consistent with the goals of the 1970 Clean Air Act. Moreover, the Riegle-Griffin proposal is fully consistent with the important goals of energy conservation and automobile efficiency which were not as salient in 1970 as they are today. This legislation constitutes a responsible balance between interrelated and important national objectives and we urge that you give it your careful consideration, support, and cosponsorship.

Finally, it should be noted that we are dealing only with mobile source provisions of the Clean Air Act and do not propose to amend nor to strike any provision relating to stationary sources.

Thank you very much.

Sincerely,

HOWARD G. PASTER,
Legislative Director.

PROPOSED REGULATIONS OF THE FEDERAL ELECTION COMMISSION

Mr. PELL. Mr. President, Tuesday, March 29, 1977, will be the 30th legislative day that the proposed regulations of the Federal Election Commission will have been before the Congress for review. After that date, if no part of these proposed regulations is disapproved by either the Senate or the House of Representatives, the Commission may prescribe them as final regulations.

There have been strong differences of opinion with respect to some of the Commission's interpretations of the Federal Election Campaign Act in these proposed regulations. One interpretation in particular was opposed in testimony submitted to the Committee on Rules and Administration by the National Education Association with respect to section 114.5(a)(1) of the proposed regulations. The effect of this section is to prohibit the use of a reverse checkoff by NEA in soliciting funds from members for its political action committees.

While I recognize there are arguments on both sides as to the correctness of the Commission's interpretation of the law at section 114.5(a)(1), I am concerned over reports I have received, and which are reflected in the testimony of NEA before the Rules Committee, that the Commission may intend to enforce this regulatory interpretation retroactively rather than prospectively.

I have today written the Chairman of

the Federal Election Commission to express my view that since the Commission's final regulations in this area will have the effect of proscribing a practice which has been utilized in 16 States by NEA for some time that it is fair and reasonable that they be given prospective application only.

I ask unanimous consent that the testimony of the National Education Association before the Rules Committee be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF TERRY HERNDON

I am Terry Herndon, Executive Director of the National Education Association. NEA represents 1.8 million teacher-members.

We appreciate this opportunity to share our concerns with the Subcommittee. I will make a brief oral presentation, and we'll submit additional documents and materials which we would like to be included as part of the record.

NEA is engaged in conflict with the Federal Election Commission over a system used by NEA to solicit contributions of one dollar per year from each of our members to the NEA Political Action Committee.

Use of the system results from a policy recommendation of the NEA's 9000 member Representative Assembly. The system has been adopted by 16 of NEA's state affiliates under this so-called "reverse checkoff system", NEA members who pay association dues via payroll deduction also have the contribution to NEA-PAC deducted. Members are advised that this deduction will be made automatically, that it is a voluntary political contribution, that it is not required as either a condition of membership or employment, and that, if they do not wish to make the contribution, they may obtain a refund of the entire amount. In the 16 states using this system, more than 81,000 (or 16%) members requested and received a refund this year. It is also significant that they received their refund from us even before they had paid the full amount.

The dispute between NEA and FEC in this matter goes back to December of 1975, when one of our members in Connecticut complained to the FEC about the reverse collection system. NEA promptly responded to FEC's inquiry with full information about the system and its basis in the policy of our Association. We received no advice or direction from FEC.

Since that time, that great protector of individual freedom—the National Right to Work Committee—and its frenetic ally—Common Cause—have joined forces against us. They have suggested to the FEC that the collection system that NEA has democratically adopted is ill advised, involuntary and in violation of federal election law.

Also since that time there have been meetings between NEA and FEC staff, we have filed with FEC numerous documents supporting our legal right to use the collection system and explaining other reasons for it. In addition, we have presented formal testimony defending the system. To date, the FEC has not responded formally to us about these matters.

NEA's position on reverse check-off remains that it is a legal collection system. This is based on the legislative history developed in the Congress and on various rulings in case law. It is based further on our certain knowledge that contributions to NEA-PAC are not coerced and are not a condition of membership. A member who does not wish to make the contribution may have the money refunded by simply asking for it, and is subject to no pressure, reprisal or withdrawal of services because of it.

There are additional reasons, not based on law but rather on practice, why NEA wishes to retain the reverse check-off. The payroll deduction of the political contribution on NEA-PAC—which represents only $.10 per month of the normal school year—is negotiated between the school board and the local association representing the school employees. Many school boards have indicated that they will not deduct different amounts from different employees' paychecks—a reluctance which we can understand. So if the deduction is bargained, it is bargained for all employees, and the political contributions are turned over by the school board to local and state associations which keep the political funds entirely separated from dues moneys. The political contributions are forwarded to NEA-PAC and are still held separately from dues moneys.

NEA vigorously objects to FEC's effort to declare the reverse check-off illegal. Yet in section 114.5 of the FEC's proposed regulations currently before the Congress, language has been added that would clearly expand the law and rule out the future use of the NEA's collection system. It is NEA's position that the FEC addition exceeds the authority and intent of federal election law, and that the section should be disapproved.

Not content with eliminating our system in the future, recent discussions with FEC staff have exposed their position that NEA has been in violation of the law since August 25, 1976, when the FEC first submitted the proposed regulations to Congress, and possibly since last Spring, when their proposals were first published for public comment. That remarkable contention merits review by this Committee and the entire Congress. FEC is apparently trying to do indirectly what it was unable to accomplish directly. We would suggest to this Committee that FEC's declaration of intent to do something in regulations does not have the force of law until and unless it has been before Congress for 30 legislative days. The FEC ought not be permitted to usurp the powers of the Congress.

Our collection system was not challenged in 1974, when 7 states used it, or in 1975 when 12 states used it, but it has been challenged now that it is clear that unless something is done, America's teachers will become participants in national politics. My suspicious mind conjures that the motives of our attackers are more likely political and ideological than legal or procedural.

ADVANCED TRAINING FOR NURSES

Mr. HUMPHREY. Mr. President, last week, Dr. Irene G. Ramey, dean of the University of Minnesota School of Nursing, Alma Sparrow, director of Public Health, Nursing, and Edna Thayer, of Mankato State College, visited my office to direct congressional attention to the challenge facing the nursing profession.

These nursing professionals are understandably concerned at a budget proposal that would slash the $211 million authorized by Congress under the Nurse Training Act to $24 million for fiscal year 1978.

I want to commend to the attention of my colleagues, and most especially to those who serve on the Labor-HEW Appropriations Subcommittee, a paper Dr. Ramey prepared which documents the shortage of graduate-level nurses to assume important positions as clinical practitioners, educators, and administrators. Currently, licensed practical nurses and nurses' aides comprise 63 percent of all persons in the nursing field. Of the remaining 37 percent of registered nurses, only 0.2 percent have a doctorate, 3.2 percent a master's and 14.3 percent a baccalaureate degree.

Nurses who are trained to serve as more than physician extenders are an essential part of the interdisciplinary health care team.

Soaring costs have stimulated the quest for new forms of health care delivery. In that context Dr. Ramey points out that nurses with advanced training have been traditionally oriented toward health maintenance, and that professionally trained nurses may be able to assume an expanded role in the future as primary care providers.

Mr. President, I ask unanimous consent that the text of Dr. Ramey's thoughtful analysis of the need for more advanced nurses training be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NURSING IN AN INTERDISCIPLINARY HEALTH CARE TEAM

(By Irene G. Ramey, R.N., Ph. D.)

The purposes of this paper are to provide a perspective of interdisciplinary health care from a nursing point of view, to describe some of the problems which exist among the very heterogeneous group called "nurses", to describe some of the problems in the utilization of nurses within the health care system, to describe how nurses can contribute in providing interdisciplinary health care, and to point toward some on-going processes in which health professionals must engage in order to improve the delivery of health care.

Before examining the role of nursing in an interdisciplinary health care team, it is necessary to define some of the terms to be used in this paper. All too often, the terms health care and medical care are used interchangeably. To some people, however, their meanings are quite different. For purposes of clarification in this paper, the concept health care will be utilized to refer to services rendered by the many health care professionals (including physicians, nurses, social workers, physical therapists, dietitions, psychologists, etc.) whereas medical care will refer only to those services rendered by physicians. An interdisciplinary health care team is composed of members of all those professionals just named who are needed to provide needed comprehensive, educational, preventive, diagnostic, therapeutic, and rehabilitative health care services in a collaborative manner. The objectives of the members of the team in pooling their collective talents are to: (1) increase the level of wellness of the person being served, (2) reduce his morbidity, and, (3) reduce the costs of the health care services through appropriate utilization of the members of the team.

Implementation of the health team concept has been frought with many difficulties and is succeeding to varying degrees in some settings in this country. Problems in its implementation include: (1) different levels of educational preparation of the various persons providing health care, (2) game-playing between the sexes, (3) differing approaches to the provision of health care services, and (4) a lack of in-depth understanding of the

education, abilities, goals, and perspectives of the other health care professionals.

In nursing itself, there are eight major levels of educational preparation for persons who provide nursing services. These include the nurses aide (who is prepared through on-the-job training); practical or vocational nurses; graduates of hospital diploma programs, of junior college or associate degree programs, or of baccalaureate degree programs; nurses with certicates from nurse practitioner programs; and at the graduate level, nurses with master's degrees and with doctoral degrees.

In contrast to education for medicine and dentistry which has traditionally been located in institutions of higher learning at the graduate level, nursing education began in this country in hospital training programs, and initially entered universities via teachers colleges. Only in relatively recent years have doctoral programs in nursing been developed. Examination of Table I will indicate the disproportionately few nurses who have the master's and doctoral degrees [1] which are prerequisite to appointment on a university faculty, to conducting research, to providing leadership in the profession, and to representing the profession in our increasingly complex health care systems. The majority of nurses who have doctoral degrees have earned them in other fields (such as education, psychology, sociology, etc.) rather than in nursing, because doctoral programs in nursing were either not readily available to them, or not available at all.

TABLE I.—EDUCATIONAL PREPARATION OF PERSONS EMPLOYED IN NURSING IN THE UNITED STATES IN 1972 [1]

	Total number	Percent of all registered nurses	Percent of all persons employed in nursing
Doctorate	1,106	0.2	0.05
Master's	24,885	3.2	1.18
Baccalaureate	111,475	14.3	5.29
Highest degree not reported	14,147	1.8	.67
Associate degree	41,095	5.3	1.90
Diploma	580,846	74.6	27.58
Basic not reported	4,916	.6	.23
Licensed practical nurses	[2] 427,000		20.30
Nurses aides, orderlies and other assistants	[2] 900,000		42.80
Total	2,105,470	100.0	100.00

[1] "Facts About Nursing 74-75," Kansas City, Mo.; American Nurses Association, 1976, pp. 4, 5, 157, and 165.
[2] Estimated.

During the past 10–15 years, there has been an ever increasing thrust on the part of nursing leaders to change nursing from a vocation into a profession. As more nurses have obtained doctoral education, they have developed nursing curricula which are based upon a theoretical frameworks which synthesizes theories, principles, and concepts into a holistic approach to the life process in human beings. This approach is also reflected in the research that is being done by nurses. According to Gortner et al, "Nursing research has been less concerned with physical and mental diseases than with the general and specific impairments of man such as pain, anxiety, suffering, and hospitalization and attendant stress." [2]

We begin, therefore, to see a discontinuity developing higher degrees, and the anatomical systems approach utilized by medicine. This is not to say that one approach should be used exclusively by all the health disciplines, nor that all nursing educators are utilizing a holistic approach, for as might be inferred from Table I which lists the small number of doctorally and master's prepared persons, there are differences in the approaches utilized within the nursing profession itself. It is desirable, therefore, that channels of communication be developed and maintained so that the various members of the health team will understand each other's knowledge, skills, and philosophy of care, and therefore be able to complement each other in serving the client.

In these present days of spiraling inflation of the costs of health care, national health care looms on the horizon as a fiscal nightmare, particularly in view of the revelation of abuses in medicaid, medicare, and welfare programs. Tremendous changes in medical practice have occurred as a result of research leading to new technology, drugs, and diagnostic and therapeutic procedures. New types of technical specialists are needed and traditional roles are changing. Although there is a resurgence of interest in general practice in medicine, the specialists are seeking para-professionals to whom they can delegate some of their more routine functions, and as always, they have turned to the nursing profession. In reviewing the abilities of the registered nurses (mostly diploma graduates) with whom physicians have the most contact, it became obvious that additional training was necessary if these nurses were to assume an expanded role. A few venturesome physicians and nurses collaborated to develop a nurse practitioner role and demonstrated that nurses could function in an expanded role with additional training. The role has been accepted across the country and although it is less controversial now that it was five years ago, the problems are by no means resolved.

Physicians continue to view nurse practitioners as physicians' assistants and expect to maintain complete and absolute control over them. Many nurses are opposed to such complete physician dominance and have taken action to have nurse practice acts changed to permit nurses to legally practice in an expanded role. The preparation of a nurse practitioner in a certificate program is very expensive—in some programs the cost is almost as great as for a year of medical school. Many nurses and physicians are still opposed to nurse practitioners functioning as physicians' assistants because (1) they view this is second-class medicine, (2) a physician cannot assume responsibility for the actions of another (licensed or unlicensed) person—that person must assume responsibility for his/her own actions, and (3) it is not nursing and is therefore an improper use of the word nurse.

There is, however, a concept of an expanded role of nursing which has gained acceptance by the majority of the nursing profession. In this role, the nurse practitioner also obtains health histories, performs physical examinations and assesses the health status of patients/clients, but it is for the purpose of enhancing nursing practice through assisting the patient to cope with the pain, anxiety, suffering, stress and other conditions which are related to or resultant from his pathological or environmental problems. This type of nurse practitioner is being prepared at a basic beginning level in some baccalaureate programs, in some nurse practitioner certificate programs, and at an advanced level in some master's programs.

Preparation of additional numbers of nurse practitioners according to the medical model will not be the panacea that some persons may think. Since they are mostly being trained to become physician extenders, and the income they are calculated to produce for physicians indicates a continuation of assembly-line practices, medical care will not be improved, nor will nursing care. Furthermore, nurse practitioner programs do not include preparations for nursing research, teaching, nor supervision. They have been discussed here at some length only because of the considerable attention being focused on them at this time by some persons. In a recent address at the Eighth Annual Seminar of the National Health Council and the American Hospital Association, Dr. Kenneth M. Endicott, in speaking of the current state of America's health manpower, mentioned nursing only once, and that was when he referred to nurse practitioners.[3]

It must be strongly emphasized that nursing, as viewed by nurses with higher degrees, is much more than just carrying out physicians' prescriptions. Unfortunately, because of the relatively small numbers of nurses in this country who are prepared at the baccalaureate, master's and doctoral levels, and the relatively very high number with less preparation, as indicated in Table I, those nurses who are the most readily visible to physicians, hospital administrators, other profcssionals and the public are mostly those nurses whose preparation is at less than a baccalaureate level and whose primary focus is on complying with medical prescriptions.

The leaders in the nursing profession are very concerned about the small numbers of nurses who are prepared at the baccalaureate, master's and doctoral levels, when compared to the large numbers who have less preparation. Licensed practical nurses (prepared in one-year programs) and nurses aides (prepared in one-the-job training) comprise 63% of all the persons whom the general public addresses as "nurse"! Most of these L.P.N.'s and nurses aides work in hospitals and nursing homes. Through the years, these hospitals and nursing homes have filled vacant R.N. positions with L.P.N.'s and nurses aides, and continue to do so because they can be hired at lesser salaries.

As can be seen from a comparison of Tables I and II, nearly all of the nurses with earned doctoral degrees are involved in educational programs, as are more than half of the nurses with master's degrees. The remainder are employed in hospitals, service agencies of all kinds, branches of the military forces, and in governmental departments at the federal, state, county and city levels. Each nurse with a graduate degree is eagerly sought by prospective employers of all kinds—it is a buyer's market. Those nurses with graduate degrees who are engaged in clinical nursing with titles such as clinical specialist or nurse clinician (or some other variation of this title) have demonstrated the ability to handle complex, difficult nursing problems with expertise. The major problem is that there are not enough of them.

In the speech by Dr. Endicott referred to previously, he stated that, ". . . post-baccalaureate training in the health professions must primarily be a federal responsibility." [3] Some of his reasons were that many graduates practice in states other than where they received their training, and that the states are far from equal in their abilities to provide professional post-baccalaureate training. Because of the increasing costs of education, the nursing profession has labored to secure federal funding of education and has succeeded in getting Nurse Training Acts passed, even over President Ford's veto. Unfortunately, the new Nurse Training Act contains no provision for capitation monies at the graduate level (where they are most critically needed). It contains limited funding of traineeships, and little funding for research.

Footnotes at end of article.

TABLE II.—HIGHEST EARNED CREDENTIAL OF ADMINISTRATORS AND FACULTY IN NURSING EDUCATIONAL PROGRAMS IN THE UNITED STATES, JANUARY 1974[1]

Highest earned degree	Level of program: B.S. and higher degree	Associate degree	Hospital diploma	Practical nursing	Total	Percent
Doctorate:						
Administrators	166	29	8	12		
Full-time faculty	621	46	15	3		
Part-time faculty	76	17	11	3		
Subtotal	863	92	34	18	1,007	3.2
Master's:						
Administrators	134	481	417	387		
Full-time faculty	5,578	2,824	1,583	439		
Part-time faculty	819	357	205	99		
Subtotal	6,531	3,662	2,205	925	13,323	42.7
Baccalaureate:						
Administrators	1	22	52	459		
Full-time faculty	833	1,962	4,315	2,029		
Part-time faculty	431	685	699	467		
Subtotal	1,265	2,669	5,066	2,955	11,955	38.3
Associate degree:						
Administrators				18		
Full-time faculty	5	60	53	259		
Part-time faculty	1	30	15	49		
Subtotal	6	90	68	326	490	1.6
Diploma:						
Administrators				209		
Full-time faculty	7	103	1,199	1,926		
Part-time faculty	11	121	302	549		
Subtotal	18	224	1,501	2,475	4,427	14.2
Total	8,683	6,737	8,874	6,908	31,202	100.0

[1] "Facts About Nursing, 1974-75," Kansas City, Mo.: American Nurses' Association, 1976, pp. 29, 30.

The advancement of the practice of nursing to the professional level which is envisaged by nursing leaders continues to be a bootstrap operation. The present limited supply of nurses prepared at the graduate level to assume positions as clinical practitioners, educators, and administrators must be increased because it is those nurses who have the competence to (1) provide an advanced level of nursing practice, (2) research the effectiveness of that practice in terms of patient outcomes, and (3) participate as full members of interdisciplinary teams. Examination of Table III indicates that the bulk of the educational money in this country is being used to prepare practical nurses, diploma graduates and A.D.N. graduates. (Patient care revenues are used by hospitals to finance the training of nurses aides). The disproportionately small amount of support for graduate education in nursing should be greatly increased. As indicated in Table III, more than half of the doctoral students and nearly forty percent of the master's students are pursuing their degrees on a part-time basis (because they cannot afford to go on a full-time basis). This delays their completion of their degrees and hence delays their re-entry into the work situation on a full-time basis.

In the meantime, the public is demanding high quality care, and a full range of health care services. Jack D. Myers, M.D., president of the American College of Physicians, recently stated at a meeting of the American Society of Internal Medicine that more than 8% of the nation's gross national product and 10% of the average family's income go to health care. "These figures", he said, "are not explained by the general inflation rate, nor by the increase in labor costs. There is an excess in the increments of costs." He gave several reasons for the increase: (1) defensive medicine as provoked by the malpractice situation, (2) over-utilization of hospital beds, (3) over-utilization of diagnostic workups, and (4) utilization of intensive care for hopelessly ill patients.[4]

TABLE III.—ENROLLMENTS AND GRADUATIONS FROM NURSING EDUCATIONAL PROGRAMS IN THE UNITED STATES[1]

Type of program	Enrollment, fall 1973: Total	Full time	Part time	Graduations, Aug. 1, 1972 to July 31, 1973
Doctoral	375	161	214	49
Master's	6,714	4,121	2,593	2,446
Baccalaureate:				
Initial	84,738			13,055
R.N.'s	11,523	6,281	5,242	2,641
Associate degree	77,508			24,497
Diploma	68,557			21,329
Practical nursing	56,267			46,456

[1] "Facts About Nursing, 1974-75,93," Kansas City, Mo: American Nurses' Association, 1976, pp. 69, 73, 87, 91, 171.

Footnotes at end of article.

The above statement clearly points out that we do not have a health care system in this country. Rather, we have a sick-care system which has been designed to deal with episodic illness. In the past, all the health professionals have primarily been educated and trained to handle episodic problems in hospitals. In order to prevent the continuing escalation of costs of sick-care, new approaches must be found for the maintenance of health and prevention of illness, and curbs must be placed on the costs of sick-care. Obviously this entails a major change in the attitudes, values, and beliefs of the public and of the health professionals, as well as major changes in the education of health professionals and the public. Whereas nursing education at the diploma, associate degree and practical nursing level provides preparation mostly for episodic care, nursing education at the baccalaureate, master's and doctoral level is moving more and more toward preparation for the maintenance of health and prevention of illness.

Nurses from these collegiate and university programs, could, if their numbers could be greatly increased and certain aspects of their educational programs strengthened, serve as the primary care practitioners of the future in the prevention and detection of illness, treatment of minor problems, health maintenance, counseling, teaching, and referral. The nursing profession has for a number of years advocated the involvement of patients and their families in health care decision-making and responsibility for their own care. H. Robert Cathcart, chairman of the American Hospital Association's Board of Trustees, favors involving consumers in their own health maintenance and says that this will reduce health manpower needs.[5]

In order for consumers to assume greater responsibility they will require education in order to make wise choices, and direct access to services, equipment, and medications which heretofore have been available only via physician referral or prescription. Research is needed to determine the effects of shifting to the patient/client the responsibility for maintaining his own health through an intelligent selection and utilization of health resources (health care professionals as well as treatment modalities). It is hypothesized that such shifting of responsibility would result in: (1) an increased desire by the public for health education, (2) reduction in the amount of medical care sought by the public, and (3) reduction of numbers of malpractice suits being filed.

Recent medical advances have created in the public a demand for an expertness and infallibility which is unachievable. Tentative results of medical research studies have received wide publicity before they have been replicated. The news stories carry fantastic hypotheses about the possible application of these unreplicated findings. This has led to unrealistic expectations by the public. The public must be educated certainly, but not to expect miraculous cures. Researchers have a responsibility to insist that their findings are reported correctly. These and other means such as limits on financial awards to plaintiffs and examination of the practices of the legal profession are necessary in order to reduce the malpractice liability problem. The liability problem must be dealt with soon for it is beginning to engulf all health professionals, not just physicians.

Utilization of intensive care for hopelessly ill patients has been dramatically portrayed in the case of Karen Ann Quinlan. Expenditure of billions of dollars for patients with brain death, kidney failure, and cardiac disease will continue until the people in this country decide that they prefer to put most of their health care dollars into prevention, health maintenance and rehabilitation rather than into prolongation of lives of those who are hopelessly ill. Duncan Neuhauser, Ph.D., assistant professor of health service administration at the Harvard School of Public Health states, 'We are coming closer to a situation where we are going to have to decide who to treat and who not to treat. The concept of cost-effective medicine is getting nearer . . . My cheap death may be enough to save money to prolong several other lives with the net result of more lives saved in the aggregate.'[6]

Certainly, what is needed is a new perspective on health care—one which can be provided by an interdisciplinary approach in which all the various health professionals participate and pool their talents. We need to work together in order to:

1. Identify the health services needed in each community, region and state through comprehensive data collection methods,

2. Develop minimum standards (both qualitative and quantitative) of care for the sick as well as for the healthy, for persons of all ages, and for ambulatory patients as well as for inpatients.

3. Identify manpower needs based on changing roles, health services needed, standards of care, and types of health care delivery systems,[7]

4. Develop and implement a system to provide the services to all people,

5. Develop a method for evaluating the outcomes of those services, the quality of the services rendered, and the efficiency of the system of delivery; and

6. Develop and provide interdisciplinary team clinical experiences for students in the health professions.

These tasks, should be viewed as on-going

processes which must continually undergo change and refinement in order to obtain increasing specificity. They have already been started by many diverse groups and individuals who have made considerable progress in certain delimited areas. What is needed is a synthesis of the knowledge which has been obtained so that a more comprehensive interdisciplinary approach can be developed. The nursing profession, because of its increasing utilization of a holistic approach to the life process, because of its advocacy of consumer participation in health care, because of its willingness to experiment with new roles and systems for providing health care, and because of its many decades of experience in coordination of health team efforts, can make a major contribution in the development of new interdisciplinary approaches to health care for the public.

FOOTNOTES

[1] Facts About Nursing 74–75, Kansas City, Missouri: American Nurses' Association, 1976.

[2] Gortner, Susan R., Doris Block, and Thomas P. Phillips, "Contributions of Nursing Research to Patient Care," Journal of Nursing Administration, March–April, 1976, pp. 22–28.

[3] Endicott, Kenneth M., "The Current State of America's Health Manpower." Delivered at the Eighth Annual Seminar on Health Manpower, cosponsored by the American Hospital Association and the National Health Council, Inc., in Kansas City, Missouri on June 22, 1976. (unpublished).

[4] "Cost Looms as Medicine's Biggest Issue," American Medical News, May 17, 1976, p. 9.

[5] Cathcart, H. Robert, "What Is Ahead for Healthcare?" Modern Healthcare, July, 1976, pp. 20–22.

[6] "Six Axioms for Organizers of Nation's Health Services," America Medical News, May 17, 1976, p. 9.

[7] Ramey Irene G., "The Crisis in Health Care: Fact or Fiction?" Health Care Issues, Fall, 1974. Madeline Leininger, editor. Philadelphia: F. A. Davis Co., 1974. pp. 17–27.

UPGRADING THE FIGHT AGAINST TERRORISM

Mr. BIDEN. Mr. President, in the Sunday edition of the Washington Post there appeared a timely and sobering article on an issue of concern to us all—the growing frequency of terrorism around the world. Brian Jenkins' articles focuses our attention on a number of questions that require thoughtful and immediate consideration. How well are we prepared to cope with terrorism? What mechanisms do we have to respond to acts of international violence? How good is our intelligence? What is the price we are having to pay for security? Unfortunately, it seems that we are not prepared to handle these incidents. Steps should be taken to remedy this situation, and Mr. Jenkins provides some valuable suggestions.

I agree with the author's conclusion that we cannot eradicate terrorism, but there is much we can do to minimize the frequency and the impact. I quote Mr. Jenkins:

We should start by discarding talk of "eradicating" or "curing the malady" of terrorism; the medical analogy is badly misleading. The U.S. Government can, however, improve its understanding of terrorism, attempt to contain it within tolerable limits, try to deter or prevent the more heinous terrorist actions and equip itself to respond effectively to a new range of future threats and incidents.

Mr. Jenkins' article once again reminds us that we cannot allow the problem of international terrorism to be ignored until the next horrible and frightening incident occurs. We must prepare to deal with it now. Since this article offers several substantive issues that should be further debated, I ask unanimous consent, Mr. President, that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UPGRADING THE FIGHT AGAINST TERRORISM

(By Brian M. Jenkins)

It climbs in a jagged line, tracing peaks and valleys, varying from year to year, impossible to read from month to month as if it were some kind of stock exchange of violence, but the overall trend is unmistakably upward. International terrorism is increasing.

It has increased fitfully during the last decade. It is likely to persist into the next. It may compel us to alter some of our fundamental concepts of national security.

At present we are inadequately prepared. Putting aside the short-lived verbal outbursts that follow every major terrorist incident, we have not yet made a national commitment to mobilize and organize our resources to deal effectively with terrorism.

We have not created a permanent organization charged to surmount bureaucratic boundaries and provided it with the budget, staff and necessary instruments to operate effectively.

We have not assembled the military capabilities to rescue Americans held hostage abroad, or to recover facilities that terrorists may have taken over, or carry out other foreseeable missions in this new area of conflict.

We have not brought the weight of our considerable intelligence-gathering machinery to bear on the terrorist threat.

A BUREAUCRATIC VACUUM

There is no single department, agency or office in the government charged with overall responsibility for combating terrorism that also has the authority and means for doing so.

What do we have? At the Cabinet level of government we have a committee. In September, 1972, after the Munich Olympic massacre, President Nixon created the Cabinet Committee to Combat Terrorism. It was chaired by the Secretary of State and its members included the Secretaries of Defense, Transportation (which has jurisdiction over hijacked American airliners), Treasury (which has the Secret Service and the Executive Protective Service), the Attorney General, the heads of the FBI, CIA, National Security Council and U.S. Mission to the United Nations, and the President's domestic counselor (an odd inclusion except that the position at that time was held by John Ehrlichman). Since its creation, the Cabinet committee has met once.

At the same time, the President established the working group of the Cabinet committee, which now represents 26 departments, agencies and bureaus. It meets every other week. The working group is primarily a bureaucratic coordinating body, not a command organization. The State Department's Office for Combating Terrorism, which has a mandate for dealing with the problem, consists of five officials and three secretaries. This simply is not enough.

The FBI has the mission of combating domestic political violence, although it cannot merely assume jurisdiction in all local cases. At the international level, a task force is assembled in the State Department to deal with incidents involving U.S. citizens abroad. But a serious incident, one in which Americans are directly and imminently in peril, or a domestic incident with potential international consequences, may quickly become the responsibility of the White House. A complicated incident that crosses national borders and domestic jurisdictions, such as the hijacking of the TWA airliner by Croatian extremists last September, may bounce around the government like a floating crap game.

If the plane is on the ground, it is within the FBI's jurisdiction. If its doors are shut, if it has the power to take off, it is the charge of the Federal Aviation Administration. If it lands in another country, the State Department is involved, although not necessarily in charge. If it should happen to land at a U.S. military base abroad, the cast of characters becomes crowded: The government of that country has jurisdiction and the State Department will be in close touch; the FAA, however, may still dictate U.S. actions regarding the hijacked aircraft; meanwhile, the U.S. base commander has the instruments at hand for taking action, but someone must give him authority to do so.

A RISING TREND

Some observers have found encouragement in a seeming decline of international terrorism over the last year.

"Seen on a global scale," wrote Walter Laqueur in Harper's last November, "the downward trend is quite unmistakable." In fact, however, 1976 set a new record for the number of incidents of international terrorism, and 1976 was no less bloody than 1975. There were more bombings. Terrorist hijackings, after declining in 1975, went up again. There were more assassinations. There were fewer hostage incidents, however, which may account for the illusion of a decline.

Terrorists appear to be getting more sophisticated in their tactics, their weapons and their exploitation of the media. Some of the new weapons being developed for military arsenals, such as shoulder-fired, surface-to-air missiles, may find their way into their hands.

Terrorist groups appear to be strengthening their links with each other. One result is the emergence of multinational free-lance terrorist groups that are willing to carry out attacks on behalf of causes they are sympathetic with, or to undertake specific client groups or governments. The seizure of the OPEC headquarters in Vienna is a splendid example. In December, 1975, a band of pro-Palestinian terrorists took 60 hostages, including the oil ministers of Saudi Arabia and Iran. The gang included two West German terrorists and three Palestinians and was led by Carlos, a notorious Venezuelan reportedly in the pay of Libya's Muammar Qaddafi.

Nations or groups unable or unwilling to mount a serious challenge on the battlefield may employ such groups or adopt terrorist tactics as a means of surrogate warfare against their opponents. We are entering a new domain of conflict.

BILLIONS FOR SECURITY

Combating terrorism poses unique problems for governments. Terrorists do not play by the rules. Terrorism is violence against the "system" waged from outside the system. The accepted rules and procedures of international diplomacy and war do not apply. Nor do terrorists operate according to the norms of regular criminals. They define success diffculty. They may not consider their capture to be a defeat. The Croatian hijackers successfully diverted an airliner, gained worldwide attention, had their manifesto published, surrendered and will be tried. Did they win or lose?

Other forms of conflict, at least in theory, recognize categories of civilians who are not directly engaged and are not targets in the struggle—women and children, for example. Terrorists have far fewer compunctions. They may regard any person as an enemy, and therefore a target, solely on the basis of nationality, ethnicity or religion. Or people can become targets by merely happening to

be on board an airliner when it is hijacked. In terrorism, there are no innocent bystanders.

Terrorists have worldwide mobility. They may strike any target at any time, making defense extremely difficult. If airliners are protected, they may attack airports or hijack trains. If diplomats have bodyguards, they may kidnap businessmen or their children. Arab terrorists took over a schoolhouse at Maalot, Israel, in 1974. In 1976, terrorists in the French colony of the Afars and Issas seized a school bus filled with 30 children to demand independence for the colony.

Thus, unlike the situation with other modes of conflict, the defense against terrorist attacks will be determined not by the size or strength of the terrorist adversaries but by the size and number of targets to be protected. But it is impossible to protect everything. As one Israeli official says, "It is not a question of what to protect; it is a cruel decision of what *not* to protect." For that is what will be attacked.

Security can become enormously costly. Multiply, for example, the costs of the luggage X-ray machines and metal detector portals at airports—plus the handlers, plus the armed guards—by the number of terminals and again by the number of airports. The entire downtown area of Belfast has been secured like a huge airport: Shoppers must pass through portals on the way in and out; their packages are examined and they may be frisked.

We have a defense budget that reflects the costs of national security in a single figure. We have not attempted in this country to determine the total national costs of security against terrorist attacks: the protecеign diplomats, nuclear facilities, additional private police, the money that American corporations with investments abroad spent on security and pass on to the consumer. The figure would be substantial, easily in the hundreds of millions, possibly in the billions, and it is rising fast.

Since international terrorism is an international problem, some believe the proper answer lies in formulating international conventions skillfully framed to win widespread support and ratification. But to gain widespread approval, conventions against terrorism must be so broadly worded as to be meaningless.

At most, there will be limited cooperation between like-minded governments. Few governments are willing to take vigorous action against foreign terrorists or hold them prisoner if this will subject its own citizens to the threat of terrorist retaliation or obstruct the government's foreign policy goals. Despite being warned by U.S. and West German officials that Carlos was in Yugoslavia last September, Yugoslavia made no attempt to arrest him. And fearing that holding Abu Daoud, the mastermind of the Munich massacre, would strain its relations with oil-producing Arab nations and its arms deal with Egypt, France released him four days after his arrest despite Israeli and West German demands for his extradition. West German officials admitted privately they were relieved that Daoud had not been handed over to them.

A NEW AGENCY

What can be done about it? We should start by discarding talk of "eradicating" or "curing the malady" of terrorism; the medical analogy is badly misleading. The U.S. government can, however, improve is understanding of terrorism, attempt to contain it within tolerable limits, try to deter or prevent the more heinous terrorist actions and equip itself to respond effectively to a new range of future threats and incidents.

Much has been accomplished already. The cool handling of the recent episode in Washington, except by some of the media, shows how far we have come in learning how to defuse dangerous hostage situations.

More such incidents will occur and we may not always be so fortunate in saving every hostage's life without making serious concessions. Any terrorist incident is tragic, but we must put it into perspective. The United States, a large and powerful nation with a deep commitment to democracy, can tolerate a fairly high level of terrorist violence; we already sustain a high level of criminal violence. Currently, no terrorist group in the world poses a serious threat to the stability of the U.S. government, national security or public safety on a large scale. We should prepare to deal with the more serious potentialities of terrorism, the kinds of things that have not happened yet, but could.

We need to consider creating a government entity to deal with the more serious incidents of terrorism. Whatever form it takes, this entity should be situated high enough to override department and agency boundaries in the executive branch—possibly as a special component of the National Security Council staff. The State Department's office for combating terrorism, currently headed by Ambassador Douglas Heck, could be the embryo of such an entity, but it would have to be upgraded and augmented.

Recognizing that decisions in this area are ultimately political, but that visible intervention by the President could balloon the perceived importance of the matter and give terrorists precisely the high-level confrontation they want, it should offer the President ready but invisible access. It should have a permanent staff that includes civilian officials and members of all the services—the latter not being mere representatives. It would not supplant the working group of the Cabinet Committee to Combat Terrorism. It would, however, take over the mission of the task forces that are set up at State to deal with international terrorist incidents.

It would become operational in domestic incidents only when the requirements of the situation clearly exceeded local law-enforcements capabilities and the consequences could be national or international in scope (a threat of mass destruction, for example). Abroad, it would intervene in terrorist incidents when Americans were in peril, when military force could become necessary, when there was a clear danger to the national security (for example, the theft of a nuclear weapon), or when a foreign group operating internationally was carrying on a concerted terrorist campaign against the United States.

The staff would examine these and other contingencies that could require a national response, identify the possible means to deal with them and marshall the necessary resources. It would inventory U.S. intelligence, civilian law enforcement and military assets, identify any shortcomings, and formulate contingency plans. In an actual incident, the group would become the staff for the President or any special action group established by the President to deal with a serious terrorist threat.

THE MILITARY OPTION

We must not peremptorily dismiss military action as a possible option in dealing with terrorism. At any time, an incident may occur in which a band of political extremists will seize a large number of American hostages on foreign territory, negotiations have failed, the captors appear on the point of killing the hostages and the local government is unwilling or unable to protect persons within its borders.

Public pressure would not permit say political leaders to stand by while Americans are being shot. The government would either have to yield to the terrorists's demands or risk the use of military force. At stake will be the lives of the hostages as well as the image of the U.S. government.

Right now, the option of a rescue operation with some reasonable expectation of success hardly exists. There is great danger—massacre of hostages, starting a minor war—in deploying the wrong military instruments out of desperation. The rescue of hostages is one of several foreseeable missions that might arise in this new area of conflict. Such missions, if they are ever undertaken, should not be "black bag" operations, even if they must necessarily remain covert during the execution phase. They may be considered legitimate applications of force in extreme circumstances, and an appropriate function of the legitimate armed forces of the nation.

We already posses some components for a counterterrorist force: the Army's Special Forces, Ranger battalions and airborne units, the Navy's Seals, the Fleet Marine forces, and the Air Force's Special Operations squadrons. But they could not be assembled rapidly to deal with a fast-breaking crisis. Again, the problem is the lack of an organization for bringing selected capabilities together. We are not likely ever to use such a force merely because we have it. Although a regular target of terrorism, Israel has attempted only one such rescue attempt beyond its borders.

If a foreign government did not agree at least tacitly to such a mission being carried out on its soil, it would constitute a violation of sovereignty, though not necessarily an act of war. Clearly, military force is a last resort, either abroad or at home. But in an age of terrorism, it is an unpardonable vulnerability not to have a military option at all, however reluctant we may be to use it.

THE NEED FOR INTELLIGENCE

Far more attention needs to be focused on intelligence activities directed against terrorist groups that could threaten the security of the United States or the safety of U.S. citizens.

Intelligence information about terrorist groups is hard to obtain. They are seldom sophisticated enough to be vulnerable to sophisticated intelligence-gathering techniques, such as electronic surveillance. We have no radar to warn us of incoming terrorists. Watching where the money goes, a common intelligence technique used in gathering information about organized crime or smuggling, does not work well in the domain of terrorism. Terrorist operations are low-budget affairs; there is no cash flow.

Knowing what is going on inside a terrorist group is mainly a matter of human intelligence work—plants and paid informants—but most terrorist groups are small and difficult to penetrate. Such efforts require years of patient work. In some cases the chances for preventive action may be so low that the costs and risks are not worth the effort; or, if we are talking about the domestic scene, invasions of privacy may result.

Intelligence and local law enforcement officials complain, with some justification, that directives are often poorly written and that overcautious higher officials tend to interpret the directives too conservatively, for fear of getting into trouble. This conservatism is perhaps an understandable reaction to revelations of prior abuses and the widespread distrust of government in the post-Vietnam, post-Watergate era; but the result is an atmosphere in which it is extremely difficult to collect and maintain information about terrorist groups. The perceived conflict between civil liberties in a democratic society, on the one hand, and the intelligence activities necessary for the legitimate suppression or at least containment of terrorist violence, on the other hand, is somewhat artificial.

There remain, however, some tough questions which, like it or not, we must confront in this environment of new dangers:

Federal regulations which are intended to preserve the integrity and confidentiality of information files maintained by various gov-

ernment agencies may in some cases also limit the sharing of intelligence data; one consequence is a wasteful duplication of effort and, more important, the possible lack of vitally important information in a crisis. Should exemptions be created?

We divide threats, and responsibilities for dealing with them, into foreign and domestic categories. But what happens if an American citizen is suspected of having joined a terrorist group abroad or of being a confederate of a foreign terrorist group in this country?

We may all agree that nuclear proliferation is a problem, especially the alarming potentiality that terrorists might acquire a nuclear capability, and that we would want our intelligence services to be able to identify in advance any potential threats of mass destruction. Many foreign students are today studying advanced nuclear physics in American universities. Some of the technical training they receive here will theoretically enable them to design nuclear bombs. Should we attempt to keep track of such graduates once they depart the country? Should universities make available to the FBI information on these students? On what grounds?

We have greater freedom of action abroad, but we have no assurance of finding out what goes on inside the heads of perhaps 50 or 60 groups around the world, some of whose members number in the hundreds, while others consist of perhaps a dozen "bombers and shooters." But the task is not impossible. We might consider a simple surveillance approach. As a guess—and it is no more than that—there are probably fewer than a thousand hard-core terrorists in groups that have operated internationally and would be of concern to the United States. We may know the names and locations of several hundred of them, and would want to watch closely a smaller number. If the movements of our prime suspects begin to intersect, we would increase the surveillance and alert potential targets in the area. In those terms, the problem at least seems more manageable.

More can also be done with the intelligence we already have both in terms of analysis and in terms of devising better systems for its prompt assembly and dissemination. When a terrorist incident occurs, there is little time to comb through files or read several hundred pages or reports.

The greatest threat posed by terrorists now lies in the atmosphere of alarm they create, which corrodes democracy and breeds repression. There is also the danger that the United States will be made to look like a blundering giant in dealing with some future terrorist incident; if it does, the world will perceive a degradation in our ability to handle all crises. If the government appears incompetent, public alarm will increase and so will the clamor for draconian measures.

To forestall the temptation to overreact, and to preserve the image of American strength abroad, we must be able to deal effectively with terrorism. The measures described here would prepare us to do so.

ANYTHING BUT A DOMINO THEORY

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Iowa (Mr. CLARK) after talks with President Carter and Secretary of State Vance, has urged "extreme caution" over any deeper U.S. military involvement in the conflict in Zaire.

The senior Senator from Virginia is in full agreement with the senior Senator from Iowa in urging "extreme caution." Our country already has airlifted some $2 million worth of military and medical supplies to Zaire, to repel what Zaire calls "an invasion" from across its borders with Angola.

The Petersburg Progress-Index of March 18 had an excellent editorial on this matter captioned "Anything But a Domino Theory."

The publisher of the Progress-Index is Rufus M. Josey, and its contributing editor is Edward A. Wyatt IV.

I ask unanimous consent that the Progress-Index editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ANYTHING BUT A DOMINO THEORY

There are few subjects or lands which most of us know less about than Zaire, but it is brought to awareness by the news the United States has approved and already acted upon an urgent request for spare parts and other military equipment to help repel invading troops from Angola. President Carter personally approved the proposal to go to the aid of Zaire.

It may well deserve the consideration. As African nations go, Zaire has been more friendly than most to the United States. Apparently it does not make the honor roll for respect of civil rights, supposedly a cardinal concern of the Carter administration, but neither does it have one of the worst records.

Unconfirmed reports have it that Cubans based in Angola are leading the attacking forces. Regardless of any notions about improving relations with Cuba, it may be desirable for the United States to try to offset the advantage which Cuban assistance gives the enemies of Zaire.

With Vietnam fresh in mind, Americans may be forgiven for wondering whether intervention in wars between the African states is a good idea. We assume the State Department has done enough homework to be convinced that it is in order. But how good could information be about the overall scene and its political currents?

We may not be justified in invoking George Washington's Farewell Address with its advice against foreign entanglements. By wise sources we are assured that all foreign entanglements are not necessarily in the category with the long undeclared war in Southeast Asia. It does seem that Zaire's problems is better suited for the attention of the United Nations, even with its capriciousness or impotence conceded, or of the Organization of Africa Unity.

The articles which are being sent posthaste to Zaire include spare parts, parachutes, medical supplies, combat backpacks, communications material, combat rations, and portable fuel containers.

If and when the United States starts flying "military advisors" into Zaire, that would be time to start worrying in earnest. And perish the thought that anyone in authority should discover the ingredients of a "domino" theory among the multitudinous nations of Africa or start explaining the justification of no-win wars.

MODERN WAR TECHNOLOGY NECESSITATES A GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, for the past several years I have urged ratification of the Genocide Convention. The purpose of the treaty is to make the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group" an international crime.

Today the threat of genocide is greater than ever before. The numbers of people and conflicting beliefs continue to grow. The biggest and most frightening development, however, has been in the weapons of war. Modern technology has given us a wide array of techniques which make it easier than ever to selectively eliminate particular groups.

Biological warfare, particularly germ warfare, can be selectively targeted. In the French and Indian War, masses of Indians were purposely killed by giving them blankets infected with smallpox. The tragedy of this genocidal use of biological warfare is increased when we consider the many other tactics available to make genocide an easy feat. Chemical warfare and nuclear warfare are grave tools of war. We cannot forget the instant destruction of Hiroshima and Nagasaki. Add to these methods of warfare conventional weaponry, which Hitler proved unquestionably effective in wiping out millions of innocent people.

It is obvious that the world's rapidly advancing war technology compels us to act. We have no hesitancy about working from the strategic end—the SALT talks. Why then are we so hesitant to condemn the actions which would make use of weaponry? The Genocide Convention is a treaty which gets at the core of the issue; it condemns genocide and genocidal attempts and morally obligates those who sign it to do all they can to prevent these heinous murders. The United States has not done this. What must the rest of the world think of us?

Mr. President, 82 other countries have ratified the Genocide Convention because they know it is a valuable foundation for international harmony, an expression of international morality we all can, and must, share in order to survive.

MILITARY RETIREMENT

Mr. THURMOND. Mr. President, it has been distressing to note, from time to time, the misleading and slanted stories carried in the American press concerning the military and military retirees.

Recent articles and news reports on military retirement by the news media are poorly researched and apparently even deliberately misleading and slanted by originating sources. It has resulted in many followup stories and editorials containing the same kind of antimilitary bias. In my judgment, the media has the responsibility to present balanced reports and to set the record straight when reports are distorted.

Mr. President, to allow misstatements about military compensation and retirement to go unanswered is a mistake. The Congress established the provisions under which our servicemen and women serve our country, and we should be first to reaffirm our faith in those who serve. We should be in the forefront in setting and keeping the record straight.

The editor of the Retired Officer magazine, Col. Minter L. Wilson, Jr., U.S. Army—retired—has addressed this issue in his fine editorial entitled, "Intellectual Dishonesty," in the March 1977, magazine.

Mr. President, for the benefit of my distinguished colleagues who are concerned with our Nation's defense and our national security, I ask unanimous con-

sent that Colonel Wilson's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTELLECTUAL DISHONESTY

TROA PROTESTS

TROA's telegram (not yet answered) to the Washington Bureau Chief and the AP President in New York read:

"We protest AP's intelectually dishonest story 'Military Pensions' by Brooks Jackson which moved on the wire at 10:10 EST today.

"The story is unworthy of the good name of the Associated Press. Not only does the author compare retired pay costs (not pensions) of military retirees from all the armed services to active pay costs for the Army alone, but also he fails to recognize in any way that those military retirees earned their retired pay. That pay was part of the total compensation package earned over their productive years which for most covered three wars—WW II, Korea and Vietnam.

"At this late date, to imply, as the writer does, that each retiree is drawing an unjustifiably huge amount is ridiculous. Your readers should know that the average retired pay of all military retirees is $6,648 annually—not much above the official poverty level. And the military retiree pays taxes, too.

"The obvious bias of your story is too much. We request you set the record straight."

SETTING THE RECORD STRAIGHT

Since AP officials have not yet seen fit to set the record straight, what are the facts?

First, those stories appear to have been based on a U.S. Civil Service news release of November 2, 1976. The AP moved them over their wires on January 24 and 25, 1977—twelve weeks after the basic news release. That is not precipitate action and should have given adequate time for research. It seemed strange to us that AP's Pentagon correspondent hadn't written the stories. Perhaps he would have brought too much expertise to the job—even managed to bring some balance to the picture presented.

PARADE'S STRANGE REASONING

The PARADE material seems to be based largely on a HARPERs magazine (Des. '76) article by Rep. Les Aspin (D–Wis). As is usual in Aspin's "destroy by press release" style, the "facts" are selected to give the desired effect. In this case, PARADE editors did nothing to give balance to his prejudiced views. They merely compounded the problem by providing poor perspective for the figures used.

Consider this example. As of June 30, 1976 (latest available data) there were 1,096,184 military personnel receiving retired or retainer pay. Parade mentioned that, but forgot to tell you 751,244 were enlisted persons. That is 69 percent enlisted, 31 percent officer. Yet, Parade chose to focus on an officer (a recently retired colonel whose retired pay is obviously considerably higher than the $6,648 average) and suggest to its readers that once the officer retires he should somehow be restricted in the freedom all Americans enjoy (out of the military service) to work where and for whom they please. The Parade editors obviously don't believe a military retiree should be allowed to work for the federal, state, or municipal governments, regardless of the expertise they bring to the job.

In their view, we deduce, Congress should pass laws which prevent government retirees from working for any other level of government because they might qualify before they die for a second retirement income. They forgot to mention—or possibly they do not know—military retired pay is not only deferred compensation earned over 20, 30 or more years arduous service, but is also retainer pay which keeps the retiree subject to the Uniform Code of Military Justice and recall to active duty at any time.

There is no logical reason why the military retiree should be deprived of retired pay or restricted in his quest for a job to better support his family and community.

Parade repeats the ludicrous Aspinism that the "current armed forces pension plan will cost the American taxpayer $34 billion a year by the year 2000." To be factual, they could have added that Aspin's annual salary of $57,500, based on the same five percent inflation factor, will be almost $200,000 annually. Or, your $5,000 automobile will cost about $17,000. And, an Army private would be making $25,356.

Absurd? You bet! Given certain assumptions, the figures don't lie, but the politician surely does manipulate them to his own ends. And the journalist who should put them in perspective for you fails. Worse yet, he doesn't even try.

THE AP STORIES

Returning to the Associated Press stories, let's consider why they were so objectionable.

It would be proper to recognize at the start that the logic in paying the military person a fair salary is at least as compelling as for politicians or anyone else. From time to time, that compensation needs to be reviewed to insure that it continues to be based on conditions today and is designed to attract quality men and women to make the sacrifices necessary in the defense of the United States in the future.

These AP stories failed to recognize that simple truth. As with so many press accounts, the negative aspects were emphasized. Service people readily recognize the errors, omissions and distortions, but what is the effect on the public? Too many, not knowing any better, become resentful of the "military."

PARTIAL TRUTHS AND OUTRIGHT ERRORS

AP reports military "retirees—about half in their late 30's and early 40's—can legally receive full pension checks and full pay for their civilian jobs." The Dual Compensation Act of 1964 provides that *regular* officers who are civilian employees of the U.S. government currently forfeit 50 percent of all retired pay above the first $4,045. Enlisted men and *reserve* officers are exempt from those provisions. In addition, the unfortunate wording of the AP statement projects the untrue inference that half the retirees holding federal jobs are in their late 30's and 40's. The fact is only 28 percent are under 45 years of age.

By selective omission of pertinent facts, AP manages to imply that most military personnel voluntarily retire after 20 years service, regardless of age. To be objective, AP should have mentioned that only one of every ten individuals who enter the military service ever reach retirement eligibility. Not only is the military career more hazardous than the civilian occupation, but it also demands a unique degree of dedication to duty even above self and family. Few are able and willing to stay in service, despite the possibility of early retirement. Consider, too, that many who have served honorably are forced out early—some prior to retirement eligibility—victims of the "up or out" policy which is designed to keep only the best leaders. Others, having served 20 or more years, are retired involuntarily to keep the ranks filled with young, vigorous personnel.

Serious factual inaccuracies were repeated by AP in stating that the military retiree "gets from 50 to 70 percent of salary as pension." Military retired pay is computed on *base* pay, not on salary. The military equivalent of salary for purposes of compensation comparison is Regular Military Compensation (RMC). RMC is defined in law as the sum of basic pay plus quarters allowance plus subsistence allowance plus federal tax differential. For retirement at 20 years service, military retired pay is between 33 and 40 percent (depending on grade) of RMC. The maximum possible retired pay for 30 or more years service is between 49 and 61 percent of RMC. Therefore, the range of retired pay as a percentage of "salary" is 33 to 61 percent—not AP's 50 to 70 percent.

In contrast, to AP's statement that "many private pensions provide less than half final salary as a pension," we must point out that the *typical* private pension plan provides the retiring employee with more than half his salary. The further statement that "most private pensions (are) generally smaller than the military stipend" is a generalization which is unsupported by available data.

AP points out that "the annual cost of all military pensions has grown almost 10-fold since 1962, to $8.2 billion, while the entire defense budget has not quite doubled." Since there is no explanation, many people incorrectly assume some sinister reason. It wouldn't have taxed AP's staff unduly to have pointed out four things: (1) In recent years, funds authorized for repair or modernization of existing weapon systems, for procurement of new weapons, and for research and development, have been limited, thus automatically making personnel costs, including that for retired pay, a proportionately larger percentage of the overall budget; (2) Use of 1962 data provides a distorted base because the 1962 retired population (313,436) largely reflects the abnormally small standing forces maintained prior to World War II; (3) Since 1962, the Consumer Price Index has more than doubled; (4) The present number of retirees, while increasing, will be essentially stable into the forseeable future.

MORE AP DISTORTIONS

"Military retirement includes free medical care when space is available in military facilities, or free health insurance when it isn't" says AP, forgetting that money and doctors for military facilities have been chronically short in recent years and that the "free" health insurance is not free. The retiree pays the first $100 in charges for family per fiscal year and 25 percent of allowable inpatient and outpatient costs thereafter. In most cases, doctor and hospital fees are higher than allowable charges under the Civilian Health and Medical Program of the Uniformed Services. In addition, no reimbursement is granted for an increasing number of treatments. So the typical retiree pays substantially more than AP alleges.

"Free travel when space is available on military transport" sounds great! It is on occasion. But how many have waited days for that elusive "space," only to have to return home disappointed? Or, waited weeks overseas only to return via commercial means? Some have the time, patience, and money to wait, many don't.

"They (military members) make no cash contribution to their pensions." Since the trend in the private sector is towards *non-contributory* retirement systems, AP could have easily added that this is in line with the 1975 Bankers Trust Study of Corporate Pension Plans which reveals that *75 percent of private plans do not require employee contributions.*

AP asserts "the costs of military pensions have grown rapidly because they are pegged to active-duty pay, which has been increased to attract an all-volunteer force." What are the facts? The increases in pay to prepare for the all-volunteer force were primarily for lower grade officer and enlisted personnel—i.e., the pay grades from which members do *not* retire. Until Congress set aside the system in June 1958, retired pay was "pegged to active-duty pay" and recomputed each time there was a pay raise for the active forces. Since October 1963, retired pay has been adjusted as the CPI rose. The result is a system of 15 different retired pay scales in which persons of the same

grade and service receive as much as 50 percent less than later retirees. Understandably, those on the short end are bitter.

There are other "facts" which could be cited to illustrate the intellectual dishonesty of the PARADE and AP stories—to reinforce that a new low in incompetent and unfactual reporting has been reached. Additional light on these matters is shed in the "Washington Scene" column on pages 14–17 ("An Observation on Proposed Military Retirement Changes) and "Benefit Erosion," pages 48–50.

GRAVY TRAIN?

For the life of us, we can't find the gravy train. If there really is one, why aren't all those unemployed flocking to the recruiting stations. We do not argue that military retirement is a "bum rap." It isn't. But it is earned through long, hard hours and years of demanding, dirty and dangerous work. Nothing the serviceman or woman gets is "free."

The individual who elects a military career accepts its unique conditions—both good and bad. These include frequent separations from family, sometimes for extended periods; inconvenient moves resulting in financial loss as well as moves at inopportune times; substandard housing; and a host of other items too numerous to mention. But one more item must be listed. That is the willingness to make any sacrifice to include laying down one's life if called upon.

Military retirees fulfilled the provisions of their contract stipulated by the American people through the United States Congress. Military retirees have nothing to apologize for.

At the very time President Carter has granted amnesty to those who refused to serve their country in time of war, it is a gross paradox that some short-sighted persons would suggest the American people renege on the benefits promised those who served their nation faithfully.

Now is the propitious time for our civilian leadership to reaffirm their faith in the men and women who have chosen the military career. It is they who should be in the forefront in setting and keeping the record straight.

IOWA 2000: THE TIME OF OUR LIVES

Mr. CULVER. Mr. President, in 1974, over 50,000 concerned Iowans participated in a series of local and regional meetings to look ahead to what our State would be like in the year 2000. Their discussions ranged across a variety of important issues, including energy availability, economic growth, and the use of our natural and human resources.

The positive response of so many citizens and the energy and dedication which they brought to their task was particularly gratifying to me because I had initially suggested "Iowa 2000" to the people of our State in 1972. Underlying the program was the recognition that actively looking ahead could not merely help to forecast, but, at least in part, shape the future. In fact, there is not a single, inevitable future, but a range of alternatives and the decisions which we make today will influence the kind of lives we will lead in the years ahead.

The next stage of "Iowa 2000" is now taking place. In eight regional meetings across the State, Iowans are examining the nature of work, leisure, and volunteerism in the 21st century and, more importantly, what we want them to be like. Few topics are as important.

I believe the theme which highlights these meetings—"The Time of Our Lives"—expresses well both the personal significance and the optimism which Iowans will bring to this endeavor. I am looking forward with pleasure to ad dressing the State-wide conference which will culminate this stage of "Iowa 2000" at Iowa City on June 2.

Mr. President, a recent editorial in the Des Moines Register, "Thinking Ahead Again," looks at some of the issues Iowans will be asking about work, leisure, and volunteerism. And an article in the February 1977 issue of the Futurist cites some telling current trends, and ventures some predictions about "Work in the Year 2001." I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THINKING AHEAD AGAIN

A modified version of the same grassroots-first then statewide-conference process which produced the first Iowa:2000 report in 1974 begins again this week at Simpson College, Indianola, and Kirkwood Community College, Cedar Rapids. These will be the first of eight regional sessions leading to a statewide conference June 2 in Iowa City.

Unlike the broad overview of state problems and possibilities covered by participants in the 1974 sessions, the theme for 1977 participants is "The Time of Our Lives"—how Iowans may be spending their time in the Twenty-first Century in terms of work, volunteerism and leisure.

And how they should be spending their time.

What may seem at first a minor concern has major ramifications. For example, more and more women are joining the work force. Should government encourage this—with child-care facilities and tax policies—or discourage it? Or let whatever will be, be?

Another trend is toward more leisure time. Should the state plan on more parks and expanded continuing-education programs? Should it encourage more participation in volunteer community and social services (through tax policies, for example)?

Jobs are changing, too. Agriculture outranked both manufacturing and government in number of employes 30 years ago. If present trends continue, the order will be reversed in the year 2000: government, manufacturing, agriculture.

Conferences such as the first Iowa:2000 or this new round do not produce magic solutions or discover sure-fire paths to Utopia. They help create an awareness of trends, the consequences of those trends, and the steps that might be taken to halt or reverse a trend that has unfavorable consequences.

In devoting their energies to this process, the University of Iowa (a co-sponsor), President Willard Boyd (who chairs the 1977 planning committee as he did that of 1974), committee members and conference participants are making an important contribution to the Iowa of tomorrow.

WORK IN THE YEAR 2001

(By William Abbott)

Technological breakthroughs will continue to change the world of work in the years ahead. But the workplace may be affected even more by the continuing revolutions in values, consciousness, knowledge, and equality. These changes are already transforming labor unions and universities, and have brought about an unusual alliance of Big Business, Big Labor, and Big Government.

Although the work environment will expand in the next few decades to include outer space and the depths of the oceans, the most important changes in the workplace will be considerably more down to earth. Those changes will involve how the worker prepares for his job, how he updates his training, and how he interacts with management as part of the decisionmaking

Skilled workers will have to attend school at least four times in their lives to be totally retrained. Frequent retraining is already necessary in a number of trades. For example, members of the Graphic Arts International Union must now be retrained three or four times during their working lives, according to Union President Kenneth Brown. The International Brotherhood of Electrical Workers now has 57 of its members rewriting textbooks because about 10% of the technical knowledge in the industry becomes obsolete each year.

Industrial workers will be employed in autonomous work teams, making their own production decisions. Factory work will be organized horizontally with employers and employees making joint production decisions. This "unimanagement" is already occurring in a few factories as a result of agreements between the United Auto Workers (UAW) and the Harman, Rockwell, and Dana Corporations. At Harmon Industries in Bolivar, Tennessee, worker-supervisor core committees plan production within each department subject to review by a plantwide union-management work committee. At a Dana Corporation plant at Edgerton, Wisconsin, production committees of workers and foremen elect a union-management screening committee, which sifts the production committee's suggestions as to how best to organize the factory's production. In Europe, co-determination has made rapid strides. A 1973 Swedish law put union representatives on corporate boards. A 1976 West German law gives workers the right to elect half of the directors of firms employing over 2,000 people. Worker participation in management is increasing dramatically in a number of Western and Eastern European countries. The reason behind this movement, according to Andre Thiria, International Secretary of the Swedish Confederation of Trade Unions, is that demands are being raised for a better work environment and more satisfaction on the job, while at the same time mechanization and streamlining of production makes it more difficult to meet these demands." Joint labor-management decision-making is an attempt to solve this dilemma.

Workers will schedule their own hours under flexitime. Many will work at home. Most workers will probably hold two jobs or go to college on a part-time basis. (The need for lifelong learning will be a generally accepted principle.)

Economist Eli Ginzberg points out that 45 percent of employed Americans now work less than full-time for the whole year and that 30 percent of all work is performed by less than full-time workers. This trend is likely to continue.

Collective bargaining will continue, but fist-banging will give way to joint problem-solving task forces and arguments over the interpretation of data in books and budgets that are open to labor as well as management. Labor relations will increasingly become a battle among intellects. Union leaders are going to college, and are beginning to run for office by pointing to community college degrees in labor as a qualification for elected office. Some go on for a four-year education. In at least one instance, company executives and union leaders sit in the same class as they pursue a labor studies two-year degree at Black Hawk College in Moline, Illinois. In 1976, faculty, staff, and administration at Federal City College (now the University of the District of Columbia) ran a joint program where labor played the role of management and vice versa.

In order to keep their identity and the loyalty of the members, unions will become more a way of life than a simple bread-and-butter organization. UAW sends entire fami-

lies to its extensive Walter and May Reuther Family Education Center at Black Lake, Michigan. Husband, wife, and children are all taught union leadership. Retirees now play an integral role in the union's program. Increasingly, the kind of leadership UAW is talking about is that of meeting the needs of the whole personality. Next in the union's bargaining program, according to President Leonard Woodcock, is a sabbatical leave just like that of university professors.

MULTIPLE REVOLUTIONS TRANSFORM THE WORKPLACE

On top of a continuing technological revolution in the 1970s, the decade has been marked by several concurrent revolutions: the Equality Revolution, the Knowledge Revolution, the Value Revolution, and the Consciousness Revolution.

The Equality Revolution, while far from complete, nevertheless has brought some giant employment strides. Blacks and other ethnic minorities have made gains largely through the impetus of the civil rights struggles of the 1960s, often consummated in affirmative action legislation. In the 1970s, women have also demanded equal treatment. In employment, while the number of employed males has increased 26 percent since 1950, the number of female workers has soared 93 percent during the same period.

By the year 2001, there will probably be new battles launched by those struggling against established orthodoxies. Social utopia will remain elusive as solutions to old problems create difficulties anew. People with an ideological, emotional, or material investment in what is established will be confronted by an imaginative avant-garde pressing for ever greater rapidity of change.

If one accepts Arnold Toynbee's definition of the proletariat as that group which feels itself disinherited, the "lower class" may be that which gets pushed aside in the Knowledge Revolution, which is beginning to mix practical work values and a liberal education together into a new recipe for success, leaving behind those who cannot put the two together inside their personalities. To a greater degree than ever before in history, tomorrow's worker will have to become something of a scholar, and today's scholar will have to learn communications, administration, and other practical skills to stay on top. Consequently, the 1980s will see more organized groups clamoring for a piece of the educational action, insisting that institutions gear themselves to meet their special needs.

In 1976, apprentices in the skilled trades began to ask for two-year college degrees which included English, humanities, and social sciences as part of their training. The Operating Engineers Union responded by initiating a dual enrollment program—a worker could study either for a college degree or for the traditional certificate. Under this program and others, job training has tended to take on the character of a general education.

A related development has been the rapid proliferation of community colleges in recent years. In a period during which many of the more traditional universities have been going through doldrum agonies, the community colleges have been thriving. In 1974, community college enrollment was up 12.1 percent; in 1975, it increased an additional 15.4 percent.

The rise of the community colleges has been accompanied by the birth of a new kind of educator who goes into the neighborhoods, plans courses with adult students, and learns to communicate with them in their language. He or she is part teacher, part recruiter, part administrator, part counselor, part planner, part innovator, and, on the whole, quite successful in these roles. This new educator does his job on campuses, in neighborhood drop-in centers, in churches, union halls, factories, and storefronts, and in homes. In the future, he may reach many people in their homes through various electronic media, as well as through personal visits.

The flaw in the new form of higher education is that research and materials development have not kept up with the innovations. The challenge to universities is to provide scholarship synthesized with nonesoteric communication styles to uphold this redefinition of education. The community colleges need the universities if they are to accomplish their mission.

WORKERS DEMAND EDUCATION

In the 1970s, the Equality Revolution has taken a social-class turn, with workers beginning to demand the same educational opportunities enjoyed by other classes. They are being attracted by colleges that count their work experience as credit toward degrees and that are best equipped to help them as adults to update or change their skills and broaden their life as well as work options.

Business also has turned to higher education for help. Industry spent at least $10 billion on its own training program in 1975. But even this staggering amount was not enough to do the job. To meet its more pressing training needs, business has looked to the higher education institutions with the most flexibility; more often than not, they have been the community colleges. Earlier this year, for example, the National Automobile Dealers Association announced a unique two-year degree program at community colleges for aspiring auto mechanics. The dealers are convinced that simply learning how to repair a car is no longer enough. An auto mechanic must also have a greater knowledge of society and be able to communicate effectively.

The UAW, in recent years, has negotiated tuition assistance ranging from $450–$700 a year. In 1976, the union bargained an increase to $900 per member per year from the Ford Motor Company. This year, the UAW expects to extend this $900 benefit to over a million workers.

Nationwide, a total of two million members of various unions are covered by such tuition aids; an additional four million unionists benefit from apprenticeship training funds, a substantial amount of which finds its way into community colleges.

In 1976, Bernard DeLury, then U.S. Assistant Secretary for Labor-Management Relations, expressed hope that the number of workers receiving such aid would soon be much higher. DeLury called for "a negotiated careers program" which would use "collective bargaining as a means of opening the door to clerical, technical, professional and management jobs for workers in the bargaining unit." Counselors would be available to advise the worker on "the need for good reading ability and language skills" and to recommend colleges and universities that could best satisfy his needs. The counselor would also "talk with management about providing opportunities to learn about the overall production in the plant and the various departments related to it. . . . The counselor would work with training and higher education institutions to develop a tailor-made, work-integrated program for this worker which leads to a credential, and perhaps even a degree in Business Administration." The International Union of Electrical Workers has already run a successful experiment for its membership in this type of counseling.

The flow of workers into college is taking place in Europe, too. A 1971 French law gives educational leaves to most of the nation's work force. The faculties of France's overcrowded universities have not been wildly enthusiastic about the idea of catering to swarms of workers. The British government has also attempted to open up higher education to the common people, and met similar faculty resistance. As the Organization of Economic Cooperation and Development's Centre for Educational Research and Innovation dourly noted, "There is no evidence that any impetus for educational leaves of absence came from the education sector itself." British historian Harold Perkin observes that while left-wing majorities now dominate many German universities, working class students are discouraged from attending them. "Left-wingers," says Perkin, "are as academically conservative and elitist as the rest."

Thus a new class struggle has shaped up, with government, business, and more pragmatic-minded unions attempting to get the lowly commoner into college, while academic ideologues, both left and right, team up to pour cold water over such a move.

COLLEGES BEGIN TO EMPHASIZE COMMUNITY SERVICE

The burgeoning community colleges and the faltering universities in the United States and Canada have engaged in some struggles over turf; however, as early as the late 1960s, survival-minded four-year institutions quietly began a shift in emphasis from the traditional academic pattern to that of community service.

A good method of measuring this change is to compare "faculty" to a new breed of professionals providing services to the academic as well as the larger community. At the University of Hawaii, the regular faculty members are called "nine-month employees," while professionals engaged in year-round service-type duties (which could mean anything from teaching to program planning to administration—or a combination of those skills) have been labeled "11-month employees." In 1973, the 11-month personnel numerically edged out the nine-month faculty as the university sought to provide more services to more people of varying ages and walks of life. This is the mark of a "communiversity," for in 1973 one out of every 16 men, women, and children who lived in Hawaii participated in some program of the University system.

Education has taken a totally new direction. People of all ages and social classes will continually have to seek an updating of their education simply to cope with the fast-paced changes swirling within the world of work. If they are to avoid drowning in the whirlpool of change, they will have to return to school recurrently to update their skills. Many of the best ideas for the future may come from senior citizens, who will have the advantage of continual educational renewal as well as the richness of their experience.

In 1976, the American Board of Family Practice made 1,400 family doctors take tests to see if they had kept abreast of advances in the field. If they failed, the Board would not renew their certification. No line of work is safe now from the demands of lifelong learning.

It should be clear that the separation between work and education is disappearing. By the year 2001, most Americans will not be able to separate one from the other very easily, and perhaps there will also be no clear demarcation between education and ordinary living.

To cope with living in today's society, 17 million people have enrolled in adult education classes. This figure may appear impressive, but it fails to match the need. A University of Texas study concluded that twice that number of people are functionally incompetent to cope with their personal consumer economics. The study warned "If the requirements change and the individual does not adapt by either acquiring more or different knowledge and skills, then that person becomes less competent."

Simply remaining proficient at living requires lifelong education, according to Edmund J. Gleazer, President of the American Association of Community and Junior Colleges.

The Knowledge Revolution is described best by Robert Hillard, educational broadcasting specialist for the Federal Communications Commission:

"At the rate at which knowledge is growing, by the time the child born today graduates from college, the amount of knowledge in the world will be four times as great. By the time that same child is 50 years old, it will be 32 times as great, and 97 percent of everything known in the world will have been learned since the time the child was born."

Many jobs will become obsolete so quickly that no one will think in terms of career education but rather of a lifetime of multiple careers.

KNOWLEDGE WORKERS WILL PROLIFERATE

One of the largest vocations will be knowledge workers, many of them condensing torrents of new information into frequent newsletters and tapes for all manner of national organizations, local affiliates, and individuals. "Capsi-Knol" (capsuled knowledge) will employ several hundred thousand readers, researchers, interpreters, writers and technicians.

Typists and file clerks will dwindle as speakwriters (typewriters that take dictation) and robotized filing machines take over routine office work. Hierarchy will vanish in offices, to be replaced by autonomous self-directors who will probably waste too much time at meetings coordinating themselves. There will be bursts of creativity before the iron law of oligarchy stultifies workers in an organization, at which point Albert Camus's idea of permanent rebellion against what exists will pick up a large following.

The alliance of Big Government, Big Business, and Big Labor in bringing about some of these changes in the workplace has created suspicions among some people who feel that the "little person" is increasingly at the mercy of giant forces. Due to their fears, the resisters have not recognized the need for rapid educational change, and thus have programmed themselves into the vortex.

People who feel powerless will form new organizations and coalitions in the years ahead in order to cope with the tidal wave against tradition and to protect the interests of the average individual in the emerging new society. They will demand decentralized, grass-roots economic and social planning where their voices can be heard and their input counted. Popular Participatory Planning (PPP) for more orderly social change (Alvin Toffler calls it "anticipatory democracy") may be as universally revered in 2001 as the Fourth of July is today in the United States.

NEW VALUES AFFECT THE MARKETPLACE

Concurrently, we are in the midst of a Value Revolution. For many people, the acquisition of material symbols no longer is the primary goal in life. A President of the United States wears blue jeans; the rich move out of the suburbs into the city's inner core; compact cars are favored by those who have long ago arrived and want to go someplace else; Ph.D.'s sneer at advanced degrees.

In gaining the world, many discovered they had misplaced their souls. While much of the population is still laboring mightily for orthodox middle-class goals, the children of the well-to-do stick an irreverent finger into the air at such strivings. This value gap caused much hostility between "hippies" and "the establishment" in the 1960s. But in recent years, in a less ostentatious manner, more people have accepted non-material values, albeit rather clumsily, because of a general uncertainty about what values should replace those being discarded.

In the future, the search for ways to fill one's leisure time with fun will intensify greatly. Alvin Toffler writes of future "experiential industries," including simulated environments that would be enclaves of the past and would allow people to experience the kind of life their ancestors lived. "Thus," Toffler says, "computer experts, roboteers, designers, historians, and museum specialists will join to create experiential enclaves that reproduce, as skillfully as sophisticated technology will permit, the splendor of ancient Rome, the pomp of Queen Elizabeth's court, the 'sexoticism' of an 18th-century Japanese geisha house, and the like."

Tourism, already big, will become bigger in the years ahead. Two decades from now, many tours may begin with an audio-visual panorama that will brief tourists on the sights they will see and get them in the right mood to visit the sites. There will also be "consult-a-historian" services where tourists can enter private counseling rooms for an in-depth talk with an expert. Regional craft people will not just show tourists how they weave rugs or fashion pottery, but will teach tourists the skills. A mark of status in the year 2001 will be to have a home furnished with the objects that you yourself have constructed.

The search for roots in a turbulent world will make history more popular than ever before, and indeed, parallels will be found between the cult of self-improvement of the 1830s and 1840s and that of the 1970s and 1980s. Perhaps history moves in cycles: The new cooperation between labor and management in the latter 1970s, coupled with way-of-life unionism, bears some striking resemblance to the old-time guilds.

CONSCIOUSNESS REVOLUTION WILL CONTINUE

And the quest for inner peace has led to another revolution—the Consciousness Revolution. "Psychenauts" (a term coined by behavioral scientist Jean Houston) are currently probing inner space to help people find levels of consciousness to better communicate with themselves and with others. Already, there are 8,000 methods advocated as the right road to happiness. Werner Erhard has already sold his "est" to 83,000 individuals at $250 each for a 60-hour "experience" in discovering alternative realms of consciousness within oneself. Awareness, a big business now, will get bigger.

People will invest heavily in psychic process classes, in meditation and other methods of inner development, finding and using senses they may have never been aware of before.

Already the consciousness movement is being co-opted to a significant degree by churches, colleges, and other established institutions who see survival or institutional progress in their ability to keep up with change. The U.S. military is researching telepathy since the Russians are also doing it.

Spiritual development and organized religion may not be quite the same in the year 2001, by humans are social in nature and they need the reinforcement of others to identify themselves. All social beliefs which attract sizeable followings, including communism, have religious overtones; hence, nothing in the future is likely to wipe human religiosity out.

The prognosis for the future can look bright with one important proviso. If the heavily industrialized nations ignore the multiplying problems of developing regions, a titanic struggle could take place between the haves and have-nots. The powerful countries of the world could make a better future guarantee if they would pool their resources to wage the only war worth fighting—the war on human misery and degradation.

A REMARKABLE PERFORMANCE IN THE MINNESOTA STATE HIGH SCHOOL HOCKEY TOURNAMENT

Mr. ANDERSON. Mr. President, we have just witnessed in Minnesota one of those remarkable upsets in competition that mark American sports.

I wish to pay special tribute today to the high school hockey team from John Marshall High School in Rochester, which became the Minnesota State High School league champion in one of the hardest-fought games I have seen in competition where hard-fought games are ordinary.

Mr. Chairman, I was privileged to be present for the championship game on Saturday, March 19, along with more than 17,000 other fans. Rochester John Marshall faced formidable odds—a magnificent team from East High School in Edina, one of our Twin Cities' suburban communities.

They were two excellent teams, but based on its season record, Edina East was the clear favorite. The John Marshall Rockets would not accept that, and they used breakaway offense and a tremendous performance by Rochester goalie Paul Butters, who had 37 saves in goal against Edina East, for a 4 to 2 upset victory.

Mr. President, I call the attention of my fellow Senators to this game because it shows what can be done by a team that refuses to lose. Coach Gene Sack and his players deserve the recognition of all for showing once again the value of healthy competition, the fine teamwork and sportsmanship it produces, and the great entertainment that games like this provide for all of us.

Mr. President, I ask unanimous consent to have printed in the RECORD the excellent reports of Minneapolis Tribune sportswriter John Gilbert on this remarkable performance by the John Marshall High School Rockets of Rochester, Minn.

I would also ask unanimous consent to have printed in the RECORD an additional excellent report on the fine team defeated in the championship game, Edina East High School, as written by Tribune writer Bruce Brothers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, Mar. 20, 1977]

JM BEATS EDINA-EAST 4–2 FOR TITLE

(By John Gilbert)

Rochester John Marshall, playing with incredible poise when the whole state of Minnesota would have expected and excused panic, stunned Edina-East 4–2 Saturday night to win its first state high school hockey tournament championship.

Scott Lecy, who had scored once earlier, scored his 61st goal of the season and 131st of his prep career with 1:01 gone in the third period to send a record championship game crowd of 17,083 into bedlam.

The Hornets kept up their attack, intensifying it as the minutes passed, but sophomore Todd Lecy fought off a desperate check and scored into an open net with only 58 seconds remaining and the JM Rockets put their fans into orbit.

Paul Butters made 15 of his 37 saves in the final period, many of them sensational, and JM survived being outshot 39–14. Scott Lecy, with two assists to go with his two goals, ended up with his game winner after linemates Bruce Aikens and his younger brother, Todd, had worked a play that narrowly missed. The cool Aikens circled for the missed shot and fed Scott in the slot.

The tournament attendance of 94,772 was an all-time high, breaking the old record by 2,439 at the St. Paul Civic Center.

Those fans who anticipated an Edina-East runaway—undoubtedly a clear majority—were the most surprised when the Rockets opened the game with a little of their patented breakaway magic.

Scott Lecy put a bull's-eye pass through the surprised Hornets defense. Junior Bruce Aikens gathered the pass at full speed and, without bothering to fake, hit a shot past goalie Steve Carroll a mere 36 seconds into the game.

Scott Lecy broke in 2-on-1 on the next shift and Carroll went down to make the save. His own defenseman, John Anderson, fell into Caroll, however, and he slid almost fully into the goal. Referee Gordy Lee watched closely as they untangled, and ruled that the puck hadn't crossed the goal line. So it stayed 1-0.

But not for long. With Tom Taylor of JM off for elbowing at 6:04, the Rockets disregarded Edina-East's power play and defenseman Paul Brandrup zipped a pass straight up the middle. Scott Lecy took the pass to score short-handed at 7:24.

Edina-East outshot the Rockets 11–7 in the first period, but sophomore goalie Paul Butters, fresh from shutting out South St. Paul 1–0 in the semifinals, made some superb saves—10 in all, although the JM fans moaned that it should have been 11.

The one in question came after Butters dived for a save on Tom Kelly with 1:14 to go in the opening period. In the scramble for the rebound, a JM defenseman pushed the puck in for Butters to cover. Referee Gary Alm, watching the play, did not blow the whistle that would have indicated he had lost sight of the puck. Dave Terwilliger poked and Alm signaled goal long before the red light acknowledged it.

Edina-East, on a power play early in the second period, nearly tied when John Anderson's shot hit the cross bar and caromed down under Butters.

Gordy Hampson knocked one in after a save by Butters, but also after Alm's whistle. Alm clearly signaled no goal this time.

The Hornets' pressure was continuous as they outshot JM 13–3 in the middle period, and Kelly tied it 2–2 on a power play at 12:01 with a screened, 40-foot shot from the left side.

The only real chance JM had in the second period came in the closing minutes, when Scott Lecy cut in for a backhand from the slot on a power-play dash. It was a good backhand, but Carroll blocked it. When it trickled behind him into the crease, defenseman Steve Pepper was in position to grab the puck and flee from danger.

Rochester John Marshall	2	0	2—4
Edina-East	1	1	0—2

First period: 1. JM—Aikens (S. Lecy) 0:36.2. JM—S. Lecy (Brandrup) 7:24, Short Handed. 1. EE—Terwilliger (Kelly, Pearson) 13:46.

Second period: 2. EE—Kelly (Pepper, Donnelly) 12:01, Power play.

Third period: 3. JM—S. Lecy (Aikens, T. Lecy) 1:01, 4. JM—T. Lecy (S. Lecy, Brandrup) 14:02.

Saves: Butters, JM, 10–12–15–37; Carroll, E-E, 5–3–2—10. Penalties: JM 6, Edina-East 4.

NOBODY BELIEVED ROCHESTER COULD HUMBLE EDINA-EAST

(By John Gilbert)

"I don't think Edina believed we could beat 'em," said Scott Lecy as he sat on a bench in the jubilant Rochester John Marshall dressing room following Saturday night's state hockey championship. "I don't think they believe it still."

Then he laughed, and rested his head against the wall, overwhelmed with enjoyment.

Coach Gene Sack, always hopeful, still had not dared to be really confident that his Rockets could go all the way in their first tournament in his coaching term.

"I can't believe the way they acted this morning," said Sack, sucking on a victory cigar. They were playing poker in the rooms, and I'd try to get 'em to converse a little about the game. I'd say, 'Gee, you guys, we came this far, it'd be nice to win the title.' And they'd say, 'Yeah, yeah, coach, we'll get 'em . . . gimme a card.'

"I knew Edina had a great team, they fly. But I thought, when we get out there next to 'em, they're high school kids just like we are. They're 17- and 18-year-old kids, they make mistakes, too. The kids had more confidence than I did, but all I kept thinking is that they couldn't shut out Lecy and Aikens two nights in a row—nobody can."

When both were blanked Friday night, Todd Lecy, Scott's sophomore brother, got the goal that beat South St. Paul 1–0 in the semifinals.

Paul Butters, the sophomore goalie made 37 saves in both games.

"We weren't going to change our style for this game," said Bruce Aikens, the junior left wing on the Lecy-Lecy-Aikens breakaway unit. "When we came here I was just hoping we wouldn't wind up in the consolation."

The dressing room scene was a time for one-liners, the youthful Rockets' time of their lives, although with only four seniors on the club they plan to be back next year as something other than the Cinderella underdog.

Todd Lecy sat down in the corner and opened a flip-top can, spraying black cherry soda around the area. How would Todd spend the night, which was certain to contain a giant celebration?

"I'll sleep," he said firmly. Todd only 16, was suspended for nine weeks for partying after the fifth game of the season.

"Don't worry, he'll sleep," laughed brother Scott. "He's learned his lesson."

While Edina-East had convinced the whole state that it deserved to be rated No. 1 by beating powerwul Roseau 2–0 and two-time champ Grand Rapids 6–5, the JM players had hoped they'd play Edina.

"I thought we might be awed by Grand Rapids," Scott Lecy said, "being northern team, defending champ and all. I was hoping we'd play Edina, we all wanted to."

Then it was time for Scott Lecy to throw a dart at the people who belittled JM's record—now 25–2—because it came against weak competition.

"Everybody talks about the Lake Conference being so strong," said Scott. "I don't know, we played three of their teams and handled 'em pretty easily. Maybe their schedule wasn't so tough after all."

Rochester John Marshall whipped Burnsville 6–4 in the Section 1 semifinals—Burnsville being the only team to beat Edina-East before last night—and then roared from a 2–0 deficit to thrash Jefferson 7–3 in the Section 1 final.

Of course, JM didn't exactly handle the Hornets last night. Lecy was surprised that Butters made 37 saves to only 10 for Edina-East goalie Steve Carroll. The Hornet pressure was for longer duration, if not any more dangerous.

With the score 2–2 in the third period, the Rockets' big line blasted off. "Todd put me in," Said Aikens, "but I was coming fast and in too close and the puck was on my backhand. I just batted it, and went after it into the corner. When I turned, I saw Scott coming down the slot. He put 'er away."

Aikens makes it sound like the slick, deadly accurate passes the line makes are second-nature. "They are," he said. "We've played together so long, we know where to look for each other. It'll be hard playing without Scott next year."

Sack, still grinning and enjoying himself immensely, said, "Maybe they'll expect us to make it next year, and the pressure will be on to win it, now. A guy might be smarter to come up here and lose the first game the first time, just to work up from the bottom. But I'm 52; I don't have that much time."

Sack and Scott Lacy were at a special dinner just before the game. "But Scott couldn't eat," said Sack. "As it turned out, Mark Gherity from Southwest ate Scott's dinner."

But that was the last thing anybody took from the Rockets all night. Jeff Nelson, perhaps the most heroic of JM's corps of unsung defensemen, was diving and blocking shots and taking out Hornet forwards in the slot most of the night, "That's all right," he said, "the scorers deserve all the credit."

But the whole JM team deserved the credit. The celebration will be today in Rochester. The official time is 1 p.m., but it doesnt really matter. It will probably be an all-day thing.

EDINA PLAYERS MISS TITLE, BUT STILL HOLD HEADS HIGH

(By Bruce Brothers)

Heavily favored Edina-East had lost the state hockey championship 25 minutes earlier, but players and fans alike were holding their heads high.

"They're a super team," East defenseman Steve Pepper said of Rochester John Marshall, which defeated the Hornets 4–2 in the St. Paul Civic Center. "They deserved to win. We played as hard as we could. The shots just didn't go in for us."

Pepper, a senior who is being highly recruited by several major colleges, was stuffing his equipment into an old tan duffel bag for one last time as an Edina hockey player. He has a future, but for the moment all he could think of was the past.

"Our hard first two games wore us down, I think," he said. "They were a little better than we expected, a little quicker. That Lecy, the senior Lecy (Scott, who scored two goals), is really good. He went around me one time with no trouble."

Willard Ikola, the coach who has taken Edina to the state tournament 11 times in 19 seasons, took the defeat philosophically "They had some quickness," the coach said. "They caught us a couple of times and that was it.

"When you outshoot a team . . . well, I thought we carried play a bit, but we couldn't put the puck in the net. That's the name of the game."

Edina-East had 39 shots on goal to 14 for John Marshall, but three of John Marshall's shots came on breakaways. Two were against goalie Steve Carroll, putting the Rockets ahead 2–0; the third was against an empty net for the final tally.

"We knew they could play that breakaway style of hockey," Carroll said. "They got a couple of breaks and that was it." He said his team needed the first goal of the third period after it battled back to tie 2–2, "but they got it instead."

Facing a 3–2 deficit in the final period, the Hornets threw everything but Ikola's Alpine Fedora hat at Rochester goalie Paul Butters, who stood firm. "And he's a sophomore, too," said Dave Terwilliger, who had poked in East's first goal.

"It just wasn't our day, I guess," Terwilliger went on. "We played pretty much as well as we could. They had a good goalie, and we didn't have all the luck we could have."

He smiled. There were no tears in the dressing room. "Only three teams in the state," one player said, "win their final game."

By now the players had fininshed packing their gear. They headed, slightly disconsolate, for the exit. Outside, however, the Edina-

East band swung into one more version of the school song. Down the hall Edina fans had formed two lines for their heroes to walk through. The players seemed to pick up an extra bounce in the their steps as they marched out.

SEABED POLITICS

Mr. PELL. Mr. President, today I had the great honor of introducing, at a luncheon given by the Woman's National Democratic Club, Dr. Bernardo Zuleta, the United Secretary General of the United Nations. Dr. Zuleta, who is Secretary General Waldheim's Special Representative to the Law of the Sea Conference, spoke on seabed politics and the very difficult negotiations underway to establish a legal regime governing the exploitation of deep seabed resources.

I have known Dr. Zuleta for some years. Dr. Zuleta and I have both been deeply interested and involved in the Law of the Sea negotiations even before they formally began under United Nations auspices in 1973. Ten years ago, I introduced a Senate resolution on ocean space calling for negotiations on the kinds of issues now being addressed at the Law of the Sea Conference. At about the same time, Malta's Ambassador to the United Nations, Arvid Pardo, was calling for negotiations on the seabed to secure it as the "common heritage of mankind." While I was working to generate support on a broad range of ocean space issues, Dr. Zuleta was working, a member of Colombia's U.N. delegation, to promote the development of a legal regime for the seabed.

Dr. Zuleta's remarks today on the status of the negotiations on the seabed were most timely, as a special meeting was held earlier this month in Geneva in an effort to begin a process of hard bargaining to find a way to accommodate the various national interests in the deep seabed.

I fund Dr. Zuleta's analysis and observations to be highly thoughtful, perceptive and—most of all—encouraging about the prospects for successfully concluding a comprehensive treaty. In this latter connnection. Dr. Zuleta said that—

We are very close, much closer than is generally understood, to achieving one of the most important international treaties in history. . . .

I would like to share with my Senate colleagues the full text of Dr. Zuleta's remarks today on these very complex, difficult, and important negotiations.

Mr. President, I ask unanimous consent that the full text of Dr. Zuleta's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. BERNARDO ZULETA

It is a pleasure to be in Washington at this most beautiful time of the year, and a privilege to address the Woman's National Democratic Club. I would like to thank your organization for this opportunity and all of you present for your interest, or willingness to be interested, in the rather complex problems that we face in the Third United Nations Conference on the Law of the Sea.

I am also particularly pleased, may I say, to be introduced to you by my good friend Senator Pell. One cannot overstate how much we owe to him and the few others like him in positions of leadership here and around the world who were years ahead of their time in recognizing the importance of a new world law of the sea, and who have done so much to develop understanding of the issues involved.

Concern over sea law has in fact been growing since the end of the second world war as changes in technology, for better or worse, have forced awareness that the old concept of three-mile territorial waters and complete freedom of the seas beyond that limit were becoming obsolete, and that freedom in many ways was turning into a license for abuse.

In the case of the United States, it was the new technology for off-shore oil and gas drilling that led President Truman to extend your national jurisdiction over large areas of continental shelf, although curiously Mr. Truman at the time was more concerned with federal vs. state rights rather than the international consequences of his action. In Geneva, at the First U.N. Conference on the Law of the Sea in 1958, worldwide recognition was given to coastal state rights over the continental shelf up to a water depth of 200 meters or even deeper if technologically exploitable.

More recently, it has been advances in fishing technology, threatening to deplete entire species in your traditional fishing grounds, that led to the U.S. 200-mile reserved area which went into effect on the first of this month. And, in one form or another, a similar 200-mile extension of coastal state rights is rapidly becoming customary law throughout the world within the framework of a new legal concept, developed in the Conference on the Law of the Sea, that is described as the "Exclusive Economic Zone".

Conversely, it was the unwanted counterpart of technology, in the form of pollution, that led to the International Convention for the Prevention of Marine Pollution by Dumping at Sea, which was ratified by the Senate last year. And it is this same concern, especially with oil spillage, that is the basis for the recent introduction by Senator Muskie of even stronger legislation for the control of pollution within the 200-mile zone.

Finally, it was a new mining technology, developed for the most part by U.S. companies, that has caused the need for new rules to govern the coming mineral exploitation of the deep sea-bed, a fact that was foreseen clearly by another American President, Lyndon Johnson. As far back as 1966 President Johnson had publicly warned, and I quote his words:

"Under no circumstances must we ever allow the prospect of rich harvest and mineral wealth to create a new form of colonial competition among the maritime nations. We must be careful to avoid a race to grab and to hold the lands under the high seas. We must ensure that the deep sea and the ocean bottom are, and remain, the legacy of all human beings."

Other examples can be cited, involving not only economic but other kinds of technology, but the central point is that you have recognized, both internally and as a member of the international community, how closely the oceans are linked to other aspects of national interest and to the ecological well-being of the Earth as a whole. Other nations, with similar imperatives, have done the same. In my view, if there is one single point that has held the Third United Nations Conference on the Law of the Sea together, it is the global recognition that a new and universally accepted set of rules for the oceans is urgently needed.

As many of you are aware, however, the effort to achieve a new Law of the Sea Convention has been a long and difficult one. I believe that in the end we shall succeed, that a convention of great and lasting value will be written and then given the authority of international law through ratification by a majority of the world's governments, including your own. However, many difficult and complex problems remain and I would be less than candid if I did not admit that the next round of negotiations, which is to begin in May in New York, may prove to be decisive.

Very briefly today I would like to touch on some of those problems, and how they might be resolved, and therefore I ask you to accept that these are my own views and not an official position of the United Nations.

To begin with, it is necessary to see that this conference is unlike others that have been held under United Nations auspices in the recent past. In most cases, a conference is the culmination of a long period of preparatory effort at which ministers gather for the rather *pro forma* proceedings of amending and adopting a generally finished body of work. This was never the case with the law of the sea. Because of the tremendous variety of issues, old and new, political as well as technical, it was necessary for the process leading to consensus to be undertaken at the highest level. Therefore, the Conference became the negotiating process. I have never accepted the often used press characterization of the Conference as "deadlocked". A closer analysis will reveal quite the opposite: that there has been steady although sometimes slow progress toward our common goal through this multilateral negotiating process.

When the General Assembly established an *Ad Hoc Sea-Bed Committee* in 1967 its main objective was to examine the question of a new world régime for the floor of the oceans and the mining of their mineral resources. Before that goal could be realistically addressed, however, there were a number of related and interrelated questions that needed to be clarified, first among them being the question of national jurisdiction. To put this in another way, before we could write a code for the international area of the sea-bed, we had first to agree on where this area began.

If one were to take a broad overview of the Conference sessions that have been held since the meeting in Caracas in 1974, one might reach the conclusion that their main result was to build the basis for a consensus on these related issues, such as the limit of territorial sea, the extent of coastal state rights over the resources of broader areas under the new concept of Exclusive Economic Zone, the rights and needs of landlocked and geographically disadvantaged states, freedom of navigiation through straits and sea-lanes, the conduct of scientific research, control of marine pollution, et cetera. Without some agreement on these questions which were taken up in the second and third committees of the Conference, there could never be a consensus in the international area.

There are still issues outstanding in each of these areas, and the work of these two committees of the Conference is far from completed, but an analysis of the debate in the plenary—and the attitudes and actions of states both in and outside the Conference—would seem to indicate that a sufficient degree of consensus exists on these aspects of the negotiations to envision a final accord.

In this sense, it can be seen that the Conference has come full circle, and the stage is at last set for a concerted approach to the problems of the deep sea-bed, which go to the heart of the original mandate and are the special responsibility of the First Committee. It also seems to me that a time factor is coming into play. Were it not for the First Committee, dealing with the problems of deep-sea mineral exploitation, the Conference could go on indefinitely absorbing and reacting to the progressive development of international law, and finally emerging as an exercise in codification. The First Committee can never make this transformation, because the issues call for innovation. The

delegates in this committee are not really negotiators in the traditional sense, because there is no customary law or precedent in the field. They are inventors and architects of new concepts of law and a new kind of international organization.

Although great progress has been made on the sea-bed issue in the past three years, the slow pace of negotiations in the last two sessions of the Conference is a serious cause of concern. A situation was reached at the close of the last session which was described by the committee chairman as an impasse, which he doubted could be broken without one side or the other making a substantial change in its position. Worse still, the impasse seemed, on the surface at least, to be based on grounds of principle.

It would be foolish to minimize the gravity of such a situation. In 1970, and fully conscious of the historic initiative embodied in President Johnson's statement four years before, the General Assembly of the United Nations declared the sea-bed to be the common heritage of mankind. Although this common heritage principle may be characterized by some as *lex specialis*, most governments share the view of the illustrious Louis Sohn of Harvard who noted recently, and I quote from Professor Sohn's text, that "there is a wide consensus that these declarations actually establish new rules of international law which are binding on all states."

Therefore, it must be clear that this principle is not negotiable. There can be no convention, and no legal exploitation of the sea-bed resources, unless we can agree on a formula which is fully consonant with the concept and obligation of the common heritage.

In my personal view, however, the problem has been due less to a conflict of positions or principles, than to a reluctance of Governments to begin the hard process of bargaining until other issues were substantially resolved and until the various options open to them had been fully explored. I now believe the Governments are ready to grasp the nettle, and this is why the coming Conference session is so critically important.

In Geneva earlier this month I attended a two-week inter-sessional meeting for consultations held under the leadership of Minister Jens Evensen of Norway. Although it is my nature to speak with a lawyer's caution, I can say that this meeting was notably marked by a sense of pragmatism and an atmosphere of compromise and goodwill. While an inter-sessional meeting is informal and not in any way binding on the Conference, it is pertinent to point out that more than 80 countries were represented, including all regions and points of view, and that the talks showed clearly that avenues to compromise are open. I was delighted at this meeting, may I add, to note the very active and positive contribution of Ambassador Elliot Richardson, the new Head of the U.S. delegation.

Of course it is true that very difficult and complex negotiations lie ahead. If they are to succeed, in my view, two ingredients will be essential. First, delegations will need to avoid the reopening of positions which have been superseded by events or which detract attention from the main task. They will have to work hard and purposefully to get through the number of points still at issue. Second, they will have to avoid the oversimplification which poses a choice between an all-embracing international machinery for sea-bed exploitation and a so-called parallel system dividing the ocean riches into two halves—one for those possessing the technology and the other for the international community as a whole.

What must be found is not an either-or solution, which would be self-defeating for all, but one which meets the legitimate needs of all groups and which at the same time gives the international community certain basic assurances:

(1) that the exploitation will be conducted for the good of all mankind and not for the exclusive gain of those who now have the technical advantage;

(2) that the exploitation of the sea-bed will be efficient and effective and will maximize the mineral yield insofar as is consonant with orderly world markets and the protection of land-based suppliers of these resources;

(3) that the resources taken from the sea-bed will be made available to all nations and their nationals without any discrimination, and therefore that the international sea-bed machinery will not produce the effect of depriving any nation of its right to explore and exploit or otherwise avail itself of these resources;

(4) that all nations, large and small, will benefit from any system of exploitation chosen, and that special consideration will be given to the less developed countries in the sharing of benefits; and

(5) that the exploitation system will have the necessary legal safeguards to ensure that the law of the convention will prevail and will be protected by fair and viable instruments for the settlement of disputes.

In no way, it seems to me, do these assurances infringe on the basic rights or needs of any nation or group of nations. And within these parameters it may be possible—and should be possible—to accommodate the different views that have been expressed in the past.

I do not suggest that the way ahead will be easy. There are difficult problems to be resolved in an area for which there is little precedent and very incomplete knowledge. But in the session now before us the Governments of the world must come to grips with the question of whether they really want the kind of convention originally envisaged: that is, whether they are prepared to agree on the institutional arrangements necessary to give life and meaning to the now accepted principle of international law encompassing the common heritage of mankind.

What I hope you will understand is that we are very close, much closer than is generally understood, to achieving one of the most important international treaties in history, and our success I believe without question will give new life and heart to the entire global effort toward international co-operation which I associate with the United Nations.

And since I have mentioned two great Presidents of the United States, perhaps in closing it behooves me to recognize a third. At the United Nations a few days ago, President Carter said this:

"Today our oceans are being plundered and defiled. With a renewed spirit of cooperation and hope we join in the Conference on the Law of the Sea in order to correct the mistakes of past generations and to insure that all nations can share the bounties of the eternal ocean in the future."

There is little that I could add to that statement except that I believe that his concerns and his hopes are shared by all peoples of the world.

THE NAVY PULLOUT: FOUR YEARS LATER

Mr. PELL. Mr. President, 4 years ago next month, Rhode Island suffered an incredibly devastating blow to its economy when the Navy announced the closing of the Quonset Naval Air Station and the departure of the Atlantic Destroyer Fleet from Newport. Rhode Island, the State where the Navy was founded, has been struggling to recover from that loss ever since.

Yesterday's Washington Post carried an article by William Claiborne describing the bitter frustrations Rhode Island has faced over the past 4 years. This article, entitled "Rhode Island 4 Years Later: Pullout Still Hurts," vividly describes the economic hardship Rhode Island has endured at the hands of the Federal Government, and how the State is fighting to overcome such an enormous setback.

I doubt that most of my colleagues can understand the enormity of this impact on one small State. We lost, in 1 year, 6 percent of our total personal income earned by all residents of the State. Unployment tripled. Small businesses, the backbone of the Rhode Island economy, were reduced in large numbers.

What really hurt, though, as the article points out, is that Rhode Island had done so much to accommodate the Navy: Bonds to build schools and roads for Navy personnel and their dependents, the expensive restructuring of the Newport Bridge. Now those schools are empty, but the State keeps on paying the debt, the roads are repaved, but are scarcely traveled, and the aircraft carriers, for whose benefit the Newport Bridge was raised, no longer pass beneath its graceful archway.

Although the Navy is now missed, Rhode Islanders are looking ahead to the productive use of the Navy lands. But even 4 years after the Navy announced its imminent departure, the Federal Government is still causing Rhode Islanders to wonder about the treatment they are receiving from Uncle Sam. So far, we cannot even buy back the lands the Navy left behind.

William Claiborne has capsulized well the frustrations Rhode Island has experienced over these years, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RHODE ISLAND 4 YEARS LATER: PULLOUT STILL HURTS

(By William Claiborne)

QUONSET POINT, R.I.—When the U.S. Navy abruptly announced in 1973 that it was pulling its Atlantic destroyer fleet out of Rhode Island and closing its sprawling air base and Seabee center here, state officials were hard-pressed to grasp the logic of the decision.

Gov. Joseph Garrahy, who was then lieutenant governor, first heard about it on a radio newscast and, by his own account, was dumbfounded. What Garrahy heard was that Rhode Island, the smallest state in the nation, was going to absorb 50 per cent of the defense cuts ordered by President Nixon.

"I thought, 'This can't be right. That announcer has got to be wrong'," recalls Garrahy.

Raymond G. Neal, a Navy captain who recently had retired as chief of staff of the Quonset Point Air Base and who is now vice president of the Hospital Trust National Bank, Rhode Island's biggest bank, had just mailed a recommendation to bank officials that they open a new branch at the base because of "burgeoning" growth.

Then-Gov. Philip W. Noel and other top state officials had come to think of the destroyer fleet in Newport and the air base

here, which was built in 1941, as permanent Rhode Island institutions.

After all, the Navy had just built scores of new duplex housing units at $40,000 apiece, and just completed a new commissary scheduled to open days after the shutdown announcement, and had let local officials float millions of dollars in bond issues to build several new schools to accommodate dependents of the military.

Earlier, the Navy forced the state to spend an additional $8 million to change its plans for the proposed Newport Bridge so that it would be high enough to allow the passage of aircraft carriers of designs projected to the year 2000. The bridge, with a conspicuous bulge in the center, was completed in 1969.

If officials of the tiny State of Rhode Island (pop. 950,000) were hard-pressed to understand the officials of the big state of U.S. government bureaucracy (pop. 2.8 million) in 1973, they are even more bewildered now.

For after devising an ambitious industrial plan for economic recovery that would offset the loss of 17,000 military personnel and their families and 6,000 civilian workers, the state still has not been allowed to acquire the surplus Navy land it needs to build new factories.

It took the Defense Department nearly four years to release $1 million needed to fund an environmental impact study of the industrial plan, and state economists estimate that the federal government has pumped $30 million a year into Rhode Island for unemployment insurance during that time.

The General Services Administration still has not made an official fair market appraisal of the 4,600 acres of land covering 10 sites, nor the 1,311 structures the Navy is giving up.

And environmental groups have gone to court to bottle-neck the industrial development further, and in a decision bitterly received in most quarters of the statehouse, a New York federal judge last month set back plans for creating a large offshore oil-staging facility here by voiding leases for exploration of oil fields in the so-called Baltimore Canyon off the New Jersey and Delaware coasts, which could have provided thousands of jobs here.

"There's no way of describing how frustrating the last four years have been," Garrahy said in an interview in his state-house office.

"We've got the best industrial site in the whole Northeast. It's got a deepwater port, rail lines, an airfield and hundreds of good buildings for sale at surplus prices. It's a natural, but we can't do anything with it."

Meanwhile, according to Garrahy and a dozen economists, bankers and state officials interviewed, Rhode Island continues to suffer from the debilitating effects of the base closures.

After the base closings, the statewide unemployment rate soared from about 6 per cent to 18.2 per cent, rising to more than 30 per cent in some towns.

Coupled with the economic impact of the Middle East oil embargo and the national recession, the loss of the Navy's $344 million annual payroll caused an immediate 6 per cent loss in the gross state product. Rhode Island, which trailed the average national per capita income by only $9 in 1972, fell $138 behind two years later. In one year, small-business income dropped by 25 per cent in the Newport area and by 15 per cent in the Quonset Point area.

Restaurants and bars on Sailor's Row in Newport folded almost immediately and, as the Navy withdrew its forces rapidly over the first year, hundreds of rental houses and apartments became vacant.

National chain retailers which had announced plans for new outlets suddenly withdrew, leaving shopping center developers with big parking lots and little else.

Teacher employment plummeted, and several towns found themselves with empty schools and bond issues they will be paying off for years.

"There has been nobody as little as us who has ever been so devastated," said James O. Roberson, director of the State Department of Economic Development.

"Other states could absorb this. What does the Brooklyn Navy Yard mean to New York, or the Boston Navy Yard to Boston? But to us, my God, it's (the base closings) a big part of our economy," Roberson said.

With the movement of most of Rhode Island's textile industry to the South in the 1940s and 1950s, the state was left with a labor force of 430,000, nearly a quarter of them employed in the jewelry industry and a third in mostly light manufacturing. Gorham Silver and several large gold and silverworking firms are located here.

It was against this backdrop that the state launched an aggressive economic development program, committing more funds per capita on such promotion than any other state in the nation.

Among the projects designed to recoup the loss of the Navy were an $80 million mortgage guarantee program for new factories and equipment, tax-exempt industrial revenue bonds, tax credits and write-offs for research and development, elimination of property and sales taxes for factory equipment, a state-funded-job training school and other incentives.

The state also feverishly solicited new industry, building an elaborate, $200,000 "briefing room" at the Providence airport, with sliding screens and multimedia visual presentations designed to seduce visiting industrialists into moving to Rhode Island.

But the linchpin of the recovery scheme was the plan to convert the old Navy installations into nearly instant factory centers, which were envisioned as providing 10,000 new jobs at Quonset and 2,500 more in the Newport area.

Rhode Island has had some success, despite the tieup of its planned industrial land. General Dynamics Corp.'s Electric Boat Division opened a plant at Quonset that fabricates hull plates for the atomic-powered Trident submarine. The component parts are shipped to Groton, Conn., by barge.

Electric Boat, which invested $17 million at Quonset in the face of a restrictive, one-year lease, employs 5,000 workers—all hired from the unemployed work force. The division's capital investment was considered extraordinary because the state—restricted to the terms of its tenuous and temporary control over Navy land—could offer nothing more than a one-year lease, cancelable in 30 days.

John B. Dana, Rhode Island Port Authority director in charge of the Quonset Point land, also has granted one-year factory leases—permissible under the surplus land terms with the Navy—to 13 small factory owners. The businesses—regarded as the vanguard of the industrial development plans—include a sailmaker and a pipe fabricating plant.

Dana, however said that the Navy property—which includes 82 miles of paved roads, 94 miles of water lines, 40 miles of sanitary sewers and 25 miles of underground steam pipes—is overdeveloped for the use that the site is now getting.

Moreover, few industrialists are willing to make a capital investment in Rhode Island on the basis of a one-year lease. But until the state takes title to the surplus Navy, it is not permitted by law to offer more than a short-term lease.

Rhode Island officials recently took a bold step and tried to talk a consortium of two dozen oil companies into establishing an oil rig services center on the surplus piers at Quonset Point.

Encouraged by the potential for oil discoveries in the Georges Bank Field in the Atlantic and in the Baltimore Canyon, the oil companies tentatively set up a staging center here. They brought in tons of equipment, including drilling pipe and facilities for making the chemical compound called "mud" that is used as a drilling lubricant.

Richard McCone, general manager of Superior Oilfield Service, Inc., one of the lessees who located at Quonset in anticipation of a major oil find at Georges Bank, said 3,500 to 5,000 oil workers could be employed at Quonset in two years if federal government site restrictions are lifted.

"All the supplies for the rigs offshore will have to come from this staging base. Drill pipes will be overhauled, mud will have to be supplied, and the entire nuts-and-bolts backup operation will have to be made out of here," McCone said.

The environmentalists, led by the Rhode Island Conservation Law Foundation, say they are not trying to stand in the way of progress, but that they are committed to preserving the bay from industrial ruin.

Harold R. Ward, chairman of the foundation, said the $1 million promised by the Defense Department for an environmental impact study may not be enough to chart the ecological impact on undeveloped lands surrounding the naval facilities.

But in the view of bankers such as Neal and Hospital Trust president Henry Woodbridge, the surplus Navy lands are essential to Rhode Island's economic recovery. They argue that the state is "losing face" with industrialists across the country because of the bureaucractic tieups, and that chances of exploiting the potential of the Navy land may never be realized.

"How long can you hold people's hands and say, 'Here's this great industrial site, but we can't give you anything more than a one-year lease, because we don't own it yet'?" asked Roberson.

"If General Motors wanted to move their whole Detroit operation here right now, we couldn't do a thing about it. That's the frustration of it," he added.

SUPPORT FOR NOMINATION OF ROBERT S. STRAUSS TO BE U.S. TRADE NEGOTIATOR

Mr. DECONCINI. Mr. President, I rise today to speak in support of the nomination of Mr. Robert S. Strauss as U.S. Trade Negotiator. His is certainly one of the best appointments made by the President, if not the very best. Mr. Strauss is one of the most talented men in the United States and his acquiescence to serve as U.S. Trade Negotiator presents an opportunity for the U.S. Senate to quickly and enthusiastically accept and support his nomination.

I have known Mr. Strauss for a number of years and have found him at all times to be gracious, able, enthusiastic, hard-driving, polite, honest, fair, all combined with a unique ability to get things done quickly and competently. I have found him to be a wonderful family man and, through my close association with his eldest son, Robert A. Strauss, and his daughter-in-law, Olga, I have learned that he has instilled in them a close family allegiance that can, and often does, mean more than any of his other great achievements. He succeeded as treasurer of the Democratic Party when it was $9 million in debt and, most recently, he succeeded as the chairman of the Democratic Party, and he will succeed in his role of U.S. Trade Negotiator.

I am proud to support his appointment now and, after he has achieved expected great success, I will be even prouder to have supported him.

S. 1099—GRAIN AND SOYBEAN RESERVE ACT OF 1977

Mr. DURKIN. Mr. President, on March 23, 1977, I introduced S. 1099, a bill to provide for the establishment and maintenance of a reserve inventory of wheat, feed grains, and soybeans. I urge colleagues to join me in cosponsoring this important measure.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Grain and Soybean Reserve Act of 1977".

SEC. 2. (a) The Secretary of Agriculture (hereinafter referred to as the "Secretary") shall establish and maintain a separate reserve inventory of wheat, feed grains, and soybeans as provided in this Act.

(b) Such reserve inventory shall not exceed (1) 500 million bushels in the case of wheat, (2) 40 million tons in the case of feed grains, and (3) 200 million bushels in the case of soybeans.

(c) As used in this Act, the term "feed grains" means corn, grain sorghum, oats, and barley.

SEC. 3. (a) The inventory reserve provided for in this Act shall be provided for by offering to producers who have eligible commodities under a Commodity Credit Corporation loan or purchase program, an opportunity to enter into a storage agreement with the Secretary for a period of not less than three or more than five years providing for the storage of grain at the producer's option either in approved producer-owned facilities or in commercial warehouse facilities. The Secretary may, at his option, reconcentrate all grains stored in commercial warehouses at such points as he deems to be in the public interest, taking into account factors including transportation problems and normal marketing patterns.

(b) Rotation of stocks shall be permitted to facilitate maintenance of quality; however, the storing producer or warehousemen shall, at all times, have available in the designated place of storage, both the quantity and quality of grain covered by the producer's commitment.

(c) Any producer entering into a storage agreement under subsection (a) may not redeem the commodity under loan or dispose of the commodity under purchase agreement at a price lower than the minimum price at which the Secretary may offer reserves under the provisions of this section. Such contracts shall contain a provision permitting cancellation by the Secretary under the same price requirements set forth in this section for offering reserves for sale.

(d) In the event that the quantity of wheat, feed grains, or soybeans acquired under the provisions of subsection (a) is inadequate to meet the inventory reserve for such commodity prescribed in section 2(b), the Secretary may purchase quantities of such commodity on the open market, but the maximum price the Secretary may pay for any such commodity not acquired under a nonrecourse loan shall be the average price farmers received for such commodity during the preceding three marketing years adjusted to reflect the customary location and grade price differentials.

(e) The net additional quantity of any commodity procured under this section in any marketing year shall be the lesser of the following:

(1) 80 per centum of the net additional estimated total carryover in excess of normal for the marketing year; or

(2) the amount the maximum reserve inventory specified in section 2(b) exceeds the total stocks of such commodity owned by the Commodity Credit Corporation at the beginning of the marketing year.

SEC. 4. (a) Except as otherwise provided in this Act and except when a state of emergency has been proclaimed by the President or by concurrent resolution of the Congress declaring that such reserve inventories should not be sold, the Secretary may offer any commodity in the reserve for sale at the current parity price for such commodity, adjusted to reflect the customary location and grade differential, or at such greater price as may be obtained through normal market channels. Notwithstanding the foregoing, sales during any marketing year shall be limited to the net quantities by which estimated domestic consumption and exports exceed estimated domestic production and imports.

The Secretary is also authorized to dispose of commodities in such reserve as follows:

(1) Such commodities may be used to relieve distress (A) in any State, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Pacific Trust Territory, declared by the President to be an acute distress area because of unemployment or other economic cause if the President finds that such use will not displace or interfere with normal marketing of agricultural commodities and (B) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under the Disaster Relief Act of 1974 (Public Law 93-288).

(2) Such commodities may be used in connection with a state of civil defense emergency as proclaimed by the President or by concurrent resolution of the Congress in accordance with the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297).

(3) Such commodities may be sold for the purpose of assisting in the preservation and maintenance of foundation herds of cattle (including producing dairy cattle), sheep, and goats and their offspring, under section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and providing feed for livestock in any emergency area under the Act of September 21, 1959, as amended (7 U.S.C. 1427, note).

(c) The Secretary may buy and sell at an equivalent price, allowing for the customary location and grade differentials, substantially equivalent quantities in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate such reserve. Such purchases to offset sales shall be made within two market days.

(d) The Secretary may accept warehouse receipts in lieu of taking physical possession of the grain, but in such cases the obligor under the warehouse receipt shall be required at all times to have the grade stated on the warehouse receipt or a better grade available for delivery.

(e) The Secretary shall make a daily list available showing the price, location, and quantity of the transactions entered into hereunder.

SEC. 5. The Secretary shall use the Commodity Credit Corporation to the maximum extent practicable in carrying out the purposes of this Act.

SEC. 6. The Secretary shall promulgate such rules and regulations as may be necessary to provide for the effective administration of this Act.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 8. Nothing in this Act shall be construed as superseding or otherwise modifying the authority of the President under section 412 of the Agricultural Trade Development and Assistance Act of 1954 to seek an international agreement for a system of food reserves to meet food shortage emergencies and to provide insurance against unexpected shortfalls in food production.

(This concludes additional statements of Senators submitted today.)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TIME-LIMITATION AGREEMENT—S. 1070

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 1070, Calendar Order No. 52, a bill to authorize additional funds for housing assistance, is called up and made the pending business before the Senate, there be a 2-hour time limitation on the bill, to be equally divided between Mr. PROXMIRE and Mr. BROOKE; that there be a time limitation on one amendment by Mr. JAVITS of 2 hours; a time limitation on any other amendment of 1 hour; a time limitation of one-half hour on amendments in the second degree, debatable motions and appeals, and points of order, if such are submitted to the Senate for discussion; and that the agreement be in the usual form as to the division and control of time and as to the germaneness; with the understanding that the amendment by Mr. JAVITS, on which there is a 2-hour limitation, will be in order.

Mr. BAKER. Mr. President, reserving the right to object, I shall not object. The amendment is cleared on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That during the consideration of S. 1070 (Order No. 52), a bill to amend to authorize additional funds for housing assistance for lower income Americans in fiscal year 1977, to extend the Federal riot reinsurance and crime insurance programs, to establish a National Commission on Neighborhoods, and for other purposes, debate on any amendment in the first degree (except an amendment by the Senator from New York (Mr. Javits), on which there shall be 2 hours debate) shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and debate on any amendment in the second degree, debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall

be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Wisconsin (Mr. Proxmire) and the Senator from Massachusetts (Mr. Brooke): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may have until midnight tonight to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, prior to the resumption of consideration of the code of conduct measure on tomorrow and after the two leaders have been recognized under the standing order, I be recognized to call up a matter or matters which the minority leader and I may have cleared by that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 4 p.m. tomorrow. I believe the order has already been entered, has it not?

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. The purpose of coming in late tomorrow is to give committees a full day to meet without interruptions from the floor. I believe this order has already been entered: that, immediately upon the conclusion of the recognition of the two leaders under the standing order, Mr. HELMS will be recognized to call up his amendment No. 112, on which there is a 20-minute time limitation.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. Then, on the disposition of that amendment, the following amendments by Mr. HELMS will be voted on, the time having already expired on the amendments: amendment No. 114, on which Mr. NELSON has agreed to have an up or down vote; amendment No. 113, on which Mr. NELSON has indicated that he will move to table; amendment No. 158, on which Mr. NELSON has indicated that he will move to table; amendment No. 111, on which Mr. NELSON has indicated he will move to table.

Then, following the disposition of that amendment, amendment No. 133, by Mr. PERCY, is to be resumed, as I understand it.

The PRESIDING OFFICER. The distinguished majority leader is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. BAKER. Mr. President, I understood the majority leader to say that, following the recognition of the two leaders under the standing order, Mr. HELMS will be recognized.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. If other matters are taken care of, such as the call of the unanimous-consent calendar or executive calendar, I understand that this recognition will be done under the majority leader's agreement.

Mr. ROBERT C. BYRD. Mr. President, the distinguished minority leader has reminded me of something. Inasmuch as he and I have 10 minutes each to begin with, I think this would probably be sufficient to take care of any other matters. If it is not, we shall get unanimous consent to do otherwise if need be.

Mr. BAKER. That is agreeable with me.

Mr. ROBERT C. BYRD. Mr. President. I believe that about sums it up for today.

RECESS UNTIL 4 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 4 p.m. tomorrow.

The motion was agreed to; and at 6:21 p.m., the Senate recessed until Tuesday, March 29, 1977, at 4 p.m.

HOUSE OF REPRESENTATIVES—*Monday, March 28, 1977*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Humble yourselves in the sight of the Lord and He will lift you up.—James 4: 10.

Almighty God, our help in ages past, our hope for years to come, and the companion of our way through life, grant unto us a fresh sense of Thy presence that we may use this new day wisely, for the well-being of our Nation and the welfare of all mankind.

We pray for peace in our world, for understanding between nations, for good will among our people, and for a faith in Thee and in our country which makes us strong, keep us steadfast and show us the upward way to a greater life together.

"Lord of the upward way our guide divine,
Where Thou hast set Thy feet may I place mine;
And move and march wherever Thou hast trod,
Keeping face forward up the hill of God."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1025. An act to amend the Securities Exchange Act of 1934 to increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal year 1977.

The message also announced that the Vice President, pursuant to Public Law 91-452, appointed Mr. MATHIAS to be a member, on the part of the Senate, of the National Commission on Individual Rights.

And that the Vice President, pursuant to Public Law 86-420, appointed Mr. GOLDWATER and Mr. BELLMON to attend, on the part of the Senate, the Mexico-United States Interparliamentary Conference, to be held in Guaymas, Mexico, May 27-31, 1977.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON HOUSE JOINT RESOLUTION 351, MAKING FURTHER CONTINUING APPOPRIATIONS FOR FISCAL YEAR 1977

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on House Joint Resolution 351 making further continuing appropriations for fiscal year 1977.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROPOSAL BY OSHA REGARDING COTTON GINS

(Mr. HIGHTOWER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIGHTOWER. Mr. Speaker, I speak today in protest of one more intrusion by a Federal agency into private enterprise. The intrusion of which I speak is the latest proposal by the Occupational Safety and Health Administration to place cotton gins under a cotton dust exposure standard. I would like to know if the OSHA personnel understand the occupational hazards that will result when one-half of the small country gins in the cotton belt go out of business and people in those small towns are out of work.

If OSHA could understand the progress in working conditions made during the past few years, I think they would be a little more tolerant and allow changes to be made as technology develops. If you have any knowledge of cotton, you understand the folly of "doing away with dust" while the ginning of cotton is going full speed.

Try and tell some of these ginners that have been trying to recruit doctors

to their rural towns that they must have a doctor and nurse to administer pulmonary function tests to all new employees and then duplicate tests after each employee has been on the job at least 4 but not more than 10 hours.

I am not trying to put a price on people's health, I am saying you take away their means of making a living and you break a people's spirit—and that is the greatest tragedy of all.

ZAIRE NATIVES SUPPORT INVASION

(Mr. JOHNSON of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Colorado. Mr. Speaker, the latest news reports indicate that the natives of the area of Zaire which has been invaded support the invaders. They reportedly scatter and hide from government soldiers and refuse to provide food for the army. This is to be expected since tribal allegiance is more powerful and demanding than new national boundaries in that part of Africa. Notwithstanding these difficulties, Mr. Speaker, we have kept open the possibility of sending even more military aid to the Mobutu Government. This despite our own State Department's recognition of human rights violations by Zaire.

Mr. Speaker, the administration is making a colossal blunder by sending aid to Zaire. I call upon my colleagues to help stop this now.

CALL OF THE HOUSE

Mr. ADDABBO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 103]

Alexander	Fary	Pike
Anderson, Calif.	Findley	Poage
Andrews, N.C.	Fiorio	Pressler
Armstrong	Flowers	Pursell
Ashbrook	Ford, Mich.	Rangel
Badillo	Ford, Tenn.	Rhodes
Bafalis	Frey	Richmond
Biaggi	Gammage	Rodino
Bingham	Gilman	Roe
Blouin	Gonzalez	Rogers
Boggs	Harrington	Santini
Breaux	Harsha	Sawyer
Brinkley	Holland	Scheuer
Brodhead	Huckaby	St Germain
Brown, Ohio	Jeffords	Staggers
Broyhill	Koch	Steiger
Burke, Fla.	Krueger	Stump
Cederberg	Le Fante	Symms
Chisholm	Long, La.	Teague
Clay	McHugh	Thone
Collins, Ill.	McKay	Udall
Conyers	Mann	Vander Jagt
Cornwell	Mathis	Walsh
de la Garza	Mikulski	Wampler
Derwinski	Milford	Watkins
Diggs	Montgomery	Wiggins
Dodd	Mottl	Wilson, Tex.
Dornan	Myers, Ind.	Wolff
Drinan	Patten	Wydler
Eckhardt	Pepper	Young, Alaska
Edwards, Ala.	Pettis	Zeferetti
English	Pickle	

The SPEAKER. On this rollcall 338 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be granted permission to sit during the 5-minute rule tomorrow, Tuesday, March 29, 1977.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONTINUING THE WORK OF THE JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS BY ESTABLISHING A SELECT COMMITTEE OF THE HOUSE TO PERFORM THE FUNCTIONS OF SUCH JOINT COMMITTEE FOR THE HOUSE

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 420 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That it is the purpose of this resolution to continue the work of the Joint Committee on Congressional Operations by establishing a select committee of the House to perform the functions of such joint committee for the House.

ESTABLISHMENT OF SELECT COMMITTEE; MEMBERSHIP

SEC. 2. (a) There is established a select committee of the House of Representatives to be known as the Select Committee on Congressional Operations (hereinafter in this resolution referred to as the "committee").

(b) The committee shall be composed of seven Members of the House of Representatives who shall be appointed by the Speaker. One member of the committee shall be designated by the Speaker to serve as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

FUNCTIONS OF COMMITTEE

SEC. 3. (a) The committee shall continue the functions of the Joint Committee on Congressional Operations for the House, as follows:

(1) Making a continuing study of the organization and operation of the Congress of the United States and recommending improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, developing cooperation between the Houses of Congress, improving its relationship with other branches of the United States Government, and enabling it to meet its responsibilities under the Constitution of the United States.

(2) Identifying any court proceeding or action which, in the opinion of the committee, is of vital interest to the Congress, or to the House of Representatives as a constitutionally established institution of the Federal Government, and calling such proceeding or action to the attention of the House.

(3) Conducting a continuing study of the jurisdiction of the various standing committees of the House of Representatives and their relative workloads, and of ways of rationalizing committee jurisdictions between the two Houses of Congress, and reporting to the Committee on Rules any recommendations on the more equitable distribution of workload or the more rational combination of jurisdictional responsibilities.

(4) Exercising the functions vested in it by section 6 of this resolution.

(b) In carrying out the functions referred to in subsection (a) of this section, the committee shall at all times avoid conflict or duplication with the activities of other committees, commissions, or other entities established by the House.

(c) The committee shall not have legislative jurisdiction. Nothing in this resolution, except as specifically provided in subsection (a)(3) of this section, shall be construed to authorize the committee to make any recommendations with respect to the rules, parliamentary procedure, practices, or precedents of the House, or the consideration of any matter on the floor of the House.

POWERS OF COMMITTEE

SEC. 4. The committee shall have for the purposes of carrying out its functions under this resolution the powers with respect to sitting and acting and with respect to subpenas that a committee has under clause 2(m) of rule XI of the Rules of the House of Representatives with respect to that committee's functions and duties under rules X and XI of such rules.

STAFF OF COMMITTEE

SEC. 5. In carrying out its functions under this resolution, the committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, without regard to political affiliation and solely on the basis of fitness to perform their duties, such staff as the committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the pay of not more than two members of such staff at rates not to exceed the higher rate of pay specified in clause 6(c) of rule XI of the Rules of the House of Representatives, and to fix the pay of other staff at rates not to exceed the lower rate of pay specified in clause 6(c) of such rule XI;

(4) to terminate the employment of any such staff as the committee considers appropriate; and

(5) to reimburse members of the committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the committee, other than expenses in connection with any meeting of the committee, or a subcommittee thereof held in the District of Columbia.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

SEC. 6. (a) The committee shall supervise and control the functions, as they relate to the House, of the Office of Placement and Office Management established by section 406 of the Legislative Reorganization Act of 1970.

(b) The Office is authorized to fix the pay of not more than one member of its staff at a rate not to exceed the higher rate of pay specified in clause 6(c) of rule XI of the Rules of the House of Representatives, and to fix the pay of other staff at rates not to exceed the lower rate of pay specified in clause 6(c) of such rule XI.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Strike the word "committee" wherever it appears and insert in lieu thereof the words "select committee".

The committee amendment was agreed to.

Mr. YOUNG of Texas. Mr. Speaker, there are no objections that I know of to the committee amendments. The Committee on Rules adopted these five committee amendments, all of which were offered by the minority.

Therefore, Mr. Speaker, I ask unanimous consent that the remaining committee amendments be considered as read, printed in the RECORD, and considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The remaining committee amendments are as follows:

Committee amendments: On page 3, line 20, strike the period, insert in lieu thereof a comma, and add the following words: "nor shall anything in this resolution be construed to authorize the select committee to operate or supervise a permanent system for the broadcast coverage of the proceedings of the House without the express and prior approval of the House.".

On page 3, line 21, strike all of section 4, and insert in lieu thereof the following:

POWERS AND DUTIES OF SELECT COMMITTEE

SEC. 4. Insofar as applicable, the provisions of rule XI, clauses 1, 2, and 3, shall apply to the select committee, and the select committee shall adopt written rules which shall not be inconsistent with "the rules of the House."

On page 5, line 2, strike the period, insert in lieu thereof a comma, and add the following: "except that nothing in this resolution shall be deemed to authorize the members of staff of the select committee to travel outside the continental United States."

On page 5, after line 13, add the following new section:

EXPENSES

SEC. 7. Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House, the select committee may incur expenses in connection with its duties under this resolution.

The committee amendments were agreed to.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes for the purpose of debate only to the distinguished gentleman from Illinois (Mr. ANDERSON), and I would like to add at this time that any yielding that I do on either side will be for purposes of debate only.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 420 provides for the creation of a Select Committee on Congressional Operations to be composed of seven Members of the House appointed by the Speaker, one of whom the Speaker shall designate as the chairman. The select committee would continue the work and functions of the Joint Committee on Congressional Operations.

The other body has, with one exception, done away with all joint committees. That is a matter of the judgment of the other body, and that is something with which they will have to live.

Mr. Speaker, in the instant case involving the Select Committee on Congressional Operations, I would remind the House that the commission—and if the House adopts this resolution, it will be the select committee—will continue the extremely important function of the House Placement Office. On the average in 1 year's time, this new select committee will handle more than 10,000 processings of applicants for placement in the House of Representatives. That amounts to an average of 200 applicants from each congressional district in the United States.

There is not one of us, Mr. Speaker, who has not called upon this very distinguished and able commission to work out many of our problems relative to applications for employment. When we consider the enormous amount of time involved and the inconvenience that each Member of the House and his or her own private staff would be confronted with in handling these matters without this service, indeed this resolution affords us an opportunity to improve as best we can on our methods of selecting employees.

Mr. Speaker, I would not like to go on with the rest of this statement without emphasizing another very, very important function of this commission, which will now be, hopefully, the select committee. That function is performed by a small legal staff, a staff that busies itself with looking out particularly and especially with regard to matters of law that have unique and important application to the Members of the House of Representatives. This function would, if for no other reason, justify the creation today of this select committee.

Mr. Speaker, the resolution directs the select committee to continue the functions of the joint committee on the part of the House as follows:

Making a continuing study of the organization and operation of the Congress of the United States and recommending improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, developing cooperation between the Houses of Congress, improving its relationship with other branches of the U.S. Government, and enabling it to meet its responsibilities under the Constitution.

Identifying any court proceeding or action which, in the opinion of the select committee, is of vital interest to the Congress or to the House of Representatives as a constitutionally established institution of the Federal Government, and calling such proceeding or action to the attention of the House.

Conducting a continuing study of the jurisdiction of the various standing committees of the House and their relative workloads, and of ways of rationalizing committee jurisdictions between the two Houses of Congress, and reporting to the Committee on Rules any recommendations on the more equitable distribution of workload or the more rational combination of jurisdictional responsibilities.

Section 6 of House Resolution 420 transfers the Office of Placement and Management to the supervision and control of the select committee. Its organization and duties will be similar to those presently in existence for this Office within the Joint Committee on Congressional Operations.

Mr. Speaker, in carrying out these functions, the select committee shall at all times avoid conflict or duplication with the activities of other committees, commissions, or other entities established by the House of Representatives. The select committee would have no legislative authority.

Mr. Speaker, an amendment adopted by the Committee on Rules provides that nothing in this resolution may be construed to authorize the select committee to operate or supervise a permanent broadcasting system without the express prior approval of the House.

As provided in another committee amendment to House Resolution 420, the provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee insofar as applicable.

Mr. Speaker, the select committee is authorized to appoint such staff as it considers necessary and to pay not more than three members of the staff at rates not to exceed the higher rate of pay specified under the rules in clause 6(c) of rule XI of the Rules of the House of Representatives, and to fix the pay of other staff members at rates not to exceed the lower rate of pay specified in this rule.

Mr. Speaker, testimony before the Committee on Rules indicated that no new staff is expected to be hired and that the language is intended to cover the existing staff.

May I add at that point, Mr. Speaker, that all the staff people are in place and there will be no additional staff members. Most of these people, some 28 staff members, are actively engaged in the handling of this tremendous load of placement applications that each Member is confronted with every year.

Members and staff of the select committee could be reimbursed for travel and other necessary expenses incurred in performance of their official duties, other than with respect to committee or subcommittee meetings in the District of Columbia.

Mr. Speaker, a committee amendment provides that nothing in this resolution shall be deemed to authorize the Members or staff of the select committee to travel outside the continental United States. Funds for the select committee will be provided in the usual manner by a resolution reported by the Committee on House Administration and approved by the House.

Mr. Speaker, I urge the adoption of the resolution, and at this time I yield to the distinguished gentleman from Illinois (Mr. ANDERSON) for the purpose of debate only.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself 13 minutes.

Mr. Speaker, it is with some reluctance and even sadness that I rise to oppose House Resolution 420 which would create a House Select Committee on Congressional Operations. I say this because I was originally one of the enthusiastic supporters of this as a joint committee when it was offered as an amendment to the Legislative Reorganization Act back in 1970. I also supported giving the Joint Committee on Congressional Op-

erations the additional responsibility of reviewing and making recommendations on our committee jurisdictions and workloads when that proposal was offered in the committee reform amendments, House Resolution 988, in the 93d Congress. Moreover, I have admired and appreciated much of the work the joint committee has done over the years, particularly the technological innovations it has introduced to modernize and streamline our operations. I have the highest regard for Chairman BROOKS and the ranking Republican (Mr. CLEVELAND), and all the other House Members who have served on the joint committee since its inception in 1971. They have given selfless and tireless service in the best interests of the Congress as an institution. We are particularly indebted to the joint committee for the pioneering work it did on the concept of broadcasting congressional floor proceedings. The joint committee's hearings and study on broadcasting proved to be an invaluable resource in our Rules Committee broadcast efforts in the last Congress, and also laid the groundwork for the present in-House broadcast test.

Nevertheless, Mr. Speaker, I must oppose the creation of this select committee for the same reason the Senate voted this year to abolish the joint committee it is designed to replace and absorb its functions under the Senate Committee on Rules and Administration. To quote from the Stevenson Committee's report issued last September on the matter of abolishing the Joint Committee on Congressional Operations and assigning its functions to Rules and Administration:

The report makes this consolidation to establish a workload closer to those of the other standing committees, makes membership more attractive to Senators, consolidates and rationalizes in one place jurisdiction over the operation of the Senate and other components of the legislative branch, *and meets the Select Committee's goal that all minor committees be consolidated in major standing committees and the overall number of the committees and subcommittees be reduced.*

Does it make an sense for us, when the other body has just moved to abolish several committees and joint committees and better consolidate and rationalize jurisdictions under fewer standing committees—does it make any sense for us at the same time to move in the exact opposite direction by contributing to the further fragmentation of jurisdictions and proliferation of select committees as we are being asked to do in this resolution today?

I would have been prepared to support this resolution if I thought this select committee was prepared to undertake the type of work attempted by our Select Committee on Committees in the 93d Congress and the Senate counterpart committee in the 94th Congress—that is, if I thought it would take seriously the responsibility assigned to it under section 3(a)(3) of this resolution, and I quote:

Conducting a continuing study of the jurisdiction of the various standing committees of the House of Representatives and their relative workloads, and of ways of rationalizing committee jurisdictions between the two Houses of Congress, and reporting to the Committee on Rules any recommendations on the more equitable distribution of workload or the more rational combination of jurisdictional responsibilities.

In other words, I would be willing to support the creation of this select committee if I thought it would and could lay the groundwork for an overhaul of our fragmented committee system so that the Rules Committee could act on these recommendations next session.

This language I just quoted is nearly identical to the language in the original Bolling-Martin resolution in the 93d Congress, House Resolution 988, which was modified only slightly by the Hansen substitute which was adopted. To quote from pages 76 and 77 of the Bolling-Martin report (H. Rept. 93–916, part II):

A key aspect of any viable reorganization is provision for continuing evaluation of its effectiveness, and for periodic adjustments in the institution as new situations arise. By implementing a mechanism explicitly designed to accomplish these tasks, the House will provide "preventive maintenance" of its committee structure.

The report then quotes the resolution's language which assigns this committee jurisdictional study to the House Members of the Joint Committee on Congressional Operations. The Bolling-Martin report then goes on to read, and again I quote:

The present recommendation, therefore, provides a concrete expression of the joint committee's overall responsibilities. The joint committee's reports, including recommendations for changes in Rule X, will be submitted to the Committee on Rules for consideration and possible submission to the full House.

To quote further from the report:

The select committee is convinced that this represents one of the most important recommendations it makes to the House.

In other words, the House Members on the Joint Committee on Congressional Operations were expected to carry on the work of the Bolling-Martin Committee through a continuing study of our committee jurisdictions and workloads and make periodic recommendations to the Rules Committee for action.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas.

Mr. BROOKS. I thank the gentleman for yielding.

Did I understand the distinguished gentleman to say that he would support the legislation if he thought that the members of the committee would take seriously that provision on the continuing study of the problem of jurisdiction?

Mr. ANDERSON of Illinois. I did, sir.

Mr. BROOKS. Does the gentleman not understand that we will take seriously any part of our authority if it is the feeling of the Committee on Rules that it would be under the authority of the select committee?

Mr. ANDERSON of Illinois. I appreciate the question that the distinguished chairman has asked. Let me answer it in this way.

The sad fact is, the joint committee's House members have done nothing in this area over the last 2 years since the adoption of that provision of the Bolling-Martin resolution. Moreover, it was made quite clear in the Rules Committee hearings on this resolution that they were not expected to fulfill this responsibility and that they would not. This became evident when I offered an amendment to require the select committee to make recommendations to the Rules Committee a year from now on committee jurisdictional and workload changes. The gentleman from Missouri (Mr. BOLLING) opposed my amendment because he did not think the chairman of the proposed select committee would be sympathetic to genuine committee reforms based on his past performance.

When I asked the gentleman from Missouri, "Isn't it implicit in this resolution that that is one of the things this committee is going into?" he replied, "I do not know if it is implicit. It is not an argument that I have ever made." I responded, "Take that away and I don't know what we have got the select committee for." Mr. BOLLING replied: "Two reasons: One is to watch what the courts do to affect the House and the other is employment."

In other words, we are being asked to create this select committee, at a cost of $730,000 a year, simply to supervise the Placement Office and track court proceedings which affect the Congress. And even the future of those two dubious missions is in doubt. To quote again from Mr. BOLLING:

I think there is a very real possibility that the two principal functions, operational functions, of this committee . . . which deal with the employment office and a review of judicial decisions that affect the Congress might be recommended to end up in another place.

To quote further from Mr. BOLLING's remarks relating to possible future recommendations of the Obey Commission:

One of the reasons that I find it easy to support this particular version of the resolution of that, frankly, I don't see any point in moving around those two functions. They can go to other places than this select committee, when there is in prospect an extensive, proposed reorganization of the administrative structure of the institution.

Mr. BOLLING went on to say, and again I quote:

I don't see any conflict between this select committee continuing to operate the employment office, or continuing to perform the function of examining judicial decisions that affect the House. *There might be a conflict later on, but there isn't now.*

So, even the two flimsy reasons for creating this select committee, supervision of the placement office and compiling court proceedings of interest to the Congress, may very well be shifted elsewhere in the very near future as a result of "an extensive, proposed reorganization of the administrative structure of the institution." One might then ask, what is wrong with creating the select committee as the temporary caretaker for these functions until they are shifted elsewhere? The answer is, this select committee is not being presented as a one-Congress committee. When I

questioned Chairman BROOKS in the Rules Committee as to whether he had in mind a permanent select committee, he responded, and I quote:

> You set up a permanent committee, but it is called a select committee and it must be confirmed every session of Congress or it is not permanent anymore.

So what we are talking about here today, is creating a permanent select committee to oversee two operational functions which it will soon lose. At that point, this will be a select committee in search of a mission. It is already clear from the resolution, in section 3(b), and I quote:

> In carrying out the functions referred to in subsection (a) of this section, the committee shall at all times avoid conflict or duplication with the activities of other committees, commissions, or other entities established by the House.

That was inserted to make clear that the select committee would not trespass on the work of the Obey Commission. That effectively knocks out its responsibilities under section 3(a). We have already established that the select committee will not be working on committee jurisdictions and workloads since that trespasses on Rules Committee jurisdiction. So that eliminates its responsibilities under section 3(a)(3). The only two remaining responsibilities are court proceedings and the personnel office, and it will soon lose that. In short, all the enumerated functions of the select committee have practically been eliminated before it has even been created. That only leaves it with a name, some members, and a staff. This whole exercise should be entitled, "Mission Improbable," since "improbable" means "not likely to happen or be true," and it is clear from the record that the responsibilities assigned to the select committee by this resolution are not likely to happen or be true.

Mr. Speaker, in the brief time remaining, I would like to offer several more reasons why this resolution should be defeated, though its improbable mission alone should suffice:

First, we are once again considering an important resolution under a closed, no-amendment procedure, even though four of our last nine select committee resolutions have been brought to this floor under an open rule. This no-amendment procedure thus makes it impossible for us to dream up a new responsibility for the select committee in the form of an amendment to justify its creation.

Second, the nonpartisan composition of this committee has been destroyed by not designating a majority/minority party ratio of nearly equal numbers. Instead, it is implied in this resolution that the Democratic Caucus rule will apply, that is, a 2-to-1-plus-1 ratio, of five Democrats and two Republicans, instead of the 3-to-2 makeup which existed under the Legislative Reorganization Act of 1970.

Third, while it is obvious that this will now become a partisan, majority dominated committee, instead of the nonpartisan, institutional committee it once was, the resolution nevertheless retains the requirement in section 5 that the staff be completely nonpartisan. In other words, the minority will not have the same right it does on standing House committees to appoint its own staff.

Fourth, while other committees of the House are prohibited by our rules from hiring more than a specified number of professional and clerical staff, and while the Joint Committee on Congressional Operations was limited under the 1970 Legislative Reorganization Act to not more than six professional and six clerical staff, this resolution provides for unlimited numbers of staff at level V salaries, and moreover three staffers at level IV salaries, which is $50,000 per year, one more level IV staff person than our standing committees are permitted.

Mr. Speaker, while we were successful in the Rules Committee in offering four amendments to improve this resolution by barring foreign travel, prohibiting operation of a permanent House broadcast system, bringing it under the first three clauses of House rule XI, and providing for regular funding through the House Administration Committee, these amendments do nothing to alter the remaining glaring deficiency in this resolution which is that this is a select committee without a mission. Perhaps it is appropriate that this is called a Select Committee on Congressional Operations since the biggest operation has already been performed on it: All of its vital functions have been removed before it has even begun to operate on its own. Perhaps the kindest thing we could do would be to render it completely inoperative before it discovers that it cannot operate.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, there is a saying among students of government that you never terminate a temporary tax or abolish a government commission. What we are witnessing today is a classic example of that maxim.

House Resolution 420 proposes to establish a select committee to "continue" the work of a joint committee that was abolished last month in the interest of improving congressional operations. The assignment of the new committee: To study ways of improving congressional operations.

This is not as much of a paradox as it seems, however, because a close reading of the resolution reveals that the committee will not actually do the job that is being assigned to it. Amendments added by the Rules Committee provide that the select committee shall not have legislative jurisdiction and is prohibited from making any recommendations with respect to the "rules, parliamentary procedure, practices or precedents of the House, or the consideration of any matter on the floor of the House."

Furthermore, the select committee is instructed to "at all times avoid conflict or duplication" with the activities of any other House committee, commission or other entity.

One might respectfully inquire, Mr. Speaker, what then is to be the mission of such a body And why will it require three staff slots at $50,000 per annum and an unlimited number of staff positions at not more than $47,000 each to do the job?

Another close reading of the bill—on the last page—shows that it will have the duty of running the House Placement Office. Oh, yes, and that it will keep track of court decisions affecting Congress and call them to the attention of the House when needed.

The annual cost of this service? An estimated $730,000 a year.

Mr. Speaker, I suggest that what we have here is a committee in search of a job. Appropriately enough, it will be in charge of the House Placement Office, and little else. Who is kidding whom?

I urge a "no" vote. Failing that, I urge this new committee to truly contribute to congressional efficiency, by making its first recommendation its own abolition. That would truly be a first in the political science books.

Mr. YOUNG of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Texas (Mr. BROOKS), the distinguished chairman of the Joint Committee on Government Operations.

Mr. BROOKS. Mr. Speaker, some misconceptions appear to exist about the purposes and effect of House Resolution 420. It will be useful to clear them up immediately.

House Resolution 420 continues the work of an existing committee—with the same functions, the same staff, the same location. It does not create a new committee.

The Joint Committee on Congressional Operations does not duplicate the activities of any other committee or commission. This will also be true of the Select Committee on Congressional Operations. No other committee or commission performs the functions or provides the services which we do.

Operation of the Placement Office and the tracking of court cases of concern to the Congress are important functions of our committee, but they are in no way our only functions—far from it as I shall demonstrate.

The joint committee has cooperated extensively with the Commission on Administrative Review. We have not duplicated their activities, nor have they duplicated ours. There is no indication that the Commission—which is an ad hoc body and will cease to function at the end of this session—will recommend the transfer of any of the joint committees or the proposed select committee's functions.

As a select committee, the functions of the joint committee will continue unchanged and undiminished.

Those functions have proved their worth as the continuing demand of Members for our services and publications and assistance will indicate. Our staff is experienced. Staff salaries are based on the same provisions that govern salaries in every other committee.

The joint committee, and the select committee we propose to take its place, does indeed have a mission—a mission that is important to every Member and committee of the House.

The need for the resolution—which would simply reconstitute, in effect, the Joint Committee on Congressional Op-

erations as the House Select Committee on Congressional Operations—arises directly from the action of the Senate. That body, in approving Senate Resolution 4 to restructure its committee system, voted to eliminate a number of standing, select and joint committees, including the Joint Committee on Congressional Operations, so as to reduce the number of Senators' committee assignments.

Senate Members have informed us they will begin phasing out the joint committee immediately.

In light of this situation, we believe that adoption of House Resolution 420 represents the wisest and most appropriate action for the House to take. We have reached this decision after consultations with the Speaker of the House, the chairman and ranking minority member of the Legislative Appropriations Subcommittee, the chairmen of the Committee on House Administration and the Committee on Rules, and many individual Members of the House on both sides of the aisle who believe the work of our committee should be continued without interruption.

That is precisely what House Resolution 420 is designed to accomplish: Continue the work of the joint committee without interruption—nothing more, nothing less. We believe a House select committee is the appropriate vehicle for this purpose for several reasons:

First, more than 80 percent of the clients of the joint committee—the Members and committees of the House and Senate—are in the House of Representatives.

Second, the offices of the joint committee are physically located within the House, so no disruption or delay would be involved.

Third, substantially more than 80 percent of the Members and committees who regularly call on the joint committee and its staff for assistance are also in the House.

Fourth, the same high proportion of users of the joint committee's products, services, and publications is accounted for by the Members, committees, and staffs of the House.

As a practical matter, therefore, the joint committee has always been primarily a House-oriented committee, and House Resolution 420 would provide formal recognition of that fact.

Let me emphasize, Mr. Speaker, that under House Resolution 420, the proposed Select Committee on Congressional Operations would function, within the House, exactly as the joint committee has functioned within the Congress.

We are asking for no new authority.

We are seeking no new jurisdiction.

We are requesting no additional staff.

Let me describe, briefly, what it is that we do. The joint committee derives its authority and jurisdiction from two sources: The Legislative Reorganization Act of 1970 and the Committee Reform Amendments of 1974.

In drafting the provisions of House Resolution 420 regarding the purposes and functions of the select committee, we followed very explicitly the language of these statutes. Except for slight stylistic changes—to account for the change from a joint committee to a select committee—the wording is the same.

Under the Legislative Reorganization Act of 1970—and under House Resolution 420—we are required to, and I summarize:

First, study and recommend improvements in the organization and operation of the Congress so as to strengthen the institution internally and improve its relationships with other branches of the Government;

Second, identify, and call to the attention of the House, court proceedings and actions of interest to the Congress;

Third, supervise and control the Office of Placement and Office Management.

Under the Committee Reform Amendments of 1974—and under House Resolution 420—we are required to, and again I summarize:

Fourth, study and make recommendations dealing with the workloads and jurisdictions of House committees.

You will note, Mr. Speaker, that except for the operating authority we have in connection with the Office of Placement and Office Management, we do not have now—nor are we seeking in House Resolution 372—any legislative jurisdiction. Our authority is, and would continue to be, limited solely to conducting studies and making recommendations.

But this authority is important, to the House and to the Congress as a whole. As a result of the extensive studies during the mid-1960's of the Joint Committee on the Organization of the Congress, the Congress concluded that rapid technological and social change affected this institution as well as every other institution in the land. It recognized that Congress needed an institutional committee, one that would devote its full attention to the job of helping Congress work effectively. Our joint committee is, and the proposed select committee would continue to be, the permanent successor to that farsighted body and the only committee in either House specifically assigned this essential responsibility.

In exercising this responsibility, we have maintained a low profile. Our objectives have been practical ones: To improve the operations of the Congress by providing useful services and by meeting identifiable needs. We have not intruded on other committees' jurisdictions. We have deliberately avoided unnecessary and unproductive controversy. We have purposely resisted pie-in-the-sky proposals. On the contrary, we have dedicated all our activities to help Members, committees, and their staffs do a better job.

Many of you are personally familiar with some of our achievements. For example:

Members have made good use of the breakthroughs we have brought about in the application of computer technology to the information needs of the House, including the Member Information Network of terminals we established last year—a project we later transferred to the House Information Systems.

You and your staffs regularly use our Congressional Handbook, which we revise and update four times a year, the only source of its kind—first in our 200 year history.

Our Placement Office has assisted many of your job-seeking constituents from among the nearly 10,000 applicants we interview and test each year—an average of approximately 20 constituents from each of your districts.

The Placement Office helps you find qualified employees—and has placed an average of three employees in every Member's office.

Our information inventories have brought together in one place, for the first time, thousands of sources and services available to the House from the legislative branch, the executive branch and private organizations on virtually every subject of concern to the Congress, all carefully organized and extensively indexed.

Our publication, STAFF, provides the first marketplace, in effect, of professionally useful information and ideas for the staffs of Congress.

More and more Members' and committee offices are working more efficiently because of the management assistance we provide.

We developed and installed the summary of proceedings and debate system, designed to keep Members' offices in touch, on a continuing basis, with what transpires on the House floor—a project which we have turned over to the Doorkeeper of the House.

Improvements in the services you request from the Legislative Counsel, the Congressional Research Service, the Congressional Budget Office, and the Office of Technology Assessment have resulted in part from the studies and recommendations we have made—and a similar in-depth study is now being made of the General Accounting Office—each of which was conducted at the request of the Committee on Appropriations in an effort to eliminate duplication and keep costs under control as well as to improve service.

Our Travel Service Office has experienced increasing demand from Members and committees in making arrangements for official travel.

Our legal staff tracks all court cases—and there are an increasing number—of concern to the Congress, and we publish detailed reports on such cases three times each year and provide individual assistance in understanding the consequences and significance of such legal proceedings.

There are more such projects to report, more such services to describe, more such publications to which to refer—but I do not want to take too much time. Our activities reports for the past three Congresses, since the joint committee was established in 1971, have been printed in the RECORD.

Some of the projects I have mentioned are still in their infancy. Others are well established and functioning effectively. A great deal more needs to be done. Our Members are interested and active participants in the work of the committee. Our staff is capable and broadly experienced in every aspect of congressional operations.

We believe, as I have emphasized, in the importance of cooperation and coor-

dination in pursuing the work of the House and in relating to Members and committees which share our interests. We do not now and we shall not in the future intrude in the jurisdictions of other committees or commissions, or duplicate their activities.

The joint committee represents a valuable asset to the House. To the best of our ability, that asset will increase in value to every Member and employee in its reconstituted form as the Select Committee on Congressional Operations—with your understanding and support.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Speaker, I thank the gentleman from Illinois for yielding.

I also want to thank the gentleman for the gentleman's very gracious remarks, or at least a part of his very gracious remarks. I am referring to those remarks in which the gentleman spoke quite glowingly of the high hopes the gentlemen had for this joint committee and also for the gentleman's regard for its members and some of our accomplishments to date.

If I understand the gentleman from Illinois' criticism of the committee, it seems to me that, first of all, the gentleman has concluded that because the Senate has opted to withdraw that this means the committee has not performed its role; but I would suggest it is perhaps that the committee has performed an important role a bit too well.

Much of what we have done, Mr. Speaker, in that committee—and I have now served on it from its beginning—has been to strengthen the procedures and operations of the House. I think that one of the reasons why the Senate has withdrawn is simply because they did not perceive it to be as valuable to them as it has become to Members of the House. The fact that many Members can now follow this debate from their offices while they are performing other duties is one of the types of things we have been able to accomplish in the House—the trial television coverage of these proceedings.

If I understand my friend and colleague, a gentleman for whom I have great esteem, the gentleman from Illinois (Mr. ANDERSON), if I understand his major objection correctly, it is that the joint committee has not addressed the problem of committee jurisdictions. I might say, if I understood him correctly further, that the gentleman said that if he was assured that we would perform that function, he would then support us. Of course, to me this is very good news, because I have talked about this matter of jurisdiction with the chairman, Mr. BROOKS. I share the concern of the gentleman from Illinois about overlapping jurisdictions among House committees here on the Hill. I have talked to the distinguished chairman of this committee, the gentleman from Texas (Mr. BROOKS); I have communicated with him, and I have done this on a number of occasions, and the last time quite recently.

It is my understanding—and if I could have the attention now of the gentleman from Illinois (Mr. ANDERSON), because I do want to be sure I have his attention as I understand his chief objection—he had several objections, of course—was that we have not gone into this matter of jurisdiction. I quite agree with the gentleman, but I have been in touch with the chairman of the committee, the gentleman from Texas (Mr. BROOKS).

Now, I think we have been justified in not going into committee jurisdiction more vigorously than we have for the following reason: As the gentleman knows, back in 1973 or so, we set up the so-called Bolling-Martin committee. They wrestled with this tortured problem, and then there was a Hansen committee on reorganization which sprang full-blown from the Democratic Caucus. The gentleman and I have our own opinions as to the role the caucus plays, we will not go into that sorry story now. But, as a result, changes in the jurisdictions of committees, which were fairly major in nature, were made, and they were made, as the gentleman knows, in 1974. I think with that history, with those special committees having been appointed to take over our jurisdiction, and then having acted in 1974, I think that during the next 2-year period it was not unreasonable for us not to have gone into this tortured matter of committee jurisdiction. However, I can assure the gentleman from Illinois that we are going to go into it in the next 2 years. The gentleman from Texas is sitting here on the floor, and if he and I have not been communicating properly, he can say so.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman from New Hampshire yield? Any time which I consume out of his 10 minutes, I will be happy to yield him further time.

Mr. CLEVELAND. I am delighted to yield to the gentleman.

Mr. ANDERSON of Illinois. The gentleman from New Hampshire indicated that I, perhaps, was not following his remarks this afternoon with that degree of close attention and care that I should. I regret that he has had that impression, because I have listened very carefully. I think that perhaps he did not hear some of the things that I said when I spoke from the gentleman's position in the well just a few minutes earlier.

But, to refresh his recollection, when there was a discussion of this very matter in the Committee on Rules last week when this resolution was before us, I specifically sought to insert in the resolution a reporting date. I wanted to give the select committee, if it was reestablished, a fixed date, March 31, 1978, by which time they should come back to the Committee on Rules with specific recommendations with respect to committee workloads and committee jurisdictions.

Let me read to the gentleman very briefly from the transcript, a portion of the colloquy which took place on March 22, 1977, of the committee. I quote now from the gentleman on the committee, the gentleman from Missouri (Mr. BOLLING):

> On committee organization, I think there is a possibility—I don't know, but there is a possibility that the Leadership might be interested at some point in pursuing this. I don't think it makes any sense to impose on the committee—

That is, your select committee—

> that has shown no interest in getting involved in this particular reporting date. And that is my reason for opposing it. I don't think they should have a particular reporting date.

In other words, what he was saying is that there was not any point in my seeking to impose the responsibility on the gentleman's select committee of coming back to us by the end of March 1978, with recommendations in this very important area that the gentleman is not interested in, which could not be expected to assume that responsibility, and the major justification was the Employment Office and the reporting of court decisions. I think that is the state of the record as it was made before the Committee on Rules.

Mr. CLEVELAND. I appreciate the gentleman's remarks.

First of all, let me say that if I had been on the Committee on Rules or at that committee, I would have applauded the gentleman in his efforts to put a deadline in there, because I think the gentleman knows—and I know, and anybody who knows much about the workings of this august body knows—that without a deadline, not very much is going to happen. I would have been glad to have a deadline. But that was an argument, it sounds to me, between the two powerhouses on the Committee on Rules. I do not think it is fair to taint this joint committee, which has the jurisdiction and is going to pursue it. I have already told the gentleman that he has my assurances, to the extent that a ranking minority member can assure anybody about anything on this floor; but I have these assurances that we are going to take a look at committee jurisdictions, and we should. But in fairness, I want to suggest to the gentleman from Illinois that there is another excuse coming up, and it is a reasonable excuse for some added delay.

Our excuse for not going into jurisdiction for the last 2 years was it was too soon after the Bolling-Martin-Hansen changes had been made, and that they ought to be given at least 2 years to jell.

But another major matter is going to come up. As the gentleman knows, the President of the United States is going to be sending some suggestions up here on the reorganization of the Federal Government. But as the Federal Government is reorganized, there should be some attention given as to how the congressional organization should be made to mesh with some of those changes. But so far as I am concerned, the gentleman has given assurance, and I would like to yield a little of my fast disappearing time to the gentleman from Texas (Mr. BROOKS). I have stated we have been in communication on this matter. I have stated that we have assurances from the gentleman from Texas that we are going to take a look at it. If that is not a true statement, we should hear from the gentleman.

Mr. BROOKS. If the gentleman will yield, I say to my distinguished friend

that we are going to take a look at it. I would say, by way of caution, however, the reorganization bill which is scheduled for tomorrow and which will give the President the opportunity to submit reorganization plans under certain qualifying provisions, may alter the committee jurisdiction to such an extent that we may really want to make a serious change in some of the committee's jurisdiction. I would commend this thought to the gentleman from Illinois (Mr. ANDERSON), who might be concerned about it. But I will say to my distinguished friend, the gentleman from New Hampshire (Mr. CLEVELAND), that if the reorganization bill passes tomorrow, as I trust it will, if those plans alter the Executive Department sufficiently, it may mandate and encourage some change in the House committee jurisdictional structure. That would be the time to seriously consider the matter.

Mr. CLEVELAND. I thank the gentleman.

The SPEAKER pro tempore. The time of the gentleman from New Hampshire (Mr. CLEVELAND) has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 4 additional minutes to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. Speaker, I am glad we have had this discussion on jurisdiction. I think it is a key issue here on the Hill, but of course everybody has his own idea of what is needed. For example, I remember 4 or 5 years ago when I joined approximately 150 other Members in voting for a committee on energy. That vote looks pretty good as we look back on it, but we did not get very far.

I think everybody on the Hill will also have to admit that when we get into jurisdiction, we get into a fairly complicated and controversial subject. Although we did not consider jurisdictions in the last 2 years following the Bolling-Hanson-Martin changes, we now have assurances that we will. I think it is fair to add the caveat, although I am promised and I have the assurance of the chairman of the committee that we will look at jurisdictions. I think it is fair to say that this is going to be a moving situation, particularly with major executive changes in the offing.

Mr. Speaker, I have asked for permission to revise and extend my remarks and for permission to include certain documents following my remarks. By that device I will be able to save a little time. However, I do want to point out that in at least part of my prepared remarks there are included some things that have not been covered in this debate. Time does not permit going through all of these matters, but let me point out a few things.

If we do abolish this committee, we are going to have to get somebody to do the things we are doing. We all agree on that. Let me just give the Members an idea of some of the things we are doing now that I think are important and that have not been touched upon.

If we ask a sample of the Members what we really need here in Congress, I am sure we will find that these are some of the items on their list:

We need better, faster, more reliable information, tailored to specific congressional requirements for legislation, for oversight, and for constituent service. Our committee is working on that now as an ongoing project.

We need a better handle on the budget and an up-to-date, current way to see where we are financially in understandable terms. Our committee is working on that.

We need to make better use of space, to get more room without the expense and controversy of a huge new office building, and our committee is working on that matter right now.

We need improved communications within the House; we need ways of getting timely information to Members and staffs while it is still worthwhile and while it is still meaningful. Our committee is working on that problem.

So, Mr. Speaker, in concluding my remarks, I will say that I would hope the gentleman from Illinois (Mr. ANDERSON) will consider the assurances he has had on jurisdiction sufficient to bring this resolution within the scope of his approval. I thank the gentleman from Illinois again for his consideration of this matter and for yielding this time to me.

Mr. Speaker, three things have always characterized the Joint Committee on Congressional Operations—and I have been a member since its establishment.

The joint committee has always been nonpartisan, or bipartisan if you prefer. Our concern has been the efficiency and effectiveness of the Congress—not of a particular political party—and as a somewhat partisan politician myself I cannot recall an occasion when the minority's rights and interests have not been fully respected. I am confident that will continue.

The joint committee has always been a pragmatic committee. We have concentrated on needs that were real, that others were not working on, and that could be accomplished. That, too, will continue.

The joint committee has also been—if I may use the word—a modest committee. We have not been big issuers of press releases. We recognize that the media is not as interested as it ought to be in the internal and constructive operations of the Congress. Consequently, you may learn today about activities you had not previously associated with the joint committee.

These qualities, I suggest, are those of a truly institutional committee—a committee with permanent jurisdiction, not an occasional interest, a committee with no other concern than the well-being of the Congress.

It is this quality of continuity that distinguishes the joint committee—and our proposed select committee—from such temporary groups as the present Commission on Administrative Review, and in the 94th Congress the Commission on Information and Facilities. As ad hoc bodies, both Commissions have done important work, made constructive recommendations, and generated interest in correcting deficiencies in House operations. As temporary commissions, however, neither has nor will be able to follow through with the implementation necessary to assure lasting improvements.

Many of the recommendations of the Commission on Information and Facilities called on the joint committee to continue Commission initiatives. And based on our close coordination with the Commission on Administrative Review, that body will undoubtedly urge that the select committee accept responsibility for implementing a number of its recommendations.

The same thing, ironically, is true of the Senate. In the recent final report of the Commission on the Operation of the Senate, several recommendations were either directed specifically to the joint committee or could be carried out, as a partical matter, only by our committee. I am personally convinced that the Senate will very shortly come to realize that, in their preoccupation with reducing the numbers of committees, they have acted hastily and counterproductively.

In the absence of such a committee as ours, all of us would feel the loss in a variety of ways—and this may be the ultimate test.

Ask a sample of our colleagues what we really need here in Congress and I am sure you will find these items on their lists:

We need better, faster, more reliable information, tailored to specific congressional requirements for legislation, for oversight, for constituent service; our committee is working on it.

We need a better handle on the budget, an up-to-date current way to see where we are financially in understandable terms; our committee is working on it.

We need to make better use of space, to get more room without the expense and controversy of a huge new office building; our committee is working on it.

We need improved communications within the House, ways of getting timely information to Members and staffs while it is still worthwhile; our committee is working on it.

Not only is our committee working now on each of these major congressional needs, but with respect to each one of them we have produced results—not just reports and recommendations—results in the form of usable products and services. Here, in outline, are some examples:

INFORMATION

First, studies of CRS, OTA, CBO last year emphasized quality and timeliness of information for Congress; we recommended specific improvements; we plan to oversee their implementation of these recommendations this year;

Second, we developed the Member information network utilizing computers to bring into Members' offices a wider range of data bases and information sources—from Library of Congress, HIS, Justice Department, Agriculture Department, and others—than ever before; and

Third, we prepared and published the most extensive annotated inventories of the information resources and services available to the Congress ever put to-

gether—specifically designed for congressional use, carefully indexed, and covering all areas of concern to Members and committees.

BUDGET

First, we put together a working group last year representing the Appropriations Committee, the Budget Committee, the House Information Systems, the Congressional Budget Office, and ourselves and developed a new budget information system, accessible by computer terminals, including the kinds of budget data Members need on a daily basis. That system is now being improved and is ready for use.

SPACE

First, we have inventoried all existing space in the House, identified its uses, and recommended a number of relocations to assure that preferred space would be used for priority purposes;

Second, we have explored the possibility of constructing an automated storage warehouse on the House side which would expedite retrieval of Members' files and other materials, provide computerized recordkeeping, and free substantial amounts of space in the office buildings for other, more important purposes;

Third, we tested a multiple letter denter to show how space could be saved in Members' offices, noise levels reduced, and crowded conditions relieved;

Fourth, we surveyed all available sites on the House side of the Capitol for possible new construction, in the event it became necessary, and identified the engineering and architectural advantages and disadvantages of each; and

Fifth, we have worked closely on these and related space problems with the House Office Building Commission and the Architect of the Capitol.

COMMUNICATIONS

First, we developed the summary of proceedings and debate system which, by way of computer terminals keeps Members' offices informed on a running basis of what is occurring on the House floor; this is a system which can be expanded to include communication of notices, announcements, and other information; and

Second, we are publishing a staff-oriented publication called STAFF as a means of providing professionally useful information about Congress and their jobs to congressional staff members.

Ask the question another way:

Who, for instance, would be in a position to maintain the "Congressional Handbook" with its comprehensive and up-to-date information on every facet of House operations? How much time would your own staffs have to waste, in the absence of the Handbook, in making a dozen calls to find an answer which the Handbook now places directly at their fingertips? This is a big, complex, and sometimes frustrating institution with which to deal.

Again, to whom would you refer constituents who are looking for a job on Capitol Hill if the Placement Office was abolished? As Chairman BROOKS has noted, approximately 10,000 applicants—every one a constituent of some Member—are now interviewed, tested, counseled, and referred each year by this joint committee activity. Congress has grown enormously over the past few years and someone has got to provide the services it needs.

The same kind of question could be asked of almost every joint committee activity—activities which no other committee in the Congress either could or did undertake. For example, in the absence of joint committee initiative:

Would we be as far along as we are now in finding better ways to use our computer technology to save time and improve our access to needed information?

Would the House now be testing the feasibility of broadcasting its proceedings—whether or not that test succeeds—with all the promise such as development holds for improving public understanding of our work and for enabling Members to stay in closer touch with the House floor?

Could we, as individual Members, stay on top of developments in the Federal courts when more and more cases are being decided which directly affect the prerogatives of the Congress and its Members?

Would GAO, CRS and the other legislative branch agencies be receiving the kind of critical attention required to keep them both productive and cost-conscious?

To ask these questions, I believe, is to answer them. If the joint committee—as the saying goes—did not exist, it would have to be invented.

What we are asking today, in appealing for your support of House Resolution 420 is not to invent a new organization but to sustain an existing and useful one—with no new powers, no additional functions, no bigger staff, no added funds.

We ask only for the opportunity to continue our work, work we believe has substantial value to the House and its Members, and work that could not readily be accomplished elsewhere.

Mr. Speaker, House Resolution 420 and the continuation of the joint committee as a House select committee is not—and should not be viewed as—a partisan issue. I am confident our colleagues will vote on the merits of this resolution—and those merits are considerable.

Under leave to extend my remarks, I include a "Dear Colleague" letter authored by our distinguished chairman and me, and a factsheet summarizing certain aspects of the resolution:

WASHINGTON, D.C.,
March 24, 1977.

DEAR COLLEAGUE: House Resolution 420, to continue the work of the Joint Committee on Congressional Operations, for the Members and committees of the House, as a Select Committee on Congressional Operations will be the first, and possibly the only, order of business on Monday, March 28.

We believe this resolution is important—to you, personally, and to every Member and committee of the House—and we would appreciate your support.

A Select Committee will *continue* the service currently provided by the Joint Committee—

a Placement Office to help you find qualified employees and to assist you in finding employment on the Hill for your constituents;

Congressional Handbooks to keep you and your staff informed on a current basis of House allowances, regulations, services, and the whole range of operating and housekeeping details which affect you;

assistance in the House for the dozens of Members and committees requesting it to help improve the effectiveness of their office organization and operation;

a legal staff to continue informing the House regularly about court cases which affect the rights and powers and independence of the House, its committees, and Members, or to provide individual counsel on the significance and effects of these cases;

continuing studies of ways to improve the services you expect from the Congressional Research Service, the General Accounting Office, the Congressional Budget Office, or the Office of Technology Assessment, the publication (STAFF) to keep your staff informed of ways of improving their service to you; an office to help you and your committees with official travel arrangements; continuing studies of better ways to get you the informaton you need, to improve committees' ability to do essential oversight work, or to keep you abreast of changes in law, technology, or procedure which affect your work. These and a host of other services would be lost to the House without H. Res. 420.

H. Res. 420 does *not* create a new committee; it continues the work of an existing committee—with no additional functions, no added costs, no extra staff, no new space.

The Joint Committee has always been bipartisan. It has not been controversial. It has never intruded on the jurisdictions of other committees or commissions. The proposed Select Committee will function in precisely the same way.

We hope you will continue to use these services, and we solicit your ideas and suggestions of ways to improve them. On this basis, we ask for your support of H. Res. 420 on Monday.

Sincerely yours,

JACK BROOKS,
Chairman.

JAMES C. CLEVELAND,
Ranking Minority Member.

MAJOR FUNCTIONS AND SERVICES OF THE JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS TO BE CONTINUED BY THE SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS UNDER HOUSE RESOLUTION 420

1. Operates the Placement Office which (a) interviews, tests, and counsels approximately 10,000 applicants a year, most of them referred to the Office by Members, and (b) assists Members in finding approximately 600 new and qualified employees each year.

2. Publishes the Congressional Handbook, an invaluable compendium of information about office allowances, furnishings, regulations, staffing, and most other operational and administrative matters of concern to Members and staffs, an indispensable time-saver which is kept up-to-date four times a year.

3. Compiles and publishes in every Congress the rules of all House committees.

4. Provides, upon request, expert management assistance to Members' and committee offices on all aspects of office organization, operation and procedure, from furniture layouts, equipment selection, filing systems, correspondence handling, casework, staffing, etc.—12 individual studies are now being made.

5. Operates the Travel Office which makes official travel arrangements for committees and Members including reservations, ticketing, accommodations, local transportation, meeting rooms, etc.

6. Tracks, analyses, and reports to the House at least three times a year (with special reports on exceptional cases) court

decisions and cases which affect the Congress, its Members and committees—and these cases are increasing in numbers, significance, and effects on the rights and powers of Congress.

7. Publishes STAFF, a first-of-its-kind publication addressed to the professional needs and interests of Congressional staff members, providing new ideas and information of direct use in the performance of their official duties.

8. Publishes and maintains annotated inventories of information resources and services available to the Congress from within the institution, the Legislative Branch agencies (CRS, L.C., GAO, OTA, CBO, and GPO), the Executive Branch, and private organizations (foundations, universities, research institutes, professional, trade and labor organizations, for-profit corporations and others)—a comprehensive, easy-to-use compilation which will locate sources and services on every policy-related subject of interest to the Congress.

9. Conducts intensive management studies of the Congressional Research Service, Office of Technology Assessment, Congressional Budget Office and, currently, the General Accounting Office, many of the recommendations of which have already been implemented, resulting in improved service to the Congress.

10. Conducts continuing studies of Congress and Mass Communications, including the present test of the feasibility of broadcast coverage of House proceedings.

11. Provides training seminars for staff members of newly elected Members of Congress.

12. Developed the computerized Member Information Network and currently works with the House Information System in improving and expanding the system.

13. Compiled and published a handbook on Congressional Investigatory Powers and Procedures which is widely used by the professional staffs or committees.

14. Provides administrative and staff support to the summer intern program.

15. Provides staff assistance, information etc. to other committees and commissions most recently to the Senate Commission on the Operation of the Senate and the House Commission on Administrative Review (Obey Commission).

16. Compiling for the use of Members a complete collection of the statutes and regulations affecting Members of Congress.

17. Conducting research in preparation for hearings on "The Effects of Litigation and the Judicial Process on Congress" in view of the increasing number of court cases which threaten to impede the rights and prerogatives of committees and Members.

ADDITIONAL FACTS ABOUT THE JOINT COMMITTEE AND PROPOSED SELECT COMMITTEE

1. Under H. Res. 420, the Select Committee would continue—for the House—the functions and activities of the Joint Committee.

2. No new functions or activities, no new staff, no new space, no added costs, would be authorized.

3. The Joint Committee has not duplicated the activities of any House or Senate committee or commission, nor will the Select Committee duplicate the activities of House committees or commissions.

4. No other committee, commission or other body in the House has carried on activities identical to those of the Joint Committee, nor have they indicated any interest in doing so.

5. Staff salaries of the Joint Committee do not now, nor have they ever exceeded the maximum authorized for Administrative Assistants to Members, and only one staff member has been compensated at that level; salaries authorized under H. Res. 420 are identical to those authorized for all House committees.

6. If the Select Committee is not approved, the Senate Members of the Joint Committee have stated explicitly that the activities of the Joint Committee will be phased out beginning immediately.

7. If the Select Committee does not continue the activities of the Joint Committee, many of the functions will have to be assumed by other bodies with consequent disruption in service and added costs to the House.

8. No committee or commission, including the Obey Commission, has given any indication of an intent or interest in recommending that Joint Committee functions be discontinued or transferred to any other body, except for the proposed Select Committee.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Speaker, what an organization has done in the past is usually the most reliable guide to what it is likely to do in the future.

On the strength of that principle, I urge the approval of House Resolution 420.

The resolution is designed to accomplish just one objective: To continue the work of the Joint Committee on Congressional Operations as a House Select Committee on Congressional Operations—no more, no less.

Judging from its past and its present, I have every confidence that the joint committee—reconstituted as a House select committee—will continue to justify its existence many times over. Its record inspires that confidence.

The joint committee has been a practical committee, undertaking activities and projects and studies aimed at providing usable services and products to the Congress, services and products which meet an immediate and definable need. It has not been merely theoretical or academic or ideological.

Simply to mention a few of its activities should serve to remind us all of how greatly Members and staffs have relied on the joint committee—often, perhaps, without fully realizing the source of the assistance we have received.

Who among us, for instance, has not used the Placement Office either to obtain qualified employees or to refer constituents who are seeking employment on Capitol Hill?

What Member has not had frequent occasions to refer to the Congressional Handbook—that exhaustive and reliable compendium of everything a Member needs to know about Congress?

Who in the Congress is not concerned about the growing tendency on the part of Federal courts to clip away at the practices and prerogatives of elected legislators?

What Member has not been frustrated at the difficulty in obtaining the right kind of information at the right time?

Is there anyone in this body who does not appreciate both the possibilities and the problems inherent in live television coverage of the House?

Do not all of us feel—from time to time—that our staffs and we are functioning in a vacuum 'divorced from the congressional life around us?

These are not rhetorical questions. They refer to services the joint committee has been providing effectively and to problems the joint committee has been working on constructively. That committee has been equipping us with guides and information, advice, and assistance which—to the extent we use them—have become indispensable. I sometimes think, however, that our staffs may be more aware than we are of the practical daily value of the joint committee's many services, in which case we should listen to them.

The activities to which I have referred are probably the better known of the many which the joint committee has undertaken. There are many others. The committee, for instance, developed the computerized Member Information Network, the most advanced automated information system in the Congress. The committee has transferred control of the network to the House Information Systems but continues to work with HIS in efforts to improve and expand the system.

This committee has also been the driving force in developing the Budget Information System, in cooperation with the Budget and Appropriations Committees, HIS, and the Congressional Budget Office—a system which will bring to each Member a wealth of budget and program data at the touch of a few keys.

Individual Members of this body—from first-termers to committee chairmen—have found the joint committee's management assistance invaluable in getting their offices organized and reorganized and functioning effectively. This service—expert, unobstrusive, and thus not widely appreciated—can make a significant difference in how well we serve our constituents and how long we remain on Capitol Hill. And it is ours for the asking.

In referring to these activities of the joint committee, I am not holding out promises for the future. I am reciting actual performance.

Performance depends on the quality of what is done and the quantity of what is produced. On both grounds, I believe the joint committee has performed creditably and in ways that can be measured by the positive effects it produces.

The joint committee's handbook has saved thousands of hours of staff time, given Members themselves a degree of control over their own official lives previously unavailable, and has sustained a high level of reliability.

The Placement Office has relieved Members of consistently onerous problems.

The Travel Service Office is saving time and trouble for committees.

The committee's information inventories, the most comprehensive available sourcebook the Congress has, is attracting growing use.

The committee's intensive management studies of the Congressional Research Service and Office of Technology Assessment, for example, have produced recommendations that are now being implemented.

Its publication, STAFF, has equipped thousands of congressional staff with insights and experience unobtainable elsewhere.

The committee's studies of automated information systems, centralized production of form letters, and space utilization, for example, have produced valuable data now being employed by other groups on the Hill, including the Architect of the Capitol.

This pattern has been characteristic of the joint committee's entire operation. The committee has willingly transferred control of projects it has developed and tested to organizations better able to maintain them. The committee has cooperated fully with others having an interest in its work. And the committee has accepted suggestions about work that ought to be performed.

On the basis of this record of useful service, quality product, and valuable assistance—and I have only sketched an outline of what the joint committee has been doing—I believe that commonsense and our own best interests argue for support of House Resolution 420.

We are not creating, Mr. Speaker, a new committee or a duplicating function. We are simply maintaining, under a different name and under the auspices of this House, an ongoing organization whose work deserves to be continued. Its past is the best guarantee we could ask that its future will be equally productive.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I think we have become too preoccupied with where we are going to put these functions and when we are going to do it. It seems to me that the committee is performing an important function. It is performing it well, and until we find somebody else who is prepared to perform these functions, we ought to permit the select committee to go ahead with the important work that it has been doing.

The select committee performs a placement service which is, I think, highly important to the Members in the functioning of this institution.

I have had a particular experience with a management-efficiency study service which is being performed for Members, and that, I think, is of particular importance. If we use that service, it saves us money and permits us to be more effective Representatives for our constituents.

The management consultant team came through our office and went through the various functions that we and other Members perform. They were able to take our data and compare it with functions performed by the offices of other Members. They compared salary scales and duties performed in other Members' offices, giving us information we would otherwise have been unable to determine.

They were able to go through the equipment we use and make us aware of more efficient ways to use our equipment and make us aware of other equipment that might be available to us. They were able to go up to our district office and see how we perform our functions there and how that ties in with the work being done in other district offices by other Congressmen. That is an invaluable service to us, and it helps to make our work more efficient and more effective.

Mr. Speaker, I think that work ought to be performed, that it should be continued. Some Members may say that it should be performed someplace else, but it is not being performed someplace else; it is being performed by this committee, and I think we should give it our endorsement by approving this resolution.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from North Carolina (Mr. ROSE).

Mr. ROSE. Mr. Speaker, I rise in support of House Resolution 420; and I encourage my colleagues in the House to support this important resolution with me.

I would like to talk for a few minutes about two activities that have come out of the Joint Committee on Congressional Operations, which I have had some personal contact with, and use that as part of my reason for supporting the establishment of this select committee.

The Joint Committee on Congressional Operations devised an idea whereby a summary of floor debates would be put together and placed in a computer available to Members of Congress in their offices. The Commission on Information and Facilities actually carried out the experiment with the help of the computer operations of the Committee on House Administration, but the basic idea and the basic thrust of this summary of floor proceedings system came from the joint committee.

In the Committee on House Administration on which I serve we have a computer subcommittee now called the Computer Policy Group, and for many, many years there have been discussions around this place about establishing a computer network of information for Members of Congress. That talk had gone on and on and on, but it was the Joint Committee on Congressional Operations, under the leadership of the gentleman from Texas (Mr. BROOKS), that did it. They did not talk about it, they did it. They established a pilot information network system, and today there are reporters on this floor who make summaries of floor debates, who feed the summary into a centralized computer system, and that summary of floor debates is now available in Members' offices.

We have a backlog of Members wishing to receive that summary of the debate, and we are actually able only to add about 20 or 30 a month as we slowly upgrade our computer capability. However, the Joint Committee on Congressional Operations is responsible for the basic thrust of the information network that we hope in years ahead will give new and expanded information services to Members of the House of Representatives.

Mr. Speaker, the second area is television. We have all heard and agonized with our colleagues in other committees of this House as they have gone through the various pros and cons and the fine points of how to bring television into the Congress. The debates have been well recorded, and I sympathize with the members of the committees because of the complexities of the problems that they have faced; but it was the Joint Committee on Congressional Operations which took the bull by the horns and brought television into the House of Representatives on a pilot-test basis.

Mr. Speaker, whatever else we can say about the quality of the television or the coverage that we are receiving in this pilot test today, it has been a beginning. It will provide the House of Representatives with an opportunity to decide how it wishes to proceed with making public this most important public forum, the U.S. Congress.

While others have talked, the Joint Committee on Congressional Operations has acted.

Mr. Speaker, I can only say to the Members that I look forward in years ahead to other areas of cooperation from the Select Committee on Congressional Operations.

Their track record in the past has been good. They have brought forth innovations that will make this a more effective legislative body. I have nothing but the utmost confidence that to keep this mechanism in place for the future will have an ultimately good effect in the Congress of the United States.

Mr. Speaker, I urge the support of all of the Members on House Resolution 420.

Mr. YOUNG of Texas. Mr. Speaker, the last word on this subject from this side of the aisle will be heard from the gentleman from Minnesota (Mr. OBERSTAR) and I yield him 2 minutes for that purpose.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

Mr. Speaker, years ago my predecessor in the Congress, John Blatnik, and my former boss, told me the story of how he arrived in this body. He came as a newly elected Member in 1947. He was directed to his office and found absolutely nothing. There was not a notebook, a directory, nor a list of other Members of the Congress.

He said to his assistant: "Well, at least there is a phone. Let's make a call."

They did not even know who to call. They had no idea of how to set up the office and get it running.

John Blatnik calls those years "the dark ages of Congress."

What has happened in the years since then is that a whole body of information has been developed and a whole program of training Members of Congress to move into their jobs immediately, without delay and be able to function effectively from the outset. This has been the product largely of the Joint Committee on Congressional Operations.

I recall my own days as a member of the staff and as the administrator of the House Public Works Committee staff when I called the Joint Committee on Congressional Operations to come in and lay out workflows for us and to help us modernize procedures both for the congressional office and for the committee staff. Their program provided in-house expertise as well as experts from outside

the Congress to help guide us to respond to the needs and fast pace of a highly technological society.

That is what the work of this committee is really all about. That is what we are trying to do, to keep the Congress in tune with mid-20th century America and hopefully to keep the Congress at least a step ahead.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. THORNTON). The question is on the resolution.

The question was taken and the Speaker pro tempore announced that the ayes appear to have it.

Mr. ANDERSON of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 211, nays 147, not voting 74, as follows:

[Roll No. 104]

YEAS—211

Addabbo	Fithian	Mattox
Ambro	Flippo	Mazzoli
Ammerman	Flood	Meeds
Annunzio	Flynt	Metcalfe
Applegate	Foley	Miller, Calif.
Ashley	Ford, Tenn.	Mineta
Aspin	Fraser	Minish
Baldus	Fuqua	Mitchell, N.Y.
Barnard	Gephardt	Moakley
Beard, R.I.	Giaimo	Moffett
Benjamin	Gibbons	Moorhead, Pa.
Bevill	Ginn	Moss
Blanchard	Gonzalez	Murphy, N.Y.
Boland	Gore	Murphy, Pa.
Bolling	Hall	Murtha
Bonior	Hamilton	Myers, Michael
Bowen	Hammer-schmidt	Natcher
Brademas	Hanley	Neal
Breckinridge	Hannaford	Nedzi
Brooks	Harris	Nichols
Brown, Mich.	Hawkins	Nix
Burke, Calif.	Heckler	Nolan
Burke, Mass.	Hefner	Nowak
Burlison, Mo.	Heftel	O'Brien
Burton, John	Hightower	Oakar
Burton, Phillip	Horton	Oberstar
Byron	Howard	Obey
Carney	Hubbard	Ottinger
Carr	Hughes	Patterson
Cavanaugh	Ichord	Pattison
Chappell	Ireland	Pease
Chisholm	Jenkins	Perkins
Cleveland	Jenrette	Pickle
Conyers	Johnson, Calif.	Pike
Corman	Jones, Okla.	Preyer
Cornell	Jones, Tenn.	Price
Cornwell	Jordan	Quillen
Cotter	Kastenmeier	Rahall
Daniel, Dan	Kazen	Rangel
Danielson	Krebs	Reuss
Davis	LaFalce	Rinaldo
Delaney	Le Fante	Risenhoover
Dellums	Lederer	Roberts
Dent	Lehman	Roncalio
Derrick	Levitas	Rooney
Derwinski	Lloyd, Calif.	Rose
Dicks	Lloyd, Tenn.	Rosenthal
Dingell	Long, Md.	Rostenkowski
Downey	Lujan	Roybal
Drinan	Luken	Runnels
Edwards, Calif.	Lundine	Ryan
Eilberg	McCormack	Sarasin
Erlenborn	McFall	Shipley
Evans, Colo.	McKinney	Sikes
Evans, Ga.	Mahon	Simon
Fascell	Markey	Sisk
Fenwick	Mathis	Skelton
Fisher		Slack
Smith, Iowa	Tonry	Weiss
Snyder	Tsongas	Whalen
Solarz	Tucker	White
Spellman	Ullman	Whitley
St Germain	Van Deerlin	Whitten
Stark	Vanik	Wilson, Bob
Steed	Vento	Wilson, C. H.
Stokes	Volkmer	Wright
Stratton	Waggonner	Yatron
Studds	Walgren	Young, Mo.
Taylor	Watkins	Young, Tex.
Thompson	Waxman	Zablocki
Thornton	Weaver	

NAYS—147

Abdnor	Evans, Ind.	Martin
Allen	Findley	Michel
Anderson, Ill.	Fish	Miller, Ohio
Andrews, N. Dak.	Forsythe	Mollohan
Archer	Fountain	Moore
AuCoin	Frenzel	Moorhead, Calif.
Badham	Gaydos	Murphy, Ill.
Bafalis	Glickman	Myers, Gary
Baucus	Goldwater	Panetta
Bauman	Goodling	Pettis
Beard, Tenn.	Gradison	Pressler
Bedell	Grassley	Pritchard
Bellenson	Guyer	Quayle
Bennett	Hagedorn	Quie
Bonker	Hansen	Railsback
Broomfield	Harkin	Regula
Broyhill	Harsha	Robinson
Buchanan	Hillis	Rousselot
Burgener	Hollenbeck	Rudd
Burleson, Tex.	Holt	Ruppe
Butler	Holtzman	Russo
Caputo	Hyde	Satterfield
Carter	Jacobs	Sawyer
Cederberg	Johnson, Colo.	Schroeder
Clausen, Don H.	Jones, N.C.	Schulze
	Kasten	Sebelius
Clawson, Del	Kelly	Seiberling
Cochran	Kemp	Sharp
Cohen	Ketchum	Shuster
Coleman	Keys	Skubitz
Collins, Tex.	Kildee	Smith, Nebr.
Conable	Kindness	Spence
Conte	Kostmayer	Stangeland
Corcoran	Lagomarsino	Stanton
Coughlin	Latta	Steers
Crane	Leach	Steiger
D'Amours	Lent	Stockman
Daniel, R. W.	Lott	Thone
Devine	McClory	Traxler
Dickinson	McCloskey	Treen
Dodd	McDade	Trible
Duncan, Oreg.	McDonald	Udall
Duncan, Tenn.	McEwen	Walker
Early	McHugh	Whitehurst
Edgar	Madigan	Winn
Edwards, Okla.	Maguire	Wirth
Emery	Marks	Wylie
Ertel	Marlenee	Yates
Evans, Del.	Marriott	Young, Fla.

NOT VOTING—74

Akaka	English	Myers, Ind.
Alexander	Fary	Patten
Anderson, Calif.	Florio	Pepper
	Flowers	Poage
Andrews, N.C.	Ford, Mich.	Pursell
Armstrong	Frey	Rhodes
Ashbrook	Gammage	Richmond
Badillo	Gilman	Rodino
Biaggi	Harrington	Roe
Bingham	Holland	Rogers
Blouin	Huckaby	Santini
Boggs	Jeffords	Scheuer
Breaux	Koch	Staggers
Brinkley	Krueger	Stump
Brodhead	Leggett	Symms
Brown, Calif.	Long, La.	Teague
Brown, Ohio	McKay	Vander Jagt
Burke, Fla.	Mann	Walsh
Clay	Meyner	Wampler
Collins, Ill.	Mikulski	Wiggins
de la Garza	Mikva	Wilson, Tex.
Diggs	Milford	Wolff
Dornan	Mitchell, Md.	Wydler
Eckhardt	Montgomery	Young, Alaska
Edwards, Ala.	Mottl	Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Fary for, with Mr. Ashbrook against.

Mr. Florio for, with Mr. Young of Alaska against.

Mr. Koch for, with Mr. John T. Myers against.

Mr. Bingham for, with Mr. Jeffords against.

Mr. Biaggi for, with Mr. Frey against.

Mr. Wolff for, with Mr. Gilman against.

Mr. Zeferetti for, with Mr. Brown of Ohio against.

Mr. Santini for, with Mr. Burke of Florida against.

Mr. Milford for, with Mr. Edwards of Alabama against.

Mr. Rodino for, with Mr. Wydler against.

Mr. Rogers for, with Mr. Vander Jagt against.

Mr. Harrington for, with Mr. Symms against.

Mrs. Meyner for, with Mr. Rhodes against.

Mr. Staggers for, with Mr. Wampler against.

Mr. Mitchell of Maryland for, with Mr. Wiggins against.

Mr. Clay for, with Mr. Motti against.

Mr. Patten for, with Mr. Teague against.

Mr. Badillo for, with Mr. Dornan against.

Until further notice:

Mr. Alexander with Mr. Ford of Michigan.

Mr. Anderson of California with Mr. Andrews of North Carolina.

Mr. Flowers with Mrs. Boggs.

Mr. Holland with Mr. de la Garza.

Ms. Mikulski with Mr. Brown of California.

Mr. Krueger with Mr. Stump.

Mr. Roe with Mr. McKay.

Mr. Breaux with Mr. Leggett.

Mr. Blouin with Mr. Mikva.

Mr. Scheuer with Mr. Charles Wilson of Texas.

Mr. Richmond with Mr. Long of Louisiana.

Mr. Pepper with Mr. Mann.

Mr. Diggs with Mr. English.

Mr. Brinkley with Mr. Eckhardt.

Mrs. Collins of Illinois with Mr. Brodhead.

Mr. Akaka with Mr. Gammage.

Mr. Huckaby with Mr. Montgomery.

Ms. KEYS changed her vote from "yea" to "nay."

Mr. STARK changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES-CUBAN DIPLOMATIC RELATIONS

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, I continue to be confused, concerned, and agitated about the status of United States relations with Cuba. Press reports are numerous, conflicting, and very alarming about Cuba's involvement with many of the African nations; and at least to me, they are equally alarming about the positive outlook of the administration and the State Department for a relaxation of our diplomatic relations with that country.

One of our colleagues, after a 5-day visit to Cuba and a meeting with Fidel Castro, is quoted as saying that—

> There is now a good opportunity for normalizing relations between the United States and Cuba.

He cited areas of cooperation on which Fidel Castro told him the United States and Cuba could move ahead immediately, such as fisheries talks, sports and cultural exchanges, and joint efforts to curb the spread of sugar cane blight. These areas could be discussed without any preconditions, according to the Con-

gressman. He also reported that Cuban officials told him that the number of troops in Angola had been reduced by one-half since last spring. At the high point of the involvement, the number of troops was estimated to be about 20,000. The Cubans apparently indicated to the Congressman that the troops would remain in Angola for some time, and would leave only when asked to do so by the Neto government. The Congressman also said that in order for full scale negotiations to begin with Cuba, the United States would have to lift the trade embargo. He saw the lifting of the ban on food and medicines as a possible start. He was also quoted as saying that the continuation of the antihijacking agreement, which is due to expire 18 days from now, was contingent upon the lifting of the trade embargo, and other things.

The administration has indicated in an "on again, off again" manner, that some commitment that Cuba will pull its troops out of Africa would be necessary before normalization of relations can begin. Castro has indicated in a fairly straightforward manner, that he will not pull his troops out of Africa until he is ready, and a relaxation of the trade embargo is essential before normalization of relations can begin.

I submit, that in spite of all of the public conditions announced by both sides, normalization of relations has begun. On March 4, Secretary of State Cyrus Vance said that—

The United States has sent word to Cuba that we would like to discuss the fishing issue "promptly."

On March 5, the State Department gave permission for a group of college basketball players from South Dakota to travel to Cuba. On March 7, the State Department said that there would be no objection to a major league baseball team playing an exhibition game in Cuba, and that the New York Yankees are considering the possibility. On March 18, the travel ban to Cuba was lifted.

These small concessions are already having quite an impact. According to E. Wallace Lawrence III, of New York's Orbitair International, a tour operator specializing in trips to socialists countries, "Business is going like a ball of fire." Orbitair says it has already booked 18 tours of Americans and expects to write $1 million in Cuban travel business this year. The State Department said last week that it was getting 100 phone calls a day from would-be tourists seeking information on travel to Cuba. The travel ban, I may remind you, has now been lifted for exactly 10 days.

These preliminary gestures also look very attractive to enterprising businessmen, who are already "chomping at the bit" for a relaxation of the trade embargo. An executive newsletter called the Gallagher Presidents' Report, which is mailed to my office and presumably to yours, carries the following newstip to chief executives on its front page this week:

Cuba Trade Picture Brightens—Look for initiation of full-scale commercial relations with Cuba within the next 12 months. Upcoming negotiations to resolve potential conflicts resulting from U.S. institution of 200-mile fishing zone to set stage for trade program. Opportunities seen in U.S. sale of canned goods, fabrics, medical equipment, pharmaceuticals. Washington based Kirby Jones sets up Alamar Associates to advise companies on procedures for trade contacts with Cuba. Jones prepares presentations for proper government officials in Havana. Handles follow-up correspondence plus arrangements for visit by U.S. Executives. Interested company presidents may contact Jones at Washington headquarters: 1156 15th Street, NW., Suite 919, Washington, D.C., 20005.

What exactly does the publisher of this newsletter, or Mr. Kirby Jones, know that we do not know? Why has Congress, and the general American public, had no official statement from the State Department or the administration, about the progress of plans for negotiations with Cuba? Why have we no statements about the intricate Afro-Cuban involvement? Why do we hear so little lately about the extent of Cuba's dependence on the Soviet Union?

Cuba lies less than 100 miles from my State of Florida, so perhaps my concern for this issue is more intense. However, my colleagues have equal cause for alarm. The Soviets have conducted numerous air deployments to Cuba, which provides them with the capability of observing all U.S. forces in the Atlantic.

It has been estimated that there are several thousand Soviet military personnel in Cuba, and that the Soviet Union has given Cuba $1.5 billion in military assistance. Russia is also spendng approximately $1.5 million a day in economic assistance in Cuba. A few other matters that we should not forget before we extend the long arm of friendship, are the $1.8 billion in claims against the Cuban Government for nationalization of business and property owned by U.S. citizens; the fact that the United States still needs the Guantanamo Naval Base for strategic purposes; and the fact that if the trade embargo is lifted, the return to the U.S. sugar market to Cuba would mean reduced imports of sugar from friendly sugar-producing nations as well as U.S. sugar growers. In adition, the Cuban Government is reportedly holding anywhere from 20,000 to 50,000 political prisoners in its jails. We are cutting off relations with friendly Rhodesia because of the human rights issue in that country, but the administration seems less concerned with human rights violations in Cuba. The Cubans have not shown signs that they are willing to permit free emigration, and they have not indicated what their policy will be toward the freedom of travel for Cuban exiles who wish to return and visit their families.

Personally, I cannot yet see what the benefits to the United States will be in a one-sided normalization of relations with Cuba, and I am alarmed at the overtures that have been made toward that end. I ask my colleagues to share in my concern, and my desire that the Congress of the United States be made aware, officially, of what has happened, what is happening right now, and what is planned for the future in all areas of United States-Cuban diplomatic relations

JOINT STATEMENT OF RAY ROBERTS, JOHN PAUL HAMMERSCHMIDT AND HAMILTON FISH, JR., ON H.R. 5045

(Mr. ROBERTS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, I would like to call to the attention of my colleagues and the American people, by publishing the following joint statement made in reference to the bill, H.R. 5045, to be considered in the House tomorrow as it concerns the Veterans' Administration and veterans. Mr. HAMMERSCHMIDT, the ranking minority member of the Veterans' Affairs Committee and Mr. FISH of New York, join me in this statement.

JOINT STATEMENT OF RAY ROBERTS, JOHN PAUL HAMMERSCHMIDT, AND HAMILTON FISH, JR., ON H.R. 5045

H.R. 5045, a bill granting the President authority to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the government, will be debated by the House on Tuesday, March 29.

The bill, as reported, places certain limitations on the President in his submission of any reorganization plan. Among other things, a reorganization plan may not have the effect of creating a new executive department, abolishing or transferring an executive department or independent regulatory agency, or all the functions thereof, or consolidating two or more executive departments or two or more independent regulatory agencies, or all the functions thereof.

The reported bill would, however, allow the President, to abolish the Veterans' Administration, or consolidate it with another agency of the Government, or transfer some of its functions to another department or agency of the Government. This disturbs the veterans of our country and many Members of the Congress.

We feel the Veterans' Administration must continue to be maintained as a separate entity. This independent agency of the Government administers benefits programs totaling approximately $20 billion to millions of veterans and eligible dependents.

Over the years veterans organizations' spokesmen have continuously warned this body that the goal of many social welfare planners, in both Democratic and Republican Administrations, will always be to take over the Veterans' Administration programs, consolidating them with other Federal programs.

Recently, the Secretary of Health, Education and Welfare, Mr. Joseph Califano, announced plans to hold hearings throughout the country in order to receive public comment on his welfare reform plan. He announced that his reform plan would include veterans' compensation for service-connected disabled veterans and pension benefits for totally and permanently disabled nonservice-connected veterans. Secretary Califano suggested that veterans' compensation was a "social insurance benefit" and was contingent on prior employment. Of course, those familiar with the eligibility criteria for veterans' compensation know that the benefit has no bearing whatsoever on one's prior employment nor is the benefit contingent on how much is paid into an employment program as the Secretary suggests. Te veteran in receipt of compensation is being paid for loss of earning capacity as a result of a service-connected disability.

Due to Secretary Califano's recent announcement and attempts by previous ad-

ministrations to transfer various functions of veterans' benefits and services to other departments and agencies, we had planned to offer an amendment to H.R. 5045 on Tuesday during consideration of the bill by the House, wherein the Veterans' Administration would have been exempt from being included in any reorganization plan submitted by the President. All major veterans organizations have personally requested that we offer such amendments on behalf of their memberships totaling many millions of veterans throughout the Nation.

Because of assurances by the administration that the Veterans' Administration will continue to be maintained as a separate entity and that no effort will be made to dismantle it, we have decided not to seek to amend the bill on the floor. On Thursday, March 24, Mr. Bert Lance, Director of the Office of Management and Budget, during a conversation with the chairman of the Committee on Veterans' Affairs, assured the chairman that the Veterans' Administration would not be dismantled and would not be adversely affected by any Presidential reorganization plan.

We feel it was absolutely essential that the administration make a commitment on this issue, especially in view of Secretary Califano's recently-announced plan to include veterans' compensation and pension benefits as part of his welfare reform package.

Mr. Bert Lance has the confidence and trust of the President, and as one of the President's closest advisors, we feel he speaks for the President. Having received assurances from Mr. Lance that the Veterans' Administration shall continue as a separate entity with exclusive jurisdiction over all veterans' benefits and services programs, in our desire to cooperate and work with the administration, we have decided not to offer amendments to the bill, H.R. 5045, as we had previously intended.

SELECT COMMITTEE ON ASSASSINATIONS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker and fellow Members, on February 17, 1977, I left Washington in order to see if I could overcome a seizure of the flu with accompanying very high fever, and the interim period following prevented me from being present at the time that my letter of resignation, addressed to the leadership of the House, was presented to the House. In reading the RECORD, I find that there are a couple of very disturbing and troubling things.

No. 1, the leadership failed to make full, complete, honest, and direct recital of the facts as they led to that point at which I felt there was no alternative but to submit my resignation.

The course of action, chronologically speaking, that followed the House's action on September 17, 1976, in establishing the Select Committee on Assassinations clearly indicated, from the very beginning, that there were some things awry, not quite right. Nevertheless, I had to make a decision at that time, and that was whether under the circumstances under which the committee was formed at that time under intense pressure from the then Speaker Carl Albert and, in turn, communicated by the then chairman of the Committee on Rules, the Honorable Ray Madden, a hastily prepared resolution should be introduced built upon one that I had originally introduced on February 19, 1975, but very importantly changed around to where there was no recital, for example, of legislative predicate or intent. There was a very serious deficiency. As an accommodation, on the specific request of the chairman of the Committee on Rules and the communicated request through him by the Speaker, I then introduced that resolution the day before the Committee on Rules considered it and approved it. Though it has never happened in the annals and precedents of the House since March 4, 1789, where a lame duck is appointed chairman, though I was the prime author of the resolution—and I might, parenthetically speaking, say that I was the first Member of the House to introduce a resolution seeking to recognize congressional responsibility for reviewing and evaluating the impact of political assassination on the national level on our governmental and our democratic processess, more than from the standpoint of who done it, and that, surely, being the first, and being willing, after great thought, consideration, and study for a period of about a year and one-half, finally introduced that resolution, that no one should have any doubt about what my thinking, my feeling, my convictions have been.

It was about 2 months after I introduced the resolution in 1975, that that Representative Downing here on this floor asked to speak with me during the deliberations of the House. He told me that when I introduced my resolution, he thought that I was wrong; he thought it was some kind of a gimmick. However, since then, mostly because of a son of his who had been attending the University of Virginia and who had had occasion to view the so-called Zapruder film or a copy of it, he became convinced that the House had to do something about it. He had a copy of my resolution word for word that he intended to present to the House that day, but he was trying to see if I would join with him in deleting the assassinations of Martin Luther King and Robert Kennedy and the attempt on the life of Gov. George Wallace, all of which I had included in my original resolution. The reason for my including them I have expressed on repeated occasions in the past, and I will not burden the Members with that explanation now.

I told Mr. Downing that I had thought that resolution out for a year and a half, and that I could not in good conscience accept an abbreviation under these circumstances without some definite reason for doing so.

Mr. Downing said:

Well, all I can tell you is I cannot go along with anything like Martin Luther King, and especially the others. Besides, we would be lucky if we could just start with one.

He ended up introducing his resolution, and I maintained my position. The rest is history.

Finally, as I said, in the waning period of the 94th Congress the House in precipitous fashion decided to adopt by a very substantial vote the resolution known as House Resolution 1540.

Although it has never happened before, I repeat, the Speaker named Tom Downing as chairman, although by that time he had announced his retirement from Congress and would by any definition be considered a "lameduck," and the Speaker went to the pain and trouble of naming me specifically as vice chairman.

The thing about which I had to make up my mind was whether or not, with a sandbagging of that nature, it would be fitting for me to go on since it was obvious that very limited action could be taken between September 19 and January 2 of this year, since by the very nature of the circumstances the House would not be a continuing body and by the very consequent fact following from that action that all committees would expire, and particularly a select committee of the House, and whoever might be chairman in 1977, if at all, would be handcuffed by personnel hired by the "lameduck."

However, from the action surrounding the debate on the day the House debated that resolution, it was obvious that I was being jockeyed into the position of erupting and saying:

"I will not serve,"

And as one Member put it:

"Well, you know, you hotheaded Mexican, if you can't pitch, you won't play ball."

So I went ahead and accepted the naming as vice chairman and attended every single meeting of the committee that was called.

At the first informal meeting Chairman Downing asked immediately for unanimous consent that he be authorized to unilaterally hire necessary personnel because mail was coming in, there was no such thing as even a place for the committee to house its activities, and there were no secretaries to take letters and take care of the usual work. This authority was given to him under one condition, and that was that consultation would follow at the next subsequent meeting of the committee.

The Members will recall that by then the Presidential and national elections were on us, and almost every Member returned to his district immediately after October 3. However, on that date I had been called by Mr. Downing asking me if I would be good enough to meet with a man to whom he had given a commitment to act as chief counsel. In his words, this man was the fellow who was famous in the Yablonski case, and his name was Richard A. Sprague.

He then made an appointment to meet with Mr. Sprague for breakfast the next morning in the Longworth cafeteria, and my administrative assistant and I met with him. Mr. Sprague stated that he had been offered and he was accepting the job. I think he said it was a week before that that Mr. Downing had offered him the job as chief counsel, but then

his only condition was that he would do so on a nonpolitical basis, that he would have complete control of staff, including hiring and firing, and that he would not accept unless he were considered to be not only chief counsel but chief of staff as well.

I said that I had presented Mr. Downing at the first organizational meeting that I referred to before with a written memorandum in which I specifically made some suggestions as to what I thought would be the way to proceed, given the conditions under which the committee was formed. I had specifically stated that, in my opinion, the most important and most urgently needed thing was to have two persons, one, the chief counsel, and the other, the chief of staff, who would be conversant with the House, with its mores, with its customs, with its laws, with its rules, because I felt that the most important thing was to be certain that in the staffing of that committee we would not use undue haste which would result sooner or later in embarrassment to the House.

There was no cognizance of my recommendations taken by the chairman or by any member of the committee. I gave copies to every single one of the other members.

In my conversation with Mr. Sprague I said to him point blank: "Then you consider yourself hired out?"

He said, "Yes. The chairman has made a commitment. I have accepted it, and these conditions have been acceptable to the chairman."

However, he thought it would be an act of courtesy for me to be consulted as vice chairman.

I then asked him, "What, if anything, is the insistence, since you admit you have had no previous experience on the Hill, to not selecting somebody to take charge of whatever staff you pick up in order that that person will guide you because congressional procedures are a world unto themselves?"

His reply was, "My dealings have been with the chairman and the subcommittee, and given this initial period of time, we have to get started immediately, and there will not be any problem of that nature."

I then asked him, "Are you aware of the fact that if you hire, you must be extremely careful because if you take somebody away from a permanent job and you do not know what is going to happen in the next Congress, we might find ourselves making a commitment that we cannot honor?"

He seemed puzzled by that, and he asked me specifically, "What do you mean by that?"

I said, "You know that the House is not a continuing body. Unlike the other body, we have to come back; we have to get a resolution; we have to get reapproval, so I think that our main task right now, in just about 2½ months, is to try to justify what the House has already done and justify it in the sense that we want at least to be able to give a blueprint of what we hope the House will resume come next January."

He said, "I did not understand that too well. How can I make a commitment if I want to get a lawyer? I am working on two very prominent lawyers in New York. I do not know what I can do."

I said, "That is the reason I am bringing it up."

Mr. Speaker, that was more or less the essence of that meeting. The commitment had been made. I had no part in the formulation of criteria as to what kind of person it should have been, nor did the committee, as far as I know.

We did not have our first meeting until after the election, and that was on November 15, on a Monday. It was called for 1 day for the purpose of approving formally the employment of the chief counsel and to have a report from him with respect to what staffing he had done. It turned out that we met for 2 full days instead of one. We discussed everything but that.

By that time many people had been hired, but no one else was ever presented to the members of the committee. I made a request. It was never honored. I did not get any list of who had been hired or why or where they came from until about the time that the committee voted on February 2 to reconstitute the committee.

Anyway, Mr. Speaker, I am saying this only because in the meanwhile the year ended. We came back in January. In the meanwhile, there were no further communications.

When we had our final meeting on December 17, 1976, the main question was one that every Member read about.

That was the budget.

In the executive session I raised the question of a report because there was only one duty that was imposed upon us under House Resolution 1540, and that was that as soon as practicable to render a report to the 94th Congress.

When they gave us on that Friday meeting of December 17 a copy of what purported to be a report I protested because it was not only sophomoric, it was only junior high schoolery. It was the poorest excuse I have ever seen of a report to any legislative body that I know of and I have served on the city council, the State legislature, and now the Congress. But the big issue was the budgetary figure. The council said it would not be necessary to go back to the committee and ask unless it was done properly, $6.2 million. I said was this biennial? He said it was not biennial, this was an annual figure.

The only question asked was that I asked him. I said, "You mean bitennial?" He said, No, absolutely not, this is annual." I said, "In other words, you are talking about 13 million for the duration of this Congress?" He said, "Yes."

I said, "Well, Christmas is around the corner." That was the only comment I made.

We were about to pack up and leave when the chief counsel, in a manner that became a habit, as I discovered—and everybody was anxious to get away because it was about 5 p.m., or later and two of the members had left. The chairman was about to adjourn and the chief counsel said:

Oh, by the way, there is just one thing further. I have established a contact with a journalist or a man who works for the U.S. News & World Report, who is very close and a confidential friend of the Cuban Ambassador to the U.N. He has conveyed the word that the Cuban government has some documents or material that have to do with Lee Harvey Oswald. I just thought I would tell you, because I am about to pursue this, and a meeting is being arranged.

I could not believe my ears. I said by what authority is this? Who on this committee knows about this? Who has authorized this? Who is this mysterious figure at the U.S. News & World Report who has such intimate personal contact with the Cuban Ambassador? How will this impinger on the executive department or the State Department, or whatever it is? Does the executive branch of the Government know this? This is on a high policy level?

Congressman FAUNTROY tried to interject, very impatiently and he said—

Let's get going. Let's let him do what he has got to do.

I said—

Mr. Chairman, I think this is very important. I would at least want to know what all of the parameters are on this matter under which the chief counsel is going to act in our behalf at a time our government is trying to exercise some kind of reproachment with old bearded Fidel Castro.

Mr. Sprague became indignant and he dropped the subject at that time.

The chairman rapped the meeting to a close. I started to leave out the side way when Mr. Sprague followed me, which was the first time this had been done because before that meeting at any time we met we would meet and immediately thereafter he would come up and say to the chairman—

The press is outside, we had better go meet them.

This time as I say he came up to me and he said—

I want to have supper with you. I think you are rather upset about this.

I said—

No, I do not have time to eat supper with you. I want to take off for Texas in the morning. The only thing that is upsetting to me is what I said a while ago that we might be getting into trouble. I do not think the committee should be exposed needlessly and, in turn, the House of Representatives.

He said—

Well, why don't you come to—

And he mentioned someplace. I do not know where this restaurant is. I heard it was at Watergate. I do not know. I have never been in the Watergate. And I said—

No, I couldn't have supper.

That was the last that was said.

However, I have very secure information that this was followed through. That there have even been meetings at the U.N. And that we do not know the extent or just what these transactions will lead up to. And I know that no member of the committee did at that time.

This happened the same way on two or three other areas of investigatory activity.

I became exercised and sent written word through one of the aides that I

would not be able to sign the report, and I had refused during the meeting to go along with the suggested draft that the chief counsel and his staff had prepared of the resolution to be introduced in January.

When I returned to Texas, I had a long distance call from the chief counsel requesting that I, please, not file dissenting views, that I would be the only one of the committee who would, that this would create problems when the attempt would be made to reestablish the committee, and, above all, that even the budgetary discussion was something that he considered essential but that he recognized as sensitive. My reply was—

I cannot sign this report, and I will not.

Whether I called it a dissenting view or something else, I do not know; I am trying to be as good as I can on my memory. He said—

Look, why don't you wait until we send you the corrected draft? You will have this by Tuesday, the 22nd.

I never received anything until December 29, even though it was supposed to have been sent.

I had four subsequent long distance calls from the counsel expressing dismay that I had not received the report. The report was to be filed on December 31 by Chairman Downing. So I hastily drafted additional views, because he called me again and said, "Please, whatever you do, do not call in dissenting views."

Whether I did right or wrong, I went along and called in additional views.

In the meanwhile a reporter for the New York Times by the name of Burnham called me the very next day on the 30th of December and said:

I just returned from a trip to Virginia where I spent all morning long with Chairman Downing, and I have just finished a brief visit with Counsel Sprague. I know it is difficult to talk this way, but I have got to run this volume. I have this information that I dug up in Philadelphia on just a four-hour trip to Philadelphia.

Then he proceeded to tell me about some scandal and some adverse reports by the Crime Commission in Philadelphia, by the State attorney general, by the legal committees of the State bar in Philadelphia. I said—

Well, Mr. Burnham, you don't expect me to pass judgment on this?

He said—

No. All I wanted to know was did you at any time check Mr. Sprague's background?

I said—

Well, I personally did not, but in December after that meeting I did make a request of the Library of Congress to, please, give me a printout, or copies—whatever they could obtain from the Philadelphia newspaper files and records in order that I could understand this issue.

I said—

I think, however, it would be unreasonable for you to expect in this quick telephonic conversation me to give you a judgment.

He said—

"No; you are right. I do not expect that, but," he said, "you know, why don't you run a check?"

I said—

I did not hire him, and all I know is that since you don't have anything relative to him since the Yablonski proceedings—he seems to have gotten all kinds of notoriety on that—I do not know. You have started digging back 15 years, 13 years, 12 years.

I said—

Mr. Burnham, I cannot resist the temptation to say you are trying to do a hatchet job.

He said—

Well, I will see you about this later.

Fine. He finally printed his story the first week in January. Mr. Sprague got hold of it. He said—

This is a hatchet job. Let me give you the facts.

This is telephonic, not a personal visit. On the strength of what he said, plus one thing he closed with—

Remember that I would never have been appointed Special Assistant to the Attorney General of the United States if I had not had some clearance from the Justice Department and the FBI.

It seemed to me to be a telling point, plus the other things he explained, about the incidents concerning this woman's husband he was running around with, that he had two office investigators when he was assistant district attorney in Philadelphia, to shadow and finally prosecute him.

The newspapers in Philadelphia apparently had been full of that but none of us had any idea that it existed until Burnham's articles. I found out, when the Library of Congress finally gave me fragmentary information on or about January 25, everything Mr. Sprague had told me in explanation was either deliberately distorted or essentials left out. I discovered that there had been no FBI clearance, that in that type of designation there hardly ever is.

For the first time—and this, remember, was on the eve and I am sure it was by the time the Rules Committee had been deliberating on this stuff and it was a surprise when we appeared before the Rules Committee. It was Representative DEL CLAWSON who was kind enough to inform me by way of a question that the Chief Counsel had hired 23 people on January 1. I did not know it and no other member of the committee did because no other member of the committee even had the list of the staff.

Well, we went on ahead and on Monday preceding the Tuesday meeting of the Rules Committee I received a note from the Speaker at 1 p.m. asking me to attend a meeting at 5 p.m. I went. I had no idea what the meeting was all about. I had the impression it was a call for me, nobody else. No explanations were given.

When I got there I discovered that the great Rajah of the Rules Committee, the Honorable DICK BOLLING, the gentleman from Missouri was there, with the Delegate from the District of Columbia, WALTER FAUNTROY, the Wazir of Washington, and the gentleman from Washington, TOM FOLEY, the chairman of the Democratic Caucus, and the majority whip, the gentleman from Indiana (Mr. BRADEMAS), and some of his aides and an array of Speaker's aides in the room.

After a delay, the Speaker was busy, and we waited about 15 minutes, we went in. The minute we sat down the Speaker turned to me and said: "HENRY, what about it?" At that point the gentleman from North Carolina, RICHARDSON PREYER, said:

Mr. Speaker, we thought we would have a meeting to find out how the leadership is going to back us on this resolution.

He said:

HENRY GONZALEZ and Walter and I had a meeting.

I said:

Hey, wait. What meeting? I never had a meeting with you.

The gentleman from Missouri (Mr. BOLLING) interjected and said:

Wait. If you want to blame anybody, it is my fault. I guess I am the cause for this meeting.

He said, speaking and addressing himself to the Speaker:

You know that I always resisted this kind of resolution but last year when the Black Caucus and the others came in and said they had some evidence on the Martin Luther King, and which I consider they have had, I decided I would do what I could. And since then the longest time and best friend I had since I came to Washington 25 years ago, Joe Rauh, the attorney has called me and has asked that I do everything I can to defend and protect and keep Richard A. Sprague, the best prosecutor in the country. Now, I am not a lawyer but that is what he tells me and if Joe Rauh says it, that is it.

Now I will tell you something. The only way you are going to get anything out of this House is if you get a resolution and you have a clause in here saying it will not be extended beyond March 31 and you limit it to the funding in House Resolution 11, which is $84,333 per month.

Now, meanwhile great utterances were being made to the press by the leadership. The Speaker said:

We are naming HENRY GONZALEZ. He is going to set the policy, not Sprague.

Mr. THOMPSON. Mr. Speaker, will the gentleman yield to me?

Mr. GONZALEZ. Not at this time. I do not have that much time. The gentleman has had over a month and a half or 2 months.

Mr. THOMPSON. I will seek my own time.

Mr. GONZALEZ. Mr. Speaker, on January 25 in the New York Times the right honorable majority leader, the gentleman from Texas (Mr. WRIGHT), stated:

Representative HENRY B. GONZALEZ, the Texas Democrat, in line to be the committee chairman, would have to get the reins in his hands, curb what he called "the voracious appetites" of some of the staff and guarantee that the investigating tactics and techniques of the committee would not impinge on basic human rights.

This is the kind of stuff that was coming out all over referring to me, referring to what was expected.

The Committee on Rules, two members of the select committee being on the Committee on Rules, went to great pains.

They did not cross-examine the other members. I was left alone and unaided. There was not one speech made in the RECORD from January 4 until February 2 by any member of the select committee supporting the reestablishment of the committee. When we appeared before the Committee on Rules, one would have thought I was the only one. I was cross-examined. I was grilled. The Congresswoman, the gentlewoman from New York (Mrs. CHISHOLM), had a list: "Are you going to do this? Are you going to do that? Are you going to keep this to the limits? Are you going to curb this chief counsel?"

I had the Congressman, the gentleman from Connecticut (Mr. DODD), a member of the select committee, with a three-page demand sheet. Yet when I tried to do it as soon as I did have the authority, which was February 2, there was complete, thunderous silence from the right honorable gentleman from Connecticut, Mr. CHRISTOPHER DODD; not a word, not a word.

When I pointed out that the committee was over-spending, as it has by now, in the range of exceeding $100,000 over what the House mandated was the limit, not a word.

The Speaker, the gentleman from Texas (Mr. WRIGHT), the gentleman from Connecticut (Mr. DODD), the gentlewoman from New York (Mrs. CHISHOLM), nobody. The gentleman from Illinois (Mr. ANDERSON), that great apostle of frugality in Government from that side, of course, not a word, never.

Well, I go along. I take it seriously. I made pledges. I put it on the line. It was not until February 2 that I had any kind of a grant of authority, even though one would have thought for a month that I had been chairman all along.

The first thing I am presented with is the salary vouchers, good old salary vouchers; yes, sir. They just wanted me to sign them in blank.

I said, "No; bring me a list."

I said—

By the way, on February 2 at about 7 p.m. the House voted the resolution. At about 7:10 the Speaker named the list and the chairman. At 7:15 I was trying to get hold of the chief counsel: nowhere to be obtained.

The next day I tried to have a meeting of the committee informally to tell them—

Look, it's worse than I thought. What are we going to do about it?

I could not even get two members, including the Delegate from the District of Columbia.

I tried to meet on Friday—worse.

In the meanwhile, where is the chief counsel?

Finally, on Saturday morning one of his aides said—

He is in Acapulco. He has gone away while you guys are sweating your tails off all week. He is down in Mexico taking the Mexican sun. He is not worried about it. He knows the committee has got you.

I left word that I would like to hear from him the moment he returned.

In the meantime, I arranged to meet the members informally for a very pre-organizational discussion on Monday at 3 p.m. At about 10 a.m. Monday morning, I had a phone call from the chief counsel. He said—

I understand you want to see me.

I said—

Well, I did.

Well, I understand you are having a meeting with the committee at 3 o'clock. I guess you wanted me there.

I said—

No. We are not going to discuss situations that have anything to do with an input from you.

We are going to discuss strictly policy matters that only the members of the committee should and can properly and responsibly decide.

He said—

Well, I heard from the other members that you are having this meeting. I think I ought to be there.

I said—

No, I think the members should have gone to the trouble of explaining to you why this meeting is being called. It is not a formal meeting; members don't have to come. I can't, under the rules, call a formal meeting. I am sending you notice of a formal meeting for Wednesday, the 16th, but that will be in writing and in compliance with the rules.

Meanwhile, we have a real problem. In the interim, here comes $9,900 plus worth of expense vouchers for the month of December. The biggest item on that was long distance telephone calls from the chief counsel. In looking over the numbers, I picked one number and called Philadelphia. It was his law office. Another number—well, it should be on the record.

Now, who is paying for that? I demanded to know where the funds were coming from to pay $9,900 plus of expenses—not salaries—expenses for December, the 94th Congress. Nobody gave a tinker's damn, but I refused to put my signature on that because, under the rules of precedence and the law, both stare decisis law as well as legislative law, I could be personally responsible for that kind of action. Whether anybody agrees with that or not, I know the law, and I refused.

I demanded that Mr. Sprague give me a breakdown of each one of those expense vouchers, reciting the purposes for which they had been expended and where he thought the money was going to come from. I never got it. So, at that meeting on Monday, the first one, informal, we met in the Rayburn Building, in room 2222. All but two members showed up.

For the first time, I gave them the list which I had obtained when the vouchers for the salaries had been presented, and had been done so reluctantly by an assistant who said—

Mr. GONZALEZ, I don't know if I should do this. Mr. Sprague has given us strict orders never to give a Member of Congress any information as to staff.

I said—

Well, it is too late; I got it.

So, I made copies, and then I tried to find out who owned the 73 people on the staff. I found that Mr. Downing had unloaded a total of about nine of his congressional district office staffers on the committee, most of them hired December 31 and on January 1. One had been a temporary employee at $16,000 per year. He is on the payroll at $30,000 right now. He hired one staffer as a public relations assistant at $36,000, surnamed Chardak.

I do not know, maybe I just did not have enough exposure in 1 month as being the chairman, but I never knew that staffers had $36,000 per year public relations assistants. He is still on the payroll, incidentally.

That Monday afternoon, I gave the committee this, and I said—

Look, gentlemen, if we come under the terms of $84,333, we are already exceeding our budget, just on expenses alone, of near $10,000, not counting salaries.

Mr. PREYER said—

Well, we don't want to get into this right now. We don't have time. What do you want to do? Do you want to fire people?

I said—

No, not now, but if you have to cut it is not human, since we have to have everything in the House Administration Committee offices by the 18th—and this was the 8th—it is not fair to give a person that had no fault in being hired as an excess secretary less than 1 week's notice. What I am saying is, we have got to meet right now. We have got to see what the facts are, and then call the chief counsel and ask the questions we should.

They said, "No," and immediately adjourned. They would not discuss it. They refused. They took off.

I went back to my office. No sooner did I get to my office when I had a call from Richard A. Sprague saying—

Henry, listen, let's get together. Why don't you and I meet? We can work this out.

I said—

Mr. Sprague——

He said—

It is Dick.

I said—

No, it is Mr. Sprague. I will meet you at 10 o'clock here in my office.

He said—

Fine.

On Tuesday, at 10 o'clock, he came to my office with one assistant. I asked my administrative assistant to come in.

He sat down, and he said—

I understand you have been trying to get hold of me, and I don't know why my staff could not have told you where I was.

I said—

I do not, either. That is neither here nor there.

He said—

This meeting this afternoon at 4 o'clock p.m.

The committee, when it broke up on Monday, said—

Let's meet tomorrow at 4 o'clock and ask Mr. PREYER to be there.

Mr. PREYER said there was no point in meeting unless the chief counsel was there. I said, "Fine."

At that point, he said—

I wonder if I could talk to you alone.

I said, "Fine."

The two staffers left.

He said—

Since you are from Texas and you are accustomed to blunt talk, I think we ought to be blunt.

I said—

Yes, I have been crying for it.

He said—

Well, you know, there is no reason why we can't get together. I don't know what the committee wants this afternoon. You already have that list of employees, and that needs explanation because we can't afford to cut anything.

I said—

Look, Mr. Sprague, that is something else. I think you ought to know that since about January 25 I don't have any trust, any confidence, any respect for you. If I had known in September one-tenth of what I know now, I would have vociferously objected to your employment and would have been a daily critic every day you lasted on that payroll.

He said—

Well, at what time is that meeting?

I said—

Four o'clock p.m.

And he stormed out of the room. They immediately proceeded to have what was supposed to have been a secret meeting in Delegate FAUNTROY's office, at which attendance was Representative PREYER, Representative SAM DEVINE, Mr. FAUNTROY, and the chief counsel.

When we met at 4 o'clock p.m., the first action requested by Representative DEVINE was to offer a motion that the committee decide then and there to keep the chief counsel until definitive action was taken before or by March 31. He was prevailed upon to withdraw that motion until we could at least go into the reason for the meeting.

I then brought up the question of discussing proposed rules to govern the committee and the proposed staff, because none had been adopted.

Mr. PREYER said that was not what he wanted to know, that he understood that the chief counsel had a presentation to make and he wanted to hear it right then and there.

The chief counsel then spoke. He came in with his usual assemblage of about six different people, a couple of his lawyers and three or four staffers, and he said—

I want this committee to know that under no circumstances will I ever accept one single reduction in the staff of this committee. I will not recommend it. I will not accept it. It will be a mistake. I have a plan that I can present right now for a substitute budget that we can work up in a week's time, and by March 15 this committee can present it to the Committee on Rules and come back and have the funding that we think we will need to do a serious job.

I interjected and said—

This is a policy matter. You are not here to discuss policy matters. This meeting was called specifically as an informal meeting. I called it. The members were good enough to come to it. Now you have got to listen to the reason. The reason is that we have got to do first things first, and the first things are that we are not complying with the mnadate of House Resolution 222 and we are not complying with the Rules of the House that say that professional staffers cannot have any other type of employment other than their jobs as professional staffers. These are things we cannot escape as Members of the House. These are policy matters.

Congressman FAUNTROY interjected and said—

Well, if that is the case, I don't see any reason for pursuing it at this meeting. We are here to discuss the chief counsel's proposal which I agree we ought to go through with.

That more or less broke up the meeting.

I came back to the office, and within 5 minutes I received another telephone call from the chief counsel, Mr. Sprague, again saying—

Look, we can patch up things. We can still work together.

I said—

It is a lot more fundamental than that. I think I explained myself as clearly and as bluntly as I know how to talk this morning at 10 a.m., and there is no use going over it.

The next morning at 9 a.m. he convened a rally of all the staffers in which he vituperated against me. One of the staffers had been working off and on as a part-time typist on work that had to be produced out of my office. I did not have any particular personal acquaintance with her; my administrative assistant did. She was a very capable woman. Obviously Sprague thought so because he made her office manager. I did not even know that she had been hired until late November. As a matter of fact, she was one of those employees that Chairman Downing's office made a commitment to simultaneously at the time he was making his commitment to the chief counsel, but she was not hired until the latter part of November.

Mr. Sprague took all morning, from 9 until about 11:30, conducting the meeting, and most of the time he spent in denouncing me.

He had had the habit of calling these meetings and having the stenographers take down the proceedings. In the course of this meeting he made utterances that this woman, interpreted as having some implication of an implied threat toward me personally. I did not know that she called my administrative assistant. She talked to her that afternoon and the next day, which would have made it Wednesday and Thursday morning.

On Thursday morning I directed certain requests to Mr. Sprague: First, additional listing of the staff, including their previous experience; second, justification for and definition of their job chores; and, third, what was the plan of operation, if any, in the investigative work.

Believe it or not, no fundamental plan of any consequence has ever been broached, other than something quite ephemeral. For instance, they were talking about the testimony of an ex-FBI agent who lives over the Canadian border, and he was going to be a big secret witness. That witness, of course, had already appeared before the Church committee and the committee of the House, and so his testimony was actually repetitious. So at that time that was their big plan of operation. It always seemed to shift, and that had disturbed me.

Mr. Sprague sent word that he not only would not comply but he did not have to. He called another meeting of the staff. This time he gave specific mandates that under no circumstances would any member of that staff communicate with any Member of the Congress unless it was cleared by him. He indulged in more vituperations, and he was joined in that by one of his deputy counsel, Mr. Tannenbaum, who got up and made a speech ridiculing my position.

In view of that, I decided that under those circumstances and conditions and considering the absolute refusal of any of the members of the committee in any number to even be willing to consider a discussion of that issue, I had only one clear choice: Fire Sprague.

In my hometown paper the day before yesterday there was a big story attributed to the majority leader, the gentleman from Texas (Mr. WRIGHT), based upon a speech he made to the managing editors of the Associated Press in Dallas, in which he said:

All of this was a comedy of errors. He did not have authority to fire the chief counsel. He thought he did.

However, Mr. Speaker, he leaves out a very important element. He is the one I talked to. He is the only one I could reach on February 11.

On the day that I sent the letter to Sprague, Thursday, the 10th of February, I tried in every way I knew to communicate with the Speaker and with the majority leader. The leader's office said he was on his way to Atlanta to make a speech.

The Speaker's office for congressional matters said they thought he was on his way to the Speaker's office. The Speaker's office said they thought he was at the congressional office.

I had to go to the airport and return to Texas. From the airport I again attempted to reach him by telephone. A letter had been sent to Sprague, and not only to the leadership, but to every member of the committee.

When I got to Texas, the press was there in great numbers and pointed to a letter which, that very same day, had obviously been drafted by the D.C. Delegate, apparently signed by the other members of the committee, though, by their own admission, many of them were not even in town, which letter had been dictated by Sprague and which the delegate dutifully took down, communicating to him the fact that I had no authority, that they had the authority; and we can go into that if we want to some time later. Perhaps ultimately we might have to do it from a really juridical sense, but nobody in his right mind thinks I am going to make it any kind of issue here, unless we could have a change of venue. We have the "yes" drawer and the "no" drawer; and Mr. Speaker, the Members know that in a contest of this kind I am not going to get the precedents that would back up the chairman under the circumstances.

Mr. Speaker, nobody at any time has denied, rebutted, or documented that the allegations I have raised specifically are not so, in deed and in fact. I made spe-

cific allegations in the letters I communicated to the leadership and in the letter I communicated to Mr. Sprague respecting violation of the rules of the House and exceeding the lawful mandate of the House Resolution known as House Resolution 222.

Mr. Speaker, nobody denies that. Nobody is saying, "You are wrong." They are all saying, "Why did you dare take that action?"

Mr. Speaker, there is one other element. As of the day before yesterday, nobody had said anything like this. On the contrary, on February 11, the day after, in Texas, from 9 a.m. until 9 p.m. I sat at the phone. I did everything I could to get hold of the Speaker. I called him here. I tried to get his aides at home. I finally got his aide in the office in Boston. He said:

He is attending the swearing in of his son at the Bar Association. He is supposed to contact me. Let me have the number, and he will get to you.

I tried to track the majority leader. Finally I got his A.A. in Fort Worth. He said:

We are expecting him at the airport. I will see to it that he will call you.

At 1:33 p.m. Texas time, which was 2:33 p.m. Washington time, he did indeed call.

I said—

I know you are on your way to Atlanta.

He said—

Yes, Henry; I spoke there last night. I am late. What has happened?

I said—

Did you get my letter in your office?

I said—

I know about it.

I said—

I wanted to do this yesterday, at least before I sent that letter to Sprague.

I said—

Well, fellow, we are with you. You are right.

I do not know how anybody would interpret that. I felt that was support.

I said—

What about the Speaker, Jim? I cannot get him.

I said—

Don't worry. I am supposed to talk to him. I will convey the message?

Well, like a boob. I sat there until 9 p.m. Nobody ever called. I came back the next week for the first organizational meeting on February 17, on Wednesday—no. I beg your pardon, February 16, Wednesday, we had the meeting. It ended up with the gentleman from North Carolina (Mr. PREYER) interjecting and offering a motion to adjourn before we could discuss any fact having to do with the prime issue of: What are we going to do about exceeding our authority?

It disrupted.

I then stayed there and went into the specifics, so I had no specific place in the record for that date, and you can find it if you look up the February 16 record.

On February 17 the Mexican President was to be here. I was asked to be part of the escort committee. At that point I began to develop a high temperature and fever.

At no time was I given an opportunity to discuss anything.

I tried to get hold of the leadership but I realized also it was not the proper time.

At about 3:30 I knew I had to return to Texas for the plain and simple reason that my own physician is my own brother and I wanted him to do what he could. At no time did I think that I would not take care of the flu by Sunday. I had not had the flu in 23 years. I had not even had a cold in 10. But it turned out to be a virulent type with 104-degree temperatures for about 3 or 4 days and 101-degree temperature for about a day and a half. So it was impossible for me to return on Monday.

Even as I was leaving from the airport the majority leader said:

Can you come over for a meeting with the Speaker?

I said—

No, I am going to Texas.

He said—

Well, maybe we can set it up for Monday.

When I got up on Monday I knew I could not do it. So I had to call back through my assistants and advise through my assistants that I would not be back on Monday.

Now the leadership keeps repeating about how they tried to get hold of me.

I was not able to get hold of the Speaker and I did get hold of JIM WRIGHT, who certainly never gave me to understand I did not have authority and that they were with me, fellow.

All right, I waited. And I decided that nothing was being said publicly like what was being told me privately.

In the middle of the following week my administrative assistant called me and said the majority leader had asked for a meeting and would she be present. She went to the meeting and she reported to me. I hope that the majority leader someday will tell the House exactly what happened at that meeting, and the course of action that the chief counsel took with respect to him. And I will offer at a subsequent time the written documentation that followed, the specific instructions which the majority leader gave to Mr. Sprague. But there are also other items, and his defense of that and his openly defying the majority leader. He said you do not have any authority. I do not even have to do it if I do not want to.

He did not show up until after an hour.

But, in the meantime, my AA said well, you know, the majority leader is trying to work out a deal, a compromise because the Speaker had asked him to please intervene in this matter.

The compromise would be that Mr. Sprague would be retained as the chief counsel and that somebody else would be appointed as chief of staff that would be acceptable to you.

I said to her there is only one thing, I said, for how long have you worked with me? And she said, you know how long, ever since the Senate vote in 1959. I said—

That is how many years?

She said—

Well, you know it is 18 years.

I said—

Okay, then I do not have to tell you anything. You know how I am built. You know my reactions. You know by the time I would reach the point of writing such a letter of that kind that it is irrevocable.

There was only the clear view of the fact that it was obvious that in the intervening 2-week period from February 19 to February 28, I did not even get a get-well card. Instead there were compromises of this, that, and the other. However, within 5 minutes of my letter of resignation having been presented to the Speaker and the majority leader, the Speaker was on the telephone to my wife at my residence saying:

Tell Henry not to resign.

The majority leader was in contact with my administrative assistant saying:

Tell Henry to hold up. Don't release anything.

I said to tell them that I am not going to stay quiet while they finish the coffin around me. They could not get hold of me for 2 weeks, but within 5 minutes of my letter of resignation they had my house phone and they had my wife on the other end of the line.

My time is about up. I will continue at some future time. I feel the House has the issue. I am not here to try to continue any further association with this endeavor. At this time the Committee on Rules is being presented with a request to reconstitute the committee with a budgetary figure of $2,760,000. Mr. Sprague told his staff continuously since January—

None of you quit. We will take a 35-percent reduction now, but you are going to get all of that back and more.

I think I have been treated shabbily. I conclude dolefully and sadly that had my last name been Jones or O'Brien, Rosenthal, George Washington Carver, or Martin Luther King, I would not have been treated this shabbily.

Mr. Speaker, I yield back the remainder of my time.

I am attaching some articles which appeared in the San Antonio newspapers recently in further reference to this subject:

[From the San Antonio (Tex.) Express-News, Mar. 6, 1977]

GONZALEZ TELLS ALL: "PLOT DOOMED JFK PROBE"

(By Paul Thompson)

U.S. Rep. Henry B. Gonzalez says the assassination of President John F. Kennedy will never be investigated in a meaningful way "because vast and powerful forces including the country's most sophisticated criminal element won't stand for it."

After two weeks of silence at his home here, Gonzalez came out swinging Saturday.

"This criminal element," he told the Express-News, "is all-pervasive, loaded with nothing but money and in many ways more potent than the government itself."

He named other anti-probe forces as "the Kennedy family and heavy business interests

in Dallas-Ft. Worth who don't want all the old JFK muck raked up."

The fiery, 60-year-old congressman called the House Select Committee on Assassinations, which he quit last Wednesday, "a put-up job and a hideous farce that was never intended to work."

"RATTLESNAKE"

He reiterated that the committee's chief counsel Richard Sprague was "a rattlesnake and unconscionable scoundrel," and to that he added: "Sprague tried to spend committee money on LD phone calls to his Philadelphia law firm and to the home of his girlfriend there. And get this. He actually took a little Acapulco vacation for himself while on the committee payroll."

As committee chairman, Gonzalez said he was expected to allow Sprague to "hire people, run up huge expenditures, spend money on himself or whoever, get out of town when it suited him—all with no accountability to me or any other congressman."

He predicted the committee will forget about JFK now and go into "a weak one-legged investigation of the Martin Luther King assassination as a sop to blacks."

Holed up in his North Side home with the flu, totally inaccesible to the news media for two weeks, Gonzalez, Saturday decided to tell his side of the story which he said "never has been honestly sought after, much less revealed."

Essentially the congressman pictured himself as a man selected to preside over a panel that was never intended to accomplish much of anything and was "conniving with an unbalanced egomaniac like Sprague while headed nowhere."

"CLOWN"

He indicated continuance in that role would have turned him into "some kind of cheap clown just as unprincipled as Sprague."

He said the whole mishmash in the end grew so weird it was almost impossible to believe.

"There's something very strange going on in this country—strange and frightening," said Gonzalez.

In an attack on the national news media, he said: "From the major TV networks to the Washington Post and Washington Star, they're out to do a hatchet job on me. Apparently it's because I refuse to be a patsy, a fall guy to save face for The System and The Club off which they feed."

As an example, he pointed to a Washington Star article of last Thursday by female columnist Lynn Rosellini.

DEMENT

"This woman not only vilified me and held me up to scorn, but in assesing my repute in San Antonio she quoted, of all people, mysterious Jim Dement, the well-known errand boy for Oscar Wyatt, Morris Jaffe and all those developers who want to build over the aquifer," Gonzalez said.

"That's how the media system works. Someone put columnist Rosellini in touch with Dement who then was quoted in her column: 'Henry Gonzalez can scream louder and get in more controversy than anyone you've ever seen.'

"See how it goes? Dement was a known enemy of mine. He never wanted to sue robber baron Oscar Wyatt. When the city did sue, Dement was among those ready to take the first Coastal States offer at ruinous expense to taxpayers.

"The same Dement detested me for my comments against Oscar Wyatt and the San Antonio gas ripoff. He was even more incensed at my congressional amendment protecting the city's pure water aquifer from greedy developers.

"So who is the ONLY San Antonio businessman quoted in the Washington Star article as representative of local opinion about me? Jim Dement, that's who. Is it any wonder I'm leery of the national media?"

"MERE LACKEY"

Gonzalez assessed Dement, now running for the City Council in District 9, as "a mere lackey and windup walking doll for the Fat Cats who's trying to tell home and business owners he's out to help them."

On the TV networks, the congressman said:

"I've been avoiding their local reporters because the biggies in Washington seem to want only bad material on me. Take Doug Ramsey of Channel 12 here. He's their news director not even supposed to do legwork. But when I got off the plane at International Airport after firing Sprague, here comes Ramsey, mike in hand, very hostile, asking questions like, 'Did you have the right to fire Sprague?' 'When are you going to quit yourself?' And so on. I thought I might have to punch this man to get away from him."

Congressman Gonzalez enjoys huge popularity in South Texas as a lawmaker who works seven days a week, takes good care of his district, fights openly and aggressively for its interests.

He's not money or luxury oriented, lives in Spartan fashion and has a record of spotless personal integrity that not even his worst enemies dispute.

PUNCHING

It was vintage Gonzalez to come out punching when he saw the House Select Committee on Assassinations as a sham and his own position in the chairman's seat as a booby trap.

"When the committee was first set up last year, lame duck Congressman Tom Downing was named chairman, with me as vice chairman, even though I had introduced the enabling bill," says Gonzalez.

"Never before in congressional history had a lame duck been put in charge of a key committee like that. Then-House Speaker Carl Albert did it, and I should have quit right then.

"I stayed on, however, because I didn't want to give them the chance to say, 'That damn Mexican won't play ball if he can't pitch.' "

It was Chairman Downing who hired former Philadelphia prosecutor Sprague as the committee's chief counsel and staff director.

"Sprague straightway put 73 people on the payroll at a cost of $123,000 a month. He himself moved into the opulent Watergate Apartment while talking of a $13.2 million committee budget for two years," Gonzalez went on.

ALIENATED

"The whole House leadership was instantly alienated by this arrogant self-serving power broker. I can recall some of them making like a stuck steam whistle yelling against him."

The assassinations committee funding was suspended at the end of 1976, but House Resolution 222 revived it on Feb. 2 of this year, with a total authorized budget of $84,333 a month.

Meantime Congressman Downing went back into private life and Henry B. Gonzalez took over as committee chairman.

"Right away my trouble began. I couldn't get the committee together on Thursday, Feb. 3. Two days later, when I tried to talk with Sprague, his chief aide said, 'He's in Acapulco taking a rest,' " says Gonzalez.

"I exploded, 'We're working our butts off and this S.O.B. goes on vacation without a by-your-leave from anybody.'

"And that's about the way it went from there on in!"

When the committee finally did meet on Feb. 7, a bloc of four black congressmen, led by Rep. Walter Fauntroy of Washington, D.C., quickly made it clear that they were totally under the influence of Chief Counsel Sprague, according to Gonzalez.

BOLSTERED

He said this bloc was bolstered by Rep. Richardson Preyer of North Carolina and by Republican Rep. Sam Devine of Ohio.

"To show you how the committee was programmed to self-destruct, Devine was put on it even though he had voted twice in Congress against creation of the committee," Gonzalez said.

"So what I had at the outset was an effective bloc of six against me, with the remaining five members a bunch of wafflers or 'showboats' as such pusillinamous nothing balls are called in the House."

Chief counsel Sprague finally got back from Acapulco Feb. 8 and met with Gonzalez in the congressman's office for the first time.

From Gonzalez' account, here is what happened then:

He told Sprague that as a congressional employee at $39,000 a year he (Sprague) must quit practicing law on the side, quit teaching for pay, quit other lucrative sidelines and quit taking unauthorized vacations.

REJECTED

Sprague rejected all four directives.

Next Gonzalez told the chief counsel that there was a January committee budget overrun of $10,000 which was against policy and against the law.

He also told Sprague that (quote) "your unilateral rupturing of what you know to be right action causes me to regard you as a complete phony, and frankly, I wouldn't trust you as far as I can throw an elephant."

Sprague replied by stomping out of the congressman's office.

That afternoon Sprague appeared before the assassinations committee and told the assembled congressmen that he and his 73 employes had already agreed to accept salary cuts of 35 per cent—from $123,000 to $84,333 a month—and that he "would try" to reduce the budget overrun from $10,000 to $4,500 a month.

Since the law's the law, Chairman Gonzalez wouldn't go along on that one.

But on motion of Rep. Devine, the committee voted to keep Sprague as chief counsel and staff director with free rein, financially and otherwise, until March 31 when its funding expires.

PEP RALLIES

On Wednesday and Thursday, Feb. 9 and 10, Sprague convened his full staff for what Gonzalez terms "pep rallies" at which he informed them:

Despite Committee Chairman Gonzalez, all 73 staff members would keep their jobs.

He (Sprague) had connections on both sides of the House and in its upper echelons that gave him absolute control over committee doings.

Gonzalez was a "mean, vicious highhanded bully" who overrated himself, who needed to be brought down to size, and (quote) "I've seen bigger men than him go down and out."

Edith Baish, former fill-in typist for Congressman Gonzalez now on the Assassinations Committee staff, reported all of this to HBG after the second staff session, with the warning, "Sprague sounds bloodthirsty, maybe a little off his tree, and if I were you, congressman, I'd watch myself!"

Gonzalez immediately sent a note to Sprague demanding a list of the 73 committee employes, where they came from and what their present functions were.

FIRED HIM

When Sprague demurred saying, "I don't have to give you any of that," and instead presented for Gonzalez' signature pay vouchers for $9,900, the congressman hauled off and fired him.

"Biggest item in the $9,900 pay vouchers

were telephone calls by Sprague to his law office in Philly and the girl he kicks around with there," Gonzalez sizzled.

"I'd heard about deadbeats like Sprague before but this guy is the all-time champ.

"To give you one small sample, he has on the committee payroll, at $30,000 a year, someone by the name of Gaeton Fonzi who's never so much as been in Washington. He is supposed to have underworld connections, this Fonzi, and he's in Miami. What he does down there, nobody knows and Sprague won't tell. He's probably hanging around some slop chute.

"Now how could I live with a sham like that, among all the other outrages Sprague was pulling?"

Thirty minutes before firing the counsel Feb. 10, Gonzalez notified House Speaker Tip O'Neill and Majority Leader Jim Wright of what was going down. He also messaged the other 11 committee members.

HISTORY

What happened after that is history: the assassinations committee voted unanimously to keep Sprague on.

"Before quitting myself, I applied to my old friends Tip O'Neill and Jim Wright for support," said Gonzalez.

His voice toned of deep sadness as he added: "It was an exercise in futility. The fix was in."

He said he returned to San Antonio that weekend and burned up his home telephone attempting to reach O'Neill and Wright.

"I tried O'Neill first, and it was really comic the runaround I got. His aides simply didn't know where Tip was. One of them suggested calling his Boston office, which I did. Another aide, Leo Diehl, pledged to move heaven and earth to find Tip and have him call me.

"Time bled away. Nothing. It was two whole days of nothing, in fact," Gonzalez said.

"Meanwhile I had a call in for Jim Wright, and after a long delay he did respond, assuring me he was '100 per cent behind you, Henry, you know that,' and also lending assurance that he'd locate Tip O'Neill somehow and have him contact me.

UPSHOT

"Well, the upshot of the whole crazy folderol was that O'Neill never did call me, and as for Wright, he didn't bother to call back—not even to explain how come he didn't locate Tip O'Neill."

Suffering from the flu that weekend and since, Gonzalez said he stayed home in bed "aware at last that the House leadership never had intended for the JFK investigation to fly, and indeed had prefabricated the whole thing for the skids."

The congressman said what totally mystifies him is this:

"Why all the mock indignation in Congress and the news media now? What was I expected to do? Did anyone seriously think I would sit there heading that committee while a rattlesnake like Sprague ran amuck, breaking the rules and the law and treating me like dirt?"

He said a far shrewder guess would be that "powerful forces including criminal elements" had deliberately put Sprague and himself into the committee picture and on automatic collision course.

"They never did want the Kennedy assassination conspiracy unmasked. They knew I was an honest, direct man who wouldn't hold still for a transparent phony like Sprague. K-E-R wham! They were so right! The JFK investigation is over!"

OUT OF IT

As for Congressman Gonzalez, he considers himself well out of a bad mess and says he'll go back to Washington soon, represent his constituents diligently as ever and look everyone straight in the eye same as ever.

"And you can quote me on one thing more, if you don't mind. Just say the prognosis for Henry B. is superb!"

[From the San Antonio (Tex.) Light, Mar. 9, 1977]

"DOUBLE AGENT" ENTERS PICTURE

(By Tom McGowan)

Richard Sprague, chief counsel for the House Select Committee on Assassinations, has met with a shadowy double-agent with high connections with the Cuban government, Rep. Henry B. Gonzalez charged Tuesday.

Gonzalez, in a bitter attack against Sprague, said the committee chief counsel made contact with the Cuban delegate to the United Nations, without the knowledge or consent of the committee leadership.

"Sprague has, through his ego-maniacal naivete, exposed the committee, the Congress and the country to the most insidious of forces not friendly to our nation and its destiny."

Gonzalez, in an exclusive interview with The Light, identified the double-agent as a Washington journalist connected with a national magazine.

By making unauthorized contact with the Cuban U.N. ambassador, Sprague has, Gonzalez charged, exposed the Congress, the investigating committee, Congress and the country to the possibility of control by Cuban agents and probably other foreign representatives.

"It is no secret that the Cuban intelligence apparatus, the D.C.I. (Directorio Central Intelligencia,) was designed and built by the Russian KGB," Gonzalez said.

"That's the powerful cabal that I have been fighting single-handedly against, and that's the powerful alliance that has brought the committee to its knees and forced my resignation as chairman," he said.

"It is no secret—or it shouldn't be—that this country is now flooded with enough foreign agents to populate the 51st state of the United States.

"These agents and agents provocateurs range all the way from the Cubans, to the Arab nations, the Israelis, the Red Chinese.

"With this kind of uncontrolled, unguarded espionage infiltration, anything is now possible in this country."

The congressman again repeated his description of Sprague as "a legal mountebank."

Gonzalez said Sprague had parlayed his notoriety in prosecuting the Yablonski case into a vehicle for making himself look good.

(Joseph Yablonski, head of the United Mine Workers was murdered, along with other members of his family. Sprague was the prosecutor.)

"I feared Sprague's mountebankism from the beginning," he added.

Sprague contacted the "Cuban connection" without knowledge of the committee, Gonzalez emphasized.

"He didn't tell anybody about anything until the Dec. 17 meeting of the committee, and then said he wanted carte blanche to go into the details with these contacts.

"He had already met in New York with these contacts by that time, and when I learned this, I became agitated and attempted to question him.

"I asked him what kind of consultation and coordination he had made with the executive branch of the government, and he became irritated and clammed up. He refused to discuss the matter further."

Gonzalez said a Republican member of the committee urged Sprague be allowed to do whatever he wanted to do.

"This was during a time when everyone was anxious to break for the Christmas holidays. Several members had already left Washington, including four Republicans. A couple of Democrats had not even showed up for the meeting.

"Sprague promised to give me a complete written report on his activities by Dec. 22.

"Sprague pledged he personally would give me a report by Dec. 22, sending it to my home. I didn't get it until Dec. 29, and it was the most inefficient, shoddy report I have ever seen issued by a committee of the Congress.

"I was dismayed by it and I expressed my dismay. I could not accept the report and I told Sprague I would write a dissenting report.

"He pleaded with me not to term it a 'dissenting report' and I agreed to call my version 'additional views.' He then tried to tell me how to write my report, and I became angry."

Gonzalez said these events occurred before he took over as chairman of the committee Feb. 2.

Sprague throughout his dealings, Gonzalez charged, revealed contempt for elected officials, including Richardson Preyer, specifically, whom he considered as "easily-manipulated boobs."

"He considered us members of the Genus Boobus Americanus."

Preyer, Gonzalez said, feared Sprague, and continually expressed fear of "what Sprague might do."

Gonzalez also lashed out at Rep. Jim Wright, of Texas, and House Speaker T.P. O'Neill.

He said O'Neill's concept of the speakership is one of an "extension of Boston ward politics."

Gonzalez blamed the wrecking of the committee on the "pusillanimity of the House leadership, dominated by Wright, who have been scared stiff of Sprague and have allowed him to run amok."

He also charged Sprague is contemptuous of the blacks on the committee, including Walter Fauntroy, the District of Columbia delegate to the House.

"Sprague considers the blacks on the committee as patsies, vulnerable to cheap publicity stunts."

He characterized Fauntroy as a "politician with an inferiority complex who needs the Martin Luther King case to establish his superiority."

"The blacks have been kicked around so long, they need someone to kick around—and that's this poor Mexican, Henry B. Gonzalez."

"The Boston Brahmins kicked the Irish immigrants around; then the Irish kicked the Italians; then the Italians kicked the Czechs and Poles, who in turn kicked the blacks. Now the blacks are kicking the chicanos.

"The most poignantly disappointing thing to me is that the four blacks on the committee, headed by Fauntroy, conspired against me.

"I am the man who 20 years ago put his career on the line to fight for American rights in the state senate. I filibustered for civil rights four times, all alone, but now their memories are short."

He concluded:

"From the beginning, it seemed that Sprague's entire mission was to foil any serious, honest investigation of the John Kennedy assassination. He behaved in such a way to arouse opposition both in and out of the Congress and to raise obstructions that need not have been raised."

He also blasted, in his parting shot, what he termed "corruption in Washington that makes Sodom and Gomorrah look like a Boy Scout troop Court of Honor."

This corruption, he said, also infests the national press corps.

"I call them the wolfpack or jackel quid nuncs (gossips)."

[From the San Antonio (Tex.) Express News, Mar. 13, 1977]

HENRY B.'S FREE OF THAT MEATGRINDER

(By Kemper Diehl)

It's really not all that hard to understand the explosion of scorn with which U.S. Rep. Henry Gonzalez parted company with the House Select Committee on Assassinations.

If Speaker Tip O'Neill and Majority Leader Jim Wright wound up with red faces—and assuredly they did—they had it coming.

Take a look at the kind of abuse Gonzalez was asked to take because he went to work with typical honesty to carry out policies which had been voiced clearly by the leadership.

There is no question but that the leaders, particularly Wright, made it clear that if the House were to revive the committee, Henry B. was expected, as the new chairman, to take firm command, insure a probe in which no one's rights were infringed and, above all, bring the committee's scandalously over-extended finances back to par.

UNDERSTANDING

The obvious corollary to all this was: Bring the chief counsel, Richard Sprague, under control.

In fact, when the committee's life was extended for a trial two months, the word from reporters on the scene was: "This means Gonzalez has two months to get rid of Sprague."

So Henry B. moved to bring finances into line and insure control of operations by elected officials. Sprague, of course, rebelled, and the chairman's attempt to fire him was overturned by committee members who, in effect, supported the counsel's unbridled style of probing.

There followed a campaign of anti-Gonzalez reports by what the congressman was to call the media "wolf pack."

The barrage may have been topped out by a piece in the Washington Star by Lynn Rosellini which was mind-boggling in its resort to half-truths and loaded questions.

Reporter Rosellini displayed her depth of knowledge by announcing that the late President Lyndon Johnson was a resident in Henry B's district.

HATCHET JOB

Her evidence against Gonzalez came from people like Ed Foreman, the right-wing Republican who holds some sort of record by having been a one-term congressman from two states.

Foreman did a McCarthy-type attack on Henry B. in the early 1960s because the San Antonian had committed sins like voting against the Un-American Affairs Committee—and was stunned when Gonzalez called him to account.

Reporter Rosellini saw something wild and strange in the speeches and Congressional Record inserts Gonzalez made regarding the Sharpstown bank failure—not noting that this was the greatest political scandal of recent Texas history, or that the Gonzalez speeches had led directly to the resignation of a ranking Nixon Administration official, Asst. Atty. Gen. Will Wilson.

Then came her clincher: two vocal local witnesses against Gonzalez.

Of all people, they were Doug Harlan, described only as a "political science professor," and Jim Dement, depicted as a businessman in touch with the political scene.

GOP DUO

There was not a hint for Star readers that Harlan was really a Republican politician, twice defeated as a candidate for Congress and most recently a high-level briefcase-toter for the GOP administration.

Nor did reporter Rosellini tell readers that Dement has been an active enemy of Gonzalez or that much of his contact with politics has been through the Republican Party where he was a major backer of Harlan's most recent campaign.

The national GOP data bank couldn't have provided a more biased group of anti-Henry B. spokesmen.

With this sort of partisan abuse splattering over Gonzalez, where were the leaders who pushed him to take strong action to control the investigation?

Wherever they were, they offered him no sincere support.

In fact, Wright allowed himself to quip glibly about forcing a "shotgun marriage" of Gonzalez and Sprague—thus equating a committee chairman with a Congressional employe.

The wreckage of the committee has also been attributed by some insiders to "malign neglect" by O'Neill.

Certainly the message to put things in order never got through to anyone other than Gonzalez. And the reaction of other committee members to the attempted firing of Sprague was strictly political.

"They never stopped to see if there was a good reason for Henry's action," noted one Washington veteran. "Then they found themselves out on a limb and couldn't admit it."

Never one to mince words, Henry B. proceeded to express his feelings for all to hear.

What now?

"Henry is a free man now in a way few members have ever been," concludes one Washington friend. "It's the kind of freedom that comes from not being afraid. Most guys up here are governed by fear."

THE STATUS OF AMERICA'S NAVAL SHIPBUILDING PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. TRIBLE) is recognized for 60 minutes.

Mr. TRIBLE. Mr. Speaker, as a member of the House Armed Services Committee and as the Representative of a district which boasts a long and proud record of building ships to serve our Nation's defense needs, I am deeply concerned about the status of America's naval shipbuilding program. Our supremacy on the seas once was unchallenged. Now we are approaching the intolerable position of being second-best.

The size of our fleet has shrunk to its lowest point since 1939. Vitally needed major ships are not being delivered on schedule, and their costs far exceed original estimates.

Despite our critical need for ships, we face serious problems between the Navy and its few remaining suppliers of major ships. These problems threaten to further weaken the Nation's industrial base for naval shipbuilding. Claims arising from naval shipbuilding contracts now exceed $2 billion. Long standing and previously productive relationships have been strained to the point where last year at least one shipbuilder refused to bid on new naval programs and even offered to cooperate with the Navy in removing inprocess work from its yard.

That company was Newport News Shipbuilding, which directly employs some 25,000 men and women—most of whom live in the First District of Virginia—and which fuels the economic boilers of the Tidewater region and the entire Commonwealth.

As the Congressman from the first district, I am obviously concerned about the welfare of my constituents. But, I believe that we all recognize that a break in the 80-year relationship between the Navy and Newport News Shipbuilding would be a tragedy for the entire Nation as well.

I remind you that Newport News is the largest shipyard in the world and the only one capable of designing, building, and servicing the full-range of our Nation's nuclear-powered Navy ships. Newport News has delivered seven of the last nine nuclear ships that have entered the Navy's fleet, including the lead ship of the 688 class submarines—which Newport News also designed—that the Navy describes as "the most effective and reliable nuclear weapons platform ever to put to sea." At present Newport News has under contract or construction 14 nuclear-powered Navy ships—3 cruisers, 2 aircraft carriers, and 9 attack submarines. During 1977 Newport News plans to deliver to the Navy four more nuclear-powered ships—the aircraft carrier *Dwight D. Eisenhower*, the guided missile cruiser *Texas* and two 688 class submarines, the *Baton Rouge* and *Memphis*. In addition, Newport News will complete the overhaul and refueling of the ballistic missile submarine *James Monroe* and the attack submarine *Lapon*.

The primary issue that has threatened to remove this vital national asset from our shipbuilding program is a contracting procedure that is basically inequitable.

It fosters a breakdown of contract administration which forces a shipbuilder to file claims in order to be fully paid for additional costs which are the Navy's responsibility. The inability to deal with these claims on a timely and equitable basis has, in turn, seriously impaired the economic viability of our Navy's ship suppliers.

I do not intend to cover all the facets of the claims controversy. But I do call your attention to some very interesting comments about Department of Defense procurement procedures made by the Honorable Lewis Spector, a highly respected trial judge of the U.S. Court of Claims.

According to Judge Spector, in remarks to the National Contract Management Association on October 20, 1976, large claims arose "because thousands of routine change orders have been too long delayed, have now agglomerated into multi-million-dollar claims, have become politicized and, as a result, that which used to be routine business within the Department has become everybody's second-guess."

Judge Spector describes the system of handling claims, large as well as small, as "abominable." He further states that—

> Our system is the result of a long-term rudderless drift, and the main wind that has blown has been the constant ingenuity of government lawyers to win their cases.

But, he also observes:

> Uncle Sam is not an ordinary client. Uncle Sam always wins when justice is done. This

means Uncle Sam may lose when judgment is entered for him, and he may win when judgment is entered against him.

It was in this spirit—this enlightened view of Government responsibility—that led Congress to conduct hearings into the problem of Navy-shipbuilder relations. 'Last week the Subcommittee on Defense of the House Appropriations Committee chaired by Representative MAHON heard from both the Navy and its shipbuilders.

I was honored to participate in some of the hearings, and I have reviewed the record of the other sessions. I frankly was very encouraged:

Both sides were intent not only on resolving the immediate problem of outstanding claims but also—and more important—on eliminating the conditions which give rise to claims in the first place.

Both sides were willing to forget past differences and look to future cooperation.

Both sides recognized their responsibilities to each other, to our Nation's defense needs and to the citizens who, through their tax dollars, support the Navy's shipbuilding program.

Both sides, I believe, conceded that there is more than enough blame to go around.

And I was very encouraged that the subcommitee members recognized the seriousness of the claims dispute and the pressing need for a timely and equitable resolution of the problem.

The mood appeared to be a positive one—of reconciliation, of moving ahead. Newport News Shipbuilding, for example, explained that it had reversed a stand taken last fall and this week will submit a bid on three new *Los Angeles* class submarines. The company's chairman, John P. Diesel, told the subcommittee that one of his primary objectives in bidding was "to maintain a continuing dialog with the Navy on means of improving contract terms and conditions." Later in his testimony, he added:

We have come a long way—relations have improved. The basic problems are still there, but so are the solutions to them.

As I mentioned, I was encouraged—until the Thursday testimony of Mr. Hyman Rickover. His testimony ran entirely contrary to the spirit displayed by other Navy representatives.

It was a familiar litany—a recitation of all the charges, countercharges, allegations, and innuendoes that characterized—and, in fact, helped lead to—the divisiveness that has separated the Navy and its shipbuilders.

Instead of contributing to the developing spirit of good faith and cooperation, Mr. Rickover's testimony appeared calculated to reinforce an atmosphere of highly charged emotions, where calm and rational decisionmaking is all but impossible.

The testimony contained wholly unfair characterizations, particularly with regard to Newport News Shipbuilding, which are unbecoming and inappropriate for a man in Mr. Rickover's high Government position.

The testimony was notable only for its general lack of any positive approach to solving the problems at hand, much less to avoiding similar ones in the future.

The testimony unfairly sought to perpetuate inaccurate and misleading information.

The claims controversy between the Navy and its shipbuilders involves some very complex questions, and many are open to various interpretations. I certainly am no expert in the matter and have not personally reviewed the claims—although, I should add, I am not unique in this respect. There are, however, certain basic facts, and any distortion of these facts can only be counterproductive.

For example, most naval shipbuilding contracts are based on the principle of cost-sharing. Costs above a certain point are shared by the Navy and the shipbuilder. Likewise, the amount by which a contract price must be increased to cover a claim does not go entirely to the shipbuilder—it is shared by the shipbuilder and the Navy.

The implications of cost-sharing on claims and their settlements are rather basic. That is why I am so disturbed by the conclusions that Mr. Rickover would have us draw from the fact that a shipbuilder would settle a claim for what Mr. Rickover says is 29 cents on the dollar.

The case in point is the recent settlement of $155 million in claims arising from construction by Newport News Shipbuilding of the nuclear-powered cruisers *California* and *South Carolina* (CGN's 36 and 37).

During the previous day's hearing, I listened to Mr. Diesel of Newport News explain that because of the cost-sharing features of the contract for these two ships, the maximum amount that his company would have received from the Government was $73 million—even if the claims had been resolved 100 percent in the shipbuilder's favor. The actual settlement of $44 million, therefore, was about 60 percent of the maximum—not the 29-percent settlement as was repeatedly stated by Mr. Rickover in his testimony. And the Navy certainly did not conclude that $100 million worth of the claims were invalid, as also has been repeatedly alleged by Mr. Rickover.

Mr. Diesel then went on to explain why a 60 percent settlement was a prudent business decision. The answer is told in the time value of money, lost interest expense, and the costs and risks of litigation, which was the only alternative to settlement.

I will include Mr. Diesel's testimony in the RECORD following my remarks and recommend for your review his discussion of the economics of claim settlements.

Mr. Rickover continues to use what he tells us is a 29-cent-on-the-dollar settlement as evidence that shipbuilding claims are grossly inflated. It is this deliberate, callous and continuing distortion of the truth—at a time when a balanced, objective attitude is essential—that disturbs me the most.

Now, Mr. Rickover is not ignorant of some of these important cost-sharing elements of naval shipbuilding contracts. Yet he chooses to ignore them when his purposes require it. He obviously wishes to picture Newport News shipbuilding in the worst possible light by continuing to describe this settlement as a 29-cent-on-the-dollar one. These are adversarial tactics, being employed by one who utterly condemns the use of such tactics by others. They are tactics calculated to inflame and mislead the Congress, the press and the people.

In his Thursday testimony, Mr. Rickover also engaged in a lengthy criticism of the U.S. district court's decision in a lawsuit between the Navy and Newport News shipbuilding concerning the nuclear-powered cruiser, CGN-41, in that case, the court concluded that the Navy had not negotiated in good faith with Newport News, as the court had ordered. Mr. Rickover's testimony betrays a particular sensitivity to this decision, because it would appear that it was largely Mr. Rickover's unwarranted and unfair interference in the negotiations ordered by the court that led to the court's conclusion.

His testimony Thursday represents a continuation of this unfairness, and it is no more productive now than it was then.

Mr. Rickover's contributions to this Nation's defense efforts are unique. He is a man of great power. But with that great power must go a corresponding measure of responsibility. In the words of Judge Spector:

Any restraints on the great power with which public servants are often vested must be self-restraint, motivated by national concerns, not selfish concerns.

There is a saying—"If you're not part of the solution, you're part of the problem." If Mr. Rickover will not be part of the solution, he should exercise the self-restraint of removing himself from this problem. He is making no positive contribution.

I believe there is a mood in Congress, in the Pentagon, and among the shipbuilders—that the immediate problems must be resolved, their causes eliminated and our Navy's shipbuilding program revitalized. I hope that we in the House can help nurture this new spirit of cooperation and productivity—not for the sake of the Navy or the shipbuilders, but for the good of the American people.

The remarks referred to follow:

TESTIMONY OF JOHN P. DIESEL

(Before the Subcommittee on Defense Committee on Appropriations, Mar. 23, 1977)

Mr. Chairman and members of the Committee, I am John P. Diesel, Executive Vice President and a member of the Board of Directors of Tenneco Inc., of Houston, Texas. I am also Chairman of the Board and Chief Executive Officer of Newport News Shipbuilding and Dry Dock Company, a subsidiary of Tenneco.

I am grateful for the opportunity to report to this Committee on the status of the Navy's shipbuilding program at Newport News Shipbuilding.

I will cover three subjects:

The general improvement in relations between our company and the Navy that has occurred during the past six months.

The serious problems and inequities associated with current government contracts that, despite these improved relations, continue to plague our company and our industry and that threaten to further erode the industrial base so vitally needed to support our nation's defense efforts.

The fact that claims are not a gratuitous ballout and that the amount of the government's maximum legal liability to Newport News Shipbuilding was $460 million, not $884 million.

NEWSPORT NEWS SHIPBUILDING'S OUTSTANDING PERFORMANCE

To help you put my observations in proper context—and to call to your attention the grave implications of what unfortunately has often been an adversarial relationship between the Navy and Newport News Shipbuilding in recent years—let me remind you of the outstanding performance of Newport News shipbuilders—a long and proud record of service that the recent controversy over shipbuilding claims has all but obscured:

We have delivered seven of the last nine nuclear ships that have entered the Navy's fleet, including the lead ship of the 688 Class submarines—which we also designed—that the Navy describes as "the most effective and reliable nuclear weapons platform ever to put to sea."

At present we have under contract or construction 14 nuclear-powered Navy ships—three cruisers, two aircraft carriers and nine attack submarines.

During 1977 we plan to deliver to the Navy four more nuclear-powered ships—the aircraft carrier *Dwight D. Eisenhower*, the guided missile cruiser *Texas* and two 688 Class submarines, the *Baton Rouge* and the *Memphis*. In addition, we will complete the overhaul and refueling of the ballistic missile submarine *James Monroe* and the attack submarine *Lapon*.

This performance—despite the serious constraints imposed on us by the government's way of doing business—is a remarkable tribute to the skill, pride and determination of our 25,000 men and women.

But it also has been made possible by the infusion of cold, hard cash from Tenneco and the money-at-a-price from banks.

What we have built at Newport News is a unique ship manufacturing complex—the only one in the United States that has the facilities, equipment and human resources to build, repair, overhaul and refuel the full range of Navy vessels and the only one now building nuclear-powered surface ships. Newport News Shipbuilding truly is a national asset.

But to maintain our viability, we are intensively pursuing other lines of business in which we have proven skills. We are attempting to expand our commercial shipbuilding and ship repair operations and to broaden our range of products and services for the commercial nuclear power generating industry.

The contributions our men and women have made to this nation are all-too-frequently overlooked. Or, to paraphrase the great British admiral, Lord Nelson:

"God and the *shipbuilder* we adore
In times of danger, not before.
With danger passed
And all things righted,
God is forgotten
And the shipbuilder slighted."

PAST ADVERSARIAL RELATIONSHIP

Last fall the more than 80-year relationship between the Navy and its most important supplier of ships had sunk to an all-time low. In fact, last year I notified the then Secretary of the Navy that, under the circumstances then existing, we would not take on any new ship construction and—since the government apparently was so unhappy with us as a contractor—that we would assist the Navy in removing in-process work from our shipyard.

I do not intend to recite a litany of reasons or to place blame for that sorry state of affairs. To do so, however, would be a relatively easy task. I could merely update the testimony I gave more than two and a half years ago before the Seapower Subcommittee, which then was investigating the same basic problems that confront us now. Change a few dates, add the names of some additional ships and raise the dollar value of claims submitted—the issues remain basically unchanged and unresolved.

During the 1974 hearings, the nation's private shipbuilders presented 39 recommendations for improving Navy-supplier relations. To date, only two of these have been implemented. Ten others have been adopted in part. No action has resulted from the other 27 recommendations.

If anything, the situation has gotten worse. The size of our fleet has shrunk from 520 ships to 489. At the same time, total shipbuilding claims against the Navy have grown from $700 million to more than $2 billion.

CLAIMS: A LEGAL REMEDY UNDER THE CONTRACT

It is important to keep in mind that a claim is really an individual shipbuilder's last resort in seeking, through the contract, a fair financial settlement of problems over which his control is either non-existent or minimal.

If a shipbuilder fails to meet his contractual obligation, the Navy can withhold payment for the work in question, which is only proper. However, when the Navy fails to make payment as part of its contractual obligation, the shipbuilder's last resort is to file a claim. The claim then is either eventually settled or the matter litigated, which is an even more lengthy process. In the meantime, the shipbuilder has no option but to continue work at his own expense—even with no pricing agreement—or risk default under the contract.

Claims are a legal procedure provided for in the basic contract. They are not, as some would have us believe, a bail-out by which the contractor can recover losses that he was responsible for.

IMPROVED RELATIONS BETWEEN NEWPORT AND THE NAVY

The record of resolving disputes on a timely and equitable basis in the past is not a very good one, but I want to start with a clean page. And I certainly hope that we can disprove the adage that "the past is but a prologue to the future."

I believe there is some basis for that hope. We have seen some recent progress.

First, the issue of design responsibility. The Navy had threatened last year to break prior agreements and hold us financially responsible for the design of its ships—something the Navy had never attempted to do before to its design contractors. That issue was dropped—and the then Under Secretary of the Navy told me he was sorry the Navy had ever raised it.

Second, we have been able to settle one of six major shipbuilding claims through good faith negotiations with the Claims Settlement Board chaired by Admiral Manganaro. We have been paid for the *California* and *South Carolina* (CGNs 36 and 37). Both of these nuclear-powered cruisers have been at sea in the service of our nation since 1974.

Third, at the request of the former Under Secretary, we are developing for the Navy's consideration new and more satisfactory contracting arrangements for future work.

Because of these considerations, in February we reversed a stand taken last fall and decided to submit a proposal for construction of three more submarines of the SSN688 Class.

Our primary objectives are to maintain our current production schedule of delivering two submarines a year and—even more important—to maintain a continuing dialogue with the Navy on means of improving contract terms and conditions.

BASIC CAUSES MUST BE ELIMINATED

Despite these positive signs, the basic problems remain with us. And the lack of decisive action to destroy their roots only serves to perpetuate and exacerbate divisiveness between the Navy and its key suppliers.

I mentioned earlier that one claim had been settled—a positive sign, but hardly a breakthrough. We still have five other claims—involving 12 vessels—to resolve.

But the problem doesn't stop there. Even if we settled all these claims tomorrow, we'd then have to deal with the ones that have been accumulating while we've been attempting to resolve claims rather than eliminating their cause. Bandages and salve help. They provide some needed relief on a temporary basis. But the time has come for the physician to recognize the cancer and cut it out. We must deal directly and realistically with the cause of the disease before it destroys more of our nation's strength and its resolve. You gentlemen and your colleagues must insist upon a cure and help bring it about.

TRUE VALUE OF SHIPBUILDING CLAIMS

The claims we submitted to the Navy last year represented the status of six contracts on specific dates ranging from December 31, 1974, to June 30, 1975. We asked the government to raise the ceilings of the 14 ships involved by a total of $884 million.

The $884 million total was quite misleading, although it was necessary to compute new ceiling prices to comply with the incentive formulas in our contracts. It certainly does not, as many people unfortunately have been led to believe, represent the amount of money the government owes us. The government's legal liability to Newport News Shipbuilding—even if all the claims were settled at 100%—would have been $460 million.

As an illustration, consider the claims we recently settled on the *California* and *South Carolina*. The increase in ceiling price we requested was for $155 million. The settlement we finally reached was for $44 million.

That contract, like all our Navy ship construction contracts, contains formulas whereby the Navy and the shipbuilder share costs which fall between the target cost and ceiling price.

Because of the cost-sharing provision of the contract, a settlement at the full ceiling value of $155 million would have given Newport News $73 million. And—I must add—based on previous experience, a 100% settlement is a highly improbable event.

So, the settlement we finally did reach of $44 million was 60% of the maximum possible amount of $73 million. We did not settle for 29 cents on the dollar, as some individuals have alleged. And the Claims Board did not find, as also has been alleged, that $111 million of our claims was invalid.

But, we are open to the logical question, "If your claims on the *California* and *South Carolina* were valid, why accept a settlement based on only 60% of their maximum value?"

The answer is told in terms of hard cash and the time value of money.

The alternative to settlement was litigation, but that would have taken at least three years. And even if we had achieved total victory in the court, we would stand to gain only an additional $29 million before interest and taxes.

Against the possibility of an extra $29 million, consider these factors:

After credit for prior payments, we actually received $30 million as a result of the settlement. This was about $23 million more than we probably would have received had the matter been decided unilaterally by a contracting officer. Without a settlement, we would have lost the value of that $23 million during the probable three-year lawsuit. So it would cost us $8-to-$9 million in interest charges because we'd have to borrow that amount of money.

We'd lose another $5-to-$6 million in the present value of the money as opposed to its inflation-eroded value three years from now.

In addition, we would have incurred untold legal costs and devoted considerable management time to the lawsuit.

In short, the possibility of an additional $29 million—even if we were able to receive a full settlement three or four years from now—simply was not worth the cost. Settlement at 60% of full value, therefore, was a prudent business decision.

That settlement of $44 million boils down to a profit before taxes of $6 million on work totaling $234 million, for a pre-tax return on total cost of only 2.6%. I consider this as no more than a "liquidation" type of settlement, but we had no real alternative.

If our entire claims of $884 million were to be settled on the basis of the conservative estimates we use for financial reporting purposes, the result would be a profit before interest and taxes of about $50 million, or a 2.3% pre-tax pre-interest return on $2.3 billion of Naval sales. If interest costs were deducted from the projected profits, the entire program involving 14 vessels over a 12-year period would be a break-even venture at best for Newport News Shipbuilding.

Hardly a ripoff, and hardly justification for staying in the shipbuilding business. But certainly justification for decisive action to improve this bleak situation.

CONTINUING PROBLEMS WITH CONTRACTING PRACTICES

And yet, even as we sit here discussing the problem, new claims continue to mount. We may have settled $155 million in claims, but in the meantime we've submitted $37 million in still additional claims and have accumulated $80 million more that will still have to be submitted if we can't resolve the matters equitably through other contract administration procedures. All we've really accomplished is to stand still.

In addition, we continue to be forced to support Naval shipbuilding with our own money. At year-end 1976 we had $180 million invested in the program. We also continue to fall behind by an additional $4 million each month in the difference between what our actual costs are and what the Navy pays us. We, therefore, have to borrow to support this investment.

I certainly do not intend to detract from the pressing need to resolve quickly and equitably the claims submitted by Newport News and other shipbuilders. But neither do I want to mislead you into thinking that when these particular claims are settled, our nation's Naval shipbuilding program will automatically return to an even keel. Not so. We're still treating the symptoms, while the disease itself continues to run rampant.

At times I feel like Cassandra, the ancient Greek who accurately prophesied misfortune but whose fate was never to be believed. I hope that our credibility has been enhanced somewhat by the Federal Court's decision last month in the dispute over construction of the CGN-41.

The court clearly ruled in our favor and found that, until the appointment of Mr. Gordon Rule, the Navy failed to negotiate with us in good faith. We are gratified that not only the legality but also the sincerity of our position were at long last officially recognized. I would like to insert the court's decision into the record of these proceedings.

But, as pleased as we are with that decision, I'm reminded of the words of your esteemed colleague Senator John C. Stennis: "With all proper respect for lawyers and with due respect for the courts, they have their place. But they cannot build ships. They cannot build ships." But we and the Navy must be able to devote our attention and talents to building ships, not writing legal briefs.

As I mentioned earlier, we have seen concrete evidence of a willingness on the Navy's part to improve relations with its key suppliers. And we have seen some improvement in contract provisions and administration procedures. But much more needs to be done if we shipbuilders are to improve our efficiency, if claims are to be minimized and if the Navy is to get the ships it so desperately needs at a price that we taxpayers can afford.

The last contract we signed—for five submarines in August, 1975—contained more realistic and equitable provisions for certain types of escalation. Escalation includes many cost increases that are beyond the control of the shipbuilder. The dramatic increase in energy costs we've recently experienced is one example. Others include higher Social Security withholding obligations, new occupational safety and health provisions, expanded Workers' Compensation coverage and additional environmental protection regulations.

The question is not whether these government-legislated changes are desirable. The question is who should pay the cost for these new items—a substantial cost over which we shipbuilders have no control.

Unfortunately, the progress that we thought had been achieved in the contract for SSNs 711–715 was lost somewhere along the way to the next contract proposed by the Navy, on which we currenly are preparing a response.

NO INCENTIVE FOR PRODUCTIVITY IMPROVEMENTS

Another and ultimately more serious problem is the lack of incentive for the shipbuilder to make capital improvements that increase his productivity. Under the present system, any cost savings resulting from capital investment or productivity increases by the shipbuilder are shared by the Navy and the shipbuilder.

The ratio varies, but averages out to about 80% of any savings going to the Navy and only 20% to the shipbuilder. At that rate, for example, the likely savings of any improvement would have to be at least five times its cost before the shipbuilder could begin to recover his investment.

To make matters worse, the savings may be taken only on contracts then in effect, even though the capital improvement may result in greater productivity and cost savings on all succeeding contracts. And the shipbuilders's best cost experience on one contract—on which he may have achieved significant savings—become the basis for pricing on the next contract.

This system of sharing savings achieved by capital improvements is not unique to shipbuilding. Similar arrangements are applicable to defense contractors in the aerospace industry. What makes the impact so onerous on shipbuilders is that—in contrast to the aerospace industry—the vast majority of assets are owned by the contractor, not furnished by the government.

The shipbuilder has no real incentive to invest in new facilities and equipment that could increase his efficiency and perhaps reduce the cost of Navy ships. In fact, the low level of profitability on Navy work makes it virtually impossible from an economic standpoint for the shipbuilder to replace his productive assets, much less improve them. These factors can only contribute to the obsolescence of our nation's shipbuilding capability—at a time and at a price we cannot tolerate.

UNREASONABLE BURDENS SHIFTED TO SHIPBUILDERS

Some current contracting procedures are unreasonable, others border on the unconscionable. In this latter category is a special provision entitled "Minimization of Delay Due to Government Furnished Property" in the latest request for proposals for SSN688 Class submarines.

We recognize that, given the complexity and state-of-the-art nature of a nuclear ship, certain equipment to be furnished by the government occasionally may be late or prove defective. The Navy must recognize, however, that in shipbuilding proper sequencing of work and timely receipt of equipment is critical.

Late or defective government-furnished equipment has been a serious problem and a major cause for claims. The Navy's solution should have been to accept responsibility for its own errors and to pay the costs of its own mistakes—to relieve the shipbuilder of burdens beyond his control.

However, the Navy instead is attempting to solve the problem by decreeing that if government-furnished components are late or defective, the shipbuilder will—without additional compensation—do whatever is necessary to avoid delay, including use of overtime or altering the ship so that the equipment can be installed later.

If no amount of shipbuilder effort and money can overcome the effect of late or defective government-furnished equipment, the clause does permit an extension of delivery date. But the Navy has protected itself even in this eventuality. The first 180 days of delay are the shipbuilder's responsibility—without additional compensation. For the Navy to accept any responsibility, it must be the sole and exclusive cause of any delay beyond that "free" half-year.

The Navy is attempting to shift the consequences of its own failures—on matters within only its control and knowledge—to the shipbuilder. This clause is labeled "J–22," although a more apt description would be "Catch-22."

MORE EQUITABLE CONTRACT TERMS AND CONDITIONS REQUIRED

When we submit our proposal next week for the three 688 Class submarines, it will not be on terms and conditions such as these. We plan to introduce certain new provisions and modify others to eliminate some of these and other inequities.

I hope our proposals are greeted with an open mind and a willingness to candidly discuss and objectively evaluate our suggestions and alternatives. This is all we ask.

CONCLUSION

I have been involved in shipbuilding for less than five years, but it seems as if the controversy between the Navy and the industry has been going on forever—taking the time and talents of managers and officers alike, sapping our nation's strength, raising doubts about our capability and our resolve.

Franklin Delano Roosevelt apparently was facing similar difficulties years ago when he grumbled:

"To change anything in the Navy is like punching a feather bed. You punch it with your right and you punch it with your left until you are finally exhausted. And then you find the damn bed just as it was before you started punching."

I can't permit myself the luxury of quite that pessimistic an outlook. We have come a long way—relations have improved. The basic problems are still there, but so are the solutions to them.

There are men of good will in the government who are seeking solutions to these problems, many of which were not caused by those now charged with solving them. I have been impressed that Congress—and your Committee in particular—has taken the lead in approaching these issues positively. You have appropriated the funds the Navy has requested to cope with these problems. Your invitation to representatives of the shipbuilding industry to appear before this subcommittee is but another example of this type of initiative.

I urge Congress to support the military and civilian leaders who recognize the tough decisions that are required and who are pre-

pared to make them—who recognize that lawyers and courts cannot build the ships our nation so desperately needs. These leaders certainly have my full support.

In the past, decision-making in this city has been made more difficult by an atmosphere of second-guessing. In such an atmosphere, the temptation has been to resolve all questions against the contractor and to let judges make the really tough decisions.

This approach—the attitude of "Don't let it happen on my watch"—is basically a shirking of responsibility. In the final analysis, these problems—which fundamentally are management issues—must be resolved within the executive branch of the government. I hope that this subcommittee—and your colleagues in Congress—will insist upon the responsibilities being faced and the problems resolved.

Thank you for asking me to be here today. I will be glad to answer your questions.

FINANCING THE SOCIAL SECURITY PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 5 minutes.

Mr. CONABLE. Mr. Speaker, one of the most critically important problems facing our society is the financing of the social security program. As I have said in recent weeks, the President and the majority party leaders in the Congress have apparently decided to let an emergency develop before recommending action.

It is interesting that President Carter has committed himself to specific deadlines for recommendations on the matters he considers important. April 20 is the date for his energy package, May 1 for welfare reform and October 1 for his comprehensive tax reform proposals. Why not a deadline on sending Congress his recommendations for dealing with social security financing?

Does not the President consider this a critical problem? He would better understand that 33 million Americans who are receiving social security benefits and the more than 100 million paying into the system want some action which will deal with this growing problem. The President and the Democratic majority in Congress should let these Americans know whether they contemplate any action on social security and, if not, why not. I urge the President to make known his views on this subject.

FINANCIAL REGULATORY AGENCIES RESPOND TO CONSUMER AFFAIRS STAFF STUDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, last summer the House Banking Committee's Consumer Affairs Subcommittee which I chair released a study of Federal financial regulatory agencies' apathy toward consumer complaints. The study revealed that almost 70 percent of those consumers who complain to either the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Reserve System, the National Credit Union Administration, or the Federal Home Loan Bank Board were left "frustrated and unhappy."

The report found that—

First. None of the agency consumer affairs offices become involved in the actual investigations of the consumer complaints they receive. The complaints are routinely shuttled to regional or legal offices for investigation.

Second. Consumers are rarely contacted for additional information, nor are investigators usually sent out to study the complaint situation first hand. Instead the agencies usually request information from the institution about which the consumer complained.

Third. No agency routinely checks records of financial institutions to determine the accuracy of the information provided to the agency by that financial institution.

Fourth. No efforts have been made by the agencies to publicize the consumer affairs offices' ability to handle consumer complaints.

Fifth. None of the agencies publish educational materials for consumers with the exception of the Federal Reserve Board which has issued a limited number of consumer-oriented materials.

Among the recommendations made by the subcommittee staff were that consumer affairs specialists should be designated at the regional offices of those agencies. They could aid the consumer in becoming more aware of the consumer affairs offices within the agency and would make the Washington office more aware of the problems of the consumer. It was recommended also that the consumer affairs offices of the agencies should publish information leaflets to be distributed among institutions and to consumer groups.

Last week both the Federal Deposit Insurance Corporation and the Comptroller of the Currency announced actions which show that they have taken the recommendations of the subcommittee seriously. The FDIC selected 14 regional consumer specialists who will serve as focal points for consumer matters. Atlanta; Boston; Chicago; Dallas; Columbus, Ohio; Madison, Wis.; Memphis; Minneapolis; New York; Omaha; Philadelphia; Richmond, Va.; St. Louis; and San Francisco will be able to now deal more directly with consumer problems by using the expertise of these specialists.

A leaflet describing consumer rights under fair credit billing and the truth in lending statutes has been sent out to the presidents of all national banks by the Comptroller of the Currency. The effective date of distribution of the leaflets by the banks was March 23 this past Wednesday. The leaflet was prepared by the Consumer Affairs Office of the Comptroller "in light of the general concern for consumer awareness and the reliance of the customer on the bank for information." The information will include an address and a telephone number of the Comptroller's Consumer Affairs Office. Thus the consumer will be more aware of his rights and obligations under consumer credit laws as well as who to contact for more immediate handling of problems. The information will also enable the consumer to phrase more clearly and completely the problem he has encountered.

Hopefully these actions represent only the beginning of agency response to the findings of our report and to the needs of the consumers who rely on them.

Typical of the consumer responses to a subcommittee questionnaire is one which states—

In my opinion, the agency just skimmed over the top and was brainwashed by the officers of the bank.

Firm action like that of the FDIC and the Comptroller is necessary if the American consumer is ever to reestablish trust in Federal agencies.

Cost should not be a problem in the implementation of the subcommittee's recommendations since most of the agencies involved already have consumer offices which have been in operation for over a year. The Federal Deposit Insurance Corporation and the Comptroller have proven by their actions that regulatory agencies can meet their responsibilities to the American consumer without delay.

CIVIL RIGHTS COMMISSION AUTHORIZATION ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. EDWARDS) is recognized for 20 minutes.

Mr. EDWARDS of California. Mr. Speaker, I am pleased to join today with Congressman PETER RODINO and 10 of my colleagues to introduce legislation to raise the limitation on appropriations for the U.S. Commission on Civil Rights. The Commission is a temporary, independent, bipartisan agency established by Congress in 1957 to study issues of significant civil rights impact and to submit reports and recommendations to the President and Congress on its findings.

As chairman of the House Judiciary's Subcommittee on Civil and Constitutional Rights, I have not only a great understanding but a sincere interest in the work of this small but vital agency. After 20 years, the Commission's work and contribution to civil and voting rights legislation and debate is a matter of public record. I need not chronicle the Commission's long list of recommendations at the Federal level which have been adopted by the Congress or the President.

Some of the recent and proposed activities of the Commission deserve mention. During fiscal year 1978, the agency will be continuing work on 10 projects including an examination of affirmative action policies and procedures adopted by private and public sector employees to evaluate their implementation and effectiveness in increasing the number and improving the status of minority and female employees. Other studies currently in progress include:

UNEMPLOYMENT AND UNDEREMPLOYMENT AMONG MINORITIES AND WOMEN

This study will seek to identify the variables associated with higher unemployment and underemployment among minorities and women. It will identify those characteristics of labor market demand that relegate minorities and women to less desirable jobs and/or result in higher unemployment rates, and

will also attempt to determine the labor market and individual characteristics that affect the choices of minorities and women.

A second phase of the project will seek to estimate the cost to society of high unemployment and underemployment among women and minorities by exploring the loss in gross national product as well as expenditures that would not otherwise be incurred for income maintenance programs, law enforcement, fire protection, public health, and other community services.

TITLE IX OF THE EDUCATIONAL AMENDMENTS OF 1972: SEX DISCRIMINATION IN PHYSICAL EDUCATION AND ATHLETICS

The Commission will begin its study of title IX by examining sex discrimination in two types of programs—physical education classes and competitive athletic teams—in the three educational levels—elementary, secondary, and higher education. Inequities in funding, staffing, provision of facilities, and number and types of programs provided for females will be studied in order to determine the nature and extent of sex discrimination in athletic programs. The manner in which the athletic system itself contributes to the socialization of girls and boys, the imposition of limiting sex-role stereotypes, and the impact of limited physical abilities on the employment futures of women will be examined.

LABOR UNIONS AND EQUAL EMPLOYMENT OPPORTUNITY—PART II

This second report dealing with labor unions will focus on the advancement of minorities and women on the job, as distinct from hiring practices. Among the practices the study will examine are those relating to initial job assignment, the use of certain seniority rules, lines of occupational progression, allocation of training opportunities, and examination and education requirements. The study will also attempt to identify any existing promotion practices which violate title VII of the Civil Rights Act of 1964 or other antidiscrimination statutes.

THE INTERACTIVE RELATIONSHIP OF SEGREGATION AND DISCRIMINATION IN HOUSING, EMPLOYMENT, AND PUBLIC EDUCATION

Since its inception the Commission has been concerned with the separate causes and effects of discrimination in housing, employment, and public education. This study will examine the effect of the interaction of the three on discrimination.

The study will seek to determine how practices in the private housing market; Federal, State, and local housing programs; and zoning land use policies and regulations have affected both residential patterns and the racial/ethnic/income class composition of schools. It will also determine the relationship between residential and school segregation and changes in local labor markets that may affect equality of economic opportunity.

FORCIBLE RAPE OF WOMEN STUDY

This study will provide a critical review and evaluation of victim-centered empirical and theoretical rape literature and development of model guidelines for rape law reform. The development of model guidelines for rape law reform will examine both proposed and existing State and Federal rape laws/model codes and secondary literature to provide substantive guidelines, recommendations, and criteria for drafting nonbiased rape law, and will provide a critical catalog of existing and proposed rape law revisions and model codes by jurisdiction, subject area, and utility.

FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORT FOLLOWUP REPORT

The Commission will complete and publish the final volume dealing with policymaking, of the "Federal Civil Rights Enforcement Effort" 1974 study. The study to date has documented the fact that Federal civil rights enforcement has not appreciably improved since the comprehensive study series originated in 1970. The Commission will therefore conduct reviews of all Federal agencies cited in the study to determine the extent to which they have adopted and implemented the recommendations contained therein. We will also review and evaluate any other remedial actions taken by these agencies.

STATE AND LOCAL CIVIL RIGHTS (HUMAN RIGHTS) AGENCIES STUDY

Over 90 percent of the States and more than 500 localities have civil rights or human rights commissions or departments. They vary enormously from State to State in terms of enabling legislation, types of discrimination covered, classes protected, extent of enforcement capability, constituencies, administrative structures, budgetary support, and quality of work product. This study will examine these agencies and their relationship with Federal civil rights agencies.

IMPACT OF FOREIGN GOVERNMENT POLICIES ON CIVIL RIGHTS

Actions by foreign governments may result in discrimination against U.S. citizens and residents because of their race, religion, sex, or national origin. This discrimination may occur either by the direct application of the policies of foreign governments to Americans, or through indirect methods, including the economic and/or diplomatic coercion of the U.S. and multinational private employers and U.S. Government agencies in regard to whom they hire, send overseas, or use as contractors, for example, the recent Arab economic boycott of American companies doing business with Israel or employing American Jews. The study will examine the adequacy of Federal agency policies to prevent such discrimination, and the extent to which those policies have in fact been enforced.

RACE AND GENDER ATTITUDES AND BEHAVIOR IN THE UNITED STATES

The focus of the project is on the individual and institutional determinants of race, ethnic, and gender attitudes and behavior. Employing several interlocking approaches, this project will examine the causes of occupational and job segregation and the development and consequences of ethnic and gender identity.

This study will provide an enhanced understanding of the basic dynamics of prejudice and discrimination, thereby contributing to the development of new approaches to the solution of civil rights issues.

In fiscal year 1978, the Commission will also initiate over nine projects dealing with numerous issues of significant civil rights impact including enforcement of Federal nondiscrimination statutes, discrimination in the military services, the impact of foreign government policies on civil rights, and domestic violence.

Specifically, the Commission will begin work in the following areas:

COERCED STERILIZATION

Coerced sterilization includes both overt coercion and acceptance of uninformed consent. This study will ascertain the incidence of forced sterilization by race, sex, age, and economic status of those sterilized, and will investigate the impact of sterilization on the health and legal rights of the victims. The study will also determine the extent of Federal involvement in forced sterilizations, as well as investigate the implementation of State eugenics laws, including a focus on the differential impact of such implementation on low-income and/or minority women.

RACIAL/ETHNIC/SEXUAL HETEROGENEITY AND CONFLICT

This study will examine the cultural aspects of intergroup relations—the role played by power, identity, assimilation, and other such factors among all groups, including ethnics and whites. The study also will evaluate the extent to which the design and implementation of public and selected private programs and policies generate or exacerbate conflict, and will evaluate the manner in which the common and separate interests of groups can be met without encouraging increased group competition for resources.

EVALUATION OF FEDERAL ENFORCEMENT OF TITLE IX

This study will focus on both employment and programmatic provisions of title IX and will address Federal enforcement of the law as well as the nature and extent of voluntary compliance by school districts and institutions of higher education.

DISCRIMINATION IN THE MILITARY SERVICE

This study will probe the extent of racial, national origin, religious, and sex discrimination in the military service. We will examine representation of minority groups and women in each branch of the service, paying particular attention to rankings, promotion, recruitment, assignment, training opportunities, and the service academies. We will look at the degree to which the military effectively implements its equal opportunity enforcement responsibilities in housing, both in the U.S.A. and overseas, and the nature and adequacy of civil rights complaint and appeals procedures within the military.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

This study, a sequel to an earlier Commission report which documented the serious shortcomings of title VI enforcement, will review the current extent of discrimination in federally assisted programs and recommend a Government-wide strategy for combating this discrimination.

ABILITY OF SCHOOLS TO EDUCATE MINORITY STUDENTS

This study will examine the existing research evidence to ascertain what impact differences among schools have on minority students and to assess the potential of schools for providing effective education for all students. It will critically review the major research evidence which has been interpreted as showing that variations among schools do not have much differential impact on minority students, and recommend the types of research that will correct the past deficiencies in research strategies.

CONSULTATION ON ROLE OF THE CITIES

The Commission will plan, organize and manage a consultation bringing together a variety of urban specialists to discuss such problems as unemployment and underemployment, poor and inadequate housing, deficient schools, soaring crime rates, substandard social services, ineffectual public transportation, and lack of leadership.

CONSULTATION ON ALTERNATIVES TO TRADITIONAL CIVIL RIGHTS PROGRAMS

During the past 20 years, civil rights efforts have been based on the assumption that equality of opportunity and, more recently, equality of results are best achieved by ever-greater governmental intervention in the social processes of the country. This approach has recently been attacked by some traditional supporters of civil rights and equal opportunity who now question the efficacy of massive and complex Government porgrams and their accompanying regulations and bureauracy. The purpose of this consultation will be to provide a forum for the exchange and exploration of rational and scholarly viewpoints of this increasingly critical issue.

CONSULTATION ON DOMESTIC VIOLENCE

Although only limited data are available regarding the extent of violence within a family or quasi-family context, it is apparent that the victims of such violence are overwhelmingly female and the perpetrators are male. It has been alleged that police inaction and discriminatory treatment of female victims of such violence prevents most such cases from ever reaching the courtroom.

The Commission will hold a consultation to bring together people who are actively involved in combating domestic/marital violence on several fronts. This would include researchers, attorneys, and initiators of innovative programs to assist battered women. The participants will look at the effectiveness of already proposed and/or implemented remedies, including the specially trained police units established to deal with domestic violence calls, the halfway houses established by women's groups in several cities as shelters/refuges for abused women, and the attempts to provide legal assistance to battered women seeking divorce and support orders.

This list of Commission projects does not, by any means, reflect the full extent of agency activity projected for fiscal year 1978. In addition to these projects, the Commission will carry out its normal program of civil rights monitoring and information dissemination. In fiscal year 1978, the Commission will: Continue to provide congressional testimony on civil rights matters and analysis of proposed legislation; review and refer to civil rights enforcement agencies individual complaints of discrimination—approximately 2,000 complaints projected—publish the quarterly Civil Rights Digest, and disseminate the Digest and other Commission publications to Government agencies, private organizations, and individual citizens; conduct public hearings on major civil rights issues, and publish transcripts and reports of those hearings—four multiday hearings projected for fiscal year 1978; and support the work of its 51 State advisory committees—which are expected to hold approximately 340 public meetings and issues 25 published reports based on their independent investigations of local civil rights problems in fiscal year 1978.

The legislative life of the Commission has been extended five times, the latest action for 5 years until 1978. At that time, a limitation was placed on the agency's appropriation at $7,000,000. It has been necessary, therefore, for Congress to raise periodically the authorization ceiling for the Commission. The bill we propose would authorize funding for fiscal year 1978 of $10,540,000, an increase of $1,000,000 over the fiscal year 1977 level. The fiscal year 1978 moneys have been approved by the Office of Management and Budget as consistent with the President's program.

I urge my colleagues to join with Representatives RODINO, BUTLER, BEILENSON, BURKE, CONYERS, DRINAN, FENWICK, MINETA, MITCHELL, SEIBERLING, and VOLKMER and support the Civil Rights Commission Authorization Act of 1977.

Mr. BUTLER. Mr. Speaker, today I am joining my colleague on the House Judiciary Subcommittee on Civil and Constitutional Rights, the gentleman from California (Mr. EDWARDS), in introducing the Civil Rights Commission Reauthorization Act of 1977. During my tenure as the ranking minority member on the subcommittee, the Civil Rights Commission has appeared and presented testimony on several issues which fall within the subcommittee's broad jurisdiction. I certainly have not always agreed with the positions advocated or the conclusions reached by the Commission; however, I can attest to the generally thorough work and valuable contribution the Commission makes when it testifies on programs or reports on a particular issue.

I join with the gentleman from California (Mr. EDWARDS) in sponsoring the reauthorization because I believe that the Commission merits bipartisan support. However, I wish to announce that I am reserving judgment, and consequently my vote on this legislation, until the Commission has testified before our subcommittee on this bill. During the subcommittee's hearing, I plan to ask several questions concerning the Commission budget and their plans for studies and reports during fiscal year 1978.

The U.S. Commission on Civil Rights was created by the Civil Rights Act of 1957. Originally authorized as a temporary agency for a 2-year period, the Commission has been extended a total of six times. The most recent extension, which keeps the Commission operating through fiscal year 1978, was passed by the Congress in 1972 (Public Law 92–496). Last year, the Commission sought authorizations for both fiscal year 1977 and fiscal year 1978, but the Judiciary Committee wisely authorized appropriations for only 1 year. Thus, the Commission must come before Congress again this year seeking a 1-year authorization. They are requesting the sum of $10,540,000, which represents a $1 million increase over last year's authorized level.

Since its creation in 1957, no one could say that the Commission has not been active and outspoken on several important social issues which have arisen over the last 20 years. Specifically, the Commission was established to perform five primary functions: First, to investigate allegations that citizens are being deprived of their right to vote as a result of their race, religion, sex, or national origin; second, to collect and subsequently study information concerning legal developments which could constitute a denial of equal protection of laws under the Constitution; third, to appraise Federal laws and policies with respect to the equal protection under the Constitution; fourth, to serve as a national clearinghouse for information in respect to denials of equal protection of the laws; and fifth, to submit reports, findings, and recommendations to the President and the Congress. (See 42 U.S.C. 1975c.)

In order to carry out their statutory functions, the Commission conducts fact-finding hearings. Although the Commission has not been vested with enforcement authority, it does have subpena power. Using this power, the Commission elicits facts from a wide range of public officials, minority group representatives, and other citizens who represent diverse interests and points of view. Coupled with its hearing powers, the Commission sponsors conferences on regional and national levels in order to aid its fact gathering function. Finally, the staff researches and investigates issues which relate to its statutory functions. Using these tools, the Commission compiles and disseminates its product along with recommendations to the President and the Congress. These conclusions and recommendations are submitted for review and possible enactment by the executive and legislative branches of the Federal Government.

As a result of the controversial nature surrounding many of the issues which arise within the Commission's far-reaching jurisdiction, some of the Commission's studies and reports have been criticized by Members of Congress and the public. In the past, I have taken issue with some of the conclusions reached and recommendations proposed in Commission reports. What we must all remember is that a report of the Commission is not the final authority on any given issue. These reports merely represent a factual, professional analysis, which we hope have been prepared as a result of diligent and nonpartisan research. This is certainly the approach I use as a member of the Civil and Con-

stitutional Rights Subcommittee which has jurisdiction over several of the issues on which the Commission reports.

Therefore, Mr. Speaker, I am prepared to study the Commission's agenda for the upcoming year, and I look forward to the hearings on the legislation which will be conducted by the Subcommittee on Civil and Constitutional Rights.

FOREIGN INTELLIGENCE SURVEILLANCE AMENDMENTS OF 1977

Mr. KASTENMEIER. Mr. Speaker, privacy is an essential element in the American ideal of liberty, a basic right recognized by the fourth amendment to the Constitution. As Justice Brandeis wrote, each individual's right to privacy is "the most comprehensive of rights, and the right most valued by civilized men."

Within the last several years many citizens have begun to fear that this basic right is being steadily eroded by the use of modern electronic technology to eavesdrop on conversations. Unfortunately, increasing numbers of Americans have begun to fear that Government is more interested in intruding into their private lives than in acting to protect their privacy.

Until passage of the Omnibus Crime Control and Safe Streets Act of 1968, the only Federal statute on wiretapping was section 605 of the Federal Communications Act of 1934, which prohibited interception and divulgence of conversations transmitted by wire. The Department of Justice interpreted section 605 to mean that the law was violated only if an intercepted conversation was divulged to outsiders, and the question was never decided by the Supreme Court. It was not until the 1968 act that Congress enacted a comprehensive statute on wiretapping and electronic surveillance.

That statute, title III of the Omnibus Crime Control and Safe Streets Act, actually extended official eavesdropping by authorizing frequent and prolonged electronic surveillance by Federal and State investigators in criminal cases. It also authorized, for the first time, the use of wiretap evidence in criminal trials. Most importantly, that 1968 act specifically disclaimed, in section 2511(3), any attempt to deal with one of the most senitive contemporary issues—the power of the Executive to engage in wiretapping and electronic surveillance solely for the purpose of gathering foreign intelligence.

Presidents since Franklin Roosevelt have asserted that their responsibilities as Commander in Chief under article II of the Constitution give them the power to conduct electronic eavesdropping without regard to the restraints of the fourth amendment.

On May 21, 1940, President Roosevelt issued a memorandum to the Attorney General asserting that electronic surveillance would be proper under the Constitution in cases of "grave matters involving the defense of the Nation." The exact nature of "grave matters" involving the defense of the Nation was never fully explained. However, it is now known that national security was used as a reason or a pretext to eavesdrop on the communications not only of foreign spies but also of law-abiding American citizens who had no connection with a foreign power but whose views were considered subversive by the Director of the Federal Bureau of Investigation or by some other person high in Government.

Federal agents continually wiretapped American citizens where domestic and foreign security concerns were involved until 1972 when the Supreme Court, in the famous Keith decision, declared that warrantless wiretaps were forbidden by the fourth amendment where there was no connection with the activities of a foreign power. The Court failed to consider, however, the question of whether such warrantless eavesdropping was permitted where the subject was directly involved with a foreign power, although several lower courts have so held.

Warrantless electronic surveillance conducted by agents of the Federal Government under the guise of national security is particularly insidious, even when involving contacts between an American and representatives of a foreign power, because it often is conducted with regard to the subject's political activities. This asserted exception to the protections of the Bill of Rights, with all the variations made possible through the use of modern electronic technology, could form the cornerstone of a future police state.

The dangers inherent in authorizing the President broad powers in the name of "national defense" or "national security" were clearly recognized by the late Chief Justice, Earl Warren, when he stated, in striking down a part of the Subversive Activities Control Act of 1950, that:

> This concept of "national defense" cannot be deemed an end in itself, justifying an exercise of * * * power designed to promote such a goal. Implicit in the term "national defense" is the notion of defending those values and ideals which set this Nation apart * * *. It would indeed be ironic, if, in the name of national defense, we would sanction the subversion of one of those liberties * * * which make the defense of the Nation worthwhile.—So said the Chief Justice in *United States* v. *Robel*, 389 U.S. 258, 264 (1967).

The Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, which I chair, began studying the issue of national security wiretapping 3 years ago, in April 1974, when we held hearings on several bills, including a proposal to require a court order prior to any interception of oral or wire communications in national security cases.

At that time Assistant Attorney General Henry Petersen, speaking for the administration, stated to the subcommittee, "let me be very brief. We oppose these bills. That is it." During the subsequent 2-year period, Mr. Petersen and his successors, as well as intervening Attorneys General, consistently opposed the concept of legislation imposing judicial restraints on national security wiretapping.

However, last year, President Ford announced a change in policy. He indicated a willingness to work with Congress to develop a system of court supervision of national security wiretapping. In response to his invitation for congressional input, Congressman RAILSBACK and myself wrote to the President offering our cooperation and included draft language we had developed as a substitute for H.R. 141, an earlier bill that I had sponsored on national security.

Although the President acknowledged our letter, neither he nor the Attorney General responded substantively to our draft language. Indeed, the Attorney General did not consult with us—although he surely did with the Senate—prior to preparation of a final draft bill which was introduced by Chairman RODINO as H.R. 12750, the Foreign Intelligence Surveillance Act of 1976.

An identical bill, S. 3197, was introduced in the Senate. While H.R. 12750 and S. 3197 represented a distinct departure from the former Administration's long held opposition to any statutory controls on foreign intelligence wiretapping, they were considerably more limited in scope than bills which earlier had been considered by our subcommittee. A broad coalition of civil liberties groups, in fact, argued that the bill simply constituted a disguised method of legitimizing the questionable practices which had in the past been represented by warrantless wiretapping. These groups, led by the American Civil Liberties Union, pointed out that the bill did not require a showing of criminal probable cause, did not permit judicial evaluation of the facts supporting a wiretap application, and failed to eliminate all exceptions to the warrant requirement.

Although I shared many of the reservations of the organized civil liberties community, I agreed to cosponsor H.R. 12750 after personal requests by the President and Attorney General to do so.

While our subcommittee held 3 days of hearings on H.R. 12750 in the 94th Congress, we failed to move to markup on the measure for the reason that the Senate, with which the Administration had collaborated originally in developing the legislation, failed to act.

With the convening of the 95th Congress, those of us who in the past have been involved with the issue, have had an opportunity to reexamine the whole question of national security wiretapping with a fresh perspective, unimpeded by the limitations imposed on the debate by the previous administration.

As a result of this reexamination I have developed a new bill, which I believe will meet the legitimate intelligence needs of the Nation and, at the same time, bring national security surveillance within the protective boundaries of the statutory law.

My bill, which I am introducing today, is entitled the Foreign Intelligence Surveillance Amendments of 1977.

It repeals that provision of current law, title 18, United States Code, section 2511(3), which disclaims legislative intent to limit the surveillance powers of the President in national security cases and permits electronic surveillance only when a Federal judge finds that there is probable cause to believe that the surveillance would produce evidence that one of a list of specific crimes has been or is about to be committed. This brings national security wiretapping and elec-

tronic surveillance, for the first time, within the procedures traditionally required for a search pursuant to the fourth amendment; procedures already required for wiretaps in criminal investigations.

In order that electronic surveillance may continue when required for foreign intelligence purposes, the bill writes into the law four provisions not currently available in normal criminal cases.

First, it expands the list of crimes the investigation of which may serve as a basis for an electronic surveillance. The new crimes are, violations of the Export Administration Act and the Foreign Agents Registration Act, crimes likely to involve foreign intelligence situations. Of course, wiretaps already may be sought in cases of violations of espionage, sabotage and treason statutes.

Second, the bill permits the permanent waiver of notice of the surveillance to a subject who is overheard as long as the evidence obtained is used only for intelligence purposes and not for criminal prosecutive purposes.

Third, it permits the Court to authorize a surveillance for up to 90 days where the subject of the investigation is an agent of a foreign power. In purely criminal investigations under current law, authorization of an electronic surveillance may not exceed 30 days.

Fourth, the bill permits the government to maintain strict security by confining wiretap applications to the U.S. Court of Appeals for the District of Columbia Circuit when foreign intelligence information is sought.

I believe that my bill will permit wiretapping and other electronic surveillance where necessary for obtaining foreign intelligence information, but, at the same time, respond to the objections raised by the civil liberties community to the administration's 1976 bill. That bill permitted electronic eavesdropping simply upon the finding by the Attorney General that the subject of the surveillance was an agent of a foreign power. It did not require the traditional fourth amendment showing of probable cause to believe that evidence of criminal activity would be found. In addition, the 1976 bill did not permit the judge, to whom the application for a warrant is made, to demand evidence supporting the facts certified in the application. My bill would permit the judge full power to test the assertions supporting the application.

Finally, my bill clearly avoids any congressional recognition of an inherent Presidential power to conduct surveillances outside the procedures established by law.

I believe that the Foreign Intelligence Surveillance Amendments of 1977 offer an excellent opportunity to bring the decades of long debate over national security wiretapping to a close with a responsible measure which will meet the intelligence needs of the Executive within the limitations imposed by the fourth amendment.

Mr. Speaker, I invite the support of the President, the Attorney General, and my colleagues for this measure.

For the RECORD, I would like to submit an explanation and analysis of the bill and the actual text:

THE FOREIGN INTELLIGENCE SURVEILLANCE AMENDMENTS OF 1977

EXPLANATION AND ANALYSIS

Explanation

The bill is styled as the Foreign Intelligence Surveillance Amendments of 1977 rather than as the Foreign Intelligence Surveillance Act, as was the 1976 Administration bill.

The language difference illustrates a fundamental policy difference between the two proposals. The Foreign Intelligence Surveillance Act of 1976 would have created a special national security electronic surveillance statute for which the threshold of implementation would be probable cause that the subject of the surveillance is a "foreign agent." In addition, the factual assertions supporting the application would not be subject to examination by the judge. The proposed Foreign Intelligence Surveillance Amendments of 1977 do not create a new statute. They merely amend the existing electronic surveillance statute, Chapter 119 of Title 18, United States Code, to permit surveillance for intelligence purposes where the traditional criminal probable cause showing has been made. Specifically, the Amendments would: (1) remove the existing Congressional disclaimer with respect to national security surveillance contained in 18, United States Code, Section 2511(3); (2) permit surveillances for a period of 90 rather than 30 days; (3) permit waiver of notice to the subject of the surveillance, and (4) permit the government to present applications for national security electronic surveillance to a small group of judges so that security easily could be maintained and specialized judicial knowledge of national security matters could be developed.

Section-by-section analysis

Section 1. Title.

Section 2. This section amends the definition provisions of Chapter 119, United States Code, to provide a definition of "foreign intelligence information." It is almost identical to the definitions proposed for the Foreign Intelligence Surveillance Act of 1976 as reported by the Senate Judiciary and Intelligence committees.

Section 3. This section deletes the disclaimer in 18, United States Code, Section 2511(3), in which Congress recognizes a Presidential surveillance power beyond that authorized in the statutory law.

Section 4. This section amends 18 United States Code, Section 2516 to permit applications for electronic surveillance orders involving foreign intelligence information to be made to the Court of Appeals for the District of Columbia Circuit. Its purpose is to permit such applications to be made to a small number of judges so that security can be maintained and so that the judges to whom such applications will be made may develop sufficient expertise in national security matters.

Section 5. This section amends Title 18 United States Code, Section 2516(1)(a) to add to the list of offenses for which electronic surveillance may be used, two additional misdemeanor offenses which are particularly important in foreign intelligence situations. These are violations of the Foreign Agents Registration Act and the Export Administration Act.

Section 6. This section amends 18 United States Code, Section 2517(3) to make it inoperative in cases where foreign intelligence surveillance information is sought. Section 2517(3) provides that evidence received from an electronic surveillance under Chapter 119 may be disclosed in judicial proceedings.

Section 7. This section amends Title 18 United States Code, Section 2518(5) to permit electronic surveillance for a period exceeding 30 days where foreign intelligence information is sought.

Section 8. This Section amends Title 18 United States Code, Section 2518(8) to provide for waiver of notice to the subject of an electronic surveillance in cases involving foreign intelligence information.

Section 9. This section creates a new Section 2521 in Chapter 119, United States Code, which permits application to the United States Court of Appeals for the District of Columbia Circuit for and approval of waivers of the notice and time provisions of Chapter 119 in cases involving foreign intelligence information.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on the subject of the special order today by the gentleman from California (Mr. EDWARDS).

PROTECTNG REDWOOD NATIONAL PARK

The SPEAKER pro tempore (Mr. THORNTON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN. Mr. Speaker, last week the House Government Operations Committee released its first report of the 95th Congress, entitled "Protecting Redwood National Park." Almost since the establishment of Redwood National Park in 1968, it has been a known fact that logging upslope and upstream from the park and the famous "worm"—which is where the tallest known trees in the world are located—is damaging park resources. A series of Interior Department studies and independent reviews document the fact that clearcutting and associated logging operations have caused extensive damage to the timber, water, and soil resources in the park.

The report, which was approved by voice vote by the full committee and by a bipartisan 6 to 1 vote of the Environment, Energy and Natural Resources Subcommittee, recommends a comprehensive program for protecting the park and its magnificent virgin redwoods. Perhaps the most important recommendation is that the park be enlarged by a minimum of 21,500 acres up to the 74,000 acres proposed in legislation (H.R. 3813) introduced by Representative PHIL BURTON, chairman of the House Interior Subcommittee on Parks and Territories. I want to commend and add my support to Representative PHILLIP BURTON for his efforts over the last several years to protect and enlarge Redwood National Park; I note that his subcommittee began hearings on H.R. 3813 last week.

The report recommends that the Interior Department and the National Park Service should be given the authority to enforce restrictions on timber cutting in the Redwood Creek basin which are considered necessary to protect park resources. The committee also finds that the Interior Department and the Justice Department should require

the three timber companies to carry out proper land rehabilitation and reforestation in order to minimize future erosion damage to the park.

In addition, the report recommends—and I want to stress this point—that the Congress and the administration should work closely with the State of California in order to offset the expected initial and interim loss of jobs and revenue to Humboldt County resulting from increasing the size of the park. I also want to emphasize that it is my belief the expansion of Redwood National Park and the resulting increase in tourism will in the long run prove to be an asset to the local economy.

Full-scale logging in the Redwood Creek basin for this season is slated to begin in April. This Friday the Arcata Redwood Co.'s voluntary deferral of cutting expires on two tracts of land they own near the Tall Trees Grove. In light of this fact—and I cannot overemphasize the urgency of the present situation—the report recommends that Congress and the administration seek a moratorium on logging in the Redwood Creek basin for a period of time sufficient for Congress to act on legislation designed to protect the park. Congressmen UDALL and PHILLIP BURTON of the House Interior Committee and Senators JACKSON and ABOUREZK of the Senate Energy and Natural Resources Committee have recently requested the timber companies to impose such a moratorium.

Last month I wrote President Carter asking his assistance in seeking a moratorium on logging by the timber companies for a reasonable period of time in order to give Congress an opportunity to act. The President is supposed to have an announcement on this subject at the end of this week. If the Congress and the administration are not successful in stopping timber cutting in the Redwood Creek basin in the next several weeks on a voluntary basis, I believe we should be prepared to take whatever steps are necessary to enforce such a logging moratorium. Those trees and this park are too valuable for us to do otherwise.

One final point: For those concerned with the expense of acquiring additional land for Redwood National Park—and I admit it will be expensive—let me point out that money spent for that purpose would come from funds appropriated under the Land and Water Conservation Act. Congress has authorized and both Presidents Ford and Carter have requested significant increases in appropriations for the land and water conservation fund. These increases are expected to continue at least until the end of this decade. Any money spent for land acquisition for Redwood National Park will come from this account, and will be budgeted for over a several-year period.

The giant coastal redwoods are a national treasure created by nature over thousands of years. Unlike other outstanding examples of America's natural heritage, such as the Grand Canyon, Yellowstone, and Mt. Rushmore, the great virgin coastal redwood forests are an endangered resource rapidly on their way to becoming extinct. Action is needed now to preserve these trees and protect this park for the future.

A PRAGMATIC APPROACH TO STRENGTHENING THE UNITED NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

Mr. BINGHAM. Mr. Speaker, during the past 2 years, I have been privileged to be a member of a working group on the United Nations, organized by the Atlantic Council of the United States. The Director General of the Atlantic Council is the distinguished Dean Francis Wilcox, well and favorably known to many Members of the Congress.

This working group, which recently completed and released its report, was composed of the following members:

THE ATLANTIC COUNCIL WORKING GROUP ON THE UNITED NATIONS

CHAIRMAN

Charles W. Yost: consultant; former US ambassador to the UN, to Syria, and to Morocco.

RAPPORTEUR

Lincoln P. Bloomfield: professor of political science, Massachusetts Institute of Technology; consultant to the Department of State and the Arms Control and Disarmament Agency; former director, UN Policy Planning, Department of State.

MEMBERS

Jonathan Bingham: US representative from New York; former US representative to the UN Economic and Social Council.

Landrum R. Bolling: president, Lilly Endowment; former president, Earlham College.

Harlan Cleveland: director, Aspen Program in International Affairs, Aspen Institute for Humanistic Studies; former assistant secretary of state and ambassador to NATO.

Edward J. Derwinski: US representative from Illinois.

C. Clyde Ferguson, Jr.: professor of law, Harvard University; former ambassador to Uganda and US representative to the UN Economic and Social Council.

George S. Franklin, Jr.: secretary, The Trilateral Commission; former executive director, Council on Foreign Relations.

Richard N. Gardner: Henry L. Moses Professor of Law and International Organizations, Columbia University; former deputy assistant secretary of state.

James F. Green: executive director, Commission to Study the Organization of Peace; former executive director, President's Commission for the Observance of Human Rights Year.

Rita Hauser: attorney; former US representative to the UN Commission on Human Rights.

J. Allan Hovey, Jr.: president, Allan Hovey Associates, Inc.; former vice-president, Radio Free Europe.

Elmore Jackson: consultant to The Rockefeller Foundation; former special assistant to the assistant secretary of state for international affairs.

David Kay: director of International Organizations Research Project, American Society of International Law; former professor of political science, University of Wisconsin.

James F. Leonard: president, UN Association of the United States; former assistant director, Arms Control and Disarmament Agency.

Mary P. Lord: former US delegate to the UN; former US representative to the UN Human Rights Commission.

James S. McDonnell: chairman, McDonnell-Douglas Corporation.

Gerard Mangone: professor of international law, Center for Study of Marine Policy, University of Delaware; consultant to the Department of State.

David Morse: lawyer; former assistant secretary of labor; former US director general, International Labor Organization.

Samuel De Palma: director, International Analysis Unit, ITT; former assistant secretary of state and assistant director, Arms Control and Disarmament Agency.

Richard F. Pederson: senior vice-president, United States Trust Co. of New York; former counselor of the Department of State and ambassador to Hungary.

Nathan Pelcovits: research associate, School of Advanced International Studies, Johns Hopkins University; former US foreign service officer.

Christopher H. Phillips: president, National Council for US/China Trade; former ambassador and US representative to the UN Security Council.

Jean S. Picker: vice-president, United Nations Association of the United States; former US delegate to the UN General Assembly.

James M. Read: vice-president, Charles F. Kettering Foundation; former president, Wilmington College, and UN deputy high commissioner for refugees.

Joseph Segel: chairman, Presidential Airways; former chairman, UN Association of the United States, and US delegate to the UN General Assembly.

Ralph I. Straus: government consultant.

Franklin H. Williams: president, Phelps Stokes Fund; former ambassador to Ghana.

EX OFFICIO MEMBERS

Theodore C. Achilles: vice-chairman, Atlantic Council; former counselor of the Department of State and ambassador to Peru.

Joseph W. Harned: deputy director general of the Atlantic Council; US representative of the Atlantic Institute for International Affairs, Paris.

John D. Hickerson: director, Atlantic Council; former assistant secretary of state and ambassador to Finland and the Philippines.

Francis O. Wilcox: director general, Atlantic Council; former assistant secretary of state; former chief of staff of the Senate Foreign Relations Committee; former dean of Johns Hopkins School of Advanced International Studies.

This distinguished group concluded that the U.N. "with all its weaknesses, is presently irreplaceable" and recommended a "pragmatic and pluralistic" approach to strengthening that organization avoiding dogmatic or extreme or simplistic solutions.

I strongly commend the group's entire report to the attention of my colleagues and others who believe in the concept of international organization rather than international anarchy. Copies can be obtained from the Atlantic Council at 1616 H Street NW., Washington, D.C. 20006 or through my office.

The summary and conclusions of the report read as follows:

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

The UN system—particularly the General Assembly, Security Council, and certain of the specialized agencies—has been increasingly dominated by the Third World's drive for greater economic, social and technological equality. In the same historic period the great powers have downgraded the United Nations as an instrument for negotiating important disputes, choosing more and more

to act unilaterally, often in disregard of UN Charter obligations. Compounding the negative picture is the spread of the Middle East conflict across the UN system, poisoning the atmosphere for constructive action in the major political organs and politicizing several professionally oriented specialized agencies, seriously hampering their important work.

As a result, public support in the United States for the work of the United Nations has declined sharply, raising questions about the certainty of sustained financial contributions in the event of new confidence-eroding crises such as that triggered by the 1975 General Assembly resolution equating Zionism with racism. Failing a lasting Middle East peace settlement, additional crises of confidence can be anticipated. Even with a Middle East settlement, the grievances of the large majority of less developed countries, combined with their continued focus on racism in southern Africa, ensure that the UN system of agencies will keep high on its agenda the contentious economic, social, and technical issues raised by the majority within the rubric of "a new international economic order."

The multiple political disputes already in existence, plus new ones likely to arise out of problems of food and energy availabilities, ocean resource allocation, and other dynamic interdependent sectors of the changing world environment require adequate machinery for settling disputes and managing change without war.

We believe that U.S. interests, and indeed those of many other nations, clearly require that a global system of reasonably effective international organizations be in place to deal with the important issues arising from these three areas: "have" versus "have-not" nations; undiminished international disputes threatening world peace; and management of the complex network of economic interdependencies.

In our view, U.S. interests call today for a twofold strategy. First, we should work with other like-minded nations toward the implementation of badly needed international action programs essential to American welfare and the welfare of others. The approach we recommend is pragmatic and pluralistic, with the main emphasis on getting the job done, rather than dogmatically working within any particular institutional framework. Second, in order to restore the essential confidence of the United States, which must undergird the UN system if it is to have any real effectiveness, the United States should adopt as a working goal certain procedural improvements aimed at minimizing formal voting arrangements and irritating, wasteful propaganda and posturing at the expense of problem solving.

We are convinced of the urgent necessity, today as never before, of multilateral instruments of discussion, bargaining, and action across an unprecedentedly wide spectrum of issue areas. The United Nations, with all its weaknesses, is presently irreplaceable. U.S. national interests require that we continue to play a full and constructive part, not hesitating, however, to urge far-reaching reforms when that seems indicated—or to improve our own imperfect record of fidelity to the institutional arrangements and ground rules we had such a large part in establishing.

In part because others have competently examined the economic and social agencies and functions of the UN system, and in part because the crisis of confidence of the United States in recent times arose from actions—or failures to act—in the political and security organs, we have concentrated our attention primarily on the latter area.

One of our chief recommendations is that, in its global diplomacy, the United States should henceforth draw together much more closely with other like-minded states, first of all its main allies, friends, and trading partners in North America, Europe, and Asia. In this spirit, we plan to discuss the specific recommendations that follow in an open-minded way with others who share the same concern. Only then should these proposals be considered final, and appropriate for official action.

We recommend following a pluralistic strategy toward the UN system, in a spirit we call "the new pragmatism," with primary consideration given to effective action.

We see a continuing need for a wide range of types and levels of international agencies to meet present and future requirements growing out of global interdependence. The UN system, as a central organization with almost universal membership, can and should perform the bulk of the inescapably global functions along the lines of its past useful initiatives regarding food, population, drugs, disaster relief, outer space, peacekeeping and dispute settlement, arms control, and law of the sea.

Where the primary aim is to air grievances and exchange views, or to design and launch needful initiatives and programs at the global level, the General Assembly is the appropriate forum (as are the Economic and Social Council and Security Council for relevant matters).

But where concrete action on economic, financial, or technical policy is required, smaller bodies can often be more effective. Such smaller groupings can exist inside or outside the United Nations. In many cases, peripheral organizations with partial membership based on regional location or on functional necessity should take on more substantial portions of the international agenda.

The goal is to have in place a range of greater-than-national "regimes" which institutionalize agreed ground rules for a wide spectrum of human affairs that cannot be effectively dealt with by any nation or pair of nations—or perhaps even by presently constituted international machinery and procedures. Fixed doctrine about "working within the UN system" (or "avoiding the UN") should not stand in the way of practical movement toward solutions for difficult problems. But neither should ad hoc activity furnish additional excuses to make an empty shell of the UN.

We recommend a continuing consideration of the division of labor between existing global and regional organizations. Efforts should be made to strengthen regional agencies where that is feasible.

We believe there should be a new presumption in U.S. policy that the outcomes of most local conflicts will, in the long run, be more consistent with basic U.S. interests if recourse is made to the Security Council rather than if attempts are made to act unilaterally.

We recommend adding some middle powers to the Security Council as "associate permanent members" without a veto, e.g., West Germany, Japan, and India, and possibly Brazil and Nigeria. If this idea is rejected, such states should be, at a minimum, frequently reelected to the council.

The United States and its allies should sustain to the full the authority and capacity of the United Nations to interpose neutral peacekeeping forces between fighting parties whose actions menace international peace and security.

We strongly urge new commitment by the U.S. government, in concert with a coalition of like-minded states of all persuasions and levels of development, to reactivate the machinery for peaceful settlement of disputes, which today languishes essentially unused. This machinery includes negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of the parties' own choice.

In its own acts, before considering unilateral intervention for whatever reason, the United States should without exception consult with its friends and allies. We believe that the multilateral route often proves in retrospect to have been less costly than the unilateral route, and deserves more serious consideration than it has had.

In our view the most effective U.S. posture would be that of international champion of the principle of nonintervention; except as intervention is used by the United Nations for legitimate peacekeeping or humanitarian reasons.

U.S. interests are well served by a strong, independent-minded secretary general. We recommend that the secreary general be encouraged to use to the full his agreed authority in international diplomacy—a capability which time has proven to be highly valuable to the maintenance of peace and security. To enhance his independence, he should be limited, in the future, to a single five-year term of office.

High priority should now be given to planning and developing necessary international structures and frameworks for international steering and management of common problems in the realms of trade, commodity pricing and stocks, fair sharing and pricing of nonrenewable resources, monetary management, development and population control, energy sources, food, pollution, conventional arms trade, conflict prevention, peacekeeping, the seas and seabed, and outer space.

While painfully aware of the General Assembly's many defects, in the final analysis we believe that the United States should continue to value the existence of a world forum in which the views of all nations can be freely expressed. The United States should use the assembly more actively—and sometimes more vigorously—to explain its positions, refute unfair allegations, and seek support on important programs.

In the face of proposals by the assembly that are patently illegal, outrageous, or destructive of compromise solutions, the United States should consider a range of forms of selective participation in the work of the organization. Normally the United States should be present to argue vigorously for its positions and, where voting takes place, to muster support. But when assembly procedures are flagrantly abused, the United States should seriously consider the possibility of refraining from voting and asking to be recorded as "refusing to participate."

In the face of extremely tendentious or calumnious resolutions, when it has good reason to believe that its voice will be totally disregarded, the United States should feel free to absent itself from the debate entirely. In such cases a clear public statement should be made of the reasons for the action. Of course, the action in such exceptional circumstances will have far greater impact if the United States can persuade its friends and allies to join it.

We recommend much greater use of the consensus process in such debating bodies, instead of formal votes for recording the sentiment of countries. In this connection, the United States should work with other members to try to deemphasize the voting process as an invariable way of making international decisions. In the process of setting up new organizations and agencies where concrete and binding action, as well as debate, is to occur, the governing principle, if possible, should be one of representational and voting arrangements that take into account the relative power and capacity of the states without whose cooperation decisions are meaningless.

Where decision making is realistically

weighted the United States and others who share its aspirations for a more effective multilateral system should announce their readiness to give substantial weight to certain resolutions passed by multilateral assemblies—including the UN General Assembly.

If a given body or agency of the United Nations becomes paralyzed or ineffective, we recommend an alternate temporary path within the agency to make a fresh start toward action. This could take the form of "coalitions of the willing," temporary and shifting groupings of states, first of all within the United Nations, who would agree among themselves to act in relation to one another at a higher standard of international behavior than the commonly accepted level.

We recommend major diplomatic efforts to try to make all the specialized agencies of the United Nations work effectively; we also recommend strengthened U.S. participation, including a substantial improvement in the contributory record of the world's richest nation.

The United States should vigorously promote the objective of depoliticization of the UN specialized agencies, first through intensified collaboration with other states who share this concern. Within certain agencies that cannot be so insulated—so they can carry out more effectively the important technical and other tasks assigned to them in their respective charters—the constructively inclined states might constitute a temporary action "coalition" of the like-minded within the organization, to carry out some of the agencies' frustrated purposes by agreeing to take common action which the majority may temporarily not be willing to pursue or adopt.

We also recommend—

A major effort to better coordinate the existing planning centers of such agencies as the World Bank and the UN Conference on Trade and Development (UNCTAD), as an interim step toward improving global planning.

The development of more effective arrangements in the United Nations to capitalize on the potential of the relationship between the United Nations and the nongovernmental organizations;

Repeal of the Connally Amendment—which unduly restricts the jurisdiction of the World Court—without further delay;

Various efforts to strengthen and improve the decisionmaking process in our own government so that the United States can participate more effectively in multilateral diplomacy;

Upgrading radically the level and intensity of consultation on UN matters between the United States and this country's chief trading and security partners, as well as with the constructively inclined less developed countries;

A major statement by the president of the United States of a revised and strengthened U.S. policy toward the United Nations at the opening of the Thirty-Second UN General Assembly in September 1977.

HEARINGS ON INTERPOL AUTHORIZATION (H.R. 4641)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, I wish to announce that the Subcommittee on Immigration, Citizenship, and International Law has scheduled one day of public hearings on Wednesday, March 30, 1977, to consider a bill, H.R. 4641, designed to remove the limitation on dues for U.S. membership in the International Criminal Police Organization—Interpol. The hearing will be held in room 2226 and will commence at 10 a.m.

Testimony will be received from governmental witnesses who will discuss the functions and activities of Interpol as well as the advantages and/or disadvantages of U.S. participation in that organization.

A recent GAO report criticized some of the operational procedures followed by the U.S. National Central Bureau, our working representative to Interpol. During the hearing the subcommittee will review the various findings and recommendations contained in that GAO report which was issued December 27, 1976, in an effort to determine whether this country should continue to participate as a member of Interpol.

PROCUREMENT LEGISLATION TO PROVIDE FOR EQUITABLE COMPENSATION OF PROFESSIONAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, on behalf of myself and Congressman LOUIS FREY of the Ninth District of Florida, I have introduced H.R. 4873, a bill to provide for fair and equitable compensation of professional employees in the performance of technical support services contracts.

This bill amends titles 10 and 40 of the United States Code, to rectify in the Federal procurement laws governing competitive negotiation procedures, what has been referred to as "wage busting" of professional employees working under technical support services contracts. The problem, which affects engineers to a larger extent than other professionals, arises primarily from the fact that technical support services contracts are awarded on a short-term basis under a competitive negotiation system followed by periodic recompetition. In order for a competing contractor to offer a lower price proposal during the recompetition period the most pragmatic approach has been for the competing contractor to pay lower salaries to the employees required for the technical services involved. The result is obvious. A number of engineers, and some other professionals, working under these contracts, are paid significantly lower salaries for the same work and level of responsibility than they received under the predecessor contract. This is a serious problem of immediate concern in several areas of the country, especially Cape Canaveral, Fla., and Huntsville, Ala.

It is important to recognize that while this procurement problem places the most hardship on engineers, it is also true that it has had to some extent detrimental consequences to the Government in terms of lesser qualified professionals of all kinds being available for the important services they must render for adequate performance of the Government's needs. Everyone we have talked with agrees that this problem must be solved, and I particularly want to emphasize that the service contract industry groups are as anxious as the engineering community to eliminate the procurement procedures which invite this problem.

Congressman FREY and I have met with engineers and their representatives in an attempt to develop a legislative solution to the problem, and we believe H.R. 4873 to be a workable solution that can be supported by the technical service industry and their professional employees. A main objective in developing a bill—and a difficult one to achieve—was to avoid creating a Government bureaucracy or a host of other long-term problems just to eliminate this problem. We did not want a cure worse than the disease. The present problem clearly is rooted in the bidding procedures under the Federal procurement laws, and we believe that the most logical and expeditious solution is to amend those laws in as straightforward a manner as possible. Our bill, for instance, prevents support services contractors from engaging in bidding practices that result in lower salaries for the professional than previously paid by the predecessor contractors but would not involve the U.S. Department of Labor in salary determinations for professional employees. Government-established salaries for professionals by the Department of Labor or any other body are not the only answer to this problem; indeed, such an approach could be an unhealthy precedent, because it could destroy the recognized system under which professional employees are compensated for individual merit and contribution. It could also stifle professional creativity and performance.

There is a long body of precedent in other Federal laws which recognizes that professional employees should not be included under labor standards laws in which the Government dictates minimum wages and other compensation benefits. These laws recognize the necessity that professional employees have flexibility in performing their services. Thus, professional employees are not covered by the minimum wage determinations under the Davis-Bacon Act for construction workers or the Walsh-Healey Act for production employees. They are likewise exempt from the Fair Labor Standards Act requirements of minimum wages and overtime payments after a specified number of hours of work per week. Our bill preserves this recognition of the longstanding exemption of professional employees from rigid employment classifications and standardized salaries. In short, it preserves the essential merit system applicable to professional employees.

Instead of authorizing an executive agency, or any other body, to set professional salary ranges, it seemed to make good sense to us for the procuring agency to determine whether the salaries proposed for professional employees by competing contractors are consistent with appropriate levels of professional responsibility and achievement. H.R. 4873 gives

the head of the procuring agency the responsibility to review salary levels to insure that they reflect the abilities, professional status, responsibilities, and value of the education and experience of the employee. As a part of this review, the agency head must take into account published salary surveys and studies of public and private organizations. So there will be no misunderstanding, we intend to give the agency head clear and specific authority to award contracts only if he determines, using the specified criteria, that the salary levels for professional employees are equitable and commensurate with their individual position classifications and level of professional performance as proposed by the contractor. This approach preserves the merit system and flexibility on the part of Government and industry.

Finally, I should add that to eliminate concern that a solution to this problem would have a broader than necessary impact, we have included in the bill a definition of "technical support services contracts." A specific objective with this bill is to avoid misinterpretation of its impact and not to legislate in those nontechnical support services areas.

In the next few weeks, I will be writing each of my colleagues to solicit their cosponsorship of H.R. 4873. For clarification, I should add that the repetition of specific language in the bill and the dual referral—to the Government Operations Committee and the Armed Services Committee—was necessary because the military operates under procurement laws separate from the civilian agencies.

Both Congressman FREY and I are confident that early passage of our amendments to the Federal procurement law will establish fair and equitable compensation for professional employees in the performance of technical support services contracts.

TESTIMONY ON LUKFATA DAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. WATKINS) is recognized for 10 minutes.

Mr. WATKINS. Mr. Speaker, today I presented testimony at a hearing conducted by the U.S. Army Corps of Engineers on Lukfata Dam, a project on the Glover Creek in McCurtain County, Okla., which was authorized by Congress many years ago. Although planning for the dam is virtually complete and the Corps of Engineers was ready to move forward on construction of the dam in the near future, this vital project has ground to a virtual halt, because President Carter has directed a special task force to review Lukfata Dam, along with 29 other Federal water projects. Today's hearing was necessitated, because of that recent Presidential decree.

At the same time my testimony was being presented in Broken Bow, Okla., this mornong, God was presenting testimony of his own on the need for a dam on Glover River. Not 5 miles from the site of the hearing, Glover River was roaring out of its banks at more than 5 feet above flood stage, once again wreaking thousands of dollars of damage and destruction to crops, livestock, valuable farm land, and personal property, and threatening lives.

Although today's flood was bitter irony, it is not an unusual circumstance in McCurtain County. According to data compiled by the Corps of Engineers, the Glover River floods an average of more than three times a year, causing $963,000 damage annually. The Corps estimates that if the largest flood of record, which occurred in December 1971, were to be repeated, it would incur about $4 million damage at today's prices.

The text of my testimony presented at today's hearing follows:

STATEMENT OF CONGRESSMAN WES WATKINS, 3D DISTRICT, OKLAHOMA

As a long-time resident of Southeastern Oklahoma, I formerly lived in McCurtain county and spent many days of my younger years in the Broken Bow area. Consequently, I have had first-hand knowledge of most of the flow characteristics of the Glover River.

On many occasions the Glover River did not flow for weeks, and what little water was there was stagnate. On the other hand, after a sizable rain I have witnessed torrents of water flowing wildly down this stream, rushing over the banks and destroying valuable farm land, livestock, farm buildings and homes, and threatening human life. This unpredictable river has cost the economy of this area thousands of dollars in personal property, homes, livestock and agricultural holdings.

For these personal, and not political reasons, I believe a dam should be built on Glover River. However, others who have not been personally affected by this dangerous and unpredictable river have questioned such construction. Their viewpoint was based on three main criteria: safety of the dam construction, the cost-benefit ratio of the project, and environmental considerations.

In the re-evaluation of this vital project ordered by President Carter, Lukfata Dam has proved feasible and viable from the safety and cost-benefit standpoints, along with meeting the requirements of three environmental areas defined by the President's Review Task Force.

Only one environmental area remains to be resolved. The Task Force has broken down that area into four categories of possible environmental impact: upland wildlife habitat, wetlands, fisheries and a species of fish identified as Percina pnatherina, or leopard darter. Each of these four categories should be addressed separately.

EFFECT ON UPLAND WILDLIFE HABITAT

The Presidential Task Force reviewing the Lukfata project has stated in its initial review that the dam would impact 5,200 acres of upland wildlife habitat. Upon closer observation, however, it is learned that approximately 88 percent of the land in question is forest land which will likely be cleared by the timber industry. Therefore, the upland wildlife habitat of the area in question would be affected even if Lukfata Dam were not built. However, the U.S. Army Corps of Engineers' construction plans for Lukfata Lake call for acquiring, by fee purchase, 15,150 acres of land, plus an additional 1,500 acres in scenic easement land. Additionally, the Corps of Engineers has proposed acquisition of an additional 4,100 acres of land for future enlargement of the conservation pool. Acquisition of the required land, plus the land proposed for future enlargement, totals 20,750 acres. Of this total, only 1,680 acres, or only 8.1 percent, would be inundated. This is less than 1.8 percent of the forest land of McCurtain County. The remaining 91.9 percent would be subject to the forestry practices that would also affect wildlife habitat. In fact, the wildlife habitat in this uninundated area would actually be enhanced, because the Corps of Engineers has indicated its intention to initiate wildlife management practices.

Therefore, it can only be concluded that, if the Corps acquires the full 20,750 acres, wildlife habitat would actually be preserved and enhanced on 19,070 acres. In fact, the Corps of Engineers concluded in its Final Environmental Impact Statement on the project:

"Some fish and wildlife losses will occur as a result of the project. However, other fish and wildlife values will be gained and some even enhanced. If present land use trends continue into the future at the rate at which they are now occurring, this proposal would in fact preserve many of the remaining fish and wildlife values of the area."

Further, the wildlife habitat to be affected by the project must be put into perspective by consideration of the entire habitat in the McCurtain County area.

The Presidential Task Force specifically cited quail as one of the animals to be affected by the project. Again referring to my first-hand experiences in this area, I have hunted in the McCurtain County area, and I know that the quail habitat to be affected by this project is only a minute portion of the natural habitat in McCurtain County. Similar statements can be made of the other wildlife to be affected. Because environmental considerations are rightly an emotional issue, we often jump to improper conclusions without putting the actual overall impact in proper perspective.

EFFECT ON WETLANDS

The Presidential Task Force, in its initial review of the project, found that Lukfata Lake would affect 940 acres of wetlands. This issue also must be placed in perspective. The Little River system includes thousands of acres of wetlands. The Lukfata project would affect only a minimal portion of the total wetlands in this river basin.

But the issue must be defined even further. Of the 940 acres of wetlands identified in the initial review, only 340 would actually be inundated by Lukfata Lake.

The Task Force's initial review also referred to the effect of the loss of wetlands on waterfowl. Although I have not yet had an opportunity to personally inspect the Task Force report, the logic of this conclusion escapes me. Hunters of this area feel that Lukfata Lake would actually enhance waterfowl's habitat. As mentioned earlier, Glover River is a highly unpredictable and vastly-fluctuating channel, ranging from a dried-up stream at one period to a raging torrent at other times. Construction of Lukfata Lake would stabilize this body of water. It would appear that the proposed lake would actually enhance the habitat for waterfowl, especially ducks.

EFFECT ON FISHERIES

The Task Force concluded in its initial review that the project would affect fisheries which support the smallmouth bass. It concluded that the area of impoundment would not support smallmouth bass.

At the expense of being accused of belaboring a point, I think this issue must also be placed in perspective. Occurrence of smallmouth bass is widespread throughout McCurtain County and Southeastern Oklahoma. If one accepts the Task Force's conclusion that the lake would not support smallmouth bass, it must still be pointed out that the area of Glover River, both above and below the lake impoundment, would continue to support this fish. The area that would actually be affected includes only 8 miles of the river at normal lake operations and a maximum of 15 miles of the river during full flood-control operations during the

historic 100-year flood conditions. Once again, we're talking about only a minimal portion of the habitat of this rather abundant fish.

Further, one must consider the trade-off that the project would create for sport fishermen. Lukfata Lake would actually increase the occurrence of largemouth bass, white crappie and channel catfish.

However, I do not concur with the Task Force's conclusion that Lakfata Lake would not support smallmouth bass. Nor does the Corps of Engineers, which reported in its Final Environmental Impact Statement:

"Three well-known ichthyologists were asked to independently make predictions. All three agree that the smallmouth bass probably will maintain populations in the lake and in the creek upstream and downstream of the lake if populations currently exist in these areas. Based on that and other available data Tulsa District believes the lake will produce a small mouth bass fishery."

Further, the State of Texas has been successful in stocking smallmouth bass in lakes which subsequently supported the fish. Similar experiments are underway in Arkansas, and all evidence indicates that the smallmouth bass can and does live in such lakes and can continue to propagate in this environment.

EFFECT ON THE LEOPARD DARTER

Finally, we come to the issue of the leopard darter, an elusive and mysterious minnow-like fish whose beneficial ecological aspects, if any, are difficult, if not impossible, to determine.

The Corps of Engineers concluded in its Final Environmental Impact Statement that existing, under-construction and authorized impoundments in this river system will only affect 8 to 12 percent of this fish's habitat. Obviously, the sum total of all the project will not threaten the extinction of the leopard darter.

The Task Force has concluded that the leopard darter could not exist within a lake impoundment or immediately below the dam. Based on some findings by the Corps of Engineers I must respectfully disagree. The Corps' Final Environmental Impact Statement reported in Paragraph 4.23 of Page 4–18 that more recent investigations have found populations of leopard darter *within the floodpool* of Broken Bow Lake and *below* Gillham Lake on the Cassatot River. The Corps of Engineers in its Final Environmental Impact Statement stated:

"... Recent collecting in Arkansas and Oklahoma has revealed a much wider distribution of P. pantherina in the Little River system than was previously known ... The Tulsa District does not concur that the species is endangered based on field studies ... Based on the data obtained by the Tulsa District, this proposal (to list leopard darter as an endangered species) appears unfounded and should not be carried further unless the proposal can be substantiated."

In addition to the leopard darter issue, any review of the Lukfata project should also address the beneficial effects the project would have on the habitat of two animals already on the endangered species list. I am refering to the red cockaded woodpecker and the Southern bald eagle, both of which populate the area.

The Corps of Engineers determined that the Lukfata project could actually enhance the environment of these two endangered species. I would go one step further and assert that the project would enhance the habitat of these two fowl. The construction of Lukfata Dam could insure the preservation and enhancement of 19,070 acres of habitat for the red cockaded woodpecker and the Southern bald eagle. In addition, eagles feed on fish, and the Corps of Engineers has determined that Lukfata Lake would increase the fish population provided by the lake and the stabilization of stream flows by construction of the dam would actually spread a bigger table for this endangered species.

CONCLUSION

The Presidential Task Force has reviewed at least 340 federal water projects in a period of a few brief weeks, and concluded that questions threatening the construction of 30 projects, including Lukfata Dam, remain unresolved at this point. I would remind both the Task Force and the President that the Corps of Engineers has studied the Lukfata project inside-out through intensive investigations over the past 10 years. As pointed out in my testimony this morning, I believe the Corps has already addressed all the questions outlined by the Task Force and has already satisfactorily resolved them.

In conclusion, there is no question in my mind concerning even the single remaining environmental consideration which was raised by the Task Force. All of us involved in this project realize that there is not an environmental equation or formula that will justify not buildnig the Lukfata Dam.

In the final analysis, the decision concerning the construction of the Lukfata Dam will have to be a "judgment decision." I hope that my judgment and the judgment of thousands of citizens who for many years have experienced the unpredictability and destruction of this river will be weighed and fully considered.

IN THE INTEREST OF NEW HOUSING LET US PUT AN END TO RENT CONTROL IN NEW YORK CITY, BUFFALO, AND OTHER CITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, the New York State Legislature is presently debating an extension of rent control in New York for yet another year. I think it is time that we ended this counterproductive farce—which has gone on annually since the end of World War II—and abandon these absurd controls once and for all in the interest of consumers.

Rent control began as part of the overall Federal price regulations during World War II. By the 1960's, these controls had been abandoned virtually everywhere except New York State, where they are primarily confined to New York City, though 105 other cities including Buffalo also have such controls to greater and lesser degrees. In New York City rent control now covers about 525,000 apartments. In addition, a newer program of rent stabilization, enacted in 1969, covers another 750,000 apartments.

Now, as in the past, the crux of the rent control debate has centered on such things as fair rent and the increased cost of heating and maintenance. Neither of these concepts come close to the fundamental issue, which is simply the artificial interference with normal supply and demand. The results are precisely what would be predicted under the circumstances. Interestingly, even a doctrinaire Socialist like Swedish Economist Assar Lindbeck has recognized the consequences of interfering with the market mechanism. As he wrote in "The Political Economy of the New Left":

Maybe the most effective way to teach the noneconomist about the issue of allocation and the functioning of the market system is to describe the problems which occur when markets have been more or less removed from the mechanism of allocation, such as, for example, when rigid price controls have been introduced. The general experience of rent control in various countries is, I believe, instructive. The effects of rent control have in fact been exactly what can be predicted from the simplest type of supply-and-demand analysis—"housing shortage" (excess demand for housing), black markets, privileges for those who happen to have a contract for a rent-controlled apartment, nepotism in the distribution of the available apartments, difficulties in getting apartments for families with children, and, in many places, deterioration of the housing stock. In fact, next to bombing, rent control seems to be the most efficient technique so far known for destroying cities, as the housing situation in New York City demonstrates.

Perhaps even more interesting is the recent admission by Mayor Beame of New York that rent control has in fact contributed to a decline in real estate values, though he continues to support rent control nevertheless—see the New York Times, February 17, 1977. Thus it is not surprising that New York City's property tax base dropped by $829 million in 1976 and is expected to drop by another $400 million this year. And, of course, these are very conservative estimates based only on assessed value, rather than true property value—see the New York Times, February 8, 1977.

Likewise, it is clear that rent control is responsible for a vast amount of abandonment and brought about a virtual halt to any apartment construction in New York City. For example, in 1975 exactly 3,810 dwelling units—only a handful privately financed—were started in New York City—down 75 percent from only the year before. Over the same period, between 35,000 and 50,000 units were abandoned or destroyed. Assuming a conservative replacement cost of $50,000 a unit, this represents a loss to the city of some $2 billion in capital investment annually.

Thus it is clear that rent control has had severe adverse effects. If the goal is to provide adequate housing at moderate cost, how can this be accomplished when there is virtually no new housing being built, when landlords are unable to get enough rent to even cover their costs, thus leading to abandonment and a deteriorating in the quality of existing housing?

It is, of course, true that if rent controls were immediately removed there would be a huge increase in rents. But this is only because they have been kept artificially low for so many years. As a result, landlords are forced to bear the burden of criticism for policies which they are not responsible for. Had rents not been controlled, any increases that would have taken place would have been spaced out gradually over many years and would have been kept down by the increased supply of housing which would have come into existence under normal circumstances.

The real tragedy of rent control—as it is with all price controls—I think may not even be in the economic hardship it causes for so many people, but rather in the deterioration of morality which results when classes of people are pitted against each other. Landlords blame tenants and tenants blame landlords for the deteriorating situation and politicians simply count up the votes and determine that tenants outnumber landlords. That is why the controls have remained in effect.

Perhaps it is a waste of time to continue to point out the adverse effects of price controls. The simplest commonsense ought to be enough for anyone to be able to see how they will work to produce results which are virtually the opposite of those promised. As the great economist Frank H. Knight once observed:

> If educated people can't or won't see that fixing a price below the market level inevitably creates a "shortage" (and one above it a "surplus") it is hard to believe in the usefulness of telling them anything whatever, in this field of discourse.

Mr. Speaker, Senator MOYNIHAN, of New York, has called for a study of rent controls, I agree totally because I am convinced that any dispassionate study of the results will prove them to be counterproductive and do nothing but cause shortages of housing.

THE ASSASSINATIONS COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from California (Mrs. BURKE) is recognized for 5 minutes.

Mrs. BURKE of California. Mr. Speaker, I am asking for this special order in view of the statements which have been made by the Honorable HENRY GONZALEZ, the gentleman from Texas, because he has raised a few issues which I believe, in all honesty, should be clarified.

First, I would like to explain why the resolution adopted on September 17, 1976, by the House establishing the Select Committee on Assassinations came before the House in the manner that it did. Following a series of meetings with the leadership of the House and with a number of the Members of the Congressional Black Caucus, and on one occasion with Mrs. Coretta King, a request was made that the House consider a resolution to investigate the assassination of Dr. Martin Luther King.

After a number of meetings and discussions, it was decided that an attempt would be made to revive the resolutions which had been voted on in the Rules Committee some months before on the subject of an investigation of the assassination of President Kennedy. Therefore, the reason for the impromptu consideration of the resolution by the House late in the session was due to the unusual information that was brought to the attention of the House not only by the Black Caucus, but by some of those associated previously with Dr. King.

Also, I would like to clarify how the chief counsel for the committee was selected. After the resolution was adopted and the Select Committee on Assassinations was established, in the early meetings of the committee each member was asked to make suggestions of possible candidates for the position of chief counsel for the committee. A number of names were suggested; in fact, Stewart Udall was one of those names. There was great concern that there might be appointed as counsel someone who had been publicly projected as an advocate for a reinvestigation of either the Kennedy or the King assassination. We did not want to give the impression that we were going to have a chief counsel who had already made up his mind and who was, in fact, an advocate of one theory or another.

So, the committee discussed this matter in great detail. Many names were submitted. One individual's name was submitted by at least three members of the committee. That was the name of Richard Sprague. In view of the fact that his name had been submitted by three members, it was suggested that the chairman, Mr. Downing, meet with Mr. Sprague to determine whether, in fact, he might be interested in serving as temporary counsel. We then authorized Chairman Downing to tentatively appoint the staff he felt necessary, subject to the selections being confirmed by the full committee at a later time. And this, in fact, happened. The chairman appointed temporary counsel and other staff. Then, we met later and affirmed the staff that he had submitted.

Now, many of the charges which were made today by Congressman GONZALEZ have come to the attention of the committee. The committee discussed these matters with Mr. Sprague in closed session, and specifically questioned him on the various charges. A transcript of Mr. Sprague's answers to many of the allegations—or perhaps I should say to all of the allegations—that were presented to the House today is available to any Member who would like to see it, and, at the pleasure of the House, it can be introduced into the RECORD.

I would like to at least address a couple of issues that have been raised. One is the matter of long distance phone calls. Mr. Sprague has repaid to the House $114, the amount that was determined to be personal and business and all phone calls made by him that were charged to the committee.

Another question relates to outside work as an attorney by anyone who was on the staff of the committee. It is true the rules of this House require that all staff of standing committees have no outside earnings or employment. However, this does not apply to select committee staff.

In addition, we realized that the former chairman, Mr. Downing, reached an understanding or agreement with Mr. Sprague when he was hired which suggested that he could continue serving as a professor of law in Philadelphia and in fact continue with his law practice.

I would like to also address the question of salary. We have been informed by the Committee on House Administration that all vouchers are in order and that the committee is operating within the budget as established by the 90-day resolution.

It is true that in order to achieve the compliance with that resolution, the members of the staff have taken a cut of 40 percent. But the decision was made by those staff members that they would rather take a cut rather than see some of the members of the staff fired, many of whom had given up their employment to come to Washington under the belief that this committee had been established by the House. Some of them had uprooted their families to come here. The committee determined that it would be unfair to terminate them, and that we should at least grant their option of taking a large cut during this 90-day period.

All of these matters which have been raised which relate to private matters between Mr. Sprague and the gentleman from Texas (Mr. GONZALEZ) I cannot address. But what I have attempted to do is at least enlighten the House concerning those matters which did take place in the presence of the committee.

This committee is very dedicated. We were present at the Committee on Rules when the resolution was adopted by that committee which established the Select Committee on Assassinations for the first time and also for the 90-day period from January 4 to March 31. I know I testified before the Committee on Rules, as did the Delegate from the District of Columbia (Mr. FAUNTROY), the gentleman from North Carolina (Mr. PREYER), and many other members of that committee. The gentleman from Ohio (Mr. DEVINE) testified. We sat there at the Committee on Rules with the chairman, the gentleman from Texas (Mr. GONZALEZ), during the entire deliberations.

I regret that the gentleman does not feel he had our support, because he did, in fact, have our support. We made that very clear to the Committee on Rules, the press, and all concerned.

THE CONGRESSIONAL BUDGET FOR FISCAL YEAR 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 10 minutes.

Mr. GIAIMO. Mr. Speaker, on behalf of the Committee on the Budget, and as called for by the Congressional Budget Act, I am reporting to the House on the status of the fiscal year 1977 congressional budget under the third budget resolution.

Since my last report to the House on March 3, 1977, the current level for budget authority and outlays has changed due to three actions by the Congress—House Resolutions 305–307, ERDA deferrals; House Joint Resolution 269, the supplemental appropriation for disaster relief; and H.R. 3839, second budget rescission bill for shipbuilding. There have also been reestimates of budget authority or outlays in five areas of the budget made as a result of President Carter's February 22 budget revisions. The attached table summarizes these changes to the previous current level of March 2.

As the Congress moves through the budget cycle for fiscal year 1978 with consideration of the first resolution, we shall continue to monitor changes in the economy, and take appropriate steps in the areas of spending and revenue legislation. However, for fiscal year 1977, several important items remain to be enacted by the Congress, notably the economic stimulus appropriation and the general spring supplemental, which will bring the Congress closer to the spending limits set in the third budget resolution. Therefore, it must be stressed that there is little room for additional initiatives by either the President or Congress within the limits set by the third resolution.

I include the following:

CHANGES TO CURRENT LEVEL BETWEEN MAR. 2 AND 23, 1977

[In millions of dollars]

	Budget authority	Outlays	Revenues
Current level as of Mar. 2, 1977	429,328	407,091	356,500
Changes to the current level:			
H. Res. 305, 306, and 307—Energy research and development deferrals		18	
H.J. Res. 269—Urgent supplemental appropriation for disaster relief	200	200	
H.R. 3839—2d budget rescission bill	−664	−47	
Reestimates:			
Federal Home Loan Bank Board		−379	
Investment in fund anticipation notes	−70		
Community development block grants		−137	
Unemployment insurance trust fund (technical accounting change)	−546		
Regional rail transportation protective account	25	25	
Outer Continental Shelf receipts	1,000	1,000	
Current level as of Mar. 23, 1977	429,273	407,771	356,500
3d concurrent resolution	472,900	417,450	347,700
Amount remaining	43,627	9,679	8,800

WASHINGTON, D.C.,
March 28, 1977.

Hon. THOMAS P. O'NEILL, JR.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedures which it had adopted in connection with its responsibilities under Sec. 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. I am herewith transmitting the status report under Sec. 1 of S. Con. Res. 10, the Third Budget Resolution for FY 1977. This report reflects completed action on spending and revenue measures as of close of legislative business Wednesday, March 23, 1977.

Sincerely yours,

ROBERT N. GIAIMO,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1977 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 10

REFLECTING COMPLETED ACTION AS OF MAR. 23, 1977

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	472,900	417,450	347,700
Current level	429,273	407,771	356,500
Amount remaining	43,627	9,679	8,800

BUDGET AUTHORITY

Any measure providing budget and entitlement authority which is not included in the current level estimate and which exceeds *$43,627* million for fiscal year 1977, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 10 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding *$9,679* million for fiscal year 1977, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 10 to be exceeded.

REVENUES

Since the current level for revenues is *$8,800* million below the appropriate level for fiscal year 1977 as set forth in S. Con. Res. 10 any measure that would result in a revenue loss for fiscal year 1977, if adopted and enacted, would be subject to Sec. 311 of the Congressional Budget and Impoundment Control Act of 1974.

WASHINGTON, D.C., *March 24, 1977.*

Hon. ROBERT N. GIAIMO,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for these items contained in the most recently agreed to concurrent resolution of the 1977 budget. The current level estimates are as of close of business March 23, 1977.

The only change from my previous report is the Urgent Supplemental Appropriation for Disaster Relief (P.L. 95–13) which is now enacted.

TABLE A

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	420,926	401,370	356,500
2. Entitlement authority and other mandatory items requiring further appropriation action	4,220	4,628	
3. Continuing resolution authority	4,791	1,820	
4. Conference agreements ratified by both Houses	−664	−47	
Current level	429,273	407,771	356,500
1. 3d concurrent resolution	472,900	417,450	347,700
Amount remaining (under appropriate level)	43,627	9,679	8,800

Sincerely,

ALICE M. RIVLIN,
Director.

PARLIAMENTARIAN STATUS REPORT SUPPORTING DETAIL FISCAL YEAR 1977, AS OF CLOSE OF BUSINESS MAR. 23, 1977

[In millions of dollars]

	Budget authority	Outlays
I. ENACTED		
Permanent appropriations and trust funds	211,161	195,232
Offsetting receipts	−55,882	−55,882
Previously enacted (94th Cong., 2d sess.)	265,488	261,796
Enacted this session:		
Urgent power supplemental (Public Law 95-3)	6	6
Energy research and development deferrals (H. Res. 305, 306, and 307)		18
Budget rescission bill, 1977 (Public Law 95-10)	−48	
Urgent supplemental appropriation for disaster relief (Public Law 95-13)	200	200
Total, enacted	420,926	401,370
II. ENTITLEMENT AUTHORITY AND OTHER MANDATORY ITEMS REQUIRING FURTHER APPROPRIATION ACTION		
Function 050: Defense agency civilian and military pay raises	1,476	1,449
Function 500: Social services	196	196
Function 550: Medicaid	947	947
Function 600:		
Special benefits disabled coal miners	48	48
Food stamps	671	473
Special benefits, Labor Department	19	19
Advances to unemployment trust fund	240	240
Offsetting receipts	−240	−240
Housing payments		208
Regional rail transportation protective account	25	25
Function 700: Veterans benefits		454
Function 800: Claims and judgments:		
Estimated requirements	127	127
Offsetting receipts (Indian claims)	−83	−83
Undistributed by function: Civilian agency pay raises	794	765
Total, entitlement authority	4,220	4,628
III. CONTINUING RESOLUTION AUTHORITY		
Labor-HEW items not considered:		
Function 500:		
Education items	2,912	552
Temporary employment assistance	1,384	1,165
Function 550: Health items	495	104
Total, continuing resolution	4,791	1,820
IV. CONFERENCE AGREEMENTS RATIFIED BY BOTH HOUSES		
2d budget rescission for fiscal year 1977 (H.R. 3839)	−664	−47
Total current level, as of Mar. 23, 1977	429,273	407,771
3d concurrent resolution	472,900	417,450
Amount remaining:		
Over ceiling		
Under ceiling	43,627	9,679

Note: Detail may not add due to rounding.

CELEBRATION OF INDEPENDENCE FOR GREECE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 5 minutes.

Mr. MIKVA. Mr. Speaker, last Friday, March 25, marked the 156th year of Greek independence. On this date in 1821, the Greek people united to free themselves from 400 years of Turkish domination. The struggle for freedom and sovereignty was long and arduous, but it demonstrated the deep commitment of Greece to freedom and independence.

Americans have cause to join in celebration of Greek independence, for we are all heirs to the unparalleled contributions which Greeks have made in every sphere of human endeavor. The ancient Greeks were both innovators—originating many of the institutions which have become the basis of western civilization—and refiners, converting and altering many cultural institutions which they borrowed from the Middle East and passed on to the West.

The legacies passed on to us from ancient Greece are found in such diverse fields as architecture, drama, philosophy and politics. We are inspired daily in this city by national monuments such as the Treasury Building and the Jefferson and Lincoln Memorials whose designs bear the influence of Greek architecture. The scope of Greek influence is enormous. Dramatists like Aeschylus and

Aristophones, philosophers like Aristotle and theorists in medicine, mathematics and astronomy have affected and guided us through the ages.

But the greatest contribution for which we are indebted to the people of Greece is their creation of democracy. Not only was the first democratic form of government instituted in Greece, but Greeks have been among the most ardent champions of democracy, even under the most adverse conditions.

The American Bicentennial was a celebration of 200 years of uninterrupted freedom from foreign oppression under a democratic form of government. But our enjoyment of the rights to life, liberty and the pursuit of happiness for two centuries, must not leave us complacent in the belief that these rights are inviolable. The Greek experience since 1821 reminds us that the blessings of democracy are to be cherished and guarded. Many times since creation of the first democracy, the Greek people's dedication to democratic self-rule has been threatened and even denied. Yet, each time the spirit of the Greek prevailed and democracy was restored. But the Greek experience is a reminder to all of us in the United States about the great pressures of democracy, and the importance of remaining sensitive to those trials.

Americans and Greeks are heirs to the same past and defenders of the same principle. I would like to join with all Americans on the happy occasion of Greek independence. And, I know that my colleagues in the House will join me in offering best wishes to the people of Greece and the Greek-American community in the United States as they celebrate the 156th anniversary of their independence.

GRADUATE PROGRAM IN INTERNATIONAL MANAGEMENT

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I have recently learned that the Georgetown University School of Business Administration is studying the establishment of a new masters in international management. As I review the proposal, it seems to me that there is a great deal of merit in it. I take this time to acquaint my colleagues with its general thrust.

GRADUATE PROGRAM IN INTERNATIONAL MANAGEMENT

In response to the worldwide environmental changes that shape international corporate management, the school of business administration is proposing a graduate program in international management designed to provide a sound educational foundation for future corporate managers. This proposal is within the philosophy and commitment of Georgetown University to meaningful education in the liberal arts and sciences as they apply to all areas of human endeavor. This philosophy and commitment require the development of new programs to provide students with the sound educational foundation they need to become better and more productive citizens of the world.

Recent changes in the international economic, technological, political, legal, and ethical forces that shape the global corporate environment provide a strong impetus for a new type of international manager; a manager who not only can recognize these forces and their impact on corporations, but can deal with these forces in day-to-day decisionmaking. The new international corporate manager will have to recognize the impact of increasing world economic interdependence on corporate operations, the growing governmental involvement in corporate affairs, and the increasing sophistication of the type of information available to international corporations.

The school of business administration is in an inherently advantageous geographic location to educate the international corporate managers who will be qualified to make the types of decisions that should result in a better and more stable international environment. The school of business administration has a diversified group of specialists on its faculty, well qualified in areas of international management. The courses offered in the functional areas of marketing, finance, management, and accounting already provide the kind of foundation that is needed on an undergraduate level to develop a successful graduate program. In cooperation with the school of foreign service and other departments on the University level, the school of business administration can assemble courses and expertise to deal successfully with specialized issues in international corporate management education.

MASTERS IN INTERNATIONAL MANAGEMENT

The masters in international management—MIM—will be a 2-year full-time graduate program of 48 credit hours offered by the school of business administration. The program has three basic components: First, course instruction of approximately 24 credit hours; second, language requirement of approximately 12 credit hours, and third, internship abroad of approximately 6 credit hours. The specific purpose of the program is to provide a sound education for future managers in international corporations. The graduate program would provide a strong conceptual, theoretical, and empirical foundation to enable the future managers to operate successfully in the dynamic arena of international management.

The overall objective of the graduate program demands that the student have a substantial understanding of the traditional functions of corporate management—including marketing, finance, and management; have the necessary conceptual and quantitative tools to allow him or her to make realistic decisions—such as economics, statistics, and decisionmaking and have a well-rounded background in the relevant areas influencing corporate operations—such as politics, history, sociology, or law.

To meet this objective, each student would be required to major in corporate management and would be required to develop a minor in areas outside of corporate management. The development of the major will be accomplished through course work, experience abroad, and a research paper; the minor would be developed through course work only. A total of 30 credit hours would be devoted to the development of the major, 6 credit hours would be devoted to the development of the minor, and 12 credit hours would be set aside for the language requirement. Experience abroad would account for 6 credit hours.

The courses for the graduate program in international corporate management are classified into three categories:

1. REQUIRED COURSES—LOWER DIVISION

International Business (3).
International Finance (3).
International Marketing (3).
International Economics (3).
Language (12).

2. REQUIRED COURSES—UPPER DIVISION

Comparative Business Systems (3).
International Financial Management (3).
International Marketing Management (3).
International Corporate Planning (3).
Intergovernmental Relations (3).

3. ELECTIVES

International Product Policies and Strategies (3).
International Promotional Policies and Strategies (3).
International Physical Distribution (3).
International Marketing Research (3).
Transfer of Technology (3).
International Consumer Behavior (3).
International Nonprofit Marketing.
World-Wide purchasing (3).
International Financial Markets (3).
International Accounting (3).

THE SACCHARIN BAN

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, 2 weeks ago the Food and Drug Administration announced that it intends to ban saccharin from food and beverages starting in July of this year, based on the requirements of the so-called Delaney amendment which allows no leeway if research proves any link between cancer in man or animal and a given substance.

It seems to me we have reached the point where we need to reexamine the Delaney clause. On the one hand, we have a substance which has made life easier for millions of Americans for 80 years and which has never been proven to cause cancer in humans. On the other hand, we have a test on rats given 800 average doses a day which does come up with a cancer link. I do not say we should ignore the evidence. I do believe we need to bring public benefit and public risk into balance. For that reason I provided testimony at the oversight hearings on the saccharin ban held earlier this week by the Subcommittee on Health and Environment. I would like to share that testimony with my colleagues:

TESTIMONY BY CONGRESSMAN LLOYD MEEDS

(Before the Subcommittee on Health and Environment Oversight hearing on advisability of withdrawing saccharin from the market, Mar. 23, 1977)

Mr. Chairman, members of the subcommittee, I appreciate this opportunity to express my concern for the recent Food and Drug Administration's announced intention

to ban the use of saccharin in foods and beverages beginning in July. Further, since FDA's action is in response to the language in the so-called 'Delaney Amendment', our basic concern should be with the language. With that provision in the law, Congress has put FDA in the position of squashing a cockroach with a sledgehammer. FDA deserves better alternatives.

FDA's announcement has brought a stormy response from two groups—diabetics and weight-watchers—and this represents an astonishing large portion of our population.

The Washington State division of the American Diabetes Association estimates there are 70,700 diabetics in the state. For these people, it is more than giving up an occasional bottle of pop. Let me quote from a constituent letter: "Five years ago our eldest son was diagnosed as a diabetic before he was five years old. He lived only until he was thirty. Because the artificial sweeteners were not available, it was a very critical problem in providing him a proper diet.

"We have a grandson who was diagnosed as a diabetic also when he was five, and he is now sixteen years of age. The artificial sweeteners have been a tremendous help to diabetics, both juvenile and adult—especially to the juvenile! . . . There is no way of rationalizing this action while leaving cigarettes and hard liquor available to the people!"

The problem of obesity hits our population even harder. Obesity has a strong connection with high blood pressure, heart disease, tooth decay and myriad physical problems. We've got data all over the place and data based on humans—not rats. The Senate Select Committee on Nutrition last month released its report linking diet and disease. One major recommendation was that Americans reduce their individual intake of sugar by 40%. It's true that saccharin is a kind of crutch—but one that millions of fat-fighters will have trouble walking without.

The Delaney Clause needs to be re-examined and modernized. We must be more consistent in our approach to protecting the health of consumers. To put a warning on cigarette packages when there is a proven link between "normal" smoking patterns and cancer while banning the use of saccharin when the link depends on rats consuming the equivalent of 800 cans of diet pop a day simply makes no sense.

We need to bring public benefit and public risk into balance. I urge the committee reconsider the Delaney Clause.

BAIL REFORM ACT NEEDS REVISION

(Mr. McCLORY, asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, today I will reintroduce bipartisan legislation aimed at amending the Bail Reform Act of 1966. My bill would provide judges in the Federal system with the opportunity to consider factors other than simply a defendant's ties to his community when setting bail. Current law permits them to consider the potential safety of witnesses and the community in determining bail only in capital cases; similar discretion is not permitted in cases where defendants are charged with less serious offenses. Our bill simply provides it.

When I first introduced this legislation on March 3, I was joined by some 17 of my colleagues. Since that time, this city has been graphically exposed to the problem this bill seeks to cure. You will all doubtless recall that 2 weeks ago Hanafi Muslim terrorists took over three sites in this city. For 2 days over 100 hostages feared for their lives. Then, finally it was over; an agreement had been reached and Hamaas Khaalis, the Hanafi leader, was freed pending trial. So were 3 of his 11 comrades. While Khaalis' release was the product of an agreement between local authorities and the Hanafis, the release of the others was the product of the bail act we seek to amend. On March 15 the Washington Post had some interesting editorial comments. Among them were the following:

> Given the bail act's requirement that a previously "clean" suspect be freed unless he is likely to flee, he [Khaalis] might have won release even if it hadn't been promised to him. The other three released men, similarly rooted in the community, were the three at the Islamic Center, where the hostages, except for being held, were not harmed. There is an agreement, which we ourselves have made and would make again here and now, for amending the bail act to provide judges more latitude to detain suspects considered to be dangerous. But the law, whatever it is, must be observed.

Early last week, the same three terrorists found themselves back in jail; their bail revoked. The court had determined that their allegiance to Khaalis was so total that, if advised by him to leave this jurisdiction, they would do so.

Further, on March 23, during testimony before the House Judiciary Subcommittee on Criminal Justice, Judge Alfonso Zirpoli, representing the Judicial Conference of the United States, endorsed bail reform. I should note that the conference similarly supported reform as long ago as 1971.

In reintroducing this important legislation, I should also bring to your attentention another school of thought, to which I adhere, which contends that courts have the inherent constitutional right to consider such vital factors as the safety of the community and of future witnesses when setting bail. This view was advocated by the U.S. Court of Appeals for the Sixth Circuit in 1975. In *United States* v. *Wind*, 527 F. 2d 672, the court decided that—

> In a pretrial bail hearing in a non-capital offense, a judicial officer may consider evidence that the defendant has threatened witnesses and is a danger to the community in determining whether the defendant should be released. . . . 527 F.2d 672, 675.

It also held that:

> This power should be exercised with great care and only after a hearing which affords the defendant an ample opportunity to refute the charges. . . . Id.

Unfortunately, the Wind case is not yet universal law in the Federal system. It is for that reason that I have sought to encourage action in the Congress. In the final analysis, it is our responsibility to deal with this problem; the mandated release of the Hanafi terrorists merely underscores the need for it.

VOYAGEURS TRIUMPHANT ARRIVAL IN NEW ORLEANS

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, as I reported to the House previously, the La-Salle: Expedition II is nearing New Orleans. This authentic recreation of Robert Cavelier Sieur de LaSalle's 1682 canoe voyage from Montreal to the Gulf of Mexico is being carried out by an intrepid group of 23 young men, many of whom are from my 13th Illinois Congressional District.

Mr. Speaker, appropriate welcoming ceremonies have been scheduled this weekend in New Orleans. I am pleased that our distinguished colleague, the gentlewoman from Louisiana (Mrs. BOGGS), who served so ably as chairwoman of the Joint Bicentennial Committee, has invited me, to join her for these events.

Over 150 of my constituents from Elgin, Ill., hometown of many of the Voyageurs, will be in New Orleans for the culmination of this truly inspiring Bicentennial journey.

The Voyageurs will be guests of honor at a riverfront festival in Kenner, La., just north of New Orleans, on Saturday night.

On Sunday, they will paddle down the river to New Orleans, arriving at Audubon Park at 2 p.m. for ceremonies sponsored by the Louisiana Historical Society.

Following that event, there will be a variety of public gatherings honoring them and their remarkable achievement.

Mr. Speaker, I am certain that all of my colleagues will want to follow these events and rejoice with LINDY BOGGS and me in the successful completion of this historic journey of the Voyageurs.

CONGRESSMAN ALLEN ERTEL OF PENNSYLVANIA COMMENDED

(Mr. O'NEILL (at the request of Mr. KILDEE) asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, I want to commend the Honorable ALLEN ERTEL of the 17th Congressional District of Pennsylvania for his work on the National Study Commission on Records and Documents of Federal Officials. Although only recently appointed to fill a vacancy on the Commission, Congressman ERTEL immediately and vigorously assumed the duties attendant to service on the Commission and conscientiously executed his responsibilities as a member of the Commission.

As many Members of this Chamber will remember, the Commission was created as a result of the controversy surrounding the disposition of the Nixon tapes. Although the genesis of the Commission can be traced to the events of 2 years ago concerning the dispute over the ownership and control of the tapes, the Commission's mandate included the study of the records and documents of all Federal officials, including those of Members of Congress. In an age where the creation and accumulation of records has reached astounding proportions, the question of who should control and have access to such records is of paramount interest to the public and the community of scholars who look to such records for guidance and insight into the political and legislative process.

In this regard, Congressman ERTEL's dedication to the task served to enlighten the Commission with respect to the unique quality of the records of Members of Congress, as well as the nature and extent of the institutional records of Congress. I understand that the Commission has completed its job and will be reporting to Congress shortly its findings and recommendations. I am also aware that due to Congressman ERTEL's hard work, understanding, judgment, and his ability to quickly grasp complex issues, the report will reflect both a realistic and meaningful approach to the subject of congressional papers. At the same time, Congressman ERTEL demonstrated a firm commitment to the principles of openness and accountability which are the cornerstones of our democratic government. On behalf of the House, I want to extend my thanks and appreciation to the freshman from Pennsylvania and congratulate him on his fine contribution to the National Study Commission on the Records and Documents of Federal Officials.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MICHEL (at his own request), for today, on account of illness in the family.

Mr. WRIGHT (at his own request), for today, on account of a necessary absence.

Ms. COLLINS of Illinois (at the request of Mr. WRIGHT), for today, on account of official committee business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KASTEN) to revise and extend their remarks and include extraneous material:)

Mr. CONABLE, for 5 minutes, today.

Mr. JEFFORDS, for 60 minutes, March 29, 1977.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. EDWARDS of California, for 20 minutes, today.

Mr. RYAN, for 5 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

Mr. GIAIMO, for 10 minutes, today.

Mr. MIKVA, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. FUQUA, for 10 minutes, today.

Mr. WATKINS, for 10 minutes, today.

Mr. FLOOD, for 60 minutes, March 31, 1977.

(The following Members (at the request of Mr. TRIBLE) and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 5 minutes, today.

(The following Members (at the request of Mr. PEASE) and to revise and extend their remarks and include extraneous matter:)

Ms. HOLTZMAN, for 30 minutes, today.

Mrs. BURKE of California, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STEIGER and to include extraneous matter.

(The following Members (at the request of Mr. KASTEN) and to revise and extend their remarks:)

Mrs. PETTIS.

Mr. ROBINSON.

Mr. SARASIN.

Mr. BAUMAN in 10 instances.

Mr. DERWINSKI in four instances.

Mr. STEIGER.

Mr. EMERY.

Mr. MADIGAN.

Mr. DEVINE.

Mr. COLEMAN.

Mr. WHALEN.

Mr. WALKER.

(The following Members (at the request of Mr. TRIBLE) and to include extraneous matter:)

Mr. KEMP.

Mrs. HOLT.

Mr. MADIGAN.

Mr. RINALDO.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. DELANEY in three instances.

Mr. NOLAN.

Mr. ANNUNZIO in six instances.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. BROWN of California in 10 instances.

Mr. FARY in two instances.

Mr. RODINO.

Mr. YOUNG of Missouri in two instances.

Mr. MAZZOLI.

Mr. DRINAN in 10 instances.

Mr. HARRIS in 10 instances.

Mr. BINGHAM in 10 instances.

Mrs. LLOYD of Tennessee.

Mr. JOHN L. BURTON in three instances.

Mr. FRASER in four instances.

Mr. ECKHARDT.

Mr. MIKVA.

Mr. ERTEL.

Mr. WIRTH.

Mr. WATKINS.

Mr. HANNAFORD in two instances.

Mr. MINETA.

(The following Members (at the request of Mr. PEASE) and to include extraneous matter:)

Mr. BAUCUS.

Mr. JOHNSON of California in two instances.

Mr. WON PAT.

Mr. WEISS.

Mr. TEAGUE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1025. An act to amend the Securities Exchange Act of 1934 to increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal year 1977; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. PEASE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 29, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1097. A letter from the President of the United States, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961, and for other purposes (H. Doc. No. 95–112); to the Committee on International Relations and ordered to be printed.

1098. A letter from the President of the United States, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purpuoses (H. Doc. No. 95–113); to the Committee on International Relations and ordered to be printed.

1099. A letter from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 5 of title 37, United States Code, to make permanent the special pay provisions for reenlistment and enlistment bonuses, and for other purposes; to the Committee on Armed Services.

1100. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for increased participation by the United States in the International Development Association; to the Committee on Banking, Finance and Urban Affairs.

1101. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed criteria for selection of applicants for fiscal year 1977 for exemplary projects in vocational education, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1102. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final amendments to the regulations for State adult education programs, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1103. A letter from the Secretary of the Interior, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1104. A letter from the President, Overseas Private Investment Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1105. A letter from the Secretary, Board of Governors, Federal Reserve System, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1106. A letter from the Comptroller General of the United States, transmitting a report on the organization of energy functions (EMD–77–31, March 24, 1977); to the Committee on Government Operations.

1107. A letter from the Secretary of the

Interior, transmitting a draft of proposed legislation to authorize $15 million for the Government of Guam; to the Committee on Interior and Insular Affairs.

1108. A letter from the Acting Secretary, Federal Trade Commission, transmitting the second semiannual report on the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program, pursuant to section 252(i) of the Energy Policy and Conservation Act of 1975; to the Committee on Interstate and Foreign Commerce.

1109. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal years 1978 and 1979 and for other purposes; to the Committee on Merchant Marine and Fisheries.

1110. A letter from the Acting Administrator, Small Business Administration, transmitting a draft of proposed legislation to provide temporary authority to the Administrator of the Small Business Administration to facilitate water conservation practices and emergency actions to mitigate the impacts of the 1976–77 drought; to the Committee on Small Business.

1111. A letter fom the Chairman, U.S. International Trade Commission, transmitting the Commission's report on television receivers; to the Committee on Ways and Means.

1112. A letter from the Comptroller General of the United States, transmitting a report on the financial disclosure system in the Office of the Comptroller of the Currency (FPCD–77–29, March 23, 1977); jointly, to the Committees on Government Operations, Banking, Finance and Urban Affairs, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on Mar. 24, 1977, the following reports were filed on Mar. 26, 1977*]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 4974. A bill to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for health planning and related programs (Rept. No. 95–116). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 4975. A bill to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs; with amendment (Rept. No. 95–117). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 4976. A bill to amend the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services to authorize appropriations for fiscal year 1978 for health services programs, and for other purposes; with amendment (Rept. No. 95–118). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Mar. 28, 1977*]

Mr. STOKES: Select Committee on Assassinations. Report of the Select Committee on Assassinations of the U.S. House of Representatives, 95th Congress (Rept. No. 95–119). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 1680. A bill to relieve taxpayers from liability with respect to certain underpayments of estimated tax, underwithholding, and interest on underpayments of tax attributable to the application to 1976 of the sick pay and other provisions of the Tax Reform Act of 1976 (Rept. No. 95–120). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 1828. A bill to provide that the changes made by the Tax Reform Act of 1976 to the exclusion for sick pay shall only apply to taxable years beginning after December 31, 1976; with amendment (Rept. No. 95–121). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 4090. A bill relating to the withholding on the proceeds of certain wages with respect to horse races, dog races, and jai alai; with amendment (Rept. No. 95–122). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 2992. A bill to authorize appropriations for fiscal year 1978 for carrying out the Comprehensive Employment and Training Act of 1973 as amended (Rept. No. 95–123). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. Report on subdivision of budget allocation to subcommittees for fiscal year 1977 (Rept. No. 95–124). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 2521. A bill to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes; with amendment (Rept. No. 95–125). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 3416. A bill to amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of flue-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 percent of the farm acreage allotment was planted for such year (Rept. No. 95–126). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Apropriations. House Joint Resolution 351. Joint Resolution making further continuing appropriations for the fiscal year 1977, and for other purposes (Rept. No. 95–127). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AMMERMAN (for himself, Mr. BAUCUS, Mr. BEDELL, Mr. CARR, Mr. CLEVELAND, Mr. DOWNEY, Mr. EDWARDS of Oklahoma, Mr. FINDLEY, Mr. GLICKMAN, Mr. GORE, Mr. JENRETTE, Mr. JONES of Tennessee, Mr. KINDNESS, Mrs. LLOYD of Tennessee, Mr. PANETTA, Mr. PATTISON of New York, Mr. PRITCHARD, Mr. RAHALL, Mr. STOCKMAN, and Mr. STANGELAND):

H.R. 5613. A bill to eliminate automatic cost-of-living adjustments of salaries of Members of the Congress and certain executive and judicial employees, and for other purposes; jointly to the Committees on Post Office and Civil Service, and the Judiciary.

By Mr. BAFALIS (for himself, Mr. BROWN of Ohio, Mr. BURKE of Massachusetts, Mr. ALLEN, Mr. DERWINSKI, Mr. BURGENER, Mr. FARY, Mr. FLORIO, Mr. KINDNESS, Mrs. LLOYD of Tennessee, Mr. MAZZOLI, Mrs. SPELLMAN, Mr. TRAXLER, Mr. WHITEHURST, Mr. BOB WILSON, Mr. REGULA, Mr. FREY, Mr. SYMMS, Mr. MOAKLEY, and Mr. CORNELL):

H.R. 5614. A bill to amend the Internal Revenue Code of 1954 to eliminate the adjusted gross income limitation on the credit for the elderly; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 5615. A bill to amend the Trade Act of 1974 in order to provide for Federal reimbursement to States for unemployment insurance benefits paid to workers who are eligible for adjustment assistance benefits under such act, and to repeal the provisions of law which reduce certain tax credits for employers in any State which does not enter into, or fulfill its commitments under, a Federal-State agreement regarding the administration of worker adjustment assistance benefits; to the Committee on Ways and Means.

By Mr. DELANEY (for himself, Mr. ADDABBO, Mr. AMBRO, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. CAPUTO, Mrs. CHISHOLM, Mr. CONABLE, Mr. FISH, Mr. GILMAN, Mr. HANLEY, Mr. HORTON, Mr. KOCH, Mr. LAFALCE, Mr. LENT, and Mr. LUNDINE):

H.R. 5616. A bill to amend the Internal Revenue Code of 1954 to encourage manufacturing-related investments in any State which has an unemployment rate exceeding 6 percent; to the Committee on Ways and Means.

By Mr. DELANEY (for himself, Mr. MCEWEN, Mr. MCHUGH, Mr. MITCHELL of New York, Mr. MURPHY of New York, Mr. NOWAK, Mr. OTTINGER, Mr. PATTISON of New York, Mr. RICHMOND, Mr. ROSENTHAL, Mr. SCHEUER, Mr. WALSH, Mr. WYDLER, and Mr. ZEFERETTI):

H.R. 5617. A bill to amend the Internal Revenue Code of 1954 to encourage manufacturing-related investments in any State which has an unemployment rate exceeding 6 percent; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 5618. A bill to amend the Interstate Commerce Act, to reform the procedures of the Interstate Commerce Commission regarding common carriers by motor and by water, and freight forwarders, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 5619. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pension, or other retirement benefits; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. BROYHILL, Mr. STOCKMAN, Mr. ABDNOR, Mr. DIGGS, Mr. GUDGER, Mr. SKELTON, Mr. LAFALCE, Mr. KEMP, Mr. HILLIS, Mrs. HOLT, Mr. DENT, Mr. PURSELL, Mr. SATTERFIELD, Mr. STRATTON, Mr. GOLDWATER, Mr. THONE, Mr. BUTLER, Mr. MURTHA, Mr. DEVINE, Mr. LOTT, Mr. HANLEY, Mr. JOHNSON of Colorado, Mr. RISENHOOVER, and Mr. SNYDER):

H.R. 5620. A bill to amend the Clean Air Act to establish certain motor vehicle emission standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ECKHARDT (for himself and Mr. Moss):

H.R. 5621. A bill to restore the independence of the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Securities and Exchange Commission, and the Consumer Product Safety Commission; and to increase

the independence of the Environmental Protection Agency in carrying out the acts under its authority; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER (for himself, Mr. GRASSLEY, Mr. KOSTMAYER, and Mr. MURPHY of Illinois),

H.R. 5622. A bill to add certain lands to the Boundary Waters Canoe Area, to redesignate such area as the Boundary Waters Wilderness Area, to withdraw certain authorities for timber harvesting and vehicle use within such area, to increase the payments made to counties respecting such area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRASER (for himself, Mr. VENTO, Mr. DRINAN, Mr. PRESSLER, Mr. GLICKMAN, Mr. NIX, Mr. BRADEMAS, and Mr. HAWKINS):

H.R. 5623. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses allocable to the use of any portion of a dwelling unit in the trade or business of providing day care services whether or not such portion is exclusively used in such trade or business; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. CARR, and Mr. HEFTEL):

H.R. 5624. A bill to insure the development of U.S. ocean mining capabilities and to support the continuation of the Law of the Sea Conference negotiations; jointly, to the Committees on Interior and Insular Affairs, International Relations, and Merchant Marine and Fisheries.

By Mr. GLICKMAN:

H.R. 5625. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses allocable to the use of any portion of a dwelling unit in providing certain day care services whether or not such a portion is exclusively used for such purposes; to the Committee on Ways and Means.

By Mr. GOLDWATER (for himself and Mr. LAGOMARSINO):

H.R. 5626. A bill to amend title 5, United States Code, to provide for grade retention benefits for certain employees whose positions are reduced in grade, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HANNAFORD (for himself, Mr. JENRETTE, Mr. MURPHY of New York, Mr. ROE, Mr. HIGHTOWER, Mr. BADILLO, Mrs. CHISHOLM, Mr. BEARD of Rhode Island, Mr. PATTERSON of California, Mr. MAZZOLI, Mr. MOORHEAD of California, Mr. EDWARDS of Oklahoma, Mrs. COLLINS of Illinois, Mr. FISHER, Ms. MIKULSKI, Mr. ROSE, Mr. EMERY, Mr. ZEFERETTI, Mr. DICKS, Mr. WAXMAN, Mr. ANDERSON of California, and Mr. FAUNTROY):

H.R. 5627. A bill to amend title 5, United States Code, to provide that any Federal employee who, at the time of retirement, does not elect a reduced annuity in order to provide a survivor annuity to a spouse or other person may make such an election within 1 year after the date of enactment of this act or 1 year after retirement, whichever is later; to the Committee on Post Office and Civil Service.

By Mr. HANNAFORD (for himself, Mr. NIX, Mrs. SPELLMAN, Mr. FORD of Michigan, Mr. CLAY, Mrs. SCHROEDER, Mr. LEHMAN, Mr. HARRIS, Mr. SOLARZ, Mr. GARY A. MYERS, Mr. HEFTEL, Mr. HOWARD, Mr. PEPPER, Mr. OTTINGER, Mr. WHITEHURST, Mr. MOORHEAD of Pennsylvania, Mrs. FENWICK, Mr. MOAKLEY, Mr. LEGGETT, Mr. HALL, and Mr. WON PAT):

H.R. 5628. A bill to amend title 5, United States Code, to provide that any Federal employee who, at the time of retirement, does not elect a reduced annuity in order to provide a survivor annuity to a spouse or other person may make such an election within 1 year after the date of enactment of this act or 1 year after retirement, whichever is later; to the Committee on Post Office and Civil Service.

By Mr. HEFTEL (for himself, Mr. MOAKLEY, Mr. PATTISON of New York, Mr. LEGGETT, Mr. TRIBLE, Mr. BONIOR, Mr. ERTEL, Mr. BEVILL, Mr. CORRADA, Mr. ALLEN, Mr. GOODLING, Mr. GILMAN, Mr. DOWNEY, Mr. BEDELL, Mr. WALGREN, Mr. MURPHY of Pennsylvania, Mrs. SPELLMAN, and Mr. VENTO):

H.R. 5629. A bill to establish a Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. HUGHES:

H.R. 5630. A bill to amend the Coastal Zone Management Act of 1972 to provide for the sharing of Outer Continental Shelf revenues with coastal States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER:

H.R. 5631. A bill to amend title 28, United States Code, to make clear that State or Federal prisoners who are otherwise eligible for Federal habeas corpus relief may not be denied such relief on the ground that such State or Federal Government provided an opportunity for a full and fair litigation of a constitutional claim, and for other purposes; to the Committee on the Judiciary.

H.R. 5632. A bill to amend title 18, chapter 119, United States Code, to provide special procedures in the case of applications for court orders for the interception of oral or wire communications to obtain foreign intelligence information; to the Committee on the Judiciary.

By Mr. KINDNESS:

H.R. 5633. A bill to amend the Administrative Procedure Act to allow affected parties a fair opportunity to comment upon notice of proposed rulemaking published in the Federal Register, to allow for the orderly extension of time for the filing of comments and for the holding of hearings regarding contested matters, and to assure affected parties of full and fair opportunity to comment upon Federal agency rulemaking; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. PEPPER, Mr. FISH, Mr. GILMAN, Mr. KOSTMAYER, Mr. LONG of Maryland, Mr. MCHUGH, Mr. PATTEN, Mr. RODINO, Mr. ROONEY, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RUSSO, Mr. RYAN, Mr. ST GERMAIN, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. UDALL, Mr. WAXMAN, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5634. A bill to amend part B of title XVII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, and to eliminate the requirement that an individual need skilled nursing care in order to qualify for such services, to amend part A of such title to liberalize the coverage of post-hospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. PEPPER, Mr. BADILLO, Mr. BAUCUS, Mr. BEARD of Rhode Island Mr. BIAGGI, Mr. BINGHAM, Mr. BLOUIN, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DOWNEY, Mr. DRINAN, Mr DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FLORIO, and Mr. FORD of Michigan):

H.R. 5635. A bill to amend the Social Security Act to improve the survey and certification process, ratesetting and fiscal audit methods, and general regulation of nursing homes and intermediate care facilities under the medicaid program, and to provide for medical, psychological, and social assessment of long-term care patients under both the medicare and medicaid programs; jointly to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. PEPPER, Mr. GILMAN, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HUGHES, Mr. HYDE, Ms. KEYS, Mr. KOSTMAYER, Mr. LAGOMARSINO Mr. LEHMAN, Mr. LENT, Mr. LONG of Maryland, Ms. MEYNER, Mr. MIKVA, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, and Mr. PATTEN):

H.R. 5636. A bill to amend the Social Security Act to improve the survey and certification process, ratesetting and fiscal audit methods, and general regulation of nursing homes and intermediate care facilities under the medicaid program, and to provide for medical, psychological, and social assessment of long-term care patients under both the medicare and medicaid programs; jointly to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. PEPPER, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RINALDO, Mr. RODINO, Mr. ROONEY, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RUSSO, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5637. A bill to amend the Social Security Act to improve the survey and certification process, ratesetting and fiscal audit methods, and general regulation of nursing homes and intermediate care facilities under the medicaid program, and to provide for medical, psychological, and social assessment of long-term care patients under both the medicare and medicaid programs; jointly to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. LEGGETT (for himself, Mr. FORSYTHE, Mr. BIAGGI, Mr. GINN, Mr. MCCLOSKEY, Mr. BOWEN, Mr. OBERSTAR, Mr. EMERY, Mr. HUGHES, Mr. DORMAN, Mr. AKAKA, and Mr. TRIBLE):

H.R. 5638. A bill to amend the Fishery Conservation Zone Transition Act in order to give effect during 1977 to the Reciprocal Fisheries Agreement between the United States and Canada; to the Committee on Merchant Marine and Fisheries.

By Mr. MCCLORY (for himself, Mr. BLANCHARD, Mrs. COLLINS of Illinois, Mr. GRASSLEY, Mr. JENRETTE, Mr. MANN, and Mr. ROBINSON):

H.R. 5639. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to authorize revocation of pretrial release for persons who violate their release conditions, intimidate witnesses or jurors, or commit new offense, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCORMACK (for himself, and Mr. OTTINGER):

H.R. 5640. A bill to promote the use of energy conservation, solar energy, and total energy systems in Federal buildings; to the

Committee on Public Works and Transportation.

By Mr. McCORMACK (for himself, Mr. AMBRO, Mr. BALDUS, Mr. BROWN of California, Mr. DELLUMS, Mr. DUNCAN of Tennessee, Mr. EILBERG, Mrs. FENWICK, Mr. FISH, Mr. FLIPPO, Mr. FREY, Mr. GIAIMO, Mr. GLICKMAN, Mr. GOLDWATER, Mr. KINDNESS, Mr. LEHMAN, Mr. LAFALCE, Mrs. LLOYD of Tennessee, Mr. OTTINGER, Mr. PATTEN, Mr. PURSELL, Mr. THORNTON, Mr. WALKER, and Mr. WINN):

H.R. 5641. A bill to encourage energy conservation in residences and in use of electric vehicles; to the Committee on Ways and Means.

By Mr. MADIGAN (for himself and Mr. JONES of Tennessee):

H.R. 5642. A bill to direct the Secretary of Agriculture to conduct a study for the purpose of providing information to the Congress with regard to existing governmental programs dealing with the assessment of water supplies, and with regard to identifying geographical areas which have a deficiency in either the quantity or quality of their water supply; to the Committee on Agriculture.

By Mr. MIKVA:

H.R. 5643. A bill to implement the United Nations Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property; to the Committee on Ways and Means.

By Mr. NOLAN:

H.R. 5644. A bill to amend the Food Stamp Act of 1964, as amended, to provide for both the continuation and Tribal Administration of the Food Stamp and Commodity Distribution programs on Indian reservations, and for other purposes directly related to the administration of the Food Stamp and Commodity Distribution programs on Indian reservations: to implement the Federal responsibility for the care and nutrition of the Indian people by improving services, facilities, and self-determination of Federal Food Assistance Programs and encouraging maximum participation of Indians in such programs; to the Committee on Agriculture.

By Mr. RODINO (for himself, Mr. EDWARDS of California, Mr. BUTLER, Mr. BEILENSON, Mrs. BURKE of California, Mr. CONYERS, Mr. DRINAN, Mrs. FENWICK, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. SEIBERLING, and Mr. VOLKMER):

H.R. 5645. A bill to raise the limitation on appropriations for the U.S. Commission on Civil Rights; to the Committee on the Judiciary.

By Mr. ROONEY (for himself, Mr. METCALFE, Ms. MIKULSKI, Mr. FLORIO, Mr. SANTINI, Mr. MURPHY of New York, Mr. SKUBITZ, Mr. MADIGAN, Mr. LENT, Mr. RUSSO, and Mr. CARNEY):

H.R. 5646. A bill to amend the Regional Rail Reorganization Act of 1973 to require ConRail to make premium payments under certain medical and life insurance policies, to provide that ConRail shall be entitled to a loan under section 211(h) of such act in an amount required for such premium payments, and to provide that such premium payments shall be deemed to be expenses of administration of the respective railroads in reorganization; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mr. JOHN L. BURTON, Mr. DELLUMS, Mr. MILLER of California, Mr. MINETA, Mr. STARK, Mr. BROWN of California, Mr. WON PAT, Mr. OBERSTAR, Mr. BADILLO, and Mr. PATTERSON of California):

H.R. 5647. A bill to amend the Davis-Bacon Act to provide for a factfinding panel to determine the cause of work stoppages, to provide that the Federal Goverernment may, in certain cases, terminate contracts with contractors who are at fault in causing such work stoppages, and for other purposes; to the Committee on Education and Labor.

H.R. 5648. A bill to amend the Davis-Bacon Act to prohibit contractors from replacing certain employees participating in a strike, and for other purposes; to the Committee on Education and Labor.

H.R. 5649. A bill to amend the Service Contract Act of 1965 to provide for a factfinding panel to determine the cause of work stoppages, to provide that the Federal Government may, in certain cases, terminate contracts with contractors who are at fault in causing such work stoppages, and for other purposes; to the Committee on Education and Labor.

H.R. 5650. A bill to amend the Service Contract Act of 1965 to prohibit contractors from replacing certain employees participating in a strike, and for other purposes; to the Committee on Education and Labor.

H.R. 5651. A bill to amend the Walsh-Healey Act to provide for a factfinding panel to determine the cause of work stoppages, to provide that the Federal Government may, in certain cases, terminate contracts with contractors who are at fault in causing such work stoppages, and for other purposes; jointly, to the Committees on Education and Labor, and the Judiciary.

H.R. 5652. A bill to amend the Walsh-Healey Act to prohibit contractors from replacing certain employees participating in a strike, and for other purposes; jointly, to the Committees on Education and Labor, and the Judiciary.

By Mr. SHIPLEY:

H.R. 5653. A bill to permit the marketing of saccharin with labeling warning of evidence of its risk to health; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 5654. A bill to amend title 10, United States Code, to make certain persons eligible for retired pay for nonregular service; to the Committee on Armed Services.

H.R. 5655. A bill to amend section 1402(a) of title 10, United States Code, to revise the rule for computation of retired or retainer pay to reflect later active duty; to the Committtee on Armed Services.

H.R. 5656. A bill to amend title II of the Social Security Act to establish more effective procedures for the conduct of hearings, and the appointment of hearing examiners, with respect to claims under such title and title XVIII of such act; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 5657. A bill to amend the Internal Revenue Code of 1954 to equalize the treatment of charitable contributions and investment tax credits for certain cooperatives and their members; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself, Mr. QUIE, Mr. BOWEN, Mr. PRICE, Mr. BADILLO, Mr. BALDUS, and Mr. PRESSLER):

H.R. 5658. A bill to authorize the construction of a lock and dam project on the Mississippi River near Alton, Ill., to revoke authority for 12-foot channel studies in the upper Mississippi River and its tributaries, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SOLARZ (for himself, Mr. BRADEMAS, and Mr. NEAL):

H.R. 5659. A bill to amend the Arms Export Control Act to provide the Congress with an opportunity to disapprove proposed transfers from the recipient country to another country of defense articles or related training or other defense services supplied by the United States; to the Committee on International Relations.

By Mr. SOLARZ (for himself, Mr. BAUCUS, Mr. BROWN of California, Mr. HARRINGTON, Mr MIKVA, Mr. NEAL, and Mrs. SPELLMAN):

H.R. 5660. A bill to amend the Arms Export Control Act to require the President to provide certain information to the Congress with respect to any proposed major arms sales to a country which is not a member of the North Atlantic Treaty Organization and to provide the Congress with 30 days of continuous session in which to disapprove proposed arms sales; to the Committee on International Relations.

By Mr. STANGELAND (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. FRENZEL, Mr. HAGEDORN, Mr. SEBELIUS, Mr. WINN, and Mr. BLOUIN):

H.R. 5661. A bill to amend the Agricultural Act of 1949 to provide that the eligibility for, and the amount of, certain disaster benefits paid with regard to wheat and feed grains shall be based on the actual acreage planted in such commodity; to the Committee on Agriculture.

By Mr. UDALL (for himself, Mr. BADILLO, Mr. BEDELL, Mr. BLANCHARD, Mrs. BURKE of California, Mr. CONTE, Mr. CORMAN, Mr. GORE, Mr. HANNAFORD, Mr. HARKIN, Mr. JEFFORDS, Mr. LONG of Maryland, Mr. LUNDINE, Mr. MAGUIRE, Mr. MARKEY, Mr. MIKVA, Mr. NEAL, Mr. NIX, Mr. PATTERSON of California, Mr. RYAN, Mr. STEERS, and Mr. WON PAT):

H.R. 5662. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. AKAKA, Mr. AUCOIN, Mr. COHEN, Mr. D'AMOURS, Mr. EDGAR, Mr. EVANS of Colorado, Mr. FRASER, Mr. HAWKINS, Mr. HUGHES, Mr. KASTENMEIER, Mr. KOCH, Mr. MAZZOLI, Mr. MOORHEAD of Pennsylvania, Mr. PIKE, Mr. PRICE, Mr. PRITCHARD, Mr. RANGEL, Mr. SCHEUER, Mrs. SPELLMAN, Mr. STUDDS, Mr. VANIK, Mr. WALKER, Mr. WAXMAN, and Mr. WIRTH):

H.R. 5663. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. BAUCUS, Mr. BOLAND, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mr. CONYERS, Mr. CORNELL, Mr. DOWNEY, Mr. DRINAN, Mr. FASCELL, Mrs. FENWICK, Mr. FORD of Tennessee, Mr. HARRINGTON, Mr. KREBS, Mr. LEHMAN, Ms. MIKULSKI, Mr. MURPHY of Pennsylvania, Mr. PANETTA, Mr. REGULA, Mr. RODINO, Mr. ROYBAL, Mr. SIMON, Mr. THOMPSON, and Mr. WHALEN):

H.R. 5664. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WEAVER:

H.R. 5665. A bill to provide that adjustments in rates of pay for Members of Congress may take effect only after approval by the Congress and not earlier than the beginning of the Congress next following the Congress in which such adjustments are approved; to the Committee on Post Office and Civil Service.

By Mr. WHALEN:

H.R. 5666. A bill to provide recognition to the Women's Air Forces Service Pilots for their service to their country during World War II by deeming such service to have been active duty in the Armed Forces of the United States for purposes of laws administered by

the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. WHITEHUHST:

H.R. 5667. A bill to provide that individuals who retired on disability before October 1, 1976, shall be entitled to the exclusion for disability payments under section 105(d) of the Internal Revenue Code of 1954 without regard to the income limitation in such section, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself, Mr. CONABLE, Mr. COUGHLIN, Mr. GEPHARDT, Mr. GILMAN, Mr. HARRINGTON, Mrs. MEYNER, Mr. NEAL, Mr. PURSELL, Mr. RICHMOND, Mr. RYAN, and Mr. STARK):

H.R. 5668. A bill to require the Secretary of the Interior to make a comprehensive study of the wolf for the purpose of developing adequate conservation measures, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST (for himself, and Mr. STEERS):

H.R. 5669. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for State and local public utility taxes; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself, Mr. CONABLE, Mr. COUGHLIN, Mr. GEPHARDT, Mr. GILMAN, Mrs. MEYNER, Mr. NEAL, Mr. PURSELL, Mr. RICHMOND, Mr. STARK, and Mr. WAXMAN):

H.R. 5670. A bill to prevent the unnecessary large-scale killing of birds or mammals; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself and Mr. VANDER JAGT):

H.R. 5671. A bill to amend the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. ADDABBO (for himself, Mr. FLOOD, and Mr. MARKS):

H.J. Res. 355. Joint resolution authorizing the President to proclaim September 8 of each year as National Cancer Prevention Day; to the Committee on Post Office and Civil Service.

By Mr. DRINAN:

H.J. Res. 356. Joint resolution to designate February 22, May 30, and October 12 as Washington's Birthday, Memorial Day, and Columbus Day, respectively, and to make such days legal public holidays; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST (for himself, Mr. BAUCUS, Mr. BEILENSON, Mr. EDGAR, Mr. EDWARDS of California, Mr. FRENZEL, Mrs. MEYNER, Mr. PICKLE, Mr. RICHMOND, Mr. SCHEUER, Mr. WAXMAN, and Mr. CHARLES WILSON of Texas):

H.J. Res. 357. Joint resolution calling for a wildlife preserve for humpback whales in the West Indies; to the Committee on International Relations.

By Mr. WHITEHURST (for himself, Mr. CONABLE, Mr. COUGHLIN, Mr. GEPHARDT, Mr. GILMAN, Mr. GRASSLEY, Mrs. MEYNER, Mr. NEAL, Mr. PURSELL, Mr. RICHMOND, and Mr. STARK):

H.J. Res. 358. Joint resolution calling for an immediate moratorium on the killing of the eastern timber wolf; to the Committee on International Relations.

By Mr. WHITEHURST (for himself, and Mr. MILLER of Ohio):

H.J. Res. 359. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. PEASE (for himself, Mr. STEERS, Mr. KOCH, Mr. CAVANAUGH, Mr. EDWARDS of California, Mr. BENJAMIN, Mr. WAXMAN, Mr. MAGUIRE, Mr. WEISS, Mr. MICHAEL O. MYERS, Mr. EDGAR, Mrs. KEYS, Mrs. MEYNER, Mr. FLOOD, and Mr. NEAL):

H. Con. Res. 178. Concurrent resolution reaffirming the commitment of the United States to obtain full compliance with the human rights provisions of the Helsinki Accords and to press for global commitment to human rights; to the Committee on International Relations.

By Mr. WHITEHURST (for himself, Mr. BAUCUS, Mr. BEILENSON, Mr. EDGAR, Mr. EDWARDS of California, Mr. FRENZEL, Mr. HARRINGTON, Mr. HORTON, Mr. LONG of Maryland, Mrs. MEYNER, Mr. PICKLE, Mr. RICHMOND, Mr. SCHEUER, Mr. STEERS, Mr. VENTO, Mr. WAXMAN, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WIRTH, and Mr. YOUNG of Florida):

H. Con. Res. 179. Concurrent resolution calling for a regional conservation treaty to protect Northern Hemisphere pinnipeds; to the Committee on International Relations.

By Mr ROSE:

H. Res. 442. Resolution providing funds for the expenses of the House Information Systems staff of the Committee on House Administration to provide for the development, operation, maintenance, and improvement of ongoing computer services for the House of Representatives, for the investigation of additional computer services for the House of Representatives, and to provide computer support directly to the committees, Members, and administrative offices of the House of Representatives; to the Committee on House Administration.

By Mr. MINETA (for himself, Mr. BEDELL, Mr. LAGOMARSINO, Mr. RANGEL, Mr. ROSENTHAL, Mr. WHITEHURST, Mr. LLOYD of California, Mr. BEILENSON, Mr. KEMP, Mr. KREBS, Mr. PATTISON of New York, Mr. PANETTA, Mr. VAN DEERLIN, Mr. LEVITAS, Mr. KOCH, Mr. EDGAR, Mr. RYAN, Mr. FRASER, Mr. BURGENER, Mr. HANNAFORD, Mr. DOWNEY, Mr. WAXMAN, Mr. MURPHY of Pennsylvania, Ms. MIKULSKI, and Mr. SOLARZ):

H. Res. 443. Resolution expressing the sense of the House of Representatives with respect to the recent deaths in Uganda; to the Committee on International Relations.

By Mr. MINETA (for himself, Mr. COLLINS of Texas, Mr. GILMAN, Mrs. SPELLMAN, Mr. DODD, Mr. QUIE, Mr. LONG of Maryland, Mr. ERTEL, Mr. BURKE of Florida, and Mr. BAUCUS):

H. Res. 444. Resolution expressing the sense of the House of Representatives with respect to the reecnt deaths in Uganda; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred to as follows:

62. By the SPEAKER: Memorial of the Legislature of the State of Utah, relative to funding for the Bonneville unit of the Central Utah Project; to the Committee on Appropriations.

63. Also, memorial of the House of Representatives of the State of Arizona, relative to construction of the Hualapai Hydroelectric Dam; to the Committee on Interior and Insular Affairs.

64. Also, memorial of the Senate of the State of Hawaii, relative to the electric utility industry; to the Committee on Interstate and Foreign Commerce.

65. Also, memorial of the Legislature of the Commonwealth of Virginia, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States to provide the President with the power to veto any particular item or items of any appropriations bill; to the Committee on the Judiciary.

66. Also, memorial of the Legislature of the State of North Dakota, relative to reconstruction of locks and dam 26 on the Mississippi River at Alton, Ill.; to the Committee on Public Works and Transportation.

67. Also, memorial of the Legislature of the State of North Dakota, relative to proposals for the vertical and horizontal divestiture of American oil companies; jointly, to the Committees on Interstate and Foreign Commerce, and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 5672. A bill for the relief of John S. Barry; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 5673. A bill for the relief of Marieta Bulaoy Tolentino; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 5674. A bill for the relief of Dr. Cipriano Medina de los Reyes, Jr.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

67. The SPEAKER presented a petition of Iowa's 1976 Presidential Electors, relative to abolition of the Electoral College, which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5045

By Mr. WALKER:

(Amendment in the nature of a substitute.)

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Reorganization Act Amendments of 1977".

POLICY AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the Government of the United States has attained a size and complexity which makes it inaccessible to many of its citizens and unmanageable by their leaders;

(2) such size and complexity have reduced the efficiency and increased the costs and other burdens of the Government upon such citizens; and

(3) a thorough and exhaustive review of the structure and function of the Government and the preparation of comprehensive means to its improvement are required if that Government is to retain the loyalty and respect of those citizens.

(b) Congress declares that the public interest therefore requires that the preparation and submission of reorganization plans pursuant to the Reorganization Act of 1949 (5 U.S.C. 901 et seq.) be authorized immediately by enactment of legislation extending the authority of that Act.

EXTENSION OF AUTHORITY

SEC. 3. Subsection (b) of section 905 of title 5, United States Code, is amended by striking out "before April 1, 1973" and inserting in lieu thereof "before December 31, 1980".

METHOD OF TAKING EFFECT

SEC. 4. (a) Subsection (a) of section 906 of title 5, United States Code, is amended to read as follows:

"(a) Except as provided under subsection (c) of this section, a reorganization plan shall be effective upon approval by the Pres-

ident of a resolution (as defined in section 909) which has been adopted, within the first period of 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to it, by the House of Representatives and the Senate. Failure of either House to act upon such resolution by the end of such period shall be the same as disapproval of the resolution.".

(b) Section 909 of title 5, United States Code, is amended to read as follows:

"§ 909. Terms of resolution

"For the purpose of sections 906 through 913 of this title, 'resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress of the United States approves the reorganization plan numbered , transmitted by the President on 19 , including such changes as may have been subsequently proposed by the President in accordance with section 910 of title 5, United States Code', the blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one reorganizational plan.".

SEC. 5. (a) Section 910 of title 5, United States Code, is amended to read as follows:

"§ 910. Introduction and reference of resolution

"(a) On the day on which a reorganization plan is transmitted to the House of Representatives and the Senate under section 903, a resolution, as defined in section 909, shall be introduced (by request) in the House by the chairman of the Government Operations Committee of the House, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the Government Operations Committee of the Senate, or by a Member or Members of the Senate designated by such chairman.

"(b) A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee to which the resolution is referred shall consider the reorganization plan for 30 calendar days of continuous session of Congress and shall make its recommendations to the House of Representatives or the Senate, respectively, within 45 such days following the date of such resolution's introduction. Any time within 30 such days after the submission of a reorganization plan to the Congress, but before such resolution has been ordered reported in either House, the President may make modifications or revisions of the plan, consistent with the provisions of sections 903 through 905 of this title, which modifications or revisions shall thereafter be treated as part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this chapter.".

(b) Section 911 of title 5, United States Code, is amended to read as follows:

"§ 911. Discharge of committee considering resolution

"If the committee to which a resolution with respect to a reorganization plan has been referred has not reported it at the end of 45 calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.".

(c) Subsection (a) of section 912 of title 5, United States Code, is amended to read as follows:

"(a) When the committee has reported, or has been deemed to be discharged (under section 911) from further consideration of, a resolution with respect to a reorganization plan, it is in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.".

(d) Section 912 is further amended by adding at the end thereof the following new subsection:

"(c) If, prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same reorganization plan from the other House, then—

"(1) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(2) the vote on final passage shall be on the resolution of the other House.".

(e)(1) Section 913(a) of title 5, United States Code, is amended to read as follows:

"(a) A motion to postpone, made with respect to the consideration of a resolution with respect to a reorganization plan, is not in order, and it is not in order to move to proceed to the consideration of other business.".

(2) The heading of section 913 is amended to read as follows:

"§ 913. Motions to postpone and proceed; decisions of the Chair".

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House Rule X. Previous listing appeared in the CONGRESSIONAL RECORD of March 17, 1977, pages 7915–7921:

H.R. 601. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to exempt farming vehicles from the highway motor vehicle excise tax, excepting vehicles owned by corporations with gross annual receipts exceeding $950,000, or which derive more than 50 percent of their gross receipts from nonfarming activities.

H.R. 602. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for expenses for department care services while the taxpayer performs volunteer work for civic and charitable organizations.

H.R. 603. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to require that benefits be computed on the basis of the worker's three years of highest earnings, and for the recomputation of such benefits to reflect the changes required by this Act.

H.R. 604. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to revise the time at which eligibility for Medicare benefits on account of kidney failure commences and terminates. Revises the conditions applicable to payments for services and supplies required by self-dialysis patients.

H.R. 605. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Exempts, temporarily, certain rural hospitals from the professional requirement standards review, utilization review, and utilization control requirements imposed on hospitals participating in the Medicare, Medicaid, and Maternal and Chid Health Services programs.

Directs the Secretary of Health, Education, and Welfare to study alternative methods of utilization review and utilization control for rural hospitals.

H.R. 606. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XI (General Provisions and Professional Standards Review) of the Social Security Act to assure the participation by registered professional nurses in the peer review and related activities authorized under such Title.

H.R. 607. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (medicare) and title XIX (medicaid) of the Social Security Act to include the services of licensed practical nurses under the coverage provided pursuant to such titles.

H.R. 608. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (medicare) and title XIX (medicaid) of the Social Security Act to include in the coverage provided under such programs the services of licensed (registered) nurses.

H.R. 609. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (medicare) of the Social Security Act to require the allowance of an inpatient routine nursing salary cost differential as a reimbursable cost of inpatient nursing care.

H.R. 610. January 4, 1977. Ways and Means. Amends the Internal Revenue Code with respect to the tax treatment of small business. Establishes a Committee on Tax Simplification for Small Business to suggest changes in the Code with respect to small business. Requires the Secretary of the Treasury, with the assistance of a new office of Small Business Tax Analysis, to submit recommendations for structural changes in the Code relating primarily to small business to the House Committee on Ways and Means and the Senate Committee on Finance.

H.R. 611. January 4, 1977. Post Office and Civil Service; House Administration. Reduces retirement benefits for Members of Congress by 10 percent for every year they remain in office after attaining 70 years of age.

H.R. 612. January 4, 1977. Rules. Amends the Congressional Budget Act of 1974 to require Congress to review each Federal program at least every 6 years as though it were being proposed to be enacted for the first time. Prohibits the extension of budget authority for any such program beyond such 6-year period until the congressional committees with jurisdiction over such programs conduct such reviews.

H.R. 613. January 4, 1977. Education and Labor. Amends the Older Americans Act by establishing in any State real property tax relief programs by the Secretary of Health, Education, and Welfare for qualifying persons age 65 years or older.

H.R. 614. January 4, 1977. Ways and Means. Amends the Internal Revenue Code and the Social Security Act to exempt employees over age 65 from tax under the Federal Insurance Contributions Act, and to reduce the self-employment tax rate for persons who have attained the age of 65.

H.R. 615. January 4, 1977. Agriculture. Amends the Food Stamp Act of 1964 by revising: (1) eligibility standards; (2) the method of determining the amount of the coupon allotment; (3) administration of the program by State agencies, including the eligibility certification procedure and duties imposed on issuing agents; and (4) the method of computing the Federal share of program costs and of making payments to the States. Transfers the functions of the Secretary of Agriculture under the Food Stamp Act of 1964 to the Secretary of Health, Education, and Welfare.

H.R. 616. January 4, 1977. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to establish a National Diabetes Advisory Board to insure the implementation of a long range plan to combat diabetes. Authorizes the Secretary to make grants to scientists who have shown productivity in diabetes research for the purpose of continuing such research. Authorizes, under the Public

Health Service Act, the appropriation of specified sums for the purposes of making grants to centers for research and training in diabetic related disorders.

H.R. 617. January 4, 1977. Public Works and Transportation. Amends the Federal-Aid Highway Act of 1976 to increase and extend the appropriations authorized under such Act for the Federal-aid primary system. Increases the Federal share of the cost for construction projects financed with primary funds on the Federal-aid primary system.

H.R. 618. January 4, 1977. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to plan and establish wetlands areas in connection with dredging activities required for water resources development projects.

H.R. 619. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to establish graduated corporate income tax rates. Creates an estate tax exemption and establishes a new rate schedule for the estate tax. Increases the gift tax exclusion and establishes a new gift tax rate. Provides special treatment for the sale of stock in a closely held corporation when sold to pay estate taxes. Redefines a subchapter S corporation. Allows tax credits for the hiring of new employees. Redefines section 1244 stock (small business stock, losses on which are treated as ordinary losses).

H.R. 620. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase to $4,800 the amount of outside earnings which is permitted an individual each year without any deduction from benefits.

H.R. 621. January 4, 1977. Agriculture. Amends the Food Stamp Act of 1964 by revising: (1) eligibility standards; (2) the method of determining the amount of the coupon allotment; (3) administration of the program by State agencies, including the eligibility certification procedure and duties imposed on issuing agents; and (4) the method of computing the Federal share of program costs and of making payments to the States. Transfers the functions of the Secretary of Agriculture under the Food Stamp Act of 1964 to the Secretary of Health, Education, and Welfare.

H.R. 622. January 4, 1977. Agriculture. Excludes from eligibility for food stamps under the Food Stamp Act of 1964 any household whose principal wage earner is on strike for the duration of such strike. Excepts a household from this exclusion if it was participating in the food stamp program immediately prior to the start of such strike, or if any of its members is subject to an employer's lockout.

H.R. 623. January 4, 1977. Agriculture. Exempts from the inspection requirements of the Federal Meat Inspection Act, the custom slaughtering of livestock by any person not engaged in selling or buying meat or meat products when such livestock is delivered by the owner thereof, there is no change of ownership in such livestock, the meat and meat food products are to be used exclusively by the owner, and the premises and slaughtering meet the sanitation requirements of the State.

H.R. 624. January 4, 1977. Armed Services. Makes it unlawful for any individual or entity to solicit to enroll or enroll any member of the armed forces in any labor organization or for any member of the armed forces to join, or encourage others to join any labor organization. Sets forth penalties for violations of this act.

H.R. 625. January 4, 1977. Banking, Finance and Urban Affairs. Eliminates transactions entered into for agricultural purposes from the definition of a consumer credit transaction under the Truth in Lending Act.

H.R. 626. January 4, 1977. Banking, Finance and Urban Affairs. Authorizes the Secretary of the Treasury to strike a suitable medal commemorating the 200th anniversary of the drafting of the Virginia Statute for Religious Freedom.

H.R. 627. January 4, 1977. Education and Labor. Amends the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to review the standards promulgated under that Act to insure that such standards are effective and capable of being implemented; to authorize the Attorney General to enforce such standards, and to permit consultative inspections of work sites by the Secretary.

H.R. 628. January 4, 1977. Education and Labor. Amends the Occupation Safety and Health Act of 1970 to provide that any employer who successfully contests a citation or penalty under such Act shall be awarded a reasonable attorney's fee and other reasonable litigation costs.

H.R. 629. January 4, 1977. Education and Labor. Amends the National Labor Relations Act and the Railway Labor Act to prohibit an employer from discriminating against an employee who is enrolled in a full-time program of secondary, vocational, or higher education for nonmembership in or failure to provide financial support to a labor organization.

H.R. 630. January 4, 1977. Education and Labor. Amends the National Labor Relations Act and the Railway Labor Act to repeal provisions allowing an employer and a labor organization to enter into an agreement to require membership in such organization as a condition of employment.

H.R. 631. January 4, 1977. Government Operations. Requires the Secretary of the Treasury to prepare and make public annual consolidated financial statements for all expenditures of the United States, utilizing the accrual method of accounting.

H.R. 632. January 4, 1977. House Administration. Prohibits travel at Government expense outside the United States by Members of Congress after adjournment sine die of the last session of a Congress if such Member is not a candidate for reelection in the next Congress or a Presidential nominee for some other office of the United States.

H.R. 633. January 4, 1977. Interior and Insular Affairs. Conveys all mineral interests of the United States in specified lands in Madison County, Virginia, to the surface owners thereof.

H.R. 634. January 4, 1977. International Relations. Restricts payments of the United States to the United Nations to the ratio of the population of the United States to the total population of member nations.

H.R. 635. January 4, 1977. Interstate and Foreign Commerce. Amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from requiring an indirect emission source review as part of any applicable clean air implementation plan.

H.R. 636. January 4, 1977. Interstate and Foreign Commerce. Prohibits refiners or distributors of petroleum products from cancelling franchises without prior notice. Prohibits distributors and refiners from cancelling petroleum franchises without cause.

H.R. 637. January 4, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to exempt from the requirement of obtaining a certificate of public convenience and necessity an interstate trunk line owned by a telephone company serving subscribers in a single State.

H.R. 638. January 4, 1977. Interstate and Foreign Commerce. Amends the Comprehensive Drug Abuse Prevention and Control Act of 1970 to increase penalties and to impose mandatory minimum sentences for the commission of certain crimes involving drugs.

Sets forth procedures and standards for: (1) pretrial and posttrial release of persons charged with or convicted of certain crimes involving drugs; and (2) pretrial release and treatment of narcotics addicts charged with noncapital Federal crimes.

Amends the Controlled Substances Act to subject to forfeiture all money used, or intended for use, in manufacturing, distributing, or acquiring controlled substances in violation of Federal law.

H.R. 639. January 4, 1977. Interstate and Foreign Commerce. Prohibits any agent of the United States from acquiring or inspecting medical or dental records of patients whose care is not provided by Federal funds without the patient's authorization.

H.R. 640. January 4, 1977. Interstate and Foreign Commerce. Establishes a National Commission on Regulatory Reform to study and make recommendations on the activities and effect on the economy of certain Federal regulatory agencies.

H.R. 641. January 4, 1977. Judiciary. Requires specified minimum prison sentences for any individual who uses or carries a firearm during the commission of a Federal felony and for whoever is convicted by a State court of a crime punishable by a term of imprisonment exceeding one year and used or carried a firearm transported in, or affecting, interstate or foreign commerce during the commission of such crime.

H.R. 642. January 4, 1977. Judiciary. Amends the Hobbs Act to impose penalties for interfering with commerce by willfully causing property damage of at least $2,000 at or near a factory, construction site, or other place where work or business of an employer or owner is carried on or where such employer or owner transports, stores, or maintains property.

Stipulates that a violation of such provision or of the provision prohibiting interference with commerce through robbery, violent acts, or extortion shall not be nullified or mitigated by certain factors.

H.R. 643. January 4, 1977. Judiciary. Establishes a United States Court of Labor Management Relations to have jurisdiction over labor disputes in industries substantially affecting interstate commerce that have resulted or threaten to result, in a converted work stoppage which adversely affects or potentially adversely affects the general welfare of the nation.

H.R. 644. January 4, 1977. Post Office and Civil Service. Amends the Federal Salary Act to postpone the effective date for recommended adjustments in pay made by the Commission on Executive, Legislative, and Judicial Salaries until the first pay period after the first period of 30 calendar days of continuous congressional session. Provides rules for considering legislation to disapprove such salary adjustments within such 30-day period including procedures to limit debate on such measures and to force such a measure out of committee ten days after its introduction.

H.R. 645. January 4, 1977. Post Office and Civil Service. Provides, under the Legislative Reorganization Act, that pay adjustments for Members of Congress may take effect no earlier than the beginning of the Congress next following the Congress in which they are approved.

H.R. 646. January 4, 1977. Post Office and Civil Service. Requires the Postal Service, before constructing a new facility, to notify and consult with any State or local government agency responsible for the administration of laws relating to the use of land upon which such construction is proposed. Authorizes such agencies to conduct hearings with respect to such proposals. Requires the Postal Service to hold such hearings if the appropriate agencies fail to do so within 90 days after notification of proposal. Prohibits the Postal Service from undertaking such construction prior to such hearing.

H.R. 647. January 4, 1977. Post Office and

Civil Service. Changes the time period during which Members of Congress and certain Federal officers, whose terms have expired, may send franked mailings, to the 90-day period immediately following the date on which they leave office.

Restricts the purpose of such mailings to the closing of official business.

H.R. 648. January 4, 1977. Post Office and Civil Service. Prohibits collective bargaining agreements between the United States Postal Service and labor organizations recognized as exclusive bargaining representatives for their respective postal employee units from containing procedures which would preclude employees from being represented in grievance and adverse actions arising under such agreements by representatives of their own choosing.

H.R. 649. January 4, 1977. Post Office and Civil Service. Declares that all Federal employees have the right to form, join, and assist a labor organization or to refrain from any such activity without fear of penalty or reprisal.

H.R. 650. January 4, 1977. Post Office and Civil Service. Makes American Business Day a legal holiday to be observed on the last Monday in April.

Changes the date of Veterans' Day from November 11 to the fourth Monday in October.

H.R. 651. January 4, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to accept certification by State water pollution control facilities of responsibility for treatment projects within such State.

Authorizes financial assistance to State programs so certified in an amount not to exceed two percent of the Federal allotment for waste treatment works projects.

H.R. 652. January 4, 1977. Rules. Amends the Congressional Budget Act of 1974: (1) to provide that Federal revenues and outlays shall not exceed Federal revenue and budget outlay limits with specified exceptions; and (2) to require that when they are introduced all bills or joint resolutions contain a "fiscal note" disclosing the fiscal impact of the bill on Government finances.

H.R. 653. January 4, 1977. Rules. Amends the Congressional Budget Act of 1974 to require that every public bill or resolution introduced in either House of Congress contain an estimate of the average cost for each taxpaying family if the bill or resolution were enacted into law. Requires the Director of the Congressional Budget Office to keep tabulations on the average cost to each taxpaying family of the bills passed during each session and directs that the tabulations be printed in the Congressional Record.

H.R. 654. January 4, 1977. Rules. Requires review of Federal programs to determine if they warrant continuation. Directs the President to conduct such review of the programs covered by the annual budget. Requires Congress to make such review every four years.

H.R. 655. January 4, 1977. Small Business. Amends the Small Business Emergency Relief Act to provide emergency relief to small business concerns in connection with fixed-price Government contracts for the lease of real property.

H.R. 656. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to require an automatic cost-of-living adjustment in the income tax rates, the amount of the standard deduction, personal exemption, and depreciation deduction, and the rate of interest payable on certain obligations of the United States.

H.R. 657. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide a deduction for State and local taxes imposed on the furnishing or sale of electrical energy, water, sewage disposal services, gas, or telephone services.

H.R. 658. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow a limited deduction for adoption expenses.

H.R. 659. January 4, 1977. Ways and Means. Amends Title I (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that an individual who would be fully qualified for benefits at age 62 may qualify for disability benefits under such program if such individual has 40 quarters of coverage, regardless of when such quarters were earned.

H.R. 660. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 661. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to reduce the 5-month waiting period which is presently a prerequisite of eligibility for disability insurance benefits to 1 month.

H.R. 662. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that attorneys' fees allowed in administrative or judicial proceedings under that program or under Title XVIII (Medicare) of such Act, in cases where claimants are successful, shall be paid by the Secretary of Health, Education, and Welfare rather than deducted from the amounts awarded claimants.

H.R. 663. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow a limited tax credit for savings deposits and stock and bond purchases. Excludes stock dividend payments from income. Allows a deduction under the estate tax for an interest in a family farm. Alters the corporate tax normal rate and the procedure for computing adjusted basis. Increases the investment credit, corporate surtax, and the permissible variance from class life. Creates a new amortization option for pollution control facilities. Provides for the tax treatment of employers and employees participating in an employee stock ownership plan.

H.R. 664. January 4, 1977. Judiciary. Sets forth hearing and appeal procedures for resolving claims and disputes relating to Government contracts awarded by executive agencies. Establishes a Small Claims Board of Contract Appeals to hear contractor appeals when the amount in controversy is equal to or less than $25,000.

H.R. 665. January 4, 1977. Judiciary. Amends the Immigration and Nationality Act to increase the requirements of prior residence or physical presence in the United States in the naturalization proceedings for any person who is the surviving natural or adoptive parent of a person who dies during a period of honorable active duty service in the United States Armed Forces during the war in Vietnam or subsequent hostilities.

H.R. 666. January 4, 1977. Judiciary. Amends the Speedy Trial Act of 1974 to stipulate that no member of the planning groups convened by each United States district court thereunder shall be deemed, by reason of such member, an officer or employee of the United States.

States that no member of the Board of Trustees of an experimental pretrial services agency shall by reason of such membership be deemed such an officer or employee.

H.R. 667. January 4, 1977. Judiciary. Amends the Immigration and Nationality Act to exempt a person from the requirement of an understanding of the English language, if on the date of his petition for naturalization such person is of 50 years of age and has been living in the United States for a period totaling at least 20 years.

H.R. 668. January 4, 1977. Judiciary. Amends the Immigration and Nationality Act to raise the age for conferral of automatic citizenship upon foreign-born children of naturalized aliens from 16 to 18 years.

H.R. 669. January 4, 1977. Judiciary. Permits military service performed by an individual after December 1955 to be included in determining the aggregate period of service on which a civil service annuity is based, even though such individual is eligible for social security benefits. Requires the Civil Service Commission to exclude from such annuity an amount equal to that portion of the monthly benefit attributable to the individual's military service.

H.R. 670. January 4, 1977. Judiciary. Establishes criteria for the imposition of the death penalty for specified explosive related offenses.

H.R. 671. January 4, 1977. Judiciary. Amends the Gun Control Act of 1968 to impose additional penalties for the commission of certain offenses with the use of, or while unlawfully carrying, a firearm. Specifies conditions under which a court may waive the additional sentence imposed by this Act. Prohibits the suspension of the additional penalty once imposed and the granting of probation.

H.R. 672. January 4, 1977. Rules. Requires under the Congressional Budget Act of 1974, that the Federal budget deficit for fiscal years 1978–80 be a specified decreasing percentage of the deficit for fiscal year 1977. States that beginning with fiscal year 1981 Congress may not consider a Federal budget which includes a deficit.

H.R. 673. January 4, 1977. Judiciary. Increases the number of district judges authorized for the southern district of Florida from 7 to 12. Stipulates that the President shall appoint one additional judge for such district and that the first vacancy occurring in the office of district judge in that district shall not be filled.

H.R. 674. January 4, 1977. Ways and Means. Amends title II (Old-age, Survivors and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 675. January 4, 1977. Armed Services. Makes it unlawful for any individual or entity to solicit to enroll or enroll any member of the Armed Forces in any labor organization or for any member of the Armed Forces to join, or encourage others to join any labor organization. Sets forth penalties or violations of this act.

H.R. 676. January 4, 1977. Education and Labor. Repeals the Occupational Safety and Health Act of 1970.

H.R. 677. January 4, 1977. Interstate and Foreign Commerce. Repeals the Emergency Petroleum Allocation Act of 1973.

H.R. 678. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide a limited exclusion from gross income of interest on savings deposits paid or accrued by an individual taxpayer.

H.R. 679. January 4, 1977. Post Office and Civil Service. Makes the appointment of the Postmaster General and the Deputy Postmaster General subject to confirmation by the Senate.

H.R. 680. January 4, 1977. Post Office and Civil Service. Abolishes the use of franked mail. Establishes a system for the use of postage meters for Congressional mail. Restricts the kinds of mail matter which may be transmitted as Congressional mail to material directly related to Congressional business. Prohibits the transmission by Congressional mail of material laudatory to a Member of Congress, mass mailings, newsletters, reprints from the Congressional Record, news releases, voter registration materials, agricultural reports, mailgrams, and other specified classes.

H.R. 681. January 4, 1977. Post Office and Civil Service. Terminates the authority of

any Federal agency to require any person, State, or local government to provide such agency information for statistical purposes five years after such authority was given to such agency or five years after the enactment of this Act whichever is later.

Requires that any bill or resolution reported by a committee of either House of Congress which confers authority to require such information from persons, States, or local governments be accompanied by a statement describing the information sought and the costs to be incurred in processing such information by such agency or by such respondents.

H.R. 682. January 4, 1977. Post Office and Civil Service. Directs the Secretary of Commerce to reduce the overall burden on respondents in the 1979 census of agriculture, drainage and irrigation to no more than one-half the burden on respondents in the 1974 census.

Requires the statistical classification of farms in the 1979 census not exclude any establishment which would normally sell more than $250 of agricultural products during the census year.

Directs the Department of Commerce to improve the collection, analysis and publication of data about the ownership structure of American farms.

H.R. 683. January 4, 1977. Judiciary. Amends the Clayton Act to prohibit specified concentrations of control in the energy-producing industries. Prohibits joint ventures between large producers, transporters or refiners of petroleum, petroleum products, or natural gas.

H.R. 684. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for optometric and medical vision care under the supplementary medical insurance program.

H.R. 685. January 4, 1977. Agriculture. Amends the Commodity Exchange Act to require the Commodity Futures Trading Commission to revoke the registration of any future commission merchant or floor broker who accepts an order in violation of the Act. Requires any person who sells a commodity for export to inform the Secretary of Agriculture as to the facts concerning the sale, and requires the Secretary to make such information public.

H.R. 686. January 4, 1977. Education and Labor. Authorizes the Commissioner of Education to make educational assistance loans to students at nonprofit institutions of higher learning.

H.R. 687. January 4, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to exempt sales by independent producers from regulation by the Federal Power Commission. Establishes procedures for establishment of national ceiling prices for sales of new natural gas to non-exempt producers.

Directs the Commission to prohibit the curtailment of natural gas supplies for essential agricultural purposes. Restricts the use of natural gas as boiler fuel.

H.R. 688. January 4, 1977. Post Office and Civil Service. Transfers the duty of taking agricultural, irrigation, and drainage censuses from the Secretary of Commerce to the Secretary of Agriculture. Requires the Secretary of Agriculture to collect such information every five years using the sampling method and to institute measures to reduce the burden on respondents to such censuses, and to make such data available to small businesses and other agribusiness organizations on a timely and useful basis. Directs the Secretary to confine the statistical classification of farms in effect on January 1, 1975, for purposes of such census.

H.R. 689. January 4, 1977. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to construct a replacement lock and dam on the Mississippi River. Withdraws all authority with respect to channel construction and modification on the Upper Mississippi River.

Directs the Upper Mississippi River Basin Commission to prepare a master plan for the management of the Upper Mississippi River.

H.R. 690. January 4, 1977. Judiciary; Ways and Means. Prohibits a State from imposing a tax on income earned by a nondomiciliary unless the income was earned in that State. Permits the State taxation of income earned by domiciliaries outside the State to the extent that such taxation exceeds the tax imposed by the State in which the income was earned.

H.R. 691. January 4, 1977. Agriculture; Public Works and Transportation. Establishes a National Land Resources Protection Commission to protect the quality of existing topsoil in all federally assisted projects. Establishes minimum requirements governing the stockpiling and replacement of soil of all such projects.

H.R. 692. January 4, 1977. Small Business. Amends the Small Business Act and the Small Business Investment Act of 1958 to increase specified appropriations for loans made pursuant to such Acts. Changes the loan authority of the Small Business Administration to allow loans to finance residential and commercial construction or rehabilitation. Expands the coverage of disaster loans to small business concerns.

H.R. 693. January 4, 1977. Armed Services. Makes it unlawful for any individual or entity to solicit to enroll or enroll any member of the Armed Forces in any labor organization or for any member of the Armed Forces to join, or encourage others to join any labor organization. Sets forth penalties for violations of this act.

H.R. 694. January 4, 1977. Armed Services. Makes specified pay and eligibility adjustments in the retired servicemen's family protection plan and the survivor benefit plan of the Armed Forces.

H.R. 695. January 4, 1977. Interstate and Foreign Commerce. Repeals Titles XV (National Health Planning and Development) and XVI (Health Resources Development) of the Public Health Service Act.

H.R. 696. January 4, 1977. Judiciary. Amends the provision of the Gun Control Act of 1968 imposing penalties for the use of a firearm during the commission of certain crimes to: (1) cover the commission of specified felonies with the use of any firearm which has been transported in commerce rather than only the commission of Federal felonies; (2) increase terms of imprisonment; and (3) prohibit suspended and probationary sentences for first convictions.

H.R. 697. January 4, 1977. Public Works and Transportation. Directs the Secretary of the Army to issue a permanent easement to the owner of any boat dock or similar structure which the Secretary of the Army permitted to be constructed on property under the Secretary's jurisdiction prior to enactment of this Act.

Subjects such docks to rules and regulations promulgated by the Secretary.

Declares it the sense of Congress that the Corps of Engineers make every reasonable effort to allow the construction of such docks.

H.R. 698. January 4, 1977. Science and Technology. Authorizes appropriations to the Environmental Protection Agency for fiscal years 1977 for environmental research, development, and demonstration programs. Imposes limitation on the transfer of funds from one area to another without Congressional consent.

Directs the Chairman of the Council on Environmental Quality to conduct a continuing inventory of environmental research and development programs.

H.R. 699. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow charitable deductions for a limited portion of the value over basis of certain types of short term capital gain property.

H.R. 700. January 4, 1977. Ways and Means. Amends Title IV (Child Support and Establishment of Paternity) of the Social Security Act to allow the payment of lump sum or periodic payments to a spouse or former spouse as required by a decree of separation or divorce from moneys due from, or payable by, the United States.

H.R. 701. January 4, 1977. Government Operations. Requires any Federal agency proposing a new rule or any committee of Congress reporting legislation which may have a significant impact on costs to the public to prepare a Regulatory Cost/Benefit Assessment.

Sets forth procedures for preparing such Assessment.

H.R. 702. January 4, 1977. Government Operations. Establishes an Office of Consumer Protection. Creates the office of Consumer Counsel of the United States. Places the Consumer Counsel in charge of the Office of Consumer Protection. States that the duty of the Consumer Counsel will be the representation and protection of the interests of consumers before the Federal Government.

H.R. 703. January 4, 1977. Armed Services. Authorizes the recomputation at age 60 of the retired or retainer pay for members or former members of the uniformed services whose retired or retainer pay was computed on the basis of pay scales in effect prior to January 1, 1972 in order to reflect any retired or retainer pay increases for other members which was based on changes in the Consumer Price Index since that date.

H.R. 704. January 4, 1977. Interior and Insular Affairs. Establishes a national historic park on the Island of Guam to commemorate the bravery of those who participated in the campaigns of the Pacific theater in World II.

H.R. 705. January 4, 1977. Judiciary. Prohibits the State income taxation of any nonresident commuters who work in Federal areas but do not reside in the area or in the State, unless the State provides the individual material and proportion benefits and protection.

H.R. 706. January 4, 1977. Ways and Means. Amends the Tariff Schedules of the United States to extend from 8 to 24 months the period in which domesticated animals, which are sent across a contiguous international boundary for temporary pasturage or which stray across such boundary, shall be accorded duty-free status upon reentry.

H.R. 707. January 4, 1977. Interstate and Foreign Commerce. Increases from three to five years the term for which a license to operate a radio broadcasting station may be issued, and for which such licenses may be renewed under the Communications Act of 1934.

H.R. 708. January 4, 1977. Rules. Requires any rule proposed by any Government agency to be submitted to Congress with a full explanation of such rule. States that such rule shall become effective no later than 60 days after submission to Congress unless either House adopts a resolution disapproving such rule.

H.R. 709. January 4, 1977. Education and Labor. Amends the Randolph-Sheppard Vending Stand Act (providing for vending facilities for the blind in Federal buildings) to exempt from the Act's regulations Federal real property not accessible to the general public and cafeterias and vending machines therein operated by the General Services Administration primarily for Federal employees.

H.R. 710. January 4, 1977. Education and Labor. Establishes a career education program to assist States and local educational agencies in increasing the emphasis they place in elementary and secondary education on job awareness, exploration, decisionmaking, and planning.

H.R. 711. January 4, 1977. Merchant Marine and Fisheries. Amends the Ports and Water-

ways Safety Act of 1972 to require that bulk cargo vessels subject to the Act be equipped with the best available pollution control equipment and that certain United States oil tankers be equipped with a segregated ballast capacity.

H.R. 712. January 4, 1977. Merchant Marine and Fisheries. Amends the Merchant Marine Act of 1936 to direct the Secretary of Commerce to require that a specified percentage of United States oil imports be transported on United States-flag vessels.

H.R. 713. January 4, 1977. Armed Services. Revises the method of computing retired pay for regular enlisted members of the Army, Navy, Air Force and Marine Corps in order to include in such computation the number of years of such individual's non-regular service and certain other years of service.

H.R. 714. January 4, 1977. Armed Services. Revises the method of computing retired pay for regular enlisted members of the Army, Navy, Air Force and Marine Corps in order to include in such computation the number of years of such individual's non-regular service and certain other years of service.

H.R. 715. January 4, 1977. Armed Services. Stipulates that warrant officers of the uniformed services who accept appointments as commissioned officers shall be paid the greater of: (1) the pay and allowances the individual was previously entitled to as a warrant officer; or (2) the pay and allowances to which the individual would be entitled to as a commissioned officer.

H.R. 716. January 4, 1977. Armed Services. Removes the present restrictions which prohibit enlisted members of the armed forces on active duty from engaging in a civilian pursuit or business or prohibit members of the Army, Navy, Air Force, or Marine bands from remuneration for furnishing music outside of a military base where such activities are in competition with local civilians.

H.R. 717. January 4, 1977. Armed Services. Permits members of the reserve components of the armed forces and members of the National Guard to receive retired pay at age 55 for non-regular service.

H.R. 718. January 4, 1977. Armed Services. Allows surviving spouses of members of the uniformed services who were widowed before the effective date of the Survivor Benefit Plan and who are eligible to receive an annuity under the Retired Serviceman's Family Protection Plan or the contingency option plan to elect to receive, in lieu of such annuity, an annuity based on the retired or retainer pay to which the deceased spouse would have been entitled as of the effective date of such plan.

H.R. 719. January 4, 1977. Armed Services. Entitles surviving spouses of members of the uniformed services who were widowed before the effective date of the Survivor Benefit Plan and whose spouse was entitled to retired or retainer pay at time of death, to an annuity as computed under this Act, regardless of whether such individual is entitled to other specified death benefits with the exception of the Survivor Benefit Plan.

H.R. 720. January 4, 1977. Post Office and Civil Service. Repeals the requirement that the retirement pay of retired officers of the uniformed services who are employed in civilian positions in the Federal Government be reduced.

H.R. 721. January 4, 1977. Veterans' Affairs. Provides an alternative method for computing dependency and indemnity compensation in order that in certain instances the survivors of deceased veterans may elect to receive an amount of compensation equal to that to which they would have been entitled if such veterans had been civil service employees killed while performing job-related functions.

H.R. 722. January 4, 1977. Veterans' Affairs. Permits certain veterans with service-connected disabilities who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either.

H.R. 723. January 4, 1977. Armed Services. Authorizes the recomputation at age 60 of the retired or retainer pay for members or former members of the uniformed services whose retired or retainer pay was computed on the basis of pay scales in effect prior to January 1, 1972, in order to reflect any retired or retainer pay increases for other members which was based on changes in the Consumer Price Index since that date.

H.R. 724. January 4, 1977. Post Office and Civil Service; Rules. Amends the Federal Salary Act of 1967 to change the date when recommendations of the President to Congress, regarding salary adjustments for certain Federal employees, become effective.

Sets forth rules of procedure to be followed in the House of Representatives with respect to resolutions disapproving the recommendations of the President under the Act.

H.R. 725. January 4, 1977. Armed Services. Directs that the retired pay of any member or former member of the armed forces who was on active duty or in active status before May 31, 1958, be computed at current active duty rates and be increased to reflect later changes in applicable pay rates due to increases in the Consumer Price Index.

H.R. 726. January 4, 1977. Post Office and Civil Service. Directs the Secretary of Commerce to reduce the overall burden on respondents in the 1979 census of agriculture, drainage and irrigation to no more than one-half the burden on respondents in the 1974 census.

Requires the statistical classification of farms in the 1979 census not exclude any establishment which would normally sell more than $250 of agricultural products during the census year.

Directs the Department of Commerce to improve the collection, analysis and publication of data about the ownership structure of American farms.

H.R. 727. January 4, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to authorize reduced air fares for persons 60 years of age or older and for handicapped individuals and their attendants.

Authorizes specified air carriers in California to enter into agreements with other air carriers to establish joint fares, routes, and services.

Authorizes the Civil Aeronautics Board to grant exemptions for all-cargo operations under specified circumstances.

Directs the Board, in determining the compensation for any local service air carrier for mail for 1966, to apply a specified rate schedule and to disregard any decrease in the Federal income tax liability resulting from any net operating loss carryback.

H.R. 728. January 4, 1977. Veterans' Affairs. Provides that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits.

H.R. 729. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow a limited income tax credit for the tuition paid to a private, nonprofit elementary or secondary educational institution for the education of a dependent.

H.R. 730. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books, and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 731. January 4, 1977. Ways and Means. Increases to $10,000 the amount of outside earnings which is permitted an individual each year without any deduction from benefits under title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act.

H.R. 732. January 4, 1977. Ways and Means. Amends title IV (Aid to Families with Dependent Children) and title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act, and the law relating to veterans' pensions to provide that recipients of supplemental security income benefits, recipients of aid or assistance under the various Federal-State public assistance and medicaid programs, and recipients of assistance or benefits under the veterans' pension and compensation program and specified other federally assisted programs including the food stamp programs and the public housing program, will not have the amount of such benefits, aid, or assistance reduced because of post-1973 increases in monthly social security benefits.

H.R. 733. January 4, 1977. Interstate and Foreign Commerce; Judiciary. Amends the Federal Trade Commission Act to prohibit the application of a per se rule of illegality under the antitrust laws in the case of territorial market allocation agreements made as part of a licensing agreement: (1) for the manufacture, distribution, and sale of a trademarked soft drink product; or (2) for the distribution or sale of a trademarked private label food product.

H.R. 734. January 4, 1977. Interior and Insular Affairs. Directs the Secretary of the Interior to conduct a study of the feasibility of establishing the Santa Margarita National Recreation Area, in the area which is now Camp Pendleton, California.

H.R. 735. January 4, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to make eligible for registration, as being of United States nationality, aircraft owned by a citizen of a foreign country who has been lawfully admitted for permanent residence into the United States.

H.R. 736. January 4, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to direct the Administrator of the Civil Aeronautics Board to issue regulations allowing the operation of aircraft during the period when the emergency locator transmitter has been removed from the aircraft for inspection, repair, modification, or replacement.

H.R. 737. January 4, 1977. Interior and Insular Affairs. Provides for establishment of the Jacob Estey National Monument at Shaw University, Raleigh, North Carolina.

H.R. 738. January 4, 1977. Education and Labor. Repeals the Davis-Bacon Act.

H.R. 739. January 4, 1977. Requires Members of Congress, Congressional candidates, and employees of Congress to file financial disclosure statements revealing: (1) the amounts and sources of income including gifts, honorariums, or compensation for publication of written works; (2) the cash value of all assets held by such person individually or jointly with his or her spouse; and (3) any business transaction involving such person.

Requires such statements to be made annually to the Comptroller General who is directed by this Act to make them available to the public.

H.R. 740. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to increase the limitation on corporate deductions for charitable contributions to the lesser of 10 percent of the corporation's taxable income, or five percent of its taxable income plus $100,000.

H.R. 741. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 742. January 4, 1977. Education and Labor. Amends the National Labor Relations Act to: (1) permit certain persons and groups to request strike referenda and prohibit calling or continuing a strike contrary to such a referendum; (2) prohibit the National Labor Relations Board from requir-

ing certain proof in connection with an employer's petition relative to recognition of a collective bargaining representative; and (3) set forth procedures for court of appeals review of Board decisions with respect to certification of bargaining representatives.

H.R. 743. January 4, 1977. Ways and Means. Directs that two percent of all income taxes collected within a State or territory on individual incomes under Federal statutes be transferred as revenue to such State or territory to be utilized for educational purposes, free of any Federal control.

H.R. 744. January 4, 1977. Agriculture. Amends the Agricultural Adjustment Act, as amended by the Agricultural Marketing Agreement, to subject imported tomatoes to restrictions comparable to those applicable to domestic tomatoes.

H.R. 745. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow an individual an investment tax credit for farm and ranch equipment purchased from an ancestor or a closely held business of which an ancestor owns more than half.

H.R. 746. January 4, 1977. Ways and Means. Levies a variable import duty fee, under the Agricultural Adjustment Act, upon all milk, which may be entered, or withdrawn from warehouse, for consumption. Requires a monthly adjustment in the variable import duty fee.

H.R. 747. January 4, 1977. Armed Services. Amends the National Security Act of 1947 to declare specifically that the jurisdiction of the Central Intelligence Agency encompasses only foreign, as opposed to domestic, intelligence activities. Makes the Agency responsible for protecting sources of foreign intelligence under the guidance of the National Security Council. States that such responsibility shall be limited to lawful means to protect disclosure.

H.R. 748. January 4, 1977. Armed Services. Reduces or eliminates certain payments by members of the uniformed services and their dependents for medical services under the civilian health and medical plan of the uniformed services (CHAMPUS).

H.R. 749. January 4, 1977. Armed Services. Makes persons who were widowed during the 18 month period following the effective date of the Armed Forces Survivor Benefit Plan eligible for annuities under such program.

H.R. 750. January 4, 1977. Armed Services. Entitles specified enlisted members of the reserve components of the uniformed services to special pay as computed under this Act if such an individual agrees to remain in the Ready Reserve.

H.R. 751. January 4, 1977. Armed Services. Entitles specified members of the armed forces reserves to retirement pay.

H.R. 752. January 4, 1977. Armed Services. Includes foster children, as defined in this Act, within the definition of dependents of members of the uniformed services.

H.R. 753. January 4, 1977. Banking, Finance and Urban Affairs. Repeals the existing exemption, under the Bank Holding Company Act of 1956, of bank holding companies which are labor, agricultural, or horticultural organizations, from the prohibition under such Act of ownership or control by bank holding companies of any company which is not a bank and which engages in activities other than banking.

H.R. 754. January 4, 1977. Education and Labor. Authorizes the Commissioner of Education to make grants to State educational agencies to assist them in establishing and carrying out programs for instructing public elementary and secondary school students in citizenship and ethics.

H.R. 755. January 4, 1977. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by directing the Secretary of Labor to: (1) render on-site consultation and advice to any employer, upon the request of such employer, concerning compliance with the Act; and (2) establish programs for the education and training of employers and employees concerning hazards in particular industries.

H.R. 756. January 4, 1977. Government Operations. Requires that all contracts financed in whole or in part by Federal funds shall be awarded to the lowest qualified bidder.

H.R. 757. January 4, 1977. House Administration. Establishes six regional Presidential primary election districts and sets dates for primary elections to be held in such districts for the purpose of electing delegates to the national political conventions. Prohibits any State from conducting a Presidential primary election except in accordance with this Act.

H.R. 758. January 4, 1977. Interior and Insular Affairs. Authorizes the establishment of the Revolution's Southernmost Battlefields National Park in Florida.

H.R. 759. January 4, 1977. International Relations. Establishes a United States Agency for World Peace within the Department of State to research problems relating to achieving peace. Requires the Director of the Agency to establish a Laboratory for peace to administer and develop its research programs. Requires the Director to make recommendations to government agencies concerning United States efforts for peace.

H.R. 760. January 4, 1977. Interstate and Foreign Commerce. Establishes a health insurance benefit program under the Social Security Act by providing for Federal payment of health insurance premiums on behalf of eligible individuals.

Establishes a Health Insurance Advisory Board to develop guidelines for administering this program.

H.R. 761. January 4, 1977. Judiciary. Abolishes diversity of citizenship as a basis of civil jurisdiction of United States district courts.

H.R. 762. January 4, 1977. Judiciary. Makes it unlawful for a parent to kidnap his minor child.

H.R. 763. January 4, 1977. Judiciary. Subjects nationals or citizens of the United States who are employed by, or are members of, the Armed Forces to the jurisdiction of the United States district courts for their crimes committed outside the United States. Provides for the apprehension, restraint, removal and delivery of such persons.

H.R. 764. January 4, 1977. Judiciary. Prohibits former Federal employees who participated in a contract formulation the value of which exceeded $10,000 from being employed, for a period of two years, by anyone who has direct interest in the contract.

H.R. 765. January 4, 1977. Judiciary. Designates 30 days as the maximum period which an individual accused of a Federal crime may be held for examination in order to determine whether such person is insane or otherwise so mentally incompetent as to be unable to stand for trial.

Revises the procedures to be taken upon a finding of mental incompetency to direct, where possible, commitment of the accused to State or local authorities for hospitalization according to State or local law.

H.R. 766. January 4, 1977. Judiciary. Requires lobbyists and other legislative agents to file with the Comptroller General: (1) a notice of representation; and (2) activity reports.

Repeals the Federal Regulation and Lobbying Act.

H.R. 767. January 4, 1977. Post Office and Civil Service. Permits military service performed by an individual after December 1955 to be included in determining the aggregate period of service on which a civil service annuity is based, even though such individual is eligible for social security benefits.

Requires the Civil Service Commission to exclude from such annuity an amount equal to that portion of the monthly benefit attributable to the individual's military service.

H.R. 768. January 4, 1977. Science and Technology. Requires that all Federal agencies submit to the appropriate Congressional committees a prospectus concerning any proposed research grants with a value greater than $25,000 at least 30 days prior to the commitment of Federal funds.

H.R. 769. January 4, 1977. Veterans' Affairs. Authorizes and directs the Administrator of Veterans' Affairs to establish a national cemetery in Duval County, Florida.

H.R. 770. January 4, 1977. Veterans' Affairs. Authorizes and directs the Administrator of Veterans' Affairs to construct a Veterans' Administration general medical and surgical hospital at Jacksonville, Florida, and to secure the cooperation of the University of Florida College of Medicine in its training and education of medical students in Jacksonville.

H.R. 771. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide that no individual shall pay an income tax of less than 10 percent of his adjusted gross income which exceeds $30,000 ($60,000 for married individuals filing jointly).

Provides that for purposes of this Act adjusted gross income shall be computed without regard for the exclusion for interest on government obligations.

H.R. 772. January 4, 1977. Ways and Means. Authorizes a taxpayer, under the Internal Revenue Code, to elect to treat qualified architectural and transportational barrier removal expenses which are paid or incurred during the taxable year as expenses which are not chargeable to capital account. Deems such expenses so treated as allowable tax deductible expenditures.

H.R. 773. January 4, 1977. Education and Labor. Authorizes the United States Commissioner of Education to award a scholarship for full-time undergraduate study to any child who was a dependent of a public safety officer killed in the performance of duty and who has been accepted for enrollment or is enrolled in an institution of higher education.

H.R. 774. January 4, 1977. International Relations. Prohibits the Nuclear Regulatory Commission from licensing, and the Energy Research and Development Administration from engaging in or allowing, any export of nuclear fuel or technology to any country which is not a party to a nuclear nonproliferation treaty and which develops any nuclear enrichment or reprocessing plant without concluding an agreement with the International Atomic Energy Agency or Euratom against diversion to a country not a party to a nuclear nonproliferation treaty, unless the President waives such prohibition in the interests of national security and so reports to Congress 90 days prior to such licensing or authorization.

H.R. 775. January 4, 1977. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 776. January 4, 1977. Merchant Marine and Fisheries; Public Works and Transportation. Establishes a fund for the purpose of paying for otherwise uncompensated losses resulting from oil pollution.

Imposes, within certain monetary limits, joint, several, and strict liability on the owners and operators of each pollution source. Requires petroleum facilities and certain vessels to maintain evidence of financial responsibility in an amount equal to applicable liability limits.

Sets forth procedures for identifying and publicizing pollution sources.

H.R. 777. January 4, 1977. Education and Labor. Amends the National Labor Relations Act to include as employers for the purposes of such Act States and political subdivisions thereof.

H.R. 778. January 4, 1977. Government Operations. Requires the Office of Management and Budget to study the efficiency and effec-

tiveness of each Federal agency every 10 years and to recommend the President and Congress reorganization or abolition of each such agency as may be necessary to improve such efficiency and effectiveness. Abolishes each such agency upon the due date of such report unless during the 10-year period since the last report Congress has passed legislation continuing such agency.

H.R. 779. January 4, 1977. Government Operations. Requires the Office of Management and Budget to study the efficiency and effectiveness of all Federal agencies every 10 years.

Terminates each such agency 10 years after the submission of such report to the President and Congress unless Congress acts to continue such agency.

H.R. 780. January 4, 1977. Armed Services. Requires that, upon request, members or former members of the uniformed services or their dependents be given essential medical and dental care in any facility of the uniformed services. Allows such individuals to receive nonessential care subject to the availability of space and facilities and the capabilities of the medical and dental staff.

EXTENSIONS OF REMARKS

HELSINKI ACCORDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. DERWINSKI. Mr. Speaker, recognizing the growing interest in the issue of human rights in relationship to the provisions of the Helsinki accords, I wish to insert a statement given by Anna M. Faltus of the Czechoslovak National Council of America. Mrs. Faltus addressed the Commission on Security and Cooperation in Europe on March 15, on the effects of the violations of the Basket III provision in Czechoslovakia:

STATEMENT BY ANNA FALTUS ON BEHALF OF THE CZECHOSLOVAK NATIONAL COUNCIL OF AMERICA

Mr. Chairman, the Czechoslovak National Council of America welcomes the opportunity to testify before the Commission on Security and Cooperation in Europe. Our testimony will concern the area of divided families.

Permit me first to say a few words about our organization. The Council was founded in 1918. It is a national organization of Americans of Czech and Slovak descent. It also serves as an umbrella organization for other similar associations, representing several hundreds of thousands of Americans of Czech and Slovak origin.

Since the Soviet invasion and occupation of Czechoslovakia in August, 1968, tens of thousands of Czechoslovak citizens fled their homeland. The Council has been assisting those who came to the United States. It helped them to get established and offered assistance and guidance in obtaining American citizenship and in other matters where language was a barrier.

Many of those who fled Czechoslovakia, left their minor children in the care of grandparents or other relatives. In some cases the wife stayed behind. The exiles and refugees hoped that they would be able to bring their families out of Czechoslovakia, once they got established in a western country. Unfortunately, the Czechoslovak authorities decided otherwise—claiming, that the husbands, father or parents—as the case may be—had left Czechoslovkia illegally, and that it was not in the state's interest to allow its citizens to leave the country to join them.

In 1970 the Czechoslovak authorities have restored to blackmailing the refugees, exhorting them to pay so-called legal fees to lawyers in Czechoslovakia who were assigned to them by the government as counsels for defense, as they faced criminal proceedings for their "illegal" presence abroad. The refugees were informed that should they decide to ignore this demand, their relatives in Czechoslovakia would be required to pay the fees. Others, in order to "legalize" their stay abroad, were ordered to pay up several thousands of dollars for their education in Czechoslovakia. There actions of the Czechoslovak government were aimed at instilling fear into the refugees for their own persons and for their relatives left behind, and to compel them to return to Czechoslovakia.

To our knowledge only very few refugees submitted to this pressure. The great majority of them stayed abroad, haunted by the uncertain prospect of ever seeing their families again, but with a resolve to try and try again, in the hope, that somehow, sometime in the future, the Czechoslovak government would be persuaded to let their families go.

The Helsinki Accords, signed on August 1, 1975, were condemned by many of us, as we felt that the Soviet Union scored another point at the expense of the nations of Central and Eastern Europe. However, as it turned out, Basket III of the Accords has given the millions of people behind the Iron Curtain something solid to hold onto in their quest for more individual freedom. It has also given them hope for a better world and, among other things, for the reunification of families, forced by government policies to live apart.

Unfortunately, the continuous flow of information which we receive testifies to the fact that the Czechoslovak government is not living up to the promises it made at Helsinki. The instances where permission to emigrate is granted are few and far between. And even though at the close of 1976, the Czechoslovak authorities allowed some children to join their parents who made their home abroad, hundreds of families are still waiting for a more humane attitude on the part of the Czechoslovak government.

The delaying tactics used by the Czechoslovak authorities concerning permission to emigrate and the issuance of an exit permit are too numerous to list here. Few examples below will illustrate the point we wish to make.

Every applicant for permission to emigrate, for example, is required to attach to the application 10 documents, none of which may be more than 30 days old at the time the application is submitted for approval. These documents include: (a) written consent from the applicant's place of employment to the effect that his employer—(local, regional or state authority or a party functionary in a factory, as there is no private enterprise in Czechoslovakia)—has no objection to his emigration; (b) similar certification from the military administration; (c) extract from the Penal Register; (d) information as to paid taxes or any other obligations the applicant may have to socialist institutions; (e) curriculum and a statement giving his reasons for his desire to emigrate. This document has to contain information on the applicant's education, salary, other benefits, property status and a declaration whether he will request release from Czechoslovak citizenship. With delays artificially created by local, regional and state authorities, the stipulation that none of these documents be more than 30 days old at time of application is almost impossible to meet.

When and if the applicant succeeds in obtaining permission to emigrate, then another application has to be executed, this time for the issuance of an exit permit, to which another set of documents has to be attached. This form contains 106 questions which the applicant is obligated to answer. These questions inquire also as to whom the applicant plans to visit—or join— abroad; that person's address, occupation, address of his employer, his last visit to Czechoslovakia; his reasons for staying abroad and whether he left the country without the permission of Czechoslovak authorities.

Older persons, receiving social security pensions, who are granted permission to emigrate, have to sign a statement renouncing their right to this benefit and/or to any other benefit that may be due them. Under these adverse conditions, the emigration of older persons, who wish to join their relatives abroad, is generally not opposed, as their departure means fewer recipients of social security pensions and fewer "unproductive" persons making demands on the country's health services.

However, younger people, or young families, who apply for permission to emigrate to join their parents or other close relatives abroad, are not only encountering difficulties, they actually become vicitms of reprisals—such as dismissal from a job and/or denial of higher education to their children. This is happening despite the fact that many of the applicants cite in their applications the Helsinki Accords and the promises made by all the signatories—the Czechoslovak goverment included—to facilitate emigration and the reunification of families.

There are hundreds of cases of divided families but because many of the applicants are afraid to talk, we know of only about 65 applications with relatives living in the United States. Only a few of them have been resolved satisfactorily. In some cases permission to emigrate has been denied repeatedly. Appeals were allowed with a chance of submitting a new application. This, however, resulted in another refusal that led to another appeal and another application. The resulting merry-go-round presents great hardships for the people concerned. In several cases permission to emigrate was refused by the highest authority with no further appeal permitted.

May I ask your indulgence for a few moments more.

All the obstacles I have described here are applied also when Czechoslovak authorities want to prevent visits here to relatives who fled Czechoslovakia. There are many Americans of Czech and Slovak descent in this country who are willing to pay the cost of a visit here by a relative from Czechoslovakia. Many do come. But many others cannot. A few years ago an official policy was adopted by Prague which explicitly stated government intention to force expatriates back to Czechoslovakia by refusing to let their relatives there come here for a visit. As far as we know that policy is still in force.

What may not be realized is that, since 1928, a legal treaty between the United States and Czechoslovakia says that if a citizen from one country gains citizenship in the other, he loses the first citizenship automatically. Despite the treaty, which both countries, recognize as in force, Czechoslovak officials maintain that the naturalized American is still a Czechoslovak citizen until he applies for a release from his Czechoslovak citizenship. Exit permits have, therefore, been refused with the excuse that the relative in the United States is still a Czechoclovak citizen and that he may want to come back. The authorities take forever to process an application for release from Czechoslovak citizenship and they retain the option to turn it down. Thus, in these instances, not only is Czechoslovakia acting in contradiction to the Helsinki Final Act, but it is violation of a treaty with the United States.

The Council has submitted to the Commission for evaluation four volumes (about

450 pages) of documentation on the violations by the Czechoslovak government of Basket III of the Helsinki Accords. Today we would like to make part of the hearings "Charter 77", the Human Rights Manifesto, which was signed in Czechoslovakia—despite threats of violence and incarceration—by close to 500 individuals from all walks of life, requesting the Czechoslovak government to abide by its Constitution and by the Accords it signed in Helsinki.

SELLING ARMS TO THE ENEMY

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. BAUMAN. Mr. Speaker, though it is an event unpleasant to remember, my colleagues should recall that it was 9 years ago when the Soviet Union invaded Czechoslovakia to "liberate" it from the Czechoslovakians. Only days after the United States and Soviet representatives celebrated a "renewed partnership" between the United States and the U.S.S.R. in recognition of the Soviets' peaceful intentions in Europe, Soviet troops by the thousands poured over the Czech borders for 7 days until the Czechs were beaten.

When the Soviets came, they came in great numbers. They came in such large numbers, in fact, that there were not enough troop transport carriers to bring them into Czechoslovakia, and Life and Time magazines of that fateful week reported instances of Russians traveling on bicycles and in milk wagons in order to bring off their strategic offensive.

With the construction of Ford and Mack truck plants in the Soviet Union, invading Russian troops will not be burdened by such logistical problems in the future. Along with these profitable ventures by private American companies which have improved the U.S.S.R.'s armored motorpool, companies like IBM have peddled technologically advanced computers and air-traffic control equipment which the Soviets are using on their observation units at Russian military bases. IBM is not alone. Many other American based multinational corporations have been less American than multinational in their pursuit of dollars in the market of a totalitarian society dedicated to the principle that in the final analysis, America must and will be destroyed.

A sober and timely analysis of this incredible situation has just been written by Miles Costick, a Washington, D.C., foreign affairs and trade analyst. His major study, "United States-Soviet Computer Capabilities," is scheduled for spring publication by the Georgetown University Center for Strategic and International Studies. Highlights of his observations are included in an article which appeared in the March issue of the Conservative Digest. It concerns a subject which will become increasingly discussed as American policymakers are asked to give a more frank and realistic assessment of Soviet military and strategic intentions and estimate how far American companies may go in possibly financing our own future national peril.

The article follows:

SELLING ARMS TO THE ENEMY

(By Miles Costick)

During the last four years American companies have sold the Soviet Union more than $300 million worth of advanced computer equipment—material crucial to modernizing the Soviet military machine.

The giants of our computer industry, including Control Data, IBM, Sperry-Rand and General Electric—have sent Russia and East Europe computers, peripheral equipment, software and manufacturing know-how, and have even built computer component plants for Iron Curtain countries.

And a major new deal that will further erode U.S. security is in the works. Late last year Control Data received permission from the National Security Council, after intervention by Henry Kissinger, to sell very sophisticated computers to America's two biggest enemies.

The Soviet Union will receive the Cyber 7300, a large scientific computer ideal for military applications and about 15 years ahead of current Soviet computer capability.

And Communist China will acquire the Cyber 172, used in the U.S. for antisubmarine warfare, nuclear weapons calculations, and large phase-array radar systems that track ICBM's.

Computers are essential to modern warfare. Computers themselves are used for both navigation and weapons guidance in modern missiles, aircraft, tanks, high-performance satellite-based surveillance systems, ABM defense systems and submarines.

And without computers modern weapons systems could not be built, integrated, tested, deployed, kept combat-ready or operated.

All technologies revolutionizing warfare, such as giros, lasers, avionics, nucleonics, propulsion and computers themselves, are dependent on computers.

For example, the world's most advanced computers (ILLIAC IV, CDC STAR-100, Texas Instruments' ASC and Goodyear's STARAN IV) were built with the aid of several large computers.

In short, today's emerging technologies are as dependent on computers as the technologies of the first industrial revolution were dependent on energy.

In the present era of technological competition with the Soviet Union, the United States enjoys now and is expected to maintain a 10 to 12 year advantage in computer technology, provided there are no ill-considered exports to the Soviet Union and other communist countries.

HENRY SAID YES

Computer technology in the Soviet Union is almost totally dependent on Western imports, and there are several significant features of Western computer technology that the Soviets have failed thus far to acquire.

The first is mass production of high-quality computer components, subsystems, and systems. The second is reliability engineering and quality control. The third is the creative dynamism characteristic of the Western computer scene.

The fourth is computer software: Soviet software today is no further advanced than Western software was in 1960. However interesting Soviet work on the theory of automatic programming may be, it has not led to software that economizes programming time and makes computers more accessible to users.

The fifth area of weakness in Soviet computers is memory storage, both internal and external. Even the most advanced computers produced in the Soviet Union and East Germany have acute memory problems.

The Soviets are making every effort to close these gaps by buying them from us. And they scored notable successes with this strategy. (They also continue to steal or illicitly buy secrets from private citizens.)

Control Data has been one of the Soviets' richest sources. The company recently agreed to develop jointly with Moscow the next generation of large high-speed computers, the Cyber series, and to build a plant that can manufacture them.

The Cybers are high-speed, large-volume scientific computers, suitable for military and intelligence operations. Only 12 such installations exist in the world, and they belong to such organizations as the Atomic Energy Commission, the U.S. Air Force, NASA and the National Security Agency.

This Control-Data-Soviet venture would create a serious competitor for U.S. computer sales overseas and would sharply upgrade Soviet military potential. American sources in Moscow put the agreement's ultimate worth at more than $500 million.

In the last dozen years Control Data has sold communist countries about 40 computer systems, and has established a joint operation with Romania, which it is now expanding to produce peripheral equipment, integrated circuits and software.

The company's strategy is to increase its share of the communist bloc computer market, and, in combination with communist computer producers, to increase penetration of the developing countries' markets.

And Control Data has an agreement pending to manufacture 100-megabit disk memory units in the Soviet Union, which would considerably enhance Soviet computer capabilities.

The granddaddy of computer companies, IBM, has frequently sold advanced computers to the Soviet Union and its satellites. It sold the USSR what is believed to be the largest industrial computer in the world for use at the Kama River truck plant, and in 1974 it sold Hungary the advanced 370-155.

This sale, which required the personal approval of Kissinger, violated U.S. policy in that the computer was more powerful than the buyer required, was unknown in the East, and could be copied or diverted for military purposes.

IBM has several other pending computer orders from the Soviet Union, including a triplex 36065 computer system for Soviet air traffic control, which would have obvious military uses.

Other firms selling computer equipment, know-how or manufacturing capability to the Soviet bloc include Singer, Dataproducts and Willi Passer.

While America would never consent to give complex military technology directly to the Soviet Union, we have entered into commercial and scientific agreements which have the same effect.

As former Deputy Defense Secretary William Clements has said, "There have been some significant losses of advanced technology to the communist countries, particularly in electronic and very exotic, sophisticated machine tools."

And Britain's NATO envoy, Sir John Killick, recently stated, "Clearly something is amiss when the Soviet Union's all-consuming military machine continues to gather speed and strength, while its economy is increasingly dependent on Western exports."

Yet six high-technology trade associations have warned Congress against permitting the Department of Defense to control transfer of strategic technologies.

"In a civilian government such as ours, the control and administration must reside apart from the military," recently demanded Peter F. McCloskey, president of the Computer and Business Equipment Manufacturers' Association.

Control Data's William Norris puts it more bluntly, "Our biggest problem isn't the Soviets, it's the damn Defense Department!"

MINIMUM WAGE

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mrs. HOLT. Mr. Speaker, President Carter proposes increasing the minimum wage from $2.30 to $2.50 per hour, the organized labor chiefs are angry at the proposal, because they want a minmum wage of $3 an hour, and many Members of Congress are talking about compromising at a figure somewhat in between.

The real issue is: How much more unemployment do you want to create? President Carter's proposal would eliminate or prevent the creation of a modest number of jobs; the unions recommend a level that would cost many jobs.

When we speak of the minimum wage, we are referring to the wage level paid to the unskilled—teenagers and others whose productivity cannot justify higher pay. They are in entry-level jobs, which are essential for the work experience necessary for later employment in higher-paying jobs.

If the young worker learns discipline in his first job, if he accepts difficulty and makes a good record, he builds a solid foundation for future employment opportunities at higher pay. And he often works at an entry-level job to raise money for further education.

These jobs are important, and one of the most alarming problems facing this Congress is the extremely high rate of youth unemployment. There are insufficient jobs for the young people entering the labor market. The unemployment rate for teenagers remains at 18 to 19 percent of those seeking work. This is a real tragedy.

In Background Paper No. 13 published by the Congressional Budget Office on September 21, 1976, there is a useful discussion on the impact of minimum wage legislation. The paper, entitled "Policy Options for the Teenage Unemployment Problem," makes this point:

> There is a general consensus that the minimum wage reduces employment somewhat below what it would otherwise be; but there is no consensus on the magnitude of its effect on employment or on the availability of training and experience.

This much is clear: When the cost of a job exceeds its value to the employer, the job will be eliminated and no employer will create a job that would cost more than it would be worth.

Some people argue that the minimum wage must be raised to relieve the economic hardship caused by inflation, but what about those who would be unemployed, because of a higher minimum wage? Their joblessness would be subsidizing the employed who benefited from the raised minimum wage.

Then, with cries of alarm about the unemployment rate, the Congress would rush in to create more public service jobs, adding many billions to Federal deficit spending and causing more inflation. Legislating a higher minimum wage is not an answer to any problem.

Let us be very clear about the problem we are attending when we discuss the minmum wage. We are not discussing the overwhelming majority of American workers who are earning considerably more than the minimum. The problem is that of young people and the unskilled generally, who need work experience in entry-level jobs.

Mr. Speaker, I am very concerned for these people, and raising the minimum wage would not help them.

INDEPENDENCE DAY OF THE BYELORUSSIAN REPUBLIC

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. DELANEY. Mr. Speaker, last Friday, March 25, was a day of joyous celebration and inspiration to all. On that day in 1918 the freedom loving people of Byelorussia threw off the yoke of Russian imperialism and declared themselves a free and sovereign people and republic. Sadly, the reemergence of this proud and ancient state after nearly 150 years of tsarist domination was short lived.

The type of scourge and oppression which swept the new republic within months was far worse than any it had previously known. The infant democracy had barely taken its first exhilarating breath of freedom when the Bolshevik armies poured across its borders and stifled it under a blanket of repression.

But the preserving spirit of the Byelorussian people, the driving force behind the independence movement, could not and will not be quelled. In World War II, the Byelorussians had to repel two invaders, the Germans and Soviets, in order to protect the borders of their homeland. For this brave defense of their democratic ideals more than 2,000,000 of them paid with their lives. Once the Germans were expelled the Soviets reverted to well-tried methods to control the Byelorussian people: Execution squads, mass deportations, and many forms of political and religious repressions.

Even now, the Byelorussians continue to resist vigorously. There is minimal membership in the Communist Party despite the many advantages rendered a member. The farm workers resist authority on the collective and state farms, as demonstrated by the chronic deficiencies in Soviet agricultural production.

The many efforts by Moscow to destroy the national spirit and longing for independence of the Byelorussian people have met with dismal failure. To this day, they have never renounced their deep desire for the restoration of democratic government, as embodied by the Republic which the Soviets overthrew in 1920.

Mr. Speaker, let us congratulate all Byelorussians and commend them for their spirit, courage, and resolve on this 59th anniversary of their independence proclamation. Let us also join them in hoping that very soon Byelorussia may truly reestablish the glorious republic whose founding we commemorate today.

BYELORUSSIAN INDEPENDENCE

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. SARASIN. Mr. Speaker, 59 years ago on March 25 the Byelorussian people achieved national independence and regained their freedoms which had been lost to czarist Russia at the end of the 18th century. The Byelorussian Democratic Republic was proclaimed in the capital of Minsk while still under Austro-German occupation. However, this freedom was shortlived, and ended when the Central Powers were defeated during the First World War. The nation was split between the Poles and the Russians, but soon fell under Soviet domination which continues today.

The Byelorussian people have endured much since that time. During World War II, Byelorussia was ruled under German hegemony for 3 years. During that time, the Nazis tried to "restore" Byelorussian nationalism and destroyed everything that was Soviet-influenced. When the Soviets regained power, they reversed this process. Several million Byelorussions were killed as the Soviets reasserted themselves.

Despite this oppression, the Byelorussian people have managed to excel in many fields. Most notable is the Byelorussian folklore, among the finest and most colorful in Eastern Europe. For their daily livelihood, the Byelorussian people work the land. Despite its unsuitability for agriculture, they have produced potatoes, fodder, flax, wheat, rye, and barley. Urban industries are developing also, especially in farm-related production.

The Byelorussian people have endured a great deal under Soviet domination, and yet they have managed to maintain their hopes for eventual freedom. On this day of the 59th anniversary of the Declaration of Independence of the Byelorussian Democratic Republic, we raise our voices with those of other Americans of Byelorussian descent for the future self-determination of their mother country.

At this time, we can also implore the Soviet Union to stand by the commitments they made under the Helsinki Agreement and allow the Byelorussian people greater freedom of movement, greater access to new ideas, and renewed contacts with relatives and loved ones.

TV CAMERAMAN-REPORTER COMPILES IMPRESSIVE LIST OF FELONY ARREST ASSISTS

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mrs. LLOYD of Tennessee. Mr. Speaker, an outstanding television photographer-reporter, Butch Manning, of channel 12–WDEF TV in Chattanooga, Tenn., has for some time been aiding police in that city in apprehending criminals to such an extent that Associated Press writer Eric Newhouse deemed it appropriate to write a feature story on the activities of Mr. Manning. The story was carried on the AP State wire and subsequently carried by a number of the newspapers in Tennessee.

Because of the uniqueness of the story, Mr. Manning's devotion to the cause of humanity and the promotion thereof, and the style of Mr. Newhouse's writing, I would like to offer this story to my colleagues attesting to the result of citizens who go beyond the call of duty in helping their fellow man:

(By Eric Newhouse)

CHATTANOOGA, TENN.—Like another mild-mannered reporter, roving television newsman Butch Manning catches crooks.

But instead of swooping down from tall buildings, Manning alerts police on a two-way radio to the location of a getaway car. Then, as they make the pinch, Manning is on the scene industriously filming.

In the past year and a half, he has been responsible for 12 felony arrests.

"Good Lord, that's a better record than many of our officers," exclaims one veteran police officer. A police spokesman says the department is considering some sort of award for Manning.

Shortly after joining WDEF-TV here, Manning logged his first arrests. After two men robbed a convenience store at knifepoint, Manning spotted the getaway pickup truck and flagged down officers to make the arrests.

Then he helped police break up a major shoplifting ring, followed a hit-and-run driver until police arrived on the scene, and spotted two more armed robbers downtown getting into a getaway car.

"He was also responsible for arresting five people who robbed a stop 'N' Go store here recently," says Patrolman Joe Stansifer.

"He didn't have to do it—he's a civilian—but he took it upon himself to follow that car for about four miles, reporting his location and direction at various times."

When Stansifer made the arrests, Manning was ready.

"I parked about 100 feet back and got my camera out," he says. "We got good footage of them being searched and the police finding the weapons in the car."

In addition to his arrest record, Manning has a better than average record as a rescue worker.

Late last summer, he responded to a call that a boy had been bitten by a copperhead atop Signal Mountain and found that the town's only ambulance was in service downtown.

"The boy's hand had begun to swell up real good so I volunteered to take him to the hospital because we had radio communication," he says. "So we turned on the emergency flashers and the headlights and ran into town."

On another occasion last summer, Manning helped county police carry a shooting victim and an incapacitated officer down a mountainside on a brutally hot day.

"I know the police and rescue workers quite well, and I consider most of them my friends," he says. "I help them all I can because then I don't feel so bad about asking them to take a couple of minutes to help me out—and I hope they don't feel so bad about it either."

THOROUGHBRED RACING

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. JOHN L. BURTON. Mr. Speaker, the following letter from Mr. George Andros, an acknowledged expert on the subject of thoroughbred racing, deals with H.R. 4090.

I believe the Members will be interested in Mr. Andros' views on that important subject matter:

DEAR JOHN: This Monday before Congress who's who in racing will be present to oppose House Bill H.R. 4090 which proposes a 20 per cent withholding on racetrack winnings of $1,000.00 or more.

As Northern California's number one racing patron I believe this bill will not only kill racing in the entire U.S. at costs of hundreds of millions annually to the govt. but it will be very costly to the taxpayers who will have to be burdened with additional tens of millions, for all the employees who will have no alternative but to apply for Unemployment checks as it will throw out some two hundred thousand persons out of work and possibly more.

Because I am a tremendous taxpayer indirectly due to racing and have absolutely no ties with management or the racing industry, I am very concerned about the procedures in raising taxes for our government when a bill like this is allowed to pass which could only be detrimental to the people who are the ones who will suffer when poor management on the part of our government is not protected for its citizens. Horse racing is more than a 17 billion dollar industry which employees hundreds of thousands throughout the United States and possibly close to a million indirectly as it helps the farmers, the soft drink industry, the beer industry, the meat, poultry, fish, bakery, farmers producing fruit, vegetables, grain, hay, oats, barley, in addition to many other industries, but it also helps the printing industry and circulates monies to radio, television, newspapers, magazines and many other forms of advertising as well as bringing in more money to the govt. than all the other sports combined by a very large percentage. In addition to all this most of the race tracks in the United States are privately owned and not subsidized by the govt. as are most of all the other sports, so under these conditions I feel as our representative here in Northern Calif. and a close personal friend of mine, I know you will understand what I am saying is a fact, and I appeal to you John to address the Congress before the meeting this Monday to enlighten our Representative throughout the United States so they could understand the problems that could and would appear if H.R. 4090 is permitted to stand. As one who has been acquainted with racing for over 38 years I believe my knowledge of this industry is well known here in Northern California and my main concern is to upgrade the so-called King of Sports while at the same time maximizing as much income for the govt. as is possible, but this bill would only destroy this sport and tremendous income the govt. is receiving not help it.

Sincerely,

GEORGE D. ANDROS.

H.R. 5644

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. NOLAN. Mr. Speaker, today I am pleased to introduce H.R. 5644, a bill designed to adapt the Federal food stamp and commodity distribution programs to the unique realities of American Indian tribal life. This bill is identical to legislation introduced in the Senate today and similar to legislation S. 3235 which passed the Senate 3 years ago, only to be deleted by this Chamber in conference. Since that time the failures of the food stamp program on Indian reservations have repeatedly required the specific extension of the commodity distribution program authority, which expires September of this year. Therefore, in the absence of legislative action such as H.R. 5644, in a few months our Indian people will be left with only the Federal food stamp program to meet their basic food subsistence needs.

The problems which contribute to the failures of State operation of the current food programs include: First, the great distances Indian people must travel on poor roads to certification and issuance centers; second, the unresponsiveness of State-administered programs to the unique food problems of Indian people; and third, the great distances needy Indian people must travel, without the availability of public transportation, to reach food stores offering nutritious foods at affordable prices. In my home State of Minnesota, for example, the range of round trip distances which some people must travel on six Minnesota reservations to the nearest food stamp certification and issuance center is from 10 to 260 miles.

There are several aspects of this bill which are intended to build flexibility into the Federal food programs available to our Indian people. First, it provides each tribe with a choice of electing which family food programs they prefer. Second, it provides for Federal payment of 100 percent of the costs necessary to administer the programs. This modest but necessary increase in Federal administrative costs shall be available to either the State or tribal administrative agencies. Third, the bill provides for tribal administration either separately or concurrently of the food stamp and commodity distribution programs with adequate support and technical assistance to assure program administration in a responsible fashion.

The time is long overdue for adjusting food stamp and commodity distribution program operation in a manner geared to the special geographic and cultural circumstances existing on Indian reservations. I request your support of this bill to assist in accomplishing this end.

A TRIBUTE TO COL. PETER ECONOMY

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mrs. PETTIS. Mr. Speaker, on March 31, 1977, Col. Peter Economy, U.S. Air Force Commander of the Sacramento Air Logistics Center, detachment 51 at Norton Air Force Base, will retire from active duty after 35 years of military service.

Colonel Economy has had a distinguished military career beginning with his enlistment in the U.S. Air Corps following the outbreak of World War II and throughout his advancement through the ranks to his present grade.

During World War II, he was designated as instructor and liaison officer to Brazilian Air Force cadets who were training in the United States. Following this assignment, Colonel Economy was responsible for the training of the 201st Mexican Air Force Fighter Squadron personnel. Accompanying the squadron to the Philippines, Ie Shima, and Okinawa, Colonel Economy was awarded Mexico's second highest decoration by the President of Mexico. He is the only American officer on active duty to be so honored.

In 1951, Colonel Economy served with the T-6 Mosquito Squadron in Korea, including a front-line assignment with the French-Canadian Royal 22d Regiment. While on a later assignment to Taiwan, the colonel was again responsible for the training of Air Force personnel from the Republic of China.

Mr. Speaker, in addition to a most distinguished military career, Colonel Economy has a most admirable background in civic and community service.

During his assignment in Korea, Colonel Economy organized a permanent home for the provision of food on a regular basis to the multitude of refugee orphans in the town of Pyon-Paek, South Korea.

In 1955, Colonel Economy spearheaded efforts to raise funds for the building of an annex to a public school and the acquisition of needed school supplies for the village of Tepotzlan, Mexico. In honor of Colonel Economy's efforts, the people of that village have placed a brass plaque on the wall of the wall of the school bearing his name.

In addition to the above activities, Mr. Speaker, Colonel Economy has further distinguished himself by winning eight awards from the Freedom Foundation at Valley Forge, Pa., for his letters and essays on specific topics relating to the basic constitutional rights and responsibilities inherent in the American way of life.

Mr. Speaker, I am sure that my colleagues join me today in congratulating this fine officer on his many achievements and in commending him on his demonstrated respect and love for our country.

INCREASING THE INDEPENDENCE OF REGULATORY AGENCIES

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. ECKHARDT. Mr. Speaker, I have today introduced with Mr. Moss the Independent Regulatory Agencies Act. The purpose of this legislation is to increase congressional oversight over independent regulatory agencies and to consequently reduce the executive dominance over such agencies.

Beginning in 1889, with the Interstate Commerce Commission, the Congress has created a number of agencies to regulate highly sensitive aspects of our economic system and to protect the public health and safety. Each of these agencies was established as a subordinate arm of the Congress to undertake assigned legislative and judicial functions within general statutory standards. However, under both Democratic and Republican administrations, these agencies have become increasingly subject to executive control and dominance.

Meanwhile, the importance of congressional oversight and the need for agency accountability to the public has been emphasized in recent years. For example, a comprehensive report on "Federal Regulation and Regulatory Reform" published in 1976 by the Subcommittee on Oversight and Investigations of the House Interstate and Foreign Commerce Committee stressed that—

> A government truly of and for the people must be accountable to them. An important part of this accountability is oversight by the Congress which, in turn, is answerable to the citizens its members collectively serve.

The Independent Regulatory Agencies Act which we have introduced today would implement many of the recommendations of the report on "Federal Regulation and Reform" and would thereby expand congressional oversight and the accountability of regulatory agencies. This legislation would strengthen the independence of the Federal Communications Commission, the Federal Power Commission, the Securities and Exchange Commission, the Consumer Product Safety Commission, and the Environmental Protection Agency by:

First, requiring Senate confirmation for appointments of agency chairmen;

Second, requiring the simultaneous submission of agency budget requests to the Congress and the Office of Management and Budget;

Third, authorizing the independent regulatory agencies to control all civil litigation through their own attorneys;

Fourth, terminating the requirement of clearance of agency legislative proposals by the Office of Management and Budget; and

Fifth, by affording prompt access to the records of independent regulatory agencies by appropriate congressional committees.

RURAL WATER PROGRAM ASSESSMENT ACT

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. MADIGAN. Mr. Speaker, I have today introduced—together with Mr. JONES of Tennessee—a bill cited as the Rural Water Program Assessment Act of 1977.

The Subcommittee on Conservation and Credit of the Committee on Agriculture recently held hearings on the drought situation in the United States. While it is obvious from those hearings that there is a great deal of work being done by a number of Federal, State, and local governmental agencies—including regional commissions and authorities—on various aspects of water resources, it appears that there is no single place, repository, or document that one may refer to which contains information about water resource studies, reports, data, et cetera. Nor does it appear that water resource information regarding conservation and usage, water tables, water sedimentation, et cetera, is being made available—at least in the form and to the extent it should—to potential users of that information. The users would include legislative bodies such as the U.S. Congress.

I am well aware that Federal agencies such as the U.S. Geological Survey, the Bureau of Reclamation, the Corps of Engineers, the Department of Commerce, and the Water Resources Council conduct water resource studies of one kind or another and publish considerable information which may be of great interest to a great number of people. However, I seriously doubt that much of the information collected at substantial cost to our taxpayers—Federal, State, and local—is reaching many of those who can and should be using it.

This bill is no far-reaching piece of legislation. It authorizes only $25,000 for something which I would hope could be done with existing funds available in the Department of Agriculture. Moreover, it calls for the information to be made available in 90 days, because the task should be one which is manageable within that time span. Moreover, I would hope that we could have this kind of information available as we consider other legislation pending before the Subcommittee on Conservation and Credit which relates to watersheds, water resources, water sedimentation, and even land use.

Given the drought conditions which exist in this country and the pessimistic prospects forecast for the next couple of years, I believe this information should be available.

If in the course of hearing on this bill it turns out that the Department—alone or in conjunction with other Federal agencies—can or will provide this information without legislation, certainly

that would be acceptable in lieu of enactment of this bill. However, I believe the information should be submitted promptly and in usable form.

IN PRAISE OF GREECE

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. DELANEY. Mr. Speaker, as far as we free people of the world are concerned, the Greek people were the first to conceive, experience, and appreciate the value of independence, thus we look upon their beautiful country as the birthplace of democracy and many of our most cherished principles.

More than 2,000 years ago the gifted and insightful ancestors of the Greek people founded their model state in which freedom with all its blessings reigned supreme. That was their age of grandeur and glory. But by the beginning of the Christian era their country was in turmoil: fell under the domination of the Roman Empire and was never free of tyrants again until the beginning of the 19th century.

On March 25, 1821, the inevitable revolt occurred as the Greek people, led by Prince Alexandros Ypsilantis and Archbishop Germanos of Patras, rose up to throw off the yoke of suppression affixed by the Ottoman Turks more than four centuries before. A national assembly met the following year at Epidaurus, independence was proclaimed and a constitution drafted.

Since 1821 Greece has been a sovereign state, and the Greeks in their mainland have been masters of their own fate. But that is not to say that their society and their very lives have not been subjected to serious threat from abroad.

Mr. Speaker, I think we do well to remember not only the war of 1821, but also the courageous and unfaltering Greek resistance staged against the Fascists during the Second World War, and the successful struggle against the Communists following that war.

Thus, the friendship Greece and America have enjoyed for so many years is founded on the principles we both stand for: freedom, virtue, and integrity. For this reason I am sure that friendship will continue for many years more. In the words that President Eisenhower said in 1953, after Greece had defeated the Communists, at the ceremonies conferring the Legion of Merit on King Paul:

> . . . Greece asked no favor except the opportunity to stand for those rights in which it believed, and it gave to the world an example of battle . . . a battle that thrilled the hearts of all free men and free women everywhere.

On this day of joyous celebration, I join all my countrymen in wishing Greece well, and sincerely thank all those of Greek ancestry, in my district as well as the rest of America, for their many invaluable contributions to our history and our culture.

THE 59TH ANNIVERSARY OF THE BYELORUSSIAN DECLARATION OF INDEPENDENCE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. RINALDO. Mr. Speaker, March 25 marked the 59th anniversary of the Byelorussian Declaration of Independence.

Like our own Declaration of Independence, the Byelorussian proclamation was a daring venture, an affirmation of national self-determination in the face of formidable odds.

Unfortunately, within 9 months of the creation of the independent Byelorussian Democratic Republic, the Soviet Union declared it would replace that independent state with a puppet nation known as the Byelorussian Soviet Socialist Republic.

To their shining credit, the Byelorussians held the massive and relentless Soviet forces at bay for more than 2 years. In 1921, however, the valiant Byelorussian troops finally succumbed to the brute strength of the Soviet aggressors.

Since 1921, Byelorussia has been only a colony in the vast Soviet empire. Yet the independent spirit of the Byelorussian people still finds expression. Resistance to Soviet oppression has been so vigorous that, according to the Byelorussian Congress Committee of America, the Soviet Government has relentlessly pursued, imprisoned, and persecuted over 6 million Byelorussians in an effort to dampen their libertarian spirit. This month, under the pretext of an anticorruption campaign, the Soviets have replaced more than 60 Byelorussian Communist Party officials with individuals more responsive to the will of Moscow. Clearly, Soviet imperialism has still not crushed the yearning for self-determination among the Byelorussians.

The battle for Byelorussian independence is also waged in this country. Two distinguished organizations—the Byelorussian American Association and the Byelorussian Congress Committee of America—continue to focus the spotlight of world opinion upon the Soviet subjugation of Byelorussia.

Mr. Speaker, Byelorussian independence is a dream that was realized too briefly. Soviet imperialism has deferred that dream, but has not defeated it.

The struggle for restoration of Byelorussian independence continues. It is a cause that merits the sympathy, and the support, of all who cherish liberty.

THE BOUNDARY WATERS WILDERNESS ACT—THE NEED FOR CONGRESSIONAL ACTION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. FRASER. Mr. Speaker, in January I introduced the Boundary Waters Wilderness Act, a bill to extend full wilderness protection to the 1-million-acre Boundary Waters Canoe area in northern Minnesota. Forty-five Members of the House have since joined me as cosponsors of the bill, H.R. 2820.

The Boundary Waters Canoe area—BWCA—has been embroiled in controversy since its inclusion in the national wilderness preservation system in 1964; we have witnessed a proliferation and intensification of disputes in the courts and in the media. At root is the question of what activities and uses should be allowed to continue in an area which has been designated as a national wilderness. Motorboating, snowmobiling, and commercial timber harvesting have been permitted during the last 13 years despite the BWCA's wilderness status. The threat of mining and mineral exploration continues to cloud the area.

The 95th Congress will have the opportunity to consider two bills quite different in their approach to resolving the BWCA issue. My bill would forbid motorboating, snowmobiling, logging, and mining in the entire 1 million acres. A bill to be introduced soon by Representative JIM OBERSTAR would establish a 600,000-acre Boundary Waters Wilderness Area and a 500,000 acres Boundary Waters National Recreation Area in which motorboating, snowmobiling, and logging on a limited basis would be allowed.

It is critical that Congress act on the issue this session. The courts have stated on a number of occasions that the ambiguities of the 1964 Wilderness Act regarding the management of the BWCA must be clarified by the Congress or the Executive, not by the courts. In addition, the U.S. Supreme Court refused earlier this month to review a decision of the Eighth Circuit Court of Appeals which opened certain stands of virgin timber within the BWCA to logging. A voluntary agreement to suspend logging will expire in September. Timber companies will begin cutting this fall unless Congress acts.

A number of articles have recently appeared in Minnesota newspapers calling attention to the responsibilities Congress must shoulder. Speaking of the timber problem, an editorial in the March 9 St. Paul Pioneer Press noted:

> Those who want the state's—and one of the nation's—last stands of virgin timber saved and the quality of the BWCA as a wilderness preserved must look to the Congress—to a statutory ban on logging among other things.

The editorial concludes by observing:

> There are millions of acres in Minnesota outside the BWCA open to snowmobile trails,

thousands of lakes and streams open to motorboats. The logging industry will survive without the last virgin pines in the state. Industry will not crumble under a BWCA minnig ban.

Don Fraser's bill is not the expression of dreamy, impractical ideals of armchair conservationists. It is an attempt, quite practical from a scientific standpoint and altogether reasonable from a recreational and esthetic standpoint, to set aside, for this and generations succeeding, something of our heritage not dedicated to private aggrandizement.

I commend the editorial and the other articles to my colleagues' attention. I would also like to insert the list of 45 cosponsors. The materials follow:

[From the Minneapolis Tribune, Mar. 8, 1977]

BWCA Logging Cleared by Court

(By Dean Rebuffoni)

The U.S. Supreme Court Monday ended the 4½-year legal battle to halt logging on certain virgin-timber tracts of the Boundary Waters Canoe Area (BWCA) of northeastern Minnesota.

Without comment, the court denied a request by the Minnesota Public Interest Research Group (MPIRG) that it review the decision of a lower court allowing logging on those tracts, which cover about 2,700 acres of the BWCA's Portal Zone. The denial means that MPIRG has lost its last opportunity for judicial review of the case.

Technically, the supreme court's denial opens the door to logging on those tracts, which include stands of virgin jackpine, black spruce and red and white pina. However, the four logging companies that have federal contracts to log there have agreed to delay, at least until June, any harvesting of that timber.

That agreement was made in December at the request of Rep. James Oberstar, the Minnesota Democrat whose Eighth District includes the million-acre BWCA. He had asked the loggers to postpone cutting until Congress has acted on a bill he is introducing that would greatly affect the wilderness area.

By their agreement with Oberstar, the four logging companies in effect will delay most of their timber cutting until next winter. Most logging activity in the BWCA's Portal Zone occurs in the winter, when there is adequate snow cover to construct logging roads.

Oberstar is sponsoring a bill in Congress that would enlarge the BWCA, then divide it into two management zones—a wilderness area, where logging would be prohibited, and a recreational area, where it would be permitted.

MPIRG and about a dozen other environmental groups oppose Oberstar's basic proposal, and instead are lobbying in Congress for a bill introduced by Rep. Donald Fraser, D-Minn. Fraser's bill would end logging in the BWCA by providing the million-acre area with full wilderness status.

MPIRG initiated the BWCA logging case in late 1972, suing the U.S. Forest Service for allegedly violating federal environmental laws by allowing logging in the Portal Zone. The forest service manages the BWCA.

MPIRG was soon joined in its suit by the Sierra Club. Several logging companies with logging contracts—called "timber sales"—from the forest service joined the case on the side of the federal agency.

The lawsuit was directed at timber sales covering more than 10,000 acres, although MPIRG and the Sierra Club wanted to ban any logging in the BWCA. The forest service eventually modified those timber sales so that they now apply to about 2,700 acres.

As part of its management plan for the BWCA, the forest service has divided the wilderness area into two zones: the 618,000-acre Interior Zone, where logging is prohibited, and the 412,000-acre Portal Zone, where it is allowed under certain restrictions.

The 2,700 acres in question are part of about 160,000 acres of virgin timber within the Portal Zone. The Interior Zone contains 354,000 acres of virgin timber.

In early 1973, U.S. District Judge Miles Lord, who heard the case, halted logging on the virgin-timber tracts. His injunction remained in effect for 3½ years, until it was lifted last Aug. 30 by the U.S. Court of Appeals for the Eighth Circuit.

Judge Lord had ruled that Congress intended to ban logging on the virgin-timber tracts. But the St. Louis-based appeals court said Congress wanted the BWCA to be managed in a manner that would maintain its primitive character without unnecessarily restricting logging.

The appeals court said that "if a substantive policy change is to be made with respect to virgin timber cutting in the BWCA," then that decision "must come from Congress or the responsible executive agency, not from the courts."

MPIRG then asked the supreme court to review the case, contending that logging would inflict "irreparable damage . . . upon a unique and irreplaceable natural resource."

In its order yesterday denying that request, the high court said Associate Justice Harry Blackmun did not take part in its decision. This means that he apparently disqualified himself from hearing the case because of a possible conflict of interest.

Before being named to the high court, Justice Blackmun was a private attorney with the Minneapolis law firm now named Dorsey, Windhorst, Hannaford, Whitney & Halladay. It represents several of the logging companies involved in the BWCA case, including the Boise Cascade and Potlatch corporations.

At present, limited logging is under way on some state-owned lands within the Portal Zone.

[From the St. Paul Pioneer Press, Mar. 9, 1977]

BWCA Fate Up to Congress

After years of legal battling, the fate of the Boundary Waters Canoe Area is, apparently, now out of the courts for good, and its fate is up to Congress.

Monday, the Supreme Court refused to review a decision of the Eighth Circuit Court of Appeals which had reversed a lower court (Miles Lord's) ruling against logging of certain stands of virgin timber in the "portal" area of the BWCA. By prior agreement of the logging companies, cutting will be delayed at least until June to allow Congress to decide the issue.

The situation is a complicated one and requires some detailed explanation:

When BWCA was established in its present form in 1964 by act of Congress, it was divided into two areas, roughly equal. One was the so-called Interior Zone. This zone contained around 350,000 acres of timberland that has never known the loggers' saws. The other is called the Portal Zone, and it also contains stands of virgin timber—about 160,000 acres.

The present controversy involves only the Portal Zone, and only about 2,700 acres of that virgin timber.

Back in 1972, environmental groups charged that by allowing logging in the Portal Zone, the U.S. Forest Service was violating federal environmental laws. MPIRG (Minnesota Public Interest Research Group) brought suit in federal court. In 1973 Judge Lord ruled that Congress had intended that all the BWCA virgin timber should be protected and placed a ban on logging. The ban applied specifically to about 2,700 acres involved in logging contracts the Forest Service had with timber operators.

Last summer the appeals court lifted the ban. Its effect of course, would be to open the rest of the Portal Zone (and, absent specific rulings by the Forest service, the Interior Zone) to logging.

This is where Congress comes in. The appeals court said that "if a substantive policy change is to be made with respect to virgin timber cutting in the BWCA (it) must come from Congress or the responsible executive agency, not the courts." The responsible executive agency is the Department of Agriculture (Forest Service), but it already has come down on the side of logging, at least in the Portal Zone. So those who want the state's (and one of the nation's) last stands of virgin timber saved and the quality of the BWCA as a wilderness preserved must look to Congress—to a statutory ban on logging, among other things.

That's where two Minnesota congressmen come in. Rep. James Oberstar, in whose sprawling 8th District the BWCA exists, and Rep. Donald Fraser, representing the 5th District (Minneapolis) have re-introduced bills on the BWCA which failed passage in the last session. The bills differ significantly.

Oberstar would retain the division of BWCA into two zones. One would be designated the Recreational, the other the Wilderness. In the Recreational, logging would be permitted. So would the use of recreational vehicles such as snowmobiles (now banned by an administrative order) and motorboats. Hunting, fishing and trapping would be allowed. The rest of the BWCA would be left as is. Presumably this means logging would be possible there, too, should the Forest Service change its mind.

Fraser's bill, on the other hand, would make the entire BWCA a wilderness area, banning logging, use of motorized pleasure vehicles, mining and mineral exploration.

Fraser and his backers argue that logging would destroy the ecosystem of an irreplaceable natural treasure. They contend that exploiting the BWCA for its virgin timber is not economically necessary (the area constitutes only a tiny percentage of available U.S. timber resources) and that whatever loss of revenue to private persons may be involved it is more than balanced by the scientific and recreational value of preserving this last canoe-country wilderness within the contiguous 48 states.

To those who argue that timberlands, virgin or otherwise, require the modern management techniques of selective harvesting Fraser responds, altogether reasonably, that nature has "managed" the area quite well indeed for eons. He is not deterred by the argument that a virgin forest "wastes" resources and maybe destroyed by fire. Indeed he and other conservationists see natural fires as the ally of primitive forest lands. Cutover pine forests tend to be replaced by birch, aspen and other less desirable species, while a fire in a pine forest actually speeds the process of pine reforestation because the heat opens the seed pods. Millions of acres of cutover land in northern Minnesota, once covered by white and Norway pine and now by "popple" and birch, attest to the truth of this.

There are millions of acres in Minnesota outside the BWCA open to snowmobile trails, thousands of lakes and streams open to motorboats. The logging industry will survive without the last virgin pines in the state. Industry will not crumble under a BWCA mining ban.

Don Fraser's bill is not the expression of dreamy, impractical ideas of armchair conservationists. It is an attempt, quite practical from a scientific standpoint and altogether reasonable from a recreational and esthetic standpoint, to set aside, for this and genera-

ations succeeding, something of our heritage not dedicated to private aggrandizement.

[From the Duluth (Minn.) News-Tribune, Mar. 8, 1977]

BWCA LOGGING NOW FALLS TO CONGRESS—SUPREME COURT WON'T HEAR APPEAL

MINNEAPOLIS.—The battle over preserving virgin timber in Minnesota's Boundary Waters Canoe Area leaped Monday from the Supreme Court to Congress, where battle lines already are drawn.

The court refused to review a decision which allowed timber companies to log in the wilderness areas. The refusal ended nearly five years of litigation by the Sierra Club and the Minnesota Public Interest Research Group, and in effect, gave the loggers the go-ahead to harvest virgin timber.

However commercial loggers have voluntarily refrained from logging until July to give Congress time to consider the issue.

"It means that legislation to protect the boundary waters has become that much more urgent because no longer is any court action possible to halt logging in the virgin forests," said Michael Milgrom, an attorney for MPIRG, which first filed suit to stop logging in November 1972.

Milgrom's group and the Sierra Club now will begin lobbying for a bill introduced by Rep. Donald Fraser to ban logging throughout the boundary waters.

The logging industry, which cheered the high court decision, is backing a compromise bill introduced by Rep. James Oberstar to declare 625,000 acres as wilderness and 527,000 acres as recreation. The recreation area would be open to logging, snowmobiling and seaplane and boat traffic. The Oberstar bill also prohibits mining in the whole boundary area.

Logging in the BWCA was first suspended in 1973 when a federal court ruled that the Wilderness Act of 1964 prohibited logging in the virgin forest land. The 8th U.S. Circuit Court of Appeals reversed that decision last summer.

In urging the Supreme Court to block further logging, the research group said logging could cause "irreparable damage . . . upon a unique and irreplaceable natural resource."

The BWCA is visited annually by thousands of people for a variety of recreational purposes on its many lakes and waterways in the Superior National Forest.

The U.S. Forest Service, which manages the entire national forest, has divided the BWCA into two zones—prohibiting commercial logging in a 600,000 acre "interior" zone but allowing it in a 400,000 acre "portal" zone. About 150,000 acres of the portal zone are virgin forest.

The appeals court ruling has no effect on future sales. The district court's ban on future sales will remain in effect pending preparation by the Forest Service of a Superior Forest Timber Management Plan and its accompanying environmental impact statement.

The Supreme Court's decision ends four years of litigation and makes preservation legislation "that much more urgent," said Michael Milgrom, an attorney for the research group.

He said logging was under a moratorium pending the outcome of two bills now before Congress which would prohibit logging to one degree or another in the Boundary Waters area.

Fraser said over the weekend he has 38 sponsors in the House on a bill to ban logging in the entire BWCA.

[From the Duluth (Minn.) Herald, Mar. 7, 1977]

LOGGERS WIN BWCA BATTLE

WASHINGTON.—An appeal aimed at blocking renewed commercial logging in Minnesota's huge Boundary Waters Canoe Area was turned down by the United States Supreme Court today.

The justices refused to review a decision by the 8th U.S. Circuit Court of Appeals that logging designated under existing timber sales may be resumed.

Logging in the one-million-acre BWCA, located within the Superior National Forest, has been suspended since 1973 when a federal court ruled that the Wilderness Act of 1964 prohibited logging in the virgin forest land of the BWCA.

The appeals court reversed that decision last summer.

In urging the Supreme Court to block further logging, the Minnesota Public Interest Research Group said the lower court's decision could cause "irreparable damage . . . upon a unique and irreplaceable natural resource."

The Boundary Waters Canoe Area has been visited by millions of persons for a wide variety of recreational activities centered on the area's many lakes and waterways.

The U.S. Forest Service charged with managing the entire national forest, has divided the BWCA into two zones—prohibiting commercial logging in a 600,000-acre zone but allowing it in a 400,000-acre zone. About 150,000 acres of the smaller zone are virgin forest.

Commercial logging, carried out under six separate sales contracted between 1959 and 1968, continued through 1973. The remaining timber to be logged is on about 5,500 acres of virgin forest, less than one per cent of the BWCA's total virgin forests.

The research group told the high court that extensions of the logging contracts were not adequately reviewed under requirements of the National Environmental Policy Act which require environmental impact statements, and that all logging in virgin forest land is prohibited by the Wilderness Act.

The appeals court ruling allowing continued logging carried no effect for future sales. The district court's ban on future sales will remain in effect pending preparation by the Forest Service of a Superior National Forest Timber Management Plan and its accompanying environmental impact statement.

[From the St. Paul Pioneer Press, Mar. 8, 1977]

CONGRESS MULLS BWCA ISSUE

The battle over preserving virgin timber in Minnesota's Boundary Waters Canoe Area leaped Monday from the Supreme Court to Congress, where battle lines already are drawn.

The court refused to review a decision that allows timber companies to log in the wilderness areas. The refusal ended nearly five years of litigation by the Sierra Club and the Minnesota Public Interest Research Group (MPIRG), and in effect, gave the loggers the go-ahead to harvest virgin timber.

However, commercial loggers have voluntarily refrained from logging until July to give Congress time to consider the issue.

"It means that legislation to protect the boundary waters has become that much more urgent because no longer is any court action possible to halt logging in the virgin forests," said Michael Milgrom, an attorney for MPIRG, which first filed suit to stop logging in November 1972.

Milgrom's group and the Sierra Club now will begin lobbying for a bill introduced by Rep. Donald Fraser, D-Minn., to ban logging throughout the boundary waters.

The logging industry, which cheered the high court decision, is backing a compromise bill introduced by Rep. James Oberstar, D-Minn., to declare 527,000 acres as recreation. The recreation area would be open to logging, snowmobiling and seaplane and boat traffic. The Oberstar bill also would prohibit mining in the whole boundary area.

Logging in the BWCA was first suspended in 1973 when a federal court ruled the Wilderness Act of 1964 prohibited logging in the virgin forest land. The 8th U.S. Circuit Court of Appeals reversed that decision last summer.

In urging the Supreme Court to block further logging, MPIRG said logging could cause "irreparable damage . . . upon a unique and irreplaceable natural resource."

The BWCA is visited annually by thousands of people for a variety of recreational purposes on its many lakes and waterways in the Superior National Forest.

The U.S. Forest Service, which manages the entire national forest, has divided the BWCA into two zones—prohibiting commercial logging in a 600,000 acre "interior" zone but allowing it in a 400,000 acre "portal" zone. About 150,000 acres of the portal zone are virgin forest.

COSPONSORS OF H.R. 2820, THE BOUNDARY WATERS WILDERNESS ACT

(As of March 23, 1977)

1. Anderson (Ill.)
2. Bedell (Iowa)
3. Benjamin (Ind.)
4. Beilenson (Calif.)
5. Bingham (N.Y.)
6. Blouin (Iowa)
7. Brodhead (Mich.)
8. Brown (Calif.)
9. Burke (Calif.)
10. John Burton (Calif.)
11. Carr (Mich.)
12. Chisholm (N.Y.)
13. Conyers (Mich.)
14. Drinan (Mass.)
15. Fenwick (N.J.)
16. Fisher (Va.)
17. Flood (Pa.)
18. Grassley (Iowa)
19. Harkin (Iowa)
20. Hyde (Ill.)
21. Kostmayer (Pa.)
22. Leach (Iowa)
23. Madigan (Ill.)
24. Mazzoli (Ky.)
25. Metcalfe (Ill.)
26. Mikva (Ill.)
27. Moakley (Mass.)
28. Moffett (Conn.)
29. Murphy (Ill.)
30. Ottinger (N.Y.)
31. Nolan (Minn.)
32. Railsback (Ill.)
33. Reuss(Wis.)
34. Richmond (N.Y.)
35. Scheuer (N.Y.)
36. Seiberling (Ohio)
37. Sharp (Ind.)
38. Spellman (Md.)
39. Stark (Calif.)
40. Steers (Md.)
41. Vander Jagt (Mich.)
42. Vento (Minn.)
43. Weiss (N.Y.)
44. Winn (Kans.)
45. Wirth (Colo.)

GEORGE L. BURGER

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. JOHN L. BURTON. Mr. Speaker, I would like to call the attention of the Members to the passing of a great human being. George L. Burger, a self-made man, began his career 62 years ago by

hawking newspapers as a kid in front of the Ferry Building and ended it as the commercial king of the waterfront.

Mr. Burger died Friday of a heart attack at Peninsula Hospital in Burlingame, where he was undergoing treatment for a blood clot in his leg.

Mr. Burger grew up in San Francisco's Mission district. His father died when he was 11 years old, and he went to work selling papers to help support his mother and five brothers and sisters.

Mr. Burger eventually went into the potato business with an initial stake of $6.32. He parlayed that stake into a big enterprise that grows and buys potatoes throughout California.

Along the way, he acquired leases that made him the dominant entrepreneur on Port of San Francisco lands. He ended up running the Franciscan Restaurant in Fisherman's Wharf, parking lots, gasoline stations, and an office complex.

More importantly, after having become a success himself, George Burger never lost his identity with the downtrodden or common people. His charity and generosity is legendary throughout California.

He donated tremendous sums of money in the traditional sense to traditional charities. Additionally, however, he gave countless tens, twenties, and even hundreds of dollars to individuals who were either down and out or "temporarily on shorts." He is responsible for the college education for several young persons whom he knew were in need of financial support that would enable them to continue their education.

Mr. Burger is survived by his wife, Helen, who resided with him in San Mateo; his son, Kenneth, of Salinas; his brother, Louis, of San Francisco; his sisters, Florence Bassett of Los Gatos, Eileen Burger, of San Francisco, and Kate Colbert, of Sacramento, and three grandchildren.

He will be missed not only by his family, but by people in all walks of life. I am sure that the Members would like to join me in expressing sympathy to his family.

BYELORUSSIAN INDEPENDENCE DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. RODINO. Mr. Speaker, on March 25 we recalled with pride and sadness the brief but valiant attempt by the people of Byelorussia to gain their freedom from Russian domination.

Following the Communist revolution, the Byelorussians acted quickly to secure their liberty, proclaiming their independence on March 25, 1918. The newly established Byelorussian Democratic Republic soon adopted a constitution which provided for free elections and guaranteed basic human rights. Within a matter of months, however, troops of the Soviet regime crushed the new government and self-determination became little more than a dream for the Byelorussian people.

Mr. Speaker, I join with all Americans of Byelorussian descent, and all freedom loving people throughout the world, in the hope that the day will arrive when these courageous people attain the liberty they so fervently desire.

WASPS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. WHALEN. Mr. Speaker, I am pleased to join with a number of my colleagues in introducing today a bill which would grant official recognition to the Women's Air Forces Service Pilots, commonly known as WASPS. The effect of this legislation, besides commending their fine service to the Nation during the Second World War, would deem such service to have been active duty in the Armed Forces of the United States for purposes of laws administered by the Veterans' Administration. Benefits applicable to other World War II servicemen would become available to them; however, payments for periods previous to enactment of the act would be prohibited.

Congress and the Nation are deeply indebted to the millions of veterans who have worn the uniform of their country, and I believe our gratitude is rightfully shown in the various forms of assistance provided through our laws.

Mr. Speaker, I do not think this gratitude and recognition should be denied to the more than 800 present survivors who also courageously served their country during wartime in such a unique and effective fashion.

During their brief existence, from September 1942 until December 1944, the 1,000 WASPS ferried 12,600 aircraft a total of 9,200,000 miles to different parts of the United States and Canada, and served as instructors and technicians in special training operations. They flew every military aircraft manufactured at the time, from the smallest trainer to the Superfortress B29 and the early jet. Some of their major training duties included towing target sleeves behind planes so fighter pilots and antiaircraft batteries could practice shooting live ammunition at a moving target, test-flying a range of new aircraft, and breaking in newly rebuilt or repaired engines. For these dangerous duties they received $250 per month and one dress uniform, work uniform, and overcoat.

I am priviledged to have three former WASPS living in my district, and I am indebted to one of them, Mrs. Codye Gwen Linder—WASP Class 44-5—of Centerville, Ohio, for supplying me with background information on the WASPS. Mrs. Linder served in the Training Command during the Second World War and was stationed in various parts of the country. At Egland Air Field in Florida she ferried planes to auxiliary bases and in Greenwood, Miss., she flight-tested rebuilt planes. One of her most dangerous jobs included towing target sleeves for antiaircraft battery practice in Laredo, Tex.

According to Mrs. Linder, many WASPS attended officers training school and took military courses along with male military pilots without any special treatment. They were on 24-hour duty call and were required to live in official military housing, subject to military rules, regulations, and discipline, and were required to march in reviews. Of the 38 WASPS who gave their lives in service, it is known that one was flying copilot with a male military pilot. The dead pilot's family received the normal benefits—military burial with full honors and insurance—while the WASP copilot was awarded none of them. Her family did not even have the right to display a Gold Star.

The legislative effort to accord recognition to the WASPS as active duty personnel began in 1943 with the introduction of a bill which would have provided for the militarization of the WASPS by commissioning them into the Army Air Forces. The bill failed to pass, and the WASPS were disbanded in 1944. Little was heard from the women pilots until last year when a bill was introduced by Senator BARRY GOLDWATER, himself a former Air Corps overseas ferry pilot, which would have provided certain health and hospital benefits to the WASPS. The provisions, which passed the Senate, were stricken from the final version of the act.

To date, Mr. Speaker, three national veterans groups support this legislation; The Retired Officers Association, the Reserve Officers Association, and the Air Force Association.

I hope the Veterans' Affairs Committee and the whole House will act favorably on this legislation as soon as possible to extend the honor and recognition owed these brave women.

UNIVERSAL VOTER REGISTRATION QUESTIONED

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. ROBINSON. Mr. Speaker, the Goochland Gazette published in Manakind-Sabot in my congressional district, has studied President Carter's universal voter registration proposal and has concluded that it "would only allow for voter fraud which would wipe out and eliminate any benefits derived from easier registration."

I insert the editorial in full for the benefit of my colleagues:

ARE ALL DRIVERS' LICENSES VALID?

Voter registration will be virtually nonexistent under a plan President Carter will propose to Congress this week. Voters would be able to register for Federal election on

the voting day, simply by showing either an identification card or a valid driver's license, or another acceptable form of identification.

There is many a teenager around today with a valid driver's license, but with a false date of birth, in order to allow that teenager to buy beer. With this type of driver's license, would it allow someone under 18 years of age to vote in a national election?

Illegal aliens can easily obtain social security numbers, unemployment compensation and welfare payments. Even though they are in this country illegally, would their identification cards allow them to vote in a national election, even though they are citizens of another country? If universal registration is to come, maybe it would be better to use as an identification, the BankAmericard or Master Charge. The banks, which issue these cards, are certainly more exact in obtaining dates of birth, residency, or whether the person, to whom the card is issued, is actually a U.S. citizen.

Universal Voter Registration would only allow for voter fraud which would wipe out and eliminate any benefits derived from easier registration.

VOTING RECORD OF CONGRESSMAN JONATHAN B. BINGHAM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. BINGHAM. Mr. Speaker, over the past 2 months, I have missed, or have not been recorded, on several rollcall votes. I wish to record here what my positions would have been had I been recorded as voting:

Rollcall No. 12, motion to take up House Resolution 222 establishing a Select Committee on Assassinations; "yea."

Rollcall No. 13, amendment to House Resolution 222 to delay full scope investigations by the Assassination Committee until it makes recommendations; "no."

Rollcall No. 14, motion to pass House Resolution 222; "yea."

Rollcall No. 17, House Joint Resolution 240, to give congressional approval to certain international fishery agreements; "aye."

Rollcall No. 19, House Resolution 252, instructing Committee on Standards and Conduct ascertain whether Members accepted valuable gifts from Republic of Korea; "yea."

Rollcall No. 20, H.R. 692, amending the Small Business Act to increase bond guarantee authority; "yea."

Rollcall No. 24, motion to authorize a special gold medal to be awarded to Miss Marian Anderson; "yea."

Rollcall No. 46, motion to provide for consideration of H.R. 2846 to amend the John F. Kennedy Center Act to authorize funds for certain repairs; "yea."

Rollcall No. 47, motion to recommit H.R. 2846 to Committee on Public Works with instructions to report it back containing an amendment that would reduce the authorization by $1.4 million; "no."

Rollcall No. 48, motion to pass H.R. 2846; "yea."

SHIP AND CREW ENJOY MAINE HOSPITALITY

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. EMERY. Mr. Speaker, no one would dispute that relations between military personnel and the people of communities neighboring their installations or where they work have not always been rosy. And both sides must be complimented for "going the extra mile" to improve relations in this "town and gown" relationship between the military and their civilian neighbors.

Bath, Maine, is not the home of a military base, as such, but has the Bath Iron Works Corp., a private shipyard which constructs and overhauls many naval vessels. As you and my colleagues will note from the following article written by an enlisted sailor who serves aboard the U.S.S. *Detroit* presently undergoing overhaul at Bath, relations between the crew of the *Detroit* and the local community could not be better.

Mr. Speaker, I commend to your attention the article, "Life in the Yards: From Detroit to Bath * * * And Back Again" by JO1 Jerry Atchison, which appeared in the November 1976, issue of the U.S. Navy magazine All Hands as an example of a situation which is becoming the rule rather than the exception. This is an excellent account of how a shipyard, its workers, local citizens, and businesses have welcomed the officers and men of a Navy vessel, and of how the hospitality and warmth of the town has been received and appreciated by the sailors.

The article follows:

LIFE IN THE YARDS

(By JO1 Jerry Atchison)

Every morning at 6:45 AM, CWO 3 Richard Church, USN, commutes from Bath, Maine, to Detroit. And, every evening he makes the return trip. It's a routine he'll follow until next March or April.

Church isn't a millionaire traveler nor has he discovered the ultimate TAD ripoff. He's the ship's Bosun aboard the fast combat support ship USS *Detroit* (AOE 4) which can be found these days berthed at the Bath Iron Works, adjacent to cranes, buildings and equipment—a ship in the middle of overhaul.

A ship overhaul, technically, is an extensive period of time set aside for major ship repair and refurbishing. But, for the sailor who experiences one—and most do—overhauls conjure up a mixed bag of emotions. Borrowing from Dickens, overhauls have been described as "the best of times . . . the worst of times."

"They may not be the best or the worst times," said one *Detroit* sailor, "But they sure are *different* times."

And so they are. During an overhaul, the familiar seagoing routines give way to controlled pandemonium as civilian shipyard workers swarm over the decks, ripping out the old and installing the new.

Bath, Maine, is only a 19-minute flight north from Boston, but a world away from the big city hustle and noise. Nestled between the Kennebec River and the low, pine- and birch-covered hills of Maine, it is a town of 18th and 19th century homes.

In the middle of town is the Bath Iron Works and towering over both the Iron Works and the town is USS *Detroit*. The Navy ship has become an important member of the community—a kind of long term houseguest.

Detroit's skipper, Captain Guy Crane describes the relationship: "In my book the difference (between this and some other overhauls) has been the great attitude on the part of the Bath community regarding *Detroit* . . . It's a family and 'hometown' kind of feeling that best describes the situation."

Friendly relations between sailors and townspeople are not a mere dividend—they are essential. The ship is shut down—no air-conditioning, fresh water or waste disposal—so much of the crew must live in the small local community and all go on liberty there.

Officers and chiefs have been put up in local motels. Other senior petty officers stay at two-men-per-room barracks at nearby Naval Air Station, Brunswick. Although the remainder may live aboard a refurbished berthing barge tied alongside *Detroit*, many have opted for apartments in town.

"We've joined in—become a part of the community," said Church. "When the call went out from the local hospital for emergency donations of blood, the crew turned out in force. That's one example of the town needing us just as we need the town."

The relaxed mix of sailors and civilians is highlighted at the main gate to the shipyard.

Early every workday morning, shipyard workers and sailors mingle as they head from town to *Detroit* and the day's work.

Seaman Keith Wiley is one of those. "I'm sharing an apartment with others in town," he said. "We get a bit crowded sometimes, but it's nice to get off the ship in the evening, particularly after the long hours we put in at work."

Three times a day sailors can be seen strolling to a nearby church. The building enjoys this unusual daily popularity because it has been converted, by the shipyard, into a chow hall. The stained glass windows help counter the typical Navy galley atmosphere.

As sailors make their way to the church-turned-galley, Bath residents greet them from the steps of large old seafaring captains' homes built during the 1800s.

The friendly feelings are not lost on the sailors. *Detroit* is undergoing a complex overhaul which means a lot of hard work and long hours for all. Friendly people, however, make the job much easier.

When at sea, *Detroit's* job is as complex as the multifarious overhaul she is now undergoing. She is a multimission ship, almost the size of an aircraft carrier—with a crew of only 600. Operating at high speeds, the ship furnishes rapid, simultaneous delivery of petroleum products, ammunition, freight, provisions and mail to "customer" ships while steaming close alongside.

"We do the jobs of stores ships, ammo ships and oilers, all rolled into one—with only a fraction of the crew," said Church, who is also one of the men responsible for seeing supplies get passed successfully from ship to ship.

In only a minute, *Detroit's* equipment can transfer enough fuel to fill the tanks of 1000 family cars. She completely resupplies the Navy's largest aircraft carriers, furnishing everything from food to fuel, in four to six hours. And, she can do all these things at speeds up to 30 knots.

The six-year-old ship has performed all these tasks at a considerable pace. Her many deployments with the 6th Fleet in the Mediterranean have taken their toll on men and machinery. It was time for her maze of winches and rigs to be repaired or replaced, her miles of wiring to be inspected and her bulkheads to be chipped, primed and painted.

"When you realize that many pieces of our equipment had only an estimated five years between overhaul requirement under normal usage and then consider we've had

more rigorous than normal operating schedules, you come to appreciate why its time for *Detroit's* overhaul," Church said.

He speaks over the deafening noise of the shipyard. All around, chipping and jackhammers, winches and other equipment together create a battering sound that subsides only at the end of the day.

Decks are stewn with cables and lines running from ship to shore, worklights are strung through passageways and up ladders. The huge shipyard crane gingerly lifts a bulkhead that had been cut away earlier and sets it on the pier.

And over the whole ship swarm sailors and shipyard workers. Hundreds of tasks must be performed by hundreds of men in only a few months. Jobs are broken down into the number of manhours required for each. The manhours are matched up against the time remaining in the yard and the work effort increases.

The ship, once so familiar to the crew, is undergoing a rapid transformation. Well-known passageways between work spaces are sealed off as work continues, leaving some sailors momentarily puzzled, looking for a new route to their jobs. The elevators, normally used to haul supplies from storage areas below deck up to staging areas, are filled with the debris of the job at hand.

Sailors facing many days of hard work ahead find some consolation. Weekly hops have been scheduled between nearby NAS Brunswick and Norfolk—*Detroit's* home port. Those who have not brought their families to Bath look forward to these weekend trips. Sailors have enrolled in evening classes at nearby colleges and technical schools. Spectator events are offered in the area which provide reduced admission to *Detroit's* crew.

"And a lot of guys have their cars here so they can zip down to Boston for a weekend or over to Brunswick," Church said.

The work being accomplished in *Detroit* represents more than two years of planning by hundreds—both on the ship, in Bath and in Washington, D.C. Millions of dollars are being spent to ensure the ship can perform her mission at peak efficiency.

It is work that requires long hours on the job, separations from family and friends and life in a different environment. But it is necessary work, for *Detroit* and for all Navy ships. Although the inevitable overhaul will probably never win a popularity poll among Navy people, it does represent a unique experience, and produces an equally unique life style.

And, like all experiences, it has some advantages. As SN Wiley put it, "You know, I've never been to Maine before. I'm kind of enjoying this."

BILL PROVIDES A SECOND CHANCE

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. HANNAFORD. Mr. Speaker, I would like to call to the attention of my colleagues an error that appears in the synopsis of my bill to provide a second chance for civil service retirees to elect a survivor annuity. On page 8742 of the RECORD of March 23, H.R. 5486 and H.R. 5487 are described as granting civil service retirees a second chance to elect a survivor annuity within 1 year from the date of retirement. Although this is true, the thrust of the bill is to permit all retirees to elect a survivor annuity within 1 year of enactment of the bill or 1 year of retirement, whichever is later, if they neglected to do so at the time of retirement.

I refer any of my colleagues who are interested in this legislation to my statement on page 8876 of the March 23 CONGRESSIONAL RECORD, which outlines the major provisions of my bill.

I regret any inconvenience this has caused.

PUBLIC'S BEST INTEREST IS TO KEEP FARMERS IN BUSINESS

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. COLEMAN. Mr. Speaker, the Congress and the administration are busy reviewing the Agriculture and Consumer Protection Act of 1973, in search of proper review and extension of the basic farm legislation of our Nation.

We have completed many hours of hearings in the House Agriculture Committee, which I am honored to serve on, and the administration has now provided the Congress and the people of the country with its views on the extension of the farm legislation.

As we prepared to undertake the important task of moving from study to legislation action, it way well serve all consumers and farmers for us to read and remembered the suggestions offered by the Kansas City Star in its most recent Sunday editorial. So that other Members of the Congress can have an opportunity to peruse that editorial, a copy is hereafter provided:

PUBLIC'S BEST INTEREST IS TO KEEP FARMERS IN BUSINESS

What does it cost a farmer to grow a bushel of wheat? And how much of that, if any, should be guaranteed by the federal government, which is to say taxpayers? Above all, it seems to us, the answers to those questions are fundamental to the debate over the form and substance of new farm legislation now before Congress.

The two questions also serve as a fountainhead for additional discussion. The question of whether the United States, Canada and possibly other wheat exporters should band together to fix a world price for wheat springs from them. So does the matter of grain reserves, which would be mostly wheat in so far as the U.S. is concerned. There are other considerations involved, but they all go back to those bases.

Some Kansas wheat growers among others argue that, with costs soaring as they have and with uncertain prices, grain growers before planting should be assured of a price floor on grain so they will not be wiped out financially in a year like 1977, when there is an abundant wheat supply and reduced demand, which have pushed prices very low. Bob Bergland, agriculture secretary and a Minnesota farmer who grows some wheat, said the time may have arrived when the nation has a responsibility, call it moral or economic, to prevent basic food producers from going broke. His reasoning is that the U.S. and the world eventually will need that wheat and that Congress and the President should take steps to guarantee that production will continue. A commodity price agreement would help, Bergland believes.

Conversely, the grain trade and many other farmers and their organizations argue with equal volume that U.S. and world wheat prices should and will find their own level through the marketplace. That level will signal producers whether to seed more, less or the same wheat acres. That is the philosophy embodied in the 1973 Farm Bill expiring with this crop year.

The facts are that no one knows what it costs to produce a bushel of wheat, because of land costs. Actual production costs—that is, seed, tillage, fuel, fertilizer and so on—can be tallied readily and generally apply across the board. But those who clamor to recover costs of production run into problems quickly when one farmer, who purchased his land cheaply years ago, or, perhaps, inherited it, compares his land costs with those of a neighbor who paid hundreds of dollars an acre more in recent years for the same kind of land, perhaps just across the road. Thus, production costs vary legitimately as much as $1.50 or $2 a bushel even in the same Kansas county.

Further, it may be argued that it is in the public's best interest to keep all of those rural businessmen, who are the farmers, in business if the public wants to continue eating. But is it a responsibility to insulate them from financial catastrophe? There have been well-publicized exceptions, but as a rule the individual business entrepreneur is left to swim or sink on his own merit. Some farmers say that shouldn't apply to their activities because their production switches cannot be turned on and off quickly and that is true. Hence, that argument continues, once the public calls for all-out production, there is a public obligation to protect those who respond.

Bergland, in attempting to unravel those threads and weave them back into a new fabric, has added at least two more factors: Weather and the possibility of international agreements. He is of the opinion that the latter will work and already has held preliminary talks with the Canadians to join in a new international wheat agreement. He also believes weather is the final key, that sooner or later the world is going to need all the wheat North America can produce and that a cash market will exist for it. Meanwhile the excess over demand for a year, or two, or three should be stored, preferably on the farm under publicly financed storage and loan provisions of new farm legislation.

However, the United States already has in plain sight its largest carry-over of wheat in more than a decade, something over 1 billion bushels. Canada has one-half as much in storage. Soon, in a matter of weeks, combines will begin cutting a new crop, starting in Texas. The size of the 1977 crop, of course, is yet to be determined by weather in Kansas and the Southwest between now and June. Regardless of that, this country is not—nor is it likely to be—short of wheat. Thus looms the big question again: Should U.S. farmers be guaranteed protection to continue unrestricted production of a crop for which there is no demonstrated demand?

The new agriculture secretary may be correct in his assumptions on weather and the possibility of workable international agreements. The major flaw in that approach, it seems to us, is that its net effect would be to set prices artifically for a quantity of product for which there may not be buyers. That involves a huge gamble, which could prove costly to producers and consumers alike.

REORGANIZATION ACT OF 1977

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. WALKER. Mr. Speaker, I introduced an amendment today, in the nature

of a substitute for H.R. 5045, the Reorganization Act of 1977, which the House will consider tomorrow. Quite simply, the amendment I will offer during tomorrow's debate is identical to the reorganization bill, H.R. 3131, originally proposed by my distinguished colleague, the chairman of the House Government Operations Committee, Representative JACK BROOKS.

My amendment will be offered because of my profound belief that H.R. 5045 as reported by the Government Operations Committee is unconstitutional. As a member of that committee, I feel compelled to offer my colleagues an alternative to voting for a bill that "stands the Constitution on its head."

H.R. 5045 will delegate legislative authority to the Executive. Such a delegation of authority usurps the constitutional lawmaking power of Congress and corrupts the principle of separation of powers.

To say that the House of Representatives should not pass unconstitutional legislation sounds like a statement of the obvious; yet, that is what is being proposed tomorrow. I will offer an alternative that fits within our constitutional framework. I urge my colleagues to consider the choices carefully.

CONVENTION ON CULTURAL PROPERTY ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. MIKVA. Mr. Speaker, there is an increasingly serious problem of illegal international trade in national art treasures. The expanding and worldwide market for objects of archeological and ethnological interest has led to wholesale pillage in some countries.

Almost 5 years ago the Senate gave unanimously—79 to zero—its advice and consent to the United States ratification of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. However, since implementing legislation of this convention is required prior to deposit of the instrument of ratification and since no such legislation has been enacted, American ratification is not yet complete. So today I am introducing a bill to implement the operative articles of that convention.

The purpose of the convention is to combat this increasing illegal international trade in national art treasures. The State parties to the convention undertake to protect their own cultural heritage. In addition, they are also required to prohibit the importation of cultural property stolen from museums, public monuments, or similar institutions, and to take appropriate steps, upon request, to recover and return such cultural property. They also agree to take what measures they can, consistent with existing national legislation, to prevent its museums and similar institutions from acquiring cultural property which has been illegally exported from the originating country after the convention has been put into force.

I should point out that the 25 countries who have accepted the convention are generally those countries whose national treasures were being pillaged. If this bill is enacted, the United States would be the leader among those countries who have been the recipients of these treasures in the past. We ought to do no less.

"A LETTER TO THE COMMISSIONER OF BASEBALL—LET THE NEW YORK YANKEES PLAY IN CUBA, WHEN CUBA STOPS SUBVERTING HUMAN RIGHTS IN AFRICA AND LATIN AMERICA"

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. KEMP. Mr. Speaker, there is a controversy underway concerning the disapproval by Mr. Bowie Kuhn, commissioner of baseball, of a proposed exhibition baseball trip by the New York Yankees to Cuba. In this period of manifold Cuban aggression against the third world, particularly on the continent of Africa, I would like to present for the RECORD the text of a letter that I have sent to Mr. Kuhn. It also includes excerpts from an editorial by Marvin Stone, editor of U.S. News and World Report which I think are well worth repeating:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 28, 1977.

Mr. BOWIE KUHN,
Commissioner of Baseball,
New York, N.Y.

DEAR COMMISSIONER KUHN: I want to commend and congratulate you on your reported opposition to a trip by the New York Yankees to Cuba. We should not lose sight of the long-term behavior of the Castro regime.

Cuban forces in Angola were the principal cause of the pro-Soviet forces winning there. They are now aiding the Katanga insurgency against neighboring Zaire. Cuban troops are known to be present in at least six other African nations. Premier Castro has just completed a personal swing through seven countries on that continent to drum up support for a coordinated assault against the interests of the free world.

Since 1959 the Castro government has carried on serious aggression against at least four Latin American states together with lower level efforts against at least six others.

Let me quote from an editorial by Mr. Marvin Stone in the March 28 U.S. News and World Report:

"Cuba still resolutely exports violence and revolution. Not only do Cuban troops remain in Angola, but it is now clear Castro and Russia's Brezhnev are teaming up to wipe out American influence in all of Africa.

"Cuba refuses to renounce its anti-U.S. crusade in this Hemisphere, including support for the independence movement in Puerto Rico.

"Cuba gives no evidence that it will free the handful of U.S. citizens it has jailed, much less the possibly 15,000 Cuban political prisoners.

"Cuba gives even less indication that it will pay off the 1.8 billion dollars in compensation claimed by Americans for property that was seized after Castro came to power in 1959.

"Cuba under Castro is still a bad neighbor. It is ironic that we should be aiming to remove the trade embargo against Cuba at the very time we are tightening one against Rhodesia."

Mr. Commissioner, we are not talking about just any Eastern European bloc state, but about the country that is directly active in communist aggression in the Third World. And we are not talking about just any American business enterprise, but about the game of baseball, which has a very special place in America's heart (second only to football).

Once again, I applaud your stand.

Yours very truly,

JACK KEMP,
Member of Congress.

A FRESH LOOK AT THE WORK INCENTIVE PROGRAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. FRASER. Mr. Speaker, in the midst of the current debate on welfare reform we cannot forget that the majority of people about whom we are talking are women with young children.

The framers of welfare policy have long taken an ambivalent view of this population, unsure if these women should be encouraged to stay home to care for their children or be forced into work to get off welfare.

The work incentive program, WIN, requires all AFDC recipients with children over 6 years of age to register for work. The wisdom of this requirement has been debated since the program's inception, growing particularly intense when WIN evaluations revealed an unacceptable number of unsuccessful job placements.

Esther Wattenberg, an associate professor at the University of Minnesota's school of social work recently wrote a guest column for the Minneapolis Star outlining her objections to the mandatory work requirement of the AFDC program. I believe her statement is insightful and appropriate and submit it here for my colleagues to consider as we move forward in our examination of the relationship between work and welfare:

ABOLISH FORCED-WORK RULE

(By Esther Wattenberg)

Should all welfare mothers be required to work?

Like many questions raised in social policy debates, values, myths and misperceptions confuse the facts.

Consider these items:

Almost a third of the women on AFDC do work and the reason they are on welfare is that their jobs do not produce a livable wage. (The median wage for divorced women in 1975 was $5,600; most of their jobs were at the lowest end of the labor market, without advancement opportunities and without benefits as health for the workers and their children.) These are women, chiefly, who are eager for work and training and will work even when it is not to their economic advantage to do so.

Another third of the women on welfare are in a revolving door, caught between combinations of work and welfare. Typically,

these are women whose expectations and experiences were those of being absorbed in child rearing and homemaking. "Fired" from their jobs when abandoned by husbands, or "voluntary quits" when they terminated impossible marriages, they find themselves unprepared and unable to cope with the world of paid work. They try, and the case records bulge with painful evidence of their failures. Breakdowns, depression and health problems alternate with their attempts to make a go of it in the work and training projects designed by the Work Incentive (WIN) program.

Yet another third of the welfare caseloads are older women, generally with large families, minimum education and almost no experience either before or after marriage in paid work outside of the home. Their lives are riddled with the domestic despair of troubled family lives, recurring crises of one sort and another and an unusually high incidence of personal poor health.

Summing up, then, we see that women on welfare are as diverse as the general population. Their potential for paid work in the labor market varies enormously.

It is one thing to say that not all women have the capacity to become economically independent. It is quite another matter, however, to deal with an ideology that believes that all women on welfare are lazy and willfully incompetent.

This strongly held belief fostered the coercive WIN program which, beginning in July 1969, mandated that all women on welfare with children over 6, with few exceptions, must register for work and training even if it costs the taxpayers more than letting them stay at home.

A small mountain of studies has looked into the perplexing questions of women, work, welfare and the work requirement features of the WIN program. Researchers agree that the WIN program with its forced work requirement is costly, impractical and ineffective. (Fewer than 5 percent of the women have been placed in jobs which have led to economic independence.)

The overwhelming conclusion is that a forced-work requirement which overlooks the harsh realities of a recession and the varying potential for paid work among women is based on assumptions which are factually incorrect and strategically a disaster. We have seen the spectacle of limited resources spent shuffling women who are unprepared for the rigors of the labor market in and out of training programs and makeshift jobs. Meanwhile, women who are ready and eager for work are denied the education and training that could upgrade their marketable skills.

Work expectations and work behavior have changed dramatically for women over the past few years. Paid work outside of the home has a high value among most women, including those on welfare. Forced work requirements are inappropriate. Women turn to AFDC when they have no other alternatives. They cannot support themselves for three primary reasons: Their work in the home is not perceived as having economic value and therefore they are not tied to a Social Security system which could come into play when the income through a marriage is cut off; the economic system is not creating enough jobs at a livable wage for all those who want to work and the occupationally segregated labor market keeps women in poor jobs at poor wages with poor benefits; and finally, there are large groups of women whose life-style and life experiences have not prepared them for work outside of the home, i.e., taking care of themselves, economically speaking, when they are no longer cared for by a man.

The problems are serious and formidable. By the year 1985 the female population of child-bearing age (20-29) will have increased by 36 percent over that of 1970 and if divorce proceeds at the present rate, we can predict that 4 million women taking care of 9 million children will end up at some time or another on public assistance.

If, as a nation, we decide not to allow women with children over 6 the option of remaining in their homes to do the work of child-rearing and homemaking, then the least we can do is to provide a whole range of contemporary support services that will enable women to move from the confines of home to the rigors of the labor market: confidence, marketable skills, and the coping strength to manage home and paid work. Of course, it will all be meaningless unless there are available jobs with livable wages attached to them.

The guideline for welfare reform should be self-selection. There are more than enough women ready and able to take advantage of the meager resources of training, education and available work. For those who are not ready, a new set of services can be offered. Abolish the forced work requirement.

CENTER FOR THE ARTS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. BYRON. Mr. Speaker, last week was a happy week for my hometown, Frederick, Md. An unselfish family there presented the city with a valuable gift to be enjoyed by current and future generations of Fredericktonians.

Dan and Alyce Weinberg and their children, Danyce and Aldan presented the city and its fine arts council with the keys to the magnificent Tivoli Theatre to be used as permanent center for the performing arts.

The beautiful Tivoli Theatre opened in 1926 and boasts a rare inplace concert theater organ. The Weinberg's wonderful gift is a source of pride to Frederick and a lasting tribute to the Weinberg family. theater organ. The Weinberg's wonderful

So they may share my excitement over this wonderful gift, I wish to share with my colleagues this editorial which appeared in the Frederick Post:

CENTER FOR THE ARTS

"The reaction has been tremendous!"

This is the immediate response to the announcement made Tuesday by Mayor Ronald N. Young that Frederick City may soon have its very own "arts center"—a long-time dream given reality by the generosity of a local family.

Mr. and Mrs. Daniel H. Weinberg (Dan and Alyce) and their children, Danyce and Aldan, have handed the keys to the Tivoli Theatre over to the City and its Fine Arts Council to be used as a permanent center for the performing arts.

The "Tivoli" stands on one of the most valuable pieces of property in Downtown Frederick, 20 W. Patrick St., just west of the "Square Corner."

There is only one "string" attached to this offer by the Weinberg family, and that "String" favors the community. That is, the agreement (which must be ratified by the Board of Aldermen at its next meeting) is to continue indefinitely, "as long as the Tivoli is utilized for the purpose for which it is intended"—as a center for the arts. It should be no other way.

The offer by the Weinbergs also includes a "purchase price" for the "building and its contents." The "price" of $19,500—and this amount has already been more than "covered" by pledges of contributions from arts patrons eager to energize the project—is so insignificant in contrast to the value of the property, that it should be considered only a "token"—an expression from the community that it is, in fact, dedicated to the task of turning this rare gift into a most successful center for the performing arts.

President Fred Stenger of the Fine Arts Council said the offer by Mr. and Mrs. Weinberg—Mrs. Weinberg has worked with the Arts Council since it was created—has been "in the mill" for nearly two years. Many community organizations have supported the idea and have pledged to it their wholehearted support.

Preliminary plans call for county-wide use of the facility for drama, concerts, the dance, pageants, conventions, town meetings, exhibitions and other uses related to the performing arts.

The center will be operated by the Arts Council, with a permanent "oversight" committee of three—one designee of the Weinberg family, the Mayor of the City of Frederick, and the president of the Arts Council—responsible for major decisions relating to the center.

Further planning calls for "total civic involvement in repair, restoration and beautification" of the Tivoli, and plans are being made for a community-wide fund-raising drive to support the renovation program.

The Tivoli, which in 1976 marked the golden anniversary of its opening on Dec. 23, 1926, boasts the only "in-place concert theatre organ in the State of Maryland."

The Tivoli Organ is considered by the great concert organist Ray Brubaker of Baltimore and the national organ society as one of the "rare treasures" of its kind still in use. The organ was a "victim" of the Oct. 9, 1976 flood, and Mr. Brubaker and his fellow organ afficionadoes—including Richard F. Kline Jr. of Frederick—"have moved pretty well along toward total restoration" of the organ at their own investment of time and labor—"a labor of love."

There is swelling up in the community an exciting enthusiasm for this unique undertaking. Plans for a major fund-raising effort for the arts center will soon be announced, and public support in terms of both "dollars now" and "usage later" will be needed.

The generosity which has made this project such a possibility has marked it for certain success. And we are sure, and those many groups and individuals who have been involved to date are confident, that the Frederick Community will join hand-in-hand in making the arts center dream come true—the only fitting tribute we can give "in kind" to match the spirit of generosity being shown by Dan and Alyce Weinberg and their children.

RESOLUTION IN OPPOSITION TO ACTIONS OF THE GOVERNMENT OF UGANDA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. MINETA. Mr. Speaker, my colleague, Representative BEDELL, and I have introduced a resolution condemning the actions of the current Government in Uganda and further stating that it is the sense of the House that these actions deserve the condemnation of the entire world community. We have obtained 32

cosponsors for the resolution, and I think this already demonstrates the widespread concern within this body.

President Carter has clearly stated his concern for human rights in our world. If we in the Congress share this concern—and the signatures on this resolution demonstrate that we do—then it would seem clear that we should make our concerns known. The purpose of this resolution is to voice those concerns as clearly as possible.

We hope that the Government of Uganda will recognize the growing worldwide concern over the reports of repression and actions which are repulsive to all people, and that the government of that country will adopt policies which recognize the importance of human rights and decency.

HILLIARD SCHULBERG

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. TEAGUE. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to insert an article which appeared in a recent Beverage Journal concerning my good friend Mr. Hilliard Schulberg who, for many years, was the executive director of the Retail Liquor Dealers Association here in Washington, D.C.

Hill, as he is affectionately known around the Halls of Congress has already retired and has been doing some public service work with the Commission on Paperwork in the Federal Government. He has done an excellent job with this Commission.

The article follows:

NLSA COUNSEL TO BE HONORED UPON RETIREMENT AT CONVENTION

Hilliard Schulberg, who has retired as general counsel of the National Liquor Stores Association, will be honored at the organization's annual convention in the Hilton Hotel, Las Vegas, Nevada, April 24–28.

Mr. Schulberg served in his post for 25 years and acted not only as the attorney for the Association, but as its spokesman in the halls of Congress and with Federal agencies.

Largely through his efforts, legislation detrimental to the industry was defeated, beneficial legislation was enacted, including the elimination of the retail $200 excise tax, crime insurance, the limitation of tax-free alcoholic beverages which might be brought into the country by tourists and the elimination of overseas ordering of beverages by consumers. Also were the removal of the restriction against the industry to obtain small business loans and the curtailment of package goods sales at military installations, were also projects spearheaded by Mr. Schulberg. He also played a prominent part in defeating legislation at the national level which would have banned the can and non-returnable bottle.

Mr. Schulberg's efforts have been lauded in the Congressional Record and in letters from members of Congress.

A native of Brooklyn, New York, Mr. Schulberg presently resides in Rockville, Md. with his wife, Nettie. He is looking forward to moving to Florida, playing golf, fishing and doing public service work.

APRIL MEMORIES OF 1917

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. HANNAFORD. Mr. Speaker, with the Vietnam war behind us but fresh in our memories, it is seldom that we consider the significant sacrifice of the World War I veterans. The reluctance of past Congresses to award these distinguished patriots a modest pension in recognition of service to their Nation has disturbed me greatly.

I have cosponsored H.R. 1459, a measure which would partially remedy this obvious slight. It is hoped that my colleagues will, too, realize the injustice done to World War I vets and support this legislation when the opportunity presents itself.

In the meantime, Mr. Speaker, I would like to submit for the consideration of this Congress the following editorial remarks which appeared in the April 1977 edition of the Torch, the official monthly of the Veterans of World War I, U.S.A., Inc. I found the reflections quite moving and would like to publicly congratulate the author, Mr. Harold B. Say, who edits the Torch. His comments and persuasive and I daresay that all of us should spend a moment with the editorial and think about the World War I veteran:

APRIL MEMORIES OF 1917

Many World War I veterans forget how old they are until they regard their roster of war day comrades who are gone—about five out of six. Of the more than four and a half million who went to the colors in 1917–18, less than 800,000 of them are alive today.

It is not a cheering fact but April is a logical month to think of those vanished days of youth. And April is a month of new hope for us of the northern half of the world welcoming another Spring of new promise.

Sixty years ago this month, a woefully unprepared United States declared war on Germany. The Germans, who had generally triumphed against the Western Allies in months just passed, now had at hand a vast reservoir of troops by virtue of Russia's collapse. The Kaiser and few of his military chiefs were worried by America's entrance into the war. Our Regular Army could muster only 70,000 men. With a scantly trained National Guard the total uniformed strength was around 196,000.

Our primary Allies, the British and French too, were doubtful that our aid could come in time to count.

With a staff of 60 officers and 67 enlisted men, General Pershing sailed for France on May 29. In just a year later the United States had nearly a million men in France. Search as one may, he cannot find a military feat in modern times to equal this mighty achievement.

Many young Americans of raw courage and determination watching the battle immediately in their sector were sure when the Armistice came that America had won the war. Our forces had a mighty hand in shifting the balance, but they alone only helped defeat Germany.

The late Lidell Hart, outstanding historian of World War I, probably sums the case up best with this paragraph:

"The United States did not win the war, but without their economic aid to ease the strain, without the arrival of their troops to turn the numerical balance, and, above all, without the moral tonic which their coming gave, victory would have been impossible."

In retrospect it is an unbelievable task these boys from farm, school and factory accomplished, when half prepared, set forth across the seas to meet the world's most powerful fighting machine.

It is good, this April to reflect back on their miraculous accomplishment. Too, it is a good time for members of the Congress to weigh again their accomplishment and to consider how little a great country rewarded them for their task so courageously performed as compared with benefits or rewards bestowed on later veterans.

A modest general pension would mean perpetual Spring and hope to many of them. They have only a few years left.

WORLD FREEDOM DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. DERWINSKI. Mr. Speaker, I have just received a copy of the documents of the 1977 World Freedom Day, which was held on January 23, before 15,000 people in Taipei, Taiwan, Republic of China.

Freedom Day activities commemorate the positive decision in 1952 in Korea, of over 14,000 Chinese POW's to renounce communism and establish themselves on Taiwan rather than to return to Red China.

I wish to insert the translated text of the addresses given by the President of the Republic of China, His Excellency Yen Chia-kan, and Dr. Ku Cheng-kang, honorary chairman of the World Anti-Communist League, and followed by the rally declaration of the 1977 World Freedom Day:

ADDRESS BY HIS EXCELLENCY YEN CHIA-KAN

Chairman Ku, Distinguished Guests, Ladies and Gentlemen:

World Freedom Day is a shining symbol of the triumph of freedom over slavery and justice over evil. It is highly significant that the Republic of China has convened this World Freedom Day Rally attended by anti-Communist leaders, youth representatives and freedom-seekers of the world. The message of freedom and anti-Communism will be carried behind the Iron Curtain and around the globe. I want first of all to extend a heartfelt welcome to the distinguished guests who have come from faraway lands.

Twenty-three years ago on the Korean battlefield, more than 22,000 Chinese and Korean prisoners of war renounced Communism and chose freedom. Their aspiration was fulfilled. The 14,000 Chinese swore to "return to Taiwan with their whole hearts and devote their entire lives to the destruction of Communism." They adamantly turned their backs on the cajolery and coercion of the Chinese Communists and fearlessly returned to the embrace of their free motherland. Their courageous act shook the Peiping regime and inspired the oppressed people behind the Iron Curtain to oppose tyranny and seek freedom. To perpetuate this dauntless spirit of determined struggle, the Republic of China designated January 23—or "123" for short—as Freedom Day, an occasion which has won worldwide response and support. In 1968, the World Anti-Communist League unanimously decided to

designate January 23 as World Freedom Day, thereby augmenting the movement's dynamic momentum in opposing slavery and upholding liberty, and forging a spiritual prime mover in the struggle against Communist despotism.

The present world situation involves a basic confrontation between free democracy and Communist totalitarianism. All of the turmoil is to be attributed to Communist provocation. Free democracy and Communist totalitarianism are totally incompatible; they cannot coexist for long. Farsighted people have clearly understood that the Communist system of thought and way of life contradict humanitarianism and must be excised. At the same time, the aggressive expansionism of the Communists has increasingly exposed their vicious intention of communizing the world and enslaving humankind. Free world "peaceful coexistence" with Communism is out of the question. If the free world countenances the Communists' export of violence, is seduced by their smiling faces and harbors illusions of "balance of power," "détente" and "neutrality" in the hope of temporary peace, it will fall straight into the enemy's trap of disunity. This will give the Communists further opportunities for infiltration and subversion and for winning the world by defeating the free nations one by one. The Communists have no love for any free nation and will never really change their hostile stance against the free world.

President Chiang Kai-shek often said: "Communism is the cause of aggressive wars and the Chinese Communist regime is the chief culprit in all aggressive wars." We have always adhered to anti-Communism in our national policy. We have nothing in common with the Communists and will never accept "accommodation" nor "détente" with them. Our ongoing struggle in this bastion of national recovery is aimed at lighting the torch of hope for freedom cherished by our compatriots on the mainland and eradicating the source of the danger facing all mankind. This rally is calling upon the world to "Distinguish friend from foe! Fight against Communism through unity!" We want to rouse the free world, help everyone understand the evil nature of Communism and bring together all of the forces upholding freedom and justice. The free world will then be able to cast aside the illusion of reconciliation with the Communist bloc, provide positive support to enslaved peoples and, through joint efforts on both sides of the Iron Curtain, destroy Communism and Communist tyranny so as to assure a free and democratic way of life and reach our goal of a peaceful and stable world.

Since Mao Tse-tung's death and Hua Kuo-feng's appearance on the stage, the Chinese Communist factional struggle for power has become increasingly violent. The course of struggle has produced a cul-de-sac of death and desperation.

This situation is completely out of control and further struggle can lead only to greater confusion. The Peiping regime is actually an embodiment of violence, endless conflict and contradiction. It recently made public a Maoist document entitled "The Ten Major Relations," a revealing account of sharp internal antagonisms portending the imminent collapse of the Chinese Communist Party. Our compatriots on the mainland are facing a storm of bloody persecution and massacre. Every Communist cadre and every soldier is caught up in fearful awareness of his personal danger. All are waiting the opportunity to rise up. This will be the moment that triggers all-out heroic struggle against Communism and tyranny on behalf of freedom. Today we are sounding our own summons to "mobilize for combat and fight against Communist tyranny in the name of freedom." All the people of our country must seize this opportunity and create a new horizon through their combined endeavors. We must rally behind the banner of the *San Min Chu I* National Revolution, mobilize our whole strength and support the anti-Communist uprisings of our compatriots. We should build a force of righteousness to liberate our compatriots soon and thus hasten the destruction of Chinese Communist tyrannical rule.

World developments bear out the truth that mankind's freedom quest is an irresistible common aspiration. The triumph of freedom and the vanquishing of despotism are ordained by history. Let all peace-loving people of the world unite and join hands for the shoulder-to-shoulder march toward this great and shining goal. I pray that success will quickly crown our struggle against Communism and slavery and for freedom and peace.

Thank you.

THE SITUATION CONDUCIVE TO VICTORY FOR FREEDOM AND THE NECESSARY ENDEAVOR TOWARD THAT VICTORY

(By Dr. Ku Cheng-kang)

Distinguished Guests, Ladies, Gentlemen and Young Friends:

World Freedom Day is a brilliant symbol that stands for man's opposition to Communist tyranny and enslavement, effort to restore the enslaved to freedom, and endeavor to safeguard the freedom of those who are free. The present vigorous awakening of freedom forces—a striking contrast to the confusion of divided Red regimes—is fully in line with the rule of history that tyranny cannot escape the fate of replacement by freedom.

THE FUNDAMENTAL TENDENCY OF STRUGGLE BETWEEN FREEDOM FORCES AND RED TYRANNY

In the struggle of free democracy against Communist tyranny, two fundamental characteristics are now apparent:

One is the definite further rise and growth of freedom forces.

The other is the irretrievable withering and fall of Red tyranny.

The Chinese mainland situation provides a most powerful testimony. In the more than 20 years of their mainland rule, the Chinese Communists have persistently resorted to cruel means in their attempt to destroy freedom forces and determination to win freedom. But the forces and the determination have kept on their growth, development and expansion. Before Mao Tse-tung's death, the cycle of Peiping's internal power struggle was already malignant enough. His death was immediately followed by the explosion of struggle by Hua Kuo-feng against Chiang Ching's "gang of four" and furthermore by a wide-spread opposition to Hua kuo-feng. The power struggle is not just an internecine quarrel. It is a reflection of the confusion resulting from the regime's administrative failure under pressures from those who stand against tyranny.

Communist rule elsewhere is not any better. The Red rule in Russia has lasted half a century, but forces of freedom are increasingly stronger as demonstrated by the continuous rise of Russian intellectuals against Kremlin rulers in the recent years.

East Europe has been under Russian control for more than three decades and Moscow has repeatedly used its bloody fist against freedom-lovers in those satellite states. But the stream of freedom-seekers from Eastern Europe continues and rulers of the nations there have been attempting to free themselves from the Russian grip. Forces for freedom and determination to win freedom can never be stifled.

The tyrannical rulers of North Korea, Vietnam, Cambodia, Laos and Cuba are likewise facing strong opposition from the enslaved masses. Anti-Communist revolutions are possible everywhere at any time now that the determination of those in fetters to win freedom is growingly stronger.

The global confrontation between freedom forces and Communist forces has already entered a new stage.

In this new stage, freedom forces are pulling themselves together to check Communist expansion. Steps are being taken and will continue to be taken against Communist tyranny.

The present new stage will see further continuous rise and growth of freedom forces. Communist forces will be split further and fall farther into oblivion.

TWO LESSONS AND THREE PRINCIPLES

The lessons of past setbacks are that Communist expansion and rampancy had resulted from free world willingness to make compromise, not from any failure of freedom forces. The lessons also are that Communist forces are always posed for expansion by taking advantage of weaknesses on the part of freedom forces.

These lessons furthermore are that although the anti-tyranny revolution behind the Iron Curtain is not yet successful, this does not mean that Communist rule has been accepted by the enslaved people or that Red regimes are solid and strong. The fact is that the present situation is a result of the free world indifference to the Iron Curtain people's fight against tyranny and to their being trampled by the Communists.

Because of the Communist expansion, more than a billion people still are kept in chains and exposed to possibilities of willful killing. This is a serious threat to the freedom of mankind and should never be forgotten or ignored by us. We should firmly grasp the present trend that is highly advantageous to the rise of freedom against Communism. All the free nations and all those who are now free should persist in the following three principles for the preservation of freedom:

First, we cannot hope that freedom can be safeguarded through negotiation with the Communists, for peace thus gained can only be precarious. We must in the name of justice bring forth strength against expansionist Communists.

Attempts to check the Communists through negotiation have made the free world suffer a series of heavy losses and humiliating defeats beginning with the fall of the Chinese mainland and continuing all the way to the communization of Indochina. Free nations should never repeat such mistakes and must understand that negotiation is an indirect Communist approach to expansion. Our call is: Beware of this Red trick!

Second, we cannot hope to preserve freedom through arrangement of multipolar check and balance, for this can bring nothing but a stalemate of contradictions. We must strengthen the freedom camp and bring it against the united front Red schemes.

Even though the Red bloc is plagued by its own multifront contradictions, the goal is same: communization of the world, burying of free nations and enslavement of mankind. Internal contradictions do not stop the Communists from stretching their hands out everywhere. Any attempt to win one group of Communists over as checkmates against another group or to make one group strong enough for the control of another will only accelerate the Communist race for power and expansion against the free world. Tactics of multipolar check and balance are all highly dangerous.

Third, we must never, in our attempt to protect freedom, tolerate Communist tyranny and seek further coexistence of freedom and slavery. We must support the anti-tyranny revolution waged by the enslaved masses behind the Iron Curtain.

In order to safeguard freedom, we must

work simultaneously in two directions: enhancement of freedom forces outside the Iron Curtain for the dealing of blows to Red expansionists and injection of strength into Iron Curtain people so that they can effectively oppose Red tyranny. Growth of freedom forces outside the Iron Curtain is a must, but such forces behind that curtain should not be left to wither. We should not, in our effort to foster the unity of freedom forces, permit the strength of the captive freedom-lovers to be drained. When we strive to check Communist expansion, we cannot let the Communists use the manpower of more than a billion captive people as capital for expansionist moves. To protect freedom, we must see to it that no infringement upon freedom is permitted and that no one is barred from access to freedom.

WHAT THE FREE WORLD HOPES THE UNITED STATES WILL DO

Because of the need to safeguard freedom against Communist expansion and the necessity to aid the captive Iron Curtain people's struggle for freedom, all the free nations and people of the world are now eagerly hopeful that the new U.S. Administration will give full play to America's traditional stand for freedom and justice, firmly abide by its commitment to promote human freedom, thoroughly implement its policy of peace and freedom through strength, and enhance the unity of freedom forces in all the world for a final defeat of the Red forces of enslavement.

In the 200 years since her founding, the United States of America has time and again involved herself in global struggles against totalitarian forces and has thus made important contribution to world peace and human freedom. This record commands the respect of all freedom-lovers. In the recent few years, however, American's prestige and the free world trust in her have been greatly damaged because of the mistaken U.S. attempt to deal with Communist expansion through talks about dente. The fall of Indochina resulted from the serious defeatist policy of compromise in the face of Communists. The Russian and Chinese Communist competition for greater spheres of influence also shows that the road to multipolar check and balance ends with a dead alley. President Carter emphasizes a stand for morality and human rights and has made it clear that Americans can never be indifferent to the fate of freedom elsewhere. We earnestly hope that his government will firmly uphold this lofty principle for freedom, squarely face the Communist crimes against human rights, immediately abrogate the Shanghai Communique that contradicts the international law and goes against the wishes of the majority of Chinese people, halt all moves toward so-called "normalization of relations" with the Chinese Communists, abandon the thought that Peiping may be used as a check against Moscow, brush aside the hope that assistance to the Red Chinese may bring about a better control of the Russians, and never again entertain the idea that Peiping's power struggle may produce a moderate faction that can be befriended. The United States must be constantly aware that she should abide by treaty obligations and defense commitments for her friends and allies, strive to strengthen the free camp, provide assistance to the concerned free nations for the establishment of island chains of defense and common security systems for the defense and advancement of freedom, and encourage these nations to join forces for a final defeat of the Communist forces of enslavement.

MAKE FULL USE OF THE ADVANTAGEOUS SITUATION AND WIN A FINAL VICTORY FOR FREEDOM

Ladies, Gentlemen and Young Friends:

Mankind must win and safeguard freedom and therefore has to continue the struggle against tyranny and totalitarianism. This struggle is now in a new stage beneficial to the attainment of a final victory. Especially encouraging is the spreading anti-tyranny campaign of the 800 million people on the Chinese mainland. Workers, peasants and young people are actively taking part nad more and more soldiers and cadres also are responding. An all-out anti-Communist revolution is in the making as the regime is bogged down in an unprecedented confusion of power struggle.

In this connection, it should be recalled that Red scourges in Asia and the turmoil started by global Red expansion stem from the Communist usurpation of the Chinese mainland. At present, however, the anti-Communist revolution on the mainland is about to start a chain reaction of angry campaigns for liberation everywhere behind the Iron Curtain.

In the current struggle to preserve freedom, free nations must place priority on aid to the Chinese mainland people's anti-Communist revolution so as to touch off an all-out action of enslaved Iron Curtain masses to free themselves. Elimination of Red Chinese tyranny must come first if a breakthrough is to be achieved for the destruction of the entire Communist camp. This is the historical mission of the "World Freedom Day" Movement that we are promoting. We must positively bring about the unity of freedom forces abroad and here on the Republic of China's national reconstruction base with those on the Chinese mainland, combine cultural anti-Communism behind the Iron Curtain with armed action against tyranny, and furthermore reinforce the Iron Curtain people's self-effort through provision of strong support from the free world. Let us remain unwaveringly confident that freedom will triumph and tyranny will perish. Let us make full use of the present favorable situation, hew a bright future for the victory of freedom, and usher in a new era of freedom before long.

DECLARATION: 1977 WORLD FREEDOM DAY RALLY OF THE REPUBLIC OF CHINA

As a shining symbol of the global stuggle against slavery and for freedom, this World Freedom Rally of the Republic of China today has once again demonstrated the continuously stronger action and combat strength of those who take part in this surging anti-Communist movement of historical mission.

We the rally participants feel very much encouraged by the vigorous rise of growingly vigilant freedom forces the world over, by the steady decline of the confused international Communists, and particularly by the worsening power struggle of the badly split regime on the Chinese mainland where an all-out revolution can explode at any moment against Communism and tyranny. We firmly believe that this rally will exert powerful influence to bring about and further promote a grand unity of all those behind and outside the Iron Curtain who stand for freedom.

All of us present at this rally deeply and bitterly regret that millions of people have been deprived of freedom as a dire consequence of the free world power politics, secret diplomacy and policy of detente in the face of Communists in the first half of the 1970s. As President Carter of the United States has just been inaugurated and the world situation is entering a new stage, mankind is facing a crucial moment of decision to see if the future is to be secure and blessed or torturously precarious. But we are confident that the distinct sound of the World Freedom Day bell and the roar of people everywhere calling for the winning and safeguarding of freedom will keep the new U.S. Administration vigilantly awake for the thorough implementation of the lofty principle that President Carter has advanced in his inaugural address. This way, all threats to freedom will be removed, man's dignity will be enhanced, and a world of justice and peace fully in line with the spirit of human rights and completely free from wilful control by any individual will finally be created.

The rally participants are aware that absolutely no one can ignore the enslavement, oppression, hunger and painful death suffered over the years by the countless millions under Communist rule in Asia, Europe and Latin America. The governments and peoples of free nations must realize once and for all that they will also lose freedom unless they help the enslaved ones shake off their fetters. It must be understood by all that the correct path to lasting feedom is to restore the captive masses to freedom and that self-survival is possible only through mutual assistance.

The participants firmly believe that Peiping's malignant cycle of savage power struggle has now reached a stage where the mainland freedom forces are ready for a final battle against Communism and tyranny. This struggle of the people will before long be enhanced through the participation of those soldiers and cadres who have turned or will turn against Communism as a result of disenchantment in Communist rule. The combined forces will explode in the form of an ever more powerful all-out anti-Communist action, and the regime, exposed to impacts from within and outside, will finally collapse and die. Free nations must closely watch such future developments and provide timely push for an early arrival of that day.

We also know that the fanatic Russian expansionist attempts in the free world and the multifront advances of Asian and African Communist forces have been prompted by America's one-way policy of detente and desire to pit the Chinese Communists against the Russians. Free nations must squarely face this harsh fact, bring out strength against the Red schemes of global aggression and subversion, and positively support the campaigns for freedom now going on in Soviet Russia, Eastern Europe, North Korea, Indochina and Cuba so that the captive masses will be finally freed fom chains.

With the above-mentioned common understanding in mind, we the rally participants solemnly urge our fellow countrymen and all those others in free quarters and Iron Curtain areas who similarly stand for freedom and against slavery to pay due attention to the following needs and expectations:

We want all the free world governments and peoples to take keen note of the fact that the international Communists, be they split or standing together, are unchangeably bent on world communization and human enslavement. Free people of all races, nations, regions, religions and occupations should be closely united for the establishment of an international anti-Communist frontline through common defense for regional security as well as through cultural intercourse and economic cooperation. In this decisive battle of freedom-lovers versus Communist forces, we must strive on shoulder to shoulder for the final victory of freedom.

We sincerely hope that President Carter will give full play to the stand for freedom the United States of America has maintained since her founding, live up to his solemn declaration that the Americans can never be indifferent to the fate of freedom elsewhere, resolutely cast aside the policy of detente with atrocious Communist slave-masters, establish a new foreign policy that respects humanity and freedom and can effectively preserve overall global security, abrogate the Shanghai Communique that contradicts the international law and goes against the wishes of the majority of Chinese people, stop moving toward so-called "normalization of relations" with the Chinese Communists and,

with sustained moral strength, strive to bring free nations strongly together for the winning of the sacred war that has to do with the very survival or discontinuation of world culture and human freedom.

We call upon all the anti-Communist fighters behind the Iron Curtain to rise at this moment as the Red forces are divided and withering, concentrate all the available strength, and fight ever more fiercely against slavery and for freedom. We support the liberalization campaigns waged by intellectuals, workers, peasants and others in Soviet Russia, support the struggles for freedom continued by East Europeans against their Communist rulers, support the Cuban people's action in the name of justice against Communism and tyranny, and support the anti-Communist national recovery efforts of South Vietnamese, Cambodians and Laotians. We will together take revenge on the Communists for their heinous crimes.

We demand that all those of the Republic of China, be they at home or abroad, to pool strength and for a thorough implementation of the anti-Communist national policy so as to regain the Chinese mainland and restore the enslaved compatriots to freedom. We furthermore urge a great unity of all those behind the enemy line on the mainland—coordination of the working masses with intellectuals, combination of rural and urban folks, and cooperation of soldiers and cadres with their anti-Communist fellow countrymen—for struggles to let workers follow lines of their own choice, permit farmers to have lands and enjoy the fruit of what they plant, free the intellectuals from bonds of academic and ideological endeavor, allow the people to manage their own enterprises, assure life and security, and enable every individual to choose his or her way of life. Our demand moreover is that all these struggles be combined in a rigorous unity of all freedom forces behind and in front of the enemy line for the final overthrow of Red tyranny.

Our late President Chiang Kai-shek once told the world that the Republic of China or any other nation for that matter absolutely could not tolerate the division of her land and people into free and enslaved portions. This World Freedom Day Rally therefore emphatically calls the attention of all those nations and peoples that are now free to observe the fact that the spring thunder of freedom has started shaking the Iron Curtain and that we should grasp the present opportune moment for redoubled joint endeavor to safeguard the existing freedom and free those who are not free. By removing Communist forces, the roadblock to human freedom, we shall build a new world entirely free from threats of enslavement!

FORCED RETIRMENT AT 70

HON. THEODORE S. WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. WEISS. Mr. Speaker, recently Congressman HENRY WAXMAN and I introduced H.R. 5226, legislation to amend the Age Discrimination in Employment Act. Our bill would extend coverage under the act to persons who are 65 years of ago and older and would prohibit seniority systems and employee benefit plans which require the retirement of persons who are 40 years of age and older.

On March 25, 1977, the New York Times ran an article which graphically illustrates the problem which our bill addresses. Dr. Kenneth T. Skelton, a 70-year-old State University of New York at New Paltz professor, is being forced to retire because of his age. The State University of New York has a mandatory retirement age of 70. Dr. Skelton has been on the New Paltz faculty for the past 14 years and is scheduled to be retired this August. Actually, Dr. Skelton was 70 last August but because of widespread support on campus his retirement date was extended 1 year.

To date, some 3,000, of 5,000, SUNY-New Paltz students have signed a petition calling for an end to mandatory retirement as a result of age in general and in Dr. Skelton's case specifically. Opponents of legislation such as Mr. WAXMAN and I are proposing claim that we must retire people out of our economic system in order to make room for those who will be entering the labor market. Apparently the students at SUNY-New Paltz do not believe this argument from which they are supposed to benefit. I think that the New Paltz students correctly see that two of the greatest problems in employment today concern young people and older Americans. Their alliance, therefore, has become an almost natural result of State and Federal employment policies.

We need a comprehensive employment policy which will allow the Dr. Skeltons to keep working, which will help the SUNY-New Paltz students find work when they enter the labor market and which will insure that there are jobs for people who fall between Dr. Skelton and his students as well. Currently, our system seems to be saying that those who are between the ages of 25 and 65 are acceptable employees and that those who do not fall within this range may not be totally acceptable. We must attempt to deal with the root of the problem: We must create more jobs. But, we must not develop a comprehensive employment plan which is complicated by age limits.

Mr. Speaker, I would like to share the article about Dr. Skelton's situation with my colleagues. Also, I would like to say that I am pleased by the actions of the students at SUNY-New Paltz. It is a refreshing sign to see once again student activism for a truly worthy cause. The article follows:

NEW PALTZ STUDENTS PROTEST A PROFESSOR'S FORCED RETIREMENT AT 70

NEW PALTZ, N.Y., March 24.—There have been no angry campus confrontations and, unlike the student demonstrators of the 1960's, they have not seized their classrooms or laid siege to the school administrators.

But with quieter tactics and no less determination, more than half of the 5,000 undergraduates at the State University here have taken up a cause of the 1970's—a campaign to prevent the forced retirement of a revered, 70-year-old sociology professor who calls himself a "conservative radical."

"An employable unemployed old person is just as unemployed as an employable unemployed young person," said Dr. Kenneth T. Skelton, who has taught here for 14 years and is slated to lose his job next August because of his age.

STUDENTS TAKE ACTION

"I simply enjoy teaching," he explained in an interview, adding: "I very much want to continue teaching."

On behalf of Dr. Skelton, who is described by his supporters as sensitive, dynamic, hard-working and scholarly, a student group calling itself the Committee Against Mandatory Retirement has done the following:

Collected the signatures of more than 3,000 New Paltz undergraduates on petitions urging an end to forced retirement because of age in general and in Dr. Skelton's case in particular.

Obtained the support of Assemblyman Maurice D. Hinchey, a Democrat-liberal of Saugerties, who has introduced a bill that would eliminate age as a basis for retiring state employees and has promised to introduce a special interest bill to save Dr. Skelton's job if the broader measure fails.

Sent a delegation of students to Albany to lobby for Assemblyman Hinchey's measure in the Legislature.

Sought the support of local senior citizen's groups and other civil organizations.

Scheduled a rally for Monday morning on the campus to provide a forum for various speakers, including a representative of the State Office for the Aging, faculty members and other supporters of Dr. Skelton.

University officials have taken no formal position on the question of Dr. Skelton's retirement, but there is strong support for him among faculty members and students alike.

"To judge a person on race, sex or age is discriminatory," said 21-year-old Richard Adler, a senior from New Paltz. "There should be other criteria to judge a person's competency."

Howard J. Fleischer, 19 years old, a freshman from Roslyn, L.I., who has gathered hundreds of signatures on petitions, considers Dr. Skelton more than merely competent. "He's equivalent to having almost five teachers," he said.

And in a sense, Vanderlyn R. Pine, the chairman of the university's sociology department, agrees. He noted that Dr. Skelton has a total of 370 students in his 12 lecture and seminar hours each week, more than four times the average of 87 students on the rosters' of State University faculty members.

By law, retirement for state employees is mandatory at age 65, but the policy of the State University's trustees makes the retirement of professors obligatory at 70. Dr. Skelton was 70 last Aug. 8, but with the help of campus supporters obtained a one-year extension.

PLEASED WITH SUPPORT

Dr. Skelton, who teaches Introduction to Sociology, Social Theory, and Sociology of Literature in addition to a teaching assistants' seminar, did not seek popular support on campus for another extension, but he is gratified by it.

"It's spontaneous student support with no encouragement from me," he said, sitting in an office with books heaped all around him.

He brushed away a question about his workload. "I'm a very fortunate man," he said. "My vocation is my avocation."

Dr. Skelton, who had been a teacher and dean at Briarcliff College for 14 years before joining New Paltz in 1963, described himself as "a conservative radical," which he defined as "someone who goes to the root of things—to the origins."

Assemblyman Hinchey, a graduate of the State University at New Paltz and a friend of Dr. Skelton, said the prospect of his mandatory retirement was "a blatant example of discrimination based on age."

Dr. Skelton's wife, Jeanette, put it another way: "He's a born teacher—born many years ago, unfortunately."

THE BLACK PRESS EMBATTLED TO SAVE BLACK YOUTH

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. JOHN L. BURTON. Mr. Speaker, I would like to call the Members attention to a speech given by Dr. Carlton Goodlett, president of the National Newspaper Publishers Association, Black Press of America.

Dr. Goodlett is a distinguished physician, publisher of the Sun Reporter, and a veteran of the Civil Rights movement.

His speech was given on the occasion of the sesquicentennial of the founding of the Black Press in America.

The speech follows:

THE BLACK PRESS EMBATTLED TO SAVE BLACK YOUTH

(By Carlton B. Goodlett, Ph.D., M.D.)

The three oldest organizations in Black America: the Prince Hall Masons, chartered in 1784, the African Methodist Episcopal Church, chartered in 1816, and the Black Press, founded with Freedom's Journal in 1827, were a necessary trio in the drive of Black freed persons to lead the struggle against human bondage, a curse endured by the new republic during its first 87 years. The gathering of free Black men into a fraternal order under the leadership of Prince Hall, followed by the establishment of the first organized Black Church under Bishop Richard Allen, were the primary ingredients which made necessary the development of a news journal to propagate and spread the coalescing demands of free Black persons for the end of slavery in America.

Slavery challenged John Russwurm, and to develop a voice to cry out against human bondage he published Freedom's Journal. Who was to foretell on that memorable day, March 16, 1827, that within 3¢ years the efforts of the Prince Hall Masons, the organized Black Church and Freedom's Journal were to be victorious, with the enunciation of Abraham Lincoln's Emancipation Proclamation?

THE LONG JOURNEY

In this hour of remembrance, we can more adequately prepare ourselves for the serious challenges facing Black America and its guardian press by sketching a mosaic of the 150 year journey from Freedom's Journal to the present, carrying high the torch to light the way along Freedom's Road.

From 1827 until 1863, the mission of the Black Press was the struggle successfully waged against slavery—that crime of indescribable inhumanity inflicted by the white majority upon the Black slave. Since the Civil War ended in 1865 until this very day, the Black freedom struggle has passed through three different periods of action and interaction, like the movements of a mighty, still unfinished symphony.

The first movement, "Accommodation," had Booker T. Washington as its maestro and was one in which the freed slaves eked out a bare existence by accommodating themselves to the vicious system swirling about them.

The second movement, "Adjudication," had a new concertmeister: W. E. B. DuBois, founder of the Niagara Movement which merged in 1909 into the National Association for the Advancement of Colored People. This second movement used the organic law of the land for the redress of grievances; from 1909 to 1954, including the landmark Supreme Court Decision outlawing discrimination and segregation in public education, the NAACP won between 50 and 60 victories for our people. But the wheels of justice turned too slow, which led inexorably to

The third movement, "Confrontation," whose first phase was nonviolent confrontation ushered in by the Montgomery Freedom Walk of 1955 led by Martin Luther King, Jr. At King's assassination, nonviolence died with him, and confrontation entered a second phase—one with no charismatic leader for guidance. The "Negro" disappeared and a new Black man emerged who "ain't scared of Whitey any more, and who don't trust him, either."

Since King's memorable "I Have a Dream" speech in 1963, the dream became, first, America's disillusionment, and then in the ensuing years of riots, America's nightmare. True, new Civil Rights Acts were placed upon the books; but laws without the commitment of men are empty rhetoric. What was really needed was the national will to enforce the 1866 post-Civil War statutes which already guaranteed to the freed men their civil rights, and were only reinforced by the Civil Rights Acts of 1964, '65 and '67.

THE BLACK PRESS

Throughout all the changing passages of this great symphony can be heard the steady drumbeat of the Black Press, faithfully attempting to prick the conscience of the nation, seldom forgetting the propelling dream of the founding fathers of a government guaranteeing to all men life, liberty and the pursuit of happiness.

It is claimed by some that the Black Press is on the decline and on its way out. This is far from the truth. The Black Press intends to blaze its torch up Freedom's Road, waging a continuing struggle against both overt and covert racism—a struggle in which the majority press has played a very negligible and uncommendable role. A study made by the Society of American Newspaper Publishers admitted five years after the Kerner Report that less than 3% of the personnel in mass communications are black, with the lowest percentage in the metropolitan dailies. It seems as though the publishers of White America's newspapers have never heard of racism, or if they have, plan to do nothing about it. This is indeed an indictment of the white majority press, and it strengthens the claim for the survival and viability of a Black Press.

The Black Press is a poor press, often on the brink of economic disaster; yet, despite many difficulties, we intend to become an increasingly strong, more unified and vital force, so that 25 million people can be served by their own fearless advocate.

For the lack of advertising (the life's blood of any free-enterprise newspaper) we are not able to operate at our full potential. In 1975, Blacks earned $70 billion and spent $64 billion, thereby generating more than $1.28 billion in advertising and public relations. For whom? Alas, for the white majority media, including TV, radio and the press!

In times of stress, the Black Press has been the sole conduit to convey the alarm or to structure the promise of hope. Each Black newspaper is as separate as the varied appendages of the body, but called upon physiologically, the Black Press is the arterial system which carries the life blood from the centers of Black power—the church, the institutions of higher learning, the civil rights organizations and the fraternal groups, to the grass roots, as the arteries carry blood from the heart to the tips of the fingers and the toes. This is not a one-way street: the Black Press, as the veinous system, carries back the messages from the grass roots—the farms, the villages, the black ghettos—to the united centers of Black power.

The Black Press is the matrix that gives form and substance to the mural depicting the interrelatedness of all the parts of Black America into a united, majestic whole. With Blacks distributed over the vast American landscape, concentrated in their Black city-states, who will unify them ideologically, who will send the alarm to man the defenses? Of course, the only solely black-owned communications medium, the Black Press!

BLACK YOUTH—AN ENDANGERED SPECIES

One precious thread is woven throughout the fabric of the Black experience: the fact that Black people have and belong to each other. Throughout their American experience, Black men and women have been caught up in the semantics of "individual freedom" as opposed to "freedom for the Black masses." Our unquestioning acceptance of the myth of individual versus mass freedom has permitted the white majority to deal with Blacks as the "tenth American," when in truth our strength lies in the collective concept that we are 11% or 12% of America, numbering millions.

On many occasions we have described 25 million Black Americans as larger in population than 55 nations of Africa, or 156 other nations in the world. Moreover, at this moment in history American Blacks are the most highly educated and professionally trained Black people in the world. While 650,000-odd of our young people are in institutions of higher learning, however, from 500,000 to 600,000 of our teenagers are found jobless, without education, many with police records, in the 25 largest American cities. While Blacks comprise 33.8% of the population of the nation's largest cities, 20% of the nation's unemployed teenagers are Black. More dramatically, 40.5% of Black teenagers find themselves out of school, unemployed, with 32% of these unfortunate youngsters lost irretrievably in the narcotics traffic.

Francis Ward cryptically addresses the subject, "Black Youth—an Endangered Species," in the initial January-February issue of First World Magazine; to quote him:

"The category 'endangered species' is usually reserved for animals or plants whose very survival on Earth is threatened by nature or man; it is used most by environmentalists in reference to wildlife whose existence they want to protect. A careful survey of social and political trends now developing in America, however, should make thoughtful Blacks consider whether our youth—just like the Bison buffalo or Bald eagle—are now threatened with extinction. This might sound like exaggerated scare talk to many . . . but it would not to Native ('Indian') Americans."

Even though 600,000 Black youths in college is an impressive figure, these numbers must be counterbalanced by the fact that probably two to three times that number of Black youth are not attending any school, anywhere—not subject to any discipline or authority, and lacking the skills, education or psychological maturity to become "productive citizens"—a description by the capitalist society of those who produce goods and services. Many of these jobless Black adolescents are still seeking nonexistent jobs. However, many who are at the end of the hope rainbow have simply given up.

To translate statistics: while the actual size is difficult to determine, it has been estimated that from 500,000–600,000 Black youths from 16 to 19 are continually out of work. If we include the under-class, ranging from 8 to 16, while too young to work, they must be counted because far too many of them are committing violent crimes and using narcotics. A conservative estimate of

these endangered Black youngsters would be about one million, living in the 25 largest U.S. cities. These youngsters live on the edge of civilized society. Their most immediate option is crime—first and foremost against other Blacks. The commander of the Homicide Division of the Chicago Police Department recently stated in an interview that the average person found guilty of murder is "male, Black, 18 and under." Louisiana probably is the only state in the nation where there are more young Blacks incarcerated in prison than young Blacks attending college.

Many Black adults, particularly women, are organizing into groups, like the Concerned Women in the War Against Crime in Chicago, to which the White establishment media give a tremendous play. These women are encouraging Blacks to cooperate more closely with the police. Seldom do they attempt to look for or address themselves to a solution of the deeper root causes of crime, which are poverty, miseducation, poor housing, all compounded elements of racism in the American society. The White establishment and increasing numbers of Black-organized anti-crime organizations are rapidly becoming the adversaries of these Black under-class youth who in India would be called "the untouchables." This contradiction of Blacks joining the establishment in pursuit of the wrong solution to the problem of Black crime against property and person is a glaring example of the cruel, vicious contradictions in White capitalist America. First, Samuel Yette in "The Choice: Black Survival—USA," and now Ward in his article "Black Youth—an Endangered Species," warn us that an entire generation of Black youth are becoming useless, expendable, nonfunctional, non-productive human waste material, because the system refuses to educate them or provide for them or their parents.

These young expendables have become the nation's number one social liability; the same system of racism and exploitation which created their despicable lot apparently is readying the machinery for their disposal.

We do not condone Black crime by any spectrum of the age cycle. Obviously, the fear of crime in the Black ghettos is warranted. However, just as Blacks exposed the chicanery and the diabolical nature of Moynahan's description of the Black Family, so must Blacks vigorously reject the White analysis of the Black crime problem, which consistently leaves out the first culprit and villian—America itself—and instead places the blame on young Blacks for not "boot-strapping" themselves out of their poverty. This is a classic American conundrum: the victim of racism, Black youth, is again made the scapegoat for his own victimization!

AGGRESSIVE USE OF ECONOMIC POWER

Despite the economic disparity between White and Black America, Black America is still the ninth wealthiest nation in the non-socialist world, with a residuum of economic power which can be used for internal growth and development.

There are two modalities by which people can change the sordid circumstances of their lives: political power and economic power. While many of the upper class Blacks seem to be making it, the Black masses endure a a wretchedness more desperate than at any time since the First Reconstruction. We must use our economic power to rescue the Black masses! Blacks have a common fate, a common destiny. If Black Americans were not the victims of economic racism, it is estimated that Black incomes would have been $35 to $55 billion more. Since we are the conspicuous consumers and our dollars in the marketplace are multipled by 3; and because of the two-edged sword of economic racism, the nation suffered a loss in the '75 gross national product of from $115 to $165 billion!

Which one of the Fortune Magazine 500 could successfully withstand an economic boycott brought to bear by Black USA as a reprisal against those who victimize us with their economic racism?

Three examples come to us from the Jewish experience by which Blacks might use our economic power to combat racism:

1) The Jews, early in the life of their progeny, as soon as a child develops the capacity to understand concept, identify for their progeny who they are and what they are: Jews are Semites; and the child is told of the great history of the Jewish people. Shortly after developing self-identity, the young Jew must be taught a lesson never to be forgotten: who the enemy is—the anti-Semite, and no means must be spared to destroy anti-Semitism. Blacks, similarly, at the age of conceptual development, must identify for young Blacks who they are. The importance of Alex Haley's "Roots" cannot be over-estimated. Its psychological impact involving a dramatic appreciation by Blacks of their origins and a discussion of the mythology of docile acceptance of slavery was accompanied by a deep sense of psychological awakening on the part of whites, who previously had lived with the myth that Blacks, even in slavery, were the White Man's Burden. Our Black progeny must be acquainted with the beauty of blackness, and the history of the Black man's contribution to world civilization and progress must be vividly pained—for example, the history of the mighty kingdoms of Africa, with its great universities and societies of culture; the domestication of animals, the mining and smelting of precious metals, are the contributions of Blacks to civilization. Next, our Black young must be taught that the eternal enemy of the Black experience is racism, and no means must be spared to destroy it.

2) Jews have always recognized and accepted their responsibility to use their resources to take care of their own. The National Jewish Welfare Appeal is a most important instrument with which internal needs of the national Jewish community are met; the needs of the international Jewish community are responded to in the Bonds for Israel drives. Blacks in 1975 earned $70 billion, while they spent $64 billion—more than any other identifiable group in the nation in terms of the expenditure of its gross annual income for goods and services. Blacks are the 9th wealthiest nation of the non-socialist world; as the Jews, we must use our economic resources in the development of a National Black Community Fund, so that blacks can undergird through self-help and financial support, the intra-group needs of Black America, not only giving aid and assistance to the needy of 25 million Black Americans but also providing leadership in the assistance and development of trade and commerce, and relief to the nations in Africa and other third world peoples.

3) Jews use their economic resources and their political power in forging opportunities for Jews as well as using political and economic means to punish their enemies. Similarly, 25 million Blacks, two-thirds of whom live in America's fifty largest cities, with a 1975 annual income of $70 billion, must use Black economic power and political power as instruments in developing intra-group opportunities for Blacks, on the one hand, and using this political and economic power, on the other hand, to punish the racists who thwart Black progress.

The profits of national and multinational corporations range between 9 and 14% of the gross income before taxes. The 25 largest cities contain more than 100,000 Blacks each, or 33.8% of their population; the 50 largest cities contain 22.7%. No national or mutlinational corporation could withstand the economic boycott of the urbanized Blacks of America. The departure of national merchandisers such as Penney's, Montgomery Ward and Sears from the Black core cities must be stopped. If Blacks withdraw their total patronage from Penney's for three months, while buying from Sears or Montgomery Ward, the corporate officers of Penney's would come to terms with core city Blacks who demand the return of J. C. Penney outlets, with their jobs and other merchandising advantages to the Black core cities.

Blacks in America must develop new techniques in our continuing struggle against racism, both institutional and individual. We must no longer bemoan our political and economic difficulties and plead for justice, but through our masses and our economic strength we must use political and economic sagacity against all enemies who practice overt and covert racism against us.

Those who believe that the fate of Black Americans is, after all, inextricably entwined with that of all the powerless, dispossessed and wretched of the American Earth must present to our youth, the inheritors and architects of tomorrow, their grand design for the raceless society! What are their means and timetables? What viable alternative do they propose now that the Kerner Report describes the USA as a divided society, with a white majority well fed, well clothed and comparatively happy, and a Black minority ill housed, ill educated, underemployed and progressively poorer?

Blacks and their allies must demand of the new occupant of the White House a firm commitment, to use the vast powers of the Presidency: (1) to extend for every citizen the boundaries of personal liberty, security and freedom; (2) to provide decent housing for every American citizen; (3) to provide the best possible education to all of our children; (4) to provide jobs for all; and (5) to provide equal protection under the law.

Blacks must expose and reject the current concept of excessive demand and short supply in the housing industry, which serves to enrich those who control it; Blacks must oppose a national commitment which spends more on pet food for our cats and dogs than on higher education for our sons and daughters. Blacks must expose and vigorously combat discrimination against Blacks in employment, because it costs the nation between $115 and $165 billion a year in lost gross national product. Blacks and their allies must expose and combat the present law enforcement system which favors the higher socio-economic levels of our society, and replace it with a system which makes all agents of the law, from the policeman on the beat to the highest judge, instruments for the protection of the innocent, the apprehension of the accused, and a fair trial for each citizen by a jury of his peers.

For too long, federal and state governments have been subsidizing the large corporate and agricultural interests, while those who desperately need help to escape from the slums, to get a job, to educate their children and to obtain decent medical care, are condemned for violating the "work ethic," while glorifying the "Welfare ethic." Blacks must expose once and for all the myths about poor people and welfare: that some people do not wish to work, that most Welfare recipients are Blacks who have moved to urban areas, just to draw Welfare, that all Welfare mothers do is have illegitimate children, that Welfare is the good life—color TV's and Cadillacs, that most Welfare recipients are cheaters, and that most of the tax revenues go to Welfare. These are all lies! The Welfare system is a cruel hoax that perpetuates the misery of the poor and guarantees that the children forced to rely on

it will never be able to escape the Welfare cycle and be given a fair chance to enjoy the promising, fruitful life, except vicariously on their TV sets.

Blacks must aggressively use the power of the people, the prestige of the Congress, and the refuge of the federal judiciary to protect the nation from any concerted effort to use the instruments of government to serve the expanding greed of the upper classes rather than the expanding needs of the masses.

How does the USA fare today in the four areas of racism cited eight years ago by the Kerner Report? For eight years we have been buffeted by the slogan: "Law and Order must be preserved!" without a clarion call for justice as a prerequisite for that Law and Order. If Black youth cannot find jobs there will be no Law and Order; if the nation continues to tolerate discrimination in housing by unscrupulous real estate brokers and federally and state supervised banks and home loan institutions, there will be no Law and Order; a U.S. Department of Education which fails to press for the elimination of "de facto" segregation in our public schools guarantees the nonexistence of Law and Order in the community; and a power structure which refuses to demand from its police departments and courts full respect for the dignity and equality of Blacks, which allows its police and courts to dispense Black and White justice, cannot enjoy a national community built upon Law and Order.

The continuing struggle in Boston, Los Angeles, Chicago and many of America's other great cities, and the limited victories achieved over the 23 years since the 1954 Supreme Court Decision, are far too meager. For over 23 years, Blacks have been on a treadmill of conversation with the federal, state and local power structures which has not led to any perceptible destination.

While the nation applauded the courageous efforts of South African Black teenagers in their summer of '76 rebellion against apartheid, how many of us recognize in the present violence of Black teenagers what is probably Black American youth's response to the hopelessness they face, in a society which placidly accepts a 40.5 percent Black adolescent unemployment, without any demonstrable concern for programs to relieve the economic racism which causes Black teenagers to rebel? If these Black teenagers-USA approach the final decision: if Black Americans are barred from leading creative, fulfilling lives by an oppressive White majority, Black youth are prepared even at the price of life itself to deny the American dream to their White oppressors.

GUNS VS. BUTTER

A nation must choose between guns and butter. Foreign policy is the mirrored image of domestic policy; the Black Press must combat racism in the international community with as much vigor as it wages the struggle against domestic racism. President Jimmy Carter must be supported in his efforts to end the annual squandering of the world's resources ($330 billion in 1977) on nuclear armaments and his ultimate determination to seek, first, nuclear disarmament and, second, conventional disarmament. 25 million Black voices must join the demands of the third world for food and not super bombers, for shelter and not inter-continental ballistic missiles, for medical care and not nuclear submarines, for education of the world's children and not inter-continental spy satellites.

Today, world peace is guaranteed by the reign of terror through the posturing of the USA and the USSR, the super nuclear giants. The Black Press must develop crusading editors who dare to challenge the status quo and give support to the masses of the have-nots, who are white, yellow, brown, red and Black, who know that there is something better than the present recurring cycle of depression, inflation, mass unemployment, restrictive education, health care and housing for the American masses.

SEARCH FOR A BLACK IDEOLOGY

The challenges of the future are as awesome as the challenges that faced John Russwurm, when he perceived the necessity of Freedom's Journal to challenge slavery; those who questioned his wisdom were unable to visualize that 36 years after the founding of the first Black newspaper, a great president would proclaim emancipation of the nation's slaves.

The Black Press must now marshal the intellectual genius, the fortitude, and the mass strength of 25 million Blacks, against the inequities which are ingrained in the fiber and substance of the American political and economic system. Therefore, the Black Press and Black Leadership must develop a new Black ideology, which will free both the Black masses and even the nation from the ravages of racism.

25 million Blacks and their millions of allies must become the vanguard of the new political process of this nation, providing input into the collective forum, out of which a dynamic new U.S. domestic policy and foreign policy may be forged. The Black Press must lead its constituency, as the spearhead of the people's revolt, to blunt the efforts of the nation's military-industrial-political complex and the multi-national corporations—which apparently are bent on leading us into a nuclear showdown with the USSR. Can it be that those who rule fortress America are determined, even at the price of their own destruction, to either rule America or destroy her?

Black publishers who would be the heirs of such giants as John Russwurm, Samuel Cornish and Frederick Douglass, the mighty trumpeters in the battle against slavery, face a struggle as great and threatening as these courageous predecessors. We must answer the call of tens of thousands of the Black masses who cry for help, the "endangered species" hopelessly enmired in the national racial quagmire.

Tonight, as we celebrate the 150th anniversary of the founding of the Black Press of America, let us not forget: Of each ten Black youths born twenty years after the founding of the National Newspaper Publishers Association—Black Press of America, today, the following startling results have obtained: One of these ten Black males has been convicted of murder, and one of these ten Black youths has been the victim of murder!

PROPOSAL TO BAN OFF-ROAD VEHICLES FROM PUBLIC LANDS

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. BAUCUS. Mr. Speaker, on Friday, March 25, I inserted in the RECORD certain materials relating to the rumor that President Carter is about to ban snowmobiles and other off-road vehicles from public lands. Regrettably, a small but important portion of the proposed amendment to Executive Order 11644 was omitted from the RECORD. I am submitting today another copy of the amendment.

For those of my colleagues who would like to know more about this matter, please see pages 9150 and 9151 of last Friday's RECORD. Amendment to Executive Order 11644 on "Use of Off-Road Vehicles on Public Lands" follows:

AMENDMENT TO EXECUTIVE ORDER 11644 ON "USE OF OFF-ROAD VEHICLES ON THE PUBLIC LANDS"

ISSUE PAPER

Executive Order 11644 provides for the regulation of off-road vehicles on the public lands. Under section 3 of the Order, Federal agencies are required to designate specific areas and trails where such vehicles will be permitted to operate. While the Executive Order reflects an urgent concern over the environmental harm caused by off-road vehicles, it is now apparent that some agencies may not complete the designation process for at least another ten years.

It is generally agreed that the environment of the public lands may be seriously degraded during this lengthy implementation period. Indeed, in its "Draft Environmental Impact Statement, Departmental Implementation of Executive Order 11644 Pertaining to Use of Off-Road Vehicles on the Public Lands" ("Draft EIS"), the Department of Interior acknowledged that some "unique and fragile biophysical, archeologic, or historic resources . . . will have been damaged or destroyed irreversibly as a result of ORV use during the undesignated periods." Draft EIS at 56.

To eliminate this threat to the public lands, we propose to amend the Executive Order by adding a section 3A which reads:

SECTION 3A. PROTECTION OF THE PUBLIC LANDS

Notwithstanding the provisions of section 3, where the use of off-road vehicles may cause undue adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas of the public lands, the respective agency head shall immediately close such areas to the use of off-road vehicles.

This amendment is clearly consistent with the policies and objectives of the Executive Order. By requiring agencies to take immediate action to protect the public lands from environmental damage, it will insure that the Presidential mandate is fully implemented both before and after specific areas and trails have been designated under section 3.

We propose a second amendment to clarify the original intent of Executive Order 11644 and to resolve uncertainty within the Bureau of Land Management arising from the recent court decision in *National Wildlife Federation* v. *Morton*, 395 F. Supp. 1286 (D.C.D.C. 1975). The Bureau maintains that this decision limited the options available for managing the public lands under the Executive Order.

Prior to the court decision is a number of federal agencies, including the Tennessee Valley Authority, the Department of Defense and the Bureau of Reclamation, had adopted a policy to close all or portions of the public lands within their jurisdiction to use by off-road vehicles except those areas and trails specifically designated as open to such use. The Society of American Foresters, among others, favors this approach to regulating off-road vehicles and has taken the position that:

"In order that control be effective, off-road vehicles should be allowed only on forest roads, trails and areas . . . which are explicitly designated for off-road vehicle use. Experience shows this approach to be less costly, and easier to enforce than a restriction in which off-road vehicles are allowed on all forest roads, trails and areas except where designated to the contrary." [1]

[1] Society of American Foresters, "The Use of Off-Road Vehicles on Public Forest Lands: A Position of the Society of American Foresters" (Washington, D.C. Nov. 12, 1975).

While the Bureau itself has described this approach as the "most environmentally beneficial alternative", it maintains that, in view of the Court's opinion, "such a course of action would require modification of Executive Order 11644." Draft EIS at 65. The Council differs with this interpretation of the law, but proposes to adopt the Bureau's suggestion for resolving the matter by adding a subsection (d) to section 3 as follows:

(d) Each respective agency head shall be authorized to adopt the policy that all or portions of the public lands within its jurisdiction shall be closed to use by off-road vehicles except those areas and trails which are suitable and specifically designated as open to such use under subsection (a) of this section.

This amendment would clarify the original intent of the Executive Order and dispel the Bureau's uncertainty over this issue. With authority to close the public lands until specifically opened under the Executive Order, Federal agencies would retain an administratively sound and flexible option for regulating off-road vehicles.

DUTCH ELM DISEASE CONTROL EFFORTS IN MINNESOTA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. FRASER. Mr. Speaker, the American elm is prominent in the Minnesota landscape. During the past few years, Dutch elm disease has established itself in these well-shaped shade trees. Dutch elm disease is caused by a fungus which grows in the water-conducting vessels of elms.

The disease is gradually spreading westward—virtually all States have now to some degree been affected by the disease.

The spread of the disease can be slowed down or contained by a control strategy of eliminating places where fungus-carrying beetles can breed. An effective control effort includes prompt removal of dead and dying trees and protective spraying of healthy trees with acceptable chemicals. The same degree of effort obviously must be applied to all trees in a given control area—regardless of whether they are privately or publicly owned.

And finally, the diseased elm problem requires restoration of the areas that lose their valuable trees. Restoration takes time. But, it will be less costly both esthetically and in dollars if a control program extends the lives of existing elms.

The Citizens League, a nonpartisan, nonprofit community group in the Minneapolis-St. Paul metropolitan area, recently prepared a report on the status of Dutch elm disease there. I would like to insert an abstract of this very informative report. In the report, the Citizens League takes a close look at the cost of an effective control program, the State role in controlling the disease, and the direction in which—according to the league—the State grants-in-aid program for shade tree disease control should move.

The article follows:

DISEASE INCIDENCE

1. . . . Dutch elm disease became an epidemic in the Twin Cities area in 1976—Although first discovered in Minnesota in 1961 in St. Paul (one tree) and near Monticello (seven trees,) the disease spread very slowly until about 1974.

The loss in the seven-county area in 1976, about 80,000 trees, was almost three times the level of 1975, which itself had been three times the level of 1974, according to the State Department of Agriculture. On a cumulative basis, the seven-county metropolitan area has lost between 2% and 3% of its original elm population of about 4.5 million trees. . . .

2. Losses in 1977 and subsequent years are projected to be much greater—

Metropolitan area losses in 1977 may reach 288,000 more than triple the number in 1976, according to a Metropolitan Council staff report. . . .

3. Projections of disease incidence.

If pre-1977 control practices continue, the Metropolitan Council projects that disease incidence in the seven-county metropolitan area will increase very rapidly over the next three years, reaching a loss of approximately 22% of the original elm population in 1980 alone, which would be about 1 million elms in that year. Only a residue of elms would remain after 1985, according to this projection.

Under an improved program, the maximum percentage loss would be 6.3% in 1989, according to the Council report.

Under what the Council calls the "best practicable control," losses would be 3.7% of the original elm population in the peak year, about 1997.

4. It's not too late to keep the disease at a tolerable level, in selected locations, if action is taken promptly.

Although Dutch elm disease has not been adequately controlled so far, there still is a chance to keep its incidence at a manageable level in those parts of the Twin Cities metropolitan area where the elm is valued most highly.

But unless major steps are taken in 1977, it is unlikely that much more than a mop-up job would remain. The pre-1977 control program is inadequate. . . .

PRIORITY AREAS FOR CONTROL AND COMMUNITY PARTICIPATION

Although Dutch elm and oak wilt diseases have established strong footholds in the Twin Cities metropolitan area, the battle by no means is lost, particularly if we select our priorities for control carefully.

Top priority areas for control should be (a) individual *elms and oaks* with unique historical qualities or in particularly valuable locations, such as Victory Memorial Drive or Summit Avenue, or the oldest and largest *elms and oaks* within a city; (b) residential areas and parks where *elms* make up a clear majority of shade trees and where their pattern of planting makes them esthetically pleasing; and (c) rural and urban forests and woodlots where *oaks* are dominant.

Assuring adequate support to grass-roots neighborhood control efforts—Because of the critical importance of a strong, small-area, private-citizen commitment to the success of a control program, we recommend that the Legislature give special recognition to neighborhood shade trees protection associations which meet certain requirements.

To achieve official recognition such an association first would need the agreement of at least 51 percent of the property owners in a given area, not to exceed a certain size, perhaps on the order of 10–30 square blocks. Many already-existing neighborhood associations would be expected to seek recognition as shade protection associations.

Encouraging cooperative control efforts at the neighborhood level—In addition to the ability to require governmental cooperation, a neighborhood shade tree protection association would be able to contract jointly on behalf of its resident/members for a variety of tree services, thereby taking advantage of economies of scale. Whatever arrangements of the city may have made for cost-sharing of removal of public trees could be handled through such an association, too.

PROJECTED EXPENSES

It's worth trying to control Dutch elm disease because of the elm's beauty and because it makes sense economically—

Residential streets and parkways lined with elms are, simply, just very beautiful. They lend irreplaceable character to neighborhoods. It would be an absolute tragedy if we failed to take advantage of the opportunity which still is present to gain another decade or two of their presence and, in the process give other types of newly-planted trees the chance to have 10 to 20 years of growth as the elm population is gradually declining.

It just makes good practical sense to lengthen the life of the elms. Whether the disease is controlled or not, the money will have to be spent. The only question is when. Dead trees must be cut down. That is very expensive in an urban area. If the disease is not controlled, very high expenses will be incurred in a very short time. With a control program in effect, the expenses can be spaced out over many more years. A U.S. Forest Service study indicates that the total expenses of no control actually exceed the costs of a control program.

We have other reasons for wanting to lengthen the life of the elms, such as the impact of trees on property values, their energy-saving shade in summer, their wind protection in winter, and their oxygen-producing qualities.

PROJECTED EXPENSES

Two recent studies indicate that heavy expenses will be incurred with or without a Dutch elm control program. Both studies agreed that the peak expenditures for a single year would be significantly higher under a no-control program. Regardless of the control program, trees die and must be removed from residential areas before branches fall off and cause property damage or harm to persons. One study projected that total expenses over a period of years would be slightly less under a no-control program; the other study projected that total expenses would be higher with no control.

One study was conducted by Thomas A. Rusin, who at the time was a commercial banking officer for the First National Bank of Minneapolis. * * * Rusin conducted the study for a Dutch elm disease conference sponsored by the bank in the fall of 1976.

Rusin projected total expenses in the seven-county metropolitan area at $217.9 million without any control; $221.0 million, minimum control, and $293.1 million, improved control. Under the no-control scenario, expenses reach about $45 million in the peak year; under minimum control, about $33 million, and under improved control, about $23 million.

Rusin's study was based on losses as projected by National Biocentric, Inc., in a study for the Metropolitan Inter-County Council in September 1976.

The other study was conducted by the U.S. Department of Agriculture Forest Service, Northeastern Forest Experiment Station, Upper Darby, PA, in 1976. That study did not provide expenditure estimates for specific locations; instead it estimated the cost of control and disposal over a 15-year period for a hypothetical area with 1,000 trees. With no control, the cumulative cost was projected at $132,000; with varying degrees of control, the cumulative cost was projected between $49,000 and $111,000.

STATE ROLE

Present state laws and regulations

In 1974 the Minnesota Legislature required that municipalities in the seven-county metropolitan area adopt shade tree control practices, consistent with rules and regulations of the Minnesota Department of Agriculture. This was the first involvement by the state in shade tree disease control.

In 1975 the Legislature expanded the state's involvement. It authorized $800,000 for the two years ending June 30, 1977, in state matching funds to cities for removal of diseased shade trees from residential property. These funds may be used only to help cities subsidize the expense of removal of trees from private property. They may not be used for removal of trees from public property. The state will reimburse a city for 50% of whatever a city agrees to pay for removal of private trees. For example, if a city requires the property owner to pay one-half the cost, with the city paying the other one-half, then the state will help the city with its one-half. As a result, the property owner would pay one-half, the city, one-fourth, and the state, one-fourth.

On the other hand, if a city pays the entire cost, then the state pays one-half, and the net cost to the city is one-half.

Or if the city requires property owners to pay the entire cost, without any city share, the state will not share either.

The 1977 Legislature is considering a governor's budget request for more than $20 million in state matching funds to cities for Dutch elm control in the biennium ending June 30, 1979. A State Shade Tree Advisory Committee to the Commissioner of Agriculture had recommended a $45 million program. Both proposals urge that the state matching funds be used to help cities with all shade tree disease control expenses, whether for public or private trees. Essentially state funds would be apportioned according to the size of local budgets.

Cities in the seven-county metropolitan area reported total Dutch elm control expenditures in 1976 at $4.8 million. These cities project their total expenditures in 1977 at $14.9 million. The cities of Minneapolis and St. Paul, combined, account for more than two-thirds of the projected expenditures for 1977. Each are projecting 1977 expenditure levels in excess of $5 million. This represents almost a tripling of expenditures by Minneapolis in 1977 over 1976, and more than a five-fold increase by St. Paul.

RECOMMENDATION

We recommend an increase in state grants for the 1977–79 biennium, provided the Legislature enacts sufficient protection so that state funds are used to finance a control program, not a mop-up program.

We further recommend that state grants for subsequent bienniums be reduced or eliminated for those localities where good progress is not made in 1977–79. We believe "good progress" would be made in a given locality if no more than 5% of the original elm or oak population becomes diseased in the year when the disease reaches its high incidence in that locality, which means the trees would be phased out over at least a 20-year period. The State Department of Agriculture should be instructed—in its budget request for the next biennium—to recommend a guideline for determining further eligibility for funds.

We believe that state grants-in-aid should be used to help control shade tree disease, not just to help cities pay the expenses of large scale removal. Should control be unsuccessful and if hundreds of thousands of residential shade trees must be removed promptly, we believe that state loans, rather than grants, would be the appropriate state vehicle for assistance.

A LAST WORD OF CAUTION

A one-time crash program of diseased tree control won't do the job. We will be fighting Dutch elm disease and oak wilt for as long as there are elms and oaks worth saving in this region.

If our cities do a thorough job of Dutch elm control in 1977, so as to reduce the number of beetle breeding sites to a minimum, we can't afford then to sit back and relax. Such an experience will demonstrate only that the disease can be controlled. The disease will always be with us. Only the highest degree of commitment to control in those areas where our shade trees are most valuable will do the job.

It won't be easy to be effective in any one year, let alone 15 to 20 years in a row, but that is the commitment which is required.

LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT ACT OF 1977

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. JOHNSON of California. Mr. Speaker, earlier in this session the Committee on Public Works and Transportation reported out by an overwhelming vote and the House passed the Local Public Works Capital Development and Investment Act of 1977, H.R. 11. This legislation has since passed the other body and they have named conferees.

Last Friday I had the opportunity to confer on this matter with Senator JENNINGS RANDOLPH, chairman of the Senate Committee on Environment and Public Works. He and I discussed the need to move this legislation. There are indeed differences in the two bills but those differences which concern the local public works legislation, in my opinion, can be expeditiously resolved. The other sections the other body has added to the bill and in particular those dealing with the water pollution program create a definite problem and one which calls for separate action insofar as the pollution program phase of the bill is concerned. Therefore, I have written a letter to Senator RANDOLPH today dated March 28, 1977, suggesting an approach to this problem.

Mr. Speaker, I insert the text of my letter to Senator RANDOLPH to be printed in the RECORD. May I conclude by saying that as the letter states, we the originators of the public works program are ready, willing and able to meet to confer with our colleagues in the other body to pass this legislation on to the President for signature before the Easter recess.

The letter follows:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, D.C., March 28, 1976.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, D.C.

DEAR JENNINGS: I appreciate our meeting and short conversation on Friday. I received your followup letter later that afternoon and have had an opportunity to read and reflect on its contents.

Let me say at the outset that I and the Members of the House Committee on Public Works and Transportation are ready, willing, able and eager to go to conference immediately on the Local Public Works Capital Development and Investment Act, known also as the Public Works Employment Act of 1977. We are proud of the fact that this legislation had its origin in the House in the last Congress and are appreciative further of the fact that you and your Members worked so well with us to get this bill enacted into law.

With the new Congress both Bodies immediately went to work on amendments to the Act and, as you have stated, bills have passed both Houses. The bill which we perfected and reported from the Committee and was later passed by the House was a bill limited to the specific subject of public works jobs. We put it together carefully so that it could be moved immediately to the President for signature after a brief, short conference to resolve the differences between the House and Senate passed versions.

The bill we received back from the Senate was a somewhat different version from the House-passed bill. It contained two additional titles having no relation to the subject of public works. One dealt with the funding for water pollution construction grants programs. The other dealt with the President's proposed water resources program as it affects projects under the jurisdiction of the Corps of Engineers, the Bureau of Reclamation, as well as those projects under the jurisdiction of the TVA and the watershed program of the Department of Agriculture.

Let me address myself immediately to Title II of your legislation—water pollution. In the last Congress we held lengthy hearings; then carefully marked up a water pollution bill which funded sewage treatment works and added amendments to the basic Act. This legislation failed of enactment into law because of the fact that it could not be properly considered in the closing days of the last session. We have since reported out an almost identical bill, H.R. 3199. We hope to have that legislation before the House in short order and then would be ready to meet almost immediately with you and your Colleagues in the Senate on the water pollution program.

I am well aware of the critical need for funding the sewage treatment works. I call to your attention that the legislation which we have just reported contains authorization for a three year period for such sewage treatment works totaling some $17 billion.

I feel that the inclusion of the water pollution amendments in the public works bill simply on a funding basis only, without giving consideration to legislation which passed the House in the last session and which has strong support in this session, places the water pollution program at a disadvantage. All aspects of the pollution program should be considered together. Both Bodies have passed a pollution bill. Let us take Title II from the public works bill and meet on it separately. This will expedite passage of the public works bill.

Let me conclude by saying I indeed intend to keep faith with the American people and so do the Members of the House Committee on Public Works and Transportation. All of us—you and I and our Colleagues have a commitment to ease unemployment as rapidly as we can. The most expeditious way, in my opinion, is to give attention to a Local Public Works Bill without the addition of extraneous matter.

I assure you once again I am ready, willing and able to meet with you today and tomorrow on the Local Public Works Bill. Let us try to finish this before the Easter Recess.

Sincerely,

HAROLD T. (BIZZ) JOHNSON,
Chairman.

ERRORS TAINT THE WASHINGTON POST

HON. TIMOTHY E. WIRTH
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. WIRTH. Mr. Speaker, when I opened my Washington Post last Monday I was astonished to see an article on page 1 headlined "Plutonium Taints Their Reservoir." The article, running some 1,200 words, told how leakage of radioactive material from the Rocky Flats nuclear weapons plant near Broomfield, Colo., "had left a plutonium blanket on the bottom of the city's 40-acre Great Western Reservoir" and thereby tainted the city's water supply. The article went on to quote a task force Gov. Dick Lamm and I had appointed as recommending that water in Great Western Reservoir not be consumed by the people of Broomfield.

The reason I was astonished to see the Post story was that the picture it painted was flatly untrue. While operations at Rocky Flats have resulted in radioactive and toxic material contamination of Great Western Reservoir, the Broomfield water supply has a small fraction of 1 percent of the present permissible plutonium concentration for public consumption and both the Colorado Department of Health and the Environmental Protection Agency have determined that the present level of contamination does not pose a threat to Broomfield's 13,000 residents. Furthermore, the Lamm-Wirth task force, quoted in the Post article, has never recommended that water in Great Western Reservoir not be consumed.

That is not to say that the risk of future contamination does not exist or that the Federal Government should not bear the cost of providing the city of Broomfield with an alternative water supply. But it is to say that the present level of contamination does not pose a health hazard to the city of Broomfield. So, for the Washington Post, one of the Nation's leading newspapers, to plaster an article titled "Plutonium Taints Their Reservoir" across its front page does a disservice to the people of Colorado, to the Post's readers, and to those of us who have been working for the past several years to provide Broomfield residents with a replacement water supply.

Being aware of the self-policing mechanism the Post has established, I called Charles Seib, the Post's ombudsman, to find out what steps could be taken to correct the story. Mr. Seib referred me to Richard Harwood, assistant managing editor of the Post. Mr. Harwood, in turn, asked that I send him a letter and any material I had bearing on the assertions in the Post article.

So Monday afternoon I had hand delivered to Mr. Harwood a letter with a file of material on the Broomfield water situation. I also asked the Environmental Protection Agency to review the Post article and prepare comments on it. EPA prepared a 6-page memorandum which I sent to Mr. Harwood on Wednesday.

Finally, last Thursday evening, after further calls from me, Mr. Harwood called back. Mr. Harwood asked what I thought the Post should do about the article, and added that perhaps there should have been a few qualifiers in the story. I told him that I believed my job was to point out the facts; his job was to deal with the facts in the newspaper. I also noted that the author of the Post story, Bill Richards, had never spoken to me, my office, or, as far as I could tell, anyone who really knew about the situation at Rocky Flats.

The Post article has now been reprinted in the Philadelphia Inquirer and I do not know in how many other papers.

Mr. Speaker, I believe very deeply in the first amendment and in the rights it grants the press in our society. And I would vigorously oppose any attempts by government to limit those rights.

It also seems to me that along with the rights conferred by the first amendment, the press has certain affirmative responsibilities, among them the responsibility of reporting the news as fairly and accurately as possible. In this instance, I believe the Washington Post has failed to exercise this responsibility. And this failure has been compounded by the fact that when apprised of errors in its front page article, the Post did not take any corrective measures.

With the consent of my colleagues, I would like to insert in the RECORD copies of the Post article, my letter to Mr. Richard Harwood, the EPA memorandum, and portions of the Lamm-Wirth Task Force report that address the Broomfield water situation:

[From the Washington Post, Mar. 21, 1977]

PLUTONIUM TAINTS THEIR RESERVOIR—SHOULD U.S. PAY FOR DENVER SUBURB'S NEW WATER SUPPLY?

(By Bill Richards)

BROOMFIELD, COLO.—Every Monday morning, the water man shows up here at Laverne Abraham's door carrying two five-gallon jugs, enough bottled water to make sure the Abrahams can go another week without taking a sip from Broomfield's plutonium-lined reservoir.

Over the last decade, leakage of radioactive material from the giant, accident-marred Rocky Flats nuclear weapons plant next door to Broomfield has left a plutonium blanket on the bottom of the city's 40-acre Great Western Reservoir.

Now local, state and federal officials have become embroiled in a controversy over who will put up an estimated $30 million to meet the city's demand for a new water supply.

The argument also has become a rallying point for nuclear opponents, who point to Rocky Flats and Great Western as a glowing example of the dangers that can occur from radioactive waste.

According to federal and state investigators, the plutonium that reached Great Western came from unshielded, nuclear contaminated wastes buried on the Rocky Flat site that seeped to the surface. The Environmental Protection Agency said in a 1975 report that the plutonium bearing wastes from the nuclear plant reached the reservoir through water runoffs down a stream alongside the plant and into the reservoir.

Like nearly everyone in this rapidly growing Denver suburb, Laverne Abraham said she has listened to officials who say the plutonium that has trickled into the city's reservoir from Rocky Flats is harmless—as long as it remains where it is, on the bottom. Other experts say plutonium isn't dangerous unless inhaled into the lungs.

But like most people here she is also aware that plutonium can cause cancer if it is ingested in even the tiniest amounts and that it is one of the most lethal nuclear products.

"They keep saying it isn't dangerous," Abraham said as she shopped for groceries with her 6-year-old daughter, Jennifer. "Well, even if it was, I don't think they'd tell us. We won't drink the water here until we get a new reservoir."

While the Abrahams may go to more extreme lengths than most of the 20,000 residents of Broomfield, they are hardly alone in their uneasiness about radioactive leaks from Rocky Flats.

The nuclear facility has been sharply criticized in several studies for lax procedures that allowed radioactive material to escape into the surrounding area. A report issued by Colorado in October, 1975, noted that the original developers of the plant in 1951 misjudged local wind patterns so that the prevailing wind flows from the plant over areas now being developed or already settled. In addition, the report said there have been at least two plutonium fires at the plant that released radioactivity into the atmosphere; a 10-year, slow leakage of plutonium from buried drums of radioactive contaminated motor oil, and the tritium incident. The report also said the plant accidentally released plutonium directly in 1974 in a discharge of untreated air.

Several doctors here urge their patients to avoid Broomfield's water. Last fall, 10 Colorado newspapers carried a letter citing Great Western as a reason to vote against nuclear development in Colorado's unsuccessful anti-nuclear referendum. Federal and private operators of Rocky Flats are facing a $28 million lawsuit from nearby landowners citing plutonium pollution as having made their land worthless for development. And the city had demanded that the Energy Research and Development Administration, which owns the nuclear weapons fabrication facility, purchase a new water supply to replace the tainted one.

Even some supporters of nuclear development here are behind the demand for a new reservoir.

"I think a certain margin of safety has been used up and we should protect ourselves now with a new reservoir," said Dr. William Markel, a local physician who voted last fall in favor of continuing nuclear development.

The controversy over Rocky Flats goes back to 1970 when tests by the Environmental Protection Agency showed long-term plutonium leakage from the plant into Walnut Creek, which feeds the reservoir. A second series of EPA tests three years later showed 40 times the normal amount of plutonium in the sediment at the bottom of the water supply.

Federal experts quickly assured residents that plutonium is considerably heavier than water and will remain safely on the bottom indefinitely. Plutonium has a radioactive half life of 24,000 years. Local officials, however, are worried that the current drought will lower the reservoir so far that the bottom could become roiled up easily and pollute the city's water.

In 1973 state health department investigators also discovered that Rocky Flats had unknowingly flushed another radioactive substance tritium, into the city's water supply. Although the tritium level remained well below the danger point, alarmed residents flooded officials with calls. Only in the last month has the state health depart-

ment reported that tritium levels in the city's water were back to normal.

But the reservoir contamination incidents led to a study of Rocky Flats by a task force appointed by Colorado Gov. Richard D. Lamm and Rep. Timothy E. Wirth. The task force reported in 1975 that further accidents could occur and recommended that the plant be moved from a populated area. The report also suggested that water in Great Western reservoir not be consumed and that a new water supply be found for Broomfield.

In a point-by-point reply to the task force report, ERDA last year dismissed the possibility of moving the plant or building to a new reservoir. But the agency promised to study ways of providing alternative water sources to the city if another accident occurs. The reply also noted Rocky Flats' $47 million annual payroll and the contributions of its scientific employees to local activities.

"That was when we blew our stack," said George Di Ciero, Broomfield's city manager. "They had mistakes, accidents and incidents up there and they were in effect telling us we should take it because of their payroll."

While accidents have occurred at other government nuclear bomb facilities in the West such as at Los Alamos, N.M., and Hanford, Wash., Rocky Flats is different. Local communities around the other plants are relatively isolated and are, in effect, federal "company towns," which tend to provide unquestioning support for them. Broomfield, which serves as a bedroom community for Denver to the south and Boulder to the north, has little financial dependence on Rocky Flats.

Di Ciero and the 10-member Broomfield city council fired off telegrams to everyone from then-President Ford on down demanding a new reservior. Since then, Rocky Flats' former civilian contractor emlpoyee, the Dow Chemical Co., has moved and Rockwell International has taken its place, with pledges of more stringent safety measures. Di Ciero and other city officials say they have calmed down but still want a new reservoir.

"We've made our position known," said the city manager. "They seem to be paying attention, but if we don't get what we want we're going to sue everybody in sight."

That discomfort was not eased this month when EPA warned federal housing officials to proceed cautiously in making development loans in the Rocky Flats area. The warning was issued, according to Paul Smith, EPA's Denver regional radiation representative, because of remaining radioactive plutonium contamination in air and water near Rocky Flats.

The contamination comes from dust blowing off areas on the Rocky Flats grounds that show as much as 5,000 times the normal background radiation levels, Smith said. The areas, which were created by seepage from plutonium-contaminated waste buried there years ago, are in the process of being scraped and cleaned, Rockwell officials said.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 21, 1977.

Mr RICHARD HARWOOD,
Assistant Managing Editor, The Washington Post, Washington, D.C.

DEAR Mr. HARWOOD: This is in further regard to phone conversations this morning between my office and the Washington Post concerning the article on page one of today's Post titled, "Plutonium Taints Their Reservoir."

As we indicated to you, we are concerned about the accuracy of a number of points in the article and about the overall impression the article creates.

Among the points we believe are in error are the following:

The statement that the Lamm-Wirth Task Force report "suggested that water in Great Western Reservoir not be consumed and that a new water supply be found for Broomfield."

The reference to a series of EPA tests in 1973 showing "40 times the normal amount of plutonium in the sediment at the bottom of the water supply."

The attribution to Paul Smith that EPA warned federal housing officials to proceed cautiously in making development loans in the Rocky Flats area "because of remaining radioactive contamination in air and water near Rocky Flats."

Together these statements create the impression that Broomfield's water is dangerously polluted and not safe for human consumption.

The facts, however, are that nowhere did the Lamm-Wirth Task Force suggest that "water in Great Western not be consumed." In fact, the Task Force noted that "studies by the Colorado Department of Health and the EPA have determined that the present level of contamination does not pose a threat to the people of Broomfield." The reason the Task Force recommended that Broomfield be given an alternative source of water was not because of any present health hazard but because the Task Force felt the potential of future contamination existed because of the closeness of Rocky Flats to Broomfield.

The reference to 1973 EPA tests is used in the article to buttress the references in the lead and second paragraphs to "Broomfield's plutonium-lined reservoir" and to the "plutonium blanket on the bottom of the city's 40-acre Great Western Reservoir." It is my understanding that these tests showed that the maximum concentration of plutonium found in the sediment was 40 times the baseline plutonium found in other front-range reservoirs—not, that the entire floor of the reservoir showed "40 times the normal amount of plutonium in the sediment."

While Paul Smith can speak for himself, the statement attributed to him appears inaccurate. Radioactive contamination in water has nothing to do with the guidance EPA has given to federal housing officials. EPA has been working on air and soil standards and I presume Smith was talking about radioactive contamination in air and soil near Rocky Flats. In the context of this article, there's a big difference between soil and water.

So you can read for yourself the full references to the Broomfield water supply in the Preliminary and Final Reports of the Lamm-Wirth Task Force, I am enclosing copies of both those documents, clipped to the appropriate pages.

Notably missing from the article is any mention of the study currently being done by a Denver engineering firm of possible alternative water supplies for Broomfield. On September 3, 1976, ERDA and Rockwell personnel met with Broomfield city officials to discuss an architectural-engineering study of the Broomfield Water problem proposed by Rockwell and ERDA. The Broomfield officials generally agreed with the scope of the study as outlined (a copy of which you will find enclosed). With the concurrence of Broomfield officials and the Denver Water Board, a contract was awarded to URS Engineering, a Denver firm. It is estimated that the study will take 6 to 8 months to complete.

As mentioned to you, EPA is preparing a memo commenting on the accuracy of the statements attributed to Paul Smith.

At your convenience, I would like to sit down with you, Mr. Seib or whomever else might be appropriate and discuss this at greater length. If I can be of further help, please let me know.

Sincerely yours,

TIMOTHY E. WIRTH.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Denver, Colo., March 23, 1977.

Hon. TIMOTHY WIRTH,
Cannon House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE WIRTH: This is in response to your telephone request to Paul Smith of my radiation control program staff that he review the March 21st *Washington Post* article on a Rocky Flats Plant-related matter.

After receiving the copy of the article you provided to us via magnafax, we excerpted those portions which we felt needed clarification. We then developed the enclosed comments which, hopefully, will facilitate any further discussions you may wish to pursue on the issues involved.

If there are further questions regarding the enclosure, feel free to pursue these with Mr. Smith via telephone. His number is (303) 837-2222.

Sincerely yours,

JOHN A. GREEN,
Regional Administrator.

STATEMENTS AND COMMENTS

STATEMENT

"Over the last decade, leakage of radioactive material from the giant, accident-marred Rocky Flats nuclear weapons plant next door to Broomfield has left a plutonium blanket on the bottom of the city's 46-acre Great Western Reservoir."

COMMENT

The implication of "plutonium blanket" is unsure—if we make a comparison with Great Western Reservoir (GWR) sediment concentrations of plutonium, these are lower than surrounding soil levels based on a dry weight basis. Furthermore, a "plutonium blanket" implies that there is a uniform distribution, of that radionuclide in the reservoir's bottom. This is not the case. EPA studies on sediments in GWR indicate that plutonium concentration varies widely.

STATEMENT

"According to federal and state investigators, the plutonium that reached Great Western came from unshielded, nuclear-contaminated wastes buried on the Rocky Flats site that seeped to the surface. The Environmental Protection Agency said in a 1975 report that the plutonium-bearing wastes from the nuclear plant reached the reservoir through water runoffs down a stream alongside the plant and into the reservoir."

COMMENT

Based on EPA's experience and on discussions with the Colorado State Department of Health (CSDH), the statement that "nuclear-contaminated wastes buried on the Rocky Flats Plant site seeped to the surface" is erroneous if it is intended to identify the source of plutonium that has reached Great Western Reservoir (GWR). Since operations began at Rocky Flats Plant (FRP), Walnut Creek was used to receive liquid effluent discharges from the plant's laundry, the plutonium reprocessing building, and the industrial waste treatment facility. These discharges, while being held on-site since December 1973, were monitored for plutonium to determine compliance with permissible U.S. Atomic Energy Commission (now the Energy Research and Development Administration—ERDA) discharge limits. The plutonium in GWR today has, for the most part, accumulated over the years, becoming "sorbed" to sedimentary debris in the reservoir's bottom. Walnut Creek flows from RFP to Great Western Reservoir.

STATEMENT

"But like most people here she is also aware that plutonium can cause cancer if it is ingested in even the tiniest amounts and

that it is one of the most lethal nuclear products."

COMMENT

To the best of our knowledge, the ingestion of plutonium dioxide, an insoluble material under normal circumstances, does not cause cancer if ingested in "tiny" amounts. Absorption of plutonium in the gastro-intestinal tract is estimated to be on the order of 10% (ten thousandths of a percent) for insoluble forms such as plutonium dioxide.

STATEMENT

"The nuclear facility has been sharply criticized in several studies for lax procedures that allowed radioactive material to escape into the surrounding area. A report issued by Colorado in October, 1975, noted that the original developers of the plant in 1951 misjudged local wind patterns so that the prevailing wind flows from the plant over areas now being developed or already settled. In addition, the report said there have been at least two plutonium fires at the plant that released radioactivity into the atmosphere; a 10-year, slow leakage of plutonium from buried drums of radioactive contaminated motor oil, and a tritium accident. The report also said the plant accidentally released plutonium directly in 1974 in a discharge of untreated air."

COMMENT

The "buried drums" identified above were actually stored above ground. Some of these became corroded with time and leaked their contents on the soil. Contaminated soil was then transported off-site via local wind action and local soil disturbance.

STATEMENT

"The controversy over Rocky Flats goes back to 1970 when tests by the Environmental Protection Agency showed long-term plutonium leakage from the plant into Walnut Creek, which feeds the reservoir. A second series of EPA tests three years later showed 40 times the normal amount of plutonium in the sediment at the bottom of the water supply."

COMMENT

The statement that EPA tests showed 40 times the normal amount of plutonium in the sediment at the bottom of Great Western Reservoir (GWR) is a true statement only in regard to *one* sample among 21 bottom sediment sampling points. Most of the other reported values were well below the reference used in the *Washington Post* article. Using this number to characterize the existing sedimentary contamination in GWR lacks validity.

STATEMENT

"Federal experts quickly assured residents that plutonium is considerably heavier than water and will remain safely on the bottom indefinitely. Plutonium has a radioactive half life of 24,000 years. Local officials, however, are worried that the current drought will lower the reservoir so far that the bottom could become roiled up easily and pollute the city's water."

COMMENT

The atomic weight of plutonium does not account for its settling to the bottom of GWR. In actuality, plutonium arriving in the reservoir becomes "sorbed" onto suspended solids in the reservoir which then settle to the bottom. In regard to the statement that a lowering of the reservoir due to a drought may cause plutonium in sediment to "become roiled up easily and pollute the city's water", it is not valid. Before the consumer drinks GWR water, it normally goes through: 1) floculation; 2) coagulation; 3) sedimentation; and, 4) filtration treatment processes which are designed to deliver clear, potable water. Roiled up sediments sometimes referred to as "muck" would inundate the treatment system if it was allowed into the process for any length of time. This alleged problem is therefore self-limiting and would not occur.

STATEMENT

"Di Ciero and the 10-member Broomfield city Council fired off telegrams to everyone from then-President Ford on down demanding a new reservoir. Since then, Rocky Flats' former civilian contractor employee, the Dow Chemical Co., has moved and Rockwell International has taken its place with pledges of more stringent safety measures. Di Ciero and other city officials say they have calmed down but still want a new reservoir."

COMMENT

According to information received from the Energy Research and Development Administration (ERDA) this week, a contract has been let to a Denver consulting engineering firm to conduct a feasibility study on providing the City of Broomfield an alternate emergency water supply. As we understand the proposed system, it will become operational in the event that Great Western Reservoir (GWR) is significantly contaminated as a result of RFP operations.

STATEMENT

"That discomfort was not eased this month when EPA warned federal housing officials to proceed cautiously in making development loans in the Rocky Flats area. The warning was issued, according to Paul Smith, EPA's Denver regional radiation representative, because of remaining radioactive plutonium contamination in air and water near Rocky Flats."

COMMENT

While preparing an Environmental Impact Statement for potential Federal Housing Administration (FHA) mortgage assisted housing near Rocky Flats Plant (RFP), officials of the Department of Housing and Urban Development (HUD) found conflicting information regarding the radioactive hazard in the area. As a result, HUD asked EPA to advise them on the conflict. EPA Region VIII then asked the EPA Headquarters Office of Radiation Programs for interim guidance on the matter of determining if a radiological hazard existed in three housing developments seeking FHA approval. Using the interim guidance, EPA advised HUD that the housing developments in question were in areas where existing plutonium contamination was below levels of concern.

EXCERPTS FROM REPORTS

"Plutonium contaminated sediment has been found in Great Western Reservoir with a *maximum concentration* approximating 40 times the baseline concentration of 0.10 picocuries per gram (dry weight) found in other uninvolved front range reservoirs. A total of 87.5 millocuries (1 millicure=1/1000 of a curie) of plutonium has been released to Walnut Creek from 1953 through 1974. *The Broomfield water supply has a small fraction of one percent of the present permissible standard for public consumption"* (emphasis added).

Preliminary Report, Lamm-Wirth Task Force on Rocky Flats, February 1975, p. 6.

* * * * *

"Regarding the Broomfield Water Supply, the Task Force investigation has revealed the following facts with respect to the Broomfield Water Supply from the Great Western Reservoir: Operation of the Federal facility at the Rocky Flats Plant has resulted in radioactive and toxic material contamination of the Great Western Reservoir. *However, studies by the Colorado Department of Health and the EPA have determined that the present level of contamination does not pose a threat to the people in Broomfield.* Notwithstanding plans by the Rocky Flats Plant to install a sophisticated water treatment and recycling plant, the Task Force believes no static water supply should be used for human consumption while it is still subject to potential contamination from the Rocky Flats Plant. (emphasis added)

Therefore, we recommend that Governor Lamm and Congressman Wirth request that the Federal government, in cooperation with the City of Broomfield and all appropriate County and State officials, provide the City of Broomfield with an alternate source of water to replace the water which Broomfield receives from the Great Western Reservoir. (Chapter III, Section A(a))."

(Lamm-Wirth Task Force Report on Rocky Flats, October 1, 1975, pp. 10–11.)

SUPREME COURT RULES ON CIVIL PENALTY PROVISIONS OF OSHA

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. STEIGER. Mr. Speaker, on March 23, the Supreme Court handed down its decision in the first constitutional challenge to the Occupational Safety and Health Act of 1970. The decision lays to rest the question of the Occupational Safety and Health Administration's authority to impose civil penalties on employers in violation of the act. The decision is noteworthy not only in the interest of occupational safety and health but also in that it reasserts Congress ability to grant administrative agencies the authority to enforce its laws by way of civil penalties.

I want to call my colleague's attention to the following excerpts, footnotes, and citations deleted, from the Court's decision:

U.S. SUPREME COURT DECISION

[In the Supreme Court of the United States, Nos. 75–746 and 75–748]

(75–746) Atlas Roofing Company, Inc., Petitioner, *v.* Occupational Safety and Health Review Commission et al., on Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.

(75–748) Frank Irey, Jr., Inc., Petitioner, *v.* Occupational Safety and Health Review Commission et al., on Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

[March 23, 1977]

Mr. JUSTICE WHITE delivered the opinion of the Court.

The issue in this case is whether, consistent with the Seventh Amendment, Congress may create a new cause of action in the Government for civil penalties enforceable in an administrative agency where there is no jury trial.

* * * * *

III

The Seventh Amendment provides that "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. . . ." The phrase "suits at common law" has been construed to refer to cases tried prior to the adoption of the Seventh Amendment in courts of law in which jury trial was cus-

tomary as distinguished from courts of equity or admiralty in which jury trial was not. Petitioners claim that a suit in a federal court by the Government for civil penalties for violation of a statute is a suit for a money judgment which is classically a suit at common law; and that the defendant therefore has a Seventh Amendment right to a jury determination of all issues of fact in such a case. Petitioners then claim that to permit Congress to assign the function of adjudicating the Government's rights to civil penalties for violation of the statute to a different forum—an administrative agency in which no jury is available—would be to permit Congress to deprive a defendant of his Seventh Amendment jury right. We disagree. At least in cases in which "public rights" are being litigated—*e.g.*, cases in which the Government sues in its sovereign capacity to enforce public rights created by statutes within the power of Congress to enact—the Seventh Amendment does not prohibit Congress from assigning the factfinding function and initial adjudication to an administrative forum with which the jury would be incompatible.

Congress has often created new statutory obligations, provided for civil penalties for their violation, and committed exclusively to an administrative agency the function of deciding whether a violation has in fact occurred. These statutory schemes have been sustained by this Court, albeit often without express reference to the Seventh Amendment. Thus taxes may constitutionally be assessed and collected together with penalties, with the relevant facts in some instances being adjudicated only by an administrative agency. The Court said, in rejecting a claim under the Sixth Amendment that the assessment and adjudication of tax penalties could not be made without a jury: "the determination of the facts upon which liability is based may be made by an administrative agency instead of a jury." Similarly, Congress has entrusted to an administrative agency the task of adjudicating violations of the customs and immigration laws and assessing penalties based thereon.

In *Block* v. *Hirsh*, the Court sustained Congress' power to pass a statute, applicable to the District of Columbia, temporarily suspending landlords' legal remedy of ejectment and relegating them to an administrative fact finding forum charged with determining fair rents at which tenants could hold over despite the expiration of their leases. In that case the Court squarely rejected a challenge to the statute based on the Seventh Amendment, stating:

"The statute is objected to on the further ground that landlords and tenants are deprived by it of a trial by jury on the right to possession of the land. *If the power of the Commission established by the statute to regulate the relation is established*, as we think it is, by what we have said, *this objection amounts to little. To regulate the relation and to decide the facts affecting it are hardly separable.*"

In *Crowell* v. *Benson*, apparently referring to the above-cited line of authority, the Court stated that "the distinction is at once apparent between cases of private right and those which arise *between the Government and persons subject to its authority in connection with the performance of the constitutional functions of the executive or legislative departments*. . . . [T]he Congress in exercising the powers confided to it may establish 'legislative' courts . . . to serve as special tribunals 'to examine and determine various matters, arising between the government and others, which from their nature do not require judicial determination and yet are susceptible of it.' But '*the mode of determining matters of this class is completely within congressional control.* Congress may reserve to itself the power to decide, *may delegate that power to executive officers*, or may commit it to judicial tribunals.' . . . Familiar illustrations of *administrative agencies created for the determination of such matters are found in connection with the exercise of the congressional power as to interstate* and foreign *commerce*, taxation, immigration, the public lands, public health, the facilities of the post office, pensions and payments to veterans." (Emphasis added.)

In *NLRB* v. *Jones & Laughlin Steel Corp.*, the Court squarely addressed the Seventh Amendment issue involved when Congress commits the factfinding function under a new statute to an administrative tribunal. Under the Labor Act, Congress had committed to the NLRB, in a proceeding brought by its litigating arm, the task of deciding whether an unfair labor practice had been committed and of ordering back pay where appropriate. The Court stated:

"The instant case is not a suit at common law or in the nature of such a suit. The proceeding is one unknown to the common law. *It is a statutory proceeding.* Reinstatement of the employee and payment for time lost *are requirements [administratively] imposed for violation of the statute and are remedies appropriate to its enforcement.* The contention under the Seventh Amendment is without merit. [Emphasis added.]"

This passage from *Jones & Laughlin* has recently been explained in *Curtis* v. *Loether*, in which the Court held the Seventh Amendment applicable to private damage suits in federal courts brought under the housing discrimination provisions of the Civil Rights Act of 1968. The Court rejected the argument that *Jones & Laughlin* held the Seventh Amendment inapplicable to any action based on a statutorily created right even if the action was brought before a tribunal which customarily utilizes a jury as its factfinding arm. Instead, we concluded that *Jones & Laughlin* upheld "congressional power to entrust enforcement of statutory rights to *an administrative process or specialized court of equity* free from the strictures of the Seventh Amendment." (Emphasis added.)

Finally, in *Perness* v. *Southall Reality*, in discussing *Block* v. *Hirsh*, *supra*, and *Jones & Laughlin*, we stated:

"*Block* v. *Hirsh* merely stands for the principle that *the Seventh Amendment is generally inapplicable in administrative proceedings, where jury trials would be incompatible with the whole concept of administrative adjudication*. . . . Where the action involves rights and remedies recognized at common law, it must preserve to parties their right to a jury trial." (Emphasis added.)

In sum, the cases discussed stand clearly for the proposition that when Congress creates new statutory "public rights," it may assign their adjudication to an administrative agency with which a jury trial would be incompatible, without violating the Seventh Amendment's injunction that jury trial is to be "preserved" in "suits at common law." Congress is not required by the Seventh Amendment to choke the already crowded federal courts with new types of litigation nor prevented from committing some new types of litigation to administrative agencies with special competence in the relevant field. This is the case even if the Seventh Amendment would have required a jury where the adjudication of those rights is assigned instead to a federal court of law instead of an administrative agency.

* * * * *

None of the grounds tendered for so reinterpreting the Seventh Amendment is convincing. It is suggested that in some of the cases, the Seventh Amendment was not expressly put in issue. But these cases are clear enough that in the context involved, there was no requirement that the courts be involved at all in the factfinding process in the first instance. It is difficult to believe that these holdings or dicta did not subsume the proposition that a jury trial was not required. Furthermore, there are the remaining cases where the Court expressly held or observed that the Seventh Amendment did not bar administrative factfindings.

Second, it is argued with some force that some cases deal with the exercise of sovereign powers that are inherently in the exclusive domain of the Federal Government and critical to its very existence—the power over immigration, the importation of goods and taxation—and that the theory of those cases is inapplicable where the Government exercises other powers that petitioners apparently regard as less fundamental less exclusive and less vital to the existence of the Nation, such as the power to regulate commerce among the several States, the latter being the power Congress sought to exercise in enacting the statute at issue here. The difficulty with this argument is that the Court in these cases, and in others, did not appear to confine its holdings in this manner.

* * * * *

Third is the assertion that the right to jury trial was never intended to depend on the identity of the forum to which Congress has chosen to submit a dispute; otherwise, it is said, Congress could utterly destroy the right to a jury trial by always providing for administrative rather than judicial resolution of the vast range of cases that now arise in the courts. The argument is well put, but is overstates the holdings of our prior cases and is in any event unpersuasive. Our prior cases support administrative factfinding in only those situations involving "public rights," *e.g.*, where the Government is involved in its sovereign capacity under an otherwise valid statute creating enforceable public rights. Wholly private tort, contract, property and a vast range of other cases as well are not at all implicated.

More to the point, it is apparent from the history of jury trial in civil matters that factfinding, which is the essential function of the jury in civil cases, was never the exclusive province of the jury under either the English or American legal systems at the time of the adoption of the Seventh Amendment; and the question whether a fact would be found by a jury turned to a considerable degree on the nature of the forum in which a litigant found himself. Critical factfinding was performed without juries in suits in equity, and there were no juries in admiralty, neither was there in the military justice system. The jury was the factfinding mode in most suits in the common law courts, but it was not exclusively so: condemnation was a suit at common law but constitutionally could be tried without a jury, "[M]any civil as well as criminal proceedings at common law were without a jury." The question whether a particular case was to be tried in a court of equity—without a jury—or a court of law—with a jury—did not depend on whether the suit involved factfinding or on the nature of the facts to be found. Factfinding could be a critical matter either at law or in equity. Rather, as a general rule, the decision turned on whether courts of law supplied a cause of action and an adequate remedy to the litigant. If it did, then the case would be tried in a court of law before a jury. Otherwise the case would be tried to a court of equity sitting without a jury. Thus, suits for damages for breach of contract, for example, were suits at common law with the issues of the making of the contract

and its breach to be decided by a jury; but specific performance was a remedy unavailable in a court of law and where such relief was sought the case would be tried in a court of equity with the facts as to making and breach to be ascertained by the court.

The Seventh Amendment was declaratory of the existing law, for it required only that jury trial in suits at common law was to be "preserved." It thus did not purport to require a jury trial where none was required before. Moreover, it did not seek to change the factfinding mode in equity or admiralty nor to freeze equity jurisdiction as it existed in 1789, preventing it from developing new remedies where those available in courts of law were inadequate.

* * * * *

The Seventh Amendment was never intended to establish the jury as the exclusive mechanism for factfinding in civil cases. It took the existing legal order as it found it, and there is little or no basis for concluding that the Amendment should now be interpreted to provide an impenetrable barrier to administer factfinding under otherwise valid federal regulatory statutes. We cannot conclude that the Amendment rendered Congress powerless—when it concluded that remedies available in courts of law were inadequate to cope with a problem within Congress' power to regulate—to create new public rights and remedies by statute and commit their enforcement, if it chose, to a tribunal other than a court of law—such as an administrative agency—in which facts are not found by juries. Indeed, the "settled judicial construction" was to the contrary "from the beginning." That the Government could commit the enforcement of statutes and the imposition and collection of fines to the judiciary, in which event jury trial would be required, but that the United States could also validly opt for administrative enforcement, without judicial trials.

Thus, history and our cases support the proposition that the right to a jury trial turns not solely on the nature of the issue to be resolved, but also on the forum in which it is to be resolved. Congress found the common law and other existing remedies for work injuries resulting from unsafe working conditions to be inadequate to protect the Nation's working men and women. It created a new cause of action, and remedies therefore unknown to the common law and placed their enforcement in a tribunal supplying speedy and expert resolutions of the issues involved. The Seventh Amendment is no bar to the creation of new rights or to their enforcement outside the regular courts of law.

REMARKS OF HYMAN BOOKBINDER AT THE BROTHERHOOD CITATION-DINNER OF THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. BRADEMAS. Mr. Speaker, on the evening of March 10, 1977, I had the privilege of participating in the annual brotherhood citation dinner of the National Conference of Christians and Jews here in Washington, D.C.

One of the most moving responses delivered by the honorees was that of Hyman Bookbinder, a person known to many Members of the House of Representatives and Senate for his long career as a champion of brotherhood and justice for all the people of our country.

Mr. Speaker, I wish to insert at this point in the RECORD the remarks of Mr. Bookbinder on this occasion:

REMARKS OF HYMAN BOOKBINDER

First—a very personal note. Jerry Siegel called to tell me of this honor, it happens, only a few weeks after my wife had died. Perhaps the two things were related. In any case, I like to think now that if that call had come to me while my wife was still alive, that I might have had the good sense, and the honesty, to have said to Jerry, "But you are calling the wrong Bookbinder. It's my wife who deserves the honor much more than than I do." Whatever I might have said, at least tonight I want to say that because of her, I learned what brotherhood—or sisterhood, or "humanhood"—really means in practice. It has been my lot for many years now to be involved in activities that permitted me to advocate, to preach, to get public attention. But it was my wife who practiced—impressively, but quietly—what I was preaching.

For the last ten years of her life—including the last three when she knew she was on borrowed time—she gave much of that time as a volunteer in the 14th Street area. Thank God she lived long enough to see that magnificent Community Health Center that she helped make possible—and which now bears her name in its cornerstone.

At her services, one of the eulogies was delivered by that magnificent woman, Mrs. Ruth Webster, who has headed the poverty program in the Cardozo area and also this new Health Center. "I've come to pay tribute to our *sister*," Ruth said, "for the role she played in the life of our community, and for the love she shared with us . . . She crossed the barriers that society sets to separate man from his brothers and took up the cudgel . . . At a time when tensions were high in our predominantly Black community, Boshie Bookbinder was honored, loved, and welcomed there."

If you are looking for a definition of brotherhood, you have it there in Ruth Webster's words. So I hope you will allow me to share this honor tonight with the woman who was my wife and friend and partner for 38 years.

I wish my wife could have been with me the other night when I attended one of the really exciting events of recent years—the reunion of New Dealers. It brought back to me one of the most meaningful comments ever made by Franklin Roosevelt. It was around 1938 when the Congress was considering the enactment of a federal minimum wage—the fantastic sum of 25 cents an hour! And FDR said then:

"The test of our progress is not whether we add more to the abundance of those who already have much; it is whether we do enough for those who have too litte."

Surely that must continue to be the test for us today: Are we doing enough for those who have too little? In a way we have met that test. We are now talking about a possible $2.50 or $3.00 minimum wage. But in many more ways we have flunked the test badly. There are still 25,000,000 Americans below a poverty line that is a disgrace in a country as rich as ours—and another 50,000,000 slightly above that poverty line.

Our Judaic-Christian heritage imposes upon us this responsibility to do enough—which means to do more—for those 75,000,000 Americans who have too little.

I have often quoted Proverbs:

"He that giveth to the poor shall not lack; but he did hideth his eyes shall have many a curse."

A *society*, I have always felt, that closes its eyes to the poor is indeed cursed—cursed with anger and hatred, cursed with tensions and bitterness, and sometimes even with violence and chaos.

No group has known this better than the Conference of Christians and Jews. And so I'm so pleased to be recognized by such a group.

I'm pleased for another reason too. This is the period of *Roots*—of ethnic and religious racial identity and pride. I've been pleased to see this development—and am proud of the work of the American Jewish Committee in this area. But I must confess to a sense of unease that's developed along with the satisfaction. I fear that to some extent this particularity, this group identity and pride has been at the expense of our universality, our commonality, our shared values, or *brotherhood*. Let us honor and cherish and retain our group pride and loyalty—but let us never stop cherishing that common thread of compassion and humanity that cuts across all group lines.

Our Talmud tells us that "Charity knows neither race or creed." Our Midrash tells us "The non-Jew is your neighbor, your brother, to wrong him is to sin."

Tonight, we are here as Christians *and* Jews. As black *and* white. As native-born *and* as immigrants. Above all, I hope we are here as *brothers* and *sisters*.

You have done me great honor tonight. May I always be worthy of it.

A NEW APPROACH TO TAX INCENTIVES

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. DELANEY. Mr. Speaker, the tight job market continues to be one of the major areas of concern to our constituents. Today, we are introducing legislation to encourage private manufacturing-related investment in areas where the unemployment rate exceeds 6 percent. This legislation was developed in cooperation with the Coalition of Northeastern Governors—CONEG—following their Saratoga Conference last November and similar bills are being introduced by the chairmen of our other CONEG congressional delegations.

The measure provides businesses with an accelerated depreciation allowance—double the present amount—when they make new investments in areas with unemployment rates of 6 percent or more. Under the proposal, tax payments to the Federal Government would not be reduced, but rather postponed, thus providing economically stimulating interest-free loans to companies willing to invest in stagnant economies. This approach would benefit States throughout the Nation.

A summary follows:

A NEW APPROACH TO TAX INCENTIVES

A PROGRAM OF MORE RAPID DEPRECIATION ALLOWANCES IN HIGH UNEMPLOYMENT AREAS

Summary

During the last few years a great deal of evidence has emerged that the economies of many of our older industrial areas, particu-

larly in the Northeast and Midwest, suffer from serious structural problems. Although the economic difficulties of these areas reflect in large part the recent national recession they are not recovering as well as the rest of the nation. The economic problems of these areas has resulted in higher unemployment and fiscal distress for many state and local governments. A wide variety of programs to revitalize older industrial areas has been proposed. Some of these programs would take considerable time to become operational. One approach which could be undertaken almost immediately is a program to stimulate private investment in older industrial areas by granting more generous depreciation allowances for tax purposes.

Specifically, firms investing in manufacturing equipment in states where the five years moving average of unemployment rates exceeds 6% could be allowed to calculate their federal tax liabilities using depreciation rates which are twice those presently allowed. A simple trigger mechanism would make all states whose rate is above 6 percent eligible when the national rate is above that level. Therefore, the program would be restricted to aiding those areas which are truly in economic difficulty and would phase out automatically as unemployment rates decline.

Accelerated depreciation alters the timing although not the absolute amount of a firm's tax liability. The firm pays less in the early years of an investment's life, more later; and by postponing some tax payments it is effectively granted an interest free loan from the Federal Treasury. The dollar benefit to the firm is the discounted present value of the stream of the change in tax liability. This benefit will vary from firm to firm and depends on a number of factors including the level of investment, asset life, the depreciation method currently employed, profit position and cost of funds.

HOW A PROGRAM ALLOWING MORE RAPID DEPRECIATION ON A REGIONAL BASIS WOULD WORK

Depreciation method

Depreciation deductions allow a company to recover tax free the cost of capital consumed in producing income. Under present law, equipment may be depreciated either on a straight line basis over its life or according to a variety of methods providing for a greater write off in the asset's early life. The total amount depreciated is the same regardless of method. However, by writing off a greater share of the asset's value sooner a firm can postpone some of its tax liability. The most favorable depreciation method currently allowed by the I.R.S. is the double declining balance method. This method can be applied only to certain assets, primarily those eligible for the investment tax credit. Under this method a firm can deduct 20 percent in the first year of the cost of an asset with a 10 year life span rather than a proportional 10 percent. A regional accelerated depreciation program could allow a further doubling of this allowance. The following example shows how this would work for a manufacturer buying a piece of equipment for $1,000,000 with a life span of 10 years—assuming the manufacturer is already using the double declining balance method of depreciation and is taxed at a 48 percent rate.

Manufacturer in area with more than 6 percent unemployment: $1,000,000 x 40 percent=$400,000 depreciation.

Manufacturer in area with less than 6 percent unemployment: $1,000,000 x 20 percent=$200,000 depreciation.

$200,000 difference x 48 percent (tax rate) =$96,000 tax savings.

Thus, a producer in an area with the accelerated depreciation allowance would "save" $96,000 in taxes in the first year. While the firm may have to pay these taxes in some future years in the interim it has benefited from an interest free loan.

Eligible property and industries

A regional accelerated depreciated allowance could use the same eligibility criteria currently employed by the I.R.S. for the double declining balance method. The double declining balance method can be applied to most tangible personal property with a life greater than three years; except in specific cases buildings are excluded. In general the same property is eligible for accelerated depreciation as for the investment tax credit.

In order to maximize its impact relative to cost to the Treasury an accelerated depreciation program should apply only to manufacturing. The purpose of this program is to offset some of the locational disadvantages of the older industrialized areas. While there are exceptions, manufacturing is the most mobile industrial sector. A substantial segment of the manufacturing industry sells to a national market and is not dependent on particular resources. Thus, these industries seek the lowest-cost production locations.

Area eligibility

The objective of regionally focused accelerated depreciation is to stimulate the economies of areas with chronically high unemployment. Determining area eligibility by a five year moving average unemployment rate would channel funds to regions which had long-run economic problems independent of the national business cycle. While several different measures of unemployment could be used, the use of five year moving averages has several advantages. Unemployment rates are very volatile in the short-run. A program based entirely on current data would make an area with a temporarily high unemployment rate resulting from a brief downturn in the local economy eligible for the assistance. This temporary downturn in local economic conditions could be a result of a heavy concentration in cyclically sensitive industries rather than long-term economic problems and the primary objective of this program is not to be countercyclical but to address longer-term imbalances between regions. Also, state unemployment rates are not as reliable as the national rate. Because of the relatively small sample sizes these rates, particularly for smaller states, are subject to significant statistical variation. However, this variation is not systematic and therefore will cancel out over several years.

Determining area eligibility by a long-run average of unemployment rates has the further advantage of increasing a firm's certainty about the applicability of the more accelerated depreciation schedule. Whether the investment qualifies for the more rapid depreciation rate will depend on the unemployment measure at the time the property is put on site. Unemployment rates can change between the planning stages of an investment and the actual acquisition. However, if a five year moving average is used, even a substantial change in an area's unemployment rate in one year is unlikely to make an area with generally high unemployment rates ineligible. Finally, a firm considering investing in an area may be concerned about eligibility in the future as well as today. Since long-run averages change slowly, they are a more reliable guide to future eligibility than are current rates.

Summary and conclusions

A regional accelerated depreciation allowance could be an effective way to stimulate private investment in high unemployment areas. This increased private investment would have a multiplier effect on the economics of distressed areas and by enhancing their competitive position could significantly improve their long-run economic growth. The primary thrust of this approach is to offset the locational disadvantages of manufacturing in certain regions. However, because more states or regions would become eligible when the national unemployment rate increases the program would also have a countercyclical feature.

THE ASSASSINATIONS COMMITTEE: TIME TO END IT ALL

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. BAUMAN. Mr. Speaker, newspapers and citizens all over America have been calling for the House to end one of the most unfortunate episodes of this parliamentary body's recent history. I am referring to the antics of the House Select Committee on Assassinations.

Next Wednesday we have a chance to end this spectacle by voting against House Resolution 433 which would authorize its continuance.

For your consideration I include an editorial from the Baltimore Sun which recommends, as have many editorials, that the committee be ended. I also include an article from the front page of the Dallas News of March 17 which describes only one of the many reasons this committee should be quietly laid to rest:

[From the Baltimore Sun, Mar. 27, 1977]

KILL IT

After engaging in its own comic opera, the House committee investigating the Kennedy and King assassinations seemingly set about frantically to produce sensational new "evidence" that would justify its existence beyond March 31. So far the public record shows no substantive results, though Speaker Thomas P. O'Neill endorses its extension.

But the committee and its chief counsel have so discredited themselves in their brief existence that whatever they ultimately produce may not be believable. If an investigation is needed, then it should be turned over to another committee with another chief counsel.

[From the Dallas News, Mar. 17, 1977]

AGENTS DISCOVER PLENTY OF NOTHING

Two representatives of the House Assassinations Committee slipped secretly into Dallas last weekend. Two days later, they left, empty-handed and a little red-faced.

Shortly after arriving, they went to police headquarters to examine files on the assassination of President John Kennedy. They found the files had been subpoenaed by the committee and were in Washington. Only a couple boxes of discards remained here.

Next they drove to the site of Jack Ruby's Carousel Club for a first hand look, only to find it had been razed and replaced by a parking lot.

From there, it was back to the police station to talk with officials. During the talk, a city wrecker hauled their rented car from a no-parking zone to the pound.

The two men—one a retired Washington, D.C., police lieutenant and the other a special committee counsel—paid a $20 towing fee and a $5 parking ticket and headed back to Washington.

End of secret visit.

THIRD WORLD MURDERS ARE HOLY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. DERWINSKI. Mr. Speaker, a great deal of attention has been focused on Africa in view of recent escalated incidents of terrorism. Father Andrew Greeley, the noted sciologist, discusses the diplomatic interest in that continent in an editorial of March 15, appearing in the Chicago Tribune. The editorial follows:

THIRD WORLD MURDERS ARE HOLY

(By Andrew Greeley)

It would be nice to think that the murder of the priests and nuns in Rhodesia would jolt Catholic religous leaders out of their Third World worship. But every white missionary [Protestant or Catholic] in Africa or Asia could be gunned down tomorrow and the Third World romanticism of church leadership will remain undaunted. The Third World is good, holy, virtuous, and true. We must expiate our "social guilt"—as Catholic scholar Philip Scharper recently remarked—to these pure new nations. So let the missionaries be killed.

One need not be an admirer of colonialism nor an advocate of a return to it to observe that in most of the countries of the Third World the ordinary people had much better lives under colonial rule than they do under their new masters. There are more political prisoners under Mrs. Gandhi than there ever were under the British Raj in India, and the English did not sterilize men by force. More Angolans are being murdered by their own government—and Cuban mercenaries—than were ever killed by the Portuguese. Most of the countries of what was once French West Africa have lower standards of living than they did under the French.

A citizen of Zaire was less likely to be beaten by Belgians than he is by the troops of the Great God Mobutu.

And for all the talk about "majority rule" in Rhodesia, not even Andrew Young can believe that a change will be anything more than a transfer of power from a white minority [which has no right to rule the country] to a black minority [which will also have no right to rule the country]—and probably one which will include the murderers of the missionaries. All hail the Third World.

Speaking of Young, did anyone notice that he praised the Cuban troops in Angola as bringing "stability" to the country? When Americans destroyed villages with flame throwers in Viet Nam it was a war crime. If Cubans do it in Angola it is in the name of stability. My Lai was a terrible international scandal. But there are scores, perhaps hundreds of My Lais in the southern part of Angola and its all right because it is Third World genocide.

Perhaps a third of the population of Cambodia has been killed by the country's new rulers [who rule courtesy of the United States Senate, which would not support aid to the old regime]. This is mass murder comparable to what Hitler did to the Jews. But Third World mass murder is not even to be mentioned among us. If the new rulers of a country want to kill a couple million peopeople, well that's their business. They are, after all, part of the virtuous.

Much of Africa, through which Young paraded recently with wide-eyed wonder, has reverted to barbarism and savagery—Central Africa, Ethiopia, Equatorial Guinea, Guinea Bisseau, Uganda, and, to some extent, Zaire and Nigeria. There are few countries with anything resembling political freedom. Some nations have relatively benign despotism—Kenya, Tanzania, Zambia. But there are thousands of political prisoners in Tanzania and political opponents or even ambitious allies of Jomo Kenyatta have a way of getting mysteriously killed. Still, it's the Third World and if you want to jail or kill your opponents that has to be all right. If we don't object to your gunning down white missionaries, we certainly can't object to your killing each other—as the officers do in Addis Ababa almost every week. It's nice that black folks will help white folks to expiate, I guess.

It is undoubtedly very difficult for the new nations to solve their economic, political, tribal, and religious problems. There was a lot of barbarism in Western Europe for a couple of millenia before that part of the globe settled down. And the richer countries of the world should do what they can to help the new nations.

But no help is given by pretense; and surely no help is given by those religious leaders who think that the colonialist sins of the past somehow legitimate the bloody barbarism of the present. Torture, repression, murder, genocide are wrong everywhere—in Chile, in Russia, in Cambodia, in Uganda, in Ethiopia, in Algeria, in India. If they are moral in one country, they are moral in every country, and we are but a step away from the stone age.

And the comparison may be unfair to the people of the stone age.

U.N. DEVELOPMENT PROGRAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. FRASER. Mr. Speaker, one of the most effective United Nations organizations has been the U.N. Development Program whose technical, economic, and social assistance has greatly contributed to the quality of life in many nations around the world.

It was therefore most appropriate that the first formal presentation by our United Nations Ambassador Andrew Young was made February 1, 1977, before the Governing Council of the UNDP.

I would like to share Ambassador Young's statement with my colleague, as it reflects the importance with which President Carter and his administration view UNDP's work and the U.S. participation in the organization. I would also like to take this opportunity to endorse the administration's praise for the good work of UNDP's present Administrator, and our former congressional colleague, Brad Morse.

Ambassador Young's statement follows:

STATEMENT BY AMBASSADOR ANDREW YOUNG

Thank you very much, Mr. President. It's certainly a distinct pleasure and honor for me to just spend a few minutes here with you and to have this, my first meeting in my service as a Permanent Representative of the United States to the United Nations. In many ways I think it's quite appropriate, because I see the work of the United Nations Development Program as really being the heart of the United Nations system. For it is you that actually do the work of helping people to really and truly be free—free from hunger, free from want, free from disease and poverty—and it's our commitment as a nation to join with you in your work. We do have a great deal of confidence in you, as President of this body, and certainly in the Administrator, Bradford Morse, who comes from our country. And the present Administration has assured me that they will be making every effort, not only to continue support at present levels, but do whatever we can in our approaches to the Congress to increase those commitments and to see to it that this work is not in any way impaired by a lack of the funds that are needed to do the work that has to be done around the world. I look forward to an opportunity of learning of this work. I want to make this an important part of my activities as the Permanent Representative. I see, in addition to the Security Council and the General Assembly, the job of actually doing things for people as a high priority in my agenda. And so I will be looking to you for guidance, for leadership, for help, and will not only represent my country to you, but will seek to represent you and the needs of the world to my country, to my friends in the Congress, to the President of the United States and the Secretary of State. And I've been encouraged, and I know you will soon be encouraged, by the dedication and the support for your work and the work of us all that you will find from this Administration.

Again, I say that it's my pleasure to be here. I'm very honored and humble that you would allow me the privilege of addressing you when I don't really know what I'm talking about. (Laughter) But, I want to assure you that I am a good student, and I will learn very quickly from you and I will work very hard. And, I am sure, together, we can begin to fulfill many of the hopes and promises that this institution has made to the peoples of the world. Thank you very much.

THE FIGHT FOR HUMAN RIGHTS

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. YOUNG of Missouri. Mr. Speaker, Congress is playing a crucial role in the fight for human rights by pressing for Soviet compliance with the provisions of the Helsinki agreement.

The action makes it clear to both the Soviet authorities, and to the Jews and other oppressed minorities, that Congress will not ignore the government's abuses. We are conveying the message that we will relentlessly put a spotlight on the beatings and tortures, the outrageous confinement of some dissidents to psychiatric institutions, and the refusal to allow minorities to emigrate.

We are putting the Soviet government on notice, too, that we do not take casually the Belgrade Conference in June that will review progress made since the 1975 Helsinki convention.

The Congress, by approving the resolution, is heightening awareness among other nations of the seriousness with which we treat the principles of the Helsinki accords.

And the Congress is providing a loud signal to the growing number of dissenters in other Communist nations—among them Hungary, East Germany, Poland, and Czechoslovakia—that the United States plans to speak out in support of the oppressed, if those rights are abridged, in any nation, no matter how powerful.

UNWISE USE OF TAX DOLLARS FOR CABINET OFFICER COMPENSATION

HON. ALLEN E. ERTEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1977

Mr. ERTEL. Mr. Speaker, as one who is concerned about saving taxpayer dollars wherever possible and making sure that tax dollars are spent wisely, I was upset by recent revelations that the Secretary of the Department of Health, Education, and Welfare may not have as close an eye on his expenses as we in Congress would like.

HEW is one Department that spends vast sums on programs vital to the people of the 17th District in Pennsylvania and throughout the Nation. From aiding pregnant mothers to helping set up meals for senior citizens, the Department assists many in our society who need help the most.

No one can deny that expenditures such as these are wise investments in the well-being of our country and our people, but recent reports of some expenditures by the Secretary of HEW can hardly be termed a wise investment of tax dollars.

I refer to recent reports in the press which relate that the Secretary has a personal chef on the Government payroll. While I feel it is important that those who head Cabinet Departments are given adequate compensation for their hard work, I do not feel that the taxpayers should be called upon to foot the bill for such personal services.

I understand that the President has had one talk with the Secretary about these highly questionable expenses I hope there is no need for any more. But just to make sure, I am announcing here today that I intend to offer an amendment to the next appropriations bill for the Department of Health, Education, and Welfare which will prohibit the Secretary from spending any public funds for chefs, or any other person providing essentially personal services for the Secretary.

If the Secretary feels such services are necessary, I have nothing against him paying for them out of his own pocket. But we must not allow tax dollars to be used for a totally needless personal entourage.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 29, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

MARCH 30

9:00 a.m.

Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear Secretary Bergland.
1224 Dirksen Building

Energy and Natural Resources
To hold hearings on the nomination of Guy Richard Martin, of Alaska, to be an Assistant Secretary of the Interior.
3110 Dirksen Building

9:30 a.m.

Appropriations
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Park Service.
S-126, Capitol

Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
235 Russell Building

10:00 a.m.

Agriculture, Nutrition, and Forestry
Subcommittee on Agricultural Production, Marketing and Stabilization of Prices
To hold oversight hearings on problems of flue-cured tobacco farmers.
322 Russell Building

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Export-Import Bank, and Overseas Private Investment Corporation.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Armed Services
Research and Development
To continue closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building

Banking, Housing, and Urban Affairs
To mark up S. 305, to require issuers of securities to maintain records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on proposed fiscal year 1978 authorizations for the Nuclear Regulatory Commission.
4200 Dirksen Building

Governmental Affairs
To continue hearings on S. 591 and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To continue hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Human Resources
Health and Scientific Research
To continue hearings on S. 705, to revise and strengthen standards for the regulation of clinical laboratories.
Until: 12:00 noon 6202 Dirksen Building

Human Resources
Labor Subcommittee
To hold hearings on S. 717, to promote safety and health in the mining industry.
Until: 1:00 p.m. 4232 Dirksen Building

Joint Economic
To hold hearings to receive testimony on a study on food chainstores' profits and prices.
318 Russell Building

Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

10:30 a.m.

Commerce, Science and Transportation
To consider the nomination of Michael Pertschuk, of the District of Columbia, to be a Federal Trade Commissoner.
5110 Dirksen Building

11:00 a.m.

Foreign Relations
Foreign Assistance Subcommittee
To consider proposed legislation authorizing funds for development assistance programs, and for contributions to international organizations.
4221 Dirksen Building

1:30 p.m.

Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

2:00 p.m.

*Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Social Security Administration and Social and Rehabilitation Service.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Foreign Relations
Subcommittee on Foreign Economic Policy
To meet in closed session to receive a staff report on U.S. Foreign Economic Policy Issues· The United Kingdom, France, and West Germany.
S-116, Capitol

Rules and Administration
To resume consideration of S. Res.'s 5 through 12, proposing several changes in the Senate rules, principally with regard to Rule XXII (cloture), and to consider other committee business.
301 Russell Building

MARCH 31

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.
332 Russell Building
Foreign Relations
Foreign Assistance Subcommittee
To mark up legislation on international financial institutions and bilateral development assistance.
4221 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.
1318 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
Energy and Natural Resources
Business meeting, to consider the nominations of Guy Richard Martin, of Alaska, and Robert L. Herbst, of Minnesota, each to be an Assistant Secretary of the Interior.
3110 Dirksen Building
Human Resources
Handicapped Subcommittee
To resume oversight hearings on the implementation of the Developmentally Disabled Assistance and Bill of Rights Act (Public Law 94–103).
Until: 1 p.m. 6202 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To hold hearings in connection with the protection of human subjects used in experimental research until 12:30 p.m.
6226 Dirksen Building
Select Small Business
To hold hearings on the nomination of Arthur Vernon Weaver, Jr., of Arkansas, to be Administrator of the Small Business Administration.
424 Russell Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear public witnesses.
1223 Dirksen Building
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on S. 664, to provide for the insurance of graduated payment mortgages, and S. 1078, to revise the experimental mortgage insurance program.
5302 Dirksen Building
Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building
Energy and Natural Resources
Subcommittee on the Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on national water policy in light of current drought situations.
4200 Dirksen Building
Governmental Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building
Human Resources
Subcommittee on Labor
To continue hearings on S. 717, to promote safety and health in the mining industry.
Until 1:00 p.m. 4232 Dirksen Building
Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S–407, Capitol
Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until: 1 p.m. 1202 Dirksen Building

11:00 a.m.
Foreign Relations
Subcommittee on Arms Control, Oceans and International Environment
To hold hearings on S. Res. 49, favoring international agreement to a treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of Civil Rights, Inspector General, Policy Research, and General Management.
S–128, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense establishment, to hear public witnesses.
S–126, Capitol
Appropriations
Legislative Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the legislative branch, on items under the Office of the Secretary of the Senate.
S–146, Capitol
Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S–407, Capitol

3:30 p.m.
Foreign Relations
To receive a briefing (in closed session) from officials of the Central Intelligence Agency on the general world situation.
S–116, Capitol

APRIL 1

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on the administration's proposals relative to the food stamp program.
322 Russell Building

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S 292 and S. 689.
5110 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To continue hearings in connection with the protection of human subjects used in experimental research.
Until: 12:30 p.m. 6226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 664, to provide for the insurance of graduated payment mortgages, and S. 1078, to revise the experimental mortgage insurance program.
5302 Dirksen Building
Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building
Commerce, Science, and Transportation
To hold hearings on the nominations of Charles Linn Haslam, of North Carolina, to be General Counsel, and Frank Alan Weil, of New York, to be an Assistant Secretary, both of the Department of Commerce.
235 Russell Building
Energy and Natural Resources
Subcommittee on Energy Research and Development
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on proposed fiscal year 1978 authorizations for the Nuclear Regulatory Commission.
457 Russell Building
Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building
Human Resources
Subcommittee on Labor
To continue hearings on S. 717, to promote safety and health in the mining industry.
Until: 1:00 p.m. 4232 Dirksen Building

11:00 a.m.
Foreign Relations
International Operations Subcommittee
To hold hearings on proposed 1978 authorizations for the International Broadcasting Board.
4221 Dirksen Building

Joint Economic
To hold hearings on the employment/unemployment situation.
1202 Dirksen Building

2:30 p.m.
Foreign Relations
To receive a briefing by Leonard Woodcock on his delegation's recent trip to Vietnam and Laos.
4221 Dirksen Building

APRIL 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10::00 a.m.
Appropriations
HUD-Independent agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To hold oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To resume hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
S-407, Capitol

Governmental Affairs
To hold hearings to release an Office of Technology Assessment report entitled "Nuclear Proliferation and Safeguards."
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To hold oversight hearings on the administration of the Black Lung program.
Until: 2:00 p.m. 4232 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To hold hearings on S. 961, to promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes.
Until: 1:00 p.m. 2228 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

*Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
235 Russell Building

Human Resources
To consider S. 855, to authorize funds for fiscal year 1978 for activities of the National Science Foundation; S. 755, extending through fiscal year 1978 all expiring health programs under the Public Health Service Act and the Community Health Centers Act; and S. 725, authorizing funds through fiscal year 1982 for certain education programs for handicapped persons.
Until: 11:30 a.m. 4232 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the glass eye industry.
318 Russell Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
1224 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Joint Economic Committee
To resume hearings to receive testimony on a recent study prepared by the University of Wisconsin on food chain stores' profits and prices.
318 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
S-407, Capitol

10:30 a.m.
Commerce, Science and Transportation
To hold a business meeting.
5110 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

APRIL 6

9:00 am.
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 393, the proposed Montana Wilderness Study Act.
Room to be announced

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear congressional witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Select Small Business
Monopoly Subcommittee
To continue hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommitte on Energy Conservation and Regulation
To continue oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Biulding

Governmental Affairs
Energy Subcommittee
To continue hearings on S. 897, to

strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on the benefits from and technological uses of genetic engineering-Deoxyribonucleic Acid (DNA) research.
6202 Dirksen Building

APRIL 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 1019, to authorize funds for the fiscal years 1978 and 1979 for certain maritime programs.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

Select Intelligence
To hold a closed hearing on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407 Capitol

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Dr. Frank Press, of Massachusetts, to be Director of the Office of Science and Technology Policy.

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To resume hearings on the national water policy in view of current drought situations.
4200 Dirksen Building

Judiciary
To hold hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building

Environment and Public Works
To resume hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendation thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine government accounting and auditing practices and procedures.
3302 Dirksen Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

Select Small Business
To hold hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Commerce, Science and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Coast Guard.
5110 Dirksen Building

Judiciary
To resume hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 26

9:30 a.m.
Select Small Business
To hold hearings on problems of small business as they relate to product liability.
1202 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee

To hold hearings to receive testimony in connection with delays and congestion occurring at U.S. airports-of-entry.
235 Russell Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on proposed fiscal years 1978 authorizations for the Nuclear Regulatory Commission.
4200 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

May 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

May 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 9

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To hold oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 10

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To resume oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Government Affairs
Subcommittee on Reports, Accounting, and Management
To resume hearings to examine government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 11

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To continue hearings to examine government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To resume hearings to examine government acounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to examine government accounting and auditing practices and procedures.
3302 Dirksen Building

JUNE 13

9:30 a.m.
Commerce, Science and Transportation
Comunications Subcommittee
To hold oversight hearings on the cable TV system.
235 Russell Building

JUNE 14

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

JUNE 15

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

CANCELLATION

APRIL 5

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

HOUSE OF REPRESENTATIVES—*Tuesday, March 29, 1977*

The House met at 12 o'clock noon.

Father William J. Moody, St. Mary's Roman Catholic Church, Cumberland, Md., offered the following prayer:

Give to the Lord, you sons of God, give to the Lord glory and praise. Give to the Lord the glory due His name, adore the Lord in holy attire.—Psalm 28.

Let us pray—

God our Father, You guide everything in wisdom and love. Help us walk in beauty, and make our eyes ever behold the sunset.

Make us wise so that we may understand the things You have revealed in Your Son.

Let us seek strength not to be greater than others; but to acknowledge Your Son present in them.

Hear the prayer we offer for this as-

sembly. You know the longings of Your people. Guide those in authority, so that they may seek: freedom, security, and peace for Your people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On March 24, 1977:

H.R. 2647. An act to amend the Small Business Act and the Small Business Investment Act of 1958.

On March 25, 1977:

H.R. 3839. An act to rescind certain budget authority recommended in the message of the President of January 17, 1977 (H. Doc. 95-48), transmitted pursuant to the Impoundment Control Act of 1974.

FATHER WILLIAM J. MOODY

(Mr. BYRON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BYRON. Mr. Speaker, it is a privilege to have with us today, the Reverend Father William Moody to offer the prayer as we begin this session of the House of Representatives. Father Moody is my constituent and is assistant pastor of St. Mary's Catholic Church in Cumberland, Md.

Father Moody is a native of Maryland's Sixth Congressional District. He was born in Frostburg, Md., attended St. Michael's Parochial School and graduated from Beall High School before continuing his education. Ordained a priest in 1970, Father Moody has continued to serve western Maryland both as a priest and an outstanding citizen.

Father Moody served with the U.S. Navy in the Pacific during World War II. Then came 20 years of service as a teacher and principal with the Baltimore public school system.

As a priest, Father Moody has added duties as chaplain of a hospital and a nursing home. As a concerned citizen, Father Moody serves on the Allegany County Commission on the Aging.

I am sure my colleagues have received a blessing from Father Moody's words. I am proud to welcome Father Moody and his many senior citizen friends from Cumberland, and I thank him for his inspiring words.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO FILE REPORT ON H.R. 3199, FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1977

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until midnight tonight to file a report on the bill (H.R. 3199), the Federal Water Pollution Control Act Amendments of 1977.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

KUDOS TO MARQUETTE WARRIORS ON WINNING NCAA BASKETBALL CHAMPIONSHIP

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Speaker, I am pleased and proud to take this time to congratulate the Marquette Warriors who last night won the NCAA basketball championship in a tough battle with a very fine North Carolina team. The game was a tribute to basketball, the players involved and their schools, the fans, and coaches, Al McGuire and Dean Smith. Although they possess different attitudes and coaching philosophies, Mr. McGuire and Mr. Smith are a tribute to the game and are to be congratulated for fine seasons.

Last night, however, belonged to Al McGuire and the Marquette Warriors. The score was 67-58, the game was close until the very end. I am proud to be an alumnus of Marquette University for many reasons, but it was especially enjoyable to have the team win the championship for the colorful gentleman who coached his last college basketball game. Foremost in anyone's perception of McGuire is his understanding sportsmanship, which was clearly evident in the game. McGuire will be greatly missed by Marquette University and by the sport of basketball. The championship is a fitting finish and we all wish Al well in his new career.

The victory in the championship game is one which is being celebrated by Marquette University and its fans in Milwaukee and the rest of the country, and I am proud to be able to add my congratulations to the team at this time. But I believe everyone who watched the game can celebrate the quality of the struggle between two talented and well coached teams, the spirit of two fine universities and their fans, and the sportsmanship and good feeling of a true championship game played by champions.

RECONSIDERING REORGANIZATION

(Mr. CONYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, the constitutional issues involved in the vote today on granting reorganization authority to the executive branch are elementary. The organization of the executive branch is a matter of law and, therefore, cannot be changed unless substitute laws are passed by both Houses of Congress and either signed by the President or vetoed and returned for an overriding vote of two-thirds of both Houses. This procedure is unambiguously explained in article I, section 1 of the Constitution which states that "all legislative powers herein granted shall be vested in a Congress of the United States." Article I, section 7, further states that bills are passed by the Congress and sent to the President for his approval or disapproval.

H.R. 5045 contradicts this constitutionally proscribed procedure. In effect it proposes that laws are enacted by the President and become operative in the absence of a veto by either house of Congress. Indeed, if Congress remains silent, then the President's submissions become law without the Congress having acted at all. This stands traditional procedure upside down, and may quite possibly be unconstitutional by giving the Executive legislative powers reserved for Congress.

The bicameral legislative process ought not be so easily shunted aside with regard to the reorganization of the executive branch. The supposed advantage of H.R. 5045, and the proposal that originated from the Executive, is that of expeditiousness. Yet, given the present sympathies the Congress has for the President, including my own, it is unlikely that the President would encounter serious delay.

What has been proposed here is an unnecessary and unseemly abdication of legislative responsibility—a usurpation by the Executive with the cooperation of the Congress of our own legislative powers. The lawmaking role of Congress should be more fully exercised, not less so.

THE 1976 REPORT ON NATIONAL CANCER PROGRAM FOR CALENDAR YEAR 1975—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

Pursuant to the requirements of the National Cancer Act of 1971 (P.L. 92-218) as amended, I hereby transmit the Report of the Director, 1976 on the National Cancer Program for calendar year 1975. The period covered by the report precedes my term of office.

JIMMY CARTER.

THE WHITE HOUSE, *March 29, 1977.*

FIFTH ANNUAL REPORT UNDER FEDERAL ADVISORY COMMITTEE ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Government Operations:

To the Congress of the United States:

In accordance with the provisions of Section 6(c) of the Federal Advisory Committee Act, the report on the status of advisory committees in 1976 is herewith forwarded.

This is the fifth annual report. It is organized to provide summary information about the activities of advisory committees, and public access to specific committees and the federal agencies to whom they provide advice.

With the current government-wide, zero-base review of all advisory committees, the number of existing committees should be sharply reduced. This reduction will be reflected in the next annual report.

JIMMY CARTER.

THE WHITE HOUSE, *March 29, 1977.*

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF U.S. DELEGATION TO NORTH ATLANTIC ASSEMBLY

The SPEAKER laid before the House the following resignation as a member of the U.S. House of Representatives Delegation to the North Atlantic Assembly:

MARCH 29, 1977.

Hon. THOMAS P. O'NEILL,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as a member of the U.S. House of Representatives Delegation to the North Atlantic Assembly.

Sincerely yours,

CLEMENT J. ZABLOCKI,
Chairman.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints the gentleman from Indiana, Mr. HAMILTON, as a member of the U.S. group of the North Atlantic Assembly, to fill the existing vacancy thereon.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

FURTHER CONTINUING APPROPRIATIONS, 1977

Mr. MAHON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 351) making further continuing appropriations for the fiscal year 1977, and for other purposes.

The Clerk read the joint resolution, as follows:

H.J. RES. 351

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of October 11, 1976 (Public Law 94–473), is hereby amended by striking out "March 31, 1977" and inserting in lieu thereof "April 30, 1977".

SEC. 2. Such joint resolution is further amended by adding at the end thereof the following new section:

"SEC. 113. Such amount as may be necessary for the quarter ending March 31, 1977, for payments to the State and Local Government Fiscal Assistance Trust Fund, as authorized by the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221–1263).".

The SPEAKER. Is a second demanded?

Mr. CEDERBERG. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MAHON. Mr. Speaker, I yield myself such time as I may consume.

Madam Speaker, this further continuing resolution which was approved by the Appropriations Committee yesterday is very simple and, insofar as I know, completely noncontroversial. It is a 1-month extension of the existing continuing resolution which expires at midnight Thursday, the day after tomorrow. A further continuing resolution is needed for two reasons.

First, it is necessary to allow the Secretary of the Treasury to make the next general revenue sharing payments to some 39,000 State and local governments. This is the payment for the calendar quarter ending March 31.

Second, a large number of programs traditionally funded in the appropriation bill for the Departments of Labor and Health, Education, and Welfare have been operated under the existing continuing resolution since last October and will be without further continuing authority at midnight on Thursday.

The committee recommends a further continuing resolution because the two appropriation bills which passed the House 2 weeks ago and which contain funds for the purposes I have mentioned, have not proceeded in the other body as rapidly as had been envisioned.

I would say, Madam Speaker, that in the closing days of the last session, the committee came forward with the original continuing resolution which basically provided interim financing for a variety of programs in the fields of manpower, education, and health. This interim authority was required because certain authorizations were not completed in time last year for the subsequent funding to be included in the regular annual appropriation bill. While most of these programs received funding in H.R. 4877, the supplemental appropriation bill which passed the House on March 16, that bill has been somewhat delayed in the other body and last week it became evident that we could not go to conference and clear the conference report within the time frame originally planned.

With respect to general revenue sharing, the State and Local Fiscal Assistance Act of 1972 prescribes that quarterly revenue sharing payments shall be made not later than 5 days after the end of each quarter. Presently there is no appropriation enacted into law from which to make such payments for the current quarter. The fiscal 1977 appropriation is contained in H.R. 4876, the so-called fiscal stimulus appropriation bill, which passed the House on March 15. Action has been delayed in the other body on this measure and last week we were advised that it would not be considered until sometime after Easter.

I think it is important to note that this resolution does not provide additional funds over and above the amounts already approved by the House. Any expenditures made under the authority of this resolution shall be charged to the regular appropriations once they are enacted. This requirement is contained in section 105 of Public Law 94–473.

So, Madam Speaker, it is in the interest of orderly government that the committee brings before the House this 1 month further continuing resolution. The reasons for it are perfectly valid and I urge its adoption.

Madam Speaker, I reserve the remainder of my time.

Mr. CEDERBERG. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will take very little time because it is obvious that it is necessary to have this continuing resolution if we are going to provide the necessary funds for revenue sharing and in some of the other programs.

I will, however, take this time to observe that when we passed the Budget Control Act, we prided ourselves on the fact that we were going to move the fiscal year back from June 30 to September 30, and as a result we would do away with continuing resolution supplementals, and so forth. It obviously has not worked out that way at all. We are right back where we were with continuing resolutions. The fiscal year started October 1, and now we have a continuing resolution until April 30. It is still not a good way to run a railroad, but I do not know how else we can do it.

Madam Speaker, I yield back the remainder of my time.

Mr. MAHON. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. BOLAND), chairman of the Subcommittee on HUD and Independent Agencies.

Mr. BOLAND. Madam Speaker, as the distinguished chairman of the full committee has indicated, this continuing resolution concerns only the payment for the first quarter of general revenue sharing—from January 1 to March 31 of this year. The Members will recall that we extended the general revenue sharing program for 3¾ years, and that the first payment is due by April 5. A failure to provide the money now for the first quarter would mean that those payments and checks could not be made by April 5. The total payment for the year is $4,991,-085,000, but this continuing resolution concerns itself only with satisfying the payment from January 1 through March 31 and totals approximately $1,663,000,-000.

Mr. MAHON. Madam Speaker, I have no further requests for time.

GENERAL LEAVE

Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure now under consideration.

The SPEAKER pro tempore (Miss JORDAN). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MAHON)

that the House suspend the rules and pass the joint resolution (H.J. Res. 351).

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2992) to authorize appropriations for fiscal year 1978 for carrying out the Comprehensive Employment and Training Act of 1973 as amended.

The Clerk read as follows:

H.R. 2992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated such sums as may be necessary for the fiscal year ending September 30, 1978, for carrying out the provisions of titles I to VII of the Comprehensive Employment and Training Act of 1973, as amended.

The SPEAKER pro tempore (Miss JORDAN). Is a second demanded?

Mr. SARASIN. Madam Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. PERKINS) is recognized for 20 minutes, and the gentleman from Connecticut (Mr. SARASIN) is recognized for 20 minutes.

Mr. PERKINS. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, the purpose of H.R. 2992 is to extend the authorization for the Comprehensive Employment and Training Act—CETA—for 1 additional year, through fiscal year 1978.

The authorization of appropriations for all titles of CETA expires during fiscal year 1977. This bill simply allows the CETA program to continue until the committee has the opportunity to fully consider the various proposals which have been advanced for changes in the basic legislation.

The Subcommittee on Employment Opportunities, chaired by my good friend and distinguished colleague, Representative AUGUSTUS HAWKINS, has already held 6 days of oversight hearings on CETA during this session, and numerous additional hearings days have been scheduled.

H.R. 2992 will insure that this very important program continues without interruption while Chairman HAWKINS and his colleagues on the subcommittee carefully weigh the proposed changes to this most complex legislation. As is evident from the additional and supplemental views filed with the committee's report, my colleagues on the minority side agree with this approach, and the committee voted unanimously to report this bill to the House.

The CETA legislation is familiar to most of my colleagues:

Title I provides for a program of financial assistance to States and local prime sponsors to enable them to plan and operate comprehensive programs for training and employment services.

Titles II and VI authorize public service employment programs. Title II is designed to deal with structural unemployment problems, in areas where unemployment is running at a level of 6.5 percent or higher. Title VI is designed as a countercyclical program, where, as is the case now, unemployment is at a high rate nationwide.

The Economic Stimulus Appropriations Act, which cleared the House on March 15, provided enough funds to increase the number of job slots under these two titles from the present level of 310,000 to a total of 725,000 by the end of fiscal year 1978.

Title III of CETA authorizes the Secretary of Labor to operate manpower programs for special target groups and to conduct research, evaluation, and labor market information functions. The Economic Stimulus Appropriations Act provided an additional $1.5 billion under this title, most of it for programs dealing with the problems of youth unemployment.

The administration is proposing a number of new initiatives under Title III, including a program to establish rural youth conservation centers. I have discussed this with a number of administration officials and I heartily support this new initiative. We are awaiting the President's detailed proposals for the rest of this new package of proposals.

Title IV of CETA contains the authorizing legislation for the Job Corps. I believe the Job Corps to be one of the finest programs we have developed for our young people, and I applaud President Carter's decision to seek enough funds from the Congress to double its size.

While my colleagues and I might differ about this or that provision of CETA, I believe there is widespread agreement that the legislation is basically sound. Approval of this 1-year extension will give us the time we need to carefully consider whatever changes in the legislation may be called for.

Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WEISS), a member of the subcommittee.

Mr. WEISS. Madam Speaker, I thank the chairman for his courtesy in yielding.

Madam Speaker, I rise in support of H.R. 2992, legislation to extend the Comprehensive Employment and Training Act for fiscal year 1978. I know that many of the Members expressed a concern that this renewal of CETA should contain certain set-asides or preferences for groups which they feel are deserving or needy of special help through the CETA program.

As you know, the Committee on Education and Labor reported out a simple extension. I thought it would be helpful to explain to the Members why a simple extension was proposed by telling of the problems which the committee encountered in dealing with special set-asides. Perhaps the proposed amendment which best illustrates the questions which we had about changing the program concerned the proposed Vietnam-era veteran's preference.

Under the current CETA regulations, a veteran who served in Indochina on or after August 2, 1964, is given special consideration for CETA placement. Under this special consideration provision there are no conditions as to age of the veterans, his length of service, or where he served. The goal of the Labor Department has been to have roughly 35 percent of CETA spots filled with Indochina veterans. Under the present law, veterans are given a 48-hour advance for applying for positions. Local prime sponsors are encouraged to hire veterans but they are not required to do so.

The administration had proposed an amendment through which it was their intention to target with an absolute preference an area of great need: younger Vietnam veterans. The amendment would have established a preference for Vietnam-era veterans who are 27 years old and younger. Under their proposal a job would have had to be listed with a local public employment service and held open for 48 hours before it could be filled by a nonveteran. Under the proposal, the veteran would have been afforded the right of first refusal. In this sense it would have been an absolute preference, as officials of the Department of Labor told us: The ability to turn down a job is beyond a special consideration.

Even given the right of first refusal, there seems to be more direct targeting for the Vietnam-era veteran under the current special consideration provision of the law than there is under the proposed "Vietnam-era preference."

The proposed amendment would have limited preference under the act to those Vietnam-era veterans who are 27 years old and younger. If a Vietnam veteran who was wounded in combat and is 28 applies for a CETA position, he would not be eligible for the proposed preference.

Also, we were told that disabled veterans would be given a first preference under the proposed plan, that they would, in effect, move to the front of the line for CETA jobs. Unfortunately there is a catch: They would have to meet the income level and the terms of unemployment which are eligibility requirements of the proposal and be under age 27. This seems to me to be a meaningless gift to give somebody.

I could be making a set-aside or giving special preference to an individual who has contributed to our country by having served in Indochina at a time of hostilities. The proposal which we considered failed to address this. Considering the levels of unemployment among certain categories of our population including younger women, I do not think that we should have special categories for those who happened to have served

in the military, but who did not undergo any greater privation than somebody who may have been in the civilian market. Just to say that a person was in the military and that he be given a preference not as a result of where he served or what hardships he endured does not seem to hinge the preference which we considered to anything.

As you can see, set-asides can raise a great number of questions. We reported this bill with a simple extension in order that we could examine all of the problems—including the Vietnam-era veteran's preference—and come up with a plan which is not only workable, but which actually deals with the problems which we face. We are attempting in committee and in subcommittee to approach the problem of unemployment in a comprehensive manner. This simple extension will give to us the opportunity to examine the merits of every proposal concerning a change in CETA.

At this time, I would like to thank Chairman PERKINS and Subcommittee Chairman HAWKINS for their leadership on this issue.

Mr. PERKINS. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. HAWKINS), the author of the bill.

Mr. HAWKINS. Madam Speaker, it is not really my intent to speak at great length on H.R. 2992, inasmuch as this bill is a simple extension bill to continue the comprehensive training and employment program 1 additional year. This is not to imply that the program is not without some problems. I certainly know the members of the subcommittee that I chair are well aware of the problems involved in this program.

Madam Speaker, the bill, H.R. 2992, is a simple authorization for the Comprehensive Employment and Training Act for fiscal year 1978. No substantive changes in the basic act are made. The bill merely authorizes appropriations for 1 additional year as the authorization under present law expires September 30, 1977.

H.R. 2992 was unanimously reported by the Education and Labor Committee on March 22. It has the strong support of both minority and majority members of the committee.

During the 94th Congress, the Education and Labor Committee conducted extensive oversight hearings on CETA throughout the country. These hearings indicated broad support for the Comprehensive Employment and Training Act. During these hearings and in 6 days of hearings conducted by the Subcommittee on Employment Opportunities this year, numerous proposals for substantive change were presented to the committee. Moreover, the administration has also indicated its intention to submit amendments later this year. It was the committee's view that reauthorization for all CETA programs should not be delayed while such proposals were reviewed. Therefore, the committee recommended a simple 1-year extension of CETA programs to allow the committee and the administration an opportunity to consider needed amendments in a thoughtful and deliberative manner.

Reauthorization of CETA is essential to the administration's program to stimulate the economy and relieve unemployment. The Economic Stimulus Appropriation Act, H.R. 4876, passed in the House on March 15, provided funding for 725,000 public service job slots to December 30, 1978, under titles II and VI of CETA. Moreover, the stimulus appropriation provided $1 billion to establish youth employment and training programs under title III, $250 million for a new skill training improvement program, and $120 million to establish a program to provide jobs for young veterans. In addition, the stimulus appropriation expanded the Job Corps under title IV of CETA from its current level of 22,700 slots to 30,000 slots by the end of fiscal 1977.

The Comprehensive Employment and Training Act which is extended by the measure before us today, establishes a flexible and decentralized system of Federal, State, and local programs to provide training, work experience, counseling and job referral, supportive services and employment opportunities for economically disadvantaged, unemployed, and underemployed persons. Briefly, CETA authorizes comprehensive manpower services to enable individuals to secure and retain employment at their maximum capacity; transitional employment in needed public services, special manpower services to segments of the population that are in particular need of such services, including youth, offenders, persons of limited English speaking ability, older workers, Indians, migrants, veterans and others; intensive programs of education and training in a job corps for low income, disadvantaged youth, and special unemployment assistance for workers who are unemployed during a period of aggravated unemployment and who are not otherwise eligible for unemployment allowances under any other law.

The bill before us today authorizes such sums as are necessary for fiscal year 1978. It authorizes no new programs or funding levels. The committee estimates that the cost for CETA in fiscal year 1978 will be $6 billion. This amount is the committee's recommendation to the Budget Committee based on reaching a total of 1.1 million public service jobs by the end of fiscal 1978. The CBO's estimates of cost is $8,286,000. CBO's estimate for outlays in fiscal year 1978 includes the spendout of the advance appropriation for titles II and VI authorized in the economic stimulus appropriation while the committee's estimates for outlays addresses only the authorization in this bill.

The administration submitted its proposal for extension of CETA in a letter from Labor Secretary Ray Marshall to the Speaker dated March 8, 1977. This proposal recommended extension of CETA for 1 year, but also proposed two substantive amendments. The first amendment would have repealed section 4(e) of the current law which restricts the level of funding for national programs under titles III and IV of the act to 20 percent of the total funding under the act. The second amendment would have provided a preference in public service employment programs funded under titles II and VI of the CETA first for disabled Vietnam era veterans and then for other unemployed veterans under 27 years of age.

Because these proposals were submitted after the committee had received testimony on the extension of CETA from prime sponsors and others, the subcommittee solicited the views of a number of organizations on the administration's porposals. The committee received responses from the National League of Cities, the U.S. Conference of Mayors, the National Governor's Conference, the National Association of Counties, and the U.S. Chamber of Commerce. All responses were in opposition to a repeal of the 20 percent limitation; all but the Chamber of Commerce expressed opposition to establishing a preference for any one segment of the population served. The chamber's response was silent on this issue.

It is my view that the question of the limitation of funding programs under titles III and IV is closely tied to consideration of a youth employment program. Presently, the greatest proportion of funding under these titles goes to youth. The administration has indicated that it will submit legislation within the next few days to authorize a comprehensive youth employment program. The Subcommittee on Employment Opportunities has begun hearings on various youth employment proposals and will be considering the administration's youth proposal when it is introduced. At that time, the committee will review the need for amendments relating to the limitation for funding titles III and IV.

With respect to the administration's proposal to establish a preference for Vietnam-era veterans under titles II and VI of CETA, it was the committee's view that the administration's proposal would actually aid only a limited number of veterans, and that provisions concerning veterans under current law were not being adequately administered by the Department of Labor. The administration proposed a preference for Vietnam-era veterans under the age of 27. According to estimates developed by the House information systems group from data in the March 1975 current population survey, approximately 20,000 veterans met the title VI eligibility requirement. A total of 27,000 veterans under 27 have 30 percent or more disability: it is not known how many of these veterans would qualify for CETA jobs.

The Comprehensive Employment and Training Act provides specific authority to the Secretary and to prime sponsors for special efforts to serve veterans. Section 104(b) of the Emergency Jobs and Unemployment Assistance Act of 1974 (Public Law 93-567) requires the Secretary in coordination with the Veterans'

Administration to provide outreach and public information assistance to maximize opportunities for veterans; section 12 of Public Law 94-444—Emergency Jobs Programs Extension Act of 1976—requires the Secretary to submit a report on such outreach and public information activities by January 1977. To date, no such report has been made. Section 205 (c) of CETA specifically requires prime sponsors to give "special consideration" in filling public service jobs to unemployed veterans who served in Vietnam. In addition, section 205(b)(2) requires prime sponsors to provide a plan for effectively serving on an equitable basis the "significant segments" of the population to be served, including data indicating the number of potential eligible participants and their income and employment status.

The unemployment of Vietnam-era veterans is unquestionably severe. For Vietnam-era veterans between the ages of 20 and 24, the unemployment rate is 15.8 percent, compared to 11.6 percent for nonveterans of the same age; disabled and black veterans are hit even harder. I believe that special efforts are needed to provide employment opportunities for these veterans. However, I believe that the Department must begin by implementing those provisions already in the law relating to veterans, particularly with respect to outreach and information to aid veterans in applying for existing CETA job slots. With the substantial increased funding in titles II and VI for public service jobs, the Department must make increased efforts to insure that eligible veterans are informed of the employment opportunities and to monitor the activities of the prime sponsors in making such positions available to veterans.

In summary, I urge all Members of the House to support this legislation before us today. It is urgently needed to provide the training and employment opportunities to address our severe unemployment problems. These programs are widely supported across the Nation and have enjoyed the bipartisan support of the members of the Education and Labor Committee.

Mr. BAUMAN. Madam Speaker, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentleman from Maryland.

Mr. BAUMAN. Madam Speaker, I just wanted to observe to the gentleman from California that I looked over the figures offered to us by the Congressional Budget Office regarding this bill. They estimate—as I am sure the gentleman knows—that the actual outlays authorized by this "mere extension," as it has been described, in fiscal year 1978 will be $8.3 billion, including a carryover from the previous fiscal year for the public employment service program, and an additional spendout of $2.25 billion in fiscal year 1979.

It seems to me under the circumstances, when we are dealing with an $11 billion authorization, regardless of the fact that it is a so-called simple extension, that the least the Members of the House might expect from an authorizing committee is to bring a bill out under normal procedures, where amendments can be offered such as the gentleman from New York has mentioned, or any other amendments can be considered. The gentleman is giving us under suspension with only 40 minutes debate, a nearly $11 billion authorization bill, with no chance to amend it. I must say that I cannot blame the gentleman entirely. This seems to be the habit this year, to bring out major bills with no chance of amendment.

I think, despite the so-called noncontroversial nature and the few votes cast against it, that the House has a right to expect better of committees than this truncated procedure of authorizing a multibillion dollar bill. I thank the gentleman.

Mr. HAWKINS. May I say to the gentleman that this is not unusual. It is the usual procedure.

The second budget resolution provided for authority of around 500,000 slots in this program but that authority was never actually used. As a matter of fact, I think 320,000 was the closest we ever came to that. So I do not think we should be disturbed by the larger figure that is being recommended. I think it is mandatory upon authorizing committees which have the facts before them to present the facts to the body so that the body will know the extent to which the data presented to the authorizing committee indicate the level that potentially could or might under the circumstances be reached. As a matter of fact, before the Employment Subcommittee, the Conference of Mayors, the League of Cities, the Governors Conference and the other groups representing prime sponsors, indicated a need of around 1.2 million slots at this particular time. So the authorizing level that we suggested and recommended was lower than this particular one.

As I indicated, I think the question of the funding level in this instance should be left to the appropriations process. I think it is dealt with very well in that manner. All we can do, it seems to me, at this time is to grant the authorizing level and leave it to the appropriation process to work its will, and I am quite sure at that time that this question will be dealt with very thoroughly.

Mr. SARASIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2992 and join with my colleagues on the committee who voted unanimously to report the bill in urging all the Members of the House to vote for passage.

As I indicated in my individual views to the report, I spent many long hours with former Congressman Dominick Daniels in an extensive oversight process of the Comprehensive Employment and Training Act—CETA—system in the latter part of 1976. We heard from hundreds of witnesses who compiled thousands of pages of testimony. If any one point was made throughout these hearings it was that despite specific complaints about Department of Labor regulations, failure to link with the private sector, problems of relating to the Employment Service and the like, CETA prime sponsors, local officials, employment and training professionals and the people themselves find the CETA system to be a far superior and more effective means of providing services to the unemployed than anything that had been enacted in the past.

The enthusiasm of local officials toward the CETA program was infectious. In Chicago, under the leadership of Mayor Daley, CETA was working hand in hand with the large corporations, the unions, the nonprofit organizations, and others in trying to meet the needs of the city's disadvantaged. In my home State of Connecticut, prime sponsors testified to the immense potential which CETA offered to draw together the community in providing jobs and employment services. In fact, nowhere did we receive testimony recommending that we return to the old way of doing things when we operated all employment and training programs out of the national office of the Department of Labor.

Unfortunately, the Carter administration seems to be going in that direction. One of their proposals was to repeal section 4(e) of CETA which limits the national programs to 20 percent of the entire appropriations for the whole act. By doing so we would have allowed free rein to turn the design of employment and training efforts to Washington. Passage of this bill will prevent that from occurring.

Further, I have a very real concern with the problems of youth unemployment, but I certainly am not at all enthusiastic about what I hear is being planned by the Department of Labor for youth under title III. This bill will allow the Congress in its wisdom to design an employment effort that best addresses the problems of youth.

And, finally, while I sympathize with the serious problems of Vietnam-era veterans, the Carter administration proposal to target title VI to Vietnam-era veterans between the ages of 20 and 27 is simply not the answer. We discovered in committee that there is only a universe of 20,000 such veterans who met this eligibility requirement and the other eligibility requirements of the targeted public service employment program. And we have received input from a considerable number of veterans' organizations who indicate that what Vietnam-era veterans really need is long-term job development leading to an unsubsidized job in the private sector.

In my view this simple extension will allow the committee time to carefully look at the problems confronting CETA, and, hopefully, to improve the program. For the past several months I have been working on a series of technical amendments designed to draw together the school systems and CETA, to resolve the conflict with the employment service and to more involve the private sector. But I would very much like to have more time to test these suggestions against the real-

ity of what is presently going on at the local level.

I would like to commend the chairman of the subcommittee, the Honorable GUS HAWKINS, for resisting efforts to change CETA in midstream and for his concern for the effective delivery of employment and training services under the act. I know that in the year ahead we will work together to assure that the CETA system is made even better.

Again, I call on all the Members of the House to vote for the extension.

Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Madam Speaker, I rise in support of H.R. 2992, which provides a 1-year extension of the Comprehensive Employment and Training Act through September 30, 1978.

I strongly support enactment of this legislation.

The CETA program is now in its fourth year of operation but it is just beginning to develop its potential for the delivery of employment and training services. The CETA system has immense potential for drawing together the critical elements needed to provide job training employment to the unskilled and disadvantaged. Local administrators have begun to draw government, industry, labor, and the schools together in serving those in need, but this has not been an easy job.

Like so many other legislative vehicles, when we discover it is a worthwhile system we tend to load it up with all kinds of extraneous and burdensome duties. From the outset we have placed far too much emphasis on public service employment which has deterred CETA prime sponsors from their chief role which is job development. In my view the public service employment has provided little more than Federal dollars for local dollars and, because of the immense size of the public service employment efforts, CETA administrators spend much of their time if not all of it creating jobs for those who already have the skills to find employment in the labor market.

We have also allowed the DOL to nearly bury the CETA system in paperwork. During the oversight hearings on CETA, which we completed in December, prime sponsor after prime sponsor came before us with stacks of DOL requirements that often reach as high as 3 or 4 feet. And third, we have not allowed CETA prime sponsors sufficient time to plan. The history of the appropriations for CETA is replete with delays, urgent supplementals, continuing resolutions, and shortfalls.

Almost annually we could expect that the appropriations for the summer youth employment programs would come after the program actually was supposed to begin. It is amazing that under these circumstances prime sponsors have been able to do any planning at all. But local planning is critical to job development.

There are many areas where the CETA system could be improved. The linkage between Federal job training and the private sector could be enhanced. We could improve the relationship between the CETA system and our local education agencies and particularly with our vocational education community. We need to resolve the duplication of efforts and conflict between CETA and the employment service. And we need to provide a better means of Federal oversight without requiring the immense paperwork that seems to descend on local officials.

All these efforts demand careful attention and well-designed amendments. The committee has wisely chosen not to attempt to make any major changes to the law for at least another year, and to provide us with an opportunity to carefully work changes in CETA not to undertake a wholesale revision but to "fine-tune" the system. Hopefully, the massive increases in public service employment and the possibility of a youth program will not completely tear the system apart. We must assure that the CETA system is prepared for the immense new responsibilities we are about to give it.

The CETA system will be tested to the extreme in the coming year. In my view it need not be changed, for the tools to serve the unemployed and the underemployed are there. We simply need to keep our hands off and allow it to work.

I urge all the Members of the House to support passage of H.R. 2992.

Mr. HAWKINS. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Madam Speaker, I want to thank the gentleman for yielding me this time.

I will vote in favor of the legislation to provide a 1-year extension of CETA. Nonetheless, I regret that the exigencies of the congressional budget process require the Education and Labor Committee to bring this legislation to the floor without having time to make substantive changes which I feel are necessary to eliminate past abuses in the program, especially in title III.

I have just completed an indepth examination of four project sponsors in New York City operating last summer under title III of CETA. The program was supposed to provide summer employment for disadvantaged youths. My investigation revealed substantial abuses by these four sponsors and showed even worse abuses on the part of the prime sponsor, the city of New York, and on the part of the Federal Government.

Specifically, I found that the summer youth employment program in New York failed to accomplish its main purpose—to provide productive work experience for disadvantaged youths. In many instances, the youths simply were paid to do nothing. In addition, I discovered abuses ranging from poor planning and lack of project supervision to allegations of kickbacks, payroll fraud, and nepotism.

The city and Federal governments are ultimately to blame for these abuses. They did not seem to care if the youngsters were given meaningful work. Officials responsible for implementing and overseeing the program did not effectively monitor the sponsors and took no action when confronted with reports of serious problems from the field or in their own—usually tardy—audits. In addition, project sponsors for 89.4 percent of the job slots were selected on a nonmerit basis; these sponsors were picked solely because of prior participation in the program and regardless of the fact that their applications were often incomplete or patently illegal.

The young people were deprived of the opportunity for meaningful and productive work. I was disappointed and saddened to find that this program, instead of giving youngsters some hope that they would have employment in the future, instead of building up their employable skills, and instead of giving them a chance, in fact was depriving them of these opportunities. And I was angered to find that this occurred with the acquiescence of Federal agencies and with the connivance of the city of New York.

Madam Speaker, this legislation must be rewritten in the future to prevent such abuses. If employment and training programs are to be effective, if our tax dollars are to be wisely spent, it is critical that in drafting our laws we insure not only that our goals are worthy, but that there are administrative mechanisms for achieving these legislative goals as well.

I am glad the present CETA program will be extended only for 1 year. In the coming months, I would hope that the Education and Labor Committee would carefully review this program, especially those portions dealing with summer employment, and would take vigorous action to make sure that its objectives, which are worthy indeed, are actually accomplished.

Mrs. FENWICK. Madam Speaker, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Madam Speaker, I thank the gentlewoman for yielding.

I would like to identify myself with the comments of my distinguished colleague, the gentlewoman from New York (Ms. HOLTZMAN), and I would like to add further that we heard this morning from a Member of this House who used to be on the council of a large city; this is what was said:

> How do you sit on a council with $16 million of Federal funds from the CETA program, knowing that only 20 percent is going to be spent properly? Twenty percent of it is going to be spent according to the way Congress intended it to be spent, and the rest is just going to go down the drain.

The SPEAKER pro tempore. The time of the gentlewoman from New York (Ms. HOLTZMAN) has expired.

Mr. HAWKINS. Madam Speaker, I yield myself 1 minute.

Madam Speaker, may I simply say that this justifies certain things, this simple extension. We do intend to go into all the phases of the program.

We have indicated that we have this simple extension which means that no new programs are being added and no changes are being made. We have resisted even changes offered by the administration. We have not authorized a specific level of funding in this matter until such time as we have an adequate opportunity to look at all phases of the program.

Madam Speaker, I have no further requests for time.

Mr. SARASIN. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Madam Speaker, I thank the gentleman for yielding.

I wanted to continue my response to the gentlewoman from New Jersey (Mrs. FENWICK).

What I think is the most disturbing failure of the program is not that money is wasted, which is bad enough in itself, but that youngsters who need work and need skills are paid to sit around and do nothing. That situation breeds in them a terrible cynicism about Federal programs, about their own future, and about what society expects of them. It is counterproductive and undermines the objectives of this program.

I would certainly hope that we would not see a repetition this coming summer of the failure which I found in New York City and which has undoubtedly occurred elsewhere around the country.

Mr. SARASIN. Madam Speaker, I yield myself 1 additional minute.

Madam Speaker, I would assure the gentlewoman from New York (Ms. HOLTZMAN) that it is my strong feeling the entire subcommittee shares the concern which the gentlewoman has spoken about. This was one of the issues I tried to raise with the youth employment sponsors. How well they are handling the people? What are they paying them? What are they teaching them?

Madam Speaker, I think it is extremely important that we try to prepare the young people for the world of work and not for the "world of shirk," if I may coin such a phrase.

Mr. MICHEL. Madam Speaker, I am disappointed that this bill is being taken up under suspension of the rules, beamendment making a change very essential to the effective operation of the cause I would otherwise have offered an public service jobs section.

That amendment would have reduced the ceiling on the amount of wages which can be paid to public service jobholders. There is currently a ceiling of $10,000 per job annually, which I think is too high, because it would not provide sufficient incentive to the PSE jobholders to treat these jobs as transitory in nature and continually look for more permanent employment.

When one realizes that only 24 percent of the PSE jobholders end up on other jobs when they leave their PSE jobs, it is evident that this is a serious problem, because we want to avoid as much as possible having people simply stay in their PSE job until it expires, and then go back into the unemployment rolls.

According to figures from the Labor Department, some 23 percent of the public service jobs pay over $7,500 annually in wages, and some 39 percent pay over $6,700. So, while we are talking about a minority of the public service jobholders, we are talking about a significant number who may be finding their wages so satisfying they do not seek other work.

It should also be noted that 13 million Americans currently working full time on a year-round basis earn less than $7,000 annually, and an additional 7.6 million working full time for 27 to 49 weeks earn less than $7,000. It is clearly unfair to these people, who are not eligible for public service jobs, to have their taxes used to pay a substantial number of public service jobholders at higher wage rates.

The converse is that public service jobholders are not likely to seek some of these other jobs in the private sector if their PSE wages are higher than the rates in the other jobs.

I believe a lower ceiling is essential if we are to make this public service jobs program work effectively and really do what we intended for it to do, and hopefully there will be an opportunity at some future point to try and rectify this shortcoming.

Mr. KEMP. Madam Speaker, I have grave reservations about the CETA program.

I have equally grave reservations about passing an automatic, 1-year extension of it under a suspension of the rules. By dealing with the 1-year extension bill in this way, we are precluded from offering any amendments to correct the many shortcomings in the program.

The Committee on Education and Labor has had extensive information in front of it for the past several years on what is wrong with this program. The General Accounting Office has prepared a number of critical reports. A number of bills have been introduced to reform the program, including H.R. 4734, by Representative JOHN LAFALCE and me. And much testimony has been heard. As recently as mid-March, I presented a statement to the Subcommittee on Employment Opportunities of that Committee, detailing abuses in the program and detailing amendments to correct them.

As the holding of those hearings recognized, there is a constant need for Congress to review the successes and failures of its previously enacted policies and programs in the jobs creation area. The policies and programs which were right for last year may not be right for next year. This is important, for if Congress locks itself into a course and insists upon that course year after year, it will become a static force, a drag upon the evolution of policies and programs which arises from changed economic conditions, changed needs within the economy, and changed public opinion. Congress should be a dynamic force behind spurring the economy and creating and preserving job opportunities. I see no reason why we should not articulate new policies for new times and enact legislation in furtherance of them.

How best to maximize employment opportunities cannot be addressed through a single policy or a single program. Public works and public service cannot accomplish our objective. Tax reform can help or hinder it. So can regulatory policy. I know the jurisdiction of the Committee on Education and Labor is limited to employment in general, that it does not extend to taxes, to public works construction, or to Government regulation, but employment in general must be examined in the context of the overall picture, a context which includes these additional facets. I do not see what good it can do, for example, to extend the CETA program or establish a Youth Conservation Corps in the name of jobs, if Government at the same time is jeopardizing or actually destroying the same or greater level of jobs through misdirected tax or regulatory policies.

If Government is going to derive the maximum benefit from each tax dollar spent, Congress must have a clearly and emphatically stated goal with respect to employment. In my opinion, that goal ought to be jobs creation and jobs preservation. And we ought to reject those policies—offered in Congress or from the administration and its departments and agencies—which would frustrate such a goal.

In this context, we should look at public service and public works employment as temporary bridges to permanent, productive jobs in the private sector of the economy, as tax-consuming jobs which need to be transformed into tax-generating jobs.

And we should look at tax reforms in terms of jobs. When tax reforms are offered that jeopardize jobs, they must be defeated. When tax reforms are offered that create or preserve jobs, they should be enacted.

Let me deal with each of these.

NEW GENERAL ACCOUNTING OFFICE STUDIES SHOW WHY REFORM OF THE CETA PROGRAM IS ESSENTIAL

As I just indicated earlier in the session, I introduced a bill to reform the programs administered under the Comprehensive Employment and Training Act—CETA. A thorough reading of just-released studies by the General Accounting Office of CETA programs around the country underscores the importance of immediate consideration of this legislation. The GAO report on the city of Buffalo and county of Erie, N.Y., entitled "Employment Programs in Buffalo and Erie County Under the Comprehensive Employment and Training Act Can Be Improved," was released on February 18, 1977; its GAO document number is HRD-77-24. Additional studies which should be reviewed are "Progress and Problems in Allocating Funds Under Titles I and II—Comprehensive Employment and Training Act," GAO document No. MWD-76-22, of January 2, 1976; "Formulating Plans for Comprehensive Employment Services—A Highly Involved Process," GAO document No. 76-149, of July 23, 1976; and "Followup Report on Services to Veterans in Delaware Under Title VI of the Comprehensive Employment and Training Act," GAO document No. HRD-77-76, of February 16, 1977. There are other reports as well.

Several weeks ago, GAO released through me its 2-year study of the CETA program in the city of Buffalo and county of Erie, N.Y. I had requested that study on January 23, 1975, as news reports in the Buffalo area disclosed numerous, apparent violations of the CETA law and regulations. I am encouraged by the thoroughness of that report and its recommendations. Coupled with what we already know about other problems with the program, it gives Congress a clear picture of what it has to do to protect the taxpayer's investment in public service jobs. To their credit both the city of Buffalo and the county of Erie not only cooperated fully with GAO but also undertook steps to reform their own programs.

This report discloses there—

Were ineligible participants;

Were violations of Labor Department regulations on nepotism and political activities;

Were problems in Buffalo's reporting of administrative costs, including purchases of supplies and equipment;

Was a lack of formal procedures to make sure specific target groups received specific consideration;

Was a failure of sponsors to assure program participants obtained permanent, unsubsidized jobs in the private sector. Other GAO studies on the CETA program have shown similar and different problems. The bill we have introduced is addressed to correcting them.

QUESTIONS ABOUT CETA'S EFFECTIVENESS RAISED

In recent months there has been much discussion of significantly expanding this and other public service jobs programs. These are apparently seen as a means of counteracting some of the persistently high unemployment across the country. While the administration is increasingly expressing its preference for jobs creation through the mechanisms of the private sector of the economy, it continues to support these public service jobs programs, presumably because it sees them as a short-term bridge to more permanent jobs creation in the private sector.

We must be cautious about extensions of this and other public service job programs, however. Like all Government programs, funds to sustain it must come from the taxpayers. The well-meaning attempt here to put people back to work and to put some take-home pay in their pockets now may be at the expense of the long-term jobs creation which can come only through leaving more of the people's income with them.

My area of principal concern focuses on the kind of benefit provided to the program's enrollees.

The way the program is now being administered, the local price sponsors' public service employment programs do not provide adequately for training. Yet training is essential to enhancing job skills and to lessening future dependence on tax-supported assistance in general and public service jobs in particular. Stated another way, these programs are contributing very little to lessening future dependency on the programs themselves.

Most of these jobs today have the character of make-work with little genuine orientation to the long-range benefits needed by the community or to the person employed under the act. This is misleading to the community and the taxpayers, and it is outright cruel to the person employed or his or her family.

Unless these people are given sufficient training in skills related to jobs available within the private sector, there will be greater danger of them falling back into unemployment, underemployment, and other forms of public assistance at the end of the program. This, in turn, simply generates more pressures on the Congress to continue the program beyond its present termination date. Unless something is done by Congress to require program designs consistent with breaking such cycles of dependency, this temporary program could become like too many others—permanent.

Creating a higher level of employability for each person who is given a job under this program is essential. Logic demands these jobs ought to be oriented toward creating a more permanent employability of the participant. As a result of the program, the workers ought to be able to find and to keep a permanent job. This can be most effectively accomplished through on-job training within the private sector. The results would be manifold: Enhanced job skills, improved motivation, lessened dependence, less demand upon the public purse. In contrast, those types of public service jobs which have no, or little, private sector comparability are almost incapable of assuring a higher degree of employability. They give to the person little skill improvement. They do not lessen his or her dependence. And what it does to their motivation and morale borders on being immoral.

I am reminded of the old Chinese proverb:

> Give a man a fish and you have taken care of him for one day. But teach that man to fish, and you have taken care of him for the rest of his life.

Make-work, dead-end jobs give a man or woman that proverbial fish. They take care of today's needs, but do nothing about tomorrow's. Only when we teach him or her new skills with which to better assure their own chances of gaining private sector employment, do we do them the service we owe to our fellow man. The greatest charity of all is to help a person be able to help themselves.

After a thorough review of the act and its legislative history, I am convinced there is much latitude for providing training. The act allows it in instance after instance. Unfortunately, not enough emphasis has been put on that fact by the Federal headquarters and regional administrators in working with local sponsors. In my opinion, the Federal administrators ought to require—to insist—that training be given top priority before they approve plans submitted from the sponsors.

THE AMENDMENTS WHICH ARE NEEDED TO THE CETA PROGRAM

The basic program was authorized by the Comprehensive Employment and Training Act of 1973, Public Law 93–203, 29 U.S.C. 801 et seq. That was amended by Public Law 94–444. The amendments proposed in our legislation address themselves to the basic act, as amended. These are the amendments which could be offered to the bill before us, if it were being considered under anything other than a suspension of the Rules.

They are as follows:

Section 3 restates the purpose of the act, elevating the importance of job training and other services which will lead to maximum employment opportunity in the private sector and enhanced self-sufficiency.

Section 4 assures the opportunity for private organizations and associations to train persons by contract with the local sponsors.

Section 5 authorizes public school boards to act as additional prime sponsors.

Section 6 protects the autonomy of local governments as prime sponsors, principally against intrusions by State governments.

Section 7 establishes additional conditions for receipt of financial assistance, including maintenance records of expenditures accurately; maintaining records and reporting accurately on pension benefit costs accruing for program enrollees; and reviewing carefully job applications for completeness and accuracy, assuring the data on application forms are verified prior to any payment of funds.

Section 8 instructs the Secretary of Labor not to approve a comprehensive manpower plan or any amendment thereto until he determines, in addition to qualifications already set forth in the act, the description of the plan or amendment thereto describes and justifies adequately the activities funded under titles II and VI of the act. The Secretary shall also require the regional offices to review thoroughly sponsors' planned expenditures shown in grant applications and actual expenditures shown in quarterly financial reports in order to assure compliance with the act. These were among the principal recommendations of the GAO study in addressing itself to inadequate administrative oversight of local programs.

Section 9 restates the purpose of the public employment programs, elevating the role of training and manpower services designed to enable unemployed, underemployed, and economically disadvantaged persons to move into training or employment not supported by the act.

Section 10 prohibits a requirement from being imposed on local sponsors by the Labor Department or any other entity to maintain a percentage of persons paid through CETA funds after the expiration of the Federal funding on local public payrolls. The dollar drain such a requirement imposes on State and local government is often so overwhelming that property and other local tax increases become inevitable.

Section 11 states a preference for unemployed veterans, urging the local sponsors to assure the percentage of veterans served under the program is no less a percentage than that of veterans

among the total qualified population in the area.

Section 12 is designed to maximize the impact of public service expenditures by encouraging sponsors to concentrate most on those most likely to obtain permanent employment in the private sector within a reasonable time as a result of the assistance they receive under the act. This would be a 180° reversal from the present policy by which they are encouraged to concentrate on those least likely to obtain such permanent employment in the private sector.

Section 13 defines CETA's $15,000 maximum salary limitation for local participants, requiring any earned income from moonlighting jobs held simultaneously by such participants to count against that $15,000 ceiling. For example, if a person were earning $4,000 in a moonlighting job, the most he could receive from CETA funds would be $11,000.

Section 14 makes it very clear that there can be no requirement imposed on sponsors to make contributions from these funds to public retirement programs. This is a crucial point. The GAO report on Buffalo and Erie County zeroes in on this practice. Erie County officials told the GAO investigators that the State actively pushed for CETA participants to join the retirement system, because this was a means of putting funds into it, borne by CETA rather than local governments, and most of the participants would not be employed long enough with local government agencies to attain any vesting interest in the fund. Thus, the financial position of the retirement fund would be improved. Those officials said application blanks were mailed in bulk to the prime sponsor by the State comptroller. This amendment will stop this abuse.

Section 15 makes it clear that there shall be no assignment of public employment persons to the staffs of publicly elected officials.

Section 16 tightly defines nepotism, prohibits it within these programs, and sets forth penalties and forfeitures, first, for violations of the antinepotism provision and, second, for any failure by agreement to perform the service for which the person was hired—"no shows." These problems were dealt with in the GAO study on Buffalo and Erie County.

Section 17 incorporates persons employed through CETA funds at the local level within the coverage of the Hatch Act, prohibiting them from a wide range of political activities.

Section 18 sets forth the criterion for the maximization of employability within the private sector as a condition applicable to all programs under the act, not just the public service jobs program.

Section 19 sets forth additional conditions applicable to all programs, including, first, the recovery of funds authorized under the act and paid to program participants found by an instrumentality of the government or program sponsor under the act to have been ineligible for participation or assistance and, second, a limitation on the percentage of program costs which can be used for supplies and equipment—10 percent. These problems were brought out in the GAO report also.

Section 20 would prohibit the hiring of persons for the performance of functions which had been performed, at any time during the 180-day period immediately prior to the date on which such hiring would occur, by persons employed under applicable civil service laws of the State or unit of general local government involved. This is to prevent the "busting" of government employee unions.

Section 21 sets forth civil penalties—forfeiture of pay and a fine of not more than $1,000—for discrimination on the basis of political affiliation in the selection of participants.

Mr. Speaker, there is no better time than the present to harmonize this program with current economic conditions and needs; the amendments would go a long way to accomplishing that.

But reform of the CETA program is only a first step to alleviating the severe, persistent unemployment in the country today, an unemployment which has not dropped since last November's various election victories.

I am convinced tax reform—specifically across-the-board reductions in tax rates—is the only long-term, substantive answer to unemployment which can work.

TAX REFORM ALTERNATIVES TO GOVERNMENT-SUBSIDIZED JOBS

The Government needs to do much more for those now unemployed, underemployed, or in Government-subsidized jobs than merely extend the Government-subsidized jobs programs.

President Carter says repeatedly that decisions affecting Government programs should be made within functional categories. This is the basis for his Government reorganization effort, which appears as if it will be successful. Publicly subsidized jobs must be considered in the context of the totality of jobs. Inasmuch as jobs in the private sector are far greater in number, inasmuch as those jobs in the private sector provide the alternative to public service jobs, and inasmuch as tax rate reductions would create and preserve more jobs in the private sector, the role of permanent tax rate reductions on individuals and businesses thus becomes crucial to these job questions.

I am particularly encouraged by recent statements of Secretary of the Treasury W. Michael Blumenthal on this point. The Secretary has strongly emphasized the importance of increased capital investment, arising from tax rate reductions, as a means of creating and keeping jobs. Two recent articles in the Washington Post, "Treasury Chief Favors Uniform, Lower Income Tax Rates," by Hobart Rowen, and the March 10 column of Evans and Novak, underscore this. OMB Director T. Bertram Lance testified before the Joint Economic Committee on February 24 that permanent tax cuts are preferable to temporary tax cuts and that a permanent tax reduction will be incorporated in the President's tax reform proposals slated for transmittal in mid-August. I am very much encouraged by this.

Tax policy must be considered from the standpoint of its effect on the incentives of people to work and produce, to save and invest, to build and employ—all of which adds up to jobs. When tax rates go up and investment and employment opportunities in the private sector go down, it is not the rich who have been soaked. It is the unfortunate workers who either become unemployed or must work with less productive tools and machinery and the unfortunate would-be workers who remain unemployed.

Attempts to benefit the less fortunate and fight poverty by redistributing income through the tax code are ultimately counterproductive. Instead of dividing up a static economic pie, we need to expand the size of that pie, so everyone can partake more of it. The only real way to raise the standard of living for everyone, including those now dependent on Government-subsidized jobs, is to increase the amount of capital per capita by reducing the tax barriers to investment and employment.

The greater the tax, the greater the shrinkage in real growth. Conversely, lower tax rates produce growth. When tax rates were cut in the 1920's, 1950's and 1960's, jobs were created, people consumed more, output soared as workers had more incentive, small businessmen worked longer hours, professional people took shorter vacations—which meant they were more productive, people saved more, and invstment grew. No wonder tax revenues rose.

We must eliminate the tax bias against job creation, for taxes impact directly on hiring. A firm's total cost of hiring includes payroll and withholding taxes, while a worker's take-home pay is exclusive of both. As taxes rise, the cost of labor to the firm rises, and fewer workers are hired. Simultaneously, the take-home pay of those with jobs is reduced, causing many workers to lose incentive and opportunity. Those without work enter the ranks of the unemployed, at first drawing unemployment compensation. As the job market remains tight and unemployment benefits run out, the man or woman who once had a job enters the welfare system or a make-work job. There is no clearer way to see how jobs relate to welfare and other forms of public assistance and dependency.

I have pushed very hard over the past 4 years for reductions in tax rates—specifically to create and sustain jobs. The bill which I have introduced to accomplish this purpose in the Job Creation Act of 1977, most recently introduced as H.R. 4735. That legislation now has 114 cosponsors on the House side. It offers the administration and the Congress a means of carrying out Secretary Blumenthal's and Director Lance's emphases on tax rate reductions to create jobs, and coupled with the National Welfare Reform Act, H.R. 4679, and the Comprehensive Employment and Training Reform Act, H.R. 4734, it offers the administration and the Congress a means of carrying out substantive jobs reform and creation of alternatives to public dependency.

Mr. BIAGGI. Madam Speaker, as a member of the House Education and

Labor Committee where the CETA law originated, I rise in full support of H.R. 2992 which provides for a simple 1-year extension of the act. Passage of this legislation will represent another important component in our efforts to stimulate our sagging economy by reducing our No. 1 economic nemesis—unemployment.

H.R. 2992 will provide benefits for virtually all sections of the United States, for in addition to extending the act, significant increases in funding is provided. This increase will translate into an additional 12,500 jobs in my home State of New York bringing the total to 72,000 jobs which will be provided in the State under CETA by the end of fiscal year 1977.

I am pleased to note that language which I worked to have included in H.R. 12987 in the last Congress has been maintained in H.R. 2992. The language I refer to allowed cities and other prime sponsors to give a preference to the rehiring of laid off law enforcement personnel under title VI of CETA. This provision has allowed several hundred laid off policemen to be rehired in the city of New York. I consider it imperative that all Federal avenues be explored to aid cities in their efforts to rehire essential public safety personnel which are desperately needed to combat rising crime rates.

The 95th Congress thus far has been championing the cause of the workingman. We have passed several important bills designed to get Americans on the job. H.R. 2992 must be considered one of the most important of these proposals and it merits the full support of the House. I am hopeful that once this bill is passed, the committee will go back and review the overall CETA law to make certain necessary administrative revisions. I recognize the importance of the CETA program and fully support its continuation as provided in H.R. 2992.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HAWKINS) that the House suspend the rules and pass the bill H.R. 2992.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. HOLTZMAN. Madam Speaker, I make a point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will advise the gentlewoman from New York (Ms. HOLTZMAN) that a point of order of no-quorum is not in order at this point, because there is no question being put to a vote at this time.

DOMESTICATED RABBIT MEAT INSPECTION

Mr. WEAVER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2521) to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except as provided in section 2 of this Act, all the penalties, terms, and other provisions in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451–470) are hereby made applicable (1) to domesticated rabbits, the carcasses of such rabbits, and parts and products thereof, and to the establishments in which domesticated rabbits are slaughtered or in which the carcasses, or parts or products thereof, are processed, (2) to all persons who slaughter domesticated rabbits or prepare or handle the carcasses of such rabbits or parts or products thereof, and (3) to all other persons who perform any act relating to domesticated rabbits or other carcasses of such rabbits or parts or products thereof, and who would be subject to such provisions if such acts related to poultry or the carcasses of poultry, or parts or products thereof; and such provisions shall apply in the same manner and to the same extent as such provisions apply with respect to poultry and the carcasses of poultry, and parts and products thereof, and to persons who perform acts relating to poultry, the carcasses of poultry, or parts or products thereof.

SEC. 2. (a) The provisions in paragraph (a)(2) of section 15, section 24(a), and section 29 of the Poultry Products Inspection Act shall not apply with respect to domesticated rabbits or the carcasses of such rabbits, or parts or products thereof. The two-year period specified in paragraph (c)(1) of section 5 of such Act and the periods contemplated by paragraph (c)(4) of such section shall commence upon the date of enactment hereof, with respect to domesticated rabbits and the carcasses of such rabbits, and parts and products thereof; and in applying the volume provisions in paragraphs (c)(3) and (c)(4) of section 15 of such Act, the volume restrictions applicable to poultry shall apply to domesticated rabbits.

(b) For purposes of this Act—

(1) wherever the term "poultry" is used in the Poultry Products Inspection Act, such term shall be deemed to refer to domesticated rabbits;

(2) wherever the term "poultry product" is used in the Poultry Products Inspection Act, such term shall be deemed to refer to domesticated rabbit products; and

(3) the reference to "domesticated bird" in section 4(e) of the Poultry Products Inspection Act shall be deemed to refer to domesticated rabbit.

(4) the reference to "feathers" in section 9(a)(4) shall be deemed to be "pelt".

SEC. 3. This Act shall become effective on October 1, 1977.

SEC. 4. The provisions hereof shall not in any way affect the application of the Poultry Products Inspection Act in relation to poultry, poultry carcasses, and parts and products thereof.

The SPEAKER pro tempore. Is a second demanded?

Mr. SEBELIUS. Madam Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. WEAVER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Committee on Agriculture has favorably reported H.R. 2521, a bill calling for mandatory inspection of rabbit meat by the Federal Government. The bill was ordered reported to the House on March 17, 1977, by a unanimous voice vote in the presence of a quorum.

This legislation would extend the Department of Agriculture inspection services to the processors of domesticated rabbit meat who slaughter in excess of 20,000 rabbits annually. This inspection service would be identical to that currently provided for poultry, beef, pork, and other widely consumed meats.

Presently, all meats with the exception of rabbit meat are required to be inspected by the Federal Government. Since rabbit meat is a high-quality nutritious meat that is gaining in popularity with American consumers, the Committee on Agricultrue sees no reason that the Federal Government should not take action to assure its wholesomeness. This bill will provide for such inspection beginning on October 1, 1977.

At this time, I yield to the gentleman from Kansas (Mr. SEBELIUS) who is the sponsor of this legislation, so that he may describe in further detail the merits of the legislation.

Mr. SEBELIUS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate this opportunity to discuss H.R. 2521, legislation to amend the Meat and Poultry Products Inspection Act to include inspection of domesticated rabbits slaughtered for human consumption.

This legislation would extend USDA inspection services to the producer of domesticated rabbit meat who market over 20,000 rabbits a year. This inspection service would be identical to that currently provided for all other competing types of meat. The USDA stamp of approval provides the consumer a reassuring guarantee of product wholesomeness which makes the expense of inspection an investment rather than a cost. Furthermore, it will insure a steady and dependable supply of top-quality rabbit meat to consumers.

The Federal-State meat inspection program has been quite successful in its basic objective of protecting the consumer from dangerous and unwholesome meat products. As a result, consumers have responded to USDA inspection by demonstrating a growing preference for reliable meat and meat byproducts.

In 1906, when the first Wholesome Meat Act was passed, beef consumption was 71.3 pounds per capita and in 1909, the first year when poultry consumption figures were calculated, 14.7 pounds of chicken were consumed per person. By 1974, beef consumption reached 116.8 pounds per capita, and chicken consumption was 41.1 pounds per capita.

Of course, other variables such as income and demand influence these figures, but the protection afforded by inspection has contributed significantly to consumption of meat. Consumers of domesticated rabbit meat should have the assurance that it is wholesome, unadul-

terated, and properly labeled, as they presently do for other meat and poultry products.

At the present time inspection is available for rabbit processing under a voluntary program in which processors pay for the services. This bill would require mandatory inspection of rabbit processing and assure the uniform certification of the wholesomeness of domesticated rabbits. This would relieve an unfair and inequitable burden to a struggling marginally profitable industry.

In view of the well-documented need for high quality protein in the human diet, I believe that USDA-inspected rabbit meat and rabbit products can help satisfy this demand and in a most nutritious and efficient manner.

Rabbit meat is similar to the white meat or the breast of chicken. In fact, rabbit meat is higher in protein and much lower in fat and cholesterol than other red meats. This underscores its dietary importance in our health-conscious society. Rabbit meat is recommended for heart patients and approved by Weight Watchers.

The rabbit has a feed conversion efficiency of about 4 to 1—4 pounds feed per 1 pound gain. The meat has a high meat-to-bone dressing percentage with the meat being 85 percent digestible.

Three domestic rabbit does and one buck can produce more meat in a year than one cow, at less cost per pound of meat gained. In fact, the domestic rabbit has the genetic capacity to produce about 25 times its weight in fryer offspring each year.

Rabbit byproducts are important in the production of certain pharmaceuticals. For example, rabbit blood is reduced to plasma for diagnostic purposes while rabbit brains are used to produce thermo plastin for testing and coagulation of human blood in the laboratory.

I feel that to date, rabbit consumption has been limited, in part, due to the back of consumer guarantees of wholesomeness and the retail price of rabbit which is inflated by the cost of inspection. The competitive disadvantage of absence of quality guarantees has overshadowed the dietary and economic benefits of rabbit consumption.

Federal inspection as required by this bill would accelerate consumer acceptance, would create stability and provide economic incentive for expansion of the rabbit processing industry.

There has been some concern that mandatory Federal inspection will eliminate the small rabbit processors. This is not the case. There are liberal exemptions for small processors and they would stand to gain more than large processors since inspection fees as high as $14 per hour represents a greater percentage of their production costs.

There is ample evidence that a significant percentage of the domesticated rabbit meat retailed in this country is imported, without USDA inspection, from the Peoples Republic of China, and is produced under questionable sanitary conditions. This bill would authorize spot checks of imports and require foreign plants to comply with sanitation standards that are required for other meat imports.

A stable rabbit processing industry could create economic opportunity for many unemployed or underemployed citizens in rural and small-town areas. Rabbit production as a source of supplemental income appeals to hobbyists, senior citizens, young people, handicapped, the disadvantaged, and various ethnic and minority groups.

Raising domesticated rabbits requires a limited investment and operating capital as well as minimum labor requirements. This makes rabbit production a promising source of income and meat production in the future.

In short, the time has come to include rabbit processing under the mandatory inspection provisions of the Meat and Poultry Inspection Acts. This would stabilize the rabbit processing industry without forcing undue costs on the small processor who could be exempt. This act would open new doors of opportunity for senior citizens, youth, handicapped, and others in search of gainful employment and economic returns and could offer our rural and small-town areas additional economic activity, an important consideration during these times of high unemployment.

More importantly, the consumer would be guaranteed wholesomeness and an increasing supply of a most nutritious and healthful food which is high in protein and low in fat. This bill would also give the rabbit producer and consumer some measure of protection from cut-rate, low-quality imports.

I am hopeful that we will take prompt and favorable action on this proposal.

Mr. BAUMAN. Madam Speaker, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Maryland.

Mr. BAUMAN. Madam Speaker, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

I was very interested to read this legislation, and I am informed by learned minority counsel on the Committee on Agriculture that it has already been the subject of a Harvard Law Review article. That is so, because this is another case in which apparently the Congress is attempting to repeal the laws of nature. As I read page 3, it actually defines a domesticated bird as a domesticated rabbit.

As the gentleman knows, I come from the Eastern Shore of Maryland where the broiler industry began. Some of the best chickens in the world are raised on the Delmarva Peninsula. I was not aware that anyone ever had any trouble with rabbit production. They seem to know what to do without Congress giving advice. As a matter of fact, from my experience with the hedgerows at my place where I live in the country, there is a bit of a rabbit surplus.

But one thing worries me most about this act of repealing the laws of nature. I notice on page 2 it says that this act shall apply to any "persons who perform any act relating to domesticated rabbits." I know there are criminal penalties provided in this inspection law. Would it be proper for the gentleman to explain on the floor of the House what acts this makes illegal?

Mr. SEBELIUS. What we have done is take the Poultry Inspection Act and changed the word "feathers" to "pelt." "Bird" is the equivalent of "rabbit." We have used that act to simplify it. Many rabbits today are processed in a chicken processing plant.

I would commend the gentleman from Maryland and his area for a very, very fine product. I had fried chicken last night and I hope to have it again soon. As far as the penalties are concerned, they are the same as those which apply to the chicken grower. I think the gentleman from Maryland can understand that these provisions apply to the domesticated rabbit grower.

We want to give the people who choose rabbit the same privileges as those who chose chicken, in other words to rely on USDA inspection.

Mr. BAUMAN. I thank the gentleman. I think it is marvelous. Only the Congress of the United States can change a rabbit into a bird and fur into feathers. I commend the gentleman for being able to produce such esoteric legislation.

Mr. WEAVER. Madam Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Madam Speaker, I rise in support of the bill. I think, as my colleague, the gentleman from Kansas, has indicated, once more we have furnished a new type of food item, and we want to make sure that it is safe for consumption.

I want to take a second, as long as I have the floor, to comment about the arm band my colleague, the gentleman from Kansas, has on his arm. Many of my colleagues in the House have received a loaf of bread from Mr. SEBELIUS. While this does not have anything to do with rabbits, I would note that we have a farm bill coming up which deals with perhaps the single largest export food production item that we have, and that is wheat. I hope that the Members of this House will look at the farm bill, particularly as is relates to wheat, with the same amount of thoroughness and rapport as we have just done in authorizing over $6 billion of funds for CETA, because both are critically important to the nature of this economy.

Mr. WEAVER. I would assume that the gentleman would not call wheat rabbit feed.

Mr. HAMMERSCHMIDT. Madam Speaker, my interest in and support for this legislation to provide for mandatory rabbit meat inspection are strong, in that the Third District of Arkansas which I represent is fortunate in having a major segment of the domestic rabbit industry within its boundaries. H.R. 2521 addresses itself in a very direct and positive way to the very survival of the domestic industry, which has been struggling since

the late 1960's and early 1970's for its continued existence.

The bill provides for the adequate inspection of rabbit meat imported into the United States and processed in this country. Heretofore, the Food and Drug Administration has not even made cursory inspection of all rabbit meat imports. H.R. 2521 calls for such inspection regulations, to be administered by the U.S. Department of Agriculture, as is the case for other meat. Continued increases in the cost of the voluntary inspection program make the program a luxury which the rabbit processors cannot afford and remain competitive with other meat in the marketplace.

Similar legislation was passed by the House in the closing hours of the 94th Congress, H.R. 10073, but was pocket vetoed by the President. I urge favorable action on the bill we have before us today, so as not to delay final congressional action any longer. The cost of such inspection will be far less than was estimated by OMB during the last Congress, at which time an error was made on the part of the Budget Office by assuming that far more processing plants would require inspection than is the actual count. The error was made, I might point out, because no actual industry survey has ever been made by the Government.

Another very important feature of H.R. 2521 is that its provides for the exemption of the very smallest plants, thus giving the rabbit processors equal protection with other poultry as specified in the Poultry Products Inspection Act. The inspection of domesticated rabbits is also governed under that act.

Madam Speaker, H.R. 2521 is clearly a consumer protection measure. From 6 to 20 million American consumers buy rabbit meat and through enactment of this legislation they will be assured that the meat they are buying in retail stores is wholesome, whether or not it has been imported or processed in the United States. Unfortunately, there is some rabbit meat being sold in a number of large U.S. cities which cannot meet that criterion. Currently, no inspection of this meat is required.

I have some very graphic and explicit evidence of the need for mandatory inspection which has been provided to me by the rabbit meat industry in my district. The meat that does not meet the specifications of wholesomeness must not be allowed to reach American consumers.

Madam Speaker, significant economic conditions, as well as a clear need for protection of consumers, call for our affirmative action on H.R. 2521 and I urge my colleagues to act accordingly.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WEAVER), that the House suspend the rules and pass the bill H.R. 2521, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WEAVER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

LEASING OF FLUE-CURED TOBACCO QUOTAS

Mr. JONES of North Carolina. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3416) to amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of Flue-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 percent of the farm acreage allotment was planted for such year.

The Clerk read as follows:

H.R. 3416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316(c) of the Agricultural Adjustment Act of 1938 is amended by striking out the second sentence and inserting in lieu thereof "Any lease of Flue-cured tobacco acreage-poundage marketing quotas from any farm with an acreage-poundage marketing quota in excess of two thousand pounds filed on or after June 15 in any year shall not be effective unless the acreage planted on both the lessor and the lessee farms during the current marketing year was as much as 80 per centum of the farm acreage allotment in effect for such year.".

The SPEAKER pro tempore. Is a second demanded?

Mr. WAMPLER. Madam Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to bring up H.R. 3416, a bill to amend the law controlling the requirements for leasing Flue-cured tobacco acreage-poundage allotments.

For those of my colleagues who are not familiar with the production of Flue-cured tobacco, let me briefly give some background information.

The Federal Government assigns to each farmer an acreage allotment of how much land he can plant in tobacco, and a poundage quota of how much leaf he can sell in the market. A farmer can lease his rights to grow and sell tobacco to another producer. Most leasing occurs in the spring, before planting takes place.

However, there is some leasing that takes place after June 15 of the year. We call this "fall" or "late" leasing.

This allows a producer who for whatever reason was unable to grow his full quota to lease it to a second farmer who overproduced. Thus, late leasing helps both producers out of a bind, but it was intended to be used only when there is a genuine need. To be eligible for late leasing, both farmers in the transaction must have planted at least 50 percent of their allotments, according to present law.

H.R. 3416 amends the Agricultural Adjustment Act of 1938 to change the eligibility requirements for late leasing. Simply stated, it would change the law to require both farmers to have planted 80 percent of their allotments. The bill is needed to prevent some speculation that allegedly is occurring. Apparently a few people are obtaining tobacco leases without any good faith intention of planting and producing leaf. Then they turn around and lease the quota after June 15 for higher prices. This speculation only contributes to higher costs for the true tobacco farmer. Raising the eligibility requirement to 80 percent should stop some of the speculation.

This bill has the full support of everyone associated with tobacco to whom I have talked. It has the backing of the major farm groups and the USDA. The Tobacco Subcommittee and the full Agriculture Committee both approved the bill unanimously.

May I point out that passage of the bill will not cost the Government 1 cent, nor will it permit any more tobacco to be grown than it presently allows. USDA has testified that there would be no added expense, because it must certify that the growers have planted at least 50 percent of their allotments. Changing the requirement to 80 percent does not add to the cost of the certification.

Mr. DAN DANIEL. Madam Speaker, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Virginia.

Mr. DAN DANIEL. Madam Speaker, I rise in support of H.R. 3416 which has as its purpose improving the orderly handling of leases and transfers of Flue-cured tobacco.

I have the privilege of representing a district in which a great deal of Flue-cured tobacco is grown and many of my constituents have contacted me in recent months expressing concern over the present lack of strong controls on the fall leasing program. It is no secret that the Department of Agriculture, in order to save money and for other reasons, has not been rigidly enforcing the present controls on fall leasing. In some places in North Carolina, we are told that the cost of leasing has exceeded 50 cents per pound and this tendency has crept into Virginia to the extent that the cost is likewise spiraling.

As long as the planting does not exceed the national allotment, there is, of course, no legal barrier to such leasing or increased cost. But those of us who are concerned about the stability of the tobacco program feel that the change proposed by Congressman JONES is a wise one and should be approved. The Department of Agriculture has also indicated its intention of tightening re-

strictions and improving enforcement and these, together with the provision of the Jones bill, will go a long way toward providing that stability.

I urge passage of the bill.

Mr. WHITLEY. Madam Speaker, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from North Carolina.

Mr. WHITLEY. Madam Speaker, I rise in support of H.R. 3416 and ask unanimous consent to revise and extend my remarks.

There was more Flue-cured tobacco sold from my district last year than from any other congressional district in the United States, both in terms of pounds and in terms of dollars. Obviously, a sound tobacco marketing program is vital to the economic well-being of the people I represent.

There are several things which should be said about this bill. First, it does not involve a dime of cost to the Federal taxpayer.

Second, it cannot possibly increase the production of tobacco and may in fact, reduce it.

Third, it is an initiative which came from the growers themselves in an effort to help solve some of their own problems instead of looking to someone else to solve their problems for them.

Under present law, if one producer has a short crop, he can transfer to another producer who has a surplus the right to sell the number of pounds of tobacco the first producer is short, and there is no restriction as to the number of pounds which can be so transferred or on how much of a total allotment which can be so transferred. The only limitation is that such transfers can only be made by producers who have planted at least 50 percent of their crop for the current year.

Under the provisions of H.R. 3416, both the transferor and the transferee must have planted at least 80 percent of their crop. The economics of the situation are such that this will eliminate the speculators who in the past have merely gone through the motions of planting a crop with the idea that they will speculate in the fall with the poundage allotment instead of selling their own crop.

The bill will not affect, in any way, the normal leasing procedures which take place in the fall and early spring and which relate to the crop to be sold in the fall of the ensuing year. It will affect only those leases which are entered into after June 15 of a given year for the crop which is already planted for that year and which will be sold in the fall of that year.

In short, it is intended to restrict this so-called fall leasing to legitimate tobacco producers and eliminate the possibility of speculating with poundage or brokers or third parties involving themselves in it.

It is a good bill and I urge its passage.

Mr. WAMPLER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3416, the bill introduced by my friend and colleague, the gentleman from North Carolina (Mr. JONES), who serves as chairman of the Tobacco Subcommittee.

H.R. 3416 would amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of flue-cured tobacco acreage-poundage of marketing quotas after June 15 of any year be permitted only between farms on which at least 80 percent of the farm acreage allotment was planted for such year.

Under present law, the lessor farm must have an acreage-poundage marketing of more than 2,000 pounds filed with the county Agricultural Stabilization and Conservation Service committee and both the lessor and lessee farms must plant at least 50 percent of the acreage allotment in effect for that year. Boiled down to its simplest terms, the bill merely changes "50 percent to 80 percent" in section 316(c).

Flue-cured tobacco planting is starting now, and will be complete in mid-April. Many leases of acreage-poundage marketing quotas to transfer production from one farm to another will be transacted before June 15, and leases effected after June 15 will transfer marketing quotas to allow marketing of tobacco already in production. In cases where production exceeds marketing quotas, leases of additional quotas will be necessary. Marketing quotas command a higher price during the marketing season than prior to planting, and thus by planting only 50 percent, lessor farmers can release one-half of their quotas in the fall. The 80-percent planting requirement should discourage the profiteering fall releasing could conduce.

The bill will not cost the taxpayers any more money as it is just an administrative change in the leasing program and does not affect price support activity.

The Subcommittee on Tobacco and the full Committee on Agriculture have approved H.R. 3416, and I urge the Members of the House to do the same.

Mr. FOUNTAIN. Madam Speaker, I speak in support of H.R. 3416, a bill to amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of Flue-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 percent of the farm acreage allotment for tobacco was planted for such year.

The bill—designed to drastically cut down on speculation in tobacco allotment leasing—is extremely important to thousands of small farmers. Tobacco is one of the few cash crops that a farmer can raise with profit on a more limited acreage than many other crops.

Many of my colleagues have from time to time expressed concern over the demise of the small, family operated farm. Family farmers who grow cotton, corn, wheat, or soybeans may sometimes be driven out of business by large corporate operations, but the small tobacco farmer is here to stay even if he owns only 2 or 3 acres of tobacco, if he can lease, at at reasonable price, a few more acres from another tobacco farm owner. Also, the crop is labor intensive, and large-scale mechanization is not as possible for tobacco as it is for wheat or corn.

For those who may be less familiar with the tobacco program, let me explain briefly how the allotment system works and why H.R. 3416 is important.

To regulate the production and marketing of tobacco, the United States has established a quota and allotment system. Each year the Department of Agriculture determines the quantity of Flue-cured tobacco needed for adequate normal supplies. This quantity is translated into the national acreage that must be planted and harvested, and the national acreage total is allotted among tobacco-producing States, counties, and individual farms. Individual allotments are based on the farm's share of the quantity marketed in the United States during the preceding years. The quotas take effect only after their approval by a two-thirds majority of producers voting in a referendum. The U.S. price support program for tobacco covers only the allotted acreage, and there is a penalty for marketing production in excess of the allotment.

For Flue-cured tobacco, acreage and poundage quotas have been in effect since 1965. Producers voted last December in a referendum to approve marketing quotas for the 1977, 1978, and 1979 crops.

Far less than half of Flue-cured tobacco farmers own the entire allotment that they actually farm. The ownership rate is highest among those with the smallest acreages. About a fourth of the farmers rent all their allotment. But, most tobacco growers combine owning and renting—or leasing—allotments.

One month ago, the Department of Agriculture announced that it is considering changes in the regulations for Flue-cured tobacco because of abuses that have been reported by farmers and farm groups. One of the abuses cited has been speculation in the leasing of allotments. The current regulation allows a farmer to lease the portion of the quota equal to the difference between expected production on his total allotment and the actual production on his acres planted.

The Department of Agriculture is considering two changes to reduce speculation: First, a farmer could lease only the quantity of quota equal to the difference between the expected production on the acres actually planted and the production on those acres; and second, the lease would be disapproved if the quantity stipulated in the lease exceeded the difference between the receiving farm's quota and the amount of tobacco it has on hand to sell.

H.R. 3416, as favorably reported by the Committee on Agriculture, would help reduce speculation in leasing allotments. It would limit leasing to those farms seriously engaged in Flue-cured tobacco production. Only farmers who planted at least 80 percent of their allotments could lease acreage and poundage quotas. This type of legal limitation will strengthen the tobacco program, help the small farmer who depends on tobacco for his income, and keep leasing costs reasonable by eliminating the speculators.

There are other improvements that may be needed, or may become necessary from time to time. However, for the moment, the particular changes provided for in the legislation before are very timely and essential to the preservation of a tobacco program which has worked well down through the years.

I, therefore, urge my colleagues in the House to consider the needs of the small farmer and to support the limitation on allotment leasing embodied in H.R. 3416.

Mr. JONES of North Carolina. Madam Speaker, I have no further requests for time.

Mr. WAMPLER. Madam Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill H.R. 3416.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 3416, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CALL OF THE HOUSE

Mr. NATCHER. Madam Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 105]

Abdnor	Florio	Pike
Alexander	Harsha	Poage
Anderson, Ill.	Holland	Quayle
Andrews, N.C.	Huckaby	Railsback
Archer	Jeffords	Roberts
Bowen	Johnson, Colo.	Roe
Burton, Phillip	Kemp	Ruppe
Cederberg	Long, Md.	Russo
Chappell	Lundine	Staggers
Clay	McKay	Steed
Conyers	McKinney	Symms
Diggs	Milford	Teague
Dornan	Miller, Calif.	Tsongas
Drinan	Moakley	Wilson, Tex.
Eckhardt	Moss	Zeferetti
Edwards, Ala.	Murphy, N.Y.	

The SPEAKER pro tempore. On this rollcall 385 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE CERTAIN REPORTS ACCOMPANYING PRIVILEGED RESOLUTIONS

Mr. THOMPSON. Madam Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file certain reports accompanying privileged resolutions so that these resolutions may be in order for the consideration of the House on tomorrow, Wednesday, March 30, 1977.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. BAUMAN. Madam Speaker, reserving the right to object, may I just ask the gentleman from New Jersey (Mr. THOMPSON) whether the gentleman from Alabama (Mr. DICKINSON) has agreed to this request.

Mr. THOMPSON. Madam Speaker, if the gentleman will yield, the answer is that the gentleman from Alabama (Mr. DICKINSON) was present during markup. The minority was present, and the gentleman from New Hampshire (Mr. CLEVELAND) was present this morning when the resolutions were reported out. They are money resolutions.

Mr. BAUMAN. There was no objection on the part of the minority; is that correct?

Mr. THOMPSON. There was no objection; that is correct.

Mr. BAUMAN. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONTINUATION OF SELECT COMMITTEE ON ASSASSINATIONS

Mr. BOLLING, from the Committee on Rules, submitted a privilege report (Rept. No. 95–129) on the resolution (H. Res. 433) to provide for the continuation of the Select Committee on Assassinations, which was referred to the House Calendar and ordered to be printed.

DISCHARGING COMMITTEE ON INTERNATIONAL RELATIONS FROM FURTHER CONSIDERATION OF H.R. 5497 AND REFERRAL TO COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

Mr. ZABLOCKI. Madam Speaker, I ask unanimous consent that the Committee on International Relations may be discharged from further consideration of the bill (H.R. 5497) to amend the African Development Fund Act to increase the U.S. subscription to the fund by $150 million and that it be rereferred to the Committee on Banking, Finance and Urban Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5045, EXTENSION OF REORGANIZATION AUTHORITY OF THE PRESIDENT

Mr. BOLLING. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 441 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 441

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 2(1)(5)(B) of rule XI to the contrary notwithstanding, that the House resolve itself the State of the Union for the consideration into the Committee of the Whole House on of the bill (H.R. 5045) to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 5045, the Committee on Government Operations shall be discharged from the further consideration of S. 626, and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the text of H.R. 5045 as passed by the House.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Madam Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Madam Speaker, I know of no objection to this resolution.

I understand that the resolution was completely agreed to by the Members who sought it for the Committee on Government Operations. There is no controversy that I know of in the Committee on Rules. There is ample time for debate on the Reorganization Act that it will bring to the floor.

Therefore, Madam Speaker, I reserve the balance of my time.

Mr. QUILLEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the able gentleman from Missouri (Mr. BOLLING) has correctly described the provisions in the rule. There is no objection to the rule on this side of the aisle. The bill does give the President a 3 year authority to present his reorganization plans.

I would like to say now, Madam Speaker, that the American people are all in favor of the reorganization of the Federal Government in the executive branch and the various dictatorial agencies that are now in existence.

The rule itself provides for 1 hour of general debate. It is an open rule on the measure.

Madam Speaker, the bill does contain a provision that after 45 days any Member of either House can offer a motion to consider a motion of disapproval. That motion to consider must be voted on before that disapproval resolution is taken up in the House. The proposals of the President must be disapproved within 60 days or they are the law.

As I say, there is no objection at all to the rule and I urge the adoption of the rule.

Mr. BOLLING. Madam Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BROOKS. Madam Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5045) to reestab-

lish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. BOLLING).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5045, with Mr. HANLEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. BROOKS) will be recognized for 30 minutes, and the gentleman from New York (Mr. HORTON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I want to first say that I appreciate the courtesy and the cooperation of the Committee on Rules. As usual, the members of that committee have acted in a manner to expedite important business before the House.

The bill that this rule relates to involves provisions incorporated in the rules of the House. The Committee on Rules has been most cooperative and understanding, and again I want to express my appreciation of their favorable action.

Mr. Chairman, the issue presented by this legislation is not the reorganization of the executive branch. I doubt that there is a single Member here who thinks the Government is now so perfectly organized, so smoothly running, that we can just sit back and admire it. Anything that can be done to improve the efficiency of the Government should be done. President Carter says he has ideas about what should be done, and we here in Congress are certainly ready to get to work on those.

The questions we have to consider here today are how much authority the President should have, and what role Congress should play in the reorganization process. Determination of the organizational structure of the executive branch is a legislative function. Make no mistake about that.

Throughout most of our history the reorganization of the Government has been accomplished through legislation. It was not until the 1930's that we began delegating that authority to the President. Over the years since then, as we have been asked to renew the authority, we have gradually cut back on the extent of legislative power we were willing to surrender. In 1973, we took it all back, and now we are considering delegating it again.

H.R. 5045, the bill before us, would extend for 3 years the basic authority similar to that granted in the past. It permits a President to submit reorganization plans to Congress that will go into effect after 60 days unless the House or Senate rejects them.

This bill adds a new provision that allows the President to make changes in a plan up to 30 days after he submits it. There still will be no opportunity for Congress to make any changes, but the committee thinks this new provision will allow a President to take notice of any objections to or maybe even suggestions for improvements in a plan that might arise in Congress, and act to meet them. We have also added a statement of congressional intent that the President provide for broad citizen participation in drawing up reorganization plans.

The bill contains a number of limitations on the use of reorganization authority that were not in the proposal submitted by the administration.

For example, it prohibits the use of this authority to abolish enforcement functions or statutory programs of any agency. The bill also prohibits the abolition of independent regulatory agencies or the transfer of all their functions to another regulatory agency. These things could have been done under the authority the President requested.

This bill continues the provision that a plan has to deal with only one logically consistent subject, and provides that no more than three plans can be pending at any one time. The administration wanted no limit on the number of plans it could submit or on the subject matter with which they could deal.

The bill requires that each plan contain an estimate of any savings it is likely to produce, a provision in existing law the President wanted to eliminate. And we add a requirement that plans also include an estimate of any increased costs that might result.

The most significant change made by this legislation is in the manner in which the House and Senate will consider reorganization plans. When a plan is submitted, resolutions of disapproval must be introduced immediately and referred to the House Government Operations Committee and the Senate Governmental Affairs Committee. If the resolution has not been reported after 45 days, the committee is automatically discharged and the resolution goes on the appropriate calendar in the respective House. Any Member can then move for its consideration. Under this procedure, it is highly unlikely that any plan will go into effect without the Congress having had a chance to vote on it.

It is a matter of concern, to me personally, that the vote will not be an affirmative one. The legislative veto provision of this bill presents a serious constitutional question as a number of witnesses at our hearings testified. I firmly believe it is possible to grant reorganization authority to a President that gives all the benefits of certain and expeditious congressional action, while at the same time preserving the legislative process prescribed by the Constitution. To allow a President to propose and, in effect, pass a law unless Congress vetoes it is to reverse that process and trample on the doctrine of separation of powers.

I introduced a reorganization bill that would have met both the objectives of the President and the requirements of the Constitution. Unfortunately, the bill before us today takes a slightly different approach. I have chosen to support it, however, because I believe the new voting procedure—which was taken from my bill—and the limitations on the use of reorganization authority to which the committee agreed, will provide Congress with far more control over reorganization than would have been the case if the President's proposals had gone through unchallenged.

I urge your support of this legislation which the Government Operations Committee approved by a vote of 40 to 3.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend, the distinguished gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

I would like to take this opportunity to commend the distinguished chairman of our committee for his efforts in connection with this reorganization authority. I am well aware of the fact that the gentleman from Texas is completely in accord with the need for reorganization of the executive branch of the Federal Government and indeed will likely be one of the strongest proponents of the efforts to reorganize the Federal executive branch.

At the same time I recognize the sincere and conscientious disagreements that the chairman of our committee had with the proposal which the President initially sent over. I think it is a tribute to the gentleman's understanding of the need of this country to go forward with reorganization and a desire to work with the administration in accomplishing this purpose that made it possible for this legislation to come to the floor today.

I would like to add my word of congratulation and tribute to the chairman for the work he has done.

Mr. BROOKS. I thank my friend, the distinguished gentleman from Georgia.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend, the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I am for reorganization. I think we should have it and it is high time we did it. Government is just getting too big.

There are several things I am not sure of under this bill. First of all can the President reorganize several agencies, either put them together or separate functions or do whatever he wants to, but reorganize various agencies at one time under one package that he would submit to the Congress?

Mr. BROOKS. Yes.

Mr. KAZEN. All right.

My next question is: Suppose there are three reorganizations or three mergers that in the opinion of the House would be desirable but one merger that is not, all four of them are put in the same package. Will we then be able to sever those and have a vote on each or must we vote, as we do on a conference report, either up or down on the whole package?

Mr. BROOKS. Up or down. The House would not have an opportunity to amend a reorganization plan when it is submitted by the President. The President has the authority under this legislation to

submit amendments within 30 days or to withdraw the plan. For example, if Congress had such a uniform feeling that part 4 of the proposal was so bad that it might defeat the plan, the President might submit an amendment to delete that section and thereby insure passage of the remaining sections of the reorganization plan.

Mr. KAZEN. This disturbs me because four good mergers will carry one bad merger and the House would pass it.

Mr. BROOKS. The House will have an opportunity to vote on it in this instance.

Mr. KAZEN. That is right but the House would approve it under those conditions and let the bad merger go through. I would hope that there would be some way of amending this legislation to make it possible for us to vote on the individual mergers in that package. Would that be possible?

Mr. BROOKS. I would say it would be possible but I do not think we can get the votes for it.

I would say nobody in the committee seriously thought about offering an amendment to give Members of Congress a right to amend a reorganization plan. We did not do that to President Nixon when he had that authority temporarily. We did not do that to President Johnson nor to President Kennedy. And it is deemed by the administration to be particularly undesirable.

I would say that an amendment of that nature would seriously affect the possibility of the President's successfully submitting reorganization plans. He would be just about as wise to submit legislation as he has done with the Department of Energy. If any House Member could offer an amendment, we really could subject a reorganization plan to numerous amendments and it might jeopardize the program.

Mr. KAZEN. Certainly I do not want to do that.

Mr. HORTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman. The right of a President to reorganize the executive branch of the Federal Government is a right enjoyed by President after President since 1932. I have no basic quarrel with that right. In fact, I view it not only as a Presidential prerogative but one which is necessary to the effective and efficient management of the Federal bureaucracy. Like any other Member of the 95th Congress, though, while I may occasionally object to the President's methods of reorganization in the months ahead, I will forever defend his right to attempt reorganization.

I am pleased to report that H.R. 5045 has the overwhelming support of the Committee on Government Operations. I would caution my colleagues, however, not to interpret the committee vote of 40 to 3 as a sign that there was little interest in or discussion of this particular bill. Anyone with access to newspapers, radio, television, or any other dispenser of the news can surely vouch for the fact that we did, indeed, have some interesting discussions on the strengths and weaknesses of the bill. And I dare say that few news conscious Americans would fail to recognize the name or face of our distinguished committee chairman, Mr. BROOKS, and his timely review of the constitutionality of certain aspects of H.R. 5045. While I do not share his particular assessment of the legislative veto provisions of the bill, I must say that he brought the subject of Government reorganization out of the legislative closet and thrust it into full view of the American people and the Congress.

That is a meaningful contribution in my view and I commend the gentleman for the effective and thorough presentation of his views on the subject.

H.R. 5045 basically gives the President the authority to submit reorganization plans to the Congress with the understanding that those plans will become effective within 60 days unless either the House or the Senate rejects them. What makes this bill different from reorganization bills of the past is a provision that allows any Members of the Congress to exercise the right to move that a disapproval resolution be considered. H.R. 5045 actually requires the chairman of the House Committee on Government Operations and the Senate Committee on Government Affairs to introduce resolutions of disapproval in their respective House when a reorganization plan is presented to the Congress. If after 45 days either committee has not made their recommendations officially known, the resolution will automatically be placed on the appropriate calendar of the House involved and any Member of that body may move for consideration of the resolution.

That is a unique feature. It provides a mechanism by which Members of Congress can be reasonably assured of participation in the reorganization process. I, of course, recognize the objection of some that it provides only for a very limited participation by the Congress, but my point is that it does provide for some degree of participation. For those of us who feel strongly that Congress should not forfeit its constitutional role on the question of reorganization, that is an important and meaningful provision.

The opportunity to object and force the issue is there and I feel sure that some of my colleagues will exercise that right during this Congress.

Another feature I like is a requirement that the reorganization plan contain an explanation of just how much money will be saved by that particular reorganization. It also requires a statement on the improvements we can expect in the management, efficiency, and delivery of the Federal services. That, after all, is what reorganization should be all about. If we cannot save money or offer some tangible improvements in the existing system, why bother to shuffle agencies around in the first place?

As for the need for Government reorganization itself, I do not think we need to look any further than our respective constituencies. The American people are literally crying for effective reorganization of their Government. In the 14 years that I have had the privilege of serving in this House, the Federal Government has grown by leaps and bounds. Unfortunately, it has not always been an effective or logical growth. New Government programs have not always meant better lives for the American people. New or expanded Government programs do not always mean wiser use of our tax money.

Our Nation's taxpayers—our small businessmen, our farmers, our school teachers and administrators, our laborers as well as professionals—are all drowning in a veritable sea of Government regulations. And they resent it. It is human nature for free people to resent the instrusion of big government into their lives. And it is human nature for that resentment to reach the boiling point when Government intrusion brings with it an inefficient, ineffective, confusing bureaucratic monster. It is one thing to force a number of Government programs on a largely unwilling populace, but to unleash a number of ineffective Government programs is entirely too much to expect the people to gracefully accept.

The need for Government reorganization is there. There should be no question about it. I will not harbor an ounce of jealousy if the executive branch rather than the legislative formulates an effective reorganization plan. I strongly support the President's request that he be allowed the same kind of partnership with the Congress in the formulation and consideration of reorganization plan that his predecessors have enjoyed.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I want to thank my colleague, the chairman of the Committee on Government Operations, for yielding me this time. I also want to commend the gentleman from Texas for raising the question which he did when the President's proposal was being discussed in the news media. I think the gentleman from Texas has done the country, the President and the Congress a great favor by raising these questions, because all of us who have been here for a number of years know that in many instances serious questions could have been raised as to whether or not certain reorganization plans truly complied with the spirit and intent of the then existing Reorganization Act.

While I thank the gentleman from Texas basically, in initially seeking approval of both branches of the Congress for reorganization plans, as a practical matter it would be extremely difficult for us to carry that procedure out. If we extended reorganization authority of the President by requiring that each plan be submitted in the traditional form of a legislative proposal, the President could too easily be blocked from accomplishing goals which are essential to more effective, efficient, economical and responsible operations of the executive agencies of Government. When some of us met, as the gentleman knows, with the President, I myself emphasized to the President that while I thought the suggestion made by the gentleman from Texas might be difficult to carry out in some cases—approval by both branches in the usual legislative manner—I thought that the Congress, either branch of it, ought

to have the right to participate, to engage in debate and to vote up or down on a disapproval resolution.

The President said, "Well, I have no objection to that. Don't you usually do that?"

That is an indication that even the President and those who work with him need the time to find out how we operate within this institution. But, the fact that both branches do not have to affirmatively approve, but that either branch will have a right to debate and act upon this legislation, disapproving it, if so desired, it seems to me, to go a long way toward complying with the spirit and the intent which the gentleman from Texas had in mind when he raised objections to this legislation. It may be unconstitutional, although I doubt it. One of these days, that question may be raised.

But, there are many ways in which this legislation is a vast improvement over previous reorganization plans. We have had a tendency, because each President has had it, to say, "Well, we have got to give it to this one." That is the way we have been acting, but now we have an opportunity, and the President, I think, has acted wisely in cooperation with the Congress and in agreement, to make provision for us to object if necessary, and to give him an opportunity to amend his own plan within 30 days, because of either his own or our objection. If we want to disapprove a proposal and he does not want to amend it, we can still disapprove it—either the House or the Senate can—and send it back to the President. And he can send it back to us without the provisions which the Congress, or either branch of the Congress, objects to; or if he desires he can send it back to us in the form of a legislative proposal—depending upon what may appear to be appropriate, under the circumstances.

With respect to the question which the gentleman from Texas (Mr. KAZEN) raised, concerning several agencies being consolidated, or where one part of a proposal may be bad and three parts good, there is no reason why the Congress has to avoid dissaproving a reorganization proposal of the President.

Mr. Chairman, I think the subcommittee headed by Chairman BROOKS and the full Committee on Government Operations, also chaired by the distinguished gentleman from Texas, have presented to this House a responsible compromise which the vast majority of this House can support.

As one of the cointroducers of the President's own initial plan, I am happy over the solution reached by the Committee. It is a vast improvement over previous plans in years gone by and it is approved by the President.

I therefore urge the passage of H.R. 5045. Again, it is a good bill.

We can disapprove it, send it back to the President, and hope that the President will still return his proposal to us by deleting that portion which we object to, and otherwise amending it. If he sees fit.

Again, in the many ways already explained I think this is a vast improvement, over the bill which I joined in introducing on behalf of the President.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. FOUNTAIN) has again expired.

Mr. HORTON. Mr. Chairman, I yield 1 additional minute to the gentleman from North Carolina (Mr. FOUNTAIN).

The CHAIRMAN. Will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. I thank the gentleman for yielding.

The point I would like to follow up is that in the past, an administration could not offer an amendment to a pending reorganization plan.

Under H.R. 5045 Members of Congress, who are opposed to a plan and have some disagreement with regard to some parts of the plan, they can testify before the committee, this gives the administration an opportunity to amend the plan prior to floor consideration for a vote on the final disapproval resolution.

So I think the opportunity for amendment by the administration is a good proposal, so far as this bill is concerned, because it does let us cure those kinds of defects which we could not cure with the other type of authority we have had in the past.

Mr. FOUNTAIN. The gentleman is correct, because of the cooperation which I hope and believe will exist between the President and the Congress on reorganization matters. If he sees that the Congress does seriously object to a portion of it, it would be my hope that the President would offer an appropriate amendment to his reorganization plan.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Chairman, yesterday the distinguished chairman of the Committee on Veterans' Affairs made a statement regarding H.R. 5045, the bill granting the President authority to transmit to the Congress plans for the reorganization of the agencies of the executive department of the Government. Chairman ROBERTS indicated in his statement that he had received the firm assurance of the administration, through Mr. Bert Lance, the Director of the Office of Management and Budget, that the Veterans' Administration would not be affected adversely by any Presidential reorganization plan.

As the ranking minority member of the Committee on Veterans' Affairs, I would like to thank Chairman ROBERTS for his initiative in seeking out Mr. Lance and clarifying this important matter with the administration. It was deeply reassuring to me to have received such a clear and definite commitment. All of the minority members of the Veterans' Affairs Committee, and I believe, the overwhelming percentage of Republicans in the House itself, feel very strongly about the right of the Veterans' Administration to exist separately from any other agency or department. It was reassuring to the notion of bipartisanship that Democratic Members seem to feel just as strongly about this issue, and that strong leaders such as Chairman ROBERTS are willing to take positive steps to straighten matters out before they become serious problems.

I feel satisfied with the administration's assurance, given through Mr. Lance, that any reorganization will not include the abolishment, consolidation, or transfer of functions away from the Veterans' Administration. It is logical and proper to maintain the VA's separate status, given its size and the truly national functions it performs. There can be no doubt that the needs and benefits of our more than 30 million veterans are entitled to the special protection and close scrutiny that comes from having an agency devoted exclusively to them. They earned this protection by honoring the judgments of our Government that it was necessary for them to interrupt their lives in its service. Many of them were required to face the blood and dread of battle. They honored our notion of government then, and it is the duty of government to honor their sacrifices now.

Mr. FISH. Mr. Chairman, it was the intent of Mr. RAY ROBERTS, chairman of the House Veterans' Affairs Committee; Mr. JOHN PAUL HAMMERSCHMIDT, ranking minority member of the committee, and myself to jointly offer an amendment to the legislation being considered today, H.R. 5045, the Executive Reorganization Act, specifically to exempt the Veterans' Administration from any proposed reorganization. We had planned to take this action because of the possibility their functions of the Veterans' Administration might be transferred to other agencies.

Mr. Chairman, it was not until 1930 that the United States finally established the VA by combining the various veteran programs that were scattered throughout the Federal Government. In establishing the VA, President Hoover, at the direction of Congress, took this action to eliminate the chaotic administrative situation that existed in delivering veteran programs.

Recent statements by members of the current administration, as well as statements of members of past administrations, indicated that there was a real possibility of the Federal Government returning to the chaotic pre-1930 period by spreading the veterans' programs throughout other Government departments.

It is for this reason that we had decided to offer our joint amendment to specifically exempt the VA from reorganization. However, as a result of a conversation between Mr. ROBERTS and Mr. Bert Lance, Director of the Office of Management and Budget, we have decided that no amendment is needed or advised.

On Thursday, March 24, Mr. Lance assured Mr. ROBERTS that if we did not offer our amendment, there would be no attempt at reorganizing the VA.

We feel that this commitment by the administration, was absolutely essential, especially in view of Secretary Califano's recently announced plan to include veteran's compensation and pension benefits as part of his welfare reform package.

This commitment guarantees that the Veterans' Administration will remain as the symbol of our Nation's dedication and gratitude to those that have served their country.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise in support of this legislation. First of all, let me compliment the gentleman from Texas, the chairman of our committee. I am afraid that some of the stories in the newspapers may have given the impression that the gentleman from Texas was being an obstructionist, was giving the President a hard time. We who have served with the gentleman from Texas on the committee know that that is not true. He was expressing a long-held opinion concerning the constitutionality of this procedure. This is an opinion that I think he has expressed consistently since he has been a Member of Congress. So he raised the same objections as he would have whether the President who opposed the extension of this authority were Democrat or Republican, whether he were friend or foe. One thing the gentleman from Texas is not and never has been is an obstructionist. He did not throw any procedural stumbling blocks in the way of the President or those of us on the committee who supported the President's request. Just as in the last Congress, when the gentleman had a deep-seated opposition to the extension of the Federal revenue sharing, he did not utilize his position to throw any procedural stumbling blocks in the way of those of us on the committee who supported that extension of Federal revenue sharing.

I think, as a result of questions raised by the gentleman from Texas, we have some very good amendments to the basic authority of the President contained in the bill before us, in the limitation of the number of plans that can be pending at any one time. A somewhat different limitation was added in the last Presidential authority when we said the President could submit no more than one plan every 30 days. So that we would not be inundated with too many plans at one time, I think it is good to have some limitation on the frequency with which these plans are sent to the Congress.

I think, also, the procedure which makes it certain that we will have an opportunity as a body to vote on these questions, should any Member decide to have a vote, is a step forward.

It certainly is in tune with what our committee as the parent committee of the Freedom of Information Act and of the Sunshine in Government Act has promulgated. It is certainly in line with the philosophy that our committee has imposed on the executive branch through various pieces of legislation. The same theory will apply here. We are going to have an open legislative process.

I think that may, by the way, be somewhat in contrast with the frequency with which we are getting legislation on the floor with rules from the Committee on Rules that are closed rules and do not give us opportunity for the kind of open legislative performance that I think should be the rule rather than the exception. I would hope that the members of the Committee on Rules, the Speaker, and the members of the majority party of the Committee on Rules would take a page from the book of the gentleman from Texas (Mr. BROOKS) and give us open rules on legislation so that when legislation comes out here, we can have votes on the various amendments that Members would like to offer.

So, Mr. Chairman, I again compliment the gentleman from Texas (Mr. BROOKS) for being a leader, and I hope that his leadership will have an impact on the Speaker and on the majority members of the Committee on Rules.

I do support this legislation. I join with the gentleman from New York (Mr. HORTON), the gentleman from Arizona (Mr. RHODES), and other Republican members of the committee in sponsoring this bill for the President at a time when it appeared he was having difficulty finding majority members to sponsor it for him. I was pleased to be able to do that.

I think we ought to make it clear that the President can get help from the minority party in this Congress when we agree with his objectives. His objective of reorganizing the executive branch is one of the areas in which we would like to help him fulfill his campaign promise. The next one we would like to remind him of is his promise of balancing the budget. We would like to give him all the help we can in that regard as well.

Wherever the President has made promises during his campaign that fit in with the objectives sought by the minority party, he can count on our help. This is the first of several instances where we will be happy to help him fulfill his campaign promises.

Mr. Chairman, I hope that this legislation will pass.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, as one of the original sponsors of the President's program, I rise in strong support of the pending legislation.

As contrasted with the original legislation, I would like to point out that this bill is a very happy and welcome compromise brought about primarily because of the willingness of the chairman of the full committee. This not only makes his point clear with respect to his position on the legislation but also to be very willing to work out differences of opinion that existed between many of us on the committee and the chairman of the committee.

In that same spirit, Mr. Chairman, I would like to compliment the ranking minority member, the gentleman from New York (Mr. HORTON), for working so effectively with both the committee chairman and the rest of us who were interested in the President's program to accomplish this objective in the best spirit of a cooperative effort between the legislative branch of Government and the executive branch of Government.

Mr. Chairman, the extension of the reorganization authority represents that kind of best effort, and I compliment the chairman of the committee, the ranking minority member of the committee, and my distinguished colleague, the gentleman from Georgia (Mr. LEVITAS), who played a very important part in bringing this all about.

Mr. Chairman, I am in support of H.R. 5045, the extension of reorganization authority of the President for 3 years. I think we can all agree on the need for renewing this reorganization authority. Increased Government efficiency is a worthwhile and much-needed goal, and President Carter has made this one of the major aims of his administration. Yet the last extension of authority expired in April of 1973. Certainly there is a current need for expeditious action on this matter.

It is important to remember that the reorganization legislation which was introduced in 1949 was proposed in an attempt to effectively deal with the increasing complexity of the American political system. H.R. 5045 retains a number of the provisions of that law, for we recognize those same basic needs today. All of us are aware of examples of bureaucratic inefficiency, overlapping jurisdictions, unnecessary expenditures, and duplication of efforts. It is becoming more and more difficult for the average citizen to fight his way through this hodgepodge of Government inefficiency. Simple, coherent organizational structure will enable appointed officials and civil servants to carry out their responsibilities more easily and expeditiously, and, further, will facilitate the performance of our congressional oversight functions.

Necessarily, some of our traditional processes must be altered to enable us to deal more efficiently with our own political complexities. It has become apparent once again that our executive branch must be reorganized so that it may more readily respond to the needs of the American public. H.R. 5045 acts upon those needs. The bill, in fact, adds a new congressional intent that appropriate means be provided by the President for citizen advice, and for participation in executive reorganization.

This proposed legislation makes adjustments in the area of Presidential and congressional reorganization authority. The President is permitted to submit amendments to plans during the first 30 days after such a plan is sent to the Congress. One prevalent criticism of past reorganization plans has been the restrictive "no amendment" feature. A plan may have had general support with the exception of one provision. Thus, since no mechanism existed for the President to modify or amend that one provision, the entire plan had to be rejected. If the President submits a basically sound plan, he should have the opportunity to correct a relatively minor but unacceptable provision or to withdraw the plan if it would be difficult to accomplish the necessary change by amendment. The plan does, in fact, permit the President to withdraw a plan at any time within the 60-day period Congress has to act. In addition, the President is not permitted to have more than three plans pend-

ing before the Congress at any one time. Such a change as this provides a more flexible structure for the President, and at the same time shields the Congress from an onslaught of reorganization plans.

As changes in Presidential functions are mandated by an ever-changing political environment, so, too, do congressional functions require alterations. Under the provisions of this bill, disapproval resolutions are required to be introduced in both Houses at such time as a plan is transmitted. The two committees, House Government Operations and Senate Government Affairs, would then have 45 days in which to make their recommendations to their respective Houses. After that time, the committee would be deemed to be discharged if neither House has reported the resolution. The resolution would then be highly privileged and any Member of the respective House may then move for consideration. In this way, there exists an opportunity for a vote by Congress on each plan, an opportunity not available under the previous plan. Additionally, the provisions permitting the President to submit amendments functions as a two-way street, in that it also gives Congress the opportunity, if during the course of the consideration of the plan a change gathers consensus, to prevail upon the President to consider such a change. This provision is a substantial compromise to those who take the position that Congress ought to have more input in reorganization plans.

We are all very much aware of the controversy that has been raised as a result of the provision dealing with the one-House legislative veto. Despite the difficulties, I know we all agree that there must be a workable balance among the three branches of our Government, and those who have questioned the constitutionality of this provision have done so in an attempt to maintain the viability of our legislative system. The new voting procedure, previously mentioned, serves to alleviate what some view as a problem in the law.

Additionally, under the previous law, there was no provision to prevent the Executive from eliminating functions and programs which were initially established by the Congress. In an attempt to protect congressional prerogatives in this process, H.R. 5045 prohibits the abolition of enforcement functions or statutory programs by the President, if Congress believes they should not be subject to that particular authority. These limitations on the use of Presidential reorganization authority serve to lessen the threat of a too broad delegation of legislative authority to the President. The bill assures the fullest participation by Congress in this crucial reorganization process.

The process of developing an effective, efficent legislative reorganization plan is long and involved. Necessarily, such a vital aspect of our governmental procedure requires detailed and meticulous analysis. The view and ideas of the many are needed in order to insure the best possible result. It is by enabling these many varied opinions to be hashed and rehashed, that our system has been able to maintain its legislative effectiveness, and to continue to serve the needs of the American people. H.R. 5045 is a result of such intense consideration, and I believe it to be an effective compromise. I strongly urge your support of this bill.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, back in 1946, when my predecessor in the Congress, who was also my father, authored the first Hoover Commission legislation, the Commission on the Reorganization of the Executive Branch of Government, and created in that legislation later the Committee on Government Operations, this procedure for providing that the President could ask for reorganization of the executive branch of Government had already been in effect for about 14 years, because the first authority was given to Franklin Roosevelt in the depression era. Now we come to a further revision of the legislation which will now provide an automatic review by the Congress.

I personally do not think that automatic review is absolutely necessary, although there are some on the committee, including our chairman of the Committee on Government Operations, who feel very strongly about it. I honor their concern about the constitutionality of the method, but I rise in support of the legislation because of the need for this kind of authority in the hands of the President, not to change functions of the executive branch, but, rather, to reorganize them in such a way that they can be most effectively expedited.

Mr. Chairman, people at home want a more efficient, a leaner, and a more effective Government. Some of the things which Government does are not done well, but this legislation will help them meet what should be the objective of all of us: a more efficient, a quicker, and a more effectively operating Government.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I thank the chairman of the committee for yielding this time to me.

I would like also to congratulate him for his outstanding work in this matter, and I would like also to congratulate the ranking minority member, the gentleman from New York (Mr. HORTON) for the substantial, significant input that he has given in performing a real service to the committee and to the Nation in helping this legislation to come to the floor.

Mr. Chairman, finally I would like to thank and commend the gentleman from Florida (Mr. FASCELL), who, along with me and several others, was one of the original sponsors of the President's request for this authority.

Mr. Chairman, I rise in strong support of this bill now pending because I believe that it will give to the President every tool that he needs to bring about an effective reorganization of the Federal Government.

There is a definite, a crying need for this legislation. The American people have sensed this for years, and it is only recently that it has become so demanding that Congress is prepared to act.

Therefore, Mr. Chairman, I believe the new President and this Congress will respond to these demands. The Government needs to be reorganized.

As the priorities and needs of the Nation change, so must the institutions which implement them.

Mr. Chairman, we must seek simplicity and openness, competence and coordination, efficiency and economy.

Civil servants and political officials can do their work better when their responsibilities are clearly delineated and do not overlap. Members of the Congress can perform more effective oversight of Government functions and programs when they are arranged in simple and coherent organizational patterns.

Mr. Chairman, the people benefit from a Government which is less complicated, which can be understood, and which can respond to their priorities and to their problems.

Let us not misunderstand this, Mr. Chairman. Government reorganization authority or, indeed, Government reorganization itself is no solution to the problem; but it is a beginning point. It is a point where we can take all of the duplicative, overlapping functions that are spread throughout Government and bring them together in one place so that these programs can serve the people they are designed to serve and so that we in the Congress can make certain that these programs are doing what they are intended to do instead of having a bloated hodgepodge of agencies and bureaus now trying to carry out a somewhat muddled and ineffectively operated series of programs and functions.

Mr. Chairman, there will be substantial congressional control over reorganization. Not only will the President have to submit each plan to the Congress, and only three at one time can be pending, but either House of the Congress will be able to reject any plan that the President submits.

Mr. Chairman, I suggest to the Members that this is substantial congressional control.

During the hearings on these plans as they come into either House, there will be deficiencies from time to time that will be pointed out. Under the excellent proposal made by the gentleman from Texas (Mr. BROOKS), the President will be empowered to make changes in these plans and amend them in order to respond to the congressional input into this process.

In addition to that, Mr. Chairman, the fact that there is a guaranteed vote, a vote on the motion to consider any plan pending before the committee, assures that nothing can happen without the American people's knowing the position of the Members of this House. There can be no pay raise type of legislation by inaction because the matter will have to come before this House for a vote.

Mr. Chairman, there has been a great deal said about the constitutionality of this legislation.

Mr. Chairman, I think it was Samuel Johnson who said, "Patriotism is the last refuge of scoundrels."

I would suggest that it is also true that arguments and questions about the constitutionality of matters may be the last refuge for some people who are not really in favor of the substantive legislation.

I suggest that the constitutional issue here is one that will be decided ultimately by the Supreme Court of the United States.

I wish I were as certain and as positive of the outcome of the constitutional questions as some of my colleagues appear to be, but let me say that during the 40 years in which one-House vetoes have been incorporated into legislation time after time, there has never been a successful suit brought which has held that to be unconstitutional. Indeed the decisions of the courts up to this point in their opinions have indicated that it is fair, right and constitutional and this indicates that the constitutionality of one-House vetoes will be upheld.

This Congress has, for years, delegated to the executive branch of the Government the right to make proposals and to send them back to the Congress, and the right to make decisions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOKS. I yield 1 additional minute to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman for yielding me the additional time.

So, Mr. Chairman, the delegation of authority is not a new matter. Indeed, we have delegated to many agencies of the Government the power to rewrite laws we call rules. I suggest that it is absolutely fitting and necessary that we begin exercising our one-House vetoes.

The arguments we sometimes hear against the constitutionality of this bill are the following:

The opponents say it delegates too much authority to the President.

The power to reorganize the Government is not an inherent power of the President. Chairman BROOKS pointed out in his opening statement that—

> No President should assume that this authority is his automatically because other Presidents had it.

This is indeed true, and for the last 2 years of his term, President Nixon did not have it, and we never gave this authority to President Ford.

Therefore, this "power" becomes the President's only because the Congress grants it—and for a strictly limited time period and with strict limitations as to the extent of this authority. Without this legislative mandate, the President is powerless to make any changes in the structure of the Government except through the time-consuming legislative process. We are mandating the President to propose plans to reorganize which we can reject or approve. The legislative passage of this bill with the consent of the President is the legislative charter for reorganization.

Some opponents argue that the congressional veto violates the "presentation clause" of the Constitution, article I, section 7, clause 3, which requires that—

> Every Order, Resolution, or vote to which the Concurrence of the Senate and House of Representatives may be necessary . . . shall be presented to the President of the United States . . .

The second major argument is that the device violates the separation of powers between the executive and legislative branches of Government.

Opponents of the congressional veto argue that a congressional veto device violates the "Presentation clause" in that the congressional disapproval of the proposed Executive action, however that disapproval may be formally expressed, is not itself presented to the President as required by the Constitution. This failure to present the congressional disapproval of the proposed action to the President also, opponents would argue, subverts the President's constitutional veto authority.

The "presentation clause" has been complied with in that the underlying enabling statute is presented to the President. The passage of a resolution, order, or vote signifying congressional disapproval of the proposed Executive action need not be presented to the President because it is not legislation which requires a new submission to the President within the meaning of the "presentation clause." This argument is supported by reference to Justice White's concurring opinion in Buckley versus Valeo. In Buckley, Justice White strongly supported the constitutionality of the congressional veto. Justice White, in strongly worded dicta, stated:

> I would not view the power of either House to disapprove as equivalent to legislation or to an order, resolution or vote requiring the concurrence of both Houses . . . [t]he provision for congressional disapproval of agency regulations does not appear to transgress the constitutional design, at least where the President has agreed to legislation establishing the disapproval procedure or the legislation has been passed over his veto. It would be considerably different if Congress itself purported to adopt and propound regulations by the action of both Houses. But here no action of either House is required for the agency rule to go into effect and the veto power of the President does not appear to be implicated.

The "presentation clause" does not apply in any case because the retention of a congressional veto over the exercise of authority granted to the Executive is merely a condition subsequent, the lack of congressional disapproval constituting the event which must be satisfied in order for the terms of the enabling statute to become legally effective. A congressional "veto" to review executive action pursuant to a delegation of legislative powers to the Executive is simply conditional legislation well within the constitutional power of Congress to enact.

Congress may condition delegations of power any way short of actual violation of an express provision of the Constitution—and that the legislative veto does not do so. Further they point to the "necessary and proper" clause of article I, under which Congress has power to make laws necessary and proper to carry into effect both its own "and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." The President is an "officer" of the United States; and if the clause is taken to mean what it says, then the ultimate power rests in Congress—and the legislative veto is valid. Proponents of this view, accordingly, wish to continue the blending of powers under the Constitution—the system of "checks and balances."

Our views gain support from *Pressler* v. *Simon*, decided by a three-judge Federal court in October 1976. The court rules that Pressler's challenge to a congressional salary statute could not stand, relying in part on the "necessary and proper' clause. Said the court: "The Constitution is not to be parsed in the narrow, rigid, pedantic manner of a statute. It must remain flexible and adaptable," preserving "a flexible approach to government that would facilitate accommodation to changing conditions and experience."

The congressional veto is a means by which, in Madison's words, the Government can be "obliged to control itself." A necessary pragmatic adjustment to complex problems of Government, it enables urgent tasks to be accomplished with a measure of accountability.

The case of *Currin* v. *Wallace*, 306 U.S. 1 (1939), would appear to support this argument. The case concerned the validity of the Tobacco Inspection Act of 1935, 49 Stat. 731, which, in pertinent part, authorized the Secretary of Agriculture to designate markets where tobacco was to be bought and sold at auction. The Secretary could only authorize such a market if two-thirds of the tobacco growers, voting at a prescribed referendum, favored it. The Supreme Court upheld the act, holding that the provision for a referendum was simply a condition upon the effectiveness of the regulation, and did not involve an unconstitutional delegation of legislative power.

If the action of the Secretary of Agriculture could be conditioned upon the vote of tobacco growers, then actions by other officers of the Executive could likewise be conditioned upon the subsequent vote of the Congress or one of its committees. This reasoning was employed by supporters of the legislative veto provision contained in the Executive Reorganization Act of 1939 (53 Stat. 562). The House report on the bill stated:

> The failure of Congress to pass such a concurrent resolution is the contingency upon which the reorganizations take effect. Their taking effect is not because the President orders them. That the taking effect of action legislative in character may be dependent upon conditions or contingencies is well recognized. The latest pronouncement of the Supreme Court on the subject is in [*Currin* v. *Wallace*, 306 U.S. I (1939)]. That case upheld the validity of a referendum of farmers which determined whether the Secretary of

Agriculture could exercise the authority given him by the statute to designate a market as one at which tobacco was required to be inspected and certified by Department representatives prior to its sale. It seems difficult to believe that the effectiveness of action legislative in character may be conditioned on a vote of the two legislative bodies of the Congress.

Another constitutional question which arose during the debate on this measure is one of veto power. It is argued that the President alone should have veto power over legislation passed by the Congress. Presidential veto power is effectively preserved because the President formulates the reorganization plan and will submit to Congress only a plan he approves; these considerations plus the President's prerogative to submit no plan at all represent the ultimate veto power. There is also a provision in this bill which allows the President to withdraw a plan within 30 days of its transmittal, surely an equivalent veto power.

As for the principle of bicameralism, by its very nature is a principle that does not go very far, for no one can seriously argue that either House has a constitutional duty to do anything. In other words, the principle of bicameralism, whatever it means, fails often when Congress is in session, whenever one House does not go along with something that the other has approved. Far from being unconstitutional, that is what was established by the Founding Fathers.

Under H.R. 5045, both Houses are given an equal opportunity to consider a plan, and then to approve or disapprove it. Neither House is dependent upon the other for confirmation or affirmation of its actions, which is as it should be and is. Since either House can veto a plan it does not like, bicameralism is preserved just as if one House failed to affirmatively pass a bill it would not become effective.

In the last instance, this bill will be constitutional when the Supreme Court says it is. Until then, all the so-called constitutional experts can only speculate. In 40 years of legislation with a legislative veto provision included, not one case has ever been won against it.

It would appear that I am not the only one in this Chamber who believe such one-House veto legislation to be constitutional. Last year, 265 Members of the House of Representatives voted for my administrative rulemaking reform bill, H.R. 12048, only two short of the two-thirds it needed to pass under suspension. That sort of support for this concept is being repeated this year. Since reintroducing administrative rulemaking reform legislation, over 125 of our colleagues have added their names to the list of cosponsors. As most of you know, this reform legislation embodies the principle of the legislative veto over the rules and regulations promulgated by the regulatory agencies.

Because it is Congress' constitutional responsibility to legislate the rules which govern the people who elect us, it is our responsibility to oversee the results of the authority we delegate, most particularly when that delegation of authority allows executive branch agencies and officials to promulgate rules and regulations which, when they go into effect, have the force of law. We have the constitutional directive to fashion our legislation as we see fit, and are well within our rights to demand conditions under which that legislation goes into effect.

Such a condition also guarantees us necessary oversight powers over the actions of the executive branch. It is a device which allows us to maintain control over the necessary delegations of authority which we allow. Just as this bill is constitutional so also is the bill to give Congress a one-House legislative veto over the rules and regulations adopted by the myriad of agencies under delegated authority.

I suggest this is legislation that the American people want. They want the Government reorganized and streamlined and they want it boiled down to a meaningful and effective implement of public policy. This is the opportunity for us to exercise our vote and carry out the wishes of the American people.

Mr. Chairman, I urge support for this legislation.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I rise in opposition to the bill H.R. 5045. My opposition is based upon constitutional grounds. The legislation we consider today is, in the opinion of many leading constitutional scholars and in the opinion of at least this legislator, unconstitutional.

There is little doubt that the American people wish to see the Federal Government reorganized. I certainly share their desire for a leaner, trimmer, more efficient executive bureaucracy. However, I seriously doubt if given the choice, the American people would opt for unconstitutional reorganization.

Why this House would consider taking an unconstitutional route to a desirable end is beyond my understanding. Article 1, section 1 of the Constitution clearly places all legislative power within the jurisdiction of the Congress. Article 1, section 7 of the Constitution clearly states that bills are to be passed by Congress and sent to the President for his approval or disapproval. In other words, under the Constitution, the President is empowered to propose legislation to Congress. But for a proposal to become law, it must be specifically approved by both the House and the Senate. This legislation we consider today, although attempting to satisfy these constitutional mandates fails to do so and the result is an unnecessary and unwise abdication of legislative prerogative and responsibility.

The distinguished chairman of the Government Operations Committee, the gentleman from Texas, told the committee as it cleared H.R. 5045 that it was "the best unconstitutional bill you could draw up."

Prof. Phillip Kurland, one of the Nation's leading constitutional scholars told the Legislation and National Security Subcommittee, "The question that I have been asked to address is whether Congress can authorize the President to write legislation which shall have the effect of law unless a majority of either House of Congress votes against accepting it as law. The plain and simple answer is that the Constitution does not provide for such a lawmaking procedure."

Another outstanding legal scholar, Prof. Lawrence Tribe of the Harvard Law School testified that the legislative veto procedure is unconstitutional.

And what reasons are we given for taking so questionable a course of action? First, we are told in the committee report that the risks are worth taking because the expected results are cost reduction, improved management and better services to the public. In other words, the Constitution should be sacrificed to efficiency. Not a very convincing argument. Professor Tribe put it well. He said that "the price of ignoring the Constitution when its structures seem inconvenient would be even higher than the price of making do with the Government's present organization, imperfect though it plainly is."

Second, we are told that the procedure is no different, except perhaps better, than the reorganization power granted to previous modern Presidents. And in some practical way that seems to be a partial answer to the constitutional question and is a stronger argument. But not strong enough. The models of the past on which H.R. 5045 is based were drafted in times less sensitive to the need to define congressional responsibilities and limit executive authority. When the Congress refused to extend the reorganization power in 1973, it did so in the belief that legislative prerogatives were being reasserted. Are we not to abandon that progress toward being more responsive representatives of the people?

It is obvious, however, the real argument for circumventing constitutional provisions in the matter of reorganization is a distrust of Congress' willingness and ability to act in a positive manner. Just as we were told when the pay raise came in through the back door and just as we have been told why we cannot have open rules on certain bills, we are not be be trusted to act responsibly. Entrenched interests would force us to thwart the public will. We must be spared the political discomfort of voting yea or nay. We must be protected from ourselves. Only the President knows what is best in the area of reorganization. To believe that is, in my opinion, to question each Member's reason for being here. If we cannot be expected to represent the people by doing what is right and what is responsible, then the Constitution has no real meaning.

But it does have meaning. And with what we do here today, we can breathe new life into that meaning. We can do so by assuring that the reorganization of Government is carried out in the straightforward manner prescribed in the Constitution.

There is a wholly practical reason for rejecting the unconstitutional approach offered by H.R. 5045. In a study of the legislative veto procedure released recently, the author, John R. Bolton, makes a point which cannot be ignored about the need to reject the methods adopted in the recent past for governmental reorganization. He states, "There is a substantial risk posed by the traditional formulation of the reorganization acts. Should the legislative veto be declared unconstitutional or should it be held that the delegation of power to the President were invalid, the entire reorganization plan would be in jeopardy. Since any decision would come only after significant rearrangement had likely already occurred, such a decision would have grave consequences, and it would perhaps cause serious impairment to the workings of many governmental agencies. Why such an immense risk should be incurred when the constitutionally safe alternative of following the normal legislative process—with considerable Presidential advice—is easily available has nowhere been explained."

Mr. Chairman, I believe there are other Members who share concerns about H.R. 5045 similar to my own. At an appropriate time I intend to offer an amendment in the form of a substitute to this legislation. That substitute will give this House an opportunity to proceed with reorganization but in a completely constitutional manner. We owe the country and our constituents no less.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I commend the distinguished chairman, the gentleman from Texas (Mr. BROOKS), for the improvements that he has made in this bill. But I share some of the reservations of my colleague, the gentleman from Pennsylvania (Mr. WALKER). As a member of the Committee on Government Operations I did, in fact, vote for this bill but with a certain uneasiness, a certain reluctance. It seems to me, however, that its unconstitutionality is not as clear as the gentleman from Pennsylvania seems to suggest. This bill does protect the power of each Member of this House to require, if he so desires, a vote on the floor in a highly privileged motion. We are not, therefore, stating that a vote cannot be taken but that for 15 days each Member has a right and a duty to get a vote, if he so desires.

At the same time there are serious reservations which I have, Mr. Chairman, because bicameralism, that great compromise of 1787, does mean that one House is not enough, that legislation must be ratified by both Houses before it goes to the desk of the President.

Second, I wonder sadly why it was not possibly to undertake reorganization through the normal legislative process.

Third, I wonder why we must flirt with possibly unconstitutional laws and risk the possibility that they could be struck down by the courts on the basis that one House alone is able to veto the President. But with a certain sadness I vote for this legislation. However, I had hoped that we could have asserted more vigorously the power of this House to exercise supervision and oversight. I had hoped that we might have asserted that much more vigorously.

I had hoped that our right and duty to insist that the legislative objectives which we write into law be implemented by the executive branch of the Government could have been carried out in a more clear and forceful way. But let us hope that we have here not taken a constitutional short cut. In the future, however, the efficacy of this legislation will depend upon our vigilance in making certain that the Congress will not allow the power of this great body to be eroded in the name of efficiency or convenience or consistency.

Mr. Chairman, I continue to be troubled by this legislation. To be sure its purpose is beneficial and the results may well produce a sounder, more efficient Federal Government. Reorganization plans may even save the taxpayers some money, although I doubt whether the size of those economies will reach the proportions described by ardent advocates of restructuring. I, for one, would like to see any savings reinvested in needed programs which now are inadequately funded.

Nonetheless a certain uneasiness still lingers about the bill, largely because it gives to the executive branch so much legislative power without any real checks. The requirements for public input are, for the most part, hortatory. The congressional review process is truncated and operates under the severest of time binds. The one House veto provision is constitutionally suspect. Consequently the provisions in H.R. 5045 should make us all at least a little bit uneasy.

In the House report—No. 95–105—accompanying this bill, I have at some length set out my reservations about this legislation. See additional views at pages 39–43. It would serve no useful purpose to track here what was said there. But there are a few other matters barely explored in the report which are worthy of comment at this point.

First, the argument of the Attorney General that the one House veto preserves the "principle of bicameralism" is still unpersuasive. It assumes that merely giving each House the opportunity to disapprove a reorganization plan is constitutionally sufficient to satisfy the great compromise of 1787. It assumes further that the only values at stake are those inherent in the relationship between the Executive and Legislative Branches.

So long as the two branches are agreeable to this new arrangement, it appears the Attorney General would say it is constitutional. That is a rather curious view of the Constitution, it seems to me, as it has never been thought that concurrence of Congress and the President on any matter resolved entirely an issue of constitutional dimension. "Sweetheart" arrangements of this sort are not favored in labor law and I see no reason to favor them when questions of this magnitude hang in the balance.

To begin, the "principle of bicameralism" implicates at least two other parties: the States and the people. Ultimately, of course, the judicial branch may well declare the law unconstitutional and remove once and for all the one House veto provision. But in the interim we must take account of the impact of that device on the States and the people.

Once we recognize the Senate as the body representing the 50 States and the House as the body representing the people, it will immediately become apparent that legislative action requiring the approval or disapproval of only one House impairs the interests of one of those parties. If action may be taken by the Senate alone, the people suffer. Conversely if only House action is mandated, the States are adversely affected.

In either case, the important check exercised by one body against the other is lost and the States or the people become the ultimate losers. Even under the provisions of H.R. 5045, a reorganization plan may become effective without either body taking any action. In such cases, both the people and the States will be excluded from the governmental process. That is a result which makes me nervous.

This is not the first time these questions have arisen. In 1932 Congress gave the President reorganization authority with a one House veto provision. Within 6 months Attorney Gen. William Mitchell stated that it "raises a grave question as to the validity of the entire provision in the act of June 30, 1932, for Executive reorganization of governmental functions." 37 Op. A.G. 56, 63–64. Soon thereafter Congress repealed that section of the law, while continuing to give the President reorganization powers.

This history furnishes the administration with its final argument on constitutionality. Since Congress may validly delegate to the President the whole authority to reorganize the Federal agencies, it is said, then it surely can give the President part of that power while reserving a part for itself. That contention has some surface appeal. But it is simply not true that because Congress may validly exercise its powers in whole it may also exercise them in part.

For example, Congress may enact legislation providing funds for public schools. I do not think it could limit that aid only to institutions which practice racial discrimination. Under the Constitution, Congress may, in times of rebellion or invasion when the public safety requires it, suspend the privilege of the writ of habeas corpus. I doubt if it could be suspended only for Members of one political party.

Those who argue that what is given in whole is also given in part ignore a fundamental precept of the Constitution: powers that appear to be unrestricted in one clause are frequently limited by another. So it is with reorganization. It may be that Congress may delegate the entire reorganization authority to the President without running afoul of article I, section 1. But if it seeks to give only part of that power, it may abridge article I, section 7, unless it requires that the re-

served authority be exercised affirmatively by both Houses.

Unless the President abuses powers under H.R. 5045 or unless the courts declare it unconstitutional, I suspect Congress will not revisit these matters until reorganization authority expires once again. In the absence of a severability clause, and with the congressional recognition that if the one House veto clause fails, the whole act fails, it may be that we will be looking at the matter sooner than we think.

But that is idle speculation which only the future will accurately describe. For now we must be content with a thorough examination of the serious issues involved and an expression of congressional purpose that the legislative branch be a full partner in reorganization. If the power is abused, it will be time enough to withdraw it entirely and insist on a scrupulous adherence to every word of the Constitution, however it may affect the conduct of modern government.

Mr. HORTON. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. GARY A. MYERS).

Mr. GARY A. MYERS. Mr. Chairman, I rise to ask a few questions of the chairman of the committee if I could have the attention of the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. The gentleman has it.

Mr. GARY A. MYERS. Mr. Chairman, with respect to this reorganization I have some concern about the application during reorganization of the so-called Sunshine Act that we passed last year. Is my understanding correct that any deliberations with respect to reorganization which an agency would be undertaking to advise the President on their positions would have to be done within the rules of the Sunshine Act, thereby requiring public meetings, whereas the meetings that the President holds within the White House at his own direction would not have to meet the confines of the Sunshine Act? Has that been addressed in the gentleman's committee?

Mr. BROOKS. I do not think there is any connection. The Sunshine Act applies to a collective body. This is not a collective body resolution. This is authorizing a delegation of certain powers to the President so he can submit reorganization plans.

Mr. GARY A. MYERS. But if in fact the agency normally regulated by that act was asked to submit to the President certain suggestions for reorganization, would its meetings have to be held in open discussion as required by the Sunshine Act?

Mr. BROOKS. The meetings were open and were widely publicized.

Mr. GARY A. MYERS. By the agencies? I am not asking about the congressional committee.

Mr. BROOKS. The door was open. The room was full.

Mr. GARY A. MYERS. I am not talking about the work of the committee. I am asking with respect to agencies.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I think the question the gentleman is asking has to do with the applicability of the sunshine law that we passed last year. That applies to collegial bodies where they are headed by two or more people. That is not applicable here, so the law would not be applicable to the question the gentleman is asking. As to whether or not the information that is derived from within the agency to be presented to the President would have to be done in the open, that law would not apply to that situation.

Mr. GARY A. MYERS. It was my understanding that the agencies had to hold their meetings in the open unless they are White House meetings. Is that correct?

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, if an agency coming within the purview of the definition of the Sunshine bill actually holds an official meeting in order to arrive at an official position to answer a request of the President of the United States with respect to their official position, it is my understanding they would have to hold that meeting in the open, and they would.

Mr. GARY A. MYERS. It was my effort to get some understanding as to that.

Mr. HORTON. Mr. Chairman, if the gentleman will yield, that would not apply for example to the Department of HEW. It applies only to certain agencies which are included in that bill.

Mr. GARY A. MYERS. So there are cases in fact where the Sunshine Act is going to have to be complied with by the Administration, as the gentleman from Florida has indicated here.

Mr. FASCELL. Mr. Chairman, if the gentleman will yield further, I am sorry, I did not say that. I did not say there was any requirement under the Sunshine Act having to do with this reorganization.

Mr. GARY A. MYERS. I asked and the gentleman answered it would apply, and the gentleman I understood answered that the agency would have to comply.

Mr. FASCELL. If they hold a meeting for that purpose, yes.

Mr. HORTON. Mr. Chairman, if the gentleman will yield further, the Sunshine bill only applies to those agencies defined in that legislation. The point I am making is the agencies normally covered in the reorganization are not covered in that bill. If there is only one agency head, like EPA, the Environmental Protection Agency, then that agency is not required to comply with the Sunshine Act. It is only those agencies which have two or more directors, such as the FPC and the SEC.

Mr. GARY A. MYERS. Mr. Chairman, I would like to ask another question. Last year and this year we have attached to a number of authorization bills a government in sunshine and financial disclosure provisions. Is it my understanding if they are set in the law referring to certain authorizations, even if those authorizations are transferred between agencies or out of agencies of one kind or another, whoever handles those authorizations will have to comply with the requirements of those financial disclosure provisions?

Mr. HORTON. Mr. Chairman, let me answer the gentleman this way. The reorganization plan and authorization we present here today does not change any substantive law with regard to open meetings. If they are there now, they would have to comply with them.

Mr. GARY A. MYERS. I am speaking to another subject, that of conflict of interest.

Mr. HORTON. I would say the same statement I just made is applicable with any other law that governs financial disclosure.

Mr. GARY A. MYERS. It does not change the law?

Mr. HORTON. It does not change the law.

Mr. BOLAND. Mr. Chairman, I rise in support of H.R. 5045, the Executive Reorganization Act of 1977. I do so because I believe one of the things this country needs desperately right now is some sort of reorganization authority in the executive branch. All of us recognize that the Federal Government is not as efficient as it could be, not as organized as it could be, not as responsive as it must be. H.R. 5045 gives to the President the authority to take the initiative to change the situation. The bill goes no further than that.

I suspect there are few in this Chamber who would disargee with the need for some sort of reorganization authority in the Executive. Such authority has been missing in the Executive since 1973 when the 1949 Reorganization Act expired. the differences arise over the best form in which to grant that authority.

Mr. Chairman, I support this bill because it gives the President the authority he needs to carry out the tasks we elected him to do, the same authority Chief Executives since President Truman have enjoyed. This Congress has the opportunity to become partners with the President in the difficult task of overwhelming the bureaucracy. We must not miss that opportunity.

H.R. 5045 does not give the President a free reign. This bill is not a threat to our system of government by three separate branches. In addition to its provisions allowing Congress to disapprove any reorganization plans, the legislation contains restraints on the President's ability to affect executive departments, independent regulatory agencies, enforcement functions, or statutory authority. Even with this reorganization authority, the President cannot increase an agency's function or increase a term of office provided by law. This bill will give the President the authority to make government efficient—it will definitely not give him emperor-like power over all government. The Congress will be a full partner in any changes that are made.

Mr. Chairman, I intend to vote for this bill and I urge my fellow members to do likewise. During his campaign, the President expressed a great concern over the way Government operates.

Many of us in our own campaigns expressed that same concern. By approving this bill we put that concern into action. I urge this body to give the President the tools he needs to start this difficult job.

Mrs. HOLT. Mr. Chairman, President Carter deserves our support in his request for authority to reorganize Federal departments and agencies, subject to congressional veto. A major theme of his election campaign was the promise to achieve reorganization of Government for more efficient attention to national needs, and he won a mandate from the people to make this effort.

As members of Congress, we know the frustration of watching programs become stifled by overlapping jurisdictions of competing agencies. We know something of the waste that occurs when agencies have duplicate responsibilities. We should recognize the need for consolidation of similar functions and clear definitions of authority.

I will never forget my shock at seeing a chart that attempted to show the organization of the Department of Health, Education, and Welfare. It appeared as a giant web spun by a deranged spider, with hundreds of lines interconnected in odd ways.

I hope that President Carter can bring some order to the chaos that prevails in many functions of Government, and I certainly intend to give him the chance. I support H.R. 5045.

Mr. Chairman, I also hope the administration will get on with the establishment of zero-base budgeting, which would require every Federal activity to justify its existence, and its cost relative to its accomplishments.

For many years, Congress has promoted, or at least tolerated, a proliferation of programs and Federal bureaucracies, many of which achieve very little. Federal spending has soared incredibly, now equaling about $1 billion from every congressional district or $4,000 per taxpayer.

Frankly, I am most disturbed at that kind of impact on my congressional district and the taxpayers I represent, especially when I reflect on Federal outlays for programs of minimal value or programs that should be State and local responsibilities.

We have built an enormous governmental apparatus in Washington. The scope of it is beyond the control of Congress and Presidents, and it is costing our people a terrible price in direct taxation and the indirect tax of inflation.

I hope that President Carter can exercise at least some control over this octopus and its costs, and I am voting to give him that opportunity. I intend to assist him in every way possible to achieve efficient operation of Federal programs.

Mr. MIKVA. Mr. Chairman, I rise in strong support of H.R. 5045, the Executive Reorganization Act of 1977. Few issues have generated such widespread bipartisan support as Government reorganization. The Executive Reorganization Act is the first concrete effort to move the issue from debate to action.

Except for the last 4 years, every President since Harry Truman in 1949 has been provided the authority by Congress to reorganize certain executive agencies. Past executives have exercised this authority responsibly, and the Congress has been judicious in its analysis of proposed reorganization plans.

However, at no time in the past history of the Executive Reorganization Act has there been a Congress or a President who have gone on record so strongly with a public commitment to Government reorganization. H.R. 5045 represents a much more sophisticated method than past reorganization powers of assuring an orderly process for the submission of reorganization plans, and a thorough congressional review of such plans.

It is time to begin the arduous task of Government reorganization. The issue is too important, the depth of support too great, and the momentum for change too strong to delay.

I know some Members are concerned that the Congress has delegated too much authority over reorganization to the President. I am confident that the Congress will exhaustively consider any proposals—primarily because I have known Chairman JACK BROOKS of the Government Operations Committee for a long time, and there are few more resolute defenders of the prerogatives of this body. I look forward to receiving President Carter's reorganization plan, and I look forward with equal anticipation to Chairman BROOKS' analysis of the submitted plans. Anyone who knows them both knows that justice will triumph.

Mr. BROOKS. Mr. Chairman, I have no further requests for time.

Mr. HORTON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 5045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reorganization Act of 1977".

SEC. 2. Chapter 9 of title 5, United States Code, is amended to read as follows:

"Chapter 9.—EXECUTIVE REORGANIZATION

"Sec.
"901. Purpose.
"902. Definitions.
"903. Reorganization plans.
"904. Additional contents of reorganization plan.
"905. Limitations on powers.
"906. Effective date and publication of reorganization plans.
"907. Effective on other laws, pending legal proceedings, and unexpended appropriations.
"908. Rules of Senate and House of Representatives on reorganization plans.
"909. Terms of resolution.
"910. Introduction and reference of resolution.
"911. Discharge of committee considering resolution.
"912. Procedure after report or discharge of committee; debate; vote on final disapproval.

"§ 901. Purpose

"(a) The Congress declares that it is the policy of the United States—

"(1) to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;

"(2) to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government;

"(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

"(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

"(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

"(6) to eliminate overlapping and duplication of effort.

"(b) Congress declares that the public interest demands the carrying out of the purposes of subsection (a) of this section and that the purposes may be accomplished in great measure by proceeding under this chapter, and can be accomplished more speedily thereby than by the enactment of specific legislation.

"(c) It is the intent of Congress that the President should provide appropriate means for broad citizen advice and participation in restructuring and recognizing the executive branch.

"(d) The President shall from time to time examine the organization of all agencies and shall determine what changes in such organization are necessary to carry out any policy set forth in subsection (a) of this section.

"§902. Definitions

"For the purpose of this chapter—

"(1) 'agency' means—

"(A) an Executive agency or part thereof; and

"(B) an office or officer in the executive branch;

but does not include the General Accounting Office or the Comptroller General of the United States;

"(2) 'reorganization' means a transfer, consolidation, coordination, authorization, or abolition, referred to in section 903 of this title; and

"(3) 'officer' is not limited by section 2104 of this title.

"§ 903. Reorganization plans

"(a) Whenever the President, after investigation, finds that changes in the organization of agencies are necessary to carry out any policy set forth in section 901(a) of this title, he shall prepare a reorganization plan specifying the reorganizations he finds are necessary. Any plan may provide for—

"(1) the transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of another agency;

"(2) the abolition of all or a part of the functions of an agency, except that no enforcement function or statutory program shall be abolished by the plan;

"(3) the consolidation or coordination of the whole or a part of an agency, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof;

"(4) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof;

"(5) the authorization of an officer to delegate any of his functions; or

"(6) the abolition of the whole or a part

of an agency which agency or part does not have, or on the taking effect of the reorganization plan will not have, any functions.

The President shall transmit the plan (bearing an identification number) to the Congress together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to carry out any policy set forth in section 901(a) of this title.

"(b) The President shall have a reorganization plan delivered to both Houses on the same day and to each House while it is in session, except that no more than three plans may be pending before the Congress at one time. In his message transmitting a reorganization plan, the President shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function. The message shall also estimate any reduction or increase in expenditures (itemized so far as practicable), and describe any improvements in management, delivery of Federal services, execution of the laws, and increases in efficiency of Government operations, which it is expected will be realized as a result of the reorganizations included in the plan.

"(c) Any time during the period of thirty calendar days of continuous session of Congress after the date on which the plan is transmitted to it, but before any resolution described in section 909 has been ordered in either House, the President may make amendments or modifications to the plan, consistent with sections 903–905 of this title, which modifications or revisions shall thereafter be treated as a part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this chapter. The President may withdraw the plan any time prior to the conclusion of sixty calendar days of continuous session of Congress following the date on which the plan is submitted to Congress.

"§ 904. Additional contents of reorganization plan

"A reorganization plan transmitted by the President under section 903 of this title—

"(1) may change, in such cases as the President considers necessary, the name of an agency affected by a reorganization and the title of its head, and shall designate the name of an agency resulting from a reorganization and the title of its head;

"(2) may provide for the appointment and pay of the head and one or more officers of any agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary;

"(3) shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

"(4) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective; and

"(5) shall provide for terminating the affairs of an agency abolished.

A reorganization plan transmitted by the President containing provisions authorized by paragraph (2) of this section may provide that the head of an agency be an individual or a commission or board with more than one member. In the case of an appointment of the head of such an agency, the term of office may not be fixed at more than four years, the pay may not be at a rate in excess of that found by the President to be applicable to comparable officers in the executive branch, and if the appointment is not to a position in the competitive service, it shall be by the President, by and with the advice and consent of the Senate. Any reorganization plan transmitted by the President containing provisions required by paragraph (4) of this section shall provide for the transfer of unexpended balances only if such balances are used for the purposes for which the appropriation was originally made.

"§ 905. Limitations on powers

"(a) A reorganization plan may not provide for, and a reorganization under this chapter may not have the effect of—

"(1) creating a new executive department, abolishing or transferring an executive department or independent regulatory agency, or all the functions thereof, or consolidating two or more executive departments or two or more independent regulatory agencies, or all the functions thereof;

"(2) continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

"(3) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

"(4) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress;

"(5) increasing the term of an office beyond that provided by law for the office; or

"(6) dealing with more than one logically consistent subject matter.

"(b) A provision contained in a reorganization plan may take effect only if the plan is transmitted to Congress within three years of the date of enactment of the Reorganization Act of 1977.

"§ 906. Effective date and publication of reorganization plans

"(a) Except as otherwise provided under subsection (c) of this section, a reorganization plan is effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that the House does not favor the reorganization plan.

"(b) For the purpose of this chapter—

"(1) continuity of session is broken only by an adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"(c) Under provisions contained in a reorganization plan, any provision thereof may be effective at a time later than the date on which the plan otherwise is effective or, if both Houses of Congress have defeated a resolution of disapproval, may be effective at a time earlier than the expiration of the sixty-day period required by subsection (a).

"(d) A reorganization plan which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

"§ 907. Effect on other laws, pending legal proceedings, and unexpended appropriations

"(a) A statute enacted, and a regulation or other action made, prescribed, issued, granted, or performed in respect of or by an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, has, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, the same effect as if the reorganization had not been made. However, if the statute, regulation, or other action has vested the functions in the agency from which it is removed under the reorganization plan, the function, insofar as it is to be exercised after the plan becomes effective, shall be deemed as vested in the agency under which the function is placed by the plan.

"(b) For the purpose of subsection (a) of this section, 'regulation or other action' means a regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

"(c) A suit, action, or other proceeding lawfully commenced by or against the head of an agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a reorganization plan under this chapter. On motion or supplemental petition filed at any time within twelve months after the reorganization plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the reorganization effected by the plan or, if there is no successor, against such agency or officer as the President designates.

"(d) The appropriations or portions of appropriations unexpended by reason of the operation of the chapter may not be used for any purpose, but shall revert to the Treasury.

"§ 908. Rules of Senate and House of Representatives on reorganization plans

"Sections 909 through 912 of this title are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 909 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"§ 909. Terms of resolution

"For the purpose of sections 908 through 912 of this title, 'resolution' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: 'That the does not favor the reorganization plan numbered transmitted to the Congress by the President on , 19 .', and includes such modifications and revisions as are submitted by the President under section 903(d) of this chapter. The blank spaces therein are to be filled appropriately. The term does not include a resolution which specifies more than one reorganization plan.

"§ 910. Introduction and reference of resolution

"(a) No later than the first day of session following the day on which a reorganization plan is transmitted to the House of Representatives and the Senate under section 903, a resolution, as defined in section 909, shall be introduced (by request) in the House by the chairman of the Government Operations Committee of the House, or by a Member or Members of the House designated by such chairman; and shall be introduced (by re-

quest) in the Senate by the chairman of the Governmental Affairs Committee of the Senate, or by a Member or Members of the Senate designated by such chairman.

"(b) A resolution with respect to a reorganization plan shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within 45 calendar days of continuous session of Congress following the date of such resolution's introduction.

"§ 911. Discharge of committee considering resolution

"If the committee to which a resolution with respect to a reorganization plan has been referred has not reported it at the end of 45 calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

"§ 912. Procedure after report or discharge of committee; debate; vote on final disapproval

"(a) When the committee has reported, or has been deemed to be discharged (under section 911) from further consideration of, a resolution with respect to a reorganization plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"(b) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disargeed to shall not be in order.

"(c) Immediately following the conclusion of the debate on the resolution with respect to a reorganization plan, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final approval of the resolution shall occur.

"(d) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.".

Mr. WALKER. Mr. Chairman, I offer an amendment in the nature of a substitute.

PARLIAMENTARY INQUIRY

Mr. BROOKS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. BROOKS. Mr. Chairman, would the Clerk read the two committee amendments and get the committee amendments adopted before we go into other amendments from the floor?

The CHAIRMAN. That portion of the bill has not yet been read.

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point and that we take up the two committee amendments and then at any point in the bill other amendments would be eligible for presentation.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 13, line 3, strike out "903(d)" and insert in lieu thereof "903(c)".

Page 14, beginning on line 6, strike out "a resolution with respect to a reorganization plan has been referred has not reported it" and insert in lieu thereof the following: "is referred a resolution introduced pursuant to subsection (a) of section 910 (or, in the absence of such a resolution, the first resolution introduced with respect to the same reorganization plan) has not reported such resolution or an identical resolution."

The committee amendments were agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. WALKER: Strike out all after the enacting clause and insert in lieu thereof, the following:

That this Act may be cited as the "Reorganization Act Amendments of 1977".

POLICY AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the Government of the United States has attained a size and complexity which makes it inaccessible to many of its citizens and unmanageable by their leaders;

(2) such size and complexity have reduced the efficiency and increased the costs and other burdens of the Government upon such citizens; and

(3) a thorough and exhaustive review of the structure and function of the Government and the preparation of comprehensive means to its improvement and required if that Government is to retain the loyalty and respect of those citizens.

(b) Congress declares that the public interest therefore requires that the preparation and submission of reorganization plans pursuant to the Reorganization Act of 1949 (5 U.S.C. 901 et seq.) be authorized immediately by enactment of legislation extending the authority of that Act.

EXTENSION OF AUTHORITY

SEC. 3. Subsection (b) of section 905 of title 5, United States Code, is amended by striking out "before April 1, 1973" and inserting in lieu thereof "before December 31, 1980".

METHOD OF TAKING EFFECT

SEC. 4. (a) Subsection (a) of section 906 of title 5, United States Code, is amended to read as follows:

"(a) Except as provided under subsection (c) of this section, a reorganization plan shall be effective upon approval by the President of a resolution (as defined in section 909) which has been adopted, within the first period of 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to it, by the House of Representatives and the Senate. Failure of either House to act upon such resolution by the end of such period shall be the same as disapproval of the resolution.".

(b) Section 909 of title 5, United States Code, is amended to read as follows:

"§ 909. Terms of resolution

"For the purpose of sections 906 through 913 of this title, 'resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress of the United States approves the reorganization plan numbered , transmitted by the President on 19 , including such changes as may have been subsequently proposed by the President in accordance with section 910 of title 5, United States Code', the blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one reorganizational plan.".

SEC. 5. (a) Section 910 of title 5, United States Code, is amended to read as follows:

"§ 910. Introduction and reference of resolution

"(a) On the day on which a reorganization plan is transmitted to the House of Representatives and the Senate under section 903, a resolution, as defined in section 909, shall be introduced (by request) in the House by the chairman of the Government Operations Committee of the House, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the Government Operations Committee of the Senate, or by a Member or Members of the Senate designated by such chairman.

"(b) A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee to which the resolution is referred shall consider the reorganization plan for 30 calendar days of continuous session of Congerss and shall make its recommendations to the House of Representatives or the Senate, respectively, within 45 such days following the date of such resolution's introduction. Any time wthin 30 such days after submission of a reorganization plan to the Congress, but before such resolution has been ordered reported in either House, the President may make modifications or revisions of the plan, consistent with the provisions of sections 903 through 905 of this title, which modifications or revisions shall thereafter be treated as a part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this chapter.".

(b) Section 911 of title 5, United States Code, is amended to read as follows:

"§ 911. Discharge of committee considering resolution

"If the committee to which a resolution with respect to a reorganization plan has been referred has not reported it at the end of 45 calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from fur-

ther consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.".

(c) Subsection (a) of section 912 of title 5, United States Code, is amended to read as follows:

"(a) When the committee has reported, or has been deemed to be discharged (under section 911) from further consideration of, a resolution with respect to a reorganization plan, it is in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.".

(d) Section 912 is further amended by adding at the end thereof the following new subsection:

"(c) If, prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same reorganization plan from the other House, then—

"(1) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(2) the vote on final passage shall be on the resolution of the other House.".

(e)(1) Section 913(a) of title 5, United States Code, is amended to read as follows:

"(a) A motion to postpone, made with respect to the consideration of a resolution with respect to a reorganization plan, is not in order, and it is not in order to move to proceed to the consideration of other business.".

(2) The heading of section 913 is amended to read as follows:

"§ 913. Motions to postpone and proceed; decisions of the Chair".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, my amendment in the form of a substitute provides this House with an opportunity to proceed with Federal reorganization, but do so in a wholly constitutional manner. The language is the same as contained in H.R. 3131, a reorganizational bill originally drafted and introduced by the distinguished chairman of the Government Operations Committee, the gentleman from Texas (Mr. BROOKS). It is language acknowledged in every quarter as completely consistent with the strictures of the Constitution.

The reason for and the need for this amendment rests in the strong body of opinion that H.R. 5045, as reported by the Government Operations Committee is wholly unconstitutional. The legislation before this House ignores both the specifics and the intent of article I, section I and article I, section 7 of the Constitution. In prior debate, I outlined in some detail the nature of this assault on the Constitution and given that evidence, the question arises of whether this House wishes to go on record in favor of unconstitutional reorganization or whether the American people will accept an action of this House which abdicates legislative rights and responsibilities.

The answer is that we need not assault the Constitution or unwisely give up legislative prerogatives. We can adopt a reorganization format that maintains separation of powers between the legislative and executive branches of government and recognizes the role of the Congress as an equal partner in the lawmaking function of restructuring the bureaucracy. For as important as reorganization is, the preservation of the constitutional processes on which our Republic is based is more important. The time has come to draw the line on the trend toward erosion of our checks-and-balance system, and no better issue exists than this one for making that stand. The real question before us is how much authority over the business of Federal management does a majority in this Congress want to wield.

The substitute I offer would give the Congress a considerable role in reorganization. The administration would be given the authority it needs to improve the efficiency of the Federal Government. But the requirement that we act affirmatively on the restructuring plans developed by the administration would assure that our proper legislative jurisdiction would be preserved.

Under this approach, we would not amend administration proposals, but the President would be able to make changes in his plan within 30 days after it is sent to Capitol Hill if substantial opposition arises to any of its various parts.

Committee action on the Executive proposals would have to occur within 45 days after submission, but Congress could kill any plan by taking no action within 60 days. However, any one Member could call the plan to the floor for a vote, assuring that the administration could get action if it desired action.

The fundamental change in this substitute is the elimination of the legislative veto concept. This is the necessary change to bring the reorganization formula in concert with the Constitution.

Prof. Philip B. Kurland, a renowned constitutional specialist, has stated:

It is for Congress to write the laws. I know of no way constitutionally to justify the legislative veto process. I am at a loss to understand why it is necessary to exclude Congress from formulating reorganization plans. Why should a President draft a plan secretly and spring it on Congress. I don't understand it. I fear it.

The difference between the two approaches we consider is not that one would permit reorganization and the other would sabotage it. It is that one would circumvent the legislative process of the Constitution and the other would follow it; that one would breach the separation of powers between the executive and legislative branches and the other would preserve it.

Adopt this substitute and there will be nothing to fear about compromising constitutional principle. The Congress will not give the President special and unique, but unwarranted, powers in reorganization. Rather, it will assure that this vital issue will be handled on Capitol Hill in the regular legislative channels. Sure, we will be required to vote yes or no on some controversial matters, but certainly we can handle that responsibility. And, it will be to our credit to adopt a method that allows positive action by a means other than disapproving a disapproval.

More Government efficiency is no reason for abandoning the Constitution. Unconstitutional practices wrongly enacted in the past are no justification for defacing the Constitution again. A concern about potential congressional irresponsibility is no cause for pushing the Constitution aside.

Accept this substitute and you accept the legislative role defined in the Constitution. You accept a continued movement toward restoration of the balance that should rightfully exist between the legislative and executive branches. You accept a methodology which will likely result in broader based and more comprehensive government reorganization.

Reject this substitute and you place the whole reorganization effort on the shakiest of constitutional platforms.

I urge your favorable consideration.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to express my keen appreciation to the gentleman from Pennsylvania for agreeing with the position which I have taken with reference to reorganization legislation. The amendment today is most attractive and meritorious; it reflects good judgment and perceptiveness of the issues. I would say that at a very early stage in his career, the gentleman from Pennsylvania (Mr. WALKER) shows a keen understanding of how the legislative process should work. I have the highest regard for him, and I frankly feel that the approach taken by my original bill and by the amendment that the gentleman has offered is a correct one.

But, we have reached a compromise on this legislation in the form of H.R. 5045, and I have agreed to support it. I think it is a workable compromise. It makes a substantial improvement over the procedures in existing law. It does, in fact, guarantee an opportunity for either House to vote.

I therefore, with reluctance but with appreciation for his keen interest, oppose the gentleman's amendment, and could not wish that he had had a few more votes among our colleagues on the committee.

Mr. HORTON. Mr. Chairman, I rise in opposition to the substitute amendment.

As the chairman has indicated, the bill before us is a compromise. I personally feel that the bill before us is a better bill than the substitute for reasons other than just the constitutional question. One point to be made is the substitute provides for an extension of 4 years. The bill before us is for a 3-year period, which I think is a better limitation on the amount of time.

The committee bill permits three plans to be pending within a 60-day period. The substitute would restrict this to one plan within 30 days.

The committee bill also provides that each plan contain only one logically con-

sistent subject matter and is therefore, I believe, preferable to the substitute.

So, therefore, I rise in opposition and urge my colleagues to defeat the substitute.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is that portion of our activities of the day that the political scientists and government majors ought to take down. We have had—and I want to commend the chairman from the outset—a candid expression on his part that the substitute is probably a superior work product, even though he admits authorship of it originally. He convinced me from the beginning that we ought to correct the procedure that for some 40 years has existed in which we give to the executive branch this peculiar right to write their own reorganization. The part that our colleague from Pennsylvania may or may not appreciate is the simple fact that the administration can and usually does write legislation, anyway. What is the difference? If they wanted a reorganization bill, they would propose it; it would mysteriously get down here and somebody would introduce it, regardless of who is in the White House. That is the way things work.

And so I read a very interesting dissent from the distinguished gentleman from Massachusetts, who moved me to add a few remarks of my own. But to my surprise I find that he is not supporting this substitute.

The chairman of the Committee on Government Operations is the kind of person who fully appreciates the reservations that abound. If I choose to vote against the bill, since I was not a party to the compromise, or if any other member of the committee chooses to vote against the bill, or indeed if any Member in the House, upon reading the dissenting views that I presented on page 38, or the more detailed dissent presented by the gentleman from Massachusetts, the former dean of the Boston Law College, which begins on page 39, I am sure he fully understands this, because he originally raised the ideas which we press now.

I do not know if this is an unconstitutional piece of legislation or not. Let us assume that perhaps it is not. But there is another element that enters into this equation, and that is good commonsense as to how we ought to legislate, and, to me, that is overriding. So I will take my stand with those who believe the lawmaking process ought to be more fully exercised by the Legislature and less so by the Executive.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think that this is a very important substitute pending before us, to put the House on record as to how we stand on the proposition of a one-House veto. There is conflicting legal opinion as to the constitutionality of the one-House veto. The one-House veto is exercised in more than just the instance of the presentation to the House of the Presidential Reorganization Plan. Rather consistently over the past 5 or 6 years this House has provided a one-House veto for regulations which are promulgated under the authority of legislation that the Congress has passed; and rather regularly both the House and the other body have either written this sort of one-House veto into pending legislation or have offered it and had it written in on the floor.

There has been leadership on both sides of the aisle in this effort to recapture the authority for the final determination of what will or what will not be the law of the land. So I think we want to consider this question very carefully.

We have as an example in the general education law the authority for a one-House veto of regulations to implement the education law. I think we all recall the regulations to implement title IX of the Education Act. Title IX is the one that provides for no discrimination based on sex in education programs.

There was a regulation that the Office of Education promulgated that said in effect—that Boy Scouts and Girl Scouts are sexist organizations and may not be countenanced in our schools. They also said that father and sons' dinners are sexist and may not be sponsored in our schools.

At least we had an opportunity when these title IX regulations were offered to exercise the one-House veto. They came here to the Congress, and we had a chance to review them and had a chance to vote in either this House or in the other body to veto them in whole or in part and stop these regulations before they became law.

Regulations promulgated by the executive branch have the full force and effect of law. That is the promulgation of law just as the promulgation by the President of the reorganization plan is the promulgation of law. We ought to have in both this instance and in that instance the opportunity to reject that which we think is not good law.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. Mr. Chairman, I would be happy to yield to the gentleman from Georgia (Mr. LEVITAS), who has given us outstanding leadership in this fight for the rights of Congress.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman from Illinois (Mr. ERLENBORN) for his comments and for the remarks he has made. I would like to associate myself with them.

I find it almost baffling to hear the gentleman from Pennsylvania (Mr. WALKER) say that we should not retain a veto once we have delegated the power. What do the Members think we have done when we gave the FTC and the EPA and all these other agencies of government the power and the right to pass laws? That is what we are doing. We have done it time and time again. If you do not think they are laws, even if called mere rules, just ask the businessman, taxpayer, and private citizen who is threatened with fine or jail or his money cut off for violation of an administrative rule or law.

What we are asking for in this instance, it seems to me, is the responsibility of exercising major legislative control over what is done. I think that if we were to accept the argument of the gentleman from Michigan (Mr. CONYERS) or the gentleman from Pennsylvania (Mr. WALKER), we might have to abolish all of these enabling laws and lawmaking provisions that we delegate to administrative agencies and give a blank legislative check to the administrative agencies which are not elected by anybody. The congressional veto is proper control over them. It is proper control over reorganization plans.

Mr. STEIGER. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. Mr. Chairman, I would like first to thank the gentleman from Georgia (Mr. LEVITAS). I think he is absolutely right.

If we set a bad precedent here today, we may thereby be giving such a blank check to executive agencies to write regulations that have the full force and effect of law without any recourse to the veto power of the Congress.

Mr. STEIGER. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Wisconsin.

Mr. STEIGER. Mr. Chairman, I appreciate very much the gentleman's yielding.

I will say that my friend, the gentleman from Georgia (Mr. LEVITAS), and the gentleman in the well are both wrong. The argument indeed they are making is that because we have done it over the past 4 or 5 years with a lot of other agency laws and a lot of other laws we have passed, that makes it right. That does not make it right at all. It was wrong to start with, and it is still wrong today.

Then we have the argument concerning OSHA, the Occupational Safety and Health Act. I hate to use that word, but I must. You may think that is just a word for a small town in Wisconsin—Oshkosh—and you are in trouble if you do.

Then we have EPA, that most onerous of agencies, in the area of clean air and clean water, and we have got all these other agencies. They are not passing laws in the sense that we are asking for a law to be passed under this vehicle.

If we want to do it, then, doggone it, we should have the guts to stand up and write the regulations. What we have done in every one of these agency laws is to say that we cannot go ahead and do these things. And thus we authorize regulations to carry out our intent to be passed.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ERLENBORN) has expired.

(On request of Mr. STEIGER and by unanimous consent, Mr. ERLENBORN was allowed to proceed for 3 additional minutes.)

Mr. STEIGER. Mr. Chairman, will the gentleman yield further?

Mr. ERLENBORN. I yield to the gentleman from Wisconsin.

Mr. STEIGER. Mr. Chairman, what we have said is issue rules and regulations under a law passed by both Houses

of Congress, duly signed by the President, which is an appropriate constitutional separation-of-powers way in which to insure that there is implementation of that law.

It boggles the mind that this House or this Congress would assume that one can erect a jerry-built structure of a one-House legislative veto in an effort to control the agencies. It is not going to happen and it does not happen.

Mr. Chairman, I most respectfully say that I think this House would make a serious error if we do not adopt the Brooks-Walker substitute.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for his comments.

They are wholly consistent with the position he has held for a long time, just as the gentleman from Texas (Mr. BROOKS) had been wholly consistent until he compromised with the President and the majority of the committee.

However, Mr. Chairman, I hope that the gentleman from Wisconsin (Mr. STEIGER) will amend his remarks so as to say that in his opinion the gentleman from Georgia and the gentleman from Illinois are wrong. Of course, I think there is always room for a legitimate difference of opinion. I will not even mention the fact that the gentlemen from Georgia and Illinois are lawyers, skilled in the law, who have a right to an opinion in this regard. I think we all have a right to an opinion, but I do think that it is important that this Congress maintain some control over the writing of the laws and regulations adopted by agencies to implement the laws that we pass which have the full force and effect of law. I think it is altogether proper that we maintain some control over that part of the lawwriting process.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would like to commend the gentleman in the well for precisely identifying what the vote is about. It is about the one-House veto, and we should point out clearly that we are not to confuse this with whatever we consider the Federal commissions or agencies may be doing. They are not writing laws as constitutionally prescribed, so I think we really should not suggest that a one-House veto of the Federal Power Commission's and other agencies' doing their work is comparable to the bicameral constitutional function of the Congress.

Mr. Chairman, I commend the gentleman for identifying the issue. I am sorry that we are not in agreement, but I think more and more Members are beginning to recognize at least the validity of opposition views that have been expressed.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for his contribution.

I do oppose the amendment in the nature of a substitute and urge that it be defeated.

Mr. BENJAMIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the concept of the reorganization of the Federal Government and our President's desire and commitment to accomplish reorganization. Reorganization must take place if we are to make the Government more humane, responsive, and cost effective. It is a concept I have long supported.

As for the particular reorganization proposal before us today, embodied by H.R. 5045, I find myself in support of all but one of the major components of the bill. Those provisions I support include the right of the President to amend any plan submitted to Congress within 30 days of its introduction. I have no disagreement with the provision eliminating the restriction on the composition of plans or the frequency of submissions.

I cannot, however, support the provision of the proposed Reorganization Act of 1977 which would allow a particular reorganization plan to become effective without the affirmative approval of both Houses of Congress. That is why I now rise to add my voice in support of Mr. WALKER'S amendment.

It is my strong belief that the veto provisions, as drafted, is violative of more than one section of the Constitution. Article I, section I, commands that—

> All legislative powers herein granted shall be vested in a Congress of the United States.

And as Professor Kurland testified before the House Committee on Government Operations:

> It is for Congress, the legislative branch, to write the laws. A President is authorized to veto laws enacted by Congress and Congress is empowered to override any such Presidential veto by a two-thirds majority of each House.

Congress is this country's lawmaker.

Today, however, we have obfuscated this clear constitutional mandate with emotional arguments that do not recognize the legal reality.

The Attorney General offers that a proposal such as the one offered by the gentleman from Pennsylvania "shifts the balance of power to Congress (from the Executive) thus permitting the legislative branch to dominate the executive." I would disagree with his conclusion and suggest that unless the Walker amendment is adopted, the opposite conclusion would result.

We are further told that no "substantive power through which the Government affects the substantive rights and interests of the governed is involved here. How can this be when the bill we are now considering would allow the President to decree, among other things "the abolition of all or a part of the functions of an agency and the consolidation of the whole or a part of an agency," or "the consolidation of the whole or a part of an agency, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof"? Certainly, the peoples' substantive rights are going to be affected by our actions.

Finally, inefficiency is decried and we are asked to remove the impediments to the swift implementation of any proposal the President may make. When have we become more concerned about efficiency rather than abiding by the governing law of the land?

We talk of the responsibility of the Government to be accountable to the people. My dear friends, in this House, at this moment, we are the Government and as the representatives of the people it is our responsibility to act to insure that the legislature of this country will remain accountable to the people.

We must act to insure that all reorganization plans receive prompt attention. More importantly, we must insure that they are not hastily considered and that they are thoughtfully and positively examined.

Our Government is far from efficient. It will not be perfectly efficient after a reorganization. That is the nature of a democracy. It is also in the nature of a democracy to be governed by laws and we cannot circumvent the Constitution simply because not to do so would be inconvenient.

I do want to vote for H.R. 5045. However, unless the Walker amendment is adopted to make this bill patently constitutional, I will not be able to support final passage. While I am reluctant to disagree with our President, I must abide by my oath of office to support the Constitution of the United States. I am convinced that the Walker amendment will enable a swift, orderly and constitutionally acceptable reorganization of our Government under the President and with the support of the Congress and urge your support for this amendment which would require the expeditious adoption of reorganization plans by affirmative and public vote of Congress.

Mr. WYLIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the need for Government reorganization is indisputable.

As the Federal structure now stands, it is replete with unwieldly lines of authority, overlapping jurisdiction, and mismanaged bureaucracy, all of which leads to inefficiency and waste and also inhibits, to my way of thinking, new policy initiatives.

There is nothing very new in the bill now before us, I submit. As brought to our attention by the gentleman from Ohio (Mr. BROWN), who spoke a little earlier, the authority to use this type of reorganization has been in the law since 1932 when it was first granted to President Hoover and such authority has been renewed periodically since then. The approach has been pretty much the same for 45 years. The President may propose structural changes and the Congress may reject whatever reorganization is proposed by the President.

The last extension of that basic law, which expired on April 1, 1971, allowed disapproval by either of the bodies in the Congress, as was pointed out by the gentleman from Michigan (Mr. CONYERS) and by the gentleman from Illinois (Mr. ERLENBORN).

There has been ample precedent in the reorganization procedures over the past several years. I think, if nothing else, that precedent over the past 45 years

would render this procedure constitutional because of custom and usage.

I respect the argument of those as to the constitutionality of the bill.

The gentleman from Pennsylvania argues that the power of negative approval gives the Congress Presidential veto power and transfers its own legislative responsibility to the President. Then the gentleman argues further that the one-House veto violates the constitutional prescription that legislation must be acted on by both Houses of the Congress.

The Justice Department has concluded that the procedures involved here are not unconstitutional because the President's power to review legislation is preserved, the principle of bicameralism is maintained since either House may prevent enactment, the legislative power is not transferred to the President, since provisions define and limit his authority and the President is empowered to alter organizational structure but cannot alter or abolish the intent or authority of congressionally enacted programs and, lastly, the process does not allow Congress to assume control over administrative functions of the executive branch.

It strikes me that the Justice Department's view could be correct and that it is not up to us to decide the constitutionality of legislation, especially where different views can be supported.

Mr. Chairman, I think the committee has done a good job and I support the bill as reported from the committee.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. Certainly I yield to my friend the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I would ask the gentleman from Ohio if the gentleman is contending that the Justice Department's view of legislative veto is that it is a special kind of legislative procedure that has to be adopted because of the special powers of the President in this area?

Mr. WYLIE. I say there can be differing views on the constitutionality of it, nonetheless, there has been precedent established over a period of 45 years, and, if nothing else, custom, and usage, I suggest, would indicate the practice has been held to be constitutional.

Mr. WALKER. But, it seems to me that the Justice Department and the opinion of the Attorney General on this issue was based upon the fact that the President has some special prerogative to reorganize the executive branch, and that was the only justification for it. I submit that the American people have certain rights which could be ignored, and certain needs that could be ignored by reorganization plans which do not demand congressional affirmation. But, if nothing else, the opinion of the Justice Department in this case appears to me to be very, very weak.

Mr. WYLIE. I understand precisely the position of the gentleman. I think your positon is arguable and I understand the position of the gentleman from Indiana who spoke here a little earlier to the effect that just because custom and usage has esablished a precedent does not make a practice sanctimonious. That we do have the opportunity to do otherwise. But I do submit to the gentleman that in the past Congress has done the same thing we are doing here today, in my judgment, when we gave the various agencies rule and regulatory making powers.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. HORTON, and by unanimous consent, Mr. WYLIE was allowed to proceed for 2 additional minutes.)

Mr. WYLIE. Mr. Chairman, I would say that we could repeal an agency's authority if we think it has overstepped legislative bounds. As a matter of fact, I think it might be a good idea to modify blank check rulemaking power and establish by statute specifically what we want each agency to do. I have an amendment in a bill which will come to the floor in a couple of weeks which will do just that.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from New York.

Mr. HORTON. I thank the gentleman for yielding.

One thing I have heard on the floor that I want to point out is that the substitute is to give each House an opportunity to vote, and that if we do not take this, then we have the same system of procedure that we have had under other legislation.

Mr. WYLIE. Precisely.

Mr. HORTON. The bill before us is different because the bill that is before us, which is the compromise, provides that the chairman of the House Committee on Government Operations and the chairman of the Senate Committee on Government Affairs must either introduce or by direction have introduced by some other Member a resolution of disapproval, and then at the conclusion of 45 days if the committee has not acted, that resolution can be called up by any Member and it is a privileged resolution. So that practically guarantees that there is going to be a vote, which is different than procedures that we had before.

Mr. WYLIE. That is right. I understand the modifications of the procedures we have now, and I think that if the procedure which we have heretofore followed for 45 years is constitutional, then a fortiori the procedure provided in this bill is constitutional.

I thank the gentleman from New York for making that point.

Mr. DRINAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when I first saw the Walker substitute, I had the hope that it would combine the best of both worlds. But I must reluctantly vote against it because it omits many very valuable things in H.R. 5045 which I think should be incorporated. The gentleman from Pennsylvania (Mr. WALKER) has gone back to the original bill of the Chairman's, the gentleman from Texas, Mr. BROOKS', H.R. 3131, and has proposed this as the substitute. If the substitute were adopted, here are just some of the very valuable things that would be lost.

In section 903 of H.R. 5045 there is a very careful definition of precisely what the President might do under a reorganization plan. It is stated, furthermore, that the President may at no time have more than three plans pending before the Congress. In addition, it is stated in section 904 precisely what the President may do when he wants to consolidate certain bureaucracies. It is also stipulated in this bill what happens to the appropriations that have already been designed for these agencies.

Another section, section 905, states that in any reorganization plan the President may not create an entirely new executive branch. Again there is a careful definition of precisely what he may do. Furthermore, there is a careful provision here in section 907(c) as to what happens with regard to any lawsuit brought by the head of an agency which is proposed for consolidation.

I could go on, Mr. Chairman, and enumerate many other very excellent improvements that have been made by the subcommittee of the gentleman from Texas (Mr. BROOKS) and by the entire Committee on Government Operations.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

I think the reason that the gentleman will find all of those wonderful new things added in the substitute is very simple to explain. They need to be added because they are not required in the original Brooks bill which restored the bicameral principle and allowed the Congress to legislate rather than have to exercise a one-House veto, which the gentleman from Massachusetts so admirably spoke to in his additional views. That is why all of those things are in there. So I think we should not confuse the situation by suggesting that if all those matters were now put into the original Brooks bill, we might then have a substitute which might be more in keeping with what the gentleman desires.

Mr. DRINAN. I appreciate the comments of my friend, the gentleman from Michigan. But I do suggest and insist that the Presidential resolution as proposed in the substitute by the gentleman from Pennsylvania (Mr. WALKER) does in fact carry a certain authority and weight because it comes from the President. I recognize also that under his bill there is a clear definition both Houses must vote on this bill. As I said originally, however, I am inclined to think that the constitutionality of the bill cannot be challenged successfully because it does give to every Member of both Houses the right to have an up or down vote on it. It seems to me that in effect what we are doing by H.R. 5045 is making a rule of the House that when the President of the United States sends a reorganizataion bill, if it is within the parameters of this bill, it will remain in committee for 45 days, and thereafter it is up to each Member to have a vote on it if he wants to have a vote on it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I read the gentleman's additional views in the committee report. Does it not seem to him that there is enough problem with constitutionality with this that we may have a time come when the whole reorganization concept could be thrown out by the courts and thereby take with it all of the reorganization that has been accomplished under it? Is not this a very practical fear on the part of the gentleman that what we might end up with is destroying the entire reorganization concept at some point in the near future?

Mr. DRINAN. I appreciate the comments of the gentleman and I do have that fear, as I tried to make clear. At the same time this bill is going to pass. It passed unanimously in the Senate. And at this moment in time I think we should take the language and the concepts that have been worked out elaborately by the Government Operations Committee. We should perfect the bill and make it the best we can, hoping that the constitutionality question has been resolved and that the bill will be acceptable.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(On request of Mr. CONYERS, and by unanimous consent, Mr. DRINAN was allowed to proceed for 1 additional minute.)

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, a further question to my distinguished colleague: Is it not true under the present so-called compromise that the Government reorganization plan can come from the White House and be passed into law without the Congress ever giving one indication in either body?

Mr. DRINAN: No, because every Member has the right to bring it up. Furthermore the acceptance of the reorganization plan will obviously be recorded either in the RECORD or somewhere else, just like a private bill is recorded. The proposal here is similar to the procedure by which a private bill which on the designated date comes here, and, unless somebody objects, becomes law.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not have any illusions we have put the constitutional discussion at rest. Therefore, I would like simply to state my own opinion with respect to the constitutional questions that have been raised. So I start out first to say that the argument has been going on ever since I have been here, which does not prove anything one way or the other, and it will continue long after I am gone if we are to use reorganization.

No one here, regardless of his background or whatever posture he takes on the constitutionality would deny the fact that the Congress has the right to pass a bill. That is what we are going to do here today. If that does not meet the constitutional test, I do not know what does. And when the other body acts on the bill and the President signs it, it will be a law, and that will meet the constitutional test.

If in that law we permit the President to do something, then tell me it is unconstitutional to permit the President to do that and we will have a discussion about it. In this law there is restraint on the delegation of that authority. We retain in this law the right of the House to veto whatever it is we have delegated to the President, tell me that is unconstitutional, and then we will have a discussion about it.

But that issue has not been raised. What has been raised has been the unconstitutionality of the one House veto, which I respectfully submit is not unconstitutional.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I will yield as soon as I get through.

But the fact is that when we pass this bill, the passage of the bill is a constitutional act when it is signed by the President. We can get into an argument as to whether or not the one-House veto is a restraint and whether it is an effort by the Congress to retain power over the delegated authority, but it seems clear to me that it is.

The fact is that it is, in simple English, and we know it is.

The other question then is whether we have the right to delegate or whether we should delegate. Both are legitimate questions. We have delegated. We think we should delegate. It is important to get on with the reorganization aspects.

Is it unconstitutional? We can argue forever about that; but I submit that the record is clear that this is not an unlimited delegation of power to the President of the United States. The law that we are passing right now, which he will sign if he gets the chance, severely restricts what the President can do. There are clear areas in which we say we have not delegated to the President of the United States. This is a restrictive delegational authority to the President. I submit that because it is, it thus retains very strong constitutional features.

Finally, Mr. Chairman, for those of us who want to discuss and argue the constitutional issue, let me say that one of the foremost constitutional lawyers who came before the committee, who argued the other side of the constitutional question that I am arguing, answered in response to my question that there was no way that the matter could be a justiciable one for submission to the courts.

The fact is that in this case we do have to decide the constitutional issues for ourselves. The committee submits that we had sufficient constraints and congressional oversights which should decide the constitutional question favorably. There is no way to get the matter into the courts for the courts to decide the constitutionality of the question. The constitutionality of the whole issue has been decided by the Congress and will be decided by the Congress again.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, am I not correct that the legislative veto procedure is now being challenged in the courts as it is? There are at least two cases now before the courts challenging the constitutionality.

Mr. FASCELL. All I can say, we discussed that in the committee on that very point. A very clear distinction was drawn between those challenges in the reorganization act.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

(At the request of Mr. HORTON, and by unanimous consent, Mr. FASCELL was allowed to proceed for 2 additional minutes.)

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I want to commend the gentleman on the very excellent statement that the gentleman has made on the constitutional question. I tend to agree with the position that the gentleman from Florida has taken, especially with regard to the bill that we are acting upon now; that is the bill that gives the authority and that is constitutional.

I asked the question, I think it was of Mr. Kurland when he testified before, but I did ask the question, Can the Congress delegate to the President the right to reorganize without ever coming up to the Congress? and the answer was yes.

Mr. FASCELL. Absolutely; I remember the question and that was the answer.

Mr. HORTON. And in my judgment that is the answer, that in my judgment meets the constitutional test.

Mr. FASCELL. I agree with the gentleman from New York. That is why I was so careful to point out that in the bill under consideration now we do not have an unlimited delegational authority to the President. We have a restricted delegation of authority.

Mr. HORTON. That is correct.

Mr. FASCELL. With congressional oversight, and I cannot, for the life of me, follow a logic which says that because we have restrained the President because we have restricted the delegational authority and because we then provide the congressional oversight mechanism, that that in some way is unconstitutional. I just cannot buy the argument. I think it is illogical. I think it is illegal. I think it is unnecessary. I think we ought to go on and vote down the amendment.

Mr. STEIGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment in the nature of a substitute.

Mr. Chairman, I hesitate to get into the debate because of the new stricture laid down, what I will call the Erlenborn-Levitas rule, that is, that one has to be a lawyer to understand the Constitution or to argue the case.

I am persuaded that the gentleman from Pennsylvania has done the House a very real service in offering a clear issue

on this bill, whether or not one thinks that the role of the Congress ought to be to sit back, authorize the President to reorganize, and then allow one or the other House of the legislative branch to veto what the President has proposed to us. I find that to be objectionable. I think it can be unconstitutional and I think, worst of all, it is a copout.

If one were to go back to the discussion that took place in the Separation of Powers Committee in the other body, there is a colloquy taking place between the late Prof. Alexander Bickel, professor of law, and Senator Sam Ervin. Professor Bickel says:

I know that [the approach of the reorganization act] has been in effect and it has entered the practice of the Constitution if not its theory for over a generation now. However, I cannot reconcile it with my view of the requirements of the separation of powers. . . .

Senator ERVIN. I have convinced myself to this point. If the principle of the Reorganization Acts is constitutional, then a comparable procedure allowing Congress to veto watershed projects conceived by the Executive is also constitutional.

Professor BICKEL. I quite agree.

Senator ERVIN. And if the latter is unconstitutional then the former is unconstitutional.

Professor BICKEL. I quite agree with that.

I do not think anybody has proposed that we do that; that is, we authorize a watershed project. We do not veto one proposed by the President of the United States. Those who are familiar with the legislation of 1932 will remember that in 1932 the Congress directed the Secretary of Commerce to consolidate the Steamboat Inspection Service and Bureau of Navigation into one agency; abolish the Personnel Training Board and transfer it to the Secretary of Commerce; abolish the Radio Division of the Department of Commerce and transfer it to the Federal Radio Commission. All those were positive acts by the legislative branch directing reorganization.

The gentleman from Indiana, I think, is correct. Any of us who would like to be for reorganization—and I would—are hard pressed to support the exercise of the one House veto as proposed in the bill before us.

I regret exceedingly that so few Members of the House have been willing to take their time to come and listen to those far better qualified than I to discuss this interesting, important and substantive issue. I will direct all who are intrigued by the constitutionality to read the excellent study by John Bolton, prepared by the American Enterprise Institute for Public Policy Research, "The Legislative Veto, Unseparating the Powers." If I may, let me simply read the conclusion of the Bolton study for the benefit of those who care about what our role is. He says.

The story of the legislative veto is a depressing story—depressing because, although the goals sought through the use of the device are commendable, the device itself, is almost necessarily, unconstitutional. Moreover, the goals—greater agency accountability and less arbitrary governmental interference in people's lives—might be harder to reach with the legislative veto than without it because it tends to give the false impression that the agencies are under control. In order for those worthy goals to be achieved, Congress must be willing (or be forced) to make difficult political choices. Statutory grants of discretion must be more carefully structured and periodically reviewed. More attention must be paid to specifics, closer scrutiny must be given to presidential nominees, and there needs to be greater resistance to calls for "immediate legislative action" from interested pressure groups.

That, it seems to me, answers the substance of the argument made by those who defend the legislative veto; that is, the failure on the part of this Congress, the failure on the part of this House, to be willing to stand up for itself on what it granted to agencies.

I hope the substitute amendment is adopted.

Mr. WYDLER. Mr. Chairman, will the gentleman yield ?

Mr. STEIGER. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, I, too, hope the substitute amendment is adopted. I want to commend the gentleman from Wisconsin for the statement he has made, and also the author of the substitute amendment.

I did vote against this legislation in the committee. The vote there, I think, freely indicates that this matter is going to be passed by the House today, but in my own mind, after reading the testimony that was given before the committee, I can only conclude that this is indeed, under the circumstances that we are dealing with, an unconstitutional delegation of congressional authority. As a Member of Congress, it has always been my understanding that if we feel a measure is unconstitutional, we are supposed to vote against it. It seems to me that is one of our basic responsibilities as Members of this House. I would also add that the most important part of this whole discussion here today is:

All the talk we have heard over the last so many years about Congress regaining its power and taking back from the President the power that rightly belongs to the House and to the Senate, all we have heard on so many occasions in the last few years.

But here today we are taking one of those powers, which we did indeed take back in the House so many years ago, and returning it to the President. I just wonder why.

Mr. STEIGER. I think the gentleman is absolutely correct.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first, I would like to respond to the last observation made by the gentleman from New York (Mr. WYDLER) about congressional power. I cannot imagine that there could be much more power given to the Congress or reserved by the Congress than the power for either body to reject any plan sent over by the President.

Indeed, one of the arguments we usually hear, arguments regarding the congressional veto, is that it gives too much power to the Congress. The Congress has under this bill all of the power in the world it will need to thwart any bad plan. So it is not a question of congressional power. There is ample congressional power.

As intrigued as I am with the constitutional issue which we have heard explained on several occasions, the fact of the matter is that each of us, I suppose, is his own constitutional lawyer on this matter. This bill is not going to be held unconstitutional became Mr. BROOKS or Mr. CONYERS or Mr. Kurland thinks it is. There are many others equally distinguished scholars who disagree. There is as much opinion on one side as there is on the other side. We all have taken our own oaths to uphold the Constitution as we understand and that is what we will do. But it is surprising to hear some of our colleagues assure us with certainty from on high the positive unconstitutionality of this bill. That is nonsense.

The fact of the matter is that in the 40 or 50 years in which congressional vetoes, one-House vetoes, have been in existence, there has never been a court case which says it is an unconstitutional exercise of power.

In fact, I think the truth of the matter is, Mr. Chairman, if anything, this Congress has been far too liberal or even sloppy in delegating authority without reserving the opportunity of exercising a congressional veto and being responsible for our actions which we have delegated.

In this legislation it is this Congress which is mandating the President of the United States, with certain strictures, to reorganize the executive branch of Government, and then he will have to get those plans passed in each House of the Congress, because either House of the Congress can veto any plan. This is substantial reservation of congressional power.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, it seems to me passing strange that those who argue that the Congress ought to be retaining its authority, jealously guarding its authority, do not come before this Congress and ask us to pass legislation that would prohibit the departments and agencies from writing laws. That is what has been going on, and that is what is now going on. The law of the land is being written by departments and agenices under the law granted by the Congress to those departments and agencies. I would like to retain that process through the veto process, just as we are doing here. I think we are being wholly consistent in this position, whereas those who oppose this granting of authority to the President are not consistent unless they should also say we should not grant the departments and agencies the power to write rules and regulations.

Mr. LEVITAS. The gentleman is correct and his perception of the issue is of great benefit to all of us. If we want to

be consistent in retaining congressional control and congressional authority, this is the legislation which will do it.

But there is a more important reason, from a realistic point of view. The fact of the matter is, we will not get reorganization unless we adopt this procedure, because the coalition of special interest groups, who are going to gang up and oppose specific plans of reorganization, are going to thwart all reorganization unless we go the veto route.

Everybody is in favor of reorganization. I have not heard anybody speak against reorganization, but they are in favor of reorganization in the abstract until it comes to something they do not want to see reorganized. Every single special interest group in America will be able to team up, form a coalition, and trade their vote and thwart any effort. If we stop for a moment and think how long it has taken us to adopt any reorganization in Government under present procedures, we will adopt this procedure if we want to get the job done.

This is vital legislation if we are to carry out reorganization. It is a commitment made by the President of the United States in this campaign recently past, and I think we have to give him this authority, with congressional veto control, if this commitment is to be fulfilled.

This vote will be a crucial vote, and it will be one to determine whether or not we are just giving lip service to reorganization or whether we are seriously dedicated to the proposition of reorganization.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, do I understand correctly that the reason for adopting this kind of approach—if I understand the gentleman's statement correctly, and I hope I do—is that this House cannot stand up to the pressures from the outside or from special interests, and that we have to run roughshod over the Constitution simply because we fear that this House cannot stand up to the special interests groups?

Mr. LEVITAS. Mr. Chairman, while I am not a longtime veteran of this institution, it is my experience that when we get certain organized groups one at a time, such as school teachers, doctors, labor veterans, lawyers, environmentalists, educators, bankers, and all these other groups who come here one at a time, they are hard enough for us to deal with one at a time, but when we put them all together, we are not going to get anything done. That is why we need this legislation.

Mr. GARY A. MYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find myself on probably one of those rare occasions when I am pretty much in agreement with the gentleman from Massachusetts in that I was hopeful that the Walker substitute would have included some of the committee's contributions to this legislation.

I strongly believe that the House should retain for itself the opportunity to vote positively for reorganization plans.

The impact of reorganization can have benefits, and it can also have undesirable effects on the broad objectives of our legislation. I think it is important to consider that today we have the opportunity either to retain or to essentially surrender some of that power.

It seems to me that because of the fact that the Walker substitute is not perfected as some of us would like to have it, perhaps the best route, if we could muster enough support, would be to recommit this bill to the committee so that a substitute which would encompass the two-House action as well as the good work that the committee has done in requiring the President to provide certain information in the broader text of the bill could be offered.

So I do find myself in a dilemma. I intend to support the Walker amendment, but I do hope that the gentleman will offer a motion to recommit and speak to our colleagues about its need. Because of the long-term impact this bill would have, I think this would be one of the rare occasions when we should in fact recommit a bill for good reason and then bring it back out on the floor for a more comprehensive substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 329, not voting 16, as follows:

[Roll No. 106]

AYES—87

Abdnor	Devine	Myers, Michael
Andrews, N. Dak.	Dingell	Myers, Ind.
Armstrong	Duncan, Oreg.	O'Brien
Ashbrook	Edwards, Okla.	Oberstar
Bauman	Ertel	Pressler
Bellenson	Evans, Del.	Pursell
Benjamin	Frenzel	Quayle
Bonior	Gilman	Robinson
Brodhead	Goldwater	Rousselot
Burgener	Goodling	Rudd
Burton, John	Grassley	Sarasin
Caputo	Hammer-schmidt	Satterfield
Cavanaugh	Hansen	Sawyer
Clawson, Del	Hollenbeck	Scheuer
Cleveland	Holtzman	Schulze
Cochran	Jeffords	Sebelius
Cohen	Kemp	Shuster
Coleman	Krueger	Spellman
Collins, Tex.	Latta	Steers
Conyers	Lujan	Steiger
Cornell	McDonald	Stump
Coughlin	Marks	Treen
Crane	Marlenee	Trible
Daniel, Dan	Marriott	Vander Jagt
Daniel, R. W.	Miller, Ohio	Walker
Davis	Moorhead, Calif.	Wampler
Dellums	Moss	Wiggins
Dent	Myers, Gary	Winn
Derwinski		Wydler
		Yates

NOES—329

Addabbo	Flynt	Meeds
Akaka	Foley	Metcalfe
Allen	Ford, Mich.	Meyner
Ambro	Ford, Tenn.	Michel
Ammerman	Forsythe	Mikulski
Anderson, Calif.	Fountain	Miller, Calif.
Anderson, Ill.	Fraser	Mineta
Annunzio	Frey	Minish
Applegate	Fuqua	Mitchell, Md.
Archer	Gammage	Mitchell, N.Y.
Ashley	Gaydos	Moakley
Aspin	Gephardt	Moffett
AuCoin	Giaimo	Mollohan
Badham	Gibbons	Montgomery
Badillo	Ginn	Moore
Bafalis	Glickman	Moorhead, Pa.
Baldus	Gonzalez	Mottl
Barnard	Gore	Murphy, Ill.
Baucus	Gradison	Murphy, N.Y.
Beard, R.I.	Gudger	Murphy, Pa.
Beard, Tenn.	Guyer	Murtha
Bedell	Hagedorn	Natcher
Bennett	Hall	Neal
Bevill	Hamilton	Nedzi
Biaggi	Hanley	Nichols
Bingham	Hannaford	Nix
Blanchard	Harkin	Nolan
Blouin	Harrington	Nowak
Boggs	Harris	Oakar
Boland	Harsha	Obey
Bolling	Hawkins	Ottinger
Bonker	Heckler	Panetta
Brademas	Hefner	Patten
Breaux	Heftel	Patterson
Breckinridge	Hightower	Pattison
Brinkley	Hillis	Pease
Brooks	Holland	Pepper
Broomfield	Holt	Perkins
Brown, Calif.	Horton	Pettis
Brown, Mich.	Howard	Pickle
Brown, Ohio	Hubbard	Pike
Broyhill	Huckaby	Preyer
Buchanan	Hughes	Price
Burke, Calif.	Hyde	Pritchard
Burke, Fla.	Ichord	Quie
Burke, Mass.	Ireland	Quillen
Burleson, Tex.	Jacobs	Rahall
Burlison, Mo.	Jenkins	Railsback
Burton, Phillip	Jenrette	Rangel
Butler	Johnson, Calif.	Regula
Byron	Johnson, Colo.	Reuss
Carney	Jones, N.C.	Rhodes
Carr	Jones, Okla.	Richmond
Carter	Jones, Tenn.	Rinaldo
Cederberg	Jordan	Risenhoover
Chappell	Kasten	Roberts
Chisholm	Kastenmeier	Rodino
Clausen, Don H.	Kazen	Rogers
Collins, Ill.	Kelly	Roncalio
Conable	Ketchum	Rooney
Conte	Keys	Rose
Corcoran	Kildee	Rosenthal
Corman	Kindness	Rostenkowski
Cornwell	Koch	Roybal
Cotter	Kostmayer	Runnels
D'Amours	Krebs	Ruppe
Danielson	LaFalce	Russo
de la Garza	Lagomarsino	Ryan
Delaney	Le Fante	Santini
Derrick	Leach	Schroeder
Dickinson	Lederer	Seiberling
Dicks	Leggett	Sharp
Diggs	Lehman	Shipley
Dodd	Lent	Sikes
Downey	Levitas	Simon
Drinan	Lloyd, Calif.	Sisk
Duncan, Tenn.	Lloyd, Tenn.	Skelton
Early	Long, La.	Skubitz
Eckhardt	Long, Md.	Slack
Edgar	Lott	Smith, Iowa
Edwards, Calif.	Luken	Smith, Nebr.
Eilberg	Lundine	Snyder
Emery	McClory	Solarz
English	McCloskey	Spence
Erlenborn	McCormack	St Germain
Evans, Colo.	McDade	Stangeland
Evans, Ga.	McEwen	Stanton
Evans, Ind.	McFall	Stark
Fary	McHugh	Steed
Fascell	McKay	Stockman
Fenwick	McKinney	Stokes
Findley	Madigan	Stratton
Fish	Maguire	Studds
Fisher	Mahon	Taylor
Fithian	Mann	Thompson
Flippo	Markey	Thone
Flood	Martin	Thornton
Flowers	Mathis	Tonry
	Mattox	Traxler
	Mazzoli	Tsongas

Tucker	Weaver	Wright
Udall	Weiss	Wylie
Ullman	Whalen	Yatron
Van Deerlin	White	Young, Alaska
Vanik	Whitehurst	Young, Fla.
Vento	Whitley	Young, Mo.
Volkmer	Whitten	Young, Tex.
Walgren	Wilson, Bob	Zablocki
Walsh	Wilson, C. H.	Zeferetti
Watkins	Wirth	
Waxman	Wolff	

NOT VOTING—16

Alexander	Florio	Symms
Andrews, N.C.	Mikva	Teague
Bowen	Milford	Waggonner
Clay	Poage	Wilson, Tex.
Dornan	Roe	
Edwards, Ala.	Staggers	

Messrs. MOSS, YATES, GOLDWATER, JOHN L. BURTON, ABDNOR, and WAMPLER changed their vote from "nay" to "yea."

Messrs. MOLLOHAN and MOAKLEY changed their vote from "yea" to "nay."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARY A. MYERS

Mr. GARY A. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARY A. MYERS: Section 903, subsection (b) is amended by adding immediately after the period on line 3, page 6, the following: "The message shall also estimate (so far as is practicable) the impact of a reorganization plan on local and regional economies and employment when the plan provides for the transfer of Federal Government facilities or employees from one location to another."

Mr. GARY A. MYERS. Mr. Chairman, the intent of this amendment is simply to require that along with the President's message on any reorganization package that he supply to the Congress the impact on a local and regional basis that the reorganization will have upon employment and the economic situation in those areas.

It is my hope that the reorganization will not cause great disruption in the regions; but I do think we ought to know and have an evaluation. If, in fact, they do. We should be able to measure them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GARY A. MYERS).

The amendment was rejected.

Mr. HARRIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a question for the chairman of the committee concerning the extent of the President's authority under section 904(2) as amended by the bill. The particular language in question appears on line 25, page 6, through line 1 of page 7, and provides that the plan "may provide for the appointment and pay of the head and one or more officers of an agency."

Mr. Chairman, my concern is that this language could be construed to authorize the President to create by reorganization plan any number of new positions which are established without regard to the provisions of title V relating to the classification and pay for civil service positions.

I have reviewed the legislative history. I know why the language appears the way it does; but I would like to ask my colleague if the gentleman understands that the only reason for this language is to make sure that we have included the District of Columbia and other regions and that this is in no way to give carte blanche authority to create as many supergrade positions as may be necessary under the reorganization.

Mr. BROOKS. Mr. Chairman, if the gentleman will yield, I would say to my distinguished friend, the gentleman from Virginia (Mr. HARRIS), that it is my understanding of the legislation that the provision the gentleman refers to is not intended to make any end run around the civil service laws. It has been in the law since 1949 and does not appear to have done any more than give the President certain limited flexibility in carrying out a reorganization plan once it has been approved by the Congress.

It is certainly not my intention, nor that of the Government Operations Committee to expand that provision in any way.

Mr. HARRIS. I thank the gentleman.

AMENDMENTS OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. BROWN of Michigan: On page 2, immediately before line 2, insert the following:

"913. Provision with respect to judicial review"

Page 15, at the end of line 25, strike out the close quotation mark and the period immediately thereafter, and immediately after such line insert the following:

"§ 913. Provision with respect to judicial review

"If, in any civil action or other judicial proceeding brought with respect to a reorganization plan submitted pursuant to the provisions of this chapter, the court determines that this chapter or any provision thereof is unconstitutional, the relief granted by such court shall be restricted to relief, with respect to such plan and shall not affect the validity of plans previously adopted. This section does not create a cause of action or authorize any action or other proceeding to obtain judicial review of this chapter, or any provision thereof, or of any plan submitted thereunder.".

Mr. BROWN of Michigan. Mr. Chairman, technically I suppose these are two amendments, so I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. Yes, certainly I yield.

Mr. HORTON. Mr. Chairman, this is a matter that I think can be accepted, but it is not necessary. The amendment the gentleman is offering seeks to limit the scope of a judicial declaration of unconstitutionality. I support the goals which the gentleman's amendment seeks to accomplish. A Federal court would probably rule in this manner without the amendment, but its adoption will insure such a ruling.

Mr. BROWN of Michigan. I thank the gentleman for his comments. I trust that I will get the same response from the other side of the aisle.

Miss JORDAN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentlewoman from Texas.

Miss JORDAN. This side cannot accept the gentleman's amendment, and if we are pressed, we will tell him why it is woefully defective.

Mr. BROWN of Michigan. I would be glad to have the gentlewoman tell me why it is woefully defective. I think there was a consensus in the committee that to the extent this bill poses a constitutional problem, we felt that if there had not been congressional objection raised to any plan previously adopted under the legislation, that we wanted the court to interpret the congressional intent as being an intent that plans that were already adopted, in existence and implemented, should not be affected by a decision, holding this legislation unconstitutional because of the one-House veto provision.

That is why the language says that the judicial decisions shall relate and be restricted to the plan before the court, and shall not affect the validity of others previously adopted. Of course, we know that we cannot determine the court's decision, but to the extent that we can indicate the congressional intent, which I thought was the unanimous position of the committee, we ought to do it.

I am not attempting to preempt or in any way infringe upon the right of the court to decide the constitutionality of previous plans, but I am saying that to the extent we can indicate a congressional intent, we would like to have those plans which have been already adopted and implemented, not have their validity challenged by a subsequent decision of unconstitutionality on the basic enabling statute.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from New York.

Mr. HORTON. As I understand it, the amendment which was read referred to page 15, at the end of line 25. It should refer to page 16, at the end of line 3.

I think if the gentleman would offer an amendment to change that, it would then be in proper order with regard to the matter before us.

Mr. BROWN of Michigan. If the gentleman is correct, I would be happy to accept his amendment. Legislative counsel prepared the amendment. I presume they have made the right references. I have not had time to check the references.

The CHAIRMAN. Is there objection to the modification of the amendment?

There was no objection.

Mr. BROWN of Michigan. Mr. Chairman, I will be glad to yield to the gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Chairman, I will oppose the amendment on my own time.

Mr. BROWN of Michigan. Mr. Chairman, I yield back the balance of my time.

Miss JORDAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment because, in the first place, it is unnecessary and it is unworkable. If I understand this amendment correctly, this amendment purports to limit the Court's authority to that single reorganization plan and no further. I know the gentleman stated that it was not his intent to try to restrict the judicial review discretion which the Court would have. But, in effect, to say that only this single instance which has been in controversy would be subjected to the Court's decision, is to in fact restrict the Court's discretion in moving on the judicial review or the justiciability of what has been proposed in the reorganization plan.

I appreciate the objectives of the gentleman who offers the amendment. But I do not believe he has given us an actionable remedy. It is not for the Congress to attempt to restrict the Court's discretion in determining the extent to which it applies its decision on constitutional issues. We had that experience with Court decisions in the past, and we know that the Court does exercise wise, judicious, reasonable, and sensible approaches in the decisions it makes.

We have had recent decisions wherein the Court said the Congress in some instances acted unconstitutionally and did not create an administrative morass about the decision of the acts lack of constitutionality, but instead gave the Congress time to remedy whatever it had done which was in the Court's view unconstitutional.

The Court has shown great judicial temperament in the past in restraining its own desire to move into areas which are not immediately before it.

It is not for us, Mr. Chairman, to say to the Court, in regard to the matter of constitutionality, that, "If you are going to find this particular instance unconstitutional, we are going to limit the effect of what you will find." We are, in effect, then saying: "Justices of the Court, we do not trust you to be able to provide a reasonable and rational solution to the unconstitutional problem that is before you, but we think you might throw us into great administrative chaos and, therefore, we are going to say to you, Mr. Justices, to limit the discretion to a single plan only."

I think that is inappropriate.

Mr. BROWN of Michigan. Mr. Chairman, will the gentlewoman yield?

Miss JORDAN. I yield to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. I thank the gentlewoman for yielding.

The gentlewoman indicated, and I am sure she did not intend to, that legislative bodies have never dictated to the courts as to what they expected to be the interpretation. The gentlewoman, I am sure, is familiar with severability clauses where legislative bodies have said if any portion of a particular bill is unconstitutional, it shall not affect the constitutionality of other provisions. She is well aware of paragraphs dealing with congressional intent, which are attempts to, in effect, say what the congressional intent was if there is a court ruling saying such-and-such.

I think the gentlewoman's basic objection is valid, that is, that the amendment is probably unnecessary. I cannot argue that point with her, because the court has very sensibly in most cases applied the doctrine of nonretroactivity, and she is well aware of that.

The court in this case would probably apply the doctrine of nonretroactivity, as it did to the Federal Elections Commission case. However, I am saying that it does not hurt to put this language in, and to the extent that congressional intent is set forth in the bill, it amounts to an effective addition that I think is neither unnecessary, nor undesirable; I think it is desirable.

Miss JORDAN. Mr. Chairman, if I may recapture my time, I recognize that there is nothing untoward in an expression of legislative intent by the Congress, but this is more than that.

This bill itself expresses the legislative intent of the Congress, which is to give the President ample reorganization authority so that he can present logical, reasonable, and sensible plans to the Congress for the reorganization of the executive branch of the Government. There is no question about what we intend to do in this legislation.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JORDAN) has expired.

(On request of Mr. BROWN of Michigan and by unanimous consent, Ms. JORDAN was allowed to proceed for 2 additional minutes.)

Miss JORDAN. Mr. Chairman, there is also no question whatsoever that we intend that a single house of the Congress would have the authority at any given time to vote to disapprove a single plan of the President. That intent is clear.

But what we would be doing in this unnecessary, unwarranted, unworkable step would be dictating to the court and saying, "Yes, this is what we want to do, but if you find one bit of what we have done to be unconstitutional, we want you to limit your discretion to that part and not go further into the act."

Mr. Chairman, I say that would be an unnecessary, untoward intrusion into the discretion of the court.

Mr. BROWN of Michigan. Mr. Chairman, will the gentlewoman yield?

Miss JORDAN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, the issue that has been raised by this legislation and has been much discussed, is the constitutionality of the one-house veto. We have nevertheless in this legislation adopted the concept of a one-House veto. We are doing that, fully cognizant of the fact that it may be held unconstitutional.

Now, the language that I have in my amendment basically goes to that issue. There is nothing wrong with putting in language that which the court may find is unconstitutional. It may hold my amendment unconstitutional; it may hold the severability clause unconstitutional. But there is no difference, and it is no more unworkable than putting in a one-House veto. I think there is no justification for saying it is unworkable. It is a sense-of-the-Congress provision. Do we not agree with that?

Let me ask the gentlewoman this: Do we not agree that if the court holds that the one-House veto makes the legislation invalid, we still want left in place the other plans that have been adopted by the Congress where there has been no objection, that we want them to remain in effect? Would the gentlewoman give me a yes or no answer?

Miss JORDAN. Mr. Chairman, it is not my judgment in this instance that I would be reluctant to trust the justices of the court to decide the issues and do what is reasonable and sensible and logical.

The CHAIRMAN. The time of the gentlewoman from Texas (Miss JORDAN) has again expired.

Mr. BROWN of Michigan. Mr. Chairman, I ask unanimous consent that the gentlewoman from Texas (Miss JORDAN) may be permitted to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. CARNEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. JOHN L. BURTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, let us read the amendment. The amendment says as follows:

> If, in any civil action or other judicial proceeding brought with respect to a reorganization plan submitted pursuant to the provisions of this chapter, the court determines that this chapter or any provision thereof is unconstitutional, the relief granted by such court shall be restricted to relief with respect to such plan.

So that means that if we have approved 27 reorganization plans, the word, "unconstitutional," means if the court makes a determination with regard to plan A, his ruling only goes to plan A and there would have to be 26 more suits on the other plans. That does not make any sense.

The basic constitutional issue will be on the one-House veto, and if it is unconstitutional in plan A, it is unconstitutional in plans B, C, D, and all the way up to Z.

This amendment would require, notwithstanding the court's finding, that the one-House veto is unconstitutional only as it applies to energy, and we would have to have a new suit on banking and housing, and we would have to have a new suit on plan X and a new suit on plan Y.

It does not make any sense.

The gentleman at the table nods. There is only one thing at issue in this reorganization plan and that is the one-House veto. They are not going to find the "whereas" clause unconstitutional.

Mr. Chairman, what this would do would be to create a myriad of litigation clogging the Federal courts, busting the budget of the Department of Justice, and not resolving the problem.

Therefore, Mr. Chairman, I ask for a "no" vote.

Mr. HAGEDORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while I am not fully in agreement with those who endorse the constitutionality of H.R. 5045, I am pleased that the distinguished gentleman from Michigan (Mr. BROWN) is offering this amendment. It is about time that this body began to give greater consideration to its powers under article III of the Constitution to limit and modify the authority of the Federal courts, including the appellate jurisdiction of the Supreme Court. While the amendment, as I understand it, would not limit the Supreme Court's ability to review the constitutionality of an individual reorganization plan, it would sharply limit its authority in fashioning relief where a plan is found to be unconstitutional. The Court would not be permitted to apply its determination to any reorganization plan other that that specifically before it.

While there are those who are undoubtedly concerned about the constitutionality of this amendment itself, there is a great deal of precedent for a congressionally approved limitation of this sort. It is essentially a neutral restriction upon the Court, not interfering in any way with its ability to hear cases or to dispose of them effectively. It simply tells the Court that it is not going to be able to use an individual case as justification for handing down an order which ranges far beyond that case, and begins, arguably, to interfere with the prerogatives of this body. If interested parties wish to challenge previous or subsequent reorganization proposals, they are free to do that, but they cannot expect these proposals to be stricken down in the course of unrelated proceedings. There is no question that a result will be increased litigation, but I believe that this is preferable to perpetuating the notion that the courts have a roving commission to strike down laws on their own initiative whenever they consider it proper.

I would like to suggest that Congress has substantially greater authority to restrict the jurisdiction of the courts than is evidenced by this amendment, although the authority given Congress to do this is itself limited. I would agree with advocates of a strong judiciary that the language in article III, section 2 does not invest in Congress potential authority to deny to the Court, in its entirety, jurisdiction given them by the same article. But, I do not believe, on the other hand, that the Court should be able to defend its assumption of jurisdiction simply by incanting that they are "interpreting the Constitution." No one contends that the Court should be deprived of its authority in defining the bounds of the Constitution, but simply that Congress ought to also fulfill its proper constitutional role in determining what are and what are not genuine constitutional issues. Simply because the Court says that it is defining the constitution does not necessarily mean that it is doing this. While Congress may not always have the final word in this matter, it certainly has the right to offer its input. At the very least, the more active exercise by Congress of its apparent authority under article III would require the Court to more clearly justify the grounds on which they find that a controversy is of a constitutional magnitude.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HAGEDORN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, I think the gentleman from California (Mr. JOHN L. BURTON) must not have read the cases dealing with the doctrine of nonretroactivity which the court regularly applies.

The court did not set aside or did not make retroactive its decision with respect to the Federal Elections Commission and all the regulations it had adopted when it determined that that Commission was unconstitutionally constituted.

Mr. Chairman, the court automatically applied that which my amendment calls for. All that my amendment does is say that we would like to have the court apply the doctrine of nonretroactivity if it determines that the one-House veto is unconstitutional.

All I would do is ask the gentleman, Is that not the intent?

Mr. JOHN L. BURTON. No, it is not, obviously.

Mr. BROWN of Michigan. Mr. Chairman, I do not yield to the gentleman from California at this point.

Mr. JOHN L. BURTON. Mr. Chairman, would the gentleman allow me to answer the question?

Mr. BROWN of Michigan. No, not until I have asked it. Then the gentleman can answer it.

Mr. Chairman, I would like to know. Is it not the intent and would not everyone in this House agree that we want plans already adopted, to which there have been no objections, to be unaffected by a court decision? Where the procedure is clear and no objection is raised, the court could presume congressional approval under my amendment, thereby nullifying the significance of the one-House veto provision with respect to previously adopted plans.

Would not the gentleman from California (Mr. JOHN L. BURTON) want such reorganization plans to remain in effect?

The court can very well do it under its doctrine of nonretroactivity. All that the amendment does is to say that we want the court to apply the doctrine of nonretroactivity to the extent that Congress can indicate its intent in that regard.

Is there anyone who does not want these plans to remain in effect?

Mr. JOHN L. BURTON. Mr. Chairman, if the gentleman will yield, I do not find the term "doctrine of nonretroactivity" in the amendment.

I do find that they can find if the one-House veto is unconstitutional in the instance of the first plan and there were 26 plans similarly adopted, they all have to be brought up.

Mr. BROWN of Michigan. No. Such a decision need not affect the plans previously adopted and the court could so state. It is the doctrine of nonretroactivity.

Mr. JOHN L. BURTON. Nevertheless, the plan that will be before the court will be a previously adopted plan because there will be no cause of action for somebody to bring until a plan is adopted and implemented in a manner which some may think to be an unconstitutional manner.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan (Mr. BROWN), as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BROWN of Michigan. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendments, as modified, were rejected.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HANLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5045) to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes, pursuant to House Resolution 441, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WALKER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALKER moves to recommit the bill H.R. 5045 to the Committee on Government Operations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. HORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic de-

vice and there were—yeas 395, nays 22, not voting 15, as follows:

[Roll No. 107]

YEAS—395

Abdnor	Downey	Kildee
Addabbo	Drinan	Kindness
Akaka	Duncan, Tenn.	Koch
Allen	Early	Kostmayer
Ambro	Eckhardt	Krebs
Ammerman	Edgar	Krueger
Anderson, Calif.	Edwards, Calif.	LaFalce
	Edwards, Okla.	Lagomarsino
Anderson, Ill.	Eilberg	Latta
Andrews, N.C.	Emery	Le Fante
Andrews, N. Dak.	English	Leach
	Erlenborn	Lederer
Annunzio	Ertel	Leggett
Applegate	Evans, Colo.	Lehman
Archer	Evans, Del.	Lent
Armstrong	Evans, Ga.	Levitas
Ashley	Evans, Ind.	Lloyd, Calif.
Aspin	Fary	Lloyd, Tenn.
AuCoin	Fascell	Long, La.
Badham	Fenwick	Long, Md.
Badillo	Findley	Lott
Bafalis	Fish	Lujan
Baldus	Fisher	Luken
Barnard	Fithian	Lundine
Baucus	Flippo	McClory
Beard, R.I.	Flood	McCloskey
Beard, Tenn.	Flowers	McCormack
Bedell	Flynt	McDade
Bennett	Foley	McEwen
Bevill	Ford, Mich.	McFall
Biaggi	Ford, Tenn.	McHugh
Bingham	Forsythe	McKay
Blanchard	Fountain	McKinney
Blouin	Fraser	Madigan
Boggs	Frenzel	Maguire
Boland	Frey	Mahon
Bolling	Fuqua	Mann
Bonior	Gammage	Markey
Breaux	Gaydos	Marks
Breckinridge	Gephardt	Marlenee
Brinkley	Giaimo	Marriott
Brodhead	Gibbons	Martin
Brooks	Gilman	Mathis
Broomfield	Ginn	Mattox
Brown, Calif.	Glickman	Mazzoli
Brown, Mich.	Goldwater	Meeds
Brown, Ohio	Gonzalez	Metcalfe
Broyhill	Goodling	Meyner
Buchanan	Gore	Michel
Burgener	Gradison	Mikulski
Burke, Calif.	Grassley	Mikva
Burke, Fla.	Gudger	Miller, Calif.
Burke, Mass.	Guyer	Miller, Ohio
Burleson, Tex.	Hagedorn	Mineta
Burlison, Mo.	Hall	Minish
Burton, John	Hamilton	Mitchell, Md.
Burton, Phillip	Hammer-schmidt	Mitchell, N.Y.
Butler		Moakley
Byron	Hanley	Moffett
Carney	Hannaford	Mollohan
Carr	Harkin	Montgomery
Carter	Harrington	Moore
Cavanaugh	Harris	Moorhead, Calif.
Cederberg	Harsha	
Chappell	Hawkins	Moorhead, Pa.
Chisholm	Heckler	Mottl
Clausen, Don H.	Hefner	Murphy, Ill.
	Heftel	Murphy, N.Y.
Clawson, Del	Hightower	Murphy, Pa.
Cleveland	Hillis	Murtha
Cochran	Holland	Myers, Michael
Cohen	Hollenbeck	Natcher
Collins, Ill.	Holt	Neal
Conable	Horton	Nedzi
Conte	Howard	Nichols
Corcoran	Hubbard	Nix
Corman	Huckaby	Nolan
Cornwell	Hughes	Nowak
Cotter	Hyde	O'Brien
Coughlin	Ichord	Oakar
Crane	Ireland	Oberstar
D'Amours	Jacobs	Obey
Daniel, Dan	Jeffords	Ottinger
Daniel, R. W.	Jenkins	Panetta
Danielson	Jenrette	Patten
Davis	Johnson, Calif.	Patterson
de la Garza	Johnson, Colo.	Pattison
Delaney	Jones, N.C.	Pease
Dellums	Jones, Okla.	Pepper
Dent	Jones, Tenn.	Perkins
Derrick	Jordan	Pettis
Derwinski	Kasten	Pickle
Devine	Kastenmeier	Pike
Dickinson	Kazen	Pressler
Dicks	Kelly	Preyer
Diggs	Kemp	Price
Dingell	Ketchum	Pritchard
Dodd	Keys	Pursell
Quayle	Sharp	Van Deerlin
Quie	Shipley	Vander Jagt
Quillen	Shuster	Vanik
Rahall	Sikes	Vento
Railsback	Simon	Volkmer
Rangel	Sisk	Waggonner
Regula	Skelton	Walgren
Reuss	Skubitz	Walsh
Rhodes	Slack	Wampler
Richmond	Smith, Iowa	Watkins
Rinaldo	Smith, Nebr.	Waxman
Risenhoover	Snyder	Weaver
Roberts	Solarz	Weiss
Robinson	Spellman	Whalen
Rodino	Spence	White
Rogers	St Germain	Whitehurst
Roncalio	Stangeland	Whitley
Rooney	Stanton	Whitten
Rose	Stark	Wiggins
Rosenthal	Steed	Wilson, Bob
Rostenkowski	Steers	Wilson, C. H.
Rousselot	Stockman	Winn
Roybal	Stokes	Wirth
Rudd	Stratton	Wolff
Runnels	Studds	Wright
Ruppe	Taylor	Wylie
Russo	Thompson	Yates
Ryan	Thone	Yatron
Santini	Thornton	Young, Alaska
Sarasin	Tonry	Young, Fla.
Sawyer	Traxler	Young, Mo.
Scheuer	Trible	Young, Tex.
Schroeder	Tsongas	Zablocki
Schulze	Tucker	Zeferetti
Sebelius	Udall	
Seiberling	Ullman	

NAYS—22

Ashbrook	Cornell	Satterfield
Bauman	Duncan, Oreg.	Steiger
Bellenson	Hansen	Stump
Benjamin	Holtzman	Treen
Bonker	McDonald	Walker
Caputo	Moss	Wydler
Collins, Tex.	Myers, Gary	
Conyers	Myers, Ind.	

NOT VOTING—15

Alexander	Dornan	Roe
Bowen	Edwards, Ala.	Staggers
Brademas	Florio	Symms
Clay	Milford	Teague
Coleman	Poage	Wilson, Tex.

The Clerk announced the following pairs:

Mr. Florio with Mr. Charles Wilson of Texas.

Mr. Clay with Mr. Brademas.

Mr. Milford with Mr. Dornan.

Mr. Staggers with Mr. Alexander.

Mr. Teague with Mr. Roe.

Mr. Bowen with Mr. Symms.

Mr. Pressler with Mr. Coleman.

Mr. PRESSLER changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 441, the Committee on Government Operations is discharged from the further consideration of the Senate bill (S. 626) to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to strike out all after the enacting clause of Senate bill S. 626 and insert in lieu thereof the provisions of the bill (H.R. 5045), as passed, as follows: That this Act may be cited as the "Reorganization Act of 1977".

SEC. 2. Chapter 9 of title 5, United States Code, is amended to read as follows:

"Chapter 9.—EXECUTIVE REORGANIZATION

"Sec.

"901. Purpose.
"902. Definitions.
"903. Reorganization plans.
"904. Additional contents of reorganization plans.
"905. Limitations on powers.
"906. Effective date and publication of reorganization plans.
"907. Effect on other laws, pending legal proceedings, and unexpended appropriations.
"908. Rules of Senate and House of Representatives on reorganization plans.
"909. Terms of resolution.
"910. Introduction and reference of resolution.
"911. Discharge of committee considering resolution.
"912. Procedure after report or discharge of committee; debate; vote on final disapproval.

"§ 901. Purpose

"(a) The Congress declares that it is the policy of the United States—

"(1) to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;

"(2) to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government;

"(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

"(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

"(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

"(6) to eliminate overlapping and duplication of effort.

"(b) Congress declares that the public interest demands the carrying out of the purposes of subsection (a) of this section and that the purposes may be accomplished in great measure by proceeding under this chapter, and can be accomplished more speedily thereby than by the enactment of specific legislation.

"(c) It is the intent of Congress that the President should provide appropriate means for broad citizen advice and participation in restructuring and reorganizing the executive branch.

"(d) The President shall from time to time examine the organization of all agencies and shall determine what changes in such organization are necessary to carry out any policy set forth in subsection (a) of this section.

"§ 902. Definitions

"For the purpose of this chapter—

"(1) 'agency' means—

"(A) an Executive agency or part thereof; and

"(B) an office or officer in the executive branch;

but does not include the General Accounting Office or the Comptroller General of the United States;

"(2) 'reorganization' means a transfer, consolidation, coordination, authorization, or abolition, referred to in section 903 of this title; and

"(3) 'officer' is not limited by section 2104 of this title.

"§ 903. Reorganization plans

"(a) Whenever the President, after in-

vestigation, finds that changes in the organization of agencies are necessary to carry out any policy set forth in section 901(a) of this title, he shall prepare a reorganization plan specifying the reorganizations he finds are necessary. Any plan may provide for—

"(1) the transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of another agency;

"(2) the abolition of all or a part of the functions of an agency, except that no enforcement function or statutory program shall be abolished by the plan;

"(3) the consolidation or coordination of the whole or a part of an agency, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof;

"(4) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof;

"(5) the authorization of an officer to delegate any of his functions; or

"(6) the abolition of the whole or a part of an agency which agency or part does not have, or on the taking effect of the reorganization plan will not have, any functions.

The President shall transmit the plan (bearing an identification number) to the Congress together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to carry out any policy set forth in section 901(a) of this title.

"(b) The President shall have a reorganization plan delivered to both Houses on the same day and to each House while it is in session, except that no more than three plans may be pending before the Congress at one time. In his message transmitting a reorganization plan, the President shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function. The message shall also estimate any reduction or increase in expenditures (itemized so far as practicable), and describe any improvements in management, delivery of Federal services, execution of the laws, and increases in efficiency of Government operations, which it is expected will be realized as a result of the reorganizations included in the plan.

"(c) Any time during the period of thirty calendar days of continuous session of Congress after the date on which the plan is transmitted to it, but before any resolution described in section 909 has been ordered reported in either House, the President may make amendments or modifications to the plan, consistent with sections 903–905 of this title, which modifications or revisions shall thereafter be treated as a part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this chapter. The President may withdraw the plan any time prior to the conclusion of sixty calendar days of continuous session of Congress following the date on which the plan is submitted to Congress.

"§ 904. Additional contents of reorganization plan

"A reorganization plan transmitted by the President under section 903 of this title—

"(1) may change, in such cases as the President considers necessary, the name of an agency affected by a reorganization and the title of its head, and shall designate the name of an agency resulting from a reorganization and the title of its head;

"(2) may provide for the appointment and pay of the head and one or more officers of any agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary.

"(3) shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

"(4) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective; and

"(5) shall provide for terminating the affairs of an agency abolished.

A reorganization plan transmitted by the President containing provisions authorized by paragraph (2) of this section may provide that the head of an agency be an individual or a commission or board with more than one member. In the case of an appointment of the head of such an agency, the term of office may not be fixed at more than four years, the pay may not be at a rate in excess of that found by the President to be applicable to comparable officers in the executive branch, and if the appointment is not a position in the competitive service, it shall be by the President, by and with the advice and consent of the Senate. Any reorganization plan transmitted by the President containing provisions required by paragraph (4) of this section shall provide for the transfer of unexpended balances only if such balances are used for the purposes for which the appropriation was originally made.

"§ 905. Limitations on powers

"(a) A reorganization plan may not provide for, and a reorganization under this chapter may not have the effect of—

"(1) creating a new executive department, abolishing or transferring an executive department or independent regulatory agency, or all the functions thereof, or consolidating two or more executive departments or two or more independent regulatory agencies, or all the functions thereof;

"(2) continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

"(3) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

"(4) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress;

"(5) increasing the term of an office beyond that provided by law for the office; or

"(6) dealing with more than one logically consistent subject matter.

"(b) A provision contained in a reorganization plan may take effect only if the plan is transmitted to Congress within three years of the date of enactment of the Reorganization Act of 1977.

"§ 906. Effective date and publication of reorganization plans

"(a) Except as otherwise provided under subsection (c) of this section, a reorganization plan is effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that the House does not favor the reorganization plan.

"(b) For the purpose of this chapter—

"(1) continuity of session is broken only by an adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"(c) Under provisions contained in a reorganization plan, any provision thereof may be effective at a time later than the date on which the plan otherwise is effective or, if both Houses of Congress have defeated a resolution of disapproval, may be effective at a time earlier than the expiration of the sixty-day period required by subsection (a).

"(d) A reorganization plan which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

"§ 907. Effect on other laws, pending legal proceedings, and unexpended appropriations

"(a) A statute enacted, and a regulation or other action made, prescribed, issued, granted, or performed in respect of or by an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, has, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, the same effect as if the reorganization had not been made. However, if the statute, regulation, or other action has vested the functions in the agency from which it is removed under the reorganization plan, the function, insofar as it is to be exercised after the plan becomes effective, shall be deemed as vested in the agency under which the function is placed by the plan.

"(b) For the purpose of subsection (a) of this section, 'regulation or other action' means a regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

"(c) A suit, action, or other proceeding lawfully commenced by or against the head of an agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a reorganization plan under this chapter. On motion or supplemental petition led at any time within twelve months after the reorganization plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the reorganization effected by the plan or, if there is no successor, against such agency or officer as the President designates.

"(d) The appropriations or portions of appropriations unexpended by reason of the operation of the chapter may not be used for any purpose, but shall revert to the Treasury.

"§ 908. Rules of Senate and House of Representatives on reorganization plans

"Sections 909 through 912 of this title are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 909 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"§ 909. Terms of resolution

"For the purpose of sections 908 through 912 of this title, 'resolution' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: 'That the does not favor the reorganization plan numbered trans-

mitted to the Congress by the President on , 19 .', and includes such modifications and revisions as are submitted by the President under section 903(d)(c) of this chapter. The blank spaces therein are to be filled appropriately. The term does not include a resolution which specifies more than one reorganization plan.

"§ 910. Introduction and reference of resolution

"(a) No later than the first day of session following the day on which a reorganization plan is transmitted to the House of Representatives and the Senate under section 903, a resolution, as defined in section 909, shall be introduced (by request) in the House by the chairman of the Government Operations Committee of the House, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the Governmental Affairs Committee of the Senate, or by a Member or Members of the Senate designated by such chairman.

"(b) A resolution with respect to a reorganization plan shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within 45 calendar days of continuous session of Congress following the date of such resolution's introduction.

"§ 911. Discharge of committee considering resolution

"If the committee to which is referred a resolution introduced pursuant to subsection (a) of section 910 (or, in the absence of such a resolution the first resolution introduced with respect to the same reorganization plan) has not reported such resolution or identical resolution at the end of 45 calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

"§ 912. Procedure after report or discharge of committee; debate; vote on final disapproval

"(a) When the committee has reported, or has been deemed to be discharged (under section 911) from further consideration of, a resolution with respect to a reorganization plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"(b) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order.

"(c) Immediately following the conclusion of the debate on the resolution with respect to a reorganization plan, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final approval of the resolution shall occur.

"(d) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.".

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5045) was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, at the conclusion of the special orders today, this will conclude the schedule for this afternoon. I have cleared this with the minority leader.

It is the intention of the leadership to ask that when the House adjourn this evening, that it reconvene tomorrow at noon, and that the first order of business will be reconstituting the Assassinations Committee. We will proceed into the schedule tomorrow, and adjourn at 5:30 p.m.

Mr. Speaker, I ask unanimous consent that when the House adjourn this evening, it adjourn to meet at noon tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, at the beginning of this year the Democratic Caucus, in response to recommendations of the Commission on Administrative Review, set a starting time of 3 o'clock on Wednesday. As a result of that established time, Members have scheduled and arranged their own personal schedules so that they would take advantage of this later starting time.

I am not going to object, because I understand the need for tomorrow, but I would hope that the leadership of this House would, having once established a schedule, attempt in its own best way to stick to it in so far as possible.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. LEVITAS. Mr. Speaker, reserving the right to object, I would like to join with the comments made by the gentleman from Minnesota. It seems to me that in order for the Members of this House to make plans, make decisions, we have to do it in reliance upon the program which was announced and formulated by the leadership.

I clearly recall at the beginning of this session that there was going to be a 3 p.m. starting time on Wednesdays, and that in the absence of some national emergency or other crisis, we were going to adhere to that. Many of us have scheduled programs for the first 3 months of this year. If it is not going to be the practice of this House to do that, then we would like to know that.

The SPEAKER. The Chair is aware of the situation. Does the gentleman object to the request?

Mr. LEVITAS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce that at the conclusion of the workweek, when we set up the program, we will ask that on Wednesday next we meet at 12 o'clock.

The Chair does appreciate the fact that earlier in the year he played a strong part in setting the schedule. But, the gentleman from the minority side is right and the gentleman from the majority side is also correct. The House faces unusual circumstances tomorrow, and the Chair takes the responsibility upon himself. He regrets that it has caused any inconvenience to the Members.

BIPARTISAN EFFORT SHOULD BE MADE TO IMPROVE ADMINISTRATION'S ATTITUDE TOWARD WHEAT PRODUCERS

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, this morning I received several telephone calls from various farm wife organizations in Kansas. These ladies called to let me know the price of wheat at some of our country elevators in Kansas fell below $2 yesterday. This most recent drop in the wheat market price accelerates a decline that has seen the price fall more than 50 percent during the past 2 years to levels well below the cost of production.

Farmers in the High Plains are in the midst of a real financial crisis. It is now compounded by dry weather, high winds, and blowing dust. We are facing an agritragedy in wheat country, and if we do not get some form of assistance within

weeks, we stand to lose a generation of farmers.

It has been my belief that immediate action should be taken on several emergency proposals to stimulate the farmer's cash flow. Then we could proceed with deliberation in writing a good farm bill. I know the administration is familiar with this problem. Our former colleague and Secretary of Agriculture, the Honorable Bob Bergland, has had opportunity to discuss in full the situation with these same farm wives, various farm organizations, and individual farmers. It is my understanding President Carter had lunch with individual farmers just last week.

I had hopes the administration's farm policy recommendations would, at least in part, answer our needs.

However, the word that best describes my reaction to this proposed policy is disbelief. I am shocked that there is little in this program that provides any kind of assistance in regard to our short-term crisis or over the long-term as well.

Mr. Speaker, today in behalf of my wheat farmers, I sent every Member of this body a loaf of bread. I would like to point out the cost of wrapping a loaf of bread today is more than the farmer receives for the value of his wheat. That value is less than 3 cents and that return will simply now allow the wheat farmer to stay in business.

You will note that today I am also wearing an empty bread wrapper as an arm band in mourning for the wheat farmer until a bipartisan effort can be made to improve the administration's attitude toward the wheat producer. My point is this: If conditions do not improve throughout the High Plains, our surplus problems may be answered permanently. There may be a lot more bread wrappers than there are loaves of bread.

THE ADMINISTRATION REVIEW OF VIETNAM-ERA DISCHARGES

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to express my deep disappointment in learning of the program just announced by the administration for the review of Vietnam-era discharges. It seems to me that, after toying with the dignity of our veterans throughout his campaign, President Carter has finally opened Pandora's box.

This program, as proposed, is one of the most confusing, arbitrary, and unbalanced Executive announcements I have ever been exposed to. It creates a multitude of new inconsistencies that can only be remedied by further grants of discharge reviews. It makes illusory distinctions for unknown reasons. It is both shocking and confusing.

For instance, although the discharge upgrading is supposedly designed to heal the political wounds of the Vietnam era, it has little to do with political dissenters. The focus of the discharge review is on "bad papers" issued after supposed administrative shortcomings, and speaks almost totally in terms of nonpolitical failings of individuals involved. Administrative discharges have always been issued for such reasons, before and since Vietnam. The percentages of such discharges for the decade prior to Vietnam and the decade of Vietnam are almost identical, which is a further indication that the politics of the war itself had little to do with bad discharges, and that an individual's inability to handle the requirements of the military was the overriding factor.

So why does President Carter provide such a windfall only to recipients of Vietnam-era discharges? I greatly fear that he has fallen squarely into the lap of those individuals and organizations who believe that the present military discharge system should be done away with. He has created an inequity that I fear may only be fully resolved by upgrading all administrative discharges ever issued.

On another point, the administration maintains that these discharges will be issued on an individual basis, and then sets up blanket criteria which allow "automatic upgrading" upon application. These automatic criteria are often arbitrary and hopelessly broad. I believe it will be essential for the administration to clarify and narrow them. For instance, if a deserter has received any military decoration other than a service medal, he will be automatically upgraded. This means that an individual who served 90 days in the Army, and qualified for a good conduct ribbon, and then deserted, would receive an automatic upgrade and full veterans' benefits.

There are numerous other inconsistencies under the "automatic" upgrading criteria that are equally disturbing. Between these automatic "giveaways" and the factors to be considered among those who will be left for individual review, there will be precious few left with a "bad paper" from Vietnam, and hundreds of thousands of deserters and malcontents, will be spending taxpayers' hard-earned money for veterans' benefits. If a person believes that the military system is unfair and arbitrary, I suppose he will feel consoled by that thought. But those of us who believe that certain minimum disciplinary standards must exist in order for a military system to function, and certain minimum performance take place before benefits accrue, can only be appalled.

I am especially upset because of the difficulties we had on the Veterans' Committee obtaining funding for programs devoted to those millions who have served our country honorably and well. We are at this moment facing a cut in our recommendations to the budget committee of almost a billion dollars. I can see no logical purpose in funding the implementation of this discharge upgrading program, and the additional veterans' benefits these men would demand, when we are so strapped for funding for those who performed honorable service. The Department of Defense estimates that if only 30,000 of these individuals apply—and I understand that there are more than 200,000 who received undesirable discharges during this period—if only 30,000 apply, it will cost DOD around $77 million. It is further estimated that these 30,000 would cost the Veterans' Administration somewhere around $100 million in veterans' benefits. This is only the tip of the iceberg. Full participation could mean close to a billion dollars. I cannot understand why the taxpayers of this country should be required to pay this kind of a fee to those who failed to perform satisfactory service. Our citizens certainly have incurred no debt to those who turned their backs, or did not perform up to the minimum standards of the service.

Finally, and most distressingly, this is yet another example of an administration that has persisted in creating excuses for the nonproducer while ignoring the men and women who have served honorably and well.

There has been no gesture of thanks extended to these others, who served in our most emotionally difficult war, and I personally believe that this is the straw that has broken the camel's back. President Carter has made a complete mockery out of the notion of honorable service. It is the duty of Congress to maintain the distinction that the administration has attempted to eliminate. For this reason, I have decided to join Senator STEVENS of Alaska in his effort to obtain a tax credit for those who served honorably in Vietnam. I will introduce a bill to that effect this week, and I invite those of my colleagues who feel strongly about the dignity of our Vietnam veterans to join me as cosponsors of this most needed legislation.

GEN. GEORGE S. BROWN: FIRST HE ATTACKED THE JEWS; NOW HE ATTACKS EVERY AMERICAN

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, Gen. George S. Brown, Chairman of the Joint Chiefs of Staff, has done it again in a speech to officers and high-ranking State Department officials. General Brown said:

> If any citizen of this country is so concerned about his mail being read or is concerned about his presence at a meeting being noted, I'd say we ought to read his mail and we ought to know what the hell he has done.

This is the third time the general has exhibited his antipathy to democratic procedures or his prejudice against Jews. On the first occasion he slandered American Jews, on the second occasion he showed his antipathy to Israel, and now on the third occasion he has displayed his zeal and support for the totalitarian dictum which takes as its premise that the state has all power and that citizens are pawns. Do we really want an individual of this type in the highest position of our military services? One who has no respect for the privacy of the citizens of this country and who believes that the Government can, without the courts' sanction, intercept a citizen's mail and read it without justifications required under our law, and who would record meetings that citizens attend and chill dissent. Are not these sentiments we would

expect from the "man on horseback" who believes that he is every country's savior?

If General Brown had been Chairman of the Joint Chiefs of Staff when former President Nixon was in the White House, is it possible that we might have had a coup d'etat to prevent Congress from undertaking the impeachment proceeding which resulted in Nixon's resignation? I am disappointed that President Carter is not distressed enough to direct the dismissal of Gen. George S. Brown. I am disturbed that we have allowed the general to continue in his exalted position after each of the prior two statements. And, I am reminded again of Pastor Niemoller's statement, looking back after the fall of Adolph Hitler and indicating regret that he had not spoken out on the first occasion of Hitler's infamous acts. Let me recall that statement for you:

I was not a Jew, therefore I was not concerned and when Hitler attacked the Catholics, I was not a Catholic and therefore was not concerned, when Hitler attacked the unions and the industrialists, I was not a member of the unions, and I was not concerned. Then Hitler attacked me and the Protestants, and there was nobody left to be concerned.

First, Gen. George S. Brown attacked the Jews; now he attacks every American. If he is not removed, the American public and democracy will have suffered a body blow. This is particularly disturbing since President Carter has exhibited such laudable concern for human rights throughout the world. Are not the human rights of American citizens, including the privacy of their mail and their freedom from unwarranted surveillances, also very important?

DIVESTITURE ISSUE FOR OIL COMPANIES

The SPEAKER. Under a previous order of the House, the gentleman from Vermont, Mr. JEFFORDS is recognized for 60 minutes.

Mr. JEFFORDS. Mr. Speaker, I am introducing today two bills regarding the divestiture issue for the oil industry. The House has not held hearings on this issue, and it seems to me that without thorough hearings it will be impossible for the Congress to plumb the merits of this question, which is so vital to our emerging energy policies. Therefore, introduction of these bills, which call for vertical divestiture of the major oil companies and draws special attention to the control of pipelines, should be viewed as a talking point for the committees to which it is referred to use to begin hearings. Similar legislation has been introduced in the Senate by Senator BIRCH BAYH, of Indiana.

By way of background, I here reproduce an article on the subject that I wrote and was published by the Sunday Rutland Herald and Times Argus, a Vermont newspaper:

BIG OIL: TOO MUCH CONTROL IN TOO FEW HANDS

(By U.S. Representative JAMES M. JEFFORDS)

The major oil companies, which have considerable resources at their disposal to convey their point of view to the American public, like to portray themselves as a large and varied group of firms competing with each other to provide the energy we need at the lowest possible prices.

In that self portrait, vertical integration—a single company's involvement in more than one phase of the oil industry—is painted in glowing tones. Vertical integration is described as essential if the oil companies are to remain truly competitive, hold down prices for consumers, and stand up to the Arab oil ogres. That view was articulately expressed on this page recently in an article by Michael Caynes of the American Petroleum Institute.

It would be reckless for me to state, flatly and absolutely, that Mr. Caynes is dead wrong. Frankly, the record of evidence on this extremely complicated issue is not complete.

But there is a very substantial body of evidence which leads me to believe that Mr. Caynes is probably wrong. The evidence is strong that vertical integration does create a lack of competition in the oil industry. The implications of this are very serious, because such lack of competition, particularly at the production end of the industry, is a threat to our national security, consumer prices, and our system of free enterprise.

Because of the gravity of these allegations, and because breaking up the big oil companies is hardly a step to be taken lightly, extensive congressional hearings are in order. The information gaps must be filled in, so that Congress can determine with certainty whether breaking up the oil companies is the appropriate course of action, and if so, how it could best be accomplished.

VERTICAL INTEGRATION: A THREAT TO NATIONAL SECURITY

Under the present system, it is common for one major company to be heavily involved in all stages of the petroleum business: control and production of the oil deposits, refining, transportation, and retail sales.

Therefore, if a major oil producer has interests in oil deposits located in an OPEC nation, and it works to protect those interests through various agreements with OPEC, those agreements will affect all stages of the business, from the refinery to the gas pump.

If a group of these big integrated oil companies act jointly in carrying out the wishes of OPEC, the implications are even more sweeping. Decisions can be made which vitally affect the supplies and prices of oil in this country—not only for our cars and homes, but for our national defense needs as well.

We would all like to think that American companies, regardless of their other motives, would never act in a way that would jeopardize our national defense. Unfortunately, the record to date is hardly reassuring.

During the 1973 Arab oil embargo, the American multinational oil companies, acting together through their partnership in ARAMCO, accepted directives from the Saudi Arabian government to cut off oil supplies to the U.S. military. This was substantiated by at least three congressional investigations: by the House Armed Services Committee and by Senate subcommittees on Multinational Corporations and on Investigations.

The public record shows that cooperation was very close between the Saudi government and the American companies during the embargo, to the detriment of American military preparedness at a time of U.S. military alert. The companies actualy provided data to the Saudis showing the quantities of petroleum products they provided to the U.S. military, from their various refineries around the world.

The Saudis then cut back production of crude oil by that amount, and the American companies enforced a freeze-out of the military, cutting back the military supplies by that amount.

The Saudis were so pleased with this cooperation—which was indispensible to their implementation of the embargo—that they highly praised and promised to reward the companies, which include Exxon, Mobil, Standard of California, and Texaco.

This joint action, as an agent of the Saudis government, clearly had an adverse effect on our military preparedness. We were forced to dip into our war reserves. And, according to a report by a House Armed Services subcommittee, the result was that "minimum readiness levels" of our military forces "were severely strained."

The cutback was "critical for the operations of the 6th and 7th Fleets in Europe and the Pacific Ocean areas," the report said. Although the breakdown of figures and specific instances of shortfalls are classified, the secretary of Defense indicated we would not have been able to withstand the situation for very long.

This incident demonstrates the cozy relationship between the multinational, vertically integrated oil companies and the Organization of Petroleum Exporting Countries (OPEC).

It is natural that an oil producing company would want a close relationship with the nations where the oil is located.

However, in this case, the companies were able to carry out the dictates of Saudi Arabia only because they have the tremendous power which comes with vertical integration. The producing companies had the ability to deny supplies to the U.S. military because they were also the refining, transportation, and marketing companies.

With vertical divestiture, the companies which produce oil would still have an incentive to maintain close relationships with OPEC countries. But the refiners would be separate corporations, whose chief incentive would be to obtain crude at the lowest possible cost. The transporters and marketers would also be separated, and their interests would be even further removed from OPEC's. Therefore, any effort to withhold supplies from the military would be far more difficult to carry out.

CONSUMER PRICES

Suppose that an integrated oil company gets 10 per cent of its crude from Venezuela, and that Venezuela, acting alone, raises its prices. Suppose that the other OPEC countries do not follow suit, so that Venezuelan oil becomes the highest priced crude in the world.

What would a big integrated oil company do in that case? Would it say "To heck with you, Venezuela, I'll go buy my crude from Iran, where prices are lower?" Not likely. The reason is that the company still has its economic interests in the Venezuelan oil fields. So it will still get 10 per cent of its oil from that country, despite the higher prices. Those higher prices will flow right through the pipeline and into your heating oil tank.

Again, the problem is that the producing companies also control all other stages of the industry. The refiners can't just shop around for the cheapest crude, because they are buying crude from themselves, from their own producing operations.

If the refiners were divested into separate corporations, their natural tendency would be to buy the lowest cost crude they could get. In the above hypothetical illustration, Venezuela's world market for oil would be likely to dry up rapidly.

In fact, OPEC itself is not a solid and totally unified block of nations. The nations making up the cartel are not always in agreement on oil prices. But the block is reinforced by the cooperation of the integrated oil companies. The companies create market

conditions which remove incentives for the oil producing countries to compete with each other.

Although I have used a hypothetical situation to illustrate this problem, the anti-competitive nature of the industry in its dealings with OPEC has been demonstrated in actual experience.

For example, when OPEC recently announced a two-tiered price increase, several of the major oil companies suddenly had an opportunity to buy very large amounts of the relatively lower priced oil from Saudi Arabia and the United Arab Emirates.

If there had been true competition, these companies would have taken advantage of the situation and produced petroleum products which could be sold to consumers at prices lower than those of their competitors.

But that's not what they did. Instead, they got together to work out a way to share the high-and-low-priced oil among all of the companies. They showed more concern about being equitable in their dealings with each other than about consumer prices.

JOINT VENTURES

Cooperative agreements and projects among the major oil companies are referred to as "joint ventures." This type of arrangement is so common that virtually every oil company has interlocking relationships with just about every other oil company.

For example, a spokesman for Mobil recently told a congressional committee that 85 per cent of his company's crude oil is produced through joint ventures.

This is a key to understanding the problem. The oil companies like to tell us that there are so many of them they must be competitive with each other, even if they are vertically integrated.

Actually, there is a great deal of concentration in the oil industry; there are relatively few major oil companies, and they are huge. But as the companies and their advocates are so anxious to point out, the concentration is not great enough, by itself, to constitute a monopoly.

However, that is almost beside the point. The advocates of divestiture have never, to my knowledge, based their case on the issue of concentration within the oil industry. The lack of competition comes about through the framework of the industry. The framework is made up of vertical integration of individual companies, and a massive web of joint venture agreements binding together the various components of those vertically integrated companies.

This anti-competitive framework exists at all levels of the industry, not just production. For example, if a group of companies jointly owns a pipeline, they may agree to freeze out another company, preventing it from using the pipeline, if that company is getting too competitive in another aspect of the industry, such as retailing.

The incentive, therefore, is to go along rather than to compete. And you don't have to be a Nobel laureate economist to see that this is a formula for high consumer prices.

HOW WOULD DIVESTITURE HELP?

The most sweeping of the vertical divestiture proposals would limit each company to one stage of the petroleum business: production, refining, transportation, or marketing. Other proposals would separate off portions of the industry—production or pipeline operations, for example—but allow integration of other aspects.

For the sake of illustration, suppose a complete vertical divestiture bill were passed. There would be separate production companies, refining companies, pipeline companies, and marketing companies.

There would be a true free market for crude oil. Refiners would have to bid competitively for crude, rather than buying it from themselves at an agreed-upon price, or through a sweetheart deal with OPEC.

Since OPEC would have to deal with a significant number of competing companies, the cartel itself would be weakened, and less able to set world prices. There could be no more simple with a unified organization of companies which shares many of OPEC's interests.

The pipelines would become true common carriers. The independent companies would have access to them, without fear of retribution if they have the gall to undercut the prices of the majors.

The dealers, the people who pump your gasoline and deliver your fuel oil, would be able to compete freely and openly. I believe the vast majority of dealers would welcome this. For the most part, they are small businessmen who are anxious to compete fairly for their profits, but who have been victimized by the anticompetitive nature of the industry.

BUT WON'T EFFICIENCIES BE LOST?

It should be made clear that if the vertical divestiture legislation is passed, the remaining companies will hardly be little "Mom and Pop" operations.

An Exxon crude oil producing company, divested of all other activities, would have assets of about $11 billion. That would make it the fourth largest industrial corporation in the U.S., behind General Motors, Ford, and IBM.

In fact, virtually every one of the divested companies would be among the top one quarter of one per cent of American industrial firms.

Would these companies have difficulty raising capital? If so, we may well wonder how the other 99.75 per cent of the industrial companies get along.

More to the point, can anybody suggest that the "efficiency" of vertical integration has given us low prices?

The fact is that the independent marketing and refining companies—the ones which are not vertically integrated—have been able to make a profit while benefiting consumers by charging less for their products.

That is particularly significant when you consider that the independent refiners have traditionally had to pay more for their crude oil. The president of Ashland Oil once testified before a Senate subcommittee that he could "spot the majors a dollar a barrel in the cost of crude and still compete with them."

ENERGY INDEPENDENCE

A brief glance at history indicates that the major oil companies are at least partly responsible for creating our present dependence upon OPEC. It also provides additional clues as to why the companies are so anxious to please OPEC; why they are so reluctant to exert bargaining power for lower crude oil prices.

For many years, the multinational oil companies made a point of shifting their drilling operations from this country to the nations which now make up OPEC, because by doing so they could increase profits. At the same time, they were working to prevent smaller U.S. competitors from building new refineries in the U.S.

Although many of the OPEC countries have since bought out the oil reserves within their borders, the companies still stand to make huge profits as the producing agents for those countries.

I have mentioned two reasons for the reluctance of the oil companies to bargain for low crude oil prices. The companies are anxious to protect their own interests in those countries, and with the anticompetitive framework of the industry, the incentive to seek low prices is diminished.

But there is another factor as well. Without competition, when the OPEC prices go up, the natural tendency is for the value of other crude oil supplies to rise to the same level. This tendency is dampened somewhat by federal price controls on domestic oil, but the general principle still applies. When OPEC raises prices, oil fields in other parts of the world—Alaska for example—also become more lucrative.

This is no small consideration. The OPEC price increases of recent years have raised the value of oil on Alaska's north slope by over $100 billion. This is a huge windfall for the companies owning the rights to that oil.

To sum up, the evidence is that the vertically integrated structure of the oil companies, and the set of incentives created by that structure, have helped to create our dependence upon OPEC, and have solidified and compounded OPEC's ability to wreak havoc on supplies and prices.

That is not to suggest that divestiture will bring us energy independence. Oil, after all, is a finite resource. Even OPEC is well aware of that—perhaps more so than our own government. A striking illustration of this is the funding which Saudi Arabia provided for an innovative new solar heating and cooling system in a public school in northern Virginia.

The Saudis gladly paid the bill for this project because they want the solar technology. They realize that no matter how lucrative their oil deposits are now, in the long run their plentiful sunshine will be a far more significant source of energy.

In the belief that we should be at least as farsighted as the Saudis, I have been devoting a great deal of time and effort to legislation which would vastly speed up our own programs to develop solar and other renewable energy sources. These sources, not oil and gas, are the key to any realistic hope for American energy independence.

But in the meantime, our dependence upon oil will continue into the immediate future. Given that fact, it is certainly not in our interest to have the supplies and prices of oil dictated by a foreign cartel and a small group of noncompetitive companies.

GOVERNMENT CONTROLS

So far, we have attempted to counter the lack of competition in the oil industry through a very complex set of laws including price controls, entitlement programs, and protections for the independent companies against abuses by the majors.

The big oil companies have screamed bloody murder against these controls and restrictions on their activities. They have conducted a very extensive public relations and media advertising campaign to tell us that all of these controls and restrictions are contrary to the spirit of free enterprise—that they are positively un-American.

On that score, I have to agree with the oil companies. The extensive government controls certainly do not seem consistent with the concept of free enterprise which we all learned about in seventh grade social studies.

But the present structure of the oil industry is even farther removed from the ideal social studies model, and one evil tends to beget another. If we were to lift the controls without altering the industry structure. Severe price increases would result, bringing on severe hardships.

By creating a free market, vertical divestiture would allow us to remove most of the artificial controls on the oil industry, because competition would provide a more effective price buffer.

MORE INFORMATION NEEDED—AND SOON

Large quantities of information on the divestiture issue have been accumulated by various congressional committees. The most comprehensive report is a thick volume entitled "The Structure of the U.S. Petroleum Industry" released last year by the Senate Interior Subcommittee on Integrated Oil Operations.

But even that 449-page report is far from complete, because it is based on a detailed

questionnaire distributed among 89 oil companies, which did not provide all of the data that was sought.

While it seems doubtful that the oil companies would withhold any data that would support their case against divestiture, I readily admit that my own conclusions, outlined in this article, must be considered tentative because they are based on incomplete information.

Progress has been severely hampered by the fact that Congress tends to get cold feet when considering any issue which is complex and politically sensitive. Extensive hearings are needed, and soon. Divestiture is a big step, which should be taken only from a very well informed perspective.

One other clarification: the subject of this article is limited to "vertical" rather than "horizontal" divestiture.

Horizontal divestiture is also a hot topic of debate. This would divest the oil companies of their holdings in other energy industries, such as coal, nuclear, and solar.

Presently, I tend to lean against horizontal divestiture. This is partly because of the fact that some of the big oil companies have been devoting considerable resources to development of solar and other alternative energy technologies, and it is crucially important to encourage—not slow down—progress in this area.

But information on this issue is also incomplete. Some people contend that the oil companies have dark motives for developing solar technology—that they will get all of the patents, then lock them up and throw away the key. This is a serious allegation, and while I have seen no recent evidence of it, Congress should investigate the situation thoroughly.

On both of these issues, the appropriate course is for Congress to roll up its sleeves and gather massive amounts of information, and then act accordingly. But there is little time to waste.

(Congressman JEFFORDS, first elected to the U.S. House in 1974 and re-elected to a second term in 1976, pledged in his first campaign to work for reform of the way big oil companies do business. He currently serves on the House Agriculture Committee, Education and Labor Committee, and the Environmental Study Conference.)

SELECT COMMITTEE ON ASSASSINATIONS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday I was permitted to address the House for an hour and, unfortunately, it required about that time to give a recital of the facts as I witnessed them and experienced them in connection with my experience with the so-called Select Committee on Assassinations. What it amounted to was sort of the bare bones. Today I would like to offer the flesh to this skeletal presentation.

In the course of the experiences and the occurrences, particularly since February 2, when the House adopted House Resolution 222, I found a set of circumstances that I had never quite confronted in many, many years since I have been privileged to serve in a public elective capacity. On April 7 next, it will be exactly 24 years. I was elected to the San Antonio City Council.

It is one which is reminiscent of some of the very harsh, very mean periods of turbulent political activity back on my home grounds in the city of San Antonio, where on the municipal level and in the city council things got quite complicated and turbulent, rather mean, and sometimes quite vicious.

Coming up the way I did, up the political ladder with no particular social position or money backing or organizational backing, I really have been compelled to think in terms of always discharging my oath of office to which the people have elected me in as sincere, as honest, and as efficient a manner as my human limitations would permit. I realize that in no other country and in no other society could I ever have had the great privilege of eventually appearing here as an elected Member of the House of Representatives of the United States from the 20th District of Texas. That could happen only in the atmosphere of freedom that we cherish and that I particularly adore and respect and revere, and I know this.

So it was not until this year that I had witnessed such a strange combination of events. I was not aware of the moment that turbulence developed, mostly because it was not until late in January, as I said yesterday, that I had corroboration of the deceitfulness, the dishonesty, and the sheer inefficiency—but particularly, the first two elements, deceit and dishonesty, and also bad faith—of the chief counsel and staff director of the Select Committee on Assassinations, Richard A. Sprague. These traits had appeared only as glimmerings, based on accusations that had appeared only in the course of some newspaper stories, but they had not been described other than in what the reporter in his by-line article was saying and regurgitating. This involved a period of Philadelphia political backwash activity going back at least a decade.

So it was not until about January 25 that I had fragmentary and then later, within a week or so, complete verification and documentation of the extent and the depth of the deceitfulness of this chief counsel. Even then I felt that was a judgmental matter, one that was not for me personally to resolve but for the committee. I felt that the fact that the counsel at no time had ever advised anybody on or off the congressional level here in Washington that he had a pending multimillion-dollar libel lawsuit against a Philadelphia paper was something that the committee should know and evaluate, because in effect it may have contributed at least one element to the sensitivity issue of retaining this chief counsel. But I did not raise that issue because I felt it was a committee matter.

What did disturb me was that I discovered and had corroborated through a faithful copy of the minutes of the transactions of staff meetings that the chief counsel had had, since December and the beginning part of January, and clearly revealed a contempt for the members of the committee, a general contempt for the Members of the Congress, and displayed an absolute arrogance in his remarks, which I will introduce into the RECORD in a few minutes. These conclusions were based on these minutes which he had at that time the penchant of maintaining. He would hold staff committee meetings that would begin at 9:00, and he would harangue all the staff members until about 11 or 11:30. He insisted that one of the stenographers take everything down verbatim. Thank goodness for that. He never dreamed that I would get a copy of them, but I am glad that he did have them taken down. I am somewhat reminded of that period of time during which Presidents saw fit to tape everything that went on in the White House.

Mr. Speaker, I have made very serious statements and what some people would consider to be very, very personal statements. I have likened the chief counsel to a rattlesnake.

I would only change that to say he is a rattlesnake that does not rattle, more like a copperhead. One does not know that they are there. They slither.

That is the only distinction I would make in that statement or assessment.

I have said that he is deceitful, that he is dishonest, that he holds those of us who happen to have elected position in contempt.

Mr. Speaker, I wish to offer the documentation. I have said that he padded the payroll with staffers that he obtained just between December 31 and January 1, six of the outgoing chairman's congressional staff of nine. I have stated that they had inflated salaries, but only after the first day I had officially been designated as chairman because this information was available to no member of the committee, on the strict orders of the counsel, and was available to no other Member of the House.

Let us see what that staffing indicates, after I finally got the listing, which was on February 3, the day after the House approved the resolution and the Speaker named me chairman.

There was Burton A. Chardak. Duties: Answers questions of the media relating to the committee. Spokesman for chief counsel in his absence; notifies press of all meetings; issues necessary releases after coordinating with press aides or members of the committee; works with press galleries in setting up coverage of official meetings; oversees gathering of press material; participates in writing and editing reports; is available to the chief counsel for any other assignment.

Position and salary: Public information officer, $34,000-plus. Actually, it amounts to about $36,000.

Previous employment and salary: Bulletin Co., assistant national editor, $24,000.

That is the PR man for whom? For the House? For the committee? No, for the chief counsel and staff director, that glorious twin combination.

Let us go down the line.

Richard J. Feeney. Duties: Operational; duties as assigned by the director of an investigative and administrative nature, as serious as office administrator, including assigning secretarial responsibility, procurance of files and similar duties.

Position and salary: Deputy director, operations, $30,000-plus.

Previous employment and salary: Con-

gressman Thomas N. Downing, special assistant, $16,000.

That is about an 87-percent increase. That is pretty good if one can get it.

Gaeton J, Fonzi. Duties: Investigation of organized crime involved in assassination and investigation of anti- and pro-Castro groups.

Position and salary: Staff investigator for the JFK site, $30,000-plus.

Previous employment and salary: Senator RICHARD S. SCHWEIKER, staff investigator, $37,000.

Mr. Speaker, that would be fine if that is all there was to that item. The fact is that Gaeton J. Fonzi has never reported to the Washington office of the committee. He has been down in Miami all the time. He is supposed to be working with the underworld somewhere, and he is supposed to be doing something; but nobody knows what, much less the chief counsel. The chief counsel has no ability to supervise Gaeton J. Fonzi at $30,000-plus.

I noticed that a member of the committee, the gentlewoman from California (Mrs. YVONNE BURKE), contributed one of her staffers. This staffer, named Laura J. Hope, is on the committee at $20,000.

Then we come to E. M. Hutton. His duties:

Assist chief counsel and staff director in his function as director of staff. Act as such in his absence. Position and salary: Deputy director, $36,000.

He was placed on the list on December 31, after he went off outgoing Chairman Downing's congressional personal staff.

And on down the line.

But, I give these only as examples. Should any Member want the rest of the list I will be glad to make the rest of the list available. I can assure the Members that I do not think anybody on the committee has this. They may say they have but I think a truthful followup would reveal they do not. The only way I got it is through the committee employee, who gave it to me while the chief counsel was basking at Acapulco. She was under the threat of Mr. Sprague's wrath since, as she confided:

We are not supposed to give anything to any Member of the Congress.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman for yielding. I do not think that it has ever been quite clear with regard to the circumstances under which Mr. Sprague has been employed by the Select Committee on Assassinations. I have read press accounts where he wanted to continue his teaching of law at Temple University. I also read a press account saying he appeared about 10 days ago in court in Delaware County, Pa., as counsel in the Yablonski case arguing on the retrial motions. As I understand it, the Pennsylvania Supreme Court has ordered it for May.

Is it a fact that although we have rules that forbid staff employees from having outside staff employment, that he has been allowed to continue prosecution in this case and at the same time engage in other activities in the practice of law while he is supposed to be conducting this investigation? And, if so, what recommendation might the gentleman from Texas have regarding that status?

Mr. GONZALEZ. I was the first one to raise the issue but I could not properly until I was made chairman of the committee and the committee was reconstituted. I pointed to the fact that he was in violation of two basic rules and, third, that he had never complied with the Ethics Committee requirement that he stipulate holdings, income, and the like which, as the gentleman knows, we Members of the Congress have to file, also our chief aides, particularly anyone that earns over $30,000.

When I made that request remember that was when he then recapitulated, at the meeting of this staff, and said:

I have met with the Speaker. I have talked with the Speaker and I have powerful friends on both sides of the House.

He is not familiar with our jargon so he did not say on both sides of the aisle. He said—

on both sides of the House.

They have assured me they are all behind me and that none of them want me to quit at all. Nobody is calling upon you to quit, because only HENRY GONZALEZ is the only one giving you trouble. He is the only one. And he is making accusations of me, that I come to him, and I know about this deal, too, and I don't have to.

And he also told his staff—

I will tell you further that none of you has any contact with any Congressman unless you clear it with me.

But I have these assurances from powerful leaders from both sides of the House.

What about the issue itself? I have tried to do this from the beginning, but neither Chairman Downing nor any member of the committee ever gave any evidence that I thought that they thought I was anything but a coyote out in the brushwood howling to the Moon.

So then I insisted on that. The rest is history.

But the truth is that he did continue and he has had a full time law practice in Philadelphia. The telephone long distance vouchers that he asked me to sign for December, mind you, when I was not the chairman, and obviously there was no money but there were vouchers he asked me to sign in January, late in January.

The fact reflected in those vouchers was that the biggest single expense in the $9,900-plus—just for expenses; that was not salaries—was in long distance calls, and in those long distance calls enumerated, his long distance calls to Philadelphia were the biggest item.

Second, he ought to at least be made to answer what are the cases he is going all the way to Detroit to handle. He has gone to Detroit several times during the time he was on the payroll of the staff to defend cases. He had clients in Detroit. He went to New York. Did the committee pay for his stay at the hotel in New York? He went there twice in January. Nobody asked for an accounting. When I raised the issue, I had the malice of such men as the Delegate from the District of Columbia, Mr. FAUNTROY, who thought it obnoxious of me to raise the question, much less insinuate.

The House through indirection has OK'd this. It has not insisted that the mandate of House Resolution 222 be carried out, or learned why it is that that committee has exceeded its $84,333 limitation per month. As of right now I cannot answer that question because I do not know. I know that since I raised the issue, nobody on any level, even though this was the burden, the gravamen, of the specific charges that I raised, the specific allegations I raised—nobody, neither the leadership, nor any member of the committee, nor anybody in a position of authority in the other committee such as appropriations—in this case it would be House Administration—has ever said anything. Yet when we had the hearing before the Committee on Rules, the gentleman appeared on that occasion, and I appeared subsequently. Anybody would have thought that the committee was one individual—myself.

I wish to offer for the RECORD at this point the thrust of that questioning to reflect why I felt I had pledged to do something about it. Here is Mrs. CHISHOLM:

My conclusion, then, is this: My conclusion arises on two levels. First of all, it would seem to me that we do not throw out the baby with the bath water; that we clean up whatever needs to be cleaned up.

She ends up saying:

Number two: you may not want to answer this question, but I am going to pose it, however, and that is this investigation, this inquiry, whatever you want to term it, is a very, very serious, a very responsible matter, cannot be taken lightly at all, and if indeed there is any staff person who is really moving in the direction of possibly marring the integrity or the credibility or the reputation of the House of Representatives, and also causing a further criticism and fear on the part of the American people as to what we are about, would you and your committee be willing to consider the possible removal of any staff person that stands in this way?

I said:

Mrs. Chisholm, we are all expendable, staff and members of the committee. I feel that if I were to do anything that would bring discredit to myself as a Member or an individual, or on the committee, or the House. I would forfeit my right to belong on that committee, and I feel the same way about a staffer. I feel that if a staffer usurps his rightful place, he has no business being on the staff.

Right after Mrs. CHISHOLM, here is the other double dipper, a member of the House Assassinations Select Committee and a member of the Committee on Rules, the gentleman from Connecticut, Mr. DODD. Mr. DODD said:

Mr. Chairman, I would like to compliment you on your statement and your response to these questions that have been brought forth by the members of this committee. I feel, as Mrs. Chisholm does, and others on this committee, that the main thrust, the main purpose for which we are here today has been somehow sidetracked as a result of several questions which have been raised . . . .

He went on:

With regard to the budget, would you instruct your budget officer to begin a complete reevaluation of the entire budget . . . .

But he was on the committee. He

never asked for it, and, furthermore, he never asked for it after I demanded it.

And he would not sit still when I called an informal meeting of all the committee so I could present him what he had said he wanted me to do when he interrogated me before the Rules Committee, so I offer that for the RECORD at this point. That is testimony of the questioning period of Mr. DODD during the presentation on January 25 as reflected in the proceedings and the transcript of the proceedings of the House Rules Committee:

Mr. DODD: Thank you, Mr. Chairman.

Mr. Chairman, I would like to compliment you on your statement and your response to these questions that have been brought forth by the members of this committee. I feel, as Mrs. Chisholm does, and others on this committee, that the main thrust, the main purpose for which we are here today has been somehow sidetracked as a result of several questions which have been raised since the committee was constituted in the last Congress, and I would like, if I could, to try and synthesize, being the last person on this committee to have an opportunity to question you, to try to bring together some of these questions and ask you some direct questions in regard to these three or four areas that I think have really, in a sense, sidetracked our efforts to have this committee constituted.

I can't help but feel this is reminiscent of other committees that have been charged with similar responsibilities, who have seen their efforts sidetracked because of ancillary issues that have surfaced.

I feel, as I listened to my colleagues on this committee and in the House, that there is strong support for the constitution of this committee, albeit some problems may exist in the three or four areas I would like to ask you about.

One is the budget; the second is the techniques, certain techniques that have been raised; the third is staff; and the fourth I suppose would be the focus of the committee's attention with regard to certain agencies, specifically the F.B.I. and the C.I.A.

With regard to the budget, would you instruct your budget officer to begin a complete reevaluation of the entire budget with the view toward reductions in that budget? Are we wedded to any particular figure, the $6.5 million, or is there going to be an entirely new reevaluation process of our budget needs and demands?

Mr. GONZALEZ. There never has been a thought in my own individual mind that we were wedded to any figure and, as a matter of fact, as a suggestion, because really I know nothing; I have precisely asked for a reevaluation on the part of the professional staff, what really is the irreducible minimum without in any attempt trying to make that the main order of business now, but looking forward in case the committee is reestablished, to bring up for discussion with the committee and get a consensus of the committee.

I believe in traveling on consensus, where I have had the honor of being chairman of subcommittees and so forth; it is the only way I have of going, and I wouldn't want it any other way. So I would say that that would be an absolute need to reevaluate, to re-estimate, and to re-organize.

Mr. DODD. In conjunction with that, would you be willing to have written into the rules of the committee language to the effect that all major expenditures, particularly in the area of travel, purchases, and so forth, should be approved by the appropriate subcommittee or chairman of that committee so that we would have, or the committee would have, some sort of control over the budgetary process as we move through the investigation?

Mr. GONZALEZ. Yes, sir; I would favor that.

Mr. DODD. I wonder if in light of that, and I don't want to take up too much more of the committee's time with it, but I think it might be helpful for the members of this committee to have some idea if you could describe in broad detail the magnitude of the task we are undertaking in terms of documents, the possible number of people—just in broad figures—you may be wanting to talk to, so the committee might have some idea of how large this undertaking will be.

I said that Richard A. Sprague is dishonest and deceitful. Now let me be a little more specific. In a staff meeting on January 11, 1977—and certainly at that time nobody could say there was bad feeling between Mr. Sprague and anybody much less between me and Mr. Sprague, and this was January 11—I took his word for what he said had been all these scandals that had arisen in his past in Philadelphia. I went further. I was the only one of the members of the committee that even defended him. All of the other now defenders were not then anywhere in sight. So here is a staff meeting of January 11, 1977.

While speaking of the financial difficulties to the committee staff, Sprague stated:

What I thought would be the first wave, assuming we get to the continuing resolution without them throwing the committee out, instead of the 35-percent across-the-board decrease in pay, those on the lower level of income of $10,000 and under should not get any decrease whatever. Going in a prorated scale, it goes to $16,000, those people do not get a full decrease on that amount down, but those above $16,000 would be getting 40-percent decrease. The alternatives are 35-percent decrease across the board. With my commitment to you, you will get back the amount of that decrease back in your pay.

This is Mr. Sprague who was setting policy. He was usurping the select committee though he had no absolute authority at that time. There was no committee. There was no staff. It was waiting to see if the House would reestablish it. But he was speaking as if he were a member of that committee. What is more, he was speaking as if he were more than a member.

Here again on January 6, 1977, he was again addressing the staff about salary problems:

This is certainly a depressing problem, this outrageous delay in the payment of salaries to the committee staff. I have talked to Speaker O'NEILL about our salaries and he advised a special resolution would be passed to pay the staff in January. I have also talked with Congressman GONZALEZ, the chairman-designate, and with members of the committee to pass the bill. The subject of the pay cut was not discussed but they might throw that in. But they will try to get a bill just for the salaries and let the bill pass. I intend to spend the time to make sure that the bill is gotten in. Assuming that is done an affirmative vote next Tuesday before the Rules Committee will pass the resolution on to the floor of the House to be voted on Thursday rather than Wednesday. In the interim of time I have been on the receiving end of quite a bit of flak and have been appropriately speaking up again toward accepting a special bill to pay salaries for January. I am requesting all of you to continue to work this week between now and next Tuesday as you have been doing.

Did Mr. Sprague indeed and in fact talk to the Speaker? He was telling them he had and that he had assurances the Speaker had said or advised there was a special resolution. As a matter of fact he became so excited that he sent one of his legal staffers and two others who are still on the staff, both lawyers, while we were in caucus meeting here and they button-holed us out in the reception room and the staffers said:

Mr. Sprague says that there was a meeting between the Speaker and the ranking minority member SAM DEVINE at which the Speaker said, yes, there was a way to get these salaries if they only get a bill.

I reminded the lawyer that that was not possible, because we had to have a resolution reestablishing the committee first. They could not believe it.

At that time the Congressman, the gentleman from North Carolina (Mr. PREYER), came in. I got them all together and confronted the Speaker. The Speaker said that he knew of no such assurances.

On February 8, by then the pot got to boiling a little. Mr. Sprague had a staff meeting and in that meeting he said:

I met with the present chairman in the morning and the full committee in the afternoon. At both sessions I made it clear and unmistakable I will not fire one person presently on this staff regardless of the amount of cost.

He stated further:

The present chairman appeared with a list of staff to be fired before the committee. The committee asked if I had been told about this. I told them I had not and the present chairman had directed me to produce a list of people to be fired.

This is a whole fabricated lie. I never offered such a list. I never made such suggestions. The only thing I presented to the committee was the list for the first time of the staffers and what their functions were to be and what their salaries were and was trying to state how in the world the committee could demand we could make limitations in the funding resolution of $84,333.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I will be delighted to yield.

Mr. PICKLE. Mr. Speaker, I want to ask the gentleman a question relating to the right of the committee or the counsel to take testimony under oath; but before I pose that question I want to say to the Members of this body that I have been privileged to know the gentleman from San Antonio for over 25 years. I do not know any man in public life who has been more courageous, who has been more dedicated in his advocacy of the truth than the gentleman from Texas, Mr. HENRY GONZALEZ. I have seen the gentleman in the well take on a lot of opponents in legislative matters in our State capital, as we have here, and I have seen that the gentleman's campaigns have been truthful and that the gentleman has been proven right. I dare say the gentleman is going to be proven right in this instance. There are some who would say that the gentleman from San Antonio "has gone off the deep end."

I do not think the gentleman from Texas, Mr. HENRY GONZALEZ, is off on any end at all. Perhaps others have gone off the deep end.

I hope that each Member will read the testimony the gentleman put in yesterday and again today to prove that the gentleman is trying to document the nefarious operations of the present counsel of the select committee.

Mr. Speaker, the House has got itself in an untenable position, in my judgment. We have allowed the gentleman from San Antonio to leave as the chairman of the committee and we have retained the counsel. That is an unthinkable position for the Congress to get itself into. That kind of precedent will haunt the Congress for years to come.

I trust that we will not allow this to continue, because the real issue with us here is not the intent of the members of the select committee and the type of job they would hope to do, but as long as we have the present counsel, this House, and I would dare say the American people, are always going to have doubts and worries and suspicions about whether the right thing was done or even whether the right conclusion might be reached. That is something for the House to express itself tomorrow.

Mr. Speaker, I want to ask the gentleman, however, if the present bill gives the legal counsel the right to take testimony under oath when they are not in the presence of the committee or members of the committee. Can he do this by himself, or members of his staff, wherever he may be?

Mr. GONZALEZ. I do not think that I can answer completely, because of the actions of the Committee on Rules yesterday.

I have not had any copy of the resolution approved by the Rules Committee yesterday, and I do not know if it retains the precise language of the previous resolution, of which the thrust was that it would have tended to bring that happening about.

Mr. PICKLE. It is my understanding that the previous resolution did allow this. I think there was discussion on this, on the resolution previously. It was not noticed by many Members of this body.

Mr. GONZALEZ. That was the Bolling resolution, as well as yesterday's. Mr. BOLLING—I said yesterday he was a rajah. I take it back. He is the maharajah of the Rules Committee. He dicatated the terms to the Speaker, and the Speaker said, "yes, sir."

Mr. PICKLE. Who is the gentleman talking about?

Mr. GONZALEZ. The maharajah of the Rule Committee, the Honorable DICK BOLLING from the State of Missouri—you know, "Show me," and he showed them. He dictated the terms of the resolution on the Monday preceding the Tuesday action on House Resolution 222, which is the number given the Bolling resolution.

He gave as his reason, as I said yesterday, his great subservience to the liberal limousine lawyer, Joe Rauh. Incidentally, Mr. Joseph Rauh—and it is brought out, if the gentleman wants any kind of affirmation of this fact—in a recently published book by author Armbrister, who relates the history and developments of the Yablonski proceedings, and quotes Rauh as saying:

> Had it not been for Richard Sprague tying in his prosecution of Boyle with my pressing the multimillion dollar civil suit against the United Mine Workers simultaneously, we could have never won that suit.

I will challenge the chief counsel and Mr. Rauh and the members of the select committee and the leadership of this House to ask and demand that Mr. Sprague show us his income tax returns for that year and for the years subsequent, and see whether maybe there was not a little splitting of fees there somewhere. It would be interesting.

Mr. Sprague has never had an FBI clearance. Why not almost every other professional staffer, particularly during the time of the impeachment proceedings and Watergate proceedings in the Senate, those committee staffers had to have an FBI clearance. Why not the chief counsel here? He is in an extremely sensitive position. The House is on a collision course with embarrassment down the line.

Mr. PICKLE. Is it the gentleman's feeling that counsel might have split fees in some other case?

Mr. GONZALEZ. Oh, I think that he has not been exactly not earning fees since he has been chief counsel.

I never did completely answer the gentleman from Maryland's question as to how he was hired. I do not know. There are all kinds of stories as to how he was hired and for what reason.

All I know is that after 1 week's time the then Chairman Downing had made the commitment to him and actually hired him. I was given the benefit of actually meeting him at that breakfast encounter, so all I can say to the gentleman is, why not request now? You and I have to account for any kind of outside income, and we had for several years to file our statement with the Ethics Committee, but not the chief counsel. Nobody senses that.

Mr. PICKLE. Well, I would hope that we look into this question about the right of legal counsel to take testimony under oath and not in the presence of the committee or members of the committee. I think that would give an extremely broad authority. I do not envision this committee as another Warren Committee, in that sense, and I think therefore this matter ought to be discussed, looked into, tomorrow. Possibly, there will be some amendment offered on that.

I say again to the gentleman, many of us are not familiar with the events that led up to the appointment of this gentleman, his retention, or even the conflict that the gentleman from San Antonio had with counsel, or the majority.

I assume that that will be discussed in detail tomorrow.

As one who had previously supported this committee, I want to say that I have come to the conclusion that I do not feel that the American people are going to have confidence in what will be found, if anything. This sudden flurry of activity seems to be for the purpose of reaching headlines more than establishing facts. I think these matters ought to be discussed tomorrow because we indeed have a question where the very integrity of the counsel is questioned. The Members ought to consider that we debate this tomorrow, the very untenable position we find ourselves in, in that we have retained counsel and the gentleman from Texas (Mr. GONZALEZ), one of the ablest gentlemen who ever served in this body, is now no longer the chairman of this committee.

Mr. GONZALEZ. I thank my esteemed colleague, the gentleman from Texas, for his kind words. I will say that I share his apprehension. I wish one of the members of the committee, just one, would even have asked this kind of question after February 2.

I agree. I think no matter what we do, the committee was tainted even by the time I was named chairman on February 2.

But I will proceed. I said that I had not encountered some of the things that all of a sudden I began to encounter. All of a sudden, there was an article by a Washington Star columnist, Mamasota Mafiosi Rosellini, otherwise known as Lynn. She was writing a scurrilous article which went all around the country by way of a column. And at this point, I would like to introduce for the RECORD an article from the San Antonio Express News of March 13, by Kemper Diehl, which will offer some elucidation on the Rosellini contribution. It will be very interesting to find the sequence of events that led all the way from the Washington level down to San Antonio. Can you imagine?

Mr. Speaker, the article is as follows:

HENRY B.'S FREE OF THAT MEATGRINDER

(By Kemper Diehl)

It's really not all that hard to understand the explosion of scorn with which U.S. Rep. Henry Gonzalez parted company with the House Select Committee on Assassinations.

If Speaker Tip O'Neill and Majority Leader Jim Wright wound up with red faces—and assuredly they did—they had it coming.

Take a look at the kind of abuse Gonzalez was asked to take because he went to work with typical honesty to carry out policies which had been voiced clearly by the leadership.

There is no question but that the leaders, particularly Wright, made it clear that if the House were to revive the committee, Henry B. was expected, as the new chairman, to take firm command, insure a probe in which no one's rights were infringed and, above all, bring the committee's scandalously overextended finances back to par.

UNDERSTANDING

The obvious corollary to all this was: Bring the chief counsel, Richard Sprague, under control.

In fact, when the committee's life was extended for a trial two months, the word from reporters on the scene was: "This means Gonzalez has two months to get rid of Sprague."

So Henry B. moved to bring finances into line and insure control of operations by elected officials. Sprague, of course, rebelled, and the chairman's attempt to fire him was overturned by committee members who, in effect, supported the counsel's unbridled style of probing.

There followed a campaign of anti-Gonzalez reports by what the congressman was to call the media "wolf pack."

The barrage may have been topped out by a piece in the Washington Star by Lynn Rosellini which was mind-boggling in its resort to half-truths and loaded quotes.

Reporter Rosellini displayed her depth of knowledge by announcing that the late President Lyndon Johnson was a resident of Henry B's district.

HATCHET JOB

Her evidence against Gonzalez came from people like Ed Foreman, the right-wing Republican who holds some sort of record by having been a one-term congressman from two states.

Foreman did a McCarthy-type attack on Henry B. in the early 1960s because the San Antonian had committed sins like voting against the Un-American Affairs Committee—and was stunned when Gonzalez called him to account.

Reporter Rosellini saw something wild and strange in the speeches and Congressional Record inserts Gonzalez made regarding the Sharpstown bank failure—not noting that this was the greatest political scandal of recent Texas history, or that the Gonzalez speeches had led directly to the resignation of a ranking Nixon Administration official, Asst. Atty. Gen. Will Wilson.

Then came her clincher, two vocal local witnesses against Gonzalez.

Of all people, they were Doug Harlan, described only as a "political science professor," and Jim Dement, depicted as a businessman in touch with the political scene.

GOP DUO

There was not a hint for Star readers that Harlan was really a Republican politician, twice defeated as a candidate for Congress and most recently a high-level briefcase-toter for the GOP administration.

Nor did reporter Rosellini tell readers that Dement has been an active enemy of Gonzalez or that much of his contact with politics has been through the Republican Party where he was a major backer of Harlan's most recent campaign.

The national GOP data bank couldn't have provided a more biased group of anti-Henry B. spokesmen.

With this sort of partisan abuse splattering over Gonzalez where were the leaders who pushed him to take strong action to control the investigation?

Wherever, they were, they offered him no sincere support.

In fact, Wright allowed himself to quip glibly about forcing a "shotgun marriage" of Gonzalez and Sprague—thus equating a committee chairman with a Congressional employe.

The wreckage of the committee has also been attributed by some insiders to "malign neglect" by O'Neill.

Certainly the message to put things in order never got through to anyone other than Gonzalez. And the reaction of other committee members tc the attempted firing of Sprague was strictly political.

"They never stopped to see if there was a good reason for Henry's action," noted one Washington veteran. "Then they found themselves out on a limb and couldn't admit it."

Never one to mince words, Henry B. proceeded to express his feelings for all to hear.

What now?

"Henry is a free man now in a way few members have ever been," concludes one Washington friend. "It's the kind of freedom that comes from not being afraid. Most guys up here are governed by fear."

On top of that, and following the question I raised, I challenge the leadership, the members of the select committee, other well-intentioned Members of the House, to demand an FBI field check or any independent investigatory agency field check of Mr. Richard A. Sprague—forgetting about this turbulent period back in Philadelphia politics—just for the period of the last 5 or 6 years. If he is honest, would he not be willing to give the chairman of the committee or the Speaker of the House, or somebody, a copy of his income tax returns for the last 5 years? I challenge the chief counsel to do that. I challenge him to tell the House how many times during that period of time he has been down to the Fontainebleau Hotel in Miami, and whose guest, since the hotel, it is well known, is owned by the syndicate or the mob; the trips he has made just in the last 3 years to Las Vegas, and whose guest. What was the nature of the case he was defending while on the payroll in Detroit, contrary to the House rules?

Why does the leadership and the Members of the House not challenge a violation of the rules of the House?

We are all under oath and charged with upholding them. These are questions I wanted to raise.

Mr. Speaker, I want to go further with respect to the role of the leadership. I offer for the RECORD at this point a series of correspondence from one Kenneth E. Brooten, Jr., who had been a staff counsel of the House Select Committee on Assassinations. One letter is to the Honorable JAMES WRIGHT and is dated March 1, 1977. Another letter was hand delivered February 25, 1977, and addressed to Richard A. Sprague.

Mr. Speaker, the correspondence is as follows:

SELECT COMMITTEE
ON ASSASSINATIONS,
Washington, D.C. March 1, 1977.

Hon. JAMES WRIGHT,
Majority Leader, U.S. House of Representatives, Washington, D.C.

DEAR MR. WRIGHT: This is in further reference to our meeting of February 24, 1977, at which you requested Mr. Sprague and I to meet to discuss and attempt to resolve certain immediate problems facing the House Select Committee on Assassinations.

Following that meeting I advised Mr. Sprague that I would immediately go to the staff office to meet with him. He declined to meet with me at that time.

On Friday, February 25, 1977, I sent him a letter advising him that I would be available to meet with him during the entire weekend. On Sunday, February 27, 1977, I attempted to call him at the Committee offices, at his residence in Philadelphia, and finally left a message with his answering service at the Watergate Apartments here in Washington. I was available all day Monday in the office of Chairman Gonzalez. Today, I have again called Mr. Sprague's secretary at the Committee offices in a further attempt to meet with him.

In addition to attempting to contract Mr. Sprague, I have personally gone to the Committee on House Administration on two occasions to see if temporary long distance telephone service could be restored on the basis which we discused at our meeting.

I reluctantly bring this to your attention because I feel that time is of the essence in resolving the problems confronting the Select Committee. By his failure and refusal to meet with me he has delayed resolving the problem of how to regain access to non-classified information in FBI and Secret Service files. If access can be granted, then Committee staff can continue to analyze information in those files. The simple fact is that if Mr. Sprague was acting in good faith and genuinely concerned about resolving these problems, he would have contacted me as you requested. His failure to do so has resulted in unwarranted delays which has seriously impaired the investigations. You may be assured that I will continue to work to resolve these problems.

With kindest personal regards, I am

Sincerely,

KENNETH E. BROOTEN, JR.,
Acting Staff Director and Counsel.

SELECT COMMITTEE
ON ASSASSINATIONS,
Washington, D.C., February 25, 1977.

RICHARD A. SPRAGUE, Esq.
House Select Committee on Assassinations, Washington, D.C.

DEAR DICK: This is in reference to our meeting with the Honorable James Wright, House Majority Leader on Thursday, February 24, 1977. It was my clear understanding that Mr. Wright wanted you and I to meet to discuss and clarify the following matters:

1. Temporary long distance telephone calls to be billed to his office number—225-8040.
2. The actual expenditures for the Select Committee for January, 1977, as well as the estimated expenditures for February, 1977.
3. Vouchers for December, 1976.
4. Arrangements to provide access to non-classified FBI and Secret Service files.
5. Forms for Subpoenas.
6. Establishment of a petty cash fund and designation of a custodian.
7. Any other matters which are of an immediate necessity for the orderly operation of the Select Committee.

As you know, following the meeting I offered to immediately come to the staff offices with you to discuss these matters, however, you advised that you would check on the long distance telephone calls and then I should call you.

Following my conversation with Alvin B. Lewis, who called on your behalf at 6:20 p.m., yesterday, I have today been in contact with the staff of the Committee on House Administration to attempt to work out the details for critical temporary long distance telephone service.

In an effort to avoid any unwarranted delay in the resolution of these most important matters and to avoid misunderstandings as to the matters which Majority Leader Wright wanted us to discuss, I will very much appreciate it if you will call me so we can set up an appointment at a mutually convenient time.

You may contact me at Chairman Gonzalez office—225-3236 until 5:00 p.m. today. I will also be available and most happy to meet with you during the weekend. If you cannot reach me at Chairman Gonzalez office, please do not hesitate to contact me at my residence. My residence telephone number is: 546-5126.

I shall look forward to hearing from you.

With kindest personal regards, I am

Sincerely,

KENNETH E. BROOTEN, JR.,
Acting Staff Director and Counsel.

Mr. Speaker, this correspondence reveals the pusillanimity with which such leaders as the majority leader, JIM WRIGHT, accepted the abuse of such men as Sprague. Let us just see briefly what it amounts to. Mr. WRIGHT was charged, according to Mr. WRIGHT, by the Speaker to meet. He was supposed to find a compromise, so before February 24 he called a meeting for February 24, at which time he asked that Richard A. Sprague be present. Sprague refused. He said:

You can't mandate me, and I refuse to go unless I go with my 2 lawyers.

Eventually Sprague showed up late, after first threatening that he could not get there until 1:30 p.m.—an hour and a half late. The Honorable JAMES WRIGHT instructed that Sprague, the chief counsel, and Mr. Brooten meet to discuss an attempt to resolve certain immediate problems facing the House select committee. Sprague refused to do that, and he again told the majority leader to go take a big jump. The majority leader smiled and jumped. Not a word was said.

He finally came out Saturday and said, "Well, HENRY GONZALEZ did not have a shot he could fire straight, but he thought he did." But he neglected to say, as I pointed out yesterday, that he had given me every assurance at the time I did give notice to Mr. Sprague that he was being fired that he was backing me. He went further and assured me that not only he but the Speaker felt the same way.

Mr. Speaker, it seems strange that there should be such fear and trepidation. I know that at one of the meetings Congressman RICHARDSON PREYER, who would be the ranking member on the Democratic side of the select committee, expressed repeatedly his fear of what Sprague might do if anybody did anything to him.

What is this hold? What is this power behind the scenes? What is this power that makes the maharajah of the Rules Committee jump through a hoop and get through two resolutions saying that Sprague has got to stay?

Is the House interested? Should it not ask questions? What is this power? What is that power that condones palpable, premeditated defiance of the House rules? What is that combination, that confederation, or that conspiracy that banded solidly the black Members and some of the others together to sign a letter on the same day, when they were not even in town, reading the law into precedents? I wonder why?

For what reason have the specific allegations of malfeasance, misfeasance, and deceitfulness been completely overlooked and dismissed? By what unjust decree was I made the solitary object of all expectations all during the month of January and up to February 2, and since then no similar expectations or demands of the others, such as the present chairman.

Questions were in the press daily. "What are you going to do about this? What are you going to do about that?"

It was to no avail. Was the answer "I have no authority. I am not chairman and I have not been chairman; I have no privity or confidence with anybody who has had the power"?

Certainly outgoing Chairman Downing never communicated anything.

As a matter of fact, I had to reply to a letter in December that had been directed by the chairman of the Committee on House Administration, the gentleman from New Jersey, Mr. FRANK THOMPSON, addressed to Mr. Downing saying: "Your request for this artifact, this little automatic cutoff of the telephones that will enable you to listen in without authority and contrary to title XXV, et cetera, of the United States Code," et cetera—and all of a sudden, they said that they were going to have to answer because Downing was gone.

This is terrible, Mr. Speaker, and it raises a big issue. One can imagine my surprise when I found that obviously Downing had never sent the letter, even though it was apparently signed by him. Finally, I had an abject confession by this staffer, Mr. Feeney whom I mentioned a while ago, who received an 87-percent increase in his salary and is currently earning $30,000-plus. He said, "I did it. Mr. Downing had given us carte blanche authority to write letters and sign his name, and that was one of the requests."

"We used to have one of those devices in the congressional office."

In the meanwhile, Mr. Speaker, I had to answer the letter stating that as far as I was concerned as just a member of the committee—and that had been in December—if anything happened and I had anything in the future to do with that committee, certainly that kind of request would never be made.

How many actions of that nature were taken that we do not know about, even now do not know about?

Also, Mr. Speaker, I would like to review the other situation that I referred to previously, just yesterday, with respect to the possibility that the House can be embarrassed through litigation by the actions that have already been taken by the staff director and chief counsel and members of his investigative staff.

There were two instances which troubled me greatly. Those concerned his involvement with the Cuban Ambassador in the U.N. and with a phone call that was made by one of his aides to Cameroon, a letter, a communication, and telephone call, which elicited a protest from the State Department saying that the mere fact that a letter had been sent and a telephone message attempted to be communicated in the name of the Committee on Assassinations had created a sensitive situation with the Cameroon authorities.

Authority vests in a chief counsel to do that, unknown to any member of the committee? Who delegated that authority to the chief counsel? Nobody has bothered to say.

Next, Mr. Speaker, I refer to the undermining of the chairman in creating divisiveness within the committee. I have made those specific charges.

At this point, I wish to offer for the RECORD a documented, chronological series of events to put flesh into that charge.

UNDERMINING THE CHAIRMAN AND CREATING DIVISIVENESS IN THE COMMITTEE STAFF

I have charged Mr. Sprague with attempting to undermine my chairmanship as well as creating divisiveness in the committee staff. Let me be specific:

First, on Wednesday, February 8, 1977, while referring to the meeting which I held with Mr. Sprague on Tuesday and the afternoon meeting. He falsely stated:

The present Chairman appeared with a list of staff to be fired before the Committee. The Committee asked if I had been told about this. I told them I had not, and the present Chairman had directed me to produce a list of people to be fired.

I had no such list—the only list I had was the same list that every member of the committee had. But by telling the staff that I had such a list it made it appear that I alone was out to get some of them.

Second, he stated:

What do you do when you have a Chairman acting in this manner? In view of the fact that the rest of the Committee is supportive, I made up my mind to battle it out. The way which the Chairman behaved yesterday, and his actions at that meeting, the Committee is more and more willing to take action. I will struggle along with the problems created by the Chairman.

Mr. Sprague is very adept at muddying the waters. It was not I but he who hired the 23 people, it was not I but he who by that action necessitated a 35-percent reduction in pay. It was not I but he who refused to make the necessary adjustments in staff to comply with the mandate of House Resolution 222 and House Resolution 11.

Finally, he arrogated unto himself the position of a Member of Congress, when he stated:

There may have been feelings around this office of uncertainty about who run things . . . sort of a headless horse. But the head is right here—on me. I am laying out the lines of command in this office. Who is in charge of what? Regarding any relationships with any Congressmen, as of this moment if they want to communicate with you, they will do it through me, so don't have any thought as far as who is running to whom.

It is quite clear that the members of the select committee are entitled to call upon staff personnel for briefings and information—it is quite clear that members of the select committee are by that directive being cut off from the staff—and only can a member go through Mrs. Sprague. Clearly, he is setting a policy which the committee has not yet even had an opportunity to discuss.

He further maligned me with the staff when in response to a question from Richard Feeney he stated:

He (referring to me) is again, more and more out on a limb. But corrective measures will be taken.

I know of no way a staff could be responsive to the chairman of any committee after those accusations by Mr. Sprague. Mr. Sprague's opinion of me is one thing—he is certainly entitled to his opinion—but when he states his opinion to the members of the committee staff he undermines the work of the total committee. I cannot and will not condone this type of action—I do not think any of you can.

I do not know what Mr. Sprague meant when he referred to me as the "present chairman." I do not know what he meant when he said "But corrective measures will be taken."

From the totality of the circumstances it is clear to me that Mr. Sprague wants to continue to run this committee, to dictate policy, and to invade the province of the members of

this committee by attempting to manipulate the chairmanship. I cannot and will not tolerate this type of activity on the part of the chief counsel and staff director. It is counterproductive, it is divisive, it is disruptive and it has I fear destroyed this committee.

Mr. Speaker, with regard to the Philadelphia incident in which Mr. Sprague deceitfully distorted the facts, I wish to offer for the RECORD a copy of the Philadelphia Inquirer editorial dated Monday, April 9:

SINCE SPECTER WON'T, PACKEL MUST PROBE APPLEGATE

District Attorney Arlen Specter has done nothing to dispel the strong implication of conflict of interest on the part of his first assistant, Richard A. Sprague, in the Applegate case. In forcefully supporting Mr. Sprague, Mr. Specter has now assumed substantial responsibility for the decisions made, although he was not originally involved.

"I have personally reviewed the homicide file on the extensive investigation conducted by the Philadelphia Police Department arising out of the death of Mr. John Applegate on March 3, 1963," Mr. Specter wrote to the editor of this newspaper. "In my legal judgment, Mr. Sprague acted entirely properly."

Mr. Specter's judgment defies independent evaluation. The district attorney has refused to allow this newspaper access to the Police Department investigative records to which his letter referred. And he has refused to allow any expert or agency independent of his office to examine all the facts and to assess the case.

The city medical examiner concluded in 1963 that Mr. Applegate "died as a result of a blunt impact" to his head. There were three persons present when that apparently occurred. No grand jury or court of record ever was given the opportunity to judge whether a crime was committed, or to determine if anyone should be held responsible

The case has many mysterious aspects, and we offer no simple solutions. But simply on the facts briefly outlined above, we believe it is imperative that the mysteries be solved. An independent and irrefutable determination must be made—and made public.

The primary concern now focuses on the fact that Mr. Sprague was in direct charge of the original case, in which his recommendation that no criminal prosecution take place was followed. One of the persons involved was the son of former State Police Commissioner Rocco P. Urella Sr., a man whom Mr. Sprague has described as a close friend both then and now.

The public does not know if that association affected the case. But the relationship raises doubts that would hang darkly over any determination by the district attorney's office as it is now constituted. Mr. Sprague's highly selective excerpting of the investigative file in an outspoken attack on this newspaper's reporting and editorial position deepens rather than clarifies that ambiguity.

The case is sordid and complex, filled with conflicting statements and subject to widely diverse interpretations. Only one point is utterly unequivocal: Mr. Sprague made the critical decisions and the son of his close friend was involved.

We regret Mr. Specter's decision against an independent investigation. It forces us to conclude, with some reluctance, that it is imperative that the Pennsylvania attorney general undertake one.

State law and judicial precedent give the attorney general broad powers of supercession in such matters, powers that should be exercised with the greatest restraint. But the Applegate case, because of Mr. Specter's adamant attitude has overpowered such healthy reservations.

We strongly urge Attorney General Israel Packel to move swiftly for an exhaustive investigation of the circumstances and disposition of the case. The objective must be not only to serve criminal justice, but to allow the people of Pennsylvania to learn beyond doubt what influenced and motivated the decisions involved: Mr. Sprague's at the time of the homicide, and now Mr. Specter's.

Prosecutors with personal associations that could influence—or give the appearance of influencing—decisions crucial to the criminal justice system should not be allowed to manage such cases. The people of Pennsylvania have the right to demand that protection. Mr. Specter has refused to give his assurance that that demand will be met, in reviewing the Applegate case or in the future.

Mr. Speaker, with respect to the lawsuit that he filed which is still pending, a several million dollar lawsuit in which the House of Representatives, by indirection, in its continued rubberstamping of the misbehavior of its chief counsel, is unwittingly being fast drawn as a party, I offer a news report of April 21, 1973, also from the Philadelphia Inquirer:

INQUIRER IS SUED BY SPRAGUE

The Inquirer, three of its editors and four reporters were sued for libel Friday by Richard A. Sprague, first assistant district attorney of Philadelphia.

Sprague, in a 23-page complaint, contends that a series of recent Inquirer articles have "blackened" his reputation, exposed him to public ridicule, questioned his integrity and caused him "severe emotional distress."

The articles, Sprague contends in the suit filed in Common Pleas Court, were malicious, false and defamatory.

Sprague, requesting a jury trial, is asking for an award of $2 million. State law, however, does not allow a plaintiff to request a specific sum.

The disputed articles are news accounts of a court-martial hearing of three state troopers accused of wire tapping phones of the State Crime Commission and of Sprague's role in a 1963 homicide case, involving the son of Rocco Urella, former commissioner of the State Police.

The Inquirer's account of the court-martial proceedings reported the testimony of a witness who said he was told that Sprague used the alias of "Nicholas Pratko." The articles also said that Sprague vigorously denied using any alias.

Other articles mentioned in the suit described Sprague's role in the homicide case of John Applegate, who died in 1964 as a result of a blow to the head. Urella's son, Rocco Jr., and a classmate, Donald Scalessa, were in Applegate's apartment the night he died.

Scalessa was later arrested in the incident but the charges were dropped at a magistrate's hearing. The articles reported that Sprague, then chief of homicide in the District Attorney's office and a friend of Urella Sr., recommended against the arrest of both Urella Jr. and Scalessa.

The Applegate articles were written by Kent Pollack and Aaron Epstein. Greg Walter, who is being prosecuted for allegedly violating the state's wiretapping law, assisted in The Inquirer investigation.

Sprague claims Walter is "out to smear and destroy" him because of the pending wiretap prosecution.

Gene Roberts Jr., executive editor of The Inquirer, said he had "the utmost confidence in the accuracy of the stories and the reliability of our reporters."

"We welcome the suit if, as we hope, it will force the disclosure of the complete records and police files of the Applegate case," he said.

The District Attorney's office has refused to release the entire files of the case.

Besides The Inquirer, Roberts, Walter, Epstein and Pollack, other defendants are Creed C. Black, editor; Michael Pakenham, associate editor; Howard Shapiro, reporter, and Knight Newspapers Inc., The Inquirer's parent company.

Mr. Speaker, all in all, to sum up, it has been very distressing to find, and I cannot quite describe the depression of spirit that on this level, the highest legislative level of the Nation, that anybody would have had to confront this experience.

I served 3 years on the city council, 5 years in the State senate, and 15 years and 3 months on this level, and I have never seen such deterioration.

It is depressing only because it is in the most exalted sense that we think of this great institution. It seems to me that the level of standard of honesty, of decency and comportment in as good and honest a background as a man could probably muster, or a woman, for that matter, is reflected in the recent approval by the House of a strong ethics bill.

It is inconceivable to me that the House would demand of its Members limitation on outside income, strict fidelity for the rules of the House, strict limitation in the amount and in the type of gift that could be received extraneously by the Member and yet hold no accountability for a hired hand.

It is so unreasonable that it is very difficult for an outsider to grasp the dimensions until he reads and then cannot understand.

The mail coming in from everywhere in this country reflects a disbelief that such things would be countenanced by the great U.S. House of Representatives.

I feel that at the time, referred to repeatedly by the Speaker and the majority leader, that they had tried to get hold of me, that it becomes obvious that their intention was plain.

They were going to finish that coffin. The only thing that was disturbing them was that I would not sit still in that coffin while it was completed. At no time has the leadership admitted the communications and the contacts I did make immediately at the time the issue was hot—February 10–11. They are talking about subsequent to February 19. By that time there was only one thing I could do, and that was to wait and see when the leadership would prove that it would own up to whatever its true feelings were. In my heart, mind, and soul, I feel I have been dealt with treacherously, cravenly, and cowardly.

Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 20 minutes.

IN THE INTEREST OF PRODUCING NEW SUPPLIES, THE NATURAL GAS STRIPPER WELL EXEMPTION BILL WILL BE REINTRODUCED ON THURSDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, several days ago seven of my colleagues and I sent out a "Dear Colleague" letter announcing our intention of reintroducing the Natural Gas Small Producer Exemption Act legislation on Thursday of this week.

That letter was signed by BILL MOORHEAD of Pennsylvania, LUD ASHLEY of Ohio, CARL PERKINS of Kentucky, RICHARDSON PREYER of North Carolina, CARLOS MOORHEAD of California, RALPH REGULA of Ohio, and MICKEY EDWARDS of Oklahoma, and myself. The grapevine has it that LUD ASHLEY will be the chairman of the New Select Committee on Energy; our congratulations to him.

As those signatures reflect, this is a matter of nationwide importance. It is not restricted to the Appalachian and certain Midwestern States. There are 30 States in this country with wells covered by the provisions of our bill. I will chart out this information in a moment.

Last month's nullification of the Government's mid-Atlantic offshore oil and gas leases program by a Federal district court underscores the importance of bringing additional on-shore natural gas onto line immediately.

It also underscores the importance of enacting the provisions of the Natural Gas Small Producer Exemption Act, whose sponsorship reflects broad, bipartisan support. This support is drawn from those who oppose broader deregulation, as well as those who support partial or complete deregulation.

The legislation would exempt sales by small producers—very tightly defined—of certain natural gas from regulation of the Federal Power Commission and from the requirement of certificates of public convenience and necessity of section 7(c) of the Natural Gas Act. We are talking here of the low production wells referred to as stripper wells.

Of all the natural gas now moving in interstate commerce, about 2 to 3 percent is derived from stripper wells. Inasmuch as this winter's shortage shows us just how narrow the dividing line is between having enough and not enough, one can see the importance if doubling or tripling the output from these stripper wells.

One can see the little effect it would have on final price of natural gas at the burner tip for consumers. Yet to the small producers who own these wells, it would be enough to uncap them, increase their flow, or start up new ones.

We feel this legislation has additional advantages.

First, since stripper oil wells are already released from price controls, the search for and production of small volumes of natural gas would be given equal market incentives.

Second, a significant amount of administrative burden would be lifted from the Federal Power Commission or its successor agency.

Third, the bill supplements the important research and development effort by ERDA to commercialize the Devonian shale gas by encouraging industries using natural gas to drill or recondition their own wells in the eastern shale areas.

Fourth, these supplies are critically needed by industrial users. I have obtained from the U.S. Bureau of Mines a chart showing natural gas production and producing wells by State in the United States. This information proves our case about this bill being of importance to every section of the country. The chart follows:

U.S. NATURAL GAS PRODUCTION AND PRODUCING WELLS BY STATES

Area, State	Production (million cubic feet)	Producing wells (12-31)	Production per year (million cubic feet)
Appalachian:			
Kentucky	60,511	7,386	8.2
Maryland	93	15	6.2
New York	7,628	900	8.5
Ohio	84,960	10,382	8.2
Pennsylvania	84,676	17,500	4.8
Tennessee	27	5	5.4
Virginia	6,723	186	36.1
West Virginia	154,484	21,700	7.1
Subtotal	399,102	58,074	6.9
Southeast:			
Alabama	37,814	9	4,201.5
Florida	44,383	NA	NA
Mississippi	74,345	248	299.8
Subtotal	156,542	257	NA
Rockies:			
Arizona	208	1	208.0
Colorado	171,629	1,662	103.3
Montana	40,734	1,235	33.0
North Dakota	24,786	18	1,377.0
Utah	55,354	271	204.2
Wyoming	316,123	950	332.8
Subtotal	608,834	4,137	147.2
Midwest:			
Illinois	1,440	41	35.1
Indiana	346	478	.7
Michigan	102,113	209	488.6
Subtotal	103,899	728	142.7
Mid-Continent:			
Arkansas	116,237	1,128	103.0
Kansas	843,625	8,865	95.2
Missouri	30	19	1.6
Nebraska	2,565	3	855.0
Oklahoma	1,605,410	9,769	164.3
Subtotal	2,567,867	19,784	129.8
Other States:			
Alaska	160,270	61	2,627.4
California	318,308	1,585	4,617.2
Louisiana	7,090,645	9,182	772.2
New Mexico	1,217,430	10,352	117.6
Texas	7,485,764	26,184	285.9
Subtotal	16,881,251	47,364	356.4
U.S. total	20,108,661	130,364	154.2

Source: U.S. Bureau of Mines.

Mr. Speaker, it was on this basis that we prepared the provisions of our legislation. The text of this bill follows:

H.R. —

A bill to exempt sales by small producers of certain natural gas from regulation of the Federal Power Commission and from the requirement of certificates of public convenience and necessity of section 7(c) of the Natural Gas Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the Natural Gas Act or any other provision of federal law or any contractual price limitation applicable thereto on the date of enactment of this Act, sales of any natural gas (except synthetic or liquified natural gas) by small producers shall be exempt from regulation of the Federal Power Commission and may be made without any application for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)); and any such sale shall be made at a price not less than that which adequately compensates the seller for current costs, including an adequate return on investment, as determined by the seller and the purchaser.

SEC. 2. For purposes of this Act—

(a) "small producer" shall mean an independent producer of natural gas

(1) who is not affiliated with a natural gas pipeline company or a producer who is not included within this definition;

(2) whose total sales of natural gas on a nationwide basis, together with such sales of affiliated producers, are not in excess of 10 million Mcf at 14.50 P.S.I.A. during any calendar year; and

(3) whose average production per well for all wells for such calendar year is not in excess of 100 Mcf per day.

(b) "affiliated producers" are persons who, directly or indirectly, control or are controlled by, or are under common control with, a small producer.

This bill, as I indicated a moment ago, has found broad support in this Chamber. A list of the cosponsors as of this afternoon—and it is growing each day—includes:

Mr. Ashley of Ohio.
Mr. Brown of Ohio.
Mr. Cederberg of Michigan.
Mr. Cochran of Mississippi.
Mr. Collins of Texas.
Mr. Dan Daniel of Virginia.
Mr. Dent of Pennsylvania.
Mr. Derwinski of Illinois.
Mr. Devine of Ohio.
Mr. Dornan of California.
Mr. Duncan of Tennessee.
Mr. Edwards of Oklahoma.
Mr. Flippo of Alabama.
Mr. Forsythe of New Jersey.
Mr. Guyer of Ohio.
Mr. Harsha of Ohio.
Mr. Hyde of Illinois.
Mr. Kemp of New York.
Mr. Lent of New York.
Mr. Kindness of Ohio.
Mr. Lederer of Pennsylvania.
Mr. Lott of Mississippi.
Mr. Madigan of Illinois.
Mr. Mollohan of West Virginia.
Mr. Montgomery of Mississippi.
Mr. Moorhead of Pennsylvania.
Mr. Moorhead of California.
Mr. Murphy of Pennsylvania.
Mr. Murtha of Pennsylvania.
Mr. Myers of Indiana.
Mr. Neal of North Carolina.
Mr. Pattison of New York.
Mr. Perkins of Kentucky.
Mr. Preyer of North Carolina.
Mr. Price of Illinois.
Mr. Pursell of Michigan.
Mr. Quillen of Tennessee.
Mr. Rahall of West Virginia.
Mr. Regula of Ohio.
Mr. Rudd of Arizona.
Mr. Sebelius of Kansas.
Mr. Stockman of Michigan.
Mr. Symms of Idaho.
Mr. Vander Jagt of Michigan.
Mr. Walker of Pennsylvania.
Mr. Walgren of Pennsylvania.
Mr. Walsh of New York.
Mr. Whitehurst of Virginia.
Mr. Charles Wilson of Texas.
Mr. Yatron of Pennsylvania.

Mr. Speaker, we will be reintroducing this legislation at the close of business on Thursday, March 31. We invite those who share with us a commitment to bringing additional onshore quantities of natural gas onto line immediately are invited to join with us in our cosponsor-

ship. Those who do should contact either BILL MOORHEAD's office or mine.

CONGRESSIONAL PAY RAISE DEFERRAL: AN IDEA WHOSE TIME HAS COME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 10 minutes.

Mr. WHALEN. Mr. Speaker, I note with approval that there is an effort underway to exclude Members of Congress from the annual adjustment of Federal employees' salaries that will occur in October. The obvious reason for this exclusion is that we recently have received a 28-percent increase in our salary as a result of the Peterson Commission recommendations. It would, therefore seem unjustifiable—not to mention politically unwise—to provide ourselves an additional 6.5 percent compounded pay increase.

As a matter of fact, the Senate 2 weeks ago passed S. 964, a bill to exclude Members of Congress and certain top-level executive and judicial branch officials from the 1977 cost-of-living increase. The vote was 93 to 1 and there was no adverse comment during floor action on the bill. Now, several Members of the House are promoting similar legislation in this body.

Of course, I believe it is a good idea to take us out of the loop for this year's cost-of-living increase, and I do intend to support this proposal. But I also think we should be looking beyond this October and beyond this specific legislative proposal, which is of a once-only character.

Passage of S. 694 or similar legislation will do nothing to correct the major problems now found in our congressional salary adjustment mechanisms. Rather, it would merely let us off the hook temporarily and perhaps permit us to postpone once again the needed procedural reforms.

On several occasions, Mr. Speaker, I have used this forum to point out that there are certain defects inherent in our present mechanisms for congressional pay raises. Correcting these structural flaws seems to me to be far more important, in the long run, than focusing our attention solely on the short-term question of how much more money we may or may not receive this October.

The most glaring problem with the present Quadrennial Commission and cost-of-living increase laws is, of course, the ability of Congress to raise its pay without any vote occurring. At a minimum, I believe the existing statutes should be revised to require a recorded vote by the Members of both Houses before a pay raise could go into effect.

There is another, more fundamental, matter that must be addressed as well. This is the problem of Members of Congress now being placed in the position of having to decide on their own salaries. It is bad enough that this situation has existed for a number of years, but now we find ourselves placed in this difficult situation at regular intervals.

After we finished debating the new congressional code of ethics which I support, I identified this situation of voting on our own salaries as being the biggest single conflict-of-interest problem that remains to be resolved. See the CONGRESSIONAL RECORD for March 7, page 6458. In my opinion, it is an unquestionable conflict-of-interest for us to be deciding—either by our vote or our failure to vote—on current congressional salary levels, a matter of immediate and personal financial interest to each and every one of us.

On the first day of this Congress I introduced a bill, the Congressional Pay Raise Deferral Act, H.R. 1365, that would change the law so that no increase in congressional salary could occur until the start of the Congress following the one in which it is approved. The entire House and one-third of the Senate would have to stand for election during the interval between approval and receipt of the higher salary.

In this way, we no longer would be deciding directly on our own salaries, but instead on the salaries of those who will be elected to serve in the next Congress. Also, this would assure our constituents a better opportunity to assert their views on this very sensitive subject.

On January 24 I placed in the RECORD—page 1912—a list of the 37 States whose constitutions prohibit State legislators from raising their own salaries during their term of office. That list included my home State of Ohio.

And on February 3 I placed in the CONGRESSIONAL RECORD—page 3485—an article tracing the history of congressional pay raise deferral proposals back to 1789, when James Madison proposed a constitutional amendment to this same effect.

Last month, President Carter twice specifically endorsed the concept of congressional pay raise deferral. Also, the House Post Office and Civil Service Committee's ad hoc subcommittee that was formed to consider the Quadrennial Commission's proposals also heard a great deal of testimony on the merits of congressional pay raise deferral. At the conclusion of these hearings, the panel's chairman, BILL FORD of Michigan, indicated that the final report would endorse this idea in principle.

Currently, the Post Office and Civil Service Committee is forming a special ad hoc legislative panel to consider proposed reforms of our congressional pay adjustment mechanisms.

The Congressional Pay Raise Deferral Act is now cosponsored by over 90 Representatives, and has received widespread support from the public and the news media. It is an idea whose time has come.

So, yes, I do support the proposal that Members of Congress should not be included in the anticipated 6.5 percent cost-of-living adjustment that is due this fall. But I sincerely hope that before then we will have enacted H.R. 1365, or some similar measure, in order to affect some meaningful long-term reform.

Because if we do not soon change the law regarding the processes of congressional salary deliberations, we repeatedly will find ourselves in the awkward position of once again deciding on our own salaries. The solution to this problem is simple and popular. All that remains is to do it.

MRS. FRANCES P. BOLTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today would have marked the 92d birthday of our former colleague, Mrs. Frances P. Bolton. Mrs. Bolton's death early this month saddened all of us who had the good fortune to know and work with her.

While I and other Members have previously paid tribute to Mrs. Bolton, I wish to take the occasion of her birthday to again reflect upon the life of this truly remarkable public servant.

What I most vividly recall about this gallant woman was her drive and determination. Neither her age nor sex were ever barriers in the way to serve her country and speak her mind. Whenever she set her sights on something, she went after it with all the grit and energy she had. With quiet dignity and lively wit, she captivated her audiences and achieved her objectives. Convinced the Nation needed an Army School of Nursing in World War I, private citizen Bolton sold the War Department on the idea and the school was established. Later in World War II, her legislation created the Cadet Nurses Corps. Indeed today, the nursing profession is indebted to her for her pioneer efforts.

No idle visionary, Frances Bolton was interested in results—getting things when they had to be done. When the overview of George Washington's Mount Vernon was threatened by commercialization, Mrs. Bolton purchased the 500 acres, thus preserving the home's splendor.

Born to wealth, Mrs. Bolton nevertheless exhibited throughout her life uncommon compassion for those less fortunate than herself. She understood the needs and hopes of America's working men and women. In public she fiercely championed the rights of women and minority, devoting herself to expanding their educational and employment opportunities. In private she gave her time, boundless energy, and wealth to innumerable philanthropic causes.

It was a rare privilege for me to have served with Mrs. Bolton, whose life of service to others is an inspiration to all of us.

REMARKS ON RECOMBINANT DNA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLLENBECK) is recognized for 5 minutes.

Mr. HOLLENBECK. Mr. Speaker, the series of hearings which started today in the Science, Research and Technology Subcommittee of the Science and Technology Committee should help separate fact from fiction concerning recombinant DNA research now underway in the United States.

It was only a generation ago that

James Watson and Francis Crick made their epic discovery of the precise molecular structure of DNA, the substance which carries the determining hereditary chemicals or genes. Since then research on DNA has progressed almost at a logarithmic rate, as has controversy surrounding it.

The prospect of DNA recombinant molecule research or genetic engineering conjures up mixed feelings among the general public. A large part of the dilemma facing most citizens is the honest desire to understand the benefits and hazards which surround this scientific endeavor without the distortion or theatrics which 30-second spot news features sometimes contain. Whatever the pros and cons of recombinant DNA research may be, the public's interest has been sparked and can only be satisfied by a thorough review of what this emerging science holds for us in the future.

The issue of DNA research contains elements of both science per se and public policy. The purely scientific questions focus on prospects for the development of recombinant DNA research and what it offers in terms of improving the human condition as well as agricultural applications. The apprehension lurking in the back of many persons' minds is that the same powerful technology which produces such genetic breakthroughs might one day backfire and cause irreparable harm to our environment or to the human race. One goal of the DNA hearings is to shed light on whether such an apprehension is well-founded or exaggerated. If the apprehension is well-founded, then the next step is to search for a means of containing any possible adverse reactions without jeopardizing our use of any beneficial applications of genetic engineering. Recent developments and research on natural selection at the molecular level may again change the emerging picture.

These considerations involve substantial public concern and require a corresponding evidentiary input. The evidence presented during this series of hearings could shape the future direction of American public policy on recombinant DNA research. I am sure we all look forward to learning more about this intricate field in the coming months so that we can make a well-informed, objective, and analytic contribution to legislative consideration of the future of genetic engineering.

LET US DO WHAT HONOR DEMANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, I am today introducing a resolution directing the interment of an Unknown Soldier from the Vietnam war at Arlington National Cemetery.

The men who answered their country's call in Vietnam are entitled to the same recognition accorded those who served in other wars.

The courage and conviction, determination, and devotion that these men displayed in a strange, distant, and unpopular war must place them in the very front ranks of all the heroes in our history to whom the concept of "duty' was more than a word.

The President has granted a full pardon for Vietnam-era draft evaders. The Pentagon announced yesterday a review and upgrading of undesirable and general discharges, as a program of "forgiveness and compassion."

When are we going to do what honor demands?

I know of no more appropriate time for the Congress of the United States to put itself on record by honoring those who, at great sacrifice, served in obedience to the law, above and beyond the call of duty.

Congress has already authorized a special crypt at Arlington National Cemetery. The crypt has been constructed. There is no display of medals, ribbons, and tributes to honor the Vietnam veterans. These tributes are displayed only after the interment of the Unknown Soldier.

I urge my colleagues to join with me in cosponsoring my resolution.

Let us do what honor demands.

LEGISLATION TO ALTER POLICY FOR LEASING PUBLIC DOMAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, today I am introducing, with Congressman SEIBERLING and several of our colleagues from the Interior Committee, a bill to alter the policy for leasing the public domain.

This bill would not allow leases granted after 1980 to be awarded to companies that are horizontally or vertically integrated, or that are oil giants involved in joint ventures with other giants.

One of the responsibilities of the Interior Committee is to insure that the public domain is developed in a manner that best serves the interests and needs of the Nation. Traditionally, resources on public lands have been leased in accordance with the needs of the developers. While this may have been sensible in the 19th and early 20th centuries when we seemed to have an endless supply of resources and wanted to build an industrial base as quickly as possible, our perspective is different now and our leasing policy should be modified.

A major portion of the remaining energy resources are located on or under Federal lands. The Federal Trade Commission estimated that the Federal Government owns 40 percent of the total U.S. coal resources, 60 percent of the Western coal; 100 percent of OCS reserves, past State borders, and the OCS provided 16 percent of gas and 11 percent of oil produced in 1974; 80 percent of high grade oil shale; 50 percent of geothermal resources; and 50 percent of high quality uranium.

I plan to hold hearings in the Interior Committee to examine how such legislation could change the pattern of development of the public lands.

In closing, I would like to include a statement from "Horizontal Divestiture of Energy Companies and Alternative Policies," a booklet prepared by Hossein G. Askari, Timothy W. Ruefli, and Michael P. Kennedy for the Graduate School of Business at the University of Texas at Austin. This booklet is the result of studies financially supported by a gift from the American Petroleum Institute:

There is available another policy to influence directly the level of horizontal concentration, and thus indirectly influence competitiveness. The reason for the existence of this alternative policy, as shown earlier, is that in the United States a large share of the proven and potential energy reserves is under government, chiefly federal, lands. In a real sense, the federal government is the monopolist in U.S. energy, and its behavior is critical to the future development of energy supplies in the U.S. Recent debates in the area of energy have focused on direct legislative action, without taking into account the federal ownership of energy resources. In the future, coal, and to a lesser extent shale, will be dominant resources; and since the federal government holds such substantial amounts of these resources, it has wide control over the future of the U.S. energy picture. In this role, it must make its decisions about mineral resource leasing in a way that promotes U.S. energy goals.

To be specific, the federal government, through its leasing policy, can influence horizontal concentration levels without incurring the costs of divestiture. Other energy goals must of course be considered by the government in its exercise of its policy prerogatives. The government could, for instance, promote lower concentration by limiting leases to companies which have a small part of the national market. The government could also promote increased regional competition by leasing only land to companies that have a small part of a particular regional market. Such federal leasing policies should be coordinated with state governments, since state lands are bordered by government holdings and in many cases the state lands are too small to be economically developed.

Government policies toward the leasing of such land are critical both to U.S. energy goals and to the general functioning of the energy sector, especially with respect to increased competition. In view of the relative importance of government holdings, the government can use leasing policies to maximize any objectives function it desires. Thus it is most appropriate to examine leasing policies with a view to their impact on important energy goals.

CORRECTION IN THE TEXT OF H.R. 5064

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

Mr. LEVITAS. Mr. Speaker, 2 weeks ago, on March 15, I introduced the proposed Disability Insurance Amendments of 1977, H.R. 5064.

I have just learned, though, that a line was inadvertently omitted from the text of this bill. On page 4, between lines 12 and 13, the words "in the national economy, regardless of whether such work exists" should have been included. This change, with the additional words underlined for emphasis, will make the

sentence beginning on line 4 read as follows:

An individual (except a widow, surviving divorced wife, or widower for purposes of section 202 (e) or (f) shall be determined to be under a disability only if his physical or mental impairment or impairments, and their effect upon him, are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, degree of literacy, work experience, and residual skills, engage in any kind of substantial gainful work which exists *in the national economy, regardless of whether such work exists* in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work.

SMALL BUSINESS DEVELOPMENT CENTER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. BALDUS) is recognized for 5 minutes.

Mr. BALDUS. Mr. Speaker, I am introducing today a bill entitled "The Small Business Development Center Act of 1977." The bill provides authority for the Small Business Administration to establish Small Business Development Centers at cooperating universities to aid small businesses with their management problems. As importantly, the Small Business Development Centers would develop information, data and research for small business.

The need for management assistance for small business is profound. Over 400,000 small businesses fail each year. This predictably dislocates 1,000,000 people, approximately, and greatly affects competition in the market areas these businesses occupy.

The SBA reports that 90 percent of these failures are traceable to lack of managerial skill on the part of the entrepreneur. SBA is aware of this problem, and in fact has management assistance programs in effect at present, most notably the Small Business Institute and the management information and training program.

Clearly, however, this limited emphasis on management assistance by SBA is not enough. As a matter of perspective, nearly 70 percent of SBA's personnel devote themselves to operation of the loan programs. The management assistance programs are understaffed and relatively limited. Yet, it is clear that management assistance would be a key factor in the small business survival given the proper priority. The benefits would undoubtedly show up in a saving to the loan program.

Presently, the SBA has in existence a pilot program called the Small Business Development Center program. This program, while given only limited funding has been eminently successful in terms of participation by small businessmen. This program, while effective, is in need of expanded staff and financing.

I believe a real benefit to small business across the country will accrue from this program. Small Business Development Centers will provide for small business what the Agriculture Extension Service did for agriculture. The program will help infuse small business with the creativity, resources, fresh approaches, and talents of the universities. It will acquaint our youth with a practical business sense, at the same time that it provides entrepreneurs with management assistance.

Furthermore, it is my hope that this program will bring to small businesses what the Federal Government has failed to provide: A body of research, information, data, and analysis which will help to give small business a clearer picture of itself. Hopefully, this will lead to clearer and more universal definitions of small business, something of which we are sorely in need.

Let me briefly address myself to the bill. This is a companion bill to S. 972, introduced by the Honorable Senator NELSON in the Senate on March 10. Hearings were held on the bill March 23, and action is taking place on it this week.

The responsibility for administering the program will be assigned to the SBA. The bill authorizes some changes and additions to the organization in order to adequately manage the program. Appropriate changes will be made at the SBA.

An analyst will be assigned to each problem and will stay with it through the entire process. Eventually, various centers will begin to develop general approaches to the needs of the area, utilizing the resources available to the university. Other centers will do depth research, provide innovation centers, and develop and share technology. The bill also provides for a network of the centers so that centers can refer clients with special problems to the location with the resources which can best solve the problem.

The Assistant Administrator of Management Assistance will be upgraded to the Associate Administrator for Management and Technical Assistance who, in addition to his current duties, will assume the responsibility for this new program. A new position of Deputy Associate Administrator for Management and Technical Assistance is created. This person will report to the Associate Administrator for Management and Technical Assistance and will have sole responsibility to administer the small business development center program and to serve as a member of the SBA Management Council.

An advisory board is established to assist the Deputy Associate Administrator in setting policy, selecting participating universities, and establishing budgets. The board shall be appointed from universities, small business, associations representing small business, and other Government agencies who have programs that interact with this program.

Universities wishing to participate in the program will make application to the SBA, demonstrating their capability to provide the necessary assistance to small business. Since the act specifies that the Federal Government will fund only 75 percent of the center's expenses, the application will also include budget data and the source of the additional funds. The local funding availability plus the general attitude of the university toward community service are important ingredients to insuring the success of the program.

The act intends that the program will evolve gradually. Fifteen million dollars is authorized for grants and administrative expenses for fiscal year 1978.

In addition to creating centers, the act calls for the establishment of research grants to be awarded to universities for specific studies of problems that affect small business, on a broad scale. The bill authorizes $5,000,000 for these grants for fiscal year 1978.

This bill provides a long awaited investment in the kind of free enterprise small business represents. It is a necessary commitment, and a minimum commitment to the long term improvement of the lot of small businessmen.

I am including a text of the bill for the RECORD:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Small Business Development Center Act of 1977".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) small business concerns rarely have access to useful and practical advice, information, and services of the types which are available to large business concerns or, through the Department of Agriculture extension service, to farmers and agricultural business concerns;

(2) small business would benefit from the availability of a single source of assistance in obtaining loans and developing equity capital, in obtaining, interpreting, and applying analysis, advice, training and information including but not limited to management, market, or product development, manufacturing, finance and technical information, in obtaining technical advice and assistance relating to government regulation, policies, and legal problems, and in the development of entrepreneurs; and

(3) Universities are aware of local problems and local conditions in the business communities in the United States and are better equipped than the Federal Government to develop and establish programs designed to aid small business concerns in such communities.

(b) It is the purpose of this Act to stimulate economic diversity and to foster competition by encouraging the development of Small Business Development Centers through a grant program giving Universities wide flexibility in developing and establishing centers to aid in the development and growth of existing and new small business concerns.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Administration" means the Small Business Administration;

(2) the term "Center" means State Small Business Development Centers and regional Small Business Development Centers established or operated with assistance furnished under this Act;

(3) the term "Board" means the Small Business Development Center Advisory Board;

(4) the term "University" means any public or private non-profit institution of higher education which is located in any State; and

(5) the term "State" means a State of the United States, the District of Columbia, or any territory, possession, or commonwealth of the United States.

CENTER GRANTS

SEC. 4. (a) The Administration, acting through the Associate Administrator for Management and Technical Assistance, is authorized to make grants to Universities to assist them in developing and operating Centers to carry out a program of furnishing small businesses with a broad range of advice, information, and assistance.

(b) The Administration shall maintain a clearing house to provide for the dissemination and exchange of information between Centers, including information obtained under section 8 of this Act.

APPLICATIONS

SEC. 5. Assistance under section 4 shall be made available to a University only if that University has submitted an application to the Administration containing such information and assurances as the Administration may prescribe to assure that the University is competent to carry out activities eligible for assistance under this Act.

LIMITATIONS

SEC. 6. (a) Except as provided in subsection (b), a grant to finance the operation or development of a Center may not exceed 75 percent of the cost of eligible activities in the operation or development of the Center, as determined by the Administration, after a thorough review of the program budget submitted by the University. Assistance made available pursuant to this Act may be used only to support activities described in section 2(a)(2) or such other comparable activities as are approved by the Administration that are designed to benefit small business concerns by providing direct information or assistance or by providing access to business analysts who can refer small business concerns to available experts or consultants.

(b) The Administration may waive the 75 percent limitation contained in subsection (a) with respect to a grant to a regional Center which shall assist and cooperate with State Centers in carrying out capital intensive research or activities involving product innovation, technological opportunity analysis, or other high cost activities which are approved by the Administration.

PROGRAM MANAGEMENT

SEC. 7. (a) There is hereby established in the Small Business Administration a division to be known as the Small Business Mangement and Technical Assistance Division. The division shall be headed by an Associate Administrator for Management and Technical Assistance who shall be appointed by the Administrator, and shall receive compensation at the rate provided by law for other Associate Administrators of the Small Business Administration.

(b) The Administrator shall appoint a Deputy Associate Administrator for Management and Technical Assistance who will report to the Associate Administrator for Management and Technical Assistance, and who will be a member of the Management Board of the Administration.

(c) The sole responsibility of the Deputy Associate Administrator for Management and Technical Assistance shall be to administer the Small Business Development Center Program. His duties shall include, but are not limited to, establishing the annual program budget, reviewing the annual budgets submitted by each Center, establishing appropriate funding levels therefor, selecting Centers to participate in this program under this Act, establishing policies implementing the provisions of this Act, reviewing applications for research grants under section 8 of this Act, and conducting audits of recipients of grants under sections 4 and 8 of this Act. The Deputy Associate Administrator for Management and Technical Assistance shall confer with and seek the counsel of the Board in carrying out his responsibilities described in this section.

(d)(1) There is established a Small Business Development Center Advisory Board which shall consist of 14 members, 9 of whom are to be appointed from civilian life by the President, by and with the advice and consent of the Senate, and shall be persons of outstanding qualifications known to be familiar and sympathetic with small business needs and problems. Of the 9 members so appointed, no more than 3 shall be from Universities or their affiliates and 6 shall be from small business or associations representing small business. At the time of the appointment of the members of the Board, the President shall designate at least one-third of the members and a minimum of 1 member from each category whose term shall end one year after the date of his appointment, and a second third whose term shall end 2 years after the date of his appointment. Members of the Board not designated for one or two year terms under the preceding sentence and the successors of all members of the Board shall have terms of office of three years. The other members of the Board shall be the National Science Foundation Director of the Office of Small Business Research and Development, Assistant Secretary of Commerce for Economic Development, Assistant Secretary of Commerce for Science and Technology, Assistant Secretary of Health, Education, and Welfare for Education, and the Assistant Administrator for Industry Affairs and Technology Utilization of the National Air and Space Administration.

(2) The Board shall elect a chairman and advise, counsel, and confer with the Deputy Associate Administrator for Management and Technical Assistance in the carrying out of his duties as described in section 7(c) of this Act. The Board shall meet at least quarterly and at the call of the Deputy Associate Administrator for Management and Technical Assistance. Each member of the Board, other than representatives of the Federal Government shall be entitled to be compensated at a rate not in excess of the per diem equivalent of the highest rate of pay for individuals occupying a position under GS-18 of the General Schedule for each day he is engaged in activities of the Board and shall be entitled to be reimbursed for his necessary expenses as a member of the Board.

RESEARCH GRANTS

SEC. 8. The Administration acting through the Associate Administrator for Management and Technical Assistance, is authorized to make grants to universities, public and private organizations, and business concerns, to support research to identify and solve managerial, economic, financial, operational, technological, or other problems which affect small business concerns. To carry out its activities under this section, these are authorized to be appropriated not to exceed $5,000,000 for fiscal year 1978.

AUTHORIZATION

SEC. 9. There are authorized to be appropriated for grants under section 4 of this Act and for salaries and expenses under section 7 of this Act not to exceed $15,000,000 for fiscal year ending September 30, 1978.

REPORTS

SEC. 10. The Administration shall transmit annually to the Committees of Small Business in the Senate and the House of Representatives a report on its activities under this Act, and for the purpose of preparing such a report, the Administration is authorized to require any recipient of assistance under this Act to furnish it with such information annually or otherwise as it deems appropriate.

HON. RAY ROBERTS, CHAIRMAN OF THE COMMITTEE ON VETERANS' AFFAIRS EXPRESSES DISAPPROVAL OF PARDONS FOR DRAFT EVADERS AND UPGRADING OF BAD DISCHARGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ROBERTS) is recognized for 5 minutes.

Mr. ROBERTS. Mr. Speaker, yesterday Secretary of Defense Harold Brown announced that the President approved his plan to consider upgrading more than 432,000 undesirable and general discharges issued to veterans who served during the period August 4, 1964 through March 28, 1973.

Service members presently in a desertion status will be eligible to participate in the program.

In a letter to the President dated January 6, 1977, I expressed my opposition to his decision to grant pardons to draft evaders. I informed the President that I thought it would be a tragic mistake to give serious consideration to the upgrading of "bad discharges" and that I would strongly oppose any such proposal.

Mr. Speaker, the action taken by the Carter administration yesterday could cost the Federal Government more than $100 million in veterans' benefits for individuals whose conduct and behavior while on active duty were less than desirable. This comes at a time when we are having extreme difficulty obtaining adequate benefits for various veterans' programs, especially the funding necessary to maintain the quality of medical care mandated by Congress for those who served with honor and distinction and who were injured on active duty while serving in Vietnam.

I question the priorities of this administration as I did with the past administration concerning benefits and services for veterans. Prior to leaving office, President Ford directed the Secretaries of the various service departments to upgrade certain discharges of those who had applied to his Clemency Board unless there were compelling reasons not to upgrade such discharges. I understand the Veterans' Administration has already received approximately 180 cases resulting from this action and the total number, I am told, may exceed 500.

This administration has gone beyond that recommended by the previous administration and is now directing the various military services discharge review boards to upgrade discharges by categories for thousands of veterans. In addition, the Board must review, on a case-by-case basis, hundreds more. In addition to the $100 million in veterans' benefits that must be paid by the Federal Government as a result of this action, according to the Department of Defense, additional manpower necessary to carry out the procedure for review of these discharges will exceed between $1.7 and $2.4 million. I feel the estimate is far too low. The cost for publicity alone necessary to inform those with bad discharges the procedure under which they may apply will exceed $4.7 million. If

military counsel is provided applicants as proposed, it will cost the Federal Government more than $14 million. I believe most individuals seeking counsel will demand civilian counsel and this cost alone could exceed $100 million. In addition, increased costs to the General Services Administration for identifying and pulling the records will certainly be hundreds of thousands of dollars and could go into the millions.

Mr. Speaker, I regret the President's decision. He is wrong. It seems to me the administration is, in a unique way, taking from those who served honorably and giving to those who served under conditions less than honorable. It simply does not make any sense to me and I would suggest that the overwhelming majority of this body agrees with me.

LEGISLATION PERMITTING IMPORT-EXPORT BANK TO EXTEND CREDIT FOR AMERICAN SALES TO PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes.

Mr. AuCOIN. Mr. Speaker, I am today introducing legislation that will permit the Export-Import Bank of the United States to extend credit for American sales to the People's Republic of China. I am joined in my sponsorship by the gentleman from Illinois (Mr. Price) and the gentleman from Wisconsin (Mr. Reuss).

Until recently, the question of Eximbank financing for sales to the People's Republic was an academic one. China was committed to a policy of purchasing from abroad only by cash or through short-term credits. Economic self-sufficiency was the cry, led by Madame Mao and her radical cohorts.

In the last several years, however, there has been a growing tendency on the part of China to finance purchases on a medium-term basis. These trends have been given further impetus by recent internal changes within the People's Republic. The ascension of Hua-Kuo-feng as premier of China and the purge of Madame Mao, to give but two examples, have further strengthened the hand of those Chinese leaders who can be expected to seek increased foreign trade.

Export promotion banks in Japan and Western Europe moved rapidly to extend lines of credit to the Chinese. The U.S. Export-Import Bank is prohibited by charter restriction from extending credit for sales to China. The first of our bills would amend the charter to correct this. A further limitation on the bank is the Jackson-Vanik amendment to the Trade Reform Act of 1974. The second of our bills would exempt China from that amendment.

As you know, the Jackson-Vanik amendments are aimed at a specific problem in the Soviet Union. But unlike the U.S.S.R., China has not been accused of discriminating in its emigration policies on an ethnic basis. Ethnically, the composition of China is 99 percent Han Chinese. The Chinese Government has not been accused of preventing emigration or of imposing exorbitant fees and taxes on those wishing to emigrate. In fact, as if to make certain that it was never accused of restricting emigration, the Chinese Government has been allowing increased numbers of persons to leave for Hong Kong.

In 1971, the Chinese Government allowed 21,000 persons to emigrate from China. This figure went up to 50,000 in 1973. Moreover, China has longstanding immigration treaties with Australia and Canada to expedite the reunion of families. The U.S.S.R. has no such agreements.

It should be noted that the Export-Import Bank finances American exports to foreign nations, not imports. These bills can in no way be construed as bringing about most-favored-nation treatment of China. Most-favored-nation status primarily concerns lowering of tariffs on goods imported by the United States. This is, instead, a modest but significant step toward more beneficial trade between these countries.

The potential for Sino-American trade, both immediately and in the future, appears bright. According to a recent Department of Commerce study, the lack of improved trade relations between the People's Republic of China and the United States resulted in a loss of more than $468 million in 1972 alone.

In addition to general pressures to maintain the pace of industrial growth, two other factors could strengthen import demand in the coming months. Very little has been revealed about the effects of the Tangshan earthquake of last July. The presence of extensive damage to the heavy industrial sectors, such as steel, iron, and coal may set the backdrop for increased steel and industrial equipment exports. The Chinese Government has already pressured Japan to increase its shipments of specialized steel, especially steel pipe.

Additionally, if the current estimates for the 1976 crop harvest are correct, agricultural production has shown little improvement over that of the last 2 years.

In the long run, China's economic growth depends heavily on imports. The present shift in investment to the industrial sector will stimulate higher growth in both gross national product and imports. On the basis of current economic planning in the People's Republic, it is evident that large markets exist for American exports of agricultural plants and equipment. High priority also is given to mining equipment for the development of the nation's mineral resources and the petroleum, chemical and industrial sector.

I need not remind our colleagues that in this age of mushrooming energy costs and a global energy crunch, China possesses the third largest coal reserves in the world, and has estimated oil reserves that rival those of the Persian Gulf. Without Western technology, however, development of these energy resources will lag. In other fields, too, such as communications and computer technology, the Chinese also are heavily dependent on Western know-how.

The prospect for agricultural imports is promising. It is often assumed that China's imports of U.S. agricultural products are purely temporary, and the result only of poor harvests. This is most doubtful. China has been a net importer of grain since 1961, even following good harvest years. This policy has been necessary to relieve the burden on China's domestic distribution and transportation system, and thus ease the strain of supplying the coastal cities. This policy can be expected to continue throughout the rest of the decade. The long-term outlook for Chinese imports of cotton also are quite favorable, given the limited opportunities for expanding cotton acreage within China itself.

The likelihood of increased Sino-American trade also would be a boon to the economy of the Pacific Northwest. Large, untapped markets exist in China for two of the Northwest's economic mainstays, wood products and wheat. According to one lumber company executive, the market for wood products in the People's Republic could grow many times over the current sales level of $4 to $5 million. The picture for wheat is also promising. The People's Republic has long followed a policy of exporting much of its rice crop to earn foreign exchange and making up the deficit in its cereal needs through imports of wheat. The Chinese are said to be especially interested in importing the more economical soft red winter wheat and soft white wheat which are grown in the East and in the Pacific Northwest.

Today, Pacific Rim trade accounts for 19 percent of America's exports; it is a fertile area for strengthening America's balance of payments position in the years to come. This is significant, when you consider that in February the U.S. trade deficit reached record heights for the second straight month.

By 1980, and coming into full flower by the year 2000, the impact of China's economic potential will be felt around the world. For Americans, the benefits of dealing with China are many and varied. There is the prospect of new markets for American agricultural commodities and technology; there is the promise of greater cooperation and understanding between the world's most technically advanced society and the world's most populous society; and there is the prospect of greater stability all along the perimeter of the Pacific Rim Basin.

This meeting of East and West, of Asia and America, is the promise and the challenge that is before us today.

H.R. 5715

A bill to amend the Trade Act of 1974 to permit the Peoples Republic of China to participate in programs of the United States which extend credits, credit guarantees, or investment guarantees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 402 of the Trade Act of 1974 is amended by inserting after "treatment), such country" the following: "(other than the Peoples Republic of China)".

H.R. 5714

A bill to amend the Export-Import Bank Act of 1945 by eliminating the Presidential determination requirement in connection with trade with the Peoples Republic of China

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 2(b)(2) of the Export-Import Bank Act of 1945 is amended—

(1) by inserting in subparagraph (A) immediately after "(as defined in section 620 (f) of the Foreign Assistance Act of 1961" the following: ", but excluding the Peoples Republic of China"; and

(2) by inserting in subparagraph (B) immediately following "(as so defined" the following: ", but excluding the Peoples Republic of China".

SEC. 2. Section 2(b)(5) of the Export-Import Bank Act of 1945, is amended by striking out "or by Communist China" in the third sentence thereof.

THE SST AGAIN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, on March 17, I introduced an amendment with the support of the gentleman from Arizona, Congressman UDALL, and the gentleman from Ohio, Congressman SEIBERLING. My amendment would have amended H.R. 4088—the NASA authorization for fiscal year 1978—to preclude any funding of an overall plan relating to the development, planning, analysis, and research for an advanced supersonic transport—AST—without an act of Congress specifically authorizing such an expenditure.

The controversy which developed over the AST occurred, because of a mandate in the House committee report which accompanies H.R. 4088—House report 95–67, pages 18–19. The report says:

. . . it is in the national interest for the United States to build an environmentally acceptable, economically viable advanced supersonic transport.

This mandate, although printed in the report, is not stated in the bill itself. The bill seems to contain no provision for the funding of the preparation which the mandate would require.

However in the debate that ensued over this matter—see pages 7758 to 7885 of the March 17 CONGRESSIONAL RECORD—members of the House Science and Technology Committee revealed that at least $15 million under H.R. 4088 would be available for NASA to fulfill the mandate.

I strenuously object to this method of achieving an authorization for the expenditure of public funds. A fair reading of the committee report makes two facts clear: that a mandate concerning the national interest of the entire country is being given to NASA in a committee report and not through the direct passage of a bill—the appropriate method for considering such a mandate—and that NASA is being directed to prepare for the actual construction of a new SST. But rather than providing just my own view or that of someone else's, I think it is important to reprint the exact language of the committee report in order that Members of Congress and others can reach their own conclusions. The relevant excerpt from the committee report is printed below:

EXCERPTS FROM HOUSE REPORT 95–67

COMMITTEE VIEWS

Technology for advanced supersonic transports

The Committee, in its report, "The Future of Aviation," recommended that it is in the national interest for the United States to build an environmentally acceptable, economically viable advanced supersonic transport.

The Committee is concerned because a research and technology base is not being developed in the United States that is adequate to permit development of an American AST in the forseeable future. Since such a development will require more than 10 years even after a 4- or 5-year intensive technology effort, now is the time for careful long-range planning if the United States is to regain preeminence in this field.

The Aircraft Energy Efficiency Program, comprehensively planned in response to congressional requests and now being implemented by NASA, is a most effective way to develop and demonstrate the research and technology base necessary to make possible a new generation of fuel-efficient subsonic transport aircraft in the 1980's. A similar effort is needed for the advanced supersonic transport (AST). Accordingly, the Committee requests that the Administrator of NASA prepare an overall program plan with the goal of achieving technology readiness for such an aircraft by the early 1980's.

The plan should describe the efforts needed in each of the major technology disciplines, the associated costs and the significant milestones.

In addition, an analysis of the broader economic and policy questions should be prepared in conjunction with the program plan.

Among the important factors to be addressed are:

(1) Economic analysis covering investment/return aspects of development implementation.

(2) Societal benefits of supersonic transportation, including trade and communications.

(3) Societal, including environmental impacts from the operation of a fleet of supersonic transports.

(4) Approaches for development financing.

(5) Extent of Federal government participation in the development and alternatives for organizational arrangements.

Furthermore, the Committee expects that NASA will develop these plans in full coordination with DOT, DOD, EPA, other appropriate government and non-government agencies with the aviation industry and with State and local governments in whose area such aircraft will likely be operated. It is essential that adequate comprehensive planning be conducted in advance to insure that the AST will be both operationally and environmentally acceptable at airports where it is intended to be operated.

The results of the outlined study should be available for Committee consideration during the fiscal year 1979 Authorization hearings in September 1977.

SCIENTISTS WARN AGAINST REPEATING MIRV MISTAKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

Mr. BINGHAM. Mr. Speaker, on March 16, 1977, Dr. Jeremy Stone, the director of the Federation of American Scientists, presented some extremely thoughtful testimony before the Senate Foreign Relations Subcommittee on Arms Control that I would like to bring to the attention of the House. Dr. Stone warned the Congress that the Defense Department is on the verge of repeating the same error made in 1970 with multiple independent reentry vehicles—MIRV's—when the United States rushed into deploying a new technology instead of first exploring the possibility of including it in the strategic arms limitation talks. As a result, the United States achieved only a temporary advantage and forced the Soviet Union into developing and deploying its own MIRV's, thereby immensely complicating the problems of arms control.

The technology in question now is the MK12A nuclear warhead and improved guidance system for the Minuteman III ICBM, which the Defense Department plans to start deploying in fiscal year 1978. The higher yield and accuracy of this warhead will give the United States a huge jump in hard target kill capability, that is, the ability to destroy targets such as missile silos which have been specially protected against nuclear blasts. Dr. Stone challenges the all-too-prevalent belief that any and every technological advance is desirable and should be developed and deployed as quickly as possible. His testimony points out the self-defeating implications of this strategy which eliminates any room for negotiating limits on strategic arms and adds impetus to the arms race. I commend this excellent presentation to the attention of my colleagues:

TESTIMONY OF DR. JEREMY J. STONE

It gives me great pleasure to accept the invitation of this most distinguished Subcommittee to participate in its important work. I should like to preface my remarks by explaining that I am not a former government official nor have I, for a considerable number of years, been engaged in work requiring access to classified material. I have, however, been a student of arm limitation problems since 1962 and, for the last six years, have watched government processes closely as Director of the Federation of American Scientists.

PART I: NATIONAL SECURITY AND ARMS CONTROL IMPLICATIONS OF CURRENT STRATEGIC OPTIONS

Of the many things to be said on the general subject of the hearing, I should like to focus on what I believe to be the most urgent national security and arms control implication of a current strategic option.

Today, the central issue in the strategic arms race is the increasing vulnerability of the land-based missiles on each side to the land-based missiles of the other. From every point of view, this development is viewed with alarm.

For the hawks, the problem is the possibility that the Soviet landbased missile force—once MIRVed and modernized—will have the capacity to destroy our 1,054 land-

based missiles with only a portion of its 1,600 land-based missiles. This is the core substantive concern underlying the present-day use by hawks of the phrase "Soviet strategic superiority."

For the doves, the problem centers on the implications of having both sides simultaneously possess the ability to destroy the land-based missiles of the other with a portion of its own. In this case, each side might perceive a considerable improvement in the outcome of a war if its strategic forces struck first, rather than second. During an escalating violent struggle in Europe, for example, these incentives might lead to a mounting, reciprocal, and self-fulfilling, anticipation that each was going to attack the land-based missiles of the other with its own vulnerable land-based force. ICBM firings, which would not otherwise have occurred, might then be induced by fear and fatalism. Indeed, the very fact of land-based missile vulnerability may be inducing both sides to prime their forces to fire on a 30 minute, or lesser, warning, which could lead to ill-considered, or even inadvertent firings.[1]

For the Administration, a further problem lies in the costs of unilateral resolutions of this issue. The increasing vulnerability of our 1,000 Minuteman missiles may tempt the Administration to buy the mobile missile MX at a cost that may involve $30 billion—and to deploy it in hundreds of twenty mile covered trenches, or to hide it among 10,000 semi-hardened shelters in a gigantic shell game. A further (non-financial) cost arises from the fact that MIRVed mobile missiles undermine hopes for arms control by complicating problems of verification while pushing Vladivostok limits upward.

In short, hawks, doves, and the Administration all must agree—each in his own way—that a crucial problem in the strategic balance at this time is the prospect of land-based missile vulnerability. For strategic stability, this issue is more important than any immediately foreseeable reduction in overall aggregates of strategic delivery vehicles; more important than the cruise missile; and far more important than the Backfire bomber.

Perhaps the only costless solution to this problem lies in arms limitation agreements that would prevent the Soviet Union from completing the modernization and MIRVing of its land-based force. In return, we would forego high degrees of counterforce capability which few believe necessary except, at most, as a response to Soviet counterforce capability. Indeed, the most senior proponent of U.S. counterforce capability advised this very Subcommittee in December, 1974 that this was precisely U.S. policy. Secretary of Defense Schlesinger told you, on September 11, 1974:

"We have no desire to develop a unilateral counterforce capability against the Soviet Union. [Deleted]. What we wish to avoid is the Soviet Union having a counterforce capability against the United States without our being able to have a comparable capability. I continue to be hopeful that the SALT [Strategic Arms Limitation Talks] talks will permit both sides to restrain themselves."—p. 3 (Briefing on Counterforce Attacks).

In the light of all this, it will come as a rude shock to most Senators, hawks or doves, that the United States seems about to foreclose this possible negotiation by the deployment of the MK–12A warhead (and the NS–20 guidance system) for the Minuteman III missile.

This can be illustrated by the following graph (not reproduced) which is drawn from page 125 of the official Annual Defense Department Report for Fiscal 1978 presented by former Secretary of Defense Donald Rumsfeld of the Ford Administration and presented to the Congress on January 17 of this year. The graph shows the emerging hard-target kill capability of the two sides projected over coming years. (Hard-target kill capability refers to the ability of the two sides to destroy targets specially hardened against nuclear attack which includes, in particular, the hardened missile silos of the other side).

As the graph reveals, the United States deployment during fiscal 1978 will produce a five year lead in this crucial and strategically most relevant category. What the graph does not show is the magnitude of the hard-target kill capability on either side because—in its unclassified form—the graph is unlabeled.

But the Russians will have no difficulty, as I have no difficulty today, estimating the rough impact of this development. Using newspaper reports of 350 kiloton warheads with .1 mile accuracy, they will conclude that the United States is providing 1650 of its warheads (on 550 Minuteman III missiles) with a hard-target capability that could, on paper, provide each warhead with a high kill probability against each of the approximate 1600 hardened Soviet land-based missiles. In short, the deployment is providing us with what must surely look to the Russians (as it does to me) with a significant counterforce capability. As a result, notwithstanding the larger Soviet throw-weight, its total strategic force is in greater peril than our own and this situation bids fair to continue.

These developments have been foreseen in broad outline for some years. In a background statement in 1972 justifying the Interim Agreement, Kissinger said:

"The Soviet Union has 85 percent of its throwweight in the most vulnerable target, that is to say, its landbased missile.

"The United States has only about 25 percent of its throwweight in its most vulnerable targets, i.e., our landbased missiles.

"In the 1980's, the greater flexibility of our force and the greater vulnerability of their force is very likely to bring about a situation in which the threat to their forces is likely to be much greater than the threat to our total force regardless of what the weight of the individual warhead is."—Henry A. Kissinger, December 3, 1974 backgrounder

This quotation further illustrates the dilemma facing the Russians since the Soviet land-based force is fairly characterized at present as their primary deterrent while our land-based force is second in significance, in our thinking, to our Polaris force.

I want to emphasize that there are a number of other valid universes of discourse in which these strategic developments can be discussed. Perhaps from the perspective of the high-ranking political official—President or Soviet General Secretary—it can be argued with considerable force that deterrence of nuclear war will, nevertheless, be about as great as it can be. Perhaps none of these developments, even if accepted at face value, is about to delude political officials that ICBM's should be used, even if considerable fighting is going on in Europe, because of the number and variety of strategic forces maintained on each side.

Furthermore, from the perspective of the professional missileer, it can be argued that these technological developments should not be taken at face value for another reason since, when other operational considerations (reliability, residual uncertainties, variations in hardness, etc.) are taken into consideration—as they should be—the land-based missile forces will remain useful deterrents for a long time indeed.

But, in between these two perspectives, one must consider the perspective of the bargaining table. Our negotiators will confront Soviet experts burdened with their own worst case assessments. Soviet experts can therefore be expected to ignore a number of valid uncertainties and to have a healthy respect for American technological ability to make missiles work, and American ingenuity in devising war plans.

Second, our negotiators must find some discernable stopping point between the hard-target capability that we and they have, on the one hand, and that to which we and they might verifiably agree to limit ourselves.

These are important major difficulties. My conclusion is that the MK–12A warhead is eliminating any room for negotiating maneuver. I do not, in saying this, mean to imply that Soviet developments are not equally important, in their way, in limiting the options available for negotiation. I simply point to the Rumsfeld graph in showing that it is *our* about-to-emerge five year lead that will likely push the competition in hard-target capability beyond negotiable restraint. Why not bargain?

In short, the point I wish to emphasize today is simple and obvious. If we are going to move to achieve such a substantial measure of counterforce capability against Soviet missiles, will we be able to persuade the Soviet Union to halt its parallel capability in negotiations over the coming months? I do not see how we can.

The situation is embarrassingly similar to that which occurred in 1970. The United States had then a five year lead in the development of MIRV. We were ready to deploy and the Russians were far behind. We know that deployment would make further negotiations over MIRV highly difficult and that Soviet MIRV would imperil our land-based forces as it now increasingly threatens to do. But we failed to take the advice of Mr. Paul C. Warnke, among others, to negotiate; today many, including former Secretary Kissinger are fairly open in expressing their regret that this matter was not more thoroughly investigated. ("I would say, in retrospect that I wish I had thought through the implication of a MIRVed world more thoughtfully in 1969 and 1970 than I did." op. cit.). In sum, we seem to be about to make, almost precisely, the same mistake twice.

I am by no means certain: (a) that it is logistically possible to delay this program; or (b) that an arms control agreement could be designed to balance hard-target kill capability on each side; or (c) that the Russians might agree to halt a program of MIRV and modernization which has been steadily underway for years and in which they have invested several tens of billions of dollars.

But the matter deserves immediate Congressional attention in the context of emerging strategic trends on both sides. In the light of the forthcoming talks in Moscow, it may not be overly dramatic to suggest that the next few weeks may provide the last clear chance to avoid a new round of arms destabilization.

THERE'S NO DEFENSE FOR DEFENSE FUNDS THAT DON'T HELP DEFENDANTS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this morning I had the pleasure of testifying on H.R. 41 before the House Subcommittee on Postal Personnel and Modernization of the House Post Office and Civil Service Committee. The proposed legislation would regulate the collection of chari-

[1] I believe the Defense Department is now considering the possibility of "abort" mechanisms on missiles which would permit missile firings to be aborted after launch; this could only encourage premature and ill-considered firings and strikes as a bizarre and dangerous effort to solve a serious problem with a technological gimmick.

table funds so as to make certain they are used for the purposes for which they were collected.

I testified specifically on three instances I have been made aware of in New York City where large amounts of money were raised for charitable purposes. In each case most of the funds collected were expended on administrative and fundraising costs while few dollars ended up benefiting the intended beneficiaries. Two of these cases involved defense funds, both of which were able to raise large sums but neither of which funneled a significant portion of those dollars to the actual defense of the defendants. There is no defense for defense funds that do not help defendants.

I recommended this morning that H.R. 41 be made more comprehensive and designed to insure that such organizations be more carefully audited so that the public has a way of insuring that public donations solicited by mail or otherwise accrue to the benefit of the contemplated recipient. For the benefit of my colleagues, the text of my prepared remarks follows. I am also appending a series of letters which trace my efforts to bring the records of these defense funds under public scrutiny, copies of the financial reports filed by these funds, and a news article from the New York Times that indicates these funds are not being used for the cause for which they were collected. The material follows:

TESTIMONY OF HON. EDWARD I. KOCH ON H.R. 41

(Before the House Subcommittee on Postal Personnel and Modernization of the House Post Office and Civil Service Committee, Mar. 29, 1977)

Thank you Mr. Chairman for providing me with an opportunity to testify before your subcommittee on the need for legislation to regulate the collection of charitable funds so as to make certain that they are used for the purposes for which they were collected.

Your bill, H.R. 41, deals with regulations that might appropriately be the function of the U.S. Postal Service in that it would require that information needed to be made available to the public be filed with an agency that is equipped to handle such filings. However, I should like to bring to your attention an area which would require, in my judgement, giving the I.R.S. jurisdiction to monitor and investigate these organizations which collect funds for charitable purposes. I should like to provide you with my own research into this matter which has brought me to this conclusion.

I was advised many months ago that two fund raising organizations in New York had raised considerable sums of money which were not properly accounted for. Let me say at the outset that in the State of New York the solicitation of monies from the public is regulated in a limited way, in that reports simply have to be filed with the New York State Board of Social Welfare. Regrettably, few of those reports are ever audited.

As a result of the information provided to me, I asked the New York State Attorney General and ultimately the Social Welfare Board to look at the reports filed by the two organizations: one, Freedom for All Forever Corporation, a fund allegedly for the defense of Hurricane Carter and a second defense fund known as Attica Defense Committee, allegedly for the defense of convicts who had engaged in what became known as the Attica Uprising at the New York State prison. I will append for the permanent record the pertinent correspondence that I have had with both the New York State Attorney General and the New York Board of Social Welfare. Suffice it to say that with respect to the Hurricane Carter fund, the filed report shows that approximately $600,000 was raised in two events, one at Madison Square Garden in New York City and the other at the Astrodome in Houston, Texas. The Madison Square Garden event raised approximately $220,000 and showed a net profit of $108,000. According to the committee's filed report, the Houston event, while allegedly taking in another $379,000, stated that "expenses exceeded income." The New York State Board of Social Welfare is now examining the books of the Hurricane Carter fund.

The second fund to which I have referred, the Attica Defense Committee, allegedly raised a large sum of money, but failed to file the required reports. We have no way of knowing how much they raised, and the Committee is out of existence. When I raised the matter with the New York State Board of Social Welfare, I was advised that "Although Board staff has made several attempts to locate one or more persons who had been connected with the Committee, all efforts along that line have been unsuccessful. When, and if, we manage to contact anyone having knowledge of the affairs of the Committee, we will attempt to secure its records for examination."

The third report which was brought to my attention by a superb reporter, Steve Bauman of Channel 5 TV, and I would like to bring to your attention was filed by the Puerto Rican Day Parade Inc. Committee which shows that in 1975 it raised $93,779 from the public. The expenses listed totaled $75,433 leaving an alleged net balance of $18,366. One of the intriguing expenses listed was the sum of $39,514.39 for "conferences, conventions and meetings". These expenditures were made in relationship to a one-day parade. Another interesting item was the listing of a dance held on June 27, 1975, by that Committee where the gross receipts were $24,500 with the expenses being listed as $22,364 with a "net amount available to charity organizations of $1,443." Mr. Chairman, I am not able to pass judgment on the legitimacy of any of the expenditures of these organizations, but surely audits should be made either on a regular basis or on a spot check basis so that those collecting public funds will know that there is accountability.

Finally, the need for legislation is evidenced by the letter from the I.R.S. dated March 22, 1977, which I am appending and which is summed up by the following portion of that letter:

"In the past, the Service has indicated that public hearings on the many aspects of charitable solicitation and fund raising abuses would be appropriate. We believe such hearings would reveal a multifaceted problem, deserving careful legislative consideration. As matters presently stand, the Service's primary enforcement tool is an examination of the tax returns filed by the organization. Such examinations may be initiated as a result of complaints by members of the public or by a number of more routine selection methods established by the Services to identify returns deserving inquiry."

We should give the I.R.S. the right to "establish uniform accounting requirements to record receipts and expenditures of these solicitations" which their letter clearly indicates is necessary if we are to deal adequately with this very serious matter and the abuses that clearly exist. Apparently, the only returns now filed with the I.R.S. are those which support the tax exempt status of the charitable organization; and what I believe is necessary is that details of collections, whether subject to taxes or not, be filed with the I.R.S. for post-auditing.

In conclusion, Mr. Chairman, the role of philanthropic efforts in our society is an important and laudable one. In 1975 alone, Americans donated nearly $28 billion to charitable causes. Yet, these fund raising operations which have benefited from the generosity of the American public are almost without any regulation whatsoever and no one knows how much of the moneys collected actually reach the intended beneficiaries. If those charities are required to make disclosures at regular intervals and be subject to I.R.S. auditing, the public would be in a position to know what is happening to the huge sums donated for charitable causes and particularly whether they are actually going to those causes or are being shortstopped along the way.

Therefore my belief is, in addition to whatever controls H.R. 41 would impose, that there be additional regulation which would require that charitable organizations file with the I.R.S. the names and addresses of contributors, a detailed statement of expenses, the names and addresses of each payee and that the I.R.S. be authorized to audit these organizations in the same manner as other fiduciaries responsible for the safekeeping of moneys collected by them.

WASHINGTON, D.C.,
November 9, 1976.

NEW YORK STATE BOARD OF SOCIAL WELFARE,
World Trade Center,
New York, N.Y.

GENTLEMEN: I have been advised by the Assistant Attorney General—see the enclosed—that no field audits have yet been conducted with respect to any of the organizations mentioned in that letter. I am interested in ascertaining whether in each of the cases in which money was solicited by these organizations how much went to the direct benefit for the individuals for whose benefit the money was raised, and whether the respective net amounts meet any criteria imposed by our office, particularly with respect to alleged expenses incurred in collecting the gross amounts. I would appreciate having your responses to these questons, as well as knowing why it is that no audits have been made of any of these organizations' reports. The organizations I have referred to are: The Hurricane Trust Fund, The Attica Defense Committee, Attica-Bridge, Inc. (Bridge/Associates, Inc.).

I would appreciate hearing from you as soon as possible.

Sincerely,

EDWARD I. KOCH.

NEW YORK STATE
BOARD OF SOCIAL WELFARE,
Albany, N.Y., November 22, 1976.

Hon. EDWARD I. KOCH,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: You have inquired about the fund-raising activities of The Hurricane Trust Fund, The Attica Defense Committee, and Attica-Bridge, Inc. (Bridge Volunteers/Associates, Inc.). I note, from the attachment to your letter of November 9, 1976, that you already have been furnished with copies of the registration statements and annual reports filed by these organizations.

The Hurricane Trust Fund was a division of Freedom for All Forever Corporation. The corporation registered in October, 1975 with

this Board and on September 8, 1976 filed an annual report for the year ended March 31, 1976. According to said report, contributions, including excess receipts over costs benefiting contributors, amounted to $155,357. Of that amount, $79,445 reportedly was used for the purposes for which the funds were solicited; management and general, and fund-raising expenses amounted to $67,846; and a balance of $8,066 remained in the fund at the end of the fiscal year. Since more than 50% of the funds collected was spent on program, no further action or referral to the Attorney General was indicated. As a matter of policy we would refer to the Attorney General for his review any report which indicated that less than 50% of the contributions received were devoted to program purposes.

The Attica Defense Committee registered with this Board in February, 1972. They failed to file a financial report for the fiscal year ending December 31, 1972 and on October 16, 1973, a notice of cancellation of their registration for failure to file was sent to the corporation in care of its attorney of record, and was returned as undeliverable. Thereafter, a letter from the Clinical Law Center of New York University advised that the Committee was no longer operating and had not been for a number of months.

Attica-Bridge, Inc. (later Bridge Volunteers/Associates, Inc.) registered on July 11, 1973. On July 21, 1975 the corporation filed a financial report for the fiscal year ended September 30, 1974 showing that $18,158 had been received, of which $15,853.34 was spent on program and the balance transferred for use in 1975. There were no fund-raising costs. On July 28, 1976 the corporation's registration was cancelled for failure to file an annual report. Thereafter, the corporation claimed exemption from the registration requirements of the statute on the ground that it had collected less than $10,000. during the previous year and no one had been paid for fund raising.

There are some 7,000 charitable organizations registered with the Board. We can only make field audits in selected cases, either upon a direct request from the Attorney General or where the annual report itself indicates the need for a field audit.

Very truly yours,

BERNARD SHAPIRO,
Executive Director.

STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, N.Y., December 2, 1976.

Hon. EDWARD I. KOCH,
Congressman, 18th District,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I have your letter of November 9, 1976 and regret the delay in not responding at an earlier date.

The reports which I sent to you on October 27th are the annual reports filed by the organizations with the State Board of Social Welfare pursuant to Article 10-A of the New York Social Services Law. These are not reports which are filed with this office. All organizations soliciting or receiving more than $10,000 from the public are required to register with the State Board of Social Welfare and file annual financial reports.

As of the present this department has not received any request from the State Board of Social Welfare to investigate collections and disbursements of these organizations. It would appear to me that questions raised by you should be addressed to that State Board for its consideration. It has the statutory authority to make audits and thereby finds the response to your inquiry. Should the Board find any indication of fraud, it can refer to this department for attention. To the best of my knowledge no audit has been made by the State Board of Social Welfare into the activities of either of these organizations.

I am sending the Board a copy of our correspondence for its information and possible attention.

Very truly yours

LOUIS J. LEFKOWITZ,
Attorney General.
By HERBERT J. WALLENSTEIN,
Assistant Attorney General.

BOARD OF SOCIAL WELFARE,
Albany, N.Y., December 14, 1976.

Re the Hurricane Carter Fund and Attica Defense Fund.

Hon. EDWARD I. KOCH,
Congressman, 18th District,
New York, N.Y.

DEAR CONGRESSMAN KOCH: In accordance with your urging, I am directing that a field audit be made.

Sincerely,

BERNARD SHAPIRO,
Executive Director.

WASHINGTON, D.C.,
December 8, 1976.

HERBERT J. WALLENSTEIN,
Assistant Attorney General, State of New York, Department of Law, New York, N.Y.

BERNARD SHAPIRO,
Executive Director, New York State Board of Social Welfare, Albany, N.Y.

DEAR MESSRS. WALLENSTEIN AND SHAPIRO: I have the responses of each of you. Yours, Mr. Shapiro, dated November 22, and yours, Mr. Wallenstein, dated December 12, to my earlier correspondence raising questions concerning the auditing of the organizations known as The Hurricane Trust Fund, The Attica Defense Committee, and Attica-Bridge, Inc. (Bridge/Associates, Inc.). I am enclosing the entire set of correspondence because each of you is apparently relying on the other to take appropriate action, and nothing is being done.

It is inconceivable to me that with the large amounts raised and the questions that have been raised concerning the use of the monies, neither of you felt it necessary to date to audit these organizations.

May I suggest that field audits are required and that whoever is authorized to do so undertake that obligation. I repeat that on the face of it the March 31, 1976 report filed by Freedom For All Forever Corporation (Hurricane Trust Fund) requires inquiries by your respective offices. To simply accept the statement of the Attica Bridge Inc. that the monies were spent on programs without undertaking an audit makes no sense. When questions have been raised as to what benefits, if any, the Attica defendents received from monies raised on their behalf, I urge immediate attention to these matters, and would appreciate having your response on what you intend to do.

Sincerely,

EDWARD I. KOCH.

NEW YORK STATE BOARD
OF SOCIAL WELFARE,
Albany, N.Y., February 9, 1977.

Re the Hurricane Carter Fund and Attica Defense Fund.

Hon. EDWARD I. KOCH,
Congressman, 18th District,
New York, N.Y.

DEAR CONGRESSMAN KOCH: This is in response to your letter of January 27th, inquiring about the current status of our investigation with reference to the above-named organizations.

The Charities Registration Section of this Board has completed its examination of the books and records of the Hurricane Carter Defense Fund of the Freedom for All Forever Corporation. The audit report based on such investigation is being prepared and a copy will be forwarded to you as soon as it has been typed.

As we advised you in our letter of November 22, 1976, the Attica Defense Committee has been out of existence for several years. Although Board staff has made several attempts to locate one or more persons who had been connected with the Committee, all efforts along that line have been unsuccessful. When, and if, we manage to contact anyone having knowledge of the affairs of the Committee, we will attempt to secure its records for examination.

Very truly yours,

BERNARD SHAPIRO,
Executive Director.

NEW YORK STATE BOARD
OF SOCIAL WELFARE,
Albany, N.Y., February 11, 1977.

Re the Hurricane Carter Fund and Freedom For All, Forever Corp.

Hon. EDWARD I. KOCH,
Congressman, 18th District,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I am enclosing a copy of the audit report prepared by staff of the Board in connection with the examination of the books and records of Freedom For All, Forever Corporation.

A copy of this audit report was referred to the Attorney General's office on February 10, 1977 for his review and any enforcement action he deems appropriate.

Very truly yours,

BERNARD SHAPIRO,
Executive Director.

WASHINGTON, D.C.,
February 15, 1977.

Mr. JEROME KURTZ,
Acting Commissioner, Internal Revenue Service, Washington, D.C.

DEAR MR. KURTZ: Enclosed for your ready reference are copies of correspondence that I have had as well as a recent article that appeared in *Rolling Stone* magazine concerning the Rubin "Hurricane" Carter defense fund.

It is alleged that money raised, to be used to insure an adequate legal defense for Rubin Carter, was misspent and mishandled. At my request the New York State Board of Social Welfare conducted an audit and they have recently turned their findings over to the New York State Attorney General for further investigation and possible prosecution. Due to the fact that monies raised crossed state lines, what regulations does the Internal Revenue Service have to insure that the above described organizations are in fact reputable. If regulations do not exist I would appreciate your informing me whether new legislation is required in order for the Service to have jurisdiction.

I would appreciate your responding to my New York office within ten days.

All the best.

Sincerely,

EDWARD I. KOCH.

INTERNAL REVENUE SERVICE,
Washington, D.C., March 1, 1977.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This will acknowledge receipt of your letter of February 15, 1977, to Commissioner-Designate Jerome Kurtz, with which you enclosed copies of correspondence and an article from *Rolling Stone* magazine regarding the Rubin "Hurricane" Carter defense fund.

I have asked that this matter be reviewed

and we will respond to you as soon as possible.

With kind regards,

Sincerely,

WILLIAM E. WILLIAMS,
Acting Commissioner.

INTERNAL REVENUE SERVICE,
Washington, D.C., March 22, 1977.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of February 15, 1977, concerning the Rubin "Hurricane" Carter defense fund. We apologize for the delay in responding to your inquiry and we hope this has not caused you any inconvenience.

The Freedom for All Forever Corporation (Hurricans Trust Fund) and the Attica-Brinde, Inc. (Bridge Volunteers/Associates, Inc.) are recognized as exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Like all other exempt organizations, their exemptions were granted on the basis of representations made by the organizations during the process of applying for recognition of exempt status. We have no record of recognition of a similar status for the Attica Defense Committee.

The Internal Revenue Service maintains an audit program to review the activities of tax-exempt organizations to ensure that they are operating consistently with the representations made during the application process. Because we share your concern about adherence to these laws, we have forwarded your correspondence to our field office for its consideration. We can assure you that the information you have furnished will be thoroughly evaluated for use within the scope of its audit program.

The Internal Revenue Service has limited authority in the area of charitable solicitations. A specific handicap to enforcement in this area is the lack of any provision in the relevant statutes permitting a review of solicitation material by the Service in advance of the solicitation. Under legislation introduced by Senator Mondale and Representative Karth in 1975, (subsequently reintroduced this session as H.R. 478) the Treasury would be authorized to approve solicitation material in advance, and to establish uniform accounting requirements to record receipts and expenditures of these solicitations. Another bill, H.R. 41, is scheduled for hearings in the Post Office Committee beginning on March 23, 1977.

In the past, the Service has indicated that public hearings on the many aspects of charitable solicitation and fund raising abuses would be appropriate. We believe such hearings would reveal a multifaceted problem, deserving careful legislative consideration.

As matters presently stand, the Service's primary enforcement tool is an examination of the tax returns filed by the organization. Such examinations may be initiated as a result of complaints by members of the public or by a number of more routine selection methods established by the Service to identify returns deserving inquiry.

We appreciate your concern.

With kind regards,

Sincerely,

WILLIAM E. WILLIAMS,
Acting Commissioner.

HURRICANE CARTER DEFENSE FUND

SCHEDULE A—CONTRIBUTIONS

Received directly from public

Direct Mail, $36,905.
Special Events, $118,452.
Received Directly: Public, $155,357.

Allotments

Allotments, None.

Governmental grants

Gov't Grants, None.
Contributions, $155,357.

SCHEDULE A-1—SPECIAL EVENTS

[If more than 2 events, submit a separate schedule using same format]

Item	Total (a)	Event (b)	Event (c)
1. Brief description of activity comprising the event		[1]	[1]
2. Date held		[2]	[3]
3. Gross receipts	600,366	220,578	379,788
4. Costs benefiting contributor	481,914	112,500	369,414
5. Contributions (adjusted receipts) line 3 minus line 4	[4] 118,452	108,078	10,374
6. All other direct expenses	13,750	3,376	[5] 10,374
7. Net amount available to charitable organization	104,702	104,702	

[1] Night of the Hurricane Concert.
[2] Dec. 8, 1975.
[3] Jan. 25, 1976.
[4] Transfer total to schedule A, line 3.
[5] This event resulted in expenditures exceeding receipts; Aowever, the excess was not passed through to Freedom For hll, Forever Corp.

ANNUAL REPORT—CHARITABLE ORGANIZATION

(For year ended 1975, New York State Board of Social Welfare.)

Registration No. 45240)

Puerto Rican Day Parade, Inc.
210 West 50th Street.
New York, N.Y.

Statement of support, revenue, and expenses and changes in fund balances

Public Support and Revenue

Contributions, received directly from the public, $93,799.00.
Total contributions, $93,799.00.

Expenses

Program services, $75,433.00.
Total expenses, $75,433.00.

STATEMENT OF FUNCTIONAL EXPENSES

Puerto Rican Day Parade

Item of Expense

Professional Fees, $500.00.
Supplies, $3,534.50
Telephone, $188.19.
Postage and Shipping, $326.00.
Occupancy, $5,543.00.
Rental and Maintenance of Equipment, $1,185.00.
Printing and Publications, $4,339.94.
Travel, $301.88.
Conferences, Conventions, and Meetings, $39,514.39.
Use to raffle in Puerto Rico, $20,000.
Total, $75,433.00.

BALANCE SHEET WITH COMPARATIVE TOTALS FOR PRIOR YEAR ASSETS

Current funds, unrestricted

Cash, $18,366.00.
Total assets, $18,366.00.

INDEPENDENT PUBLIC ACCOUNTANTS REPORT

We (I) have examined the balance sheet (Exhibit C) of P.R. Day Parade, Inc., as of October 31, 1975, and the related statements of support, revenue, and expenses and changes in fund balances (Exhibit A) and of functional expenses (Exhibit B) for the year then ending. Our (my) examination was made in accordance with generally accepted auditing standards and, accordingly included such tests of the accounting records and such other auditing procedures as we (I) considered necessary in the circumstances.

In our (my) opinion, the financial statements referred to above present fairly the financial position of P.R. Day Parade, Inc., as of October 31, 1975, and the results of its operations and changes in fund balances for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

Our (my) examination has been made primarily for the purpose of forming the opinion stated in the preceding paragraph. The data contained in Schedules A, A-1, C, D, E, F and H, inclusive, of this report, although not considered necessary for a fair presentation of financial position and results of operations and changes in fund balances, are presented as supplementary information and have been subjected to the audit procedures applied in the examination of the basic financial statements. In our (my) opinion, these data are fairly stated in all material respects in relation to the basic financial statements, taken as a whole.

Name of firm or individual practitioner, Anita Vega.

Address, 751 Walton Ave., Bronx, N.Y. 10451.

Date signed, April 23, 1976.

Notes to financial statements are to be attached to the annual report

General information

1. Were there any changes that would affect the information previously filed on the registration statement or amendment sheets with the State Board of Social Welfare? No.

2. Does your organization send "Unordered Merchandise," "Seals," or "Stamps" in its solicitation of contributions? If Yes, describe merchandise: No.

3. Have your organization's books and records been audited by any governmental agency during the year? No.

SCHEDULE A—CONTRIBUTIONS

Received directly from public

General Appeals, Reunions, $92,356.00.
Special Events, $1,443.00.
Total Received Directly From Public, $93,799.00.
Total Contributions, $93,799.00.

SCHEDULE A-1—SPECIAL EVENTS

Brief Description of Activity Comprising the Event. Dance.
Date Held. June 27, 1975.
Gross Receipts, $24,500.00.
Costs Benefiting Contributor, $22,364.00.
Contributions (Adjusted Receipts), $2,136.00.
All Other Direct Expenses, $693.00.
Net Amount Available to Charitable Organization, $1,443.00.

[From the New York Times, Mar. 26, 1977]

BID FOR CARTER APPEAL SUM

Attorneys for Rubin ("Hurricane") Carter and John Artis have said they will ask a court for state funds to appeal the two men's triple murder convictions. Mr. Carter, a former contender for the middleweight boxing title, and Mr. Artis were convicted for the second time last December on charges of murdering three persons in a Paterson, N.J. bar in 1966. They say they are unable to raise the $10,000 needed for trial transcripts.

REPORT ON SERA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I placed a detailed statement in the CONGRESSIONAL RECORD concerning the activities of a tax funded drug addiction rehabilitation program known as SERA which received over $3.2 million a year in Federal, State, and city grants. That statement was entitled "Curiouser and Curiouser" and can be found on page 4784 of the February 21, 1977, CONGRESSIONAL RECORD.

I would like to bring to the attention of the Members of this House, who would be interested in knowing what has developed since that time, a report in today's New York Times which reports on

investigations now underway by the U.S. Attorney's Office in New York working with the New York City Department of Investigation.

The article follows:

BRONX DRUG PROGRAM UNDER INVESTIGATION

(By Howard Blum)

The Hispanic Association for a Drug-Free Society, a Bronx addiction rehabilitation program known as SERA that receives over $3.2 million a year in Federal, state and city grants, is being investigated by a Federal grand jury for "wide-ranging abuses of poverty funds," according to law enforcement officials.

The United States Attorney's Office, working with the city's Department of Investigation, has issued subpoenas and convened a grand jury to hear testimony on:

SERA's recent purchase, with Federal funds, of a building in the East Bronx from a group that included the organization's former lawyer. The group made a $275,000 profit—literally—within hours.

Alleged misuse of Federal funds, forged payroll checks, fictitious enrollment, and the employment of association residents for the profit of the organization's administrators.

Suspected irregularities and criminalities in the group's methadone program, which a police intelligence officer described as "obviously one of the major sources for methadone sold on the streets of the South Bronx."

The widespread mailing of a fictitious and politically damaging letter purportedly signed by Representative Edward I. Koch, which, according to law-enforcement agencies, has been identified through a fingerprint as originating at the association.

Robert Munoz, the executive director of the organization and himself the center of the investigation, said: "S.E.R.A. is definitely the victim of a political plot. All the charges against us are untrue."

Mr. Munoz became executive director of S.E.R.A. in 1973, after the organization's first director was convicted of gun and drug charges. The position is financed by a National Institute of Drug Abuse grant that specifies $35,000 a year as salary and $300 a month for a rented car. The job officially requires only 60 percent of the director's time.

On Dec. 5, 1975, Mr. Munoz was convicted of one count of conspiracy "to use explosives and extort" from Bronx construction concerns.

Thirty-one other counts against Mr. Munoz were dropped, and he was sentenced to 18 months' imprisonment, which was suspended. He was then placed on two years' parole.

Despite Mr. Munoz's conviction he has continued as director of the association, which, as a nongovernmental corporation, has no legal responsibility to remove him. The organization has expanded under his leadership into a multiprogram facility treating more than 300 patients.

Only the city's Human Resources Administration, of all the public agencies financing the association, has criticized Mr. Munoz's continued role in the organization. The agency's Commissioner, J. Henry Smith, has called it "highly improper and inappropriate for him [Mr. Munoz] to serve as executive director," and on Nov. 18, 1976, the agency terminated all contracts with the association.

The association instituted a suit in State Supreme Court in the Bronx demanding that the H.R.A. contract between the organization and the city be fulfilled. Last Thursday Justice Herbert B. Evans held that the contract should be continued during the financing period.

The Commissioner of the Addiction Services Agency, Jerome Hornblass, explained: "S.E.R.A. is delivering a needed service in an adequate manner, we haven't been able to find any evidence of any serious wrongdoing."

Using information provided by the Federal Bureau of Investigation, the city police, the Department of Investigation, the city Comptroller's office, and "a very valuable" Government witness, who is being considered for the Federal witness protection program, the United States Attorney for the Southern District recently convened a grand jury that is expected to hear detailed testimony in the following areas:

PURCHASE OF 1776 CLAY AVENUE

On Jan. 17, 1977, the association purchased the former Hebrews Hospital for the Chronically Sick for $350,000 from the 1776 Clay Avenue Corporation. The terms of the transaction were $25,000 cash, a $50,000 mortgage from the Dime Savings Bank, and a $275,000 second mortgage to the 1776 Clay Avenue Corporation. The funds for the purchase were provided, according to Mr. Munoz, by the association's rent allocation from the National Institute of Drug Abuse. However, according to a spokesman for the institute, the association did not obtain the necessary agency approval for such a transaction.

The United States Attorney's office is also "concerned" by the fact that earlier on the same day, when the association executed its purchase of the building for $350,000, the 1776 Clay Corporation purchased the property from the Hebrew Hospital for the Chronically Sick for only $75,000.

The four principals of the 1776 Clay Avenue Corporation include Murray Richman, Robert Munoz's personal attorney during his bombing and extortion trial and a former corporate attorney for the association, and Efrain Gonzalez, a board member of the National Association for Puerto Rican Civil Rights Inc., whose president is Robert Munoz. The four principals of the corporation have been subpoenaed by the grand jury.

The executive director and at least two other offices of the Hebrew Hospital have also been subpoenaed.

Richard Shedlovsky, the executive director of the hospital, said: "The decision was made by the board of directors. No, we never advertised or consulted a broker. We just thought this was the best deal we could get."

TWO TROUBLING AUDITS

A visit to S.E.R.A. by a member of the city comptroller's staff last September to inspect a $63,195 office-skills training program resulted in a memo that could cost the organization millions in public funds. The memo reported that many of those enrolled in the program were not ex-addicts as the contract with the city required but "mothers from the neighborhood"; that "over half of new placements were for jobs in S.E.R.A. itself," a situation that raised doubts in the Comptroller's office not only about the effectiveness of the program, but also about suspected double-billings and that the city might have been billed for rents and telephone charges totally covered by other Federal contracts.

"It was that memo which got us started on S.E.R.A.," said an official in the Comptroller's office. "We immediately began a full-scale audit."

An interim report in February by Comptroller Harrison J. Goldin on the still-uncompleted audit cited "forged payroll checks, some of them to fictitious names," "no reconciliation of S.E.R.A. payroll accounts for many months" and "questionable charges of rent payments to contracts, although actual payments have not been made."

The final audit, which is expected to be made public next month, will show, according to persons familiar with its findings, "a $200,000 accumulation of unpaid bills and that these unpaid bills are financing nongovernmental or nonacceptable programs."

"It's simply a $200,000 slush fund funded with public moneys to cover unauthorized expenses," a spokesman for the Comptroller's office said.

A recently completed, still-confidential audit by the Department of Health, Education and Welfare of S.E.R.A. has also found irregularities, concluding "that the proposal . . . presented for negotiation of indirect costs for the fiscal year ended June 30, 1975, was not based on the contractor's [S.E.R.A.'s] actual experience or books and records."

The United States Attorney's office is closely following the findings of what they call these "two troubling audits."

METHADONE IRREGULARITIES

Law-enforcement agencies have received testimony asserting that the association's methadone program is receiving Federal funds for unfilled beds, that drugs are dispensed by unauthorized personnel, that arbitrary determination of methadone dosage is commonplace and that nonaddicts are enrolled in the program to create more favorable statistics.

Dr. Christ Zois, the association's medical director, commented on these allegations: "I guess it may be true that people can come in and be put in the methadone program without checking them to see if they are addicts. But we have a policy to deal with everyone who comes in."

A city police intelligence officer commented further: "We've had undercover agents trying to make buys of methadone inside S.E.R.A., but we've never had any success. We're able to go just down the block, though, and buy all the methadone we could want. We know we're buying stuff from S.E.R.A. It's obviously one of the major sources for methadone sold on the streets of the South Bronx."

FICTITIOUS LETTER

Following the Human Resources Administration's decision in November 1976 to terminate its contract with S.E.R.A., Representative Edward I. Koch issued a statement, the first of many, calling for the removal of Robert Munoz as the association's director. Two months later, a fictitious letter addressed to Representative Herman Badillo and purportedly signed by Mr. Koch stating "that we are now faced with a crisis should the city administration fall in the hands of a black Mayor . . ." was circulated throughout New York.

Law-enforcement agencies believe these two events were related. An F.B.I. examination of the fictitious Koch letter discovered a fingerprint belonging to Robert Munoz. And an association employee has told The New York Times that he was an eyewitness while these letters were being prepared by members of the association's secretarial staff.

Mr. Munoz commented: "I had nothing to do with that letter. I cooperated with the F.B.I. and gave them samples of my handwriting. I've got nothing to hide."

BELLA ABZUG: CHAIRWOMAN OF THE NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMAN'S YEAR

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, yesterday President Carter announced the appointment of our former colleague, Bella Abzug of New York, as chairwoman of the National Commission on the Observance

of International Woman's Year. Those of us who know Bella Abzug, both from her service as a Member and since leaving the House, should be pleased with her appointment.

She will bring to that very important position a dedication and expertise that will provide not only the United States but the world with a far greater and much needed understanding of the need for equality without regard to gender in every area. There is no question that women still suffer discrimination throughout the world and regrettably also here in the United States.

Along with Bella Abzug, Mrs. Betty Ford was also appointed a member of the Commission. We all came to know Mrs. Ford when she was First Lady, as a woman of intellect, dedication, and ability as well as being politically even more dangerous to those of us in the other party than her husband.

The 40 other Commission members appointed by President Carter are:

Ruth J. Abram, New York City; Maya Angelou, Sonoma, Calif.; Elizabeth Atahnasakos, Fort Lauderdale, Fla.; Bety Blanton, Nashville; Liz Carter, New York; Seymour M. Chassler, New York;

Ruth C. Clusen, Green Bay, Wis.; Audrey Rowe Colom, Washington; Jane Culbreth, Leeds, Ala.; Harry T. Edwards, Boston; Beverly Everett, New Sharon, Iowa; March K. Pong Eu, Sacramento, Calif.; Bernice S. Frieder, Lakewood, Ohio;

Former Representative Martha Griffiths, Romeo, Mich.; Dorothy Haener, Detroit; Rhea Mojica, Hammer, Chicago; LaDonna Harris, Albuquerque, N.M.; Lenore Hershay, New York; Koryne Horbal, Minneapolis; Mildred Jeffrey, Detroit;

Jeffalyn Johnson, Arlington, Va.; Coretta Scott King, Atlanta; Mary Ann Krupsak, Canapoharie, N.Y.; Margaret J. Mealey, Washington; Jean O'Leary, New York City; Mildred E. Persinger, Dobbs Ferry, N.Y.; Connie Plunkett, Carrolton, Ga.;

Ersa Poston, Loudonville, N.Y.; Cecilia deBurciago Preciado, Palo Alto, Calif.; Claire Randall, New York; Alice S. Rossi, Amherst, Mass.; Gloria Scott, Houston; Eleanor Smeal, Pittsburgh;

Jean Stapleton, Los Angeles; Gloria Steinem, New York; Ethel Taylor, Bela-Cynwyd, Pa.; Carmen Delgado Votaw, Bethesda, Md.; Gerridee Wheeler, Bismarck, N.D., and Abbie Wyatt, Chicago.

RESOLUTION DESIGNATING NATIONAL FOOD SERVICE EMPLOYEES WEEK

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I have introduced a resolution designating a National Food Service Employees Week.

Since World War II, the food service industry has been one of the most rapidly growing of all American businesses. Changes in lifestyles and the steady proliferation of various institutions have spawned an astounding increase in the patronage of both commercial and noncommercial eating places.

One of the results is that commercial eating places alone are generating an unprecedented volume of approximately $40 billion a year.

In addition, the rising needs of health care, educational and industrial institutions have accounted for a combined yield of nearly $30 billion annually.

All told, the industry's total volume has more than doubled over the last decade, reaching $70 billion in 1975, and surpassing that figure last year. With the retail food and automotive businesses, food service is now among the leaders of all consumer industries. It is, in fact, ranked first in retail operating units.

Perhaps the most significant benefit of this surge is in the number of people for whom the industry provides job opportunities. Four million employees—more than in any other consumer industry—provide the energy for its productivity and its contribution to the economy.

The request for this resolution has originated with an organization involved in hospital food service. In that particular field, which is responsible for a $6 billion volume, the employees have taken part in a successful effort to provide for their own continuing education, awarding scholarships for further food service administration study and sponsoring conferences to promote the professional development of industry administrators.

Considering our present struggle with unemployment, the contribution to the economy of food service certainly merits our recognition.

LEGISLATION TO AMEND SO-CALLED DELANEY AMENDMENT OF FOOD, DRUG, AND COSMETIC ACT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I am today introducing legislation to modify the standards by which the Food and Drug Administration tests and restricts food additives, by amending the so-called Delaney amendment of the Food, Drug, and Cosmetic Act. The recent ban on saccharin is an unfortunate example of worthwhile legislative sanction carried to an unpredictable and unreasonable extreme.

The Delaney clause requires the FDA to prohibit any food substance that is shown in tests to induce cancer in humans or animals. The original intention of Congress in enacting this amendment is laudable; its general purpose in prohibiting the introduction of carcinogenic substances is vital to the cause of consumer protection and public health. But, as the recent ban on saccharin demonstrates, this law irrationally prohibits additives that have never been proven to cause even a single cancer in human beings. Beyond the serious risks to those on restricted diets, such automatic prohibitions seriously undermine the agency's credibility in the eyes of millions of Americans who have used these additives for many years without harmful side effects.

My bill is an attempt to correct this problem by introducing a requirement for reason into the FDA test process. Agency scientists and doctors would be required to evaluate test data to determine whether a reasonable causal link exists between the cancer found in test animals and the probability of its occurrence in human beings. If no such relationship could be predicted, but if cancer was still present among test animals, a warning would be issued by the FDA to inform consumers who need or want the additive and are willing to accept whatever risks might be entailed.

A number of other bills have been introducd to address this problem, one of which requires risk-benefit analyses of food additives to determine possible carcinogenic effects. Mine is another alternative. I believe, however, that it more adequately meets the requirements of balancing consumer choice and information with genuine health protection.

The Food and Drug Administration is not to blame for the situation with which we are faced; it simply has carried out its statutory responsibility. It is up to the Congress to redress the statutory excess by introducing the concept of careful scientific prediction in the additive authorization process.

The amendment follows:

H.R. 5691

A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the standard for regulation of food additives found to induce cancer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409(c)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(3)) is amended—

(1) in subparagraph (A)—

(A) by redesignating clauses (I) and (II) as subclauses (I) and (II), respectively, and

(B) by inserting after "shall not apply with respect to" the following: "(i) any food additive found to induce cancer in animals if the Secretary determines that such additive does not present a significant risk to human health, taking into account (I) the totality of all scientific data and information available on the additive, including human experience, (II) the relationship between the amounts of the additive found to induce cancer in animals and the amounts which humans can reasonably be expected to ingest, (III) the scientific validity of the test or tests in which the additive was found to induce cancer in animals, including consideration of the design and execution of the protocol, the analysis of the test results, and other conditions of testing, (IV) current knowledge about the reliability in predicting human cancer from data from the test or tests in which the additive was found to induce cancer in animals, (V) the availability and safety of alternative ingredients which serve the same function as the additive, and (VI) the usefulness of the function performed by the additive in food in terms of nutrition, dietary management of disease, and the cost, availability, and acceptability of food; and (ii)".

(2) by adding after and below subparagraph (B) the following:

"In the case of a food additive with respect to which the Secretary has made the determination described in subparagraph (A)(i), no such regulation shall issue for such additive unless it requires appropriate labeling of the additive or of any food containing the additive that warns of the carcinogenic nature of the additive; and the Secretary shall provide reasonable opportunity for inspection by the public of the data and other information upon which such determination was based.".

THINKING SMALL

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, the New York Times of Wednesday, March 23, carried an excellent "op-ed" piece by John B. Oakes relating to President Carter's proposal to hold up 19 water resources projects. In supporting the President's plans, Mr. Oakes raised some very important issues, particularly relating to the opportunity facing the Nation to make better energy use of existing dams which, presently, do not produce electric power.

Indeed, in checking with the Federal Power Commission, I found that there are 49,000 dams 25 feet high or higher in the country, and only 800 of these are licensed by the FPC to produce power. The potential of the untapped dams could be harnessed simply by adding turbines.

By utilizing this existing national potential for hydropower, we could reduce our dependence on foreign oil by 10 percent.

The Nation's utilities have largely ignored the potential of these generating sites, because they are individually relatively small and do not add as much to the utility rate base as the giant fossil fuel and nuclear plants do. It is time the utilities start thinking small to win big savings in dwindling oil supplies and consumer rates.

In the State of New York, the PFC found 769 dams, of which only 143 are presently licensed for power generation. Commission figures indicate that utilization of the 626 untapped dams could produce enough power to replace at least 7.5 million barrels of oil per year and save New York State electricity consumers $112.5 million annually.

One upstate utility, the Niagara Mohawk Power Corp., has estimated that upgrading 15 of that company's 79 hydroelectric facilities could increase their potential enough to replace 1.2 million barrels of oil per year and save its consumers about $18 million annually. The company estimates that the upgrading could be accomplished for a capital cost of only $150 million, about one-half the cost of constructing an equivalent new nuclear powerplant and with no fuel costs whatsoever. The Niagara Nohawk proposal would be in addition to the power gained by developing the 626 dams not used for power generation in the State.

Obviously, there is a substantial amount of hydropower that could and should be developed in New York, and I am urging New York officials to work with the FPC on a program to realize our real potential.

Power Commission estimates indicate that existing, but untapped, dams in the Ohio River Valley could produce up to 2 million kilowatts of additional power capacity that would replace 15 million barrels of oil per year and save consumers some $625 million annually. Indeed, the city of Vanceburg, Ky., which operates a municipal electric company, is currently installing turbines in two of the Ohio River dams at a cost of less than $30 million apiece. The return will be 140,000 kilowatts of capacity, capable of producing about 620 million kilowatt hours annually at a savings of 1 million barrels of oil per years and $15 million per year.

The proposal involves only dams already in place and would not require the construction of a single new dam. That is the beauty of it, in that we could go back over and do better than we did the first time—and not destroy any wild rivers in the bargain.

The article follows:

THINKING SMALL

(By John B. Oakes)

In his bravest political action since becoming President, Jimmy Carter stuck a knife into one of the most sacred of Congressional sacred cows—and aroused corresponding Senatorial fury—in trying to eliminate 19 major water-resources projects for the excellent reason that they "now appear unsupportable on economic, environmental and/or safety grounds."

Scattered from northern Maine to central Arizona, these projects would cost the nation over $5 billion to complete, not counting the incalculable environmental and social damage some would do by flooding farms and forests, by destroying rivers and by setting short-term priorities that could lead to long-term disaster. But when the President said he intended to cut them out of the 1978 budget and also to re-evaluate the remaining 300 such projects that Congress had previously approved, the roof fell in on Mr. Carter.

The Senate promptly voted, by a nearly two-thirds majority, to block the President from making these cuts; it thereby implicitly rejected his expressed desire to develop with Congress "a coherent water resource policy." The trouble is that Congress doesn't really want a "coherent water resource policy." It never did. It prefers to trade votes for special-interest projects in one part of the country for those in another, regardless of their merits.

This cynical point was well illustrated by Senator Moynihan of New York, a freshman who learns fast. "We shall be grateful for the support of those states we support," he intoned as he voted for the 19 (mainly Western) projects while acknowledging that they would "result in a great flow of funds out of the Northeast"—not to mention their adverse environmental and other effects on the nation.

One of the smaller of the boondoggles, Mr. Carter would like to eliminate, for example, costing a mere $70 million, is estimated even by its sponsor, the Bureau of Reclamation, to produce only 89 cents in return for each dollar spent in providing more irrigation for some 100 Wyoming and Colorado ranches.

One of the larger (but by no means the largest) involves construction by the Army Corps of Engineers of two huge hydroelectric dams near the Canadian border in Maine, at the mindboggling cost of well over a half-billion dollars. Everybody knows that New England needs a cheaper supply of energy than it is getting now; but not everyone agrees with Senator Muskie that this unbelievably costly and environmentally devastating Dickey-Lincoln project (which would flood out more than 250 miles of free-flowing rivers along the Canadian border) is the best way—or even a remotely acceptable way—of getting it.

At a recent energy conference in Washington, every conceivable source of energy supply, except one, was discussed—oil, gas, coal, shale, nuclear, wind, sun, etc. The sole exception was hydro-power. The reason it was ignored is that virtually every large-scale power site is either already in use or—like Dickey Lincoln—is unsuitable for development on compelling economic and/or environmental grounds. But what is overlooked by most energy experts as well as by pork-barrel-minded legislators is the ready availability of thousands of small sites where, at relatively little cost and in relatively little time, electrical generation on a small but practical scale can be easily supplied with minimal environmental damage.

To start with, there are estimated to be some 3,000 small dams on mill streams throughout New England and in other parts of the country as well, which have long since been abandoned but which could easily be restored and fitted with modern turbines and generators to supply local needs. In fact, recent engineering developments make it feasible to generate electricity with far less fall and far less velocity than had ever before been thought practical—and with far smaller turbines.

One expert who hasn't overlooked these possibilities is David E. Lilienthal, former chairman of the Tennessee Valley Authority and of the Atomic Energy Commission, whose name is almost synonymous with huge power projects.

"As one who has been responsible for and an advocate in past years of very large structures," says Mr. Lilienthal, "I'm in a position to say objectively that great size, in this area at least, is no longer a complete economic advantage. . . . This is particularly true where a dam is already in place on smaller streams but is not equipped with turbines. Such in-place dams exist by the thousands and not alone in the Northeast."

Small hydro plants based on such existing dams or locks—and on irrigation canals in the West—could make an appreciable contribution to the energy supply of local communities, industries and rural enterprises, Mr. Lilienthal points out. The "economics of scale" no longer necessarily applies—another sacred cow gone to pasture.

If President Carter can make elimination of Dickey-Lincoln stick—and if David Lilienthal can make his pint-sized power plants go—Americans may yet begin to realize that "thinking big" is not necessarily the answer to all the problems of growth. "Thinking small" may sometimes have its merits too.

MORE ON THE SACCHARIN DEBATE

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, yesterday's edition of the Washington Post carried an excellent column regarding recent Canadian tests that showed saccharin to be a carcinogen. This article by Barry Commoner describes the extensive testing that led to a ban on saccharin in both Canada and the United States and explains the validity and necessity of animal testing. I am inserting the Post article into the RECORD, since I believe it has great value in explaining how and why we regulate substances that go into our food supply.

I am encouraged to learn that a sweetener extracted from the rind of grapefruit holds some promise as a safe substitute for sugar and may be marketed in the United States in the near future.

I must say that I think FDA has handled the matter miserably from the point of view of accurately informing the pub-

lic of the reason for its action. In view of the public outcry that has resulted and the fact that the best solution may be to phase out saccharin over a period of time, thus saving the Delaney amendment, and try at the same time to speed up the approval of a safe substitute.

I am also inserting an excerpt from an editorial in the Baltimore Sun on March 24, 1977, on this subject:

[From the Washington Post, Mar. 27, 1977]

SACCHARIN AND CANCER—RAT TESTS VALIDLY SHOW THE DANGER; THEN IT IS RISKS VERSUS BENEFITS

(By Barry Commoner)

The current controversy about the Food and Drug Administration's decision to ban saccharin, based on tests which show that it produces cancer in laboratory rats, reveals a serious degree of confusion about the significance of such tests and about what steps should be taken to reduce the risk of cancer.

Some claim that tests carried out on rats do not apply to people because of the biological difference between the two species. ("People aren't rats.") Some claim that the results of such tests are irrelevant because they involve extremely high exposures never encountered in human experience. ("A person would have to drink 800 bottles of diet soda per day to be exposed to the amount of saccharin equivalent to that fed to the rats.") Finally, others propose that the Delaney Amendment, which forbids the addition to food of any amount of a substance known to cause cancer in any species of animal, should be replaced by a procedure which balances the anticipated risk of cancer against the social benefits of using the substance.

This confusion is dangerous because it threatens to hinder the most important step that can be taken to reduce the enormous human toll of cancer: that of reducing exposure to environmental agents believed responsible for at least three-fourths of the U.S. cancer incidence.

To begin with, we must understand that because of the unquestionable scientific evidence that most of the U.S. cancer incidence is due to environmental agents, the only possible prevention for the disease is to reduce contact with these agents. Nearly all of these agents are carbon-containing chemical substances, mostly synthesized by the petrochemical industry, rather than occurring in nature. There is sound scientific evidence that most of these substances do not directly trigger the development of cancer, but that they are converted into active carcinogens in the body by the metabolic action of enzymes.

It has also been established that the ability of different animal species to metabolize, or convert, environmental carcinogens into inherently active cancer-causing substances varies greatly. Thus, when fed a particular carcinogen called AAF, rats will almost always develop cancer, whereas guinea pigs will never develop it.

Clearly, the best way to determine what substances cause cancer in people would be to observe the effects of different substances on people. Obviously, since deliberate exposure is unthinkable and because epidemiological data are obscured by long delays and demographic factors, such information is very difficult to obtain. An exception is the kind of intense occupational or accidental exposures that too often occur. Studies of such exposures yield a list of about 10 to 20 substances which can be directly shown to cause cancer in people. But this list is far too short to explain the strong dependence of the incidence of cancer in the United States on the environment which is revealed by the National Cancer Institute's county-by-county survey. Many more substances must be involved; the question is how to identify them.

Meanwhile, tests on laboratory animals, particularly rats and mice, have produced a list now approaching a thousand substances known to cause cancer in one or more species. What does this information tell us about the likelihood that a particular substance will cause cancer in people?

ANY ANIMAL EQUALS SOME PEOPLE

A basic fact that animal tests is this: Laboratory animals are strains which have been intentionally bred into highly uniform populations. Most laboratory animal strains are highly uniform in their sensitivity to carcinogens. In any one strain each laboratory rat is very much like the next one; but as already indicated, one strain, or species, may be very different from the next.

One of the most important factors that determines the sensitivity of a species or strain of animal is the activity of the enzyme system which converts environmental carcinogens into active metabolic products that actualy trigger the cancer. (In the previous example, the rat's carcinogen-activating enzymes are able to convert AAF into the active metabolic product, while the guinea pig enzymes are not.)

Now, the situation in people is vastly different. Human populations are, of course, much more variable in their characteristics than inbred strains of laboratory animals. There is now specific evidence that this variability occurs in the enzymes that are involved in activating environmental carcinogens. For example, according to a recent study of enzyme activity in the placentas of pregnant mice and pregnant women, activity varied by only 10 per cent among individual mice, while among different women, it varied by 7,000 per cent. In this experiment, the women were all cigarette smokers, and the mice were also exposed to cigarette smoke. (This reflects another essential fact about carcinogen-activating enzymes: their production is considerably increased by exposure to a number of environmental agents—of which many, but not all are carcinogens—including tobacco smoke, chlorinated hydrocarbons such as DDT and PCB and certain drugs.)

People then, are more variable than pure-bred strains of laboratory animals in their genetically determined levels of enzyme activity (this may well explain why not all smokers develop cancer); in addition, people are exposed to a much more variable environment of substances (such as tobacco smoke) that can stimulate the carcinogen-activating enzymes.

This very different range of variability among populations of laboratory animals and of people must be carefully considered in interpreting animal tests on carcinogens. In the absence of direct data on people, there is little point in comparing the entire human population to either a population of carcinogen-sensitive rats or to a population of carcinogen-resistant guinea pigs. Rather, because the human population is so variable, it will contain some individuals who react like one species, some who react like the other and many who occupy the whole range in between. Once it is established that a substance is carcinogenic toward *any* species of laboratory animal, it is likely that it will cause cancer in *some* individuals in the human population.

WHY THE LARGE DOSAGE

At this point it is important to consider the actual incidence of cancer observed in laboratory tests and in human populations. The overall annual incidence of cancer in the United States is about 0.3 per cent; and at that rate cancer is the second highest cause of death. A 1 per cent incidence would be huge. To reduce this incidence, we need to know what environmental substances are responsible for incidences of cancers of the order of about 1 per cent.

In order to measure such a small statistical effect in a laboratory experiment, huge numbers of animals would be needed. Therefore, much higher doses of carcinogen are used, so that the cancer incidence among the test animals is usually between 50 and 100 per cent.

The purpose of the animal test is not to determine whether people would get cancer from such high exposures, but only to decide in a feasible, statistically significant way, whether or not the substance will cause cancer in the test animal. Such tests can usually give an unequivocal answer, at the large doses that are customarily used. For example, animals fed large amounts of sugar, aspirin or sulfa drugs do not develop cancer. It is therefore scientific nonsense to assert, as some people have, that "any chemical given in a sufficiently high dose will cause cancer."

To compare the carcinogenic potency of different substances is extremely difficult. According to the most comprehensive evaluation of the carcinogenicity of chemicals, "Comparison of potency between compounds can only be made if and when substances have been tested simultaneously." Since such comparison tests are rare and involve relatively few substances, there is little basis for quantitative evaluation of the potency of most carcinogens, especially where it is necessary to extrapolate from animal data to human beings. However, it is generally agreed that there is usually no absolutely "safe" level for exposure to a carcinogen; low exposures involve a small, but not zero, risk.

In the absence of direct observations of human populations, it is impossible to predict what percentage of the population will develop cancer when exposed to a given concentration of a particular substance over a stated period of time. Except for the relatively few substances (such as vinyl chloride) directly observed to cause cancer in people, those substances shown to be carcinogenic to animals must be regarded as a cancer risk of unknown degree. Animal tests tell us that the risk is *not* zero, but they do not tell us the size of the risk.

RISKS AND BENEFITS

We now come to the question of whether the risk of a carcinogen to people ought to be evaluated against its benefits.

For example, what is the benefit of a carcinogenic dye that makes hot dogs red? If the social purpose of hot dogs is to nourish people, then—leaving aside the argument about what contribution the hot dog itself makes to human nutrition—the dye has no value at all. If "market research" shows that people are more likely to buy red-dyed hot dogs than a competitive brand which is not dyed, then the only social value of the dye is to enable the first company to sell more hot dogs.

In the same way, the social benefit derived from preservatives is that they help make possible the production of foods at large, centralized factories from which they are shipped over long distances and necessarily long times. If a food preservative turns out to be carcinogenic, then the risk must be evaluated not against the benefit of buying "fresh" food but against the relative benefits of preserving food for long shipment, or arranging to produce it locally and to deliver it fresh.

It can be seen, therefore, that once the attempt is made to weigh the risks against the benefits of a food additive—or of any of the numerous synthetic chemicals introduced into the environment by the petrochemical industry—very far-reaching economic, social and even political questions are raised. In practical terms, a substance is designated as a "carcinogen" by animal testing. (A new type of test, in which the ability of a substance to ifduce genetic changes, or muta-

tions, in bacteria is used to predict its carcinogenicity toward laboratory animals, promises to deliver this information more rapidly than animal tests.) Once this information is in hand, a decision regarding whether and how human exposure to it is to be controlled becomes inescapable. Such a decision can be made in two alternative ways:

1. Absolute (i.e., the Delaney Amendment): This approach involves the decision that, given the disastrous health effects of cancer, no benefit from a particular substance is worth the risk, however small it may be. And, evidence that a substance causes cancer in a laboratory animal means that some people also run the risk of cancer. Accordingly there is scientific support for the *scientific* assumption inherent in the Delaney Amendment—that a positive animal test for carcinogenicity is evidence of a risk to people. In effect, then, this approach involves no further evaluation by society, other than the assertion that no risk of cancer to people is ever, under any circumstances, to be deliberately induced. No evaluation of benefits is undertaken in this approach. Thus, once the absolute evaluation of the importance of the cancer risk is accepted, the decision rests only on a purely *scientific* fact: that, on the basis of animal tests, a substance is or is not carcinogenic.

2. Relative (i.e., risk/benefit evaluation): This approach is now being urged in opposition to the Delaney Amendment. In keeping with the approach used to evaluate general environmental hazards, this method asserts that action should be based on the socially perceived balance between the carcinogenic risk of exposure to a substance, and the benefits to be derived from using the substance. For example, the risk of cancer from using saccharin would be balanced against the benefits it yields in weight control or in the diet of diabetics. This approach involves the scientific evaluation of the risk of cancer, as well as the scientific evaluation of the benefits associated with a substance. However, balancing the benefits against the risks belongs not to the domain of science, but to society. The assessment is a value judgment—a *social* rather than a *scientific* process.

In order to ensure an informed social evaluation, the magnitudes of the risks and benefits need to be scientifically evaluated. As already pointed out, animal tests about a given carcinogen can produce a vital but qualitative conclusion: that the risk of cancer among exposed people is not zero. On the other hand, the benefits of a substance, such as saccharin, can often be assessed over a wide range of values.

For example, if saccharin is essential in the diet of a diabetic, it has the considerable benefit of extending human life. In contrast, saccharin used in the massive marketing of "diet soda," which for most people could be replaced by another product, can be assigned a much lower benefit.

Similarly, the social benefit of an antileukemia drug which is itself carcinogenic may be quite high, whereas the social benefit of a carcinogenic food dye is very low.

In the same way, the use of polyvinylchloride—from which the carcinogen vinyl chloride may leach—may have a very high social value in an artificial heart valve, because there is no substitute for this essential function. In contrast, the use of the same polyvinylchloride in food packaging has a much lower social value, because safer substitutes, such as glass or paper, are available.

Thus, if we choose the option of balancing the risks and benefits of carcinogens we face a rather unusual situation: While it is possible to attach a wide range of values to the various possible benefits of using a carcinogen, about all that can be said about the risk is that it *does* or *does not* exist. Given this situation, the practical course of making the social risk/benefit judgment can take one of the following general forms:

1. If, balanced against the fact that the risk of cancer from a particular substance is greater than zero, it is determined that the associated benefit is essentially zero, then the substance would be banned. For example, carcinogenic food dyes would be banned on the grounds that they contribute nothing to nutrition, which is the social value of food.

2. At the other extreme, if the social benefit associated with the use of a carcinogen is judged to be so great—for example, saving a life that would certainly be lost otherwise—that it warrants even a large carcinogenic risk, the substance would be approved *for that social use.* For example, saccharin might be approved for use by diabetics who have no alternative way to achieve an acceptable diet, but banned for massive use in diet soda, on the grounds that there are equally or more effective ways to control weight.

3. In intermediate cases, it would again be necessary to reach some judgment of the benefits associated with the use of the substance, so that its social value can be balanced against the evidence that it creates some risk of cancer. Such a judgment would be more difficult than the first two, but not impossible.

What is noteworthy about this kind of risk/benefit evaluation—necessitated by the peculiarly qualitative natural of carcinogenic risks—is that the social balance between risk and benefit is, in practice, based on a comparison of the social benefits of different substances which are known to involve some, unmeasurable but real, risk of cancer. This means, therefore, that if the risk/benefit approach is chosen to deal with carcinogens (for example, if, in the case of food additives, the Delaney Amendment is revoked) the decision will need to be based on the social evaluation of the benefits to be derived from any chemical that imposes a risk of cancer.

The foregoing arguments apply not only to the carcinogenicity of chemicals, but also to most of the toxic effects of chemicals, since these are often as difficult to assess quantitatively. In effect, then, if the risk/benefit approach is adopted, it means that society must undertake to determine, on the basis of their *value to society,* what chemical substances are to be produced, and are permitted to come into contact with people. This will require social governance of decisions—about what chemicals to produce and for what purposes—which, in our present economic system, are governed not by social, but by private interests.

[From the Baltimore Sun, Mar. 24, 1977]

SHOUTING SWEET NOTHINGS

The latest fad on Capitol Hill is condemning the Food and Drug Administration for its decision to ban saccharin. It's as if the agency acted mindlessly, without any basis in fact. Yet the FDA will tell anyone who asks that the Canadian tests which showed saccharin causes bladder cancer in rats were the most thorough ever done. And the Canadian Ministry of Health says the rat tests were conducted according to strict toxicological protocols and that the results were certified by an international panel of pathologists. The Canadians also reported that cancer was far more common to the second generation of rats fed saccharin, indicating there is a cumulative effect from generation to generation.

But for many it is easier to swallow the propaganda of artificial sweetener manufacturers, or to condemn all government regulation, than to investigate and learn the facts. The manufacturers claim that a human would have to drink 800 bottles of artificially-sweetened pop daily to consume saccharin equivalent to the amount fed to the rats. They neglect to mention that the high dosage was necessary to extrapolate tests with 200 rats to millions of humans. Nor do they mention that toxicologists usually insist on a 5,000-fold safety margin for cancer-causing chemicals and that the rats contracted cancer at only 800 times the usual dosage for human beings. Saccharin thus failed the test miserably.

SLAYING OF SBA EMPLOYEE

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, it was with deep regret that I learned of the killing last week of a Small Business Administration employee, Thomas Patzke, who was only 26 years old, was a loan specialist in SBA's liquidation office in Chicago and apparently was killed while carrying out his duties.

Some 5 years ago, SBA made a loan for $60,000 to the Conrad Food and Liquor Store, on East 71st Street. The borrower defaulted on repayment and the loan went into liquidation after the firm filed bankruptcy proceedings in July 1975. SBA continued to work with the owner to try to get the firm back on its feet.

On Wednesday, March 23, the store's landlord advised SBA by phone of his intent to evict Brown for nonpayment of rent.

Mr. Patzke was sent to the store about noon, to take an inventory of its contents and padlock it pending SBA proceedings to foreclose. He also took with him an auctioneer-appraiser, Robert Fender, who was to assist with the inventory.

About 1 p.m. Mr. Patzke called the SBA office to say that a crowd was forming in front of the store. His supervisor, James Burke, chief of liquidation, advised him to lock the place and get out.

Shortly thereafter, fire broke out in the building, destroying the store and heavily damaging two other businesses. Firemen found the bodies of Mr. Patzke and Mr. Fender in the building. Both apparently had been shot and Mr. Fender's hands and feet had been bound.

After discovery of this crime, the FBI was contacted for assistance in investigating the death of a Federal employee who was carrying out official duties as an SBA loan specialist. The Bureau, however, was unable to enter this case as the law making it a Federal offense to kill a long list of individuals, including judges, Federal officials, inspectors, and other Federal employees does not cover SBA employees. This omission should be changed.

I certainly hope that there will be no repetition of this tragedy. If there is, however, I believe that we should authorize the FBI to enter the case and bring to bear its expertise and investigative facilities. Surely a situation involving a Federal loan officer should be placed on a par with one involving other Government employees who are killed,

or assaulted, solely because they are doing a good job.

Accordingly, today I have introduced, on behalf of myself and Mr. CONTE, the ranking minority member of the Small Business Committee, a bill which would make it a Federal offense to kill or assault an SBA employee while engaged in the performance of his official duties or on account of his official duties.

HEALTH CARE—WHAT SHOULD BE DONE

(Mr. FRASER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, early this month, I sponsored an all-day public health forum in Minneapolis to discuss with my constituents the issues that must be considered as new approaches are developed to finance and deliver health care. More than 100 health consumers, providers, planners, administrators, and educators attended the day-long meeting.

The message that repeatedly came across is that there is a need for a clearly defined national health policy before a national health insurance program is initiated.

I would like to share with my colleagues the statement of one of the panelists at the forum, Mr. Jay N. Greenberg, assistant professor at the University of Minnesota School of Public Affairs.

In a well-reasoned presentation, Mr. Greenberg analyzes the structure and incentives of the existing health system and offers alternative models of delivery and reimbursement to bring about increased access, choice, cost containment, and efficient delivery of services.

The statement follows:

STATEMENT OF JAY N. GREENBERG

According to the agenda, I have the heroic task of addressing the issue of what should be done with or to our health care system. As with all heroic tasks, it must be whittled down to size.

The first step is to ask "What types of information do we need before we can make rational decisions with regard to modifying our current health care system?"

It is my contention that we must have three types of information in hand before we can answer the question of what should be done?

First, we must know what we, collectively, want from our health care system—that is, we must set goals and objectives prior to embarking on any course of action.

Second, we must understand the current system. Without having an understanding of how the current system is structured, how it functions, and what makes it function the way it does, we can't possibly hope to change it for the better. That is, we must not only be able to describe the current system, but we must begin to examine what incentives are at work and how they have led us to our current situation.

Once this is done we can begin to examine possible alternatives. This examination of alternatives should be done in two stages. In the first stage we should examine how each alternative modifies the current structure and set of incentives that are in operation. In the second stage we shoud examine how this change in structure and/or incentives will most likely affect our desired objectives.

Before I proceed to the main body of this talk, let me warn you that my background is in economics and policy research. Now, besides giving me a rather jaundiced view of the world in general, this background specifically affects the context of my presentation in two ways:

First, economists have an almost compulsive desire to dissect the components of any system under study and see how the parts interrelate, and

Secondly, our predictions of what course of action will be taken are almost always wrong.

This latter point implies that I would be prudent to leave the prediction of future actions to those of you who are more politically astute, and so I shall.

Instead, I will discuss the system as I see it, how the pieces of the jigsaw fit together, and most importantly, the interrelationship of the pieces.

Indeed, the major theme of my talk is just that. If we are going to effect positive change in the medical care system, we must realize that changing or adjusting one part of the system may affect the outcome of yet another part of the system.

Thus it makes little sense to discuss changes in financing such as National Health Insurance without putting these changes into the broader context of changes in the system as a whole. And yet, with the noteworthy exceptions of the work done by Victor Fuchs and Walter McClure, most of the discussion and debate over alternative forms of NHI have been done in a vacuum—as if the rest of the system did not matter.

I will begin by briefly discussing what most people consider to be the major goals or objectives of intervention in the health system, then discuss the structure and incentives of our current system and what impact each of several interventions may have.

There seem to be five objectives that occur and recur in discussions of intervention in the health care system:

1. increased access to care,
2. increased financial protection from catastrophic events,
3. containment of the cost of care,
4. increased efficiency, and
5. occasionally some authors mention increases in the levels of health,

I would propose that we add still another to the list:

6. increased consumer choice.

I would do this for two reasons. First, increased choice in and of itself is a laudable goal. Secondly, as we shall see, increased consumer choice may, under certain conditions, bring us closer to our goals of increased efficiency and cost containment.

Let me say a word about financial protection. Only about 50 percent of all Americans have any form of major medical coverage and most of these policies have a rather low upper limit on benefits. In a day when the average cost of care for such conditions as terminal cancer is greater than $25,000, even those with some insurance can face severe financial hardships as a result of medical expenditures.

However, it is essential that we distinguish between the above example of financial hardship that we *can* do something about from the typical statement that health care is so expensive that the average person cannot afford it—therefore we need NHI and we need it now.

To be blunt, this type of thinking is pure nonsense. As economists are fond of saying, "there ain't no such thing as a free lunch." Someone is ultimately going to have to pay the bills. And who will that be?

Well, if we decide to pay for NHI out of general revenues, then it will be the "average American" who pays, and she or he will probably be paying more because they will not only be paying for themselves but also for anybody who is making less money than they are. If we decide to pay for NHI through indirect taxes such as higher corporate taxes or higher payroll taxes, the cost will in all likelihood be passed forward to the consumer in the form of higher prices. And the burden of this form of financing would fall most heavily on the poor.

I apologize for the disgression but I think the distinction is important.

Let us briefly take a look at the basic components of the health care system and how they interrelate. At the risk of being too simplistic, let us divide the system into four component parts:

1. health person power,
2. place or site of delivery,
3. financing mechanisms,
4. method of payment.

(Later on we will add a fifth component—government regulation.)

HEALTH PERSON POWER

When I speak of health person power, I am referring to physicians, nurses, and the whole cadre of para—and allied health professionals.

The physicians as a group can be crudely broken down into two groups: general practitioners and specialists.

There are approximately 315,000 practicing physicians in this country, of which about 240,000 (or approximately 75 percent) are specialists and only 75,000 or 5 percent are general practitioners. Among the specialists, approximately 100,000 are surgeons. That is, we have more surgeons than we do general practitioners.

SITE OF DELIVERY

The place or site of delivery can be broken down into doctors' offices or clinic (the site of most primary care) and hospitals (the site of most secondary and tertiary care).

FINANCING

Likewise, financing can be divided into financing of primary care and financing of hospital care. Statistics indicate that the proportion of cost that the patient pays out of pocket for ambulatory care (i.e., doctor's visits) is five times higher than the proportion of hospital costs that they pay for directly.

METHOD OF PAYMENT

It is important to distinguish between the financing (or who pays the bills) and the method of payment or how and when the bills are paid.

Again, at the risk of oversimplifying, there are two basic methods of payment:

1. fee-for-service,
2. capitation or prepayment.

Under fee-for-service, a fee is charged the patient for each task or procedure that is performed, with differing fees according to the length and difficulty of the task.

Under capitation, a fixed amount of money which covers a fixed time period is given to the party or parties responsible for care, regardless of the amount of care that patient receives.

At the current time, over 95 percent of all payment is done on a fee-for-service basis.

This structure of the medical care system alludes to the importance of five types of actors:

1. consumers of medical care (alias, the patients),
2. physicians,
3. financial intermediary,
4. hospitals, and
5. the government.

Now that we have discussed the basic anatomy of the system, let's take a crack at its physiology. In particular, we will examine how the structure rewards or penalizes the actors for certain behavior and the impact of these behavior patterns on our goals for the system.

Let's begin by taking a look at the problem of access to care. There are still a significant number of persons in this country who have only limited access to medical care. For the

most part they are the poor and near poor, certain ethnic minorities, and persons living in rural areas. The main reasons for the limited access to care of these groups are money, discrimination, and a maldistribution of health person power. This maldistribution has two dimensions. First, there is a geographic maldistribution and secondly, there is a maldistribution in the types of health professions.

It is important to note that the access problem is primarily a problem of access to primary and emergency care, care that is mainly delivered by general practitioners. It should also be noted that much of this primary care could probably be delivered by non-physician health professions.

Why then don't we have more G.P.'s relative to specialists and why don't we utilize non-physicians to deliver more of this type of care? To answer these questions we must look to the structure and incentives of the system.

What are the incentives facing a medical student with regard to specialization vs. general practice?

1. On the average, he or she could expect to earn less by becoming a G.P.

2. There is less prestige associated with being a G.P.

What about the structure of training?

1. Physicians are usually trained in high technology settings—they are trained to practice at university hospitals. They are, for the most part, not trained to practice in a rural setting.

2. A disproportionately large number of medical students come from middle and large sized cities. Likewise, almost all medical schools are found in middle and large size cities. What's more medical students tend to establish practice either where they were trained or where they lived prior to going to medical school.

Why don't we utilize more nurse practitioners, physician extenders, and the like?

1. In many cases these health professionals cannot practice unless they are under the supervision and direction of a licensed physician.

2. Many insurance policies do not cover the services of these non-physician health professionals.

3. Finally, there is a lack of consumer education. We are under the impression that the only person capable of rendering quality medical care is a licensed physician—and a specialist at that!

COST CONTAINMENT AND EFFICIENCY

What about our goals of cost containment and efficiency? Nobody has to tell you that hospitals are expensive. So why do we use them so much? Let us briefly look at the incentives that each of the relevant actors faces:

The patient

1. Patients are more likely to have hospital insurance than they are to have insurance that covers visits to the doctor's office—so from the patient's perspective, an expensive hospital stay may actually be cheaper than having a particular procedure done in the physician's office.

2. Even for the patient who has insurance that covers visits to the doctor's office, there are usually certain tests and procedures that will not be paid for unless they are associated with a hospital stay, even if these procedures can be performed safely and less expensively in the physician's office.

What incentives do the doctors face?

1. The way fees are usually structured, the physician will receive more for visiting a patient in the hospital than in his office.

2. And most importantly, the physician generally wants the "best possible care" for the patient. However, we tend to define best in terms of the most technologically advanced care, and if the patient doesn't have to pay directly for this high technology, all the better.

The hospitals face a similar set of incentives. They want to get the best, most highly qualified physicians to join their staff—so they provide the most up-to-date technologically advanced equipment. Since, with few exceptions, they have been reimbursed on a cost-plus scheme, the structure has permitted them to do this. (With the advent of certificate-of-need, this may not be quite as true today as it was two years ago, but the evidence is not in yet.)

WHAT ABOUT CHOICE?

It is often argued that one of the best features of the current system is that we can pick whichever type of care we want (or can afford). Even apart from personal financial constraints, do we really have much choice?

To me choice means having information about alternatives and having real alternatives to choose from. How much information do we have? Is there a medical directory for each town that lists the doctors' medical training, past track record, and fee schedule? Most of us have more information about a football team on which we bet $2.00 than we do about our physician.

Two years ago I taught a course in health economics to a group of physicians, and once in class I used that football/doctor example. Well, one of the physicians was simply outraged and said something like the following: "I'm sick and tired of people saying things like that. What about airline pilots? How much did you know about the pilot on your last flight?"

I thought for a minute and realized that the structure was certainly the same, but the incentives weren't. Unlike the doctor, the damn pilot was up there with me.

Even if we did have the appropriate information, how much variation in the type and mix of service is there to choose from? With over 95 percent of all care done on a fee-for-service solo practice or small group basis, there really isn't much choice at all. That is not to say that there isn't significant variation among the fee-for-service solo practitioners—I suspect that there is. But it is sort of like going to a fruit store and expecting to find 20 different types of fruit, from mangoes to apples, and instead finding 20 different types of oranges. It just isn't the same.

WHAT DOES ALL THIS MEAN?

What it means to me is that when we talk about what is wrong with our medical care system, it is foolish to talk about bad guys and good guys—or to cast the physician and hospital administrators as villains. Rather, we should realize that each actor in the system, whether it be the physician, the hospital, the insurance company, or the patient, is responding to a set of rewards and punishments within a fixed structure.

Therefore, if we are going to try to improve the system, we must modify the structure and/or change the current set of incentives that the various actors face. With this groundwork laid, let us examine several proposed modifications to the current system.

Over the last several years there has been a proliferation of bills in Congress and proposals by researchers that relate directly or indirectly to modifying the financing of health care. Rather than discussing the details of the actual proposals, I think it would be beneficial at this point to try to separate them into "types" of proposals and to examine how each type of proposal might offer progress toward our health care goals.

There have been two general types of changes proposed. The first would have us modify just the financing mechanism and the other would modify the financing mechanism and at the same time alter other aspects of the system.

With regard to the first, the two major types of modification of the financing mechanism seem to be comprehensive/universal third-party payment and what has been called "major risk" insurance.

Under the heading of financing and other system changes I would include the following:

1. So called National Health Service (a la the British system). (Since this alternative was the topic of an earlier panel discussion I will not discuss it here.)

2. Universal, third-party payment plus increased choice in the way services are packaged, delivered and reimbursed.

3. Universal, third-party payment coupled with much stronger government regulation.

Needless to say, some combinations of the above are possible. But as I will point out, some approaches cannot be combined effectively.

Let us begin the discussion by examining comprehensive third-party payment.

What effect might universal/comprehensive insurance have on access to care?

If the main constraint on access to care is money, then this may help. However, if people are allowed to utilize private funds to supplement their insurance and if physicians are allowed to charge them more than what the insurance plan will reimburse, then we might be back in the same situation where the rich are bidding health resources away from the poor—but at a higher ante.

If the main access problem is a maldistribution of medical resources and/or discrimination, then just changing the financing system won't help very much.

Comprehensive third-party payment would remove the last bit of cost consciousness from the patient. It would thus exacerbate the problem of escalating costs. With the rest of the system and its incentives intact, I see no reason to hope for a more efficient utilization of resources.

However, it would give us complete financial protection against catastrophic events—but at what cost?

The other type of financing or reform that has been proposed is "Major Risk Insurance." Some of you may not be familiar with this concept, so let me take a minute to describe it briefly. The basic idea behind major risk insurance is that people would pay the full cost of medical expenses up to a certain amount, after which point there would not be any out-of-pocket expenses. This limit on out-of-pocket expenses is usually related to a percentage of the person's income.

How will major risk insurance affect access to care?

Since the major access problem is access to primary or ambulatory care, and since the patient will most likely be footing all or most of these bills, MRI will, in all likelihood, not improve access. Actually, it might even make things worse. Since most of the money, by definition, would be in secondary and tertiary care, there may be an incentive for even fewer physicians to become general practitioners.

Like comprehensive coverage, major risk insurance would completely eliminate the risk of the consumer's having to pay for very large medical bills.

What about cost containment and efficiency?

Since patients have to pay the first "x" dollars completely out of pocket, it would appear that they would become very cost conscious, but let's look a little closer.

What is to stop someone from also purchasing shallow first dollar coverage? In order for MRI to work, this would either have to be prohibited or somehow discouraged through negative economic inventives.

Since initial expenditures would be paid by the patient and only large subsequent expenses by insurance, there would be less incentive for persons to seek early care or preventative treatment; rather, the emphasis would be on expensive tertiary care.

MRI may involve substantial administrative costs and inconvenience. People would be required to keep detailed records of expenses and if the cutoff point is income-related, the government must determine and verify each person's cutoff point on an annual basis.

Thus it would appear that National Health Insurance by itself will probably not get us very close to many of our health care goals and will significantly reduce cost consciousness and efficiency. Therefore, if this type of financing scheme appeals to us, we must combine it with changes in the structure and/or changes in the incentives that various actors face.

One type of structure that have been proposed is combining universal third-party payment with strong government regulation. The areas that are most often nominated as candidates for regulation are health person power, hospital construction and equipment, and the amount and manner in which hospitals are reimbursed.

Suggestions for government regulation of health person power usually include control of the number of slots available in residence programs for the various medical specialties and the use of institutional licensure to encourage the greater use of alternate health person power such as nurse practitioners, and physician extenders.

It is often said that the supply of hospital beds creates its own demand. There is some empirical evidence that suggests that this statement is true. This is really not so strange when you recognize that patients don't demand hospital beds, doctors do. But control over the number of hospital beds is not enough. If we want to go this route we must also control the capital equipment that the hospital buys, otherwise the cost per bed will increase significantly.

It has also been proposed that we eliminate the current practice of cost-plus reimbursement and install in its place a system of prospective reimbursement or fixed annual budgets.

We have very little experience with some of these controls and no experience with others, but one can speculate as to their combined impact.

Let us begin with access. The availability of more para-professionals, coupled with a policy to restrict entry into some of the medical specialties, may increase access to primary care.

What about cost containment and efficiency? Tight controls on the number and capital intensity of hospital beds coupled with a predetermined budget for hospitals or prospective reimbursement should not only make the hospital more cost conscious, but they may have the additional effect of putting enough pressure on bed space so that physicians might treat more of their low risk patients outside of the hospital.

The other form of combining insurance with intervention would replace strong government controls with competing alternative delivery systems.

According to its advocates, this model would encourage the growth and development of various types of directly prepaid comprehensive medical care organizations. It is argued that these new plans would compete with each other as well as traditional fee-for-service providers. One varient of the model suggests that national health insurance be universal in coverage and that the coverage be in the form of an income related voucher. This voucher could then be spent on any of several qualified plans—one of the options still being a conventional third-party insurance plan using traditional providers.

Let us briefly investigate this proposal with reference to our goals.

The introduction of a wide variety of plans with different benefit packages along side of the more traditional delivery mechanism would seem to provide the potential for improved consumer choice. But, this potential will not be realized unless inexpensive and easily understood information is provided consumers with respect to the various options.

What about cost containment and efficiency?

Since the nature of the payment mechanism is prepayment, the provider is forced to work within a fixed predetermined budget. Secondly, the provider will be forced to compete with other providers on the basis of cost. Also, since coverage will be comprehensive, the provider will have an incentive to substitute lower cost primary care for more expensive hospital care.

If a voucher is utilized, the patient has an incentive to find the provider who has the best package of services at the lowest possible cost.

Will regulation be necessary under this model? My guess is that the answer to this question is yes. However, since these providers face different incentives than do traditional providers, different types of regulations will be required.

First, these providers have an incentive to underserve and under invest in plant and equipment (just the opposite of traditional providers). One possible solution to this, if it becomes a problem, is to limit ownership to the patients themselves. That is, to have patient cooperatives.

Secondly, providers will have an incentive to enroll only "low risk" patients. I should add that the patients themselves will have an incentive to enroll in plans that are comprised mainly of low risk and hence low cost participants. Some form of open enrollment policy will be necessary.

Most of the available evidence seems to suggest that prepaid groups do indeed contain costs and provide services in an efficient manner. But this data is often countered by the argument that current prepaid groups serve mainly low-risk and hence low cost populations. While this is true, and it is also true that serving higher risk groups will cost more, it does not necessarily follow that prepaid groups won't be able to deliver services to these higher risk groups at a lower cost than traditional providers do.

As was mentioned earlier, some of these options or proposals could be combined to produce a more effective package. For example, a program that would combine the major risk insurance model with tight controls on hospital beds and hospital reimbursement might be a viable alternative.

However, certain combinations will not work. For example, the prepaid group concept cannot expand and grow if it is subject to the same regulation of hospital beds as fee-for-service providers. We must remember that the provider working on a prepaid basis has an incentive to keep hospital utilization as low as possible and to keep lengths of stay short. Therefore if a prepaid group can demonstrate that they can serve their patient population more efficiently by owning their own hospital, then they should be free to do so. Again, remember which way the incentives are going. If they cannot run a hospital more efficiently or at a lower cost than the rest of the community, they would have no incentive to venture into that arena.

To summarize, it would appear that the initiation of any form of national health insurance by itself and without regard to the rest of the system will lead us far short of our goals of increased access, choice, cost containment, and efficient delivery of services. But comprehensive national health insurance coupled with major changes in the rest of the system may yield the outcome we desire. The two interventions that seem to have the most promise are tight regulation of the traditional delivery system and the fostering of alternative models of delivery and reimbursement such as prepaid groups.

With all this in mind, I will now take a "stab" at answering the question "What should we do?"

It is my opinion that at this time we should not implement a system of national health insurance. It is clear that when national health insurance is implemented, it should be done in conjunction with or after major interventions in the system have been accomplished. But at this time we do not have enough empirical evidence to evaluate which model of intervention will work the best. I support, in concept, comprehensive NHI and recommend the following actions be taken to prepare for its implementation:

Recommendation 1. We should enforce and strengthen our anti-discrimination laws with reference to access to medical care.

Recommendation 2. We should eliminate many of the restrictions associated with the use of para- and allied health professionals. As Victor Fuchs put it "There is a continuum of health needs, and there should be a continuum of health care personnel to meet those needs."

Recommendation 3. We should strictly control the number of residencies in medical specialties that are in over supply.

Recommendation 4. PSRO's or similar organizations should develop a valid and reliable data base on physician credentials, performance, and fees and this information should be made available to consumers upon request.

Recommendation 5. In preparation for national health insurance we should explore the two forms of major intervention that seem most promising. That is:

a. We should continue to utilize and evaluate certificate-of-need for traditional providers and we should implement prospective reimbursement of hospitals.

b. We should encourage and foster the growth of consumer oriented prepaid groups. This can be accomplished by insuring that state and federal certification programs don't put these groups at a disadvantage with respect to traditional fee-for-service providers. Secondly, we should exempt these groups from the certificate-of-need process on an experimental basis.

Finally, we should understand that while implementation of these recommendations should lead to greater access, greater choice, increased cost consciousness and more efficient utilization of resources, they cannot significantly improve the overall health of our nation. We must realize that in a modern industrialized nation such as ours, increased dollars into medical care will not buy us much in the way of improved health.

If we want to improve the level of our nation's health, then we must clean up our environment, alter our life styles and modify our behavior patterns.

HEARINGS TOMORROW ON MEASURES TO ALLEVIATE AIRCRAFT NOISE

(Mr. SNYDER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SNYDER. Mr. Speaker, The Aviation Subcommittee of the Committee on Public Works and Transportation plans to commence hearings tomorrow, March 30, on measures which have been proposed to alleviate aircraft noise, and I wish to commend the chairman of the Aviation Subcommittee, the gentleman from California (Mr. ANDERSON), for his leadership in seeking solutions to this vexing problem. Indeed, I, too, fully recognize that excessive noise is a severe problem in the vicinity of some of our larger airports—as it is in areas adja-

cent to numerous busy highways in our urban areas.

Regrettably, the generation of unwanted noise has proved to be one of several negative aspects of the development of all modes of our transportation system. The muffler surely is one of the most significant components of an automobile—and I am impressed by the progress being made in quieting new models of other transportation vehicles, notably, trains, transit cars—as well as aircraft.

Mr. Speaker, I would inject just a word of caution as we consider the question of aircraft noise. I urge that the Congress guard against being stampeded into precipitous action by some local lawsuits—many of them frivolous—which have been commenced against airport operators—as well as by the unreasonable requirements imposed on air carriers by the previous administration when they adopted their retrofit/replacement regulation which took effect on January 1, 1977—a lame-duck decision of dubious wisdom, at best, in my opinion.

I suggest, Mr. Speaker, that we should place the aircraft noise problem in its proper perspective lest we proceed to legislate beyond the realm of reason and responsibility. According to FAA, about 6 million of our citizens are affected by aircraft noise—a little over 2 percent of our population; and about 600,000 are said by FAA to be severely impacted—less than one-quarter of 1 percent of our people.

Now, I agree that we should continue our efforts to minimize the disturbance from aircraft noise, and I believe we are making substantial progress—notably in the reduction of aircraft source noise which is so evident in the new aircraft models which are coming on line. But I wonder if aircraft noise is really as significant a national problem as we have been led to believe.

I wonder sometimes if we are not overreacting when we speak in terms of multibillion-dollar programs to alleviate a situation which confronts such a small segment of our population—and a situation which technology will alleviate without such programs within the foreseeable future.

Mr. Speaker, I have prepared and am introducing legislation today which approaches the aircraft noise problem from an entirely different perspective—and I urge my colleagues to consider it as one of the alternative courses which are before us. Briefly, this legislation would: First, preclude lawsuits against airport operators for damages from aircraft noise if the litigant acquired title or right of occupancy to the property where injury is alleged to have occurred after the airport came into existence; and second, permit the operation or aircraft not meeting FAR 36 noise standards to operate for the remainder of their useful lives. In the latter connection, Mr. Speaker, the situation is analogous to EPA's regulations on emissions standards for automobiles—which apply only prospectively, not to cars already produced and on the road.

Mr. Speaker, I am convinced that these proposals have merit—not only for their equity but because they would eliminate the pressures for action which now confront us—both from lawsuits against airport operators and from the FAA regulation which went into effect on January 1, 1977, to require all air carrier jets to meet FAR 36 by 1985. It simply is unacceptable and wrong for the Congress to attempt to legislate in this atmosphere—to be subjected to outside pressures of this kind while considering legislation in such a complex area.

Thank you, Mr. Speaker.

AMENDMENT TO SHOSHONE AND ARAPAHOE PER CAPITA DISTRIBUTION ACT

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation to amend the Shoshone and Arapahoe Per Capita Distribution Act to permit per capita payments from excess tribal trust funds of the Shoshone and Arapahoe Indian Tribes of Wyoming.

The Wind River Reservation is jointly owned by the Shoshone and Arapahoe Tribes. Present law divides income from tribal trust property equally between the two tribes, and a separate trust fund is established for each tribe with the provision that the United States pay interest on the principal of the fund at the rate of 4 percent per annum. Under present law, 85 percent of each tribe's trust fund is paid per capita to the members of that tribe on a monthly basis. The remaining 15 percent is reserved for expenditure by the tribal government. These expenditures include community improvements, capital investments, servicing of debts, construction of tribal buildings and similar items.

As of December 31, 1976, the Shoshone Tribe's 15 percent fund exceeded $1 million—well above the tribal government needs. The Arapahoe Tribe expects to have well in excess of $1 million by the end of 1978.

The bill I am introducing today contains two basic features:

The first provides that 100 percent of the interest earned each calendar year on all trust funds of the tribes be included in the 85 percent for distribution, rather than included in the 15 percent for administrative functions.

The second provides that any funds in excess of $1 million in the 15-percent fund will be added to the 85-percent fund to prevent any decrease in the per capita payments and, when circumstances warrant, to increase the per capita payments by a sum that does exceed 20 percent of the per capita for the preceding calendar year.

The per capita is fixed at the beginning of each calendar year based on an estimate of the next year's income. This is not always accurate because although royalties and rents can be fairly estimated, an estimate of bonuses involves some guesswork. Because of this, in some years the actual income has been less than the amount needed to meet the estimated per capita. Although the Secretary is now authorized to withdraw money from the 15-percent fund to maintain the per capitas at the level estimated for the year, it is also required that withdrawals be paid back out of the next, or succeeding years' income. Although an equalizing feature is provided for emergencies, it is one which ties up funds for more than 1 year in some cases, due to requirements to pay back the funds withdrawn. The bill would clarify this situation, and allow for a more integrated system of adjusting estimates and per capita payments.

Funds exceeding $1 million are sufficient for contingencies and possible capital investments. Since the Government pays only 4 percent interest on the principal of the fund in the Treasury and pays no interest on the interest earned by the principal, it is felt that it is not wise economics to leave the excess on deposit. While the BIA invests most of the funds in certificates of deposit, the rate of interest thus earned does not keep up with inflation.

The people of the tribes believe that they should have the benefit of these excess funds now, when they are under financial stress because of continually increasing cost-of-living expenses, and I urge favorable consideration of this legislation.

BILL INTRODUCED TO PAY AWARD TO DELAWARE INDIANS

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, today I am introducing a bill to authorize that a certain portion of the funds appropriated to pay an award to the Delaware Indians in Indian Claims Commission docket No. 72–298 be set aside for payment to the group known as the Kansas Delawares.

This group is comprised of lineal descendants of Delaware Indians who were residing on the reservation in Kansas at the time of the treaty in 1854, but who chose to remain in Kansas rather than to remove to Oklahoma. The act of October 3, 1972, which provided for the distribution of the funds in docket No. 72–298, did not make provision for the inclusion of these Indians. There is some evidence that this omission was unintentional. The Supreme Court has reviewed the case and found the 1972 act to be constitutional.

I am introducing this legislation to correct the omission on behalf of the Kansas Delawares as chairman of the Indian Affairs and Public Lands Subcommittee upon the request of the members of the Kansas delegation.

MARCH 23, 1977.

Hon. TENO RONCALIO,
Chairman, Subcommittee on Indian Affairs, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: It has been brought to my attention that an injustice has been done the Kansas Delaware Indians by excluding them from the distribution of funds appropriated to satisfy the judgment in Indian Claims Commission Docket No. 72–298.

It is my understanding that the only way

in which this injustice can be rectified is through the introduction of legislation which would include the Kansas Delaware Indians in the distribution.

A great many Kansas Delawares are residents of the Third District in Kansas, and I will appreciate your introducing appropriate legislation which will correct the mistake which excluded my constituents from their rightful share of the distribution of funds.

Your cooperation and courtesy in this matter is appreciated.

Most sincerely,

LARRY WINN, Jr.,
Member of Congress.

DISASTER RELIEF FOR ROMANIA

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am introducing today, together with Mr. VANIK, Mr. ROSTENKOWSKI, Mrs. FENWICK, and Mr. WHALEN, a bill to authorize $25 million for disaster relief to Romania. As you know, on March 4, 1977, a devastating earthquake which measured 7.2 on the modified Richter scale struck Romania. The epicenter of the earthquake was only 110 miles from that nation's capital of Bucharest, where the heaviest damage was incurred. The most recent estimates of damage indicate that almost 1,400 people were killed in Bucharest alone; 10,500 were injured; and 32,897 units of housing collapsed or were heavily damaged, leaving 143,200 people homeless. The damage suffered by the Romanian economy are also substantial but more difficult to quantify. Industry, transportation, and manufacturing establishments throughout the country were heavily damaged, including many plants equipped with recently purchased American machinery. President Ceaucescu has estimated the total cost of the earthquake at about $1 billion.

Following longstanding tradition the United States has already responded to this crisis by providing emergency relief in the form of medicine, food, and teams of seismological experts who have helped the Romanians assess the risks of further earthquakes or aftershocks. Other experts from the Department of Housing and Urban Development, the Corps of Engineers and the Bureau of Reclamation have been dispatched to help begin the process of reconstruction. However, further assistance will require authorization by the Congress, which the bill we are introducing today would provide.

Further assistance is well warranted. The United States has responded generously to similar but smaller disasters in this region of the world, including aid to Yugoslovaia, Turkey, and Italy. The Department of State will shortly be recommending to the Congress that disaster relief for Romania be authorized as quickly as possible so that the United States can assist the Romanian people in overcoming the tremendous damage caused by the earthquake. Our relations with Romania have been steadily improving in recent years and a generous response from the people of the United States in this time of special need will surely add impetus to this development.

Mr. Speaker, both the House and the Senate have already approved Senate Concurrent Resolution 12, stating the sense of the Congress that the United States should do all that is possible to assist the people of Romania in recovering from this disaster. The bill we are introducing today can make that expression of intent a reality.

The full text of the bill follows:

H.R. 5717

A bill to provide for relief and rehabilitation assistance to the victims of the recent earthquakes in Romania

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 9 of the Foreign Assistance Act of 1961 (as amended) is amended by adding at the end thereof the following new Section:

Sec. 495D. Romanian Relief and Rehabilitation.

(a) The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from recent earthquakes in Romania, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Romania.

(b) There are hereby authorized to be appropriated to the President for the fiscal year 1977, notwithstanding any other provisions of this Act, in addition to amounts otherwise available for such purposes, not to exceed $25,000,000, which amount is authorized to remain available until expended.

(c) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491.

(d) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Romania may be charged to the appropriations authorized under this Section.

(e) Not later than sixty days after the date of enactment of appropriations to carry out this Section, and on a quarterly basis thereafter, the President shall transmit reports to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives regarding the programming and obligation of funds under this Section.

(f) Nothing in this Section shall be interpreted as endorsing any measure undertaken by the Government of Romania which would suppress human rights as defined in the Conference on Security and Co-operation in Europe (Helsinki) Final Act and the United Nations Declaration on Human Rights, or as constituting a precedent for or commitment to provide United States development assistance to Romania, and the Romanian government shall be so notified when aid is furnished under this Section.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, to address the House for 60 minutes, today, and also to address the House for 60 minutes each on Wednesday, March 30, 1977; Thursday, March 31, 1977; and Monday, April 4, 1977; and to revise and extend his remarks and include extraneous matter in each instance.

(The following Members (at the request of Mr. KASTEN) to revise and extend their remarks and include extraneous material:)

Mr. YOUNG of Alaska, for 20 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. WHALEN, for 10 minutes, today.

Mrs. HOLT, for 60 minutes, April 4, 1977.

Mr. O'BRIEN, for 60 minutes, April 4, 1977.

Mr. MILLER, for 5 minutes, today.

Mr. YOUNG of Alaska, for 60 minutes, March 31, 1977.

Mr. HOLLENBECK, for 5 minutes, today.

Mr. HYDE, for 5 minutes, today.

(The following Members (at the request of Mr. PANETTA) and to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Ms. HOLTZMAN, for 30 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. LEVITAS, for 5 minutes, today.

Mr. BALDUS, for 5 minutes, today.

Mr. ROBERTS, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

(The following Members (at the request of Mr. PICKLE) to revise and extend their remarks and to include extraneous matter:)

Mr. WEISS, for 5 minutes, today.

Mr. BINGHAM, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRASER, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printed to cost $1,047.

Mr. FISH, immediately following the remarks of Mr. HAMMERSCHMIDT during general debate today on H.R. 5045.

(The following Members (at the request of Mr. KASTEN) and to include extraneous matter:)

Mr. KEMP in two instances.
Mr. LENT.
Mr. BUTLER.
Mr. RHODES.
Mr. FINDLEY.
Mr. DEVINE.
Mr. MARKS.
Mr. WALSH.
Mr. KASTEN.
Mr. WHITEHURST.
Mrs. HOLT.
Mr. RUDD.
Mr. QUAYLE.
Mr. MCEWEN.
Mr. YOUNG of Florida.
Mr. ABDNOR in two instances.
Mr. ASHBROOK.
Mr. MCCLORY.
Mr. CARTER.
Mr. DERWINSKI.
Mr. BROWN of Ohio.

(The following Members (at the request of Mr. PANETTA) and to include extraneous matter:)

Mr. YOUNG of Missouri.
Mr. REUSS in two instances.
Mr. MCHUGH.
Mr. EDWARDS of California.
Mr. EILBERG.
Mr. VENTO in two instances.
Mr. STOKES in three instances.
Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.
Mr. EVANS of Colorado in five instances.
Mr. MINETA.
Mr. FUQUA in five instances.
Mr. WON PAT in two instances.
Mr. HARRIS.
Mr. PANETTA.
Mr. LEVITAS.
Mr. BEARD of Rhode Island.
Mr. LEHMAN.
Mr. LONG of Maryland in five instances.
Ms. OAKAR.
Mr. WIRTH.
Mr. JACOBS.
Mr. GUDGER.
Mr. FARY in two instances.
Mrs. BOGGS.
Mr. AUCOIN.
Mr. MCDONALD in two instances.
Mr. MCCORMACK.
Mr. RANGEL.
Mr. TEAGUE.
Mr. BYRON.
Mr. EDGAR.
Mr. FISHER.
Mr. LEDERER.
Mr. ZABLOCKI in three instances.
Mr. ROGERS.
Mr. WEISS.
Mr. LUKEN.
Mr. PEPPER.

ADJOURNMENT

Mr. PICKLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 30, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1113. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

1114. A letter from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to revise the basis for estimating the annual Federal payment to the District of Columbia for water and water services and sanitary sewer services furnished to the United States; to the Committee on the District of Columbia.

1115. A letter from the Secretary of Labor, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1116. A letter from the Acting Comptroller of the Currency, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1117. A letter from the Administrator, Federal Energy Administration, transmitting notice of proposed changes in various records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1118. A letter from the Attorney General, transmitting notice of three existing records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1119. A letter from the Comptroller General of the United States, transmitting a report assessing the coordination of federally assisted areawide planning activities by State and local governments and other organizations (GGD-77-24, March 28, 1977); to the Committee on Government Operations.

1120. A letter from the Chairman, Federal Election Commission, transmitting the Commission's annual report for calendar year 1976, pursuant to section 311 of the Federal Election Campaign Act of 1973, as amended; to the Committee on House Administration.

1121. A letter from the Secretary of Transportation, transmitting a report recommending future action with respect to railyard, shop, and dock facilities in New York, pursuant to section 402(b)(1) of the Regional Rail Reorganization Act of 1973, as amended (90 Stat. 140); to the Committee on Interstate and Foreign Commerce.

1122. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide temporary authorities to the Secretary of Commerce to facilitate emergency actions to mitigate the impacts of the 1976-77 drought and promote water conservation; to the Committee on Public Works and Transportation.

1123. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation authorizing additional appropriations for the prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes; to the Committee on Public Works and Transportation.

1124. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a list of present and former NASA employees who have filed reports pertaining to their NASA and aerospace-related industry employment for fiscal year 1976 and the transition quarter, pursuant to section 6 of Public Law 91-119, as amended; to the Committee on Science and Technology.

1125. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to further amend the Foreign Service Act of 1946 to improve the Foreign Service personnel system, and for other purposes; jointly, to the Committees on International Relations, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Iowa: Committee on Small Business. Allocation of budget totals to subcommittees for fiscal year 1977 (Rept. No. 95-128). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 445. Resolution providing for the consideration of House Resolution 433. Resolution to provide for the continuation of the Select Committee on Assassinations (Rept. No. 95-129). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 433. Resolution to provide for the continuation of the Select Committee on Assassinations; with amendment (Rept. No. 95-130). Referred to the House Calendar.

Mr. REUSS: Committee on Banking, Finance and Urban Affairs. H.R. 5294. A bill to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors; with amendment (Rept. No. 95-131). Referred to the Committee of the Whole House on the State of the Union.

Mr. DENT: Committee on House Administration. House Resolution 283. Resolution to provide funds for the expenses of the investigations and studies to be conducted by the Committee on Interstate and Foreign Commerce; with amendment (Rept. No. 95-132). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 328. Resolution to provide for the expenses of investigations, studies, oversight, and functions to be conducted by the Committee on Government Operations; with amendment (Rept. No. 95-133). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 428. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Ethics (Rept. No. 95-134). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 434. Resolution providing additional funds for expenses of the Committee on International Relations in connection with visits to the United States by heads of states and other foreign dignitaries (Rept. No. 95-135). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 436. Resolution to provide for the administrative expenses incurred in concluding the business and activities of the former Select Committee on Professional Sports (Rept. No. 95-136). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 442. Resolution providing funds for the expenses of the House Information Systems staff of the Committee on House Administration to provide for the development, operation, maintenance, and improvement of ongoing computer services for the House of Representatives, for the investigation of additional computer services for the House of Representatives, and to provide computer support directly to the committees, Members, and administrative offices of the House of Representatives (Rept. No. 95-137). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on allocation of budget totals to subcommittees (Rept. No. 95-138). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Public Works and Transportation. H.R. 3199. A bill to amend the Federal Water Pollution Control Act to provide for additional authorizations, and for other purposes; with amendment (Rept. No. 95-139). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MITCHELL of Maryland:

H.R. 5675. A bill to authorize the Secretary of the Treasury to invest public moneys, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. BEARD of Rhode Island:

H.R. 5676. A bill to strengthen the warning label required on cigarette packages, extend such warning to cigarette advertisements, regulate smoking in Federal facilities and in facilities serving interstate common carrier passengers, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, Public Works and Transportation, and Ways and Means.

By Mr. BRINKLEY:

H.R. 5677. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and

foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Ms. MIKULSKI, and Mr. MCCORMACK):

H.R. 5678. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. GINN:

H.R. 5679. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 5680. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. HARRIS (for himself, Mr. AKAKA, Mr. CARR, Mr. FORD of Tennessee, and Mr. LAGOMARSINO):

H.R. 5681. A bill to amend the Internal Revenue Code of 1954 to allow a tax credit on houses or apartments for portion of the real estate taxes paid or incurred by their landlords; to the Committee on Ways and Means.

By Ms. KEYS (for herself and Mr. BRODHEAD):

H.R. 5682. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by professional registered nurses in the peer review, and related activities authorized thereunder; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. LUJAN:

H.R. 5683. A bill to modify the boundary of the Cibola National Forest, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5684. A bill relating to the settlement of debts owed the United States by foreign countries; to the Committee on International Relations.

H.R. 5685. A bill to provide that members of all commissions, councils, and similar bodies in the executive branch of the Government appointed from private life shall serve without any remuneration for their services other than travel, subsistence, and other necessary expenses; to the Committee on Post Office and Civil Service.

H.R. 5686. A bill to provide early retirement benefits for atomic energy security guards and ERDA couriers; to the Committee on Post Office and Civil Service.

By Mr. MARTIN (for himself, Mr. DEL CLAWSON, Mr. ICHORD, Mr. LAGOMARSINO, Mr. MIKVA, Mr. MCCLORY, Mr. MONTGOMERY, Mr. PURSELL, Mr. NATCHER, Mr. REGULA, Mr. PATTERSON of California, Mr. TREEN, Mr. PICKLE, Mr. BEARD of Tennessee, Mr. ROBERTS, Mr. RUNNELS, Mr. DERWINSKI, Mr. MEEDS, Mr. JEFFORDS, Mr. PEPPER, Mr. SPENCE, Mr. ARCHER, Mr. HYDE, and Mr. MOAKLEY):

H.R. 5687. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN (for himself, Mr. RAILSBACK, Mr. ANDERSON of Illinois, Mr. PIKE, Mr. ABDNOR, Mr. LEACH, Mr. STEERS, Mr. TRIBLE, Mr. QUIE, Mr. RAHALL, Mr. RUPPE, Mr. PEASE, Mr. GUDGER, Mr. HANSEN, Mr. BEDELL, Mr. JOHN L. BURTON, Mr. GIBBONS, Mr. BURGENER, Mr. HARRINGTON, Mr. BROOKS, Mr. BROWN of Michigan, Mr. BUCHANAN, Mr. BURLESON of Texas, and Mr. DON H. CLAUSEN):

H.R. 5688. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Interstate and Foreign Commerce.

By Mrs. MEYNER:

H.R. 5689. A bill to amend the Internal Revenue Code of 1954 to exempt from the manufacturers excise tax parts and accessories used on local transit buses, and tires, inner tubes, and tread rubber used on such buses; to the Committee on Ways and Means.

H.R. 5690. A bill to amend the Internal Revenue Code of 1954 with respect to certain excise tax refunds paid to the local transit systems; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 5691. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the standard for regulation of food additives found to induce cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI (for himself and Mr. WHITEHURST) (by request):

H.R. 5692. A bill to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

By Mr. PEPPER:

H.R. 5693. A bill to amend title 5, United States Code, to make Inauguration Day a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 5694. A bill to allow nonprofessional employees of educational institutions to receive special unemployment assistance during periods between academic years or terms; to the Committee on Ways and Means.

By Mr. PRESSLER:

H.R. 5695. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 5696. A bill to amend section 709 of title 32, United States Code, to provide increased job protection for certain civilian National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 5697. A bill to amend chapter 40, title 18, United States Code, to authorize the destruction of explosive materials subject to seizure and forfeiture where it is impractical or unsafe to remove the materials to a place of storage or where such materials cannot be safely stored; to the Committee on the Judiciary.

H.R. 5698. A bill to amend section 1114 of title 18 of the United States Code to include officers and employees of the Bureau of Alcohol, Tobacco, and Firearms; to the Committee on the Judiciary.

H.R. 5699. A bill to amend section 114 of title 18 of the United States Code to make the killing, assaulting, or intimidating of any officer or employee of the Federal Communications Commission performing investigative, inspection, or law enforcement functions a Federal criminal offense; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 5700. A bill to amend the act of May 19, 1947, chapter 80, section 3, 61 Stat. 102, as amended (25 U.S.C. 613) to permit per capita payments from excess tribal trust funds of the Shoshone and Arapahoe Indian Tribes in Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. RONCALIO (by request) (for himself, Mr. SKUBITZ, Mr. SEBELIUS, Mrs. KEYS, Mr. WINN, and Mr. GLICKMAN):

H.R. 5701. A bill to authorize the Kansas Delaware Indians to share in the funds appropriated by the act of December 26, 1969 (83 Stat. 447, 453) to pay judgments of the Indian Claims Commission in docket Nos. 72 and 298, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROSTENKOWSKI (for himself, Mr. ROGERS, Mr. FITHIAN, and Mr. RINALDO):

H.R. 5702. A bill to strengthen the capability of the Government to detect, prosecute, and punish fraudulent activities under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. SHIPLEY:

H.R. 5703. A bill to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree, or order, denying or restricting, as unconstitutional, voluntary prayer in any public school; to the Committee on the Judiciary.

H.R. 5704. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductible expense; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself and Mr. CONTE):

H.R. 5705. A bill to amend title 18 of the United States Code to make it a Federal offense to kill a Small Business Administration employee engaged in the performance of his official duties; to the Committee on the Judiciary.

By Mr. SNYDER:

H.R. 5706. A bill to amend the Federal Aviation Act of 1958 to prohibit certain actions against operators of airports and to exempt certain aircraft from certain noise standards; to the Committee on Public Works and Transportation.

By Mr. TSONGAS:

H.R. 5707. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers;

and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TSONGAS (for himself and Mr. THOMPSON):

H.R. 5708. A bill to amend the Comprehensive Employment and Training Act of 1973 to establish an Office of Youth Employment in the Department of Labor to administer youth programs under that act, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL (for himself, Mr. SEIBERLING, Mr. KASTENMEIER, Mr. VENTO, and Mr. WEAVER):

H.R. 5709. A bill to amend the Mineral Leasing Act of 1920 and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST:

H.R. 5710. A bill to establish a Special Advisory Council on Social Security Financing; to the Committee on Ways and Means.

By Mr. WIRTH (for himself, Mr. HANNAFORD, Mr. BLOUIN, Mr. PHILLIP BURTON, Mr. DODD, Mr. ERTEL, Mr. KINDNESS, Mrs. MEYNER, Mr. VOLKMER, Mr. WALKER, and Mr. CHARLES H. WILSON of California):

H.R. 5711. A bill to prohibit the use of Federal funds for certain activities designed to support or defeat any legislation or legislative issue on the ballot in any State; to the Committe on the Judiciary.

By Mr. ZABLOCKI:

H.R. 5712. A bill to amend the Internal Revenue Code of 1954 to allow a refundable credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 5713. A bill to amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. AuCOIN (for himself, Mr. PRICE and Mr. REUSS):

H.R. 5714. A bill to amend the Export-Import Bank Act of 1945 by eliminating the Presidential determination requirement in connection with trade with the Peoples Republic of China; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5715. A bill to amend the Trade Act of 1974 to permit the Peoples Republic of China to participate in programs of the United States which extend credits, credit guarantees, or investment guarantees; to the Committee on Ways and Means.

By Mr. BAFALIS:

H.R. 5716. A bill to authorize the Secretary of the Interior to convey certain phosphate interests of the United States to the owner or owners of record of certain lands in the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM (for himself, Mr. VANIK, Mrs. FENWICK, Mr. ROSTENKOWSKI, and Mr. WHALEN):

H.R. 5717. A bill to provide for relief and rehabilitation assistance to the victims of the recent earthquake in Romania; to the Committee on International Relations.

By Mrs. BOGGS (for herself, Mr. ABDNOR, Mr. APPLEGATE, Mr. AuCOIN, Mr. BAUCUS, Mr. BURLESON of Texas, Mr. DAN DANIEL, Mrs. FENWICK, Mr. FRENZEL, Mr. GILMAN, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HALL, Mr. JONES of Tennessee, Mr. LUNDINE, Mr. MITCHELL of New York, Mr. RAHALL, Mr. RICHMOND, Mr. ROUSSELOT, Mr. STARK, Mr. WALSH, Mr. WHALEN, and Mr. WINN):

H.R. 5718. A bill to provide recognition to the Women's Air Forces Service Pilots for their service to their country during World War II by deeming such service to have been active duty in the Armed Forces of the United States for purposes of laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. BOWEN:

H.R. 5719. A bill to provide price and income protection for cotton farmers and assure consumers plentiful supplies of food and fiber at reasonable prices; to the Committee on Agriculture.

By Mr. BROWN of California:

H.R. 5720. A bill to establish a research and development effort resulting in the commercialization of native latex rubber; to the Committee on Science and Technology.

H.R. 5721. A bill to authorize instruction, research, and demonstrations directly and primarily related to the maintenance, protection, and improvement of the environment; jointly, to the Committees on Agriculture, and Science and Technology.

By Mr. BROWN of California (for himself, Mr. WINN, Mr. JENRETTE, Mr. LAFALCE, and Mr. MURPHY of New York):

H.R. 5722. A bill to authorize and direct the establishment of a coordinated national program related to climate, and for other purposes; to the Committee on Science and Technology.

By Mr. BURKE of Massachusetts (for himself, Mr. ANNUNZIO, Mr. BLANCHARD, Mr. BURLISON of Missouri, Mr. BLOUIN, Mr. COCHRAN of Mississippi, Mr. EILBERG, Mr. FLOWERS, Mr. HAMMERSCHMIDT, Mr. HARRINGTON, Mr. HEFNER, Mr. JACOBS, Mr. JONES of Oklahoma, Mr. LUJAN, Mr. MCDADE, Mr. MAHON, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. OBERSTAR, Mr. PREYER, Mr. RODINO, Mr. ST GERMAIN, Mr. CHARLES WILSON of Texas, Mr. WON PAT, and Mr. ZEFERETTI):

H.R. 5723. A bill to provide that certain persons who were originally appointed as SSI hearing examiners under pre-1976 provisions of title XVI of the Social Security Act shall without restriction be deemed appointed as administrative law judges; jointly, to the Committees on Post Office and Civil Service, and Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. ABDNOR, Mr. ADDABBO, Mr. ALLEN, Mr. ANDERSON of California, Mr. BREAUX, Mr. BROYHILL, Mr. CORMAN, Mr. DRINAN, Mr. GILMAN, Mr. LAFALCE, Mr. LEHMAN, Mr. MINETA, Mr. MOTTL, Mr. MURPHY of Illinois, Mr. NEAL, Mr. QUILLEN, Mr. ROSENTHAL, Mr. SEIBERLING, Mrs. SPELLMAN, Mr. STUDDS, Mr. TUCKER, Mr. VAN DEERLIN, Mr. VENTO, and Mr. WAXMAN):

H.R. 5724. A bill to provide that certain persons who were originally appointed as SSI hearing examiners under pre-1976 provisions of title XVI of the Social Security Act shall without any restriction be deemed appointed as administrative law judges; jointly, to the Committees on Post Office and Civil Service, and Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. DE LA GARZA, Mr. BEDELL, Mr. FASCELL, Mr. MARKEY, and Mr. BOB WILSON):

H.R. 5725. A bill to provide that certain persons who were originally appointed as SSI hearing examiners under pre-1976 provisions of title XVI of the Social Security Act shall without any restriction be deemed appointed as administrative law judges; jointly, to the Committees on Post Office and Civil Service, and Ways and Means.

By Mr. DRINAN (for himself, Mr. AKAKA, Mr. BEDELL, Mr. BEILENSON, Mr. BROWN of California, Mr. JOHN L. BURTON, Mr. CAPUTO, Mr. CARR, Mr. CLAY, Mr. EILBERG, Mr. GILMAN, Mr. GLICKMAN, Mr. HAWKINS, Mr. KREBS, Mr. LAFALCE, Mr. LEHMAN, and Mr. MAZZOLI):

H.R. 5726. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for widowed fathers with minor children, to make certain other changes so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers, and to permit the payment of benefits to a married couple on their combined earnings record where that method of computation provides a higher combined benefit; to the Committee on Ways and Means.

By Mr. DRINAN (for himself, Mr. MITCHELL of New York, Mr. O'BRIEN, Mr. PATTISON of New York, Mr. PANETTA, Mr. PRICE, Mr. PRITCHARD, Mr. PURSELL, Mr. RYAN, Mr. SAWYER, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STEERS, Mr. TRAXLER, Mr. VENTO, and Mr. WALGREN):

H.R. 5727. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for widowed fathers with minor children, to make certain other changes so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers, and to permit the payment of benefits to a married couple on their combined earnings record where that method of computation provides a higher combined benefit; to the Committee on Ways and Means.

By Mrs. FENWICK (for herself, Mr. MOFFETT, Mr. MAGUIRE, and Mr. GEPHARDT):

H.R. 5728. A bill to provide that rates of pay for Members of Congress shall not be subject to adjustment under the Federal Salary Act of 1967 or subject to any other automatic adjustment; to the Committee on Post Office and Civil Service.

By Mr. FRENZEL:

H.R. 5729. A bill to amend the Internal Revenue Code of 1954 relating to group-term life insurance purchased for employees; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 5730. A bill to amend title 38 of the United States Code in order to extend the delimiting period for completing programs of education, to the limit of entitlement, for veterans pursuing such programs at the close of such period; to the Committee on Veterans' Affairs.

By Mr. HYDE:

H.R. 5731. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

H.R. 5732. A bill to amend title XVIII of the Social Security Act to extend the coverage of services provided outside the United States; to the Committee on Ways and Means.

By Mr. JEFFORDS:

H.R. 5733. A bill to amend the Interstate Commerce Act to provide that no pipeline company engaged in the transportation of oil may transport oil through its pipelines if that company has an interest in such oil; to the Committee on Interstate and Foreign Commerce.

H.R. 5734. A bill to restore and to promote competition in the petroleum industry, and for other purposes; to the Committee on the Judiciary.

By Mrs. LLOYD of Tennessee:

H.R. 5735. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. MARKS:

H.R. 5736. A bill to amend the Social Security Act to make certain that recipients of supplemental security income benefits, recipients of aid to families with dependent children, recipients of medicaid benefits, and recipients of aid or assistance under the veterans' benefit programs and certain other Federal and federally assisted programs will not have the amount of such benefits, aid, or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. MARTIN (for himself, Mr. JONES of Oklahoma, Mr. HILLIS, Mr. YATRON, Mr. WEAVER, Mr. NEDZI, Mr. CAPUTO, and Mr. CARR):

H.R. 5737. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY:

H.R. 5738. A bill to amend section 709 of title 32, United States Code, to provide increased job protection for certain civilian National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. MOAKLEY (for himself, Mr. BLANCHARD, Mr. CARNEY, Mr. CARR, Mr. DRINAN, Mr. JENRETTE, Mr. MEEDS, Mr. NOLAN, Mr. OTTINGER, Mr. PATTISON of New York Mr. RANGEL, Mr. ROSE, Mr. ROYBAL, Mr. RYAN, Mr. SCHEUER, Mr. SIMON, Mr. SOLARZ, Mr. TSONGAS, Mr. WEAVER, and Mr. CHARLES WILSON of Texas):

H.R. 5739. A bill to prohibit State and local law from permitting construction which interferes with sunlight necessary for solar heating and cooling equipment; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MOAKLEY (for himself, Mr. ALLEN, Mr. BADILLO, Mr. BAUCUS, Mr. BEDELL, Mr. CARNEY, Mr. CARR, Mr. CORMAN, Mr. EDWARDS of California, Mr. EILBERG, Mrs. FENWICK, Mr. GEPHARDT Mr. GIBBONS, Mr. HANNAFORD, Mrs. MEYNER, Mr. NOLAN, Mr. PATTISON of New York, Mr. RANGEL, Mr. ROSE, Mr. ROYBAL, Mr. SIMON, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STUDDS, Mr. VENTO, and Mr. CHARLES WILSON of Texas):

H.R. 5740. A bill to require that energy consumption analyses be prepared and considered before the construction or renovation of certain Federal buildings; to the Committee on Public Works and Transportation.

By Mr. PEPPER (for himself and Mr. COHEN):

H.R. 5741. A bill to direct the Coordinating Council on Juvenile Justice and Delinquency Prevention to organize and convene a national conference on learning disabilities and juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. PREYER, Mr. SCHEUER, Mr. FLORIO, Mr. MAGUIRE, Mr. OTTINGER, Mr. WALGREN, Mr. CARTER, Mr. BROYHILL, and Mr. SKUBITZ):

H.R. 5742. A bill to amend the Controlled Substances Act to extend for 3 fiscal years the authorization of appropriations under that act for the expenses of the Department of Justice in carrying out that act; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO (for himself, Mr. KOCH, Mr. ADDABBO, Mr. AKAKA, Mr. ASHLEY, Mr. FAUNTROY, Mr. HAMILTON, Mr. HANNAFORD, Mr. KOSTMAYER, Mr. MAZZOLI, Mr. MOSS, Mr. PATTERSON of California, Mr. PEASE, Mr. RANGEL, Mr. RINALDO, Mr. STEERS, Mr. WALGREN, and Mr. WEISS):

H.R. 5743. A bill to amend chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act, to permit awards of reasonable attorneys' fees and other expenses for public participation in Federal agency proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. SEIBERLING (for himself, Mr. STANTON, Mr. THOMPSON, Mr. ANDERSON of Illinois, Mr. CORNWELL, Mr. ERTEL, Mr. HOLLENBECK, Mr. OBERSTAR, Mr. RINALDO, Mr. ROSENTHAL, Mr. SCHEUER, Mr. SOLARZ, and Mr. VANDER JAGT):

H.R. 5744. A bill to amend the Internal Revenue Code of 1954 to encourage the modernization of manufacturing plants by providing an additional investment credit for machinery placed in service in existing manufacturing plants or in nearby plants; to the Committee on Ways and Means.

By Mr. THORNTON (for himself, Mr. HAMMERSCHMIDT, Mr. HARKIN, Mr. KRUEGER, and Mr. BOWEN):

H.R. 5745. A bill to strengthen U.S. agricultural research and research education, to improve the policy formulation and coordination for agricultural research and education activities, and for other purposes; to the Committee on Agriculture.

By Mr. ZABLOCKI:

H.R. 5746. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to increase the minimum distributions under title II of that act; to the Committee on International Relations.

By Mr. ZABLOCKI (by request):

H.R. 5747. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on International Relations.

H.R. 5748. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on International Relations.

By Mr. KASTEN:

H.J. Res. 360. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of consecutive terms of office of Members of the Senate and of the House of Representatives; to the Committee on the Judiciary.

By Mr. LUKEN:

H.J. Res. 361. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mrs. MEYNER:

H.J. Res. 362. Joint resolution to authorize the President to proclaim the last Friday of April each year as National Arbor Day; to the Committee on Post Office and Civil Service.

By Mr. MIKVA:

H.J. Res. 363. Joint resolution designating the week beginning June 19, 1977, as National Food Service Employees Week; to the Committee on Post Office and Civil Service.

By Mr. PANETTA:

H.J. Res. 364. Joint resolution designating April 9 of each year as Bataan-Corregidor Day; to the Committee on Post Office and Civil Service.

By Mr. ROGERS (for himself, Mr. BROWN of California, Mr. CARTER, Mr. CORMAN, Mr. DUNCAN of Tennessee, Mr. ERTEL, Mr. FISHER, Mr. FLOOD, Mr. FLORIO, Mr. FORD of Tennessee, Mr. GLICKMAN, Mr. MAGUIRE, Mr. MINETA, Mr. PREYER, Mr. SCHEUER, and Mr. ULLMAN):

H.J. Res. 365. Joint resolution to authorize and request the President to proclaim the second week in April of each year as National Medical Laboratory Week; to the Committee on Post Office and Civil Service.

By Mr. HOWARD:

H.J. Res. 366. Joint resolution to authorize the President to proclaim the last Friday of April each year as National Arbor Day; to the Committee on Post Office and Civil Service.

By Mr. HYDE:

H. Con. Res. 180. Concurrent resolution directing the Secretary of Defense to inter a Vietnam Unknown Soldier at Arlington Cemetery; to the Committee on Veterans' Affairs.

By Mr. WIRTH (for himself and Mr. HARKIN):

H. Con. Res. 181. Concurrent resolution to provide for a fair and equitable allocation of access to Federal rivers for white water travel; jointly, to the Committees on Interior and Insular Affairs, and Agriculture.

By Mr. BRECKINRIDGE (for himself, Mr. SISK, Mr. MOORE, Mr. RODINO, Mr. MATHIS, Mr. CORMAN, Mr. PHILLIP BURTON, Mr. BRODHEAD, Mr. BROWN of Ohio, Mr. BUCHANAN, Mrs. FENWICK, Mr. OTTINGER, Mr. THONE, Mr. BURGENER, Mr. ADDABBO, Mr. CHARLES WILSON of Texas, Mr. LUNDINE, Mr. PICKLE, Mr. SIMON, Mr. PRICE, Mr. PEPPER, Mr. VENTO, Mr. DODD, and Mr. RAHALL):

H. Con Res. 182. Concurrent resolution providing for the printing as a House document of the pamphlet entitled "Black Americans in Congress"; to the Committee on House Administration.

By Mr. BRECKINRIDGE (for himself, Mr. JENRETTE, Mr. BADILLO, Mr. ECKHARDT, Mr. FISHER, Mrs. SPELLMAN, Mr. STARK, Mr. MURPHY of New York, Mr. ROE, and Mr. EDWARDS of California):

H. Con. Res. 183. Concurrent resolution providing for the printing as a House document of the pamphlet entitled "Black Americans in Congress"; to the Committee on House Administration.

By Mr. BRECKINRIDGE (for himself, Mrs. BOGGS, Mr. MAZZOLI, Mr. HUBBARD, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. HAWKINS, Miss JORDAN, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. NIX, Mr. RANGEL, Mr. STOKES, Mr. ANDREWS of North Carolina, Mr. FUQUA, Mr. LEHMAN, Mr. RICHMOND, and Mr. BINGHAM):

H. Con. Res. 184. Concurrent resolution providing for the printing as a House document of the pamphlet entitled "Black Americans in Congress"; to the Committee on House Administration.

By Mr. MARTIN (for himself, Mr. BAUCUS, and Mr. ROSE):

H. Res. 446. Resolution expressing the sense of the House that no ban on saccharin should take effect without prior congressional approval; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE (for himself and Mrs. SMITH of Nebraska):

H. Res. 447. Resolution to insure that the quality and quantity of free broadcasting service not be impaired; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

68. By the SPEAKER: Memorial of the Legislature of the State of Illinois, relative to Federal impact school-aid funds; to the Committee on Education and Labor.

69. Also, memorial of the Legislature of the State of Montana, relative to raising the 160-acre limitation on lands under single owner-

ship which may be irrigated from Federal reclamation projects to reflect varying climatic and soil conditions; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEARD of Rhode Island:

H.R. 5749. A bill for the relief of Colleen Kerr, Matthew Philip Kerr, Daniel Robert Kerr, Michael Domenic Kerr, David Charles Kerr, and James Kennedy Kerr, to the Committee on the Judiciary.

By Mr. DAVIS:

H.R. 5750. A bill for the relief of Hardy King and Herbert Ravenel, Jr.; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 5751. A bill for the relief of Day's Sportswear, Inc., and Roffe-Rene, Inc., to the Committee on the Judiciary.

By Mr. GORE:

H.R. 5752. A bill for the relief of Dr. Frank Vallejo and Dr. Luz Vallejo; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 5753. A bill for the relief of the Nedlog Co.; to the Committee on the Judiciary.

SENATE—*Tuesday, March 29, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 4 p.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We come to Thee, our Father, at the vesper hour asking for a renewal of our energy and an increase in our strength. As we undertake the legislative period of the day's duties, we thank Thee for the high privilege of serving Thee in this Capitol. May we comport ourselves as persons who walk and work with Thee. Forbid that we should waste precious moments, neglect timely opportunities, or fail in any clear duty. Keep us mindful of the Apostle's exhortation that we are called to serve "* * * *not with eyeservice as men-pleasers; but in singleness of heart, fearing God: and whatsoever ye do, do it heartily, as to the Lord, and not unto men.*" (Col. 3: 22, 23.) Bring us at the close of this day at peace with ourselves, at peace with our fellow men, and at peace with Thee. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 29, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, March 28, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ELECTION REFORM

Mr. BAKER. Mr. President, recently, the President of the United States submitted a message to Congress with certain recommendations on election reform, including a recommendation for an amendment to the Constitution to eliminate the electoral college and provide for the election of the President by popular vote. He also asked that Congress consider public financing by the Federal Treasury of congressional campaigns, and proposed a so-called system of instant voter registration, among other proposals.

At the time that message was sent to Congress, I stated that I had long been a supporter of the popular election of the President, and that I would support, in this Congress, an amendment to the Constitution to abolish the electoral college.

I will not support the public financing of congressional races. I think it is a dangerous thing for the Government to finance the process by which we select the Government. For that reason, among others, I opposed the proposal to provide public financing of Presidential campaigns; and I will oppose such a proposal as it relates to Members of the House and the Senate.

On the matter of other electoral reform, I have always felt that it was a national disgrace—a national tragedy, at least—that such a small percentage of eligible voters actually vote in Federal elections. I have long felt that we should find ways to improve upon that percentage—to bring America closer to the percentage participation of other democracies around the world.

We must enhance and improve the level of public participation in the great decisionmaking processes, which are the essence to a democracy.

I have in the past suggested such proposals as: The Federal registration of voters; a uniform registration system; a uniform voter registration card; and other procedures to make voting more convenient, such as keeping the polls open for a full 24 hours on election day or, perhaps, making election day a national holiday. Such measures would accommodate those who work night shifts or who find it otherwise inconvenient to vote at a given time. In other words, there are many reasonable proposals to improve the percentage of our citizens who participate in the electoral process.

Mr. President, on the matter of so-called instant voter registration—which is a voter presenting himself at the polling place and on meager identification securing permission to vote immediately—I feel there is so much propensity for fraud, so much risk and danger of abuse to the electoral system, that such a proposal would not be a wise step and is incautious to consider. Perhaps some way can be found to cure the deficiencies that I fear, perhaps not. While I will do all in my power to support electoral reform, I have serious concern and great reservations about the so-called instant registration and voting proposals contained in the President's message.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no further requirement for my time and no other requests, and I yield back the remainder of my time under the standing order.

The ACTING PRESIDENT pro tempore. Does the majority leader desire further recognition?

Mr. ROBERT C. BYRD. Yes. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. Nine minutes.

ORDER FOR MESSAGE FROM THE HOUSE ON CONTINUING RESOLUTION TO BE HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the House on the continuing resolution (H.J. Res. 351) be held at the desk pending further disposition.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Robert S. Strauss.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination of Mr. Strauss will be stated.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

The assistant legislative clerk read the nomination of Robert S. Strauss, of Texas, to be special representative for trade negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary.

Mr. CURTIS. Mr. President, what I am about to say, I think, merits the attention of the distinguished majority leader of the Senate. It is not my purpose to undertake to defeat the confirmation of Robert Strauss for trade negotiator. As

a matter of fact, I think he has many qualities that will make him a good negotiator.

I shall review some facts concerning an illegal corporate contribution to the Democratic National Committee while he was treasurer that is so serious that I call upon the majority leader, as the leader of the Senate, and I call upon President Carter, as leader of the Democratic National Committee, to see to it that the remaining $42,500 of corporate funds still in the committee's hands be returned before a commission is issued to Robert Strauss to be the special representative for trade negotiations. It is of those facts that I wish to speak.

A number of public officials and candidates discover sometimes to their surprise—often usually, and usually that is the case—that their committees have received unlawful corporate contributions, and the candidate and the committee did not know of them at the time.

The senior Senator from Nebraska, now speaking, was informed 2 years after my election that a check for $5,000 received by my committee was, in fact, corporate funds from the Ashland Oil Co., at Ashland, Ky.

When the facts were established the money was returned by the Citizens for Curtis Committee, every dollar of it.

About that time I read in the papers that Robert Strauss, as treasurer for the Democratic National Committee, had received $50,000. Those receipts were, I believe, in 1970 or 1971.

The money was not returned. Many of my colleagues who found themselves in an embarrassing situation, as I did, had returned the money. I would not have permitted my committee to accept it had I known it. I have championed the cause of private enterprise enough so that I can raise all the campaign funds I need without taking a nickel of tainted money. So I am not too critical of someone who gets caught in a web with which he had nothing to do, but I raise the question today why is that money not returned? I suggest it be returned before they send this gentleman to be our negotiator.

Now, it was not returned. A suit had to be filed, and was filed, in the Western District of the U.S. District Court in Louisville, Ky., on May 16, 1975. There were many defendants. A stipulation of settlement was made in reference to the Democratic National Committee on January 28, 1976, and that is an astounding arrangement. It provided that the Democratic National Committee should return $7,500 to the stockholders of Ashland Oil, and give a note for $42,500.

What do you suppose were the provisions of the note? Due in 7 years. What do you suppose the rate of interest was? No interest.

If that in itself is not a contribution then I do not know what is one. How many guarantors or endorsers were on the note? None. The note was signed by one man, S. Lee Kling, finance chairman.

Mr. President, I ask unanimous consent that a copy of the note be inserted in the RECORD at this point.

There being no objection, the note was ordered to be printed in the RECORD, as follows:

NOTE: $42,500.00

WASHINGTON, D.C.
June 19, 1976.

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the undersigned, the undersigned promises to pay Ashland Oil, Inc., a Kentucky corporation, the principal sum of Forty-Two Thousand Five Hundred Dollars, which amount shall be payable without interest at the principal offices of the Payee in Ashland, Kentucky, or at such other place as the Payee may designate, on the seventh anniversary of the date hereof.

DEMOCRATIC NATIONAL COMMITTEE,
S. LEE KLING, *Finance Chairman.*

Mr. CURTIS. Now, think of it, here this wealthy, powerful national political party being extended credit for 7 years without interest. How do you make a contribution more openly than that?

Why does not the Democratic National Committee return all of this money to the stockholders? Why should they be singled out for treatment better than anybody else? I am here to tell you that the Democratic Party could pay it if they wanted to. They are rich. Just in the last few weeks we are told they received $11 million from the unions for the last campaign. They also have their hand in the public till, $21.8 million from the U.S. Treasury for the last campaign. Anyone knowledgeable about politics knows there are rich Republicans.

They could pay this money; they could raise it in one-half day. Why do they not do it? How long are we going to go on here with a double standard? Therefore, I call upon the majority leader of the Senate to demand that this be repaid before a commission is issued, and I call upon the President of the United States, as the head of the Democratic Party, to insist that this be repaid before he issues a commission.

It is not a question of legality. It is a question of morals. Oh, maybe you could quarrel a long time about that note, and whether it constituted a further gift because of the fact that it was for 7 percent without interest, no endorsers or guarantors.

But there is another side to this story, too. For some time after this illegal contribution the statute of limitations for offenses of this kind was 5 years.

This Senate passed the Federal Election Campaign Act of 1974. It went over to the House of Representatives, and there it had the tender loving care of the chairman of that committee, one Congressman Wayne Hays, and when it came out of that committee and passed through the channels and became law, the statute of limitations was 3 years—saved by the bell.

Here are some news items that refresh our memory of what took place. I read from the January 10, 1975, copy of the Washington Post an article by Robert Shogan of the Los Angeles Times:

Democratic National Committee Chairman Robert S. Strauss says he may have unknowingly committed a "technical" violation of the federal law on reporting political contributions when he was party treasurer in 1970 and 1971.

The Watergate special prosecutor's office is known to be pursuing an investigation into the case, and into other possible violations of disclosure statutes by political figures.

"I thought it was legal at the time," Strauss said of his handling of two cash contributions totaling $50,000 arranged by top executives of Ashland Oil, Inc., of Kentucky.

Strauss said he reported the money as "miscellaneous" contributions, rather than listing the specific amounts and names of donors as the law required for gifts of more than $100. He did so, he said, because he felt that Ashland officials didn't want the Nixon administration to know of the contribution.

He should be glad he is not a Republican. He would never have received such tender loving care.

Mr. President, I ask unanimous consent that the entire article from the Washington Post of January 10, 1975, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 10, 1975]

STRAUSS ADMITS POSSIBLE SLIP

(By Robert Shogan)

Democratic National Committee Chairman Robert S. Strauss says he may have unknowingly committed a "technical" violation of the federal law on reporting political contributions when he was party treasurer in 1970 and 1971.

The Watergate special prosecutor's office is known to be pursuing an investigation into the case, and into other possible violations of disclosure statutes by political figures.

"I thought it was legal at the time," Strauss said of his handling of two cash contributions totaling $50,000 arranged by top executives of Ashland Oil, Inc., of Kentucky.

Strauss said he reported the money as "miscellaneous" contributions, rather than listing the specific amounts and names of donors as the law required for gifts of more than $100. He did so, he said, because he felt that Ashland officials didn't want the Nixon administration to know of the contribution.

The transaction first came to light last week when Ashland Oil pleaded guilty in federal court here to charges of making illegal corporate contributions to the Democratic National Committee, through Strauss, and to politicians in both parties.

Strauss was not charged in these cases. And he said he was led to believe that the money came from individual executives, which would have been legal, rather than from the company itself, which was a violation of the law.

"It was clearly represented to me as individual contributions," Strauss said. "I couldn't do anything for Ashland Oil, and they never asked me to do anything."

Mr. CURTIS. Then I read from March 20, 1975, of the Washington Post:

The Watergate special prosecutor's office has asked the Justice Department for an advisory opinion that could decide the outcome of the current investigation involving Democratic National Chairman Robert S. Strauss, it was learned.

Strauss has been under investigation for his handling of an illegal $50,000 contribution from Ashland Oil Co. while he was Democratic Party treasurer in 1970 and 1971.

Instead of reporting the names of the donors, as required by federal law, Strauss said he listed the money as miscellaneous contributions. He has conceded this might have been an unintentional technical violation of the reporting requirements, which were part of the Federal Corrupt Practices Act of 1925.

A spokesman for the special prosecutor's

office would say only that the Justice Department has been asked its view on whether the statute of limitations in the 1925 act was shortened from five years to three as a result of federal campaign reform legislation passed last year.

Mr. President, I ask unanimous consent that the full article from the Washington Post of March 20, 1975, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 20, 1975]

STATUS OF STRAUSS QUESTIONED

(By Robert Shogan)

The Watergate special prosecutor's office has asked the Justice Department for an advisory opinion that could decide the outcome of the current investigation involving Democratic National Chairman Robert S. Strauss, it was learned.

Strauss has been under investigation for his handling of an illegal $50,000 contribution from Ashland Oil Co. while he was Democratic Party treasurer in 1970 and 1971.

Instead of reporting the names of the donors, as required by federal law, Strauss said he listed the money as miscellaneous contributions. He has conceded this might have been an unintentional technical violation of the reporting requirements, which were part of the Federal Corrupt Practices Act of 1925.

A spokesman for the special prosecutor's office would say only that the Justice Department has been asked its view on whether the statute of limitations in the 1925 act was shortened from five years to three as a result of federal campaign reform legislation passed last year.

The spokesman did not mention any specific case under investigation as the reason for its inquiry to the Justice Department. But the legal question raised clearly bears on the case in which Strauss was involved.

If the statute of limitations on the reporting requirement of the old law is held to be only three years, Strauss would now be immune from prosecution for any violations he might have committed in 1970 and 1971. Strauss has told the Los Angeles Times that his lawyers had advised him this was the case.

But the matter is not a simple one. The 1925 Corrupt Practices Act was repealed by the Federal Election Campaign Act of 1972. Repeal did not eliminate liability for any prior violations of the old statute, which remained subject to prosecution until the period of limitations ran out.

Then last year Congress enacted a new campaign reform law. One of its provisions, little noted at the time of passage, reduced the statute of limitations for a number of campaign law violations to three years and applied the new limit retroactively.

Though the reporting provisions that Strauss may have violated were not specifically listed in the amendment, Strauss' lawyers are understood to have argued that the intent of Congress was to reduce all limits to three years. Other legal authorities, however, believe the limit still stands at five years.

It was to help resolve this dispute that the prosecutor's office has sought the views of the Justice Department. Though the special prosecutor would not necessarily be bound by the department's view, a difference of opinion between the two government agencies would probably create problems for any attempt to prosecute violations of the 1925 law.

Strauss and most other Democratic leaders have avoided public discussion of the case since the special prosecutor's investigation became known. However, related matters are due to come up this week when the Democratic National Committee meets here.

Today Strauss is expected to ask the DNC's Executive Committee whether he should return the $50,000 illegal contribution to Ashland Oil. Some illegal contributions received from corporations by the Committee for the Re-Election of the President were returned by the Nixon campaign organization.

Mr. CURTIS. Mr. President, we have some interesting information in the Washington Star of April 25, 1975.

I read part of it:

Informed sources confirmed, that the prosecutor's office has called off its fund-raising probes in at least these two areas because it would have been all but impossible to bring charges against either of the men under a new, shorter, statute of limitations included in the campaign reform bill at the reported insistence of two powerful House Democrats, Reps. Wayne Hays of Ohio and Rep. Phillip Burton of California.

In separate interviews, Strauss and Burton denied that there had been any attempt on the part of Democrats to "shield" anyone from prosecution through legislation that, in effect, changed the rules under which federal prosecutors could bring charges of illegal campaign fund-raising activity.

Mr. HANSEN. May we have order, Mr. President?

The PRESIDING OFFICER. The Senator will suspend while the Chair obtains order in the Chamber. Members will please take their seats.

Mr. CURTIS (continuing):

Before the new campaign law—called by supporters a means to limit the role of "big money" in federal elections—the statute of limitations for prosecution of campaign spending violations had been five years. But a new provision, passed last year, cuts the statute of limitations to three years and applies it retroactively.

Thus the current law says, "No person shall be prosecuted, tried or punished for an violation (of the fact) unless the indictment is found, or the information is instituted within three years after the date of the violations."

"When the new law took effect, Jan. 1, 1975," one source said "the prosecutor's office immediately lost all of 1970 and 1971"—the periods in which Strauss and Mills allegedly were engaged in their separate fund-raising activities.

Mr. President, I ask unanimous consent that the article from the Washington Star of April 25, 1975, and also an article from the Washington Post of April 26, 1975, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Apr. 25, 1975]

STRAUSS, MILLS INVESTIGATIONS DROPPED: TIME RUNS OUT ON PROBES

(By Frank Van Riper)

The Watergate special prosecutor, frustrated by a little-noticed amendment to the new federal campaign reform law, has abandoned plans to prosecute Democratic National Chairman Robert Strauss for alleged fund-raising violations and has called off a related probe into the political fund-raising of Rep. Wilbur D. Mills, D-Ark., it has been learned.

Until recently, Strauss had been under investigation by the special prosecutor's campaign finances task force in connection with a $50,000 cash contribution to the party from Ashland Oil, Inc. for the 1972 presidential campaign.

Mills, formerly chairman of the House Ways and Means Committee, reportedly had been under investigation for his fund-raising activities before and during his unsuccessful try for the 1972 Democratic presidential nomination.

Informer sources confirmed that the prosecutor's office has called off its fund-raising probes in at least these two areas because it would have been all but impossible to bring charges against either of the men under a new, shorter, statute of limitations included in the campaign reform bill at the reported insistence of two powerful House Democrats, Reps. Wayne Hays of Ohio and Rep. Philip Burton of California.

In separate interviews, Strauss and Burton denied that there had been any attempt on the part of Democrats to "shield" anyone from prosecution through legislation that, in effect, changes the rules under which federal prosecutors could bring charges of illegal campaign fund-raising activity.

Before the new campaign law—called by supporters a means to limit the role of "big money" in federal elections—the statute of limitations for prosecution of campaign spending violations had been five years. But a new provision, passed last year, cuts the statute of limitations to three years and applies it retroactively.

Thus the current law says, "No person shall be prosecuted, tried or punished for an violation (of the fact) unless the indictment is found, or the information is instituted within three years after the date of the violations."

"When the new law took effect, Jan. 1, 1975," one source said "the prosecutor's office immediately lost all of 1970 and 1971"—the periods in which Strauss and Mills allegedly were engaged in their separate fund-raising activities.

Had the old statute of limitations not been changed, it was said, "There is no question" that charges would have been brought against Strauss and the active investigation of Mills would have continued.

As he has several times in the past, Strauss acknowledged yesterday that he accepted the $50,000 from Ashland. But he insisted that he regarded the money—made in two cash payments—as a "personal" gift from Ashland President Orin Atkins and not as an illegal corporate contribution.

Last Dec. 30—or two days before the new campaign law took effect—the Kentucky-based oil firm pleaded guilty in federal court here to five counts of making illegal campaign contributions to the Democratic National Committee as well as to prominent individual Democrats and Republicans. Both the firm and Atkins had been fined the previous year for a separate illegal gift of $100,000 to the Nixon re-election campaign.

Mills' fund-raising activity was believed to have occurred in 1971 as he prepared to launch his presidential campaign. His troubles began almost immediately, with a dismal showing in the March 7, 1972, New Hampshire primary, in which he managed to pull only 4.1% of the total. In eight other contests in which his name was entered, the Arkansas lawmaker did equally badly. For his trouble Mills garnered a total of only 33,875 votes.

In reports filed with the General Accounting Office, Mills said he spent approximately $469,580 during his campaign.

Sources said the federal probe of Mills' presidential campaign fund-raising already had been slowed considerably by the lawmaker's hospitalization late last year for alcoholism following his public activities with a striptease dancer. Mills, who has not appeared on Capitol Hill since the episode, is now in Florida.

One source close to the Mills probe said that federal investigators wanted to speak with Mills in late 1974, but that their plans were frustrated when Mills checked into Bethesda Naval Medical Center.

Strauss denied that he ever had any discussions with Hays, chairman of the House Administration Committee, on cutting back the statute of limitations in the reform

bill. "I never even knew it was in there," Strauss said.

Burton, however, said that he was the one who first suggested to Hays that the statute be altered—but only, Burton said, to tailor the statute of limitations to the particular federal office involved.

The dropping of the probes of Strauss and Mills sparked some Republican grumbling on Capitol Hill.

One Republican source, who attended markup sessions of the reform bill—in which Hays allegedly "ramrodded the statute provision through," groused that "it always ticked us off that Nixon and his crew would subvert the law and then cover it up, while the Democrats simply rewrote the law."

The Watergate prosecutor's office, now under Special Prosecutor Henry Ruth, reportedly had no say in the drafting of the reform measure and was "taken completely by surprise" by the abbreviated statute of limitations.

[From the Washington Post, Apr. 26, 1975]

STRAUSS CASE HELD UNLIKELY DUE TO TIME

The Watergate special prosecutor's investigation into an alleged campaign reporting violation by Democratic National Committee Chairman Robert S. Strauss apparently has been short-circuited by a provision of the new federal campaign law shortening the time during which charges can be brought.

A spokesman for the special prosecutor's office declined to discuss specific cases but said that investigations of 1972 cases are continuing.

Strauss has said publicly that he may have committed a "technical" violation of the federal Corrupt Practices Act in 1970 and 1971, when he was party treasurer, by failing to report the names of donors who gave two cash contributions totaling $50,000.

Strauss said the donations, arranged by top executives of Ashland Oil Inc. of Kentucky, were represented to him as being from individuals. The oil company has admitted in court that the contributions were an illegal corporate gift.

The Corrupt Practices Act, which was in force at the time, required the listing of names and addresses of donors who contributed more than $100. Strauss listed the contributions as "miscellaneous."

The new federal law that went into effect Jan. 1, however, shortened the statute of limitations for campaign violations from five to three years and applied the shorter time span retroactively.

The special prosecutor's office originally maintained the shorter statute of limitations did not apply to the reporting provisions of the old law, but it asked the Justice Department for an opinion on the scope of the new law.

Although the department has not given a formal answer yet, the special prosecutor's office expects to be told that the shorter time for prosecution also applies to the reporting provisions of the old law—thereby foreclosing any prosecution of Strauss, if warranted, because the alleged violations occurred in 1970 and 1971.

Mr. CURTIS. Mr. President, I am not here charging any collusion between Robert Strauss, his lawyers, or his friends with Wayne Hays and PHILLIP BURTON that changed the statute of limitations. I am not here to debate the legality of this whole transaction. I am here to point out the morals of it. And I ask the question, why do they not return the money today? This rich party that was helped in the last campaign by the unions $11 million, that received over $21 million from the Federal Treasury for their campaign, that has all these rich individuals, why do they not get together on the telephone and raise this money and pay it back?

That is the reason that I call on two important leaders of that party that this be done. I call upon the majority leader of this Senate to insist on behalf of the Senate that this be done, and I call upon the President of the United States, as leader of the Democratic Party, to see that that money is returned.

There are people who can ask questions. What, if anything, did the Democratic National Committee have to do with the change of the statute of limitations? And why, if he did, did the Special Prosecutor on December 20, 1974, 11 days before the statute of limitations ran, bring Ashland Oil to court and they plead guilty but bring no action against the individual who received it? The giver of the illegal contribution is reached and proceeded against; the receiver is not. Why did they prosecute the giver of an illegal gift and not the receiver?

Did the Special Prosecutor on March 20, 1975, as alleged, ask the Department of Justice for an opinion as to whether the 3-year limitation applied to this transaction?

We should also ask, did the Special Prosecutor in June 1975 announce that Strauss would not be prosecuted because the statute of limitations had run?

Mr. President, I make no legal argument as to the value or standing or anything else of this note due in 7 years, interest-free. I make no charge that there was any collusion. But can anyone connected with the Democratic National Committee and Wayne Hays' committee over there that lessened the statute of limitations from 5 to 3 years explain this? I make no charge against Robert Strauss as a man of ability to be our negotiator. But we had a few Republicans who were guilty of technical violations of not reporting things just as they were. They were prosecuted. They are broken men. A great many Senators of this body here were innocent victims of corporate contributions coming into their treasury unbeknownst to them. But they have returned the money. Here we have a case of one of the great political parties not returning an illegal corporate contribution about which there is no question that it was corporate and it was illegal.

Mr. President, I know I am overpowered. There will be no attempt to defeat this nomination. But there is a judgment to be rendered that goes beyond this Chamber, and that is on a matter of common honesty and morals.

I sincerely hope and request that before the commission is issued to this man, who I am sure will be an able advocate in behalf of the United States, the majority leader of this body and the President of the United States, as head of the Democratic Party, see to it that this illegal contribution is returned.

I think it is a matter of integrity.

Mr. President, I yield the floor.

Mr. TOWER. Mr. President, I wish to express my gratitude to the Senator from Nebraska for not pressing this matter to the extent that the confirmation of Bob Strauss is delayed.

Bob Strauss is a fellow Texan, a man of good reputation in our State and indeed I think nationally, a tough-minded man and a canny man who will, I think, reflect and act in the best interests of the United States in international negotiations during a difficult period when some of our trading partners might not be disposed to want to arrive at any agreements with us, because things are pretty good for them as it is. I feel confident that the national interests of the United States will be well represented and defended by Bob Strauss, a man who has distinguished himself as a lawyer, a businessman, and a politician. A distinguished Democrat, he has worked on the opposite side of the political fence from me for many years; as a matter of fact, he has worked mightily for my defeat on occasion. Had there been more like him, I am sure I would have been defeated. He may work against me in the future.

But I think politics should be subordinate when we have available to us the talent of a man who can serve our country well, represent its interests, and reflect credit on himself and his party in the process. I heartily commend to the Senate the confirmation of Bob Strauss.

Mr. BENTSEN. Mr. President, I have known Bob Strauss for a great many years. I know him to be a man of ability and a man of integrity. He is an advocate; and if this country ever needed an advocate in trade matters, it needs one now. When we look at this last month's deficit in the balance of trade of almost $1 billion, it is time we have someone who gets over there and fights for this country.

He is a man who knows how to trade. Any fellow who can take over the chairmanship of a political party that has just suffered a devastating defeat and a great deal of indebtedness, and help heal its wounds and pull it back together—I heard someone speak of our Republican colleagues, when they were looking for a chairman for their party, and say that if they could not get Bob Strauss, they would have to invent their own Bob Strauss.

This man will fight for the best interests of this country. Any man who can take people of differing political philosophies like BARBARA MIKULSKI and Dolph Briscoe of Texas and have them working shoulder to shoulder is a man who can take the varying views of this great Nation when it comes to trade and bring about an effective result.

He is a man from a humble background, who knows what it is to be poor and what it is to be successful, who knows what it means for people to be out of work in this country and is concerned about seeing that we have a positive trade balance to help put people back to work.

I have heard John Pastore stand up on this floor time after time in the past and say:

When we get some of those people working over there for us, they think the way to be successful is to be garlanded with flowers by the people of the country where they are located.

It is not the job of our trade repre-

sentative to be popular, but to be alert and tough, and to fight for the best interests of this country. Again, as John Pastore used to say:

We have a Latin desk, a European desk, an Asian desk, an African desk; it is time we have an American desk over there.

If we confirm Bob Strauss, we will have an American desk fighting for our interests over there. I urge the confirmation of this nomination.

Mr. GOLDWATER. Mr. President, I do not wish to join my colleagues in criticism of Mr. Bob Strauss. I think he is one of the most honorable men I have ever known. He has served his party well, and I think he has served his country well. I do not think he could be associated with many of the wrongdoings that we can so easily associate certain members of the Democratic Party with. So I shall cast my vote for Mr. Strauss, and do it very proudly.

The PRESIDING OFFICER. Does anyone else seek recognition?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD certain extracts from the committee report, the committee hearings, and whatever information may be available in addition to the speech made by the distinguished Senator from Nebraska.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Mr. President, reserving the right to object, will the Senator identify the material designated as "whatever other material may be available"?

Mr. ROBERT C. BYRD. Mr. President, I do not have that information. I am not on the committee, and I do not know what the Senator is talking about, but I am sure the Senator must have asked questions of Mr. Strauss.

Mr. CURTIS. Oh, yes; if it pertains to the committee I have no objection.

Mr. ROBERT C. BYRD. Yes. And did I not understand the Senator to say that Mr. Strauss had sent a letter to the distinguished Senator from Nebraska?

Mr. CURTIS. Oh, very much so.

Mr. ROBERT C. BYRD. It is information such as that that I wish to put in the RECORD.

Mr. CURTIS. Yes. I do not present any legal proposition here, no criticism of Mr. Strauss. All I request is that he return the money.

(The following proceedings occurred later in the day and are printed at this point in the RECORD by unanimous consent.)

Mr. LONG. Mr. President, I was not present during the debate involving the confirmation of Robert Strauss. I want the record to show that I would have voted to confirm him.

Something was said about the contribution that was made to the Democratic Party by Ashland Oil, which the Democratic National Committee felt should be repaid in view of the fact that Ashland had not made a proper contribution. That matter was brought up in the Finance Committee. I ask unanimous consent that the letter from Mr. Strauss to me be printed in the RECORD, and also that excerpts from the transcript of the committee hearings be printed in the RECORD; these excerpts make clear Mr. Strauss's position.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
March 23, 1977.

Hon. RUSSELL B. LONG,
Chairman, U.S. Senate,
Committee on Finance,
Washington, D.C.

DEAR SENATOR LONG: May I begin by expressing my personal appreciation to you and through you to the other members of the Finance Committee for the reception I received when I appeared before you this morning. It was a proud moment for me. May I also assure you that I am going to do by very best to justify the confidence of the members of the Committee.

You will recall Senator Curtis asked that I submit the facts with respect to the repayment of certain Ashland Oil Company contributions to the Democratic National Committee while I was its Treasurer.

In 1970 and 1971, certain contributions totaling $50,000 were made by Ashland Oil Company executives to the Democratic Nation Committee which some years later proved to be corporate funds. On learning that they were corporate funds, I immediately brought the matter to the attention of our Executive Committee and our Counsel. We had an informal opinion from outside Counsel that a return of the funds was probably not legally necessary but concluded that it should, nevertheless, be paid back. During this time, a derivative shareholders action was filed against certain officers of the Company as well as the Democratic National Committee. The entire matter was settled by a voluntary judgment being entered providing that the Democratic National Committee would repay the entire $50,000, $7,500 in cash, and by the execution and delivery of a note payable to Ashland Oil Company in the amount of $42,500 due and payable on or before 1983. This period of time for repayment was identical to that agreed to by certain other defendants and former officers of the Company. The check and note have been delivered.

The above represents my best recollection, the best recollection of the Controller and of the outside Counsel of the Democratic National Committee as well as our examination of the files. I trust this satisfactorily provides the information Senator Curtis desires.

Respectfully submitted,
ROBERT S. STRAUSS,
Designate.

EXCERPT FROM TRANSCRIPT OF FINANCE COMMITTEE MEETING, MARCH 23, 1977

Senator CURTIS. Mr. Strauss, I am glad to support you. I think that a lawyer should be in this job. They understand adversary proceedings and lawyers have the dedication to the cause of their clients.

In a very strong sense, I feel that the workers, the businessmen, the farmers of America are your clients, and it is not an arena for diplomats. It is an arena for advocates and fighters for the cause of their clients.

Now, I am going to ask you on another matter—I assure you it is no desire to cause any embarrassment or anything else. I think when these things come up everybody should be treated alike.

Unbeknownst to me I learned several years after my last election that Ashland Oil Company contributed $5,000 of corporate funds to my campaign. I did not know it; did not know anything about it. I do not know any of Ashland's officers yet—if I had known it, I would not have touched it with a ten-foot pole.

I have championed the cause of private enterprise here and I can raise all the campaign money I need without taking a nickel of tained money. Nevertheless, that happened.

That $5,000 was returned. I cause it to be returned to the Ashland Oil Company. I never was able to find out from them or anyplace else what happened to everybody else.

The news media at that time that $50,000 was turned over to you. What are the facts in reference to that, and if any money was turned over to you, was it returned back to the Ashland Oil Company?

Mr. STRAUSS. The story that $50,000 was donated to the Democratic Party while I was Treasurer is an accurate statement, and I accepted that money. That money was reported in keeping, I believe, with the standards prevailing at the time. It was not reported in sufficient detail. It was an improper gift.

The money, to my recollection substantially all of it, has been returned now. A portion of it was paid at once; there were additional payments made. There has been a note—I do not know whether it has been liquidated or is still outstanding, with respect to those funds.

I will say this to you, Senator Curtis, of course, I regret that I received that money. I will point out to you, sir, with considerable pride and without apology, that I have been in politics a long time. I am very proud of being a politician. I have no apologies to make for it.

When I think of the sums of money that I received and disbursed for the National Democratic Party for the Presidential and other candidates, the fact that the occasion where I may have been remiss, an instance like that happening, has been very rare. I am rather proud of my record. I have no apology to make for it, sir.

Senator CURTIS. I feel the same way. I was a victim. I not only did not seek the money; I did not know that it was corporate money, did not even known that it had been given. It was properly reported by my committee.

But we did return it.

I know the circumstances in which you were given that contribution are very similar.

Mr. STRAUSS. That is correct.

Senator CURTIS. I am not pointing a finger at anybody for having been victimized as I was. I would appreciate it if you would provide to the Chairman or to our Chief Counsel so it can be examined whatever are the facts and the evidence to support it in reference to the return of the $50,000.

Mr. STRAUSS. I will be very pleased to do that, and will do it promptly.

Mr. LONG. The way I understand this matter is simply that a contribution was made to the Democratic National Committee. No one on behalf of the committee knew at the time that the contribution was from corporate funds. When the matter came to light, it was agreed that the Democratic National Committee should undertake to repay the money. Part of it has been repaid and, as I understand it, the Democratic Committee has given a note for the remainder of it. This is about the way some other people involved in this type of situation have undertaken to return money they felt a company had no right to contribute under the law.

As far as I could see, and I think that speaks for the majority of us, none of us could find anything whatever that Mr. Strauss had done that was improper, or that he had any knowledge of any of this, except that when he found the money

had been improperly received, he undertook to see that it was repaid.

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the earlier consent request that was granted me, as in executive session, to insert material in the RECORD in connection with the Strauss matter be vitiated, because Mr. LONG has now done that.

The PRESIDING OFFICER. Without objection, it is so ordered.

(This concludes proceedings that occurred later in the day.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert S. Strauss, of Texas, to serve as special representative for trade negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary?

The nomination was confirmed.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the able was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations under the Department of the Treasury, the Department of Health, Education, and Welfare, and the Department of Defense, all of which nominations have been cleared on both sides.

The PRESIDING OFFICER. Is here objection?

Mr. BAKER. Mr. President, reserving the right to object, there will be no objection from me. The majority leader is correct—all of the remaining nominations on the Executive Calendar, with the exception of the Council on Environmental Quality, are cleared on this side.

Mr. ROBERT C. BYRD. Mr. President, that would conform with my request. I ask that the nomination under Department of Justice and the nomination under Council on Environmental Quality not be taken up at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the first nomination.

DEPARTMENT OF THE TREASURY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations under "Department of the Treasury" be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations under "Department of Health, Education, and Welfare" be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF DEFENSE

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ARMY AND NAVY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations under the Department of Defense, U.S. Air Force, U.S. Army, U.S. Navy, U.S. Marine Corps, and going over on page 4 under U.S. Air Force, U.S. Army, U.S. Marine Corps, and nominations placed on the Secretary's desk in the Army and Navy, be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

(All nominations confirmed today are printed in the RECORD after Senate proceedings.)

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimus consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, Senate Resolution 110, which the clerk will state.

The legislative clerk read as follows:

A resolution (S. Res. 110) to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with the permission of Mr. HELMS, that Mr. BENTSEN be recognized at this time to call up an amendment which he and Mr. HANSEN are cosponsoring.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 108

Mr. BENTSEN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas (Mr. BENTSEN) for himself and Mr. HANSEN, proposes an unprinted amendment No. 108.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 54, line 10, strike out "1977" and insert in lieu thereof the following "1978".

On line 11, strike out "1978" and insert in lieu thereof the following "1979".

On line 12, strike out "1977, through September 30, 1977" and insert in lieu thereof the following "1978, through September 30, 1978".

Line 14, strike out "1977" and insert in lieu thereof the following "1978".

On line 17, strike out "1978" and insert in lieu thereof the following "1979".

Mr. HANSEN. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BENTSEN. Mr. President, this is a relatively simple amendment which I hope the committee will adopt. The Senator from Wyoming and I have cosponsored this amendment. What we are trying to do is to make the language in Senate Resolution 110 conform to the language of the ethics resolution passed by the House, insofar as the effective date for the limitation on outside income.

The Senate version calls for it to be put into effect on January 1, 1978. The House version says January 1, 1979.

I do think it important that Congress act in a uniform and coordinated fashion in its ethics guidelines to the greatest extent possible. The House believes that that limitation should be put into effect on January 1, 1979. I think we should have the Senate version conform to that.

Most of us make financial commitments not on a month-to-month basis but on a medium- to long-range basis. Many of these Senators who were earning honoria made such commitments without any realization that this kind of a limitation was going to be placed upon these earnings. I believe they ought to be given that year to adjust and to conform to this resolution. Then we would see the House and the Senate on the same basis. That is all this amendment does. It has a continuation of rule XLIV as it is until January 1979. We would then be exactly in step with the House on the limitation on outside earnings.

Mr. HANSEN. Mr. President, I am pleased to join with my distinguished colleague from Texas in cosponsoring this amendment. It seems to me the reasons for its adoption are logical and compelling. I believe the Senator has already spelled out very clearly the per suasive reasons for having the ethics resolution on this side of the Capitol conform to the actions taken by our colleagues on the other side.

Added to that is the very real need to recognize that Members of this body do make long-term commitments. As all of us can recall from the debates which have taken place in this Chamber in recent days, it is going to be very upsetting, very disconcerting, to a number of Members to find that they have had imposed upon them, and upon their ability to earn, a very restrictive prohibition. I think there is every reason for the Senate to adopt this amendment.

Mr. BENTSEN. I would say, Mr. President, I think I can speak objectively on this amendment. I do not take honoraria. I have not taken honoraria since the

day I came to the Senate. I really have no self-service in this. But I do think I have some understanding of some of the problems faced by these Members in trying to adjust to these new limitations.

Mr. HANSEN. Mr. President, may I say that my situation is not identical to that of the Senator from Texas, but it is rather similar. It has been some time since I have accepted any honoraria. For a while I gave the honoraria which I did receive to a charity. However, I finally concluded that I would not take any honoraria at all. Thus, I think I, too, can have ascribed to me a certain degree of objectivity in proposing this amendment.

Mr. DECONCINI. Will the Senator from Texas yield for a question?

Mr. BENTSEN. I yield.

Mr. DECONCINI. What is the rationale for putting it off that long other than to correlate it with the House? That is more than 18 months to put it into effect.

Mr. BENTSEN. First, I think that is a very valid point, that we ought to be in step as much as we possibly can with the House concerning legislation on ethics. I found a long time ago that when the Senate is reported upon, people will use the standards of the House to which they will refer to make their point on legislation. If we have a conformance between the two Houses, when they speak of the Congress they are speaking of the Congress and not just the Senate or not just the House.

The other problem we have is that we do not make financial commitments, normally, on a month-to-month basis, when we talk about financial obligations. We make commitments trying to anticipate what our income is going to be over a period of time. I am sure that some of these financial obligations that were entered into by some of our colleagues were made with the understanding, or with the thought, that they were not suddenly going to have this kind of curtailment.

I am trying to let them have a little more time to make that kind of an adjustment, by accepting the House version of it.

Mr. DECONCINI. Will the Senator indulge one further question? Does this only apply to the honoraria or to the entire scope of the resolution?

Mr. BENTSEN. To the entire limitation of 15 percent being set at the same time as the House. Rule XLIV as it now in force will continue until January 1, 1979.

Mr. DECONCINI. All the other provisions of the code of conduct, assuming it is enacted, will be effective?

Mr. BENTSEN. That is correct.

Mr. DECONCINI. I thank the Senator from Texas.

Mr. NELSON. Mr. President, in considering this matter, the committee was aware that under the House provision the effective date of the ceiling would be January 1, 1979. However, the committee did decide that the date should be set at January 1, 1978. However, it has been my position, publicly stated and repeatedly stated to staff and other Members, that I would like to stay as close to the House version as possible. I was aware of the complications of the various issues involved here. I was aware of the fact that they had spent 6 to 7 months full time, with full-time staff working on it, and that they were aware of number of problems, issues, and difficulties in the drafting of a code of this kind. I had the feeling that whenever we departed from what the House did, we would risk running into problems.

As a matter of fact, a number of items which were put in this resolution and were not in in the House rule did raise problems that were unanticipated. Many of those items have been removed. If we had had the time for hearings and further consideration of a number of the items that we have had modified since we started, they would not have gone into the resolution in the first place. In any event, since it has been my position that I would attempt to keep this as close to the House provision as possible and since a statute is going to come over from the House, translating into statutory language a number of subjects that are now a part of the rule—and if the statute does come over, it will have to be agreed upon in conference by all of us—the closer together we are, the better.

I personally prefer the date of January 1, 1978, but this amendment does conform to the date set by the House. As I have repeatedly said, I have no objection to agreeing on the basic things that the House did. So, as far as I am concerned, the amendment of the Senator from Texas is acceptable.

Mr. BENTSEN. Mr. President, I am prepared to yield back the remainder of my time.

Mr. NELSON. I yield back my time.

Mr. BENTSEN. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. HANSEN. I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield to me?

Mr. HELMS. Yes.

Mr. ROBERT C. BYRD. Mr. President, I understand that this request has been cleared with the distinguished Senator, that he might be interrupted at this time.

I ask unanimous consent that the time not be charged against the Senator or against Mr. NELSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas (Mr. MCCLELLAN) may be recognized at this time, that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 351, that it be considered as having been read the first and second times, and that the Senate proceed to its immediate consideration with the understanding that there be a time limitation of not to exceed 5 minutes thereon and that no amendments thereto be in order.

This is the continuing resolution and I have discussed this with the distinguished minority leader. I hope we will get no objection.

Mr. BAKER. Mr. President, reserving the right to object, and I certainly shall not object, this is a matter that I think has come back to us without amendment and that it can be disposed of in this way, there is no objection on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from North Carolina for his usual courtesy and cooperation.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (H.J. Res. 351), making further continuing appropriations for the fiscal year 1977, and for other purposes.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time by title.

Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

NEED FOR A FURTHER CONTINUING RESOLUTION

Mr. MCCLELLAN. Mr. President, the existing continuing resolution which expires at midnight, Thursday, March 31, 1977, has provided interim financing authority since the beginning of the fiscal year for certain programs traditionally funded in the appropriation bill for the Departments of Labor, and Health, Education, and Welfare. This interim authority was necessary because certain authorizations were not completed in time last year for the subsequent funding to be included in the regular appropriation bill which cleared the Congress late last session. Although provision is made for these activities in the supplemental appropriation bill, 1977 (H.R. 4877), it is now obvious that final congressional action on this bill will not be completed and the bill signed by the President before the expiration of the existing continuing resolution.

Additionally, it is now apparent that congressional action will not be completed on H.R. 4876, which contains the appropriation for the general revenue sharing program, before the April 5 statutory date for making payments to State and local governments for the current calendar quarter. The bill H.R. 4876 also contains the appropriation for title VI of the Comprehensive Employment and Training Act. The resolution will insure the continuation of the title VI program until enactment of this bill.

For these reasons the committee is recommending a 1-month extension of the

continuing resolution with a provision which will enable the Secretary of the Treasury to make general revenue-sharing payments to some 39,000 State and local government entities at the time prescribed by law.

PROGRAMS COVERED BY THE RESOLUTION

Mr. President, in addition to the general revenue-sharing provision, the accompanying resolution contains further continuing authority until April 30, 1977, for certain ongoing programs not otherwise provided for. The programs covered by the accompanying resolution include activities under the following:

Higher education, National Health Service Corps; home health services; emergency medical services; library resources; teacher corps; alcohol abuse and alcoholism prevention, treatment and rehabilitation.

Health professions educational assistance; D.C. medical and dental manpower; activities under title VI of the Comprehensive Employment and Training Act; vocational education; and National Institute of Education.

The authorities contained in the accompanying resolution are governed by section 105 of Public Law 94-473 which provides that expenditures made pursuant to the continuing resolution are charged to the applicable appropriation when a bill containing such appropriation is enacted into law. The authority is available until enactment of the applicable appropriation bill or April 30, 1977, whichever occurs first.

Mr. President, on this side of the aisle, I know of no opposition to this resolution.

Mr. BAKER. Mr. President, if the distinguished chairman from Arkansas is finished, I do not know of any opposition, either; but I hope we will not proceed for just a moment.

Mr. President, if we could forbear just a few moments before proceeding with consideration of this measure, the distinguished ranking member of the Appropriations Committee has not yet reached the Chamber and will be here in just a moment.

I ask unanimous consent that it might be in order to suggest the absence of a quorum without the time being charged.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that we may suggest the absence of a quorum without——

Mr. NELSON. I wonder if I might ask just one question.

A number of Members thought the voting was going to start at 4 p.m. It was my understanding we would start at 4, and the Bentsen amendment that was taken up in advance would come immediately after.

Some Republicans and some Democrats both thought we were going to be done by 6.

Could we not set this matter aside, take it up immediately after the next vote and use up the time on this amendment? Would there be any objection to that?

Mr. McCLELLAN. I have no objection, I am willing to cooperate in this matter.

Mr. BAKER. I would offer no objection.

I might say, I would like just a moment to see.

Mr. NELSON. I have no objection to the request.

Mr. BAKER. Let us have a brief quorum and let me check the circumstances.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MELCHER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have not been able to yet locate the distinguished ranking member of the Appropriations Committee. I ask unanimous consent that the remainder of the time under the order be reserved, and that we temporarily lay aside this matter as the pending business, subject to being called up again after the disposition of the Helms amendment which was pending before we turned to this resolution.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. I have no objection.

Reserving the right to object, I understand that immediately following the rollcall vote on the pending item, which will occur in less than 15 minutes under the time agreed upon, that immediately following that we will proceed to vote on this?

Here is the distinguished Senator from North Dakota.

Perhaps the Senator can ascertain from him what he wishes.

Mr. BAKER. Mr. President, I see the distinguished ranking minority member of the Appropriations Committee in the Chamber. Since we have consumed some time on this matter with this colloquy, I ask unanimous consent that he may proceed for not to exceed 2 minutes before disposing of this matter.

The PRESIDING OFFICER (Mr. MELCHER). Without objection, it is so ordered.

Mr. YOUNG. Mr. President, I have no objection to bringing up this matter. It involves money we have to spend to continue certain operations of HEW, which I support.

Mr. McCLELLAN. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

There being no objection, the joint resolution (H.J. Res. 351) was ordered to a third reading, was read the third time, and passed.

Mr. YOUNG. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

AMENDMENT NO. 112

Mr. PERCY addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question under the order?

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina (Mr. HELMS) is recognized to call up amendment No. 112, on which there shall be 20 minutes, to be equally divided and controlled.

Mr. NELSON. What was the time?

Mr. PERCY. Will the Senator yield for a unanimous-consent request?

Mr. HELMS. Yes.

Mr. PERCY. Mr. President, I ask unanimous consent that John Childers, minority counsel for the Governmental Affairs Committee, and Hannah Sistare be given the privilege of the floor during consideration of the present measure and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, did the Senator from North Carolina have the floor?

The PRESIDING OFFICER. Under the previous order, the Senator had been recognized to call up his amendment.

Mr. NELSON. May I ask the Senator from North Carolina, what is the time limit?

Mr. HELMS. I believe the unanimous-consent agreement involved a 20-minute time limitation, 10 minutes to a side.

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I call up amendment No. 112 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HELMS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, line 11, strike out "sixty days" and insert "ninety days immediately before the date of any primary election (whether regular, special, or runoff) and one hundred and eighty days".

On page 35, line 12, strike out "primary or".

Mr. HELMS. I ask that the Chair remind me when 5 minutes have expired, inasmuch as I want to reserve 3 minutes for the Senator from New Mexico and 2 minutes for the Senator from Illinois to discuss this subject.

The PRESIDING OFFICER. The Chair will remind the Senator.

Mr. HELMS. First of all, Mr. President, I congratulate the distinguished Senator from Wisconsin on the success of Marquette in the NCAA championship game last night. I was somewhat chagrined to see his team defeat the University of North Carolina but if you cannot be No. 1, No. 2 is next best.

Mr. President, we have heard much about how the sole purpose of newsletters is to inform the citizenry. It is denied that newsletters have any political purpose. Of course, we all know that name recognition is one of the most val-

uable assets in a political race. And the more newsletters there are, the more name recognition there is. The pending amendment would at least diminish this built-in incumbent advantage by restricting the use of newsletters prior to any primary or general election.

Under Senate Resolution 110, there is a prohibition of the use of newsletters for 60 days prior to an election. This creates quite an interesting loophole. Most States have their primary elections in the spring; the general election, of course, is in November. So, for instance, if the primary is June 15, and the general election November 2, a candidate may not issue a newsletter from April 15 through June 15, and from September 2 through November 2. But he may, quite conveniently, issue one or more newsletters between June 15 and September 2. That is a pretty effective kickoff to any campaign I submit.

My amendment closes this loophole by imposing a cutoff 90 days before any primary election, and 180 days prior to any general election. Thus, under my amendment, the hypothetical incumbent would be prohibited from issuing a newsletter from the 15th of March, 3 months before the primary, until after the election on November 2, effectively covering the entire political season which is only simple fair play. I am sure the citizens of North Carolina and other States will get by without being informed by Senatorial newsletters during this brief period, especially considering the fact that there will be much political activity during this time which will inform the voters of the supposed virtues of the incumbent. We are talking about a blackout for only approximately 6 months—at the most 9 months—of a Senator's 6-year term. I am inclined to believe the Republic will survive such a blackout; I am not at all sure, however, that the Republic will fare very well if we continue to set up systems and schemes designed to keep incumbents in power.

It may be a novel idea, but even though I am an incumbent, I nonetheless think that we ought to play fair toward challengers. I think a step in the direction of fairness is to limit and restrict the use of newsletters during political seasons.

Mr. President, I am happy to yield to my friend from New Mexico.

Mr. President, does the Senator from North Carolina have 5 minutes remaining?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes remaining.

Mr. HELMS. Mr. President, I yield 3 minutes of that time to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, I agree completely with the sentiments expressed by the distinguished Senator from North Carolina, that, in the interest of reform and fairness, the code of conduct under consideration should include, at the very least, the elimination of unfair advantages of the incumbent with respect to the franking privileges, dealing with mass mailings. The incumbent already has many advantages, including inherent public identification, advantages in the collection of funds for political campaigns, and in his or her committee assignments.

The use of the frank for mass mailings near election time is unethical, I believe, no matter how many vertical pronouns the particular mailing may include. One of the few unethical practices we can truly prevent by a code of conduct is this use of mass mailing in the timeframe prior to an election.

My cause is—and frequently will be, in the course of my tenure as a U.S. Senator—the cause of the citizen legislator versus the professional politician. The motivation behind this effort in behalf of the citizen politician is shown in my cosponsorship of proposed limitations on congressional terms, so that there is more chance for candidates to run for office, and support for amendments relative to the code of conduct that permit earned income with full disclosure. Limitations, I am afraid, will discourage the citizen as a candidate.

With the adoption of the Helms amendment, let us tell all citizen candidates, current and potential, that they will have at least a fair go if they decide to run, in connection with the use of the franking privileges.

I thank the Senator, and I yield back the remainder of my time.

Mr. HELMS. I thank the Senator for his comments. He has very adequately stated the case for the amendment.

Mr. President, I yield the remainder of my time to the able Senator from Illinois.

Mr. PERCY. Mr. President, I commend to the Senate the amendment offered by the distinguished Senator from North Carolina.

At the beginning of last year I urged a detailed review of the franking system and other ways in which the Senate spends public money for its own operation. I pointed out that the cost of franking 322 million pieces of congressional mail was estimated at $46.1 million, or roughly $86,000 per Senator or Representative.

At that time, I proposed a ban on the use of the frank for general mass mailings by Senators during the entire calendar year of their reelection. That conforms in principle, I believe, to the pending amendment.

Now that the Senate has taken up the matter of the mass mailings, I shall conform to whatever ethics code we adopt, as I believe we would adhere to a uniform policy that applies to all Senators. However, I strongly urge that the Senate strengthen the present ethics code and adopt the suggested schedule of 180 days before a general election and 60 days before a primary. Essentially—at least, in the State of Illinois—this would mean that during the entire calendar year mass mailings would be prohibited.

I urge the Senate to adopt the Helms amendment.

Mr. HELMS. I thank the Senator from Illinois for his comments.

Mr. SCHMITT. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I yield.

Mr. SCHMITT. I think the Senator from Illinois misstated the numbers in the amendment. It is 90 days prior to the primary and 180 days prior to the general election.

Mr. PERCY. I appreciate the correction. I had meant to say 90 days.

The PRESIDING OFFICER. Does the Senator from Wisconsin desire any time?

Mr. NELSON. Mr. President, this is an amendment so simple that all of us can understand it.

The resolution says 60 days prior to the primary, 60 days prior to the general election. The amendment says 90 days prior to the primary, 180 days prior to the general election.

I have no philosophical difference with the amendment at all. In fact, I had proposed to the committee that the rule be 90 days before the primary and 90 days before the general election. The committee decided that it would go along with the House, so I am supporting the committee resolution.

Is the Senator from North Carolina prepared to yield back the remainder of his time?

Mr. HELMS. I am.

Mr. NELSON. We debated it yesterday, so the very complicated question is well laid out in yesterday's RECORD.

Mr. President, I yield back the remainder of my time.

Mr. HELMS. I yield back the remainder of my time.

Mr. NELSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NELSON. What amendment is being voted on first?

Mr. HELMS. This one.

Mr. NELSON. I do not believe so.

The PRESIDING OFFICER. Amendment No. 112 will be the first one voted on. That is this amendment.

Mr. NELSON. I just wanted to be clear on this, because the unanimous-consent agreement——

Mr. HELMS. I believe the unanimous-consent agreement is silent on that.

Mr. NELSON. Mr. President, I yield back the remainder of my time, and I move to table the amendment.

Mr. HELMS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER (Mr. SASSER). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

(Mr. MELCHER assumed the Chair at this point.)

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. FORD), the Senator from North Carolina (Mr. MORGAN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Michigan (Mr. RIEGLE) are absent on official business.

I further announce that, if present

and voting, the Senator from North Carolina (Mr. MORGAN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Michigan (Mr. RIEGLE) would each vote "yea."

On this vote, the Senator from Kentucky (Mr. FORD) is paired with the Senator from Maine (Mr. MUSKIE). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Maine would vote "nay."

Mr. STEVENS. I announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

The result was announced—yeas 47, nays 46, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—47

Abourezk	Humphrey	Pearson
Anderson	Inouye	Pell
Bayh	Jackson	Sarbanes
Bentsen	Javits	Sasser
Brooke	Johnston	Schweiker
Burdick	Kennedy	Sparkman
Byrd, Robert C.	Long	Stennis
Cannon	Magnuson	Stevens
Case	Mathias	Stevenson
Chafee	Matsunaga	Stone
Church	McGovern	Talmadge
Eagleton	Melcher	Thurmond
Eastland	Metcalf	Tower
Hathaway	Moynihan	Williams
Hollings	Nelson	Young
Huddleston	Packwood	

NAYS—46

Allen	Domenici	McClellan
Baker	Durkin	McClure
Bartlett	Garn	McIntyre
Bellmon	Glenn	Metzenbaum
Biden	Goldwater	Nunn
Bumpers	Hansen	Percy
Byrd, Harry F., Jr.	Hart	Proxmire
	Haskell	Randolph
Chiles	Hatch	Roth
Clark	Hatfield	Schmitt
Cranston	Hayakawa	Scott
Culver	Heinz	Stafford
Curtis	Helms	Wallop
Danforth	Laxalt	Weicker
DeConcini	Leahy	Zorinsky
Dole	Lugar	

NOT VOTING—7

Griffin	Morgan	Riegle
Ford	Muskie	
Gravel	Ribicoff	

So the motion to lay on the table Mr. HELMS' amendment No. 112 was agreed to.

AMENDMENT NO. 114

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to vote on amendment No. 114 by the Senator from North Carolina (Mr. HELMS).

Mr. HELMS. I ask for the yeas and nays.

Mr. NELSON. I move to table—I am sorry. We have an agreement on this to vote straight up or down.

Mr. HELMS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, may we have order so that we may hear the calling of the roll?

Mr. President, the Senate is not in order.

Mr. STONE. Mr. President, will the Senator yield for a unanimous-consent request about my vote on the last vote, before calling the roll on this vote? It will not change the result.

The PRESIDING OFFICER. The vote has been called for. The Chair is waiting until the Senate is in order. The clerk will then call the roll.

The clerk will call the roll.

The second assistant legislative clerk resumed the call of the roll.

Mr. NELSON. Mr. President, may we have order? A number of Senators are carrying on discourses in the aisles; will the Chair request Senators to go to the cloakrooms or take their seats?

The PRESIDING OFFICER. We cannot proceed with the vote until the Senate comes to order. If Senators will take their seats or retire to the cloakrooms, we can proceed with the vote.

Mr. NELSON. Mr. President, some of the Senators do not have their hearing aids on. Will the Chair speak more loudly?

The PRESIDING OFFICER. The Senate will be in order. We would like to proceed with the vote. Senators who wish to converse will please go to the cloakrooms.

The clerk may proceed.

The call of the roll was resumed and concluded.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. FORD), the Senator from North Carolina (Mr. MORGAN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Michigan (Mr. RIEGLE) are absent on official business.

I further announce that, if present and voting, the Senator from Kentucky (Mr. FORD), the Senator from North Carolina (Mr. MORGAN), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Michigan (Mr. RIEGLE) would each vote "nay."

Mr. STEVENS. I announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

The result was announced—yeas 28, nays 65, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—28

Allen	Hansen	Proxmire
Bartlett	Hart	Randolph
Byrd, Harry F., Jr.	Hatch	Schmitt
	Hayakawa	Stevens
Case	Heinz	Stone
Curtis	Helms	Thurmond
DeConcini	Laxalt	Wallop
Dole	Leahy	Weicker
Garn	Lugar	Zorinsky
Goldwater	McClellan	

NAYS—65

Abourezk	Culver	Kennedy
Anderson	Danforth	Long
Baker	Domenici	Magnuson
Bayh	Durkin	Mathias
Bellmon	Eagleton	Matsunaga
Bentsen	Eastland	McClure
Biden	Glenn	McGovern
Brooke	Haskell	McIntyre
Bumpers	Hatfield	Melcher
Burdick	Hathaway	Metcalf
Byrd, Robert C.	Hollings	Metzenbaum
Cannon	Huddleston	Moynihan
Chafee	Humphrey	Nelson
Chiles	Inouye	Nunn
Church	Jackson	Packwood
Clark	Javits	Pearson
Cranston	Johnston	Pell
Percy	Scott	Talmadge
Roth	Sparkman	Tower
Sarbanes	Stafford	Williams
Sasser	Stennis	Young
Schweiker	Stevenson	

NOT VOTING—7

Ford	Morgan	Riegle
Gravel	Muskie	
Griffin	Ribicoff	

So Mr. HELMS' amendment (No. 114) was rejected.

AMENDMENT NO. 113

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on amendment No. 113, proposed by the Senator from North Carolina.

The yeas and nays have been ordered.

Mr. NELSON. Mr. President, I move to table the amendment.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on all remaining rollcall votes today there be a time limitation of 10 minutes.

Mr. WEICKER. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion to lay on the table the amendment of the Senator from North Carolina (Mr. HELMS), amendment No. 113.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. RANDOLPH (when his name was called). Mr. President, I have a live pair with the Senator from Kentucky (Mr. FORD). If I were permitted to vote, I would vote "nay." I withhold my vote because the Senator from Kentucky would wish to vote "yea."

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. FORD), the Senator from North Carolina (Mr. MORGAN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Michigan (Mr. RIEGLE) are absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Michigan (Mr. RIEGLE) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

The result was announced—yeas 68, nays 24, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—68

Abourezk	Burdick	DeConcini
Anderson	Byrd, Robert C.	Dole
Baker	Cannon	Domenici
Bartlett	Chiles	Durkin
Bayh	Church	Eagleton
Bentsen	Clark	Eastland
Biden	Cranston	Glenn
Brooke	Culver	Haskell
Bumpers	Danforth	Hatch

Hatfield	Mathias	Sarbanes
Hathaway	Matsunaga	Sasser
Heinz	McGovern	Schweiker
Hollings	McIntyre	Scott
Huddleston	Melcher	Sparkman
Humphrey	Metcalf	Stafford
Inouye	Metzenbaum	Stennis
Jackson	Moynihan	Stevens
Javits	Nelson	Stevenson
Johnston	Packwood	Talmadge
Kennedy	Pearson	Tower
Leahy	Pell	Williams
Long	Proxmire	Young
Magnuson	Roth	

NAYS—24

Allen	Hansen	Percy
Bellmon	Hart	Schmitt
Byrd,	Hayakawa	Stone
Harry F., Jr.	Helms	Thurmond
Case	Laxalt	Wallop
Chafee	Lugar	Weicker
Curtis	McClellan	Zorinsky
Garn	McClure	
Goldwater	Nunn	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Randolph, against.

NOT VOTING—7

Ford	Morgan	Riegle
Gravel	Muskie	
Griffin	Ribicoff	

So the motion to lay on the table was agreed to.

Mr. STONE. Mr. President, I ask unanimous consent to speak for 1 minute and, following that, to make a motion to reconsider the vote by which the amendment No. 112 of the Senator from North Carolina was tabled.

The PRESIDING OFFICER (Mr. MATSUNAGA). Is there objection?

The Chair hears none.

Without objection, it is so ordered.

Mr. STONE. Mr. President, I voted "yea" on the motion to table after being informed, or misinformed, that it was a straight up or down vote. I wanted to support Helms amendment No. 112. Under those circumstances, I move to reconsider the vote by which Helms amendment No. 112 was laid on the table.

Mr. NELSON. I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 158

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on amendment No. 158 by the Senator from North Carolina (Mr. HELMS) with a motion to table in order.

Mr. HELMS. Mr. President, I do not intend to have a vote on amendment No. 111. I am perfectly willing to have a voice vote.

I ask unanimous consent in connection with amendment No. 158 that I be allowed to withdraw that amendment temporarily for the purpose of modification and consideration at a later date this week.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. NELSON. Mr. President, what is the pending business?

Mr. HELMS. No. 111.

Mr. NELSON. Mr. President, I move to table the pending amendment.

AMENDMENT NO. 111

The PRESIDING OFFICER. The Chair has not yet announced the order.

Under the previous order, the Senate will now proceed to vote on amendment No. 111 by the Senator from North Carolina (Mr. HELMS) with a motion to table in order.

Mr. NELSON. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 111.

The motion to lay on the table was agreed to.

AMENDMENT NO. 133

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on amendment No. 133 by the Senator from Illinois (Mr. PERCY) with a motion to table in order, and the yeas and nays have been ordered.

Mr. NELSON. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Illinois (Mr. PERCY). The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. METCALF (after having voted in the negative). On this vote I have a pair with the Senator from Kentucky (Mr. FORD). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I, therefore, withdraw my vote.

Mr. EASTLAND (after having voted in the affirmative). On this vote I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I, therefore, withdraw my vote.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. FORD), the Senator from North Carolina (Mr. MORGAN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Michigan (Mr. RIEGLE) are absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Michigan (Mr. RIEGLE) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), is necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN), is absent on official business.

The result was announced—yeas 57, nays 33, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—57

Abourezk	Durkin	McIntyre
Allen	Eagleton	Melcher
Anderson	Glenn	Metzenbaum
Bayh	Hart	Moynihan
Bentsen	Haskell	Nelson
Biden	Hathaway	Nunn
Brooke	Hollings	Pearson
Bumpers	Huddleston	Pell
Burdick	Humphrey	Proxmire
Byrd, Robert C.	Inouye	Randolph
Cannon	Jackson	Sarbanes
Case	Johnston	Sasser
Chiles	Kennedy	Schweiker
Church	Leahy	Sparkman
Clark	Long	Stafford
Cranston	Magnuson	Talmadge
Culver	Mathias	Thurmond
DeConcini	Matsunaga	Williams
Domenici	McGovern	Zorinsky

NAYS—33

Baker	Hatfield	Schmitt
Bartlett	Hayakawa	Scott
Bellmon	Heinz	Stennis
Byrd,	Helms	Stevens
Harry F., Jr.	Javits	Stevenson
Chafee	Laxalt	Stone
Curtis	Lugar	Tower
Danforth	McClellan	Wallop
Dole	McClure	Weicker
Garn	Packwood	Young
Hansen	Percy	
Hatch	Roth	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Eastland, for.

Metcalf, against.

NOT VOTING—8

Ford	Griffin	Ribicoff
Goldwater	Morgan	Riegle
Gravel	Muskie	

So the motion to lay on the table was agreed to.

UP AMENDMENT 109 (SUBSEQUENTLY NUMBERED AMENDMENT 167)

Mr. PERCY. Mr. President, I send an amendment to the desk on behalf of Senator BELLMON and myself and ask that it be printed.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PERCY. Mr. President, I am very happy to yield to the majority leader.

The PRESIDING OFFICER. The Senate will be in order. The Chair is unable to hear the Senator from Illinois.

The Senator will proceed.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, will the clerk state the amendment?

The PRESIDING OFFICER. The amendment is just submitted for printing.

Mr. ROBERT C. BYRD. But the Senator wants to call it up. He wants to take it up tomorrow, as I understand.

Mr. PERCY. That is right. It is not the intention to have a vote on it tonight but to have a 1-minute discussion for the purpose of the RECORD, so that Senators can be informed as to what the amendment provides.

However, I would be happy to enter into a time limitation agreement. I suggest 15 minutes to a side.

Mr. ROBERT C. BYRD. That is the point.

The PRESIDING OFFICER. The Chair poses this question to the Senator from Illinois: Is the Senator offering the

amendment for consideration at this time?

Mr. PERCY. Yes.

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes unprinted amendment No. 109.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. RES. 110

On page 28, strike out lines 12 through 19 and insert in lieu thereof:

"6. No Member, officer or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than 90 days in a calendar year (unless hired on a per diem basis) shall affiliate with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation or permit that individual's name to be used by such a firm, partnership, association or corporation. For the purposes of this paragraph, 'professional services' means those which involve a fiduciary relationship."

The PRESIDING OFFICER. The time for debate on this amendment will be limited to 15 minutes on each side and, without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, that has not been agreed to. The Senator merely said he would be willing to enter into that agreement. Would he like to take his minute and explain the amendment first?

Mr. PERCY. I would like to very much indeed.

Mr. ROBERT C. BYRD. May I say, if the Senator will allow me, without losing his right to the floor, there will be no more rollcall votes.

Will the Senator explain his amendment?

Mr. PERCY. Mr. President, the purpose of the amendment is simply to take into account some of the objections made to the Bellmon amendment and to the just-voted-upon Percy amendment.

This amendment, I believe and I trust, does resolve most of the problems associated with a Member of the Senate or particularly a staff member engaging in the practice of law by affiliating with an organization.

The amendment simply provides that no Member shall affiliate with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation or permit that individual's name to be used by such a firm, partnership, association, or corporation.

For the purpose of this paragraph professional services mean those which involve a fiduciary relationship.

Mr. President, I ask unanimous consent that a definition paraphrased from Black's Law Dictionary of fiduciary relationship be printed in the RECORD at this point.

There being no objection, the definition was ordered to be printed in the RECORD, as follows:

FIDUCIARY RELATIONSHIP (PARAPHRASE OF BLACK'S LAW DICTIONARY)

A "fiduciary relationship" is a legally enforceable condition of trust where one person, by contract or other form of agreement or commitment, agrees to act on behalf of another person for the purpose of conducting a specified transaction. The fiduciary becomes, in effect, the agent of his benefactor, and in all actions within the relationship must place the interests of the client above its own. Among the specific responsibilities of a fiduciary, which may be enforced through civil suit for damages or other relief, are a duty of care, and a duty of loyalty.

Examples of "fiduciaries" are the directors of a corporation, a lawyer, an accountant, a trustee, any agent under a technical principle-agent relationship, or a financial manager. Any of these individuals may, under common law principles, be sued by their benefactors for failure to meet their various duties of trust and confidence.

Mr. PERCY. Finally, Mr. President, so that Senators may have a brief summary of what this embraces, it would prohibit a Member or a staff member joining a firm or corporation. It allows individual services for compensation up to the 15-percent limitation. It prohibits a firm or corporation from using a Senator's name or an employee's name. It retains the provision in the resolution prohibiting outside employment, which would involve a conflict of interest.

Mr. President, I trust this will satisfactorily answer most of the objections that have been raised to the previous Bellmon and Percy amendments, and I look forward to a favorable vote on this tomorrow.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PERCY. I would be happy to yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. I am not being facetious but serious about this. We have a family business belonging to my father. I am a junior member of the family. What do I have to do about that? I am serious. Do I have to take my name off the door? It is a family business, and I want to know what will happen.

Mr. BELLMON. I believe family businesses are permitted under the bill. This is on professional services.

Mr. PERCY. It would not be a fiduciary relationship.

Mr. HUMPHREY. I thank the Senator.

Mr. PERCY. I would be happy to yield to my distinguished colleague from Oklahoma. I appreciate the support he has provided to this provision which, I think, would be fair and equitable to staff members as well as Senators.

The Senator from Illinois is very happy to enter into a time agreement and a definite time for a vote tomorrow.

ADDITIONAL STATEMENTS SUBMITTED ON S. RES. 110

Mr. FORD. Mr. President, I was necessarily absent from the Senate late this afternoon, and a word of explanation is in order since I will be absent for several rollcall votes.

The reason for my absence is to attend a public hearing in Dayton, Ky., on the local protection project, which is one of the water resource projects being reviewed in accordance with the President's request to the Secretary of the Army.

This project is of great importance to the people of this community and is the only hope they have for protection from future flooding of the Ohio River between river miles 467.0 and 468.5, downstream from Pittsburgh. I feel very strongly about the need for continued funding of this project, and believe it is important that I attend this meeting to assist the concerned members of the community in presenting their case for funding the project through its completion.

I have sought pairs on the votes which have been scheduled for today, and it is my intention to be present for final passage of this measure.

Mr. GOLDWATER. Mr. President, as we approach a vote on the Senate ethics resolution, I have been giving some serious thought to this whole problem and indeed, to the roots of this problem as they affect individual behavior and the nature of man.

In any serious attempt to apply the principles of moral ethics to political practice, it is vitally important that we understand the nature of man as it truly exists. As a conservative, I believe man's nature is such that he will have his failures and character defects no matter how many laws are passed in the name of morality and no matter how many codes of ethics are devised for any group of men whether they be public officials or some other special group.

Mr. President, there is no way to legislate or arrange for men in a particular position of responsibility to become forever noble. Being human, man's nature is such that no matter what kind of laws and regulations and codes are adopted, he will still be assailed by the same temptations that have plagued men and women since the days of Adam and Eve. A few will always allow their greed and avarice to overrule their regard for duty and morality. Some will always let their selfishness overrule their fears of breaking the law. Some will go to almost any length, engage in almost any kind of nefarious activity, show almost every kind of disregard for the rights of others, if this is what is required to feather their own nests.

While it is true that in any group of men there will be a few who break moral standards, it nevertheless pains me when I hear people express the belief that all Members of Congress are on the make or are basically dishonest or carry with a high tendency toward larceny. Of course it takes only one highly publicized example to spread the idea that all Members are a bunch of crooks. Such generalizations are not unusual and they develop quite naturally upon the publicity and moralizing that attends any case of questionable conduct on the part of one or a few Members.

Mr. President, we err if we assume that, merely because a man is prominent enough in his community to be chosen for political office, he must have some special claim on exemplary behavior. As his name implies, he is representative, in

the sense of being typical, of the American people. This being the case, there will be some Members of Congress who are inclined to cut legal corners just as there are on the main streets of America. Some members will perhaps be greedy or bigoted or just plain mean. Again, this is a reflection of the various human elements that make up our society. If America can indeed be called a melting pot, the elected Members of Congress, in body assembled, can be called a reasonable reflection of that amalgamating process.

If there are going to be a few rotten apples in any barrel, then what difference should Christian ethics make? This is not a point which can be proved objectively. For me it is a matter of personal conviction as a Christian. I believe that a dedicated Christian, or a man dedicated to any truly religious concepts—for I know highly moral men who happen to be American Indians, Muslims, Buddhists, et cetera, will be better able to withstand the temptations that might come his way in public life than a person with no belief and little regard for moral values. To a man without religious convictions, the only reasons for being moral are practical ones—fear of disapproval or of being caught, inconvenience, psychological guilt. But a Christian, whether in politics or any other profession, practices morality not merely because of external sanctions but because of internal conviction. In his heart he knows he is either right or wrong, and this knowledge acts as a powerful incentive to proper conduct.

The question arises, is it possible to conduct an investigation which would prove a man's moral worth prior to his election or appointment to an office of public trust? If it could be done, this would be the best insurance that could be devised for the maintenance of a higher ethical standard in the ranks of our public servants. But to date no one has seriously suggested that such a test is possible. We can measure behavior when it is possible to observe it, but many of a man's actions are as private as his conscience, and his thoughts and motives are even further hidden from public view. I am reminded of Proverbs 23:7—

As he thinketh in his heart, so is he (King James version).

Furthermore, it is often difficult to predict whether a man who has always been known for honesty and fairness in his dealings with others will continue to resist temptation once he is subjected to the pressures of public office. As Lord Acton said:

Power corrupts, and absolute power corrupts absolutely.

Mr. President, in all this furor over ethics it has gotten so Members of Congress are beginning to look askance at the most routine kind of daily activity. I just want to say that I for one, will not avoid going out with a lifelong friend merely because he works for General Motors and might outwrestle me for the dinner check. Nor will I forego playing golf with an old friend merely because he works for United States Steel and might pick up the tab for the greens fees while I am taking a shower. I think it is obvious that Members of the Senate who now earn more than a quarter of a million dollars in a 6-year term are not likely to be compromised by petty gifts or contributions.

Mr. President, this whole problem presents me with something of a dilemma. On one hand, I am inclined to vote for this ethics resolution as a demonstration of my desire to do something about the abuses and irregularities which have been reported. On the other hand, I ask myself if we are not creating in the public mind an impression that by passing one law or resolution we are going to correct legislatively everything that has gone wrong. I agree with this last reasoning and will vote against the resolution.

(This concludes additional statements submitted on Senate Resolution 110.)

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the provisions of Section 6(c) of the Federal Advisory Committee Act, the report on the status of advisory committees in 1976 is herewith forwarded.

This is the fifth annual report. It is organized to provide summary information about the activities of advisory committees, and public access to specific committees and the federal agencies to whom they provide advice.

With the current government-wide, zero-base review of all advisory committees, the number of existing committees should be sharply reduced. This reduction will be reflected in the next annual report.

JIMMY CARTER.

THE WHITE HOUSE, *March 29, 1977.*

REPORT ON THE NATIONAL CANCER PROGRAM—MESSAGE FROM THE PRESIDENT—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Human Resources:

To the Congress of the United States:

Pursuant to the requirements of the National Cancer Act of 1971 (P.L. 92-218) as amended, I hereby transmit the Report of the Director, 1976 on the National Cancer Program for calendar year 1975. The period covered by the report precedes my term of office.

JIMMY CARTER.

THE WHITE HOUSE, *March 29, 1977.*

MESSAGE FROM THE HOUSE

At 4:04 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed House Joint Resolution 351, making further continuing appropriations for the fiscal year 1977, and for other purposes, in which it requests the concurrence of the Senate.

The message also announced that the Speaker, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, has appointed Mr. Hamilton as a member on the part of the House of the U.S. group of the North Atlantic Assembly, vice Mr. Zablocki, resigned.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations, with amendments:

H. Con. Res. 142. A concurrent resolution urging the Canadian Government to reassess its policy of permitting the killing of newborn harp seals (Rept. No. 95-71).

By Mr. HASKELL, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 266. A bill to authorize appropriations for fiscal year 1977 to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974 (Rept. No. 95-72).

By Mr. ROBERT C. BYRD (for Mr. MUSKIE), from the Committee on the Budget, without amendment:

S. Res. 123. A resolution waiving the provisions of section 402(a) of the Congressional Budget Act of 1974 with respect to S. 1070 (Rept. No. 95-73).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Joseph D. Duffey, of the District of Columbia, to be an Assistant Secretary of State.

Matthew Nimetz, of New York, to be counselor of the Department of State.

Herbert J. Hansell, of Ohio, to be legal adviser of the Department of State.

W. Michael Blumenthal, of Michigan, to be U.S. Governor of the International Monetary

Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank and U.S. Governor of the African Development Bank.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MAGNUSON, from the Committee on Commerce, Science, and Transportation:

Jerry Joseph Jasinowski, of the District of Columbia, to be an Assistant Secretary of Commerce.

Sidney Harman, of New York to be Under Secretary of Commerce.

(The above nominations were reported with the recommendations that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JACKSON (for himself, Mr. BAKER, Mr. RANDOLPH, Mr. STAFFORD, and Mr. MCCLURE):

S. 1153. A bill to abolish the Joint Committee on Atomic Energy and to reassign certain functions and authorities thereof, and for other purposes. Ordered to be placed on the Calendar.

By Mr. THURMOND:

S. 1154. A bill for the relief of Jin Syen Suh; to the Committee on the Judiciary.

By Mr. CURTIS:

S. 1155. A bill to amend the Tax Reform Act of 1976 to correct an inadvertent omission; to the Committee on Finance.

By Mr. BENTSEN (for himself and Mr. TOWER):

S. 1156. A bill to authorize the establishment of the San Antonio Missions National Historical Park in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TOWER (for himself, Mr. BARTLETT, Mr. CLARK, Mr. CURTIS, Mr. PELL, Mr. RANDOLPH, Mr. SCHMITT, Mr. STONE, Mr. THURMOND, and Mr. ZORINSKY):

S. 1157. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to provide that States will be assured of receiving grants at a level equal to that which was received prior to July 26, 1976; to the Committee on Human Resources.

By Mr. THURMOND (for himself, Mr. STEVENS, Mr. HUDDLESTON, and Mr. Mr. HEINZ):

S. 1158. A bill to amend the Internal Revenue Code of 1954 to permit individuals to amortize certain rehabilitation expenditures for certified historic structures which are not depreciable; to the Committee on Finance.

By Mr. SPARKMAN (by request):

S. 1159. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

S. 1160. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on Foreign Relations.

S. 1161. A bill to further amend the Foreign Service Act of 1946 to improve the Foreign Service Personnel System, and for other purposes; to the Committee on Foreign Relations.

By Mr. INOUYE:

S. 1162. A bill to repeal section 222 of the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Mr. MATSUNAGA (for himself, Mr. DURKIN, and Mr. MELCHER):

S. 1163. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HART (for himself and Mr. THURMOND) (by request):

S. 1164. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. MATSUNAGA:

S. 1165. A bill for the relief of Chester Chun Ket Young, also known as Chun-Kit Yeung; to the Committee on the Judiciary.

S. 1166. A bill for the relief of Maria Elena Jumalon; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. HUMPHREY):

S. 1167. A bill to establish a research and development effort resulting in the commercialization of native latex rubber; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABOUREZK:

S. 1168. A bill to amend the Act entitled "An Act to provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of such locality", approved October 30, 1976; to the Committee on Energy and National Resources.

By Mr. HUMPHREY:

S. 1169. A bill to amend and extend the Agricultural Trade Development and Assistance Act of 1954, as amended; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 1170. A bill to strengthen the surplus commodities provision of the Older Americans Act of 1965, and for other purposes; to the Committee on Human Resources.

By Mr. WEICKER:

S. 1171. A bill relating to collective bargaining representation of postal employees; to the Committee on Governmental Affairs.

By Mr. SCOTT:

S. 1172. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the reasonable evaluation of the effects of certain food additives upon human health; to the Committee on Human Resources.

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 1173. A bill for the relief of Day's Sportswear, Inc., and Roffe-Rene, Inc.; to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. MELCHER):

S. 1174. A bill entitled the Critical Lands Resource Conservation Act of 1977; to the Committee on Agriculture, Forestry, and Nutrition.

By Mr. CHAFEE:

S. 1175. A bill to amend title II of the Social Security Act to provide for a phasing out of the earnings limitation; to the Committee on Finance.

By Mr. HASKELL:

S. 1176. A bill to require the Administrator of the Environmental Protection Agency to exercise his authority under the Safe Drinking Water Act to make grants for certain demonstration projects; to the Committee on Human Resources.

By Mr. MATSUNAGA:

S.J. Res. 41. A joint resolution to authorize the President to proclaim February 16 as "Bataan-Corregidor Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JACKSON (for himself, Mr. BAKER, Mr. RANDOLPH, Mr. STAFFORD, and Mr. MCCLURE):

S. 1153. A bill to abolish the Joint Committee on Atomic Energy and to reassign certain functions and authorities thereof, and for other purposes. Ordered placed on the Calendar.

JOINT COMMITTEE ON ATOMIC ENERGY

Mr. JACKSON. Mr. President, I introduce today a bill to abolish the Joint Committee on Atomic Energy, to reassign certain functions and authorities of the joint committee to other committees of the Congress, and for other purposes.

Senate Resolution 4, which was agreed to on February 4, 1977, directed that legislation be developed to abolish the Joint Committee on Atomic Energy, to complete the reassignment of its functions and authority, and to provide for the disposition of the staff of the joint committee. This bill accomplishes these purposes and follows the approach taken by Senate Resolution 4 in eliminating certain standing committees of the Senate.

In addition to completing the necessary arrangements for the joint committee, this bill will assist the committees which have received the jurisdiction of the joint committee with the performance of their new responsibilities. Although I am proud of my service on the joint committee and of the many accomplishments of that committee over the years, I believe that Senate Resolution 4 and this bill are important steps in improving the ability of the Senate to focus attention on energy issues.

In developing this legislation, I have had extensive discussions with Chairman RANDOLPH of the Environment and Public Works Committee and with Senator BAKER on the minority side, and they join me, along with Senators STAFFORD and MCCLURE, in cosponsoring this legislation.

Mr. President, in order to assist the committees receiving the jurisdiction of the joint committee in moving ahead as rapidly as possible with their new responsibilities, I ask unanimous consent that this bill not be referred to committee but rather that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, the bill will be placed on the Calendar.

Mr. JACKSON. For the information of the Senate, I also ask unanimous consent that the bill, a summary bill analysis and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSES

SEC. 101. The purposes of this Act are—

(1) to abolish the Joint Committee on Atomic Energy and to provide for the transfer of its statutory functions and authority to other committees of the Congress which, under the rules of the House and Senate, are assigned jurisdiction over the develop-

ment, utilization or application of atomic energy;

(2) to preserve the security of information relating to the national security considerations of nuclear technology;

(3) to make necessary conforming amendments to the Atomic Energy Act of 1954, as amended, and certain other laws which pertain to the Joint Committee on Atomic Energy; and

(4) to provide for the disposition of staff personnel of the Joint Committee on Atomic Energy.

TITLE II—JOINT COMMITTEE ON ATOMIC ENERGY

SEC. 201. The Joint Committee on Atomic Energy is abolished.

TITLE III—TRANSFERS OF CERTAIN FUNCTIONS OF THE JOINT COMMITTEE ON ATOMIC ENERGY AND CONFORMING AMENDMENTS TO CERTAIN OTHER LAWS

SEC. 301. (a) Sections 201, 202, 203, 204, 205, 206, and 207 of the Atomic Energy Act of 1954, as amended, are repealed.

(b) Section 103 of the Atomic Energy Community Act of 1955 as amended, is repealed.

SEC. 302. Section 3 of the Congressional Budget Act of 1974 is amended by—

(1) striking the subsection designation "(a)"; and

(2) repealing subsection (b).

SEC. 303. Section 252(a)(3) of the Legislative Reorganization Act of 1970 is repealed.

SEC. 304. Section 502 of the Mutual Security Act of 1954, as amended, is amended by striking the words "the Joint Committee on Atomic Energy and".

SEC. 305. Section 3 of the International Atomic Energy Agency Participation Act of 1957 is amended by striking the words "the Joint Committee on Atomic Energy,".

SEC. 306. (a) Section 11 of the Atomic Energy Act of 1954, as amended, is amended by repealing subsection o.

(b) Section 11c of the Atomic Energy Act of 1954, as amended, is amended by deleting the words "The term 'atomic energy' or 'nuclear energy' mean".

(c) Section 11d of the Atomic Energy Act of 1954, as amended, is amended by deleting the words "The term 'atomic weapon' means" and inserting the words "The terms 'atomic weapon' or 'nuclear weapon' mean".

SEC. 307. Section 120 of the Atomic Energy Community Act of 1955, as amended, is amended by striking the second proviso and all that follows, and substituting the following: *"Provided further,* That before the Commission makes any disposition of property under the authority of this section, the basis for the proposed disposition (with necessary background and explanatory data) shall be submitted to the Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment of more than three days): *Provided, however,* That after having received the basis for the proposed disposition, such Congressional Committees may by resolution in writing agreed to by such Committees waive the conditions of all or any portion of such forty-five day period.".

SEC. 308. Section 91 d. of the Atomic Energy Community Act of 1955, as amended, is amended by striking the words "Joint Committee on Atomic Energy" and substituting "Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section,".

SEC. 309. Section 51 of the Atomic Energy Act of 1954, as amended, is amended by—

(1) striking the words "Joint Committee" the first time they appear and substituting "Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section,"; and

(2) striking the proviso and substituting *"Provided, however,* That the Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section, after having received such determination, may by resolution in writing agreed to by such Committees waive the conditions of all or any portion of such thirty-day period.".

SEC. 310. Section 54 a. of the Atomic Energy Act of 1954, as amended, is amended by deleting the words *"Provided, however"* the second time they appear and all that follows up to the next sentence and substituting the following:

"Provided, however, That before they are established by the Commission pursuant to this subdivision (ii), such proposed amounts and periods shall be submitted to the Congress and referred to the Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section, and a period of sixty days shall elapse while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days): *And provided further,* That any such proposed amounts and periods shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed action: *And provided further,* That prior to the elapse of the first thirty days of any such sixty-day period the Congressional Committees to which have been referred such proposed amounts and periods shall report to their respective Houses concerning their views and recommendations respecting the proposed amounts and periods and shall report to their respective Houses an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed amounts or periods.".

SEC. 311. Section 61 of the Atomic Energy Act of 1954, as amended, is amended by—

(1) striking the words "Joint Committee" the first time they appear and substituting "Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section,"; and

(2) striking all after the words *"Provided, however,"* and substituting "That the Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section, after having received such determination, may by resolution in writing agreed to by such Committees waive the conditions of all or any portion of such thirty-day period.".

SEC. 312. (a) Section 123 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. the proposed agreement for cooperation, together with the approval and the determination of the President, has been submitted to the Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over such proposed agreements, and a period of thirty days has elapsed while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days): *Provided, however,* That the Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over such proposed agreements, after having received such agreement for cooperation, may by resolution in writing agreed to by such Committees waive the conditions of all or any portion of such thirty-day period; and".

(b) Section 123 d. of such Act is amended by—

(1) striking the words "Joint Committee" the first time they appear and substituting "Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over such proposed agreements,"; and

(2) striking the remainder of the sentence following the word *"Provided"* and substituting the following:

"That prior to the elapse of the first thirty days of any such sixty-day period the Congressional Committees to which have been referred the proposed agreement shall each submit a report to their respective Houses of the views and recommendations of the Committee respecting the proposed agreement and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation.".

SEC. 313. Section 161 v. of the Atomic Energy Act of 1954, as amended, is amended by striking the third proviso and substituting the following: *"Provided further,* That before the Commission establishes such criteria, the proposed criteria shall be submitted to the Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this subsection, and a period of forty-five days shall elapse while Congress is in session (in computing the forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days); *Provided, however,* That the Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this subsection, after having received such proposed criteria, may by resolution in writing agreed to by such Committees waive the conditions of all or any portion of such forty-five day period.".

SEC. 314. Section 164 of the Atomic Energy Act of 1954, as amended, is amended by—

(1) striking the words "Joint Committee" the first time they appear and substituting "Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section."; and

(2) striking the proviso and substituting *"Provided, however,* That the thirty-day period may be waived by resolution in writing agreed to by the Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section.".

SEC. 315. Section 107(c) of Public Law 88-332 (42 U.S.C. 2204 a) is amended by—

(1) striking the words "Joint Committee" the first time they appear and substituting "Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section"; and

(2) striking the proviso and substituting *"Provided, however,* That the forty-five day period may be waived by resolution in writing agreed to by the Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section.".

SEC. 316. Section 170 i. of the Atomic Energy Act of 1954, as amended, is amended by striking the words "Joint Committee" each time they appear and substituting "Congressional Committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section.".

TITLE IV—INFORMATION AND ASSISTANCE TO CONGRESSIONAL COMMITTEES

SEC. 401. (a) The Energy Research and Development Administration and the Nuclear Regulatory Commission shall keep the com-

mittees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the functions of the Administration or the Commission, fully and currently informed with respect to the activities of the Administration and the Commission.

(b) The Department of Defense shall keep the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over national security considerations of nuclear technology, fully and currently informed with respect to such matters within the Department of Defense relating to national security considerations of nuclear technology which are within the jurisdiction of such committees.

(c) Any Government agency shall furnish any information requested by the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the development, utilization, or application of nuclear energy, with respect to the activities or responsibilities of such agency in the field of nuclear energy which are within the jurisdiction of such committees.

SEC. 402. The committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the development, utilization, or application of nuclear energy, are authorized to utilize the services, information, facilities and personnel of any Government agency which has activities or responsibilities in the field of nuclear energy which are within the jurisdiction of such committees: *Provided, however,* That any utilization of personnel by such committees shall be on a reimbursable basis and shall require, with respect to committees of the Senate, the prior written consent of the Committee on Rules and Administration, and with respect to committees of the House of Representatives, the prior written consent of the Committee on House Administration.

SEC. 403. All records, data, charts and files of the Joint Committee on Atomic Energy which are not transferred under section 501 of this Act are transferred to the committees of the Senate which, under the rules of the Senate, have jurisdiction over the subject matters to which such records, data, charts and files primarily relate. Such committees of the Senate shall make available such records, data, charts and files to other committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matters to which such records, data, charts, and files relate.

TITLE V—PROTECTION OF NATIONAL SECURITY INFORMATION

SEC. 501. (a) All records, data, charts and files of the Joint Committee on Atomic Energy relating to national security matters, including the military applications of nuclear technology, shall be transferred to the committees of the Senate which, under the rules of the Senate, have jurisdiction over the subject matters to which such records, data, charts and files relate. In the event that any record, chart or file shall be within the jurisdiction of more than one committee of the Senate, duplicate copies shall be provided upon request.

(b) The Committees of the Senate which receive the records, data, charts and files of the Joint Committee on Atomic Energy under subsection (a) shall make available such records, data, charts and files to the committees of the House of Representatives which, under the rules of the House, have jurisdiction over the subject matters to which such records, data, charts and files relate.

(c) The committees of the Senate which receive the records, data, charts and files of the Joint Committee on Atomic Energy under subsection (a) may utilize the Office of Classified National Security Information established by section 502 of this Act or make other suitable arrangements for safeguarding such records, data, charts or files.

SEC. 502. (a) There is established for the period beginning on the effective date of this Act and ending March 31, 1979, an Office of the Senate to be known as the "Office of Classified National Security Information" (hereafter in this section referred to as the "Office"). The Office shall be under the policy direction of the Majority Leader, the Minority Leader and the Chairman of the Committee on Rules and Administration of the Senate, and shall be under the administrative direction and supervision of the Secretary of the Senate. The Office shall have the responsibility for safeguarding such restricted data and such other classified information as any committee of the Senate may from time to time assign to it.

(b) The Office shall have the authority—

(1) upon application of any committee of the Senate, to perform the administrative functions necessary to classify and declassify information relating to the national security considerations of nuclear technology in accordance with guidelines developed for restricted data by the responsible executive agencies;

(2) to provide appropriate facilities for hearings of committees of the Senate at which restricted data or other classified information is to be presented or discussed; and

(3) to establish and operate a central repository in the United States Capitol for the safeguarding of restricted data and other classified information for which such Office is responsible.

(c) The Secretary of the Senate, with the approval of the Majority Leader, the Minority Leader, and the Chairman of the Committee on Rules and Administration of the Senate, is authorized to appoint and fix the compensation of not more than two professional staff members and three clerical staff members for the Office. One of such professional staff members may be paid compensation at a rate not to exceed the rate provided for the two employees of a standing committee of the Senate referred to in section 105(e)(3)(A) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61–1), and the other professional staff member may be paid compensation at a rate not to exceed the rate provided for professional staff members of a standing committee of the Senate by section 105(e)(1) of such Act. The clerical staff members may be paid compensation at a rate not to exceed the rate provided for the four clerical assistants of a standing committee of the Senate referred to in section 105(e)(2)(A) of such Act.

(d) The salaries and expenses of the Office shall be paid from the contingent fund of the Senate pursuant to appropriations made to the contingent fund for such purpose. Until funds are first so appropriated, such salaries and expenses shall be paid from the contingent fund out of funds appropriated for "Miscellaneous Items". Such salaries and expenses shall be paid out of the contingent fund upon vouchers approved by the Secretary of the Senate, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

(e) Within 30 days of the date of enactment of this Act, the Office shall furnish the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Foreign Relations of the Senate with a listing of all those records, data, charts and files of the Joint Committee on Atomic Energy which are to be transferred to such committees under section 501(a) of this Act, indicating which committee(s) may have jurisdiction over each item. The chairman of the committees involved shall be responsible for resolving any case of doubt regarding jurisdiction over particular records, data, charts or files.

TITLE VI—COMMITTEE STAFF

SEC. 601. For purposes of this title, the term—

(1) "effective date" means the effective date of title II of this Act;

(2) "eligible staff member" means an individual who is a member of the staff of the Joint Committee on Atomic Energy on the day prior to the effective date and had served continuously (except for any period of four days or less) as a member of the staff of the Joint Committee on Atomic Energy since October 1, 1976;

(3) "new committee" means the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Foreign Relations of the Senate; and

(4) "transition period" means the period beginning on the effective date and ending on June 30, 1977, or, if later, on the ninetieth day after the effective date.

SEC. 602. (a) On the effective date, those eligible staff members who are required to carry out the provisions of section 502 of this Act, as designated by the Majority and Minority Leader and the Chairman of the Committee on Rules and Administration of the Senate in accordance with such section, shall be transferred to the Office of Classified National Security Information.

(b) On the effective date, each eligible staff member not transferred to the Office of Classified National Security Information under subsection (a) shall be transferred to the staff of a new committee. The determination of the eligible staff members transferred to the staff of each of the new committees shall be made by the Committee on Rules and Administration in consultation with the chairmen and ranking minority members of the new committees. The chairman of each new committee (and the ranking minority member with respect to minority employees) shall notify the Secretary of the Senate of the eligible staff members transferred to that new committee.

(c) During the transition period, each eligible staff member transferred to a new committee—

(1) shall, ontwithstanding the limitations contained in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended and modified, receive compensation at a rate not less than the rate of compensation such staff member was receiving on March 1, 1977; and

(2) may not be removed, except for cause, as a member of the staff of the new committee.

(d) The provisions of subsection (c)(2) shall not apply in the case of an eligible staff member who would be entitled to an annuity under section 8336(d) of title 5, United States Code, upon his involuntary removal from service as an employee of the Senate if such staff member (but for the provisions of subsection (c)(2)) would be subject to involuntary removal from such service and such staff member elects to have the provisions of this subsection apply.

SEC. 603. Not later than the effective date, the Committee on Rules and Administration shall report a resolution which authorizes expenditures out of the contingent fund of the Senate during the transition period by the new committees sufficient to enable each new committee to pay the compensation and expenses of the eligible staff members transferred to its staff under section 602.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. Titles II, III, IV, and V of this Act shall take effect on the tenth day after the date of enactment of this Act.

SEC. 702. Any reference in any rule, resolution, or order of the Senate or the House of Representatives or in any law, regulation, or

executive order to the Joint Committee on Atomic Energy shall, on and after the effective date of title II, be considered as referring to the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matter of such reference.

SEC. 703. The provisions of section 502 and title VI (except section 602(c)(1)) are enacted—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

SUMMARY BILL ANALYSIS

The attached bill is intended to accomplish the following principal purposes: (1) to abolish the Joint Committee on Atomic Energy and to provide for the transfer of its statutory functions to the appropriate Committees of the House and Senate in accordance with the changes made in the House and Senate Rules; (2) to make any necessary conforming changes to other laws which include references to the Joint Committee; (3) to provide for the continued protection of classified information; and (4) to provide for the disposition of the JCAE staff under provisions which are comparable to those in S. Res. 4 for the staffs of Senate committees abolished by that resolution.

Title I sets forth the purposes of the bill.

Title II abolishes the JCAE.

Title III transfers certain statutory functions of the JCAE to other committees and makes necessary conforming changes in other laws pertaining to the Joint Committee on Atomic Energy, including the Atomic Energy Act of 1954, as amended.

Title IV ensures that the committees of the House and Senate which receive the jurisdiction of the JCAE have the same statutory rights to information and assistance from the agencies and departments of the Government as were given to the JCAE under the Atomic Energy Act. This includes the requirement that the Energy Research and Development Administration and the Nuclear Regulatory Commission keep the Joint Committee fully and currently informed with respect to the activities of those agencies. Title IV also provides for the disposition of all unclassified records and files of the Joint Committee on Atomic Energy in a manner which will assure that each congressional committee which, under the rules of the Senate or the House of Representatives, is assigned jurisdiction over atomic energy matters will have full access to those records and files which relate to such committee's assigned jurisdiction.

Title V provides for the continued protection of classified information. Such information which is now the property of the JCAE under section 207 of the Atomic Energy Act of 1954, as amended, becomes the responsibility of the appropriate Senate committees. The appropriate committees of the House of Representatives are guaranteed full access to any such information relating to the assigned jurisdiction of such committees. An Office of Classified National Security Information is established to safeguard such information, as well as any other highly classified information assigned to it by the Senate. Such Office is assigned the powers necessary to perform this function, including the power to establish and operate a central repository for classified information in the U.S. Capitol.

Title VI provides for the disposition of the Joint Committee staff. This includes provision for staffing the newly established Office of Classified National Security Information and the transfer, for a specified transition period, of all other staff members of the JCAE to the Senate committees which have acquired the jurisdiction of the JCAE. Title VI also includes provisions dealing with the continued employment of JCAE staff members during the transition period and providing for additional funding resolutions for the Senate committees acquiring JCAE staff personnel during the transition period.

Title VII includes the effective date of the bill and other miscellaneous provisions.

SECTION-BY-SECTION ANALYSIS

SECTION 101—PURPOSES

This section identifies the following purposes: to abolish the Joint Committee and transfer its statutory functions; to establish a basis for the protection of information relating to the national security considerations of nuclear technology; to make conforming amendments to other laws; and to provide for the disposition of affected staff personnel.

SECTION 201

This section abolishes the Joint Committee on Atomic Energy.

SECTION 301

This section repeals the statutory basis for the Joint Committee on Atomic Energy. The repealed sections of the Atomic Energy Act include the following: the provision of membership of the Joint Committee on Atomic Energy, provisions giving the Committee authority to conduct hearings and make studies and to consider and report resolutions and bills, provisions providing for the appointment of a chairman and vice-chairman, provisions authorizing the JCAE to appoint staff, and provisions authorizing the JCAE to classify information and to maintain records. This section also deletes the reference to the Joint Committee on Atomic Energy in section 103 of the Atomic Energy Community Act of 1955, as amended.

SECTION 302

This section eliminates the reference to the JCAE in the Congressional Budget Act of 1974. The section of the Budget Act which is affected (section 3), directs that House and Senate members of the JCAE shall be treated as standing committees of the House and Senate respectively for purposes of the Budget Act.

SECTION 303

This section deletes the reference to the JCAE in subsection 252(a) of the Legislative Reorganization Act of 1970, which requires that Senate committee reports accompanying reported bills contain an estimate of costs.

SECTION 304

This section deletes the reference to the JCAE from Section 502 of the Mutual Security Act of 1954, as amended, which makes foreign currency available to committees of the Congress.

SECTION 305

This section deletes the reference to the JCAE in Section 3 of the International Atomic Energy Agency Participation Act of 1957, which requires the Department of State to keep various committees, including the JCAE, informed of the activities of the International Atomic Energy Agency.

SECTION 306

This section deletes the JCAE from the definitional section of the Atomic Energy Act. The section also includes for the first time in the Atomic Energy Act of 1954, as amended, definitions for the terms "nuclear energy" and "nuclear weapon".

SECTION 307

This section amends the provision of the Atomic Energy Community Act of 1955 which gives the Energy Research and Development Administration the authority to dispose of property related to the Hanford project. The amendment to this section deletes the reference to the JCAE and substitutes therefor the congressional committees which, under the House and Senate rules, are assigned jurisdiction over this subject matter. Under the amendment, ERDA must notify the committees of any proposed property disposal actions forty-five days before such actions can be taken, and the committees may by resolution waive the forty-five day requirement.

SECTION 308

The Atomic Energy Community Act of 1955 permits the Energy Research and Development Administration to make certain assistance payments to local governmental entities and requires ERDA to make recommendations to the JCAE on the need for renewing this authority. This section amends those provisions by substituting reference to the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over this subject matter, for the reference to the JCAE and requires that ERDA's recommendations be submitted to the appropriate congressional committees.

SECTION 309

This section substitutes the appropriate congressional committees for the reference to the JCAE in the provision of the Atomic Energy Act (Section 51) which allows ERDA to designate additional material as special nuclear material.

SECTION 310

This section amends the provision of the Atomic Energy Act (Section 54a.) which authorizes ERDA to cooperate with foreign nations by making quantities of special nuclear material available to them for established periods of time. The amounts and periods of time must be reported to the JCAE, which makes recommendations on the action to the Congress. The amendment substitutes the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over this subject for the reference to the JCAE.

SECTION 311

This section makes the same change to the section of the Atomic Energy Act dealing with source material (Section 61) as was made by Section 309 of the bill for special nuclear material.

SECTION 312

This section amends the provision of the Atomic Energy Act (Section 123) which directs that agreements for cooperation be submitted to the President, the JCAE and the Congress. The amendment deletes references to the JCAE and substitutes references to the committees of the House and Senate which are assigned jurisdiction over proposed agreements for cooperation.

SECTION 313

This section amends the provision of the Atomic Energy Act (Section 161v.) which provides for congressional review of criteria developed by ERDA to govern contracts for providing uranium enrichment services from Government facilities. The amendment deletes references to the JCAE and substitutes references to the congressional committees which are assigned jurisdiction over this subject by the rules of the House and Senate.

SECTION 314

This section amends the provision in the Atomic Energy Act (Section 164) which provides that certain contracts for electric utility service for ERDA's uranium enrichment facilities be submitted to the JCAE for a period of thirty days. The amendment substitutes references to the appropriate congressional committees having jurisdiction over this subject for references to the JCAE.

SECTION 315

This section makes the same change to the provisions of Public Law 88-332 for fission products contracts (Section 107) as is made for electric utility contracts by Section 314.

SECTION 316

This section amends the Price-Anderson provisions of the Atomic Energy Act (Section 170) which require that a report be made to the JCAE after certain nuclear incidents. The amendment substitutes reference to the committees of the House and Senate having jurisdiction over the indemnification area for the reference to the JCAE.

SECTION 401

This section provides the appropriate congressional committees receiving the jurisdiction of the Joint Committee on Atomic Energy with the same rights to information which the Joint Committee on Atomic Energy has under Section 202 of the Atomic Energy Act. This includes the requirement that the Joint Committee be kept fully and currently informed with respect to all matters relating to atomic energy.

SECTION 402

This section provides the appropriate congressional committees receiving the jurisdiction of the JCAE with the same authority to use the services, information, facilities and personnel of the Federal Government which was given to the JCAE under Section 205 of the Atomic Energy Act.

SECTION 403

This section provides for the transfer of all unclassified records and files of the Joint Committee on Atomic Energy. Such records and files are transferred to the committees of the Senate which are assigned jurisdiction over the subject matters to which such records and files primarily relate. All other committees of the Congress which are assigned jurisdiction over subject matters to which such records and files relate are guaranteed full access to such records and files.

SECTION 501

This section gives special attention to the national security information in the possession of the Joint Committee on Atomic Energy. Subsection 501(a) provides that the classified information now in the possession of the JCAE shall become the property of the Senate committees which, under the rules of the Senate, are assigned jurisdiction over the subject matters to which such information relates. Subsection 501(b) guarantees that each committee of the House of Representatives which is assigned jurisdiction over the national security considerations of nuclear technology will have full access to those classified files of the JCAE which relate to subject matters within the assigned jurisdiction of such committee. Subsection 501(c) permits these committees of the Senate which are assigned classified files and records of the Joint Committee on Atomic Energy to make use of the Office of Classified National Security Information or to make other suitable arrangements for the protection of such files and records.

SECTION 502

Subsection 502(a) establishes an Office of Classified National Security Information, the responsibilities of which include the safeguarding of classified information related to atomic energy and any other classified information which any committee of the Senate may assign to it. Subsection 502(b) gives the Office of Classified National Security Information the authority to establish and operate a central repository in the U.S. Capitol building for safeguarding the classified material assigned to such Office, to classify information upon the application of any Senate committee, and to provide appropriate facilities for classified committee hearings. Subsection 502(c) provides for the appointment and compensation of staff for the Office of Classified National Security Information. Subsection 502(d) provides for the payment of expenses of such Office. Subsection 502(e) directs that the Office provide, within 30 days of the enactment of this Act, each committee of the Senate which has been assigned jurisdiction formerly held by the JCAE with a listing of the classified records and files of the JCAE which are to be transferred to such committees under section 501(a) of the bill.

Title VI provides for the disposition of the staff of the JCAE in a manner which is comparable to the disposition of the staffs of those Senate committees which were abolished under S. Res. 4.

SECTION 601

This section includes definitions for the effective date of the Title, for "eligible staff member", for "new committee", and for a transition period.

SECTION 602

Subsection (a) provides for the permanent transfer of certain staff members of the JCAE to the newly established Office of Classified National Security Information.

Subsection (b) provides for the transfer for a defined transition period of all other staff members to the committees of the Senate which have received the responsibilities of the JCAE. The assignment of staff personnel during the transition period will be made by the Rules Committee of the Senate in consultation with the chairmen and ranking minority members of the Senate committees which have received the responsibilities of the JCAE. This subsection also requires the chairman (or ranking minority member where appropriate) of each new committee of the Senate which adds staff members from the Joint Committee on Atomic Energy during the transition period to notify the Secretary of the Senate of this fact.

Subsection (c) provides that during the transition period each staff member of the JCAE who is transferred to another committee shall have certain employment rights, including the right to the same salary as received while an employee of the JCAE and the right against removal, except for cause, as a staff member of the new committee.

Subsection (d) permits a staff member of the JCAE who would be eligible for retirement under the Congressional Retirement System if his position were abolished to treat his position with the JCAE as being abolished at the beginning of the transition period if he so elects.

SECTION 603

This section requires the Senate Rules Committee to report funding resolutions for the committees of the Senate acquiring staff personnel from the JCAE within ten days of the date of enactment of the bill.

SECTION 701

This section provides that the bill shall become effective ten days after the date of enactment.

SECTION 702

This section provides that any other reference to the JCAE after the effective date of the Act shall be considered as referring to the appropriate congressional committees which have been assigned the functions and responsibilities of the JCAE under the rules of the House and Senate.

SECTION 703

This section provides that section 502 and, with one exception, all of title VI shall be considered an exercise of the rulemaking power of the Senate and as such, shall be subject to change by the Senate in the same manner as for any other rule of the Senate.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. BAKER. Mr. President, I am pleased to join the distinguished Senator from Washington in introducing this bill to abolish the Joint Committee on Atomic Energy, to complete the transfer of the joint committee's functions and authority to the committees of the Senate and the House which have been assigned jurisdiction over atomic energy matters.

I, too, share a sense of pride in the many accomplishments of the Joint Committee on Atomic Energy over the years. Nevertheless, I believe that the changes made by Senate Resolution 4 and by this bill will be helpful in promoting understanding and participation of energy matters in the Senate.

Mr. President, I hope the Senate will give prompt consideration to this measure.

Mr. RANDOLPH. Mr. President, I join in cosponsoring this bill, because I feel it is needed. The measure would abolish the Joint Committee on Atomic Energy and reassign its functions in the Senate to new committees in accordance with Senate Resolution 4, the Committee System Reorganization Amendments of 1977.

This bill amends the Atomic Energy Act of 1954 to transfer statutory authorities of the Joint Committee on Atomic Energy to the new congressional committees with jurisdiction over the subject matter of each section. It provides for an orderly transfer of documents and information from the Joint Committee on Atomic Energy to the new committees. And, it provides protection for the staff for a transition period. In philosophy, the legislation follows closely the intent of the Senate, as expressed in Senate Resolution 4.

The bill creates a new office, the Office of Classified National Security Information, to facilitate the handling of classified material during the remainder of the 95th Congress. This will be useful to the new committees in dealing with restricted data and other material now in the hands of the Joint Committee on Atomic Energy. However, if the Senate should wish to establish a permanent office for that purpose, that would require further action by the Senate.

Under Senate Resolution 4, the Committee on Environment and Public Works acquired a new legislative responsibility:

Nonmilitary environmental regulation and control of nuclear energy.

The measure we are introducing today will assist the committee in carrying out that important responsibility, by providing the necessary statutory authority. It also will provide the committee with full access to information relating in any way to that new jurisdiction. And it will provide a proportionate share of staff

assistance to the committee during the transition period.

Mr. President, section 201(c) of Senate Resolution 4 gave the new committees until July 1, 1977, to deal with this legislation. It is our hope to have it enacted into law well ahead of that date.

By Mr. CURTIS:

S. 1155. A bill to amend the Tax Reform Act of 1976 to correct an inadvertent omission; to the Committee on Finance.

AMENDMENT OF THE TAX REFORM ACT OF 1976

Mr. CURTIS. Mr. President, I have introduced S. 1155 to make a correcting technical amendment to section 1032 of the Tax Reform Act of 1976 to reflect the express decision of the conference committee and to avoid imposing an unintended tax penalty on taxpayers' operations in U.S. possessions. By changing the method of computing the foreign tax credit, section 1032 increased the U.S. taxes for taxpayers who had experienced an overall loss in an earlier year from foreign operations. Under the Tax Reform Act of 1976, the loss in the earlier year reduces the amount of foreign tax credit that can be taken in a later year when profits arise from the foreign operations. My amendment would maintain this tax increase. It would, however, avoid imposing additional penalties not intended by the conference committee.

At the time section 1032 was considered by the conference committee, it was decided that the application of these new rules for computing the foreign tax credit should be delayed for 3 years in the case of operations in a U.S. possession. The conference committee recognized that absent such a transition rule, the provision would have a harsh and unwarranted impact on certain taxpayers. The 3-year period was necessary to allow these taxpayers to take the new rules into account in their planning in a reasonable and orderly fashion.

However, the conference committee inadvertently did not reflect its decision in section 1032, which as actually enacted applied to all losses sustained in taxable years beginning after December 31, 1975, with no 3-year exception for possessions operations. I called the Senate's attention to this omission during our debates on the Tax Reform Act of 1976, but because of time pressures it was impossible at that point to make the necessary technical correction.

I was informed by Senator LONG, the distinguished chairman of the Finance Committee and manager of the bill, that every effort would be made to make this technical correction as soon as possible in order to reflect the decision of the conference committee. Congressman JOE WAGGONNER, of Louisiana, had a similar colloquy with the distinguished chairman of the House Committee on Ways and Means during the consideration of the 1976 act by the other body.

It is for these reasons that I have introduced S. 1155, which would amend section 1032 to provide that the change in the computation of the foreign tax credit would not apply to losses incurred in taxable years beginning before January 1, 1979, in a possession of the United States. I urge its immediate enactment. Unless we take action immediately, taxpayers will be significantly, improperly, and unnecessarily burdened when they file their tax returns for the past year.

By Mr. BENTSEN (for himself and Mr. TOWER):

S. 1156. A bill to authorize the establishment of the San Antonio Missions National Historical Park in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

SAN ANTONIO MISSIONS PARKWAY

Mr. BENTSEN. Mr. President, today I am introducing for myself and Senator TOWER a bill for the establishment of the San Antonio Missions National Historical Park.

The San Antonio area has the greatest concentration of Spanish missions in the United States. The bill I am introducing proposes to include these historically valuable sites under the jurisdiction of the National Park Service in cooperation with the San Antonio Missions Advisory Commission so that they may be protected and maintained for the benefit and enjoyment of present and future generations.

The San Antonio Missions National Historical Park would include four missions, Concepcion, San Jose, San Juan, and Espada, as well as the Espada Acequia, the Espada Dam and Acqueduct and the San Juan Acequia.

It is the intent of my bill to preserve the valuable historical value of this area. The San Antonio Missions were established during the 18th century and served not only as religious institutions, but also as fortresses for missionaries and nearby settlers. The missions served as a primary tool in the civilization of the area. Each mission is an excellent example of Spanish architecture and design and a valuable part of our heritage.

Each mission included an acequia system for irrigation of surrounding farmlands. Only two, Espada and San Juan, remain. However, because of time and a change in the water flows in the area, both are deteriorating and need protection. And they deserve the protection we can give them. They are extraordinary examples of the 18th century engineering and symbol of the working and dedication that built the Southwest. The Espada Aqueduct is still in use today, and is the oldest structure of its type in the United States still in use.

Mr. President, presently there is nothing to deter commercial construction in this valuable, historic area. Any commercial intrusion will greately diminish the historical integrity of the area as is the case of the city powerplant located across the street from the Yturri-Edmunds House and Old Mill which was originally part of Mission Concepcion. The plant generates excessive noise, and its bulk and height constitutes a visual intrusion to an otherwise serene and beautiful setting.

Mr. President, to allow this type of industrial growth to continue or, by neglect, to allow the destruction of this historical network of missions and irrigation systems from the 18th century is to lose the historical benefits of the area forever. Our future generations deserve more; therefore, I ask my colleagues to give favorable consideration to this proposal.

By Mr. THURMOND (for himself, Mr. STEVENS, Mr. HUDDLESTON, and Mr. HEINZ):

S. 1158. A bill to amend the Internal Revenue Code of 1954 to permit individuals to amortize certain rehabilitation expenditures for certified historic structures which are not depreciable; to the Committee on Finance.

REHABILITATION EXPENDITURES FOR CERTAIN NONDEPRECIABLE CERTIFIED HISTORIC STRUCTURES

Mr. THURMOND. Mr. President, section 2124 of the Tax Reform Act of 1976 was a provision to allow for special tax treatment of certified historic structures. It allows taxpayers an election, in lieu of claiming the depreciation deductions otherwise allowable, to amortize over a 60-month period the capital expenditures incurred in certified rehabilitation of certified historic structures.

Unfortunately, this provision is available only to owners of certified historic structures who can use depreciation allowances. This, in effect, rules out almost all noncommercial owners. The bill we are introducing would extend this worthwhile tax treatment to the private owner of a certified historic structure. It will allow as a tax deduction the amount which would be allowed to the taxpayer if he were in a position to take depreciation allowances. The taxpayer may use the equivalent of a depreciation allowance or he may amortize his certified rehabilitation expenditures over a 60-month period.

In the enactment of section 2124 of the Tax Reform Act, it was noted in committee reports that Congress believes that the rehabilitation and preservation of historic structures and neighborhoods is an important national goal. Of course, many of these structures are in private hands and not commercially used. In fact, many of them are the homes of the owners. To deny to these owners the benefits granted commercial owners would be to thwart the expressed intent of the Congress.

Pursuant to section 2124, to qualify as a certified historic structure, a building or structure must be: First, listed in the National Register of Historic Places; second, located in a registered historic district and be certified by the Secretary of the Interior as being of historic significance to the district; or third, located in a historic district designated under a State or local statute containing criteria satisfactory to the Secretary of the Interior. Under the Historic Preservation Act of 1966, these structures are eligible for grants for restoration and preservation expenditures. A requirement of receiving these funds is that the structure be accessible to the public at least 12 days per year. It seems only fair that if it is required of the owners that they comply with the requirements, they should be allowed the same tax treatment that commercial owners are allowed.

Often the buildings that qualify as certified historic structures are in need of repair, either for preservation or restoration. These expenditures are seldom small, often requiring the expertise of specialized craftsmen. Allowing the special tax treatment in this bill will provide an incentive for the owners to proceed with the needed repairs and help to preserve the architectural heritage of the country. For instance, owners of historic structures with ornate Victorian trim will be encouraged to paint and repair the trim rather than to remove it to save costs. Plasterwork will be less likely to fall prey to the economies of sheetrock. Costly expert bricklaying may be used rather than veneering. Any encouragement we can provide the owners of these valuable structures to save the integrity and the structural purity of their buildings will accrue to the benefit of all Americans, and we will be furthering the protection of our physical heritage.

Mr. President, the early implementation of this provision is essential, as it triggers the deadline provisions of section 2124 of the Tax Reform Act. In other words, to utilize the provisions of this bill, an owner must act before June of 1981 to begin restoration of his structure. Therefore, I urge that consideration of this bill be undertaken as soon as possible.

I am pleased that Senators STEVENS, HUDDLESTON, and HEINZ have joined me in sponsoring this important legislation.

Mr. President, I send this bill to the desk so it can be appropriately referred, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as 222 and by inserting after section 220 the following new section:

"SEC. 221. REHABILITATION EXPENDITURES FOR CERTAIN NONDEPRECIABLE CERTIFIED HISTORIC STRUCTURES.

"(a) In General.—In the case of an individual who pays or incurs amounts in connection with the certified rehabilitation of a certified historic structure for which the deduction allowed by section 191 is not allowed because the structure is neither used in the taxypayer's trade or business nor held by the taxpayer for the production of income, there is allowed as a deduction the amount which would be allowed to the taxpayer under section 191 if such structure were, with respect to the taxpayer, property described in section 167(a).

"(b) Definitions.—The terms 'certified rehabilitation' and 'certified historic structure' are defined in section 191(d).".

(b) The table of sections for such part is amended by striking out the last item and by inserting in lieu thereof the following:

"Sec. 221. Rehabilitation expenditures for certain nondepreciable certified historic structures.

"Sec. 222. Cross references.".

SEC. 2. The amendments made by this Act apply with respect to taxable years beginning after December 31, 1976.

By Mr. SPARKMAN (by request):

S. 1159. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

S. 1160. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on Foreign Relations.

AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961 AND THE ARMS EXPORT CONTROL ACT

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference bills to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act.

These bills have been requested by the President of the United States and I am introducing them so there may be legislation to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose these bills, as well as any suggested amendments to them, when these matters are considered by the Committee on Foreign Relations.

I ask unanimous consent that these bills be printed in the RECORD together with section-by-section analyses and the letters from the President of the United States to the President of the Senate dated March 28, 1977.

There being no objection, the bills and material were ordered to be printed in the RECORD, as follows:

S. 1159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Development Assistance Act of 1977".

DEVELOPMENT ASSISTANCE

SEC. 2. (a) Chapter 1 of Part I of the Foreign Assistance Act of 1961 is amended as follows:

(1) Section 102 is amended by:

(A) Adding after subsection (c) the following new subsections:

"(d) For the purpose of promoting economic growth in the poorest countries, the President is authorized, notwithstanding any other provision of law, to make available to the relatively least developed countries assistance under this chapter on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives.", and

(B) Redesignating existing subsection "(d)", subsection "(e)".

(2) In subsection 103(a), immediately after "for such purposes," by deleting "$291,000,000" and all that follows through "1976 and" and inserting "and $550,000,000 for the fiscal year 1978," immediately after "1977,".

(3) Section 104, relating to population planning and health, is amended to read as follows:

POPULATION PLANNING

"SEC. 104. (a) In order to increase the opportunities and motivation for family planning, and to reduce the rate of population growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for population planning. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $167,000,000 for the fiscal year 1978, which amount shall remain available until expended."

"(b) Assistance under this section shall be furnished in accordance with the applicable provisions of section 105(b)."

(4) Immediately after the new section 104, add the following new section and renumber the following seven sections accordingly:

"SEC. 105. (a) HEALTH.—In order to prevent and combat disease, and to help to provide health services for the great majority, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for health, disease prevention and environmental sanitation. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $104,900,000 for the fiscal year 1978, which amount shall remain available until expended."

"(b) Assistance provided under this section and, where applicable, under section 104 shall be used primarily for extension of low-cost, integrated delivery systems to provide health and family planning services, especially to rural areas and to the poorest economic sectors, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach; health programs which emphasize disease prevention, environmental sanitation, and health education; and population planning programs which include education in responsible parenthood and motivational programs, as well as delivery of family planning services and which are coordinated with programs aimed at reducing the infant mortality rate, providing better nutrition to pregnant women and infants, and raising the standard of living of the poor."

(5) In renumbered subsection 106(a), immediately after "for such purposes", by deleting "$90,000,000" and all that follows through "1976 and" and inserting "and $84,400,000 for the fiscal year 1978," immediately after "1977,".

(6) Renumbered section 107, relating to technical assistance, energy, research, reconstruction, and selected development problems, is amended by:

(A) In subsection (a), deleting "103, 104, and 105" and inserting in lieu thereof "103, 104, 105, and 106", and

(B) In subsection (b), deleting immediately after "for such purposes," "$99,550,000" and all that follows through "1976 and" and inserting "and $100,000,000 for the fiscal year 1978," immediately after "1977,".

(7) Renumbered section 110, relating to transfer of funds, is amended by:

(A) deleting "108" and inserting in lieu thereof "109", and

(B) inserting in the last sentence "Except for transfers to section 667," at the beginning thereof.

(8) Renumbered section 111(b), relating to funding limits, is amended by inserting "Except for grants to countries determined to be relatively least developed based on the United Nations Conference on Trade and Development list of "relatively least developed countries"," at the beginning thereof.

(9) Immediately after section 116, add the following new section:

EXAMINATION OF POPULATION GROWTH IMPACT

"SEC. 117. (a) Assistance under this chapter shall be administered so as to give particular attention to the impact of all programs, projects and activities on population growth. All activities proposed for financing under this chapter shall be reviewed to identify their possible impact on human fertility. Particular attention shall be given to opportunities to build motivation for family planning into programs in other fields such as education in and out of school, nutrition, disease control, maternal and child health services, agricultural production, rural development and assistance to the urban poor. Care should be taken to consider indirect as well as direct influences on fertility."

"(b) The President is authorized to study the complex factors affecting population

growth in developing countries and to identify the factors which might motivate people to plan family size or space their children. To the maximum extent consistent with the principles set forth in section 102, projects in other development fields should be designed to reduce population growth and to maximize recognition of the benefits of planned family size."

(b) The authorization of appropriations for the fiscal year 1977 contained in section 104 of the Foreign Assistance Act of 1961 prior to the enactment of this Act shall remain in effect.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 3. Section 214 of the Foreign Assistance Act of 1961, relating to American schools and hospitals abroad, is amended as follows:

(a) In subsection (c), by deleting "each of the fiscal years 1974" and all that follows through "1976 and" and inserting "fiscal year" in lieu thereof, and inserting "and for fiscal year 1978, $7,500,000," immediately after "$25,000,000," and

(b) In subsection (d), by deleting "1974" and all that follows through "1977," and inserting in lieu thereof "1976 through 1978,".

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

SEC. 4. Title III of Chapter 2 of Part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) In section 221, by deleting the next to last sentence, and by amending the last sentence to read: "Such guaranties shall be issued under the conditions set forth in section 222(b), 222(c) and 223."; and

(b) In section 222(c) by inserting "or under section 221," after "1969,", and by deleting "$600,000,000" and inserting in lieu thereof "$1,030,000,000"; and

(c) In section 222A(h) by deleting "December 31, 1977" and inserting in lieu thereof "September 30, 1978"; and

(d) In section 223(b) in the first sentence, by deleting "hereunder," and inserting in lieu thereof "under sections 221 or 222 or under prior housing guaranty authorities," and by adding the following new sentence at the end of section 223(b): "Fees collected in connection with guaranties issued under section 222A shall likewise be available to meet similar expenses, costs or liabilities incurred in connection with the programs authorized under secion 222A."; and

(e) In section 223(j) by deleting "1977" and inserting in lieu thereof "1978", and by deleting "$50,000,000", $20,000,000" and "$15,000,000" and inserting in lieu thereof "$75,000,000", "$30,000,000," and "$30,000,000," respectively.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 5. Section 302 of the Foreign Assistance Act of 1961, relating to international organizations and programs, is amended by deleting in subsection (a)(1) "1974, $127,822,000 and for the fiscal year 1975, $165,000,000, and for the fiscal year 1976, $194,500,000 and for the fiscal year" and by changing the period after "$219,900,000" to a comma and inserting immediately thereafter "and for the fiscal year 1978, $246,000,000.".

INTERNATIONAL DISASTER ASSISTANCE

SEC. 6. Section 492 of the Foreign Assistance Act of 1961, relating to international disaster assistance, is amended by deleting "1976 and" and inserting "and 1978." immediately after "1977".

SAHEL DEVELOPMENT PROGRAM

SEC. 7. (a) Section 494B of the Foreign Assistance Act of 1961, relating to the African Development Program, is amended by changing the caption to read "Sahel Development Program—Planning".

(b) A new section is inserted immediately after section 494B, as follows:

"SECTION 494C. SAHEL DEVELOPMENT PROGRAM IMPLEMENTATION

"(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the long-term development of the Sahelian region. Assistance furnished under this section shall be in accordance with a long-term, multi-donor development plan which calls for equitable burden-sharing with other donors, such assistance to be furnished whenever appropriate in cooperation with an international coordinating mechanism.

"(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, for use beginning in fiscal year 1978, $200,000,000, which amount shall remain available until expended."

LEBANON RELIEF AND REHABILITATION

SEC. 8. Section 495C(b), relating to Lebanon relief and rehabilitation, is amended by deleting "$20,000,000," and inserting in lieu thereof "$40,000,000,".

REIMBURSABLE DEVELOPMENT PROGRAMS

SEC. 9. Section 661 of the Foreign Assistance Act of 1961, relating to reimbursable development programs is amended by:

(1) deleting "up to $1,000,000" and all that follows through "1976,"; inserting after "$2,000,000" "of the funds made available for the purposes of this Act", and inserting immediately after "1977," "and $2,000,000 in the fiscal year 1978,".

OPERATING EXPENSES

SEC. 10. Section 667 of the Foreign Assistance Act of 1961, relating to operating expenses, is amended to read as follows:

OPERATING EXPENSES

"SEC. 667. (a) There are authorized to be appropriated to the President, in addition to funds otherwise available for the purposes of this section, for the fiscal year 1978, the following amounts:

(1) $220,200,000 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and

(2) Such amounts as may be necessary for increase in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

(b) Amounts appropriated under this section are authorized to remain available until expended."

AUTHORIZATION OF APPROPRIATIONS FOR THE FISCAL YEAR 1979

SEC. 11. There are authorized to be appropriated for the fiscal year 1979 such sums as may be necessary to carry out programs and activities for which appropriations for the fiscal year 1978 are authorized by this Act.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED INTERNATIONAL DEVELOPMENT ASSISTANCE ACT OF 1977

I. INTRODUCTION

The proposed International Development Assistance Act of 1977 (hereinafter referred to as the "Bill") is an amendment to the Foreign Assistance Act of 1961, as amended (hereinafter referred to as the "Act"). The major purpose of the Bill is to provide authorization for appropriations for activities under the Act for the fiscal year 1978. The Bill contains authorizations for appropriations for development assistance activities only.

The fiscal year 1978 authorization levels requested for programs under Part I of the Act are those set forth in the President's fiscal year 1978 budget.

The principal substantive amendments to Part I of the Act are: an authorization that development assistance be made available to the relatively least developed countries on a grant basis to the maximum extent consistent with U.S. development objectives; a waiver of the thirty-six month disbursement limit for grant assistance to the relatively least developed countries; separate authorizations for population planning and health activities; a requirement that special attention be given to the direct and indirect impact on population growth of all programs administered under Part I, Chapter 1 of the Act; a separate authorization for United States participation in the long-term development of the Sahel; an authorization for disaster relief assistance; an increase in the authorization of funds for the relief and rehabilitation of Lebanon; and the creation of a single worldwide guaranty ceiling for the housing guaranty program. Part III of the Act is amended by including a specific authorization for operating expenses, and by amending section 661 relating to reimbursable development programs.

II. PROVISIONS OF THE BILL

Section 2(a). Development Assistance authorizations

This subsection, consisting of nine paragraphs, provides development assistance authorizations which will permit the Executive Branch to conduct an effective bilateral development assistance program in fiscal year 1978. The specific authorizations provided are as follows:

(1) Paragraph (A) adds a new subsection (d) to section 102. New subsection (d) provides that development assistance under Chapter 1 of Part I may be made available to the relatively least developed countries on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives. This provision is consistent with the United States position at the UNCTAD IV Conference in Nairobi where the United States urged the aid donor nations to provide the relatively least developed countries on the UNCTAD list with assistance on a grant rather than a loan basis.

Paragraph (B) redesignates existing subsection 102(d) as 102(e).

(2) This paragraph amends section 103(a) of the Act, which authorizes funds to alleviate starvation, hunger and malnutrition and to provide basic services to poor people by increasing their capacity for self-help, by authorizing $550,000,000 to carry out section 103 programs in fiscal year 1978. Food and nutrition programs will continue to receive primary emphasis under this authorization.

(3) This paragraph amends section 104 of the Act by creating a separate authorization for population planning programs. In the existing Act, section 104 contains authorization for both population planning and health programs. This amendment is intended to permit consideration of each of these important areas in separate authorization and appropriation categories.

Section 104(a) contains an authorization of appropriations of $167,000,000 in fiscal year 1978 for population planning.

Section 104(b) requires that population planning programs be carried out in accordance with the applicable provisions of section 105(b) of the Act.

(4) This paragraph adds a new section 105 relating to health programs, and renumbers the remaining sections in Chapter 1 of the Act accordingly.

Subsection 105(a) contains an authorization of appropriations of $104,900,000 for health programs.

Subsection 105(b) contains a policy statement relating to the types of health and population planning programs that will be authorized by new sections 104 and 105. It emphasizes low-cost, integrated delivery systems to provide health and family planning services, using paramedical and auxiliary medical personnel, clinics and health posts and other modes of community outreach; health programs under section 105 em-

phasizing disease prevention, environmental sanitation and education; and population programs which include motivational programs and education in responsible parenthood; and coordinated programs aimed at reducing infant mortality, providing better nutrition to pregnant women and infants and raising the standard of living of the poor.

(5) This paragraph authorizes appropriations of $84,400,000 in fiscal year 1978 for renumbered subsection 106(a), which relates to education and human resources.

(6) This paragraph, which relates to the programs of technical assistance, energy, research, reconstruction, and selected development problems authorized by renumbered subsection 107(b), contains (A) a technical amendment to conform the authority contained in section 107 to the renumbered functional accounts, and (B) an authorization of appropriations of $100,000,000 for fiscal year 1978.

(7) This paragraph (A) changes the reference in renumbered section 110 from 108 to 109, and (B) amends renumbered section 110 so as to permit the transfer of any funds, including funds made available under Chapter 1 of Part I, to augment operating expenses authorized under revised section 667 by using the authority contained in sections 610(a) and 614(a).

(8) This paragraph, which relates to funding limits, amends renumbered subsection 111(b) to permit grant assistance to countries determined to be relatively least developed based on the United Nations Conference on Trade and Development list of "relatively least developed countries" without regard to the thirty-six month limitation on disbursement of such assistance.

(9) This paragraph adds a new section 117 to Part I of the Act, relating to the examination of the impact of development assistance authorized under Chapter 1 of Part I on population growth. Subsection 117(a) requires that an appropriate review be made of programs administered under Chapter 1 of Part I of the Act to identify their possible impact, both direct and indirect, on human fertility. It also provides that particular attention be given to opportunities to build motivation for family planning into programs in other fields.

Subsection 117(b) authorizes the President to conduct studies into the factors affecting population growth in developing countries and to identify factors which might motivate people to adopt population planning methods. It also directs that consistent with the principles contained in section 102 of the Act, projects in other development fields should be designed to encourage population planning.

Section 2(b)

This subsection contains a technical provision assuring that funds authorized for the fiscal year 1977 for section 104 programs prior to the enactment of this bill will remain available for such purposes.

Section 3. American schools and hospitals abroad

This section, consisting of two paragraphs, amends section 214 of the Act, which authorizes assistance to institutions located outside the United States that are sponsored or founded by United States citizens, as follows:

(a) This paragraph amends section 214(c) by authorizing $7,500,000 for fiscal year 1978.

(b) This paragraph amends section 214(d) by providing foreign currency authorizations of $7,000,000 for fiscal year 1978.

Section 4. Housing and other credit guaranty programs

This section, consisting of five paragraphs, amends Title III of Chapter 2 of Part I of the Act as follows:

(a) This paragraph amends section 221, relating to worldwide housing investment guaranties by establishing a worldwide housing guaranty ceiling under section 222(c).

(b) This paragraph amends section 222(c), relating to the Latin America housing investment guaranty ceiling, by establishing a single worldwide guaranty ceiling in the amount of $1,030,000,000.

(c) This paragraph amends section 222A (h), relating to the authorization for Agricultural and Productive Credit and Self-Help Community Development Programs, by extending the authorization for such programs from December 31, 1977, until September 30, 1978.

(d) This paragraph amends section 223(b), relating to the use of fee income generated by programs administered under sections 221, 222, and 222A, to authorize the use of fee income generated by section 222A programs to pay certain administrative and operating cost of section 222A guaranty programs.

(e) This paragraph amends the last sentence of section 223(j) by authorizing Housing Investment Guaranty programs in Israel, Portugal and Lebanon through fiscal year 1978 in the amounts of $75,000,000, $30,000,000 and $30,000,000 respectively.

Section 5. International organizations and programs

This section extends the authorization for International Organizations and Programs through fiscal year 1978, and authorizes appropriations of $246,000,000 for fiscal year 1978. This authorization will enable the Executive Branch to make its voluntary contributions to international organizations whose programs are focused on the developing world.

Section 6. International disaster assistance

This section amends section 492, relating to the authorization of funds for international disaster assistance, by authorizing $25,000,000 to carry out programs authorized by section 491 in fiscal year 1978.

Section 7. Sahel development program

This section, consisting of two paragraphs, amends Chapter 9 of Part I of the Act as follows:

(a) This paragraph amends section 494B by changing the caption from "African Development Program" to "Sahel Development Program—Planning."

(b) This paragraph adds a new section 494C entitled "Sahel Development Program—Implementation." This new section contains two subsections. Subsection (a) would authorize assistance for the long-term development of the Sahel. Such assistance should be furnished in accordance with a long-term, multi-donor development plan based on equitable burden-sharing with other donor countries. To the extent appropriate such assistance should be furnished in cooperation with an international coordinating mechanism.

Subsection 494(c) authorizes $200,000,000 for the purposes of section 494C for use beginning in fiscal year 1978, which amount is authorized to remain available until expended.

Section 8. Lebanon relief and rehabilitation

This section amends section 495C(b) of the Act by increasing the authorization for programs relating to the relief and rehabilitation of Lebanon from $20,000,000 to $40,000,000.

Section 9. Reimbursable development programs

This section amends section 661 of the Act, relating to the stimulation of reimbursable development programs, by authorizing the use of $2,000,000 of the funds available under Part I of the Act for section 661 programs in fiscal year 1978.

Section 10. Operating expenses

This section amends section 667 of the Act, relating to operating expenses of A.I.D., by authorizing appropriations for necessary operating expenses for fiscal year 1978 of $220,000,000, plus such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

Section 11. Authorization of appropriations for the fiscal year 1979

This section reflects the requirements of section 607 of the Congressional Budget Act of 1974 (31 U.S.C. 11c) and authorizes appropriations for the fiscal year 1979 of the sums necessary to carry out programs and activities for which fiscal year 1978 appropropriations are authorized by the Bill.

THE WHITE HOUSE,
Washington, March 28, 1977.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting today a bill to authorize foreign development assistance programs for the fiscal years 1978 and 1979.

Enactment of this legislation will enable the United States to carry out an efficient and effective bilateral development assistance program which our international position and objectives require. This bill also authorizes appropriation of voluntary contributions to International Organizations whose programs are focused on the developing world.

The bill provides that development assistance shall be made available to the poorest countries on a grant basis to the maximum extent that is consistent with the attainment of our development objectives. This proposal is consistent with the United States position at the UNCTAD IV Conference, which urged aid donor nations to provide the relatively least developed countries on the UNCTAD list with assistance on a grant rather than a loan basis. The bill creates separate authorizations for population planning and health programs, and a requirement that all development assistance programs be reviewed to assure that proper attention is paid to the relationship of these programs to worldwide population growth. The bill also contains an authorization of $200 million for a long-term multidonor development plan for the Sahel. U.S. contributions to this program will be based on equitable burden-sharing with other donor countries.

Enactment of this legislation will be an important step in demonstrating our concern for the economic problems of the developing world. I urge its early passage.

Sincerely,

JIMMY CARTER.

S. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Security Assistance and Arms Export Control Act of 1977".

CONTINGENCY FUND

SEC. 2. Section 451(a) of the Foreign Assistance Act of 1961 is amended by striking out for the fiscal year 1976 not to exceed $5,000,000 and for the fiscal year 1977 not to exceed $5,000,000" and inserting in lieu thereof "for the fiscal year 1978 not to exceed $5,000,000".

INTERNATIONAL NARCOTICS CONTROL

SEC. 3. Section 482 of the Foreign Assistance Act of 1961 is amended to read as follows:

AUTHORIZATION

"SEC. 482. To carry out the purposes of section 481, there are authorized to be appropriated to the President $39,000,000 for the fiscal year 1978. Amounts appropriated under this section are authorized to remain available until expended.".

MILITARY ASSISTANCE

SEC. 4. (a) Section 504(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed $230,000,000 for the fiscal year 1978. Not more than the following amounts of funds available for carrying out this chapter may be allocated and made available for assistance to each of the following recipients for the fiscal year 1978:

Recipient:	*Amount*
Greece	$33,000,000
Portugal	25,000,000
Spain	15,000,000
Turkey	48,000,000
Jordan	55,000,000
Indonesia	15,000,000
Philippines	19,600,000
Thailand	8,000,000

The amount specified in this paragraph for military assistance to any such recipient for the fiscal year 1978 may be increased by not more than 10 per centum of such amount if the President deems such increase necessary for the purposes of this chapter.

"(2) Except with respect to costs incurred under the authority of section 516(b) or as otherwise specifically authorized by law, none of the funds available for assistance under this chapter may be used to provide assistance to countries or international organizations other than those specified in paragraph (1).

"(3) The authority of section 610(a) and of section 614(a) may not be used to increase any amount specified in paragraph (1), or to waive the limitations of paragraph (2).

"(4) Amounts appropriated under this subsection are authorized to remain available until expended.".

(b) Section 516(b) of the Foreign Assistance Act of 1961 is amended by striking out "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 5. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$93,750,000 for the period beginning July 1, 1975, and ending September 30, 1976, and $125,000,000 for the fiscal year 1977" and inserting in lieu thereof "$270,000,000 for the fiscal year 1978".

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

SEC. 6. (a) Section 515 of the Foreign Assistance Act of 1961 is amended to read as follows:

OVERSEAS MANAGEMENT OF ASSISTANCE AND SALES PROGRAMS

"SEC. 515. (a) In order to carry out his responsibilities for the management of international security assistance programs in accordance with the provisions of this Act and the Arms Export Control Act, the President is authorized to assign members of the Armed Forces of the United States to serve under the direction and supervision of the Chief of the United States Diplomatic Mission in any foreign country to perform necessary functions with respect to: military assistance and military education and training under this part; sales, credits and guaranties under the Arms Export Control Act; and such related functions as the President determines necessary. Members of the Armed Forces may be so assigned for such purposes only in accordance with the provisions of this section.

"(b) During the period beginning October 1, 1977 and ending September 30, 1980, members of the Armed Forces of the United States may be assigned under this section to the following countries: Argentina, Bolivia, Brazil, Colombia, Ethiopia, Greece, Indonesia, Iran, Japan, Jordan, Korea, Kuwait, Liberia, Morocco, Pakistan, Panama, Philippines, Portugal, Republic of China, Saudi Arabia, Spain, Thailand, Turkey, Venezuela and Zaire. The total number of personnel so assigned may not exceed by more than ten per cent in any fiscal year the number justified to the Congress in the Congressional Presentation materials for such fiscal year.

"(c) Not to exceed three members of the Armed Forces may be assigned under this section to any country not specified in subsection (b), except that not to exceed three additional such members may be so assigned to a country when specifically requested by the Chief of the Diplomatic Mission as necessary to the efficient operation of the Mission.

"(d) Members of the Armed Forces assigned under this section may not serve concurrently as defense attaches. Defense attaches may not perform security assistance functions under this section except in countries where the President determines that the performance of such functions by defense attaches is in the national interest. The President shall promptly report each determination under this subsection to the Speaker of the House of Representatives and to the Chairmen of the Senate Committees on Foreign Relations and Armed Services, together with a description of the number of personnel involved and a statement of the reasons for his determination.

"(e) The entire costs (including salaries of United States military personnel) of overseas management of security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this chapter, including such costs which are reimbused from charges for services collected from foreign governments pursuant to sections 21(e) and 43(b) of the Arms Export Control Act. The numerical limitations contained in subsections (b) and (c) of this section shall not apply to personnel performing services on a fully reimbursable basis under section 21 of the Arms Export Control Act.".

(b) Section 516(a) of the Foreign Assistance Act of 1961 is amended by striking out "515(b)(2)" and inserting in lieu thereof "515".

(c) Section 631(d) of the Foreign Assistance Act of 1961 is amended as follows:

(1) by striking out "this Act" and inserting in lieu thereof "part I of this Act"; and

(2) by striking out all that follows after "economic officer of the mission" and inserting a period in lieu thereof.

(d) Section 43(b) of the Arms Export Control Act is amended to read as follows:

"(b) Charges for administrative services calculated under section 21(e)(1)(A) of this Act shall include recovery of administrative expenses incurred by any department or agency of the United States Government (including any mission or group) in carrying out functions under this Act when:

"(1) such functions are primarily for the benefit of any foreign country, and

"(2) such expenses are not directly and fully charged to, and reimbursed from amounts received for, sales of defense services under section 21(a) of this Act.".

SECURITY SUPPORTING ASSISTANCE

SEC. 7. (a) Section 531 of the Foreign Assistance Act of 1961 is amended by deleting the first word of the last sentence and inserting in lieu thereof "Except for programs in southern Africa, the";

(b) Section 532 of the Foreign Assistance Act of 1961 is amended to read as follows:

AUTHORIZATION

"SEC. 532. There are authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1978 not to exceed $1,887,200,000. Amounts appropriated under this section are authorized to remain available until expended.".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 8. Section 542 of the Foreign Assistance Act of 1961 is amended by striking out "$27,000,000 for the fiscal year 1976 and $30,200,000 for the fiscal year 1977" and inserting in lieu thereof "$35,000,000 for the fiscal year 1978".

MIDDLE EAST PEACE

SEC. 9. Section 903 of the Foreign Assistance Act of 1961 is amended as follows:

(1) in subsection (a), by striking out "for the fiscal year 1976 not to exceed $50,000,000 and for the fiscal year 1977 not to exceed $35,000,000" and inserting in lieu thereof "for the fiscal year 1978 not to exceed $25,000,000";

(2) in subsection (c), by inserting "or under section 532" immediately after "subsection (a)" in the first sentence, and by deleting "Such funds" in the second sentence and inserting in lieu thereof "Funds appropriated under subsection (a)"; and

(3) in subsection (e), by striking out "1977" and inserting in lieu thereof "1978".

TRANSFERS OF DEFENSE ARTICLES AND DEFENSE SERVICES FOR MAINTENANCE, REPAIR, MODIFICATION, AND OVERHAUL

SEC. 10. Section 3(d) of the Arms Export Control Act is amended by adding at the end thereof the following:

"This subsection shall not apply:

"(1) to transfers of maintenance, repair, modification, or overhaul defense services, or of the repair parts or other defense articles used in furnishing such services;

"(2) to temporary transfers of defense articles for the sole purpose of receiving maintenance, repair, modification, or overhaul; or

"(3) to cooperative cross servicing arrangements among members of the North Atlantic Treaty Organization.".

FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGATE CEILING

SEC. 11. Section 31 of the Arms Export Control Act is amended as follows:

(1) in subsection (a), by striking out all in the first sentence after "not to exceed" the first time it appears and inserting in lieu thereof "$707,750,000 for the fiscal year 1978.";

(2) in subsection (b), by striking out all after "shall not exceed" the first time it appears and inserting in lieu thereof "$2,217,500,000 for the fiscal year 1978, of which not less than $1,000,000,000 shall be available only for Israel."; and

(3) in subsection (c), by striking out "the fiscal years 1976 and 1977" and inserting in lieu thereof "the fiscal year 1978".

LICENSES FOR THE EXPORT OF CERTAIN MAJOR DEFENSE EQUIPMENT

SEC. 12. Section 38(b)(3) of the Arms Export Control Act is amended by adding at the end thereof the following:

"The prohibition contained in the first sentence of this paragraph shall not apply to the issuance of licenses under this section for the export of major defense equipment to Australia, Japan or New Zealand, or major defense equpment sold commercially in implementation of an agreement between the United States Government and the government of a foreign country for the production of major defense equipment to which such licenses relate: *Provided*, That the President has submitted a certificate with respect

to such proposed agreement, prior to its signature, to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate in the same form as the certification required under section 36(c) of this Act and subject to the requirements of that section.".

AUTHORIZATION OF APPROPRIATIONS FOR THE FISCAL YEAR 1979

SEC. 13. There are authorized to be appropriated for the fiscal year 1979 such sums as may be necessary to carry out programs and activities for which appropriations for the fiscal year 1978 are authorized by this Act.

MISCELLANEOUS

SEC. 14. Authorizations of appropriations and limitations of authority applicable to the fiscal year 1977 as contained in provisions of law amended by this Act shall not be affected by enactment of this Act.

ASSISTANCE AND SALES TO GREECE AND TURKEY

[To be supplied by the Executive Branch upon completion of its examination of the findings and recommendations made by the President's Special Representative, Clark Clifford.]

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1977

I. INTRODUCTION

The proposed International Security Assistance and Arms Export Control Act of 1977 (hereinafter referred to as "the Bill") amends the Foreign Assistance Act of 1961 (hereinafter referred to as "the FAA"), and the Arms Export Control Act (hereinafter referred to as "the AECA") in order to authorize appropriations to carry out international security assistance programs for fiscal year 1978. The Bill also contains authorizations for certain economic assistance programs and in accordance with the Congressional Budget Act of 1974, requests authorizations for fiscal year 1979.

II. PROVISIONS OF THE BILL

Section 1. Short title

This section provides that the Bill may be cited as the "International Security Assistance and Arms Export Control Act of 1977."

Section 2. Contingency fund

This section amends section 451(a) of the FAA to authorize appropriations of not to exceed $5,000,000 for the fiscal year 1978 for contingency fund purposes.

Section 3. International narcotics control

This section amends section 482 of the FAA to authorize appropriations of not to exceed $39,000,000 for the fiscal year 1978 for the international narcotics control program.

Section 4. Military assistance

Subsection (a) of this section amends section 504(a) of the FAA, which authorizes the appropriation of funds for military assistance purposes. The amended section 504(a) consists of four paragraphs:

(1) This paragraph authorizes appropriations of not to exceed $230,000,000 for fiscal year 1978 for the military assistance program. The amount of assistance which may be provided is specified with respect to each of the eight countries designated. These allocations may be increased by not more than 10% if deemed necessary for the purposes of the chapter. This paragraph constitutes the specific authorization required by section 516(a) of the FAA. The total military assistance program is made up of new budget authority plus reimbursements, reappropriations and recoupments to the military assistance account. The total fiscal year 1978 military assistance program of $284,600,000 will require the appropriation of $230,000,000. It is estimated that approximately $28,550,000 of the appropriated funds will be used to pay administrative and related expenses. The amount requested includes funds to reimburse the Department of Defense for the cost of overseas management of security assistance programs as required by section 515 of the FAA.

(2) This paragraph provides that except where funds are used to meet costs incurred in winding up military assistance programs or in connection with defense articles on loan to countries no longer eligible for military assistance, or where assistance otherwise specifically authorized by law, no military assistance may be provided in FY 1978 to countries or international organizations not specified in paragraph (1). This is consistent with section 516(a) of the FAA, terminating the general authority to provide military assistance after September 30, 1977, except where specifically authorized.

(3) This paragraph provides that the special authorities contained in sections 610(a) and 614(a) of the FAA cannot be used to increase any amount specified in paragraph (1) or to waive the limitations of paragraph (2). Section 610(a) authorizes the transfer of funds between certain FAA accounts; section 614(a) authorizes the waiver of restrictions on the use of FAA funds.

(4) This paragraph continues the authority in existing law for the availability until expended of funds appropriated under section 504(a).

Subsection (b) of this section amends section 516(b) of the FAA to bring it into conformity with the renumbering of the paragraphs of section 504(a) effected by the Bill.

Section 5. Stockpiling of defense articles for foreign countries

This section amends section 514(b)(2) of the FAA to establish a ceiling of $270,000,000 on the aggregate value of additions made in fiscal year 1978 to overseas stockpiles of defense articles (other than in NATO countries) which are to be designated as war reserve stocks for allied or other foreign forces. The United States retains title to stocks so designated. Section 514(a) prohibits their transfer to a foreign country except under authority of the FAA or the AECA, and within the limitations and funds available under those Acts.

Section 6. Overseas management of assistance and sales programs

Subsection (a) of this section replaces the existing section 515 of the FAA with a new section 515 composed of five subsections:

Subsection (a) authorizes the President to assign members of the US Armed Forces to serve under the direction and supervision of the Chief of the Diplomatic Mission in any foreign country for the purpose of performing necessary functions with respect to military assistance and training under the FAA, sales, credits and guaranties under the AECA, and related functions determined necessary by the President.

Subsection (b) authorizes the assignment of personnel under section 515 during the fiscal years 1978, 1979, and 1980 to 25 named countries, and provides that the total number so assigned may not exceed by more than 10% the number justified in the Congressional Presentation materials for the fiscal year in question.

Subsection (c) authorizes the assignment under section 515 of no more than three members of the Armed Forces to any country not listed in subsection (b), except that no more than three additional members may be so assigned upon the specific request of the Chief of Mission.

Subsection (d) prohibits members of the Armed Forces assigned under section 515 from serving as defense attaches. It also prohibits defense attaches from performing security assistance functions, except where the President determines that performance of such functions by an attache is in the national interest and so reports to the Congress. This exception will permit the performance of security assistance functions on an incidental basis by attaches in countries where the small size of the program does not warrant the assignment of additional personnel.

Subsection (e) provides that the costs of the functions authorized by section 515 shall be met from funds available for military assistance under the FAA, including costs reimbursed from charges for administrative services in connection with sales under the AECA. This subsection further provides that the numerical limitations of subsections (b) and (c) shall not apply to personnel performing defense services on a sales basis under the AECA.

Subsection (b) of this section amends section 516(a) of the FAA by conforming the reference to section 515(b)(2) therein to the revision of section 515 made by the Bill.

Subsection (c) of this section amends section 631(d) of the FAA to take into account the new section 515 by deleting the reference to administration of military assistance programs "by the senior military officer of the mission."

Subsection (d) of this section clarifies the requirement in section 43(b) of the AECA that charges for administrative services in connection with FMS sales be adequate to recover administrative expenses for functions which primarily benefit a foreign country. As amended by this subsection, section 43(b) is made expressly inapplicable to administrative expenses which are charged directly to foreign governments as part of the cost of defense services sold under section 21(a) of the AECA.

Section 7. Security supporting assistance

Subsection (a) of this section amends section 531 of the FAA to provide that the limitation to twelve of the number of countries which may receive security supporting assistance shall not apply to programs in countries of southern Africa.

Subsection (b) of this section amends section 532 of the FAA to authorize appropriations of not to exceed $1,887,200,000 for the fiscal year 1978 for assistance to friendly countries and international organizations to support or promote economic or political stability.

Section 8. International military education and training

This section amends section 542 of the FAA to authorize appropriations of not to exceed $35,000,000 for the fiscal year 1978 for the purpose of furnishing military education and training to military and related civilian personnel of foreign countries.

Section 9. Middle East peace

This section contains three paragraphs, each amending section 903 of the FAA, relating to the Middle East Special Requirements Fund, as follows:

(1) This paragraph amends section 903(a) to authorize appropriations of not to exceed $25,000,000 for the fiscal year 1978 for the purpose of meeting Middle East special requirements by furnishing economic and related assistance under part I of the FAA.

(2) This paragraph amends section 903(c) in order to clarify that activities under the Sinai Agreement of October 10, 1975 may be funded from appropriations available for security supporting assistance under section 532 of the FAA. This paragraph also makes clear that funds appropriated under the latter section may be obligated for the purposes of section 903(c) without regard to the prior notification requirements of section 903(b). The authorization of appropriations for such activities is included in the amendment to section 532 contained in section 7 of the Bill.

(3) This paragraph continues the opera-

tion during the fiscal year 1978 of section 903(e) of the FAA. That section provides that prior notification to the Congress of intended obligations of funds under section 903(b) shall not be required with respect to programs contained in the Congressional Presentation materials.

Section 10. Transfers of certain defense articles and defense services for maintenance, repair, modification and overhaul

This section amends section 3(d) of the AECA, relating to prior notice to Congress of the President's intention of consent to third-party transfers of defense articles and services sold under the AECA, to provide that such prior notice need not be given with respect to transfers of defense articles and services exclusively for purposes of maintenance, repair, modification, or overhaul, or transfers under NATO cross servicing managements.

Section 11. Foreign military sales authorization and aggregate ceiling

This section contains three paragraphs, each amending section 31 of the AECA, as follows:

(1) This paragraph amends section 31(a) to authorize appropriations of not to exceed $707,750,000 for fiscal year 1978 for the purpose of carrying out foreign military sales credit and guaranty programs under the AECA.

(2) This paragraph amends section 31(b) to establish a ceiling of $2,219,500,000 for fiscal year 1978 on the aggregate total of credits extended, and the principal amount of loans guaranteed, pursuant to the AECA, and to allocate not less than $1,000,000,000 of that aggregate total to Israel.

(3) This paragraph amends section 31(c), relating to terms and conditions governing repayment by Israel of financing extended pursuant to the AECA, to make that subsection applicable to such financing extended in fiscal year 1978.

Section 12. Licenses for the export of certain major defense equipment

This section amends section 38(b)(3) of the AECA to provide that the prohibitions of that section on the issuance of licenses for the export to non-NATO countries of major defense equipment sold commercially under a contract for $25,000,000 or more will not apply to two additional categories of exports. This section permits commercial sales to be made to Australia, Japan, and New Zealand, our economically-developed Asian allies, on the same basis as sales to our NATO allies. In addition, it authorizes licensing of commercial exports which are in implementation of agreements between the United States Government and foreign countries for the production of major defense equipment. Any such agreement must be certified to Congress, prior to its entry into force, in the manner applicable to the certification of certain proposed export licenses under section 36(c) of the AECA.

Section 13. Authorization of appropriations for the fiscal year 1979

This section reflects the requirements of section 607 of the Congressional Budget Act of 1974 (31 U.S.C. 11c) and authorizes appropriations for the fiscal year 1979 of the sums necessary to carry out programs and activities for which 1978 appropriations are authorized by the Bill.

Section 14. Miscellaneous

This section provides that the amendments made by the Bill shall not affect authorities and limitations applicable to the fiscal year 1977 under provisions of law amended by the Bill. This is a saving provision, intended to take into account the possible enactment of the Bill before September 30, 1977.

Assistance and sales to Greece and Turkey

[To be supplied.]

THE WHITE HOUSE,
Washington, March 28, 1977.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting today a bill to authorize security assistance programs for the fiscal years 1978 and 1979. I consider these programs essential to the attainment of important United States foreign policy goals throughout the world, and to reassure our friends and allies of the constancy of our support.

The programs authorized by this legislation include both military and economic forms of security assistance, with approximately two-thirds of the funds requested intended for nonmilitary programs. In addition, the bill provides for the continuation of our important international narcotics control efforts.

The authorizations I am proposing reflect downward adjustments this Administration has made in several programs in light of the human rights situations in the countries concerned. We are committed to a continuing effort to ensure that human rights considerations are taken fully into account in determining whether our security assistance programs serve our national security and foreign policy objectives.

I am not at this time proposing major changes in the authorities and statutory procedures which now govern security assistance and arms export controls. I have made clear on several occasions my deep concern over the burgeoning international traffic in arms. I am firmly resolved to bring greater coherence, restraint and control to our arms transfer policies and practices. To this end, I have ordered a comprehensive review of our policies and practices regarding both governmental and commercial arms exports.

We have already begun to discuss our preliminary ideas with members of the Congress, and will increase our consultations as we proceed with our policy review. When concluded, our review will provide the basis for the reports to the Congress mandated by sections 202 and 218 of the International Security Assistance and Arms Export Control Act of 1976.

Our goal is to develop, in close consultation with the Congress, policies which respect our commitments to the security and independence of friends and allies, which reflect fully our common concern for the promotion of basic human rights, and which give substance to our commitment to restrain the world arms trade.

The completion of this process within the next few months will give both the Executive Branch and the Legislative Branch a sound foundation on which they can base a thoughtful reexamination of existing law and fashion needed legislative revisions which will complement our common policy objectives, ensure appropriate participation and oversight by the Congress, and provide clear authority for the efficient conduct of approved programs.

In the meantime, I urge the Congress to avoid legislative initiatives which could disrupt important programs or would hinder a future cooperative effort based on a thorough evaluation of the facts and policy considerations. In this spirit, I have requested only minimal changes in statutory authority and have amended my predecessor's budget only where necessary to bring the request into line with basic prinicples of this Administration. I urge the early passage of the enclosed legislation and look forward to joining in a productive effort with the Congress later this year to achieve constructive reform of the security assistance and arms export control laws.

Sincerely,

JIMMY CARTER.

By Mr. SPARKMAN (by request):

S. 1161. A bill to further amend the Foreign Service Act of 1946 to improve the Foreign Service personnel system, and for other purposes; to the Committee on Foreign Relations.

FOREIGN SERVICE PERSONNEL SYSTEM

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Service Act of 1946 to improve the Foreign Service personnel system, and for other purposes.

It has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with the letter from the Assistant Secretary of State to the President of the Senate dated March 23, 1977, together with the explanation of the bill and the cost estimate.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 431 of the Foreign Service Act of 1946 (22 U.S.C. 881(c)) is amended by inserting "or Reserve officer" immediately after "officer" each time the latter appears.

COMPENSATION OF ALIEN EMPLOYEES

SEC. 2. (a) Subsection (b) of section 444 of such Act (22 U.S.C. 889(b)) is amended by inserting "and any other establishments of the Government, including those in the legislative and judicial branches," immediately following "Government agencies".

(b) Such section 444 (22 U.S.C. 889) is further amended by adding the following subsection at the end thereof:

"(c)(1) The heads of Government agencies including those in the legislative and judicial branches may compensate any current or former alien employees, including an alien employee who worked under a personal services contract, who is or has been imprisoned by a foreign government when the Secretary of State determines that such imprisonment was the result of the alien's employment by the United States. Such compensation shall not exceed an amount that the agency head determines approximates the salary and other benefits to which an employee or former employee could have been entitled had he remained employed during the period of the imprisonment, and may be paid under such terms and conditions as the Secretary of State deems appropriate. For purposes of making payments authorized by this section, agency heads shall have the same powers with respect to imprisoned alien employees (and former employees except as modified below) as given agency heads under the provisions of subchapter VII of chapter 55 of title 5, United States Code. Any period of imprisonment of an alien which is compensable under this section shall be considered for purposes of all other employee benefits to be a period of employment by the

United States Government except that a period of imprisonment shall not be creditable i) for purposes of subchapter III, chapter 83, title 5, U.S. Code, unless the individual either (A) was subject to section 8334(a) of such title during Government employment last preceding the imprisonment, or (B) qualifies for annuity benefits under such subchapter III by reason of other service, or ii) for purposes of subchapter I, chapter 81, title 5 of the United States Code, unless the individual was employed by the United States Government at the time of imprisonment.

"(2) No compensation or other benefit shall be awarded under paragraph (1) of this subsection unless a claim therefor is filed within three years from (A) the date of enactment of this subsection, (B) termination of the period of imprisonment giving rise to the claim or (C) the date of the claimant's first opportunity to file such a claim, as determined by the agency head, whichever is later.

"(3) The Secretary of State may prescribe regulations governing payments under this subsection for the guidance of all agenices."

CITIZENSHIP REQUIREMENT—FOREIGN SERVICE OFFICER—TECHNICAL AMENDMENT

SEC. 3. Section 515 of such Act (22 U.S.C. 910) is amended by deleting "and has been such for at least ten years" at the end thereof.

CAREER CANDIDATE PROGRAM

SEC. 4. Section 516 of such Act (22 U.S.C. 911) is amended by (A) changing the heading to read "ADMISSION TO CLASS 6, 7 or 8", (B) substituting "may" for "shall" in the last sentence of subsection (a) and (C) adding the following subsection at the end thereof:

"(c) Foreign Service officer candidates who have passed examinations described in subsection (a) may be appointed by the Secretary, under such regulations as he may prescribe, for a trial period of service as Foreign Service Reserve officers of class 7 or 8. Such appointments shall be limited to a maximum of 48 months, but may be extended for up to 12 additional months if the Secretary deems it to be in the public interest. Such Reserve officers may receive promotions up to class 6 for satisfactory performance during the trial period. The Secretary shall furnish the President with the names of such Reserve officers who have demonstrated fitness and aptitude for the work of the Service and whom he recommends for appointment as Foreign Service officers in the class corresponding to their Reserve officer class. The Secretary may terminate the services of such Reserve officers at any time under section 638."

REASSIGNMENT OF CHIEFS OF MISSION—TECHNICAL AMENDMENT

SEC. 5. Section 519 of such Act (22 U.S.C. 914) is amended by (A) inserting "or Foreign Service Reserve officer who is a participant in the Foreign Service Retirement and Disability System" immediately after "officer" and (B) striking out "in accordance with the provisions of section 514" and substituting "to another position in accordance with this or any other Act" in lieu thereof.

CITIZENSHIP REQUIREMENT—TECHNICAL AMENDMENT

SEC. 6. Section 522 of such Act (22 U.S.C. 922) is amended by deleting "and who has been such for at least five years" from the introductory portion thereof.

PRESIDENTIAL APPOINTMENTS—TECHNICAL AMENDMENT

SEC. 7. Subsection (b) of section 571 of such Act (22 U.S.C. 961(b)) is amended by (A) inserting "or Reserve officer" immediately after "officer" the first time the latter appears and (B) striking out "a Foreign Service officer" the second time the phrase appears and substituting "such an officer" in lieu thereof.

MISCELLANEOUS CORRECTIONS

SEC. 8. (a) Subsection (d) of section 811 of such Act (22 U.S.C. 1071(d)) is amended by changing "July 1, 1921" to "July 1, 1924" in the table therein.

(b) Subsection (g) of section 821 of such Act (22 U.S.C 1076(g)) is amended by changing "married" to "unmarried" in the first sentence thereof.

DEATH GRATUITIES FOR FOREIGN SERVICE ALIEN EMPLOYEES

SEC. 9. Paragraph (1) of section 14(d) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2679a(d)), is amended by (A) changing "national" to "employee"; (B) striking "or" following "consular agent"; and (C) inserting a comma and the following phrase immediately before the semicolon at the end thereof: "or an alien employee appointed under section 541 of the Foreign Service Act of 1946 (22 U.S.C. 946)".

EFFECTIVE DATES

SEC. 10. (a) Subsection (c) added to section 444 of the Foreign Service Act of 1946 (22 U.S.C. 889) shall apply to all past, present and future qualified employees, but no monthly compensation or annuity payment under title 5 of the United States Code that may be approved by reason of the enactment of such subsection shall be effective prior to the first day of the first month which begins on or after the date of enactment of this Act or October 1, 1977, whichever is later. Payments that may be authorized under such subsection (c) other than annuity or monthly compensation payments referred to in the preceding sentence, shall be paid from funds appropriated after such date of enactment for salaries and expenses.

(b) The amendment of section 14 of the Act of August 1, 1956 (22 U.S.C. 2679a), made by this Act shall apply with respect to deaths occurring on or after August 1, 1974, and any benefits authorized by this amendment shall be paid from funds appropriated after the date of enactment of this Act for salaries and expenses.

EXPLANATION

SECTION 1—*Chiefs of Mission—Technical Amendment.*

This section will amend subsection 431(c) of the Foreign Service Act to make clear that any Foreign Service Reserve officer appointed as a chief of mission shall continue to receive his or her Foreign Service salary (augmented by the difference between it and chief of mission salary) for the duration of the chief of mission appointment, as this section now authorizes for Foreign Service officers.

SECTION 2(a)—*Authority For Library of Congress And Other Legislative And Judicial Branch Agencies To Compensate Alien Employees Abroad.*

This section would amend subsection 444 (b) of the Foreign Service Act to authorize legislative and judicial branch agencies to administer alien employee programs abroad in accordance with the Foreign Service Act. This subsection now authorizes "other Government agencies" to so administer alien employee programs but the definition of "Government agencies" in section 121(4) of the Foreign Service Act does not cover legislative and judicial branch agencies.

The Library of Congress, which has requested this amendment, employs aliens abroad and it is desirable for it to compensate these employees in accordance with uniform pay scales and benefit plans developed by embassies and other agencies based upon prevailing locality wage rates and compensation practices. Since the Library is not authorized under section 444(b) to utilize authority of the Foreign Service Act for this purpose, it has been necessary for it to seek special authority each year in order to provide fringe benefits paid by executive branch agencies in accordance with local laws and customs.

SECTION 2(b)—*Compensation For Imprisoned Alien Employees.*

This section would add subsection (c) to section 444 of the Foreign Service Act to authorize compensation equivalent to salary and benefits for certain alien employees of the U.S. Government who are imprisoned by foreign governments as a result of their employment by the United States.

There are numerous instances of harassment by arrest and detention of aliens who are employed by our embassies and consulates abroad. Usually in these cases, employees are detained only for a few hours or days and suffer no loss in compensation. However, since World War II, some 40 aliens have been imprisoned because of their employment by the United States Government for such long periods that they have had to be separated from the Service and their salary terminated. Also, in some cases arrests have occurred after the employee's separation from the Service. This might occur following a break in diplomatic relations which forces the U.S. embassy to close and a withdrawal of American personnel. In such circumstances, alien employees are separated and may be arrested sometime thereafter and held for interrogation or reprisal.

Employees and former employees who have been arrested in the past have frequently been charged with treason or espionage because of their association with the United States. The imprisonments are used as a method of harassing the United States and to discourage capable employees from working at our embassies and consulates. Most of the 40 cases of imprisonment occurred in the 1940's and 1950's in Eastern Europe. Others occurred in the Near East following the 1967 war; four former alien employees are currently imprisoned in Laos.

At least four former employees who were imprisoned as a consequence of their employment by the United States have been compensated by the enactment of private relief bills. The Department is convinced that equity requires that all such cases be given fair and uniform treatment by the enactment of the proposed general legislation.

The proposed amendment would authorize compensation to an alien employee or former employee of any U.S. Government agency, if the agency head approved, but only if the Secretary of State determined that the employee was imprisoned by a foreign government as a result of his or her employment by the United States Government. Compensation could be authorized up to the amount which the employee would have received, including normal within-grade increases, had the employee remained in Government employment throughout the period of imprisonment. The presumption would be made that employment would have continued even though the embassy was closed during some or all of the period of imprisonment. The proposed amendment does not authorize compensation for any other losses such as confiscation of property or pain and suffering. The proposed language provides authority to deny or reduce compensation to individuals who may have received other relief, such as through private legislation enacted by the Congress.

An alien would be given credit towards retirement for the period of detention if he or she is covered or later becomes covered by the Civil Service retirement system. Also, an alien would receive compensation benefits under 5 U.S.C. 8100–8150 for disabilities or death caused by imprisonment if the imprisonment occurred before the employee's separation from Government service.

The amendment contains a provision prohibiting payment of any benefit unless a claim therefor is filed within three years from (1) the date of enactment, (2) termination of the period of imprisonment giving rise to the claim or (3) the date of the claimant's first opportunity to file such a claim as determined by the agency head, whichever is later. The Department will, of course, make reasonable efforts to notify all eligible persons of their entitlement under this amendment.

The Secretary of State would be authorized to issue regulations governing payments for the guidance of all agencies. It is intended to authorize payment for periods of imprisonment that have terminated prior to enactment only to an employee or former employee alive on the date of enactment who files a claim within the specified three-year period and only when there is reasonable evidence still available that the claimant was imprisoned as a result of employment by the United States Government. With respect to periods of imprisonment that terminate on or after enactment, it is intended to make authorized payments, as appropriate, to a principal, to dependents while a principal is imprisoned and, upon death of a principal, to next of kin or other person the agency head determines to be entitled to the payment. It is also intended to bar assignment of rights or benefits under this section by a principal or beneficiary.

An individual who, as a result of service to the United States, suffers the harsh treatment of imprisonment, which involves the loss of liberty, time and personal comfort as well as income, deserves at least to be compensated for the lost income during the period of imprisonment. The proposed amendment would make it possible for the United States to pay the compensation that equity demands.

SECTION 3—*Citizenship Requirement—FSO's—Technical Amendment.*

This section would amend section 515 of the Foreign Service Act to delete the ten-year citizenship requirement for appointment of Foreign Service officers. In *Faruki* v. *Rogers*, 349F. Supp. 723 the requirement was declared unconstitutional in a three-judge district court decision in 1972. The Government did not appeal the decision and the Department has not attempted to apply the ten-year requirement since that time.

SECTION 4—*Career Candidate Program.*

This section would amend section 516 of the Foreign Service Act to improve procedures by which aspirants for a Foreign Service officer career are tested on the job prior to award of career status.

At present those who pass the Foreign Service entry exam receive a Presidential commission as a Foreign Service officer at class 8 or 7, but then face a lengthy on-the-job trial period in the junior ranks (which may extend up to either five or seven and one half years, depending upon class of entry). Officers who fail to win promotion to class 5 during the allotted period are "selected-out" under the time-in-class provisions of section 633 of the Foreign Service Act.

The amendment would permit replacement of present entry procedures with a Career Candidate Program, under which a successful examinee would receive a time-limited Foreign Service Reserve appointment to serve a trial period for up to 48 months as a Career Candidate prior to commissioning by the President as a Foreign Service officer. Before expiration of the trial period, a Commissioning Board would evaluate the officer's record to determine whether the candidate had demonstrated a potential to serve effectively as a Foreign Service officer up to and within class 3 over a normal career span. The Secretary would recommend to the President the commissioning as a Foreign Service officer of each Career Candidate judged to possess this potential. Those not "selected-in" to the career service would leave the Department's employ upon expiration of their time-limited Foreign Service Reserve appointments.

In exceptional circumstances (prolonged illness, for example), the normal maximum trial period of 48 months could be extended by the Secretary for an additional 12 months.

Career Candidates would be initially appointed as Foreign Service Reserve officers of class 7 or 8 depending upon education and experience. While still candidates they would be eligible for promotion up to class 6. Successful candidates would be commissioned as Foreign Service officers at that rank. This amendment is needed to permit appointment of successful candidates as Foreign Service officers at the class 6 level, because section 516 now limits appointment of "examination" officers to classes 7 and 8.

If this amendment is enacted, the Department intends to adopt this new approach for commissioning all future Foreign Service officers who enter via the examination process. USIA favors the idea of a noncommissioned period for newly appointed Junior officers subject to discussion of the Career Candidate Program with the exclusive representative of its Foreign Service employees, AFGE local 1812. Until the conclusion of these discussions, USIA plans to continue its present practice of immediately commissioning successful examinees as Foreign Service information officers at classes 8 and 7. Since section 516 applies equally to Foreign Service officers and Foreign Service information officers, this amendment is worded in a manner that would permit USIA to continue its existing practice while permitting the Department to establish the Career Candidate Program.

SECTION 5—*Reassignment of Chiefs of Mission—Technical Amendment.*

This section would amend section 519 of the Foreign Service Act so that it would apply, in addition to Foreign Service officers as at present, to Foreign Service Reserve officers who are participants in the Foreign Service Retirement System. Section 519 now provides for the retirement of a Foreign Service officer upon completion of the officer's service as a chief of mission if the officer is not to be given another assignment, either as chief of mission or in some other capacity.

SECTION 6—*Citizenship Requirement—FSR's—Technical Amendment.*

This section would amend section 522 of the Foreign Service Act to delete the five-year citizenship requirement for appointment of Foreign Service Reserve officers. This amendment parallels the amendment of section 515 that would be made by this bill to remove the ten-year citizenship requirement for appointment of Foreign Service officers because of its unconstitutionality. It is the opinion of the Department of Justice that the constitutionality of the five-year requirement in section 522 is open to substantial question as the result of *Faruki* v. *Rogers*, 349F. Supp. 723 (1972). Consequently, the Department is no longer attempting to apply the five-year requirement.

SECTION 7—*Presidential Appointments—Technical Amendment.*

This amendment would extend the provisions of subsection 571(b) of the Foreign Service Act to Foreign Service Reserve officers. The subsection now applies only to Foreign Service officers and authorizes such an officer who is appointed by the President to a position in any Governmental agency, including the Department of State, to retain his or her status in the Foreign Service and to continue to participation in the Foreign Service Retirement System.

SECTION 8—*Miscellaneous Corrections.*

This section would amend sections 811 and 821 of the Foreign Service Act to correct minor printing errors in amendments of those sections enacted last year as a part of Public Law 94-350.

SECTION 9—*Death gratuities for Foreign Service Alien Employees.*

This section would amend section 14 of the Act of August 1, 1956 (which provides basic authority for the Department of State) to authorize death gratuities to dependents of alien employees of the Foreign Service killed abroad in the line of duty. Gratuities would be equivalent to one year's salary at the time of death.

In 1974 a similar gratuity was authorized for dependents of American Foreign Service employees killed abroad in the line of duty. This amendment would simply broaden the 1974 provision to authorize gratuities for aliens under the same terms and conditions as is now authorized for Americans.

Death gratuities for Americans were authorized in 1974 in recognition of the heightened risks from terrorist acts abroad faced by Foreign Service employees. Alien employees face these same risks as evidenced by the tragic deaths of Ms. Antoinette Varnava, the local Cypriot employee who was killed when she went to the aid of Ambassador Davies immediately after he was fatally shot in Nicosia in 1974, and Mr. Zohair Moghrabi, a Lebanese chauffeur assassinated in Beirut last year with Ambassador Francis Meloy and Foreign Service officer Robert Waring.

Ms. Varnava had been an employee of the Embassy in Nicosia for 10 years at the time of her death and provided the principal support for her father, mother and 14 year old sister. Mr. Moghrabi had served Embassy Beirut for 25 years at the time of his death and left a wife and three minor children. He had also risked his life on several previous occasions in order to evacuate American citizens who became isolated in combat sectors of Beirut.

The U.S. relies heavily on Foreign Service alien employees to provide essential supporting services to embassies, consulates and other U.S. mission offices. Many alien employees spend their entire careers working for the U.S. They perform their duties faithfully and well and deserve fair treatment from the U.S.

We believe the supreme sacrifice of an alien employee killed in line of duty for the U.S. deserves the same recognition that is accorded when an American employee is killed in line of duty. Undoubtedly, the survivors of the generally low-payed alien employees have at least as pressing financial needs as survivors of American employees. These needs should be provided for on an equitable basis and this amendment is designed for that purpose.

The provision provides benefits for survivors of employees killed abroad in the line of duty, whether by terrorist attack or other job-connected cause. This amendment extending the benefit to Foreign Service alien employees would be made retroactively effective to August 1, 1974 in order to cover the death of Miss Varnava in Cyprus. Since that time, we know of three other alien employees of the Department killed abroad in the line of duty.

SECTION 10—*Effective Dates.*

This section establishes effective dates for the bill. Amendments would become effective on the date of enactment except for those described below. In all cases, benefit payments authorized by the bill would be required to be paid from funds appropriated following the date of enactment of this bill.

The amendment of section 444 of the Foreign Service Act to authorize compensation for alien employees imprisoned abroad because of their employment by the U.S. Government would apply to past, present, and future employees.

The amendment of Section 14 of the Act of August 1, 1956 extending death gratuity

payments to alien employees of the Foreign Service would apply to deaths occurring on and after August 1, 1974.

COST ESTIMATE—DEPARTMENT OF STATE SALARIES AND EXPENSES

[In thousands]

Section	Fiscal year— 1978	1979	1980	1981	1982
2(b) Imprisoned aliens	$50	$50	$5	$5	$5
9 Death gratuities	35	10	10	10	10
Total cost	85	60	15	15	15

Section 4 of the bill would provide some savings by speeding the on-the-job evaluation of Junior officers and accelerating the departure of some unsuccessful candidates.

Other sections of the bill would not have an appreciable cost impact.

DEPARTMENT OF STATE,
Washington, D.C., March 23, 1977.

Hon. WALTER F. MONDALE,
President of the U.S. Senate

DEAR MR. PRESIDENT: We enclose herewith for consideration of the Congress a proposed bill, with accompanying explanation and cost estimate, to improve the Foreign Service personnel system and for related purposes. The principal programs and changes proposed in the bill are as follows:

CAREER CANDIDATE PROGRAM

A Career Candidate Program would be authorized that is designed to improve procedures by which aspirants for a Foreign Service officer career are tested on the job prior to their commissioning as Foreign Service officers.

ALIEN EMPLOYEES

Three amendments would affect alien employees abroad:

The Library of Congress at its request would be authorized to use provisions of the Foreign Service Act to compensate alien employees abroad.

Compensation would be authorized for alien employees abroad imprisoned because of their employment by our embassies, consulates, or other offices.

Death gratuities now authorized for American Foreign Service employees killed abroad in the line of duty would be extended to alien employees.

PRESIDENTIAL APPOINTEES

Certain sections of the Foreign Service Act relating to salary and retirement of Foreign Service officers appointed to chief of mission or other executive positions would be broadened to cover other categories of Foreign Service personnel that may be appointed to such positions. These are basically technical amendments which are necessary because of the possibility that a career Foreign Service Reserve officer in AID or a Foreign Service Reserve officer with unlimited tenure may be appointed to an executive position.

The Department requests that the Congress give early and favorable consideration to the enclosed draft bill. We are sending a similar letter to the Speaker of the House of Representatives.

We are advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposal.

Respectfully,

DOUGLAS J. BENNET, Jr.,
Assistant Secretary for Congressional Relations.

By Mr. INOUYE:

S. 1162. A bill to repeal section 222 of the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, the legislation I am introducing today would delete section 222 of the Communications Act of 1934, as amended.

Recently the Chairman of the Federal Communications Commission recommended that Congress consider deleting that section because, in his words,

It is a statute that has served to impede rather than enhance the competition that it was intended to preserve.

Section 222 governs the interrelationship among communications common carriers providing international record services, and also governs the role of Western Union.

Section 222 which was enacted in 1943 created a statutory antitrust law exemption which permitted Western Union to acquire Postal Telegraph & Cable Corp., the other major entity providing domestic telegraph services at that time.

In order to safeguard against the possibility that Western Union might utilize its newly obtained monopoly to favor its own overseas cable operations at the expense of its competitors, section 222 established four conditions:

One. It required Western Union to divest itself of the international telegraph operations it had "theretofore carried on."

Two. Pending divestiture, it required Western Union to distribute among the international record carriers outbound, unrouted international message telegraph traffic in accordance with a formula.

Three. It dichotomized between domestic and international telegraph service, and designated domestic points—gateways—where international record carriers—IRC—could receive messages destined for international delivery. Section 222 drew the domestic/international line on the basis of geographic rather than political boundaries in order to preserve the status quo.

Thus, for purposes of telegraph services from the U.S. mainland, Hawaii is an international point. Mexico, on the other hand, is a domestic point.

Four. It provided procedures for the division of revenues between the IRC's and Western Union for Western Union's landline haul services, that is, the hinterland pickup and delivery of international traffic for IRC's.

According to the Chairman of the FCC, whatever its merits when enacted, section 222 is a statutory provision whose vitality has been vitiated by subsequent events.

In sum, he said, the statute has produced industry practices and performance that are detrimental to consumer interests, while failing to provide any public interest safeguards that could not be afforded by the exercise of agency authority provided by other facets of the Communications Act.

Mr. President, nowhere is the accuracy of Chairman Wiley's statement more clearly demonstrated than in my own State of Hawaii.

Residents of Hawaii have not only been deprived of the variety of the communications services available to mainland residents, they have also paid proportionately higher prices for the services they do receive.

I might add, Mr. President, that residents of the mainland who wish to communicate with Hawaii are also adversely affected by these inequities.

Chairman Wiley in recommending deletion of section 222 has cited convincing reasons why each of the conditions and restrictions in the statute are irrelevant and counterproductive. In sum, its provisions obstruct rather than promote public interest objectives.

I am therefore today introducing legislation which will implement Chairman Wiley's recommendation that section 222 be deleted, and I shall request the chairman of the Subcommittee on Communications to hold prompt hearings on the measure.

By Mr. MATSUNAGA (for himself, Mr. DURKIN, and Mr. MELCHER):

S. 1163. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Governmental Affairs.

WORKWEEK OF FEDERAL FIREFIGHTERS

Mr. MATSUNAGA. Mr. President, today I am introducing a bill which I have introduced in several past Congresses: a bill to reduce the workweek of Federal firefighters from the current 72 hours a week to 54 hours, a figure more comparable to today's average workweek.

Not many people even realize that there are some 14,000 federally employed firefighters who stand guard at defense bases, veterans hospitals, some civilian airports and other Federal installations.

Federal firefighters face the same, and sometimes even greater, dangers than their counterparts in municipal fire departments. Yet for the past 20 years the Federal firefighter has been working a 72-hour week, about one and a half times as long as the week worked by his municipal counterpart.

Furthermore, he is not compensated for his longer hours by higher pay. In the case of Federal firefighters in Hawaii, a federally employed senior engineer at Hickam Air Force Base in Honolulu receives approximately the same salary as does his municipal counterpart in the Honolulu Fire Department. Comparable figures for hosemen show the two figures within $100 of each other.

Yet, the Honolulu firefighter works only 56 hours a week and is paid 1½ times his normal salary for any overtime he may put in as well as special holiday pay. Furthermore, while it takes 5 years for the Honolulu firefighter to qualify for the top salary, it takes 19 years for the Federal firefighter to qualify for the top Federal salary.

Ironically, since Hickam is close to Honolulu International Airport, the two forces often find themselves fighting the same fire side by side.

This situation is repeated across the country in every State where Federal firefighters work.

Is it any wonder that officials are finding it difficult to adhere to existing Federal personnel standards or to attract

high quality firefighters to the Federal force? Is it any wonder that good, young firefighters are leaving the Federal service to work for municipal departments?

I had hoped that this problem would be solved by the passage of the Fair Labor Standards Act Amendments of 1974.

That legislation extended several overtime provisions to all fire and police personnel, including Federal. Overtime was to be paid for all hours in excess of 60 as of January 1975, with further phased reductions over the next several years. The goal was to require overtime pay, commonly referred to as time and a half, for hours worked in excess of 60. Two facts quickly become clear, however.

First, the Defense Department, which employs most of the Federal firefighters, had no intention of reducing the actual number of hours an individual firefighter would work. It would remain 72 hours a week, but DOD would pay each of them "overtime" for the extra 12 hours.

Second, the Civil Service Commission interpreted the law in such a way that paying 12,000 or more firefighters time and a half for 12 hours each week would not cost the Defense Department very much, only $1.25 or $1.30 an hour extra—a real bargain by anyone's measure.

Clearly, Mr. President, Congress intended in the 1974 Fair Labor Standards Act Amendments that Federal firefighters be required to work fewer hours per week, and I cannot believe that Congress intended for that reduction in hours to be accompanied by a reduction in pay.

I therefore urge timely and favorable action on this measure so that this injustice can be corrected.

By Mr. HART (for himself and Mr. THURMOND) (by request):

S. 1164. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

MILITARY CONSTRUCTION AUTHORIZATIONS

Mr. HART. Mr. President, by request, for myself and the senior Senator from South Carolina (Mr. THURMOND), I introduce, for appropriate reference a bill to authorize certain construction at military installations and for other purposes. With the understanding that we are in no way bound by the programs or funding levels appearing in this bill, we are privileged to introduce it at this time.

I ask unanimous consent that a letter of transmittal requesting consideration of this legislative measure and explaining its purpose be printed in the RECORD immediately following the printing of the bill.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

United States Army Forces Command

Fort Bragg, North Carolina, $4,145,000.
Fort Campbell, Kentucky, $553,000.
Fort Carson, Colorado, $815,000.
Fort Hood, Texas, $7,284,000.
Fort Lewis, Washington, $615,000.
Fort Ord, California, $4,149,000.
Fort Polk, Louisiana, $48,720,000.
Fort Riley, Kansas, $531,000.
Schofield Barracks, Hawaii, $10,189,000.
Fort Stewart/Hunter Army Air Field, Georgia, $10,991,000.
Fort Wainwright, Alaska, $6,985,000.

United States Army Training and Doctrine Command

Fort Benning, Georgia, $25,269,000.
Fort Knox, Kentucky, $15,541,000.
Fort Rucker, Alabama, $9,941,000.
Fort Sill, Oklahoma, $370,000.
Various Locations, $1,810,000.

United States Army Materiel Development and Readiness Command

Picatinny Arsenal, New Jersey, $6,770,000.
Rock Island Arsenal, Illinois, $6,618,000.
Various Locations, $33,939,000.

Ammunition Facilities

Holston Army Ammunition Plant, Tennessee, $4,616,000.
Indiana Army Ammunition Plant, Indiana, $1,009,000.
Iowa Army Ammunition Plant, Iowa, $11,192,000.
Longhorn Army Ammunition Plant, Texas, $555,000.
Louisiana Army Ammunition Plant, Louisiana, $4,345,000.
Milan Army Ammunition Plant, Tennessee, $10,467,000.
Mississippi Army Ammunition Plant, Mississippi, $181,200,000.
Newport Army Ammunition Plant, Indiana, $822,000.
Redford Army Ammunition Plant, Virginia, $203,000.
Riverbank Army Ammunition Plant, California, $584,000.
Sunflower Army Ammunition Plant, Kansas, $2,396,000.
Unspecified, $411,360,000.
Volunteer Army Ammunition Plant, Tennessee, $597,000.

United States Military Academy

United States Military Academy, West Point, New York, $3,047,000.

Nuclear Weapons Security

Various Locations, $7,764,000.

OUTSIDE THE UNITED STATES

United States Army Forces Command

Panama Area, Canal Zone, $2,831,000.

United States Army, Japan

Various Locations, $3,898,000.

Eighth United States Army, Korea

Various Locations, $27,518,000.

Kwajalein Missile Range

National Missile Range, $2,603,000.

United States Army Security Agency

Various Locations, $2,164,000.

United States Army, Europe

Classified Location, $32,000,000.
Germany, Various Locations, $179,109,000.
Italy, Various Locations, $3,770,000.
Various Locations: For the United States' share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $85,000,000. Within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States' share of such multilateral programs.

Nuclear Weapons Security

Various Locations, $6,800,000.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public woks, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $20,000,000. The Secretary of the Army, or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon the date of enactment of the Military Construction Authorization Act for fiscal year 1979 except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and constructional:

INSIDE THE UNITED STATES

Trident Facilities

Various Locations, $121,410,000.

Marine Corps

Marine Corps Base, Camp Lejeune, North Carolina, $12,350,000.
Marine Corps Base, Camp Pendleton, California, $300,000.
Marine Corps Air Station, Cherry Point, North Carolina, $3,550,000.
Marine Corps Air Station, Kaneohe Bay, Hawaii, $160,000.
Marine Corps Base, Twentynine Palms, California, $11,965,000.

Chief of Naval Operations

Naval Academy, Annapolis, Maryland, $165,000.
Naval Support Activity, Long Beach, California, $4,330,000.
Commandant 14th Naval District, Pearl Harbor, Hawaii, $4,200,000.
Naval Support Activity, Mare Island, Vallejo, California, $2,900,000.

Commander in Chief, Atlantic Fleet

Naval Station, Charleston, South Carolina, $180,000.
Flag Administrative Unit Atlantic, Norfolk, Virginia, $90,000.
Fleet Intelligence Center Europe and Atlantic, Norfolk, Virginia, $1,137,000.
Naval Air Station, Norfolk, Virginia, $14,350,000.
Naval Station, Norfolk, Virginia, $3,800,000.

Commander in Chief, Pacific Fleet

Naval Station, Adak, Alaska, $11,000,000.
Naval Air Station, Barbers Point, Hawaii, $7,197,000.
Commander Oceanographic System, Pacific, Pearl Harbor, Hawaii, $7,400,000.
Naval Station, Pearl Harbor, Hawaii, $2,050,000.
Naval Submarine Base, Pearl Harbor, Hawaii, $1,850,000.
Naval Station, San Diego, California, $8,166,000.

Chief of Naval Education and Training

Naval Amphibious School, Coronado, San Diego, California, $3,450,000.
Naval Submarine Training Center, Pearl Harbor, Hawaii, $410,000.
Naval Technical Training Center, Pensacola, Florida, $2,400,000.

Bureau of Medicine and Surgery

Naval Regional Medical Center, Bremerton, Washington, $1,450,000.

Chief of Naval Material

Puget Sound Naval Shipyard, Bremerton, Washington, $11,600,000.
Naval Weapons Station, Charleston, South Carolina, $850,000.
Naval Weapons Station, Concord, California, $1,350,000.
Portsmouth Naval Shipyard, Kittery, Maine, $10,530,000.
Long Beach Naval Shipyard, Long Beach, California, $8,080,000.
Naval Supply Center, Pearl Harbor, Hawaii, $13,400,000.
Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $1,080,000.
Navy Public Works Center, Pearl Harbor, Hawaii, $3,000,000.
Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $15,300,000.
Mare Island Naval Shipyard, Vallejo, California, $24,100,000.
Naval Weapons Station, Yorktown, Virginia, $2,350,000.
Various Locations, Atlantic Fleet Ballistic Missile Refit and Backfit, $37,650,000.

Naval Security Group Command

Naval Security Group Department, Adak, Alaska, $2,350,000.
Naval Security Group Detachment, Sugar Grove, West Virginia, $900,000.

Nuclear Weapons Security

Various Locations, $20,658,000.

OUTSIDE THE UNITED STATES

Chief of Naval Operations

Naval Support Facility, Diego Garcia, Indian Ocean, $7,300,000.

Commander in Chief, Atlantic Fleet

Naval Facility Antigua, British West Indies, $180,000.
Naval Station, Keflavik, Iceland, $161,000.
Naval Station, Roosevelt Roads, Puerto Rico, $170,000.

Commander in Chief, Pacific Fleet

Navy Fleet Activities, Yokosuka, Japan, $1,850,000.

Naval Forces Europe

Naval Air Facility, Sigonella, Italy, $4,300,000.

Bureau of Medicine and Surgery

Naval Regional Medical Clinic, Pearl Harbor, Midway Island Detachment, $4,350,000.

Naval Telecommunications Command

Naval Communication Area Master Station, Naples, Italy, $1,700,000.
Naval Communications Unit, Thurso, Scotland, $400,000.

Naval Security Group Command

Naval Security Group Department, Rota, Spain, $2,400,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $20,000,000. The Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon the date of enactment of the Military Construction Authorization Act for fiscal year 1979 except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

SEC. 203. Notwithstanding any other provision of law, the Secretary of the Navy, or his designee, is authorized to construct at the U.S. Naval Station, San Diego, California, recreational facilities necessary to replace the existing Navy Athletic Field, Naval Station, San Diego, held under lease from the City of San Diego, dated August 9, 1949, and to expend for such construction sums paid to the United States by the San Diego Unified Port District, as current holder of the lessor's interest in said premises, pursuant to an agreement to be negotiated between the Secretary, or his designee, and the Port District for Navy termination of the lease and abandonment in place of its existing facilities on the leasehold in consideration of the Port District payment to the United States of the cost of replacement facilities. However, such lease shall not be terminated and the Department of the Navy shall not be required to relinquish use of any part of the leasehold until the new facilities authorized to be constructed herein are available for use, as determined by the Secretary, or his designee.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

Aerospace Defense Command

Peterson Air Force Base, Colorado, $2,500,000.

Air Force Logistics Command

Hill Air Force Base, Utah, $8,152,000.
Kelly Air Force Base, Texas, $5,676,000.
Tinker Air Force Base, Oklahoma, $12,310,000.
Wright-Patterson Air Force Base, Ohio, $4,064,000.
Various locations, $15,928,000.

Air Force Systems Command

Buckley Air National Guard Base, Colorado, $1,100,000.
Edwards Air Force Base, California, $11,585,000.
Eglin Air Force Base, Florida, $7,671,000.
Kirtland Air Force Base, New Mexico, $362,000.
Los Angeles Air Force Station, California, $500,000.
Various locations, $2,826,000.

Air Training Command

Chanute Air Force Base, Illinois, $7,400,000.
Lackland Air Force Base, Texas, $4,700,000.
Randolph Air Force Base, Texas, $334,000.
Sheppard Air Force Base, Texas, $980,000.
Various Locations, $3,380,000.

Alaskan Air Command

Elmendorf Air Force Base, Alaska, $8,386,000.
King Salmon Airport, Alaska, $631,000.
Shemya Air Force Base, Alaska, $3,094,000.

Military Airlift Command

Altus Air Force Base, Oklahoma, $660,000.
Andrews Air Force Base, Maryland, $692,000.
McGuire Air Force Base, New Jersey, $415,000.
Pope Air Force Base, North Carolina, $1,119,000.
Travis Air Force Base, California, $3,560,000.
Various locations, $5,800,000.

Pacific Air Forces

Hickam Air Force Base, Hawaii, $2,140,000.

Strategic Air Command

March Air Force Base, California, $1,387,000.
Offutt Air Force Base, Nebraska, $1,364,000.
Pease Air Force Base, New Hampshire, $910,000.
Vandenberg Air Force Base, California, $1,653,000.
Various locations, $7,600,000.

Tactical Air Command

George Air Force Base, California, $1,548,000.
Holloman Air Force Base, New Mexico, $1,585,000.
Langley Air Force Base, Virginia, $3,649,000.
Luke Air Force Base, Arizona, $9,127,000.
Nellis Air Force Base, Nevada, $5,180,000.
Seymour-Johnson Air Force Base, North Carolina, $3,816,000.
Various locations, $7,517,000.

United States Air Force Academy

United States Air Force Academy, Colorado, $1,740,000.

Nuclear Weapons Security

Various locations, $44,298,000.

Air Installation Compatible Use Zones

Various locations, $2,042,000.

Special Facilities

Various locations, $4,378,000.

OUTSIDE THE UNITED STATES

Pacific Air Forces

Kadena Air Base, Japan, $1,400,000.

Strategic Air Command

Andersen Air Force Base, Guam, $1,453,000.

United States Air Force in Europe

Bentwaters Royal Air Force Station, United Kingdom, $7,327,000.
Ramstein Air Base, Germany, $7,805,000.
Sembach Air Base, Germany, $6,565,000.
Upper Heyford Royal Air Force Station, United Kingdom, $299,000.
Zaragoza Air Base, Spain, $1,825,000.
Various locations, $95,900,000.

Nuclear Weapons Security

Various locations, $10,162,000.

Special Facilities

Various locations, $6,761,000.

SEC. 302. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen

security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Mili-stall permanent or temporary public works, including land acquisition, site preparation, tary Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or inappurtenances, utilities, and equipment in the total amount of $20,000,000. The Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon the date of enactment of the Military Construction Authorization Act for fiscal year 1979 except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition or construction:

INSIDE THE UNITED STATES

National Security Agency

Fort George G. Meade, Maryland, $650,000.

OUTSIDE THE UNITED STATES

Defense Logistics Agency

Defense Property Disposal Office, Ludwigsburg, Germany, $1,650,000.

Emergency Construction

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $30,000,000. The Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public works undertaken under this section, including real estate actions pertaining thereto.

TITLE V: MILITARY FAMILY HOUSING AND HOMEOWNERS ASSISTANCE PROGRAM

AUTHORIZATION TO CONSTRUCT OR ACQUIRE HOUSING

SEC. 501. (a) The Secretary of Defense, or his designee, is authorized to construct or acquire sole interest in existing family housing units in the numbers and at the locations hereinafter named, but not family housing construction shall be commenced at any such locations in the United States until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development as to the availability of suitable private housing at such locations. If agreement cannot be reached with respect to the availability of suitable private housing at any location, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(b) With respect to the family housing units authorized to be constructed by this section, the Secretary of Defense is authorized to acquire sole interest in privately owned or Department of Housing and Urban Development held family housing units in lieu of constructing all or a portion of the family housing authorized by this section, if he, or his designee, determines such action to be in the best interests of the United States; but any family housing units acquired under authority of this subsection shall not exceed the cost limitations specified in this section for the project nor the limitations on size specified in section 2684 of title 10, United States Code. In no case may family housing units be acquired under this subsection through the exercise of eminent domain authority; and in no case may family housing units other than those authorized by this section be acquired in lieu of construction unless the acquisition of such units is hereafter specifically authorized by law.

(c) Family housing units:

Fort Polk, Louisiana, one hundred units, $3,545,000.

Naval Complex, Adak, Alaska, one hundred units, $8,500,000.

Portsmouth Naval Complex, Kittery, Maine, two hundred units, $8,086,000.

Naval Security Group Activity, Winter Harbor, Maine, thirty-two units, $1,450,000.

Naval Complex, Bremerton, Washington, five hundred twenty units, $24,602,000.

Defense Attache Office, Quito, Ecuador, two units, $105,000.

Defense Attache Office, Wellington, New Zealand, two units, $88,000.

(d) Any of the amounts specified in this section may, at the discretion of the Secretary of Defense, or his designee, be increased by 10 per centum, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. The amounts authorized include the costs of shades, screens, ranges, refrigerators, and all other installed equipment and fixtures, the cost of the family housing unit, design, supervision, inspection, overhead, land acquisition, site preparation, and installation of utilities.

IMPROVEMENT OF EXISTING QUARTERS

SEC. 502. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions, not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $7,736,000.

(2) for the Department of the Navy, $6,353,000, including $2,500,000 for energy conservation projects.

(3) for the Department of the Air Force, $5,640,000, including $201,000 for energy conservation projects.

EXCEPTIONS TO IMPROVEMENT LIMITATION

SEC. 503. The Secretary of Defense, or his designee, within the amounts specified in section 502, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $15,000 limitation prescribed in section 610(a) of Public Law 90–110, as amended (81 Stat. 279, 305), as follows:

Fort Bliss, Texas, one unit, $50,000.

Marine Corps Development and Education Command, Quantico, Virginia, thirty-three units, $739,880.

LEASED QUARTERS

SEC. 504. (a) Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is further amended by revising the third sentence to read as follows: "Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: For the United States (other than Alaska, Hawaii, and Guam) and Puerto Rico, an average of $280 per month for each military department, or the amount of $450 per month for any one unit; and for Alaska, Hawaii, and Guam, an average of $350 per month for each military department, or the amount of $450 per month for any one unit.", and by adding a new fourth sentence as follows: "The Secretary of Defense, or his designee, may exempt from the above average cost limitations, not more than 1,000 units leased for personnel assigned to detached duty.".

(b) Section 507(b) of Public Law 93–166 (87 Stat. 661, 676), as amended is amended by striking out "$405" and "$700" in the first sentence, and inserting in lieu thereof "$435" and "$760", respectively.

MAXIMUM TERM OF FOREIGN LEASES

SEC. 505. Notwithstanding any other provision of law, the Secretary of Defense, or his designee, may acquire by lease, in any foreign country, family housing facilities and real property relating thereto that are needed for military purposes. A lease under this section may be for a period of not more than ten years.

HOMEOWNERS ASSISTANCE ELIGIBILITY

SEC. 506. (a) Section 1013 of the Act of November 3, 1966, Public Law 89–754, as amended (42 U.S.C. 3374), is amended by adding subsection (n) to read as follows:

"In addition to the coverage provided above, the benefits of this section shall apply to otherwise eligible employees and personnel when the Department of Defense has announced a study of a plan for a closure or partial closure at a military base or installation. All references in subsections (a), (b), (c), and (k) to "closure" or words of similar effect shall be deemed to include announced studies of plans for closure at a base or installation."

(b) This amendment is to be effective as of March 1, 1976.

APPROPRIATIONS LIMITATIONS

SEC. 507. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing and homeowners assistance as authorized by law for the following purposes:

(1) for construction or acquisition of sole interest in family housing, including demolition, authorized improvements to public quarters, minor construction, relocation of family housing, rental guarantee payments, and planning an amount not to exceed $35,200,000.

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $1,416,440,000.

(3) for homeowners assistance under section 1013 of Public Law 89–754 (80 Stat. 1255, 1290), as amended, including acquisition of properties, an amount not to exceed $3,000,000.

TITLE VI: GENERAL PROVISIONS

WAIVER OF RESTRICTIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administra-

tion, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

APPROPRIATIONS LIMITATIONS

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, $835,392,000; outside the United States, $345,693,000; or a total of $1,181,085,000.

(2) for title II: Inside the United States, $379,455,000; outside the United States, $22,811,000; or a total of $402,269,000.

(3) for title III: Inside the United States, $213,759,000; outside the United States, $139,497,000; or a total of $353,256,000.

(4) for title IV: A total of $32,300,000.

(5) for title V: Military family housing and homeowners assistance, $1,454,640,000.

COST VARIATIONS

SEC. 603. (a) Except as provided in subsections (b) and (c), any of the amounts specified in titles I, II, III, and IV of this Act, may, at the discretion of the Secretary of the military department or Director of the defense agency concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of the military department or Director of the defense agency concerned determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), he may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) When the Secretary of Defense determines that any amount named in title I, II, III, or IV of this Act must be exceeded by more than the percentages permitted in subsections (a) and (b) to accomplish authorized construction or acquisition, the Secretary of the military department or Director of the defense agency concerned may proceed with such construction or acquisition after a written report of the facts relating to the increase of such amount, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either (1) thirty days have elapsed from date of submission of such report, or (2) both Committees have indicated approval of such construction or acquisition. Notwithstanding the provisions in prior military construction authorization Acts, the provisions of this subsection shall apply to such prior Acts.

(d) Notwithstanding the foregoing provisions of this section, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(e) No individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation for which the current working estimate is $100,000 or more may be placed under contract if—

(1) the approved scope of the project is reduced in excess of 25 per centum; or

(2) the current working estimate, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until a written report of the facts relating to the reduced scope or increased cost of such project, including a statement of the reasons for such reduction in scope or increase in cost has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either (A) thirty days have elapsed from date of submission of such report, or (B) both Committees have indicated approval of such reduction in scope or increase in cost as the case may be.

(f) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced by more than 25 per centum in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

CONSTRUCTION SUPERVISION

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army; or the Naval Facilities Engineering Command, Department of the Navy; or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder. Such reports shall also show, in the case of the ten architect-engineering firms which, in terms of total dollars, were awarded the most business; the names of such firms; the total number of separate contracts awarded each such firm; and the total amount paid or to be paid in the case of each such action under all such contracts awarded such firm.

REPEAL OF PRIOR AUTHORIZATIONS; EXCEPTIONS

SEC. 605. (a) As of January 1, 1979, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of September 30, 1976, Public Law 94-421 (90 Stat. 1349), and all such authorizations contained in Acts approved before September 30, 1976, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part, before January 1, 1979, and authorizations for appropriations therefor.

(b) Notwithstanding the repeal provisions of section 605 of the Act of September 30, 1976, Public Law 94-431 (90 Stat. 1349, 1364), authorizations for the following items shall remain in effect until January 1, 1980:

(1) Fargo Building modernization in the amount of $8,000,000 at Boston, Massachusetts, that is contained in title I, section 101 of the Act of October 7, 1975 (89 Stat. 546), as amended.

(2) Pier Utilities construction in the amount of $633,000 at Fort Eustis, Virginia, that is contained in title I, section 101 of the Act of October 7, 1975 (89 Stat. 546), as amended.

(3) Academic Building construction in the amount of $5,315,000 at Fort Huachuca, Arizona, that is contained in title I, section 101 of the Act of October 7, 1975 (89 Stat. 547), as amended.

(4) Solar Energy Plant construction in the amount of $690,000 at Fort Huachuca, Arizona, that is contained in title I, section 101 of the Act of October 7, 1975 (89 Stat. 547), as amended.

(5) Relocate the weapons range from the Culebra Complex in the amount of $12,000,000 for the Atlantic Fleet Weapons Range, Roosevelt Roads, Puerto Rico, that is contained in title II, section 204 of the Act of November 29, 1973 (87 Stat. 688), as amended and extended in section 605(b)(H) of the Act of October 7, 1975 (89 Stat. 545), as amended.

(6) Solar Observation Facilities construction in the amount of $2,011,000 at various locations worldwide, that is contained in title III, section 301 of the Act of October 7, 1975 (89 Stat. 555), as amended.

UNIT COST LIMITATIONS

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0:

(1) $42.00 per square foot for permanent barracks;

(2) $45.00 per square foot for bachelor officer quarters; unless the Secretary of Defense, or his designee, determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such

costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

INCREASES FOR SOLAR HEATING AND SOLAR COOLING EQUIPMENT

SEC. 607. The Secretary of Defense shall encourage the utilization of solar energy as a source of energy for projects authorized by this Act where utilization of solar energy would be practical and economically feasible. In addition to all other authorized variations of cost limitations or floor area limitations contained in this Act or prior Military Construction Authorization Acts, the Secretary of Defense, or his designee, may permit increases in the cost limitations or floor area limitations by such amounts as may be necessary to equip any projects with solar heating and/or solar cooling equipment.

AMEND MINOR CONSTRUCTION AUTHORITY; INCLUDE DEFENSE AGENCIES

SEC. 608. Section 2674 of title 10, United States Code, is amended as follows:

(1) In the first sentence of paragraphs (a) and (f) after "The Secretary of a military department" insert, "or the Director of the Defense Agency concerned."

(2) In paragraph (b) strike the period and insert after the last word "or the Director of the Defense Agency concerned."

(3) Add a paragraph (g) as follows:

"(g) The Directors of the Defense Agencies will execute this authority by or through a military department designated by the Secretary of Defense as prescribed in section 2682 of this title."

USE OF PROPERTY SALE PROCEEDS FOR NATIONAL GUARD FACILITIES

SEC. 609. (a) The Secretary of Defense, or his designee, is directed to report to the General Services Administration for disposal at fair market value the forty-three acres, more or less, together with any improvements thereon, formerly known as the Air Force San Patricio Fuel Storage Site, San Juan, Puerto Rico. The net proceeds from the sale may be used to construct new facilities for the Puerto Rico National Guard in accordance with Department of Defense criteria.

(b) Section 804 of Public Law 91-142, December 5, 1969, is repealed.

USE OF PROCEEDS FROM TIMBER SALES

SEC. 610. Section 2665 of title 10, United States Code, is amended by substituting the following for the present subsection (d):

"Appropriations of the Department of Defense available for operation and maintenance may be reimbursed during the current fiscal year for all expenses of production of lumber or timber products pursuant to this section from amounts received as proceeds from the sale of any such property."

REVISION IN NUMBER OF NAVAL DISTRICTS

SEC. 611. (a) Chapter 516 of title 10, United States Code, is repealed.

(b) The table of chapters at the beginning of subtitle C of title 10, United States Code, of subtitle C of title 10, United States Code, are each amended by striking out "516. Naval Districts . . . 5221".

SHORT TITLE

SEC. 612. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1978."

TITLE VII: GUARD AND RESERVE FORCES FACILITIES AUTHORIZATION FOR FACILITES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Guard and Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $44,377,000.

(b) Army Reserve, $41,390,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $19,800,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $37,300,000.

(b) Air Force Reserve, $10,100,000.

WAIVER OF CERTAIN RESTRICTIONS

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SHORT TITLE

SEC. 703. This title may be cited as the "Guard and Reserve Forces Facilities Authorization Act, 1978."

TITLE VIII

SEC. 801. The Secretary of Defense and the Secretaries of the Army, Navy, and Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in fiscal year 1979 in such amounts as may be necessary.

SEC. 802. This title may be cited as the "Military Construction Authorization Act, 1979."

THE SECRETARY OF DEFENSE,
Washington, D.C., March 29, 1977.

Hon. WALTER MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To authorize certain construction at military installations and for other purposes."

This proposal is a part of the Department of Defense legislative program for FY 1978. The Office of Management and Budget on March 11, 1977, advised that its enactment would be in accord with the program of the President.

Appropriations in support of Titles I through VII of this legislation are discussed in the Budget of the United States Government for the FY 1978.

Titles I, II, III, and IV of this proposal would authorize $1,968,910,000 in new construction for requirements of the Active Forces, of which $1,181,085,000 are for the Department of the Army; $402,269,000 for the Department of the Navy; $353,256,000 for the Department of the Air Force; and $32,300,000 for the Defense Agencies.

Title V contains legislative recommendations considered necessary to implement the Department of Defense family housing and homeowners assistance programs and authorizes $1,454,640,000 for costs of those programs for FY 1978.

Title VI contains General Provisions generally applicable to the Military Construction Program.

Title VII totaling $152,967,000 would authorize construction of the Guard and Reserve Forces of which $44,377,000 is for the Army National Guard; $41,390,000 for the Army Reserve; $19,800,000 for the Naval and Marine Corps Reserves; $37,300,000 for the Air National Guard; and $10,100,000 for the Air Force Reserve. These authorizations are in lump sum amounts and will be utilized in accordance with the requirements of chapter 133, title 10, United States Code.

Title VIII provides authorization as may be necessary beginning for FY 1979 and meets the basic requirements of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344).

Additionally, included in Title I, pursuant to section 138 of title 10 United States Code, as amended, is authorization for construction of production base support at Army Ammunition Facilities, for which appropriations are being requested.

The projects which would be authorized by this proposal have been reviewed to determine if environmental impact statements are required in accordance with Public Law 91-190. Required environmental statements will be submitted to the Congress by the Military Departments.

Sincerely,

C. W. DUNCAN, Jr.,
Deputy.

By Mr. DOMENICI (for himself and Mr. HUMPHREY):

S. 1167. A bill to establish a research and development effort resulting in the commercialization of native latex rubber; to the Committee on Agriculture, Nutrition, and Forestry.

NATIVE LATEX COMMERCIALIZATION ACT OF 1977

Mr. DOMENICI. Mr. President, during the past decade our Nation has become acutely sensitive to the reality that we are dependent upon foreign sources for most of our petroleum. As critical as this problem is, I fear that it has drawn our attention away from the fact that we depend upon outside sources for many of our critical raw materials.

One such material is natural rubber, a commodity which is vital to our economy, defense, and general well-being. All of the world's supply of natural rubber is manufactured from latex of the Hevea tree, 93 percent of which is produced in Southeast Asia. The United States imports nearly a million tons of this material annually, at a cost of a half-billion dollars.

Natural rubber makes up about 35 percent of our total rubber consumption, the remainder coming from synthetic rubber. Synthetic rubber is made from petroleum.

While the Hevea tree is a tropical species not at all suited to temperate region, there exists another group of plants belonging to the genus Parthenium, which are native to Texas and Mexico, and which contain commercial quantities of a very high quality latex. These plants are commonly called Guayule. Guayule has been recognized for many decades as a latex producer and during World War II the U.S. Government undertook a sizable research and development program to cultivate this plant in the Southwest and manufacture rubber from it. Called the emergency rubber project, this effort resulted in the creation of a wealth of research data on Guayule as well as a million and a half tons of latex.

When the war ended the emergency rubber project was scrapped due to some rather minor processing difficulties, which have since been resolved, and because of the availability of large quantities of inexpensive synthetic rubber. During the past 30 years there have been attempts by private industry to produce Guayule rubber. None were successful. The primary reason for these failures has been an inability to achieve sufficiently high yields per acre of latex to make such operations economical.

It is my firm belief, after considerable study of this matter, that a soundly conceived and aggressively conducted research and development program could result in a commercially viable Guayule latex industry in this country within 5 to 10 years. This industry would not only free our Nation of its dependence on foreign sources of natural rubber, but it would also provide exceptional opportunities for agriculture, industry, and economic growth for depressed peoples—especially American Indians—now living in the arid and semiarid regions of the United States.

I am today sending to the bench, on behalf of myself and my esteemed colleague, Senator HUMPHREY, the Native Latex Commercialization Act of 1977. This bill would establish a program within the Agricultural Research Service to carry out a technology development and transfer effort which will lay the foundation for commercialization of Guayule latex in the United States.

Because the Guayule plant requires about 4 years to mature, an adequate research and development program would require at least that many years to produce useful results. Accordingly, the bill stages the authorization out over a 5-year period. At the end of that period Congress may, of course, renew the legislation contingent upon the success of the project and its nearness to completion.

I urge my colleagues in the Senate to take affirmative action on this legislation and I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Native Latex Commercialization Act of 1977".

SEC. 2. Congress recognizes that natural latex rubber is a commodity of vital importance to the economy, defense and general well-being of the Nation. The United States is totally dependent upon foreign sources for its supplies of natural (*Hevea*) latex, which total about one million tons per year. Synthetic rubber, which is manufactured from petroleum feedstocks, cannot be substituted for natural rubber. The Congress further recognizes that certain plant species of the genus *Parthenium*, native to Texas and Mexico, as well as other plants, are known to contain commercial quantities of extractable latex. During World War II, through research carried out in the Emergency Rubber Project, the United States demonstrated that Parthenium latex is a promising and realistic substitute to Hevea latex. Further research and development are needed, especially into methods for increasing latex yields, before commercialization of native Parthenium latex by private industry is feasible. Such commercialization would not only relieve the Nation's dependence upon foreign latex sources, but it would also provide a valuable cash crop for arid and semiarid regions of the United States and additional industry and employment opportunities for people of the United States. It is the policy of Congress, therefore, to provide for the development and demonstration of economically feasible means of culturing Parthenium, and other hydrocarbon-containing plant species, for the extraction of commercial latex and other products.

SEC. 3. As used in this Act—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "State" means each of the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) The term "commercialization" refers to the stage in the development or advancement of a technology at which point private enterprise is willing to invest in a full scale production facility.

(4) The term "native" refers to hydrocarbon-containing plants which may be cultured in North America, especially members of the genus *Parthenium* (known as guayule).

SEC. 4. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized and directed to coordinate and carry out research leading to and culminating in the commercialization of latex from Parthenium (guayule) or other hydrocarbon-containing plants.

SEC. 5. The Secretary shall conduct, promote, and sponsor basic and applied research, technology development, and technology transfer leading to effective and economical methods for large scale culturing of plantations and the extraction and production of latex from such crops. Such research will include, but not be limited to—

(1) carrying out extensive seed collections from wild plants in Texas, Mexico, and other areas and borrowing or purchasing seeds from other sources;

(2) developing a stockpile of Parthenium seeds, such stockpile to be appropriately classified and stored at a suitable facility;

(3) carrying out breeding and selection programs for the purpose of improving latex yields, expanding insect and disease resistance and broadening the ranges of drought and cold tolerance of the Parthenium plant;

(4) establishing a system of experimental plantings in arid and semi-arid regions of the United States having suitable climatic and soil conditions for the culture of Parthenium;

(5) carrying out specific studies on the effects of irrigation on plant growth and latex yield and survival potential;

(6) developing equipment needed to carry out nursery operations, planting, cultivating, harvesting, transporting the crop, and other necessary agricultural activities;

(7) further refining present extraction and manufacturing technologies; and

(8) analyzing the economic feasibility of private production and manufacture of native Parthenium latex.

SEC. 6. The Secretary shall establish and maintain a bank of all pertinent research data on native latex including extant United States government publications and records from the Emergency Rubber Project. Such data shall be made available to other Federal and State agencies and private persons who are interested or involved in native latex research, development, or manufacture.

SEC. 7. The Secretary is authorized and encouraged to enter into cooperative projects with the government of Mexico in order to accomplish appropriate aspects of the research and development provided for in this Act. Such cooperative projects shall include, but not be limited to, projects to determine the economic feasibility of latex extraction and processing.

SEC. 8. The Secretary is authorized to accept financial or other assistance from any State or public agency to aid in carrying out the provisions of sections 4, 5, and 6 of this Act and to enter into contracts with respect to such assistance and to enter into agreements with any State or public agency for the purpose of demonstrating, transferring, or applying results of research relating to native latex.

SEC. 9. In carrying out the provisions of this Act, the Secretary is authorized to—

(1) make grants to educational institutions and scientific organizations and enter into contracts with such institutions and organizations and with industrial or engineering firms;

(2) acquire the services of biologists, agronomists, geneticists, chemists, engineers, economists, and other personnel by contract or otherwise;

(3) utilize the facilities of Federal scientific laboratories;

(4) establish and operate necessary facilities, pilot plants and plantations to carry out the continuous research, testing, development, and programming necessary to effectuate the purposes of this Act;

(5) acquire secret processes, technical data, inventions, patent applications, patents, licenses, land, and interests in land (including water rights), plants and facilities, and other property or rights by purchase, license, lease, or donation;

(6) assemble and maintain pertinent and current literature and publications, patents and licenses, land and interests in land;

(7) cause onsite inspections to be made of promising projects, domestic or foreign, and, in the case of projects located in the United States, cooperate and participate in their development when the Secretary determines that the purpose of this Act will be served thereby;

(8) foster and participate in regional, national, and international conferences relating to native latex culture or manufacture;

(9) coordinate, correlate, and publish information with a view to advancing the development of native latex technology; and

(10) cooperate with other Federal departments and agencies, with State and local departments, agencies, and instrumentalities, and with interested persons, firms, institutions, and organizations.

SEC. 10. In carrying out the provisions of this Act, the Secretary shall insure that his activities are closely coordinated with the activities of other Federal agencies such as the Department of Interior, National Science Foundation, Department of Commerce, Bureau of Indian Affairs, Federal Energy Administration, Energy Research and Development Administration, Economic Development Administration, Department of Defense, Treasury Department, Federal Preparedness Agency, and others in order to prevent duplication of effort, ensure compatability with ongoing programs and policies, and to fully exploit the opportunities inherent in the culture and manufacture of native latex.

SEC. 11. Relative to the definitions of, title to, and licensing of inventions made or conceived in the course of or under any contract or grant pursuant to this Act, and notwithstanding any other provisions of law, the provisions of sections 9 and 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908–9) shall govern.

SEC. 12. The Secretary may dispose of any latex, resin, wax, pulp, and any other by-products resulting from operations under this Act. All moneys received from dispositions under this section shall be paid into the Treasury as miscellaneous receipts.

SEC. 13. The Secretary may issue rules and regulations necessary to effectuate the purposes of this Act.

SEC. 14. The Secretary shall submit to the President and the Congress, no later than December 31, 1979, and each year thereafter through 1981, a report on the status of the research, development, and other work underway under sections 4, 5, 6, and 7 of this Act. Such report shall (1) recommend specific directions for further research, development and other work, and (2) recommend funding levels for various elements of the overall project.

SEC. 15. There is authorized to be appropriated for the fiscal years beginning October 1, 1977, through October 1, 1981, the sum of $60,000,000 to carry out the purposes of this Act, such sum to remain available until expended.

By Mr. ABOUREZK:

S. 1168. A bill to amend the act entitled "An Act to provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of such locality," approved October 30, 1976; to the Committee on Energy and Natural Resources.

Mr. ABOUREZK. Mr. President, today I am introducing legislation to amend the Payments in Lieu of Taxes Act (Public Law 94-565) which passed the Congress on the last day of the 94th Congress. Due to the rush to adjourn in the closing hours of the session, two of my amendments adopted in committee were dropped because their adoption would have required a House-Senate conference. If a conference had been required, the entire bill would have been placed in jeopardy because of the obvious lack of time to consider my amendments.

As a result, I am introducing this legislation which contains the two amendments from last year. This bill has two purposes: First, it alters the allocation formula; and second, it adds three types of Indian lands for which a Federal payment will be made, under Public Law 94-565.

Mr. President, let me briefly explain the two parts of the bill. The allocation formula as written in the present law begins with an allocation of 75 cents per acre for all the eligible lands in the county. This basic allotment is modified in two ways.

First, there is a limit based on population. This limit establishes a maximum for payments to the county based on so much per capita of population—the amount per capita is on a sliding scale with decreasing dollar amounts as the population size increases. The other modification to the 75-cents-per-acre payment is that it is reduced dollar for dollar on the basis of any Federal receipts from those eligible lands—such as from timber sales, mineral leases, and so forth—actually received by the county.

As Public Law 94-565 reads, the population limit is applied first and then the offsetting receipts are deducted. The legislation that I am proposing would deduct the offsetting receipts first and then apply the population limit if necessary. This is a more logical sequence of calculations and it can make a good deal of difference to a county which has sparse population and fairly substantial receipts.

For example, Jackson County, S. Dak., includes 120,457 eligible acres and would have a basic allocation of $90,410. It also receives $14,669 in current payments. Since its population is 1,531, the applicable population limit is $76,550. If that limit is applied first, then the offsetting receipts are deducted from the population limit and the county receives $61,881—or $76,550 minus $14,669. However, under my proposed legislation the receipts would be offset against the larger basic allocation—$90,410 minus $14,669—and that result, $75,741, would then be compared to the population limit of $76,550. As a result, Jackson County would receive an additional $13,860.

The second change I am proposing is to add three types of Indian land—BIA Administration land, tribal trust land, and individual trust lands, to those Federal lands now eligible to receive a Federal payment. This change would add an approximately 52 million acres to the approximately 657 million acres currently eligible for payment under Public Law 94-565.

I think this change is necessary because Indian lands are tax-exempt from the local government tax rolls just as lands currently eligible for a Federal payment are. In addition, Indian lands do not generate revenues and fees to be shared with State and local governments as do other public lands where there may be mineral development, timber production or grazing.

As the Interior Committee Report 94-1262 noted—

> The tax exemption of Indian lands has been a controversial issue in many areas of the country—an issue which has had the tendency to increase tensions between Indians and non-Indians. By including Indian lands in H.R. 9719 (Public Law 94-565) the Committee hopes to mitigate the burdens on local governments of the tax exemption of those lands and thus reduce those tensions.

Let me remind the Senate that the payments under Public Law 94-565 go to the countries which contain eligible Federal lands.

I am submitting two tables which I hope will provide some useful information. This information was provided to me by the Department of the Interior.

Table No. 1 lists acreage by State under the jurisdiction of the Bureau of Indian Affairs as of June 30, 1975. If this legislation is enacted, this acreage will be eligible for payment under Public Law 94-565.

Table No. 2 lists the estimated payments in selected States with substantial BIA acreage.

Mr. President, I ask unanimous consent that the tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1

Acreage by State:	*Total*
Alaska	$117,121.64
Arizona	19,886,666.69
California	546,695.63
Colorado	755,222.54
Florida	79,347.36
Idaho	827,478.13
Iowa	4,169.25
Kansas	26,561.44
Louisiana	262.23
Michigan	21,261.29
Minnesota	763,519.42
Mississippi	17,688.44
Missouri	374.53
Montana	5,246,567.83
Nebraska	61,629.44
Nevada	1,152,655.57
New Mexico	7,282,065.34
North Carolina	56,572.80
North Dakota	849,503.63
Oklahoma	1,301,613.39
Oregon	761,410.01
South Dakota	5,019,367.60
Utah	2,274,800.74
Washington	2,488,262.02
Wisconsin	407,896.51
Wyoming	1,886,568.57
Total	51,845,282.04

TABLE 2

State	Estimated payment (excluding BIA lands)	Estimated payment (including BIA lands)	Difference
Arizona	$7,891,036	$9,726,928	$1,835,892
Montana	7,024,001	8,515,449	1,491,448
New Mexico	9,617,655	11,081,435	1,463,780
Oklahoma	756,571	1,705,301	948,730
South Dakota	1,722,593	3,672,133	1,949,540
Utah	5,882,037	6,038,036	155,999
Washington	2,084,479	2,390,535	306,056
Wyoming	3,482,237	3,670,894	188,657
Total	38,460,609	46,800,711	8,340,102

By Mr. HUMPHREY:

S. 1169. A bill to amend and extend the Agricultural Trade Development and Assistance Act of 1954, as amended; to the Committee on Agriculture, Nutrition, and Forestry.

A PROPOSAL TO STRENGTHEN AMERICAN FOREIGN FOOD ASSISTANCE PROGRAMS

Mr. HUMPHREY. Mr. President, throughout my career in the Congress, I have been deeply involved in our foreign food assistance programs. I am proud to have been an originator of the legislation. From the inception of Public Law 480, I have proposed ways that the program could be structured better to address humanitarian and development needs in the less-developed world. I, therefore, take a certain amount of personal pride in the achievements of our food for peace program over the past 27 years.

Yet, every activity requires periodic review. The successes of Public Law 480 are no reason why continued imagination cannot yield ways to further strengthen and improve this program. And occasionally time or circumstance uncovers certain deficiencies in our food for peace activities.

It is this concern over increasing food requirements of the developing world and the need to provide for economic opportunities in rural areas of such nations that leads me to propose comprehensive changes today in Public Law 480.

The precipitous decline in the volume of food assistance during a year of exceptional need in 1973-74 led us to embark upon a major review of Public Law 480 and the effectiveness with which it was responding to the humanitarian ob-

jectives of the Act. Furthermore, the predominance of foreign policy priorities in the allocation of Public Law 480 title I concessional financing of commodity sales suggested the need to review the balance between the respective market development, foreign policy and humanitarian purposes of the act.

Throughout 1975, I organized several task forces of individuals with experience in foreign food and development assistance to suggest ways to provide for a better balance in the objectives of Public Law 480 in the allocation process. These groups looked at ways to improve the responsiveness of Public Law 480 to the food needs and availabilities of developing nations with an emphasis on meeting humanitarian priorities. The task forces also reviewed ways to strengthen the linkage between food assistance and agricultural development.

The product of this review was S. 1654, a bill which I introduced in the last Congress. This bill embodied many of the concepts which were later included in the International Development and Food Assistance Act of 1975, H.R. 9005, which was enacted in December of that year.

The primary purpose of the bill I am offering today is to extend the program authority for 5 years, refine some of the concepts which were introduced in the International Development and Food Assistance Act of 1975, and provide for certain other changes in Public Law 480 to improve the effectiveness of our foreign food assistance activities.

IMPROVEMENTS IN TITLE I ALLOCATION FORMULA

My bill would modify the title I allocation formula which requires that three-quarters of the funds available for concessional financing of agricultural exports under Public Law 480 be provided to countries with an annual per capita gross national product of $300 or less.

My bill would raise the minimum income criterion which has become increasingly restrictive, due to inflation, and link it to the standard used for development loans to the poorest nations by the International Development Association of the World Bank. This standard, which has recently been raised to $520 per capita gross national product, would be subject to future adjustment as dictated by inflation. The President also would be permitted to reallocate that portion of title I financing which is not needed by the poorest nations.

While I was the author of the title I allocation formula, I recently have become concerned that it may, in fact, lead to a situation where it compels the President to dump commodities on countries which do not at the time require assistance. Since the funding available for Public Law 480 financing remains relatively constant, but unit prices of commodities shipped under the program can vary considerably, the total volume of shipments can swing widely from year to year. Allowing the President some flexibility to allocate commodities on the basis of the need and absorptive capacities of recipient countries would discourage the practice of shipping Public Law 480 commodities in such quantities as to depress the prices and incomes of farm producers in such countries and to impair efforts to maintain incentives for longer term agricultural development.

My bill would place the burden on the President, however, to establish that food assistance is not required by those poorest nations—after every reasonable attempt has been made to make title I financing available to such countries—before he may reallocate any portion of title I. This adjustment will help us develop an appropriate emphasis on the qualitative aspects of food aid rather than continue to restrict our primary concern to the quantitative aspects of food distribution.

ASSURING ADEQUATE FOOD SUPPLIES UNDER TITLE II

Under my bill, the minimum quantity of food required to be distributed under the title II grant programs would be increased annually from 1.3 to 1.6 million metric tons. Of this amount, the minimum to be distributed through U.S. nonprofit voluntary agencies would be increased from the present 1 million metric tons to 1.3 million metric tons.

The purpose of this minimum level is to assure the continued availability of adequate food supplies for ongoing programs conducted under title II. Such programs, mainly for maternal and child feeding purposes, must have some assurance of commodity availability before the recipient nations can commit their own resources and personnel to projects based upon title II donations. The greater continuity in supply which this minimum provides would permit more effective long term programing around specific developmental and nutritional objectives.

Historically, title II programing has averaged well above 2½ million metric tons annually. But recently, the levels were precipitously cut back to a little over 1 million tons. It is my hope that our title II donation programs can be rebuilt and that programing of 2 million tons and above can be reached over the years ahead.

A NEW FOOD FOR DEVELOPMENT PROGRAM

The core of my proposal is a new title III, or food for development program. This would be a refined version of the "grant back" authority provided under the 1975 amendments to the act. This title would permit the President to waive repayment of Public Law 480 concessional loans on a carefully controlled basis, provided that the local currency proceeds be used for agreed upon developmental purposes.

The purpose of the food for development program would be to provide an option to title I concessional financing, under which incentives would be provided to the recipient government to channel additional resources into rural and agricultural development.

I wish to stress that the food for development program is an option to title I and would not replace such assistance. I would further stress that the food for development program should be applied in specific circumstances where the need for such resources is clearly evident, where the resources would represent an addition to rather than a replacement for other developmental resources, and where a carefully worked out plan for utilization of the additional resources would be developed by the recipient government in consultation with the U.S. Government.

This suggests that the U.S. Government should move cautiously into such arrangements and expand such programs only after a few pilot projects have been proven successful. The reason for this caution, as well as the need to refine existing authority for loan forgiveness, is to make sure that this program is constructed in such a way as to provide effective and additional development assistance.

Unless such an explicit procedure is laid out in the authorizing legislation, it is possible that at some point this provision may become little more than an excuse for additional concessionality for commodity loans under Public Law 480 rather than an incentive for channeling increased development assistance into rural and agricultural development.

A new title for Public Law 480 which specifically defines a program of additional development assistance should help establish an increased profile for the linkage between food and development assistance that was implied in the enactment of the "grant back authority" in 1975.

ENDING THE FARM SURPLUS DISPOSAL RATIONALE

The time has come to ask whether Public Law 480 is truly a humanitarian program or whether it remains no more than a vehicle for unloading farm surpluses when we have them. Section 401 permits the President to make commodities available under Public Law 480 only after domestic needs, commercial exports, and an adequate carryover have been provided for. In other words, food-for-peace shipments can be made only when commodities are in surplus to the commercial interest.

Our basic sensibilities suggest that the highest priorities be offered humanitarian needs in the allocation of the resources available under Public Law 480. Yet, if properly administered, Public Law 480 can also serve other objectives without diluting the humanitarian impact of the program. This multiplying of purposes has offered a base of support enjoyed by few other programs in the area of foreign affairs.

All of our actions affecting trade with foreign countries affect our foreign policy. Therefore, Public Law 480 can and does impact on the foreign policy objectives of the United States. The heavy programing of Public Law 480 to Southeast Asia for foreign policy reasons in a period of greater need elsewhere, however, was a gross and insensible disregard for the necessary balance of objectives.

But, a more effective and responsible allocation of resources under Public Law 480 when coordinated with a foreign policy strategy which is based upon reasonable obligations of interdependency, rather than on power manipulations, can greatly enhance our position in the international community. Without such a perspective, no amount of congressional suasion or detailed administrative

requirements can provide for a balanced management of program.

Public Law 480 has been used effectively to join and expand markets for U.S. farm commodities, and again, with proper administration of the program, market development activities need not conflict with humanitarian uses of Public Law 480.

But market development should be clearly differentiated from surplus disposal. We do not maintain long-term customers by offering our product only when we have a surplus. Abrupt changes in availability under the program may only lead customers to develop new supply sources.

Of course no transaction under Public Law 480 is entirely for market development, foreign policy or humanitarian purposes. There is or should be some element of each in every activity conducted under this act. But in those cases where market development may be a predominant objective, programing should be coordinated in a broader and long-term strategy which incorporates all the other tools and considerations relevant to the particular market of interest.

THE HUMANITARIAN PRIORITY OF FOOD FOR PEACE

However, the failure to afford appropriate priority to the humanitarian uses of Public Law 480 in several recent cases suggests the need to reaffirm the primacy of this objective.

I am proposing an amendment to section 401 which would permit the President to allocate some part of the supply of a commodity to meet urgent humanitarian requirements abroad. Just as we do not make our church contribution after all our other temporal desires are provided for, a truly humanitarian food aid program must be more than disposal of unwanted surpluses.

Another amendment I am proposing would permit the President to value, for the purpose of reimbursement to the Commodity Credit Corporation, a commodity acquired under domestic price support programs, at the world price rather than at the acquisition price. This is designed to provide flexibility in programing price support commodities which are acquired at prices considerably higher than world prices. Otherwise, the programing of such commodities may very quickly absorb the food aid budget and thereby disrupt normal program operations.

FOR BETTER OVERSIGHT: A SPECIAL TASK FORCE

My bill also establishes new procedures for periodic evaluation of title II and title III program operations. Such a cross-country review can be a useful mechanism to locate strengths and weaknesses in programing, to apply successful approaches in one region to programs in another and to help both the Congress and the President to make constructive changes in the operations of Public Law 480.

Finally, I am proposing that the President create a task force to immediately begin a comprehensive review of the handling, storage, transportation and administrative procedures under Public Law 480. I am deeply concerned about allegations of improprieties by businesses which contract services under Public Law 480. I feel that constructive changes in the operations of Public Law 480 might well be developed through such a review.

For those reasons, my bill would direct the President to establish a special task force to study the organizational arrangements on the administration of Public Law 480, criteria and procedures for the allocation of concessional financing under title I, quality control and storage of Public Law 480 commodities, and contractor services provided under this act.

This task force would submit a report, along with recommendations, to the Congress after 18 months of study.

Mr. President, the proposals I am offering today, I believe, represent a positive step forward in making Public Law 480 an even more effective vehicle for food and development assistance. My bill is the culmination of 3 years of intensive study which included consulations with a wide range of people involved in food and development assistance.

The consideration of the extension of the Public Law 480 offers an opportunity for innovation and imagination with respect to our food-for-peace program. I ask my colleagues to support these efforts and join in strengthening the legislative structure of the activities we all proudly describe as "food for peace."

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 103(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1703(b)), is amended to read as follows:

"(b) assure that, insofar as possible, all sales under this title are for dollars (or to the extent that sales for dollars under the terms applicable to such sales is not possible, sales for foreign currencies on credit terms no less favorable to the United States than those for development loans made under section 201 of the Foreign Assistance Act of 1961, as amended, and on terms which permit conversion to dollars at the exchange rate applicable to the agreement): *Provided*, That if the President determines that foreign currencies of a specific amount are needed for uses specified in subsections (a), (b), (e), and (h) of section 104 and in title III of this Act, the agreement for credit sales to such country shall (1) provide for the expenditure of such currencies over a specified period not in excess of 60 months, and (2) contain a specific accounting of the uses to which such foreign currencies will be applied. Such payment may be considered as an advance payment of the earliest installments, when received by an agency of the United States Government or, when an agreement pursuant to title III is signed.".

CONFORMING AMENDMENT

SEC. 2. Section 106(b)(2) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1706(b)), is amended as follows:

(a) by inserting "pursuant to the provisions of title III," in the first sentence thereof immediately after "carry out programs"; and

(b) by inserting immediately before the period at the end thereof "when specifically provided for under a food for development program pursuant to title III of this Act".

REVISION OF THE TITLE I ALLOCATION FORMULA

SEC. 3. Section 111 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1711), is amended by:

(a) striking out "with an annual per capita gross national product of $300 or less" in the first sentence thereof and inserting in lieu thereof "determined as the poorest countries on the basis of the eligibility criteria established for development loans of the International Development Association of the International Bank for Reconstruction and Development";

(b) striking out the second sentence thereof;

(c) by striking out in the third sentence thereof "with a per capita gross national product of $300 or less" and inserting in lieu thereof "determined as the poorest countries on the bass of eligibility criteria established for development loans of the International Development Association of the International Bank for Reconstruction and Development"; and

(d) by striking out in the third sentence thereof "significantly changed circumstances occurring after the initial allocation" and inserting in lieu thereof "inability to effectively program such commodities after having made every reasonable attempt to make available financing of sales of agricultural commodities under the authority of this title to such countries".

REVISION OF TITLE II MINIMUM VOLUME

SEC. 4. Section 201(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721(b)), is amended as follows:

(a) by striking out "1,300,000" and inserting in lieu thereof "1,600,000"; and

(b) by striking out "one million" and inserting in lieu thereof "1,300,000".

SALE OF TITLE II COMMODITIES TO INCREASE PROGRAM EFFECTIVENESS

SEC. 5. Section 206 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1726), is amended by striking out "purposes specified in section 103 of the Foreign Assistance Act of 1961" and inserting in lieu thereof "increasing the effectiveness of the programs of food distribution and increasing the availability of food commodities provided under this title to the neediest individuals in recipient countries".

FOOD FOR DEVELOPMENT PROGRAM: OBJECTIVE AND CRITERIA

SEC. 6. Section 303 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1692), is amended to read as follows:

"SEC. 303. (a) In order to establish a strong relationship between United States food assistance and efforts by developing countries to increase the availability of food for the neediest individuals in such countries, the President is authorized to encourage the use of the additional resources represented by the concessional financing of agricultural commodities under this Act for agricultural and rural development by permitting the funds accruing from the local sale of such commodities which are used for specified development purposes to be applied against the repayment obligation of governments receiving concessional financing under this Act. The agreement between the United States Government and an eligible developing country government which provides for repayment of the loan obligation to the United

States accruing from the concessional sale of United States agricultural commodities by the use of funds from the sale of such commodities in the participating country for specified development purposes shall be called a 'Food for Development' program.

"(b) The overall goal of assistance under this title shall be to increase the access of the neediest individuals in the recipient country to a growing and improving food supply through activities designed to improve the production, protection, and utilization of food, and to increase the real level of income of the poorest majority in the small farm and rural sector of the recipient country. Assistance authorized under this title shall place the greatest emphasis on activities which effectively assist small farmers, tenants, sharecroppers, and landless agricultural laborers, by expanding their access to the rural economy through services and institutions at the local level, including integrated health delivery systems, increasing employment opportunities, spreading productive investment and services to small towns and outlying rural areas, and otherwise providing opportunities for the poor who are dependent upon agriculture and agriculturally related activities to better their lives through their own efforts.".

FOOD FOR DEVELOPMENT PROGRAM: OPERATIONAL REQUIREMENTS

SEC. 7. Title III of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding at the end thereof new sections 304 through 309 as follows:

"SEC. 304. (a) Whenever the President, in consultation with the Government of a developing country, determines that such developing country meets the criteria specified in subsections (b) and (c) of this section and could usefully benefit from the sale of United States agricultural commodities (including processed and blended foods) for the purposes of generating funds or distributing such commodities for agricultural and rural development, and improving food distribution and use within such country, the President may designate such country as eligible for a Food for Development program.

"(b) In order to be eligible for a Food for Development program under this section, a country must (1) have a need for external resources to improve its food production, marketing, distribution, and storage systems; (2) meet the criteria used to determine basic eligibility for development loans of the International Development Association of the International Bank for Reconstruction and Development; (3) have the ability to utilize effectively the resources made available by the sale of food commodities under this section for the purposes specified in clause (1); and (4) indicate the willingness to take steps to improve its food production, marketing, distribution, and storage systems and the measures described under subsection (c) of this section.

"(c) In determining whether a country is eligible under subsection (b) of this section for assistance under this title, the President shall consider the following: the priority of agriculture within the total development plan, the financial, foreign exchange, manpower and other resources allocated to the agricultural sector, and the adequacy of planning; the quality and extent of the rural infrastructure, especially farm-to-market roads and improved land; adequacy of rural institutions; the orientation of necessary services, such as agricultural marketing, credit extension, and research devoted to small farmer needs; emphasis on labor-intensive production systems and techniques; the extent of both public and private mobilization of rural savings; and the geographic organization of development.

"SEC. 305. (a) A country designated as eligible and wishing to participate in a Food for Development program shall formulate, with the assistance of the United States Government and where appropriate, international agencies as well as United States voluntary agencies or private entities, a multiyear use proposal which shall be submitted to the President. Such proposal shall indicate the annual value of agricultural commodities proposed to be financed under the authority of title I of this Act pursuant to the provisions of this title, and a specific accounting of the intended uses of the funds generated from the sale of such commodities, on an annual basis for each year such funds are to be disbursed. Such proposal shall also specify the nature and magnitude of problems to be affected by the effort, present targets in quantified terms, insofar as possible, and a definition of the relationships and linkages between the various projects or activities to be supported.

"(b) The multiyear utilization proposal for any Food for Development program shall include, but not be limited to, a statement of how assistance under such a program will be integrated into that country's overall development plans and with other forms of bilateral and multilateral development assistance, including assistance made available under section 103 of the Foreign Assistance Act or under any other title of this Act.

"(c) In his review of any utilization proposal for a Food for Development program the President shall be satisfied that such assistance complements, but does not replace, funds which might have otherwise been made available under section 103 of the Foreign Assistance Act of 1961, or any other program of bilateral or multilateral assistance, or under the development program of the country desiring to initiate a Food for Development program.

"SEC. 306. (a) Whenever a utilization proposal has been agreed upon by the President and the participating country, the Commodity Credit Corporation is authorized to furnish credit under the authority of title I of this Act to the participating country for the purchase of a specific annual value of agricultural commodities to be delivered over a period of not greater than five years, as the case may be, at terms no less favorable to the United States than the minimum rate required by section 201 of the Foreign Assistance Act of 1961 for loans made under that section.

(b) Notwithstanding any other provision of this Act, no payment except as provided for under this title shall be required of the recipient government as a part of any agreement to finance the sale of agricultural commodities pursuant to a Food for Development program.

"SEC. 307. Funds generated from the sale of agricultural commodities by any participating country under this title shall be held in a special account where practicable to be disbursed for the specific uses described in the approved multiyear Food for Development program of such country. The amount of funds disbursed for such purposes shall be considered as an advance payment of the earliest installments of the loan obligation to the Commodity Credit Corporation at rates of exchange applicable to the agreement unless the amount of the disbursement for such purposes creates an outstanding balance in the special accounts established above which cannot be disbursed, within a period of two calendar years through normal program operations budgeted for the participating country's Food for Development program operations. Payments may not be credited against the repayment of the loan obligation to the Commodity Credit Corporation until such outstanding balance is reduced.

"SEC. 308. Not more than one year after the signing of an agreement with any country under this title and each year thereafter for the period of agreement, the government of the participating country, with the assistance of the United States Government, shall submit a comprehensive report to the President on the activities under the Food for Development program for such country, including but not limited to, a specific accounting for funds generated, their specific uses, and the outstanding balances at the end of the most recent fiscal year. Such report shall summarize the utilization proposal for the Food for Development program; and compare results with projected targets. Such annual report may also include recommendations for modification and improvement in the uses of funds under the Food for Development program of such country. The President shall suspend shipments under a Food for Development program for which no such report has been received after ninety days following the date on which such report is due.

"SEC. 309. Each year the President shall review the disposition of all agreements providing for the use of the proceeds from the sale of agricultural commodities pursuant to this title for which such funds had not been fully disbursed the preceding year. The results of such review shall be included in the annual report to the Congress required under section 408(a). If the President finds that such currencies are not being disbursed according to the provisions of such agreement, he shall not extend financing for sales under this title during the following fiscal year or until the situation is remedied, whichever occurs first.".

AVAILABILITY REQUIREMENTS FOR DISTRIBUTION OF COMMODITIES

SEC. 8. Section 401 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1731), is amended by inserting "(a)" immediately after the section designation; by striking out the second sentence; and by adding at the end thereof the new subsection (b):

"(b) No commodity shall be available for disposition under this Act if such disposition would reduce the domestic supply of such commodity below that needed to meet domestic requirements, adequate carryover, and anticipated commercial exports as determined by the Secretary of Agriculture at the time of exportation of such commodity. If the President determines and so reports to the Congress with his reasons therefor that any part of the available supply should be used to carry out the humanitarian objectives of this Act, he may allocate any such portion of such supply for distribution under this Act and such distribution shall be made to meet the following priorities: (1) disaster relief, (2) established programs under title II, (3) agreements under title III, and (4) other humanitarian food assistance programs.".

VALUATION OF COMMODITIES ACQUIRED THROUGH PRICE SUPPORT PROGRAMS

SEC. 9. Section 403 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1733), is amended by—

(a) inserting "(a)" immediately after the section designation; and

(b) adding at the end thereof a new subsection (b) as follows:

"(b) Notwithstanding any other provision of law, in determining the reimbursement due Commodity Credit Corporation for all costs incurred under this Act, commodities from Commodity Credit Corporation inventory, which were acquired under a domestic price support program, shall be valued at the export market price therefor, as determined by the Secretary of Agriculture, as of the time the commodity is made available under this Act.".

SEC. 10. Section 408 of the Agricultural

Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1734), is amended by adding at the end thereof a new subsection (c) as follows:

"(c) Beginning October 1, 1978, and at each five year interval thereafter, the President shall submit to the Congress a comparative cross-country evaluation of programs conducted under title II and under title III. Such evaluations shall cover no fewer than five countries sampled from the developing regions (Asia, Africa, Latin America, and the Caribbean), and shall assess the impact, achievements, problems and future prospects for programs under these titles.".

SEC. 11. Section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1736c), is amended by striking out "December 31, 1977" and inserting in lieu thereof "December 31, 1982".

SPECIAL TASK FORCE ON THE OPERATION OF PUBLIC LAW 480

SEC. 12. (a) It is the sense of the Congress that attention be given to handling, storage, transportation, and administrative procedures in order to make improvements in the operation of Public Law 480. Toward this objective, the President shall appoint a special task force of individuals familiar with the operation of programs conducted under Public Law 480 to review and report upon the operation of this Act.

(b) Such review shall include, but not be limited to, organizational arrangements for the administration of Public Law 480, or parts thereof, title I allocation criteria and procedures, quality control including handling and storage through the first stage of distribution in the recipient country, and regulation of businesses and organizations to which services are contracted under Public Law 480.

(c) No later than eighteen months following enactment of this Act, the President shall transmit to the Congress the report of such task force along with administrative actions he has or intends to take as a result of such report, and recommendations, if any, for legislative changes.

By Mr. KENNEDY:

S. 1170. A bill to strengthen the surplus commodities provision of the Older Americans Act of 1965, and for other purposes; to the Committee on Human Resources.

NUTRITION PROGRAM FOR THE ELDERLY

Mr. KENNEDY. Mr. President, practically every Member of this Chamber, I am sure, has at one time or another visited a nutrition program for senior citizens in his home State. These programs, under title VII of the Older Americans Act, are very popular with the elderly, within their communities, and, I might add, with the Congress. Since 1971 when I introduced the title VII legislation creating the nutrition for the elderly program, every State has joined. There are now 6,000 congregate sites serving over 400,000 meals daily.

In Massachusetts, I have watched our program expand to include facilities serving more than 6,200 elderly daily. Whether in populated Boston or the small town of Andover, the title VII project can be assured of a full dining room of participants eager for the hot meal, entertainment and socialization that these programs offer.

Since 1974, the nutrition programs have been able to supplement their food budgets with commodities from the USDA. The use of commodities has helped many States in their continuing struggle to meet the rising food costs and still serve well-balanced, nutritional meals.

However, lately I have heard reports about financial problems these commodities can also cause. Some of the specific items included in the commodity bulks are substances which cannot be included frequently in the meals for older persons. The infrequent use of such foods causes projects to be faced with storage, transporting and vendor costs. Such costs are reducing the benefits from the commodities program.

This bill would extend the commodities program through fiscal year 1978 to coincide with the authorization period of the title VII program. In addition, it would give the States the option to receive cash in lieu of such commodities. The cash would be financed under section 32 of the Agriculture Adjustment Act which currently supports the commodities program. This would allow the States to choose the benefits of the cash or commodities to serve the particular needs of their elderly. This option has been given to the States under the child care food program and has proven effective.

Mr. President, we are all aware of the effectiveness and worth of the title VII nutrition program. This bill will allow the States more flexibility in determining how the program can best serve their elderly.

By Mr. SCOTT:

S. 1172. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the reasonable evaluation of the effects of certain food additives upon human health; to the Committee on Human Resources.

FOOD ADDITIVES AMENDMENT OF 1977

Mr. SCOTT. Mr. President, I send to the desk a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the reasonable evaluation of the effects of certain food additives upon human health, ask that it be printed and referred to the appropriate committee. The proposal relates to the Federal Government's proposed ban on saccharin, which was based on the findings of a Canadian experiment that the artificial sweetener, when fed in large amounts, caused cancer in some rats. As many of my colleagues have indicated, removal of saccharin from the marketplace would impose hardships on many millions of people who depend on it as a sugar substitute.

In my opinion, it is contrary to the general public interest for the Food and Drug Administration to interfere with individual freedom of choice by banning the artificial sweetener on the basis of highly questionable laboratory testing of rats. We are told that the human equivalent of the massive saccharin dosages fed to the rats would require several hundred diet soft drinks or packets of the sweetener being consumed daily by humans, which I believe is unreasonable. As all of us know, virtually any safe substance produced for human consumption can be lethal or very harmful if ingested in excessive quantities. It has been suggested that citizens generally should be informed of the benefits and risks of using saccharin and allowed to make their own personal decisions. This seems preferable, in my opinion, to allowing the Government to ban a substance without clear and convincing evidence of its significant risk to human health.

Certainly we need to protect public health but not unduly restrict individual choice. An editorial in the current issue of U.S. News & World Report makes the point that—

Americans need not be treated like a mindless mass, with the most personal decisions stuffed down people's throats through restrictive legislation . . . The proper approach with saccharin is to tell people in plain English what may be the risk of using it, and let the people decide for themselves whether the risk is worth taking.

My proposal is aimed at restoring "a rule of reason" to the regulation of food additives. It would require that the Secretary of Health, Education, and Welfare consider whether the benefits derived from reasonable use of an additive outweigh the risk of its continued use. Other provisions provide that the Federal authorities consider "the probable amounts of such additive which can reasonably be expected to be consumed by man," the scientific data available, and "the validity of any tests conducted with regard to such additives."

Mr. President, I hope commonsense will prevail. The proposed ban is untenable, in my opinion, and should be reversed without delay. I ask unanimous consent that several editorials related to saccharin and a copy of my bill be included at this point in the RECORD.

There being no objection, the bill and editorials were ordered to be printed in the RECORD, as follows:

S. 1172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Additives Amendment of 1977".

SEC. 2. Section 409(c) of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new paragraphs:

"(6) Notwithstanding an affirmative determination under the proviso of paragraph (3)(A) of this subsection, the Secretary shall establish a regulation for any additive if he finds that such additive does not present a significant risk to human health. In establishing a regulation under this paragraph the Secretary shall consider among other relevant factors—

"(A) the probable amounts of such additive which can reasonably be expected to be consumed by man,

"(B) the totality of all scientific data (including human experience) which is available in relation to such additive,

"(C) the validity of any tests conducted with regard to such additives, and

"(D) the risk of continued use of such additive relative to the benefits of such continued use.

"(7) Except in a case where the Secretary determines it to be in the immediate public interest to prohibit an additive which has been found to induce cancer in animals, he may not prohibit such additive until such time as a determination has been made under paragraph (6).".

[From U.S. News & World Report, Apr. 4, 1977]

WHY BAN SACCHARIN?

(By Marvin Stone)

How capricious does our Government intend to be—and how far can it be allowed to go—in limiting freedom of choice by individual citizens?

That question is at the heart of the controversy over saccharin, which the Food and Drug Administration proposes to ban because of evidence that it is a cancer-causing agent in force-fed Canadian rats.

Saccharin is the only noncaloric sweetener still legal in this country and is used by virtually every American—in tooth paste, soft drinks, canned fruits and vegetables, gelatin mixes, candy, chewing gum, medicines.

Since its discovery in 1879, saccharin never has been known to produce cancer in humans, so it is not surprising that the FDA has fallen under attack as being arrogant, absurd, unscientific and irrational.

At the moment, whether any or all of that is true is beside the point, because of the Delaney Clause. This 1958 amendment to the Food and Drug Act directs removal from the market of any food additive shown to cause cancer in people or animals. The FDA has no choice, because of the results of the Canadian tests, but to follow the letter of the law.

Because of the public's uproar, hearings have started in Congress to weigh the pros and cons both of the Delaney Clause and of the dangers of saccharin itself.

Experts who testified in late March in favor of banning saccharin stand foursquare behind the Canadian tests in which 17 of 200 rats contracted bladder tumors after being fed saccharin equivalent to human consumption of 200 to 1,200 diet sodas a day. The FDA itself feels the tests are scientifically valid, but the real difficulty, it is admitted, is gauging the implications for humans.

It is the suspicion of some that the FDA, as one arm of the Government, is using its palpably unpopular saccharin decision to bludgeon another arm, the Congress, to do away with the Delaney Clause once and for all. If this be so, it is cruel to use as a weapon the apprehensions of the country's 10 million diabetics who need and use saccharin medically, and of tens of millions of others who sincerely believe that heart disease and cardiovascular ailments are far more common threats to their health than saccharin-induced cancer.

From the start, the whole saccharin mess has been surrounded by a hypocrisy on the part of the Government. What is wrong with allowing Americans to make themselves aware of the arguments for and against the use of saccharin and then leaving them alone to make a free choice—much as they now are free to make a choice whether to smoke tobacco or, for that matter, whether to take the risk of driving on highways that claim 45,000 lives a year?

Surely people in Washington have learned by now that, when common sense has fled from Congress and the bureaucracy, public outrage soon surfaces, and sometimes prevails. Prohibition of whisky, well intentioned as it may have seemed, failed as unenforceable. More recently, seat belts with ignition interlocks provoked a citizen revolt strong enough to force repeal.

The Delaney Clause, while meritorious on the whole, needs to be changed to provide more flexibility. It offers no alternative to an outright ban on saccharin and as such prohibits voluntary decision making.

Americans need not be treated like a mindless mass, with the most personal decisions stuffed down people's throats through restrictive legislation.

The proper approach with saccharin is to tell people in plain English what may be the risk of using it, and let the people decide for themselves whether the risk is worth taking.

As matters stand, the "state" is interfering in decisions that individuals should be making. At best this is capricious and condescending. At worst it is a growing danger and has gone far enough.

[From the Richmond Times Dispatch, Mar. 12, 1977]

KNEE-JERK PATERNALISM

The federal Food and Drug Administration's decision to ban saccharin is a brilliant demonstration of the stupidity of knee-jerk government paternalism. At the mere suggestion that the artificial sweetener might be capable of causing cancer in human beings, the FDA ordered it removed from the market.

And one possible result of the FDA's efforts to "save" people from cancer could be more deaths from heart attacks and other diseases related to obesity. Saccharin, after all, is vitally important to people who need to control their weight.

That the FDA decision was based upon a suggestion rather than overwhelming evidence or incontrovertible scientific fact is clear. The agency acted in response to Canadian studies showing that "very large amounts of saccharin fed to rats produced bladder cancers in some of the animals." No tests have linked saccharin to human cancer, and some experts find it difficult to believe that the average person would ever consume enough of the sweetener to cause this disease. At any rate, many medical experts believe that its importance in the fight against heart disease, diabetes and other ailments related to or affected by diet far outweighs any risks of cancer that it might pose.

The FDA insists that it had no choice but to ban the sweetner, since the so-called Delaney Amendment, which Congress adopted in 1958, provides that nothing which has been found to cause cancer in any species of animal shall be added to food. Well, Congress should change the law. Decisions concerning food additives should be based not upon rigid statutes but upon scientific and medical judgments.

[From the Norfolk Virginian-Pilot, Mar. 14, 1977]

WHY SACCHARIN?

An emotional argument could be made that the Food and Drug Administration is picking on diabetics with its planned prohibition of saccharin. A more dispassionate case could be made that the artificial sweetener is being railroaded on flimsy evidence.

Last week the Federal agency and its Canadian counterpart simultaneously announced intentions to ban saccharin as a potential cancer hazard. The process in Washington, including receiving public reaction, would stall the actual prohibition until midsummer.

The governments' initiatives were based on a Canadian study indicating some tendency to cancer among laboratory rats fed gargantuan quantities of saccharin. That would appear to conflict with the forthcoming report of a study, sponsored by the FDA, showing that monkeys fed massive doses of saccharin exhibited no ill effects.

The laboratory rats were fed 5 per cent pure saccharin in their diets, about 800 times the average human exposure. To absorb the equivalent in diet soda a human would have to drink 75 gallons of it every day. While the average American intake of saccharin is eight pounds yearly (against 126.4 pounds of sugar and other caloric sweeteners) it would take 140 pounds—the contents of 1.5 million of those little packets served in restaurants—to equal the amount the rats ate.

Saccharin, which isn't metabolized by the body, is 200 to 700 times sweeter than sugar. With the banning of cyclamate in 1969 it became the only artificial sweetener on the market. Merchandising of a substitute being developed from orange and grapefruit rinds appears to be about a year away. While three-fourths of American saccharin consumption goes into dietetic soft drinks, the principal beneficiaries are the 10 million diabetics and others who, for medical or weight reasons, must restrict sugar intake. As an alternative to a blanket ban on saccharin the FDA is consideing reclassifying it as a drug, rather than a food additive, so that those who need it can get the artificial sweetener by prescription.

While the proof of saccharin's dangers seems scanty, the FDA's response cannot be held excessive. Under the 1958 Delaney Amendment to the Food, Drug, and Cosmetic Act it is required to proscribe any ingredient used as a food additive which can be shown to cause cancer in animals or man. While its intent is laudable, the rule's force is draconian. The generous interpretation of the FDA's action is that it is a subtle hint to Congress to put a little give in the Delaney Amendment. If so, the point has been made.

[From the New York Times, Mar. 11, 1977]

THE BITTER VERDICT AGAINST SACCHARIN

The Food and Drug Administration had no option but to ban the use of saccharin in foods and beverages when Canadian tests showed that some rats fed large amounts of the substance developed cancer. Since 1958 there has been a statute—the Delaney clause in the basic F.D.A. statute—which flatly bans any food additive that, in its words, "is found to induce cancer when ingested by man or animal. . . ." The law admits no qualifications. For example, the fact that reputable research with monkeys disclosed no abnormalities after they had been given large doses of saccharin for 6½ years cannot even be taken into account.

Saccharin has been used for about 80 years, with no evidence that it has ever produced a single cancer in a single human being. The rats whose tumors caused the F.D.A. to act were fed diets containing 5 percent saccharin. A human would have to drink 800 twelve-ounce bottles of diet soda every day of his life to ingest a quantity of saccharin comparable to that fed the unfortunate rats. Yet diabetics and others who cannot or should not ingest normal sugar are being denied their last known legal sweetener on the basis of that unrealistic "test of safety."

The defects of the Delaney clause go beyond the fate of saccharin—or, earlier, of cyclamates which were banned on similar evidence. The unqualified nature of the Delaney clause prohibits rational decision-making. In effect, it says that if any risk of cancer can be demonstrated, then that is that. There is no room for weighing the benefits of saccharin or whatever other substance is involved against its costs. Yet such cost-benefit analysis is basic to any sensible judgment.

The saccharin decision points up the weaknesses of the Delaney clause, which has long needed replacement by a more balanced effort to protect the public against carcinogens.

By Mr. DOLE (for himself and Mr. MELCHER):

S. 1174. A bill entitled the Critical Lands Resource Conservation Act of 1977; to the Committee on Agriculture, Forestry, and Nutrition.

CRITICAL LANDS RESOURCE CONSERVATION ACT OF 1977

Mr. DOLE. Mr. President, today, I introduce the Critical Lands Resource Conservation Act of 1977, and I am pleased that the distinguished Senator

from Montana (Mr. MELCHER) has joined me as cosponsor of this timely and important legislation.

GREAT PLAINS WIND EROSION

The persistent drought conditions throughout the Western United States have had an especially disasterous impact on agricultural lands in the Great Plains States. Producers in this region face not only the loss of their crops; they are also threatened with the loss of their topsoil as spring winds rip across the Plains and grow into duststormss reminiscent of the 1930's.

In the first 3 months of 1977, 3.8 million acres of Great Plains cropland have suffered wind erosion, and an additional 17 million acres are so dry and unprotected that they are now in a condition to blow. The U.S. Soil Conservation Service estimates that the average annual soil loss in the Great Plains is running in excess of 14 tons per acre per year. This is 10 tons per acre more than what SCS considers to be an acceptable rate of soil loss.

Clearly, if erosion of this magnitude is allowable to continue, the future productivity of the wheat belt will be placed in serious jeopardy.

PLOWUP OF FRAGILE LAND

Drought and wind erosion have plagued the Great Plains since the pioneer farmers began to plow up the midgrass and shortgrass prairies 100 years ago. But all indications suggest that the problem has grown much worse in the last 3 years. The recent trend toward fence row to fence row production has resulted in the cultivation of many thousands of acres of fragile land which should have been left in permanent vegetative cover. Wheat prices have plummeted from their peak in 1973–74, and carryover stocks have grown to an alarming size, but much fragile, erodable land remains in production.

SOIL CONSERVING COVER

The Critical Lands Resource Conservation Act addresses the conservation needs of the Great Plains by encouraging farmers to seed marginal cropland in permanent vegetative cover. Specifically, my legislation authorizes the Secretary of Agriculture to enter into 2-year contracts with landowners in the area eligible for the Great Plains conservation program to convert up to 50 percent of their cropland from soil depleting crops, such as wheat, to soil conserving cover crops.

Cooperating farmers will receive up to $30 per acre per year for their set-aside, but they may neither graze the land nor harvest crop except when the President declares a disaster resulting from drought or other natural catastrophes. Contracts may be renewed for 1-year periods upon agreement between the Secretary and the landowner.

COSTS AND BENEFITS

In practice, my legislation may easily result in the conversion of 10 to 15 million acres of marginal wheatland into such soil conserving cover crops as alfalfa, sweet clover, or rye grass. Assuming an average payment of $15 per acre, the program will cost the Treasury from $150 to $225 million.

The price tag is high, but the return on our investment will fully justify the cost. In addition to the substantial conservation benefits, the program will serve as an incentive to curb wheat production at a time of oversupply and weak demand. The diversion of 10 to 15 million acres of marginal cropland means a reduction of our total annual wheat production of 150 to 300 million bushels. This compares with a wheat surplus currently running at 1.1 billion bushels.

I should also point out that although my program may require direct payments in excess of $200 million. It also involves indirect savings in the form of price support and disaster payments which would no longer be paid out on wheat harvested from marginal cropland.

Mr. President, the Great Plains region is the breadbasket of this Nation and all the other nations which depend on American wheat. It is time we took positive action to protect the essential soil resource of this region and assure its continued productivity. I urge my colleagues to take timely and affirmative action on the Critical Lands Resource Conservation Act of 1977.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Critical Lands Resource Conservation Act".

SEC. 2. Notwithstanding any other provision of law:

(a) The Secretary is authorized and directed to formulate and carry out a program with owners and operators of land in the Great Plains area as described in section 16(b) of the Soil Conservation and Domestic Allotment Act to reduce runoff, soil and water erosion, and otherwise to promote the conservation of soil and water resources in such area through the conversion of cropland from soil depleting uses to conserving uses including the production of soil conserving cover crops.

(b) To effectuate the purposes of this Act the Secretary shall enter into agreements for a two-year period with an owner or operator as described in subsection (a) whereby the owner or operator shall agree to devote to a soil conserving cover crop a specifically designated acreage of cropland on the farm up to 50 per centum of the acreage which had been planted to soil depleting crops in any of the two years preceding the date of the agreement. The agreement shall be renewable for annual periods thereafter subject to the mutual agreement of the owner or operator and the Secretary. In such agreements the producer shall agree (1) to plant a legume, or if not adapted to such area, an annual, biennial, or a perennial cover crop, as specified in the agreement; (2) to divert from production such portion of one or more crops designated by the Secretary as he determines necessary to effectuate the purpose of the program; (3) not to harvest any crop from or graze the designated acreage during the agreement period, unless the Secretary determines that it is necessary to permit grazing or harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural dissaster, and consents to such grazing or harvesting subject to an appropriate reduction in the rate of payment; (4) to give adequate assurance, as specified by the Secretary, that the land was not acquired for the purpose of placing it in the program: *Provided,* That this shall not prohibit the continuation of an agreement by a new owner if an agreement has once been entered into under this Act and that the foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain; (5) to forfeit all rights to further payments under the agreement and refund to the United States all payments received thereunder upon his violation of the agreement at any stage during the time he has control of the land if the Secretary determines that such violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the agreement; (6) upon transfer of his right and interest in the farm, during the agreeemnt period, to forfeit all rights to further payments or grants under the agreement and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the agreement; (7) not to adopt any practice specified by the Secretary in the agreement as a practice which would tend to defeat the purposes of the agreement; and (8) to such additional provisions as the Secretary determines are desirable to effectuate the purposes of the program or to facilitate the practical administration of the program, including such measures as the Secretary may deem appropriate keep the designated acreage from eroding and free from weeds and rodents in accordance with good conservation systems.

(c) In consideration for such agreements the Secretary shall make an annual adjustment payment to the owner or operator for the period of the agreement at such rate or rates not in excess of $30 per acre as the Secretary determines to be fair and reasonable. The Secretary may use an advertising and bid procedure in determining the lands in any area to be covered by agreements and the payment rate to be made to the producers thereof. The Secretary and the owner or operator may agree that the annual adjustment payments for the agreement period shall be made either upon approval of the agreement or in such installments as they may agree to be desirable: *Provided,* That for each year any annual adjustment payment is made in advance of performance, the annual adjustment payment shall be reduced by 5 per centum.

(d) The Secretary may terminate any agreement under this Act by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree with the owner or operator to such modification of agreements as he may determine to be desirable to carry out the purposes of the program or facilitate its administration.

(e) The Secretary may, to the extent he deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops to establish vegetative cover for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program.

(f) In carrying out the program, the Secretary shall utilize the services of local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and the technical services of the Soil Conserva-

tion Service and soil and water conservation districts.

(g) In case any producer who is entitled to any payment or compensation dies, becomes incompetent, or disappears before receiving such payment or compensation, or is succeeded by another who renders or completes the required performance, the payment or compensation shall, without regard to any other provisions of law, be made as the Secretary may determine to be fair and reasonable in all circumstances and so provide by regulations.

(h) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under this program.

(i) The Secretary shall prescribe such regulations as he determines necessary to carry out the provisions of this Act.

(j) There are hereby authorized to be appropriated for the period beginning October 1, 1977, and ending September 30, 1981, such sums as may be necessary to carry out the program provided for in this Act. The Secretary is authorized to utilize the facilities, services, and authorities of the Commodity Credit Corporation in discharging his functions and responsibilities under this program, including payment of costs of administration: *Provided*, That the Commodity Credit Corporation shall not make any expenditures for such purposes unless the Corporation has received funds to cover such expenditures from appropriations made to carry out this Act.

By Mr. HASKELL:

S. 1176. A bill to require the Administrator of the Environmental Protection Agency to exercise his authority under the Safe Drinking Water Act to make grants for certain demonstration projects; to the Committee on Human Resources.

SAFE DRINKING WATER ACT

Mr. HASKELL. Mr. President, I am introducing today a simple bill to extend for 1 year section 1444 of Public Law 93–523, the Safe Drinking Water Act. My legislation also changes the discretionary language of section 1444.

Section 1444 pertains to special study and demonstration project grants which, among other things, would assist in the development of projects which demonstrate new methods, approaches, and technologies for providing a dependably safe supply of drinking water to the public.

Moneys authorized under section 1444 total $25 million for fiscal years 1975 through 1977. Yet, I understand the Environmental Protection Agency has not requested appropriations for funding section 1444 programs.

Mr. President, the list of damages from the current Western drought continues to grow. This, compounded by the administration's reevaluation of previously authorized water projects in the State of Colorado, has left me searching for ways to reap every benefit possible from our State's water. I feel we have no choice but to pursue such a course. I must emphasize that in Colorado water is relatively scarce and precious.

Recently I have been studying proposals to recycle municipal wastewater and feel this approach to water conservation has substantial potential. Yet, such proposals are not receiving Federal assistance. As I have stated, the Administrator of EPA has the authority to render assistance in the form of grants.

The Safe Drinking Water Act expires this year. I do not know whether the entire act merits extension. Very likely, it will be revised by those who have had a chance to work with it over these past 3 years. My purpose here is to extend section 1444 for 1 year at the previous year's authorization of $10 million and to change the discretionary language to require the Administrator of the Environmental Protection Agency to make grants for sound, innovative projects such as the recycling of municipal wastewater for potable use. I believe the time is appropriate to get on with this promising technology.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 1444 of the Public Health Service Act (42 U.S.C. 300j–3(a)) is amended by striking out "The Administrator may make grants" and inserting in lieu thereof "The Administrator shall offer grants".

(b) Subsection (c) of section 1444 of the Public Health Service Act (42 U.S.C. 300j–3 (c)) is amended to read as follows:

"(c) For the purposes of making grants under subsections (a) and (b) of this section, there is authorized to be appropriated $10,000,000 for the fiscal year ending September 30, 1978.".

ADDITIONAL COSPONSORS

S. 49

At the request of Mr. MATHIAS, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 49, a bill to establish a Small Business Administrative Review Court.

S. 76

At the request of Mr. STONE, the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of S. 76, a bill to amend title XVIII of the Social Security Act to authorize a payment under the medicare program for certain services performed by chiropractors.

S. 79

At the request of Mr. HELMS, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 79, a bill to restore the enforceability of gold clause contracts.

S. 87

At the request of Mr. BUMPERS, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 87, a bill to amend title II of the Social Security Act to increase to $4,800 the amount of outside earnings permitted without deductions from benefits thereunder.

S. 146

At the request of Mr. GOLDWATER, the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 146, a bill to repeal the earnings limitation of the Social Security Act for all workers age 65 and over.

S. 175

At the request of Mr. SCHWEIKER, the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 175, a bill to provide a special program of financial assistance to Opportunities Industrialization Centers and to other national community based organizations.

S. 506

At the request of Mr. HUMPHREY, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 506, the Wage Supplements for Handicapped Individuals Act.

S. 597

At the request of Mr. BENTSEN, the Senator from Montana (Mr. MELCHER) and the Senator from Utah (Mr. GARN) were added as cosponsors of S. 597, a bill to amend the Federal Water Pollution Control Act.

S. 672

At the request of Mr. HUMPHREY, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 672, the Solar Energy Government Building Act.

S. 694

At the request of Mr. KENNEDY, the Senator from Oklahoma (Mr. BARTLETT), the Senator from Illinois (Mr. STEVENSON), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. ANDERSON), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of S. 694, a bill to adjust the status of Indochinese refugees to that of lawful permanent residents of the United States.

S. 803

At the request of Mr. HELMS, the Senator from Utah (Mr. GARN), the Senator from Hawaii (Mr. MATSUNGA), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of S. 803, a bill to amend the Internal Revenue Code of 1954 to provide that certain liens for taxes shall not be valid unless actually entered and recorded in the office in which the lien is filed.

S. 856

At the request of Mr. STONE, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 856, a bill to amend the Internal Revenue Code of 1954 to allow a deduction to individuals who rent their principal residences for a portion of the real property taxes paid or accrued by their landlords.

S. 1046

At the request of Mr. SCHWEIKER, the Senator from Idaho (Mr. MCCLURE) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1046, a bill to amend the Federal Food, Drug and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it.

S. CON. RES. 14

At the request of Mr. MATSUNAGA, the Senator from Idaho (Mr. CHURCH) and

the Senator from New Jersey (Mr. CASE) were added as cosponsors of Senate Concurrent Resolution 14, urging the Canadian Government to reassess its present policy of permitting the killing of newborn harp seals in Canadian waters.

AMENDMENT NO. 40

At the request of Mr. MCCLELLAN, the Senator from New Jersey, (Mr. WILLIAMS) was added as a cosponsor of amendment No. 40, intended to be proposed to S. 11, a bill to provide for the appointment of additional district court judges.

AMENDMENTS SUBMITTED FOR PRINTING

CODE OF OFFICIAL CONDUCT—SENATE RESOLUTION 110

AMENDMENT NO. 164

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by him to Senate Resolution 110, to establish a code of official conduct for Members, officers, and employees of the U.S. Senate, and for other purposes.

AMENDMENT NO. 165

(Ordered to be printed and to lie on the table.)

Mr. BENTSEN submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 166

(Ordered to be printed and to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

SENATE RESOLUTION 127—SUBMISSION OF A RESOLUTION WAIVING THE CONGRESSIONAL BUDGET AND IMPOUNDMENT ACT WITH RESPECT TO CONSIDERATION OF S. 36

(Referred to the Committee on the Budget.)

Mr. CHURCH submitted the following resolution:

S. RES 127

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 36, a bill to authorize appropriations to the Energy Research and Development Administration for fiscal year 1977 for the purpose of research and development of new forms of energy, energy conservation techniques, and conversion of energy. Such waiver is necessary to permit consideration of the ERDA authorization for fiscal year 1977, which was reported by the Committee on Energy and Natural Resources prior to May 15, 1976, but which failed to become law during the last session of Congress. If consideration of S. 36 is prevented, ERDA will be unable to reprogram above amounts contained in relevant appropriations bills; will be unable to initiate, with specific Congressional direction, the National Energy Extension Service for which appropriations have already been made; and, will be unable to initiate, with specific Congressional direction, certain solar energy projects. In addition, certain other provisions relating to a small grants program for appropriate technology, measures dealing with employee and organizational conflicts of interest will not be authorized without passage of S. 36.

NOTICES OF HEARINGS

NOTICE OF CHANGE OF HEARING DATE FOR OUTER CONTINENTAL SHELF LEGISLATION

Mr. JACKSON. Mr. President, I wish to announce for the benefit of Senators and other interested parties a change in the hearing date for S. 9. The hearing originally scheduled by the Committee on Energy and Natural Resources for April 21 has been changed to April 25 at 10 a.m. in room 3110, Dirksen Senate Office Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HASKELL. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Energy Research and Development of the Senate Energy and Natural Resources Committee.

The hearing is scheduled for April 1, beginning at 9:30 a.m. in room 3110, Dirksen Senate Office Building. Testimony will be heard from the following witnesses: Dr. Armand Hammer, chairman of the board and chief executive officer, Occidental Petroleum Corporation; a representative of the Congressional Budget Office; a representative of the General Accounting Office, and John McCormick, Washington representative of the Environmental Policy Center. This is the third in a series of hearings on this legislation.

Those wishing to submit a written statement for the hearing record or who wish further information on the hearing should contact Ben Yamagata of the subcommittee staff on extension 4–1076.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MATHIAS. Mr. President, on behalf of the distinguished chairman of the Committee on Governmental Affairs, the Senator from Connecticut (Mr. RIBICOFF) I wish to give notice that the Committee on Governmental Affairs has scheduled hearings on S. 826, a bill to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy. As part of those hearings, it will consider how the proposed reorganization will effect programs within the Federal Government dealing with nuclear waste management.

While the main focus of the hearings will be on the literal impact of the reorganization in terms of macrostructure, the issue of what internal reorganization within the new Department of Energy will occur will also be addressed. In addition, proposals will be considered on what the nuclear waste program structure should look like in the near future if we are to attain the goal of dealing with this waste problem.

Testimony will be received from Federal agencies and public witnesses. Included in the latter will be Prof. Mason Willrich who recently completed a study on nuclear waste for the Energy Research and Development Administration. Hearings are scheduled in Washington on April 8, 1977, in room 3302, Dirksen from 9 a.m. to 5 p.m.

Members of the Senate and other interested parties wishing to testify or submit statements for the Record should have their staff contact Joseph E. diGenova, minority counsel, Subcommittee on the District of Columbia, on extension 47114 or 44654.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND FEDERAL SERVICES

Mr. GLENN. Mr. President, the Subcommittee on Energy, Nuclear Proliferation, and Federal Services will hold hearings on April 1, 4, and 6, commencing at 10 a.m. on each day in room 3302, Dirksen Senate Office Building. The hearings on April 1 and 6 will focus on S. 897, the Nuclear Nonproliferation Act of 1977, while that of April 4 will focus on the forthcoming report on nuclear proliferation and safeguards prepared by the Office of Technology Assessment.

SUBCOMMITTEE ON HOUSING, INSURANCE, AND CEMETERIES

Mr. CRANSTON. Mr. President, I wish to announce that the Committee on Veterans' Affairs, Subcommittee on Housing, Insurance, and Cemeteries, will hold public hearings on May 3 and 5 from 9 a.m. to 12 noon in room 6202, Dirksen Office Building for the purpose of receiving testimony of S. 718, a bill to provide veterans with cost disclosure information relating to the conversion of government-supervised insurance to individual commercial life insurance policies. The hearings will be chaired by the distinguished Senator from Florida (Mr. STONE), the chairman of the subcommittee.

Further information may be obtained from the committee office, room 414, Russell Office Building, telephone 224–9126. Members of the public and other interested parties wishing to testify at these hearings should contact Mr. Craig Wolfson of Senator STONE's staff at 224–1538.

PARKS AND RECREATION SUBCOMMITTEE

Mr. ABOUREZK. Mr. President, I wish to announce for the information of the Senate and the public, the scheduling of a public hearing before the Parks and Recreation Subcommittee of the Senate Energy and Natural Resources Committee.

The hearing is scheduled for April 21, 1977, beginning at 10 a.m. Testimony is invited regarding S. 658, a bill to designate certain lands for inclusion in the National Wilderness Preservation System.

For further information regarding the hearings you may wish to contact Mr. Thomas Williams of the subcommittee staff on extension 47145. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Parks and Recreation Subcommittee, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.

ENERGY COSTS AND THE ELDERLY

Mr. CHURCH. Mr. President, the Senate Committee on Aging will conduct a hearing on "The Impact of Rising Energy Costs on Older Americans" on April 5 and 7, 1977. The hearing will begin at 10 a.m. in room 1202, Dirksen Senate Office Building on April 5, and at 10 a.m. in room 1224, Dirksen Senate Office Building on April 7. This hearing is a continuation of hearings held in 1974 and 1975 on this issue. Testimony will be taken from consumers and Federal agencies in the special impact of rising energy prices on the elderly and steps which need to be taken to avert a recurrence of the events of this past winter.

ADDITIONAL STATEMENTS

U.S. CANAL ZONE AND PANAMA CANAL: CONTROL WITHOUT SOVEREIGNTY IS DOUBLE-SPEAK

Mr. HELMS. Mr. President, as Members of Congress are becoming increasingly aware, the question of the continued sovereign control by the United States of the U.S. owned Canal Zone and Panama Canal has become a matter of both national and international interest. One feature of this interest has been the publication of perceptive articles by eminent authorities, among them Hanson W. Baldwin, a distinguished military historian, outstanding strategist, and former military editor of the New York Times.

In the first of a recent series of two articles in a Waterbury, Conn., newspaper, he stresses the strategic value of the Panama Canal, emphasizes the Caribbean-Gulf of Mexico as our "soft underbelly," and refutes some of the current criticisms of the canal's "continuing and far-reaching importance" to the United States.

In the second article of this series, Mr. Baldwin condemns the 1974 Kissinger-Tack "agreement of principles" under which the current diplomatic negotiations for a new Panama Canal Treaty are being negotiated, emphasizes some of the ruthless violations of human rights by "neo-Marxist dictatorship" of Panama, describes Panamanian threats of violence as "overdrawn," asks whether it is more important to avoid "confrontation and condemnation" than to "retain control of the canal," and concludes that "if we refuse to defend highly important or vital interests merely to avoid the blackmail threat of violence we are finished before the crisis erupts."

Mr. President, the United States is a great and powerful Nation and Panama is small and weak. What is needed in the current Isthmian situation is a combination of courage and caution, because surrender of U.S. sovereignty over the Canal Zone means loss of control over the Panama Canal. As Mr. Baldwin says, "control without sovereignty is double-speak."

Mr. President, as the two indicated articles by Mr. Baldwin should be of unusual interest to all Members of Congress and the Nation at large, I ask unanimous consent to have them printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[The Waterbury Sunday Republican, Feb. 6, 1977]

PANAMA CANAL VITAL TO U.S. INTERESTS

(By Hanson W. Baldwin)

The future of what should be America's "Mare Nostrum"—the Caribbean Sea-Gulf of Mexico—will be profoundly affected by one of the first crucial foreign policy decisions of the Carter Administration.

That issue is the Panama Canal—its security and control, and its sovereignty.

Not since Fidel Castro took over Cuba and established a Russian-supported and Russian-armed Communist bastion within 60 miles of our shores has there been any foreign policy issue so close to home and so important to basic American political and strategic positions as the current and long-continuing negotiations with the Republic of Panama about a new Canal treaty.

The terms of such a treaty will have significance that will extend far beyond the operation of the canal, the status of the narrow strip of land around it—the Canal Zone (until now considered U.S. sovereign territory), or its effects upon Panama itself or other Latin-American nations. The ultimate stakes could well be control of a vital sea area—all of that vast, island-dotted watery space to our south across which most of the main north-south, east-west air and sea trade routes of the Western Hempishere flow.

Not since the Monroe Doctrine was first enunciated 150 years ago has there been such a major threat to its validity as there is today. Ever since Castro came to power, the Doctrine has been more honored in the breach than in the observance. Soviet MIGs flying from Cuban fields, Soviet submarines calling at Russian-built Cuban bases, Cuban troops armed with Russian weapons, transported by Russian planes to African Angola, and Russian-trained Cuban guerrillas, infiltrators, agents provocateurs, and "training" and "aid" missions in various Latin-American countries, including Panama, Guayana, Jamacia and Puerto Rico are all signs of a spreading infection.

The area that Alfred Thayer Mahan and all succeeding generations of strategists have considered in the vital interest of the United States to control is now often laced by the vapor trails of Russian jets or the unseen passage of Soviet submarines.

IMPORTANT FOR TRADE

There is no doubt about it; the Monroe Doctrine today is in considerable peril.

The Caribbean Sea-Gulf of Mexico is an area of tremendous geographical and economic, and hence of strategic, importance to the United States. Across its waters, or through its skies flows a very sizable portion of the lifeblood of U.S. industry and commerce—coffee and manganese from Brazil, bananas and tropical fruits from Central America and the islands; copper from Peru and Chile; bauxite from Jamaica and Surinam; oil from Venezuela.

Some 13 major global trade routes funnel through the Canal. About 16.8 per cent of U.S. trade passes through the Canal and it has been estimated that of all cargoes transiting Panama in ships of all flags, some 70 per cent is bound to or from U.S. ports.

The Canal-Caribbean-Gulf area provides access by sea and air to our vital Gulf Coast ports and the increasingly important offshore oil and gas fields in the Gulf, to the mighty Mississippi, jugular vein of the nation, and to the "soft underbelly"—the very soft underbelly—of the United States.

The present-day military importance of the Canal is too often dismissed. Two principal criticisms of its alleged lack of utility are made: It could, it is said, be instantly destroyed in a nuclear war, and its locks are not wide enough to accommodate "modern" vessels.

Both statements are false, irrelevant or over-simplified. In a nuclear war, the Canal and for that matter, many other areas in the United States and overseas would simply have no relevance, either as targets or as positive military assets. But the Canal does have major and continued importance in non-nuclear conflicts or confrontations, which are, by far, the most likely contingencies of tomorrow.

During the Cuban missile crisis, Marines and supplies from the West Coast were ferried through the Canal to the Caribbean; if they had had to pass around Cape Horn they would never have arrived in time to influence the outcome. During the Vietnam War, one-third of all sea-borne cargoes bound for Vietnam transited the Canal, after loading at Gulf or Atlantic ports.

ADEQUATE FOR NAVY

Today, with our Navy greatly reduced in numbers, we face the same situation we did before World War II—a one-ocean fleet with two-ocean responsibilities.

Contrary to impression, every vessel of the United States Navy, except for 13 first-line aircraft carriers, can transit the Canal, including all our missile-firing and attack submarines, all our anti-submarine and escort forces, our amphibious vessels and our support and supply craft—a factor of great importance when a crisis is brewing.

There has long been, moreover a once-started, but still dormant plan to build, within the present zone a third set of locks (or a sea-level Canal), wider than the 110-foot width of the present locks and possibly of greater depth, which would accommodate, at some future time, when and if traffic needs demand it, not only the world's largest naval vessels, but some of the huge ore carriers and supertankers.

Contrary, therefore, to popular impression, the Canal does have continuing and far-reaching importance to the United States. And the new Panama Canal Treaty, at least in the terms in which it is being discussed, would be bound to have major political, strategic and psychological effects upon the entire Caribbean Sea-Gulf of Mexico area and upon our relations with Latin America.

This is because, for the first time since the Panama Canal was built in the early part of this century by U.S. engineers and with U.S. money and the Canal Zone was bought outright with taxes provided by U.S. citizens, we propose to transfer sovereignty over the Canal and the Zone to Panama in the biggest "give-away" in our history.

The basic treaty—the Isthmian Canal Convention of 1903—explicitly ceded a 10 mile strip of territory across the isthmus from the new Republic of Panama to the United States, "in perpetuity." The treaty provided that in the Zone, the United States would exercise "all the rights, power and authority . . . which it would possess and exercise if it were the sovereign of the territory . . . to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

This fundamental provision, which ceded full sovereignty over the Canal and the Canal Zone to the United States (an interpretation which has been twice supported by the U.S. Supreme Court and was, initially, fully accepted by Panama) still stands, although other provisions of the original treaty have been revised or modified many times, always

at the expense of the American taxpayer and for the benefit, not of the United States—but of Panama.

[From the Waterbury Sunday Republican, Feb. 20, 1977]

DECISION ON CANAL'S FUTURE AT HAND

(By Hanson W. Baldwin)

We have now reached, because of the "waffling" of past administrations and long continued concessions, a point-of-no-return, when we must put up or shut up.

In 1974 Henry Kissinger unwisely signed a "statement of principles" to govern negotiations for a new Panama Canal zone treaty. Kissinger agreed that the concept of perpetuity should be eliminated and, in effect, that the new treaty should end—after a fixed but undecided period of time (the year 2000 is generally mentioned)—U.S. sovereignty and control over the Canal and the Zone.

Ever since, negotiations with Panama have been conducted—despite strong and strengthening protests in Congress and among many sections of U.S. public opinion—within the framework of these limitations.

After a virtual hiatus most of last year because of the presidential campaign and the interjection of the Canal issue into it, the negotiations are to resume momentarily under the auspices of a new administration. Our protagonist, however, is still the same radical demagogic dictator, who has ruled Panama's 1.5 million people for the past eight years.

Omar Torrijos seized power in a coup and has retained it by armed force (the support of the Panamanian National Guard, the only military-police power in the country) and by the bland promises of pie-in-the-sky—ultimate sovereignty over the Canal and the Zone. He has not hesitated to rule roughshod; he has exiled some dissident business men, completely controls a fully censored press and he has outlawed all political opposition. His government has become a kind of neo-Marxist dictatorship, not only in its domestic policies, but in its close and cordial relationships with Castro and Moscow. Only one party—Torrijos' "Peoples Party"—is permitted; there are numerous known communists among its leaders.

Torrnjos has staked his political future on taking over the Canal and he may well have unleashed forces he cannot control. His bargaining style continues in the Latin Political tradition of making Uncle Sam a whipping boy; it is a mixture of open threat and nationalistic bluster. But what he considers his aces in the hole are the prediction—indeed the promise—that unless a treaty ceding ultimate sovereignty to Panama is concluded this year, the United States will face armed confrontation (i.e. rioting mobs, terrorist and sabotage activity, guerrilla war, even a kind of low-key Panamanian "Vietnam"); and we shall also face the united condemnation of al the Latin-American nations.

Both threats are, in my view, overdrawn—particularly the latter. But the question still remains:

Is it more important to avoid confrontation and condemnation than it is to retain control of the Canal, a security asset of tremendous importance in its own right but of even greater significance to the future of that vital area—the Caribbean Sea-Gulf of Mexico?

DISASTROUS CONSEQUENCES

The psychological and political consequences of the abandonment of sovereignty by the United States in the Zone—in the face of repeated threats by a minor dictator openly backed by Castro and Russian communism—to our naval base at Guantanamo Bay, Cuba, to other U.S. base rights overseas and to our strategic position in the Caribbean could be disastrous. The questions that would inevitably be asked are:

Is the United States a paper tiger?

Where, after Vietnam and Angola and now, Panama, would we draw the line, if not at our own back door?

It is certainly true that rioting mobs tomorrow, as in the past, are an ever present possibility in Panama; Latin volatility and Communist provocateurs, aided by trained Cuban infiltrators, insure that. Sabotage and terrorism, if supported by Cuba and/or Russia, could become serious; some bombing incidents involving the automobiles of Zone residents who oppose the transfer of sovereignty have already occurred. But serious sabotage of the Canal itself, even if it could be accomplished, would be an irrational act. For Panama, it would kill the goose that laid the golden egg.

A large-scale guerrilla war, another Vietnam, is highly unlikely. We want no more Vietnams, but surely Panama does not want a Central American Vietnam either, and the great majority of Panamanians are not the dedicated and disciplined fanatics that we faced in the jungles of Southeast Asia.

In any case, if we are to avoid confrontation all over the world by concession and retreat, if we refuse to defend highly important or vital interests merely to avoid the blackmail threat of violence we are finished before the crisis erupts.

RISK IS NECESSARY

As to Latin-America, we must risk its wrath. But it will be far from unanimous—no matter what some Latin American spokesman say, pro forma, for public consumption. Fundamentally the nations of Latin-America and the Southern Hemisphere have always respected strength. Many of them are highly dependent on the waterway, and some of them, quite satisfied with the low rates and efficiency of American operation of the Canal, mistrust the probable instability and uncertainty of Panamanian rule.

There is, too, very considerable uneasiness about Communist influence in Panama and the close ties Torrijos has established with Castro. The memories of Angola and the fears of Russian imperialism within the Western Hemisphere are vivid.

During last Fall's political campaign, both President Ford and Jimmy Carter avoided the real issue in the Panama negotiations which is the question of U.S. sovereignty and the security of our "soft underbelly." Neither of them referred to the major problem of the Canal issue—the strategic importance of the Caribbean, and both of them said they would maintain "control" of the Canal.

The exact words of now President Carter, which are today most germane, were:

"I would never give up complete control or practical control of the Panama Canal Zone. But I would continue to negotiate with the Panamanians."

In other words have your cake and eat it, too. Give up sovereignty, perhaps, but maintain security and control. It's a nice trick, if you can do it.

We lost our great airfield in Libya and our entire military investment there after a change of regime. We were denied overflight or refueling bases during the last Mid-East war, even by our allies. After the Cyprus crisis both Turkey and Greece either limited U.S. operations at our bases in those countries or closed them down.

Sovereignty means control. Control without sovereignty is double-speak.

FORMATION OF NEW YORK STATE ALLIANCE TO SAVE ENERGY

Mr. PERCY. Mr. President, this morning's New York Times reported a March 28 meeting in New York City at which Senators JACOB JAVITS and DANIEL MOYNIHAN joined in launching the New York State Alliance to Save Energy. The meeting included a number of distinguished business and government leaders, including the mayors of New York City, Buffalo, Syracuse and Yonkers and the chairman of Consolidated Edison. On behalf of Senator HUMPHREY and myself I congratulate our distinguished colleagues for their initiative and foresight.

Like the national Alliance to Save Energy, whose honorary co-chairmen are Vice President MONDALE and former President Ford, the New York State Alliance to Save Energy will be a nonpartisan effort. The purpose of the New York organization, according to Senators JAVITS and MOYNIHAN, is to emphasize to the public the need for energy conservation and to develop public and private energy-saving measures. The New York State Alliance will also develop educational material on energy conservation and encourage organizations and individuals to put energy-saving programs into effect.

Mr. President, I ask unanimous consent that the full text of the March 29 New York Times report of this event be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ENERGY GROUP BACKED FOR NEW YORK STATE: GOVERNMENT AND BUSINESS LEADERS MOVE TO ESTABLISH AN ALLIANCE TO ENCOURAGE CONSERVATION

(By Emanuel Perlmutter)

A step toward the formation of a New York State Alliance to Save Energy was taken yesterday at a meeting of Senators Jacob K. Javits and Daniel Patrick Moynihan with business and governmental officials.

The Senators said at the meeting, in the Ford Foundation's headquarters at 320 East 43d Street, that they would announce the appointment of an executive board for the alliance within two to three weeks.

The organization, Mr. Javits and Mr. Moynihan said, will emphasize to the public the need for energy conservation and will develop public and private energy-saving measures. It will also develop educational material on energy conservation and encourage organizations and individuals to put energy-saving programs into effect.

The national alliance, of which President Carter and Vice President Mondale are honorary co-chairmen, has asked that similar units be set up by the states. Thus far, only Illinois and New York have taken steps to do so.

BEAME VOICES SUPPORT

Mr. Javits and Mr. Moynihan said the state alliance would operate independently but within the framework of the National Alliance to Conserve Energy. The establishment of the national group was announced last month by Senator Hubert H. Humphrey, Democrat of Minnesota and Senator Charles H. Percy, Republican of Illinois. Like the national group, the state body will be bipartisan.

Mayor Beame, who attended yesterday's

meeting, said that "the alliance will be a great help to the Northeast, which is so dependent on foreign oil—New York City joins in heartily."

Others at the meeting who also expressed approval of the alliance's aims were Mayors Stanley M. Makowski of Buffalo, Lee F. Alexander of Syracuse and Angelo R. Martinello, of Yonkers. Approval was also expressed by Alfred B. DelBello, the Westchester County Executive; Edward Egan, the Erie County Executive; Robert A. Low, New York City's Environmental Protection Administrator, and James A. Fitzpatrick, the chairman of the New York State Power Authority.

Representatives of business organizations included Charles F. Luce, the chairman of the Consolidated Edison Company; Dorothy Gregg, vice president of the Celanese Corporation, and Andrew Craig, an Albany banker.

AIRCRAFT ILLEGALLY CROSSING INTERNATIONAL BORDER

Mr. GOLDWATER. Mr. President, the Federal Government has given little more than lipservice to the problem of aircraft illegally crossing the international border into Arizona. Almost daily crossings are made by aircraft transporting illegal narcotics into our State and this constitutes a critical threat to the security and safety of the citizens of this Nation and the inhabitants of Arizona.

Recently, Mr. President, the House of Representatives of the State of Arizona adopted a resolution urging the President and the Congress to marshal all possible resources to handle this growing problem. I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION 2003

A resolution urging the President and Congress of the United States to marshal all the resources at their command to prevent aircraft illegally crossing the international border into Arizona and to take immediate measures to ensure the security of the international border

Whereas, the federal government has given little more than lip service and has shown an insufficient commitment toward containing and solving the problem of aircraft illegally crossing the international border into Arizona; and

Whereas, innumerable successful daily crossings of the international border by aircraft transporting illegal narcotics present a significant and pressing problem in Arizona; and

Whereas, the importation of such large quantities of illegal narcotics by air is an immediate, critical and ominous threat of the security and safety of the citizens of this nation and the inhabitants of Arizona in particular; and

Whereas, the situation of international political and social unrest in many countries south of the boundaries of the United States poses a threat to our security; and

Whereas, the threat of aircraft of a foreign power hostile to the interests of the United States crossing the international border into Arizona is a real threat to national defense and the security of Arizona; and

Whereas, the United States has hundreds of miles of unguarded border on its southern boundaries. Therefore,

Be it resolved by the House of Representatives of the State of Arizona:

1. That the Members of the House of Representatives respectfully request that the President and the Congress of the United States marshal all the resources at their command to prevent illegal flights of aircraft across the Arizona border into the United States.

2. That the Members of the House of Representatives respectfully request that the President and the Congress of the United States take immediate measures to ensure the security of its international border as an intrinsic component of national defense.

3. That the Secretary of State of the State of Arizona transmit a duly certified copy of this resolution to the President of the United States House of Representatives and to each Member of the Arizona Congressional Delegation.

TELEVISION COMMERCIALS

Mr. GOLDWATER. Mr. President, over the Christmas holidays last year, I had an opportunity to watch more television than is my custom, and I was impressed at how many commercials appeared under the sponsorship of the Federal Government. It struck me that the enormous bureaucracy which has been amassed by the Federal Government required an unusual amount of visual and auditory explanation. As a result, I wrote to the Comptroller General of the United States and asked him for the figures on how much the Federal Government spends each year in television commercials and how much was spent by the Federal Government in preparing its own presentation.

Mr. President, I discovered that there is no one place where this information is available, and the Comptroller General was compelled to question each of the Federal agencies involved before it could present accurate figures. Consequently, I have only recently received the Comptroller General's report. It shows that for the fiscal year 1975, an estimated $199 million was spent by 31 agencies in television production. Of this amount, an estimated $53,287,700 was expended for in-house advertising rather than for work done by private agencies.

Mr. President, without getting into the merits of the Federal Government spending nearly $200 million of the taxpayer's money to explain itself to the taxpayer, I should like to underscore the fact that the Federal Government is competing with private industry to the extent of more than $53 million a year—just in the television area alone. And I say without fear of contradiction that the work represented by the $53 million could have been performed cheaper and better by private industry. At a time when the private sector of our economy is in desperate need of support, it strikes me that here is one place where the Government could lend a hand. There is no reason why the Federal departments have to do their own television work when it could be done better in the private sector.

SNUFFING A FLAME OF TRUTH

Mr. GOLDWATER. Mr. President, some days ago the Senate passed a piece of legislation that destroyed the so-called Byrd amendment which allowed us to buy chrome from Rhodesia. I imagine it made many Members of this Senate happy, but I think they will live to see the day when they will regret ignoring the real plight of Rhodesia which is an attempt to obtain recognition of all the people living there and their government, and outside governments never help when they stick their meddling hands in. Mr. James J. Kilpatrick certainly one of the finest observers on the American scene has written cogently on this matter, and I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SNUFFING A FLAME OF TRUTH

(By James J. Kilpatrick)

The House and Senate voted with a whoop and a holler last week to repeal the Byrd Amendment on Rhodesian chrome. An exultant President signed the bill the next day. "This puts us on the side of what's right and proper," he said. It was a fatuous remark, but no more than what we are learning to expect from Mr. Carter.

Until it was snuffed out a few days ago, the Byrd Amendment was the one bright flame of truth in a murky world of diplomatic falsehood. As such, it was a great embarrassment.

During the five years of its existence, the Byrd Amendment provided the only breath of integrity in the U.N.'s fetid swamp. The amendment openly, unapologetically, without shame or subterfuge, authorized the importation of Rhodesian chrome. The amendment was in palpable violation of the United Nation's sanctions against trade with Rhodesia. So long as it remained on the books, the amendment made Uncle Sam a kind of pariah.

With this irritating splinter removed, the United States may again be as deceitful, as filled with hypocrisy, as everybody else. And this will be a tremendous relief. For the past ten years, since the U.N. imposed these punitive sanctions, none of the leading members of the U.N. has paid the slightest attention to them. Visitors to Salisbury have marveled at the evidence of worldwide commerce. Every major nation of the world has violated the sanctions in every conceivable way.

Rhodesia produces the finest metallurgical chrome in the world: and for the past ten years, despite the U.N. embargo, Rhodesia has sold every ton that could be mined. The ore has gone to Russia, to England, to Germany, and of course to the United States. The ore will continue to find its way into the channels of steel production worldwide. The only difference, now, is that the cheating will be unanimous.

Mr. Carter, maintaining his fatuity record in this regard, referred the other day to the "illegal" regime in Rhodesia. The regime at Salisbury is precisely as "illegal" in its origin, neither more nor less, than Mr. Carter's regime in Washington. As we were reminded to the point of saturation throughout 1976, the U.S. came into being by means of a unilateral Declaration of Independence from Great Britain. Our forefathers were rebels, traitors, revolutionaries. And not to put too fine a point upon it, they were racists also—dedicated to denying the black slaves the most elementary human and civil rights.

In the name of conscience, in the name of history, how can the Americans of that inheritance denounce an "illegal, racist regime" in Salisbury? The government of Rhodesia is no more illegal than any other government born of revolution; and it is no more oppressive or undemocratic than dozens of other regimes that are cordially welcome in a family of nations.

The whole business is disgraceful. Mr. Carter has won repeal of the Byrd Amendment. His next step will be to obliterate the tiny Rhodesian Information Service that has been operating modestly in Washington for the past decade. Not a single dissenting voice is to be permitted. Root and branch, the last vestige of a Rhodesian presence is to be stamped out.

This is the scenario: The peaceful, inoffensive government of Ian Smith, under which the blacks of Rhodesia have attained the highest standards of health, education and personal income in southern Africa, is to be toppled. The country then is to be delivered into the hands of power-hungry terrorists, Marxist in their orientation, who will set up a one-party dictatorship in the fashion of Zambia, Mozambique and Angola. The native blacks will have no effective voice in their destiny; they will be worse off than they are now. Most of the white Rhodesians will leave, and a long dark night will begin.

In that dreary prospect, repeal of the Byrd Amendment fits perfectly. In the U.N.'s essentially dishonest atmosphere, polluted by a double standard of international morality, the Byrd Amendment was too good to survive. Let it go. Asking the U.N. to tolerate truth is asking too much.

GOLD CLAUSE FREEDOM BILL

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from Alaska (Mr. STEVENS), the minority whip, be added as a cosponsor of S. 79, a bill which would restore the enforceability of gold clause contracts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, since I introduced this legislation, I have received a number of expressions of support from various sources. Officials of utility companies have expressed interest in gold clause contracts as a possible means of reducing the cost of capital. Scholars have pointed to the legal consistency of S. 79 with the legislation which restored the freedom to own and hold gold.

In addition to previous statements by former Treasury Secretary Simon and Federal Reserve Board Chairman Burns, I received a letter last fall from House Banking Committee Chairman REUSS stating—

Regarding your interest in legislation which, if enacted, would repeal the Joint Gold Clause Resolution, I certainly can see no objection to its repeal at this time.

In an effort to explain more fully the operation of gold clauses, I asked the Library of Congress to investigate recent foreign experience in financial instruments.

Mr. President, I ask unanimous consent that a paper prepared for me by the Congressional Research Service entitled "Foreign Bond Issues Containing Gold Clauses," be printed in the RECORD at the conclusion of my remarks.

Mr. President, I also ask unanimous consent that a brief bibliography of statements and materials on this topic be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Library of Congress, Congressional Research Service, Economics Division, Washington, D.C.]

FOREIGN BOND ISSUES CONTAINING GOLD CLAUSES

In response to your inquiry of October 1, 1976, on the subject as above, we have located two current French bond issues which contain gold clauses. In the strict sense, these are not true "gold clauses" since they do not provide for payment in gold. They could more appropriately be called "gold indexation clauses" whereby the value of the security fluctuates, in effect, with the value of gold on the free market.

The basic particulars of the two bond issues are as follows:

1. Four and one half percent State loan of 1973.—The loan was authorized in principle by section 2 of Law 73-965 of October 16, 1973 (Journal Officiel de la République Française (J.O.), October 17, 1973, p. 11179). The statute also established a maintenance-of-value (MOV) guaranty based on the price of gold, and provided for the exemption of capital gain and interest on the loan from income taxes.

The detailed provisions applicable to the loan were promulgated by Decree 73-967 (J.O., October 17, 1973, p. 11186). The bond issue floated in part for the purpose of retiring, by conversion, a portion of an earlier similar loan (3½ percent State loan of 1958, J.O., June 14, 1958, p. 5586) which was called in its entirety in October 1973. The conversion provision applied only to those 1958 bonds that were not redeemed by their holders for cash during a 10-day period at the end of October 1973.

The new bonds, drawing interest at 4½ percent and issued for a term of 34 years, were exchanged at par for those of the 1958 issue in denominations of 100, 500, 1,000, and 10,000 francs, issued, at the option of the holder, to bearer or in registered form. Interest in the amount of 4.50 francs for every 100 francs of nominal value is payable annually on June 1. The retirement of the bond issue takes place through annual (June 1) redemptions of a portion of the issue in accordance with an amortization schedule. The bonds to be redeemed each year are drawn by lot. In addition, the Government may call, beginning with June 1, 1983, all or any portion of the bonds then still outstanding. The bondholders, on the other hand, may use their bonds at any time for the payment of certain taxes.

The redemption value for any of the above mentioned transactions (regular amortization, accelerated retirement, or use for payment of taxes) is determined on the basis of the gold indexation clause, incorporated in the decree (section 9). The Minister of the Economy and Finances is charged with determining the redemption value twice a year, with effect on June 1 and December 1 for redemptions taking place during the respective subsequent six-month period. The redemption value is equal to the nominal value multiplied by a coefficient which equals the average price of the 20-franc gold piece (Napoléon d'or) on the Paris free gold market during the 100 business days immediately preceding, respectively, May 15 and November 15, divided by 36 francs (presumably the value—in "new francs" of 1960—of the Napoléon d'or at the time of issue of the 1958 series). In any event, the redemption price is not lower than 250 francs for each 100 francs nominal value, the apparent redemption value of the 1958 bonds at the time of the October 1973 conversion.

2. Seven percent State loan of 1973.—The loan was issued under the general authorization of section 25 of the Budget law of 1973 (J.O., December 21, 1972, p. 13222), empowering the Minister of the Economy and Finances to incur bonded indebtedness to cover the budget deficit for 1973, and a decree of the Minister (73-46, J.O., January 11, 1973, p. 503) providing in detail for the bond issue.

The MOV guaranty of this series is not tied directly to gold but instead to the ratio between the official gold content of the franc and that of the unit of account (U.A.) of the European Economic Community, the latter equal to the pre-1971 devaluation gold content of the U.S. dollar (0.88867088 grams fine). The guaranty becomes effective when this ratio as it exists on January 1 of the year in which the transaction involving a bond takes place has lower value than the same ratio as it existed on the day of issue (January 16, 1973). The adjustment coefficient, applicable to both the redemption value and interest payments, equals the result obtained by dividing the day-of-issue ratio with the latest January 1 ratio. In effect, if the gold content of the franc decreases—everything else remaining equal—the adjustment coefficient is greater than 1 and the redemption value in current francs is greater than the nominal value.

In the event that the latest January 1 ratio cannot be determined for any of five specific reasons listed in the decree, the MOV coefficient is to be determined on the basis of the "gold content" of the franc as evidenced by the franc price of a 1-kilogram gold ingot on the Paris free gold market. The actual coefficient is equal to the result obtained by dividing the average price of gold during the 30 business days immediately preceding the 1st of January of the year in which the bond transaction takes place by the average price of gold during the 30 business days preceding January 1, 1973. As in the case of the MOV guaranty based on the U.A.-based ratio, this secondary guaranty becomes effective only if the adjustment coefficient is greater than 1. Otherwise, the bonds are redeemed or the interest is paid at naminal value.

The issue consists of non-callable bonds, issued at par at a nominal value of 1,000 franc, falling due in 15 years, and bearing 7-percent interest payable annually on January 16. No interest accrues after the due date of January 16, 1988. Income from these bonds is not tax-exempt, nor may they be used by their holders for payment of taxes.

A translation of the two decrees is in preparation and will be forwarded to your office separately.

BIBLIOGRAPHY

For additional information and commentary on this topic interested persons may wish to consult the following:

"Note: The Right to Use Gold Clauses in Contracts," Robert S. Geltman, Brooklyn Law Review, Winter 1976, Vol. XLII, No. 3.

"Restoring 'Gold Clauses' in Contracts", Rene' Wormser and Donald Kemmerer, Committee for Monetary Research and Education Monetary Tract Number 7, January 1975.

"Freedom to Use Gold Clauses in Contracts," speech by Jesse Helms, Congressional Record, June 14, 1976, p. 17918.

"Legal Obstacles to Use of Gold Clause Contracts Should be Removed", speech by Jesse Helms, Congressional Record, July 1, 1976, p. 21573.

"Hope for Gold Clause," speech by Jesse Helms, Congressional Record, July 20, 1976, p. 22755.

"Bretton Woods Agreement Act Amendments—H.R. 13955," speech by Jesse Helms, Congressional Record, August 31, 1976, p. 28625.

"The Gold Clause Amendment," speech by Jesse Helms, Congressional Record, September 28, 1976, p. 32956.

"No Gold Clause Contract Freedom This Year," speech by Jesse Helms, Congressional Record, October 1, 1976, p. 34821.

FPC VICE CHAIRMAN WATT TALKS SENSE ABOUT ENERGY

Mr. HELMS. Mr. President, on March 14, 1977, Mr. James G. Watt, Vice Chairman of the Federal Power Commission, delivered an important address at the annual meeting of the American Paper Institute held in New York City.

As a Federal Power Commissioner, Mr. Watt is down in the trenches, so to speak, in this Nation's battle with energy shortages. But he is no defender of the disastrous energy policies that have caused these shortages. He understands that not until we have returned to the marketplace and deregulated the price of new natural gas, for example, will the problem of the natural gas shortage be resolved.

The allocation of our resources, he rightly insists, should be based on voluntarism, private initiative, individual choice, and freedom in the marketplace. He concludes:

> The keystone of any realistic National Energy policy must be the return to the free market system.

Mr. President, had Government leaders allowed the free enterprise system to work, instead of imposing unnecessary and harmful regulations, many of our current energy difficulties would have been avoided. Commissioner Watt has provided the chart and the compass that will lead this Nation out of the morass of controls that now clog our system. I would like the Members of the Senate to have the benefit of his understanding and insight, Mr. President, and I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE POLITICS OF ENERGY SUPPLY AND DEMAND

(Excerpts from Remarks made by James G. Watt, Vice Chairman, Federal Power Commission, before the American Paper Institute, Inc., in New York City, New York, on March 14, 1977)

The number one domestic problem in America can be summarized in a single word, energy. The Nation and its leaders have been embroiled in political battles for several years as we have attempted to develop a meaningful National energy policy. So far, we have failed in this attempt, and the costs of our failure have been staggering in terms of inflation, unemployment, economic recession, political conflict, and most damaging of all an uncertain future.

I approach this general subject from my point of view as a Federal Power Commissioner. Our Commission has had a significant impact on the energy situation. We do not, however, have a strong role in ultimately formulating the Nation's energy policy.

For many years our energy leaders, Government and private, have been warning that coming fuel shortages would restrict the growth of our economy and that immediate action needed to be taken to accelerate exploration and development of our domestic sources of oil, gas, coal and uranium. They further warned that we needed to reduce the growing dependence on foreign oil. With the exception of a very small population, those warnings were not given serious attention. In fact, the Nation's leadership charted a political course that stimulated foreign oil imports and brought about Federally controlled, artificially low prices for natural gas that encouraged the wasteful consumption of this premium fuel. That same leadership brought about a political environment that thwarted the efforts to develop our coal reserves, limited nuclear energy development, and in general discouraged the conservation of energy. The theme in those years was cheap energy with little regard for the future. Today, we are reaping the harvest which has grown from the seeds of neglect, poor judgment and a disregard for proper conservation of our natural resource base.

This summary of the past and where we now are is not easy for me to present. I have traditionally been an optimist—one who pumps "sunshine" and joy. And, yet, in being realistic about the National energy scene, we must admit that there is not a glowing report to be given. For my entire professional career, I have been an advocate and a defender of the private enterprise system. I have been a spokesman for voluntarism, private initiative and individual choice as well as freedom in the marketplace to determine the allocation of our resources.

Today I am going to present concepts and use terminology that just a few years ago would have been anathema to me and to many in this room. But the times have changed and through the failure of the Government leadership to allow voluntarism and the free market forces to work, we find ourselves in a desperate situation that is going to require some unusually harsh courses of action.

We can look to mandatory allocation of natural gas supplies, mandatory conservation of energy, and increased taxes on the use of energy. We will need to aggressively expand energy research and development programs; adopt a realistic coal use program; conduct our foreign affairs in accordance with our dependency on foreign oil; and accelerate development of nuclear energy.

I think it is important that we look briefly at a few statistics which show the relative use of our various sources of energy. Petroleum makes up 46 percent of our energy base (40–50 percent foreign imports.) Natural gas is contributing over 28 percent of the energy consumed in America. Coal contributes almost 20 percent, nuclear power over two percent and hydro power, about four percent.

The paper industry is the fourth largest industrial consumer of energy in America. It is the number one industrial user of fuel oil. Those figures, as prepared by your API, are quite revealing. It is interesting to note that 45 percent of the energy used by the paper industry comes from waste products. That is great! Yet, much more of the energy needed hopefully will come from waste products and conservation so that you can reduce your dependency upon costly fossil fuels.

Narrowing our focus further, it is interesting to look at natural gas uses. There we see that approximately 16 percent of the natural gas is used for electric generation. Thirty-seven percent is used for household and commercial purposes, with industry using about 45 percent of the natural gas flowing in America today.

We have come through one of the harshest winters on record. We stretched the capacity of our natural gas facilities and limped through this winter with tremendous costs to our economy and to our people. The hardships brought about by the cold winter were complicated by two factors. Number one, we did not have the transportation facilities to deliver sufficient quantities of natural gas. And number two, we did not have enough natural gas to meet needs in those areas hit by the cold, harsh winter weather.

Why did we not have sufficient capacity for the delivery of the needed natural gas? The answer to that is simple. We could not afford to build the capacity to deliver gas in the quantities that would have been needed in January and February. It would not be economically advisable to commit such huge sums of capital to build facilities which would lay idle as excess capacity during almost 99 years out of 100. No one proposes that we build transportation facilities to meet the harshest one winter in a hundred.

The second cause of the suffering we experienced during this cold winter can be addressed, and indeed must be addressed, and that relates to the supply of natural gas. For many years the Federal policies encouraged the expanded use of natural gas for less than efficient purposes. As a result, in 1968, for the first time in our history, we consumed more natural gas than we added to our reserves. Every year since then we have consumed more gas than we have found in the 48 contiguous States. The result has been a development of two markets. A Federally regulated and controlled interstate market and the non-controlled, free intrastate market.

Today, gas in the Texas intrastate market is selling for about $2.00. In the interstate market 56 percent of the gas flows at 29½ cents, with new gas being sold at $1.44. That disparity has forced the private sector to invest its money in the intrastate market so that they can get the better return on their dollar.

The answer to this aspect of our energy problem is very simple. We must return to the marketplace and deregulate the price of new natural gas.

We were able to get through the cold, harsh, hostile winter of 1977 because of the voluntary cooperation of the American people. It is always thrilling to me to see how the people of this Country rally when there is a legitimate, serious crisis at hand. The voluntary measures taken by the consuming public to conserve natural gas was tremendously important to our success. In addition to that, the producers and the pipelines, both interstate and intrastate, pulled together in a remarkable way. They were able to deliver significant quantities of gas to those areas which were hit so hard. It is also necessary to give thanks to the Country of Canada for their sale to the United States of additional supplies of natural gas. The voluntary efforts of the business community and the people of this Country bailed us out again. It is indeed a remarkable characteristic and capability of this Nation.

In evaluating the aftermath of this harsh winter, it appears to me that Federal regulation of the price of natural gas and its sale in interstate commerce has been necessarily so substantially altered by the Commission's efforts to get through the crises of this winter, that we can never go back to the "old" way—that is, the way of operating prior to January 1977. It is necessary for Congress to bring about a substantial overhaul of the Natural Gas Act of 1938. Some of us have been advocating that it be significantly amended. The President is now proposing a reorganization of the entire Federal energy family along the very similar lines that President Ford asked the previous Congress to consider. In addition, President Carter will soon send his National Energy Policy to the Congress for consideration.

Unfortunately, the needed National energy policy has been trapped in the politics of Washington for a good number of years. Because of the cold winter, I believe Congress will have their attention focused again on the need of a realistic National energy pol-

icy. I am hopeful, as I know you are, that President Carter's program to be announced about April 20 will receive the proper attention. I, of course, do not know what President Carter is going to recommend, but we can speculate. If it is a realistic program, it will be controversial on the Hill and be subjected to a lot of flack by those who are nearsighted and unwilling to bring about the necessary adjustments and required sacrifices. But sacrifices will need to be made if we are going to have a strong and free system in the years ahead.

I believe the keystone of any realistic National Energy policy must be the return to the free market system. I believe that is the key to any successful program. I am confident that most of you in this room share that view, thus I am not going to dwell on it any further.

Because of the politics of today, however, deregulation will probably not be the first and foremost element of the President's program. For political purposes he will probably make conservation the number one issue. No one can be against the conservation of energy. However, if the program is to be realistic, there must be proper attention given to programs needed to encourage the addition of new sources of energy as well as the conservation of existing energy sources.

We can expect mandatory conservation requirements.

As I have indicated earlier in these remarks, the phrase "mandatory" is offensive to my philosophical background. But those who believe as I do, must be flexible enough to adjust to the changing circumstances. We have already, as a Nation adopted some mandatory conservation measures.

With regard to another offensive term, let me talk about mandatory allocation. This phrase is one that I personally have objected to for many years. Since serving about a year and a half at the Federal Power Commission, I've heard the lawyers argue and debate about the authority of the Federal Power Commission to allocate the natural gas resources to the different areas of the Country and for different purposes.

I have agreed with all of those who have told how offensive it is for the Government to allocate resources. I have heard those who have challenged the legal authority of entities such as the Federal Power Commission to order allocation. But I have been realistic enough to look at the track record and have recognized that the Federal Power Commission for some period of time has been allocating natural gas resources. I have been voting for the allocation of natural gas resources between and among competing pipelines and competing purposes. I assume those cases will be taken to Court. I believe the courts will find as I have, through reason or rationale, that the Natural Gas Act of 1938 did contemplate that under the proper conditions the Federal Power Commission can allocate directly or indirectly natural gas. I suggest that President Carter's program will recommend further allocation authorities for his proposed new Department of Energy and I suspect that without any serious question Congress will approve such allocation authority.

The argument should then be made, "Why not allow the allocation of our energy sources to be made in the free market?" I have advocated for many years that that is the very best place for allocation of any resource. Unfortunately, we are not at the beginning of a new ball game. We are in the last inning of a ball game and we are behind. We had artificial, unreasonable controls brought about by the political forces which do not support the free market solution to these type of problems. In my opinion the political leadership of 1977 will not allow the adjustments to a true free market solution to our problems. It is not easy to predict how traumatic that adjustment might be. Thus, I think it is likely that the political leadership will opt for an imperfect, artificial regulation and allocation of our resources in an effort to define and limit the traumatic impacts that might result even though it is recognized that it will result in an artificial, arbitrary and not fully adequate solution to our needs.

The challenge that we are facing is to develop policies which will endure in the long run. That is difficult because it requires sacrifices in the short run. The test is whether our political leadership will be willing to pay the price in the immediate for the benefit of the future. Fortunately, the founding fathers of America and the succeeding generations of leadership were willing to sacrifice and pay a price so that we might live in a land of freedom and a land of abundant supply. I am hopeful that future generations can look back to 1977 and say that the political leadership was unselfish and was willing to make personal sacrifices, both political and real, in an effort to provide for our future. That's the test that is before America. That is the test that will resolve the supply and the demand of energy in the years ahead.

PRIVATE FIRST CLASS MICHAEL D. PUTNAM

Mr. THURMOND. Mr. President, all too often many are inclined to be unjustly critical of the "younger generation." Recently, I read an article in the Leader, Lexington, S.C., entitled, "To America I Say, Thank You." Pfc. Michael D. Putnam, Company B, 10th Battalion, 2d Basic Combat Training Brigade, Fort Jackson, S.C., made these remarks at his unit's graduation. The remarks of this young soldier so impressed me, I wish to share them with you.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Lexington (S.C.) Leader
Mar. 16, 1977]

"TO AMERICA I SAY, THANK YOU"

(EDITOR'S NOTE: The following was presented by a trainee, PFC Michael D. Putnam, Co. B, 10th Bn., 2nd Basic Combat Training Brigade during his unit's graduation.)

It wasn't too many years ago that I sat in front of my television set and watched the Vietnam conflict unfold before my eyes. I saw the miserable conditions that the American Soldier had to endure. And I asked myself, what kind of man is willing to go to the other side of the world to fight a guerrilla war in swamps and jungles?

There's but one kind of man who has done that through the ages: The American Soldier. No man wants to leave his home to fight. But a man, if he is truly a man, will do what he knows is right in his heart. The American Soldier has always done what he must do, not just what he would like to do. Through these sacrifices America has climbed to its pinnacle of greatness.

I'm proud to say that we have been given freedoms far exceeding those of any other country in the world. And we got those freedoms from the blood, sweat and tears of our forefathers who weren't afraid to fight for and possibly die for something they believed in.

To me, the key idea is that my freedoms were given to me. I haven't earned a thing! Someone else earned them for me. A man can only take so much before he must put something back.

A few months ago I took a careful look at my life and realized I had not done my share of putting something back into America for what I had taken out. My life had been easy. I've always had plenty to eat and a warm place to sleep.

And to America I say, thank you. But for a "thank you", to mean anything, it must have a backbone. So I'm backing up my "thank you" with an enlistment in the United States Army. Some people may think that unnecessary. I don't! I believe it is a very small token of putting something back into America.

If I can't give my country a few years of my life, I don't deserve to stand before you today and call myself an American. I take great pride in being an American; something I will never treat lightly.

During my Army career I will strive to better myself as an American Soldier and be prepared to defend and give my life for my country so those that follow may enjoy the same freedoms that were bestowed upon me.

BIG SKY BASKETBALL

Mr. CHURCH. Mr. President, last week marked a very high spot for Idahoans and college basketball. March 17 was the second round of regional play in the NCAA basketball tournament and Big Sky Conference champion Idaho State faced traditional basketball power UCLA. When the last buzzer sounded that night, what many sportswriters called the upset of the year was complete. A superbly prepared Idaho State team had beaten the heavy favorite UCLA by the score of 76 to 75.

Despite the fact that ISU was overlooked by almost everyone all year, they had compiled an outstanding 24 and 4 record and had won the tough Big Sky Conference tournament. All of Idaho can be proud of the play of Idaho State, which was led by a young man from the small town of Aberdeen named Steve Hayes.

The Idaho Statesman has recognized this proud moment in Idaho sporting history with its editorial "Idaho State's Finest Hour." Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Idaho Statesman, Mar. 19, 1977]

IDAHO STATE'S FINEST HOUR

No team had defeated UCLA in a Western Regional NCAA Tournament in 11 years—until Idaho State University did it Thursday in a heart-stopping game, the upset of the year in college basketball.

The result was not so surprising to Idaho State's followers as to the Bruins and the national media. Idaho State, after all, had a fine 25–4 record and had lost only one game since Dec. 11.

This victory was no fluke. Had Idaho State not been forced to send two starters to the bench in foul trouble in the first half, UCLA might not have led at halftime.

UCLA had won the Western Regional Tournament 10 consecutive times and won the national tournament eight of those 10 years. Idaho State wasn't just playing a fine basketball team loaded with individual talent; it was tangling with a dynasty.

A skinny kid out of Aberdeen, Idaho, and a bunch of players unknown to the national sportswriters took command in the second

half and built an eight-point lead with two minutes to play.

It seemed that everything UCLA threw up in the final two minutes went in and the pressure bothered the Bengals. But Idaho State never lost its composure. The Bengals dropped in nine of 10 free throws in the pressure-packed final minutes including four in a row by a freshman.

The entire state of Idaho has reason to be proud of the Idaho State team and its coach, and the spirit and tenaciousness they showed.

Coach Jim Killingsworth pointed out that the national media tend to underestimate the Big Sky Conference. While other teams with less impressive won-lost figures made it into the national rankings, the Bengals went almost unnoticed.

Part of the magic of college basketball is that teams from smaller schools can challenge the better-known powers. Montana, the Big Sky champion team of two years ago, took UCLA down to the wire before bowing by three points.

Idaho State had been to the NCAA basketball tournament nine times before, eight times from the old Rocky Mountain Conference. Twice, in 1954 and 1959, the Bengals finished third in the West. Going into Thursday's game, Idaho State had a 7–10 record in NCAA play.

This is the best showing in history by an Idaho college basketball team, except for College of Southern Idaho's junior college championship teams. It is also the best in an NCAA tournament for a Big Sky team.

Idaho hats are off to the fine Idaho State team and its coach. They have proven that they deserve to be in the regional championship game, that they can play with the best teams in the nation. A lot of Idahoans will be cheering for them today against Nevada Las Vegas.

PERMANENT TAX CUTS NEEDED

Mr. ROTH. Mr. President, within the next few weeks, the Senate will begin its consideration of H.R. 3477, the so-called Tax Reduction and Simplification Act of 1977. I believe this legislation, particularly its provision for $50 tax rebates, is ineffective, inequitable, and insulting, and one of the most expensive April Fool's jokes ever played on American taxpayers.

I believe that a permanent, across-the-board tax rate reduction for all workers is the best way to stimulate long-term economic growth. The Congressional Budget Office, the Joint Economic Committee, and a substantial body of economic experts agree with me that temporary tax rebates are not as effective as permanent tax reduction in providing long-term economic expansion.

A 10-percent reduction in all tax rates would expand the economy faster, create more jobs, and result in a smaller deficit than the $50 rebate program, and I intend to offer this proposal as an amendment to the tax bill. I urge my colleagues to carefully consider this proposal, reject the tax rebate proposal, and enact instead permanent tax reductions for all workers.

I ask unanimous consent that four articles regarding permanent tax reductions be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Mar. 26, 1977]

KEY SENATORS DELAY CARTER'S TAX JOBS BILLS

(By John H. Averill and Paul Steiger)

WASHINGTON.—Key Senate Democrats have begun dragging their feet on President Carter's tax rebate program and other economic stimulus measures, partly out of concern over inflation and partly because of resentment over Carter's opposition to major water projects.

As a result, final congressional action on the tax rebate and on related jobs and public works spending almost certainly will be delayed until after Congress' April 8–15, Easter recess.

Consequently, even if the Senate ultimately approves the Carter package, rebate checks may be delayed until June—a month later than Carter wants them to go out.

As of now, Senate Majority Whip Alan Cranston (D-Calif.) said Friday, he can count enough votes to win passage of the $50-a-person tax rebate, but Republican senators are mobilizing to exploit Democratic dissension and defeat it.

"It's a horse race," Sen. William V. Roth, Jr. (R-Del.), a member of the Finance Committee, said in an interview "The more time that has passed, the less support the rebate has had."

Roth and his GOP colleagues are pushing for a permanent 10 percent tax cut for individuals as a substitute for the rebate. They contended that such a move would do more to stimulate employment, production and investment than the Carter plan for a one-time payment to households with adjusted gross incomes of less than $30,000 a year.

Chances are considered slim that the Republicans, outnumbered 62 to 38 in the Senate, could obtain a majority for their proposal. But by joining with disaffected Democrats, they could muster enough votes to defeat the rebate measure.

In the Senate Finance Committee, the bill squeaked by on a 9-8 vote, with several Democrats voting for it only after last-minute calls from Carter and a repeat appearance before the committee by his chief economic adviser, Charles L. Schultze.

At least one of those Democrats, Sen. Floyd K. Haskell of Colorado, already has said that he will vote against the measure on the Senate floor.

Like many other liberals, Haskell fears the rebate may raise anxiety about inflation without doing much to reduce unemployment, and he dislikes a provision in the tax measure that would increase to 12 percent from the current 10 percent the tax credit given to businesses for investment in capital equipment.

In addition, although Haskell has not mentioned this in connection with the tax bill, his state is one in which Carter wants to kill a water project.

So is Louisiana, the state of the Finance Committee chairman, Democrat Russell B. Long. Long has not been shy about recording his displeasure at Carter's stance on dams and other water projects. Delay on the tax measure, Long said recently, would give the President time for "thoughtful reconsideration" of the projects.

Long's committee, which completed work Tuesday on the tax rebate package, is not expected to file its report with the full Senate until Monday. Debate on the measure is not scheduled to begin until late in the week and certainly will carry over until the first week in April.

Unless the Senate approves the tax package before it recesses—a problematical prospect, given the number and variety of amendments expected to be offered on the Senate floor—the Treasury will not be able to mail the bulk of the rebate checks before June, a Treasury official said.

Even after Senate passage, the bill would have to go to a House-Senate conference to iron cut differences between the separate versions of the measure. But the Treasury is prepared to start the check-writing process as soon as the Senate approves the rebate.

Another key Democratic senator whose state has water projects on Carters' list of 30 to be halted unless persuasive arguments can be mounted in their defense, is John L. McClellan of Arkansas.

McClellan is chairman of the Senate Appropriations Committee. At his suggestion this week, the committee decided not to bring to the Senate floor a $19.8 billion measure funding public works, job programs and antirecession aid to the states. Carter has requested this spending as part of his program to stimulate the economy.

Senate Majority Leader Robert C. Byrd (D-W. Va.) said in an interview that he had originally planned to begin Senate debate Friday on the appropriations measure but had agreed to a postponement at McClellan's request.

Now, Byrd said, "I'll wait until I hear from Sen. McClellan and he tells me he is ready to take it up."

McClellan could not be reached for comment. But a committee aide said that the senator and other members of the committee here concerned that the measure might add to inflation and wanted to wait for later price and employment statistics. In addition, he said, authorization bills spelling out the manner in which the funds were to be spent had not been passed.

There was no mention of concern over water projects, the committee aide said.

[From the National Observer, Mar. 19, 1977]

THE TAX-CUT FIGHT

(By Robert W. Merry)

The Carter Administration wants to give you $50 this year in the form of a tax rebate to help stimulate the economy. The House of Representatives wants to give you the $50 only if you make $25,000 or less, and then phase it out so if you make $30,000 or more you won't get anything. Either way, Delaware's Republican Sen. William Roth thinks it's a bit paltry, as he made clear the other day when the Carter Administration's economic big three appeared before the Senate Finance Committee.

Peering down at Treasury Secretary Michael Blumenthal, Budget Director Bert Lance, and Charles Schultze, chairman of the Council of Economic Advisers, Roth said: "What bothers me is that this $50 rebate really creates no incentive for any middle-class family to put a down payment on a house, or a car, or a refrigerator, or even a TV set. What's needed is a permanent tax cut across the board. Help the lower end of the economic ladder, yes, but you also have to lower taxes for the upper brackets. That's where the productivity is, that's where the capital formation will come."

ENOUGH LOYALTY

Roth's admonition actually addresses two major issues surrounding the proposed rebate, which is the main element in Carter's $13.8 billion tax-reduction package. One issue is whether the economy needs a permanent tax cut rather than the proposed one-shot rebate. The other is whether the tax cuts should be concentrated at the lower rungs or made all the way up the economic ladder.

While few congressmen—even Democrats—appear enthusiastic about the rebate, the new Democratic Administration apparently commands enough party loyalty in Congress to get its way on that issue. But it's close. When the issue came up in the House last week, a Republican effort to substitute a

permanent tax cut for the Carter proposal lost narrowly—194 to 219. Many Democrats broke ranks to express the view that the rebate is an inadequate economic stimulus.

But the other question—who should get the tax breaks?—provides Roth and his congressional allies with their toughest fight. An egalitarian spirit is evident in Congress, helped along by Carter's own Populist rhetoric, and congressmen have little disposition towards easing the tax burden shouldered by business or by individuals with incomes exceeding about $25,000.

WE WILL SUCCEED

But Roth remains undaunted, convinced that permanent, across-the-board tax cuts—and substantial ones—will soon be recognized not only as good economics, but as the best possible politics. "The Carter program will be hard to stop this session," says Roth. "But eventually we will succeed. People want less for Government and more for themselves, and the national mood is beginning to fit the economic realities."

Roth's economic argument is that the national economy is burdened by tax policies that stifle incentives to produce; the policies tax away too much of the fruits of production. Remove the tax shackles he reasons, and production will increase and the economy will expand, generating more jobs and more tax revenues for Federal coffers.

Roth admits that his argument runs counter to the conventional economic wisdom of both Democrats and Republicans. The Democratic wisdom concentrates on creating new demand so new production will follow. Many Democrats also favor income-redistribution policies, and across-the-board tax cuts don't satisfy that egalitarian instinct.

WHY DO PEOPLE PRODUCE?

Republicans, meanwhile, have been the party of "fiscal responsibility"—balanced budgets. The result, says New York's Republican Rep. Jack Kemp, is that Republicans have ended up being the tax collectors for Democratic programs, an untenable political position.

For nearly five years Kemp has been fighting for tax policies that stimulate increases in supply rather than demand, and he brings to the battle an enthusiasm he once devoted to gridiron battles when he was a pro-football quarterback. "The conventional wisdom," says Kemp, "is that there is an unlimited source of tax revenue out there and that people produce because other people buy. Well, people produce not just because people buy, but also for after-tax income, after-tax profit, after-tax rewards."

Tax away those rewards, says Kemp, and you will stifle productivity—which, he adds, is exactly what has happened. But Kemp's solution—remove the tax shackles and restore the rewards of production—runs counter to that egalitarian spirit in Congress, which looks askance at tax breaks for business and the affluent. The House made that clear when it cut off the Carter tax rebate at $30,000; it also knocked out Carter's proposed investment tax credit for business. Stimulating demand remains the central congressional strategy.

Still Kemp continues to push his supply-side proposals, reminding his colleagues that there is a recent precedent—John Kennedy's revenue policies of the early 1960s. He notes that the Kennedy-sponsored across-the-board tax cuts in 1964 were expected to result in a six-year Federal loss of $89 billion, but that increased production actually created a six-year revenue gain of $54 billion. That could happen again, says Kemp.

Although Kemp acknowledges that his point of view is a minority of a minority in Congress, he says he has patience. "When I feel a little bad about things not moving as quickly as I would like," he says, "I take solace in realizing we're bucking 30 years of prevailing economic thinking. You don't win against those odds overnight."

[From the Washington Star, Mar. 23, 1977]

TAX REBATE: A SMALL PLUM OF DOUBTFUL GOOD

(By Charles Bartlett)

The "let's vote this one for Jimmy Carter" spirit in which the $50 rebate is being pushed through Congress is no harbinger of confidence in the administration's economic strategy.

While the anxiety to back Carter on his first major proposal is holding Senate Democrats in line, many now doubt the efficacy and timeliness of the rebate. Some members fear the small plum will swell the public's hostility toward their pay raise. Constituents already make visits home less pleasant by saying, "You gave us $50 and took $13,000 for yourselves."

The case for the rebate has not been improved by the revival of inflation. President Carter and articulate associates like Charles Schultze and Bert Lance have been saying this was "the only feasible way" to get quick stimulus. The worry now is that a pep pill face the economy with another siege of stagflation.

The Republicans feel the issue is made to order for them. The President's great concern is obviously to preserve tax revenues so that he will have a better chance of balancing the budget before the next election. He will also have more funds for new programs, a prospect which unites the Republicans into urgent pleas for a tax reduction.

Few seriously disagree with Reginald Jones of General Electric who sees no hope that a one-shot rebate will inspire the average working man to step up his spending. Most agree that the 1975 rebate went into savings and the payment of debts. The case for a permanent tax cut is made by inflation's cruel distortion of the tax burden on the average family.

This opportunity to combine good economics with good politics has forged Senate Republicans into a solidarity which is rare for them. But they will lack the numbers to beat the rebate on the floor unless they gain support from the Democrats who share their misgivings on the rebate. But the Democrats are also being coalesced by their inclination to stand with the President on his first major proposal. They are privately voicing their doubts but most will be apt in the end to vote with the party.

This situation may, in the view of Sen. William Roth, R-Del., offer the Republicans a launching pad for a sweeping new courtship of the middle classes. Roth wants an across-the-board tax cut that will be shared by all whom he calls "the people who keep America moving." He believes the Republicans can win the support of those who feel oppressed by government by joining on initiatives to ease the feeling of the middle class that it is being pulled downward by inflation.

Confidence is diminishing in the assertions by administration spokesmen that there can be no serious gains in the rate of inflation this year because of the slack capacity in the economic system. Business Week points out that living costs are being adversely affected by the spread of anticipatory pricing and the secretary of the Treasury, Michael Blumenthal, concedes that the nation can talk itself into a new bout of inflation.

Blumenthal continues to maintain that investor confidence is the key to the expansion, but the administration has been missing opportunities to build confidence. One example: the small manufacturers who comprise the National Industrial Conference are convening in Washington this week and they are getting none of the attention from the White House to which they have been accustomed.

In fact their letters asking the President to send them a message of greeting have gone unanswered. The Carter staff has refused to give them their usual briefing on administration policies. While several Cabinet officers will address them, these small entrepreneurs may wind up feeling they are the enemies when they are critically needed as allies.

The last Democratic President, Lyndon Johnson, worked overtime to strike a rapport with the business community. He put much time into making the businessmen more aware of the problems he faced. Similar exertions by Carter would do more than the $50 rebate to build confidence.

[From the Wilmington (Del.) Morning News, Mar. 18, 1977]

ROTH TAX CUT DEFEATED IN FAVOR OF $50 REBATE

(By Pat Ordovensky)

WASHINGTON.—The Carter administration's $50 tax rebate survived its stiffest test by a single vote yesterday, because three Democratic senators said they aren't ready to end the honeymoon.

By a vote of 9 to 8, the Senate Finance Committee rejected a move led by Delaware's Sen. William V. Roth Jr., to replace the rebates with an across-the-board income tax cut.

Minutes later, an identical vote killed another Republican effort, led by John G. Danforth of Missouri, to cut taxes only on the first $18,000 of everybody's income.

Both were straight party-line votes. Roth and Danforth were supported by all seven committee Republicans, plus Sen. Harry F. Byrd, the Virginia independent. All nine Democrats at the meeting voted to keep the rebates, although three said they were doing so reluctantly and only because the White House asked.

The two decisions mean that President Carter's plan to send a $50 check to most federal taxpayers this spring, as the keystone of his economic stimulus package, probably will become law in a couple of weeks.

Aides to Roth said the Delawarean would push his tax cut again when the bill reaches the Senate floor next week, but his chances are not expected to be as good as they were in committee. The House already has passed a bill authorizing the rebates, phasing them out at incomes between $25,000 and $30,000.

Roth's proposal, which would have cut all individual and business tax rates 10 percent, drew oral support but no votes from Democratic Sens. Abraham A. Ribicoff of Connecticut, Floyd K. Haskell of Colorado, and Daniel P. Moynihan of New York.

Each of the three said, in effect, that he is personally cool to tax rebates but wants to give Carter's economic team a chance to prove itself.

"I'm impressed with the arguments of Sen. Roth," Ribicoff told the Treasury Department's man at the committee meeting. "I support rebates with a great deal of skepticism because I've never known any economic advisers to any president to be correct."

Ribicoff's reservations were echoed by Haskell, who said he was voting for the rebates only because "the administration is entitled—at least in the beginning—to support from the Democratic side."

Moynihan, who was President Ford's U.N. ambassador before running for the Senate, expressed similar sentiments and asked the administration for a certain amount of candor" in telling the committee if the rebates don't work.

In an effort to keep his wavering Democrats in line, Committee Chairman Russell B. Long of Louisiana brought in the president's

chief economic adviser, Charles L. Schultze, to make a final pitch for the rebates before the voting began.

Schultze conceded that Roth's tax-cut proposal would stimulate the economy as much as the rebates but warned that it would "mortgage revenues far into the future."

Such a long-term revenue cut, Schultze said, would "substantially reduce the possibility of significant tax reform later" and would hinder Carter's attempts to balance the budget by 1981.

Roth rejected that argument, as he did when Schultze appeared before the committee last week, citing the experience of the Kennedy administration in the early '60s when a tax cut stimulated the economy to the extent that federal revenues increased.

"We need long-term movement in the economy to get jobs in the private sector," said Roth, insisting that a one-shot, $50 rebate will not be enough.

A permanent tax cut, the Delawarean said, could permit middle-income taxpayers to make downpayments on new homes, cars or refrigerators, creating jobs in the construction, automobile and appliance industries.

"What's wrong with helping the $20,000, the $30,000 or even the $40,000 guy?" Roth asked Schultze. And he reminded the committee, "Congress didn't turn down $13,000 for themselves."

To buttress his arguments, Roth distributed four pages of statistics to each committee member, including a projection from the Congressional Budget Office that his proposal would create 920,000 new jobs by the end of 1978.

UPGRADING OF VIETNAM-ERA DISCHARGES

Mr. THURMOND. Mr. President, yesterday the Carter administration announced plans to upgrade less than honorable discharges received by service personnel during the Vietnam era—August 4, 1964 through March 28, 1973.

Mr. President, I ask unanimous consent that my press release on this subject, dated Friday, March 25, 1977, be inserted in the RECORD at this point in my remarks.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

THURMOND PRESS RELEASE, MARCH 25, 1977

Senator Strom Thurmond (R-SC) said today that the Carter Administration, without advance fanfare, appears to be on the verge of implementing a program for exonerating Vietnam era deserters.

Thurmond said it is his understanding that a review process of all such cases is about to begin without any announcement from the White House.

Specifically, he said, the plan, which appears now to be imminent, would return administrative control of deserters at large to the military. Deserters could then report to designated military process centers where in most cases, they would probably be given less than honorable discharges. However, Thurmond said, the Administration is to guide these individuals, next, to Discharge Review Boards. These Boards are authorized by Congress but are supposed to review bad discharges, without any form of command instructions.

"In this case," Thurmond said, "The Discharge Review Boards would be instructed. As presently planned by the Administration, their goal would be to upgrade all of the discharges. The instructions, which are being formulated for the Boards, mandate such an upgrading of bad discharges if the deserter (1) received a decoration, (2) was wounded, (3) completed an assignment in Southeast Asia, or (4) completed alternate service to a military tour. Furthermore, they may also qualify for an honorable discharge from a Review Board if '. . . such action is appropriate based on all of the circumstances of a particular case.' These criteria would include age, education, economic background or other factors," Thurmond said.

He added, "I believe the pardon of draft dodgers was a mistake an I believe this administrative move designed to grant honorable discharges to many of the deserters would also be a mistake."

Thurmond, the senior Republican on the Armed Services Committee, said he favored a case-by-case review for all deserters. However, he said, they should be considered on their own circumstances without a pre-determined plan to excuse these offenses.

Mr. THURMOND. Mr. President, since this release was prepared, the actual details of the plan have been made public. The key points in the plan are as follows:

First. Eligible personnel have 6 months to apply for review.

Second. Deserters are eligible to participate in this program. However, deserters from a combat zone are not eligible.

Third. If upgrading of a discharge is initially denied, counsel will be appointed upon request without charge.

Fourth. Persons separated for reasons involving violence, criminal intent, or use of force are not eligible.

Mr. President, the Defense Department has also announced that the following guidelines will be applicable in this program.

Provided there are no compelling reasons to the contrary, individuals who received undesirable discharges for service during the Vietnam era will have their discharges upgraded automatically if they meet any one of these criteria:

First. Was wounded as a result of military action.

Second. Received a military decoration, other than a service medal.

Third. Successfully completed an assignment in Southeast Asia or in the western Pacific in support of operations in Southeast Asia.

Fourth. Completed alternative service or was excused from completion of alternative service under the clemency program instituted September 14, 1974.

Fifth. Received an honorable discharge from a previous tour of military service.

Sixth. Had a record of satisfactory active military service for 24 months prior to discharge.

Mr. President, a review of this action indicates these criteria take any discretion away from the Boards of Review. Certainly the Congress, in passing the law authorizing these Discharge Review Boards, did not intend for the Boards to have no discretion in making the decision whether or not to upgrade a discharge. The administration has defeated the purpose of having such Boards by dictating to the Board when they will upgrade.

The announcement further states that, if the above criteria are not met, the following additional factors to be considered in this regard include:

First. Age, general aptitude, and length of service at time of discharge.

Second. Education level at time of discharge.

Third. Whether entered the military service from a deprived background.

Fourth. Possible personal distress which may have contributed to the acts which led to discharge.

Fifth. Whether entered military service upon waiver of normally applicable entrance standards.

Sixth. Whether the actions which led to discharge were alleged at the time to have been motivated by conscience.

Seventh. Whether was discharged for abuse of drugs or alcohol and, if so, any contributing or extenuating circumstances.

Eighth. Record of good citizenship since discharge. Boards will be encouraged to give weight to this factor when a good record is shown.

Mr. President, it is obvious that these criteria and instructions require very strong reasons for the Review Boards to deny an upgraded discharge to anyone who applies.

The Department of Defense estimates around 462,000 people, including 3,000 deserters, stand to be affected by this policy. These discharges were given under standards of law and discipline that were in effect during the Vietnam era. It is my understanding that these standards have not changed since that time.

Again, I would like to emphasize that I favor a case-by-case review as is currently provided in the law. However, it is obvious to me that this is a neatly disguised way for the administration to give a blanket upgrade in discharge to all people dishonorably discharged, as well as deserters.

Mr. President, I strongly oppose this move. It is merely a compounding of the error made when the President pardoned the draft dodgers. Such a move by the administration cheapens the honorable discharges received by the thousands of men and women who served their country proudly and did what was expected of them in wartime. I fear that such a precedent as set by this action can only bring disastrous results to this country in any future conflict. I sincerely hope I am wrong.

In conclusion, Mr. President, I ask unanimous consent that a press release of the Fleet Reserve Association, dated March 28, 1977 entitled "President Carter's Plan To Forgive Vietnam Deserters Is Opposed by Navy Enlisted Association," be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

PRESIDENT CARTER'S PLAN TO FORGIVE VIETNAM DESERTERS IS OPPOSED BY NAVY ENLISTED ASSOCIATION

President Carter's plan to forgive Vietnam era deserters and issue honorable discharges to them is being strongly denounced by the Fleet Reserve Association. The FRA is composed of over 130,000 career enlisted personnel of the Navy, Marine Corps and Coast Guard.

FRA National President Thomas T. Heaney, a retired Navy Chief Radarman, expressed total disbelief upon first learning of the "devious Discharge Review Board plan" for upgrading military discharges of the deserters. He said, "The Discharge Review Board system was established by the Congress. The purpose of the Board is to review bad military discharges impartially without influence or instructions from the Commander-in-Chief or military commanders. President Carter's plan knocks such impartial action into a cocked hat."

The plan, soon to be announced by the Department of Defense, calls for Vietnam era deserters to report to designated personnel control centers. At these centers the deserters will receive "less than honorable discharges from the respective Service. These discharges will be promptly referred to the Discharge Review Boards for upgrading under guidelines established by the White House.

The guidelines, which are being formulated for the Boards, mandate the deserter's bad discharge will be upgraded if he has (1) received a decoration, (2) was wounded, (3) completed a tour in Southeast Asia, or (4) completed alternate service to a military tour. Additionally, those deserters who do not meet any of these criteria may qualify for an honorable discharge from a Review Board if ". . . such action is appropriate based on all circumstances of a particular case." These criteria would include age, education, economic background or other factors such as the deserter's conduct during desertion.

The enlisted Association's leader said, "The granting of honorable discharges to military deserters especially by a pre-determined, assembly-line operation is a travesty of the Discharge Review Board system and mocks the valiant military service of every Vietnam veteran."

At past Fleet Reserve Association national conventions, the delegates assembled approved a clearly-worded resolution calling for each case of draft-evasion or desertion to be individually judged on its merits under existing laws or the provisions of the Uniform Code of Military Justice.

For additional information call: Robert W. Nolan, National Executive Secretary (202)-785-2768.

UNFINISHED BUSINESS OF THE WAR

Mr. McGOVERN. Mr. President, on February 9 several Members of both the House and the Senate collaborated with three private groups to sponsor a discussion of outstanding issues between the United States and Vietnam.

The speakers at these sessions were able to share an impressive amount of information in a comparatively short period of time. Virtually all major issues growing out of our involvement in Vietnam—the MIA question, human rights, the question of reconstruction aid, and the broader lessons we should draw from this experience—were described in expert presentations that were both concise and complete.

Because I think it will be of great help to my colleagues as we are called upon to consider these issues in the days ahead, I ask unanimous consent that the transcript of the discussions on February 9 be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

RESOLVING THE UNFINISHED BUSINESS OF THE WAR

(Testimony before Members of Congress, their aides, and the public, February 9, 1977)

(Sponsored by: Senators Mark Hatfield, and George McGovern; Representatives, Jonathan Bingham, Ron Dellums, Tom Harkin, Elizabeth Holtzman, George Miller, Toby Moffett, Stephen Solarz; and Friendshipment—Coalition for a New Foreign and Military Policy National Council for Universal and Unconditional Amnesty)

WELCOMING REMARKS

Rep. GEORGE MILLER (D. Calif.): Leaving Viet Nam did not end our obligations. There is still unfinished business from this war. We have a duty to many human beings. This government will have to come to grips with many questions which I am sure, for a lot of reasons—mostly political—we have chosen to put on the back burner. We are here today to see what we can do in terms of normalization of relationships with the people of Southeast Asia. We are here to examine how we may again try to bring moral leadership to our government, which must extend a helping hand, which must normalize trade, which can provide an economic base to the nearly destroyed Viet Nam. We must help heal the wounds of war caused by carrying on some of the worst experiments known to man in terms of warfare. We must help make the Vietnamese people whole and recognize that we have got to extend the best of the American people in terms of help.

The people that we have brought together this morning to talk on these subjects you will find to be outstanding experts with long backgrounds. We will have many points to make to the staff and to the press who will hopefully start this movement. The need has been demonstrated that we have got to take an active role and there are some things we have to do.

We need this kind of political presence by our government, which has been unknown to the people of Southeast Asia for the past 21 years.

I now would like to introduce Congressman Richard Ottinger, Democrat from New York.

Rep. RICHARD OTTINGER: Thank you very much, George. I have been deeply concerned ever since the termination of the war that we have left a great many wounds in the aftermath. After every other war that we participated in, we spent huge amounts of money and effort trying to reconcile ourselves with our former enemies, to try to rebuild the damage that was wrought. This is the one war where we have not done that. I was privileged to be on the Committee for Missing Persons of which Mr. Montgomery was the very able Chairman. I did it out of a concern for the families still suffering, not sure about their loved ones, but also because I recognized this as an avenue for resolving our differences with Viet Nam and to build a new relationship. Mr. Montgomery, Pete McCloskey, Ben Gilman and I went to Hanoi last December. We were the first official delegation to go to Viet Nam after the war's end in April. We came away with the strong impression that the Vietnamese were anxious to normalize relations. There was very little bitterness in the aftermath of the war. They looked to the United States for reciprocal gestures. They wanted a negotiated settlement that would resolve all the outstanding problems and to start things on the right track. Unfortunately, our experience was that Secretary Kissinger was still very much involved in fighting the war; his own personal ego was involved in his failure to bring the war to a successful conclusion, and there was no real desire on the part of the Department of State to move forward even though at a meeting with President Ford, the President himself seemed more favorably inclined. We have a new President, and he has said he is anxious to start negotiations for normalization of relations with Viet Nam. He will be sending a delegation shortly to commence those negotiations directly with Viet Nam, taking up a very stagnant dialogue that had been started with the insistence of our Committee under the Ford Administration. I think that we will be talking with Andy Young on the issue of permitting Viet Nam's admission to the United Nations, perhaps even vote for it the next time it comes up, and that we will proceed toward a reconciliation that I think is very long overdue.

The President with respect to some of the wounds here, has started on the path of pardoning draft resisters. Many of us are urging him to go further, to remove the wounds remaining in the U.S. and regularize the status of people who deserted.

I am going to circulate for signatures a resolution designed to strengthen the President's hand in starting the negotiations. It is a resolution I think we can get a great many people in Congress to subscribe to. It reads, "A Resolution on Resolving the Unfinished Business of the Vietnam War."

Resolution

"Whereas the American people, following the tradiiton of our nation, have shown willingness to heal the wounds of war and achieve reconciliation with the Vietnamese people as soon as possible; and

"Whereas President Carter and the Vietnamese government have expressed desires to begin negotiations on the unfinished business of the war, including an accounting of American POW/MIA's; and

"Whereas the House Select Committee on Missing Persons in Southeast Asia recommended in its "Final Report" the early resumption of negotiations with Vietnam on the POW/MIA's and other bilateral problems; now be it therefore

Resolved that it is the sense of the House of Representatives that the President and the Secretary of State should take the following actions as a matter of high priority:

"(a) Initiate high-level negotiations with the Government of Vietnam on all outstanding problems of bilateral relations, including an accounting of the POW/MIA's and establishment of normal relations with Viet Nam;

"(b) Support legislation to lift the trade embargo against Viet Nam; and

"(c) Refrain from exercising the veto in the Security Council against Vietnamese membership in the United Nations."

Co-sponsors of House Resolution "to resolve the unfinished business of the Vietnam War": Mr. Beilenson, Mr. Dellums, Mr. Edwards (Calif.), Mr. Fraser, Mr. Harkin, Ms. Holtzman, Mr. McHugh, Mrs. Meyner, Mr. Rosenthal, Mr. Solarz and Mr. Studds.

I hope the country has progressed far enough to express its sentiment which would then be reflected by a large sentiment among members of Congress to support the President in taking this kind of constructive action to heal the wounds of war. I congratulate you and all the participants for putting on this Conference. There is still that feeling that it was a terrible thing we were involved in. We killed thousands and thousands of people and we caused a great deal of havoc here at home, and now that the actual fighting is over, we have not forgotten all the wounds that were inflicted, and we are committed to effecting a real reconciliation in the aftermath of probably the worst tragedy this country has ever been involved in. Thank you.

Rep. GEORGE MILLER: Thank you, Dick. One

of the things that struck me as we thought of putting this Conference together was that it brought home the insanity of war, whether in Viet Nam or anywhere else, and I hope that as you listen to people talk about the possibilities of normalization, the possibilities of extending relationships, that you might ask, "why the war?" If we can do it now, why not 15 years ago? I think it is an important question, because I worry about the next time around, and we ought to think about this Conference before we think of going to war again. There is a very, very human side. We talk in terms of normalization, of relationships between governments. It is governments that start wars, and it is people that die in them. I think our first speaker today, Gloria Emerson, has probably had as indepth an experience in the human side of the conflict and in the aftermath as anyone. She took her experiences in Viet Nam seriously and after our withdrawal, didn't let them drop, didn't go on to another assignment, continued to be involved. I had the pleasure of listening to her on national radio in anticipation of the President's Proclamation, talking about her book, Winners and Losers, what it meant in terms of individuals and families and human relationships. So I look forward to her presentation this morning, and would like to introduce Gloria Emerson.

GLORIA EMERSON: I first went to Viet Nam in 1956 and returned 15 years later as a correspondent for the New York Times, and was there in 1970, 1971 and 1972. I then left the New York Times in order to join the anti-war movements, because I did not want to live the rest of my life as a "good German."

The problems facing Viet Nam are so huge, they are hard to describe. The figures of the casualties of the war have dropped on us like huge black stones. I can only speak about the South, which I suspect has an enormous problem facing it. I find to my astonishment that I am on the side now of William Colby, who directed the pacification program in Viet Nam before he became Director of the Central Intelligence Agency. He and I had never agreed on anything before, but in an article for the Washington Post, William Colby has written, "Yes, let us bind up the nation's wounds over Viet Nam, but let us not believe that the task will be ended when the American dimension is complete. The burdens borne by Americans were small compared to those of the Vietnamese." William Colby is for reconstruction of Viet Nam, and I am for reconstruction of Viet Nam. Civilian war casualties from 1965 to 1973 were roughly 1,435,000; civilian war casualties from 1973 to 1975, close to 400,000; refugees in the South from 1965 to 1973, over 10 million.

Let me throw out this one figure: 83,000 paraplegics in the South. The need of the Vietnamese is for hospitals, schools, etc. We alone gave them 26 million bomb craters. Imagine a small agricultural country seeking to bring the farms back to life, farmers returning to the rice paddies, with 26 million bomb craters. Think of the number of mines that we left there: they were scattered like salted peanuts. The Vietnamese are a courageous and resilient people. We can do ourselves honor by helping them, since so much of the damage was inflicted by us. In the South, nothing is as it was 15 years ago. When I returned, whole villages were gone that had been there before. The intangible damage was to the society. The South was chaotic, diseased, greedy and distorted, it bore no resemblance to the South I had once known.

It is up to the new Congress to help, to lift the trade embargo and to begin the task of aid to Viet Nam. The war is over, and we don't have a genuine peace. If members of Congress will have the courage and foresight and ability to bring aid to Viet Nam, then after all the years of anguish, we will at last have the peace all of us have worked for for so long. Thank you.

ARTHUR GALSTON: I would like to speak today as a biologist. I have been a professor at Yale for 22 years and before that spent 10 years at Cal Tech. My specialty is plant physiology, which means that I am concerned with the effect of chemicals on the growth of plants. When we started our defoliation program in Viet Nam, I, among other scientists, became alarmed by the implications of what was called the largest ecological roulette game ever played by man. I believe that the resulting damage done to Viet Nam and to the environment on which all of that civilization depends, is still inadequately calculated.

I have been to Viet Nam twice, in 1971 to examine herbicide damage, and in 1975 to go to the North to aid in the setting up of a research laboratory in plant physiology to aid their agriculture. I was the first American professor to arrive there after the war ended—this was not planned—but I came two weeks after the end of the war to a nation drunk with peace. It was the first time in a whole generation that they had no enemy to fight that day, except starvation, disease and the binding up of the wounds of war. I went that year sponsored by an organization called the Scientists' Institute for Public Information (SIPI), headquartered in New York (Margaret Mead and Barry Commoner are among its leading members). SIPI had set up a scientific Aid to Indochina Taskforce which we hoped would help in the reconciliation between our two countries. Now, what is it that we are trying to do, and why is there a necessity for scientists to become involved? It is instructive to note that the opening to China was made by a ping pong team, and it seems that frequently in the healing of international wounds, athletes, musicians and scientists can build a bridge that frequently leads to larger efforts. I firmly believe science is an international effort and should not know national boundaries. Ideologies, however different, must still work on the basis of the same scientific truths; thus I feel that I am in a profession that is uniquely equipped to help bind up the wounds of war.

Gloria Emerson stole some of my thunder when speaking of the more than 20 million bomb craters. Each one of these bomb craters is about 15 feet deep and 45 feet across. Since almost 90% of the people of Viet Nam work on farms, and there is a population in the North and South of about 50 million people, more than 40 million people are working on farms, having to face the possibility than an elaborate agriculture, which depends on the conservation of water as it flows from high to low areas, is destroyed. The water flow is very carefully calculated, and the contours designed to maximize productivity to feed all those people. These 26 million bomb craters of that size are preventing the flow of water, and will interfere very seriously with the ability of the Vietnamese nation to feed its own people. It would not be only charity and an act of kindness, but also good common sense to send over some earth-moving equipment to help fill up those 26 million craters. This would benefit these Vietnamese people tremendously and would make us heroes over night.

I am also concerned by the fact that during the war, more than 100 million pounds of assorted noxious chemicals were sprayed over an area about the size of the State of Massachusetts. Now, these chemicals were alleged to be harmless, but those of us who knew what sort of testing had been done on them pressed for further data. During the war, further tests were thus carried out at the behest of the military, and it became apparent that in Agent Orange, made up of two chemicals called 2,4–D and 2,4,5–T, there is an impurity called dioxin, and in the parts per billion of body weight range, this chemical is able to cause serious malformation of developing embryos in laboratory animals such as mice and rats. Now, if biologists know anything, it is that whatever is toxic for mice has a good possibility of being toxic for humans. All you do is to calculate how many milligrams per gram of body weight need to be ingested to get an equivalent dosage. Simple calculation told us that a Vietnamese woman drinking two liters of water per day (less than average), would have consumed a toxic dose of dioxin in those regions which were heavily sprayed. There is thus little doubt that some damage was done to embryos, producing some stillbirths and fetal malformations. Just as we sent an Atomic Bomb Casualty Commission to Hiroshima to pick up the pieces and assess what damage we had done to the Japanese people after that catastrophe, so it is appropriate that we send a body of experts to obtain information and render aid to Viet Nam. Did we, or did we not cause this kind of misery to unborn infants? And what is the residual danger? All indications are that these toxic dioxins, which we ban in this country, are present in the Vietnamese soil in a quantity of about 600 pounds, slowly being released into the water, slowly finding their way into the fish and shellfish, and slowly poisoning the people who eat them. This is an on-going ecological danger, and in this Decade of the Environment, we ought to realize that the environment in Viet Nam is part of the same fragile web that binds us all together. Much of the upland forests, containing marketable timber, has probably been made useless—a serious blow to a country with not much to export, a country which could have used lumber as a main source of cash. I will only mention that the defoliation operations carried out in the mangrove areas to open up the estuaries, has unexpectedly resulted in the complete and total devastation of those areas. The mangrove is a special kind of plant which lives in an estuary where it has to deal with both fresh and salt water. The herbicides that were sprayed have killed virtually 100% of those plants. They have not come back. It will take half, if not a full, century before substantial repopulation occurs.

Why should we be concerned with that? Fish and shellfish that are eaten by the Vietnamese find a home in the environment of the mangroves for an important part of their life cycle. Deprived of that, they will go elsewhere. This will deprive the Vietnamese of a very important source of protein in the form of fish and shellfish. Is there something we can do about that? I think trained biologists could go over there to help in re-establishing the mangrove communities, and to try to develop other varieties that might be more resistant to the herbicides.

Among fellow scientists I find enthusiasm for this kind of constructive effort; I would hope that in the near future our government will make it possible for those who wish to actively participate in the reconstruction of Viet Nam to do so. At a conference I had with Prime Minister Pham Van Dong during my last visit I was reminded that the French, who had been the last colonial power in Viet Nam, were now very much accepted an even loved for the good work which they were doing in the rebuilding, especially of hospital facilities. It is not in the Vietnamese nature to carry a grudge for a long time. Let us show them our friendship in concrete ways; I think it will be in our national interest to do so. Thank you.

Rep. GEORGE MILLER: I would now like to turn the meeting over to Cora Weiss, Na-

tional Coordinator of Friendshipment who helped us put together this Conference so some of the issues would be brought out to a broader spectrum of the American public.

CORA WEISS: On behalf of the sponsoring Congresspersons, Friendshipment, the Coalition for a New Foreign and Military Policy, and the National Council for Universal and Unconditional Amnesty, I want to thank you Mr. Miller, Senators McGovern and Hatfield, and the other members of Congress who helped make this day possible. This is the opening of a two-day session sponsored by the three Coalitions to bring the issues of the legacies of the war to the Administration, to the new Congress, and to the American people. It is possible to heal the wounds of war, both at home and abroad, to bring the veterans and the men home who are not welcome yet, and to extend a hand to repair the damage to Viet Nam. To prove that the American people have the capacity for reconciliation, we have invited Angus MacDonald to be with us. I am sure that he never dreamed we would be sitting at the same table or that I would be introducing him as an expert. Mr. Angus MacDonald is Staff Director of the House Select Committee on MIA's.

ANGUS MACDONALD. The committee itself expired at the end of the 94th Congress on January 3, but I have been asked to speak here having been the staff director of that committee for its entire tenure.

At the outset, I would like to clarify the numbers game. Several careless or uninformed statements by public officials over the years have obfuscated the numbers game and I think we need to know that before we get into the issues. We are talking about 2500 Americans, comprised of 1100 killed in action, bodies not recovered, and 1400 listed as POW or MIA. Since 1973, of the 1400 missing and prisoners, 650 have been presumed dead by the military secretaries, using as their basis Title 37 of the U.S. Code which vests in them the responsibility and authority for adjudicating these cases. Therefore 750 are still carried as MIA or POW. An early priority for the Committee was to determine whether any of the 36 still listed as prisoners of war were in fact being held by the Indochinese nations. The leadership of Vietnam and Laos both assured the committee directly and personally, as well as through public statements, that all of the prisoners were returned in 1973 and that they held none. The conclusion of the committee that no Americans are being held was derived from a very exhaustive investigation.

Included in this investigation were discussions with international officials with access to Indochinese leaders and to the countryside, a study of the hazards of ejection from aircraft, the difficulties of survival in a hostile area, and discussions with returning prisoners of war. In total, a detailed look at evidence that any Americans might be alive. We concluded that none were being held prisoner from that war. We then looked at those still missing in action, to see, from the data contained in many of these cases, what type of accounting might be received from the Indochinese nations.

No contact was made whatever with the Cambodians, despite repeated efforts at their Embassies abroad, through Peking, asking intercession of the Chinese, correspondence with Norodim Sihanouk and several efforts on their part. Cambodian officials quite recently have stated through third parties that they hold no live Americans.

We are concerned that the American people have an accounting and how much might be provided.

We found that a number of our losses occurred at sea, 50–80 miles offshore. Obviously, the Vietnamese could not account for those. We found that a number of nonhostile casualties still listed as missing in action were lost in friendly rear areas where no enemy forces were known to be operating. They could not account for those. About 40% of the missing could not be accounted for, not counting the individual cases we did review. We did go through a broad sampling of individual cases and almost daily had contact with the service casualty officers who were thoroughly familiar with the details in all of the individual cases, something that is not public knowledge because of the Privacy of Information Act.

We concluded that the combined Indochinese powers could account for only a small sample of the 2500 Americans for whom we would like return of remains or information.

We know, for example, that the PRG, in 1973 at the time of the Paris Peace Accords, announced that 40 American prisoners had died in captivity. Those remains have not been returned. We know also that the Vietnamese announced in September of last year (1976) that 12 Americans died in attacks in the 1965–1968 time frame. There is no way they could positively identify and publicly announce the names if they did not have the remains. There are other instances when I.D. cards of American personnel have been published, and we know from that that they must have custody of those remains.

The committee concluded from an exhaustive look at these cases that the Indochinese could return the remains of 150 Americans. That is a small sample of the 2500 who are missing. But in addition to the 150 remains, we concluded they could provide reports on a number of individuals or incidents. The Hanoi government in 1966 issued instructions throughout its own forces in the North and in the South, along the Ho Chi Minh Trail and the Plain of Jars in Laos, as well as to the Viet Cong, instructing them to mark the location where any Americans were buried, to sketch maps and forward them to Hanoi. We believe this was done, and for more than a decade the Vietnamese have been collating the information relating to our missing. We also recognize it is a small sample of the 2500.

The committee's final report attempted two things. First, to bring the American peoples' expectations of what an accounting might be into a realistic ball park; and at the same time we hoped to convince the Indochinese governments that we do not expect 2500 but actually a small number. We believe they can do this and believe they could do it in a short time span once the relationships between our governments change. The evidence shows us that the Vietnamese cannot account for most of them, and it clearly shows us that they are deceased. In many cases, it is a circumstance of loss, passage of time, the fact the individual has never shown up, or has never been seen by another American. Title 37 provides these as an adequate basis for the Military Secretary to render a presumption of death.

After World War II, when 78,000 remains were not recovered, and after Korea, when 8,000 remains were not recovered, the presumptive findings of deaths were rendered within one year after the return of prisoners and the end of hostilities. It has now been four years.

The case review process was intruded upon by two significant events. The first was in July 1973, with a District Court injunction against unsolicited reviews. This court decision was announced in February 1974. The Department of Defense attempted to articulate the meaning of the court decision; some case reviews were begun on an unsolicited basis then. But then a moratorium was agreed with the Select Committee that no unsolicited case reviews would take place during the tenure of the Committee. The Committee cannot believe that Americans are being held as prisoners and recommended that the Department of Defense lift the moratorium and that the military secretaries reinstitute the case review process.

There are many segments of the population opposed to this, saying that if we presume the missing dead, it would militate against an accounting by the Vietnamese government. We believe this is not true at all. We believe that on the basis of the three remains returned to the Select Committee in December 1975, two had been presumed dead; the two Marine remains returned to Senator Kennedy staffers in March 1976 were both obviously deceased. The 24 Americans which were accounted for in December 1975 by the Chinese were comprised of 21 presumed dead (some of these dating back to the Korean War). Indeed, of the names of the 12 announced in September 1976, one was declared dead on the day of his incident, and five others had since been presumed dead. In short, the administrative status in which our government holds the individual missing has in the Committee's view, no relevance to the ability or willingness of the Indochinese to render an accounting. That ability is already there, we believe, except in Laos, where a small accounting might be rendered, and in Cambodia where the number is very small. The willingness to render such an accounting appears to stem from the relationships between our nations.

The Committee, in March of last year, strongly and unanimously urged Kissinger to begin talks with the Vietnamese. A week later he said the President had approved the recommendation and he began a 6 to 8 month dialogue with the Foreign Ministry in Hanoi resulting in an inconclusive meeting in Paris in November. But it was a meeting and it was the first one. We hope now that additional talks will take place in order to achieve, first of all, what the Committee was created for, related to the MIA's, recognizing it is a two-way street and this could take place only within the context of normalization of relations. In Paris, Congressman Bingham said the Vietnames could not expect grant aid, calling attention to an amendment he himself had introduced that would lift trade restrictions with Viet Nam. Coming from Bingham, it is a very, very important statement.

The temper that we have seen on the Committee both from those who support and oppose the report, urge one thing: the accounting. They generally oppose granting aid, but this does not close the door. Several comments have been made here today in the humanitarian area of admission to the United Nations, etc., which could be considered.

Prosthetics, for example, for the large number of paraplegics in Viet Nam. One of my assistants had his leg shot off on his second combat tour in Vietnam. He has noted that the United States has the greatest expertise in the world on prosthetic devices, and this is an area that should and could be explored. The Committee has sent to Hanoi and to Vientiane brochures prepared by plastic surgeons in the United States who have done marvelous work in South America and Africa, repairing damage from disease and birth defects, and this would certainly apply to those suffering in war time. Both the Vietnamese and Laotians are considering the issue. They have not rejected it, though they are perhaps wary. Perhaps this would be a very small venture, but an important one. There are many other areas in humanitarian assistance

which can be explored, but only once direct talks have begun.

Last Monday the Select Committee met with President Carter. I was not present. Mr. Ottinger was, however, and you have heard him say there was hope that the President would move rapidly in normalizing relations. If I could send one personal message to the Vietnamese, I would say the one important block that exists to normalization is the MIA question, and their capability of responding. If they carried it out, I think it would remove a great stumbling block to further dialogue between our nations.

CORA WEISS: Thank you. For those of you seated here, the Sense of Congress Resolution has already been signed by a number of members of Congress. Mr. Ottinger has agreed to circulate it, and any of you who are intending to visit your Representatives may take a copy to get the endorsement of your Congressperson.

Our next speaker is Max Ediger, of the Mennonite Central Committee, who worked in Viet Nam for many years and who remained following the end of the war for 13 months. He then returned to this country and went back recently to Viet Nam, traveling from Hanoi to Da Nang. He will relate his findings from the trip.

MAX EDIGER: On January 4 of this year I had the privilege of being one of three Mennonites to make a two week visit to Viet Nam. This was the third Mennonite delegation to visit Viet Nam since the war ended on April 30, 1975, and is a continuation of a 23 year involvement of the Mennonites in this small country. We visited both North and South Viet Nam, and were able to see several of the reconstruction projects we have been involved in to date, and also set up plans for further contributions to an irrigation project in the Da Nang area.

A variety of observations can be made. One is that steps are being taken by new authorities to move from a system whereby education is available only to those who can afford it, to education for all. In 1971 I was involved in a scholarship program for refugee students in an attempt to give some of them more of an opportunity to attend school. A large number of refugee children had to get jobs to help support their families. Others simply did not have enough money to pay school fees. Education now is free, and efforts are being made to ensure that all children can get at least 10 years of education. One school we visited has increased from 24 classes with 1200 students in 1975 to 50 classes with 2673 students today. Few children can now be seen roaming the streets with nothing to do. Schools are being made available for them. In resettled areas in the countryside, one can also see many small cement and brick schools. These buildings are erected by the government so that children in the countryside also have easy access to classrooms. Every province now has its teacher training school so that sufficient teachers will soon be available. However, many problems still remain. There is a shortage of desks and chairs. Books are scarce and teaching aids are not adequate. Building materials for rebuilding bombed schools or for building much needed new classrooms are in short supply. Such problems are the result of an economy which was shattered by war, and, in the case of the South, which was made dependent on foreign aid.

Da Nang was once a crowded city of about 1.2 million people. A large number of people were refugees from the war, and were unemployed. Now the population is down to about 500,000, a size more fitting to the facilities available. The majority of the people who left Da Nang have returned to their old villages in the countryside. Others have been given work in a new carpet factory which employs about 1000 formerly unemployed women, and others in a cotton cloth industry. Those who have returned to their old villages continue to face many hardships. Unexploded mines and other munitions litter their fields. Well trained military units first sweep the fields to try to clean them, but the farmers are still being killed. The fertilizer factory which once produced the much needed fertilizer was dependent on raw materials from the United States and therefore can no longer keep up with the demand. Thus the farmers are having difficulty preparing the soil.

Drought is still another problem. To deal with this latter problem, irrigation systems are being built. We visited one such site where 50 kilometers of canals are being dug, and an 18 pump station installed to serve a 2000 hectare area. Almost all of this work must be done by hand. This will not only insure against drought, but will also increase production from two crops a year to three crops. The United Nations estimates that last year Viet Nam was only able to produce 7.6 million tons of the 8.8 million tons of rice needed to feed the population because of the vast destruction of soil and facilities inflicted by the past war. With the cut off of U.S. aid, the food situation was critical. Thus, major steps had to be taken to start increasing production. It is a major task, and is hindered by a shortage of materials such as cement, seeds, fertilizers, and by damaged transportation systems.

The price of rice in Da Nang has dropped from 100 xu per kilo before the war ended to 12 xu per kilo. In Saigon, food prices may be considerably higher since Saigon is still suffering from major over-population and other war-related problems. The church continues to function freely and normally. In fact, in Da Nang, the government has helped the Protestant church rebuild five of their structures destroyed by bombing. Elsewhere in Viet Nam, we heard similar reports from Catholic, Buddhist and Protestant church leaders.

One can sense a certain feeling of relaxation among the people which was not there during the war. It is as though they are slowly getting used to the fact that bombs and artillery shells no longer fall.

We walked the streets of Hanoi and visited with people. We walked the streets of Da Nang and along the new irrigation canals of a resettled area. Never did we meet with any hostility. The people were friendly, and eager to know who we were. Many times we were told that the Vietnamese do not consider the American people as an enemy. This is the message I bring back from a country and a people which has suffered so much death and destruction in this most unfortunate war. We, who have suffered comparatively little, have an opportunity and an obligation to return this gesture of friendship and good will.

CORA WEISS: I would now like to turn the chair over to Representative Elizabeth Holtzman of Brooklyn, who has been a strong pillar in Washington representing the majority will of the American people throughout the war, the people who always thought the war was wrong.

Rep. ELIZABETH HOLTZMAN: I am glad to be here. I was thinking about this conference, and it occurred to me that after World War II our country was very magnanimous. Perhaps it was easy to be magnanimous in victory.

The question with respect to Viet Nam is perhaps one that tests the quality of our country's ethical fiber in a more serious way. How do we respond in defeat? How do we respond when we recognize that we have made a mistake?

Can we as a country finally learn the lessons that will prevent another Viet Nam from taking place? Can we recognize the individuality of countries, of peoples around the world? Can we learn to live in peace and friendship with those who reject our domination?

Can we live in peace and recognize the complexity, variety and richness of different national experiences in the world? If we do not learn that lesson, I am afraid that we will not have learned one of the most important lessons of the Viet Nam war. It was a narrow-minded Cold War mentality that denied the geography, history and variety in the world that got us into the war in the first place.

So I congratulate those who convened this conference, and I hope it is the beginning of an important effort to make this country aware of the lessons of Viet Nam, what we can do to avoid that mistake in the future, and what we can do to enhance the cause of peace and friendship in the world.

I am very pleased now, to introduce someone who comes from the Center for Veterans Rights. The legacy of the war was not only in the traumas and suffering and destruction in Viet Nam, but also here to those who fought and those who survived. Mr. Ron Bitzer, who is a counselor at the Center for Veteran's Rights will speak on that subject.

RON BITZER. I worked for about three years with disabled veterans in California. About 12 years ago I came with about 300 people to picket the White House, to protest the American policy of creating victims in Viet Nam. That was at the beginning of the publicized bombing in Viet Nam. Last Saturday I came with about 200 people to picket the White House to protest the American perpetuation of American victims from Viet Nam—the deserters, who were not pardoned; the veterans with bad discharges, who are supposed to be the subject of a Pentagon study; veterans who are disabled and not able to get adequate treatment from their government.

There are Viet Nam veterans who have not been able to gain any access to federal programs for assistance. They may end up on local welfare rolls. The V.A. reports 100,000 veterans have died since discharged from the Viet Nam era. Incarceration is increasing among Viet Nam veterans: sometimes as much as 25% of the prison population consists of Viet Nam veterans, half of whom have bad discharges. The unemployment rate has remained higher among Viet Nam veterans than the national average. It is appropriate that the appeal for reconciliation include the problems of American victims of Viet Nam. But you may ask, why do we need to include this today, because of the veterans organizations. The American Legion and others lobbied against it and 80,000 veterans got cut off from benefits this past year in California. Statistics will show that one out of four veterans is a Viet Nam vet; one out of 12 benefit dollars goes to a Viet Nam vet. And in testimony before the Senate Veterans Affairs Committee, it has been stated that the Viet Nam war was the most crippling war this country has fought because of our ability to rescue people from the field.

Those concentrating on these problems, which veteran organizations have been reluctant to accept, have been trying to bring the problems to the attention of the government. A main point I want to make here is not to ask for a lot of money. We cannot even get inside the Veterans Administration to ask for rehabilitation assistance. Organizations and self-help groups in California have been shut out of the V.A., we have letters saying, "No more! You cannot come in and argue claims in this agency." It has been a year since I have been able to see a claims file for a Viet Nam veteran

in the Veterans' Administration in Los Angeles.

Look at H.R. 200 introduced by Congressman Bingham which provides for judicial review of V.A. decisions; and Sen. bill No. 364 introduced by the late Sen. Hart which similarly would provide judicial review of V.A. decision. It is my understanding that Sen. Cranston wants to hold hearings in the field. The Veterans' Administration essentially functions above the demands of justice. These people know their decisions don't have to be subject to review by courts; and if this were possible, some of us would have some recourse to what we see coming down from that agency. I might also add that attorneys are shut out of the V.A. because they cannot charge more than $10 to handle a V.A. claim.

I would also like to suggest that important legislation has been introduced by Congressman Lester Wolff (H.R. 2231), which would provide for accelerated educational benefits. Tuition is now running $6,000/year at some schools. The G.I. Bill provides $300/month for a single person. This would provide for accelerated use of the G.I. Bill so the veteran could get more monthly payments over a shorter period of time. It would also provide much needed counseling for veterans dropping out of school and having readjustment problems that would be of a lower grade than psychosis.

But that is only the disability concern. I would like to introduce Barry Lynn of the United Church of Christ who will address the problems of the Carter pardon.

BARRY LYNN: The first official act of President Carter was to issue a pardon which covered most, but not all, of the Viet Nam era draft resisters. I was talking to a deserter in Toronto who said, "I know that Jimmy Carter is a very religious man; I just wish he wasn't such a selective redeemer."

He said that because the vast majority of people who need amnesty in this country, some 800,000 individuals, were not covered by the President's action. I would like to talk this morning not about the people who were covered, but about those who were not. There are some 4–6–10,000 military absentees still at large, so-called "deserters". We can't even say that the Defense Department knows for sure how many are in that category, but between four to ten thousand from the Viet Nam era. The word "deserter" conjures up images for us, most of which come out of old Audie Murphy or John Wayne movies. In fact, deserters from the Viet Nam war did not "desert"—in most cases—even from Viet Nam. Because frankly, there were precious few places you could go if you deserted from Viet Nam.

Unless you had been trained as an interrogator and were able to speak Laotian or Vietnamese and live in those rural villages, there were no neutral countries to which you could go. People deserted the Viet Nam war when they were on Rest and Relaxation in Japan or in Hawaii. Or they deserted from the military when they first received their orders to go to Viet Nam. So the old red herring about people who leap out of the fox holes and cause the death of their fellow soldiers is not an accurate portrayal of the deserters from the Viet Nam war. A draft resister often refused to step over a line at an induction center to become part of the military. All that most Viet Nam deserters did was refuse to step onto a plane that would take them to Viet Nam. They had a change in their political ideology or moral philosophy a few months or years later than did the draft resisters. For these persons not to be covered is a crime and a shame. Civilian war protesters were not covered by Mr. Carter's pardon either. These are the people who poured blood on draft files, or who did not obtain the proper permit for demonstrations, some of them in this very building. Some of them allegedly desecrated the American flag by using it in anti-war demonstrations. They were not covered. The greatest number not covered were the 750,000 Viet Nam era veterans who suffer the stigma of a less than fully honorable discharge. The United States is the only civilized nation that still retains characterized forms of discharge from military service.

We have honorable, general, undesirable, bad conduct, and dishonorable discharges. Only the last two given are the result of a trial. This means the other 92 percent of these discharges are given administratively. If you are lucky, you have a hearing, but even if you have a hearing you have few due process protections. You don't have the right to cross-examine the witnesses against you, because they are not there at the hearing. You have no verbatim transcript so you can appeal the decision against you. There are no judicial officers to make rulings on the admissibility of evidence. And recall that 92% of the people with bad discharges—so-called bad paper—received them purely administratively. They are disproportionately poor, black, Spanish-speaking or members of other ethnic or racial minorities. Even if you were "lucky" enough to be court martialed during the Viet Nam war and given procedural rights, you soon discovered that you didn't have very many substantive rights.

For example, Dr. Howard Levy was a doctor who refused to train Green Beret medics in Viet Nam. He said that Viet Nam was a racist war and that he was not going to train anybody to do anything to help perpetuate it. He was charged and convicted at a court martial. He had all the procedural rights, but the problem was he was convicted for an offense called "conduct unbecoming an officer and a gentleman." We don't have a parallel crime in civilian life. How many people here never flashed a peace sign? In the military that is a crime, a violation of Article 82 of the Uniform Code of Military Justice that prohibits "provoking gestures."

I would like to tell you about the Phu Cat Three, supporters of George Wallace in the Presidential Campaign. They went to Viet Nam, one had only three weeks to go in his tour of duty. One day they came across some Korean allies skinning a Vietnamese prisoner. They were so disgusted they went back to their commanding officer, threw their guns down and said they would not pick them up again. And they didn't. The Air Force told them, "If you won't pick up your guns, why don't you go on patrol without them." They did: one night, two nights, three nights. Finally, it became such an embarrassment to the United States Air Force that they were simply court-martialed for disobeying the order of a non-commissioned officer, given years in the stockade and all still have bad conduct discharges.

All of the persons who received less than honorable discharges are not ideological protesters. Many were given discharges for trivial or no offenses. There are 75,000 people who now have a less than honorable discharge because the Army decided they had a "character or behavioral disorder"—a finding on the part of the service that the person was mentally ill. Why they didn't discover that before inducting the person into the military, I don't know. It is a very good question to ask. Twenty thousand were convicted for minor offenses after serving time in civilian jails. However they were then given less than honorable discharges after release from jail, as a guaranteed lifelong punishment on top of their jail term. And it is a punishment.

Ron talked about the number of people in prison. They are in prison because they cannot get jobs. The less-than-honorable discharge virtually guarantees you will be unemployable for life and also frequently means you will be denied your Veterans Administration benefits. This too is a crime and a shame.

When America wants to be decent, it can be decent. In 1865 when Andrew Johnson authorized that all Union deserters and draft evaders be given amnesty, it happened quickly, and as an act of compassion and decency. When Australia, four years ago, granted universal unconditional amnesty to its Viet Nam dissenters and protesters, it acted decently and humanely. And the least we can ask out of this new Administration and new Congress is that they act as decently, humanely and justly. Thank you.

Rep. ELIZABETH HOLTZMAN: I will now introduce Sister Mary Luke Tobin, who is the Citizen Action Director of Church Women United.

MARY LUKE TOBIN: I would like to share with you some reasons for my concern for a restoration of normal relations of our country with Viet Nam.

I have visited Saigon twice; once in the summer of 1970, and again in the spring of 1974. On both occasions, it was my privilege to meet a number of church leaders, particularly in the Catholic community. I visited churches, schools and homes, where I was delighted to be introduced to these friendly people, and to admire their confidence that one day they would have a peaceful and strong country. I was greatly enriched by this encounter, as I'm sure other Americans would be also. Therefore, I was more than pleased to learn last fall that Clergy and Laity Concerned had issued an invitation (signed by 180 prominent persons in the U.S. church community) to seven Christian and Buddhist leaders to visit our country. This opportunity will allow church groups and other interested persons to hear how the Vietnamese people have fared since the cessation of hostilities, particularly in the practice of their religion.

I would like to meet the new Cardinal of Viet Nam, and also the Archbishop of Saigon, whom I have long admired. It is he who fostered peace meetings at his Cathedral every Christmas during the war.

Last May, that Archbishop wrote to the editor of a Catholic periodical, saying:

"Since the liberation of South Viet Nam, the Church here has shown its good will and cooperation with the Revolutionary authorities in the construction of Viet Nam. . . . The Catholics here wish to testify that while fully being Christians, we are equally Vietnamese citizens. We are convinced that the Revolutionary authorities are effectively respecting our faith." These words of Archbishop Binh have been repeated by him on several other occasions.

I am fully persuaded that, if these persons were free to accept our invitation and would be granted visas to visit us, it would be an enriching experience for all who would have the privilege of meeting with them. Many persons would be enabled to hear them recounting their histories during and since the war, but also share in the fruits of their religious insights and experience. Isn't it amazing that during the war, we had contact with so many friends and now when the Vietnamese are not our country's enemies, we can't freely visit?

We would like to know how the work of reconstruction is going on. We are learning that it is very difficult. Like me, you probably read in last Sunday's New York Times the description of the work of a French Sister invited by the government to assist in the rehabilitation of prostitutes. I read that they have very few sewing machines to teach these women a skill, and to teach them to write is very slow for lack of tools; there is only one ball point pen to 10 persons. There is a great need for materials to heal wounded, injured people, and to repair and rebuild a devastated land. The need is now—and

equipment from the U.S. would be helpful. I regreat an embargo which keeps our land of plenty from generously sharing with these war-impoverished people.

In 1973, Church Women United, on whose staff I serve, were among the first to extend a hand of reconciliation to the people of Viet Nam. We helped a Vietnamese Roman Catholic Sister to open a *House of Peace* in Saigon, where women, weary and distressed by war conditions, could find a haven in the city. Church Women United gave support to the project, and in 1974, I visited that simple and beautiful house of meditation and counsel in the heart of Saigon. I don't know if Sister Tho Thi Anh is still there. I'd love to have her come to visit us, and to hear her describe her ministry to women in that home. I have heard, through her relatives in the U.S. that for a year after the fall of Saigon she was teaching at the University. She could share so much with us, and we could learn from her. Before leaving this country, she said, "The challenge of our time is for the unification of humankind. Shall we be able to make the effort to bring together the occupants of this small planet? There will be no East nor West but one single family of citizens of the earth."

I would like to learn if her perceptions have changed—and to invite her to continue the dialogue with us. We cannot even exchange mail freely.

I recall the meeting in Canada during the war when several Catholic priests came to Quebec from North Viet Nam. It took one of these priests five days to travel from his home to get to the plane because of the hundreds of bridges which had been destroyed. All of this is one more clue to the immense task of rebuilding. I learned much from these quiet, thoughtful priests from the North, as well as from Mme. Cam, a perceptive lawyer and assembly member.

I hope that anything which smacks of vindictiveness would be unworthy of us. We have always been prompt to reconcile ourselves with those who have been against us in wars. Surely this small nation should be no exception.

We profess to be religious people. The Judeo-Christian faith says we are to love our neighbor, and that our neighbor is worldwide—this is all the more reason why we should reach out to the farther neighbor in love and friendship.

One of the best thing we could do for a true reconciliation at this time would be to have the kind of mutual sharing, exchanges, and awareness of the gifts of other peoples which would help build a world of peace now.

Rep. ELIZABETH HOLTZMAN: We will now hear from Don Luce Co-Director of Clergy and Laity Concerned.

DON LUCE: There is now a railway that extends from Hanoi to Saigon. There wasn't a major epidemic of cholera or bubonic plague or any of the other many possible diseases because of massive immunization programs. Saigon's million man army has been integrated into the work force as the farm land is put back into production and new hospitals built. People have found jobs as they returned to their farms. All these things happened without the blood bath that our State Department officials in Saigon said would happen. There wasn't a list of a million that were blacklisted to be killed by the "long dagger of communism." There wasn't a list of a thousand, or a list of a hundred. All of us should really feel very good about this. Perhaps we should feel sad that we fought the war for so many years because our leaders said it was going to happen, and we should certainly be happy that it didn't happen. Maybe it is understandable that our officials said there would be this blood bath. They must have thought: what is going to happen to the jailers at the tiger cages? What is going to happen to the generals that planned the scorched earth policy? What is going to happen to the war profiteers, the people who made money, and the people who sold the goods that were supposed to be given to the refugees? Yet there wasn't a blood bath.

A lot of people are talking about the re-education camps. The question has been raised, are the re-education camps a violation of people's human rights? I have been asked to speak about this. The number of people we thought would be endangered involved over a million men in the Saigon Army, more than 140,000 men who were policemen on the streets of Saigon, as well as the secret policemen all around the country. Another 150,000 had worked in the civil service in Saigon, about half a million worked directly for Americans. Of that number there are presently between 40 and 60 thousand in the re-education camps. This represents about 5 percent of the people that we predicted would be killed in a blood bath. These are people that are in camps now; there are other people who have gone through the camps. These people have been restored to their full civil rights as they have left the camps. I find it ironic that the Vietnamese government has had a better policy in terms of restoring civil rights to the people in South Viet Nam that planned the war and ran the prisons than our government has had toward the Americans who protested the war! A far wider range of civil rights has been restored to these people than we have to our own citizens who protested the war.

It has been said that we can't visit the re-education camps. This is not true. Marc Riboud, a French journalist and photographer was in 5 camps: he has protographed the camps, including one camp which has 26 of the Saigon generals. The photographs have been reproduced on pages 31 and 32 of *Time* Magazine, February 16, 1976 (shows two pages of photographs on the re-education camps). Victor Umbricht, who was the special representative of the Secretary General of the United Nations, visited them three times. Cora Weiss visited one of the camps. We have visited the camps and, as Sister Mary Luke Tobin pointed out, Americans were in these camps at a time when a Vietnamese Buddhist nun was not permitted to visit our country (from Canada). Americans who have been in the camps as prisoners have reported back. Jay Scarborough spent five months in a camp near Pleiku, and I would like to quote briefly from his report.

"The captured soldiers were treatcd humanely, no physical or mental torture no denials of the essentials of life—food, clothing, housing and medical care. There has been no blood bath. I cannot see that anything has happened in South Viet Nam to justify the imposition of the embargos. To me, and to the Vietnamese it smells of vindictiveness."

I am not saying that the camps are enjoyable, but I am saying that the condtions as they have been reported by many Americans who have spent many months in Viet Nam since the end of the war, people who have visited the camps, the conditions are far, far better than we expected they would be.

One of the Vietnamese religious leaders is Venerable Don Hau. Barbara Fuller, here today from Michigan, talked with this famous Buddhist monk about religion and relations with the United States. He said, "We Buddhists long for friendship with the American people; our country is so heavily devastated by the war; innumerable houses, pagodas, churches have been destroyed, and as head of the Buddhists I am actively participating in the reconstruction of our country. We must turn injured men into strong men, we must cure the sick and malnourished, we must rebuild houses and we ask you to extend your help."

I think the real suffering and danger in Viet Nam is from unexploded mines, and from the diseases that we left behind. It is from the buildings that were bombed and haven't yet been rebuilt. We as Americans have the technology and the resources to help in that reconstruction. If we really want to find out what is going on, within the religious community, and in Viet Nam, we can do as Sister Mary Luke suggested, invite some of the religious leaders there to come to our country, some of the cultural people, some of the writers. In 1974 I visited North Viet Nam with the Catholic Bishop of Gary, Indiana, Andrew Grutka, and with the Methodist Bishop from Chicago, Paul Washburn. At the end of the trip, we met with the Prime Minister Pham Van Dong. He said, "It is really wonderful that Bishop Grutka could say Mass in our beautiful cathedral in Hanoi, that Bishop Washburn could preach, and it would also be wonderful if some of our Vietnamese priests and other religious leaders could visit your churches and your synagogues."

I think we have to ask ourselves why are we so afraid of what a Buddhist nun would say in Providence, Rhode Island, or the kind of dance that Vietnamese dancers would dance in Des Moines, Iowa. Why are we so afraid?

I would like to close with a positive thought. Dick Hughes spent eight years in Viet Nam with the Shoe Shine Boys and a year after the new government arrived. He said, "When my scheduled flight left Tan Son Nhat Airport in August 1976, I not only felt a debt to the Vietnamese people, I knew the kids that I loved were finally finding people who cared."

Rep. ELIZABETH HOLTZMAN: I would like to introduce Cora Weiss, coordinator of Friendshipment and an inspiration in this whole effort.

CORA WEISS: I would like to wind up this session and thank Representatives Holtzman, Miller, and Harkin, who discovered the tiger cages on Con Son Island with Don Luce in 1970, and try to tie together some of the things that we can do having heard this testimony.

It is clear that the Vietnamese people are no longer the enemy, if indeed, they ever were. It is clear that they need our help, and we have a moral, legal and historic obligation to help them. If we are to send prosthetic devices to the many who need them, we have to apply for a license from the Treasury and Commerce departments and wait perhaps up to nine months before being granted a paper permission. This is because there is an embargo on trade, an embargo imposed by an executive order on April 30, 1975 which can also be removed by executive order. As members of Congress you can support a resolution such as H.R. 3047 which calls for the unconditional lifting of the embargo.

You ask if you can have a Buddhist nun come to the U.S. She cannot come as long as the embargo against Viet Nam exists, nor can anyone else come to share their life experience in Viet Nam. I have a xerox of a letter returned from the United Nations post office addressed to Viet Nam. Apparently at the United Nations post office they feel that there is an embargo on mail. There is not, officially, but very few letters get through. There is no reason for that. There are thousands of Vietnamese who want to be in touch with their families and take a chance that their letters will get through to their loved ones when they drop it in the mail box.

The U.S. Congress can appropriate funds for international agencies who are doing extraordinary rehabilitation work in Viet Nam, including UNICEF.

The U.S. Congress can support the Sense of Congress Resolution which is being circulated, and here are some of those supporting it: Holtzman, Studds, Ben Rosenthal, and Don Fraser, and I assume Harkin doesn't want to be left out (Harkin signs) so there it is, and so it grows. A Sense of Congress Resolution could be circulated throughout

the House on both sides to show the Congress and the Administration that we support what we consider to be the goodwill of the new Administration as it has been expressed on so many occasions.

We have been asking the American people to express their sense of conscience and send money to help heal the war wounds. Whether to the AFSC, Mennonite Central Committee, Church World Service, the Bach Mai Hospital fund, or the coalition Friendshipment, there are tens of thousands of contributions that say yes, we feel we have an obligation to give and heal the wounds of war. A check for $1450 which will build one bed in the new hospital at the site of My Lai arrived today and I share it with you. It was given by the family and friends of a 10 year old Cleveland boy who died in a tragic fire this year. The memorial for him is to build for life in Viet Nam. It is a very moving gesture.

I think it is a clear indication that the American people do say that it is our obligation to repair the damage that we wrought and we should not lose time in doing it.

If President Carter could pick up the telephone and respond to what Mr. MacDonald has stated very clearly is the readiness of the Vietnamese people to negotiate the outstanding issues of the war including the accounting for the MIA's, it wouldn't take so many years to finally say the war is over. It is easy and noble, and it is part of our historic tradition. The American people seem clearly to want it. There is no need to wait. Our presence today and the 100,000 signatures on the appeal for reconciliation which we will present to the President tomorrow, are clear indications that there is nothing to fear in reconciliation. It has been said that it took until 1977 to end the Civil War in the United States and install a southern president in the White House. We don't have that long to wait to end the war in Viet Nam.

[Testimony of James Armstrong, Bishop, Dakotas Area, United Methodist Church before the Congressional Briefing, Feb. 9, 1977 sponsored by the Coalition for a New Foreign and Military Policy, Friendshipment and National Council for Universal and Unconditional Amnesty, Washington, D.C.]

APPENDIX

STATEMENT ON VIETNAM: NORMALIZATION AND RECONCILIATION

If the United States of America is to regain moral initiatives in the formation and implementation of foreign policy, it must radically revise its stance in the face of the reality of Vietnam.

We have seized political and economic initiatives with the Soviet Union and the Peoples Republic of China—initiatives affecting more than one billion people living in the communist world.

At the same time we have self-consciously retreated from the acceptance of moral responsibility in the war-ravaged nation of Vietnam, where some 40,000,000 persons seek to restore their devastated homeland.

We have refused to grant diplomatic recognition.

We have vetoed United Nations membership (violating the will of every other member nation).

We have imposed a trade boycott.

We have limited the flow of humanitarian aid, so that less aid is permitted to enter Vietnam today than was shipped to North Vietnam during the war years.

We have reneged on Article 21 of the Paris Agreements, assuring substantial reconstruction funds, and have turned our backs on President Nixon's guarantee of $3¼ billion over a five-year period for reconstruction purposes.

We have used the MIA issue as justification for our recalcitrance, yet Congressman Montgomery's committee, having visited Vietnam and investigated the matter as thoroughly as possible, reports that there is no evidence that any of our MIA are alive. Two obvious facts need to be noted: (1) there remain hundreds of thousands of Vietnamese MIA who are subjects of the Vietnamese governments concerned response; and (2) the U.S. Armed Forces, based in Southeast Asia with the most sophisticated of electronic equipment enabling it to trace and maintain contact with our aircraft, doubtless knew and knows far more about our MIA than did and does the "enemy" with no equivalent instruments of detection. The time has long since passed for us to stop using and manipulating the MIA issue for our own political purposes.

The time has come for reconstruction and genuine reconciliation. There cannot be one without the other.

Following World War II the United States virtually rebuilt Japan and West Germany. The issues in that war were clearly drawn. Germany's Third Reich was intent upon seizing Europe, destroying the Jew and imposing a one-thousand year reign on the civilized world. Japan attacked a sleeping Pearl Harbor and sought to bring all of Asia under its control. The Axis nations launched history's most savage war against the human race. And we made possible the dramatic recovery and reconstruction of those Axis nations—for our own military, economic and political purposes.

Now Vietnam awaits our response. The issues were never clear in that conflict. The United States aborted the Geneva Agreements of 1954 and resultant elections and procedures that would have made possible the determination of the Vietnamese people. We supported and underwrote a series of corrupt military governments in Saigon. With unprecedented air and fire power we violated the "law of proportionality" more flagrantly than in any war known to history. We ravaged a culture and the agricultural base of a rice-bowl economy. And now we refuse to help a nation, broken in body but not in spirit, rebuild.

Everything noble in our Judeo-Christian tradition suggests that we have but one choice in the matter: reconstruction and reconciliation. Precedent, as in the case of Germany and Japan, suggests it. Justice, in the light of the nature of the Vietnamese war, requires it.

The Old Testament prophet cried, "Have we not one God? Hath not one Father created us all? Why then do we deal treacherously every man against his brother?" And the apostle insisted that God "has entrusted us with the message of reconciliation." If we are to be faithful to the best in our past, we will help reframe a broken world for the sake of the future of humankind.

PUBLIC FINANCING OF SENATE ELECTIONS

Mr. MATHIAS. Mr. President, on March 7, I was proud to introduce, along with several distinguished colleagues, a bill that I am confident will prove to be a landmark in this Nation's political history.

That bill, the Public Financing of Senate Elections Act of 1977, is designed to rid congressional elections of the evils of big money. The need for reform could not be more clear.

Watergate confirmed the old canard that America has the best political system money can buy. Milk producer's contributions were followed by a shift in milk price supports. Ambassadorships were sold outright. Businessmen and labor leaders were dunned incessantly, while other special interest groups hedged their bets by giving to opposing candidates.

There were a lot of complaints about the Presidential campaign of 1976, but there was one old-time affliction that brightened the election by its absence: big money. This election was not bought. It was not swayed by heavy transfusions of cash. The winner owes nothing to persons or organizations for anteing up six-figure campaign contributions. To a rare degree in American politics, the average voter was the millionaire's equal.

This revolutionary change was brought about by the Federal Election Campaign Act of 1974, which I cosponsored. The new law remedied these abuses. It set limits on contributions to candidates for Federal office, and on the amount a Presidential candidate can spend in a general election. It provided funds to Presidential candidates of the major parties through voluntary $1 tax checkoffs. It established disclosure requirements, consonant with Justice Brandeis' maxim that sunlight is still "the best of disinfectants." The law was designed, simply, to remove large cash gifts from the proceeds of electing a President.

The new law not only proved itself in the election, but was upheld in its basic principles by the Supreme Court. The Court emphatically affirmed the law's fundamentals: disclosure, spending and contribution limits, and public financing. Its decision recognized the compelling public need to protect the integrity of the electoral process by restraining the influence of the very wealthy on political campaigns and public policy.

But we must finish the job of ridding our elections of big money by bringing public financing into congressional and Senate campaigns. The bill that I am cosponsoring, along with Senators CLARK, CRANSTON, SCHWEIKER, and KENNEDY, accomplishes that. The Supreme Court has ruled that, without providing public funds, the Congress cannot limit spending. The bill we are proposing provides public funding and limits total spending in Senate elections.

The last election illustrated the need for these added reforms. Barred from spending large amounts on Presidential campaigns, special interest groups have diverted their cash resources to campaigns for the House and Senate. Special interest groups poured $22.6 million into congressional campaign in 1976, as against $12.5 million in 1974. The rush is on to buy stock in the U.S. Congress.

Our bill deals only with Senate elections, but a companion effort is being made in the House under the bipartisan leadership of Congressmen MORRIS UDALL and JOHN ANDERSON. The Senate bill provides financing and sets spending limits for both primary and general elections.

In the primaries of each party, candidates would be able to qualify for matching funds if they raised a threshold amount of 5 percent of their spending limit or $50,000, whichever is less. The funds would match all contributions under $100 until the candidate reached his spending limit.

In the general elections for the Senate,

candidates of major parties would be entitled, upon their nomination, to receive a lump-sum grant of 25 percent of their spending limit. In addition to that grant, they would receive matching grants, again for all contributions under $100, until the spending limit for the general election is reached. The bill defines a major party for these purposes as a party whose candidate received 25 percent or more of the vote in the preceding election for the Senate seat. If only one party candidate received 25 percent or more of the vote, the next highest party candidate with 15 percent of the vote or more would qualify as a major party.

Spending limits are set as a factor of the number of voters in the State, for most States. In the primary elections, candidates accepting public funds would be limited to spending the amount calculated by multiplying the voting age population times 15 cents, or, in those States where the voting age population is relatively low, the spending limit is set at $225,000. For general elections, the limit is 20 cents per voter or $300,000, whichever of those figures is the largest. Spending limits would be removed if one of the candidates chose not to accept public funds and then surpassed the spending limit. This provision is designed to remove the spending advantage of the candidate with large personal wealth or very great financial support.

Candidates of minor parties and independents could also receive matching public funds in a general election. They must raise a threshold of 25 percent of the spending limit or $250,000, whichever is the smaller before becoming eligible. That threshold is designed to be high enough to discourage frivolous candidates from getting public funding while being low enough to keep the system open to serious challenges from outside the existing parties.

For Maryland, with a voting age population of 2,822,000 the spending limits for Senate campaigns will be $423,000 in the primary and $564,400 in the general election. The 5-percent threshold for matching funds in the primary is $21,650 and the grant to major party nominees and the threshold for third party nominees or independents are both $141,100.

The entire cost of the Senate bill is estimated at $38 million per election or $19 million a year.

In the 1972 Presidential election, millions of dollars changed hands, much of it surreptitiously. Admittedly, that election was an aberration. But its evils were in a familiar pattern. The new Federal Election Campaign Act has taken those evils out of Presidential campaigns. But they linger on in congressional elections. The bill I am cosponsoring will end them altogether.

SOCIAL SECURITY: U.S. UMBILICAL CORD

Mr. CHURCH. Mr. President, a major issue during the 1976 Presidential campaign was the need to streamline Government.

In the final analysis, I believe that most people will make their judgment about the effectiveness and efficiency of Government on the basis of their personal relationships with agencies affecting their daily lives.

Does the Postal Service deliver their mail on time? Does the Veterans' Administration treat veterans courteously and fairly when they raise a question about their pension or compensation payments? What type of service do elderly Americans receive from the social security offices located throughout the country?

As the chairman of the Senate Committee on Aging, I am especially concerned that social security is administered effectively and impartially. Social security affects the lives of almost every American family in one form or another. Nearly 33 million persons now receive monthly benefits. More than 100 million workers will pay social security tax in 1977.

Throughout its history social security has enjoyed a reputation for excellence. But it has been tarnished somewhat in recent years, particularly because of problems encountered in administering supplemental security income.

Major changes have occurred since social security was first enacted more than 40 years ago. Social security, of course, is not solely a retirement program for the elderly. It also provides disability, survivor, hospital, and medical protection. In addition, social security administers a portion of the black lung benefit program and SSI.

It is vitally important that agencies, such as the Social Security Administration, be sufficiently flexible to adapt and respond to the changing dynamics in our society.

A recent series of articles by Haynes Johnson, of the Washington Post, describes some of these forces at work as they affect Government, with particular attention to the Social Security Administration.

His articles, it seems to me, provide further compelling reasons for enactment of the Social Security Administration Act. This bill, which I plan to reintroduce soon, would again establish the Social Security Administration as an independent, nonpolitical agency under the direction of a three-member governing board appointed by the President with the advice and consent of the Senate.

Mr. President, I commend the first three articles by Haynes Johnson on "The Bureaucracy" to my colleagues, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 27, 1977]

DAYS OF ENDLESS STRUGGLE, DROWNING IN A SEA OF PAPER

(By Haynes Johnson)

As everyone in every organization knows, the views from the top and the bottom are different. The same is so in the federal government.

From the top, officials look down and see a bureaucratic jungle, unresponsive, entrenched, self-protective, slothful, pawns of the ubiquitous special-interest groups that affect, if not control, legislation. A senior White House aide looks at a chart of a key government agency taped to his office wall, gesutres vigorously toward the hand-lettered names of high officials on it, and says decisively, "We're going to clean them all out."

From the bottom, workers look up and see more regulations, more programs, more paperwork, more hostility from politicians and public. They see Presidents and Cabinet officers come and go. It really doesn't make any difference who's on top, they almost always will say they are the government. They still have their work to perform, and that work has become increasingly complex and frustrating. They are drowning in a sea of paper, fighting merely to keep up.

A new employee, four months on the job dealing with citizens' claims in a district office, recites the various forms needed to file one case—the 401 and 85–10 and ID info and tie-up RC and the a–27, b, d, and c, among others.

Inarticulately, but accurately, she defines the problem: "There's a lot of rules and regulations because people write laws and file lawsuits and stuff, and if you got rid of the rules and regulations you could get rid of the paperwork, but you can't get rid of the rules and regulations because people have made them. So really, it's like an unending cycle. There's nothing you can do."

Catch 22, real life, every day, every office. To read regulations that come out of one department alone—HEW—each week is equivalent to wading through twice as many words as "War and Peace." Words, it hardly needs to be said, that lack the clarity of a Tolstoy. Words, in fact, that are almost incomprehensible if you do try to wade through them. Who can master them? No one. Who even tries?

From the top, a new Cabinet secretary comes into power determined to move aggressively and quickly. He's going to reorganize his department and set, he hopes, a new tone for a new administration. The enterprise is carried out in melodramatic secrecy. One of a handful of trusted advisers describes the process as akin to receiving sealed wartime orders to be opened only at sea. Preparation of charts for the reorganization is even secretly shepherded out of his department, and done at the Pentagon, through a private and personal arrangement with the Secretary of Defense.

Why? Because they believe if word of the plan leaks it will be blocked by the bureaucracy and the special interest groups that want to maintain the status quo.

From the bottom, where the repetitive, grinding work is performed, those far-off decisions in Washington aren't the immediate concern. The problems are more mundane—and more critical. They involve such seemingly simple things as obtaining file cabinets and qualified clerk typists. Neither is easy to come by. The harassed office managers wind up fighting within the bureaucracy itself. They often lose.

"We have these old claims," one says, "and we have thousands and thousands of these folders. So I ordered 12 file cabinets about a year and a half ago. I still haven't got those cabinets. You can't get supplies.

"I'll tell you very confidentially how we get around it. Not having those cabinets probably cost the government a thousand dollars each, because what happened was we had put the files in cartons but we have to go looking through them. Well, you know how much clerical time can be lost when these things get all mixed up.

"So frankly what I do, even if it's not strictly legal, is work out a deal with a guy. You say, 'Look, I'm not allowed to buy, I'm only allowed to rent, but when the rent price reaches the purchase price it's mine. Okay?' But why should I have to do that? . . .

"I can understand the claimants yelling at me, the Germans shooting at me, but my own government, why are they doing this to me?"

Now file cabinets and clerk-typists and frustrated employees like the one who says he reaches the point where he throws a case into the trash can ("that's one case you don't have to worry about") may not seem matters of great moment in the world of Washington. Or even, to be more lofty, about democracy and government and the rights and responsibilities of citizens and society.

Yet that is what this story is all about.

In time, both top and bottom express the same kinds of fears and frustrations about how government works. They are both captives of the bureaucratic machinery of which they are integral parts, and which they themselves have helped to build. Who is to blame? Everyone and no one. US or them. This is true even of the best of them.

* * * * *

Max Stamler would agree with that judgment and its implicit challenge. He's a bureaucrat, who resents the term. He's been around a long time, and speaks from the bottom looking up. Over his years with Social Security he's witnessed stunning changes in the role of government and public attitudes about it.

"I've learned one thing," he says, "it's that I don't feel the people on top know more than I do. Maybe it's because they are so high up that they don't see the obvious things."

Another personal lesson: "If I were President, I'd put the decision making as close to the people as the guy who's going to get punched in the nose if it doesn't work."

Max Stamler knows something about that feeling: from where he sits, in his midtown Manhattan Social Security office, each day is an endless struggle. He oversees some 150 employees who in turn serve 90,000 of the most diverse cross-section of the citizenry, everyone from bankers and brokers to junkies and mental patients. A quarter of a billion dollars in benefits is processed each year out of that office alone.

Until very recent years Social Security stood as the brightest ornament in the ever-expanding federal establishment. It was the best, the elite, a model of what government could do for the citizens it serves. Social Security no longer enjoys that reputation, but it still touches more and more people personally. And more and more is being asked of it.

As Stamler correctly says, "We are the government, as far as the people are concerned. We are the United States government."

What Stamler will also tell you is that working for the government today bears no resemblance to the government he knew. "Here's an agency that needs to get the best possible employee," he says, in disgust. "Here's a system that almost dooms you to the worst."

* * * * *

What's remarkable is that Social Security carried out its mission so well for so long. In fact, its very success led to its present problems—that and the insatiable demands placed on it by everyone, from every side; from politicians and Presidents and people in general.

In the early days, the mission was simple. Deliver the right checks in the right amount to the right person at the right address and on time. Social Security did everything asked of it, and did it superbly. And Social Security kept getting more and more benefit programs assigned to it and more and more complicated personal records to process and maintain.

The roll grows longer and gets more complex.

Payments for half a million sufferers of black lung disease, now running at $79 million a month . . . for 835,000 young people drawing survivors' benefits much of that billion dollars a year going to finance higher educations . . . for millions of Medicare claimants, the largest government health insurance programs, $22 billion a year.

All were moving along, all seemingly going well, until Social Security came face to face with a real crisis it couldn't control. Looking back on that time three years ago, agency officials say the danger signals should have been clear. The agency was overconfident, suffering from what one person calls "organizational menopause." And its crisis came at a time when its work force was changing, when public attitudes about government were becoming more cynical, and yet when greater demands to administer more difficult programs were still being placed on government agencies like Social Security.

But that's hindsight.

Three years ago Social Security began administering another massive program, one that put the agency for the first time in the federally subsidized welfare business. The program, called Supplemental Security Income (SSI), gave the agency responsibility for another 4 million people—the aged, the blind and the disabled on state welfare rolls.

Almost everything went wrong. Many of the state and local welfare rolls turned out to be hopelessly in error; case after case had to be reconstructed from scratch. Dealing with the new claimants themselves often came as a shock. In all of its experience, Social Security had dealt only with those who had paid their money into the system through payroll taxes. Those, in other words, who had earned their benefits. Now, picking up the welfare load, they were dealing with the core of the urban poor.

The program itself was supposed to be simple to administer. Thus, the claim in Congress. But the law implementing it had nightmarish elements.

States were given the right to supplement the basic eligibility requirements in ways that often created impossible situations. For example: in California a person eligible for the federal welfare payment could get additional money. If he was living alone, taking meals twice a day in a restaurant, he'd get extra money. But when he stopped having two meals in a restaurant and started cooking at home, the financial grant would be adjusted—up or down.

"Well, that's monstrous," says a Social Security administrator. "From the standpoint of the federal government administering it, that's just a monstrous thing to attempt to do. It's inherently bad, but it's even worse—because here's Congress saying don't you dare make a mistake in the process."

Social Security strained and began paying its welfare checks, but for the first time it failed. "All of a sudden we wake up and find all hell's broken loose," the agency executive recalls. "The press, the Congress, the advocacy groups of the poor are raising hell because we didn't get those checks delivered on time to those people.

"And here's an agency that if it never did anything else right it had a 40-year record of delivering checks and delivering them on time—by the hundreds of millions."

At local offices mob scenes occurred as welfare clients filled the corridors, halls, and massed outside. There were threats and violence—and finally armed guards. Social Security people began working around the clock, 30,000 of them, to try to bring order out of the program. A decision was made to get those checks out—fast. "It was pay now and ask questions later," one person says. "Because here was a program directed toward humane treatment of people, and here was an agency whose basic mission was to put cash in the hands of people."

After intensive efforts for more than a year, and great strains and pressures on personnel, Social Security thought it was winning its battle.

* * * * *

Arizona—"Operations instructions were hurried, inaccurate and subject to constant change. Today, some 2½ years from date of enactment, our operating manuals remain without subject indexes."

But the greatest impact has been on Social Security itself, and particularly on those local offices in the great urban areas where employees deal most directly with the public. Until Social Security began administering its welfare program armed guards had not been posted inside those district offices. Today, three years later, they are still there. They have become permanent fixtures.

In the New York offices of the Social Security Administration the stories become familiar; the job is one frustration after another, and it's getting harder. There isn't time to keep up adequately with the changing manuals issued to explain the changing, programs. Dealing with the public these days can be difficult; drug addicts and mental cases, occasionally abusive or threatening, sometimes shouting, sometimes throwing paper in the faces of employees, are not uncommon. Personnel turnover is high, good replacements are harder to come by.

Office managers find themselves exploding in anger—not at the public, but at the government itself, a government that imposes intolerable burdens on its work.

"If you were to ask me what are the largest barriers you have to overcome in order to do an efficient job," one said, "you know what my answer would be? The Civil Service Commission and the General Services Administration. These agencies, the Civil Service Commission and the GSA, they do not serve us. They're there but they're there to block us. It's like they're in business for themselves. And their sole preoccupation is to keep themselves in power without rendering service."

Then you will be told one horror story after another about problems in hiring clerical workers or getting office equipment or leasing new space.

"You just don't have the time," says Richard Ferguson, the Harlem office manager. "For every demand that you satisfy there are three which are made in addition. You find that you're really going backwards. You're not really keeping up. Sometimes you think you are, other times you're just overwhelmed. I just don't see where you can keep up this kind of pace under these kinds of conditions and still be effective.

Ferguson, a soft-spoken man who carefully masks his emotions, told of spending months trying to untangle a problem. Cabinets, again. A shipment, arrived damaged and unusable. They're still sitting there, with no replacements in sight. He finished telling his story, was silent a moment, and then calmly offered a kind of soliloquy.

"That's the frustration when you're in the government dealing with the government. I'm ordering this stuff because I need it, because it helped me to do my job better, but . . ."

His voice trailed off.

Several weeks after that conversation, new word came down from Washington. It hit Ferguson's Harlem office hard. In a reorganization move directly affecting Social Security, the agency would be given a new program—aid for dependent children. Another welfare program had been assigned.

Ferguson's employees were more than upset. "I had to reassure them it doesn't mean anything to us right now," he says he told them at a staff meeting. Then he added, in his same quiet way: "You know I'm sure that any office that went through the trauma we went through in 1974 would feel the same way."

[From the Washington Post, Mar. 28, 1977]

SOCIAL SECURITY: U.S. UMBILICAL CORD

(By Haynes Johnson)

Down a long corridor, behind doors marked "secured" and "alarmed," stands the center

of the real world of government today. Quite clean, uncluttered, unharried, not at all the picture of the bloated bureaucracy so pressed on the public mind of late. Certainly not a word that George Orwell ever envisioned when he conjured up his nightmarish specter of an obstrusive, omnipresent government structure where Big Brother was always watching. Not many people there in fact: just a faint humming sound emanating from banks of machines in gray casings.

That is the part of government that never stops, that continues moving on its own momentum, that grows and changes no matter who sits in the White House or occupies the Cabinet officer's chair or wins a seat in Congress. It is impersonal, inanimate, faceless—and indispensable.

We are all linked to those machines, and to that system. It is, in a way, the umbilical cord of our society, the line that reaches out and directly affects our lives.

"Every night we pass every personal record we have in our master file through the system," a government employee explains. "It's constantly changing, and all the records are kept current and active."

That means the records of 330 million Americans who have received Social Security numbers since 1936. Death will not keep your basic life's story from stopping. Long after you yourself have gone, your records will continue actively whirring through the Social Security system's computers.

"With a Social Security number we can tell your name, your father's name, your mother's name and her maiden name," the employee says. "We can tell your date of birth, your place of birth, where your Social Security card was issued, your address at the time your card was issued, your phone number at the time, your race and your sex. If you never do anything else, we'll have that information on you.

"If you go to work we'll know when and for whom you worked. We'll know when you changed jobs and what the address of your employer was, and how much money you're making. It's all on magnetic tape, all your earnings records. We've got it. We can tell if you're married, divorced and have children under 18. If you go on Medicare, we can tell what drugs you're taking and what your medical bills are. We can also tell your doctor's name and his address.

"The file will show evidence of when you died, and how you died, and from what, and where you're buried. We have better, more complete records than IRS. And today we have a better record on who your employers are than IRS—who the corporate officers are, who stockholders are.

"Where you're standing now comprises the largest computer operation in the free world. That excludes our intelligence agencies—and the Russians. Now you can see why we don't let people in here. It needs to be kept confidential."

This story is not about the potential abuses of that information system, but a small aside is in order.

I had walked into a New York Social Security office and found the person in charge exceedingly edgy. The FBI was there, interviewing one of his employees. It turned out the employee had been running a racket. He was selling Social Security cards to illegal aliens and others who wanted a new identity. Because he had access to the computer system, and knew how to use it, he would summon up names and numbers of people who had died.

Then he would type those names and numbers on Social Security cards—stolen from the office—and sell them at the highest price on the underground market. By the end of the day, the employee had confessed. Case closed. "But it shows you," the office manager said, "that the opportunity is much greater now for someone who knows the computer system, and who can use it, to abuse it."

The problem with Social Security is not corruption, although public and press focus more extensively on that aspect of government than any other. Its problems are far more complex and critical.

Simply put, the basic question is: will Social Security, the agency that most directly touches the lives of most Americans, continue to perform its mission well? That is no longer clear. Other questions flow quickly from that. Can Social Security effectively manage its complex machinery and its people, given the rapid changes affecting them both—complex changes in technological requirements and in attitudes of government employees about their jobs? Neither is clear.

Has the agency been asked to do too much? Has government been trying to do too much? Has anyone a real solution to the present self-defeating process by which government chokes on government-inspired red tape and regulation?

These are not esoteric questions. They go to the core of any look at government and the bureaucracy today. And they raise again the harder question—does a change in national leadership make any real difference? Social Security provides a case study of how increasing pressures can adversely affect one of the most vital and best-established government agencies.

Let it be said that Social Security employees, from the highest executives down, are remarkably candid, and open in conceding their mistakes and discussing their problems. That is a tribute both to the quality of the employees and to their agency's long tradition of excellence in public service.

Almost without exception they will tell you that public confidence in the agency has eroded significantly—and that they have lost confidence in how effectively they perform their jobs.

"Most of this decline occurred in the three years that I've been there," says ruefully Bruce Cardwell, the commissioner of Social Security. "In the last three years the agency has kind of been beaten down. It's had some outright failures, failures it can't alibi. And they were probably the first failures in its experience. When you fail at something, particularly when you've always been successful and you're proud of your record, it hurts. It hurt me."

By that, he refers specifically to Social Security analysts' failure to anticipate the true long-term cost of their system. It now appears that without huge increases in payroll tax rates in the future, possibly as high as 50 to 75 percent, Social Security won't be able to pay promised benefits. That has led to headlines about Social Security going broke, and citizen fears about an impending crisis threatening retirement and other benefits.

The second notable failure, examined in yesterday's article, was Social Security's experience with administering a new federal welfare program for the nation's aged, blind and disabled.

In its first two years of operation, starting in 1974, Social Security overpayments in the Supplementary Security Income (SSI) program were totaling about $2 billion. In addition, difficulties in dealing with welfare case loads for the first time caused serious morale problems in Social Security offices across the country.

"We're still in the backwash of that shock," Cardwell says. "The error rates are going down a little bit, the program's coming under control. But I have to tell Congress it's about as low as it's going to get. In a program like this you have to face up to the fact that at any one time at least 15 per cent of the payments are going to have something wrong with them. And the Congress, at this stage, won't accept that."

Beyond these agency failures, Social Security faces more general problems that afflict virtually every government agency today. Bureaucratic tangles arising from new laws creating new and increasingly complex programs, changes in attitudes about work itself among employees, the rapidity with which new tasks are given to the agency by Congress, which in turn is reacting to ever-rising public demands for more government action for more and more groups—all these are among them.

Social Security is typical in another sense. It has grown and grown and grown. Not so dramatically in its number of employes, although 84,000 now work for it, but in the space required to do the job. That's what government is all about, too. Overall, federal government growth has been more in buildings and dollars than in people: the federal civilian work force has remained almost constant for a generation while the money it spends and the space it occupies have multiplied beyond reckoning.

Twenty-four years ago the Social Security Administration moved its national headquarters from downtown Baltimore to the suburbs. You can chart its great changes since and see how government has grown by merely looking at the Social Security complex in suburban Woodlawn. The agency now occupies 19 buildings there, eight of which the government owns, the others leased. Some 20,000 employees work in that self-contained government city. They are ants in the U.S. factory.

Now a 20th building is going up at Woodlawn. It will be the biggest of them all. When completed, it will contain 350,000 square feet of space. It will become the first building ever designed and constructed solely for computers.

When Social Security was being created back in the New Deal days, some of its early leaders studied the way the English civil service maintained its records. The most they were able to keep track of the British advised the Americans, was 3.5 million individual records. The Americans' experiment with Social Security could never succeed: it was too large an undertaking to maintain on paper. For years, all of Social Security's records were written on paper and kept on bamboo strips. Huge tubs, filled with bamboo strips were everywhere. Then came the computer.

With typical American confidence in technology, our God of the Good Life, the computer held the key to the future. Oh, yes, the world of the computer wasn't perfect: every day tapes of records get misplaced in Baltimore, and sometimes lost. But a master set is kept, under tightest security, in a limestone cave in Pennsylvania. And, it was recognized, computers came with other built-in liabilities: they contributed to citizens feeling increasingly removed from their government. Orwell's Big Brother now seems more than a distant fictional phantom.

But Social Security could not function on its present scale if the government didn't rely very heavily on computers. Inevitably, that dependence will be greater in the future. Fine and well. But now another kind of shock is setting in at Social Security. To quote Cardwell again:

"You hear people say they fear computers will start talking to each other and do terrible things to us all. It is spooky, and it's very complex. I think managers most everywhere today do not have full control over computers. Just as you don't have full control over your automobile. You can start it and stop it, steer it and drive it, and that's about it. You'd have a hard time converting its load-carrying capacity, and you'd have a helluva time repairing it when it broke down.

"Managers now are in the same position vis-a-vis the computers. They don't know enough about them to make them do what they want, so they have to rely on someone who says he does. That's like your reliance on the automobile mechanic. You're learning

more and more he probably doesn't know how to do it. The same thing is showing up in the computer business."

The most vivid recent example of computers going awry—or, to put it another way, of those operating them misusing the machinery—came in Social Security's traumatic experience over its SSI welfare program. Computers were spewing out erroneous information resulting in massive over- and underpayments. That led, in turn, to what became at times violent reactions from a public caught in the maw of the machines.

It still takes more than machines to run the U.S. government—and the Social Security system. There, the complaints are clear. People who work for the agency express frustration with their jobs, weariness with bureaucratic idiocies, anger at being asked to take on more tasks than are reasonable, or possible. It isn't that they are incompetent or uncaring. It's the depth of their feeling and their essential belief that give special weight to their words.

A top-level administrator, a softspoken person with years of distinguished government service, voices a common emotion:

"I can really understand a federal official ignoring poor performance instead of facing up to it and trying to do something about it. While it's possible, it's not highly likely that he's going to be successful, and even if he is successful it's going to consume hundreds of hours of staff time. I've see the most piddling cases around here that have consumed—well, in my opinion, just scandalous amounts of staff time.

"For example, we have appraisal forms which I think are just atrocious. A person is rated on ability and productivity and oral communications. I just ignore them by never making any out."

The middle-level bureaucrat, who worked his way from the bottom in Social Security and always felt great pride in its mission, tells of going to a conference of agency office managers from around the country. He was supposed to explain the latest way to compute widows' benefits. "They all laughed at me." he said. "It just cries out for a need to simplify the Social Security laws. It's enough to make you go bananas."

The manager, a lawyer by training, reflects on the changes in the manuals given to workers dealing directly with the public: "When I think of a GS-9 or GS-11 responding to questions from the public about these programs, I say to myself, 'My God, I couldn't even answer them myself and I've been working as a lawyer for many years'."

The veteran administrator, who looks out at the bureaucracy of which he is a part, says:

"One of the things I see about the bureaucracy is its capacity to accept mediocrity. Maybe all institutions do this. The average manager in the government at the upper-management levels is today, and has been for a long time, dissatisfied with the system for hiring, for placing workers. Most of them think it's terrible. You'd find very few who would compliment it.

"Take that same group of people and ask them how the government procures and utilizes office space and they'd all just scream. 'It's terrible, terrible. It's excessively complicated, excessively expensive, excessively slow. It's wasteful.' There's a whole host of criticisms. Ten years ago if you asked them that you'd have gotten the same answer as today. They believe that 10 years from now they'll still give the same answer. They don't see themselves as having any responsibility or any opportunity to do anything about it.

"In fact, what they're doing is to condition themselves to survive those shortcomings. They're constantly patching and repairing."

These are among the reasons why Cardwell will reflect on his agency's problems and say:

"Where it comes out is this: Everybody's got to hold onto that ledge just a little longer. It's 20 stories below and you're dead if you fall. So you just hang on as long as you can."

CARDWELL: VIEW FROM THE TOP

As commissioner of the Social Security Administration, Bruce Cardwell oversees 84,000 federal employees working across the country. Their jobs more directly affect the lives of more Americans than those of any other federal agency. In this segment of a conversation with Haynes Johnson, Cardwell gives an appraisal of his agency today.

No other agency has enjoyed a better reputation for general efficiency of operation, sensitivity to the public interest, than Social Security. The image always has been it was an agency that had a considerable esprit, a good feeling about itself, a healthy self-respect. I don't think that's any longer true. I don't want to be pessimistic about it, but I doubt that it's healthy today.

I think what is occurring is the result of a multiplicity of very complex developments in and around the agency. One of them is Watergate, and the general public disillusionment with and cynicism toward government in general. Others involve such things as the rapidity with which new assignments have been given Social Security, the complexity of those assignments, the failure to appreciate the complexity of those assignments by the agency itself and by the people who made those assignments in the legislative and executive branches.

But also there's the theoretical—and to me it's not theoretical, it's real—change in the attitude of the American work force toward what they want out of and from work.

The concentration of so much of the agency's work in urban areas—and I've got to be careful how I say this because it could seem offensive to a lot of people—but it's highly probable that these urban areas no longer produce through their educational systems workers who are really qualified to do the work required. Yet they're the only workers you have. And those workers have now been mixed in with the original workers. Today, they're probably dominant. They just behave differently about their work.

Then the federal classified system—how you pay people, what you call them, how you title them—which was devised many years ago and reached its peak in the 1940s and 1950s, hasn't changed. It hasn't kept pace with these demands. Agencies like Social Security have a problem because that outside system determines what salaries they can pay, whom they can pay, what titles they can apply. The general working conditions under which they work have not kept pace with the changing fabric of American work force.

Just take the union movement. The government doesn't know anything about government-management relations. It'd made one mistake after another. Today a supervisor of 100 people doing reptitive work should know something about management-labor relations. He should know something about how to motivate people, why people behave as they do, know something about the process for dealing with disciplinary problems. It's very complex. He isn't up to his job. And he isn't up to his job because the people you can hire for those salaries haven't been prepared for those jobs.

I'm not trying to indict anybody but I really think it's a very serious problem. And it's a problem we're really going to pay for downstream.

GOVERNMENT GONE AWRY

(By Haynes Johnson)

For decades, Social Security has administered the largest retirement program in the world. It has delivered with great efficiency and elan billions of dollars each month to tens of millions of Americans.

Several years ago Congress decreed that Social Security also should get into the welfare business. In 1974 the agency began administering a Supplemental Security Income program. Immediately, it became embroiled in problems and controversy. Its offices were besieged with a new class of claimants. Its record of efficiency was shattered. Its morale deteriorated.

Two months ago a new administration came to power. In the process of its first attempt to reorganize the government—an effort to bring order out of disorder, to streamline the workings of the bureaucracy—Social Security was directly affected. The agency was given administrative oversight for still another segment of the huge welfare population—some 11 million parents and children receiving billions of dollars each year under the Aid to Families with Dependent Children program.

The news was a shock.

"This just says to us we're heading more and more into the welfare business," one employee said. "And that's not what we need."

Another was more explosive. "Christ, another program. Who needs it? Does anybody understand what's happening to us? The President doesn't understand. OMB (the Office of Management and Budget) doesn't understand. Hell, we've had it with reorganizations—illogical reorganizations that we don't understand, yet we're supposed to explain them to our people and make them understand and accept it."

Not everyone in Social Security reacted negatively. Some see it as a challenge that the agency will master. But the move reinforces a point that keeps being hammered home during these last months of exploring the world of government through the limited perspective of one of its agencies. As someone along the way remarked, "The system is corrupting itself."

He didn't mean corruption in the simple sense we write about in the newspapers—theft, bribery, fraud, greed. He meant government is growing out of control all right, but not because of any single factor. It has become a victim of forces that inexorably propel it into greater and greater endeavors, creating greater and greater problems. "The whole society is involved in a rip-off, if you want to put it that way," he said.

The experience of Social Security would seem to bear that out. "We've been considerably frustrated at all levels," one of its managers says, "as public expectations about our role are continually being raised and we're continually being asked to perform tasks that we think we're not equipped to perform."

That doesn't take into account the reasons for the current reorganization, of which Social Security was only a part, nor the complexities in carrying it out.

The reasons are simple enough—the desire of new managers in a new administration to see if they can make the government work better. That was the pledge from Jimmy Carter on down. And the difficulties are clear enough, too—can anyone really make a difference?

The target, in this case, was not Social Security but the sprawling department that reaches into every corner of our lives. Social Security happens to be only one of that department's many tentacles.

As a symbol of the government, and the bureaucracy, the Department of Health, Education, and Welfare stands alone.

"No enterprise that I know of, government or otherwise, has ever grown as fast and reached out into so many areas," says a bureaucrat who has watched HEW change from within since the 1950s. "That may be

a reflection of something else, of what's happening in society generally.

"Life in America, and life in the Western world, has just become very complex. The dynamics of change are very rapid, perhaps even overwhelming. HEW's a reflection of that. HEW today is now self-propelling. It has a motion and thrust all its own. You can change the leadership and the tempo will pick up. Its effort may pick up or decline, depending on the quality of its people, but there's a certain amount of activity that's inevitable now. It just propels itself along. That's true of the whole government, though.

"Look at the uncontrollability of the federal budget. Look at the Congress. The Congress is continually looking for new space. Its appetite for new offices is insatiable."

As Social Security Commissioner Bruce Cardwell pointed out in an article in Monday's Post, another change is affecting American society. It's changing attitudes about work itself, found in every corner and segment of society today, in or out of government.

In that same period of HEW's growth, as more and more demands were placed on it with more and more bureaus created to oversee more and more programs, the obvious occurred. Morale declined, errors increased, service to the public suffered.

"I don't know how to get the bureaucracy back to where I used to recognize it, particularly in these big departments," says an HEW official.

"My general impression over the 25 years and various agencies I've been in is that the bureaucracy has gotten slower. They have reacted to what's happening in government by going into their holes. They're digging in, bunkering down."

He has only one solution: "Unless you get cues down through the bureaucracy that this is government under pressure and we've all got to behave differently, we aren't going to make it. To get control you've got to shake up the bureaucracy. And you've got to move fast."

That is what happened to HEW—and Social Security—in these early days of the Carter administration. How it was accomplished, and under what circumstances, tells a great deal about government today. And it raises as many questions as it answers.

When Joseph A. Califano Jr. took over as HEW Secretary two months ago he found many changes from the government he had known during his days in the Pentagon and the White House in the 1960s. The power of Congress had increased greatly, and the congressional staffs were vastly more influential. Government regulations had become unbelievably complex, and programs more intertwined and unmanageable. The bureaucracy was both dispirited and distrustful. And it was much more difficult to exercise authority. In his department alone Congress had enacted thousands of things that an HEW Secretary couldn't change. The only way to get change was through legislation. That meant asking Congress' permission. You were a pawn, a hostage, whichever way you moved.

Califano was determined to move swiftly in carrying out the President's—and his own—public pledges to reorganize his department. He was confident, too, that by realigning and eliminating overlapping functions, better administration could be achieved at far less cost.

He had another concern: any attempt to change HEW's structure would have to be done under tightest secrecy.

It hadn't taken him long to learn that virtually everything he did leaked instantaneously from the bureaucracy to congressional sources, special-interest groups and the press.

"I have come to the conclusion that everything I sign is a public document within 24 hours of the time I sign it," he says. "The only things that may not be public documents that fast are the memoranda I send to the President, because we hold them so tightly here. But everything else—excerpts from letters I've written, memos out of my office—I have to assume will leak."

Califano wanted to make certain his plans for HEW were secure. As someone who worked with him on the project put it: "To be brutally frank, if you let it seep out on you you'll never get it done." He meant that various interest groups could combine with their respective allies on the Hill to throttle it.

The security surrounding Califano's reorganization move is a measure of how difficult it can be to change government today. There are 145,000 employees in HEW. Aside from Califano, only five persons in all of HEW knew what was being contemplated. They were pledged to tightest secrecy.

After extensive private meetings the reorganization plan was finally put together. Califano faced another problem. He had to have briefing papers and charts ready before presenting the idea to the President.

"I had no sense I could get copies of briefing papers, plus all those charts, put together over here at HEW without having it leak all over hell," he recalls.

He went to Harold Brown, the new Secretary of Defense, whom he had known in his own Pentagon period. Brown agreed to have the charts and papers prepared at the Pentagon.

On March 2 Califano briefed the President at the White House. For more than an hour he went through the details before an audience composed of Carter, Vice President Mondale, OMB Director Bert Lance and presidential aides Jack Watson, Stuart Eizenstat and Harrison Welford.

The President was pleased, the plan was approved. Five days later Califano briefed the Cabinet and then announced the reorganization to the public as "the most far-reaching in the department's 24-year history."

Califano's first thoughts about his reorganization centered strongly on the Social Security Administration. He was thinking of moving two critical and controversial welfare programs—Medicaid and AFDC—into Social Security. The agency already had been given a federally subsidized welfare program for the nation's aged, disabled and blind (SSI). It also was administering Medicare.

One of his advisers objected. "I told him at that meeting, 'Hey, boss, you're putting 97 per cent of your money under one guy,'" he recalled, "'Do you really want to do that? When you do that you're creating a super-super agency head.'"

In the end, Medicare was transferred from Social Security as part of the formation of a new health-care administration. Social Security administratively was given AFDC to go along with its other welfare benefits program, SSI. That put HEW's cash-assistance programs under a single administrator, just as health-care functions were being placed together under a separate unit. It would eliminate fragmentation, Califano reasoned. It was logical. It should simplify management functions and save as much as $2 billion in the next two years.

It was also believed that putting the two programs under Social Security would lead to substantial reductions in error rates off SSI and AFDC. Social Security alone had been working intensively to cut errors, with marked success; rates in SSI have been cut at least in half. The cost had been high—a billion dollars in incorrect payments in its first two-year period—but about a third of that money has been recovered or settled. Still, error rates in both programs remained high. Latest figures for SSI show an 8 per cent payment error. For AFDC it's a 9.1 per cent rate.

The long-term impact of AFDC on Social Security is unclear, in part because the entire question of welfare reform is being studied within HEW. State and local governments still pass out their AFDC welfare payments in offices across the country. But Social Security now is assuming overall quality control as well as seeing that federal guidelines are carried out. If fraud exists, it's the ultimate responsibility of the federal government to root it out.

Probably the greatest concern within Social Security is that the AFDC program—with 11 million beneficiaries getting $9 billion a year—ultimately could turn into another SSI experience.

Califano and his top advisers had discussed the impact of these moves on Social Security. They had weighed morale and other factors. They were aware, as one said, that people there "generally felt the SSI experience was more than they ever wanted to face again."

Califano says, "I guess I was not as aware of the problems with SSI." He had visited the agency's headquarters in Baltimore and came away with several strong impressions.

"My instinctive reaction was how incredibly big it is," he says, "with those 300 or more million people on those computer tapes, and how incredibly dreary some of that work must be for the individuals. I felt sorry for the people that were reading those microfilms.

"I've done my share of legal research, reading old documents on microfilm, and it's, grim, tough. It sears your eyes. But I was impressed, I guess, that they've come a long way from a few years ago. Then you couldn't have a radio when you were sitting there. They've got much more frequent breaks now. They've learned that that pays off."

What has not been learned, it seems clear, is something more fundamental. Perhaps the HEW reorganization will turn out to be the model for the rest of government. Perhaps it will save billions of dollars, although that is doubtful. Perhaps it is a hopeful beginning, for Carter, Califano—and the country.

This reorganization does not touch, however, nor was it intended to, some of the deeper problems of government. It does not address questions of pressures from the top building on the workers below, on outside demands for more and more programs and more and more laws and more and more regulations, on complexities of declining morale and technological tangles.

It certainly does not address the personal frustrations felt by many people on the front line of government today.

"We're being asked to deal with things that a bureaucrat isn't really trained to do," says a government employee. "Look at the SSI program, for instance. (The federal welfare program for the aged, the blind and the disabled is now run by Social Security). In California a federal bureaucrat out in a district office has to go and see if your aunt changed living arrangements from month to month to determine if she stays on welfare or if her SSI benefits go up or down. We have to go in and ask her if her cooking arrangements are different from last month to next month. No way!

"If you don't and we find out by our quality control that her cooking arrangements have changed and she should get less money, that's an error. I don't think anybody understands the complexity of that. I don't think anybody understands the federal bureaucrats can't do that without errors. We'll never get those errors down, I think, below 15 per cent. That's almost an impossible situation."

Too often, employees react all too similarly. They do just enough to get by. "You don't get your psychic income out of the office," one says. "You do the best you can,

and try not to get too frustrated. You gut it out."

As we have been reporting these past three days, Social Security is an agency with a great record of public service presently experiencing considerable strains. Some of its wounds are self-inflicted. Most are not. What makes it so signal a case is the irony of its dilemmas. One stands out sharpest of all. Social Security has become a victim of its own achievements.

"It's the rewards for success," says an HEW official who participated in shaping the current reorganization plans. "Every one of those programs that was given to Social Security was given not because it made so much logical sense to put them in there. In many cases it didn't. They were put there because of the fact that here was an organization that had a reputation of being able to get things done.

"Generally speaking, there was no problem you couldn't give Social Security. They brought Medicare up from nothing to on board in a period of 18 months after the law was passed. That was an unbelievable administrative task. I don't know of any other example of a new program getting off the ground like that. And when SSI was given to them, wasn't the decision based upon the fact that they could do it? That was the only place that could do it?"

Of course Social Security workers say that, precisely, was part of the problem. They speak about reaching—or overreaching—the saturation point in terms of programs, services and benefits. They speak of programs eventually turning inward and becoming self-destructive. They speak of struggling to simplify legislative fiats affecting those programs. "I don't think Congress is interested in simplification," one person says wearily, "because the law is so filled with provisions that protect somebody. I really don't think anybody is interested."

From the top echelons at HEW the perspective differs. The most critical problem Social Security faces, you'll hear, lies with its computer systems technology. "My assessment of the problem of morale and the image of Social Security going downhill over the last five or six years," that same official says, "is that 90 per cent of it is tied to systems problems. And I don't thing they recognize that. I think they blame it on overwork. But the overwork is because they haven't been able to get the systems to respond in time to do the work. So people end up having to do it."

Again, the irony: Social Security officials say so much of their time is spent on technology—on worrying more about machines than people—that its proudest traditions are in danger. It was Social Security's greatest source of pride to be thought of as the people's friend, the agency closest to the citizen. For a number of the reasons we've been suggesting, that public and personal role grows more difficult.

One more observation. In all the public talk about the excesses of government, a great deal of time and attention are spent on fraud and scandal in administering programs. Politicians seize on that. They pledge to remove welfare cheaters and reduce cost overruns. Fine enough. What doesn't receive as much attention is perhaps the greater corruption—the attempt to do more than is prudent or possible and the failure to account for the real costs of placing greater burdens on government.

This is a story without an end.

No final clarion message emerges from this glimpse into government. In months to come, other agencies and organizations will be examined. Perhaps other lessons will be learned. But Social Security alone provides disturbing evidence of government gone awry. And the words of one of its managers are worth pondering.

"My own personal conviction," says Robert Bynum, associate commissioner for program operations, "is that the President and Congress ought to be very, very careful about enacting new programs to take care of what is apparent as a need without very, very thoroughly and carefully looking at everything else that's already on the books that somebody else has responsibility for. And somehow in that process they must insist that you undo some things that have been done.

"If we don't do that, if this President and this Congress don't somehow get a grasp on how to do that over the next four years, then we are truly going to reach a chaotic kind of situation in this country."

HEAD START PROGRAM

Mr. ABOUREZK. Mr. President, I want to call to the attention of the Senate three recent newspaper articles which discuss the Head Start program and the successes it has registered. I ask unanimous consent that these three articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 27, 1977]

THE VALUE OF HEAD START

Contrary to reports downgrading the value of Head Start and similar programs, recent evidence from 96 major and minor studies has led Bernard Brown, an educational psychologist in the United States Office of Child Development, to conclude that "the score is 96 to zero" in favor of compensatory programs for disadvantaged preschool children.

The current evidence, Dr. Brown said, shows that "early intervention" can raise intelligence quotients and lead to improved school performance and better social adjustment.

The most effective programs appear to involve participation by parents. In one such program, in Nassau County, instructors made twice-a-week home visits to show parents how to teach their children. At first, the children's I.Q.'s were in the low 90's, below normal. Once in school, the children tested above normal, with I.Q.'s betwen 107 and 108. They learned more than a control group and had fewer behavioral difficulties.

The revised assessment is based in part on work by Frances H. Palmer, a professor of psychology at the State University of New York at Stony Brook. Professor Palmer studied compensatory education in Harlem and reviewed nine other studies by different researchers. All 10 studies were "longitudinal": They tested the same children at intervals for many years.

According to Professor Palmer, evaluations made shortly after the end of the special programs failed to confirm any appreciable benefits. Followup in subsequent years, however, often showed substantial delayed effects. "Where school-age results are available, they are consistently encouraging," Professor Palmer said.

[From the Chicago Tribune, Feb. 28, 1977]

EFFORTS LIKE HEAD START PROVE A BOON TO CHILDREN

(By Joan Beck)

There's one enormous, exciting bright spot in all the discouraging statistics about increasing school failure, decreasing reading levels, and the inability of public schools to turn disadvantaged children into achieving young people.

The good news is: Early learning and preschool enrichment programs like Head Start, Home Start, and hundreds of others, really work. They are highly successful in cutting down the rate of school failure, in raising intelligence quotients, in boosting reading and math achievement later on, and in helping children to become socially and academically competent.

Scientists at the annual meeting of the American Association for the Advancement of Science in Denver last week took a hard look at 96 long-term studies of the effectiveness of early learning on disadvantaged and other children. The results, as Bernard Brown, of the United States office of child development, put it: 96 successes to 0 failures.

Not one study—all of which met rigorous scientific standards—failed to show significant gains for the children involved as compared to similar youngsters not in the program.

This vast accumulation of solid evidence of success shows clearly that we do have a good, workable answer to the question of how to help children do well in school and after. And it's an answer soundly based on neurological facts about brain growth and psychological findings about child development.

The promise of early learning programs—which sparked great enthusiasm in the late 1960s—has been obscured in recent years by the controversy over integration and busing as a way to help disadvantaged youngsters. A preliminary assessment of results [now considered to be statistically faulty] suggested that early learning gains faded gradually after the children reached elementary school unless they got followup enrichment.

There may be some leveling off of gains in IQ and academic achievement in the early grades, according to studies reported at the AAAS meeting. But big gains do persist. And new, long-term studies are picking up a kind of rebound, or sleeper effect, that in some cases increases the academic advantage even into the junior high school years.

Early learning programs differ in their emphas's, methods, and aims. Some last only a summer, others two to three years. Some involve parents. Some start at birth, others not until age 3 or 4. Some, particularly many with Head Start funding, find the children's need for health care and good nutrition so overwhelming they can pay little attention to mental stimulation. And not every child in every program does better than comparison youngsters without such opportunity.

But generally, the studies reported to the AAAS—and research on Head Start programs compiled by George Washington University and published in December—show a pattern of benefits.

Children who have had early learning programs have higher IQs than comparison youngsters—ranging from 7 to 10 points in most studies up to 30 to 40 points in one report. Much greater percentages of the youngsters test out at grade level or better in reading and math. Many fewer flunk—3 per cent compared to 32 per cent of classmates in one study.

Some of the most successful programs—28 of them reported to the AAAS—focus on enriching a young child's life and learning opportunities by working with parents in the home.

Head Start now gets about $450 million a year and can reach only about 15 per cent of children eligible by poverty guidelines. Other programs take only a small percentage more.

Those who want to help children should take a long, hard look at early learning programs. They are not politically controversial. They don't aggravate racial tensions or disrupt families or communities. They don't waste money or children's time on long bus rides. By cutting down on special and remedial education and flunking, they are a cost-benefit bargain. And most of all—they are successful.

[From the Denver Post, Feb. 24, 1977]

CHILDREN "SHOWED LASTING GAINS"—RESEARCHERS CITE STUDIES IN DEFENSE OF HEAD START

(By Art Branscombe)

The educators who five or six years ago said early childhood education programs such as Head Start did no lasting good were wrong, a panel of researchers insisted at an American Association for the Advancement of Science session Wednesday.

"More than 96 studies show long-term gains in cognitive development," said Dr. Bernard Brown of the U.S. Office of Child Development (OCD), who arranged the panel meeting to present results of new research.

Children involved in Head Start and Follow Through, a kindergarten-3d grade follow on program, not only showed lasting gains in IQ and achievement, but were much less likely to land in costly special education classes, panelists said.

The earlier studies of such children indicated the academic achievement gains made by Head Start children at ages three and four tended to "fade out" once they entered regular school.

Those studies were done too soon and, in some cases, had flows in their evaluation methods, the panelists in Denver agreed.

Their "longitudinal" studies—lasting in some cases for 10 years now—show not only that the children's early gains persist, but also that there are sometimes "sleeper" gains which only appear four or five years after the programs have ended.

Dr. Francis Palmer, of the State University of New York at Stony Brook, N.Y., reported on a research program which began in 1967, ran for three years before it ran out of funds, then was resumed in 1975 with funds provided through the Denver-based Education Commission of the States.

By 1975, the 233 children—all boys and all black—who had been in the Head Start program in the late 1960s were mostly in 5th grade. They averaged 5.3 to 5.5 (fifth year, fifth month) in reading, compared with 5.0 for "control" children who hadn't had the Head Start program.

In arithmetic, he reported, the children who had had the early childhood help averaged 5.3 years; compared with 4.6 years for the control students.

"Most significant," he added, "is the fact that only 22 per cent of the experimental program children, but 45 per cent of the controls, are at least a year behind in grade level . . .

"There is absolutely no question but what we've made a rather compelling effect."

Dr. Victoria Seitz of Yale University reported on "sleeper" effects discovered in a 10-year-long study of New Haven, Conn., children, most of whom went through both Head Start and Follow Through programs, starting in 1967.

An earlier report in 1974 revealed, she said, that boys among the 350 students involved had made gains in math, general information and IQ, but girls seemed unaffected.

Her latest testing of the students shows there is "no fadeout"—boys in the 6th and 8th grades still are outperforming those who didn't have Follow Through.

But it also shows girls in the 8th grade are "significantly" outdoing the control group which didn't have Follow Through.

Dr. Robert D. Hess, of Stanford University, reported on results from 28 "home-based" early childhood programs, in which parents are taught how to teach their children.

These research results show that kids who began with an IQ of 70–80 (normal is 100) averaged a gain of 13.6 points; those with starting IQs of 81–85 averaged 13.2 points gain; those with IQs of 86–90 gained 10.2 points; those with IQs to start of 91–96 gained 6.3 points and those with IQs of 97–110 gained 3.2 points.

"The children who began relatively low gained the most," he noted.

And followup evaluation in eight programs showed most of the gains persisting for up to four years, he added.

Brown, after pointing out that 96 studies which have come across his desk at the Office of Child Development show cognitive gains, noted that five of them also show "major effects" in reduction of the number of children placed in special education or retained in grade.

"Today, we are gathering the first fruits of these longitudinal studies," he asserted. "This portends a rich harvest.

"The adverse effects of poor environment on children can be overcome. The question no longer is does (early childhood education) work, but how does it work? And what can make it work better?"

MOBILIZING MATURE MANPOWER

Mr. PERCY. Mr. President, I would like to briefly discuss a valuable resource which we are wasting each day. I am speaking of the talents of older Americans. More than 4,000 Americans reach the retirement age of 65 each day. On retirement day they are automatically treated as "old" by employers, Government agencies, and society in general. Retired persons are denied the right to continue working at the job they spent many years learning, the job they know best.

People do not just suddenly become aged on their 65th birthday. People age gradually during their lifetime; some more rapidly than others. Growing evidence indicates that forced retirement accelerates the aging process. It has been proven that emotional, psychological, and physical problems can be brought on or even aggravated when an older person has been forced to leave his job and the job market.

Mandatory retirement results in an enormous waste of human talent. Polls have shown that thousands of workers in this country would prefer to continue to be productive members of society. Forced retirement can even be considered a denial of rights without due process, according to several local court decisions across the country. The issue may eventually come to the U.S. Supreme Court. If the judicial branch does not reckon with the issues of mandatory retirement, then Congress must.

A phased retirement policy should be considered. There is ample precedent for such a policy in other countries. Such a policy would reduce drastically the "retirement shock" experienced by millions of retired persons in this country. The time has come for us to look into and resolve the injustices of mandatory retirement.

I recently learned about a retirement plan from a Washington, D.C., resident, Morton Weiss, which I think deserves mention. He calls his phased retirement plan, "Mobilizing Mature Manpower."

An editorial about Mr. Weiss' plan was published in the the Cincinnati Enquirer. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CREATIVE USE OF RETIREMENT

(By Morton D. Weiss)

Just because a man hits 65 and leaves a payroll is no sign his brain or imagination ceases to function. Yet society's principal message to him, all too often, is simply, "go fishin."

For some men (and their wives), enforced idleness is too much. Psychologists compare what sometimes to a business executive in retirement, for example, with the deep-sea diver for whom the pressure lifts too suddenly and the "bends" result.

Such groups as the American Association of Retired Persons have given the problem a lot of attention in recent years, of course. But a lot more, we believe, needs to be given.

So we were pleased to learn of an idea put forward in Washington by Morton D. Weiss, 71, retired government research and finance expert, for the creative use of retirees with lively minds and proven ability. Mr. Weiss' plan is called Mobilizing Mature Manpower and is simply this: Permit retirees from the scientific community and such agencies as the Commerce Department to rent office space, at a nominal fee, in a private building downtown, then let them use it as they see fit.

Mr. Weiss' thesis is that able, creative minds, spent in many years on the job, "need time to reflect, and retirement gives them that time. But then they also need to come together, and when that happens, the results could be plans, projects and ideas in the national interest."

Maybe such an approach would prove impractical, though on its face it seems to have a lot of logic. In any case, Mr. Weiss, married to the former Dena G. Morgenstern of Cincinnati, is actively pursuing it with private interests in the nation's capital. The federal establishment has surely spawned many a "pilot project" with what seemed a lot less potential than this idea. Moreover, Mr. Weiss' experiment would cost a pittance of even the most humble federal undertaking.

We wish him well, then, in his proposed venture. Certainly not all good ideas from Washington have to flow from the public sector (and treasury).

TRIBUTE TO JULIUS HOBSON

Mr. BAYH. Mr. President, on Wednesday, March 23, America lost one of her true pioneers in the struggle for racial equality. In the true sense of the word, Julius Hobson was a fighter. He fought in many different arenas, and he never really lost a battle. His battles were not easy ones, but Julius Hobson would have wanted it no other way. His successes attest to the fact that once he set out to right a wrong, no amount of opposition was insurmountable. The lawsuit which brought an end to tracking in Washington schools as well as the picket lines that eventually led to the hiring of minorities in downtown department stores can be attributable to the efforts of Julius Hobson. And his final and ultimate battle with multiple myeloma and acute leukemia must also be considered a victory for this courageous warrior. For Julius refused to succumb to the illness. The day before his demise, he was busy at work in his District of Columbia Council office. A man with this display of energy and courage never loses a battle, because he refuses to be defeated.

All Americans can learn a lesson in courage as a result of the example set by Julius Hobson. Ours is a country of bold and courageous leaders. And surely, Julius Hobson, who for over 20 years fought the battles for equality and captured the imagination and the respect of thousands of his fellow citizens, will find his duly deserved place in history. May the memory of Julius Hobson live on as a shining example of what can be accomplished through hard work and determination, and most importantly, as a symbol of the kind of affection he had for his country. An affection that led him to challenge America to be great. His memory shall live on in the light of his country's greatness.

THE BUREAUCRATIZATION OF NATURAL RESOURCES

Mr. HATCH. Mr. President, a group that seeks to further the power of bureaucrats under the guise of protecting the public interest has issued what it claims is a study. The group is called "Exploratory Project for Economic Alternatives," and its study is called "Public Trusts: A New Approach to Environmental Protection." Its "new approach" is the old reactionary one of expropriating property rights. According to the Washington Post, the group proposes to make nonowners of natural resources the legal beneficiaries of the resources and to make the present owners legally responsible for managing the resources in the interests of others. How could this work? What kind of law would it be that required a dispossessed owner to manage his former property in the interest of those in whose name he has been dispossessed?

If it is a good idea to revoke private property rights in natural resources and place them in the hands of public trustees with legal responsibility to manage them in the interests of the people, why confine the scheme to natural resources? Why not extend it to every other property right? The American people have as much stake in human resources as they do in natural resources. Does that mean that we should deprive people of their property rights in their own labor and place these rights in the hands of public trustees to manage everyone's labor in the public's interest?

Let us look closer at this proposal to hold all natural resources in public trust. How will these public trustees know what is a natural resource and what is not? Will the category include all existing resources with a market value, or will it also include rainwater and wind and energy from the Sun? How will these trustees know to discover new resources and new uses of existing resources? If something like what is being proposed was put into effect a hundred or more years ago, we would have whale oil and wood stoves in the public trust today and be quite ignorant of oil, internal combustion engines, and solar heating.

Let us look at another question, because absurd proposals such as this are continually originating in think-tanks, from which they find their way through bureaucratic interests, or through press and staff, to the Congress. That question is what criterion will the public trustees use as a basis for their decisions. How will they know if the benefits of their actions exceed the cost? It is well known that Government officials neither advocate nor use the net-benefits criterion as a basis for their decisions. The group that sponsored the study wants to move us "away from a future dominated by the values of giant corporate and bureaucratic institutions." In their view bureaucratic institutions must not include the Government, because their proposal, whether intended or not, will serve to expand the self-interest of Government by expanding the demand for the services of Government.

The energy crisis, like most other crises, is just another product of an old political strategy. One hundred and eighty years ago James Madison described the strategy as "the old trick of turning every contingenly into a resource for accumulating force in the Government."

In their advertising campaigns designed to create and market crises, think-tanks, bureaucrats and their political allies have an enormous advantage, because they can claim to represent the public interest. But what is the public interest? It is today what it has always been: the interest of those who speak in the name of the public. For a long time now the public interest has served as a mask for the aggrandizement of Government power.

The public's interest has been greatly served by private property, in energy as in all other fields. Private property in the ownership, production, and consumption of energy has provided Americans with the most abundant and least expensive energy in the world. Today this great achievement is said to be a failure, because private property has provided Americans with too much cheap energy. Now the bureaucratic forces of Government are in action to drive away cheap energy and to confiscate it as a new source of tax revenue for Government.

There was never any energy problem in America until Government got involved in regulating it, in fixing prices, in scheduling extraction rates, in taxing away profits, in blocking energy development in the name of everything that can be invoked. The price of gasoline was always cheap in the United States until the last few years during which Government action at home and abroad began battering the wellhead profits of the oil companies. Crude-oil earnings have been hurt by price controls, by revocation of the depletion allowances, and by confiscation abroad of crude-oil producing properties. All of this was done in the name of protecting people from big oil, and it has all served to build the power and income of Government at the expense of the people's energy pocketbooks. Now that Government has driven up the cost of gasoline, it has set the stage for a new attack on the private property rights of energy owners. The "Exploratory Project for Economic Alternatives" wants to extend this attack to the property rights of all natural resource owners.

Mr. President, as Prof. Douglas North at the University of Washington and other distinguished scholars who have spent their lives in study have discovered it was the development of private property rights that produced the economic growth that gave the peoples of Europe and Norh America their fabled living standards. Elsewhere in the world the whole idea of progress is to achieve what we have achieved, to catch up with the West. Yet, in the West, the achievement which is the goal of the rest of mankind is said to be a failure. We are said to need more of what the rest of the world is struggling to free itself of—exploitative government.

Human progress has flowed from human action unleashed from the tenacles of Government. Where Government enters, progress declines. Government acquires rights at the expense of the rights of citizens. Every Government program constitutes a threat to private property rights. The revocations and abrogations that accompany every governmental program drive up the cost of production and reduce output below what it otherwise would have been. Furthermore, the added costs of added threats to private property rights reduce the incentive and inclination to invest and reinvest in the acquisition of additional private property. As Prof. Michael Jensen and William Meckling of the University of Rochester have made clear, in deciding how they will invest their assets and use their time and energy, private citizens form expectations about the likelihood of revocation and abrogation of their rights, based on what they see happening to others throughout the system.

As Government continues to exploit productive private producers in order to increase the rate of return earned by political entrepreneurs, individuals will increasingly forego making socially desirable productive investments, because of the threat to their property rights. Because opportunities throughout the country that are not taken are hard for politicians in Washington to see, we fail to consider the negative consequences of numerous Government actions. But there are many signs that the energy industry is in decline directly as a consequence of governmental action.

The corporate form of economic activity was a great advancement, because it allowed resources to be mobilized for productive purposes which otherwise would not have been undertaken. Today the corporate form of ownership is under attack by those who want to redistribute the ownership of resources from the present set of owners to a new set of owners that wants to own without working and saving to acquire ownership. Why work to acquire if it is easier to politically organize and acquire through political confiscation? Government is not adverse to facilitating this process, because it stands to gain the power in a concentrated form that now exists in fragmented form in the individual property rights of numerous owners.

As corporate rights recede, the value of owning such rights will also. The value of any right depends upon how permanent it is. Once in this country we saw

the function of Government as protecting private rights. Today we see the function of Government as revoking and abrogating private rights in the name of the public interest. As this process proceeds, potential investors will become increasingly convinced that the rights of owners to have the assets of corporations managed in their interest are tenuous. As they perceive this, they will stop investing in corporations. The dead hand of Government will have fallen on one of the legal wellsprings of economic progress.

We may be closer to this than we think. A population of people will always contain entrepreneurs. When entrepreneurial behavior no longer pays in productive economic life because economic rights and income claims are dispensed by Government, entrepreneurial skills will cease to be supplied to the private sector. The skills that innovate and renew will not be supplied in the absence of secure private rights to what they produce.

Mr. President, we speak increasingly about Government solving economic problems, but the great economic achievements that we have enjoyed were made possible precisely because they were never problems of Government. Our achievements resulted from private persons and private firms solving problems in which they saw a payoff. The resourcefulness of a Nation resides in its people, not in its government or "public trustees." This resourcefulness still exists in spite of depredation by Government and bureaucratic interests. Just this week I heard the president of Mercedes-Benz of North America describe his firm's development of a turbo-diesel that will allow passenger cars to travel 75 miles to a gallon. This single private development is a greater contribution to energy conservation than anything that has been done in the past couple of years in Washington.

I want to point out what it means for Government or public trustees to take over the operation of the energy systems upon which the country depends. It means that private activities will be replaced by Government activities in the 10,000 firms that explore for and produce oil and gas, in the 250 domestic companies which refine oil, in the 200,000 gasoline station operations, in the 5,000 coal mines, in the 3,000 utility systems, in the thousands of companies that manufacture energy using products, in the thousands of companies that supply equipment essential to the production of energy from nuclear reactor vessels to drilling rigs to mine roof bolts.

What constitutes responsible management of energy supplies is their use in ways that produce profits. If energy uses do not produce profits, then they do not produce satisfaction for the users or energy, and human welfare is lessened. People will not spend their money in ways that do not produce satisfactions for them, and individuals themselves are the best judges of how to allocate their money between competing desires in order to maximize their satisfaction from their income. Government cannot step into this private process without reducing the satisfactions that people derive from their incomes.

People look best after their own property and their own income. They are notoriously bad about looking after the property of others, as most homeowners who have ever rented their homes know. The interests of Government consist primarily of the interests of those who are in Government. They will use the power that Government acquires over property to transfer that property and the income that it produces to other uses that those in Government see as in their interests.

As Government has become more involved in protecting the public interest and solving society's problems, its claim to the national income has grown. Today Government takes about 40 percent of the goods and services that are produced every year from the private owners who produce them. Today the burden of Government on producers is greater than the burden that feudal lords placed on serfs. Serfs, on the average, only owed one-third of their incomes to their noble masters. Today, the free democrat owes on average 40 percent of his income to masters who are not even noble.

Mr. President, a representative of the people is one who fights to expand private property rights, not to restrict them.

As Prof. Craig Roberts and other noted scholars have shown, there is a lack of coincidence between the public's interests and the interest of government. Behind various moral guises hides the vested interests of government. Private property rights are what protect people from the interests of government. That is why the advance of governmental interests breaks down the property rights of private individuals. This process is reactionary and the anthithesis of human progress. For too long statists have gone unmasked, while skepticism has been applied only to the private sector. It is time to apply the logic of skepticism universally.

In my closing remarks I want to point out that many products of think tanks are more inimical to the public's interests than saccharin, and if the Government can ban saccharin in the name of the public's interest, it can ban the products of think tanks as well. The freedom of ideas does not expand with the expansion of government. Only those ideas that serve the interests of government expand.

Today in the United States the budget of government is larger than the value of the national income of France or Germany. It is six times the size of the GNP of Sweden and 50 percent of the total production of the Soviet Union. In the United States government takes from Americans in taxes a sum greater than the combined value of every marketable good and service that the total population of France can produce in 1 year. Does anyone really believe that the American people receive in return from Government services equal in value to the total production of the French nation? No one believes this. Yet it does not stop us from continually expanding the size of government. That is what shows whose interests are represented in Washington.

CLEARINGHOUSE FOR COMMUNITY EDUCATION

Mr. CHURCH. Mr. President, several years ago I introduced legislation to create a national community education system in this country. Fortunately, the community education concept was included as a part of the Elementary and Secondary Education Amendments of 1974.

Community education is a special program that utilizes the public school plants for the benefit of the entire community, regardless of age. The traditional neighborhood schools open their doors during after-hour periods for recreational, social, cultural, and educational activities for the very young to the very old. Since 1974, 94 school districts, universities, and State education agencies have received community education awards amounting to $3.5 million. These awards could well be the model upon which we can build a nationwide community education program.

The 1974 legislation also called for the establishment of a national clearinghouse on community education. I was pleased to learn that the clearinghouse contract has been awarded and the clearinghouse will soon be an operative body. I ask unanimous consent that the HEW press release describing the clearinghouse be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

HEW NEWS

Award of a $146,000 contract for the creation of a Federal Community Education Clearinghouse was announced today by HEW's Office of Education.

The clearinghouse will be operated by Informatics, Inc., Rockville, Md., under a one-year contract with the Office of Education's Community Education program. Its creation fulfills a legislative mandate of the 1974 Community Schools Act which calls for "a clearinghouse to gather and disseminate information received for community education programs, including information regarding new programs, methods to encourage community participation, and ways for coordinating community education programs with other community services."

The clearinghouse will maintain:

A response/referral service linking a person requesting information with the appropriate resources around the country. Approximately 2,000 documents will be collected, put into a computer data bank, and made available to users located anywhere in the United States.

A catalog listing all the resource material available in the response/referral data bank, including an expanded annotation of each item.

A toll-free hotline for quick, direct access to the clearinghouse offices.

Regularly scheduled meetings with community educators to ensure responsiveness to their needs.

Community education is a program that uses public school facilities for educational, recreational, cultural, and social activities for the community at large. Each program varies considerably, depending on the needs, interests, and concerns of the community it serves.

At the Federal level, community education is funded under the Special Projects Act of the Education Amendments of 1974 (Sec. 405). Awards amounting to $3.5 million were made for the first time during the 1976–77 school year to State and local edu-

cation agencies and institutions of higher education.

RISING COST OF HEALTH CARE

Mr. BELLMON. Mr. President, in the past 10 years, total health expenditures in this country have grown from $42 to $140 billion, or from 5.9 to 8.6 percent of our gross national product. If present trends continue and if we undertake no new Government programs, this will grow to $240 billion, or over 10 percent of GNP by 1982. In 1977, the cost of health care—excluding such expenses as eyeglasses, drugs, and dental care—is estimated to be $640 per person, or $2,560 for a family of four. This represents 18 percent of gross income for a family at the median income level of $13,700 annually.

Hospital costs represent about 60 percent of total health expenditures and have been increasing at an alarming rate. In the past decade, hospital costs have increased three times faster than the Consumer Price Index. For example, the average semiprivate room rate increased 16.4 percent in 1975 and at an annual rate of 15.6 percent for the first 6 months of fiscal year 1976. Between 1965 and 1976, physicians' fees increased 92 percent and semiprivate room charges rose 211 percent—compared to the Consumer Price Index increase of 71 percent. Only half of these hospital cost increases are attributable to increased services and utilization of facilities.

There is a growing feeling among many health care specialists that inadequate planning and retrospective reimbursement mechanisms have encouraged undisciplined expansion of hospital costs. These policies have promoted excessive capacity, unnecessary duplication of equipment and facilities, underutilization, and a tendency to hospitalize persons who could be treated on an outpatient basis. For example, the Institute of Medicine estimates that there is a surplus of over 50,000 acute care beds and that, on an average day, over 200,000 beds are unfilled. These 50,000 beds each cost about $40,000 to create and about $20,000 annually to maintain.

Spiraling health care costs are creating tremendous pressures on public and private spending. Expenditures for medicare and medicaid, for example, have doubled every 5 years. This significant pressure causes those of us in Congress, who are responsible for the overall level of Government spending, grave concern because it makes it additionally difficult to balance the budget and to contain the inflation which destroys the quality of life for so many of our citizens.

REDUCED INTEREST RATES FOR ENERGY-SAVERS

Mr. McGOVERN. Mr. President, it is refreshing to read that a commercial lending institution is innovative enough to advance its own program to those concerned with energy conservation. The Northwestern National Bank in Sioux Falls, S. Dak., is one of our largest banks. Under the leadership of C. P. Moore, it is also one of our most progressive banks. Known throughout the State for its interest in the credit needs of agricultural producers, it has now initiated a program of low-interest loans for those householders who seek home improvements aimed at insulation as well as other energy saving purposes.

As a tribute to the bank and for the information of other Senators, I ask unanimous consent that an article appearing in the Sioux Falls Argus Leader on March 12, 1977, entitled "Bank Offers Reduced Interest Loans for Energy-Saving Home Improvements" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BANK OFFERS REDUCED INTEREST LOANS FOR ENERGY-SAVING HOME IMPROVEMENTS

Northwestern National Bank of Sioux Falls has committed $1 million, to make reduced interest rate loans for energy-saving home improvements, according to C. P. "Buck" Moore, bank president.

The bank will reduce the interest rate 20 per cent on loans for a variety of energy-saving home improvements, ranging from insulation of ceilings and walls to total revamping of heating and cooling systems. Moore said that the reduced interest loans would be offered for all valid home improvement energy conservation purposes and the bank would be open to consumer ideas on the subject.

Some of the improvements qualifying for the loan program include ceiling, wall and floor insulation; storm windows and double glazing; storm doors; basement foundation insulation; window and door weather stripping; new or rebuilt furnaces; heat pump or electric heating systems; fireplace damper integrity, including reclaimers and flue dampers; duct and heating pipe insulation; solar heating or solar home design projects, efficient hot water heaters; and roofing.

Moore stressed that the bank would prefer to make loans for major home improvement projects in order to increase the opportunity of having a significant impact on improving the energy efficiency of the area's housing stock.

The bank also will direct borrowers to other private or public agencies which process home rehabilitation funds for energy-saving purposes and to local agencies which administer federal grant funds for these same purposes, if it would appear that a particular borrower might qualify for specialized assistance.

The reduced rate loan program, which is effective immediately, will run through October 1977, with provision for continuation if loan demand requires it.

SERVICE IS THE SECRET OF STEVEN NAGAMINE'S SUCCESS

Mr. MATSUNAGA. Mr. President, the largest family-owned chain of restaurants in Honolulu—a city noted for its great variety of good restaurants—is the Flamingo chain owned by the Nagamine family. Although millions of island residents and visitors have enjoyed the good food, reasonable prices, and good service which characterize all of the Flamingo restaurants, not many are familiar with the inspiring story of Steven Nagamine, the founder of the Flamingo restaurant chain. I was therefore, very pleased to find an article about Mr. Nagamine in the recently published progress edition of the Honolulu Star-Bulletin, especially since the story reveals the secret of Mr. Nagamine's remarkable success—service to the public.

An immigrant who came to this country from Okinawa at the age of 17, Steven Nagamine spent years learning the restaurant business. At one point, the unskilled youngster worked as a steward on the interisland ferry which was then the only means of transportation between Hawaii's major islands.

Finally, in 1950, Mr. Nagamine and his wife realized the dream of many years when they opened their own little restaurant, the Cafe Flamingo. Even then, however, success did not occur overnight. They had no money to advertise the new restaurant and so, with their eight children, they passed out inexpensive reproductions of the Flamingo menu in downtown office buildings. They all worked in the restaurant, waiting on customers and clearing tables.

Today, at age 72, Mr. Nagamine is a millionaire. He is the owner of 5 popular restaurants which employ over 200 people and are ably managed by his sons and daughters. Although he has reached an age and station in life when he could fully retire to leisurely pursuits, he can be found every day in the Cafe Flamingo where he devotes much of his time serving his old customers—simply because he enjoys serving others.

Unlike most millionaires, Steven Nagamine has not forgotten his humble beginning, and there are many who can attest to his generous helping hand during times of dire need.

With the thought that my colleagues will find Steven Nagamine's story as inspiring as I did, I ask unanimous consent that the news article from the Honolulu Star-Bulletin be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, Feb. 22, 1977]

A FLAMINGO IN FLIGHT

(By Dick Habein)

Steven Nagamine, 72, is still waiting on tables—just like he did more than 25 years ago when he opened the Flamingo restaurant on Ala Moana Boulevard.

He couldn't serve all the customers then and he certainly can't now. His business has grown tremendously and currently serves some 5,000 meals a day. Nagamine's is probably the largest family-owned restaurant operation in Hawaii.

Nagamine immigrated to Hawaii from Okinawa in 1923. He was 17 years old and an unskilled worker. He spent years working for many hotels and restaurants, including the Kewalo Inn, the Moana and Royal Hawaiian hotels, and the Blaisdell.

He even put in a stint as a steward aboard the boats ferrying among the Islands for the Interisland Steamship Navigation Co.

In December 1933, Nagamine married Thelma Akamine of Hilo. They now have four sons and four daughters.

It was in 1950 that the Nagamines opened their first restaurant, the Cafe Flamingo on Ala Moana Boulevard. Simply furnished, it offered moderately priced luncheons and dinners.

At first business was slow. But Nagamine began to show the flare that eventually would make him a millionaire.

He adopted the least expensive form of advertising available—printed menus listing each day's offerings at his restaurant. These were passed out by hand in downtown offices.

It took months of walking around but eventually the first Flamingo took flight.

Since then the Nagamines have seen a flock of successful Flamingo restaurants open. The Kapiolani Flamingo opened in 1959. The Chuckwagon with its "all-you-can-eat" buffet became part of the chain in 1967.

The Nagamines ventured into Waikiki with the Royal Lanai in 1970. It operated successfully until last year when it was razed for a new development.

Last September, the family went downtown and purchased Arthur's and the coffee shop next door in the Davies Pacific Center on Merchant street.

And later this year, there'll be a new Flamingo on Kapiolani boulevard across from KGMB-TV in the former Evergreen and Green Turtle location.

The Flamingo chain employes more than 200 persons and at least two dozen of the employes have been with the company for 25 years. Sprinkled among the staff are a number of relatives of the Nagamine family.

At 72, Steven Nagamine still works daily at the Cafe Flamingo, serving customers and cleaning tables.

Daniel, the Nagamines' son, oversees the entire restaurant operation as secretary and general manager. His mother is the company's vice president.

THE BATTLE OVER OAHE

Mr. ABOUREZK. Mr. President, the Oahe irrigation project in my home State of South Dakota is presently being reviewed by the Carter administration and by the locally elected Oahe Board.

There appeared in Corporate Report an article by Bill Wagner which explains in detail the background concerning this important public works project. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BATTLE OVER OAHE

(By Bill Wagner)

In April of 1971, nearly every South Dakota politician of prominence packed the stage of the Huron, S.D., High School auditorium beneath a huge muslin banner bearing the slogan "United For Oahe." The even so heralded was not an airline promotion for the sun-drenched beaches of a mid-Pacific island. It was far more serious. The Oahe in question was a half-billion-dollar irrigation project that had been on the drawing boards since the 1940s and was now threatened by President Richard Nixon's impoundment of funds for various water-resource development programs.

The dignitaries had all gathered to voice their support of a plan to irrigate 190,000 acres of the parched prairie in stretches of the unbelievably flat James—or "Jim"—River Valley of east-central South Dakota, between Huron, home of the Humphrey Drug, and Aberdeen, home of the Fisher quints. Water—and irrigation—were, as the Aberdeen *American News* regularly proclaimed, South Dakota's "golden future."

Not long after the state was settled, folks noticed that the crops could stand a lot more water during the dry years. Years later came the construction of the massive, multipurpose dams on the Missouri River. Hopes for irrigation spiraled, with all eyes on a ready supply in the newly created reservoirs. The Oahe Irrigation Project was to be the linchpin and showpiece of all the water-resource projects. It is a large project as such projects go—and perhaps the last to be authorized by Congress. Every year, 440,000 acre-feet of water (an acre-foot of water, as the name implies, is an acre of water a foot deep) would be pumped out of the Oahe Reservoir just north of Pierre, through a series of canals and reservoirs to the irrigation area more than 100 miles from the Missouri River.

Construction of the $10-million pumping plant near the Oahe Dam began in the summer of 1974. Four massive pumps will lift 1,200 cubic feet of water per second 95 to 175 feet in the project's Pierre Canal. Work on the pumping plant will be completed this summer. Work is also underway on the first stretch of the Pierre Canal. It will include cuts as deep as 97 feet. Contracts have been awarded for work this spring on the next stretch of the Pierre Canal, and extensive preliminary activity is in progress toward the completion of the 171-mile canal system.

There had been little serious opposition to the Oahe project. That night in Huron, the state of South Dakota and her public officials were truly "united for Oahe"—as strongly for it as they were for God, motherhood, Mount Rushmore and the ring-necked pheasant.

There was, in fact, to be near unanimous support for the project until 1972 and 1973. Then something happened. People began getting tough on the matter of the environment. In Washington, D.C., environmentalists and their supporters moved a bill through Congress that required environmental impact statements on Oahe-like projects. Though today's project opponents concede that they could have learned just what the project was all about had they made a Herculean effort, the impact statement furnished the first detailed look at the project for many of the area's residents. Residents learned, among other things, that plans called for irrigating 190,000 acres by gutting 110,000 acres of productive farmland for project reservoirs, canals and wildlife "mitigation" areas (so called because that land would compensate for flooded wildlife habitat).

By 1976, the forces opposed to the project, spearheaded by a group called the United Family Farmers (UFF), managed to elect five of the six members of the Oahe Conservancy Sub-District Board, the governmental entity responsible for the management of the project once it is finished by the U.S. Department of the Interior's Bureau of Reclamation. The opponents were saying that the lost acreage wasn't worth it as well as offering what could only be called a plethora of other arguments.

Project supporters, on the other hand, still insist that the Oahe project will be the promised bonanza for the state. It will boost corn production, they say, by about 11.6-million bushels a year, corn silage by 180,000 tons and alfalfa by 80,000 tons. Another 30,000 acres or so would be given to irrigated cash crops such as sugar beets and potatoes. This increase, they point out, would represent nine per cent of the state's corn output and two per cent of its alfalfa produciton. The feed crops thereby produced would allow the production of an additional 135,000 beef cattle and 200,000 hogs. Another 720,000 tons of sugar beets could be harvested.

There are, of course, other benefits cited by project supporters. Maybe the most significant is the pork barrel aspect of the plan. The millions of dollars left behind by the contractors will spur local retail sales and irrigation-related industries. Understandably, the Aberdeen and Huron chambers of commerce are among the most ardent Oahe supporters, as is a state business group, the Greater South Dakota Association.

The Bureau of Reclamation, meanwhile, says this:

"In a state dominated by her agricultural production, that means that South Dakota can expect a $170-million increase in annual trade resulting from irrigation development in the Initial Stage, Oahe Unit. As part of that figure, farm sales of agricultural products will increase by about $92 million annually. The processors and first-handlers of agricultural products can expect an annual increase of $24 million because of Oahe Unit development. Retailers will note a $25-million increase in annual trade. Non-farm wholesale trade will increase by $24 million, and selected services will increase by $5 million."

And there's more, according to the bureau: increased municipal water, water-based recreation opportunities and wildlife habitat.

In sum, the bureau says, "the Oahe Unit is about South Dakota and South Dakotans working together to utilize the state's greatest natural resource, the waters of the Missouri River."

That last statement, however, has to be described as hyperbole, critics argue. For one thing, it is not, strictly speaking, a South Dakota project. It is a federal project, pure and simple, using federal dollars provided by the entire nation and using the federal government's power of eminent domain to condemn the 110,000 needed acres. Nor are South Dakotans by any means "working together" for the project. There is now massive opposition from farmers in the project area, something almost unheard of in such endeavors.

In 1976, the United Family Farmers and environmentalists barely missed placing on the general election ballot a non-binding referendum question on whether the project should continue. The measure passed the state house of representatives, but was shy just a few votes in the senate. The proposed referendum was one of the key issues facing the legislature in 1976.

The UFF came back in the 1976 general election to win five of the six board seats up for grabs in the Oahe Conservancy Sub-District. All those seats were in the rural areas of the 15½-county sub-district. The Oahe board contest was billed as more than a mere local election. For instance, Sen. George McGovern, a long-time project advocate, entered the lists with a statement in June arguing that the right outcome of the November vote might well be the solution to the drought eating away at much of his state's agricultural wealth.

According to the senator, "The long-term answer to the periodic challenge of drought is irrigation. It will be up to South Dakotans who participate in the elections to the Oahe Conservancy Sub-District Board this fall—and in the project itself—to determine if we are to have water on the land or not—and perhaps, end forever the economic and personal tragedy of drought that is playing itself out in the dried-up crops of many counties in our state today."

That statement drove the UFF bananas. Particularly distracted was the group's feisty young executive director, Curt Hohn, who only two years earlier was McGovern's trusted administrative aide in the Aberdeen area. Hohn replied in the UFF house organ, *Oahe Facts & News:* "First of all, even if the Oahe Project were in operation today it would only irrigate .4 per cent of the farm land in South Dakota. 99.6 per cent of the land would be just as dry as it ever would be. Brown and Spink counties, the site of the Oahe Irrigation Project, would find less than one-fifth of the farm land in Spink County getting water and less than one-tenth of the farm land in Brown .... McGovern misses the mark when he implies drought and irrigation as the issues in these directorship campaigns."

It was during his association with McGovern, Hohn has said, that he first became opposed to the Oahe project. One of his assignments for McGovern was to take a look at the Garrison project in North Da-

kota. "The bureau officials told me that this is what we could expect in South Dakota," Hohn said, "and, frankly, that was enough for me."

Above and beyond its political and propaganda activities, the UFF has initiated sophisticated and expensive legal action in the federal courts to halt the Oahe project. But in the most recent attempt, U.S. District Court Judge Fred Nichol told the UFF that their challenge should be waged in a political, not legal, forum.

Part of the UFF case in an earlier action was a broad-based challenge of the benefit-cost ratio used by the Bureau of Reclamation to justify the project. In that action, Robert J. Barbera and Phil Carver of Johns Hopkins University testified as follows:

"The Bureau of Reclamation has developed the reputation of altering a benefit-cost analysis to improve the appearance of the projects under its control. At many points in the analysis it is necessary to make value judgments. If a consistent aim is applied to these judgments, the outcome of the analysis will be affected. This is what the Bureau of Reclamation has done in the case of the Oahe project."

The bureau claims that the project will return more than $2 in benefits for every dollar spent. The Johns Hopkins economists say the figure is much less, as low as 17 cents on the dollar. Projects such as Oahe are supposed to show at least a dollar of benefits received for each dollar spent.

An understanding of the determination of benefits is vital in considering water-resource projects. Oahe's troublesome twin, the Garrison Irrigation Project, has often been lambasted as just another pork barrel raid on the federal treasury, with only the sketchiest attention devoted to benefit-cost questions. A key issue here is the discount rate applied to a project.

Think of the discount rate as interest, but not precisely so. Discounting takes into account that a dollar in hand today is worth more than a dollar to come a year from now, if only because that dollar in hand could be placed in a bank to draw interest. The dollar offered a year from now is really worth 92 cents if the interest rate is eight percent. The 92 cents has been discounted, using its present value. Such a cost determination is usually crucial to water-resource projects because the bulk of the construction costs come early in the project's history while the benefits follow much later.

There are at least two schools of thought on the discount rate. One holds that the rate should be what it costs the federal government to borrow the money. The other insists that the rate should be below the federal cost of borrowing lest inadequate investment be made for the needs of future generations.

Ordinarily, the federal Water Resources Council determines what the discount rate is supposed to be. When the Oahe project was evaluated in 1965, the rate was 3⅛ percent. The Water Resources Council recently recommended a rate of 6⅞ percent. By 1974, the rate for new projects had climbed to 5⅞, using the average of current bonds to determine the figure, but, through a grandfather clause, the rate was frozen at 3¼ percent for projects, like Oahe, authorized but not constructed. At the 4⅞ rate, then in effect for new projects, benefits would only be 69 cents on the dollar, according to the Johns Hopkins economists, "employing our most favorable assumption."

A long-time critic of what Hohn calls "funny money" is Dr. Russell Berry, associate professor of economics at South Dakota State University in Brookings. It has been a lonely course for a state employe. His efforts have been greeted with scorn, ridicule and possibly promotion-withheld for saying and writing that the project makes little economic sense. Cloistered in a cubicle in SDSU's Scobey Hall, the slight, balding professor looks every bit like a prairie Mr. Chips. His office is crammed with data, charts, studies, congressional reports and other documents questioning the assumptions of the project advocates.

Berry maintains, for one thing, that increased corn production does not necessarily mean increased cattle production. It means more corn, period. To this day, South Dakota agricultural messiahs ponder hard the problem of what to do about the fact that the state "exports" both large quantities of feed grain and young cattle to be fed. "Oahe irrigation is not necessary to increase livestock production," said Berry. "South Dakota farmers export corn and cattle by the trainload." That was a few years back, when the elderly scholar may have been just warming up to the controversy.

By last spring, Berry had come up with additional points concerning the project. Focusing tightly on his target, he found so much "funny money" that the figures almost jump off the gray pages of his Xerox copies. For instance:

The project will cost more than $2,000 per acre "just to deliver water to the high point on the farm. This $2,000, if placed in trust at eight per cent simple interest, would earn about $160 a year. This is a yearly subsidy to landowners—not necessarily to farmers. If the average irrigated farm has 200 acres, the yearly subsidy will be $32,000 per farm. Many farms will have 300 acres, and hence the yearly subsidy will be $48,000 per farm!"

"Only 600 to 700 of South Dakota farms will receive these subsidies. Is this the best way to provide drought insurance?"

"Only about half the land in the Oahe area is owned by farmers—the rest is rented. Landowners who are lucky will receive huge windfall profits, but these will not be passed on to the next generation of farmers. They will pay full value for the land."

"While the bureau says that spending $2,000 per acre will make the land worth $3,000, the landowner is to pay only 10 per cent of the costs! Why so little if the cost is so beneficial?"

"The bureau, in its latest benefit-cost study, used a farm interest rate of nine per cent. However, because farmers own about 80 per cent equity in their business, 80 per cent of the interest cost was called 'equity earnings' and treated as profits. Thus the effective interest was reduced to 1.8 per cent. This is a clear violation of economic principles."

"Are there other subsidies? Yes. The 600 to 700 irrigators will be furnished water 'free.' But this water is not free. The 2.3 acre-feet of water to be used to irrigate an acre of land could produce 787 kilowatt-hours of electric energy. If this energy can be used to deliver peak power, it will be worth 2.5 to five cents per kilowatt-hour, or $20 to $40 per acre."

"The bureau recently reduced its estimated farm prices from 94 per cent of parity to 76 per cent (1910 to 1914 equals 100). But at the same time, the bureau increased irrigated corn yields from 82 to 152 bushels an acre—an 85 per cent increase! Can this yield be justified? The evidence is lacking."

"The bureau claims that the Oahe project will increase direct net farm incomes by $95 an acre. This is grossly inflated by high yields and livestock. Studies by economists at SDSU of 16,000 acres privately irrigated from the Oahe Reservoir showed that direct net increases were only $22 an acre even at 1973 prices and costs—the most favorable since the Korean War."

Naturally enough, the Bureau of Reclamation has a few things of its own to say about Berry's criticism. As far as complaints that the discount rate is far too low, the bureau maintains that it is only following the law. That is a recurring theme during a conversation with Everett Jennewein, the bureau's economist on the Oahe project. Speaking of the discount rate, he says, "They [Congress and the Water Resources Council] have established the law. We have to abide by it. Russell Berry can talk about theory, but we have to follow the law." Jennewein says the bureau's provision for "equity earnings" is accurate, though Berry refuses to understand it. (Berry, by the way, is not alone. The United Family Farmers, on the advice of its banker members, reject it out of hand as well.)

Jennewein concedes, though, that the bureau has increased the projected yields in its latest benefit-cost analysis. "Our earlier figures were way too low. We didn't know that much about it," he says. He adds that the figures on increased production were worked out by a bureau team cooperating with irrigation specialists from South Dakota State University.

Likewise, the bureau remains convinced that the project will add to the area's livestock wealth through increased availability of feed. Commenting on Berry's point Jennewein says "Russ Berry knows the answer to that as well as anyone else . . . stability." Stability of supply will encourage feeder cattle operators to come into the area.

But in addition to the charge of "funny money," there is quite a bit of talk of funny politics as well. Hohn and his colleagues say the residents of the area never had a chance to vote on the project per se. Their claims seem to have been vindicated by last fall's conservancy broad elections. Project boosters say there were all sorts of "votes" on the project, though they shy away from arguing that there was ever a "yes" or "no," up or down vote on the project when the detailed scope of the project was known to the electorate.

There have been votes, but not on the project itself. When the conservancy subdistricts were formed, contracts needed the approval of 60 per cent of the voters in a district. That requirement was quietly removed a few years later. Only one legislator voted against the change—Jay Swisher of Groton, just east of Aberdeen in Brown County. He was one of three or four early project opponents.

To this day, Swisher remains a skeptic, though not as active an opponent as some others. He apparently prefers making money on his large farm-ranch just a few miles from the proposed project area. "There is money in cattle," he says, adding, however, that a fully integrated system is needed as he tells of dreams some day to own his own packing plant. He likes dry-land farming and wonders out loud about studies that conclude it takes several generations before farmers become proficient irrigators.

Swisher believes the bureau's projected corn yields of 160 bushels per acre are way too high. "There have been years up here when we've had just the right amount of moisture and at just the right times. We only got 120 bushels an acre then. We can't get any more than that here because of the shorter growing season. Irrigation can't do anything about that," he says.

Also, Swisher doubts that whatever additional feed is produced will have much of an effect on cattle feeders. The economics of the industry, he believes, favors feeder operations near packing plants, and the economics of that industry dictates their presence near population centers.

At the bureau's Oahe project office in Huron, there was almost a feeling of calm and serenity only a few weeks after the conservancy district election. Preston Funkhouser, the project's manager, said there had been "no official reaction" to the election. "There will be new board members, and we will work with them," he said.

For its part, the new board has begun a long "review" of the project that includes a series of field hearings. The outcome of that

review could be just possibly shaded by the new manager of the Oahe Conservacy Sub-District—none other than Curt Hohn. The appointment of the UFF director was bitterly assailed by some project supporters, though it seems fair to say that a wait-and-see pcsture—much the same as Funkhouser's—has been adopted by *all* parties.

What they're all waiting for comes later this spring, when the board submits its formal testimony to the appropriations committees of Congress. The board is bound to ask for certain modifications in the project, though the precise nature of these modifications remains to be seen. The key question is whether Congress will accept them.

The new board will be careful to stress the reasonableness of the modifications, hoping to throw the monkey of killing the project off its back. Proponents will be grappling with the same monkey. They will want to accept as many modifications as possible, keeping in mind that if the project is altered too much, a whole new congressional authorization will be needed. If that happens, forget about the project.

South Dakota public officials seem to be waiting for the board's next move along with everyone else, doubtlessly aware of the now clearly established opposition from a large share of the farmers the project is intended to benefit. One possibility is that the legislature will abolish the conservacy subdistricts and make the state the responsible entity. But such a move would be adamantly resisted, smacking as it does of changing the rules after the game has been played.

At midpoint through its session, however, it was doubtful the legislature would even find the time to consider such a purely esoteric matter as South Dakota water resources. Only a few days after performing the politic gesture of requesting presidential action to help drought-stricken state farmers, that body was to begin its deliberations on the future status—of Taiwan.

(On February 18, President Carter announced a federal review of 19 water-development projects throughout the United States. The President said he would recommend that Congress discontinue the funding for the 19 projects, which include both Garrison and Oahe.—The editors)

FOREIGN ASSISTANCE SUBCOMMITTEE TO REWRITE BILATERAL AID BILL

Mr. HUMPHREY. Mr. President, during last week's hearings on the administration's fiscal year 1978 request for our bilateral development aid programs, I announced the intention of my Foreign Assistance Subcommittee to rewrite the Foreign Assistance Act of 1961.

As I noted in my remarks opening those hearings:

The Foreign Assistance Act of 1961 is now 16 years old. Many of its provisions reflect the concerns of a very different era of American foreign relations. Some of its provisions are obsolete and the Act has been amended so many times that it has become an administrative nightmare. Congress must bear a large burden of the responsibility for this state of affairs. Often, legislative actions of the authorizing Committees in the Congress are contradicted by legislative actions taken by the appropriating Committees. Therefore, if AID is to respond to the "New Directions" mandate effectively, then Congress itself must bear the responsibility for removing many of the obstacles to successful development efforts that we ourselves have created. I believe we agree that both branches of government have been responsible for the many problems plaguing the Agency today.

In noting that the new AID Administrator, Gov. John Gilligan, is himself undertaking a complete and major reevaluation of the Agency, I also had some suggestions as to areas this reevaluation might focus on and indicated that my subcommittee desired to work very closely with AID in this effort.

Mr. President, I ask unanimous consent that the full text of my statement during the March 24 hearings be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUBERT H. HUMPHREY

We resume hearings this morning on Fiscal Year 1978 development assistance programs. Our principal witness is the Administrator of the Agency for International Development, John J. Gilligan. John, I want to once again congratulate you on your confirmation by the Senate. I look forward to working closely with you in significantly strengthening our bilateral aid efforts.

I was very pleased to read in your prepared statement that you intend to undertake a thorough examination of the Agency's organizational structure; that you are concerned over the balance of personnel between Washington and the field and will be moving to correct this problem. And one of your priority considerations will be to review staffing and programming requirements in light of the "New Directions" policy.

It is important that we work very closely together in this effort. I believe we have mutual concerns over the future direction of the Agency, in light of the number of problems which plague its operations.

As you are well aware, the Foreign Assistance Act of 1961 is now 16 years old. Many of its provisions reflect the concerns of a very different era in American foreign relations. Some of its provisions are obsolete and the Act has been amended so many times that it has become an administrative nightmare. Congress must bear a large burden of the responsibility for this state of affairs. Often, legislative actions of the authorizing Committees in the Congress are contradicted by legislative actions taken by the appropriating Committees. Therefore, if AID is to respond to the "New Directions" mandate effectively, then Congress itself must bear the responsibility for removing many of the obstacles to successful development efforts that we ourselves have created. I believe we agree that both branches of government have been responsible for the many problems plaguing the Agency today.

It is time to replace the Foreign Assistance Act with a new law to govern our foreign aid effort. Because of the deadlines established by the Budget Act, we do not have time to prepare new authorizing legislation this year. However, in the coming months, the Executive branch and the Congress should work together to draft new foreign assistance legislation for introduction in the Second Session of this Congress.

Working together, we can develop legislation which reflects the goals and priorities of our aid programs in the 1970s and beyond. Together we can write legislation which is more satisfactory to the Congress and to the Administration and which facilitates the administration of these important programs.

As the Agency, under your leadership, undertakes this comprehensive in-house reevaluation, I would offer some of the following suggestions:

First, the Food and Nutrition account represents 55 percent of total AID resources. Yet, I am concerned we are not getting the job done. I am concerned that we are lacking the expertise required for improving food production in developing countries. It is my understanding the next two years will afford your Agency an excellent opportunity to remedy this situation. It has come to my attention that during this period of time there will be a significant turnover in Agency personnel due to retirements. You should begin looking at what your requirements are for ag economists, technicians and agronomists.

Second, our population activities are often-times frustrated because they do not relate to other requirements which have a bearing on the success of these activities. I am specifically referring to family planning efforts which must be integrated into health, education and nutrition programs. It might be more appropriate for our nutrition programs to be integrated into population, health and education efforts. Children represent the social security system in many developing countries. We have to guarantee the survival of a minimum number of children if parents are to have incentives to decrease the size of their families.

Children also represent a valuable labor force for the rural peasant farmer. Therefore, population control activities must also relate to our efforts at increasing food productin in the developing countries. A peasant farmer does not require as many children to assist him in the cultivation of crops if he is moved to the next level of technology—from hand cultivation to use of animal traction.

Third, in the area of education, while I believe there is still a need to build up the administrative and management capabilities of recipient government institutions which are responsible for delivering essential services to their populations. However, I believe we must be much more selective in the process of determining what a recipient country's needs might be and the aptitude of the individual selected for advanced education. All too often, the educational interests of individuals do not match up with needs in developing countries.

And, finally, we must begin to re-evaluate the relationship of AID to the private and voluntary organizations, who represent an important factor in our development efforts. This relationship with the Agency must be strengthened. But serious consideration must be given to organizational changes which might be required within the Agency to facilitate the more effective use of PVOs.

These are just a few of the concerns I have and represent only a surface examination of the many issues and problems facing the Agency. I use these examples only as being illustrative of the tremendous job we all have cut out for us.

I invite your comments on these matters and stand ready to work with you. You may begin your testimony.

DEPARTMENT OF LABOR ACCEDES ON FARMWORKER REGULATIONS

Mr. CHURCH. Mr. President, I was very pleased to learn that the Department of Labor has agreed with my request to further extend the comment period for its proposed new regulations on alien farmworkers, and to hold field hearings to take additional comments on the significant consequences they will have on livestock and other farm operations.

These proposed regulations, Mr. President, would increase the time requirements for filing job orders for workers with the U.S. Employment Service, require written plans for employment of domestic migrant labor, and require single-family housing be provided for workers with families.

The Department of Labor announced its proposals on January 25, permitting

comment only until February 24. This deadline was extended until March 28. On March 4, I wrote to the Secretary of Labor, asking for an additional extension to "assure that all concerned have the maximum opportunity to be heard."

The problems of foreign workers are complex and controversial. In my own State of Idaho, the history of delay and difficulty even in the present certification process has had a serious impact on the availability of farm labor. No one wants to return to the abuses documented under the old Bracero program. On the other hand, any action in this area should not be made precipitously.

I am pleased that the Secretary has responded so positively to my request to have, in the Department's words:

A fuller opportunity to obtain the detailed and considered views of all parties likely to be affected by the proposed regulations.

I ask unanimous consent that my letter to the Secretary, the Department's announcement and the proposed regulations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 4, 1977.

Hon. RAY MARSHALL,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to urge you to provide all possible consideration and critical review of the proposed regulations by the U.S. Employment Service regarding certification of foreign labor for agricultural and livestock employment.

These regulations increase time requirements for filing job orders with the Employment Service, require written plans for employment of domestic migrant labor, require single family housing be supplied workers with families, and impose other provisions that will drastically increase the paperwork and cost in these business communities.

It is my understanding that after these proposed regulations were announced on January 25, Department officials met with Senator Robert Byrd, and the time for comment was extended from February 24 until March 28. I also understand that it is the Department's intention to proceed with these regulations but to delay their effective date until after this year's harvest.

The problems of foreign workers are complex and controversial. In my own State of Idaho, the history of delay and difficulty in the present certification process has had a serious impact on the availability of farm labor. On the other hand, no one wants to return to the abuses documented under the old Bracero program.

Given the fact that the Department of Labor has already decided not to implement these regulations until at least after this year's harvest, I would therefore urge you to extend the time for comment and response even further. A substantial extension of time for comment beyond the present closing date of March 28 would assure that all concerned have the maximum opportunity to be heard.

Sincerely,

FRANK CHURCH.

HEARINGS PLANNED ON PROPOSED RULES FOR TEMPORARY FARM JOBS FOR ALIENS

The Department of Labor is planning six public hearings this spring on a proposed revision in its regulations on the employment of aliens for temporary farm jobs, it was announced today by Assistant Secretary of Labor Ernest G. Green.

Green said "our decision to hold these hearings stems from the widespread public interest in the proposed regulations after they were published earlier this year."

The one- or two-day hearings will be held in areas where significant numbers of U.S. migrant farmworkers or foreign workers live or are employed, according to Green. The six areas selected are Denver, Colo.; Belle Glade, Fla.; Springfield, Mass.; Plattsburg, N.Y.; San Antonio, Tex.; and Martinsburg, W. Va.

Green explained that most temporary alien farmworkers during the past few years have been employed in the apple harvest in New England, New York, Maryland, Virginia, and West Virginia; in the woods industry in Maine; in sugar cane cutting in Florida; and in sheep raising in various western states.

In addition to local workers and aliens, migrants from Florida and Texas are also frequently employed in the apple harvest.

Green said the Labor Department is making a second extension of the comment period, this time until April 15, and that a notice to this effect is scheduled to appear in the Federal Register today.

He said the Department is suspending until after the hearings any plans to implement during the 1977 harvest season the proposed regulations originally published Jan. 25. Instead, the Department will operate under the existing regulations as published in the Code of Federal Regulations (20 CFR 602.10, 10a and 10b).

Green explained that public hearings will afford the Labor Department a fuller opportunity to obtain the detailed and considered views of all parties likely to be affected by the proposed regulations.

He added that representatives of farm employers, workers, crew leaders and others with special interests or expertise in issues related to the temporary employment of alien farmworkers will have an opportunity to testify or to provide supplementary statements for the record.

Green said these hearings would assist the Department in its dual responsibility of both safeguarding job opportunities for American workers and of assuring that adequate labor supplies are available to farm employers to meet harvest and other needs.

He said the Department's objectives is to assure that whatever regulations are issued at the close of the hearings for application in the 1978 harvest season "will treat all interested groups in an equitable manner consistent with the provisions of the immigration law."

Green said further details on the aliens farmworker regulations will be published in the Federal Register as soon as final plans are formulated.

Hearing dates and locations will be announced in each of the six areas as they become known.

[Department of Labor Employment and Training Administration (20 CFR Part 655)]

TEMPORARY EMPLOYMENT OF ALIENS

LABOR CERTIFICATION PROCESS FOR TEMPORARY AGRICULTURAL AND LOGGING EMPLOYMENT

Notice is hereby given that the Employment and Training Administration of the Department of Labor is proposing to amend its regulations governing the labor certification process for the temporary employment of aliens in the United States in agricultural (including sheepherding) and logging occupations. The regulations proposed in this document, when finalized, are intended to replace the current regulations at 20 CFR 602.10, 10a and 10b.

Interested persons are invited to submit comments on the proposed regulations to the Assistant Secretary for Employment and Training, Attention: William B. Lewis, Administrator, United States Employment Service, Room 8000, Patrick Henry Bldg., 601 D St., N.W., Washington, D.C. 20213, until February 24, 1977.

Among the proposed changes from the present regulations, are the following substantive changes: 1. The requirements governing sheepherding have been integrated with the requirements for other agricultural occupations.

2. The relationship between employers and their agents, such as associations of employers, have been set forth with greater clarity.

3. The period of recruitment of U.S. workers through the Federal-State employment service system has been lengthened from 60 to 90 days, or longer under certain conditions.

4. Provisions have been added governing fraud and willful misrepresentation with respect to temporary labor certifications and applications therefor.

5. A provision has been added that, if an employer has used foreign workers for each of the previous two years, the labor certification application must include a recruitment plan designed to reduce the employer's dependence on foreign workers.

6. The requirements involving deductions from workers' pay have been simplified.

7. The amount which an employer may charge a worker for providing the worker with three meals per day has been increased.

8. The provisions governing workers' disability insurance have been made clearer and more flexible.

9. The amount of work which an employer must guarantee to offer a worker has been increased from three-fourths of the workdays to at least 5 eight-hour days of work per week.

10. Provision is made for the publication of adverse effect piece rates at a later date.

11. The procedure, which was previously set forth in the Employment Security Manual, whereby, under certain conditions, an employer was permitted to pay less than the adverse effect rate to physically handicapped U.S. workers over 60 and under 18 years of age who could not produce normally, has been set forth in the regulations.

Accordingly, it is proposed to amend Title 20 of the Code of Federal Regulations, by adding a new Part 655 to read as follows:

PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

SUBPART A—LABOR CERTIFICATION PROCESS FOR TEMPORARY AGRICULTURAL AND LOGGING EMPLOYMENT

Sec.

655.1 Scope and purpose; definitions.
655.2 Temporary labor certification applications (general).
655.3 Contents of job offers.
655.4 Assurances.
655.5 Recruitment plan.
655.6 Recruitment efforts.
655.7 Action on temporary labor certification applications by local office.
655.8 Temporary labor certification determinations.
655.9 Adverse effect rates.
655.10 Temporary labor certification applications involving fraud or willful misrepresentation.
655.11 Invalidation of temporary labor certifications.
655.12 Failure of employers to comply with the regulations under this subpart.
655.13 Petitions for higher meal charges.

AUTHORITY: 8 CFR 214.2(h)(3)(i); Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq.

§ 655.1 Scope and purpose; definitions.

(a) Section 214.2(h)(3)(i) of the Immigration and Naturalization Service Regulations (8 CFR 214.2(h)(3)(i)), issued under the Immigration and Nationality Act, requires, in suppot of a petition for the ad-

mission of an alien into the United States to perform certain temporary labor:

Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made shall be attached to every non-imigrant visa petition to accord an alien a classification under Section 101(a)(15)(H)(ii) of the Act.

(b) The temporary labor certification procedure is designed to prevent the use of foreign labor at the expense of the wages and working conditions of United States workers similarly employed. Thus, temporary foreign workers may only be used to meet shortages which occur in a particular occupation or industry. In the long run, normal adjustments in wages and working conditions should bring sufficient United States workers to an occupation.

(c) The regulations in this subpart set forth the process by which temporary labor certifications may be applied for, and by which they may be granted or denied.

(d) *Definitions of terms used in this subpart.* For the purposes of this subpart:

"Administrator" means the chief official of the United States Employment Service or the Administrator's designee.

"Adverse effect rate" means the wage rate which the Administrator has determined must be offered and paid to foreign and U.S. workers for a particular occupation and/or area so that the wages of similarly employed U.S. workers will not be adversely affected. The Administrator may determine that the prevailing wage rate in the area and/or occupation is the adverse effect rate, or that a wage rate other than the prevailing wage rate is the adverse effect rate.

"Area of intended employment" means the area within normal commuting distance of the place (address) of intended employment. If the place of intended employment is within a Standard Metropolitan Statistical Area (SMSA), any place within the SMSA is deemed to be within normal commuting distance of the place of intended employment.

"Employment and Training Administration (ETA)" means the agency within the Department of Labor (DOL) which includes the United States Employment Service (USES).

"Employer" means a person, firm, corporation or other organization which currently has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ a full-time worker at a place within the United States or the authorized representative of such a person, firm, or corporation. For purposes of this definition an "authorized representative" means an employee of the employer whose position or legal status authorized the employee to act as the agent for the employer in labor certification matters. Neither the term "employer" nor "authorized representative" shall mean an association of employers which acts as the agent of a group of employers for temporary labor certification purposes.

"Job opportunity" means a job opening for employment at a place in the United States to which U.S. workers can be referred.

"Local employment service office" means an office of a State employment service agency which serves a particular geographic area within a State.

"Notice of Findings" means a notice which sets forth the bases upon which a Regional Administrator intends to deny a temporary labor certification unless the bases are satisfactorily rebutted.

"Regional Administrator, Employment and Training Administration (RA)" means the chief official of the Employment and Training Administration (ETA) in a Department of Labor (DOL) regional office.

"Secretary" means the Secretary of Labor, the chief official of the U.S. Department of Labor, or the Secretary's designee.

"Temporary labor certification" means the determination by the Secretary of Labor, pursuant to 8 CFR 214.2(h)(3)(1), that (1) there are not sufficient U.S. workers who are qualified and available to perform the work and (2) the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers.

"United States Employment Service (USES)" means the agency of the U.S. Department of Labor, established under the Wagner-Peyser Act of 1933, which is charged with administering the national system of public employment offices and carrying out the functions of the Secretary under the Immigration and Nationality Act.

"United States worker" means any worker who, whether U.S. citizen or alien, is legally permitted to work permanently within the United States.

§ 655.2 Temporary labor certification applications (general).

(a) An agricultural or logging employer anticipating a labor shortage may request a temporary labor certification for temporary foreign workers by filing, or by having an agent file, a temporary labor certification application, signed by the employer, with a local office of a State employment service in the area of intended employment. However, if the temporary labor certification application is filed by an agent, such as an association of employers, the agent may sign the application. If an agent is used, the application must be accompanied by a letter from each employer, signed by the employer, which authorizes the agent to act on the employer's behalf and which states that the employer assumes full responsibility for the accuracy of the application, for all representations made by the agent on the employer's behalf, and for the fulfillment of all legal requirements arising from the temporary labor certification.

(b) Every temporary labor certification application shall include: (1) A copy of the job offer used by the employer (for each employer) in the recruitment efforts for both U.S. and foreign workers. The job offer for each employer shall state the number of workers needed by the employer, and shall be signed by the employer. The job offer shall comply with the requirements of § 655.3. If the State agency informs the employer that workers, who are fluent and/or literate in Spanish and who are not substantially fluent and/or literate in English, will be recruited for the job opportunities, a copy of the job-offer written in Spanish shall be submitted;

(2) The assurances required by § 655.4 of this subpart;

(3) If applicable, the recruitment plan required by § 655.5; and

(4) Documentation showing the employer's efforts to recruit U.S. workers as required by § 655.6.

(c) A temporary labor certification application shall be filed in sufficient time to allow the local office to attempt to recruit U.S. workers through the Employment Service intrastate and interstate clearance systems for 90 calendar days, unless the RA has notified the employer in writing at least 30 days prior to the filing of the application that more than 90 days will be needed; the RA, however, shall never specify a period in excess of six months, and shall offer the employer assistance in recruiting U.S. workers. This 90-day period (or longer period if applicable) shall be in addition to the time necessary for the employer to secure foreign workers by the date of need if the temporary labor certification is granted. The Department of Labor, however, may grant or deny the temporary labor certification prior to the ending of the 90 calendar days (or longer period if applicable).

§ 6655.3 Contents of job offers.

(a) Each employer's job offer shall state that: (1) The employer will provide housing without charge which will meet either the full set of Department of Labor, Employment and Training Administration standards set forth at 20 CFR Part 620 or the full set of Department of Labor, Occupational Safety and Health Administration standards set forth at 20 CFR 1910.142;

(2) The employer, either on its own or in combination with other employers will provide housing to U.S. workers who are women and to those who need family housing;

(3)(i) If applicable, the worker will be eligible for workers' compensation for injury and disease arising out of and in the course of the worker's employment; or

(ii) If the worker will not be covered by the State workers' compensation law the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment, and that the insurance will provide benefits at least equal to those provided under the State workers' compensation law;

(4) The employer will furnish, without cost to the worker, all tools, supplies and equipment required to perform the work including all necessary protective clothing and special footwear and that, if any of these items are provided by the worker, the employer will reimburse the worker for the cost;

(5) The employer will provide the worker with three meals a day, and shall state the cost of the worker for such meals. The cost shall not be more than $3.25 per day unless the RA has approved a higher cost pursuant to § 655.13.

(6)(i) The employer will provide or pay for the worker's transportation and daily subsistence from the worker's home or place of last employment, whichever is applicable, to the place of employment provided the worker works for 50 percent or more of the contract period, and that the amount of the daily subsistence payment will be at least as much as the amount the employer will charge the worker for three meals a day at the place of employment;

(ii) Whether the employer will advance payment to the worker for the costs of transportation and subsistence en route;

(7) If the worker completes the contract period, the employer will provide or pay for the worker's transportation and daily subsistence from the place of employment to the place from which the employer recruited the worker (home or last place of employment, whichever is applicable) unless the worker has immediately subsequent employment with an employer who has contracted with the worker to pay for the worker's transportation and daily subsistence expenses to that employer's worksite.

(8) The employer will provide transportation between the worker's on-the-job site living quarters and the place where the work is to be performed without cost to the worker, and that all such transportation will be in accordance with all applicable laws and regulations.

(9) The employer, unless the prevailing practice in the area of intended employment is for the employer to pay for all travel time as work-time, will pay the worker the adverse effert rate (or the adverse effect rate's piece rate equivalent) for all travel time to work in excess of one-half hour and for all travel time from work in excess of one-half hour.

(10)(i) The employer guarantees the worker the opportunity to work for 5 eight-hour

workdays out of each week, and that, if, under the guarantee or otherwise, the employer affords the worker employment on a day on which the worker refuses to work because of the worker's religious convictions, the employer will not dismiss the worker for not working on that day;

(ii) If the worker is afforded less employment than guaranteed, the worker will be paid an amount equal to the amount which the worker would have earned if the worker had worked for the guaranteed periods;

(iii) If the worker will be paid on a piece rate basis, the employer will use the worker's average hourly earnings to calculate the amount due under the guarantee; and

(iv) That any hours which the worker fails to work when the worker has been afforded the opportunity to do, and all hours of work performed, will be counted in calculating the period of guaranteed employment;

(11) (i) The employer will keep accurate and adequate records of all the worker's earnings and hours of emplyoment, including records showing the nature of the work performed, the number of hours of work offered each day by the employer and worked each day by the worker, the time the worker began and ended each workday, the rate of pay, the amount of work performed, the worker's earnings, and the amounts of and reasons for any and all deductions made from the worker's wages;

(ii) If the number of hours worked by the worker is less than the number offered, the records will state the reason therefor;

(iii) The records, including field tally records and supporting summary payroll records, will be made available for inspection and copying by representatives of the Secretary of Labor, and by the worker or the worker's representatives; and

(iv) The employer will retain the records for not less than three years after the completion of the contract;

(12) The employer will furnish to the worker at or before each pay day, in one or more written statements:

(i) The worker's total earnings for the pay period, broken only by straight-time and overtime;

(ii) The worker's hourly rate or piece rate of pay;

(iii) The hours of employment which have been offered to the worker;

(iv) The hours worked by the worker;

(v) An itemization of all deductions made from the worker's wages; and

(vi) If piece rates are used, the units produced daily;

(13) The employer will comply with all applicable Federal, State and local laws, including employment-related safety and health laws;

(14) (j) If the worker will be paid by the hours, the employer will pay the worker the adverse effect rate; or

(ii) If the worker will be paid on a piece rate basis, the piece rate will be based on the normal efforts of average U.S. workers and will be designed to produce average hourly earnings at least equal to the adverse effect rate, and that, if the piece rate does not result in average hourly earnings at least equal to the adverse effect rate, the worker's pay at each pay period will be supplemented so that the worker's earnings are at least as much as the worker would have earned if the worker had been paid the adverse effect rate;

(15) The frequency with which the worker will be paid (in accordance with the prevailing practice in the area of intended employment, or at least biweekly whichever is more frequent);

(16) If the worker abandons employment before the end of the contract period, or is terminated for cause, the employer will not be responsible for providing or paying for the subsequent transportation of the worker;

(17) (i) If, before the expiration date specified in the work contract, the services of the worker are no longer required for reasons beyond the control of the employer due to a fire or other Act of God which makes the fulfillment of the contract impossible, the employer may terminate the work contract;

(ii) The employer will make efforts to transfer the worker to other comparable employment. If such transfer is not effected, the worker will be returned home or to the worker's last place of employment, whichever is applicable, at the employer's expense; and that

(iii) Any deductions made from the worker's pay by the subsistence to the place of employment will be refunded to the worker.

(18) The employer will make those deductions from the worker's paycheck which are required by law:

(b) The job offer shall specify all deductions, not required by law, which the employer will make from the worker's paycheck. All deductions shall be reasonable. If the employer intends to deduct the cost of the worker's transportation and daily subsistence to the place of employment, the job offer shall state that the worker will be fully reimbursed for such deductions upon the worker's completion of 50 percent of the worker's contract period.

(c) The job offer shall also contain all the provisions contained in any contract which the employer agreed to in the previous year which conferred benefit upon foreign workers additional to those set forth in paragraphs (a) (1) through (a) (18) and (b) of this section.

(d) (1) The job offer may also contain a provision that physically handicapped U.S. workers over 60 years of age and/or under 18 years of age who are unable to produce normally may be requested or required by the employer to sign written waivers indicating their inability to work with normal speed or effectiveness, that such workers will not receive the piece rate earnings guarantee and that, if they are employed at hourly rates, they will be paid rates as low as 75 percent of the required adverse effect rate, but not less than the applicable Federal or State minimum wage.

(2) If the provision in paragraph (d) (1) of this section is included:

(i) The job offer must also contain provisions that the employer may request a U.S. worker to sign a waiver only after the worker has had average hourly earnings below the hourly standard for no less than 40 hours of work experience at piece rates designed to produce the hourly guarantee; that the 40 hour trial work experience period may begin only after the worker has had 24 hours of training in the activity in questions; that the employer will maintain records to demonstrate the worker's earning ability during the 24 hours of training and during the 40 hour trial work experience period; and that, during this 64 hour period, the worker will receive the full hourly adverse effect rate;

(ii) The waiver shall be worded as follows:

I _____ having been given 3 eight
(Employee)
hour days of training and 40 hours work experience as a _____ and being unable to maintain production standards of _____ _____ here-
(Occupation)
(Minimum) (Acceptable per hour or day)
by waive my right to the minimum required rate of $_____ and authorize my employer to reduce my minimum wage to $_____
(List rate)

(No less than 75 percent of adverse effect rate. (In no case less than the applicable minimum Federal or State wage).)

§ 655.4 Assurances.

As part of the labor certification application the employer shall include assurances signed by the employer, that:

(a) The employer has not within the past year been found by a Court or by a Federal or State enforcement agency to have failed without good cause to comply with an employment contract with a United States or foreign agricultural or logging worker, or to have failed without good cause to comply with applicable Federal, State and local employment-related laws, including health and housing laws and temporary labor certification related requirements, or that, if the employer was so found, the employer has produced conclusive, documented evidence that the violation has been remedied, and assures that it will not vioate the law or laws in the future;

(b) The job opportunity is not:

(1) Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or

(2) At issue in a labor dispute;

(c) During the period in which foreign workers are scheduled to be employed under the terms of the temporary labor certification:

(1) The wages and working conditions which will be offered and afforded by the employer to any foreign worker will not be higher or more favorable than those offered and afforded to U.S. workers;

(2) The employer will offer and provide employment to any U.S. worker who is qualified and willing to work in the job opportunity (including women) and will offer and provide housing to such a worker and to the worker's family until the time the foreign worker who holds the job opportunity has completed 50-percent of the foreign worker's contract period; and

(3) The employer will provide each U.S. worker with a copy of the worker's employment contract. The employment contract which is provided to the worker shall be written in Spanish if the worker is fluent and/or literate in Spanish but is not substantially literate in English.

§ 655.5 Recruitment plan.

If the employer has made requests for temporary foreign labor for each of the preceding two years, the employer shall submit as part of the temporary labor certification, a written plan for recruiting and retaining U.S. workers which is designed to reduce the use of temporary foreign workers. If such a recruitment plan was submitted in the previous years, the employer shall submit documents showing the employer's efforts to implement the plan and the results of the implementation.

§ 655.6 Recruitment efforts.

As part of the temporary labor certification application the employer shall include documents clearly showing the employer's efforts to recruit U.S. workers. The documents must show that:

(a) Reasonable efforts have been and will continue to be made by the employer to obtain U.S. workers at wage rates and working conditions no less favorable than those offered to aliens; and

(b) Such efforts included reasonable attempts to use workers who commute on a daily basis between their residences and the place of employment, the use of the Employment Service intrastate and interstate clearance system, and the employer's participation in special youth requirement programs.

§ 655.7 Action on temporary labor certification applications by the local office.

(a) When a temporary labor certification application is filed with a local employment service office, the local office shall make sure that the application is complete. If the application is not complete, the local office shall return it to the employer and shall advise the employer to re-file it when it is completed.

(b) If the application is complete, the local office, using the information on the application, shall prepare and process an employment service job order. If this job order is discriminatory or otherwise unacceptable as a job order under employment service regulations, the local office shall, as appropriate, either contact the employer to try to remedy the defect or return the application to the employer with instructions as to how the defect can be remedied.

(c) (1) If the job order is complete, and if it complies with employment service regulations, the State agency shall use the job order to recruit U.S. workers from the local area and through the Employment Service intrastate and interstate clearance systems.

(2) In view of the statutorily established basic function of the employment service as a no-fee labor exchange, that is, as a forum for bringing together employers and job seekers, neither the Department of Labor nor the State employment service agencies are guarantors of the accuracy or truthfulness of information contained on job orders submitted by employers. Nor do such job orders represent an "offer to contract" to which the Employment Service is in any way a party. Nevertheless, if the Department of Labor or a State employment service agency finds probable cause to believe that an employer's job order contains a material representation, the procedures at Subpart F of Part 658 of this Chapter shall be followed (as proposed in the FEDERAL REGISTER on October 5, 1976, at 41 FR 44023).

(d) The State agency shall send the labor certification application to the appropriate Regional Administrator (RA), Employment and Training Administration, together with a statement indicating whether the local office believes the employer has met requirements of this subpart, a report of U.S. worker availability in the area, a description of the recruitment efforts undertaken by the local office on behalf of the employer, and any other information requested by the ETA.

§ 655.8 Temporary labor certification determinations.

(a) The RA shall determine whether the employer has met the requirements of §§ 655.2–655.6. If the RA finds that the employer has complied with those requirements, the RA shall recommend to the Administrator in writing that the temporary labor certification be granted, giving the reasons therefor. If the Administrator objects to the granting of the temporary labor certification based on relevant considerations, the RA shall not grant the temporary labor certification until and unless the objections are resolved.

(b) If the RA believes that the employer's efforts to recruit U.S. workers has not been sufficient or that the temporary labor certification should not be granted for other reasons, the RA shall issue a Notice of Findings, as defined in § 655.1, and shall afford the employer a reasonable time to submit evidence to rebut the bases of the Notice of Findings.

(c) No labor certification shall be granted to any employer if the Immigration and Naturalization Service has notified the Department of Labor that the employer has knowingly had in his employ during the previous 12 months any foreign worker who was not lawfully in the United States, or if the employer, in the previous 12 months, has been found to have violated the Farm Labor Contractor Registration Act or the Federal regulations issued under that Act.

(d) After the labor certification determination has been made the RA shall notify the employer in writing of the decision. If the labor certification is denied, the notice shall state the reasons therefor and the appeal rights of the employer under the Immigration and Naturalization Service regulations.

§ 655.9 Adverse effect rates.

(a) *Schedule of Rates for 1976.*

State:	Rate
Connecticut	2.61
Florida (sugarcane only)	3.04
Maine	2.69
Maryland	2.27
Massachusetts	2.56
New Hampshire	2.82
New York	2.48
Vermont	2.78
Virginia	2.44
West Virginia	2.74

(b) The adverse effect rate for all areas not listed in paragraph (a) of this section, for logging and sheepherding, and for Florida crops other than sugarcane, shall be the prevailing wage rate for the occupation in the area of intended employment.

(c) The Administrator shall review the adverse effect rates annually in the light of changed agricultural and/or similarly skilled non-agricultural wage rates in each State. The Administrator shall periodically publish a schedule containing: (1) The adverse effect rate; and (2) The normal piece-rate production of an average U.S. worker; (3) The adverse effect piece rate, that is, the piece rate by which an average U.S. worker will earn the adverse effect rate.

§ 655.10 Temporary labor certification applications involving fraud or willful misrepresentation.

(a) If possible fraud or willful misrepresentation involving a temporary labor certification application is discovered prior to a final temporary labor certification determination, or if it is learned that an application is the subject of a criminal indictment or information filed in a Court, the RA shall refer the matter to the INS for investigation and shall notify the applicant in writing of this referral. The RA shall continue to process the application and may issue a qualified temporary labor certification.

(b) If a Court finds an applicant innocent of fraud or willful misrepresentation, or if the Department of Justice decides not to prosecute an applicant, the RA shall not deny the temporary labor certification application on the grounds of fraud or willful misrepresentation. The application, of course, may be denied for other reasons pursuant to this subpart.

(c) If a Court or the INS determines that there was fraud or willful misrepresentation involving a temporary labor certification application, the application shall be deemed invalidated, processing shall be terminated, and the application shall be returned to the applicant with the reason therefore stated in writing.

§ 655.11 Invalidation of temporary labor certifications.

After issuance, temporary labor certifications are subject to invalidation by the INS upon a determination, made in accordance with that agency's procedures or by a Court, of fraud or willful misrepresentation of a material fact involving the temporary labor certification application. If evidence of such fraud or willful misrepresentation becomes known to a Regional Administrator, Employment and Training Administration or to the Administrator, the Regional Administrator or Administrator, as appropriate, shall notify the INS in writing.

§ 655.12 Failure of employers to comply with the regulations under this subpart.

If the Department of Labor or a State employment service agency has probable cause to believe that an employer's job order contains a material misrepresentation, or that an employer has not complied with the terms of a temporary labor certification application or of a certification, the procedures at subpart F of Part 658 of this Chapter shall be followed (as proposed in the FEDERAL REGISTER on October 5, 1976 at 41 FR 44023).

§ 655.13 Petitions for higher meal charges.

(a) An RA may permit an employer to charge workers up to $4.00 for providing them with 3 meals per day if the employer justifies the charge by submitting documentary evidence to the RA.

(b) Evidence submitted shall include the cost of goods and services directly related to the preparation and serving of meals, the number of workers fed, the number of meals served and the number of days meals were provided. The cost of the following items may be included: food; kitchen supplies other than food, such as lunch bags and soap; labor costs which have a direct relation to food service operations, such as wages of cooks and restaurant supervisors; fuel, water, electricity, and other utilities used for the food service operations; other costs directly related to the food service operation. Charges for transportation, depreciation, overhead, and similar charges may not be included. Receipts and other cost records for the representative pay period shall be available for inspection by the Secretary's representatives for a period of 1 year.

Signed at Washington, D.C., this 14th day of January 1977.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.77-2132 Filed 1-24-77;8:45 a.m.]

CHROME AND THE CONSUMER

Mr. HARRY F. BYRD, JR. Mr. President, now that the President has signed a bill that will again allow the embargo of chrome from Rhodesia, the cost of such action will face the American consumer.

In the past, the Soviet Union has reaped windwall financial gain from an embargo on Rhodesian chrome and the consumers of this country have paid the tab.

I believe that the consumer will again pay the tab as the United States cuts itself off from high quality Rhodesian chrome.

An interesting article concerning this matter has been published by the Field Newspaper Syndicate authored by Robert S. Allen.

I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHROME AND THE CONSUMER

(By Robert S. Allen)

WASHINGTON, March 26, 1977.—There is a strikingly significant omission in Administration gloating over repeal of the Byrd amendment that gave the U.S. free rein to import Rhodesian metallurgical chrome.

This is the exceedingly moot question—just who won what!

Examination of what's behind this glaring silence quickly reveals the stark answer:

Far and away the principal gainer is Russia—which once again will have a highly profitable near-monopoly as this country's main supplier of metallurgical chrome, essential in the production of missiles, nuclear submarines, jet aircraft, other key weapons and high-grade steel products.

At the same time, outstandingly heavy loser will be the American consumer who once again will bear the rap for virtually certain rapacious Russian price gouging.

The record is irrefutably predictable on that.

WHAT HAPPENED

Before 1966, when the United Nations, under Moscow-Arab-African bloc domination,

imposed economic sanctions against Rhodesia, Soviet chrome sold at $27 a ton. By 1971, when Senator Harry Byrd, Ind-Va., persuaded Congress to approve his amendment voiding compliance with the UN ban, the Russian price had zoomed 188 percent.

But with Rhodesian chrome once again being shipped to the U.S., the Soviet price declined markedly—until 1974.

That year, the Senate, under vigorous spurring by former Secretary Henry Kissinger, junked the Byrd amendment and it looked as if the House would follow suit.

Result: Russia doubled its price to $160 a ton.

But the House balked, and the repeal legislation was voted down—taking with it the Soviet's vaulting chrome profits.

Now of course, the way is wide open for that profiteering to be resumed—at the expense of U.S. consumers who will have to pay in higher weapons and steel costs.

It will be one more deep notch in the inflation gouge.

TYPICAL U.N. SHAM

Grimiest irony of all is that the UN's sanctions have been ignored and violated from the very start.

Not only that, but the worst offenders have been the loudest embargo invokers.

High on the list are none other than Russia and the East European satellites—notably East Germany and Czechoslovakia, with others not far behind. In January of this year, a classified UN report flatly charged the Soviet and four satellites with large-scale violations of the Rhodesian sanctions.

It is interesting to note that this UN document got short shrift from the media—that never passes up a chance to publicize anything critical of the U.S. But somehow, this report was conveniently disregarded.

That intriguing indifference has characterized the publicizing of violations of the Rhodesian embargo throughout.

Since its imposition in 1966, the UN has recorded around 75 formal complaints.

Among those charged with violations are Russia, four Eastern European satellites, Britain, Red China, France, West Germany, and most of the black African countries—in the van of denouncers of white-ruled Rhodesia and demanding rigorous restrictions against it.

"I find it ironic," says Senator Byrd, "that countries most vocal against U.S. importation of Rhodesian chrome have been in the front rank of violators of the UN sanctions. It is these same countries that in arguing for the imposition of the embargo characterized Rhodesia as a 'threat to world peace.'

"Rhodesia is a small, landlocked country, with 6 million people, virtually no military assets and a police force that is the mainstay for keeping order. That force, incidentally, is predominantly black. There is no way in the world Rhodesia can be considered a threat to world peace. It was utterly ludicrous for the UN to so declare."

But it did—and other equally asinine, biased and frenetic antics that have cost U.S. taxpayers hundreds of millions of dollars.

MORE IRONIES

While the UN castigated Rhodesia for so-called "minority rule," the characteristically hypocritical world organization has yet to criticize or do anything about outright dictatorial rule in the controlling Soviet-Arab-African bloc. Of the 49 African countries, 15 are iron-fisted military dictatorships and 29 others one-party authoritarian states. . . . Claims of Byrd amendment opponents that new technological processes now make it possible to use low-quality chrome are plausible to some extent. Large steelmakers that can afford the expensive equipment necessary for these processes can use inferior-quality chromium. But that doesn't apply to the hundreds of small U.S. factories that make stainless and other high-grade steel. They are compelled to use chromium of the fine type available in large quantities only from Rhodesia, South Africa and Russia. It is these small businesses that will definitely be hurt by the reimposition of the UN embargo against Rhodesian chrome.

Byrd amendment supporters flately contend the UN sanctions are both illegal and unethical. They charge that "in terms of the UN Charter, under Articles 39 and 41, an embargo can only be imposed against a country if it is judged to be a threat to world peace." When former Secretary Kissinger tesitfied before the Senate Finnace Committee for the bill to repeal the Byrd amendment, he was asked by the Virginia legislator, "In your judgment, does Rhodesia represent a threat to world peace?" Replied Kissinger, "No, I do not think so." Continued Byrd, "Do you think our actions toward Rhodesia are just or unjust?" With characteristic unctuousness, Kissinger weaseled, "Well, I think it reflects the decision of the international community and the general conviction about justice." Byrd, looking Kissinger over coldly, replied, "Frankly, I am not clear from what you have just said, whether you regard it as just or unjust."

WATER PROJECTS ISSUE

Mr. McGOVERN. Mr. President, on March 21 at the State capital, Pierre, S. Dak., a field team from the President's Water Projects Review Panel conducted public hearings on the Oahe irrigation project. Testimony was taken both in support and in opposition to the project.

One secondary aspect of the project which appears to have been overlooked by the administration water planners is the impact that project termination would have on power costs.

With that in mind, I think that the Congress will find of interest the statement of Loren Zingmark, general manager of the East River Electric Power Cooperative of Madison, S. Dak., on this issue.

I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT FOR OAHE PROJECT REVIEW PUBLIC HEARING, MARCH 21, 1977

Mr. Chairman and Members of the Committee:

My name is Loren Zingmark. I am the General Manager of and represent East River Electric Power Cooperative, Inc. (East River) located in Madison, South Dakota.

East River is a transmission rural electric cooperative funded by the Rural Electrification Administration. We serve wholesale electric power to twenty-four member distribution systems who ultimately provide retail electric power to approximately 52,000 rural consumers located in 38 counties east of the Missouri River in South Dakota and in four counties in western Minnesota. The East River service area includes those areas to be irrigated by the facilities of the Oahe Project.

East River presently purchases slightly less than half of its member's electric power requirements from the hydroelectric resources of the Missouri River. The balance of our member's electric power requirements are purchased from Basin Electric Power Cooperative, Bismarck, North Dakota.

For many years East River has supported the orderly development of the Oahe Project through general membership and Board of Director resolutions. The Project was authorized by Congress as an integral part of the 1944 Flood Control Act which was later renamed the Pick-Sloan Missouri Basin Program. Extensive Congressional review has taken place over the past decades, not years, leading to the justifiable conclusion that the project has merit. Support in South Dakota exemplified by the formation of the Conservancy Subdistrict and the irrigation districts and entering into a master contract with the Federal government as a result of a vote of the people directly affected indicates the support for the project. Recent surveys within the project area substantiate continued widespread support for the project. The Environmental Impact Statement has been found to be in compliance with the National Environmental Policy Act of 1969 as a result of a suit filed and a decision made by the Federal District Court in South Dakota. It is significant to note that the Federal Court's decision validating the EIS has not been challenged. Additionally, South Dakota has recently been saying, loud and clear, that it will resist Federal intervention in the control of water development for the State of South Dakota.

Yet we now see the Administration attempting to undo in 60 days the efforts of South Dakotans and the Congress developed carefully and deliberately over several decades. Frankly, we question the Administration's credentials to take such capricious and unwarranted action and challenge those "instant" experts in the Administration whose aim it is to kill the Oahe Project and other water development projects to justify their actions. We do not believe they can do so. This includes such agencies as the Federal Fish and Wildlife Service which is threatening farmers throughout the project area with condemnation of some of their best farm land for wildlife mitigation. This action must be stopped. If wildlife acres are to be obtained, we believe they must come from willing sellers. For our part we shall not set idly by and watch as the new "open" Administration dismantles water resource development efforts which have developed over many years throughout the United States. We abhor this type of heavy-handed Federal intervention and turn to Congress and those sensible persons in the Administration to support these vital projects.

Our reasons for support of the Oahe Project are many. We believe the Oahe Project will substantially increase and stabilize the state's agricultural economy. The increased value to the State and nation's economy has been estimated conservatively at $170-million annually which would yield $8.5-billion in 50 years. Since 1973 and the Arab oil embargo, agricultural commodities have accounted and been largely responsible for maintaining a favorable balance of payments for the United States. The Oahe Project and other water resource development projects like it will contribute materially to increased agricultural production which will certainly be needed to maintain such a favorable balance of payments. This is especially true in light of the burgeoning demand for foreign oil purchased at ever increasing costs.

We believe that the Oahe Project will help to assure the future of family farming in South Dakota by providing a hedge against the all-too-common drought. During the current drought, perhaps the worst ever in South Dakota, we have learned that the only way to maintain our agricultural economy is through irrigation. Additionally, the Oahe Project will provide much needed municipal water supplies to South Dakota cities who are desperately short of water. Fish and wildlife habitat will be enhanced. Jobs will be created and maintained. The benefits of the Project, in our opinion, more than adequately justify its construction.

Of great concern to us is the impact that non development of the Oahe Unit will have on hydro electric rates. Cost allocations for the facilities authorized by the Pick-Sloan Plan recognized irrigation development as paying a portion of those costs. Accordingly, approximately $144-million of monies already expended to provide the power facilities and storage reservoirs for the Oahe Project have been allocated interest free to be repaid by the revenues derived from the Oahe Project. The users of electric power from the Pick-Sloan facilities pay most of the remaining reimbursable costs of the authorized Pick-Sloan facilities. Should the Oahe Project not be developed, those irrigation costs presently allocated for repayment by the Oahe Project must be repaid by other multipurpose functions. We are convinced that these costs will be allocated to power users.

The Upper Missouri Region of the U.S. Bureau of Reclamation has projected such a reallocation of costs will result in an increase infirm hydro electric rates of 0.6 mills per kilowatt hour. This would mean a 12.4 percent rate increase to preference customers. The Garrison Project in North Dakota, also targeted for termination by the Administration and another irrigation feature included in the Pick-Sloan Plan, will add another 10.6 percent (0.51 mills per kilowatt hour) to the amount to be repaid by power users if it is not developed. Thus, termination of both projects (Oahe and Garrison) will result in a total increase in firm hydro electric rates of at least 23 percent.

In terms of dollars, an increase of 0.6 mill per kilowatt hour would have meant that the customers in South Dakota who purchase hydro electric power would have paid $956,132 more for power purchased in 1976. If both Garrison and Oahe are not developed and hydro rates were increased by 1.11 mills per kilowatt hour it would have meant a staggering $1,768,843 increased electric bill to South Dakotans in 1976. And these costs will continue on an annual basis for 40 to 50 years into the future. Attached is Exhibit A which I request be included in the record as part of this statement. It is a listing of the costs which would be incurred by South Dakota hydro electric customers.

The beauty of the Pick-Sloan Plan is that the investments allocated to power users are to be repaid before the investments allocated to irrigation. This means the development of the Oahe and Garrison units will not affect hydro electric rates.

The conclusion is obvious. Non development of the Oahe Unit will result in at least a 12.4 percent rate increase from the Bureau of Reclamation which translates into millions of dollars in increased electric bills for South Dakotans.

Allegedly the Oahe Project has "significant remaining adverse environmental impacts". If this is true, which we doubt, especially in consideration of the unchallenged Federal Court decision indicating that the Oahe Project does comply with Federal law, then the method to correct or mitigate such alleged impacts is not to withdraw funds. If these alleged problems are to be resolved and the intent is not to kill the Project, then the logical decision must be to continue funding so that the Project can be developed on an orderly basis. We suspect, however, that those who have recommended the funds be withdrawn have only one thought in mind—stop Federal water development.

The Oahe Project even with the present discount rate of 6⅜ percent retains a favorable benefit-cost ratio of 1.37 to 1. However, we question the "wisdom" of applying this discount rate, which in our opinion is too high, for we are certain that by far the greatest percentage of Federal government expenditures are not justified by such a "paper rate of return." We wonder if the $2.1 billion advanced by the Federal government to the city of New York for this fiscal year would stand such a fictitious test. We doubt it. If it makes such good sense to change the discount rate from 3⅛ percent to 6⅜ percent, both of which yield positive benefit cost ratios, then it should also make sense to seek out those owners of the land that was purchased by the federal government in the 40's and 50's to construct the Missouri River mainstem dams and reimburse them for the several hundred dollars per acre difference in present day land prices compared to when the land was taken. Such action is no more ridiculous than trying to apply the inflated discount rate of 6⅜ percent to a project which has been authorized by the Congress at 3⅛ percent. Once again we suspect the ultimate motive of those using this type of review is to stop Federal water development.

The Oahe Project apparently met the safety criteria used.

It is clear that those in the Administration who are trying to stop the Oahe Project and other water development projects are willing to disregard and circumvent the Constitutional safeguards within which our nation is structured. In the case of the Oahe Project it has developed within the Constitutional framework of legislative, executive and judicial validation. Now we are seeing a handful of zealots apparently determined not to abide by statutes passed by Congress and signed by a past President. Neither are they willing to accept the judicial decisions made by the courts on this Project.

In this are of a nationally depressed economy when the Federal government is appropriating billions of dollars to create jobs for the unemployed, it is beyond our understanding how we can destroy hundreds of jobs by not developing already justified projects such as the Oahe Project. The Oahe Project is the result of a commitment made by the Federal government at the time over 500,000 acres of South Dakota river bottom land were sacrificed to provide storage for the four mainstem dams located in South Dakota. To terminate development of the Oahe Project can only be interpreted as a breach of that commitment as well as the breach of already signed contracts between the Federal government and the State. The Oahe Project is merely an orderly continuation of the development authorized by Congress for the Missouri Basin. The Oahe Project is one feature of the multipurpose development of the Missouri Basin. We urge the Federal government to live up to their commitments.

We urge that funding for the Oahe Project be continued. We believe that modifications to enhance the project can be made as orderly development progresses. Further review of this manner should be discontinued and the efforts of both the Federal and State entities directed at improving the Oahe Project and not trying to kill it without justification.

EXHIBIT A

Based upon the most recent information received from the Upper Missouri Regional Office of the U.S. Bureau of Reclamation (USBR), Billings, Montana if the Oahe and Garrison Units were not constructed the rates for hydro electric power are projected to increase by at least 23 percent. For calendar 1976 the South Dakota customers of the USBR would have had to pay the following added costs for firm hydro electric power, if the rate increase would have been effective during 1976. These added costs are annual increases which would be reflected for each year after the Oahe and Garrison units are terminated:

EXHIBIT A

	Oahe project termination (will add 0.6 mill/kWh)	Garrison project termination (will add 0.51 mill/kWh)	Total (will add 1.11 mill/kWh)
MUNICIPALS			
Arlington	$3,895	$3,310	$7,205
Aurora	1,025	871	1,896
Badger	489	416	905
Beresford	6,541	5,560	12,101
Big Stone City	5,172	4,397	9,569
Brookings	56,248	47,811	104,059
Bryant	1,513	1,286	2,799
Burke	3,224	2,741	5,965
Colman	2,599	2,209	4,808
Estelline	3,184	2,706	5,890
Faith	3,017	2,565	5,582
Flandreau	7,918	6,730	14,648
Fort Pierre	7,092	6,028	13,120
Groton	5,404	4,594	9,998
Hecla	1,968	1,672	3,640
Howard	4,659	3,960	8,619
Langford	1,170	994	2,164
Madison	25,869	21,988	47,857
McLaughlin	3,281	2,789	6,070
Miller	11,220	9,537	20,757
Parker	4,680	3,978	8,658
Pierre	60,836	51,710	112,546
Plankinton	3,736	3,175	6,911
Sioux Falls	26,826	22,802	49,628
Tyndall	4,816	4,093	8,909
Vermillion	20,842	17,716	38,558
Volga	4,604	3,913	8,517
Watertown	65,165	55,390	120,555
Wessington Springs	4,608	3,917	8,525
Winner	17,617	14,974	32,591
Total	369,214	313,832	683,046

	Oahe project termination (will add 0.6 mill/kWh)	Garrison project termination (will add 0.51 mill/kWh)	Total (will add 1.11 mill/kWh)
COOPERATIVES			
East River Electric Power Cooperative	341,751	290,488	632,239
Cherry-Todd Electric Cooperative	8,069	6,859	14,928
FEM Electric Cooperative	10,441	8,875	19,316
Moreau-Grand Electric Cooperative	11,846	10,069	21,916
Rosebud Electric Cooperative	29,094	24,730	53,825
Rushmore Electric Power Cooperative	88,714	75,407	164,121
Grand Electric Cooperative	18,096	16,070	34,976
Northern Electric, Aberdeen	4,320	3,672	7,993
Total	513,411	436,170	949,311
STATE OF SOUTH DAKOTA			
Northern State College	2,818	2,395	5,213
Redfield State Hospital	1,936	1,645	3,581
South Dakota Cement Plant	38,699	32,894	71,593
South Dakota School of Mines and Technology	3,211	2,730	5,941
South Dakota State Penitentiary	1,078	916	1,994
South Dakota State University	13,654	11,606	25,260
USD—Springfield	1,431	1,216	2,647
State Training School	442	375	817
University of South Dakota	8,280	7,038	15,317
Yankton State Hospital	2,228	1,894	4,122
Total	73,777	62,709	136,486
TOTALS			
Municipals	369,214	313,832	683,046
Cooperatives	513,141	436,170	949,311
State of South Dakota	73,777	62,709	136,486
Total	956,132	812,711	1,768,843

BATAAN-CORREGIDOR DAY WOULD COMMEMORATE FAMOUS WORLD WAR II BATTLE

Mr. MATSUNAGA. Mr. President, I am today introducing legislation which would authorize the President to proclaim February 16 as Bataan-Corregidor Day.

Enactment of my joint resolution would commemorate the famous World War II battle in which soldiers of the United States and the Republic of the Philippines fought gallantly side by side, and it would reinforce the strong bonds of friendship which exist between the United States and the Republic of the Philippines. It would be very appropriate if this measure could be passed and signed into law on Independence Day which is celebrated on July 4 in both the United States and the Philippines.

When the Imperial Air Force of Japan bombed Manila on December 8, 1941, the day after Pearl Harbor, Gen. Douglas MacArthur commanded a force of some 30,000—about 15,000 American troops and about 15,000 Filipino soldiers and reservists. The enemy invasion force numbered 200,000. Badly outnumbered, General MacArthur and his troops slowly withdrew to the Bataan Peninsula, setting up their headquarters at Corregidor. There, they fought tenaciously, withstanding onslaught after onslaught by enemy infantry, artillery and air power, even though nearly half of them were wounded or ill and all were near the point of starvation.

It was to these valiant forces that General MacArthur made his famous pledge: "I shall return."

In May 1942, General Wainwright, the new Commander of the Allied Forces, which was then reduced to about half of its original numbers, was forced to surrender. All endured the infamous "Death March" to prison camp at Camp O'Donnell.

That was not the end of the story, however. In October 1944, General MacArthur, true to his word, waded ashore at Leyte. The following year, on February 16, American and Philippine forces reclaimed Bataan and Corregidor. It is that date which would be commemorated by passage of my resolution.

AIRLINE DEREGULATION

Mr. McGOVERN. Mr. President, in the consideration presently being given to deregulation of the Nation's commercial airlines, there has been insufficient attention given to the problems that would result in those States with no major trunk service—or limited access to trunk carriers.

In South Dakota and other States where we are dependent on regional subsidized carriers for much of our local service, we find deregulation poses a threat to existing service patterns.

In reviewing S. 689, the "Air Transportation Regulatory Reform Act of 1977," I find it is silent on the future of rural air transportation. Other supplemental measures to S. 689 allude to the problem, but suggest as a solution some form of third-level carrier which we in South Dakota find unacceptable.

I believe that other States with similar problems would be well advised to express their concern in the hope of making appropriate changes in the pending measures to insure that service to rural areas of the country is continued.

I ask unanimous consent that my statement on this matter submitted to the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GEORGE McGOVERN TO THE SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION ON S. 689—"AIR TRANSPORTATION REGULATORY REFORM ACT OF 1977" AND RELATED MEASURES

Mr. CHAIRMAN. I appreciate this opportunity to address the Committee in relation to its consideration of S. 689, the "Air Transportation Regulatory Reform Act of 1977", together with other measures presently under consideration that have a bearing on airline service.

South Dakota shares the concern of the sponsors of this bill that the economic vitality of the nation's air carriers be improved and that service be fully responsive to the public need. Obviously, in highly competitive market situations and city pairs, adjustments in operations as they relate to more carrier flexibility on service offered is desirable. We know that we must make it possible for carriers to substantially increase their load factors, not only to maximize the return of energy expended, but also to insure that to the fullest extent possible each flight will pay its own way. We are encouraged, as well, by the promise of some reduction in airfares on certain routes.

When S. 689 was introduced it was characterized as "designed to change the direction of regulation rather than abolish it". S. 689 is similar to S. 3830 introduced in the 94th Congress, but in that context I was pleased to note that this measure, as presently drafted, does not purport to speak to the problems of the "future of airline service to small communities", but that this Committee intends to deal with that question during the hearing process.

It is toward that service to "smaller communities" that I wish to address my remarks today.

South Dakota is distinguished from its sister states in the upper great plains in that we have no major national trunk air carrier serving our State, nor do we have any Amtrak or other transportation systems available. In practical terms, we are dependent on the private automobile and the commercial airline for both intra and interstate travel.

South Dakota presently has commercial airline service as follows:

Western, Ozark and North Central serving Sioux Falls, Frontier, Western and North Central serving Rapid City, North Central and Western serving Pierre, and North Central Airlines service to Aberdeen, Watertown, Huron, Mitchell, Brookings and Yankton.

South Dakotans, using these carriers, generally have access to the major trunk airlines through terminals at Minneapolis/St. Paul, Chicago, Denver and Omaha.

We are concerned that if legislation is adopted that will permit open exit and entry to various markets that those airlines presently receiving subsidies to operate in relatively low density areas will pull that equipment in order to maximize their impact in other areas where they could compete to increase their load factors. This would result in a complete lack of service for many boarding points in South Dakota.

We do not find the so-called "third level or commuter" service to be adequate. There is no guarantee that once a presently certificated carrier has withdrawn from a community that any third level carrier would apply to provide service. The front money required is seldom available for any untried company, there is understandable concern over interline transfers, the additional plane changes involved and a safety factor that mandates larger aircraft. South Dakota is at the center of weather systems that make flying scheduled service a job for a professional airline in our part of the country.

There is also no guarantee that a third level carrier—even with a flow-through or direct subsidy arrangement—would continue service. With limited access to high volume routes to balance those segments for which substantial subsidy is required, third level carriers simply do not have the financial stability to provide the kind of service that is required. It would not be unusual, for example, for a third level carrier to be certificated on the premise of a certain quality of service only to subsequently discover that the cash flow was not available. Service would have to be cut back and eventually eliminated entirely. The Federal Government cannot be expected to fully subsidize a third level carrier. The present system which permits a regional carrier to balance profitable routes with unprofitable ones—and blend in a subsidy as needed—not only works well, but makes sound economic sense for the taxpayers, provides good service to areas that might not otherwise have it and will, in most instances, generate a profit for the airline involved.

Millions of dollars have been spent by the Federal Government, in association with state and local expenditures, to bring the South Dakota airport and airways system up to acceptable standards and to permit them to accept larger jet aircraft. It makes bad public policy to mandate these expenditures—and then to, in effect, tell airport boards and managers that their system which is capable of handling commercial jets, will now only be serviced by a smaller aircraft that will try to make up in frequency and "daring"—what they lack in capacity and safety. We have welcomed the increasing sophistication of the airways system which permits the utilization of aircraft that means a better and safer trip.

By the same token, we cannot afford to leave airports where a substantial investments of public funds have been—unused by the very kinds of equipment for which they were designed improved and maintained. Such a substantial departure from established Federal policy and the historic commitment by state and local government to airport development does not make economic sense and does not fit into a national airline system approach to transportation needs.

The airlines themselves have expended vast sums in their local facilities in the communities they serve. Literally thousands of people's jobs are directly or secondarily involved in airline service in our State. Companies that have located or re-located in South Dakota have predicated their site selection, in part, one the type of airline service we have. They will not stay in place without fully adequate access to the airlines.

As equipment capacity increases, South Dakota has grown increasingly reliant on air freight for what we produce and ship—and what we buy from other parts of the country. Smaller aircraft cannot provide this service—some of what is of an emergency nature. It is not unusual, for example, for medical supplies to be flown to the point of need through our commercial air service. During harvest

season, we frequently need to fly in critical parts for our farm equipment so that the harvest may continue. Almost every South Dakotan is dependent, in one way or another, on the availability of air freight to bring us what we need—when we need it—and to send what we have elsewhere in the country as it may be required.

Mr. Chairman, almost a half million passengers boarded commercial aircraft in my State last year. Outbound passengers were fed into the major trunk systems as part of the overall national commercial airline network. Incoming passengers utilize our four airlines after transfering from trunk lines at major air terminals. These regional airlines provide a vital and necessary link for rural America to have access to the rest of the country. The Congress cannot adopt a policy that Americans who do not live in metropolitan areas—are forbidden to fly. But if S. 689 and the other pending measures are designed to remove the subsidy presently provided and to encourage local service carriers to schedule their aircraft elsewhere—then the result will surely be that those who live in South Dakota and other essentially rural areas will be left in the backwater of commercial aviation; with the dream of a truly national airline system gone forever.

South Dakota is not asking for some new program—some new expenditure of hard earned tax dollars. We have a workable blend of public and private involvement in our air transportation system in South Dakota now. We want to keep it. We are asking that this Committee carefully and thoughtfully assess the basic economic values involved here—and to make provision for states like ours in your final bill. Let us keep what we have—or let us improve it—but do not under the guise of "de-regulation or reform" destroy the existing airline systems in rural America. We desperately need the service.

THIS IS HOW IT WAS DONE

Mr. ABOUREZK. Mr. President, 6 months has passed now since the tragic, needless, and barbaric assassinations of Orlando Letelier and Ronni Karpen Moffit, two people who had done nothing but to speak their conscience. From time to time, we hear snatches of information "on the progress of the investigation," despite reliable and corroborated facts from various sources as to the true perpetrators of this crime.

The FBI and the Justice Department have indicated the identities of the killers are known, but the fundamental question remains: Will they be brought to justice for this hideous crime? I am shocked and saddened that more forceful action has not been taken concerning the assassins of Orlando Letelier and Ronni Karpen Moffit. Not only do we have a binding obligation to uphold the American judicial system, but we also have a moral responsibility to protect people living in the United States from brutal acts based solely on their beliefs and conscience.

Mr. Saul Landau and Mr. Ralph Stavins were both colleagues and close friends of Orlando Letelier and Ronni Karpen Moffit. They have written a fine article in the Nation which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS IS HOW IT WAS DONE

(By Saul Landau and Ralph Stavins)

Six months have passed since Orlando Letelier and Ronni Moffitt were murdered on Embassy Row in Washington. No arrests or indictments have occurred. From our own investigation, published reports and Justice Department sources the names of several of the suspected assassins are known. From independent evidence that we have gathered, the suspects' motives and key details of the crime have emerged. The FBI and Justice Department findings concur in crucial detail with the conclusions drawn from our inquiry.

The actual plot for the murder began during a debate within the Chilean junta in June 1976. Letelier had received a letter from a reliable source which described this discussion. The question arose whether or not to assassinate Letelier, whom all members of the ruling council judged a danger to the regime. Gen. Augusto Pinochet made special reference to Letelier's public attempts to isolate and denigrate the ruling junta—his part in blocking a $63-million Dutch investment, his testimony before the United Nations and other world bodies about torture in Chile, his relationships with members of Congress and State Department officials (Letelier lunched from time to time with William Rogers, Assistant Secretary of State for Latin American Affairs, and had close contact with outspoken legislative critics of the junta, Senators Kennedy, McGovern, Abourezk and Humphrey, and Congressmen Fraser, Miller, Moffett and Harkin); his influence at international banking and lending agencies (Letelier was an economist and a former high official of the Inter-American Development Bank). Letelier stood for the Chilean law and constitution, for human rights and reason—in a word, legitimacy, underlined by his presence in Washington. All the junta had to rule with was terror.

The "moderates" around the Santiago decision-making table argued that, while Letelier constituted a clear and present danger, his assassination at that time would not augur well for future relations with Washington. The "hards" said, "kill him; the United States is soft on communism anyway." They no longer felt concerned over possible U.S. reaction to assassinations. They already felt betrayed.

The moderates prevailed. Instead of assassination a compromise was agreed upon: Letelier was stripped of his Chilean nationality by a junta decree. This decision reached in June, was not published in the official *Gazette* until September 10, 1976.

Several elements entered into the junta debate. The most important factor was that, contrary to the public impression, U.S.-Chilean relations had suffered a steady decline over the previous year. Because of flagrant and well-documented violations of human rights, the U.S. Congress began to reduce the large benefits it had been granting to the junta since the overthrow of Allende. Congress stopped all military aid, sharply cut back economic aid, and inserted human rights provisions into aid legislation. From a 1975 peak of $273 million, U.S. aid was halved in fiscal 1976 and halved again for fiscal 1977. Three members of Congress and their staffs traveled to Chile and, upon their return home, gave eyewitness accounts of the horrors of daily life under the military dictatorship. In addition to such open condemnation of the regime by Congressional leaders, the Ford administration voted in early 1976 to denounce Chile at the United Nations for its systematic violation of human rights, and the State Department through the U.S. Embassy in Santiago delivered signals of diplomatic disapproval.

The sum of these gestures did not indicate an impending break in relations; indeed, one could interpret them as messages to mend one's brutal ways. But the junta responded with puerile rebelliousness. Its leaders, realizing that Congress was determined to cut their aid significantly, boasted that they didn't want it anyway. Chile's economic minister announced that Chile needed no more foreign loans, since the Chilean economy was already glutted with foreign credit.

The Chilean press increased its attacks upon liberal U.S. legislators. Senator Kennedy was branded a Communist leader and cartoons in the junta-controlled Santiago dailies portrayed other powerful Senators conspiring against the junta, with Mrs. Hortensia Allende, the slain President's widow, goading them on.

Pablo Rodriguez, leader of the ultra-Right *Patria y Libertad* movement, asked on Chilean TV, "Why has Chile become an electoral banner used in the U.S. to win votes? I believe it is because to a great extent international communism has been attracting those nations where eventually there might be a conflict." Detente, according to officials in Chile, had proved that the United States could no longer be trusted. (Shortly after the murders, former Chilean Ambassador Manuel Trucco, responding to Presidential candidate Carter's attack on the junta and U.S. involvement in the coup, wrote Carter warning that his advisers were Marxist dupes.)

Letelier's published writings continued to throw doubt on the junta's economic and political legitimacy. In the August 28, 1976, issue of the *The Nation*, he published an article, "Chile: Economic 'Freedom's' Awful Toll," which connected the campaign of state terror to the junta Milton Freidman economic model. Despite the ubiquitous terror, Letelier concluded, the generals showed no capacity to mold a viable economy, and future investment in Chile was foolhardly.

On September 10, 1976, Letelier learned of the decree stripping him of his nationality. At a scheduled speech at Madison Square Garden, New York, he gave his reply: "I was born a Chilean, Iam a Chilean and I will die a Chilean. They, the Fascists, were born traitors, live as traditors, and will be remembered forever as Fascist traitors." The overflow crowd roared its approval. DINA agents attended the rally and reported to Santiago.

We believe that General Pinochet and his DINA chief, Manuel Contreras, called a special meeting to discuss these, for them, unfavorable recent events. This time the moderates lost. Pinochet ordered DINA to "hit" on Embassy Row in Washington, D.C. as Pinochet's "symbolic" response both to Letelier's resistance and to the United States' "betrayal" of its promised support.

From several sources inside the U.S. Government, we have learned that a high-level DINA official was instructed to conspire with Cuban exiles in the United States for the actual killing. The DINA-exile connection, by then many mnoths old, had come about as naturally as a marriage between Mafia families. Shortly after the 1973 coup, Col. Eduardo Sepulveda, a close friend of Pinochet, was dispatched to Miami to meet with Cuban exile leaders. Ramior de la Fé, a Bay of Pigs veteran who had served time for possession of explosives, and who was a spokesman for several terrorist groupings, consulted with Sepulveda and helped him set up a front group in the United States to promote the junta's image. In return, according to former exile activist, Carlos Rivero Collado,* Sepulveda promised moral and material aid in the exiles' private war against Castro and the Cuban Revolution.

* Carlos Rivero Collado was active in Cuban exile affairs until he recently returned to Cuba, revealing all he knew of exile politics.

In early 1974, the junta blessed the arrangement by sending Julio Duran to deliver a keynote speech before the exile community in Miami. Duran, Chile's delegate to the U.N. General Assembly and a leading figure in *Patria y Libertad*, promised the exiles that henceforth, Chile would support their cause.

The exiles, most of whom the CIA had abandoned because of periodic policy changes and the fallout from Watergate, became the junta's adopted sons. The junta and the exiles shared the same enemies and ideology. Chile, not the United States, was dedicated to the overthrow of Castro; Chile, not the United States, was now the hemispheric leader in the struggle against international communism; Chile, not the United States, was willing to use terror as a routine tool of policy. The exiles had new parents, and, judging from the frequency of their visits to Chile, a new home. In 1975 Brigade 2506, composed of Bay of Pigs veterans, awarded Pinochet its "medal of freedom."

According to Carlos Rivero Collado, from 1974 to 1976 the Cuban exile terrorist groups, with Chilean moral and material aid, launched a number of violent attacks in and out of this country. Their targets included not only the Cuban Revolution but some of their newly defined enemies in the United States. In one incident, Emilio Milian, a Miami-based Cuban exile, who advocated détente with Cuba, had his legs severed when a C4 bomb exploded in his car, the identical method used later to eliminate Letelier. (For details of atrocities committed by Cuban exiles in the recent past, see "Miami, Haven for Terror," The Nation, March 19.)

Our evidence indicates that a high-level DINA agent landed in Miami on September 13, 1976, and met with a group of Cuban exiles who had already been alerted that a "contract" was in the offing. The DINA agent worked out the details of the Letelier assassination with four young terrorists noted for their daring and coldbloodedness. Having secured a plastic explosive and a detonating device, they departed for Washington. There they met with DINA agents, posing as Chilean officials, stationed at the Chilean Embassy. The Washington-based operatives briefed the exiles on Letelier's habits, his car description, daily departure times, route to work, parking location, and probable work schedule at the Institute for Policy Studies during the following week.

The next afternoon, Justice Department sources confirm, a group of Cubans made an official call upon their Chilean Ambassador, Manuel Trucco, to "protest" the extradition of Rolando Otero, a fellow Cuban exile, from Chile to the United States, there to stand trial for bombings in the Miami area. This visit to the Chilean Embassy could serve in the future, should it be necessary, to explain their presence in Washington.

Upon leaving the Chilean Embassy, they probably drove to an alley behind the Institute for Policy Studies, where Letelier routinely parked his car. The explosive was taped to the I-beam of the car, under the driver's seat, for maximum impact. The car may have been driven to test whether the plastic would remain in place. Just the day before a set of Letelier's car keys had been stolen from his office and when Letelier arrived at the car at 6:30 that evening, one of his companions pointed out that the right front door was ajar. He shrugged it off, saying, "Oh, I must have gotten out on the wrong side today."

The next morning Letelier drove to National Airport, parked his car for the day, and took an Eastern shuttle to New York. He returned on Saturday for a party at his house to celebrate Chilean Independence Day.

Monday, the day before the assassination, Letelier worked at his office. At the end of the day, he phoned Isabel, his wife, confirming a dinner-work engagement at home for that evening with Michael and Ronni Moffitt. When Moffitt discovered that his own car would not start, Letelier phoned again explaining that the Moffitts would drive with him. They stayed until midnight, and then drove Letelier's car to their own home, it being agreed that they would pick him up and drive to work together the next morning.

At 8:45 Tuesday morning, a Latin woman walking in front of Letelier's residence noticed a late-model gray sedan parked near the Letelier driveway. Three occupants sat inside and one man stood by the car. She identified him as "certainly a Latin," about 30, wearing a gray suit and tie. The four appeared to be enjoying an "inside joke," she said.

At 8:55 the Moffitts arrived in the Letelier car, and pulled into Letelier's driveway. Engaged in conversation, they did not notice any other vehicles nearby. As soon as they entered the Letelier residence, one of the group of four must have crawled under Letelier's car and attached the detonating device to the plastic charge—a procedure that requires only seconds.

At 9:15, Letelier, Ronni and Michael Moffitt left the house and began the drive from Bethesda to the District of Columbia. Letelier took the route he always drove—River Road to 46th to Massachusetts Avenue. They talked about the day's business and the dreary weather. No one paid attention to a gray sedan trailing them at a "safe" distance.

As Letelier entered Sheridan Circle, a hand in the gray car depressed a button. Michael Moffitt heard the sound of "water on a hot wire" and then saw a "white flash." Thrown clear of the explosion, Moffitt tried to free the unconscious Letelier from the wreckage on top of him. His legs had been snapped from his body and catapulted some 15 feet away. Ronni Moffitt stumbled away from the smoldering Chevrolet; she seemed to be OK, but in fact had suffered severed artery and soon bled to death. Michael screamed out into the world, "The Chilean Fascists have done this."

This reconstruction of the assassinations, based upon evidence gleaned in six months of probing and with some educated guessing, is supported by what we know of FBI findings. In crucial areas, our conclusions and those of the Justice Department match exactly: a DINA official, himself under orders from "above," ordered and supervised the "hit"; Cuban terrorists carried it out; plastic explosive was the murder instrument.

Most of the FBI and Justice Department officials investigating the murders have made a concerted effort to bring the perpetrators to the bar of justice. At the same time, other agents inside the government have leaked material from Letelier's briefcase, seized by the police as potential evidence at the time of the explosion. The leaked material first appeared on the desks of several officials of the Inter-American Development Bank, where Letelier had served for many years. Next, the briefcase material was given to newspaper columnists Jack Anderson and then to Evans and Novak. The columns which these men wrote attempted to discredit Letelier and divert attention from the actual killers—General Pinochet, the Chilean junta, the DINA and their Cuban exile hit men.

The names of most of the killers, their motives, and their *modus operandi* are now known to the Justice Department. What remains are the more fundamental questions: will the U.S. authorities be allowed to gather sufficient evidence to bring the killers to trial? Will they name General Pinochet and other ruling junta members who ordered the assassinations? And will the role of U.S. intelligence and defense agencies, which had previously trained junta leaders, DINA agents and the exiles, be revealed in full?

THE SUNSET ACT OF 1977

Mr. GLENN. Mr. President, the Sunset Act of 1977 is now being evaluated in hearings before the Subcommittee on Intergovernmental Relations of the Governmental Affairs Committee. Senator MUSKIE, who has been the leading advocate of sunset legislation, is chairman of this subcommittee.

In working with Senator MUSKIE on this legislation, I have been particularly concerned that it include sunset provisions for tax expenditure as provided in title IV.

At today's hearings, Senator EDWARD KENNEDY appeared as a witness in favor of the Sunset Act, and particularly in favor of title IV, the tax expenditure portion of the act.

His statement was such an excellent treatise of the whole concept, Mr. President, that I ask unanimous consent that it be printed in the RECORD, and hope it will receive the careful, and I hope favorable, consideration it deserves.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR EDWARD M. KENNEDY, TAX EXPENDITURES AND S. 2, THE SUNSET ACT OF 1977, SENATE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

I am pleased to have the opportunity to appear before this Subcommittee and to testify on S. 2, the Sunset Act of 1977.

I regard the sunset concept as one of the most imaginative and innovative approaches to government reform that has been proposed in many years, and I especially commend Chairman Muskie and the other members of this Subcommittee for their efforts to bring this issue before the Senate. I pledge my full support to achieve enactment of this important new building block in the structure that Congress is gradually creating to establish more rational and effective Congressional oversight of the federal government in general and the federal budget in particular.

In my testimony today, I do not propose to deal with the general issues involved in the sunset legislation as it applies to direct federal spending programs. This Subcommittee has studied these issues in depth, and the current hearings will help to refine them even further for action by the full Senate in the coming weeks.

Rather, I wish to direct my comments to one particular aspect of the bill—the critical necessity that the sunset legislation should treat tax expenditures and direct outlays in the same fashion.

Failure to include tax expenditure programs in the sunset legislation would mean that a significant portion of the total federal budget would remain outside the process of regular congressional review and evaluation of federal subsidy programs.

The sun does not only rise and set on direct expenditures. The sun also rises on tax expenditures. And that same sun must also set on tax expenditures, if the Sunset Act is to reach its goal.

In understanding the need to apply the sunset concept to tax expenditures and the mechanics of implementing that concept it is useful to review briefly how the tax expenditure concept developed and the present state of knowledge concerning the tax expenditure process.

DEVELOPMENT OF THE TAX EXPENDITURE CONCEPT

In the 1960's, work in the Treasury Department demonstrated that the federal tax system is composed of two separate and quite distinct components.

One component—which is the structure most people have in mind when they think of the tax system—consists of the rules necessary to raise and collect taxes. These rules set forth the standards for defining net income, the rates of tax, the annual time periods within which taxes must be paid, the persons and groups required to pay the tax, and the administrative provisions necessary to implement and collect the taxes. These are the basic provisions necessary to establish and maintain any type of income tax system—the so-called "normal" or "structural" part of the system.

But there is a vast number of other provisions in the Internal Revenue Code that do not play any part in defining this "normal" income tax structure. In contrast, these other provisions are measures added by Congress to the Internal Revenue Code to achieve non-tax goals of the federal government.

These goals were numerous and of obvious concern to government. They included better health care, stimulation of investments in machinery and equipment, encouragement of gifts to charitable organizations, incentives for home ownership, inducements to drill for oil and other natural resources, and many other worthwhile objectives. But these goals are not tax goals of the federal government. They are spending goals, and the funds involved are federal subsidies as surely as any direct outlay program involves a federal subsidy.

Accordingly, in the annual report of the Secretary of the Treasury in late 1968, these non-tax subsidy provisions contained in the Internal Revenue Code were finally identified and quantified by Secretary of the Treasury Joseph Barr, who presented the first tax expenditure budget.

In that budget, the numerous spending provisions in the Internal Revenue Code were treated as the functional equivalent of direct outlay programs. That is, these special provisions were viewed as a mechanism by which Congress collects, authorizes and appropriates funds for the objectives set forth in the various provisions. Viewed in this way, each tax spending program could be identified and assigned to the same budget category as related direct outlay programs in the regular budget.

In each subsequent year since 1968, a tax expenditure budget has been prepared by the staff of the Joint Committee on Taxation, working with the Treasury Department and, in recent years, with the Congressional Budget Office.

The identification of these tax provisions as the equivalent of direct outlay programs has proved to be a crucial turning point in our understanding of the total budget picture and the universe of Federal spending programs. As the tax expenditure budget makes clear, when Congress decides to provide financial incentives or support for a particular goal, it always has a choice between two methods:

It can provide the needed financial aid through direct outlays, using the traditional authorization and appropriations process.

Or, it can use the tax expenditure route, in which the authorization and appropriations processes are telescoped into a single action within the House Ways and Means Committee and the Senate Finance Committee. In some respects, tax expenditures are analogous to permanent appropriations or entitlement programs, which are also especially troublesome aspects of the budget because they too short-circuit the crucial authorization-appropriation process.

USES OF THE TAX EXPENDITURE BUDGET

The realization that Congress can write any spending program either in the form of a direct outlay or in the form of a special tax provision makes it obvious that Congress must apply the same tests to tax expenditure programs as we already apply to direct outlay programs.

Thus, whether the issue is a tax expenditure or a direct expenditure, Congress must satisfy itself about the following questions:

Is there a need for any federal spending program at all?

If there is a need, what form of federal spending program most effectively meets the need—such as direct grants, loans, or loan guarantees on the one hand, or tax subsidies on the other hand?

What standards and limitations are required to insure that the program is equitable and that its benefits outweigh its costs?

If these questions are addressed legislation can then be written using either a direct outlay program or a tax expenditure program that reflects the answers Congress has given to the questions.

The problem is that Congress has yet to develop a set of rational criteria for determining when to use a direct outlay or a tax expenditure approach to achieve a particular federal goal. A major cause of the problem is the structure of the committee system in Congress. There is virtually no coordination in this respect between the tax-writing committees and the other standing committees, even though both types of committees are addressing the same national problems and both types of committees are proposing ways to spend federal dollars to solve them.

Although the Senate Committee system reorganization resolution passed earlier this year did not deal with this basic flaw in the present system, it is only a question of time before Congress, faced with irresistible budget constraints, will have to develop adequate methods to coordinate tax spending programs and direct spending programs.

The basic understanding that tax expenditure programs can be structured and analyzed in the same manner as direct expenditure programs carries with it important implications for the budget process. For example, the tax expenditure budget makes clear that if Congress does not exercise the same oversight over tax expenditures as it exercises over direct outlays, the budget process is simply out of control. Accordingly, the Budget Reform Act of 1974 required the President to submit a tax expenditure budget along with a direct outlay budget for each fiscal year. In addition, procedures were set forth in the Budget Reform Act to insure that Congress would exercise its oversight responsibility over tax expenditures in a manner similar to its responsibility over direct outlays.

GROWTH OF THE TAX EXPENDITURE BUDGET

The tax expenditure budgets have also revealed, however, that we still have a long way to go before Congress brings tax spending under the same control that we have achieved with respect to direct spending. When Secretary Barr presented his first tax expenditure budget in 1968, tax expenditures totaled some $44 billion. For fiscal 1978, the joint tax committee staff estimates show a tax expenditure budget of $124.4 billion. The tax expenditure budget in the past decade, therefore, has grown by over 180%. By comparison, direct outlays in fiscal 1968 were $178 billion. President Carter has submitted a direct outlay budget for fiscal 1978 of $459 billion, a growth of "only" 160% over the past decade.

Obviously, if we are concerned about runaway federal spending in the direct budget, we also have to be concerned about runaway federal spending in the tax budget. Often, however, it turns out that those who call the loudest for restraint in direct spending programs are the biggest spenders when it comes to spending through the tax laws.

The current sorry state of Congressional control over tax expenditures is more the result of historical accident than logic or intent. The late recognition of the reality that large numbers of provisions in the Internal Revenue Code are actually spending programs has meant that the basic established Congressional review procedures are seldom, if ever, applied to tax expenditure programs.

Normally, when Congress moves by the direct outlay approach, an authorizing committee studies the issue, and recommends a level of funding. Then, the Appropriations Committee reviews the recommendation and sets a funding level consistent with other goals and needs.

But in tax expenditures, the House Ways and Means Committee and the Senate Finance Committee act as both judge and jury. They authorize a program and appropriate the funds for it in a single step. The disciplines and checks produced by the normal authorization-appropriation procedure are missing when tax expenditures are enacted.

This undesirable state of affairs is a long term problem for Congress to resolve. But recognition of this fact makes it imperative, as Congress moves step by step to implement effective budgetary procedures, that tax expenditures be subjected to the same controls as direct outlays.

THE SUNSET BILL AND TAX EXPENDITURES: OVERALL OBJECTIVES

Now, with the Sunset bill, we have the opportunity to take a major step in the right direction. I believe there are at least three widely accepted goals to be achieved by subjecting tax expenditures to the same sunset rules as direct outlays.

First, there will be a regular congressional review of tax expenditure programs.

Second, there will be better coordination between the review of tax expenditure programs and the review of direct outlays in the same budget category.

Third, there will be an opportunity to eliminate outmoded and inefficient tax expenditure programs.

I suspect that there is widespread agreement on these goals. They are reflected in Title IV of the Sunset Act and in the legislation that Senator Glenn has proposed in conjunction with the act. They are also reflected in the basic position of the Carter Administration. And OMB Director Bert Lance testified last week to this Subcommittee, reviewing outlay programs in a given area without also reviewing tax expenditure programs in the same area "would surely be inappropriate." Similarly, Secretary Blumenthal also testified last week that "it is important that outlays and tax expenditures be considered together."

There is thus a widespread recognition that the basic policies to be achieved by the sunset legislation can be realized only if tax expenditures are subjected to the same procedures as direct outlay programs. The real question, therefore, shifts from the agreement on this policy goal to the issue of technical implementation.

SUNSET LEGISLATION AND TAX EXPENDITURES: TECHNICAL IMPLEMENTATION

I strongly urge that the same procedures and sanctions that are applied to direct outlay programs in the Sunset bill should be applied to tax expenditures. I believe that the technical "problems" raised by some with respect to inclusion of tax expenditures in the Sunset bill can be easily resolved. The Senate—and the budget experts assisting us—should ask two questions when a technical objection is raised:

Is the same technical problem present in dealing with direct outlays? In other words, are there any technical problems present in terminating a tax expenditure program that would not also be present in terminating a direct outlay program, if the tax expenditure were considered as an outlay?

Are there any factors unique to tax ex-

penditures that require modifications in the sunset principles developed for direct programs?

I urge the Subcommittee to approach so-called "technical" problems in applying sunset legislation to tax expenditures with a healthy dose of skepticism. I suspect it will become quickly apparent that virtually all of the "technical" problems involved in terminating tax expenditures are equally applicable to terminating direct expenditure programs. With slight modifications, the procedures in S. 2 for terminating direct expenditures can apply equally well to terminating tax expenditures. The "technical" problems should not become a smokescreen for continuing the long and unjustifiable immunity of tax expenditures from responsible analysis and oversight in Congress.

By way of illustration, let me turn to some of the technical problems that have been raised with respect to the inclusion of tax expenditure provisions in the sunset legislation.

1. Defining tax expenditures

In his testimony last week, Secretary Blumenthal indicated that there might be problems in identifying tax expenditures. But the examples given do not suggest that the problems are significant. To illustrate his point, Secretary Blumenthal quoted a statement from a 1975 pamphlet of the staff of the Joint Committee on Taxation that indicated such difficulties. But that statement has not appeared in similar Joint Committee staff publications for the past two years.

With respect to the specific examples cited by the Secretary, no tax expenditure budget for the past ten years has included personal exemptions as a tax expenditure; every budget has included the standard deduction as a tax expenditure. To my knowledge, there is no disagreement as to either treatment.

Moreover, the Treasury seems to be concerned in its other examples by items that are not included in the tax expenditure budget. But the suggested definitional difficulties seem to be resolved in light of the thorough analysis that has characterized the efforts of the Congressional Budget Office and the Joint Committee on Taxation on this issue in recent years.

The Budget Reform Act of 1974 contains a workable definition of tax expenditures. So, too, do S. 2 and the legislation developed by Senator Glenn. Moreover, under the Budget Reform Act, the Committee reports of the House Ways and Means Committee and the Senate Finance Committee must identify new or increased tax expenditures. Therefore, the Joint Tax Committee and the Congressional Budget Office—as well as the Treasury—are given guidance by Congress as to the items that should be included in the tax expenditure budget.

The one modification that I would suggest in S. 2 is that the task of correlating the review of tax expenditure programs with review of direct outlay programs should be placed in the Congressional Budget Office. Review and termination of tax expenditure programs is primarily a budget matter, not a tax matter. Therefore, the responsibility for developing a timetable for termination of tax expenditure programs should not be placed with the Joint Tax Committee but with the Congressional Budget Office, the agency of Congress that is assigned to assist Congress in carrying out its budget responsibilities. Of course, the Congressional Budget Office should be directed to work closely with the staff of the Joint Tax Committee, the Congressional Budget Committees, the Treasury Department and the Office of Management and Budget in developing the schedule of tax expenditure termination.

2. Method of terminating tax expenditure programs

The Treasury also suggested that there may be difficulties in terminating certain tax expenditure programs. Again, this "problem" seems capable of easy resolution. Indeed, although Secretary Blumenthal expressed reservations about how to terminate certain tax expenditure programs, the appendix to his statement demonstrated how such programs could be terminated under the sunset legislation.

Terminating tax expenditure programs does not involve problems that are any more difficult to resolve than the problems involved in terminating direct outlay programs. The technique is somewhat different, because the technique of enacting spending programs through the tax writing committees is somewhat different than the technique of enacting direct outlays through the authorization-appropriation process.

To deal with this concern, the sunset bill should require that, six months before the scheduled termination date for a particular tax expenditure program, the Joint Tax Committee should submit a report listing the changes in the Internal Revenue Code (or Treasury Department rulings and regulations) that are required in order to terminate the program. The appendix to Secretary Blumenthal's statement last week provided an example of this kind of report with respect to the tax expenditure program involved in the sensitive area of the tax exemption for interest on state and local bonds.

In addition, if any substantial problems are encountered, the tax writing committees could employ the extension of time procedure in Section 504 of S. 2 that is available when difficulties are encountered in terminating direct expenditure programs.

In sum, as the Treasury statement put it, tax expenditures do "lend themselves to automatic expiration," just as do conventional budget outlays, and the Senate should not hesitate to apply the termination procedure evenhandedly to both types of federal spending.

3. Scope of tax expenditure programs

The Treasury testimony also suggests that the broad scope of some tax expenditure programs makes it difficult to apply the sunset concept. The example given is capital gains, but it is a curious example to select. The tax expenditure budget already divides the total capital gains tax expenditure into several different categories, including capital gains for timber, capital gains for coal and iron ore, capital gains for corporations, capital gains for individuals, and capital gains on property transferred at death. Perhaps further refinements in categories might be desirable. But it is obvious that the budget experts can divide broad tax expenditures into workable program categories that correspond to direct outlay programs.

The same process currently operates in other tax expenditure programs. For example, accelerated depreciation in the tax expenditure budget is shown in separate components for programs for rental housing, other buildings, machinery and equipment, corporations, and individuals. Thus the "scope" problem raised by the Treasury is really a matter that budget experts are easily capable of resolving.

4. Interrelationship aspects

The Treasury also suggests that the interrelationship among tax expenditure programs is unique to tax expenditures. As reports by the Congressional Budget Office have pointed out, however, these same interrelationships exist in direct spending programs. That is, if some direct expenditure programs are terminated, there will be a shift to other direct expenditure programs.

Moreover, if Congress terminates some direct expenditure programs, it may well choose to substitute new or improved programs in place of the discarded programs. For example, if the existing welfare programs were to terminate under the sunset legislation, it is obvious that Congress would want to substitute another program in place of the present system. The same is obviously true of tax expenditures. In this regard, terminating tax expenditure programs is no different from terminating direct expenditure programs.

5. Transition rules

The Treasury also noted that transition problems may be different for tax expenditure programs than for direct expenditure programs. Again, such problems do not seem to present serious difficulties. Capital recovery programs such as accelerated depreciation—the example used by the Treasury—are simply interest free loans provided by the government to business. The transition problems of terminating this loan program are no different from the transition problems of terminating direct loan programs that the government provides, for example, to farmers and small business. The transition techniques developed for terminating those direct programs are equally applicable to the transition techniques needed to terminate programs under the tax system.

6. Relation to tax reform

The Treasury also indicated that automatic termination dates might interfere with the tax reform process. But nothing in the sunset legislation prevents the Treasury and Congress from moving faster than the schedule prescribed in the sunset bill. One might as easily argue that the sunset bill will impede welfare reform legislation or national health insurance. But obviously, the sunset termination of federal welfare programs five years in the future does not prevent Congress and HEW from moving ahead on welfare reform as quickly as possible in 1977.

7. Estimating tax expenditures

On occasion, it is asserted that it is difficult to estimate tax expenditures. While this may be so, it is important to understand that the difficulties are hardly different from those encountered in advance estimates of direct outlays. Supplemental appropriations bills are often required when actual outlays exceed estimates. We are also familiar with the fact that in the past fiscal year, outlays in key areas fell well short of estimates, with resulting shortfall of $10–15 billion; the same shortfall problem is plaguing the Administration in the current fiscal year.

Budgets *are* estimates and the problems of estimating a tax expenditure budget are neither greater nor less than those involved in formulating a direct outlay budget.

CONCLUSION

I commend this Subcommittee and its parent committee for your efforts to produce legislation that will give Congress a new and more effective tool to provide greater oversight and control over Federal programs and the federal budget process.

I am confident that the committee's legislation will adequately cover direct outlay programs. I strongly urge the committee to apply the same controls to tax expenditure programs. Failure to do so will mean that more than $125 billion of federal spending—one-fifth of the total federal budget—will be left outside the control of Congress.

Such a large-scale abdication of our responsibility cannot be defended to the American people. We now have the chance—through the sunset concept—to provide effective oversight and control over every program in the federal budget. That oversight and control must also be exercised over each tax expenditure program, if the sunset approach is to be capable of fulfilling its great promise.

DISTINGUISHED PUBLIC SERVICE AT THE FOOD AND DRUG ADMINISTRATION

Mr. PERCY. Mr. President, in July of 1973, Commissioner Alexander Schmidt

took on the responsibility for administering the Food and Drug Administration—FDA. From that time until his resignation a few months ago, he consistently demonstrated very able leadership in dealing with the issues in FDA's area of authority. Many of these issues were engendered by recent scientific advances, leading to problems that are both highly technical and complex. There often were no easy answers.

Commissioner Schmidt accepted the challenge and handled it most professionally and adroitly.

Under his leadership, consumers, professional groups, and industry alike have seen increased openness in the FDA's operations. Communication has been fostered so that the scientific and regulatory decision-making processes now reflect viewpoints from many segments of society, as they should.

There was a great deal of agency activity at FDA during Dr. Schmidt's tenure. While I do not necessarily agree with each of the agency's decisions, the length and scope of the list of FDA's activities are apt testimony to the dynamism of this man. We from Illinois are proud of our fellow Illinoisan's considerable contribution to the food and drug field. I ask unanimous consent that highlights of FDA's accomplishments be printed in the RECORD following these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SIGNIFICANT ACTIVITIES AND INITIATIVES OF THE FOOD AND DRUG ADMINISTRATION UNDER COMMISSIONER ALEXANDER M. SCHMIDT, M.D.

FOODS

Proposed regulations that will require declaration of drained weight or actual amount of fruit or vegetable in a container.

Required that fats and oils be identified specifically by origin on all food labels, thereby helping consumers to select those fats and oils they wish to consume for health, religious or personal reasons.

Amended regulations dealing with standardized foods to reduce the number of "mandatory" ingredients. This results in declaration of more ingredients on the package label.

Proposed regulations that would require declaration of the percentage of major ingredients in baby food products.

Initiated studies to determine whether artificial food and color additives may be related to behavioral changes in children (hyperkinesis).

Issued final regulations governing the labeling and composition of vitamin and mineral products used as dietary supplements. These regulations will increase consumer protection and awareness.

Banned FD&C Red No. 2, Red No. 4, and Carbon Black; revitalized final review of remaining provisionally listed colors.

Approved regulations prohibiting use of 13 substances as food ingredients and 2 substances as indirect food ingredients. Proposed actions to clarify the extent of testing the Food and Drug Administration (FDA) will require for various food ingredients; tightened requirements for listing substances used in food after 1958 as generally recognized as safe (GRAS) and established criteria for listing an ingredient as GRAS. These actions are an important milestone in assuring that all food ingredients, whether old or new, are evaluated for safety by the best available scientific methods.

Established procedures for the GRAS review so that consumers, scientists and industry would have the fullest opportunity to participate in the review process.

Established food service sanitation regulations, which with an updated model ordinance would provide food service establishments with standards and State and local governments with a comprehensive model law for more uniform regulation of food service sanitation.

Established criteria for setting "action levels" and/or tolerances for added poisonous or deleterious substances in food. Proposed regulations setting an action level for mercury in fish and shellfish and tolerances for lead in evaporated skim milk, polychlorinated biphenyls (PCB's) in packaging materials and aflatoxin in peanuts and peanut products used as human foods.

Ordered amendment of 10 canned fruit standards of identity to promote consistency with anticipated world-wide standards for these products, consistent with the standard being considered by the Codex Alimentarius Commission.

To establish an orderly development of information regulations, the Department of Health, Education, and Welfare, Food and Drug Administration, and Public Health Service reorganized and recodified regulations concerning quarantine control and interstate sanitation. Regulations cover Food Service Sanitation on land and air conveyances and vessels, equipment and operation of land and air conveyances, servicing area for land and air conveyances, and sanitation facilities and conditions on vessels.

Established good manufacturing practices for bottled water.

Under provisions of the Interstate Quarantine Regulations, which are administered by the Bureau of Foods, banned the commercial or public distribution of viable turtle eggs and live pet turtles to protect the public health against Salmonellosis.

Signed 18 documents as part of the Food and Drug Administration's continuing program to revise food labeling to make it better serve the consumer. These include a standard of identity for dietary supplements, revised regulations covering label statements on foods for special dietary uses, regulations for establishing common or usual names for certain foods, and regulations establishing microbiological quality standards for certain foods.

Prohibited the use of curing premixes in which nitrites or nitrates are combined with flavoring or seasoning in food.

Set limits on the safe use of certain amino acids in foods.

Signed memoranda of understanding with several European countries which export dry milk products to the United States to assure that these are safe and wholesome.

DRUGS

Proposed revision of the Good Manufacturing Practice regulations ("Umbrella GMP's") to assure quality improvements in drugs.

Took action to eliminate sequential type oral contraceptives from the market because of their relatively higher risk of adverse effect.

Ordered label revisions for estrogen drugs and proposed patient labeling for these products to alert physicians and consumers to potential risks of these drugs. Similar action was initiated for progestogens.

Initiated a project jointly with the National Bureau of Standards to develop improved ssytems for monitoring newly approved drugs for adverse reactions.

Established rules to be followed by all retail pharmacies which post or advertise the prices of prescription drugs. This has facilitated meaningful consumer comparison of such products.

Implemented the government-wide Quality Assurance Program, resulting in consolidation of responsibility in FDA for medical products procured by such government agencies as Department of Defense, Veterans Administration, and the Public Health Service.

Prohibited the use of vinyl chloride as an ingredient of drug and cosmetic aerosol products.

Approved regulation establishing requirements for marketing diethylstilbestrol (DES) for use as a post coital oral contraceptive and setting forth patient labeling for its use.

Established general labeling conditions for the safe and effective use of over-the-counter drugs.

Established production and control procedures to prevent asbestos-form articles in drugs for parenteral injection.

Proposed regulations designating a required format and the kinds of information that shall appear under each heading on prescription drug labels. These regulations are designed to provide the essential information the practitioner needs to use drugs safely and effectively in the care of patients.

Approved adoption of international standards for acceptance by FDA of foreign clinical drug studies. The regulation is designed to improve FDA's access to drug studies outside the United States.

Classified any aerosol drug or cosmetic product containing zirconium as a new drug or an adulterated cosmetic product.

Established standards for over-the-counter antacid and antiflatulent drug products.

Set forth conditions under which Digoxin may be marketed to assure required uniform potency.

Required oral contraceptive manufacturers to include in patient brochures the statement that the drugs have no value in treating venereal disease.

RADIOLOGICAL HEALTH

Promulgated performance standards for cabinet x-ray systems, assuring protection to users of industrial radiography, particularly airline baggage x-ray personnel.

Proposed mandatory safety performance standards to protect the public from improper exposure to radiation emitted by ultrasonic therapy and surgery equipment. Development of standards for ultrasonic equipment used in dentistry, eye surgery and diagnostic procedures is also underway.

Approved regulations involving the assembly and reassembly of diagnostic x-ray equipment.

Strengthened the performance standards for microwave ovens by requiring that specific safety instructions be included in user and service manuals and that all microwave ovens bear specified warning labels.

Published performance standard for laser products to protect persons from radiation hazards.

MEDICAL DEVICES AND DIAGNOSTIC PRODUCTS

Established procedures to better monitor pacemakers by instituting a pacemaker registry project.

Serious product defects in such life-sustaining devices as cardiac pacemakers, heart valves, blood pumps, aerial shunts, oxygen delivery systems, defibrilators, catheters, and hemodialysis units led to increased FDA recall and inspectional activity in this area. This was accomplished in the absence of definitive medical device regulation authority. The medical device amendments were enacted in 1976.

Proposed regulations that would require IUD's to bear uniform professional and patient labeling.

Proposed regulations governing the labeling and sale of hearing aids to increase consumer protection, especially for elderly persons.

VETERINARY MEDICINE

Monitored catastrophic events such as the accidental contamination of animal feed

at the expense of the American taxpayer and for the benefit, not of the United States—but of Panama.

[From the Waterbury Sunday Republican, Feb. 20, 1977]

DECISION ON CANAL'S FUTURE AT HAND

(By Hanson W. Baldwin)

We have now reached, because of the "waffling" of past administrations and long continued concessions, a point-of-no-return, when we must put up or shut up.

In 1974 Henry Kissinger unwisely signed a "statement of principles" to govern negotiations for a new Panama Canal zone treaty. Kissinger agreed that the concept of perpetuity should be eliminated and, in effect, that the new treaty should end—after a fixed but undecided period of time (the year 2000 is generally mentioned)—U.S. sovereignty and control over the Canal and the Zone.

Ever since, negotiations with Panama have been conducted—despite strong and strengthening protests in Congress and among many sections of U.S. public opinion—within the framework of these limitations.

After a virtual hiatus most of last year because of the presidential campaign and the interjection of the Canal issue into it, the negotiations are to resume momentarily under the auspices of a new administration. Our protagonist, however, is still the same radical demagogic dictator, who has ruled Panama's 1.5 million people for the past eight years.

Omar Torrijos seized power in a coup and has retained it by armed force (the support of the Panamanian National Guard, the only military-police power in the country) and by the bland promises of pie-in-the-sky—ultimate sovereignty over the Canal and the Zone. He has not hesitated to rule roughshod; he has exiled some dissident business men, completely controls a fully censored press and he has outlawed all political opposition. His government has become a kind of neo-Marxist dictatorship, not only in its domestic policies, but in its close and cordial relationships with Castro and Moscow. Only one party—Torrijos' "Peoples Party"—is permitted; there are numerous known communists among its leaders.

Torrnjos has staked his political future on taking over the Canal and he may well have unleashed forces he cannot control. His bargaining style continues in the Latin Political tradition of making Uncle Sam a whipping boy; it is a mixture of open threat and nationalistic bluster. But what he considers his aces in the hole are the prediction—indeed the promise—that unless a treaty ceding ultimate sovereignty to Panama is concluded this year, the United States will face armed confrontation (i.e. rioting mobs, terrorist and sabotage activity, guerrilla war, even a kind of low-key Panamanian "Vietnam"); and we shall also face the united condemnation of al the Latin-American nations.

Both threats are, in my view, overdrawn—particularly the latter. But the question still remains:

Is it more important to avoid confrontation and condemnation than it is to retain control of the Canal, a security asset of tremendous importance in its own right but of even greater significance to the future of that vital area—the Caribbean Sea-Gulf of Mexico?

DISASTROUS CONSEQUENCES

The psychological and political consequences of the abandonment of sovereignty by the United States in the Zone—in the face of repeated threats by a minor dictator openly backed by Castro and Russian communism—to our naval base at Guantanamo Bay, Cuba, to other U.S. base rights overseas and to our strategic position in the Caribbean could be disastrous. The questions that would inevitably be asked are:

Is the United States a paper tiger?

Where, after Vietnam and Angola and now, Panama, would we draw the line, if not at our own back door?

It is certainly true that rioting mobs tomorrow, as in the past, are an ever present possibility in Panama; Latin volatility and Communist provocateurs, aided by trained Cuban infiltrators, insure that. Sabotage and terrorism, if supported by Cuba and/or Russia, could become serious; some bombing incidents involving the automobiles of Zone residents who oppose the transfer of sovereignty have already occurred. But serious sabotage of the Canal itself, even if it could be accomplished, would be an irrational act. For Panama, it would kill the goose that laid the golden egg.

A large-scale guerrilla war, another Vietnam, is highly unlikely. We want no more Vietnams, but surely Panama does not want a Central American Vietnam either, and the great majority of Panamanians are not the dedicated and disciplined fanatics that we faced in the jungles of Southeast Asia.

In any case, if we are to avoid confrontation all over the world by concession and retreat, if we refuse to defend highly important or vital interests merely to avoid the blackmail threat of violence we are finished before the crisis erupts.

RISK IS NECESSARY

As to Latin-America, we must risk its wrath. But it will be far from unanimous—no matter what some Latin American spokesman say, pro forma, for public consumption. Fundamentally the nations of Latin-America and the Southern Hemisphere have always respected strength. Many of them are highly dependent on the waterway, and some of them, quite satisfied with the low rates and efficiency of American operation of the Canal, mistrust the probable instability and uncertainty of Panamanian rule.

There is, too, very considerable uneasiness about Communist influence in Panama and the close ties Torrijos has established with Castro. The memories of Angola and the fears of Russian imperialism within the Western Hemisphere are vivid.

During last Fall's political campaign, both President Ford and Jimmy Carter avoided the real issue in the Panama negotiations which is the question of U.S. sovereignty and the security of our "soft underbelly." Neither of them referred to the maior problem of the Canal issue—the strategic importance of the Caribbean, and both of them said they would maintain "control" of the Canal.

The exact words of now President Carter, which are today most germane, were:

"I would never give up complete control or practical control of the Panama Canal Zone. But I would continue to negotiate with the Panamanians."

In other words have your cake and eat it, too. Give up sovereignty, perhaps, but maintain security and control. It's a nice trick, if you can do it.

We lost our great airfield in Libya and our entire military investment there after a change of regime. We were denied overflight or refueling bases during the last Mid-East war, even by our allies. After the Cyprus crisis both Turkey and Greece either limited U.S. operations at our bases in those countries or closed them down.

Sovereignty means control. Control without sovereignty is double-speak.

FORMATION OF NEW YORK STATE ALLIANCE TO SAVE ENERGY

Mr. PERCY. Mr. President, this morning's New York Times reported a March 28 meeting in New York City at which Senators JACOB JAVITS and DANIEL MOYNIHAN joined in launching the New York State Alliance to Save Energy. The meeting included a number of distinguished business and government leaders, including the mayors of New York City, Buffalo, Syracuse and Yonkers and the chairman of Consolidated Edison. On behalf of Senator HUMPHREY and myself I congratulate our distinguished colleagues for their initiative and foresight.

Like the national Alliance to Save Energy, whose honorary co-chairmen are Vice President MONDALE and former President Ford, the New York State Alliance to Save Energy will be a nonpartisan effort. The purpose of the New York organization, according to Senators JAVITS and MOYNIHAN, is to emphasize to the public the need for energy conservation and to develop public and private energy-saving measures. The New York State Alliance will also develop educational material on energy conservation and encourage organizations and individuals to put energy-saving programs into effect.

Mr. President, I ask unanimous consent that the full text of the March 29 New York Times report of this event be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ENERGY GROUP BACKED FOR NEW YORK STATE: GOVERNMENT AND BUSINESS LEADERS MOVE TO ESTABLISH AN ALLIANCE TO ENCOURAGE CONSERVATION

(By Emanuel Perlmutter)

A step toward the formation of a New York State Alliance to Save Energy was taken yesterday at a meeting of Senators Jacob K. Javits and Daniel Patrick Moynihan with business and governmental officials.

The Senators said at the meeting, in the Ford Foundation's headquarters at 320 East 43d Street, that they would announce the appointment of an executive board for the alliance within two to three weeks.

The organization, Mr. Javits and Mr. Moynihan said, will emphasize to the public the need for energy conservation and will develop public and private energy-saving measures. It will also develop educational material on energy conservation and encourage organizations and individuals to put energy-saving programs into effect.

The national alliance, of which President Carter and Vice President Mondale are honorary co-chairmen, has asked that similar units be set up by the states. Thus far, only Illinois and New York have taken steps to do so.

BEAME VOICES SUPPORT

Mr. Javits and Mr. Moynihan said the state alliance would operate independently but within the framework of the National Alliance to Conserve Energy. The establishment of the national group was announced last month by Senator Hubert H. Humphrey, Democrat of Minnesota and Senator Charles H. Percy, Republican of Illinois. Like the national group, the state body will be bipartisan.

Mayor Beame, who attended yesterday's

First, FDA's present numbers are inadequate to allow anyone much time to pursue research interests, or clinical activities, or even to keep up with reading scientific literature. If FDA is to hire and keep good people, the Agency will have to be able to offer significant time for valid scientific activities other than reviewing petitions. And, to be able to do that implies a larger number of slots for professionals.

Secondly, FDA must have, in house, in one place, its own scientific laboratories. I am in total disagreement with anyone who says, "NIH can do the research, and FDA the regulation." Impossible. Read the recommendations of the past—upgrading the scientific capability of the Agency is consistently urged as a top priority.

Third, put the Agency together, out at Beltsville. Build the labs and offices that FDA needs for the people it needs, give FDA the people, and then you will see some real improvement, some speeding up:

It is a very real problem that the FDA today must operate from some 23 scattered locations in the Washington area alone.

How can the Commissioner respond to critics who charge the Agency is too slow to act when a simple meeting between the Bureau of Veterinary Medicine and the Bureau of Foods over the uses of DES in food animals involves a half day's trip between Rockville and downtown Washington?

A mundane problem, certainly. But like another cliche that begins "for want of a nail . . ." it gets to the essence of a problem. And the problem of facilities affects the quality of the talent the FDA is able to recruit, train and retain.

The lack of labs for FDA is a serious problem. FDA must have practical answers to many practical questions, and only FDA is interested in answering some of these questions. Also, there are a great many questions, and it will take all that any of us can do, to get the needed research done. FDA's type of research isn't everyone's cup of tea, and many people aren't interested in doing research at the request of FDA. So, either give FDA the research capability it needs, or let it order up research from NIH.

Parenthetically, one reason for FDA's apparent slowness on occasion, is that no one knows what it is best to do—science hasn't yet provided the information necessary to answer the question. Giving FDA the scientists and the labs to answer some of the questions will ultimately allow the Agency to be less hesitant.

Reorganizing, FDA, particularly to a form discarded in 1970 as unworkable, won't solve any significant Agency problem that I know of. Upgrading the Agency in the organizational hierarchy might; and here, let me remind all of you of Peter Hutt's excellent analysis of this problem last year, at this banquet. To his suggestions, I would add one more. I think it important to keep the product-based bureau structure, and upgrade it, as does Peter. But if the idea is to consolidate, then let's put all food regulation in the Bureau of Foods, including meat and poultry inspection. Then, relate FDA, EPA and CPSC more closely than is now the case. All three agencies are concerned with the same kind of regulatory process, and often the same hazardous substances, witness chlorofluro carbons, asbestos, vinyl chloride, etc.

But, don't split science and compliance in FDA—to quote Sherwin Gardiner, that's dumb! Read the December 10, 1969, report to the Secretary to HEW to find out why! That's the report that put them together in 1970!

Sometimes the FDA has been criticised for being slow when in fact, we were hung up in court, or in hearings, or other elements of the process of law. So to anyone wanting to improve FDA, I say, take a look at the legal hoops FDA has to jump through. Can improvements in the law be made? In the hearing procedures? In the definition of trade secrets? Some expect FDA to work its way toward a better definition of imminent hazard, alone. But why not some help from Congress?

Lastly, I would make a plea for the importance of FDA's educational role. One recommendation made by essentially every public group looking at FDA in the past 20 years is that FDA has an important role in educating the public, the professions and industry—in order to prevent hazardous products from reaching the market, in order to teach people to avoid risk, in order to teach professionals to use products wisely. Yet, the Agency is criticized by some, including congressional staff, for becoming "soft" on industry by developing educational programs. I hope that Congress will formalize FDA's educational role by defining it more specifically, and by providing program direction and support.

I have emphasized two main points tonight, directing my remarks to those wishing to remodel FDA. A thorough study of previous blue prints for change and of recent strengthenings of the structure are properly in order, before one takes up hammer and saw. But the main job to be done is to build the professional staff, the scientific milieu, the scientific capability of the Agency. That won't solve all FDA's problems, but it will solve what to me has been the largest.

None of this is meant to take away from what FDA is today. It is a strong and good Agency, well managed, knowing its basic mission and performing it well. And the people across this country know it.

The Agency today is more stable than a few years back; it is far less a crisis-to-crisis operation; it relies on orderly process and clearly set out procedures; it has improved its scientific competence and in addition can now rely upon voices other than its own; it has become more responsive to reasonable demands; it conducts its business in the sunshine of public scrutiny.

The Food and Drug Administration clearly is out in front of the entire world in its field, and well deserves to be there. If only reasonable care is taken with the Agency in the next year, as I'm sure it will, FDA will not only survive the present time of hard examination, but will grow even stronger and better. I will watch that development with a great deal of pride and pleasure.

THE CORPORATION'S ROLE IN SOCIETY

Mr. McGOVERN. Mr. President, on March 25, Mr. Ralph Ablon, chairman of the Ogden Corp., spoke to the Boston College Finance Academy's seminar on "Financing the Corporate Structure for the 1980's."

His thought-provoking views on the subject of "Business's Social Responsibility for Employment and Capital Needs" invite both challenge and championship. I ask unanimous consent that an excerpt from his remarks be printed in the RECORD for my colleagues' attention.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

One of President Carter's favorite philosophers, Reinhold Niebuhr, once wrote: "The capacity of man for justice makes democracy possible, but the inclination of man toward injustice makes democracy necessary."

To the extent injustice exists in this country, and it does, I am unwilling to entrust the righting of such injustice to the altrusim of individuals or corporations—both are special interest groups. I believe in the democratic process. It is the single best means yet devised by man for righting collective societal wrongs. Sometimes the democratic process may not seem to be preferable, except, as Churchill noted, when compared with the alternatives.

However, we cannot legislate morality. We cannot pass laws requiring us to like our neighbors. But we can legislate behavior. We can, and did, pass a law requiring that any family wanting to be our neighbor could not be discriminated against. I do not believe the struggle for Civil Rights would have advanced had we entrusted its progress solely to people of goodwill and the corporations.

I contend that when clear and obvious injustices exist, business should not be asked to correct them on an ad hoc basis. When such needs become evident, participation by business should be mandatory. Then every business will operate under the same rules. No company will enjoy a competitive edge because it opted for lower wages, or because it refused to spend money on obviously necessary environmental controls or safety features; or for other costly, socially responsible actions.

Moreover, many of the measures proposed are the projects of special interest groups. One group's proposed waste disposal area is another group's recreational facility. Employment is often reduced or new job opportunities foreclosed because of ecological considerations. These considerations must be balanced more carefully against the personal hardship of the displaced worker. Only government can undertake this task.

In this connection, the capital required for the development of certain essential industries—such as housing and transportation, can only be met on the national level. The policy principle is the same as in the creation of a nationwide highway system or major flood control project. Only government can conceive a national plan for these areas.

I am convinced that corporations could perform certain social programs more effectively than the government. Business could implement selected, specific projects faster and more efficiently, spend less money doing so, and get better results than many government agencies. Since we have too much government already, it would be advantageous to shift activity from the public to the private sector.

The National Aeronuatics and Space Agency, NASA, is an excellent example of this kind of partnership. When it was decided to land on the Moon, it was clear that the project exceeded the capability of any single business or military unit. Through the quasi-governmental authority of NASA, utilizing public funds and the expertise and products of hundreds of American corporations, the mission was accomplished. Solving our long-term energy crisis is a less formidable task.

It may well be that standard financial accounting procedures will have to provide some new entries for social cost and the development of human resources. But this cannot be done with private money. As in the case of NASA, it must be accomplished with public money, allocated to the private sector on a competitive bidding basis.

With regard to employment in the more narrow sense, the social responsibility of the corporation does require the optimum development of its own human resources. This simply means acting in its own enlightened self-interest. A corporation has the most efficient means to create new employment through the use of its capital and in so doing allocated human resources on a rational basis. Through training programs, it also has the capacity to develop individuals who would

otherwise remain among the vulnerable unskilled.

Nevertheless, business alone cannot meet the requirements of the Full Employment Act of 1946 to which Congress committed this nation as a matter of policy. The Federal Government must deal with the joblessness of the urban teenager, the aged and the infirm. The welfare system has failed, encumbered with the weight of self-perpetuating bureaucracy and a patchwork of jurisdictional confusion.

The negative income tax concept may be an answer—but it implies acceptance of a permanent stratum of hard-core unemployables. Such an acceptance is inconsistent with existing and proposed legislation and our cornerstone belief that everyone is entitled to life, liberty and the pursuit of happiness, meaning the opportunity to gainfully contribute to our economic life.

SEVEN DIRTY WORDS

Mr. ROTH. Mr. President, a recent court of appeals decision reversed a Federal Communications Commission order that prohibited seven specific words from the airways when children may be listening. The words—not fit to be repeated—are filthy and indecent.

What has developed in this case is a classic confrontation between first amendment rights and society's desire to stop the flow of immorality that is so commonly tolerated today. The use of unfit language on the air is a matter of serious concern. In this instance, there is a need to restore the delicate balance between freedom of expression and conduct which affects the morality of our children.

The court, in setting aside the order, stated that the FCC guidelines were "too broad and unenforceable." However, the court left open the possibility that more specific guidelines may be acceptable.

Mr. President, the Federal Communications Commission should be applauded for its attempt to curb this type of activity. I have written to the Chairman of the FCC commending them for their attempt to halt this flood of filth and urging them to draft new acceptable guidelines.

Mr. President, a Washington Post editorial published March 19 raises a number of good questions regarding this decision. I direct my colleagues' attention to it. I ask unanimous consent that the content of my letter and the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 24, 1977.

HON. RICHARD W. WILEY,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to commend the Federal Communications Commission for its attempt to prohibit certain obscene words from being broadcast. The FCC has shown great sensitivity and judgment in trying to protect our children from indecent speech.

Unfortunately, parents cannot keep, even with the closest supervision, their children from being exposed to filthy language. There is a public need to police the airwaves, so we can prevent harmful conduct which affects the morality and behavior of our children.

As you know, the Court of Appeals in striking the order because of vagueness, did not reach the larger issue of whether the Commission could ever make a similar ban that would withstand a court challenge. I suggest that the Commission draft stricter guidelines that could survive judicial scrutiny.

The problem is complicated and serious. On one hand, we must balance the rights of the First Amendment; on the other, public control of offensive and tasteless expression.

Again, I applaud your action and extend my heartiest support.

Sincerely,

WILLIAM V. ROTH, JR.,
U.S. Senate.

[From the Washington Post, Mar. 19, 1977]

SEVEN DIRTY WORDS

The U.S. Circuit Court of Appeals here recently set aside an order of the Federal Communications Commission barring seven specific words from the airwaves. It did so because one judge thought the order abridged the First Amendment and another thought the order was too vague to meet the strictures of that amendment. Either way the decision focuses attention again on one of the most difficult current problems: to what extent can society control the content of radio and television programs, particularly as it may affect the morals and manners of children?

We see no need to print the seven words in question. It is hard to imagine the circumstances that would justify their use in a family newspaper or on the airwaves. Suffice it to say that they are barnyard words used to describe sexual and excretory organs and functions. The monologue in which they were used over and over again is one that never should have been allowed on the air. But it was. And the FCC, in an effort to keep it and other material using these and similar words off radio and television, fashioned a rough set of standards of what constitutes "indecent language" that cannot be broadcast.

The competing values here are large. On one hand is the legitimate desire of most people to keep out of their homes and cars and particularly to keep away from their children, the kind of filth that is all too prevalent today. On the other hand there is the First Amendment's guarantee that people can say what they want to say with little or no limitation and with no prior censorship by government.

We find this conflict between values much easier to resolve when it involves the printed word or even motion pictures than when it involves radio and television broadcasting. In the case of the former, communities can protect those who find the material offensive by restricting sales or admissions to exclude children and by barring its display in public. The same cannot be done so readily with radio and television, where words and pictures are broadcast without warning and limiting access to children is difficult even in the most carefully supervised families. The offending material can already have been heard or seen before the switch can be turned off.

The easy answers to this problem lie in the claims that responsible broadcasters won't permit material of this kind on their stations and that, if irresponsible ones do, a vigorous public reaction against their programs will soon drive them off the air. The trouble with that solution lies in the experience of recent years with pornographic magazines and movies. Their success at least suggests that there may be a market for broadcast filth and, if such a market exists, some irresponsible broadcasters, like irresponsible publishers and movie-makers, will fill it.

Frankly, we are not sure how the conflict should be resolved. The potential evils of government censorship are clear—if it can control language and the expression of certain kinds of suggestive thoughts on the air, the way may be opened to control other kinds of thoughts. But if government can't constitutionally place the kind of limitations on radio and television that the FCC attempted to place in this case, should society sit back and rely solely on the broadcast industry not to drag everyone down to the lowest level of taste and speech? A better accommodation than any we have yet heard about is badly needed.

RURAL HOUSING ACT OF 1977

Mr. HART. Mr. President, I am pleased to join my distinguished colleagues in supporting S. 1150, introduced by Senator HUMPHREY, which addresses the housing needs of the elderly and the handicapped, an issue that has been consistently neglected in the past. The Rural Housing Act of 1977 contains several provisions that will enable the Department of Agriculture to provide additional funding and expand its involvement in servicing and upgrading the housing needs of these persons.

Most importantly, this measure would provide low-interest loans, 60 percent of which would go to low-income families. This would be coupled with protection against foreclosure of transfer of action without prior notice.

Second, consideration of loan applications from private and nonprofit organizations would be processed on the same basis as applications from public bodies. Also, applicants who are denied loans under the Farmers Home Administration would have the right to request a review of their loan application by an appeals board.

Third, the bill stipulates that the FmHA is responsible for remedying defects in the housing structure and directs it to make repairs as soon as they are needed. Authorization for sewer and water grants would be increased from the current $300 million to $500 million to provide a more equitable distribution of grant money between those communities that badly need the grant funds and those who can appropriate some local funding to supplement the grant money.

Under this bill, the Secretary of Agriculture would be directed to critically evaluate issues relating to the mission and programs of the FmHA within the context of national housing goals. His evaluation would be made with an eye to the particular needs of special groups such as Indians, the handicapped, and farmworkers.

Mr. President, this legislation would mandate the use of energy-saving techniques in all new housing financed by the Farmers Home Administration. There is no doubt that we will all profit from the construction of energy-conserving housing units.

Mr. President, the improvements offered in this legislation will insure many less fortunate citizens of this Nation the availability of financial assistance to provide needed housing. It strikes a reasonable balance between the desire to ease the financial burden of these people who would not, under ordinary circumstances, be able to afford adequate housing and the incentive to provide housing that can be obtained through private financing.

MILITARY UNIONIZATION

Mr. THURMOND. Mr. President, in the recent hearings before the Senate Armed Services Committee, Secretary of Defense Harold Brown testified in general terms against unionization of uniformed members of our armed services.

However, in his testimony he admitted that the Department of Defense did not prohibit soldiers, sailors, airmen, or marines from joining unions in connection with their military service. Also, he admitted that the Department of Defense does not presently have a policy to prohibit union organizers from coming on Federal military installations to solicit members of our military forces for union membership. I understand that the Secretary has directed his staff to work on closing the latter loophole. I commend him for his efforts.

It will be interesting to see how the Defense Department will address the so-called "open" installation problem. For example, how will the Defense Department prohibit union organizers from soliciting on Fort Sam Houston, which has a city street of San Antonio dividing the installation? The same question may be asked concerning Fort Bragg, N.C. A North Carolina State highway divides this post. There are many other such examples on military installations throughout the country.

Mr. President, I do not believe any policy issued by this Secretary of Defense or any Secretary of Defense can be completely effective.

Secretary Brown, I predict, will not prohibit service personnel from joining unions. Without an express order of the President to him, I agree that the Secretary of Defense would be on dangerous constitutional ground. However, Secretary Brown goes one step too far. He and some of his lawyers question the constitutional authority of Congress to prohibit servicemen from joining unions and stop on- and off-post solicitation for that purpose.

The Secretary of Defense should address himself to the question of whether legislation to prohibit unionization of our Armed Forces is needed. The question of whether legislation is constitutional is one of concern to Congress and the Department of Justice. The Congress has the power, knowledge, and resources to effectively consider this issue. The Department of Justice, not the Department of Defense, will have the job to defend the constitutionality of any bill passed by Congress.

Quite bluntly, I am suggesting that those in the hierarchy of the Department of Defense will continue to drag their feet on this issue. The reasons behind such a stand are truly baffling to me. Over a year ago, the General Counsel, Department of Defense, Mr. Wiley, discussed this issue with me. On that occasion, he told me that there was no serious unionization threat. Further, we should not stir up the unions with legislation. My own impresison of what he told me was, "do nothing and maybe the issue will go away."

Well, unionization of the Armed Forces has not gone away. We have but to look at the actions, not words, of the American Federation of Government Employees during the past year, following my conversation with Mr. Wiley. In June 1976, the executive committee of the American Federation of Government Employees, by an overwhelming vote, decided to place before their annual convention the question of whether to accept uniformed members. In September 1976, those delegates in national convention approved a change in the union constitution to accept uniformed members. Even now, as I speak, locals all over the country are being polled. AFG President Kenneth Blaylock, has stated that the polling of locals to determine their desires will be completed around the first of May 1977.

Mr. President, the hour is late, but the Senate has the opportunity to avoid a confrontation on this issue. Joined by 30 Senators, I introduced a bill in the 94th Congress to prohibit unionization of our armed services. In the 95th Congress, 39 other Senators have joined with me on S. 274, which will accomplish this end.

The distinguished Senator from Mississippi, Senator STENNIS, also recently introduced a bill which will prohibit unionization of our armed services. During the recent hearings, Senator STENNIS informed Secretary Brown:

> It's news to me that through your regulations you can take care of this problem. Unless we meet this unionization threat with firm legislation, the nation's all-volunteer force is going to go downhill fast and prove to be a failure. You've got to make up your mind which way you're going to go on a real bill to prevent unionization of the military. Otherwise, you're in for trouble, the services are in for trouble and Congress is in for trouble.

I strongly support the stand of the Senator from Mississippi. We can no longer stand idly by waiting for hierarchy of the Defense Department to make up their minds. We, in the Senate, elected by the people of this Nation, have a responsibility to them. It is our responsibility to pass a bill which will insure that we keep a strong and sound defense force for this Nation—a defense force controlled by and responsible to the President, Congress, and ultimately the people.

Mr. President, I ask unanimous consent to have printed in the RECORD a newspaper article from the Washington Post, March 26, 1977, two editorials from the Ocala, Fla., Star-Banner, January 31, 1977, and Phoenix, Ariz., Republic, February 20, 1977, and an article from U.S. News & World Report, March 28, 1977, on this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 26, 1977]

EX-PARATROOPER BATTLES TO UNIONIZE 82D AIRBORNE

(By George C. Wilson)

FT. BRAGG, N.C.—A former trooper who went handcuffed to federal prisen directly into the Army is trying to unionize the 82d Airborne Division here.

He also is trying to get back into the Army under an American Civil Liberties Union suit which alleges they kicked him out. The secretary of the Army and the 82d Airborne commander, both of whom happen to be black, broke Reconstruction Era laws designed to protect blacks from the Ku Klux Klan.

To make the situation even more bizarre, here at Bragg where the greeting between paratroopers is "All the way," 82d Airborne officers admit that their actions have helped the very unionizing they oppose.

The Army's unintended assist for unionizing the military around here came from making 28-year-old Thomas L. Doran, Jr., something of a celebrity by discharging him for reasons which sound right out of the novel "Catch 22."

"He was in the Army but he really wasn't," said one 82d Airborne Division lawyer in explaining why Doran had to be discharged. "He was wearing the Army uniform but he wasn't really in the Army" because his enlistment was illegal.

"That doesn't wash," Doran countered in an interview, claiming the Army kicked him out because of his efforts to promote a union within the military. American Civil Liberties Union lawyers agreed and filed suit against the Army last week.

Among the laws the ACLU charges the Army broke is a federal statute enacted in 1861 and revised in 1871 by the Reconstruction Congress which forbids two or more persons to "conspire or go in disguise" to deny anyone "equal protection of the laws."

Division officers here said there was nothing illegal about Doran leaving federal prison in Petersburg, Va., in handcuffs in 1971 to be sworn into the Army. He had been imprisoned for refusing induction but agreed to join the Army after seven months in jail.

What was illegal, according to 82d Airborne officers here, was the Army accepting Doran for a second hitch after he had been honorably discharged from his first two-year tour. Through what officers acknowledged was "a bureaucratic screwup," Doran's honorable discharge did not indicate that he was ineligible for re-enlistment.

The reason that Doran was declared ineligible, officers here said, was that he did not pass muster for re-enlistment when the government conducted a security check on him during his first tour of Army service. The material uncovered in the security check has not been disclosed by the Army.

An Army recruiter took a look at Doran's honorable discharge and happily signed him up for a three-year hitch on March 20, 1975. Doran rejoined the 82d Airborne here as an artillery surveyor and received ratings of "excellent" in conduct and performance from his Army superiors. He was promoted to a specialist five and slated for another promotion when he was suddenly discharged.

Doran said it was on this second tour of duty that he started exploring the idea of a union for low-ranking soldiers. He concluded, he said, that only a union could deal effectively with "the hassle" in today's Army.

"I'm not talking about taking a strike vote in the foxhole," Doran said. "I'm talking about getting a little self-respect for Joe Tentpeg and the women in the Army who are being hassled. They've got to be able to feel that 'I've got a little bit of power no matter how much the boss has got.'"

Doran and his small squad of allies contend that the grievance procedures and chain of command options are not adequate for people in the lower ranks.

Doran said that he and others started discussing the benefits of unionization in livingroom gatherings around Bragg; at meetings with other servicemen in Washington last summer, and at the American Federation of Government Employees (AFL–CIO) convention in Las Vegas last September.

The AFGE is currently polling its 280,000 members on whether they want to try to establish union locals within the military. The ballots will be tallied this summer.

Officers at Bragg said they sense no widespread desire among the troops for unions. But Doran said he and his allies promoting unionization have found lots of support among people in the service, especially women, and among retired military servicemen who fear their retirement and other benefits are going to be reduced.

Asked how a union would have made his life as a paratrooper better at Bragg, Doran said a union's leverage would have deterred sergeants from ordering troops to pick up cigarette butts at 4 in the morning, from hassling women and kept officers from conducting do-nothing training exercises.

Doran claimed his artillery unit would go out in the woods for three days and fire rounds only four hours the whole time.

"What do you do the rest of the time out in the woods?" he was asked.

"Wait."

"Wait for what?"

"Later."

Doran said the union would be more like a legal aid society, not an organization that would question orders or interfere with combat operations.

Sen. Strom Thurmond (R.-S.C.) is the leading advocate in Congress of passing a bill to outlaw unions within the military, asserting that the threat is real and growing. His bill to outlaw military unions has 37 senators as cosponsors.

Defense Secretary Harold Brown, in appearing before the Senate Armed Services Committee last week, cautioned against overreacting to the threat of unionization and said the Pentagon currently has enough rules to deal with the possibility.

Maj. Charles Murray, judge advocate of the 82d Airborne, and Maj. Terry Throckmorton, division spokesman, stressed in interviews here in discharging Doran the division's leadership was not reacting to the paratrooper's unionizing efforts at all.

Instead, Murray and Throckmorton said, they were simply following Army rules that could not be waived in the face of the findings in the government's security check. "Serendipity," Murray said in searching for a word to describe the whole affair.

[From the Phoenix Republic, Feb. 20, 1977]

OUTLAW MILITARY UNIONS

A study by the U.S. Air Force underlines the necessity for quick congressional action to outlaw unionization of the military.

Last September, the American Federation of Government Employes, AFL-CIO, amended its constitution to permit the enrollment of servicemen as members.

It has yet to start an organizing drive, but it almost certainly will in light of the Air Force study.

The Air Force conducted a poll of 800 officers and 800 enlisted personnel, whom it considered "reasonably representative of the Air Force population."

The poll disclosed that 35 per cent of the enlisted personnel and 16 per cent of the officers would join a union if they could.

Twenty per cent of the officers and 33 per cent of the enlisted personnel were "undecided." This would be enough to constitute a majority for unionization.

Although relatively few of the officers said they would join a union, 56 per cent agreed that a union "could prevent the erosion of fringe benefits." Sixty two per cent of the enlisted personnel were of this opinion.

Yet 72 per cent of the officers and 50 per cent of the enlisted personnel felt that a union "would have a negative effect on discipline in the Air Force."

The findings are especially ominous because the Air Force is the most popular of the services and has the least difficulty in obtaining high-quality recruits. In all probability, a poll of the other services would find the sentiment for unionization even greater.

Now it's easy to understand why so many servicemen should look with favor on unionization. The great majority of them are very young. They have not been in uniform very long, and they do not understand the necessity for discipline and instant obedience to orders in a military organization.

Pay and benefits in the services compare favorably with those in civilian life; in fact, that's why they enlisted in the first place. However, it's a rare human being who does not think he's underpaid, who does not want more.

However, unionization would destroy the effectiveness of the armed forces. As Sen. Barry Goldwater, R-Ariz., has pointed out, it "would destroy the military chain of command and ruin the discipline so necessary for the proper performance of military missions."

There is one way to prevent unionization, and one way alone; and that is for Congress simply to ban it. The AFGE should be prohibited by law from attempting to organize the armed forces.

[From the Ocala (Fla.) Banner, Jan. 31, 1977]

SHOOT DOWN EFFORTS TO UNIONIZE TROOPS

Unionization of the nation's armed forces is a clear danger to the defense of our nation, and Congress should not delay in enacting legislation that would prevent military personnel to sign up with a union.

With the American Federation of Government Employes already taking the first step in a nationwide effort to unionize military personnel, our federal lawmakers already have waited too long in heading off unionization attempts.

As incredible as it may seem, serious steps have been taken by the union to represent individuals serving in the military.

This would be totally destructive and incompatible with the mission of a democracy's armed forces, and the sooner Congress and the president make this clear to the union organizers, the better off the services and the nation will be.

Just why Congress has been dragging its feet on such a serious issue as this is unclear. Certainly, the lawmakers must be aware of the nationwide effort to unionize military personnel.

Actually, a bill already has been introduced by Sen. Strom Thurmond that would prohibit any member of the armed forces from signing on with a union.

A number of senators from both sides of the aisles have agreed to co-sponsor the legislation. Necessary committee hearings should be held right away, with similar legislation working its way to a conclusion in the House as well.

Congress should not stall any longer on this matter. It must recognize that labor organization is not compatible with the mission of the armed forces.

[From U.S. News & World Report, Mar. 28, 1977]

LET SOLDIERS JOIN LABOR UNIONS?

YES—"THE MILITARY HAS REAL PROBLEMS ON PAY, FRINGE BENEFITS": INTERVIEW WITH KENNETH BLAYLOCK, PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Q. Mr. Blaylock, why should servicemen and women join unions?

A. For the same reason any group joins unions. People don't organize, and we can't organize people unless they have problems. Some good examples in the private sector: IBM and Sears, Roebuck. They've got good working conditions, good pay, good fringe benefits, fair treatment—and they don't organize. But the military has some serious problems.

Q. Such as what?

A. For a long time they have had real problems on pay, fringe benefits, the conditions of employment.

Twenty-year retirement is a good example. That's under serious attack right now by the Congress. There's a real effort to do away with the commissaries. Overseas rotation, career ladders, career development—they have the same problems any work force has.

You've got Congressmen that would cut the defense budget to the bare bones. Career people are going to get clobbered. With the all-volunteer-force concept, the emphasis has been placed on the military being a career now, not necessarily a dedication-motivated service. We look at the military as a work unit, and we're looking strictly at bread-and-butter issues. This union is not getting involved in the philosophical, idealistic ideas that are being floated by some groups, such as the right to question the legality of orders. This is where the real controversy comes in: fear of a shop steward in the foxhole, and that sort of thing.

Q. People say that soldiers are not really demanding membership in unions now, so why organize them—

A. They may be, and they may not be. All we can base our opinion on is the responses we've got. We now have four fat folders of individual letters, petitions, letters of request to organize. We've had as many as 800 people in one battalion who want us to come on in and sign them up. I think they want to organize.

Q. Who is making the requests?

A. We're not getting much from the first-termers. The response is coming from the career types—NCOs and officers. And I'm talking about some commanding officers and base commanders.

Q. You can't do anything for them, can you?

A. Commanding officers that have 18 or 20 years in are just as concerned about their retirement as the sergeant is. They're just as concerned about that commissary closing. They're just as concerned about the fact that every couple of years they've got to pull up their family from the East Coast and move over to the West Coast.

Q. Can the military keep up discipline or fight a war if its officers have to deal with shop stewards?

A. They're not going to have to deal with shop stewards in the foxhole. You can look at the other public employees in this country—fire fighters, policemen. When there's a fire going on and the captain tells them, "Get in this building and go to floor so and so," they don't challenge that. Those things are excluded from the scope of bargaining. But when they get back to the station and the captain says, "By the way, Joe, we're changing your shift and you're going to start working third shift," he says, "No, the contract says I get two days' notice except under these conditions."

Q. Do you have any evidence that the armed services will be as effective a fighting force if unions are permitted?

A. The only real thing we have to go on is this: Dutch soldiers are unionized, and in NATO [North Atlantic Treaty Organization] exercises of '75, the military forces of the Netherlands came up with top rankings. Gen. Alexander Haig, NATO's military commander, made the statement recently that if he ever had to go into combat, he'd feel good having Dutch troops on his flanks.

If you're talking about their looks, their long hair or their baggy uniforms, that's one thing. But the actual evaluations of their performance show that they do quite well in military tactical exercises.

Q. What would prevent the unions from calling a strike or filing a grievance when the order to fight was given?

A. Here we need some rules. Rather than

trying to prohibit the military from organizing, Congress should develop legislation that defines the limits for collective bargaining, bargaining-unit makeup, and so forth.

History has shown us that if work forces have serious enough problems they will organize, no matter what the law says. Look at the Postal Service. The law said it couldn't strike. The postal people struck. If you want to create the crisis, we can continue to ignore the problems that people have.

Q. You would not bar soldiers from striking?

A. Here again, history has proven that, if the problems are not addressed, people will take some kind of action to bring focus on their problems.

Q. What could unions do that sergeants, officers, the Defense Department and Congress don't already do?

A. We could provide enlisted men legal representation in lesser cases, such as company commanders punishment as well as in courts-martial. And, of course, we can provide them lobbying that their professional associations are not providing for them now.

"The military will organize anyway"—

Q. Do you have organizers working on the military now?

A. No. We're not actively organizing the military yet. We haven't made the final decision to move. The American Federation of Government Employes could have a final decision by the first of May.

But I'll say this: If AFGE decides not to move, the military will organize anyway. They may turn to the Teamsters; they may turn to some of the independents; they may convert their own military professional organization to unions—I don't know—but they will organize.

NO—"EFFECTIVENESS AND READINESS" OF MILITARY WOULD BE DAMAGED: INTERVIEW WITH REPRESENTATIVE ROBIN BEARD, REPUBLICAN, OF TENNESSEE

Q. Representative Beard, why do you oppose unions for the military?

A. From all indications, they would not only have a serious detrimental impact on the over-all effectiveness, discipline and readiness of the armed services, they would also add unnecessarily to costs. Our military backs up our responsibilities to NATO, our responsibilities in Korea, and our other worldwide commitments, and I cannot imagine how unionization could be acceptable in that situation.

Q. What evidence is there that unionization would hurt?

A. Findings by the Joint Chiefs of Staff, for one thing. Gen. George Brown, Chairman of the Joint Chiefs, has stated that every country that has had servicemen's unions has paid a terrific price in operational effectiveness.

A strong chain of command is essential in the military. It may be harsh to say, but the military cannot be a totally democratic system. It must be one where discipline is the highest priority.

Union organizers are quick to point to European models as examples of "successful" unionization of the military. Yet these so-called models simply cannot be compared with our own military in terms of troop strength, physical size of the respective countries, or worldwide defense commitments. Sweden, for example, is a neutral country, not a NATO member, with a small standing Army. The Dutch active armed forces number a little over 35,000.

Let's look at the potential inflationary aspect, too:

In 1968, at the height of the Vietnam War, our personnel outlays were about 45 per cent of the total defense budget. But with the advent of the volunteer Army, that percentage rose to 60 per cent, even though troop strength declined considerably. This jump took place to make our armed services "more attractive." Unionization would almost certainly drive these costs even higher—seriously jeopardizing our procurement as well as research-and-development programs.

Q. Unions say they are getting support from career servicemen who are worried about erosion of benefits, such as commissaries and retirement. Could unions help?

A. I'm not saying that we don't need to be sensitive about such matters as commissaries, PX's, and so forth—these have traditionally gone hand in hand with the military service. But we could insure and increase every single benefit ever requested, and unions are still going to be able to find men that complain: that young man that didn't make it from lance corporal to corporal; the officer who didn't make it from captain to major; the guy who was just ordered to Okinawa for 13 months without his family.

Military service is not a glamorous job. You'll have a hard time convincing me that sleeping out in the boonies in 10-degree weather is a glamorous job.

Threat of strikes—

Q. Union organizers say that there is enough ferment that troops will organize even if unions are barred—

A. That is absolutely absurd. Union organizers also state that there would be a no-strike clause in any military-union arrangement. Yet Mr. Clyde Webber, a former president of the American Federation of Government Employees, said when asked about the absence of a right to strike: "There isn't any way to stop those things. They don't ask me to go on strike." The AFGE also stated that, in time of a national emergency, they would terminate union activity in order to avoid confusion. That in itself indicates that they know unionization would create problems.

The ultimate weapon of unions has always been the right to strike, including police and fire fighters' unions. They don't strike, but they have other ways to accomplish the same thing: sick leave or whatever the case may be.

Other groups go further. One has proposed what it calls a "GI Bill of Rights": full civilian pay with compensation for overtime; an end to saluting and other "class distinctions"; the right to resist "illegal" orders or policies; elimination of nonjudicial punishment, and an end to bad discharges. You wonder: Once it starts, where does it end? You have plumbers now who refuse to drive nails. Would this be the case in the military?

Q. How do you distinguish between the validity of unions for government workers and a union in the military?

A. The most obvious distinction is that police and fire fighters, for example, hold jobs with local as opposed to national or international responsibilities.

The serious discussion of unionization of the military started when we went to the all-volunteer service. All of a sudden, the military is taking the attitude: "It's just another job." The sense of patriotism, the sense of national service is taking a back seat. So the unions are saying: "All right, if it's just a job, that's a market ripe for union organization."

Q. Are the rights of servicemen adequately protected under the present system?

A. I'm sure that you could find individual cases where they are not. But over all, yes. I was an officer in the Marine Corps for four years, and I found that a man that was brought before a court-martial was allowed competent defense staff, military or civilian.

Q. Wouldn't abuses such as the death, injuries and harassment suffered by trainees be a proper subject for unions?

A. There are always individual cases of poor judgment in any field. But public pressure, sincere individuals in charge of the services, and members of Congress are not going to tolerate cases like those you refer to. I don't think unions could add a single thing to that.

Q. How would you enforce a ban on organizing?

A. I don't know exactly what procedures could be used. It seems to me that military violators could be punished through the military judicial system. As for civilians, the military could prohibit organizational activities on the bases and establish methods to enforce that prohibition.

[From U.S. News & World Report, March 28, 1977]

DRIVE TO ORGANIZE GI's PICKS UP STEAM

Once considered unthinkable, even ridiculous, unionization of the U.S. armed forces is beginning to emerge as a pressing and controversial issue.

There is hardly any middle ground in the argument, as shown by the interviews on the following pages.

On one side, senior commanders and other opponents warn of the adverse impact that unions might have on the effectiveness of America's armed forces. Often cited is a danger of striking soldiers' refusing orders to fight.

On the other side, union supporters insist that moves by the White House and Congress to reduce defense costs make it mandatory in an all-volunteer force that officers and enlisted men, as "employes" of the U.S., have a union to look after their interests.

President Carter has come out firmly against military unions. He told Pentagon workers on March 1: "My own opinion, which is strongly held, is that it would not be advisable to have the military personnel unionized. . . . I know it has been discussed in isolated areas and by some responsible people, but I think the national leaders, even in the labor movement, have no commitment to this proposition."

Actually, unionization of the military is moving forward. In September, the American Federation of Government Employes (AFGE), a union of 255,000, revised its constitution to permit military membership. AFGE now is polling its locals to determine whether it should start organizing the 2.1 million men and women in the armed forces.

Although military unions are a relatively new concept in the U.S., they are well developed in Europe. Belgium, Denmark, the Netherlands, Norway, Sweden and West Germany have a total of more than 60 soldier organizations.

Both opponents and proponents of military unions in the U.S. cite the experiences of European unions—good and bad—to support their arguments.

From the magazine's bureaus overseas come the following cabled reports on how such unions operate in three European nations.

SWEDEN

Most of Sweden's 65,000 military personnel belong to three major groups: the Swedish Officers' Union of top-level officers; the Company Officers' Union of lower-grade officers and the Platoon Officers' Union, which includes senior noncommissioned officers.

Technically, military men in Sweden have the right to strike. But the unions voluntarily have banned walkouts by higher officers, and restrictions are so tight that walkouts by other ranks are considered impossible. Before strikes can be called, the situation must be reviewed by a board of Government, Parliament and union representatives. If it is decided a strike would endanger the nation, it would be prohibited.

Conscripts yield influence through elected representatives who present demands and discuss grievances. Most demands are for higher pay, more fringe benefits and a shorter workweek.

WEST GERMANY

Military unions in Bonn's 495,000-man armed forces date back more than two decades, to July, 1956.

Yet union power is severely limited, even in peacetime. By West German law, *Beamter* (senior civil servants) are prohibited from striking. And all men and women in uniform, plus civilian employes of the Defense Ministry, are classified as *Beamter*.

The 200,000-member German Armed Forces Association, the principal organization representing military men, is more a professional association or a company union than it is a labor union. It maintains close ties with the Defense Ministry and is not associated with the civilian West German Labor Federation.

The federation has one foot inside the barracks through a branch of the OTV, the Union of Public Service and Transport Workers. But this branch has only 41,000 members, all but 4,000 of them civilian employes of the military.

West German military men have not had a pay hike since 1974, and both the association and federation are pushing for a raise. They also are campaigning for overtime payments of from $25 to $50 per month and bonuses of $80 to $120 to help finance vacations.

NETHERLANDS

Most foreign criticism of military unions has centered on the armed forces of the Netherlands.

With their long hair, refusal to salute superiors and militant campaigns for individual freedoms, Dutch soldiers have acquired a reputation, which some experts claim is undeserved, of being an undisciplined, unreliable force.

There are 15 unions in the Dutch armed forces of 112,000. The most powerful is the VVDM, a union for conscripts that has resorted to frequent mass protests and petition campaigns to win demands.

But like the West Germans, Dutch military men are forbidden to strike.

Among benefits the VVDM already has achieved are improved quarters and recreational facilities, an end to saluting and polishing shoes and fewer roll calls and inspections. Still sought is compensation for overtime.

In disciplinary matters, a unit that refused to take part in a maneuver because it was too cold was given three weeks' detention. A draftee who refused to move against the hijackers who had seized a Dutch train last year was discharged from the Army. But he had to put in an equivalent period of community service.

ANGOLA, AMIN NEED DISCIPLINING

Mr. WALLOP. Mr. President, I ask unanimous consent to have printed in the RECORD a letter published in the Sheridan Press. It is written by a citizen of my hometown—a Mrs. Max Vigil. Mr. President, the letter speaks for itself and should give the Senate, the Congress, and the President pause to reflect on the hasty, and in my opinion, ill-advised repeal of the Byrd amendment.

Mr. President, "majority rule" is a word of art which beguiles the American public into believing that African countries will ipso facto have representative or democratic government. Mrs. Vigil's letter, and history, indicate that such does not happen automatically, and in fact in many instances crueler, more restrictive government has followed.

Both from the standpoint of national self-interest and humane considerations, Mrs. Vigil's letter adds a dignified dimension to the arguments.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ANGOLA, AMIN NEED DISCIPLINING

EDITOR: The Woman lay face down on the yellow earth, her hand slack in death. The great black ants clustered about her to feed, and thus she was found by other villagers.

The elephants, terrified, were fording a stream, a baby struggling close to its mother, all of them thin and emanciated from lack of feeding time.

The people stood about aimlessly, their very existence threatened—they were totally unarmed, helpless. Areas of free travel now posed a threat to life because of guerilla warfare.

Such is Africa today—and tomorrow, and ?. The American government seeks to aid the wrong people. Color is not the only area on which to discern right and wrong.

Russia wants the chromium deposits of Rhodesia. Men who have never been in Africa are making war on unarmed whites and blacks alike at the beckoning of Russia. When black murders black to force him into a political alliance he neither seeks nor understands, who is going to weep for those law abiding unarmed peoples? What is better, the slow life style of the past, or the murder and chaos of "freedom fighters," who will not be there when it is all over. How much Freedom have any of the Communist dominated peoples?

It is a lie to tell our people that Rhodesia must be "disciplined" when we do (did) nothing about Angola, we cringe at Amin and his blackmail, we lie to ourselves about our own freedom practices. Who is free?

The Earth cringes with the pain of bombs; the people, the animals, the lifestyle of a whole continent goes literally to hell because we would rather mouth impossible slogans than admit the Angola is now the head and body of the Communist octopus in Africa. Russia figured right, we will jump in when people who are like ourselves in lifestyle and color are threatened—but we sit and watch when thousands of helpless blacks are slaughtered to bring power to a few.

Ninety miles away from us is another arm of the Russian octopus,—so why punish Rhodesia? When will we see the threat to our own existence in letting Russia corner the world's supply of our own national needs?

Sincerely,

Mrs. MAX "ANN" VIGIL.

TRADING WITH COMMUNIST COUNTRIES

Mr. HUMPHREY. Mr. President, I wish to share with my colleagues an article by Theodore Shabad in the March 17 issue of the New York Times, entitled "China, in Aggressive Drive, Tops Soviet in Exports to United States," and a March 19 Washington Post article by Michael Gettler, entitled "East Europeans Try Trade by Barter."

These two very interesting articles deal with our trade to Communist countries and how barter is being utilized by Eastern European countries trying to avoid excessive debt burdens.

The Shabad article points out that last year the Chinese had a favorable trade balance with the United States, buying only $135 million worth of American goods while selling $202 million worth to us.

On the other hand, the Soviet Union imported $2.3 billion while exporting only $221 million worth to the United States. The United States has been exporting large quantities of grain and technology to the Soviet Union while it has been selling to us minerals and platinum metals which have been declining in volume in recent years.

The Gettler article indicates that the Eastern European countries are very much interested in Western technology in order to modernize their economies, but are fearful of further debt accumulations. At the Leipzig International Trade Fair, U.S. firms were approached by Eastern European countries which wished to acquire U.S. technology in return for bartered Eastern European products which often present difficulties for the U.S. firms when they try to market these products here.

These two articles do present interesting information on what is happening in these countries and the importance of trade in our relations with the Communist world.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 17, 1977]

CHINA, IN AGGRESSIVE DRIVE, TOPS SOVIET IN EXPORTS TO THE UNITED STATES

(By Theodore Shabad)

An aggressive export drive by Peking, sparked by exhibits at the Canton Trade Fair and other sales efforts, has put China squarely ahead of the Soviet Union among Communist suppliers of manufactured goods to the United States.

Final figures for 1976, made public by the Department of Commerce, show that the Chinese appear to have been more successful than the Russians in penetrating the American market with manufactured goods. The Soviet Union still remains ahead of China as a source of raw materials for United States industry.

China now ranks as the second Communist exporter of manufactured goods to the United States and has been moving closer to Poland. Imports from Poland, and more recently from Rumania, are the old ones from Communist countries that benefit from low United States tariffs under most favored nation status. Both the Soviet Union and China lack such preferential treatment.

In total turnover—imports plus exports—the Soviet Union remained the United States' leading Communist trade partner last year, according to the Commerce Department figures. Turnover with the Soviet Union was $2.52 billion, Poland $940 million, Rumania $448 million and China $337 million.

POLAND LEADS IN EXPORTS TO THE UNITED STATES

In total 1976 exports to the United States, Poland led with $319 million, followed by the Soviet Union with $221 million, China with $202 million and Rumania with $199 million.

Both Peking and Moscow have been seeking to balance their trade with the United States, which has been generally selling far more to those governments—mainly agricultural exports and industrial machinery—than it has been importing from them.

However, Peking has been steadily expanding its sales to the United States since trade relations were resumed in the early 1970's. Moreover, last year, for the first time, the Chinese established a favorable balance of trade with the United States. As China's agricultural imports sharply declined, it bought only $135 million worth of American goods while selling $202 million worth.

The upsurge of Chinese exports, exceeding the Soviet export level, first became evident in the last months of 1975 and was maintained consistently through all of 1976, monthly Commerce Department figures show.

In the case of the Soviet Union, a combination of continuing heavy imports of grain and technology from the United States and declining exports in the last three years have preserved a pronounced imbalance in trade. Last year, Soviet imports from the United States were $2.30 billion compared with the exports of $221 million, or a ratio of more than 10 to 1.

AMERICAN MARKET SHRINKS

Part of the decline of Soviet exports to the United States has been attributed to a shrinking American market in the recent recession. Much of the value of American imports from the Soviet Union is made up of platinum-group metals and some other minerals for which demand declined in the last two years. Moreover, a spurt in Soviet oil exports at the time of the oil crisis of 1973–74 has also subsided.

China, on the other hand, appears to have been able to maintain its traditional exports to the United States, with the leading items being tin, accounting for one-fourth of the total value in 1975; cheap cotton piece goods, antiques, rosin, raw silk, hog bristles and fireworks.

Over the long term, the Soviet Union is expected to strengthen its export position, particularly in industrial raw materials that may be in short supply in the developed countries. But such an export drive will have to await the completion of large resource development projects, notably in Siberia, now being financed by some Western countries.

Because of the lead time required, the payoff from these so-called compensation deals, whereby the Russians will pay back development loans in products from completed projects, is not likely to become evident until the early 1980's. A key element in future exports will be the Baikal-Amur Mainline, a 2,000-mile railroad construction project designed to open up new Siberian resource areas for export into the Pacific basin.

Trade expansion between the United States and Communist countries, particularly the Soviet Union, has been hampered by legislation that preserves high tariffs on imports, mainly manufactured goods, from most Communist countries and imposes limits on loans that may be extended by the Export-Import Bank of the United States. As a result, trade with Communist countries represented only about 2 percent of United States trade turnover in 1976.

Similarly, the United States is only a moderately significant factor in the foreign trade of the Communist countries. Most of the trade of the Soviet bloc is among the East European countries and the Soviet Union, and their principal Western trade partners are West Germany, France and other West European nations as well as Japan.

China, since veering away from the Soviet bloc, in 1960, has been doing most of its trade with Japan, Hong Kong and countries in Southeast Asia.

[From the Washington Post, Mar. 19, 1977]

EAST EUROPEANS TRY TRADE BY BARTER—U.S. FIRMS AT LEIPZIG FAIR CITE PRESSURE IN CONTRACT TALKS

(By Michael Gettler)

LEIPZIG, EAST GERMANY.—East European countries, seeking to modernize their troubled economies with Western technology but without amassing still more debts to the West, are turning increasingly toward an ancient trading technique—barter.

The idea is to press Western companies harder to accept more Eastern—manufactured or—grown products as part payment for goods bought in the West.

The expanding emphasis by the East on such techniques was in evidence here this week at the mammoth Leipzig international trade fair that brings together some 9,000 exhibitors from 60 Eastern and Western countries.

Two large U.S. firms exhibiting electronic and chemical products here said privately that apparently serious East German interest in buying their equipment was also accompanied by just as serious inquiries about the prospects for paying for some of it in barter.

The most dramatic example, however, came in the announcement that the Italian steel firm of Danieli had won a $250 million contract from East Germany to build a new plant in Brandenburg, East Germany.

The West German firm of Salzgitter thought they had the contract sewed up. The Italians are said to have slightly underbid the West Germans. However, the Italians also have agreed to accept as payment for the contract part of the plant's steel output plus a selection of other East German manufactured goods.

West Germany is East Germany's largest and most important trading partner in the West, and West German businessmen clearly are worried over the expanding demands by the East for these direct barter, or so-called "buy-back," provisions.

West German officials say the barter pressure clearly is higher this year than last and that it is now a major problem, especially for some smaller and medium-sized firms that don't have the flexibility to make such deals pay off.

It is not clear yet how the East will fare in their campaign, however, if trade on this basis continues to grow. It could cause a boom for the handful of brokerage houses in London, West Berlin, Vienna and elsewhere that specialize in barter deals.

"The way it works is that East Germany may be interested in some U.S. electronic equipment but may want to pay in part with plum jelly, just as an example. The brokerage firm finds out how much they can sell Eastern plum jelly for in the West and the electronic company then decides whether they want to play. After everybody takes his cut, however, the price of the electronic equipment goes up," one U.S. businessman here explained.

For East Germany, which already is estimated to be in debt by about $5 billion to the West, barter is very important. Like much of Communist East Europe, East Germany does not have convertible currency and thus needs to sell its products in the West in order to get hard currency with which it can pay off some of its debts and import still more technology.

But the barter issue creates other problems. Some East German products, such as optics built by Carl Zeiss in nearby Jena, are world-renowned and sell well on their own. But other East German products, even though of reasonable quality, would clearly have a hard time competing with Western goods in the West.

Thus, the East Germans want to use barter for two reasons. One, to take advantage of Western marketing operations that are already set up and which they could not hope to compete with. Secondly, however, they are also trying to use it to get rid of some of the products they also have trouble selling in the East, said one Western businessman.

The Italian steel plant deal is also being viewed by some experienced observers here as reflective of another potentially important trend—an effort by East Germany to back away slightly from its overwhelming dependence on West Germany as a trading partner.

Last year, trade between the two German states was more than $3 billion. The Bonn government, however, clearly gets the better of that, with the East in debt to West Germany alone for some $900 million.

On the other hand, 11 percent of East German exports to the West go to West Germany, and the East Germans have been both expanding exports to Bonn and cutting imports in the past year.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it certainly is mystifying that the United States has failed to ratify a convention that is so closely identified with its best traditions.

The Genocide Convention, adopted by the General Assembly of the United Nations, signed by the United States in 1948, was submitted for Senate ratification by President Truman in 1949. The convention makes it an international crime the commission of specified acts with intent to destroy national, ethical, racial, or religious groups as such.

Mr. President, we cannot wait any longer. It is imperative that the Senate seize the initiative and ratify this convention during this session renewing our dedication to the cause of human rights.

There is no danger of jeopardizing our national interest if we become a party to the Genocide Convention, as many people think. There is absolutely no justification for the inaction of the United States in this vital area of human rights. Recent terrorist actions should be reason enough for immediate ratification of this convention.

Mr. President, over 80 nations have attested to the fact that genocide is an international crime by signing this treaty. The United States can still redeem itself if it moves rapidly to ratify the Genocide Convention now.

Mr. President, I urge the Senate to recognize the need to make genocide an international crime and ratify the convention at once.

WORKER ATTITUDES

Mr. INOUYE. Mr. President, the University of Hawaii is the U.S. base for a very important innovative study of worker attitudes, work content, and working conditions in 15 countries. The findings in this study will have no immediate effect on unemployment here or in the other participating countries; but in the long run, this study may significantly influence the decisions Government, management, and unions make about our work force.

What really challenges the worker—good pay or creative opportunities?

What are the advantages and the limitations of the collective bargaining system—codetermination—worker participation in management.

I would like to introduce the first report on the U.S. findings in this study, as reported in the September 1976 issue of the Wharton magazine.

Mr. President, I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

LIFE ON THE AUTOMATED LINE

(By Philip and Betty Jacob)

(Editor's note.—This article reports on the American phase of a study of automation in the auto industries of 16 countries; a follow-up article will analyze the international similarities and differences.)

Many industrial managers have long believed that the introduction of automation into assembly line production would significantly alter the attitudes of workers towards their jobs. Two distinct and contrary viewpoints have developed. On the one hand, automation, by cutting down on repetitive, manual operations, might contribute to increased job satisfaction and self-respect. On the other hand, automation might make workers feel more like cogs, operating more complex devices, but more completely subordinate to the machines.

Our intensive study of automobile workers in both General Motors and Ford factories indicates that both of these assumptions must be sharply qualified. People have a basic tendency to remain people, behaving and responding in similar ways, whether they work on automated lines or not. But several important variations were discovered which could influence the future introduction of industrial automation.

Our study focused on the most highly automated technology in the automobile industry—the engine block transfer line—and several non-automated processes in three plants, one Ford and two General Motors. As an overall group, workers on the automated line differed little in attitudes or behavior from other workers. Across departments, operators were like operators, maintenance men like maintenance men, and supervisors like supervisors, whether or not the technology was automated. However, operators, stock handlers and inspectors in both situations, those who did the most monotonous work, differed markedly from maintenance men and supervisors—they derived less satisfaction from their work.

In general, there was a high degree of support for automation from the auto workers we interviewed and observed. Only 17 percent would disapprove of introducing work-saving new machines and equipment into their plants. But the factor that contributed most to acceptance of automation had nothing to do with the nature of automated processes themselves.

Instead, the key factor was the comparative beliefs workers had in the security of their jobs. Those who felt most job security were the most supportive of automation. Eighty percent of the strong supporters of automation were confident that even if their present jobs were taken over by the new machines, the company would take care of them with "other acceptable work"; another 17 percent thought the company might possibly do so. Only 2 percent thought they might lose their jobs.

There were, of course, different degrees of acceptance. Those with greater skill and responsibility were most willing to accept advanced technology—maintenance personnel (93 percent) and supervisors (100 percent). So were older workers who had the advantage of seniority, despite the stereotype that younger people are more flexible about change.

The management style, or "organizational climate", also has an effect on a worker's attitudes toward automation. If a worker feels that management is concerned about his welfare, communicates with him, and runs an efficient shop, he will be more favorably disposed to the technological change. The most important component of company atmosphere is openness of communication, up and down, between management and workers. Of those workers who felt adequately informed of technological changes beforehand, 51 percent approved of automation; of those who felt they had not been adequately informed, only 31 percent approved.

One of our clearest findings is that productive behavior is closely related to worker satisfaction. Worker productivity is not necessarily represented by greater output per hour—such output has largely been standardized by the technology of the jobs themselves, and men work to the pace of the machinery. But satisfied workers engaged less in unproductive behavior—such as deliberate absenteeism and rapid turnover—behavior that costs the company money.

Even though this study was conducted while the energy crisis had upset the automobile industry, the great majority of workers we interviewed were either satisfied or "somewhat satisfied" with and reliable on their jobs. Only 13 percent said they were dissatisfied. Only 13 percent had been absent in the two weeks preceding the interview—and of these, less than half (6 percent) said it was because they didn't feel like going to work." Furthermore, this majority intended to stay put, not to change jobs.

These findings may not fit some people's impressions about the attitudes of workers in the automobile industry. Many opinions about how automobile workers feel may have been influenced through the reporting of strike events which occurred in the early '70's in the GM Lordstown plant. The complex issues which arose at the Lordstown plant were not a part of this study because Lordstown did not have the type of automation that was common to all the plants included in the broader multi-national study.

The most potent element in work satisfaction was the challenge in the job. The most satisfied workers found variety, interest and novelty, and the chance to develop new skills in their work. Monotony was strongly associated with dissatisfaction. Satisfaction was also directly related to the extent that the worker felt he could control his own job process, and have autonomy and responsibility. The greater the control, the greater the satisfaction. All this was verified not only by what the workers said, but by our own direct observation of what they did on the production line.

Different kinds of jobs, of course, have different degrees of challenge and autonomy, and therefore different levels of worker satisfaction. Of all workers, the maintenance group, the people who repair the machinery, were the most satisfied, and felt that their jobs came closest to what jobs should be. They were followed by the set-up group, who installed and changed tools. Then came the supervisors.

The most dissatisfied workers, regardless of the machinery they attended and whether or not it was automated, were those with the routine jobs—operators, product handlers, quality control inspectors, for example. Nobody had much good to say about the working conditions.

We have seen that jobs vary, and are associated with different kinds and degrees of job satisfaction and acceptance of automation. The same is true of personalities. This part of the analysis, undertaken by Professor George W. England of the Industrial Relations Center at the University of Minnesota, probed into the reasons that individuals worked, and what gave each person satisfaction. He found there were two general kinds of personalities who responded to different incentives.

The first group worked for the material things the job could give them—primarily pay, the opportunity for upgrading and promotion, reasonable working conditions, and a reasonable work load. Work, therefore, was a means to other ends, most of which would take place away from work.

With the second group, the nature and satisfactions of work came closer to being basic ends in themselves. Satisfaction came from self-expression at the job. For them, interesting work was the most important factor, followed by the chance to form good relationships, and the chance to rise in the organization.

The current expression for this phenomenon is "different strokes for different folks." Both types of workers were found within every type of job, automated or non-automated, at all age levels, and at all pay levels. However, more maintenance people appear to work for self-expression than for pay. The reverse is true for people doing routine manual work like stock handling and inspecting. Supervisors and set-up men are almost equally divided.

The existence of these two distinct and differently motivated groups of workers has major management policy implications. No single, uniform package of material rewards, job enrichment devices and or redesigned work processes—based on an assumption that all workers are alike—will lead to satisfaction for everyone. For the first group, material rewards and conditions of work are of primary importance. For the second group, increased opportunities for self-expression, largely through interesting work, are the crucial factors. This is the group which will find participative management styles appealing.

One group of workers is clearly and sharply different from the rest. These are young workers, under 30. Thirty percent of this group expressed overall dissatisfaction with their jobs, compared to only 9 percent of older workers.

They are the least satisfied in every respect—with the kind of work they have to do, with their supervisors, with the company, with their relations with fellow workers, with the physical conditions in the plant. In short, they are alienated.

Why? First of all, they feel least secure in their jobs, a factor undoubtedly aggravated by the energy crunch when the study was made. Of those 30 or under, 42 percent said their jobs provided little—at most moderate—security. This pessimistic statement was made by only 15 percent of workers over 40. Thirty percent of the youthful group stated flatly they thought they could lose their jobs because of automation, compared to 12 percent of all the rest. They had some experience behind that fear: 24 percent had been recently unemployed, compared to 13 percent of the rest.

What was more, they had the worst jobs—the most monotonous, the ones with the least opportunity for self-expression or the opportunity to use and develop skills and abilities: 68 percent were operators, 22 percent did other routine work such as inspecting or stockhandling. None were in set-up, none were supervisors, and only 10 percent were in maintenance. Even within the same pay brackets, younger workers are more alienated than older ones. Another powerful factor in alienation among the young is the fact that they are over-educated in relation to the mental requirements of their jobs—much more than their elders.

The root cause of alienation among young workers may well be that most hallowed of union workers' rights—the seniority system. Seniority puts them at the bottom of the totem pole, keeps them from the good jobs for (to them) an impossible stretch of time, makes the educational discrepancy most glaring. Worst, it denies them security: they are the last hired and the first laid off or furloughed when the market slumps, apparently the least valued and most expendable.

They are not only dissatisfied with the job; they are also dissatisfied with the union, that institution so closely identified with the older workers. More than their elders, they don't feel that the union is doing enough about better wages and working conditions, grievances, and organizational changes. They

take less part in union activities, care less about broad social and public issues, and think the union should spend less time trying to influence public policy and workers' political consciousness. Unlike other young rebels, they are not openly carrying signs; but they want their goodies now, not after the slow turn of the seniority wheel.

Alienated young workers present a general problem and a threat. There is also a small group (10 percent) of socially-conscious, union-oriented activists who may be the agents of change, reconciling the adoption of automation with improvement in the quality of life. They may bring union and management together in the common effort.

This small group is not alienated; it does not feel powerless. It works actively to change and influence the conditions of work and life both inside and outside the plant. Among the workers we interviewed there is a significant overlap between those who try to participate in decisions that affect their work, and those who are active in the political and social life of the broader community. They are also principal participants in the union, which serves as a link between the two worlds.

What can be done?

Five routes to "humanized productivity" can be assessed in the light of this study.

First, more automation. This is a road to nowhere as far as greater motivation and relieving disaffection are concerned. In the heavy machining operations that go into making auto engines, more automation will not make work more satisfying or challenging for the majority, only for a few maintenance and set-up people. Routine remains routine for many tasks that require the presence of a human, even if electronic controls replace manual work.

Second, the pay and comfort route. No one has strong work motivation or satisfaction without adequate pay and good working conditions. To some workers, they are the prime factors—along with a chance to get even better pay and more comfort through advance.

But to others, though they are necessary, they are not enough. They are a floor, not a ceiling. The youngest workers, the alienated group, did not complain primarily about pay. Besides, in a democratic union, the egalitarian pressure is to get adequate pay for everyone rather than superior pay for the best and brightest and those who work the hardest; the range is narrow, and usually pegged to seniority.

Third, job security. Now we come close to the jugular. As reported earlier, the data clearly show that the feeling of security is vital to gain workers' support for technological advances that generate greater productivity. It is also basic to general job satisfaction and to workers' regard for and loyalty to the company. The secure worker is less likely to look for another job, or to lay down on this one.

It is a popular cliche of our society that security has a deadening effect on initiative, that it produces loafers and timeservers. "If you want security above everything, go to prison." The data show that this glib generality is not only untrue but dangerous.

In socialist countries employment security is guaranteed by the government; in Japan, by some large companies. In America it is an option subject to decision by management negotiating with unions. So management, unions and government should concentrate on creating a formula that will assure workers of job security as a fundamental step toward humanized productivity.

Fourth, greater challenge in the job. At first glance, the findings seem to support the current emphasis on "job enrichment" and better "job design." Much of the job satisfaction among the engine builders was due to the challenge of the work. This was particularly true of those whose main motivation was the need for self-expression.

In the production end of heavy industry, however, technology imposes limitations on what can be done to make many jobs more challenging. The maintenance jobs already provide variety, interest, independence, skill and ingenuity; and the electrician, fixture-repair man and pipefitter are well aware of how important they are on trouble calls, when every minute of shutdown on the transfer line may cost thousands of dollars.

But how does one "enrich" a quality control inspector's work—without eliminating at altogether through automatic controls? How can management add variety and "creativity" to the monitoring of a Cincinnati broach or a bank of Excello borers?

Fifth, expanded worker participation. Many of us who planned this multinational study expected that workers who had an important share in making the decisions that affected their work would be more satisfied and productive. We thought this might be a common element among different societies and different levels of technology. The American data, from GM and Ford, do not support this expectation. Neither the opportunities for participation, nor even the actual degree of participation, in decision-making about work was significantly related to job satisfaction, behavior leading toward better production, or acceptance of new technology.

Why was this so? One possibly is that the actual participation was not large or important enough—or apparently not connected closely enough to their immediate jobs and situations. Those few workers who had the most significant participation—whether working with the company's policies or against them—turned out to be the most concerned, and generally the most satisfied. Another possibility is that, because of the whole collective bargaining process of working through the union, the workers don't see a close connection between the individual efforts and the results.

In the 1950's it was fashionable for engineers and industrial managers to write books and articles about automation sweeping through industry after industry to re-shape American society. There was a great surge of concern about chronic unemployment created by automation which was countered by a great share of enthusiasm about potential leisure. Few of the anticipated changes have occurred so far. Only about 1 percent of industrial tools have been converted to automatic control, because the process of automation has proven to be more difficult and more costly than anticipated.

Nonetheless, automation research moves ahead, and it will undoubtedly bring important changes. To expand the domain of automation, however, will demand the shedding of concepts and practices deeply imbedded in the structure of American management and unions.

ABOUT THE STUDY

This article is the first publication of research from a unique international study of how automation affects worker attitudes and behavior in the automobile factories of the United States and 15 European countries, including the Soviet Union. A later article will examine the ways in which different cultures and different economic systems influence the effects of automation on workers.

The overall study was originated by the International Labor Institute of the Soviet Academy of Sciences, and sponsored by the European Center for Coordination of Research and Documentation in the Social Sciences in Vienna. Though the nations and their economic systems differ, identical research tools were developed by unions, management, and scholars to examine work content, working conditions, and worker attitudes. Similar sections of each auto industry were examined—first, the automated transfer line where an engine block is tooled by electronically controlled machinery, and second, a non-automated department with similar, but manually controlled, tooling. Over 3,000 workers were interviewed and observed, more than 200 in the United States.

Other countries in the study include: Austria, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, German Democratic Republic, Hungary, Italy, Japan, Poland, Soviet Union, Sweden, United Kingdom, United States, Yugoslavia.

COMMENTS FROM UAW AND GM

Irving Bluestone, Vice President, United Automobile Workers, Director—General Motors Department:

The study notes that while it was anticipated worker participation in decision making would emerge as a key variable influencing worker motivation, nevertheless, the data does not support this expectation. I want to draw attention to one of the problems which I believe drew the research to this conclusion.

Workers cannot evaluate the meaning and significance of worker participation programs unless they actively experience them. My personal experience in discussing this with workers indicates that where a "before and after" project is studied, worker participation creates greater satisfaction.

I feel, therefore, that the results of the study are incomplete since they are based on interviews of workers who have not been involved in carefully designed worker participation programs.

In this regard, it is important to distinguish between programs of so-called job enlargement or job enrichment (which normally relate to redesigning of individual jobs) and programs of improved quality of worklife (which embrace all aspects of the relationship of the worker to his job and to the management). Involvement of the worker in the decision-making process is not simply a matter of enlarging the number of operations he performs or establishing work groups, etc. It is not a matter of imposing new engineering techniques upon the worker. Rather, it means finding better ways to afford the worker the broadest opportunities for input and innovation as to job design, methods, and processes of operation, quality of product, plant layout and a host of other decisions regarding the worker's relationship to the total workplace.

Dr. D. L. Landen, Director, Employee Research Section, General Motors Corporation:

Overall, I think the conclusions are sound and supported by our own research and that of others. It is apparent from these findings, as it is from ours, that there is no simple explanation of job satisfaction or of human motivation. Neither are static; neither are subject to universal "manipulations"; neither are locked inexorably to specific causal variables or conditions; and neither will succumb to final definition, differentiation and defeat. If it sounds like a never-ending struggle, it is; and I hope it remains that way. Now some specific comments.

First, I don't question the importance of job security. It may be the most significant variable among a cluster of important variables. But the subsequent elaboration of this finding suggests that the job security variable is either moderating or is moderated by the age variable. The age variable reoccurs either directly or inferentially throughout the findings: younger workers do have less job security; older workers tend to have more responsible, skilled jobs; while absenteeism may or may not be higer among younger workers, turnover or the propensity toward turnover is greater among the younger, less senior employees; the more satisfied workers are those older workers, who,

because of their length of service, are maintenance employees or do set-up work; the dissatisfaction is linked to the type of work performed, which unquestionably is a significant determiner; but here again it is likely that these jobs are populated with younger workers.

Second, I concur completely with the conclusion that "no single, uniform package" is appropriate to all workers. It may not even be appropriate to any single group of workers.

Third, while more automation may only lead to greater job satisfaction among a small group of workers, it may lessen dissatisfaction among a larger group of workers. More automation in the automobile industry may be somewhat unlikely because of the nature of most jobs or because of the cost/benefit ratio. But you may not wish to discount it completely as the basis for eliminating the least desirable jobs.

Fourth, admittedly, the nature of the technology does indeed limit the extent to which jobs can be redesigned or enriched. However, it does not limit the degree to which the roles of workers can be enriched. Despite the technology, means are available by which people can participate more actively and creatively in problem solving, and in other activities, wherein they can make more "significant contributions" and thus derive greater satisfaction from their "work."

S. 1150—RURAL HOUSING ACT OF 1977

Mr. ABOUREZK. Mr. President, I am pleased to cosponsor Senator HUMPHREY'S bill to amend title V of the Housing Act of 1949. This legislation addresses many problems in the Housing Act and will make much needed improvements in these programs.

Of special importance to me are sections 3 and 20. Section 3 addresses the urgent need for rural housing research. The FmHA is now the largest direct Federal lender in the country. In its entire history, the FmHA has never had its own research capacity. The time is long overdue for the FmHA to create an in-house research arm in order to allow it to focus in needs of special groups such as the elderly, the handicapped, farmworkers, and Indians; to study rural growth patterns; and to evaluate rural community facilities and services.

Section 20 addresses the urgent need for water and sewer grant/loan programs. I agree with the goals of this section and I intend to introduce a more comprehensive measure on this subject very soon. Following its introduction, I hope and expect to work with Senator HUMPHREY on this important matter to develop a mutually acceptable approach to serve the neds of the rural communities in order to supply them with adequate water and sewage systems.

Mr. President, this is vital legislation and I urge the Senate to move as quickly as possible to enact it into law.

(This concludes additional statements of Senators submitted today.)

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR CHAFEE AND SENATOR BAKER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent after the two leaders or their designees have been recognized under the standing order tomorrow morning that Mr. CHAFEE be recognized for not to exceed 15 minutes; and, thereafter, Mr. BAKER be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, at the conclusion of these two orders, the Senate will resume consideration of the code of conduct, at which time the pending amendment by Mr. PERCY will be under a time limitation of not to exceed 30 minutes to be equally divided between Mr. PERCY and Mr. NELSON; and that following the debate on the code of conduct it then be set aside and the Senate proceed to the consideration of the unemployment compensation measure, with a vote to occur with relation to the Percy amendment at a specific time tomorrow afternoon, let us say, 2 p.m.

Mr. PERCY. 2 p.m. would be quite satisfactory.

Mr. JAVITS. Mr. President, reserving the right to object and, of course, I shall not object, I have a very important committee meeting. I have the primary amendments to the unemployment compensation bill. Would the Senator anticipate we would reach that before 12 on his schedule?

Mr. ROBERT C. BYRD. It is my anticipation that we would start on the unemployment compensation measure at 11 o'clock. Senator LONG said he would like to start at 11 o'clock because we will be all day on it and maybe into the evening. If we could just have this one vote set for 2 o'clock, with the understanding that immediately following the vote the Senate will resume consideration of the unemployment compensation bill——

Mr. JAVITS. Again reserving the right to object, If Senator LONG will understand that I cannot get to the floor physically until noon with respect to amendments, he knows the amendments I have, and as long as he understands that, that is all right.

Mr. BAKER addressed the Chair.

Mr. LONG. We will not have any hope at all of completing action on that bill before noon.

Mr. JAVITS. That is all right. I just wanted to be here.

Mr. BAKER. Mr. President, reserving the right to object, and I do not plan to object, may I ask if it is the intention of the majority leader to finish the unemployment compensation bill tomorrow, because we must get on with the ethics package all day on Thursday. Otherwise, we will not be able to take advantage of the time. Since there are a number of amendments on our side, I need assurance that we will return to the ethics package all day Thursday.

Mr. ROBERT C. BYRD. Mr. President, in response to that question, I would suggest that the Senate will probably be in session fairly late tomorrow evening, depending upon the manager of the bill, but I ask unanimous consent that if the Senate does not complete action on the measure tomorrow that it be put aside until such time Thursday as we have finished with amendments on the code of conduct, if we finish them on Thursday and, if not, that the Senate resume consideration of the unemployment compensation measure immediately upon the disposition of the code of conduct on Friday, in connection with which a final vote has already been agreed to.

Mr. LONG. Mr. President, may I just add my thoughts to this. This unemployment insurance bill should be passed at the earliest possible moment.

Now, we cannot do much about these revenue bills getting over here late from the House. We commenced the hearings on the bill before the bill was ever in the committee. We heard the bill was on its way so we started the hearings.

We had the bill reported within 3 days after the House got the bill to us, so we are moving as fast as we know how to move with that bill. But, notwithstanding that, the checks that are due to be paid to unemployed workers on Monday will not be able to be there for those men because we have not acted unless we act very soon.

I hope if we can get that bill on the President's desk and get it signed sometime Friday. They ought to be able to have checks, let us say, Monday for these unemployed workers.

I know the Senate would not want to delay on this matter to the extent that those who are out of work and have been out of work for a long time, and have very meager income, would have to do without just because we tarried here in the Senate, even voting on something as important as a code of ethics for Senators. At that point I think the average unemployed workers would say he was not that excited with whether we are ethical or not ethical. He wants his check. He needs something to put some food on the table, and I think every Senator understands that.

So I hope if we fail to pass this bill Thursday evening or Wednesday evening that nothing would keep us from pro-

ceeding with it until we get that unemployment insurance bill passed because there must be a conference, and some of the issues in conference will be rather hard fought, and that is assuming that no amendments are added that might add to the controversy.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Senator PERCY has the floor

Mr. PERCY. Mr. President, will it be possible to resolve the unanimous-consent agreement? I would like to order the yeas and nays before Senators leave the floor.

Mr. BAKER. Mr. President, reserving the right to object, just for a moment——

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. I understand the point made by the distinguished Senator from Louisiana. But, by the same token, there are commitments that are outstanding to finish this ethics bill under a standing unanimous-consent request allotting 50 hours on a schedule the leadership has tried to establish.

I just want it clearly understood, that so far as I am concerned, I have agreed for this matter to come up tomorrow at the request of the majority leader. I think it is important and should come up tomorrow. While there is a deadline Friday, we must attend to this important business. As far as I am concerned, we will stay as long as is necessary tomorrow night to dispose of this bill.

Mr. President, I am under an obligation to the Senate and to my colleagues on this side of the aisle to see that the ethics package is concluded. Therefore, I must say that my consent to the consideration of this measure is interdependent on the arrangements I have just described. I am willing to proceed on the assurance of the majority leader, which I now have, that should we not finish the unemployment measure tomorrow, or even prior to 10 a.m. Thursday morning, that it will be laid aside so that we might honor our commitment to address the ethics package all day Thursday and Friday prior to 11:15.

I have no objection.

Mr. JAVITS. Mr. President, reserving the right to object and I shall not object, I have four amendments to the measure and I shall present them, but I will do my utmost, I wish to assure the Senator, because I agree with him about the unemployment compensation, to make the time only as to what is absolutely essential. I do not agree with him about amendments, we rarely do, that they are complicated things like that, but we will argue that when the time comes. I will do my utmost to make it possible to finish about 10 a.m., and I am glad the leader said 10 a.m., because we may want to vote the next morning, after debating the bill. So I will have no objection to the arrangement; provided it includes 10 a.m. on Thursday.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Senator PERCY has the floor.

Mr. HUMPHREY. Will the Senator from Illinois yield to me for the purpose of asking a question of the majority leader?

Mr. PERCY. I am happy to yield.

Mr. HUMPHREY. It is a technical question. This unanimous-consent request does not prevent the meeting of committees or sub-committees that may be scheduled at 10 o'clock tomorrow morning?

Mr. BAKER. Mr. President, if the Senator from Illinois will yield so I may answer. I am the culprit who has been objecting to committees meeting while we are concerned with the pending measure, the ethics package. I will not object to committees meeting while we are engaged in debate on the unemployment compensation bill.

Mr. HUMPHREY. I have a markup tomorrow. That is why I say that.

Mr. JAVITS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Chair observes that the committees may meet until 2 hours after the Senate convenes in any event.

Mr. JAVITS. That is all right.

Mr. HUMPHREY. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. We do not vote until tomorrow.

Mr. ROBERT C. BYRD. Yes; there will be no more votes until tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICIAL CONDUCT AMENDMENTS OF 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume consideration of Senate Resolution 110 at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

UP AMENDMENT NO. 109

Mr. ROBERT C. BYRD. Mr. President, I understand that Senator PERCY, the author of the amendment, and the manager of the measure, may have worked out a resolution on the Percy amendment.

ORDER VITIATING RECOGNITION OF SENATOR JAVITS AND RESUMPTION OF CONSIDERATION OF UP AMENDMENT NO. 109 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for recognition of Mr. PERCY on tomorrow and for the resumption of consideration of amendment No. 109 on tomorrow be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 110

Mr. PERCY. Mr. President, I send a modification of my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes unprinted amendment No. 110, a modification to amendment No. 109.

On page 28, strike out lines 12 through 19 and insert in lieu thereof:

"6. No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than 90 days in a calendar year (unless hired on a per diem basis) shall affiliate with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation or permit that individual's name to be used by such a firm, partnership, association, or corporation or practice a profession for compensation to any extent during regular office hours of the Senate office in which employed. For the purposes of this paragraph, 'professional services' shall include but not be limited to those which involve a fiduciary relationship."

Mr. PERCY. Mr. President, I wish to express appreciation to the Senator from Wisconsin (Mr. NELSON) and the Senator from South Carolina (Mr. THURMOND) for assisting in working this amendment out in such a way that it accomplishes the end that I think we have all tried to reach. I would also like to express appreciation to the Senator from Oklahoma (Mr. BELLMON) for the work that he has done in this area of treating with fairness and justice all Members of the Senate and members of the staff, in such a way that we can meet all the objections that could logically be raised, but provide adequate freedom to put everyone on a fair and equitable basis.

Mr. President, I have no further comment to make at this time, and I am prepared to vote.

Mr. THURMOND. Mr. President, I strongly opposed this amendment to begin with, because it would have allowed a Senator's staff member, during regular working hours, to practice law or medi-

cine or some other profession. As the amendment is now modified, it provides that a Senator's staff member will not be allowed to practice a profession for compensation to any extent during regular office hours of the Senate office in which employed.

In view of that modification, I am willing to accept the amendment.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. NELSON. Mr. President, I would just like to say the amendment is now drafted more narrowly than the House provision, which does permit the practice of the professions within the earned income limitation.

I would doubt that the amendment itself specifically affects any Member of the Senate, but there are somewhat more than 2,000 staff people beyond those in the Senate, and certainly some of those would be affected by the restriction that is in the resolution. I think it is drafted carefully enough that I have no objection to the amendment.

Have the yeas and nays been requested?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. NELSON. I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment, as modified, of the Senator from Illinois.

The amendment, as modified, was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against both sides on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 4877

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 4877, the supplemental appropriation bill, is called up and made the pending business before the Senate, there be a time limitation for debate on the bill of 4 hours, to be equally divided between the Senator from Arkansas (Mr. McCLELLAN) and the Senator from North Dakota (Mr. YOUNG); that there be a time limitation on any amendment of 1 hours, and a time limitation on any debatable motion, appeal, or point of order, if such is submitted to the Senate for discussion, of 30 minutes, and a time limitation on any amendment in the second degree of 30 minutes; and that the agreement with respect to the division and control of the time be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows, and I ask the Chair, Parliamentarian, and Journal clerk to follow please closely:

The Senate will convene at 10:30 a.m. After the two leaders or their designees have been recognized under the standing order, Mr. CHAFEE will be recognized for not to exceed 15 minutes, after which Mr. BAKER will be recognized for not to exceed 15 minutes.

H.R. 4800

The Senate will then proceed to the consideration of Calendar Order No. 56, H.R. 4800, an act to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such act, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there will be rollcall votes throughout the afternoon tomorrow. It is possible that a rollcall vote could be reached before 12 o'clock. I doubt that any amendment will be called up, however, that would result in a rollcall vote before noon. But that cannot be guaranteed. Rollcall votes will continue into the late afternoon, possibly early evening, and conceivably could go later than the early evening tomorrow. It is important, as Senator LONG has already pointed out, and he will be the manager of the bill, that that measure be enacted as quickly as possible because there is a time deadline of March 31 in connection with the bill.

TIME LIMITATION AGREEMENT ON BARTLETT AMENDMENT TO H.R. 4800

Mr. President, there is an amendment which Mr. BARTLETT will call up on the unemployment compensation bill. It is a nongermane amendment. I believe the distinguished chairman of the committee would authorize me to enter into a time agreement on that one nongermane amendment.

I ask unanimous consent that there be a time limitation of not to exceed 1 hour with reference to Mr. BARTLETT's amendment, the time to be equally divided between Mr. BARTLETT and Mr. LONG.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Reserving the right to object, Mr. President, I would inquire of the majority leader if that request could be extended to provide that no amendments to the amendment might be in order

Mr. ROBERT C. BYRD. Yes. I ask unanimous consent, Mr. President, that no amendments to the Barlett amendment be in order, but that, of course, Mr. LONG retain his right to move to table the amendment.

Mr. BAKER. Mr. President, reserving the right to object still further, I understand that nothing in this agreement would affect the right of any Senator to call for a division of the amendment.

Mr. ROBERT C. BYRD. The Senator is correct.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I acceded to the suggestion concerning a time agreement on Mr. BARTLETT's agreement without having cleared this with Mr. LONG. I would ask unanimous consent that the agreement hold conditioned on Mr. LONG's approval thereof.

Mr. BAKER. Mr. President, reserving the right to object, and it is not my intention to object, I understand the request by the majority leader and think it appropriate. However, by the same token, I want it made clear that there is no order against nongermane amendments to this bill at this time.

The PRESIDING OFFICER. The Senator from Tennessee is correct.

Mr. BAKER. A further parliamentary inquiry, if I may?

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. By acceding to the request of the majority leader, we are doing nothing to extinguish any rights that the distinguished junior Senator from Oklahoma would have in any event to offer this amendment to this bill.

The PRESIDING OFFICER. The Senator from Tennessee is correct.

Mr. BAKER. Mr. President, under those circumstances, while first expressing my hope that Senator LONG will not object to this formulation——

The PRESIDING OFFICER. The Chair observes that the only right which would be extinguished would be the right to amend the Bartlett amendment.

Mr. BAKER. Mr. President, I still reserve the right to object for just a moment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, continuing on with my reservation on the request, I believe the Chair has advised the Senator from Tennessee that the request of the majority leader would not extinguish any rights of the junior Senator from Oklahoma to offer his amendment to the Emergency Unemployment Compensation Act, and that there is no standing order and no unanimous-consent order against nongermane amendments.

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I have no further objection to the request of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I think it is well that we leave the last word in this instance to Mr. LONG, inasmuch as I have not cleared it with him. I feel he is entitled to that courtesy. I am very grateful to the minority leader and to Mr. BARTLETT for acceding to my request in this regard.

OFFICIAL CONDUCT AMENDMENTS OF 1977

Mr. BAKER. Mr. President, on another matter, we still have a number of amendments to Senate Resolution 110 that will be offered on our side. I ask the Chair how much time is remaining under the order, and how much time is respectively allocated to the Senator from Tennessee and the majority leader?

The PRESIDING OFFICER. The Senator from West Virginia has 332 minutes. The Senator from Tennessee has 489 minutes.

Mr. BAKER. I thank the Chair.

Mr. President, for the benefit of our colleagues and for general information, according to my notations I have requests from six Senators on this side to offer other amendments—Senators CURTIS, DOLE, HANSEN, BAKER, STEVENS, and WALLOP. I believe we have already provided time limitations and a sequence for the amendments of the Senator from NEBRASKA (Mr. CURTIS), Mr. DOLE, Mr. HANSEN, and in the case of my own amendment. Incidentally, it is presently planned to offer only one of the two amendments now at the desk—one amendment by Mr. STEVENS and one amendment by Mr. WALLOP. According to my rough calculations that will come out to just about the time we have remaining on our side.

I would say, Mr. President, that I hope we can have a full day on Thursday, and what available time there is on Friday, to make certain no one is cut off from offering additional amendments they may have to this resolution.

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to state what the sequence is if such an order has been entered into.

The PRESIDING OFFICER. There is no further sequence on amendments of recognition.

Mr. ROBERT C. BYRD. That is my understanding.

Mr. President, what is the order with respect to time limitation on any of the amendments to which Mr. BAKER has referred, with the exception of his own amendment?

The PRESIDING OFFICER. On each amendment offered by the Senator from Wyoming, the limitation is 80 minutes.

Mr. ROBERT C. BYRD. That is Mr. HANSEN?

The PRESIDING OFFICER. Yes.

The same is true of the senior Senator from New York.

Mr. ROBERT C. BYRD. Mr. JAVITS.

The PRESIDING OFFICER. The same is true of the Senator from Kansas (Mr. DOLE). Those are the only variations from the 2-hour agreement.

Mr. ROBERT C. BYRD. Does that conform with the information that the distinguished minority leader has?

Mr. BAKER. Mr. President, it does. We shall be hard pressed to do all of this in the time available. I think it will just fit, but there will be no time to spare on the calendar, on the clock, or on this list.

Mr. ROBERT C. BYRD. Mr. President, I have a feeling that the manager on the part of the majority probably will not take as much time as is allotted to him on the amendments. I express the hope to my friend from Tennessee (Mr. BAKER) that we can work together in getting authors of amendments to reduce the time, if at all possible, so that we can give them all a chance to get their amendments in, and get votes with relation thereto, on Thursday. It will be difficult to have anything on Friday prior to the hour of 9:45 a.m.

Of course, the Senate can come in earlier and can take action, but I believe the Senate is to begin its consideration of the amendment by Mr. BAKER at 9:45 on Friday morning. So if the distingiushed minority leader and I could work together in getting Senators to cooperate with us, if they will, to the extent that they can, in reducing time on amendments, perhaps it might ease our burden a little bit.

Mr. BAKER. Mr. President, I agree with the majority leader. I express only one other hope that, if there are no other amendments or only a few amendments left on his side of the aisle, that we might share a little of the remaining time—if time is to be critical.

Mr. ROBERT C. BYRD. Yes.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, so that committees will be on notice Thursday, we expect to be back on the code of conduct. The first 2 hours of the session, the committees are at liberty to meet.

ORDER FOR RECESS FROM TOMORROW UNTIL 9 A.M. ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until the hour of 9 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, depending on what the outlook is by the time we close up business tomorrow, it might be possible to change that order, to come in a little later than 9 a.m., but as of now I think it well that we sav 9 a.m. so that the committees will know they can at least meet until 11 a.m. on Thursday.

RECESS TO 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10:30 a.m. tomorrow.

The motion was agreed to; and at 7:23 p.m., the Senate recessed until tomorrow, Wednesday, March 30, 1977, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 29, 1977:

DEPARTMENT OF STATE

Richard N. Cooper, of Connecticut, to be Under Secretary of State for Economic Affairs.

Donald F. McHenry, of Illinois, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

DEPARTMENT OF JUSTICE

Thomas E. Lydon, Jr., of South Carolina, to be U.S. Attorney for the District of South Carolina for the term of 4 years vice Mark W. Buyck, Jr., resigned.

THE JUDICIARY

Howell W. Melton, of Florida, to be U.S. District Judge for the middle district of Florida vice Gerald B. Tjoflat, elevated.

IN THE COAST GUARD

The following regular officers of the Permanent Commissioned Teaching Staff of the U.S. Coast Guard for promotion to the grade of captain:

John B. Mahon
Frank S. Kapral
Harlan D. Hanson
Thomas D. Combs, Jr.
Louis K. Bragaw, Jr.

The following officers of the U.S. Coast Guard Reserve for promotion to the grades indicated:

Captain

Pasquala M. Benigno
Laurel R. Elliott
Joseph F. Tyson
Manuel Tubella, Jr.

Commander

Paul E. Burke

The following regular officer of the U.S. Army to be a permanent commissioned officer in the regular Coast Guard in the grade of lieutenant:

Joseph F. Tucker

The following licensed officers of the U.S. Merchant Marine to be permanent commissioned officers in the regular Coast Guard in the grade of lieutenant (junior grade):

Allan H. Moore
Richard T. Nelson

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be lieutenant general

Lt. Gen. Warren D. Johnson, [redacted] FR (major general, regular Air Force), U.S. Air Force.

IN THE NAVY

Vice Adm. Julien J. LeBourgeois, U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

The following-named Midshipmen (Naval Academy) to be permanent Ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Philip J. Aarons
Edward L. Abner II
John A. Achenbach
George W. Ackley III
Daniel A. Acton
James P. Adams II
Walter R. Adams
Richard B. Adcock
William S. Adsit
Andrew A. Ahlgren
David J. Aland
Mark E. Alcamo
Thomas D. Aldern
David K. Allsopp
John S. Althans
Robert W. Andersen
Brian S. Anderson
Edward C. Anderson
Kenneth R. Anderson
Mark B. Anderson
Thomas J. Arminio
Michael D. Anderson
Wilhelm F. Anderson
Alan C. Angleman
Dennis D Antonio
Reynaldo A. Arellano
David M. Armitage
Steven P. Artzer
Mark M. Atkisson
Robert W. Atwood
Charles E. August
Peter P. Ayotte
Glenn S. Bacon
Calvin L. Bagby
Michael E. Bain
David W. Bair
Daniel K. Baker
Duane M. Baker, Jr.
Ronald J. Banchak
Randall W. Bannister

Gregory W. Baran
Robert D. Barbaree, Jr.
Kirk A. Barker
Joseph L. Barnes
Robert L. Barnes
Ronald A. Barnes
Claude E. Barron
Bradley J. Barth
George F. Barton III
Roy C. Bass
Thomas E. Bauer
Domitito M. Baysic
Daniel S. Beach
David C. Beam
James M. Beaver
Michael C. Beck
Lawrence C. Becker
Mark E. Becker
Thomas J. Behrle
Robert D. Bender
Jerry F. Bennett
David L. Bentley
Daniel M. Bereck
Jeffrey F. Berg
James R. Berger
John L. Bernard III
Joseph M. Berner
Steven M. Besco
James M. Bethmann
Thomas L. Biery, Jr.
Anthony J. R. Bilotti
John M. Bird
Joe C. Blake
James A. Blasko
Michael J. Blazin
Glen M. Blinde, Jr.
Brooks O. Boatwright, Jr.
Joseph Bogovich
Eugene J. Bolarski, Jr.
Charles C. Boley, Jr.
Harry P. Bolich, Jr.
Derek R. Bonner
George W. Booker
La Selle B. Booker
Mark M. Borchers
Morris R. Bosarge III
James E. Bovle
Raymond E. Bozman
Herbert W. Bracewell, Jr.
Mark J. Bradley
David A. Brady
John J. Branson III
Charles H. Breen
Thomas P. Breyer
Dean P. Brezack
Stephen D. Bridges
Douglas H. Briganti
Ronald W. Brinkley
William K. Bristow
Kevin W. Brock
Michael F. Brock
Forrest E. Brooks III
Michael F. Brown
Theodore H. Brown, Jr.
Pies J. Bruce, Jr.
Laurence P. Brundage
Michael R. Brunskill
Henry H. Brus III
Mark A. Brynestad
Gregory J. Buchanan
Bruce J. Buck
Kevin P. Buck
Kennard M. Buddenhahn
David W. Bullard
David A. Burdine
Bruce T. Burkett
Christopher T. Burnett
Robert V. Burnette
Michael W. Burns
John C. Burton
Daniel F. Busch
Dempsey Butler III
William J. Butler
Gregory L. Byrd
Julius S. Caesar
Christopher C. Cain
Nathaniel F. Caldwell, Jr.
Michael F. Calfee
Michael J. Callahan
Joseph D. Camacho
Bruce A. Campbell
Thomas L. Campbell
Michael F. Canders
Paul J. Cappellino
Michael A. Capponi
James J. Cardosi
Michael J. Carey
Michael F. Caron
Larry I. Carpenter
Lester E. Carr III
Sean J. Carroll
Harold H. Casey
John R. Casey, Jr.
Jeffrey P. Caulfeild-James
Peter M. Caulk
Frank T. Cerabino
Matthew Chabal III
Erik Chaum
Robert Chesnut II
James L. Childress
Harold O Christensen, Jr
Edward A. Christofferson III
Frank P. Chrzanowski
Jeffrey R. Cinciripino
Gene R. Cioni
William A. Claridge
Kenneth E. Clark
Mark A. Clark
Mark D. Claussen
John L. Clay, Jr.
Christopher M. Cleaver
William J. Clement, Jr.
Joe D. Clements, Jr.
Alan R. Clever
Lawrence E. Clifford, Jr.
John A. Cloward
Richard D. Coan
Guy B. Cofield, Jr.
Michael D. Cohn
James O. Cole, Jr.
Paul T. Colman
Gary L. Colton
David L. Comis
Robert A. Condry
John M. Connard
Patrick J. Conroy
Wallace J. Conway III
Gerald V. Cook
Raymond H. Cook
Clifton M. Cooksey
David R. Cooper
Gregory H. Cooper
Philip J. Corbett IV
Hugh T. Cornett
Gregory J. Cornish
Jose R. Corpus
David D. Coss
Michael J. Coulbourne
Raymond F. Coulombe, Jr.
James D. Coulson
Timothy J. Coverick
Raymond P. Crevier, Jr.
Michael L. Crow
Winston K. Crow
Steven K. Crowe
Richard N. Current
Michael J. Daigle
Dennis F. Dalton
William T. Damico
William D. Daniels
Jeffrey J. Davis
Paul L. E. Davis
Van K. Davis, Jr.
Robert M. Dawson
Dirk J. Debbink
Richard S. Dela Cruz
Shan R. Delmar
Jeremias F. DeMelo, Jr.
William K. Dennis
Rex Derby
Phillip A. DeRose
Paul E. Diego
Thomas E. Diggs II
Christopher W. Diller
Timothy D. DiMenna
Mark Diunizio
Rodney D. Dodsworth
James P. Dolan
Christopher E. Dory
Patrick E. Downer
Brian W. Dowsley
James J. Dranchak
Robert E. Droppa
George D. Duchak
James D. Duncan
William S. Durbin
James E. Echrich
Rustin J. Eckstrom
Charles R. Eischen
Frederick Eliot, Jr.
Thomas O. Ellinwood, Jr.
David S. Elliott
Glenn D. Elliott
Walter L. Ellison, Jr.
Thomas L. Elmore
Stuart F. Elwing II
Lawrence A. Endacott
Peter W. Engel
Edgar R. Enochs
Glen F. Ericson
Stephen J. Eshman
Warren B. Estes
David A. Evensen
Robert C. Eves
James F. Fairbank
Patrick J. Fallon
Richard M. Faulkner
Christopher E. Feeney
John F. Feiler
William H. Felker III
Dan E. Fenn, Jr.
David Filippini
Peter C. Filkins
Stuart H. Finlayson
David C. Finley
Mark T. Finley
Peter J. Finley
Carl B. Fisher
Roger G. Fleischer
Francis S. Fogarty
Irby D. Fogleman III
Scott A. Fontaine
Andre P. Foster
Gregory A. Foster
Samuel M. Fox IV
Stephen C. Fox
Dennis M. Franich
Richard F. Frank
Randal C. Franke
Donald E. Franklin
David L. Frederick
John M. Freeman, Jr.
Gerald T. Frentz
Thomas J. Frey, Jr.
Michael S. Frick
Leith Y. Fujii
George A. Fullerton
Dirk M. Gallagher
Jose L. Galvan
Richard E. Galvin
Gary P. Gambarani
Benjamin A. Garcia
Edward L. Garcia
Stephen A. Garcia
John S. Gardner
Mark P. Gardner
William P. Garland
Jeffrey D. Garmon
Hal E. Garrigues
Bret C. Gary
James C. Gasaway
David H. Gates
Louis J. Geanuleas
Daniel Gearing
John W. Geary
James R. George
Harry J. Gerhard
Stephen A. Giesen
Neil T. Gillespie
Robert J. Gilman
Robert R. Girard
Corey J. Gla'>
Eugene M. Golda
Henry Gonzalez, Jr.
Robert A. Goodrum
William A. Goodwin
Douglas E. Goolsby
Richard A. Gooner
Jeffrey A. Gorman
Thomas M. Gorman
James W. Gould
Dale R. Govan
Paul D. Graaff
Kenneth A. Graber
John C. Grace
John S. Graham
Kelvin F. Graham
Brendan L. Gray
Gregory C. Gray
Francis J. Greco
Peter D. Green
Thomas G. Greene
Harold D. Gretzky
Gary L. Grice
Dennis R. Grimes
Robert E. Groh, Jr.
Greg R. Gullette
Christopher R. Gunderson
Dennis A. Haines
David L. Hall
John A. Hall
Clinton H. Hallman, Jr.
Robert N. Hamblin, Jr.
Ricky T. Hammonds
Michael S. Hamner
Clark D. Handy
Keith D. Haney
Douglas E. Hannum
Daniel L. Hansen
Richard P. Hansen
Robert C. Hansen, Jr.
Stephen W. Harden
Scott H. Harding
June T. Hardy, Jr.
Russell S. Harper
Scott F. Harper
Joseph H. Harrington, Jr.
James D. Hartigan
William C. Hartman
Thomas A. Hawkins
David T. Hayes
Isaias A. Hazlewood
Jeffrey H. Heely
Andrew J. Hegeman
Thomas A. Heji
Eric A. Helleberg
George W. Henning, Jr.
Zachary A. Henry, Jr.
William J. Herberger
George F. Herning
John S. Herr, Jr.
Ronald W. Hertwig, Jr.
Charles D. Heughan
John S. Hicky
Raymond L. Higgins
Michael L. Hill
Thomas S. Hill
William G. Hirko
Cary J. Hithon
Albert R. Hochevar
Brian F. Holl
Paul J. Hollich
Jeffrey L. Holloway
Robert F. Holman
Gary M. Holst
Jeffrey M. Hoobler
Stephen C. Horbiak
Arthur W. Horn, Jr.
David A. Householder
Douglas L. Hovland
Reginald L. Howard
Mark A. Hugel
Thomas K. Huisman
Daniel T. Hunt
Thomas H. Hutchinson III
Peter M. Hyers
Lawrence J. Indiviglia
Stephen R. Irvin
William H. Ittner
Charles G. Ivey
Leon Jackson, Jr.
Steven C. Jackson
William E. Jackson
David S. Jameson
Charles E. Jamison, Jr.
Ralph E. Janikowsky
Mark T. Jee
James S. Jenkins
Robert P. Jenks
Timothy S. Jenks
David W. Jensen
Daniel J. Jerabek
Michael S. Johnson
Richard E. Johnson
Thomas W. Johnson
Wesley H. Johnson
David L. Jones
Donald D. Jones
Michael P. Jones
William P. Jones
Robert G. Julian
Daniel F. Kaluzny
John S. Kamen
Keith M. Kaniut
Corwin J. Karaffa
John A. Karels
Christian Kast
Robert J. Kautter
William J. Kear
John J. Kearney
Mark C. Keefe
Thomas F. Keeley
William M. Keeney
John S. Kellogg
James M. Kelly
Robert C. Kennedy, Jr
Mark W. Kenny
Steven J. Keough
Joseph D. Kernan
Rande M. Kessler
Edward F. King
Kilton D. Kingsman
Frederic M. Kinkin
Kevin J. Kinports
Mark A. Kirk
David M. Kirkman
Richard C. Kirsten
Martinus M. Klijn
Peter M. Koetgen
Kerry K. Knoizen
Richard J. Knowski
John T. Knox
Gary S. Kollmorgen
George W. Korchowsky
Joseph G. Kovalchik
Mark S. Kozicz
Michael A. Kranz
Clifford W. Krcha, Jr.
Konrad S. Kroszner
Richard F. Kuehne
Michael F. Kuhn
Paul A. LaBossiere
Thomas J. Lagerstrom
Mark E. Lamb
Robert S. Lamb, Jr.
Daniel M. Lambert
Scott R. Langer
Craig E. Langman
James E. Lare
Leo W. Latonick
Larry M. Laughlin
Michael P. Laviano
George P. Lawlor
Patrick J. LeBlanc
Jeffrey W. Lee
Steven M. Lessard
William J. Lester
Bradford F. Lewis
James K. Liming
Thomas E. Lindner
Jerry M. Linenger
Donald J. Link
Frederick L. Litty III
Gregory T. Lizama
James C. Lochry
Samuel J. Locklear III
James A. Lockley
Alan L. Lohman
Aaron Long IV
Jeffrey J. Long
Michael S. Longmeier
Alexander K. Lopes, Jr.
Timothy Lorentz
Gary J. Lovan
James G. Luehman
Charles M. McCarthy
Julian D. McCarthy
Michael C. McCord
Glenn A. Mcormick
Robert C. McCoy
Bradford N. McDonald
James C. McDonald
John F. McGowan IV
Richard J. McGraw, Jr.
Thomas P. McIlravy
James F. McIsaac
Thomas B. McKee
George F. McKenzie
Archibald McKinlay VI
Paul G. McMahon, Jr.
Michael J. McNamara
Richard J. McNeil
Morgan J. McQuiston
Michael K. McVay
Richard D. McWhorter, Jr.
Burlin D. Mabrey
John C. MacKercher, Jr.
John Madaio
Robert H. Magee
Michael P. Magnotti
Terence E. Mahoney
Michael J. Mair
Gary A. Maloche
George E. Manaskie
Richard L. P. Marcantonio
Joseph P. Marques, Jr.
Jerome K. Mathre
Eugene C. Matranga
Harry G. Maugans
Richard L. Maurer
Paul J. Mazich
Richard W. Meanor
Douglas L. Meinis
Douglas C. Meister
John W. Melear
Stephen S. Merchant
Norman G. Meres
Harry F. Meyers
David R. Mickle
William J. Mickler, Jr.
Kenneth D. Milhoan
Forrest A. Miller
James R. Miller
Jerrold L. Miller
Ronald L. Miller, Jr.
Samuel C. Miller III
William H. Millward
Peter J. Misiewicz
Gary W. Mitchell
Roger V. Mitchell
Paul M. Momany
Randall K. Moon, Jr.
Carl R. Moore
Robert J. Morin
Shawn B. Morrissey
Jeffrey A. Morse
Michael F. Moylan
Robert W. T. Mulloy
Keith D. Munson
Kevin P. Murphy
Scott F. Murphy

Christopher C. Murray
Michael N. Musser
Phillip J. Nacoste
Allan R. Nadolski
Cesar C. Navarrete
Scott T. Neidhold
John S. Nelson
Philip B. Nelson
Robert F. Nichols, Jr.
James T. Nickerson
Jerome T. Nosky
Donald J. Nowicki
Patrick S. O'Brien
Brian T. O'Callaghan
Joseph J. O'Conor
Stephen J. O'Leary III
Daniel P. Olivier
Daniel J. O'Lone
Peter R. Olsen
Mark C. Ospeck
Thomas A. Osseck, Jr.
Richard W. O'Sullivan
Peter H. Ozimek
David G. Paddock
Nicholas J. Padula
Clinton L. Pagano, Jr.
Frank E. Pagano
David I. Paist
Charles S. Paramore
Joel M. Parker
Chris L. Pashos
William E. Patterson, Jr.
Stephen J. Perris
Christopher R. Perry
Lawrence J. Peruffo
Thomas R. Pickles
Francis S. Pierce
Mark J. Piscioneri
George G. M. Platz
Loren R. Plisco
Carl D. Plyler, Jr.
Dean R. Podracky
John J. Polcari
David L. Powell
Robert D. Powell
Robert J. Prodoehl
James S. Propheter
Paul A. Przyborski
Michael J. Puz
David C. Pyle
Keith J. Quigley
Kevin M. Quinn
Charles M. Racoosin
Raymond P. Ragusky
David L. Raunig
John A. Read
Oliver M. Read IV
William H. Readman
Michael E. Reed
David J. Reidy
Jeffrey A. Reinhart
Paul E. Reinhart
Steven M. Rennie
Wayne R. Repeta
Gregory S. Rice
Robert K. Rice
William L. Richards
Alan D. Richardson
Paul D. Ring
Edward B. Rogers III
Marvin L. Rogers
Mitchell A. Rosenberg
Carlos A. Rosende
Mickey V. Ross
Charles V. Rossi
Robert D. Rotz
Edward J. Rourke, Jr.
Harry V. Rouse IV
James L. Rowley
Peter J. Rucci
Thomas A. Russell
Christopher J. Ryan III
Daniel F. Ryan
Vincent S. Sadd
Thomas F. Salacka
Mark B. Samuels
David W. Sanders
Steven D. Sanders
Robert C. Sanderson, Jr.
Jeffrey K. Sapp
Colin W. Sargent
George A. Sarrell
Martin B. Sattison
Stanley L. Saunders, Jr.
Gregory R. Sawyer
Daniel J. Schenke
Walter P. Schlaepfer
Steven C. Schlientz
Michael L. Schmit
Jesse B. Schrum
David M. Schubert, Jr.
Mark A. Schuler
John J. Schwanz
Donald B. Scott, Jr.
Michael L. Scott
Michael L. Scullin
Richard T. Seaberg
Steve A. Seal
Albert G. Seither, Jr.
Roger W. Seldon
Richard E. Self
John M. Sharp
Thomas P. Shaw
Kenneth L. Shearer
James E. Sheldon
Scott S. Shephard
Robert H. Sheppard
Roger C. Sheppard
Barry S. Sherman
Eric G. Shewbridge
Daniel R. Shinego
John M. Shmorhun
Daniel R. Sigg
Sale S. Sihrer
John A. Sill
Lawrence T. Simmelink, Jr.
Ray C. Simmons
Dennis L. Simon
Lawrence D. Simpson
Robert A. Sinibaldi, Jr
Peter J. Sisa
Benjamin L. Sitler
Walter M. Skinner
Kevin R. Skjei
David J. Skocik
Lee T. Slaughter
Mark A. Slivka
Bruce E. Smith
Bruce H. Smith
Bruce S. Smith
Charles S. Smith
Daniel M. Smith
Douglas M. Smith
Eric C. Smith
Gregory F. Smith
John S. Smith
John W. Smith, Jr.
William O. Smith
Richard L. Snead
Mark S. Snow
Mark L. Sobczak
William F. Sobotka III
Monty S. Sooter
Robert M. Souders
Christopher J. Spada
Keith N. Spangenberg
Frank W. Spence
John W. Spencer, Jr.
John S. Spiker
George G. Sprung
Christopher L. Stathos
George V. Station
John G. Steele
John W. Steinmuller, Jr.
Thomas A. Stenstrom
Mark Stephenson
Thomas L. Stevenson
Donald L Stewart II
Roger E. Stewart
Ron J. Sticinski
William M. Stiles
Jeffrey J. Stone
Richard H. Stone
Joseph M. Storto
Matthew J. Streeter
John L. Strider, Jr.
Peter W. Stromann
Alfred E. Stuart, Jr.
William K. Stulb
Michael R. Sturm
George T. Sullivan
Kevin J. Sullivan
Thomas C. Sullivan
James F. Surch, Jr.
Robert D. Sutter
Dane C. Swanson
Charles W. Swinton III
Andrew B. Tamayo
Richard L. Taylor
Richard L. Thayer
Scott M. Thomas
Daniel D. Thompson
George W. Thompson, Jr.
Reginald Thompson
Richard T. Thompson
Robert L. Thompson
Timothy N. Thomson
John E. Thorp
Michael L. Thorp
Owen G. Thorp III
Pierre J. Thuot
John M. Tierney, Jr.
Bradley J. Tilgner
Albert A. Tobin, Jr.
Myles B. Toguchi
Raymond J. Tranchant
Kenneth R. Trass
Jon W. Travis
Richard C. Trimble
James Tripodi
Marc L. Troiani
Michael S. Trueblood
Raymond E. Trygstad
Michael P. Tryon
William V. Tsai
Charles J. Tuozzolo
Craig W. Turley
Elijah A. Turner
David L. Vail
Daniel T. Vallerie
John F. Varney
Billy L. Vasquez
Robert E. Vassar
Rodney D. Vaught
Thomas A. Vecchiolla
John G. Venerella
William R. Venohr
John R. Verbrycke IV
Albert P. Verhofstadt
Michael J. Vieten
James R. Vilbert
John E. Viotto
Robert R. Vogel
Frederick N. Vogt
Richard A. Voytek
John F. Vuolo
David S. Wade
David C. Wagner
Frank W. Wagner
Paul D. Wagner
Dale W. Wainwright
Daniel M. Walborn
Gary L. Waldron
Richard A. Wall, Jr.
Joseph A. Walsh
Patrick M. Walsh
Jeffrey A. Warmington
James L. Warren
Vincente L. Washington
Jeroen J. Waterreus
Charles L. Watkins
James D. Watkins
Marc A. Watson
Jeffrey D. Weddle
Stephen G. Weingart
Bruce R. Weiss
Jeffrey W. Wendel
Michael R. Wertz
Kent D. White
Richard W. White
Thomas C. White
William L. White
Timothy L. Whited
Richard M. Whitehurst
Daniel J. Whitsett
Barry N. Wilbur
Robert L. Wilde
David L. Wilkinson
Bary C. Willcox
Bernard P. Williams III
Kent A. Williams
Andrew H. Wilson
Douglas H. Wilson
Joel L. Wilson
John R. Wilson
Lyle S. Wilson
Robert G. Wilson, Jr.
Terry L. Wilton
Henry G. Wischmeyer
James P. Wisecup
Randel W. Wood
Ronald S. Wood
Winston D. Wood
Winston D. S. Wood
Mark D. Worrilow
Eric J. Wright
Garland P. Wright, Jr.
Kenneth F. Wright
Edward P. Yetsko
Stephen A. Young
Stephen L. Young
Walter H. Yourstone, Jr.
David Ziemba
Leonard A. Zingarelli

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

John W. Moore
Carlton W. Puryer, Jr.

The following-named Navy Enlisted Scientific Education program candidates to be a permanent Ensign in the line of the Navy, subject to qualifications therefor as provided by law:

Ernest G. Encino

The following-named (U.S. Navy officers) to be appointed permanent Lieutenants in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Ens. John H. Nading, USN
Ens. Kevin T. Wand, USN
Ens. Thomas G. Williams, USN

The following-named (U.S. Navy officer (ret.)) to be reappointed from the temporary disability retired list as a permanent Captain, in the line, in the U.S. Navy, subject to the qualifications therefor as provided by law:

Capt. R. T. Tolleson, USN (ret.).

The following-named chief warrant officer to be appointed a temporary Chief Warrant Officer, W-3, in the U.S. Navy, subject to the qualifications therefor as provided by law:

*Robert J. Boyle, Aviation Electronics Technician.

The following-named enlisted candidates to be appointed temporary Chief Warrant Officers, W-2, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

Harry T. Chadbourne, Ordnance Technician (Surface).

Harold C. Earls, Underwater Ordnance Technician (Surface).

The following-named officer to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Kenneth M. McDonald

IN THE NAVY

The following-named Midshipman (Naval Academy) to be a permanent ensign in the line of the Navy, subject to the qualifications therefor as provided by law:

*Richard R. Van't Hof

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Tony W. Arthur
Dennis D. Dubard
Henry Dunnenberger III
Kevin C. Ebel
Samuel F. Harrison, Jr.
Dennis L. Hopkins
Richard I. Kohls
David L. Kolthoff
Charles J. Laningham
Catherine A. Leahey
Alan J. Luptak
Gregory C. McCray
Keith D. Norvel
Carol M. Pottenger
Peter J. Rovero
Kevin B. Sullivan
Christopher K. Taylor
James L. Vaughan
Arthur W. Yendrey

The following-named Naval Enlisted Scientific Education program candidates to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Richard A. Bass
Charles E. Conner
Gregory E. Groves
James V. Hutchens
Ann M. Jochum
Richard D. Kauffold
Michael K. King
Dennis M. Miller
Charles E. Nelson
Eugene Newman
Joseph P. Scalet
Charles S. Ormson

The following-named officer to be appointed a permanent Lieutenant in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Lt. (jg.) Lynn W. O'Neal, USN
Lt. John A. Houkom, USN

The following-named temporary chief warrant officer to be appointed a permanent chief warrant officer, in the U.S. Navy, subject to the qualifications therefor as provided by law:

Timothy J. Maney, Jr.

The following-named (U.S. Navy officer (ret.)) to be reappointed from the temporary disability retired list as a permanent captain, in the line, in the U.S. Navy, subject to the qualifications therefor as provided by law:

Capt. Leonard E. Field, USN (ret.)

The following-named (U.S. Navy officer (ret.)) to be reappointed from the tempo-

* Appointment sent out Ad Interim (during the recess of the Senate).

rary disability retired list as a permanent lieutenant, in the line, in the U.S. Navy, subject to the qualifications therefor as provided by law:

Lt. Helen E. Smith, USN (ret.)

The following-named temporary chief warrant officer to be appointed a lieutenant (junior grade) in the U.S. Navy, for limited duty, for temporary service, in the classification indicated, subject to the qualifications therefor as provided by law;

Timothy J. Maney, Jr., Ordnance (Submarine).

The following-named Navy enlisted candidates to be appointed ensigns in the U.S. Navy, for limited duty, for temporary service, in the classification indicated, subject to the qualifications therefor as provided by law:

DECK (SURFACE)

James P. Werner
Perry W. Morgan
George D. Sitton III
Vernon Porter, Jr.
Billy G. Lake
Richard E. Cyrus
Garland A. Otto

OPERATIONS (SURFACE)

Isaac H. Smith, Jr.
Thomas J. Lonigan
Jerry R. Simpson
Michael R. Ingram
Ronald Urrutia
Stanley R. Martin
Harold F. Carey, Jr.
Jerry L. Dearbeck
Howard L. Crary
Alvin A. Blount
James E. Hoffman
Robert J. Allen
Edward J. Canell
John M. Faris
Arthur H. Stanwood, Jr.
Williams S. Ayers

ENGINEERING/REPAIR (SURFACE)

Joseph S. Dattoli
Homar H. Hall, Jr.
Frederick J. Keener
David A. Crutz
Dennis W. Barfield
Russell L. Dowling
Duane A. Larsen
John W. Bell
James E. Fisher
William E. Muth
Liberty E. Mann III
Thomas M. O'Leary
James J. Tenant
Duane E. Lorenz
Richard L. Jones
Jerry W. Ferranti
James W. Holland, Jr.
Leonard H. Fowler III
Rex F. Crawford
James-Barry R. Bugtong, Jr.
Edward J. Black
William L. Woodward
Mark W. Rugenstein
William C. Rhames
Frederick P. Pauley, Jr.
Elliott H. Steele
Michael L. Wachter
William E. Woods
David R. Prosser
Richard G. Tipton

NUCLEAR POWER (SURFACE)

Charles M. Harris

ORDNANCE (SURFACE)

Harold Gross
David R. Brookshire
Joseph E. Adamonis
James G. Longway
Richard W. Turner
Carl W. Slack
Melvin S. Norris
Larry J. Sneide
Danny Vaughan
Willard E. Dixon

ELECTRONICS (SURFACE)

Thomas R. Cordell
Dennis K. Martine
Donald L. Jones
David E. Robbins
Roger D. Morgan
Richard A. Ceely
William D. Askin
Henry T. Venerdi
James L. Hammond
Jack L. Davis
Freddie E. Strawder
Gerald W. Souza
Charles V. Baker
Donald M. Wilkins

OPERATIONS (SUBMARINE)

Charles B. Walker

ENGINEERING/REPAIR (SUBMARINE)

Paul B. Simerly

NUCLEAR POWER (SUBMARINE)

Joseph A. Sychterz III
Ronald W. Houchins
Michael A. McCammon
Eric M. Jones
Wayne H. Frenck
Richard P. Pasnak
Robert E Douglas
Milborn F. Wishon
John L. Schrader
Tommy E. Hall

ORDNANCE (SUBMARINE)

Samuel S. Fiore
William S. Biggerstaff
Norman A. Utterback
Thomas C. Czulewicz

ELECTRONICS (SUBMARINE)

Jerry M. Simmons
Leslie K. Gallipo

AVIATION DECK

Joseph J. G. Dunphy

AVIATION OPERATIONS

Michael W. Gowens
David R. Kramer

AVIATION MAINTENANCE

John F. Kimmel, Jr.
Alan J. Sala
Thomas J. Turner
Charles L. Mosely
Michael E. Williams

AVIATION ORDNANCE

Arthur R. Gray
Jeffrey L. McComb
Sidney M. Elliott
Danny E. Spruill
Roger L. King
William E. Edwards, Jr.
Larry J. Manley
Joseph W. McCree, Jr.
William C. Rex
Floyd E. English

AVIONICS

Larry J. Curtis
Kenneth E. Hampel
Leroy L. Lanseng
Robert E. Lemaster
James R. Rublee
Nicholas G. Dundon
Leroy F. Bright, Jr.
Stephen K. Rock
Phillip A. Weller
Patrick MacDonald

ADMINISTRATION

Zane L. Hanson
James R. Deeds
Charles W. Davis
Richard S. Tomlinson
Dennis M. Gardner
William J. Bryan, Jr.
Leonard P. Havemann
Frank H. Simonds, Jr.
Dennis P. Foster
Richard K. Prendergast
Nathaniel Green
William J. Snodgrass
Richard L. James
Gerald E. Hart
Harry M. Thompson

DATA PROCESSING

Thomas E. DeGioma
William A. Mahoney

CRYPTOLOGY

Richard T. Sansom
James W. Poole
George J. Hagerty
Ronnie E. Sammons
Carter P. Bard
Allen M. Faulk

PHOTOGRAPHY

David J. Harris
Stephen W. C. Rice
Bruce F. Moore
Bernard J. August, Jr.
James W. Vobrak

EXPLOSIVE ORDNANCE DISPOSAL

Cecil E. Barlow
Melton L. Smoot

SUPPLY CORPS

Edward W. Pacheco
Robert V. Camburn
Leslie A. Bates
Edward Wright
John H. Cresto
Clifford J. Alligood
Frederick W. Leib
Julius J. Jackson
Hammond G. Cannon, Jr.

MESS MANAGEMENT (SUPPLY CORPS)

Cornelio F. Cantos

CIVIL ENGINEER CORPS

Reynold A. Sefton, Jr.
Wayne D. Haefner

The following-named enlisted candidates to be appointed temporary Chief Warrant Officers, W-2, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

BOATSWAIN (SURFACE)

Benjamin H. Smith
James C. Massey, Jr.
David A. Olson
Michael J. Toomey
Talmadge W. Bohannon
Jonas C. Reighn
Bruce L. Syjud
Charles J. Roach
Thomas R. Waddell
Gerard E. Wagner

OPERATIONS TECHNICIAN (SURFACE)

Emory Fletcher
Richard A. Murray
Franklin E. Zurschmit
Juanita J. Carr
Jacob P. Schneider
Ronald C. Dean
Robert E. Hanes
Stanley V. Smith
Stephen H. Boike
Richard A. Ackerman
Everett M. Abernathy
Thomas E. Baker, Jr.
Carl G. Britt, Jr.
Talley V. George III
Paul H. Smith
Bernard L. Marstall
Gary P. Davidson
Wilfred L. Domingue

NUCLEAR POWER TECHNICIAN (SURFACE)

Martin T. Davis

ORDNANCE TECHNICIAN (SURFACE)

Joseph J. Ominski
George E. Larson, Jr.
Thurman L. Guthrie

UNDERWATER ORDNANCE TECHNICIAN (SURFACE)

Wayne L. Hagler

UNDERWATER ORDNANCE TECHNICIAN (SURFACE)

Wesley L. Keith

ELECTRONICS TECHNICIAN (SURFACE)

Allan J. Warden
David M. Gibbs
Armand L. Baillargeon

BOATSWAIN (SUBMARINE)

Ciscero Carpenter, Jr.

OPERATIONS TECHNICIAN (SUBMARINE)

John R. Cannon

ENGINEERING TECHNICIAN (SUBMARINE)

Norison A. Quesada

REPAIR TECHNICIAN (SUBMARINE)

Percy F. Lyon

NUCLEAR POWER TECHNICIAN (SUBMARINE)

William A. Smalling III

ORDNANCE TECHNICIAN (SUBMARINE)

Donald C. Freeser

ELECTRONICS TECHNICIAN (SUBMARINE)

Larry O. Sparks

AVIATION BOATSWAIN

George M. Agrecy
Clayton J. Heard

AVIATION OPERATIONS TECHNICIAN

Robert R. Lynchard
Albert L. Pike
Jimmie R. Seagers

AVIATION ORDNANCE TECHNICIAN

Richard T. Smith

DATA PROCESSING TECHNICIAN

Robert R. Lynchard
Albert L. Pike
Jimmie R. Seagers

INTELLIGENCE TECHNICIAN

Jon M. Springer

AEROGRAPHER

Charles M. White

PHOTOGRAPHER

Jimmy E. Portwood

EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN

Timothy C. LeClear
John T. Pye
William S. Smith
Robert E. Ericson

FOOD SERVICE WARRANT (SUPPLY CORPS)

Michael S. Marmon

The following-named (U.S. Navy officer) to be appointed a temporary Commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*CDR Larry D. Cordell, MC, USN

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29, 1977:

DEPARTMENT OF THE TREASURY

Bette Beasley Anderson, of Georgia, to be an Under Secretary of the Treasury.

Anthony Morton Solomon, of Virginia, to be Under Secretary of the Treasury for Monetary Affairs.

C. Fred Bergsten, of New York, to be a Deputy Under Secretary of the Treasury.

Gene E. Godley, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

*Appointment sent out Ad Interim (during the recess of the Senate).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Hale Champion, of Massachusetts, to be Under Secretary of Health, Education, and Welfare.

Henry Jacob Aaron, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

Richard D. Warden, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

Eileen Shanahan, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Robert S. Strauss, of Texas, to be Special Representative for Trade Negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary.

DEPARTMENT OF DEFENSE

Gerald Paul Dinneen, of Massachusetts, to be an Assistant Secretary of Defense.

David E. McGiffert, of the District of Columbia, to be an Assistant Secretary of Defense.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be general

Lt. Gen. William G. Moore, Jr., [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be brigadier general

Colonel John B. Conaway, [redacted] FG, Air National Guard.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. William Bennison Fulton, [redacted] Army of the United States (major general, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lieutenant General John Alfred Kjellstrom, [redacted] Army of the United States (major general, U.S. Army).

IN THE NAVY

Rear Adm. Kenneth M. Carr, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

The following colonels of the Marine Corps Reserve for appointment to the grade of brigadier general under the provisions of title 10, United States Code, section 5902:

Kenneth W. Weir
John B. Hirt

Lieutenant General John N. McLaughlin, U.S. Marine Corps, when retired, to be placed on the Retired List in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

IN THE AIR FORCE

The following officer under the provisions of Title 10, United States Code, Section 8066, to be assigned to a position of importance and responsibility designated by the President under Subsection (a) of Section 8066, in grade as follows:

To be general

Lt. Gen. John W. Roberts, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of Section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Rutherford McGiffert II, [redacted] U.S. Army.

IN THE MARINE CORPS

Maj. Gen. Andrew W. O'Donnell, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, U.S. Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE ARMY

Army nominations beginning James J. Hill, to be colonel, and ending David C. Zimmerman, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 14, 1977.

IN THE NAVY

Navy nominations beginning David H. Acton, to be lieutenant, and ending Jeri M. Rigoulot, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 1, 1977.

Navy nominations beginning Ronald J. Abler, to be lieutenant commander, and ending Margaret F. Hamman, to be lieutenant commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 1, 1977.

EXTENSIONS OF REMARKS

BYRD AMENDMENT REPEAL DISGRACEFUL

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 29, 1977

Mr. HARRY F. BYRD, JR. Mr. President, I have maintained for many years now that the punitive sanctions imposed on Rhodesia by the United Nations were hypocritical and ineffective.

The hypocrisy stems from the fact that the Government of Rhodesia is no more illegal, no more oppressive, and no more undemocratic than a great many other governments within the United Nations. Yet Rhodesia is the only nation to date to be singled out for total sanction by the U.N.

Many of the leading members of the U.N. have ignored the sanctions while publicly paying lip service to them.

Despite these multiple hypocrisies, the United States has complied with the U.N. sanctions rigorously with the single exception of strategic materials vital to the defense of the United States.

None has addressed this subject better than did the syndicated columnist, James J. Kilpatrick, in the column published throughout the United States last week. I ask unanimous consent that the text be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BYRD AMENDMENT REPEAL DISGRACEFUL

(By James J. Kilpatrick)

WASHINGTON.—The House and Senate voted with a whoop and a holler last week to repeal the Byrd amendment on Rhodesian chrome. An exultant President signed the bill the next day. "This puts us on the side of what's right and proper," he said. It was a fatuous remark, but no more than what we are learning to expect from Mr. Carter.

Until it was snuffed out a few days ago, the Byrd Amendment was the one bright flame of truth in a murky world of diplomatic falsehood. As such, it was a great embarrassment. In the midst of ten thousand lies, there stood the Byrd Amendment: Little Orphan Honesty. Observers of the African scene were perplexed: What's a nice kid like you, they kept saying, doing in a joint like this?

During the five years of its existence, the Byrd Amendment provided the only breath of integrity in the UN's fetid swamp. The amendment openly, unapologetically, without shame or subterfuge, authorized the importation of Rhodesian chrome. The amendment was in palpable violation of the United Nations' sanctions against trade with Rhodesia. So long as it remained on the books, the amendment made Uncle Sam a kind of pariah, as welcome as Billy Graham at an East Side orgy.

With this irritating splinter removed, the United States may again be as crooked, as deceitful, as filled with hypocrisy, as everybody else. And this will be a tremendous relief. For the past ten years, since the UN imposed these punitive sanctions, none of the leading members of the UN has paid the slightest attention to them. Visitors to Salisbury have marveled at the evidence of worldwide commerce before their eyes—Toyota from Japan, Fiats from Italy, Volkswagens from Germany, Chevrolets from the United States. Every major nation of the world has violated the sanctions in every conceivable way.

Rhodesia produces the finest matellurgical chrome in the world; and for the past ten years, despite the UN embargo, Rhodesia has sold every ton that could be mined. The ore has gone to Russia, to England, to German, and of course to the United States. The ore will continue to find its way into the channels of steel production worldwide. The only difference, now, is that the cheating will be unanimous.

Mr. Carter, maintaining his fatuity record in this regard, referred the other day to the "illegal" regime in Rhodesia. The regime at Salisbury is precisely as "illegal" in its origin, neither more nor less, than Mr. Carter's regime in Washington. As we were reminded to the point of saturation throughout 1976, the United States came into being by means of a unilateral Declaration of Independence from Great Britain. Our forefathers were rebels, traitors, revolutionaries. And not to

put too fine a point upon it, they were racists also—dedicated to denying the black slaves the most elementary human and civil rights.

In the name of conscience, in the name of history, how can the Americans of that inheritance denounce an "illegal, racist regime" in Salisbury? The government of Rhodesia is no more illegal than any other government born of revolution; and it is no more oppressive or undemocratic than dozens of other regimes that are cordially welcome in the family of nations.

The whole business is disgraceful. Mr. Carter has won repeal of the Byrd Amendment. His next stop will be to obliterate the tiny Rhodesian information Service that has been operating modestly in Washington for the past decade. Not a single dissenting voice is to be permitted. Root and branch, the last vestige of a Rhodesian presence is to be stamped out.

This is the scenario: The peaceful, inoffensive government of Ian Smith under which the blacks of Rhodesia have attained the highest standards of health, education and personal income in southern Africa, is to be toppled. The country then is to be delivered into the hands of power-hungry terrorists, Marxist in their orientation, who will set up a one-party dictatorship in the fashion of Zambia, Mozambique and Angola. The native blacks will have no effective voice in their destiny: they will be worse off than they are now. Most of the white Rhodesians will leave, and a long dark night will begin.

In that dreary prospect, repeal of the Byrd Amendment fits perfectly. In the UN's essentially dishonest atmosphere, polluted by a double standard of international morality, the Byrd Amendment was too good to survive. Let it go. Asking the UN to tolerate truth is asking too much.

ON BEHALF OF SHCHARANSKY AND HUMAN RIGHTS—DON'T LET THE SOVIETS OFF THE HOOK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. KEMP. Mr. Speaker, I want to bring to the attention of my colleagues an editorial entitled "The Sakharov Challenge." In light of Secretary Vance's trip to the Soviet Union, as well as the anticipated visit of Natalia Shcharansky to Washington this Friday, it is most important for us all to be aware of the current state of human rights in the Soviet Union and to pledge our efforts to assist those who have been victimized by Soviet policy.

I have personally expressed my strong support for the ideas expressed in this editorial to President Carter, for I concur with Mr. Sakharov that we must not allow our strength of conviction to falter in reaction to Soviet criticism. Therefore, I call attention to this editorial, and I urge all in Congress to continue support for the human rights efforts of President Carter.

While Brezhnev is telling Secretary Vance that the efforts toward SALT II and human rights are contradictory, I believe they are not. Indeed, a SALT II agreement, without a Soviet liberalization of its "police state" activities against Jews and Christians and other so called dissidents, would be shallow, indeed. For as Sakharov warns, if the United States lets up, it will only encourage the Soviets to be more repressive and lead to tragic consequences.

The article from the Wall Street Journal of March 25, 1977, follows:

THE SAKHAROV CHALLENGE

Nobel laureate Andrei Sakharov, whose correspondence with President Carter has especially upset the Kremlin, has issued a public challenge to the President in connection with Secretary of State Cyrus Vance's Moscow trip this weekend. If the President is really serious about his human rights campaign, Mr. Sakharov says, he must come to the support of Anatoly Shcharansky.

Mr. Shcharansky, a computer specialist active in the Jewish emigration movement, was arrested in Moscow last week. Tremors instantly spread through the Soviet dissident community, since Mr. Shcharansky had earlier been accused in Izvestia of spying for the CIA. A police spokesman said the arrest was for suspicion of a "crime against the state," the category including treason and espionage. Recently most dissidents have been charged with crimes like "slandering the Soviet state," which have at least some legalistic reference to their actual activities. The introduction of espionage charges is an atavism of the Stalinist era.

It is even more ominous that a Jewish emigration leader was singled out as the target of espionage charges. Anti-Semitism is never far below the Russian surface, but it has emerged with unusual viciousness in recent weeks. Russian prime time television has twice carried a film called "Traders in Souls" attacking Jewish activists as "soldiers of Zionism" and then providing their names and addresses, presumably for viewer reaction. Another TV movie charges a Jewish conspiracy to kill Lenin, and so on.

Israeli Foreign Minister Yigal Allon sees in the Shcharansky arrest "a new dimension in the persecution of the emigrant activist movement, in fact against all Jews—a grave and worrisome dimension such as we have not known for the last 25 years." Mr. Shcharansky himself said recently that the atmosphere "smelled of pogrom."

Mr. Shcharansky is further symbolic because he has been refused permission to emigrate to Israel, though his wife was given an exit visa and is now an Israeli citizen. (She was in fact in New York this week trying to get support for her husband from United Nations officials.) The Helsinki agreement, duly signed by the Soviet Union, the United States and others, not only generally calls for greater freedom of movement, but has explicit provisions on family reunion.

The Shcharansky arrest provoked a press conference by Mr. Sakharov and about 20 other dissidents, which received astonishingly little attention in the American press, but was extensively reported by Robert C. Toth in a front-page story in the Los Angeles Times. Mr. Sakharov said the arrest was a "challenge" to President Carter, and "an attempt to blackmail the new administration, before the visit of Secretary of State Vance, to give up its principled stand on defending human rights all over the world."

The embattled dissidents feel that the Kremlin is unleashing an especially vicious crackdown in an attempt to persuade the U.S. that talking about human rights is counter-productive, and that the U.S. will silence its criticism in order to reach agreement on matters affecting other American interests. But Mr. Sakharov warned that the Soviet authorities will be emboldened to further repression if Mr. Carter is silent on the Shcharansky case: "Any hestitation will have very tragic consequences."

President Carter has in fact been quite steadfast in his human rights campaign, telling Senators not to get nervous every time Chairman Brezhnev sneezes and proposing additional funds for the Voice of America, Radio Free Europe and Radio Liberty. Even so, his human rights campaign will come under a cloud if he ignores the Sakharov challenge. With Secretary Vance headed for Moscow, President Carter should make it publicly clear that whatever deals may be struck, the U.S. recognizes the especially disturbing overtones of the Shcharansky arrest.

FOOD-FOR-PEACE HUMANITARIAN SHIPMENTS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. ZABLOCKI. Mr. Speaker, I have introduced a bill designed to strengthen an important humanitarian provision of the food for peace program (Public Law 480), by increasing the minimums for title II food distributions abroad by 300,000 tons. Title II shipments are donations of food to needy people, particularly to young children and mothers, to the poor through food-for-work projects, and to disaster victims. Sponsoring these programs of overseas distribution are American voluntary agencies, the world food program and other international organizations, and governments of the recipient countries.

The International Development and Food Assistance Act of 1975 set a minimum of 1.3 million tons a year for title II of which a minimum of 1 million tons was to be distributed through nonprofit voluntary agencies and the world food program. I was deeply concerned upon learning late last year that actual shipments in fiscal 1976 were considerably below the 1.3 million tons programed. My exchange with the executive branch on this matter appears on page 35793 of the CONGRESSIONAL RECORD of October 1, 1976. The executive branch programed 1.4 million tons for fiscal 1977.

This bill would raise the title II minimum to 1.6 million tons, a modest increase above the 1.5 million tons which the President proposed for fiscal 1978. The minimum for nonprofit voluntary agencies and the world food program would be raised to 1.3 million tons. The minimums would apply within the Public Law 480 total, without raising the overall level of commodities distributed under the law.

I want to stress again that in setting the title II minimum, the Congress did not intend that executive branch planners should regard that as a maximum. I believe this bill merits serious consideration as a step forward for this worthy program in view of the record of its implementation to date.

THE PROPOSED SACCHARIN BAN MUST BE CHALLENGED

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. PEPPER. Mr. Speaker, like millions of Americans, I have been disturbed by the Food and Drug Administration's proposed ban on saccharin, which is the only legal sugar substitute available in the United States.

I believe the FDA acted precipitously and with little regard for the effect this action would have on the millions of Americans who rely on saccharin. As chairman of the Select Committee on Aging, I am especially concerned over the effect it would have on our older citizens. They will be hit hardest by this action, for it is they who suffer most from diabetes and the other chronic illnesses which require the use of sugar substitutes.

On March 21, 1977, I testified in opposition to the ban before the Subcommittee on Health and the Environment of the Committee on Interstate and Foreign Commerce. I wish to share these remarks with my colleagues, and I include them in the RECORD at the conclusion of my statement.

I have joined with my colleague, Congressman JAMES MARTIN, in sponsoring H.R. 5166. This bill would amend the Delaney clause to permit the use of certain additives if their benefits are found to outweigh any risk involved in their use. The Secretary of Health, Education, and Welfare would be required to obtain the recommendations of an advisory committee composed of scientists, consumer and industry representatives, nutritionists, economists, lawyers, and persons who are qualified to evaluate the cancer-producing effect of the additive in question. Orders proposed in this fashion would not take effect until 120 days after they were published in the Federal Register. I am hopeful that this legislation will receive the early and favorable consideration of the Congress.

Mr. Speaker, as I emphasized in my testimony, I believe the Government must take a strong stand to protect our people against health hazards. But I also believe they expect us to temper our concern for the public health with sound judgment. I believe they want us to be reasonable. Reason simply must be a factor in our judgments of this nature, and I am hopeful that the FDA will apply this standard with regard to the issue of saccharin.

STATEMENT BY CONGRESSMAN CLAUDE PEPPER

Mr. Chairman, as one who has served in the Congress for many years, I am well aware that we sometimes make determinations the ramifications of which are beyond our ability to comprehend. Despite our efforts to maintain reason and balance, we are, on occasion, caught in the web of our own hindsight. At times we become victims of our good intentions.

Perhaps the FDA ban on saccharin is an example of this phenomenon. Millions of Americans think so. They think we have violated their freedom of choice. They think this time we've gone too far, and frankly, Mr. Chairman, I am not so sure they are wrong.

The FDA tells us a human would have to drink more than 800 twelve-ounce cans of diet soda a day—the equivalent of some 4,000 packets of saccharin a day— to risk developing the cancer that killed the Canadian rats.

Now I certainly don't mean to sound unsympathetic with the plight of those poor rodents. If this ban goes through, they will have earned their place in history.

But neither can I ignore the effect this action will have on the millions of Americans who rely on our good judgment in the conduct of public business. I speak in behalf of the elderly, for it is they who will be hit hardest by this action. It is they who suffer most from diabetes and other chronic illnesses which require the use of sugar substitutes.

We know that some 10 million Americans suffer from diabetes. It is the third leading cause of death in our country—and it contributes to heart attack, blindness, kidney disease and gangrene. Eighty-five to ninety percent of those persons are over 40 years of age, and many of them rely on sugar substitutes such as saccharin to help control this disease. If we take saccharin off the market, what have we left them? What choice have we left the millions of Americans who suffer from chronic obesity? That in itself is a health hazard, yet without a substitute for sugar, we have left them only the choice to to without the pleasure of sweetness.

Lest I be misunderstood, I want to emphasize that I believe the government must take a strong stand to protect our people against health hazards. But I also believe they expect us to temper our concern for the public health with sound judgment. I believe they want us to be reasonable.

The FDA tells us it might allow the use of saccharin with a doctor's prescription. We are given this option with little regard for the fact that it would add bureaucratic paperwork to the already too thick jungle of government regulations. Moreover, the Library of Congress has indicated that it could triple the cost of saccharin. Our elderly people who live on a low fixed income simply can't absorb cost increases like that.

Let me offer another word of caution. We must not let our preoccupation with saccharin cloud our vision and block out the other components of our diet that could potentially be cancer-causing. For example, some of our esteemed leaders in the field of medicine tell us there is a substance called aflatoxins that is found in peanuts. This is an ominous development. Before long, we might have to ban peanuts. Then we might as well pack our bags, because the Congress would surely be dissolved, and we'd all be sent home!

Mr. Chairman, if conclusive evidence is presented to confirm a health hazard, I will certainly support the ban. But at this time, I feel the action taken by the FDA is precipitous and unreasonable.

The FDA itself acknowledged that it was acting under requirement of Federal law. Mr. Sherwin Gardner, Acting Commissioner of Food and Drugs, said, and I quote: "We have not concluded that saccharin is an immediate hazard to human health." He also said: "We have no evidence that saccharin has ever caused cancer in human beings."

So the FDA acted not necessarily because it foresees health danger for our people, but because the law requires it.

The Delaney clause, which was authored by our distinguished colleague, has served us well. It reflects the appropriate interest of the Congress in protecting our people from substances which could jeopardize human health and life.

We will not abandon our concern, but I believe the time has come to determine what changes might be necessary in light of developments in science and medicine.

Several proposals aimed at revision of the Delaney clause have been offered, and I believe they deserve careful consideration by the Congress.

Finally, I urge that the FDA reconsider its proposed ban. There is ample evidence that the medical community is not in accord on the interpretation the FDA has made. The FDA should undertake a careful review before a formal proposal is published.

I appreciate having the opportunity to give you my views, Mr. Chairman. I am confident that the Congress will develop an appropriate response to this unwise and ill-conceived action.

Thank you.

A SALUTE TO JEROME WHITEHEAD AND THE MARQUETTE WARRIORS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. McCLORY. Mr. Speaker, last night in Atlanta, an unlikely team won one of the biggest prizes in American sports. Marquette University's Warriors, with seven losses during the regular season, were a tarnished contender for a tournament invitation, much less the NCAA basketball championship.

But under the direction of its superb coach, Al McGuire, Marquette played its best basketball of the season in its five tournament games. The Warriors climbed to the championship by beating talented teams: Cincinnati, Kansas State, Wake Forest, North Carolina-Charlotte, and finally, North Carolina. And today they sit atop the basketball world.

Mr. Speaker, my congressional district naturally ends at the Illinois-Wisconsin border, and I represent neither Marquette itself nor any other part of Milwaukee. But one of Marquette's stars, center Jerome Whitehead, is a constituent of mine from Waukegan, Ill.

Indeed, without Jerome Whitehead, there may have been no championship for Marquette. It was he who scored at the buzzer in the semifinals Saturday to give his team a two-point win and a chance to play for the title.

In that semifinal against North Carolina-Charlotte, Jerome Whitehead made the difference not only at the finish, but throughout the game. He literally played the game of his life, scoring 21 points and snatching 16 rebounds against a team renowned for its aggressive play under the backboards.

Last night against North Carolina, Whitehead contributed 8 points, including some critical free throws, and was the game's leading rebounder with 11.

Mr. Speaker, very few young men ever achieve what the Marquette Warriors did last night. Jerome Whitehead's contributions will be a continuing source of pride

for his family, his friends, coaches, and teachers at Waukegan High School, and the entire Waukegan community.

I rise today to salute Jerome Whitehead, his parents, Mr. and Mrs. John Whitehead, and the entire Marquette team.

FIREMAN'S FIREMAN: CHIEF EARL LEVY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. FUQUA. Mr. Speaker, the image of the fireman is deeply embedded in the hearts and minds of the American people. Every child has been excited at the sound of the siren, the flashing lights, and the bright red trucks speeding to answer an alarm.

That scene masks a very serious and dangerous occupation, one in which many have lost their lives serving others.

One of the finest men ever to serve the profession has completed 40 years of service as a fireman with the Tallahassee, Fla., Fire Department. He is Earl Levy, the chief of that department, and one who is respected in and out of the profession.

A tribute which says it all was published recently in an editorial in the Tallahassee Democrat, the newspaper serving my State's capital city. As a tribute to this remarkable gentleman, and his profession, I ask that it be printed in the pages of this journal for others to share:

CONGRATULATIONS CHIEF

Fire Chief Earl Levy began his 51st year as a Tallahassee fireman today. Tuesday he celebrated his conclusion of 50 years of service, a truly remarkable accomplishment.

It was March 15, 1927 that Levy, a youth of 16 years, began work with the fire department. He advanced through the ranks and on May 1, 1940 was appointed chief of a department which had nine men and one station. Today there are more than 100 in the department working out of five stations.

During the past half a century Levy has displayed not only a devotion to duty, but a devotion to improving the capabilities of the fire department and of the men who work for it. As a result of his efforts Tallahassee enjoys the best fire insurance rating of any city in the Southeast.

A constant training program is carried out within the department. Firemen study the latest techniques and also become familiar with those buildings to which they might be called.

Many honors have come to Levy over the years and he has served with many organizations interested in fire safety.

He has served as president of the Southeastern Division of the International Association of Fire Chiefs. He has appeared on programs of the National Fire Department Instructors Conference and served as chairman of the Educational Committee of State Fire Chiefs when that committee was instrumental in getting fire fighting service courses, leading to an associate degree, accepted on the college level.

Seven years ago, on the anniversary of his 30 years as chief, Levy was honored with a dinner and with special resolutions adopted by both houses of the Florida Legislature and the Cabinet.

Levy's golden anniversary as a fireman was quiet. City Commissioners adopted a resolution honoring him at last night's meeting. For chief, however, it was another work day, one more since he had joined the department 18,263 days ago. We hope he will have many more.

In the most honorable sense of the word, Chief Levy has been a public servant. We congratulate him for it. Tallahassee is rightfully proud and thankful for his service.

SACCHARIN BAN MUST GO

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. COLLINS of Texas. Mr. Speaker, the recent decree by the Federal Drug Administration to ban the use of saccharin reflects the damaging power of bureaucracy. Five million pounds of saccharin are consumed annually in the United States—three-quarters of it in soft drinks. Ten million diabetics, 40 million overweight Americans, and those with heart disease and hypertension depend upon this chemica to control their diets.

Saccharin has been in use for approximately 80 years, with no evidence that it has ever produced cancer in human beings. The rats who developed cancer as a result of the Canadian tests were fed diets containing 5 percent saccharin. My calculation is that a person would have to drink the equivalent of 1,250 12-ounce bottles of dietetic soda a day or eat more than 4,000 packets of saccharin a day to ingest a quantity of saccharin comparable to that fed to the rats. When you consider that drinking 50 cans of pure water a day can be fatal, it becomes evident that an overabundance of any chemical can upset the body chemistry.

In 1958, the Congress passed the Delaney amendment, enacted as a part of the Food, Drug and Cosmetic Act, which flatly bans the use of any food additive which "is found to induce cancer when ingested by man or animal." The FDA maintains that they are not allowed any leeway or discretionary judgments under the provisions of the Delaney clause.

I feel it is imperative that the Delaney amendment be reexamined. I am sponsoring a bill to require all food additive safety tests to be based upon—first, the probable human consumption of the foodstuff; and second, the cumulative effect of the food additive in the human diet. Applying these reasonable standards will prevent arbitrary bans, such as the one proposed for saccharin.

I am now pressing for legislation which will prevent FDA implementation of the proposed ban until a complete congressional investigation has been conducted. The FDA is allowing 60 days for public comment, and a final decision on the proposal will be made at that time.

Since the saccharin ban announcement, approximately 80 percent of my mail has been from constituents voicing their opposition to the FDA proposal. Not one letter has been in favor of the ban.

Here are some excerpts from the thousands of personal and most sincere letters of the folks in Texas:

"If they are going to ban Saccharin, then why not ban cigarettes from the market and prevent lung disease and cancer?"

"I am very concerned about the proposed ban on Saccharin. One very good reason is my 94 year-old mother. She is a diabetic and has learned to live with it, thanks to Saccharin."

"My 11-year old diabetic son has depended on Saccharin to be as normal as possible. Without it, he would have to increase the already large dosage of daily insulin and eat sugar."

"My husband is a dentist with a B.A. in Chemistry, and I am a dental hygienist with good training in nutrition. If we were going to ban a sweetener, sugar would be it."

"As a lifetime Weight Watcher, I restrict my intake of sugar and am totally dependent on artificial sugar (currently Saccharin products)."

"The people are fed up with big government! We do not like to be told by Washington what we can eat, drink, wear or play with. It should be our choice."

PROCLAMATION

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. ABDNOR. Mr. Speaker, today marks the fourth anniversary of the end to one of the most tragic eras of this century. March 29, 1973, ended the participation of American forces in Southeast Asia. To honor those citizens of the great State of South Dakota and our Nation who suffered and sacrificed during that conflict, I urge that we give tribute on this day. The Governor of South Dakota, the Honorable Richard F. Kneip, has urged the citizens of our State to honor those who served; and I echo his proclamation. I would ask that his executive proclamation be included in the RECORD.

EXECUTIVE PROCLAMATION

Whereas, March 29, 1977, marks the Fourth Anniversary of the end of the American participation in the South East Asian Conflict; and,

Whereas, The United States Government has set aside the Twenty-Ninth Day of March as Vietnam Veterans Day; and,

Whereas, South Dakotans are a people with a deep and continuing faith in the aims and principles of the United States and its Constitution; and,

Whereas, Citizens of the United States have always sent their sons and daughters to serve that Government and Constitution, and have further always given to those who serve respect and honor because of that service; and,

Whereas, Over twenty-five thousand of this State's men and women participated in the Citizen-Soldiery of the Vietnam Era and have served with honor and distinction;

Now, therefore, I, Richard F. Kneip, Governor of the State of South Dakota, do hereby proclaim Tuesday, March 29, 1977, as Vietnam Veterans Day in South Dakota, and in suitable recognition of that day request that the flag of the United States be dis-

played on all public buildings, on our streets and on our homes. I also urge that civic and patriotic organizations participate in and give enthusiastic support to appropriate ceremonies marking this special day. I further ask all South Dakotans to participate as fully as possible in the spirit of this day, remembering those who made the sacrifices, those who gave their lives, those who are disabled, those who are still missing and all whose lives were interrupted by their service to our country in the Armed Forces, because of our Vietnam involvement.

OFFICE OF DRUG ABUSE POLICY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. ROGERS. Mr. Speaker, as most of my colleagues are aware, last year the President signed into law legislation establishing an Office of Drug Abuse Policy within the Executive Office of the President. This office is to make recommendations to the President with respect to policies for, objectives of, and establishment of priorities for, Federal drug abuse functions. In addition, it is to coordinate the performance of such functions by Federal departments and agencies. This office replaced the Special Action Office on Drug Abuse Prevention, which was established in 1972.

Unfortunately, the former administration failed to implement the legislation establishing this office, despite the clear statutory requirement that it do so. I am very pleased that the President has announced that he is activating the Office of Drug Policy, and that he has appointed a distinguished physician, Dr. Peter G. Bourne, as Director-designate. Early activation of the office is clear evidence of the President's commitment to the fight against drug abuse, as well as his commitment to work closely with the Congress on matters of mutual concern.

For the information of my colleagues, I am inserting the memorandum signed by the President which activates the Office of Drug Abuse Policy in the RECORD at this point:

ACTIVATION OF THE OFFICE OF DRUG ABUSE POLICY—ODAP—AND REVITALIZATION OF THE STRATEGY COUNCIL

Drug abuse continues to drain our human resources, especially from our youth, with no end in sight. I am determined that we make every effort to reverse this trend, and, therefore, effective with the date of issuance of this memorandum do hereby establish the recently enacted Office of Drug Abuse Policy (ODAP). I look forward to early confirmation of the nominations which I have sent to the Senate of Peter G. Bourne and Lee I. Dogoloff for the positions of Director and Deputy Director respectively.

The Office of Drug Abuse Policy shall be responsible for carrying out the Congressional mandate specified in the law. In addition, and to the maximum extent permitted by law, the Director of ODAP is hereby directed to fulfill the following responsibilities:

Recommend government-wide improvements in the organization and management of Federal drug abuse prevention and control functions, and recommend a plan to implement the recommended changes;

Study and recommend changes in the resource and program priorities among all agencies concerned with drug abuse prevention and control;

Assume the lead role in studying and proposing changes in the organization and management of Federal drug abuse prevention and control functions, as part of my promise to reorganize and strengthen government operations; and

Provide policy direction and coordination among the law enforcement, international and treatment/prevention programs to assure a cohesive and effective strategy that both responds to immediate issues and provides a framework for longer term resolution of problems.

In addition, I am abolishing the Cabinet-level committees concerned with international narcotics control, drug abuse prevention, and drug law enforcement created by previous Administrations, and am directing that the Strategy Council, created by the Drug Abuse Office and Treatment Act of 1972, be revitalized and serve as the government-wide advisory committee for this problem area. Also, I am adding the Secretary of the Treasury and the Director of the Office of Management and Budget as fully participating members of the Council. The Director of the Office of Drug Abuse Policy shall serve as Executive Director of the Council.

The Council shall be supported by Working Groups for supply control and demand reduction, and be composed of personnel from each of the concerned agencies.

I am confident that you will provide your full support to ODAP and the Strategy Council in the performance of their tasks.

JIMMY CARTER.

INTRODUCTION OF A BILL TO PROTECT THE HEALTH OF SMOKERS AND NONSMOKERS IN PUBLIC PLACES

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. BEARD of Rhode Island. Mr. Speaker, I am introducing a bill today that would effectively strengthen the efforts of the Federal Government to provide clean air for all its citizens and at the same time, remove one of the most aggravating problems in our public life, namely, the practice of smoking in public places.

It is high time that cigarette packaging communicate something more significant than the usual warning from the Surgeon-General. I am proposing that such packaging specifically name the diseases that we now know are caused by cigarette smoking.

At the same time, my bill would outlaw smoking in all Federal buildings and provide for all new Federal construction to provide designated places where a smoker cannot produce harmful tobacco smoke that would interfere with a person's right to breathe clean air.

My bill also provides for special smoking areas in all bus, train, and airplane terminals. Smoking would be prohibited in terminal restaurants, cafeterias, waiting rooms, and ticket offices.

I call attention to similar statutes that have been passed in some States and localities, notably in my own State of Rhode Island where the antismoking ordinance went into effect just last week. That bill prevents smoking in churches, supermarkets, museums, movie theaters, schools and hospitals. I think it is high time for action to be taken on a Federal level to deal with this increasingly serious problem.

AGRICULTURAL AND ENVIRONMENTAL RESEARCH ACT OF 1977

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. BROWN of California. Mr. Speaker, I am introducing a bill today which will hopefully take the Nation one step further on the path toward improved maintenance and protection of our environment.

The legislation, known as the "Agricultural and Environmental Research Act of 1977," simply amends those laws which authorized the establishment of the land-grant colleges, the U.S. Extension Service, the State Agricultural Experiment Stations, and the Agricultural Research Service, to enable these institutions to engage in endeavors that will maintain, preserve, and improve the environment.

Such specific authority should help increase education, research, and practical demonstrations related to developing improved conservation utilization practices applicable to land, water, energy, and organic matter resources.

These particular branches of the USDA are equipped to provide immediate leadership in the fields of education, research, demonstration, and application of new and improved farming practices, techniques, and technology.

The affects of our agricultural system on the quality and quantity of soil, water, and organic matter are acute. A recent GAO report stated:

If the United States is to continue to meet its own food needs and help alleviate world food shortages, it must maintain its topsoil. Estimates of soil losses for 283 farms GAO visited on a random basis in the Great Plains, Corn Belt, and Pacific North-west indicate that topsoil losses are threatening continued crop productivity.

Soil loss has continued to increase until approximately 84 percent of the 283 farms tested by GAO had losses over the maximum acceptable limit of 5 tons per acre. As this soil is washed away, valuable nutrients are taken with it affecting the remaining degree of soil fertility and productivity.

Such erosion also damages the quality of our water as wind and water runoff carry chemical biocides and nutrient-laden soil into our rivers, lakes, and streams.

There are various ongoing soil conservation programs within the U.S. Department of Agriculture but the Soil Conservation Service has stated that their efforts under the small watershed program, which receives a major focus, only retard 1 percent of this annual runoff of sediment into our water bodies.

Additional research, instruction, demonstration, and application of new conservation methods would help to improve this situation. Hopefully, if Congress were to indicate its strong support of such an environmentally concerned focus through legislation like that I am introducing today, the U.S. Department of Agriculture will assume a leadership role in the effort.

SMALL BUSINESS LEGISLATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. ZABLOCKI. Mr. Speaker, I am again introducing a bill to amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes. This measure, which I introduced in the 94th Congress and have supported for years, would provide relief to the owners and operators of small businesses and assist in our effort to reduce the rate of inflation in our economy. It would change the quarterly wage reporting system for social security purposes, IRS form 941, to an annual system utilizing the existing W-2 form. It would also result in substantial paperwork reduction and form simplification, and in appreciable clerical and accounting savings to small businesses.

The owners and operators of small businesses are hard hit by the crush of inflation which increases the cost of doing business—and reduces the income essential to continuing in business.

Certainly, with the economy as it is, we must look to measures which will help to stimulate business and thus strengthen our economy.

The economy of our country is based on the prosperity of 8.8 million small businesses nationally, including nearly 200,000 in Wisconsin. If these firms fail—then so shall our economy fail. Many of these small businesses are now struggling against the pressures of reduced income and increased costs as inflation takes its toll.

We have the opportunity to reduce one of the costs of doing business by reducing the burden of paperwork through the legislation that I have introduced today.

There will be no reduction in revenue essential to the social security system if my legislation is enacted by this Congress. In addition, the Internal Revenue Service favors the bill as they see no need for companies to file quarterly.

Small businesses will realize a savings of time and money, and one of the many pressures will be eased for this very important and necessary segment of our economy.

The cost of doing business, naturally, is passed on to the consumers, and anything we can do to reduce that cost will just as naturally reduce the need to increase costs of goods and services to consumers and thus combat inflation.

It is important to note that the bill I introduced will cost the U.S. Treasury nothing—but it will contribute greatly to the incentive of investing capital and labor in the small businesses of America.

I urge my colleagues to consider the proposed amendment to the Internal Revenue Code and support this legislation.

THE LEGISLATIVE VETO IS CONSTITUTIONAL

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. LEVITAS. Mr. Speaker, so much has been said recently about the constitutionality of the legislative veto that I am encouraged to see an informed opinion on the question by such a renowned constitutional law scholar as Prof. Arthur S. Miller of the National Law Center at the George Washington University.

Professor Miller's credentials are impeccable. He received an A.B. from Willamette University in 1938; his law degree from Stanford University in 1949; and a J.S.D. from Yale University in 1959.

Professor Miller has been a professor of constitutional and administrative law at the George Washington University and Emory University, as well as a lecturer in the advanced study program at the Brookings Institution.

He has also worked on a consultant basis for the Government. From 1970 to 1975, he was a consultant to the Senate Subcommittee on Separation of Powers; a consultant to the General Accounting Office from 1975 to the present; and the chief consultant to the Senate Select Committee on Presidential Campaign Activities during 1973-74.

As an author, Professor Miller has published 5 books on constitutional law and has written more than 80 articles in legal periodicals. He is a frequent contributor to newspapers and magazines; often asked to testify before congressional committees; and a frequent participant on television and radio programs.

His scholarship and understanding of the constitutional framework of our Government underpins this important article which originally appeared in the Los Angeles Times of March 20, 1977, and I commend it to the attention of our colleagues and the public:

CONGRESS AGAINST PRESIDENT: BATTLE LOOMS OVER LEGISLATIVE VETO

(By Arthur S. Miller)

Despite the compromise on the prickly issue of government reorganization, a major constitutional battle between the President and Congress still could erupt soon over the so-called "legislative veto."

The legislative (or congressional) veto is a technique by which Congress delegates powers to the executive branch, while reserving the right to scrutinize—and to approve or disapprove—specific White House actions. Although attention this year has centered on President Carter's request for reorganization powers, the problem is far broader.

Carter wants basically the same power that his predecessors from Franklin Roosevelt through Richard Nixon had—to propose reorganizations of the executive branch which would become effective unless disapproved by either house of Congress in 60 days. The Senate on March 3 voted, 92-0, to give him those powers. But he was challenged in the House by Rep. Jack Brooks (D-Tex.), who maintained that the procedure "stands the Constitution on its head."

When Brooks saw that Carter had the necessary votes, however, he agreed to a compromise, which was approved last week by the House Government Operations Committee and is expected to be approved next week by the House.

Under the compromise, Congress is more likely to get a chance to approve or disapprove White House reorganization proposals than might otherwise have been the case. Such proposals in the future could not be bottled up in committee; after 45 days, they would automatically go to the floor of the House or Senate, where only one member's request would bring a roll-call vote. Unless one House disapproved, the proposal would take effect after 60 days. The compromise would limit to three the number of reorganization plans the President may have pending before Congress at one time.

The larger constitutional problem still remains, however. Numerous statutes have some sort of legislative review ("veto") provisions—for example, the War Powers Act of 1973 and the Budget and Impoundment Control Act of 1974. So the issue will not vanish. The confrontation will continue, and must be resolved sooner or later.

Resolution could come by political accommodation, much as most "separation-of-powers" questions have been settled in the past. That would mean either that Congress or the President would give in, or that some sort of compromise would be worked out.

The Supreme Court may have to rule at some time on the constitutionality of the practice. One of several cases already filed could be the vehicle. Perhaps the most important is *Clark v. Valeo*, in which Ramsey Clark contested the one-house veto provision of the Federal Elections Act. In January, Clark lost in the U.S. Court of Appeals in the District of Columbia. But the decision—that the dispute was not yet "ripe" for the judiciary to handle—has been appealed to the Supreme Court. Other cases are pending before the Court of Claims (the suit by federal judges for a salary increase) and the U.S. Fourth Circuit Court of Appeals.

Arguments for and against the constitutionality of the congressional veto are on two levels—legal doctrine and practical considerations. The law at present is unsettled.

Those who contest the veto maintain that it improperly interferes with the President's constitutional veto power and that it violates the principle of bicameralism. These intertwinted arguments are derived from the fact that Article I, Section 7 of the Constitution gives the President a veto over legislation.

In essence, opponents assert that Congress must act by both Houses in making policy; and when it does, those actions must be submitted to the President for approval or veto. They seek to make the executive much more an autonomous entity.

Proponents counter by arguing that Congress may condition its delegations of power any way short of actual violation of an express provision of the Constitution—and that the legislative veto does not violate any express provision. Further, they point to the "necessary-and-proper" clause of Article I, under which Congress has power to make laws necessary and proper to carry into effect both its own powers "and all other powers vested by this Constitution in the government of the United States, or in any

department or officer thereof." The President is an "officer" of the United States; and if the clause is taken to mean what it says, then the ultimate power rests in Congress—and the legislative veto is valid. Proponents, accordingly, wish to continue the blending of powers under the Constitution—the system of "checks and balances."

Their views gain support from *Pressler v. Simon*, decided by a three-judge federal court last October. The court ruled that Pressler's challenge to a congressional salary statute could not stand, relying in part on the "necessary and proper" clause. Said the court: "The Constitution is not to be parsed in the narrow, rigid, pedantic manner of a statute. It must remain flexible and adaptable," preserving "a flexible approach to government that would facilitate accommodation to changing conditions and experience."

Reinforcement for the legislative veto may be found in Justice Byron White's concurring opinion in *Buckley v. Valeo* (1976). Said White: "For a regulation to become effective, neither House need approve it, pass it, or take any action at all with respect to it. The regulation becomes effective by nonaction. This no more invades the President's power than does a regulation not required to be laid before Congress."

On the level of legal doctrine, then, the proponents seem to have the better of the argument. That conclusion is strengthened when one weighs the practical considerations involved.

Opponents point to probable added delay in the promulgation of administrative regulations while Congress' 60-day period elapsed; to the fact that Congress does not have the staff or expertise competent to deal with often abstruse matters; and to the fact that the congressional veto will give lobbyists a "third bite at the apple." That means that those who oppose a given policy would have another chance to stop it, even after having lost at the first stage (enactment by Congress of the basic statute) and the second (drafting of the administrative regulation).

But those views are rather easily overcome. An additional few days' delay for the usual administrative regulation means nothing, for often it takes years for regulations to be written. Congress can enhance its expertise as do such states as Florida, where a special group of lawyers reviews all regulations and makes recommendations to the Florida legislature. And the third bite at the apple can work as well for public-interest lobbyists, such as Common Cause, as it does for the "special interests."

Moreover, there already exists a pervasive scheme of "nonstatutory" vetoes (and approvals) by congressional committees. These informal accommodations, which occur mainly in "reprogramming" of appropriated funds, work to the benefit of the Executive Branch—for example, the Pentagon, where changing military requirements necessitate some pragmatic adjustments to be made. They have been used for many years.

All in all, the legislative veto is a technique that permits a flexible approach to changing problems of government. The alternatives are undesirable: Congress would either have to turn over unrestricted governing power to the bureaucracy, or legislate with specificity and precision on a host of narrow problems. Neither alternative fits the needs of modern government; the former would be an abdication of power, while the latter would be impossible.

The congressional veto is a means by which, in James Madison's words, the government can be "obliged to control itself." A necessary pragmatic adjustment to complex problems of government, the congressional veto enables urgent tasks to be accomplished with a measure of accountability.

Possibly the courts will continue to be reluctant to rule on its validity, preferring to call it a "political question" that must be settled by elected officials rather than judges. That conclusion gains support from the inconsistent positions about the legislative veto taken by both the White House and members of Congress. Presidents are willing, even eager, to have their reorganization powers limited only by the congressional veto, but stoutly oppose wider use of the technique on other proposed administrative regulations. For example, Atty. Gen. Griffin Bell, in his opinion upholding the validity of the legislative veto concerning reorganization powers, expressly excluded from his opinion any other type of legislative veto. Chief executives thus want it both ways—as did Brooks, who opposed the congressional veto for reorganizations, but kept silent when his salary and that of other congressmen was increased recently, even though the law that permitted it allowed either house to "veto" the raise.

When politicians are inconsistent, the way is open for compromise. A pragmatic accommodation of the competing interests of President and Congress could come during the next few years; certainly the judiciary must fervently wish for that to be so.

Three bills now pending in Congress provide for across-the-board legislative vetoes of all proposed administrative regulations. Unless there is a compromise on these bills similar to last week's compromise on governmental reorganization, the basic issue of the constitutionality of the legislative veto will eventually have to be decided by the courts.

THE BYELORUSSIAN DEMOCRATIC REPUBLIC

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. FARY. Mr. Speaker, Friday, March 25, Americans of Byelorussian descent celebrated the 59th anniversary of the Declaration of Independence of the Byelorussian Democratic Republic which was signed in Minsk, Russia, on March 25, 1918.

The Byelorussian people on March 25, 1918, achieved national independence and regained the freedom which had been lost to the czarist Russia at the end of the 18th century. This national sovereignty, however, was short lived, and the Byelorussian people continue their valiant struggle to again achieve their national identity as a sovereign state free from the forces of Communistic domination and control.

The Byelorussian people are one of the oldest ethnic groups now under the Soviet yoke of oppression. They had been living in their homeland which extended from the eastern borders of Poland to the approaches of Moscow since before the 9th century. There they led a peaceful and rewarding existence until around the turn of the 16th century when Moscow launched a series of attacks against them. Byelorussia, in fact, served as a cultural and artistic center for all of eastern Europe. The Byelorussians introduced the ideas and works of the Renaissance into the area, and they became the third ethnic group, after only the Germans and the Czechs, to have a Bible printed in their native tongue.

At this point in history when we are commemorating the principles of freedom and democracy on which our country was founded, we should emphasize the right of self-determination for those people deprived of their rights within the Soviet Union.

Mr. Speaker, on behalf of the people of my congressional district I join in this annual observance of the Byelorussian heritage and trust it will help to reassure those people whose human rights are held captive not only behind the iron curtain of the Soviet Union, but throughout the world, that through world opinion we can attain international understanding and agreement that will eliminate the oppression of people and restore human rights, and the people's rights of self-determination to national and political independence in the so-called captive nations of the world.

WESTERN WATER PROJECTS

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. EVANS of Colorado. Mr. Speaker, on February 18, 1977, the administration announced cancellation of 19 Western reclamation Corps of Engineer projects and a review of all 320 nationwide water projects by April 15. The suddenness and confusion surrounding these major decisions disturbs me.

The western Colorado projects represent over a decade of political commitment from both Democratic and Republican administrations and both Houses of Congress.

Funds have already been spent and there is overwhelming local political support.

I am aware of numerous private and public studies attesting to the economic and social benefits of these projects. Environmental considerations have been accounted for.

I have therefore requested the administration justify the deletions and explain their procedures. I have petitioned Secretary Andrus to submit the documents used in the decision and to announce the time, place, and a bill of particulars for the upcoming review period.

I hope that all Members of the House will support me in these efforts.

I would like to include in the RECORD the following Denver Post editorial:

CARTER "NIGHT OF LONG KNIVES" WAS NO WAY TO TREAT THE WEST

Rep. Morris Udall, D-Ariz., has drawn an apt and stinging parallel between President Carter's secret attack on Western water projects and the "imperial" presidency of Richard Nixon.

For the sake of appearances, Udall didn't use the former president's name. But the analogy is impossible to mistake. Nixon let his White House elite run roughshod over Congress, over other administrative agencies—in short, over the democratic process.

That picture is alarmingly similar to the way a small group of White House elitists, operating in an atmosphere described as "vast confusion," wielded its long knives against Western and other water projects the night of February 18.

This under the aegis of a man who prom-

ised the American people "a new era of cooperation" when he ran for the presidency.

It is not to the President's credit that the Colorado congressional delegation has taken steps toward filing suit to secure the White House's documents on this decision under terms of the Freedom of Information Act.

If President Carter is going to maintain confidence in his governing style he can scarcely be pleased to find some of the most energetic and conscientious Democrats in the West questioning his decision process.

The decision was handled so badly that President Carter has driven these loyal Democrats into a corner.

Delay of 19 water projects, three of them in Colorado, reads like a shopping list prepared by the environmentalists surrounding Kathy Fletcher, the President's new environmental adviser, and the young lawyers attached to the staff of consumerist Ralph Nader.

There was very little solid evidence released as to why such a move was needed.

Nobody talked to Gov. Dick Lamm of Colorado about the impending action. Nobody talked to officials of the U.S. Bureau of Reclamation, which has spent years planning many of these projects.

Failure to consult Governor Lamm is simply incredible. Here is a man with deep commitment to environmental causes. But like any governor, Lamm has many constituencies. He cannot ignore the jobs, economic pursuits and political interests of Coloradans at large.

Nobody knows better than Dick Lamm that water projects in the West have serious limitation—serious potential for adverse environmental impact.

That is why Lamm's staff studied the three projects carefully and cut back their environmental impacts. That is why his Department of Natural Resources insisted that repayment contracts be modified to prevent easy conversion of water rights from agriculture to less desirable uses, such as unwise commercialization.

The Lamm commitment to the Dolores, Fruitland Mesa and Savery-Pothook (the latter on the Colorado-Wyoming border) is based on a firm belief that Colorado agriculture is economically depressed and needs help. These projects can strengthen Colorado agriculture; they are an important tool in spreading development away from the big centers of population along the Front Range.

Through repayment and crop production, such projects create far more long-term wealth than the President's narrow focus on public-sector jobs which in some cases are no more productive than leaf-raking. There is a place for both in terms of rebuilding the nation's economy.

The present is a particularly insensitive time to impede Western water projects. The projects in question have no bearing on the current drought. But people are reminded during dusty periods such as this dry winter of 1977 that only the storage of runoff water for dry years keeps the West viable for the people who live here.

The Western delegations are not talking about vast new growth of their states. They are talking about balanced economic activities, survival of agriculture and maintenance of the West's strong social fabric.

When a methodical, careful lawmaker like Morris Udall, chairman of the House Interior Committee, is forced to question the administration's review process there is trouble brewing for President Carter. Udall asked:

"Is it going to be an open review process in which the Congress, the states and the people, as well as federal authorities, are involved?"

And then he cautioned: "We've seen what happens when the executive branch makes decisions secretly."

The President can ill-afford to ignore that message.

HOW BRITAIN'S ONEROUS TAX SYSTEM IS DESTROYING BOTH ENTERPRISE AND THE TAX BASE OF THE UNITED KINGDOM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. KEMP. Mr. Speaker, recently I had the privilege of dining with Mr. William Rees-Mogg, editor of the Times—London. He discussed the reasons for Britain's economic decline and said that the incredibly heavy burden of taxation was a key reason. For example, he noted that before World War I Britain instituted a surtax on all incomes over 8,000 pounds—equivalent to approximately 55,000 pounds today, or over $100,000. This was assumed to be the level at which one became rich. Yet today, the surtax still begins at the 8,000-pound level, despite all the inflation and devaluation that has taken place in the last half century.

The result is creation of severe disincentives for work and investment today in Great Britain and the emigration of many of Britain's best managers and professional people. Mr. Rees-Mogg noted that the Times' top reporters rarely chose to return to Britain after being stationed somewhere else. Not only is enterprise investments diminished but their tax base in shrinking as well.

I am very worried that the United States is on a similar course. Because of continuing inflation and steeply graduated tax rates, many people are paying a higher percentage of their income in taxes every year even though their purchasing power may not have increased at all, or even decreased. Consequently, I think that the Congress should pay careful attention to the situation in Great Britain and learn some lessons from its experience before it is too late. I therefore commend to you the following article from this morning's Wall Street Journal about the onerous level of taxation in Great Britain today and how it relates to our own Nation. High rates of taxation discourage work and production while encouraging leisure and current consumption, to the extent this happens tax revenues fall and the burden of government spending falls on the middle income taxpayer. My own State, New York, is the closest example on the North American Continent of how this British disease can infect our country:

BRITAIN'S ONEROUS TAX SYSTEM

(By Robert Prinsky)

LONDON.—A director of a medium-sized chemical company decides to skip work for a month and spend the time painting his house. After taxes, he figures, the salary he stands to lose is less than he'd pay to get the job done for him.

A public relations director for a major corporation is scouring branch offices for an assistant. Prospective candidates aren't enthusiastic, though. There's more money in it for them, but barely enough to compensate for losing the tax-free company car that's supplied only outside London.

A newspaper executive is asked to write an article for another publication. He agrees on condition that he's paid in the form of airline tickets to someplace he wants to go. Just plain money, he explains, is taxed too heavily to interest him.

These examples are drawn from management, a group of people whose concerns usually aren't a priority of British governments, especially the current Socialist one. Lately, however, business spokesmen have been loud in complaining that Britain's onerous income tax system—which has a marginal rate in the highest bracket of 83% of earnings—squeezes managers more than most other citizens of these islands. And there are signs that the authorities are listening at last.

WORRISOME MORALE

Low management morale is worrisome in today's economically troubled Britain because "these are the people—from foremen to chairmen—that the country needs to lead the way back to prosperity," declares the Confederation of British Industry, which represents most major corporations and is lobbying hard for the government to cut upper-bracket tax rates in the budget statement it is due to unveil tomorrow.

It has a good point. It's at times like these, when industrial recovery is being counted on to lead the way to economic revival, that management should have every incentive to achieve top performance. Outsiders like Americans have more than a passing interest in Britain's recovery, for they recently lent the country billions of dollars to help achieve it.

At present, though, managers' morale is at a low ebb. "A majority of them are fed up, bitter at unfair treatment (by the government) and worried about money and their standard of living," the independent Opinion Research Centre found in a recent survey.

The pollsters found a quarter of the managers they surveyed believed it isn't worth accepting a promotion because of the effect of taxes on pay increases: The hassle of moving often isn't worth the extra pay a transfer brings. Half those polled consider that lack of financial reward is causing managers to be less efficient in their jobs. Fully 15% admitted they are working less hard than they used to.

"When I talk to groups of young managers in our firm and tell them about our progress, they say, 'Yes, but what's in it for us?' " reports Raymond W. Pennock, a deputy chairman of Imperial Chemical Industries Ltd., one of Britain's biggest companies. "Industry generally has a big problem persuading graduates to join them" as management trainees, he says.

ICI devoted a section of its latest annual report to the "inadequacy" of its executives' pay. None of ICI's nearly 2,000 senior British-based employes earned as much last year as the equivalent of their salaries in 1967, taking inflation and tax changes since then into account. But more than 200 executives working in offices outside Britain earned more than home-based executive directors, some of them two and three times more—and that's after allowing for the higher cost of living abroad, ICI said.

LOSING GROUND ON PAY

Naturally enough, "people don't want to come home from overseas posts," says Mr. Pennock. "They ask to be taken off short lists for promotions."

British salaries generally are lower to begin with than European and American ones. As a result, comparatively few people pay the higher rates of tax that managers are complaining about. Indeed, only 1.3 million people, or one in 20 taxpayers, pay more than the 35 percent "standard rate" at which the British scale begins. As recently as 1973, a mere 370,000 paid more than the standard rate, which currently applies to taxable income up to $8,600.

The fact that 95 percent of Britons pay the

same standard rate negates one of the most frequently cited advantages of income over sales taxes: progressiveness. Everyone pays the same rate of sales tax, but the poor can get a break from income taxes through rates that become progressively higher on higher incomes. Thus, besides changing income tax rates, there's also justification for increasing the number of brackets in the British system; currently there are 10, compared with 25 in the U.S.

Everyone in Britain is suffering as inflation outpaces the level of wage increases allowed under the country's voluntary controls, but managers claim the system hurts them more because gains are limited to a maximum $7 a week. That's barely 3 percent for the average manager, who earns only $10,850 a year.

Higher permitted pay boosts aren't enough to satisfy managers, however. "Top people don't need more money, they can't use it," says Sir John Read, chairman of EMI Ltd., a large electronics, music and leisure concern. But lower tax rates in the higher brackets "would be a great boost for morale," he believes.

What good is a pay increase, many managers say, if up to 83 percent of it is taken away in taxes? That's the rate on taxable income over $34,400. Even a $21,000-a-year family man with a modest mortgage can find 60 percent of a $1,000 raise taken in taxes. An American in similar circumstances would lose only 25 percent of that additional $1,000 to federal tax collectors. There aren't any state taxes in Britain.

Investment income is taxed even more heavily, with a 98 percent top rate. This encourages people to invest in land or paintings that are taxed at lower capital gains rates. Or it encourages them simply to spend on the ubiquitous Rolls-Royces and other luxuries that foreigners find strange to see in a supposedly poor country. Given the disincentive to invest, "the wonder isn't that there are so many of these things to be seen in London at a time of supposed economic tribulation, but so few," notes Samuel Brittan, economic columnist for London's Financial Times.

The CBI proposes that there be six tax brackets and that the starting point for each be raised so that our $21,000-a-year man, for example, loses only 40 percent of a raise instead of 60 percent. In addition, it proposes a single 33 percent bracket right up to $13,760, which provides only two percentage points of relief for those in the current bottom bracket but 17 points for those now earning $13,760.

Whether these particular changes are adopted isn't too important, though, notes ICI's Mr. Pennock. The key is that there should be "a change in direction" of government policy, he says. Indeed, says Roy Close, director-general of the British Institute of Management, what comes out most clearly from recent surveys is "the strong feeling among managers that they have been treated unfairly."

Corporate tax changes don't seem to be in the wind this time around. The CBI, which represents corporations, puts its first priority on personal income tax cuts and, given the government's limited resources, isn't suggesting corporate tax cuts in tomorrow's budget. Also, previous recent budgets have included tax incentives for business, so there isn't any equivalent groundswell of opinion for corporate tax changes.

There are signs the government is listening to the pleas for a tax break for individuals, however. Chancellor of the Exchequer Denis Healy, who is drawing up tomorrow's budget statement in the usual complete secrecy, says he hopes to lower income taxes "particularly at the lower and higher ends of the scale." He recently told a London audience he is "convinced that nothing will do more to increase the incentive for greater efforts to improve our industrial performance.

The government's plans, insofar as they have been hinted at, are endorsed by the Paris-based Organization for Economic Cooperation and Development, whose member nations include Britain's big international creditors. "The legitimate concern with equity problems at the bottom of the scale and with work incentives at the top could be tackled by selective tax reductions at the two extremes," the OECD said recently.

POLITICAL PROBLEMS

But there inevitably are political problems in helping the comparatively well off, especially for a Socialist government like the present British one. With limited financial resources and many of the nation's less well-off in dire straits themselves, the pressures are great to help only those at the bottom end of the tax scale.

While the CBI stresses help for those at the top end, its organized-labor counterpart, the Trades Union Congress, urges that "particular emphasis is given to those at the bottom end." The TUC asserts that liabilities at high income levels can be reduced through permitted deductions such as interest on mortgages. Union officials also point to the many tax-free benefits that managers can receive, such as company cars, entertainment expenses and even company-paid housecleaning services and vacations.

At least one major union favors relief for managers, though. It's ASTMS, the Association of Scientific, Technical and Managerial Staffs, a white-collar union that represents some 10,000 managers. "We'd like to see some tax changes," says Barry Sherman, the union's research director. Most of the tax cuts should come at the lower end of the scale, but there should be some at the higher end too, he says.

ASTMS backs traditional labor goals as strongly as any union. However, it pushes higher salaries rather than tax cuts as the best way to reward managers. "They deserve it in their own right", says Mr. Sherman. "It has nothing to do with the spurious argument about motivation. In the long run, management would be far better off having the salary system changed than having the tax system changed."

Be that as it may, some change in the tax system does seem to be in the cards for managers. Of course, lower taxation for managers in itself won't result in better British economic performance. The nation's class system puts a formidable barrier against cooperation between managers and the people who work for them. The level of competence of the managers themselves is often questioned. Most industries also are saddled with antiquated plants and entrenched union rights. Tax changes won't do much for these basic ills, but they would help managers try to cope with them.

TRIBUTE TO FORMER REPRESENTATIVE FRANCES PAYNE BOLTON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. STOKES. Mr. Speaker, it is with a sense of sorrow and loss that I rise today in tribute to a great humanitarian and stateswoman. The late Frances Payne Bolton of Cleveland, Ohio, is a familiar personage to many of my distinguished colleagues assembled here today. There are those who will remember that she served with distinction in the U.S. House of Representatives from 1939 until 1968. And, Mr. Speaker, there are others more recently elected to Congress, who know her as a figure of national and international prominence for her political and philanthropic work.

Though former Representative Bolton preceded me in Congress, I knew of her great work in my district in Cleveland. Mr. Speaker, it is a well known fact that Mrs. Bolton was a woman of great wealth and power. Even so, she never removed herself from the plight of the poor and oppressed. As a tireless advocate for social equality and human dignity, Mrs. Bolton will be revered for years to come.

Mr. Speaker, former Representative Bolton passed away on March 9, 1977, at her home in Lyndhurst. While her work on Earth has ended, her accomplishments and great spirit will live on in our hearts and minds. At this time, I would like to ask my colleagues to join me in commemoration of Frances Payne Bolton, and in some small way, rededicate our lives and our professions to those humanitarian ideals she held so dear.

JONATHAN LYLE IS FIGHTING FOR HIS LIFE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. CARTER. Mr. Speaker, each day we deal with national issues in general terms. Sometimes we forget that to individuals those problems are not abstract, generalized concerns but intensely personal matters.

According to a recent Congressional Budget Office estimate, approximately 40 million Americans are uninsured against medical expenses or else have very poor insurance coverage. Yet virtually every American faces the possibility of financial ruin which can accompany certain types of chronic illness or serious injury.

But that is the general view of the national problem of health insurance; reduced to human terms the problem is a tragic dilemma like that which confronts the John Benningfields of Campbellsville, Ky., in the area I represent.

Since the birth of their twins last fall, John and Debbie Benningfield have worried about whether their son, Jonathan Lyle, will live. But added to this burden is the worry about how they will pay the potential $50,000 uninsured medical cost which has resulted from the hospital care of their son.

The Benningfield's plight is one which faces many Americans, and I submit that the remedy lies in passage by this Congress of legislation to provide catastrophic illness insurance coverage for all Americans.

I am including for the RECORD a copy of the article which appeared in the March 21 edition of the Central Kentucky News-Journal in Campbellsville about the Benningfields so that my esteemed colleagues might see the impact

on individuals of our not having a catastrophic illness insurance program:

JONATHAN LYLE IS FIGHTING FOR HIS LIFE

(By Steve Lowery)

John and Debbie Benningfield celebrated their second anniversary last Tuesday. Like many young couples in Central Kentucky they headed towards Louisville to do it.

But instead of spending the evening out on the town, they went to Norton-Children's Hospital to visit with their son, Jonathan Lyle, who's fighting for his life.

Little Jon is nearly seven months old. All of his short life he's been struggling to live. It's been an uphill battle.

"He's a fighter though," said Debbie, while explaining her son's condition. "He won't give up."

The Benningfields—like their son—won't give up either. They're fighters. They have to be. In the last seven months their entire lives have changed radically.

John, a 26-year-old farm assistant for Southern States, and Debbie, a 22-year-old registered nurse at the Taylor County Health Department, decided they wanted to have a family in early 1975.

Since they both had jobs, a bright future and good health, they planned for Debbie's pregnancy. As planned, she became pregnant. Her baby would be due in November 1975, her doctor said.

Debbie continued working. Her pregnancy seemed normal enough although she felt like she was picking up a great deal of excess weight.

Little did she know.

On September 26—after six and a half months of being pregnant—Debbie felt like she was ready to have her child. Her doctor said she was just afraid, but he called her in for a check-up.

After his examination he informed John and Debbie that, yes she was going into labor and that she was going to have twins.

"We never expected that," said John. "We had no idea."

An ambulance was called to the doctor's office to deliver Debbie to Louisville. Since the babies were going to be born prematurely, complications were expected.

The ambulance left Greensburg. But Debbie didn't wait to get to Louisville to give birth. Jonathan Lyle and Jessica Lea were born in Elizabethtown.

An ambulance took the twins to Louisville. Both were having a rough time. Their little lungs hadn't had enough time to develop. They had to fight to breathe plus they both were very small. Jon weighed 3.5 pounds, Jessica, 2.14 pounds.

Both babies were put into isolation. At times they needed the help of a respirator to breathe. Constant medical attention was needed for the twins.

Jessica started to improve quickly. Her lungs started functioning normally after a short time. Six weeks after her birth, she came home.

Jonathan hasn't been as lucky. His lungs still can't hold up for any length of time.

"The problem is that his body didn't produce enough lung tissue," Debbie explained. "After he was born, he was fighting to breathe so hard that his lungs started hemorrhaging."

That complicated Jon's problems. Furthermore his heart tried to compensate for his lungs. It started beating faster. Fluid surrounded his heart.

A blood clot passed through his lungs once too. And one of his lungs has never functioned correctly.

He's still in intensive care—that's where he's been since being born.

Although they don't talk about it, the Benningfields know that Jon could die at any time. "The doctor said if he makes it past nine months, he'll probably live," Debbie said.

The expense of the hospital care, doctors, medicine, and so on are enormous and growing by the day.

To date, John has received bills totaling more than $61,300. That doesn't include his son's doctor bill, the expense of the ambulance service and a good portion of Debbie's doctor bill.

Then there is the expense of driving to Louisville to see Jon and nightly calls to Norton's to see how he is progressing. The bills and expenses are never ending.

Blue Cross-Blue Shield has paid approximately $35–$36,000 of the expenses. The rest of the money—which could easily mount up to more than $50,000 if and when Jon gets out of the hospital—must be paid by the Benningfields.

John said he used to worry constantly about the bills. Now, he said, he tries not think about them except on pay day.

It's a debt that could very well be with him and Debbie for the rest of their lives. They've adjusted to that fact, they said. They've adjusted as much as they can anyway.

"It's like watchin' television," John said. "I always thought they made these sort of stories up until I saw it happen."

"It's easy to feel sorry for yourself," said Debbie, but then I look at the other babies in the nursery and I see some that have no hope of going home."

They're both back working now. Besides their jobs they travel to Louisville three times a week or more to visit with the little fellow. They've been doing that since he was born; remember the snow, ice, rain and cold weather? They dsove through that too.

"Sometimes I think I'm getting tired but then I think of Jon and how tired he must be. I figure I must be able to take it as long as he can," said John. "I never knew family life could be so rough."

SOLAR ENERGY LOANS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. LEHMAN. Mr. Speaker, following an especially harsh winter, our attention is focused on the shortages of existing energy sources and the resultant soaring costs of oil, gas, and electricity. While we must take steps to deal with these problems, we also realize that viable alternatives for the future must be developed. One answer lies in inexhaustible sources of energy such as solar power.

Earlier this session, I introduced H.R. 485, to establish within the Small Business Administration a new direct low-interest loan program to assist homeowners and builders in purchasing and installing solar energy equipment. A significant portion of energy consumption can be attributed to residential structures. Despite the fact that the Sun would appear to be an ideal source of energy, present programs discriminate against this system because of higher initial costs.

Financially, heating and cooling systems were once looked at in terms of installation costs only. Today, these systems are being viewed in a more realistic light. Energy experts refer to a heating system's "life-cycle-cost" which includes the cost of fuel required to maintain the system. Solar systems are generally more expensive to install, but they have lower life-cycle-costs than conventional systems.

Federal programs of loans and loan guarantees for purchasing or improving homes enable borrowers to obtain loans at low-interest rates. These loans, however, are limited in size and cannot cover the cost of installing a solar heating and cooling system. Many homeowners, therefore, are discouraged from putting solar systems in their homes because the initial cost would put the total loan amount over the limit. In order to qualify for a low-interest loan, many are forced to choose low initial but high life-cycle-cost conventional heating and cooling.

H.R. 485 provides one possible remedy to this unfortunate situation. The benefits of a program such as the one provided for in this legislation would be far-reaching. In addition to significantly reducing the use of fossil fuels, we would be providing a stimulus to a new industry and creating more jobs. The utilization of the small business segment of our national economy recognizes the vital role that small business concerns have played and will continue to play in the development of manufacturing and marketing solar energy equipment.

Mr. Speaker, for the benefit of my colleagues who maintain an interest in promoting the use of solar energy in the United States, the text of my bill is as follows:

H.R. 485

A bill to amend the Small Business Act to establish within the Small Business Administration a new direct low-interest loan program to assist homeowners and builders in purchasing and installing solar energy equipment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION 1. (a)(1) The Congress finds that the energy needs of residential structures account for a significant portion of our national energy consumption, and that the expected substantial increases in the cost of oil, gas, and electricity will significantly and adversely affect millions of American homes. The Congress further finds that a program of Federal assistance in purchasing and installing solar energy equipment can provide a new opportunity for the efficient heating and cooling of homes despite the energy shortage.

(2) The Congress recognizes that small business concerns have already demonstrated their ability to participate effectively in the assembly and marketing of solar energy equipment and are increasingly engaging in commercial operations in this field, and declares that it would be in the national interest to place special emphasis upon the small business segment of the economy in any program of Federal assistance of the kind described in paragraph (1).

(b) It is the purpose of this Act to provide a source of financial assistance for homeowners and builders so as to enable them to purchase and install solar energy equipment, primarily through the small business segment of the economy in order to substantially reduce the use of fossil fuels.

SEC. 2. Section 7 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(l)(1) In addition to its other functions under this Act, the Administration is authorized to make loans as provided in this

subsection to individuals and families owning and occupying residential structures, and to persons engaged in building residential structures, to assist them in purchasing and installing qualified solar energy equipment (as defined in paragraph (4)) in such structures.

"(2) A loan made under this subsection with respect to any residential structure shall—

"(A) be in such amount, not exceeding 75 per centum of the cost of purchasing and installing the equipment involved, and not exceeding—

"(i) $6,000 per dwelling unit in the case of a one- to four-family structure,

"(ii) $5,700 per dwelling unit in the case of a multifamily structure containing five or more but less than twenty-five such units,

"(iii) $5,400 per dwelling unit in the case of a multifamily structure containing twenty-five or more but less than one hundred such units,

"(iv) $4,800 per dwelling unit in the case of a multifamily structure containing one hundred or more but less than two hundred such units, or

"(v) $4,500 per dwelling unit in the case of a multifamily structure containing two hundred or more such units,

as may be necessary to enable the owner or builder of such structure to purchase and install qualified solar energy equipment which is suitable and appropriate for such structure, including the cost of any necessary modifications in the structure itself, taking into account the climatic, meteorological, and related conditions prevailing in the region where the structure is located, as established by the Administration in regulations prescribed by it and in effect at the time of the loan;

"(B) bear interest at a rate equal to the average market yield (computed as of the end of the calendar month preceding the month in which the loan is made) on all marketable interest-bearing obligations of the United States then forming a part of the public debt (with such average yield, if not a multiple of one-eighth of 1 per centum, being adjusted to the nearest such multiple), plus one-half of 1 per centum for administrative costs;

"(C) have a maturity not exceeding—

"(i) eight years in the case of a one- to four-family structure, or

"(ii) fifteen years in the case of a multifamily structure,

except that if the loan is made to the builder of a structure which is sold to another person for occupancy, rental, resale, or any other purpose, the maturity of the loan shall not extend beyond the date of the sale to such other person; and

"(D) be subject to such additional terms, conditions, and provisions as the administration may impose in order to assure that the purpose of this subsection is effectively carried out.

"(3)(A) Each application for a loan under this subsection shall be accompanied by detailed plans for the purchase and installation of the proposed equipment and an estimate of the costs involved.

"(B) No such application shall be approved unless—

"(i) the administration finds that the proposed equipment is suitable and appropriate and will be effective, that the costs will not be excessive, and that the purchase and installation of the equipment will not involve elaborate or extravagant design or materials; and

"(ii) the proposed equipment is being purchased from a small business concern (as defined by the administration under section 3) and, unless installed by the applicant, will be installed by a small business concern (as so defined); except that the requirement of this clause may be waived by the administration in any case upon a specific finding that there is no small business concern within three hundred miles of the structure involved which is engaged in marketing or installing solar energy equipment that would meet (with respect such structure) the requirements of clause (i).

"(C) In making loans under this subsection, the administration shall impose such standards and take such actions as may be necessary or appropriate to assure that both one- to four-family structures and multifamily structures share equitably in the fun family structures share equitably in the funds provided for such loans.

"(4) For purposes of this subsection, the term 'qualified solar energy equipment' means equipment—

"(A) which utilizes solar energy to provide hot water, space heating, electrical power, or cooling (or any combination of any of the foregoing), including devices for the collection, distribution, storage, and regulation of solar energy;

"(B) which, including the installation of such equipment, meets minimum standards promulgated by the Administrator with respect to durability of parts, efficiency, ease of repair, availability of spare parts, acceptability of cost, technical feasibility of design, or proven workability, and such other matters as the Administrator may consider relevant or appropriate; and

"(C) which is not supplementary to the performance of solar equipment through the use of conventional energy forms such as petroleum, gas, coal, or other hydrocarbon fuels, or electricity.

"(5) In carrying out its functions under the Solar Heating and Cooling Demonstration Act of 1974 and in support of the objectives of this subsection, the Energy Research and Development Administration shall—

"(A) establish a mechanism or procedure (or both) for the inspection and evaluation of each type or model of solar energy equipment, making provision for dealing with applications received from manufacturers and for the consideration of comments received from homeowners already using such equipment.

"(B) review each new solar energy unit, system, or component entering the market.

"(C) periodically (no less often than once energy equipment, and recommend the prospective rescissions of such certifications (or energy equipment, and recommend the prospective rescission of such certifications (or appropriate modifications in the equipment involved) whenever it finds that such equipment no longer meets applicable standards or criteria,

"(D) periodically transmit its findings and recommendations under this paragraph to the Administration for use in the performance of its functions under paragraph (4), and

"(E) take such other actions, and impose such other conditions and requirements, as will promote the objectives of this subsection.

"(6) The Administration shall provide to any person upon request (without regard to whether or not such person is making or proposes to make application for a loan under this subsection) full, complete, and current information concerning recommended standards and types of qualified solar energy equipment, available from small business concerns, which is appropriate for use in residential structures of varying sizes and types and in various regions of the country.".

SEC. 3. (a) Section 4(c)(1) of the Small Business Act is amended by striking out "and" immediately before "(B)", and by inserting before the period at the end thereof the following: "; and (C) a solar energy loan fund which shall be available for financing functions performed under section 7(l) of this Act, including administrative expenses in connection with such functions".

(b) Section 4(c)(2) of such Act is amended by striking out "and" immediately before "(B)", and by inserting before the period at the end thereof the following: "; and (C) pursuant to section 7(l) of this Act, shall be paid into the solar energy loan fund".

(c) Section 4(c)(4) of such Act is amended by striking out "and" immediately before "(D)", and by inserting before the period at the end thereof the following: "; and (E) under section 7(l) of this Act, shall not exceed $900,000,000".

SEC. 4. (a) The authority of the Small Business Administration to make loans under section 7(l) of the Small Business Act (as added by section 2 of this Act) shall become effective six months after the date of the enactment of this Act, and shall expire ten years after such date.

(b) Prior to the date on which its authority to make loans under section 7(l) of the Small Business Act becomes effective under subsection (a) of this section, the Small Business Administration shall promulgate and publish the regulations necessary to carry out its functions under such section 7(l).

ARCTIC GAS PROJECT

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. BUTLER. Mr. Speaker, Delegate A. R. (Pete) Giesen from Virginia's 15th Legislative District introduced House Joint Resolution No. 267 "Expressing the Sense of the General Assembly That the United States Should Proceed With the Arctic Gas Project."

This resolution was unanimously adopted by the Virginia General Assembly in its recent session that adjourned March 4.

I believe points made by Delegate Giesen are good and timely, and the resolution follows for the Members attention:

HOUSE JOINT RESOLUTION NO. 267

Whereas, to the great extent in our nation's long, two hundred year history we as a people are dependent upon foreign sources for the energy-producing fuels that run our nation's industries, our people's transportation and our citizens' homes; and

Whereas, substantial alleviation of this immense problem has been found in the form of a reserve of natural gas discovered in the Prudhoe Bay area of Alaska that if brought to market in the lower forty-eight states would greatly enhance our goal of energy self-sufficiency; and

Whereas, the Arctic Gas Project, designed to move Alaskan gas by large diameter pipeline through Canada to eastern, western and mid-western markets, will afford the most feasible means by which Alaskan gas can be made available to markets in the lower forty-eight States; and

Whereas, our nation's chief architect of Federal Power Planning and Action, the Federal Power Commission, in its December, nineteen hundred seventy-six meeting issued staff recommendations for certification of the

Arctic Gas Project as being "vastly superior" when compared with alternative projects; and

Whereas, virtually all of the assemblage of data thus compiled indicates that the proposed overland pipeline route through Alaska and Canada will afford the safest, most environmentally acceptable and economically prudent method proposed to date for the movement of Arctic Gas to markets in the lower forty-eight states; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the General Assembly of the Commonwealth of Virginia hereby expresses its support for the Mackenzie River Valley Pipeline known as the Arctic Gas Project; and, be it

Resolved further, That the General Assembly of Virginia urges the President of the United States, the Secretary of the Interior, the Congress of the United States, and other responsible federal agencies to expeditiously take all necessary action for the furtherance of the authorization of the construction and operation of the proposed Arctic Gas Project.

The Clerk of the House of Delegates is directed to forward copies of this resolution to Virginia's Congressional Delegation.

LITHUANIAN INDEPENDENCE

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. WALSH. Mr. Speaker, freedom struggles constantly in the face of Soviet oppression throughout the world. Nowhere is this more apparent than in Lithuania.

Her history, which began in the 12th century, has been filled with the constant effort to achieve this freedom and independence. On February 16 of this year Lithuanians throughout the world celebrated the 59th anniversary of the Declaration of Independence of Lithuania. This landmark achievement occurred in 1918 when its people rejected Communist oppression and declared themselves to follow the principle of freedom.

This battle is not new to the people of Lithuania. She remained under czarist domination for 123 years, defying Russian intentions to russify and assimilate its inhabitants. Lithuanians repeatedly revolted against Russian rule.

Under present Soviet rule, the resistance has become even more forceful. Through relentless undertakings the desire for liberty and national consciousness matures and is strengthened. The inhabitants are deprived of basic rights which we as Americans consider essential and God-given. They are starved from the freedom of the press, speech, and even freedom of religion.

But this spirit of freedom is alive in Lithuania. Within its culture and literature Lithuania vitally recognizes its independent history.

Today we in the House of Representatives commemorate this independence and applaud the continuing efforts of the Lithuanian people to achieve such an honorable goal.

At the same time, we must not become complacent but act boldly in the face of such oppression in Lithuania and throughout the world. We must preserve the legal rights of these proud and brave people by keeping their suffering constantly before the bar of world opinion. To this end, it is crucial that we maintain our policy regarding Lithuania and oppose Soviet "incorporation" of independent sovereign states.

I would like to commend and thank the people of Lithuania for their struggles in the face of such overwhelming odds and encourage them in their efforts to survive as independent and freedom-loving people.

CENTER FOR THE ARTS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. BYRON. Mr. Speaker, last week was a happy week for my hometown, Frederick, Md. An unselfish family there presented the city with a valuable gift to be enjoyed by current and future generations of Fredericktonians.

Dan and Alyce Weinberg and their children, Danyce and Aldan presented the city and its fine arts council with the keys to the magnificent Tivoli Theatre to be used as permanent Center for the Performing Arts.

The beautiful Tivoli Theatre opened in 1926 and boasts a rare in-place concert theatre organ. The Weinbergs' wonderful gift is a source of pride to Frederick and a lasting tribute to the Weinberg family.

So they may share my excitement over this wonderful gift, I wish to share with my colleagues this editorial which appeared in the Frederick Post:

CENTER FOR THE ARTS

"The reaction has been tremendous!"

This is the immediate response to the announcement made Tuesday by Mayor Ronald N. Young that Frederick City may soon have its very own "arts center"—a long-time dream given reality by the generosity of a local family.

Mr. and Mrs. Daniel H. Weinberg (Dan and Alyce) and their chlidren, Danyce and Aldan, have handed the keys to the Tivoli Theatre over to the City and its Fine Arts Council to be used as a permanent center for the performing arts.

The "Tivoli" stands on one of the most valuable piece of property in Downtown Frederick, 20 W. Patrick St., just west of the "Square Corner."

There is only one "string" attached to this offer by the Weinberg family, and that "String" favors the community. That is, the agreement (which must be ratified by the Board of Aldermen at its next meeting) is to continue indefinitely, "as long as the Tivoli is utilized for the purpose for which it is intended"—as a center for the arts. It should be no other way.

The offer by the Weinbergs also includes a "purchase price" for the "building and its contents." The "price" of $19,500—and this amount has already been more than "covered" by pledges of contributions from arts patrons eager to energize the project—is so insignificant in contrast to the value of the property, that it should be considered only a "token"—an expression from the community that it is, in fact, dedicated to the task of turning this rare gift into a most successful center for the performing arts.

President Fred Stenger of the Fine Arts Council said the offer by Mr. and Mrs. Weinberg—Mrs. Weinberg has worked with the Arts Council since it was created—has been "in the mill" for nearly two years. Many community organizations have supported the idea and have pledged to it their wholehearted support.

Preliminary plans call for county-wide use of the facility for drama, concerts, the dance, pageants, conventions, town meetings, exhibitions and other uses related to the performing arts.

The center will be operated by the Arts Council, with a permanent "oversight" committee of three—one designee of the Weinberg family, the Mayor of the City of Frederick, and the president of the Arts Council—responsible for major decisions relating to the center.

Further planning calls for "total civic involvement in repair, restoration and beautification" of the Tivoli, and plans are being made for a community-wide fund-raising drive to support the renovation program.

The Tivoli, which in 1976 marked the golden anniversary of its opening on Dec. 23, 1926, boasts the only "in-place concert theatre organ in the State of Maryland."

The Tivoli Organ is considered by the great concert organist Ray Brubaker of Baltimore and the national organ society as one of the "rare treasures" of its kind still in use. The organ was a "victim" of the Oct. 9, 1976 flood, and Mr. Brubaker and his fellow organ afficionadoes—including Richard F. Kline Jr. of Frederick "have moved pretty well along toward total restoration" of the organ at their own investment of time and labor—"a labor of love."

There is swelling up in the community an exciting enthusiasm for this unique undertaking. Plans for a major fund-raising effort for the arts center will soon be announced, and public support in terms of both "dollars now" and "usage later" will be needed.

The generosity which has made this project such a possibility has marked it for certain success. And we are sure, and those many groups and individuals who have been involved to date are confident, that the Frederick Community will join hand-in-hand in making the arts center dream come true—the only fitting tribute we can give "in kind" to match the spirit of generosity being shown by Dan and Alyce Weinberg and their children.

TUITION CREDIT LEGISLATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. ZABLOCKI. Mr. Speaker, I am again introducing legislation to amend the Internal Revenue Code of 1954 to provide for a Federal tax credit to individuals for tuition paid for dependents that attend a private nonprofit elementary or secondary school. This bill would provide a credit of 50 percent of the tuition paid for a dependent up to a maximum of $400 per dependent. The credit would be phased out gradually to the extent a taxpayer's adjusted gross income exceeds $25,000.

My legislation is prompted by the rapidly increasing costs of education coupled with the closings and consolidations of private school systems. The dual

burden of parents supporting the public schools as taxpayers and the private schools as parents of students paying tuition is becoming intolerable and inequitable. The difficulty of carrying this dual financial burden has created a crisis in private and parochial education at the elementary and secondary level across our Nation. The resultant decline of private and parochial education is imposing heavy financial burdens on the public schools nationally.

Mr. Speaker, my objective is to strengthen both public and private systems of elementary and secondary education by providing direct and indirect tax relief to all taxpayers. As we are all concerned with education and educational opportunities I urge my colleagues to consider my proposal and support legislation to provide for the tax credit for tuition.

A SOURCE OF FUNDING FOR BLACK AMERICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. RANGEL. Mr. Speaker, as a member of the board of the United Black National Fund I am quite aware of the dependence black communities, organizations, and institutions have on established foundations—including government—for their support. The time has come for the creation of a central black treasury financially sound enough to assume the obligations of current philanthropic groups. The current level of black programs and activities underscores the importance for organized fund raising and capital accumulation.

In light of this, I would like to offer my colleagues the following article from Black Enterprise detailing this important matter. It is very well written, informative, and I feel my colleagues will find it most interesting:

CREATION OF A BLACK NATIONAL FUND

(By Richard F. America)

Within the past decade, events have apparently brought many people to the realization that if they are serious about accelerating the development of their communities and institutions, they will, of necessity, have to develop various forms of central treasuries. The development of such treasures will perhaps first have to be successfully demonstrated in a few localities before coordinated and national fund raising can be undertaken.

We are aware of several sophisticated and apparently effective national fund-raising efforts on behalf of several black institutions and organizations, and there are, from time to time, one-shot appeals in legal emergencies or especially in support of the victims of natural disasters. But there remains a requirement for an annual national program that successfully reaches and effectively appeals to all seven to eight million households and all the business and voluntary organizations in black America. A basic principle has become clear: Black America cannot permit itself to remain quite so financially dependent on government and established foundations and contributors for support of its ongoing or experimental programs.

One example of financial vulnerability can be found in the experience of many of the community-action efforts of the Great Society program. In many places, a kind of grass-roots community organization was undertaken to develop general cohesion, some broader democratic participation in decisions perceived as affecting local interests, and local political leadership. Much of the early energy was generated through the device of rallies against traditional downtown political figures and institutions. Movement was often generated to oppose city hall over specific education, service or developmental issues. Some distortions and even some demagoguery crept into these processes, but there remains an obvious need for organized vigilance to ensure justice and due process in these matters.

But city hall perceived a threat, which ironically was funded by government, and as perceived by many, by the general community. Congress then, at the urging of many mayors, withdrew much of the necessary financial support from community-organizing activities.

That was predictable. To the extent that the interests of black America are in conflict with those of the general community, it is now widely understood as unrealistic to expect general institutions to underwrite consistently the activities of black parties to the conflict, although occasionally some such funding is available. If, as in the example, political organization is considered to have some ongoing value, funds for it will have to be found internally.

Comparative Savings in the United States, 1960–61

	Black	White
Average income after taxes	$3,840	$6,169
Current consumption	$3,707	$5,609
Savings	$133	$560
Savings as percent of income	3.5	9.1

Source: U.S. Bureau of the Census, Department of Commerce.

In the 1960s and the early 1970s, there were many indications of growing interest in and need for organized fund raising in Afro-America. There were many conferences called by many groups at which plans and programs were discussed but could not be accomplished for, ironically, lack of adequate funding. Groups interested in the arts, in housing, in political action, health, education, criminal justice, commercial development and so on generate a constant stream of proposals, many of which are worthwhile and almost all of which call for ongoing financial support.

All of these activities underscore the need for dramatically increased savings in many forms and for organized fund raising and capital accumulation in few well-planned, well-managed institutions.

The development and security of black America over the next 30 years or so will require the harnessing of its financial resources. Such saving and investment will occur in many forms, commercial and noncommercial. Deposits in savings accounts in financial institutions, as well as the retained earnings of its corporations, will all contribute to "savings." Indeed, increased savings in mattresses, socks, cookie jars and piggy banks are also desirable if ultimately these find their way primarily into the investment stream and do not simply become deferred consumption. But our interest here is in the potential of savings in the form of internal charity or what might be thought of as voluntary taxation. But savings will probably be an important component of any successful, comprehensive, development effort.

In 1975, the NAACP experienced a budget problem in its national program and sought additional funding through a special letter campaign, and through magazine and other advertisements. It could be that the NAACP is the single organization best in a position to launch a national fund that would provide funds for most of its needs and would do so as well for many other organizations and projects under the umbrella.

It does seem obvious that everything any of the major development organizations wish to achieve from now on is going to depend much more on the internal resources of black America. This will be true even with a sympathetic national administration running the government.

Tithing requirements as a means of saving—such as are frequently mentioned in connection with the Nation of Islam—have been the subject of some comment. Also, efforts like the "10–36" program of the Zion Baptist Church and Rev. Leon Sullivan in Philadelphia have attracted attention.

Historically, religious sanctions or charismatic leadership have succeeded in inducing heavy savings increases by groups of people who, because of relatively low incomes and other socioeconomic characteristics, would have been expected to consume virtually all of their income. However this pattern can be altered, apparently, by an effective appeal. The same may be true of middle-income households, which because of relentless advertising and other stimuli, also tend to have trouble saving consistently from year to year.

The national savings rate is in the range of seven to ten percent annually. The black rate is lower than that in most years, although this is a complex subject. Marcus Alexis, a highly regarded economist, for example, says that there is "evidence of higher savings by blacks than by comparable income white families." And "statistical data show regional differences in savings. Northern blacks save a larger portion of their incomes than Northern whites with the same incomes."

Alexis discusses at some length several hypotheses that attempt to explain this greater savings pattern. For our purposes, however, in spite of possible greater household savings at comparable incomes, the overall black savings rate will have to increase as a proportion of total income if satisfactory development is to occur. The rate of three to five percent is probably too low for successful development. Of course, the problem is compounded in that much of black America's savings does not occur in its own financial institutions and is diverted away from its investments into investments in the general economy. Little of the reverse flow has occurred although it may be possible to stimulate white savings in black banks as the banks gain in strength and numbers.

But our particular focus here is on a specific type of savings that occurs in the form of charitable donations. Some interracial flows do occur in this form and presumably will continue. Blacks give to white-controlled efforts like the United Funds and Red Cross, and whites give to the United Negro College Fund and NAACP. There has been controversy over allocation decisions in United Fund budgets in several cities, and some reforms have been made. But even if the United Funds did everything that could reasonably be asked, there would still be a need for an autonomous national fund.

Officials of United Way of America have seemed unenthusiastic at the prospect of the national fund. Their cooperation could be helpful and, certainly, communication during start-up will be desirable to avoid any undue abrasion.

Most traditional civil rights organizations were reported to be experiencing some fluctuation or decline in revenues after the mood of the country began to change around the middle 1960s. Such broad-based membership organizations, if they are to become even more effective, deserve greater internal support.

There are issues on which it may be possible and desirable to develop Afro-American policy. If so, such issues deserve serious research in independent centers or elsewhere, and that is costly. Similarly, specific problems in education, housing, health, employment, transportation, law enforcement, public safety and economic development could be more adequately addressed if major institutions like Howard, Atlanta and Fisk Universities, for example, could undertake more extensive serious research. Additional financial support to them, not just from alumni but from the broader community, perhaps through some such mechanism as a national fund, could help make that possible.

Black America must thus increasingly fund its own development. Problems come quickly to mind concerning intragroup politics, personalities, collection, administration, disbursal and safe-guarding of large funds. These are real enough difficulties to anticipate. But the basic problems are subject to demonstration and evaluative research.

The national fund would contain a number of familiar elements similar to the approach of other national charitable organizations. The key problems will be recognized as marketing problems, and they may be summarized as how to find a set of secular and technically effective substitutes for traditional, charitable and religious commitment.

Many leaders have expressed the desire over the years to see community-wide support for annual fund-raising drives that have the purpose of "raising money from the community for the community."

There is no obvious reason why this cannot be accomplished in this decade, although there are sources of opposition apparently including executives of the major national multipurpose funds. Their opposition is significant because they are in a position to make the launching of the national fund more or less difficult. The major foundations are especially important because operating budgets in the fund's early phases will require significant grant subsidies.

Looking ahead, what might be the order of the financial potential of the national fund? It is difficult to judge, but we can look at a variety of combinations of assumptions as to level of response and level of contribution. With conservative assumptions, estimates can be derived in the $10 million to $15 million range, and with optimistic ones even higher. Roughly, if we reckon total income in Afro-America at over $50 billion, one-tenth of one percent of that is $50 million, and, given the savings rate, this might not be an unreasonable expectation after the fund has achieved some operating history and wide respect as a sensible apparatus for internal philanthropic purposes.

It is possible to debate the contribution assumptions at great length. Suffice it to assert here that annual receipts in the hundreds of millions do not seem unreasonable if careful research can discover a powerful and meaningful appeal, and if a record of prudent management and solid program results can be established.

A number of organizations over the years have thought to attempt such a program. Indeed, there is in existence an effort known as the National Black United Fund (NBUF), which has sought to create a program together with several local funds now affiliated through NBUF. This might be the vehicle that can evolve into the national fund.

In any event, the problems of coordination and cooperation in the national fund may strike some as staggering. It is no secret that there have been, historically, problems of mutual trust. It is reasonable to assume for now that they are manageable, if not solvable.

It takes money to raise money. The catalytic agent to raise seed money to establish the structure and launch the fund should be a business-oriented group, a group of civil rights and legal leaders, perhaps a group of athletes, writers and entertainers frequently mentioned as people looking for ways to make worthwhile contributions to social reform and development, or a body of religious leaders. Such a group may already exist, but more likely it will have to be created.

A major benefit of the entire undertaking will be its pressure toward program emphasis throughout black America. Funding applications presumably will be screened according to seriously applied standards of feasibility and soundness.

One reason that "radicals" and "conservatives" have adopted these postures is that they have tended to lack funds. In the case of radicals, rhetoric has been often a substitute for constructive action. Conservative elements have often tended to be preoccupied with pageantry, frivolity and trivia, in part, because meaningful activity is difficult without organized, reliable, financial resources. With good fortune, the national fund would lead to greater emphasis on careful program development by groups all along the ideological spectrum.

REPORTS OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. ROGERS. Mr. Speaker, on March 26, 1977, the Committee on Interstate and Foreign Commerce filed reports on H.R. 4974, the Health Planning and Health Services Research and Statistics Extension Act of 1977; H.R. 4975, the Biomedical Research Extension Act of 1977; and H.R. 4976, the Health Services Extension Act of 1977. At the time of filing, the reports of cost estimates as required by section 403 of the Congressional Budget Act of 1964 had not yet been prepared. Those cost estimates now have been received and I include them in the RECORD at this point:

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 29, 1977.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 4976, the Health Services Extension Act of 1977.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 4976.

2. Bill title: Health Services Extension Act of 1977.

3. Purpose of bill: To extend the authorizations for one year or more as stated for the following Sections of the Public Health Service Act; Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 and the Social Security Act.

Section No.	Purpose	Authorization level (1978)
314(d)(7)(A)	Formula grants to States	$103,500,000
314(d)(7)(B)	Hypertension programs	10,350,000
319(h)(i)	Planning and development of migrant health centers.	1,897,500
319(h)(2)	Operation of migrant health centers.	29,152,500
319(h)(3)	Inpatient and outpatient service.	3,450,000
330(g)(1)	Planning and development of community health centers.	5,750,000
330(g)(2)	Operation of community health centers.	241,670,200
1001(c)	Family planning projects	123,625,000
1003(b)	Training (family planning)	3,450,000
1004(b)	Research (family planning)	67,838,000
1005(b)	Informational and educational materials.	690,000
1121(b)(5)	Sudden infant death syndrome.	2,300,000
1131 (f)	Hemophilia	3,450,000
1132(e)	Blood separation centers	3,450,000
Subpt. IV, pt. C, title VII: sec. 757.	Scholarship programs (1978)	5,450,000
	National health service centers (1979).	6,300,000
	1980	7,200,000
COMMUNITY MENTAL HEALTH CENTERS ACT		
202(d)	Planning community mental health center programs.	100,000
203(d)	Initial operation of CMHCS	22,775,000
204(c)	Consultation and education service.	15,000,000
205(c)	Conversion grants	22,000,000
213	Financial distress grants	12,000,000
231(d)	Rape prevention and control	5,750,000
SOCIAL SECURITY ACT		
501	Maternal and child health crippled children's services.	399,864,200
PUBLIC LAW 94-63		
602(a)(5)	Home health services	3,450,000
602(b)(4)	Home health service training	1,000,000
Total authorizations:		
1978		1,087,962,400
1979		6,300,000
1980		7,200,000

4. COST ESTIMATE

[Outlays in millions of dollars]

	1978	1979	1980	1981	1982
314(d)(7)(A)	95.2	8.3			
314(d)(7)(B)	5.2	5.2			
319(h)(1)	1.2	.702			
319(h)(2)	18.4	10.8			
319(h)(3)	2.2	1.3			
330(g)(1)	3.2	2.7			
330(g)(2)	130.5	111.2			
1001(c)	48.2	37.7	37.7		
1003(b)	1.4	1.1	1.1		
1004(b)	26.5	20.7	20.7		
1005(b)	.270	.210	.210		
1121(b)	.280	1.9	.120		
1131(f)	1.7	1.7			
1132(e)	2.1	1.1	.210		
Sec. 757	3.3	1.8	.327		
1979		3.8	2.1	.388	
1980			4.4	2.4	0.432
COMMUNITY MENTAL HEALTH CENTERS ACT					
202(d)	.020	.055	.025		
203(d)	4.6	12.5	5.7		
204(c)	3.0	8.3	3.8		
205(c)	4.4	12.1	5.5		
213	2.4	6.6	3.0		
231(d)	1.2	3.2	1.4		

SOCIAL SECURITY ACT

	1978	1979	1980	1981	19
Amount	243.9	72.4	83.6		

PUBLIC LAW 95-63

Amount	1.2 .050	1.7 .050			
Total outlays	600.7	327.0	170.0	2.8	.432

Note: Totals may not add due to rounding.

5. Basis for estimate: Outlays are based on specific program spendout rates from HEW as of January 19, 1977, and updated by CBO.
6. Estimate comparison: None.
7. Previous CBO estimate: None.
8. Estimate prepared by: Mary Plaska (225-7766).
9. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C. March 29, 1977.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 4975, the Biomedical Research Extension Act of 1977.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 4975.
2. Bill title: Biomedical Research Extension Act of 1977.
3. Purpose of bill: To extend the authorizations for one year (fiscal year 1978) for the following Sections of the Public Health Service Act:

Section No.	Purpose	Authorization level
390(c)	Medical libraries	$9,200,000
409	Cancer control	69,116,150
410C	National Cancer Institute	847,162,450
414(b)	Heart and lung treatment programs.	29,900,000
419B	National Heart and Lung Institute.	406,636,550
472(d)	National Research Service awards.	137,700,000
	Total authorization	1,499,785,150

4. COST ESTIMATE

[Outlays in millions of dollars]

	1978	1979	1980	1981
390(c)	8.4	0.8		
409	26.3	31.1	9.7	2.0
410C	321.9	381.2	118.6	25.5
414(b)	11.4	13.5	4.2	.8
419B	154.5	183.0	56.9	12.2
472(d)	52.4	62.0	19.3	4.1
Total	574.9	671.6	208.7	44.6

5. Basis for estimate: Medical libraries were assumed to be primarily salaries and expenses and were projected to spend out at 91% the first year and 9% in 1979. All other programs which include much more grant and contract funds will, based upon historical experience, spend out at 38%, 45%, 14% and 3% between 1978 and 1981.

In each case, outlays were calculated assuming that appropriations would be at full authorization levels.
6. Estimate comparison: None.
7. Previous CBO estimate: None.
8. Estimate prepared by: Jeffrey C. Merrill (225-7766).
9. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 29, 1977.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 4974, the Health Planning and Health Services Research and Statistics Extension Act of 1977.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 4974.
2. Bill title: Health Planning and Health Services Research and Statistics Extension Act of 1977.
3. Bill purpose: To authorize appropriations for FY 1978 for the following Sections of the Public Health Service Act:

Section No.	Purpose	Authorization level
308(i)(1)	National Center for Health Services Research.	$27,600,000
308(i)(2)	National Center for Health Statistics.	31,740,000
1516(c)(1)	Planning grants	125,000,000
1525(c)	State planning agencies	35,000,000
1526(e)	Rate regulation	6,000,000
1534(d)	Centers for health planning	10,000,000
1613	Facilities construction	135,000,000
1640	Area development	120,000,000
	Total authorization	490,340,000

4. COST ESTIMATE

[Outlays in millions of dollars]

Section	1978	1979	1980	1981	1982
308(i)(1)	9.9	18.8	3.9		
308(i)(2)	22.5	9.2			
1516(c)(1)	50.0	75.0			
1525(c)	14.0	21.0			
1526(e)	3.0	3.0			
1534(d)	2.0	6.0	2.0		
1613	18.9	33.8	47.2	27	8.1
1640	24.0	60.0	24.0	12	
Total	144.4	221.8	77.1	39	8.1

5. Basis for estimate: Spendout rates for 1978 are based upon HEW's Outlay Analysis, dated January 19, 1977. Spendout rates for 1979-1982 are based upon prior spending experience of these programs. The following rates were used for each Section: (First year through fifth year):

308(i)(1), 36 percent, 50 percent, 14 percent.
308(i)(2), 71 percent, 29 percent.
1516(c), 40 percent, 60 percent.
1525(c), 40 percent, 60 percent.
1526(e), 50 percent, 25 percent, 25 percent.
1534(d), 20 percent, 60 percent, 20 percent.
1613, 14 percent, 25 percent, 35 percent, 20 percent, 6 percent.
1640, 20 percent, 50 percent, 20 percent, 10 percent.

In each case, outlays were calculated assuming that appropriations would be at full authorization levels.
6. Estimate comparison: Not Applicable.
7. Previous CBO estimate: None.
8. Estimate prepared by: Jeffrey C. Merrill (225-7766).
9. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

"NATIONAL LUPUS WEEK" DRAWING

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. ANDERSON of California. Mr. Speaker, for almost a year now I have been striving to achieve an expression of recognition by the Members of this House of the Congress of a deadly, widespread, and largely unknown disease called lupus erythematosus—lupus.

This disease currently afflicts over 500,000 people in this country, many of them women and children. On the first day of this session I introduced House Journal Resolution 24 with 24 of my colleagues; the purpose of which was to authorize the President of the United States to proclaim a week in 1977 as "National Lupus Week."

Since that time 156 additional Members have joined in cosponsorship of this joint resolution including 11 of our full committee chairmen. But due to the rules of the subcommittee with jurisdiction in this matter, our resolution remains in a state of limbo since 219 cosponsors are needed in order for the subcommittee to consider it.

I would like to personally thank the 181 Representatives who have demonstrated their concern and compassion for these hundreds of thousands of lupus-afflicted patients across the country and have cosigned the resolution. I would also like to thank the many local lupus chapters in Tennessee, in central Illinois, in Pennsylvania, in southern Arizona, in Texas, in New York, in my home State of California, and elsewhere throughout the United States for their support.

We still need 38 more cosponsors. Time is running out if we are to be successful in having a week of Federal recognition in 1977.

I urge those Members who do not see their names listed below to contact me and join in our efforts to bring to the attention of the American people the existence of this deadly disease of the connective tissues and vital organs.

Our resolution authorizes no Federal funds and in no way obligates the Treasury of the United States. All it does is authorize President Carter to issue a presidential proclamation proclaiming the week of September 18-24, 1977 as "National Lupus Week."

The list of cosponsors follows:

A LISTING OF THE COSPONSORS OF HOUSE JOINT RESOLUTION 24

James Abdnor of South Dakota, Joseph Addabbo of New York, Daniel Akaka of Hawaii, Clifford Allen of Tennessee, Glenn Anderson of California, Les AuCoin of Oregon, Herman Badillo of New York, Max Baucus of Montana.

Robin Beard of Tennessee, Anthony Beilenson of California, Tom Bevill of Alabama,

James Blanchard of Michigan, David Bonior of Michigan, David Bowen of Mississippi, John Brademas of Indiana, John Breckinridge of Kentucky.

Jack Brinkley of Georgia, William Brodhead of Michigan, Garry Brown of Michigan, George Brown of California, Clair Burgener of California, J. Herbert Burke of Florida, Yvonne Burke of California, Phillip Burton of California.

Charles Carney of Ohio, Tim Lee Carter of Kentucky, Del Clawson of California, James Cleveland of New Hampshire, E. Thomas Coleman of Missouri, Silvio Conte of Massachusetts, James Corman of California.

David Cornwell of Indiana, Baltasar Corrada of Puerto Rico, William Cotter of Connecticut, Lawrence Coughlin of Pennsylvania, Norman D'Amours of New Hampshire, George Danielson of California, Mendel Davis of South Carolina, E de la Garza of Texas.

Ronald Dellums of California, Ron de Lugo of the Virgin Islands, Robert Dornan of California, Thomas Downey of New York, Robert Drinan of Massachusetts, John Duncan of Tennessee, Robert Edgar of Pennsylvania, Mickey Edwards of Oklahoma.

Allen Ertel of Pennsylvania, Bill Lee Evans of Georgia, Walter Fauntroy of Washington, D.C., Millicent Fenwick of New Jersey, Hamilton Fish of New York, Daniel Flood of Pennsylvania, Walter Flowers of Alabama.

William Ford of Michigan, Benjamin Gilman of New York, Bo Ginn of Georgia, Dan Glickman of Kansas, Barry M. Goldwater Jr. of California, Henry Gonzalez of Texas, Albert Gore of Tennessee, Tennyson Guyer of Ohio.

Sam Hall of Texas, John Paul Hammerschmidt of Arkansas, James Hanley of New York, Mark Hannaford of California, George Hansen of Idaho, Augustus Hawkins of California, Margaret M. Heckler of Massachusetts, W. G. Hefner of North Carolina.

Cecil Heftel of Hawaii, Harold Hollenbeck of New Jersey, Frank Horton of New York, James Howard of New Jersey, William Hughes of New Jersey, Henry Hyde of New York, Andy Ireland of Florida, Ed Jenkins of Georgia.

John Jenrette of South Carolina, Bizz Johnson of California, Ed Jones of Tennessee, James Jones of Oklahoma, Abraham Kazen of Texas, Jack Kemp of New York, William Ketchum of California, Peter Kostmayer of Pennsylvania, John Krebs of California.

John LaFalce of New York, Robert Lagomarsino of California, Raymond Lederer of Pennsylvania, Joseph Le Fante of New Jersey, Norman Lent of New York, Elliott Levitas of Georgia, Jim Lloyd of California Marilyn Lloyd of Tennessee.

Trent Lott of Mississippi, John McFall of California, Matthew McHugh of New York, Stewart McKinney of Connecticut, Andrew Maguire of New Jersey, James Mann of South Carolina, Ron Marlenee of Montana, Dawson Mathis of Georgia.

Romano Mazzoli of Kentucky, Helen Meyner of New Jersey, Barbara Mikulski of Maryland, Abner Mikva of Illinois, Clarence Miller of Ohio, Norman Mineta of California, Joseph Minish of New Jersey, Joe Moakley of Massachusetts.

Anthony Moffett of Connecticut Robert Mollohan of West Virginia, Carlos Moorhead of California, William Moorhead of Pennsylvania, Austin Murphy of Pennsylvania, John Murphy of New York, Michael O. Myers of Pennsylvania, Stephen Neal of North Carolina.

Robert Nix of Pennsylvania, Richard Nolan of Minnesota, Mary Rose Oakar of Ohio, James Oberstar of Minnesota, George O'Brien of Illinois, Richard Ottinger of New York, Leon Panetta of California, Edward Patten of New Jersey.

Jerry Patterson of California, Edward Pattison of New York, Claude Pepper of Florida, Carl Perkins of Kentucky, Otis Pike of New York, Melvin Price of Illinois, Albert Quie of Minnesota, James Quillen of Tennessee.

Nick Joe Rahall of West Virginia, Charles Rangel of New York, Henry Ruess of Wisconsin, Frederick Richmond of New York, Matthew Rinaldo of New Jersey, Ted Risenhoover of Oklahoma, Ray Roberts of Texas.

Peter Rodino of New Jersey, Robert Roe of New Jersey, Edward Roybal of California, Marty Russo of Illinois, Jim Santini of Nevada, Ronald Sarasin of Connecticut, James Scheuer of New York, Paul Simon from Illinois.

Bernie Sisk of California, John Slack of West Virginia, Stephen Solarz of New York, Gladys Spellman of Maryland, Harley Staggers of West Virginia, J. William Stanton of Ohio, Pete Stark of California, Louis Stokes of Ohio.

Steven Symms of Idaho, Richard Tonry of Louisiana, Bob Traxler of Michigan, Morris Udall of Arizona, Al Ullman of Oregon, Guy Vander Jagt of Michigan, Bruce Vento of Minnesota, Joe Waggonner of Louisiana.

Douglas Walgren of Pennsylvania, Robert Walker of Pennsylvania, William Walsh of New York, Henry Waxman of California, Ted Weiss of New York, Charles Wiggins of California, Charles Wilson of Texas, Charles H. Wilson of California.

Larry Winn of Kansas, Lester Wolff of New York, Antonio Won Pat of Guam, Sidney Yates of Illinois, Gus Yatron of Pennsylvania, Don Young of Alaska, Robert Young of Missouri, Leo Zeferetti of New York.

ANNIVERSARY OF THE BYELORUSSIAN DEMOCRATIC REPUBLIC

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. RHODES. Mr. Speaker, March 25 marked the 59th anniversary of the founding of the Byelorussian Democratic Republic. It has long since been swallowed up by the tyranny of Communist Russia.

It is most appropriate that here in the United States we observe this anniversary. For two centuries we have preserved freedom as the bedrock of our Republic. Today, benevolent paternalism, exercised in the guise of public protection, is an internal threat to our own tradition of freedom.

In this year of 1977 the cause of human rights around the world has taken on new dimensions. There are stirrings everywhere of oppressed people against the shackles of thought and action imposed by totalitarian regimes. Although the nations of Eastern Europe have been obliterated in many instances, and their populations dispersed, those of Byelorussian descent in the United States observe this anniversary in the fervent hope that one day their homeland may again be autonomous and free. It is fitting that we in Congress take note of their faith and that we work to advance the cause of human rights for all peoples. We also must be on guard that we do not fritter away our freedoms through overbearing Government, confiscatory taxation, and overdependence on Government to make decisions that a free people must make for themselves.

DOCTOR ON TRIAL

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. McDONALD. Mr. Speaker, it has been obvious to many people for years, and even the press is catching on, that the battle against cancer is being lost, not won. However, the Congress continues to appropriate millions to be spent on more variations of radiation and chemotherapy. It is as though all our cancer researchers had blinders on. However, woe to anyone who steps out of this path.

Dr. John Richardson, a California doctor, has been treating cancer patients for some years with B–17 or Laetrile. He is a personal friend and one of the finest people I know. This treatment has been successful in many instances. Indeed, many other scientists and doctors are working with various vitamins and nutritional aspects of food as they might relate to cancer.

Dr. Richardson has been under constant harassment by Federal authorities for this treatment in spite of the fact the FDA pins its whole case on the prohibition of interstate movement of the drug. Alaska legalized B–17 and several other States have similar bills pending. But the saga of one honest doctor's attempt to provide the best remedy he knows is a story in itself. I commend this item as it appeared in the Review of the News on February 2, 1977, to the attention of my colleagues:

DOCTOR ON TRIAL

Dr. John Richardson is on trial in San Diego, California, along with a dozen others, for conspiracy to smuggle and conspiracy to receive smuggled goods. The doctor is acting as his own attorney, and the following is a condensation of his introductory remarks to the jury.

Ladies and gentlemen of the jury:

You are sitting in judgment of a case that may be one of the most important in American history. The issue is not smuggling, but literally whether medical science is to be frozen by bureaucratic fiat. The lives of millions are in the balance. I am charged with conspiracy to smuggle—but the purpose of this prosecution is not to punish a smuggler but forever to chain the advancement of medical science to political whim.

Let me begin with a short biography. I was in college when our country was attacked and forced into World War II. I quit school and joined the Marine Corps. After successfully completing the Officers Candidate School Training, I served in Guam, Saipan, and China. Following the war I returned to college where I played football and served on the student council and honor court. After being graduated I entered medical school at the University of Rochester and upon completion of my studies received a fellowship for medicine and surgery at Mary Imogene Bassett Hospital in Cooperstown, New York. Continuing to prepare myself for practice I accepted a fellowship in ear, nose, and throat at Kaiser Hospital in San Francisco.

Finally, in 1956, I opened a general practice in Albany, California. It grew rapidly and I became both professionally and financially successful. I stress this because, as we all know from watching Perry Mason and Sher-

lock Holmes on television, a major element in judging those charged with crime is to examine motive. Why would a professionally and financially successful physician risk everything to become a smuggler? Surely that is something we associate with professional criminals or people who are desperate and have no other way of making a comfortable living. That is clearly not the case with myself.

I am here before you today instead of at home in Albany treating my patients because in my practice I use a substance called Vitamin B–17, also known as amygdalin or laetrile. I think it is important for you to understand how and why I became involved in fighting the giant medical bureaucracy by using this vitamin.

WHAT IS LAETRILE?

The efficacy of laetrile is not the subject of this trial; but the story of B–17 is relevant to why I happen to be in this courtroom charged with being a common criminal. In 1969, as part of my continuing medical studies, I spent some time investigating the claims made for Vitamin B–17. This vitamin is extracted from apricot seeds and contains a substance from a family known as nitrilocydes. I discovered that these nitrilocydes occurred in nature not only in apricot seeds but also in peach seeds, bitter almonds, and some 1,200 natural sources. Tonight, if you have lima beans with your dinner, you will be ingesting nitrilocydes.

While studying this subject, I learned that there are parts of the world where the everyday diet is high in nitrilocydes; and I noted that the higher the natural diet is in this substance, the lower the incidence of cancer. It was hypothesized that these nitrilocydes are connected to the immunity system which exists in each of our bodies. One noted, for example, that in the last century *millet*, which is high in nitrilocydes, was a staple in the American diet. Since that time wheat, which is low in nitrilocydes, has replaced millet on our tables even as the incidence of cancer has been steadily increasing.

WHEN ASKED FOR HELP

Such information was fascinating, but strictly academic since I did not treat cancer patients as part of my practice. Then one day my nurse, Charlotte Anderson, came to me almost in tears to announce that her sister had cancer. She wanted to know if I would treat her with laetrile shots. Whether to do this was a very difficult decision. I told her that the proponents of B–17 did not claim that it was a cure for cancer, but that it often acted as a control much in the way that insulin, not a cure for diabetes, serves to control that disease. My nurse believed that her sister's chances were better with laetrile than through the traditional forms of treatment—composed of cutting (surgery), burning (radiation), and poisoning (chemotherapy).

At that time I had no idea of how political the treatment of cancer had become, and how politics and self-interest now so often supersede the search for medical cures. I did know that the treating of cancer with laetrile was frowned upon by the medical establishment. But my Hippocratic Oath as a physician was and is more important to me than politics, the whims of bureaucrats, the vested interests of drug companies and research institutions, or even the current fads of those who claim to speak for the medical profession. I knew I could not refuse to treat my nurse's sister without betraying my Hippocratic Oath and becoming a traitor to my conscience. It was a momentous decision and I knew it. What I did not then realize was that I was about to bring down upon myself and my family the vengeance and hatred of a professional machine that felt its authority threatened.

Kaiser Hospital had biopsied a melanoma on the arm of my nurse's sister and wanted to amputate immediately. Consider what it meant to her and all of us when she responded beautifully to the B–17 treatment. I saw her recently at a wedding, and ladies and gentlemen of the jury she came up to me and grabbed both of my hands . . . with both of her hands.

With such splendid results, I began using B–17 with other patients as part of an overall nutritional program. The use of B–17 is legal in the State of California as long as it is not being used specifically and exclusively as a treatment for cancer. But I soon found myself the victim of harassment by armies of state and federal bureaucrats.

SUSTAINED HARASSMENT

In June of 1972, eight men from the California Food and Drug Administration and the Albany police burst into my office as if to capture John Dillinger. They were accompanied, if you can believe it, by a film crew from ABC television. My staff and I were treated like heroin pushers as government agents manhandled my nurses and ransacked the office. They were looking for laetrile, as if there were some dark secret that I was using it in my practice. The presence of a television crew to record such a commando operation is, as far as I know, unprecedented in annals of the C.F.D.A. Apparently the idea was to put me, a faithful and respected physician, in the worst possible light by making me look like a common criminal to a public that gets 70 percent of its news from images flashed on television. It seemed obvious that I was to be tried by the press with loaded and phony evidence, and that the creation of such a smear was the sole reason why the C.F.D.A. had brought along the television crew.

Outraged at such abuse, some of the local media began to champion my cause and I was soon refused my right to a jury at the first trial. I appealed, and forced the judge to permit a trial by jury. But I soon had major problems with my attorney, a nightmare within a nightmare, and I was convicted of using laetrile to treat cancer, even though I had always been careful to explain to each patient that I was providing laetrile as part of an overall nutritional program. Never have I claimed laetrile would "cure" cancer. Despite the many carefully documented cases of total remission, no reputable physician that I know of claims that Vitamin B–17 is anything more than a control for the disease.

I appealed, was granted a second trial, and it resulted in a hung jury. Unsatisfied, the state tried me yet again on the same charge and I was forced to endure a third trial. Once more there was a hung jury, and this time the judge saw what was happening and ordered the state to get off my back and quit harassing me. Unfortunately, as you know, there are now so many government bureaus and agencies that harassment can be moved from one bureau to another, to another, to another, until the victim surrenders or is destroyed. The idea is to crush resisters to the bureaucracy by keeping them constantly in court while draining them financially through attorneys fees.

The time and money which go into such a defense are enormous, and by the time you are found innocent you have been driven so deeply in debt that every practical impulse urges you to give up your principles, forget your moral obligations, and do whatever it is they want. I can't do that. I have sworn an oath as a physician and I can't let innocent people die needlessly. This is why I am defending myself in this trial.

The logical question now is why everybody would get so excited about a doctor using Vitamin B–17 in his practice. This is a simple question, but the answer is very complicated. Let me try to make sense out of it for you.

THE CANCER ESTABLISHMENT

Every year more than 370,000 Americans are killed by cancer. It is by far the most feared of the deadly diseases. Man has with little success been looking for a cure to this horrible killer for ages. Much of the research has been sponsored by the American Cancer Society, established long ago by the Rockefeller family and some of its business friends. Since they were in the petroleum and drug businesses they were interested in looking for a solution to the cancer threat that involved the use of synthetic drugs. As it happens, most synthetic drugs have a coal-tar base; that is, they are derivatives of petroleum.

Over the past several decades the American Cancer Society has financed and directed the vast majority of the cancer research in this country through grants. There may or may not have been something sinister in all this, but the point is that if you wanted money to do cancer research you were most likely to get it by looking in an area which involves the use of coal-tar-based chemicals and assorted synthetic medicines.

Maybe they have not been looking in the right place. There is another theory on the prevention and control of cancer. This lies in the field of orthomolecular medicine. That is a term coined in 1968 by Dr. Linus Pauling, the famous Nobel laureate. The prefix "ortho," from the Greek means "correct." And "molecular" relates to molecules. According to the Linus Pauling Institute of Science and Medicine, in its *Newsletter*, Volume 1, Number 1:

"Orthomolecular medicine is the achievement and preservation of good health and the prevention and treatment of disease by the use of substances that are normally present in the human body; that is, by changing the amounts of those substances in the human body. The vitamins are substances of this sort. One of the goals of orthomolecular medicine is to determine the amounts of various vitamins that are needed to put people in the best of health. Synthetic drugs and other artificial substances are not a part of orthomolecular medicine."

As much as $28 billion is spent each year in the fields of cancer research, detection, and treatment. You could put the portion of this $28 billion which goes into orthomolecular research in your eye and it would not blur your vision. The bureaucrats, foundation powers, and medical politicians do not intend to be proved wrong. The answer is going to be found in synthetics come hell or high water. In the opinion of those of us in orthomolecular medicine, this means it may never be found at all while Americans continue to die horribly at the rate of 370,000 a year.

THE PAULING PROSPECT

Let us take a look at Linus Pauling for a moment. Now, politically, I consider Dr. Pauling to be on the moon, but there is no denying that he is one of the great scientists of this century. And for many years he was the absolute reigning darling of the American scientfic establishment. Then, about ten years ago, he began looking into diet as a factor in preventing and treating disease. Pauling has set up an institute at Stanford University for the study of orthomolecular medicine. But even Linus Pauling, possibly the most famous living scientist in the world, cannot obtain grants from either the big foundations or the government to carry out his research. Professor Pauling has gone from the penthouse of the scientific establishment to its outhouse. He was forced to buy ads in the *Wall Street Journal* of November 8, 1976, to solicit research funds. The Pauling Institute's solicitation begins:

"Our research shows that the incidence and severity of cancer depends upon diet. We urgently want to refine that research, so that

it may help to decrease suffering from human cancer.

"The U.S. government has absolutely and continually refused to support Dr. Pauling and his colleagues here in this work during the past four years."

I can tell you that if Dr. Pauling were researching in the field of petroleum-based chemicals he would be inundated with funds from both the U.S. Government and the American Cancer Society. But, Nobel laureate Linus Pauling, the world's most famous living scientist, has become a pariah. He is now a non-person as far as the U.S. medical establishment is concerned—simply because he believes that a solution to the mystery of cancer lies in the field of diet, and that prevention and treatment can be found through vitamins, minerals, and enzymes. You see, they cannot be patented. Potential profits do not therefore justify commercial research.

A WORD ABOUT MOTIVES

Probably the most difficult thing to understand about all this is that men of science could be so foolish as to foreclose the avenue suggested by Pauling and others. Cancer is such a horrible disease that it staggers the mind to think that every possibility of finding a means of prevention or remedy is not being exhaustively explored. Cynics have pointed out that with the billions of dollars flowing into cancer research—that is, cancer research of the "right" kind—there is more money to be made looking for a cure than in actually finding it. I believe that the scientists doing actual cancer research hope with all their hearts that they will be successful. Besides the humanitarian aspects involved, whoever finds a cure or preventative for cancer will become one of the most famous people in history. Just as Jonas Salk has become a household word for producing a preventative for polio, the man or woman who beats cancer will become an instant superstar. Wealth and power will lie at his feet.

The trouble is, as I have explained, that scientists are being financed to look for the answer to cancer only within the realm of traditional cancer therapies. They have not been able to get money to investigate the field of nutrition as it relates to cancer—no matter how much we in orthomolecular medicine produce in the way of evidence that they are looking for the needle in the wrong haystack. At the rate things are going, they may never find it. If so, millions of people are going to die agonizing and terrible deaths because of the intransigence springing from politics, bureaucracy, and blind arrogance.

We have no quarrel with those who insist on finding the solution to cancer within the realm of petroleum-based chemicals, although we think they are wrong. What grates us is that these people and their legion of associated bureaucrats and hired propagandists insist that anybody dealing with cancer from any other position is automatically a quack. Now, of course, they do not call Dr. Linus Pauling a quack. They just cut off his funds while shaking their heads and tsk-tsk-ing about what a shame it is that this great man has lost his marbles. But, ladies and gentlemen of the jury, let me remind you that Pauling is dealing in the field of pure research. I have to face the man or woman who is dying of cancer. The doctor is on the front line of this battle, sandwiched in between medical orthodoxy which would label him a quack and the patient who is in desperate need. This is why I am in court for the fourth time.

THE POLITICAL GAME

There is an obvious tendency for the federal regulated big drug companies, the medical politicians of the American Cancer Society, and the Food and Drug Administration to act as one big happy family. We all know that many generals and admirals leave the Pentagon and retire to cushy jobs with defense contractors. Then they proceed to negotiate defense contracts with their old chums. This fact of political life has received a fair amount of publicity. What has received virtually no publicity is the fact that the same kind of musical chairs is played between the drug company giants, the American Cancer Society, and the Food and Drug Administration. Much of this, incidentally, has been brought out by Senator William Proxmire of Wisconsin.

What it all means is that, by operating in both the private and public sectors, a powerful clique has a hammerlock on research and treatment in the field of cancer. If you are on their team and play the cancer game their way, you are respectable and you get public recognition with lots of generous grants. If you are not on their team, and persist, you will be vilified as a quack preying upon the suffering of others. You will be harassed by every possible branch of government, with sensationalists in the mass media treating you like some kind of dope peddler. You can imagine how humiliating and infuriating it is to be faced with such an assault and to know that if you and other medical scientists give in to it you could be signing the death warrants of literally millions.

Not that there are not real quacks in the field of cancer who prey upon ignorance and desperation—black-box charlatans and seedy con men. But it should be clear to even the merest stripling that no legitimate Doctor of Medicine like myself, with a thriving practice and after years of study and faithful service, would give all that up to become a quack and subject himself and his family to the Hell that I am being put through.

RATIONALIZATION THAT KILLS

I am not trying to imply that everyone connected with the big drug companies, the American Cancer Society, and the F.D.A. is consciously saying to himself: "I don't care how many people die agonizing deaths as long as my career is on the upswing." Nobody is that blatant. But we do know that human beings have an incredible capacity for rationalization of anything which they see as being in their immediate self-interest. If people were not given to rationalization, nobody would smoke. The bars would close down, we would all go on a diet, and the churches would be overflowing. Crime would virtually disappear, and maybe we would all sprout angel wings. But this is not Utopia; it is the real world. People are given to self-deception and self-delusion. Probably even the prosecutor in this case sincerely believes that he is here today to protect the public's interest, justifying on that basis some of the lawyer tricks he has been playing.

My point is that human nature is still human nature, and there is a vast and vested self-interest in the orthodox treatment of cancer that has been endorsed by a massive bureaucracy. These people tend to be unwilling to admit that anyone searching for answers elsewhere can be motivated by any other feelings besides greed and malice. The oil companies want to sell petroleum products to the pharmaceutical companies. The drug companies want to sell their products to doctors and hospitals. Doctors who are trained to do so, and ignorant of other alternatives in indicated cases, want to perform operations, and use radiation and chemotherapy. Scientists want grants. Bureaucrats at H.E.W. want to expand their authority by getting the federal government more and more involved in medicine, and they recognize in fear of cancer an excuse for doing so.

All these people have an enormous interest in maintaining the *status quo*, and react with anger and resentment at anyone who challenges their well-financed authority. Collectively, the prejudice and bigotry of their reaction is the defense perimeter of what can only be called the Cancer Establishment.

Those of us who dare to differ with this Cancer Establishment become the enemy. That is why I am in here in this court today instead of home treating the sick and suffering.

WHAT IS AT STAKE

As I said earlier, I began using Vitamin B–17 because I felt obligated under my Hippocratic Oath to do so. But I know for a fact of many other good doctors who have attended seminars on the prevention and control of cancer through diet who have spent considerable time and effort doing their own research into this matter and who would like to use B–17 in their practice. A number of them simply do not dare. They believe from the evidence that our position is medically right, but they know it is politically dangerous. They dare not subject themselves to the kind of harrassment I have had to endure. And I must admit that if I had known what I was getting into when I stumbled into this field I can't say what my own course would have been. I pray it would have been the same.

If enough doctors would jump into this fight, the sinister effort to use the bureaucracy to dictate scientific truth would be exposed and defeated. But each of us sees himself as an individual and few busy doctors dare to pit themselves against a powerful army of bureaucrats and prosecutors backed by a multibillion-dollar machine. Doctors are not masochists.

I hope that now you see why I began this introductory statement with the observation that you are acting as the jury in an affair which is far more important than a simple smuggling case. The prosecutor knows I am not a smuggler. He knows he has no case against me. What is going on here is that a physician named John Richardson has challenged the Cancer Establishment. If I can be forced to stop treating patients with Vitamin B–17—if I can be destroyed, even imprisoned—then, because I am the most widely known of the doctors using vitamin therapy, other physicians will be afraid to work and research in this field. Even now, of the hundreds of doctors providing their patients with B–17 because they feel morally obligated to do so, most do it in secret because they fear being subjected to what is happening to me. I have put my years of study, my professional practice, the reputation and comfort of myself and my family, on the line, I have endured every humiliation, fought successfully through trial after trial, and continued to fight. No hope of personal gain could be worth this. I have done it because a physician's job is not to be a lackey to the bureaucracy but to save lives and relieve suffering. I have done it because I could not break my Hippocratic Oath. If that makes me an old-fashioned doctor who doesn't recognize the new realities, and you consider that a criminal offense, I guess you're going to have to let them put me in jail.

THE NLF OF VIETNAM: ANOTHER MYTH DESTROYED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. ASHBROOK. Mr. Speaker, throughout the fight against the Communists in Vietnam I pointed out that the National Liberation Front of Vietnam—NLF—and the Vietcong were nothing but fronts for the North Vietnamese Communists. Some of those who opposed the fight for freedom in Vietnam maintained that the NLF and the

Vietcong were separate from the Communists and were trying to throw off colonialism—first the French and then the Americans.

That myth has been completely destroyed. The Vietcong have been made part of the regular army. The NLF's Provisional Revolutionary Government has been incorporated into the Hanoi government.

The battle in Vietnam was a fight between the forces of communism and those forces that opposed communism. The defenders of the Vietcong were in fact defending the Communists.

EXPERIENCE WARNS AGAINST TRUSTING HANOI'S GOOD FAITH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. DERWINSKI. Mr. Speaker, Frank Starr, who is a columnist in the Chicago Tribune's Washington Bureau, and one-time bureau chief of that publication's office in Moscow, has a good insight into the historic pattern of Communist duplicity.

In his column of March 28, he raises a legitimate warning that the trust and good faith in the Communist dictatorship in Hanoi should be carefully pondered by the administration's policy decisionmakers who are leaning toward embracing that particular Government.

The article follows:

EXPERIENCE WARNS AGAINST TRUSTING HANOI'S GOOD FAITH

(By Frank Starr)

WASHINGTON.—It is not every schoolboy who knows exactly how many nations there are in the world with which the United States has no diplomatic relations.

Even the President could be forgiven if he did not know the precise number. Jimmy Carter does know it, though. It apparently is a statistic which causes him some discomfort, one he would like to reduce to zero. That would be nice. Even admirable. If that's all there were to it.

But the nature of the movement toward Viet Nam suggests that Hanoi is to be the first in line, and that the President had made up his mind about this even before the Woodcock Commission on the Missing-in-Action went to Viet Nam and reported home.

One may understand that this President feels it is incumbent on him to take the last step in putting the war behind us and to do it early and promptly. It is also understandable that he feels such evenhandedness in dealing with adversaries and friends of left and right is fundamental to the open foreign policy he wishes to conduct. It can certainly strengthen his hand for the confrontations that could arise later.

But the nature of the movement toward iVet Nam suggests that Hanoi is to be the first in line, and that the President had looking to the future and not the past, there is very good reason to believe that the Vietnamese are not acting in good faith.

That little matter of the Paris accords to end the war still stands huge on the landscape of agreements made and very promptly broken. In fact, from the purely diplomatic point of view, it was a permanent mark on the credibility of the Socialist Republic of Viet Nam as well as the "face"—in the Asian sense of losing face—of the United States.

Now comes the Woodcock Commission which, in its report, says at the outset it determined to approach Viet Nam without reference to the past. What followed was a description of a very slick con job at the hands of the Vietnamese but to which the commission was ready to submit itself willingly.

According to its report, the commission did not examine any evidence except that presented it by the Vietnamese "although they almost certainly have at least some additional MIA information available [which] they did not provide."

The commission also observed that further obstacles to gathering information might be presented by the reluctant attitude of many Vietnamese as well as the passage of time and nature of the country. Nonetheless, the commission concluded that "there is no evidence" of deserters or defectors alive. It also concluded that other Americans who stayed behind "probably have been allowed to leave." Additionally, "it is probable no accounting will ever be possible."

Still the commission found, and the President agreed, that the Vietnamese had done "about all they can do." And if he finds, the President says, that they are acting in good faith he will look favorably on normalizing relations and economic aid.

It is certainly in the North Vietnamese interest to persuade us that they are acting in good faith. Then it is certainly not in our interest to be so easily persuaded, given recent experience, unless there is some other, deeper interest that Carter has not yet explained.

Vietnamese membership in the United Nations will bring yet another activist member into that body's Communist-Third World bloc.

Moreover, Carter's promise that "we will never cease attempting to account for those 2,500 American servicemen who were lo=t" rings a little hollow against the commission's report that probably "no accounting will ever be possible."

But the final indignity heaped upon us is the Vietnamese position that, under those bitter Paris accords, American reparations are "an obligation to be fulfilled with all your conscience and all your sense of responsibility."

If Americans are to accept that, it is my guess they will need to hear a better reason why.

TENANTS' TAX JUSTICE BILL

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. HARRIS. Mr. Speaker, I am today reintroducing the tenants' tax justice bill with additional cosponsors. This bill is identical to H.R. 84, H.R. 383, H.R. 1676, and H.R. 2642. To date, 75 Members of the House have cosponsored this legislation to extend property tax relief to renters.

Tenants pay property taxes through their rent. However, unlike other taxpayers, renters are denied the right to claim their property tax payment for Federal income tax purposes. The tenants' tax justice bill attempts to correct this inequity by extending property tax relief to renters.

The inequity in the current law is clearly demonstrated by two similarly situated taxpayers who live in the same single-family development. Despite the fact that their homes, their housing costs, their income, the number of their dependents, and so forth, are identical, the Federal income tax liability of the individual who rents his home is greater than that of the individual who has been able to purchase his home.

However, the inequity is even more fundamental. Under current law, lower and many middle-income taxpayers receive no property tax relief, while upper income taxpayers obtain assistance.

I urge my colleagues who would like to cosponsor this legislation or who would like additional information to contact me.

VIETNAM VETERANS DAY

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. ABDNOR. Mr. Speaker, we are all aware of the uproar which was heard throughout the Nation as a result of the President's pardon of draft evaders 2 months ago. A great number of the citizens of the State of South Dakota expressed the same anguish. The citizens of my great State have always supported the American fighting men and women in their endeavors to protect this Nation. The South Dakota State Legislature, sensing this attitude, passed Senate Concurrent Resolution No. 4 honoring South Dakota veterans for their services in the armed forces and protesting the Presidential pardon on March 22, 1977. I include the text of the resolution at this point in the RECORD:

SENATE CONCURRENT RESOLUTION No. 4

A concurrent resolution, honoring the South Dakota veterans for their service in the armed forces and protesting the presidential pardon

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, the duty to serve one's country is above and beyond the call of citizenship; and

Whereas, over 27,500 South Dakotans responded to their civic duty during the Vietnam conflict; and

Whereas, there are over 83,000 veterans in the state of South Dakota who have honorably served their state and nation; and

Whereas, the South Dakota National Guard has honorably served their state and nation; and

Whereas, our president has seen fit to grant pardon to those who fled this country or otherwise evaded mandatory compliance of the draft laws; and

Whereas, such pardon may jeopardize the future of the United States in the event our country should again be required to institute a draft to defend itself from attack; and

Whereas, such action of the President is distressing to those who have honorably served their state and nation:

Now, therefore, be it resolved, by the Senate of the Fifty-second Legislature of the State of South Dakota, the House of Representatives concurring therein, that those who have served their state and nation be honored as having served honorably above and beyond the call of citizenship and be in-

formed that we, the Legislature of the State of South Dakota will continue to hold them in the high esteem they deserve; and

Be it further resolved, that the Legislature of the State of South Dakota protests any pardon program; and

Be it further resolved, that copies of this Resolution be sent to the President of the United States, the Governor of the State of South Dakota, the Adjutant General of South Dakota, and the Congressional delegation of South Dakota.

THE 95TH CONGRESS SCOUTING SURVEY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. BROWN of Ohio. Mr. Speaker, during each of the past five Congresses, I have surveyed the Members of the House and Senate for the Boy Scouts of America to determine the participation of Members of Congress in Scouting, either as Scouts during their youth or as leaders.

The survey for the current Congress is now complete. I thank my colleagues for their 100 percent participation and cooperation.

As I have done in the past, I am placing the results of the survey in the RECORD so that they will be available to Members and others during the next 2 years for reference. The results are also made available through the press and the Boy Scouts of America.

I am happy to report that the percentage of Members who have participated in Scouting has increased by 1 percent since the 94th Congress, signalling a welcome increasing trend.

The percentage of Members who have participated in scouting stands at 58.7 percent for the 95th Congress. The 314 Members who have participated is an increase over the 309 Members of the 94th Congress. The totals include 254 Members of the House and 60 Members of the Senate.

There are four more Eagle Scouts in the 95th Congress than in the 94th. Both the House and the Senate lost one Eagle Scout, but the House gained five and the Senate one.

A summary of the results and a list of the participating Members follows:

BREAKDOWN OF 95TH CONGRESS SCOUTING SURVEY

	Representatives	Senators	Total
Scout (only)	166	38	204
Scout & Leader	68	16	84
Leader (only)	20	6	26
Total	254	60	314

Total who were Leaders: 110

Percentage of Members who participated in Scouting: 58.7 percent.

Eagle Scouts:

Senators—Richard Schweiker, Penn. (R), Lloyd Bentsen, Tex. (D), John Culver, Iowa (D), Sam Nunn, Ga. (D), and Richard G. Lugar, Ind. (R).

Representatives—
Bill Alexander, Ark. (D).
Charles Bennett, Fla. (D).
Keith J. Sebelius, Kans. (R).
Larry Winn, Jr., Kans. (R).
Thad Cochran, Miss. (R).
Barber E. Conable, N.Y. (R).
Mark Andrews, N.D. (R).
Clarence J. Brown, Ohio (R).
J. William Stanton, Ohio (R).
Tom Steed, Okla. (D).
Daniel J. Flood, Penn. (D).
J. J. (Jake) Pickle, Tex. (D).
Henry S. Reuss, Wisc. (D).
M. Caldwell Butler, Va. (R).
Philip R. Sharp, Ind. (D).
John P. Murtha, Penn. (D).
Richard T. Schulze. Penn. (R).
Robert C. Krueger, Tex. (D).
Jim Guy Tucker, Ark. (D).
Eldon Rudd, Ariz. (R).
Richard A. Gephardt, Mo. (D).
Ike Skelton, Mo. (D).
Dan Marriott, Utah (R).

Silver Buffalo: Senator John Glenn, Ohio (D).

Silver Beaver: Senator Mark Hatfield, Ore. (R).

Representatives: Del Clawson, Calif. (R), Larry Winn, Jr., Kansas. (R).

Silver Antelope: Senator Mark Hatfield, Ore. (R).

Cub Scout Den Mother: Rep. Marjorie Holt, Md. (R).

RESULTS OF BOY SCOUT SURVEY, 95TH CONGRESS, 1ST SESSION, CONDUCTED BY CONGRESSMAN CLARENCE J. BROWN, OHIO

(Scout denoted by "S"; Leader or Adult Volunteer denoted by "L"; Scout and Leader denoted by "S&L").

ALABAMA

Sen. John Sparkman (D) S&L.
John Buchanan, Jr (R) L.
William Dickinson (R) S.
Ronnie G. Flippo (D) S&L.
Walter W. Flowers (D) S&L.

ALASKA

Sen. Mike Gravel (D) S.
Sen. Theodore F. Stevens (R) S&L.

ARIZONA

Sen. Barry Goldwater (R) S.
John J. Rhodes (R) S.
Eldon Rudd (R) S.
Morris K. Udall (D) S&L.

ARKANSAS

Sen. Dale Bumpers (D) S&L.
Bill Alexander (D) S.
John Hammerschmidt (R) S.
Ray Thornton (D) S.
Jim Guy Tucker (D) S&L.

CALIFORNIA

Sen. S. I. Hayakawa (R) S.
Sen. Alan Cranston (D) S.
Robert Badham (R) S&L.
Anthony Beilenson (D) S.
Del Clawson (R) S&L.
James Corman (D) S.
George Danielson (D) S.
Ronald Dellums (D) S.
Robert K. Dornan (R) S.
Don Edwards (D) S.
Barry Goldwater, Jr (R) S.
Harold Johnson (D) L.
Robert J. Lagomarsino (R) S.
Robert Leggett (D) S&L.
James F. Lloyd (D) S.
Paul McCloskey (R) L.
John McFall (D) L.
George Miller (D) S.
Norman Y. Mineta (D) S&L.
John E. Moss (D) S.
Carlos Moorhead (R) L.
Leon E. Panetta (D) S.
Jerry M. Patterson (D) S.
John Rousselot (R) S.
Edward Roybal (D) S.
Lionel Van Deerlin (D) S.
Bob Wilson (R) S.

COLORADO

Frank Evans (D) S&L.
James Johnson (R) S.
Patricia Schroeder (D) S.
Timothy E. Wirth (D) S.

CONNECTICUT

Sen. Lowell Weicker (R) S.
Sen. Abraham Ribicoff (D) S.
William Cotter (D) S.
Robert Giaimo (D) S.
Stewart McKinney (R) S.
Anthony J. Moffett (D) S.

DELAWARE

Sen. Joseph Biden (D) S.
Sen. William Roth, Jr (R) L.
Thomas B. Evans, Jr (R) S&L.

FLORIDA

Sen. Lawton Chiles (D) S&L.
L. A. Bafalis (R) S.
Charles Bennett (D) S.
J. Herbert Burke (R) S.
Dante B. Fascell (D) S.
Louis Frey (R) S.
Don Fuqua (D) S&L.
Sam Gibbons (D) S.
Andy Ireland (D) S.
Paul Rogers (D) S.
Claude Pepper (D) S&L.
Robert Sikes (D) S.
C. W. Young (R) S&L.

GEORGIA

Sen. Sam Nunn (D) S.
Doug Barnard (D) S&L.
Jack Brinkley (D) L.
John Flynt, Jr. (D) S&L.
Bo Ginn (D) S.
Ed Jenkins (D) S&L.
Elliott Harris Levitas (D) S.
Lawrence P. McDonald (D) S.
Dawson Mathis (D) S&L.

HAWAII

Sen. Spark Matsunaga (D) S.

IDAHO

Sen. Frank Church (D) S.
Sen. James McClure (R) S.
George V. Hansen (R) S&L.

ILLINOIS

Sen. Charles Percy (R) S&L.
Frank Annunzio (D) L.
Philip Crane (R) S.
Edward Derwinski (R) S.
John Erlenborn (R) S.
John G. Fary (D) S.
Henry J. Hyde (R) S.
Robert McClory (D) S.
Edward Madigan (R) S.
Ralph Metcalfe (D) S.
Abner J. Mikva (D) S.
Morgan Murphy (D) S.
Dan Rostenkowski (D) S&L
Paul M. Simon (D) S.
Sidney Yates (D) S.

INDIANA

Sen. Richard G. Lugar (R) S.
John Brademas (D) S&L.
David L. Cornwell (D) S.
Lee Hamilton (D) S.
Elwood Hillis (R) S.
Andrew Jacobs, Jr. (D) S.
Philiip R. Sharp (D) S.

IOWA

Sen. Dick Clark (D) L.
Sen. John C. Culver (D) S.
Berkley Bedell (D) S&L.
Michael T. Blouin (D) S.
James A. S. Leach (R) S.
Neal Smith (D) L.

KANSAS

Sen. Bob Dole (R) S.
Sen. James Pearson (R) S.
Dan Glickman (D) S.
Martha E. Keys (D) S&L.

Keith Sebelius (R) S.
Joe Skubitz (R) L.
Larry Winn, Jr. (R) S&L.

KENTUCKY

Sen. Wendell H. Ford (D) L.
Sen. Walter Huddleston (D) S.
John Breckinridge (D) S.
William Natcher (D) S.
Gene Snyder (R) S.

LOUISIANA

Jerry Huckaby (D) S&L.
David Treen (R) S.
Joe D. Waggonner (D) S.

MAINE

Sen. William Hathaway (D) S.
Sen. Edmund Muskie (D) S.
William Cohen (R) S.

MARYLAND

Sen. Charles McC. Mathias (R) S.
Sen. Paul Sarbanes (D) S.
Goodloe Byron (D) S&L.
Marjorie Holt (R) S&L.
Clarence Long (D) S.
Gladys Spellman (D) S&L.
Newton I. Steers, Jr. (R) L.

MASSACHUSETTS

Sen. Edward Brooke (R) S.
Michael Harrington (D) S.
Thomas O'Neill, Jr. (D) L.
Edward J. Markey (D) S.
John Moakley (D) S.
Paul E. Tsongas (D) S.

MICHIGAN

Sen. Robert Griffin (R) S&L.
Sen Donald W. Riegle (D) S&L.
William Broomfield (R) S&L.
Garry Brown (R) S.
Elford Cederberg (R) S.
John Dingell (D) S&L.
Lucien N. Nedzi (D) L.
Carl D. Pursell (R) S&L.
Philip Ruppe (R) S.
Harold S. Sawyer (R) S.

MINNESOTA

Sen. Hubert Humphrey (D) S&L.
Donald Fraser (D) S.
Bill Frenzel (R) S.
Bruce F. Vento (D) L.

MISSISSIPPI

David Bowen (D) S.
Thad Cochran (R) S&L.
G. V. Montgomery (D) S.

MISSOURI

Bill Burlison (D) S&L.
William Clay (D) S.
Richard A. Gephardt (D) S.
Ike Skelton (D) S&L.
Harold L. Volkmer (D) S&L.
Robert A. Young (D) S.

MONTANA

Sen. Lee Metcalf (D) S&L.
Max S. Baucus (D) S.

NEBRASKA

John J. Cavanaugh (D) S.

NEVADA

Sen. Howard Cannon (D) S.
Sen. Paul Laxalt (R) S.
James D. Santini (D) S.

NEW HAMPSHIRE

Sen. Thomas McIntyre (D) L.
Norman E. D'Amours (D) S&L.

NEW JERSEY

Sen. Clifford Case (R) S.
Sen. Harrison Williams, Jr. (D) L.
James J. Florio (D) S.
Harold C. Hollenbeck (R) S.
James J. Howard (D) S.
William J. Hughes (D) S.
Joseph A. Le Fante (D) S.
Andrew Maguire (D) S.
Helen S. Meyner (D) S.

NEW MEXICO

Sen. Harrison Schmitt (R) S.
Manuel Lujan (R) S&L.
Harold Runnels (D) S&L.

NEW YORK

Sen. Daniel P. Moynihan (D) S.
Herman Badillo (D) S.
Bruce F. Caputo (R) S.
Barber Conable, Jr. (R) S&L.
Thomas J. Downey (D) S.
Hamilton Fish (R) L.
Benjamin Gilman (R) S.
Frank Horton (R) S&L.
Jack Kemp (R) S.
Robert McEwen (R) S.
Matthew F. McHugh (D) S.
Donald Mitchell (R) S.
Otis Pike (D) S&L.
Frederick W. Richmond (D) S.
Samuel S. Stratton (D) S&L.
Theodore S. Weiss (D) S.
John Wydler (R) S.

NORTH CAROLINA

Sen. Jesse Helms (R) S.
Ike Andrews (D) L.
James Broyhill (R) S.
L. H. Fountain (D) S.
Lamar Gudger (D) S.
Walter Jones (D) S.
James Martin (R) S.
Stephen Lynbrook Neal (D) S.
L. Richardson Preyer (D) S&L.

NORTH DAKOTA

Mark Andrews (R) S.

OHIO

Sen. John Glenn (D) L.
John Ashbrook (R) L.
Clarence J. Brown (R) S&L.
Samuel Devine (R) S.
Tennyson Guyer (R) S&L.
William Harsha (R) S.
Thomas N. Kindness (R) S&L
Delbert Latta (R) S.
Clarence Miller (R) S.
Ronald M. Mottl (D) S.
Donald J. Pease (D) S.
J. William Stanton (R) S.
Louis Stokes (D) S&L.
Chalmers Wylie (R) S&L.

OKLAHOMA

Sen. Dewey Bartlett (R) S.
Mickey Edwards (R) S.
James Jones (D) S.
Theodore M. Risenhoover (D) S.
Tom Steed (D) S&L.
Wes Watkins (D) S.

OREGON

Sen. Mark Hatfield (R) S&L.
Sen. Robert Packwood (R) S.
Walter Leslie AuCoin (D) S.
Robert B. Duncan (D) S&L.
Al Ullman (D) L.

PENNSYLVANIA

Sen. Richard Schweiker (R) S&L.
Lawrence Coughlin (R) S.
Robert W. Edgar (D) S.
Joshua Eilberg (D) S&L.
Allen E. Ertel (D) S.
Daniel Flood (D) S.
William F. Goodling (R) S&L.
Raymond F. Lederer (D) S&L.
Joseph McDade (R) S.
Marc L. Marks (R) S.
Austin Murphy (D) S&L.
John P. Murtha (D) S&L.
Gary A. Myers (R) S.
Fred Rooney (D) S.
Richard T. Schulze (R) S&L.
E. G. Shuster (R) S.
Douglas Walgren (D) S.
Gus Yatron (D) S.

RHODE ISLAND

Sen. John H. Chafee (R) S&L.
Sen. Claiborne Pell (D) S.

SOUTH CAROLINA

Sen. Ernest Hollings (D) S.
Sen. Strom Thurmond (R) S&L.
Mendel Davis (D) S.
Kenneth Lamar Holland (D) S&L.
Floyd Spence (R) S&L.

SOUTH DAKOTA

James Abdnor (R) S.

TENNESSEE

John Duncan (R) S&L.
Harold E. Ford (D) S.
Ed Jones (D) S.
Marilyn L. Lloyd (D) S.

TEXAS

Sen. Lloyd Bentsen (D) S&L.
Bill Archer (R) S.
Omar Burleson (D) S.
James Collins (R) S.
Eligio de la Garza (D) S&L.
Bob Gammage (D) S.
Henry Gonzalez (D) S&L.
Jack E. Hightower (D) S&L.
Abraham Kazen, Jr., (D) S.
Robert C. Krueger (D) S.
Jim Mattox (D) S.
Dale Milford (D) S.
J. J. Pickle (D) S.
W. R. Poage (D) L.
Ray Roberts (D) S&L.
Olin Teague (D) S.
Richard White (D) S&L.
Charles Wilson (D) S.
James Wright, Jr., (D) S&L.

UTAH

Sen. Jake Garn (R) S&L.
Sen. Orrin G. Hatch (R) S.
K. Gunn McKay (D) S&L.
Dan Marriott (R) S&L.

VERMONT

Sen. Patrick Leahy (D) S&L.
Sen. Robert T. Stafford (R) S.
James M. Jeffords (R) S.

VIRGINIA

Sen. William Scott (R) L.
M. Caldwell Butler (R) S.
W. C. (Dan) Daniel (D) L.
Joseph Fisher (D) S.
J. Kenneth Robinson (R) S&L.
David Satterfield III (D) S.
Paul S. Trible (R) S.
William Wampler (R) S.

WASHINGTON

Sen. Henry Jackson (D) S.
Don L. Bonker (D) S.
Norman Dicks (D) S.
Thomas Foley (D) S.
Lloyd Meeds (D) S&L.

WEST VIRGINIA

Sen. Robert Byrd (D) S.
Sen. Jennings Randolph (D) S.
Robert Mollohan (D) S.
Nick Joe Rahall (D) S.
John M. Slack, Jr., (D) S.
Harley O. Staggers (D) L.

WISCONSIN

Sen. William Proxmire (D) S.
Robert W. Kastenmeier (D) S.
Henry S. Reuss (D) S&L.
William A. Steiger (R) S.

WYOMING

Sen. Malcolm Wallop (R) S.

SENATE CONCURRENT RESOLUTION 7

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. EDWARDS of California. Mr. Speaker, as a cosponsor of a similar House measure, I strongly support Senate Concurrent Resolution 7, and am pleased at its passage by both the House and the Senate. The Congress has now

clearly demonstrated its deep concern at the Soviet Government's mistreatment and harassment of Soviet Jews and other minorities.

In his speech to the United Nations earlier this month, President Carter outlined his commitment to a strong human rights policy. In the President's words:

All the signatories of the U.N. Charter have pledged themselves to observe and to respect basic human rights. Thus, no member of the United Nations can claim that mistreatment of its citizens is solely its own business. Equally, no member can avoid its responsibilities to review and to speak when torture or unwarranted deprivation occurs in any part of the world.

By our overwhelming vote in favor of Senate Concurrent Resolution 7, we have shown the Soviet Union and the world that the Congress and the American people stand behind our President's human rights commitment.

We must continue to voice our concern when the basic human and civil rights of individuals are violated. We must continue to urge the Soviet Union to abide by the human rights provisions of the Helsinki Declaration. I believe the Congress has shown that it will meet this responsibility.

A CHAMPIONSHIP FOR MARQUETTE, AND AL McGUIRE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. REUSS. Mr. Speaker, I want to share with my colleagues the jubilation of my district over the victory last night of the Marquette Warriors basketball team in the finals of the National Collegiate Athletic Association championships in Atlanta. I would also like to express my pride and admiration—and that of my constituents—for Mr. Al McGuire, who will now retire as coach of the Warriors after 13 great seasons.

My Milwaukee office reports that Wisconsin Avenue—the city's main street—was jammed last night with celebrators for the 3 miles between 16th Street and Lake Michigan. One staffer says that she was hugged several times by total strangers. There are also unconfirmed reports of beer flowing in Milwaukee houses of refreshment at great discounts, and vigorously increased volumes.

For the last 10 years, Al McGuire has been taking his strong Marquette teams to post season tournaments. Now, at last, the Warriors won the national championship, and Milwaukee went wild with joy. It was fitting that the team should win the championship in Mr. McGuire's last season.

The national press, which gets to see Mr. McGuire only around this time every year, paints him the iconoclast and bad boy of college basketball—a position he likes.

These members of the national press, however, have not seen the strong respect in which Mr. McGuire is held in the community of Milwaukee. And they cannot see up close, as we see in Milwaukee, the superb work of education and guidance he gives to the young members of his teams.

For all the shouting and press fireworks, there is a real sense of love on Mr. McGuire's teams, and a feeling that the youngsters who come to Marquette at the ages of 17 and 18 draw real guidance and purpose from their years with him. For all the winning, and all the brilliant strategy of Mr. McGuire's games—I direct my colleagues' attention to the way he handled the vaunted Carolina four-corner offense—he is above all an excellent teacher, and an excellent example to young men who strive to be best.

My special congratulations to Al, and to Hank Raymonds, who will step into his shoes next year. And I congratulate the entire Marquette team: Bo Ellis, Bill Neary, Jerome Whitehead, Butch Lee, and Jim Boylan; Gary Rosenberger, Bernard Toone, Ulice Payne, Robert Byrd, Craig Butrym, Jim Dudley, and Mark Lavin.

THE PROBLEMS OF FUNDING SOCIAL SECURITY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. WHITEHURST. Mr. Speaker, 2 years ago I introduced a bill to establish a Special Advisory Council on Social Security Financing, since it was already abundantly clear that our social security system was in deep financial trouble. It seemed obvious to me that no time should be lost in pursuing possible alternative means of financing the system, so that those now employed could, with some degree of confidence, expect to benefit from the system when they retired.

Between now and the year 2050, the average annual deficit in the system will be 7.96 percent, according to the estimate of the trustees. However, if we continue at the present rate, the deficit in 2050 will be 16.69 percent of the taxable payroll. I have already introduced one bill this year to end the present system of coupling and another to permit everyone, regardless of whether or not he or she is covered under a pension plan of any kind, to participate in a tax-sheltered individual retirement account. The former would go a long way toward reducing the anticipated deficit, and the latter would protect future retirees from major cuts in social security benefits.

Today I am reintroducing my 1975 bill, in the hope that a special advisory council, with the sole responsibility of investigating alternative means of financing the system, can offer proposals to help solve the major problem we are facing by coming up with something that would be actuarially sound, perhaps a phasing-in of an annuity plan akin to civil service and a phasing-out of the present FICA tax, which has been putting an ever-increasing burden on the current work force. If our present birth rate continues, or declines, it is not inconceivable that within a generation the retirees will outnumber those working.

It seems to me that there is a declining confidence in the present system. One sign of this is the sharply increased rate at which State and local governments are exercising their legal option to withdraw.

Mr. Speaker, 2 years ago it was urgent that new ways be found to finance the social security system; now it is a critical need. I hope that my colleagues will see fit to take prompt, positive action in this regard.

THE MERITS OF THE DEATH PENALTY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. McDONALD. Mr. Speaker, the recent reinstitution of capital punishment by the State of Utah has generated a new round of debate over the merits of the death penalty as a just, effective punishment for those who commit heinous crimes. Although current polls indicate that the vast majority of Americans now favor the death penalty, a vocal minority led by organizations such as the American Civil Liberties Union continue to attack the death penalty on grounds such as: First, it does not deter crime; second, it is impossible to guarantee that an innocent man will not be executed under our imperfect judicial procedures; third, Christian doctrine requires forgiveness and mercy, rather than punishment, even when dealing with murderers; and fourth, discriminates against minorities and the poor.

An article by Reed Benson and Robert Lee in the August 1974 issue of the Georgia Journal of Corrections analyzes these and other arguments used by opponents of capital punishment. I commend this article, which originally appeared in the August 9, 1972, issue of The Review of the News, to the attention of my colleagues.

The article follows:

On June 29, 1972, the Supreme Court (92 S.Ct. 2726 [1972]) handed down a 5-to-4 decision which, for all practical purposes, abolishes existing state and federal laws authorizing capital punishment and commutes the death sentences of some 600 prisoners throughout the nation. Rejecting the precedent established by all prior Supreme Court decisions on the matter, as well as the clear intent of the framers of the Constitution, the Court ruled that the death penalty violates the Eigth Amendment's ban on "cruel and unusual" punishments.

The decision comes at a time when crimes such as murder, rape, and skyjacking have reached unprecedented levels, leading many to question the wisdom of removing from our statute books recourse to what may well be the most potentially effective and just means of dealing with the most brutal of criminals.

The narrow vote and the nine individual opinions which accompanied it reflect the controversial nature of this issue. Only two members of the Court (Justices Thomas

Brennan and Thurgood Marshall) concluded that capital punishment should be banned under all circumstances. Presumably, this leaves the door ajar for possible future use of the death penalty, provided that extensive legislature revisions are made in the meantime. But the decision of June twenty-ninth is nevertheless the most devastating legal blow yet struck in the longtime Leftist campaign to abolish capital punishment.

It is often argued that the death penalty should be abandoned because of the possibility of executing an innocent person. Justice Marshall asserted in his concurring opinion: "We have no way of judging how many innocent persons have been executed but we can be certain that there were some" (92 S.Ct. 2726[1972]).

One wonders how we can be certain, if there is no way of judging. Especially since the Legislative Reference Service of the Library of Congress looked into the matter in 1966 and determined that: "There have been no known cases of the execution of an innocent man in this country" (Vialet, 1966, p. 61). What is known, however, is that scores of innocent people have been killed over the year by escaped or paroled murderers who had not been executed. Strangely, neither Justice Marshall no other members of the Court majority made reference to this provable fact.

It is certainly possible that sometime during the last 196 years human fallibility has, indeed, resulted in an as yet undisclosed legal execution of an innocent man in our country. But the point of such fallibility is clearly at the end of a two-edged sword. If lawyers and juries can make mistakes, so can psychiatrists and parole boards: A killer who is incorrectly determined to be "reformed" or "cured" can be sent back to society to kill again. Consider this illustration from the F.B.I. Law Enforcement Bulletin for January of 1971:

"After a recent gun battle, one suspect was arrested for two murders, a kidnapping, and the gunpoint robbery of his own mother. Citizens leared in disbelief that he had been freed from a mental hospital just a few months before, after six court-appointed psychiatrists had testified he has regained his sanity. In 1967 he had been found insane after the strangulation murder of a woman." . . . (Hoover, p. 21).

Examples of innocent citizens dying at the hands of convicted murderers are many. Here are a few cases to consider:

(a) Some sixty years ago Charles Fitzgerald killed a deputy sheriff and was given a 100-year prison sentence as a result. But he was released after serving just eleven years, and in 1926 proceeded to murder a California policeman. Sentenced to life imprisonment for this second killing of a law enforcement officer, Fitzgerald was nevertheless granted parole once again in December of 1971. (Associated Press, 1971).

(b) In 1931, "Gypsy" Bob Harper, who had been convicted of murder, escaped from a Michigan prison and killed two persons. After being recaptured, he then proceeded to kill the prison warden and his deputy. (Bedau, 1967).

(c) In 1936, the late F.B.I. Director J. Edgar Hoover reported the case of a Florida prisoner who committed two murders, received clemency for each, and then showed how much he had been "reformed" by murdering twice more. (Bedau, 1967).

(d) In 1952, Allen Pruitt was arrested for the knife slaying of a newsstand operator and sentenced to life imprisonment. In 1965, while in prison, he was charged with fatally stabbing a prison doctor and an assistant prison superintendent, but was found not guilty by reason of insanity. In 1968, his 1962 conviction was overturned on a technicality by the Virginia Supreme Court, thus forcing the state to re-try him for the 1952 slaying. In November of 1970, he was again found guilty, but was given a 20-year sentence instead of life. And since he had already served eighteen years and some time off for "good behavior," he was released. One year later, on December 31, 1971, Pruitt was arrested and charged with the murder of two men in Spartanburg, South Carolina. (Associated Press, 1972).

(e) A man convicted of murder in Oklahoma pleaded with the judge and jury to impose the death sentence, but was given a life sentence. He later killed a fellow inmate and was executed for this second murder in 1966. (Sellin, 1968).[1]

(f) On March 17, 1971, J. Edgar Hoover told a Congressional Subcommittee that nineteen of the killers responsible for the murder of policemen during the Sixties had been previously convicted of murder, (Hoover, 1971.)[2]

And the listing could go on and on of innocent Americans slain at the hands of murderers who, had they been executed for earlier killings of which they were convicted could not have murdered again.

Abolitionists would have Americans spend sleepless nights worrying about the possibility that our system of justice may misfire and execute an innocent man—a possibility for which there is no known precedent in all American jurisprudence. But they shed few tears for the many innocent people who die because of judicial leniency and erroneous psychiatric evaluation of murderers.

Another argument forwarded by opponents of capital punishment is that we are a more humane society today than ever before, so must reject taking even the lives of killers and rapists. It is interesting to note, however, that many leaders of the abolitionist movement who use this "humane" appeal are often leaders in the movement to kill the innocent unborn through abortion. It is a double standard that deserves more attention than it has received.[3] Certainly with abortion, crime, violence and sadism—both in real life and on the movie and television screens—more prevalent than ever before, the claim that we are more "humane" than in the past must be questioned.

It is also alleged that most Americans now oppose capital punishment. Usually, such an assertion is based on nothing more substantial than small-sample surveys conducted by such "Liberal" pollsters as George Gallup and Louis Harris. But such polls fly in the face of the hard fact that only nine of our states have abolished capital punishment completely, and at least eight states which had at one time abolished the death penalty later restored it. (U.S. Department of Justice, 1969). On at least four occasions within the past dozen years, the U.S. Congress, itself, has adopted legislation providing the death penalty for various monstrous crimes.

Another central issue of the debate over capital punishment is whether or not it is an effective deterrent to violent crime. It should be made clear, however, that deterrence is not to be considered the primary reason for administering the death penalty (nor, for that matter, any criminal penalty). It would be both immoral and unjust to punish one man merely as an example to frighten others. The basic consideration should be: Is the punishment deserved? If not, then it should not be administered, regardless of what its usefulness as a deterrent might be. After all, if deterrence supersedes justice as the basis for criminal sanctions, the guilt or innocence of the accused becomes largely irrelevant. Deterrence can be as effectively achieved by executing an innocent man as a guilty one, something which Communist leaders discovered long ago (Hoover, 1962). You simply have to be sure that those to be deterred are convinced by propaganda that the accused is guilty.

If a punishment administered to a guilty man deters another from committing a crime, all well and good. But such a result should be looked on as a bonus of justice properly applied, not as a purpose for the application of the penalty. The decisive consideration should be: Has the accused earned the penalty to be inflicted?

In at least one important respect, capital punishment is unquestionably an effective deterrent. It simply cannot be contested that a killer, once executed, is forever deterred from killing again.

The deterrent effect on others, however, depends largely on how consistently and surely the penalty is applied in those cases justifying it. Since capital punishment has not been used with any degree of consistency in recent decades, it is quite impossible statistically to evaluate its deterrent potential with any degree of accuracy. Abolitionists often claim that a lack of significant difference between the murder rates for states with and without capital punishment proves that the capital penalty does not deter murder. But that is nonsense. Even states with the death penalty have used it so little over the years as to preclude any meaningful comparison between states. Any punishment—even death—will cease to be an effective deterrent once it is recognized as mere bluff.

Although seldom considered during the last decade, there are some interesting, and perhaps significant, relationships between the murder rate and the extent to which the death penalty was used. For instance, the number of executions carried out in 1960, 1961, and 1962 were, respectively, fifty-six, forty-two and forty-seven (U.S. Dept. of Justice, 1969). The F.B.I.'s 1970 Uniform Crime Reports establishes that during those years both the number and rate of murders declined slightly. But in 1963, there was a record low of only twenty-one executions, and the murder statistics immediately escalated into an upward climb which continues to this day.[4] With no executions at all in 1971, there were 17,630 murders, compared to approximately 9,000 in 1960—a 96 percent increase! The population increased less than 16 percent during that same period (Federal Bureau of Investigation, 1971).

Opponents of the death penalty may perhaps rejoice that in 1971 there were fifty-six fewer court-ordered executions than in 1960 (U.S. Dept. of Justice, 1969); but what of the nearly nine thousand additional innocents who died at the hands of murderers in 1971 than was the case in 1960?

It is interesting to note the trouble England has been experiencing since abolishing the death penalty for murder. An article in the *Wall Street Journal* for June 6, 1972, noted: "There has been a sharp rise in the armed robberies and violent crime throughout Britain since 1965, when the death penalty was dropped, and more criminals seem to carry gus now" (Kessler, CONGRESSIONAL RECORD, June 8, 1972, p. 20215). According to a United Press dispatch on September 3, 1967, there were more murders, rapes, assaults, and robberies in London during 1968—the second year after the death penalty was abolished—than in any previous year of its 2,000-year history!

To allege that the death penalty, if enforced, would not be a deterrent to crime is, in essence, to say that people are not afraid of dying. If that is the case, as columnist Jenkin Lloyd Jones has observed, then warning signs reading "Slow Down," or "Bridge Out," or "Danger—40,000 Volts" are useless and futile relics of a day when men were fearful.

This is not to say that the death penalty could ever become a 100 percent deterrent to murder. Obviously it could not, because the fear of death varies among individuals.

Footnotes at end of article.

Some people will always tame lions, shoot rapids, or walk circus high-wires, despite the obvious risks involved. But, as attorney Bernard Cohen observes, "there are even more people who refrain from participating in . . . [such] activities mainly because risking their lives is not to their taste (1970, pp. 49–50).

Now consider the following:

(a) According to the Uniform Crime Reports during the period 1968–71 forty-nine policemen were slain from ambush in the United States. No such murders from ambush occurred during 1966 or 1967, the last two years during which the death penalty was actually used in this country. Seven police officers were murdered from ambush in 1968, three in 1969, nineteen in 1970, and twenty were murdered from abush in 1971.

(b) The Commissioner of Police in London reported a few years ago that when a member of a gang of armed robbers was apprehended and sentenced to death, but had this sentence commuted to life imprisonment, the gang continued its operations. But when, shortly thereafter, two other gang members were caught, convicted, and executed, the remainder of the gang promptly disbanded and disappeared. (Taylor 1963).

(c) In February of 1960, the Los Angeles Police Department submitted a report to the California Senate Judiciary Committee which revealed that at least thirteen robbery suspects had, during the previous year, told police they "(1) used toy guns; or (2) empty guns; or (3) simulated guns in robberies rather than take a chance on killing someone and getting the gas chamber." (Bedau, 1967, p. 267).

(d) In March of 1959, newspapers reported the escape of a convict who carried hostages to the state line, and then let them go. He was later apprehended, and told police he had freed the hostages because the neighboring state had the death penalty for kidnapping, and he didn't want to risk his life by transporting the hostages into that state (Bedau, 1967).

Let's consider this matter of deterrence on a far less serious level: The fine today for driving through a red light is around twenty-five dollars. Some motorists drive through red lights despite the threat of this relatively minor penalty, but most do not. Are we to assume that the threat of the fine has no influence on this reluctance of most drivers to run red lights? Should penalties for traffic violations be abolished because some people violate the law anyhow? The answers are obvious, and far more so when the possible penalty is death rather than a $25 fine.

Is life imprisonment an adequate substitute for the death penalty? As we have already noted, scores of innocent people have died at the hands of men previously convicted and jailed for murder. As the Reverend E.L.H. Taylor notes:

"The imprisoned murderer has everything to gain and nothing to lose by murdering his guards. Why should a murderer who has once been convicted of that offense be given the opportunity to add a second victim to his list?" (Taylor, 1963, p. 16).

Swift and certain punishment has long been recognized by law enforcement authorities as an essential element of crime deterrence (Allen, 1960; Hoover, 1960, 1970). But the severity of the punishment must match the seriousness of the crime if the interests of justice, the protection of society, and the maximum deterrent impact are to be realized. Suppose, for example, that a bank robber is very swiftly and surely sentenced to a month in the county jail, or a rapist swiftly and certainly given a $100 fine. Would such "punishment" deter either criminal? Very unlikely.

Related to this problem is the possible rise in vigilante activity if judges and juries continue to deal leniently with rapists, murderers, and other brutal criminals (Anonymous, 1974; Griffin, 1968). Though concurring in the Supreme Court's decision against capital punishment, Justice Potter Stewart nevertheless summarized this particular danger as follows:

"The instinct for retribution is part of the nature of man and channeling that instinct in the administration of criminal justice serves an important purpose in promoting the stability of a society governed by law. When people begin to believe that organized society is unwilling or unable to impose upon criminal offenders the punishment they "deserve," then there are sown the seeds of anarchy—of self-help, vigilante justice, and lynch law" (92 S.Ct. 2726 [1972]).

A tragic example confirming Justice Stewart's analysis was recently reported by United Press International in a dispatch which appeared in the Washington Star for June 15, 1972:

"Anthony Phillips, 60, heard a judge in New Castle, Pa., sentence a 19-year-old youth to six years in prison for killing Phillips' younger brother during a robbery attempt.

"Phillips quietly left the Lawrence County courtroom of Judge John F. Henderson, Tuesday, and walked downstairs to a rear door. He mingled with a small crowd until the youth, Gary Couch, emerged surrounded by sheriff's deputies.

"As Couch walked to a patrol car, Phillips pulled a snub-nose .38-caliber revolver from his pocket and fired four quick shots. Couch was struck once in the head and three times in the chest. He died an hour later.

"Phillips, taken to Western Penitentiary where Couch was to have been imprisoned, was charged with murder.

"He said he was displeased by the 'lenient judge' who sentenced Couch after he pleaded guilty to manslaughter in the Jan. 18 shooting death of Alex Phillips, 55."[5] (United Press International, 1972, p. A3).

Abolitionists often cite statistics which they claim indicate that capital punishment has been used in a discriminatory manner, so that the poor, black, friendless, etc., have suffered a disproportionate share of executions. This was a key argument used by the Supreme Court majority in reaching its decision. But, even if true, this is certainly not a valid reason for abandoning the death penalty, unless it can be shown that such alleged discrimination results in the punishment of innocent persons—a claim which none of the Justices made or implied.

All criminal laws in all countries have tended to be administered in an imperfect and uneven manner, with the result that some elements in society have been able to evade justice more consistently than others. But because one person escapes justice, is it right that all should escape justice? Since justice nowhere prevails perfectly, should we abandon the attempt to attain it? Police Chief Edward J. Allen of Santa Ana, California, helped put the problem in its proper perspective a few years ago when he observed:

"The deals which allow criminals to escape justice are consummated by courts and attorneys . . . Responsibility also devolves upon citizen jurors to return proper verdicts. If some citizens, courts and lawyers fail in their duty, is the law itself to blame? Rather it is their administration of it." (Allen, 1960, p. 138).

Another question which arises is the degree to which justice should be tempered by mercy in the case of killers. Some will ask, "Is it not the duty of Christians to forgive those who trespass against them?" But, in criminal cases, the two most responsible sources to extend mercy and forgiveness are (1) God, and (2) the victim of the injustice. This places the crime of murder in a unique category, because so far as the world is concerned the victim is no longer here to extend mercy and forgiveness. Does the state or any earthly party have the right or authority to intervene and offer mercy on behalf of a murder victim? The Reverend E. L. H. Taylor makes the point this way:

"Now it is quite natural and proper for a man to forgive something you do to him. Thus if somebody cheats me out of $20.00 it is quite possible and reasonable for me to say, "Well, I forgive him, we will say no more about it." But what would you say if somebody had done you out of $20.00 and I said, "That's all right, I forgive him on your behalf"?" (Taylor, 1963, p. 23).

There is simply no way, in this life, for a murderer to be reconciled to his victim, and secure the victim's forgiveness. This leaves civil authority with no other responsible alternative than to adopt justice as the standard for assigning punishment in such cases.

Sometimes those who defend the death penalty are pictured as being intolerant. But isn't it true that one of our real problems in America today is too much toleration of evil? Too many Americans accept acts of violence, cruelty, lying, fraud, and civil turmoil with all too little response in the way of righteous indignation. Intolerance of such destructive acts is simply a reflection that a person is seriously concerned with the question of right and wrong. Perhaps it is time for all Americans to begin taking right and wrong more seriously.

The exact status of capital punishment remains highly confused at present, and it may take months for state and federal officials to figure out what can or cannot be done as a result of the Court's ruling. Some observers (including Justice Powell) speculate that nothing short of a constitutional amendment can reverse the Court's judgment.

About the Author: Reed A. Benson, Washington, D.C., representative for the John Birch Society from 1965 to 1973. He is a former staff member of the Republican National Committee and the eldest son of Ezra Taft Benson, former U.S. Secretary of Agriculture. Robert W. Lee, Washington, D.C., representative for The John Birch Society. Mr. Lee is a contributing editor of Review of the News, a weekly news magazine affiliated with The John Birch Society.

FOOTNOTES

[1] See also To abolish the death penalty. Hearings before the Committee on the judiciary, U.S. Senate, Ninetieth Congress, 2d Session (March 20, 21, and July 2, 1968), p. 84.

[2] See also Federal Bureau of Investigation 1972 (Washington: Federal Bureau of Investigations), p. 55.

[3] For specific examples, see The Review of the News for January 5, 1972, pages 33, 35.

[4] There were fifteen executions in 1964, seven in 1965, one in 1966, two in 1967, and none since.

[5] Another disgusting example of how "justice" is determined by some modern jurists was related by J. Edgar Hoover in the F.B.I. Law Enforcement Bulletin for January 1971: A young midwestern criminal who confessed beating to death a 75-year-old woman in a $5 street robbery was granted a 7-to-10 year term. Offered as an excuse for the light sentence was the advanced age of the victim, on the fanciful theory that, if the murdered woman had been younger, she might not have died from the brutual assault. (Hoover, 1971, p. 22).

REFERENCES

Allen, J. E. Capital punishment: your protection and mine. The Police Chief, 1960 (June), 27.

Anonymous. More and more vigilantes—legal and illegal. U.S. News and World Report, 1974 (February 4), pp. 40–42.

Associated Press. Dean of convicts goes free. Washington Evening Star, 1971 (December 11), p. A3.

Associated Press. Freed killer jailed again. *Washington Evening Star*, 1972 (January 1), p. A1.

Bedau, H. A. Parole of capital offenders,

recidivism, and life imprisonment. In H. A. Bedau (Ed.), *The death penalty in America*. New York: Anchor, 1967.

Bedau, H. A. (Ed.) Introduction to chapter six. In H. A. Bedau (Ed.), *The death penalty in America*. Anchor, 1967.

Carrington, F. G. Prepared statement presented before the committee on the Judiciary, U.S. House of Representatives, March 16, 1972. As entered into the *Congressional Record* by Rep. Philip Crane (R-Illinois), April 28, 1972, p. 14939.

Cohen, B. L. *Law withuot order: capital punishment and the liberals*. New Rochelle, N.Y.: Arlington House, 1970.

Griffin, G. E. *The great prison break: the Supreme Court leads the way*. Boston: Western Islands, 1968.

Hoover, J. E. Letter to all law enforcement officials, June 1, 1960. *FBI Law Enforcement Bulletin*, 1960 (June), 29.

Hoover, J. E. *A study of communism*. New York: Holt, Rinehart and Winston, 1962.

Hoover, J. E. The ultimate victim. *FBI Law Enforcement Bulletin*, 1971 (January), 40, p. 21.

Hoover, J. E. Testimony before the House Subcommittee on Appropriations, March 17, 1971.

Kester, F. The gun: in Britain, the absence of arms contributes to the general decorum. *Wall Street Journal*, 1972 (June 6). As entered into the *Congressional Record* by Sen. Birch Bayh (D-Indiana), June 8, 1972, p. 20214.

Sellin, T. Statement before the Committee on the Judiciary, U.S. Senate, March 21, 1968.

Taylor, E. L. II. The death penalty. In T. R. Ingram (Ed.), *Essays on the death penalty*. Houston: St. Thomas Press, 1963.

United Press International. Revenge, *Washington Evening Star*, 1972 (June 15), p. A3.

U.S. Department of Justice. National prisoner statistics: capital punishment, 1930–1968. *NPS Bulletin*, 1969 (August), No. 45, p. 30.

U.S. Federal Bureau of Investigation. Crime in the United States: uniform crime reports, 1970. Washington, D.C.: U.S. Government Printing Office, 1971.

U.S. Supreme Court. William Henry Furman, petitioner, *v.* State of Georgia, 69–5003. Lucius Jackson, Jr., petitioner, *v.* State of Georgia, 69–5030. (on writs of certiorari to the Supreme Court of Georgia). Elmer Branch, petitioner, *v.* State of Texas, 69–5031 (on writ of certiorari to the Court of Criminal Appeals of Texas). June 29, 1972. As entered into the *Congressional Record* by Sen. Edward M. Kennedy (D-Massachusetts), June 29, 1972, pp. 23169–23210.

Vialet, J. Capital punishment: pro and con arguments. The Library of Congress, Legislative Reference Service, Education and Public Welfare Division, Washington, D.C., August 3, 1966, p. 61.

BATAAN-CORREGIDOR DAY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. PANETTA. Mr. Speaker, I am introducing today a joint resolution directing the President of the United States to proclaim April 9 of each year as Bataan-Corregidor Day in recognition of the anniversary of the fall of Bataan and Corregidor and in honor of the brave men of the Philippine Scouts who gallantly fought alongside American soldiers to preserve the principles of democracy.

For too long we have failed as a Nation to give due recognition to the sacrifices made by these people. The Filipino survivors of the Second World War who have become citizens of the Nation they fought so bravely to protect continue to be denied the full benefits entitled to every other American who fought in that war.

The joint resolution I am introducing today is one small step toward correcting this injustice. I invite the support of all Members of Congress in this important effort.

H.J. RES. 364

Joint resolution designating April 9 of each year as "Bataan-Corregidor Day"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall annually issue a proclamation designating April 9 as "Bataan-Corregidor Day" in observance of the anniversary of the fall of Bataan and Corregidor and as a tribute to the gallant American and Philippine soldiers who fought, suffered, and died side by side defending the principles of freedom. Such proclamation shall call upon the people of the United States to observe each such day with a minute of silence at 11:00 ante meridiem and with other appropriate ceremonies and activities.

JOSEPH "REDS" VERNON

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mrs. SPELLMAN. Mr. Speaker, I state the obvious when I say that the responsibility for the future prosperity of this Nation rests squarely on its youth. Regardless of our actions now and those of our predecessors, these attempts to insure long-range stability and security will be meaningless unless the succeeding generations possess the capabilities and convictions to "take the baton" when we, inevitably, must pass it to them.

Yet, the obvious goal is not always the easiest to achieve and this is especially true with developing and strengthening the character of our youth. Indeed, as a mother and grandmother, I am all too familiar with the difficulty and frustration which all parents experience during those formative years when the child, grudgingly and with loud protestations, is gently prodded into assuming the responsibilities and demeanor of an adult.

The parents of Prince Georges County, Md., however, may have an easier time of it than their peers in other communities. For we are blessed to have as a neighbor and assistant one of the most respected figures in the Nation in the field of youth development—Mr. Joseph "Reds" Vernon, executive director, since 1952, of the Prince Georges County Boys and Girls Clubs.

In this limited space, it would be all but impossible to fully document Mr. Vernon's accomplishments during his 20-year tenure as leader of the Boys and Girls Clubs. I would like to mention though, that in 1952, when "Reds" took the helm of this vital organization, it had 5,000 members. It now has a membership of 28,000 young people 18 years of age or younger. Its programs both encourage community involvement and concern, and emphasize the importance of physical fitness, all so vital to the future well-being of the individual and his environment. And, they are as successful as they are extensive. Indeed, just a partial list of the awards which Mr. Vernon has received during his career will give you some idea as to the degree of this success. Included among them are: The Governor of Maryland's Distinguished Citizen Award; Maryland Junior Chamber of Commerce Physical Fitness Leadership Award; Certificate of Public Service—County Executive Commission; State of Maryland Appreciation Award; Prince Georges County Advisory Youth Action Award; Certificate of Public Service—County Council; Governor's Commission on Physical Fitness Award; and the Brookland Boy's Club Man of the Year Award.

On March 31, the citizens of Prince Georges County will pay well-deserved tribute to "Reds" Vernon and the role he has played in guiding our county's youth toward meaningful and productive lives. But, his contributions to the welfare of these citizens undoubtedly will help strengthen the character of countless other individuals for years to come. With this in mind, I am sure my colleagues in the Congress will join me in extending congratulations and deep appreciation to Joseph "Reds" Vernon for his efforts to insure that when the baton is passed, it will be received by a generation anxiously waiting to continue the work their predecessors began.

CHILD PORNOGRAPHY

HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mrs. BOGGS. Mr. Speaker, the Washington Post recently carried an article entitled "'Sexploiting' Kids—An Abuse of Power" by Ellen Goodman. I would like to call it to the attention of my colleagues as a direct address to what has become apparent as a significant national problem.

Until recently little, if anything, was known about child pornography. Now that we are becoming aware of the seriousness and the extent of this national operation we must take action to stop it. In the process, however, we must make sure not to lose sight of the major concern: the children.

I insert this article for the RECORD:

"SEXPLOITING" KIDS—AN ABUSE OF POWER

(By Ellen Goodman)

BOSTON.—There is almost a sense of relief in talking about it. At last, a simple matter of right and wrong. There is no "redeeming social value" for "Lollitots" with its sex shots of little girls. There is surely no "community standard" left unviolated by "Moppets" with its children posing in adult fantasies.

No. Finally there is an unequivocal villain. Finally a group we can pursue with a clear sense that "This, we know, is wrong."

After being force-fed the "heroics" of a creep like Larry Flynt, after pondering the defense of an obtuse sexual gymnast like

Harry Reems, the question of kidporn is refreshingly uncomplicated.

Our reaction is equally direct: Stop it! Already there are two federal bills and half a dozen pieces of state legislation designed to stop the use of children's bodies as sexual capital.

The speed with which child pornography has become a national concern says a great deal about our gut feelings about pornography in general. Kidporn is just a distillation of the worst of the genre: the perversion of the healthy, the rape of the natural, the sale of people.

But it has been dangerous and difficult to ban the trafficking among "consenting adults"—those who pose and those who peer The Supreme Court's notion—to determine what is pornographic by "community standards"—is so flexible and flaky that 12 jurors in a remote village could sentence Masters and Johnson to jail.

But the children cut through all of the murkiness. This is not a First Amendment issue. It is not a matter of legislating the sexual fantasies of adults. Its a matter of protecting the real lives of the young models.

We can take kidporn out of the realm of sex and into the realm of power, where it belongs. The children are victims, and kidporn is the exploitation of the powerless by the more powerful. That exploitation is as common to the history of adult-child relationships as is protection.

Children have always been the dependent subjects of adults. Until recently they were the objects as well. For centuries, parents simply owned them as property, and only gradually has society modified that power.

Now adults are not allowed to abuse their children, at least not badly, and not allowed to send them to work, at least not hard work or long work.

Yet it's estimated that thousands of children are killed every year by their "guardians" and that two million are "abused." In the home, the majority are merely "hit." In the schools, others are administered "corporal punishment." In the fields, thousands are put to work beside desperate migrant-worker parents.

Numerically, there are far, far fewer cases of sexploitation than of other forms of misuse. But now the federal legislation against kidporn will appear under two peculiarly appropriate categories. One has been filed under child abuse, the other under child labor statutes. These are the areas that already legislate restraint.

If we take this issue, and look at it as a matter of the abuse of power rather than of sexual deviance, we may begin to look at adult-child relationships more intently and more generally. We can continue to sort out and deal with our own confused notions of what is the appropriate use of power by adults over children. How should we use it and how should we further limit it?

At least on the kidporn question we are sure. As a Village Voice writer noted: Even Lolita, a teenage "seductress," was finally a powerless child. In the novel, after her mother dies, Lolita goes to the bed of the obsessed Humbert, who explains: "You see, she had absolutely nowhere else to go."

EXPORT-IMPORT BANK SUBSIDIES FOR NUCLEAR EXPORTS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. LONG of Maryland. Mr. Speaker, I recently testified before the House Committee on Banking, Finance and Urban Affairs, the Subcommittee on International Trade, Investment and Monetary Policy, on the subject of Export-Import Bank subsidies for nuclear exports. I should like to make available the full text of my remarks to my colleagues, many of whom share my deep concern with the problem of nuclear proliferation and U.S. nuclear export policy:

STATEMENT OF REPRESENTATIVE CLARENCE D. LONG

(NOTE: Portions of this statement are excerpted from my forthcoming article in the spring 1977 issue of International Security.)

Mr. Chairman, distinguished members of the committee, I appreciate the opportunity to testify before this committee on a subject which I believe to be of the utmost importance to our country and to the world: nuclear proliferation. Specifically, I want to address the question of how the Export-Import Bank of the United States subsidizes nuclear exports, and why those subsidies should be stopped.

The Export-Import Bank has been the principal vehicle for U.S. Government promotion of nuclear power exports. Since 1959, the Export-Import Bank has provided loans and guarantees for almost $4.8 billion of exports of nuclear equipment and fuel through 68 loans totalling $3.2 billion and 34 financial guarantees of $1.6 billion in commercial bank lending.

Commercial banks, with Export-Import Bank guarantees, have provided a substantial portion of the funding—generally 40 to 45 percent, and typically are first to receive any repayment. In an industry-by-industry calculation for FY 1975, the Congressional Budget Office concluded that the Export-Import Bank loans for nuclear exports, when compared with 16 other industries, had the longest average terms and received the second highest proportion of subsidy.

The Export-Import Bank has financed 50 of the 60 nuclear reactor exports by the United States. Of the 10 reactors exported without Export-Import Bank financing, only three exports of small reactors for Europe in the 1960's were not accompanied by some financial subsidy. Subsidy has been critical to almost all American nuclear reactor exports.

Mr. Chairman, I should like to insert in the record a table which shows the value of Export-Import Bank authorizations for nuclear power exports by country, from inception through the end of 1976. The figures are those of the Export-Import Bank itself.

Let us examine more closely the question of why the Export-Import Bank loans and guarantees constitute a subsidy for nuclear exports. The Export-Import Bank has insisted that it gives no subsidy to nuclear exports because the Bank lends to foreign countries at a rate of interest higher than the rate at which the U.S. Government borrows its funds. But a more relevant comparison should be made: the Export-Import Bank's lending rate is less than the rate charged in the private market for a loan of comparable class and maturity.

Export-Import Bank interest rates of 5–6% in the late 1950's and the current rates of 8–8.5% for nuclear power projects are well below market rates in the U.S. and even further below those available in the less-developed countries. Public utilities in the U.S. today borrow for 20-year projects at the rate of about 11–13% (for debt and equity combined). In less-developed countries, the cost of capital for corresponding projects is 2–3% higher, given the greater economic and political risks and undeveloped financial markets.

One prominent analyst of nuclear exports, Albert Wohlstetter, calculates that the Bank's lower interest rates on a portion of the capital required has resulted in a reduction of the cost of capital for nuclear power projects in other countries by at least 4–7%. Indeed, many nuclear projects probably would not have been undertaken otherwise. For example, if the average cost of a 20-year loan for a nuclear project is 10.5% with Eximbank backing and it would be 15% without it, the total project investment cost is reduced by about 24% (in terms of present value).

The Office of Management and Budget (OMB) estimates that total Eximbank subsidies for FY 1978 will reach $430 million, assuming a 12% discount rate. A sizable portion of that amount, 24% according to the Congressional Budget Office, can be attributed to financing nuclear exports.

Another, and perhaps more critical, element of subsidy can be identified. Without Export-Import Bank financing, very few (if any) nuclear power plants would be exported, probably none to the less-developed countries. An official of the Bank testified before this very subcommittee last year that "nuclear power plants . . . are one of the most clear-cut examples where it is necessary for the Eximbank to provide financing because private export credit is not available in sufficient volume and on appropriate terms."

Because of what Eximbank delicately refers to as "imperfections in the capital market", private lenders are unwilling to lend large sums for long periods at great political and economic risk to finance nuclear power projects abroad. The Export-Import Bank's willingness to lend when nobody in the private market will do so represents a subsidy, even though it is difficult to measure in quantitative terms.

Further, the magnitude of the effect of this subsidy on the export of nuclear plants and technology is even greater than the value of the subsidy itself. This is because the full faith and credit of the United States Government backs every Eximbank loan or guarantee. Private credit markets are strongly influenced by this "signal" to come in and finance the rest. The result is that more financial and real resources are allocated to nuclear exports that would be without Eximbank financing.

To make matters worse, the Export-Import Bank finances not only the export of nuclear equipment, but also the fuel needed to run nuclear power reactors! Certainly Eximbank offers no comparable inducement for other countries to develop alternative energy sources. It does not finance oil or coal exports—for example.

How do Export-Import Bank (and other U.S. Government) subsidies for the export of nuclear power plants encourage the proliferation of nuclear weapons around the world?

A nuclear power plant is the major step to nuclear weaponry. The engineers and physicists needed to develop nuclear explosives would be available in a power program. So also would be the plutonium, since the standard size 1,000-megawatt power reactor of current design would produce annually spent fuel containing 200 kilograms of plutonium—or enough for forty small nuclear explosives. All that is required to separate the plutonium from the radioactive wastes is a reprocessing plant which, for a modest weapons program, would require as few as 8 engineers with standard training and would cost as little as $25 million (a small fraction of a power reactor's cost).

I have often heard the argument that the poor nations must have nuclear power to replace skyrocketing oil imports, to save foreign exchange, and to insure continuing economic development. This is a fraudulent argument, on several counts. Nuclear power offers the prospect not of relieving shortages of foreign exchange and capital in poor nations but of exacerbating them. Nuclear power requires enormous capital—approximately $1 billion in capital and construction costs of a 1,000 megawatt reactor, susbtantially more than for coal or oil-powered plants of that output. Reactor parts, highly skilled technicans, and nuclear fuel would have to be imported at additional foreign exchange cost; whereas more conventional power plants could use indigenous factors or production.

Furthermore, if the bill to develop nuclear power in the under-developed nation is paid by the U.S. it would be at the expense of aid to those nations for food production, irrigation, and fertilizer, roads, education, health, ports, and housing. To construct the projected nuclear capacity for urban India alone in 1990 (not counting annual fuel costs) would require about $20 billion, and this immense sum would do nothing for the energy needs of the rural poor who make up four-fifths of the Indian population and who represent the real reason for seeking economic development.

What about the argument that if the U.S. stops subsidizing nuclear exports, other nations will take over the nuclear market? The threat of abandoning the nuclear market to other suppliers would be more formidable if the nuclear market were lucrative. Those who claim it is profitable should be asked to substantiate their contention. Even the French may ultimately get the message that nuclear exports have a way of costing the taxpayers more than the industry earns in profits. If France, Germany, or any other nation chooses to lose money, or to give away its resources to other countries, this is hardly the reason for us to follow its example.

There is no little possibility that U.S. leadership combined with economic and political pressure could bring other countries to cooperate. There appears to be some movement towards restraint on the part of the major nuclear exporting nations, which the U.S. should seek to encourage. What evidence is there that the political and economic levers at our disposal cannot be made to work, if we use them in good faith? It is even possible that clear American leadership and example will be supplemented by the burgeoning opposition to nuclear power in many developed countries, including a number of the nuclear exporting nations.

On February 11, 1977, I sent a letter to President Carter outlining my recommendations to end U.S. subsidies of nuclear exports and to encourage what I call light capital energy technologies as a substitute for nuclear energy. I would like to insert a copy of that letter in the record at this point, Mr. Chairman.

In that letter to the President, the following recommendation appears at the top of the list: "Prohibit Export-Import Bank loans or guarantees for nuclear reactors, fuel, or technology." In view of the very clearly demonstrated importance of Export-Import Bank subsidies to nuclear exports, I believe such a prohibition would be a critical first step for the Congress to take in mandating a comprehensive non-proliferation policy for the U.S.

It is my conviction that the greatest danger confronting the balance of this century is nuclear weapons proliferation; that the major impetus to nuclear power and weaponry has been U.S. subsidy and promotion; that past Congresses abandoned leadership to the President and the now-defunct Joint Atomic Energy Committee; that the Congress can act during this session to stop subsidy and promotion; and that ending the subsidy of nuclear proliferation would be wise politically, economically, and environmentally.

NUCLEAR POWER VERSUS UNEMPLOYMENT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. WEISS. Mr. Speaker, acceptance of nuclear powerplants in many parts of our country seems to occur because people believe that one of the attending results of its development is the promise of employment and prosperity. It is often difficult for persons who are in the construction crafts and trades which have been so hard hit by the recession to oppose further development of nuclear power in spite of any doubts which they may have about its relative safety or efficiency as a source of energy.

New York State Assemblyman Maurice Hinchey, in an article which appeared in the March 26, 1977, New York Times, addresses this problem which affects his 101st assembly district in upstate Ulster County. Mr. Hinchey tells us that his is not a prosperous area; that unemployment is a very serious problem. Also, he states that the Power Authority of the State of New York is conducting a campaign aimed at the people in his area which promotes the belief that many new jobs will be forthcoming with the development of nuclear plants in Ulster and surrounding communities in upstate New York. Yet, 60 percent of the respondents to Mr. Hinchey's recent questionnaire on the subject indicated that they were opposed to future nuclear development in their area.

Mr. Speaker, we are faced at this time with developing both an employment program and an energy plan which respects the rights of our people and the condition of our environment. I agree with Assemblyman Hinchey that nuclear power is not the answer for either energy or jobs. I would like to bring Mr. Hinchey's article to the attention of my colleagues and at this time insert it into the RECORD:

[From the New York Times, Mar. 26, 1977]

NUCLEAR POWER VERSUS UNEMPLOYMENT

(By Maurice Hinchey)

ALBANY.—I am an upstate Assemblyman faced with the possibility of having not one but as many as five nuclear-reactor plants built in my area. A substantial number of my constituents, although fortunately not a majority of them, are actually looking forward to this because it will mean more jobs.

We are situated in one of the less prosperous parts of the state, and our labor force has been particularly hard-hit by the current recession. Anything promising work therefore has to possess a powerful attraction.

The public-relations people working for the Power Authority of the State of New York are very much aware of this. They bombard the local newspapers with press releases describing the number and kinds of construction and other jobs that will be created.

Many of our construction workers have been out of work well over a year. You can easily imagine the hope that surges through them as the Power Authority unfurls its vision of coming prosperity: 189 carpenters, 493 pipefitters, 321 electricians, 35 cement finishers—all to be employed directly in the construction of only one of the plants, not to mention the indirect benefits as additional homes are built, highways improved, and new commercial enterprises started.

It is easy for people who are out of work to convince themselves that the technological problems connected with nuclear energy have been satisfactorily solved and that all who criticize are misguided crackpots.

Some of them have told me as much, very plainly and bluntly. Confronted with their desperate need for work, their real sense that the government has let them down, and their rising anger now that they fear they may be thwarted just when an opportunity has arisen at last to obtain a job, I do not find it easy to raise a cautionary hand against their hopes; and yet, the more I study the nuclear-power issue the more convinced I become that it is not the correct answer to our energy needs and that it may indeed become the single, irreversible technological blunder of our time.

But how do you tell this to a man who is out of work?

"I helped build the Indian Point plant," one unemployed construction worker told me angrily a few months ago. "I tell you it's absolutely safe!"

Such certitude was remarkable, especially since the Indian Point complex is built along the Ramapo Fault, vulnerable to earthquakes.

I had known the man a long time and I realized that despite his air of confidence he was deeply troubled. My questions regarding the safety of nuclear plants reminded him of the Faustian bargain he was willing to make in exchange for an opportunity to pay off his back debts and shine a little more brightly in the eyes of his wife and children. He could not afford to admit that there are still unanswered questions about nuclear power. Such an admission would have been the same as confessing that he was willing to gamble with the lives of his family.

At one time it was only the President of the United States who had to face the dilemma posed by atomic power. Then it became the responsibility of the Congress of the United States and the various regulatory agencies. Now, at last, it has become the responsibility of the average citizen.

I could scarcely blame the man if he buckled under the pressure. Certainly many others, at various levels of government, had already done so. But I was disheartened because I knew that what is happening to the mid-Hudson Valley cannot be stopped without the support of the general public.

But that was a few months ago. We have just completed tabulating the results of a recent questionnaire that I sent to all the households in my district. Of the approximately 10,000 or so respondents to the 35,365 questionaires, I am happy to say, 60 percent have taken a stand against nuclear plants in our area.

As I said, we are situated in one of the less prosperous parts of the state and our people need jobs. Happily, they are also willing to accept the responsibility of making difficult moral decisions.

RIGHT TO LIFE AMENDMENT

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. LUKEN. Mr. Speaker, I am today proposing an amendment to the Constitution of the United States, guaranteeing the right to life for all human beings, both born and unborn. This extraordinary step of a constitutional amendment is made necessary because the Supreme Court of the United States has attempted to define human beings in terms of "meaningful life," a situation which I, and a large number of the American people, find intolerable.

For any legal body to attempt to define human life, a decision upon which scientists and physicians widely disagree, is to threaten the moral and ethical principles on which our country was founded, and the progress of human rights over the past two centuries. Throughout our Nation's history more

and more groups were brought into full citizenship. Now we are asked to regress and deny the most fundamental right of all, the right to live.

Since the 1973 Supreme Court decision, there have been additional legal precedents attacking the sanctity of life and the integrity of the family. Respect for life, in our legal precedents and in our whole society, seems to be diminishing.

All the arguments for the court decision permitting abortion are overshadowed by the moral precept of protecting life. These problems cannot be solved by ignoring this basic moral tenet; solutions can be found, but only in the full knowledge that a human life is most precious.

My amendment recognizes that this moral principle is part of our heritage, contained in the spirit of the Bill of Rights and the 14th amendment to our Constitution. The amendment offered today would extend the basic rights of Americans to include the unborn.

The amendment follows:

H.J. RES. —

Joint resolution proposing an amendment to the Constitution of the United States with respect to the right of life

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE—

"SECTION 1. With respect to the right to life, the word 'person' as used in this article and in the fifth and fourteenth Articles of Amendment to the Constitution of the United States applies to all human beings irrespective of age, health, function or condition of dependency, including their unborn offspring at every stage of biological development.

"SEC. 2. No unborn person shall be deprived of life by any person: *Provided, however,* That nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

"SEC. 3. The Congress and the several States shall have power to enforce this article by appropriate legislation.".

CONCERN OVER CETA

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. EDGAR. Mr. Speaker, had there been a recorded vote on H.R. 2992, the Comprehensive Employment and Training Act, CETA, authorization, I would have risen in mild support. In the absence of such a vote, I would like to articulate some of my concerns about the way we are expanding and extending the CETA public service employment programs.

Last year Congress passed the Emergency Jobs Programs Extensions Act, providing authorization and adequate funds for maintaining 260,000 public service employment jobs under title VI of the CETA programs. This act required that new public service employment jobs, created above this level—plus one-half of the vacancies occurring within the level—be filled according to new standards focusing on the employment and training needs of the poor and the long-term unemployed. I applaud this attempt to direct our Federal manpower effort toward those who need the most help.

Unfortunately, last year's act did not provide any funds to expand the program so that these new job placement rules could be tested the way they should be tested.

On March 14, 1977, the House of Representatives passed the Economic Stimulus Appropriations Act, which provides funds adequate to extend the title VI program through September 30, 1978, expanding the program from 260,000 jobs to 600,000 jobs. Accordingly, CETA prime sponsors are going to be given a quick lesson in the new job placement requirements.

I believe that it is necessary to test requirements. However, it seems that we have gone overboard, to say the least, in providing funds adequate to make the test. I fear that what we had in mind was not a testing of this program's new requirements, but rather a massive priming of the program in response to the Nation's persistent unemployment problem.

I have serious doubts that public service employment is the best way to respond to that unemployment problem. Better we spend the funds building things: for instance, I am greatly concerned about the inadequacy of the Federal commitment toward public transportation.

Even if we do want to solve the unemployment program by creating hundreds of thousands of new public service employment jobs, I suggest that title VI may not be the place to do it. As I have said, new jobs under this title must be filled according to stringent new requirements. Based on my familiarity with the CETA prime sponsor in my congressional district, the seventh of Pennsylvania which includes most of Delaware County, I very much doubt that Delaware County will be able to fill its new title VI slots. Filling them within a reasonable period of time would require an on-line orientation toward the needs of the disadvantaged and the long-term unemployed, an orientation which the prime sponsor, the Delaware County government, lacks. It was not required to have this orientation under the old CETA guidelines; accordingly, its orientation has sadly been one of responding to the political needs of its county government.

Delaware County might not be typical; I hope it is not. In any event, I believe that we are putting too much money into a program whose benefits remain to be tested. I support the program because I want to see the test take place. If the results show that CETA continues to be lacking in meeting the real job experience and training needs of the poor and others, I shall not hesitate to vote against future extensions and authorizations of this program.

ENERGY CONSERVATION AND PRODUCTION IDEAS

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mrs. HOLT. Mr. Speaker, a number of my constituents have provided me with copies of their suggestions sent in response to the President's request for energy conservation and production ideas.

One of the most interesting proposals I have reviewed involved the use of solar energy to heat anaerobic digestors and produce methane gas. This proposal was submitted by Mr. Jess W. Malcolmn, president of Environmental Systems, Inc., of Annapolis, Md., and I would like to share it with my colleagues:

ENVIRONMENTAL SYSTEM, INC.,
Annapolis, Md., March 15, 1977.

Mr. JAMES R. SCHLESINGER,
Assistant to the President, National Energy Policy Recommendations, Washington, D.C.

DEAR MR. SCHLESINGER: We are happy to respond to President Carter's request for energy saving/production suggestions to help the Nation achieve energy self-sufficiency in the years ahead.

In June, 1974, this firm conceptualized a plan that appears to be one of the most sensible and efficient uses of solar (heat) energy available to the Nation today. A report entitled, "Use of Solar Energy to Maximize Anaerobic Digestion and Metnane Production Rates as a Means of Supplementing the National Energy Supply," was circulated among various federal agencies as a preproposal. A feasibility study, including plans and specifications for demonstrating the project at the old Annapolis waste water treatment plant, was funded by NERC/EPA, Cincinnati, Ohio on November 10, 1975 (Contract No. 68-03-2356). We were unsuccessful in obtaining funds for project demonstration at Annapolis. This study was followed by a second study funded by the Cincinnati office of EPA on September 30, 1976 to 'provide a research report detailing the most economic levels or means of utilizing solar energy for heating anaerobic digesters at any location in the United States" (Request No. 76-239; Requisition/Purchase Request No. M00249). Both studies were completed and are scheduled for later publication by EPA. We are now seeking funds to demonstrate the project at a suitable waste water treatment plant in this vicinity.

The technical requirements for both projects were strict in term of performance. They required digestion operating temperatures of 33° to 37°C±1° (91.4° to 98.6°F) year around, with supplemental heat limited to less than 10 percent. Despite the high performance requirement, both studies proved the technical and economic feasibility of the process at all locations in the United States, including Fairbanks, Alaska.

The economic attractiveness of solar energy to heat anaerobic digesters and the value of the methane gas produced is illustrated by the two graphs attached hereto. As pointed out in our preproposal, there are three distinct advantages to this concept. First, the source material (methane rich, biodegradables) can be conveyed to a single

location for processing via existing sewer collection systems. The source material need not be limited to sewage only, but could include other biodegradable materials such as solid wastes, algae, manure, etc. which would reach the treatment plant thoroughly mixed, "seeded" and ready for the digestion process. Second, the material can be converted to fuel gas economically through use of low cost (solar) energy sources. Third, the gas thus produced could be distributed to homes and industry through existing (pipe line) networks.

It takes little imagination to visualize many of the advantages, as well as the technical and economic spin-offs inherent in this plan. Some of the more obvious include:

1. Virtually every city in the United States has the potential to engage in the economical production of significant quantities of methane gas.

2. Most of the facilities required for raw material collection, gas production and distribution are already in existence.

3. Since most waste water treatment plants tend to be isolated and are already producing gaseous products, their conversion to methane gas production facilities would cause little additional environmental impact.

4. The conversion of waste water treatment plants into energy production facilities would supplant the now negative connotation of "waste" disposal with a more positive sense of resource utilization.

5. Conversion of costly "waste" water treatment plants into profitable energy production facilities would provide economic incentive for improving the efficiency of the treatment process generally in order to make it more cost effective.

Sewage sludge treatment, handling and disposal now represent about 50 percent of the cost of waste water treatment. Many of the more modern plants have installed incinerators to burn sludge as the choice of disposal methods. This process requires energy consuming dewatering devices, and supplemental fuel (often natural gas) to sustain ignition. Even so, a great number of incinerators fail to function properly, and are frequently environmentally objectionable because of inherent air pollution and odor problems. Not only is this technology costly in terms of construction and operating costs, but the potentially valuable methane the raw sludge contains is lost. Also lost is the residual sludge itself, which could (and should) be returned to the soil as an organic additive.

We are pleased to have had this opportunity to convey our ideas for energy saving/production methods to you. Also, we will continue our efforts to obtain funds for project demonstration purpcses. It is our sincere hope that you will share our enthusiasm for this project and will support our efforts to demonstrate it under field conditions.

Very truly yours,

JESS W. MALCOLM,
President.

ERDA ANNOUNCES PROGRAM FOR SAVING ENERGY AND MONEY WITH AUTOMATIC TEMPERATURE CONTROLS

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. McCORMACK. Mr. Speaker, on March 21, the Energy Research and Development Administration released a pamphlet designed to help inform the people of this country of methods for saving energy in residential heating and cooling systems, using automatic temperature control devices.

Because of the fact that about 12 percent of this Nation's total energy consumption is used for heating or cooling private residences, and because average citizens do not, without technical assistance and information, understand how to minimize energy consumption for home heating without undue hardship, this program, established by the ERDA, can be of great value.

Under this program, homeowners will be able, on an individual basis, to conserve energy without lowering their standard of living.

Of course, the entire Nation will benefit from the reduced consumption of energy.

I am including herewith a portion of the announcement by the Energy Research and Development Administration of this program. I want to call the Members' attention to the fact that citizens of this country may obtain free single copies of the instruction pamphlet by writing to the ERDA Technical Information Center, P.O. Box 62, Oak Ridge, Tenn., 37830.

The release from the ERDA reads in part, as follows:

NEW ERDA PAMPHLET TELLS HOW TO SAVE ENERGY AND MONEY WITH AUTOMATIC TEMPERATURE CONTROL DEVICES

During the unusually cold winter of 1977, homeowners were asked to turn down their thermostats to save fuel. As summer approaches, there will be a need to conserve electricity by turning air conditioning thermostats up.

You can do this, and reduce your heating and cooling bills substantially, with the help of an automatic temperature control device. These devices are described in a new pamphlet available from the Energy Research and Development Administration (ERDA).

"It is a common misconception that leaving your thermostat at one setting 24 hours a day is the most efficient way to heat or cool your home," said ERDA's Acting Assistant Administrator for Conservation, Dr. Gene G. Mannella. "You can save energy and money by turning down heat or air conditioning at night. An automatic temperature control device does this job for you after you're asleep and resets your thermostat before you begin the day," Mannella continued.

"You can purchase one for less than $40 and install it yourself, and it will save fuel and money year-round," Mannella added.

Single copies of the pamphlet are free and can be obtained by writing ERDA Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 37830."

CALLING OUR NATION BACK TO GOD

HON. LAMAR GUDGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. GUDGER. Mr. Speaker, on Sunday afternoon, March 27, Dr. Billy Graham, of Montreat, N.C., the evangelist whose worldwide fame as a soul winner for God, has carried him to the four corners of the Earth, brought his crusade team to his home community in western North Carolina where he addressed a capacity audience at the new Asneville Civic Center.

This was the last of a series of five evangelistic programs in Dr. Graham's western North Carolina crusade. It was a dramatic occasion and an exalting spiritual experience for everyone present. George Beverly Shea sang again the familiar hymn, a favorite of so many, "I'd Rather Have Jesus," and Evie Tournquist, of Sweden, sang with childlike innocence "Jesus Loves Me." Then every heart was stirred when the thousand-voice choir, composed of representatives from the various churches of western North Carolina, sang "Come Thou Almighty King."

Former Congressman Roy A. Taylor, Dr. Graham's neighbor from Black Mountain, was honorary chairman of the crusade. He called the crusade "a blessing" and applauded Dr. Graham. Taylor said:

This crusade is not as big as some of those held in football stadiums in larger cities but it is just as meaningful. Billy is calling the nation back to God.

In his closing crusade message, Dr. Graham compared the times in which we live today with those of Noah, a faithful servant of God who preached God's word for 120 years "without a convert." Noah was instructed of the the Lord to build the ark for a place of refuge from His impending judgment upon the evil of his day. And although Noah was looked upon by his neighbors as insane—building his ark in the middle of the desert—he nevertheless was obedient and fulfilled the task assigned him.

Dr. Graham referred to recent books and writings on new discoveries on Mt. Ararat suggesting the possible presence there of fragments of the ark. He also made comparison of the evil and wantonness of Noah's day and the times in which we live. He reminded his audience that God called to Noah to "come into the ark" and thus into his presence when the rain began to fall upon the Earth. He closed his message with the reminder that Christ said:

As in the days of Noe, so shall also the coming of the Son of Man be. (Matt. 24:37.)

And he implored his audience to live as Noah lived as though each day might be the day of flood and judgment.

His own visible personal emotions indicated that Dr. Graham realized that he was talking to thousands of persons, his neighbors and friends, who love him deeply, who look upon him as their inspiration and intercessor, and as one able to express their visions and dreams.

In the closing minutes of the crusade, Dr. Graham thanked his mountain neighbors for their friendship and their faith. He expressed gratitude to them for making his home at Montreat "a perfect place to live"; and he thanked them for sharing his testimony of the love of God by carrying their Bibles openly and by worshiping humbly together.

The people of North Carolina deeply respect Dr. Graham. They are aware that he has been an intimate friend and confidant of many Presidents, including Jimmy Carter. And they know what he

means when he says President Carter is setting a good example by walking to church and carrying a Bible. They also understand what he means when he says that he sees no inconsistency in his evangelical theology and his interest in government. And they believe him when he says that "society and the redemptive gospel are now going hand in hand."

In the final moments of his message, when he called for decisions for Christ, hundreds came forward. They received counseling and literature telling them how to continue their commitment. Then, after assuring the audience that he would not stop preaching "until the Lord retires me," Dr. Graham concluded his remarks by saying, "I am not going to say goodbye but au revoir—til we meet again."

Mr. Speaker, I am particularly pleased that this Extension of Remarks relates to one of my district's best known citizens, Dr. Billy Graham, and that the subject developed in his message last Sunday was—as described by your friend and mine, former Congressman Roy A. Taylor, "calling our Nation back to God."

COMMON SITE PICKETING

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. FISHER. Mr. Speaker, last week the House considered but failed to pass the common situs picketing bill, H.R. 4250. This issue has generated more heated debate than is warranted by the limited impact of the bill. However, the matter is of substantial interest to many so I offer the following comments.

Last year, when similar legislation was considered, I voted for the bill. In light of the controversy, I decided that before voting this year I should review my position. I have met with groups representing both sides of the issue, and after much deliberation and thought, I again cast my vote in support of the legislation. This was not an easy decision.

The situs picketing issue has been festering for many years; its roots may be found in the 1951 Denver Building Trades decision of the Supreme Court. In that case, the Court ruled that picketing on an entire construction site by a single craft union was in violation of the secondary boycott provisions of the Taft-Hartley Act.

Unions have felt that the Supreme Court wrongly defined secondary boycotts with respect to the construction industry by unfairly limiting the economic pressure which could be brought to bear on construction employers in order to bargain for employee benefits and wages. They argue that this leverage is available to unions in all other industries where employees working on a common site are employed by a single firm or group of firms in a joint venture. They claim that construction contractors and subcontractors on a single job site are, in fact, engaged in close business relationships and should also be regarded as a single venture for this purpose.

Two years ago during the Ford administration, then Secretary of Labor John Dunlop and others with a great deal of experience and knowledge in this area, fashioned a proposal, at that time supported by President Ford, designed to remedy the inequity the unions saw. They drafted legislation which I supported and which passed last session.

The bill before us last week, which President Carter had said he would agree to, was similar in all important respects. It set out specifically the proper uses of common situs picketing and made clear when it could not be used. It did not allow picketing at one site in furtherance of a dispute at a different site; it prohibited picketing at nonconstruction or industrial workplaces; it prohibited picketing if it was intended to discriminate against anyone with respect to union or nonunion membership; and it prohibited picketing in violation of existing collective bargaining agreements. It required that all interested parties be given 10 days advance notice and that the picketing be approved by the parent labor organization.

More than that, however, amendments which I voted for, were added to the bill that would have meant it would have had very little impact in the 10th District. One amendment exempted from the bill all residential construction other than high rise apartment buildings, another exempted all construction undertaken by a public agency or political subdivision such as a State or county, and a third confined picketing to construction workers only.

Instability within the construction industry remains with us in some part because of the highly fragmented structure of collective bargaining within the industry. Title II of the bill, an important part largely overlooked in the intense and symbolic concentration on the section dealing with picketing, would have established a Construction Industry Collective Bargaining Committee composed of both labor and management, with the Director of the Federal Mediation and Conciliation Service and the Secretary of Labor acting as ex officio members.

This committee was designed to create a more practical system of collective bargaining within the construction industry by establishing certain procedures for negotiations, including a provision requiring that the committee be given notice 60 days before the expiration of an agreement. If the committee decided to assume jurisdiction in the case, it could have required that any strike or lockout be deferred for up to 30 days after the agreement expired. In my opinion the most useful part of the whole bill was the new bargaining process contained in title II.

Whether or not one supports this legislation most people will agree that the construction industry has been extremely unstable for a number of years. Unemployment in the construction industry is very high. Some say that this instability has been due in part from the mistrust and struggle over the situs picketing issue. This has often resulted in higher costs and less attention to the safety and quality standards of the industry. Finally putting this issue to rest could have allowed both labor and management to work together to increase economic stability in this important industry.

Now that the House has made its decision, even though by a very close margin, I hope all sides will put the matter behind them and get on with the job of restoring the construction industry to the prosperous and stable condition necessary for the good health of the whole national economy.

PHILADELPHIA FEDERATION OF AMERICAN HELLENIC SOCIETIES

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. LEDERER. Mr. Speaker, I take a great deal of personal pleasure in sharing with my colleagues in the Congress remarks made by the distinguished Member from Pennsylvania, JOSHUA EILBERG, at a recent ceremony held by the Philadelphia Federation of American Hellenic Societies. Congressman EILBERG was the honored guest at the wreath-laying ceremony held at the Liberty Bell after which the Congressman delivered these remarks at the Judge Edwin O. Lewis Quadrangle at Independence Hall:

REMARKS BY CONGRESSMAN JOSHUA EILBERG

This is an especially joyful occasion, because it marks the 156th anniversary of Greek independence.

The attainment of their freedom by the Greek people should be a matter for rejoicing among all who love democracy; it should be especially treasured by Americans, because the struggle of both our countries for independence has been so closely intertwined.

And how wonderfully intricate that relationship has been.

The great concept of democratic self-government was handed down to mankind from ancient Greece.

In that cradle of democracy, Aristotle and Plato first enunciated the great and enduring principles of government based on the dignity of the individual and the supremacy of the state.

Here in the New World, when we achieved our own independence, America's Founding Fathers took their inspiration from these ancient Greek philosophers—and thus it was that men like Jefferson and Hancock, Adams and Franklin, shaped our democratic, representative government, firmly rooted in individual freedom.

For more than four decades, the American democratic experience shone like a beacon to all the world.

And when, in 1821, the Greeks finally achieved their own independence, among the first voices raised in praise were those of such noted American patriots as Henry Clay and Daniel Webster, James Monroe and James Madison.

It has been like that down through the generations since then—that Greece and America have been the great strongholds of democratic self-government, and that Greece and America have repeatedly stood shoulder

to shoulder whenever peace and freedom were imperilled—whether that peril came from totalitarianism of the Left or Right.

During World War Two, for example, the Greeks played a unique and invaluable role with us in helping defeat the Fascist dictatorships.

And, in the early postwar period, Americans and Greeks cooperated not only in nation-building but in battling the new totalitarian menace of Communism.

During that struggle against the Communist rebels, President Truman was lavish in his praise of "the valor of Greece."

When that battle against Communist totalitarianism was won, and the American Legion of Merit was conferred on King Paul, President Eisenhower saluted Greece for having waged "a battle that thrilled the hearts of all free men and free women everywhere."

The struggle for freedom and human rights is never over; it continues today, and nowhere is the joint American-Greek commitment to freedom more in evidence than in the issue of Cyprus.

For a quarter of a century—ever since Greece and Turkey entered NATO in 1952—those two countries have contended bitterly over Cyprus, and three times have moved to the brink of war.

The blatant Turkish military adventure in Cyprus in 1974—armed intervention mounted with arms and material which the United States had supplied to Turkey for defensive, not aggressive, purposes, brought an angry response from the United States Congress.

Presidents Nixon and Ford, and Secretary of State Kissinger, wanted to continue the flow of U.S. economic and military aid to Turkey, in spite of this open act of aggression in Cyprus.

It was the United States Congress which, banned the sale of arms to Turkey until genuine progress was made toward resolution of the Cyprus issue.

It was the United tSates Congress which, in nine major votes, castigated the aggression of the Turkish troops and supported the restoration of the political independence and territorial integrity of Cyprus consistent with U.N. resolutions.

And it is the United States Congress which already has voted over $50 million for the relief of the Cypriot refugees, and which has demanded their return to their homeland.

Now we have a new Administration in Washington.

President Carter, Secretary of State Vance, and my dear personal friend, U.N. Ambassador Young, have already made clear to the world America's commitment to the cause of human rights.

I suggest that one of the places to apply this principle of human rights is on Cyprus, where those rights have been so grossly violated by Turkey.

It is my hope that the White House will make the same clear commitment that the Congress has made to the independence of Cyprus and the withdrawal of the Turkish invaders.

Last year, the United States celebrated the 200th anniversary of our independence; today, Greece celebrates her 156th.

Both of our countries already have made monumental contributions to the history of western civilization.

But both of our countries know that freedom is never secure, and that the cause of human rights must be constantly defended against those who would destroy liberty.

I am confident that Greece and America are equal to the challenge; I believe that, together, our two great democratic nations will continue to write glorious new chapters reflecting the durability of our democratic institutions.

WELFARE REFORM

HON. DAN QUAYLE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. QUAYLE. Mr. Speaker, recently the Secretary of Health, Education, and Welfare, Joseph Califano, extended an invitation to Members of Congress to testify before him on the subject of welfare reform. Several of my colleagues and I accepted this opportunity to advocate methods of reform consistent with the views of our constituents, and I am appreciative of the Secretary's efforts to incorporate us in his plans.

I am reprinting here the testimony which I gave because it does represent the views of the people of the Fourth District of Indiana. As such, I believe it also voices the opinions of the majority of American citizens, who would gladly help those in need but who nonetheless object strenuously to tax dollars wasted on welfare fraud.

I would strongly encourage my colleagues to take a personal interest in this problem during this session of Congress. The hour is late to effect real reform, before the tax burden becomes too great and our working citizens rebel. We must eliminate waste in our public assistance programs and insure that the truly needy are aided, as the theory behind the programs originally intended.

The testimony follows:

WELFARE REFORM

(Testimony of the Honorable DAN QUAYLE, Member of Congress, before the Secretary of Health, Education, and Welfare, March 10, 1977, Washington, D.C.)

Mr. Secretary, I am Congressman Dan Quayle, representing the Fourth District of Indiana. I am grateful for the opportunity to appear before you today and to convey a number of my concerns, and those of my constituents, concerning the subject of welfare reform.

Certainly, Mr. Secretary, as I am sure you realize, you have an opportunity of both great magnitude and historical significance to restructure our welfare programs so that they meet the purposes for which they were originally intended. You will be faced, as I am sure you have already encountered, with countless pressures from all directions: for of course many different individuals, groups, and entities have many different definitions of welfare reform. I would urge you, however, to resist the siren call to attempt to meet all of the numerous special interest requests and to keep your eye focused upon the historic purpose and role of public assistance in this country.

That role, Mr. Secretary, is in my opinion fundamentally this: to assist persons who through no fault of their own must rely—and I emphasize must rely—upon aid provided by the working men and women of America through a period of hardship. That period of hardship should—for almost all persons except the permanently handicapped—be as short as possible, so that every means available is used to return the individual, to self-sufficiency and self-support.

Public assistance should not be available to those who, in effect, elect its receipt. It should not be available to the voluntarily unemployed. It should not be so devoid of eligibility criteria that persons can have significant outside resources available to them and still qualify. It should not be so lacking in work requirements that persons can choose a relaxed life-style at taxpayers' expense.

Mr. Secretary, the working men and women of my District share a historic sense of compassion for the truly needy, the persons who have no other recourse but public assistance. They also, however, share a rising sense of indignation and outright rebellion at many of the defects, loopholes, and abuses which exist in the present welfare programs.

They ask, for example:

Is it appropriate to have no gross income ceiling in the Aid to Families with Dependent Children (AFDC) program? Or in the food stamp program?

Is it fair to permit persons to own expensive homes, cars, and send their children to private school, and have that actually assist—because many of these items are deductible—in establishing their welfare eligibility?

Should voluntarily unemployed persons—such as college students and strikers—be able to avail themselves of the various kinds of public programs that were intended for the nation's needy?

Should eligibility verification and quality control be so lax that error rates of 25% and even 50%, plague these programs?

Should caseloads have escalated as dramatically as they did in the late 1960's, a period of relatively prosperous times in the United States?

Should the system allow illegal aliens to become a continuing part of our nation's public assistance rolls?

Should earnings exemptions and work-related expense deductions be manipulated so high-income persons stay on welfare?

Should work requirements be so weak that "suitability of employment can be so defined to enable many persons to refuse work even when it is offered to them?

Should fathers—and other individuals associated with a welfare family—be permitted totally to escape a support responsibility?

These, Mr. Secretary, are only examples; but they illustrate the kinds of concerns that any thinking person has when he examines the defects and loopholes in our present public assistance programs.

As you set about the task of correcting them, or closing them, I would urge that you be guided by a series of fundamental questions, many corresponding to the problem areas that I have outlined above. Is the person's need legitimate or of his own creation? Does he have significant outside resources on which to rely? Is he subject to stringent and operationally effective work requirements? Is his application carefully completed and verified? Is he subject to frequent, periodic reverification and re-investigation? Must he use every resource at his command again to become self-sufficient?

Permit me, if you will, to go into some of these problem areas in somewhat greater detail. We have, as you know, the so-called "$30 and ⅓" provision in AFDC—the first $30, plus one-third of the remainder, of outside income is exempt from consideration: that is, it is not subtracted from the aid level to which the person would otherwise be entitled. Coupled with the absence of a gross income ceiling, this permits persons with relatively high incomes to continue to receive a welfare supplement.

Now, when this was first conceived, and this is still the case in the minds of many policy-makers, its entire purpose was to serve as a work-incentive: to encourage persons to go to work, and not have their welfare grants reduced $1 for $1. The problem is that it has a "boomerang" effect—persons stay on welfare for longer periods of time, collecting more in cumulative benefits than if, at some point, their welfare eligibility were termi-

nated. Your own Department has statistics which indicates that the "$30 and ⅓" costs us $10 for every $1 that it "saves"—that is, for every dollar in public assistance that is saved by persons responding to the work incentive, it costs us $10 to pay for all of the exempted income for those who remain.

Well, one might say, at least the amount being paid is less than what would otherwise be paid if the person stayed on welfare at the full grant level—i.e., if he chose not to pursue the work alternative and, instead, to receive public assistance. The answer to that is clear: he ought not to have that choice in the first place, if a job is available to him.

Thus, in these and other areas, Mr. Secretary, I would urge you to re-examine the kind of "conventional wisdom" that seems to permeate so many of our welfare accretions over the last thirty years. Does the work incentive work, or is it a costly failure? Do social services achieve what they set out to do—and what is it, exactly, that social services set out to do? Have they achieved their promised goals, set forth in 1962, of being a significant force for reducing caseloads and lessening dependency? Or are we simply spending $2.5 billion, perhaps soon to become over $3 billion, with no evidence of a cost/benefit analysis in our social services programs?

Test—examine—critically evaluate—and apply the test of common sense. Social theorists in Washington may have every conceivable solution for all of the problems which exist—and perhaps for some which do not exist—but the autoworker in Fort Wayne or the druggist in Angola often knows far better what works, and what doesn't, when it comes to the question of what motivates a man to support himself and his family.

And that leads to two final concerns. First, I would strongly urge you to resist the call for further federalization of these programs. That is not the answer: I know that, I suspect you must know that, and the nation's taxpayers certainly know that. Some State and local officials, in the desperate wish to rid themselves of the growing burden of welfare programs, wish to ship them over the horizon to Washington—forgetting that it was Washington which created them, mandates them, and often makes them infinitely worse; forgetting that federal taxpayers are no different than State or local taxpayers. Resist, if you will, Mr. Secretary, the shell game of "federalization, integration, and simplification"—surely these programs must be made more rational and orderly, but the place to do it, and to bring them under effective control, is at the State and local level: where both the problems, and the solutions, are understood often with far greater insight and perception than they are in Washington—much as you and I might not like to admit that.

Secondly, Mr. Secretary, in the same vein, listen to what the heart of America is saying on this issue. Listen to the pleas for restructuring public assistance so that only the legitimately needy consume what the taxpayer produces. The same social theorists who will urge you to federalize are urging you to relax the eligibility standards, to pursue a kind of guaranteed annual income, so that even more of the nation's population will become dependent upon the public dole. For the very sake of the future of this nation, for the ability of this economy to sustain and withstand the kinds of demands that are being placed upon it, you must resist that kind of non-solution, that kind of Trojan horse.

For the problem is critical and the hour is late: one of your predecessors pointed out quite correctly that, by the year 2000, if we have no new expansions and simply continue our present social program—50% of the American people will be living off the other 50%. Even if other governmental spending, including defense, were reduced—as we have been doing—to fund these escalating programs, these would not be enough left to meet their voracious appetites. We must bring them under control, not expand them. We must respond to the call for real, lasting, and meaningful welfare reform, not some kind of deceptive imagery which lulls the nation's taxpayers into hoped-for inattention to what is in fact being done to them. We must give the working men and women of America a legacy, and a promise, that we will bring the nation's welfare programs under control. For if we continue the way we are now, or if your solution worsens the economic impact which I assure you they feel, they will not be inattentive or apathetic. They will rise up and insist that government no longer take from them, in the name of income transfer and in increasingly larger amounts, what they have worked so hard to achieve and what, by every standard of justice and equity, is rightfully theirs.

ENERGY SHORTAGE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. TEAGUE. Mr. Speaker, Dr. Richard Wainerdi of Texas A & M University, a gentleman for whom I have much admiration and respect appeared recently at a news conference, arranged by the Texas Electric Service Co., relating to our energy problems.

Under leave to extend my remarks in the RECORD I wish to place the following article which appeared in the Fort Worth Star Telegram for March 10, reporting on this conference:

EXPERTS PAINT GRIM PICTURE OF ENERGY SHORTAGE

(By Royce Yancey)

This country's potentially critical energy situation has been neglected so long that measures even more distasteful than rationing may be in store for Americans.

As unreal as it may seem, there is a definite possibility that by 1985 there will be "people coming around to check the temperature in your home," Dr. John McKetta, a nationally known energy expert and professor of chemical engineering at the University of Texas at Austin, predicted here Wednesday.

Although he did not spell out details of how such temperature checks in private homes would be made, it would obviously have to be some form of governmental inspection, his remarks suggested.

Dr. McKetta and Dr. Richard Wainerdi, director of the Center of Energy and Mineral Resources at Texas A&M University, appeared at a news conference arranged by Texas Electric Service Co.

They were among the speakers at an energy science symposium at Scott Theater Wednesday afternoon when TESCO offered senior high school students a broad look at the energy situation.

McKetta, former chairman of the National Energy Policy Committee, said "the saddest part of all" about the energy crisis "is that it is true. The people of Texas know this, but in other parts of the country the public has been hard to convince," he said.

"I suspect that real soon President Carter will get on TV and tell the people that the energy crisis is real," McKetta said. The nation has been hit hard by the energy problem and there will be no quick solution, he added.

"Great sacrifices are needed. Many have been lead to believe that the energy crisis will be solved by 1985 or 1990 or 1995, but this simply is not true. It's too late to bring the energy supply up. It will continue to decline at a rate of 3 per cent per year," McKetta warned.

It is wishful thinking to believe in a short-term solution, McKetta said. "There are many things an individual can do to save energy and help alleviate the problem." He cited car-pooling and heating only two rooms in a three-bedroom, two-bath home as examples.

He predicted "we will have to live this way" for the foreseeable future. If the nation does not learn to cope, and at the rate it is going now, its tab for imported oil will be $150 billion annually by 1985.

McKetta said he doubts any Fort Worth resident will have to do without natural gas, but that very little of the new gas supply will find its way into interstate markets.

He said that legislators who have promised energy at no economic impact, will continue to point the finger at energy producers but "the public is getting wise."

Wainerdi said Texas' energy sources "are being exploited," and worst of all "there is a treasure in petrochemicals which should be saved for the future."

He said the state of Ohio, which recently advertised for gas purchases in Texas, "should drill for its own gas, not drain Texas." He said there is plenty of gas to be found in Ohio and under Lake Erie, but if Ohio and Pennsylvania did it now, it would be eight years before it would be available.

Wainerdi said he believes offshore drilling does not impair beaches and cited Padre Island as an example of beaches that have not been hurt by offshore wells.

He said there must be alternative fuels to replace imported oil and that nuclear power plants offer the "quickest and safest" solution.

Wainerdi said the United States already has the technology and a 22-year safety record in the production of electricity from nuclear power plants, while other sources such as solar energy and hydrogen fusion, are years away.

"We don't have the technology yet and it will be too expensive to be developed by private industry alone," he said.

He said nuclear power plants generated 10.6 per cent of the nation's electricity in August 1976, and with a perfect safety record of 22 years there is no reason why "we should not follow the lead of France," which has limited all of its power plant construction to nuclear sources.

Wainerdi denounced the long delays for energy consumers, "with tons of paper work and the regulatory attitude of the government. He said it was "stupid" for an intervenor to be able to delay a nuclear power plant for four or five years, or longer, "generally for inadequate reasons."

He said there are two ways to measure the cost of electricity—by the kilowatt or "whether we have it at all. We must train ourselves on priorities. The dangers of technology have been overstated and we can cope."

He said he expects solar energy and fusion will continue to offer technical problems for another 50 years.

Asked if he expects Congress to decontrol oil and gas prices, McKetta said "No." He said the most "we can hope for is a two-tier system of pricing for new and old gas. He expects new gas to be highly sensitive to market demand, with prices ranging from $5 to $6 per million BTUs in the future.

"That will hurt," he said, but "it's the most we can hope for" McKetta said it is up to Texas, not Congress, to prevent the confiscation of Texas gas supplies for the benefit of other sections of the nation.

He noted that during a recent speaking tour in the North and East, he found that "Texas and Louisianians" were "the most

disliked. We have the oil and gas and they don't."

Wainerdi said he "is an optimist. We will come out of it (the energy crisis), but how long it will take is anybody's guess. We must have a comprehensive national energy policy. Our future demands it.

"There are a number of ways to make energy and we can cope, but the lack of government motivation is profound," Wainerdi concluded.

A TRIBUTE TO HAL SHEAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. ANDERSON of California. Mr. Speaker, this summer one of the truly illustrious careers in California organized labor will come to a close with the retirement of Harold W. Shean. After 37 years of full-time service with the International Association of Machinists, Hal—as he is known to his many friends—is stepping down from his current position as international representative in charge of safety-legislation-health-apprenticeships and new technology programs in California, Arizona, Nevada, New Mexico, and Hawaii.

A native of Chicago, Hal Shean was born on August 31, 1912. Educated in the public school system there, he came to California and like so many before him, soon became a worker in the growing aircraft industry of that day—in this case, in a McDonnell Douglas plant.

Hal Shean has devoted his intelligence, energy and enthusiasm on behalf of organized labor in many capacities. He has served as president of Machinists Union Lodge 727–I in Burbank, as well as the business representative and the research director for the International Association of Machinists in Burbank. In addition, Hal has served as the Machinists Union's educational director for California, Nevada, New Mexico, and Arizona; as national contract coordinator for General Dynamics, Douglas, Lockheed, and other companies; and as safety coordinator for Aerospace.

Hal Shean serves on a number of national assignments for the machinists as well. He is a member of the National Safety Council, which is headquartered in his hometown of Chicago. He has served as president or chairman of the National Council of Aircraft Unions for 6 years, and as chairman of the National Council on Electronics and New Technology for 12 years.

Within California, Hal Shean has been active on a number of fronts on behalf of the organized labor movement. He was appointed to the State technical services advisory board by Gov. Edmund G. Brown in 1963, and again in 1968 by Gov. Ronald Reagan. Governor Brown also appointed Hal Shean to the manpower, automation, and new technology commission in 1963. In 1972 he was appointed by Governor Reagan to the advisory board on safety.

Hal Shean has been a leader in California labor circles for many years, and as such has represented the working man and woman on many advisory boards in Government. He has also been extremely active in civic affairs, as an involved and concerned member of the community. Hal has served on the boards of San Fernando Valley Red Cross and medical group in Los Angeles; the Defense Manpower Board; and as vice president of the California State Federation of Labor. In addition, Hal Shean was a designee to the Industrial College of the Armed Forces from 1951 to 1952; served on the executive board, California Health Plans Alternatives.

Mr. Speaker, Harold Shean has devoted his career to the improvement of society for the working man and woman. His longstanding concern with safety, especially important among the membership of a union involved in heavy industry, has gone a long way toward improving working conditions for members of the Machinists Union and their fellow workers.

My wife, Lee, joins me at this time in congratulating Hal Shean on an outstanding career in organized labor, and in wishing him a healthy and productive retirement. His lovely wife, Madeline, and their sons, Fred, Bill, and Chris, must all be understandably proud of their father's fine career and many achievements.

THE LINE WAS BUSY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. JACOBS. Mr. Speaker, the line was busy:

INDIANAPOLIS, IND., *March 8, 1977.*

DEAR MR. PRESIDENT: Since I did not get through on my call during the phone-in, I accept your invitation to write. I shall write of my situation not because I personally merit your consideration, but because I am typical of a class of senior citizens who are given no consideration in the very popular senior citizens' programs of the day.

I was in my early twenties when my father worked himself to death trying to hang on to his farm during the great depression. I worked my way through college by cleaning dormitories. With my first job in one of the lowest paying professions (teaching), I contributed to my mother's support and began a savings account for old age.

During World War II I became a naval officer purely and devotedly to help my country. I continued to support my mother rather than declare her a dependent and let the Navy support her. Although my husband died after twenty-three years of service to his country, the navy does not contribute to my support. It did contribute for a few years to my son. With my teaching and his work program, our son went through two of the best colleges in the country, and I have always managed to put something in savings. I have always paid my debts, contributed to charities (I no longer contribute to charities since the government taxes me for its charity programs), and abided by the law. I remember a speech I gave once at a political rally in which I said I was proud to pay my taxes. I meant it. Now, the only reason I don't cheat on my tax reports is fear. I was, indeed, a person who asked what he could do for his country, and I did not expect my country to do for me.

So now I have retired. I do not eat the free meals which are provided for the senior citizens, and which cost God only knows how much. I do not ride the buses for reduced rates. I do not live in government housing nor do I get the taxes on my house reduced. What does my country do TO me? It takes a big hunk out of the interest I get on those life savings so that instead of living in the comfort I have saved for, I live on the fringe of the economy. Who gets my husband's social security? Perhaps someone who was dining on steaks while I was frying eggs and potatoes and raising my own vegetables.

My patriotism has been profound. Any pupil I have had in my thirty-plus years of teaching would so testify. I no longer feel patriotic. I say this not to flaunt my lack of it. I say this with a confidential sadness: an emptiness. I miss the elation which our stars and stripes—even a presidential inauguration—formerly provided me.

I am not alone. There are many senior citizens like me out here. The details of their lives differ from mine, but their experiences have led them to similar situations. We are not permitted to work, but we must continue to pay income tax! We deserve the interest on the money we have been saving all these years while the rate of inflation was taking away more than the interest was bringing us.

Yours truly,

BERTHA C. STARKUS.

LIMITED CONGRESSIONAL TERMS

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. KASTEN. Mr. Speaker, after recent congressional scandals that have further undermined the faith of the people in their Government, it is time for us to reevaluate the role of our elected officials and determine how we can best attract and maintain a continuous flow of creative ideas and talent into Government.

To do that, we must insure that our elected officials are sensitive to the needs and aspirations of their constituents, and that they have not been in office so long that they have lost touch with the people they serve. Responsive Government demands leaders who reflect the public will, not professional politicians whose sole desire is to perpetuate themselves in office.

Today I am introducing legislation which would limit the terms of U.S. Congressmen and Senators. The constitutional amendment I propose would limit the terms of Congressmen to six 2-year terms, or 12 years, and would limit the terms of Senators to two 6-year terms, or 12 years.

As I travel throughout my district and visit with my constituents, I have learned much about their frustrations and anger with the "politicians" in Washington who no longer seem to hear their voices of outrage.

The people are tired of being hit by high taxes and inflation, while watching Congress approve budget deficits. The people are demanding an end to the constant barrage of Government regulations, and yet they see on a daily basis

the steady stream of paperwork pouring from various Federal agencies. The people said "no" to a $13,000 pay raise for Members of Congress, and yet watched that pay raise take effect without the accountability of a vote.

There is insufficient movement in and out of Congress, which needs new blood and fresh thoughts to revitalize it. Unlike local officials who are close to the people. Representatives far away in Washington often lose touch with the people after awhile. Too many have become professional officeholders rather than servants of the people.

By limiting terms, we encourage new persons to enter the political arena with fresh ideas and enthusiasm to represent the people.

Limited terms will give many more people the opportunity to trade private life for public service—and yet never be so far from the people that the concerns of middle-income taxpayers are forgotten.

More important, unless those who serve in public office return to private life, they will never fully know the impact of the laws they passed.

Mr. Speaker, the 95th Congress should spearhead the Nation's debate on limiting the terms of federally elected officials. Passage of a constitutional amendment would bring the issue before the 50 State legislatures, the governmental units much closer to the people than the Halls of Congress. It is there—where the people's voices cannot be ignored—that the issue should be resolved.

COMMUNITY SERVICE OF O. C. WHITE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. REUSS. Mr. Speaker, I want to share with my colleagues the fine public service record of Mr. O. C. White of Milwaukee, who was honored recently in a special section published by the Milwaukee Community Journal.

Mr. White was a pioneer in black radio programming in Milwaukee, and he has used his prominence as a disc jockey to accomplish good in Milwaukee's black community.

He is the founder of the O. C. White Soul Club, which provides work and a home away from home for inner-city youngsters. Every summer members of the Soul Club work as painters and carpenters, fixing up homes in the central city.

And in the recent harsh winter, Soul Club members made emergency deliveries of fuel oil to families whose supplies had gone dry.

All his life, Mr. White has broken the barriers of race, and he has excelled in everything he tried. In the 1950's, he worked on road construction crews, and was one of the first black men around Milwaukee to drive heavy construction equipment.

At the same time he played organized football with the Racine Cardinals, and at one point had a chance to sign with what is now the Oakland Raider team.

He got his start on radio when Manny Mauldin, Jr., gave him a few minutes on his radio show.

Mr. White recalled recently:

Back then, there was just no way that a Black D.J. was going to be on the radio after 6 a.m. You had to be on and off before the white folks got up in the morning. That was the extent of Black programming. Manny was on from 5 until 6 a.m. back then. He gave me 15 minutes of that hour to do my thing.

In 1964, he and Hoyt "Dr. Bop" Locke started broadcasting together on radio station WAWA, and black programing finally saw the light of day on Milwaukee airwaves.

It was in those days that Mr. White began the grueling schedule that he still keeps today. At first, he kept his construction job, and would sandwich that work between his times on the air. He would broadcast from 5 to 8 a.m., then drive bulldozers until 5 p.m., when he would go back on the air for another 3 hours.

Today his schedule is just as rough. He is general manager of station WAWA, head of his Soul Club, and a candidate for a Ph. D. in policy studies. His day begins at 3:30 a.m. and ends around 11 p.m., and it is packed with work and study.

At the Soul Club, he stresses to his young friends that education is needed more than anything to put the black community on an equal footing in Milwaukee—and in the country.

"We have the greatest potential to make our own opportunities very productive in this city," he says. With education, he says, a young black can pull himself up—

Tell those kids who have a hole in their shoe and one sock, not to give up. It can be done . . . I was there too. When I was going to Lincoln High School . . . my shoes were so thin I could stand up and study agriculture and lay down to study astronomy.

The opportunities are nine times as great now as then. I tell children today not to depend on welfare for tomorrow. Welfare is a handout and that hand just might pull in.

You may not have much and may not be able to do big things, but you can do small things in such a big way.

RECOMPUTATION LEGISLATION

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. GONZALEZ. Mr. Speaker, I am again proposing recomputation legislation for retired members of the military. In the past Congresses my bills have called for complete recomputation for all retirees who were affected by the change in the retirement policy in 1958, but, in view of the economic realities of the military budget, I am today proposing a compromise measure.

The subject of recomputation is a complex one and there has been considerable debate on this subject ever since 1958 when the 100-year-old tradition of tying annuities directly to active pay scales was abandoned in favor of a cost-of-living increase system. However, the new system has not proved beneficial to the retirees and I feel we have broken faith with those who relied on a comfortable retirement after many years of dedicated service to our country.

The bill I am proposing, which has been passed by the Senate on several occasions provides for a one-time recomputation of military retired pay. Those who are covered under my proposal are disability retirees with a rating of 30 percent or more, military retirees who are 60 years of age or older, present retirees when they reach 60 based on the January 1, 1972 pay scales with any subsequent cost-of-living raises, and pre-1949 disability retirees, who would have the option to remain under the current retirement laws or to come under the new computation legislation at their actual degree of disability.

The opponents of recomputation, and there are many, continually emphasize that the cost of such legislation is prohibitive. I am not trying to minimize the cost because it is certainly a factor that will have to be considered, but if you take any program currently on the books and calculate the cost to the year 2000, as some have done to discredit recomputation, the figures would be just as staggering.

Mr. Speaker, it is no secret that all those living on a fixed income have had a difficult time in the past few years because of the soaring inflation our country has been experiencing, but those military retirees effected by the 1958 change in the law can only feel a sense of frustration and betrayal knowing that they would have been in a better financial position if Congress had not broken its promise and changed the retirement program after they had fulfilled their commitment.

The legislation I am proposing is long overdue and I hope we can have it enacted into law in this Congress in order to provide those retirees with the income they need and deserve for the service and dedication they provided our country in its time of need.

MANDATORY RETIREMENT: THE ALL-AMERICAN TRAGEDY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. FINDLEY. Mr. Speaker, an article by Leo Branham, published a few months ago in the Moberly Monitor-Index of Moberly, Mo., recently came to my attention. It illustrates the injustice of mandatory retirement, the last major form of discrimination still allowed by law. After being forced to retire from the journalism profession, Mr. Branham

established a new and personally rewarding career in landscape gardening. But he did so only after near superhuman courage and perseverance which many might not be able to muster.

With his well-written article Mr. Branham demonstrates that, but for mandatory retirement, he could still be an excellent newspaperman. It is well past time we outlawed the cruel practice of forcing people into retirement merely because they reach an arbitrary age.

The article follows:

FORMER MOBERLYAN FINDS NEW LIFE IN RETIREMENT

From minor Associated Press executive (editorial and administrative supervisor, AP-World Service Division, which serves news to over 100 countries) to landscape-gardener.

That's the seven-league boot journey I've traveled the past three years. Downward, perhaps, from social and professional viewpoints. Maybe, I couldn't care less. It's been a lifesaver for me. Stimulated a new zest for life.

When AP's mandatory retirement caught up with me I wasn't ready for it. I shall never be ready—so long as health continues. I found retirement the most traumatic, painful and humiliating experience of my life.

Yes, even humiliating. For I felt ruthlessly kicked out of a beloved profession to which I had devoted my entire working life. Also, most of my AP colleagues, friends, and neighbors in my home town of Stanford, Conn., thought I was much younger than I am. Somehow, I had never got around to putting them straight. The unmasking via retirement was a bit embarrassing—and damaging to the ol' ego.

Mandatory retirement, in my opinion, is the all-American tragedy of our times. Most men reaching 65-year retirement are in good health, in the very prime of life, at the height of their mental powers and professional expertise. Dumping such men—unfairly branded unwanted, unneeded and useless—on a human scrap heap is barbaric. It's an awesome waste of skilled manpower. When will business and the professions evaluate a man first, of course, on merit, then on his functional age, not his chronological years?

I'll bet the functional age of most retirees is well below their calendar years. My own physical age is many years under my chronological figure. I think I have demonstrated that by the work I've done since "graduating" from AP in 1973.

I wrote the first of around 50 job application letters before my retirement date. Prospects for two government jobs in New York, one a Voice of America post, seemed good. These prospects evaporated when President Nixon announced budget cuts and staff reductions.

I sought work with various news media, magazines, publishing firms and public relations offices. Because of the recession it was a poor time to seek employment. Numerous concerns replied they had the same mandatory retirement rule as AP. My hopes soared when one of the largest PR firms in New York interviewed me three times. The fact that I was an ex-war correspondent and had worked abroad seemed to improve my chances. I was told two vice presidents recommended I be hired. However, top brass finally ruled me out because of my age.

Eventually, I got a part time job as a copy desk editor and headline writer on one of the Gannett papers in a nearby city. After several months, a 30-year-old editor succeeded the fiftyish one who had hired me. Young ed wanted only young faces around the copy rim. Out I went. First time in my life I was fired from a job.

I wrote more letters. Some brought interviews. But the age factor proved an insurmountable obstacle. My final interview had been a very encouraging one with a Stamford head office of a national concern. Prospects appeared good. But a week later came word a young man had applied since my interview and they had decided to hire him.

I gave up.

"If no one will hire me for my brains and know-how, maybe they will for my muscles," I told myself. For I had recalled that my son, Robbie, had worked two college summer vacations at a plush country club near Stamford.

I asked the club's greens superintendent for a job. Surprise! I was hired immediately. I was placed in charge of planting and caring for flower beds and the lawn around the clubhouse.

Over the years, I'd often "knocked myself out" working weekends with my wife, Milly, on our home grounds. On our place in Stamford we have besides towering maple, oak and evergreen trees, 60 kinds of flowers and shrubs, a big lawn, three rock gardens, a vegetable garden and a lovely hillside picnic area with a flat fieldstone patio and a big barbecue fireplace.

We'd made a beautiful place out of what once had been a wilderness of giant weeds, fallen trees and rocks. In the process, we had learned to become pretty good landscape gardeners.

After those weekend orgies of hard work I'd always had a week at the office to recuperate from aches and pains. But now, at the country club, I was pitted daily against 20 and 23-year-olds on the greens crew and expected to keep pace with them. I did, but oh, brother, it was one of the toughest ordeals I've ever experienced.

Many nights my bones and muscles ached so badly I literally dragged—and doubted I could report for work the next morning. But I did.

Gradually, I toughened up. Then, as now, I can push a heavy lawnmower, dig flower beds, plant anything, reseed and fertilize lawns, rake leaves or grass, shovel snow and perform other manual chores all day long with no more than normal fatigue. At the end of the day, then and now, after a shower, an hour's reading and relaxation and a pre-dinner cocktail I'm as chipper as ever.

Country club members sometimes stopped to chat with me about my flowers. Several asked if I would be interested in working for them when I finished at the club. That gave me an idea. Why not go into business for myself?

When my job ended last November the club manager phoned a New York business man he said had asked about me. The manager arranged an interview.

A year-around job resulted from that interview.

With Milly as partner, I formed my own landscape gardner service. Milly is also company bookkeeper. Her thumb is even greener than mine and she's proved invaluable in helping me design landscaping plans for my work projects. Together we case area nurseries for best buys and new ideas.

So far I've confined my work to two large estates in the affluent "Ridges" section of rural North Stamford. One is owned by the president of a multimillion dollar business in New York City. The other is owned by the treasurer of the same company. Both men are relatively new to "country" living in the Stamford area.

They've placed landscaping, plantings and care of their respective grounds in my hands. Milly and I have designed and I have planted rose and various other flower beds and borders. I made over an entire hillside adjoining a driveway on one estate with pachysandra, juniper, laurel, rhododendron, heather, and other kinds of ground cover greenery.

The lawn is so large at one estate I use a small tractor and a 3-unit gang lawnmower to cut the grass. A mechanized lawnsweeper and leaf blowers reduce much manual raking.

Winter before last I built large work benches in the basement of each estate and completely equipped them with all kinds of tools. I did home repairs, indoor painting, snow shoveling and other chores.

Thus goes my new "career," one I never dreamed I'd ever enter.

Landscape gardners are in demand in this area. I'm sure the same situation exists in many other parts of the country. I recommend my new kind of work to any other retiree with a green thumb who is bored with inactivity. I could work seven days a week if I wished.

But except for an occasional extra day, I hold my work week to four days, two at each estate. This leaves me three days a week to work on my own place and roam Long Island Sound in my 20-foot, 115 HP, cabin cruiser fishing for Blues, Striped Bass, Blackfish, Porgies and Flounders.

I have a medical checkup every three months. I am, my doctor says, in tip top condition. My consistent blood pressure readings of around 120 over 90 "can't be beaten for a man of my age," he adds.

Doc says the daily exercise and fresh air resulting from my job will "probably add years" to my life. Hope he's right.

VICENTE T. BLAZ, USMC BECOMES FIRST GUAMANIAN GENERAL

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. WON PAT. Mr. Speaker, today I wish to share with you and our fellow Members a matter which has brought me great personal pleasure and which represents a true milestone in the cultural development of my entire district of Guam and its Chamorro people.

Recently I was privileged to take part in ceremonies in the office of the Commandant of the U.S. Marine Corps when one of my constituents, Vicente T. Blaz was promoted to brigadier general.

I am well aware that in the districts of most of my colleagues such an occasion would be a notable one but hardly a milestone. However, in this instance, General Blaz is the forerunner of entirely new generations of Guamanians and as such is the first Guamanian to reach general rank in any of the U.S. military services.

We of Guam are very proud of the fact that Guamanians serve in our armed services on a per capita rate approximately six times the national average. However, it was somewhat an accident of birth that General Blaz was even eligible to become a U.S. military commissioned officer. He graduated from the University of Notre Dame in 1951 and received his commission. Only the previous year did he, and all other Guamanians, become U.S. citizens.

Thus, Brigadier General Blaz was the first native of Guam to receive a commission. He has continued to be first in his military and academic endeavors since.

In receiving his promotion and one star flag from Marine Commandant Gen.

Lewis Wilson, Brigadier General Blaz credited his family, the people of Guam, the Nation, and the Marine Corps for his being able to seek and attain his present success. However, in most instances of this nature, it was the personal motivation and performance of the individual himself who, despite immense handicaps, made the primary contributions to his success.

One of his major handicaps was early education. Vicente Blaz was born on Guam, one of eight children of Rita Blaz and the late Vicente C. Blaz. Educational opportunities on Guam at that time were very limited. During his teenage years Brigadier General Blaz remained on Guam during almost 3 years of Japanese occupation during World War II.

Despite these learning setbacks, Vicente Blaz had set his own goals and through personal striving qualified for a scholarship and for admission to the University of Notre Dame in 1947.

Since then he has received a master's degree in personnel management from George Washington University, an honorary doctor of laws degree from the University of Guam and was a "distinguished graduate" of the College of Naval Warfare at Newport, R.I.

His military career has been equally noteworthy. Among other duties, he has served as a base legal officer, an infantry company commander in Korea, operations officer of the 9th Marine Regiment during combat operations in Vietnam, and represented the Joint Chiefs of Staff on three delegations to multinational negotiations in Europe.

As a sidelight, Brigadier General Blaz' life has been uniquely tied to the 9th Marine Regment. Not only did he serve as its operations officer in Vietnam, it was his first unit as a junior officer in Japan and was later its commanding officer. He now has received his general's stars and flag personally from General Wilson who was awarded the Congressional Medal of Honor while a company commander in the 9th Marines for actions during the 1944 liberation of Guam.

Mr. Speaker, I am personally very proud to bring this matter to the attention of the House. Brig. Gen. Vicente T. Blaz represents the first generation of Guamanians to reach adulthood as U.S. citizens. We of Guam are exceedingly proud of him and his accomplishments. Moreover, he is a credit not only to our island but also to the U.S. Marine Corps and our Nation.

MRS. CHERYLE WILLIS HONORED BY CLEVELAND JAYCEES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. STOKES. Mr. Speaker, Mrs. Cheryle Wills, an outstanding young woman in my district in Cleveland, Ohio, has recently been named as this year's recipient of the Cleveland Jaycees Distinguished Service Award. I would like to add, Mr. Speaker, that this is the first time that a woman has received this honor which has been presented annually since 1938 for outstanding contributions to the community.

It is an understatement to say that Mrs. Wills is deserving of this award. She has been at the forefront of numerous projects and organizations for civic and social betterment and has served her community with unusual commitment and zeal.

Mr. Speaker, so that you and my colleagues in the House can familiarize yourselves with Mrs. Wills' community service record, I would like to take this opportunity to give you a brief biographical sketch of her work in Cleveland.

Currently, Mrs. Wills' career ranges from mother, to housewife, to business director, to civic activist. She is a licensed funeral director and was the first woman officer of Goodwill industries in its 58-year history. Her affiliations are many, but I believe that it is important for us to hear them in order to assess the extent of her impact on the city of Cleveland.

CIVIC ORGANIZATIONS

Phillis Wheatley Association, trustee, immediate past president, and cochairperson of the membership drive.

Greater Cleveland Neighborhood Centers, trustee.

Central Multi-Service Center, trustee, chairman finance committee.

Y.W.C.A., trustee, co-chairperson personnel committee, member financial development committee.

Community Services Center, chairman of the board.

Karamu, trustee, member of finance committee.

United Torch Services, trustee, vice president, administration, member health allocation panel, member priorities determination committee.

Cleveland Public Library, trustee, chairman of personnel committee, secretary of the board.

Catholic Family Services, trustee, member of adoptions committee.

Golden Age Centers of Cleveland, trustee, secretary board of directors, chairperson, King Kennedy Golden Age Center.

Goodwill Industries, trustee, secretary board of directors, member public relations committee.

National Black Caucus on Aging, trustee, State chairperson of membership.

NAACP, trustee.

Woman Space, trustee.

Friendly Town, trustee.

Buckeye Health Plan, trustee, member of marketing committee.

Cleveland Arts Council, trustee.

Dyke College, corporation trustee.

Martin Luther King Plaza, corporate trustee.

Central Businessmen Alliance, convener.

Lake Front Forum, convener.

Mr. Speaker, Mrs. Wills is also a member of the Community Planning Youth Commission, Junior Women's Committee of the Cleveland Orchestra, the Delta Sigma Theta Sorority, and the Urban League of Cleveland. May I add, Mr. Speaker, that Mrs. Wills has been of enormous assistance to me as a consultant and tireless campaign worker.

Mr. Speaker, I have spoken of Mrs. Wills' professional and civic responsibilities but I would be remiss if I did not make reference to her wonderful family. She is married to Guy A. Wills and is the mother of Jae, age 13 and Duane, age 8.

At this time, I would like to ask my colleagues to join me in congratulating Mrs. Wills for her outstanding service to Cleveland. She is one of those committed individuals who never passes along the responsibilities to others. When there is a job to be done, Mrs. Wills is always on the case. I know that I speak for my constituents and all socially responsive citizens in Greater Cleveland when I say thank you Cheryle Wills for a job magnificently done.

HUMAN LIFE AMENDMENT

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. YOUNG of Missouri. Mr. Speaker, last week I introduced the following constitutional amendment with respect to the right to life:

SECTION 1. With respect to the right to life, the word "person" as used in this Article and in the Fifth and Fourteenth Articles of Amendment to the Constitution of the United States applies to all human beings, including their unborn offspring at every stage of their biological development, irrespective of age, health, function, or condition of dependency.

SECTION 2. Nothing in this Article shall prohibit medical procedures which physically verificable facts establish as necessary to prevent the death of a pregnant woman.

SECTION 3. The Congress and the several States shall have power to enforce this Article through appropriate legislation.

At that time I asked permission to extend my remarks; I would like to take that opportunity now.

As a society, we are attempting to establish world food reserves to feed all people and support human rights recognized by every government. We want the world to look upon us as moral leaders—the compassionate, the caring, the generous. Yet, as a society, we daily destroy our Nation's greatest potential—people.

I have heard the argument that some children are unwanted, and therefore should be aborted. Have we as a nation truly decided that it is better to be unborn than unwanted? That in the long haul, for financial reasons, it is better to abort a child than feed and clothe it?

Unfortunately, the answer appears to be yes. Our society through the courts has sanctioned the viewpoint that life is secondary to convenience, and that some individuals have the right to deny existence to others, simply because those individuals have decided a child would inconvenience them.

The decisions of the Supreme Court

can be changed by law. This national disgrace of our attitude toward life can be changed. I have introduced a constitutional amendment with respect to life in a spirit of optimism that life is worth living.

I would like to submit two articles dealing with this vital and basic issue. I urge all Members to review these writings and offer comments of their own.

The first article is a recent editorial by KMOX-Radio, the CBS station in St. Louis. The editorial, entitled "Abortion: A Growth Industry?" was presented by Robert Hyland, regional vice president of the CBS Radio Division. The editorial follows:

We Americans are fascinated by facts and figures that reflect growth: a higher gross national product; a record harvest; increases in sales; housing starts; exports to other nations. We regard these growth figures as an index of our national vitality.

But there is one set of growth figures that should not give us a feeling of pride. In fact, they should appall us. These are the statistics on abortion. In 1970, there were 193,000 legal abortions in our nation. Last year there were 1,300,000. The 1980 forecast is for 2,800,000 abortions. That a staggering ten-year growth rate of 1,451 percent.

Look at the figures another way. In the last five years, there were five million abortions. That's ten times the number of Americans killed in all wars in our nation's 200 years and over a thousand times the number of deaths in the Vietnam war.

We know that many sincere, dedicated people believe in legalized abortion. They regard a woman's decision to bear—or not to bear—an unborn child as a private matter—between her and her doctor—not a social issue. These spokesmen cite the number of unwanted, neglected and abused children as one justification for the legal right to end the life of the unborn.

We do not deny the tragedy of the unwanted baby, but as we have stated many times, we believe there are alternatives. Adoption is one. Counseling and aiding the mother in keeping her baby is another.

We urge those who favor legalized abortion to consider the shocking increase in its usage. Surely our just, democratic and compassionate nation can find alternatives to killing millions of innocent infants. Do we really want to turn abortion into a growth industry?

The second article is by Ed Raterman, a Midwestern farmer and prominent member of Missouri Citizens for Life. The following article, entitled "A Non-Expert's Rejoinder to Abortion," is reprinted from the National Pro-Life Journal and follows:

As a farmer, I find it unnecessary to agonize when life begins, or the kind of life to anticipate if the source is known. Having sown many acres of wheat that within seven days of planting is visible to the naked eye, very much alive, and undergoing constant change, I have long been convinced that germination was almost immediate upon contact of seed with soil and moisture. The same is true of any seed, be it corn, sorghum, milo, or maize. Germination is but the beginning of a progression that is continuous until harvest, a harvest that will reap and reflect only that which was initially deposited into the ground. This is a fact undeniable and without need of proof. This is a fact wherever biological activity takes place, and yet, the amassed and awesome intelligence of the Supreme Court simply ignored what every realist truly knows and appreciates.

The above determination is no less apparent or expected, if one mates a cow or heifer to a bull, the only known resulting progeny is always a calf. A hog-raiser who breeds his sows or gilts to a boar, would be a fool to think his fortune to be increased by anything different from pigs. And so with humans, when a man and woman cohabitate, and beget new life, the results are similar and equally conclusive. Before a woman is possibly sure she is pregnant, vital organs of her progeny function, progress is continuous, life is in existence, and it can be only human.

The living end-product of any gestation has to be alive from its inception, and ultimately can only bear the same qualities and characteristics of its origin.

Abortion on demand is now perceived as good, intelligent, and legal, and the determination of ages has been reversed, but only, for so long as prevails the apathy of individuals, who are unwilling to undergo the fatigue of changing the crass and corrupt verdict of the Supreme Court.

I suffer no illusions about my ability to impress people or to markedly influence my community. However I call upon the wheat growers of Kansas and North Dakota, the corn and hog producers of Iowa, Indiana, and Illinois, the ranchers and cattlemen of the West, every farmer across this land, every craftsman, laborer, miner and clerk, all those who know what life is, those who value it's dignity because of the instinctive sense of morality and justice that is theirs, the competent and educated doctors, lawyers, and philosophers, who can best articulate the sanctity of life; I call upon them to mobilize for a battle that must be won, if we are to forestall the proliferation of ever lower standards of human behavior.

Like murder, abortion is brutally wrong and intolerable. To permit it by law is inconceivable in a nation, which under God, proclaims liberty and justice for all. It represents maximal discrimination and zero responsibility in the last and greatest perversion of sex.

The right to life is a Civil and more importantly a Human Right, that is both intrinsic and inalienable, a right that must be loudly proclaimed, faithfully and forever defended, and constitutionally guaranteed for all, because the natural law, the best of civilized tradition, and the law of God so demand.

To do less, is to invite for this and future generations, sure passage through the most cruel vale of tears the world, this nation, and society, has ever seen or yet endured.

VICTORY FOR THE FAMILY FARM

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. PANETTA, Mr. Speaker, a few days ago Continental Illinois Bank and Trust Co. withdrew its application to the Internal Revenue Service requesting tax-exempt status for its ag land fund I proposal. Marking a major victory for family farmers in their efforts to halt the invasion of nonfarm interests into the agricultural sector, this action effectively scuttles plans for the $50 million plan to invest pension funds in the purchase of working farms on prime farmland throughout the country.

The strong opposition to the ag land fund proposal voiced by family farmers, consumers, and the press indicates the seriousness of the issues raised by this type of investment scheme. Although ag land fund I has now been withdrawn from consideration, the public testimony before the House Agriculture Subcommittee on Family Farms and Rural Development illustrated the need for new legislation which will further guarantee the survival of the family farm in America.

In the last 25 years, the number of farms in America has decreased from 5.4 million to 2.9 million, with predictions that another 1 million will cease production by 1980, unless current trends are halted. These declines in the numbers of farms, along with the growth in the size of the average farm, points out that the small farmer simply cannot make it under current economic conditions. With the rapidly rising costs of production, and increasing competition from agribusiness, farmers are doing all they can just to stay in business. In light of the unstable situation for small farmers and the present trends of skyrocketing land values, new nonfarm investment proposals will continue to surface. It is my fear that, unlike ag land fund I, these new schemes will go unnoticed and therefore unimpaired if new legislation is not passed. It is essential that farmers and consumers fully understand the dangers that corporate investment proposals pose to this country's philosophic as well as economic foundations. All of us must continue to be on the lookout for new projects which offer similar threats to their survival.

All plans for corporate investment in farming raise the following philosophical questions regarding the future of agriculture in America. What happens to the land and lifestyle in our rural communities when profit becomes the basis for farming? What are the consequences of making many of our farmers into tenant operators? And, more practically speaking, what will corporate ownership and absentee investment do to land values, consumer prices, and the economy as a whole?

I am convinced that the encroachment of corporate investment into farming can only lead to escalated land values, the decline of competition and further concentration in the food industry, spiraling consumer prices, and the destruction of rural America as we know it. In addition, as the capital base accumulates in fewer and fewer hands cutside of our agricultural communities, opportunities for our young farmers to enter farming will be greatly diminished.

In the effort to implement my support of family farms, I am cosponsoring two bills which would restrict the trend toward absentee corporate ownership and investment in farming. The Family Farm Antitrust Act of 1977, H.R. 941, would prohibit persons or businesses with an excess of $3 million in nonfarm assets from engaging in agricultural production. Further, businesses with close ties to farming such as packinghouses, feed manufacturers, chemical and fertilizer manufacturers and farm machinery suppliers, having more than $1 million in assets, would be prohibited

from engaging in agricultural production. Farm cooperatives would be exempted from the act as would charitable, educational and nonprofit institutions.

The other bill I am sponsoring, entitled the Family Farm Preservation Act, would simply amend the Federal Deposit Insurance Act to prevent federally insured banks from investing collectively pooled trust funds in farmland.

It is evident from the testimony presented at the recent hearings on the Ag land fund proposal that the Federal Government is failing to restrict the corporate move into rural America, or to offer much assistance to those who are being forced out of farming. Although the family farm scored a significant victory this time against a serious threat to its existence, public awareness must be heightened and legislative action must proceed. Corporations are expanding into the agricultural sector because it is profitable and because there is no national policy to prevent or regulate such action. Now is the time for Congress to reaffirm its dedication to the survival of the family farm and our rural communities before new corporate investment schemes proceed to turn all of our farmers into tenant operators. The passage of the Family Farm Act and the Family Farm Preservation Act would mark the beginning of that reaffirmation.

WATER PROJECTS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. RUDD. Mr. Speaker, President Carter's arbitrary decision to delete from the Federal budget numerous water projects has generated controversy throughout the land. One of these projects, the central Arizona project, is a source of great concern to the people of my State. We find it extremely difficult to comprehend why any administration would choose to remove from the budget a project of such vital importance to so many people and one that is 30 percent completed.

In a highly incisive article which was published on March 26 by the Washington Post, my distinguished colleague from Arizona, House Minority Leader JOHN RHODES, suggests that most of the criticism leveled against the water projects appear to be coming from individuals who may not understand fully the importance of water to the Western States. Mr. RHODES' column should be read by all who need to gain a proper perspective on this major issue.

The column follows:

. . . AND FROM THE DESERT

(By John J. Rhodes)

In the Southwest of this land of ours
In the Valley of the Sun
Phoenix, Arizona
Our growing just begun.
Change desert to fertile valley
Get a tan on Christmas Day
Phoenix, Arizona
With a touch of yesterday.

—Theme Song, Phoenix TV Station KTAR.

For the benefit of my Eastern friends I would like to point out something about that part of the nation I represent in Congress, Arizona's Maricopa County.

It's a desert.

It's also a well-populated desert, one of the fastest growing areas in America. People migrate there from all over because they are attracted to both our climate and our standard of living.

I have the suspicion that many people have trouble understanding what it means to live in a desert. I am sure that it's difficult for President Jimmy Carter, who grew up about 30 minutes from the Chattahoochee and Flint Rivers, to realize that the Salt River that cuts across metropolitan Phoenix is nothing more than a barren, rock-filled ditch.

How else to explain the President's sudden and arbitrary decision to delete from the budget some 30 water projects around the country, among them the Central Arizona Project? For the question is this: If the Central Arizona Project—or some alternate means of transporting large amounts of water into the central areas of the state—is not built, then what is to be done to provide for the many people who live there?

Unlike most Eastern communities, the people of central Arizona must live with the reality that their water supplies are limited. Our water tables have been diminishing over the years at an alarming rate, and it is only a matter of time before we go to turn on our water faucets and find that nothing comes out.

To its credit, Arizona had the foresight to recognize the problem of finite water reserves and the intelligence to plan accordingly. The Central Arizona Project was designed. It is a frankly ambitious plan to take water from the Colorado River at Lake Havasu, lift it over the mountains through a series of pumping plants and aqueducts and allow it to flow by gravity into the central valleys of the state.

After a lengthy series of complex legal battles (which went all the way to the Supreme Court), Congress passed and President Johnson signed into law in 1968 the bill authorizing construction of the CAP. Since that time Congress has appropriated over $400 million for the project, which is now almost 30 percent complete.

In a column printed in the March 14 Post, Colman McCarthy (who incidentally was born and raised on Long Island) dismisses the CAP as a prime example of "pork barrel politics" and takes off after Morris Udall (D-Ariz.), who is chairman of the House Interior Committee, for opposing wasteful spending on the one hand and supporting strongly the CAP on the other. What Rep. Udall (who, above all else, is no hypocrite) knows that Mr. McCarthy evidently does not is that over 80 percent of the funds required for construction of the Central Arizona Project will be paid back to the U.S. Treasury by the state of Arizona. The project will be mainly paid for by the water users themselves, a fact that, in my opinion, hardly qualifies the project as "pork barrel."

The issue is not cost, nor even cost-effectiveness, since the administration is already committed to the concept of public works projects (the CAP is responsible for approximately 4,300 new jobs per year). Neither should the issue be environmental, since the project has been the subject of numerous environmental impact statements at every stage of its development.

As I see it, the Central Arizona Project and other similar projects are at the vortex of a fundamental issue confronting America. It is the issue of growth versus non-growth.

Opponents of the CAP make the argument that it is fundamentally wrong for man to challenge nature to the extent that a viable community is erected in a desert. Colman McCarthy alluded to this attitude in his column (to wit: "By trying to improve on God's design of the Colorado River . . ."). In other words, if God had intended for people to inhabit Maricopa County, He would have put more water in the Salt River.

Perhaps. But what about the hard fact that our nation and the world is becoming an increasingly crowded place in which to live? The no-growth people have no answer to this unavoidable question.

In my opinion it is the responsibility and challenge of 20th-century man to use his God-given intelligence to devise innovative ways for the human race to exist comfortably on this crowded planet of ours.

That is what we have done in Arizona. We have transformed a desert into fertile land. People from the congested East and elsewhere are attracted to Arizona. They like what they find there, and they stay. There is no way that Arizona could keep them out, even if it wanted to. Americans have a right to live wherever they want. They have a right to seek a better way of life.

Unless the Central Arizona Project is built as planned, central Arizona will dry up eventually into a giant dust-bowl. The lifestyle that people find so attractive will be gone. People now living there will be forced to re-locate.

We cannot let this happen.

TANKER SAFETY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. LENT. Mr. Speaker, the administration's recently announced change in U.S. policy on oil tanker pollution is welcome, but I doubt whether the shift in policy will do much to reduce tanker accidents.

On the whole, the new proposals should be effective in reducing oil pollution which results from tanker operations. In particular, the commitment to implement stricter tanker construction standards should help curb the amount of oil which gets dumped overboard each and every day. Such discharges account for 85 percent of all marine pollution.

Unfortunately, the administration's proposals do not adequately address the problem of accident-caused pollution. The administration's plans to require double bottoms on all new tankers, and to require sophisticated navigational equipment on ships calling at American ports, may reduce the incidence of accidents marginally, at best. But the core issue here is that of how effectively a tanker's crew performs.

The administration's approach to this issue is, unfortunately, a cautious one, though it need not be so. Beefing up standards for crews on American ships is probably a step in the right direction, but American ships carry only 15 to 20 percent of the oil entering our ports. Taking the issue of tanker crewing standards before international forums, with an eye toward a treaty, may be effective in the long run, but the long run may be as much as 10 years, if we may judge from similar negotiations in the past.

The administration's approach to this problem is even more perplexing because an immediate and effective solution is right under our noses.

I have introduced legislation, H.R. 2427, with my friend and colleague from

Maine, DAVE EMERY, and 27 cosponsors to extend U.S. jurisdiction under the Ports and Waterways Safety Act to 200 miles.

Our bill differs from the administration's action in only one respect: It would allow extension of American vessel traffic control systems into deep water.

The administration's proposals already involve considerable unilateral actions which will undoubtedly result in increased operating costs to foreign shipping firms wishing to enter U.S. waters. Furthermore, the administration's decision to require periodic inspection and certification of foreign vessels trading at U.S. ports is a clear assertion of U.S. jurisdiction over the trade which enters our ports. That it doesn't carry a 200-mile tag is significant only in symbolic terms.

Yet, the proposal my colleagues and I are making—extension of U.S. vessel traffic control to 200 miles—offers a clear way of avoiding the considerable difficulties involved in either a unilateral imposition of crewing standards, or in negotiating the issue multilaterally.

Under a comprehensive guidance system, similar to current air traffic control systems, U.S. shore-based nagivators would be able to "pick up" vessels entering the U.S. 200-mile zone while they were still in deep water, and guide these ships safely into port. Such a system would augment on-vessel navigation, and allow for timely corrective actions in the event a ship strayed from its course.

While international agreement on standards of training and competence in oil tanker operations are clearly needed, the outlook for quick agreement is not good. It seems to me that we should use the viable options which are open to us.

GRAND JURY REFORM—COLORADO SENATE PROPOSALS PARALLEL H.R. 94 REFORMS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. EILBERG. Mr. Speaker, Dale Tooley, the district attorney of Denver, Colo., has recently forwarded to me Colorado Senate bill 186 proposing reforms in that State's grand jury procedures. These reforms are almost identical to those I have proposed in H.R. 94 for our Federal grand jury system. Specifically, the provisions of the Colorado bill, which match my bill—

Would provide for a right to counsel in the grand jury room, free if the witness is indigent. Counsel would only advise, and could not make objections, arguments, or addresses to the grand jury. The court would maintain the power to remove any disruptive counsel;

Would require the grand jury to be informed of its duties, rights, and responsibilities prior to hearing the testimony of witnesses or reviewing documentary evidence;

Would permit any person to request to testify before the grand jury and allow denial of such a request to testify only for good reasons;

Would require witnesses to be informed of their rights before the grand jury and prohibit calling any witness if they indicate that they will exercise their privilege against self-incrimination;

Would allow subpenas to be challenged if they are unreasonable, oppressive, or for harassment purposes;

Would require all grand jury proceedings to be recorded and permit transcripts of a witness' testimony to then be made available to the witness prior to trial;

Would grant witnesses the right to review any prior statements in the prosecutor's possession prior to his testimony before the grand jury;

Would allow witnesses to be held in contempt only after a hearing with counsel and allow confinement only for the term of the grand jury or 6 months, whichever is less;

Would prohibit reiterative contempt, that is, prohibit witnesses imprisoned or fined for refusal to testify from being subsequently imprisoned or fined for refusal to testify as to the same matter;

Would prohibit repeated jeopardy, that is, once a grand jury has refused to issue an indictment, prohibit a new inquiry on the same matter from being initiated unless there is a finding that additional evidence has been discovered.

As District Attorney Tooley and others have indicated, the reforms proposed by H.R. 94—and the Colorado Senate bill—would not in any way interfere with legitimate investigations by grand juries. Rather, they would insure that such investigations are fair, thorough, and productive.

I would like at this point to insert in the RECORD the forwarding letter of District Attorney Tooley and the full text of Colorado Senate bill 186:

STATE OF COLORADO,
Denver, March 16, 1977.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship and International Law, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN EILBERG: Thank you for your letter of January 25, 1977, and for the information which you enclosed.

I thought you might be interested in S.B. 186 concerning grand jury reform, pending before the Colorado legislature. Enclosed is a copy of this legislation, in the form in which it was approved by the Senate Judiciary Committee. It was approved on second reading, and we expect it will clear the Senate within the next two weeks. There will be two amendments to it, [one which will leave to the discretion of the prosecutor the form of the subpoena and any required notice thereon, and the other restricting grand jury reports]. That restriction will probably require that a subject of a report have an opportunity to appear and to testify and that in no event could a report be issued without the approval of a judge who determines that public release of a report is important to the public interest.

Because so many of these changes encompass elements of the legislation which you are proposing, and which Dade County State's Attorney Richard Gerstein advocates, I am sending this information to you and to Mr. Gerstein.

Yours truly,

DALE TOOLEY.

The committee recommends that S.B. No. 186 be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 1, strike everything below the enacting clause, and substitute the following:

"Section 1. 16-5-204, Colorado Revised Statutes 1973, is repealed and reenacted, with amendments, to read:

16-5-204. Witnesses before a grand jury—procedure (1)(a) Whenever a witness in any proceeding before any grand jury refuses, without just cause shown, to comply with an order of the court to testify or provide other information, including any book, paper, document, record, recording, or other material, the prosecuting attorney may submit an application to the court for an order directing the witness to show why the witness should not be held in contempt After submission of such application and (a hearing at which the witness may be represented by counsel, the court may, if the court finds that such refusal was without just cause, hold the witness in contempt and order the witness to be confined). Such confinement shall continue until such time as the witness is willing to give such testimony or provide such information; however, (the court may release the witness from confinement if the court determines that further confinement will not cause the witness) to give such testimony or provide such information. No period of such confinement shall exceed the term of the grand jury, including extensions, before which such refusal to comply with the court order occurred, and in no event shall such confinement exceed six months.

(b) If a witness has been confirmed in accordance with paragraph (a) of this subsection (1), he may, upon petition filed with the court, request a hearing to be held within ten days to review the contempt order at which hearing he shall have the right to be represented by counsel. The court, at the hearing, may rescind, modify, or affirm the order.

(c) In any proceeding, conducted under this section, counsel may be appointed for a person financially unable to obtain adequate assistance.

(2) No person who has been imprisoned or fined by a court for refusal to testify or provide other information concerning any transaction, set of transactions, event, or events in any proceeding before a grand jury impaneled before any district court shall again be imprisoned or fined for a subsequent refusal to testify or provide other information concerning the same transaction, set of transactions, event, or events before any grand jury.

(3) Upon impanelment of each grand jury, the court shall give to such grand jury adequate and reasonable written notice of and shall assure that the grand jury reasonably understands the nature of:

(a) Its duty to inquire into offenses against the criminal laws of the state of Colorado alleged to have been committed;

(b) Its right to call and interrogate witnesses;

(c) Its right to request the production of documents or other evidence;

(d) The subject matter of the investigation and the criminal statutes or other statutes involved, if these are known at the time the grand jury is impaneled;

(e) The duty of the grand jury by an affirmative vote of nine or more members of the grand jury to determine, based on the evidence presented before it, whether or not there is probable cause for finding indictments and to determine the violations to be included in any such indictments; and

(f) The requirement that the grand jury may not find an indictment in cases of perjury unless at least two witnesses to the

same fact present evidence establishing probable cause to find such an indictment.

(4)(a) Each grand jury subpoena shall contain the following advisement prominently displayed on the front of the subpoena:

NOTICE

(I) You have the right to retain an attorney to represent you and to advise you regarding your grand jury appearance.

(II) Anything you say to the grand jury may be used against you in a court of law.

(III) You have the right to refuse to answer questions if you feel the answers would tend to incriminate you or to implicate you in any illegal activity.

(IV) If you cannot afford or obtain an attorney, you may consult with the public defender's office, or request the court to appoint an attorney to represent you.

(b) Any witness who is not advised of his rights pursuant to paragraph (a) of this subsection (4) shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he testifies or any evidence he produces, nor shall any such testimony or evidence be used as evidence in any criminal proceeding, except for purjury, against him in any court.

(c) In any proceeding before the grand jury, if the prosecuting attorney has written notice in advance of the appearance of a witness that such witness intends to exercise his privilege against self-incrimination, such witness shall not be compelled to appear before the grand jury unless a grant of immunity has been obtained.

(d) Any witness subpoenaed to appear and testify before a grand jury or to produce books, papers, documents, or other objects before such grand jury shall be entitled to assistance of counsel during any time that such witness is being questioned in the presence of such grand jury, and counsel may be present, in the grand jury room with his client during such questioning. However, counsel for the witness shall be permitted only to counsel with the witness and shall not make objections, arguments, or address the grand jury. Such counsel may be retained by the witness or may, for any person financially unable to obtain adequate assistance, be appointed in the same manner as if that person were eligible for appointed counsel. An attorney present in the grand jury room shall take an oath of secrecy. If the court, at an in camera hearing, determines that counsel was disruptive, then the court may order counsel to remain outside the courtroom when advising his client.

(e) Once a grand jury has returned a no true bill based upon a transaction, set of transactions, event, or events, a grand jury inquiry into the same transaction or events shall not be initiated unless the court finds, upon a proper showing by the prosecuting attorney, that the prosecuting attorney has discovered additional evidence relevant to such inquiry.

(f) A certified or authorized reporter shall be present at all grand jury sessions. All grand jury proceedings and testimony from commencement to adjournment shall be reported. The reporter's notes and any transcripts which may be prepared shall be preserved, sealed, and filed with the court. No release or destruction of the notes or transcripts shall occur without prior court approval.

(g) Upon application by the prosecutor, or by any witness after notice to the prosecutor, the court, for good cause, may enter an order to furnish to that witness a transcript of his own grand jury testimony, or minutes, reports, or exhibits relating to them.

(h) Any witness summoned to testify before a grand jury, or an attorney for such witness with the witness's written approval, shall be entitled, prior to testifying, to examine and copy at the witness's expense any statement in the possession of the prosecuting attorney or the grand jury which such witness has made that relates to the subject matter under inquiry by the grand jury. If a witness is proceeding in forma pauperis, he shall be furnished, upon request, a copy of such transcript and shall not pay a fee.

(i) No person subpoenaed to testify or to produce books, papers, documents, or other objects in any proceeding before any grand jury shall be required to testify or to produce such objects, or be confined as provided in this section, for his failure to so testify or produce such objects, if upon filing a motion and, upon an evidentiary hearing before the court which issued such subpoena or a court having jurisdiction under this section, the court finds that:

(I) A primary purpose or effect of requiring such a person to so testify or to produce such objects before the grand jury is or will be to secure testimony for trial for which the defendant has already been charged by information, indictment, or criminal complaint.

(II) Compliance with a subpoena would be unreasonable or oppressive;

(III) A primary purpose of the issuance of the subpoena is to harass the witness;

(IV) The witness has already been confined, imprisoned, or fined under this section for his refusal to testify before any grand jury investigating the same transaction, set of transactions, event, or events; or

(V) The witness has not been advised of his rights as specified in paragraph (a) of this subsection (4).

(j) Any grand jury may indict a person for an offense when the evidence before such grand jury provides probable cause to believe that such person committed such offense.

(k) The district court before which the indicted defendant is to be tried shall dismiss any indictment of the grand jury if such district court finds, upon the filing of a motion by the indicted defendant based upon the grand jury record without argument or further evidence, that the grand jury finding of probable cause is not supported by the record.

(l) Any person may approach the prosecuting attorney or the grand jury and request to testify or retestify in an inquiry before a grand jury or to appear before a grand jury. The prosecuting attorney or the grand jury shall keep a record of all denials of such requests to that prosecuting attorney or grand jury, including the reasons for not allowing such person to testify or appear. If the person making such request is dissatisfied with the decision of the prosecuting attorney or the grand jury, such person may petition the court for hearing on the denial by the prosecuting attorney or the grand jury. If the court grants the hearing, then the court may permit the person to testify or appear before the grand jury, if the court finds that such testimony or appearance would serve the interests of justice.

(m) The foreman, or acting foreman when designated by the court, of the grand jury may swear or affirm all witnesses who come before the grand jury.

(n) Any other motions testing the validity of the indictment may be heard by the court based only on the record and argument of counsel, unless there is cause shown for the need for additional evidence.

Section 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

MINIMUM WAGE INCREASE HURTS YOUNG PEOPLE

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. DEVINE. Mr. Speaker, much has been said over the years as the big labor union bosses beat the drum for continuous increases in minimum wage under the fancy title of Fair Labor Standards Act. Our colleague, JOHN DENT of Pennsylvania, again is masterminding this bill, which, unfortunately, will create unemployment among our young people and will be used as a base to launch a whole series of increases at the higher levels of those receiving $10 and $12 per hour now.

The executive vice president of the Ohio Hotel and Motel Association directed a letter to Congressman DENT relative to the problems in the industry, compounded by the periodic increase in the base, which I feel should be read by every Member of Congress prior to voting on this issue.

The following information was contained in a March 7 letter:

Member hotels and motels of our association, ranging in size from 25 to 500 rooms, are concerned deeply about your H.R. 3744. In it you propcse:

To increase the federal minimum wage base by approximately 25 percent 30 days after enactment.

To repeal the tip credit, which will increase the employer's wage costs by more than a dollar an hour for service employees who are required by law to report $20 a month or more in gratuities they receive in the course of their employment, and

To create automatic annual wage increases every Jan. 1, based on 60 percent of the average earnings of employees in one of the biggest industries—manufacturing—so this would provide built-in increases for years ad infinitum.

Equitable legislation usually is proposed to right an existing wrong, or to create a need. There probably isn't an employer anywhere today who exploits labor, simply because employees won't be exploited and this poses the question: What and where is the wrong you propose to right? And what is the need for such a burden upon business and employers?

Your pension reform act examples legislation that righted many wrongs you found existing in that field—(and you probably never received due credit for that major legislative accomplishment.)

As exacting as your proposals are, they become more so because:

The social security tax base has been increased,

The unemployment compensation tax base has been increased, and

The workmen's compensation premium base will be increased again July 1; it was increased 20 percent last July 1.

Our tax-paying member hotels and motels plead for some relief. They hope you can find a way to modify your proposals down to:

1—a tolerable minimum wage increase to become effective in 1978,

2—to retain the tip credit,

3—to eliminate from H.R. 3744 the 60

percent of the average manufacturing industry wage.

As you doubtless realize, service businesses—hotels, motels, inns and restaurants—employ minors, they employ marginal and unskilled workers. Many of the minors are part-time workers who go to school and work only 24 hours a week so they have time for their school requirements.

It is foreseeable that the burdensome standards you propose in H.R. 3744 will prevent employment of deserving workers who find work and responsibility and enjoy it; they prefer being on payrolls, instead of welfare rolls.

Co-incidentally, on March 3, last week, when we were reading your H.R. 3744, owners of the Fort Hayes Hotel here in Columbus closed the hotel, which had served the public for 50 years. When I asked the owners why, they explained they simply couldn't cover the losses any longer.

They emphasized their increases in operating costs, among them

(a) increased labor contract requirements;

(b) an electric current bill for $21,000 a month;

(c) a natural gas bill in excess of $4,000 a month; a ruling of the Public Utilities Commission of Ohio that prohibited the Ohio Bell Telephone Co. paying hotels a commission on telephone business that originated in hotels and motels;

(d) an increase in its county real estate tax;

(e) and the impossibility of passing all these increases along to the customers by increasing its room rates, because the necessary increase would exceed the value to the customer.

You aren't impervious to conditions today.

For examples:

Three major downtown hotels in Cleveland are in receivership and two others are "hanging on" to 30–to–40 percent occupancies.

Two inns in the Columbus area are for sale and if a prospective buyer makes an offer and tried to withdraw it, he'll risk a broken arm.

Two hotels in Toledo with attractive modern and adequate facilities are experiencing business volumes far below the break-even figure and one of them with a labor union contract recently renewed the contract, with a 20 percent wage increase across the board.

In a 400-room hotel in Columbus, the four utilities—water and sewer service, telephone, electricity and natural gas—have been increased to a total of $1,000 a day. That racks up to $365,000 for the year 1977 It's the equivalent of 365,000 Scotches-and-soda at $1 each.

These example economic conditions. They're mentioned to assure you the hospitality business in Ohio has enough economic problems and state laws and requirements to live by. They really could get along tolerably well without H.R. 3744.

BLACK PRESS HONORS W. O. WALKER, CLEVELAND NEWSPAPER PIONEER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. STOKES. Mr. Speaker, on Friday, March 18, 1977, I had the distinct honor to be present at the sesquicentennial banquet of the National Newspaper Publishers Association. On hand were distinguished publishers and journalists from the Nation's black newspapers and magazines.

Since 1827, the black press has been at the cutting edge of the struggle for freedom and survival of black Americans. It is fitting then that one of America's oldest and most respected newspapers should be cited on this auspicious occasion. The Cleveland Call and Post, under the able pen of W. O. Walker, has fought for human rights and equality since 1913.

Mr. Speaker, Mr. Walker's colleagues cited him for his role in establishing the joint Howard University-NNPA Archives and Gallery of Distinguished Newspaper Publishers. The archives are expected to become the No. 1 repository of black newspapers, press photos, editorial background reference material, and memorabilia.

In recognition of this honor, Mr. Speaker, I would like to submit an article to you which appeared in the Saturday, March 10, 1977, Cleveland Call and Post. The article gives a brief history of Mr. Walker's unparalleled career in journalism. It reads as follows:

FOUR BLACK WOMEN BREAK CONGRESSIONAL GROUND

Four black women hold seats in the U.S. House of Representatives and all four have broken ground as "firsts" in a variety of areas.

The distinction of being the first black woman elected to Congress goes to Shirley Anita Chisholm, Dem.-N.Y., elected in 1969.

Barbara C. Jordan, Dem.-Tex., was the first black woman elected to Congress from the deep south and the first black woman ever to give the keynote address at a Democratic national convention.

Yvonne Brathwaite Burke, Dem-Cal., is the first congresswoman ever to have given birth while in office. She was the first woman elected to Congress from California in 20 years and the first black woman ever elected to the House from her state.

Cardiss Collins, Dem.-Ill., is the first black to hold the office of whip-at-large, to which she was appointed by the House majority leader.

The four are included in a new publication "Women in Congress, 1917 to 1976," released by the Joint Committee on Arrangements for Commemoration of the Bicentennial.

Shirley Chisholm, a native of Brooklyn, N.Y., began her political career as a clubhouse worker before being elected to the New York State Assembly. Before that, she was a teacher and director of a day nursery.

Elected to Congress from the Bedford-Styvesant section of Brooklyn in 1969, she campaigned with the slogan "Unbought and Unbossed," the title of her autobiography.

Under Chisholm's leadership, Congress enacted legislation to include domestic workers under the protection of the minimum wage law.

She also sponsored legislation dealing with environmental health, food stamps, day care, national home health care, school lunches, comprehensive supplemental security income reform, full employment and women's rights.

Chisholm is a member of the Education and Labor Committee. In 1972, she was a candidate for President of the United States, and received 152 delegate votes.

Barbara Jordan received a three-minute ovation after being introduced to keynote the 1976 Democratic convention.

"There is something different and special about this opening night," she told the convention. "I, Barbara Jordan, am a keynote speaker, and notwithstanding the past, my presence here before you is one additional bit of evidence that the American dream need not forever be deferred."

An attorney, Jordan ran for the Texas state legislature and lost shortly after graduation from law school. After two losses, she ran for the State Senate and won. She was elected to the U.S. House of Representatives in 1972.

Jordan was supported in her Congressional campaign by President Lyndon B. Johnson, who also helped her get a seat on the Judiciary Committee after her election.

It was on the Judiciary Committee during the impeachment hearings of President Nixon, that she became known for her brilliant oratory and judicious manner.

"My faith in the Constitution is whole, it is complete, it is total," she stated. "I am not going to sit here and be an idle spectator to the diminution, the subversion and the destruction of the constitution."

Among the bills Jordan has introduced are: the civil rights amendments to the Law Enforcement Assistance Administration authorization; amendments to the Voting Rights Act of 1965; a bill repealing Federal authorization for state "fair trade" laws; and legislation that strengthened civil rights enforcement procedures for General Revenue Sharing and LEAA.

She has also cosponsored legislation guaranteeing equal credit; food commodities for school lunch and child nutrition; freedom of information; emergency public service jobs; home rule for the District of Columbia; tax credits for low income workers and health programs.

Burke, an attorney from Los Angeles, has introduced over 20 bills and major amendments since assuming office in 1973. These have included legislation to: provide funds for planning a comprehensive west coast mass transit system; Federal aid for the mentally retarded and the autistic; equal opportunity in the construction of the Trans-Alaskan pipeline; Federal part-time employment for homemakers and the elderly; improved out-patient care facilities in under-supervised areas; and the establishment of a National Center for the Prevention and Control of Rape.

She introduced an amendment to the 1976 appropriations bill for the Department of Labor and HEW restoring previously eliminated funds for programs that provided services for senior citizens, emergency food and medical care.

Burke serves on the House Appropriations Committee. She was elected to chair the Congressional Black Caucus in 1976 and served as vice chairman of the 1972 Democratic National Convention in Miami Beach.

Cardiss Collins, a resident of Chicago, Ill., began her career as a stenographer in State government, where she rose to become revenue auditor of the Illinois Department of Revenue.

At the time she ran for the seat left vacant by the untimely death of her husband, George, she was committeewoman of Chicago's 24th ward. She won the (1973) election with 87.9 percent of the vote.

Collins serves on the International Relations Committee and the Government Operations Committee. She has sponsored over 25 bills, including the National Condominium Act; Economic Disaster Community Assistance Act; and the Elementary and Secondary Education Act. Other areas of legislative interest involve bills to help the aged, consumer credit, Medicare and water pollution.

Mr. Speaker, I am certain that my colleagues here assembled will join me in extending congressional recognition to

Mr. W. O. Walker for his outstanding career and service to Cleveland and the Nation. As one of his avid readers, I can only hope that his great newspaper continues to fight on in the struggle for racial equality and human dignity.

PUBLIC ATTITUDES TOWARD ENERGY: LOU HARRIS POLL

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. WIRTH. Mr. Speaker, as we all await President Carter's energy message of April 20, I hope we wait with the understanding that his message must be tough. Our bolts have to tighten; we must stop wasting energy; and our previously inexpensive energy resources are going to go up in price.

Now we manage these changes in behavior and cost will be the public policy test. And hopefully President Carter's message will do what has to be done in such difficult areas as cost and conservation.

And hopefully these steps will be outlined without fear of political retribution. Too often over the last months I have heard many of my colleagues, the press, and others say that we won't be able to have the tough energy policy we need, because the American people do not believe that we have an energy crisis, or would not make the sacrifices needed.

This kind of thinking sells our constituents short—the American people are prepared for, and willing to support, a tough policy that will be effective and fair. The best evidence I have seen of this willingness is the following summary of the Lou Harris poll, recently completed for ABC News. I am including this poll's results, as I think it points out to my colleagues how ready Americans are. And I hope the strong public attitudes outlined here are reflected in President Carter's energy message:

THE ABC NEWS/LOU HARRIS POLL ON ENERGY

THE MAGNITUDE OF THE SHORTAGE

A sizable 81 percent of the American people are convinced that there is a serious shortage of energy in this country. Even more significant, 73 percent estimate that this shortage will be just as acute 10 years from now, sharply up from 64 percent who felt that way last summer and from the 53 percent who saw a long-term shortage back in 1975.

Gnawing at the American people is a sense that as a nation we have been wasteful in our use of energy and that we now also find ourselves at the mercy of foreign sources for oil, thus putting our energy destiny beyond our control.

On the issue of waste, by 92–6 percent most Americans think the public has been wasteful on the use of energy, 59 percent thinking we have been highly wasteful. A majority of 86 percent think people have been wasteful in the use of gasoline, 54 percent highly wasteful. A majority of 81 percent feel most people are wasteful on the use of home heating fuel, 36 percent highly wasteful. And 78 percent think industry has been wasteful in its use of energy, 41 percent highly wasteful.

By a nearly unanimous 88–9 percent, most people think it important that the country learn how to cut back on its use of energy. By 57–27 percent, a majority favor having President Carter "impose" a tough program of conservation on both consumers and industry.

VOLUNTARISM VS. CMPULSION ON CONSERVATION

By a narrow 52–46 percent, people believe that voluntary conservation of energy by the public would be effective. By 51–45 percent, a slender majority think that such voluntary approaches would work with industry. By contrast, a much larger 61–34 percent think that a compulsory conservation program would work with the people and an even higher 67–28 percent think the compulsory approach would be effective with industry.

The nationwide cross-section of 1517 adults, interviewed in their homes between March 1st and 7th, was then asked to estimate which approach would be more effective generally: voluntarism or compulsion on energy conservation. The result: by 55–38 percent, a clear majority opted for a compulsory approach.

However, when asked which approach they preferred to see taken, by an overwhelming 75–20 percent, a majority favored a voluntary way to solve the problem.

This study shed some light on the degree to which voluntarism is now working. Each interviewer was given a thermometer to take into each home surveyed. The temperature outside the door and then inside the house was recorded. President Carter had asked the American people during the natural gas shortage in January to turn down their thermostats to 65 degrees during the day and down to 60 degrees at night. In 84 percent of the communities surveyed, the outside temperature averaged under 65 degrees, thus necessitating some kind of home heating.

Among the 84 percent whose outside temperatures were below the 65 degree mark, here are the inside the house temperatures recorded:

Only 8 percent of the homes had an inside the house temperature of 65 degrees or less.

No more than 28 percent of the homes had an inside temperature of 68 degrees or less.

In 64 percent of the homes, the temperature was 70 degrees or above.

Despite the fact that some regions of the country have been harder hit than others during the cold winter, the median temperatures on a regional basis were remarkably uniform; in the East 70 degrees, in the Midwest 71 degrees, in the South 70 degrees, and in the West 71 degrees. By any measure, the temperatures in the living rooms of the country, where the interviews were conducted, were a full five degrees above the level requested by the President.

The study probed in considerable depth about a whole host of both voluntary and compulsory steps that might be taken on energy conservation.

Basically, it should be pointed out that by 71–16 percent, a majority of the public agrees with the estimate of top Carter energy officials that as much as 30 percent of the total energy used in the country can be saved through the application of tough conservation measures. And by 54–27 percent, a majority clearly expects the President to come up with just such a tough program on April 20th.

In the area of voluntarism, the public still believes that a number of steps can be effective and sizable majorities favor taking these approaches:

Urging people to put their thermostats down to 65 degrees during the day and to 60 degrees at night is felt by 67 percent to be an effective approach and by 78–18 percent, they favor such exhortation by the President. (Obviously, however, most Americans are not aware of the average 70 degree temperature in most homes of this country).

A substantial 74 percent think it would be effective to "urge people to use less electricity during the day when it is more expensive and to use washers and dryers and other utilities at night when it is cheaper," and a 75–15 percent majority supports such appeals.

By 87–10 percent, the public also thinks that urging more people to use car pooling would be effective, and by 88–10 percent a majority wants to see such a voluntary approach.

In the area of compulsion, there are fewer majorities and they are clearly harder to come by. Nonetheless, mainly in the areas of compelling key institutions to change their ways, the public does opt for compulsion:

An 81 percent majority feels that we could effectively conserve gasoline if the 55-mile-an-hour speed limit were strictly enforced. A lopsided 79–17 percent majority would favor such a tightening of enforcement of that speed limit.

A high 80 percent of the public believes that a compulsory policy of allowing "only the buildings of new housing which uses the most efficient heating methods" would be effective and a 73–19 percent majority opts for such a move.

A big 78 percent thinks it would be effective to "prohibit the use of outdoor lighting on signs outside buildings, restaurants, and other places, although keeping street lights lit," and by 68–25 percent they would favor adoption of this rule.

A substantial 87 percent think it would be effective to "compel business to turn off unnecessary lights in halls and in other places," and by 85–11 percent, most people favor mandating this rule.

Nearly two out of every three people, 65 percent, think it would be effective to "require employers to set up special bonus arrangements for employees who form car pools in driving to work, with the employer being given a tax credit on the bonuses paid," and by 60–28 percent most people favor adopting such a regulation.

A majority of 56 percent of the public feels that it would be effective "to have the federal government help pay for vans that companies would loan to employees to drive car pools to and from work," and by a narrow 49–43 percent, a plurality would like to see that policy adopted.

Some 57 percent of the public thinks that a policy of "compelling older plants and factories to convert to coal from natural gas and oil" would work and by 48–34 percent the public favors such a new rule.

One area to emerge from this study indicates the American people might well be willing to change their car buying habits. While a substantial 61–24 percent majority opposes simply mandating that no more medium-sized or large cars will be produced, it is more than apparent that people are willing to bend on the issue of bigger cars. A substantial 70 percent think it would be effective to "prohibit the sale of new cars that don't get 20 miles to the gallon," and by 61–29 percent, a majority would favor adopting that regulation now. A sizable 64 percent think it would be effective to "prohibit the sale of new cars that don't get 22.5 miles to the gallon," and by 50–38 percent most would like to see that regulation put into effect. Finally, 60 percent of the public feels that it would be effective to "prohibit the sale of new cars that don't get 25 miles to the gallon," and by a razor thin 44–43 percent, most would opt for the immediate passage of such a regulation.

Clearly, people are willing to put an acid test on the ability of manufacturers to produce new cars that yield a high number of miles to the gallon. The implication of this finding surely must be that people would respond to a regulation that meant they would have to buy smaller automobiles.

Another major program under consideration is mandatory insulation of homes Thirty percent of homes are now estimated to be improperly insulated nationwide. A substantial 64 percent of the public feels it

would be effective to "require local gas and electric power companies to insulate homes with added insulation materials, storm windows, and weather stripping, with customers paying for it themselves on an instalment basis over a year's time on their gas and electric bills." However, by a narrow 49–42 percent, a plurality would oppose such compulsion on insulation. Nevertheless, the survey also found that such insulation might be acceptable if people were allowed to deduct the charges for insulation from the federal income taxes, a step 75 percent thought would be effective and favored by a 67–25 percent margin.

In four areas, the public is both unimpressed with the effectiveness of compulsory measures and also clearly opposes them:

A system of rationing home heating fuel, with each family allotted an amount equal to the amount used the previous year, is thought to be effective by only 50 percent of the public and would be opposed by 61–30 percent.

Rationing gasoline is viewed as an effective measure by only 51 percent and is overwhelmingly opposed by a margin of 66–24 percent.

Only 38 percent of the public feel it would be effective to make employers pay a tax on each car where company parking facilities are provided, and by 66–24 percent, a majority opposes such a step to discourage the use of cars in driving to work.

A tax on public parking facilities to discourage people from driving is believed to be effective by only 36 percent and is opposed by 69–21 percent.

THE DIMENSION OF HIGHER PRICES

When the public was asked to estimate what they think will happen to the price of energy they will have to pay in the next few years, the median estimate was that energy will go up 50 percent. This means that most people hold the view that gasoline prices, for example, are headed toward $1.00 a gallon.

In order to see just how much give there might be on the part of the American people to pay higher prices for energy, a series of trade-off questions were asked:

When forced to choose between a 50 cents a gallon increase in the price of gasoline or to go to a system of permanent rationing, by a narrow 43–38 percent, a plurality opted for permanent rationing.

When forced to choose between a gasoline price hike of 50 cents a gallon or prohibiting the manufacture and sale of medium and large cars, a 45–35 percent plurality came down in favor of stopping the sale of bigger cars. This finding reinforces previous results that show there is considerable give in the American penchant for bigger autos.

When forced to make a choice between paying 100 percent more for home heating fuels next winter or running the risk of not having enough home heating fuel, 45 percent opt for a 100 percent fuel price increase, only 29 percent are willing to run the risk of inadequate supply, and 9 percent say the issue is not applicable to them.

THE OTHER SIDE OF THE COIN: HOW TO INCREASE THE SUPPLY OF ENERGY

Clearly, as reported earlier, 73 percent of the public think there is a real energy shortage here and now, and that it will continue to plague this country for the next decade.

The public was asked whom they thought was to blame for the shortage that now exists:

71 percent think "Arab oil-producing countries playing politics" are very much to blame;

68 percent pin very much of the blame on "the failure of this country to come up with new sources of energy closer to home;"

65 percent feel the "way major oil companies have behaved" deserves a major share of the blame;

63 percent believe that "the tactics of foreign oil-producing countries in raising the price of oil and natural gas" are very much to blame;

52 percent pin much of the blame on "continued waste of energy by industry;"

51 percent attribute much blame to "continued waste by the American people;"

48 percent put very much of the blame on "the lack of an energy policy by the federal government."

It is evident that the American people are deeply distressed that they are 51 percent dependent on foreign oil to meet their national needs. The survey asked them about it and found by an overwhelming 89–9 percent that they feel "it is bad for this country to be that dependent on foreign sources of oil." They see national security overtones in this condition: by 74–17 percent, they believe "with so much of our oil coming from the Middle East, we place our whole system of military security in danger in case of war." Yet, the public also firmly rejects the notion of "making political and economic concessions to the oil-producing countries so we can be sure we keep getting their oil," held by a 62–26 percent majority.

The public instead wants the Carter Administration to "get tough with the oil-producing countries on such matters as food, equipment needed for industrial development, and on the use of our know-how in getting their oil out of the ground, processing and transporting it," a position favored by a 72–15 percent majority. This result indicates strong public backing for the stand President Carter took during the campaign in which he said he would use tough measures short of war to bargain with the oil-producing cartel.

The other side of the coin, of course, to public worry over too much dependence on foreign oil sources is just how to develop new sources of added supply of energy at home. A central pivot in the debate over this question is the matter of deregulating oil prices:

By 66–17 percent, a majority favors the powers already given the President to deregulate natural gas on a temporary basis in order to distribute available supply across state lines.

The much debated proposal for a "federal law which would gradually deregulate the price of all oil and natural gas over a 26 month period" is favored by a 44–34 percent plurality of the public. When the price decontrol issue has added to it "deregulation of oil and natural gas supplies in this country to encourage companies to explore for and develop new oil and natural gas," support rises to a 55–27 percent majority.

However, public support for decontrol may only be viable if an additional provision is added to any such legislation: by 72–14 percent, the people say they favor "a plan under which prices would be deregulated but most of the profits which oil companies make would be required to be put back into exploration and development of new sources of energy to relieve the energy shortage."

Specifically, the public opts for giving a green light to these activities to generate more energy supply here at home:

77 percent feel it is very important to "expand work on solar energy."

68 percent feel it is highly important to "build more and better public transportation systems of commuter trains, buses, subways, and other means besides highways and freeways." (This result marks the first time that such backing has emerged for mass transit in this country.)

68 percent opt as very important "allowing more drilling for oil and natural gas on government-owned lands."

64 percent feel it very important to "build plants that can convert coal to gas and oil."

62 percent give a priority to drilling for oil and natural gas off the Atlantic, Pacific and Gulf coasts."

58 percent think it highly important to "build more nuclear power plants to generate electricity."

52 percent believe it highly important to "expand underground mining for coal."

51 percent give major importance to work on nuclear power that uses hydrogen instead of uranium" (nuclear fusion).

However, several proposed approaches to increasing energy supply come up with less than 50 percent who feel they are very important:

Only 42 percent attach high importance to "expanding strip mining."

No more than 42 percent feel it highly important to "convert oil shale to synthetic crude oil."

Only 36 percent give high priority to "relaxing auto emission rules and standards to save gasoline."

And no more than 32 percent say it is very important to "relax emission standards for power plants so they can burn higher sulfur content fuels."

Finally, only 22 percent attach a high priority to "importing more oil and natural gas from overseas."

Underlying these specific measures people favor is a sense that current sources of energy are either running out or cannot be relied on over the next 10 to 25 years:

24 percent of the public reports that it now depends mainly on oil for their electric power energy, but a much smaller 5 percent think they still will in 10 years, and a small 1 percent think they will still be highly dependent on oil in 25 years.

In the case of hydro-electric power, 19 percent report being dependent on it today, only 10 percent think they will in 10 years, and no more than 4 percent think they will in 25 years.

19 percent say they are mainly dependent on coal today for electric power energy, 15 percent in 10 years, and a smaller 8 percent in 25 years. However, recent talk of greater use of coal has increased the number who see themselves dependent on it in 10 years from 7 percent to 15 percent just in the past six months.

Only 2 percent of the public are now mainly dependent on nuclear power, but a much higher 26 percent think they will be in 10 years, with 20 percent viewing it as the major electric power supply 25 years from now.

Less than one-half of one percent now are mainly dependent on solar energy, but 12 percent think it will be their main source of electric power in 10 years and a high 30 percent see it as their major source of energy in 25 years.

Coal shows signs of coming back as an alternate source to many people, but coal is felt by a 75–18 percent margin to be too great a polluter of the environment. Oil is thought to be environmentally unsound by a 59–33 percent margin. By contrast, nuclear power is thought to be non-polluting by 51–26 percent and solar energy by an even larger 77–12 percent.

Clearly, the public sees solar energy as a long-term hope, with nuclear filling in much of the gap left by the prospective decline of dependence on oil. Not only do the American people feel uneasy about foreign oil dependence today, but they feel it will be disappearing as a major resource for their energy needs over the next 25 years.

THE 156TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. FARY. Mr. Speaker, March 25 marks a significant day, a historic date

for the people of Greece for March 25, 1977, is the 156th anniversary of the independence of the Greek people.

The Greek Independence Day must be a significant day for all peoples everywhere who love human freedom and cherish democratic political institutions.

It was on the 25th of March 1821 that the Greek patriots began a revolt against the Ottoman Empire which, for centuries, ruled the people of Greece with an oppressive and tyranical hand.

The people of Greece, however, inspired by the prospect of independence, and supported by champions of freedom in Europe and America succeeded in breaking the yoke of the Ottoman domination.

We all know that the concept of democracy was spawned by the remarkable leaders and thinkers of ancient Greece, and we realize as well that their teachings inspired the Founding Fathers of our country, as well as of other democratic nations.

Mr. Speaker, I should like to recall that in the year 1821 our own Republic was young and, therefore, the cause of Greek independence won the sympathies of many leaders of the United States. It was in 1882 that President James Monroe wrote words that are on this day often quoted, but nonetheless deserve repetition:

> The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. That such a country should have been overwhelmed, and so long hidden, as it were, from the world under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past. . . . A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of the earth.

The idea of democracy, born in ancient Greece over 2,000 years ago has prevailed and has inspired other nations in their struggle against oppression. In fact, possibly no other people since their beginnings have given more to the world in the fields of thought and beauty and practicality than the Greeks. Modern philosophy was born of the reasoning and logic of Socrates, Plato, and Aristotle. Medicine is indebted to Galen and Hippocrates, mathematics to Euclid and Archimedes, law to Nestorius, the arts to Aeschylus, Sophocles, and Euripides, and politicians emulate Demosthenes.

I extend with great pleasure greetings to Americans of Greek descent in my congressional district, as well as those in Chicago and across our Nation on the occasion of their independence and to recall with great pride a century and a half of genuine friendship between the people of America and the people of Greece.

PRESIDENTIAL PAPERS—PUBLIC OR PRIVATE?

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. VENTO. Mr. Speaker, the question of who owns the proprietary and legal rights to Presidential papers has been an issue for nearly 200 years, starting with George Washington's papers and continuing through our recent 37th and 38th Presidents.

The continuing and thorny issue—pressuring Members of Congress, pressuring publishers, pressuring librarians and, yes, pressuring Presidents themselves—is "What is public and what is private where Presidential papers are concerned?"

As we recall, the problem came to a climax in 1974 when President Nixon left office and Congress decided to take custody of his documents. The question of who owns these papers and where they should go is still unsettled. Sometime the U.S. Supreme Court will decide.

Mr. Speaker, a determined effort to explore this 200-year-old issue and to point the directions in which a solution may be found has been made by a distinguished Washington author and publisher. M. B. Schnapper, the owner of a small publishing firm here on Capitol Hill, publishes books of a serious, and often scholarly, historical, political, economic, and social concern.

His book, "Public Trust, Public Property and Private Property," will come from the presses in a few weeks. It should be of interest to all students of the subject. I place in the RECORD a comprehensive discussion of our 200-year-old problem that appeared in yesterday's Washington Star:

USE AND ABUSE OF WASHINGTON'S PAPERS

(By William Delaney)

The papers of George Washington, which he consdered "a species of public property, sacred in my hands," instead became an instrument of private profit and partisan politics in the hands of his favorite nephew, Supreme Court Justice Bushrod Washington, and the debt-ridden Chief Justice John Marshall, according to a forthcoming book.

The tangled tale of the Washington papers, as researched by author M. B. Schnapper, reveals those justices' efforts—bold even by today's publishing and ethical standards—to turn them into a bestseller.

And it reveals that a colleague of theirs on the Supreme Court, whose ruling on the private nature of Washington's papers is being cited in Richard Nixon's current effort to gain control of his White House tapes, was a promoter of the edition of Washington's documents that profited from his decision.

Schnapper, editor of Public Affairs Press here and a crusader against the private profiteering of government-produced materials by public officials, has released to leading newspapers the Washington-papers chapter of "Public Trust, Public Property, and Private Profit," to be published by his press in late spring.

In it, he cites a 1782 letter from Washington to a New England clergyman-historian, William Gordon—a letter disregarded by most historians and archivists, Schnapper says—in which the general called his Revolutionary War records "a species of public property, sacred in my hands."

While Washington said he would be happy eventually to comply with Gordon's request to see his war documents, he pointed out that the war had not yet been concluded by treaty:

"When Congress then shall open their registers, and say it is proper for the servants of the public to do so, it will give me much pleasure to afford all the aid to your labors . . . which my papers can give."

Years later, when he left the presidency, Congress had still neglected to say anything about the proper thing to do with the military and White House documents. So he took them home to Mount Vernon, voicing concern about their security in letters to the Treasury and War departments.

Shortly after his death, with their fate left in his will to his nephew-executor, Washington's papers were seized upon by the nephew and his colleague, Chief Justice Marshall, as a vehicle for enriching themselves personally and politically, as well as paying homage to the late president.

Envisioning a huge bestseller that would firmly link the heroic Washington to their Jefferson-defeated Federalist party, the pair sought an unprecedented $150,000 advance from a Philadelphia publisher for the biography which Marshall would write with exclusive access to the papers. The justices (Marshall and his brother, for example, then owed $31,500 on a newly acquired Virginia estate) would split the proceeds 50–50.

According to Schnapper, the astounded publisher wrote back that no one had ever got more than $30,000 for a copyrighted work.

The justices reduced their demand to $100,000. Finally they settled on an installment package totaling $70,000, with the publisher suggesting that Marshall not depict the British so unfavorably that sales in England would suffer.

As work on his five-volumne "Life of Washington" progressed, however, Marshall got skittish about the appearance of his role in the whole undertaking.

He sent his son to Philadelphia to try to prevent the use of his name on the work. The publisher, of course, refused. (Imagine, for example, a publisher today agreeing to an anonymous biography of Jimmy Carter by Jody Powell.) Eventually it was agreed that Marshall's name would appear on the title page, in relatively small type and without mention of his Supreme Court title.

Meanwhile, President Jefferson was so angered by reports of what he called Marshall's "evil labor" that he forbade postmasters to take orders for the books.

"It is intended to come out just in time to influence the next (1804) presidential election," Jefferson told the celebrated poet Joel Barlow, urging him to write a counter-history from the anti-Federalist viewpoint.

When the volumes appeared, beginning in 1804, Marshall's "Life of Washington" drew predictably mixed reviews. But even former President John Adams, himself a Federalist, privately described it as a "mausoleum" principally designed to make money. While successful commercially, it was never quite the smash hit the two justices hoped for.

Joseph Story of Massachusetts, the third justice in Schnapper's account of the Washington papers, enters in the 1820s when his friend, House chaplain Jared Sparks (later an important historian and president of Harvard College), enlisted his warm support for a Sparks-edited publication of all of Washington's writings.

At first Bushrod Washington was uninterested in helping someone else make a buck from his uncle's papers.

Sparks complained to Story, arguing that "Washington's public letters and papers are the property of the nation" and as such should be laid before the people.

Meanwhile, Sparks began assembling copies of Washington's letters from other sources—so many that we wrote Justice Washington he was going ahead with the project in any case, but would agree "to divide with you equally the property of copyright and the profits of sale" if he could use the papers in the justice's possession.

Sparks turned to Marshall, whom he had met socially through Story.

Marshall's intercession with Justice Washington was "apparently decisive," Schnapper believes. In fact, the 1827 contract called for a three-way split of the profits, cutting Marshall in.

Story, who offered his "affectionate friend" Sparks all manner of encouragement about

the project, lent his name to newspaper letters promoting Sparks' undertaking—letters which were used in a brochure soliciting prepaid orders for the 12-volume Washington papers.

Following the deaths of Justices Washington in 1829 and Marshall in 1835, Story found himself in 1841 sitting as a circuit judge in a case brought by Sparks' publisher. The publisher complained that a new biography of Washington contained excerpts from the Sparks edition of the papers, thus infringing on the Sparks-Marshall-Washington copyright.

The opposing publisher claimed the papers were public property, not copyrightable.

Story, in what Schnapper calls "a puzzling lapse" for "one of the early giants" of the court, did not disqualify himself, despite his personal promotion of the Sparks series and multiple other apparent conflicts of interest (the publisher, whom Story knew, was Harvard's librarian; Story taught there part-time, Sparks full-time).

In his ruling, he held that the papers were Washington's private property, had been deemed such by the president himself, and were in the same boat as letters by British literary figures.

Schapper contends that Story ignored the failure of Congress to sanction the private ownership of presidential documents, and other basic constitutional issues involved, including its ban on extra presidential income apart from salary.

As a result of Story's opinion—which Schnapper says was practically unnoticed at the time—the new biography was withdrawn from circulation.

Washington's personal opinion as to the nature of his papers as commander-in-chief and as president seems to have been ambiguous.

"A species of public property," he told Gordon. In his letter to the Treasury he referred to "my papers of a public nature." His letter to the War Department made mention of "my military, civil and private papers." But it remained a potentially bothersome issue for officialdom, and by the time of his death nothing was resolved.

"Thus," Schnapper concludes, "records of great historical importance came to be treated as private property because of official negligence."

Not until 1934 did Congress authorize a National Archives.

Not until 1955 did it authorize a system of government-maintained libraries to house the records of recent presidents.

And not until 1974, after Nixon left office, did Congress take custody of a president's documents, leaving the question of ownership to the courts. Nixon's personal claim to his tapes and papers is pending before the Supreme Court.

At the same time it seized the controversial Nixon materials, Congress created a Public Documents Commission to study the question of how the records generated by a wide variety of officials—judges and congressmen and agency chiefs, as well as presidents—should be treated. What is public? What is private? And what meant Washington by his cryptic phrase, "a species of public property?"

That commission meets here today to discuss its recommendations, which are due on Capitol Hill next Thursday.

LITHUANIAN INDEPENDENCE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1977

Mr. FORD of Michigan. Mr. Speaker, I am extremely proud today to join many of my colleagues in the commemoration of the 59th anniversary of the Declaration of Independence of Lithuania.

It was on February 16, 1918, that Lithuania declared its independence after surviving a long period of Russian domination followed by a brief German occupation during World War I. Every freedom-loving American must admire the determination and perseverance of the Lithuanians that allowed them to realize, if only briefly, their goal of independence.

In 1795, when Lithuania was annexed by Russia, Lithuanians banded together against their enemy. Their resentment of their Russian overlords grew in strength as the Russians tried to suppress what Lithuanians cherish most—their language, religion, and traditions. Each attempt of the brave Lithuanians to overthrow Russian domination brought more intensified efforts to convert the Lithuanians to Russian ideology. But with unmatched determination the Lithuanians resisted and remained true to their traditions.

The Lithuanians' determination finally led to their independence on that special day in February 1916. Ironically, Lithuania's independence was short lived. No sooner had the Lithuanians proclaimed their independence than the Red Army entered the country and installed a Communist government. The Lithuanians, having struggled for centuries for their precious independence, joined forces with the Polish Army and drove the Russians from their native land. A treaty was signed with the Russians on July 12, 1920, recognizing Lithuania as an independent nation. Once again her proud people stood tall.

Despite some internal problems, typical of any young country, Lithuania and her culture began to flourish with newly acquired independence. In 1939 Lithuania felt the brunt of Nazi and Soviet aggression. Despite her policy of neutrality in World War II, Lithuania was forced into many concessions by the Russians and Germans. Then, on August 3, 1940, Lithuania was declared a constituent republic of the U.S.S.R. by the Supreme Soviet in Moscow.

Soviet domination did not end with World War II and anti-Soviet Lithuanian partisans fought for freedom against the military occupation at the cost of about 50,000 lives. In addition about 75,000 were able to escape to the West.

Mr. Speaker, we cannot let the struggles of these proud and brave people be forgotten. I strongly support the continuing policy of our country toward Lithuania. We have refused to recognize the seizure and forced "incorporation" of Lithuania and her neighbors, Latvia and Estonia, by the Soviet Union.

I do hope that in the not too distant future these proud people can once again regain their independence.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Wednesday, March 30, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

MARCH 31

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.

332 Russell Building

Foreign Relations

Foreign Assistance Subcommittee

To mark up legislation on international financial institutions and bilateral development assistance.

4221 Dirksen Building

9:30 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.

1318 Dirksen Building

Commerce, Science, and Transportation

Subcommittee on Aviation

To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.

5110 Dirksen Building

Energy and Natural Resources

Business meeting, to consider the nominations of Guy Richard Martin, of Alaska, and Robert L. Herbst, of Minnesota, each to be an Assistant Secretary of the Interior.

3110 Dirksen Building

Human Resources

Handicapped Subcommittee

To resume oversight hearings on the implementation of the Developmentally Disabled Assistance and Bill of Rights Act (Public Law 94–103).

Until 1 p.m. 6202 Dirksen Building

Human Resources

Health and Scientific Research Subcommittee

To hold hearings in connection with the protection of human subjects used in experimental research.

Until: 12:30 p.m. 6226 Dirksen Building

Select Small Business

To hold hearings on the nomination of Arthur Vernon Weaver, Jr., of Arkansas, to be Administrator of the Small Business Administration.

424 Russell Building

10:00 a.m.

Appropriations

Defense Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear public witnesses.

1223 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on S. 664, to provide for the insurance of graduated payment mortgages, and S. 1078, to revise the experimental mortgage insurance program.
5302 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on national water policy in light of current drought situations.
4200 Dirksen Building

Governmental Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To continue hearings on S. 717, to promote safety and health in the mining industry.
Until 1:00 p.m. 3232 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until 1 p.m. 1202 Dirksen Building

11:00 a.m.
Foreign Relations
Subcommittee on Arms Control, Oceans and International Environment
To hold hearings on S. Res. 49, favoring international agreement to a treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for the fiscal year 1978 for the Office of Civil Rights, Inspector General, Policy Research, and General Management.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for the fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for the fiscal year 1978 the Defense establishment, to hear public witnesses.
S-126, Capitol

Appropriations
Legislative Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the legislative branch, on items under the Office of the Secretary of the Senate.
S-146, Capitol

Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government Intelligence activities.
S-407, Capitol

3:30 p.m.
Foreign Relations
To receive a briefing (in closed session) from officials of the Central Intelligence Agency on the general world situation.
S-116, Capitol

APRIL 1

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on the administration's proposals relative to the food stamp program.
322 Russell Building

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

Foreign Relations
Subcommittee on Western Hemisphere Affairs
To meet in closed session to receive a briefing from Ambassadors Ellsworth Bunker and Sol Linowitz on Panama Canal negotiations.
S-116, Capitol

Human Resources
Health and Scientific Research Subcommittee
To continue hearings in connection with the protection of human subjects used in experimental research.
Until 12:30 p.m. 6226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 664, to provide for the insurance of graduated payment mortgages, and S. 1078, to revise the experimental mortgage insurance program.
5302 Dirksen Building

Budget
To markup proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on the nominations of Charles Linn Haslam, of North Carolina, to be General Counsel, and Frank Alan Well, of New York, to be an Assistant Secretary, both of the Department of Commerce.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

Environmental and Public Works
Nuclear Regulation Subcommittee
To hold hearings on proposed fiscal year 1978 authorizations for the Nuclear Regulatory Commission.
457 Russell Building

Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To continue hearings on S. 717, to promote safety and health in the mining industry.
Until: 1:00 p.m. 4232 Dirksen Building

11:00 a.m.
Foreign Relations
International Operations Subcommittee
To hold hearings on proposed fiscal year 1978 authorizations for the International Broadcasting Board.
4221 Dirksen Building

Joint Economic
To hold hearings on the employment/unemployment situation.
1202 Dirksen Building

2:30 p.m.
Foreign Relations
To receive a briefing by Leonard Woodcock on his delegation's recent trip to Vietnam and Laos.
4221 Dirksen Building

APRIL 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To hold oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To resume hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
S-407, Capitol

Governmental Affairs
To hold hearings to release an Office of Technology Assessment report entitled "Nuclear Proliferation and Safeguards."
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To hold oversight hearings on the administration of the Black Lung Benefits program.
Until: 2:00 p.m. 4232 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To hold hearings on S. 961, to promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes.
Until: 1:00 p.m. 2228 Dirksen Building

2:00 p.m.
Appropriations
Publics Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
235 Russell Building

Human Resources
To consider S. 855, to authorize funds for fiscal year 1978 for activities of the National Science Foundation; S. 755, extending through fiscal year 1978 all expiring health programs under the Public Health Service Act and the Community Health Centers Act; and S. 725, authorizing funds through fiscal year 1982 for certain education programs for handicapped persons.
Until: 11:30 a.m.
4232 Dirksen Building

*Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eyeglass industry.
424 Russell Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
1224 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Joint Economic Committee
To resume hearings on a recent study prepared by the University of Wisconsin on food chain stores' profits and prices.
318 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
S-407, Capitol

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 904, to establish a center within OMB to provide current information on Federal domestic assistance programs.
3302 Dirksen Building

Select Committee on Intelligence
Subcommittee on the Budget
To hold hearings on the question of public disclosure of funding levels authorized for Government intelligence activities.
2228 Dirksen Building

10:30 a.m.
Commerce, Science and Transportation
To hold a business meeting.
5110 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

APRIL 6

9:00 a.m.
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 393, the proposed Montana Wilderness Study Act.
Room to be announced

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear congressional witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
325 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To hold oversight hearings on extension of the Child Abuse and Prevention Treatment Act (Public Law 93-247).
Until: 12:00 noon 4200 Dirksen Building

Select Small Business
*Monopoly Subcommittee
To continue hearings on alleged restrictive and anticompetitive practices in the eyeglass industry.
424 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To continue oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Governmental Affairs
Energy Subcommittee
To continue hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferations, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on the benefits from and technological uses of genetic engineering-Deoxyribonucleic Acid (DNA) research.
Until 3:00 p.m. 6202 Dirksen Building

Human Resources
Subcommittee on Labor
To continue oversight hearings on the administration of the Black Lung Benefits program.
Until: 1:00 p.m. 4332 Dirksen Building

Select Committee on Intelligence
Subcommittee on the Budget
To hold hearings on the question of public disclosure of funding levels authorized for Government intelligence activities.
2228 Dirksen Building

APRIL 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air trans-

portation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 1019, to authorize funds for fiscal years 1973 and 1979 for certain maritime programs.
235 Russell Building
*Energy and Natural Resources
Subcommittee on Energy Production and Supply
To continue hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building
Select Intelligence
To hold a closed hearing on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407 Capitol

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Dr. Frank Press, of Massachusetts, to be Director of the Office of Science and Technology Policy.

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To resume hearings on the national water policy in view of current drought situations.
4200 Dirksen Building
Judiciary
To hold hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building
Appropriations
Transpotration Subcommittee
To resume hearings in proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building
Environment and Public Works
To resume hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendation thereon to the Budget Committee by May 15.
5302 Dirksen Building
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building
Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine government accounting and auditing practices and procedures.
3302 Dirksen Building
Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs.
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building
Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building
Select Small Business
To hold hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs.
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Coast Guard.
5110 Dirksen Building
Judiciary
To resume hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 26

9:30 a.m.
Select Small Business
To hold hearings on problems of small business as they relate to product liability.
1202 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings to receive testimony in connection with delays and congestion occurring at U.S. airports-of-entry.
235 Russell Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building
Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on proposed fiscal year 1978 authorizations for the Nuclear Regulatory Commission.
4200 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimate for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science and Transportation
Consumer Subcommittee
To hold hearings on S. 957, designed to promote methods by which controversies involving consumers may be resolved.
5110 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 9

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To hold oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 10

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To resume oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To resume hearings to examine government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 11

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to examine government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To resume hearings to examine government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to examine government accounting and auditing practices and procedures.
3302 Dirksen Building

JUNE 13

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To hold oversight hearings on the cable TV system.
235 Russell Building

JUNE 14

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

JUNE 15

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

CANCELLATION

APRIL 7

10:00 a.m.
Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

HOUSE OF REPRESENTATIVES—*Wednesday, March 30, 1977*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

We know that in everything God works for good with those who love Him.—Romans 8: 28.

Almighty and Eternal God, make us ready for the duties of this new day by bringing us closer to Thee. Renew our faith, restore our hope, replenish our love that we may do great things for our great people in this great Nation demonstrating the fact that a government of the people, by the people, and for the people is at work in this House of Representatives. Fill our minds with wisdom, our hearts with compassion that we may think clearly, choose wisely, and act nobly for the good of our Republic and the good of all mankind. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 351. Joint resolution making further continuing appropriations for the fiscal year 1977, and for other purposes.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO HAVE UNTIL MIDNIGHT, THURSDAY, MARCH 31, 1977, TO FILE REPORT ON H.R. 5262

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs may have until midnight, Thursday, March 31, 1977, to file a committee report on H.R. 5262, to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank, and the Asian Development Fund, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT OF U.S. CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–114)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed with illustrations:

To the Congress of the United States:

I am transmitting herewith a copy of the United States Civil Service Commission's Annual Report for the fiscal year ended June 30, 1975. This Report was prepared and received prior to the beginning of my Administration.

JIMMY CARTER.

THE WHITE HOUSE, *March 30, 1977.*

PERMISSION FOR SUBCOMMITTEE ON GENERAL OVERSIGHT AND RENEGOTIATION OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, TO SIT TODAY AND TOMORROW DURING 5-MINUTE RULE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the Subcommittee on General Oversight and Renegotiation of the Committee on Banking, Finance and Urban Affairs may be permitted to sit on today and tomorrow during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 4976 TO AMEND THE PUBLIC HEALTH SERVICE ACT

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 95–140) on the resolution (H. Res. 448) providing for consideration of H.R. 4976 to amend the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services to authorize appropriations for fiscal year 1978 for health services programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 4975 TO AMEND THE PUBLIC HEALTH SERVICE ACT

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 95–141) on the resolution (H. Res. 449), providing for consideration of the bill (H.R. 4975) to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 4974 TO AMEND THE PUBLIC HEALTH SERVICE ACT

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 95–142) on the resolution (H. Res. 450), providing for the consideration of the bill (H.R. 4974) to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for health planning and related programs, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 4895 TO AMEND THE STRATEGIC AND CRITICAL MATERIALS STOCKPILING ACT

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 95–143) on the resolution (H. Res. 451) providing for consideration of the bill (H.R. 4895) to amend the Strategic and Critical Materials Stockpiling Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 433, CONTINUATION OF THE SELECT COMMITTEE ON ASSASSINATIONS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 445 and ask for its immediate consideration.

The Clerk read the resolution. as follows:

H. RES. 445

Resolved, That upon the adoption of this resolution it shall be in order to consider the resolution (H. Res. 433) to provide for the continuation of the Select Committee on Assassinations, in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. PICKLE. Mr. Speaker, I make the point of order that a quorum is not present. I move a call of the House.

The SPEAKER. The gentleman's point of order is not in order at this particular time.

Mr. PICKLE. Mr. Speaker, I renew my point of order that a quorum is not present.

The SPEAKER. The Chair recognizes the gentleman from Missouri (Mr. BOLLING) to move a call of the House.

CALL OF THE HOUSE

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 108]

Alexander	Florio	Pepper
Allen	Foley	Poage
Ambro	Fountain	Quie
Andrews, N.C.	Gibbons	Rangel
Archer	Harsha	Roe
Ashley	Heckler	Runnels
Brown, Mich.	Horton	Scheuer
Burton, John	Leggett	Sebelius
Cavanaugh	Long, La.	Staggers
Chisholm	Luken	Stark
Clay	Lundine	Stockman
Conyers	Marlenee	Symms
Cornwell	Mathis	Teague
Dellums	Mikulski	Thompson
Diggs	Milford	Udall
Dingell	Miller, Calif.	Wilson, C. H.
Drinan	Moorhead, Pa.	Wilson, Tex.
Evans, Del.	Murphy, N.Y.	

The SPEAKER. On this rollcall, 379 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR THE CONSIDERATION OF HOUSE RESOLUTION 433, CONTINUATION OF SELECT COMMITTEE ON ASSASSINATIONS

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

The SPEAKER. The Chair recognizes the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I do not propose to take a great deal of time myself on this resolution. I intend to yield a good block of time to the chairman of the Select Committee on Assassinations, the gentleman from Ohio (Mr. STOKES); but this resolution is the same type of rule that we used the last time the matter was brought up.

When it is adopted, it provides for the

consideration of the matter in the House as in the Committee of the Whole, which means, as the Members will remember, that the Speaker will remain in the chair and that the matter will be open for amendment. It also means that the manager of the resolution, and that is me, will have the opportunity to move the previous question at any point. However, I made it clear in the Committee on Rules, as I made clear during the previous consideration of this matter, I remember, on the House floor, that I do not intend to exercise that right to move the previous question until I feel that the House is in a mood to move ahead. In other words, I have no intention of preventing any amendments that Members wish to offer or anything broader than an amendment that a Member might wish to offer.

Therefore, Mr. Speaker, it seems to me that we are proceeding as we proceeded before and that we have an opportunity to proceed from the rule to the consideration of the matter without too much difficulty.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Texas.

Mr. KAZEN. This is the point which I wanted to clarify: We have 1 hour on the rule itself; is that correct?

Mr. BOLLING. That is correct.

Mr. KAZEN. Then we go ahead on the resolution; and of course, that runs its normal course?

Mr. BOLLING. We go ahead on the resolution under the 5-minute rule, and it runs its normal course.

Mr. KAZEN. There is no time limitation on the consideration of the resolution itself, is there?

Mr. BOLLING. There is no time limitation except when the House decides to order the previous question, which I may move.

Mr. KAZEN. And, as the gentleman already stated, every Member will have an opportunity to express his wishes?

Mr. BOLLING. That is exactly correct.

Mr. KAZEN. Mr. Speaker, I thank the gentleman.

Mr. BOLLING. Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the able gentleman from Missouri (Mr. BOLLING) has explained the provisions of the resolution.

I stood in the well of the floor of this House some time ago when the committee was restructured, opposing the restructuring of the committee; and I stand here today opposing the funding and the continuation of the Select Committee on Assassinations.

I do so because I do not feel that the results of the investigation will justify the expense. Furthermore, I think that the pattern which this committee has followed since it was created and its stormy existence itself do not create a sufficient justification to continue its operations.

Mr. Speaker, I know that there are Members of this body who disagree, since they feel that if anything can come out of the investigations to either agree with the Warren Commission report or the trials, including the trial and conviction of James Earl Ray, which would substantiate what has happened in the past, that will justify the existence and the restructuring of this committee.

Mr. Speaker, I do not buy that. As a matter of fact, I have before me here a news article which appeared in the Washington Post Tuesday, March 22, 1977.

I beg the indulgence of this body, if the Members will please listen:

King, Sr.—Martin Luther King, Sr.—does not expect any results from inquiry.

And I quote:

"They are not going to get anywhere," King told an audience at Coffee High School in this North Alabama city. "They don't want to, they are just going to waste a bunch of the taxpayers' money," he said.

And that is a direct quote.

He goes on to say that there was obviously more than one man involved and there was a conspiracy. But even in saying that, Martin Luther King, Sr., said it was a waste of the taxpayers' money.

And I have not learned of any significant development in the investigation of the death of Dr. Martin Luther King, Jr., nor have I learned of any significant development in the investigation of the assassination of President Kennedy.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I will be happy to yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. I thank the gentleman for yielding. I should like to inform the gentleman of Dr. Martin Luther King, Sr.'s latest position on the continuation of this committee's work. I have, in fact, talked with him. And it is true that Dr. King, Sr., the father of Dr. Martin Luther King, Jr., does believe that there was a conspiracy to kill his son. In his own words he said that "there was more than one finger on the trigger." Dr. King, Sr., made the statement with respect to what he believed to be the reluctance of the Congress to do a thorough investigation. He said it on the basis of what information he received through the media about the procedure being followed by the committee. He was laboring under the assumption that the committee was in disarray. And he interpreted that apparent disarray as an indication of an intention not to be serious about the investigation.

I shared with Dr. King, Sr., what now the committee has shared with the members of the Committee on Rules and the Members of the Congress in the report on the progress we have made in pursuit of these two investigations. I assure the gentleman that Dr. King, Sr., now has joined with the 12 members of the committee in urging the House on this date to reconstitute this committee to pursue the investigations and with the resources which the committee is now requesting of the Congress.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman for his statement.

Yesterday I understood that Mrs. Martin Luther King, Jr., was in town. I told a proponent of the legislation that I would be happy to talk with her. I have not received any call or communication. Since the article appeared on March 22 and there has been no contrary information in the paper, I join with Martin Luther King Sr., in saying it is a waste of the taxpayers' money.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I think it is interesting, that we now have the latest word from the father of the slain Dr. King, but that most recent word was brought to us by the committee's partisans in an atmosphere of desperation. They had to get him to reverse the statement he had made earlier.

I would suggest that the statement the gentleman from Tennessee (Mr. QUILLEN) has quoted is far more representative of the beliefs the senior Mr. King expressed in the published statement.

Mr. King, Sr., also was concerned about the disarray of the committee. While the committee remains in disarray up to this moment. They dropped their former chairman, and today they dropped the chief counsel for the committee. I hope the House will drop the committee and end the disarray.

Mr. QUILLEN. I thank the gentleman from Maryland.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I will yield shortly to the gentlewoman from New Jersey.

Mr. Speaker, the committee is in disarray. The chairman of the committee, the fine gentleman from Ohio (Mr. STOKES), came before our Committee on Rules Monday and in a briefing before the members of that committee, repeatedly said that if Sprague resigned or if Sprague were fired, more than half of the members of that committee would quit, would not stay on, because of their dedication to Sprague. It was obvious that Sprague was calling the shots.

Now that Sprague has resigned, I wonder what will happen this morning to the constitution of that committee?

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the distinguished gentleman in the well for yielding.

At 10 a.m. this morning the Assassinations Select Committee met and officially accepted the resignation of Mr. Richard Sprague. He is no longer counsel or in any manner associated with this select committee. Not one single person from that staff has taken any action to resign that staff. That staff is intact.

Mr. QUILLEN. Will the gentleman from Ohio be kind enough to answer this question.

Mr. STOKES. I certainly will.

Mr. QUILLEN. Did I quote the gentleman correctly when he made the statement that he thought that at least 50

percent of the committee would leave if Mr. Sprague were fired?

Mr. STOKES. If the gentleman will yield, I would say to the gentleman that I have never used the figure that at least 50 percent would have gone. What I think I said to the gentleman in response to his question was that at the time I assumed the chairmanship, there was no real sentiment for the dismissal of Mr. Sprague. Consequently, we were also faced with the problem that many of the persons who had been assembled around the country by Mr. Sprague felt a great deal of loyalty to him, and at that point in time, that is, on March 8 when I assumed the chair, I felt that we would have lost a large number of that staff.

Mr. QUILLEN. I thank the gentleman. I think some of the statements did reflect 50 percent. I am sure that what the gentleman says is correct as coming from him, but in the hearing before the Committee on Rules the 50-percent figure was used.

Mrs. FENWICK. Mr. Speaker, will the gentelman yield?

Mr. QUILLEN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

I have been of two minds about this committee. I think the whole House has. I am persuaded to vote for the continuation of this committee because I think some of the finest Members of Congress sit on that committee, and we can have confidence in their judgment and in the way they will proceed. But further than that, I think we are beginning to understand that there are a great many things here that have not been properly investigated, for whatever reason I and the rest of the general public cannot seem to find out. I think they need to be aired. We know the quality and character of the Members who are charged with the responsibility of investigating. As Members of the House, they will convince me, because I know them. If they say "this is all there is to it," I will believe that. I believe that is what most of the people in this country would agree to, also.

Mr. QUILLEN. Let me continue my statement on the rule. I know there are those who favor the continuation of the committee, but we are going to have debate under the 5-minute rule later. My position is to defeat the rule, to take up for the taxpayers, the people who pay the bill, the people who pay the high electric bills, the high prices and high taxes. I do not think we should go out on a witch hunt and spend $2,700,000 in 1977 and then possibly more in 1978, all to no avail.

Yes, this morning it is reported in the press that a person who was connected with Oswald has killed himself, and that he has been interviewed or was expected to be interviewed by the counsel of this committee. But he no longer lives.

I do not know why the committee has had so many ill omens to begin with. This House took up for Mr. Sprague over a fine Member of this Congress, of this body, the gentleman from Texas (Mr. GONZALEZ). They supported Mr. Sprague over this fine gentleman from Texas, and now Mr. Sprague has resigned. That is what the chairman of the committee, the gentleman from Texas (Mr. GONZALEZ) wanted when he fired him—to get rid of him—and now the same committee that backed Mr. Sprague met this morning and accepted his resignation.

How far can we go one way and then turn another way and say we are right both ways?

Mr. FITHIAN. Mr. Speaker, will the gentleman yield for just a moment?

Mr. QUILLEN. I yield to the gentleman from Indiana.

Mr. FITHIAN. I thank the gentleman very much.

Was the gentleman from Texas aware that in the initial altercation between the former chairman and the chief counsel, there were those of us who objected solely on the grounds that the rules of the House of Representatives, which my colleague, the gentleman from Tennessee, has been so stalwart in upholding, were being violated, that a general counsel had been elected by the committee and by the rules of the House, and that he could only be unelected or fired by the committee?

Mr. QUILLEN. I am familiar with that, but by the same token, the committee had a right to meet and uphold the chairman, the gentleman from Texas (Mr. GONZALEZ), as they did this morning when they accepted the resignation of the counsel.

Mr. FITHIAN. I am glad the gentleman raised the point that the committee had the right to meet. That was my argument too. However, the chairman did not call us to a meeting and then he became ill for some 2½ weeks and so we were unable to meet.

Mr. QUILLEN. The gentleman knows if he read the RECORD of yesterday and again today what the chairman, the gentleman from Texas (Mr. GONZALEZ), has said, what he has done, and what he has tried to do, but the chief counsel got in touch with the members of the committee over and above the chairman's head. But we are not here this morning arguing Sprague. Sprague is no longer here.

Mr. McKINNEY. Mr. Speaker, will the gentleman yield for a question?

Mr. QUILLEN. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Was the gentleman aware of the fact that not only did the committee not have a chance to meet about the firing of the general counsel but that we were already on our way out of town when we were informed of this late in the evening and that we were not even consulted on the appointment of a new acting counsel 2 days later after we were all in unison in rejecting and disapproving of the previous action?

Mr. McCLORY. Mr. Speaker, will the gentleman yield to me?

Mr. QUILLEN. Let me finish here. Rather than yield all my time, I would prefer that some of these statements be made under the 5-minute rule, but I will be very happy to yield to my friend, the gentleman from Illinois.

Mr. McCLORY. I thank my friend for yielding.

I want to concur in and support the gentleman's opposition to the rule. It seems to me that with the important business now pending before this House we are getting very, very far afield with the reinstatement of this select committee. I have had the opportunity, as other Members have had, to see movies and to listen to statements and to get certain promises that certain evidence could be or might be or would be made available, and so on. It seems to me we are invading the judicial and executive branches of Government by attempting to resurrect this select committee. The committee's proposed activities legitimately belong to the Department of Justice and to the judicial branch and to the prosecutorial agencies of Government. It seems to me this resolution takes us far afield from our legislative responsibilities, and gets us into activities where we do not belong, perhaps because of the natural attraction which the media might have in the assassinations of Martin Luther King, Jr., and John F. Kennedy.

It would seem to me a most unfortunate waste of time and of the taxpayers' money, and I hope indeed that the rule will be turned down.

I thank the gentleman for yielding.

Mr. QUILLEN. I thank the gentleman for his contribution.

But if the Members have not done so, I plead with them today before the final vote if the rule is adopted—and I hope it will not be—to read the RECORD and the statements of the gentleman from Texas (Mr. GONZALEZ). I think it will open the eyes of the Members.

But here we are today. We plowed this ground over and over when the committee was constituted late last year, when the Congress knew that we were going to adjourn and the committee was going to be a lameduck committee with a lameduck chairman and with a committee staff that was oversized. The general counsel said that he needed $6.5 million in order to do the work for 1 year, and it would be a 2-year investigation, for a total of $13 million.

Many things took place, it is rumored, and it was in the newspaper columnist's article in the Dallas paper that the chief counsel sent some people down there to make an investigation and found where they were supposed to go, the building had been torn down and what they had been sent to investigate was absolutely past history; nothing current, up to date.

I realize that the gentleman from Ohio said Monday in the Committee on Rules that CBS had said that was an error; but I find that the newspaper columnist in Dallas has not reported that it was an error.

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I would be happy to yield to the gentleman from Ohio for a statement.

Mr. STOKES. Mr. Speaker, I would like to once again say to the gentleman that when the question was posed to me in the Rules Committee, that I did respond to the gentleman that CBS has completely refuted that particular account and has reported that that account was in error.

Mr. QUILLEN. Is the gentleman familiar with the newspaper article to which I refer?

Mr. STOKES. I am not familiar with the newspaper article, just the report we had that was put out by CBS, which I assume is the same identical information that appeared in the newspaper article which has now been refuted.

Mr. QUILLEN. I have personally not seen the article—I must level with the gentleman, but I am told that the columnist has not retracted his statement; but I would like the chairman, if the committee is extended, to find out, in fact, if that did occur, and if it did, to take the necessary action, and if it did not, of course, there is no action to be taken.

Mr. STOKES. I am sure the gentleman will do that.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. The gentleman in the well has correctly suggested that we review the CONGRESSIONAL RECORD of the last 2 days. I have taken the time to read carefully each of the documented charges against Mr. Sprague. I am curious that in the CONGRESSIONAL RECORD on page 9373 of yesterday the gentleman from Texas (Mr. GONZALEZ) said:

> The fact reflected in those vouchers was that the biggest single expense in the $9,900-plus—just for expenses; that was not salaries—was in long distance calls, and in those long distance calls enumerated, his long distance calls to Philadelphia were the biggest item.

I would just suggest to the gentleman that in doing some further research I found that the vouchers total $11,488.40. Of that figure, only $826.85 were telephone calls, and of that figure only $114.28 were calls made to the city of Philadelphia, and of that figure the gentleman, Mr. Sprague, had given a check to cover the cost of this $114.28 expenditure.

It seems to me it reflects on the quality of the accusations if, in fact, the research that I have been able to do with the Committee on Rules indicates that, in fact, the voucher was not for telephone expenses entirely and, in fact, the item mentioned was only for $114.

I just have a great deal of difficulty with a number of these charges that seem to me, as a naive, young Congressman, to be unfounded.

Mr. QUILLEN. Does the gentleman support the restructuring of the committee?

Mr. EDGAR. What is that?

Mr. QUILLEN. Does the gentleman support the restructuring of the committee?

Mr. EDGAR. I support the restructuring of the committee, because I have taken the time to read the charges and accusations.

Mr. QUILLEN. If the rule is not defeated, and I hope it will be defeated, I think the gentleman from Texas (Mr. GONZALEZ) is entitled to reply to what the gentleman has said.

Mr. EDGAR. I would appreciate it if the gentleman would do that.

Mr. QUILLEN. If we take a paragraph or a statement out of context, and work it any way that we want to, the meaning can be twisted. I, for one, supported Mr. GONZALEZ, my colleague, the gentleman from Texas, over Mr. Sprague. I will not ask the gentleman from Pennsylvania what the gentleman did, but I am not going to get into an argument.

Let me go to this mental illness of George de Mohrenschildt, the man who killed himself. The committee well knew that he had mental illness; that the pursuit of the charges against this man could lead to his death. When the investigators went down to Dallas, they were told that he had a mental health record.

Now, it said in this morning's paper that the man has killed himself. Oh, yes, the committee can go out and get the mental incompetent; it can get the rumors; it can go on a witch hunt and spend the money, but in the end, what do we have? President Kennedy is dead. Martin Luther King, Jr., is dead.

I understand they have been down interviewing Earl Ray in prison, but I am sure that under the confidentiality requirements of this committee, we cannot reveal on the floor of the House what has been said. But, what about this? On Earl Ray, the Department of Justice says that there is no new evidence.

But I say, let us not spend the taxpayers' money. Let us put an end to the committee. Let us do it now. Vote down the rule.

Mr. Speaker, the entire texts of the newspaper articles from which I have previously quoted are as follows:

KING, SR., DOESN'T EXPECT ANY RESULTS FROM INQUIRY

FLORENCE, ALA., March 21.—The Rev. Martin Luther King Sr., father of the slain civil rights leader, said Sunday he does not expect any results from an investigation into his son's death by a congressional subcommittee studying assassinations.

"They are not going to get anywhere," King told an audience at Coffee High School in this north Alabama city. "They don't want to. They are just going to waste a bunch of the taxpayers' money," he added.

But King said he was convinced there was a conspiracy to kill his son. "There was obviously more than one man involved. There were many fingers on the trigger of that gun," he said.

[From the Washington Star]

FIGURE IN JFK PROBE FOUND DEAD, A "SUICIDE"

PALM BEACH, FLA.—A Russian-born petroleum geologist and language professor, described as "intimately involved" with Lee Harvey Oswald and a "crucial witness" in the congressional investigation of the Kennedy assassination, was found dead yesterday in an apparent suicide.

Palm Beach County Sheriff Richard Wille identified the victim as George de Mohrenschildt, 65, a professor of French at Dallas' Bishop College.

Wille said de Mohrenschildt, a guest at the historic oceanfront mansion in suburban Manalapan, Fla., of Mrs. Charles Tilton III, apparently placed the muzzle of a 20 gauge shotgun to his mouth and pulled the trigger.

The sheriff said de Mohrenschildt had vanished from Dallas shortly after a Dutch newspaper report about three weeks ago claimed he had prior knowledge of the assassination.

De Mohrenschildt was traced by a House Assassinations Committee investigator to the Florida address, the sheriff said, and he returned to the Tilton home about 2:45 p.m. yesterday to learn that the investigator, believed to be Gaeton J. Fonzi, had been trying to reach him.

The dramatic development yesterday, together with sudden support of a continued investigation by Dr. Martin Luther King Sr., may serve to win the committee a new lease on life. Under continuous attack, the assassinations panel will go out of business at midnight tonight unless the full House votes an extension.

Informed late last night of the death, Rep. Richardson Preyer, D-N.C., a key member of the committee, said, "He was a crucial witness for us, based on the new information he had. He was intimately involved with Oswald.

When the Warren Commission issued its report in 1964, concluding that President Kennedy was killed by Oswald acting alone, it said it had conducted an extensive investigation into de Mohrenschildt and his wife, Jeanne, because they had known the Oswalds through mutual Russian-speaking friends in the Dallas-Fort Worth area. The commission concluded that there was no evidence linking them to the tragic event in Dallas.

In his account quoting de Mohrenschildt as saying he had prior knowledge of the Kennedy assassination, Dutch journalist William Oltmans reported, "He (de Mohrenschildt) asked me 'How do you think the media would react if I came out and said I feel responsible for Oswald's behavior?'"

After vanishing from Dallas, De Mohrenschildt showed up in Oltmans' office in Holland. Then he disappeared again and was traced by government investigators from Brussels to Florida.

Sheriff Wille said only a maid and the Tilton family chauffeur were at home at the time and the shooting went undiscovered until the body was found by de Mohrenschildt's daughter in a second floor drawing room. Both had been guests at the Tilton home for about a week.

The sheriff said the call to the home was believed to have been placed from Miami by House investigator Fronzi.

About an hour later, Wille said, de Mohrenschildt apparently shot himself. "We're 99 percent certain he killed himself," the sheriff said.

Wille and Palm Beach State Atty. David Bludworth questioned witnesses about the shooting until shortly before midnight.

Among the witnesses quizzed was free lance writer Ed Epstein, who had told the West Palm Beach Post Monday night that he had been interviewing de Mohrenschildt in connection with a book he was doing about Lee Harvey Oswald.

After his questioning last night, Epstein said, "I don't mean to be evasive but the police told me not to talk about de Mohrenschildt's death to anybody."

The Tilton home remained sealed off by sheriff's deputies last night.

According to the Warren Commission report, de Mohrenschildt was born in the Ukraine in 1911 and fled Russia in 1921 following the civil disorders that broke out after the Bolshevik revolution.

He became an American citizen in 1949, having earlier received a graduate degree from the University of Texas in petroleum geology and petroleum engineering.

In 1960, the report states, he traveled for eight months through Mexico and Panama over primitive jungle trails, and by happenstance he and his wife were in Guatemala City when the Bay of Pigs invasion was launched. He prepared a lengthy film clip and a complete written log on the trip and a report was made to the U.S. government, the commission reported.

De Mohrenschildt death was third involving witnesses or potential witness before congressional panels investigating assassinations.

Underworld figure Sam Giancana was murdered before, and John Rosselli was killed after, testimony before the Senate

Intelligence Committee investigating allegations that the assassination of Kennedy was in retaliation for CIA efforts to assassinate Cuban Premier Fidel Castro.

[From the Dallas Morning News, Mar. 20, 1977]

MENTAL ILLS OF OSWALD CONFIDENT TOLD

(By Earl Golz)

George de Mohrenschildt was having mental problems shortly before he told a Dutch journalist last month he knew in advance Lee Harvey Oswald was going to assassinate President John F. Kennedy, The Dallas News has learned.

The 65-year-old Bishop College French professor agreed to commit himself to the psychiatric unit of Parkland Memorial Hospital last Nov. 9 after his wife filed court papers to force commitment, Dallas County Mental Illness Departmental records show.

The hospital said De Mohrenschildt was released from the psychiatric unit about eight weeks later on Dec. 30, but declined to give information about his examination.

The hospital did not refer De Mohrenschildt to the County Evaluation Center for further examination, which indicated he was not considered harmful to himself or others.

The House Assassinations Committee last Tuesday quizzed a Dutch journalist and longtime De Mohrenschildt friend, Willems Oltmans, who said he had interviewed De Mohrenschildt last month at Bishop College. Oltmans did not say whether he had known of De Mohrenschildt's previous mental problems.

Oltmans quoted De Mohrenschildt as saying he knew in advance what Oswald was going to do before the assassination in Dallas Nov. 22, 1963.

"He said to me, 'How do you think the media would react if I came out and said that I feel responsible for Oswald's behavior,'" Oltmans said.

The Oltmans interview developed into a national news story and sent investigators from the congressional committee scurrying to Dallas in search of De Mohrenschildt and his acquaintances. As of Friday, however, the probers had not inquired about his records with the Dallas County Mental Illness Department.

In response to a request from The Dallas News, which asked that court records regarding De Mohrenschildt's mental illness proceedings be made accessible because such action is "in the public interest," Probate Judge Joseph E. Ashmore Jr. did so.

Congressional committee investigators have been working on the De Mohreschildt case under the impression he disappeared after he left Bishop College March 1. Oltmans told the probers he accompanied De Mohrenschildt to Europe after he left the college on a leave of absence of several days, and then lost contact with him.

Bishop College officials said while De Mohrenschildt had not been heard from, they still expect him to return after the school's spring vacation ends Monday.

De Mohenschildt, who was born in Russia, was questioned at length before the Warren Commission in April, 1964, because of his friendship with Oswald months before the assassination. Then a petroleum engineer, he had befriended Oswald and his wife when they arrived in the Dallas-Fort Worth area in 1962 from Russia.

Mr. and Mrs. De Mohrenschildt had left for Haiti in connection with the oil business seven months before the assassination and were living there when it happened.

One of the fascinating aspects of De Mohrenschildt to the Warren Commission was his personal acquaintance with both Oswald and the mother of President Kennedy's widow, Jacqueline. During his 10 hours of testimony, he acknowledged he had written a letter to Mrs. Hugh D. Auchincloss, Dec. 12, 1963, expressing his sympathies after the assassination.

De Mohrenschildt told the commission he had met and become friends with Mrs. Auchincloss at Belport, Long Island, in 1939, within a year after he arrived in this country from Russia. He said he also met Jacqueline at the same time when she was a little girl.

In his letter to Mrs. Auchincloss, De Mohrenschildt stated he still had "a lingering doubt, notwithstanding all the evidence, of Oswald's guilt."

De Mohrenschildt told the commission he "will have the lingering doubt for the rest of my life . . . mainly because he (Oswald) did not have any permanent animosity for President Kennedy."

Mrs. Auchincloss later wrote back to De Mohrenschildt saying, "It seems extraordinary to me that you knew Oswald and that you knew Jackie as a child. It is certainly a very strange world." She added, "I hope, too, that Mrs. Oswald will not suffer."

Mr. BOLLING. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio (Mr. STOKES), the chairman of the Select Committee on Assassinations.

Mr. STOKES. Mr. Speaker and my colleagues, this particular select committee, as the Members know, was constituted originally in the 94th Congress. Unfortunately, it was constituted under a Member of this body who was in a lame-duck status; consequently, very little was done between the time of constitution and the end of the last Congress. We were reconstituted once again on February 2, 1977, and then of course I need not recite to any of the Members the events which transpired after that time. I do not want to use my time to make reference to that. I would like to utilize my time to give the Members some understanding of what has transpired since March 8, the day that the Speaker of the House appointed me as chairman of this committee.

As the chairman of the committee, I found a situation which I am sure no other chairman of a congressional committee has ever found upon becoming chairman of a committee in this House. I found a situation where there were 73 staff employees, many of whom were investigators and attorneys, who could not make a single long-distance call. They had no authority whatsoever to make a long-distance call to anyone trying to communicate with a congressional committee.

I found a committee that had almost no stationery and no supplies with which to function. I found 73 people on a Federal payroll who had no authority whatsoever to travel anywhere to investigate anything in conjunction with these assassinations. I found a group of very dedicated and highly professional staff people, who in order to comply with the congressional mandate of $84,000 per month for January, February, and March, had taken a 35-percent pay cut in order to comply with that mandate of the Congress.

I found an investigative staff that no longer had any access to FBI records or CIA records, and could not even communicate and get records from Senate investigatory committees because it was a committee without a chairman, and no one wanted to have any relationship with it whatsoever.

I found two Members of the Congress, respectively the gentleman from North Carolina (Mr. PREYER) and the gentleman from Washington, D.C. (Mr. FAUNTROY), both of whom had been subcommittee chairmen in the previous Congress, who in this Congress had not yet been appointed by the former chairman to be subcommittee chairmen. Consequently, neither one of these two Members of Congress and members of the committee could call any meeting of their respective subcommittees. It was a committee that had not yet adopted any rules, even though it had been in existence since the 94th Congress.

So immediately, then, I tried to restore some type or order to a very chaotic situation. This was 22 days ago. Since then we have been able to restore the long-distance telephone services. We have stationery supplies for these people. They can now travel into all parts of the country in order to investigate these assassinations, and they have now acquired access once again to FBI and CIA records and those of other committees.

In addition, I appointed both subcommittee chairmen, and they were able to once again function in their respective capacities. Since we had no rules, the day before I was appointed the chairman of this committee we had to invoke the rules of the House in order to appoint an acting committee chairman in order to be able to adopt some rules. We spent a day or a day and one-half on the adoption of those rules under the acting chairman, the gentleman from North Carolina (Mr. PREYER). There were no committee rules at the time that this committee last went before the Committee on Rules, under the former chairman. There was a great deal of concern about the fact that this committee was going to violate the civil and constitutional rights of those persons whom they were investigating or interviewing. Since the adoption of these rules, we have now received a letter from the American Civil Liberties Union, which says that they no longer oppose the investigation by this committee, that the rules we have adopted do in fact safeguard the civil and constitutional rights of persons who will come in contact with our committee, and they strongly endorse the continuation and reconstitution of this committee.

There have been some allegations made that during January, February and March the staff had spent the allowance by this Congress. I have here a letter, dated March 4, 1977, signed by William H. Cable, which says:

> Based on a reduction in total payroll for February to a figure of approximately $80,100, and assuming your estimates for expenses and salaries for March are as you indicated, $81,600, the Committee would in my judgment stay within the amount authorized by House Resolution 11 of the 95th Congress which is $84,337.12 per month.

I have with me in my hand at this time a recap of our expenses for January, February, and including up to March 31, 1977. Our total expenditure allocation was $247,388.89. To date, we have spent $246,955.03, with $433.86 still remaining for the balance of March.

I might say that under the acting chairman we also spent a day and one-half ascertaining the fact that at no time had the staff exceeded the expenditure allocated by this House. And then, of course, we were in the position where the committee had never adopted and pro-

posed to this Congress a budget which we could come to the floor on. Consequently, I appointed the gentleman from North Carolina (Mr. PREYER) as a task force chairman and appointed members of the task force, and asked them to study the budget as Members of Congress and to bring into this body a practical budget that we could live with.

The previous budget, as I recall, was proposed by our chief counsel, Mr. Sprague. He proposed a budget somewhere in the neighborhood of $13 million for a 2-year period, at the rate of $6.5 million per year.

The Members of Congress spent several days in their task force and then came in with the type of a budget which they felt would be acceptable to this House.

That budget is in the amount of approximately $2.7 million for this year. That is for the 12-month period.

Mr. Speaker, part of the difficulty we had in adopting a budget was due to the fact that there were no previous criteria for such an investigation, because neither the House nor the Senate has ever undertaken the task of investigating two assassinations at the same time. Consequently, the figure that we have arrived at, we felt, is reasonable and practical. We are talking about a little over a million dollars per murder for a year.

In addition, the $2.7 million that we propose for the fiscal year 1977 also includes approximately $250,000, which amount we must repay to the contingency fund of the House at the rate of $84,000 per month.

In regard to both matters, in the past 22 days we have now begun investigations. That is something that had been thwarted up until 22 days ago. In the King matter, for instance, we have now dispatched investigators to various parts of the country, and they are proceeding to investigate. We have issued subpenas. We now have under our physical control for the first time in the 9 years since Dr. Martin Luther King's death all of the physical evidence in that case. We are now proceeding with the forensic scientific testing of some of that material and evidence that is now in our possession, and we are pursuing new leads concerning some previously unpursued facts. We have witnesses who have never previously been interviewed before, one of whom happens to be a constituent of a Member of this body. I am sure the Members have read recently about that.

In the case of James Earl Ray, who evidenced a desire and interest to talk to our committee, we dispatched investigators to Brushy Mount Penitentiary a week ago, and there they spent more than 2 hours interviewing him and taking his statement. This past Monday we sent them back down there again, and they have spent 6 additional hours talking to this man, who has never previously been willing to talk to any other investigatory body.

We have done the same in the matter of the Kennedy investigation. We have dispatched investigators throughout the country; we have issued subpenas; we have taken statements. We have also had before this committee one witness, a very vital witness in this investigation, who upon being called before our committee, took the 1st, the 4th, the 5th, and the 14th amendments 14 times and refused absolutely to divulge any information to this congressional committee.

Mr. Speaker, before I conclude I just want to make reference to the fact that this morning at 10 a.m. our committee met and officially accepted the resignation of Mr. Richard Sprague. That was done reluctantly by the members of this committee, because 11 of us who worked with Dick Sprague, and then subsequently the 12 of us who worked with him, had very high regard for his professional ability.

Dick Sprague resigned this morning not as a result of the charges that have been leveled against him by any Member of this body nor as a result of the truthfulness of any of those charges. He has said continuously since October 8, the day I assumed the chair, that—

> If at any time it is felt that I am an impediment to an investigation that I feel is necessary for the American people and in which I believe, I will step aside.

This morning his official resignation was tendered to us because he felt that the life of this committee depended upon his not being a member or a part of the staff assigned to this particular committee.

This morning the members of this committee paid great tribute to this man for whom they have high personal and high professional regard, and in that spirit they reluctantly accepted his resignation.

In conclusion, Mr. Speaker, I just want to say that the past 22 days has meant for me the assumption of a rather onerous and awesome responsibility, but I did accept this responsibility out of a love and respect and an admiration for the Members of this body. I resented sitting on a congressional committee that was being caricatured in the American newsprint as being a group of buffoons.

I resented sitting on a congressional committee where we were being caricatured as standing in a backroom somewhere assailing and flailing and assassinating one another.

I have tried in the past 22 days to show that this congressional committee is composed of dedicated, highly professional Members of this House who have been united in their efforts in a way I have never seen before in the House.

Mr. Speaker, I want to pay special tribute to the gentlemen on the other side of this aisle, the gentleman from Ohio (Mr. DEVINE), the gentleman from Illinois (Mr. ANDERSON), the gentleman from Nebraska (Mr. THONE), and the gentleman from Connecticut (Mr. MCKINNEY), men who have worked assiduously to try to complete a job to which they were dedicated and to which they were committed in order to try to bring credibility to this House in a responsible and professional manner.

On my own side of the aisle, Mr. Speaker, I am indebted to each of the members of this committee.

I say to the Members, Mr. Speaker, that this is a committee which has undertaken the work of this Congress in an assiduous manner, in a dedicated manner, in a highly competent and professional manner; and I say that it would be a tragedy if this committee were not to be reconstituted.

Mr. Speaker, the American people should have the opportunity to have all of these unanswered questions answered for them and to have this committee enabled to bring in the type of highly professional report that would be a credit and reflect creditably upon this Congress, of which I am so proud to be a part.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I would like to ask the gentleman two questions.

First, there has been quite a bit of criticism of the previous counsel, Mr. Sprague, because of the fact that he was not, as I understand it, putting in full time on this job, but was putting in time on some other work.

Can the gentleman assure this House that his replacement as counsel to the committee would be a full-time employee who was doing no other outside work than his work as counsel to this committee?

Mr. STOKES. I would say in reply to the gentleman that it would be the intent of this committee that any person assuming that responsibility for the committee would devote full time to it.

The SPEAKER. The time of the gentleman from Ohio (Mr. STOKES) has expired.

Mr. BOLLING. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Speaker, I thank the gentleman for yielding.

I say to the gentleman from Oklahoma (Mr. EDWARDS) that this is another unfortunate and unjust charge that has been leveled against Mr. Sprague because Mr. Sprague, while a member of a law firm in Philadelphia, had assured this committee in the full interrogation we made of him consisting of 1½ days in executive session, that each and every charge that has been leveled against him was not true and that while he was a member of the law firm he had not accepted or participated in any other case since assuming employment with our committee.

Furthermore, both former chairmen were apprised of the fact that he also was a law professor at Temple University where he taught school 1 night a week; and at the time we were interrogating him about it, he had missed 4 of the last 5 weeks of teaching that course.

Mr. EDWARDS of Oklahoma. May I say that I am not going back into that subject with respect to Mr. Sprague.

I am trying to get assurance that the committee does intend to get a full-time counsel.

The SPEAKER. The time of the gentleman from Ohio (Mr. STOKES) has again expired.

Mr. BOLLING. I yield 1 additional minute to the gentleman from Ohio (Mr. STOKES).

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield further?

Mr. STOKES. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. To continue, Mr. Speaker, I am concerned about the fact that there has been much discussion throughout the country about there possibly being a conspiracy behind the assassinations and so forth. There have been suggestions made that perhaps foreign governments were involved in some of these conspiracies.

Of course, this raises a question in my mind. We have this wonderful thing which we call détente, and we have all these other things going on. If the gentleman's committee does continue to exist and does find that, in fact, there was a conspiracy and that that conspiracy was international in nature, will the American people know the results or will it be hushed up?

Mr. STOKES. I can say to the gentleman unqualifiedly that this committee is dedicated to trying to, once and for all, allay and put to rest all of the rumors and rumors of rumors and theories that exist with reference to both of these assassinations. It would be our intention, when we have completed the report, to lay the facts out as we find them and let the American people be the judge.

Mr. EDWARDS of Oklahoma. Is it not true that the gentleman cannot assure us that we will be able to find out the results?

Mr. STOKES. I have no way of knowing what the conclusions will be after we have been able to assess and analyze all of the evidence.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, and Members of the House, it is perfectly possible I think to serve in a body as large as is the House of Representatives for a fairly long period of time and yet not come to know the full measure of a man's capabilities. I believe that we now understand, in the very masterful presentation that we have heard from the distinguished chairman of the Select Committee on Assassinations, that in the gentleman from Ohio (Mr. STOKES) we have a man who has undertaken to fulfill the mandate that we received from this House on the 2d of February. That is to go into the matter of the committee's budget and to draw up a set of rules that would satisfy the concerns of those who felt that somehow we were reaching too far in this investigation and possibly to involve and imperil the civil rights of American citizens. The gentleman from Ohio has had only 3 weeks to do that job because it was not until the 8th of March as a result of the unfortunate hiatus that developed upon the resignation of the former chairman, that this task was given to him to bring this committee together and to procure the kind of unity that has resulted in all 12 Members introducing House Resolution 433. All four Republican Members and all eight Democratic Members have joined in introducing the resolution that, when adopted today, as I am sure it will, will have the effect of reconstituting this committee.

So, Mr. Speaker, to stand up here and tell this House that we have before us a committee in disarray, one that is somehow going to place in ill repute the good name of the House of Representatives, is to ignore completely the character of the job that the gentleman from Ohio (Mr. STOKES), our new chairman, has done.

I do not want to turn this into a contest of personalities. I have great affection for my friend—and I am pleased to have him sitting over on the Republican side of the aisle this afternoon—great affection for the gentleman from Texas, Mr. HENRY B. GONZALEZ. The gentleman is not the issue in this debate nor is Mr. Sprague, the former chief counsel, who, just a little while ago submitted his resignation. The issue is, as the chairman, the gentleman from Ohio (Mr. STOKES), tried to point out, what we can do during the life of the select committee to try to answer the serious doubts that still exist in the minds of the American people concerning these matters. Was there a conspiracy connected with the murder of John Kennedy or Martin Luther King, Jr.? Maybe there was not. Maybe we will simply reaffirm the conclusions of the Warren Commission and the court that sentenced James Earl Ray.

So, Mr. Speaker, if we do nothing less but to put to rest the kinds of rumors and speculations that have led some 70 to 80 percent of the American people to express doubts that the full story has been told, then I think the money that we will have spent in the course of this investigation will be some of the best spent funds that this Congress has appropriated.

We cannot take lightly the fact that the American public today is skeptical of Government and the processes of Government and the conclusions which we reach. And if we make the kind of dedicated effort I am convinced we will make then I believe that under the rules that even the American Civil Liberties Union endorses and says that they now want, and are asking that the committee go forward, that it is possible we can remove some of the doubts that have been expressed about these two assassinations.

I believe there is a terribly important job to be done. I have confidence in the chairman. I have confidence in the distinguished gentleman from North Carolina (Mr. PREYER), and Mr. FAUNTROY, chairman of the King Subcommittee. Under Mr. PREYER's leadership of the budget task force, on which I was privileged to serve, we have drastically slashed both the proposed budget and the anticipated payroll.

I hope that the House today will unanimously support House Resolution 433.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I want to thank the Speaker for recognizing me this morning on a point of order that a quorum was not present. I should have put it in the form of an inquiry or request. I thank the Speaker for his kindness.

I want to thank also the members of the Committee on Rules for allowing us to discuss this measure today openly and freely. I should have preferred an open rule with amendments under the regular 5-minute rule procedure, but the privileged rule they have adopted does give us a chance to have this discussion and to offer amendments or substitutes, and I think this sets better with the House, and I thank the Committee on Rules for doing it.

I also want to make it plain at the outset that I commend the 12 members of the select committee for their discreet approach in searching for some kind of answers. I want to assure them, as the gentleman from Illinois (Mr. ANDERSON) did, that this is not a matter of personalities; this is a matter really of what we do now with this select committee. I think many of the Members know that originally I had planned and may offer some kind of a substitute or amendment to the bill under the 5-minute rule. I think, however, that a more expeditious and forthright approach may be to have a yes-or-no vote on the resolution. I have come to the conclusion that it is best to let this committee go out of existence. The Assassinations Committee, to begin with, was born in doubt. It was a question mark to begin with. It has continued in antagonizing controversy, with very few questions settled. The actual purpose of the investigation still hangs fluttering like an Irish pennant with nothing being settled at all.

Admittedly, at first the issue was the question of Mr. Sprague as against the gentleman from Texas (Mr. GONZALEZ), however one wants to split and analyze it. There are many of us who would say—and I am sure every Member of this House would—that one of the most distinguished Members we have ever had in this body is the gentleman from Texas (Mr. HENRY GONZALEZ). I know for a fact that he is one of the most fearless men in public life that our State or this Congress has ever had. Make no mistake, he would not be this aroused and would not have taken this extreme action if he did not feel that he had been given a rebuff, that he had been repulsed and had not been supported. I do not propose at this time to discuss every step in his proceedings or every step by the leadership or the committee was right. That is for each Member to pass judgment on. I simply at this time will first pay my respects to the gentleman from Texas (Mr. GONZALEZ), who has been really the sole voice, and at times almost the only voice, in trying to pursue the purpose of this committee.

Now the question is what do we do about it? It seems to me we are faced with very few options. We can continue the Assassinations Committee or we can put it to a peaceful rest. This option, at peaceful rest, is probably the best thing for the Congress and this House to do. The committee has given us no peace since its beginning with Mr. Sprague. Surely the Members have not been the problem, but the problems are real and the problems affect us all. Now the question is can there be any credibility for this committee; at least, can there be sufficient credibility for us to ever find out the answer to the questions that actually haunt us? I do not think we can find out these answers now under the select committee. I think that the committee, though they are well-meaning

and though they are honorable members and have the best intentions, will not lay to rest the problem questions on the Kennedy and the King assassinations.

The better solution, in my opinion, would be to set up a special task force in the Department of Justice to handle this investigation. This would have credibility, just like the Watergate Prosecutor's Office had credibility. We could even give a 30-day extension for the staff members, if some felt that this would be in order.

In conclusion, I hope that the Members will vote "no" on the rule.

If this rule does not carry, I have here a bill which I will introduce that directs the Attorney General of the United States to establish a task force in the Justice Department to proceed with the full and further investigation of these questions. It would seem to me we need a fresh start and this I think is the proper course for us today, and I ask for a "no" vote on the rule.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I oppose the rule and I oppose the reconstitution of the committee. I want to focus only on one reason for my decision.

We can agree unanimously that the responsibility of this committee, if it is reconstituted, involves sensitive, delicate matters in which the rights of individuals affected are to be scrupulously protected. We were given assurance by the chairman and by the staff that the work of the committee will be conducted in a professional manner and will not bring discredit on the House of Representatives. I think, Mr. Speaker, that the brief history of this committee contradicts those assurances. In fact, there have been flagrant disregards of right already. Let me tell the Members how and where.

There has been but one public hearing by the committee to my knowledge. That was, as Members will recall, a media event. The witness was a Mr. Trafficante, a person who I am told has been linked in the past with the underworld. He may be a very unworthy individual but it is in precisely that kind of case that rights should be scrupulously protected.

Mr. Trafficante's counsel informed counsel for the committee and the Committee as a Whole prior to the hearing that he would claim his fifth amendment rights if questioned with respect to certain matters. Knowing that fact and before the full glare of television, committee counsel repeatedly asked Mr. Trafficante questions and forced him to the burden of claiming his fifth amendment rights.

Let me ask the attorneys in the Chamber: Is that professional conduct? The American Bar Association in its Standards of Conduct characterizes such questioning as unprofessional. In nearly every jurisdiction in America a prosecutor who questioned a witness under such circumstances would produce a mistrial. It is prejudicial and reversable error to do that. It is not sufficient to say that the act was the misconduct of Mr. Sprague alone. It was the act of the committee. The committee did it, and in doing so, disregarded important rights to which this perhaps unworthy person, Mr. Trafficante, was entitled.

In its first public hearing, under the threat of being disbanded, this committee demonstrated its insensitivity to legal rights. I am not convinced that it will gain that sensitivity in the future if reconstituted.

I offer the Members this important illustration as one more reason why this committee should not be reconstituted.

Mr. PREYER. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Speaker, I would like to point out that on Mr. Trafficante first, we did not know he was going to take the fifth amendment until that morning. We offered to have an executive session. He did not want to go into executive session. I think he wanted to announce he was taking the fifth amendment before the world and the underworld.

Mr. WIGGINS. Did the committee know of Mr. Trafficante's intention to claim his fifth amendment rights before the questions were asked?

Mr. PREYER. Before the questions, yes.

Mr. WIGGINS. That is the issue in terms of professional conduct. I contend that it was grossly unprofessional for the committee to permit the questions to go forward under the circumstances.

Mr. PREYER. I would say to the gentleman these are not questions out of thin air. These are questions on which we have witnesses who would testify on the question asked Mr. Trafficante.

Also I would say to the gentleman it is the intention of the committee in every case to interview witnesses, to hear their initial testimony in executive session, to corroborate their testimony in every way we can before the witness would be put on in public.

Mr. WIGGINS. The gentleman's statement is not persuasive on the question of whether it was unprofessional conduct to ask the questions, knowing of an intention to claim a lawful privilege.

In conclusion, let me say that the spectacle which I have described reminded me of another spectacle which occurred about 25 years ago in the other body, and which brought discredit to the Congress as a whole.

Mr. BOLLING. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. BURKE).

Mrs. BURKE of California. Mr. Speaker, when the House voted on September 17, 1976, to create the select committee to investigate the assassinations of President Kennedy and Dr. Martin Luther King, Jr., the action was considered monumental. For in my view, it represented a great step forward in the effort to restore the faith of millions of Americans in this body. As Members know, governmental bodies at all levels, but particularly the Congress, have not been held in high esteem in recent years by the American people.

I make this point to illustrate the potential problems we may continue to face in this regard if we fail to pass House Resolution 433 continuing the operations of the Select Committee on Assassinations.

It has been 13 years since President Kennedy was slain in Dallas. Dr. King was murdered 9 years ago. Yet a recent Gallup poll indicates that despite this passage of time, 80 percent of the American people still have lingering doubts about the extent to which all of the relevant facts have been disclosed in the assassination of these great men—two of the most traumatic events in American history.

As the committee stated in its report:

> The passage of time has not healed the national trauma caused by these assassinations. In the ensuing years, old doubts have remained and new and disturbing questions have been raised as additional evidence has come to light . . .

In just 5 short days we will observe the ninth anniversary of Dr. King's assassination in Memphis. Nothing could be more fitting for this occasion than to have the American people know that the Congress is indeed determined to put to rest once and for all, all of the facts relating to his murder and that of President Kennedy.

Since its creation, the committee has endeavored to undertake a thorough and impartial inquiry into both murders. Unfortunately, and to the dismay of many of our citizens and Members of this body, the committee has been beset by many problems. The committee has experienced leadership changes on three occasions; objections have been raised about the size of the initial proposed budget and the rules of the committee were in need of revision. Many have complained that the inquiry, to date, has revealed nothing more than a rehash of information produced in previous investigations.

None of these concerns, however, are sufficient reasons for dismantling this important investigation. The House select committee is the only body which has the potential for disclosing all there is to know about these slayings, thus putting the matter to rest once and for all.

As Members know, many witnesses who were earlier available for purposes of corroboration of existing and newfound evidence are now deceased. Even today we are confronted with the mysterious and questionable death of yet another potential witness, George Mohienschildt. Mr. Mohienschildt is reported to have known Oswald and to have had advance knowledge of the plan to assassinate President Kennedy. Committee staff was in the process of contacting him to determine just how much he knew about individuals and circumstances related to the Kennedy case. If we wait another 4 or 5 years to generate a new inquiry, either by Congress or some other governmental body, other witnesses conceivably would not be available.

I suggest to my colleagues that the more time passes, the less likely it will become that we will ever be able to determine all the facts involved in these cases.

Under the chairmanship of the gentleman from Ohio (Mr. STOKES), the problems of the committee have been resolved and the investigations are continuing in a methodical and thorough manner.

The proposed budget, previously an area of much concern to a great many Members, has been reduced from $6.5 to $2.7 million.

On March 7, the committee adopted rules of procedure which insure that the inquiry will be conducted in a credible manner and with appropriate constitutional safeguards.

On March 11, physical evidence used in the investigation and court trial of James Earl Ray in the murder of Dr. King was introduced into evidence of the committee. Mr. Ray, the convicted assassin of Dr. King, has been interviewed twice by committee counsel. Although he pleaded guilty at his trial in 1969, Mr. Ray now claims that he was set up and in fact did not kill Dr. King.

The evidence accumulated to date suggests that Ray did kill Dr. King. A rifle of the same caliber as the one which killed Reverend King was found a short distance from the scene of the crime with his fingerprints on it. A thorough investigation supposedly was conducted by the FBI. The Justice Department followed with its own investigation of the murder concluding that Ray was the lone assassin of Dr. King.

Yet many important questions remain unanswered and much information suggests the possibility that the convicted assassin may have been assisted prior to and following the assassination.

The committee must investigate how Ray was able to escape from prison after allegedly failing on several occasions and how he remained at large for better than a year traveling throughout the United States and at least four foreign countries without being apprehended.

The committee is concerned with where Ray got the money for his travels since he reportedly had earned only $664.34 from a dishwashing job at a restaurant in Illinois. Nevertheless, with no visible means of support he was able to raise nearly $10,000, that he spent in three foreign countries prior to the assassination.

The Justice Department report acknowledged that "the sources for Ray's funds still remain a mystery" and implied that the FBI should have followed up more thoroughly. Needless to say, it did not.

The committee has uncovered other areas of possible assistance to Ray. At the time he was in Los Angeles, his safety deposit box in Birmingham was closed by someone from Baton Rouge, La. We need to know who the mysterious Raoul is? Does he exist? Is he related to Ray? Was he present at the time of the assassination?

The committee is also investigating information from reliable sources that the day of the assassination a black policeman, Edward Reddick, was mysteriously relieved of his assignment at a surveillance post in a firehouse overlooking the hotel in which Dr. King resided. Conflicting reports have been given for his removal. The day before, two black firemen were transferred from the station to other posts.

If a conspiracy to assassinate Dr. King did in fact exist, the committee needs to determine who were the participants in the conspiracy? How did it function? and, What was the motivating force?

With respect to the murder of President Kennedy, the committee is pursuing new leads which, if corroborated, would indicate connections between Lee Harvey Oswald, the FBI and the CIA.

The Warren Commission concluded that Jack Ruby never knew Oswald prior to the Kennedy assassination. The committee is attempting to substantiate information obtained from a witness, never previously interviewed, who has stated that he—or she—was introduced to Oswald by Ruby in November prior to the assassination.

The committee is pursuing leads which suggest that Ruby traveled to Cuba in 1959 to visit Santos Trafficante who was in jail. Trafficante was associated with Sam Giancana and John Roselli, who also visited him in jail. Both Giancana and Roselli were murdered allegedly in connection with the request for their appearance before the Church committee which was investigating the CIA and the Kennedy assassination.

Trafficante appeared before the committee on March 16 concerning his knowledge of the Kennedy assassination, Ruby, Giancana, Roselli, Oswald, the CIA and the FBI. He refused to testify claiming rights under the first, fourth, fifth, and 14th amendments of the Constitution.

Oswald and an unidentified FBI agent were reportedly seen together on several occasions in bars in New Orleans.

Other pertinent information or leads have also surfaced.

If we are to resolve the many doubts and suspicions which still exist in the minds of millions of Americans, we will vote to adopt this resolution before us today. To do less is to simply perpetuate indefinitely the many suspicions which have surrounded the murders of President Kennedy and Dr. King for a decade or more.

Mr. BOLLING. Mr. Speaker, I do not think I will take the 5 minutes.

I think the chairman of the committee, the gentleman from Ohio (Mr. STOKES) made it very clear that the committee is functioning, that it has rules.

I think the fact that the committee membership has held together through thick and thin is one of the most remarkable things that I have seen in this House in all the time that I have been here. Really, the membership of the committee is a cross section of the whole institution and they are unanimous in their efforts. Their current effort is a phenomenon.

Mr. Speaker, I think the notion that this matter should be referred to the Justice Department, while all surely sincere, is really not very meaningful. This House took upon itself the responsibility of examining into these two murders. If it now decides not to do so when its committee is in order, the conclusion and the only conclusion that will be drawn by many of the American people, perhaps unfortunately, is that the House does not want to proceed and is, in effect, covering up.

I do not suggest for a moment that anybody who opposes this rule or opposes the resolution has that in mind. I suggest that that will be the reaction of the American people. They are uneasy, to put it very mildly, about the Warren Commission report. They are very uneasy about the King murder. They deserve from their servants the best possible efforts to mitigate and, if possible, dispel that unease.

Mr. Speaker, I urge a vote for the rule. I urge that we pass the resolution which the rule will bring up.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. PICKLE), there were—ayes 70, noes 54.

Mr. PICKLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 285, nays 124, answered "present" 1, not voting 22, as follows:

[Roll No. 109]

YEAS—285

Addabbo	Chisholm	Gilman
Akaka	Clausen,	Ginn
Alexander	Don H.	Goldwater
Ammerman	Cohen	Gore
Anderson,	Coleman	Gradison
Calif.	Collins, Ill.	Gudger
Anderson, Ill.	Conable	Hagedorn
Andrews, N.C.	Conte	Hamilton
Andrews,	Conyers	Hanley
N. Dak.	Corman	Hannaford
Annunzio	Cotter	Harrington
Applegate	Coughlin	Harris
Ashley	Crane	Hawkins
Aspin	D'Amours	Heckler
AuCoin	Daniel, Dan	Hefner
Badillo	Daniel, R. W.	Hillis
Baldus	Danielson	Holland
Barnard	Davis	Holtzman
Baucus	Delaney	Horton
Bedell	Dent	Howard
Beilenson	Derwinski	Hubbard
Benjamin	Devine	Hughes
Bevill	Dickinson	Ichord
Biaggi	Dicks	Ireland
Bingham	Diggs	Jacobs
Blanchard	Dodd	Jeffords
Blouin	Dornan	Jenrette
Boggs	Downey	Johnson, Calif.
Boland	Drinan	Johnson, Colo.
Bolling	Early	Jones, Tenn.
Bonior	Edgar	Jordan
Bonker	Edwards, Ala.	Kasten
Bowen	Edwards, Calif.	Kastenmeier
Brademas	Eilberg	Kelly
Breaux	Emery	Kemp
Breckinridge	Evans, Colo.	Keys
Brinkley	Evans, Ind.	Kildee
Brodhead	Fascell	Koch
Brooks	Fenwick	Kostmayer
Broomfield	Findley	Krebs
Brown, Calif.	Fish	Krueger
Buchanan	Fithian	Lagomarsino
Burke, Calif.	Flood	Latta
Burke, Mass.	Florio	Le Fante
Burlison, Mo.	Flowers	Lederer
Burton, John	Foley	Leggett
Burton, Phillip	Ford, Tenn.	Lehman
Byron	Fraser	Levitas
Caputo	Frenzel	Lloyd, Calif.
Carney	Frey	Lloyd, Tenn.
Carr	Fuqua	Long, La.
Carter	Gammage	Long, Md.
Cavanaugh	Gephardt	Luken
Cederberg	Giaimo	Lundine
Chappell	Gibbons	McCloskey

McDade	Ottinger	Solarz
McEwen	Panetta	Spellman
McFall	Patten	Spence
McHugh	Patterson	Stanton
McKay	Pattison	Stark
McKinney	Perkins	Steers
Madigan	Pettis	Stokes
Maguire	Preyer	Studds
Mann	Price	Taylor
Markey	Pritchard	Thompson
Marks	Pursell	Thone
Mathis	Rahall	Thornton
Mattox	Railsback	Tonry
Meeds	Regula	Traxler
Metcalfe	Reuss	Treen
Meyner	Rhodes	Tsongas
Mikva	Richmond	Tucker
Miller, Calif.	Rinaldo	Udall
Mineta	Rodino	Ullman
Minish	Rogers	Van Deerlin
Mitchell, Md.	Rooney	Vander Jagt
Mitchell, N.Y.	Rose	Vanik
Moakley	Rosenthal	Vento
Moffett	Rousselot	Volkmer
Moorhead, Pa.	Ruppe	Walgren
Moss	Ryan	Walsh
Mottl	Santini	Waxman
Murphy, Ill.	Sarasin	Weaver
Murphy, N.Y.	Scheuer	Weiss
Murphy, Pa.	Schroeder	Whalen
Myers, Gary	Schulze	Whitehurst
Myers, Michael	Seiberling	Whitley
Natcher	Sharp	Whitten
Neal	Shipley	Wilson, C. H.
Nichols	Shuster	Wirth
Nix	Simon	Wolff
Nolan	Skelton	Wright
Nowak	Skubitz	Yates
Oakar	Slack	Yatron
Oberstar	Smith, Iowa	Young, Mo.
Obey	Snyder	Zablocki

NAYS—124

Abdnor	Grassley	Pickle
Armstrong	Guyer	Pike
Ashbrook	Hall	Pressler
Badham	Hammer-schmidt	Quayle
Bafalis	Hansen	Quie
Bauman	Harsha	Quillen
Beard, R.I.	Heftel	Risenhoover
Beard, Tenn.	Hightower	Roberts
Bennett	Hollenbeck	Robinson
Brown, Mich.	Holt	Roncalio
Brown, Ohio	Huckaby	Rostenkowski
Broyhill	Hyde	Roybal
Burgener	Jenkins	Rudd
Burke, Fla.	Jones, N.C.	Runnels
Burleson, Tex.	Jones, Okla.	Russo
Butler	Kazen	Satterfield
Clawson, Del	Ketchum	Sawyer
Cleveland	Kindness	Sebelius
Cochran	LaFalce	Sikes
Collins, Tex.	Leach	Sisk
Corcoran	Lent	Smith, Nebr.
Cornell	Lott	St Germain
Cornwell	Lujan	Stangeland
de la Garza	McClory	Steed
Derrick	McDonald	Steiger
Dingell	Mahon	Stockman
Duncan, Oreg.	Marriott	Stratton
Duncan, Tenn.	Martin	Stump
Edwards, Okla.	Mazzoli	Treible
English	Michel	Waggonner
Erlenborn	Miller, Ohio	Walker
Ertel	Mollohan	Wampler
Evans, Ga.	Montgomery	Watkins
Fary	Moore	White
Flippo	Moorhead, Calif.	Wiggins
Flynt	Murtha	Wilson, Bob
Ford, Mich.	Myers, Ind.	Winn
Forsythe	Nedzi	Wydler
Gaydos	O'Brien	Wylie
Glickman	Pease	Young, Alaska
Gonzalez	Pepper	Young, Fla.
Goodling	Poage	Zeferetti

ANSWERED "PRESENT"—1

Young, Tex.

NOT VOTING—22

Allen	Fountain	Rangel
Ambro	Harkin	Roe
Archer	McCormack	Staggers
Clay	Marlenee	Symms
Dellums	Mikulski	Teague
Eckhardt	Milford	Wilson, Tex.
Evans, Del.	Pepper	
Fisher	Poage	

The Clerk announced the following pairs:

On this vote:

Mr. Pepper for, with Mr. Teague against.

Mr. Rangel for, with Mr. Milford against.

Until further notice:

Mr. Clay with Mr. Allen.

Mr. Ambro with Mr. Fountain.

Mr. Dellums with Mr. Marlenee.

Ms. Mikulski with Mr. Evans of Delaware.

Mr. McCormack with Mr. Charles Wilson of Texas.

Mr. Staggers with Mr. Symms.

Mr. Roe with Mr. Fisher.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON CENSUS AND POPULATION OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO SIT TODAY WHILE HOUSE IS IN SESSION

Mr. LEHMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Census and Population of the Committee on Post Office and Civil Service may be permitted to continue to hold hearings and to take testimony today while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. ROUSSELOT. Reserving the right to object, Mr. Speaker, I realize that originally the House leadership had asked and we were scheduled to meet at 3 p.m. today and that that made it difficult for subcommittees which had already scheduled meetings during the early afternoon.

However, Mr. Speaker, as my distinguished chairman will understand, I am constrained to object to the request, which I think the gentleman will understand, because this is a critical issue that we are debating.

Therefore, Mr. Speaker, I would ask my colleague, the gentleman from Florida (Mr. LEHMAN) to withdraw his request.

Mr. LEHMAN. If the gentleman will yield, Mr. Speaker, at the request of the distinguished ranking member of the subcommittee, I will withdraw my request and reschedule the hearing.

PROVIDING FOR THE CONTINUATION OF THE SELECT COMMITTEE ON ASSASSINATIONS

Mr. BOLLING. Mr. Speaker, pursuant to the provisions of House Resolution 445, I call up House Resolution 433 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 433

Resolved, That the Select Committee on Assassinations (hereinafter referred to in this resolution as the "select committee"), established by H. Res. 222, Ninety-fifth Congress, adopted February 2, 1977, shall continue in operation for the duration of the Ninety-fifth Congress.

SEC. 2. The select committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

SEC. 3. The provisions of H. Res. 222, Ninety-fifth Congress, adopted February 2, 1977, shall apply to the select committee during the period of its operation under this resolution, except to the extent such provisions are inconsistent with any provision of this resolution. For the purpose of carrying out H. Res. 222, the select committee is also authorized to bring, defend, and intervene in lawsuits and make applications to courts.

SEC. 4. The provisions of H. Res. 11, Ninety-fifth Congress, shall not apply to the select committee after March 31, 1977.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Beginning on page 2, line 8, strike out all of Section 4.

The committee amendment was agreed to.

Mr. BOLLING. Mr. Speaker, I move to strike the last word.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 5 minutes.

Mr. BOLLING. Mr. Speaker, I do not intend to take any time except to say that amendments are now in order and that I intend to honor the agreement that I made earlier that I would not move the previous question until I felt the House was ready.

Therefore, Mr. Speaker, I would suggest that anybody who has an amendment might offer his amendment at this time. I have no amendments.

Mr. PICKLE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would ask the chairman of the committee whether he has any requests for time or requests to offer amendments, or does the gentleman wish to take time to discuss the bill by section and in detail?

Mr. BOLLING. Mr. Speaker, if the gentleman will yield, I would say that I have no requests for time from any Member. I know of only one amendment that possibly would be offered. I have no desire to delay this matter. I am ready to vote at any time.

Mr. PICKLE. Mr. Speaker, my question actually was addressed to the chairman of the select committee, the gentleman from Ohio (Mr. STOKES) as to whether he had any requests for time or if he wanted to take any time.

Mr. BOLLING. I think the answer to that inquiry would be no. I think the gentleman from Ohio would intend to respond, as I did, if questions are to be asked or if the amendments are offered, or if there are statements made that need responses. But we have debated this at some length earlier.

Mr. PICKLE. I thank the gentleman.

Mr. Speaker, earlier I told the House that I had planned to offer a substitute or amendments to this bill and the rule would so provide. I also told the Members a few minutes ago that I thought it might be best, at this point, to have a straight vote of yes or no on the resolution. I believe that gets to the issue at hand at this stage of debate, whereas it was originally a question of Mr. Sprague and his conduct and our doubts and our suspicions and uncertainty about him.

However now that issue has been removed.

The question is really do we renew this committee? Do we keep it alive?

As I told the Members of the House a few minutes ago, if the rule had failed, I would offer a bill and introduce it that would provide that the Attorney General would establish a task force to consider this matter further.

The rule did pass so my request to vote "no" did not prevail. I can understand this because many of the Members have commented that they would vote "aye" on the rule and then vote "no" on the resolution. I accept that.

I hope the Members will listen to what I say because I am trying hard to make what I believe is a constructive approach to this proposition. I have a bill drawn up here that would direct the Attorney General to establish a task force in the Department of Justice to further investigate and study the assassinations and deaths of John F. Kennedy and Martin Luther King, Jr. I would assume that the bill would be referred to a regular committee and would proceed under regular order.

Another section of the bill also provides that there will be $1.5 million appropriated to carry out the purposes of the proposed act. And if any Member later would want to offer an amendment that would provide for an extension of 30 days for the present staff to continue, I would accept that.

It is my firm conviction with all of the charges, the changes, the accusations, the denials, the doubts and the suspicions, that the best thing for us to do is to put this investigation back at the appropriate place where it belongs and let them, Justice, carry out what we hope might be a full and complete investigation.

So if the Members vote no on the resolution, this does not mean that all is gone or all investigation is stopped. It simply is an attempt to direct the investigation now and send it to the Department of Justice. Some Members will comment that the Department of Justice had looked at this before, and that is true. They just issued a recent report that had been compiled under the past administration, and that general conclusion was that with respect to the Martin Luther King assassination, the assassin acted independently.

The present administration, the present Department of Justice, points out that that was a report prepared by Attorney General Levi, submitted to the Congress as ordered, and each Member could draw his own conclusion. It was not and is not a definitive final expression of the Department of Justice under Attorney General Bell. The Department of Justice is not asking for this approach, but the Department of Justice has been asked and will they proceed? Can they proceed? Do they feel that they could carry out this order in proper fashion? The Department of Justice has said, yes, if the House of Representatives gives us this request, we will undertake it immediately and forthrightly. So I think that is the better approach to take. Many Members honestly feel that with a new chairman and with new rules, with the cost cut down now to $2.7 million per annum instead of a total of $13 million, we can proceed now in a regular and orderly fashion. That may be, but a much better approach would be to allow for the appropriation of $1.5 million and turn this over to the Department of Justice. We have to ask ourselves after several months of wild if not reckless charges the question that the American people must ask themselves: Can any good be accomplished by this investigation under this present established procedure? I think the American people are always going to have doubts that if we proceed as established now that we could ever reach any kind of satisfactory accord. We would always be in doubt.

This investigating committee is a sick cat. I do not think we can mend it or patch it up or squirt some high-life medicine in it. I think the best thing to do is send it to the Department of Justice, which really ought to be doing it right now. I think that is by far the best approach under the circumstances.

So, Mr. Speaker, instead of offering amendments or a substitute that might or might not be germane, I think the House might as well go ahead in whatever order they think and take a vote on the resolution. I have come to the conclusion that it is best to vote no on the resolution, send this to the Department of Justice, and let them proceed in an orderly manner. I have supported the resolution previously, but I do not think we can do this job now under the present climate, and I think it is best to turn it over to the Department of Justice. That is my hope in asking that the Members vote no on the resolution.

Mr. TREEN. Mr. Speaker, I move to strike the requisite number of words.

I have asked for this time in order to make some inquiry of the chairman of the committee. Before doing that, though, I would like to state that I have supported this committee. I supported its original creation, and I supported the extension until March 31. But I have several questions that I would like to have answered that will help me in making a decision on the resolution; I am undecided at this time.

Mr. Sprague, according to a wire service, resigned either last night or this morning. Did he give any reasons for his resignation that the chairman can share with the House?

Mr. STOKES. If the gentleman will yield, Mr. Sprague said that he did not in any way want to be an impediment. I want to read specifically from his letter of resignation which reads as follows:

> Dear Mr. Chairman and members: I am hereby submitting my resignation effective immediately as Chief Counsel and Staff Director of the House Select Committee on Assassinations. I do so with the hope that the Congress can now proceed with the challenge of seeing that these investigations are pursued promptly.

Mr. TREEN. I thank the chairman.

Did Mr. Sprague at any time indicate that he did not think that the funding expected to be requested by the committee would be sufficient to do a thorough and adequate job? Was part of his reason for resigning his belief that he did not think the committee would get enough money to do an adequate job?

Mr. STOKES. No, sir. He was asked specifically about this new budget before he left and as to whether or not the investigation in his opinion could be conducted for that sum of money, and he said he had deferred to both of the counsel who head up the individual investigations who felt that in their opinion it could be done, and he accepted that.

Mr. TREEN. The original budget was about $6.5 million. That was the original idea, and was that for the entire Congress or was that for only one session?

Mr. STOKES. That was for one session. A total of $13 million was proposed for the full Congress.

Mr. TREEN. And the proposed budget is now what, about $5 million for the 2 years?

Mr. STOKES. For the first year we are proposing or projecting $2.7 million.

Mr. TREEN. Yes.

Mr. STOKES. Part of which is, of course, reduced by our having to pay back to the contingency fund of the House, which is about $2.5 million, and we estimated the second year would be somewhere in the same neighborhood.

Mr. TREEN. I would say to the chairman, and the House, my reason for previously supporting the committee may perhaps be similar to that of others, and that is, while I do not know that the committee will turn up anything, I have felt that this is a subject of such importance to the American public that we should have an investigation for that reason. I personally think there are some questions about the King murder that do need answering. But I am concerned about us authorizing this money and the continuation of the committee and then at the end having someone say: "We did not have enough money to do the job right." If that occurs, my purpose and the purpose, perhaps, of others will be frustrated in that we will have had the investigation and then we will still have some people say: "We did not have sufficient authority and we did not have sufficient funds."

My question is, Mr. Chairman: Are you satisfied sincerely that under your budget you will be able to do an adequate job, a thorough job of investigation, that you have the authority by virtue of this resolution and the previous resolution, which is also part of it, to do a thorough job in these two areas?

Mr. STOKES. I can say to the gentleman that the task force under the chairmanship of the gentleman from North Carolina (Mr. PREYER) expended a great deal of time inquiring into the various concerns that this gentleman has and when the task force came back it was evident to us that they had laboriously inquired into the situation. They felt, they assured members of our committee, that given this amount of funds they could do the job that needed to be done.

Mr. TREEN. Do you, Mr. Chairman, specifically feel you have the authority, and with this budget, assuming that it is approved, this committee has the authority and the power to do a thorough job? Do you feel that way?

Mr. STOKES. Yes, I do, sir.

Mr. TREEN. I thank the gentleman.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman from Louisiana for yielding.

In response to your threshold question as to the reason why perhaps Mr. Sprague resigned, first I would like the RECORD to show I supported the resolution and I support it again, but I was disinclined to support it with the presence of Sprague as counsel.

I would suggest that as a result of the head check made it appeared that the resolution was doomed and only Mr. Sprague's resignation could possibly have saved this committee. And it is my conclusion that he resigned in order to save this committee or at least give it a chance of survival.

Mr. FITHIAN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, let me respond briefly to the surmise of the gentleman from New York, Congressman BIAGGI, to say that on behalf of the committee I conducted an unofficial whip count. It was the dedication of the previous counsel to the concept that the investigation ought to go forward, and it was the feeling that the vote was very, very close and the vote today might well end the committee's investigation. This led Mr. Sprague to resign. The gentleman from New York (Mr. BIAGGI) is entirely correct.

This has been indicated in the general debate on the rule. He was not resigning as a result of charges against him.

I would like now briefly to speak to the observations of the gentleman from Texas (Mr. PICKLE) that we, perhaps, ought to let the Justice Department conduct a reinvestigation. Now, I am not one who is opposed to the FBI and I am certainly not here to in any way impugn any Government organization. I am here, however, to argue the case that it would be a very bad judgment call on the part of the House, it would be bad on two grounds: One, that the House having started an investigation should now indicate by its vote that we will not abandon this investigation and go our separate ways in the hopes that at some future date the bill of the gentleman from Texas would be introduced, would be acted upon favorably and that the Justice Department would then pursue that action.

There are just too many "ifs" in that equation.

Now, let me turn to one item which I think might be of interest to the House and that is the recent release of a special task force to review the Martin Luther King, Jr., security and assassination investigation and the report by the Department of Justice. I was reading this report one evening and was startled when I discovered these inconsistencies on two pages facing each other. The pages are 98 and 99. On page 98 they are talking about how James Earl Ray came by his expense money by which he bought cars and paid for them in cash and any other number of expenditures that total probably $9,000 and perhaps as much as $10,500. His only known income was $600 from washing dishes in Winnetka, Ill. This is the Justice Department's report and this is what they say:

> These expenditures suggested that he, Ray, had financial assistance and, hence, possible coconspirators. Therefore, the Bureau was particularly interested in determining his sources of income. On April 23, 1968, the Director advised all field divisions to consider Ray as a suspect in any unsolved bank robberies, burglaries or armed robberies occurring after April 23, 1967 (which was his escape from the penitentiary.) The results were negative.

Now, what we are saying is that they put the entire network of the FBI to work to see if James Earl Ray was a suspect in any robbery or burglary that could have been done by him with the money. Their own conclusion is that "the results were negative."

Imagine my concern when over on page 99 at the bottom of the page I found this:

> It is the Bureau's opinion that Ray most likely committed on a periodic basis several robberies or burglaries during this period in order to support himself. Ray's criminal background does lend credence to this theory.

Our problem, of course, is we must recognize that if the committee is going to carry out the mandate of the House to look into the processes of the Government and see whether or not all information was transmitted to the Warren Commission or all information was available in the investigation of Dr. King's death. Then, clearly, if that is one of our mandates, we may need to come back to the House and indicate legislative correction which would be the responsibility of the House. But my question is how do we ask the FBI to investigate itself? That is one of the questions at issue here.

It would seem to me that we took the right course last September in authorizing the investigation. It seems to me that we reaffirmed that course in February and it seems to me that we ought to reenforce it again today. If we oppose the investigation, if we oppose the work of the committee and the investigators, on whatever substantive grounds, we should know what we are doing.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. FITHIAN was allowed to proceed for 1 additional minute.)

Mr. FITHIAN. Mr. Speaker, if someone opposes sincerely on the basis of substance the House going into this investigation, then he should vote no, but not on the basis of some possible future action by the Justice Department.

If the Members favor the House going into this, then their position is to vote yes. It seems to me that we ought to keep focus this afternoon and make that decision not on the case of the former chairman versus the former chief counsel; not on the case of whether at some future date the Justice Department may take this up, but on the facts and realities which face this House today; that is, are we or are we not going to carry out the mandates of two preceding resolutions and carry on the investigations into these two murders.

Mr. Speaker, I would urge the Members to vote yes on the resolution on final passage.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BAUMAN: On page 2, add the following new section:
>
> "SEC. 5. The provisions of clause 6(a)(3) of rule XI of the Rules of the House of Representatives shall apply to the select committee."

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Missouri.

Mr. BOLLING. If the gentleman will make one minor correction as follows: We have stricken section 4, and the gentleman has section 5 in his amendment; it should be section 4.

If I understand it correctly, this is the one that goes directly to the matter of staffing and the manner in which the members of the committee will staff itself. I am advised by the members of the select committee—and I agree with them—that this amendment is a good amendment and should be accepted.

Mr. BAUMAN. I thank the gentleman.

Mr. Speaker, I ask unanimous consent that the amendment be modified so that it reads "SEC. 4" instead of "SEC. 5".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BAUMAN. Mr. Speaker, I will just explain to the membership that the amendment does nothing more than write into the resolution the guarantee the chairman of the select committee gave us, that all future employees of the committee will be employed full time as members of the staff, and will not be engaged in any other outside activity.

The SPEAKER pro tempore (Mr. MOAKLEY). The question is on the amendment offered by the gentleman from Maryland, as modified.

The amendment, as modified, was agreed to.

Mr. HIGHTOWER. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I ask for time in order to propound some questions to the gentleman from Ohio (Mr. STOKES), chairman of the committee.

Mr. Chairman, as I understand it, Mr. Sprague's resignation was clear and unequivocal. Has the committee met and accepted the resignation?

Mr. STOKES. If the gentleman will yield, I will say to the gentleman that we met at 10 a.m. this morning in an open session of the committee and the vote was taken. The vote was 11 to 1 to accept his resignation.

Mr. HIGHTOWER. Has the committee adopted rules in regard to hiring practices, future hiring practices?

Mr. STOKES. Yes, we have.

Mr. HIGHTOWER. Does the chairman have the authority to hire and fire staff members now?

Mr. STOKES. The committee has full authority over all hiring and firing. That is in our rules.

Mr. HIGHTOWER. It would take an act of the full committee to hire and fire any staff employee?

Mr. STOKES. Under the present rules.

Mr. HIGHTOWER. I understand. It

would appear that the resignation is clear and unequivocal. Can we have the assurance of the chairman that at some future time Mr. Sprague will not be coming back to the committee?

Mr. STOKES. The gentleman has my complete assurance on that.

Mr. HIGHTOWER. In any capacity, as adviser, consultant, counsel or full time, part time—in any capacity?

Mr. STOKES. The gentleman has my full assurance on that.

Mr. HIGHTOWER. I thank the chairman.

Mr. RUDD. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would like to commend the gentleman from Texas for his assurance that in the event this resolution goes down to defeat, the bill will be introduced to permit professionals to become involved and conduct this investigation with full force and vigor.

Mr. Speaker, I rise to oppose continuation of the House Select Committee on Assassinations.

This matter has been a considerable controversy in the House. I have talked to some of the committee's members, and met one evening with several of the committee staff to discuss the many serious reservations and doubts I had about continuation of the committee.

These doubts and concerns have not been dispelled.

First, there is the question of a congressional committee attempting to review evidence of crimes that are 13 and 8 years old respectively.

The world's best law enforcement and investigative professionals have collected and reviewed evidence, and no new evidence has since been uncovered to change the original verdicts in these cases.

The trail of evidence is now stone cold. Efforts of this congressional committee to review the evidence or uncover new evidence in the case of either the President Kennedy or Martin Luther King assassinations are efforts in futility.

The fact that no new hard evidence has been uncovered to date by this committee should be reason enough to abandon this report. The only product of the committee's work has been sensational and wild speculation generated by its activities.

A classic example of this sensationalism and wild speculation is reaction to the suicide yesterday of George de Mohrenschildt, the 65-year-old professor at Bishop College in Texas.

The committee staff had been trying to reach Professor De Mohrenschildt in connection with his statements that he had new information about Lee Harvey Oswald and the President Kennedy murder.

The statements had been published by a Dutch journalist, but Professor De Mohrenschildt apparently shot himself after wide publicity and attempts by the committee to get further information.

Proponents of the committee's continuation, including the news media who will benefit from such sensational stories, are citing this new development as prima facie evidence that the House should continue the work of the committee.

This is an attempt to railroad Congress, and to deceive the American public.

What we are not told is that, according to a March 20 newsstory in the Dallas Morning News, Professor De Mohrenschildt was recently admitted to the psychiatric unit at Parkland Memorial Hospital after his wife filed papers to force his commitment as a mental patient.

This apparent suicide victim was confined as a mental patient at Parkland from November 9 to December 30, 1976.

He made his unsubstantiated statements to the Dutch journalist after his release from the psychiatric unit—resulting in the international newsstories that brought him to the attention of the select committee.

Mr. Speaker, I would like to include the newsstory from the Dallas Morning News at this point in the RECORD:

MENTAL ILLS OF OSWALD CONFIDANT TOLD

(By Earl Golz)

George de Mohrenschildt was having mental problems shortly before he told a Dutch journalist last month he knew in advance Lee Harvey Oswald was going to assassinate President John F. Kennedy, The Dallas News has learned.

The 65-year-old Bishop College French professor agreed to commit himself to the psychiatric unit of Parkland Memorial Hospital last Nov. 9 after his wife filed court papers to force commitment, Dallas County Mental Illness Departmental records show.

The hospital said De Mohrenschildt was released from the psychiatric unit about eight weeks later on Dec. 30, but declined to give information about his examination.

The hopital did not refer De Mohrenschildt to the County Evaluation Center for further examination, which indicated he was not considered harmful to himself or others.

The House Assassinations Committee last Tuesday quizzed a Dutch journalist and longtime De Mohrenschildt friend, Willem Oltmans, who said he had interviewed De Mohrenschildt last month at Bishop College. Oltmans did not say whether he had known of De Mohrenschildt's previous mental problems.

Oltmans quoted De Mohrenschildt as saying he knew in advance what Oswald was going to do before the assassination in Dallas Nov. 22, 1963.

"He said to me, 'How do you think the media would react if I came out and said that I feel responsible for Oswald's behavior,'" Oltmans said.

The Oltmans interview developed into a national news story and sent investigators from the congressional committee scurrying to Dallas in search of De Mohrenschildt and his acquaintances. As of Friday, however, the probers had not inquired about his records with the Dallas County Mental Illness Department.

In response to a request from The Dallas News, which asked that court records regarding De Mohrenschildt's mental illness proceedings be made accessible because such action is "in the public interest," Probate Judge Joseph E. Ashmore Jr. did so.

Congressional committee investigators have been working on the De Mohrenschildt case under the impression he disappeared after he left Bishop College March 1. Oltmans told the probers he accompanied De Mohrenschildt to Europe after he left the college on a leave of absence of several days, and then lost contact with him.

Bishop College officials said while De Mohrenschildt had not been heard from, they still expect him to return after the school's spring vacation ends Monday.

De Mohrenschildt, who was born in Russia, was questioned at length before the Warren Commission in April, 1964, because of his friendship with Oswald months before the assassination. Then a petroleum engineer, he had befriended Oswald and his wife when they arrived in the Dallas-Fort Worth area in 1962 from Russia.

Mr. and Mrs. De Mohrenschildt had left for Haiti in connection with the oil business seven months before the assassination and were living there when it happened.

One of the fascinating aspects of De Mohrenschildt to the Warren Commission was his personal acquaintance with both Oswald and the mother of President Kennedy's widow, Jacqueline. During his 10 hours of testimony, he acknowledged he had written a letter to Mrs. Hugh Auchincloss, Dec. 12, 1963, expressing his sympathies after the assassination.

De Mohrenschildt told the commission he had met and become friends with Mrs. Auchincloss at Belport, Long Island, in 1939, within a year after he arrived in this country from Russia. He said he also met Jacqueline at the same time when she was a little girl.

In his letter to Mrs. Auchincloss, De Mohrenschildt stated he still had "a lingering doubt, notwithstanding all the evidence, of Oswald's guilt."

De Mohrenschildt told the commission he "will have the lingering doubt for the rest of my life . . . mainly because he (Oswald) did not have any permanent animosity for President Kennedy."

Mrs. Auchincloss later wrote back to De Mohrenschildt saying, "It seems extraordinary to me that you knew Oswald and that you knew Jackie as a child. It is certainly a very strange world." She added, "I hope, too, that Mrs. Oswald will not suffer."

Such an incident should warn us that this committee, if continued, will inspire those of questionable responsibility who want to obtain publicity or promote their own self-serving causes through nationwide notoriety.

I am also most concerned about the unprecedented and ambiguous provision of House Resolution 433, which grants the committee standing to sue or intervene in lawsuits in Federal courts.

This is obviously designed to allow the committee and its staff to file motions for grand jury data, and to make motions generally to bring lawsuits and intervene in lawsuits to get its views on the public record.

I have been informed by the American Law Division of the Library of Congress that such authority has never before been granted to a House committee. There is no general jurisdictional statute for Federal courts to hear suits brought by congressional committees.

The authority is therefore obviously being sought as an open mandate for the committee to have fishing expeditions into grand jury testimony and other data.

Much of this material is often hearsay and otherwise not acceptable evidence in a court of law.

Access to such material by this committee will not serve the cause of truth and justice, but will only further fan the flames of hearsay, rumor, and sensationalism.

I urge defeat of this resolution and the prompt termination of the Select Committee on Assassinations.

The SPEAKER pro tempore (Mr.

MOAKLEY). The time of the gentleman from Arizona (Mr. RUDD) has expired.

(On request of Mr. PICKLE and by unanimous consent, Mr. RUDD was allowed to proceed for 1 additional minute.)

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I appreciate the gentleman's reference to the fact that he would support the approach I have recommended.

The gentleman from Indiana (Mr. FITHIAN) also asked why I have not already introduced this bill. I take this time to clear up that point by saying that under the rule under which we are debating this resolution I cannot offer that as a germane amendment. I cannot force another committee to consider something other than what the Committee on Rules is offering for us to consider now. Under the rules of the House, it would not be germane.

But I assure the gentleman from Indiana that there is no iffy question about it. I have the bill prepared, and the only reason it is not being offered now is that we must wait for a vote on the resolution. Once that vote has been taken, and the resolution not passed, the measure will be introduced, I assure the gentleman.

Ms. OAKAR. Mr. Speaker, I move to strike the requisite number of words, and I rise in support of House Resolution 433.

Mr. Speaker, I support this resolution because I believe that what is really at stake here is the credibility of the Federal Government in the eyes of the American people.

One of the most fundamental desires of our American people is the desire for the truth, and, clearly, their yearning for the truth on the assassinations of President Kennedy and Dr. King has not been satisfied. Our quest for truth should be reason enough to continue an investigation that practically devastated this country in the 1960's.

As important as these two cases are in themselves, I believe this investigation has a significance beyond them. If there is not further investigation of these cases, despite all of the questions that have been raised about them, how can the American people have any confidence at all in the ability of their Government to deal with the now frequent acts of violence committed by terrorists, among others?

I would make two other points in support of this resolution. First, in neither of these cases has there yet been a vigorous, probing, and independent investigation. We now know that the Warren Commission in effect left it up to the FBI and the CIA to uncover their own mistakes and wrongdoing, and, of course, these agencies did not do so. And as was pointed out earlier, there is not the possibility of these agencies investigating themselves. The House can conduct a truly independent investigation, and I know that this is the type of probe my distinguished colleague, the gentleman from Ohio (Mr. STOKES), and this wonderful committee intends to pursue.

Finally, if we fail now, there probably will never be an independent investigation of these two tragedies. Already over 13 years have passed since the death of President Kennedy, and nearly 9 years since the death of Dr. King. With the passage of time, important witnesses, such as the one who died this morning or last night, pass away, and evidence becomes more and more difficult to uncover.

In addition, this Congress was not afraid to pursue the truth in reference to Watergate. Let us not be afraid to pursue the truth in investigating the assassination of a young President and the assassination of Dr. King.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN: On page 2, beginning on line 4, strike out the following: "For the purpose of carrying out H. Res. 222, the select committee is also authorized to bring, defend, and intervene in lawsuits and make applications to courts."

Mr. BAUMAN. Mr. Speaker, a few moments ago in debate this particular provision of the resolution was mentioned. This is the first time that the language this amendment would delete has appeared in any of the resolutions dealing with this select committee. I think the gentleman from Arizona (Mr. RUDD) properly pointed out that such a broad grant of power is unprecedented in the annals of the House of Representatives except in specific instances when committees have come to the House and asked for permission to intervene in pending matters before the courts.

The most recent and one of the rare instances was when the subcommittee chaired by the gentleman from California (Mr. Moss) asked for permission to intervene in a suit in 1976. After extensive debate in the House and a rollcall vote that intervention was allowed.

The language I seek to strike would permit the select committee, by its own majority vote, to file lawsuits and intervene in lawsuits against others, including agencies of the Government, in any number of different capacities.

In a memorandum submitted to the Committee on Rules by the chairman of the Select Committee on Assassinations, the gentleman from Ohio (Mr. STOKES), in part argued in favor of this by saying as follows, and I quote:

. . . there may be instances where it may be preferable for the Committee itself to exercise its right to secure evidence from the Executive branch of Government, rather than having to rely upon the Justice Department to pursue statutory contempt. . . .

This memorandum in many ways describes the wide-ranging possibilities of what this committee can do by majority vote without ever returning to the House of Representatives for any sort of mandate.

I know of no pending litigation that this committee needs to concern itself with; and if, indeed, there are such matters, the privileges of the House would dictate that we retain, as the full House of Representatives, the right to vote yes or no on whether or not any individual committee ought to be engaged in this kind of litigation.

Mr. Speaker, I can see the possibility of the use of this provision to harass the FBI, the CIA, or any number of agencies, should the committee take that direction. I do not suggest that it will, but we should not even create the possibility that it could do that on its own volition.

Therefore, Mr. Speaker, I would hope that the House of Representatives would deny to this committee of all committees with its checkered and erratic career and conduct, the right to go into the courts in a wholesale manner without first coming back to the full House of Representatives and seeking its approval.

Mr. STOKES. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the specific reason for insertion of this language in the resolution is that House Resolution 222 does not specifically give the committee authority to sue. Unless this authority has been specifically delegated by the House, a committee of the House cannot bring lawsuits.

That was what the court held in *Reed* v. *County Commissioners*, 277 U.S. 376 (1928) when a special Senate committee had attempted to obtain election ballots; the resolution establishing the special committee contained language identical to that of House Resolution 222, that is, the authority to require testimony and other evidence "by subpena or otherwise." The Supreme Court held the absence of specific authority to bring lawsuits required dismissal of the suit.

Mr. Speaker, the Senate then, pursuant to this case, enacted a resolution which gives all of their committees the right to sue and defend.

Being an investigative committee of the House and having the mandate to pursue, accumulate, and acquire data, we inserted this provision so that we would not be in an awkward position when we subpena evidence or have the authority of the committee challenged in the courts.

Therefore, Mr. Speaker, this is the specific reason for the insertion or inclusion of this language, so that a House committee charged with an investigative responsibility would not be in the awkward position of not being able to sue in a court of law and of not being able to defend.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman for yielding.

He has made the statement that this will in some way prevent challenges of the committee's jurisdiction in the courts. It would in no way prevent such suits being filed by any party who considered himself aggrieved.

All it would do, Mr. Speaker, would be to say that one would not have to come to the House for authority to answer. It seems to me that we should come to the House for any authority to go into the courts on any matter, but it would not

diminish in any way the rights of parties to contest jury subpenas or anything else.

Mr. STOKES. Mr. Speaker, I agree with the gentleman that that is the precise position we would be in in coming back to the House for authority.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 195, not voting 14, as follows:

[Roll No. 110]

YEAS—223

Abdnor	Findley	Miller, Ohio
Allen	Flippo	Minish
Ambro	Florio	Mitchell, N.Y.
Andrews, N.C.	Flynt	Mollohan
Andrews, N. Dak.	Ford, Mich.	Montgomery
Archer	Forsythe	Moore
Armstrong	Fountain	Moorhead, Calif.
Ashbrook	Frenzel	Motti
Ashley	Frey	Murphy, N.Y.
Badham	Gammage	Murtha
Bafalis	Gilman	Myers, Gary
Baldus	Glickman	Myers, Ind.
Bauman	Goldwater	Neal
Beard, Tenn.	Gonzalez	Nedzi
Bedell	Goodling	Nichols
Beilenson	Gradison	O'Brien
Bennett	Grassley	Perkins
Bonker	Gudger	Pettis
Brademas	Guyer	Pickle
Breckinridge	Hagedorn	Pike
Brinkley	Hall	Pressler
Brooks	Hammer-schmidt	Quayle
Brown, Mich.	Hanley	Quie
Brown, Ohio	Hansen	Quillen
Broyhill	Harsha	Regula
Buchanan	Hefner	Rhodes
Burgener	Hightower	Rinaldo
Burke, Fla.	Hollenbeck	Roberts
Burleson, Tex.	Holt	Robinson
Butler	Horton	Rogers
Byron	Hubbard	Rooney
Carter	Huckaby	Rosenthal
Cavanaugh	Hyde	Rostenkowski
Cederberg	Ichord	Rousselot
Chappell	Jeffords	Roybal
Clausen, Don H.	Jones, N.C.	Rudd
Clawson, Del	Jones, Okla.	Runnels
Cleveland	Kasten	Ruppe
Cochran	Kazen	Russo
Coleman	Kelly	Sarasin
Collins, Tex.	Kemp	Satterfield
Conable	Ketchum	Sawyer
Corcoran	Kindness	Schulze
Cornell	Krueger	Sebelius
Cornwell	Lagomarsino	Sharp
Coughlin	Latta	Shuster
Crane	Le Fante	Sikes
Daniel, Dan	Leach	Simon
Daniel, R. W.	Leggett	Sisk
Davis	Lent	Skelton
de la Garza	Levitas	Skubitz
Dent	Lloyd, Tenn.	Smith, Nebr.
Derrick	Lott	Snyder
Derwinski	Lujan	Solarz
Dickinson	Luken	Spence
Dingell	McClory	Stangeland
Dornan	McCormack	Stark
Drinan	McDonald	Steed
Duncan, Tenn.	McEwen	Steiger
Edwards, Ala.	McKay	Stockman
Edwards, Okla.	Madigan	Stratton
Erlenborn	Mahon	Stump
Ertel	Marriott	Taylor
Evans, Del.	Martin	Thompson
Evans, Ga.	Mattox	Tonry
Fary	Michel	Traxler
	Mikva	Treen
Tribie	Waxman	Winn
Ullman	Weiss	Wydler
Vander Jagt	Whalen	Young, Alaska
Waggonner	White	Young, Fla.
Walker	Whitley	Young, Tex.
Walsh	Whitten	Zablocki
Wampler	Wiggins	Zeferetti
Watkins	Wilson, Bob	

NAYS—195

Addabbo	Fithian	Moffett
Akaka	Flood	Moorhead, Pa.
Alexander	Flowers	Moss
Ammerman	Foley	Murphy, Ill.
Anderson, Calif.	Ford, Tenn.	Murphy, Pa.
Anderson, Ill.	Fraser	Myers, Michael
Annunzio	Fuqua	Natcher
Applegate	Gaydos	Nix
Asp'n	Gephardt	Nolan
AuCoin	Giaimo	Nowak
Badillo	Gibbons	Oakar
Barnard	Ginn	Oberstar
Baucus	Gore	Obey
Beard, R.I.	Hamilton	Ottinger
Benjamin	Hannaford	Panetta
Bevill	Harkin	Patten
Biaggi	Harrington	Patterson
Bingham	Harris	Pattison
Blanchard	Hawkins	Pease
Blouin	Heckler	Preyer
Boggs	Heftel	Price
Boland	Hillis	Pritchard
Bolling	Holland	Pursell
Bonior	Holtzman	Rahall
Bowen	Howard	Railsback
Breaux	Hughes	Reuss
Brodhead	Ireland	Richmond
Broomfield	Jacobs	Risenhoover
Burke, Calif.	Jenkins	Rodino
Burke, Mass.	Jenrette	Roncalio
Burlison, Mo.	Johnson, Calif.	Rose
Burton, John	Johnson, Colo.	Ryan
Burton, Phillip	Jones, Tenn.	Santini
Caputo	Jordan	Scheuer
Carney	Kastenmeier	Schroeder
Carr	Keys	Seiberling
Chisholm	Kildee	Shipley
Cohen	Koch	Slack
Collins, Ill.	Kostmayer	Smith, Iowa
Conte	Krebs	Spellman
Conyers	LaFalce	St Germain
Corman	Lederer	Stanton
Cotter	Lehman	Steers
D'Amours	Lloyd, Calif.	Stokes
Danielson	Long, La.	Studds
Delaney	Long, Md.	Thone
Devine	Lundine	Thornton
Dicks	McCloskey	Tsongas
Diggs	McDade	Tucker
Dodd	McFall	Udall
Downey	McHugh	Van Deerlin
Duncan, Oreg.	McKinney	Vanik
Early	Maguire	Vento
Eckhardt	Mann	Volkmer
Edgar	Markey	Walgren
Edwards, Calif.	Marks	Weaver
Eilberg	Mathis	Whitehurst
Emery	Mazzoli	Wirth
English	Meeds	Wolff
Evans, Colo.	Metcalfe	Wright
Evans, Ind.	Meyner	Wylie
Fascell	Mikulski	Yates
Fenwick	Miller, Calif.	Yatron
Fish	Mineta	Young, Mo.
Fisher	Mitchell, Md.	
	Moakley	

NOT VOTING—14

Brown, Calif.	Pepper	Symms
Clay	Poage	Teague
Dellums	Rangel	Wilson, C. H.
Marlenee	Roe	Wilson, Tex.
Milford	Staggers	

On this vote:

Mr. Teague for, with Mr. Clay against.

Mr. Milford for, with Mr. Dellums against.

Until further notice:

Mr. Pepper with Mr. Marlenee.

Mr. Roe with Mr Symms.

Mr. Staggers with Mr. Charles H. Wilson of California.

Mr. Rangel with Mr. Brown of California.

Messrs. TUCKER and APPLEGATE changed their vote from "yea" to "nay."

Messrs. SKELTON, ASHLEY, CONABLE, STEED, QUAYLE, JEFFORDS, BROOKS, SHARP, LUKEN, YOUNG of Texas, NEAL, WAXMAN, McCORMACK, and STARK changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SNYDER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker and my colleagues, let me preface my remarks by saying that I normally do not discuss my mail, whether constituent or otherwise, publicly or in the well of this House, and I would not today except that I met with the individual who has corresponded with me on March 12, and he at that time approved the public use of his letter in the form in which I have used it in times past and will use it today.

Let me say this, that I was not and am not an admirer of Martin Luther King's tactics or of his political philosophy, but that has nothing to do with the man's right to his philosophy or his right to live.

I opposed this resolution when it was up in February, and I speak today not to vouch for the truth or accuracy of the allegations to which I refer and which I will read, but rather to explain my own position in voting to continue the investigation of these allegations.

On February 28 I received a letter, and as I read it to the Members I will insert blanks. The original has the names there, but I believe it best not to read them until the allegations are investigated:

Congressman GENE SNYDER. Sir: I retired from (blank) police department in (blank) after serving (blank) years. While I was in the police dept. I was innocently involved in a conspiracy to assassinate Dr. Martin Luther King. Involved in this conspiracy were agents of the FBI; Agents (Blank), (Blank) and (Blank) and others that I did not know. Members of the (Blank) Police Dept. Chief of Detectives (Blank), Capt. (Blank), Lt. (Blank), Officer (Blank), Lt. (Blank) of the Homicide Bureau and president of the F.O.B. (Blank).

They offered 500,000 dollars to me to assassinate Dr. King. The offer was made to me in my auto which was equipped with a tape recorder and I have a recording of this conversation.

At the same time this offer was made I was under an intense investigation by the (Blank) police dept. and F.B.I. I was suspected of being involved in a (Blank) ring operation in (Blank) where I was born and raised.

On three different occasions I was threatened by F.B.I. agents. In the month previous to the King assassination I was threatened seven or eight times by people I did not know.

When I retired from the police department I went to see (blank) of United Press International who stands me up everytime I make an appointment for him to hear the tapes. He did give me the names and address of James Earl Ray's attorney, Bernard Finsterwald, suite 600, 910 16th Street, N.W., Washington, D.C. 223-1667. Area Code 202-555-1212. I contacted Bernard Finsterwald who referred me to James Lesar, 1231 4th Street, S.W., Washington, D.C. 20024 Area Code 202-484-6023.

I contacted these people both by phone and letter several times and they refused to hear the tapes. I offered to bring them to Washington at my expense. They wanted me to mail them the tapes.

They referred me to their investigator

Harold Weisberg, Route 12, Frederick, Maryland, Area Code 301-473-8186. I talked to Weisberg on the phone, who wanted to know what business it was of mine and where I was going to hide if I tried to do anything with the tapes. I have not tried to contact these people in the last year.

I have written to James Earl Ray but have been unable to contact him. I dont think his attorneys are on his side. I would like your help in contacting James Ray. Also refer this letter to the Committee investigating the assassination of President Kennedy and Martin Luther King.

Respectfully,

When I received that letter I sent it in a sealed envelope, hand-carried, to the then chairman of this committee and the ranking minority member, because I thought it should be up to them as to whose hands they would want this kind of content to fall into. The gentleman from Ohio (Mr. DEVINE), the ranking minority member, a former member of the FBI, advised me that he checked this fellow out and that he checked out as a solid citizen.

As I indicated, I have talked to him face to face. I believe he is a solid citizen.

I recommend that this gentleman come to Washington. I understand he has been interrogated by the staff of this committee for several hours, and he has turned over to them this tape recording. I understand that they have verified that the age of the tape is approximately what the man says it is.

The SPEAKER. The time of the gentleman from Kentucky (Mr. SNYDER) has expired.

(By unanimous consent, Mr. SNYDER was allowed to proceed for 2 additional minutes.)

Mr. SNYDER. Mr. Speaker and my colleagues, I make no charges or allegations against anyone. I have always had and I still have confidence in the law enforcement agencies of this Nation. But nevertheless, I do believe that allegations such as these should be investigated. For that reason, today I shall vote to continue the committee.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield to the Delegate from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. I thank the gentleman for yielding.

Mr. Speaker, I think we must commend the gentleman for bringing this information to the attention of the committee and the House of Representatives. I assure the gentleman that, as our report indicates, it is among several leads that we have which we are presently pursuing, leads that suggest that there was a plot or plots to assassinate Martin Luther King, Jr., prior to the fatal day of April 4, 1968.

I simply want to commend the gentleman for having bought this lead to our attention. By doing so, you have given the Nation an instructive example of the seriousness with which a majority of the Members of this House are prepared to pursue the facts in these very important investigations.

Mr. SNYDER. I thank the gentleman.

Mr. Speaker, I do not know, of course, the truth or veracity of these allegations; but I say if they are true, that needs to be found out, and if they are not true, the FBI and the rest need to be exonerated.

Mr. JENKINS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise somewhat reluctantly to oppose the continuation of the Select Committee on Assassinations. I do so reluctantly, because Dr. King was a great leader from my own State, and the late President John Kennedy was one of the most loved and best respected of all Presidents, who had the overwhelming support of the people of this Nation and of my own State.

Nevertheless, I am convinced by commonsense and, I hope, unbiased judgment that the continuation of this committee will not only serve no real useful purpose, but on the contrary, it will do the very opposite of what we are attempting to do and want to do.

As I look back through the pages of history, I realize that following the murder of any great leader the doubts and the guilt and the remorse and the confusion always lead to theories, hypotheses, and speculation that are never totally refuted. There is little hope of dispelling all of the possibilities—the possible conspiracies and the potential unlawful agreements—and this Congress will not be successful if that is the intent of this resolution.

The writers are still speculating today as to the people who were really involved in the Lincoln assassination. Contained within the 70 or 80 books of which I am aware relating to the Lincoln death there are theories that Great Britain was involved, that France was the guilty country, that Jefferson Davis and the South were the real conspirators, that the Roman Catholic Church commissioned the deed, that Lincoln's Cabinet was involved, that Mary Surratt was totally innocent, that Vice President Andrew Johnson hired the assassin, that Canada was deeply involved, that John Surratt was an active participant, although never convicted—and the list goes on and on and on.

Mr. Speaker, the hour of decision in this matter today is not upon this Congress and this House. There was a responsibility upon the Congress some 12 years ago to unearth the facts and to reveal its findings to the American people. How that duty was performed may be open to legitimate criticism and study today, but there is no possible way that this Congress can turn back the pages of history to reconstitute an investigation into events that occurred over a decade ago. That hour of decision is gone, and regardless of how much money we spend with this resolution today, that opportunity to perform a more thorough or a different style of investigation cannot be repurchased by whatever money we allocate.

Mr. Speaker, I can conceive of no real benefit that we will derive from this committee. I have the very highest regard for its members and their sincere desire to quiet the doubts of our people concerning these tragedies, but they have an impossible task. If we were commencing today with a new committee and a new staff, without acrimony or distrust and with a clean slate, the job would yet be impossible of satisfactory conclusion. But we cannot even give them that clean slate.

Mr. Speaker, I am convinced that whatever the finding of the committee might be, whatever its revelations, the American people will not accept those findings because, for whatever the reasons, this committee is tainted and suspect in the minds of the people. If no new revelations are forthcoming, I can see the new books coming off the presses now to indicate that a conspiracy was involved to remove the chairman or to remove the chief counsel or to limit the funding of the committee or to restrict the staff of the committee.

The SPEAKER. The time of the gentleman from Georgia (Mr. JENKINS) has expired.

(By unanimous consent, Mr. JENKINS was allowed to proceed for 1 additional minute.)

Mr. JENKINS. Mr. Speaker, let me complete my presentation.

Furthermore, if new hypotheses are developed, can we believe that the people will accept those conclusions that are derived from a committee that is plagued with such problems? I fear that we will accomplish nothing by this action today. The millions of dollars that we spend under this resolution could be better spent in other areas.

Mr. Speaker, I oppose the resolution.

Mr. DEVINE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, one of the Members who spoke earlier in the well and addressed the Members of the House was the gentleman from Arizona (Mr. RUDD), who is a former FBI agent and who is vitally concerned that it may be that this investigation is going the direction of being critical of our intelligence agencies. It is a real concern.

I, too, am a former FBI agent, and I am concerned about that.

But let me say this to the Members: During the short life of this start-and-stop and start-again committee we have had total and complete cooperation from the Bureau in seeking information, at least up until the time when our former chairman saw the Attorney General and shut off our water so we could not get any more information.

That source has now again been opened, and we are having total cooperation.

Mr. Speaker, I voted against this select committee when it originated last September, because I did not think any useful purpose could be served. I thought, by golly, here we have an election year. The Democrats want to crank this up so that they can get the emotions of the country aroused. Anyway, they did pretty well.

Then we came back after it expired in February. I again voted against it, because the resolution in February only gave us 60 days. No one could conduct any kind of inevstigation on anything in 60 days.

Mr. Speaker, I come before the Members today with a rather heavy heart. We, the Congress, have done a great injustice to a great American. I am speak-

ing of Richard Sprague, and that might surprise the Members.

Here is a man who, I think, has integrity; he has efficiency; he has honesty, and he was doing a professional job, notwithstanding the scurrilous remarks that have circulated in this Chamber and elsewhere about him. He personally sacrificed his future by resigning last night. Why? Because we took a whip count in this House, and in counting noses, it looked as though there were enough Members of this House to say, "We will not vote for this committee unless you get rid of Sprague."

Mr. Speaker, he could have stood firm. We could have fired him, but he said:

> This investigation is too important for one man or one man's career to stand in the way of this committee's having success on the House floor today.

Mr. Speaker, I say to the Members that I have worked with the professional staff that Mr. Sprague got together. I have worked with the fine members of this committee; and under the chairmanship of our colleague, the gentleman from Ohio (Mr. STOKES), I am totally confident that this investigation can go forward in a meaningful manner. We may come up with the same conclusion as the Warren Commission and the Church committee did; but there are many unanswered questions like those brought up by the gentleman from Kentucky (Mr. SNYDER) in the committee. We have a large number of unanswered questions in both cases. This is a two-pronged investigation into serious questions that must be answered.

Therefore, Mr. Speaker, I would say to the Members that there is enough information available for this House to exercise its will as it has done on two previous occasions.

What has happened in the interim period other than the lousing up of the staff and a personality problem? What is any different from what existed last September and last February as to the need to answer the unanswered questions in this matter?

Mr. Speaker, I urge my colleagues here in the House to vote favorably on this resolution.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Texas.

Mr. KAZEN. I was interested in one statement the gentleman from Ohio (Mr. DEVINE) made about the former chairman of this committee shutting off any cooperation between the FBI and the committee.

What kind of action did the gentleman take in this respect?

Mr. DEVINE. The former chairman—and he is here and can verify this—personally went to the Attorney General of the United States and asked that all access to FBI files be terminated.

Mr. KAZEN. What was the background for that?

Mr. DEVINE. I think this was at the time that there was a dispute on whether or not Mr. Sprague and the rest of the committee should continue. This was a unilateral action, and I am sure that the gentleman will correct me if I say anything inaccurate.

Mr. WYDLER. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Speaker, I would just like to say, as far as the gentleman's statement is concerned, that I, too, have sat and listened to the gentleman from Kentucky (Mr. SNYDER) read that letter.

It would seem to me that that might be investigated at least to find out whether it is or is not a true statement.

However, would it not be just as effective and just as easy to give that statement, for whatever it is worth, and the data, for whatever they are worth, to the Department of Justice and let them tell us if there is anything to it? Can they not do that? Do we have to have a $5 million House of Representatives committee, which really only speaks for one body of Congress, do this entire type of investigation? We still have the Department of Justice. I have great confidence in it.

Mr. Speaker, I would like to see them do that kind of investigation. Why can they not do it?

Mr. DINGELL. Mr. Speaker, I rise to strike the requisite number of words.

Mr. Speaker, the events of the death of Martin Luther King and the events of the death of Robert Kennedy and John F. Kennedy were terrible. They were great men, and all of us here present in this Chamber honored them.

The events occurred a long time ago. The evidence is cold. Witnesses have moved on. Memories have grown frail. Papers have disappeared. Investigations have been carried out to their end. Those found guilty have been sentenced. And to pursue a trail now that is so old would be enormously difficult and of doubtful productivity.

I do not want my colleagues to think I am some kind of reactionary or conservative, because throughout my career I opposed the Un-American Activities Committee which had less power than this committee seeks from the House today. It was a committee which was known for its excesses, its violations of the rights of Americans, of its behavior in a circus atmosphere, which brought shame and discredit upon the House of Representatives. Now we seek to reconstitute that kind of a circumstance here. This committee received a provisional grant of life from this body in January on the assumption that during that period of time they would come forward with some evidence as to the killings of the great Americans who are the subject of this supposed investigation, during which time nothing has happened except they have overspent their budget, they have wrangled in a most unseemly fashion over all circumstances. There has been continuous disharmony, disorganization and outrage within the bounds of the committee. Not one thing has been done.

The mandate of the House of Representatives was that on conclusion of that time period they would be back before us with some facts which would justify their continued existence, with some evidence of conspiracies, or some evidence of unpunished or uninvestigated wrongdoing or of failure of the law enforcement officials to properly investigate and carry out the investigations of the deaths of these three great men.

I have here, and all of the Members of the House have a copy of it, the report with regard to this matter. I challenge any Member of the House to find in this report one word, one sentence which indicates that this subcommittee, which seeks $2.7 million of the taxpayers' money, and it is not our money, it is the taxpayers' money, should be granted this money to spend upon an investigation.

Now they have overspent their money so far, they have wrangled without end and they have presented no evidence.

How much longer must we wait for them to come forward with the smallest smidgen of the promised evidence to justify an expenditure of $2.7 million?

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Michigan for yielding to me.

I would ask the gentleman from Michigan, in light of the fact that the gentleman has twice made the statement that we have overspent our budget, if the gentleman would give us some evidence of this, in light of the fact that in my earlier presentation today I presented to the House evidence of the fact that this committee has lived within the constraint of $80,000 per month given them in January, February, and March.

In that respect I read into the record a letter from Mr. Cable relative to this matter. And I cite the fact that at the present time the total expenditure allocated to us being $247,388.89 for the period of January 3, 1977, to March 31, and that as of today we have $433 left over in that budget.

Mr. DINGELL. They are $433 within the budget?

Mr. STOKES. That is correct.

Mr. DINGELL. Mr. Speaker, I am not going to debate with the gentleman from Ohio as to whether they have stayed within their budget, but there have been continuous charges emanating from the committee, including comments by the former chairman, that they have overspent their budget. The gentleman from Ohio has said that that is not right. The gentleman from Ohio has corrected me in my statement and I rejoice that that is not so.

But despite that fact, there is not one smidgen of evidence given of failures of the law enforcement officials in the investigation of the death of Dr. Martin Luther King, Jr., and of the deaths of either of the two Kennedys, John F. Kennedy and Robert Kennedy, or that these investigations have in any fashion been inadequately carried out by the law enforcement officials. Nowhere in this report, which is supposedly a document upon which we bottom our judgment as to the merits of this committee, is there such information.

The resolution should be voted down

and we should get on about the business of the House.

Mr. SAWYER. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I had not come in here with the intention of speaking to this subject, and I certainly would not speak to it based on any tenure or status I have here in the House. I do, however, feel I have some qualifications. I spent 31 years full time as an active trial lawyer. I had a 52-man law firm. I am a fellow of the American College of Trial Lawyers, a fellow and director of the International Academy. I spent the last 2 years as prosecuting attorney in a county of 425,000 people. I may be one of the few people who have both successfully defended five first-degree murder trials and successfully prosecuted five first-degree murder trials. My last experience was with a grand jury I constituted to investigate some old murder cases that had grown over a year old and up to 5 years old. We managed to break seven of them, one being a contract-conspiracy murder. So I have a little appreciation of the problem.

For those Members who might not have had this appreciation, let me tell them that when we get involved in these investigations of old cases, we have everything come out of the woodwork. If the matter is getting any publicity, we are deluged with people who are attracted by the glare of the spotlight and who then come forward with all kinds of rumors—some having enough semblance of truth that we have to spend time to run them down. Everybody who is spending time in prison who has any connection, remote or otherwise, with these killings comes forward to try to buy time off, to buy a reduction of sentence, to do all kinds of bargaining. This is a tough professional job, and it is tough enough to do when one is in the cloister of a grand jury. But when we start then to do this kind of highly professional, extremely difficult job under the glare of the media—and the national media which attracts kooks like flies, and where everything is there—this just is not the forum within which to tackle this kind of case.

The House of Representatives might do very well to constitute such a committee to investigate the Korean money situation because that involves them. This is clearly not the mission for a legislative committee, other than perhaps to attract a lot of publicity. It is not the place for the job, and I urge the Members to vote against it and save the taxpayers $5 million.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

I want to join the gentleman from Michigan in that sentiment. I think this is the greatest body for legislation that exists in the civilized world. I think we are pretty good investigators, and I think we are awfully poor inquisitors.

I join the gentleman entirely in his views.

Mr. SAWYER. I thank the gentleman for his comments.

Mr. ALLEN. Mr. Speaker, I move to strike the last word.

I rise, Mr. Speaker, to engage the distinguished Chairman, the gentleman from Ohio (Mr. STOKES) in colloquy, if I may. I would ask the gentleman from Ohio (Mr. STOKES) the question that bothers me in considering this resolution, and I would hope that he can answer it for me to my satisfaction. In that way would the continuation of this committee or its investigation serve the Congress in its consideration of any legislation now pending or contemplated?

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the gentleman for yielding.

In the original resolution constituting this select committee, a part of the mandate of the Congress is for the committee to propose legislative proposals to the Congress based upon their findings in both the assassinations.

Mr. ALLEN. Just what kind of legislation could possibly be recommended based on any findings of this committee and its investigation?

Mr. STOKES. If the gentleman will yield further, I would say to the gentleman it is difficult for me at this point in time to be able to say what type of legislative proposal would be based upon conclusions of investigations that would take some time. We are in the initial stages of the investigative process. Obviously, I was unable to say to the gentleman today what conclusions this committee will come to after sorting out, evaluating, and analyzing all the evidence.

But hopefully we will be able to restore the confidence of the American people in their governmental agencies, and that is the problem or the purpose for which we were originally established.

Mr. ALLEN. One more question of the chairman and I will terminate my questioning.

In just what respect does the gentleman think that this investigation is any different from what normally would be handled by the regularly constituted law enforcement agencies and the grand jury? And certainly the Congress does not pretend to be a grand jury or law enforcement agency but rather a legislative body.

Mr. STOKES. I think I need only make reference to the Warren Commission report which we now know the FBI and other agencies of the Government participated in and we know now certain evidence was withheld from that Commission. We know that certain false information was given to that Commission and we know that governmental law enforcement agencies were involved in that process. So I say to the gentleman that an independent body such as the United States Congress needs to investigate and analyze in both of these matters.

Mr. ALLEN. The gentleman does not feel that the present Department of Justice under its new leaders can conduct that investigation impartially and thoroughly and in depth?

Mr. STOKES. If we are assigned the responsibility of investigating these matters and a part of the investigation is for us to ascertain whether or not those Government agencies did in fact what they were supposed to do in those types of investigations, whether they talked to all the witnesses they should have, whether they withheld information, whether they covered up information, obviously we cannot use those agencies to police themselves.

Mr. ALLEN. I thank the chairman.

Mr. KOCH. Mr. Speaker, I move to strike the last word.

Mr. Speaker, it took a very long time to get the select committee appointed. I remember that I was a cosponsor of that resolution. It took literally years until the House voted in favor of appointing the committee. The reason that this House ultimately appointed the committee was that when we went back to our districts people said, and I think almost everyone in this House agrees, that they were not satisfied with the results of the two investigations that are the subject matter of this resolution. I doubt that there is anyone who would get up and defend those investigations by law enforcement authorities as absolutely thorough and complete.

The charge is made that the investigations will never be complete, that they will never be thorough. That really is not an adequate excuse in my view. It may very well be that this House select committee will not be able to do a thorough, complete job. It may be. But I think that the committee will do a thorough and complete job and satisfy the American people that all that could be done was in fact done.

Some aspersions, if you will, not intentional, have been cast upon the ability of the members of the select committee to do the kind of job that would make this House proud, and the fear is that in some way the investigation would become a circus. I remember when we had the impeachment proceedings, and the single group of men and women that brought this House to its highest point in public esteem was the Judiciary Committee because it conducted itself in a way that made not only everybody in this House, but everybody in this country, proud.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I share the gentleman's sentiments regarding the Committee on the Judiciary, that it should have the authority to handle this matter. Would the gentleman support a motion to recommit this entire matter to the Committee on the Judiciary for further evaluation as to whether it should continue at all?

Mr. KOCH. The answer is no.

Mr. BAUMAN. I am sorry that the gentleman would not.

Mr. KOCH. Let me tell the gentleman why. Every Member of this House, just like the gentleman who just rose, was very proud of the way the members of

the Committee on the Judiciary conducted themselves. I say that in the same way we will be proud of the people on this select committee. Their names are known to us, but let me read them:

The gentleman from North Carolina (Mr. PREYER).

The delegate from the District of Columbia (Mr. FAUNTROY).

The gentlewoman from California (Mrs. BURKE).

The gentleman from Connecticut (Mr. DODD).

The gentleman from Tennessee (Mr. FORD).

The gentleman from Indiana (Mr. FITHIAN).

The gentleman from Pennsylvania (Mr. EDGAR).

The gentleman from Ohio (Mr. DEVINE).

The gentleman from Illinois (Mr. ANDERSON).

The gentleman from Connecticut (Mr. MCKINNEY).

The gentleman from Nebraska (Mr. THONE).

There is not a single member of that select committee of which I am not proud. I believe that they will conduct themselves in a way that will make this House feel very proud. Furthermore, I believe that if we vote this resolution down that the American public will say that there has been another effort to prevent the truth from being known. Whether it is intended that way or not is not of importance. The credibility that the House has with the American public is at stake and that is why it is essential that we pass this resolution.

Mr. Speaker, for the benefit of my colleagues I would like to read the following letter into the record from 33 individuals who have sent their letter to President Carter and the House Select Committee on Assassinations. Without passing judgment on any of the charges therein I would like to share its content with this House:

MARCH 24, 1977.

DEAR PRESIDENT CARTER: One is tempted to speculate on the recent troubles of the House Select Committee on Assassinations. Would it be, one can wonder, in the interests of high officials in the CIA and the FBI to cooperate with such a committee when such questions as Oswald's links to the CIA or the FBI's alleged malfeasance in the investigation of the slaying of Martin Luther King could be patiently, even authoritatively explored while new evidence further damning the FBI and CIA could also be discovered? (Indeed, who in these organizations would be certain there was no such damning evidence?) Under these circumstances, how could the CIA and the FBI live with the Select Committee on Assassinations? How could they not be ready to apply pressure and sabotage against its workings?

It is, however, in the interest of the American public to have the Committee in existence. The Select Committee on Assassinations may be imperfect, impractical, and a demon for poor publicity. For all we know, it may be riddled with undercover men. But it is the only investigating body we have in the House of Representatives with the obligation to subpoena recalcitrant witnesses on these matters and the duty to listen to witnesses who have studied the flaws in the Warren Commission report for years. By its existence, therefore, the Committee represents a threat to anybody who would hope to maintain public apathy about the assassinations.

Such public apathy exists for good reason. So long as we believe that it is impossible to learn the truths of Dallas or the truths of the murders of Martin Luther King and of Bobby Kennedy, then such deaths are too depressing to contemplate. Yet we pay an incalculable price for living with these unsolved crimes. A clear idea of the character of the events of the recent past is essential to a democracy: without knowledge of what actually happened in an event, how can one debate its meaning? If we do not know whether Jack Kennedy was killed by the demented act of an isolated man, or whether by the concerted acts of a group of conspirators who employed Oswald as the set-up; if we do not know whether the murder of Oswald by Jack Ruby was an attempt to spare the First Lady all the discomfort of appearing at a trial, or an order that came to Jack Ruby out of the chain of communication that ran between the CIA and the Mafia, then we do not know which history we can act upon.

Now we have a new administration seeking to take America out of the historical despondency of the last decade. How promising if this new administration and Congress will recognize that the assassinations of the sixties are not old scars to be covered but unseen bruises that still deaden the confidence of America. For the shadow of the assassinations keeps us thinking we do not have a history that can bear exposure. That is a deadening suspicion. Basic to good feeling about our country is our ability to believe that our representatives are brave enough to undertake thoroughgoing investigations of the role of government itself, no matter where that may lead! Such a need will obviously not be satisfied by stopping the work of the House Select Committee on Assassinations and we, the undersigned, send this letter to President Carter and to the House of Representatives in the hope it will serve the idea that the continuing life of the Select Committee and the voting of an appropriation adequate to its needs are matters of significance to the pyschic well-being of this Republic.

Respectfully signed,

Norman Mailer, Edward Albee, Robert Bly, Malcolm Cowley, Will Durant, E. L. Doctorow, Allen Ginsburg, Doris Kearns Goodwin, Richard Goodwin, Francine du Plessix Gray,

John Hawkes, Shirley Hazzard, Joseph Heller, Larry King, Stanley Kunitz, Joyce Carol Oates, Denise Levertov, William Phillips, Richard Poirer, James Purdy, Dotson Rader, Muriel Rukeyser.

Mark Schorer, Meyer Shapiro, Wilfred Sheed, Francis Steegmuller, Wallace Stegner, William Styron, Hunter Thompson, Kurt Vonnegut, Jr., Richard Wilbur, Irving Howe, and John Aldredge.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. KOCH. I yield to the distinguished gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman for yielding.

Just as the gentleman from New York is proud of the members of the committee, I also am very proud of the patriots of excellence who were members of the Warren Commission, my husband among them.

I would like to say to the House that I was told on many occasions by the chairman of that Commission, Chief Justice Warren, that Hale perfected the language that made it possible for all those members, those excellent members of that Commission, to be able to sign the Commission report unanimously. That language was:

In accordance to the evidence that has been presented to this Commission we find no evidence of a conspiracy.

Mr. Speaker, I have voted for the resolution before. I intend to vote for it today, because I think that it is not a reflection on the members of the Warren Commission. It is their feeling that if new evidence, indeed, could be brought forth, then it should be.

The gentleman from Louisiana (Mr. TREEN) and I had lunch today with 60-odd young people from our area. We asked for a show of hands among the young people on whether or not they approved of continuing this investigation and this committee. Overwhelmingly, they were in favor of it. Whatever the cost, however cold the trail may be, we owe it to the young people of this country to see that this body has done everything in its power to regain their confidence in the Government.

Mr. KOCH. Mr. Speaker, the gentlewoman has presented the position in a way that no one else could improve upon.

Mr. MCKINNEY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I had not intended to speak today, because as a member of the committee I felt that perhaps my words would not be given any real weight of judgment. There seems to be, however, a misconception of what this committee is about doing. I think that the gentlewoman from Louisiana said it far more succinctly than I could have. but I want to add to it. Eleven members, now twelve, four very disparate Republicans, eight very different Democrats, have tried to tell any of us who would give the time in secret session, "Yes, we know a great deal new, and it bothers us."

Some of you have taken the time and the effort in our busy schedules to come and accept that opportunity. We think we have changed some minds with the facts.

Mr. Speaker, I have heard today the most outrageous statements about how this committee is out to slander the organizations of our Government. It is not. I have heard that this committee has not found new information. It has. I have heard that this committee has been in turmoil. It has not been. The press has made it appear to be in turmoil. I have never, in my entire legislative history, worked under a man—in fact, two men—that I could better go before this House for commendation: RICHARDSON PREYER and LOUIS STOKES. They are the hardest working, fairest, most honest individuals I have ever been associated with in a leadership position.

I could have come before the press of this Nation and this House and torn the majority party's handling of this situation apart. I have not done so. I believe in this. I am not going to stand here and say that you have to endorse STU MCKINNEY or anything else, but I am going to tell the Members something: I am an honest man. I believe in this country. I believe in what it stands for, and I believe that if this investigation is cut off

in the last possible council it will ever have, the people's House of this country, that if this investigation is cut off I will personally feel that this body, to which I am proud to belong, has done the intelligence, and I think the morality of the American people, one of the greatest disservices it could have ever done.

I am not going to be dramatic or anything else, but, Members of the House, I am going to tell you something: I came on this committee with no preconceived notions. I belive my colleague from Ohio (Mr. DEVINE), who voted against this committee twice, had the same feelings. Both of us, I think, have put before the Members our reputations and our belief that if this does not go ahead, this country is in very serious trouble, and our reputation for credibility is equally in trouble.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. MCKINNEY. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, let me say that there has been no comment at all in this debate today with respect to personalities. There have been no disparate remarks about any member of the select committee. We do not question the sincerity of the members or their dedication to their task. We have left out all name calling, and I think that is commendable on the part of this body.

My question is, do we continue it under the present setup or do we send it to the Department of Justice or continue it in some other way? We are not killing it, but trying to determine which direction to go.

Mr. MCKINNEY. In the privacy of my office or any other place in this building, I will be delighted to meet with the gentleman and counsel with him. I wish I could stand here in the middle of this whole House, in the middle of this difficult process, and tell the Members what I know, but the minute we do that, upstairs becomes the investigation, not the House of Representatives.

The SPEAKER. The time of the gentleman from Connecticut has expired.

(On request of Mr. SISK and by unanimous consent Mr. MCKINNEY was allowed to proceed for 2 additional minutes.)

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. MCKINNEY. I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, I appreciate the comments of my colleague from Connecticut, but as one of those who received, so far as I know, a secret briefing—at least, that was the point I understand, and I believe the gentleman was in the room at that time——

Mr. MCKINNEY. Not for that particular briefing, but I have been for many others.

Mr. SISK. Well, this was a special briefing for the Rules Committee. Let me say to my colleague that I had understood that, as he said, that there was some new evidence—and I am not here going to reveal any of the things that were said there in the presence of a group of Members, and Members exclusively, but I will say this: That I read rather carefully the material we were given plus listened very carefully, and I have great respect for the gentleman from Ohio (Mr. STOKES), but the truth of the matter is that the only thing I heard was that you had information that X heard Y tell Z something.

I mean this sincerely: I had hoped to be able to support this effort. There has been a change in staff. But the truth of the matter is—and I say this in all kindness to my colleague from Connecticut—at that so-called secret meeting we absolutely were not given any new evidence or any justification for the continuation of this commitee, as I heard it. Maybe I am not hearing as well as I should.

Mr. MCKINNEY. Of necessity, the briefing the gentleman had was reduced. But far more important, there was a decision made by this committee, which has on it, for instance, an ex-Federal judge, and the decision was that we were never going to say, "Prima facie, this is proof," until we have validated every single aspect of any one of our informants' statements.

As the gentleman well knows, without a telephone for a long time, without any availability of transportation, this has been difficult.

Do we believe what we now know? Yes. But we will not tell you until it is proven.

Mr. HUGHES. Mr. Speaker, I move to strike the requisite number of words, and I rise in support of the resolution.

Mr. Speaker. I know my colleagues are getting rather impatient, and understandably so; and I had not intended, really, to take the well today to speak for or against the resolution. I have listened to all of the debate today. I missed the secret briefings. I had intended to attend them, but unfortunately my schedule did not permit. I did receive a private briefing, however, and I am privy to much of the information that is available to the committee. I have read the secret and confidential reports, and I want to say that every Member of this House should avail themselves of that opportunity.

A colleague of mine, just awhile ago, got up before us and indicated that he had a great deal of trial experience to draw on as he considered this issue. I do not doubt one bit that he experienced many of these things that I experienced in some 10 years of law enforcement. I know how difficult it is to try to pursue a cold trail. I know that the kooks will come out of the woodwork. They will come out, anyway. We do not have to have this kind of an investigation to bring them out.

I was not very happy, I am frank to admit, with the testimony of Santos Trafficante. I think if one of the committee members had asked him whether he agreed it was a nice day, he would have taken the fifth amendment.

I am also concerned about the $2.7 million, funding level at a time when we are struggling to find sufficient moneys for all kinds of things. I do not really fault anyone on the side of the issue because I think it is an issue upon which reasonable men can differ. I had intended to vote against this resolution. That was the direction I learned. But I think it is essential that we vote to continue this committee. I am satisfied that we have a good chairman and that we have a good committee. I know each member of that committee personally, and I think they will do credit to this Congress. I am satisfied that the American people expect us at this time to do what is best for the country. I am not satisfied that we are going to really put to rest all of the issues that are raised. I do not think that will ever happen. I wish it were the case.

But I have seen enough in the confidential files to satisfy me that we must continue this committee to pursue the new leads developed by the committee in its short history. We must put to rest as many of the issues and as much of the uncertainty as humanly possible.

I, therefore, urge my colleagues to join me in supporting House Resolution 433 reconstituting the Committee on Assassinations.

Mr. QUILLEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, let me ask the chairman of the committee a question or two, not in an embarrassing way, but certainly in a factual way.

Mr. Sprague resigned, and the committee accepted his resignation?

Mr. STOKES. If the gentleman will yield, that is correct.

Mr. QUILLEN. Is Mr. Sprague still on the payroll?

Mr. STOKES. We have not yet had an opportunity to sign the proper vouchers to terminate him from the payroll. This occurred at 10 o'clock this morning.

Mr. QUILLEN. Will he be off the payroll as of today, or will be given a 30-day notice or a 2-weeks notice, or will he remain on the payroll for a period of time?

Mr. STOKES. Mr. Speaker, we had no discussion with Mr. Sprague relative to any time frame, and I assume that the resignation was effective at the time it was accepted by this committee.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman for his answers.

Mr. Speaker, in line with the colloquy that was had with the gentleman from California (Mr. SISK), I wish to say that I, too, attended a secret meeting with the committee chairman, the gentleman from Ohio (Mr. STOKES), and other members of his committee, and I believe that if the Members of this House could have just one substantial new disclosure to hang their hats on, it would be helpful.

There were things I read in the documents at that time which have been revealed since in the press. One was about James Earl Ray's brother being involved in the conspiracy. The letter that the gentleman from Kentucky (Mr. SNYDER) read a moment ago was top secret. The things that were secret and that were divulged to the members of the Committee on Rules, I say to the gentleman from Ohio, have been made known in general terms.

Without divulging any secret information, does the gentleman have anything that he can give to this House at this time? I know that we hear about strip-teasers who have been converted. We hear this, and we hear that; we hear ru-

mors of activities of members of the staff of the select committee. But does the gentleman have anything that he can tell us in the way of new information that we can hang our hats on?

Mr. STOKES. Mr. Speaker, if the gentleman will yield further, I say to the gentleman that I certainly can, because the gentleman knows that in the briefing which we gave the gentleman concerning both cases, both the Kennedy case and the King case, we had sensitive materials that came out in that private briefing, that executive briefing, and for the first time we revealed certain names of certain individuals who have never been interviewed in either of those investigations. We also had new and unpursued leads, and we asked, because of the sensitive nature of the material, that all that material be given back to us and not revealed publicly. The purpose of the executive briefing was so we would not be in the position of having to endanger the lives of certain persons by revealing that type of testimony openly relative to murder investigations.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman.

I hold in my hand a news article that I referred to this morning in my colloquy, and that concerns the gentleman who killed himself. That name was revealed. Let me quote from the newspaper article:

> The Oltmans interview developed into a national news story and sent investigators from the congressional committee scurrying to Dallas in search of De Mohrenschildt and his acquaintances. As of Friday, however, the probers had not inquired about his records with the Dallas County Mental Illness Department.

The name was revealed not under the leadership of the gentleman from Ohio (Mr. STOKES), but by the committee at a prior time. The man has now killed himself.

Mr. STOKES. Mr. Speaker, I would respectfully ask the gentleman to retract that statement. In no document that we have ever presented to the gentleman has that gentleman's name appeared.

Mr. QUILLEN. No. The gentleman is correct.

Mr. STOKES. I sincerely ask the gentleman to retract that statement.

Mr. QUILLEN. Mr. Speaker, if I have misled the gentleman, I certainly do retract it. I did not say that. I said that I revealed the article which I quoted from this morning, and in the article there is allusion to the fact that staff members of the select committee went to Dallas, found that the man had had a mental health record, and know that he had a mental health record.

Mr. Speaker, I want to correct any misunderstanding on the part of the gentleman from Ohio (Mr. STOKES), because he knows the high regard that I hold for him.

Mr. STOKES. Mr. Speaker, I certainly appreciate that. I am sure the gentleman did not mean to say, as he had said earlier, that we have revealed this individual's name, because I know that we did not.

Mr. QUILLEN. No. That name was not revealed in the secret briefing.

Mr. BOLLING. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise to explore the possibilities that we have before us. I do not intend to move the previous question at this time. However, there have not been any amendments offered for quite some time, and I know there could easily be any number of amendments offered.

However, I gather that the House is beginning to feel that it would like to act on this matter; and I hope that Members will conduct themselves with that in mind.

I thank the Speaker.

Mr. STEERS. Mr. Speaker, I am in full support of House Resolution 433, which would reconstitute the House Select Committee on Assassinations. Passage of this resolution will result in a responsible and thorough investigation of the assassinations of President Kennedy and Rev. Martin Luther King, Jr.

It is of course unfortunate, that the former chairman and the former chief counsel got involved in such an unseemly dispute. It is also unfortunate that extravagant proposals were made to spend money which could better be allocated to more pressing needs.

However, the chairman has been replaced and the chief counsel's resignation has been accepted by the committee. The annual budget has been set at $2.5 million instead of $6.5 million.

I earlier voted against a proposal to continue the existence of this committee with totally inadequate funding. Subsequently, the bizarre occurrences relating to the Assassination Committee provided a deplorable and even disgraceful picture to the American public.

However, there is no reason, I feel, to believe the new chairman, Mr. STOKES, will experience the problems of his predecessor. There is no reason a new chief counsel cannot be found who will effectively perform the necessary duties of that position. We go forward with a clean slate and although there can be no guarantee of final answers to all the questions that have been raised, I believe the importance of these questions justifies making a serious effort which this resolution will initiate.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of House Resolution 433, the resolution reconstituting the Select Committee on Assassinations. I supported the original resolution creating the committee, and I was distressed by the subsequent events which have all but destroyed the original committee and its credibility. Frankly, many of my constituents were equally distraught and a majority of those who wrote to me felt the committee should be terminated.

In view of the recent disclosures and the resignation of Mr. Richard Sprague, committee counsel, however, I am willing to give it one more try, and would urge my colleagues to adopt a similar attitude. The committee has hinted that it may have some new leads, and I feel it's important that we give them a chance to follow up on those.

My support today, however, should not be construed as extending beyond that or of agreement to the funding request. Failing the development of new substantive evidence, or the presentation of a reasonable budget proposal. I will have no choice but to oppose the funding resolution due the end of May.

Mr. ASHBROOK. Mr. Speaker, I urge the defeat of House Resolution 433, which would reconstitute the Committee on Assassinations. I cannot justify pouring any more of our citizens' tax dollars into the highly questionable activities of this committee.

The brief history of the Assassinations Committee has been a strange comedy of errors. Political pundits have called it the congressional version of "The Gong Show." And the committee has lived up to this reputation with one "gong" after another.

The surprises began when the committee's chief counsel Richard Sprague requested $6.5 million in funding and a staff of 170 people. The $6.5 million, moreover, would have covered only a 1-year span. To give some comparison, the House Judiciary Committee needed only $1.5 million during a 1-year period to conduct its impeachment investigations and hearings. Under extreme pressure the budget of the assassinations panel was eventually slashed.

The next major highlight occurred when the committee chairman tried to fire Sprague, labeling him a "rattlesnake" who had to be "stomped" out of the committee's future. The full committee, however, decided to retain Mr. Sprague. Meanwhile the chairman of the committee quit in disgust. Now Mr. Sprague has also resigned. How is that for soap opera? If Mr. Sprague had stayed, I would have been inclined to reluctantly support this resolution.

Credibility is essential for a panel that is checking into the credibility of previous investigations. The Assassinations Committee, however, has so discredited itself in just a few short months as to render its work virtually meaningless. Will anyone really believe what the Assassinations Committee has to say after witnessing these antics?

It is time to bring this sad story to an end. Let us not throw away another $2.3 million on the inept workings of the Assassinations Committee.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to ask my fellow Members of Congress to support the reconstitution of the Select Committee on Assassinations. The myriad questions surounding the assassinations of Martin Luther King and John F. Kennedy are too important and persistent to go unanswered.

Public opinion surveys show that the majority of Americans have serious and continuing doubts regarding the sole guilt of James Earl Ray and Lee Harvey Oswald in the King and Kennedy slayings.

I believe that the select committee has carefully considered the criticism that has been leveled at it in recent months. This is reflected in its willingness to trim its budget request from $6.5 million to a lean $2.8 million. In addition, today's resolution requires that the committee report to the House as soon as possible on its findings and recommendations.

Of equal importance is the provision in this resolution that authorizes the com-

mittee to "bring, defend, and intervene in lawsuits and make applications to the courts." This power will enable the committee to conduct a comprehensive investigation.

For these reasons, I firmly believe that an already chastised and, hence, closely watched committee will prove invaluable in getting to the bottom of the assassinations' controversy. I urge you to vote in favor of its reestablishment.

Mr. FORD of Tennessee. Mr. Speaker, there are millions of Americans who still ponder the questions: "Who killed President John F. Kennedy?" and "Who killed the Reverend Martin Luther King, Jr.?" Feelings of outrage and suspicion surround all previous investigations into the King and Kennedy assassinations. These feelings are further complicated by a growing sense of national concern about the adequacy and integrity of the original investigations."

Until a more acceptable study is conducted and completed, the cloud of suspicion will only grow denser. On September 17, 1976, a resolution of the House of Representatives was adopted. This resolution charged the House with a mandate to conduct a full and thorough investigation into the King and Kennedy assassinations.

This mandate—stifled by a brief period of nit-picking and pettiness within the committee assigned to the task—has yet to be completed. Through a concerted effort of reorganization, sense of purpose and new factfindings, the committee has readdresesd itself to the professional task of uncovering evidence and answers relevant to the basic questions which still remain unanswered.

According to a recent Gallup Poll—February 1977—81 percent of the American public question the conclusion delivered by the Warren Commission that Lee Harvey Oswald acted alone in the assassination of John F. Kennedy. Sixty-nine percent of all Americans polled and 84 percent of all nonwhite Americans polled believe James Earl Ray participated in a plot to kill King.

It is obvious that the American public cannot accept all the inconsistencies and suspicions surounding these two assassinations. The American people simply want to know and deserve to know the answers, and we are in a good position to uncover them.

The obstacles to reconstitution are gone now: Richard Sprague is no longer chief counsel and the committee is completely unified. We have a fresh direction and a new sense of purpose. My colleagues, the committee has to act now. As we approach the eve of the assassination of Rev. Martin L. King, Jr., let us not lose sight of our mission. April 4, 1977, will mark 9 years of uncertainty around the death of Martin King.

It seems apparent, then, that we, as the highest elected officials of this great country, not only have an obligation, but we also have a duty to reconstitute the Select Committee on Assassinations. We furthermore have an obligation and duty to see to it that this reconstituted committee is charged with the mission of delivering to the curiously thirsty American public nothing less than a conclusive, credible, and reliable study.

I ask you, can we continue to deny the American people their right to hear a credible study, a study long overdue? Can we allow this long overdue study to become a longed-for never due? The answer is clearly "no" to me.

No, we cannot afford to drop the committee now for the price in time we would have to pay to get the answers tomorrow will simply be unaffordable.

I, therefore, challenge you, fellow Members, to join with me in voting, yes for reconstitution of the House Select Committee on Assassinations.

Mr. WEISS. Mr. Speaker, my support for House Resolution 433, to continue the life of the Select Committee on Assassinations for the duration of the 95th Congress is based on my firm belief that a congressional investigation of these matters is essential in order to determine the facts and to discover any wrongdoing that may have occurred by any agency of the Federal Government.

The public's confidence in various Government organizations ranging from the FBI and the Justice Department to the Central Intelligence Agency has been eroded due to evidence and allegations of misconduct. For short spurts of time, the people of this country had been led to believe that the assassinations of President John F. Kennedy and Rev. Martin Luther King, Jr., had been thoroughly investigated and leads pursued until the end. Our faith in some of the reports that have been presented to the people has been shortlived.

Mr. Speaker, my prime concern is that a full and fair search for the truth be conducted. I believe that the Congress is able to accomplish this and separate itself from the self interests that have characterized past efforts to answer our many questions on these tragedies of our lifetime.

It is also incumbent upon the Congress to conduct our own investigation with decorum and commanding the respect of the people so that we, ourselves, do not end up in the same quagmire.

Mr. DRINAN. Mr. Speaker, after carefully reviewing the report and printed hearings issued by the Select Committee on Assassinations along with all other available evidence, I have decided to vote against the passage of this resolution. It has been more than 6 months since the House voted to establish the select committee on September 17, 1976. I joined with a majority of the House on that date in the hope that a responsible congressional investigation could shed some light on these two tragic crimes.

On February 2, 1977, a 3-month extension of the committee was proposed on the House floor. Despite its complete lack of progress since the previous September, I voted to give the select committee another chance to demonstrate its worth under a new chairman.

Today we are once again faced with the decision of whether to extend the life of this committee once again or permit it to fade into oblivion. I cannot in good conscience simply ignore the record of the committee's performance to date and endorse its continuation once again. The committee has been paralyzed by internal bickering and disputes with its staff for the past several months. The chairman has resigned in anger. The staff director has quit. The unseemly feuding within the committee has become a national spectacle and a source of embarrassment to the House of Representatives.

I could perhaps overlook this chaotic record if the committee had come up with any hard evidence that its investigations were leading to a resolution of either of these cases. But no such evidence has been forthcoming. The committee's progress report is full of the same rumors and uncorroborated allegagations which have appeared in the press on various occasions since 1963. The committee is no closer to discovering the existence of a conspiracy to murder President Kennedy or Reverend King than it was 6 months ago.

I fervently wish that we could resolve these two tragic crimes once and for all in the minds of the American people. But I no longer believe that this committee can accomplish that.

I therefore believe that it is wasteful and fruitless to continue this effort. The family of the late President agrees. So does Rev. Martin Luther King, Sr. The committee should turn over all of its leads to the Justice Department which has been established to conduct criminal investigations of this type. Congress should return to its proper role as a legislative body. I urge the rejection of the pending resolution.

Mr. BAUMAN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, we have heard a great many allegations at this point regarding unrevealed new evidence.

It was my impression, based on the record of this committee during its 7 months' life, that if indeed there were any new facts the committee had come across during any secret session, by now it would have leaked out because almost every other sensational statement has come out of the committee. If the Members will go back and read the select committee's report filed in December, it alleged that there were ex-CIA agents in Mexico who could testify about prior knowledge of the Kennedy assassination. We heard there was a Portugese connection. There were statements on the part of members of the committee that the meetings with James Earl Ray would reveal new information and they did not. We heard that ballistics tests were going to be conducted. All of these things were going to provide us with new information which would support this committee's existence.

Mr. Speaker, if, indeed, there is such information, I think the House has the right to know exactly what it is before it votes to commit $5 million and 2 years and the prestige of the House of Representatives to this particular committee. The committee has thumped along like the Toonerville Trolley dropping rumors, hints, people, two chairmen and a general counsel, who was sacked this morning with all the aplomb of Kaiser Wilhelm dismissing Chancellor Bismarck.

All of these sad events have appeared, one after another, in the headlines, making the House of Representatives look ridiculous.

Mr. Speaker, this committee has hit upon the truth, and they did so in the letter they sent to us today. They said the central issue of this entire investigation "is to resolve the many lingering questions about the assassinations and restore faith in our Government processes and institutions."

There is no way by which this committee, as presently constituted, with or without Mr. Sprague, can accomplish that objective. It has destroyed its own usefulness.

If, indeed, Mr. Speaker, the members of this committee have this information which they feel would warrant the continuation, they have the duty to reveal that to the House now.

Therefore, Mr. Speaker, I would move, under the terms of rule XXIX of the House of Representatives, that we resolve ourselves into a secret session, that we exclude the press and the people in the galleries, and that we be permitted, as Members of the House who have to vote on this, to know what this secret information is that they will not reveal to us here in public on the floor today.

If not, Mr. Speaker, we have no obligation to vote away our constituents' money for a continuation of what essentially has become the biggest legislative circus the House has engaged in for many years.

The SPEAKER. The Chair will state that the Chair appreciates the fact that the gentleman has offered a motion on which a vote may be required. However, before the House votes on a matter like this, the Chair thinks that we would want to have the opinion of the chairman of the committee, the gentleman from Ohio (Mr. STOKES), with respect to whether a communication will be made on this matter.

Mr. BAUMAN. Mr. Speaker, if I still have any time, the motion has been made and I believe it is in order.

The SPEAKER. Will the gentleman yield?

Mr. BAUMAN. Certainly.

The SPEAKER. Is the gentleman's motion in writing?

Mr. BAUMAN. The gentleman would be glad to reduce it to writing.

The SPEAKER. In the meantime the Chair recognizes the gentleman from Ohio (Mr. STOKES).

Mr. BAUMAN. Mr. Speaker, does the gentleman from Maryland still have time?

The SPEAKER. Yes.

Mr. BAUMAN. That being the case, the gentleman from Maryland, Mr. Speaker, would like to say——

The SPEAKER. The Chair has recognized the gentleman from Ohio.

Mr. BAUMAN. Does the gentleman from Maryland still have time remaining in his 5 minutes?

The SPEAKER. The gentleman asked the Chair whether he had time to write out his motion.

Mr. BAUMAN. I asked whether I had time remaining to speak.

The SPEAKER. The answer is in the affirmative. The gentleman has time in which to write out his motion.

Mr. BAUMAN. Mr. Speaker, I asked whether I had time to speak.

The SPEAKER. The Chair begs the gentleman's pardon. The gentleman has time remaining.

Mr. BAUMAN. The gentleman is going to use his time, Mr. Speaker, with the sufferance of the Speaker of the House.

The SPEAKER. The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, the gentleman from Maryland has made a motion. The Speaker has required that it be reduced to writing.

The gentleman from Maryland is going to pursue that motion because he believes that under the rules of the House, we have a right to that information.

The SPEAKER. The Chair may be asked to rule on that and asked the gentleman from Maryland whether he will yield to the gentleman from Ohio (Mr. STOKES), the chairman of the committee.

Mr. BAUMAN. Yes, I will yield to the gentleman from Ohio.

Mr. STOKES. Mr. Speaker, I thank the gentleman for yielding.

In reply to the Speaker's question, this committee did consider undertaking a secret, private briefing of the House.

After a great deal of deliberation as to the unwieldy aspects of being able to contain highly sensitive materials and communications, this committee decided that it would be too unwieldy a procedure and would, in all probability redound against the committee, and we decided against such action at that time.

Mr. BAUMAN. Mr. Speaker, let me say that this Member was not invited to any secret briefing. There was a secret meeting held with the select committee and the Committee on Rules with no notice at all given in an effort to get them to get this resolution to the floor. But if there are secrets, we all should be told.

The SPEAKER. The time of the gentleman has again expired.

Mr. BAUMAN. Mr. Speaker, I renew my motion.

The SPEAKER. The time of the gentleman has again expired.

Mr. BAUMAN. I renew my motion.

The SPEAKER. The Chair hears the gentleman from Maryland and the Clerk will read the motion.

MOTION OFFERED BY MR. BAUMAN

The Clerk read as follows:

Mr. BAUMAN moves under rule XXIX that the House resolve itself into secret session.

The SPEAKER. The Chair would like to make the following statement:

There has been a motion made by the gentleman from Maryland (Mr. BAUMAN). If the motion would prevail, in view of the fact that the Chair has said at an earlier date yesterday that we would be through at 5:30 this afternoon, and in view of the precautions that must be taken, the clearing of the galleries, the clearing of the Press Galleries, the proper placement of officers and employees that are necessary in order to protect the House of Representatives, that should the motion prevail that then a motion would be entertained to adjourn the House until 11 o'clock a.m. tomorrow.

The question is on the motion offered by the gentleman from Maryland (Mr. BAUMAN).

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—ayes 76, noes 97.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will reread the motion so that the Members know what they are voting upon.

The Clerk read as follows:

Mr. BAUMAN moves under rule XXIX that the House resolve itself into secret session.

The vote was taken by electronic device, and there were—yeas 185, nays 226, not voting 21, as follows:

[Roll No. 111]

YEAS—185

Abdnor	Flowers	Mitchell, N.Y.
Ambro	Ford, Mich.	Montgomery
Andrews, N.C.	Forsythe	Moore
Archer	Fountain	Moorhead, Calif.
Armstrong	Frenzel	Myers, Gary
Ashbrook	Frey	Myers, Ind.
Aspin	Gilman	Nedzi
Badham	Glickman	Nichols
Bafalis	Goldwater	O'Brien
Bauman	Gonzalez	Pettis
Beard, R.I.	Goodling	Pressler
Beard, Tenn.	Gradison	Pritchard
Bennett	Grassley	Quie
Biaggi	Guyer	Quillen
Breaux	Hagedorn	Rahall
Brown, Mich.	Hall	Railsback
Brown, Ohio	Hammer-schmidt	Regula
Broyhill	Hanley	Rinaldo
Burgener	Hansen	Risenhoover
Burke, Fla.	Harsha	Rousselot
Burke, Mass.	Heckler	Roybal
Burleson, Tex.	Hefner	Rudd
Burton, John	Hightower	Runnels
Burton, Phillip	Holland	Ruppe
Butler	Hollenbeck	Russo
Carter	Huckaby	Sarasin
Chappell	Hughes	Satterfield
Clausen, Don H.	Hyde	Sawyer
Clawson, Del	Ichord	Scheuer
Cleveland	Jenkins	Schroeder
Cochran	Johnson, Colo.	Schulze
Cohen	Jones, N.C.	Sebelius
Coleman	Jones, Okla.	Shuster
Collins, Tex.	Kasten	Sikes
Corcoran	Kazen	Sisk
Cornell	Kelly	Skubitz
Cornwell	Kemp	Smith, Nebr.
Cotter	Ketchum	Snyder
Coughlin	Kindness	Solarz
Crane	Koch	Spence
Daniel, Dan	Krueger	St Germain
Daniel, R. W.	Lagomarsino	Stangeland
Davis	Latta	Stanton
de la Garza	Leggett	Steed
Dent	Lent	Steiger
Derrick	Lloyd, Tenn.	Stockman
Derwinski	Lott	Taylor
Dickinson	Lujan	Treen
Dingell	McClory	Vander Jagt
Dornan	McCloskey	Vanik
Duncan, Tenn.	McCormack	Waggonner
Eckhardt	McDonald	Walker
Emery	McEwen	Walsh
English	Madigan	Watkins
Erlenborn	Mahon	Whalen
Ertel	Mann	Wiggins
Evans, Del.	Marlenee	Winn
Evans, Ind.	Marriott	Wydler
Fish	Martin	Young, Alaska
Fisher	Mathis	Young, Fla.
Flippo	Mattox	Zeferetti
Florio	Miller, Ohio	

NAYS—226

Addabbo	AuCoin	Boland
Akaka	Badillo	Bolling
Alexander	Baldus	Bonior
Allen	Barnard	Bonker
Ammerman	Baucus	Bowen
Anderson, Calif.	Bedell	Brademas
Anderson, Ill.	Bellenson	Breckinridge
Andrews, N. Dak.	Benjamin	Brinkley
Annunzio	Bevill	Brodhead
Applegate	Bingham	Brooks
Ashley	Blanchard	Brown, Calif.
	Blouin	Buchanan
	Boggs	Burke, Calif.

Burlison, Mo.
Byron
Caputo
Carney
Carr
Cavanaugh
Chisholm
Collins, Ill.
Conable
Conte
Conyers
Corman
D'Amours
Danielson
Delaney
Dellums
Devine
Dicks
Diggs
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Evans, Colo.
Evans, Ga.
Fary
Fascell
Fenwick
Fithian
Flood
Flynt
Foley
Ford, Tenn.
Fraser
Gaydos
Gephardt
Giaimo
Gibbons
Ginn
Gore
Gudger
Hamilton
Hannaford
Harkin
Harrington
Harris
Hawkins
Hillis
Holt
Holtzman
Horton
Howard
Ireland
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Jones, Tenn.
Jordan
Kastenmeier
Keys
Kildee
Kostmayer
Krebs
LaFalce
Le Fante
Leach
Lederer
Lehman
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Luken
Lundine
McDade
McFall
McHugh
McKay
McKinney
Maguire
Markey
Marks
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Michael
Natcher
Neal
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pickle
Pike
Preyer
Pursell
Quayle
Reuss
Richmond
Roberts
Robinson
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Ryan
Santini
Seiberling
Sharp
Shipley
Simon
Skelton
Slack
Smith, Iowa
Spellman
Stark
Steers
Stokes
Stratton
Studds
Stump
Thompson
Thone
Thornton
Tonry
Traxler
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Wampler
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whitten
Wilson, C. H.
Wirth
Wolff
Wright
Wylie
Yates
Yatron
Young, Mo.
Young, Tex.

NOT VOTING—21

Broomfield
Cederberg
Clay
Findley
Fuqua
Gammage
Heftel
Hubbard
Michel
Milford
Poage
Price
Rangel
Rhodes
Roe
Staggers
Symms
Teague
Wilson, Bob
Wilson, Tex.
Zablocki

Mr. PHILLIP BURTON and Mr. SATTERFIELD changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. BOLLING. Mr. Speaker, I know of no amendments pending.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 181, answered "present" 1, not voting 20, as follows:

[Roll No. 112]

YEAS—230

Addabbo
Akaka
Allen
Ambro
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Applegate
Ashley
Aspin
AuCoin
Badillo
Baldus
Baucus
Bedell
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brown, Calif.
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Caputo
Carney
Carr
Carter
Cavanaugh
Chisholm
Cohen
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Crane
D'Amours
Danielson
Davis
Delaney
Dellums
Dent
Devine
Dickinson
Diggs
Dodd
Dornan
Downey
Early
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Colo.
Fenwick
Fish
Fithian
Flood
Florio
Foley
Ford, Tenn.
Fraser
Giaimo
Gibbons
Ginn
Goldwater
Gore
Gradison
Hamilton
Hannaford
Harkin
Harrington
Harris
Hawkins
Heckler
Hefner
Holland
Holtzman
Horton
Howard
Hughes
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kemp
Kildee
Koch
Kostmayer
Krebs
Krueger
Lagomarsino
Le Fante
Lederer
Leggett
Lehman
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Luken
Lundine
McCloskey
McDade
McEwen
McFall
McHugh
McKinney
Maguire
Mann
Markey
Marks
Mathis
Meeds
Metcalfe
Meyner
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Moore
Moorhead, Pa.
Moss
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Myers, Gary
Myers, Michael
Natcher
Neal
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pepper
Perkins
Preyer
Pritchard
Pursell
Quayle
Railsback
Reuss
Richmond
Rinaldo
Rodino
Rogers
Rooney
Rose
Rosenthal
Rousselot
Ruppe
Santini
Sarasin
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Sisk
Smith, Iowa
Snyder
Solarz
Spellman
Spence
Stark
Steers
Stokes
Studds
Thompson
Thone
Tonry
Treen
Tsongas
Tucker
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Whalen
Whitehurst
Whitten
Wilson, C. H.
Wirth
Wolff
Wright
Yates
Yatron
Young, Mo.

NAYS—181

Abdnor
Alexander
Andrews, N.C.
Archer
Armstrong
Ashbrook
Badham
Bafalis
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bennett
Bevill
Breckinridge
Brooks
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Corcoran
Cornell
Cornwell
Coughlin
Daniel, Dan
Daniel, R. W.
de la Garza
Derrick
Derwinski
Dicks
Dingell
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edwards, Ala.
Edwards, Okla.
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fisher
Flippo
Flowers
Flynt
Ford, Mich.
Forsythe
Fountain
Frenzel
Frey
Gammage
Gaydos
Gephardt
Glickman
Gonzalez
Goodling
Grassley
Gudger
Guyer
Hagedorn
Hall
Hammerschmidt
Hanley
Hansen
Harsha
Hightower
Hillis
Hollenbeck
Holt
Huckaby
Hyde
Ichord
Ireland
Jacobs
Jenkins
Jones, N.C.
Jones, Okla.
Kazen
Kelly
Ketchum
Keys
Kindness
LaFalce
Latta
Leach
Lent
Lott
Lujan
McClory
McCormack
McDonald
McKay
Madigan
Mahon
Marlenee
Marriott
Martin
Mattox
Mazzoli
Mikva
Miller, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moorhead, Calif.
Mottl
Murtha
Myers, Ind.
Nedzi
Nichols
Pease
Pettis
Pickle
Pike
Pressler
Quie
Quillen
Rahall
Regula
Risenhoover
Roberts
Robinson
Roncalio
Rostenkowski
Roybal
Rudd
Runnels
Russo
Ryan
Satterfield
Sawyer
Schulze
Sebelius
Shuster
Sikes
Simon
Skelton
Skubitz
Smith, Nebr.
St Germain
Stangeland
Stanton
Steed
Steiger
Stockman
Stratton
Stump
Taylor
Thornton
Traxler
Trible
Ullman
Vander Jagt
Waggonner
Walker
Walsh
Wampler
Watkins
White
Whitley
Wiggins
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.
Zeferetti

ANSWERED "PRESENT"—1

Young, Tex.

NOT VOTING—20

Broomfield
Cederberg
Clay
Findley
Fuqua
Heftel
Hubbard
Michel
Milford
Poage
Price
Rangel
Rhodes
Roe
Staggers
Symms
Teague
Wilson, Bob
Wilson, Tex.
Zablocki

The Clerk announced the following pairs:

On this vote:

Mr. Fuqua for, with Mr. Teague against.
Mr. Clay for, with Mr. Milford against.
Mr. Rangel for, with Mr. Heftel against.
Mr. Price for, with Mr. Michel against.
Mr. Findley for, with Mr. Symms against.
Mr. Roe for, with Mr. Broomfield against.

Until further notice:

Mr. Zablocki with Mr. Staggers.

Mr. Hubbard with Mr. Charles Wilson of Texas.

Mr. VOLKMER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, an-

nounced that the Senate insists upon its amendments to the bill (H.R. 4800) entitled "An act to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such act, and for other purposes," disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. TALMADGE, Mr. RIBICOFF, Mr. HATHAWAY, Mr. MOYNIHAN, Mr. DOLE, Mr. ROTH, and Mr. LAXALT to be the conferees on the part of the Senate.

TO EXTEND PERIOD DURING WHICH PAYMENTS FROM CONTINGENT FUND MAY BE MADE UNDER HOUSE RESOLUTION 11, 95TH CONGRESS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 435) and ask for its immediate consideration.

Mr. Speaker, by way of explanation of this resolution, let me say to the Members that it extends the period to May 31, 1977, during which interim payments for committee expenses from the contingent fund of the House may be made under House Resolution 11 of the 95th Congress. It will maintain the present level of spending until the funding resolutions for the particular committees involved are reported.

The Clerk read the resolution, as follows:

H. RES. 435

Resolved, That, notwithstanding the provisions of H. Res. 11, Ninety-fifth Congress, adopted January 4, 1977, the period during which payments may be made from the contingent fund of the House of Representatives in accordance with such resolution, to any standing committee or select committee referred to in the first section or section 2 of such resolution, is hereby extended to the close of May 31, 1977.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, could the gentleman from Pennsylvania tell us the committees that will be funded by this resolution?

Mr. DENT. The committees that will be funded are the Committee on Interstate and Foreign Commerce, the Committee on Government Operations, and the Select Committee on Ethics.

Mr. BAUMAN. What about the Select Committee on Assassinations?

Mr. DENT. The resolution for the Select Committee on Assassinations has not as yet reached the committee.

Mr. BAUMAN. But this continuing resolution will fund that committee?

Mr. DENT. No. As I understand, and I may be in error, and if I am, I would be glad to be corrected, the Select Committee on Assassinations was continued earlier in the session at its reduced rate, exactly the rate they were operating under at that time.

Mr. THOMPSON. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman.

Mr. THOMPSON. The distinguished subcommittee chairman, the gentleman from Pennsylvania, Mr. DENT, is correct, I would say to the gentleman from Maryland. Under the continuing resolution which the gentleman from Pennsylvania, Mr. DENT, has before him, the Select Committee on Assassinations will receive nothing else until it is heard by the Subcommittee on Accounts and is run through the Committee on House Administration and then to the floor of the House and will continue to operate under the approximate figure of 84,000 and some dollars per month, and no more.

I would hope the gentleman would not object to the resolution offered by the gentleman from Pennsylvania.

Mr. BAUMAN. In deference to the gentleman from New Jersey, I will certainly not cause any obstruction to this resolution, and that is strictly due to the best efforts of my friend, the gentleman from New Jersey.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 4800, EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 1977

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4800), the Emergency Unemployment Compensation Extension Act of 1977, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? The Chair hears none, and appoints the following conferees: The gentleman from Oregon, Mr. ULLMAN; the gentleman from California, Mr. CORMAN; the gentleman from New York, Mr. RANGEL; the gentleman from California, Mr. STARK; the gentleman from Indiana, Mr. JACOBS; the gentlewoman from Kansas, Mrs. KEYS; the gentleman from Virginia, Mr. FISHER; the gentleman from New York, Mr. CONABLE; the gentleman from Michigan, Mr. VANDER JAGT; and the gentleman from California, Mr. KETCHUM.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 United States Code 276d, the Chair appoints as members of the U.S. Delegation of the Canada-United States Interparliamentary Group to be held in Vancouver, British Columbia, on May 27 to May 31, 1977, the following Members on the part of the House: The gentleman from Florida, Mr. FASCELL, Chairman; the gentleman from California, Mr. JOHNSON, Vice Chairman; the gentleman from Massachusetts, Mr. BOLAND; the gentleman from Florida, Mr. GIBBONS; the gentleman from New York, Mr. HANLEY; the gentleman from Washington, Mr. MEEDS; the gentleman from New York, Mr. LAFALCE; the gentleman from Nebraska, Mr. CAVANAUGH; the gentleman from New York, Mr. MCEWEN; the gentleman from Kansas, Mr. WINN; the gentleman from Pennsylvania, Mr. GOODLING; and the gentleman from Vermont, Mr. JEFFORDS.

GEN. GEORGE BROWN OUGHT TO RESIGN OR BE FIRED

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I think that the Chairman of the Joint Chiefs of Staff, Gen. George Brown, ought to resign or be fired. His most recent remarks prove once again that he is unfit to continue as the Nation's highest military official.

General Brown's comments in the past have revealed an appalling lack of discretion, tolerance, or political and diplomatic sensitivity—qualities which are essential prerequisites to foreign and defense service. In 1974, he declared that Jews exert undue influence over Congress, the media, and banks. Last year, he characterized our defense commitment to Israel as a burden, Britain's Armed Forces as pathetic, and the Shah of Iran as having "visions of the Persian Empire." These statements were inaccurate then, and linger as continuing embarrassments today. But even his past excesses pale in comparison to the latest exposure into the thoughts of Chairman Brown. The mind processes of the Chairman make it clear that he ought to find another forum to spew his junk.

Congress is not, and should never be, immune from public criticism. Indeed, our republican system acknowledges, and even welcomes, the right of citizens to question, challenge, protest, and petition their Government. That function, however, cannot extend to the top military officials who are charged with insuring the national defense. As President Truman so appropriately noted when he was left with no other option than to relieve General MacArthur almost 26 years ago:

Full and vigorous debate on matters of national policy is a vital element in the constitutional system of our free democracy. It is fundamental, however, that military commanders must be governed by the policies and directives issued to them in the manner provided by our laws and Constitution.

One of the hallmarks of a free society is civilian control over the military. The military does not make policy; it executes it. Our generals do not select which policies to carry out; they act on whatever determination has already been made. Through their elected represen-

tatives in Congress and the executive, the people of the United States determine what their foreign policy will be and what defense posture should be taken. In giving the back of his hand to this process, General Brown has shown his insensitivity to the difficulty of holding on to a free parliamentary process. Were it up to him, we would have more efficient people in Congress who did not meddle in foreign affairs or military affairs. Maybe he would prefer the Members of Congress to clear their remarks and votes with him or the Joint Chiefs before we exercised our function.

General Brown's advocacy of privacy invasion and condemnation of congressional input in the decisionmaking process harken back to our recent past, when the American people were routinely denied the truth about their military operations and were bugged almost to death as a democracy.

Mr. Speaker, I would like to see General Brown free to criticize Congress and the Jews and the British and the newspapers to his heart's content. He can do that if he is restored to that civilian status which would suit him so much better than his present spot. Indeed, if he is not sent there soon, the rest of us will lose our right to criticize the General Browns that come into high military position every once in a while. Nowhere is the eternal vigilance that Jefferson urged on us more urgent than when we are dealing with the encroachment of the military on the civilian control of Government.

SELECT COMMITTEE ON ASSASSINATIONS

The SPEAKER pro tempore (Mr. MOAKLEY). Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I am delighted to yield to my distinguished colleague, the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. I thank the gentleman for yielding.

During the debate on the assassinations resolution this afternoon I attempted on several occasions to get recognition from the Chair but before I could do so the motion on the previous question was ordered. I wanted to take the time of the Committee—which in my opinion was the proper thing to do at that time, but not having been able to, I do it now—to publicly thank the gentleman from Texas (Mr. GONZALEZ) for the work that he did in bringing forth the resolution calling for the creation of an Assassinations Committee and later for the work that he did as chairman of the committee.

I want to state to the Members here today that had it not been for the work that the gentleman from Texas (Mr. GONZALEZ) did on that committee, had it not been for what he did in relation to the chief counsel on that committee, the committee today would not have accepted the resignation of Mr. Sprague. They had to accept his resignation because the gentleman from Texas (Mr. GONZALEZ) put it on the line and they could ill afford to keep that kind of person on the staff.

So when we come right down to it, Mr. Speaker, I believe one of the main reasons the resolution passed this afternoon was because of the magnificent work done by the gentleman from Texas, because we know now had they not fired Mr. Sprague that resolution would never have been adopted by the House. So I for one would like to thank the gentleman in the well for the tremendous job that he did, and I might say that the House vindicated his position. Even the committee vindicated his position and his actions.

Mr. GONZALEZ. I thank the gentleman from Texas. I am deeply grateful for his words. He and I have served in the Texas State Senate. He had a very illustrious background of public service in Texas, going back since he returned as a combat veteran from World War II.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I am delighted to yield to my distinguished colleague, the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. I thank the gentleman for yielding.

First, I would like to echo and endorse the statement the gentleman from Texas (Mr. KAZEN) just made. I join him wholeheartedly. I think he has quite well pointed out that had it not been for the efforts of the gentleman in the well to relieve a very difficult situation, that is to remove Mr. Sprague from his position, it would have been impossible I believe for the resolution to have passed.

Mr. GONZALEZ. I wish to thank my colleague, the gentleman from Texas (Mr. ECKHARDT), who also has had a very distinguished record of service in Texas and of course he has served with great distinction in the House.

These words are heart warming, particularly in view of the rather unfair assaults I have received on the Washington level from some female harridan columnists in the Washington press corps without any opportunity to have justice in that respect, and so testimonials from men who do know me and have known me over a period of 24 years of publicly held elective office are most encouraging.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield for a moment on that point?

Mr. GONZALEZ. I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I have known the gentleman in the well for many years. I was absolutely astounded at a statement that the gentleman is inclined to be emotional, to take an arbitrary or hard position. I have found the gentleman from Texas (Mr. GONZALEZ) to be one of the most courteous member of any body in which the gentleman has served. But he is also a most dedicated and strong-minded man. I remember the gentleman in the well conducted for a longer period than any other member of any legislative body in the world a filibuster against nine bills that would have had the effect of impeding the Brown decision in Texas. It was one of the finest displays of a forceful and able defense of the Supreme Court's decision on the question of civil rights that I think ever occurred in this country.

Mr. Speaker, I want to compliment the gentleman for that, and I hope the Nation remembers the gentleman's effort in that regard.

Mr. GONZALEZ. Mr. Speaker, once again I thank my very esteemed colleague, the gentleman from Texas (Mr. ECKHARDT).

The gentleman evokes memories of exactly 20 years ago, and it is with bitterness that I say this. The gentleman who spoke previously, the gentleman from Texas (Mr. KAZEN), and I, were colleagues in arms in the Texas State Senate, the only legislative body of the 11 Confederate States where the so-called massive resistance kit that emanated from Virginia and finally worked itself over to the Texas Legislature were resisted. The Texas Senate was the only legislative body where these infamous laws, because they were an attempt to freeze into law the Jim Crow provisions of the Texas constitution and statutes and to undo the Brown decision of the Supreme Court, among others. In effect, there were a total of 14 bills before the year was out, because the Governor was compelled to cause two special sessions of the legislature. It was exactly 20 years ago and there was nobody else in Texas who fought. It was another world. It was weird. We were intimidated. We had pistoleros, gunmen come in from the white citizens' council, from another world. We would never recognize it today, thank God; but it is ironic that 20 years later there would be a solid black cabal in the select committee that would lead the fight to undo me in a most malicious way, because I cannot characterize the role of the Delegate from the District of Columbia with respect to my ethics, with respect to my situation as chairman after February 2, other than malicious, other than a calculated premeditated effort to first seek the Speaker to knock me out as chairman and then a calculated course to resist my serving as chairman, at least in any reasonable, harmonious way; so, of course, I am bitter because it seems not that I expect ever in politics any such thing as gratitude. I would take the same position again and I would have taken it if it had involved anybody else, because I looked upon it then as merely living up to the oath of office to uphold the Constitution of the United States.

Mr. Speaker, in my own district Americans of black or Negro descent constitute less than 8 percent. They did so then, but that made no difference. I just feel that in view of that fact it is ironic that exactly 20 years almost to the month I would have received my thanks from the black cabal.

Mr. Speaker, I believe awhile ago the gentleman from New Jersey (Mr. PATTEN) had sought recognition. I will be delighted to yield to the gentleman from New Jersey at this time.

Mr. PATTEN. Mr. Speaker, what could make it more natural than the fashion in which a reputable lawyer had stated his respected views? I would like to join and also pay my respects to the gentleman from Texas (Mr. GONZALEZ).

As many know, I voted against the

committee. In my experience, this is wasting the taxpayer's money; but insofar as the role of the gentleman goes to action, I want the gentleman to know from one Member that I am deeply appreciative to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank the gentleman very much. I equally express a sincere and heartfelt sense of gratitude for those expressions from the distinguished gentleman from New Jersey. He has indeed—and in fact, has always—been a friend, even when I came as a callow freshman. One does not forget those things.

Mr. PATTEN. Even when the gentleman was fighting Ed Foreman at that time.

Mr. GONZALEZ. Even during that time period, that is right, from the very beginning. I have not forgotten this, and I surely never will.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield further?

Mr. GONZALEZ. I yield to my colleague from Texas.

Mr. ECKHARDT. Of course, this Member is not prepared to say anything against any other Member of the House, but I certainly do support the proposition that what was done 20 years ago was not just a matter favorable to that minority generally called "Mexican Americans" in Texas.

I well remember traveling across that State at the time the distinguished gentleman from Texas (Mr. GONZALEZ) was speaking, and reading the newspapers. I happened to be going from Dallas to Edinburgh, and over this sketch of Texas terrain there was a switch in position. In Dallas, newspapers favored the bills that would retard equal opportunities in the schools, and the further one went south, the more one found GONZALEZ's name spoken with reverence and praise. What HENRY GONZALEZS' effort did in Texas was to consolidate two groups who had been discriminated against for years in Texas. There was a time, as the gentleman in the well knows better than I, when there were three separate sets of schools in Texas, and the worst school facilities were found in the so-called Mexican-American schools. The reason for that was that people were not so afraid of a breakdown of segregation between so-called Anglo Americans and Mexican Americans as they were between blacks and whites. So they took the risk of even greater discrimination against the browns than against blacks.

But, the thing the gentleman in the well did in Texas that should never be forgotten is that he consolidated the forces as between all who were being discriminated against at that time, and achieved more advance in Texas, more recognition of the equal rights of people, whether white, black, or brown, than any man I know of in Texas.

It was not too long after that, when to openly attack a politicians because he was fair to minorities became absolutely taboo in politics in our State.

Before the gentleman in the well took his stand and made his filibuster, it was the commonest thing in the world to attack everyone who stood for equal rights in Texas on the grounds that he was too friendly to minorities. They used a very ugly term for that. So, I do not think anybody in my State deserves more praise than the gentleman in the well for advancing equal rights of all persons without regard to race.

Mr. GONZALEZ. Mr. Speaker, let me say that I am particularly grateful for this, because although the gentleman from Texas (Mr. ECKHARDT) has said that before, it has never been on the record. As I say, I think when we take an oath of office, once we are elected there is no black, white, brown; there is no economic minority or majority; there is no rich or poor. One has a duty to represent each and every one, even those who did not vote for us.

Well, President Benito Juarez it was who told my grandfather when they were fighting against the French and won, my grandfather was what was known as Jefe Politico, and alcalde of his area.

The group which fought so successfully against the French came to him and said, "Why did the President want to appoint this man over here? He is a Spaniard; he did not help us fight against the French."

So, my grandfather eventually got to Mexico City and brought the matter up with the President. The President said, "Don Joaquin, please tell our friends, is there anybody there that fought with us that we have not taken care of?"

My grandfather said, "No."

The President said, "Well, will you please convey to our friends my message to please accept my judgment in this matter? It is true that this man is a Spaniard; it is true that he did not fight, but he did not fight us either, and I have a reason for appointing him to what I did."

Remember, when you win, when you triumph, justice, justice, always justice to those you defeated and your enemies. But for your friends, justice and everything else that you can.

And I think that that is a pretty good political lesson that came straight from President Benito Juarez to my grandfather.

I think in this case I have felt that very seriously since I was a city councilman, because once I was elected I would not be more eager to serve those constituents who helped me more than I would this one who has a legitimate cause but did not help me.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. I appreciate the gentleman's yielding.

Mr. Speaker, I could not in good conscience pass up the opportunity to mention that the gentleman should not have to mention the things that he did in the State Senate of Texas. I was serving in the house at the time when his bills were introduced. And, like here, we could not filibuster in the house. We made every attempt possible, sidetracking one bill here, sidetracking another bill there, but the effort had to be made in the senate. And as the gentleman mentioned, in the wee hours of the morning, perhaps 1:30, 2:00 o'clock, we would come over there to give him encouragement. And right outside the gallery was an old black gentleman preacher, who came all the way from east Texas, and he told us, "God bless HENRY GONZALEZ, God bless him forever. May we always have friends like that."

The gentleman did what he thought was the right thing to do, regardless of the opposition. It took great courage in Texas at that time. It is easy now to look back, but it took great personal courage to stand up in the senate of the State of Texas and speak out, long before the world knew there was a Martin Luther King or Selma or Montgomery. And long before "We shall overcome" was sung, the gentleman in the well was doing it, because he thought it was the right thing to do, in the senate of the State of Texas.

And I remember him saying and pointing to some of his colleagues, "For whom the bells toll." He said, "They toll for you, because right"—I think the gentleman used the word—"shall overcome in the end."

And then when they had a constitutional amendment to bring the vote to the District of Columbia, the gentleman from Texas (Mr. WILSON) and the gentleman speaking handled it in the House. The gentleman from Texas (Mr. KAZEN) and the gentleman from Texas (Mr. GONZALEZ) worked in the senate for Texas to confirm, against the objections of many of the same colleagues, that the District of Columbia should have the right to vote and then to have representation. The people of the District of Columbia and, I certainly would hope, those representatives, should have nothing but respect for HENRY GONZALEZ and those who were far away from here and those who were really not suffering the scourge of discrimination, of sitting in the back of the bus. It was people like Mr. GONZALEZ who began the fight, out of the battlefield of Selma and Montgomery. That is where it all began.

I might mention that in the senate of the State of Texas, as in the well of this House, the gentleman stood in the forefront.

Mr. GONZALEZ. I thank the very distinguished gentleman from Texas. Again, I am very grateful, because this is the first time on the record.

I will go further. Before I got to the State senate, in my own hometown I had the honor of fighting an attempt to pass segregative ordinances in 1954.

I stood alone. I lost that fight. The vote was 8 to 1.

The city council of San Antonio did what appeared to be about the same thing the House has been doing here with respect to the Select Committee on Assassinations, about the same thing that the members of the Select Committee on Assassinations have been doing. It is hard to explain. There is no logic, no reason for it. After 124 years of municipal life, since 1839, the city of San Antonio decided on June 19, 1954—which is a date we know as Juneteenth because that is Emancipation Day in Texas—to pass certain ordinances. The city coun-

cil in San Antonio met and passed segregatory ordinances to prevent citizens of black or Negro descent from being allowed access to swimming pools paid for by tax moneys of the city of San Antonio and access to the Municipal Auditorium and all other public facilities except a golf course. The ordinance provided that the blacks could use that golf course on Mondays, Wednesdays, and Fridays exclusively.

I stood up and fought that. I lost 8 to 1. But I was the only one who was reelected, for other reasons, to that city council.

When I came back, within 1 year's time, in 1956, I had the honor of introducing and having accepted unanimously the resolution that did away with discrimination on account of race, color, or creed in any tax-supported facility of the city of San Antonio.

Again I received threats. I had burning crosses thrown out on the front lawn of my house. My wife was phoned and threatened. It looked as if it was political suicide.

As it turned out, it was not that at all. The ordinance prevailed, and San Antonio became the first city south of the Mason-Dixon Line to pass that type of desegregatory ordinance, and that was on April 19, 1956.

Mr. Speaker, I bring that up only because we got into this theme and also because I think that it is obvious that certain members of the committee, under the leadership of the delegate from the District of Columbia and supported solidly by the three other black members of the select committee, picking up support from at least two other members of the select committee, had appealed to the Speaker to dismiss me as chairman. They had made up their minds to resist my appointment as the committee chairman.

They never had the guts, they never had the courage to confront me and say, "We don't accept you. We won't work with you. The Speaker may have felt committed to naming you, but we don't intend to work with you harmoniously."

If they had, I would have accepted that, I can assure the Members. I would have known exactly what to do, because I certainly am not enamored of the title of chairman. I was not elected chairman of the committee by the people of the 20th Congressional District of Texas; I was elected for what I am: The Representative to the U.S. House of Representatives from the 20th District of Texas. That is all, and that is all I expected. I have yet to request any privileges. I have yet to conspire or to grasp for any kind of designation, because I feel that I came up here to work.

Mr. Speaker, I think I ought to place certain facts concerning my attendance record in this RECORD, since my absence last month might indicate that perhaps my attendance might have some deficiency. I would like to point out that for 12 consecutive years my attendance in this House was perfect in every detail, including quorum calls, yea and nay votes, and everything else. Then when my mother took seriously ill and I had other complications involving a member of the family 2 years ago, I lost a few days for the first time. However, up to the time that I left here on February 19, my average attendance and voting record for 15 years and 2 months was 98.6 percent. So when I did finally take the break that I had last month, it was in effect mandated by what I had to confront here, which is the reason I wanted to speak this afternoon.

The House has acted on this resolution anew, but it does not in any way help my situation in making sure that the record reflects the chronological sequence of events and what happened, because, as I have said in the last 2 days of the special orders, it was nowhere to be found.

The record revealed that when my resignation was presented to the House, the whole truth was not given the Members of the House. Under those circumstances, I felt impelled and compelled that as soon as I could, I would come back. What is it that I have? I have no power. I do not even have the support of the leadership. I do not even have the support of those who where saying that they were expecting me to assert leadership. However, I did have the only thing, which is the forum of this House. That is all, ultimately, that a Member has; and therefore, I have resorted to it.

I made very serious allegations, specific allegations. They were not general. During the course of debate today, I felt constraint, first, because I had no real knowledge as to what treatment I would receive, particularly by the majority Members who were handling the time.

Before this, their treatment of me has been arrogant. It has been dictatorial, authoritarian. It has not been very democratic.

Therefore, I felt that any insistence on my part to get up would merely give reason and credence to those who were saying that all I am expressing is "sour grapes."

I will say, however, that there is a lot more involved in this. When we evoke the memory of the things in the State senate in which my stint began exactly 20 years ago, I was critical of the senate then. I found myself at cross-purposes at one point with the Governor, with the Lieutenant Governor, and with the leadership of the senate. I had a fight over the appointment of a judge. I asked the senate not to confirm that appointment, and the senate solidly backed me even though it caused me to be worsely treated than anything one might have read about here.

What happened? I was critical at that time. If anyone had asked me, I would have said that in all the English-speaking world the most undemocratic parliamentary body in this State senate. But now all I can say is that there was a residual virtue; there was an inherently sound core of integrity in the institutional life of that senate then, even with what I felt were arbitrary tactics, which is not present in this House.

Mr. Speaker, when I first came to the House and up to recently, a few years back, I could say, yes, there was an inherent core of health in the institutional vigor of this House, in its leadership, and in its procedures. I find that has eroded seriously; and the course of events reflected in the setting up and in the history, brief as it is, of the Select Committee on Assassinations clearly reveals that.

There were several things that happened with respect to actions that I took in my endeavor to state the record and to give the truth and the rational and logical reasons which motivated each action once I was named chairman, which I should refer to.

For instance, at no time did I have any indication from anybody in leadership position, the Speaker, majority leader, majority whip, or chairman of the Caucus, all whom intervened in this matter, or the chairman of the Committee on House Administration or the subcommittee chairmen thereof, that there was anything other than the strict mandate of the House of Representatives as reflected in House Resolution 222 that said that all the committee had was $84,333 per month, period, for any purpose, for all purposes.

What do we find now? Lo and behold, the chairman of the committee now, the gentleman from Ohio (Mr. STOKES), now says, and he told the Committee on Rules on March 28 and repeated it today, with no questions from anybody, that the committee had at no time been guilty of overspending that amount or that stricure mandated under House Resolution 222.

In the record of February 16, in which I placed the statement I made at the time that I attempted to have a committee meeting to take up the matter of overexpenditure, I introduced a letter into the record that had been written by the chairman of the House Committee on Administration in which it clearly indicated that there were overexpenditures and overcommitments and that something would have to be done.

Well, now we find that, no, technically, they did not use that money to overspend but, all of a sudden, the chairman says they have had a lot of money to go traveling to interview witnesses for the investigators. They have had money to make long distance telephone calls. They have had money to do a lot of things.

And he now says, though he said it in a lower tone and in a less obvious way:

> Oh, by the way, when this resolution is approved today and we go back to the House Committee on Administration, we are going to get $2,768,000, of which $200,000 will pay back the contingency fund of the House of Representatives.

What does this mean? Oh, where are the apostles of frugality over here like the gentleman from Illinois who sits on the committee, and also on the Committee on Rules, Mr. ANDERSON? I have always heard him get up and just get adamant about accountability.

Now, when did this happen? When did the committee get the right to dip into the contingency fund of the House? By whose authority?

The House said all the committee could have was $84,333.

What happened here?

Lo and behold, when I was chairman,

that was prohibited, that was absolutely off limits. What happened? Since when was this $200,000 debt to the House contingency fund incurred? Who has accounted for it? Who gave the order? Who sanctioned it? The committee on its own?

Interesting.

Another question came up. The gentleman from Ohio said I shut off the records from the FBI, as if I were the Attorney General. Well, first let me say I did not shut off any records. That is a canard. It is a lie of whole cloth.

I did meet with the Attorney General the week of February 8, if I remember correctly it was on a Wednesday, or perhaps a Thursday, for another reason. I asked to meet with him not to discuss the committee. Oh, a few people like the delegate from the District of Columbia jumped to the conclusion I was going to ask him about the FBI report they were talking about at that time. But, like many other things he does, he jumped to the wrong conclusion. I wanted to talk to the Attorney General about a malodorous case that arose in an adjacent county concerning the murder of a Mexican young man while he was handcuffed by a municipal police officer and then his body had been taken in a truck by the police officer's wife all the way some 225 miles to another point in Texas. And in sort of a fouled-up west Texas sparsely settled court atmosphere that man had not even been tried for murder, he was tried for a lower felony and given probation.

There was loud indignation at this from the Mexican-American community, and from every other body, whether Mexican-American or not. Some of us had asked the outgoing Attorney General, the outgoing administration, to do something about it, and they refused. I wanted to talk to Attorney General Bell about the violations of the civil rights of this man Morales. Then in the couse of conversing with him on that, he brought two of his assistants and informed me that they had gained permission, although none had ever been asked of the committee, much less the chairman, for certain staff members of the Assassinations Committee to go back into the files of the FBI. Mind you, we have all of these members of the Assassinations Committee saying that I had exceeded my authority. But in January, before there was any committee—there was no committee; there was no staff director—the late unlamented staff director took it on himself the first week in January to get into a very, very bitter dispute with then Attorney General Levi about third-dimensional evidentiary material that the Archives has in its possession in connection with the Kennedy assassination. It looked as though there were going to be an ugly confrontation. I did not see anybody protesting when I was asked to, please, come in and avoid this altercation. I was not chairman. There was no committee. But where were these others? Why did they not do something then? No, they were asking me to do it. The counsel himself called me and said:

I do not know what to do. This FBI is defying me.

I said:

It is not a foreign government. I am going to go over there and sit down and talk to them.

So when I went over, I could not meet with them, so we corresponded and talked on the telephone. The Attorney General then said:

We are willing to make this bulletin that was found down there in Dallas somewhere available to you, but you do not have a committee. In the meanwhile we are not going to allow you to come in and have access to our records until you are constituted again.

He was right. We had to accept it. We were reconstituted then on February 2. Without telling the Chairman or any members of the committee, the two lawyers—one of whom sat here this afternoon—took it on themselves and went to the FBI and demanded access to the files again, saying:

Last night the House reconstituted the committee.

I was not aware of it, but in the meanwhile I was aware that that same committee staff had either lost or misplaced four photographs of the Martin Luther King autopsy that they had taken from the Tennessee authorities, and Mr. Sprague, the counsel, had told me all along that the reason they had not taken physical possession of 99 percent of the evidence that had been subpenaed in November and December was that we had no hold-safe facilities where we could guarantee the integrity of the preservation particularly of the three-dimension evidentiary material or artifacts.

I communicated this to the Attorney General, and I said:

Mr. Attorney General, I do not know who is over there. I am not aware of it, and I will ask you, please, to suspend any access to those files right now unless and until the staff requests the Chairman to make that request in turn.

They never did. Mr. Sprague refused. His staff refused. The Attorney General said:

We are going to honor the Chairman's request because we think it is reasonable and because we do not want to be guilty of finding that some of the evidentiary documentation that we have will get lost.

I defy the present committee, the leadership, the outgoing konked out chief counsel to assure this House that the rifle that they have in their possession, that is supposed to be the rifle that James Earl Ray used, is safe and sound and preserved in a manner that will not embarrass the House at some future time.

I demand to know if they ever located the four missing autopsy photographs of Martin Luther King. They were certainly lost as of a month ago and misplaced. That is the reason for that.

And if the gentleman from Ohio (Mr. DEVINE) had bothered to ask and be present at the meetings called for he might have gotten the truth in case he is interested in that.

Oh, there is another thing. A Member of the House who I think now is on the committee and is pretty new talked about how I was wrong when I said that there were $9,900 plus in terms of expense vouchers that were presented to me that same week that I met with the Attorney General and which included as the biggest single item in that list long-distance telephone call expenses. And in turn those attributed to Sprague formed the biggest single item in that list of long-distance telephone calls. I reiterate that statement. That is exactly the way it was.

But the gentleman who spoke today was nowhere near the committee at that time. At best he could not have come on to the committee until after my resignation, and then had access to vouchers. He said it was not $9,900 for December 1976, over which we had no authority and I had no authority then and the books had closed on the 94th Congress. Where was the money coming from for that? He said:

Oh, no, it was not $9,000. It was $11,000.

The truth is that the dollar amount of nonsalary expenses for the month of December for the committee exceeded $22,000, but the only vouchers I was ever given and asked to sign blindly were for $9,000 plus, and I repeat that statement and I stand behind every bit of it.

Now this man said Sprague gave his check for $124. If he did, he did it recently, and if the rest of the committee is honest and accountable, why do they not search the records for November and October and find out how much Sprague owes for those long-distance calls? I do not see anybody talking about that.

The gentleman from Ohio (Mr. STOKES), the chairman of the committee, said that they reluctantly accepted the resignation of this erstwhile chief counsel and staff director, that they had all faith in him, that at all times he was a great guy. Well, the best I can say in the most charitable sense is that Mr. STOKES has a very facile memory because on December 6 right here where we were assembling for the preorganizational Democratic Caucus, the delegate from District of Columbia, the vizier from Washington, says:

I am ready to bust this thing up. I picked up the paper yesterday and read where Sprague hired two guys from New York and they are both white and one of them is going to be the deputy counsel for Martin Luther King and that is where I come in and I am ready to denounce him and fire him.

I said:

Oh, whoa, just a minute.

Mr. STOKES was at the counter in the cloak room. I summoned him. I said:

Mr. Stokes, at the last meeting we had in November, which was November 15 and 16, you were ready to demand the resignation of Mr. Sprague because you said he had hired only 4 blacks and he had hired a total of 37 people by then. Do you remember that?

He said:

Yes.

I said:

Well, have you been satisfied?

He said:

Well, I do not know, I just wash my hands. I do not trust him.

So I then took it on myself to call on

the other members of the committee and I said:

Hold off. Let us get together and let us get the staff counsel because we have got to get the chairman.

At that time, remember, the chairman was the gentleman from Virginia (Mr. Downing).

Well, the gentleman from Virginia (Mr. Downing) was in Virginia, but the gentleman was on his way back to the district. The gentleman advised that he would not get in until 6 o'clock, so I arranged a breakfast the next morning at 8 a.m. and all but two members of the committee showed up. I said:

This is what has come up, gentlemen. What is the best way to handle it?

They all agreed. The gentleman from Virginia (Mr. Downing) showed up for the breakfast and the gentleman from Virginia (Mr. Downing) said:

I will arrange a meeting at 1:30 with Mr. Sprague and Mr. Fauntroy and Mr. Stokes or anyone else that wants to. Will I miss out?

They must have ironed it out, because when I talked to the delegate from the District of Columbia (Mr. FAUNTROY) and the gentleman from Ohio (Mr. STOKES) about 4 p.m. that afternoon, they said:

Yes, sir; it's okay. We think he is going to be okay.

But I do not know whether he hired any more blacks or whether he did not. I think they had a good point. Why should not there be a black deputy counsel in charge of the Martin Luther King assassination? Why is not one now? I thought they had a good point, but apparently they were satisfied. All of a sudden they say, he has always been okay, but they wanted to fire him as of December 6. The Delegate told me right then and there that he was about to call a press conference. I dissuaded him from it.

In the presentation before the Committee on Rules on Monday, March 28, the gentleman from Ohio (Mr. STOKES) told the chairman and the rajah of the Committee on Rules, the gentleman from Missouri (Mr. BOLLING), he said:

Gonzalez acted without consulting the rest of the committee. I do not want to deal now with the staff problems. The staff would have walked out if Sprague had been fired. The staff feels that the charges against Sprague are unjust and untrue.

This was just Monday, March 28, in the afternoon; to which the gentleman from Missouri (Mr. BOLLING) says:

My impression was that the committee had gone into the charges and unanimously decided it was merely a conflict between the chairman and the committee.

STOKES says:

Absolutely. There was no proof to any of the charges.

The gentleman from Ohio (Mr. STOKES) continues:

We have no problem with Sprague; only one person did.

The gentleman from Illinois (Mr. MURPHY), a member of the Committee on Rules from Illinois, said:

Gonzalez made very disturbing charges against Sprague. What he, Sprague, has done to Henry he can do to you.

Well, the gentleman went on further and he said:

It's a funny way to have an investigation of the charges if just you and the committee and Sprague met and Gonzalez wasn't present.

Who pressed the charges to begin with? Well, let us go into the facts. I charge that Sprague had willfully, premeditatedly and with malice aforethought conspired to keep the nature and the extent of the hiring and anything to do with the staffing from any member of the committee from the chairman on down. Between December 15, 1976, and January 1, 1977, Sprague hired a total of 14 people with total annual salaries of $229,800.

On January 1, 1977, the committee was dying. All committees were dying. The 94th Congress was dying. We are not a continuing body.

Two days prior to the expiration of the committee and the Congress he hired 23 new staff members with total annual salaries of $474,600. He did not consult with or advise me or, to my knowledge, the members of the select committee of these actions.

Mr. STOKES told the Rules Committee on Monday that he knew about it. Well, he told me differently in January and February. I was sitting before the Rules Committee with RICHARDSON PREYER next day. He did not know about it. Now, Sprague explained later, when I demanded an explanation, that he took these actions because he contacted some member of the staff of the House Committee on Administration and was assured that $150,000 would be available under the continuing resolution. Now, how in the world could anybody assure that when we did not even have the new Congress assembled?

I told Mr. Sprague, "The trouble with that is that neither you nor that staffer have an election certificate, and you don't have a voting part in the Congress. Why did you go there? Why didn't you come to the committee to ask this information?"

Well, because somebody told him that this staffer, yet to be identified, in the House Administration Committee, told him it was all right. The truth and the fact is that he unilaterally hired and promoted staff employees at inflated salaries. He hired five employees of the staff of my predecessor, Chairman Downing, but the very fact that he hired these employees, and he did so without calling any member of the committee at any time, is a usurpation of the authority of the committee, and is an abject abdication of responsibility on the part of every member of that committee.

They still condone it. The effect of this hiring was to compel the 73-member staff to take a 35-percent reduction in salaries. On the other hand, as I pointed out yesterday and day before yesterday, Sprague was telling and counseling each member that as soon as his resolution passed—the one that passed today—they would have enough money soon thereafter when they got their $2,700,000 in order to pay back all of that difference of the cut they had taken, plus an increase—is the way he put it. That is another usurpation. He was allocating to himself the proper area of responsibility that only Members of the House can discharge.

Similarly, after the projected February salaries are to be paid, he says that there was to be a balance of $882. However, as I said, the letter from the House Administration Committee to me advised that they were exceeding the mandate of the House. As it now turns out, though, they do not call it that. They do not call it an over-expenditure—but that is what it is—of $200,000 that they owe the House Contingency Fund. What kind of numbers game is this? This is a shell game that I never thought I would see perpetrated on the Members of the House of the U.S. House of Representatives.

There is nobody at this point, including the present makeup of this committee and its chairman, who can tell this House with exactitude exactly how much that overexpenditure, as mandated by the House, of $84,333 is outstanding as of today or tomorrow or by the time the House Administration Committee decides to do something.

Now, there was another aspect that also motivated, and still bothers me very much, because I think the House is eventually going to be extremely embarassed. It will have to be defendant in litigation ultimately, just as sure as I am standing here.

I hope not. I hope it never comes to pass. But it is in the making right now. And some of the staffers and some of the members of the committee know it. At no time have they advised, that I know of, any of the general membership of the House, the reason being that under the ruling of a case styled McSurley against McClellan, decided just December 21, 1976, by the U.S. Court of Appeals for the District of Columbia, it is very possible that the members of the staff, and maybe even Members of the House, can be personally liable. This is the reason why they were trying to sneak through that provision in the resolution today that, fortunately, was knocked out by the House adopting the Bauman amendment that would have made the House pay for their defense when and if it comes.

I can assure the Members that the chances are more likely than not that it is coming. That is the reason I was sensitive about signing vouchers. They talk about having no authority to fire, when they did not object when I hired. The moment I signed the pay vouchers for everyone of that staff at the reduced rate, and only after I compelled them to bring me, for the first time, the full list, having it chronologically fixed up there in column form, showing the base pay annually, the 35-percent reduction reflected, and the certificate from the Administration Committee, it was not until I got that that I signed the pay vouchers for January.

When I did that, I was in effect uni-

laterally hiring that staff. No one in effect suggested it. If they are right, I was exceeding my authority then. I think if we had an objective venue, we could find the precedents and rules to support me. By indirection, I certainly would have the power the other way around. Certainly the other rules of the House that are pertinent in the case of insubordination, in the case of irresponsibility, and willful refusal to be accountable for public funds, why, there is no chairman in this House who would have acted differently under the same circumstances, and where we had a confabulation, where we had a confederation, and where we had a conspiracy to willfully protect a rotten chief counsel and staff director.

I will at this point yield back the balance of my time and appeal to my next special order.

LOBBY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, this afternoon BOB KASTENMEIER and I are introducing a lobby reform bill similar to the measure which overwhelmingly passed the House in the closing days of the 94th Congress. Before discussing our legislation and the need to reform the existing lobby disclosure statute, I would like to take a moment to commend those who have worked so hard in this area.

First, BOB KASTENMEIER, my good friend and colleague, has been one of the main sponsors of the lobby bill for several years, and he provided the leadership and guidance which were largely responsible for our successes in the last Congress.

I would also like to express my special gratitude to the former chairman of the House Subcommittee on Administrative Law and Governmental Relations, Walter Flowers, and the other Judiciary subcommittee members who labored long and hard to report a fair and evenhanded disclosure measure last year. Thanks are also due to the members of the full Judiciary Committee and its distinguished chairman, Mr. RODINO, for important contributions to the bill, H.R. 15, as it was reported to the House floor.

I would also compliment the work of the Committee on Standards of Official Conduct and its distinguished chairman, JOHN FLYNT, whose substitute proposal presented the opportunity for full consideration of alternative disclosure policies. In addition, praise is due to the more than 150 House Members who have sponsored some form of lobby reform legislation; particularly, the freshmen in the 94th Congress who stood so solidly behind the concept of disclosure and accountability in the political arena. Last, I would like to extend my personal thanks to my colleagues in the other body, who introduced similar legislation, and to the many private individuals who have commented on my efforts. Their comments have been especially helpful to me as I have tried to redraft legislation in this Congress.

Mr. Speaker, 2 years ago BOB KASTENMEIER and I introduced H.R. 15, to replace the ineffective 1946 Lobby Disclosure Act. Hearings were held by a Judiciary subcommittee, the full Judiciary Committee, and the Committee on Standards of Official Conduct.

The bill was amended and reported to the House floor where it was debated along with the standards' substitute and numerous amendments. After lengthy debate, in the early hours of September 29, 1976, H.R. 15 passed the House by an overwhelming vote of 307 to 34. Unfortunately, largely due to the press of end-of-session business, H.R. 15 could not be resolved with the Senate's version before adjournment, and a law was not enacted. However, I am confident we will be successful this Congress.

If one theme dominated our deliberations, it was our determination that we not infringe on the citizen's constitutional right to petition his Government for redress of grievances, and must not overly burden any organization, large or small, having to comply with the requirements of the bill. Yet at the same time we sought to provide the public with another, equally important right—the right to know who is involved in seeking to influence legislative and executive decisions, what the issues are, and perhaps most importantly how much money and time are being spent for such efforts. We were not then, nor are we now, seeking to restrict lobbying—we only want to provide for accountability in an area that is too often closed to the public view. Such secrecy is inimicable to our system of government—it contributes greatly to the public notion that important decisions are made as a result of wining and dining and backroom deals. It also obscures the positive and informational role that the professional lobbyist plays, a role vital to the Government process, and which has often been helpful to me personally.

The bill I am introducing today differs in several respects from the original H.R. 15. Such differences are the result of a concerted effort to balance accountability with a fair, evenhanded approach to lobbying disclosure. For example, only organizations—not individuals—are covered. Further, a geographical exemption is provided when an organization is contacting its own Congressman and Senators. Such provisions, I believe, make clear my concern over any possible chilling effect and my intent not to create any device that would appear to discourage communications.

In addition, the bill sets new standards of applicability. An organization must file reports if it either retains an individual for $1,250 or more in a quarter or hires an individual who spends 30 hours or more for lobbying communications or solicitations.

The legislation also takes into account the burdensomeness of reporting requirements. In my opinion, we are requiring only the essential information, and even give the Comptroller General discretion in waiving some of the requirements in certain cases.

Finally, a contribution category instead of specific dollar figures is a much better requirement that addresses itself to the privacy question that was raised last year.

In sum, it is my hope that this legislation will provide the public with the information it should know, without burdening those organizations which engage in lobbying activities.

I am very pleased and encouraged that the subcommittee chaired by my distinguished colleague Mr. DANIELSON will begin hearings on lobby reform legislation next week. At that time, I hope to expand on my comments, and will urge that the bill BOB KASTENMEIER and I are now sponsoring will be taken into consideration.

Thank you, Mr. Speaker.

MORE EDITORIAL SUPPORT FOR CONGRESSIONAL PAY RAISE DEFERRAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, yesterday I placed in the RECORD a fairly lengthy statement reviewing my proposal that no increase in congressional salary should go into effect until the Congress following the one in which it is approved.

In that statement I mentioned that the Congressional Pay Raise Deferral Act, H.R. 1365, has received considerable support from editorialists in the news media. Today, I wish to elaborate on that point.

At the conclusion of my remarks here, I would like to insert in the RECORD the text of three editorials. They are from the Minneapolis Tribune, the Akron Beacon Journal, and KSL–TV in Salt Lake City.

In previous statements in the CONGRESSIONAL RECORD. I have noted editorials supporting H.R. 1365 that were issued by news media outlets in Dayton, Ohio; Omaha, Nebr.; Roanoke, Va.; Seattle, Wash.; Albany, N.Y.; Toledo, Ohio; Richmond, Va.; and Bakersfield, Calif. Of course, there have been additional editorials that I have not cited.

The articles follow:

[From the Minneapolis Tribune, Feb. 28, 1977]

EDITORIAL

Members of Congress just got themselves a healthy pay raise by doing nothing. Now there is something they should do—see to it that their pay increases aren't handled that way in the future.

Raises through inaction are a product of a 1967 law setting up an advisory commission to recommend federal—including congressional—salary increases. Congress can accept, reject, raise or lower the recommendations. Or, if the president endorses the commission's proposal. Congress can do nothing—and the raises take effect in 30 days.

The last option has obvious advantages for members of Congress. They can get more money without having to take the political risks of voting raises for themselves. This year's performance was a typical result: Congressional leaders blocked efforts to bring the

salary issue up for a vote; most members simply waited for the paychecks to go up.

There is a better way, one proposed by Rep. Charles Whalen, R-Ohio, and a bipartisan group of 73 other House members. Their plan would retain the advisory commission to make recommendations, but would require Congress to vote on them. And any raises would not take effect until after the next congressional election. That's like the system about 30 states, including Minnesota, use for setting legislative salaries; a raise voted one session doesn't take effect until the next.

The Whalen proposal would force members of Congress to make a public case for higher salaries, and to take a public stand on them. That's better than letting Congress get something by doing nothing.

[From the Akron Beacon Journal, Feb. 18, 1977]

CONGRESS SHOULD END ITS SNEAKY PAY RAISES

Whether or not congressmen deserve the fat pay raise they voted themselves by their silence is a subject that could be debated from now until the end of the century. But there should be quick agreement that the under-the-table way in which such raises are handled must be changed.

Beginning Sunday, congressmen will receive an increase of $1,075 in their monthly pay—simply because they didn't vote not to increase their salaries.

Legislators at all levels dislike having to vote on pay increases for themselves. They know the question in the minds of all their constituents is: Is he worth what he's getting now? Some legislators don't even like to ask that of themselves.

But only our federal legislators have shown such a complete lack of intestinal fortitude as to bypass the process altogether. A commission recommends salary increases every four years—and those increases take effect automatically after 30 days unless the Congress votes *not* to accept them.

So congressmen will receive their 29 percent increases at the start of next week because they sat on their hands.

Even if the raises are deserved—which they may well be—the method of granting them must become open and above board. "The thing that leaves a bad taste," said Rep. Ralph Regula (R-Navarre), "is the way it's being handled."

Rep. Donald Pease (D-Oberlin), points out that under Ohio law a state legislator cannot receive the benefits of a voted pay increase until after he has stood for reelection.

The same basic idea is contained in a bill offered by Rep. Charles Whalen (R-but-leaning-toward-D-Dayton). The bill, cosponsored by Regula, Pease and J. William Stanton (R-Painesville), would delay raises from taking effect until after a general election.

That would allow voters the opportunity to decide whether a legislator who just voted himself a fat raise is going to receive it. Even more important than providing a potential campaign issue for challengers, though, is that a vote would put each individual congressman on record in favor of or opposed to a raise.

It would be a good idea to separate proposals for congressional raises from those for increases in judicial and executive branch salaries. Political pressure would be greatly reduced for congressmen voting to increase *somebody else's* salary; other top-level officials should neither be punished nor rewarded by being thrown into the same barrel with congressmen.

Although much of the 50 percent inflation over the past eight years can properly be laid at the door of the Congress, we can sympathize with anyone who has only received a five percent pay increase in that time.

So the congressmen may deserve this raise. But this should be the last one until they show enough backbone to change the system of granting salary increases.

[From KSL Television, Salt Lake City, Utah, Mar. 2, 1977]

Subject: Congressional pay raises.

Spokesman: L. H. Curtis, President, KSL, Inc.

We've talked here before about the Congressional pay raise. Sure enough, it became law last Monday as KSL said it would without Congress having to vote on it. This was done by the devious little parliamentary device we described a couple of weeks back.

Congressman Charles Whalen of Ohio has introduced a bill that speaks to this concern. It's called the Congressional Pay Raise Deferral Act and it would defer all pay raises for Congress to the session following the one in which they are approved. In other words, a member of Congress would have to face the voters on the issue before getting the pay raise.

Of course, this is not a new idea. Municipalities and state governments, which are closer to the people and feel the heat more quickly, have adopted this procedure in many cases. Congress should do no less.

But Congress should do more. It should require that no matters involving pay for Congress and the Executive could come into being by such trickery as what took place last week. The vote of each member of Congress should be on record on the issue so that the voters know where they stand. Without some such amendment, Congressman Whalen's bill won't improve matters much.

KSL hopes one of Utah's Congressmen will offer such an amendment.

HUMAN RIGHTS OF UKRAINIANS TO RESURRECT THEIR ORTHODOX AND CATHOLIC CHURCHES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, I believe the President has warmed the heart of every morally conscious American with his firm commitment to human rights in our foreign policy. In line with this truly great commitment, several of my colleagues and I have submitted House Concurrent Resolution 165, seeking the concrete resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine. We anticipate that as the prime significance and meaning of this resolution take hold in our country and abroad, countless groups and individuals will support us in this basic effort.

Why? In the whole record of deprivation of human rights there are no comparable cases on the scale of national import than this Stalinist liquidation of the two major religious institutions of Ukraine. Yes, there is religious persecution in the U.S.S.R. and elsewhere, but these are outstanding cases of religious genocide. Those who are persecuted are at least still in being; the Ukrainian Orthodox and Catholic Churches were completely wiped out under Stalin. This distinguished fact should be of concern to every human being with a moral conscience, and we intend to arouse this conscience in institutional as well as personal quarters. Certainly, this unique case must become high on our agenda for the Belgrade Conference this June.

For our leadership and citizens, I submit for publication the resolution and its cosponsors. Also, I append to these remarks essential excerpts from the article written by Dr. Lev E. Dobriansky of Georgetown University on "Imperialism, Religious Persecution and Genocide," in the Ukrainian Quarterly:

COSPONSORS

Mr. Annunzio, Mr. Burke of Massachusetts, Mr. Delaney, Mr. Derwinski, Mr. Dodd, Mr. Giaimo, Mr. Koch, Mr. Moakley, Mr. Patten, Mr. Sarasin, Mr. Stratton, Mr. Walsh, and Mr. Wydler.

H. CON. RES. 165—TO SEEK THE RESURRECTION OF THE UKRAINIAN ORTHODOX AND CATHOLIC CHURCHES IN UKRAINE

Whereas the Charter of the United Nations, as well as its Declaration of Human Rights, sets forth the objective of international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion . . ."; and

Whereas in the Constitution of the Union of Soviet Socialist Republics article 124 unequivocally provides that "In order to insure to citizens freedom of conscience, freedom of religious worship, and freedom of anti-religious propaganda is recognized for all citizens"; and

Whereas not just religious or civil repression but the genocide—the absolute physical extermination—of both the Ukrainian Orthodox and Catholic Churches in a nation of over forty-five million brutally violates the basic civilized rights enunciated above: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—

(1) call upon the Government of the Union of Soviet Socialist Republics to permit the concrete resurrection of both the Ukrainian Orthodox and Catholic Churches in the largest non-Russian nation both within the Union of Soviet Socialist Republics and in Eastern Europe; and

(2) utilize formal and informal contacts with Union of Soviet Socialist Republics officials in an effort to secure the freedom of religious worship in places of both churches that their own constitution provides for; and

(3) raise in the General Assembly of the United Nations the issue of Stalin's liquidation of the two churches and its perpetuated effect on the posture of the Union of Soviet Socialist Republics in the light of the United Nations Charter and the Declaration of Human Rights.

IMPERIALISM, RELIGIOUS PERSECUTION, AND GENOCIDE

(By Lev E. Dobriansky)

In our Bicentennial year the only high-level official in our government who defined the nature of the enemy threatening our continued independence as a nation has been Vice President Nelson Rockefeller. In a speech in West Germany he explicitly stated, "The era of old world imperialism has gone, and yet we find ourselves faced with a new and far more complex form of imperialism, a mixture of Czarism and Marxism with colonial appendages."[1] When queried on

[1] *The Washington Star*, May 16, 1976.

this, he added, "I was just telling it like it is." Actually, as pointed out by this writer, "there is nothing new about traditional Russian imperialism, whether Czarist or Marxist, and its projections into Asia, the Mideast and the New World have able precedents in the past."[2] Indeed, excellent precedents and continuities can be established in numerous spheres of societal existence, be it economic, political, social or religious. Stripped of different actors, semantics and ideologies, the basic force of Russian imperialism reveals the same substantial trends, characteristics, and symptoms whether the period was pre-Soviet or now. Intensity, scope, degree and encompassment might differ, but the substantial form is there. And perhaps nowhere is this truth as crystal clear as in the area of religious persecution and genocide, particularly in the cases of the Ukrainian Orthodox and Catholic Churches. * * *

It cannot be too greatly stressed that regarding their exclusive and special status in the area of religious persecution, the Ukrainian Catholic Church and the Ukrainian Orthodox Church have been objects of Soviet Russian genocide. Both Churches are not in actual institutional being today within the Soviet Union. Except for the Byelorussian Orthodox Church, this paramount fact of religious genocide separates the two from most other cases of religious persecution in the USSR.[4] * * *

To understand with vivid feeling the genocide perpetrated on the two Churches in our times, it is essential to have at least a perspectival historical background on the subject, but a holistic one that endeavors to see basically related phenomena in toto and not one of mere chronological sequence. The chief trends of religious, national development in Ukraine from 988 A.D. to the present even lend themselves to neat, coherent diagramatization, as will be provided shortly to save our sight of the forest for the individual factual trees. With a holistic bias, the impact of empires and ideologies on these trends is striking and should be appropriately noted to explain current realities. It is interesting to observe that an atheistic government affects all religious forms adversely, but not in proportionate ways—genocide for some, encouraged use of others. Why? * * *

Regardless of one's primary discipline, whether it be that of an historian, a political scientist, an economist and so forth, to effectively study the structure and behavior of the previous Czarist Russian Empire and, more so, those of the present empire-state, the USSR, necessitates the integrative, holistic approach. If the present imperial state known as the Soviet Union is totalitarian, which indeed it is, then all parts of its behavior and policy must be viewed in the end totalistically or, in effect, holistically. As a pertinent example, no religious body or institution could exist on the surface and in the open in this imperial state with a denial of access to economic resources and facilities. This monopoly of economic power is interlaced with a monopoly of political power, and all are legalistically legitimized against an explicative background of historical causation * * *

With a holistic awareness of the current religious situation in the Soviet Union, the very first cardinal point that needs reiteration is that both the Ukrainian Catholic Church and the Ukrainian Orthodox Church fit into an exclusive sphere for inquiry and action. No doubt, in the Russian Orthodox Church, the Georgian Orthodox Church, the Roman Catholics, Calvinists, Jews, Moslems and others.[5] But the crucial point of distinction for any inquiry, legislation and action is that all of these so persecuted are nevertheless in being institutionally. In sharp contrast, the Ukrainian Catholic and Orthodox Churches are not in being; they have been obliterated by the State. It is, therefore, not only a matter of persecution of individuals but also a clear case of genocide of institutional bodies that serve over time to conserve the spiritual resources of a given people and nation.[6]

Associated with this crucial point is the further consideration in dealing with religious persecution in the Soviet Union that, on the basis of the principle of proportionality, any thought and action in this area be proportional to the object itself, to the reality of the peculiar situation. The two traditional Ukrainian Churches are what can properly be called the expressions of the spiritual soul of a nation. Their institutional liquidation subjects this soul to virtual extinction. And, to repeat the chief contextual point, we are dealing here with a nation that is the largest non-Russian nation not only in the Soviet Union but also in Eastern Europe and, as a consequence, is of special interest to Moscow as indeed it should be to us.

At the recent Congressional hearing on this subject, a thoughtful legislator asked whether for action purposes it is possible to separate the religious strand from the political and ideological so to disallow any pretext for Moscow to predicate its reaction on the latter. The answer to this tactical question is yes. The separation is really one of the operational from the analytic. However, though this may be necessary, the motivation, conviction and passion that would guarantee maximum operation would be of little ingredient value without the breadth and depth of understanding and ordered knowledge provided by the analytic. Thus, as an example, a move is under way to refer this issue to the newly-created Commission on European Security and Cooperation, which aims to monitor Moscow's observance this past year of the Helsinki Accord.[7]

It was the result of my own testimony several years ago before a Congressional committee that I learned the need for such a schema whenever this subject is examined.[8] So, quickly and concisely, with reference to the diagram, Christianity was accepted in the Ukrainian area as early as 988 A.D. Its point of origin was Byzantium. There wasn't any real division then between Rome and Constantinople and, as a consequence diagrammatically, one sees a continuous development of the Christian churches. However, the next significant date in the structural outline is 1054, when the real division occurred and separated Ukrainian Christian institutions from Rome. They developed as independent religious organizations in close union with the Patriarch of Constantinople for at least five centuries. Which brings us to the third very important turning point and date here, specifically, 1596.

Significant as an explanatory note for the division of the Ukrainian Christian Church, in that year a conference of bishops both from Ukraine and Byelorussia made union with the Roman Catholic Church at the Conference of Brest whereby they accepted the leadership of the Pope but retained all rights and customs of the Eastern Church. Not all Ukrainians followed in this course, and the beginning of the two-tiered Ukrainian religious development occurred. On one tier is the development of the Ukrainian Catholic Church, while on the other, representing the majority of the Ukrainian faithful, is the Ukrainian Orthodox Church. This short but substantial description goes a long way in clarifying for contemporary listeners the historical source of the two genocided Churches down to present times.

But even more clarifying for present understanding is the positing of this two-tiered religious development in a subsequent centuries-long historical context marked chiefly by the imprints of empire and ideology. In this determining respect we find a most curious historical phenomenon bearing on imperial inclinations of enlightened self-interest and genocidal absorption as concern the two Churches. By the 18th and 19th centuries the fruitful development of the two Churches is differently affected by the impacts of empire and ideology. With reference to the Orthodox tier and in relatively minor part the Catholic one, the steady expansion of the Czarist Russian Empire and also its ideology of a Third Rome—namely, Moscow being the third Rome and no fourth thereafter—had their adverse impacts in the harassment and eventual curtailment of both the Ukrainian Orthodox Church and part of the Catholic within that empire. Subordination to the Russian Orthodox Church and systematic absorption were the prominent marks of the genocidal Russification policies of the previous Czars, in substance not unlike those under Stalin in more recent decades.

Paradoxically enough, with the evolution of the Austro-Hungarian Empire, in which part of the Ukrainian territory happened to be situated right down to 1918, an enlightened but self-interested dynasty offered encouragement to Ukrainian Catholicism. To emphasize the contrast on the two-tiered analysis basis, in the context of the Austro-Hungarian Empire, the Ukrainian Catholic Church was furthered in a favorable way against the expansionist Russian Empire. On the other hand, the latter with its well-known Russification policies brought about the systematic subordination and literal liquidation of the Ukrainian Orthodox Church and Catholic parishes in the empire.

In our structured schema, the next important date is, of course, 1917, with the disintegration of the Czarist Russian Empire. A long-sought opportunity was historically presented for the open expression of the suppressed desires and aspirations of the Ukrainian people subjugated in that empire. With the declaration of Ukrainian national independence and the establishment of the Ukrainian National Republic in the ensuing period the easy continuation of Ukrainian Catholic development was assured. But with this historic event the other tier saw the resurrection of Ukrainian Orthodox development in full bloom. By 1921, at an all-Ukrainian Orthodox meeting of bishops and others in Kiev, the independent Ukrainian Orthodox Church was reestablished. Even in this period of what was called Soviet Ukraine, prior to its forcible incorporation into what became a new empire under the name of the USSR, and also for a good part of the 20's, when the Ukrainianization program prevailed in the area, the independent Ukrainian Orthodox Church flowered.

However, this was not to be an institutional continuum as observed on the other tier of Ukrainian Catholic development. For

---

[2] "Captive Nations Week," *Congressional Record*, July 2, 19, p. 22220.

[4] See *Religion In The USSR*, Institute for the Study of the USSR, Munich, July 1960.

[5] E. g. Nikolai Hoffman. "The Mass Closure of Monasteries in the USSR After the Twenty-First Congress of the CPSU," Radio Liberty, May 20, 1976.

[6] See, *The Genocide Convention:* Hearings. Senate Committee on Foreign Relations, Washington, D.C., 1950.

[7] For background see, "CSCE and the Captive Nations." *The Ukrainian Quarterly*, New York, Autumn, 1975.

[8] *Antireligious Activities in the Soviet Union and in Eastern Europe*, Hearings, House Committee on Foreign Affairs, 1965.

by the end of the 20's and going into the 30's, Moscow's assault against the Ukrainian Orthodox Church was in full swing. This chapter of religious genocide has to be emphatically noted because it presaged the equal tragedy that was to befall the Ukrainian Catholic Church a decade later when, as a result of World War II, this primary empire extended itself west. As before under the old Czars, it was executed in connection with Stalin's Russification policy which negated the Ukrainianization movement and all forces sublimating the national substance and nationalism not only in Moscow's Ukrainian colony but elsewhere in this new Soviet Russian Empire.[10]

To all intents and purposes, the assault the Ukrainian Autocephalic Orthodox Church succeeded by the mid-30's. The Church was abolished, its archbishops and bishops were eliminated, some 20,000 priests, deacons and others were liquidated, and over 3,000 parishes wer disbanded. In effect, the Ukrainian Orthodox faithful were coerced into the Russian Orthodox Church, following a policy with clear historical antecedents. * * *

Scarcely surprising, as the war progressed and Moscow's armed forces advanced toward Berlin, the assault against the Church was intensified. The high point was reached in April, 1945, when the NKVD arrested Slipyj. two bishops and others and, significantly, sought their renunciation of the Union of Brest. Their valiant refusal led to incarceration, and Slipyj himself spent 17 years in Soviet Russian concentration camps. The genocide of the Ukrainian Catholic Church proceeded rapidly with deportations, property confiscation and coercion, and was legalistically capped in 1946 when Moscow, in characteristic Russian potemkin fashion, inspired a spurious synod in Lviv to abrogate the Union of Brest and to proclaim the reunion of the Ukrainian Catholic Church with the Russian Orthodox Church, as though it were ever a part of it.[11] We see here a striking analogy to the equally specious political reunion in the Pereyaslav treaty celebrated in the Soviet Union eight years hence.

THE PRESENT SITUATION

All of these essentials in our schema, including the long arms of history, have shaped the present situation of the Ukrainian Orthodox and Catholic Churches in Ukraine—non-institutions. In addition to the long-run forces already cited, it should also be noted how the regime, as in past times under the old Czars and the sway of the Petrine doctrine, made use of the Russian Orthodox Church as a medium for the obliteration and genocide of these two major Ukrainian religious institutions. The atheistic State has consistently assisted the Moscow Patriarchate by arresting and sentencing recalcitrant clergy for refusing to join the Russian Church. For its own political design it has given the force of law to the spurious reunion of 1946, and has applied it with prosecutions of supposedly illegal Ukrainian clergy and laity who have petitioned authorities for the registration of local congregations.[12] What is construed as law here has as much legitimacy and validity in moral and objective value as the totalitarian, imperialistic regime itself. The facade is thoroughly transparent, but many petitioners suffer from it.

Estimated at about 13% of the population in faithful and loyal membership, or some 7 million, the Ukrainian Catholic Church exists today only in the hearts and minds of individual persons who at great risk congregate in an extensive religious underground. Cumulative evidence indicates without question of doubt that the Catacombs do exist. For these "illegal" Ukrainian Catholics there is one bishop, some 300 clergy and monastics who combine their religious work in a surreptitious, underground manner with their normal secular vocations. Moreover, "the Silent Church," as it is known, is a constant object of attack by the Moscow propaganda machine. Its members are decried as "agents of the Pope," "bourgeois Ukrainian nationalist subversives," and also as "lackeys of American imperialism." The organs of Moscow and Kiev play these tunes regularly.[13] The plain fact is that they are Catholic, anti-Communist Ukrainian patriots whose religious values underly their political and societal values * * *.

IN THE NAME OF HUMAN RIGHTS

Thus, in the name of human rights, what can be done about this current situation? As stressed at the very beginning, the possibilities for concerted world-wide action on this prime genocidal case of human rights are immense. First, a careful distinction must be drawn between religious persecution in the USSR in general, which must be fought, and the religious genocide of the Ukrainian Catholic and Orthodox Churches in particular, which must be concentrated on by rule of logical proportionality. Much more time, resource and concern are devoted to larger crimes than smaller ones. This was the main reason for having a separate Genocide Convention from a Human Rights Declaration.

Second, the legal and procedural bases for the pursuit of this vital distinction are several. As with all forms of religious persecution in the USSR, the prominent case of the Ukrainian Catholic and Orthodox Churches stands in marked contradiction to the USSR constitution and its article 124 providing freedom of religious worship; it stands in crass violation of the U.N. Charter and Declaration of Human Rights, to which Moscow is a signatory; and it stands in equal violation of the Helsinki Accord, to which Moscow is also a signatory. The avenues of pressure on these bases should be obvious. But in singular contrast to all other forms of persecution, the case of the two Churches falls also under the Genocide Convention, which Moscow has ratified. Although, regrettably, the United States has failed up to now to ratify this vital treaty, there is no reason for another democracy subscribing to it not to raise the issue.[14]

Finally, on the procedural plane there is H. Con. Res. 205, now pending in Congress and with proportional weight addressing itself to this special case. It calls upon the government of the USSR to permit the concrete resurrection of both Churches; it urges informal and even formal contacts with USSR officials to secure this in accordance with their own constitution; and it seeks our own representative in the U.N. to raise in the General Assembly this issue of Stalin's liquidation of the two Churches. De-Stalinization in the USSR has affected many areas, but this one area has been overlooked.

In conclusion, what remains is a world-wide religious activism centering on this special case of religious genocide and all forms of religious persecution in the USSR. A move is on in the U.S. Congress for this.[15] It was a natural for the I.E.C. to adopt. As an ecumenical response to the desperate appeal last year to the Pope by the imprisoned Ukrainian Orthodox priest, Vasyl Romaniuk, it should stand high in the actions of the Vatican.[16] Moreover, it should be posed to the World Council of Churches, on which sits the questionable Boris Nikodim, suspected of being a KGB agent.[17] One spark of religious leadership is all that is needed, and a ground-swell of international proportion, involving all believers in fundamental human rights, would be in the offing.

PROPOSED TAX FOR CURRENTLY TAX-EXEMPT ORGANIZATIONS WISHING TO INVEST IN FARMLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

Mr. BEDELL. Mr. Speaker, I am today introducing a bill which would help to protect independent farmers from seeing the costs of farmland skyrocket out of sight. A while ago, the Continental Illinois Bank and Merrill Lynch wanted to establish a $50 million pool which would then be invested in the prime farmland of a number of States.

The implications of such a project involve such things as the effects of outside investment on the farm economy and rural communities, the possibility of land prices and assessments in an area being driven up, competition for available farmland with local farmers, and the viability of the family farm.

The project, called the Ag Land Fund I, was especially attractive to Continental Illinois because they proposed to allow employee pension and profit-sharing plans, which are tax exempt, to participate in the project. Mr. Speaker, our purpose should not be to foster the moneymaking schemes of such investment funds. Just the opposite; we should be trying to ease the existing pressures on those people who wish to become or remain truly independent farmers.

To that end, my bill would require that income derived by tax-exempt organizations from investments in farmland and farming operations be considered as "unrelated business taxable income." This would mean that such income would be taxed at the existing corporate rates.

I feel that this would give our family farmers some measure of protection against the sort of project that could put them out of business.

Under my plan, certain charitable and educational organizations would be exempt from this tax if they used the farmland for their charitable or educational purpose. But, other than that, it would be impossible for anyone to invest in a project similar to Continental's Ag

---

[10] See, *The Black Deeds of the Kremlin*, Vols. I, II, Toronto, Detroit, 1953–1955.

[11] A detailed analysis in *Case Studies in Human Rights and Fundamental Freedoms*, The Hague, 1975.

[12] Described in *Detente*, Hearings, House Committee on Foreign Affairs, 1974.

[13] E.g., H. Nemazany, "In the Chorus of Reactionary Forces." *Robitnycha Hazeta*, Kiev, April 19, 1970.

[14] *Genocide Convention*, Hearings, Senate Committee on Foreign Relations, 1970, pp. 165–174.

[15] A partially accurate report is in "Movement Grows in Congress for Soviet Christian Support," *The Washington Post*, July 31, 1976.

[16] *Th Ukrainian Review*, London, Winter 1975, pp. 62–64.

[17] E. g., Elena Pozdeeva, "The Report Card of the Moscow Patriarchate's Delegation in Nairobi." *Radio Liberty*, February 23, 1976.

Land Fund and receive special tax advantages.

Continental Illinois Bank clearly stated in their testimony before the House Agriculture Committee that they would not be interested in the Ag Land Fund project if it were not for the tax advantage they hoped to gain. My bill would remove these tax advantages to compete unfairly with the family farm and even further escalate the price of farmland.

UPDATE ON ZAIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BONKER) is recognized for 5 minutes.

Mr. BONKER. Mr. Speaker, I am not satisfied that the vital interest has yet been stated which justifies American support of one particular side over another in a military conflict far off in Zaire. Although here is little dispute that our access to Zaire has strategic and economic importance, the real question is whether it has enough to excuse propping up a dictatorial, unresponsive, corrupt, even brutal regime. Maybe the alternative is worse; but with the present situation arguably beyond the pale as it is, such a rationale rings hollow. In any case, it is not clear that President Mobutu is particularly pro-American, nor that a new regime would necessarily be anti-American. Mobutu in recent years has thrown out a U.S. Ambassador and loudly accused us of meddling; President Neto next door, though Marxist, is eager to negotiate a modus vivendi with Gulf and Boeing.

Our track record of foreign involvement is so checkered, one is indeed tempted to let the chips fall where they may. Given our experience in Vietnam and Cambodia, we ought to be wondering not only whether we are serving a bad cause, but, as a practical matter, whether it is a losing one. If Mobutu lacks popular support, how much money will it take to keep him in power down the road? The reports of corruption and incompetence in the bureaucracy and army should not give us any illusions about the effectiveness of throwing money at the problem.

I am particularly concerned that the exposure of U.S. banks is considered cause for spilling blood. Creditors charge part of their interest precisely for the risk they accept in making loans. I would sooner compensate them directly for their losses than go to the length of supporting Mobutu and a war situation for their indirect benefit—and in the process deprive some of our fellow human beings in Zaire of liberty, economic welfare, and even life.

Some make a last-ditch case for supporting Zaire because we always have, that to do otherwise would seem abandonment of a friend and lack of all-important resolve. But is Mobutu really a friend? And cannot we demonstrate resolve just as well by facing up to our mistakes? At worst, it might demonstrate intelligence. At some point it is best to admit changed circumstances and perceptions. Would it really look better to continue to define Mobutu's survival as a vital interest and send him aid to the bitter end though he finally falls of his own weight? There would only be recriminations from both victor and vanquished; and we would have advertised our failure.

Fortunately, there are at least a couple of silver linings in the situation. One is that the fates of Shaba Province have bestowed the heaviest rains in 18 years, literally to put a damper on the actual fighting. This is not to mention that in many instances the Katangan force seems to be greeted by the local population more as a homecoming than an invasion; or that the troops Mobutu has dispatched are not gaining renown for inspired combat. Taken together, this should buy some time for mediation.

And this is the second blessing, that Nigeria is willing to make an initiative. Andy Young's early effort to treat Africa with gravity and goodwill is already paying off. Nevertheless, it is not entirely the case that General Obasanjo is lending his good offices out of friendship for the United States or even general altruism. In fact, he is concerned with a flareup in such a rich area invites superpower involvement and competition. Nigeria proudly considers itself nonalined and the regional power to reckon with. In addition, a precedent for secession would not sit well in a country not so long ago torn apart itself by the Biafran civil war. The OAU as well has traditionally endorsed the principle of territorial integrity. Though the boundaries of African nations are largely the product of arbitrary European decisions, now that they exist a lot of oxes stand to be gored. If the conflict is really one propelled by outsiders—that is, Angolans and Cubans—international diplomacy can offer substantial leverage. If the Katangan gendarmes turn out to be beyond its control, the image would be reinforced that we are dealing with an internal and historic sort of conflict.

Sounding off about human rights has certainly become fashionable, if not particularly productive. I do not advocate, however, that the United States judge other sovereign nations gratuitously or strictly by our own standards. To developing countries especially, faced with the awesome task of nation-building, parliamentary forms originally tailored to Western industrialized countries may be quite a luxury. Though there is a consensus in this country that the system we have is in its essence right for us, it is not obvious that the model is transferable to all other times and places. We are ourselves, after all, fairly imperfect; and in our own fledgling years we were even more so.

But I do believe that in underwriting a foreign aid program we reserve some limited right to determine if governments of recipient countries comport with the ideal on which the program is promised; namely, establishing a world of security based on liberty and justice. We need not destabilize offending regimes; but neither need we be their accomplice.

PUBLIC DISCLOSURE OF LOBBYING ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, the 94th Congress adjourned last year without concluding its work on one of the more important reform issues, lobbying disclosure. Although both Houses of the Congress overwhelmingly passed legislation requiring greater disclosure on the part of those organizations that lobby the Congress and the executive branch, time ran out before the differences between the House and Senate versions could be resolved.

The long deliberations on lobbying disclosure legislation in the previous Congress emphasized what had been known for a long time, that the present lobbying law, enacted in 1946, is ineffective and unenforceable. It is imperative that we pass a new disclosure law, and, today, I am joining Congressman TOM RAILSBACK in introducing the Public Disclosure of Lobbying Act of 1977. This measure is similar, in many respects to H.R. 15 which passed the House in the early hours of September 29, 1976.

This new legislation requires that any organization which: First, makes expenditures in excess of $1,250 in any quarterly filing period to retain another person to make a lobbying communication or solicitation; or second, employs at least one individual who spends 30 or more hours in any quarterly filing period or employs two or more individuals, each of whom spends 15 or more hours in any such period, making lobbying communications or solicitations, to influence the content or disposition of legislation, rulemaking, rule or the awarding of a Government contract involving $1 million or more, to register with the Comptroller General not later than 15 days after engaging in such activities.

Any organization which meets these threshold provisions must inform the Comptroller General of the general description of the methods by which it arrived at its position with respect to any issue, the identification of any person it employs or retains to lobby and an identification of each organization or individual from which it received $3,000 or more which was expended in whole or in part for lobbying activities. The amount of income provided by such an organization or individual need not be stated in exact amounts but can be stated in categories of value system. The Comptroller General is given authority to waive this requirement if such contributions are equal to less than 5 percent of the organization's total annual expenditures and if such organization demonstrated that disclosure of such contributions would violate the privacy of the contributor's religious beliefs or lead to the possible harassment of the contributor.

Thirty days following the close of each quarterly filing period, each lobbying organization must file a report with the Comptroller General concerning its

lobbying activities in that period. Each organization must disclose the total expenditures associated with its lobbying activities. Each expenditure in excess of $35 made to any Federal officer or employee must be reported and such officer or employee identified. The organization is required to disclose the cost of any reception or dinner for Federal officers or employees if the total cost exceeds $500. Any person hired or retained by the reporting organization must be identified along with each issue with which such person was involved. The total expenditures made pursuant to such employment or retention must also be disclosed. In addition, any chief executive officer or principal operating officer of any organization who engages in lobbying activities shall be identified and, if such officer spends more than 15 hours on lobbying communications or solicitations, regardless of whether such officer was compensated or not, the organization shall identify each issue with which that officer was involved. Lastly, a description is required of any solicitation made or paid by such organization along with the subject matter where such solicitation reached or could be reasonably expected to reach, in identical or similar form, 500 or more persons, or 25 or more officers or directors, 100 or more employees or 12 or more affiliates of such organization. This requirement may be satisfied, with respect to a written solicitation, at the discretion of the reporting organization by filing a copy of such solicitation.

The Comptroller General will publish such information contained in the quarterly filing period in the Federal Register. However, the Comptroller General is given authority to withhold from public disclosure, upon petition by any person, any information required to be disclosed to the public upon a showing that such disclosure may reasonably be expected to lead to the harassment of any person, or lead to threats or reprisals against any person.

I want to emphasize that this legislation does not interfere with the constitutional rights of any citizen to communicate his views to Government officials. In fact, the legislation specifically excludes from its coverage any individual who acts solely on his own behalf for a redress of personal grievances or to express personal opinions. Further, this measure, in no way, restricts lobbying activities by an organization with the Federal Government. I do not believe that compliance with the requirements of this legislation is burdensome. Actually, the reporting requirements are much more simplified than those contained in last year's bill.

Mr. Speaker, we all know that lobbyists do represent special interests, and it is well for the public to know that such types of interests are being represented in dealings with the Federal Government. Full disclosure of lobbying activities will benefit the public by enabling them to better understand the nature of special interest pressures, and they will be better equipped to hold public officials accountable for their response to these pressures. In addition, public officials also will gain by lobbying reform since they will, with public disclosure, find it easier to evaluate lobbying pressures and put them in a better perspective.

Mr. Speaker, I am pleased to note that our colleague, Congressman GEORGE DANIELSON, chairman of the House Judiciary Subcommittee on Administrative Law and Governmental Relations, has announced the start of subcommittee hearings on lobbying disclosure legislation beginning on April 4. Such expeditious consideration of the lobbying issue guarantees that this Congress will succeed in passing urgently needed lobbying reform legislation.

PERSONAL STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD at this point a statement regarding a recorded vote I missed on Tuesday, March 29, 1977, and an indication of how I would have voted had I been present. I was attending a concert in Detroit, Mich., in tribute to the memory of our late colleague, Senator Phillip A. Hart. The vote was on rollcall No. 107, a vote on final passage of H.R. 5045, the Reorganization Act of 1977. The bill passed 395 to 22. I was paired for this bill, and had I been present, would have voted in favor of it.

HENRY B. GONZALEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. KRUEGER) is recognized for 5 minutes.

Mr. KRUEGER. Mr. Speaker, now that the House has determined to establish a committee to pursue its investigation into the assassinations of John Kennedy and Martin Luther King, I rise to make some observations.

First, my friend and colleague, HENRY B. GONZALEZ, has emerged with his dignity and judgment confirmed. Those of us who have known HENRY GONZALEZ well, over some years, know that he is a man with a high sense of personal honor. He could not, in fairness to his respect for the House of Representatives, take lightly the arrogant and unbecoming behavior of a staff member who defied his authority as the duly-appointed chairman of the committee, and who sought to defy the proper processes of Government.

There is no question that if Mr. Sprague had continued to be the committee counsel, when today's vote came the House would not have extended the life of the committee. I regret that Mr. Sprague's departure did not come earlier for, if it had, HENRY GONZALEZ would probably not have resigned, and would be in his rightful place: chairman of a committee that he worked so hard to see established. He was in the forefront in his concern for this issue, and stood almost alone among Members of the House several years ago by his interest in establishing a committee to investigate the assassination of President Kennedy. Then, as so often, Mr. GONZALEZ showed himself to be a person of independent judgment and strong constitution. Few men in this House are as well loved by their constituents as HENRY GONZALEZ, and he has won the respect of the people whom he represents by his courage, his keen intelligence, and his independent bearing. If he has been assertive, as some have called him, he has been so in pursuit of matters close to the concerns of his constituents and his country. A pioneer in the civil rights movement, a man who has been consistently willing to champion unpopular causes when he thought they were right, he maintains, as before, his strong and courageous nature and his shrewd judgment. In assessing the character of the chief counsel of the Assassinations Committee, his judgment has, I believe, been confirmed by the House, for it voted to proceed with the Assassinations Committee only after Mr. Sprague's resignation.

Like many others, I could support the Assassinations Committee only after the resignation of Mr. Sprague. I commend my colleague from Texas, Mr. HIGHTOWER, for receiving confirmation from the gentleman from Ohio (Mr. STOKES) that all connection between the committee and Mr. Sprague has now ended. That is good news, and we must hope that the committee can now proceed in its investigation with judicious assessment of the evidence.

I have myself been at various times undecided about how to vote on whether or not to continue the committee. If Mr. Sprague had continued, I definitely would not have supported the committee's continuance. With his resignation, however, I could look again at the original question: whether or not anything is to be gained by the House of Representatives' investigating the assassinations of two of America's foremost leaders. And information given to me by members of the Special Committee on Assassinations convinces me that questions that are both important and answerable have not been answered because there was no forum for such an investigation. The Justice Department could not effectively undertake it because many of the questions surrounding earlier investigations of both assassinations concern whether or not agencies within the executive branch deserve the full confidence of the American people for their roles in those investigations. If charges, for example, that our intelligence agencies had information they did not reveal to the Warren Commission are ever to be removed, they cannot be removed by asking the Justice Department to investigate itself. Further, no grand jury is likely to have the funds and reach necessary to investigate all of these leads. Therefore, it is appropriate that the only body of Government to which all Members are elected, and none appointed, that is, the House of Representatives, should represent the people themselves in conducting this investigation.

I learned only today that one individual who had been asked to testify before the committee with regard to the Kennedy assassination has evidently committed suicide on being asked to testify. In addition, I learned from a member of the committee that James Earl Ray, convicted of the murder of Dr. King, indicated today that for the first time he is now prepared to take a lie detector test in responding to questions.

At one point, it seemed to me that further investigation by the committee could not come up with any leads and could not set old doubts to rest. I no longer believe that. I believe that there is both enough evidence of new information, and that there are enough serious questions about the past investigations conducted into the murders of President Kennedy and Dr. King to warrant the continuation of investigations for which, more than anyone else, HENRY B. GONZALEZ had the foresight to recognize the need. I intend no offense to those who are now charged with conducting the investigation when I say that I wish my colleague HENRY B. GONZALEZ were the person to chair the committee.

Because HENRY GONZALEZ is a man of great determination, and has presented to the House the story of his dealings with Mr. Sprague, we have now had Mr. Sprague's resignation, which is prerequisite to continuing an investigation which Mr. GONZALEZ first suggested should be undertaken. In this, as in the resignation of Mr. Sprague, HENRY B. GONZALEZ has been vindicated.

REMARKS OF TRADE SUBCOMMITTEE CHAIRMAN CHARLES A. VANIK ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, today I had the pleasure of making a few brief remarks before the Advisory Committee for Trade Negotiations, a group created by the Trade Act of 1974 and chaired by the special trade representative Ambassador Robert Strauss. Several committee members have asked for the opportunity to comment on my remarks; therefore, I would like to enter them in the RECORD at this point:

As the new chairman of the Ways and Means Trade Subcommitte, it is a pleasure to meet with you. There is a new trade team in town: new Subcommittees in the Congress and, of course, Ambasador Strauss is asembling a new staff; we are all in a sort of shake-down cruise period. There may be a few mistakes and errors as we learn our jobs. But I am extremely optimistic, because we are a group that works well together. Divided government is gone from Washington; certainly there will be fights and arguments and misunderstandings. But I detect a better sense of cooperation, common purpose and mutual trust than I have seen in years.

I would like to make a few brief remarks on what I view as important elements of the Trad Act of 1974 for the work of this Advisory Committee for Trade Negotiations, the tripartite process the Act established for their implementation and on the enormous trade problems facing us that must be addressed and solved.

Congress had basically three general objectives or purposes in mind in developing the Trade Act of 1974 and in deciding the type of authorities to grant the Executive branch and the procedures to implement them.

One objective is to continue and expand efforts to increase world trade and to improve market and supply access for United States and foreign products through the elimination or reduction of government-imposed impediments to foreign trade in the form of tariffs and nontariff barriers. This would be accomplished largely through MTN agreements. This goal would also be attained through authorities to conclude trade agreements with nonmarket economy countries and to provide preferential tariff access in the United States market for developing countries.

A second purpose of the Act is to bring about greater equity and fairness in the international trading rules and in the operation of the world trading system. Congress has become increasingly concerned with the absence or inadequacy of international rules to govern some trading practices and by existing rules often being honored more in the breach. Consequently, reform of the trading rules and institutions is another basic theme of the Act.

A third objective is to improve and strengthen domestic procedures and measures to safeguard United States industry, labor, and other national interests against injurious fair or unfair trade competition and to permit the orderly adjustment of workers and firms to freer and increased trade while enabling consumers to benefit from greater competition and a wider choice of goods.

Congress couples the grant of extensive negotiating authorities to the Executive branch with a number of statutory conditions, time limits, interagency and public advisory and hearing procedures, and specific Congressional oversight and implementation mechanisms. Their purpose was to ensure the necessary inputs and review in the exercise of the Trade authority in the national interest.

The tripartite process that resulted, involving the Executive branch, private interests, and the Congress, is in many respects new, unique, and an experiment in greater liaison and partnership in the foreign economic policy field.

One of the main procedural innovations contained in the Trade Act is the advisory committee structure for ensuring consultation between industry, agriculture, labor and other private interests and the Government in developing policy positions for the trade negotiations. The committees representing individual industry, agriculture, and labor interests provide the necessary inputs of technical, detailed information and advice on specific product areas affected by potential agreements on tariff reductions and nontariff barriers.

The 45 members of this overall Advisory Committee for Trade Negotiations, on the other hand, have the responsibility, as does the Congress, to represent, advise, and act not on behalf of any particular special interest, but rather in the *overall* United States economic interest. The input of experience and advice from this Committee based on this broader perspective of balancing national economic goals and interests will be crucial not only to the trade negotiators, but to the Congress in helping it evaluate and make a decision on the merits of any trade agreements submitted for implementation. The Members and Committees concerned will await with great interest your reports and opinions required under the Act on the extent to which each trade agreement serves the national economic interest and this Committee's views on the results of the trade negotiations overall.

That is basically what the Congress had in mind with respect to the interaction of the Executive branch, Congress and the private sector. However, our task has been complicated by the enormous trade problems now facing us. You are aware of these issues and I do not want to go into them today. Personally, I believe that the root of many of our problems lies in the oil price crisis. World trade and finance will be out of shape until the nations of the world are able to achieve better energy conservation and new and widely held sources of energy. Hopefully, President Carter's April energy message will be an important step toward stability in the long-range future of world trade and energy.

Whatever the source of our problems, it is disconcerting to take over a new Subcommittee and turn around and read almost daily in the media that the United States is moving in the direction of protectionism. Indeed, there has been a great deal of discussion in the last two months about mounting "protectionism" and the threat created for world trade by a number of pending decisions in the International Trade Commission, before the President, and in the courts.

I would like to make several observations about these developments. Treasury Secretary Blumenthal made a good point in response to the recent ITC decisions by saying that "Protection is not necessarily protectionism." The fact of the matter is that sometime in the next two years, Senator Ribicoff and I are going to have to Floor manage legislation implementing agreements reached at Geneva. Can you imagine the fury which would have built up by that time if no import relief has been provided. I view the ITC decisions as escape valves to avoid the build-up of popular and Congressional opinion that would be overwhelmingly against any further trade expansion.

I think that the Congressional veto process is extremely healthy. If the President disagrees with any of the recommendations of the ITC, the Congress can choose between the President's position and the ITC's. Frankly, I must tell you that in my opinion a third of the House is protectionist today. Whole State delegations could vote solidly against trade liberalization. Any votes on the Floor in which we have to choose between the President and the ITC will be very, very close. But this should not be viewed as something "awful"—this should be viewed as a message and a warning—as a mini-referendum on the much larger package that we all hope to obtain at Geneva. This warning will help strengthen the hand of our negotiators in Geneva when they argue that the United States simply cannot concede on certain points.

Some may say that the ITC decisions and pending court cases will be viewed overseas as protectionist and that we should not do this to our trading partners. Frankly, I sometimes think we are our own worst critics; we debate these issues so freely and so openly that we make it easy for the rest of the world to throw rocks at us and forget that we should be attacking many of their trade practices. For example, I do not remember seeing a single editorial in the Washington papers about the European Community and Japanese steel cartel agreement of last summer in which the Japanese agreed to cut steel shipments to Europe by 2.6 million long tons. They are not going to eat that steel—and I think we should be concerned about it heading our way. The Europeans and the Japanese have gotten together on ball bearing trade, and they have divided up the world shipbuilding industry. The European preferential agreements with their former colonies have hurt our agricultural trade. As the MTN preparatory work of our own government shows, all of our major negotiating partners have added to their kits of trade restrictions even as the MTN has been underway. While we stand around worrying about whether every

little thing we do is protectionist and whether it will be liked by our trading partners, they are busy locking up Boardwalk and Park Place.

I have a number of objections to the recent ITC decisions. One of the most objectionable features of the ITC decisions, for example, is the uncalled for action by several Commissioners of listing areas where our trade partners could seek compensation or retaliate. Our trading partners can take care of themselves—and we should spend some time taking care of ourselves—This is not protectionism, this is a way of heading off protectionism.

The work of this Advisory Commission is very important. The Trade Act of 1974 probably provided for more advice and public citizen input than any other piece of legislation I have worked on. We want desperately to avoid the disappointment which followed the Kennedy Round when the Congress failed to accede to the elimination of the American Selling Price provision. Hopefully, our negotiators will be bringing one of the great economic documents of the century—and in the back of everyone's mind is the fear that without adequate consultation, it may be treated like another great document, the League of Nations.

As Chairman of the Trade Subcommittee, I would like to say that I hope to explore several new ideas or concepts during the coming year.

First, on import quotas or tariff quotas, there must be adequate consideration of the interest of the consumer, both initially in deciding the action, and in monitoring the import relief, particularly when consumer cost increases begin to exceed the trends in cost of living index as a result of the import restraints. The import relief should be structured in such a way as to prevent windfall profits from accruing to the efficient domestic producers an ensure a continuing price discipline on the domestic industry, thereby protecting the consumer.

Second, I am very troubled by the discriminatory system of country-by-country quotas. If a quota system is imposed, why not provide for a single global figure so there is competition for the American market and the consumer has a greater choice of which country's products he wants to buy. At present, some countries do not fully use their quotas, the system involves enormous paperwork, and tends to discriminate against new entrants into the market. A global quota permits the consumer to determine the source of imports based on price and quality. The decision is removed from the discretion of the bureaucracy.

Finally, most of our trading partners appear to have tacitly adopted a system whereby foreign imports are not allowed to take over or penetrate more than a certain percentage of their domestic market. While this is obviously not the ideal of pure, theoretical free trade, it provides assurances to domestic producers and workers and avoids the development of an attitude of fear about foreign trade. In the long run, the general concept of a certain acceptable level of penetration may be essential to ensuring the continued support for relatively open world trade. Domestic support for the MTN and trade in general might be increased if American labor and industry knew that there was a certain point beyond which foreign market penetration could not go and that there would be a certain level of jobs and investment which would remain American. Whenever we find it necessary to impose import relief, we must guard against the development of cartel arrangements. In this imperfect world in which we live, the adoption of this concept, which I believe is already generally a political fact of life for the major industries of America, would provide reassurance and guidance to ourselves and our trading partners.

In closing, I want to emphasize my view that the advisory and consultative process envisaged by the Congress is essential and must be a three-way process. In this regard, I have just been in touch with Ambassador Strauss to plan a series of large-scale briefings for Members and staffs and smaller, more or less monthly afternoon meetings with various State and regional delegations. I would like to keep the ACTN notified of these smaller meetings and perhaps those of you in town on a particular meeting date could come by and help in the educating process—and be educated in turn about our concerns for a sound trade package.

Again, thank you for your time and I will look forward to working with you in the months ahead.

PERSONAL EXPLANATION

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, legislative matters forced me to be off of Capitol Hill during two votes earlier this week. Had I been present on Monday, I would have voted "yes" on House Resolution 420, establishing a Select Committee on Congressional Operations.

Yesterday, I would have voted "no" on the amendment that sought to require that the House and Senate pass approval resolutions for reorganization plans.

EQUALITY FOR THE HANDICAPPED IS LONG OVERDUE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the handicapped of our Nation must be accorded their rights as soon as possible. I would like to urge Secretary Califano of the Department of Health, Education, and Welfare, to consider the needs of the handicapped a priority, and that he sign promptly the regulations enforcing section 504 of the Rehabilitation Act of 1973.

Section 504 is that part of the Rehabilitation Act that has become known as the Handicapped Civil Rights Act. Congress passed the Rehabilitation Act in 1973, and overrode a Presidential veto of that act by one of the largest majorities ever mustered in the Congress.

The Executive order requesting the Department of Health, Education, and Welfare to promulgate regulations to guide the implementation of the act was not given until spring of last year, or 2½ years after enactment of the bill. Throughout 1976, the Department held extensive hearings on the proposed regulations. However, when the regulations were presented to then-Secretary Mathews in January, he refused to sign them. A court order requiring his signature was issued, and litigation on the matter is still pending.

When Secretary Califano entered his office as the new Secretary of HEW, he elected to study the proposed regulations further. He immediately created an intradepartmental HEW task force to study and evaluate the proposed regulations for a 30-day period. In requiring this assessment of the effects of the regulations, the Secretary has demonstrated an interest in aiding the handicapped that I hope is reflected in the promulgation of the most stringent regulations possible.

This task force is expected to report back to Secretary Califano at the first of April. I look forward to receiving their recommendations in these next few days, and hope that the Secretary's signature of the regulations is immediate, providing he does not approve any changes in the regulations that would weaken them. Changes should serve to strengthen the regulations.

Mr. Speaker, this fall it will be 4 years since the Rehabilitation Act was passed. Delays in implementation of the act have resulted in continued discrimination of handicapped citizens by recipients of Federal funds, including State and local units of government. Unless these regulations take effect, the handicapped will continue to be denied access to the labor force, educational programs, public transportation, and other services. Expeditious implementation of the regulations is a necessary step toward fulfilling the commitment we made in 1973 to fully incorporate our handicapped citizens into our society.

IN SUPPORT OF H.R. 3361, THE PUBLIC PARTICIPATION IN FEDERAL AGENCY PROCEEDINGS ACT OF 1977

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I had the pleasure of testifying this morning with Senator KENNEDY and Judiciary Committee Chairman PETER RODINO on H.R. 3361, the Public Participation in Federal Agency Proceedings Act. We appeared before the Administrative Law and Intergovernmental Relation Subcommittee of the House Judiciary Committee. The subcommittee, chaired by Representative GEORGE DANIELSON, is conducting 2 days of hearings, today and tomorrow, on the bill which Chairman RODINO and I originally introduced in May 1976. The legislation now has 87 cosponsors in the House. A list of those cosponsors follows the text of my prepared remarks from this morning:

TESTIMONY OF THE HON. EDWARD I. KOCH

Mr. Chairman, I am pleased to be here this morning with Senator Kennedy and Judiciary Committee Chairman Peter Rodino to testify on behalf of H.R. 3361. As one of the chief House sponsors, I am especially gratified that the House of Representatives has begun formal consideration of this legislation and on behalf of the 87 bipartisan House cosponsors I would like to commend Chairman Danielson for his leadership in this area.

Mr. Chairman, I am one who has sponsored and cosponsored sunshine, sunset, financial disclosure, attorney's fees and other significant pieces of legislation in the area of regulatory reform and governmental accountability. So I come here this morning with a full appreciation of the legislative history which serves as the backdrop of these proceedings. It is with many of those laws and proposals in mind that I present to you the simple premise I wish to advance this morning: H.R. 3361 is uniquely suited to address regulatory reform issues faced by the 95th Congress.

Mr. Chairman, I believe that there are three central issues we in the 95th Congress need to address with respect to our Federal agencies:

First, we must provide American citizens with agencies and agency procedures which they can have confidence in.

Secondly, we must provide adequate access to our Federal agencies to those whose views have been underrepresented.

Finally, we must help our agencies with the difficult task of reaching fair and well-balanced decisions.

The recent crisis of confidence in government is one that has been experienced acutely at the Federal Agency level. The repeated incidence of serious abuses of power and conflict of interest has intensified the public's perception that government regulation benefits the regulated and not the public.

We in the Congress have done very little to address this widespread concern. A uniform Federal program of increasing citizen participation in agency decision making is legislation that can help offset the perception of one-sided decision making by establishing a consistent reliable pattern of citizen access.

Additionally, Mr. Chairman, we are faced with the spiraling costs of lengthy and drawn out governmental proceedings. We are already at the point that, regardless of how accessible our process is, the costs of participation are prohibitive. The Congress must make some provisions for, in certain instances, alleviating citizens from the heavy financial burden of representation, or it will have effectively cut citizens off from their right to participate in our governmental processes.

This, of course, most severely affects those who have traditionally been under-represented—minority groups and the poor—but it also has a substantial effect on consumers and small businessmen who don't have access to large amounts of money.

Finally, we in the Congress must sincerely attempt to work with the Federal agencies themselves. They need our help. The job of balancing all of the competing interests that come to bear upon most governmental policies is a formidable one, and if we can provide the aegncies with additional tools for their deliberative processes we will be performing a significant service. By establishing guidelines and funding for citizen participation, we will increase the ability of Federal agencies to arrive at fair decisions by allowing them to consider a wider range of views and it will assist agencies in avoiding court challenges which have been based on a lack of consideration of the public's perspective.

The above three points are what I believe to be the broad policy considerations that should guide our discussion of legislation in this area. But we also need to address the specifics of the legislation before us. For the benefit of my colleagues, I would like to highlight the major provisions of H.R. 3361.

With respect to decision making at the agency level:

Each agency is authorized to award reasonable attorney fees, expert witness fees, and other costs of participation when public participation can reasonably be expected to promote a full and fair determination of the issues involved in the proceeding.

To be eligible a person or class of persons must be reasonably expected to substantially contribute to a fair determination of the proceeding, and either the person or classes' economic interest in the case is small or their resources are so small that they couldn't participate without an award.

The act applies to all licensing, ratemaking, rulemaking proceedings and such other agency proceedings which involve issues relating to health, safety, civil rights, environment and consumer pocketbook issues.

Each agency makes the determination of eligibility under this section prior to the commencement of any proceeding, unless that is impractical. The agency must decide whom to compensate, how funds should be allocated among eligible participants when not enough funding is available fully to compensate all of them, and when petitions should be consolidated to avoid duplication.

A person or organization who receives funds shall be liable for repayment if there is a finding that the person or class has not provided the contemplated representation or has acted in an obdurate, dilatory, or mendacious fashion or for oppressive reasons.

There are provisions to bring a civil action to review an agency action which has denied or insufficiently awarded or reimbursed attorney fees. Agencies are required to adopt regulations to take effect within six months after enactment.

There are reporting requirements for each agency head to make an annual report to Congress on the nature and disposition of all proceedings in which fees and costs were sought under this Act.

There is a 3-year authorization for $10 million each year.

With respect to appeals from agency decisions:

Any party or intervenor in a Civil action for judicial review of agency action shall be entitled to collect reasonable attorney's fees where the court affords the relief sought, and the court determines that an important public purpose was served; and the economic interest in the case is small or their resources are so low that without an award under this section they could not have participated. Promulgation of rules and a reporting system are also established under this section of the Act.

The Public Participation in Federal Agency Proceedings Act is a well-conceived and thoughtful approach towards addressing the policy concerns we face in the 95th Congress. I would like to suggest five basic reasons why I believe this legislation is particularly desirable.

First, the concept of public participation is a proven concept. I want to be emphatic about the fact that we are not advocating the creation of a new untested participation mechanism. The Federal Trade Commission has been operating a reimbursement program under the authority and guidelines provided in the Magnuson-Moss Warranty and Federal Trade Commission Improvements Act. The sum of $500,000 was appropriated for the program in its first full year and there is general agreement that the program is going well. FTC Chairman Calvin Collier testified last month in support of S. 270, the companion bill sponsored by Senators Kennedy and Mathias. As you know, Marjorie Smith, head of the FTC's Bureau of Consumer Protection, will be testifying before you tomorrow in support of the legislation, and I am sure she will explain to you the mechanics of the FTC program.

However, I do want to bring attention to the kinds of participation that the FTC program has resulted in. There are many outstanding examples of groups with limited resources who were able to participate in FTC proceedings because of the reimbursement program. The National Council of Senior Citizens received a grant of $36,000 for participating in proceedings to establish regulations concerning hearing aids. As one who is particularly sensitive to the needs and concerns of our elderly, it is particularly gratifying to me to see these funds used to allow our senior citizens to have a voice over regulations which profoundly affect them. This is just one of many outstanding examples I could list.

I do hope the members of the subcommittee will closely examine the list of FTC participants and their respective awards, which the FTC will make available, because it will dispell one prevalent myth that has clouded this legislation. Over 60% of the awards made by the FTC went to citizens, citizen's groups and expert witnesses. Less than 40% went to actual legal representation. I believe this is significant because some people have raised the cry that this is a "lawyer's relief bill"—the figures show that is not the case at all.

In addition to the FTC experience, several other agencies including the FDA, CAB, DOT, and the CPSC are all at various stages of implmenting public participation reimbursement programs. The support of the public participation concept by these agencies is indeed encouraging.

One may, at this point, ask if agencies other than the FTC (which has specific authority under the Magnuson-Moss) can already establish public participation programs why is there a need for this legislation? The Comptroller General stated that agencies are authorized to pay the participation expenses of parties who "can reasonably be expected to contribute substantially to a full and fair determination of the issues" in a proceeding. (Opinion of the Comptroller General, FDA B–139703 Dec. 3, 1976). But restrictions on the agencies' inherent reimbursement authority limit the agencies in certain important respects. The Comptroller General's rulings hold that the agencies are empowered to reimburse the expenses only of indigent participants. The agencies are thus unable to provide financial assistance to a whole class of participants whose contributions could be extremely useful but whose economic interests in a proceeding would not justify their expending the substantial sums that effective participation would require. H.R. 3361 authorizes reimbursement to such participants. In addition, the Comptroller found that advance payments are now barred by 31 U.S.C. § 529. Legislation such as H.R. 3361 is needed to overcome this restriction, which seriously impairs the ability of particularly needy participants to prepare their presentations even if reimbursement is available at the end of the proceeding.

An additional reason for the necessity of the legislation has been well stated by the Comptroller General in an opinion issued last year:

"It would be advisable for the parameters of such financial assistance, and the scope and limitations on the use of appropriated funds for this purpose to be fully set forth by the Congress in legislation, as was done in . . . the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act." (Opinion of the Comptroller General, FTC, B–180224, May 10, 1976.) Furthermore, citizen participation programs should be available in all agencies which come under the APA and not just in those agencies that decide to establish programs on their own initiative. Those agencies least likely to initiate such programs are most likely to truly need them.

My second point is that the scope of H.R. 3361 is relatively narrow. If there is one misconception I have heard about this bill repeatedly it is the belief that under this bill all of our constituents stand to be compensated when they bring individual complaints against our government and win. Like many other Members, I receive letters daily from individual Veterans, small businessmen and Social Security recipients who can't afford to "fight back" because its too expensive. And I think all of us would like to be able to provide legislation which would guarantee each citizen the costs of participation so that he or she could bring legitimate individual claims or complaints. However, that would be an expensive proposition which the country does not appear willing to bear at this time. Short of that, however, we may be able to have a significant impact on providing adequate access by insuring that there is access to those proceedings which

determine overall policy. H.R. 3361 applies to rulemaking, ratemaking and licensing proceedings. These are the proceedings that have broad policy implications. So while H.R. 3361 might not necessarily help the individual businessman who wants to challenge the specific applicability of O.S.H.A. regulations to his business, it would create eligibility for him or his businessman's group to have significant input into the original proceedings that set up the unworkable regulation in the first place. In addition, the bill does specifically state that if an individual adjudication has a significant impact on issues relating to health, safety, civil rights, environment and consumer pocketbook issues then there might be eligibility if the individual did not have a significant economic interest in the outcome of the proceeding or where his or her resources were so low as to preclude participation. It seems to me that this limited applicability, while it does not serve the needs of all of our constituents, does at least focus the legislation to impact on those proceedings of greatest significance.

My third point is that H.R. 3361 would establish an appropriately modest pilot program. The authorization is only for three years and the amount of the authorization would be $10 million per year. As a pilot program, H.R. 3361 does appropriately put a $10 million/year ceiling on the total amount to be spent and therefore would have each agency award its participation reimbursements within a confined budget.

Fourthly, H.R. 3361 attempts to aid the agencies from within but does contain adequate safeguards against agency and participant abuse. There have been many suggestions that these participation funds should be administered by the courts, by an independent agency or by some other neutral party. H.R. 3361 provides for each agency to make the initial determination of award with that decision subject to judicial review.

I am pleased to be able to note that this legislation has been drafted as an integral part of the Administrative Procedure Act. It is meant to complement and support that Act, and I believe the drafted language does that admirably. It is in keeping with the spirit of the Act that these programs be administered by the Agency itself, subject to review, so that these programs become an important decision making tool to be used in unison with other agency deliberations and not as a club with which to threaten agencies. I too am concerned that some agencies might use these funds to support their own vested interests rather than for the intended purpose, but I believe the courts can police this potential abuse. At least at the outset we should give the agencies these programs and if we find that there is widespread abuse then we can consider using the courts or some independent agency for administering public participation funds.

My final point is that H.R. 3361 will be an important complement to whatever other strategies the Congress adopts in the area of regulatory reform. A Consumer Protection Agency, Sunset Laws, improved Congressional Oversight and Government Reorganization can all be very significant and useful reforms. But I believe there is no adequate substitute for direct citizen access to our Federal agencies. The expertise, perspective and compassion of our individual citizen's and their organizations will always be needed and should always be encouraged regardless of what else we do. If we neglect our citizens themselves we are making an eggregious error and going far astray from what any proper notion of democracy should be.

Mr. Chairman, I want to conclude by again stating my appreciation to you and your subcommittee for sponsoring these hearings. These hearings come at a time when the American people are no longer convinced that Government is working in the public's best interests, nor do the majority of the American people have the resources to effectively represent their position against a well-funded and powerful bureaucracy. We therefore have a special opportunity to affirmatively address these concerns, and I firmly believe that H.R. 3361 is one important vehicle for bringing the American people much needed relief. A list of the House cosponsors of H.R. 3361 follows:

LIST OF HOUSE COSPONSORS OF H.R. 3361, PUBLIC PARTICIPATION IN FEDERAL AGENCY PROCEEDINGS ACT

1. The Honorable Joseph P. Addabbo of New York.
2. The Honorable Daniel K. Akaka of Hawaii.
3. The Honorable Thomas L. Ashley of Ohio.
4. The Honorable Herman Badillo of New York.
5. The Honorable Max Baucus of Montana.
6. The Honorable Berkley Bedell of Iowa.
7. The Honorable Anthony C. Beilenson of California.
8. The Honorable David E. Bonior of Michigan.
9. The Honorable William M. Brodhead of Michigan.
10. The Honorable George E. Brown, Jr., of California.
11. The Honorable Yvonne Brathwaite Burke of California.
12. The Honorable John L. Burton of California.
13. The Honorable Phillip Burton of California.
14. The Honorable Charles J. Carney of Ohio.
15. The Honorable Shirley Chisholm of New York.
16. The Honorable John Conyers, Jr., of Michigan.
17. The Honorable James C. Corman of California.
18. The Honorable Baltasar Corrada of Puerto Rico.
19. The Honorable William R. Cotter of Connecticut.
20. The Honorable Ronald V. Dellums of California.
21. The Honorable Christopher J. Dodd of Connecticut.
22. The Honorable Thomas J. Downey of New York.
23. The Honorable Robert F. Drinan of Massachusetts.
24. The Honorable Robert W. Edgar of Pennsylvania.
25. The Honorable Don Edwards of California.
26. The Honorable Dante B. Fascell of Florida.
27. The Honorable Walter E. Fauntroy of the District of Columbia.
28. The Honorable Hamilton Fish, Jr., of Pennsylvania.
29. The Honorable Daniel J. Flood of Pennsylvania.
30. The Honorable Harold E. Ford of Tennessee.
31. The Honorable Donald M. Fraser of Minnesota.
32. The Honorable Lee H. Hamilton of Indiana.
33. The Honorable Mark W. Hannaford of California.
34. The Honorable Tom Harkin of Iowa.
35. The Honorable Michael Harrington of Massachusetts.
36. The Honorable Augustus F. Hawkins of California.
37. The Honorable Harold C. Hollenbeck of New Jersey.
38. The Honorable Elizabeth Holtzman of New York.
39. The Honorable James M. Jeffords of Vermont.
40. The Honorable John W. Jenrette, Jr., of South Carolina.
41. The Honorable Barbara Jordan of Texas.
42. The Honorable Martha Keys of Kansas.
43. The Honorable Edward I. Koch of New York.
44. The Honorable Peter H. Kostmayer of Pennsylvania.
46. The Honorable Joseph A. Le Fante of York.
46. The Honorable Joseph A. LeFante of New Jersey.
47. The Honorable William Lehman of Florida.
48. The Honorable Elliott H. Levitas of Georgia.
49. The Honorable Andrew Maguire of New Jersey.
50. The Honorable Romano L. Mazzoli of Kentucky.
51. The Honorable Helen S. Meyner of New Jersey.
52. The Honorable Barbara A. Mikulski of Maryland.
53. The Honorable Abner J. Mikva of Illinois.
54. The Honorable Parren J. Mitchell of Maryland.
55. The Honorable Joe Moakley of Massachusetts.
56. The Honorable Anthony Toby Moffett of Connecticut.
57. The Honorable John E. Moss of California.
58. The Honorable Robert N. C. Nix of Pennsylvania.
59. The Honorable James L. Oberstar of Minnesota.
60. The Honorable Richard L. Ottinger of New York.
61. The Honorable Leon E. Panetta of California.
62. The Honorable Jerry M. Patterson of California.
63. The Honorable Edward W. Pattison of New York.
64. The Honorable Donald J. Pease of Ohio.
65. The Honorable Claude Pepper of Florida.
66. The Honorable Charles B. Rangel of New York.
67. The Honorable Fredrick W. Richmond of New York.
68. The Honorable Matthew J. Rinaldo of New Jersey.
69. The Honorable Peter W. Rodino Jr. of New Jersey.
70. The Honorable Benjamin S. Rosenthal of New York.
71. The Honorable Fernand J. St Germain of Rhode Island.
72. The Honorable James H. Scheuer of New York.
73. The Honorable John F. Seiberling of Ohio.
74. The Honorable Stephen J. Solarz of New York.
75. The Honorable Gladys Noon Spellman of Maryland.
76. The Honorable Fortney H. Stark of California.
77. The Honorable Newton I. Steers, Jr. of Maryland.
78. The Honorable Louis Stokes of Ohio.
79. The Honorable Bob Traxler of Michigan.
80. The Honorable Morris K. Udall of Arizona.
81. The Honorable Bruce F. Vento of Minnesota.
82. The Honorable Douglas Walgren of Pennsylvania.
83. The Honorable Henry A. Waxman of California.
84. The Honorable Theodore S. Weiss of New York.
85. The Honorable Timothy E. Wirth of Colorado.
86. The Honorable Lester L. Wolff of New York.
87. The Honorable Leo C. Zeferetti of New York.

PRESIDENT PARK: KOREA'S TRUE EMERGENCY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the continuing repression by the Park government in the Republic of Korea, together with President Carter's outspoken support for the cause of human rights in all countries, brings the issue of U.S. involvement in Korea into the spotlight once again. In spite of a dismal record of civil and human rights violations in the Republic of Korea, the Congress is being asked to approve a total of $280 million in military aid and another $111 million in economic aid to that country for fiscal 1978.

The United States is currently mired in a conflict between its defense interests and its historical dedication to the principles of democratic government, a conflict exacerbated by the Republic of Korea's flagrant disregard for these principles. Perhaps the most touching symbol of the repressiveness of President Park Chung Hee's government is the fate of Yun Po Sun, the 80-year-old former President of the Republic of Korea who has been sentenced to 8 years in prison for violating Emergency Decree No. 9, which flatly bans all criticism of the Park regime. Yun Po Sun was 1 of 18 prominent Koreans who received jail sentences following the publication on March 1, 1976, of a "Declaration for National Salvation and the Restoration of Democracy," calling for the abolishment of emergency decrees, restoration of a parliamentary democracy and an independent judiciary in the Republic of Korea. The statement also called for Park's resignation. For these beliefs, Yun Po Sun will end his life in prison.

These dissidents have protested the systematic abuses of human and civil rights which have been given a veneer of legal legitimacy by the Republic of Korea's Government. The "Yushin Constitution," dictated by President Park in 1972 after he declared martial law, was obviously designed to enhance his power by moving the limit on the number of terms a President may serve, ending the direct popular election of the President, and by giving the President power to restrict civil liberties and "temporarily suspend the freedom and rights of the people," whenever he deems it necessary to meet an "emergency." I submit, Mr. Speaker, that the Republic of Korea's most threatening emergency is President Park himself. Aside from its moral indefensibility, Park's suppression of democratic and civil rights ultimately may create more dissatisfaction and instability than it cures.

Yun Po Sun's contempt for the "Yushin Constitution" seems well founded, according to the latest human rights reports of the U.S. State Department. In its human rights report on the Republic of Korea, prepared as required by the Foreign Assistance legislation of 1976, the State Department notes that "the present Yushin constitution guarantees virtually all the basic rights and freedoms prescribed by the Universal Declaration of Human Rights, but provides that they may be limited by law or Presidential decree—as they often are."

The State Department lists surveillance, detention for questioning, and lengthy interrogation without counsel as common violations of human rights under "emergency decrees." Other reprehensible practices include arrest without warrant and trials by panels of judges instead of juries. The State Department has also received reports concerning 17 former prisoners in the Republic of Korea who claim they were tortured in 1972 and 1974. Psychological pressure during interrogation, including deprivation of sleep, has also been alleged by persons who have been detained.

As a close friend and protector of the Republic of Korea for decades, the United States has a right and obligation to expect that country to do more to uphold basic principles of human rights. While it can be argued that our military presence and support is vital to the preservation of peace in Korea, we must also question the nature of the peace we are preserving. The ex-president and prisoner Yun Po Sun addressed the question of United States-Korean relations in his appeal to the Republic of Korea's Supreme Court and to the "court of truth, a court of conscience, and a court of the masses." He said, "Friendly ties should be confirmed between the United States, Japan, and Korea on the assumption that the three countries share democratic values. Such relations should not promote division, harm national reconciliation, and undermine democracy."

The Congress is being asked this year to grant the Republic of Korea $275 million in foreign military sales credits and guaranties, $4 million in grants under the military assistance program and another $1.4 million for the U.S. sponsored international military education and training program. In addition, the total amount of undelivered military assistance program grant aid authorized in previous years now stands at more than $100 million. These figures, added to the request for more than $111 million for economic aid under Public Law 480, give the Congress considerable leverage in its effort to encourage changes in the Republic of Korea's policies on human rights and democratic principles. I believe Congress must show its determination to stop supporting dictatorial regimes with a blank check for military and economic aid.

YOUTH UNEMPLOYMENT: A CENTRAL CHALLENGE

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, the challenge of youth unemployment is probably one of the most difficult questions of economic policy we face today. It seems unresponsive to traditional economic policy. It does not have an organized and politically sophisticated interest group pressing for solutions: on the contrary, it is a source of alienation and hopelessness. It is a social time bomb for the future, and an economic waste today.

I have noticed that the automatic prescriptions of the traditional American ideologies simply have not succeeded with this specific problem. The liberals say, "Stimulate the economy in the traditional way, and supplement any difficult problems with retraining programs." The conservatives say, "Repeal the minimum wage and cut down on social benefits that make it costly to hire people."

When we look at the record, neither approach—although there are sound arguments for both—seems to work. In view of the importance of the problem, I think we need, first, to examine the specific framework of the youth unemployment problem, in order to devise a policy to meet this problem head-on. Second, we need to go beyond ideologies and take what is really helpful from both approaches.

I have prepared a paper on this subject for the Congressional Black Caucus. In view of the importance of the problem, and the necessity for seeing it directly and without ideological blinders, I would like to insert in the RECORD my discussion with the hope that its call for action is heeded:

YOUTH UNEMPLOYMENT: PROPOSED RECOMMENDATIONS

Almost all studies of the youth unemployment problem concur in their definition of the parameters of the problem. Stated simply, the unemployment rate of youth is continuing to rise regardless of the national unemployment rate. Even with vigorous national economic growth, youth unemployment as a problem of crisis proportions will not simply "go away." Basically, this paper summarizes prior analyses from a variety of recent papers and then presents alternatives for consideration in new legislation seeking to respond to the youth employment problem.

A. THE "UNEMPLOYMENT" RATE OF YOUTH

The unemployment level of Black teenagers has risen steadily since 1955 from 15.8 percent to 36.9 percent.[1] The unemployment rate of Black 20 to 24 year olds has risen every year since 1965 from 10.8 percent to 23.2 percent.[2] The recent upturn in the economy has reduced unemployment for all groups except Black youth.

Although data on the unemployment rate for youth have been given the major attention, the most critical differences in the employment status of White and Black youth is the difference in their Labor Force Participation (LFP) rates. Although adult Black men (25–64) have a labor force participation rate similar to White men, and adult Black women (25–64) have a higher labor force participation rate than White women, the labor force participation rate for Blacks, in the age categories 16–17, 18–19, and 20 to 24, is markedly less than Whites for the same age, sex, and educational status. Additionally, the LFP rate of Black male youth has dropped consistently for each group since 1960, regardless of educational status, age, or the economic climate of the society. There are only two possible reasons for this difference by race. The first is that those Blacks who are now not in the labor force have been unable to find work, and therefore, have withdrawn from the labor force by ceasing to seek employment; the second is that many Black youth have never entered the labor force at all. Thus these youth are not counted

[1] Employment and Training Report of the President, Department of Labor, 1976.
[2] Ibid.

as unemployed by the Department of Labor. The unemployment rate as determined by the Department of Labor is based on the number of persons who are unemployed as a percentage of the labor force participants Thus by not seeking employment they reduce the unemployment rate twice, once by not being counted as unemployed and once by not being counted in the LFP rate. The Labor Force Participation Rate includes those who are employed plus those who have actually looked for a job during the past week (the unemployed). Thus, all those persons who are unemployed, but have stopped looking because they believe no jobs exist for them are not unemployed. In effect, then, the reported unemployment rate, (high as it is) is based on an artificial definition that obscures the seriousness of the problem.

An alternative, and more revealing way of examining the data is to look at the percent of all youth out of school who are employed, unemployed, and not in the labor force in terms of three different classifications of youth—In-School; High Shool Graduates; Dropouts. In this method we are not viewing the unemployed as a percent of those in the labor force, but rather as a percent of all persons in the classification, and can compare the percentage not in the labor force across the races and educational classifications. (See Table 1.)

TABLE 1.—EMPLOYMENT BY RACE, BY EDUCATIONAL STATUS IN 1975

[In percent]

	Employed	Unemployed	Not in labor force	Total
Enrolled in school: [1]				
White	40.1	6.5	54.3	100
Black	21.7	7.1	71.3	100
Not enrolled in school:				
High school graduates: [2]				
White	74.4	9.4	16.2	100
Black	60.6	17.3	22.0	100
Dropouts: [3]				
White	49.2	14.5	36.4	100
Black	35.2	19.2	45.6	100

[1] In school—Young people in school are seeking part-time or summer employment; by and large their motivation in job seeking is income rather than career motivation. (This group represents 24 percent of all white youth and 33 percent of all black youth who are unemployed or likely to desire employment.)

[2] High school graduates, out of school—Those who are high school graduates or have had some college are likely to meet employers minimal expectation; some have specific skills to offer employers. By and large, they are seeking full-time jobs as a first step on a career ladder (34 percent of all white youth and 30 percent of all black youth who are unemployed or likely to desire employment fall in this classification).

[3] Dropouts, out of school—Dropouts are the youth who have the most difficulty achieving entry into the labor force, and have the least to offer employers. These youth are most likely to be tamong the structurally unemployed and are likely to remain in that group throughout their lifetime, yet they also are seeking full-time jobs, and, no less than the high school graduates, are interested in gaining access to rewarding lifetime careers (this group represents 42 percent of all white youth and 37 percent of all black youth who are unemployed or likely to desire employment).

Note: See tables 2 and 3.

Thus, we are able to see from Table 1 that of all those in-school the percent looking for jobs who are unemployed is reasonably equal for Whites and Blacks and that the major difference is the markedly fewer Blacks than Whites who are employed (40 percent to 22 percent) and the substantially higher percent of Blacks not in the labor force (71 percent to 53 percent). For both White and Black dropouts the percent employed is much lower than for High School Graduates although both are out of school seeking full-time jobs. The difference among unemployed Black and White dropouts is comparatively small (4 percent), but 14 percent more Whites are employed than Blacks, and 46 percent of Black youth in the dropout classifications are not in the labor force, (compared to 36 percent of White youth). By examining the unemployed from this more realistic point of view, we find that the largest number requiring service are the dropouts—both Black and White.

TABLE 2.—*Supply and demand equation of the labor market*

SUPPLY	DEMAND
Characteristics of youth	*Characteristics of labor market*
Live in inner city neighborhoods; have difficulty (frequently impossibility) in reaching suburban jobs.	Major shift of jobs, especially skilled and semiskilled blue-collar jobs, from urban to suburban areas and from North to South.
Cannot meet requirements for white-collar jobs; frequently do not want menial service jobs.	Remaining jobs in the cities increasingly white-collar, and lower level service jobs.
Have low reading and math achievement levels; lack experience.	Preference of employers for more education, skills, and experience; and preference for employing white men 25–44 years of age.
Lack of knowledge of labor market and tend to pursue entry-reentry pattern; youth accept jobs that they do not want, and therefore, have high absenteeism, tardiness, and quit rates.	Employers want employees who will provide stable work force.
Have unrealistic wage expectations.	Employers want employees whose productivity warrants wage rates paid.

As Table 2 demonstrates, given the disparity between the characteristics of youth, and the hiring standards of employers, large scale unemployment among inner city youth is likely to continue even if significant numbers of job vacancies become available unless considerable changes are made in both the supply and demand sides of the labor market.

Reordering priorities in the development of a youth strategy requires the definition of the segments of the youth population who suffer particularly severe unemployment problems, and are, therefore, the most appropriate target populations for employment/training programs. These groups of youth, (in-school, high school graduates, dropouts) were defined in Table 1. Different portions of these groups fall into three types of unemployment. Although the majority of each group suffers from a different type of employment, members of each group—e.g., High School Graduates and Dropouts who are out of school and in-school youth—are to be found suffering from each type of unemployment, e.g., frictional, cyclical and structural.

1. Frictional unemployment: In-school; High School Graduates—usually short-term unemployment, occasioned by normal, voluntary movement between jobs, and into and out of the labor force (includes unemployment during the summer of young people who flow into the labor force during these months). (Types A and B.)*

2. Cyclical unemployment: In-school; Graduates—some of which is of long duration during periods of recession of persons willing and capable of work who are unable to find jobs because of lack of jobs (Types A and B).*

3. Structural unemployment: Dropouts; Graduates—long-term unemployment, primarily among certain groups of youth, which is structural in nature because of absence of saleable skills and may presage a lifetime of unstable, marginal employment experiences (Type C and sometimes B).*

Structural problems are of particular concern for employment/training programs since, unless addressed, the youth in this classification are likely to carry permanent lifetime handicaps in the labor market.

C. ASSESSMENT OF CURRENT PROGRAMS

A variety of employment and training programs for youth have been devised and funded utilizing federal resources. The majority have been work experience programs for in-school youth. Evaluations of these programs indicate that few youth are likely to receive any training or other services that will improve their future employability or income. The Congress and the Department of Labor have been more interested in numbers served, than the quality of placements; and therefore, the emphasis has been on serving as many persons as possible rather than investing in high quality service for fewer persons. Training programs have tended to be for a maximum of 20–26 weeks, permitting youth to acquire only those skills that industry can easily train for itself. The employment and training programs have focused on preparing people for jobs in the secondary labor market that are often not superior to the jobs that they would have obtained without participating in the program.

For most youth, the history of CETA and its predecessors has been merely a holding action, "an aging vat." When increased earnings have been reported they largely reflect the increased age and maturity of the participants, rather than any increased value attained through training and services received.

A brief review of the various programs illuminates their limitations:

Work Experience programs including Summer Youth programs

This is the largest type of employment and training program for youth, and it focuses primarily on students. Essentially these programs, whether during the summer or yearround, are designed to put income into enrollees pockets rather than upgrading their employability.

Institutional and On-the-Job Training programs

Gains in earning levels are obtained through increased labor force participation, (i.e., youth work more hours per week for more weeks), rather than higher earnings. OJT trainees record more gains than institutional training, at half the program cost. Length of training is rarely adequate to obtain access of skilled employment.

Public Service Employment

On-the-job training programs in the public sector are not usually available to youth.

Job Corps

The Job Corps program focuses on dropouts with the most severe employment problems. On the basis of Job Corps experience, total remediation is expensive, ($9,000–$10,000 per person year), and useful for only a small number of youth who are willing and able to benefit. Follow-up placement services are essential if the participants are to record any real gains. Most importantly, no defini-

*See Table 1.

tive and replicable "treatment" model has emerged.

Job Opportunities in the Business Sector (JOBS)

The cost has been typically around $3,000, but these funds have included the costs of hiring, training, and supportive services. The long-run effect on disadvantaged youth has been minimal. Employers received subsidies for hiring individuals similar to those they normally employed, and often they provided only few extra services.

Vocational Education

A comparatively small amount of federal, state, and local funds, combined, are allocated to providing service to the disadvantaged. The best programs are offered in Technical Institutes which limit their intake to those with high academic achievement. The variety of courses are limited at the high school level, and states and local communities are placing greater emphasis on the provision of skill training at the postsecondary level. All of these operate to the disadvantage of Black inner city youth.

State employment services (ES)

In 1973, only about one-third of all youth seeking employment made use of the Employment Service in their job search; and less than 6% used it as their most frequent source. Of those using the ES, approximately 14% actually found their last job through the ES. Placements were usually in secondary labor market jobs that youth might have obtained on their own.

D. RECOMMENDATIONS

Against the background of the failures of employment and training programs, proposed youth employment legislation foresees a major expansion of these same programs that have not improved the employability of youth in the past. Students are still likely to receive the highest priority, and school dropouts are still likely to be underrepresented, although they are most in need of service; and youth are likely to receive little save a limited increase of income for their efforts.

Youth account for about one-half of all unemployed; therefore, the overall unemployment problem cannot be solved without substantially reducing the level of youth unemployment. In fact, relieving the disproportionate burden of joblessness borne by young workers generally, and by Black youth particularly, could be considered an economic recovery strategy in itself. At the very least, it has to be regarded as a major focus of any economic recovery program. Since economic recovery alone has not improved youth unemployment rates over the past two decades for those 20–24 year olds or for teenagers, it is unlikely that either economic recovery or an expansion of existing programs alone is likely to solve the problem to any appreciable degree.

If real gains are to be made for those most in need of service, a major re-examination of the type of service that should be funded is essential. If major funds are to be invested, some of these funds must be invested to examine the whole problem of regularizing youth's transition from school to work, as well as an effort to design programs that will absorb the structurally unemployed into the mainstream of the labor force. Work experience programs have their purpose, but more permanent solutions addressing the root causes of youth unemployment must be developed. The Black Caucus is considering alternative solutions designed to deal with the causes of youth employment problems and is particularly concerned with their affect on those most severely injured by the present system—the Black urban youth.

Two overall approaches are being considered—one that deals with improvement of program content in approaches designed for youth, the other by exploring alternative economic solutions that are likely to be particularly beneficial to youth. Since these are alternatives, it is not proposed that all alternatives be available to *all* youth.

1. *Program content issues*

Subsidized Employment

Subsidized employment opportunities should be sought for youth with both public and private employers in both large industry and in small businesses that offer valuable training opportunities. Placements should be selected in terms of the likelihood that youth will obtain training and/or experience that will permit them to attain permanent access to the primary labor force. On-the-job training, as appropriate, would be provided by the employer. Placements should be for a period of two years. Fifty percent of the youth so placed should be 21–24 years of age, and 50% under 21 years of age. Youth should be selected on the basis of their family income, race, and sex of the unemployed youth in the local political jurisdiction. For the first six months, the youth should be paid 80% of the average entry wage paid persons in the occupation in the jurisdiction; 90% for the second six months; and 100% for the second year. During the first six months, 50% of the wages should be contributed by the federal government; 45% during the second six months; and 40% during the second year. We can expect an average entry wage of $8,000 per year; this would require a government contribution of $3,200 per year for two years. The employer's share of the salary would average $3,600 for the first year, and $4,800 for the second year. (The assumption is that the employee would increase his/her value to the employer as s/he gained skills and experience.) The trainee would earn $6,400 the first six months, $7,200 the second six months, and $8,000 the second year. Five hundred dollars per trainee should be provided to the local or state CETA for services to the trainees. One billion dollars would provide approximately 270,000 slots per year. A program of this nature combining selective public and private subsidized employment should be a major component of any youth legislation.

Transition from School to Work

Although there have been task forces exploring the issue of transition from school to work, no research has been undertaken to deal seriously with long-range solutions to the issue of regularizing the transition of young people from school to work. Experimentation with new policies and programs must be undertaken so that a start can be made in developing models that will attack the roots of the problem. Federal funding should be large enough to attract state (and local) commitments of youth employment and training and vocational education funds of sufficient magnitude to test different systems. In order to assure that positive findings can be replicated, each effort should be carefully evaluated from the beginning to provide data on the usefulness of each tested model.

Public Works

All public works bills should be amended to require the employment of one youth trainee for every five adult employees (trainees to be allocated 50% to those 21–24 years of age, and 50% to those 18–21 years of age). Trainee wages should be pegged to a percentage of journeyman wages.

The Public Works Act should emphasize rehabilitation in the central cities to make them habitable and to decrease the continuing pressure on the low- and moderate-income housing market. This approach would be more labor intensive and would produce more jobs for inner city youth, as well as for construction workers, than the types of programs that are presently being funded, frequently to build non-essential public buildings.

State Employment Service (ES)

An improved ES placement service emphasizing its role as a Labor Exchange would not only improve services to youth, but could also have an economic impact. Paucity of data makes it difficult to determine by how much unemployment could be reduced, if openings listed with ES were rapidly filled, but the difference should be considerable. If employers were required to list all jobs with the ES as a requirement of the Unemployment Compensation system, more jobs would be available for more referrals; this would also reduce unemployment and in turn would have its effect on the economy.

2. *Programs affecting the economy*

Employment Tax Credit

An Employment Tax Credit targeted on providing a tax credit to employers based on the employment of additional youth should be studied. Such a tax is expected to produce low-skilled blue-collar jobs, which should increase employment of Black youth. This could be substituted for the investment tax credit currently in effect, which apparently works against increased employment of Black youth.[1]

Social Security and the Minimum Wage

A lower minimum wage for youth is often suggested as a means of increasing youth employment. Bernard Anderson's study indicates that a youth wage below minimum wages would exacerbate the problems which characterize the employment of youth, such as high turnover rates. Also it has been predicted that a reduction of minimum wage for teenagers could create 800,000 jobs for youth, but could also simultaneously reduce adult employment by about 500,000, a very questionable price to pay. An alternative approach to reducing the cost of employing youth without reducing the take home pay of the working youth is needed.

One option to be explored is utilization of the social security system to encourage employers to hire youth. If employers were relieved of paying their share of the Social Security tax for youth, the youth would continue to receive income at the minimum wage level, but employing youth would become more attractive to employers. In effect, employers would be saving 5.8% of the youth's salary. The funds in the Social Security system could be made up over the years, and in any case, if youth are not employed, no social security contribution would be made at all.

Unemployment Compensation

An in-depth study of Unemployment Compensation is long overdue. It is important to determine whether its present administration encourages youth to remain unemployed, particularly in its extended time coverage, and permits youth to refuse jobs because they are not "suitable" with no time limitation for a "cut-off."

Research in Subsidized Youth Employment

The impact of investment in subsidized youth employment programs as an immediate economic stimulus warrants further study. Much of the proposed tax reduction to adults and families will be allocated to debt reduction, whereas youth are likely to put any money they earn directly into the purchase of goods, thereby providing an immediate stimulus to the economy.

Agency Structure and Allocation Formula

Whatever programs are instituted, the state and local CETA structure already in place should have the responsibility for any new youth programs. However, a new for-

[1] E. R. Berndt, J. R. Kesselman, and S. H. Williamson, *Tax Credits for Employment Rather than Investment*, Institute for Research on Poverty,

mula should be developed to allocate funds to jurisdictions where youth and their problems are concentrated. Such factors as incidence of poverty based on family income, low labor force participation rate, low employment rate and high unemployment rates, and youth population (as opposed to total population) should be included in any allocation formula.

TABLE 3.—SUMMARY OF PAPER

Black youth	Actual unemployment rate [1]	Type of unemployment [2]	Type of programs presently offered [3]	Possible new programs [4]
In school type A	32.8 percent	Frictional	CETA—Work experience, summer program, vocational education.	Transition from school to work; improved ES services.
Out of school, type B: high school graduates and above.	30.3 percent	Cyclical	On-the-job training; JOBS; institutional training; work experience.	Subsidized public and private employment; Public Works Act.
Type C: Dropouts	36.9 percent	Structural	Job Corps; work experience	Improved ES services.

[1] White labor force participation rate minus black labor force participation rate plus reported unemployment rates equals actual unemployment rate.
[2] Each group falls typically, but not exclusively, in these categories.
[3] The limitations of these programs are described in the section: Assessment of Current Programs.
[4] Programs affecting the economy would impact all groups.

PROPOSED TAX CREDIT TO VETERANS

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HAMMERSCHMIDT. Mr. Speaker, today, I am introducing a bill that would provide a tax credit of $1,500 spread over a 3-year period for every honorably discharged veteran who had served in a combat zone. Members will recall that I informed them yesterday that Senator STEVENS of Alaska had introduced a similar bill on this subject in the other body. For those who may be interested in the equity involved in this measure, I should point out that my bill excludes those veterans whose discharges are eligible for upgrading as a result of the Department of Defense announcement of 2 days ago from participating in the tax credit.

THE SALES REPRESENTATIVES PROTECTION ACT

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I am introducing today a revised version of the Sales Representatives Protection Act, a bill which I first cosponsored in the 94th Congress. If enacted, this legislation will go a long way in protecting independent salesmen from the abuses they now face.

Independent sales representatives are the lifeline of this Nation's free enterprise system. As the essential link between thousands of manufacturers and the multitudes of wholesalers and retailers, they represent a vital safeguard of free entry to the marketplace. The fact is that virtually any small firm or individual with an innovative idea can market a new product by using the resources of independent salesmen, who work for commission only.

Unfortunately, the very source of the independent salesman's versatility—his commissioned salary—is also the source of his greatest vulnerability. Some unscrupulous manufacturers rob the sales representative of the commission he has earned while diligently working to build up an account for a principal. It is a devastating situation for the representative who has invested much time and personal resources in an account—all to the financial benefit of his principal—only to have his territory cut, his commission slashed, or an entire segment of business transformed into a "house account." The salesman is now without recourse to protect himself from these assaults upon his basic financial rights.

The Sales Representatives Protection Act provides a system of post-termination compensation in the event that a salesman is abruptly terminated. The purpose of this bill is simply to insure that a salesman is indemnified by his principal if he is terminated without reasonable compensation or his financial position is otherwise abused. It also stipulates minimal conditions to be met in any contract between a sales representative and his principal.

Last year, the Subcommittee on Consumer Protection and Finance of the House Commerce Committee conducted a day of hearings on H.R. 13180, the predecessor of this bill. In response to some of the constructive criticism offered at that time, I have made a significant change in this legislation.

The act now provides that salesmen who have contracts with their principals will be exempt from the indemnification mechanism of title I, provided that the contract meets the specifications required by the act and insures that the principal will give 30 days of notice before terminating a sales representative for each year that the salesman has worked, up to a maximum of 90 days. The purpose of this change is to encourage sales representatives and their principals to enter into reasonable contracts that provide adequate protection for the representative.

Mr. Speaker, it is nearly 30 years since the playwright Arthur Miller first shocked the American people with his "Death of a Salesman," a grim portrayal of the grueling life of a sales representative. Since that time, few advances have been made to improve the rights and working conditions of these important contributors to the American economy. They are in limbo between the powerful organizations of both labor and management. The salesman is not eligible for union membership; he has gained neither workmen's compensation nor unemployment insurance. The Willy Lomans of the United States still look to the Congress for the equitable working conditions they deserve. On their behalf, I urge my colleagues to lend their support to the Sales Representatives Protection Act.

The text of the bill follows:

H.R. 5824

A bill to provide for payments to certain sales representatives terminated from their accounts without justification, to provide for the scope of contracts between sales representatives and their principals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Sales Representatives Protection Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress makes the following findings:

(1) Many individuals who work as sales representatives for business firms are independent contractors who are compensated primarily by commission.

(2) Such sales representatives generate sales without which the economy of the United States would not produce needed goods and services.

(3) Such sales representatives operate most effectively and productively when assured that they will be compensated for their efforts in accordance with the terms of their contracts with their principals.

(4) Such sales representatives do not generally have the benefits of workmen's compensation, unemployment compensation, or company-sponsored retirement or pension plans and are not eligible to bargain collectively.

(5) Such sales representatives invest their own time and resources in the development of their territories and markets.

(6) Many sales representatives are subjected to wrongful termination from their accounts, reduction in the size of their sales territories, conversion of their accounts to house accounts serviced directly by their principals, and other abuses which deny such sales representatives the full benefits of their labor.

(7) It is in the public interest to provide a means by which sales representatives who are wrongfully terminated may be reasonably compensated for such termination.

(b) The purpose of this Act is to provide a reasonable and equitable system under which sales representatives may be indemnified for commissions denied them because of wrongful terminations.

SEC. 3. For the purposes of this Act:

(1) The term "principal" means any person who—

(A) is engaged in the business of manufacturing, producing, assembling, importing, or distributing merchandise for sale in commerce to a customer who purchases such merchandise for resale or for use in business;

(B) utilizes sales representatives to solicit orders for such merchandise; and

(C) compensates such sales representatives, in whole or in part, by commission.

(2) The term "sales representative" means any person (other than an agent-driver or commission-driver) who is an independent

contractor engaged in the business of soliciting, on behalf of a principal, orders for the purchase of such principal's merchandise.

(3) The term "good cause" means conduct on the part of a sales representative with respect to a principal of such sales representative which constitutes—

(A) dishonesty or fraud or other criminal activity;

(B) a material breach of the contract between such sales representative and such principal;

(C) failure to put forth a good faith effort to obtain orders for the merchandise of such principal; or

(D) gross negligence in the performance of the duties of such sales representative.

(4) The term "commerce" means trade, traffic, transmission, communication, or transportation—

(A) between a place in a State and any place outside thereof; or

(B) which affects trade, traffic, transmission, communication, or transportation described in subparagraph (A).

(5) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the Canal Zone.

TITLE I—INDEMNIFICATION

INDEMNIFICATION BY PRINCIPAL OF UNJUSTLY TERMINATED SALES REPRESENTATIVE

SEC. 101. (a)(1) Except as provided in paragraph (3), any principal who, without good cause, terminates any sales representative from an assignment to solicit orders on behalf of such principal from an account of such sales representative described in paragraph (2) shall indemnify such sales representative in accordance with section 102(a).

(2) An account referred to in paragraph (1) is a customer of a principal—

(A) which purchases merchandise of such principal through a sales representative of such principal for resale or for use in business;

(B) the business of which with such principal—

(i) was initially solicited by such sales representative; or

(ii) was not less than 50 per centum greater in dollar volume in any twelve-month period during which such sales representative was a party to a contract or contracts with such principal under which such sales representative solicited orders from such customer than in the twelve-month period ending with the month preceding the month in which such a contract was first entered into; and

(C) to which such sales representative was assigned to solicit orders on behalf of such principal for a period of not less than eighteen months immediately preceding the termination by such principal referred to in paragraph (1).

(3) This subsection shall not apply to any principal who, for a period of two years after a termination referred to in paragraph sales representatives, nor accepts orders from the account involved in such termination.

(b)(1) Any principal who, without good cause and for the primary purpose of preventing a sales representative from becoming entitled to an indemnification under subsection (a)(1), terminates such sales representative from an assignment to solicit orders on behalf of such principal from an account of such sales representative described in paragraph (2) shall be liable to such sales representative in the amount described in section 102(a)(2)(A).

(2) An account referred to in paragraph (1) is a customer of a principal—

(A) which purchases merchandise of such principal through a sales representative of such principal for resale or for use in business; and

(B) to which such sales representative was assigned to solicit orders on behalf of such principal for a period of not less than twelve months immediately preceding the termination by such principal referred to in paragraph (1).

(c)(1)(A) Any principal who reduces the size of the geographic territory, if any, which such principal has assigned to a sales representative with respect to an account of such sales representative described in paragraph (4) shall, if such reduction results in a reduction of not less than 25 per centum in the dollar amount of commissions paid by such principal to such sales representative for orders accepted from such account in the twelve-month period immediately following such reduction in geographic territory compared with the dollar amount of commissions paid by such principal to such sales representative for orders accepted from such account in the immediately preceding twelve-month period, indemnify such sales representative in accordance with paragraph (3).

(B) In any determination under subparagraph (A), any reduction in the dollar amount of commissions paid by such principal to such sales representative because such principal failed to fill orders submitted by such account due to an act of God, an act of war or insurrection, a strike, or an act of an agency of government shall be disregarded.

(2) Any principal who reduces the rate of commission paid to a sales representative of such principal for orders accepted by such principal from an account of such sales representative described in paragraph (4) shall, if the total effect of such reductions in any twelve-month period is a reduction in rate of commission of not less than 25 per centum, indemnify such sales representative in accordance with paragraph (3).

(3) Upon a reduction in amount of commissions described in paragraph (1) or a reduction in rate of commission described in paragraph (2), the principal causing such reduction shall—

(A) if the sales representative involved elects to terminate his relationship with such principal with respect to the account involved, indemnify such sales representative for such reduction in accordance with section 102(a); or

(B) indemnify such sales representative for such reduction in accordance with section 102(b).

(4) An account referred to in paragraphs (1) and (2) is an account described in subsection (a)(2), except that the reference in subparagraph (C) of such subsection to a termination by a principal is, for the purposes of this paragraph, a reference to a reduction by such principal described in paragraph (1) or (2).

COMPUTATION OF INDEMNITY

SEC. 102. (a)(1) Subject to paragraph (2), any principal required under section 101(a) or 101(c)(3)(A) to indemnify a sales representative shall be liable to such sales representative in an amount computed by multiplying—

(A) the amount which is the greater of—

(i) one-twelfth the sum of the commissions paid or to be paid such sales representative for orders accepted by such principal from the account from which such sales representative has been terminated in the twelve-month period preceding the date of such termination; or

(ii) the sum of the commissions paid or to be paid such sales representative for orders accepted by such principal from such account in the shorter of—

(I) the thirty-six-month period preceding the date of such termination; or

(II) the period in which such sales representative was a party to a contract or contracts with such principal under which such sales representative solicited orders from such account;

divided by the number of months in such period;

(B) the number of months in which such sales representative was a party to a contract or contracts with such principal under which such sales representative solicited orders from such account; and

(C) 10 per centum.

(2)(A) In no event shall the amount of any liability of a principal to a sales representative computed under paragraph (1) exceed the greater of—

(i) the sum of the commissions paid or to be paid such sales representative for orders accepted by such principal from the account from which such sales representative has been terminated in the twelve-month period preceding the date of such termination; or

(ii) the sum of the commissions paid or to be paid such sales representative for orders accepted by such principal from such account in the shorter of—

(I) the three-year preceding the date of such termination; or

(II) the period in which such sales representative was a party to a contract or contracts with such principal under which such sales representative solicited orders from such account;

divided by the number of years (stated to the nearest twelfth part of a year) in such period.

(B) The amount of any liability of a principal to a sales representative computed under paragraph (1) with respect to an account of such sales representative shall be reduced by the amount of any indemnification computed under subsection (b) which was paid by such principal to such sales representative with respect to such account.

(3) For the purpose of computing the amount of any liability under paragraph (1), any sales representative whose amount of commissions have been reduced as described in section 101(c)(1) or whose rate of commission has been reduced as described in section 101(c)(2) may treat the date of such reduction as the date of termination referred to in such paragraph.

(b) Upon election by a sales representative under section 101(c)(3) not to terminate his relationship with a principal with respect to an account after such principal has caused a reduction in amount of commissions described in section 101(c)(1) or rate of commission described in section 101(c)(2), such principal shall be liable to such sales represenative in an amount computed by determining the amount to which such sales representative would be entitled under subsection (a) if such reduction were a termination under section 101(a) and multiplying such amount by the percentage of such reduction.

PAYMENT OF INDEMNITY RESULTING FROM SETTLEMENT

SEC. 103. (a) Following the making of a binding agreement to settle a claim by a sales representative against a principal for an indemnity under this title, the principal involved shall pay the amount of such settlement to such sales representative—

(1) not later than thirty days after the date of such agreement; or

(2) if the amount of such settlement is greater than $3,000, in the manner described in subsection (b); whichever such principal elects.

(b) A principal electing under subsection (a) to pay the amount of a settlement in excess of $3,000 under this subsection—

(1) shall pay not less than 40 per centum of such amount to the sales representative referred to in subsection (a) not later than thirty days after the date of the agreement to make such settlement; and

(2) shall, at the time of the payment referred to in paragraph (1), give such sales representative two negotiable notes, each for one-half of the balance of such amount, one of which shall be due not later than twelve

months after the date of such agreement and shall bear interest at twice the highest rate of interest paid by the United States on notes issued by it during any three-day period including such date to be due in twelve months and the other of which shall be due not later than twenty-four months after the date of such agreement and shall bear interest at twice the highest rate of interest paid by the United States on notes issued by it during any three-day period including such date to be due in twenty-four months.

TITLE II—CONTRACTS BETWEEN SALES REPRESENTATIVES AND PRINCIPALS

CONTRACT TERMS

SEC. 201. Any contract between a sales representative and a principal under which such sales representative shall solicit orders for the merchandise of such principal shall include a provision with respect to each of the following items:

(1) The rate of commission to be paid by such principal to such sales representative for orders accepted by such principal from an account of such sales representative, and a statement of any other form of compensation to be paid by such principal to such sales representative.

(2) The amount and method of payment of any advance on the future compensation of such sales representative to be given by such principal to such sales representative, and the terms under which such principal will recover such advance.

(3) The amount of notice, if any, such principal shall give such sales representative before terminating such sales representative provided that such notice is not less than 30 days after one year of representation, not less than 60 days after two years of representation, and not less than 90 days after three years of representation, and the manner in which any such notice shall be given.

(4) A description of the sales territory, if any, assigned to such sales representative and a statement of whether such territory will be an exclusive territory of such sales representative with respect to the merchandise, or a line of merchandise, of such principal.

(5) The terms, if any, under which disputes between such principal and such sales representative shall be submitted to arbitration, including, if such disputes shall be submitted to arbitration, the method to be used in selecting the arbitrator.

(6) The ownership of any samples furnished by such principal to such sales representative for use in business.

(7) The number of days after an order for the merchandise of such principal is transmitted by such sales representative to such principal within which such principal must notify such sales representative whether such order has been accepted or rejected.

(8) The terms, if any, under which such sales representative will be paid a commission for an order which was transmitted by such sales representative to such principal before the termination of such sales representative from the account from which such order was transmitted, but which was accepted by such principal after such termination.

(9) The terms, if any, under which such sales representative will receive copies of shipping documents which relate to merchandise shipped by such principal to an account of such sales representative.

(10) The terms, if any, under which such sales representative will be allowed to solicit orders for the merchandise of other principals.

DUTIES OF PRINCIPAL

SEC. 202. Any principal who enters into a contract with a sales representative under which such sales representative shall solicit orders for the merchandise of such principal shall—

(1) inform such sales representative, within a reasonable time to be specified in such contract, of such principal's receipt of each order from an account of such sales representative;

(2) furnish such sales representative, within a reasonable time to be specified in such contract, copies of all invoices and credit memorandums issued with respect to sales in the assigned geographic territory, if any, of such sales representative;

(3) furnish such sales representative monthly statements of commissions due such sales representatives; and

(4) provide such sales representative, upon the request of such sales representative—

(A) an accounting showing each sale made by such principal in the preceding twelve months in the assigned geographic territory, if any, of such sales representative;

(B) information with respect to any matter which is related to any claim by such sales representative against such principal for a commission; and

(C) access to the records of such principal for the purpose of verifying information supplied under subparagraphs (A) and (B).

TITLE III—MISCELLANEOUS

PROCEDURE

SEC. 301. (a) An action to enforce any rights of liabilities created by this Act may be brought in a district court of the United States without regard to the amount in controversy or in any other court of competent jurisdiction.

(b) In the case of an action arising under this Act which is brought in a district court of the United States, such action may be brought in the judicial district where all the plaintiffs reside in addition to any other judicial district provided by law.

(c) No action may be brought under this Act later than five years after the right to such action first arises.

(d) In any action brought by any sales representative against any principal under this Act, the burden of proof on the issue of whether such principal acted without good cause shall rest on such principal.

(e) In any successful action brought by a sales representative under this Act, the court may award reasonable attorneys' fees and the cost of the action to such sales representative.

WAIVER PROHIBITED

SEC. 302. Any provision in any contract between any sales representative and any principal requiring such sales representative to waive any of the provisions of this Act shall be void. However, where a contract which conforms with the provisions of Title II of the Act exists, the indemnification provisions of Title I shall not apply.

EFFECT ON STATE LAW

SEC. 303. Nothing in this Act shall invalidate or restrict any right or remedy of any sales representative under the law of any State.

EFFECTIVE DATE

SEC. 304. Sections 101, 201, and 202 of this Act shall take effect at the end of the ninety-day period beginning with the date of enactment of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows for:

Mr. HEFTEL (at the request of Mr. WRIGHT), after 3:30 p.m. today, through April 6, 1977, on account of official business.

Mr. FOUNTAIN (at the request of Mr. WRIGHT), until 2:30 today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MARLENEE) and to revise and extend their remarks and include extraneous matter:)

Mr. RAILSBACK, for 5 minutes, today.

Mr. WHALEN, for 5 minutes, today.

Mr. STEERS, for 5 minutes, today.

Mr. MCKINNEY, for 60 minutes, on Tuesday, April 5, immediately following Mr. PREYER.

(The following Member (at the request of Ms. OAKAR), to revise and extend their remarks, and to include extraneous matter.)

Mr. FLOOD, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. BONKER, for 5 minutes, today.

Mr. KASTENMEIER, for 10 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. KRUEGER, for 5 minutes, today.

Mr. MITCHELL of Maryland, for 60 minutes, on March 31.

Mr. PREYER, for 60 minutes, on April 5.

(The following Members (at the request of Mr. GONZALEZ), to revise and extend their remarks, and to include extraneous matter:)

Ms. HOLTZMAN, for 15 minutes, today.

Mr. VANIK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KOCH, to revise and extend his remarks during consideration of H. Res. 445 today.

Mr. QUILLEN to include extraneous material in his remarks during consideration of House Resolution 445 today.

(The following Members (at the request of Mr. MARLENEE) and to include extraneous matter:)

Mr. VANDER JAGT.

Mr. DERWINSKI in three instances.

Mr. SCHULZE in three instances.

Mr. MCCLOSKEY.

Mr. MCEWEN.

Mr. ANDERSON of Illinois in two instances.

Mr. FRENZEL in five instances.

Mr. COLLINS of Texas in three instances.

Mr. QUAYLE.

Mr. RUDD.

Mr. RINALDO.

Mr. ABDNOR in two instances.

Mr. DEL CLAWSON.

Mr. ERLENBORN.

Mr. DORNAN.

Mr. YOUNG of Florida.

Mr. MARTIN.

Mr. PURSELL.

Mr. WHALEN in two instances.

Mr. BOB WILSON.

(The following Members (at the request of Ms. OAKAR) and to include extraneous matter:)

Ms. OAKAR.

Mr. LONG of Maryland.

Mr. MARKEY in five instances.

Mr. RICHMOND.

Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. McDONALD in four instances.
Mr. RANGEL.
Mr. McHUGH.
Mr. KOSTMAYER.
Mr. MURPHY of Illinois.
Mr. BONKER.
Mr. UDALL.
Mr. OTTINGER in five instances.
Mr. BADILLO in two instances.
Mrs. MEYNER.
Mr. WON PAT.
Mr. PANETTA.
Mr. MIKVA.
Mr. ROGERS in five instances.
Mr. MAZZOLI.
Mr. JONES of Tennessee.
Mr. HARRIS.
Mr. VENTO in two instances.
Mr. EVANS of Colorado.
Mr. VANIK in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 964. An act to provide that the salaries of certain positions and individuals which were increased as a result of the operation of the Federal Salary Act of 1967 shall not be increased by the first comparability pay adjustment occurring after the date of the enactment of this Act; to the committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the followinng title, which was thereupon signed by the Speaker:

H.J. Res. 351. Joint resolution making further continuing appropriations for the fiscal year 1977, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, March 31, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1126. A letter from the Secretary of Agriculture, transmitting notice of a delay in submission of the report on Dutch elm disease due by March 1, 1977 under section 20 of the National Forest Management Act of 1976; to the Committee on Agriculture.

1127. A letter from the Chairman National Advisory Council on the Education of Disadvantaged Children, transmitting the Council on the Education of Disadvantaged Children, transmitting the Council's 1977 annual report pursuant to section 134(c) of the Elementary and Secondary Education Act, as amended (84 Stat. 125); to the Committee on Education and Labor.

1128. A letter from the Secretary of the Interior, transmitting the sixth annual report on the operation of the Colorado River, covering actual operation during water year 1976 and a projected plan of operation for water year 1977, pursuant to section 602(b) of Public Law 90–537; to the Committee on Interior and Insular Affairs.

1129. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

1130. A letter from the Administrator, Federal Energy Administration, transmitting a clarification of the explanatory materials accompanying Energy Action No. 11 (H. Doc. No. 95–115); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

1131. A letter from the Acting Assistant General Counsel for International, Conservation, and Resource Development Programs, Federal Energy Administration, transmitting notice of a meeting related to the International Energy Program to be held April 5 and 6, 1977, in Paris, France; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DODD: Committee on Rules. House Resolution 448. Resolution providing for the consideration of H.R. 4976. A bill to amend the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services to authorize appropriations for fiscal year 1978 for health services programs, and for other purposes (Rept. No. 95–140). Referred to the House Calendar.

Mr. DODD: Committee on Rules. House Resolution 449. Resolution providing for the consideration of H.R. 4975. A bill to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs (Rept. No. 95–141). Referred to the House Calendar.

Mr. LONG of Louisiana: House Resolution 450. Resolution providing for the consideration of H.R. 4974. A bill to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for health planning and related programs (Rept. No. 95–142). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 451. Resolution providing for the consideration of H.R. 4895. A bill to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes (Rept. No. 95–143). Referred to the House Calendar.

Mr. BROOKS: Committee on Government Operations. Report on allocation of budget totals by program. (Rept. No. 95–144). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BALDUS:

H.R. 5754. A bill to authorize the Small Business Administration to make grants to support the development and operations of small business development centers in order to provide small business with management development, technical information, product planning and development, and domestic and international market development, and for other purposes; to the Committee on Small Business.

By Mr. BEDELL:

H.R. 5755. A bill to amend the Internal Revenue Code of 1954 to treat certain income derived by tax-exempt organizations from investments in farmland as unrelated business taxable income; to the Committee on Ways and Means.

By Mr. BLOUIN:

H.R. 5756. A bill to amend the Clayton Act to provide for additional regulation of certain anticompetitive developments in the agricultural industry; to the Committee on the Judiciary.

By Mr. BOLAND (for himself, Mr. CONTE, Mr. EARLY, Mr. HARRINGTON, Mr. MARKEY, Mr. MOAKLEY, Mr. STUDDS, and Mr. TSONGAS):

H.R. 5757. A bill to amend the Internal Revenue Code of 1954 to encourage manufacturing-related investments in any State which has an unemployment rate which exceeds 6 percent; to the Committee on Ways and Means.

By Mr. BOWEN (for himself and Mr. MOORE):

H.R. 5758. A bill to provide price and income protection for cotton farmers and assure consumers plentiful supplies of food and fiber at reasonable prices; to the Committee on Agriculture.

By Mr. BRODHEAD:

H.R. 5759. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for State and local utility taxes; to the Committee on Ways and Means.

H.R. 5760. A bill to provide medicare coverage for orthopedic shoes or other supportive devices prescribed by a physician for correction or treatment of abnormalities of the feet or legs which cause serious detrimental medical effects; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BROOKS (for himself, Mr. BAUCUS, Mr. HARRINGTON, Mr. NEAL, and Mr. PATTEN):

H.R. 5761. A bill to establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes; to the Committee on Government Operations.

By Mr. BROOMFIELD:

H.R. 5762. A bill to terminate age discrimination in employment; to the Committee on Education and Labor.

By Mr. BROWN of Ohio (for himself, Mr. HOLLENBECK, Mr. BURLESON of Texas, Mr. COLLINS of Texas, Mr. KINDNESS, Mr. DEVINE, Mr. MOORHEAD of California, Mr. FREY, Mr. EILBERG, Mr. MARKS, Mr. LEGGETT, Mr. JEFFORDS, Mr. FRENZEL, and Mr. PATTISON of New York):

H.R. 5763. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to food additives; to the Committee on Interstate and Foreign Commerce.

By Mr. CARNEY:

H.R. 5764. A bill to establish a utility services stamp program to assist low-income and fixed income households to meet the rising cost of utilities; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS of Texas:

H.R. 5765. A bill to amend the Communications Act of 1934 to permit the Federal Communications Commission to deny the renewal of any radio or television broadcast license if the licensee has broadcast information regarding certain crimes in a manner which impeded law enforcement efforts; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN (for himself, Mr. CLEVELAND, Mr. CORCORAN of Illinois, Mr. FITHIAN, Mr. HEFTEL, Mr. HYDE,

Mr. JENRETTE, Mr. LUJAN, Mr. MADIGAN, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. RANGEL, Mr. RISENHOOVER, Mr. SOLARZ, Mr. STEED, Mr. STEERS, Mr. TRAXLER, and Mr. WEAVER):

H.R. 5766. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ROBERT W. DANIEL, JR. (for himself, Mr. MCDADE, Mr. RICHMOND, Mr. MITCHELL of New York and Mr. WIRTH):

H.R. 5767. A bill to provide that the changes made by the Tax Reform Act of 1976 to the exclusion for sick pay shall only apply to taxable years beginning after December 31, 1976; to the Committee on Ways and Means.

By Mr. EDGAR:

H.R. 5768. A bill to amend the Federal Hazardous Substances Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EDGAR (for himself, Mr. BADILLO, Mr. BAUCUS, Mr. JOHN L. BURTON, Mr. CARR, Mr. CORNWELL, Mr. HANNAFORD, Mr. HOLLENBECK, Mr. KOSTMAYER, Mr. LENT, Mr. LEVITAS, Mr. LLOYD of California, Mr. MATHIS, Mr. MAZZOLI, Mr. MOAKLEY, Mr. PANETTA, Mr. RICHMOND, Mr. RUSSO, Mr. SEIBERLING, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STARK, and Mr. WEISS):

H.R. 5769. A bill to amend title 39, United States Code, to establish a special rate of postage for postal cards mailed to Members of the Congress by their constituents; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of Alabama:

H.R. 5770. A bill to modify the project for navigation improvements in Mobile Harbor, Theodore Ship Channel, Ala., and for other purposes; to the Committee on Public Works and Transportation.

By Mr. EVANS of Georgia:

H.R. 5771. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5772. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator, and for other purposes; to the Committee on Ways and Means.

By Mr. EVANS of Georgia (for himself, Mr. WINN, Mr. SIMON, Mr. ERTEL, Mrs. SPELLMAN, Mr. CORNWELL, Mr. LE FANTE, and Mr. MOORHEAD of California):

H.R. 5773. A bill to amend section 203 of the Federal Property and Administrative Services Act of 1949 to require, prior to disposal, that notice and first right of refusal be given to certain previous owners of surplus real property; to the Committee on Government Operations.

By Mr. FISHER (for himself, Mr. CORRADA, Mr. DAN DANIEL, Mr. PATTERSON of California, Mr. PRICE, and Mr. STEERS):

H.R. 5774. A bill to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of State and local governments, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GOODLING:

H.R. 5775. A bill to permit the marketing of saccharin with labeling warning of evidence of its risk to health; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 5776. A bill to amend section 2254 (relating to Federal habeas corpus for certain persons in State custody) of title 28 of the United States Code to provide that the exclusionary rule apply in cases under that section to the same extent that the exclusionary rule would apply in an appellate proceeding arising out of the conviction on which such custody is based; to the Committee on the Judiciary.

By Mr. HALL:

H.R. 5777. A bill to amend the Federal Food, Drug, and Cosmetic Act respecting the standard for the regulation of food additives found to induce cancer; to the Committee on Interstate and Foreign Commerce.

H.R. 5778. A bill to amend the Federal Water Pollution Control Act defining the term "navigable waters"; to the Committee on Public Works and Transportation.

H.R. 5779. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works and Transportation.

By Mr. HAMMERSCHMIDT:

H.R. 5780. A bill to provide Combat Bonuses for Honorable Vietnam Service through tax credits; to the Committee on Ways and Means.

By Mr. HEFTEL:

H.R. 5781. A bill to provide a minimum level for retirement salaries of certain Federal judges to territories and possessions; to the Committee on the Judiciary.

By Ms. HOLTZMAN (for herself, Mr. SOLARZ, and Mr. TREEN):

H.R. 5782. A bill to amend the Immigration and Nationality Act to exclude from admission into and to deport from the United States all aliens who persecuted others on the basis of religion, race, or national origin under the direction of the Nazi Government of Germany; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself and Mr. DODD):

H.R. 5783. A bill to amend title 39, United States Code, to establish procedures to regulate the manner in which the U.S. Postal Service may close post offices serving rural areas and small communities and towns; to the Committee on Post Office and Civil Service.

By Mr. LEACH:

H.R. 5784. A bill to provide for the phased withdrawal of U.S. ground forces from the Republic of Korea; to the Committee on International Relations.

By Mr. MCCORMACK:

H.R. 5785. A bill to name the lake located behind Lower Monumental Lock and Dam, Washington, Lake Herbert G. West; to the Committee on Public Works and Transportation

By Mr. MCDADE (for himself, Mr. AMMERMAN, Mr. BADILLO, Mr. BIAGGI, Mr. DOWNEY, Mrs. FENWICK, Mrs. MEYNER, Mr. JOHN T. MYERS, Mr. PURSELL, Mr. QUILLEN, Mr. STRATTON, and Mr. VANDER JAGT):

H.R. 5786. A bill to establish a Charles S. Peirce National Historical Site in the Delaware Water Gap National Recreation Area; to the Committee on Interior and Insular Affairs

By Mr. OBERSTAR:

H.R. 5787. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. RYAN, Mr. NOLAN, Mr. HARRIS, Mr. NEAL, Mr. DICKS, Mr. AKAKA, Mr. VENTO, Mr. FLORIO, Mr. LEHMAN, Mr. MURPHY of Pennsylvania, and Mr. HARKIN):

H.R. 5788. A bill to provide for the procurement by the General Services Administration of existing solar energy devices for use in Government buildings; to the Committee on Public Works and Transportation.

By Mr. QUILLEN:

H.R. 5789. A bill to amend the Social Security Act to provide for the payment of services by psychologists, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 5790. A bill to amend titles XVIII and XIX of the Social Security Act to provide for a greater utilization of the professional services of qualified clinical social workers in the medicare and medicaid programs, to include outpatient services, community mental health centers, and neighborhood health centers among the entities which may be qualified providers, and to remove the special limitations which are presently imposed on coverage of psychiatric and mental health services under parts A and B of title XVIII and title XIX; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 5791. A bill to reduce the burden on the Federal courts of prisoners' suits brought under section 1983 of title 42, United States Code, to improve the administration of State institutions holding confined persons, and for other persons; to the Committee on the Judiciary.

H.R. 5792. A bill to amend title 18, United States Code, to permit a Federal court, upon the recommendation of the U.S. prosecutor, to place certain persons charged with Federal crimes in programs of community supervision and services; to the Committee on the Judiciary.

H.R. 5793. A bill relating to the employment and training of criminal offenders, and for other purposes; to the Committee on the Judiciary.

H.R. 5794. A bill to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information; to the Committee on the Judiciary.

By Mr. RAILSBACK (for himself and Mr. KASTENMEIER):

H.R. 5795. A bill to regulate lobbying and related activities; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 5796. A bill to amend the Internal Revenue Code of 1954 to deny the foreign tax credit for any tax paid or accrued to the Republic of South Africa; to the Committee on Ways and Means.

By Mr. REUSS (for himself and Mr. OTTINGER):

H.R. 5797. A bill to amend title I of the Housing and Community Development Act of 1974 for the purpose of providing that units of general local government receiving grants under the hold-harmless provisions of such title shall be entitled, after fiscal year 1977, to continue to receive at least the amount to which they are presently entitled under such provisions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROONEY:

H.R. 5798. A bill to amend the Interstate Commerce Act to authorize appropriations for the Office of Rail Public Counsel for fiscal year 1978; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHULZE:

H.R. 5799. A bill to amend title 18 of the United States Code to increase the penalties

imposed for certain firearms violations; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 5800. A bill to establish a national adoption information exchange system; to the Committee on Education and Labor.

H.R. 5801. A bill to amend the Land and Water Conservation Fund Act of 1965 to create the Disabled Eagle passport program under which disabled persons are admitted free to certain admission fee areas in national parks and national recreation areas, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5802. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended; to the Committee on Interior and Insular Affairs.

H.R. 5803. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. SISK (for himself, Mr. BADILLO, Mr. BLOUIN, Mr. DON H. CLAUSEN, Mr. COUGHLIN, Mr. DOWNEY, Mr. DRINAN, Mr. EDWARDS of California, Mr. EDWARDS of Oklahoma, Mr. EVANS of Delaware, Mrs. FENWICK, Mr. HARRINGTON, Mr. JEFFORDS, Mr. LAGOMARSINO, and Mr. LEHMAN):

H.R. 5804. A bill to amend the Immigration and Nationality Act to facilitate the adoption of more than two children; to the Committee on the Judiciary.

By Mr. SISK (for himself, Mr. MAGUIRE, Mr. MATHIS, Mr. MCCORMACK, Mrs. MEYNER, Mr. MINETA, Mr. OTTINGER, Mr. PIKE, Mr. RANGEL, Mr. ROYBAL, Mr. SARASIN, Mrs. SPELLMAN, Mr. SIMON, Mr. VOLKMER, and Mr. CHARLES WILSON of Texas):

H.R. 5805. A bill to amend the Immigration and Nationality Act to facilitate the adoption of more than two children; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 5806. A bill to provide for the development of certain minerals on public lands; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of Illinois (for himself, Mr. BEVILL, Mr. DICKINSON, Mr. FISH, Mr. GUYER, Mr. HYDE, Mr. LAGOMARSINO, Mr. KRUEGER, Mr. MOORHEAD of Pennsylvania, Mr. JOHN T. MYERS, Mr. PATTISON of New York, Mr. PICKLE, Mr. PRITCHARD, Mr. SEBELIUS, and Mr. WHITEHURST):

H.R. 5807. A bill to provide Federal financial and technical assistance to the States to encourage the development and implementation of youth camp safety plans and programs; to the Committee on Education and Labor.

By Mr. BAUCUS:

H.R. 5808. A bill to amend medicare and medicaid provisions as they relate to rural health care facilities; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. BROWN of California (for himself, Mr. MCCORMACK, Mr. TEAGUE, Mr. PRICE, Mr. RODINO, Mr. PICKLE, Mr. HAWKINS, Mr. FASCELL, Mr. LEGGETT, Mr. HARRINGTON, Mr. FITHIAN, Mr. SEIBERLING, and Mr. NEAL):

H.R. 5809. A bill to establish a 5-year research and development program leading to advanced automobile propulsion systems, and for other purposes; to the Committee on Science and Technology.

By Mr. PHILLIP BURTON (for himself, Mrs. BURKE of California, Mr. RODINO, Mr. MOSS, Mr. LEGGETT, Mr. MAZZOLI, Mr. BROWN of California, Mr. CORMAN, Mr. DRINAN, Mr. DOWNEY, Mr. WEAVER, Mr. BADILLO, Mr. BEILENSON, Mr. DINGELL, Mrs. SPELLMAN, Mr. OTTINGER, Mr. DE LUGO, Mr. BRODHEAD, Mr. WALGREN, Mr. SCHEUER, Mr. MOAKLEY, Mr. FITHIAN, Mr. NEAL, Mr. CORRADA, and Mr. LAFALCE):

H.R. 5810. A bill to amend the act of October 2, 1968, an act to establish a Redwood National Park in the State of California and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CORRADA:

H.R. 5811. A bill to permit temporarily the transportation on foreign-flag vessels of passengers between certain ports in the Continental United States and ports in Puerto Rico; to the Committee on Merchant Marine and Fisheries.

By Mr. DELLUMS (for himself, Mr. JOHN L. BURTON, Mr. CLAY, Mr. CONYERS, Mr. FAUNTROY, Mr. HAWKINS, Mr. JOHNSON of Colorado, and Mr. MITCHELL of Maryland):

H.R. 5812. A bill to reorganize the intelligence community of the executive branch of the Government, create an Intelligence Research and Analysis Agency, and prevent future intelligence abuses by Federal agencies, and for other purposes; jointly, to the Committees on Armed Services, the Judiciary, Government Operations, and Ways and Means.

By Mr. DIGGS (by request):

H.R. 5813. A bill to revise the basis for estimating the annual Federal payment to the District of Columbia for water and water services and sanitary sewer services furnished to the United States; to the Committee on the District of Columbia.

By Mr. DINGELL (for himself, Mr. STAGGERS, Mr. MOSS, Mr. BROWN of Ohio, Mr. MOORHEAD of Pennsylvania, Mr. PEASE, Mr. SLACK, Mr. ERTEL, Mr. MCKINNEY, Mr. MCCLOSKEY, Mr. DRINAN, Mr. BEDELL, Mr. JEFFORDS, Mr. STUDDS, Mrs. MEYNER, Mr. JENRETTE, Mr. THOMPSON, Mr. CORMAN, Mr. PATTERSON of California, Mr. AUCOIN, Mr. STEERS, Mr. KOSTMAYER, Mr. BONIOR, Mr. BADILLO, and Mr. MEEDS):

H.R. 5814. A bill to provide for the protection of franchised distributors and retailers of motor fuel and to encourage conservation by requiring that information regarding the octane rating of automotive gasoline be disclosed to consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. STAGGERS, Mr. MOSS, Mr. BROWN of Ohio, Mr. OTTINGER, Mr. KRUEGER, Mr. SHARP, Mr. MOFFETT, Mr. MURPHY of New York, Mr. MAGUIRE, Mr. MARKEY, Mr. MOORHEAD of California, Mr. MOORE, Mr. STOCKMAN, Mr. ROONEY, Ms. MIKULSKI, Mr. FISHER, Mr. DAN DANIEL, Mr. LEHMAN, Mr. DOWNEY, Mrs. LLOYD of Tennessee, Mr. BRODHEAD, Mr. WHITEHURST, Mr. DUNCAN of Tennessee, and Mr. FRASER):

H.R. 5815. A bill to provide for the protection of franchised distributors and retailers of motor fuel and to encourage conservation by requiring that information regarding the octane rating of automotive gasoline be disclosed to consumers; to the Committee on Interstate and Foreign Commerce.

Mr. DINGELL (for himself, Mr. STAGGERS, Mr. MOSS, Mr. BROWN of Ohio, Mr. BLANCHARD, Mr. BALDUS, Mr. FITHIAN, Mr. MCCORMACK, Mr. D'AMOURS, and Mr. WHALEN):

H.R. 5816. A bill to provide for the protection of franchised distributors and retailers of motor fuel and to encourage conservation by requiring that information regarding the octane rating of automotive gasoline be disclosed to consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. ETLBERG:

H.R. 5817. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. GIAIMO (for himself, Mr. COTTER, Mr. SARASIN, Mr. MCKINNEY, Mr. DODD, Mr. ST GERMAIN, and Mr. BEARD of Rhode Island):

H.R. 5818. A bill to amend the Internal Revenue Code of 1954 to encourage manufacturing-related investments in any State which has an unemployment rate which exceeds 6 percent; to the Committee on Ways and Means.

By Mr. KINDNESS:

H.R. 5819. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for tuition expenses for the higher education of themselves, their spouses, or their dependents; to the Committee on Ways and Means.

By Mr. MCCORMACK (for himself, Mr. OTTINGER, Mr. AKAKA, Mr. AUCOIN, Mr. BADILLO, Mr. BEARD of Rhode Island, Mr. BEILENSON, Mr. BLANCHARD, Mr. BLOUIN, Mr. BONIOR, Mr. CAPUTO, Mr. CARR, Mrs. COLLINS of Illinois, Mr. CORNWELL, Mr. D'AMOURS, Mr. DANIELSON, Mr. DELLUMS, Mr. DOWNEY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EMERY, Mr. ERTEL, Mr. FLORIO, Mr. FRASER, and Mr. GAYDOS):

H.R. 5820. A bill to promote the use of energy conservation, solar energy, and total energy systems in Federal buildings; to the Committee on Public Works and Transportation.

By Mr. MCCORMACK (for himself, Mr. OTTINGER, Mr. RISENHOOVER, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. THONE, Mr. TSONGAS, Mr. UDALL, Mr. VAN DEERLIN, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WON PAT, and Mr. FORD of Michigan):

H.R. 5821. A bill to promote the use of energy conservation, solar energy, and total energy systems in Federal buildings; to the Committee on Public Works and Transportation.

By Mr. MARTIN (for himself, Mr. CONABLE, Mr. COCHRAN of Mississippi, Mrs. PETTIS, Mr. KELLY, Mr. MILLER of Ohio, Mr. LENT, Mr. MARLENEE, Mr. WHITLEY, Mr. COLEMAN, Mr. CORMAN, Mr. MCKINNEY, Mr. ROBINSON, Mr. JENKINS, Mr. WHITTEN, and Mr. MCCORMACK):

H.R. 5822. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Interstate and Foreign Commerce.

By Mr. MITCHELL of New York:

H.R. 5823. A bill to amend the Agricultural Act of 1970 for the purpose of authorizing the Secretary of Agriculture to include hay as a disaster reserve; and for other purposes; to the Committee on Agriculture.

By Mr. OTTINGER:

H.R. 5824. A bill to provide for payments to certain sales representatives terminated from their accounts without justification, to provide for the scope of contracts between sales representatives and their principles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PANETTA:

H.R. 5825. A bill to permit teachers to change employment across State lines without substantial loss of retirement benefits; to the Committee on Education and Labor.

By Mr. QUAYLE (for himself, Mr. DORNAN, Mr. O'BRIEN, Mr. ABDNOR, Mr. ROUSSELOT, Mr. KEMP, and Mr. BARNARD):

H.R. 5826. A bill to amend the Occupational Safety and Health Act of 1970 to provide that such act shall not apply to employers, including farming operations, having 25 or fewer employees; to the Committee on Education and Labor.

By Mr. RANGEL (for himself, Mr. BADILLO, Mr. BIAGGI, Mr. CAPUTO, Mrs. CHISHOLM, Mr. COTTER, Mr. DE LA GARZA, Mr. DIGGS, Mr. DRINAN, Mr. EDWARDS of California, Mr. ENGLISH, Mr. FLOOD, Mr. FREY, Mr. GILMAN, Mr. ERTEL, Mr. FAUNTROY, Mr. GUYER, Mr. HAWKINS, Mr. JENRETTE, Mr. KOCH, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURPHY of Illinois, Mr. NIX, and Mr. PEPPER):

H.R. 5827. A bill to direct the Attorney General to establish Special Drug Forces for the purpcse of providing temporary emergency law enforcement assistance to States and local governments; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. PRICE, Mr. RAILSBACK, Mr. RICHMOND, Mr. VENTO, Mr. WEISS, Mr. WHITEHURST, Mr. CHARLES WILSON of Texas, Mr. CHARLES H. WILSON of California, and Mr. WON PAT):

H.R. 5828. A bill to direct the Attorney General to establish Special Drug Forces for the purpose of providing temporary emergency law enforcement assistance to States and local governments; to the Committee on the Judiciary.

By Mr. ROGERS:

H.R. 5829. A bill to amend the Public Health Service Act to authorize appropriations for certain fiscal years for purposes of providing assistance to the States with respect to safe drinking water; to the Committee on Interstate and Foreign Commerce.

H.R. 5830. A bill to amend the Public Health Service Act to extend certain authorities and authorize appropriations for certain fiscal years for purposes of providing assistance to the States with respect to safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 5831. A bill to establish a system for the development of mineral resources on public lands of the United States; to the Committe on Interior and Insular Affairs.

By Mr. SOLARZ (for himself, Mr. BEDELL, Mr. BROWN of California, Mrs. CHISHOLM, Mr. DELLUMS, Mr. EDWARDS of California, Mr. FLOOD, Mr. HARRINGTON, Mr. HAWKINS, Mr. JACOBS, Mrs. MEYNER, Mr. MITCHELL of Maryland, Mr. PATTISON of New York, Mr. ROSENTHAL, Mr. ROYBAL, Ms. SCHROEDER, and Mrs. SPELLMAN):

H.R. 5832. A bill to provide for the phased withdrawal of U.S. Armed Forces from Korea; to the Committee on International Relations.

By Mr. TRAXLER (for himself, Mr. BARNARD, Mr. RICHMOND, Mr. NEDZI, and Mr. BONIOR).

H.R. 5833. A bill to authorize the Secretary of Agriculture to make financial assistance available to agricultural producers who suffer losses as the result of having their agricultural commodities or livestock quarantined or condemned because such commodities or livestock have been found to contain toxic chemicals dangerous to the public health; to the Committee on Agriculture.

By Mr. VANIK (for himself, Mr. BADILLO, Mr. BAUCUS, Mr. BOWEN, Mr. EDWARDS of California, Mr. FINDLEY, Mr. HAWKINS, Mr. HIGHTOWER, Mr. LONG of Maryland, Ms. OAKAR, Mr. MURPHY of Pennsylvania, Mr. PATTERSON of California, Mr. ROSENTHAL, Mr. SEIBERLING, Mr. STARK, Mr. VENTO, Mr. WEISS, and Mr. OBERSTAR):

H.R. 5834. A bill to amend title II of the Social Security Act to raise the amount by which an individual's social security benefits are to be increased on account of delayed retirement; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. BADILLO, Mr. BAUCUS, Mr. BEDELL, Mr. BOWEN, Mr. EDWARDS of California, Mr. FINDLEY, Mr. HAWKINS, Mr. HIGHTOWER, Mr. LONG of Maryland, Ms. OAKAR, Mr. MURPHY of Pennsylvania, Mr. PATTERSON of California, Mr. ROSENTHAL, Mr. SEIBERLING, Mr. STARK, Mr. VENTO, Mr. WEISS, and Mr. OBERSTAR):

H.R. 5835. A bill to amend title II of the Social Security Act to increase the amount of outside earnings which (subject to future cost-of-living adjustments) is permitted any individual each year without deductions from benefits thereunder in the case of individuals receiving less than the maximum provided for benefits of the type involved; to the Committee on Ways and Means.

By Mr. WALSH:

H.R. 5836. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DELLUMS (for himself, and Mr. CONYERS):

H.J. Res. 367. Joint resolution to provide independence for Puerto Rico; to the Committee on Interior and Insular Affairs.

By Ms. MIKULSKI:

H.J. Res. 368. Joint resolution to provide for a study of the effects of saccharin; to the Committee on Interstate and Foreign Commerce.

By Mr. BRODHEAD:

H. Res. 452. Resolution to amend rule XLIII of the Rules of the House of Represenatives respecting the solicitation or acceptance of gifts by Members of the House; to the Committee on Standards of Official Conduct.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

70. By the SPEAKER: Memorial of the Legislature of the State of Idaho, relative to designation of wilderness areas; to the Committee on Interior and Insular Affairs.

71. Also, memorial of the Legislature of the State of New Jersey, requesting that Congress call a convention for the purpose of proposing an amendment to the Constitution of the United States relative to the right to life; to the Committee on the Judiciary.

72. Also, memorial of the Legislature of the Commonwealth of Virginia, relative to tanker safety standards; to the Committee on Merchant Marine and Fisheries.

73. Also, memorial of the House of Representatives of the State of Hawaii, relative to canceling State indebtedness to the Unemployment Compensation Trust Fund; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 5837. A bill for the relief of John S. Barry; to the Committee on the Judiciary.

By Mr. HILLIS:

H.R. 5838. A bill for the relief of Gaudiosa M. Etulle; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 5839. A bill for the relief of Dr. and Mrs. Milton Margoles; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

68. The SPEAKER presented a petition of the Suffolk County Legislature, Riverhead, N.Y., relative to open water disposal for dredged material in Western Long Island; to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3199

By Mr. EDGAR:

On page 38, strike out everything after line 24 up to and including line 2 on page 43, and insert in lieu thereof the following:

SEC. 16. Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by adding at the end thereof the following new subsections:

"(d) For purposes of this section, the following shall not be considered discharges of dredged or fill material:

"(1) plowing, cultivating, seeding, and harvesting for the production of food, fiber, and forest products;

"(2) maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable fills such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and other transportation structures;

"(3) maintenance of irrigation and drainage ditches and small dams that create stock ponds and farm ponds.

"(e) No permit shall be required under this Section or Section 402 of this Act for discharges of dredged or fill material necessary to construct farm ponds, stock ponds, and debris basins.

"(f) consistent with the requirements of subsections (a), (b), and (c) of this Section, the Secretary of the Army acting through the Chief of Engineers, may issue general permits for discharges of dredged or fill material where such activities are similar in nature and cause only minimal adverse environmental impact. Such permits shall contain such conditions as necessary to achieve the purposes of this Act and shall be for a maximum period of five years. A general permit may be revoked or modified if it is determined that the effects of the permitted activities are such that individual permit treatment is required consistent with the goals of the Act.

"(g) The Secretary shall submit a detailed report to the Congress on or before December 31, 1977, on the implementation to such date by the Department of the Army of the provisions of this Section. This report, which shall be prepared in conjunction with the Administrator, shall detail the progress made in implementing the requirements of this Section and the objectives of this Act, shall assess State programs that are similar to this program, and shall provide recommendations on the manner in which State and local agencies can become more directly responsible for fulfilling the requirements of this Section in a manner consistent with the purposes of the Act."

On page 38, strike out everything after line 24 up to and including line 2 on page 43, and insert in lieu thereof the following:

SEC. 16. Section 404 of the Federal Water

Pollution Control Act (33 U.S.C. 1344) is amended by adding at the end thereof the following new subsections:

"(d) For purposes of this section, the following shall not be considered discharges of dredged or fill material:

"(1) plowing, cultivating, seeding, and harvesting for the production of food, fiber, and forest products;

"(2) maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable fills such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and other transportation structures;

"(3) maintenance of irrigation and drainage ditches and small dams that create stock ponds and farm ponds.

"(e) No permit shall be required under this Section or Section 402 of this Act for discharges of dredged or fill material necessary to construct farm ponds, stock ponds, and debris basins.

"(f) consistent with the requirements of subsections (a), (b), and (c) of this Section, the Secretary of the Army acting through the Chief of Engineers, may issue general permits for discharges of dredged or fill material where such activities are similar in nature and cause only minimal adverse environmental impact. Such permits shall contain such conditions as necessary to achieve the purposes of this Act and shall be for a maximum period of five years. A general permit may be revoked or modified if it is determined that the effects of the permitted activities are such that individual permit treatment is required consistent with the goals of the Act.

"(g) The Secretary shall submit a detailed report to the Congress on or before December 31, 1977, on the implementation to such date by the Department of the Army of the provisions of this Section. This report, which shall be prepared in conjunction with the Administrator, shall detail the progress made in implementing the requirements of this Section and the objectives of this Act, shall, in consultation with the Secretary of Agriculture, assess the impact of this section on the rural, agricultural, ranching, and forestry community, and shall provide recommendations on the manner in which State and local agencies can become more directly responsible for fulfilling the requirements of this Section in a manner consistent with the purposes of the Act.

"(h)(1) Until April, 1978, in any case where an application for permit has been filed at least 30 days prior to discharge, but final administrative disposition of such application has not been made, such discharge of dredged or fill material shall not be a violation of Section 301(a) of this Act, unless (A) the Secretary or Administrator determines that the proposed activity will violate the guidelines established pursuant to subsection (b) of this Section, or (B) final administrative disposition of such application cannot be made because of the failure of the applicant to furnish information reasonably required or requested in order to review the application.

"(2) This subsection shall not be applicable to the discharge of dredged or fill material in any coastal water of the United States subject to the ebb and flow of the tide, any inland water of the United States that is used, was used in the past, or is susceptible to use to transport interstate or foreign waterborne commerce, any primary tributary to such waters, any natural lake greater than five acres, and any marshes, shallows, swamps, and wetland areas adjacent to these waters that are periodically inundated with a frequency sufficient to support a prevalence of aquatic vegetation."

Strike Section 16.

Strike the last word.

On page 40, in line 5, after the word "this", strike out everything up to and including line 7 on page 40, and insert in lieu thereof "section.".

H.R. 4976

By Mr. PEPPER:

Page 16, line 15, strike "$3,450,000" and insert in lieu thereof "$8,000,000".

Page 16, line 19, strike "$1,000,000" and insert in lieu thereof "$4,000,000".

SENATE—*Wednesday, March 30, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, the strength of those who put their trust in Thee, we bow daily in Thy presence lest we yield to the subtle temptation of relying on our own strength. For without Thee, work is barren, days are unproductive, life is robbed of its wonder, its dignity, and its beauty. The closer we draw to Thee, the more we know of Thy love, the more we become aware that we are not flawless nor without sin. While we confess our sins, keep us from magnifying evil, exaggerating defects, and from confessing other people's sins. Deliver us from the hypocrisy of pretending to be better than we are and from the baser hypocrisy of pretending to be worse than we are. By Thy spirit living in us, make us to be the best we can become—humble, reverent, sincere servants of Thy higher kingdom.

We pray in the name of Him who came to bring the kingdom which is above all earthly kingdoms. Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, March 29, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there are three nominations in the Department of State which have been cleared on both sides of the aisle.

I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

The second assistant legislative clerk proceeded to read the nominations.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Joseph D. Duffey, of the District of Columbia, to be an Assistant Secretary of State.

Matthew Nimetz, of New York, to be counselor of the Department of State.

Herbert J. Hansell, of Ohio, to the legal adviser of the Department of State.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations under "International Bank Posts" and "Department of Commerce" be considered and confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

INTERNATIONAL BANK POSTS

W. Michael Blumenthal, of Michigan, to be U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank and U.S. Governor of the African Development Fund.

DEPARTMENT OF COMMERCE

Sidney Harman, of New York, to be Under Secretary of Commerce.

Jerry Joseph Jasinowski, of the District of Columbia, to be an Assistant Secretary of Commerce.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified of the confirmation of the nominations.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

WAIVER OF THE CONGRESSIONAL BUDGET ACT WITH RESPECT TO CONSIDERATION OF S. 1070

Mr. ROBERT C. BYRD. Mr. President, there is a budget waiver, Calendar No. 62, Senate Resolution 123, which has reference to S. 1070, Calendar No. 52, a bill

to authorize additional funds for housing assistance. That matter has been cleared on both sides of the aisle.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 62.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 123) waiving the provision of sec. 402(a) of the Congressional Budget Act of 1974 with respect to S. 1070.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That the provisions of section 402(a) of the Congressional Budget Act of 1974 are waived with respect to S. 1070, a bill to authorize additional funds for housing assistance for lower income Americans in fiscal year 1977, to extend the Federal riot reinsurance and crime insurance program, to establish a National Commission on Neighborhoods, and for other purposes. The waiver is necessary in order to provide for the continuation of Housing and Urban Development's crime and riot insurance programs, to provide supplemental funds requested by the administration for assisted housing programs, and for the conduct of a study of policies required to improve the Nation's urban neighborhoods.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I have nothing further at this time. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished minority leader.

STRATEGIC ARMS LIMITATIONS

Mr. BAKER. Mr. President, prior to Secretary Vance's departure for the preliminary discussions with the Soviet Union, the distinguished House minority leader, Representative JOHN RHODES, and I assured him that the minority of both Houses endorsed the efforts of the administration to achieve a meaningful and realistic agreement on the limitations of strategic arms.

We did so to allay any possible misapprehension on the part of the Soviet leaders that the Secretary undertook his mission to Moscow without the full bipartisan support of the Congress. It was in no way intended to prejudge the outcome of these important discussions nor was it an attempt to limit the flexibility of the administration as it develops the framework for SALT II.

That said, Mr. President, I should add that the reports of the initial meetings in Moscow are intriguing. Naturally, I do not know the details of the discussions; but I am confident that the appropriate committees of Congress will be fully briefed upon the Secretary's return.

At that time, and prior to the beginning of the substantive negotiations in Geneva, I am likewise confident that the Congress and the administration will be able to cooperate fully in the development of a SALT package mutually acceptable to all the parties concerned. I look forward to that effort with the belief that a meaningful agreement, which does not degrade the ability of the Nation to deter aggression, is a goal of the highest national priority.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no requirement nor requests for the remainder of my time under the standing order, and I yield back the time.

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished junior Senator from Rhode Island (Mr. CHAFEE) for not to exceed 15 minutes.

Mr. BAKER. Mr. President, I yield the time I have under the special order this morning to the distinguished junior Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. Without objection, the remaining time of the distinguished minority leader will be added to the time of the Senator from Rhode Island.

Mr. CHAFEE. I thank the Senator from Tennessee for yielding me the remainder of his time.

CONCERNING THE ALL-VOLUNTEER FORCE

Mr. CHAFEE. Mr. President, in my judgment it is wise and helpful for our country to have a constructive dialog on the All-Volunteer Force. A few Members of this body have already begun to examine and discuss the AVF, its successes or failures and its future.

Any examination of the AVF should begin with a review of the role of conscription and volunteerism in this country. Such a review reveals that peacetime conscription is a departure from the norm in our country's history.

The first Federal draft began in 1863 during the Civil War and was accompanied by some of the worst riots in our Nation's history. That draft ended in 1865. No further inductions occurred until 1917 when the draft was reinstated for World War I. Again, the draft lasted for only the duration of the war. In 1940, the fall of France brought the return of a wartime draft which remained in effect until 1947 when it terminated.

During the early postwar years, the country struggled with many issues of military personnel policy. From April 1947 to June 1948, the armed services relied on volunteer recruitment but were unable to attract the numbers necessary to maintain a strong force. The failure of the policy at that time was attributable to the widening gap between military and civilian pay and the Army's raising of acceptable mental test standards. Universal military training and various forms of national service were frequently debated and proposed, but were always rejected as too costly.

The beginning of the cold war in the late forties brought the first truly peacetime draft, though initially on a temporary basis. The Korean war finally established a peacetime reliance on the draft. During the late fifties and early sixties, as the size of our forces declined, the problems inherent in a peacetime draft began to emerge.

The greatest problems derived from the size of the manpower pool. Nearly 2 million 18-year-olds entered the pool each year. They remained in the pool until age 26. Of the millions available, as few as 60,000 were drafted in a given year.

Because the draft required only a few from the many available, deferments appeared to be a logical means of narrowing the manpower pool to a level comparable with need.

But Vietnam all to vividly illustrated that the deferment policy was blatantly unfair. The poor and the uneducated made up the great bulk of these called. As we all remember, the result was great bitternesss and political turmoil which tore at the fabric of our society. The lottery, instituted in 1969, helped cool dissent, but the issue continued to be divisive until the withdrawal from Vietnam permitted the suspension of draft calls. After all, the lottery still took a few from the many available.

In 1969, President Nixon appointed a 15-person blue ribbon commission composed of leaders from military, business, and academic backgrounds to examine the possibility of reinstituting a peacetime volunteer force. Under the chairmanship of Thomas Gates, a former Secretary of Defense, the commission unanimously agreed "that the Nation's interests will be better served by an All-Volunteer Force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts." In 1970, the Gates Commission recommended that the services be staffed in peacetime solely by volunteers. The President concurred.

The inauguration of an all-volunteer armed force was the culmination of a lengthy national debate on the potential risks and benefits of relying solely on volunteer military personnel. Opponents of the volunteer force had said that it would not be feasible, that it would cost up to $17 billion, that it would be mercenary, that it would create a separate military elite, and that it would be composed of the poor, the black, and the uneducated.

Proponents of the volunteer force advocated it on the basis of military efficiency, equity, and individual freedom. The proponents prevailed and the use of the draft was terminated in January 1973.

At first, the most pressing problems came in connection with the active forces. They were unable to attract an adequate number of qualified perosnnel. With time, however, solutions were found. An effective recruiting structure was built, broader options were offered to recruits, training opportunities were guaranteed to those who qualified, specialized enlistment and reenlistment bonuses were established, and many other improvements in manpower management were implemented.

The experience of the past 4 years shows that such innovative management on the part of the services has enabled them to overcome most active force problems, without going beyond the cost

originally estimated by the National Security Council.

Today, questions are being raised concerning the All-Volunteer Force—questions related to the number of personnel the services are obtaining, the quality of the personnel, the cost of the AVF, and the strength of the Reserve components. As a result, we also hear discussion of restoring a peacetime draft or even instituting a broader form of compulsory national service.

A strong national defense is of paramount importance. But if we can have a strong military without compelling peacetime service in it, then that is the course we should follow. None of us would hesitate to reactivate the draft if emergency circumstances necessitated such action in the interests of national security. But, before we draft one free American, it is our responsibility to be sure that it is impossible to avoid compulsion.

What is the real status of the AVF?

Manpower statistics should be examined for long-term trends, rather than for short-term occurrences. It is misleading to take a snapshot of manpower statistics.

First, let us look at the Active Forces, then at the Reserve.

A primary concern raised about the AVF is that the quality of our recruits is down. The long-term trend, however, suggests the opposite. Two yardsticks used by the services to assess quality are level of education—has the enlistee completed high school—and standardized test scores. One reason for the emphasis on high school graduates is that they cause fewer disciplinary problems than non-high-school graduates. Trends indicate that the percentage of high school graduates for all services totaled has risen steadily from 61 percent in fiscal year 1974 to 71 percent in the summer of 1976—a remarkable 16 percent increase. Even in the Army, which has the greatest recruiting needs, the percentage of high school graduates has risen from 50 to 60 percent over the same period.

The Armed Services Vocational Aptitude Battery—ASVAB—produces the standardized test scores which are the other measure of quality. On the basis of ASVAB, applicants are classified into one of five mental categories, with category I having those with the highest military aptitude and those in category V being disqualified from service.

According to the Department of Defense, the results of the ASVAB show that there has been a steady increase since fiscal year 1974 in enlistees with above average scores, a moderate increase in those with average scores, and of most importance a steady decrease in enlistees with below average scores. In fiscal year 1976 less than 5 percent entered the services from the below average mental group, category IV. This was more than a 50-percent decrease in category IV's since fiscal year 1974, and showed up, most importantly, in the Army and Marine Corps—the difficult services for which to recruit.

A second issue in the Active Forces is the quantity of recruits. The facts are these. In the Active Forces all services were manned within 99 percent of their end strength obectives for the 15-month period ending last September. The services virtually met their total recruiting goals for the same period. In fact, for every fiscal year since the inauguration of the AVF, active duty force levels have been virtually met. In other words, as of October 1976, the beginning of this fiscal year, there were no significant shortages in the number of Active Force personnel.

During the final 3 months of 1976, recruitment dropped to 95 percent of the goals. Some suggest that this represents a new trend leading to the conclusion that 4 years of success have ended. But brief periods of recruitment difficulty have occurred in the past with no permanent consequences.

In fact, with a 5-percent recruitment shortfall in late 1976, the military fell only one-third of 1 percent below desired force levels.

Another measure of recruiting strength, hidden from superficial analysis, is the number of recruits who have signed up to join the military at a later date when their training slot becomes available. If recruiting shortfalls are significant, future recruitment presumably would be very slow. Yet the Army has a "delayed entry pool" twice last year's level and seven times the level of January 1974.

Indeed, recruiting for an All-Volunteer Force is always a competitive situation. No longer can the services simply say as they did under the draft, "We need 40,000 men this month" and the draft produced 40,000. The services now have to go out and recruit every person they need. Some months are more difficult for recruitment than others.

To criticize the volunteer force on this basis is a misrepresentation of the overall picture. It is again, taking a narrow snapshot of our 4-year experience.

Part of the fear that the AVF will not continue to succeed is based on the belief that our 4 years of success is attributable to the recent poor state of the economy. It is worth noting that the AVF was already showing strong signs of succeeding prior to the economic downturn in late 1974. As the economy improves, the AVF may encounter some recruiting problems, but that does not mean they will be insoluble.

We often hear that desertion rates are a problem with the AVF. The facts are these. The Army has the lowest rate of desertion since 1966. The Marine Corps desertion is high, but is about one-half of what it was 2 years ago and is still dropping. The Navy has developed a very serious desertion problem—reaching levels two to three times that of the Vietnam era. The Air Force, as always, does not have a desertion problem. This mixed pattern is puzzling and different people can give different explanations of its causes. While all the services, and particularly the Navy, should give unstinted attention to these problems, I do not think any fair minded analyst can conclude that this pattern is sufficiently disastrous to scuttle the AVF.

Thus, all significant long-term trends suggest no unmanageable problems with the quantity or quality of our recruits in the active forces.

One unalterable fact about the military manpower situation is that the number of 18-year-olds will gradually decrease until the early 1990's when it will rise again. The decrease is quite gradual, thus there is no immediate reason to institute a draft or national service program to help the active forces. As for the future, we do not know what our active force recruitment requirements will be a decade from now.

Next, let us look at the Reserve components. Of all the AVF problems being discussed, those of the Reserve components seem the most pressing.

Our primary Reserve system, known as the Ready Reserve, is composed of the Selected Reserve and the Individual Ready Reserve, the IRR. The problems should be viewed separately.

The Reserve Forces Act of 1955 requires all military personnel to serve a minimum obligation of 6 years. Whatever portion of that obligation is not fulfilled in active duty is met by being in either the Selected Reserve or the IRR.

The Selected Reserve is composed of prior service and nonprior service personnel and maintains a constant preparedness level through weekend and summer training. These men and women are paid and they are designated as the first force to be called to supplement our Active Forces in an emergency.

The Selected Army Reserve components are about 8 percent below authorized levels. More importantly, this shortfall can, at present rates, be expected to increase to 18 percent in the next 18 months. The Marine Corps Reserve also shows a shortage in combat arms units, but the Naval Reserve, the Air National Guard, and the Air Force Reserve are about on target.

Should we use the draft or national service to solve the Reserve problems? Before we consider such drastic measures, we should be sure that no reasonable management solutions exist. Our present shortages in the Selected Reserve did not come upon us without forewarning. In 1970, the Gates Commission recognized that problems with Reserve recruiting might arise in the late 1970's and that special attention might be needed. Later, in 1972, the administration at first sought, and then withdrew, proposals for incentives for Reserve enlistments.

Now, after 7 years of inattention, the problems of Reserve requirements can no longer be ignored.

Until last August none of the Reserve components except the Navy and Marines had a full-time recruiting force. Money to build a Reserve recruiting structure is in the fiscal year 1978 budget, but realistically we should expect that it will take a couple of years to build a successful and attractive recruiting program.

To improve Reserve recruiting we should ask management-oriented questions. Can we make participation in Reserve components more attractive? Do recruits spend training sessions involved in constructive, interesting work, or do

they just put in their time sitting around armories and getting haircuts?

The other component of the Ready Reserve, the individual Ready Reserve, is composed of men and women who have completed active duty, have a remainder of their 6-year obligation to complete, but do not join an organized unit. The size of the individual Ready Reserve is dependent upon the number of men and women who have recently completed active duty and the number of years each one has left to complete his 6-year obligation.

The individual Ready Reserve has declined since the introduction of the volunteer force for two reasons:

First, we have reduced our active force level from roughly 3.5 million at the height of the Vietnam war to 2.1 million. Obviously a comparable reduction in the individual Ready Reserve was inevitable, although not desirable.

Second, recruits are averaging longer periods of service in the active force. Longer active service has improved the quality, stability, and readines of our forces, while reducing the training costs and turnover. But, longer active duty has also shrunk the IRR pool.

In full mobilization, all Americans with recent military service are likely to be called back anyway. If we recognize this fact in our statistics, it would lessen our concerns regarding the number of individual Ready Reserves. We must maintain our Reserve strength, but a return to the crutch of the draft to solve this problem of adequate postactive service obligations is wholly unwarranted.

Perhaps the most recurrent question raised about the viability of the All-Volunteer Force is cost. The suggestion is that if we returned to the draft, it would reduce various personnel costs significantly. Let us look at pay first.

While the draft was still in effect, Congress made the decision to raise pay for new recruits to a level competitive with the civilian sector. It was deemed equitable to stop penalizing those who were compelled to serve their country in times when only a portion of our youth were needed.

Competitive pay has certainly aided the transition to an All-Volunteer Force. Indeed the AVF policy would have been impossible without competitive pay. Compensation increases have been dramatic for recruits. It was necessary that compensation be nearly doubled in 1971 to reach equity with the private sector, an objective long since reached for the military careerist.

But the crucial question is: Would we return to inequitable pay scales if we were to reinstitute the draft? I doubt that we would consider such a regressive action under peacetime circumstances.

In order to implement the AVF, additional personnel expenditures in the form of recruiting and bonus funds are required. These amount to $400 to $500 million per year.

These figures are substantial, but when military manpower costs total $60 billion, less than a half billion dollars spent to avoid compulsion appears reasonable.

Present military manpower problems should be addressed with management solutions, rather than with a draft or some form of national service wherein every 18-year-old is required to do some form of military or civic duty.

The All-Volunteer Force serves both the interests of the people and the interests of our national defense. The AVF is in the tradition of our country. It represents equity, freedom of choice, and fair pay. Under it we have seen the end of the national unrest that accompanied the draft.

It is only my belief that the volunteer force has helped the military. Since the services began to convert to an all-volunteer status, they have become more efficient in their use of manpower. The combat readiness of our forces is high; jobs and the skills of those who perform them are well matched; and drug problems and racial disturbances have declined.

Several management problems remain. We need to upgrade reserve activities and build a full-time, stable, dedicated recruiting force. We need to review the definitions of reserve obligations in light of current needs. We need to understand why desertion increases in one service and drops in others. We need to continue our vigilance of all aspects of volunteer force management.

If we do this, we will have a well-managed All-Volunteer Force, and we will not need to return to the draft.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each, and with no resolutions coming over under the rule.

The PRESIDING OFFICER (Mr. ANDERSON). Without objection, it is so ordered.

TRANSFER OF MEASURES TO UNANIMOUS-CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there are two bills on the general orders calendar that have been cleared for unanimous consent on both sides of the aisle. I ask that the clerk transfer those measures, calendar order Nos. 58 and 60, from page 10 of the general orders calendar of measures cleared to be considered by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may I say respectfully that does not require unanimous consent.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

CIVIL SERVICE COMMISSION ANNUAL REPORT—MESSAGE FROM THE PRESIDENT—PM 60

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

I am transmitting herewith a copy of the United States Civil Service Commission's Annual Report for the fiscal year ended June 30, 1975. This Report was prepared and received prior to the beginning of my Administration.

JIMMY CARTER.

THE WHITE HOUSE, *March 30, 1977.*

MESSAGE FROM THE HOUSE

At 2:51 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House has passed the bill (S. 626) to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 2521. An act to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes;

H.R. 2992. An act to authorize appropriations for fiscal year 1978 for carrying out the Comprehensive Employment and Training Act of 1973 as amended; and

H.R. 3416. An act to amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of flue-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 per centum of the farm acreage allotment was planted for such year.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the enrolled joint resolution (H.J. Res. 351) making further continuing appropriations for the fiscal year 1977, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC-1006. A letter from the Secretary of Defense transmitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes (with accompanying papers); to the Committee on Armed Services.

EC–1007. A letter from the Secretary of Transportation transmitting, pursuant to law, a report recommending further action of funds to be made available to New York and Ohio for the costs of operating and maintaining rail service facilities (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC–1008. A letter from the Acting Assistant General Counsel for International, Conservation, and Resource Development programs of the Federal Energy Administration transmitting, pursuant to law, notice of a meeting related to the International Energy Program (with accompanying papers); to the Committee on Energy and Natural Resources.

EC–1009. A letter from the Acting Administrator of the Energy Research and Development Administration transmitting a draft of proposed legislation to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes (with accompanying papers); to the Committee on Energy and Natural Resources.

EC–1010. A letter from the Secretary of Transportation transmitting, pursuant to law, a report on the activities of the Federal-Aid Highway Act of 1973; to the Committee on Environment and Public Works.

EC–1011. A letter from the Assistant Secretary for Congressional Relations transmitting notice of the full-scale meetings of the fourth session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts to be convened by the Swiss Government on April 14, 1977 and conclude on June 10, 1977; to the Committee on Foreign Relations.

EC–1012. A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, a report on a new system of records, in accordance with the Privacy Act (with an accompanying report); to the Committee on Governmental Affairs.

EC–1013. A letter from the Mayor of the District of Columbia transmitting a draft of proposed legislation to revise the basis for estimating the annual Federal payment to the District of Columbia for water and water services and sanitary sewer services furnished to the United States (with accompanying papers); to the Committee on Governmental Affairs.

EC–1014. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Federally Assisted Areawide Planning: Need To Simplify Policies and Practices" (GGD–77–24, March 28, 1977) (with an accompanying report); to the Committee on Governmental Affairs.

EC–1015. A letter from the Secretary of Labor transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–1016. A letter from the Chairman of the Federal Election Commission transmitting, pursuant to law, a detailed statement of its activities during 1976 (with an accompanying report); to the Committee on Rules and Administration.

EC–1017. A letter from the Secretary of Agriculture transmitting a request for an extension beyond the March 1, 1977 deadline for the report on Dutch elm disease; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1018. A letter from the Secretary of the Navy transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize reimbursement for expenses incurred in obtaining quarters by certain members of the uniformed services on sea duty who are deprived of their quarters aboard ship, and for other purposes (with accompanying papers); to the Committee on Armed Services.

EC–1019. A letter from the Director of the Congressional Budget Office transmitting a compilation of technical background papers used in the development of the CBO report "Advance Budgeting: A Report to the Congress" (with an accompanying report); to the Committee on the Budget.

EC–1020. A letter from the Administrator of the Federal Energy Administration transmitting a clarification of the explanatory materials accompanying Energy Action No. 11; to the Committee on Energy and Natural Resources.

EC–1021. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to provide temporary authorities to the Secretary of Commerce to facilitate emergency actions to mitigate the impacts of the 1976–1977 drought and promote water conservation (with accompanying papers); to the Committee on Environment and Public Works.

EC–1022. A letter from the Acting Assistant Secretary of the Army, Civil Works, transmitting a draft of proposed legislation authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes (with accompanying papers); to the Committee on Environment and Public Works.

EC–1023. A letter, dated March 24, 1977, from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the past sixty days (with accompanying papers); to the Committee on Foreign Relations.

EC–1024. A letter from the Attorney General transmitting, pursuant to law, a report on the existence of two previously unpublished systems of records maintained by the FBI (with an accompanying report); to the Committee on Governmental Affairs.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM–107. Senate Concurrent Resolution No. 16 adopted by the Legislature of the State of South Dakota memorializing the Congress and the President to take steps to upgrade both rail and barge transportation systems for agricultural products; to the Committee on Commerce, Science, and Transportation:

"SENATE CONCURRENT RESOLUTION No. 16

"A concurrent resolution, memorializing the Congress and the President to take steps to upgrade both rail and barge transportation systems for agricultural products.

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, the food supplies of this nation and the world are dependent on the production of the fertile bread basket of the midwest; and

"Whereas, the export of agricultural products is a vital component of the United States balance of trade helping to offset the large imports of energy products; and

"Whereas, transportation of agricultural products from the midwest involves both rail traffic and barge traffic; and

"Whereas, the rail traffic facilities of this nation are in dire need of major improvement through capital investment:

"Now, therefore, be it resolved, by the Senate of the Fifty-second Legislature of the state of South Dakota, the House of Representatives concurring therein, that the Congress and the President be encouraged to take all possible steps to upgrade and improve both the rail and barge systems for transporting agricultural products; and

"Be it further resolved, that the Secretary of the Senate is hereby directed to forward copies of this resolution to the presiding officers of the United States Senate and House of Representatives, members of the South Dakota's Congressional Delegation and the Secretary of Transportation."

POM–108. Senate resolution No. 7 adopted by the Senate of the State of South Dakota urging Congress to expedite solutions to issues raised recently by the Federal Communications Commission regarding telephone services in South Dakota; to the Committee on Commerce, Science, and Transportation:

"SENATE RESOLUTION No. 7

"A Senate resolution, urging Congress to expedite solutions to issues raised recently by the Federal Communications Commission regarding telephone service in South Dakota

"Be it resolved by the Senate of the State of South Dakota:

"Whereas, the Telecommunications Act of 1934 was enacted to assure the widest possible availability of basic telephone service at the lowest practicable cost to the consumer; and

"Whereas, the Federal Communications Commission which was created by the Communications Act of 1934, has made recent policy decisions which could affect basic telephone service in South Dakota; and

"Whereas, these policy decisions have raised questions regarding the appropriate limits of federal and state regulatory jurisdictions, and those services where a regulated monopoly best serves all peoples' interest; and

"Whereas, regulations are required to assure the establishment of national technical and service standards to safeguard the network and our nation's consumers; and

"Whereas, these policy decisions will impact the long term effects on the rates of telephone service in South Dakota; and

"Whereas, these questions represent significant issues confronting our nation's present and future telecommunications policies; and

"Whereas, these issues demonstrate the urgent need for Congress to define the solutions which will best serve the interest of our Nation and South Dakota;

"Now, therefore, be it resolved, by the Senate of the Fifty-second Legislature of the State of South Dakota that the Senate of the State of South Dakota does hereby urge the Congress of the United States to reaffirm the intent of the Communications Act of 1934 which provides that basic telephone service be made universally available to all people at the lowest possible rates; and

"Be it further resolved that the Secretary of the Senate is hereby directed to forward copies of this resolution to the presiding officers of the United States Senate and House of Representatives, the members of South Dakota's Congressional Delegation, and the Director of the Federal Communications Division."

POM–109. Senate Resolution No. 110 adopted by the Senate of the State of Hawaii endorsing the recommendations of the Intergovernmental Relations Committee of the National Conference of State Legislatures for strengthening our Nation's electric utility industry; to the Committee on Energy and Natural Resources:

"SENATE RESOLUTION 110

"Senate resolution endorsing the recommendations of the Intergovernmental Relations Committee of the National Conference of State Legislatures for strengthening our Nation's electric utility industry

"Whereas, state governments have traditionally assumed the responsibility for regulating the operation of electric utilities

in order to insure the provision of safe, reliable, and adequate electric services to consumers at reasonable rates; and

"Whereas, the assumption of this regulatory responsibility is necessitated by the monopolistic nature of the electric utility industry; and

"Whereas, over the years, a steady and upward climb in the cost of providing electric services has in turn, resulted in the pass-on to the consumer of higher rates; and

"Whereas, these cost increases result essentially from technical and economic factors including (1) the rapid and continuing rise in the unit cost of new plants, (2) the increases in the cost of fuel, and (3) other cost increases generally attributable to inflation, and

"Whereas, the uncertainty associated with utility investment planning has increased markedly, in no small part due to the uncertainty over the impact of rising price levels on future demand levels; and

"Whereas, energy conservation and unresolved issues relating to uncertainties over the rate of application of new technology add further elements of uncertainty; and

"Whereas, the net effect of the various factors impinging upon the electric utility industry has been the deterioration of the financial condition of the industry as a whole; and

"Whereas, a reversal of the adverse trend both in terms of the declining financial posture of the industry and the rising cost of service delivery clearly indicate the need for modifications both within utility management and state regulatory practices; and

"Whereas, the Intergovernmental Relations Committee of the National Conference of State Legislatures has offered the following suggestions which state governments should consider: (1) electric utility rate structures should accurately relate consumer prices to the costs each consumer or class of consumers impose on electric utility systems and in particular, the declining block rate structure which was acceptable in a period of steadily falling costs and prices as a method for achieving widespread consumer access to electric services, must be reexamined; (2) rate structures should be considered which are fair and equitable to consumers and classes of consumers and which attempt to eliminate the possible conflicts between energy conservation goals and electric utility financial stability; (3) state regulatory bodies must exercise their responsibility to determine the need for new electric generating capacity; and (4) ratepayers must be provided with adequate information to take advantage of the economic savings which will become available to them if a more accurate cost-reflecting rate structure is found (consumer education must be accomplished to a greater extent than in the past); and

"Whereas, other findings and recommendations offered by the Intergovernmental Relations Committee of the National Conference of State Legislatures include (1) the recommendation that responsible state and federal regulatory agencies should be provided with adequate staff and financial resources to assure the capacity to competently carry out the complex analysis task, and (2) given the wide disparity among utilities, consumers, economic and environmental conditions, analysis must be on system-by-system basis; and

"Whereas, the State of Hawaii is most unique among the fifty states of the Union in that (1) Hawaii is geographically separated by over 2,000 miles of water from the mainland U.S., (2) Hawaii is 100 percent dependent on imported oil for primary energy and possesses no fossil fuel resources of its own, (3) each island in the State is supplied electricity by an isolated, relatively small utility with no electrical interties between islands, and (4) there is no possibility of interstate transmission of electricity between Hawaii and the mainland and so for the reasons stated above, federal regulation of electric utilities, or the establishment of federal standards governing state regulation is wholly inappropriate (for this reason, the proposed federal legislation establishing such standards should be rejected); and

"Whereas, the Senate of the State of Hawaii supports those findings and recommendations of the Intergovernmental Relations Committee of the National Conference of State Legislatures summarized in this Resolution, which are reinforced by Hawaii's own special conditions, now, therefore,

"Be it resolved by the Senate of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, that it endorses those parts of the policy position taken by the National Conference of State Legislatures in the area of electric utility operation and regulation as set forth in this resolution; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Majority Leader of the United States House of Representatives, the Chairman of the Intergovernmental Relations Committee of the National Conference of State Legislatures, the President of the National Conference Legislatures, the Chairman of the National Governors Conference, and to each member of Hawaii's delegation to the Congress of the United States."

POM-110. House Concurrent Resolution No. 3030 adopted by the Legislature of the State of North Dakota supporting the expeditious reconstruction of Locks and Dam 26 on the Mississippi River at Alton, Illinois; to the Committee on Environment and Public Works:

"HOUSE CONCURRENT RESOLUTION NO. 3030

"A concurrent resolution supporting the expeditious reconstruction of Locks and Dam 26 on the Mississippi River at Alton, Illinois

"Whereas, North Dakota's present and future economic strength is dependent upon the prosperity of the state's agricultural economy; and

"Whereas, agriculture generates about 75 percent of North Dakota's new wealth annually; and

"Whereas, small grains produce about 60 percent of North Dakota's farm income annually, with hard red spring and durum wheat accounting for about 50 percent of the total; and

"Whereas, North Dakota producers market about 25 percent of their hard red spring and durum wheat production through the Minneapolis-St. Paul terminal markets, which accounts for 59 percent of the total handled by those markets; and

"Whereas, 61 percent of the wheat moving into the Minneapolis-St. Paul terminal markets moves outward therefrom by barge on the Mississippi River; and

"Whereas, the prices received by North Dakota producers for hard red spring and durum wheat are reduced as transportation charges to the ultimate market for that grain is increased; and

"Whereas, barge transportation is less expensive than other modes of transporting grains; and

"Whereas, the production of small grains is dependent upon the availability of farm inputs such as petroleum and fertilizer which move by barge through the locks of the Mississippi River; and

"Whereas, barge transportation is dependent upon an efficient and dependable lock system on the Mississippi River; and

"Whereas, the physical condition of Locks and Dam 26 on the Mississippi River, located at Alton, Illinois, is hindering the efficient movement of barge traffic on the river system; and

"Whereas, the U.S. Army Corps of Engineers has developed a plan to replace Locks and Dam 26;

"Now, therefore, be it resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein:

"That the Forty-fifth Legislative Assembly strongly urges the President and the Congress of the United States of America to provide for the expeditious replacement of Locks and Dam 26 on the Mississippi River at Alton, Illinois; and

"Be it further resolved, that Senators Milton R. Young and Quentin N. Burdick and Congressman Mark Andrews are urged to take a leadership role in the introduction of appropriate legis.ation into the Congress of the United States to provide for such expeditious replacement of Locks and Dam 26; and

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, and the North Dakota Congressional Delegation."

POM-111. House Resolution No. 234 adopted by the House of Representatives of the State of Hawaii requesting the Congress of the United States to enact legislation to cancel the indebtedness of the States to the federal account in the unemployment compensation trust fund for advances to pay unemployment benefits; to the Committee on Finance:

"HOUSE RESOLUTION NO. 234

"House resolution requesting the Congress of the United States to enact legislation to cancel the indebtedness of the States to the Federal account in the unemployment compensation trust fund for advances to pay unemployment benefits

"Whereas, unemployment is not unique to Hawaii but is a nation-wide problem reflecting the economic ills confronting the United States; and

"Whereas, Congress early recognized that unemployment and the alleviation of the suffering occasioned therefrom was a federal, as well as a state, problem with the enactment of Titles III and IX of the Social Security Act in 1935, thereby fostering the development of our federal-state cooperative system of unemployment compensation under the aegis of the U.S. Department of Labor; and

"Whereas, a crisis has developed in this federal-state cooperative system because the present economic recession has extended over an unduly long period and has caused the depletion of state trust fund accounts maintained for the payment of unemployment benefits within the Unemployment Compensation Trust Fund, a pooled Federal fund where all employer contributions are deposited for subsequent payment of benefits; and

"Whereas, at least twenty-two states, including Hawaii, have already been compelled to request advances from the Federal Unemployment Account in the Unemployment Compensation Trust Fund to pay benefits to their citizens because the amounts credited to their own accounts in the trust fund have already been depleted and more states will undoubtedly be compelled to seek such advances; and

"Whereas, Congress has reiterated its position that unemployment and the alleviation of suffering occasioned therefrom is a federal, as well as a state, problem by extending the payment of unemployment benefits through Congressional action; and

"Whereas, the repayment of the funds advanced will be an undue burden for the states during this period of economic adversity and they will be unable to repay

such advances without assessing substantially higher taxes against employers; and

"Whereas, if employers in Hawaii and the other states are assessed these additional amounts to repay the advances, it will undoubtedly further compcund the economic problems presently confronting the states and the nation; now therefore,

"Be it resolved by the House of Representatives of the Ninth Legislature, Regular Session of 1977, that the Congress of the United States be respectfully requested to enact legislation cancelling or forgiving the indebtedness of the states to the Federal Unemployment Account in the Unemployment Compensation Trust Fund for funds advanced to the states for the payment of unemployment compensation benefits; and

"Be it further resolved that certified copies of this House Resolution be transmitted to the Speaker of the House of Representatives of the United States Congress, the President of the Senate of the United States Congress, members of Hawaii's Congressional delegation, and the Secretary of Labor of the United States."

POM–112. Senate Concurrent Resolution N. 9 adopted by the Legislature of the State of South Dakota memorializing the Congress of the United States to refrain from repealing the Barden Amendment, or section 14(b) of the Taft-Hartley Act which allows states to prohibit agreements requiring membership in a labor organization as a condition of employment; to the Committee on Human Resources.

"SENATE CONCURRENT RESOLUTION NO. 9

"A concurrent resolution memorializing the Congress and the President of the United States to refrain from repealing the Barden Amendment, or section 14(b) of the Taft-Hartley Act which allows states to prohibit agreements requiring membership in a labor organization as a condition of employment

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, the so-called Barden Amendment, designated as section 14(b) of the Taft-Hartley Act, and codified as 29 USC 164(b) of the United States Code, permits states to prohibit agreements requiring membership in a labor organization as a condition of employment; and

"Whereas, the South Dakota electorate in November, 1946, adopted such a prohibition as part of our state Constitution known as the right-to-work guarantee, which being a part of section 2 of article IV of our Constitution, provides that "the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union, or labor organization"; and

"Whereas, all persons should be free to either affiliate or join or not to affiliate or join any organization, association, or trade union, and no person should be compelled by arbitrary decree or provision of law to become a member of any such organization involuntarily or against his or her wishes; and

"Whereas, the people of South Dakota believe in the God-given right of a person to earn a living through honest toil, with free choice in accepting or rejecting artificial restrictions which may be imposed by any person or organization; and

"Whereas, the United States Supreme Court has upheld the constitutionality of section 14(b) of the Taft-Hartley Act and all state laws enacted under its authority; and

"Whereas, the repeal of section 14(b) would strip South Dakota and all states of their authority to enforce their duly enacted right-to-work laws and would be a direct invasion of the sovereign rights of the states to determine the desirability and economic and political necessity of such laws; and

"Whereas, the South Dakota right-to-work laws place affiliation with a labor organization on a personal, voluntary basis within the informed judgment of the individual, and further prohibits employers from requiring that any person become or remain a member of any labor organization as a condition of employment or continuation of employment and thus guarantees and protects the individual rights and liberties of all persons with regard to their employment relationships and affiliations:

"Now, Therefore, be it resolved, by the Senate of the Fifty-second Legislature of the state of South Dakota, the House of Representatives concurring therein, that the Congress of the United States, the members of the United States Senate and House of Representatives from South Dakota, and the President of the United States are hereby memorialized to refrain from enacting federal legislation which would repeal, modify or otherwise subvert the provisions of section 14(b) of the Taft-Hartley Act, as codified as 29 USC 164(b); that each member of South Dakota's Congressional delegation is hereby further respectfully memorialized to vote against any proposed repeal, modification, or subversion of section 14(b) and to thus sustain the will of the people of South Dakota, protect its state's rights, and guarantee the individual constitutional liberties and guarantees afforded by the Constitution of this state."

POM–113. Senate Concurrent Resolution No. 113 adopted by the Legislature of the State of South Dakota memorializing the Congress and the President of the United States to refrain from enacting "common situs" picketing legislation; to the Committee on Human Resources:

"SENATE CONCURRENT RESOLUTION NO. 13

"A concurrent resolution, memorializing the Congress and the President of the United States to refrain from enacting 'common situs' picketing legislation.

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring herein:

"Whereas, in 1951 the United States Supreme Court ruled that certain types of union picketing at construction sites are currently outlawed as constituting the kind of 'secondary-boycott' forbidden by the Taft-Hartley Act; and

"Whereas, under existing law, if a labor union has a dispute with a certain subcontractor at a construction site it can legally picket that particular subcontractor but cannot picket the entire site and thus shut down the entire project; and

"Whereas, if 'common situs' picketing legislation were enacted, labor unions could force all contractors and subcontractors working at a common site to exclusively employ only union labor; and

"Whereas, 'common situs' picketing will lead to labor unrest in an already troubled industry, lead to more costly strikes and construction delay, higher unemployment among non-union labor, and increased inflation as costs are passed on to consumers:

"Now, therefore, be it resolved, by the Senate of the Fifty-second Legislature of the state of South Dakota, the House of Representatives concurring therein, that the Congress of the United States, the members of the United States Senate and House of Representatives from South Dakota, and the President of the United States are hereby memorialized to refrain from enacting 'common situs' picketing legislation; that each member of South Dakota's Congressional delegation including its Senators and Representatives, is hereby further respectfully memorialized to vote against any such proposed 'common situs' picketing legislation, and thus to preserve the individual's right to join or not join a labor organization against his or her will in order to preserve or protect his gainful employment; and

"Be it further resolved, that copies of this resolution be immediately forwarded by the Secretary of the Senate of the state of South Dakota to the President of the United States Senate, and to the Speaker of the House of Representatives of the Congress of the United States, the President of the United States, and each South Dakota member of the United States Senate and United States House of Representatives."

POM–114. House Concurrent Resolution No. 3057 adopted by the Legislature of the State of North Dakota urging Congress to reject legislation providing for the vertical and horizontal divestiture of American oil companies; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION NO. 3057

"A concurrent resolution urging Congress to reject legislation providing for the vertical and horizontal divestiture of American oil companies

"Whereas, legislation has been introduced in the United States Congress to provide for vertical and horizontal divestiture of American oil companies; and

"Whereas, such legislation would restrict oil companies to operating in only one functional sector of the petroleum industry, such as production, transportation, or refining, and would prohibit oil companies from developing other energy sources; and

"Whereas, a strong and productive domestic petroleum industry is vital if the United States is to develop energy self-sufficiency and reduce the increasing dependence upon foreign oil imports which amounted to over 40 percent of the United States domestic crude oil needs during 1976; and

"Whereas, the growing reliance upon foreign oil imports is strengthening the power of oil-producing nations who are members of the Organization of Petroleum Exporting Countries (OPEC) and making the United States increasingly vulnerable to another oil embargo similar to the 1973–74 embargo which caused severe shortages and long lines of motorists at service stations; and

"Whereas, divestiture legislation will neither add to our domestic petroleum supplies nor reduce our dependence on foreign oil imports, but will rather deprive United States oil companies of the benefits of vertical and horizontal integration; and

"Whereas, vertical integration enables oil companies to operate more efficiently and economically in finding and producing oil and moving it to the consumer in addition to allowing for more efficient and flexible controls over supply, distribution, and cost of crude oil and petroleum products, which benefits the consumer with regard to both cost and availability of products; and

"Whereas, horizontal integration enables oil companies to utilize their expertise, technology, and financial resources in the development of non-oil energy sources which must be accelerated to meet future growth in domestic energy demand; and

"Whereas, prohibiting oil companies from contributing capital and expertise to the development of non-oil energy sources will severely delay the development of such sources and worsen existing energy problems; and

"Whereas, no evidence has been provided by the proponents of this legislation that divestiture will be in the best interests of the consumer, the economy, or the national security of this nation;

"Now, therefore, be it resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein:

"That the Forty-fifth Legislative Assembly urges the United States Congress to reject legislation providing for the vertical and horizontal divestiture of oil companies as being contrary to the national interest; and

"Be it further resolved, that copies of this resolution be forwarded to the President of

the Senate, the Speaker of the House of Representatives, and the North Dakota Congressional Delegation."

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 2521. An act to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2992. An act to authorize appropriations for fiscal year 1978 for carrying out the Comprehensive Employment and Training Act of 1973 as amended; to the Committee on Human Resources.

H.R. 3416. An act to amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of Flue-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 per centum of the farm acreage allotment was planted for such year; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 102. A resolution authorizing expenditures by the Select Committee on Indian Affairs (Rept. No. 95-74).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 113. A resolutuion authorizing additional expenditures by the Committee on Appropriations for routine purposes (Rept. No. 95-75).

S. Res. 119. A resolution authorizing additional copies of the report entitled "Developments in Aging: 1976" (Rept. No. 95-76).

S. Res. 128. An original resolution authorizing additional expenditures by the Committee on Rules and Administration for routine purposes (Rept. No. 95-77).

H. Con. Res. 157. A concurrent resolution authorizing the printing of a compilation of tributes by Members of the House in the Halls of Congress to commemorate the years of service of the Honorable Gerald R. Ford (Rept. No. 95-78).

EXECUTIVE REPORT OF THE COMMITTEE ON ARMED SERVICES

Mr. HARRY F. BYRD, JR. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nomination of Vice Admiral Julien J. LeBourgeois, U.S. Navy, for appointment to the grade of vice admiral on the retired list. I ask that this nomination be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. CHILES:

S. 1177. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that Act, and for other purposes; to the Committee on Human Resources.

By Mr. THURMOND (for himself and Mr. EASTLAND):

S. 1178. A bill to amend the Communications Act of 1934 in order to prohibit the television broadcasting of programs portraying nudity, obscenity, explicit sexual activity, gross physical violence or morbid torture, any of which is offensive to the public taste and morals; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1179. A bill for the relief of Ifalame Moala Motuliki; to the Committee on the Judiciary.

By Mr. CHURCH:

S. 1180. A bill to designate certain endangered public lands for preservation as wilderness, to provide for the study of additional endangered public lands for such designation, to further the purposes of the Wilderness Act of 1964, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATHAWAY:

S. 1181. A bill to amend title XVI of the Social Security Act to provide that in the case of an individual residing in the household of a relative, support and maintenance furnished in kind to such individual by such relative shall be excluded from income and shall not cause a reduction in benefits; to the Committee on Finance.

S. 1182. A bill to amend title XVI of the Social Security Act with respect to disabled individuals who are medically determined to be alcoholics or drug addicts; to the Committee on Finance.

By Mr. McCLURE (for himself, Mr. CHURCH, Mr. CANNON, Mr. GARN, Mr. HANSEN, Mr. HATFIELD, Mr. LAXALT, Mr. STEVENS, Mr. TOWER, Mr. WALLOP, and Mr. YOUNG):

S. 1183. A bill to provide for rangeland improvement by permitting work in lieu of payment for grazing permits; to the Committee on Energy and Natural Resources.

By Mr. MAGNUSON (by request):

S. 1184. A bill to amend section 7(e) of the Fishermen's Protective Act of 1967, as amended; to the Committee on Commerce, Science, and Transportation.

By Mr. MAGNUSON (for himself, Mr. BIDEN, Mr. CHILES, Mr. DURKIN, Mr. FORD, Mr. HUDDLESTON, Mr. McINTYRE, Mr. MATHIAS, Mr. STONE, and Mr. WILLIAMS):

S. 1185. A bill to regulate interstate commerce with respect to parimutuel wagering on horseracing, to maintain the stability of the horseracing industry, and for other purposes; to the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary, jointly, by unanimous consent.

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 1186. A bill to authorize construction of the project for navigation and other purposes on the Blair and Sitcum Waterways, Tacoma Harbor, Wash.; to the Committee on Environment and Public Works.

By Mr. MAGNUSON (by request):

S. 1187. A bill to provide a comprehensive system of liability and compensation for oil spill damage and removal costs, and for other purposes; to the Committee on Commerce, Science, and Transportation, and the Committee on Environment and Public Works, jointly, by unanimous consent.

By Mr. MAGNUSON (for himself and Mr. LONG):

S. 1188. A bill to amend the Interstate Commerce Act, the Rail Passenger Service Act, and the Harter Act in order to provide for expeditious claim-setting procedures to facilitate the flow of freight in interstate commerce, to provide shippers with greater security against monetary loss, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RANDOLPH (for himself, Mr. STONE, Mr. DURKIN, Mr. MATSUNAGA, Mr. STAFFORD, Mr. THURMOND, and Mr. HANSEN):

S. 1189. A bill to amend title 38 of the United States Code in order to revise and improve the program of making grants to the States for construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans, and for other purposes; to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 1177. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that Act, and for other purposes; to the Committee on Human Resources.

Mr. CHILES, Mr. President, I introduce today a bill to amend the Occupational Safety and Health Act of 1970. I am proposing this legislation with the hope that perhaps the 95th Congress will be the Congress that faces up to the issue of OSHA reform. I am hoping that this year we will objectively evaluate the present law, determine the actual problems that exist, and act to make constructive changes.

When I first came to the Senate, OSHA was one of the major areas of concern brought to my attention by Floridians. Over the years this concern has continued unabated. This will be the third Congress in which I have proposed OSHA reform legislation. Other Senators have also put forth reform legislation. And yet we have not seen serious committee consideration of such legislation nor has the full Senate had the opportunity to take up the OSHA issue. What we have seen is the Senate trying to work its will on OSHA reform through temporary measures tacked on the Labor-HEW appropriations bill. This is hardly the way to deal with the issue and I would hope that we will not have to repeat that process in this session.

I believe it is important to keep in mind that discontent on the part of employers with OSHA does not reflect a lack of support for the effort to bring about a safe and healthful working environment. I have yet to talk to an employer who is not interested in eliminating hazardous conditions. The question at issue is whether we are going about the achievement of an effective worker safety program in the most reasonable and efficient manner.

My feeling is that as long as OSHA remains an object of suspicion and fear by the business community, we are not really going to accomplish much in the way of improved worker safety. You cannot hire enough inspectors to monitor every business establishment in this Nation. If OSHA is going to be a cops and robbers game, then it will never work as Congress intended. It will remain, as current surveys indicate, the Federal

agency of foremost concern to the American business community.

I think we definitely need to improve our record on worker safety. So if we have an agency charged with the mission of bettering working conditions, let's make it work. The basic ingredient needed is the development of a working partnership between the employer and OSHA. The current situation of suspicion, confusion, and unrealistic demands on the businessman is hardly conducive to the establishment of such a partnership.

OSHA must get out of the role of policeman, trying to rack up a full tally sheet of fines on every inspection. Instead it should be an agency that assists the employer in the task of identifying and correcting possible safety or health hazards. The employer in turn must cooperate with the agency in seeing that unsafe conditions are rectified.

A number of the problems that have been experienced with OSHA stem from the manner in which the agency was administered. In the last year there has been some progress toward more reasonable policies and I hope this will continue. Dr. Morton Corn, the former Assistant Secretary for Occupational Safety and Health, made clear in his recent report that major overhaul work is still required. Dr. Corn pointed out:

> Implementation of the OSH Act of 1970 was conceived in a strictly managerial sense. In other words, it was believed that efficient managers without health and safety expertise could pilot the agency. There is almost an absolute absence of highly qualified technical personnel among the Washington staff and in the highest field positions. In December 1975 major offices of the Agency were headed by individuals without health and safety expertise. This omission of technical understanding of health and safety, perhaps the major ingredient of an OSHA program has, in my opinion, led to alienation of the clients the Agency serves and the allied professional community.

While I expect a continued effort to improve the way OSHA is run, this is not the total answer. Congress has a definite responsibility to address the OSHA issue. I think it is clear that there are areas in which the law can be changed to provide more feasible procedures and requirements from the standpoint of the employer and to assist the employer in complying with standards. We need well-conceived, constructive legislation to improve OSHA's operations and to eliminate the activities that serve only to irritate and frustrate the business community. Such legislation will help to put the agency on the right course. To the employer, the passage of such legislation will serve as a signal of change and the start of the end of hostilities.

The legislation I am proposing today takes into account the new policy directions in the last year by the Agency. It also reflects the benefit of testimony given to the Labor Subcommittee in its oversight field hearings in Jacksonville, Fla., in which I participated this past September.

Initially, my bill addresses the question of costs borne by employers in attempting to comply with OSHA regulations. While certainly a price cannot be placed on consideration of health or safety, economic feasibility must be a factor in the development of standards. Requirements levied upon the employer must be technically and economically practicable if we are to realistically expect the businessman to be able to comply and remain in business.

The Occupational Safety and Health Administration has, to some extent, moved in the direction of evaluating the economic impact of proposed standards especially in response to the Executive order requiring that all major legislative proposals, regulations, and rules emanating from the executive branch include a statement certifying that the inflationary impact of such action has been considered. My proposal would require by statute a technological and economic feasibility study, at least 30 days prior to promulgation of the standard, for a new safety or health standard which significantly affects employees' working conditions.

Determining the applicable standards and keeping up with the continual revisions being made in the standards by the Occupational Safety and Health Administration has proven an overwhelming and confusing task for many businessmen, particularly small businessmen. The Department of Labor has said it was not feasible to compile regulations and standards in volumes or booklets according to industry. However, I believe it is feasible for the Department to assist businesses by preparing annual reports containing the most common safety and health violations, together with references to the regulations, by industry and occupation. Such reports should be made available to any trade association or labor organization.

The confusing and voluminous nature of OSHA standards presents a rather difficult situation for the average employer in trying to comply with every aspect of applicable regulations. This uncertainty and the resulting frequency of small fines is a source of considerable frustration to the business community, but hardly serves in any way to materially improve worker safety and health. The authority to levy fines for nonserious violations during an initial inspection is not necessary for the accomplishment of the goals of the act and has proven to be merely an irritant. As a step toward fostering an improved relationship between OSHA and the employer, I think these fines should be terminated.

In examining the current operation of the appeal process, there is an evident need for more workable and equitable procedures in contesting a citation. Needed changes that I have proposed include increasing the period of time in which an employer may decide to contest to 30 days; stipulating that an employer may withdraw from a proceeding at any time previous to the conclusion of a hearing without change in citation; limiting the jurisdiction of the OSHA Review Commission to be that of upholding, reducing, or dismissing penalties, not adding increased penalties; and granting a stay of the OSHA Review Commission's decision, if the employer appeals to the appropriate Court of Appeals, for at least 90 days or until the court has ruled on the request for the stay.

I believe the act should be amended to require that the Department in issuing citations will, when requested by the employer and where practicable, also provide guidance as to how the violation may be corrected. The lack of such guidance in the past has been a particular problem for the smaller businessman, not well acquainted with the mechanics of dealing with a Federal agency, and often at a loss in determining what effort at compliance will be acceptable to the Department and yet reasonable in terms of his own financial resources.

One final area for change that should prove of considerable importance in facilitating compliance is that of instituting onsite consultations by the Occupational Safety and Health Administration. Current problems with compliance stem in a large measure from the lack of any real assistance from the Federal Government in the task of identifying and correcting possible safety or health hazards. At present, the Occupational Safety and Health Administration will not provide consultation without issuing citations for violations and quite naturally there are few requests for consultations of that nature.

The regulations are complex and technical and there is a definite need for a program of assistance in order to achieve compliance. This is especially vital for the smaller employer, financially unable to engage the services of a professional safety consultant. As one Florida businessman wrote me:

> We are doing our best and would like to have the health safety inspectors helping us with consultation rather than further burdening us with fines.

I am sure that Congress, in enacting the Occupational Safety and Health Act of 1970, was interested in the improvement of working conditions and not in seeing how many fines could be levied. As I have repeatedly indicated, OSHA and business must work together to achieve the goals of the act and a system in which the only way to receive help is to run the risk of fines hardly serves to encourage the development of such a partnership.

What is needed is a more constructive role for OSHA in providing assistance to the employer in meeting the objectives of the law. The present training and employee education provision in the act should be broadened in scope to include technical assistance. The agency would be directed to initiate onsite consultations and provide advice at the request of employers and be required to make recommendations for eliminating hazards. Priority would go to employers unable to obtain consultation from a State consultation program and small businesses and hazardous workplaces. No citation or fine would be imposed; however, if death or serious physical harm could result from the conditions disclosed, the employer would be required to eliminate such conditions. Further, functions of consultants and inspectors would be separated and information regarding specific consultative visits would not be given to inspectors except as necessary to alleviate conditions which could result in death or serious physical harm. The addition of this function will meet

a very real need that has become evident since the passage of the Occupational Safety and Health Act.

I believe these amendments to the Occupational Safety and Health Act of 1970 are necessary to the achievement of effective worker protection. I urge prompt consideration of this bill by the Senate Human Resources Committee.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act Amendments of 1977".

SEC. 2. Section 6(b)(2) of the Occupational Safety and Health Act of 1970 is amended by inserting at the end thereof the following: "In proposing any rule promulgating a new occupational health or safety standard which would significantly affect the safe and healthful working conditions for men and women, the Secretary shall prepare and have published in the Federal Register, at least 30 days before the proposed standard is promulgated, technological and economic feasibility studies of such proposed standard.".

SEC. 3. Section 8(g) of the Occupational Safety and Health Act of 1970 is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary, after consultation with the Secretary of Health, Education, and Welfare, shall compile and publish in an appropriate form by March 31 of each year, annual reports of the classes of violations of this Act most often occurring in the previous calendar year, classified by industry and occupation. Upon request, the Secretary shall furnish, without charge, copies of the reports required by this paragraph to any trade association or labor organization.".

SEC. 4. Section 9(a) of the Occupational Safety and Health Act of 1970 is amended by inserting immediately after the third sentence the following: "Upon request by the employer, at or shortly after the time of the inspection or investigation, the citation shall where practicable, suggest a course of action which, if implemented, would correct the violation. The employer shall not be bound to use that course of action to the exclusion of any others the employer determines more suitable in correcting the condition.".

SEC. 5. (a)(1) The first sentence of section 10(a) of the Occupational Safety and Health Act of 1970 is amended by striking "fifteen working days" and substituting "thirty days".

(2) The second sentence of section 10(a) of such Act is amended by striking "fifteen working days" and substituting "thirty days".

(3) The first sentence of section 10(b) of such Act is amended by striking "fifteen working days" and substituting "thirty days".

(4) The second sentence of section 10(b) of such Act is amended by striking "fifteen working days" and substituting "thirty days".

(5) The first sentence of section 10(c) of such Act is amended by striking "fifteen working days" and substituting "thirty days".

(b) The second sentence of section 10(c) of such Act is amended by striking "modifying" and substituting "reducing".

(c) Section 10(c) of such Act is amended by adding at the end thereof the following: "Any employer who has notified the Commission that he intends to contest a citation issued under section 9(a) or notification issued under subsection (a) or (b) of this section may withdraw the notice of intent to contest the citation at any time prior to conclusion of a hearing thereon and upon so doing the citation and assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.".

(d) The fourth sentence of section 11(a) of such Act is amended to read as follows: "The commencement of proceedings under this subsection shall operate as a stay of the order of the Commission for the lesser of 90 days or until such time that the court has ruled on the requests for such stay.".

SEC. 6. (a) Subsections (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of section 17 of the Occupational Safety and Health Act of 1970 are redesignated as subsections (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m), respectively.

(b) Section 17(b) of such Act is amended by inserting after subsection (a) the following:

"(b) If, as a result of an initial inspection of any establishment or workplace, an employer received a citation for a violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of regulations prescribed pursuant to this Act, and such violation is specifically determined not to be of a serious nature, such employer shall not be assessed a civil penalty for the violations.".

SEC. 7.(a) Section 21 of the Occupational Safety and Health Act of 1970 is amended by inserting at the end thereof the following new subsection:

"(d)(1) In order to further carry out his responsibilities under this section, the Secretary may visit the workplace of any employer for the purpose of affording consultation and advice to the employer. Such consultative visits may be conducted only upon a request by the employer for consultation and advice at the workplace concerning the obligations of the employer under section 5. In making consultative visits under this subsection, the Secretary shall give priority to, (A) employers who would be unable to obtain on-site consultation from a State occupational safety and health consultation program, (B) small businesses, and (C) hazardous workplaces. The Secretary shall make and transmit to the employer a written report, containing recommendations regarding the elimination of any hazards disclosed during any such consultative visit.

"(2) No consultative visit authorized by this subsection shall be regarded as an inspection or investigation under section 8 of the Act and no citations shall be issued nor shall any civil penalty be imposed by the Secretary upon such visit, except—

"(A) whenever an employer fails to eliminate an imminent danger disclosed during a consultative visit, the Secretary shall take appropriate action under section 13 to eliminate such condition; and

"(B) if there is substantial probability that death or serious physical harm to employees could result from conditions disclosed during a consultative visit, the Secretary shall immediately notify the employer of such conditions and afford the employer a reasonable time to eliminate such conditions.

Whenever the Secretary is not satisfied through a further consultative visit, documentary evidence, or otherwise that the elimination of the violation has taken place, the Secretary may take any appropriate action under this Act.

"(3) Information regarding consultative visits shall not be transmitted to representatives of the Secretary engaged in enforcement activities except where necessary in order to carry out the provisions of paragraph (2).

"(4) Except as otherwise provided, nothing herein shall affect the duties and responsibilities of the Secretary under sections 8, 9, 10, and 13. Advice given during a consultative visit shall not be binding on the Secretary in the event of any inspection of the workplace. In the event of such inspection, a written report of the consultation visit may, with the consent of the employer, be considered by the Secretary for the purpose of determining the employer's good faith in proposing penalties.

"(5) In prescribing rules and regulations pursuant to this subsection, the Secretary shall provide for the separation of functions between officers, employees, or agents who conduct consultive visis pursuant to this subsection and officers, employees, or agents who conduct inspections or investigations under section 8".

(b) The heading of section 21 of such Act is amended to read as follows:

"TRAINING, EDUCATION, AND TECHNICAL ASSISTANCE".

SEC. 8. This Act shall take effect sixty days after the date of its enactment.

By Mr. THURMOND (for himself and Mr. EASTLAND):

S. 1178. A bill to amend the Communications Act of 1934 in order to prohibit the television broadcasting of programs portraying nudity, obscenity, explicit sexual activity, gross physical violence or morbid torture, any of which is offensive to the public taste and morals; to the Committee on Commerce, Science, and Transportation.

Mr. THURMOND. Mr. President, I rise today to introduce legislation which I believe may ultimately affect the attitudes, behavior and moral fiber of the citizens of this great Nation.

With the advent of the television, all Americans—old and young, rich and poor—were given the opportunity to become a more meaningful part of our society. This medium was a giant step in modern technology and mass communications. Broad vistas of opportunities and challenges were opened to all who viewed these "images-on-screen." People could travel to the four corners of the Earth without leaving their living room. The confines of a classroom or library were removed, giving way to a vehicle through which all Americans could become better educated and improve their status in life. The impact of this invention is immeasurable, yet, Mr. President, this great gift to mankind has become a two-edged sword.

Recently, many Americans have become concerned about the effects that the television has had on young people during their maturation process. Educators like Dr. Benjamin Bloom, of the University of Chicago, maintain that by the time a child reaches 5 years of age, he has undergone as much intellectual growth as will occur over the next 13 years. According to the noted television pollster, A. C. Nielsen, children under the age of 5 watch an average 23.5 hours of television a week. On the other hand, adults have a far greater appetite for television, consuming an alarming 44 hours per week; however, the effects on young people can be enormous and possibly dangerous. It has been estimated that by the time of one's high school graduation, today's typical teenager will have logged ap-

proximately 15,000 hours before a television screen. These are perhaps the most important years of an individual's life. They are growing years, the learning years.

Mr. President, I stand today not as a foe and archenemy of the field of television and its related industries, but rather as both a concerned parent of four children 5 years of age or younger, and as an advocate of responsible television programing. The question I place before the Senate today in the form of this legislation, is whether we, as Senators, owe a duty to require responsible regulation of an industry which profoundly affects the attitudes, behavior, and general complement of Americans.

Each of us recognizes that television broadcasting is unique because it is directed indiscriminately toward the public. In a different way from other media of mass communication, it is both pervasive and intrusive. The passive act of watching television is different, practically, socially, and physically from obtaining literature or gaining admission to a movie theater. To gain access to risque literature or motion pictures, a consumer must enter a store or theater and make a purchase. Bookstore and theater proprietors can easily exclude persons who are under age and thus reduce the likelihood that young children will be exposed to matters that are deemed unacceptable for their consumption. Furthermore, the use of magazines, books, and movies are matters which parents find it both simple, and natural, to regulate. Parents can monitor both the movies their children see and the books they read. But television broadcasts are much more difficult for parents to supervise. Such broadcasts are easily accessible to young persons even in the privacy of the home, without the need for comparable affirmative acts. The offensive matter may be received and consumed with no one the wiser.

Thus, unlike a bookstore owner or theater operator, a broadcast licensee has no comparably effective means of sorting out and excluding youthful customers. Moreover, as is widely known and widely deplored in our society, television viewing for young children is an experience largely devoid of direct parental supervision. Although most parents monitor their children's viewing and listening habits some of the time—particularly during later evening hours when parents themselves place heavy reliance on broadcast media to satisfy their entertainment needs—it is unrealistic to expect such close oversight all the time.

Mr. President, it is those times when unsupervised children are most likely in the audience that I express particular concern. It is at this time that I believe broadcasters must use the public interest standard, and program accordingly. A broadcaster should not force parents to accept the risk that their children will be exposed to portrayals of nudity, obscenity and gross physical violence while in the privacy of their own home.

Mr. President, I believe that a licensee television network or station should conduct itself as a fiduciary with obligations to present those views and voices which are representatives of the community which it serves. Also, the courts have long recognized the existence of a special societal interest in protecting young children from sexually explicit material. This interest is warranted not only by the State's interest in the moral and emotional adjustment of children, but also a recognition of parents' right to rear their children according to their own best judgment.

Therefore, Mr. President, I believe it is entirely appropriate for Congress, through legislation, to assist the FCC to determine and define the standard by which the public interest is judged. It seems to me that an elementary standard of the public interest would be to take into account the concern that millions of Americans share about the level of sexual material, violence, and carnage entering their homes.

Today, I, along with Senator EASTLAND, am sending to the desk a bill which would empower the FCC to prohibit television stations from broadcasting portrayals of nudity, obscenity, explicit sexual activity, gross physical violence or morbid torture, any of which is offensive to the public taste and morals. I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of title III of the Communications Act of 1934 is amended by inserting at the end thereof a new section as follows:

"PROHIBITION OF CERTAIN TELEVISION BROADCASTING

"SEC. 332. (a) The Congress finds that in view of the purpose of this Act, as stated in section 301, 'to maintain the control of the United States over all the channels of interstate and foreign radio transmission', television broadcasting stations should in the public interest be prohibited from broadcasting programs portraying nudity, obscenity, explicit sexual activity, gross physical violence or morbid torture, any of which are offensive to the public taste and morals.

"(b) The Commission shall as soon as practicable prescribe regulations prohibiting such broadcasting stations from broadcasting such portrayals of nudity, obscenity, explicit sexual activity, gross physical violence or morbid torture."

By Mr. CHURCH:

S. 1180. A bill to designate certain endangered public lands for preservation as wilderness, to provide for the study of additional endangered public lands for such designation, to further the purpose of the Wilderness Act of 1964, and for other purposes; to the Committee on Energy and Natural Resources.

ENDANGERED AMERICAN WILDERNESS ACT OF 1977

Mr. CHURCH. Mr. President, it is with particular personal pleasure that I send to the desk for introduction the Endangered American Wilderness Act of 1977.

As I said when this measure was first introduced last June, I am especially gratified to initiate this legislation, because it represents a major new step in building America's national wilderness preservation policy. It was 16 years ago that I served as floor manager for the original Wilderness Act, a renowned landmark in our conservation policy. This new bill extends and strengthens the program which that historic law began.

AMERICA'S WILDERNESS PROGRAM

In 1964, Congress enacted the Wilderness Act after more than 8 years of careful consideration. That law created the National Wilderness Preservation System, to be comprised of Federal land areas preserved by decision of Congress as wilderness. The lands involved are Federal lands, in several categories, but all are to be managed under a common policy: To perpetuate the natural character of the land and its ecological community of life, in order to secure for all Americans the significant benefits and values which wilderness gives to our lives and our culture. Portions of our national forests, national parks, and our national wildlife refuges and game ranges are being designated as wilderness. All authority to decide what areas are suitable and should be designated as wilderness is exercised by Congress.

We are proceeding well in carrying out the mandate of the Wilderness Act. Additional areas are being studied and Congress is acting to bring new areas into the National Wilderness Preservation System.

The 94th Congress was a successful one for this wilderness program, with a number of additional areas given final designation. In all, 36 new units of wilderness were established in 22 States, including such major new areas as the Hells Canyon Wilderness in Idaho and Oregon, the Flat Tops and Eagles Nest Wilderness Areas in Colorado, and the Alpine Lakes Wilderness in Washington. Additional portions of our national parks and wildlife refuges were also designated for wilderness protection. A number of key national forest areas were given special interim protection pending completion of wilderness reviews. Finally, we at last corrected a major gap in our national wilderness program by mandating a careful wilderness review for the roadless lands administered by the Bureau of Land Management.

OUR DE FACTO WILDERNESS

Despite this progress, there remain other lands within our national forests which have not yet received full consideration for wilderness protection. The national forest lands we have focused on thus far, in the Wilderness Act and in the reviews which it mandated, were almost entirely set aside for protection prior to World War II under administrative orders. With the Wilderness Act, we have strengthened the statutory protection of these areas and moved to complete the studies of the old "primitive areas" which were created in the 1930's. But we have not given equal attention to the other remnants of undisturbed land, the so-called "de facto wilderness."

"De facto wilderness" is that portion of the public domain which has remained roadless and undeveloped through no special protection or program, but

merely because it has been too remote or low in commercial value to be developed. And because it has no special protection, it is this category of land which is most in danger of losing its wilderness character before it can be given thorough review and consideration.

"De facto wilderness" is indeed a fragile resource. It has been diminishing steadily as we have moved in to settle and develop most of our land. As Bob Marshall, a founder of the wilderness movement, said in 1937, the "de facto wilderness" is disappearing like a snow bank melting away on a south-facing mountain slope in the hot June sun.

A FRAGILE RESOURCE

The history of our heritage of "de facto wilderness" is not encouraging. Of course, we must continue to develop parts of the public domain, using its manifold resources to build our country and improve the lives of our people. But inadequate planning has resulted, in some places, in the needless sacrifice of wildlands without due consideration being given to the important wilderness and natural values at stake.

As recently as 1926, L. F. Kneipp, Assistant Chief of the Forest Service, prepared an inventory of "de facto wilderness" in the national forests. His criteria for the minimum size of wilderness areas was generous by today's standard: He limited his inventory to areas greater than 360 square miles without roads. He found, in 1926, 74 separate tracts with a total area of 55 million acres. Some of this land was subsequently classified as primitive areas, and a small portion found its way into new national parks. But by far the largest portion of all that expanse of "de facto wilderness" has since been developed. By 1961, a similar inventory, conducted by the Wildlands Research Center of the University of California, found the number of areas satisfying Kneipp's criteria was reduced from 74 to 19. The total acreage involved in such units was reduced from 55 million acres to 17 million acres.

Since 1961, the same trend of vanishing wilderness has continued. In 1972, the Forest Service conducted its own inventor was reduced from 360 square tional Forest System, commonly known as the RARE program—roadless area review and evaluation. They inventoried a total of 56 million acres of roadless lands left on the national forests of the West—but the minimum size for this inventory was reduced from 360 square miles to just 5,000 acres.

Mr. President, not all of the roadless areas found in the 1926 survev should have been preserved. Nor should all of the roadless areas remaining today. Some should and will be developed for other uses.

The basic issue here is how these decisions are to be made. It is clear from the growing concern expressed by many that a sound and consistent program has not yet been put into effect. As I said when this legislation was first introduced last year:

We must insist that the decisions about the fate of these last wild lands be made with full consideration given to their wilderness values. In fact, however, these *"de facto* wilderness" areas are rapidly being committed for development, through decision-making processes that many feel do not properly evaluate the values of the wilderness as such. A crescendo of concern for these areas among citizens throughout the West is rapidly rising. Problems in the quality of Forest Service land use planning and decision-making are resulting in increasing controversy over the fate of these last roadless areas.

CITIZEN WILDERNESS PROPOSALS

The proposed wilderness areas embraced in the Endangered American Wilderness Act of 1977 reflect this rising tide of concern. It is charged that the Forest Service has inadequately considered the wilderness values of these areas and is, instead, making hasty decisions to open them up for development which will destroy their wilderness qualities. In some cases, a single large tract of land with wilderness potential has been arbitrarily subdivided by the Forest Service into a number of artificially separated units. Subdivided in this way, the overall wilderness qualities of the total area are never properly considered in the land use planning process. The result is a calculated procedure in which the wilderness is destroyed in piecemeal steps.

In other cases, citizen complaints call attention to the failure of a Forest Service land use plan to focus on one particular roadless area. A number of separate areas are lumped together, and the public is presented an artificially extreme choice: Preserve all the roadless areas, or none of them. In fact, few of our people favor either extreme, yet the Forest Service planning process has polarized opinion, and created unnecessary problems and delays.

Our people cannot be expected to settle for decisions resulting from this sort of flawed procedure. So, controversy erupts over these areas, appeals are filed, and lawsuits eventually result.

It is the purpose of the Endangered American Wilderness Act to bring this whole problem into better focus, and to expedite at least a part of the decisions to be made.

The bill proposes 11 new wilderness areas, each an outstanding natural area with important wilderness qualities. In addition, eight other areas are proposed as wilderness study areas, to receive a full wilderness review, with interim protection.

The areas included in the bill are:

PROPOSED WILDERNESS AREAS

Golden Trout Wilderness—California—240,000 acres.

Santa Lucia Wilderness—California—21,250 acres.

Ventana Wilderness (additions to existing area)—California—60,080 acres.

Goose Creek Wilderness (additions to the Weminuche Wilderness)—Colorado—69,400 acres.

Manzano Mountain Wilderness—New Mexico—37,000 acres.

Sandia Mountain Wilderness—New Mexico, 30,700 acres.

French Pete (addition to the Three Sisters Wilderness)—Oregon—42,000 acres.

Middle Santiam Wilderness—Oregon—24,500 acres.

Wild Rogue Wilderness—Oregon—29,000 acres.

Wenaha-Tucannon—Washingtin-Oregon—129,000 acres.

PROPOSED WILDERNESS STUDY AREAS

West Chichagof-Yakobi Island Study Area—Alaska—405,000 acres.

Galiuro Wilderness Additions Study Area—Arizona—80,430 acres.

La Garita Wilderness Additions Study Area—Colorado—82,700 acres.

Chama River Canyon Wilderness Study Area—New Mexico—50,900 acres.

Mount Henry Wilderness Study Area—Montana—22,000 acres.

McGregor-Thompson Wilderness Study Area—Montana—89,000 acres.

Welcome Creek Wilderness Study Area—Montana—28,915 acres.

PROPOSED WILDERNESS AND WILDERNESS STUDY COMBINATION

Kalmiopsis Wilderness (additions to existing area)—Oregon—134,000 acres.

Kalmiopsis Wilderness Study Area—Oregon—136,000 acres.

Originally, many areas throughout the West were proposed for inclusion in this legislation. Before making a final decision as to which areas would be in the bill, I consulted with my Western colleagues. Each of the areas in the bill which I am introducing today has been brought to the attention of both Senators from the State in which they are located. These Senators do not necessarily support wilderness or wilderness study classification for these areas. Some Senators have expressed their intention of waiting until after the Senate Energy and Natural Resources Committee has held hearings on the bill, and the opinions of local citizens can be ascertained, before deciding to support or oppose a particular area in the bill.

The areas included in this bill are diverse. Each has outstanding wilderness potential. Each has strong local citizen support. Each is an area of "de facto wilderness." Each in one way or another, is under threat from developments which would destroy or degrade its wilderness values and character. As a group, these areas serve to illustrate the problems facing America's "de facto wilderness."

There is one areas of "de facto wilderness" within of Idaho which may, at a later date, be added as an amendment to this bill. That area, known as Gospel-Hump for its two most prominent features, Gospel Peak and Buffalo Hump Mountain, is part of the largest region of roadless land left in the contiguous 48 States. The area is roughly bounded by the south fork of the Clearwater River, John's Creek drainage, Wind River drainage, the southern breaks of the Salmon River and the Mackay Bar-Crooked Creek Road. Gospel-Hump has 450,000 acres, in eight Forest Service planning units, nine contiguous roadless areas, on two national forests in two Forest Service regions. Land use plans for two of the planning units were recently appealed to the Regional Forester for Region I and finally to the Chief of the Forest Service on the grounds that local planners did not consider the entire Gospel-Hump roadless area in their planning, but were adopting a piecemeal approach. The Chief upheld the appeal on March 8, and directed that all the adjacent roadless portions within the Gospel-Hump area be evaluated collectively for their wilderness potential.

Local citizens in this area of Idaho are very concerned about the whole For-

est Service land use planning process. The future use of the entire region is highly uncertain. Recently, in a breakfast meeting I attended with 50 members of the Grangeville Chamber of Commerce, we had the opportunity to discuss this matter at some length. The general consensus of those present at this meeting was that perhaps the most expeditious way to decide the fate of the land in question was simply for interested parties from all concerned agencies and groups to sit down and work out a package plan to expedite the decisionmaking process regarding the Gospel-Hump area. This approach could save years of delay and uncertainty which is of no benefit to either environmental or user groups, and could cause serious economic dislocation. I am hopeful this can be done. If a decision can be made about the future of this area, I will offer an amendment to the Endangered American Wilderness Act to include relevant portions of Gospel-Hump in the National Wilderness Preservation System. The amendment would be written in such a way as to also designate certain buffer zones adjacent to the wilderness for further study, in conjunction with a comprehensive soil survey and a survey of the elk herd and other wildlife values, while the remaining land would be released for multiple-use management. This would assure an adequate base to maintain an annual cut in line with the needs of the local lumber industry.

THE VALUES OF WILDERNESS

In the face of the problems facing our efforts to properly fulfill our national wilderness preservation policy, it is important to stress the many values wilderness provides.

Perhaps we think first of the values gained by those who use these wilderness areas for recreational enjoyment. And indeed, millions of Americans do use these areas. The burgeoning use of our wilderness areas is obvious, as Forest Service statistics demonstrate. Outfitters report unprecedented numbers of people from every State signing up for guided wilderness trips, rafting down the rivers, hiking the high wilderness plateaus, or horseback trips, packing into the heart of our great wilderness expanses. The boom in businesses selling wilderness equipment—backpacks, camping equipment, hiking boots, cross-country skiing gear, and all the provisions—is enormous. An important new industry has arisen to provide the equipment and provisions for wilderness trips.

When the Wilderness Act was first debated in the Senate in 1961, the Committee on Interior and Insular Affairs report on the bill included some explanation of the values and uses of wilderness areas. Some excerpts from that report are instructive:

Lands devoted to wilderness provide benefits beyond those identified as wilderness benefits and are truly multiple-use lands.

They provide game which, if it could be produced at all, would cost tens of millions of dollars to maintain, propagate and produce in artificial facilities. Scientists testify that some species cannot exist except in wilderness.

Under the provisions of (The Wilderness Act) areas of the wilderness system will continue to supply forage for domestic livestock.

And they supply the recreational, scenic, scientific, educational, conservation, and historical use values to which (the Wilderness Act) directs emphasis in future management of the wilderness preservation system.

Although these values are most often described as intangible, unmeasurable values, their worth to the Nation and to mankind is becoming increasingly easy to perceive and to estimate, even in dollar terms, as the National attempts to reacquire title to lands for necessary outdoor recreation facilities, or for wetlands essential to fish and game, or to build museums in which relatively miniscule evidences of natural history may be preserved for scientific, educational and historical purposes.

And the recreational use of wilderness areas, the 1961 report of the Committee on Interior and Insular Affairs said:

The use is less casual than use of other types of recreational facilities. Trips into wilderness are frequently of many days or weeks duration. They are often a once-in-10-years event in life, or even a once-in-a-lifetime expedition to some remote scenic or historic mountain or area. As a consequence of the nature of wilderness use, annual visitor figures—even if more adequately and reliably gathered—would not be indicative of the proportion of citizens interested in wilderness recreation.

The value of wilderness areas for scientific research and educational use is growing in significance. Our 1961 committee report quoted the testimony of Dr. Walter Cottam, professor of botany at the University of Utah, and an eminent scientist:

Besides the great spiritual and recreational blessing afforded to all the people living and unborn, this bill also provides laboratory sanctuaries for biological research that should prove to be of inestimable academic and economic worth. One of the most perplexing problems in land management today is the lack of available wilderness areas from which comparisons can be made and lessons learned on the life histories, on food chains, and other ecological interactions of myriads of living forms whose impact on the future of man himself may well prove to be far greater than any of us can possibly realize.

PEOPLE SUPPORT WILDERNESS

Preserving a decent sampling of America's wilderness heritage is an important goal, and a goal enjoying great public support. The people are getting involved as never before in the land management decisions being made today.

The Wilderness Act—I am proud to say—has paved the way for greater public participation in these far-reaching decisions. The Wilderness Act mandated public involvement, through hearings in the locality of each proposed wilderness. And it gave the ultimate decision on wilderness designation to the Congress, where the public will can best be registered. In my own State, as we have brought under consideration the question of giving full wilderness classification to the Idaho Primitive Area, extensive public hearings have been held, as the act required. The strength and diversity of public support for wilderness in Idaho, as elsewhere, is demonstrated by the fact that these public hearings showed a substantial margin in favor of the largest proposal for wilderness—some 2.3 million acres, as proposed by the River of No Return Wilderness Council.

The American people want their wilderness preserved, just as they want a reasonable supply of the other multiple values which can be obtained from our public lands. For each wilderness proposal embodied in this Endangered American Wilderness Act, there is substantial public support in the local area.

CONGRESS SHOULD DECIDE

Mr. President, the Forest Service has long been a chief steward of America's wilderness areas. Through its land use planning procedures, the agency is now enedavoring to come to grips with difficult questions in the tradeoff of competing uses for parts of our national forests. Wilderness is a part of the multiple-use pattern of our national forests, as the Congress specified in the 1960 Multiple Use-Sustained Yield Act. Wilderness areas are truly multiple-use lands, providing high quality watershed protection, grazing, recreational, and scenic enjoyment for many people, and for scientific and cultural values. Wilderness has a place in our national forests, and I commend the Forest Service for its efforts to identify key areas of wilderness potential.

However, the final arbiter of these decisions must be the Congress. It is altogether appropriate that concerned citizens have petitioned Members of Congress to secure protection for wilderness areas through special legislation. As a result of these citizen petitions, we have enacted a number of special bills for such areas. The Endangered American Wilderness Act is a step to further the resolution of the land use questions, and to deal with problems with some of the Forest Service land use plans and development decisions.

It is my hope that this new bill will engage great and widespread public interest and support, and broad support here in Congress.

WE CAN PRESERVE THE WILDERNESS

Mr. President, one of the notable pioneers in the fight to preserve America's wilderness was the naturalist, Aldo Leopold. As a forester with the Forest Service in the early 1920's, he is credited with the proposal that led to the establishment of our first dedicated wilderness, the Gila Wilderness in New Mexico. In 1953, a group of people gathered at the edge of that first great wilderness to dedicate a memorial to Aldo Leopold's contributions. I would like to bring to the attention of my colleagues the words of two of those who spoke at that occasion, 25 years ago.

One speaker was Harvey Brome, president of the Wilderness Society, who said:

Ours is the first great nation in history to be possessed of both the knowledge and means to bring about within its borders a state of permanent and harmonious coexistence with the land.

Wilderness must be the cornerstone of such a world. For there are the grizzlies, the coyotes, and the deer; there are the lions, and the chickadees; there are the forests and the waters, the fish and the insects; there are the humus and the soil, the prairie and marsh grasses, all living and existing in balance, in beauty and harmony. There, in the unspoiled remnants of the wild earth,

spotted across our continent, man will find the basis of understanding. Then, wilderness will influence civilization and civilization will cease to alter and destroy wilderness. Then, indeed, will Thoreau's lord of creation walk as a member—and not as a fumbling outsider—in the community of living things.

The other speaker that day in 1953 was our late, beloved colleague, the Senator from New Mexico and former Secretary of Agriculture, Clinton Anderson. Senator Anderson was a leader in the fight to obtain the Wilderness Act, and he counted it among his proudest achievements. On that day in 1953, he spoke of his friend Aldo Leopold's work to save wilderness, and Senator Anderson said this:

The work of Aldo Leopold has been done. We now become trustees of his inheritance. Those of us who may visit within the wilderness and who are able to rest and be restored in our peace of mind and body by the quiet that it will always possess have nonetheless an obligation to see that the work of one generation shall not be sacrificed by those that come after. We have an obligation to make sure this area (and others like it) may remain untouched for generations and perhaps centuries to come. We cannot take our burdens as trustees lightly if we are to keep faith with those who struggled so mightily to achieve these precious spots within the confines of a busy continent. The erection of this memorial reminds each of us that our lives as well can contribute to the things that mean beauty for the eye and rest for the spirit. We, too, can preserve the wilderness.

It is the purpose of the Endangered American Wilderness Act to continue the work begun by Aldo Leopold and so ably carried on by Clinton Anderson and so many others. Through this initiative, which will receive careful study and consideration by Congress, we, too, can help preserve and protect our remaining wilderness.

We are trustees of our wilderness heritage, and of those remaining lands which possess important wilderness values and have yet to be fully protected. This is a responsibility those of us from the West feel especially keenly. In closing debate here in the Senate when we first passed the wilderness bill in 1961, I said:

I supported the Wilderness Bill for many reasons which I have stated during the course of the debate, but I must emphasize in closing that the ultimate reason, above all others is a philosophical reason. Though we tend to feel that we are presently the owners of this country, we are not, in any true philosophical sense. We are the trustees of this country for a little time only. Our fathers and our grandfathers before us though they may be dead and gone, still have a claim upon this country. Our children and grandchildren, and generations yet unborn who will come after us have rights in this country. Our trusteeship will quickly pass, and we owe a responsibility to our forefathers before us and our children after us to see to it that the trust is properly discharged.

The great purpose of the Wilderness Bill is to set aside a reasonable part of the vanishing wilderness, to make certain that the generations unborn will know what it is to experience life on undeveloped, unoccupied land in the same form and character as the Creator fashioned it. This is an experience we in the West can still know. The enactment of the bill will mean that our children will know it too.

It is a great spiritual experience. I never knew a man who took a bedroll onto an Idaho mountainside and slept there under a star-studded summer sky who felt self-important the next morning. Unless we preserve some opportunity for future generations to have the same experience we shall have dishonored our trust to posterity.

Mr. President, I ask unanmous consent that the text of the Endangered American Wilderness Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1180

Be it enacted by the Senate and House of Represenatives of the United States of America in Congress assembled, That this Act may be cited as the "Endangered American Wilderness Act of 1977.

STATEMENT OF FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) many areas of undeveloped national forest lands possess and exhibit outstanding natural characteristics giving them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) certain of these undeveloped national forest lands meet all statutory criteria for suitability as wilderness as established by subsection 2(c) of the Wilderness Act (78 Stat. 890), but are not adequately protected and lack statutory designation pursuant to the Wilderness Act as units of the National Wilderness Preservation System;

(3) certain other undeveloped national forest lands are of evident wilderness resource value, but require more thorough study of boundary locations prior to designation as wilderness by Act of the Congress;

(4) these and other undeveloped national forest lands exhibiting wilderness values are immediately threatened by pressures of a growing and more mobile population, large-scale industrial and economic growth, and development and uses inconsistent with the protection, maintenance, restoration, and enhancement of their wilderness character; and

(5) among such immediately threatened areas are lands not being adequately protected or fully studies for wilderness suitability by the agency responsible for their administration.

(b) Therefore, the Congress finds and declares that it is in the national interest that certain of these endangered areas be promptly designated as wilderness within the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote and perpetuate the wilderness character of the land and its specific multiple values for watershed preservation, wildlife habitat protection, scenic and historic preservation, and scientific research and educational use, primitive recreation, solitude, physical and mental challenge and inspiration, for the benefit of all of the American people of present and future generations.

DESIGNATION OF WILDERNESS AREAS

SEC. 2. (a) In furtherance of the purpose of the Wilderness Act, the following lands (hereinafter referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated June 1976, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Inyo and Sequoia National Forests, California, which comprise about two hundred and forty thousand acres, are generally depicted on a map entitled "Golden Trout Wilderness Area—Proposed," and shall be known as the Golden Trout Wilderness;

(2) certain lands within and adjacent to the Los Padres National Forest, California, which comprise about twenty-one thousand two hundred and fifty acres, are generally depicted on a map entitled "Santa Lucia Wilderness Area—Proposed," and shall be known as the Santa Lucia Wilderness;

(3) certain lands in the Los Padres National Forest, California, which comprise about sixty thousand and eighty acres, which are generally depicted on a map entitled "Ventana Wilderness Additions—Proposed," and which are hereby incorporated in, and shall be deemed to be a part of, the Ventana Wilderness as designated by Public Law 91-58;

(4) certain lands in the Rio Grande National Forest, Colorado, which comprise about sixty-nine thousand four hundred acres, which are generally depicted on a map entitled "Goose Creek Wilderness Additions—Proposed," and which are hereby incorporated in, and shall be deemed to be a part of, the Weminuche Wilderness as designated by Public Law 93-632;

(5) certain lands in the Cibola National Forest, New Mexico, which comprise about thirty-seven thousand acres, are generally depicted on a map entitled "Manzano Mountain Wilderness Area—Proposed," and shall be known as the Manzano Mountain Wilderness;

(6) certain lands in the Cibola National Forest, New Mexico, which comprise about thirty thousand seven hundred acres, are generally depicted on a map entitled "Sandia Mountain Wilderness Area (North and South Units)—Proposed," and shall be known as the Sandia Mountain Wilderness;

(7) certain lands in the Willamette National Forest, Oregon, which comprise about forty-two thousand acres, which are generally depicted on a map entitled "French Pete Creek and Other Proposed Additions, Three Sisters Wilderness," and which are hereby incorporated in, and shall be deemed to be a part of, the Three Sisters Wilderness as designated by subsection 3(a) of the Wilderness Act;

(8) certain lands in the Willamette National Forest, Oregon, which comprise about twenty-four thousand five hundred acres, are generally depicted on a map entitled "Middle Santiam Wilderness Area—proposed," and shall be known as the Middle Santiam Wilderness;

(9) certain lands within and adjacent to the Siskiyou National Forest, Oregon, which comprise about twenty-nine thousand acres, are generally depicted on a map entitled "Wild Rogue Wilderness Area—Proposed," and shall be known as the Wild Rogue Wilderness; and

(10) certain lands in the Umatilla National Forest, Washington and Oregon, which comprise about one hundred twenty-nine thousand acres, are generally depicted on a map entitled "Wenaha-Tuchannon Wilderness Area—Proposed," and shall be known as the Wenaha-Tuchannon Wilderness.

DESIGNATION OF WILDERNESS STUDY AREAS

SEC. 3. (a) In furtherance of the purposes of the Wilderness Act, the Secretary of Agriculture (hereinafter known as the "Secretary") shall, within five years after the date of enactment of this Act, review each area designated by this section as to the suitability of such area for preservation as wilderness, and report his findings to the President.

(b) Areas to be reviewed pursuant to this section (hereinafter referred to as "wilderness study areas"), as generally depicted on maps appropriately referenced, dated February 1976, include—

(1) certain lands in the Tongass National Forest, Alaska, which comprise about four hundred and five thousand acres, and are generally depicted on a map entitled "West Chichagof-Yakobi Island Wilderness Study Area";

(2) certain lands in the Coronado National Forest, Arizona, which comprise approximately eighty thousand four hundred and thirty acres and are generally depicted on a map entitled "Galiuro Wilderness Additions Study Area";

(3) certain lands in the Rio Grande and Gunnison National Forests, Colorado, which comprise approximately one hundred eighty-two thousand seven hundred acres and are generally depicted on a map entitled "La Garita Wilderness Additions Study Area";

(4) certain lands in the Kootenai National Forest, Montana, which comprise approximately twenty two thousand acres and are generally depicted on a map entitled, "Mount Henry Wilderness Study Area";

(5) certain lands in the Lolo and Kootenai National Forests, Montana, which comprise approximately eighty nine thousand acres and are generally depicted on a map entitled "McGregor-Thompson Wilderness Study Area";

(6) certain lands in the Lolo National Forest, Montana, which comprise approximately twenty eight thousand nine hundred and fifteen acres and are generally depicted on a map entitled "Welcome Creek Wilderness Study Area";

(7) certain lands in the Santa Fe and Carson National Forests, New Mexico, which comprise approximately fifty thousand nine hundred acres and are generally depicted on a map entitled "Chama River Canyon Wilderness Study Area"

(c) The Secretary shall conduct his reviews, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of subsection 3(b) and 3(d) of the Wilderness Act, except that any reference in such subsections to areas in the national forests classified as "primitive" shall be deemed to be a reference to the wilderness study areas designated by this Act and except that the President shall advise the Congress of his recommendations with respect to all such areas within five years after the date of enactment of this Act: *Provided, however,* That the Secretary shall give at least sixty days' advance public notice of any hearing or other public meeting concerning such areas.

(d) Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominately of wilderness value.

KALMIOPSIS WILDERNESS ADDITIONS

SEC. 4. In furtherance of the purposes of the Wilderness Act, certain lands in the Siskiyou National Forest, Oregon, which comprise about one hundred and thirty-four thousand acres, as generally depicted on a map entitled "Kalmiopsis Wilderness Additions and Wilderness Study Area" and dated June 1976 are hereby designated as wilderness and are incorporated in, and shall be deemed to be a part of, the Kalmiopsis Wilderness designated by subsection 3(a) of the Wildernes Act. Certain other contiguous roadless lands, which comprise about one hundred and thirty-six thousand acres, as generally depicted on said map, shall be reviewed by the Secretary as to their suitability for preseravtion as wilderness in accordance with the provisions and timetables set forth in section 3 of this Act.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map of each wilderness study area and a map and a legal description of each wilderness area shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as it included in this Act: *Provided, however,* That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

MANAGEMENT OF AREAS

SEC. 6. Subject to valid existing rights, the wilderness areas and, until Congress determines otherwise, the wilderness study areas designated by this Act shall be managed by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas.

By Mr. HATHAWAY:

S. 1181. A bill to amend title XVI of the Social Security Act to provide that in the case of an individual residing in the household of a relative, support and maintenance furnished in kind to such individual by such relative shall be excluded from income and shall not cause a reduction in benefits; to the Committee on Finance.

Mr. HATHAWAY. Mr. President, I am introducing a bill that would change the requirement that persons collecting supplemental security income living at home have their payments reduced by one-third. This provision has imposed hardships on both the recipients and the administering agency alike.

We are faced with the anomaly that while experts in developmental disabilities, rehabilitation, and aging are promotive of home care and deinstitutionalization, our welfare system creates disincentives to keeping the physicially and mentally disabled and aged person at home. At the same time, the requirement places a burden on the Social Security Administration. Thus, we find a provision of law that works against widely espoused social policy to encourage family life and to less costly alternative to institutional care, while creating additional work for an increasingly overloaded Federal agency.

Perhaps the single largest factor behind the lack of adequate or appropriate long-term care for a large number of the chronically disabled is the general lack of adequate or appropriate long-term care and lack of alternatives to institutional care. Often the question of whether a person will remain in the community depends on the existence of family support, the adequacy of financial resources and the availability of non-institutional health and social services. This bill attempts to address one of these factors, but a complete solution awaits more comprehensive health and welfare reform.

The bill excludes support received from a relative from income. The cost of supporting a disabled child or adult is costly, but less costly than care in an institution. Families who devote their time, energies and material resources to a disabled relative should not be penalized for their dedication.

There are those who will say that such a change in law will be costly. True, it will cost money in the short run, but the incentives it will create to keep our most vulnerable citizens in their homes will be both cost effective in the long run and promotive of enhanced family stability and involvement.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1612(a)(2)(A) of the Social Security Act is amended—

(1) in clause (i) by inserting after "another person's household" the parenthetical phrase "(other than the household of a relative)";

(2) in clause (ii) by striking out the word "and" at the end thereof;

(3) in clause (iii) by striking out the semicolon at the end thereof and inserting in lieu thereof a comma and the word "and"; and

(4) by adding at the end thereof the following new clause:

"(iv) in the case of any individual (and his eligible spouse, if any) living in the household of a relative (as defined in section 1614(g)) and receiving support and maintenance in kind from such relative, such support and maintenance shall be excluded from income;".

(b) Section 1614 of such Act is amended by adding at the end thereof the following new subsection:

"DEFINITION OF RELATIVE

"(g) For purposes of this title, the term 'relative' means a father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece.".

(c) The amendments made by this Act shall be effective upon the first day of the first month beginning more than 60 days after the date of enactment of this Act.

By Mr. HATHAWAY:

S. 1182. A bill to amend title XVI of the Social Security Act with respect to disabled individuals who are medically determined to be alcoholics or drug addicts; to the Committee on Finance.

Mr. HATHAWAY. Mr. President, I am introducing an amendment to the Social Security Act that would delete the provision that requires an alcoholic or drug addict to be in active treatment. Under current regulations a drug addict or alcoholic is not eligible for disability benefits solely because of his or her addiction or alcoholism. The criteria used is physical or mental damage which precludes gainful employment. Yet, a class of recipients are singled out. This despite the fact that section 1615(c) of the act states that—

No individual shall be an eligible individual or eligible spouse for purposes of this title if he refuses without good cause to accept vocational rehabilitation services for which he is referred under subsection (a).

Since appropriate facilities are unavailable in most communities, the Social Security Administration accepts the client's statement of intent to enter treatment making the provision a virtual charade. In addition, an alcoholic who is a member of a self-help group such as Alcoholics Anonymous does not qualify if the law is interpreted strictly. This bill would serve to remedy a redundant and discriminatory provision.

In addition, the bill I am introducing would delete the requirement that representative payee be designated to receive

SSI payments for an alcoholic or drug addict regardless of whether they have been determined to be financially responsible or not. This results in a situation where the client is prone to being cheated by unscrupulous persons, and in which a financial incentive is created to keep the client in settings which may not be medically or socially indicated. The determination of the need for a representative payee, in the bill I am introducing would be based on financial responsibility by a court of competent jurisdiction rather than any arbitrary classification based on condition or disease.

We cannot condone a lesser level of civil liberties for the disabled than we can for other citizens. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1611(e) of the Social Security Act is amended by striking out paragraph (3).

(b) Section 1631(a)(2) of such Act is amended by striking out the second sentence thereof and inserting in lieu thereof the following: "Notwithstanding the provisions of the preceding sentence, in the case of any eligible individual or eligible spouse who is medically determined to be a drug addict or an alcoholic, the Secretary shall provide for making payments of the benefit to any other person (including an appropriate public or private agency) who is interested in, or concerned with, the welfare of such individual (or spouse) for any month during which such individual (or spouse) is determined to be not financially responsible by a court of competent jurisdiction.

(c) The amendments made by this Act shall be effective upon the first day of the first month beginning more than 60 days after the date of enactment of this Act.

By Mr. MCCLURE (for himself, Mr. CHURCH, Mr. CANNON, Mr. GARN, Mr. HANSEN, Mr. HATFIELD, Mr. LAXALT, Mr. STEVENS, Mr. TOWER, Mr. WALLOP, and Mr. YOUNG):

S. 1183. A bill to provide for rangeland improvement by permitting work in lieu of payment for grazing permits; to the Committee on Energy and Natural Resources.

Mr. MCCLURE. Mr. President, today, on behalf of myself and 10 cosponsors I introduce a bill to provide for rangeland improvement by permitting work in lieu of payment for grazing permits. The western public lands provide a needed contribution to the economic life blood of grazing in Idaho and other Western States. Recent reports suggest that part of the western range is in need of improvement, not only for livestock grazing, but also for wildlife use.

My bill would permit the development of approved improvements on the public lands by permittees, and this work be counted as partial payment to the Government as a portion of that amount due for the privilege of grazing on the public lands. In no way, as some have suggested, would this be construed as developing a vested interest on the public lands by the permittee. It makes sense to have this program available, as the permittee is geared up to do the work, and he does not have the bureaucratic constraints of work hours and the public would get more work for the dollar by the project being developed privately than being done through the appropriation process.

There is ample precedent for this approach to improvements on the public lands in that thousands of miles of multiple-use roads on national forest lands have been built through a system of purchaser credits whereby authorized permanent roads are constructed by national forest timber purchasers who are reimbursed for the work by reduction in timber stumpage payments corresponding to the dollar value of the work.

I feel the public would benefit by timely passage of this bill in that early improvement of the range could take place without waiting for uncertain funding through the appropriation process. I ask for early consideration of this approach to improving the condition of the range on the public lands.

By Mr. MAGNUSON (by request):

S. 1184. A bill to amend section 7(e) of the Fishermen's Protective Act of 1967, as amended; to the Committee on Commerce, Science, and Transportation.

Mr. MAGNUSON. Mr. President, I introduce today, at the request of the Department of Commerce, a bill to amend section 7(e) of the Fishermen's Protective Act of 1967, as amended.

I ask unanimous consent that the statement of purpose and need prepared by the Department of Commerce, and the text of the bill be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 7 of the Fishermen's Protective Act of 1967, as amended (82 Stat. 729, as amended; 22 U.S.C. 1977), is further amended by deleting the date October 1, 1977" and inserting in lieu therefor "October 1, 1979".

THE SECRETARY OF COMMERCE,
Washington, D.C., March 2, 1977.

Hon. WALTER M. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are six copies of a draft bill "To amend section 7(e) of the Fishermen's Protective Act of 1967, as amended," together with a statement of purpose and need in support thereof.

This proposed legislation has been reviewed by the Department in the light of Executive Order No. 11821 and has been determined not to be a major proposal requiring evaluation and certification as to its inflationary impact.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

JUANITA M. KREPS.

STATEMENT OF PURPOSE AND NEED

Section 7 of the Fishermen's Protective Act of 1967 which is administered by the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce authorizes the Federal Government to insure vessel owners and crews from financial losses resulting from the seizure of United States fishing vessels by a foreign government on the high seas or on the basis of rights or claims to territorial waters not recognized by the United States.

To date, there have been 119 seizures eligible for compensation under section 7 of the Act. Ecuador was responsible for 88 of these seizures; Peru, for 30; and Panama, for one. Claims resulting from these seizures have totaled almost $3.3 million. About 40%, or $1.3 million, of that amount was generated by vessel owners in the form of fees paid for section 7 insurance agreements. The rest was paid by the U.S. Government through Congressional appropriations. Fees have also paid the cost of administering the program.

Section 7 of the Act has worked well, providing valuable protection to the Nation's tuna and distant-water shrimp fleets. Particularly in the case of the tuna fleet, there is an established need for the continuation of section 7.

The proposed legislation would extend section 7 from its present expiration date of October 1, 1977 until October 1, 1979.

By Mr. MAGNUSON (for himself, Mr. BIDEN, Mr. CHILES, Mr. DURKIN, Mr. FORD, Mr. HUDDLESTON, Mr. MCINTYRE, Mr. MATHIAS, Mr. STONE, and Mr. WILLIAMS):

S. 1185. A bill to regulate interstate commerce with respect to parimutuel wagering on horseracing, to maintain the stability of the horseracing industry, and for other purposes; to the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary, jointly, by unanimous consent.

Mr. MAGNUSON. Mr. President, I am introducing today for myself and Senators BIDEN, CHILES, DURKIN, FORD, HUDDLESTON, MCINTYRE, MATHIAS, STONE, and WILLIAMS, the Interstate Horseracing Act of 1977, a bill designed to regulate interstate commerce with respect to parimutuel wagering on horseraces. The bill is designed both to protect the parimutuel racing industry and the States which permit such racing and depend upon it as a source of tax revenues. Ultimately, it would also protect those States which currently allow off-track betting on races not being run within their own State borders.

In recent years, the growth of horseracing in the United States has been substantial. Part of this growth is reflected by the estimated tax revenues realized by governmental entities as a result of this enterprise; at the moment, it is estimated that these revenues exceed $1 billion annually. In addition to these tax benefits, the racing industry provides employment opportunities for both skilled and semiskilled personnel. Another benefit to the economy stems from the fact that the U.S. equine industry has experienced a substantial surplus in international trade activities as a result of the development of the high quality racing bloodstock in the United States.

The legislation I am introducing today will assure the continued vitality of the racing industry by stopping what has become a growing trend toward States accepting parimutuel wagers at their off-track betting facilities on races

which are run in other States. This practice causes attendance at race tracks to suffer, and consequently purses are smaller and the quality of racing declines. While in the short run, those States permitting this sort of out-of-State wagering may reap some temporary immediate benefits, in the long run all States which depend upon racing as a source of revenue will lose because of the deterioration of conditions at the track themselves. The bill does not in any way affect the right of a State to permit off-track betting on races run within its own borders; it only applies to races which are run in other States. The bill protects the States, the horsemen, and the tracks from off-track wagering in foreign states through a prohibition of such activities and provision for injured parties to pursue civil remedies in the event of a violation of this prohibition. I ask unanimous consent that that bill be referred to the Committee on Commerce and to the Committee on the Judiciary, in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 1186. A bill to authorize construction of the project for navigation and other purposes on the Blair and Sitcum Waterways, Tacoma Harbor, Wash.; to the Committee on Environment and Public Works.

Mr. MAGNUSON. Mr. President, today I am introducing for myself and Senator JACKSON legislation to authorize the U.S. Army Corps of Engineers to modify the Blair and Sitcum Waterways in the Tacoma, Washington Harbor. These modifications are required to permit the harbor to receive modern deeper-draft vessels and have been specifically recommended by the Chief of Engineers in his report of February 8, 1977. I am introducing this legislation now with the hope that the Public Works Committee will incorporate it in the next omnibus Water Resources Development Act which it reports to the Senate.

The modifications authorized by this bill are as follows:

First, Blair Waterway, which was constructed by the Federal Government, would be deepened from its current depth of 30–35 feet to between 41–45 feet.

Second, an existing bridge over the Blair Waterway which provides vessels only 150 feet of horizontal clearance would be removed and replaced with a new bridge providing 300 feet of horizontal clearance.

Third, the Corps of Engineers would assume maintenance responsibility for the Sitcum Waterway and maintain it at a depth of 35 to 40 feet. While the Sitcum Waterway was not constructed by the Federal Government, the Corps' Board of Engineers for Rivers and Harbors has concluded that "there is a Federal interest in assuming maintenance responsibility of the * * * Sitcum Waterway since it is being used by vessels to import both general cargo and alumina, and that transportation savings would be realized through continued maintenance of the existing project."

The Board of Engineers reports that the benefit-to-cost ratio would be 2.2:1 for the Blair Waterway modifications, and 9.9:1 for the Sitcum Waterway modification.

The Federal first cost for the Blair modification would be $16,367,700 matched by a local first cost of $1,546,500. Annual maintenance costs for the Blair Waterway would be only $4,000 more than they are at present. Likewise, the modification of Sitcum Waterway would cost the Federal Government only $4,000 annually.

Mr. President, I ask unanimous consent that the text of the bill, together with the report of the Chief of Engineers dated February 8, 1977, be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for navigation and other purposes on the Blair and Sitcum Waterways, Tacoma Harbor, Washington, is hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, substantially in accordance with the recommendations contained in the report of the Chief of Engineers dated February 8, 1977, at an estimated Federal cost of $16,367,700.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., February 8, 1977.

Subject: Blair and Sitcum Waterways, Tacoma Harbor, Wash.

1. I submit for transmission to Congress my report for Blair and Sitcum Waterways, Tacoma Harbor, Washington, accompanied by the report of the Board of Engineers for Rivers and Harbors, and the reports of the District and Division Engineers. These reports are in partial response to Section 209 of the Flood Control Act of 1962, which requested a survey of Puget Sound, Washington, and adjacent waters, including tributaries, in the interest of flood control, navigation, and other water uses and related land resources.

2. The District and Division Engineers recommend the Blair Waterway be deepened from its Federally authorized depths of 30 feet seaward of 11th Street and 35 feet for the remainder of the waterway to 45 feet below MLLW throughout its entire 2.6 mile reach. They also recommend replacing the existing restrictive 11th Street bridge with a new bridge to provide 300 feet of horizontal clearance necessary for safe vessel operation. The District and Division Engineers recommend that the non-Federally constructed 4,000 foot long Sitcum Waterway should be maintained at Federal expense to 40 feet below MLLW in the outer 3,000 feet and 35 feet below MLLW in the inner 1,000 feet.

3. Based on August 1975 prices, the District and Division Engineers estimate the total cost of the project to be $18,340,000, of which $1,553,300 would be non-Federal. Estimated annual charges for the Blair Waterway, based on an interest rate of 5⅞ percent and a 50 year period of analysis, would be $1,112,000 including $4,000 for annual maintenance beyond that now required. Annual charges for maintaining the Sitcum Waterway are estimated at $4,000. Average annual benefits in the amount of $2,484,000 and $39,400 would accrue to the Blair Waterway and Sitcum Waterway, respectively. The benefit-cost ratio for the Blair Waterway is 2.2 and the benefit-cost ratio for the Sitcum Waterway is 9.9.

4. The Board of Engineers for Rivers and Harbors concurs generally in the findings of the reporting officers. However, the Board recommends that Blair Waterway be deepened to a depth of 41 feet below MLLW instead of to 45 feet as recommended by the reporting officers for the reach from Lincoln Avenue through the turning basin. This modification would reduce the Federal first cost of the project to $16,367,700 and the non-Federal first cost to $1,546,500. With this modification, and based on a 50 year period for economic analysis and using an interest rate of 6⅛ percent, average annual benefits and costs for Blair Waterway are estimated at $2,459,900 and $1,123,000, respectively. The benefit-cost ratio is 2.2. Cost and benefits for maintaining the Sitcum Waterway are not appreciably affected by using a 6⅛ percent interest rate. Accordingly, the Board recommends the modifications of Blair Waterway and Federal assumption of maintenance on Sitcum Waterway, subject to certain items of local cooperation.

5. In making its recommendation, the Board noted that maintaining a 35-foot depth in Sitcum Waterway is adequate for general cargo vessels and that maintenance of a 40-foot depth in the outer 3,000 feet of the channel is required to accommodate alumina vessels. The Board considered the possible single user aspect of the 40-foot depth since the alumina facility is currently leased by one company. The Board concluded that there have been occasions when other alumina companies have benefited from the facility and that similar occasions are expected in the future. Accordingly, the Board concludes that benefits would accrue to several users and that Federal assumption of maintenance of the Sitcum Waterway is warranted. I further support this conclusion of the Board in that the cost difference between maintaining a 40-foot waterway over a 35-foot waterway is not significant enough to warrant consideration of cost-sharing.

6. The estimated January 1977 cost for the Blair Waterway improvement is $18,400,000. Annual costs and benefits are $1,300,000 and $2,460,000, respectively, for a benefit-cost ratio of 1.9 at 6⅜ percent interest. Costs and benefits for maintaining the Sitcum Waterway are not appreciably affected by using updated prices nor the 6⅜ percent interest rate.

7. I concur in the views and recommendations of the Board.

R. C. MARSHALL,
Major General, U.S.A.,
Acting Chief of Engineers.

By Mr. MAGNUSON (by request):

S. 1187. A bill to provide a comprehensive system of liability and compensation for oil spill damage and removal costs, and for other purposes; to the Committee on Commerce, Science, and Transportation, and the Committee on Environment and Public Works, jointly, by unanimous consent.

Mr. MAGNUSON. Mr. President, I introduce today, at the request of the Department of Transportation a bill to provide a comprehensive system of liability and compensation for oil spill damage and removal costs, and for other purposes.

I ask unanimous consent that the bill be referred jointly to the Committee on Commerce, Science, and Transportation; and the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I further ask unanimous consent that the letter of transmittal and the text of the bill be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Oil Pollution Liability and Compensation Act of 1977."

TITLE I—DOMESTIC OIL POLLUTION LIABILITY, COMPENSATION, AND FUND

SEC. 101. DEFINITIONS. For the purposes of this title, the term—

(a) "Secretary" means the Secretary of Transportation;

(b) "Fund" means the fund established by section 102 of this title;

(c) "person" means an individual, firm, corporation, association, or partnership, or government entity;

(d) "incident" means any occurrence or series of occurrences, involving one or more vessels, facilities, or any combination thereof, which causes or poses an imminent threat of oil pollution;

(e) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

(f) "public vessel" means a vessel which—(1) is owned, or chartered by demise, and operated by (A) the United States, (B) a State or subdivision thereof, or (C) a foreign government, and (2) is not engaged in commercial service;

(g) "ship" means any vessel carrying oil in bulk as cargo;

(h) "facility" means a structure, or group of structures (other than a vessel or vessels), used for the purpose of transporting, producing, processing, storing, transferring, or hauling oil;

(i) "onshore facility" means any facility, other than an offshore facility located in, on, or under any land within the United States;

(j) "offshore facility" means any facility located in, on, or under the navigable waters or, if the facility is subject to the jurisdiction of the United States, the high seas;

(k) "terminal" means a permanently situated facility, located within the territorial limits of the United States and not owned by any agency of the Federal Government, which receives oil in bulk directly from any vessel, offshore production facility, offshore port facility, onshore pipeline, or a pipeline constructed under the provisions of the Trans-Alaska Pipeline Authorization Act;

(l) "refinery" means a terminal which receives crude oil for the purpose of refinement;

(m) oil pollution means:

(l) the presence of oil, either in an uncharged at an unlawful rate—

(1) the presence of oil, either in an unlawful quantity or which has been discharged at an unlawful rate—

(ii) in or on the waters of the contiguous zone established by the United States under Article 24 of the Convention or the Territorial Sea and the Continuous zone; or

(iii) in or on the waters of the high seas, when discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1331 et seq. or the Deepwater Port Act of 1974, as amended by this Act, 33 U.S.C. 1501 et seq; and

(2) the presence of oil on the high seas causing injury to or loss of natural resources belonging to, appertaining to or under the exclusive conservation and management jurisdiction of the United States; and

(3) the presence of oil in or on the territorial Sea, internal waters, or adjacent shoreline, of a foreign country where damages are recoverable by a foreign claimant under this title;

(n) "navigable waters" means those waters of the United States (including the territorial sea) the general character of which is navigable and which either by themselves or by uniting with other waters, form a continuous waterway on which vessels may navigate or travel between two or more States or to or from any foreign nation;

(o) "United States claimant" means any resident of the United States, the Government of the United States or agency thereof, or the government of a State or political subdivision thereof, who asserts a claim;

(p) "foreign claimant" means any resident of a foreign country, or the government of a foreign country, or any agency or political subdivision thereof, who asserts a claim:

(q) "United States" and "State" include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession over which the United States has jurisdiction;

(r) "oil" means petroleum, including crude oil or any fraction or residue therefrom;

(s) "cleanup costs" means costs of reasonable measures taken after an incident has occurred to prevent, minimize, or mitigate oil pollution from that incident;

(t) "person in charge" means the individual immediately responsible for the operations of a vessel or facility;

(u) "claim" means a demand in writing for a sum certain;

(v) "discharge" means any emission, intentional or unintentional, and includes spilling, leaking, pumping, pouring, emptying, or dumping;

(w) "owner" means any person holding title to, or, in the absence of title, any other indicia of ownership of a vessel or facility, but does not include a person having only a security interest in, or security title to, a vessel or facility, under a contract of conditional sale, an equipment trust, a chattel or corporate mortgage, a lease which is the functional equivalent of an extension of credit, or any similar instrument;

(x) "operator" means

(1) in the case of a vessel, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel, or

(2) in the case of a facility, any person, except the owner, responsible for the operation of the facilty by agreement with the owner;

(y) "property" means littoral or riparian property, including vessels;

(z) "removal costs" means—

(1) costs incurred under subsections (c), (d), and (1) of section 311 of the Federal Water Pollution Control Act, as amended by this Act, section 5 of the Intervention on the High Seas Act, and subsection (b) of section 18 of the Deepwater Port Act of 1974, as amended by this Act; and

(2) cleanup costs, other than the costs described in clause (1); and

(aa) "guarantor" means the person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator.

(bb) "National Contingency Plan" means the plan published pursuant to subsection (c) of section 311 of the Federal Water Pollution Control Act, as amended (33 USC 1321).

FUND ESTABLISHMENT, ADMINISTRATION, AND FINANCING

SEC. 102. (a) There is hereby established in the Treasury of the United States a Comprehensive Oil Spill Liability Fund, not to exceed $200,000,000. The fund shall be administered by the Secretary and the Secretary of the Treasury as specified in this section. The fund may sue and be sued in its own name.

(b) The fund shall be constituted from—

(1) all fees collected pursuant to subsection (b);

(2) all moneys recovered under section 108;

(3) all other moneys recovered or collected on behalf of the fund, under this Act; and

(4) all moneys received as payment for civil or criminal penalties or fines assessed or adjudged under section 7 of the Oil Pollution Act of 1961, as amended, under paragraph (5) or paragraph (6) of subsection (b) of section 311 of the Federal Water Pollution Control Act, as amended, respecting discharges of oil, under section 12 of the Intervention on the High Seas Act, under section 16 or section 18 of the Deepwater Port Act of 1974, as amended, or under this Act.

(c) In addition to the settlement of claims under section 107, the fund shall be immediately available for the removal costs described in section 101(z)(1), and the Secretary is authorized to promulgate regulations designating the person or persons who may obligate available money in the fund for such purposes.

(d) The fund shall be available for the costs of administering the provisions of this title. Administrative costs shall include all costs to the Federal government incident to claims settlement activities, including adjudicatory and judicial proceedings, whether or not recoverable under section 108. When determined by the Secretary to be necessary for the purposes of establishing claims under section 103(a)(4), the fund shall be available, pursuant to regulations prescribed by the Secretary, for the costs of assessing injury to or the destruction of natural resources resulting from oil pollution incidents classified as "major" under the National Contingency Plan.

(e)(1) The Secretary of the Treasury shall collect from the owners of refineries receiving crude oil, and from the owners of terminals receiving any oil for export or entry into the United States, whether for import or transfer to a foreign country, a fee, not to exceed three cents per barrel of oil received. In the case of refineries receiving crude oil by pipeline, the collection of the fee shall be waived, upon the certification by the Secretary, to the Secretary of the Treasury, that the handling of the oil involved, either in the pipeline or at the refinery, does not constitute a significant threat of oil pollution. Oil upon which a fee has been levied under this paragraph shall not be subject to any subsequent levy hereunder.

(2) The Secretary of the Treasury, after consulting with the Secretary, may promulgate reasonable rules and regulations relating to the collection of the fees authorized by paragraph (1), and, from time to time, the modification thereof. Modifications shall become effective on the date specified therein, but no earlier than the ninetieth day following the date the modifying regulation is published in the Federal Register. Any modification of the fees shall be designed to insure that the Fund is maintained at a level not to excede $200,000,000. No regulation which modifies the fes, or any modification of such a regulation, whether or not in effect, may be stayed by any court pending completion of judicial review of that regulation, or any modification thereof.

(3)(A) Any person who fails to collect or

pay fees as required by the regulations promulgated under paragraph (2) shall be liable for a civil penalty not to exceed $10,000, to be assessed by the Secretary of the Treasury, in addition to the fees required to be collected or paid, and the interest on those fees. Upon the failure of any person so liable to pay any penalty, fee, and interest upon demand, the Attorney General may, at the request of the Secretary of the Treasury, bring an action in the name of the fund against that person for such amount.

(B) Any person who falsifies records or documents required to be maintained under any regulation promulgated under this subsection shall be subject to prosecution for a violation of section 1001 of title 18, United States Code.

(f)(1) The Secretary shall determine the level of funding required for immediate access in order to meet potential obligations of the fund.

(2) The Secretary of the Treasury may invest any excess in the fund, above the level determined under paragraph (1), in interest bearing special obligations of the United States. Such special obligations may be redeemed at any time in accordance with the terms of the special issue and pursuant to regulations promulgated by the Secretary of the Treasury. The interest on, and the proceeds from the sale of, any obligations held in the fund shall be credited to and form a part of the fund.

(g) If at any time the moneys available in the fund are insufficient to meet the obligations of the fund the Secretary shall issue to the Secretary of the Treasury notes or other obligations in the forms and denominations, bearing the interest rates and maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Redemption of these notes or obligations shall be made by the Secretary from moneys in the fund. These notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act The purposes for which securities may be issued under that Act are extended to include any purchase of these notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of these notes or other obligations shall be treated as public debt transactions of the United States.

DAMAGES AND CLAIMANTS

SEC. 103. (a) Claims for damages for economic loss, airing out of or directly resulting from oil pollution, may be asserted for—

(1) removal costs;

(2) injury to, or destruction of, real or personal property;

(3) loss of use of real or personal property;

(4) injury to, or destruction of, natural resources;

(5) loss of use of natural resources;

(6) loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources; and

(7) loss of tax revenue for a period of one year due to injury to real or personal property.

(b) A claim authorized by subsection (a) may be asserted—

(1) under item 1, by any claimant: *Provided*, That the owner or operator of a vessel or facility involved in an incident may assert such a claim only if he can show that he is entitled to a defense to liability under section 104(c)(1) or, if not entitled to such a defense to liability, that he is entitled to a limitation of liability under section 104(b): *Provided further*, That where he is not entitled to such a defense to liability but entitled to such a limitation of liability, such claim may be asserted only as to the removal costs incurred in excess of that limitation;

(2) under items 2, 3, 5, and 6 by any United States claimant, if the property involved is owned or leased, or the natural resources involved were lawfully and directly used by the claimant in the ordinary course of his business;

(3) under item 4, by the President, as trustee for natural resources over which the United States Government has sovereign rights or exercises exclusive management authority or by any State for natural resources within the boundary of the State belonging to, managed, controlled by, or appertaining to the State; provided that compensation paid under this item shall be used only for restoration of the natural resources damaged or for acquisition of equivalent resources;

(4) under item 6, by any United States claimant who does not qualify under clause (2) of this subsection if the claimant derives at least 25 per centum of his earnings from activities which utilize the property or natural resource;

(5) under item 7, by any state or political subdivision thereof;

(6) under items 2 through 7, by a foreign claimant to the same extent that a United States claimant may assert a claim, if—

(A) the claimant is not otherwise compensated for the damages;

(B) the oil was discharged from a facility or from a vessel or ship located within the navigable waters or was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1331 et seq. or the Deepwater Port Act of 1974, as amended by this Act, 33 U.S.C. 1501 et seq.; and

(C) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country in which the pollution occurred, or if the pollution occurred out of the territory of any nation, the foreign country of which the claimant is a national, or if the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides comparable remedy for United States claimants: *Provided, however*, That conditions (B) and (C) shall not apply where the claim is asserted by a resident of Canada and where the oil pollution involves oil that has been transported through the pipeline authorized under the Trans-Alaska Pipeline Authorization Act, as amended, and has been loaded on a ship for transportation to a port under the jurisdiction of the United States and is discharged from the ship prior to being brought ashore in such a port; and

(7) under any item, by the Attorney General, on his own motion or at the request of the Secretary, on behalf of any group of United States claimants who may assert a claim under this subsection, when he determines that the claimants would be more adequately represented as a class in asserting their claims.

(c) If the Attorney General fails to take action under clause (7) of subsection (b) within sixty days of the date on which the Secretary designates a source under section 106, any member of a group may maintain a class action to recover damages on behalf of that group. Failure of the Attorney General to take action shall have no bearing on any class action maintained by any claimant, for damages authorized by this section.

LIABILITY

SEC. 104. (a) Subject to the provisions of subsections (b) and (c), the owner and operator of a vessel other than a public vessel, or of a facility, which is the source of, or poses a threat of, oil pollution, shall be jointly, severally, and strictly liable for all damages for which a claim may be asserted under section 103.

(b) Except when the incident is caused by gross negligence or willful misconduct within the privity or knowledge of the owner or operator, or when the incident is caused by a gross or willful violation by the owner or operator of applicable safety, construction, or operating standards or regulations of the Federal Government, or when the owner or operator fails or refuses to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, the total of liability under subsection (a) and removal costs incurred on behalf of the source of the discharge shall not exceed—

(1) in the case of a vessel other than a ship, $150 per gross ton,

(2) in the case of a ship, $500,000 or $300 per gross ton or whichever is greater, or

(3) in the case of a facility, $50,000,000 or such lesser limit as is established under subsection (d).

(c) There shall be no liability under subsection (a)—

(1) where the incident is caused solely by an act of war, hostilities, civil war, or insurrection, or by a natural phenomenon of an exceptional, inevitable, and irresistible character; or

(2) as to a particular claimant, where the incident or the economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant.

(d) The Secretary shall issue regulations establishing limits of liability, up to $50,000,000, for various classes of facilities: *Provided*, That the limits of liability for deepwater ports and offshore production facilities shall not be less than $50,000,000. These regulations shall take into account the size, type, location, oil storage and handling capacity, and other matters relating to the likelihood of incidents as to those classes. Such limits shall, to the extent practicable, be comparable to those limits established under subsection (b)(2), taking into account the relative potential threat of oil pollution.

(e) The Secretary shall, from time to time, report to Congress on the desirability of adjusting the monetary limitation of liability specified in subsection (b).

(f)(1) Subject to the provisions of paragraph (2) hereof, the fund shall be liable for all damages for which a claim may be asserted under section 103, to the extent that the loss is not otherwise compensated on behalf of the owner or operator.

(2) Except for the removal costs specified in clause (1) of section 101(z), there shall be no liability under paragraph (1) hereof to the extent that the incident is caused by an act of war, hostilities, civil war, or insurrection, or, as to a particular claimant, where the incident or economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant.

(g)(1) In addition to the damages for which claims may be asserted under section 103, and without regard to the limitation of liability provided in section 104(b), the owner, operator, or guarantor shall be liable to the claimant for interest on the amount paid in satisfaction of the claim for the period from the date upon which the claim was presented to such person to the date upon which the claimant is paid, inclusive, less the period, if any, from the date upon which the owner, operator, or guarantor shall offer to the claimant an amount equal to or greater than that finally paid in satisfaction of the claim to the date upon which the claimant shall accept that amount, inclusive. However, if the owner, operator, or guarantor shall offer to the claimant, within sixty days of the date upon which the claim was presented, or of the date upon which

advertising was commenced pursuant to section 106, whichever is later, an amount equal to or greater than that finally paid in satisfaction of the claim, the owner, operator, or guarantor shall be liable for the interest provided in this paragraph only from the date the offer was accepted by the claimant to the date upon which payment is made to the claimant, inclusive.

(2) The interest provided in paragraph (1) shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of one hundred and eighty days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve Bulletin.

(h) Nothing in this Act shall bar a cause of action that an owner or operator, subject to liability under subsection (a), or a guarantor, has or would have, by reason of subrogation or otherwise, against any person or governmental entity.

(i) To the extent that they are in conflict with, or otherwise inconsistent with, any other provisions of law relating to liability or the limitation thereof, the provisions of this section shall supersede all such other provisions of law, including those of section 4283(a) of the Revised Statutes, as amended (46 U.S.C. 183(a)).

FINANCIAL RESPONSIBILITY

SEC. 105. (a)(1) The owner or operator of any vessel (except public vessels and any nonself-propelled barge that does not carry oil as fuel or cargo), over 300 gross tons, which uses an offshore or onshore facility or the navigable waters, shall establish and maintain, in accordance with regulations promulgated by the President, evidence of financial responsibility sufficient to satisfy the maximum amount of liability applicable to that vessel under the provisions of section 104(b) of this title and the provisions of subsections (f) and (g) of section 311 of the Federal Water Pollution Control Act, as amended. Financial responsibility may be established by any one, or any combination, of the following methods acceptable to the President: evidence of insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall refuse the clearance required by section 4197 of the Revised Statutes of the United States, to any vessel subject to this subsection, which does not have certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(3) The Secretary, in accordance with regulations promulgated by him, shall (A) deny entry to any port or place in the United States or navigable waters to, and (B) detain at the port or place in the United States, from which it is about to depart for any other port or place in the United States, any vessel or ship subject to this subsection which, upon request, does not produce certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(b) The owner or operator of a facility shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum amount of liability applicable to that facility under the provisions of section 104(b).

(c) Any claim authorized by section 103(a) may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section. In defending such claim the guarantor shall be entitled to invoke all rights and defenses which would be available to the owner or operator under this title. He shall also be entitled to invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but shall not be entitled to invoke any other defense which he might have been entitled to invoke in proceedings brought by the owner or operator against him.

NOTIFICATION, DESIGNATION, AND ADVERTISEMENT

SEC. 106. (a) The person in charge of a vessel or facility, which is subject to the provisions of this title, as soon as he has knowledge of an incident in which the vessel or facility is involved, shall immediately notify the Secretary of the incident.

(b)(1) When the Secretary receives information, pursuant to subsection (a) or otherwise, of an incident which involves oil pollution, the Secretary shall, when possible, designate the source or sources of the oil pollution and shall immediately notify the owner and operator of such source, and the guarantor, of that designation.

(2) When a source designated under paragraph (1) is a vessel or a facility, and the owner, operator, or guarantor fails to inform the Secretary, within five days after receiving notification of the designation, of his denial of such designation, such owner, operator, or guarantor, in accordance with regulations promulgated by the Secretary, shall advertise the designation and the procedures by which claims may be presented to him. The requirement to advertise may be waived by the Secretary when the discharge is classified as "minor" under the National Contingency Plan and where the damage is minimal and potential claimants may be notified by other means. If advertisement is not otherwise made in accordance with this paragraph, the Secretary shall, at the expense of the owner, operator, or guarantor involved, advertise the designation and the procedures by which claims may be presented to that owner, operator, or guarantor.

(c) In a case where—

(1) the owner, operator, and guarantor all deny a designation in accordance with paragraph (2) of subsection (b);

(2) the source of the discharge was a public vessel; or

(3) the Secretary is unable to designate the source or sources of the discharge under paragraph (1) of subsection (b),

the Secretary shall advertise or otherwise notify potential claimants of the procedures by which claims may be presented to the fund.

(d) Advertisement under subsection (b) shall commence no later than fifteen days from the date of the designation made thereunder.

CLAIMS SETTLEMENT

SEC. 107. (a) Except as provided in subsection (b), all claims shall be presented to the owner, operator, or guarantor.

(b) All claims shall be presented to the fund—

(1) where the Secretary has advertised or otherwise notified claimants in accordance with section 106(c), or

(2) where the owner or operator may recover under the provisions of section 103(b)(1).

(c) In the case of a claim presented in accordance with (a), and in which—

(1) the person to whom the claim is presented denies all liability for the claim, for any reason, or

(2) the claim is not settled by any person by payment to the claimant within sixty days of the date upon which (A) the claim was presented, or (B) advertising was commenced pursuant to section 106(b)(2), whichever is later,

the claimant may elect to commence an action in court against the owner, operator, or guarantor, or to present the claim to the fund, that election to be irrevocable and exclusive.

(d) In the case of a claim presented in accordance with subsection (a), where full and adequate compensation is unavailable, either because the claim exceeds a limit of li bility invoked under section 104(b), or because the owner, operator, and guarantor aro financially incapable of meeting their obligations in full, a claim for the amount not compensated may be presented to the fund.

(e) In the case of a claim which has been presented to any person, pursuant to subsection (a), and which is being presented to the fund, pursuant to subsection (c) or (d), such person shall at the request of the claimant, transmit to the fund the claim and supporting documents. The Secretary may, by regulation, prescribe, the documents to be transmitted and the terms under which they are to be transmitted.

(f) In the case of a claim presented to the fund, pursuant to subsection (b), (c), or (d), and in which the fund—

(1) denies all liability for the claim for any reason, or

(2) does not settle the claim by payment to the claimant within sixty days of the date upon which (A) the claim was presented to the fund, or (B) advertising was commenced pursuant to section 106(c), whichever is later,

the claimant may submit the dispute to the Secretary for decision in accordance with section 554 of title 5 of the United States Code. However, a claimant who has presented a claim to the fund pursuant to subsection (b) may elect to commence an action in court against the fund in lieu of submission of the dispute to the Secretary for decision, that election to be irrevocable and exclusive.

(g)(1) The Secretary shall promulgate regulations which establish uniform procedures and standards for the appraisal and settlement of claims against the fund.

(2) Except as provided in paragraph (3), the Secretary shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in administering this section and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon a showing by the Secretary that advertising is not reasonably practicable. The Secretary may make advance payments to a contractor for services and facilities, and the Secretary may advance to the contractor funds to be used for the payment of claims. The Secretary may review and audit claim payments made pursuant to this subsection. Payment to a claimant for a single claim in excess of $100,000, or two or more claims aggregating in excess of $200,000, shall be first approved by the Secretary.

(3) to the extent necessitated by extraordinary circumstances, where the services of private organizations or State agencies are inadequate, the Secretary may use Federal personnel to administer the provisions of this section.

(i) Without regard to subsection (b) of section 556 of title 5 of the United States Code, the Secretary is authorized to appoint, from time to time for a period not to exceed one hundred and eighty days, one or more panels, each comprised of three individuals, to hear and decide disputes submitted to the Secretary pursuant to subsection (f). At least one member of each panel shall be qualified in the conduct of adjudicatory proceedings and shall preside over the activities of the panel. Each member of a panel shall possess competence in the evaluation and assessment of property damage and the

economic losses resulting therefrom. Panel members may be appointed from private life or from any Federal agency except the staff administering the fund. Each panel member appointed from private life shall receive a per diem compensation, and each panel member shall receive necessary traveling and other expenses while engaged in the work of a panel. The provisions of Chapter 11 of title 18, United States Code, and of Executive Order 11222 regarding special government employees, apply to panel members appointed from private life.

(i)(1) Upon receipt of a request for decision from a claimant, properly made, the Secretary shall refer the dispute to (A) an administrative law judge, appointed under section 3105 of title 5 of the United States Code, or (B) to a panel appointed under subsection (h).

(2) The administrative law judge and each member of a panel to which a dispute is referred for decision shall be a resident of the United States judicial circuit within which the damage complained of occurred, or, if the damage complained of occurred within two or more circuits, of any of the affected circuits, or, if the damage occurred outside any circuit, of the nearest circuit.

(3) Upon receipt of a dispute, the administrative law judge or panel shall adjudicate the case and render a decision in accordance with section 554 of title 5, United States Code. In any proceeding subject to this subsection, the presiding officer may require by subpoena any person to appear and testify or to appear and produce books, papers, documents, or tangible things at a hearing or deposition at any designated place. Subpoenas shall be issued and enforced in accordance with procedures in subsection (d) of section 556 of title 5, United States Code, and rules promulgated by the Secretary. If a person fails or refuses to obey a subpoena, the Secretary may invoke the aid of the district court of the United States where the person is found, resides, or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(4) A hearing conducted under this subsection shall be conducted within the United States judicial districts within which, or nearest to which, the damage complained of occurred, or, if the damage complained of occurred within two or more districts, in any of the affected districts.

(5) The decision of the administrative law judge or panel under this subsection shall be the final order of the Secretary, except that the Secretary, in his discretion and in accordance with rules which he may promulgate, may review the decision upon his own initiative or upon exception of the claimant or the fund.

(6) Final orders of the Secretary made under this subsection shall be reviewable pursuant to section 702 of title 5, United States Code, in the district courts of the United States.

(j)(1) In any action brought against an owner, operator, or guarantor, both the plaintiff and defendant shall serve a copy of the complaint and all subsequent pleadings therein upon the fund at the same time those pleadings are served upon the opposing parties.

(2) The fund may intervene in the action as a matter of right.

(3) In any action to which the fund is a party, if the owner, operator, or guarantor admits liability under this Act, the fund upon its motion shall be dismissed therefrom.

(4) If the fund receives from either the plaintiff or the defendant notice of such an action, the fund shall be bound by any judgment entered therein, whether or not the fund was a party to the action.

(5) If neither the plaintiff nor the defendant give notice of such an action to the fund, the limitation of liability otherwise permitted by section 104(b) of this title is not available to the defendant and the plaintiff shall not recover from the fund any sums not paid by the defendant.

(k) In any action brought against the fund, the plaintiff may join any owner, operator, or guarantor, and the fund may implead any person who is or may be liable to the fund under any provision of this Act.

(l) No claim may be presented, nor may an action be commenced for damages recoverable under this title, unless that claim is presented to, or that action is commenced against, the owner, operator, or guarantor, or against the fund, as to their respective liabilities, within three years from the date of discovery of damages under section 103 (a), or within six years of the date of the incident which resulted in that loss, whichever is earlier.

SUBROGATION

SEC. 108. (a) Any person or governmental entity, including the fund, who shall pay compensation to any claimant for an economic loss, compensable under section 103, shall be subrogated to all rights, claims, and causes of action which that claimant has under this Act.

(b) Upon request of the Secretary, the Attorney General may commence an action, on behalf of the fund, for the compensation paid by the fund to any claimant pursuant to this title. Such an action may be commenced against any owner, operator, or guarantor, or against any other person or governmental entity, who is liable, pursuant to any law, to the compensated claimant or to the fund, for the damages for which the compensation was paid.

(c) In all claims or actions by the fund against any owner, operator, or guarantor, pursuant to the provisions of subsections (a) and (b), the fund shall recover—

(1) for a claim presented to the fund (where there has been a denial of source designation) pursuant to section 107(b)(1), or (where there has been a denial of liability) pursuant to section 107(c)(1)—

(A) subject only to the limitation of liability to which the defendant is entitled under section 104(b), the amount the fund has paid to the claimant, without reduction,

(B) interest on that amount, at the rate calculated in accordance with section 104 (g)(2), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the fund is paid by the defendant, inclusive, less the period, if any, from the date upon which the fund shall offer to the claimant the amount finally paid by the fund to the claimant in satisfaction of the claim against the fund to the date upon which the claimant shall accept that offer, inclusive, and

(C) all costs incurred by the fund by reason of the claim, both of the claimant against the fund and the fund against the defendant, including but not limited to, processing costs, investigating costs, court costs, and attorneys' fees, and

(2) for a claim presented to the fund pursuant to section 107(c)(2)—

(A) in which the amount the fund has paid to the claimant exceeds the largest amount, if any, the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) subject to dispute by the defendant as to any excess over the amount offered to the claimant by the defendant, the amount the fund has paid to the claimant,

(ii) interest, at the rate calculated in accordance with section 104(g)(2), for the period specified in clause (1) of this subsection, and

(iii) all costs incurred by the fund by reason of the claim of the fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorneys' fees or

(B) in which the amount the fund has paid to the claimant is less than or equal to the largest amount the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) the amount the fund has paid to the claimant, without reduction,

(ii) interest, at the rate calculated in accordance with section 104(g)(2), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the defendant offered to the claimant the largest amount referred to in this subclause. (However, if the defendant tendered the offer of the largest amount referred to in this subclause within sixty days of the date upon which the claim of the claimant was either presented to the defendant or advertising was commenced pursuant to section 106, the defandant shall not be liable for interest for that period.), and

(iii) interest from the date upon which the claim of the fund against the defendant was presented to the defendant to the date upon which the fund is paid, inclusive, less the period, if any, from the date upon which the defendant shall offer to the fund the amount finally paid to the fund in satisfaction of the claim of the fund to the date upon which the fund shall accept that offer, inclusive.

(d) The fund shall pay over to the claimant that portion of any interest the fund shall recover, pursuant to clause (1), and subclause (A) of clause (2), of section (c), for the period from the date upon which the claim of the claimant was presented to the defendant to the date upon which the claimant was paid by the fund, inclusive, less the period from the date upon which the fund offered to the claimant the amount finally paid to the claimant in satisfaction of the claim to the date upon which the claimant shall accept that offer, inclusive.

(e) The fund is entitled to recover for all interest and costs specified in subsection (c) without regard to any limitation of liability to which the defendant may otherwise be entitled.

JURISDICTION AND VENUE

SEC. 109. (a) The United States district courts shall have exclusive original jurisdiction over all controversies arising under this title, without regard to the citizenship of the parties or the amount in controversy.

(b) Venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has its principal office. For the purposes of this section, the fund shall reside in the District of Columbia.

PREEMPTION

SEC. 110. (a) Except as provided in this Act—

(1) no action may be brought in any court of the United States, or of any state or political subdivision thereof, for damages for an economic loss described in section 103(a), a claim for which may be asserted under this Act, and

(2) no person may be required to contribute to any fund, the purpose of which is to pay compensation for such a loss, nor to establish or maintain evidence of financial responsibility relating to the satisfaction of a claim for such a loss.

(b) Nothing in subsection (a) shall prohibit an action by the fund, under any other provision of law, to recover compensation paid pursuant to this Act.

PENALTIES

SEC. 111. (a)(1) Any person who fails to comply with the requirements of section 105, the regulations promulgated thereunder, or any denial or detention order, shall be sub-

ject to a civil penalty of not more than $10,000.

(2) Such penalty may be assessed and compromised by the President or his designee, in connection with section 105(a)(1), and by the Secretary, in connection with section 105(a)(3) and section 105(b). No penalty shall be assessed until notice and an opportunity for hearing on the alleged violation has been given. In determining the amount of the penalty or the amount agreed upon in compromise, the demonstrated good faith of the party shall be taken into consideration.

(3) At the request of the official assessing the penalty, the Attorney General may bring an action in the name of the fund to collect the penalty assessed.

(b) Any person in charge who fails to give the notification required by section 106(a) shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both.

APPROPRIATIONS

SEC. 112. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

(b) The Secretary is hereby authorized to incur indebtedness on behalf of the United States, as provided in section 102(f), to the extent provided, in appropriation Acts, for that purpose.

TITLE II—EFFECTIVE DATES: CONFORMING AMENDMENTS

SEC. 201. (a) This section and all provisions of title I authorizing the delegation of authority or the promulgation of regulations shall be effective on the date of enactment of this Act.

(b) Title I, the regulations applicable thereto, and sections 202 and 203 shall be effective on the one hundred and eightieth day after the date of enactment of this Act.

SEC. 202. (a) Subsection (b) of section 204 of the Act of November 16, 1973 (87 Stat. 586), the Trans-Alaska Pipeline Authorization Act, is amended, in the first sentence, by inserting, after "any area", the words "in the State of Alaska", by inserting, after "any activities", the words "related to the Trans-Alaska Oil Pipeline", and by inserting, at the end of the subsection, a new sentence to read as follows: "This subsection shall not apply to removal costs resulting from oil pollution as that term is defined in section 101(m) of the Comprehensive Oil Pollution Liability and Compensation Act of 1977.".

(b) Subsection (c) of section 204 of the Act of November 16, 1973 (87 Stat. 586), the Trans-Alaska Pipeline Authorization Act, is hereby repealed. The Trans-Alaska Pipeline Liability fund is hereby abolished. All assets of that fund as of the effective date of this section shall be transferred to the Comprehensive Oil Spill Liability Fund established by section 102 of this Act. The Comprehensive Oil Spill Liability Fund hereby assumes any and all liability of the Trans-Alaska Pipeline Liability Fund under the terms of subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act.

(c) Section 17 of the Act of February 5, 1974 (88 Stat. 10), the Intervention on the High Seas Act, is amended to read as follows:

"SEC. 17. The fund established under section 102 of the Comprehensive Oil Pollution Liability and Compensation Act of 1977 shall be available to the Secretary for actions and activities taken under section 5 of this Act."

(d) Section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321), is further amended as follows:

(1) Subsection (a) is amended by replacing the period following clause (14) thereof with a semicolon and adding a new clause (15) to read as follows:

"(15) 'person in charge' means the individual having immediate operational responsibility.".

(2) Paragraph (1) of subsection (c) is amended by (A) deleting the comma after the words "contiguous zone" and inserting in lieu thereof the words "or from an artificial island or fixed structure operating under authority of the Outer Continental Shelf Lands Act" and (B) adding after the word "vessel," the words "artificial island or fixed structure,".

(3) Clause (II) of paragraph (2) of subsection (c) is amended by inserting after the words "of this section" the words "or the fund established under section 102 of the Comprehensive Oil Pollution Liability and Compensation Act of 1977, as appropriate,".

(4) Subsection (d) is amended by deleting all after the words "incurred under this subsection" and inserting in lieu thereof "shall be reimbursed from the fund established under subsection (k) of this section or the fund established under section 102 of the Comprehensive Oil Pollution Liability and Compensation Act of 1977, as appropriate. Any expense incurred thereunder for which reimbursement may be had from the fund established under subsection (k) of this section shall be recoverable from the owner or operator of the vessel in accordance with subsection (f) of this section.".

(5) Paragraph (5) of subsection (b) and subsections (f), (g), (h), (i), and (o) are amended by inserting after the word "oil" wherever it appears the words "(other than petroleum, crude oil, or any fraction or residue therefrom)".

(6) Subsection (f) is further amended, in the last sentence of paragraph (1), by inserting a comma after the word "vessel" and by adding immediately thereafter "or against the person furnishing financial responsibility under section 105 of the Comprehensive Oil Pollution Liability and Compensation Act of 1977".

(7) Subsection (g) is further amended, by inserting in the last sentence, after the word "party" the words "or against the person providing financial responsibility for that party under section 105 of the Comprehensive Oil Pollution Liability and Compensation Act of 1977".

(8) Subsection (k) is amended to read as follows:

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (d), (i) and (l) of this section respecting discharges or imminent discharges of oil (other than petroleum, crude oil, or any fraction or residue therefrom) and hazardous substances. Any other funds received by the United States under this section respecting such discharges shall also be deposited in this fund for these purposes. All sums appropriated to, or deposited in, the fund shall remain available until expended.".

(9) Subsection (l) is amended by deleting the period at the end of the second sentence and by inserting in lieu thereof the words "respecting discharges or imminent discharges of oil (other than petroleum, crude oil, or any fractions or residue therefrom).".

(10) Paragraph (1) of subsection (p) is amended by deleting the words "Any vessel over three hundred gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substances as cargo or fuel," and inserting in lieu thereof "Any non-self-propelled barge over three hundred gross tons that carries oil (other than petroleum, crude oil, or any franctions or residue therefrom) or hazardous substance as cargo or fuel,".

(11) Subsection (p) is amended by deleting the words "vessel" or "vessels", wherever they appear, and inserting in lieu thereof "barge" or "barges", respectively.

(e) The Deepwater Port Act of 1974 (P.L. 93-627, 88 Stat. 2126) is amended as follows:

(1) In section 4(c)(1) strike "section 18(1) of this Act;", and insert in lieu thereof "section 105 of the 'Comprehensive Oil Pollution Liability and Compensation Act of 1977';".

(2) Subsections (b), (d), (e), (f), (g), (h), (i), (j), (l), (n), and clause (1) of subsection (m) of section 18 are deleted.

(3) Clause (3) of subsection (c) of section 18 is amended by striking "Deepwater Port Liability Fund established pursuant to subsection (f) of this section.", and inserting in lieu thereof "fund established under section 102 of the Comprehensive Oil Pollution Liability and Compensation Act of 1977.".

(4) Subsection (k) of section 18 is amended to read as follows:

"(k) This section shall not be interpreted to preclude any State from imposing additional requirements, not inconsistent with the provisions of the Comprehensive Oil Pollution Liability and Compensation Act of 1977, for any discharge of oil from a deepwater port or a vessel within any safety zone.".

(5) Subsections (c), (k), and (m) of section 18 are redesignated (b), (c), and (d), respectively, and clauses (2), (3), and (4) of subsection (m) are redesignated (1), (2), and (3), respectively.

SEC. 203. If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., March 17, 1977.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed herewith is a draft of a proposed bill "Comprehensive Oil Pollution Liability and Compensation Act of 1977."

This legislation would establish a comprehensive and uniform system for fixing liability and settling claims for oil pollution damages in U.S. waters, adjacent land, and other areas. This legislation is of high national importance as we seek to meet our energy needs in an environmentally sound manner. Those energy needs require accelerated development of our offshore oil and gas resources and the increased use of tankers and deepwater ports. This proposal would provide a broad range of protection against the potential oil spills necessarily associated with these activities.

During the 94th Congress, the House Merchant Marine and Fisheries Committee held hearings on oil pollution liability and compensation. When President Carter took office he directed an executive task force to consider a far-reaching legislative and executive program to prevent oil spills, to combat them effectively when they occur, and to compensate those damaged by oil pollution. The task force examined the various bills which had been introduced in both the 94th and the 95th Congress during its study

In recent years, we have taken significant steps to limit and control oil pollution in the waters of the United States. Yet, as the incidents involving the SS ARGO MERCHANT and the SS OLYMPIC GAMES so forcefully demonstrated, oil spills continue to occur. One-third of the oil spilled is from unidentified sources, where compensation cannot be obtained under existing law. Current Federal and State liability laws are inconsistent, and the multiplicity of compensation funds at both levels of government result in duplication of administration and in fee payment by

producers. These problems create severe confusion and impose unnecessary costs on taxpayers and consumers.

This legislation would help protect our environment by establishing strict liability for all oil pollution damages from identifiable sources and by providing strong economic incentives for operators to prevent spills. Equally important, the bill will provide relief for many oil-related environmental damages which in the past have gone uncompensated. For example, State governments will be able to claim compensation for damages to natural resources under their jurisdiction.

This legislation would replace a patchwork of overlapping and sometimes conflicting Federal and State laws. In addition to defining liability for oil spills, it would establish a uniform system for settling claims and would assure that none will go uncompensated, such as in cases where it is impossible to identify the source of the spill. The legislation provides for a fund of up to $200 million derived from a small fee on oil transported or stored on or near navigable waters.

The International Convention on Civil Liability for Oil Pollution Damage, 1969, and the International Convention for the Establishment of an International Fund for Compensation of Oil Pollution Damage, 1971 also provide for remedies for oil pollution damage from ships. The President supports the concept of these conventions but because they set low liability limits for shipowners he has elected to establish a domestic oil pollution liability and compensation scheme which does not include participation in the international mechanisms. Meanwhile, we will press in international negotiations for revisions to these conventions.

The past efforts and extensive deliberations of Congress in formulating a comprehensive oil pollution liability and compensation scheme were carefully considered. Our bill utilizes the format of H.R. 3711 with amendments as detailed in an enclosure to this letter. The Congress is urged to adopt these changes, whch are proposed only after a thorough and far-reaching consideration of the problems involved. I am convinced that the enclosed legislative proposal will provide a comprehensive compensation system which will work with maximum flexibility and minimum Federal involvement.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the House of Representatives.

The Office of Management and Budget advises that this legislative proposal is in accord with the program of the President.

Sincerely,

BROCK ADAMS.

AMENDMENTS TO H.R. 3711

Section 101(c): The definition of person has been amended to include government entities.

Section 101(m): The definition has been amended to avoid further assertions of jurisdiction over activities on the high seas.

Section 101(bb): A new definition has been added since the National Contingency Plan is referenced in the bill as amended.

Section 102(a): Amended to more formally establish the fund and to provide that it may sue and be sued in its own name.

Section 102(d): This is a new subsection to provide that the fund shall bear all costs of administration including damage assessment in certain instances.

Section 102(e)(2): Language has been added to the end of this subsection to ensure that modifications to the fees collected are not unduly delayed pending judicial review. This could become necessary to ensure that the fund remains under the $200 million dollar level.

Section 103(b): Changes have been made to almost all clauses to clarify eligible claimants, especially foreign claimants. Under clause (1) the class of claimants was broadened to include foreign claimants in the case of removal actions. Clause (2) was amended to clarify that a claimant directly utilizing natural resources, need not meet the 25% threshold for loss of income. Clause (3) was amended to broaden the definition of the natural resources for which a state could make a claim. Clause (4) was amended to conform to the change previously made in clause (2). Clause (6) was amended to allow a foreign claimant to recover for damages sustained within the navigable waters of the United States and when the source of the oil is a facility under the jurisdiction of the United States. It was also amended to waive the requirement for a treaty, for Canadian claimants damaged by Trans-Alaska Pipeline oil.

Section 104(b): Language was added to clarify that removal costs incurred by the discharger are counted towards his liability limit. The liability limits for ships (any vessel carrying oil in bulk) have been changed to $500,000 or $300 per gross ton, whichever is greater, with no upper limit.

Section 104(c): The defense of liability based on the act of a third party has been eliminated, and the defenses of act of war or act of God have been limited to those which are the sole cause of an incident.

Section 104(f)(1): Amended to allow additional compensation in the event the claimant is self-insured.

Section 105(a)(1): Has been amended to clarify that public vessels are not required to have evidence of financial responsibility. The section has also been amended to clarify that the method of providing financial responsibility is subject to regulation.

Section 106(b)(2): Language has been added giving the Secretary discretion to waive requirements for advertising for minor discharges. Conforming amendments have been made to subsections (c) and (d) and section 107(b).

Section 107(e): Modified to provide for transmittal of the claim file from the discharger to the fund.

Section 107(g)(2): Amended to authorize the use of state agencies for claims adjusting services and to clarify that advance payments can be not only for facilities and services but also to provide funding to pay claims.

Section 202(b): Amended to provide for termination of the fund established under Section 202(c) of the Trans-Alaska Pipeline Authorization Act and transfer of claims to the fund established by this Act.

By Mr. MAGNUSON (for himself and Mr. LONG):

S. 1188. A bill to amend the Interstate Commerce Act, the Rail Passenger Service Act, and the Harter Act in order to provide for expeditious claim-settling procedures to facilitate the flow of freight in interstate commerce, to provide shippers with greater security against monetary loss, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CARGO CLAIMS ADJUSTMENT ACT

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill to create expeditious and fair claims-settling procedures for loss and damage sustained in the interstate transportation of property, and for other purposes.

Existing methods of settling loss and damage claims do not adequately protect the shipper who has only a small claim. While our existing law imposes a strict standard of liability on carriers for loss or damage to goods transported, these requirements offer little real protection for many shippers who have legitimate small claims which are not paid. Oftentimes, litigation costs are so high as to make the recovery of relatively small claims by shippers unprofitable: court costs outweigh the recovery of loss or damages. Carriers are, therefore, sometimes tempted to ignore entirely claims for small amounts, or to arrange settlements with shippers which are inequitable, for the carriers are relatively sure that a person will not go to the expense of litigating his claim. There is a great need for an expeditious and inexpensive procedure to assure fair resolution of these disputes. The bill I am introducing will more effectively serve the needs of shippers and Government by promoting more equitable settlements, by serving as an incentive for carriers to develop expeditious claims-settling procedures, and in the long term by decreasing the incidence and unnecessary utilization of litigation.

This bill would achieve these results largely through two devices, both of which are applicable only to claims for less than $2,000. One device is the development by carriers of informal dispute settlement procedures—including arbitration—subject to approval by the Interstate Commerce Commission. Informal dispute settlement procedures are preferable for these small claims, because they reduce the time and expense required for resolution of the claim. The ICC will approve and may investigate dispute settlement procedures in accordance with minimum standards which are set forth in the bill.

The bill strongly encourages the development of such informal dispute settlement procedures. However, the shipper continues to retain his right to take his claim to court, and such legal recourse relates to the second device in the bill. If a carrier establishes an informal dispute settlement procedure but a shipper refuses to use it, the shipper may recover attorney's fees if he wins his case in court, but may be liable for the carrier's attorney's fees if he loses. If the carrier does not create an approved dispute settlement procedure, the shipper may be awarded attorney's fees if he wins in court; if he loses, he may be liable for the carrier's attorney's fees only if he brought the action in bad faith.

These provisions will act as an incentive for both carriers and shippers; they will encourage carriers to develop informal dispute settlement procedures, and they will encourage shippers to utilize such procedures.

Additionally, shippers must assess carefully both the merits of their claims and use of arbitration or other claims-settling procedures where they exist. When no such procedures are available, the shipper should receive more bargaining power in settlement negotiations through the attorney's fees provisions, since the carrier is confronted with the possibility of having to pay attorney's fees of the shipper if the shipper is successful in a court action. The provisions do not encourage—and indeed, discourage—a shipper from bringing a claim which is unjustified, for not all litigation costs are removed—for example, the

claimant's time spent in court remains uncompensated. In short, the attorney's fees provisions and the informal dispute settlement procedures should lead to a more expeditious and fair settlement of claims.

The amount of attorney's fees to be awarded is left to the discretion of the court. The intention of the bill is to provide full reimbursement for reasonable attorney's fees, except in two situations: First, where an offer of settlement made prior to commencement of the suit exceeds the amount of the recovery; and second, where the plaintiff could conveniently have brought the suit in a small claims court but chose instead to bring it in a court of general jurisdiction. In these situations the award of fees to the shipper may be less than the reasonable attorney's fee. The purpose of these provisions is to encourage settlement, or, if litigation is required, to encourage the commencement of a suit in a small claims court, where it is available.

There is one final situation where attorney's fees may be awarded. If a carrier does not abide by the decision reached in a claims settlement procedure or by a court and the shipper must go to court to recover an award, attorney's fees may be granted the shipper in that situation.

The Interstate Commerce Commission is charged with approving the informal dispute settlement procedures, and to see that these procedures are simple and concise, inexpensive, and convenient. It would obviously not make sense to encourage the utilization of dispute settlement procedures unless they are available and easily understandable by the average person. Additionally, each shipper will receive information regarding these procedures in advance of contracting for shipment, so that both parties are aware of the availability of fair procedures to resolve claims for loss or damage.

Mr. President, this bill addresses a problem that has been with us for too long. The users of freight transportation still do not receive the full benefits of the liability provisions of the Interstate Commerce Act because they cannot afford to pursue their unpaid claims in court. The measure which I am introducing today will provide incentives for establishing and using inexpensive and fair claims-settling procedures in lieu of the courts. This bill minimizes the potential for abuse of the attorney's fees award, while simultaneously improving the shipper's bargaining position for an equitable settlement.

The committee will schedule hearings on this measure in the future. Several issues that interested parties may wish to address are:

First. What aspects of an "approved claims settling procedure" should be specified in the legislation and which should be left to the Commission's discretion? For example, should the legislation specify whether an arbitrator can charge the fees of arbitration and/or attorney's fees to either party? What is "adequate notice" to a shipper regarding the availability of an alternate forum? Should attorneys be allowed to represent parties in arbitration?

Second. Should the ICC be given authority to adjudicate small claims? Should such authority be given only after carriers have been given a chance to create their own mechanisms for dispute settlement?

The Senate has acted favorably on a previous measure to remedy the plight of the shipper of freight in interstate commerce. I am hopeful that the committee will receive opinions from parties interested in this proposed solution and that the 95th Congress will enact a measure to deal with this long standing problem. The enactment of this legislation parallels similar efforts of the Congress to improve dispute resolution mechanisms for the average citizen, through the enactment of S. 957, the Consumer Controversies Resolution Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cargo Claims Adjustment Act".

SEC. 2. Section 20 of the Interstate Commerce Act (49 U.S.C. 20) is amended by adding thereto the following new paragraphs:

"(13)(a) An action at law for loss, damage, or injury under section 20(11) of the Interstate Commerce Act for an amount less than $2,000 may include a claim for the recovery of attorney's fees, if the shipper prevails in the action, unless—

"(1) the defendant common carrier, railroad, or transportation company shall have filed with the Commission, printed and kept open to public inspection tariffs or schedules giving notice that, upon the complainant's agreeing to be similarly bound, it shall accept as final, without further judicial proceedings, an adjudication of liability and of the amount of loss, damage, or injury to be arrived at under informal dispute-settlement procedures, including arbitration, as shall have been published in such tariffs or schedules and approved with or without modification or alteration by the Commission pursuant to subparagraph (c) of this section; and

"(2) the shipper, as part of a contract for the shipment of goods, agrees to claims determination under the carrier's approved informal dispute-settlement procedure.

The award of attorney's fees may be allowed only if the shipper has filed a claim with the carrier and the carrier has not paid it within 120 days after receipt of the claim: *Provided, however,* That the award of attorney's fees may be allowed in accordance with this section if suit is filed after a carrier has made a final denial of a claim.

"(b)(1) The Commission shall review and approve the dispute-settlement procedures established in accordance with this Act, and shall insure that such procedures conform to the requirements of subsection (c) below.

"(2) The Commission shall approve each procedure which meets the requirements outlined in subsection (c) for a period of up to 3 years, subject to renewal for an additional period upon proof of satisfactory performance.

"(3) The Commission may investigate at any time the functioning of any approved dispute-settling procedure and may suspend or revoke its approval for failure to meet the requirements of the Commission.

"(c) No dispute-settling procedure shall be approved by the Commission for use by a carrier or carriers unless it substantially fulfills the following objectives:

"(1) The dispute-settling procedure shall be simple, expeditious, effective, inexpensive, and convenient for the use of any person shipping or sending property that is transported by a carrier. Such a procedure shall be designed so as to prevent a carrier from having any special advantage in any case in which the claimant resides or does business at a place distant from the carrier's principal or other place of business.

"(2) The dispute-settling procedure shall provide for adequate notice of the availability of such procedure, including a clear, easy-to-read, accurately written summary of the steps involved in using the procedure and of any forms or information necessary for initiating and prosecuting a claim. Such summary shall be given to shippers before any contract becomes binding and in adequate time to allow for an informed decision as to whether the shipper will agree to be bound by such procedure.

"(3) Each individual who is authorized, pursuant to an approved dispute-settling procedure to arbitrate or otherwise settle claims, shall be independent of the carrier or carriers sponsoring the procedure. The procedure shall insure that such person or persons chosen to settle the claims shall be authorized and able to obtain any material and relevant information to the extent necessary to proper decisionmaking and to the extent necessary to collect and preserve sufficient statistical and other information about claims to facilitate continuous oversight by the Commission and periodic Commission investigations.

"(4) With the approval of the Commission, two or more carriers may join together in creating, maintaining, and sharing the costs of a dispute-settling procedure.

"(d) The amount of the attorney's fee to be awarded shall be determined by the court and shall be no more than the reasonable fee for services necessarily performed, except that the court may award less than the reasonable fee if—

"(1) the recovery is less than the amount offered in a written offer of settlement made by the carrier to the shipper prior to commencement of the suit, or

"(2) the action was brought in a court of general jurisdiction when it could conveniently have been brought in a small claims court.

"(e) Where an informal dispute settlement procedure as described in subparagraph (a) is available and the shipper brings an action in court in lieu of such procedure, the defendant carrier who successfully defends an action for loss, damage, or injury under section 20(11) of the Interstate Commerce Act may be awarded attorney's fees. Where an informal dispute-settlement procedure as described in subparagraph (a) is not available, the defendant carrier who successfully defends an action for loss, damage, or injury under section 20(11) of the Interstate Commerce Act may be awarded attorney's fees only if the shipper brought an action in bad faith.

"(f) An action to enforce an award of an arbitrator or a court, for claims subject to subparagraph (a) of this section may include a claim for the recovery of attorney's fees incurred in the enforcement action.".

SEC. 3. Section 219 of the Interstate Commerce Act (49 U.S.C. 319) is amended by deleting therefrom the words "and (12)," adding a comma after the words "section 20(11)," and inserting after that comma the words "(12), and (13),".

SEC. 4. Section 413 of the Interstate Commerce Act (49 U.S.C. 1013) is amended by deleting therefrom in the two places in which they appear in the first sentence the words "and (12).", adding a comma after the words "section 20(11)," and inserting

after that comma the words "(12), and (13).".

SEC. 5. Section 306 of the Rail Passenger Service Act of 1970 (45 U.S.C. 546(a)) is amended by deleting therefrom the words "section 22(1)," and adding in lieu thereof "sections 20(13) and 22(1),".

SEC. 6. Section 20 of the Interstate Commerce Act (49 U.S.C. 20) is amended by adding at the end thereof the following new paragraph:

"(14) The Commission is authorized to establish necessary or appropriate requirements to assure that claimants who are entitled to recover for damage to or loss of property, arising out of or in the course of performance of a transportation service subject to this part, do in fact recover for such damage or loss. Such requirements may include, but are not limited to, filing requirements, insurance requirements, prerequisites to qualifying as a self-insurer, and requirements for bonding, surety, and other security arrangements.".

SEC. 7. Section 304 of the Interstate Commerce Act (49 U.S.C. 904) is amended by adding at the end thereof the following new paragraph:

"(f) The Commission is authorized to establish necessary or appropriate requirements to assure that claimants who are entitled to recover for damage to or loss of property, arising out of or in the course of performance of a transportation service subject to this part, do in fact recover for such damage or loss. Such requirements may include, but are not limited to, filing requirements, insurance requirements, prerequisites to qualifying as a self-insurer, and requirements for bonding, surety, and other security arrangements.".

SEC. 8. The Harter Act (46 U.S.C. 190–196) is amended by adding a new section at the end thereof, as follows:

"SEC. 197. (a) All actions for an amount less than $2,000 brought to recover the value of property lost, damaged, or injured while being transported by a carrier subject to part III of the Interstate Commerce Act may include a claim for the recovery of attorney's fees, if the shipper prevails in the action, unless—

"(1) the defendant common carrier or transportation company shall have filed with the Commission, printed and kept open to public inspection tariffs or schedules giving notice that, upon the complainant's agreeing to be similarly bound, it shall accept as final, without further judicial proceedings, an adjudication of liability and of the amount of loss, damage, or injury to be arrived at under informal dispute-settlement procedures approved by the Commission, including arbitration, as shall have been published in such tariffs or schedules and approved with or without modification or alteration by the Commission pursuant to paragraph 13(c) of section 20 of the Interstate Commerce Act (49 U.S.C. 20); and

"(2) the shipper, as part of a contract for the shipment of goods, agrees to claims determination under the carrier's approved informal dispute-settlement procedure.

"The award of attorney's fees may be allowed only if the shipper has filed a claim with the carrier and the carrier has not paid it within 120 days after receipt of the claim: *Provided, however,* That the award of attorney's fees may be allowed in accordance with this section if suit is filed after a carrier has made a final denial of a claim. The amount of the attorney's fee to be awarded shall be determined by the court pursuant to paragraph 13(c) of section 20 of the Interstate Commerce Act (49 U.S.C. 20).

"(b) Where an informal dispute-settlement procedure as described in subparagraph (a) is available and the shipper brings an action in court in lieu of such procedure, the defendant carrier who successfully defends an action for loss, damage, or injury may be awarded attorney's fees. Where an informal dispute-settlement procedure as described in paragraph (a) is not available, the defendant carrier who successfully defends an action for loss, damage, or injury may be awarded attorney's fees only if the shipper brought an action in bad faith.

"(c) An action to enforce an award of an arbitrator or a court, for claims subject to subparagraph (a) of this section, may include a claim for the recovery of attorney's fees incurred in the enforcement action.".

SEC. 9. The provisions of section (2) through (8) above apply to claims arising after the date of enactment of this Act.

By Mr. RANDOLPH (for himself, Mr. STONE, Mr. DURKIN, Mr. MATSUNAGA, Mr. STAFFORD, Mr. THURMOND, and Mr. HANSEN):

S. 1189. A bill to amend title 38 of the United States Code in order to revise and improve the program of making grants to the States for construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. RANDOLPH. Mr. President, I am today introducing for myself and Senators STONE, DURKIN, MATSUNAGA, STAFFORD, THURMOND, and HANSEN a bill which would amend title 38 of the United States Code. Its purpose is to revise and improve the program of making grants to the States for construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans.

Presently the Veterans' Administration grants to the State homes, up to 65 percent of the estimated cost of a project that has received the Administrators' approval for remodeling, modifying or altering existing hospital or domiciliary facilities in State homes providing care and treatment for veterans.

The bill would authorize, if it become law, the use of funds in the same manner as now provided with a new provision providing funds for the construction of new facilities. This measure authorizes and appropriates $15 million for fiscal year 1978, and a like sum for fiscal year 1979.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. DOLE, the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 4, to amend the Internal Revenue Code of 1954.

S. 126

At the request of Mr. CRANSTON, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 126, to reduce the hazards of earthquakes, and for other purposes.

S. 223

At the request of Mr. INOUYE, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 223, to amend part B of title XI of the Social Security Act.

S. 233

At the request of Mr. INOUYE, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 233, a bill relating to the medicare and medicaid programs.

S. 514

At the request of Mr. RIBICOFF, the Senator from Indiana (Mr. BAYH) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 514, to amend title XVIII of the Social Security Act.

S. 701

At the request of Mr. PELL, the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maine (Mr. HATHAWAY), the Senator from New York (Mr. JAVITS), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 701, the Emergency Educational Assistance Act.

S. 708

At the request of Mr. CLARK, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 708, to amend title XVIII of the Social Security Act.

S. 712

At the request of Mr. STEVENSON, the Senator from North Dakota (Mr. YOUNG) was added as a cosponsor of S. 712, to authorize the construction of a replacement lock and dam for locks and dam 26, Mississippi River.

S. 845

At the request of Mr. DOLE, the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 845, the Dole-McGovern Food Stamp Act of 1977.

S. 916

At the request of Mr. LAXALT, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 916, to amend certain medicare provisions.

S. 991

At the request of Mr. RIBICOFF, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 991, to establish a Department of Education.

S. 995

At the request of Mr. WILLIAMS, the Senator from Vermont (Mr. LEAHY) and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 995, to amend title VII of the Civil Rights Act of 1964.

S. 1150

At the request of Mr. HUMPHREY, the Senator from Alaska (Mr. GRAVEL) and the Senator from Colorado (Mr. HART) were added as cosponsors of S. 1150, the Rural Housing Act of 1977.

AMENDMENT NO. 42

At the request of Mr. CRANSTON, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of amendment No. 42, intended to be proposed to S. 11, to provide for the appointment of additional district court judges and for other purposes.

SENATE RESOLUTION 128—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution, which was ordered placed on the Calendar:

S. RES. 128

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, during the Ninety-fifth Congress, $20,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

AMENDMENTS SUBMITTED FOR PRINTING

SUPPLEMENTAL APPROPRIATIONS, 1977—H.R. 4877

AMENDMENTS NOS. 167, 168, AND 169

(Ordered to be printed and to lie on the table.)

Mr. ALLEN (for himself and Mr. SPARKMAN) submitted three amendments intended to be proopsed by them jointly to the bill (H.R. 4877) making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes.

TAX REDUCTION AND SIMPLIFICATION ACT OF 1977—H.R. 3477

AMENDMENT NO. 170

(Ordered to be printed and to lie on the table.)

Mr. HANSEN submitted an amendment intended to be proposed by him to the bill (H.R. 3477) to provide for a refund of 1976 individual income taxes and other payments, to reduce individual and business income taxes, and to provide tax simplification and reform.

CODE OF OFFICIAL CONDUCT—S. RES. 110

AMENDMENTS NOS. 171 THROUGH 176

(Ordered to be printed and to lie on the table.)

Mr. HANSEN submitted six amendments intended to be proposed by him to the resolution (S. Res. 110) to establish a Code of Official Conduct for Members, officers, and employees of the U.S. Senate, and for other purposes.

NOTICE OF MOTION TO SUSPEND THE RULE

Mr. JOHNSTON submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 4877), making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes, the following amendment, namely: on page 6, line 12, strike the figure $1,200,000 and insert the following: $10,700,000, of which $9,500,000 shall be available only for the Uniformed Services University of the Health Sciences, this $9,500,000 to remain available for obligation until September 30, 1978.

NOTICE OF MOTION TO SUSPEND THE RULE

Mr. JOHNSTON submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 4877) making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes, the following amendment, namely: on page 5, after line 10, insert the following:

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", $1,167,000, to remain available for obligation until September 30, 1978.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military personnel, Navy", $888,000, to remain available for obligation until September 30, 1978.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military personnel, Air Force", $910,000, to remain available for obligation until September 30, 1978.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. TALMADGE. Mr. President, on behalf of the Committee on Agriculture, Nutrition, and Forestry, I wish to announce confirmation hearings on Wednesday, April 6, beginning at 10 a.m. to consider the nominations of Malcolm Rupert Cutler to be Assistant Secretary for Conservation, Research, and Education of the U.S. Department of Agriculture; Dale Ernest Hathaway to be Assistant Secretary for International Affairs and Commodity Programs for USDA; and, Robert Haldeman Meyer to be Assistant Secretary for Marketing Services for USDA. In addition, the committee will consider their nominations as members of the Board of Directors of the Commodity Credit Corporation along with that of Howard W. Hjort who has already been appointed to be Director of Agricultural Economics by Secretary Bergland.

If the committee does not conclude action on these nominations in 1 day, the hearings will continue on Thursday, April 7.

The hearings will be held in room 324 of the Russell Senate Office Building. Oral testimony will be limited to 10 minutes, but written statements may be of any length and will be inserted in the official record in their entirety. Anyone wishing to testify should contact the hearing clerk of the committee at 224–2035.

ADDITIONAL STATEMENTS

FIFTH ANNUAL REPORT OF FEDERAL ADVISORY COMMITTEES

Mr. METCALF. Mr. President, the fifth annual report of Federal advisory committees, covering calendar year 1976, was prepared by the General Services Administration and transmitted to the Congress by the President on March 29—2 days ahead of the reporting date specified by the Federal Advisory Committee Act.

Here are the highlights:

First. As of December 31, 1976, there were 1,159 advisory committees, a decrease—albeit partly illusory—of 108 from the total a year earlier. During the year 180 new committees were formed and 287 committees were merged or abolished or expired.

Second. Total Federal costs to operate and support advisory committees in 1976 were $59,726,365, which is 12 percent above the $53,327,900 the Office of Management and Budget had anticipated in the fourth annual report would be needed for the expenses of advisory committees in 1976. It is more than 15 percent above the $51,769,400 reported as having been spent on advisory committees in 1975. For calendar 1977 OMB recommends $65,057,766 as necessary for the expenses of advisory committees, an amount incorporated in the President's budget recommendations to the Congress.

Third. Advisory committees held 4,694 meetings during the year, counting a meeting held on 2 or more consecutive days as one meeting, which is 515 more meetings than they held in 1975. Of these meetings, 2,779, or 59 percent, were open to the public, 845, or 18 percent, were wholly closed to the public, and 1,070, or 23 percent, were partially closed.

Mr. President, GSA, its National Archives and Records Service, and Linda K. Boutselis, the committee management report coordinator, deserve commendation for producing the most accurate, comprehensive, and timely annual report yet. The 184-page publication includes a brief written report, 5 pages of summary data and footnotes, an alphabetical list of advisory committees in existence at the end of 1976, a list of those same committees grouped according to the agency or department responsible for them, annotated to show new or terminated committees, a roster of agency committee management officers, and a four-part appendix which includes the text of the Federal Advisory Committee Act and relevant Presidential and agency documents.

The Senate Subcommittee on Reports, Accounting and Management and the House Subcommittee on Government Information and Individual Rights have copies of the fifth annual report for distribution to congressional offices. Agencies may obtain copies of the report from OMB. The Superintendent of Documents is selling the report for $2.60, a reduction of $30 cents from the price of the fourth annual report.

In the coming weeks, the thousands of pages of agency supporting documents from which the fifth annual report was compiled will be microfilmed and placed on public sale. These documents carry the names, addresses and occupations of all advisory committee members, provide information on each committee's origins and purposes, give meeting dates and reports issued, and more.

COMMITTEE TOTAL ARTIFICIALLY LOW

While the year-end total of 1,159 committees is an accurate inventory, the

number is artificially low, due in large part to the unintended termination of about 55 Bureau of Land Management multiple-use advisory boards. While BLM may well decide or have decided not to seek renewal of all of those, it would probably be fairer in measuring the progress of the Carter administration campaign to reduce the advisory committee population to think of 1977 as having begun with more than 1,200 committees on the books.

In terms of openness, advisory committees did better in 1976 than they had in 1975 but not nearly as well as law and public policy would lead one to expect. Last year 60 percent of advisory committee meetings were open to the public, up from 52 percent in 1975 and 55 percent in 1974, and 18 percent were wholly closed, down from 20 percent wholly closed in 1975.

Partially closed meetings are counted negatively because so many of them—for example, of the peer review groups at the National Institutes of Health—are open for only an hour or so, then closed for the balance of the day and perhaps for one or more additional days. Last year 23 percent of all advisory committee meetings were partially closed, down from 28 percent in 1975.

The best record for openness last year was set by the Department of the Interior, whose advisory committees held 271 open meetings and no closed or partially closed meetings, although this performance was abetted by the fact that some of its committees which have held closed meetings in prior years did not meet at all in 1976.

The worst record for openness—and several agencies were bad to mediocre on this score—belongs to the National Endowment for the Humanities, which held one open meeting, 104 closed meetings and 5 partially closed meetings among its 7 advisory committees.

Finally, the substantially higher cost figures for 1976 and 1977 probably represent more accurate cost-reporting as much or more than they represent increased costs. In other words, the figures for 1975 and prior years probably understated the true costs of advisory committees. I applaud the efforts of OMB, the General Accounting Office and the agencies to achieve more accurate cost-reporting.

Mr. President, as I noted a year ago, one way to reduce the cost of advisory committees is to reduce their number. Another is to hold more open meetings, since it is cheaper and simpler to conduct an open meeting than a closed one.

The Subcommittee on Reports, Accounting and Management will continue to oversee the Federal Advisory Committee Act with the aim of eliminating all committees except those that are necessary, fairly balanced, active and open, and to assure that all committees undergo rigorous annual review by agencies, OMB and the Congress.

OSHA

Mr. HATCH. Mr. President, OSHA is a statute which is in desperate need of revision. We in the Congress can, with sufficient determination and grassroots support, change this act so that it is capable of fulfilling its mandate of protecting worker safety and health. By all objective accounts, OSHA has not done the job Congress expected. I expect to devote a good deal of my time toward improving the act, recognizing, however, that the amendatory process will not be an easy task.

Unfortunately, one of the things which now appears beyond the control of Congress is the administration and enforcement of OSHA by Labor Department officials and compliance officers. I am afraid that in the main, and my mail so reflects, there is generally adhered to a "mickey-mouse" approach in enforcing the act by those who have this responsibility. In my view, we have to rely on voluntary compliance if this program will work and "nit-picking," "heavy handedness," and/or "bureaucratic bungling" by compliance inspectors jeopardizes any chance for OSHA's success with these employers covered by the act.

Prior to Dr. Morton Corn's resignation as the OSHA Administrator, he recognized these pitfalls and instituted a training program for compliance officers which concentrated on many areas including improving their public relations responsibilities. I hope that the current OSHA Administration continues this type of training because it is a definite step in the right direction.

Mr. President, a Utah business constituent recently sent to me a rather humorous letter describing his OSHA visit which underscores what I have been saying. While it may give some of my colleagues a chuckle, it should be remembered that this is, in essence, a serious response to serious enforcement problems which if not sufficiently corrected will continue to imperil OSHA's survival chances.

I ask unanimous consent that this constituent letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Recently a dedicated representative of the Office of Safety and Health Administration (OSHA) visited our premises and has, without doubt, saved our staff and guests from a multitude of injuries and ailments beyond our wildest imagination! May we thank you for your concern and beneficent intervention? Certainly all that we have we owe to you and the IRS.

It embarrasses us to confess the perils we tolerated through the years due only to our sheer stupidity!

For instance, we had ignorantly not placed "EXIT" signs over the huge ten foot overhead doors in our warehouse, forgetting that in any sort of emergency people would never think of exiting through such portals, but would burn to death, be trampled underfoot, or be crushed by falling beams while seeking a normal thirty inch doorway. It's all so obvious now that we've been enlightened.

Then, too, our aisles through the stacked merchandise in our warehouse were not labeled "AISLE" and were not painted brightly 38 inches wide! What could we have been thinking of in our fool's paradise? It's amazing that people seemed to move through these broad openings almost instinctively, traversing the length and breadth of the building without once mistaking an eighteen foot wall of cartons for an aisleway and smashing their faces into a stack of cartoned merchandise. Our luck to date has been phenomenal!

Would you believe that on the north side of our warehouse, where only three huge overhead doors permit egress onto the adjacent railroad tracks, we don't even have a single thirty inch exit door to permit a four foot drop onto the tracks for anyone wishing to leave in that direction! How many dozens of people have been seriously inconvenienced by not being permitted this handy route out of the structure we may never know!

Then our office was a literal mine field of concealed dangers, and we didn't even know it as we went blindly along our way year after year! How we survived is a challenge to reason! For instance, we actualy had desks only 34 inches from the file cabinets instead of a safe 38! It's a wonder that every edge and corner isn't blood stained and draped with impaled victims of our foolishness!

Luckily however, your inspector arrived in the nick of time. Doubtlessly the death toll would have sky-rocketed momentarily to say nothing of the broken minds and shattered nerves. In insurance liability premiums alone, he will save us thousands. As I perceive our secretaries safely spread at 38 inch intervals with painted lines to guide them to the narrow fire exit . . . and all the working day protected from flying pencil tips by shatterproof goggles and from invading seagulls by concussion-proof hardhats, I must again salute our great leaders and their endless concern for our well being. Certainly we have nothing to fear . . . neither birth, death, unemployment, illness, inflation, nor athletes foot while Uncle Sam has us in his loving care and keeping. We need not worry, work, plan for the future, nor even watch our step. All is under control. May I say, "Thanks a million!"

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, two major objections repeatedly brought up against the Genocide Convention are that it would be self-executing and that it might infringe upon the first amendment guarantee of free speech and press. The American Bar Association's Standing Committee on World Order Through Law, in 1970, made a report that dismissed both of these objections.

Regarding the self-executing argument, the standing committee points out that the Genocide Convention itself requires the participating nations to enact enabling legislation.

As for the area of first amendment guarantee of free speech, it must be remembered that only Congress can make a crime punishable under U.S. law. Also there is an important distinction between advocacy, which is protected by the first amendment, and incitement, which is not protected by the Constitution.

In the words of the standing committee's report:

Another objection to the ratification asserted is that the treaty would be self-executing. The result, it is claimed, would be to impose a law upon the citizens of this country without the Congress having enacted any implementing legislation. Article I does designate Genocide as "a crime under international law." But Article V requires the parties "to enact, in accordance with their . . . Convention and . . . to provide effective penalties . . ." Could anything be clearer?

Even in the absence of the requirement of Article V, a treaty cannot support a criminal prosecution in the absence of Congressional action.

Because Article III makes "direct and public incitement to commit Genocide" a crime,

it is claimed the treaty would constitute an infringement of First Amendment Constitutional Guarantees of free speech and press. It should be noted again that the convention is not self-executing and does not make any act punishable under U.S. law. Only Congress can do this.

Mr. President, I urge the Senate to give this treaty their utmost consideration and ratify it at once.

PENNSYLVANIA FARMERS SET LEGISLATIVE GOALS

Mr. HEINZ. Mr. President, Mr. Eugene Thompson recently delivered an address in which he set forth the legislative goals of the Pennsylvania Farmers Association. Mr. Thompson is the president of PFA, and I had the personal privilege of hearing his remarks when he spoke during the association's annual meeting here in Washington on March 9th.

The Pennsylvania Farmers Association is the largest farm organization in my home State. I know that many of the concerns that Mr. Thompson raised in his speech are shared by many other farm groups in my State and across the country. While each Member of this body may not agree with all the stands Mr. Thompson has taken, his speech provides those of us who represent rural areas with a better feeling for the hopes and needs of America's farmers.

Mr. President, I am certain my colleagues will appreciate knowing the priorities of this thoughtful and dedicated association of our citizens. For that reason, I ask unanimous consent that the text of Mr. Thompson's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY EUGENE THOMPSON

Good evening, distinguished guests at the head table, Members of Congress, farmers and wives and friends of Pennsylvania agriculture.

Although I'm new in this position of PFA—the largest general farm organization in the keystone state—I am fully aware of the traditional short speech presented annually at these affairs.

Have no doubt, I plan to keep that tradition for at least one more year.

The 20,814 farm family members of our organization and the more than 2.6 million family members of the American farm bureau Federation take seriously our responsibilities as agricultural producers and as citizens of our country, state and community.

It is as a farmer-citizen that I stand before you this evening.

But, as president of this farmer organization and even more so as a dairyman, I have some strong convictions about legislation now before the Congress.

I want to discuss three very briefly: (1) federal farm programs; (2) secondary boycotts by organized labor, and (3) the contemptible mess we find ourselves in in the area of federal controls of farm chemicals.

Recognizing that a number of important farm program laws were scheduled to expire in 1977, our organization—PFA and farm bureau—conducted an extensive review of government farm programs in our policy development program.

For the record, PFA favors a five-year extension of the Agriculture and Consumer Act of 1973.

We further recommend that the loan rate, target price and escalator provisions of the 1973 act be extended without change. The escalator clause of the 1973 act should not be replaced with a different formula for reflecting changes in production costs.

We continue to believe that Government programs with respect to agriculture should be designed to create conditions which will permit farmers to operate under the market system. We favor a market-oriented agriculture because we believe that farmers will fare better under the market system than under any type of Government-managed system.

Government programs to improve farm income should be designed and administered to enhance market opportunities to the end that farmers will earn higher incomes in the marketplace and will not be dependent on government payments for a portion of their income. Farm income has increased substantially since the market was relieved of the surpluses accumulated under previous programs. The market system is working. We have confidence that it will continue to work.

The act of 1973 is moving us toward a market-oriented agriculture. In the area of feed grains, wheat and cotton, let's not amend the act in ways which would (1) make farmers dependent on Government payments on a continuing basis, or (2) establish a Government-controlled stockpile of agricultural commodities.

The target price provisions of the act of 1973 were developed for the express purpose of permitting commodity loan rates to be set at levels which would not price U.S. commodities out of the world markets, or pile up surplus stocks in Government warehouses. It would be inconsistent and counter productive to continue the target price program and at the same time raise loan rates to levels that would price our commodities out of world markets.

Any formula which requires that loan rates be adjusted on a mechanical basis—without regard to current and prospective supply-demand relationships—is likely to interfere with the market system. A fixed relationship between loan rates and target prices—such as a rule that loan rates must be 75 percent of target prices—is likely to lead to problems unless the relationship between loan rates and target prices is effectively designed to prevent loan rates from exceeding competitive prices in the world market.

The loan provisions of the 1973 act were designed to avoid the accumulation of surplus stocks in Government warehouses. We are aware that some people think that the present relationship between the loan rates on wheat and corn is out of balance. They may be right; however, the Secretary has authority under the present provisions of the act of 1973 to adjust this relationship.

In our opinion, the escalator clause of the 1973 act is superior to the cost-of-production approach to adjustments in target prices. The reason for this is that the escalator clause is insulated from the effects of government farm programs while cost-of-production figures are not.

We favor continuation of the authority for acreage set-aside programs contingent upon an extension of the act of 1973, and the effective use of this authority, if necessary, to avoid burdensome surpluses. Farmers should the 1973 act is superior to the cost-of-programs through per acre payments for performance.

Let's take a look at secondary boycotts now being proposed by the common situs—House Resolution 3500.

The U.S. Congress has determined secondary boycotts to be unfair labor practices, and the U.S. Supreme Court has upheld these labor laws approved by Congress.

Legalization of secondary boycotts would lead to:

Greater imbalance in labor-management relations.

Periodic total stoppage in all union projects because of varying labor contract expiration dates.

Forced unionization of employees working for other contractors on the same project with union employees of another employer.

Bankruptcy for small construction firms by numerous and/or lengthy picketing activities in secondary boycotts.

A complete revision of the relationship and structure of the construction industry.

We are opposed to the legalization of secondary boycotts in the construction business. We know its results in agriculture. We strongly oppose any legislation that increases the monopoly power of organized labor, and we oppose any legislation that would promote union membership by coercion.

The old cliche "farmers are their own worst enemy" might be true. But, believe me, the U.S. Environmental Protection Agency is at least second or maybe first on the "enemy lists" in the minds of farmers.

Let me give you some idea of what farmers think about EPA by quoting the policies adopted at our national convention in January.

Quote No. one:

"We believe EPA's implementation of the amended FIFRA has been unreasonable and detrimental to environmental quality and the American public."

Quote No. two:

"We support the transfer of EPA's administration of agricultural chemicals to USDA."

Quote No. three:

"We support Federal legislation to exempt family farms from regulations of EPA. . . ."

Those are strong resolutions . . . even for our organization, but our farmer delegates have good reasons.

The 1972 amendments to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) gave EPA some new authorities and responsibilities for pesticide regulation and use:

(1) Requiring certification for all users of restricted pesticides under penalty of law, and

(2) Requiring reviews of all pesticide registrations and, if appropriate, extended for 5-year periods.

Part of the re-registration process charged to EPA was a classification of pesticide uses in two categories—general or restricted.

All of this was to be accomplished by October, 1976—later extended by Congress to October, 1977.

Today, 4½ years after the enactment of the amendments to this act, 45 States have "certification of applicators" plans and over 300,000 private applicators are certified to use restricted use pesticides. By October, 1977, twice that number will be certified, and by the 1978 crop year it is anticipated that nearly all private applicators wishing to use restricted use pesticides will be certified.

Farmers are concerned about safety and health associated with the use of pesticides. We believe that farmers' record on the certification of applicators program is ample proof of their concern and their willingness to accept responsibility for the judicious use of pesticides. Farmers and ranchers have met the challenge of the amended FIFRA. EPA has not.

Congress charged EPA with the responsibility to register pesticides. Registration has not been achieved and, by EPA's estimate, will not be achieved for another 5 to 7 years. EPA was charged with the responsibility of classifying pesticides. Classification has not been achieved.

In view of the record we find it incredible that EPA is spending 12 times what USDA spent for the registration of pesticides in 1970 and that a 50 percent increase in funding is contemplated.

We could detail other incidents where EPA

has failed: issuing conflicting regulations; citing lack of funds and manpower, while forcing mounds of paper work and costly regulations on State government.

It is time to bring to a halt EPA's mockery of the law. EPA has proven that it does not understand, nor is it capable of carrying out the charge it received from the Congress.

OK, there you have it.

To summarize quickly, we are seeking extension of the Agricultural and Consumer Act of 1973.

We oppose legislation of secondary boycotts.

And finally we believe that USDA is better equipped and should be given the responsibility for pesticide use regulations.

Before closing I wish to thank all of you—Congressional Members and farmers—for taking time from your busy schedules to be here tonight.

I also thank the members of the Pennsylvania congressional delegation for their support on important agricultural issues.

Thank you and good night.

INDIAN ISSUES

Mr. McGOVERN. Mr. President, the ongoing discussion and debate in both the public and private sector on Indian rights has all too frequently ignored the problems faced by local governments who are attempting to meet their legal responsibilities to their citizens—Indian and non-Indian alike. The patchwork system of jurisdiction has created serious problems in the areas of law enforcement, delivery of essential public services, potential inequity in grant and loan programs, local budgets, and the general ability of Indian and non-Indian to meaningfully participate in the Government process.

Addressing these concerns, the Corson County, S. Dak., board of commissioners has authored a challenging review of the specific problems for one county in what some would identify as "Indian country." This paper, while informative, constitutes in my view a challenge to the Congress, the courts, and the country to come forward with a workable and realistic program that will heal the growing breach between Indians and non-Indians and ultimately work to the benefit of both.

I ask unanimous consent that this report by the Corson County commissioners be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

INDIAN ISSUES

Like many other states in the nation where there are Indian reservations, South Dakota is beset with deep-seated problems of a complexity and magnitude which defy resolution. In the past, the South Dakota legislature and the Governor have created groups to bring together Indian and State interests to research problems of mutual concern, to propose methods of resolution through various means, or to negotiate agreements. The Corson County Commissioners support these efforts and their continuance. It is their view, however, that although there have been some tangible benefits obtained, these have been too few and too slow in coming. Further, for all intents and purposes, no major effect has been felt at the county level. The effectiveness and viability of county government continues to erode at a rate much faster than the rate of achievement of substantive gain in problem resolution.

In the past ten years, the unified Indian voice has become louder, and its words have been followed by actions which are told in headlines throughout the nation with greater and greater frequency. In Massachusetts, a tribe now claims that it owns the town of Mashpee; in Washington, a district court has ruled that half of the State's commercial and sport fisheries are owned by the Puget Sound Tribes and that the State's previous fisheries policies violated treaty rights; in Wisconsin, the Lac Court Tribe claims total jurisdiction over both Indians and non-Indians within the reservation; in Utah, the Ute Tribe is attempting to extend tribal jurisdiction, including the power to license and tax, over non-Indians living within the original reservation boundaries; in New York, the Oneida Indian Tribe has gone to court to obtain farmland owned by non-Indians, on the basis that the land was illegally taken from the Tribe more than a century ago; in Maine, the Passamaquoddy and Penobscot Tribes are claiming twelve million acres of land; and in South Dakota the Rosebud Sioux Tribe now has a case before the Supreme Court of the United States to settle the Tribe's claims that its jurisdiction should encompass the entire area, whether Indian or non-Indian owned, which lies within the orilgnal 1889 exterior boundaries of the reservation. The outcome of this case will affect not only those counties originally within the boundaries of the Rosebud Reservation, but also parts of Bennett, Dewey, Ziebach and Corson Counties in South Dakota which lay within original boundaries of other reservations in the State; if the case is won by the Tribe, these counties would also be considered once more to be under tribal jurisdiction.

Lost somewhere in the shouting, and feeling trampled both by Indian feet and the collective feet of Federal Government agencies are units of local government located in areas where there are reservations. One such unit of local government in our state is Corson County.

It is the intent of the Corson County Commissioners in presenting this brief paper, to show from their perspective as local elected officials, in a "reservation county," the deleterious effect that continued non-resolution of Indian-non-Indian questions has had and is having on county government in South Dakota, and to ask State and Federal officials for help. The Commissioners have summarized what they feel to be the problems of most immediate concern, and have stated means which they believe would be steps toward achieving problem resolution.

Through a joint effort of the Commissioners, the County Planning Commission, local law enforcement officers, and many other people involved in county government, five crucial problem areas were defined. These are: 1) law enforcement, 2) diminishment of the county tax base, 3) disproportionate demands for county services in relation to county income, 4) inequity in distribution of grant and loan funds by the Federal Government, and 5) inequitable opportunities for cross-participation in government.

LAW ENFORCEMENT

The average citizen of the United States, if the victim of, or witness to, a crime, generally knows that if the crime occurs in a city, it is a matter for the city police, if it occurs in a county the sheriff should be contacted, or if the crime is committed on the highways, a state trooper can be summoned. He knows that each jurisdiction has certain powers which are based upon the category of crime committed, and that any city, county or state law enforcement officer will be capable of dealing with a criminal action either by means of exercising his own legal authority, or by turning the matter over to another level of authority. Simply stated, in most cases, the appropriate law enforcement authority is determined by the site where the unlawful act is committed. Throughout the United States, the system is reasonably understandable and reasonably uniform, notwithstanding the variations from state to state, and within states, from county to county and city to city, and everyone has equal protection under the law.

Although this basic system applies also to "reservation areas," because of the superimposition of Federal and tribal jurisdiction over those lands which belong to the tribes, or in some cases, which formerly belonged to the tribes, the race of a person committing a crime must also be considered, and the determination of who has jurisdiction over whom for what crime and where, is changed from a relatively simple question to one which is not only complex in terms of its interpretation by the average citizen, but for law enforcement officers as well.

Additionally, the geographic area encompassed by a tribe's jurisdiction, may further complicate an already confusing picture. First, in the South Dakota counties which, because of various court decisions, are considered to be in real Indian reservations, which include all land within exterior reservation boundaries, certain conditions exist which guide law enforcement actions in determining whether a crime is dealt with by tribal/BIA officers, or by non-Indian officers. Second, in counties where courts have judged that only the Federal Government or a tribe has jurisdiction over those lands which presently are in tribal trust or trust allotment, and the tribe has no legal jurisdiction over non-Indian lands, the circumstances and conditions under which law enforcement officers function is quite different.

Both conditions exist in Corson County. The western portion of the County, where non-Indian lands were previously under State jurisdiction for many years, is once again within reservation boundaries, because of a 1973 court decision (Condon V. Erickson, 478 F. 2d (8th Cir. 1973)). In the eastern portion of the County, where reservation boundaries are disestablished, those lands which are non-Indian, are legally under State jurisdiction as the result of another court decision made in 1976 (U.S. V. Long Elk 410 F. Supp. 1174, 1976).

To illustrate a practical aspect of this difference, assume that a crime is committed in Corson County in the western portion, within reservation boundaries, (where, regardless of its ownership, all land is considered to be in Indian country),[1] and the County Sheriff has been summoned. He must first determine whether the offender is Indian or non-Indian. This in itself is a difficult task. Presumably, an Indian is any person of Indian descent who is enrolled in any tribe. Often, however, his lineage may not be apparent, and certainly there is no way of telling at a crucial time when a quick decision must be made, if he is an enrolled tribal member. Further, it is not uncommon for persons to claim to be Indians when they are not, to escape state jurisdiction.

If it is determined that the offender is an Indian, and practically speaking, the law officer has little choice but to accept any such claim, the Sheriff has no legal authority to detain him, i.e., he must be detained by Federal or tribal authorities. If the Sheriff is cross-deputized by BIA/tribe, he can take the person into custody, but still must subsequently turn him over to Federal or tribal authorities for prosecution.

If it is determined that an offender is not

[1] As defined in 18 U.S.C. § 1151, Indian Country means "... all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservations."

an Indian, he can be arrested by the Sheriff. Even then, however, if an Indian was involved in the crime, it would be a Federal case.

If the situation is reversed, and a tribal or BIA officer, rather than the Sheriff, arrives first at the scene of a crime, if the person who has committed the crime is an Indian, he is processed through tribal court, or Federal court (if the offense is beyond the scope of tribal judicial powers). If the person is white, and the Indian officer is cross-deputized and thus enabled to enforce State law, he may make an arrest. He then must turn the person over to the appropriate non-tribal police authority. If the white person has committed a serious crime involving a victim who is an Indian, he may be arrested by the officer and prosecuted by the Federal Government.

Procedures for apprehension and prosecution are still complex although considerably less troublesome when a crime is committed in the eastern portion of Corson County. There, the reservation has been disestablished, and thus Indian country consists of only those lands which are in Indian ownership.

In general, the County Sheriff would have jurisdiction over both Indians and non-Indians on non-Indian land. In the case of serious crimes committed on Indian land, if the offender was an Indian, or if an Indian was involved, the entity having jurisdiction would be the Federal Government. In misdemeanor situations occurring on Indian land, Indian offenders would go to tribal courts, and non-Indian offenders would go to State courts. However, because various Indian tribes are now raising claims to total jurisdiction for misdemeanors occurring in Indian country, whether the offender be Indian or non-Indian, certain constitutional questions have been brought forth. Practical implications for local law enforcement officials stemming from this issue, are that in all misdemeanor cases, an absolute determination must still be made not only of race but also the site of a crime.

The above is essentially a rough sketch of the riddles and frustrations of day-to-day law enforcement in Corson County. It is pointed out that circumstances and procedures from area to area within the state depending on "reservation boundaries," and other factors.

There are many problems associated with civil as differentiated from criminal matters. For instance, in Indian country, the non-Indian court system has no jurisdiction to subpoena Indians or to require them to appear in court. If a law officer locates an Indian person on fee patent/deeded land and is thus able to serve a subpoena, the Indian may simply remove himself physically to tribal or individual allotment land, and the subpoena cannot be enforced. The non-Indian criminal justice system is thus rendered helpless to provide avenues of legal recourse to county citizens whose rights have been violated. Consequently, storeowners are unable to collect, or prosecute for bad checks or unpaid bills, banks are unable to collect loan or mortgage payments, ad infinitum. Many offenses go unpunished with no justice provided for the victims.

Another negative aspect of the phenomenon of separate judicial systems for tribes and the State, relates to the extensive incompatibility of procedures in the courtrooms themselves. For example, in most instances, penalties for the same crime are substantially different, depending upon whether a crime is tried by a tribe or by the State, i.e., sentences tend to be significantly more lenient in tribal courts. Obviously, justice is not equal for all Americans in this instance. Many other differences between tribal and State courts exist which will not be dealt with here.[2]

The conditions discussed in the preceding paragraphs affect non-Indians and Indians alike who must depend for protection on two separate law enforcement and criminal justice systems which, because of differences related to jurisdiction, are frighteningly inefficient and inadequate. In-depth treatises have been written on the matter of jurisdiction as relates to law enforcement, and the interested reader could spend weeks, even months, examining studies, reports, court decisions and legal briefs enumerating the subject. The foregoing discussion is by no means exhaustive, indeed it is grossly oversimplified; however, its intent is not to reiterate all that has already been said, but to make the point that the practical problems associated with jurisdiction are of a proportion so great, that they are beyond the scope and legal authority of county government to solve. Citizens in "reservation counties" must manage to survive without the benefit of "justice for all" which is a presumed right of all American citizens. In Corson County, justice is not blind—it is forced to see racial differences and go by a different set of rules according to skin color and geographic location.

DIMINISHMENT OF COUNTY TAX BASE

The largest source of income for counties in South Dakota, is, as a rule, their revenue from real and personal property taxes. In Corson County, 42 percent of the total 1,580,000 acres of land is owned by the Standing Rock Sioux Tribe or Indian allottees (542,000 acres) and State and Federal agencies (135,000 acres).

Under ordinary circumstances, county government could be reasonably assured that those lands presently in private hands, and thus taxable, would provide a constant and reliable source of income which could be counted upon in budget planning for the future. In Corson County there is no stability of this sort. Indeed, there is a very real erosion of the tax base through continued conversion of fee patent or deeded land to tribal trust land, which automatically removes it from the tax roles.

Removal of land from the tax roles in this manner can occur through the sale of privately owned land to a tribe or to Indian individuals, or through placement of orginally non-Indian-owned land into an Indian spouse's name. All are avenues for placement of land in tribal trust, which renders it untaxable and which under the Indian Reorganization Act of 1934, prohibits its sale unless approved by the Secretary of Interior. Further, Indian tribal government may place a moratorium on the sale of any individual Indian allottees' land to anyone except the tribe. This device essentially precludes the possibility that tax income lost by a county through sale or transfer of privately-owned land to tribal trust, could be supplanted by placement on the county tax roles of land sold by Indians to non-Indians.

A matter of grave concern to county governments in "reservation areas" throughout the state is the encouragement of tribal purchase of land through loans provided by the Farmers Home Administration (FmHA). (This is especially serious because there is no provisio for payment in lieu of taxes lost.) The reason for this concern is clearly shown in these figures:

*FmHA loans to tribes—1971–75**

Rosebud	$2,502,000
Pine Ridge	7,000,000
Crow Creek	1,240,000
Yankton	800,000
Sisseton-Wahpeton	4,250,000
Cheyenne River	1,000,000
Total (SD)	16,792,000
Standing Rock (ND)	$3,000,000

*No estimate of fee patent/deeded land purchased by the tribes in this time period could be obtained from either the FmHA or BIA.

The Corson County Commissioners believe that taxpayers' money should not be used to unify tribal landholdings. They are cognizant that it is not necessarily the intent of the Farmer's Home Administration or of other Federal Agencies with similar programs, to promote consolidation of tribal holdings, or to diminish county tax bases. Nevertheless, it must be recognized that the policies of these agencies should be evaluated in terms of their effects on county government. "Reservation counties" have no protection against programs such as FmHA's which have the potential for causing financial collapse to county governments.

DISPROPORTIONATE DEMANDS FOR COUNTY SERVICES IN RELATION TO TAX INCOME

Tied to the reality of decreasing property tax revenues, is the fact that it is becoming alarmingly more difficult for "reservation counties" to provide services required or authorized by South Dakota law, such as highway construction and maintenance, care for the poor, mentally ill, and mentally retarded, civil defense, county extension programs, law enforcement, and the services of various county employees.

Corson County's services are at a bare minimum. There is no county nurse, no county fire protection program. The Sheriff has very little assistance in carrying out his duties. The roads receive barely adequate maintenance.

Inflation has placed stress on service delivery in the County, as it has on local jurisdictions throughout the Nation; however, a significant amount of stress has been placed on county government in "reservation areas" because of gradually decreasing tax income, and the need to provide services for Indian residents who do not contribute tax support for these services. These counties have been able to maintain only a low level of service delivery, and as stresses on their budgets increase, as they are increasing, the level of services will diminish.

Almost solely by means of 100% federally-funded programs, service delivery programs for the Indian people have been developed on the reservations. Because of conditions of poverty, joblessness, rural isolation and other factors, these programs have been of substantial benefit to the tribal population.

Non-Indians, who constitute 70 percent of Corson County's population, are almost wholly excluded from these programs, even though they are supported by tax dollars. In at least one instance, for example, white persons living in a city where an Indian hospital is located are not allowed to use this facility, except in case of extreme emergency, even though these citizens are willing to pay for medical services. The nearest hospital they can use is eighty miles away. For those living in isolated rural areas on the reservation, health care is frequently even farther away. Discrimination comes in many forms and in this case, "non-Indians" are those being discriminated against.

Non-Indians living in reservation counties are understandably bitter that their tax dollars are being used to provide health care and other basic social and economic services needed by all county residents, only to those

[2] See the following reference for further information. Brakel, Samuel J. 1976. "American Indian Tribal Courts: Separate? 'yes,' Equal? 'probably not'." American Bar Association Jrnl., Vol. 62, pp. 1002–1006.

residents who are members of Indian tribes. Their frustration is intensified when they also see the quantity and quality of services available to non-Indians, which are also available to Indian residents, being constantly diminished from their present inadequate level, partially because of a lack of tax support by the Indian people.

These factors combined with a loss of tax income from recent and extensive withdrawal by the Standing Rock Tribe of lease lands from non-Indian ranch operators, which has resulted in cattle herd diminishment, on top of cattle sell-downs and crop losses resulting from the effects of a severe and extended drought in South Dakota, will soon bring Corson County to a point of severely reduced financial ability.

INEQUITY IN DISTRIBUTION OF GRANT FUNDS BY THE FEDERAL GOVERNMENT

In roughly the past decade, Federal policy has undergone a shift in approach to the distribution of grant monies. In numerous programs, emphasis has been given to funding tribal applicants. Indeed many agencies in the Federal Government have established special staff persons to handle Indian applicants and to act as Indian advocates.

This type of favoritism circumvents any standard of fair competition among applicants. A particularly unfortunate consequence has been that units of local government serving both Indian and non-Indian residents, have time after time had the doors closed in their faces by Federal funding agencies—regardless of the fact that their projects would have benefited large numbers of Indian persons, and regardless of the fact that because of dwindling financial resources due in part to the very presence of Indian tribal populations, these local governments had no other source of funds.

Grants received by Indian tribes are used exclusively for development of facilities and programs for tribal members. Further, there are many special Federal funding programs in which tribes compete only with each other for grant monies. Funds received through these programs are intended for use solely for tribal benefit. Thus, local units of government which are mandated by law to provide certain services, and additionally have had placed upon them requirements to comply with a proliferation of federal and state regulations, are having tremendous difficulty in fulfilling their obligations.

A specific example of the manner in which a federal grant program can work against non-tribal governments is the 1976 Local Public Works Capital Development and Investment Program, which was administered by the Economic Development Administration (EDA).

Ten million dollars, the minimum state allotment as specified by the Public Works Employment Act, was made available to the State of South Dakota. The purpose of the program, essentially, was to provide for public works construction projects which would (1) provide jobs for the unemployed on a short-term basis; (2) allow local governments to construct facilities which otherwise could not be afforded; and (3) provide some measure of economic benefit to local jurisdictions, including Indian tribes.

Criteria were set forth on which the applications would be evaluated. One of the most important of these was the rate of unemployment in the applicant's jurisdiction. Another crucial determining factor in awarding grants, was EDA's desire to establish some means of logical geographic distribution of the grant monies.

The ten million dollar allocation was separated into two parts to be awarded on the basis of an applicant's unemployment rate. If the unemployment rate was in excess of the national unemployment rate (both rates being based on the most current 3-month averages available at the time of application), an application was placed in competition for the 70 percent "pot" of money. For South Dakota this consisted of 7 million dollars. The remaining 30 percent, or 3 million dollars, was to be awarded, first, to applicants whose unemployment average fell between the national rate and 6.5 percent unemployment and, second, to applicants whose unemployment rate was below 6.5 percent.

Local and state government applicants were required by EDA to use only those data supplied by and certified in writing by the S. D. Department of Labor's Division of Research and Statistics. These data were derived using a complex formula which the United States Bureau of Labor Statistics requires in order to establish uniformity of unemployment data reporting throughout the nation. The raw data upon which the formula is based are drawn primarily from claims for unemployment insurance, and are considered to be representative of those unemployed who show willingness to work. Only those persons are reflected in state and national unemployment rates.

The Indian tribal applicants used to establish their unemployment rates, information collected by the Bureau of Indian Affairs (BIA). These data show the total number of persons unemployed on "reservations" as a percentage of the total labor force, and bear no relationship to willingness to work. Moreover, the unemployment rates for each "reservation," which included both Indians on the "reservation" and those within commuting distance, were based on data collection conducted once each year in the spring, rather than the most current three-month averages used by the State.

It is obvious that the two sets of data—that of the State and that of the BIA were incredibly disparate. The BIA rates for "reservations" and corresponding State Department of Labor rates for the counties in each "reservation area," were as follows:

Reservation	BIA unemployment rate	Corresponding counties	State unemployment rate
Cheyenne River	27.8	Dewey	8.9
		Ziebach	8.2
Crow Creek	35.7	Buffalo	8.7
Lower Brule	20.6	Lyman	6.7
Pine Ridge	47.4	Bennet	4.2
		Shannon	13.5
		Washabaugh	
Rosebud	52.2	Gregory [1]	3.0
		Mellette	7.1
		Todd	6.8
		Tripp [1]	3.5
Sisseton-Wahpeton	55.6	Codington [1]	3.9
		Day [1]	4.1
		Marshall [1]	3.2
		Roberts	5.8
Standing Rock (South Dakota portion)	55.6	Corson	9.6
Yankton	65.7	Charles Mix	4.2

[1] County contains small portion of reservation population.

In addition to the fact that BIA unemployment rates as given in the table above were subject to serious question, their validity as used in the LPW applications is even more questionable, since some tribal applicants claimed even higher rates, presumably based on house-to-house surveys. These new rates were certified by the BIA for purposes of the applications.

Even for those county and city applicants in "reservation areas" whose projects, if selected, would have provided employment to Indians, the EDA refused to accept BIA data, unless as one EDA staff person stated, a way could be found to combine this data with the State data. This alternative offered little to non-Indian applicants, since the State data formulation consists of more than 70 steps, and the two sets of data were thus incompatible. It was further stated by EDA representatives that BIA data could be used by non-Indian applicants if they could obtain certification from the BIA superintendent. The possibility of this occurring was negligible since the tribes sought to exclude non-Indian applicants from using BIA data in order to control or limit competition with their own applications.

Only one non-Indian applicant succeeded in obtaining a grant by using BIA data. In this case, the BIA agreed to certify the data for the applicant's use only because the application was for a hospital which would be available for use by tribal members, and the applicant would be applying for 30 percent monies, thus not in direct competition with tribal applicants.

Consequently, the entire 70 percent monies, or $7 million was granted to four tribal governments. The grants awarded are as follows:

Cheyenne River Sioux Tribe	$620,337
Sisseton-Wahpeton Sioux Tribe	631,800
Crow Creek Sioux Tribe	995,000
Oglala Sioux Tribe (Pine Ridge)	4,918,303
Total	7,165,440

A second important factor used by EDA for determination of grant awards was the goal of spaced geographic distribution of projects. Since the 70 percent monies were granted to tribal governments, no further funds in this category were available to applicants with an unemployment rate in excess of the national rate. Cognizant that this might happen, many applicants requested and obtained, from the State Department of Labor, adjusted unemployment rates based on averages for two or more jurisdictions from which they felt project employees would be drawn. The purpose of using these averages was to *lower* the applicant's overall unemployment rate so that it fell in the 30 percent category.

This technique removed these applicants from direct competition with the tribes and placed them in competition with other non-Indian applicants. Although the 30% category contained only $3 million, it nevertheless was the only realistic opportunity for non-Indian applicants to have a chance to obtain funding. Some applicants, because of relatively high unemployment rates in adjacent jurisdictions, were unable to use combined unemployment rates to advantage.

The methods used by EDA to determine grant recipients under the Local Public Works Capital Development and Investment Program are not atypical. Although the requirements vary from agency to agency in the Federal government, the tribes are allowed to use BIA data, carte blanche, with few attempts on the part of these agencies

to require or even to encourage them to develop data which is more valid with regard to unemployment, poverty, or any other criterion upon which grant awards are based. When such funds are granted to Indian tribes, it is perceived as undesirable by these agencies to channel any more dollars into the same geographic areas. Thus, revenue-poor city and county governments are denied the opportunity to find an alternative avenue for providing services and facilities, because of the coincidence of their location in "reservation areas."

INEQUITABLE OPPORTUNITIES FOR CLASS-PARTICIPATION IN GOVERNMENT

A fifth area of major concern to the Corson County Commissioners is the existence of lopsided opportunities for citizen cross-participation between tribal governments, and Federal, State, and local governments. As citizens of the United States, Indians have full rights to participate in all units of government, both as voters and as elected officials. Yet county residents who are non-Indians living in "reservation areas" are not allowed to vote in tribal elections or to hold tribal office because of provisions in treaties and tribal constitutions approved by the Federal Government. This, even though the actions of these tribal governments can have great impact on their lives.

If this Indian country had not been opened to settlement, and the tribes today had consolidated and continuous land ownership, perhaps two separate governmental systems could function autonomously in the same general geographic area. But the cold reality is that this Indian country, and the land areas called counties are *not* separate. Because of homesteading, former reservations in South Dakota consist of a checkerboard pattern of Indian land interspersed with fee patent and deeded lands. Conflict and resentment inevitably ensue when non-Indian persons must live with tribal decisions which affect them, like it or not, with no voice in the decision making—particularly when Indian tribal members, conversely, have full rights and privileges to participate in all levels of government, and even to approve taxes they will never have to pay themselves.

Although this discussion specifically expresses the perspective of the Board of Commissioners of Corson County, the problems enumerated are the same ones characterizing all counties in "reservation areas", with few exceptions. These are of grave concern to many county governing officials throughout the State.

It is the stand of the Corson County Commissioners that a great inequity is being visited upon certain counties in South Dakota. It is their opinion that the viability of these counties as units of government is gravely threatened and that their deterioration has indeed been steadily occurring for many years. The Commissioners believe that the financial capabilities of the counties are in imminent danger now, even more so than in the past, due to unusual additional stresses placed upon them by inflation and drought.

The Commissioners firmly support the concept of, and believe in the need for, county government to protect the constitutional rights of residents, both Indian and non-Indian, who have a stake in the county's future—those who have invested their resources and their labor, and who want to live in harmony with their neighbors, without fear of being disenfranchised. Pursuant to this belief, the Corson County Board of Commissioners respectfully requests that the following actions be taken:

1. That the United States Congress enact legislation to bring all of the State of South Dakota, including Indian Country, under State law.

2. That the government of the State of South Dakota actively support this legislation.

3. That the U.S. Congress pass legislation that essential services, such as social and health programs, provided with Federal monies, be made available to Indians and non-Indians alike.

4. That a congressional inquiry and investigation be made into discriminatory practices of Federal agencies in administering grants and loans to Indian individuals and tribes, and non-Indian individuals and units of local government, and that steps be taken to correct discriminatory practices.

5. That the U.S. Congress pass legislation to provide that fee patent and deeded land, if placed into tribal trust through purchase or transferral, shall retain its status as property taxable by county government, with the exception of land trades between a tribe or Indian allottee with a private landowner, in which case the land traded to the private landowner shall be subject to county property taxes.

6. That an agency or independent group on the State level be authorized and funded by the Legislature to investigate in depth the conditions in Indian country counties in South Dakota, and to recommend legislation to preserve and strengthen county government.

For the Corson County Board of Commissioners:

EDWARD BADER, *Chairman.*

ACCOMPLISHMENTS OF TED OSBORN AS PRESIDENT OF KIWANIS INTERNATIONAL

Mr. FORD. Mr. President, as a past national president of the U.S. Junior Chamber of Commerce, I have the highest admiration for the voluntary civic organizations of our country. Therefore, it is with much pride that I bring to your attention the outstanding accomplishments of one of my constituents, Ted R. Osborn of Lexington, Ky., who recently concluded a term as president of Kiwanis International.

Ted has long been active in civic affairs and is a former member of the Kentucky House of Representatives. His administration as president of Kiwanis International was one of the most innovative and productive in the organization's 62-year history.

Ted Osborn's vision led him to establish the "president's project" program in which clubs all over the world were asked to originate new projects during his administration—projects never undertaken before—and report them for evaluation and credit. An astounding 8,217 new projects were undertaken in carrying out this program with nearly 2,500 Kiwanis clubs involved.

In my own State, Kiwanis clubs were especially active. The Kiwanis Club of Lexington, for example, set up a transportation program to take senior citizens to doctors' offices, dental clinics, drug stores, and other necessary destinations. They established a dispatching center open from 8 to 5 each day, Monday through Friday, to coordinate the rides furnished by club members.

The Kiwanis Club of Corbin cleaned up and refurbished an old L. & N. railroad station and made it a senior citizens' center—complete with a hot lunch program for those in need.

In St. Matthews, Ky., Kiwanians—answering the call from the Louisville Oral Deaf School for help in replacing worn out building blocks, which are vital to the training of the youngsters—completely refurbished the blocks themselves in home workshops over a period of a month.

The Kiwanis Club of the Blue Grass, Lexington, the home club of Ted Osborn, sponsored a weekend summer camp for 135 boys and girls of the urban 4-H Club in Lexington, furnishing transportation, paying expenses, and sending three men to the camp with the boys and girls for the entire duration of the session.

In Mount Sterling, the Kiwanians organized and carried out Operation Identification, providing engraving tools to nearly 1,000 homes and businesses and establishing an identification program for all household goods as a crime resistance measure.

And the Kiwanis Club of Southtown, Owensboro, planned, arranged and conducted a series of five seminars on "preparation for retirement" for the people of Owensboro and environs. They involved 15 panelists in the program and served 54 prospective retirees.

These are but a few examples, and all are new projects never undertaken before by their respective clubs.

Ted Osborn also suggested and took the leadership in organizing an entirely new youth-serving program for Kiwanis. Called "Builders Clubs," the new junior organization provides leadership and service opportunities for boys and girls of junior high school age. To date, 148 of these clubs have been built around Kiwanis, with more being added every day.

His term of office was the best growth year in Kiwanis history, with 399 new clubs added, and 52,380 new Kiwanians placed on the rolls. Both these figures were the highest in the 62-year history of Kiwanis International. Five districts also set new growth records during his term.

Kiwanis has a program in which it acknowledges its district governors who meet or exceed rigid leadership standards. As a result of Osborn's leadership, 16 district governors were named outstanding governors for 1976—double the number for any previous year.

In overseas activities, he was especially effective as a leader. Ted and his wife, Della, traveled to nearly all of the 54 nations which have Kiwanis clubs, conferring with heads of state in many of these and bringing the message of world-wide goodwill through Kiwanis clubs everywhere he visited. A highlight of the recognition Ted received was an award in Italy from the Society of European Journalists for his personal contribution to world peace and understanding.

These many achievements graphically express Ted's concern for his fellow man and his personal efforts touched many lives. On behalf of the people of my State and Kiwanians everywhere, I congratulate Ted on his outstanding tenure as president of Kiwanis International and wish him continued success in the years ahead.

NOMINATIONS OF GUY R. MARTIN AND ROBERT L. HERBST

Mr. JACKSON. Mr. President, the Committee on Energy and Natural Resources today completed hearings on the

nomination of Guy R. Martin to be Assistant Secretary of the Interior for Land and Water Resources. The committee has also completed hearings on the nomination of Robert L. Herbst to be Assistant Secretary for Fish and Wildlife and Parks.

I ask unanimous consent that the statements of these nominees to the committee and their sworn financial statements be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD a memorandum by Steven P. Quarles, counsel to the committee, which analyzes the questions raised about Mr. Herbst's record and which were considered by the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF GUY R. MARTIN

Mr. Chairman: It is a distinct honor for me not only to appear before a committee with which I have worked for several years, but to do so under the present circumstances, which may afford me a unique opportunity to serve the Nation on issues about which I care deeply. I view the decade ahead as a watershed for the country on the issues of natural resource management, energy and the environment, and I believe the beginning of the new Administration represents high potential for mutual accomplishment.

The theme for this period should be cooperation between the new Administration and Congress, and a high level of public and State and local involvement. In the last Congress, the BLM Organic Act and the Coal Leasing Act were passed. Other measures, such as the Outer Continental Shelf Bill and the Strip Mining Bill were not completed but certainly can be in a cooperative atmosphere this year.

This legislation is a good indication of the charter I perceive for the next few years in the national resources arena. I anticipate that I will bring to the task not only my recognition of the importance and timeliness of the issues, but the benefits and scars of my previous experience at the State level and in Congress.

From that perspective, I draw the conclusion that our best approach to current problems of energy and the environment is to keep in focus the concept of unified resource management, balancing numerous values, diverse ownerships, and a host of legitimate competing interests for our land and its resources. Few of us would dispute, I believe, that present energy and environmental problems might well have been solved years ago with proper policy and management actions at the time.

The Congressional Acts and legislation I cited earlier are solutions to tomorrow's problems then, and I regard them as extraordinary opportunities which are part of the position for which I have been nominated. I welcome the opportunity to take a role in these issues and to work with you and a dynamic new Administration on them.

[U.S. Senate Committee on Interior and Insular Affairs]

INFORMATION REQUESTED OF PRESIDENTIAL NOMINEES

Rule 9 of the Rules of the U.S. Senate Committee on Interior and Insular Affairs requires that each Presidential nominee considered by the Committee shall submit a financial statement sworn to by the nominee as to its completeness and accuracy. Under the rule all such statements must be made public by the Committee unless the Committee in executive session determines that special circumstances necessitate a full or partial exception to this requirement. Rule 9 also provides that at any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Financial Statement and Statement For Completion By Presidential Nominees.

The original and twenty (20) copies of the requested information should be made available to Honorable Henry M. Jackson, Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C. 20510 (Attn: Staff Director) as soon as possible.

FINANCIAL STATEMENT: NET WORTH STATEMENT OF GUY R. AND NANCY J. MARTIN

ASSETS

(Value based on estimated present value)

Real estate:	Value
House and lot, 1146 "S" St., Anchorage, Alaska	$62,000
Lot, same address	12,000
House and lot, 819 Goldbelt Ave., Juneau, Alaska	48,000
House and lot, 707 Massachusetts Ave., NE, Washington, D.C	52,000
Subtotal	174,000
Personal property:	
1975 Chevrolet Van	2,000
Clothing, miscellaneous	3,500
Household goods	6,500
Subtotal	12,000
Cash assets:	
Checking account (GRM) 1st National Bank of Anchorage, Anchorage, Alaska	860
Checking account (NJM) same bank	750
Congressional Employees Federal Credit Union, Washington, D.C., savings account	202
Savings account, Bank of Alaska	2,559
Savings account, American Security and Trust, Washington, D.C	1,286
Subtotal	5,657
Other Assets:	
Deferred Compensation Fund, State of Alaska (GRM)	10,060
State of Alaska Retirement Fund (GRM)	3,268
State of Alaska Retirement Fund (NJM)	2,188
(No stocks, bonds, options, trusts, securities or other interests)	-------
Value of insurance, not in excess of $200.00	200
Subtotal	15,716

SUMMARY OF ASSETS

Real Estate	174,000
Personal Property	12,000
Cash	5,657
Other Assets	15,716
Total assets	207,373

LIABILITIES

Mortgage, 1st National Bank of Anchorage, Anchorage, Alaska (1146 "S" St.)	16,460
Mortgage, 1st National Bank of Anchorage, (819 Goldbelt)	24,236
Mortgage, Perpetual Savings and Loan, Washington, D.C. (707 Mass.)	21,640
Mortgage (Engebreth), 1st National Bank of Anchorage (1146 "S" St.)	17,590
Mortgage (Guess), Alaska State Bank, Anchorage, Alaska (819 Goldbelt)	18,834
Loan, Dr. Alfred McPhillips, Chevy Chase, Maryland (707 Mass.)	3,200
Loan, American Security Bank, Washington, D.C. (707 Mass.)	1,359
Loan, University of Colorado, Boulder, Colo	600
Loan, Congressional Employees Federal Credit Union, Washington, D.C. (car)	1,593
Bank Americard—balance carried	990
Estimated outstanding bills (all current)	1,500
Total liabilities	108,002

SUMMARY

Assets	207,373
Liabilities	108,002
Net worth	99,371

STATEMENT

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Deferred Income—State of Alaska, $9,800 (payable during 1977).

2. Are any assets pledged? (Add schedule.) None.

3. Are you currently a party to any legal action? None personally. I am a party in several suits in the official capacity of Commissioner of Natural Resources, State of Alaska.

4. Have you ever declared bankruptcy? No.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Martin, Guy.

Position to which nominated: Assistant Secretary for Land and Water, Department of Interior.

Date of birth: 25–4–42.

Place of birth: Denver, Colorado.

Marital status: Married.

Full name of spouse: Nancy Jane Martin.

Names and ages of children: None.

EDUCATION

Institution, dates attended, degrees received, dates of degrees:

Lakewood High School, 1956–1960, Graduated, 1960.

University of Colorado, 1960–64, B.A., 1964.

School of Law, University of Colorado, 1964–1967, J.D., 1967.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement:

University of Colorado Athletic Scholarship, 1960–64.

University of Colorado School of Law, Academic Scholarship, 1964–67.

Winner, 1966 Rothgerber Competition, University of Colorado School of Law (Appellate argument qualifying for National Moot Court Competition).

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations:

Organization and dates.—

Alaska Bar, 1968.

D.C. Bar, 1973.

Colorado Bar, 1967.

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates:

Student Assistant—University of Colorado Athletic Department, Boulder, Colorado (C/o

Athletic Trainer Lloyd Williams) part-time from 1963–67.

Trail Crewman—U.S. Forest Service, Arapahoe National Forest, Golden, Colorado—Summer, 1965.

Law Clerk, Mobilization for Youth Legal Unit (O.E.O.) New York City, Ray Narral, Esq., Summer 1966.

Associate Professor of Political Science and University Attorney, Alaska Methodist University, Anchorage, Alaska, 1967–1971.

Practicing Attorney, Law Firm of McGrath, Wohlforth and Flint, Anchorage, Alaska, Allen McGrath, 1968–1970.

Legislative Assistant to Alaska Congressman Nick Begich, Washington, D.C., January, 1971 to March, 1973.

Practicing Attorney, Washington Counsel for State of Alaska, Washington, D.C., April, 1973 to March, 1975 (Contact—Former Alaska Attorney General John Havelock).

Commissioner of Natural Resources, State of Alaska—Juneau, Alaska, March, 1975 to present.

Government experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part-time service or positions:

Legislative Assistant to Alaska Congressman Nick Begich—Washington, D.C., January, 1971 to March, 1973.

Practicing Attorney, Washington Counsel for State of Alaska—Washington, D.C., April, 1973 to March, 1975.

Commissioner of Natural Resources, State of Alaska—Juneau, Alaska, March, 1975 to present.

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written:

New Tribes for New Times, chapter for comprehensive text on the Alaska Native Land Claims Settlement Act published by the Institute for Social, Economic and Government Research of the University of Alaska, Spring, 1975.

The Politics of Passage, chapter for same publication.

The Alaska Environment and the Land Claims, same publication.

Reform of the Alaska Legislature, Series, Anchorage Daily News, Feb., 1970.

A Unified Policy of Offshore Oil and Gas Development for Alaska, Guest Editorial, Alaska Construction and Oil, November, 1975.

Alaska's Land—The Crucial Years, Forty-First North American Wildlife Conference.

Challenges of the North Slope, Engineering and Beyond, Pacific Northwest Council of the American Society of Civil Engineers, April 30, 1976.

The Philosophies and Policies Concerning Resource Management on State Lands, Conference on Land Policies and Mineral Development in Alaska, May 12, 1976.

Resource Development in the Circumpolar North, The Alaskan Perspective, 27th Alaska Science Conference, August 4, 1976.

Qualifications: State fully your qualifications to serve in the position to which you have been named. (2 sheets attached):

Future employment relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate. Yes.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization. No plans.

3. Has anybody made you a commitment to a job after you leave government? No.

4. Do you expect to serve the full term for which you have been appointed? Yes.

Potential conflicts of interest: 1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated. Deferred (previously earned) Compensation Program—State of Alaska.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated. None.

3. Describe any business relationship, dealing or financial transaction (other than tax-paying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.—

During the past five years, I have served in three positions which relate to the State of Alaska and to a broad range of natural resources issues. The positions are: Legislative Assistant to Alaska Congressman, Washington, Counsel for the State of Alaska, Commissioner of Natural Resources, State of Alaska. As a consequence, I have been involved to one extent or another in most of the issues within the Federal Administration and before Congress which relate to Alaska and natural resources, land, or energy. Assuming the objective of this question relates to disclosure of conflicts which might exist as a result of this work, I believe that no activity in which I engaged on legislation or public policy during the past five years would create problems in this regard.

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy. See response to No. 3. No.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.—

It is my belief that no conflicts exist from any prior or present relationship, but should any be identified to be of concern, I would have no reluctance to undertake whatever procedure is acceptable to the President to resolve it.

QUALIFICATIONS

The attached resume of my education and experience, in addition to the other material forwarded to the Committee, should provide a detailed profile of my qualifications for the position of Assistant Secretary of Interior for Land and Water Resources. The following is intended as a summary of that material highlighting, from my perspective, those elements which provide the best qualifications for the position.

As an individual who grew up in the Rocky Mountain area, no Federal agency was more familiar to me than the Department of Interior, largely through the Bureau of Land Management, Park Service and Bureau of Reclamation. By the time I want to the University of Colorado, and subsequently to Law School at Colorado, I was relatively set on pursuing an education in public administration, with my greatest interest focused in the resources area. This interest was an increasingly strong one throughout college and law school, with my final years at each level concentrating on studies in land-use planning, resource administration, water law, oil and gas and others.

Upon leaving law school, my decision to leave Colorado for Alaska was influenced by the same interest, and my subsequent professional progression has certainly justified my choice at that time. I believe an objective reading of my record will indicate nearly a decade of increasingly responsible experience in the natural resource area, and wide coveraged of the different types of roles one can take in this area. This experience includes work at all government levels (local, State and Federal); experience with numerous Federal issues; experience both in the legislative sector (Congressional staff) and the executive (Alaska Cabinet); and present Cabinet rank assignment in the Alaska State Government, which has extensive substantive, policy and administrative responsibilities in the resource area.

I believe my basic legal skills have been broadened substantially by this experience, and represent the sort of background which is thoroughly applicable to resources policy at this point in our history. In conclusion, I would only add that my enthusiasm for the work continues to grow, and my concern for this Nation's resources and their proper management will undoubtedly keep me in this area for some time.

GUY RICHARD MARTIN

Personal: Age 34, married, no children.

Education: University of Colorado: B.A., 1964, University of Colorado School of Law: J.D., 1967.

Experience: Commissioner of Natural Resources, State of Alaska, March, 1975, to present—Juneau. Cabinet-level position in the Administration of Governor Jay Hammond. Direct responsibilities, under Alaska law, for management of all State natural resources with exception of fish and game, and for Federal-State policy issues emerging therefrom.

RESPONSIBILITIES

Administration—Department has approximately 500 employees, seven major divisions, and several boards and sub-agencies. Budget approximately $20 million.

Land—Management of 40 million acres of State land (soon to be 68 million).

Water—Responsible for State water inventory and allocation programs.

Timber—All State timber management.

Minerals—Management and leasing of all State minerals, including oil and gas.

Agriculture—Agricultural land programs and policy.

Parks—Responsible for State Park System, one of the largest in the United States.

Energy, oil and gas—Responsibility for State energy programs.

Oil and gas leasing programs, coal leasing, and other energy resources, including geothermal and uranium.

Policy coordination with Federal energy programs, including OCS, Pet. 4, coal development, pipelines (gas and oil), and energy pricing and supply issues (i.e., West Coast surplus).

Responsible for bringing Prudhoe Bay oil and gas royalties, whether taken in kind or value. Chairman of State Royalty Board.

Responsible for State oil and gas conservation and regulation of oil and gas activities.

Washington Counsel, State of Alaska, March, 1973, to March, 1975, Washington, D.C. Established and supervised law office in Washington, D.C., for the purpose of representing the Governor's Office and Office of the Attorney General for Alaska. Served as legal counsel for the State as registered Congressional lobbyist. (Focus on natural resource issues. Areas of emphasis included: Trans-Alaska Pipeline Act transportation of North Slope natural gas, OCS development, land use planning.

Legislative Assistant to Alaska Congressman Nick Begich (D), January, 1971, to January, 1973. (During passage of historic Alaska Native Land Claims Settlement Act.)

Associate Professor of Political Science, Alaska Methodist University, 1967–1971. Anchorage, Alaska. (Constitutional Law, American Government, Resources and Land Law.)

University Attorney, Alaska Methodist University, 1968–1971.

Practicing Attorney, Law Firm of McGrath, Wohlforth and Flint, 1969–1971. Anchorage, Alaska.

STATEMENT OF ROBERT L. HERBST, NOMINEE, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS

Mr. Chairman and distinguished members of the Committee. I deem it an honor to appear before this Committee as the President's nominee for the position of Assistant Secretary of the Interior for Fish and Wildlife and Parks.

It is a significant responsibility and personal challenge to be considered for this important position.

I number myself among many American citizens who attribute their destiny in life to vital influences experienced during the green and growing years. In my youth, my mother and father, my church, my affiliation with the Boy Scouts of America, and adult citizens encountered along the way were enormously influential. And yes, the conservation cause was also an inherent factor in motivating me to pursue an education in forestry and wildlife at the University of Minnesota.

You have before you a brief resume. I shall use the education and experience I have, combined with all the energy and dedication I can muster, to live up to the faith and trust Secretary Andrus and President Carter have placed in me to serve our environment and the citizens of our great country.

For almost 24 years, I have devoted my energy and life to the environment as a professional conservationist. It has been my fortune to have held professional positions with private industry; the Federal Government (U.S. Forest Service); the University of Minnesota School of Forestry; two nonprofit conservation corporations (Keep Minnesota Green, Inc. and the Izaak Walton League of America); and the State of Minnesota (Department of Natural Resources).

I have had natural resource field, management, and administration experience. My most recent administrative experience has been as the department head of the Minnesota Department of Natural Resources, one of the largest State conservation agencies.

Five times by four different Governors, I have been appointed as Deputy Commissioner and Commissioner in Minnesota. In this regard I have enjoyed a close working relationship during the past six years as an appointee of the former Minnesota Governor—now Senator—Wendell Anderson. The Minnesota Department of Natural Resources, a composite resource agency, included Divisions of Fish and Wildlife, Forestry, Waters, Minerals, Parks and Recreation, and Enforcement. In addition to being responsible for each of these Divisions, I supervised the Soil and Water Conservation Board, eleven Bureaus, and six Regional Offices.

The Minnesota Department of Natural Resources administers 8½ million acres of State land which includes 56 State Forests, 970 Wildlife Management Units, and 96 Parks. It was also responsible for 10 million acres of State mineral rights, 4⅓ million acres of public water, all fish and wildlife resources, over 2000 buildings, several thousand vehicles, fish hatcheries, rearing ponds, three nurseries, research centers, repair centers and supply depots.

As Commissioner I was responsible for a biennial budget of over $150 million, 1265 permanent employees, 2500 seasonal employees, 7–8000 volunteers, and over 50 advisory committees. My experience includes service on many State Commissions and Boards; Interstate Commissions; and on the State, Regional and National Committees and organizations.

In addition my responsibilities required close work with the Governor's office and the Minnesota legislature to develop, pass, and implement some of the most innovative and far-reaching environmental laws in the nation.

Examples of these programs include:

An Environmental Education Act which provided environmental education in our schools.

The passage of the "Leech Lake Indian Agreement" which ratified into law an honorable agreement that was negotiated with the Indian Community on hunting, fishing, trapping and the harvest of wild rice.

The establishment of an Environmental Quality Council along with a State Environmental Impact Statement procedure.

A Critical Areas Act which as a forerunner program established the zoning of critical environmental areas of the State.

The Minnesota Wild and Scenic Rivers Act, patterned after the Federal act, and under which I have designated three rivers for inclusion, with four additional ones in the process of designation.

Flood Plain Management and Shoreland Management Acts which were implemented and carried out well.

An Outdoor Recreation Act, which classifies the recreation system of our State and provides for planning and utilization of our recreation units.

A program to strengthen Minnesota's mining and water laws which resulted in a Mineland Reclamation Act among other laws.

Endangered Species legislation and legislation to give management protection to four species of wildlife formerly unprotected. (Bear, lynx, wolverine, and raccoon;)—The fox is now under consideration for protection as well.

The prohibition of mining and peat harvesting in the Boundary Waters Canoe Area, our famous pristine recreational area in Minnesota.

Legislation creating the Voyageurs Park and providing for funding to make the donation of 36,000 acres of land to the National Park Service.

A greatly accelerated acquisition program for Parks, Forests, Wildlife areas and Scenic Rivers with proposed funding of $100,000,000 over a six-year period. The first phase—$20,000,000 is already under way.

Throughout my career there has been a consistent theme—concern for the environment—and I trust an ability to convert that concern into administrative and conservation achievement.

The record shows the interest, dedication and energy which I would bring to the vital work of the Department of the Interior.

My philosophy is best reflected in these words:

"Your creator has made all things necessary to sustain you and found them to be good.

While you dwell among the mortals you may partake thereof.

Use them wisely and judiciously.

Guard them closely—squander them not.

For if you are untrue to this sacred trust Mankind shall not be perpetuated but shall perish from this earth." (Dick Doerr).

Secretary Andrus, in his confirmation hearing, said: "I believe that conservation is no longer a pious ideal. It is an element of our survival. Many resources are limited and precious. My efforts will be focused on curbing old habits of over consumption and misuse, seeking instead to use less and to use better. I share the deep concerns of our citizens who want to know what our nation will be like when our children and grandchildren reach adulthood."

I share the Secretary's convictions and will work closely with him to achieve his goal of protecting and enhancing the environment of our nation.

The programs afforded by the National Park Service, the Fish and Wildlife Service, and the Bureau of Outdoor Recreation are a trust we hold for the enjoyment of all this nation's people.

The treasures they have provided must be protected, and we must continually be vigilant to protect additional treasures.

I look forward to this new opportunity and challenge with great enthusiasm. To the best of my ability, I will vigorously strive to manage and protect our natural resources for the benefit of all Americans—as I have during my entire professional career. In carrying out this responsibility, I will look forward to working with each of you. I will welcome your advice and counsel—and at this time will welcome your questions.

ROBERT L. HERBST—BRIEF PERSONAL RESUME

Born: Minneapolis, MN, October 5, 1935.

Marital status: Married, wife Evelyn, three children.

Present position: Commissioner, Minnesota Department of Natural Resources, 301 Centennial Office Building, St. Paul, Minnesota 55155. Phone: 296 2549.

Home address: 10444 Fifth Avenue Circle, Bloomington, MN 55420. Phone: 884 4559.

Education: Graduate, Central High School, Minneapolis, MN University of Minnesota, Bachelor of Science, 1957 Forest Management; minor: Wildlife Management.

PROFESSIONAL EXPERIENCE

1953: Served with Forest Industry.

1954–1955: U.S. Forest Service.

1956–1957: Instructor, University of Minnesota in Dendrology and Mensuration.

1957–1963: Forester, Minnesota Conservation Department.

1963–1966: Executive Secretary, Keep Minnesota Green, Inc.

February 15, 1966: Appointed Deputy Commissioner, Minnesota Conservation Department.

July 16, 1966 to February 14, 1967: Served as Acting Commissioner, Minnesota Conservation Department.

February 14, 1967: Reappointed Deputy Commissioner.

April 1, 1969: Appointed National Executive Director, The Izaak Walton League of America.

January 4, 1971: Appointed Commissioner of Natural Resources, State of Minnesota by Governor Wendell Anderson.

January 31, 1975: Reappointed Commissioner of Natural Resources by Governor Wendell Anderson.

PROFESSIONAL ORGANIZATIONS

Numerous National, State and Local professional and civic organizations and associations—active participation including chairmanships.

CITATIONS AND AWARDS

Numerous awards from National, State and Local organizations ranging from plaques of appreciation to distinguished service.

[U.S. Senate, Committee on Interior and Insular Affairs]

INFORMATION REQUIRED OF PRESIDENTIAL NOMINEES

Rule 9 of the Rules of the U.S. Senate Committee on Interior and Insular Affairs requires that each Presidential nominee considered by the Committee shall submit a financial statement sworn to by the nominee as to its completeness and accuracy. Under the rule all such statements must be made public by the Committee unless the Committee in executive session determines that special circumstances necessitate a full or partial exception to this requirement. Rule 9 also provides that at any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

In order to assist the Committee in its consideration of nominations, each nominee is

requested to complete the attached Financial Statement and Statement For Completion By Presidential Nominees.

The original and twenty (20) copies of the requested information should be made available to Honorable Henry M. Jackson, Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C. 20510 (Attn: Staff Director) as soon as possible.

FINANCIAL STATEMENT

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other obligations) of yourself, your spouse, and other immediate members of your household.

Assets:	
Cash on hand and in bank	$510.27
U.S. Government securities—add schedule (75 bonds)	
Real estate interests, including mortgages—add schedule	99,300.00
Personal property	45,500.00
Life insurance—cash value	4,170.00
(For further itemization see attachment)	
Children's savings accounts	631.21
Real estate script	186.38
Minn. Pension Fund	21,328.00
Tax refund due in 1977	1,429.00
Total assets	173,594.86
Liabilities:	
Notes payable to banks—secured (autos)	6,680.00
Chattel mortgages and other liens payable	35,397.00
Other debts—itemize:	
Insurance	2,000.00
Charges	1,562.17
(For further itemization see attachment)	
Total liabilities	45,639.17
Net worth	127,955.69

FINANCIAL STATEMENT—ROBERT L. HERBST, FEBRUARY 7, 1977

BANK ACCOUNTS

Richfield Bank & Trust—Richfield, MN checking account (balance), Estimated assets: $373.06, February 3, 1976.

H&M Retreat account, Kanabec State Bank Mora, MN, checking account, estimated assets: $70.00 (approx.).

State Capitol Credit Union Savings, estimated assets: December 31, 1976, $67.21.

Savings Bonds (3–$25 bonds), estimated assets: $75.00.

Eric, None.

Amy, Home Federal Savings, estimated assets: December 31, 1976, $97.97.

Peter, Home Federal Savings, estimated assets: December 31, 1976, $533.24.

INSURANCE POLICIES

$10,000 life—Travelers (self), cash value, (cash value $1,830–$1,000 loan equals $830), estimated assets: $1,830.00, approx.; debts, $1,000.

$10,000 Life, Accidental (self), cash value (cash value $1,790–$1,000 equals $790), estimated assets: $1,790, approx.; debts, $1,000.

$1,000 Life, National Mutual Benefit (Eric, cash value) estimated assets: $550., approx.

Real Estate Script, cash value, $186.38.

Investments: 60 shares American Microsystems, Inc., stock value (value October 8, 1976) estimated assets: $465.

REAL ESTATE

Home, 10444 Fifth Avenue Circle, Bloomington, MN, (Mortgage-Richfield Bank & Trust, Richfield, MN), estimated assets: $85,000 (est. value); mortgage: $35,397. December 28, 1976.

One-half Interest-40 acres (Tree Farm & Wildlife Preserve) Isanti County, MN (Est. value, $12,000) My one-half interest equals $6,000, estimated assets: $6,000 (est. value).

One-third cabin on Fish Lake (ownership 30%), Kanabec County—Mora, MN one-third of estimated value $25,000, $8,300, estimated assets: $8,300.

Household goods: 2 Autos, 1975, Toyota Corolla, est. $4,000, Estimated assests: $4,000.00; 1976 Chevrolet Blazer, est. $7,000, Estimated assets: $7,000.00; loan, State Capitol Credit Union Dec. 31, 1976, $6,680.00.

Household items: Furniture, etc., Estimated assets: $25,000.00 (est. value) (See Attachment No. 1).

Boats, sporting goods: Guns, fish tackle, outboard motors, golf clubs, fish house, etc. Estimated assets: $8,000.00 (est. value).

Artwork: Plaques, medallions, carvings, etc. (priceless to me) Estimated assets: $1,500.00.

Pension funds: State Employees and Retirement Fund, January 1, 1977, cash value, Estimated assets: $21,328.00.

Income Tax Refund Due in 1977: Federal, $2,311.00, State, $118.00.

LIABILITIES

Gabberts (furniture), January 31, 1977, $323.49.

Dayton's, January 11, 1977, $178.65.

Cedric's (clothes), January 20, 1977, $128.10.

Shopper's Charge, January 8, 1977, $273.35.

American Express, January 6, 1977, $262.44.

Donaldson's, December 9, 1976, $21.04.

Sears, January 9, 1977, $50.86.

Target, January 11, 1977, $42.36.

Union Oil, November 10, 1977, $281.88.

Total Assets: $173,594.86.

Total Debts: $45,639.17.

Total assets of $173,594.86 minus, total debts of $45,639.17 equals net assets of $127,955.69.

Household value estimates

(Furniture, clothes, pictures, books, other material goods)

Basement	$ 2,000
Garage	350
Family room	2,000
Kitchen	1,200
Diningroom	3,000
Livingroom	4,000
Our bedroom	2,000
Eric bedroom	400
Peter bedroom	250
Amy bedroom	250
Stamp collection	1,000
Paintings	2,000
Books	2,000
Cabin material goods	1,000
Subtotal	21,450
Clothes, linen, blankets, utensils, jewelry, etc.	3,550
Total	25,000

Source of income statement

1975:	
State of Minnesota wages	$33,275.00
City of Bloomington wages	212.00
Credit Union interest	3.00
Richfield Bank interest	49.00
National Systems honorarium	100.00
State income tax refund	432.00
Total	34,071.00
1976:	
State of Minnesota wages	33,230.00
Credit Union interest	4.59
Richfield Bank interest	19.10
National Systems honorarium	100.00
Saving Bonds interest	9.25
State income tax refund	325.00
Total	33,688.00

STATEMENT

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers.

(1) I own 60 shares of American Microsystems, Inc. with a value of $465 on 10/8/76. I will sell.

(2) The North American School of Conservation is the only organization that I serve as an advisor on for which payment is received. "The National Systems Honorarium" $100.00. This advisory position will be dropped.

(3) My pension fund with the State of Minnesota as of 2/1/77 has a cash value of $21,328. This fund will be left with the State of Minnesota Employees Retirement Association.

2. Are any assets pledged? (Add schedule.) No.

3. Are you currently a party to any legal action? As a State of Minnesota Public Official I have been involved in court cases as either the Plaintiff or Defendant on material related to that Department's Constitutional and Statutory Responsibilities.

4. Have you ever declared bankruptcy? No.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Herbst, Robert L.

Position to which nominated: Assistant Secretary for Fish and Wildlife and Parks.

Date of birth: May 10, 1935.

Place of birth: St. Mary's Hospital, Minneapolis, Minnesota.

Marital status: Married.

Full name of spouse: Evelyn C. Elford Herbst.

Name and ages of children: Eric Herbst, born 1957; Peter Herbst, born 1959; Amy Herbst, born 1965.

EDUCATION

Institution, dates attended, degrees received—

University of Minnesota, 1954–1957, BS Forest Mgt.

Central High School, 1950–1954, High School.

Bryant Jr. High, 1946–1950, Jr. High.

HONORS AND AWARDS

List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

(1) Named "Outstanding Forester on Tree Farm Program 1962."

(2) "Outstanding Field Forester" in Minn., Univ. of Minn. Forestry Club 1963.

(3) Governor's Award "Conservationist of the Year" sponsored by Nat. Wildlife Federation, Minn. Conservation Federation and Sears Roebuck Foundation—1968.

(4) Univ. of Minn. Forestry School Yearbook dedication 1968.

(5) "Outstanding Dedication to Conservation and Recreation" Minn. Legislative Resources Commission 1969.

(6) "Outstanding Conservationists Award" NW Boat, Sports and Travel Show 1969.

(7) "Distinguished Service Award" Univ. of Minn. Alumni Assoc. 1971.

(8) Received Nat. Recognition Plaque Izaak Walton League of Am. 1971.

Many additional 3 awards and honors.

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic; charitable and other organizations.—See attached.

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates—

Served with Forest Industry 1953.

U.S. Forest Service 1954 and 1955.

Instructor, University of Minnesota in Dendrology and Mensuration 1956 and 1957.

Minnesota Conservation Department 1957–1963 Forester.

Executive Secretary, Keep Minnesota Green, Inc. 1963–1966.

Appointed Deputy Commissioner, Minnesota Conservation Department, February 15, 1966.

Served as Acting Commissioner, Minnesota Conservation Department, July 16, 1966–February 14, 1967.

Reappointed Deputy Commissioner, February 14, 1967.

Appointed National Executive Director, The Izaak Walton League of America, April 1, 1969.

Appointed Commissioner of Natural Resources, State of Minnesota by Governor Wendell Anderson, January 4, 1971.

Reappointed Commissioner of Natural Resources by Governor Wendell Anderson, January 31, 1975.

Government experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part-time service or positions. See attached.

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written—

I have prepared about 2,000 Forest Management Plans, edited, Keep Minnesota Green Newsletter in 1963 and 1966 prepared several hundred magazines articles and newspaper stories and prepared well over 2,000 speeches, a number of which have been published. Looking Forward To A Career In The Environment by Robert L. Herbst. Published by Dillon Press in 1975.

GOVERNMENT EXPERIENCE

List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part-time service or position—

Environmental Quality Council appointment by Governor Anderson in 1973 by Statute—elected Vice-President of Council—1973.

Rural Development Council appointment by Governor Anderson.

St. Croix Management Commission Upper appointment by Governor Anderson.

St. Croix Management Commission Lower appointment by Governor Anderson.

Iron Range Resources Commission—member by statute.

Legislative Committee—International Association of Game, Fish and Conservation Commissioners.

Land Resources Committee International Association of Game, Fish and Conservation Commissioners.

Indian Affairs Commission—by statute.

"State Trail Council" member—appointed by Governor Anderson September 1973 (executive order).

Legislative Committee International Association of Game, Fish and Conservation Commissioners—appointed Chairman October 1973.

Legislative Committee for the Association of Midwest Fish and Game Commissioners—1975.

Elected Vice Chairman "Indian Rights Committee" International Association of Game, Fish and Conservation Commissioners 1976.

International's representative on the National Coordinating Committee for Water Resources—1976.

Governor's Trail Advisory Committee appointment by Governor Anderson GAC appointment by Governor Anderson—appointed chairman employee relations committee.

Governor's Management and Personnel Development Committee appointment by Governor Anderson.

Minority Hiring Committee appointment by Governor Anderson.

Ex Officio Member Minnesota Environmental Education Council appointment by Governor Anderson.

State Advisory Council on Fire Service Education and Research appointment by Governor Anderson.

Member National Association of State Liaison Offices Land and Water Program—elected Board of Directors—1973 appointed chairman of organization committee 1973.

FUTURE EMPLOYMENT RELATIONSHIPS

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate. Yes, see attached copy of letter to Governor Perpich.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization. No.

3. Has anybody made you a commitment to a job after you leave government? No.

4. Do you expect to serve the full term for which you have been appointed? Yes.

POTENTIAL CONFLICTS OF INTEREST

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated. See Attached Conflict of Interest Statement.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated. See Attached Conflict of Interest Statement.

3. Describe any business relationship, dealing or financial transaction (other than tax-paying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated See attached Conflict of Interest Statement.

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy. See Attached Statement on Legislation and Laws on State-Federal levels.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items. See Attached Conflict of Interest Statement.

MINNESOTA DEPARTMENT
OF NATURAL RESOURCES,
St. Paul, Minn. February 9, 1977.

Hon. RUDY PERPICH,
Governor, State of Minnesota,
State Capitol Building,
St. Paul, Minn.

DEAR GOVERNOR PERPICH: As I advised you recently, I had anticipated meeting with President Carter relative to a possible federal position. I had the privilege of conferring with the President yesterday. Our meeting was most cordial and, of course, a great honor for me.

I anticipate that President Carter will nominate me to the Senate of the United States for appointment to the position of Assistant Secretary, Department of the Interior, in the administrative area of Fish and Wildlife, Parks and Recreation.

I view the prospect of service to our nation in this capacity as a great and rare privilege. Granting formal approval of Congress, I have, accordingly, decided to accept the appointment.

Such a decision is not easy. As you know, Governor, my wife and I have decidedly mixed emotions as we contemplate the possibility of leaving our beloved home state. In addition, I have come to regard our Department of Natural Resources as a family in itself. With our personnel in various disciplines, I have experienced over the past six years a series of complex confrontations on critical resource management issues—all of which have served to create bonds of admiration and respect which are most difficult to sever.

I can also honestly reaffirm that, because of your deep, personal commitment to environmental concerns, I had looked forward in a most positive way to serving your administration. Your personal reassuring comments to me have reflected a reciprocal regard.

In light of the foregoing considerations, however, and pending Congressional action, I most respectfully submit to you my resignation as Commissioner of the Minnesota Department of Natural Resources.

I do so subject to the prerequisite procedural steps, and on the basis of precedent established for such appointments, as exemplified most recently by that of Congressman Bob Bergland.

In the event of unforeseen problems, your acceptance of these qualifications would provide me with reassurance regarding my current position.

To enable me to go to Washington and prepare for confirmation and transition, I will be taking vacation time, effective February 14, 1977. I will, of course, advise you at the earliest possible time on the decision-making process.

Until then, permit me to express my deepest gratitude for the honor of serving you, and for your personal friendship, faith and trust in my abilities.

Respectfully,

ROBERT L. HERBST,
Commissioner of Natural Resources.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 18, 1977.

DEAR MRS. MCDONALD: As a part of my confirmation process it is desirable and necessary to terminate all memberships to eliminate any possible conflicts of interest.

Please advise in writing the following organizations of my resignation effective immediately:

Minnesota Conservation Federation
Izaak Walton League of America
Muskies Inc.
Ding Darling Foundation
North American School of Conservation
"Kids" Inc.
Society of Mining Engineers
Viking Council Boy Scouts
Wildlife Heritage Foundation
Society of American Foresters
International Association of Game and Fish Agencies
Midwest Association of Game and Fish

Thank you.

Sincerely,

ROBERT L. HERBST.

STATEMENT OF ROBERT L. HERBST REGARDING CONFLICT OF INTEREST CONCERNS, FEBRUARY 7, 1977

It is my sincere conviction that I do not have any problems in areas involving so-called conflicts of interest, as associated with a potential position with the Department of Interior. I can and shall be objective and professional in the discharge of my duties, as evidenced by the history of my career as a State of Minnesota official.

Should any of my private or professional affiliations with various organizations constitute possible conflicts, I shall disassociate myself from such affiliations.

Should any of my stock holdings present problems, I shall immediately dispose of such holdings.

I am advised that two issues have been brought to the attention of the Department of the Interior, as related to my status as a State of Minnesota official; specifically:

(1) A petition in consideration of reclassification of the eastern timber wolf:

"If, in serving as Assistant Secretary of Interior I should be involved in a ruling on said position, as brought by myself as a state official, I would disassociate myself from the decisionmaking process and abide by the judgment of the present director of the U.S. Fish and Wildlife Service."

(2) Formal requests of past and present Governors of the State of Minnesota involving adjustments of the boundary of Voyageurs National Park (minor change): I would not interfere with decision of the National Park Service; namely: "they will not administratively change the boundary."

Should any other areas involving possible conflicts of interest arise, I would immediately refer such areas to the Secretary of Interior for his assessment, and action, together with any recommendations I may have to preclude and resolve conflict problems.

STATEMENT OF ROBERT L. HERBST REGARDING PERSONAL RESPONSIBILITIES, LEGISLATION, AND LAWS ON STATE-FEDERAL LEVELS, FEBRUARY 7, 1977

As a State of Minnesota official, I propose and prepare legislation for introduction, and I formally testify on bills and positions related to the various disciplines of the Minnesota Department of Natural Resources. I am also responsible for administering laws and activities associated with the responsibilities of this Department.

With the exception of the 1969–70 session, I have served in administrative capacity at every legislative session since 1966.

I have personally directed the most comprehensive reorganization in the history of the Minnesota Department of Natural Resources, involving the implementation of major changes designed to economize and more efficiently utilize personnel in program management.

As a state official, I prepare, submit and testify on the comprehensive budget of the Department of Natural Resources.

My duties encompass maintaining close communication and consultation with the Minnesota Congressional delegation, including providing technical advice on legis'ation pending in the Congress of the United States, related to the resource concerns of the Minnesota Department of Natural Resources. I have formally testified on many occasions before Congress, and have delegated witnesses to appear before Congress.

As a member of the International Association of Game and Fish Agencies, I have served on the Legislative Committee, and have been frequently consulted for recommendations on federal legislation. I also served as chairman of this International Committee in 1974.

As National Executive Director of the Izaak Walton League of America (1969–70), I formally testified before Congress on environmental legislation as supported by the League.

I have maintained an "open door" to citizens organiaztions in order to foster and promote public participation and involvement in the environmental decision-making process.

FEBRUARY 1, 1977.

HON. JIMMY CARTER,
President of the United States,
Washington, D.C.

DEAR SIR: Sharing your determination to assure the American people of the integrity of your Administration and appreciating the confidence you have shown in me by proposing to nominate me to be Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, in addition to complying with applicable federal laws and regulations relating to conflicts of interest, if I am nominated, confirmed and take office, I agree that:

(1) I have already filed or will file within 30 days of taking office with those persons you specify, the following information which may be made available to the public as you may direct:

(a) a complete current net worth statement itemizing all assets and liabilities of myself, my spouse, my minor children, and other members of my immediate household; and

(b) a sources of income statement for the year 1975 and for the period of time ending no earlier than 60 days before the above date listing all sources and amounts of all items of value received by me, my spouse, my minor children, and other members of my immediate household including, but not limited to, salaries, wages, fees, honoraria or other compensation, dividends, interest, rents, royalties proceeds from the sale or exchange of property and gifts.

(2) While in office, in addition to complying with 18 U.S.C. § 208, I will similarly refrain from participating in any particular matter, as that term is used in § 208, in which any party as hereinafter specified had a direct and substantial interest:

(a) any party with which I am associated for financial gain within the year prior to taking office as officer, employee, director, trustee, partner, or owner of more than 1% of value of the outstanding equity ownership; or

(b) with which I am negotiating or have an arrangement whether as a consultant, employee, partner, or any other position to be held for financial gain; has a direct and substantial interest.

(3) In addition to complying with the restrictions which will be imposed on me by federal law after termination of my government service, including those contained in 18 U.S.C. § 207, I will not for two years following such termination engage in any activity from which § 207(b) will bar me during the first year after such termination. Also for two years following termination of government service I will not, for compensation or financial gain, on behalf of any party other than the United States, make any formal or informal appearance before, or contact with, any officer or employee of the Executive Branch with respect to any particular matter as defined in § 207 which was within my official responsibility as defined in 18 U.S.C. § 202(b) during the twelve months preceding termination of my government service.

(4) For one year following termination of my government service I will not, for compensation or financial gain, on behalf of any party other than the United States, make any formal or informal appearance before, or contact with, any officer or employee of the Department of Interior.

(5) I will, while in government service and for two years after leaving government service, file periodically in accordance with regulations to be promulgated by you statements of sources of income more particularly described in subparagraph 1(b) above.

(6) In accepting the position for which you propose to nominate me, it is my intention to serve for the entire term for which you appoint me and, if my term is indefinite, it is my intention to serve as long as you wish me to serve.

Very truly yours,

ROBERT L. HERBST.

[From the Committee on Energy and Natural Resources]

U.S. SENATE,
Washington, D.C., March 28, 1977.

MEMORANDUM

To: Members of the Committee.
From: Steven P. Quarles, Counsel.
Re: The Nomination of Mr. Robert L. Herbst to be Assistant Secretary of the Interior for Fish and Wildlife and Parks

On March 8, 1977, the Energy and Natural Resources Committee and the Environment and Public Works Committee jointly received the nomination of Robert Herbst, Commissioner of Natural Resources for the State of Minnesota, to be Assistant Secretary of the Interior for Fish and Wildlife and Parks.

On March 9, 1977, the Chairman transmitted to Committee members a memorandum which discussed the arguments of those witnesses who were expected to oppose Mr. Herbst's nomination at the hearing the following day. The Chairman asked me to revise that memorandum on the basis of the testimony received on March 10 and 11, 1977. The revised memorandum is attached.

[From the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C., March 28, 1977]

MEMORANDUM

To: Senator Henry M. Jackson, Chairman.
From: Steven P. Quarles, Counsel.
Re: The nomination of Mr. Robert L. Herbst to be Assistant Secretary of the Interior for Fish and Wildlife and Parks: A Review of Issues Raised Before and During the Confirmation Hearings.

Mr. Herbst would appear to possess professional qualifications which exceed those of any recent holder of the post of Assistant Secretary for Fish and Wildlife and Parks. (A brief summary of Mr. Herbst's qualifications and a resume are attached as Appendices A and B.) These qualifications and his general credentials as an "environmentalist" (an additional, unwritten qualification which has been applied to the holder of this Assistant Secretaryship in recent years) were endorsed in the testimony of the witnesses of the numerous environmental organizations which favor Mr. Herbst's nomination [1] and were not seriously challenged by the witnesses for those members of the conservation community which oppose, or share concerns over, his nomination.[2]

The opponents of Mr. Herbst's nomination point, instead, to certain actions taken personally by him in his position as Commissioner of Natural Resources or by State officials under his authority which, these opponents maintain, disqualify him for the particular environmental duties of the post to which he has been nominated. They argue that these actions were directly detrimental to, and thus display a disregard for, the missions of the two principal agencies he would supervise: the National Park Service and the United States Fish and Wildlife Service. These actions concern the status of the eastern timber wolf under the Endangered Species Act administered by the Fish and Wildlife Service and the boundaries of the Voyageurs National Park managed by the National Park Service.

---

[1] These include the National Recreation and Parks Association, National Wildlife Federation, Wildlife Management Institute, Wildlife Society, Appalachian Mountain Club, and American Asociation of Zoological Parks and Acquarium.

[2] These include the Fund for Animals, Defenders of Wildlife, Sieraa Club, Wilderness Society, Environmental Defense Fund, and National Parks and Conservation Association.

In addition, the issue of convicts of interest was discussed in the March 9, 1977, memorandum and during the hearings. Also during the hearings, issues were raised concerning the degree of frankness with which the nominee addressed the committee and the manner in which he would, in the future, represent the programs and agencies under his purview both upon Capitol Hill and within the Department.

These issues are discussed below:

I. VOYAGEURS NATIONAL PARK

The opponents of Mr. Herbst's nomination raise one issue concerning the Voyageurs National Park.

Issue 1. Did Mr. Herbst attempt to delete approxmiately 1,000 acres from the Voyageurs National Park by administrative action and to assert State jurisdiction over 80,000 acres of the Park in a suit against the United States, and do these actions manifest a lack of commitment to the integrity of the National Park System?

On April 8, 1976, Mr. Herbst wrote Secretary of the Interior Thomas S. Kleppe and requested that the boundaries of the Voyageurs National Park be altered to remove from the Park the Black Bay area on the northeastern side to permit waterfowl hunting and reduce local citizens' opposition to the park. Assistant Secretary Nat Reed responded in a letter to Herbst, dated April 30, 1976. The letter read in part:

"It has been and still is the professional judgment of the National Park Service that the area in question is every bit as important from a resource standpoint as any other part of the Voyageurs. . . . We question whether the proposed boundary change would significantly satisfy those who oppose the park. We envision that one concession made would simply lead to more concessions asked."

The letter concluded that Congressional action would be necessary to achieve the requested boundary alteration. Such action was sought by a letter in June, 1976 to Congressman Nolan from then Governor Wendell R. Anderson.

On August 19, 1976, the State of Minnesota presented oral arguments as amicus curiae in a case before the District Court concerning the conviction of a Mr. Carl E. Brown in Magistrate's Court for violating National Park Service regulations while duck hunting on the waters of Black Bay. The State argued that hunting could not be controlled by the Federal government on the navigable waters within the Voyageurs National Park because the State never surrendered its sovereign jurisdiction to regulate exclusively such waters. On November 16, 1976, District Court Judge Miles W. Lord entered an opinion in favor of the right of the Park Service to regulate hunting on the navigable waters within the Park despite their ownership by the State. An appeal has been taken.[3]

Analysis: Clearly, Mr. Herbst sought administrative alteration of the boundaries of the National Park and at least acquiesced in the suit to assert exclusive State jurisdiction over all the navigable waters of the Park. The only real issue is whether this can be regarded as a lack of commitment on his part to the integrity of the National Park System. On the basis of available documents and hearing testimony counsel cannot reach this conclusion.

Mr. Herbst's letter to Secretary Kleppe and a statement on Voyageurs National Park submitted by Mr. Herbst to the Committee refer to two maps of the Park which show the Black Bay area to be excluded from the Park and the views of local citizens who guided the National Park survey team that the team meant to exclude the waters of the Bay. Mr. Herbst, thus, argued for the deletion of 1,000 acres from a 219,000 acre park on the basis of map error and misunderstanding. Counsel believes that when (1) the assurances from Mr. Herbst that he vigorously advocated the creation of the Park with full protection (while local hunting interests were lobbying for special statutory language permitting hunting in the Park or, in the alternative, the designation of the area as a national recreation area where hunting is permitted), (2) Mr. Herbst's successful efforts to achieve passage of a complementary State bill to permit the State to donate 37,000 acres of State land to the Park, and (3) his agency's prompt transfer of those lands, are weighed against the Herbst request for a 1,000 acre deletion, the request cannot be viewed as a serious threat to the integrity of the National Park System or as an indication of a cavalier attitude of Mr. Herbst toward the protection of that System.

The lawsuit raises more serious questions in that it involves a much higher percentage of the Park's area and can be viewed as precedent for attacks on the authority of the Park Service over navigable waters in other units of the National Park System. In response to a question concerning the suit posed to Mr. Herbst by counsel, Mr. Herbst stated that he had never truly favored this approach and that he was told by the State Attorney General that the State must enter Mr. Brown's lawsuit. Although during the hearing Mr. Herbst did not repeat his personal opposition to the lawsuit (even though asked if he was opposed to it) he did confirm that the State Attorney-General did advise him that "as the State public official having responsibility for the public waters of the State . . . I had a constitutional and statutory responsibility to enter that case as amicus curiae to protect whatever interests the State had in the ownership of waters" (Hg. transcript 87–88). When asked what his present views were, Mr. Herbst supported (without specifically stating so) the position of the judge in his decision in favor of the defendant that the State had only concurrent jurisdiction over the waters within the Park (Hg. transcript 88).

II. THE EASTERN TIMBER WOLF AND THE ENDANGERED SPECIES ACT

The opponents raise three issues concerning this subject:

Issue 2: In permitting the taking of wolves after passage of the Endangered Species Act of 1973, did the Minnesota Department of Natural Resources (DNR) under Commissioner Herbst's direction knowingly violate the Endangered Species Act? Was the DNR threatened with Federal suit for violation of the Act in a letter from the Interior Department in which both the criminal and civil sanctions of the law were cited?

DNR did violate the provisions of the Act and such a letter (Appendix C) was sent to Commissioner Herbst on September 5, 1974, by Lynn A. Greenwalt, at that time Special Assistant to the Director of the Fish and Wildlife Service.

The letter contained the following language:

"In telephone discussions had on September 4, 1974, between Associate Director Schreiner, of the U.S. Fish and Wildlife Service, and Mr. Milo Casey, Director, Minnesota Game and Fish Division, we have been informed that the Department has specifically authorized the taking of timber wolves in a least two, and possibly three, Regions of the Minnesota Department. If this is the case, such action may be in violation of Federal law, enforceable by criminal and civil sanctions, and such State authorization is void, by force of section 6(f) of the Act. . . . You are hereby notified of this alleged violation of the Act."

Set forth in the letter were three actions which the DNR would have to take to comply with the 1973 Act and avoid suit, among them certification to the U.S. Fish and Wildlife Service within five days of receipt of the letter that all licenses for the taking of wolves had been revoked.

On September 10, 1974, Mr. Herbst sent a letter (Appendix D) to Mr. Greenwalt informing him that the revocation of the licenses had occurred.

The principal issue which is not fully resolved is whether Mr. Herbst knew that the State and his department were violating the Act prior to receipt of the Interior Department's letter. This issue is of particular concern to the environmental organizations supportive of the Endangered Species Act because the Interior Department letter is regarded by many of them as the high point in an otherwise less than vigorous departmental effort to implement the Act.

Analysis: The Endangered Species Act was the victim of much confusion in the first few months after its enactment in December 18, 1973. The principal reasons for this were the complexity of its provisions and the failure of the Act to provide for any waiting period for the promulgation of regulations (its effective date was the date of enactment). Section 6(g) did provide for a fifteen-month transition or "establishment" period during which each State was to enter into a cooperative agreement with the Federal government for the management of endangered and threatened species. If no agreement was reached, the State would lose the authority to take or regulate the taking of endangered or threatened species. With exceptions set forth in paragraph (2) of section 6(g), the States were permitted to continue to manage all resident wildlife species during the establishment period. The principal exception of revelance to Mr. Herbst's nomination removed from State management during the establishment period any species listed in "the Convention on International Trade in Endangered Species of Wild Fauna and Flora or otherwise covered by any other treaty of Federal law."

At the time the Act was signed, the Interior Department and State wildlife agencies believed State authority over the eastern timber wolf was not preempted during the establishment period because the species was not listed in the Convention. Accordingly, DNR continued to regulate the taking of eastern timber wolves in the initial months of the establishment period.

With additional research, however, it was discovered that the eastern timber wolf was covered by an "other treaty": the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (Pan Am Treaty) which was not implemented until authorized by Congress in section 8(e) of the 1973 Act.

A background memorandum on eastern timber wolf and the DNR prepared by the Interior Department and submitted to the Committee reports the subsequent developments as follows:

"Thus, in last August or early September of 1974, it was recognized that the eastern timber wolf might be protected under the Endangered Species Act of 1973 regardless of the transition period allowed. When it was reported that Minnesota might be taking wolves for depredation control, a call was made to the Director of the Minnesota Game and Fish Division to inquire about this action. We were informed that the State was taking wolves in two and possibly three regions of the State. The next day (September 5, 1974), the Minnesota Department of Natural Resources was officially notified that the taking of wolves without a permit was a violation of Section 9 of the Act. On Septem-

[3] The State's case may be weakened by the provision in P.L. 94–458, enacted on October 7, 1976, which provides the Interior Secretary with authority to "promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States. . .". (90 Stat. 1976)

ber 10, 1974, a reply was received saying that the Department would comply with our request to revoke all authorizations to take timber wolves even though they felt that it would not be in the best interest of the wolves in the long term.

"The Minnesota Department of Natural Resources and the Minnesota Game and Fish Division acted in a legal and responsible manner to our request to stop their wolf control program. Furthermore, it is unlikely that the Minnesota Department could have known they were potentially in violation of the Act prior to receiving our letter."

Lou Regenstein of the Fund for Animals testified that the Interior Department knew that the eastern timber wolf was covered by the Pan Am Treaty and that no further wolf kills could be permitted by the DNR. He also stated that DNR was so informed by the Interior Department as early as June (and not late August or September as the Interior Department maintains in the above-quoted memorandum). Mr. Regenstein based his position on interviews he conducted with Interior Department personnel during the summer of 1974 in preparation for his Master of Arts thesis on the Endangered Species Act of 1973.

Upon review of available documents and testimony at the hearing, counsel finds that the Interior Department did know of the coverage of the timber wolf by the Pan Am Treaty and did inform the DNR of that fact prior to the late August or September date referred to in the Interior Department's memorandum. Counsel, however, does not find any clear indication that the DNR was informed that the establishment period was not applicable to the wolf and that the DNR must desist from issuing licenses for the taking of wolves.

According to a transcript of the Symposium on Endangered and Threatened Species of North America, held in Washington, D.C., June 11–14, 1974, Mr. Regenstein announced in a speech that Dr. David Mech, a wildlife research biologist for the U.S. Fish and Wildlife Service, stationed in Minnesota, had informed him that the Interior Department was aware that the wolf was listed on the Pan-Am Treaty and that the Department was interpreting this fact to mean that no more wolf kills could occur even during the transition period. Despite the suggestion to the contrary in a statement of Mr. Regenstein in his prepared testimony for the Committee, there is no indication in the transcript that it was publicly announced that no further wolf killing permits would be terminated because there were "other interpretations" of the effect of the coverage of the eastern timber wolf by the Pan Am Treaty.

In his testimony, Mr. Regenstein also said he met with Mr. Mech; Mr. Keith Schreiner, Associate Director, Fish and Wildlife Service; and E. U. Curtis Bohlen, Deputy Assistant Secretary for Fish and Wildlife, after his speech and that they "made it crystal clear that the wolf now enjoyed virtually total protection in Minnesota." However, here again there was no public announcement of that fact nor was there any indication that the DNR had been so informed.

Mr. Regenstein's thesis contains the statement based on a July 1974 discussion with Mr. Schreiner as follows: "In June, the Interior Department informed Minnesota's Department of Natural Resources (DNR) that it could no longer permit the killing of wolves. According to Keith Schreiner . . . DNR gave assurances that no further permits for the taking of wolves would be issued." As will be noted below, Mr. Schreiner, who appeared before the Committee on March 11, 1977, at the request of the Acting Chairman, denied any memory of having informed the DNR that it must stop issuing licenses for the hunting of the wolves or having received assurances to that effect from the DNR. Furthermore, the August 29, 1974, letter discussed below also appears to at least partially contradict the thesis statement and, unlike the thesis statement, the letter and the Symposium transcript were written contemporaneously with the discussions.

On August 29, 1974, Mr. Regenstein wrote a letter to Mr. Keith Schreiner, Associate Director of the Fish and Wildlife Service, (Appendix E) in which he states that he had talked to Mr. Dave Vesalle of the DNR and that Mr. Vessale told him he was aware of the coverage of the wolf by the Pan Am Treaty but that the State was continuing to issue licenses for the taking of wolves. However, again there is no indication in that letter that the DNR was informed that coverage of the wolf by the Pan Am Treaty meant the agency must immediately cease issuing licenses. In fact, in the letter, Mr. Regenstein indicates that Mr. Vesalle maintained that while he was "aware that the eastern timber wolf is on the Pan Am Treaty . . . a transition period was still in effect, and would remain so for several months, until the . . Act . . . took effect". Furthermore, the letter would appear to indicate that Mr. Regenstein's view that the DNR had been notified by the Interior Department of the preemption of its authority to issue licenses for the taking of wolves during the establishment period and of the requirement that it cease issuing such licenses was based on this assumption only.[4]

During the hearings, Mr. Herbst argued that, although the DNR was informed in June of the coverage of the eastern timber wolf in the Pan Am Treaty, it was not told that the effect of that was to prohibit the DNR from issuing licenses for the taking of wolves. A June 26, 1974, letter to the U.S. Fish and Wildlife Service's Game Management Agent in St. Paul from the DNR (the Deputy Commissioner on behalf of Mr. Herbst) definitely discloses that the coverage of the wolf in the Treaty was known by June 1974 (contrary to the above-quoted memorandum of the Department of the Interior prepared for the nomination hearing which placed the discovery of the Treaty's coverage in August or September) and suggests that the DNR was not informed as to what the coverage meant to the State.[5]

Further evidence of Mr. Herbst's position is found in a July 31, 1974, memorandum by him to DNR employees on "New Rules on the Timber Wolf". The memo reads as follows:

Beginning on August 1, the new Minnesota law on endangered species is in effect. A news release describing the new regulations will be released August 5.

"The new rules are based on state law. The federal regulations regarding the taking of wolves doing damage is unclear. Although we have asked the federal government for clarification, no guidelines have been received.

"Obviously we cannot wait any longer before informing the public that the timber wolf has a new status in Minnesota.

"Any questions regarding the taking of wolves under federal regulation should be referred to the Regional Office of the U.S. Fish and Wildlife Service 612–725–3505."

The most definitive official statement by Mr. Herbst to the effect that the DNR was not informed during the summer of 1974 that it could not issue the licenses is found in his September 10, 1974, letter to Mr. Greenwalt agreeing to comply with the Endangered Species Act. In reading the following excerpt from the letter, however, it should be kept in mind that the excerpt was written as an after-the-fact explanation of the State's actions to a Federal official who had just threatened suit over those actions:

"Some areas have been opened to the taking of timber wolves among other species. This has been done in the absence of any official interpretation by your office of the status of the establishment period so far as the timber wolf is concerned. Having been informally notified that your office might take the position that the prohibitions contained in the Endangered Species Act of 1973 already apply to the wolf in Minnesota, this department applied for a permit to continue to authorize the taking of timber wolves under our predator control program.

At the time of that application, this department was informed by officials of the Fish and Wildlife Service that because of the confusion involving the establishment period, no action would be taken to halt Minnesota's predator control program pending the disposition of the permit application."

Mr. Schreiner, associate director of the U.S. Fish and Wildlife Service, was invited to testify and his statement was more supportive of Mr. Herbst's position than that of Mr. Regenstein. He noted that the Pan Am Treaty was difficult to interpret because the Department's copy was in Spanish and did not list the wolf (the eastern timber wolf had been added later at the request of a previous Director of the Fish and Wildlife Service). He further stated that although he did believe he talked with the DNR concerning the listing of the wolf he did not think he had told DNR that it could not permit the taking of wolves during the establishment period. He did admit that he likely told Mr. Regenstein that no wolves were being taken in Minnesota, but apparently this was an assumption on his part. Mr. Schreiner added that, because of this assumption, Mr. Regenstein's August 29, 1974, letter informing him that the State was continuing to license the taking of wolves came as a surprise and immediately prompted the strong Greenwalt letter of September 5, 1974, threatening suit if compliance with the Act did not occur.

Upon review of these documents and testimony, counsel can find no clear indication that the DNR was informed that it could not issue licenses for the taking of eastern timber wolves prior to the telephone call of September 4, 1974, mentioned in the Interior Department memorandum and the letter from the Department to Mr. Herbst of September 5, 1974. Counsel does agree with Mr. Regenstein that it seems somewhat unusual for the Interior Department to send such a "tough" letter threatening suit unless compliance occurs within five days on only one day's notice by telephone. However, counsel does not find this to be persuasive of the position that DNR had been told to desist issuing licenses much earlier given the absence of any documentation to that effect.

Consequently, as the DNR promptly complied with the request in the Department's letter, counsel cannot state with any degree of certainty that Mr. Herbst or the DNR ever knowingly violated the Endangered Species Act of 1973.

Issue 3: Did Mr. Herbst press for the removal of the eastern timber wolf from the

---

[4] The letter reads "This contradicts your assurances to me that Minnesota was no longer able to issue such permits, and that the wolf in Minnesota was now completely protected by law, since its listing by the Treaty abolished any such transition period. I asume, of course, that your views were expressed to me in good faith, and were based on your conversations with Minnesota officials". (Emphasis added.)

[5] The letter notes that the wolf is on the Pan-Am Treaty and contains an application to the U.S. Fish and Wildlife Service for a "permit to continue taking . . . nuisance animals . . . pending the development of a cooperative agreement with the U.S. Department of the Interior pursuant to the Endangered Species Act".

endangered species list and, thus, attempt to subvert the purposes of the Endangered Species Act of 1973?

Although, the DNR promptly complied with the Interior Department's September 5, 1974, letter, Mr. Herbst and his department did continue to press for State authority to issue licenses for the taking of wolves. They did so within the procedures provided by the Endangered Species Act of 1973, although apparently the possibility of pursuing an amendment to the Act was considered.

On October 4, 1974, Mr. Herbst sent a letter, together with supporting documents, to Mr. Greenwalt petitioning that the eastern timber wolf not be classified as either endangered or threatened under the 1973 Act. (The letter is attached as Appendix F.) The November 21, 1974, Federal Register contained an announcement of Mr. Greenwalt (by then Director of the Fish and Wildlife Service) that a review of the classification of the eastern timber wolf in Minnesota would take place.

On January 27, 1976, the Regional Director of the Fish and Wildlife Service requested information from the State wildlife officers (including Mr. Herbst) in the region concerning the critical habitat of the eastern timber wolf and six other species listed on the endangered species list. Mr. Herbst responded in a rather blunt manner in a letter as follows:

"The only species on the list in your correspondence of January 27, 1976, that inhabits Minnesota is the Eastern Timber Wolf.

"You are aware, of course, that the Minnesota DNR does not regard the timber wolf as endangered within this state.

"Since 'critical habitat' is a concern regarding endangered species, we can have no applicable response to your request."

Analysis: Clearly, Mr. Herbst did try to have the eastern timber wolf in Minnesota removed from the endangered species list. The only issue to be addressed is whether such an effort could be regarded as an attempt to subvert the purposes of the Endangered Species Act of 1973.

On the basis of available documents, counsel believes this conclusion cannot be reached. Mr. Herbst appears to have engaged in the declassification effort on the basis of his firm belief that the wolf population must be managed, that proper management included the necessity of State-licensed wolf kills, and that such management would insure the long-range protection, not the demise, of the eastern timber wolf in Minnesota. Furthermore, this belief appears to be based on sufficient scientific information so as to not be unreasonable.

In a memorandum submitted to the Committee and printed on pages 6356–6357 of the March 4, 1977, Congressional Record, Mr. Herbst points out that between 1966 (when he first became Deputy Commissioner of DNR) and today the wolf has increased in number from 600 to 1200–1500 in Minnesota and that its main range is now saturated. (Opponents argue that the 600 figure is erroneous and was based on crude estimates and that whatever increase in numbers which did occur was not a result of State management or a State policy to permit that increase. However, opponents do not appear to dispute either the 1200–1500 figures or the fact that the main range is well-used, if not saturated.)

Mr. Herbst, in his letter to Mr. Greenwalt, not only cited these figures but also provided additional information in support of his request for declassification. The draft report of the Eastern Timber Wolf Recovery Team appointed by Mr. Greenwalt corroborated those figures and most of the information which the State provided in its declassification justification. The report of the team is particularly important in that, of its eight members, five are Federal employees (representing the Fish and Wildlife Service, Park Service, and Forest Service; the other three represent the States of Michigan, Wisconsin, and Minnesota).[6]

The principal evidence cited by opponents that Mr. Herbst's position unnecessarily diminished the effectiveness of the 1973 Act is the Recovery Team's recommendation by a vote of 7 to 1 that the eastern timber wolf in Minnesota be reclassified from "endangered" to "threatened" (the dissenting vote was for complete declassification). Although this recommendation evidences the Recovery Team's concurrence in Mr. Herbst's contention that the wolf requires management, it can be argued that the Team's position of reclassification is the only responsible position to be taken under the 1973 Act and that Mr. Herbst's position of total declassification is, therefore, irresponsible. Counsel believes that such an argument is not persuasive. Clearly, the evidence suggests that a vigorous population of eastern timber wolf does exist in Minnesota and, because of that, Federal experts as well as Mr. Herbst and the DNR have proposed that it be removed from "endangered" status. The degree of removal is all that is in question and counsel suggests that that is a matter of responsible, if differing, opinion.

Counsel does note that Mr. Herbst on four occasions during the hearing (Hg. Transcript 78, 83, 106, and 107) stated to the Committee that he asked for "reclassification" of the eastern timber wolf to threatened status. Twice the Acting Chairman had to correct Mr. Herbst and remind him that he petitioned for total declassification of the wolf from operation of the 1973 Act (Hg. transcript 83 and 110). Mr. Herbst also stated on several occasions both during the hearing and in an interview with Committee counsel that his "personal" position was in favor of reclassification, but that he petitioned for declassification as a matter of strategy, not strongly held conviction: i.e. the DNR declassification request was made in the hope that Interior would take the middle ground of reclassification, an action which the State would find to be acceptable.

However, this present assurance of Mr. Herbst that by personal conviction he favored reclassification appears contrary to actions taken by him as Commissioner after the Federal Recovery Team had recommended reclassification. With the Team's recommendation, it appeared that Mr. Herbst's "strategy" had worked, yet he continued to push for declassification. He even discussed the possibility of amending the 1973 Act to achieve that result. (See discussion under issue 7 of problems raised by these responses of the nominee during the hearing.)

Issue 4. Did the DNR under Mr. Herbst's direction oppose enactment of the Endangered Species Act of 1973; and, if so, does this represent the present position of the nominee?

In March, 1973, Mr. Mike Casey, director of the Minnesota Department of Fish and Game, testified on behalf of the DNR in opposition to several bills which later evolved into the Endangered Species Act of 1973.

Evaluation: The testimony of Mr. Casey was not against the purpose of the legislation. It was instead against those provisions which proposed to permit Federal classification as "endangered", and Federal management, of any resident wildlife species without the concurrence of the affected State. This position was commonly-held among virtually all State officials responsible for wildlife. That the States possess the authority to manage resident wildlife species and the Federal government has the responsibility only for the management of the habitat of such species on Federal lands is a hoary but valid legal axiom. The States have traditionally zealously guarded this States' right. The DNR, as a State agency and Mr. Herbst as a State official, were no exception.

Although, in his testimony Mr. Smith spoke of being "opposed" to "any legislation", a careful reading of the statement makes it clear that he was testifying only against those provisions which did not require State concurrence. He specifically invoked the States' right to wildlife management as his reason for opposition. Mr. Herbst also worked actively against any such provisions in his capacity as Chairman of the Legislative Committee of the International Association of Game Fish and Conservation Commissioners. State wildlife officials constitute a large proportion of this group's membership (fish and game officials from the U.S., Mexico, and Canada) and Mr. Herbst was representing their position in favor of the same States' right.

That the position of the DNR and Mr. Herbst concerned only the locus of authority over wildlife and not necessarily the degree of protection to be afforded endangered species of wildlife can be deduced from the strong statement in favor of passage of the 1969 endangered wildlife bill (Act of December 5, 1969, 83 Stat. 282) in a September 26, 1968 letter to the Congressional delegation from the Director of the Division of Game and Fish, DNR, and from Mr. Herbst's statements that he supported the 1973 Act once the offending provisions were removed. As noted above, subsequent to the passage of the 1973 Act, the DNR and Mr. Herbst did not oppose the Act itself. They simply disagreed with certain decisions taken pursuant to it. They expressed that disagreement through the procedures provided by the Act.

III. ADDITIONAL ISSUES

Issue 5. As the issues concerning status of the eastern timber wolf under the Endangered Species Act of 1973 and the boundaries of the Voyageurs National Park have not been resolved will Mr. Herbst divorce himself from decisionmaking concerning those issues to avoid any appearance of, or actual, conflict-of-interest?

In a February 7, 1977, statement "Regarding Conflict of Interest Concerns" submitted by Mr. Herbst to the Committee, Mr. Herbst stated the following:

I am advised that two issues have been brought to the attention of the Department of the Interior, as related to my status as a State of Minnesota official; specifically:

(1) A petition in consideration of reclassification of the eastern timber wolf:

"If, in serving as Assistant Secretary of Interior, I should be involved in a ruling on said position, as brought by myself as a state official, I would disassociate myself from the decisionmaking processs and abide by the judgment of the present director of the U.S. Fish and Wildlife Service.

"(2) Formal requests of past and present Governors of the State of Minnesota involving proposed adjustments of the boundary of Voyageurs National Park (minor change):

"I would not interfere with decision of the National Park Service; namely: 'they will not administratively change the boundary.'"

Counsel believes this response to be admirably specific and sufficient to remove any questions of conflict of interest concerning those specific issues.

Issue 6. Mr. Herbst's request for declassification of the eastern timber wolf as an endangered species, his request for deletion of acreage from the Voyageurs National Park, and his participation in the suit to assert exclusive State jurisdiction over all the navigable waters in the Park are typical of many instances in which States dispute the extent of the Interior Department's authority to protect wildlife and wildlife habitat and to

[6] The Recovery Team's Report is on file and available at the Committee.

forcefully manage units of the National Park and Wildlife Refuge Systems. As Assistant Secretary, Mr. Herbst will be required to address such Federal-State disputes. Are the positions Mr. Herbst took on the wolf and on the Park considered by him to have been incumbent upon him by virtue of his responsibilities as a State official or do they reflect a fundamental, philosophical position in favor of the States' viewpoint which will prevail whenever he is called upon to make decisions concerning conflicting Federal and State rights and prerogatives?

In the February 7, 1977, statement "Regarding Conflict of Interest Concerns" submitted to the Congress, Mr. Herbst stated:

"Should any other areas involving possible conflicts of interest arise, I would immediately refer such areas to the Secretary of Interior for his assessment, and action, together with any recommendations I may have to preclude and resolve conflict problems."

Although no specific question similar to those set forth above were posed to Mr. Herbst during the hearing, Mr. Herbst affirmed on numerous occasions that he proposes to forcefully defend the programs and agencies under his jurisdiction. He stated that his positions as Commissioner of the DNR in which he defended the State against Federal interests were taken in fulfillment of his constitutional and statutory duties as a State officer.

Counsel believes that, if confirmed, Mr. Herbst would feel a concomitant duty as a Federal officer and would assert Federal rights and authority in his new office as vigorously as he protected States' rights and authority in his former office.

Issue 7. Do Mr. Herbst's responses during the nomination hearings raise questions concerning the degree of frankness with which the nominee addressed the Committee and the manner in which he would, in the future, represent the programs and agencies under his aegis both upon Capitol Hill and within the Department?

Discussion and analysis: As previously noted, on four occasions during the hearing (Hg. transcript 78, 83, 106, and 107), Mr. Herbst stated to the Committee that he asked for "reclassification" of the eastern timber wolf from "endangered" to "threatened" status under the Endangered Species Act of 1973. Twice the Acting Chairman had to correct Mr. Herbst and remind him that he had, in fact, petitioned for total declassification of the wolf (and, thus, its removal from the operation of the 1973 Act) (Hg. transcript 83 and 110). Mr. Herbst also stated on several occasions both during the hearing and in an interview with Committee counsel that his "personal" position was in favor of reclassification but that he petitioned for declassifcation as a matter of strategy, not strongly held conviction: i.e., the DNR declassification request was made in the hope that Interior would take the middle ground of reclassification, an action which the State would find to be fully acceptable.

However, this present assurance of Mr. Herbst that by personal conviction he favored reclassification appears contrary to actions taken by him as Commissioner after the Federal Recovery Team had recommended reclassification. With the Team's recommendation, it appeared that Mr. Herbst's "strategy" had worked, yet he continued to push for declassification. He even discussed the possibility of amending the 1973 Act to achieve that result.

"On March 1, 1976, Mr. Herbst wrote the Recovery Team's leader in response to the Team's recommendations in its draft plan (Appendix H). In this response, Mr. Herbst disputed the reclassification recommendation and continued to press for "complete declassification of the wolf in Minnesota". In a letter unavailable to the Committee at the time of the hearings, Mr. Herbst wrote to a State Representative on December 23, 1976, (Appendix G) that "We are in favor of total declassification. If completely declassified, all management would revert back to the state. We do not know at this time what the rules would be under the threatened category". He proceeded to address alternatives if a Federal decision is not forthcoming. One such alternative was "Amend the 1973 Endangered Species Act to change the limitations giving the Secretary of Interior wider latitude and to provide for taking of animals which are a threat to persons, property or species. If we go this route, our Congressional Delegation should be requested to assist and the legislature could memoralize Congress to change the 1973 Act."

"Counsel suggests that these two letters, written after the Recovery Team's recommendation of reclassification, raise serious questions concerning (1) how deeply held were Mr. Herbst's personal views favoring reclassification, and (2) how real was the State's secret strategy to obtain reclassification, both of which Mr. Herbst has asked the Committee to accept. The latter letter particularly, in that it was addressed not to the Federal Government but to an elected State official, appears to contradict the assertion of Mr. Herbst that the declassification position was only taken for the strategic purpose of influencing the Interior Department to adopt the middle ground position or reclassification.

"Counsel also notes that these questions have raised further questions concerning Mr. Herbst's future performances within the Department and on Capitol Hill. These questions were expressed during the hearing, as follows:

"Senator Abourezk. It seems very, very strange to me that after a group which was retained by the Interior Department to make recommendation makes a recommendation with you personally agree and you continue, however, in writing, to press for something else. It is very mystifying and very strange.

"It seems to me you have gone beyond any kind of bargaining position. In fact, it seems to me you are reflecting your own personal position because you are pressing it so hard according to the correspondence and documents we have available.

My question now is why were you not able to support the Recovery Team's position if that is indeed what you felt?

"Mr. Herbst. We felt we would continue to make the recommendation so they would end up with that position of threatened.

"Senator Abourezk. I have to say, Mr. Herbst, that is a very lame explanation, very lame. It does not square with the reality of the situation.

Now, in response to questioning yesterday, you informed the Committee that on two different occasions you took, as the Commissioner of the Department of Natural Resources, positions which you personally did not favor, but positions which you took nevertheless. One was the petition to remove the eastern timber wolf from the operation of the Endangered Species Act entirely, rather than just reclassification under that Act. The other was the suit to assert exclusive State jurisdiction over all navigable waters in Voyageurs National Park. I can find no evidence to the effect you either vigorously resisted the taking of these positions or that you were compelled by any Federal or State authority or statutes to do so. To me this is not a very encouraging trait for a high Federal official. I have to say I have visions of you appearing at a hearing or making a statement to the press at some future time, long after you left the Assistant Secretaryship, that you really would have preferred to provide better protection to a national park or wildlife refuge or better conserve the habitat of a particular wildlife species, but you felt "compelled" to take a different stand or you took a different position "for strategic reasons."

"To be honest, the post of Assistant Secretary to which you aspire is one that requires a strong advocate of wildlife and wild lands protection. That Assistant Secretary must speak forcefully for those purposes directly to the Secretary if the Secretary is to obtain a balanced picture of resource development versus resource protection issues. The Assistant Secretary must forcefully express his personal views and not hide behind them for strategic reasons or for some notion of duty not required by law.

"That is precisely how I feel about this question. I think personally it would have been better had you answered the questions posed to you differently. I could have accepted some kind of commitment on your part either for or against the timber wolf itself, but I think it is much more important you try to be fair and honest in this committee.

"Mr. Herbst. Mr. Chairman, I am being fair and honest. I have indicated the management of the timber wolf has been one of trying to protect it. In the case of the water question on the Voyageurs Park, that was a constitutional and statutory responsibility. I had to protect whatever interest the state had in the public waters of the state. I think my record does show I have been a strong advocate and very active in protecting wildlife habitat and wildlife programs for both the huntable species, as well as the non-game species.

"I have been a very strong advocate of the acquisition of key natural resource areas, park areas, wilderness areas, scenic and scientific areas in the State of Minnesota. . . .

"Senator Metzenbaum. Mr. Herbst, I am having some of the same difficulties the Senator from South Dakota is having . . ."

APPENDIX A

Mr. Herbst earned a Bachelor of Science degree in forest management, with a minor in wildlife management, from the University of Minnesota. After more than a decade's employment in the Forest Service and the State Conservation Department, the forest products industry, and the faculty of the University, Mr. Herbst served four Minnesota governors as Deputy Commissioner, Acting Commisioner, and Commissioner of the State Department of Natural Resources (DNR). In addition he has served as the leader of both a statewide and a national conservation organization (executive secretary of Keep Minnesota Green, Inc. and national executive director of the Izaak Walton League of America) and as member and chairman of numerous national, State and local professional and conservation organizations and associations. Mr. Herbst has provided the Committee with documents (available to the Members at the Committee office) setting forth his accomplishments in the conservation field in both his public and private capacities. The documents contain a lengthy list of Federal and State legislation enacted, and State administrative actions, under Mr. Herbst's authority or with his encouragement for the purposes of protecting wildlife and its habitat and of establishing parks and preserving open space, preventing pollution, providing environmental education, and achieving other conservation objectives. Numerous citations and awards he received for his conservation efforts are also listed.

APPENDIX B

Robert L. Herbst, 10444 Fifth Avenue Circle, Bloomington, Minn. 55420, B. October 5, 1935—A. 41.

Education: 1957, B.S. University of Minnesota.

Experience:

1971–present, Commissioner of Natural Resources, State of Minnesota.

1969–71, National Executive Director, The Izaak Walton League of America.

1966–71, Deputy Commissioner, Minnesota Conservation Department.

1966–67, Acting Commissioner, Minnesota Conservation Department.

1963–66, Executive Secretary, Keep Minnesota Green, Inc.

1957–63, Minnesota Conservation Department.

1956–57, Instructor, University of Minnesota in Dendrology and Mensuration.

1954–55, U.S. Forest Service.

1953, Forest Industry.

Publications: "Careers in Environment," Dillon Press, 1974.

Organizations:

Minnesota Conservation Federation.

Society of American Foresters.

National Geographic Society.

Delegate from U.S., First International Conference on Human Environment in Northern Regional World, Sapporo, Japan, 1974.

Executive Board, Natural Resource Council of America.

Advisory Committee, Camp Courage.

Honors and Awards:

Bureau of Outdoor Recreation Award of Minnesota, 1974—for Outstanding Outdoor Recreation Planning.

Izaak Walton League of America, Plaque for Appreciation for Conducting American Youth Conference on Environment, July, 1975.

Conservation Educational Association (National) Department Award for Boat and Water Safety Program, June, 1975.

Recognition Plaque from Minnesota's Governor Anderson for efforts to preserve St. Croix River.

Personal:

Born: Minneapolis, Minnesota.

Wife: Evelyn Elford B. 1935.

Son: Eric Herbst B. 1957.

Son: Peter Herbst B. 1959.

Daughter: Amy Herbst B. 1965.

APPENDIX C

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, D.C., September 5, 1974.

In Reply Refer To: FWS/D.

Commissioner ROBERT L. HERBST,
Department of Natural Resources, Cedar Street, St. Paul, Minn.

DEAR MR. HERBST: The Endangered Species Act of 1973, 16 U.S.C. §§ 153.–1543, presently prohibits the taking, or causing the taking, of timber wolves (*Canis lupus lycaon*) within the State of Minnesota, except under a permit issued by this Department under authority of section 10 of the Act. No such permit has been issued to any citizen or governmental entity of the State of Minnesota.

In telephone discussions had on September 4, 1974, between Associate Director Schreiner, of the U.S. Fish and Wildlife Service, and Mr. Milo Casey, Director, Minnesota Game and Fish Division, we have been informed that the Department has specifically authorized the taking of timber wolves in at least two, and possibly three, Regions of the Minnesota Department. If this is the case, such action may be in violation of Federal law, enforceable by criminal and civil sanctions, and such State authorization is void, by force of section 6(f) of the Act.

You are hereby notified of this alleged violation of the Act. You are respectfully requested (1) to provide this Department with the names and addresses of all persons authorized by your Department to take timber wolves, (2) to revoke any State authorization to take timber wolves, and (3) to deliver to the Regional Director of the U.S. Fish and Wildlife Service, in Twin Cities, Minnesota, a certification of the fact of such revocation within five (5) days of your receipt of this notice. If such certification is not received, we will have no choice but to refer this matter to the Department of Justice for appropriate action.

Sincerely yours,

LYNN A. GREENWALT,
Special Assistant to the Director.

APPENDIX D

SEPTEMBER 10, 1974.

Mr. LYNN A. GREENWALT,
USDI, Fish and Wildlife Service, Washington, D.C.

DEAR MR. GREENWALT: The Minnesota Department of Natural Resources has continued to operate a predator control program pursuant to Minnesota Statutes, Section 97.487 (1971). Under this authority, specific areas are opened to previously appointed predator controllers after it has been determined that such predators are causing damage to domestic livestock in the area. Within the open area, controllers are allowed to take specified predators, which may or may not include timber wolves.

Some areas have been opened to the taking of timber wolves among other species. This has been done in the absence of any official interpretation by your office of the status of the establishment period so far as the timber wolf is concerned. Having been informally notified that your office might take the position that the prohibitions contained in the Endangered Species Act of 1973 already apply to the wolf in Minnesota, this department applied for a permit to continue to authorize the taking of timber wolves under our predator control program.

At the time of that application, this department was informed by officials of the Fish and Wildlife Service that because of the confusion involving the establishment period, no action would be taken to half Minnesota's predator control program pending the disposition of the permit application.

Your letter directing the Minnesota Department of Natural Resources to revoke any authorization to take timber wolves under the state's predator control program, therefore, appears to reflect a change of position. As we understand it, the Fish and Wildlife Service now takes the position that the prohibitions of the Endangered Species Act of 1973 currently apply to the timber wolf in Minnesota. Furthermore, we take your letter as an indirect denial of our recent permit application, a copy of which is attached.

Your letter says nothing about either of these issues. We, therefore, respectfully request written clarification of your position in regard to the status of the establishment period and this department's application for a permit to continue taking wolves under the state predator control program.

We will, of course, comply with your directive to revoke all authorization to take timber wolves under the state predator control program. A copy of a letter I have sent today to all applicable Regional Administrators directing them to amend all outstanding predator control authorization to exclude timber wolves, is attached.

I take this action reluctantly. It remains our firm belief that taking of nuisance animals is necessary to protect both domestic livestock and the wolf population in general. Without a directed predator control program, considerable damage will be done to domestic livestock in the northern part of the state. If no action is taken to prevent such losses, reprisals against wolves in general are a real possibility.

In the past, only about ninety wolves have been taken per year under the predator control program. The best evidence currently available clearly shows that a taking of this magnitude, has no adverse effects on the wolf population.

I am forwarding a copy of this letter and its attachments to the Regional Director, United States Fish and Wildlife Service, Twin Cities, as certification of our compliance with your direction to revoke authorization to take timber wolves. I trust it will be satisfactory for that purpose.

Very truly yours,

ROBERT L. HERBST,
Commissioner of Natural Resources.

C. B. BUCKMAN,
Deputy Commissioner of Natural Resources.

APPENDIX E

WASHINGTON, D.C.,
August 29, 1974.

Mr. KEITH SCHREINER,
Associate Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C.

DEAR KEITH: The purpose of this letter is to reiterate our conversation the other day on the timber wolf situation in Minnesota.

On Wednesday, 14 August, 1975, I had a short conversation with a Mr. DiSalle or Vesall (phonetic spelling), who is with the Department of Natural Resources, Fish and Game Division, of Minnesota. You have had several conversations with him on the wolf situation. During our talk, he informed me that Minnesota was continuing to issue licenses for the taking of timber wolves, and expected to issue about 90 or 100 a year. While he admitted to being aware that the eastern timber wolf is on the Pan American Treaty, he maintained that a transition period was still in effect, and would remain so for several more months, until the Endangered Species Act of 1973 took effect.

This contradicts your assurances to me that Minnesota was no longer able to issue such permits, and that the wolf in Minnesota was now completely protected by law, since its listing by the Treaty abolished any such transition period. I assume, of course, that your views were expressed to me in good faith, and were based on your conversations with Minnesota officials.

However, since Minnesota now appears to be openly flouting the law, and is showing no intention of abiding by it, much less enforcing it, it would seem imperative that Interior take some sort of immediate action. As you know, the law provides for $20,000 fines for violations of this sort.

I would be grateful if you would let me know, as soon as possible, what action you plan to take on this matter. I am enclosing copies of some pertinent documentation, including a copy of Minnesota's 31 July, 1973 regulations for the taking of wolves and other endangered species. Please note that the regulations are laughably weak, and allow permits to be issued for the taking of wolves for the purpose of "bringing populations in a given ecosystem into balance with the carrying capacity thereof." The rules also permit the selling of furs made from wolves and other endangered species. These regulations will not protect these wolves, but will rather perpetuate their killing.

I know that you favor cooperating with the states to the greatest extent possible, but Minnesota's refusal to recognize this law leaves you no choice but to take unilateral action to protect this endangered species.

Hoping to hear from you soon, I am,

Sincerely yours,

LEWIS REGENSTEIN.

APPENDIX

OCTOBER 4, 1974.

Mr. LYNN A. GREENWALT,
Special Assistant to the Director, U.S. Fish and Wildlife Service, Washington, D.C.

DEAR MR. GREENWALT: After carefully reviewing all the data available on the eastern timber wolf (*Canis lupus lycaon*), we have concluded that, so far as Minnesota is concerned, the species should not be classified as either endangered or threatened under the Endangered Species Act of 1973.

Therefore, we hereby respectfully petition the Secretary of the Interior, acting through your office, to exclude Minnesota from the range over which the eastern timber wolf is considered endangered.

The Endangered Species Act of 1973 defines an "endangered species" as one "which is in danger of extinction over all or a significant portion of its range" and further defines a "threatened species" as one "which is likely to become an endangered species." There is simply no evidence to support the contention that the eastern timber wolf falls within either of these definitions in Minnesota.

On the contrary, none of the factors listed in Section 4 of the act as indicative of an endangered or threatened status is operative in the case of the eastern timber wolf in Minnesota.

First, neither timber wolf habitat nor range is "threatened with destruction, modification or curtailment." Habitat modification, specifically maturation of the forest in Northeastern Minnesota, has been a problem for the wolf because it results in a declining deer herd, but the recent change in timber demand is reversing this trend. Obviously, protection of the wolf will not resolve the problem, only habitat management will. However, studies by Dr. L. David Mech and Dr. Victor VanBallenberghe indicate that protection of the wolf could cause a further decline in its own food supply in some areas by excessive predation on the very low deer population.

Second, the timber wolf is certainly not being over-utilized "for commercial, sporting, scientific, educational or other purposes." All evidence is to the contrary. Dr. L. David Mech reports a population of about one timber wolf per 10 square miles on the Superior National Forest (Mech, 1973). Dr. V. VanBallenberghe in a monograph currently being published by the Wildlife Society (p. 29 Ecology of the Timber Wolf in Minnesota), gives wolf populations of over one per 6 square miles along Minnesota's North Shore of Lake Superior—higher than any timber wolf population ever reported.

An average of 65 timber wolves per year has been taken under our Directed Predator Control Program from 1969 through 1973. During the last thirteen years prior to 1965 the bounty system was in effect 2,440 timber wolves were bountied, an average of 188 per year. Every population estimate by professional wildlife people indicates that the timber wolf population has increased in Minnesota since 1965. These same professional opinions and our control program records indicate a substantial expansion in the timber wolf range in Minnesota to the west and south.

The sustained annual harvest under the bounty system, the continued need for predator control outside of the main wolf range and the general timber wolf population increase in Minnesota since 1965 indicate a thriving wolf population.

Third, it can be safely inferred from VanBallenberghe's data that disease is not a significant factor affecting the Minnesota timber wolf population.

Fourth, existing regulatory mechanisms, both legal and biological, are adequate. Since August 1, 1974, the wolf has been a protected animal in Minnesota and the Commissioner of Natural Resources has full power to effectively manage the species. From a biological standpoint the principle that predator numbers are dependent upon prey numbers applies here because wolf predation in some areas appears to be a factor in depressing the white-tailed population. However, the wolf population is utilizing moose and beaver and, in settled area, livestock. Deer and livestock will be affected to unacceptable levels before the wolf population is threatened. The wolf is not suffering from man-induced regulatory mechanisms but could become threatened if unrealistic management practices make local residents intolerant.

Finally, "other natural or man-made factors" are likely to affect the continued existence of the eastern timber wolf only if overprotection allows the timber wolf population to reach unreasonably high levels, thereby destroying its food supply and causing conflicts with people.

The Minnesota Department of Natural Resources proposes to engage the timber wolf according to a realistic appraisal of the ecology factors. Where wilderness conditions make it possible, we will establish a sanctuary and attempt to maintain an optimum wolf population. When human activities conflict with maximum wolf populations, we will strive for a reasonable balance between all interests. (The Minnesota Volunteer, March-April 1974, pp. 51–61).

We are hopeful that after reviewing this petition and the attached supporting material you will agree that the eastern timber wolf is neither endangered nor threatened in Minnesota. However, should you require additional information or wish to discuss this matter with us, please don't hesitate to contact me directly.

Sincerely,

ROBERT L. HERBST,
Commissioner,
Department of Natural Resources.

APPENDIX G

MINNESOTA DEPARTMENT
OF NATURAL RESOURCES,
St. Paul, Minn., December 23, 1976.

Representative IRVIN N. ANDERSON,
International Falls, Minn.

DEAR IRV: As a follow-up to our meeting on December 10 on timber wolves, I wish to suggest consideration of the following alternative courses of action:

(1) Wait for federal administrative action.

(a) The situation regarding the status of the timber wolf as we described it may be significantly altered as a result of a statement reportedly made by Assistant Secretary of the Interior Nathaniel Reed to the effect that he would declassify the timber wolf very soon. If this happens there may be an administrative ruling favoring our position. If not favorable, we can appeal. We expect that environmental groups will appeal but we would, of course, support the federal decision if it is favorable.

We are in favor of total declassification. If completely declassified, all management would revert back to the state. We do not know at this time what the rules and regulations would be under the threatened category.

(b) If Assistant Secretary Reed does not follow through, Regional Director Jack Hemphill plans to submit the Recovery Plan for the Eastern Timber Wolf and his socio-economic report and recommendations to Washington by late February and formal action to reclassify or declassify the timber wolf should follow.

(c) If neither of these actions happen, we can bring a mandamus action in federal court to compel the Department of Interior to make a decision.

(2) Initiate a suit against the Secretary of Interior seeking declaratory and injunctive relief. We believe that this should not be pursued now because of the pending federal action which Secretary Nathaniel Reed announced was imminent.

(3) At our meeting, it was reported that Alaskan (western) wolves have been coming into Minnesota. If our state adopted legislation to authorize the taking of this subspecies, the provision in the Federal Endangered Species Act pertaining to similarity of appearance would very likely be applied by the Federal Government. Therefore, we do not recommend this course of action.

(4) Amend the 1973 Federal Endangered Species Act to change the limitations giving the Secretary of Interior wider latitude and to provide for taking of animals which are a threat to persons, property or species. If we go this route, our Congressional Delegation should be requested to assist and the legislature could memorialize Congress to change the 1973 Act.

We recommend that for now, the first alternative be followed. If this does not produce results by July 1, 1977, our position should be re-evaluated in light of the above alternatives and the situation then existing. Also, we will continue to press our case with the U.S. Fish and Wildlife Service and our Congressional Delegation.

Sincerely,

ROBERT L. HERBST,
Commissioner of Natural Resources.

APPENDIX H

MINNESOTA DEPARTMENT
OF NATURAL RESOURCES,
St. Paul, Minn., March 1, 1976.

Mr. RALPH BAILEY,
Leader, Eastern Timber Wolf Recovery Team, Marquette, Mich.

DEAR MR. BAILEY: Our compliments to the Eastern Timber Wolf Recovery Team for a thorough and well done job in completing a most difficult assignment. It is obvious that many hours of hard work went into the plan.

In general, the Minnesota Department of Natural Resources agrees with the plan. I am especially pleased with the emphasis given to habitat management. Obviously the future of the wolf depends primarily upon the deer herd and the deer herd depends upon good forest management practices.

Following are changes that the Minnesota DNR recommends in the plan.

1. Complete declassification of the wolf in Minnesota.

2. Deletion of the northwestern sanctuary

3. Clarification of chronology regarding habitat management programs, timber wolf control and recommendations to close the deer season.

1. Complete declassification of the timber wolf in Minnesota is recommended. Most biologists agree that the wolf population is not in danger (threatened) in Minnesota. As the plan points out, "wolves have survived for so long in Minnesota despite bounties and year-around hunting and trapping, there may be a question as to why any restrictions need now be placed on the taking of the wolf." It further states "However, future circumstances are unpredictable and those that now exist could change drastically" and goes on to cite "widespread industralization, mineral exploitation and general development".

Although the future is uncertain, the trend in northeastern Minnesota is toward more environmental protection, not less. The very fact that much of the land is in public ownership and under agency protection rules out any significant changes in land use without drastic changes in policy and/or law. If these changes were forthcoming the eastern timber wolf could then be returned to the appropriate list.

Retention on the list because "prudence dictates a conservative approach" is not a valid reason. The credibility of the entire en-

dangered species program will suffer if decisions are made on anything other than biological facts.

The problem of funding to implement the Endangered Species Act must also be considered. Minnesota would, of course welcome a large habitat program but not at the detriment of the many species that are truly endangered or threatened and urgently in need of funding. Considering the charisma of the wolf nationwide and the general misunderstanding the public has regarding its status, it might be difficult to relegate programs for wolf management to second place.

2. The request for deletion of the sanctuary is based on the fact that most of the area adjacent to the sanctuary (including nearby lands in Canada) is a livestock growing area. Raising the present wolf population to 1 per 30 square miles (Mech, page 35) to 1 per 10 square miles as recommended in the plan would greatly intensify depredation on livestock and other domestic animals as well as depress the now stable deer population. Public support will be the key element to a successful wolf management program. The adverse public reaction that would ensue because of the northwest sanctuary and substantially increased depredation problems would hurt the overall cause of the timber wolf in Minnesota.

Let us not forget that the timber wolf is a large and effective carnivore with a high reproductive capability. If the livelihood of our northern residents as well as the deer hunting opportunity of many citizens is jeopardized, the attitude of the majority, now cautiously supportive or at least noncommital, could be pushed into the anti-wolf ranks and 25 years of progress would be lost.

From the management standpoint it is highly questionable that sanctuaries are needed to manage wolves. They were not necessary to the wolf's survival in the past and, with strictly controlled taking, should not be in the future. The concept of refuges is, of course, an old one and is still popular with the public and would be of considerable comfort to many people who fear for the welfare of the wolf. However, the northeastern sanctuary should be adequate in size and location and would not cause the "backlash" against the wolf that the northwestern sanctuary would.

Regarding the northeastern sanctuary consideration should be given to making it inviolate with no taking of wolves allowed. To accomplish this, boundaries should be aligned so that wolf depredation will be insignificant within the sanctuary. If any taking is allowed in the sanctuary, confusion and suspicion could result particularly amongst the concerned public from other states where our control program would be misunderstood.

3. If possible the recovery plan should spell out the chronological order of the habitat development program, the wolf control program and the need to close the deer season. The plan has caused considerable concern in Minnesota because of misinformation released by the press that the major thrust of the plan is to "close the deer season to feed wolves". Obviously a massive habitat program is a prerequisite to the other actions. It also follows that a wolf reduction program may be necessary in areas where they are exterminating their supply of deer. Only if a habitat program and a timber wolf reduction program, for some unforeseen reason, should fail, could the closure of the deer season be considered. Closure of the deer season can only be considered on the basis of the deer population itself and is, of course, a state decision.

The opportunity to present the Minnesota Department of Natural Resources' views on the recovery plan is very much appreciated.

Your truly,

ROBERT HERBST,
Commissioner, Department of Natural Resources.

WATER DEVELOPMENT

Mr. McGOVERN. Mr. President, on March 21 a field team from the President's Water Projects Review Panel held public hearings at the State Capitol in Pierre, S. Dak., on the Oahe irrigation project.

Despite protestations that the review would be objective and realistic, there is a growing feeling in my State that this is not the case. It is difficult to argue for the project when those in the administration who object to it are unwilling or unable to detail the specific elements of the project on which they find fault.

Project proponents are left to argue against vague allegations of adverse environmental impact and a benefit/cost ration that is in a negative balance.

Many South Dakotans who participated in this field hearing came away with the feeling that they were simply going through the motions—and that a decision against the project had already been made.

That view is reflected in an editorial from the March 23 edition of the Rapid City Journal.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OAHE REVIEW PANEL JUST WENT THROUGH THE MOTIONS

A charade, window dressing, a dog and pony show. Those are some of the terms used to describe Monday's review hearing on the Oahe Irrigation Project.

It was obvious that the five-member review panel which received oral and written testimony from proponents and opponents of the project were just going through the motions. They were carrying out a Jimmy Carter promise that each of the 19 federal water projects on which he has decided to withhold funds would be reviewed.

The manner in which the hearing was conducted and the makeup of the review panel suggests it was held for the same reason many federal agencies hold hearings—because they are required by law or as a gesture of appeasement.

The panel asked few, if any, probing questions as more than seven hours of oral testimony went into the record. That testimony and hundreds of pages of written testimony that was submitted contributed nothing new to the case for or against continued development of the Oahe project.

Sifting through that testimony and that which the same panel received in a similar hearing on the Garrison project in North Dakota on Tuesday will be a monumental, if not impossible, task if the review panel is to deliver its findings a month from now.

We find it particularly disconcerting that a member of the panel, an acting assistant Secretary of Interior, could not say what kind of system would be used to weigh the evidence.

That indicates to us that the administration's position is already set in concrete and Monday's hearing was an exercise in futility, particularly for those who want to see the Oahe project continue.

We also find it strange that even after the hearing concluded the background and qualifications of the review panel, some of whom were appointed as late as last Friday, were unknown even to the congressional representatives or Gov. Richard Kneip. The "going-through-the-motions" attitude that prevailed lends credence to suspicions that the panel was stacked against Oahe.

South Dakota has had a long-standing promise from the federal government for assistance in developing water resources in return for the half-million acres of Missouri River bottomland taken for four dams in the state—dams which provide flood control for states downstream and hydroelectric power for export to other states. In fulfillment of that promise, years of planning and study have gone into the Oahe project. We recognize some of those plans can and should be modified to correct financial, social and environmental impacts. Those changes can be made without scuttling the project.

But stopping Oahe irrigation to carry out a campaign promise to reduce spending and then seeking to justify the action with a predetermined judgment by a third-string review panel is demeaning to the office of the President of the United States.

THE WORLD WAR II WOMEN'S AIR FORCES SERVICES PILOTS

Mr. HATHAWAY. Mr. President, there are between 850 and 900 women who flew with the Army-Air Corps during World War II in the Women's Air Forces Service Pilots, WASP, and who would benefit from this bill, S. 247, introduced by my distinguished colleague from Arizona, Senator GOLDWATER.

These women ferried and tested aircraft and trained other pilots to relieve their male counterparts for combat.

They flew 60 million miles altogether.

WASP was a test program initiated by Gen. "Hap" Arnold. At the time, it was supposed to become a permanent part of the military services if successful. And it was successful. But male civilian pilots objected to bringing the women pilots into the military service.

The women fully expected to be commissioned after the completion of the test program. A bill seeking to militarize the WASP was sent to the Congress during the war and was narrowly defeated in the House.

An amendment offered by Senator GOLDWATER last fall to provide VA benefits to the WASP passed the Senate but was rejected by the House.

The WASP were military in every sense during their service. They were paid at the rate of second lieutenants. They wore uniforms and lived on military reservations and were subject to military discipline. They did not enjoy the benefits of hospitalization, health or life insurance, or death benefits. Thirty-eight women died in service.

S. 247 would cost $90,000 a year to provide VA benefits. There are no retroactive provisions. The bill extends to the women the benefits to which they would have been entitled, if the promise of commissioning during the war had been fulfilled.

I am pleased to join in cosponsoring

this measure and I urge its speedy passage.

ENERGY ACTION NO. 11: CRUDE OIL PRICE CEILINGS

Mr. JACKSON. Mr. President, today is the last day of the statutory review period for the President's proposal, transmitted by the Federal Energy Administration on March 15, to continue the present 10-percent rate of escalation in the ceiling price for the composite of all domestic crude oil production. Documents supporting the President's proposal were printed in the RECORD of March 17 at page 7956.

If this proposal becomes effective, 10 percent will be the minimum rate of increase in domestic crude oil costs which will prevail over the next 2 years. The President will have the opportunity to raise prices faster through several mechanisms, some of which are not subject to congressional review. Only an act of Congress can establish a lower rate.

I have strong reservations about energy action No. 11. I am deeply concerned about the crude oil cost inflation to which U.S. consumers may be subjected later this year. By setting a minimum rate of increase in crude oil prices now we are locking in an important feature of the national energy pricing policy without a chance to look at all the facts. We are enacting a pricing policy on a piecemeal basis, when within a very few weeks we will have a much clearer picture of the available options and the impacts of these options.

Briefly, the background with respect to this proposal is as follows:

In energy action No. 11, the Congress is being asked to permit the establishment of a lower limit of 10 percent on the rate of increase in the ceiling price for the composite of domestic crude oil production. If the President's proposal becomes effective, this rate of increase will prevail until May 1979 and can only be lowered by an act of Congress. On the other hand, whether the current proposal is rejected or not, the President may in the future propose further acceleration of the rate of increase of crude oil prices.

Significant uncertainties with respect to the impact of the President's policy for crude oil prices now exist. However, many of these uncertainties will be clarified within the next month because of statutory requirements and also because the President has promised to present his energy program on April 20.

The present uncertainties in the domestic crude oil pricing situation involve:

Deficiencies in the ability of FEA to monitor and enforce crude oil price ceilings and the present freeze on upper and lower tier prices;

The impact of the price policy adopted for Alaskan production on the domestic average composite price; and

The crude oil pricing provisions of the President's April 20 energy proposal.

THE CRUDE OIL PRICE FREEZE

At the time the Energy Policy and Conservation Act—EPCA, Public Law 94-163—was enacted the FEA had only a very rough idea of the prices and volumes of domestic crude oil production which actually characterized first sale transactions. FEA's estimates of these parameters made at the inception of the EPCA program proved to be significantly in error.

Average "new" oil prices were actually higher than FEA thought, "old" oil prices were slightly lower than expected and the proportion of "new" oil in the domestic composite was higher than estimates made by FEA as the act was implemented. As a result of these incorrect estimates—and also perhaps because of less than complete compliance by producers in the field—the actual domestic composite average price exceeded the statutory price for the first several months of the program.

In response to this, FEA instituted a freeze on upper and lower tier prices in June 1976, in hopes that if actual prices remained fixed, the statutory composite would "catch up" to the actual composite. This has not been the case.

Matters were made worse when FEA promulgated and made effective in September 1976 a revision in its definition of a crude oil producing property. This clarification of the definition resulted in a significant shift in volumes of oil from lower to upper tier categories. As a result, domestic crude oil producers as a whole moved further out of compliance with the law.

In an attempt to correct this, FEA has continued the freeze instituted in June 1976, and twice rolled back the price of upper tier oil, first by 20 cents per barrel and most recently by 45 cents per barrel. FEA maintains that these actions will result in under recovery between now and July 1977, by the industry which will compensate for the over recovery which took place when the domestic average composite price was above the statutory ceiling.

FEA further maintains that rejection of energy action No. 11 will exacerbate the agency's problems with crude oil producer noncompliance. However, because domestic producers face the freeze in any event and further rollbacks not required by law, rejection of the energy action need actually have no effect at all on prices presently being received.

THE IMPACT OF ALASKAN OIL

On April 15, 1977, the President is required by EPCA to submit a report to the Congress on the pricing of crude oil to be produced on the North Slope and shipped through the Trans-Alaska Pipeline. This report will begin the debate on the establishment of policy governing both the pricing and disposition of Alaskan oil.

The transportation of this oil to domestic refineries will involve unprecedented costs. Depending on various decisions with respect to the destination of the oil, costs of from $6 to $8 per barrel could be absorbed in pipeline tariffs and shipping charges. In addition, the price actually paid by U.S. refineries for Alaskan oil will be influenced by the treatment of the oil in the FEA crude oil entitlements program and by the reaction of the market to the surplus of oil of quality similar to Alaskan oil which will prevail in important domestic refining centers. These additional uncertainties could reduce Alaskan wellhead prices by another $1 to $2 per barrel.

Thus, when the 600,000 b/d of initial Alaskan production begins flowing this summer—moving up to 1.2 million b/d by the end of the year—a substantial volume of crude oil will be added to the domestic average composite at relatively low wellhead prices. These prices could be as low as $5 per barrel or as high as $7 or $8 per barrel. In any case the "first sale" price of Alaskan oil for statutory purposes will almost certainly be below the average price of non-Alaskan domestic crude oil production.

The addition of significant volumes of oil to the composite at prices below the statutory ceiling for the average will grant FEA flexibility—potentially a very large amount of flexibility—to raise ceiling prices for domestic oil produced outside Alaska. The lower wellhead prices for oil produced on Alaska's North Slope can be balanced by higher wellhead prices for oil produced in Texas, Louisiana, and elsewhere in the Lower 48 States. This increased flexibility may well permit crude oil price increases to U.S. consumers which are at least as significant as the increases sought by FEA in energy action No. 11. The "incentive" associated with the increases made possible by the inclusion of Alaskan oil in the composite may well exceed the "production incentive" at issue in the energy action proposal.

For example, continuation of the 10-percent rate of increase in the composite would give the FEA approximately $2.2 billion in additional revenues to distribute to domestic crude oil producers over the next 2 years relative to the flexibility available if the allowed rate of increase is only 5.5 percent per year—5.5 percent is FEA's forecasted inflation rate. If Alaskan oil is included in the composite at a first sale price of $6 per barrel—a not unlikely figure—the FEA would be able to distribute extra revenues of approximately $2.5 billion to producers in the lower 48 States in the form of higher prices over the period between start up of production in Alaska and the termination of price control authority in May 1979. This would, in effect, double the production incentive of energy action No. 11. If the wellhead price of Alaskan oil is lower these producer benefits would increase still further.

THE PRESIDENT'S APRIL 20 ENERGY MESSAGE

President Carter has promised to send a comprehensive energy policy proposal to the Congress on April 20, 1977. This proposal will, of course, deal with many features of the energy situation. It may also deal with crude oil pricing. Press reports indicate that proposed amendments to the present crude oil price policy are definitely among the options under consideration for inclusion in the President's message.

A second option available under present law would permit the President to propose at 90-day intervals—and subject to congressional review—higher rates of increase in the composite. The

President could announce his intention to utilize this authority at some later date in the April 20 message.

The present uncertainty with respect to the President's intentions concerning crude oil pricing policy makes evaluation of the need for continuation of the full 10 percent rate of escalation all the more difficult.

In view of these concerns, I asked FEA Administrator O'Leary to withdraw energy action No. 11. In addition, last week I introduced Senate Resolution 125, which, if adopted by the Senate, would disapprove the energy action.

The FEA has indicated that they will not withdraw this energy action. Instead they have submitted a clarification of the terms and conditions under which the pricing flexibility being made available to the administration will be used. Mr. President, I ask unanimous consent that the texts of my letter of March 28 to Administrator O'Leary, his reply of March 29, and the clarification to energy action No. 11 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C., March 28, 1977.

Hon. JOHN F. O'LEARY,
Administrator, Federal Energy Administration, Washington, D.C.

DEAR MR. O'LEARY: On March 15 you sent energy action numbered 11 to the Congress. This proposal would establish a minimum 10 percent rate of escalation in the ceiling price for the domestic crude oil composite for the next two years. If such a proposal were not submitted, the provisions of section 8 of the Emergency Petroleum Allocation Act of 1973, as amended, provide that the permissible rate of escalation in this ceiling would automatically be set at the level of general inflation. Section 8 further authorizes the President at a later date to propose an increase in this rate of escalation.

I respectfully ask that you withdraw energy action numbered 11. I believe very strongly that the Congress should have an opportunity to review crude oil pricing policy options with the most complete available knowledge of the relevant components of this issue. Several key elements of our near-term crude oil pricing policy, not available now, will be available within the next few weeks.

The uncertainty which the Congress faces because of unknown factors with respect to crude oil pricing is relatively great now. By the end of April, much more information will be available concerning the Administration's intentions with respect to the pricing of the substantial volumes of oil to be produced on the North Slope of Alaska later this year. We will have the President's April 20 energy message available, including his proposals concerning pricing of crude oil and refined petroleum products. We will know what the President recommends with respect to energy taxes and use of the authority available under current law to further increase the rate of escalation in domestic crude oil prices.

I feel strongly that decision-making in the critical area of energy pricing should be made on a comprehensive basis with access to the fullest possible range of relevant information. If energy action numbered 11 becomes effective, it will establish a minimum rate of escalation for domestic crude oil prices. The President may later propose to increase this rate further. Only an Act of Congress may lower it. I believe an issue of this importance should be a part of the debate which will begin after April 20. It should not be locked in before that time.

In summary, I believe that there are compelling reasons to defer the debate on the rate at which domestic crude oil prices may escalate for at least a month. This can be most efficiently accomplished by the withdrawal of energy action numbered 11. Ample opportunity exists to evolve a comprehensive crude oil policy utilizing the provisions of existing law once all the relevant energy proposals of the Administration are available.

I urge your immediate attention to this question.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., March 29, 1977.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your thoughtful letter of March 28 concerning Energy Action No. 11. I appreciate the concern you have expressed over Energy Action No. 11 becoming effective without Congress having a better understanding of the pricing framework under which it would be applied. I share your concern that any added pricing flexibility which may result from Alaskan oil production not be applied indiscriminately so as to increase producer revenues beyond what was intended when the Energy Policy and Conservation Act of 1975 was enacted.

You have raised several serious questions and issues. I believe, however, that in view of the recent roll-back in crude oil prices, it would not be in the best interests of maintaining domestic oil production to incur the further reductions in ceiling prices which could result from withdrawal or disapproval of Energy Action No. 11. The Administration must address itself to the concerns that you and other members of Congress have expressed with regard to future oil pricing policy prior to the time that Energy Action No. 11 becomes effective.

The enclosed letter has, therefore, been forwarded to Vice President Mondale and Speaker O'Neill as a clarification to Energy Action No. 11. It outlines the Administration's intent and commitment with regard to the current crude oil pricing tiers through May 1979. This letter makes it clear that the Administration will not use any of the flexibility which may result from the combined effects of Energy Action No. 11 and Alaskan oil production for increasing either the current lower or upper tier categories of oil at a rate faster than the rate of inflation.

I hope you will share with me the view that the enclosed letter adequately addresses your concerns, while enabling the Congress and the Administration to work together to avoid the further disincentives which could result if Energy Action No. 11 is disapproved and the nation becomes involved in a lengthy debate over the future of national energy policy.

I look forward to working with you on the entire range of energy questions in the weeks and months ahead.

Sincerely,

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., March 29, 1977.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: This letter is a clarification of the explanatory materials accompanying Energy Action No. 11.

Energy Action No. 11 recommends continuation of a production incentive adjustment to the maximum weighted average first sale price (the legal composite price) for domestic crude oil. This adjustment as a production incentive, when combined with the inflation adjustment as measured by the adjusted GNP deflator, results in a 10% annual increase in the legal composite price.

The Federal Energy Administration is preparing a report, for submission to the Congress in April, on whether the crude oil price regulations will provide positive incentives for the development of North Slope Alaskan crude oil production without lessening needed incentives for sustaining or enhancing crude oil production in the remainder of the United States. Preliminary data indicate it is likely that the transportation costs for North Slope crude oil will be at a level which will produce wellhead prices for such oil which will be less than the legal composite price. One consequence of this circumstance is that greater flexibility will be afforded to increase prices for other domestic crude oil. Depending upon a number of factors, including the Trans-Alaskan oil pipeline tariffs, the degree of potential pricing flexibility which will be afforded by inclusion of North Slope crude oil prices in the computation of the actual composite price varies substantially. There is the possibility that inclusion of North Slope crude oil prices in the computation of the actual composite price will afford flexibility to increase prices for other domestic crude oil in excess of the 10% per year rate of increase which is currently applicable to domestic crude oil prices and which Energy Action No. 11 proposes to continue. This is obviously a consideration which the House and Senate should evaluate before permitting Energy Action No. 11 to be implemented.

In response to the concerns which have been raised regarding the potential for crude oil price increases which may be afforded by the still uncertain pricing of North Slope crude oil, I wish to clarify Energy Action No. 11 by indicating the manner in which the Federal Energy Administration intends to use any increased pricing flexibility which may result from inclusion of North Slope crude oil prices in the calculation of the actual crude oil composite price.

It is the Administration's view that the crude oil price regulations applicable to crude oil now being produced should, through May of 1979, limit receipts by producers on the average to $5.05 per barrel of lower tier crude oil and $11.28 per barrel of upper tier crude oil in February 1976 real dollars. Thus, prices to producers for crude oil under existing lower tier and upper tier categories will not increase faster than the rate of inflation, as measured by the adjusted GNP deflator, even if the legal composite price would permit greater price increases. The Administration will include in the President's April 20 energy message proposed regulations, and any legislation which may be necessary to implement these policies with respect to lower tier and upper tier crude oil. It should be understood that this commitment respecting the level of crude oil producer receipts does not deal with other aspects of the April 20 energy message which may affect prices of petroleum products.

Any pricing flexibility that remains after adjusting lower tier and upper tier crude oil prices for existing domestic production by not more than the rate of inflation, as measured by the adjusted GNP deflator, will be used to address matters of high priority as determined by existing law, such as adjustments for gravity differentials and incentives for application of enhanced recovery techniques, or to produce incentives for domestic production from new fields. In addition, there may be other categories of high cost or high risk crude oil production with

respect to which additional price incentives would be appropriate. Such incentives would be provided, however, only after consultation with jurisdictional Committees of the House and Senate. The FEA would, of course, continue to grant relief from the crude oil price regulations on a case-by-case basis through the exceptions process.

I trust that the foregoing is responsive to Congressional concerns regarding the relationship to Energy Action No. 11 of the potential for crude oil price increases produced by the manner of pricing of Alaskan North Slope crude oil.

Sincerely,

JOHN F. O'LEARY,
Administrator.

Mr. JACKSON. Mr. President, I want to emphasize the view—which I continue to hold—that the best solution to this problem is withdrawal of energy action No. 11. FEA's clarification is not, in my opinion, an adequate response; it does not resolve my problems with the current proposal:

The clarification has no force in law.

We still do not know what crude oil pricing proposals the President will make on April 20.

We still do not know what the policy will be—or the impact of that policy—with respect to Alaskan oil.

Despite these concerns, I do not believe that anything useful will be accomplished by seeking a Senate vote on Senate Resolution 125, disapproving the energy action. This administration needs to work with, and not against, the Congress if a workable national energy policy is to be enacted.

The responsible way to develop such a policy is to lay out all the options, to assess them and to permit a full and open dialog on the issues. With respect to the critical issue of crude oil pricing, this is not the procedure this administration has chosen, and I am disappointed in them for it. I hope this episode does not indicate the manner in which future energy policy initiatives will be presented to the Congress.

ENERGY POLICY

Mr. JAVITS. Mr. President, last week I attended a breakfast at which Charles Luce, the chairman of the Board of Consolidated Edison, the largest utility in the Nation, made a comprehensive and thoughtful statement on the energy reorganization plan and energy policy.

Mr. Luce made the point that while the energy reorganization plan includes all of the direct energy functions of the Federal Government, it leaves out the related safety and environmental decisions that impact fundamentally on energy policy. These functions are left within the Nuclear Regulatory Commission, the Environmental Protection Agency, and the Interior Department. Although there may be certain overriding reasons for not including these functions in the new energy department, there must be strong liason and policy interface that permits all Federal decisionmaking on energy to reflect common goals.

Mr. Luce argues for the establishment of national production and conservation goals, and specific goals in each of the major producing sectors.

There are many other important points in this speech which I commend to the committee's attention. Among them are the absolute need to cut consumption drastically in the automobile sector; vastly to increase our use of coal; and to establish mandatory appliance efficiency standards. I hope the President considers these recommendations as he prepares his energy policy.

I ask unanimous consent that the remarks of Charles F. Luce be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF CHARLES F. LUCE, CHAIRMAN OF THE BOARD, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Today I will talk principally about legislation before the Congress which would reorganize the executive branch with respect to energy, and about the comprehensive statement of proposed national energy policy that President Carter plans to announce on April 20. I will do so from the perspective not only of chief executive of a large urban utility, but also from that of a former administrator of a large federal power agency and former Undersecretary of the Department of Interior. I will not talk that much about Con Edison, whose performance has greatly improved, although I would be pleased to answer questions about our operations.

ENERGY CRISIS—THE EARLY WARNINGS

Let me, then, discuss the energy program that the Congress is about to consider and enact. Our nation has had two dramatic early warnings that have told us how serious the energy problem is: first the oil embargo of 1973–1974, and then the natural gas crisis of this last winter which caused many schools to close for weeks at a time, and hundreds of thousands of men and women to lose work.

Last year there occurred a third and silent warning that may be even more ominous than the gas crisis. In 1976 energy usage in the United States rose about 4½ percent. Electric usage nationwide went up more than 6 percent. There probably is some "catch up" in these growth rates because of the "slow down" after the oil embargo and the economic adjustments that followed. Nevertheless they are serious signals because the economy was not all that healthy in 1976. There was still a high level of unemployment.

In the two years following the oil embargo, energy usage in the United States declined. But now it is trending upward again. And the upward trend began in a year which was not a boom year as far as the economy is concerned.

So we have had these two dramatic warnings of an impending energy crisis and a silent one which is a more subtle indication that problems lie ahead.

Yet from the time the oil embargo was imposed, we have done virtually nothing to reduce energy consumption. Large, heavy automobiles are selling very well; smaller more efficient automobiles are not selling well. Oil imports have gone from 30 to 40 percent of our total oil usage, but we have not opened the Atlantic shelf to oil and gas development, nor begun large-scale synthetic fuels-from-coal projects. And this has been during a period when our stated national policy—Project Independence—was to reduce our dependence on OPEC countries!

More significantly perhaps, or at least just as significantly, the foreign exchange required to pay for oil imports has risen from 2 billion dollars in 1972 just before the oil embargo to more than 30 billion dollars in 1976. We are buying oil, and paying for it in large part with huge arms exports. I suggest this as another important reason we need a strong domestic energy program that will cut down oil imports.

THE PRESIDENT AND CONGRESS ADDRESS THE PROBLEM

As you know, the President is addressing the energy problem in two stages: first organizationally and second programatically. First he has sent up his organizational bill. Our Company has great interest in the bill for a variety of reasons. For one, our Company depends so heavily on oil—especially imported oil—to keep the lights on in New York City and Westchester. Beyond that, we are interested in what the bill might change in regard to the licensing procedures that we and the other utilities have to follow to build new plants.

We think the President's energy reorganization bill is a good start and generally we support it. It establishes a Department of Energy which concentrates in four agencies responsibility for energy matters now spread among 15 or 20 agencies. These four agencies are the Energy Department, the Interior Department, the Nuclear Regulatory Commission, and the Environmental Protection Agency.

Let me make some general comments about the bill. By no means does the bill create a strong Energy Department. I assume that it creates as strong an Energy Department as the President believes the Congress would approve. But the fact is that the head of the Energy Department will be powerless to assure that domestic energy resources are tapped, or new energy facilities built, unless the Interior Department, the EPA, and, in the case of nuclear facilities, the NRC concur in his decisions.

Thus the proposed reorganization bill leaves with the Interior Department an essential aspect of an effective energy program: the administration of public lands with regard to leasing for energy development. It is essential because most of our undeveloped domestic energy probably lies beneath public lands, and most of such lands are administered by the Interior Department.

Nor would the head of the new Energy Department have the authority to implement his decisions on what is needed in the way of new nuclear plants. Let us assume that the new head of the Energy Department in implementing the President's policy concludes that by 2000 we need 450 more nuclear plants. Under the proposed structure, the NRC is not included in the new energy agency. Other than to express a hope, there is not much that the Secretary of Energy can do except wait to see what the NRC, not responsible to him, decides it is going to license and permit to be built.

Similarly, the fourth agency—the EPA—which is looking at all of these energy decisions from an environmental standpoint, still retains the authority to veto or slow up substantially most of the major energy programs that the Energy Department would undertake.

So it seems to me that this bill, while a step in the right direction, does not really give the cabinet officer—the Secretary for Energy—the power to put an energy program across unless he has strong and continual support from the President, who may be too busy to provide it. If the Secretary of the Interior decides that for grazing or recreational reasons or other "non-energy" reasons, a certain tract of coal should not be mined, he does not have to sign the lease. All the Energy Secretary can do is request that the Interior Secretary sign it. If he refuses, they must both go over to the White House to get the President to resolve the dispute. The Energy head probably should take with him the EPA head as well because he will have to pass on the environmental impact of the lease, and set impact standards that control mining, transport, and use of

the coal. If the lease involves uranium, he should also take with him the Chairman of NRC. The potential difficulty inherent in such a structure is staggering because it is estimated that Interior handles some 300–400 energy leases per year.

Even if the President finds the time to settle the lease dispute, and brings the four agency heads together, the courts will still review their decision. We can predict a time lag of one, two, or three years for this court review. In the case of a project that we are all too familiar with, the Cornwall (Storm King) project, it is now 12 years that the Federal Power Commission's license to construct has been in the courts. So far as I can tell, the energy reorganization bill now before the Congress does nothing to reduce the scope of judicial review of executive energy decisions and the consequent inevitable delay in carrying out those decisions.

There are some other problems with the bill. I am most concerned that the Energy Secretary does not have the sole power to determine the need for a given project. If the Energy Secretary could settle the question of whether a given project—coal or nuclear or any other type—is required in the national interest, it would expedite the licensing processes considerably. There would be a great advantage if the Secretary of Energy could say to the licensing agencies—EPA or NRC or the proposed Independent Appeals Board—the following: "Now in a certain region we need so many new kilowatts of generating capacity. That is the need which I have determined in a national survey. You can and should look at the other things that you are supposed to look at in setting the license conditions for the proposed project, but the need for the project has been determined."

Today we spend so much time in the process of getting a new power plant licensed just arguing over whether or not the plant is needed. Is conservation a better answer? Should it be coal-fired instead of nuclear? Or solar power? If we are going to have a national energy policy that will get the job done, we must have a cabinet officer responsible to the President who can set goals and determine needs and then let the regulatory bodies take it from there on such issues as safety.

As I read it, the bill doesn't give the Energy Secretary authority to set conservation and production goals that are binding on the several regulatory bodies. Until such authority is clearly in the bill, I fail to understand the relationship of the Independent Appeals Board and NRC to the new agency, and I do not see the advantages of merging the FPC into the new Energy Department.

THE PRESIDENT'S SUBSTANTIVE ENERGY PROGRAM

Only in very broad outline have we heard about the substantive energy program that the Administration is going to send to the Congress. It is said that the program will call for conservation and coal to meet as much as possible of the growth in energy needs. and that nuclear generation will fill the "gap." This is for the remaining years in this century. It also will call for concentration on research to develop alternate, more exotic means of producing energy that could be productive in the next century.

What will the role of conservation be in the nation's energy future? To begin, I'd like to cite a statistic or two on gasoline. It is important because oil is the nation's principal energy source (47 percent), and gasoline consumption is the key to oil conservation.

If by 1985 the average gas mileage achieved by the American car could be lifted from the present 14½ to 19 to 20 miles per gallon, we would save the equivalent of about 25 percent of the oil imported in 1976. If we insulated every house in the United States to acceptable standards we would save about 8 percent, or only about ⅓ of the saving from smaller cars. We would do the insulation too, of course. But the point is that the really big savings are in transportation and the automobile. Unless we are willing to attack that, the talk about conservation as an important element of our energy program is going to be just talk.

If we are really serious about solving our energy crisis through conservation, I believe that conservation is going to be the toughest political aspect of the whole program. The litmus test of whether we are serious about energy conservation is the passenger automobile. Look at the immediate reaction when someone, I presume at the White House, recently floated the idea of a 25c-a-gallon gasoline tax. Congressional comment immediately was negative. No one got up and said that if we are serious about conservation, we have to give people a price incentive not to buy or use big cars, or to drive them at high speeds. The idea of increasing the gas tax by a modest amount (if one considers the gasoline taxes imposed by other countries) was disavowed by the President within 24 hours after the trial balloon went up. The already mandated improvement in miles-per-gallon performance will of course by 1985 reduce gasoline consumption in new cars by about 40 percent. However, increased gasoline taxes are also necessary in order to reduce gasoline usage by cars already on the road. The potential for energy saving by vehicles—which now use 40 percent of all the petroleum products used in this country—is so great that it is a saving that should be approached from two directions: raising the price of gasoline (with appropriate tax relief to relieve unavoidable economic hardship), and improving the efficiency of new automobiles.

Similarly in the case of prices of natural gas and oil. We now have a price control system that is an incentive to usage—not an incentive to conservation at all. For elected officials to say that we will let the marketplace fix the gas price and oil price is politically very difficult, indeed up to now seemingly impossible. And yet that is what is required to get prices up to the point where consumers will conserve. We need a combination of taxes and market forces to achieve higher prices, and give the public an incentive to conserve gasoline and natural gas. We must at the same time have tax laws to be sure that windfall profits are not reaped by producers and distributors at the expense of the consumer. But we can do that, too. We did it during World War II.

The result of all this would be higher consumer prices to achieve conservation. It will work, but it is politically very difficult. I think it is going to be more difficult, politically, than building new power plants. But I think we have to do it.

I would hope that the Congress also would address legislation establishing mandatory efficiency for appliances. In the course of time, it would make a big difference in New York City and Westchester, as far as Con Edison's summer peak requirements are concerned, if only the most efficient air conditioners that can be built were allowed to be sold. Manufacturers of appliances say that as long as any manufacturer can build a cheap, inefficient model, many people are going to buy the cheap one. This is so even though it is more costly in the long run—even though over the life of the air conditioner it would cost the purchaser more because of its higher electric consumption than if he put his money into the more expensive efficient cooler. Consequently, the way to achieve reduction in energy usage of air conditioners is to not allow any inefficient ones to be sold. This is also a problem politically, but I think that, like higher gasoline prices, it is something the Congress should require. I hope that the President will come out with meaningful proposals in these areas.

Where does coal stand in the nation's energy plans? We are going to need a lot of coal regardless whether we expand nuclear power. If we give up the nuclear option, we are going to require an enormous amount of coal. Here is some idea of the dimension of the problem. According to the head of the Electric Power Research Institute, Dr. Chauncey Starr, if we can hold gas and oil consumption to where it is now (in total, oil and gas now provide 75 percent of all energy in this country), and in addition reduce energy consumption by 20 percent through conservation, we will need to increase coal and nuclear production by six times by the year 2000 to meet the demand. Let me remind you that the year 2000 from a planning standpoint is very close. If we keep the nuclear option open, by 1990 which is what we are planning for now, we are going to need to double coal production. If we don't, we will have to triple coal production by 1990. That means many more new mines, coal trains, and trackage, and it means reexamining the sulfur environmental requirements for burning coal.

If we expand coal as much as can be reasonably expected, and factor in 20 percent conservation in total energy use, by the year 2000 we will still need about 450 additional thousand-megawatt nuclear plants to fill the "gap" that the President's energy program may assign to nuclear power. We are just kidding ourselves if we think that we can do all this with coal.

I'm aware of the great concern about nuclear waste. Those of you who follow this closely know that the nuclear waste problem is on our doorstep, and has been there for 30 years. It was put there by the nuclear weapons program. Approximately 99 percent of the nuclear waste which presents us with the problem today is not the result of commercial power reactors. It is the result of making atomic weapons and the nuclear Navy. Even if we proceed to build the additional nuclear plants I have indicated would be required by the year 2000, more than 80 percent of the waste that exists in that year will be military waste. It would not be the result of commercial production of electricity. The point here is that we have to solve the problem regardless of whether we keep the nuclear option.

Fortunately, nuclear waste disposal is technically solvable. It is politically very, very difficult. State after state is objecting to having the nuclear waste stored within its boundaries. But technically this waste can be solidified and can be placed under or above ground in a safe manner.

We did a little calculation as to what the increase in predictable deaths in coal mines would be if we forgot about nuclear power and filled the so-called "gap" with coal. If you assume the mine safety record is going to continue to improve quite substantially, and that the fatality rate in coal mines will decline from the last ten-year average of 0.3 to 0.2 per million tons, filling the gap with more coal would result in about 1,000 more men being killed in mines in the next 15 years.

The point is that there is no absolutely safe way to produce the energy this country requires, any more than we can have a transportation system without injuries and deaths. My own judgment is that if you look at energy production from a safety or environmental standpoint, nuclear will turn out to be both safer and environmentally preferable. In the final analysis, our national economy and domestic security will need both coal and nuclear energy. So perhaps the question of choice is really moot.

SOME PROPOSALS FOR OUR NATIONAL ENERGY PROGRAM

Finally a few observations on what I think must be done to put into operation a successful program for national energy.

First, we must establish national production goals and conservation goals all can agree on, or at least can achieve consensus on. We must decide what we can do in the way of conservation and subtract that figure from production requirements. The net will then become the nation's production goal. That goal should then be translated into specifics: coal, new oil, new gas, synthetic fuels, uranium, etc. on year-by-year timetables.

We must achieve these goals as we did in World War II. In tough conservation and energy production programs, we must duplicate the effort that went into the rubber program, the aluminum program, the aircraft program, and other programs that were necessary to defend our nation after Pearl Harbor.

In addition to setting specific national conservation and production goals, the Energy Department must ultimately be given more authority to achieve those goals than it is given in the present bill. In particular, whoever is making the energy decisions must have the authority to make the environmental decisions as well; also the price policy decisions that are so vital to both production and conservation. You can't have the environmental decision being made by somebody who has no responsibility for the energy program. It just won't work. This doesn't mean that environmental or safety considerations should be thrown out the window or ignored. A Secretary of Energy, or a Secretary of the Department of Resources and Energy (which I think would even make more sense), could and must do the environmental balancing and weighing. You can't have one scale weighing environment and another scale weighing energy needs. You will never achieve a balance. You must have one scale—and one scale-master, if you will.

There are ways to review whether the Energy Secretary is doing a good job on both energy development and environmental protection. Certainly Congress has ways to do it. Authorities have to be granted. Appropriations have to be made. And oversight hearings are always available. There is, further, always the power of the President who can see that the national interest is focused on conservation of energy, and on environmental goals, as well as on energy production goals.

In addition to giving one presidentially appointed cabinet officer the power to do this balancing, we are going to have to limit judicial review to questions of Constitutional due process and statutory authority. We can't accomplish an energy program if after an administrative agency examines all questions, and the President confirms its decision, we then move to a federal district court where much of the procedure is duplicated, and then go to the Circuit Court of Appeals and review the entire decision a third time. The result is delay and more delay. The man to whom the President is looking for an energy program will be defeated by this repetitious and unnecessary review. More seriously, the national interest will be diffused and defeated. It simply isn't necessary to give everyone a second and a third day in court when they already had their say before the administrative agencies.

The oil embargo of three years ago—as crippling and traumatic as it was to our entire nation—was not enough to get us moving on the hard decisions that are essential to a sane and realistic national energy program. As spring approaches, there may likewise be a tendency to forget the suffering caused by the severe natural gas shortages of this past winter, and to ignore the sharp climb in last year's energy consumption.

We must fight this tendency. We must finally begin to take those steps that will free our nation's energy supplies from the twin vagaries of international politics and weather. Three warnings should be enough.

GAS SERVICE CUTOFFS IN OHIO

Mr. METZENBAUM. Mr. President, Ohio has had a very rough winter. Now with spring finally coming some of my people are faced with an added burden to the ravages of winter. On April 4 thousands face the cutoff by the utilities of gas and electric service for nonpayment of unprecedented bills.

While this is a State matter, I want the Senate to recognize the devastating problems these people face. Many of them are on public assistance and simply cannot eke out their moneys to cover the staggering bills from a long, hard winter.

I ask unanimous consent that a Post story of March 28 detailing the problem be printed in the RECORD for the information of the Senate.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

GAS SERVICE CUTOFFS MAY BE MADE FRIDAY

(By Nancye Moncrief)

The next person who rings your door bell may be a Cincinnati Gas & Electric Co. employe reminding you that you owe money to the utility company.

Unless you pay up, or make arrangements to pay, you may have a chillier reminder Friday—your service will be stopped.

CG&E employes, on Saturday, went to the homes of customers who owe the company more than $300 in past due gas and electric bills.

This week, they'll visit the homes of all customers who owe less than $300.

CG&E officials refused to disclose exactly how many homes will be visited or how many outstanding bills the company has, saying the number fluctuates daily.

Bruce Stoecklin, assistant news supervisor, said "several thousand customers" were visited Saturday. If no one was home, Stoecklin said, the company representative left a notice.

All persons contacted must make arrangements through CG&E's credit office to pay the entire bill within five working days or make arrangements to pay the bills over a period of time—up to six months.

If customers refuse to comply, Stoecklin said, the company will begin disconnecting service Friday.

Stoecklin said delinquent customers received at least one mailed reminder (with monthly bills) before company representatives were sent.

"The unusual thing about this is that the PUCO (Public Utilities Commission of Ohio) ordered that no gas utility could cut off service until after March 31," said Stoecklin.

"Although the order did not include electric service, we extended the policy to include electric customers as well."

Stoecklin said the same policy was used in Northern Kentucky.

Delinquent customers are being asked to pay the entire overdue bill immediately. If they can't, Stocklin said the credit department and the customer will make "agreeable arrangements" to pay the bill over several months.

"The repayment will be extended over no more than six months," Stocklin said, "because then we'll be starting into the heating season again and the same problems would start to recur."

There is no interest charge other than the first month's overdue charge—the difference between the net and gross amount of the bill. The gross amount represents a five per cent increase over the net amount.

Because of the extremely cold winter and a 25 per cent increase in the price of gas that went into effect last fall, CG&E officials estimated that this year's gas bills would be double what they were last year.

If the company disconnects gas and electric service, customers will be required to pay the entire bill before service is reinstated. There will also be a $6 reconnection charge for gas and electric service. And if the customer does not have a security deposit on file, he will have to make a deposit. The amount is based on a PUCO formula of ¼ plus 30 per cent of ¼ of the annual fuel consumption.

Seth Staples, Hamilton County Welfare Department director, said the department is starting to receive calls from people needing assistance in paying their utility bills.

He said all welfare checks—Aid for Dependent Children or general relief—contain a provision for making the normal payments to the utility companies. Instead of making the regular monthly payments as required, apparently some welfare clients did not pay anything and now face two and three months overdue bills.

He said all clients must talk with CG&E representatives and work out a plan of repayment. He said the department can only extend emergency assistance if the person has received a cutoff notice.

Emergency assistance amounts to no more than 50 per cent of a monthly assistance check, and emergency assistance is only given one time a year to an individual.

He said some people with low incomes may be eligible for emergency assistance.

As long as the people show good faith in working out a repayment plan, their utilities won't be cut off, Staples said.

HARPERS FERRY, W. VA., IS FEATURED BY READER'S DIGEST

Mr. RANDOLPH. Mr. President, Thomas Jefferson loved his native Virginia and, in particular, one of its most picturesque settings, Harpers Ferry, located in what is now West Virginia's Eastern Panhandle. It was in 1944, as a Member of the House of Representatives, that I introduced the legislation which created the Harpers Ferry National Historical Park. It has attracted millions of visitors since its establishment.

The National Park Service took over the operation of the park in 1954 and, since that time, approximately 12.5 million persons have visited this charming and historic area. During our Nation's Bicentennial, about 1,050,000 citizens visited there.

Much is being done to enhance the town's aura of a pre-Civil War period, including the refurbishing of buildings, a replica of John Brown's Fort, a lovely old hotel, the Hillside House, which overlooks the historic downtown area and the beautiful Potomac and Shenandoah Rivers.

Thomas Jefferson was impressed with the beauty of Harpers Ferry and his words are part of the April Reader's Digest pictorial article on this community.

Jefferson said:

The passage of the Potomac through the Blue Ridge is, perhaps, one of the most stupendous scenes in nature. You stand on a very high point of land.

He continued:

On your right comes up the Shenandoah, having ranged along the foot of the mountain a hundred miles to seek a vent.

On your left approaches the Potomac, in quest of a passage also.

In the moment of their junction, they rush together against the mountain, rend it asunder, and pass off to the sea. The first glance of this scene hurries our senses into the opinion that this earth has been created in time, that the mountains were formed first, that the rivers began to flow afterwards, that in this place they have been dammed up by the Blue Ridge of mountains and have formed an ocean which filled the whole valley; that continuing to rise they have at length broken over this spot, and have torn the mountains down from its summit to its base.

The piles of rock on the Shenandoah, the evident marks of their disrupture and avulsion from their beds by the most powerful agents of nature, corroborate the impression.

For the mountain being cloven asunder, she presents to your eye, through the cleft, a small catch of smooth bue horizon, at an infinite distance in the plain country, inviting you from the riot and tumult roaring around, to pass through the breach and participate of the calm below. Here, the eye ultimately composes itself. It is a scene worth a voyage across the Atlantic.

But the distant finishing which nature has given to the picture is of a very different character. It is as placid and delightful as that is wild and tremendous.

Mr. President, the photography by William A. Bake is stupendous. I congratulate the Reader's Digest for selecting the unique and spectacularly scenic community—Harpers Ferry—steeped in history as the picture feature for April.

TRIBUTE TO JULIUS HOBSON

Mr. LEAHY. Mr. President, according to both his adversaries and admirers, Julius Hobson, Sr., was a great citizen who never tired of waging battles to further the cause of civil rights and to advance the cause of good government for all the people of the District of Columbia. The entire community has suffered a loss as a result of the death of Julius Hobson last Wednesday.

While I was a law student here in Washington, D.C. in the early 1960's I remember the unprecedented series of marches and demonstrations led by Mr. Hobson, then president of the local Chapter of the Congress of Racial Equality. When I returned to Washington as a U.S. Senator in 1974, Mr. Hobson was still very noticeably continuing his worthwhile campaigns as a member of the City Council.

Mr. Hobson, upon learning that he was dying of cancer in 1971 is reported to have said:

I don't want to go on my knees, I would like to go standing up.

And literally until the last days of his life Mr. Hobson continued his active career, taking part in a City Council debate on the day before his death. The courage he demonstrated both by the unflinching vigor and humor with which he pursued his causes and by the way he continued the fight standing up until the last days of his life is an example to us all.

THE FUTURE VIABILITY OF THE ALL-VOLUNTEER FORCE

Mr. HARRY F. BYRD, JR. Mr. President, the future viability of the All-Volunteer Force—AVF—is a matter of concern to many Americans both inside and outside of Government.

Only 4 years after the end of the draft the All-Volunteer Force is encountering problems which raise serious doubts as to whether such a force can adequately meet the needs of our peacetime defense posture at a tolerable cost.

The able Senator from Georgia, Mr. NUNN, has spent a great deal of time studying this important matter as chairman of the Manpower and Personnel Subcommittee of the Senate Armed Services Committee. I believe he can rightly be called an expert on the matter of the All-Volunteer Force.

Senator NUNN has written an article on this important topic which appeared in the March 26 Washington Post.

I ask unanimous consent that the text of that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANOTHER LOOK AT THE ALL-VOLUNTEER FORCE

(By Sam Nunn)

I believe the All-Volunteer Force (AVF) may be a luxury that the United States can no longer afford. The AVF has lived up to few of the expectations of its early proponents, despite an economic and demographic environment highly conducive to its success. This environment has included high unemployment, especially among teenagers; mushrooming military pay, particularly recruit pay; declining military force levels and peak numbers of young people in military-age groups.

Yet, during the coming decade unemployment is likely to drop. Military pay probably will be stabilized. Force strengths will level off, and the military-aged population will shrink steadily into the 1990s.

The AVF has encountered significant problems since its inception in 1973, and I believe these problems will worsen in the future. In the last quarter of 1976, the Army was 6 per cent under its recruiting objectives; the Marine Corps fell short by 15 per cent; and the first time, the Air Force is beginning to experience difficulties in recruiting. The Selective Reserve is now 52,000 below its authorized strength, and our Individual Ready Reserve today suffers a shortfall of 180,000, which is expected to increase even further.

Navy personnel chief Admiral Watkins testified before the armed services subcommittee recently that the Navy's AWOL and desertion rates are higher now than even during the Vietnam War. When asked why, Adm. Watkins candidly remarked that unfortunately "the concept of an All-Volunteer Force 'in'" psychologically "implies to an individual the possibility of an All-Volunteer Force 'out'."

General David Jones, chief of staff of the Air Force, also testified recently that the advent of the All-Volunteer Force has transformed the concept of military service "from a profession and a calling to a job or occupation." Our nation must question whether economic benefits are beginning to outweigh "duty, honor and country" in terms of military motivation.

In my view, it is this transformation of the concept of military service that has fueled pressures for unionization within the enlisted ranks. These pressures are growing despite increases in enlisted pay since 1967 far exceeding the rate of inflation and pay increases in the private sector.

Some students of the AVF claim that it can be salvaged through managerial innovations. Martin Binkin of the Brookings Institution recently proposed in these pages that greater utilization of women and a reduction in physical standards of selected occupational specialties, as well as several other management changes, would provide the military with sufficient numbers of otherwise qualified personnel.

Although I agree that these and other proposed administrative remedies must be undertaken if the AVF is to remain viable in the short term, I believe the AVF's problems are much more fundamental than these proposals would suggest. Short-term tinkering is no substitute for long-term solutions.

The time has come for our nation to take a long hard look at the AVF, and I reject the notion that the only alternative to the AVF is a Vietnam-style draft.

I believe that both the executive and legislative branches of the government should begin now to explore possible alternatives to the AVF, such as a national service program for all our nation's young people. It makes little sense for a nation, on the one hand, to pay large bonuses to entice its young people to serve in its defense and to pay further bonuses to these same young people to serve in the combat arms while, on the other hand, it must count costly job-training and summer programs to address the serious unemployment problem so prevalent among young Americans. A minimally coercive national service organization might require each young person to register at 18 years of age and attend an orientation program designed to encourage participation in some form of national service, such as the Job Corps, VISTA, environmental reclamation, or the armed forces.

In peacetime, I believe that national service as well as the military option could remain a matter of free choice if this concept enjoyed the vigorous support of governmental leaders in the executive and legislative branches of government and by the citizens of this country.

This is but one of several options our nation should consider as alternatives to the AVF. We have an opportunity to prove that our nation can reflect on the AVF objectively and search for viable alternatives before we are forced to make ill-conceived decisions in a crisis atmosphere.

AMERICA'S STRENGTH—THE FAMILY

Mr. McCLURE. Mr. President, I have recently been made aware of some very fine remarks made by Ezra Taft Benson, president of the Council of the Twelve Apostles, Church of Jesus Christ of Latter-day Saints at the national family night program in the Seattle World's Fair Colosseum November 23, 1976.

The theme of Elder Benson's remarks centered around the family being America's strength; and with the home as the foundation, he gives some excellent advice on strengthening the Nation.

Inasmuch as National Family Week was established in the last session of Congress, I strongly recommend that my colleagues take time to read Elder Benson's remarks on the family's role in the Nation, which I ask unanimous consent be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AMERICA'S STRENGTH—THE FAMILY

(By President Ezra Taft Benson)

My fellow Americans, humbly and gratefully I stand before you tonight, humbled by your generosity and kindness, but grateful to be in your presence.

In behalf of the Church of Jesus Christ of Latter-day Saints, I too pay tribute to you, Governor Evans, your lovely wife, and fine children. We honor you for your exemplary lives—your family example—before the citizens of this great state. In the presence of your proud parents, may I say that more important than all the success which you have attained in public life, is the success that you have attained in your private family life. We pay deserving tribute to your parents for their obvious teachings and examples. Thank you for your presence with us tonight.

I discuss with you on this impressive occasion the timely theme: America's Strength—The Family.

It is most appropriate that during this Bicentennial year the President of the United States has signed a proclamation that National Family Week be observed this year. As a nation we have recently celebrated our 200th birthday, but our observance of Thanksgiving Day is 353 years old. Our homes are among our many bounteous blessings for which we should offer gratitude to our Heavenly Father.

The home is the rock foundation, the cornerstone of civilization. The church, the school and even the nation stands helpless before a weak and degraded home. No nation will rise above its homes, and no nation will long endure when the family unit is weakened or destroyed. If we accept the truth of these statements, then we must conclude that the American family has serious problems.

All is not well with this most basic institution, the American home. In fact, it is in grave danger, if not in deadly peril. There is convincing evidence that a creeping rot of moral disintegration is eating into the very vitals of this temple of American civilization. It gives cause for serious concern.

The facts are not reassuring as we soberly appraise them. Far reaching changes, resulting from industrialization, concentration of populations, commercialization of recreation, and other activities once performed in the home, all tend to lead away from home associations.

Accompanying these changes, and in some measure resulting from them, has been a marked increase in pleasure seeking; the mad rush for money and other material things; the unwarranted indulgence of personal gratifications; the insidious inroads of tobacco, liquor, gambling, and many other tendencies in our complex modern civilization. All these have exerted a pulling power away from the home and have weakened its structure.

There seems to be a tendency for many married people to become soft and to seek a life filled with ease and the pleasure of the moment. They invite the pleasure of conjugality but often refuse to shoulder the responsibility of parenthood.

Divorce today is epidemic. The father's place at the head of the home is being challenged, and mothers have, in many instances, left the hearth to join the work force, which weakens the stability of the home. Children, growing up without strong parental guidance and spiritual influence, are allowed to roam freely. Not only does this permissiveness and lack of training sponsor indolence, but many of these youth, out of boredom, have turned to drinking, drugs, delinquency, or crime.

One great Church leader has wisely said, "No other success can compensate for failure in the home." If this nation is to endure then the home must be safeguarded, strengthened, and restored to its rightful importance. The home is the bulwark of the nation—our most fundamental and basic institution.

MARRIAGE AND FAMILY MEANT TO BE ETERNAL

Marriage, the home, and family are more than mere social institutions. They are divine, not man-made. God ordained marriage from the very beginning. In the record of that first marriage recorded in Genesis, the Lord makes four singificant pronouncements: first, that it is not good for man to be alone; second, that woman was created to be a help mate for man; third, that they twain should be one flesh; and fourth, that man should leave father and mother and cleave unto his wife. (Genesis 2:18, 24.)

Later, as though to reinforce the earlier statement, the Lord said: "What therefore God hath joined together, let not man put asunder" (Matthew 19:6), also, "Thou shalt love thy wife with all thy heart, and shalt cleave unto her and none else." (D&C 42:22.)

This first marriage, instituted by God, was between two immortal beings. Marriage was thus intended to be eternal. Following the consummation of this marraige, God gave Adam and Eve important instruction about the perpetuation of the family, instruction which has never been rescinded: "Be fruitful," God said, "and multiply, and replenish the earth . . ." (Genesis 1:28.)

The scriptures teach that man was created in the image and the likeness of his Creator. (Genesis 1:26–27.) Fundamental to the theology of The Church of Jesus Christ of Latter-day Saints is the belief that the purpose of Man's whole existence is to grow into the likeness and image of God. We accept quite literally the Savior's mandate: "Be ye therefore perfect, even as your Father which is in heaven is perfect." (Matthew 5:48.)

We believe God to be the personal Heavenly Father to all mankind, that all mortal beings are literally His spirit offspring. We worship God as as a personal, all-knowing, all-powerful Being, endowed with all the attributes of perfection. As God's literal offspring, we believe man to be His only creation blessed with His image and His likeness. Our children sing a song from the time they learn to talk which impresses upon them their celestial as well as mortal heritage:

I am a child of God,
And He has sent me here,
Has given me an earthly home
With parents kind and dear.

I am a child of God,
And so my needs are great;
Help me to understand His words
Before it grows too late.

I am a child of God,
Rich blessings are in store;
If I but learn to do His will,
I'll live with Him once more.

CHORUS

Lead me, guide me, walk beside me,
Help me find the way.
Teach me all that I must do
To live with Him some day.
("Sing With Me," No. B76.)

Yes, we believe marriage was ordained by God for a wise eternal purpose. The family is the basis for the righteous life. Divinely prescribed roles to father, mother and children were given from the very beginning. God established that fathers were to preside in the home. Fathers are to procreate, provide, love, teach, and direct. A mother's role is also God-ordained. Mothers are to conceive, bear, nourish, love, and train. She is the helpmate and counselor to her husband.

Children are likewise counseled in holy writ in their duty to parents. Paul the Apostle wrote: "Children, obey your parents in the Lord: for this is right. Honor thy father and mother;" (which is the first commandment with promise), "That it may be well with thee, and thou mayest live long on the earth." (Eph. 6: 1–3.) When parents, companionship, love, and unity, fulfill their heaven-imposed responsibility, and children respond with love and obedience, great joy is the result.

Did the God of heaven who created and intended marriage and family to be the source of man's greatest joy, his dearest possession while on this earth, intend that it end at death? Do marriage and families pertain only to this transitory state? Are all our sympathies, affections, and love for each other a thing of naught, to be cast off in death? Another distinctive teaching of Latter-day Saint theology is our belief in revelation from God to latter-day prophets. We testify that Joseph Smith was a prophet raised up by God to restore many great truths which had been lost because of the absence of revelation. Through him God revealed the eternity of the marriage covenant and the timelessness of the family. The effect that this teaching has upon Church members is most pronounced. One of the early Apostles in the Church recorded his feelings about this doctrine in these words:

"I received from (Joseph Smith) the first idea of eternal family organization, and the eternal union of the sexes in those inexpressibly endearing relationships which none but the highly intellectual, the refined and pure in heart, know how to prize, and which are at the very foundation of everything worthy to be called happiness.

"Till then I had learned to esteem kindred affections and sympathies as appertaining solely to this transitory state, as something from which the heart must be entirely weaned, in order to be fitted for its heavenly state.

"It was Joseph Smith who taught me how to prize the endearing relationships of father and mother, husband and wife; of brother and sister, son and daughter.

"It was from him that I learned that the wife of my bosom might be secured to me for time and all eternity; and that the refined sympathies and affections which endeared us to each other emanated from the foundation of divine eternal love. It was from him that I learned that we might cultivate these affections, and grow and increase in the same to all eternity.

"It was from him that I learned the true dignity and destiny of a son of God, clothed with an eternal priesthood, as the patriarch and sovereign of his (family). It was from him that I learned that the highest dignity of womanhood was, to stand as a queen and priestess to her husband . . .

"I have loved before, but I knew not why. But now I loved with a pureness—an intensity of elevated, exalted feeling, which would lift my soul from the transitory things of this grovelling sphere and expand it as the ocean. I felt that God was my heavenly Father indeed; that Jesus was my brother, and that the wife of my bosom was an immortal, eternal companion; a kind of ministering angel, given to me as a comfort, and a crown of glory for ever and ever. In short, I could now love with the spirit and with the understanding also." (Parley P. Pratt, "Autobiography of Parley P. Pratt," (SLC: Deseret Book Company, 1968), pp. 297–298.)

Perhaps, my friends, you will now understand why The Church of Jesus Christ of Latter-day Saints views the family as the most important organization in time and all eternity; why all things should center in and around the family. Perhaps you can appreciate why we believe that the preservation of family life in time and eternity takes precedence above all other interests; why we venerate parental and filial love and duty. Because of this confidence in the perpetuity of the home and family into the

eternities, we build our most elaborate and expensive structures—temples of God (one of which will soon be erected in Seattle) so that man, woman, and their children may be bound together by covenant in an everlasting union which will transcend all the limitations of this mortal sphere. It is because of this belief that the Church decries divorce, why we are actively engaged in teaching fathers that their most important duty is within the walls of their own home, and that mothers should be full-time mothers in the home. It is why we encourage parents to teach their children fundamental spiritual principles which will instill faith in God, faith in the family, and faith in their country. There is no other institution that can take the place of the family, nor fulfill its essential function.

Yes, families are intended to have joy. A former Church president once said, "In the well-ordered home, we may experience on earth a taste of heaven." (President David O. McKay, Conference Report, 1969, p. 4.) How true that is!

THE JOYS OF FAMILY LIFE

Would you pardon some nostalgia from a grandfather, and soon to be great-grandfather, who has lived more than three-score years and ten and experienced a little taste of that heaven? Some of the sweetest, most soul-satisfying impressions and experiences of our lives are those associated with home, family, children, brothers and sisters. My heart fills with gratitude as I recall the joys of our rich family life when all six children were at home. We set our goal for twelve. My wife laments, "If we could just have had twins each time we'd have made it." May I mention just a few things that have enriched our lives and continues to do so.

Prayer has been and is the ever-present anchor for strength and a source of direction in our family activities. I remember kneeling at the bedside of our young children, helping them with prayers in their younger years, and later seeing the older brothers and sisters helping the younger ones.

We had family prayer night and morning, with children given the opportunity to lead, and had special prayers to meet particular problems. Mention was made in family prayer, for instance, of children with assignments such as a 2½ minute talk in Sunday School or a new teaching assignment in the Church auxiliaries. We asked for help when one of the children faced a difficult examination in high school. Special mention was made of members of the family away at girls' camp, Scout camp, school, or working. This special mention of particular concerns in our family prayers gave confidence, assurance, and strength to members of the family facing difficult problems and assignments.

How precious are the memories of daily devotion in the home, the simple but powerful practice of family prayer, secret prayer, and the old-fashioned practice of the singing of hymns and the reading of scriptures.

The inspired home evening and family council program, which carries such promise and which dates back more than fifty years, has provided many happy hours and great joy together. It has built faith, strengthened testimonies, and created a family solidarity and unity that will endure throughout all eternity.

When the children were young, we enjoyed personal, intimate visits with them at their own bedsides or curled up before the fire. Later it was a joy to have them travel with me on Church and business trips throughout the state of Idaho and later throughout the nation. Sometimes these trips were a reward for achievement. Our oldest son, Reed, was taken on a trip from Washington, D.C., to the west coast when he became the first Eagle Scout in the state. His achievement was followed a year later by that of his brother, Mark. It was on a day during this trip with Reed that I was called to a position of leadership in the Councils of the Church. The intimate conversation and experience of that day will remain a precious memory always.

Another family joy was to have guests in our home. At such times we always tried to arrange to have the children at the table also, to participate in the delightful conversation of the evening. The impression made on a judge and national farm leader as our daughter, Barbara, age nine, led in family prayer at our dinner table was reported later by this beloved leader at a meeting of farm, labor, and business leaders in Florida.

It seemed that the family happiness increased as the children advanced in years. It was a joy to see daughters Beverly and Beth teaching in Sunday School, as they each in turn prepared for marriage. Their classes of girls came to the home where our daughters displayed and talked about their trousseaus, and their plans for marriage. What a joy to hear the young girls pledge that they would follow the examples of their teachers and also be married in the temple.

Another source of family joy was the correspondence that came from the children when they were away. We would gather around the kitchen table and enjoy together letters from sons and brothers at Scout camp or on missions, letters from our son Reed while he was a chaplain in the Air Force, or news from the older sisters away at college. Joy came to the home when recordings were received at Christmastime or on birthdays, recordings filled with faith-promoting experiences, expressions of love, testimony, and gratitude for the gospel. These we shall never forget.

There were difficult and challenging days also, like the one when I returned from a distant trip to find my faithful and ever-courageous wife directing our sons with boxing gloves on their hands, sparring with each other. One son had challenged the high school bully, who had been teasing and trying to make fun of younger classmates. The coach had set a time for the fight. Preparations were on—training, diet, and prayer were all a part of making ready. Our prayers were answered. The outcome brought increased respect and strong friendship, even with the bully.

Even when I was a busy Cabinet member serving as Secretary of Agriculture, we kept close together through picnics in the park, travel into the country, and exploration in jeeps and on horses into the hills of Virginia.

The invitation to appear on "Person to Person," the popular Edward R. Murrow show on CBS, to present a typical Mormon home evening, was a serious challenge. The eyes of the nation would be focused on this popular show. Not only the family but, to some extent, the Church would be on trial before the people. There was some reluctance on the part of the wise mother. She did not want her daughters publicized; but with the persuasion of her missionary sons, she consented. There followed prayer and fasting, but no rehearsing. It was to be an informal Mormon home evening. The Lord heard our prayers, and afterwards letters came in by the hundreds. Later, in a national magazine article, Mr. Murrow expressed his pleasure and surprise when he received more fan mail on the Mormon home evening with Secretary Benson's family than on any other program of his years-long "Person to Person" series. I mention this not to glorify our own family, but to underscore the truth that Americans are great lovers of homes.

As I traveled on trade trips to many nations of the world as Secretary of Agriculture, family joys were still an important part of our lives. Whenever all the space was not taken by members of the press and my staff, President Eisenhower urged me to take members of my family along with me so that "the people of the world might see an American family in action." Although space on the government plane was provided, meals, hotels, and other expenses were borne by the family.

Yes, these were busy trips, but always family joys were realized. Members of the family traveling with me would be assigned various jobs, such as keeping a diary, making memoranda, keeping a record of letters of thanks to be written later, checking carefully the ever present questions of protocol, and always, trying to live the example of what we knew to be right.

And now, with all six children happily married in the temples of God and with families of their own, and 33 grandchildren, the joys continue and are multiplied. Weekly contacts are made by telephone or letter. Birthday cards are sent to each one. Family reunions are held with 100 percent attendance, and we join together in prayer and fasting as the signal goes out of illness or serious problems facing any member of the family.

So much more could be said. Thank God for the joys of family life. I have often said there can be no genuine happiness separate and apart from a good home. The sweetest influences and associations of life are there. Life cannot be fully successful, no matter what goals we attain in the material world, no matter what honors of men come to us in our lives, if we fail as fathers, mothers, and children.

My plea to you tonight is that we strengthen our families so that our memories of home may be happy ones, that our home life may be a foretaste of heaven.

Tonight, I would not dwell on the problems affecting homes and families in our beloved land. We all know there is too much divorce, that the undermining of home and family is on the increase. We are aware that in many instances father and mother have abdicated divinely-given assignments, that children have become rebellious, that Federal, State, and local governments—out of interest in preserving the home or solving the problems of broken homes—have legislated measures to compensate for failure in the home. We also know that there has never been and there never will be a satisfactory substitute for a well-ordered home. If the nation is to endure, the home must be safeguarded and strengthened.

We feel, as a Church, that everything we can do to strengthen the family will not only build helpful and needed relationships to meet all the challenges in the world, but will be the single most important thing to strengthen and fortify our nation. Within the next two weeks the Church is sponsoring a one hour television show on the importance of the family. Next Tuesday evening, November 30, 1976, at 8:00 p.m., a special program will be telecast over one of your local stations. We invite you all to see this special program to help to acquaint you with our deep concern for building strong, eternal family bonds.

As citizens of this Republic, what can we do? What can be be done? As I have thought about this, I am convinced that there are some fundamental things we might well give attention to in our nation if the family is to be preserved. May I suggest five simple things that I believe we might well give attention to in strengthening the American home.

First: I feel one of our greatest needs is more time of parents in the home. Youth of the Church and of the nation need more than physical comforts. We will need to leave them more than lands and stocks. They need more than a modern automobile and a lovely modern building to live in. There is no satisfactory substitute for

mother, and no one can take care of her children as she can. No so-called social obligations, social enticements, or outside interests should impel any mother to neglect the sacred charge that is hers of caring for her own flesh and blood. Her first loyalty in the eyes of God is to her church and her family. I feel confident that while civic and social activities may return much good, she will serve her community and her nation best if she first devotes herself to the needs of her own children.

Second: We need daily devotion in the home. We need to return to the practice of family prayer, secret prayer, the old-fashioned practice of devotion in the home, daily, night and morning; the singing of hymns; the reading of scriptures. How much more happiness there would be, how many fewer divorces there would be, if these simple practices were followed as was the custom in the western pioneer home, as well as in the early days of this country, according to the diaries of our early founders.

Third: I think one of the great needs is more parental instruction in life's problems. I know there is a tendency for parents to shrink from this responsibility, the instructing of their own children in the problems of sex, the relationship with other young people, the problems of dating, and all of the many temptations that confront a growing boy and girl. These instructions should not be left to the school or to a class in sociology. The safest place, the best place, to give this vital counsel, these sacred instructions in matters of moral purity, should be in the home on a basis of confidence between parent and child. As parents, we should instruct our children. The sacred books of the ancient Persians say: "If you would be holy, instruct your children, because all the good acts they perform will be imputed unto you."

Fourth: I believe there is a great need for family recreation and cultural activities together. We should do things together as a family. It may mean a reduction in participation in women's clubs, in men's clubs, but if families could only seek their recreation and cultural activities more as a family unit, I am sure that untold benefits and blessings would accrue. A little boy was asked, after he said he was going to a summer camp, "What is a summer camp?" And he answered, "Those places where little boys go for mother's vacation." Let us take more of our vacations together as families.

Years ago, The Church of Jesus Christ of Latter-day Saints admonished all parents to hold a weekly family home evening. Today, that admonition has been institutionalized in the homes of Church members. Monday night has been set aside as an evening for the family together. No Church activity or social appointments may be sponsored on this night.

I hold in my hand a current Family Home Evening Manual. In this attractively prepared manual, parents have many kinds of activities and spiritual teaching outlined for them. May I heartily commend to all—whether or not you are a Latter-day Saint—to gather your family about you on a once-a-week basis for a family home evening night. Such evenings where scriptures are read, skits acted out, songs sung around the piano, games played, special refreshments enjoyed, and family prayers offered, like links in an iron chain, bind a family together with pride, tradition, strength, and loyalty to each other. Recently we rejoiced as we read the minutes of home evenings of over thirty years ago.

In 1915, the First Presidency of the Church inaugurated the home evening program by a letter. I recall when my own father read that letter to the family at the supper table on the farm. When he concluded the letter, he said, "The Presidency has spoken, and this is the word of the Lord to us!" From that time forward, we diligently held family home evenings in my boyhood home. I testify out of this experience and later, the experience of family nights in my own home, that great spiritual blessings can result. We rejoice as we visit the homes of our children to find they are holding their home evenings each Monday night.

And fifth: We need a closer parent-child relationship. This is closely related to the other four needs. One of the greatest needs of our young people is a closer, more frequent companionship with father and mother. There is no satisfactory substitute. I was thrilled some time ago, as I picked up a paper in the East and read an account of a letter that a rich industrialist had sent to his son, his sixteen-year-old boy, as a Christmas present. This man could have given his son anything that money could buy—an automobile, a yacht, I guess, if he wished. But when the boy came down from his room on Christmas morning and went over to the mantle where he usually found his present, there was a plain envelope with his name on it, and he opened it and read:

To my dear son: I give to you one hour each weekday and two hours of my Sundays to be yours to be used as you want, without any interference of any kind whatsoever.

Lovingly,

DAD.

As I read that, I thought, what a wise father, and what a fortunate son! Yes, that is what they need.

As parents, might we seriously consider whether or not too many activities and other interests draw us away from our families, our children, from those whom God gave us to love, nourish and teach.

God bless us that we may give personal attention now to these vital matters:

1. More time of parents in the home.
2. Daily family devotion in the home.
3. Parental instruction in life's problems.
4. Family recreation and cultural activities together.
5. A closer parent-child relationship.

A poem which captures the sentiment of what real home life ought to be was written by Edgar A. Guest. It's a favorite in our family, and all of us love to hear Mother recite it. I thought you would enjoy it too. (Recited by Sister Benson, "Home," by Edgar A. Guest.)

It takes a heap o' livin' in a house t' make it home,
A heap o' sun and' shadder, an' ye sometimes have t' roam
Afore ye really 'preciate the things ye lef' behind,
An' hunger fer 'em somehow, with 'em allus on yer mind.
It don't make any difference how rich ye get t' be,
How much yer chairs an' tables cost, how great yer luxury;
It ain't home to' ye, though it be the palace of a king,
Until somehow yer soul is sort o'f wrapped round everything.

Home ain't a place that gold can buy up in a minute;
Afore it's home there's got t' be a heap o' livin' in it;
Within the walls there's got t' be some babies born, and then
Right there ye've got to' bring 'em up t' women good, an' men;
And gradjerly, as time goes on ye find ye wouldn't part
With anything they ever used—they've grown into yer heart:
The old high chairs, the playthings, too, the little shoes they wore
Ye hoard; an' if ye could ye'd keep the thumbmarks on the door.

Ye've got to' weep t' make it home, ye've got to' sit an' sigh
An' watch beside a loved one's bed, an' know that Death is nigh:
An' in the stillness o' the night to' see Death's angel come,
An' close the eyes o' her that smiled, an' leave her sweet voice dumb.
Fer these are scenes that grip the heart, an' when yer tears are dried
Ye find the home is dearer than it was, an' sanctified:
An' tuggin' at ye always are the pleasant memories
O' her that was an' is no more—ye can't escape from these.

Ye've got to' sing an' dance fer years, ye've got to' romp and play,
An' learn t' love the things ye have by usin' 'em each day;
Even the roses 'round the porch must blossom year by year
Afore they 'come a part o' ye, suggestin' someone dear
Who used to' love 'em long ago, an' trained 'em jus' t' run
The way they do, so's they would get the early mornin' sun;
Ye've got to' love each brick an' stone from cellar up to' dome:
It takes a heap o' livin' in a house to' make it home.

Thank you, dear. That expresses so well, I'm sure, the sentiments that all of us share. So let's strengthen our families. Family and individual prayers morning and evening can invite the blessings of the Lord on our households. Mealtime provides a wonderful time to review the activities of the day and to not only feed the body but to feed the spirit as well, with members of the family taking turns reading the scriptures.

Night time is a great time for the busy father to go to the bedside of each of his children, to talk with them, answer their questions, and tell them how much they are loved. In such homes there is no generation gap. This deceptive phrase is another tool of the devil to weaken the home and family. Children who honor their parents and parents who love their children can make a home a haven of safety and a little bit of heaven.

Does this poem describe your family gatherings?

We are all here:
Father, mother
Sister, brother,
All who hold each other dear.
Each chair is filled, we are all at home.
Tonight, let no cold stranger come;
It must be often thus around
Our old familiar hearth we're found.
Bless, then, the meeting and the spot,
For once be every care forgot;
Let gentle peace assert her power,
And kind affection rule the hour,
We're all—all here.

(Adopted from a poem by Charles Sprague.)

God intended the family to be eternal. With all my soul, I testify to the truth of that declaration. May He bless us to strengthen our homes and the lives of each family member so that in due time we can report to our Heavenly Father in His celestial home that we are all there—father, mother, sister, brother, all who hold each other dear. Each chair is filled. We are all back home.

In this, the greatest of all nations, in this land choice above all others, I pay humble tribute to the home. It is America's greatest strength.

God bless us to strengthen our homes. And God grant that the love and unity in all our homes will be preserved to transcend the bounds of this mortal life. In the name of Jesus Christ, Amen.

MARC J. MUSSER

Mr. CRANSTON. Mr. President, it is with the deepest regret that I rise to inform my colleagues of the death yesterday of Dr. Marc J. Musser, the former Chief Medical Director of the Veterans' Administration's Department of Medicine and Surgery, one of the kindest and most compassionate men I have ever known.

From 1971 to 1974, during my tenure as chairman of the Veterans' Affairs Subcommittee on Health and Hospitals, Jim Musser served as chief administrative officer of this country's largest unified system of health care facilities. It was my privilege to work closely with him on legislation to expand and update the VA medical program. His 4 years of service as Chief Medical Director corresponded to a period of significant growth in that program. The Department of Medicine and Surgery's operating budget grew 75 percent during the 4-year period, from $2 billion in Jim's first year to $3.5 billion in his last. He supervised this period of dynamic growth with wisdom, good sense, and impeccable attention to the thousand little crises that come with the territory.

It is difficult to put into words what this one man meant to the veterans of this Nation, and to the men and women who worked with him at the VA and on Capitol Hill. His concern for the morale of the employees in D.M. & S. was conscientious and deep seated. His compassion never waivered. His commitment to the betterment of treatment for the severely disabled never faltered. At a time when congressional relations with the executive branch were frosty, he commanded a degree of respect and admiration in this body that would have been unusual even in less fractious times.

He was a man of principle. In 1974 he chose to resign from the VA after 13 years of service rather than tolerate what he felt were unwarranted intrusions on his statutory responsibilities to run the VA medical program in the most effective and efficient way possible.

He was my friend, Mr. President. But more importantly, he was an extraordinary and dedicated friend to the veterans on whose behalf he worked for so many years. He served his Nation well, and with great dignity and purpose.

To his wife, Alice, and his children, David, William, and Barbara, I express my sincere sympathies. I want them to know how deep was our respect and fondness for Jim Musser, and how much we will miss his wisdom and his very good company.

Mr. President, I ask unanimous consent that an article from today's Washington Post describing the life and accomplishments of this remarkable man be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. MARC MUSSER, FORMER CHIEF OF MEDICINE FOR VETERANS UNIT

Dr. Marc J. Musser, 66, former chief medical director of the Veterans Administration, died Tuesday at the VA Hospital in Washington after a long illness.

He had served as VA medical chief from 1970 until he retired in 1971. Since then he had been a consultant to Smith, Kline & French Laboratories, with offices here.

Born in Terre Haute, Ind., Dr. Musser graduated from the University of Wisconsin, where he also received a medical degree. He took residencies in neuropsychiatry and internal medicine at the Wisconsin General Hospital in Madison and joined the faculty of the University of Wisconsin School of Medicine in 1938.

During World War II, Dr. Musser commanded the 135th Army Medical Group in the Southwest Pacific.

He then returned to the University of Wisconsin School of Medicine, where he attained the rank of professor. He also did research on the threshold of pain and endocrinology.

Dr. Musser joined the VA in 1957 as a member of the hospital staff in Houston, and served as professor of medicine at the Baylor University College of Medicine.

He transferred to VA headquarters here in 1959 to direct medical research, was promoted in 1962 to administer both research and medical education programs, and was named deputy chief medical director in 1964.

He left the VA in 1966 to serve for four years as executive director of the North Carolina Regional Medical Program.

During this period, Dr. Musser also was chairman of a steering committee that coordinated all the nation's 55 regional medical programs.

He also was a professor of medicine at the medical schools of Duke and Wake Forest universities and adjunct professor of medicine and public health administration at the University of North Carolina School of Medicine.

Dr. Musser was a fellow of the American College of Physicians and a diplomate of the American Board of Internal Medicine. He has been a trustee of the American Hospital Association and was past president of the Association of Military Surgeons.

He is survived by his wife, Alice Dryden Musser, of the home in Arlington; three sons, David, of Madison; Steven, of Minneapolis, and William S., of Arlington; a daughter, Barbara Billek, of Madison; a brother, Robert, of Joliet, Ill., and six grandchildren.

The family suggests that expressions of sympathy be in the form of contributions to the Arlington Hospital Association or Children's Hospital.

(This concludes additional statements submitted by Senators today.)

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 1977

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 4800, which the clerk will state.

The assistant legislative clerk read as follows:

Calendar No. 56, a bill (H.R. 4800) to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such act, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

UNANIMOUS-CONSENT AGREEMENT THAT THERE BE NO ROLLCALL VOTES PRIOR TO 12:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, if there is a rollcall vote ordered prior to the hour of 12:30 p.m. today, that with the exception of a rollcall vote in connection with the establishment of a quorum, such rollcall vote not occur until 12:30 p.m., so as to accommodate committee meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11:30 A.M.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate stand in recess until 11:30.

There being no objection, the Senate, at 11:19 a.m., recessed until 11:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ANDERSON).

Mr. LONG. Mr. President, what is the pending business?

The PRESIDING OFFICER. H.R. 4800.

Mr. LONG. Mr. President, on March 31 the Emergency Unemployment Compensation Act will expire. This act was originally passed in 1974 to provide a somewhat longer duration of unemployment benefits than is available under permanent law. The regular and extended programs provide up to 39 weeks of unemployment benefits and the emergency program now provides as much as 26 weeks, for an overall total of 65 weeks.

The emergency program was enacted in response to a crisis situation—the extraordinarily high rates of unemployment we have experienced over the past few years. It was intended to be a temporary program when we first enacted it and when we extended it in 1975. As an emergency program, it was clearly understood that it would be phased out as soon as unemployment levels declined and other measures to deal with long-term unemployment were developed.

The bill we are considering today represents, I believe, the final extension of this program. The program would be continued under the bill through September 30, 1977 with a phaseout through December 31, 1977. It reduces the maximum duration of benefits under all programs from 65 to 52 weeks. It retains the State triggering provisions under which the additional emergency benefits are

payable only in States with at least a 5-percent insured unemployment rate.

The cost of benefits under this program for its remaining months will be financed from general revenues rather than payroll taxes. Persons claiming emergency benefits will be required to look for and accept any reasonable job that is available.

The bill before us also modifies the requirements of the regular unemployment program with respect to the payment of benefits to teachers and permits States 2 additional years within which to repay loans they have obtained from the Federal unemployment trust fund in order to meet State benefit costs.

Mr. President, I ask unanimous consent that a more detailed summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

Extension of emergency program.—H.R. 4800, as passed by the House, would extend the Emergency Unemployment Compensation Act for 1 year to March 31, 1978. It would modify the act to provide a maximum of 13 weeks of emergency benefits (which combine with the 39 weeks of regular and extended benefits for a total of 52 weeks of unemployment benefits). Under the Finance Committee bill, the program would continue in operation until December 31, 1977. No new applications for payments would be taken after September 30, 1977. However, individuals who qualified for payments prior to that time could continue to receive payments until their eligibility period ends, but not later than the end of the year.

State and labor market area triggers.—The House bill would retain the requirement that the program be in effect only where the insured unemployment rate equals or exceeds 5 percent, and it would make that trigger applicable on a labor market area basis as well as on a State-by-State basis. Under the Finance Committee bill, benefits would be paid only in States where the insured unemployment rate is more than 5 percent.

General revenue financing.—The committee bill includes, with a technical amendment, the provisions of the House bill under which the cost of emergency unemployment compensation paid after March, 1977 would be met from the Federal Unemployment tax.

Refusal of suitable work.—The committee bill includes provisions requiring an individual to accept suitable employment. The committee provision would prohibit the payment of emergency compensation to an individual who refuses a job unless:

(1) the job is vacant solely because of a labor dispute;

(2) as a condition of being employed the worker would have to join a company union or refrain from joining any bona fide labor organization;

(3) the wages or conditions of work are substantially less favorable than those which prevail in the locality for similar work;

(4) the job poses an unreasonable threat to the individual's health, safety, or morals;

(5) the job involves traveling an unreasonable distance to work;

(6) the job pays a lower gross wage than the individual's unemployment compensation; or

(7) the applicant is in an approved training program.

These provisions substitute for provisions of the House bill related to the acceptance of employment.

Active job search.—The committee bill, like the House bill, would prohibit the payment of emergency compensation for any individual who cannot show that he is actively seeking work. To meet this requirement an individual would have to provide tangible evidence that he has engaged in a systematic and sustained effort to obtain work during the week for which he is claiming benefits.

Teachers.—The committee bill would allow States to deny unemployment compensation to teachers during brief mid-year vacation periods in cases where the teacher was employed by the school system immediately before the start of the vacation and has reasonable assurance of that employment continuing at the conclusion of the vacation. (Present law prohibits payments for periods between school years when the teacher has reasonable assurance of a job for the following year.

In addition, employment as a substitute teacher would not qualify an individual for unemployment compensation if the individual is not employed as a teacher on at least 45 separate days.

Repayment of State loans.—The cost of regular State benefits for the first 26 weeks of unemployment and half of the cost of extended benefits for the next 13 weeks are met through State unemployment taxes. The Federal unemployment trust fund, however, includes a loan account against which States may draw advances if they are unable to meet their benefit costs out of the State accounts. Permanent law requires that these advances be repaid within approximately two years. If a State has an outstanding loan on January 1 of two successive years and does not repay that loan by November of that second year, the Federal Government automatically begins to recoup the loan by raising the effective Federal unemployment tax rate on employers in the State.

Legislation enacted in 1975 provided a moratorium (effective for 3 specific years, 1975, 1976 and 1977) in the case of States which satisfy certain conditions which show that they have taken the necessary action to enable them to repay the loans within a reasonable period of time. The committee bill, like the House-passed bill, would add 1978 and 1979 to the years which may be disregarded in applying the repayment provisions for such States.

Other amendments.—The committee bill also includes several additional amendments which would:

(1) reduce from 26 to 13 weeks the minimum period of time for which an emergency benefit period would be in effect;

(2) provide that an individual's entitlement to emergency compensation would end 2 years after the end of the benefit year for which regular benefits were paid;

(3) clarify the provisions of present law which prohibit the payment of unemployment compensation to aliens who work illegally in the United States;

(4) defer until 1979 the time when States would have to bring their laws into conformity with the requirements of the Unemployment Compensation Amendments of 1976 if the State legislature does not meet in regular session during 1977;

(5) clarify the provision of present law which relates to the right of groups of local governments to elect to meet the cost of unemployment compensation on a reimbursement basis; and

(6) defer for 6 months the reporting dates for the National Commission on Unemployment Compensation.

Mr. LONG. Mr. President, I ask unanimous consent that Frank Crowley of the Congressional Research Service be granted privilege of the floor during Senate consideration of this bill, H.R. 4800.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and considered as part of the original text.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I have had some discussion with those on the other side of the aisle and they would like to modify the unanimous-consent agreement we just agreed to on the committee amendments.

Mr. President, I ask unanimous consent that the committee amendments, except for sections 101 and 104, be agreed to en bloc.

The committee amendments agreed to en bloc are as follows:

On page 3, beginning with line 1, strike through and including page 8, line 6, and insert in lieu thereof:

SEC. 102. THIRTEEN-WEEK MAXIMUM FOR EMERGENCY BENEFITS AND EMERGENCY BENEFIT PERIOD.

(a) EMERGENCY BENEFITS.—Section 102(e)(3) of the Emergency Unemployment Compensation Act of 1974 is amended by inserting after "(as defined in section 105(5))" the following: ", or which end after March 31, 1977,".

(b) EMERGENCY BENEFIT PERIOD.—Section 102(c)(3)(A)(ii) of such Act is amended by striking out "26 consecutive weeks" and inserting in lieu thereof "13 consecutive weeks".

(c) EFFECTIVE DATE.—The amendment made by this section shall be effective with respect to weeks of unemployment which end after March 31, 1977.

On page 8, beginning with line 22, strike through and including page 9, line 14, and insert in lieu thereof:

(a) GENERAL RULE.—Section 104(b) of the Emergency Unemployment Compensation Act of 1974 is amended—

(1) in the first sentence thereof, by striking out "as repayable advances (without interest),"; and

(2) by amending the second sentence thereof to read as follows: "Amounts appropriated and paid to the States under section 103 with respect to weeks of unemployment ending prior to April 1, 1977, shall be repaid, without interest, as provided in section 905(d) of the Social Security Act.".

On page 10, beginning with line 3, strike through and including line 7, and insert in lieu thereof:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective on April 1, 1977.

On page 17, line 5, strike "(c)(1)";

On page 17, line 13, strike "(A)" and insert "(1)";

On page 17, line 18, strike "(B)" and insert "(2)";

On page 17, line 20, strike "(2)(A)" and insert "(b)(1)";

On page 18, line 4, strike "(i)" and insert "(A)";

On page 18, line 7, strike "(ii)" and insert "(B)";

On page 18, line 9, strike "(B)" and insert "(2)";

On page 18, line 23, strike "(C)" and insert "(3)";

On page 19, line 3, strike "(3)" and insert "(c)";

On page 19, at the beginning of line 4, strike "paragraph (1) or (2)" and insert "subsection (a) or (b)";

On page 20, beginning with line 1, insert:

SEC. 107. TERMINATION OF INDIVIDUAL ENTITLEMENT.

(a) GENERAL RULE.—Section 102(b)(2) of the Emergency Unemployment Compensation Act of 1974 is amended—

(1) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(2) by adding after subparagraph (B) thereof the following: "except that no payment of emergency compensation shall be made to any individual for any week of unemployment which begins more than two years after the end of the benefit year for which he exhausted his rights to regular compensation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to weeks of unemployment ending after the date of enactment of this Act.

On page 21, line 5, strike "TECHNICAL AMENDMENTS TO" and insert "OTHER";

On page 21, line 8, strike "OF 1976";

On page 23, line 16, strike "CLARIFYING" and insert "ADDITIONAL";

On page 23, line 17, strike all through and including line 22, and insert in lieu thereof:

(a) ILLEGAL ALIENS.—Subparagraph (A) of section 3304(a)(14) of the Internal Revenue Code of 1954 (relating to denial of unemployment compensation to illegal aliens) is amended to read as follows:

"(A) compensation shall not be payable on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act),".

On page 24, line 21, strike all through and including page 25 line 2, and insert in lieu thereof:

(c) DISQUALIFICATION OF TEACHERS.—Section 3304(a)(6)(A) of the Internal Revenue Code of 1954 (relating to approval of State unemployment laws) is amended—

(1) in clause (i)—

(A) by striking out "instructional research" and inserting in lieu thereof "instructional, research"; and

(B) by striking out "two successive academic years" and inserting in lieu thereof "two successive academic years or terms";

(2) in clauses (i) and (ii) by striking out the word "and" at the end thereof; and

(3) by adding at the end thereof the following new clauses:

"(iii) with respect to any services described in clause (i) or (ii), compensation payable on the basis of such services may, if the State law so provides, be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period prior to such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period following such vacation period or holiday recess, and

"(iv) with respect to services performed by substitute teachers in an instructional, search, or principal administrative capacity for an educational institution to which section 3309(a)(1) applies, compensation payable on the basis of such services may be denied to any individual who is paid on a per diem basis and is employed for less than 45 days in a base period (as defined by State law), and".

On page 26, line 13, strike out through and including line 14, and insert in lieu thereof:

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall become effective upon the date on which paragraph (14) of section 3304 of the Internal Revenue Code of 1954 becomes effective, as provided in section 314 of the Unemployment Compensation Amendments of 1976.

(2) The amendments made by subsections (b) and (c) shall apply with respect to weeks of unemployment which begin after the date of enactment of this Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. That would leave section 101 as the pending committee amendment.

The PRESIDING OFFICER. The first committee amendment would be the amendment of section 101.

Mr. LONG. That is right.

The PRESIDING OFFICER. Unless unanimous consent is granted to reverse it.

Mr. LONG. Mr. President, H.R. 4800 as passed by the House would extend the Emergency Unemployment Compensation Act for 1 year to March 31, 1978. It would modify the act to provide a maximum of 13 weeks of emergency benefits, which combined with the 39 weeks of regular and extended benefits provide for a total of 52 weeks of unemployment benefits.

Under the Finance Committee bill, the program would continue in operation until December 31, 1977. No new applications for payments would be taken after September 30, 1977. However, individuals who qualified for payments prior to that time could continue to receive payments until their eligibility period ends, but not later than the end of the year.

In view of the circumstances that exist today, we believe that that would be a more appropriate termination date.

Senator JAVITS, I believe, is opposed to this provision. He is not here at this time. He suggested that other Senators might wish to offer their amendments. I was told, for example, that Senator BARTLETT wishes to offer an amendment which is not germane to the bill, but I would be glad to consent to his offering it.

I would suggest that those on the other side of the aisle contact him and see if he wishes to offer his amendment at this time.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CURTIS. It is my information that the distinguished Senator from Oklahoma (Mr. BARTLETT) has been sent for.

May I inquire what arrangement has been made in reference to committee amendments?

Mr. LONG. I asked unanimous consent that they be agreed to en bloc. I was told that Senator JAVITS is concerned with regard to two amendments, and he asked that the committee amendments to section 101 and section 104 should be excepted from the request to accept the amendments en bloc. I obtained unanimous consent that we would not agree to those two amendments en bloc, and that would make them the next amendments in order.

Mr. CURTIS. The only interest of this Senator is that Mr. JAVITS' rights be taken care of. I am not familiar with the sections in which he is interested.

Mr. LONG. We will accommodate him. I am told that he is concerned about section 101 and section 104.

I have asked and obtained consent that the unanimous-consent request be modified so that those two amendments will not be agreed to en bloc. That would make the committee amendment to section 101 the pending amendment. Senator JAVITS is busy at this time. He will return here later. He was led to believe that Senator BARTLETT wanted to go ahead with his amendment. If that is the case, I wish the Senator from Oklahoma (Mr. BARTLETT) would make himself available and offer his amendment, so that we can get that much of our business done.

Mr. CURTIS. Mr. President, the measure before the Senate is a continuation of emergency type unemployment compensation.

Basically, our unemployment compensation is on a State-by-State basis. For most of the States, the entire cost of their regular unemployment compensation is borne by the employers. This State unemployment compensation is for a period of 24 weeks. A few years ago, when unemployment was in the minds of Congress and was one of the problems before us, Congress passed a measure providing for 13 weeks more, half of the cost of which was paid for by the Federal Government. At a later time, an additional 13 weeks was added, which could be extended into a total of 65 weeks.

The bill before us would extend the emergency program to the end of this calendar year. It would provide, however, that applications would be cut off on September 30 but payments could continue through this calendar year. This would indicate a termination of the emergency part of the program.

There is one very decided change in this law that should be brought to the attention of the Senate. The House bill provided, and the Senate committee bill concurs with a technical amendment, that the cost of the emergency unemployment compensation paid after March 1977 would be met from general revenues without the present law requirements that the cost ultimately be met from the Federal unemployment tax.

I shall not burden the RECORD at this point to explain all of the details as to how we have done it in the past—of making loans from the fund and advances—but ultimately the bill was to be paid by an unemployment tax. This shifts the burden to the general fund.

Many reasons could be cited as to why this is desirable from the standpoint of some people. Employment taxes are very high, the social security tax is high, and

the burdens upon business employers are great. On the other hand, I cannot think of any greater burden bearer than the general treasury. There is no money in there. It means that this unemployment fund will have to be paid by increasing the deficit. It is not as large as some programs, but the collective burden upon the Federal Treasury continues to mount and mount.

We used to become alarmed at a deficit of $2, $3, $4, $5, or $6 billion. Now our sight and our hearing are becoming deadened to the notice that our deficits are $60 or $66 or $68 or $70 or $75 billion a year.

Therefore, I regard any change in any program which shifts the burden to the General Treasury as a very serious move on the part of Congress. It denotes a trend that will be most difficult to stop.

We also go around in circles in this whole process of thinking about employment and unemployment compensation when we finance things with Federal deficits.

There is not any dispute that deficits cause inflation. Inflation is one of the biggest causes of unemployment. When we have wild inflation it takes practically all many families can earn to provide the bare necessities of life.

Now, it does not take very much of a work force in this country to provide only the necessities of life. It is when workers and other people have some money left from their income, their wages and income, that they can buy things beyond the bare necessities of life that we have full employment. It may be carpets, it may be drapes, it may be automobiles, it may be new houses, it may be an addition to the house, it may be skis, it may be a television or many, many things. If they have money to buy those things, we have full employment. It is that simple.

With the efficiency we have in this country it does not take but a small part of our labor force to provide the necessities of life.

So whenever we pursue a course in this Chamber and in Congress generally that adds to the deficit and adds to inflation, we add to the unemployment. That is what makes all of the predictions and hopes become disappointing so often.

So, Mr. President, I hope the entire membership will take note of this material change in this law of shifting a burden from the Federal unemployment tax to the general fund.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ANDERSON). The question is on agreeing to the first committee amendment.

The first committee amendment, to section 101, as follows:

On page 2, beginning with line 5, strike through and including line 8 and insert in lieu thereof:

(a) GENERAL RULE.—Section 102(f)(2) of the Emergency Unemployment Compensation Act of 1974 is amended to read as follows:

"(2) No emergency compensation shall be payable to any individual under an agreement entered into under this Act—

"(A) for any week ending after September 30, 1977, or

"(B) in the case of an individual who (for a week ending before September 30, 1977) had a week with respect to which emergency compensation was payable under such agreement, for any week ending after December 31, 1977.".

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I wish to have the attention of the distinguished chairman of the committee, the distinguished Senator from Louisiana (Mr. LONG). It is the intention of the Senator now speaking to offer an amendment so that we could have a separate vote on the question of paying for emergency unemployment compensation from general funds. May we have an understanding that a motion to strike out that section will be in order notwithstanding the adoption of the committee amendments earlier?

Mr. LONG. Yes. As a matter of fact, Mr. President, the only thing that keeps that from being done at this moment is simply that we agreed to all the committee amendments except those to sections 101 and 104. It is only because we are on section 101 that the Senator could not move his amendment now. If he wishes to make the motion now I am glad to consent that his motion to strike be in order.

Mr. CURTIS. I understand there is another Senator who is supposed to go first. I ask unanimous consent that at the appropriate time it shall be in order, notwithstanding any other order, to offer a motion to strike this section from the bill before us.

Mr. JAVITS. Could we know where it is?

Mr. CURTIS. The bottom of page 8.

Mr. LONG. He is referring to section 103.

Mr. JAVITS. Let me see it. Bottom of page 8.

Mr. CURTIS. Yes, financing from general funds instead of unemployment.

Mr. JAVITS. That is under the heading, yes. That is the whole provision.

Reserving the right to object, I ask the Senator, so we may get an idea of the time, exactly when he would hope to proceed with that as I have quite a number of amendments beginning with the first amendment on page 2 of the bill.

Mr. CURTIS. I have no urgency.

Mr. JAVITS. Sometime soon.

Mr. CURTIS. I shall be happy to cooperate with other Senators on the schedule

Mr. JAVITS. I thank my colleague.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 111

Mr. BARTLETT. Mr. President, I ask unanimous consent that it be in order to call up my unprinted amendment, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BARTLETT), for himself, Mr. THURMOND, Mr. ALLEN, Mr. HELMS, and Mr. MCCLURE, proposes unprinted amendment numbered 111.

The amendment is as follows:

Section 225(1) of Public Law 90-206 is amended to read as follows:

"(1) EFFECTIVE DATE OF AND CONGRESSIONAL APPROVAL OF RECOMMENDATIONS OF THE PRESIDENT.—

(1) Within sixty (60) calendar days of the submission of the President's recommendations for the Congress, each House shall conduct a separate vote on each of the recommendations of the President with respect to paragraphs (A), (B), (C), and (D) of subsection (f) of this section, and shall thereby approve or disapprove the recommendations of the President regarding each such subparagraph. Such votes shall be recorded so as to reflect the votes of each individual Member thereon. If both Houses approve by majority vote the recommendations pertaining to the offices and positions described in any such subparagraph, the recommendations shall become effective for the offices and positions covered by such subparagraph at the beginning of the first pay period which begins after the thirtieth day following the approval of the recommendation by the second House to approve the recommendation.

(2) Any part of the recommendations of the President may, in accordance with express provisions of such recommendations, be made operative on a date later than the date on which such recommendations otherwise are to take effect.

Section 225(j) of Public Law 90-206 is amended by inserting immediately after "subsection (b) (2) and (3) of this section shall" the language ", if approved by the Congress as provided in subsection (i),".

Title II of Public Law 90-206 is amended by adding a new section 226, as follows:

"Section 226. Repeal of 1977 pay adjustments. Notwithstanding any other provision of this Act, all changes in compensation of federal employees occurring since January 1, 1977, pursuant to section 225 of this Act, are hereby repealed.".

Mr. BARTLETT. I ask unanimous consent that the amendment be divisible in two parts and that there be a separate vote on each one of them.

The PRESIDING OFFICER. Without objection, the amendment will be so divided.

Mr. JAVITS. Mr. President, reserving the right to object, may we know the nature of the amendment?

Mr. BARTLETT. The first part has to do with considering salary increases prospectively; the other is a vote on the salary increase given this year.

Mr. JAVITS. I thank my colleague. I have no objection.

Mr. President, will the Senator yield to me for one second?

Mr. BARTLETT. I yield.

Mr. JAVITS. I ask unanimous consent that Don Zimmerman and David Dunn of the committee staff, Martin Jensen of Senator WILLIAMS' staff, and Chuck Warren, of my staff, have the privileges of the floor during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank my colleague.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Mr. Joe Heaton and Mr. Ed King of my staff be accorded privileges of the floor during consideration of this matter and other matters on this bill and the votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, I yield to the Senator from Wyoming, without losing my right to the floor.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from Oklahoma.

I ask unanimous consent that Linda Gould of my staff have the privileges of the floor during the debate and any votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. I thank the Senator.

Mr. BARTLETT. Mr. President, I asked that the matter be divided with separate votes, and it is my understanding that the Chair ruled that it is divided.

The PRESIDING OFFICER. That is correct, and there is a 1-hour time limitation.

Mr. BARTLETT. Yes, 30 minutes to each side.

Mr. LONG. Mr. President, I believe that a time limitation was requested last night on condition it be agreeable to the manager of the bill, and I prefer not to agree to it. Frankly, after the proponents have made their case I really do not anticipate taking any great deal of time, and I plan to move to table the amendment after it has been discussed and explained by the Senator and the cosponsors. That being the case, since I prefer not to take all our time, I will object to the unanimous consent. We will simply go ahead and vote when it is appropriate.

The PRESIDING OFFICER. The Senator is correct, and the time limitation is withdrawn.

Mr. BARTLETT. I am correct that the Chair did rule that the question is divided and there will be separate votes on each?

The PRESIDING OFFICER. The Senator is correct.

Mr. BARTLETT. I ask for the yeas and nays on each of the two votes.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it will be in order to order the yeas and nays on two amendments with one show of hands. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered on both sections of the amendment.

Mr. BARTLETT. Mr. President, this amendment pertains to the pay increases that recently went into effect and also pertains to the procedure by which any such future increases would be considered.

The future increases, I point out to my distinguished friend, the Senator from Louisiana, will be the first question for voting and the past salary increase, which has been given so much discussion will be the second question.

Let me acknowledge at the outset of my remarks that this is not an amendment which directly pertains to the pending bill. It is, however, an amendment which is particularly timely. I do believe there are very good reasons for considering this amendment in connection with the pending bill.

Mr. President, for the past several days, we have been giving in-depth consideration to the issue of senatorial ethics and conduct. Many of my colleagues on both sides of the aisle have expressed reservations not only about specific provisions of the ethics resolution, but about the whole thrust of our concern with ethics. Unfortunately, many Senators feel compelled to vote for some kind of ethics bill in order to atone for our pay increase. I therefore believe that it is appropriate that we consider directly the questions related to the pay increase at this time, before a final vote on the ethics resolution. The unemployment compensation bill, since it comes up today, is as good a place as any for us to take a hard look at some basic questions about pay increases.

The adverse public reaction to the last pay increase for Members of Congress and others was so substantial that none of us here could have failed to note it. The public criticism of the increase was due to two different reasons primarily. First, the public objected to the size of the increase. Members of Congress, for example, received an increase of $12,900 at a time when other Americans all across this country were having to tighten their belts to deal with the effects of inflation. The folks back home were understandably irritated that those of us here in Congress should insulate ourselves from the effects of inflation when, in the minds of many, we were the ones causing it in the first place.

The second cause for public indignation was the manner in which we got the pay increase. Through the provisions of law enacted in the 90th Congress, we got our pay increase without ever having to take a public stand on it. On virtually every other type of question to come before the Senate, we take a position. But on pay increases for ourselves and others, we do not. It is the same folks who pay the bills in either case. It seems to me that the same procedure should apply.

The amendment which I now offer would deal with both of these causes for concern. First, it would wipe out those provisions of law which allow for automatic or anonymous pay increases, without Members of Congress having to vote on them. It would provide that any recomendation of the Commission on Executive, Legislative, and Judicial Salaries would have to be approved by both Houses of Congress before it could go into effect. The "back-door" pay increase feature of the present law would hence be eliminated.

This amendment would also repeal the pay increase which took effect early this year for Members of Congress, the Federal Judiciary, and selected legislative and executive branch employees. I realize that some of the increases may have been justified. Regardless of that, we in Congress should have to face that issue directly. We should have to weigh the issue on the merits just like we do any other bill that takes money out of the public purse.

I believe that the changes in the law that I have proposed in this amendment will bring a new sense of responsibility to pay increase decisions. It rejects the false notion that pay increase decisions should be "nonpolitical," and recognizes that we ought to be prepared to publicly justify our actions on such decisions.

Mr. President, adoption of this amendment would be a much better means of correcting any mistakes we have made on pay increase questions than adopting a stringent code of ethics or code of conduct. Such a code ought to be considered separately, on its merits. So too should the pay increase questions be forthrightly considered on their merits. This amendment would kill two birds with one stone.

Mr. President, I urge my colleagues to adopt this amendment, and I reserve the remainder of my time.

Mr. LONG. Mr. President, it seems to me that this question has been pretty thoroughly debated. Those of us who voted for the pay raise legislation had our reasons for taking our positions. I for one do not like to be the one who determines what my pay rate should be. I would far rather that someone else would make a study and say what the level of pay should be, and if the President wants to recommend that, as far as I am concerned, I would like that to settle it. That is one situation where the conflict of interest is most apparent on behalf of a Member of Congress, when he must vote to raise his own salary.

Personally, I liked the approach that we would try to take that matter out of partisan politics by turning it over to a qualified group representing people in all stations of life, representing all the viewpoints that one could expect to find in this country, and people who ought to understand the matter—to have them say what our salary should be, and that would be all there was to it. I feel qualified to pass on the salaries of others, but I am reluctant to pass on my own.

Those who favor this approach have voted before that they prefer to have an impartial group fix our salary for us, and once this procedure is well understood by the American people, I do not think we will hear any more about it.

The amendment is not germane to the bill. The Senator certainly has a right to offer it. We have voted on the proposition before, when we voted on tabling the Allen amendment. We made our position clear that we were in favor of the recommendation of the commission being made effective when we voted to table the amendment.

Mr. President, I move that the amendment be laid on the table.

Mr. ALLEN. Mr. President, will the Senator withhold his motion for 5 minutes?

Mr. LONG. Mr. President, without waiving the motion or any of my rights, I ask unanimous consent that the Senator from Alabama be recognized for 5 minutes.

The PRESIDING OFFICER. Does the Senator withdraw his motion?

Mr. THURMOND. Mr. President, will the Senator also yield to me?

Mr. LONG. Then, under the same conditions, I ask that the Senator from

South Carolina be recognized for 3 minutes.

Mr. BARTLETT. Will the Senator include me for 2 minutes?

Mr. LONG. The amendment is not germane to the bill; but I ask that the Senator from Oklahoma be included also.

The PRESIDING OFFICER. Does the Senator withdraw his motion?

Mr. LONG. No; I ask unanimous consent that, without prejudice to my rights, the Senator from Alabama be recognized for 5 minutes, the Senator from South Carolina be recognized for 3 minutes, and the Senator from Oklahoma be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. ALLEN. I thank the Chair.

Mr. President, I support this amendment in both of its aspects. There will be separate votes. The first vote will be on the provision having to do with further increases in the compensation of Members of Congress. It has to do with the procedure that occurs every 4 years, where the Presidential Pay Commission makes recommendations to the President, he either accepts them or revises them, and sends them to Congress, and they go into effect unless one House or the other disapproves of the recommendation. Under that state of affairs, it is almost impossible to get an up or down vote on this issue, and if no action is taken, then the recommendations of the President would go into effect.

Under the amendment of the distinguished Senator from Oklahoma (Mr. BARTLETT), that is changed, and when the recommendations are made, it would require an affirmative vote of both Houses of Congress to accede to those changes, and further, it would provide for dividing the recommendations as to the departments of Government, Congress, the Judiciary, and the Executive Branch, so that one could be approved and the others disallowed. But whatever a majority of both Houses decide the compensation should be, that would be what it would be.

The second phase of the amendment would repeal the increase that took place, and would leave the compensation of Members of Congress at $44,600. I believe, Mr. President, if we are talking about ethics here, and the need to pass an ethics bill, that the adoption of these two amendments would do more to restore public confidence in Congress than the passage of this ethics bill on which we have spent almost 2 weeks. So I heartily approve of the amendment, both aspects of it, and I hope both amendments will be adopted.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I shall say just a few words on each part of the amendment.

The first part of the amendment provides that when the President sends up recommendations, within 60 days there will be a vote by the House of Representatives and the Senate on these matters. It seems to me that that is a fair way to do it. When it automatically goes into effect, whether it is right or not, the public gets the impression that there is something hidden going on, in that the Members have not voted and gone on record, so that they can be accountable, as to whether it is the right thing to do or not. So it seems to me that is a wise provision, and I favor it.

As to the second provision of the amendment, it provides that the raises made this year would be repealed.

I voted against the increase in salary. I have already stated that I am going to give any increase I receive to put into scholarships for worthy and needy students. But I wish to say, aside from that, that I feel we should not raise salaries at this time. If we are going to stop inflation, we have to stop spending more, and we cannot stop spending more as long as we raise our own salaries, because it appears, with us being at the top, so to speak, that when we raise our salaries that encourages everyone else in the Government to want a raise, too.

I am told now that even the staff members on the commitees and all would go up to $50,000.

We just cannot explain that to people back home. It is impossible to explain it. It is very difficult to explain to them the increase in a Senator's salary at this time when we are running in debt so much, when the budget is so high, and when we are paying $40 billion in interest on the debt. It seems to me that we ought to show the restraint necessary and set the example for the Nation, trying to reduce the budget and reducing the debt instead of increasing it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 minutes.

Mr. BARTLETT. The first part of the amendment on which there will be a vote refers to within 60 calendar days of the submission of the President's recommendations to the Congress with respect to salary increases in the various offices and positions described as A, B, C, and D. This is an amendment which many people in the Senate, and I really feel a majority, would like to see passed.

This would require a record vote and it would require a separate vote on each of the four categories: one vote on Senators and Members of the House of Representatives and the resident Commissioner of Puerto Rico; another vote on offices and positions in the legislative branch; then the judicial branch of Government, and then the executive branch.

The second part of the amendment, of course, rescinds the recent pay increase. This provides an opportunity for a Senator to record or rerecord his vote on the previous Allen motion. It is my understanding there has been a lot of speculation that perhaps that vote was not a conclusive vote. I believe this gives an opportunity, the only opportunity, for a vote after the fact. I believe these two parts of the amendment separate the issue of salary increases from the matter of the ethics bill.

I believe the two matters should be considered on their own merits, the ethics bill and salary increases, rather than having the two intermingled, as has been the case, in the debate over the last several days on the ethics resolution.

It is my hope that both parts will be adopted and that the motions to table which will be made by the distinguished chairman will be defeated.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I have made my motion to table and I believe we have an understanding that we will not vote before 12:30.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Is the motion to table the entire Bartlett amendment or the first part of it?

Mr. LONG. I believe it would take two motions.

The PRESIDING OFFICER. The motion was wrong at the time the Senator yielded.

Mr. LONG. Let me address a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG. Can I, under the rules, move to table the entire amendment?

The PRESIDING OFFICER. Since it has been divided the Senator would have to make two motions.

Mr. LONG. Then I move to table the first part of the amendment.

The PRESIDING OFFICER. The question would be on the motion to table.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

Mr. BARTLETT. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LONG. A motion will be made to table the second portion, too. I ask for the yeas and nays on that.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Without objection, it is in order to ask for the yeas and nays at this time.

Mr. LONG. I ask for the yeas and nays, Mr. President, on the second portion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to table the first part of the amendment of the Senator from Oklahoma. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. MATSUNAGA) is necessarily absent.

I further announce that the Senator from Michigan (Mr. RIEGLE) and the Senator from Delaware (Mr. BIDEN) are absent on official business.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "yea."

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 30, nays 64, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—30

Abourezk	Glenn	Long
Bayh	Gravel	Magnuson
Bentsen	Hathaway	McGovern
Brooke	Hollings	Morgan
Byrd, Robert C.	Huddleston	Moynihan
Case	Humphrey	Ribicoff
Cranston	Inouye	Sarbanes
Eagleton	Jackson	Stevenson
Eastland	Javits	Talmadge
Ford	Kennedy	Williams

NAYS—64

Allen	Goldwater	Pearson
Anderson	Hansen	Pell
Baker	Hart	Percy
Bartlett	Haskell	Proxmire
Bellmon	Hatch	Randolph
Bumpers	Hayakawa	Roth
Burdick	Heinz	Sasser
Byrd, Harry F., Jr.	Helms	Schmitt
	Johnston	Schweiker
Cannon	Laxalt	Scott
Chafee	Leahy	Sparkman
Chiles	Lugar	Stafford
Church	Mathias	Stennis
Clark	McClellan	Stevens
Culver	McClure	Stone
Curtis	McIntyre	Thurmond
Danforth	Melcher	Tower
DeConcini	Metcalf	Wallop
Dole	Metzenbaum	Weicker
Domenici	Muskie	Young
Durkin	Nelson	Zorinsky
Garn	Nunn	

NOT VOTING—6

Biden	Hatfield	Packwood
Griffin	Matsunaga	Riegle

So the motion to lay on the table the first part of the Bartlett amendment was rejected.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing to division 1 of the amendment. The yeas and nays have been ordered.

The Senator from Louisiana.

Mr. LONG. Mr. President, I assume, considering the 63 votes, that those who voted to table would vote for the first half of the amendment. I therefore believe that to save time we might as well dispense with the yeas and nays and that the Senator's amendment be agreed to on a voice vote, if that is all right with the Senator.

Mr. STEVENS. On the first section.

Mr. LONG. Mr. President, I ask unanimous consent that we dispense with the yeas and nays on the first section.

The PRESIDING OFFICER. Is there objection to vitiating the yeas and nays on section 1?

Mr. BARTLETT. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll on division 1.

The second assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senate is not in order. Senators will take their seats. The clerk will suspend until the Senate is in order and the Senate is not in order.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senate is not in order. The Chair will recognize the Senator when the Senate is in order.

Senators will take their seats.

Mr. CURTIS. Mr. President, my parliamentary inquiry is this: What is the question on which we are about to vote?

The PRESIDING OFFICER. Division 1 of the amendment of the Senator from Oklahoma.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan (Mr. RIEGLE) and the Senator from Delaware (Mr. BIDEN) are absent on official business.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "yea."

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 82, nays 13, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—82

Allen	Garn	Nelson
Anderson	Glenn	Nunn
Baker	Go'dwater	Pearson
Bartlett	Hansen	Pell
Bayh	Hart	Percy
Be'lmon	Haskell	Proxmire
Bentsen	Hatch	Rando'ph
Brooke	Hayakawa	Ribicoff
Bumpers	He'nz	Roth
Burdick	Helms	Sarbanes
Byrd, Harry F., Jr.	Hollings	Sasser
	Huddleston	Schmitt
Cannon	Humphrey	Schweiker
Case	Inouye	Scott
Chafee	Jackson	Stafford
Chiles	Javits	Stennis
Church	Johnston	Stevens
Clark	Laxalt	Stevenson
Cranston	Leahy	Stone
Culver	Lugar	Talmadge
Curtis	Mathias	Thurmond
Danforth	McClellan	Tower
DeConcini	McClure	Wallop
Dole	McIntyre	Weicker
Domenici	Melcher	Williams
Durkin	Metzenbaum	Young
Eagleton	Morgan	Zorinsky
Ford	Muskie	

NAYS—13

Abourezk	Kennedy	Metcalf
Byrd, Robert C.	Long	Moynihan
Eastland	Magnuson	Sparkman
Gravel	Matsunaga	
Hathaway	McGovern	

NOT VOTING—5

Biden	Hatfield	Riegle
Griffin	Packwood	

So division 1 of Mr. BARTLETT's amendment was agreed to.

Mr. BARTLETT. Mr. President, I move to reconsider the vote by which the first part of the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, the next vote comes on the last half of the amendment which is proposing to call off the pay raise which had been previously put into effect.

I believe it is perfectly clear why it is that Senators want to call off the pay raise, and they certainly have a right to do so. I personally do not think we should do that. I do not think we ought to debate the matter all day long. If Senators want to vote to terminate the pay raise, not to have any pay raise, then, of course, they should vote against the motion I am going to make, because I am going to move to table the pending amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold?

Mr. CANNON. Mr. President, will the Senator withhold for a question?

Mr. LONG. I withhold.

Mr. CANNON. If this amendment is approved would that mean all of those who had received the pay increase in the interim would have to refund that to the Federal Government, including the executive, legislative, and judicial branches?

Mr. LONG. Well, the amendment states "all changes in compensation of Federal employees occurring since January 1, 1977, pursuant to section 225 of this Act are hereby repealed." So I guess that is what it would mean.

Mr. CANNON. It would require a repayment then on the part of all of the executive, judicial, and legislative branches to the Federal Government.

Mr. LONG. There is no provision to forgive somebody for the higher pay he has already received, so I would assume that is the case.

Mr. ROBERT C. BYRD. Will the Senator withhold for just 2 minutes?

Mr. DURKIN. Mr. President, will the Senator yield for a unanimous-consent request, without losing his right to the floor?

Mr. LONG. Not knowing what it is, I yield for a question.

Does the Senator want a staff member on the floor?

Mr. DURKIN. Mr. President, I ask unanimous consent that Mark Coven and Steve Gordon of my staff have the privilege of the floor during the votes and discussion of the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, may I also ask the same for William Kroger of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the Senate has already voted on this issue several weeks ago when I moved to table the amendment by Mr. ALLEN, whose amendment would have had the effect of rejecting the proposal that was made by President Ford, supported by President Carter, and initiated by the Peterson Commission on Executive, Judicial, and Legislative Salaries.

I know it is a very popular thing back home to stand against a pay raise for Members of Congress.

This has been misnamed "the congressional pay raise." It was, instead, a Federal pay raise. It affected 2,496 high-level positions in the executive, judicial, and legislative branches. It affected, indirectly, 20,365 other Federal employees whose salaries are tied to congressional pay. In all of these instances, it involved Federal employees in the executive, judicial, and legislative branches who had not a single pay raise since 1969, with the single exception of a 5-percent comparability pay increase 2 years ago.

In that 7-year period, the cost of living had increased more than 60 percent; average private wages had increased 70 percent; and the average increase for general civil service Federal employees had increased 65 percent.

Now, Mr. President, I received a lot of mail criticizing me for that vote. But I felt it was in the best interests not only of Congress but also of the other branches of the U.S. Government that these high-level employees be given a pay increase. They have been denied a pay raise since 1969, during which time the cost of living was going up more than 60 percent, and their pay raise on February 20 amounted only to a 29-percent increase, and when combined with the 5-percent comparability increase 2 years ago, amounted to only 34 or 35 percent in 7 years. Consider the fact, also, that had the salaries of Members of Congress merely kept pace with inflation since 1968, they should now be earning $68,000 annually instead of $57,500.

We have got to, at some point, show a little bit of guts in the best interests of the Senate as an institution, and the long-delayed pay increase was not only fair but deserved.

Now, any Senator who wants to return his pay can do it. I returned the 5-percent increase through last year, and my senior colleague returned his comparability increase. But I do not intend to return this increase. I think I am entitled to it. I think the people of West Virginia believe I am worth the pay I am getting.

I am not going to admit that I am a half-time Senator or that I am a cut-rate Senator by supporting this amendment. I am not a cut-rate Senator.

The average Senator works 11 hours a day, 6 days a week. I do not think we should be cowards. I know that there are some Senators who believe sincerely that we went about it the wrong way.

We did have a vote in the Senate, contrary to what has been said about the Federal pay raise. The media has done a hatchet job on us, and the people have been led to believe that we did not have a vote on this matter in the Senate. We had a vote on it. We had a vote on my tabling motion. I voted to table the Allen amendment because I was in favor of the pay increase. And we are about to vote again on the Federal Pay increase.

Now, if we want to wipe out this increase, we had better stop and think as to what it is going to do to those Federal employees in the executive branch and in the judicial branch who have at long last received a pay increase that was due them. We are going to have some real problems on our hands.

So, I appeal to Members of the Senate to take a stand for the institution. It is in the interest of this institution that Members get paid a just wage, and it has been too long delayed. So, I am going to support this motion to table, and if Members want to blame me for it they can do that in talking with their constituents back home. But I am asking colleagues to support this motion to table. We have gone up and down this road once before. Why do we have to continue and continue and continue simply because there is a little heat from back home on a matter that is not fully understood by the majority of the American people and which has been distorted and unfairly treated by some of the critics.

There are a good many instances at least in which I have written to my constituents to explain to them the fact that the Senate did vote in relation to the Federal pay raise and the fact that we were following a procedure that was set up some years ago to get the setting of congressional salaries out of politics, and when I laid all of the facts before them, a good many of my constituents wrote back to say that now that they clearly understand the situation they support the increase.

So I support the motion to table by Mr. LONG.

Mr. BAKER. Mr. President, will the Senator from Louisiana yield to me so I may speak on this matter briefly?

Mr. LONG. I yield to the Senator. How much time does the Senator require?

Mr. BAKER. Two minutes.

Mr. LONG. I ask unanimous consent that I may yield the Senator 3 minutes without prejudice to my rights to the floor.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

That is 3 minutes from the time of the Senator from Louisiana.

Mr. HANSEN. Yes.

Mr. BAKER. Mr. President, I commend the majority leader for his forthright stand on the pay increase; and I stand beside him. I support this pay increase. I shall support this motion to table. I have asked the Members on this side of the aisle to consider reality and the substance of the issue before us.

Maybe no one knows better than I how difficult it is to go back home and explain a congressional pay increase.

But, Mr. President, I admonish my colleagues in thinking that it is absolutely essential, under present circumstances, that we adjust our salaries to correlate to the economic reality. Such action has simply not been done until now.

It is a patent conflict of interest for Members of Congress to be required to adjust their salary. But the Constitution created that conflict of interest. We did not. No one else can adjust our salary; and if we do not, Mr. President, only those persons who can afford to make huge financial sacrifices will be able to serve as U.S. Senators. That is not the way it should be. The membership of the Senate should include a good cross section of the people of this Nation.

So, Mr. President, I reiterate what I have said before. I stand beside the majority leader in support for the motion to table this amendment. I believe the pay increase should be left intact. I believe every Member of the Senate on both sides of the aisle is entitled to that pay increase; and I think action to the contrary by any Member would be an injustice not only to himself, but to the Senate and the country as well. So, Mr. President, I urge my colleagues to vote in favor of this tabling motion.

Mr. HANSEN and Mr. MOYNIHAN addressed the Chair.

Mr. LONG. Mr. President, how many minutes does the Senator require?

Mr. HANSEN. Three minutes.

Mr. LONG. I yield 3 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, let me say, first of all, there is not a harder working, more dedicated person in the Senate whom I know than the majority leader. I have nothing but the greatest respect for him.

But I think Senators should not lose sight of one basic fact. When we passed this pay raise, in the manner that it was passed, what we did was to address a problem that is unique not only to Senators, Representatives or bureaucrats, but it is common to all Americans. It is the problem of inflation. It is the problem of costs rising above what salaries are. And the point that I object to in the pay raise that was given us is that all we did was to single out a way of addressing our own problems, those of the approximately 2,500 other Federal employees directly affected and some 24,000 or 23,000, however many more there might be who benefit indirectly because of the action we took. I think we failed to recognize and we failed to address the fact that every one of 217 million Americans, or however many of us there are, are equally plagued by the problems of inflation. And we did not do one thing about that.

For a long time I have stood with a number of Members of this body who have tried to do something about balancing budgets, to get a handle on inflation, so that all Americans would not be burdened down with the oppressive weight of having costs rise more rapidly than income. And I would join enthusiastically with colleagues here today—and I have no doubt at all but what this amendment will be tabled—if I had the slightest idea that the Senate was going to say:

> We will get a handle on inflation; we will bring that budget into balance so that costs will not continue to rise.

I have little belief that that will happen. And accordingly, in order to underscore my misgiving with what I think is a very selfish narrow point of view that we sought to address our own problems, while ignoring those of all other Americans, I shall vote to support my good friend from Oklahoma.

I thank our colleague from Louisiana.

Mr. LONG. Mr. President, I ask unanimous consent that Judy Heffner, of Mr. LEAHY's staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered .

Mr. LONG. Mr. President, I now move to table division 2 of the pending amendment.

SEVERAL SENATORS. Vote!

Mr. LONG. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The question is on agreeing to the motion to lay on the table division 2 of the amendment of the Senator from Oklahoma.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi (Mr. STENNIS) is necessarily absent.

I further announce that the Senator from Michigan (Mr. RIEGLE) and the Senator from Delaware (Mr. BIDEN) are absent on official business.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "yea."

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "nay."

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—53

Abourezk	Hathaway	Metzenbaum
Baker	Hollings	Morgan
Bayh	Huddleston	Moynihan
Bellmon	Humphrey	Nelson
Brooke	Inouye	Percy
Bumpers	Jackson	Ribicoff
Byrd, Robert C.	Javits	Sarbanes
Case	Johnston	Sasser
Chafee	Kennedy	Schweiker
Cranston	Laxalt	Scott
Culver	Long	Sparkman
DeConcini	Lugar	Stafford
Eagleton	Magnuson	Stevens
Eastland	Mathias	Stevenson
Ford	Matsunaga	Weicker
Glenn	McGovern	Williams
Gravel	Melcher	Young
Hart	Metcalf	

NAYS—41

Allen	Domenici	Muskie
Anderson	Durkin	Nunn
Bartlett	Garn	Pearson
Bentsen	Goldwater	Pell
Burdick	Hansen	Proxmire
Byrd, Harry F., Jr.	Haskell	Randolph
	Hatch	Roth
Cannon	Hayakawa	Schmitt
Chiles	Heinz	Stone
Church	Helms	Talmadge
Clark	Leahy	Thurmond
Curtis	McClellan	Tower
Danforth	McClure	Wallop
Dole	McIntyre	Zorinsky

NOT VOTING—6

Biden	Hatfield	Riegle
Griffin	Packwood	Stennis

So the motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. HATHAWAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I arrived back in Washington from Philadelphia at 1:30 this afternoon to find that I had just missed three very important votes. My office had been assured by the cloakroom that there would be no votes today before 2 o'clock this afternoon. Consequently I spent the morning in the Third Circuit Court of Appeals in Philadelphia hearing the arguments before it involving the Wilmington busing case. As the Members of this body are by now all too aware, this case is crucial to my State of Delaware. I thought it was extremely important for me to be there, and therefore canceled my morning schedule here in Washington under the assumption that there would be no votes.

To set the record straight, I would have voted against the tabling motion of the Bartlett amendment that will require all future pay increases for Congress to be voted on by the Congress.

I would then have voted for the Bartlett amendment in the up and down vote that occurred subsequent to the defeat of the tabling motion.

Finally, I would have voted against the motion to table Senator BARTLETT'S amendment to repeal the pay increase.

These votes are consistent with my position on the pay increase and other related matters in the past. I voted against the pay raise initially because I do not think that at a time when our Nation is hurting so economically that the Congress should set an example by raising our pay thus adding further to the burden of the taxpayers.

Fortunately, today, these votes were not so close that my vote would have made a difference but I am disturbed that I was not here, personally, to partake in the debate and the actual votes.

The PRESIDING OFFICER. The question is on the first committee amendment, section 101.

Mr. JAVITS. Mr. President, in just 1 day—on March 31—the Federal supplemental benefits—FSB—program is scheduled to expire. In fact, because of the definition of "week" in State unemployment insurance laws many States have already stopped taking claims for FSB compensation this week. In light of the continuing economic recession with chronically high unemployment rates, legislation to extend the FSB program must be enacted without further delay.

This program, created in December 1974 at the beginning of the current recession, provides additional compensation for workers suffering long-term unemployment who have exhausted their entitlement to compensation under the permanent unemployment insurance—UI—systems. These are the regular State UI programs, and the Federal-State extended unemployment benefits—FBS—program. FSB is designed to provide the additional income maintenance assistance necessary to permit the UI system to meet at least the minimal needs of unemployed workers during the current recession.

As originally enacted, the FSB program provided up to 13 weeks of additional benefits for workers in all States who had exhausted all other entitlements to unemployment compensation. In March 1975, Congress expanded the program to provide up to 26 weeks of extended compensation for eligible workers. Then, in June of that year, the entire program—originally scheduled to expire on December 31, 1976—was extended through March 31, 1977. In addition, a series of State triggers were added to the program. Under these provisions, workers in States where the insured unemployment rate is between 5 and 6 percent are eligible to receive up to 13 weeks of FSB benefits—providing them a maximum total of 52 weeks of unemployment compensation under all available programs. Unemployed workers in States with unemployment rates of 6 percent or greater are entitled to receive up to 26 weeks of FSB benefits for a potential cumulative total of 65 weeks of benefits.

The FSB program has been highly successful in providing income security for long-term unemployed workers. During calendar year 1976, 2,313,000 of our Nation's unemployed workers were FSB beneficiaries. An additional, but undeterminable, number of unemployed workers would have been eligible to receive benefits except for the operation of State trigger requirements which went into effect January 1, 1976. These State trigger provisions prevented thousands of long-term unemployed workers from FSB eligibility despite the fact that many of them live in high unemployment areas within ineligible States.

A recent study of FSB recipients prepared for the Department of Labor, under the mandate of the Emergency Compensation Act of 1974, indicates that the FSB program is succeeding in reaching unemployed workers most in need of additional assistance during the recession. That study, prepared by Mathematical Policy Research, Inc. of Princeton, N.J. reports that FSB recipients were found to have strong labor market attachment—an average of 17 years—including an average of 5 years of employment at their last jobs. FSB benefits were found to have had a substantial effect on household incomes. Without those benefits, 33 percent of the recipient households in 1975 would have had incomes below the Federal poverty line—$5,500 for nonfarm families of four in 1975. In other words, over a quarter million households were prevented by the receipt of FSB benefits from falling below the poverty line. In addition, the study also found that the single most important cause of an FSB recipient's job loss was the decline in business of their former employers.

FSB benefits also provide direct economic stimuli which aid in continued progress toward economic recovery. They flow directly into the mainstream of the economy from unemployed workers who use them to provide the basic essentials of food, clothing, and shelter for their families. It is important to note that the great majority of long-term unemployed workers will otherwise receive no assistance from any of the economic stimulus legislation recommended by President Carter. I have long taken the position that unemployment compensation is a poor substitute for real jobs, and I have called for the creation of 1 million public service jobs under the Comprehensive

Employment and Training Act, but the fact remains that our ability to create jobs in either the public or private sector is limited. Even if funding were available to create 1 million jobs, and all of them were taken by unemployment compensation exhaustees, hundreds of thousands of long-term unemployed workers would still be left jobless and without any other means of supporting themselves and their families.

When this program was last considered by Congress, in June 1975, it was hoped that by now the recession would have sufficiently abated so as to permit the program to expire without undue hardship accruing to large numbers of unemployed workers. Unfortunately, the economic recovery has been slower than any of us had hoped. Unemployment today remains at the intolerably high level of 7.3 percent. If the FSB program is permitted to expire, 600,000 workers will immediately be cut off from benefits. More than 1 million workers, who would otherwise collect FSB during the next 12 months will be denied such essential benefits. In New York, more than 100,000 long-term unemployed workers will be cut off.

UP AMENDMENT NO. 112

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) for himself, Mr. WILLIAMS and Mr. RIEGLE, proposes an unprinted amendment numbered 112.

On page 2, in lieu of the language proposed to be inserted by the committee amendment, insert the following:

(a) GENERAL RULE.—Section 102(f)(2) of the Emergency Unemployment Compensation Act of 1974 is amended to read as follows:

"(2) No emergency compensation shall be payable to any individual under an agreement entered into under this Act—

"(A) for any week ending after March 31, 1978, or

"(B) in the case of an individual who (for a week ending before March 31, 1978 had a week with respect to which emergency compensation was payable under such agreement, for any week ending after June 30, 1978."

Mr. NELSON. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New York.

Mr. NELSON. Will the Senator from New York yield for a unanimous-consent request?

Mr. JAVITS. I yield.

The PRESIDING OFFICER. The Senate will be in order.

Mr. NELSON. Mr. President, I ask unanimous consent that Scott Ginsburg, a staff member of the Human Resources Committee, be granted the privileges of the floor during the course of deliberations and votes on the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, we are faced with three different versions of the length of time the Federal supplemental benefits unemployment compensation program should be extended. We have the House version, which comes over to us in the bill, which is for a flat 1 year, to expire March 31, 1977. We have the Finance Committee version, contained in the committee amendment to the bill at page 2, which provides that the program shall expire in 6 months, on September 30, 1977, except that those who are already drawing any part of their 13 weeks of FSB compensation before that expiration date may continue to draw unemployment compensation—up to their maximum entitlement—for an additional period of 3 months.

The amendment which I have proposed would extend the program for 1 year to March 31, 1978, with a 3-month phaseout. That is, those who are already drawing payments before March 31, 1978, may continue to draw benefits for up to 3 additional months.

Mr. President, the difference on its face is a very substantial one because of the expectation as to unemployment. Unemployment today remains at what we all consider an intolerably high level of 7.3 percent, with an enormous number, about 7.5 million Americans, unemployed, and with some 600,000 drawing FSB payments right now. It is expected that in the course of this year, if it is extended for a year, about 1.3 million unemployed workers will, at one time or another, be forced to resort to the FSB program.

The Finance Committee proposes that we bobtail what the House has done and make it only 6 months.

No one, not the Finance Committee or anybody else, can reasonably expect any material drop in unemployment in that 6 months. What is the rationale for any such very short extension? We will have to begin to consider another extension the day after we pass this one, knowing the time it takes to do anything in this body.

Here it is one day before Federal supplemental benefits expire. Senator LONG had to get up in the Chamber the other day and say, "Do not intrude anything else on this bill because we just have 1 day or the FSB compensation checks will be cut off."

Mr. President, these are not rosy checks. In my own State, which is one of the most liberal States in the Nation, the maximum benefit is $95 a week. At present prices, that is below anybody's index of what a family of four needs just to keep body and soul together. So we are not dealing with any goldbrickers or welfare chiselers; we are dealing with Americans honestly unemployed through no fault whatever of theirs, who have caused, by their labor, vast sums to be paid into the unemployment compensation system.

I just cannot see any rationale whatsoever for the September 30 cutoff date. The House date makes more sense, because it takes us past the calendar year—that is, the year 1977—when we can get a sighting and appraise our situation in unemployment for the whole year. It gives us an opportunity to act again, because it does not cut the program off on December 31. It cuts it off on March 31, and it permits those who, because they have already begun participating in that program, to continue for the added 12 weeks.

That principle of continuing those already on benefits beyond the termination date, for up to 3 months, is also the principle adopted by the Committee on Finance here. I hardly see how it can be tested in this amendment.

All the amendment does, then, is instead of the House complete cutoff on March 31, cut off on March 31, but permits those who are already under the program to work it out in the ensuing 3-month period. That is the only difference.

The cost involved, Mr. President, is estimated at $400 million for the additional 6 months. It seems to me that, considering the policy undertaken in the last administration—and, I have no doubt, pursued in this one—that we do not want unemployed workers to go on welfare so long as we can reasonably and tolerably provide them unemployment compensation, this is fully in consonance with that principle.

Finally, Mr. President, and very importantly in terms of this particular situation, there is one other critical difference between the House and the Senate. That is the conditions under which a worker can be cut off from unemployment compensation if he does not accept another job which may be offered to him.

The Senator from New Jersey (Mr. WILLIAMS) and I, as chairman and ranking member of the Committee on Labor, think that the House formula is more appropriate than the Senate formula, which is more strict, more restrictive, and more unfair to the worker, than the House formula. We must remember that we are dealing with figures which do not represent any lush benefit, but represent very minimal income security protection. Indeed, in 15 States, the minimum wage is higher than the unemployment compensation.

Thirty-two States are currently participating in the Federal supplemental benefits program. This is a pretty healthy slice of the United States. And, Mr. President, with the most optimistic predictions into 1978 of an unemployment rate of roughly 6.5 percent, only about 1 percentage point down from where it is today, all unemployment predictions have been absolutely dashed to smithereens by this particular recession. That has been the stickiest problem of all. With the Labor Department itself predicting—this is their official forecast—that in the first 3 months of 1978 not less than 20 States will still be participating in this particular program, which we are seeking to extend here for 1 year, I think there is an ironclad case for at least the 1-year extension.

Again I emphasize, Mr. President, the difference between this and the House provision is only that, in this amendment, we are allowing those who already come under the program before the 12-month extension expires to finish out the 13-week period; whereas, the House provided an absolute cutoff at March 31, 1978. It seems to me that, the

Senate committee having itself adopted the 1-month phaseout period, we ought to adopt that, too, in respect of a 1-year extension.

For all those reasons, Mr. President, I hope the amendment will be agreed to

Mr. HATHAWAY. Mr. President, I think one good feature of the amendment offered by the Senator from New York is that it does have a 3-month phaseout period, which is something the committee did agree to. Under the committee bill, the phaseout would start at the end of September. It seemed to the committee, which defeated an amendment similar to the one offered by the Senator from New York by a vote of 11 to 5, that we should think of bringing this to a halt at a time when unemployment historically is about the lowest. That way, fewer people are going to be affected; and that is why we chose to end the program in the month of September.

The Finance Committee acted on this bill in a little over a week. The House took a little longer to do it, but I am sure the House could act more expeditiously if it had to. If we are still in serious trouble as the end of September rolls around—I am sure we are going to be still in session—I would not anticipate any difficulty in extending the benefits if the respective committee and the Congress so desire. At that time, also, we could look at which States are worse off. Maybe we would modify the bill by raising the threshold from 5 percent to a higher percentage, so that we are just getting at those States in the Union where there is high, chronic unemployment. It seems to me that the committee has worked out a very reasonable program.

As the Senator from New York stated, it is going to cost $400 million additional if we adopt his amendment. It seems if we are going to be involved in the expenditure of that much additional money, we ought to do it in stages and look at it again when September rolls around to see what the situation is. We are certainly not locking ourselves in.

The program that we are advocating seems to be a reasonable one for the time being. We are going to be enacting a tax stimulus program very shortly. By August or September, we may have some results. The economy may be bolstered by then, and, hopefully, we shall not need to extend this at all.

Mr. CURTIS. Mr. President, throughout the years, the matter of unemployment compensation has come before the Committee on Finance. This is not the first extension of this emergency program. We have considered this. The committee arrived at a conclusion very much as stated by the distinguished Senator from Maine. We felt that there could not be a sudden and total ceasing of the program on one day, that there had to be a phaseout period; that if someone qualified for the benefits and they had not begun to run at all or just barely started, they should be taken care of. So we adopted the provision in the House bill that there be a closeout time for this emergency program, with anyone on the rolls that would be paid for the next 3 months.

The question is, should this emergency program terminate on September 30 or 6 months later, as proposed by the distinguished Senator from New York? It was the collective judgment of the Committee on Finance that it should close on September 30.

Actually, if it becomes necessary for an extension of our unemployment emergency program beyond that date, I think it is important that the whole Congress take a look at it.

Our unemployment program was structured to be carried on by the States. The States have their basic 26 weeks. This addition was brought on under emergency conditions. We are told every day that the economy is improving. We also know that confidence does have some part to play in the economic well-being of this country.

If we keep on projecting too far in the future gloomy prospects as to what the unemployment situation is, we may not do any harm, but certainly we do not do any good.

I am not here to suggest that by adopting a rosy outlook all our problems will disappear. On the other hand, confidence in our economy and confidence in the future are factors in our economic well-being.

There is another reason why this program should not be extended for a full year. The bill as passed the House and reported out by the committee calls for shifting the cost from the Federal unemployment tax to the General Treasury. I do not favor that. We will get a chance to vote on that, but that vote may not prevail.

Before we launch into a program with more of the attributes of a permanent program, we should take a look at this matter of financing.

There is not any money in the general fund. What it means, we will finance it with I O U's, finance it through the deficit.

For that reason, I think it would be on the part of wisdom to extend this program for the period recommended by the Finance Committee and then take a look at it as time progresses.

My guess is that we will always be acting just before the period expires, so the fact that we will extend it for a year would not remove that, either. In all probability, it would not be reached for further consideration until the closing days of that period.

Mr. President, I urge support of the committee proposal.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. HANSEN. Mr. President, I wish to add one word that has been mentioned earlier, but I think it needs underscoring a second time.

I, too, would oppose this amendment because it seems to me, in addition to the other reasons that are persuasive in my judgment, there must be included the fact that these benefits are to be paid for out of general revenues.

One of the concerns I had, a continuing concern, that I think underscores part of the unease and the displeasure that I see evidences of nationwide in the pay raise about which we have been talking lately, is the fact that we do not do very much—in fact, not nearly enough—about trying to get a handle on inflation.

Anytime a benefit is paid for and the only provision to pay for that benefit is to draw upon otherwise unobligated funds in the general treasury, we add to that budget imbalance which adds to the inflationary pressures.

It seems that should be a concern that Senators have as they vote upon this particular amendment.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, it is very interesting to hear these arguments. None of them deal with the reason why we have FSB compensation.

We have FSB compensation because we have a very hard, sticky and trying problem of unemployment. We have not yet found a way to arrest it.

We may have a youth employment bill which will target jobs for, hopefully, a million. We may try some other stratagem, like the House provision to give an employment tax concession for extra employment, for extra workers.

We hope that whatever we do about taxation is going to revive the economy. People like myself and others like me are trying for a permanent tax rate reduction as against the $50 tax rebate, and so on.

But all that is prospective. Here, the only argument made is, "Well, let's see in 6 months how things look."

But the difficulty is that it is not 6 months in which we have to see how things look. It is about 30 days, and there is going to be no change.

If we want to get this bill extended before September 30, 1977, we have to start right now in order to have the hearings and to have the economic forecasts, and so on. We have those.

It is almost inconceivable that it will be argued that we should consider this same question within the same year, twice, when there is absolutely no evidence whatever that there will be any change in the unemployment situation.

Mr. President, I have been here a long time. I realize that the House has said 12 months, the Senate is saying 6, for bargaining purposes.

The Senate does not expect to get 6 and 3. I hope the House expects to get 12, but the Senate does not expect to get 6 and 3.

This amendment will assure the 12-month extension and that is really what is at stake.

What is really at stake is what cards we are going to give our negotiators. Are we going to give them a low card so they can bring duration down, or are we going to give them a higher card so they can bring it up?

Mr. President, the lesson that ought to come out of this—and again we are not gilding lilies here, we know this place well—the very least that has to come out of it is the opportunity after the first

of the year to decide whether we do or do not want to extend. That means at the very earliest February 28, and the preferred date is March 31.

So, Mr. President, I appreciate my colleagues' arguments, the members of the committee, whatever way they voted, feel an obligation to sustain the committee. But it makes no economic sense and it makes no political sense and it makes no congressional procedural sense.

The thing to do is accept the House version at once, and I know we will not get it, unless we vote this amendment, with a cutoff date, March 31, 1978. Otherwise we are going to be cutting off hundreds of thousands of unemployed who do not deserve it, with no change in the economic situation and no change in their reason for needing unemployment compensation, which is unemployment beyond their control. There is no way they have of getting jobs under the existing economic situation until we break this hard nut which, so far, has divided us, of chronic—so far chronic—heavy unemployment which we face today.

One final point. We have had up to 65 weeks of unemployment compensation. Therefore, I say to those who have an eye to economy, et cetera, we are cutting down—no argument about it, I am not moving for that—that extra 13 weeks right in this bill.

So we are very materially, to the extent of roughly a half billion dollars, curtailing the expenditures under unemployment compensation and gambling with the fact that things in unemployment will improve. I am not talking about the general economy, I think it is going to be better, but we have not found an answer to the unemployment riddle. In terms of the general economy, I think we will improve. But in terms of unemployment, it still is and will remain for all of this year intolerably high.

And because it will, Mr. President, I think the remedy has to fit the illness with the remedy found in this amendment.

We will end up, Mr. President, with a sufficient extension only if we give our negotiators the necessary mandate on the up side instead of what the committee wants, or at least what the committee has voted for, the mandate on the very low side.

Mr. President, I urge the Senate to support this amendment.

Mr. HATHAWAY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. MELCHER). The Senator will state it.

Mr. HATHAWAY. Is there any time limitation with respect to amendments on this bill?

The PRESIDING OFFICER. No, there is no time limitation.

Mr. HATHAWAY. I thank the Chair.

Mr. President, I point out, first of all, in answer to one of the points that the Senator from New York made, that although it may appear that the Finance Committee picked 6 months with a view of compromising with the House in 12 months to come out with 9 months, there was consideration given to the fact that at the end of September, historically, the unemployment rate has been the lowest. So we were going to do the least damage by terminating the program at that time.

It was not simply an arithmetical calculation of how we were going to arrive at 9 months by splitting the difference with the House. In fact, that argument was not mentioned out loud at all. Oftentimes, in the Finance Committee, as in other committee discussions, the kind of argument that the Senator from New York advances has been advanced openly, knowing full well what is going to happen in conference.

Second, I point out that no Member of this body or the other body is not sympathetic with people who are out of a job. We have a regular benefit program which runs for 26 weeks, and that was initially conceived to take care of the normal dips that we have in the economic activity; and we assumed that people would be out of work for awhile and then they would be able to get back into a job. In the recent past, we have extended that by 13 weeks, which we call our extended benefits; so we now have 39 weeks of what we call unemployment benefits.

The question in my mind is this: When are we going to stop kidding ourselves and stop extending the unemployment benefits? We should realize that after a person has been out of work for 39 weeks, some structural changes, some new programs, have to be initiated, if we really want to do anything. We really are not making a significant contribution by simply adding on a few more weeks or months of unemployment benefits. It seems to me that a person who has been unemployed for 39 weeks does not have a good chance of getting back into the same firm as before, or even the same industry, and we should be coming up with some retraining programs and some other measures that would get that worker into an employable position.

As long as we are going to extend benefits, we are not going to provide either ourselves with the incentive to create the new programs we should nor would we provide the unemployed worker the incentive to start looking around for some other trade or some other business.

So it seems to me that it is much better to keep the period of time as short as the Finance Committee has recommended, rather than extending it another 6 months, as the Senator from New York would have us do.

Mr. JAVITS. Mr. President, I heard two things that bring me to my feet again. One is "adding on."

Mr. President, we are not adding on; we are taking away. There is now in effect a 65-week Federal program. We are taking away 13 by this bill. I agree with that. But that does not mean you take away so much as to jeopardize the economic security of hundreds of thousands of Americans. I think that is a very important and conclusive argument.

I have heard absolutely nothing except the fact that the Finance Committee wants to take advantage of the fact that, on normal statistical curves, unemployment tends to become a little lower in September. None of us is here—I hope not—knowing full well that unemployment is going to go up again after the fall, when people can become available for jobs.

Second, I heard that we were going to come up with retraining programs. Thank heaven we are. But does my colleague tell me that they are going to be ready by September 30, 1977? I will not even embarrass him with the question, unless he wants to answer it.

Mr. HATHAWAY. Mr. President, if the Senator will yield, we have no incentive to come up with these programs when everybody knows we are going to continue the emergency benefits and perhaps run them longer than we have run them before.

Mr. JAVITS. With all respect, the Senator has not read his own bill, which says that if a training program is available and an unemployed worker does not take it, he can be cut off from unemployment compensation.

Mr. HATHAWAY. I have read the bill. I realize that provision is in there. If there is one existing. But we need more training programs.

Mr. JAVITS. I agree, and I will vote for them. But in the meantime, we do not have them.

Mr. HATHAWAY. We have plenty of time between now and September to come up with them.

Mr. JAVITS. The Senator stands there and tells me, knowing this body as he does—and we have not even begun to consider the tax bill or any employment bill—that we have plenty of time between now and September 30 to get retraining programs in place.

Mr. President, I just cannot believe it. I respect my colleague, but I have seen this body in operation a long time. We are going to have very few, if any more, training programs by September 30 than we have today. That is just common wisdom of my colleagues. I do not have to argue this.

Mr. HATHAWAY. I am basing it upon the statement of the new Secretary of Labor, that he has this on his list as a high priority; that he thinks that at the end of his 39-week period, an individual is no longer just an ordinary unemployed individual in society, and that we should be pushing him into these retraining programs so that he can get a job in a different field.

Mr. JAVITS. When, as, and if we have them, I say to my colleague——

Mr. HATHAWAY. So that if we have that kind of support from the administration, we can get some programs.

Mr. JAVITS. I rely upon the common wisdom of my colleagues that we will not have them by September 30, 1977. I think I can rely upon the fact that they have that much common sense and that much knowledge of this legislative process to know the likelihood of developing and implementing a new program that fast.

Mr. HATHAWAY. If that is the case, then we can extend this program, if that becomes necessary.

Mr. JAVITS. If we get to it, if everybody is perfectly agreeable, if it is not the last day, and if it is not whittled down again, as is being done now. Every bill that comes before us has a new battle and adds new unreliability so far as the unemployed are concerned. Right now, we

are lopping of 13 weeks, and from time to time the program may be whittled down further. The unemployed are entitled, like all other human beings, to have some reasonable assurance of economic security at last for the remainder of this year.

Mr. HATHAWAY. We are not really lopping off 13 weeks. We have to go back to the initiation of the program and realize that it was an emergency program. It is not a permanent part of our unemployment act.

Mr. JAVITS. But the emergency is still with us.

Mr. HATHAWAY. We hope that it will not be by the fall, so that at that time we can reenact it, if it is still with us.

Mr. JAVITS. There is not a person in authority in this country who predicts that it will not be with us by the fall, certainly not by September 30—not the Council of Economic Advisers, in the administration, or anyone else I know of.

Mr. President, we can argue this all night. I have no need to prop up the Finance Committee. They have done what they have done, and they will have to answer for it to the entire Senate.

I would also remind my colleagues that this program is triggered on the basis of statewide unemployment rates. If, as the committee and my distinguished colleague from Maine suggest, the unemployment picture improves radically, then the States will automatically trigger off. That is why we have a trigger mechanism in the program. If the program is not needed, it will phase itself out by means of the triggers. But I would point out that this is not the case here and now. The Department of Labor estimates that even in the first quarter of 1978, 20 States will still be participating in the FSB program. Can anyone call that a recovery?

We are talking here about desperately needed income security benefits for those Americans who have borne the brunt of the recession—the long-term unemployed. These workers will not benefit directly from tax rebates. What they need is the one thing we have been unable to provide: jobs. Failing that, we must at least assure them this minimal level of income security protection.

This is our opportunity to appeal to the Senate, as men of reason and sense, to act intelligently in the interests of millions of Americans who are unemployed and need this kind of support.

Mr. President, I am ready to vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BROOKE. I regret very deeply that once again there is a need for Congress to address the issue of emergency unemployment compensation benefits. I regret the human costs that these extensions represent: the loss of hope, the lack of income, and the loss of dignity and pride. I regret also the enormous fiscal impact that these continued extensions have on the deepening Federal deficit. Taxpayers are increasingly restive as we again and again expand the Federal commitment in terms of dollars, bureaucracy, and magnitude.

And yet, while I understand the political difficulties which are posed by the advocacy of large Federal programs, I believe that a true emergency exists. In my own State of Massachusetts, for example, unemployment has consistently been 2 to 3 points above the national average. At this very moment the unemployment rate in Massachusetts is hovering at 9.5 percent. We have no recourse but to accept our responsibility in this context of chronic unemployment and to vote for the much needed benefits in a manner which reflects our awareness that these unprecedented high levels of unemployment will not soon leave us.

And that is why I must dissent from the Senate Finance Committee's recommendation and support Senator JAVITS' amendment which will give another year of extended benefits as well as allowing a 3-month phaseout period. It is my strong belief that this amendment more accurately reflects the realities of our economic situation and it allows us to reflect more carefully and more thoroughly on what our long-term response to systemic unemployment must be.

I hope that the Senate will not succumb to the politically expedient recommendation of a mere 6-month extension. I hope that we will not be faced with the specter of piecemeal extensions again and again and again. Defeat of the Javits amendment would virtually insure that 6 months from now we will be back again extending benefits unless there is a marked and pronounced upturn in our Nation's economy. While I, like all of us in this Chamber, hope for better times, I think it is unrealistic to expect that those times will be with us in a scant 6 months. I urge upon my colleagues this point of view and urge that we adopt the Javits amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SPARKMAN (after having voted in the negative). On this vote I have a live pair with the Senator from Michigan (Mr. RIEGLE). If he were present and voting he would vote "aye." I have voted "no," and I, therefore, withdraw my vote.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI) is necessarily absent.

I further announce that the Senator from Michigan (Mr. RIEGLE) is absent on official business.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 37, nays 56, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—37

Abourezk	Heinz	Metzenbaum
Allen	Huddleston	Moynihan
Anderson	Humphrey	Pell
Bayh	Inouye	Percy
Brooke	Jackson	Ribicoff
Case	Javits	Sarbanes
Chafee	Kennedy	Schweiker
Church	Leahy	Stafford
Clark	Magnuson	Stone
Cranston	Mathias	Weicker
Culver	Matsunaga	Williams
Eagleton	McGovern	
Gravel	Melcher	

NAYS—56

Baker	Garn	Muskie
Bartlett	Glenn	Nelson
Bellmon	Hansen	Nunn
Bentsen	Hart	Pearson
Biden	Haskell	Proxmire
Bumpers	Hatch	Randolph
Burdick	Hathaway	Roth
Byrd, Harry F., Jr.	Hayakawa	Sasser
	Helms	Schmitt
Byrd, Robert C.	Hollings	Scott
Cannon	Johnston	Stennis
Chiles	Laxalt	Stevens
Curtis	Long	Stevenson
Danforth	Lugar	Talmadge
Dole	McClellan	Thurmond
Domenici	McClure	Tower
Durkin	McIntyre	Wallop
Eastland	Metcalf	Young
Ford	Morgan	Zorinsky

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Sparkman, against.

NOT VOTING—6

DeConcini	Griffin	Packwood
Goldwater	Hatfield	Riegle

So Mr. JAVITS' amendment was rejected.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Caroleen Silver, of my staff, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment (section 101) was agreed to.

UP AMENDMENT NO. 113

Mr. JAVITS. Mr. President, I send an amendment to the desk, and I ask unanimous consent that it may be considered notwithstanding it is not on the exact order of the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The second legislative clerk read as follows:

The Senator from New York (Mr. JAVITS), for himself and Mr. WILLIAMS, proposes unprinted amendment No. 113.

At the end of section 302 of the bill add a new subsection as follows:

"(e) Paragraph (15) of section 3304(a) of the Internal Revenue Code of 1954 (relating to the denial of unemployment compensation to recipients of retirement benefits) is amended by striking "September 30, 1979" and inserting in lieu thereof "March 31, 1980."

Mr. JAVITS. Mr. President, as a part of H.R. 10210, now Public Law 94-566, the conferees last year adopted a Senate amendment which requires the States to reduce the unemployment compensation of an individual by the amount of any public or private pension, including so-

cial security retirement benefits and railroad retirement annuities, based on the claimant's previous employment. The conferees, however, delayed the effective date of this provision until September 30, 1979, and stated in the conference report that this would thereby permit "the National Commission on Unemployment Compensation an opportunity for a thorough study of this issue and the Congress to act in light of its findings and recommendations."

H.R. 4800, as passed by the House and as reported by the Senate Finance Committee, provides for a 6-month extension, to July 1, 1979, of the final reporting date for the National Commission on Unemployment Compensation. The bill, however, provides no corresponding extension of the effective date for the provision denying unemployment compensation to recipients of retirement benefits. That date would remain at September 30, 1979. My amendment proposes a 6-month delay in the effective date of this provision in order to conform it to the new reporting date for the national commission.

It should be well known by now that pension plans are inadequate for millions of American workers. Congress recognized this fact only 2 years ago when it enacted pension plan reform in the Employee Retirement Income Security Act of 1974. But even ERISA does not guarantee a sufficient retirement income to provide for a retired worker's basic needs. Many older Americans, despite their receipt of some pension benefits, have no realistic alternative other than to search for gainful employment. It should also be well known that older unemployed workers experience greater difficulty in finding new jobs than younger workers, and are often the first to be laid off when business declines.

We need the national commission's views on this provision, which does not even distinguish between workers receiving pension benefits from a pension fund based upon their own contributions—which may be either voluntary or mandatory—and those who receive benefits from plans which are financed entirely or in large part from employer contributions. Indeed, the provision would exclude from UI payments persons receiving benefits under plans for the self-employed or individual retirement accounts for workers whose employers offer no pension plan at all. This is tantamount to penalizing an individual who is drawing on his own life savings.

Where an employee has contributed a significant amount toward his own pension, the receipt of such retirement income should not exclude receipt of UI payments. ERISA and many of our tax laws have been enacted to encourage workers to participate in contributory retirement plans. ERISA provides increased tax incentives for individual plans for self-employed workers, and added a new individual retirement account provision to encourage retirement savings by employees whose employers do not offer pension plans.

If a fair and effective Federal rule should be adopted to deal with possible abuses by workers simultaneously collecting UI and retirement benefits, it will first require the kind of detailed study and careful analysis which is expected of the new National Commission on Unemployment Insurance. In the meantime, most States already have provisions in their unemployment insurance laws dealing with the treatment of retirement income. These provisions establish widely varying forms of treatment for setting off, or disqualifying for, retirement income. The others are obviously free to adopt such provisions at any time.

I believe these considerations make it clear that the retirees provision adopted in H.R. 10210 should not be permitted to go into effect without sufficient opportunity for the Congress to act on the recommendations of the National Commission on Unemployment Compensation.

I hope the managers of the bill may feel that they can accept this amendment because it seems only fitting to conform these two dates.

Mr. LONG. Mr. President, I personally have no objection to the amendment. As I understand it the commission's report would be delayed 6 months under the bill and this could be regarded as a conforming amendment to delay 6 months a provision that the commission is supposed to consider. I am willing to accept the amendment.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

UP AMENDMENT NO. 114

Mr. CURTIS. Mr. President, I send to the desk an amendment in behalf of the distinguished Senator from Oklahoma (Mr. BELLMON) and myself and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nebraska (Mr. CURTIS) for himself and Mr. BELLMON, proposes an unprinted amendment No. 114.

On page 9, line 15, insert the following: strike all through line 2 on page 10.

On page 10 strike lines 8 and 9

Mr. CURTIS. Mr. President, this amendment would strike a committee amendment that provides that the cost of emergency unemployment compensation paid after March 1977, would be met from general revenues without the present law requirements that the costs ultimately be met from the Federal unemployment tax.

Mr. President, the supporters of the committee amendment contend that the provision would have no budget impact. Let us examine this contention.

The cost of shifting the financing responsibility from corporate and other employers to the taxpayers of the United States would be $588 million in fiscal 1977 and $300 million in 1978, a total of more than a billion dollars. Perhaps in these days of deficit financing a billion dollars is not considered as having budget impact, but the taxpayers in my State of Nebraska think otherwise.

Mr. President, what I think the proponents of this amendment mean by "budgetary impact" is that the amendment will not affect the current fiscal year. This is a shortsighted view. It is our duty to protect the Treasury and that protection is not waived merely because we are considering budgetary impacts for future years.

Mr. President, in prior years we have used employer payroll taxes to cover these costs. The general taxpayers are being asked to relieve corporate and other taxpayers of this obligation. Utilizing general revenues is grossly unfair to those States which have in the past raised revenues to meet their benefit obligations rather than borrowing from the Federal trust fund for these purposes.

Mr. President, Federal financing is disruptive of the regular unemployment compensation system. It distorts the program's operation which is premised on an insurance concept. An insurance system is not funded from general revenues, but a welfare system is. With Federal financing this bill is a welfare bill.

Mr. President, the bill as reported by the committee would shift a burden of about a billion dollars for the next 2 years from the unemployment tax fund to the general fund. There is much more at stake here than the amount of money involved, although that is very significant. If we make this move of relieving the employers from the tax and levy it on the Federal Treasury, it is a step from which we cannot retreat. We are making a very important decision here.

I see in the Chamber one of the most distinguished members of the Budget Committee, who has joined me in offering this amendment. The very dedicated men who work on the Budget Committee have many problems in seeking to bring the budget under control. The answers are very difficult and complex. But one thing we can do is quit adding to the burdens.

It is hard to stop something that is started. Winston Churchill said it rather dramatically and very clearly when he said, "You cannot unscramble eggs." When we get a program started, to unwind it and set it back where it was before is a most difficult task. That is the task that falls upon the Budget Committee. But there is one very simple rule we could follow that would help a little bit, and that is to quit adding programs that have a budgetary impact on our general revenues.

That is one reason. Another reason is that our unemployment compensation is an insurance system. The employers are taxed, and in about three States, I believe, employees are also taxed. The employers are taxed to provide a fund that pays a benefit when their men are unemployed: an insurance concept. If we change that and start paying money out of the Federal Treasury, we shift, as I say, from an insurance program to a welfare program.

I believe that would be a very bad mistake. It would be unfair to some of the recipients. The employer's tax is a cost of doing business. The American public have accepted that cost as something

fair and necessary and acceptable, in order to protect against the time when a man or a woman is told that his or her services cannot be used, because there is no work to be performed. We will do great damage to those people in taking them off of unemployment compensation and putting them on welfare.

There is another very important reason why this amendment should prevail, and we do not adopt the course of paying these benefits out of the Federal Treasury. That reason is this: As long as the employer pays the bill, it will be to his interest to see that the program is well run. It will be to the employee's interest to see that there are not abuses. In all programs, the number of honest, conscientious people far outnumbers the chislers and the schemers and those who take advantage, but as it now stands, we have the employers on our side, because it is to their economic interest to resist unjustified claims, to expose them, to report them, and so on. If the employer has no financial burden in carrying the program, he is not going to be any more alert to eliminating abuses than he takes his time to help eliminate abuses in welfare, and that does not happen.

Mr. President, this is a bad amendment for the next 2 years, but it is far more important than that. It is turning a corner. We are forswearing the course of unemployment compensation as an insurance paid by an employers' tax, and we are turning to another course, where it takes on all the aspects of welfare and is paid from the general fund.

Mr. President, there is not any money in the general fund. It used to create alarm when we would have a deficit of $2 or $4 billion, and I was alarmed, because I knew what was ahead. Now we are experiencing deficits of $40 billion, $50 billion, $68 billion, $70 billion, and so on. Where are we headed?

It will be hard to take away some programs, but it has got to be done. It is very hard to do that; but it is rather a simple thing not to add to the burdens of the Federal General Treasury. That is what we will do here if we permit the committee version to prevail. This amendment should be adopted.

Mr. President, I reserve the remainder of my time.

Mr. MOYNIHAN. Mr. President, I rise to compliment our cherished colleague from Nebraska, the ranking Republican member of the Committee on Finance, and only with some hesitation to take issue with his position, not least because I find his position unusual in the Senator from Nebraska.

This is an amendment to add $1 billion to the taxes which American employers will have to pay in years hence—$1 billion which, in the view of the Committee on Finance, they ought not to pay in the interests of the very social purpose of the bill before us, which is to alleviate the burdens of unemployment and, as much as possible, to reduce unemployment.

Mr. President, there is a history to this legislation.

It is perhaps worth recalling that the U.S. economy is now recovering not simply from another movement in the business cycle; it is recovering from the worst depression since the great depression of the 1930's when the present unemployment compensation program was authorized and began. The last recession was without precedent since the beginning of this program. In the course of that recession, Congress extended and then extended again, the number of weeks for which unemployment compensation could be received—to a total of 65 weeks.

All of those extensions were required to be paid for by employers. Each and every dollar spent in that program so far constituted a tax on employers, a tax, however, which there was no possibility of their paying at the time. Thus, every penny paid out so far has, in fact, constituted an advance from the general revenues of the Treasury to the unemployment fund.

These advances, $8.8 billion in all, will have to be repaid. Employers will be repaying them until 1981. The object of the committee's legislation before this body is to put an end to that burden when it is finally over in the 1980's.

Mr. President, last year the Committee on Finance recommended that there be general financing for Federal supplementary benefits to the degree that they are contributed. The Senate thereupon adopted the committee proposal. It went to conference and the House resisting, the Senate receded.

Now, Mr. President, the other body has come to see not so much the error of its ways, but the correctness of the position which the Senate adopted last year, and has provided for the general fund funding. It has made this cogent, simple point in its report on H.R. 4800 of March 31. It says:

> After a person has exhausted regular and extended benefits, the reason for his unemployment can no longer be attributed to his previous employers. Therefore, the financing of any additional unemployment compensation benefits should be shifted from employer payroll taxes to general revenues.

The point very simply is when extraordinary measures are in order, they ought to be national measures and not individual ones; they ought to be national burdens rather than individual ones.

The Senator from Nebraska very correctly says it is very much in the interest of the unemployment compensation program that employers have a direct interest in its correct management, in the rules, and the regulations. They will surely continue to do so under the existing arrangements whereby they will be required to pay for the periods for which they have always paid. The Senate committee has only suggested that extraordinary measures be dealt with by the general revenues of the U.S. Government rather than by employers.

Mr. RANDOLPH. Mr. President, will my colleague from New York yield at this point?

Mr. MOYNIHAN. With the greatest pleasure.

Mr. RANDOLPH. I thank the Senator.

Perhaps this is the appropriate time for the record to reflect this afternoon a fact. I am not being critical of any person or the other body, but I will state only that situation which we face.

Early today, the membership of the Environment and Public Works Committee considered very carefully what could be called a stalemate. The No. 1 priority of the Congress as well as the new administration early this year was to continue the effort which was begun last year, the creation of jobs through public works programs.

We came to the 95th Congress remembering that the money provided last year was not adequate to carry out the more than 20,000 projects throughout the country, worthwhile projects, for which applications were filed.

Today, we recall that in this body we passed the Public Works Employment Act on March 10, of this year. The Senate appointed conferees within a few minutes after the passage of the bill.

Earlier, on February 24, the House had acted on a similar measure.

As of this afternoon, the House has not yet appointed its conferees. There has been an exchange of letters between the chairmen of the respective committees—Representative BIZZ JOHNSON, of Public Works and Transportation in the House, and this Senator, as chairman of the Senate Committee on Environment and Public Works. It was to see if there is a reason—which, frankly, to me is not yet discernible or at least has not surfaced in a way in which I could discuss here—why we have not been able to have that first organizational conference, where we would sit down and assess our differences.

We are not in conference. The House has not appointed its conferees. The Senate conferees are ready and willing and, in fact, we are eager to meet. We want to discuss the differences in the two versions, to at least see where we are with reference to this legislation, which I consider a priority. I believe the votes in the Senate and in the House in the passage of these two bills indicate a very real priority.

We do have a substantial body of unemployed persons in this country. In the State of New York, construction workers are now unemployed at the rate of perhaps 45 percent. Throughout the country there is heavy unemployment among construction workers. In the legislation already passed are the jobs on which construction workers as well as many other workers in many categories will be employed.

In the State of West Virginia, it may mean 15,000 new jobs or at least that many people at work and gainfully employed developing those community projects which are very necessary to strengthen the economy for the people in the area represented.

I bring this matter to the attention of this body, because I believe it would be a legislative disaster if we continue as we are now continuing. In fact, we are not continuing. We have stalled even before we have the opportunity to blow a whistle for the beginning of a conference.

I am appreciative of the fact that the able Senator from New York (Mr. MOYNIHAN) was present at the meeting earlier today of the committee and fully understands this problem. I hope the membership of the Senate generally will realize the situation. The correspondence between Mr. JOHNSON and

myself has been in the CONGRESSIONAL RECORD where it can been read.

I believe it is a very serious situation.

I suggest that it does little credit to the legislative process here on the Hill. In stating this as a fact, I am not a carping critic of either one individual or another. I am only reflecting the concern in which I feel all of us find ourselves this afternoon.

Mr. CURTIS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. MATSUNAGA). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, I thank the distinguished chairman, the Senator from West Virginia (Mr. RANDOLPH), for his comments, which were altogether germane to the matter before the Senate just now. If I recall correctly, the Senate adopted the Public Works Employment Act and the other measures submitted by the Committee on Environment and Public Works by a vote of 74 to 11 as a measure of urgency and concern. We can only be correspondingly concerned that a conference committee has not yet been able to meet.

Mr. RANDOLPH. Will the Senator yield again to me?

Mr. MOYNIHAN. I yield.

Mr. RANDOLPH. Senator MUSKIE also well knows that the construction of waste treatment plants is a very important part of the construction programs that might be carried forward in this country if we are able to bring out a bill.

I think it is also important for us to underscore the fact that the construction season is starting. If we wait until summer to iron out this situation, in a State like Maine, the construction season will soon be coming to an end. I think it is very, very important that the leadership of the Senate will give us its help in a time which, as I have underscored, is a very difficult one.

Mr. MUSKIE. Will the Senator yield?

Mr. MOYNIHAN. With great pleasure, I yield to the Senator from Maine.

Mr. MUSKIE. I think it might be appropriate to answer a question which has been raised with respect to the waste treatment title of the public works bill. The question has been raised as to whether or not that title is relevant to the public works jobs objective of the bill. I point out that, using the formula of 40,000 jobs per billion dollars, which would be applicable both to the accelerated public works title and the waste treatment construction title, this is what it comes to: The accelerated public works title provides $4 billion, or 160,000 jobs, in fiscal 1977 and fiscal 1978. The waste treatment construction program provides $9 billion for fiscal 1977 and fiscal 1978, or a total of 360,000 jobs. With respect to the fiscal year in which we find ourselves, with 34 States running out of waste treatment construction money, their loss in expenditure totals an estimated $3 billion, or 120,000 jobs. Those are jobs we could begin to put in place at the beginning of this construction season, whatever it is, in any State.

In my State, almost any day now, as soon as the snow disappears—and it is melting fast—we could begin the construction season, which would end in October. So there are 120,000 jobs provided by the waste treatment construction program which is close to the total of 160,000 jobs in 2 years provided by the accelerated public works part of the bill. So the two go hand in glove.

I make one other point. Whenever I talk about the justification of public works jobs in a time of recession, I find that the public responds most enthusiastically and most favorably when I connect the public works objective with the objective of cleaning up our waters. That is an argument that, to most citizens, makes about as much sense as any other public works construction in this country. So it seems to me that the leadership in both Houses ought to focus on the importance of getting that important legislation, which is ready, which the Senate has voted to go to conference on, which we could move on before the Easter recess, and on which action at this time would coincide with the beginning of the construction season. There is every conceivable reason under the sun why the Senate and the House should meet in conference, work out their differences, and get this bill to the desk of the President before the recess. I am sure he would sign it as soon as it reached his desk.

I find it incredible that the House has refused, since March 10, to go to conference with the Senate. Senator RANDOLPH said to me privately today that he has never encountered this kind of attitude on the part of the House, that they simply will not sit down with us to talk about the problem. As a matter of fact, as a condition to sitting down with us in conference, they insist that the waste treatment construction part of the bill be stricken. If ever I saw strong arm tactics used in the legislative process, this is it. I think it runs counter to the public interest and I hope that the leadership finds a way to break the impasse.

I thank my good friend from New York, who has been a strong supporter of this program in the Committee on Public Works, for yielding to me so I could raise the subject in the context of this unemployment compensation program.

Mr. MOYNIHAN. Will the Senator mind if I ask one brief question to him?

Would he not think that, by the Senate action in providing the funds that will enable 36 States to complete programs that are underway, for which they do not have the resources but which were mandated by the Federal Government, the Senate has acted to keep good faith with the people of those 36 States who, following the directions of the national Government, undertook programs for which there was to be Federal aid, but for which Federal aid is not now forthcoming?

Mr. MUSKIE. The Senator is absolutely correct. We laid down that promise in 1972. It is true that President Nixon withheld some of that promise by impounding half of that funding, but that impoundment has been lifted. The money has been spent, inflation has eroded its value. Now we need to continue the funding so that States which have these projects ready to go, and whose cost is constantly climbing under the impact of inflation, will be given the means and the wherewithal to go forward. The Senator is absolutely correct. It is a matter of a good-faith commitment.

Mr. MOYNIHAN. I thank the Senator. I thank the chairman.

Mr. President, in sum, the Senate of the United States wants to put America back to work. We have done this in our public works bill. We are doing this through the bill before us today. I regret to say that the amendment we are dealing with involves a tax of $1 billion on American employers. It is a prospective tax, but it is one that they will have to pay. It is a fact they will have to take into consideration in their present plans. It can only inhibit their plans for expansion and for the creation of jobs, which is what we truly desired when we provided insurance against the loss of jobs.

Therefore, with the greatest respect to the cherished Senator from Nebraska, I must rise to say that the Committee on Finance, on the majority side, requests that this amendment not be adotped.

I thank the Chair.

The PRESIDING OFFICER (Mr. MELCHER). The question is on agreeing to the amendment of the Senator from Nebraska. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK) and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Michigan (Mr. RIEGLE) is absent on official business.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 24, nays 70, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—24

Bartlett	Hansen	Roth
Bellmon	Hatch	Schmitt
Byrd, Harry F., Jr.	Hayakawa	Scott
Curtis	Helms	Thurmond
Domenici	Laxalt	Tower
Durkin	Lugar	Wallop
Garn	McClure	Zorinsky
Goldwater	McIntyre	
	Pearson	

NAYS—70

Allen	Cannon	Dole
Anderson	Case	Eagleton
Baker	Chafee	Eastland
Bayh	Chiles	Ford
Bentsen	Church	Glenn
Biden	Clark	Gravel
Brooke	Cranston	Hart
Bumpers	Culver	Haskell
Burdick	Danforth	Hathaway
Byrd, Robert C.	DeConcini	Heinz

Hollings	Melcher	Sasser
Huddleston	Metcalf	Schweiker
Humphrey	Metzenbaum	Sparkman
Inouye	Morgan	Stafford
Jackson	Moynihan	Stennis
Javits	Muskie	Stevens
Johnston	Nelson	Stevenson
Kennedy	Nunn	Stone
Leahy	Pell	Talmadge
Long	Percy	Weicker
Magnuson	Proxmire	Williams
Mathias	Randolph	Young
Matsunaga	Ribicoff	
McClellan	Sarbanes	

NOT VOTING—6

Abourezk	Hatfield	Packwood
Griffin	McGovern	Riegle

So Mr. CURTIS' amendment was rejected.

COMMITTEE AMENDMENT (SECTION 104)

The PRESIDING OFFICER (Mr. SASSER). The clerk will state the next committee amendment.

The committee amendment (section 104) is as follows:

On page 10, beginning with line 10, strike through and including page 13, line 23, and insert in lieu thereof:

SEC. 104. CONDITIONS OF ELIGIBILITY FOR BENEFITS.

(a) GENERAL RULE.—Section 102 of the Emergency Unemployment Compensation Act of 1974 is amended by striking out subsection (g) and inserting in lieu thereof the following new subsections:

"(g)(1) Notwithstanding the preceding provisions of this section, emergency compensation shall not be payable to an individual for any week—

"(A) during which he is not a participant in a training program which is approved by the Secretary if—

"(i) the State determines that there is a need for upgrading or broadening such individual's occupational skills and a program which is approved by the Secretary for such upgrading or broadening is available within a reasonable distance and without charge to the individual for tuition or fees, and

"(ii) such individual is not an applicant to participate in such a program;

"(B) after the first week (in the individual's period of eligibility) during which such individual failed or refused without good cause, to apply for available employment within his capabilities or to accept any bona fide offer of employment; or

"(C) during which he fails to actively engage in seeking work.

"(2) For purposes of paragraph (1)(B), failure or refusal of an individual to accept employment shall be considered to be with good cause ony if—

"(A) the position offered is vacant due directly to a strike, lockout, or other labor dispute;

"(B) the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

"(C) as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

"(D) the worksite of such position is located at an unreasonably great distance from such individual's residence;

"(E) such position involves an unacceptably high risk to the health, safety, or morals of the individual;

"(F) at the time such individual fails or refuses to accept such position, he is a participant in a training program approved by the Secretary or approved by the State agency; or

"(G) the gross average weekly remuneration payable to such individual for the position does not exceed the individual's average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

"(3) For purposes of paragraph (1)(C), an individual shall be treated as actively engaged in seeking work during any week if—

"(A) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

"(B) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week.

"(h) Any agreement under subsection (a) shall provide that, in the administration of this Act, States shall make provision for referring applicants for benefits under this Act to any available employment opportunities within their capabilities which are not positions of the type specified in paragraph (2) of subsection (g).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

On page 16, beginning with line 21, strike through and including line 23, and insert in lieu thereof:

(a) GENERAL RULE.—The Emergency Unemployment Compensation Act of 1974 is amended by adding at the end thereof the following new section:

"RECOVERY OF OVERPAYMENTS

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

UP AMENDMENT NO. 115

Mr. WILLIAMS. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. WILLIAMS), for himself, Mr. JAVITS, and Mr. RIEGLE, proposes an unprinted amendment numbered 115:

On page 8, lines 12 and 19, strike "March 31, 1977" and insert in lieu thereof "April 30, 1977".

Mr. WILLIAMS. Mr. President, this amendment is simple and straightforward. It would postpone for 4 weeks the date upon which over 120,000 recipients of emergency compensation would be abruptly and unexpectedly dropped from the rolls.

H.R. 4800, as passed by the House and as reported by the Finance Committee, provides that, effective March 31, maximum benefit duration for an individual would be 52 weeks.

In 24 States, however, the 65-week program is now in effect. In these States, the bill would abruptly terminate benefits on March 31 for individuals who are in their 52d, 53d or later week of receiving emergency compensation.

My amendment would provide up to 4 more weeks of benefits for these individuals, providing them until April 30 to continue their search for work as the weather improves and business picks up. Building tradesmen, who have no significant chance of returning to work until spring weather is firmly established, would especially welcome this amendment.

Technically, the amendment simply sets April 30 as the date for termination of the 65-week program, rather than March 31 as provided by the bill.

Although data on the number of persons affected is difficult to acquire, we estimate that approximately 120,000 FSB recipients are already in their 52d, 53d or later week of benefits. The bill would abruptly terminate their benefits after tomorrow.

This harsh prospect, as provided by H.R. 4800, would impact in the 24 States in which unemployment is so high that the law provides up to 65 weeks of benefits.

This extended duration of benefits was enacted by the Congress for good and sound reasons. Unemployment is so scandalously high in States that qualify for the 65-week program that jobless persons have great difficulty finding work. They need more time for their job search. That is the underlying philosophy of the entire Emergency Unemployment Compensation Act.

Those conditions cannot change overnight. In my home State of New Jersey, for example, the unemployment rate is nearly 11 percent. The competition for available jobs is fierce among the 350,000 New Jersey residents who are counted as unemployed—which means that they want a job, they are looking for a job, but they cannot find a job.

The prospects are no better in such States as New York, with an unemployment rate of 10.2 percent; Michigan, with 9.7 percent; California, with 9 percent; Delaware, with 9.3 percent; Pennsylvania, with 9.1 percent; Oregon, with 10.1 percent; Vermont, with 8.9 percent; and Washington and West Virginia, with that same 8.9 percent level of joblessness.

Mr. President, I believe the 65-week program should be extended for another year, so that the jobless in States with high unemployment and great competition for jobs could continue to have the minimal security that $70 or $80 per week provides them while they search for work.

However, I recognize the realities of sentiment in the Congress in opposition to a program that provides benefits for more than 52 weeks. Hopefully, economic improvements, accelerated by the economic stimulus program recommended by the administration, will make a 65-week program unnecessary in the very near future.

As my colleagues know, however, the economic stimulus legislation will not be in place until at least the first of May. The job picture in high-unemployment States will not improve perceptibly before then.

As a matter of concern and compassion, therefore, I ask my colleagues to join me in preventing the abrupt termination of FSB benefits for tens of thousands of the unemployed in 24 States.

I urge the adoption of my amendment to provide up to 4 more weeks of benefits for the long-term unemployed, providing them until April 30 to continue their search for work.

Mr. President, the equities in this matter are clear. The chairman of the Finance Committee appreciates that 24 States are affected here.

Mr. LONG. Mr. President, the Senator has explained his amendment, and I believe it has merit. It should be taken to conference, and I am happy to support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

ADDITIONAL STATEMENTS SUBMITTED ON H.R. 4800

Mr. CRANSTON. Mr. President, I wish to call the attention of the Senate to a questionable practice being perpetuated in H.R. 4800 which is unfair to my State of California.

During the worst of the recession, California raised State unemployment taxes on its employers by some $600 million annually to meet the needs of the State Unemployment Insurance Fund.

All agree that California acted in a prudent and fiscally responsible manner.

Other States—some 22 plus Puerto Rico and the District of Columbia—chose instead to borrow from the Federal Unemployment Trust Fund Account. This is as provided by Federal law. The borrowings to date total about $4.3 billion, according to the Finance Committee report on H.R. 4800.

Federal law also requires repayment within 2 years.

If a State fails to repay advances from the Trust Fund, then Federal law requires that the net Federal unemployment tax levied on the State's employers automatically be increased until the loan is repaid.

It is understandable that during the worst of the extended period of high unemployment that Congress would be sympathetic with the emergency needs of States facing subsantial outlays and owing sums to the trust fund account.

Congress responded by providing a 3-year postponement of repayment until January 1, 1978.

H.R. 4800 continues this postponement for another 2 years, until 1980.

This postponement, Mr. President, is unfair to California and other nonborrowing States who raised taxes to meet their obligations to the unemployed workers of their States without resorting to the Federal deficit.

I can assure you, Mr. President, that in the future it will be very difficult for my State to increase its unemployment tax. Without question, it will be most difficult to avoid the easy way out by borrowing from the Federal treasury, thereby increasing the Federal deficit still further.

It appears that the continued postponement of repayment to the trust fund may be the prelude to ultimate forgiveness of the debt. Certainly, that is the fear among employers and taxpayers in California.

My office, in cooperation with the California Employment Development Department, has developed a proposal which I believe promises to solve the dilemma fairly.

Briefly, the proposal would permit States which experienced high unemployment during the recession years to be credited with a subsidy paid by the FUTA tax. Those States which borrowed would have their accounts adjusted. States, like California, would receive payments to assist the State Unemployment Insurance Fund's balancing account or to provide direct tax relief to the State's employers.

Time did not permit a full consideration of our proposal by the Finance Committee staff. I understand the problem and I recognize that there may be other equally good or perhaps better ways of solving this problem.

I hope, however, that the chairman will give urgent consideration to the problems of the unemployment trust fund. The longer we wait, the more difficult it will become to do justice to all States. Delay also will risk unnecessarily the integrity of the unemployment trust fund and the fiscal discipline that fund now imposes on the national unemployment compensation system.

Finally, all States have a mutual interest in lifting the economically depressing cloud of unfunded liabilities from the trust fund. This cloud is concentrated in a few States which, I recognize, would suffer some depressing impact on their economies should permanent law requiring repayment be suddenly implemented.

These States are customers of California as well as our competitors. But we all must exist within the framework of a national economy.

Therefore, a national solution is required. The current postponement policy, in my view, is not an adequate national policy. One is required and I urge the committee, with the administration, to act promptly on this matter.

Mr. MUSKIE. Mr. President, I rise in support of H.R. 4800, a bill extending the Federal supplemental benefits—FSB—program, which provides emergency unemployment compensation to persons who have been unemployed so long that they have exhausted their regular and extended unemployment compensation benefits. This bill would add to 1977 outlays by $488 million and to 1978 outlays by $190 million.

The FSB program was enacted in 1974 in response to the severe economic recession which the Nation was experiencing at that time. It has always been the intent of the Congress that this program be temporary, to phaseout when the economy improves sufficiently to allow the long-term unemployed to go back to work. Thus, under present law the program is due to end on March 31, 1977. H.R. 4800, as reported by the Finance Committee, would extend the FSB program another 9 months, through December 31, 1977, with a phaseout during the last 3 months. It is our firm belief that by the end of the calendar year the economy will have improved enough to eliminate the need for this program.

When the Congress acted on the second budget resolution for 1977 last September, we assumed that the economy would continue to recover at a rate that would permit termination of this emergency program at this time. The senior Senator from New York, Senator JAVITS, challenged this assumption on the floor of the Senate when we were considering the final passage of the second budget resolution. It was the Senator's contention that the economic recovery would not be as robust as we then anticipated and that allowance should be made in the congressional budget for an extension of the FSB program. I responded to the Senator by saying that if the economy did not recover as then anticipated, we would have to act on a third budget resolution for fiscal 1977, at which time we would add funds for an extension of the FSB program. Of course, that is exactly what happened. The economic recovery stalled, making a third budget resolution necessary, and in that resolution we included $0.5 billion in additional funds for 1977 which would accommodate an extension of this program.

I cite this history in part to demonstrate the flexibility of the budget process, and also to point out that the 1977 budget ceilings allow room for the additional outlays in this bill. Moreover, the increased 1978 cost of $190 million is within the guidelines offered by the Finance Committee in its report to the Budget Committee containing recommendations for the first budget resolution for 1978. I commend the Finance Committee for the budgetary discipline it has displayed in reporting a bill which stays within the 1977 budget ceilings as well as within the committee's 1978 recommendations.

Mr. President, I strongly recommend to my colleagues that they support this bill to extend the FSB unemployment compensation program. Congressional policy in favor of extending the FSB program was clearly established with the enactment of the third budget resolution for 1977. Moreover, there is room in the third budget resolution spending ceilings to accommodate this extension. Lastly, I support the provisions of H.R. 4800 which delete the requirement that general fund advances made after March 31, 1977, to the unemployment trust fund to pay FSB costs be repaid.

Mr. President, I urge support of this bill.

Mr. HANSEN. Mr. President, I voted against any favorable reporting of this bill to the floor of the Senate, and I shall vote again against final passage. To my way of thinking, there is absolutely no justification for extending this emergency unemployment compensation program. If we faced an emergency when the program was enacted, that is well and good. Now, however, we do not face an emergency, and we are continually given promises that the economy is improving and will continue to improve. Accordingly, I see no persuasive reason for extending this program.

The Federal supplemental benefits program which we here extend today was designed to extend for as long as 65 weeks. My own State of Wyoming has experienced very low unemployment rates over the last few years, so those benefits were unavailable in my State. I do not vote against an extension of the benefits, however, simply because my State does not benefit. I vote against any extension because I believe that this pro-

longed duration of benefits does nothing to solve the real problems of unemployment. Rather, these extended benefits often simply subsidize a lifestyle. Let me illustrate.

Up around my home in Jackson, Wyo., there are a lot of people whose livelihood depends on the resort industries there. Within that economic group, there are two subgroups. One subgroup includes those people who work all summer, then draw unemployment benefits and ski all winter. The other group works all winter, and then those people draw unemployment compensation and/or welfare benefits and retreat to the mountains for the summer.

I am dismayed that we use Federal funds to subsidize this kind of a life style.

But if there are those who believe that my case is weakened simply because I point to what might be a local problem, let me cite Prof. Martin Feldstein who has written extensively about unemployment insurance. Dr. Feldstein suggests that our current system of unemployment compensation is likely to have increased the average rate of unemployment. The system provides for unnecessarily long durations of unemployment.

Dr. Feldstein points out that most of us operate under a faulty premise about unemployment benefits. The most common statistic thrown about is that benefits only provide about one-third of the unemployed individual's usual pay. More accurately, unemployment insurance currently replaces two-thirds or more of lost net income. Unemployment benefits are nontaxable. An individual pays no State tax, and no social security payroll tax. In addition, he saves the expense of transportation to and from work, the cost of clothing related to employment, and in many cases, union dues are also saved.

Under these circumstances, if an individual is earning $120 per week, which is more than the minimum wage, and he is unemployed for 10 weeks, that individual loses $1,200 in gross earnings, but only $227 in net income. This level of untaxed benefits provides a strong incentive for an excessive amount of temporary unemployment. Because the costs of additional waiting time and searching time is so very low, an unemployed worker is actually encouraged to wait until there is almost no chance of a better job.

Often this unnecessarily long duration of unemployment is simply a result of a worker's willingness to succumb to the temptation to use some time for doing repairs at home or taking a short vacation. There is not a strong incentive to return to work when there will only be a $20 increase in a week's net income.

Some experiences in Massachusetts bear out Dr. Feldstein's theory, and suggest strongly to me that our Federal supplemental benefits program has actually been an incentive to people to go on unemployment. The impact of the recession was most strongly felt in 1974. In Massachusetts between 1974 and 1975, that State actually lost only 30,000 jobs, yet the unemployment rolls went up 131,600. This means that the availability of unemployment benefits brought over 100,000 people out of the woodwork and onto the unemployment rolls. These people hadn't lost their jobs. The State and Federal Government were simply offering a good deal. Prof. Milton Freedmon recently stated "a large fraction of our unemployment figure does not constitute a human problem—it constitutes people taking advantage of very good arrangements."

Mr. President, the unemployment compensation system was created to deal with the problems of short-term unemployment, and the system deals well with this problem. Longer term unemployment is simply beyond the scope of the focus of the program.

The present system was originally intended to protect workers against the financial impact of involuntary unemployment by providing them a degree of wage loss compensation for a reasonable time while they seek new employment. The payroll tax levied on employers attempted to distribute the cost of financing the program among those who theoretically caused the unemployment. However, in light of recent economic conditions, Congress has extended the benefit period and we are now proposing funding out of general revenues. Thus, Mr. President, we have gone far beyond the purpose of unemployment compensation and you may ask, where have we gone?

By providing benefit payments from general revenues, we have moved beyond an insurance program, an earned right, to another form of Federal welfare.

Further, Mr. President, while creating a new welfare program we have failed to provide adequately to protect the Federal Treasury. For example, in 1975, Congress directed that a study be done of the characteristics of persons getting benefits under the emergency program. This study shows that the average household receiving emergency unemployment benefits had substantial other income. For example, a family in which the wife was the beneficiary had average income for the year of $12,500, including her benefits—the husband's earnings in such cases averaged $8,000. One out of every five emergency benefit recipients had household income in excess of $15,000.

Mr. President, if we are going to have a welfare program by providing full Federal funding for emergency benefits, this study amply demonstrates the need for a strict means test and strict work requirement.

Absent these controls, we offer an opportunity for a full-blown raid on the Federal Treasury.

My final reason for opposing any extension in Federal supplemental benefits is that I am simply not convinced that our present unemployment situation merits that extension. During the month of January, the Bureau of Labor Statistics reported that the unemployment rate for individuals who had been out of work for 15 weeks or longer was only 2.3 percent. This percentage does not differ substantially from the percentage of the so-called hardcore unemployed. This suggests to me that we do not need to throw more money at the condition of being unemployed.

We need to address head-on the actual causes of unemployment. We need to make work desirable. Joseph Kraft, in a column in the Washington Post on March 29, 1977, pointed out that there is a growing tendency in our society, based partly on the desire for upward mobility, for individuals to be unwilling to do jobs that are deemed menial. We are all acquainted with the pages and pages of help-wanted ads which go begging. I get letters from constituents practically every day which describe situations in their communities, and often in their own businesses, where they hire people to do work and those individuals expect to be payed for performing no services at all. What we need to do is make work more respectable. We do not need to make unemployment compensation benefits so available that they are more socially acceptable than good hard work.

Mr. President, I request Senators today to ask themselves just how an extension of Federal supplemental benefits will improve our national life. We are creating a society in which it is more acceptable to take money from the Government than it is to work. We have created a system which allows individuals to take paid vacations at the expense of the Government. At the same time, we have done nothing to address the real problems of unemployment among our youth and among those who are structurally unemployable. I cannot support this extended benefits program.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute before the rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 1051, FEDERAL GRAIN INSPECTION AND WEIGHING PROGRAM IMPROVEMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the pending measure, the Senate proceed to the consideration of Calendar No. 51, S. 1051, a bill to amend the U.S. Grain Standards Act. This meets with the approval of the other side, the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that any votes that may be ordered on the National Grain Standards Act prior to 5 p.m. today be delayed until the hour of 5 p.m. today because the joint leadership has

to go down to the White House with other Senators. There will be a good many Senators on both sides of the aisle down there, and this is the purpose for asking the delay in the votes, which I do not like to do.

Mr. TOWER. Reserving the right to object, Mr. President, will those of us who are going down have an opportunity to debate the grain bill, amendments, when we get back? Will there be time for that?

Mr. ROBERT C. BYRD. I am sure there will be time to debate the bill. I will try to help the Senator get consent, and I am sure the distinguished manager of the bill, Mr. HUDDLESTON will cooperate in every way to accommodate those who have to go to the White House.

Mr. TOWER. The point I am trying to make is I have some amendments, and I would like to be able to say something about them.

Mr. ROBERT C. BYRD. The Senator will have that opportunity to call up his amendments when he comes back.

Mr. TOWER. If I have that assurance, I will not object.

Mr. ROBERT C. BYRD. I thank the Senator. This meets with the approval of the manager of the bill, Mr. HUDDLESTON.

The PRESIDING OFFICER (Mr. SASSER). Without objection, it is so ordered.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 1977

The Senate continued with the consideration of the bill (H.R. 4800) to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such act, and for other purposes.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi (Mr. EASTLAND) is necessarily absent.

I further announce that the Senator from Michigan (Mr. RIEGLE) is absent on official business.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "yea."

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 84, nays 11, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—84

Abourezk	Burdick	Clark
Allen	Byrd, Harry F., Jr.	Cranston
Anderson	Byrd, Robert C.	Culver
Baker	Cannon	Danforth
Bayh	Case	DeConcini
Bentsen	Chafee	Dole
Biden	Chiles	Domenici
Brooke	Church	Durkin
Bumpers	Eagleton	Ford
Glenn	Gravel	Hart
Haskell	Hatch	Hathaway
Hayakawa	Heinz	Hollings
Huddleston	Humphrey	Inouye
Jackson	Javits	Johnston
Kennedy	Leahy	Long
Lugar	Magnuson	Mathias
Matsunaga	McClellan	McGovern
McIntyre	Melcher	Metcalf
Metzenbaum	Morgan	Moynihan
Muskie	Nelson	Nunn
Pearson	Pell	Percy
Proxmire	Randolph	Ribicoff
Roth	Sarbanes	Sasser
Schmitt	Schweiker	Sparkman
Stafford	Stennis	Stevens
Stevenson	Stone	Talmadge
Thurmond	Wallop	Weicker
Williams	Young	Zorinsky

NAYS—11

Bartlett	Goldwater	McClure
Bellmon	Hansen	Scott
Curtis	Helms	Tower
Garn	Laxalt	

NOT VOTING—5

Eastland	Hatfield	Riegle
Griffin	Packwood	

So the bill (H.R. 4800), as amended, was passed.

The title was amended so as to read:

An Act to extend the Emergency Unemployment Compensation Act of 1974, and for other purposes.

Mr. LONG. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOYNIHAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I move that the Senate insist on its amendments to the bill, H.R. 4800, and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. SASSER) appointed Mr. LONG, Mr. TALMADGE, Mr. RIBICOFF, Mr. HATHAWAY, Mr. MOYNIHAN, Mr. DOLE, Mr. ROTH, and Mr. LAXALT conferees on the part of the Senate.

Mr. LONG. Mr. President, I ask unanimous consent that the bill, H.R. 4800, be printed with the amendments of the Senate numbered and that in the engrossment of the amendments of the Senate to the bill the Secretary of the Senate be authorized to make all necessary technical and clerical changes and corrections, including corrections in section, subsection, designations, and cross references thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL GRAIN INSPECTION AND WEIGHING PROGRAM IMPROVEMENTS

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate S. 1051, which the clerk will state.

The assistant legislative clerk read as follows:

Calendar No. 51, a bill (S. 1051) to amend the United States Grain Standards Act with respect to record keeping requirements and supervision fees, and to establish an advisory committee to provide advice to the administrator of the Federal Grain Inspection Service, and for other purposes.

The Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the following staff members of the Committee on Agriculture, Nutrition, and Forestry be permitted to be present on the floor during the consideration of S. 1051, including rollcall votes thereon: Michael McLeod, Carl Rose, Phil Fraas, Dale Stansbury, Bill Taggart, and Dale Sherwin.

I also make the same request for floor privileges for Janice Wilson and Bill Seale of my staff, and Bill Motes of Senator CLARK's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, the United States exports over $22 billion worth of agricultural products yearly. This produces a net balance of trade surplus for such products of $12 billion, with grain playing a major role in reaching that favorable balance.

The U.S. Grain inspection system plays a key role in facilitating the marketing and sale of grain produced by American farmers as most of the exported grain is officially inspected and sold to foreign customers on the basis of grades established by the grain inspection system. Yet, as my colleagues will recall, there have been many problems in the past few years with our grain inspection system.

In an effort to correct the irregularities in the grain marketing system and to restore integrity and confidence in American produced grain, the 94th Congress enacted the U.S. Grain Standards Act of 1976 to improve the grain inspection and weighing system.

RECORDS

During committee consideration last year of the grain inspection bill the USDA asked that the U.S. Grain Standards Act of 1916 be amended with a new subsection (D) added to section 12. The Department indicated that in order to enforce the provisions of the act language should be included to require that certain records be kept by grain elevators. Specifically the law states:

Every State, political subdivision thereof, or person who is the owner or operator of a commercial grain elevator warehouse, or other storage or handling facility or is engaged in the merchandising of grain other than as a producer, and who, at any time, has obtained or obtains official inspection or weighing services shall, within the five-year period thereafter, maintain complete and accurate records of purchases, sales, transportation, storage, weighing, handling, treating, cleaning, drying, blending, and other processing, and official inspection and official weighing of grain.

Mr. President, it was never the intent of the Senate Agriculture Committee to require these records of country elevators but this recordkeeping section of the act is being interpreted by the legal counsel of USDA to mean that if any grain elevator sends just one submitted sample to an official inspection agency for official inspection then that elevator must keep the records specified in that section.

These records would be impossible for subterminal elevators and country elevators to keep. For example, if a country operator receives three trucks in a row of soybeans and one truck is 12 percent moisture, one truck 13 percent, and one 14 percent moisture, and the elevator operator puts them in the same tank, he has blended these soybeans. And he must keep a record of how many bushels, what tank, and so on.

I think it can easily be seen that country elevators and subterminal elevators do not have the facilities to keep such records. Their only choice then is not to use any of the provisions and services of the Federal Grain Inspection Service. In my judgment, this would set grain marketing back 60 years to before the Grain Standards Act of 1916.

Section 1 of S. 1051, the bill we are considering today, amends section 12(d) of the U.S. Grain Standards Act by removing the requirement that commercial grain elevator owners or operators and grain merchandisers who use inspection or weighing services under the act keep the enumerated types of records for a period of 5 years. Users of inspection or weighing services would, instead, be required to keep, completely and accurately, such records, for such period of time, as the Administrator of the Federal Grain Inspection Service prescribes, by regulation, for the purpose of the administration and enforcement of the act.

Under this amendment, the Administrator of the Service, in prescribing recordkeeping requirements for users, could take into consideration the different sizes and purposes of firms which use services under the act. This would assure that users are not burdened by recordkeeping requirements that may be unnecessary for the effective administration and enforcement of the act and are irrelevant to the users in their businesses.

SUPERVISION COSTS

The present Federal program for supervision represents a large expansion of supervision over the levels of just 3 years ago. Prior to fiscal year 1976 the Federal supervision budget was never more than perhaps one-fifth of the amount it is today.

This expanded supervision program was initiated following revelations of corruption in the inspection service in New Orleans in 1975, and after Congress appropriated $5 million to the Department of Agriculture in September of 1975, as an emergency supplement to its fiscal year 1976 budget, for increased Federal supervision.

The authority to transfer the cost of Federal supervision from appropriations to fees was provided by the U.S. Grain Standards Act of 1976.

Pursuant to this change, the Federal Grain Inspection Service recently developed a supervision fee structure based on the volume of grain inspected or weighed. The fee rate for inspection supervision would be 80 cents per 1,000 bushels of grain inspected; for weighing supervision it would be 35 cents per 1,000 bushels of grain weighed.

The "supervision fee" provision of the 1976 act has been of much concern, not only to the inspection and weighing agencies which would have to pay the supervision fees to the Federal Government, but also to the users of the inspection and weighing services and to farmers.

To the extent that Federal supervision remains at the intensive level it is at today, the total fees will amount to over $12 million annually.

This amount would be added to the costs of original inspection and weighing borne by the grain industry and farmers, which amount to approximately $50 million annually; yet it will not provide any additional services to farmers or the grain industry.

It was brought out at the hearings held in February by the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, which I chair, that the addition of supervision fees will increase the cost of grain inspection and weighing by roughly 25 percent overall and perhaps 50 to 100 percent in isolated instances, all of which would ultimately be absorbed by farmers through reduced prices paid them by grain elevator operators and merchandisers.

That the costs would ultimately be borne by the farmer comes about because inspection and weighing agencies would be forced to raise the fees charged grain elevator operators and merchandisers who use their services. This would, in turn, increase the costs of operation for these elevator operators and grain merchandisers. As their overhead increased, they would have to then reduce the prices they pay farmers.

Further, some State agencies do not have the authority, under present State law, to pay the fee to the Federal Government and would thus be barred, without a change in their State laws, from complying with the act.

Mr. President, there is strong and united opposition to the Federal Grain Inspection Service on the "supervision fee" issue which seriously threatens the smooth functioning of the Federal grain inspection and weighing program.

This opposition is reinforced by the fact that in other food and agriculture inspection programs operated by the Department of Agriculture, the cost of Federal supervision is borne by appropriations. In addition, many believe that the grain inspection and weighing program has become one of the most intensely supervised of the Department's marketing programs.

There is no question that there should be Federal supervision of the grain program to the extent necessary to protect American consumers and restore buyer confidence in the quality of American grain.

Because of clear indications, however, that the "supervision fee" provision may substantially reduce the effectiveness of the national grain inspection and weighing program there is a need to change the financing for this Federal supervisory activity from fees to appropriations.

Under S. 1051, the authority for the charging of fees for the Federal supervision of grain inspection and weighing would be eliminated. The supervision would be financed by direct appropriations.

The repeal of the authority for charging fees to cover the cost of Federal supervision provided for in this bill would be effective October 1, 1977. However, it is anticipated that any Federal supervisory costs for the remainder of fiscal year 1977 will be borne by appropriations. The Department of Agriculture has requested additional appropriations for this purpose.

ADVISORY COMMITTEE

Mr. President, because of the significant revisions in the law and the attendant need for the grain industry—from farmers to those who utilize the grain to produce food and feed—to adapt their practices to conform with the changes in the overall program, the Department of Agriculture was given not more than 2 years to implement the 1976 act.

The committee has found that the time period alone will not be enough to assure the orderly implementation of the 1976 act. Almost every segment of the grain industry has indicated that the improvements made in the program by the act—if not implemented with due care for the needs of farmers, grain consumers, and the grain industry—would hinder the orderly and timely marketing of grain. In this regard, section 2 of the U.S. Grain Standards Act provides that the objectives of the act are to assure the marketing of grain in an orderly and timely manner and to facilitate trading in grain.

There is, therefore, a clear need to assure that advice and assistance from all those affected by grain marketing procedures—from farmers to consumers—are received by the Federal Grain Inspection Service during the implementation of the major changes mandated by the 1976 act. The establishment of a temporary advisory committee, to be in existence only for a period no longer than that provided for the implementation of the 1976 act, is the most efficient mechanism for this purpose.

This bill would establish a temporary advisory committee to advise the Administrator of the Federal Grain Inspection Service on the implementation of the U.S. Grain Standards Act of 1976. The committee would be composed of 12 members, representing farmers, consumers, and all segments of the grain industry.

OTHER CHANGES

Mr. President, sections 4 and 5 of this legislation make several technical amendments to the U.S. Grain Standards Act as amended by the U.S. Grain Standards Act of 1976. Section 6 prohibits any person acting under a license or authorization under the U.S. Grain Standards Act from certifying or performing any analysis to determine: First, the subclass of Hard Red Winter wheat on the basis of color or on the basis of dark, hard, and vitreous kernel content; or second, the percentage of dark, hard, and vitreous kernels in Hard Red Winter wheat. This section would become effective on May 1, 1977, but such certifications or analyses may be performed after that date if required by a

contract for the sale of wheat entered into prior to the date of enactment.

Mr. President, I ask unanimous consent that a section-by-section analysis of S. 1051 be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1. RECORDS

Section 1 of the bill amends section 12(d) of the United States Grain Standards Act by removing the requirement that commercial grain elevators owners or operators and grain merchandisers who use inspection or weighing services under the Act keep certain enumerated types of records for a period of five years. Users of inspection or weighing services would, instead, be required to keep, completely and accurately, such records, for such period of time, as the Administrator of the Federal Grain Inspection Service prescribes, by regulation, for the purpose of the administration and enforcement of the Act.

Under this amendment, the Administrator of the Service, in prescribing recordkeeping requirements for users, could take into consideration the different sizes and purposes of firms which use services under the Act, and assure that users are not burdened by recordkeeping requirements that may be unnecessary for the effective administration and enforcement of the Act and are irrelevant to the users in their businesses.

SECTION 2. SUPERVISION FEES

Section 2 eliminates the charging of fees for Federal supervision of inspection or weighing under the Act. Supervision would, instead, be paid for with appropriated funds.

This section amends section 7(j) and section 7A(*l*) of the United States Grain Standards Act, which (1) require the Service, when it performs original inspection or weighing, to charge fees to recover its costs and to include in its fees the administrative and supervisory costs directly related thereto, and (2) require designated official inspection and weighing agencies and States agencies to which authority has been delegated for the performance of inspection and weighing, to pay fees to the Federal Grain Inspection Service to support the cost of direct Federal supervision of their activities.

This section deletes from section 7(j) and 7A(*l*) the provisions requiring designated offical agencies and agencies delegated authority to pay supervision fees, and requiring the Service to include directly related administrative and supervisory costs in its own inspection and weighing fees.

This section amends section 21 of the United States Grain Standards Act, which provides for appropriations. The authorization for appropriations to cover certain administrative and supervisory costs would be expanded, in conjunction with the changes made in section 7(j) and 7A(*l*), to include all Federal administrative and supervisory costs related to inspection or weighing under the Act.

This section amends section 27 of the United States Grain Standards Act of 1976, which sets the effective date for that Act by deleting the reference to the payment of supervision fees by designated official agencies and State agencies delegated authority under the Act.

This section would become effective on October 1, 1977.

It is the intent of the Committee that Federal supervision for which appropriations are provided by this section should not hinder the orderly and timely marketing of grain through unnecessary disruption of the work of State and private agencies being supervised, but should serve to provide these agencies with constructive assistance and consultative services which will enable them to better provide services to farmers and the grain industry.

SECTION 3. ESTABLISHMENT OF TEMPORARY ADVISORY COMMITTEE

Section 3 provides for the establishment of a temporary advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the United States Grain Standards Act of 1976. The committee is established for the purpose of assuring that the orderly and timely movement of grain from farmer to consumer is maintained as the 1976 Act is implemented.

The temporary advisory committee would be composed of not more than twelve members, to be appointed by the Secretary of Agriculture within thirty days following the date of enactment of this bill.

The members would be appointed so as to give representation on the committee to grain producers, consumers, and all segments of the grain industry, including grain inspection and weighing agencies. The process by which grain leaves the farmer's field and reaches the processors, millers, and other commercial and private consumers involves many persons and types of business; and it is intended that the composition of the advisory committee reflect this variety. The Secretary should, therefore, consider, among others, for representation on the committee grain producers, country elevator operators, State inspection and weighing agencies, private or board of trade inspection and weighing agencies, domestic grain firms, an expert on grain weighing, a person experienced in the transportation and weighing of grain by railroads, a person experienced in barge and truck transportation of grain, the milling and baking industry, grain exporting firms, foreign buyers of American grain, and domestic consumers.

The advisory committee would be governed by the provisions of the Federal Advisory Committee Act.

The Administrator of the Service would provide the advisory committee with necessary clerical assistance and staff personnel.

Members of the advisory committee would not receive any compensation for their work on the committee, other than travel expenses.

The advisory committee would terminate at the end of 18 months after the date of enactment of this bill. It is the Committee's intent that the advisory committee shall not be extended past the termination date except for extraordinary reasons.

Appropriations necessary to carry out the provisions of this section would be authorized.

SECTION 4. TECHNICAL AMENDMENTS

This section makes several technical amendments to the United States Grain Standards Act as amended by the United States Grain Standards Act of 1976.

Subsection (*a*)(*1*) changes the term "grain sorghum" in section 3(g) of the Act to the more commonly accepted "sorghum".

Subsection (*a*)(*2*) amends the definition of "official agency" in section 3(m) of the Act. The definition is expanded to include agencies designated to perform "official weighing" of grain, as well as those designated to perform "supervision of weighing". As a matter of clarification, a phrase is added at the end excluding appeal weighing as a possible subject of a weighing designation. The cross-reference is corrected to read "subsection (c)", rather than "subsection (b)".

Subsection (*a*)(*3*) makes a grammatical clarification to the definition of "official weighing" contained in section 3(x) of the Act. The standards under which the weighing is performed are not provided (i.e., actually contained) in the Act, but are merely provided *for*.

Subsection (*a*)(*4*) amends the definition of "supervision of weighing" contained in section 3(y) of the Act to conform it to current grain weighing practices whereby agencies which supervise weighing conducted by elevator personnel or other persons also issue weight certificates. In addition, the amendment adds to the definition a provision that the degree of supervision necessary is that which is adequate to reasonably assure the integrity and accuracy of the weighing supervised, as determined by the Administrator.

Subsection (*b*) changes the term "grain sorghum" in section 4(a) of the Act to the more commonly accepted "sorghum". Also, a comma is added for grammatical clarification.

Subsection (*c*)(*1*) designates the last sentence in paragraph (2) of section 7(e) of the Act as a separate paragraph (4) of section 7(e) for clarification.

Subsection (*c*)(*2*) amends section 7(f) of the Act to—

(1) include State agencies delegated inspection authority with official (designated) agenices in the provisions of paragraph (2) prohibiting more than one inspection agency from operating in any geographical area, and clarify that this prohibition applies to the provision of *inspection* services;

(2) delete the provision in paragraph (2) excepting inspection agencies operating in an area as of August 15, 1968, from the one agency-one area provision (this provision is obsolete because there are no longer any inspection agencies to which it could apply);

(3) correct a clerical error by inserting the words "Except as otherwise authorized by the Administrator" at the beginning of the second sentence in paragraph (2); and

(4) designate the second and third sentences of paragraph (2) as paragraphs (3) and (4), respectively, for clarification.

Subsection (*c*)(*3*) corrects a cross-reference in paragraph (1) of section 7(g) of the Act.

Subsection (*c*)(*4*) amends section 7(l) of the Act which provides for inspection of American grain in Canada (under agreement with the Canadian government) by adding a sentence at the end which would permit the Administrator to use non-Service personnel, which could include Canadian nationals, to perform inspection under the Act in Canada of American export grain being transshipped through Canadian ports.

Subsection (*d*)(*1*) amends section 7A(b) of the Act to allow the Administrator to cause "official weighing", as well as "supervision of weighing", to be performed at grain inspection points in the interior of the country.

Subsection (*d*)(*2*) amends paragraph (2) of section 7A(c) of the Act to—

(1) authorize the Administrator to delegate authority to eligible State agencies at export port locations to perform "supervision of weighing" as well as "official weighing";

(2) authorize the Administrator to designate eligible official agencies to provide "official weighing" as well as "supervision of weighing" at locations other than export port locations;

(3) correct the spelling of "under" immediately following "authority or designation" in the first sentence;

(4) delete the reference to "export elevators" in clause (A) of the second sentence to avoid a hiatus in the provisions of the Act for weighing at export port locations, since there may be nonexport elevators at such locations;

(5) authorize the Service to perform "supervision of weighing" as well as "official weighing" at export port locations if the delegated State agencies at these locations are unavailable or unqualified to perform weighing services; and

(6) authorize the Service or others to perform "official weighing" as well as "supervision of weighing" at non-export locations if the official agencies designated to perform inspection at nonexport port locations are unavailable or unqualified to perform weighing services.

Subsection (d)(3) amends section 7A(d) of the Act which provides for the official weighing of American grain in Canada (under agreement with the Canadian Government) by adding a sentence at the end which would permit the Administrator to use non-Service personnel, which could include Canadian nationals, to perform weighing under the Act in Canada of American export grain being transshipped through Canadian ports.

Subsection (d)(4) deletes the second sentence of section 7A(e) of the Act. The sentence provides that, as a condition to receiving weighing services under the Act at locations where grain inspection is not provided, a person must agree to accept the services for a period of at least one year. It also provides for a separate fee schedule at these locations. These provisions are unnecessary because time and cost problems in these situations can be adequately controlled through regulations.

Subsection (d)(5) amends section 7A(f) of the Act which establishes conditions that grain elevators must meet in order to receive weighing services under the Act. Among the conditions are two relating to personnel. Under present law these conditions apply only to personnel employed by the elevator. Under this amendment, the conditions would also apply to union employees or others not employed by the elevator but who perform the weighing functions at the elevator. Also, a phrase is added under which personnel selected for these jobs would have to be approved by the Administrator.

Subsection (d)(6) amends section 7A(g) of the Act so that weight certificates based on "supervision of weighing" as well as those based on "official weighing", would be received by all officers and courts of the United States as prima facie evidence of the truth of the facts stated therein.

Subsection (d)(7) adds local governmental agencies to those prohibited from performing unauthorized weighing under the Act in section 7A(i) of the Act. This conforms the prohibition in section 7A(i) to comparable prohibitions in sections 7(f)(4) and 7A(h) of the Act.

Subsection (d)(8) adds a sentence to section 7A(i) of the Act prohibiting more than one delegated State weighing agency or designated official weighing agency from operating in any one geographical area. This is the same provision as that in section 7(f)(2) of the Act with respect to agencies performing inspection.

Subsection (e) amends section 7B of the Act which provides for the testing of equipment used to inspect and weigh grain. The requirement for the periodic testing of equipment would be restricted to equipment used for the purpose of official inspection, official weighing, or supervision of weighing under the Act.

The prohibition in subsection (c) of section 7B against the use of equipment not approved by the Administrator would be limited to use for the purposes of the Act.

Subsection (f)(1) amends section 8(a) of the Act which provides for the issuance of licenses and authorizations for the performance of inspection and weighing under the Act by—

(1) eliminating appeal weighing from the functions that licensees may perform under the Act;

(2) clarifying that employees of the Service may be authorized to perform appeal weighing and to perform any weighing functions in the United States and for United States grain in Canadian ports;

(3) clarifying that contracts for the performance of certain services may be let to governmental agencies as well as persons; and

(4) allowing the Administrator to let contracts for the performance of "similar technical functions", as well as "sampling and laboratory functions".

Subsection (f)(2) amends section 8(e) of the Act which authorizes the Administrator to hire (without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service) persons who were licensed under the Act to perform inspection, or who were performing weighing functions, as of the date of enactment of the United States Grain Standards Act of 1976. The amendment would allow the Administrator to compensate personnel hired in such manner at any rate within the appropriate grade of the general schedule as he deems necessary without regard to section 5333 of title 5 of the United States Code. Section 5333 generally provides that all new appointments will be made at the minimum rate (i.e., Step 1) of the grade applicable to the position.

Subsection (g)(1) amends paragraph (3) of section 11(b) of the Act which establishes conflicts of interest rules for official agencies and delegated State agencies. Under the amendment, the conflict of interest provision would apply to designated official agencies performing "official weighing", as well as those performing "supervision of weighing".

Subsection (g)(2) amends paragraph (5) of section 11(b) which provides for waiving the conflict of interest prohibition. The waiver authority is extended to agencies providing "official weighing", as well as those providing "supervision of weighing". Also, to correct a clerical error, the word "director" is added to the list of persons connected with an agency whose conflict of interest may be waived under paragraph (5).

Subsection (g)(3) amends section 11(c) of the Act which states that the provisions of section 11 shall not prevent an official agency from engaging in the business of weighing grain. This amendment would include States delegated authority, as well as official agencies, under section 11(c).

Subsection (h) makes several amendments to section 12 of the Act which establishes recordkeeping requirements under the Act. The recordkeeping requirements of subsections (a), (b), and (c) of section 12 which make provision for the keeping of records by official inspection and weighing agencies are amended so that they also apply to State agencies delegated authority under the Act. In addition, typographical errors in the printing of the phrase "delegated authority under this Act" in the second sentence of subsection (c) are corrected.

Subsection (i)(1) corrects a clerical error. Section 13(a)(6) of the Act, which prohibits certain false representations, is amended by adding a phrase at the end which would prohibit any false representation that any weighing services under the Act had been performed.

Subsection (i)(2) amends section 13(a)(11) of the Act which prohibits the violation of certain sections of the Act. Because section 7(f)(2), one of the sections listed in section 13(a)(11), will be redesignated as three separate paragraphs "(2)", "(3)", and "(4)" pursuant to section 4(c) of the bill, section 13(a)(11) is amended to list each new paragraph separately. Also, section 17A, which requires the registration of companies involved in exporting grain, is added to this listing.

Subsection (i)(3) substitutes the word "weighing" for "testing" in describing the type of faulty equipment the use of which is prohibited in section 13(a)(12) of the Act if it is a means of knowingly falsifying the weight of grain.

Subsection (i)(4) makes two changes in the wording of section 13(a)(13) of the Act which clarify that the prohibition against preventing or impeding persons from observing the weighing, sampling, inspection, and loading of grain is to apply only to grain in which they have a financial interest.

Subsection (j) amends section 16 of the Act which provides general authorities to the Administrator. It would amend subsection (a) to make grammatical corrections and provide the Administrator with regulatory authority to require that specified handling and weighing equipment be installed in grain elevators as a condition for official inspection or official weighing, and extend this authority to other grain storage or handling facilities as well as grain elevators.

This subsection would also correct a clerical error in subsection (f) of section 16 by striking out the word "additional".

Subsection (k) amends section 17A of the Act which provides for the registration of companies involved in exporting grain. Subsection (b) would be amended by changing the phrase "All persons registered" to "All persons required to register", to enable the Administrator to require, as necessary, the submission of information required under that subsection at the same time or before the registration is completed.

Subsection (l) amends section 17B of the Act which establishes several reporting requirements. The words "notice of" would be inserted in subsection (b) which requires the Administrator to report certain cancelled grain export contracts. With this change, the Administrator would be obligated only to report contract cancellations of which the Administrator or the Secretary of Agriculture has received notice.

Subsection (m) changes an incorrect designation of the section in the Act dealing with appropriations.

SECTION 5

Subsection (a) amends section 8(b)(3) of the United States Grain Standards Act of 1976. Section 8(b) provides for studies of inspection and weighing procedures and management practices in the interior marketing areas in the United States. Subsection (b)(3) specifically requires the Administrator of the Federal Grain Inspection Service to make certain analyses and factual findings regarding the activities of certain grain inspection and weighing agencies in the interior. This amendment would allow the Administrator to apply statistical tolerances for expected variations in performing the Administrator's analysis of inspection and weighing error rates.

Subsection (b) amends section 27 of the United States Grain Standards Act of 1976, which sets the effective date for that Act, by—

(1) conforming the prohibition against agencies performing services under the Act after the effective date without a new designation or delegation of authority, to the technical changes made in section 7A of the Act giving delegated State agencies the authority to perform "supervision of weighing" at export port locations and designated agencies and persons the authority to perform "official weighing" at other locations;

(2) eliminating unnecessary references to "export elevators at export port locations".

(3) extending the prohibition against providing official inspection or weighing service under the Act without a delegation to include agencies generally and persons, as well as State agencies; and

(4) adding references to "other authorizations under the Act" to make clear that employees of the Service and persons performing technical functions under a contract with the service need not have a delegation or designation to perform official services under the Act.

SECTION 6. HARD RED WINTER WHEAT

This section prohibits any person acting under a license or authorization under the United States Grain Standards Act from certifying or performing any analysis to determine (1) the subclass of Hard Red Winter wheat on the basis of color or on the basis of dark, hard, and vitreous kernel content, or (2) the percentage of dark, hard, and vitreous kernels in Hard Red Winter wheat. This section would become effective on May 1, 1977, but such certifications or analyses may be performed after that date if required by a contract for the sale of wheat entered into prior to the date of enactment of this Act.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Kentucky. He has clearly set forth the reasons and the needs for changes in the grain inspection standards. I concur in what my colleague has said.

Mr. President, I would like to urge my colleagues to support this bill as it provides some needed changes in the Grain Standards Act of 1976. To reemphasize what has been so well stated, it provides:

For repeal of the fees to be charged State and private inspection agencies for Federal supervision of those official inspection agencies.

Allows the Administrator of the Federal Grain Inspection Service to require grain elevators to keep those records they believe necessary to accomplish the purpose of the act.

For the establishment of a 12-member advisory committee to assist the Administrator in the implementation of the act which will terminate when the act is fully implemented.

Mr. President, the fees for supervision were a part of the House-passed bill, and in the hearings we recently conducted, this was recommended by USDA as a means of increasing supervision whenever they might need it and also would allow them to establish whatever level of supervision they wanted without coming to Congress for appropriations. Due to circumstances at the time the act was passed, this was a good argument since there was evidence that the Grain Division of the Agricultural Marketing Service had been denied requests for increased personnel for this purpose by the budget manager for years.

We saw the other side of the proposition, however, when the first rates were revealed for these supervisory fees. When the FGIS heard the reaction to their proposed fees, they quickly reduced them, but even so, it would cost the farmers of this Nation $5.3 million in reduced grain prices to pay for this inspection.

Grain is unique in this area, for any added costs in handling the commodity is added to the margins of the grain price paid the farmer. There is no way to pass increased costs on to the consumer.

This Senator can say with great certainty that the farmers in these days are hard-pressed and they cannot afford additional charges by whatever standard.

Therefore, the repeal of this section providing for such fees for supervision is proper. I would request that the FGIS consult with its advisory committee in the next few months to determine a method or a ratio whereby they can readily identify and justify a need to increase or decrease supervision based on the volume of grain produced, marketed, types of inspection needed, et cetera, so that we can be assured of adequate supervision in the future.

The recordkeeping provisions of this bill are reasonable, and, in the report on the bill, we explained that recordkeeping should not be required of local country grain elevators, subterminals, or processors, other than those records they would ordinarily keep in order to operate their businesses. Other specific recordkeeping requirements and the period of time that they must be maintained, will be stipulated by the Administrator for export elevators and the larger terminals throughout the Nation. This will allow the Administrator access to the records needed without placing an undue burden on the marketing process.

The advisory committee should be of great help to the Administrator in the next 18 months as he works out the complexities of the weighing provisions of this act and determines the best way to approach improvement of grain standards. The committee should be helpful also in assessing the criteria for granting authorized waivers for conflict of interest provisions when it can be determined that the integrity of the system is not jeopardized by the grain exchange or other nonprofit organizations operating a grain inspection agency.

As I mentioned before, I feel it will be most helpful if the advisory committee can devise a ratio or formula to signal a need for an increase or decrease in inspection personnel or supervisory personnel so that we can avoid a situation such as we found in 1974, when the number of supervisors actually decreased while the export volume of grain tripled.

The report also related the intent that Federal supervisors should consult with original inspectors as they perform their work. This is especially important since grain inspection requires so much subjective judgment by the inspectors. Such consultation would greatly improve the uniformity of such subjective judgments and would also avoid harassment such as we have experienced through implementation of OSHA regulations.

I hope all my colleagues will support these much needed improvements in the Grain Standards Act of 1976. It was, in my view, a good bill in its original form, with some modification necessary.

It is the unanimous feeling of our committee that these amendments are necessary, that they will not in any way hinder the Federal Grain Inspection Service. They will assist in providing good, sound inspection and good, sound supervision. They will properly serve to improve the implementation of the bill.

Mr. President, there was a great deal of controversy surrounding the fees and recordkeeping provisions of the legislation. It distressed a great many farmers and those in the grain industry, State and public officials, and those who write editorials in rural areas. I ask unanimous consent to have printed in the RECORD an editorial from the Kansas City Times, entitled "Once Again the Farmer Gets Hurt in the Shuffle"; also, a letter from the late Harry Kampschroeder to the Honorable Robert Bennett, Governor of the State of Kansas, with respect to the Grain Inspection Act; and related items that may be of interest to my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STATE OF KANSAS,
GRAIN INSPECTION DEPARTMENT,
Topeka, Kans., January 20, 1977.

Hon. ROBERT BENNETT,
Governor of Kansas,
Topeka, Kans.

DEAR GOVERNOR BENNETT: I attended the informal meeting held by Senator Dole on Tuesday, January 18, 1977, in Washington, D.C. I feel much was accomplished at this meeting. There was representation from Kansas, Missouri, Texas, Virginia, Iowa, Illinois, Nebraska, and Tennessee which demonstrated a united front as to the dissatisfaction of the Federal Grain Inspection Service implementation of the new Act.

The objections discussed during the two-hour meeting were pretty much along the same lines as those discussed during the meeting held in your office.

Senators Robert Dole (R-Ks.), Walter Huddleston (D-Ky.), and Milton Young (R-N.D.) agreed that the language of several parts of the Act was not their intent nor what they thought they were voting for at the time of the passage of the bill.

What we accomplished most by this meeting was a need for oversight hearings and the decision to try to get Federal interim financing through the 1977 fiscal year.

A formal hearing date is set for Thursday, February 3, 1977, at the request of Senator Robert Dole to consider pushing for some Federal interim financing of federal supervision until problems at the inland points can be worked out through meetings with some kind of industry advisory committees similar to those used by the Commodity Futures Trading Commission and also to consider technical changes in the inspection law to clarify the intent of the act.

This morning, I talked to Mr. Bill Taggart in Senator Dole's office concerning strategy to be used at the February 3 meeting.

I, personally, believe that we should not operate as an unofficial agency because deliveries of grain futures contracts would have to be official weights and grades; and, at this time, we do not have a decision as to whether or not we have to be official under the commodity credit loan support program. However, I do believe we should presently continue to publicly advocate the possibility of going as an independent agency as a defense of what we are trying to accomplish.

If you have any questions regarding this meeting or if you would like to discuss it further, feel free to call me.

Respectfully yours,
HARRY KAMPSCHROEDER,
Director.

[From the Kansas City Times, Jan. 12, 1977]

ONCE AGAIN THE FARMER GETS HURT IN THE SHUFFLE

The consequences of the new U.S. Grain Standards Act of 1976 are beginning to dawn on American farmers, who see it as another financial lump on their heads. The hooker in the law, which was drawn up and enacted with undue haste before the congressional recess, is that the Department of Agriculture is required to recover through fees all inspection, weighing and supervisory costs. And where will that recovery be made? From farmers, of course, where else?

Beginning Feb. 1, every private concern,

state or trade agency authorized to inspect grain will have to pay increased inspection costs. Those costs are being estimated by USDA at $55 million a year and create a new layer of employees who will be paid $16 an hour, $20 for overtime. The law further provides those services will be charged to buyers and sellers, but as a practical matter it will be something buyers will pass back to sellers since they are in the driver's seat.

The law providing for federal inspection of all grain was deemed necessary by Congress in view of disclosures in the last two years of discrepancies in the export of grain primarily through the ports of New Orleans and, to a lesser extent, Houston. Notwithstanding that most of the grain trade appeared free of scandal, all of it must conform.

Gov. Robert Bennett of Kansas and area grainmen recently met to discuss the law. They calculated the program will cost Kansas farmers an estimated $500,000 a year, though that state apparently never has had a scandal of the kind the law is supposed to stop. Bennett urged Congress and the new administration to reconsider the legislation. He observed: "The federal government is proposing we pile bureaucrats on top of bureaucrats—and then send us the bill." The governor also indicated Kansas may take itself out of the federal system and continue to issue certificates under a state system, though that could bring on more problems than it would solve, particularly in export sales.

In a recent interview with The Star, Rep. Bob Bergland, the Minnesota farmer soon to become agriculture secretary, appeared adamant in favor of the law. He insisted that grain be as clean when it arrives at a foreign port as it was when it left U.S. farms. That, of course, is a laudable objective with which no one would argue, and Bergland's impression is that the new federal system would help achieve that goal.

Perhaps Bergland is not yet informed fully of all of the provisions of the act. Governor Bennett's letter to him should help. But from what Bergland has said to date, the grain trade and Kansas and Missouri grain farmers should not count on any help from him. Once again the farmer will be the fall guy.

WHO'LL PAY FOR GRAIN INSPECTION?

At the recent hearings in Washington, it was clear that Congress had fumbled the ball in writing the Grain Inspection Act last summer.

On Feb. 1, the Federal Grain Inspection Service (FGIS) began charging the mandated 80¢ per 1,000 bushels for supervising inspection. Yet the FGIS hadn't yet hired all the additional people it needs, let alone trained them. The grain trade was confused over who had to keep the prescribed records and who must register for the export trade. And everyone, especially farmers, was up in arms over who will pick up the $5.5 million price tag for Federal supervision of inspection.

Many at the hearings were resentful that the Congressional bill-writers didn't work out these and other details during the long stalemate last summer over a private versus a Federal system. As adjournment loomed, they rushed through a bill carrying more than the usual quandaries and confusion.

We hope they don't cripple grain inspection in the current rush to amend it. The need for reform was apparent long before the Gulf port scandals broke. Indictments for short-weighing are still being handed down, and farmers have been complaining for years about the dirty U.S. grain they've seen being unloaded at overseas ports. After all, the original inspection law was written clear back in 1916, with few changes since. In the meantime, other grain-exporting nations have matched or surpassed our quality standards.

There were hints in some of the testimony that the new law is so bad that we should chuck it and go back to the old system. We don't see it that way. The legislation is basically sound. Mostly, it needs clarification.

Some who gave testimony charge that Federal supervision of inspection would add 5¢ to 7¢ per bushel to the cost of grain. Such estimates are grossly exaggerated. Indeed, the same grain could be inspected as many as nine times between the farm and its final destination overseas. But at 80¢ per 1,000 bushels, that supervision charge still would add up to only .7 of a penny per bushel.

Besides, the only thing that could cause so many inspections would be extreme distrust of quality. Inspection upon demand is necessary for cleaning up the grain trade. So long as the cost of inspection is charged to the owners—new and old—nobody is going to ask for inspection of grain from a source that they've learned they can trust. Tighter supervision of inspection and weighing should reduce rather than increase the number of requests.

The Feds should pick up the cost supervision. It's commendable that Congress should show a sudden concern for the Federal treasury by requiring that the user should pay. Maybe this same concern will lead them to fund the FGIS so it can't build another bloated bureaucracy like the rest.

The private trade already is paying for inspection itself. It's not too much to ask the public to pick up the cost of supervising that inspection. The public certainly benefits from the foreign exchange we earn with our grain exports. And the Federal government, no less than private business, needs the discipline of the purse to force it into efficiency. If users have to pay the whole cost, no telling how big FGIS could grow.

The FGIS should have set up advisory committees to help it plan administration of the law. Instead it seemed ready to write the regulations without consulting the people who know the grain business best—farmers, elevator operators, feed processors and the like. President Carter's promise to eliminate advisory committees as part of his government reorganization effort flies in the face of his promise to bring government closer to the people.

While Congress is reviewing the whole subject again, it should build a fire under efforts to update our grain-grading standards. We can't blame the grain trade for "slugging" grain so long as our standards permit 4% foreign matter in No. 3 corn.

KANSAS HOUSE CONCURRENT RESOLUTION No. 5012

A concurrent resolution memorializing the Congress of the United States to continue stringent oversight of the Federal Grain Inspection Service, to amend the U.S. Grain Standards Act of 1976 to make it more responsive to the needs of American farmers and consumers and to fund costs of supervision of the federal grain inspection from federal appropriations rather than through fees ultimately paid by farmers

Whereas, The U.S. Grain Standards Act of 1976 was passed by Congress in response to problems at seaports; and

Whereas, The Kansas grain inspection department has been a model throughout the United States for grain inspection agencies on the state level and its program of state grain inspection has been an example of excellence which other states have strived to achieve; and

Whereas, The basic integrity of domestic grain inspection systems, especially the Kansas system, was upheld after thorough investigations by the FBI, the Internal Revenue Service, the General Accounting Office, the office of Investigation of the U.S. Department of Agriculture, and by special committees of the House of Representatives and the Senate; and

Whereas, Notwithstanding this finding and in overreaction to problems at the seaports, the U.S. Grain Standards Act of 1976 spread a vast new bureaucracy, new red tape and new costs over grain inspection programs being operated in the states; and

Whereas, In the implementation of this act the Federal Grain Inspection Service has attempted to mandate needless new record keeping on country elevators and major grain terminals alike; and

Whereas, The Federal Grain Inspection Service is attempting to charge NEW fees for supervision of grain inspection programs in the states, resulting in an estimated additional cost for grain inspection in Kansas of more than $500,000 annually and in the nation of more than $5.3 million annually; and

Whereas, This increased cost of supervision represents only a small part of the potential costs, including the unknown costs of weighing and demurrage caused by delays in the federal inspection program; and

Whereas, This additional cost of piling bureaucrats on top of bureaucrats would be passed along to the farmers of Kansas and other states at a time when they already are bearing the original costs of grain inspection and at a time when they face depressed commodity prices; and

Whereas, This needless bureaucracy, this new maze of federal red tape threatens to ensnarl the wheat harvest which will soon be beginning; and

Whereas, Governor Robert Bennett and members of the Kansas Congressional delegation are vigorously protesting this new intrusion by the federal government and are working to resolve the problems; and

Whereas, Members of the legislature of this state have become concerned about the developing problem;

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That Congress is hereby urged and requested to maintain strict oversight on the Federal Grain Ispection Service during the next eighteen months of implementation of the U.S. Grain Standards Act of 1976, to quickly amend the act to make it more responsive to farmers, consumers and those involved in the grain industry, and to appropriate funds for any cost of supervising the grain inspection programs underway in the states instead of allowing these costs to pass to our nation's farmers; and

Be it further resolved: That a duly attested copy of this resolution be immediately transmitted by the Secretary of State to the chairmen of both U.S. House and Senate Agriculture Committees and to each member from Kansas in the Congress of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. HUDDLESTON. I yield time to the Senator from North Dakota.

Mr. YOUNG. Mr. President, the distinguished Senator from Kentucky (Mr. HUDDLESTON) and the distinguished Senator from Kansas (Mr. DOLE) have already explained in considerable detail the provisions of this bill. I commend them for the hard work they did in rewriting a bill that was originally well-intended but had some bad features in it.

This bill makes necessary changes in the Federal Grain Standards Act passed late last year by the Congress. The bill repeals the provisions for inspection and weighing by country elevators, as well as any payment of fees by them. The cost of weighing and inspection by Federal agencies will be by appropriated

funds to the Federal Grain Inspection Agency.

It repeals provisions of the previous law requiring local elevators to keep records for 5 years.

It will also permit State and private grain inspection to continue the same as it has in the past.

The new legislation would continue strict Federal inspection and weighing of grain for export. It establishes a 12-member advisory board for 18 months to oversee regulations and provisions established by the Department of Agriculture under this act.

I think this is a good bill now and I hope it will be approved.

Mr. HUDDLESTON. I thank the distinguished Senator from North Dakota.

Mr. President, if there is no one else present who wants to make a statement on this particular piece of legislation at the present time, I ask unanimous consent that Nelson Denlinger of the staff of Senator HUMPHREY be accorded the privilege of the floor during consideration and voting on the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I rise in support of S. 1051, the amendments to the U.S. Grain Standards Act of 1976. That legislation was the result of our efforts last year to deal with widespread problems in the grain trade. The background and history of the development of that legislation is well known to all of us by now.

I voted against that bill last October. I did so because I felt that its conflict of interest provisions were not strict enough—that the potential for the conflict of interest that had led so directly and systematically to the criminal activity we found, and which is so damaging to the Nation's grain trade and to the image of U.S. grain—and therefore damaging to American farmers—I felt that the provision in the law that permitted the conflict of interest rules to be waived so weakened it that it should not be passed in that form.

The bill did pass, however, and it was signed into law. It does provide major reforms. To a very important extent, it is leading to what I hope will be beneficial changes in the way of doing business in the U.S. grain trade.

This is a major and complex law, and as it has been implemented, there have been problems with it. Farmers and small elevator operators incur costs that I believe Congress did not intend for them to pay alone. And, it appears to be requiring recordkeeping systems of small elevators that are not necessary in some cases, and which are a serious burden to these small elevator operators.

Because the U.S. grain trade is so important to U.S. agriculture, and because this law is so important to the grain trade, the Senate Committee on Agriculture, Nutrition, and Forestry has moved quickly to remove these problems. Several bills were introduced to deal with the problems, and these were sponsored by a number of the members of the Senate Agriculture Committee. Hearings were held on February 3 and 4 in Washington at which over 40 farmers and grain industry representatives were heard. These witnesses were asked to comment specifically on these proposed amendments and virtually all of them supported the proposals.

Following the hearings the features of the earlier Huddleston bill and the Dole bill, were combined into S. 1051, which was unanimously reported out of committee and appears before us here today. It is a noncontroversial bill, badly needed by the grain industry. It has bipartisan support. I hope you will join me in supporting this bill.

As Senator HUDDLESTON indicated, the bill has three main provisions. The first would permit the Government to pay for Federal supervision of State and private inspectors through appropriations, rather than by user fees.

Mr. President, user fees make sense when the user enjoys most of the benefits of the service provided, and when direct collection of fees is simple and straightforward. In this case, the service provided is Federal supervision. The supervision fees impact upon the farmers and elevator operators who request Federal inspection and weighing of grain. The collection is done by the State and private inspection agencies, and there is great potential for misunderstanding of rates and charges. In short, this system is not well suited to the use of user fees to support the service. And, the user fee system has not worked well. There has been confusion over rates to be charged and widespread resentment that farmers and elevator operators should pay the full burden of the cost of supervision. In the short time the user fee system has been in operation, it has proven to be virtually unworkable. Opposition to its inequities has threatened the viability of the entire grain inspection and weighing program. Mr. President, we must change this unfair and cumbersome system as soon as possible.

The second provision of the bill would remove the onerous and unnecessary recordkeeping requirements for certain small grain elevators and merchandisers, It was the intent of the Congress to institute tough recordkeeping requirements so that the law could be enforced. But it was not the intent of the law to establish a rigid and inflexible set of recordkeeping requirements on small firms and other members of the grain trade whose records would not significantly assist the enforcement of the law. S. 1051 would give the Administrator of the Federal Grain Inspection Service sufficient flexibility so that he could take into account the size, type, complexity, and location as he specifies recordkeeping requirements for classes of firms. This is necessary to avoid imposing an unnecessary burden on small elevators.

The third provision would establish a temporary, 18-month advisory committee composed of farmers, consumers, and representatives from all aspects of the grain industry to advise the Administrator of the Federal Grain Inspection Service during the initial implementation period for the major reforms required by the 1976 act. The new act is a major and complex law. Its provisions impact on almost all aspects of the trade in major ways. Such a committee should make the implementation of the law much more smoother because it would give those affected a chance to review proposals before they become rigid rules.

Mr. President, the changes proposed on S. 1051 are important. They are timely. They are widely supported by the trade. The $12 million they would cost next year is but a very small cost compared to the increased efficiency expected in improved cooperation and smoother operation of the supervisory system. I hope this bill will be approved at the earliest possible moment.

Mr. HUMPHREY. Mr. President, I am pleased to support S. 1051, a bill to make improvements in the Federal grain inspection and weighing program. It is a noncontroversial bill with bipartisan support. It is a combination of earlier bills by Senator HUDDLESTON and Senator DOLE, which I and many other members of the Senate Committee on Agriculture, Nutrition, and Forestry cosponsored.

It was thoroughly discussed in hearings in early February. Over 40 farmers and industry representatives appeared. These changes in the Grain Standards Act of 1976 were almost unanimously supported. The combined bill was quickly reported out of committee by a unanimous vote.

The bill has three main provisions. First, it would allow the Federal Government to pay for Federal supervision of State and private grain inspectors and weighers with appropriated funds rather than by user fees. According to the Congressional Budget Office estimates, this appropriation item would cost about $12 million next year. The user fee system, which would be repealed, was developed and recommended by the previous administration and included in the U.S. Grain Standards Act of 1976.

In the short time it has been in effect, this user fee system has proven to be virtually unworkable. It requires users—farmers and elevator operators—to bear the entire cost of supervision of State and private inspection. And, it requires the State and private inspectors who are supervised to collect the user fees. It is unfair, and it is cumbersome. Opposition to its inequities has threatened the viability of the entire grain inspection and weighing program. This user fee system should be changed as quickly as possible.

Second, the bill also removes onerous and unnecessary recordkeeping requirements for certain small grain elevators and merchandisers. The 1976 act spelled out a specific list of recordkeeping requirements for all users of Federal inspection and weighing, and required that these records be kept for 5 years. There was no provision for different recordkeeping requirements depending on the size, type, or complexity of the elevator. This requirement imposes a significant and unnecessary burden on many small elevators, and it too, should be changed as soon as possible.

Finally, the bill would establish a temporary advisory committee composed of farmers, consumers, and representatives from all aspects of the grain

industry to advise the Administrator of the Federal Grain Inspection Service during the initial implementation period for the major reforms required by the 1976 act. The new act is a major and complex law. It would be helpful to the Administrator to have the assistance of such an advisory committee at the early stages of implementing the act.

The administration, in a letter to Chairman Talmadge, opposed dropping user fees as this bill would do—mainly on the grounds of cost. They did not address the question of the inequity for farmers and other users, who without the passage of S. 1051, would bear the entire burden of a program of Federal supervision which is for the benefit of the trade and the public as a whole, and not only for users.

The administration also opposed the organization of an advisory committee on the grounds that such a committee is unnecessary. However, the Senate Committee on Agriculture, Nutrition, and Forestry did not agree. The life of this committee is limited to 18 months—the period required to implement the new law. Given the difficulties faced in implementing such a complex new law, we do not agree with the administration position.

The administration supported the proposal to change the recordkeeping requirements.

The Grain Standards Act of 1976 was passed to restore the confidence and credibility of the U.S. grain trade. Investigations by the FBI, the GAO, and the Office of Investigations of the USDA has found widespread misgrading and misweighing of grain and, in addition, bribery, and other crimes. The grading and weighing system was found to be inconsistent and ineffective, and far-reaching reforms, after extensive hearings, were proposed to correct these important problems.

The House and Senate passed bills that were considerably different in approach. A very long conference was necessary to reach agreement on the bill that was finally signed into law.

In the debates in conference, many proposals were made which would have weakened the Federal inspection portion of the law by maintaining the system of private inspection at ports; and by watering down the conflict of interest prohibitions in the bill. The final agreement involved a very difficult compromise.

A number of these issues were raised once again in the February hearings which would significantly weaken the law. Amendments may be offered to permit private inspection at ports, rather than maintaining Federal and State inspection at ports as the new law requires. They also would further weaken the conflict of interest prohibitions in the new law. And, they would weaken the Federal supervision of State and private inspection and weighing.

Any such amendments would seriously change the program and should be opposed. I urge my colleagues to support S. 1051 as reported by the Committee on Agriculture, Nutrition, and Forestry.

OFFICIAL CONDUCT AMENDMENTS OF 1977

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that S. 1051 now be laid aside temporarily and that we return to the consideration of Senate Resolution 110 until the hour of 5 p.m., or at such time as the joint leadership returns from the White House to the Chamber, whichever is sooner.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

Mr. NELSON. Mr. President, what is the pending business?

The PRESIDING OFFICER. There is no amendment pending. The resolution is open to amendment.

AMENDMENT NO. 160

Mr. DOLE. Mr. President, I call up my amendment No. 160.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment No. 160:

On page 11, line 7, after "if", insert the following: "the blind trust was created by the spouse or dependent of the reporting individual as a bona fide effort to avoid conflict of interest or the appearance of conflict of interest in any Federal, State, or local governmental service, or if".

The PRESIDING OFFICER. Under the unanimous-consent agreement, there are 2 hours for debate on this amendment, 1 hour on each side, with the time to be divided between the floor manager, the Senator from Wisconsin, and the author of the amendment, the Senator from Kansas.

Mr. DOLE. I yield myself such time as I may consume.

Mr. President, the Senator from Kansas is still concerned about the anti-blind trust provision which is in the committee's resolution.

I realize that we have adopted the amendment of the distinguished Senator from Missouri (Mr. DANFORTH). In addition, we have adopted an amendment eliminating reporting requirements for assets of the reporting individual's spouse not in his constructive control. That amendment was offered by the distinguished Senator from New Mexico (Mr. SCHMITT) and the distinguished Senator from New York (Mr. JAVITS) with the concurrence of the distinguished Senator from Connecticut (Mr. RIBICOFF). But, without being totally personal, I think there is a case to be made when the blind trust was created by the spouse of the reporting individual as a bona fide effort to avoid conflict of interest or the appearance of conflict of interest.

This problem occurred to me because of a personal situation. My spouse is also a Federal Trade Commissioner and prior to that time served in Government. In 1969, as I understand it, to avoid any conflict of interest or the appearance of conflict of interest, she put her holdings in a blind trust, where they have been ever since, and she has no knowledge of the assets.

It concerns this Senator, that if we have a strict interpretation of the language, there may be some who still feel that we are required in some way to find out what is in the blind trust of any spouse and somehow report that to the Senate despite the Schmitt-Javits amendment. Knowing of the discussions that have taken place on the floor of the Senate, I can only say that this would not be a problem if the wives of all of us—wives in this case, since all the Senators are men—were mere senatorial appendages. But many wives of Senators and staff members covered by the proposed ethics code have careers of their own, and many more could hold positions in the future which could call for a blind trust.

In this instance, the blind trust was not demanded or required, but it was suggested as a way to avoid any conflict of interest or the appearance of conflict of interest. That is the route that my wife chose at that time.

So, recognizing that we have mandated a study to be made in this area, recognizing that we also have language that would indicate that unless you have constructive control there is no requirement for disclosure of assets, the Senator from Kansas, in an effort to be helpful and to clarify this one area, has offered the amendment for discussion.

The Senator from Kansas discussed it very briefly with the distinguished floor manager of the bill, Senator NELSON, and earlier with the distinguished Senator from Connecticut (Mr. RIBICOFF). The Senator has also discussed this with the distinguished Senator from New Mexico (Mr. SCHMITT).

The Senator from Kansas recognizes that there is a problem with the definition of blind trusts and that currently there are no regulations which make sure that these things are truly blind. The Senator from Kansas understands that.

It is my hope that where a spouse may have a bona fide blind trust, some mechanism will be devised whereby the assets in that trust could be reported by the trustee to the Ethics Committee, but not divulged publicly or divulged to those who have the blind trust, because it might jeopardize their ability to sit in certain cases and their ability to act in their official capacity.

The Senator from Kansas agrees that disclosure is a good approach for those of us in this body. Constituents can look and see what we own and what influences there may be. In most cases, the legislation we pass on spreads out over industries and over the entire country, and we

avoid questions of conflicts of interest by disclosure.

However, in this case, a member of the Federal Trade Commission does make rulings that affect individual corporations. They sit as judges and could be compromised if they knew what individual companies they held stock in. In such cases, disclosure creates rather than solves a conflict of interest problem.

I suggest and hope that the distinguished Senator from Wisconsin will state his views on this particular problem. Then the Senator from Kansas will withdraw the amendment.

Mr. NELSON. Mr. President, as the Senator from Kansas knows, we dealt with the question of blind trusts in the committee and concluded that there are in fact blind trusts that would meet any standard that had been created by staff members and Members of both Houses of Congress. On the other hand, there very well may be—I am not familiar with any—blind trusts which are not totally blind and there are no standards, and we do not have time to establish standards for a blind trust.

In any event, therefore, we concluded they ought to be dissolved.

But then, after reporting the resolution and giving further thought to the matter, a number of us, including myself, concluded that that decision may not be corrected; that, in fact, there may very well be an appropriate role for a blind trust under the provisions of certain standards, and I think that may very well be the case.

Therefore, we concluded that it would be unfair to require by this resolution a dissolution of blind trusts, only to reach the conclusion 6 months later, when some of this language is translated into statutory language—if we then reach a conclusion—"Well, the blind trust under these standards is a good idea," and we would have caused Members and staff to dissolve blind trusts with all that inconvenience and expense, and then suddenly a few months later they discovered we now would authorize a blind trust under certain circumstances.

So we reached the conclusion that that section that required the dissolution of blind trusts should be placed in the study section and, as the Senator from Kansas knows, we provided there that the Governmental Affairs Committee should make a study, conduct hearings, and go into this matter in some depth, and then report back within 180 days to the Senate. I believe it also provided that the Rules Committee would have the opportunity to consider it for some specific period.

So the provision does not go into effect. It may be totally replaced by the recommendations of the Governmental Affairs Committee.

There was a further complication of which the Senator from Kansas is aware, and that is we are considering—this is one of the items that the House has under consideration—now to draft a statute on blind trusts that would cover the executive branch, the judicial branch, and the legislative branch.

So we concluded we had better just postpone the effective date and wait for what is recommended.

The Governmental Affairs Committee may simply recommend that we postpone the implementation a longer time and wait until we have reached a conclusion on the three branches of Government, which would then replace any proposal that is contained in the resolution.

So I think the valid question raised by the Senator from Kansas—and there are other Members and staff that no doubt have the same kind of problem—I think will be addressed and resolved in the next 6 months.

Mr. DOLE. Mr. President, if the Senator will yield, I think the additional consideration that has been discussed on the Senate floor is this: That unless the Senator knows what his spouse may have or has constructive control, it is difficult for him in any event to know what property the spouse may have and to report it.

Mr. NELSON. Yes.

Mr. DOLE. We went through that exercise the other day.

Mr. NELSON. Yes; but I think momentarily, in speaking to the Senator from Kansas, I misstated what is in that resolution when I said the resolution would not require dissolution of the blind trust of the spouse of the Member.

I rechecked that, and, yes, it does in its current form direct the dissolution, but it could be a futile exercise so far as disclosure is concerned because if the spouse said, "All right, I will dissolve the blind trust but I am not going to disclose to my spouse, who is the Member, what assets are in that," the resolution provides that the Member does not have to disclose anything he does not know so, in fact, it would not accomplish much even if we implemented it—it might not accomplish anything in any individual case. That is one of the reasons why the case raised by the Senator from Kansas, and in other cases, is one of the reasons that persuaded me that insofar as my decision was concerned with respect to the dissolution of a blind trust, it was precipitate, and we ought to delay that until an appropriate committee, the Governmental Affairs Committee, can look into it in some detail.

Mr. DOLE. Well, the Senator from Kansas concedes it could be a loophole. Somebody could transfer his property to his wife and say, "My wife has a blind trust; I cannot disclose what I do not know."

So I understand it is a very delicate question. But, it seems to me there ought to be some guidelines, and the Senator from Kansas is certain there will be some guidelines after study and hearings. Those hearings should tell us when you can have a bona fide blind trust so that those who work in Government or whatever can be protected in their jobs, whatever they may be. We will be able to do that and still comply with the ethics code. It is a difficult question.

Mr. NELSON. Yes.

Mr. DOLE. But, based on the statements of the Senator from Wisconsin, the Senator from Kansas is perfectly willing to withdraw the amendment, cooperate with other Senators who have jurisdiction over this rather sticky question, and trust that hearings will help, perhaps, to formulate some plan.

Mr. NELSON. Yes; as a matter of fact, some Senate committee staff have been in discussions on this issue with representatives of the executive branch, so I think if Congress works its will on this question we will have input, in addition, that of the executive branch.

Mr. DOLE. Mr. President, I withdraw the amendment, amendment No. 160.

The PRESIDING OFFICER (Mr. BUMPERS). The amendment is withdrawn.

UP AMENDMENT NO. 116

(Subsequently numbered amendment 177)

Mr. DOLE. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The second assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes unprinted amendment No. 116:

On page 40, after line 7, insert the following new rule:

"Rule —

"COMMITTEE TIME AND ATTENDANCE RECORDS

"If any administrative records are kept for or by a committee containing time and attendance records, those records shall, in the case of absence, reflect attendance at other committee meetings and attendance to other official duties.".

Mr. DOLE. Mr. President, this may not seem at first blush to be of any great significance, but the Senator from Kansas discovered that some committees keep records and keep track of the hours, minutes, and seconds you spend at that committee's hearings.

The Senator from Kansas does not object to that, but many times you are attending to business of other committees, and that is not reflected.

I give you one example, that being the Committee on Finance. When you go to Committee on Finance meetings you are clocked in and you are clocked out.

The fact that you may have been at some other committee meeting for 40 minutes or for the last 3 days is not reflected on that record.

If someone could get a hold of these records they could use them unfairly against any Senator, Republican or Democrat, to indicate to the folks back home that you did not attend the Committee on Finance meetings. Those records would not reflect the fact that you were in the Committee on Agriculture every day or the Committee on Governmental Affairs every day.

All this amendment does is to say that when records are kept by any committee they should also reflect whether his absence was due to other official duties. Then, when the final summation is reported it will show whether or not the Senator was working somewhere in the Capitol.

Mr. NELSON. I agree with the Senator from Kansas. I am just wondering

whether it is an amendment we want to put on the code of conduct resolution.

Mr. DOLE. I do not know where else to put it.

Mr. NELSON. I think the best answer would be, the best resolution would be, that we do not keep the records.

I will give the Senator a case in point with respect to what he is talking about.

The Committee on Human Resources was meeting, the Committee on Finance was meeting, and I was working every single day trying to get this resolution in shape to come to the floor under the mandated deadline, so I simply concluded I could not attend the hearings and markups of the Committee on Human Resources or the hearings and markup of the Committee on Finance; notified the chairman, gave my proxy on the issues that would be voted. But the fact of the matter is all of those meetings would show me as absent. At the same time I am trying to get myself prepared in my discussions and negotiations on getting an amendment together to come to the floor.

Last year when we were marking up the tax bill, to give another personal example, I was attacked for not being present at enough Finance Committee meetings. At the same time, I had made a commitment months before that I would conduct hearings on the Humphrey-Hawkins bill and set the date before the Finance Committee markup was ever established. So for 4 solid days—I think it was 4—I was in there conducting hearings and could get no one else to take my place because Senators were conducting some other business. So I was shown as absent 4 days while I was conducting other business.

So I think what makes the most sense is they do not try to keep that kind of record.

Mr. DOLE. If the Senator will yield, the Senator from Kansas agrees with that. If we are not functioning as we should and are not going to committee sessions, perhaps it should be noted, and it probably will be noted. None of us are in any different category. I happen to be the ranking Republican on the Committee on Agriculture and Forestry. We had 70-some hours of hearings in that committee which precluded my attendance in the meetings of the Finance Committee and also the Budget Committee. Additionally, as the Senator indicated, sometimes we have official duties other than sitting in committee hearings. Perhaps we are preparing amendments or doing something else, and it is an official duty of the Senator.

It simply seems to the Senator from Kansas that we should not be regarded as being absent or not interested. Once it is published, we shouldn't have to spend the rest of the year explaining, "Well, that story is not accurate because I was doing such-and-such." Why not suggest, if they are going to keep records, that the record also reflect that the Senator from Wisconsin was at some other place or at some other committee meeting. I think that would end the unfairness associated with recordkeeping very quickly.

Mr. NELSON. I agree with the Senator. It seems to me we should be amending a rule that does now already deal with the question of committee meetings. We have rules on times that they can meet and schedules. We should amend that rather than this.

Mr. DOLE. The Senator from Kansas agrees. Keeping these records is not unethical. But their use in political campaigns by opponents only interested in part of the story, could be.

Mr. NELSON. I do not think it is unethical to miss a meeting.

Mr. DOLE. I do not suggest it is. They keep a record on someone who is at a meeting just because he is not at yours.

Mr. NELSON. I say in any event, I do think we should amend another rule. I do agree with the Senator from Kansas on the point he is raising, but I am not prepared to accept an isolated rule amending how committees operate in this code of conduct because I think we should amend the appropriate rule that sets the time when meetings, quorums, and so forth, are required for committee business.

So I would appreciate it if the Senator would not press it. However, if he wishes to, I would prefer that it be done then tomorrow. I do not wish to accept it here because I think it might create some controversy by some other Senators who did not anticipate this proposal coming up.

Mr. DOLE. The Senator from Kansas will not suggest that he wishes to press it. But it seems every committee has its own rules; some committees keep records and some do not keep records. It seems to this Senator that the best way to do it is in some general way. There have even been reports made that Democrats keep track of Republicans and some Republicans keep track of Democrats. I guess we could not stop that if they wanted to have a little activity on the side. But as far as the committee function, this Senator does not believe it is in the best interest to keep absentee records that do not reflect valid reasons for being gone.

I am happy to carry it over until tomorrow and perhaps we could figure out some way to address it to some other legislation.

Mr. NELSON. The Senator is well within his rights. All I say is I wish at least for the moment he withdraw it. If he wishes to take it up tomorrow and does not wish to defer it to some other time, all right. Some Members, as the Senator knows, have gone to the White House, and they may very well have some strong feelings about this. I do not want them to be presented with a fait accompli, although sometimes that is the best way to legislate if one wants to get something done.

Mr. DOLE. The Senator from Kansas will withdraw the amendment and hopefully between now and tomorrow we can come to some agreement without any need for an amendment to any bill. This Senator believes we should keep track of our total activities and report total activities rather than piecemeal activities that might distort the real record of any Senator.

Mr. SCHMITT. Mr. President, will the Senator yield for a comment?

Mr. DOLE. I yield.

Mr. SCHMITT. I think there is some correlation, for the purposes of tomorrow's discussion on this item, which might be brought up again, and the earlier discussions about earned income and other outside activity by a Senator detracting from the time that is spent on Senate business. The Senator's discussion relates to a false impression of the time that is spent on Senate business. I think, in the spirit of the resolution, that unfortunately is limiting outside earned income partially for that reason that the time would be spent on non-Senate business, that this should be considered in a favorable light either as an agreement or potential amendment to the resolution.

Mr. DOLE. I might say to the Senator that all members of the Finance Committee received four or five pages, rating us with other Senators as to how much time we spent on the committee and how many votes we missed on the committee. It must have taken many hundred manhours to put that together for every member of the Finance Committee. There is not one word in that report that the Senator from Kansas, Senator from Wisconsin, or Senator from Wyoming, might have been attending committee meetings elsewhere. It just seems to me that that is a distorted record and it does give a false impression which some, particularly those who might have eyes on your seat, wish to write about and distribute to the Senator's State.

Mr. NELSON. I might say to the Senator there are any number of times, as everyone here well knows, in which a hearing is being conducted and there may not be any other committee meeting but a Senator may be wishing to address himself to some other work that needs to be done, whether it is meeting with some constituents with a problem or whether it is studying some issue that he is going to deal with. I cannot believe that anyone here could read that hearing record about six times as fast as the people who are appearing at the hearing at all. So a Senator wants to go through that hearing record and pick out significant testimony. Many Members, I am sure, frequently do what I frequently do, which is to say to a staff member who is covering that:

> Mark for me the most significant testimony. I do not want all the duplication. Give me the best arguments pro and con.

And it may be a 200-page hearing record and there may be about 50 pages or 60 pages that should be read. So, even if there is not another committee meeting, there may be another priority to which a Member should be addressing himself that is more important than sitting there listening to a hearing which is going to be printed and can be read before the markup and before any legislation comes to the floor.

Mr. DOLE. There was a time not too long ago, that, if we had three committee meetings at 10 o'clock, the practice some would follow would be to report in to each committee. You would go to the

first committee where you were marked present, you would go to the next committee and be marked present, and you would go to the third committee and be productive, and stay there for the hearings.

As I have indicated, there are times when there are other things more important that sitting in some hearing listening to a witness read for 2 hours a statement someone has handed him to read to you. I can usually read a little faster than someone else can read to me.

The point I am making is that this seems to me to be a bad practice, that we should address particularly those who might be thinking about some false impression or distorted record getting back to our home States.

But the Senator from Kansas will withdraw the amendment and try to figure out some other way to present it tomorrow.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOLE. Mr. President, I ask unanimous consent that a Library of Congress survey of the attendance recordkeeping practices of Senate committee be included in the RECORD at this point.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

RECORDING SENATORS' ATTENDANCE AT MEETINGS OF THEIR COMMITTEES

Multiple committee and subcommittee assignments have made it increasingly difficult for Senators to attend all the meetings of committees to which they are assigned. The Staff Report of the Senate Select Committee on Committees noted that reduction of Senators' scheduling conflicts was one of the major reforms to be sought in the Senate committee system. "Increased activity at all levels has led to scheduling conflicts. As floor sessions have lengthened and as committee and subcommittee meetings and hearings have mushroomed, Senators more frequently face the daily dilemma of reconciling two, three, or more conflicting meetings or hearings, while still coping with ongoing floor debate and frequent roll call votes."[1] Although the recent Senate committee system reorganization has reduced Senators' scheduling conflicts to a degree, the conflicts still exist, and frequently prevent committees from obtaining a quorum to conduct business.[2]

Attendance of Senators at committee meetings, and the maintenance of records of such attendance, may occasionally be of importance in court decisions. In 1975, the U.S. Circuit Court of Appeals unanimously overturned the perjury conviction of California Lt. Gov. Ed Reinecke because the Senate committee before which his testimony was given had failed to print its revised rules requiring the presence of only one Senator to constitute a quorum for receiving testimony. If committee records had been available establishing the presence of a sufficient number of Senators to constitute a quorum under the former rules, the conviction could have been sustained. However, such records were not available.[3]

A survey of Senate standing and select committees reveals a wide disparity among the committees in procedures for recording the attendance of Senators at hearings, markups, and other committee meetings.[4] The most detailed committee attendance records appear to be maintained by the Senate Finance Committee. A member of the Committee's clerical staff records the time each Senator arrives at, or leaves, a Finance Committee meeting. Staff sources did not recall when the practice began, but explained that it probably predated the tenure of the current chairman (1965). Among the reasons for maintaining the records is the practice of the Committee to permit its members to question witnesses on a "first come, first served" basis, rather than by seniority on the Committee. Thus, the records form the basis for the order of questioning at hearings, and in Senator's statements in mark-up sessions.

The attendance records are maintained separately from other committee records, and are not included in transcripts or published records of hearings or markups. Committee sources were uncertain whether the records would be made available to Senators not members of the committee or to the public since no request for the records had ever been made.

Staff sources at the Committee on Foreign Relations indicated that their committee formerly recorded the arrival and departure of its members at meetings, but that the practice had not been followed in many years.

With certain exceptions, the remaining Senate committees record the names of Senators in attendance at hearings and markups, but do not record the time each Senator was present at the committee meeting. Most committees list, at the beginning of a meeting or hearing transcript, the names of the committee members who were present for any part of the meeting. Thus, committee records would make no distinction between a Senator who was present for an entire meeting, and one who appeared for only a short time.

Two committees, the Senate Commerce and Environment Committees, do not record attendance at hearings because the presence of only one Senator is required to establish a hearing quorum.

---

[1] U.S. Congress. Senate. Temporary Select Committee to Study the Senate Committee System. First staff report. Washington, U.S. Govt. Print. Off. (1976), p. 7.

[2] In remarks to the Democratic Forum at the Washington Regency Hyatt House on March 26, 1977, former Rep. James O'Hara stated that a total of six meetings of Senate and House committees scheduled to consider amendments to the Clean Air Act had been cancelled because a quorum was not present.

[3] "Reinecke's conviction overturned by court," Los Angeles Times, December 9, 1975: 1.

[4] The survey consisted of telephone interviews with responsible staff members of the various committees.

Senate committee procedures for recording Member attendance at meetings[1]

(Col. 1: Attendance recorded)
(Col. 2: Time in attendance recorded)

Committee:		
Agriculture, Nutrition, and Forestry	H, M	no
Appropriations	[2] H, M	no
Armed Services	H, M	no
Banking, Housing and Urban Affairs	H, M	no
Budget	H, M	no
Commerce, Science and Transportation	M	no
Energy and Natural Resources	H, M	no
Environment and Public Works	M	no
Finance	H, M	yes
Foreign Relations	H, M	[3] no
Governmental Affairs	[4] H, M	no
Human Resources	H, M	no
Rules and Administration	H, M	no
Small Business	H, M	no
Veterans' Affairs	H, M	no
Select Intelligence	H, M	no
Select Indian Affairs	[5]	—

[1] Data supplied by staff members of relevant committees. H indicates hearing; M indicates committee business meeting or markup session. Included are select committees having limited legislative authority.

[2] Practices may differ among Appropriations subcommittees, however.

[3] Committee formerly maintained such records.

[4] Printed hearings show only those Senators in attendance on first day; committee records note Senators present during subsequent days.

[5] Newly established; information not yet available.

ADDITIONAL STATEMENT SUBMITTED ON SENATE RESOLUTION 110

Mr. GOLDWATER. Mr. President, for over 10 days now, in fact, for nearly 2 weeks, we have been arguing the subject of ethics on the floor of this Senate. Now I think we all know the source of this clamor for ethics. It comes from an organization known as Common Cause. I have no quarrel with them.

I have no quarrel with the idea that there should be some way of attempting to control the actions of the Members of the Senate but, Mr. President, this has become a colossal joke. I have had very few letters or telephone calls on the subject. One letter was from the League of Women Voters in my State. In answering their original questions I saw no problem in telling them that I could endorse the approach being made and would vote for it. But I have since had to write the organization and tell its members that the way this thing appears now I could not vote for it. However, I will submit a statement and I will further submit my income tax when it is completed around the middle of April.

Disclosure is something I can go along with, but this idea that you can limit the amount of money that a U.S. Senator or a Member of the House can make, to me is unconstitutional, and it is wrong. You are not going to legalize morality. We tried it with prohibition and it failed. Every time we meddle with people's morals, with laws, we face failure and the situation worsens. I have respect for the people who wrote this bill. I know they had a very difficult time. I know that there were many compromises made and they spent unusually long hours and days trying to put something together that would make it appear to the American public that the Members of the Senate were really high-classed, clean, honest individuals. Now I happen to think the great bulk of the people in any legitimate organization are honest people. I think there may be 5 percent of the American people who will take advantage of a position for their own good, and you will find this group in churches, charity groups, any organization. This has always been the case and it will always be the case.

No matter what we come up with in the way of a so-called ethics bill there will be those relatively few Members of this organization who will take advantage of their position.

I might point out that there are laws that govern many aspects of the opera-

tions of the Senate and House, but these did not deter some Members from flagrant abuses. What I am getting at, Mr. President, is that the so-called bad apples in the barrel will not be made whole, no matter what kind of restrictions are voted, either in the form of codes or statutes. I keep getting back to the point that we cannot legislate morals. If we could, the Congress long ago would have adopted a law to make all of its Members forever virtuous. Human nature being what it is there will always be in every group those who place their own avarice and greed above the good of the whole. And nothing we can do in a legislative way is going to change that.

It is my fear, Mr. President, that in this ethics exercise we may easily become the laughingstock of America unless we face this issue honestly. We are in effect beating ourselves over the head and I continue to ask myself, "Why?"

In conclusion, I should like to say that many Members of this Senate have honestly and courageously stated positions which may be difficult for them in the light of the present righteous moralizing on the part of organizations like Common Cause and many segments of the media. I salute them for their integrity on this question of ethics.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL GRAIN INSPECTION AND WEIGHING PROGRAM IMPROVEMENTS

Mr. ROBERT C. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is S. 1051, which the clerk will state.

The assistant legislative clerk read as follows:

Calendar No. 51, a bill (S. 1051) to amend the United States Grain Standards Act with respect to recordkeeping requirements and supervision fees, and to establish an advisory committee to provide advice to the administrator of the Federal Grain Inspection Service, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. CLARK. Mr. President, I ask unanimous consent that Bill Motes of my staff be granted the privilege of the floor during the consideration of S. 1051.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask the the time be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1051.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I ask that it be in order to ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. On which amendment?

Mr. TOWER. On amendment No. 141.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HUDDLESTON. I yield to the Senator from Texas.

AMENDMENT NO. 141

Mr. TOWER. Mr. President, I call up my amendment No. 141, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) for himself, Mr. BENTSEN, Mr. LUGAR, Mr. CURTIS, Mr. MCCLURE, Mr. ZORINSKY, Mr. BARTLETT, and Mr. PACKWOOD, proposes an amendment No. 141.

The amendment is as follows:

On page 15, after line 12, insert the following new section:

SEC. 7. Section 11(b) of the United States Grain Standards Act (90 Stat. 2881-2882; 7 U.S.C. 87(b)) is amended by inserting in paragraph (5) thereof immediately following the first sentence the following: "The Administrator shall, in making a determination under this paragraph, consider—

"(A) the historical record of the organization and its employees with respect to integrity in the provision of inspection or weighing services;

"(B) whether there exists a balance of buyers and sellers on the board of directors, or other governing body of the inspection service organized under a board of trade or private exchange;

"(C) whether there exists an autonomous committee or other governing body to manage an inspection service provided by a chamber of commerce; and

"(D) such other criteria as the Administrator, after consultation with the Advisory Group established under this Act, upon the Advisory Group's recommendation, may by regulation provide.".

Mr. TOWER. Mr. President, the background of these amendments is this: A series of scandals involving the grain trade over the last 2 years resulted in 1976 in the passage of amendments to the Grain Standards Act, restricting sharply the participation of private boards of trade, grain exchanges, and chambers of commerce in the inspection of grain moving into export.

Under the 1976 amendments, a private agency may be allowed to provide official inspection and weighing of grain in interior terminals under a waiver of conflict of interest provisions. The administrator of the Federal Grain Inspection Service determines the granting of waivers on a case-by-case basis, but the 1976 amendments provided no guidance to the administrator in making this determination.

The amendments also required that FGIS provide weighing and grading services for shipments of grain out of export terminals and for official weighing of shipments into export terminals from areas within the United States. The amendments do not provide mandatory grading of grain on inbound shipments but allows FGIS to perform such a service at the discretion of the administrator.

Supervisory services, which prior to the amendments comprised the essential involvement of the Federal Government in grain inspection and weighing, continue to be performed by FGIS on an expanded scale. The amendments set no limit on the number of supervisors which would be employed, leaving that determination, again, to the administator.

Costs of federally mandated weighing and grading services performed by FGIS under the act and amendments of 1976 are paid for through user fees. A schedule of fees published in early 1977—January 5—levies charges to users of grading and weighing services performed by FGIS of some two to three times the fees paid for identical service provided by private inspection agencies in the past.

In order to allow the orderly functioning of the Nation's grain inspection system, and to reduce the burden of the system's costs on grain producers, four changes have been identified in addition to those already considered in this Congress. Following 2 days of hearings on grain inspection system problems, amendments to the act—attached—were drafted by Senators BENTSEN, PACKWOOD, LUGAR, ZORINSKY, CURTIS, BARTLETT, MCCLURE, and myself.

I intend to proceed to offer these amendments in order, Mr. President, with a brief explanation of each, and I hope that they will be carefully considered by the Senate.

My amendment, No. 141, would provide criteria for the administrator of FGIS to consider in making his determination as to whether a waiver should be granted for any potential conflict of interest. On at least two occasions, the administrator has expressed to my staff his desire to have such criteria, either from Congress or from the advisory committee. I believe it is incumbent on Congress to provide that guidance, while leaving substantial room for additional criteria which either the administrator or the advisory committee may suggest.

This amendment does not require the administrator to do anything more than consider these suggested standards for a board of trade, private exchange, or chamber of commerce which seeks to be designated as the official inspection agent of the FGIS. It is obligatory only in

that the administrator shall consider the criteria. I do not believe that that is too much to ask in the way of curbing the discretion of an administrator, and, therefore, I urge the adoption of my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CLARK. Will the Senator yield 10 minutes to me?

Mr. HUDDLESTON. Yes; I yield 10 minutes to the Senator from Iowa.

Mr. CLARK. Mr. President, I rise in opposition to the amendment, but I point out that there is no administrator as yet for the Federal Grain Inspection Service. There is only a temporary Acting Administrator, who has been put in on a very brief notice, and certainly, would not have any standing in the Department of Agriculture in terms of their policy. In fact, I asked the Secretary of Agriculture at the time of his confirmation hearings whether he favored weakening in any way the conflict of interest provisions of this law. He assured us on the record at that time that he did not.

I oppose the amendment, even though I think it is an innocent sounding proposal to spell out certain criteria which the Administrator of the Federal Grain Inspection Service shall consider in making a determination under the conflict of interest section of the U.S. Grain Standards Act of 1976—a determination whether or not he will waive the conflict of interest prohibition in certain cases.

In fact, the proposed amendment would spell out several sets of conditions under which there would be increased pressure on the Administrator of the Federal Grain Inspection Service to waive the conflict of interest prohibition now in the law—to provide, if not an automatic waiver—which some argue should exist, and which I oppose—then certainly, a semiautomatic waiver. There should be no mistake, Mr. President, that the inclusion in law of such criteria is a major step toward investing them as the rules and conditions to be met to qualify an applicant for a waiver of the conflict of interest prohibition.

Mr. President, we must not lose sight of the importance of the role of conflict of interest in the problems found in the past in our grain inspection system. The Grain Standards Act and the administrative regulations of the USDA previous to the passage of last year's grain standards amendments prohibited conflicts of interest on the part of grain inspection personnel, but conflicts on the part of grain merchandisers were either permitted or not specifically prohibited. As a result, the General Acounting Office found financial and other relationships between inspection agencies and those they dealt with on a daily basis. The GAO concluded that these relationships either compromised or gave the appearance of compromising the independence of the grain inspection system.

Conflicts of interest are a problem because many aspects of grain grading and weighing involve human judgment and skill. They result in decisions involving thousands of dollars or more in the outcome of each. Furthermore, to work efficiently and smoothly, the inspection and weighing system must move rapidly, with judgments quickly made and quickly reported to both buyers and sellers. All participants must have confidence in the system, and disputes must be minimized and quickly settled by well understood rules, with the whole process open to all.

The existence of a conflict of interest is a threat to each of those conditions. The most basic requirement that grading and weighing be done in the most objective fashion possible is threatened. The confidence buyers and sellers have in the system is reduced. The effectiveness and smoothness of the flow of trade is reduced or threatened. Eventually, buyers seek other markets when they have the choice—as happened with some of our foreign buyers previous to the passage of the 1976 grain standards act. Let me quote, Mr. President, from the GAO report on the irregularities in the marketing of grain prepared and released last year for the committee:

> To be effective, an inspection system must avoid any appearance of situations that compromise its independence. Under a system which tolerates actual or potential conflict of interest, there can be little confidence in the independence and credibility of those charged with inspection responsibilities.

There are two basic problems with the criteria proposed in the pending amendment, Mr. President. They are vague and they do not offer substantial protections to replace the protections given up when conflicts of interest are permitted.

The specification of criteria for waiving conflict of interest prohibitions implies that in return for permitting a conflict of interest, another protection is supplied. The key question, then, is how effective and adequate is the substitute protection compared to the prohibition of conflict of interest that it is to replace? If the substitute is less adequate than the conflict of interest prohibition, then we should not accept the substitute.

Mr. President, let us examine the criteria proposed by this amendment in those terms. First, they would require that the historical record of the organization and its employees with respect to integrity in the provision of inspection or weighing services be considered. This would certainly be a minimum requirement—one which should be required of any person or firm in a position of trust—rather than a significant protection.

Clearly, this provision already exists in the law, and its specification here should not be taken as a reason to justify a conflict of interest.

Second, the amendment would require a balance of buyers and sellers on the board of directors, or other governing body of the inspection service organized under a board of trade or private exchange. It is not clear what protection a balance of buyers or sellers offers users of the service. It is not clear whether one large buyer, for example, could balance several small sellers, or whether an equal number of equal-sized buyers and sellers would be required. It is not clear how firms would be treated that are both buyers and sellers; nor is it clear what would prevent the buyers and sellers on that market from joining together to the disadvantage of other buyers or sellers, or the rest of us. Clearly, such a vague requirement is a very weak protection to offer to replace the fundamental requirement of an objective, unbiased, disinterested referee.

The third specific criterion that the sponsors of this amendment would offer as a protection to replace the prohibition of a conflict of interest is the requirement that the committee or other governing body of an inspection or weighing firm be autonomous within a chamber of commerce. This requirement is also vague, and, in a sense, a contridiction of terms, in the final analysis, the question of what links the "autonomous" body would have to the parent body must be dealt with. If the chamber of commerce provides the capital to establish the inspection or weighing agency, in fact how autonomous is the committee? Under what circumstances could the capital be withdrawn? The officers unseated? I suggest that the concept of an autonomous committee within a parent agency that has, itself, a conflict of interest is a virtual impossibility because of the fact that there are always real or implied links and controls that tie the so-called autonomous body firmly to the parent agency—and to its conflict of interest.

Finally, Mr. President, the fourth criterion says that the administrator shall, in making a determination under this paragraph, consider such other criteria as the administrator, after consultation with the advisory group established under this act, and upon the advisory group's recommendation, may by regulation provide.

This criterion, too, appears vague to me. It says to me that the administrator must consult with the advisory group, and that he may provide other criteria. This would seem to tie the administrator rather more closely to his advisory group in the establishment of these criteria than I believe Congress intends. I would oppose it on those grounds.

In summary, Mr. President, I am greatly concerned that the four criteria offered in this amendment offer us—the grain trade, producers, and consumers—very little protection in return for permitting widespread conflict-of-interest situations.

The fact is that conflict of interest is always a threat to the integrity of the system. This does not mean that those who have a conflict of interest are evil people, or that they are immoral. But it does mean that they do not meet the highest standards of objectivity by reason of the fact that they have a certain, specific, vested interest in the outcome of every decision—a conflict with objectivity.

Mr. President, conflicts of interest are prohibited in most systems because they are a threat to the integrity of the system. The only effective way I know of dealing with conflicts of interest is to prohibit them. In the whole history of Anglo-Saxon law, it has proven impossible to find rules which both effectively permit and adequately protect against conflicts of interest. The rules provided

in this amendment are no exception, Mr. President. They do not protect us against conflicts of interest. They should not be substituted for the only rule that works, the prohibition of the conflict of interest itself.

I have opposed the use of the waiver of the conflict of interest prohibition since it was first proposed—and indeed, this body turned it down. I voted against the act last year because the conflict of interest provision was included. Mr. President, I oppose these amendments because they are vague, and because their impact would be to further weaken the law.

The PRESIDING OFFICER (Mr. ANDERSON). Who yields time?

Mr. HUMPHREY. Mr. President, will the Senator yield me 2 minutes?

Mr. HUDDLESTON. I yield the Senator 2 minutes.

Mr. HUMPHREY. Mr. President, I call to the attention of the Senate today, as the Senator from Iowa (Mr. CLARK) noted, this was a very contentious feature of the bill. We did design language in the current legislation that reads as follows:

> Whenever the Administrator makes such a determination and makes a delegation or designation to an agency that has a conflict of interest otherwise prohibited by this subsection, the Administrator shall, within thirty days after making such a determination, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate, detailing the factual bases for such determination.

What I am pointing out is that there is flexibility in the law.

This debate, I think, can be helpful to the administrator. But, quite honestly, we ought to try to eliminate all conflicts of interest, and that is what we tried to do and on the original Senate bill did do. In our conference committee, we made some adjustments.

Mr. President, it has been over a year since Members of Congress became fully aware of wrongdoing and corruption in the U.S. grain inspection and weighing program and of the need for remedial legislation. It has been over 4 months since the U.S. Grain Standards Act of 1976, a wide-ranging measure designed to reform the inspection and weighing program, went into effect.

The 1976 act calls for the replacement of the private grain inspection and weighing agencies at export locations by Federal inspectors and weighers. It establishes a number of new requirements of law to protect American farmers from further abuses.

These first few months, I believe, are crucial to the ultimate success or failure of these reform measures. As with any new program, there will be bugs in the system that must be quickly eliminated. Important executive decisions must be made soon that will have far-reaching effects. For these reasons, strong and capable leadership is absolutely essential now.

Indeed, as the Committee on Agriculture, Nutrition, and Forestry has documented, the new grain inspection and weighing program has already encountered some rough going in a couple of areas, which perhaps could have been averted by the exercise of some sound leadership.

And although the committee stands ready to do everything it can to facilitate a smooth changeover in policies and procedures, it cannot be a substitute for an administrator.

In addition, many important features of the new law have not to date been implemented. To a large degree, this is due to the impossibility of accomplishing everything at one time. Yet, this is also due to the fact that there is no administrator in place to see to the implementation of these features.

Yet, amazingly, 4 months after the new program began, an Administrator has not been appointed.

Mr. President, the leadership problem at the Federal Grain Inspection Service grows more serious with each passing day; and, I believe, it will not be too long before the lack of leadership does irreparable harm to this much-needed new program.

I realize that Secretary of Agriculture Bergland is faced with a very large task in effecting a complete transition of leadership for the many agencies and bureaus within the Department of Agriculture. However, the appointment of an Administrator of the Federal Grain Inspection Service clearly is a high priority, and I urge the Secretary to recruit and appoint a person of experience and competence for that position.

Mr. President, I ask unanimous consent that a list of the various tasks and responsibilities of the Administrator of the Federal Grain Inspection Service originating from the U.S. Grain Standards Act of 1976 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follow:

BREAKDOWN OF RESPONSIBILITIES OF THE ADMINISTRATOR OF THE FEDERAL GRAIN INSPECTION SERVICE UNDER THE U.S. GRAIN STANDARDS ACT OF 1976

Task	Effective date	Status: Completed	Status: Not completed
1. Transfer to Federal inspection and weighing at certain export port locations.	May 20, 1978		X
(a) Toledo, Ohio	Jan. 16, 1977	X	
(b) New Orleans (Destrehan)	Feb. 12, 1977	X	
(c) Saginaw, Mich	Jan. 16, 1977	X	
(d) Chicago, Ill	Feb. 1, 1977	X	
(e) Beaumont, Tex	Feb. 27, 1977	X	
(f) Houston, Tex	Mar. 12, 1977	X	
(g) Milwaukee, Wis	Apr. 4, 1977		X
(h) Galveston, Tex	May 7, 1977		X
(i) New Orleans (New Orleans Board of Trade)	May 7, 1977		X
(j) Albany, N.Y	June 4, 1977		X
(k) Baltimore, Md	Aug. 2, 1977		X
(l) New Orleans (South Louisiana)	Aug. 27, 1977		X
(m) Corpus Christi, Tex	Sept. 30, 1977		X
(n) Huron, Mich	Nov. 26, 1977		X
(o) Philadelphia, Pa	Jan. 21, 1978		X
2. Implementation of "official weighing" of all grain exported.	Nov. 20, 1976		X [1]
(a) Approval of weighing facilities			X
3. Delegations to certain State agencies for the performance of export inspection and weighing.	May 20, 1978		X
(a) Investigation of applicants			X
(b) Findings made based on investigation			X
4. Designations to State and private agencies to perform inspection and weighing services at interior points.	Nov. 20, 1978		X
5. Equipment testing program initiated	Nov. 20, 1976		X
6. Establishment of Federal Grain Inspection Service:	Nov. 20, 1976	X	
(a) Budget		X	
(b) Hiring of personnel			X
(c) Issuance of regulations under the U.S. Grain Standards Act of 1976.			X
7. Implementation of Federal supervision program	Nov. 20, 1976		X
(a) Appropriations approved and fee schedule set	NA		X
(b) Personnel hired and trained			X
8. Implementation of required inspection and weighing of United States grain transshipped through Canada.	May 20, 1978		X
9. Policy and program for rotation of personnel	Nov. 20, 1976		X
10. Development of standards for the recruitment, training, and supervision of personnel, and work production standards.	Nov. 20, 1976		X [2]
11. 13 license or designation revocation proceedings pending in the Federal Grain Inspection Service.	NA		X
12. 48 criminal investigations pending in the Federal Grain Inspection Service.	NA		X
13. Development of criteria for waivers of conflicts of interest rules.	Nov. 20, 1976		X
14. Review of existing State and private agencies to determine compliance with conflicts of interest rules.	Nov. 20, 1976		X
15. Development of regulations setting procedures for investigating complaints and cancellation of export contracts.	Nov. 20, 1976		X
16. Implementation of program for monitoring grain shipments overseas.	Nov. 20, 1976		X
17. Implementation of continuing research program to improve grain grading.	Nov. 20, 1976		X
18. Implementation of program for registering export grain companies.	Nov. 20, 1976		X
19. Annual report to Congress on the implementation of the U.S. Grain Standards Act.	Nov. 20, 1977		X
20. Annual submission to Congress of a summary of complaints made by foreign buyers of U.S. grain.	Dec. 1, 1977		X
21. Quarterly report to Congress on investigative responses to complaints.	Feb. 20, 1977	X	
22. Special study of grain inspection and weighing practices at interior locations.	May 20, 1978		X
23. Special study of grain standards	Nov. 20, 1978		X

[1] Implemented at Houston, Beaumont, and Destrehan only.

[2] Only the recruitment standards have been developed.

Mr. TOWER. Mr. President, I yield 3 minutes to the Senator from Kansas.

Mr. DOLE. I thank the Senator.

Mr. President, as the distinguished Senator from Minnesota just pointed out, the exchange will be helpful because there is a feeling in the Department that the so-called waiver provisions are so rigid they do not intend to move on the waiver provisions.

I would like to lend my support to the amendment of the Senator from Texas because it will provide some necessary guidelines. All we are talking about are guidelines. not suggesting anything rigid. We are talking about guidelines to assist the administrator to determine whether or not a waiver should be granted.

It seems to the Senator from Kansas that it is necessary we do this. I recall that in the joint conference committee, as has been pointed out by the Senator from Iowa and the Senator from Minnesota, this provision received a great deal of contention. At many of the conference sessions, a great deal of the time spent in the meetings, was primarily on this one point.

It was the understanding of this Senator that we had resolved this problem by granting the administrator authority to grant waivers on the conflict-of-interest provision when he believes the integrity of the system would not be compromised.

Since the passage of the bill last year, the Federal Grain Inspection Service has indicated they cannot determine criteria necessary for the granting of such a waiver, and therefore no waivers will be granted.

So we say, on the one hand, a waiver can be granted and, on the other hand, it is not possible to determine the criteria. FGIS officials indicated such a position. They have repeated this position many times at many regional meetings, and at recent hearings conducted by the Agriculture Committee.

Since the Congress established authority for a waiver, the Senator from Kansas feels it appropriate we also indicate those circumstances under which we would approve a waiver.

It is the opinion of the Senator from Kansas that the amendment of the Senator from Texas (Mr. TOWER) properly establishes such criteria.

On that basis, the Senator from Kansas wants a strong grain inspection bill and wants to preserve strong legislation. We indicated, as the Senator from Minnesota just read from the bill itself:

> Whenever the administrator makes such a determination and makes a delegation or designation to an agency that has a conflict of interest otherwise prohibited by this subsection, the Administrator shall, within 30 days, and so forth.

But then, there is no criteria and because there is no criteria, the acting administrator says that they cannot make that waiver determination.

It seems to me we have some responsibility to assist the administrator if we are going to have a proper interpretation of this act.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield myself 1 minute.

I would point out that these criteria were recommended by producer groups during the hearings, before the committee. I further note that this amendment strengthens the act by providing some direction to the Administrator. It does not mandate anything, it just provides some direction.

At this point I will read a list of the States or private agencies performing official inspections: Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Utah.

I ask unanimous consent to have the list of States with private agencies performing official inspection services printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

States where private agencies are performing official inspection services

State	At interior points	At export points
Arizona	X	
Arkansas	X	
California	[1] X	
Colorado	X	
Idaho	X	
Illinois	[1] X	
Indiana	X	
Iowa	X	
Kentucky	X	
Louisiana		[2] X
Maryland		X
Michigan	X	
Nebraska	X	
New York	X	X
North Dakota	X	
Ohio	X	
Oklahoma	X	
Pennsylvania	-	X
South Dakota	X	
Tennessee	X	
Texas	X	[2] X
Utah	X	

[1] State department's of agriculture also perform official inspection services at certain points.

[2] FGIS also performs official inspection services at certain points.

Mr. TOWER. I think that this amendment actually improves the bill, and I hope that it will be given favorable consideration.

I ask unanimous consent to have printed in the RECORD a letter to the chairman of the Committee on Agriculture, Nutrition, and Forestry, Senator HERMAN TALMADGE, which was signed by Senators BARTLETT, ZORINSKY, CURTIS, ANDERSON, PACKWOOD, LUGAR, MCCLURE, and myself.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 28, 1977.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of grain producers and marketers in our states, we appreciate your Committee's prompt attention to many of the problems which have arisen in implementing the Grain Standards Act of 1976. The hearings which Senator Huddleston's Subcommittee held in this regard were most helpful in identifying these problems, and the solutions embodied in S. 592 and S. 593 will go a long way toward their solution.

We would hope that the Committee will also consider changes in the law which have not been addressed in the proposed legislation. We are enclosing for the Committee's consideration draft amendments which we are sponsoring, and which we feel are essential in resolving the remaining problem areas which have been identified.

The amendments would:

1. Provide criteria for the Administrator of the Federal Grain Inspection Service in the granting of waivers for apparent conflicts of interest among boards of trade, private exchanges, and chambers of commerce.

2. Establish a ceiling on federal supervisory personnel to replace the "blank check" which FGIS received under the present law.

3. Allow FGIS to designate a board of trade, private exchange, or chamber of commerce to perform official inbound inspection at export points to facilitate the orderly marketing of grain.

4. Provide for partial funding through appropriations of all federally mandated inspection, weighing or supervisory costs.

It may be the judgment of the Committee that criteria for granting a conflict of interest waiver could effectively be provided to the Administrator through report language rather than through an actual amendment of the Act. Although we would prefer legislative language, we would be happy to see such language which would achieve the same result.

As cosponsors of these amendments, we would appreciate your consideration of them at the time you mark up legislation dealing with the Grain Standards Act. Adoption of these amendments, it seems to us, eliminates any remaining problems experienced under the Act and will serve to enhance the system which the Committee devised last year.

Sincerely yours,
John Tower, Dewey F. Bartlett, Edward Zorinsky, Carl T. Curtis, Lloyd Bentsen, Bob Packwood, Richard G. Lugar, James A. McClure.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. TOWER. I yield 2 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I have not received a single complaint on the bill pending before the Senate. All I have received has been favorable comment. We have one of the biggest co-ops in my area, but I have not heard a thing from any of them except that they approve what the bill contains. Can the Senator tell me what grain companies want changes?

Mr. DOLE. As the Senator recalls, because he was there both days, we had a

number of witnesses—in fact, we had a rather large delegation from the State of Texas and from the State of Nebraska— who suggested that we set forth some guidelines so that a waiver might be granted. We did not adopt in the committee. There is no objection to the bill as approval was unanimous. Senator TOWER has every right to offer his amendment. It is my understanding that the amendment was supported by the National Council of Farmer Cooperatives.

Mr. TOWER. The co-ops, yes.

Mr. YOUNG. Do we have any correspondence from them? I have not seen any correspondence from them.

Mr. DOLE. Telegrams are supposed to be in the mill.

Mr. TOWER. I think that correspondence has been mailed.

Mr. DOLE. I say to the Senator from North Dakota that what the Senator from Texas seeks to do is to set forth certain criteria. But even if a waiver is granted based on these criteria, it still must be reported to the Senate committee and the House committee within 30 days, so we have every right to move on it ourselves, whatever happens.

Mr. YOUNG. It may be all right, but it is odd that I have not received any correspondence, any telephone calls, not a word from anyone in the business or who knows the business. If they wanted any changes, I should think they would have contacted the members of the committee. I am a cosponsor. This is the first time I have heard of an important bill on which nobody was contacted if somebody wanted to make changes.

Mr. HUMPHREY. Mr. President, will the Senator yield for a question?

Mr. DOLE. I yield.

Mr. HUMPHREY. Why can we not wait for the advisory committee that is provided for in the bill to make some suggestion to us, after they have talked to the people in the trade and after they have talked with the producers, cooperative groups, and so forth?

I see great merit in having certain criteria, but I would not want those criteria to be exclusive. I think those are just among others.

It is my judgment that if we are going to have a national advisory committee on this bill, we should wait until they advise us. This is a new instrumentality. There is not yet a permanent administrator of this program. When we get away from the acting administrator to a confirmed administrator, then we will have a chance to take a good look as to whether or not these additional criteria are needed.

I suppose the Senator from Kansas knows that basically I am sympathetic; but I think that the conflict of interest business is so serious that we should not move precipitately. Let us permit that advisory committee to come in with some recommendations. We have had a good discussion here about it. I think it has been helpful.

I am not trying to shoot down the recommendation and amendment of the Senator from Texas. I know it is offered as a means of being helpful and not a means of weakening the legislation. I believe that out of this debate and discussion, with the advisory committee being established under the new bill that Senator HUDDLESTON and Senator DOLE have proposed for us, we can come out in a few minutes with what we want.

Mr. TOWER. Mr. President, I note that these criteria are not exclusive. As a matter of fact, on line 11 of page 2, the amendment states:

such other criteria as the Administrator, after consultation with the Advisory Group established under this Act, upon the Advisory Group's recommendation, may by regulation provide.

I think that answers the problem raised by the Senator from Minnesota.

Mr. President, I am prepared to yield back the remainder of my time, if the other side is.

Mr. President, I ask unanimous consent that Larry Meyers, of Senator BENTSEN's staff, have the privilege of the floor during the consideration of and vote on the amendments to the Grain Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, the conflict of interest rules in section 11(b) of the act were added by the U.S. Grain Standards Act of 1976. During the consideration of the conflict of interest rules, in the course of conference committee proceedings on the 1976 act, the adoption of criteria very similar to the ones in this amendment were discussed and the proposal was made that they be written into the law as requirements or preconditions for any waiver. However, in the end, this proposal was rejected. No one can anticipate all the criteria or factors that sometime in the future may arise which might have a determinative effect on whether or not a waiver is granted.

It was believed better to provide only the general standard which is part of the law today: Could the conflict of interest jeopardize the integrity or the effective and objective operations of the inspection or weighing agency?

I oppose this amendment for the following reasons:

First. Although several of the witnesses at the hearings testified in favor of retaining boards of trade and grain exchanges that have had clean records and in favor of using criteria such as those contained in the amendment, there was no clear and persuasive record made on the need for including these precisely-written criteria in the act, nor did the Committee on Agriculture, Nutrition, and Forestry have the opportunity to discuss them when considering S. 1051.

Second. As I indicated in describing the background on this issue, and as indicated by the Senator from Iowa, the matter had been considered and rejected by conferees on the 1976 act. The adoption of this amendment would, in effect, reverse the decision of Congress made last year.

Third. I believe this amendment would amount to over-legislating. A good general criterion is already set by law, which the Administrator must follow. S. 1051 establishes a temporary advisory committee to assist the Administrator of the Federal Grain Inspection Service in developing just and workable specific criteria.

The Administrator and the advisory committee will have the opportunity to consider criteria thoroughly and with due deliberation; while we are being asked here today to act with, at best, a fragmentary record and little time for reflection.

There are a couple of further things about the amendment that I think should be pointed out.

First of all, the Secretary of Agriculture, Mr. Bergland, has made the statement, in a letter addressed to the Honorable HERMAN E. TALMADGE, chairman of the Committee on Agriculture, Nutrition, and Forestry, that the amendment offered by the Senator from Texas would tend to erode the intent of Congress to cure the problems inherent in the present inspection system.

I point out, too, that while these criteria are presented as merely guidelines to be considered, the language of the amendment says that the Administrator shall, in making a determination under this paragraph, consider these listings.

Also, section (D), on page 2, gives the advisory group virtually absolute power in determining what the criteria shall be. It says:

such other criteria as the Administrator, after consultation with the Advisory Group established under this Act, upon the Advisory Group's recommendation, may by regulation provide.

This, in effect, gives the advisory group absolute power to determine what the criteria will be and how the waiver will be granted.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. HUDDLESTON. I yield.

Mr. TOWER. They are an advisory group. They do not have any absolute power at all.

Mr. HUDDLESTON. But according to this language, the administrator cannot add any criteria unless the advisory group recommends them. That seems to me to give the advisory group virtually absolute power.

Mr. TOWER. He still has discriminatory power.

Mr. HUDDLESTON. How does he avoid this particular paragraph?

Mr. TOWER. He still has discretionary authority on whether or not to grant the waiver.

Mr. HUDDLESTON. Whether or not to grant the waiver, but not on the question of the recommendations of on what basis he can grant the waiver.

Mr. President, I believe this amendment should be rejected. We have addressed the major problem of early implementation efforts by the bill we are considering now. I think the advisory committee should to have an opportunity to go into effect and review the situation and make whatever recommendations it feels appropriate to the Administrator. And then the Administrator, in consultation with the advisory group, can estabish whatever criteria he might feel appropriate.

I am prepared to yield back the remainder of my time, and when all time is yielded back, I move to table the amendment.

Mr. TOWER. I yield back the remainder of my time.

Mr. President, has the Senator moved to table?

Mr. HUDDLESTON. I will as soon as time is yielded back.

Mr. HUMPHREY. Mr. President, will the Senator yield? I make an appeal to the Senator from Texas. He has listened to the argument of the manager of the bill. We have gotten a lot of information on this, why have it batted down? Why not wait for the advisory group? The Senator might want to withdraw his amendment.

Mr. TOWER. I prefer not to withdraw my amendment. There are provisions made in the advisory group on criteria and, therefore, I want to get a vote on it. It is something the producers want and the co-ops want. I think it is reasonable.

Those private exchanges, and so forth, down in Kentucky that inspect this grain are perfectly honest groups, and I have no question about the confidence in them.

Mr. HUDDLESTON. There is no question about Kentucky, but there has been some question about Texas.

Mr. TOWER. That is not in the interior of Texas.

Mr. DOLE. Mr. President, will the Senator yield before he yields back his time?

Mr. TOWER. I yield to the Senator from Kansas.

Mr. DOLE. I think it has been a good record, and it may be helpful to the administrator, whoever that may be, and to the advisory committee when it is appointed.

But I want to point out that the Secretary of Agriculture opposed many of the changes also. He opposed appropriations rather than fees; he opposed advisory committees because we have too many advisory committees now, and it does seem to me we are saying, in effect, there are not any honest grain exchanges, and we are going to put them all out of business and we are going to make it impossible to grant a waiver.

I do not believe that was the intent. It was never the intent, so far as this Senator knows, in the conferences and discussions we had and the hearings that have been held—and there have been many, many hours of hearings—that we wanted anything other than to clean up the system. It was never our intent to put honest businessmen out of business or make it impossible for honest businessmen or businesswomen, whatever, to engage in this activity.

From that standpoint I support the distinguished Senator from Texas. But in the event, in the unlikely event, the motion to table carries we still made a good record.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HUDDLESTON. How much time remains?

The PRESIDING OFFICER (Mr. ANDERSON). The Senator from Kentucky has 10 minutes and the Senator from Texas 12 minutes.

Mr. HUDDLESTON. Mr. President, I feel we determined, and it was evident in both informal hearings that were held by the Senator from Kansas and formal hearings by my subcommittee, that there may be a number of problems regarding implementation of the act we passed last year.

The bill we are considering addresses the most serious ones and the ones on which there was most agreement as to a remedy.

The masters that are brought up in this amendment and the others by the Senator from Texas certainly deserve further consideration. But I believe we have provided in the legislation we are considering the mechanism to give them the kind of consideration they should have.

I would be hopeful that we could let that mechanism work, that we can have this exchange of ideas between the advisory committee, and the Administrator of the Federal Grain Inspection Service.

I suggest that would be the proper course to take.

Mr. BENTSEN. Mr. President, in Texas farmers historically had to move their grain long distances for grading and marketing purposes. To remedy this situation groups of farmers formed private exchanges or boards of trade or pursuaded their local chamber of commerce to perform the necessary grading of the local grain. This proved to be an efficient local method of grading to the benefit of the farmers.

In Texas, the recent grain scandals were something we read about in the paper. They did not occur in Texas. There have been no convictions. There have been very few complaints. Yet because of scandals elsewhere in the country, our system of grading is being punished to the detriment of a great many people who have performed a good service to Texas farmers.

I support this amendment because individual farmers have asked me to. It does not eliminate the Federal Grain Inspection Service. It only allows the Administrator to make a decision whether to allow private inspection or to federalize a facility. To me, this is a rational procedure. It would still allow us to punish the guilty, yet it would not frustrate the innocent.

Mr. DOLE. Mr. President, will the Senator yield for a unanimous-consent request?

I ask unanimous consent that Mr. Brad Gungoll of Senator BELLMON'S staff be granted the privileges of the floor during the consideration and vote on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I yield back the remainder of my time.

Mr. TOWER. I yield back my time.

Mr. HUDDLESTON. Mr. President, I move that the amendment by the Senator from Texas be tabled, and I ask for the yeas and nays.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. I ask for the yeas and nays on the motion to table the amendment of the Senator from Texas.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky to lay on the table the amendment of the Senator from Texas.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. METZENBAUM). The Senate will be in order. The clerk cannot hear the roll being called. The Senate will be in order.

Will the Members of the Senate retire to their seats or to the cloakroom please?

The assistant legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. The clerk will suspend the calling of the roll.

Will the Senate please come to order? Will the Members of the Senate retire to their seats?

The clerk will proceed to call the roll.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. CRANSTON. I announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I further announce that the Senator from Michigan (Mr. RIEGLE) is absent on official business.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) and the Senator from North Carolina (Mr. MORGAN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

The result was announced—yeas 58, nays 35, as follows :

[Rollcall Vote No. 87 Leg.]

YEAS—58

Abourezk	Glenn	Metzenbaum
Anderson	Hart	Moynihan
Bayh	Haskell	Muskie
Biden	Hathaway	Nelson
Brooke	Hollings	Nunn
Bumpers	Huddleston	Pell
Burdick	Humphrey	Proxmire
Byrd, Robert C.	Inouye	Randolph
Cannon	Jackson	Ribicoff
Case	Javits	Sarbanes
Chiles	Kennedy	Sasser
Church	Leahy	Sparkman
Clark	Long	Stennis
Cranston	Magnuson	Stevenson
Culver	Mathias	Stone
DeConcini	Matsunaga	Talmadge
Durkin	McClellan	Williams
Eagleton	McGovern	Young
Eastland	McIntyre	
Ford	Melcher	

NAYS—35

Allen	Chafee	Hatch
Baker	Curtis	Hatfield
Bartlett	Danforth	Hayakawa
Bellmon	Dole	Heinz
Bentsen	Domenici	Helms
Byrd, Harry F., Jr.	Garn	Johnston
	Hansen	Laxalt

Lugar	Roth	Stevens
McClure	Schmitt	Thurmond
Metcalf	Schweiker	Tower
Pearson	Scott	Wallop
Percy	Stafford	Zorinsky

NOT VOTING—7

Goldwater	Morgan	Weicker
Gravel	Packwood	
Griffin	Riegle	

So the motion to lay on the table Mr. TOWER'S amendment (No. 141) was agreed to.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. CLARK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 142

Mr. TOWER. Mr. President, I call up my amendment No. 142.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) offers an amendment numbered 142.

The amendment is as follows:

S. 1051 is amended by adding the following new section:

SEC. 8. Notwithstanding any other provision of law, the Administrator may designate a broad of trade, chamber of commerce, or private exchange for the purposes of providing official inspection and grading services on inbound shipments at points of export: *Provided*, That—

(A) a balance between buyers and sellers exists among the members of the board of directors or other governing body of an inspection agency established for such purposes by a board of trade or a private exchange;

(B) an autonomous committee composed of neither buyers nor sellers is established to govern an inspection agency set up to perform such services by a chamber of commerce; and

(C) such other criteria as the Administrator, after consultation with the Advisory Group established under the Act, and upon the Advisory Group's recommendation may by regulation prescribe, are met.

Mr. TOWER. Mr. President, I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I ask unanimous consent that Frank Cushing of my staff be accorded the privilege of the floor at all stages of the proceedings on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, it is apparent——

Mr. HART. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Will Senators please retire to their seats or return to the cloakrooms, and the Senator from Texas be good enough to use his microphone?

Mr. TOWER. Mr. President, I opposed putting those evil devices in this house in the first place, and I intend not to use my microphone, nor will I ever use it. That settles that question.

The PRESIDING OFFICER. Then it will pe appreciated if the Senator will speak loud and clear.

Mr. TOWER. Mr. President, it is apparent to me that the Senate is in no mood to be enlightened on the amendments to this bill this evening. Therefore, with the steamroller all cranked up, it would appear to me to be futile for me to proceed further on my other amendments, and I think discretion would dictate that I withdraw the one I have just called up, and without the others.

However, I feel that we have made a good record, and I would entreat the committee to give consideration to further improvements to this legislation, as we sought to do with these amendments. I think some good points have been made here on both sides. I do not think any of us want to gut the system whereby we preserve the integrity of our system of grain weighing and inspection and assuring good quality, but I think we do have to take into consideration some legitimate gripes of the producers. I think the Federal cost of three times the private cost is outrageous, and I hope the committee will get into this matter and attempt to do something about it, because that is a cost that is being put upon the producer.

Mr. McCLURE. Mr. President, will the Senator yield for a comment?

Mr. TOWER. I am delighted to yield to my friend from Idaho.

Mr. McCLURE. I thank the Senator from Texas for yielding, because I believe, as the Senator from Texas does, that the amendments would have strengthened the inspection system, at the same time doing so with justice to those producers who are in the marketplaces as well as the marketers in the marketplace.

I am sorry that the Senator has found the Senate anxious to adjourn for the evening rather than to legislate, but I think the Senator is correct. I support him in his actions. I hope the committee will listen and the Senate will listen to the possibility of further revisions in this legislation, and I thank the Senator for yielding.

Mr. HUDDLESTON. Mr. President, I would only comment on the remarks of the Senator from Texas that perhaps his appraisal of the mood of the Senate is in the eye of the beholder. It appears to me that the Senate is well enough enlightened, and that it is not willing to precipitate any substantial changes in what we regard as a reasonably good action to this point.

At any rate, I agree with the Senator that the discussion here today has been helpful. I assure him and the other cosponsors of his amendment that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices will be very attentive to this legislation as it is implemented. We moved very quickly to have hearings after the initial implementation for the very purpose of trying to find where the shortcomings were, where the difficulties were, and how things might be improved. S. 1051, which we are considering today, is a result of those hearings. The Senator from Kansas has been very active in maintaining watchfulness over this legislation.

I can assure the Senators that we will be in close contact with the advisory committee established by this legislation. We will be watching very closely as the Federal Grain Inspection Service continues to implement this act. We will look for ways in which we can improve it and strengthen it as implementation goes forward.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. HUDDLESTON. I yield.

Mr. TOWER. One thing I am concerned about is the cost involved in this grading inspection. For example, in Fort Worth, Tex., the Government cost is three times the private exchange cost. It is 2½ times the private exchange cost in Houston. I could go on and on. It seems to me that these costs are inordinately high. I just hope the committee will look into this and do something about it.

Mr. HUDDLESTON. We are looking into it.

Mr. TOWER. The producers have to maintain the cost.

Mr. HUDDLESTON. Our committee report indicates that the costs are much closer than the Senator indicated, I might point out. There is very little difference. But I hasten to point out this is, of course, an area which we will follow very closely.

Mr. TOWER. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. TOWER. Mr. President, I do not intend to call up my other two amendments.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. HUDDLESTON. Mr. President, if there are no further amendments. I yield back the remainder of my time on the bill.

The PRESIDING OFFICER. Does the Senator from Kansas yield back the remainder of his time?

Mr. DOLE. The Senator from Kansas yields back the remainder of his time, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, this will be the last vote today.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Maine (Mr. HATHAWAY) are necessarily absent.

I further announce that the Senator from Michigan (Mr. RIEGLE) is absent on official business.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "yea."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—93

Abourezk	Garn	Morgan
Allen	Glenn	Moynihan
Anderson	Hansen	Muskie
Baker	Hart	Nelson
Bartlett	Haskell	Nunn
Bayh	Hatch	Pearson
Bellmon	Hatfield	Pell
Bentsen	Hayakawa	Percy
Biden	Heinz	Proxmire
Brooke	Helms	Randolph
Bumpers	Hollings	Ribicoff
Burdick	Huddleston	Roth
Byrd, Harry F., Jr.	Humphrey	Sarbanes
	Inouye	Sasser
Byrd, Robert C.	Jackson	Schmitt
Cannon	Javits	Schweiker
Case	Johnston	Scott
Chafee	Kennedy	Sparkman
Chiles	Laxalt	Stafford
Church	Leahy	Stennis
Clark	Long	Stevens
Cranston	Lugar	Stevenson
Culver	Magnuson	Stone
Curtis	Mathias	Talmadge
Danforth	Matsunaga	Thurmond
DeConcini	McClellan	Tower
Dole	McClure	Wallop
Domenici	McGovern	Williams
Durkin	McIntyre	Young
Eagleton	Melcher	Zorinsky
Eastland	Metcalf	
Ford	Metzenbaum	

NAYS—0

NOT VOTING—7

Goldwater	Hathaway	Weicker
Gravel	Packwood	
Griffin	Riegle	

So the bill (S. 1051) was passed, as follows:

S. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RECORDS

SECTION 1. Section 12(d) of the United States Grain Standards Act (90 Stat. 2882; 7 U.S.C. 87a(d)) is amended by striking out "shall, within the five-year period thereafter, maintain complete and accurate records of purchases, sales, transportation, storage, weighing, handling, treating, cleaning, drying, blending, and other processing, and official inspection and official weighing of grain," and inserting in lieu thereof the following: "shall maintain such complete and accurate records for such period of time as the Administrator may, by regulation, prescribe for the purpose of the administration and enforcement of this Act,".

SUPERVISION FEES

SEC. 2. (a) Section 7(j) of the United States Grain Standards Act (90 Stat. 2873; 7 U.S.C. 79(j)) is amended to read as follows:

"(j) The Administrator shall, under such regulations as he may prescribe, charge and collect reasonable fees to cover the estimated cost of official inspection except when the official inspection is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Service incident to its performance of official inspection services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. Such fees, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of the United States, shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(b) Section 7A(l) of the United States Grain Standards Act (90 Stat. 2877; 7 U.S.C. 79a(l)) is amended to read as follows:

"(l) The Administrator shall, under such regulations as he may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. Such fees shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(c) Section 21 of the United States Grain Standards Act of 1976 (90 Stat. 2886) is amended by striking out "those Federal administrative and supervisory costs incurred within the Service's Washington office or not directly related to the official inspection or the provision of weighing services for grain" and inserting in lieu thereof the following: "Federal administrative and supervisory costs related to the official inspection or the provision of weighing services for grain".

(d) Section 27 of the United States Grain Standards Act of 1976 (90 Stat. 2889) is amended by striking out ", who pays fees when due, in the same manner as prescribed in section 7 or 7A of the United States Grain Standards Act, as amended by this Act,".

(e) The provisions of this section shall become effective October 1, 1977.

ESTABLISHMENT OF TEMPORARY ADVISORY COMMITTEE

SEC. 3. (a) In order to assure the normal movement of grain in an orderly and timely manner, the Secretary of Agriculture shall establish a temporary advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the United States Grain Standards Act of 1976. The advisory committee shall consist of not more than twelve members, appointed by the Secretary, representing the interests of grain producers, consumers, and all segments of the grain industry, including grain inspection and weighing agencies. Members of the advisory committee shall be appointed not later than thirty days after the date of enactment of this Act.

(b) The advisory committee shall be governed by the provisions of the Federal Advisory Committee Act.

(c) The Administrator of the Federal Grain Inspection Service shall provide the advisory committee with necessary clerical assistance and staff personnel.

(d) Members of the advisory committee shall serve without compensation, if not otherwise officers or employees of the United States, except that members shall, while away from their homes or regular places of business in the performance of services under this Act, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code.

(e) The advisory committee shall terminate eighteen months after the date of enactment of this Act.

(f) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

TECHNICAL AMENDMENTS

SEC. 4. The United States Grain Standards Act (39 Stat. 482–485, as amended; 7 U.S.C. 71, 74–79, 79a and 79b, 84–87, and 87a–87h) is amended as follows:

(a) Section 3 is amended by—

(1) striking out "grain sorghum" in subsection (g) and inserting in lieu thereof "sorghum";

(2) amending subsection (m) to read as follows:

"(m) the term 'official agency' means any State or local governmental agency, or any person, designated by the Administrator pursuant to subsection (f) of section 7 of this Act for the conduct of official inspection (other than appeal inspection), or subsection (c) of section 7A of this Act for the conduct of official weighing or supervision of weighing (other than appeal weighing);";

(3) inserting "for" immediately after "under standards provided" in subsection (x); and

(4) amending subsection (y) to read as follows:

"(y) the term 'supervision of weighing' means such supervision of the grain weighing process as is determined by the Administrator to be adequate to reasonably assure the integrity and accuracy of the weighing, such physical inspection of the premises at which the grain weighing is performed as will reasonably assure that all the grain intended to be weighed has been weighed and discharged into the elevator or conveyance, and the certification of the weight of the grain weighed under such supervision, by official inspection personnel;".

(b) Section 4(a) is amended by striking out "grain sorghum" and inserting in lieu thereof "sorghum", and inserting a comma after "equipment calibration and maintenance".

(c) Section 7 is amended by—

(1) designating the third sentence in paragraph (2) of subsection (e) as paragraph (4) of subsection (e) and inserting it at the end of subsection (e);

(2) amending subsection (f) by—

(A) in the first sentence of paragraph (2), inserting "or State delegated authority pursuant to subsection (e)(2) of this section" immediately after "Not more than one official agency", inserting "inspection" immediately before "provisions of this Act", and striking out ", but this paragraph shall not be applicable to prevent any inspection agency from operating in any area in which it was operative on August 15, 1968";

(B) striking out "No" in the second sentence of paragraph (2) and inserting in lieu thereof "Except as authorized by the Administrator, no";

(C) designating the second sentence of paragraph (2) as paragraph (3) of subsection (f); and

(D) designating the third sentence of paragraph (2) as paragraph (4) of subsection (f);

(3) striking out "subsections (e) and (f)" in paragraph (1) of subsection (g) and inserting in lieu thereof "subsection (f)"; and

(4) adding at the end of subsection (i) a new sentence as follows: "All or specified functions of such inspections shall be performed by official inspection personnel employed by the Service or persons operating under a contract with the Service.".

(d) Section 7A is amended by—

(1) inserting "official weighing or" immediately after "The Administrator is authorized to cause" in subsection (b);

(2) amending paragraph (2) of subsection (c) by—

(A) in the first sentence, inserting "or supervision of weighing" immediately after "to delegate authority to perform official weighing", inserting "official weighing or"

immediately before "supervision of weighing, if such agency or person qualifies", and striking out "number" and inserting in lieu thereof "under";

(B) in clause (A) of the second sentence, striking out "at export elevators", and inserting "or supervision of weighing" immediately after "official weighing"; and

(C) inserting "official weighing or" immediately before "supervision of weighing" wherever this phrase appears in clause (B) of the second sentence;

(3) adding at the end of subsection (d) a new sentence as follows: "All or specified functions of such weighing shall be performed by official inspection personnel employed by the Service or persons operating under a contract with the Service.";

(4) striking out the second sentence of subsection (e);

(5) amending subsection (f) by—

(A) in clause (2), striking out "employ" and inserting in lieu thereof "permit", and inserting "and who are approved by the Administrator" immediately before "to operate the scales"; and

(B) in clause (3), striking out "employees of the facility" and inserting in lieu thereof "persons other than official inspection personnel," and striking out "employees to operate" and inserting in lieu thereof "such persons to operate";

(6) inserting "or supervision of weighing" immediately after "official weighing" in subsection (g);

(7) inserting "or local governmental agency" immediately after "No State" in subsection (i); and

(8) adding at the end of subsection (i) a new sentence as follows: "Not more than one official agency or State delegated authority pursuant to subsection (c)(2) of this section for carrying out the weighing provisions of this Act shall be operative at one time for any geographic area as determined by the Administrator to effectuate the objectives stated in section 2 of this Act.".

(e) Section 7B is amended by—

(1) inserting "for the purpose of official inspection, official weighing or supervision of weighing" immediately before "of grain located at all grain elevators" in subsection (a); and

(2) inserting "for the purposes of this Act" immediately after "no person shall use" in subsection (c).

(f) Section 8 is amended by—

(1) amending subsection (a) by—

(A) inserting ", other than appeal weighing," immediately after "supervision of weighing" in clause (1);

(B) striking out "of grain" in clause (2) (B) and inserting in lieu thereof "(including appeal weighing) of grain in the United States, or of United States grain in Canadian ports"; and

(C) in clause (3), inserting "or governmental agency" immediately after "(3) to contract with any person", and striking out "specified sampling and laboratory testing" and inserting in lieu thereof "specified sampling, laboratory testing, and similar technical functions"; and

(2) adding at the end of subsection (e) a new sentence as follows: "The Administrator may compensate such personnel at any rate within the appropriate grade of the general schedule as he deems necessary without regard to section 5333 of title 5 of the United States Code.".

(g) Section 11 is amended by—

(1) inserting "official weighing or" immediately before "supervision of weighing" in paragraph (3) of subsection (b);

(2) in the first sentence of paragraph (5) of subsection (b), inserting "official weighing or" immediately before "supervision of weighing except", and inserting "director," immediately before "officer, employee,"; and

(3) inserting "or State agency delegated authority under this Act" immediately after "official agency" in subsection (c).

(h) Section 12 is amended by—

(1) inserting ", every State agency delegated authority under this Act," immediately after "official agency" wherever this phrase appears in subsections (a), (b), and (c); and

(2) striking out "delegate authority of this Act" in subsection (c) and inserting in lieu thereof "delegated authority under this Act".

(i) Section 13(a) is amended by—

(1) inserting ", or that any weighing service under this Act has been performed with respect to grain" immediately before the semicolon at the end of paragraph (6);

(2) striking out in paragraph (11) "5, 6, 7(f)(2), 7A, 7B(c), 8, 11, or 12" and inserting in lieu thereof "5; 6; 7(f)(2), (3), or (4); 7A; 7B(c); 8; 11; 12; or 17A";

(3) striking out "testing" in paragraph (12) and inserting in lieu thereof "weighing"; and

(4) in paragraph (13), striking out "the grain" and inserting in lieu thereof "grain", and inserting "the" immediately after "observing the loading of".

(j) Section 16 is amended by—

(1) striking out, in subsection (a), the second sentence and all that follows "or other person;" in the first sentence down through "by the Administrator." and inserting in lieu thereof the following: "and prescribe such rules, regulations, and instructions as the Administrator deems necessary to effectuate the purposes or provisions of this Act. Such regulations may require, as a condition for official inspection or official weighing or supervision of weighing, among other things, (1) that there will be installed specified sampling, handling, weighing, and monitoring equipment in grain elevators, warehouses, and other grain storage or handling facilities, (2) that approval of the Administrator be obtained as to the condition of vessels and other carriers or receptacles for the transporting or storing of grain, and (3) that persons having a financial interest in the grain which is to be inspected (or their agents) shall be afforded an opportunity to observe the weighing, loading, and official inspection thereof, under conditions prescribed by the Administrator."; and

(2) striking out "additional" in subsection (f).

(k) Section 17A is amended by striking out "All persons registered" in paragraph (1) of subsection (b) and inserting in lieu thereof "All persons required to register".

(l) Section 17B is amended by inserting "notice of" immediately after "Administrator or the Secretary of" in clause (2) of subsection (b).

(m) Section 21 is amended by striking out "SEC. 21" and inserting in lieu thereof "SEC. 19".

SEC. 5. (a) Section 8(b)(3) of the United States Grain Standards Act of 1976 (90 Stat. 2874) is amended by inserting "(which may include the application of statistical tolerances for expected variations)" immediately after "error rates of such agencies".

(b) Section 27 of the United States Grain Standards Act of 1976 (90 Stat. 2889) is amended by—

(1) striking out all that follows "SEC. 27." down through "without a designation under the United States Grain Standards Act, as amended by this Act" and inserting in lieu thereof the following: "This Act shall become effective thirty days after enactment hereof; and thereafter no State or other agency or person shall provide official inspection or official weighing or supervision of weighing under the United States Grain Standards Act, as amended by this Act, at an export port location without a delegation of authority or other authorization under such amended Act, and no agency or person shall provide official inspection service or official weighing or supervision of weighing under such amended Act in any other area without a designation or other authorization under such amended Act";

(2) inserting "or other authorization under such Act" immediately after "may continue to operate in that area without a delegation or designation"; and

(3) striking out "and export elevators located at export port locations" in clause (3).

HARD RED WINTER WHEAT

SEC. 6. (a) Notwithstanding any other provision of law, no person acting under a license or authorization to perform official functions under the United States Grain Standards Act shall certify or otherwise state in writing, or perform any analysis to determine, (1) the subclass of Hard Red Winter wheat on the basis of color or on the basis of the dark, hard, and vitreous kernel content, or (2) the percentage of dark, hard, and vitreous kernels in Hard Red Winter wheat.

(b) The provisions of this section shall become effective May 1, 1977, except that a certification or analysis as described in subsection (a) may be performed after May 1, 1977, if pursuant to the requirements of any written contract for the sale of Hard Red Winter wheat entered into and signed prior to the date of enactment of this Act.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with no resolutions coming over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

ORDER FOR RECOGNITION OF SENATOR BARTLETT ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday, after the two leaders have been recognized under the standing order and before the Senate resumes consideration of the code of conduct resolution, Mr. BARTLETT be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—NOMINATION OF PETER F. FLAHERTY

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that on Friday, upon the disposition of the code of conduct resolution (S. Res. 110), the Senate go into executive session to consider the nomination of Peter F. Flaherty, of Pennsylvania, and that there be a time limitation on debate on the nomination of 1 hour and a half to be equally divided between Mr. EASTLAND and Mr. THURMOND.

Mr. BAKER. Mr. President, reserving the right to object, I must say that I do have an objection lodged and noted on my side by a Member. Therefore, I object to the request.

The PRESIDING OFFICER. Objection is heard.

TRANSFER OF CERTAIN MEASURES TO UNANIMOUS-CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there are two additional measures which have been cleared for action by unanimous consent on both sides. They are calendar orders numbered 59 and 61. I ask the clerk to place them on the unanimous-consent calendar.

The PRESIDING OFFICER. They will be so transferred.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE SUBCOMMITTEE ON MIDDLE EASTERN AFFAIRS TO MEET ON THURSDAY, APRIL 7, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Foreign Relations Subcommittee on Middle Eastern Affairs be authorized to meet next Thursday, a week from tomorrow, April 7, 1977, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVE F, 95TH CONGRESS, FIRST SESSION

Mr. ROBERT C. BYRD. Mr. President, in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Agreement with Canada Concerning Transit Pipelines, signed at Washington on January 28, 1977 (Executive F, 95th Congress, first session), transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the President's message is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Agreement between the Government of the United States of America and the Government of Canada Concerning Transit Pipelines signed at Washington on January 28, 1977. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Agreement, including copies of letters exchanged at the time the draft text of the Treaty was initialed.

The Agreement was negotiated in response to a request made by the Congress in the Trans-Alaska Pipeline Authorization Act (P.L. 93-153) that the President determine the willingness of the Government of Canada to permit the construction of pipelines across Canada to carry oil and gas from Alaska's North Slope to markets in the lower 48 States, the terms and conditions which might apply to the operation of such pipelines and the need for intergovernmental agreements for this purpose. The Agreement negotiated in response to this request provides reciprocal protection against interruption in the flow of hydrocarbons in transit, and against discriminatory taxation. The Agreement is applicable both to existing and future pipelines transiting the United States and to future pipelines transiting Canada.

It became clear early in the negotiations that the Government of Canada was not prepared to conclude an arrangement which granted advance approval to a specific pipeline project. Consequently, the Agreement was drafted without reference to the specific proposals which have been made for the construction of pipelines to transport gas from Alaska's North Slope to the lower 48 States. Its provisions would be applicable to both existing and future transit pipelines.

The Agreement does not constitute Canadian approval of construction of a transit pipeline across its territory. Upon completion of studies currently in progress, the Government of Canada will announce whether or not it is willing to permit construction of a transit pipeline for Alaskan gas.

The Transit Pipeline Agreement provides a formal basis for United States-Canadian cooperation on hydrocarbon transportation systems, should both governments decide cooperation is advantageous. I urge the Senate to act favorably on this Agreement at an early date by giving its advice and consent to ratification.

JIMMY CARTER.

THE WHITE HOUSE, *March 30, 1977.*

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I inquire of the Chair whether there is a special order for the recognition of any Senator tomorrow?

The PRESIDING OFFICER. No, there is not.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION ON TOMORROW OF SENATE RESOLUTION 110

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on tomorrow, the Senate resume consideration of Senate Resolution 110.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees be authorized to file reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, I inquire of the majority leader what his plans are for the schedule tomorrow with respect to several amendments that are still at the desk.

Mr. ROBERT C. BYRD. Mr. President, the Senate will resume its consideration of Senate Resolution 110 immediately after the leaders are recognized on tomorrow. The Senate will convene at 9:30 a.m.

I assume that the Senate, therefore, will begin further action on Senate Resolution 110 by about 9:45, if not earlier. Senators will be calling up amendments throughout the day. Motions will be made in relation to some of these. There will be rollcall votes throughout the day. It is the intention of the leadership to stay on the code of conduct measure tomorrow, unless there is some matter which can be handled quickly and which is cleared with the minority leader and which would require unanimous consent. However, barring that, it would be the intent of the leadership to stay on the code of conduct all day tomorrow, into the late afternoon, into the early evening if necessary, and hopefully not into the late evening. But we only have tomorrow and the following morning, on Friday, and the time is already allotted on Friday morning.

Mr. BAKER. I thank the majority leader.

I am glad to hear that he is prepared to stay in session until tomorrow evening, if necessary, in view of the fact that on our side we still have notations of amendments from Senator CURTIS, Senator DOLE, Senator HANSEN, Senator STEVENS, and Senator WALLOP.

As the majority leader points out, to-

morrow is the last day to consider these matters.

Mr. President, I ask the Chair to advise us of the amount of time that remains under the special order.

The PRESIDING OFFICER. The Senator from West Virginia has 309 minutes at his disposal, and the Senator from Tennessee has 466 minutes at his disposal.

Mr. BAKER. Mr. President, according to my mental calculations, that means that we have, after we exclude the time that already has been allocated for Friday, something just under 12 hours for the consideration of the remaining amendments before Friday. It may in fact mean, if all the time is used—and I hope all the time is not used—that we might be in session until 10 o'clock or later tomorrow night. Nonetheless, it also indicates to me that there is enough time to accommodate all the known amendments on our side. I would encourage our Senators to let us know as soon as possible if there are other amendments, and encourage Senators on our side to let us know if they are willing to reduce the time, already allocated, that might be due them under the special order.

I thank the majority leader.

Mr. ROBERT C. BYRD. I thank the minority leader.

It is my guess that the manager on this side of the aisle probably will not use the amount of time that remains allotted to this side of the aisle. I do not know of any further amendment to be offered on this side of the aisle. However, this is not to say that no such amendment is around of which I am not aware.

I want to do everything I possibly can to accommodate the Members of the minority and the majority if they have an amendment. I know that they will understand that in view of the fact that this has been a somewhat controversial code of conduct and that it was not the desire of the leadership in any way to attempt to cut off the time or to reduce the time, which could be done on the resolution, on a nondebatable motion, the leadership has attempted in every way to be considerate of the needs of the Members in their calling up of amendments.

I hope that, in return and in consideration of the fact that tomorrow will be a long day at best, Members at least will consider cutting back on the time they would otherwise be allotted, if they can find it within their hearts to do so. This will ease the burden on all of us.

Mr. President, that about wraps it up for today.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:51 p.m. the Senate recessed until tomorrow, Thursday, March 31, 1977, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 30, 1977:

DEPARTMENT OF THE INTERIOR

Joan Mariarenee Davenport, of New Jersey, to be an Assistant Secretary of the Interior, vice William L. Fisher, resigned.

DEPARTMENT OF AGRICULTURE

Alex P. Mercure, of New Mexico, to be an Assistant Secretary of Agriculture, vice William H. Walker, III, resigned.

Alex P. Mercure, of New Mexico, to be a member of the board of directors of the Commodity Credit Corporation, vice Kenneth E. Frick, resigned.

John C. White, of Texas, to be a member of the board of directors of the Commodity Credit Corporation, vice John A. Knebel, resigned.

FEDERAL AVIATION ADMINISTRATION

Langhorne McCook Bond, of Illinois, to be Administrator of the Federal Aviation Administration, vice John L. McLucas, resigned.

EXPORT-IMPORT BANK OF THE UNITED STATES

John Lovell Moore, Jr., of Georgia, to be President of the Export-Import Bank of the United States, vice Stephen M. DuBrul, Jr., resigning.

SECURITIES AND EXCHANGE COMMISSION

Harold Marvin Williams, of California, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1977, vice Roderick M. Hills, resigning.

Harold Marvin Williams, of California, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1982 (reappointment).

IN THE ARMY

The following-named officer for reappointment to the active list of the Regular Army and Army of the United States, with grade as indicated, from the Temporary Disability Retired List, for a period of 1 day, under the provisions of title 10, United States Code, sections 1211, 3442, and 3447:

To be major general, Regular Army and general, Army of the United States

Henry Augustine Miley, Jr., [redacted].

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Henry Augustine Miley, Jr., [redacted].

FEDERAL AVIATION ADMINISTRATION

Quentin Saint Clair Taylor, of Maine, to be Deputy Administrator of the Federal Aviation Administration, vice James E. Dow, resigned.

IN THE AIR FORCE

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, with dates of rank to be determined by the Secretary of the Air Force:

MEDICAL CORPS

To be captain

Strohmeyer, Gerald, [redacted].

DENTAL CORPS

To be captain

Circosta, Gary F., [redacted].

To be first lieutenant

Granda, Francisco M., [redacted].
Kubinski, Eddie A., [redacted].

CHAPLAIN CORPS

To be major

Lewis, Keith H., [redacted].

To be captain

Smidt, Hensman J., [redacted].

The following persons for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be lieutenant colonel

Braman, Robert T., [redacted].
Bugg, Charles P., [redacted].
Curry, Hiram B., [redacted].
Deford, James W., [redacted].
Duda, L. Joan, [redacted].
Hook, Frederick R., Jr., [redacted].
Little, Harry, [redacted].
McFarlane, Claude L., [redacted].
Nicol, William F., [redacted].
Terry, Ward M., [redacted].
Wasserman, James M., [redacted].

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

Young, George W., [redacted].

The following persons for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code:

LINE OF THE AIR FORCE

To be colonel

Ewan, Robert C., [redacted].

To be lieutenant colonel

Mandel, Gerson, [redacted].
Walter, Charles M., [redacted].

The following person for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL SERVICE CORPS

To be lieutenant colonel

Byrne, James J., [redacted].

The following persons for appointment as Temporary Officers in the United States Air Force, in the grade indicated, under the provisions of sections 8444 and 8447, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be lieutenant colonel

Braman, Robert T., [redacted].
Bugg, Charles P., [redacted].
Duda, L. Joan, [redacted].
Ngo, Narcisco, L. R., [redacted].
Stewart, Andrew M., [redacted].

The following officers for promotion in the Regular Air Force, under the provisions of chapter 835, title 10, United States Code:

LINE OF THE AIR FORCE

Captain to major

Haycraft, Dennis L., [redacted].

First lieutenant to captain

Fulton, Richard J., [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of sections 8376 and 593, title 10, United States Code.

MEDICAL CORPS

Lieutenant colonel to colonel

Nash, George W., [redacted].
Stecker, Donald C., [redacted].

LINE OF THE AIR FORCE

Major to lieutenant colonel

Bennett, Joe E., [redacted].
Walters, Ray G., [redacted].

CHAPLAIN CORPS

Chaffee, Bob A., [redacted].
Williams, Russell, D., Jr., [redacted].

MEDICAL CORPS

Brichta, Edgar S., [redacted].
Buxton, Richard D., [redacted].
Felactu, James O., [redacted].
Holbrook, James M., [redacted].
Kuhn, Charles R., [redacted].

Lee, Thomas C., xxx-xx-xxxx
Martinez, Manuel R., xxx-xx-xxxx
Schaberl, Karl N., xxx-xx-xxxx
Wolborsky, Martin, xxx-xx-xxxx
Wright, George D., xxx-xx-xxxx

NURSE CORPS

David, Joy M., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Wilson, Charles T., xxx-xx-xxxx

IN THE ARMY

The following named cadets, graduating class of 1977, United States Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283 through 4353:

Abbott, Bruce C., xxx-xx-xxxx
Achey, Patrick B., xxx-xx-xxxx
Acker, Robert H., xxx-xx-xxxx
Acosta, Tony J., xxx-xx-xxxx
Adams, Gregory A., xxx-xx-xxxx
Adamson, Michael W., xxx-xx-xxxx
Adelstein, Daniel J., xxx-xx-xxxx
Alberico, Daniel K., xxx-xx-xxxx
Alderson, Frederick K. J., xxx-xx-xxxx
Alleman, Stuart B., xxx-xx-xxxx
Altizer, Bruce E., xxx-xx-xxxx
Altomare, Nicholas F., xxx-xx-xxxx
Anders, William S., xxx-xx-xxxx
Anderson, Paul W., xxx-xx-xxxx
Anderson, Richard W., xxx-xx-xxxx
Andon, Alan S., xxx-xx-xxxx
Andrews, Kurt A., xxx-xx-xxxx
Anselmi, David E., xxx-xx-xxxx
Antal, John III, xxx-xx-xxxx
Appelfeller, Frank A., xxx-xx-xxxx
Ardner, Bradley R., xxx-xx-xxxx
Arndt, Douglas R., xxx-xx-xxxx
Artman, Larry T., xxx-xx-xxxx
Asencio, Carlos J., xxx-xx-xxxx
Aslinger, Jerry A., xxx-xx-xxxx
Aylward, Arthur T., xxx-xx-xxxx
Baker, Vance J., xxx-xx-xxxx
Ball, Robert L., xxx-xx-xxxx
Ballard, Rand A., xxx-xx-xxxx
Bankey, Robert M., xxx-xx-xxxx
Banky, Randall G., xxx-xx-xxxx
Barchet, John W., xxx-xx-xxxx
Barnes, Robert S., xxx-xx-xxxx
Baron, Hazen L., xxx-xx-xxxx
Barton, Stephen K., xxx-xx-xxxx
Batchelder, Christopher, xxx-xx-xxxx
Baumanis, Aivars Z., xxx-xx-xxxx
Bechtold, John D., xxx-xx-xxxx
Beck, Mark T., xxx-xx-xxxx
Becker, Alan B., xxx-xx-xxxx
Beitler, Alan L., xxx-xx-xxxx
Begines, Thomas J., xxx-xx-xxxx
Belcher, Gerald J., xxx-xx-xxxx
Benkert, Howard J., xxx-xx-xxxx
Benson, Kevin C., xxx-xx-xxxx
Berry, Dean C., xxx-xx-xxxx
Bertha, Ronald L., xxx-xx-xxxx
Betrcs, Lance A., xxx-xx-xxxx
Beverly, Raymond M., xxx-xx-xxxx
Bibby, Michael C., xxx-xx-xxxx
Bickford, James H., xxx-xx-xxxx
Biggerstaff, Douglas A., xxx-xx-xxxx
Bilodeau, Denis P., xxx-xx-xxxx
Black, Stewart V., xxx-xx-xxxx
Blanset, Kenneth R., xxx-xx-xxxx
Blyth, Dewey L., xxx-xx-xxxx
Bodman, Dale B., xxx-xx-xxxx
Bolte, David L., xxx-xx-xxxx
Bombaugh, Keith D., xxx-xx-xxxx
Bomier, Barry D., xxx-xx-xxxx
Born, Christopher, xxx-xx-xxxx
Bosse, Raymond J., xxx-xx-xxxx
Bowers, Francis A. I. III, xxx-xx-xxxx
Bowers, Greg A., xxx-xx-xxxx
Bradbury, James M., xxx-xx-xxxx
Bradstock, Alden S. III, xxx-xx-xxxx
Bramlett, Ronald J., xxx-xx-xxxx
Brannis, John S., xxx-xx-xxxx
Brecher, James G., xxx-xx-xxxx
Bricker, Martin P., xxx-xx-xxxx
Brooks, David R., xxx-xx-xxxx
Brown, Robert M., xxx-xx-xxxx
Bruce, George R., xxx-xx-xxxx
Bucci, Steven P., xxx-xx-xxxx
Buchanan, David P. II, xxx-xx-xxxx
Buckner, Randy L. J., xxx-xx-xxxx
Burdan, John W. III, xxx-xx-xxxx
Burkett, Steven L., xxx-xx-xxxx
Burns, Richard A., xxx-xx-xxxx
Busick, Charles N., xxx-xx-xxxx
Butler, Cranson A., xxx-xx-xxxx
Butler, William J., xxx-xx-xxxx
Cailteux, Konrad L., xxx-xx-xxxx
Calderon, Carlos A., xxx-xx-xxxx
Calkin, Warren D. Jr., xxx-xx-xxxx
Calkins, David N., xxx-xx-xxxx
Callaghan, John W., xxx-xx-xxxx
Callender, Scott D., xxx-xx-xxxx
Camden, Donald F., xxx-xx-xxxx
Cameron, Duncan S., xxx-xx-xxxx
Campbell, Michael R., xxx-xx-xxxx
Campbell, Philip L., xxx-xx-xxxx
Carafano, James J., xxx-xx-xxxx
Carlson, Bruce W., xxx-xx-xxxx
Carmack, Lloyd D. Jr., xxx-xx-xxxx
Carr, Terrell L., xxx-xx-xxxx
Carrillo, Mario A., xxx-xx-xxxx
Carrington, William A., xxx-xx-xxxx
Carroll, Roger V., xxx-xx-xxxx
Carson, Ivory D., xxx-xx-xxxx
Carter, Donald A., xxx-xx-xxxx
Carter, Robert L., xxx-xx-xxxx
Centra, Mark A., xxx-xx-xxxx
Chadwick, David M., xxx-xx-xxxx
Challans, Timothy L., xxx-xx-xxxx
Chapman, John R., xxx-xx-xxxx
Chapman, Reginald K., xxx-xx-xxxx
Charvat, John L., Jr., xxx-xx-xxxx
Chellman, Warren C., xxx-xx-xxxx
Chepauskas, David R., xxx-xx-xxxx
Chin, Westley K. H., xxx-xx-xxxx
Chin, William F., xxx-xx-xxxx
Chiusano, Wayne M., xxx-xx-xxxx
Ohmar, Andrew T., xxx-xx-xxxx
Chritton, Michael R., xxx-xx-xxxx
Church, Michael T., xxx-xx-xxxx
Chute, Alan D., xxx-xx-xxxx
Cicerelle, John, Jr., xxx-xx-xxxx
Clapp, Frederick L., xxx-xx-xxxx
Clark, Edward D., xxx-xx-xxxx
Clark, Geoffrey A., xxx-xx-xxxx
Clay, James, Jr., xxx-xx-xxxx
Clement, Kevin M., xxx-xx-xxxx
Cocke, Clyde W., xxx-xx-xxxx
Cogossi, Bruce R., xxx-xx-xxxx
Cole, David T., xxx-xx-xxxx
Collier, Kenneth S., xxx-xx-xxxx
Collins, Gilbert R., III, xxx-xx-xxxx
Collins, James L., xxx-xx-xxxx
Collins, Marc K., xxx-xx-xxxx
Collins, Vincent R., Jr., xxx-xx-xxxx
Comodeca, Peter J., xxx-xx-xxxx
Compton, John M., xxx-xx-xxxx
Connelly, James G., Jr., xxx-xx-xxxx
Conner, Billy E., xxx-xx-xxxx
Copperthite, Gregory W., xxx-xx-xxxx
Cowan, Robert S., xxx-xx-xxxx
Cox, Steven J., xxx-xx-xxxx
Crain, Timothy W., xxx-xx-xxxx
Creighton, Mark W., xxx-xx-xxxx
Cruz, Armin J., xxx-xx-xxxx
Cullinan, Leo R., xxx-xx-xxxx
Curry, John J., Jr., xxx-xx-xxxx
Curtis, Robert G., xxx-xx-xxxx
Cuthbertson, Kent, xxx-xx-xxxx
Cymbalski, Robert S., xxx-xx-xxxx
Daly, Terrence J., xxx-xx-xxxx
Daniels, Mark A., xxx-xx-xxxx
Davis, Richard F., II, xxx-xx-xxxx
Deets, Michael R., xxx-xx-xxxx
Denzler, Herman E., III, xxx-xx-xxxx
Diaz, Rodolfo R., xxx-xx-xxxx
Dinnell, John S., xxx-xx-xxxx
Dittman, Jerome J., xxx-xx-xxxx
Doede, Daniel P., xxx-xx-xxxx
Donahue, Michael J., xxx-xx-xxxx
Dorman, David M. C., Jr., xxx-xx-xxxx
Doubler, Michael D., xxx-xx-xxxx
Dougall, Thomas F., xxx-xx-xxxx
Douglas, Richard K., xxx-xx-xxxx
Dow, Robert A., Jr., xxx-xx-xxxx
Dowd, William C., xxx-xx-xxxx
Dowe, Ray M., III, xxx-xx-xxxx
Dowell, George S., xxx-xx-xxxx
Driscoll, Daniel T., xxx-xx-xxxx
Durso, Joseph A., xxx-xx-xxxx
Dyer, Philip D., xxx-xx-xxxx
Ecklin, Donald C., xxx-xx-xxxx
Eilts, Theodore B., xxx-xx-xxxx
Ellermets, Arne, Jr., xxx-xx-xxxx
Elliott, Robert M., xxx-xx-xxxx
Ellis, Mark A., xxx-xx-xxxx
Elting, Jeffrey A., xxx-xx-xxxx
Englehardt, Carl F., II, xxx-xx-xxxx
Engstrom, David R., xxx-xx-xxxx
Erpelding, Joseph M., xxx-xx-xxxx
Eugene, Bernhard G., xxx-xx-xxxx
Evans, Robert M., xxx-xx-xxxx
Ewing, Leonard K., xxx-xx-xxxx
Fair, Matthew J., xxx-xx-xxxx
Fears, Karl A., xxx-xx-xxxx
Ferrell, Kelly D., xxx-xx-xxxx
Findlay, Stephen G., xxx-xx-xxxx
Fink, George B., Jr., xxx-xx-xxxx
Fink, Jody A., xxx-xx-xxxx
Finley, Rex G., II, xxx-xx-xxxx
Fiorino, Donald P. L., xxx-xx-xxxx
Fitch, James A., Jr., xxx-xx-xxxx
Fitzgerald, William E., xxx-xx-xxxx
Flanagan, Timothy J., xxx-xx-xxxx
Fletcher, David J., xxx-xx-xxxx
Fong, Timothy A., xxx-xx-xxxx
Forbes, Matthew J., xxx-xx-xxxx
Foster, Mathias G., xxx-xx-xxxx
Frankland, Walter L., III, xxx-xx-xxxx
Franklin, Kenneth M., xxx-xx-xxxx
Frasier, Bruce L. B., xxx-xx-xxxx
Frazier, Dustin C., xxx-xx-xxxx
Frederickson, Trent R., xxx-xx-xxxx
Freeburg, Gordon N., Jr., xxx-xx-xxxx
Frost, Michael M., xxx-xx-xxxx
Fuller, Daniel W., xxx-xx-xxxx
Fuller, Donald W., xxx-xx-xxxx
Gaetzke, Craig A., xxx-xx-xxxx
Gagnon, John A., xxx-xx-xxxx
Garcia, Alberto L., xxx-xx-xxxx
Gardner, Kevin R., xxx-xx-xxxx
Garduno, Ralph M., xxx-xx-xxxx
Garrison, Keith M., xxx-xx-xxxx
Garver, Ralph T., III, xxx-xx-xxxx
Garver, Thomas H., xxx-xx-xxxx
Gatling, William L., xxx-xx-xxxx
Gault, Douglas R., xxx-xx-xxxx
Gehler, Randal L., xxx-xx-xxxx
Geiger, John R., III, xxx-xx-xxxx
Geisler, Mark B., xxx-xx-xxxx
Generazio, Hoa, xxx-xx-xxxx
Gerasimas, Bernard F., Jr., xxx-xx-xxxx
Getts, Alan G., xxx-xx-xxxx
Gillespie, Mark F., xxx-xx-xxxx
Gjelsteen, Andrew C., xxx-xx-xxxx
Goebertus, Cornelius H., xxx-xx-xxxx
Goldsmith, Theodore J., xxx-xx-xxxx
Goodman, Robert S., xxx-xx-xxxx
Goodson, Derrill M., xxx-xx-xxxx
Gorzelnik, Greg A., xxx-xx-xxxx
Gotschall, George W., xxx-xx-xxxx
Gouthro, Stephen M., xxx-xx-xxxx
Grammier, Richard S., xxx-xx-xxxx
Gratson, Anthony J., xxx-xx-xxxx
Gravlin, Steven C., xxx-xx-xxxx
Greenhouse, Thomas D., xxx-xx-xxxx
Greenwade, Bernard O., III, xxx-xx-xxxx
Greer, James K., Jr., xxx-xx-xxxx
Grier, William C., Jr., xxx-xx-xxxx
Grotheer, George H., xxx-xx-xxxx
Gudeczauskas, Paul M., xxx-xx-xxxx
Guenther, John V., xxx-xx-xxxx
Gunnels, Marc B., xxx-xx-xxxx
Hadley, Steven C., xxx-xx-xxxx
Hall, Blayne A., xxx-xx-xxxx
Hall, David J., xxx-xx-xxxx
Hall, Randy J., xxx-xx-xxxx
Harding, Gregory A., xxx-xx-xxxx
Harnish, Robert B., xxx-xx-xxxx
Harrington, George D., xxx-xx-xxxx
Harris, Charles E., xxx-xx-xxxx
Harris, Clifford H., xxx-xx-xxxx
Harris, Ralph D., xxx-xx-xxxx
Harris, Richard H., III, xxx-xx-xxxx
Hartig, Gerhard B., xxx-xx-xxxx
Harwood, Michael J., xxx-xx-xxxx
Harwood, Odus E., xxx-xx-xxxx
Haselton, Mark A., xxx-xx-xxxx

Haueter, David L., xxx-xx-xxxx
Hawkins, Stephen C., xxx-xx-xxxx
Hayden, Thomas A., xxx-xx-xxxx
Hayes, Kevin J., xxx-xx-xxxx
Heacock, Jack S., xxx-xx-xxxx
Healey, Patrick T., xxx-xx-xxxx
Heaton, George T., IV, xxx-xx-xxxx
Heinecke, Steven H., xxx-xx-xxxx
Hengst, Paul T., xxx-xx-xxxx
Henry, Donnie L., xxx-xx-xxxx
Henry, Mark A., xxx-xx-xxxx
Henry, Michael B., xxx-xx-xxxx
Hess, Herbert L., xxx-xx-xxxx
Hesse, Thomas G., xxx-xx-xxxx
Hetherington, Jeffrey W., xxx-xx-xxxx
Heun, Robert W., xxx-xx-xxxx
Hicks, Kenneth M., xxx-xx-xxxx
Hightower, John D., xxx-xx-xxxx
Hill, Andrew J., xxx-xx-xxxx
Hill, Earl T., xxx-xx-xxxx
Hill, Jerry K., xxx-xx-xxxx
Hill, William J., xxx-xx-xxxx
Hinton, Donald L., xxx-xx-xxxx
Hirata, Stacey K., xxx-xx-xxxx
Hodge, James D., xxx-xx-xxxx
Hodges, Michael A., xxx-xx-xxxx
Hogarth, James M., xxx-xx-xxxx
Holbert, John W., xxx-xx-xxxx
Holdeman, Mark D., xxx-xx-xxxx
Holden, Timothy D., xxx-xx-xxxx
Holloway, Charles F., Jr., xxx-xx-xxxx
Holloway, James L., Jr., xxx-xx-xxxx
Holm, Matthew M., xxx-xx-xxxx
Holtvoigt, William D., xxx-xx-xxxx
Holzinger, Charles L., xxx-xx-xxxx
Hoogland, Steven J., xxx-xx-xxxx
Horstman, Walter V., xxx-xx-xxxx
Howard, Charles C., xxx-xx-xxxx
Howell, Mitchell A., xxx-xx-xxxx
Hoy, David W., xxx-xx-xxxx
Hruska, David A., xxx-xx-xxxx
Hubbard, James A., xxx-xx-xxxx
Huff, Robert J., xxx-xx-xxxx
Hughes, Brian D., xxx-xx-xxxx
Hughes, Hugh M., xxx-xx-xxxx
Hullihan, Michael F., xxx-xx-xxxx
Hunt, Richard S., xxx-xx-xxxx
Huskins, James M., xxx-xx-xxxx
Hysell, Larry H., xxx-xx-xxxx
Iorio, Herman N., Jr., xxx-xx-xxxx
Ivy, Michael E., xxx-xx-xxxx
Jackson, Arthur D. V., xxx-xx-xxxx
Jackson, Lee A., xxx-xx-xxxx
Jacobovitz, Daniel D., xxx-xx-xxxx
Jacobovitz, Donald D., xxx-xx-xxxx
Jacobson, Marc J., xxx-xx-xxxx
Jamieson, Jamie L., xxx-xx-xxxx
Jancek, Jeffrey M., xxx-xx-xxxx
Janisz, Alexander F., xxx-xx-xxxx
Jensen, Paul C., xxx-xx-xxxx
Johnson, Michael V. R., xxx-xx-xxxx
Johnson, William G., xxx-xx-xxxx
Jones, Curtis L., Jr., xxx-xx-xxxx
Jones, Robert F., xxx-xx-xxxx
Joustra, Lawrence J., xxx-xx-xxxx
Kanamine, Ted S., xxx-xx-xxxx
Kanner, Michael D., xxx-xx-xxxx
Kappel, John A., xxx-xx-xxxx
Karol, James F., xxx-xx-xxxx
Kayanan, Leslie F., xxx-xx-xxxx
Keating, William B., xxx-xx-xxxx
Keaton, Jack A., xxx-xx-xxxx
Keeling, Jesse C., xxx-xx-xxxx
Kehlet, Robert A., xxx-xx-xxxx
Keith, Michael T., xxx-xx-xxxx
Kellett, Richard N., xxx-xx-xxxx
Kelley, Ronald J., xxx-xx-xxxx
Kelly, Kevin G., xxx-xx-xxxx
Kemp, Jeffrey P., xxx-xx-xxxx
Kennedy, Frederick III, xxx-xx-xxxx
Kennedy, John R., III, xxx-xx-xxxx
Key, Marion W., xxx-xx-xxxx
Kiggins, Thomas F., xxx-xx-xxxx
Kime, John A., xxx-xx-xxxx
Kinard, Jeffrey L., xxx-xx-xxxx
Kindel, Thomas J., xxx-xx-xxxx
King, David B., III, xxx-xx-xxxx
Kingman, Ralph W., xxx-xx-xxxx
Kinney, Francis X., xxx-xx-xxxx
Kitzrow, Jay T., xxx-xx-xxxx
Klaiber, Mark J., xxx-xx-xxxx
Klauck, John T., xxx-xx-xxxx
Klein, Michael R., xxx-xx-xxxx
Kline, James R., xxx-xx-xxxx
Knight, Harry M., xxx-xx-xxxx
Kohs, Clarence R., xxx-xx-xxxx
Kophamer, Mark A., xxx-xx-xxxx
Krahn, Gary W., xxx-xx-xxxx
Krestyn, Ivan D., xxx-xx-xxxx
Kretzer, Alonzo S., Jr., xxx-xx-xxxx
Kuchar, Thomas P., xxx-xx-xxxx
Kuhr, Gregory S., xxx-xx-xxxx
Kurek, Christopher F., xxx-xx-xxxx
Kwan, Michael, xxx-xx-xxxx
Labrador, Mel C. B., xxx-xx-xxxx
Lafayette, John D., III, xxx-xx-xxxx
Lafayette, Patrick C., xxx-xx-xxxx
Lagarenne, Thomas W., xxx-xx-xxxx
Lai, Christopher W., xxx-xx-xxxx
Lamb, Andrew S., xxx-xx-xxxx
Lamb, Robert C., Jr., xxx-xx-xxxx
Lamneck, Kenneth T., xxx-xx-xxxx
Lane, Roland S., xxx-xx-xxxx
Langhauser, John K., xxx-xx-xxxx
Laperch, William G., xxx-xx-xxxx
Larner, Robert C., xxx-xx-xxxx
Lasher, William T., xxx-xx-xxxx
Lawnick, Edward M., xxx-xx-xxxx
Lawrence, Walter J., xxx-xx-xxxx
Lederle, Thomas E., xxx-xx-xxxx
Lee, Willes K., xxx-xx-xxxx
Lefemine, Steven C., xxx-xx-xxxx
Leishman, Scott A., xxx-xx-xxxx
Lennox, Robert P., xxx-xx-xxxx
Leonard, Robert J., Jr., xxx-xx-xxxx
Lewis, Allen D., Jr., xxx-xx-xxxx
Lewis, Brett A., xxx-xx-xxxx
Liebenow, Mark R., xxx-xx-xxxx
Liedle, James M., xxx-xx-xxxx
Lieto, Anthony S., xxx-xx-xxxx
Light, Allen J., xxx-xx-xxxx
Linehan, Patrick D., xxx-xx-xxxx
Loba, James R., xxx-xx-xxxx
Lofgren, Scott T., xxx-xx-xxxx
Long, Martin E., xxx-xx-xxxx
Looney, Harry G., Jr., xxx-xx-xxxx
Lopez, Steven P., xxx-xx-xxxx
Loveland, Ronald E., xxx-xx-xxxx
Lowery, Mark J., xxx-xx-xxxx
Loyd, Cecil C., III, xxx-xx-xxxx
Lukert, Edward P., III, xxx-xx-xxxx
Lunsford, Joseph M., xxx-xx-xxxx
Luther, John J., Jr. xxx-xx-xxxx
Lynch, Ricky, xxx-xx-xxxx
Lynch, Timothy D., xxx-xx-xxxx
Lynem, Joseph P., xxx-xx-xxxx
Maida, Steven G., xxx-xx-xxxx
Maizel, Samuel R., xxx-xx-xxxx
Malcolm, James R., xxx-xx-xxxx
Malone, William D., xxx-xx-xxxx
Malooley, Michael J., xxx-xx-xxxx
Mangan, John F. J., Jr. xxx-xx-xxxx
Manganiello, Anthony J., xxx-xx-xxxx
Manka, Cory S., xxx-xx-xxxx
Manuele, Andrew R., xxx-xx-xxxx
Maple, Scott, xxx-xx-xxxx
Maring, Steve N., xxx-xx-xxxx
Markiewicz, Thomas E., xxx-xx-xxxx
Marks, John D., xxx-xx-xxxx
Martin, Charles M., xxx-xx-xxxx
Martin, David W., xxx-xx-xxxx
Marvin, Frank F. III, xxx-xx-xxxx
Masi, Ralph J., xxx-xx-xxxx
Mason, William G., xxx-xx-xxxx
Mathis, Robert F., Jr., xxx-xx-xxxx
Mayes, William M., xxx-xx-xxxx
McCandless, Ronald G., xxx-xx-xxxx
McClelland, Gary M., xxx-xx-xxxx
McCollam, Richard A., xxx-xx-xxxx
McCone, Walter G., Jr., xxx-xx-xxxx
McConnell, Dan J., xxx-xx-xxxx
McDonald, Max E., xxx-xx-xxxx
McDonald, William H., xxx-xx-xxxx
McFadden, Colonel Z., xxx-xx-xxxx
McFadden, James P., Jr., xxx-xx-xxxx
McFadden, Reginald B., xxx-xx-xxxx
McGaffigan, Brien, xxx-xx-xxxx
McGhee, Donald J., xxx-xx-xxxx
McGinnis, Michael L., xxx-xx-xxxx
McGranahan, Patrick O., xxx-xx-xxxx
McGuan, James B., xxx-xx-xxxx
McGuire, Mark A., xxx-xx-xxxx
McKay, Thomas, xxx-xx-xxxx
McKeown, John K., xxx-xx-xxxx
McManus, Steven G., xxx-xx-xxxx
McMaster, Roger V., xxx-xx-xxxx
McShea, James E., III, xxx-xx-xxxx
Mechtly, David E., xxx-xx-xxxx
Meckstroth Kurt S., xxx-xx-xxxx
Melody, Paul E., xxx-xx-xxxx
Mengel, Mark B., xxx-xx-xxxx
Merkler, Edward J., xxx-xx-xxxx
Mertens, John P., Jr., xxx-xx-xxxx
Mess, Kerry A., xxx-xx-xxxx
Meyers, Thomas A., III, xxx-xx-xxxx
Milia, Mark A., xxx-xx-xxxx
Miller, David P., xxx-xx-xxxx
Miller, Kenneth F., xxx-xx-xxxx
Mills, Freddie J., Jr., xxx-xx-xxxx
Minton, Jerry L., xxx-xx-xxxx
Miott, Rory Q., xxx-xx-xxxx
Mitchell, Robert L., xxx-xx-xxxx
Mitroka, George D. M., xxx-xx-xxxx
Modlin, James M., xxx-xx-xxxx
Molzahn, Thomas D., xxx-xx-xxxx
Montanari, Riziero F., xxx-xx-xxxx
Montelongo, Michael J., Jr., xxx-xx-xxxx
Montgomery Gary A., xxx-xx-xxxx
Morlock, David L., xxx-xx-xxxx
Morris, James M., IV, xxx-xx-xxxx
Morris, Robert W., xxx-xx-xxxx
Morris, Timothy C., xxx-xx-xxxx
Morrow, Stephen K., xxx-xx-xxxx
Morton, Glenn L., xxx-xx-xxxx
Mosby, William E., Jr., xxx-xx-xxxx
Moser, Warren K., xxx-xx-xxxx
Moyer, Roger L., xxx-xx-xxxx
Muldoon, James P., xxx-xx-xxxx
Mull, Robert F., xxx-xx-xxxx
Murphy, James B., Jr., xxx-xx-xxxx
Myers, Jerome B., xxx-xx-xxxx
Naigle, Richard H., xxx-xx-xxxx
Napier, William F., xxx-xx-xxxx
Nardi, Paul A. I., xxx-xx-xxxx
Naudain, James C., xxx-xx-xxxx
Neal, Paul B., III, xxx-xx-xxxx
Nelson, Dirk, xxx-xx-xxxx
Nelson, Gerald E., xxx-xx-xxxx
Nepil, Darell L., xxx-xx-xxxx
Newell, Paul T., xxx-xx-xxxx
Newman, Robert E., xxx-xx-xxxx
Nicholas, Michael D., xxx-xx-xxxx
Nixon, John L., III, xxx-xx-xxxx
Nosco, Eugene F., Jr., xxx-xx-xxxx
Nymark, James P., xxx-xx-xxxx
O'Bannon, Michael S., xxx-xx-xxxx
O'Brien, Michael M., xxx-xx-xxxx
O'Connell, Thomas P., xxx-xx-xxxx
Odderstol, Thomas C., IX, xxx-xx-xxxx
Offutt, Ronald D., xxx-xx-xxxx
O'Hanlon, Thomas P., xxx-xx-xxxx
O'Keefe, Denis L., xxx-xx-xxxx
Olslund, David P., xxx-xx-xxxx
O'Neill, Larry B., xxx-xx-xxxx
Orris, William K., xxx-xx-xxxx
Ortman, John L., xxx-xx-xxxx
Owens, Arne W., xxx-xx-xxxx
Owens, David M., xxx-xx-xxxx
Pace, Gerald D., xxx-xx-xxxx
Page, Michael W., xxx-xx-xxxx
Palen, Mark W., xxx-xx-xxxx
Palmer, Peter J., xxx-xx-xxxx
Pantalion, Jesse M., xxx-xx-xxxx
Parmer, Donald L., xxx-xx-xxxx
Passacantando, Eliseo B., xxx-xx-xxxx
Patterson, David M., xxx-xx-xxxx
Patterson, Edwin D., Jr., xxx-xx-xxxx
Paul, William V., III, xxx-xx-xxxx
Paulo, Anthony L., xxx-xx-xxxx
Peck, Blake V. L., xxx-xx-xxxx
Peebles, Darrell, xxx-xx-xxxx
Peeler, John E., xxx-xx-xxxx
Pehonsky, Andrew E., xxx-xx-xxxx
Perrin, Thomas M., xxx-xx-xxxx
Perry, David E., xxx-xx-xxxx
Petzrick, Paul A., Jr., xxx-xx-xxxx

Phelps, Dale E., xxx-xx-xxxx
Phillips, Alan D., xxx-xx-xxxx
Phillips, Lee A., III, xxx-xx-xxxx
Phillips, Michael C., xxx-xx-xxxx
Pierce, Steve F., xxx-xx-xxxx
Pieringer, Craig R., xxx-xx-xxxx
Pierson, Phillip L., xxx-xx-xxxx
Pilgrim, Kevin H., xxx-xx-xxxx
Platz, Michael A., xxx-xx-xxxx
Plaza, David R., xxx-xx-xxxx
Poodry, Mitchel T., xxx-xx-xxxx
Porter, Jerry D., xxx-xx-xxxx
Porter, Ronald R., xxx-xx-xxxx
Powell, John H., xxx-xx-xxxx
Powers, Edward S., xxx-xx-xxxx
Powers, John J., III, xxx-xx-xxxx
Prall, John S., Jr., xxx-xx-xxxx
Prautzsch, Frank R., xxx-xx-xxxx
Preston, Mark E., xxx-xx-xxxx
Price, David V. B., xxx-xx-xxxx
Price, Wallace A., xxx-xx-xxxx
Pridgeon, Matthew N., xxx-xx-xxxx
Pritchett, Christopher S., xxx-xx-xxxx
Pruett, John N., xxx-xx-xxxx
Pyne, Anthony A., xxx-xx-xxxx
Quinn, Michael M., xxx-xx-xxxx
Ramos, Ronny, xxx-xx-xxxx
Regan, Jack D., xxx-xx-xxxx
Regan, Timothy J., xxx-xx-xxxx
Renfrow, James H., Jr., xxx-xx-xxxx
Richardson, David L., Jr., xxx-xx-xxxx
Richardson, Paul T., xxx-xx-xxxx
Richardson, Robert D., Jr., xxx-xx-xxxx
Riggs, Vance C., xxx-xx-xxxx
Robbins, Niel A., xxx-xx-xxxx
Robert, John P., xxx-xx-xxxx
Robinson, Gregory L., xxx-xx-xxxx
Rodriguez, Gene L., Jr., xxx-xx-xxxx
Rogers, Richard A., xxx-xx-xxxx
Ross, James L., Jr., xxx-xx-xxxx
Rossetti, Joseph H., xxx-xx-xxxx
Rost, David C., xxx-xx-xxxx
Rotkoff, Steven W., xxx-xx-xxxx
Rouse, Edward N., Jr., xxx-xx-xxxx
Rowell, Lewis S., xxx-xx-xxxx
Rue, Kevin B., xxx-xx-xxxx
Ruegemer, Alan E., xxx-xx-xxxx
Russell, Theodore S., Jr., xxx-xx-xxxx
Ryan, William E., III, xxx-xx-xxxx
Salada, Gary L., xxx-xx-xxxx
Samuelson, George J., xxx-xx-xxxx
Sanders, Carl E., xxx-xx-xxxx
Sanders, Robert W., xxx-xx-xxxx
Sandoy, Andrew S., xxx-xx-xxxx
Sansom, Hugh D., xxx-xx-xxxx
Santilli. Joseph F., III, xxx-xx-xxxx
Saul, Francis W., Jr., xxx-xx-xxxx
Scalard, Douglas P., xxx-xx-xxxx
Schelhaas, Ernest R., xxx-xx-xxxx
Scherrer, Kevin G., xxx-xx-xxxx
Schmidt, Robert M., xxx-xx-xxxx
Schneider, David P. X., xxx-xx-xxxx
Schwegman, Craig A., xxx-xx-xxxx
Schweiger, Michael J., xxx-xx-xxxx
Scott, Dennis E., xxx-xx-xxxx
Scott, Harry D., Jr., xxx-xx-xxxx
Scott, Kenneth L., xxx-xx-xxxx
Scully, William E. F., III, xxx-xx-xxxx
Seeger, Frederick B., xxx-xx-xxxx
Selleck, Clyde A., III, xxx-xx-xxxx
Sellers, Kurt J., xxx-xx-xxxx
Shannon, Michael A., xxx-xx-xxxx
Shartzer, Len D., xxx-xx-xxxx
Shaw, Richard W., xxx-xx-xxxx
Sheehan, Michael A., xxx-xx-xxxx
Shepard, John E., Jr., xxx-xx-xxxx
Shine, William P., Jr., xxx-xx-xxxx
Short, John F. xxx-xx-xxxx
Short, Patrick C., xxx-xx-xxxx
Simmons, Gary E., xxx-xx-xxxx
Simmons, Robert G., xxx-xx-xxxx
Sinclair, Robert W., xxx-xx-xxxx
Sizemore, Carl L., Jr., xxx-xx-xxxx
Skinner, Robert J., xxx-xx-xxxx
Skopek, James D., xxx-xx-xxxx
Smith, Brian E. M., xxx-xx-xxxx
Smith, Curtis, xxx-xx-xxxx
Smith, Edgar E., xxx-xx-xxxx
Smith, Paul R., xxx-xx-xxxx
Smith, Zachary L., xxx-xx-xxxx
Snapp, Paul E., Jr., xxx-xx-xxxx
Sollner, Richard F., Jr., xxx-xx-xxxx
Sowder, James L., xxx-xx-xxxx
Spaulding, Stephen A., xxx-xx-xxxx
Sprowl, John W., xxx-xx-xxxx
Stackhouse, Robert A., II, xxx-xx-xxxx
Stanhagen, Eric W., xxx-xx-xxxx
Starkweather, Gary E., xxx-xx-xxxx
Stevens, James G., xxx-xx-xxxx
Stevenson, Kenneth R., xxx-xx-xxxx
Stewart, Terry G., xxx-xx-xxxx
Stinner, Richard E., xxx-xx-xxxx
Stone, Meredith P., xxx-xx-xxxx
Stoutamire, William D., xxx-xx-xxxx
Strehle, Thomas W., xxx-xx-xxxx
Struder, Kurt L., xxx-xx-xxxx
Sullivan, Joseph R., xxx-xx-xxxx
Summers, Harry G., III, xxx-xx-xxxx
Swanson, Carl A., Jr., xxx-xx-xxxx
Tafian, Simon J., xxx-xx-xxxx
Takasugi, Rex S., xxx-xx-xxxx
Taliaferro, Jerry, xxx-xx-xxxx
Tate, Gregory S., xxx-xx-xxxx
Tedesco, Joseph M., Jr., xxx-xx-xxxx
Tensfeldt, Jeffrey E., xxx-xx-xxxx
Terry, William R., xxx-xx-xxxx
Tesdahl, Douglas B., xxx-xx-xxxx
Tetro, William R., xxx-xx-xxxx
Thady, Randall J., xxx-xx-xxxx
Thiel, James A., xxx-xx-xxxx
Thompson, Kevin P., xxx-xx-xxxx
Thompson, Philip S., xxx-xx-xxxx
Thompson, Terrance, xxx-xx-xxxx
Tierno, Ralph T., xxx-xx-xxxx
Tillery, George C., xxx-xx-xxxx
Tilley, George M., Jr., xxx-xx-xxxx
Tise, Victor, xxx-xx-xxxx
Tocchet, Gary J., xxx-xx-xxxx
Tombrella, Jack B., xxx-xx-xxxx
Tomsen, Chris E., xxx-xx-xxxx
Torres, Steven, xxx-xx-xxxx
Trehey, Kevin W., xxx-xx-xxxx
Trotter, Richard M., xxx-xx-xxxx
Trubia, Michael L., xxx-xx-xxxx
Tupper, Stephen H., xxx-xx-xxxx
Turner, Blair M., xxx-xx-xxxx
Turner, Frank D., III, xxx-xx-xxxx
Turowski, John C., xxx-xx-xxxx
Twilleager, Eugene W., xxx-xx-xxxx
Twomey, Andrew B., xxx-xx-xxxx
Underhill, Ross C., xxx-xx-xxxx
Vanark, William J., Jr., xxx-xx-xxxx
Van Drie, Mark L., xxx-xx-xxxx
Vaughan, Patrick J., II, xxx-xx-xxxx
Vaughn, James A., xxx-xx-xxxx
Velez, Angel D., xxx-xx-xxxx
Vellella, Frank P., Jr., xxx-xx-xxxx
Vermette, William R., xxx-xx-xxxx
Viola, Vincent J., xxx-xx-xxxx
Vogt, Ronald B., xxx-xx-xxxx
Von Kaenel, Thomas D., xxx-xx-xxxx
Vreuls, Jean P., Jr., xxx-xx-xxxx
Wagner, Richard A., Jr., xxx-xx-xxxx
Waldrep, Douglas A., xxx-xx-xxxx
Walker, Donald P., xxx-xx-xxxx
Walters, Wesley F., xxx-xx-xxxx
Ward, James E., Jr., xxx-xx-xxxx
Warner, Andrew M., xxx-xx-xxxx
Warrick, Stanley L., xxx-xx-xxxx
Wartski, Joseph F., xxx-xx-xxxx
Washington, Donald W., xxx-xx-xxxx
Watkins, William B., xxx-xx-xxxx
Watson, Broadus E., Jr., xxx-xx-xxxx
Watson, Thomas P., xxx-xx-xxxx
Weber, Frederick W., Jr., xxx-xx-xxxx
Weinzettle, John P., xxx-xx-xxxx
Welch, Murray M., IV, xxx-xx-xxxx
Weller, Robert W., xxx-xx-xxxx
Welsch, Peter G., xxx-xx-xxxx
Wheeler, Jeffrey B., xxx-xx-xxxx
Wheeler, Larry L., xxx-xx-xxxx
White, Frank W., xxx-xx-xxxx
Whiteman, James K., xxx-xx-xxxx
Whitman, Jeffrey P., xxx-xx-xxxx
Wiggins, Richard A., xxx-xx-xxxx
Wiley, Mark C., xxx-xx-xxxx
Willard, Drew M., xxx-xx-xxxx
Willhite, Weldon B., xxx-xx-xxxx
Williams, Calvin E., xxx-xx-xxxx
Williams, John C., xxx-xx-xxxx
Williamson, Paul G., xxx-xx-xxxx
Wilson, Alfred A., xxx-xx-xxxx
Wilson, Michael B., xxx-xx-xxxx
Wilt, James A., xxx-xx-xxxx
Witcher, Carl J., xxx-xx-xxxx
Wnek, Roy M., xxx-xx-xxxx
Wolters, John B., xxx-xx-xxxx
Womack, James K., Jr., xxx-xx-xxxx
Wood, Daniel D., Jr., xxx-xx-xxxx
Dood, David A., xxx-xx-xxxx
Woodcock, William P., xxx-xx-xxxx
Woodson, William H., Jr., xxx-xx-xxxx
Wolley, Alton L., xxx-xx-xxxx
Wright, Kenneth L., III, xxx-xx-xxxx
Wuensch, David T., xxx-xx-xxxx
Wunder, Stephen J., xxx-xx-xxxx
Wyman, James B., xxx-xx-xxxx
Yeaw, Jefrey L., xxx-xx-xxxx
Yerrick, Earl M., Jr., xxx-xx-xxxx
Young, David N. W., xxx-xx-xxxx
Youngker, David A., xxx-xx-xxxx
Zachmann, Lawrence J., xxx-xx-xxxx
Zaiss, Patrick H., Jr., xxx-xx-xxxx
Zambetti, Denis E., xxx-xx-xxxx
Zazzera, Jerome F., xxx-xx-xxxx
Zielinski, Peter M., xxx-xx-xxxx
Zuehlke, Bradford K., xxx-xx-xxxx
Zyck, Robert F., xxx-xx-xxxx

The following-named person for reappointment in the active list of the Regular Army of the United States, from the Temporary Disability Retired List, under the provisions of title 10, United States Code, section 1211:

To be colonel, Regular Army and colonel, Army of the United States

Baatz, David C., xxx-xx-xxxx

IN THE MARINE CORPS

The following-named (chief warrant officers) for temporary appointment to the grade of first lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Anthony, Clarence T., Jr.
Bartusevics, John
Bolenbarker, Luther A.
Brown, Calvin D.
Caesar, Ben W.
Carver, David A.
Class, George N.
Cline, Paul L.
Collier, Michael L.
Combs, Willie L.
Creech, Joseph H.
Deberry, Mickey L.
Farmer, Robert D.
Filla, Paul T.
Gingras, Leon E., Jr.
Goolden, David L.
Grossnickle, Robert E.
Gutierrez, Elias
Helms, Tony A.
Hoar, Calvin M.
Hudson, Michael P.
Hurst, Douglas M.
James, Richard E.
Jewell, James E. L.
Johnson, James I.
Knight, Chester E.
Lawson, Jerome F.
Linam, James A.
Livingston, Jerome E.
Lloyd, James R.
Lofton, Morgan J.
Lopez, Homero R.
McGrath, Gary L.
McMahon, Bruce A.
Myers, Clarence E.
Needels, Charles F., Jr.
Neu, Melvin P.
O'Connell, Daniel J.
Parisi, Joseph N.
Parker, Jack C.
Peterson, Ronald J.
Phillips, Ronald L.
Polanco, Geronimo, Jr.
Pope, William T.
Rizzo, Joseph F.
Rodak, James L.
Rowinsky, Bob A.
Ryan, James F.
Samples, John B.
Shepard, William H.
Shultz, John R., Jr.
Simpson, Edwin P., III
Slaughter, Thomas L.
Steigner, William L.
Stopka, Ronald J.
Streagle, David W.
Tampleton, Doyle W.
Thomas, Wesley L.
Torres, Felipe
Trout, Frederick H.
Twilliger, Wayne G.
Vinson, Cullen R.
White, Lawrence J., Jr.
Whittaker, William E., Jr.
Winchester, John D.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 1977:

DEPARTMENT OF STATE

Joseph D. Duffey, of the District of Columbia, to be an Assistant Secretary of State.

Matthew Nimetz, of New York, to be Counselor of the Department of State.

Herbert J. Hansell, of Ohio, to be Legal Adviser of the Department of State.

INTERNATIONAL BANKS

W. Michael Blumenthal, of Michigan, to be United States Governor of the International Monetary Fund for a term of five years and United States Governor of the International Bank for Reconstruction and Development for a term of five years; a Governor of the Inter-American Development Bank for a term of five years; and United States Governor of the Asian Development Bank and United States Governor of the African Development Fund.

DEPARTMENT OF COMMERCE

Sidney Harman, of New York, to be Under Secretary of Commerce.

Jerry Joseph Jasinowski, of the District of Columbia, to be an Assistant Secretary of Commerce.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF THE BYELORUSSIAN DEMOCRATIC REPUBLIC

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. WHALEN. Mr. Speaker, in this year when much consideration is given to human, national and religious rights in our foreign policy, I would like to note that March 25 marked the anniversary of the Declaration of Independence of the Byelorussian Democratic Republic, proclaimed 59 years ago in Minsk. Unfortunately, for that small nation and the world, the independence of Byelorussia lasted only 10 months before it was overwhelmed by the Soviet Army. Let us take this occasion to remember that we Americans enjoy the principles of freedom and democracy that so many others have been long denied.

A land of brave and determined people, Byelorussia has long been a pawn both in many internal and external power games. Integrated within the Russian Empire in the late 18th century, Byelorussia was known as the "northwest provinces." She bravely declared her independence on March 25, 1918 while under Austro-German occupation during the First World War. At the end of the war, the nation was split between the Poles and the Russians until less than a year after declaring her independence, she was forcibly incorporated into the Soviet Union as the Byelorussian Soviet Socialist Republic.

During World War II, Byelorussia was seized by Nazi Germany for 3 years beginning in June of 1941. The Nazis tried to restore Byelorussian nationalism and attempted to remodel everything Soviet during this period. When the Russians regained control, they in turn reversed this process. By the end of World War II several million Byelorussians had perished, and the Soviets had usurped full power.

It is significant to note that in 1973 the Soviet Government threatened again the integrity of this brave people by establishing new administrative partitions of the country. Yet the Byelorussian people remained strong and resisted the Soviet attempt to dilute them into a homogeneous Russian nation. While the land they work is not well suited for agriculture, Byelorussians produce such important crops as potatoes, flax, wheat, rye and barley. Urban industries have begun especially in farm related production.

In addition, Byelorussians have managed to excel in many areas of education and the arts. Their folklore is considered one of the richest and most colorful of Eastern Europe.

It is appropriate, therefore, on the anniversary of the Byelorussian Declaration of Independence to commemorate the spirit of this freedom loving people and to reaffirm our belief in the principles of self-determination so that peoples everywhere should have the right to decide their futures.

RHODESIA TEST CASE TO HUMAN RIGHTS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 30, 1977

Mr. HARRY F. BYRD, JR. Mr. President, for many years United States foreign policy neglected the continent of Africa. Now, the press of events has forced renewed attention to that important region.

The Carter administration has chosen Rhodesia as the test case to demonstrate America's commitment to human rights and majority rule in Africa. Through a reimposition of an embargo on chrome, the Carter administration seeks to place itself on the side of morality and justice.

I believe that such reasoning represents skewed logic and instead, that, reimposition of the embargo demonstrates the hypocracy of the United States in selectively applying its moral rectitude.

To quote from an editorial in the March 17 Richmond Times-Dispatch:

> Morally, a policy that fails to treat all regimes that violate human rights alike is indefensible, but that is precisely the kind of policy that the United States has now decided to pursue.

This editorial goes on to discuss the illogic of current U.S. policy. I believe every individual concerned with this issue should have the benefit of this editorial.

I ask unanimous consent that the text of this editorial be printed in Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RESTORING THE BAN

Urged on by President Carter, Congress has repealed the Byrd amendment, which authorized the United States to import chrome from Rhodesia despite a United Nations trade ban against that country. By agreeing now to comply with the embargo, critics of the amendment argue, the United States will dramatically confirm its commitment to majority rule and human rights in Africa.

They are wrong. What the United States will demonstrate, rather, is that it is tragically shortsighted and dismayingly hypocritical. For the most likely effects of the American decision to reinstate the ban against Rhodesian chrome will be to strengthen the leftist movement in Africa and to show that Congress and the Carter administration are brazenly selective in supporting the cause of human rights.

The purpose of the U.N. embargo against Rhodesia is to hasten the collapse of the white government in Salisbury and to promote black control. Since whites constitute only a tiny minority of that country's population, a white-dominated government is perceived by its critics to be inherently evil, while a black government supposedly would mean democratic "majority rule" and a greater respect for "human rights." By helping to destroy the existing Rhodesian regime, the United States will prove, we are led to believe, that it is on the side of the angels.

Such grotesque thinking totally ignores reality. And it makes a mockery of morality, in the name of which the United States government adopts its new policy.

It is absurd to equate black rule in predominantly black nations with majority rule, for few of the black governments in black African countries are even faintly democratic. Some, as the whole world knows, are cruelly despotic, savagely suppressing human rights and extinguishing the lives of those citizens who dare protest too loudly. Many of Africa's governments are pro-Communist, as are some of the strongest guerrilla forces in Rhodesia. Human rights certainly do not flourish under communism, but it is communism that might profit most from the collapse of the white Rhodesian government.

Morally, a policy that fails to treat all regimes that violate human rights alike is indefensible, but that is precisely the kind of policy that the United States has now decided to pursue. Aside from Rhodesia, the two major suppliers of chrome are the Soviet Union and South Africa. It would be difficult if not impossible to name a more flagrant violator of human rights and a more callous brutalizer of the human spirit than Russia, and South Africa's restrictions against its non-white citizens are visible to the entire world. But in voting to repeal the Byrd amendment, Congress rejected proposals to extend the ban to Russian and South African chrome.

Moreover, even as it prepares to punish Rhodesia for its alleged offenses against humanity, the United States government is showing increasing interest in reestablishing trade ties with the Cuban dictatorship of Fidel Castro, that ardent champion of democracy who shows his devotion to human rights by sending his critics to prison or to the gallows. Castro's government is responsible for much of the turmoil that has shaken Latin America in recent years, and his troops are making trouble in Africa, where they are serving as surrogates of Russia.

If the United States is so dedicated to human rights that it cannot trade with Rhodesia with a clear conscience, how could it trade with the Soviet Union? Or even

consider trading with Castro's Cuba? Are Congress and the Carter administration *for* human rights or simply *against* the white government of Rhodesia?

The Byrd amendment was sponsored by Virginia Sen. Harry F. Byrd, Jr., who was motivated both by a desire for fairness in American foreign policy and by a concern for the nation's security. Chrome is important to the American defense industry, and the United States should not have to rely, Senator Byrd has said, upon Russia for the metal. Critics of the amendment argue, however, that reinstatement of the ban would pose no risk for the United States because it has stockpiled more than enough chrome to meet its foreseeable needs.

Perhaps it has. But does it have a stockpile of human rights that it can dispense to the oppressed peoples of Angola, Uganda, Russia and Cuba? Military safe reimposition of the ban might be, but just and wise it most assuredly is not.

TRADE REFORM ACT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. BOB WILSON. Mr. Speaker, it seems that our purpose here is not to represent the people of America, but rather to take all possible steps to hinder. For instance, in enacting the Tax Reform Act of 1976, we short-sightedly made that cost of Americans doing business overseas prohibitive and easier for others to compete. Right now, our balance of trade is hardly what it should be and our new tax law certainly does not alleviate the situation as the following article from the Wall Street Journal points out:

TRADE TROUBLE: U.S. FIRMS IN MIDEAST HAVE TOUGHER GOING; TAX REFORM ACT CITED

(By Ray Vicker)

RIYADH, SAUDI ARABIA.—U.S. exports of goods and services are running into tougher competition in the Middle East, and Americans and others in the region say the Tax Reform Act of 1976 isn't helping matters one bit.

The Middle East is the world's fastest-growing market, and its most important countries for U.S. companies are Iran and Saudi Arabia, in that order. The Saudi Arabian market has long been dominated by the U.S.; in 1976, U.S. exports here climbed to $2.8 billion from $1.5 billion the previous year. But the U.S. share of the market has fallen, from 31% in 1974 to an estimated 25% now.

American sales to Iran actually declined last year, to $2.8 billion from $3.2 billion in 1975. At the same time, West Germany's sales to Iran increased by 11%, France's by 19%.

Over all, U.S. nonmilitary trade with the 19 countries of the Middle East and North Africa increased by only 10% in 1976 from 1975, after an increase of more than 300% from 1972 to 1975. Some tapering off was to be expected—the oil producers couldn't indefinitely increase their purchases at the rate set immediately after the quadrupling of oil prices in 1973—but the tough competition also hurt.

Now comes the new tax law, which many observers say is making things worse by increasing U.S. firms' costs and by touching off an exodus of Americans from the Middle East.

NOW IN EFFECT

The law, which takes effect with the current tax returns, tightens Washington's tax treatment of Americans abroad. Its impact varies from country to country, but it has been estimated that the U.S. income tax paid by an American in the Middle East may rise by thousands of dollars. Often the tax will exceed the tax he would have paid had he stayed in the U.S. at the same salary but without those large, and taxable, allowances he gets so that he can live in his accustomed manner in this high-cost area—an area where an ordinary meal may cost $20 and a decent apartment may rent for $2,000 a month.

Overseas Americans' first tax returns under the new law aren't due till June 15, but the measure's impact on U.S. firms could be assessed last October when Congress passed it. Here in the Middle East at least, the repercussions are already being felt.

Many big American banks and other firms, especially companies with manufacturing operations abroad, compensate employes for any added taxes they incur in an overseas post. In such cases, the Americans are often an insignificant cost item in a sizable operation, and the added costs may be absorbed without too much trouble.

But the kind of U.S. firm most common in the Middle East—a construction company, service firm, individual entrepreneur or one-shot exporter of a major installation—operates on a contract basis and may not be able to bear any added costs. A construction company, for example, may have a 3,000-man operation that includes 500 Americans. The margin of profit in the contract may not permit the firm to assume their added tax burden.

A COMPANY'S OPTIONS

If the burden isn't assumed, the Americans may quit and go home, and the foreign expatriates hired to replace them may not fit the operation so well. Disrupting though it may be, the hiring of foreign expatriates to replace Americans is already occurring as other Americans are no longer so eager to accept overseas assignments.

If, on the other hand, the firm does assume the tax burden, then the profit is slashed. The bid on the next contract will have to be high enough to reflect the burden; hence that contract may be lost to, say, a British or Japanese firm.

Other key Americans in the Middle East are business consultants; still others are advisers to ministries of the host government. Many of them make purchasing decisions to the tune of millions of dollars and, because of their backgrounds, usually favor American products. Although an adviser might persuade his ministry to give him a hefty raise, generally there is no one to pay these Americans' added taxes except themselves. These people are experts who feel they can easily find jobs in the U.S., and many of them are going home. They are being replaced by other nationals, who won't be disposed to recommend American products.

COMPETITORS' MOVES

All this comes at a time when Japan, West Germany, France, Italy and other countries are already giving strong support to their hard-working companies in the Middle East. One $953 million contract in Saudi Arabia has been lost by American companies to a South Korean construction firm. France has the inside track on some water desalination projects; French President Valery Giscard d'Estang recently visited Saudi Arabia, plugging France as an economic and political friend. West German companies are pushing much harder into Iran. Italy dominates the Libyan market, and its share of sales is increasing. In a press conference at the International Hotel here, a member of a Japanese trade delegation emphasizes his country's total readiness to provide Saudi Arabia with Japanese industrial and technical know-how.

"America is losing out, and it is your own government which is accelerating that trend," says Faisal Beshir, Saudi Arabia's deputy minister of planning. "I recognize the right of your government to pass any laws which it wants. But in this case it is America which will suffer, not us. There are many other countries who are only too happy to replace America in supplying us with the things we need." Most countries don't tax nonresident citizens.

Not everyone, it seems, agrees that the new tax law is having such dire effects. Tax "reformers" in the U.S. say Americans abroad have simply been avoiding paying their fair share of U.S. taxes, and a House Ways and Means Committee task force has recommended that the treatment of overseas earnings be tightened still further.

Among other things, the 1976 act reduces to $15,000 a year—from $20,000 and in some cases $25,000—the amount of income that an overseas taxpayer can exclude from reported earnings. The Ways and Means task force recommends repeal of the entire exclusion. It argues that living costs abroad are often lower than in some parts of the U.S. and that in those cases where living costs are indeed higher abroad, these costs "should not be provided for through a government subsidy."

The panel does propose some tax relief in lieu of the exclusion. It urges, for example, that overseas workers be allowed a tax deduction for expenses of educating their children when these are reimbursed by employers. And it recommends retention of the exclusion for construction and engineering workers. It also notes that if the exclusion is designed to spur U.S. exports, it could be limited to individuals involved in the export trade.

Whatever the merits of the argument so far as the Middle East is concerned, the U.S. Department of Commerce certainly seems undaunted. "Business opportunities in the (Middle East) and North Africa region for aggressive U.S. companies will continue to expand in 1977. U.S. exports may top $14 billion (versus $11 billion in 1976)," Kathleen Keim of the Bureau of International Commerce says in a recent report.

ADVANTAGES IN AREA

America does enjoy advantages in the Middle East. For one thing, 30,000 Americans are in Saudi Arabia now, and there are at least as many elsewhere in the area. They plug the American way, sell U.S. goods and show the Saudis how to apply American technology to their problems. Seventy-five American consulting firms operate in Saudi Arabia. Contracts outstanding with American companies total $17 billion. Yet company officials display anxieties.

Costs may rise no matter how a company reacts to the tax law. If it hires foreign expatriates, the turnover will lower efficiency, at least for a while; also, the company may have to set up personnel departments in foreign lands. If the company flies Americans in and out on a rotating basis so that they remain residents of the U.S.—the firm thereby holding on to Americans without assuming any added tax burden—that costs money, too, even if it is cheaper than compensating employes for added taxes.

"Our costs have been increasing and that makes us less competitive," says Ben Dorfman, vice president of the Dhahran subsidiary of Fluor Corp., the engineering and construction company, as he discusses the tax law's effects. A quarter of Fluor's work force here, or 600 men, are Americans and they hold some of the top jobs. They work on a giant gas-collecting network being built with Arabian American Oil Co. (Aramco) in Saudi Arabia's Eastern Province. That project alone could have a final price tag of over 16 billion. "A lot of our Americans," Mr. Dorfman says, "are thinking of going home."

Similar comments come from Lindel E. Montgomery, manager in Saudi Arabia for Geophysical Services International, a Texas

Instruments subsidiary operating in Dhahran. "That tax bill is adding to our cost of doing business," Mr. Montgomery says. He heads a staff of 175 senior-rated expatriates, which over the years has been predominantly American. The Americans now constitute less than 30% of the total and the firm is looking to foreigners to fill even more of its jobs. Geophysical Services studies terrain and rock structure in connection with oil explorations.

Neither Fluor nor Geophysical Services will say how it is handling individual Americans' added tax burden—perhaps the companies are helping some of the employes. But both firm's face rising turnover and both have set up recruitment programs in foreign lands. A spokesman for Geophysical Services says the tax bill has lowered the firm's margin of profit on each contract by a percentage point.

"IRREVOCABLE" DECISIONS

"One thing that our government doesn't seem to realize is that sometimes decisions affecting trade may be irrevocable," says Frank Jungers, Aramco's chairman. Mr. Jungers notes that Aramco built the first electricity network in Saudi Arabia's Eastern Province for its own operations. It had American engineers and so they went for the American system of 110 volts 60 cycles.

"So this became standard here," Mr. Jungers says, "and this has had a continuing good effect upon sales of American-made refrigerators, ranges and other electrical appliances."

Now he worries that Saudi Arabia is at a turning point in many industrial areas. If certain jobs go to foreign firms, he feels, the long-range effects may be as great as the effects of that electricity network were, but in the opposite direction.

Recently Aramco investigated costs of giving preference to Americans when hiring expatriates. It found that it could hire 2.8 Britons in key executive and technical posts for the cost of one American, and 2.3 Britons for one American in jobs for young engineers just out of college. Aramco now has 850 Britons on its staff compared with "only a handful a few years ago." It still employs close to 1,800 Americans. How many it will still have a year from now is a question.

"There will be an exodus of Americans," Deputy Planning Minister Beshir says. The planning ministry itself is faced with American advisers, and although Mr. Beshir says he can easily hire Germans, Britons, Frenchmen, and other expatriates, he isn't enthusiastic about the possibiliy of having to replace Americans. Like many in the Saudi government, Mr. Beshir is U.S.-educated (University of Oregon) and U.S.-biased (he spent nine years in the U.S., including a stint as a door-to-door salesman).

A COMMISSIONER'S VIEW

That same attitude is encountered in the office of Faroul Akhdar, head of Saudi Arabia's Royal Commission for Jubail and Yanbu. The commission is building the infrastructure for a $30 billion project to create mammoth ports at Jubail on the Persian Gulf and Yanbu on the Red Sea. Thus, it is deeply involved in letting contracts for goods and services, and Mr. Akhdar, who attended the University of California, says he has always been partial to American products and technology.

But American advisers are giving up their jobs for tax reasons, Mr. Akhdar says, and are being replaced by West Europeans, who almost automatically think of European companies when something must be procured.

In Iran, too, says Frank I. Gurney, manager of Pan American Airways in Tehran, "an exodus of American expatriates has already started." Last September, there were about 31,000 Americans in Tehran. According to a rough estimate made by Americans there, the number has declined to 28,000 and is still dropping. Under normal circumstances, the total would probably rise.

R. P. M. Carlson, managing director of Melli Industrial Group, an Iranian conglomerate, says, "The sad part of it is that once these Americans leave, they are very unlikely to come back no matter what happens in the future to American taxes."

The new tax law may harm U.S. political relations with Mideast lands. An Iranian official tells about a U.S. firm whose 500 Americans in Iran perform a service considered important by the Iranian government.

"The company approached us and said that the new American tax is costing them $8 million to $10 million a year extra. They said they couldn't continue their contract with us if they don't get help, so we made an adjustment in our contract with them.

"If taxes are being collected on Americans in Iran, the money should be going to Iran, not to the United States. Your government is actually forcing us to pay taxes to the United States if there are technicians that we want to keep here."

BPW 50TH ANNIVERSARY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. OTTINGER. Mr. Speaker, the Mount Vernon Business and Professional Women's Club celebrated its 50th anniversary on Saturday, March 26 at the Pelham Country Club. I am pleased to share with my colleagues an article describing the outstanding work of the club over the past half century which appeared in the Mount Vernon Daily Argus:

BPW 50TH ANNIVERSARY

(By Terri Hall)

"Women's liberation" is just a phrase.

Because women have always worked. The Mount Vernon Business and Professional Women's Club proves it—the organization is celebrating its 50th Anniversary in Mount Vernon this month.

"We have always worked for equal rights for women," says Lorraine Rouget, past president of the Mount Vernon BPW club.

"Not in the avant-garde, militant way," she says. "But we've always worked for equal pay for equal work; for equal opportunity in the job market.

"The Federation of BPW clubs has always worked very steadily through legislative means to get the laws passed, rather than through demonstrations."

Miss Rouget is co-chairing the event with Mary Cosentino, also a past president of the Mount Vernon club.

As part of the celebration, the club has put together an exhibit of the club's history, which can be viewed at the Mount Vernon Public Library, 28 S. First Ave. A scrapbook will be presented to a library representative at the anniversary dinner.

Working with Miss Rouget and Mrs. Cosentino, Helyn Fink, current BPW president; and Marian Bertine, senior past president, have compiled a complete history of the organization's work in Mount Vernon including clippings, photographs, and other mementos.

The organization was founded after World War I, during which various groups of women had gotten together to help with the war effort. The national federation of BPW clubs was formed in 1919; the Mount Vernon club, in 1927.

In 1927, Mrs. James (Lena) Flint Barclay, the city's probation officer, invited a group of women who were employed by the city, to a lunch at the Hotel Siwanoy, hosted by Mayor William D. MacQuesten. A larger group met at the Westchester Woman's Club several weeks later, and on March 3, 1927, the Mount Vernon BPW club was officially founded, with Mrs. Barclay becoming the first president.

On April 9, 1927, the group voted to join the state and national federation of BPW clubs. Over the years, the club has been very active in Mount Vernon civic affairs. During the '30s, for example, club projects were instrumental in having over hanging signs and trolley tracks removed from Fourth Avenue; a questionnaire was circulated to find out "Why People Don't Buy in Mount Vernon," and it later led to a campaign to induce people to buy from local merchants.

In the past, the club supported the Mount Vernon Girls' Club and other youth organizations, and currently provides for a $300 scholarship and a $25 prize for the best female business students at Mount Vernon High School.

Last year, the club gave the Mount Vernon Public Library $600 to bring the collection of women's books up to date and will add another $50 every year.

"And we've donated to the United Way down through the years," Mrs. Cosentino says, "since it was the Community Chest."

"And we donated a room in the new wing of the Mount Vernon Hospital," Mrs. Fink adds.

On the state level, BPW administers the Grace Legendre Scholarship Fund, to help women who have stopped working continue their educations so that they might reenter the job market. The local clubs contribute to the fund.

The Mount Vernon club also has contributed four state presidents, district directors and a national treasurer. When the state presidency is held by a member of the Mount Vernon club, the state office of the organization also moves into Mount Vernon. When Miss Rouget was state president in 1967, the office was at 22 W. First St.

"There was a time when we did a lot politically," she says, "but we don't do it anymore. We would urge our members to get out and vote and by 10 a.m. we could say all our members had voted. We've always been active in civic things—we've always tried to be informed."

The Mount Vernon Club was also the first club in the state to start a mental health program called "Presents for Patients," in keeping with the state's "Ring the Bell for Mental Health" campaign. The state awarded the club with a gong, in commemoration of the achievement.

"We worked with other women's organizations," Mrs. Cosentino says. "Zonta, the Weschester Woman's Club—we've had joint meetings with Zonta, with the Chamber of Commerce."

A special adult education course was sponsored by the organization in 1966 and held at Mount Vernon High School, to gear women to the psychological factors, new techniques and resume preparation for going back to work. BPW supports the hospital's budget shop and its members volunteer at the hospital, the library, and the Salvation Army.

Through the national and state federation, the club supports the movement for an Equal Rights Amendment (ERA), by educating members to what such an amendment would mean.

Marian Bertine, senior past president of the club, has been a member for 45 years. Now retired, she was elected the first woman bank officer in Mount Vernon when she was employed by the Eastchester Savings Bank.

"I joined BPW because I thought it was a good opportunity to meet other women in

other fields of business," she says. "I took an active part and I have always enjoyed it."

"I think it's wonderful for a club to have survived 50 years," she says. "I think it's really an accomplishment, don't you?"

THE FABULOUS SCHENCK

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. WHALEN. Mr. Speaker, a very informative article about one of my 19th century predecessors in this body appeared in the February issue of Dayton USA.

Written by Jim Butler, the piece gives a good summary of the life of Robert Cummings Schenck. Titled "The Fabulous Schenck," the article told me a few things about Mr. Schenck I did not know before. For the sake of the record, I insert this piece at this point in the RECORD:

"If the Republican Party of this country, if the thinking, liberty-loving men of the country, want an honest, sensible man to lead them in the coming campaign, they cannot do better than nominate the distinguished gentleman from Illinois, Abraham Lincoln."

These words, spoken in Dayton, on the court house steps, one evening in September 1859, were the first to put Lincoln's name in contention for the presidency. The speaker was Robert Cummings Schenck, a former Ohio Legislator, Congressman, and Ambassador to Brazil. And Lincoln didn't forget.

When Ft. Sumter was fired upon in 1861 Schenck offered his services "in any capacity" to President Lincoln. After a short wait Lincoln summoned Schenck to the White House.

"Good morning Mr. Schenck," Lincoln greeted him.

"Good morning, sir," Schenck replied.

"We're having a devil of a time just now," Lincoln commented, then, "Schenck, can you fight?"

"I don't know sir, but I can try."

"And I'm sure you will succeed. You have it in your blood, and I am going to give you a chance . . . You shall be made a brigadier-general."

Schenck became a credit to Lincoln's wisdom. He fought with courage and distinction in several Civil War battles, including both Bull Runs. During the second battle of Bull Run, in August 1862, Schenck was seriously wounded, and permanently lost the full use of his right arm. When he recovered he returned to duty, but never again was he a battlefield commander.

Schenck, one of ten children of William and Betsy Schenck, was born in Franklin, Ohio, 4 October 1809. He attended Miami University, graduating in 1827. In 1830 he entered the law office of Thomas Corwin "the wisest lawyer in Ohio" at Lebanon. Moving to Dayton in 1831 he became a law partner of Judge Crane, who had a large practice. It became one of the most extensive and lucrative associations in the state.

But Schenck was too ambitious to remain a small town lawyer so in 1841 he entered public life, being elected to the Ohio Legislature. Making a name for himself there, and quite a few Democratic enemies, he was elected to Congress in May 1843. Here he remained for eight years, becoming friends with many great men of the time.

While defending Daniel Webster on charges brought against him by Charles Ingersoll, Schenck called for a thorough investigation. Webster was cleared, but during the inquiry Schenck unearthed evidence that years before, Aaron Burr had been permitted to go through secret files of the State Department. Burr was trying to find evidence to injure President George Washington's esteemed reputation. Apparently Burr's scheme fell through. But, needless to say, Webster was forever a devout friend of Schenck's.

When Schenck was told by doctors in 1848 he had consumption and wouldn't last the winter he went to Cuba. This didn't help so Schenck's good friend, President Millard Fillmore made him Ambassador to Brazil. After spending several fruitful years in South America Schenck came home cured, never again to be bothered by his lungs.

After the war Schenck was appointed by President U.S. Grant in 1870 as Minister to England, where he served for over five years. During this time Schenck unwittingly became involved in a mine fraud, of which he was later exonerated. It was also during this period that another, but much lesser scandal surfaced.

Schenck was quite adept at poker playing and at a house party in Somersetshire he was asked by the hostess to jot down a few rules of the game. This he did, and to his surprise a while later a pamphlet was published with those very rules.

Back in the United States the press raised a furor at our poker-playing ambassador, who should spend more time attending to his duties at the Court of Saint James. Perhaps to show his contempt of those who would castigate him, Schenck had a book of rules published himself when he returned home. On the title page of the 17-page booklet Schenck had written: "Put not your trust in Kings and Princes, three of a kind will take them both."

In Nissequaque, Long Island, New York in 1834 Schenck married Renneiche Smith. Three of their six children died at early ages. Renneiche died in 1849, and Schenck lived until 1890. In his later years he resided in Washington, D.C., practiced law and was renowned as an authority on poker. At his death he was returned to Dayton and buried at Woodland Cemetery.

JAYCEE CREED

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 30, 1977

Mr. HARRY F. BYRD, JR. Mr. President, last evening I had the pleasure of attending the annual Bosses Night and Awards Banquet of the Warrenton-Fauquier Jaycees in Fauquier County, Va.

The banquet was held to give recognition to outstanding individuals and business which in the last year have contributed greatly of their time and energy for the benefit of the community.

I was struck by the dedication of the many individuals who contributed so fully to their community.

I was equally impressed with the Jaycee's Creed, a creed I long have been familiar with. I believe that this creed should be a guiding force for all Americans. I ask unanimous consent that the text of the Jaycee's Creed be printed in the Extensions of Remarks.

There being no objection, the creed was ordered to be printed in the RECORD, as follows:

JAYCEE CREED

We believe:

That faith in God gives meaning and purpose to human life.

That the brotherhood of man transcends the sovereignty of nations.

That economic justice can best be won by free men through free enterprise.

That government should be of laws rather than of men.

That earth's great treasure lies in human personality.

And that service to humanity is the best work of life.

CAMP SAFETY INCENTIVE ACT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. ANDERSON of Illinois. Mr. Speaker, today I am reintroducing my Camp Safety Incentive Act with 14 cosponsors. This was first introduced as H.R. 5167 on March 17, 1977, and is nearly identical to the substitute I offered in the House on April 17, 1975. That substitute lost by the narrow vote of 188 to 194. My bill would require the Secretary of HEW to promulgate model youth camp safety standards and provide a one-time 3-year grant assistance program totaling $22.5 million to assist States in setting up their own camp safety programs using comparable standards. Unlike other bills, my measure would not provide Federal preemption and enforcement in those States not having federally approved programs. In my opinion, and based on available data of camp fatalities and injuries, the problem is not so serious as to merit creating a junior-OSHA to police our youth camps. Since my bill does not impose Federal regulation and inspections on the States, the full $7.5 million a year would be available to assist States in the form of plan initiation, training, and startup grants. The Federal approach bills, on the other hand, which authorize the same amount, would necessarily make less available in grants since up to $6 million a year would be required for the enforcement effort alone, thus leaving only about $1.5 million a year for grant purposes. It is obvious that my bill would offer greater financial incentive to the States to establish their own camp safety programs since more assistance would be available.

Mr. Speaker, this morning I was privileged to testify before the House Education and Labor Subcommittee on Compensation, Health and Safety on this legislation. At this point in the RECORD I include a list of cosponsors of my Camp Safety Incentive Act followed by the full text of my testimony:

COSPONSORS OF CAMP SAFETY INCENTIVE ACT

Mr. Anderson of Illinois, Mr. Bevill, Mr. Dickinson, Mr. Fish, Mr. Guyer, Mr. Hyde, Mr. Lagomarsino, Mr. Krueger, Mr. Moorhead of California, Mr. Myers of Indiana, Mr. Pattison, Mr. Pickle, Mr. Pritchard, Mr. Sebelius and Mr. Whitehurst.

TESTIMONY OF HON. JOHN B. ANDERSON, BEFORE THE SUBCOMMITTEE ON COMPENSATION, HEALTH AND SAFETY OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR ON YOUTH CAMP SAFETY LEGISLATION

Mr. Chairman and Members of the Subcommittee: I am grateful for this opportunity to testify before you on the subject of youth camp safety legislation, especially since no hearings were held on this matter in the last Congress before H.R. 46 was reported to the House. I especially want to commend you on your attempt in this Congress to solicit the views and testimony of all interested parties before acting on this matter. I think this diversity of views and suggestions will better enable you to consider all the issues involved and report a better bill.

Mr. Chairman, I want to pay tribute to you and the ranking Republican on your subcommittee (Mr. Sarasin) for your longstanding interest and efforts on behalf of youth camp safety. I think we all share a common concern for the safety and well-being of our Nation's children. As parents we all experience the same nervous uncertainty and fears when our young sons and daughters go off to camp or to visit distant friends or relatives. We know that some serious injury or illness could befall them and we would not be able to be at their sides immediately. We want to know that they will be in good hands, in a safe environment and under proper supervision. During the debate on camp safety in the last Congress, I cited some excellent hints to parents on choosing a camp for their children. These had been inserted in the April 15, 1975, CONGRESSIONAL RECORD by Congressman Rosenthal who pointed out, and I quote: "Parents need not wait until meaningful youth camp safety laws become a reality in order to make sure their children are under adequate supervision." He proceeded to list about ten things to look for in evaluating a camp. I would think most parents would want to take these precautions before sending their child off to a camp they know nothing about.

All this is not to say that the total responsibility rests with the parents or that camp directors and the States are somehow absolved of any responsibility for the health and safety of campers under their jurisdiction. Obviously they have a very special responsibility for safeguarding the welfare of young campers.

But the central issue before us today is whether this is a legitimate responsibility of the Federal government as H.R. 1326, introduced by Mr. Sarasin, and H.R. 4286, introduced by Chairman Gaydos, assume it is. Granted, both bills state that, "it is the intent of Congress that the States assume responsibility for the development and enforcement of minimum standards" for youth camp safety, but both bills then go on to provide for Federal enforcement in those States which do not have Federally approved camp safety plans on the effective date of the Federal standards (one year after their promulgation).

As I'm sure you are aware from our 1975 debate on this, I, for one, do not consider this a legitimate or necessary area for Federal regulation and enforcement. I think Federal enforcement of youth camp safety standards would be an unwarranted intrusion on the police powers reserved to the States under our constitutional system of Federalism. I do not think it will suffice to argue that Federal preemption of these powers is necessary because only a few States have meaningful youth camp safety laws and programs. And I might interject here that while it was argued back in 1975 that only six States had meaningful youth camp safety laws, the latest figures I have seen indicate that 12 States now have such laws. So, State action in this area has doubled in just the last two years, even without Federal financial assistance or the threat of preemption.

But I think the important point to emphasize here is that just because the remaining States do not have youth camp safety laws or programs per se, it does not follow that youth camps within their jurisdiction are unsafe. Most are still subject to State fire and sanitation inspections, and moreover, camp operators are acutely aware of their responsibility to safeguard the health and safety of their campers. Any gross negligence in this regard which led to serious illnesses or accidents would make them extremely vulnerable to suits by the parents of campers.

It seems to me that the acid test in deciding whether Federal enforcement is necessary is not how many States have youth camp safety laws, but rather how serious the problem is in terms of deaths, illnesses and injuries. And I don't think the available data will support the argument that this is so serious as to merit massive and direct Federal intervention. To quote from one of your previous witnesses, Alan J. Stolz of the American Camping Association, "organized camping is already a very safe enterprise." He went on to ponit out that the injury rate in camps, including very minor injuries, is one-fifth that for school children, even though schools operate on six-hour days and most camps on a round-the-clock basis.

Compare, if you will, the estimated 250,000 major and minor injuries in camps each year with the 4.3 million moving vehicle injuries each year, the 8.7 million work-related injuries, and the 21.5 million which occur in the home each year. Or, compare the estimated 25 deaths in camps each year with the 46,000 on our nation's highways, the 12,600 job-related fatalities, and the 25,500 accidental deaths occurring in the home each year. Or, to put this in another perspective, the accidental death rate among campers is .3 per 100,000 campers, compared to a 21.6 death rate in auto accidents and a 12.0 death rate in home accidents. Keeping in mind the .3 accidental death rate in camps, consider the fact that the rate in the overall youth populace, ages 5 to 14, is 18 per 100,000. The source for these statistics is the National Center for Health Statistics at HEW.

While I by no means wish to minimize the individual tragedy which surrounds each and every camper death, I think this committee must put the problem in proper perspective before acting. And the fact is, camps have 60 times fewer fatalities, and five times fewer injuries than the same youth populace at large. To quote again from Mr. Stolz of ACA, "In spite of the fact that some illnesses, accidents and injuries do occur, this is a very heartening endorsement of the safety record in youth camps." This committee should consider the more dangerous situation in which children will be placed if they can't go to camps which may have to close down due to costly Federal regulation.

Mr. Chairman, for all these reasons I am again this year proposing an alternative to Federal enforcement of youth camp safety standards. I introduced this alternative on March 17, 1977, as H.R. 5167, the "Camp Safety Incentive Act." It's nearly identical to the substitute I offered on the House floor on April 17, 1975. You will recall that my substitute lost by the narrow vote of 188 to 194. Under the terms of my bill, the Secretary of HEW would merely promulgate model youth camp safety standards and offer a one-time, three year Federal assistance program to help States establish and enforce comparable standards if they wish. The total grant assistance would be the same amount as authorized in the Federal bills—$22.5 million over three years—but on a 50% rather than 80% matching basis. The idea behind this approach is to get the States started but not to foster near total dependence on the Federal government to keep their programs running in perpetuity.

Not only will the 50% matching requirement (except for the $1 million in plan initiation grants which will not require matching) insure that the grants will go further during this crucial three-year period, but so too will the fact that all the money authorized will go for grants, whereas much of the money under the Federal approach bills will be required for the Federal enforcement efforts which will begin in all States one-year after the promulgation of standards, except in those which have Federally approved programs on the effective date of the regulations. While the committee report on this in the last Congress indicated that it was not its intention to set up "a large force of Federal inspectors," I am wondering how this Federal approach will be anymore effective than what now exists without a large Federal enforcement effort. Whereas, under State plans in the committee bill and my bill each camp must be inspected once a year, there is no such requirement for camps under Federal jurisdiction.

Assuming, for a moment, that only one-fourth of the States and one-fourth of the camps, were under Federally approved plans, that would leave some 7,500 camps subject to Federal enforcement. Since the average summer camping season runs 12 weeks or less, an annual Federal inspection would require 625 inspections per week. Assuming an average inspector could only cover two camps per week, that would require some 312 inspectors. Based on our OSHA experience where the average salary per employee is $17,000 per year and the average cost of an inspection is $786, the cost of inspecting 7,500 camps each summer would total roughly $6-million. And what do inspectors do the rest of the year?

On the other hand, if it is argued that such a large inspection force and annual inspections are not anticipated under the Federal enforcement effort, we are in effect saying that Federal enforcement will be less effective and stringent than in those States running their own programs.

I think my voluntary approach and State enforcement is far preferable to the Federal enforcement approach. Moreover, my bill mandates a study by HEW over the three-year period of the incidence of camp fatalities and serious injuries and illnesses. Hopefully, it will be better than the 1971 study which was so widely faulted. Perhaps then, on the basis of the study and this three-year voluntary program, we will be in a better position to know whether the problem is anymore serious than it now appears to be and whether further Federal involvement is warranted.

BILL HIGGINSON

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. MURPHY of Illinois. Mr. Speaker, today I join many Chicagoans as well as the Illinois General Assembly in applauding the accomplishments of a dedicated civic leader, Bill Higginson. Bill, who is leaving his position as the execu-

tive director of the Southwest YMCA, was recently honored by the Illinois General Assembly for his many achievements.

As head of the YMCA, Bill Higginson has been instrumental in initiating many social action programs benefiting my district and many surrounding areas in Metropolitan Chicago.

Bill has always been concerned about the problems and needs of young people. His summer youth worker program has enhanced the quality of life of our communities and could serve as a model for other neighborhoods.

The Illinois General Assembly cited his drug abuse program as the most effective in the area. Drug abuse is considered by almost half the mayors of the Nation as one of five of the most crucial problems in their cities. To have an effective and productive program in this area is a great achievement. Bill has also set up several student service bureaus at local high schools which have proved very successful.

Bill has worked intimately with the people connected with these social action programs. He has spent countless hours with elected officials on the local and State level to win support for drug abuse, runaway, and counseling programs. His success in securing the proper funding from both State and Federal sources has enabled him to conduct these worthwhile projects.

The Southwest YMCA and our community will greatly miss its executive director. We certainly wish him well in his new position with Chicago United, another social action agency.

REEXAMINING THE NEW YORK FINANCIAL CRISIS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. BADILLO. Mr. Speaker, I want to call the attention of my colleagues to an article by Felix G. Rohatyn which appeared in the Wall Street Journal today. The article deals with the oft-discussed New York City crisis and, in a welcome departure from the norm, approaches in realistic and cogent terms the question of how long the New York City financial crisis is likely to continue. Initially, Mr. Rohatyn authored and advocated the 3-year financial plan now in existence. Then, when it became only too obvious that New York City would be unable to approach anything like normal financial stability within that time, he favored an extension to 6 years. Now he has finally come around to advocating a 15- to 20-year term for Federal assistance—an idea he bitterly opposed when I advanced it a couple of years ago.

It is imperative that we all understand that under no circumstances can the New York financial problem be resolved on a short-term basis. The city shall need help for the next 15 to 20 years to come. With the immediate threat of financial disaster removed, we now have time to give some hard thought to the alternatives available to us and to the city. The administration, cognizant of the problems of urban centers, is giving serious consideration to the establishment of an Urban Development Bank. The Subcommittee on Economic Stabilization of the House Committee on Banking, Finance and Urban Affairs, of which I am a member, under the chairmanship of the gentleman from Pennsylvania (Mr. MOOREHEAD) has just finished 2 days of hearings on the subject of direct loans and loan guarantees.

It is most important that we, who ultimately shall have the responsibility of deciding on the type of legislation we enact, now establish a dialog and develop the relevant information necessary to deal not only with the plight of New York, but with the present and future needs of our other urban centers. I believe that the article I am inserting here represents a good first step in that direction. I commend it to the attention of my colleagues.

The article follows:

THE RESTORATION OF NEW YORK CITY

(By Felix G. Rohatyn)

The New York City moratorium crisis appears to be behind us. As the result of a financing package recently announced, including an exchange of MAC bonds for city notes, the last of the unfunded short-term debt accumulated by the city between 1970-1975 will finally have been refinanced. With the completion of the current plan, almost $6 billion of short-term notes outstanding as of May 1975 will have been refinanced through a series of actions which involved creation of the Municipal Assistance Corporation and the Emergency Financial Control Board, together with a financing package involving banks, unions, the public market, state and federal government.

This included not only the $6 billion of accumulated short-term debt, but also $2.5 billion to finance the city's requirements from 1976–1978 and $2.3 billion of seasonal loans provided by the federal government. All of this financing, totaling about $10 billion, was accomplished over the last two years without a public market existing for city securities. And, with the exception of public financing of MAC totaling about $1.5 billion, most of it was arranged privately.

In the last two years New York has made a dramatic change in the direction and philosophy of its government. Through a reduction of almost 20% in its labor force, the imposition of additional taxes, a moderately successful wage freeze and a policy of increased labor productivity in exchange for cost-of-living adjustments, the city has begun the painful process of reversing its almost uninterrupted growth in municipal services and pay over the last 15 years. The imposition of tuition at City University for the first time in 120 years, sharp increases in transit fares and closing of municipal hospitals signify that the city can do politically unpleasant things when faced with harsh reality.

Some of this change was forced by MAC and the Control Board. And certain of the reforms—the efficiency of municipal services and the level of education—are far from perfect. Moreover, changes can't occur overnight. But it is my judgment that the new direction cannot be reversed in the foreseeable future.

AMAZING PASSIONS UNLEASHED

The passions that the New York City problem unleashed are amazing—and complicating. To millions who have entered the U.S. through New York, it is a symbol of opportunity, of freedom, of generosity and of caring for the needy. To at least as many millions, New York is the symbol of liberal thinking carried to its outer limits—the debasing of such virtues as thrift, hard work and the ability to do it on your own.

In truth New York is all of those things. Restoration of the city requires respect both for compassion and those virtues that will enable it to avoid its formed excesses.

The absence of a market for city securities obviously cannot continue much longer. The financing arranged for the survival of the city, both with respect to its capital spending and its seasonal requirements, does not carry beyond June 30, 1978. This is the date at which the current Federal Seasonal Loan Act expires, as well as the date to which the current commitments of the pension systems will carry the city.

It is not only a federal requirement that the city attempt to get back into the market before June 30, 1978. It is necessary for the city, as well.

The recent negotiations ended with a shaky financing plan for the publicly held notes in the amount of $983 million, and with a regrettable breakdown in negotiations between the Clearing House banks and the city. This revolved around creation of a new city bond and with it a Review Board that for the life of those obligations would have significant powers over the city's fiscal and financial life.

This problem has been postponed for the time being, perhaps until the fall or winter when the mayoral election is behind us, and we have a balanced budget for fiscal 1978 and a balanced fiscal plan for 1979.

But there is not the slightest question in my mind that a long-term budgetary review mechanism will be required. Like it or not, the city cannot get away from its tawdry financial past. The issue, therefore, is not whether to have a review mechanism but what kind of mechanism is appropriate.

This will be of considerable interest to Congress if and when federal legislation is considered for beyond June 30, 1978. It seems highly unlikely that by then New York will be able to finance the roughly $4 billion of annual financing that will be required. This is roughly $3 billion of seasonal financing presently provided by the state and federal government and a minimum of $1 billion of long-term capital financing.

Whether long-term credit assistance is provided through some form of federal guarantees or an Urban Development Bank, or whether it is provided by an extension of the Seasonal Loan Act, are issues that require serious debate. The necessary review mechanism should accompany federal assistance, but since it will remain for 15 to 20 years, its constitutional implications for city government also deserve lengthy study.

The continued drama of successive default crises over the last two years has served to obscure the real crisis caused by social and economic factors that are not likely to change in the foreseeable future, and with which the city by itself is incapable of coping. Still it is capable of coping with certain problem areas, and the sooner attention is switched from default to its basic long-term economic and social problems the more quickly solutions may be found.

We can say over and over that the federal government has to take over the city's share of welfare, as it must. But even this would not solve the city's long-term problem. That can only be solved by keeping and attracting private employment. By an educational system that provides quality education. By wider tax borders that include fleeing commuters. By lowering city and state taxes to make us more competitive with other parts of the country.

Moreover, we need to decide what kind of city we can expect to have in 10 or 15 years. Although manufacturing should be pro-

tected and encouraged to the extent possible (tax reductions, union rules, industrial parks, etc.) it is unlikely the city can really compete with those parts of the country where energy costs and taxes are lower, the climate better and labor problems more tractable.

EXPLOIT ITS ASSETS

But New York could exploit its extraordinary assets in leisure, entertainment, communications and light industry. It could become a haven for those tens of thousands of foreigners with means who will view the U.S. and hopefully New York as the last refuge for freedom and capital.

The city should compete vigorously with other American cities for tourist dollars, convention dollars, intellectual dollars. A convention center by itself is not a strategy. Legalized gambling in certain parts of the city is not a strategy. The 1984 Olympics for New York/New Jersey is not itself a strategy. But together they could form the basis of a coherent strategy.

Because of its financial frailty, the city has to coordinate its development policy with the state. Together with such state agencies as the Port Authority and Battery Park City, an economic development structure could emerge. Furthermore the city could benefit from the state's leadership in the Coalition of Northeast Governors, which is trying to frame a regional development policy that seeks energy development as well as new investment, increased employment and lowering of some of the costs that have put the Northeast at such a competitive disadvantage.

But only a New York City that has reformed itself can play a major role in shaping a federal urban program, a program necessary to help not only New York but all the older cities of this nation.

In Harlem in New York, Watts in Los Angeles and Hough in Cleveland, hundreds of thousands of young blacks and Puerto Ricans are unemployed and without hope of becoming productive members of the community. Without a program aimed at this problem, based heavily on private employment, every older city in this country is doomed. This would be catastrophic.

Let us therefore get the moratorium behind us. The debate is not over a city bond since a city bond is not the answer. Nor is the debate over a review mechanism; there will be a review mechanism. The debate should be over the future economic, political and social life of the city, and it should be the center of the incipient mayoral campaign.

While I have not always agreed with The Wall Street Journal's editorial views in the past, I do agree with a recent editorial that suggested we will get the political leadership we deserve if we do not face this reality.

CAPITOL POLICE OFFICER ADOLPH KRENN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. MAZZOLI. Mr. Speaker, there are certain people who transmit a special warmth to everyone with whom they come in contact.

Capitol Police Officer Adolph Krenn was such a person.

Adolph's regular station was at the C Street entrance to the Longworth Building. My office has been in Longworth for the 6 years I have served in the House. And, I have used the C Street entrance during all these years. So, I got to know Adolph very well—as did my family who visit as often as possible.

Officer Krenn always exhibited special interest in our two children, Michael and Andrea, who first met Adolph in 1971 when they were very young. They are now teenagers. Over the years, whenever they passed Adolph's desk, he always called their names and had a nice word for them.

He treated everyone—friend and stranger—with unfailing consideration and courtesy. His friendly greeting, more than once, got my tough day off to a smooth start.

My staff and I—and I am sure this goes for all the Longworth congressional family—always enjoyed being with and around Officer Krenn.

But, Adolph died yesterday. This fine and kind gentleman will be deeply missed and long remembered by Ron Mazzoli, his family, and a lot of other people.

LITHUANIAN INDEPENDENCE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. SCHUZLE. Mr. Speaker, today is a glorious anniversary, but it is also a time of sorrow. On this occasion of the 59th anniversary of Lithuania's independence—a culmination of more than two centuries of struggle—it is fitting that the Congress of the United States commend the people of that nation for their valiant efforts.

For 22 years Lithuanians enjoyed their precious freedom and entered a period of unparalleled social, economic, and political advancement. But World War II was to close that door of opportunity and take away the freedom of choice in exchange for Soviet domination.

Freedom and liberty are precious commodities to all Americans. We have but to recall the dramatic accounts of courage, determination, and self-sacrifice of our American revolutionists. Yesterday at the nationalization ceremony of Valley Forge Park, tribute was paid those early American soldiers. That winter of 1777–78—one of suffering and discomfort—was the turning point of our freedom. George Washington's Continental Army entered in defeat, but left as troops in search of victory. Those men fought for our freedom that we take for granted; a freedom that has been preserved for two centuries. The Lithuanians have not been as fortunate.

The U.S. support of the Lithuanian's just aspirations for freedom and independence is clearly reflected in our refusal to recognize the forcible incorporation of Lithuania into the Soviet Union. It is not unreasonable that in time the Soviet masters will recognize that the desire of all men to be free to choose their own destinies cannot be denied. Let us hope that the trend for the granting of national independence will extend to Lithuania so it may take its place as a free nation living in harmony with its neighbors.

Lithuania is a daily reminder for free men everywhere that freedom is not easily attainable. Rather, we exist in a century where growth of totalitarian power thwarts us. Today as we recall our own freedom let us support the Lithuanian people in their hopes and dreams that one day soon they may be free to pursue their birthright—a free and independent Lithuania.

BETRAYAL OF TRUST

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. ABDNOR. Mr. Speaker, the last word has not yet been heard on the fate of the 19 initial water projects President Carter determined should be stricken from the fiscal year 1978 budget. The Senate has already affirmed their intention that the projects be continued, and I am confident the House will be equally forceful in their decision on the matter.

Last week the public hearings were held purportedly to give both proponents and opponents of the various projects a forum to state their case. Quite frankly, I can only consider the hearings an attempt to publicly justify decisions which have already been made.

Where the Oahe project of South Dakota is concerned, I must consider the action by the President a betrayal of the trust the people of South Dakota placed in the Federal Government for assistance in future water resource development when they permitted the four high dams of the Missouri River to be built. My statement at the hearings follows:

STATEMENT BY THE HONORABLE JAMES ABDNOR

Gentlemen of the Oahe review team, I want to thank you for coming to South Dakota to assess the views of the citizens of our State. I was at the meeting at the White House when the President committed you to holding hearings in the areas affected by his proposed budget cuts. It is not too much for us to expect you to do so when the decision the President has already made to terminate funding for our project has such profound implications for the future of our State.

I do not envy the task to which you have been charged, that is to render a fair and impartial judgment, when both the President and Secretary Andrus have publicly and explicitly prejudiced the process by stating that the Oahe Unit and 18 other water resource development projects should be terminated. It is obvious that we have already been found guilty and that we must now prove ourselves worthy of reprieve. I know that it will not be easy for you to render such a judgment with the weight of the prejudicial comments of the Secretary and the Commander-in-Chief hanging over the process. Our legal system provides protection to individuals who might be denied a fair trial in this manner. It is unfortunate that the "review" process offers no such consideration to the many individuals and families whose hopes for a brighter future through development of our abundant but underutilized water resources will be dashed.

In my view the importance of this matter is being sadly disregarded and the people in-

volved badly abused. I would cite as evidence the following facts:

(1) The White House indicated a complete unfamiliarity with the Oahe Unit when they called my office to inform us that the Garrison Unit was being cut but that the Oahe Unit was not. After repeated assurances that Oahe was in the President's budget, they later called to apologize and to say that it was not in the budget.

(2) There was no public involvement in the President's decision to delete funding for the 19 projects from the budget submitted by former President Ford. Vice-President Mondale, who the President calls his "chief advisor," was not consulted or even informed; nor was Secretary of Agriculture Bergland, who is more familiar with the Oahe and Garrison Units than anyone else in the President's closest circle of advisors.

(3) Public hearings in the locations affected were scheduled only after the President was directly challenged by Congressman Mark Andrews for not having done so. In these supposedly unbiased hearings the proponents have been allowed a few short hours to persuade the "review team" to reinstate projects. The projects were initiated only after long years of planning and effort. Now they are marked for termination by the President after a few short weeks in office and without consultation with anyone associated with the projects.

(4) With all due respect to the members of the review team, the President has maintained that he "personally" made the decision to delete funding for the 19 projects. If this is so, and I take his word for it, he should at the very least personally attend to the views of those who will be harmed by his decision. I have invited both the President and Secretary Andrus to come to South Dakota for this purpose. As yet I have no indication from either that they will come to our state to see how badly we need irrigation and how strongly South Dakotans feel about this issue.

(5) Even those members of Congress who are considered to be in the vanguard of the environmentalist movement have been appalled by the President's action—not so much because of the specific projects themselves as because of the callous and perfunctory way with which they have been dispensed. Not only were we not consulted, but we have not been able to get information on the specifics of why our projects are in trouble.

(6) The time limits imposed on the "review process" are ludicrous. No one should know that better than you who are involved in the process. If the President truly understood the importance of projects, such as the Oahe Unit, I cannot believe he would be in such a hurry to pronounce them dead without even taking their pulse.

(7) The President proposes simply to terminate the Oahe Unit. He has taken no notice of the fact that its water transport system is undoubtedly the most economical and efficient means of conveying water to irrigable lands in eastern South Dakota regardless of the specific plan of irrigation. No alternatives have been suggested to replace the Oahe Unit.

(8) No attention whatsoever has been paid to the Federal Government's long-standing commitment to South Dakota to assist with the development of our water resources. It appears that the Administration simply chooses to forget it.

(9) Despite the statements made by the President and Secretary Andrus that in their minds the 19 projects should be terminated and that they take responsibility for halting them, they send us a "review team" with whom we are to plead our case. Even if we were able to persuade you to support reinstatement of our project over the prejudicial comments of the President and the Secretary, I am not convinced doing so will do anything toward overcoming their preconceived notions.

(10) Finally, and in summation, I cannot comprehend how anyone can have faith in a review process under which a project is ruled unsound on the basis of undefined criteria before the process begins and for which no input from those affected was solicited. It is understandable that many are tempted to call this proceeding a charade and a farce.

Giving you the benefit of the doubt, though, which is more than the President was willing to give the Oahe Unit, let me briefly address the "problems" with the project as contained in a one page document transmitted to me by the White House Congressional Liaison Office. Although I had asked for the specific information on which the President based his decision, the letter I received in response is carefully worded in such a fashion that I still do not know if these are, in fact, the issues on which he decided to kill the Oahe Unit. I am not the only member of Congress who has had difficulty in getting a straight answer from the White House, which can only further reduce our confidence in the integrity of this review.

The problems listed are (1) channelization of 120 miles of natural river, (2) destruction of 10,000 acres of wetlands, (3) increased downstream salinity and flooding, and (4) adverse effects on rare and endangered species.

In general, it is my firm belief that the Oahe Unit can only improve the wildlife, fishery, and aesthetic resources of South Dakota in addition to the obvious improvement in utilization of our water resources. A small amount of channelization in concert with employment of floodway and greenbelt concepts can improve the aesthetics of the James, while also reducing flooding and fostering fish and wildlife propagation. I know of no rare or endangered species which will be threatened by the project, and I believe that the wildlife habitate mitigation aspects can more than make up for any losses.

The fact that water quality has been cited as a problem is highly ironic in view of the fact that about 60 percent of the community water supplies in South Dakota do not meet quality standards and never will if the President's criteria are used in evaluating projects needed to improve them. Water quality is also moot if there is no appreciable quantity of it. Construction of the Oahe Unit will ensure that water quantity is no longer a problem for Huron, Mitchell, and other communities.

The fact, as I see it, is that all of these so-called problems can be turned into pluses if we get on with the project in a cooperative spirit.

The final "problem" identified in the document furnished by the White House represents a gross distortion of the implications of the review being conducted by the Oahe Conservancy Sub-District Board. There are many valid questions they wish to address and I support their efforts. The unanimous resolve of the board to study these questions, however, is obviously premised on the assumption that there will be a project to study. I can understand the false understanding of the President, if he did see this document, that the board does not support irrigation. I know this not to be the case, however, and I am sure it will be evident to you too before today's proceedings are concluded.

Other issues not mentioned in the document I received from the White House include opposition to the taking of land for wildlife habitat and especially the taking of land through condemnation proceedings. The loss of tax base is also a problem, but it may be addressed by the Payments in Lieu of Taxes legislation enacted last year. If not, it is not so big a problem that it cannot be solved.

I share the concerns over the acquisitions of large acreages of land for single purpose wildlife habitat—not only in mitigation of the Oahe Unit but also through unrelated purchases. On May 7th of last year, I addressed a lengthy letter on this issue to the Assistant Secretary of the Interior for Fish, Wildlife, and Parks. I was amazed to learn in his reply of August 3rd that over 250,000 acres are already under public ownership or perpetual easement and managed solely for wildlife purposes in South Dakota. I was even more astounded, however, to learn that "the U.S. Fish and Wildlife Service has set a goal of preserving an additional 275,000 acres of wildlife habitat in fee title and 550,000 wetland acres by easement during the next 10–15 years in the principal migratory waterfowl breeding ground of the Central Flyway," and, further, that the "majority of the best remaining habitat lies in South Dakota, and it is estimated that approximately 40 percent of the acquisitions will take place there."

The 40 or so thousand acres associated with mitigation of the Oahe Unit will be controversial; but the 330,000 acres the U.S. Fish and Wildlife Service feels it must acquire or obtain easements on will be even more controversial whether the Oahe Unit is constructed or not. In the interests of all concerned we must sit down in a spirit of cooperation and constructiveness and the wildlife mitigation features of the Oahe Unit may provide the incentive to do so. Anyone who believes South Dakotans will stand for these acquisitions if the Oahe Unit is stopped had better think again. So should anyone who thinks the acquisitions will cease if the Oahe Unit does. We simply must come to grips with the larger problems of the loss of wetlands and the loss of private ownership and control of property. Stopping the Oahe Unit can in no way serve that purpose.

As for the condemnation of property needed for project facilities, I can easily sympathize with those who are directly affected and I agree with those who oppose it in principle. The interstate highway crosses my farm on a diagonal, and I did not exactly relish the thought as it was being constructed. The highway did go through my property though, and I guess I must admit that it has been in the public interest that it did. That does not mean that there may not be better alternatives to expensive condemnation proceedings to ensure the rights of the landowner, however. I recently requested and received a report from the Congressional Research Service in this regard and it speaks very favorably of the prospect of improvements in the current system which might be realized through the institution of an arbitration process. Such a process might prove to reduce the incidence of condemnation while providing landowners with a less involved and expensive means of protecting their interests. I will be happy to furnish a copy of the CRS document for your consideration.

The fact that impresses as we consider these so-called problems—whether it is wildlife habitat loss of tax base and private ownership wetlands, flooding, salinity, or whatever—is that they are not terminal problems. They can be dealt with and they will be if we just get down to working together to do so. Indeed, I know of no problem associated with the Oahe Unit which cannot be solved with cooperation.

The final issue I would like to discuss is the benefit/cost ratio. I have seen various benefit/cost ratios for the Oahe Unit ranging from 1.0 to 3.0. I know that the benefit/cost analysis procedures have been criticized for understating costs, but I want you to know there are probably just as many who criticize the benefit/cost analysis for under-

stating benefits. And why is it that of all federal expenditures only certain water development projects are subjected to benefit/cost analysis? Don't misunderstand, I think more federal programs should be subjected to such an analysis. What do you suppose it would do to regulatory decisions, such as FDA's impending ban on saccharin? Or OSHA or EPA regulations? The biggest water resource program of all is EPA's sewage treatment grant program. What do you suppose a benefit/cost analysis would do to this program? I would guess the President might have to call it an "economic waste" of even greater proportions than the 19 projects he proposes to terminate.

The point is that the benefit/cost ratio is instructive and is a necessary and useful tool, but it should not be used indiscriminately to terminate programs and projects which may involve other issues as well. As far as the Oahe Unit itself is concerned, South Dakota holds a mighty big debt owed by the Federal Government. The Oahe Unit can stand on its own; but, even if it could not, it is just a part of the compensation our state has coming for the sacrifices we have made.

In this regard, I am hereby requesting that the Oahe review team expand its investigations to include the Pollock-Herreid Unit, reauthorization of the Belle Fourche Project, the Lower James Conservancy Sub-District proposal, and expansion of the Oahe Unit to include capacity for additional canal-side irrigation. I am also asking that you communicate to the appropriate officials reviewing Army Corps of Engineer projects my request that their investigations be expanded to include the various pipelines which have been proposed in our state (such as the WEB, West River, Chamberlain to Sioux Falls, and Yankton to Sioux Falls pipelines), the proposed pumped-storage hydroelectric dam near Gregory, the proposed Little White River dam, and the urgently needed bank stabilization work required on the Missouri River.

South Dakotans are entitled to know the implications of this review for potential water resource developments throughout the State. The Oahe Unit is our biggest hope for putting our water resources to work, but it is certainly not our only concern in this respect. I trust I have made myself clear and that you will inform me and the citizens of South Dakota of the full implications of the President's policies for these projects as well as for the Oahe Unit.

As I mentioned earlier I have attempted without a great deal of success to obtain information from the White House on the specific criteria which led him to recommend no further funding for the Oahe Unit. I did receive a form letter response from the President, however. The same letter was sent to all members of Congress who expressed concern to the President over funding for water resource development, and in it the President attempted to justify his actions. I would like to read my response. (Letter Attached)

Frankly, gentlemen, as you may have guessed, I do not have high hopes for the outcome of this proceeding. Nevertheless, I welcome the opportunity to be pleasantly surprised. I urge you to recommend to Secretary Andrus and to the President in the strongest possible terms that the Oahe Unit be completed as expeditiously as possible and that it be expanded to include the Lower James proposal and additional canal-side irrigation.

The easy course for you will be to stand on the preconceived notions of the President and simply write the Oahe Unit off. I ask you to take the more difficult course in support of South Dakota's interests.

South Dakotans deserve your consideration in helping to make the Oahe Unit the very best project possible, and we will thank you for it.

Thank you.

MARCH 18, 1977.

Hon. JIMMY CARTER,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Thank you very much for your extended reply, dated March 16th, to members of Congress who are concerned over your decision to delete funding for certain water projects. My concern, of course, is for the Oahe Unit in particular and the way this entire matter has been handled in general. I find unacceptable your logic that a project, such as the Oahe Unit, for which a commitment has been made many years ago can and should be stopped on the basis of new criteria that you personally and acting alone have determined to be more applicable at the present time.

Mr. President, where were you when 509,000 acres of South Dakota's prime Missouri River bottom lands were innundated to provide flood control and hydropower for other states? How can you now propose that the benefits our citizens were to receive be simply forgotten? I opposed construction of the high dams on the Missouri but we got them. It is unconscionable that the Oahe Unit and other water resource developments our state needs and wants might be forgone altogether after we have made the extreme sacrifices that we have in order to obtain them.

Senators Karl Mundt and Francis Case would turn over in their graves if they knew how you propose to treat the interests of the state they loved and toiled so long and hard to serve. Senators Mundt and Case have been joined in their support for irrigation development by every major official elected in South Dakota since 1944. The list of previous officials includes Governors Sharpe, Mickelson, Anderson, Foss, Herseth, Gubbrud, Boe, and Farrar; Senators Bushfield, Gurney, and Bottum; and Representatives Lovre, Reifel, Denholm, and Berry. Your proposal that no more funding be made available for the Oahe Unit makes a mockery of the trust they placed in the Federal Government when they supported, over many years and in innumerable instances, the Pick-Sloan Plan that placed the four huge dams on the Missouri River in South Dakota.

I cannot believe, Mr. President, that you, of all people, who have spoken so eloquently and sincerely of the trust you seek to be placed in you, can now betray the trust of these distinguished officials and the people of South Dakota. Surely, trust is not something which can be subjected to a cost benefit analysis. I can only assume that you were not in possession of this information when you concluded that the Oahe Unit should be terminated. With that thought in mind I renew my request of March 10th for the specific information provided to you by your staff upon which you based your decision. I sincerely hope that in the spirit of openness and cooperation which you have sought to cultivate you will honor this request.

More importantly, however, Mr. President, I hope you will honor the trust which demands that the Oahe Unit and other irrigation facilities be completed as expeditiously as possible and in a fashion which affords the maximum benefit to the people of South Dakota. Our people have invested too much of themselves—their past and their future—in the prospect of putting our precious Missouri River water resource to use to be denied by a "review process" which is at best haphazard and, at worst, smacks of an imperial Presidency.

Sincerely,

JAMES ABDNOR,
Member of Congress.

GREEN LIGHT FOR IMPACT AID IN 1978

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. HARRIS. Mr. Speaker, I am pleased that the House Budget Committee yesterday approved the restoration of impact aid funds for the coming school year, giving the "Green light" to the Appropriations Committee to fund all parts of the program in fiscal year 1978.

I have been distressed by the reductions proposed in both the Ford and Carter 1978 impact aid budgets and over 100 Members of the House joined me in writing the Labor-HEW Appropriations Subcommittee on March 22 urging that they restore these cuts.

The impact aid program was created 27 years ago to compensate local school districts for the loss of local property tax revenues created by the presence of nontaxable Federal property. The program is as sound today as it was in 1950 and assists 4,300 school systems. Unlike most Federal education programs, these funds go into schools' general operating budgets and help pay bills, from heating bills to furniture repairs. With continued escalation of energy costs—especially on top of a most severe winter—these funds are particularly critical.

I have recently received letters from school officials from my State which discuss in a most compelling way the need for these funds now. I would especially like to point out that these school districts, like 95 percent of those receiving impact aid, are not immediately adjacent to the Nation's Capital and the school officials point out that the loss of impact aid will mean a significant increase in homeowners property taxes.

The letters—from New Kent, Fauquier, and Prince William Counties—follow:

NEW KENT, VA.,
March 23, 1977.

DEAR CONGRESSMAN HARRIS: This is a request to ask you to please urge the reinstatement of RSFI category "B" funds.

Any assistance you can give in getting this appropriation of 874 funds reinstated in President Carter's 1978 FY Budget will be greatly appreciated.

I am sure you are aware that any federal funds cut from the education budget must be reflected in increased county taxes.

Any loss of funds to this small county which is already experiencing growth from all sides would work an extreme hardship on the locality to meet contracted obligations. Even though this county is growing, much needed industry is not present.

I appreciate your efforts, and any assistance I can give you, I will be glad to oblige on behalf of the citizens of New Kent County.

Sincerely,

BURTON F. ALEXANDER, Jr.,
Superintendent.

WARRENTON, VA.,
March 14, 1977.

DEAR SIR: It is my understanding that at the present time the President's budget does not include funds for "B" category pupils under P. L. 874. If this category of pupils is not reinstated in the Federal Appropriations Act, Fauquier County will lose $149,519.00. This would be a significant loss of funds for

our school division and county, and would necessitate an increase in local property taxes to offset this reduction in Federal revenue which we have been receiving for many years.

It is my desire and recommendation that you support and work for reinstatement of these funds which will benefit the student in our school system and the general citizenry of Fauquier County.

Sincerely,

S. HAROLD LAMM,
Superintendent.

MANASSAS, VA.,
March 18, 1977.

DEAR MR. HARRIS: I am writing this letter to thank you for your continuing interest and efforts on behalf of the children of Prince William County. With the multitude and variety of problems confronting you each day, it is a comfort to know that you are keeping education foremost in your actions.

As you well know, one of the most serious problems to be resolved in the next few months is the full funding of the normal federal impact aid. The citizens of Prince William County will be hard hit by rising property taxes to support the school program. The loss of the impact aid will compound this problem as well as impair our present educational program. Therefore, I do request your help in maintaining the present level of impact aid funding. This is a vital and immediate concern to all citizens of Prince William County.

Again, as Chairman of the Prince William County School Board, I thank you for your past efforts on behalf of the young people of our county. Let me assure you that your services are deeply appreciated. I wish you continued success in this area.

Sincerely yours,

GEORGE P. MULLEN,
Chairman, Prince William County School Board.

THIRTY-SEVENTH ANNIVERSARY OF KATYN MASSACRE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. DERWINSKI. Mr. Speaker, one of the most diabolical of Soviet Government crimes was the perpetration of the Katyn Forest massacre in which approximately 15,000 Polish Army officers were murdered by their Russian captors. The scene was the Katyn Forest area of the Ukraine.

It was one of the major war crimes committed during World War II for which no one was ever punished, and it was largely overlooked by President Franklin Roosevelt in order not to offend the Soviet Union.

On December 22, 1952, a Select Committee of the House, after a thorough investigation, made its final report. It formally accused the Soviet Government of the Katyn crime and asked the State Department to present the case to the United Nations. However, although since that time there has been occasional discussion of the event, the committee's groundwork has never been effectively implemented.

The Katyn massacre was, and remains, a classic example of the untrustworthiness of the Communists. It is especially important that we ponder the historic lesson of the Katyn massacre at a time there is much discussion over the fact that the Soviet Union is not abiding by the Helsinki accords. History also demonstrates that until a legitimate government is restored to Poland the victims of the Katyn massacre and the thousands of other Polish troops who gave their lives for freedom during World War II will have died in vain.

We trust that history will someday prove that through the virtue of a legitimate nationalism rather than duplicity of communism, Poland will one day be a free rather than captive nation.

WARREN HYDE, CITY MANAGER, EDINA, MINN., RETIRES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. FRENZEL. Mr. Speaker, the city manager of Edina, Minn., a community in my district is retiring after more than two decades in that job. Warren Hyde has been the senior statesman and unofficial guru among municipal officials in the Twin Cities area for many years, certainly through all of my political career. In addition to managing his own community well, he has served on numerous boards and commissions within the State of Minnesota, and shared his experience and expertise generously. His wise counsel and good advice have always been available to any other public official, who was smart enough to ask it of him.

One of the reasons Warren Hyde has been a great city manager is that he has a good sense of humor. The following article written by Jim Klobuchar of the Minneapolis Star and printed on March 25, is illustrative of that quality.

Whatever Warren chooses to do in his retirement will be well done. He leaves his Edina post with the thanks and best wishes of not only the citizens of that town but of the many people throughout the State of Minnesota who have benefited from his good work and thoughtful counsel. The article follows:

WARREN HYDE RETIRES

Where does one go to find a new city manager for Edina?

The employment agencies admit their inadequacies. Shangri-la is not promising as a recruiting source. It offers the requisite atmosphere of bliss but is dominated by elderly sages, a category in which Edina currently is operating at full strength.

As a result it is pressing a search for youthful sages who would embody those qualities the outgoing city manager believes are minimal requirements for the job. These include administrative brilliance, prohphetic powers and the diplomacy of English ambassadors. He should have a gentle tolerance of perfection around him and the ability to teach a squirt defenseman to take the body without drawing a minute and a half for cross-checking.

The retiring city manager, Warren Hyde, acknowledges he has not achieved his full growth potential in his 22 years' stewardship. "I don't handle defensemen very well," he told me.

It is an admission rarely made in Edina, a land of such earnest achievement and civility it seems to be afloat in space, located by astronomers rather than platted by surveyors.

I really don't know where Edina is going to find a replacement for Warren Hyde. Oz? Over the rainbow?

"The guy who runs Oz," Hyde observed, "is tyrannical, inclined to throw tantrums and doesn't approve of citizen input. He would be fired inside of a month in Edina."

In any index of city potentates I have known, Hyde's name leads all the rest in the not-insignificant categories of competence, a certain self-deflating grace that should be demanded of all competent city administrators, and in his willingness to share his wisdom with the less-gifted, such as newspaper columnists.

Bear in mind that when Hyde took the job as city manager, Edina was a place of dairy farms and dirt roads, interrupted here and there by a brokerage office.

Horse shows were bigger than style shows and luaus. It is a condition almost impossible to vizualize at this distance. Hyde himself can recall the days when there were Edina residents with two-horse stables, the first badge of status in the community.

"I just don't know a soul qualified to handle your job," I conceded to my old friend. "I can think of people who are wise, efficient, discrete, sensitive and forward-thinking. But I can think of nobody who has all of these qualities and can still watch a hockey game while reading a newspaper."

Warren Hyde lifted a genteel although grieving eyebrow. "How sad that outsiders would get the impression there was low-brow behavior and spite involving fans at an Edina East-Edina West hockey game," he said. "Nothing could be further from the truth. It was simply a sportive act, that business of the Edina East fans reading newspapers while the West team was introduced."

"And all of the outraged letters to the editor that followed?" I asked. "These were also sportive?"

"Certainly. Either that or they were written by fans from the Iron Range, where they are more familiar with strife than we are here in Edina."

"As a matter of fact," Warren Hyde said, "you should have seen the outpouring of civic solidarity when the Edina East team returned to Edina after finishing runnerup in the state tournament. It was beautiful."

"Did the banners read 'We Try Harder'?" I asked.

"Not at all. We have civic celebrations all the time. The last big one was when the per capita census came out in 1970."

I need hardly tell you the 1970 census showed Edina topping the nation in per capita income. Special editions were published, bells rung. Snake dances formed spontaneously in the streets. The ticker tape fell two minutes behind reporting the news. Above 50th and France banners declared tastefully, "We're No. $1."

"It was," Warren Hyde conceded, smiling, "our Super Bowl."

I asked if he plans to play golf in his retirement, possibly at Interlachen in Edina?

"I would," he said, "but at $43,000 a year I don't think I can afford it."

HEW SHOULD MAKE RESTITUTION FOR ERRORS IN MEDICARE REPORT

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. RUDD. Mr. Speaker, the American people have been deceived again. Re-

cent nationally publicized reports told us that 400 doctors received at least $100,000 each in medicare payments in 1975. These stories, prominently featured on the front pages of newspapers across the Nation, were based on an erroneous report issued by the Department of Health, Education, and Welfare.

HEW listed as recipients of Federal medicare funds such anomalies as a pediatrician who had been retired for 12 years, several other doctors who had retired long before the payments were supposedly made, and the Detroit General Hospital which was listed under the heading of "Physicians in Solo Practice."

The day after these astounding reports appeared, many of those same newspapers published stories—much less prominently featured—which stated that an anonymous spokesman for HEW had acknowledged that the original report issued by the Department was highly inaccurate.

Both the press and HEW have carefully, and quietly, closed the barn door after the horses have departed.

Today I have sent a letter to Secretary Joseph A. Califano of the Department of Health, Education, and Welfare, asking that he take full responsibility for the sloppy, erroneous work done by his Department. I have further asked that he publicly apologize to those doctors whose integrity has been questioned, if not totally besmirched, by the report, and what corrective action is being taken to prevent such massive inaccuracy in future official Government reports.

One or two errors in a report of this kind would not have required such action on my part, although I believe all Government agencies have allowed this probability of a small error rate to escalate beyond acceptable proportions. It has been estimated that the HEW report may be wrong in as many as half of the 409 instances where doctors were named.

I believe that the American people deserve much better from their tax-supported Government agencies. At least, Mr. Speaker, they deserve the truth.

Following is my letter to Secretary Califano:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 30, 1977.

Hon. JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY CALIFANO: A recently publicized report by your Department indicated that approximately 400 doctors had each received $100,000 or more from Medicare payments in 1975. News accounts based on the HEW report were prominently carried in newspapers across the nation, including my own State of Arizona.

On March 16, one day after the initial stories appeared and buried in many of those same newspapers, stories appeared about errors in the HEW report which discounted much of what had appeared the day before. The stories went on to say that the "government has started compiling a list of corrections to its directory of physicians, groups, clinics and laboratories receiving Medicare payments in 1975. . . ."

My purpose in writing, Mr. Secretary, is to ask that you and HEW publicly make every conceivable effort to undo the immense damage which was done by the adverse publicity given to the erroneous reports. I sincerely believe that it is incumbent upon you to bring forth the truth of this situation, and to make a public apology to those doctors whose good reputations and integrity were besmirched by the original, inaccurate report.

I would also appreciate knowing what procedures you are instituting to prevent similar errors in future official government reports issued by the Department of Health, Education and Welfare.

Sincerely,

ELDON RUDD,
Member of Congress.

THE FDA AND THE SACCHARIN BAN

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. OTTINGER. Mr. Speaker, as a member of the House Commerce Committee's Subcommittee on Health and the Environment, which held 2 days of oversight hearings on the recently announced FDA ban on saccharin, I am distressed at the amount of misinformation that is being circulated on this subject.

Perhaps the greatest concern is about the ridiculing of the reality of the cancer threat from carcinogens in our food and the testing required for ascertaining carcinogenity. Statistics show that one out of every five Americans will contract some form of cancer. More than 350,000 people will die of the disease in this country this year. All scientific evidence indicates that this cancer epidemic is due to environmental causes—carcinogens in our food, water, and air.

The Canadian tests which led to the U.S. ban were conducted according to well established and accepted scientific techniques. Testing in animals using large doses is a valid and the only practiced way of determining carcinogenicity. To make valid tests at quantities normally ingested by humans would have reqired testing on 3 million rats. The data that these tests yield are very significant for human beings consuming saccharin in reasonable amounts. Yet the FDA has been ridiculed by the press and industry, ignoring the scientific basis for the agency's decision. I am sure the outcry would be just as strong, or perhaps even stronger, if the Government did not take action to protect Americans from environmental and chemical causes of cancer.

On Sunday, March 20, there was a very good article in the New York Times which helps to explain in a clear and concise manner the reasons why FDA concluded that a ban on saccharin is warranted at this time, which I am inserting for the benefit of those who may wish to learn more about the nature of the testing that led to the ban and the reasons why these tests relate so strongly to the human population. I hope that this material will help to dispel some of the myths that are being spread by well-intentioned persons who simply have not looked at this issue from the scientific point of view.

Two points about the Canadian tests are particularly significant. The first is that they rule out the presence of an impurity in saccharin known as OTS—orthotoluensulfonamide—as the cause of the malignant tumors produced in the animals used. The FDA did not ban saccharin on the basis of a dozen previous tests indicating carcinogenicity because of uncertainty whether it was the OTS impurity that was causing the cancer. The second is that the incidence of malignant tumors in the offspring of the test animals—rats that were exposed in utero to saccharin—was significantly higher than in the parent animals. Tests performed in the United States in 1971 and 1973 which showed similar results, but where OTS was not ruled out as the actual carcinogen, may now become significant because they tend to back up the theory that the fetus is highly susceptible to carcinogenic substances. This immediately brings to mind the tragic case of DES, where the daughters of women who took the drug were those who suffered the consequences.

Mr. Speaker, I hope that many Americans will take the time to review the background of FDA's decision and recognize the very real threat that saccharin may pose to health. Since cancer is an irreversible disease, prevention becomes the only effective attack of the disease. I hope that we will not act hastily to impede the war on cancer by actions to hinder FDA's ability to remove from the market products that show strong evidence of being carcinogenic, particularly when the risks so outweigh the benefits. It does seem that a gradual phaseout of products like saccharin might be provided for because the threat to public health does not seem critical and it would give the public time to adjust their diets and allow the FDA and industry time to get substitutes on the market. For those who medically require it, saccharin can then be approved as a drug.

I commend Charles Wurster's article to the attention of my colleagues and the public:

[From the New York Times, Mar. 20, 1977]

FOR THE SACCHARIN BAN

(By Charles F. Wurster)

STONY BROOK, N.Y.—If society is to make progress in preventing cancer, then the Food and Drug Administration should be commended, not condemned, for banning saccharin.

Yet the F.D.A. has been attacked by allegations that the ban is unscientific, emotional, absurd and an irrational overreaction. It is none of these. Criticism approaching hysteria has been directed not at the hazard of cancer but at those who would protect us from it, and even at the law they upheld.

The assertion that saccharin has been safely used for decades without harm to humans is misleading. Although we know that most cancers are caused by environmental factors, we can identify only a small number of human carcinogens (cancer-causing substances). The exact cause of the overwhelming majority of cancers remains unknown.

Tumors do not come with labels naming the chemical that initiated carcinogenesis (cancer development) decades ago. More than 350,000 people die of cancer in this country annually. Saccharin could be causing thousands of cancers, yet we have no way of knowing it.

Chemicals cannot be tested for cancer-causing potential in human subjects. Such tests would require many thousands of people and take up to 40 years, followed by sacrifice, dissection and a search for tumors. With other carcinogens in the environment and cancer already present in our test group, this absurd, morally offensive and uncontrolled experiment would yield results difficult or impossible to interpret. Laboratory animals, usually mice or rats, are normally substituted for people. They yield meaningful results proved highly relevant to the human experience.

In the human population, very large numbers of people are exposed to low doses of chemicals, but the impact of seemingly low doses of a carcinogen may not be low at all. Exposure of 200 million Americans to doses that cause one cancer in every 10,000 people, for example, would result in 20,000 cancers—clearly a public-health disaster.

To detect the effect of low doses of a chemical that causes one tumor in every 10,000 exposed rats would require using hundreds of thousands of rats. Such vast experiments would be unwieldy and prohibitively expensive. But a dose 5,000 times higher is likely to cause cancer in about 5,000 of every 10,000 rats, or 50 percent of them. Administration of high dosages permits the cancer-causing effect to be readily apparent in a practical, manageable number of animals (30 to 50). The technique is routinely used in carcinogenesis tests.

Statements that humans would need to drink 800 diet soft drinks or chew 6,700 wads of bubble gum daily to equal the saccharin dosage received by the rats are interesting anecdotes, but are totally irrelevant and without scientific credence.

Furthermore, the argument that anything can cause cancer if given in large enough doses is false. High doses of normally safe chemicals may be toxic, but they will not cause tumors. Relatively few chemicals cause cancer, even when fed at the highest possible doses.

We also hear that small amounts of a chemical are safe for man, even though large doses cause cancer in animals. There is not a shred of evidence for this argument. No safe threshold has been identified for any cancer-causing chemical. Furthermore, man may be hundreds of times more or less sensitive than rats or mice. It is therefore invalid to argue from animal data that the risk to man is small, it may be just the opposite. The price of this invalid extrapolation could be thousands of lives.

Cancer causation by a chemical at *any* dosage in laboratory animals is a warning of hazard to man. The absence of cancer in another strain or species does not prove the chemical safe; positive evidence is not nullified by negative evidence. A test of saccharin yielding no cancer in monkeys does not eliminate the danger to man indicated by cancer in rats.

We ignore cancer-causation in animals at our peril. The Delaney amendment to the Food, Drug and Cosmetic Act in 1958 (named for Representative James J. Delaney of Queens) recognizes this fact, and is an essential law for our protection. The amendment states that the F.D.A. must bar from the market any food additive found to cause cancer in human or animal. It wisely allows no human discretion based on dosage in administering the Act, since there is no valid scientific basis for such discretion.

We should support the F.D.A. when it upholds this law—in banning saccharin, it invoked the Delaney clause because the artificial sweetener had been found to cause malignant bladder tumors in laboratory animals.

It would be a tragedy if an uninformed public outcry against the saccharin ban were to sweep away the Delaney clause.

TV, RADIO, CRIME NEWS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. COLLINS of Texas. Mr. Speaker, today I am introducing a bill that would amend the Communications Act of 1934 to permit the FCC to deny renewal of any radio or television broadcast license if the licensee had broadcast information regarding certain crimes in a manner which impeded law enforcement efforts.

On Wednesday, March 9, 12 Hanafi Muslims held 134 hostages in three buildings in Washington, D.C. In the course of the 39-hour siege, 1 man was killed, 19 others shot, stabbed, or beaten, and numerous others roughed up and terrorized. The lives of these innocent individuals clearly hung on a thread, and the situation was explosive given the desperate nature of the crime and the motive of blood vengeance expressed by the leader of the group, Hamaas Abdul Khaalis.

Mr. Speaker, I believe it must be said that the members of our national press corps and media, while naturally capitalizing on the spectacular nature of the crime, in general conducted themselves with discretion and a continuing sense of their responsibility not to further inflame the situation. The proof of this, of course, lies in the outcome: All of the hostages were released, no one was killed after the initial takeover of the D.C. Building, and there was no shoot-out.

However, it has come to my attention that there were cases of media intervention that might very well have triggered a tragic outcome for the innocent victims. There were cases of interviews with Khaalis, the Hanafi leader, during which the terrorist became increasingly agitated and menacing toward his victims. There were also incidents during the ongoing radio coverage where journalists actually exposed the maneuverings of the police, broadcasting where the police were locating themselves in surrounding buildings, and so forth. Mr. Speaker, those terrorists had radios with them, I need not emphasize the irresponsibility of news tips by reporters to terrorists regarding the strategic movements of the police.

It does not seem to me, Mr. Speaker, that there is any question of censorship at issue in this case, any more than in the case of yelling "Fire!" in a crowded theater. We had a crisis situation here where one careless word could have cost hundreds of lives. I believe that my bill, if adopted, will simply serve to keep the media actively aware of the heavy moral and social responsibility that accompanies its privilege of information. It will assure the generally high level of performance in the media which we witnessed during the siege here in Washington 3 weeks ago.

HOW MINORITY GOP BEAT LABOR'S BILL

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. DEL CLAWSON. Mr. Speaker, in today's issue of the Washington Post, March 30, one of the paper's outstanding Capitol Hill writers, Mary Russell, has written a most provocative and down-to-Earth article concerning our colleague and minority whip, BOB MICHEL. BOB is recognized on both sides of the aisle as a most effective leader and whip and on a number of occasions these past few years his ability and accomplishments as Republican whip has been proven. I include herewith Mary Russell's article so that it might have the attention of my colleagues and all who may peruse this RECORD:

HOW MINORITY GOP BEAT LABOR'S BILL

(By Mary Russell)

In the defeat of the common site picketing bill in the House last week, House Republicans feel they have found a combination of ingredients to cure what ails them.

What ails them is a sheer deficiency in numbers. With 289 Democrats, 114 Republicans and two vacancies in the House, Republicans have had little hope of thwarting the huge Democratic majority. They faced a frustrating session, where they could criticize but were not much of a factor to be reckoned with.

"You just get so darned frustrated, you sometimes wonder whether it's worth getting up in the morning," said Republican Whip Robert H. Michel of Illinois.

An aide, Mike Johnson, chimed in: "It's like being a Maytag repair man. All you can do is sit around and wait for the Democrats to break down."

With the top-heavy Democratic margin in Congress and a Democrat in the White House, in most cases Republicans will still be overwhelmed.

But in the defeat of the bill that labor was counting on as a showcase of its strength in this Congress, Republicans not only slowed down the majority steamroller, but found a mix of outside help and inside coalitions that may allow them to win again. Those factors were:

A strong united lobbying effort that involved not only the special interests directly affected by the bill—contractors, home builders and construction suppliers—but large industries, such as Pittsburgh Plate Glass and Dow Chemical, and the three biggest business lobbying organizations, the Chamber of Commerce, the National Association of Manufacturers, and Business Roundtable, comprising the largest corporations in the country.

A method of lobbying that not only used powerful Washington lobbyists but generated a grass-roots campaign that brought more mail to Capitol Hill "than at any time since the Vietnam war," as House Speaker Thomas P. (Tip) O'Neill said.

One element of the drive was the House Republican Campaign Committee's mailing to 300,000 election contributors. They were asked to write Democratic leaders saying stop the bill, and to contribute to the Republican cause to stop any future legislation like common situs, which would have allowed a building trade union to shut down an entire construction site although its grievance was with only one subcontractor.

But the most important and effective part of the grass-roots campaign came from the Association of General Contractors. Its members were given postcards urging defeat of the bill, to be distributed with union employees' paychecks and then collected and mailed by supervisors. The result: While national union leaders were lobbying for the bill on the Hill, House members were getting mail from rank and file members of construction trade locals in their districts urging them to vote against it.

The heavy lobbying effort enabled the Republican Whip organization, temporarily at least, to revive the Southern Democrat-Republican coalition that had existed in Congress during the '50s and until the late '60s. Every Democrat from Alabama, Arkansas, Georgia, Mississippi and North Carolina voted against the bill.

Republican Whip Michel, a somewhat portly, silver haired nuts and bolts legislator from Peoria, whose job it is to count noses on important pieces of legislation, does not take credit for the win.

He admits, "Had I been asked about this in the first part of January, I would have responded that there was no way we could win this one."

Michel had his doubts because a common site bill had passed the House in 1975 with only 178 votes against it. At the time, President Ford had been giving indications of signing a bill if passed, and the bill was strongly supported by his Secretary of Labor, John T. Dunlop. Ford decided after the bill pased to veto it, Dunlop resigned in protest and Congres did not try to override the veto.

The Republican leadership, which had lost two more seats in the 1976 elections, "weren't overly enthusiastic" about trying to defeat the bill, said Clarence Randall, chief lobbyist for the Associated Builders and Contractors. However, his group began working hard "the day after the election" and by February, when they could show Republican leaders that "the right grid" was coming together, the GOP chiefs buckled down.

Michel does take credit for preaching to the contractors and business lobbies the two important ingredients of legslative vote-getting.

He flew to San Francisco to advise a convention of "political action" groups of the Association of General Contractors on how to put together a grass-roots campaign.

"I told them they didn't need thousands of letters. So often when a member says 'my mail has been so heavy on that' he's talking about a dozen letters from key people in his district." If they could get the rank and file union members to write, that would be best of all.

Last Tuesday morning Michel addressed a joint meeting of lobbyists for the Chamber of Commerce, the National Association of Manufacturers and the Business Roundtable at the Chamber building.

It was not a gentle speech. Michel gave them hell. The one-third minority would never be effective without substantial outside lobbying support, he warned, and he blasted business lobbies for not hanging together the way labor unions do.

An industry only lobbies for its own narrow interest, he said; beyond that, it tends to walk away because it is not "prudent" to get involved in political causes.

"Insofar as helping friends and punishing enemies is concerned, labor unions make the business community look like a bunch of kindergartners," Michel said. "You don't see organized labor running three ways from Sunday when one of their issues reaches Congress. Labor is organized, well-organized, united and committed to one approach".

He warned the business groups that there would be amendments to insulate the home builders from the picketing provisions. "But I would hope the home builders would not get suckered into this one, for that would simply gut our efforts and guarantee the legislation's passage. You've either got to stand united on the principles upon which we oppose the legislation, period, or you're going to lose everything in the process."

Such amendments were offered and adopted, and for a while it appeared the weaker bill would be accepted. But the home builders did not desert, and in the end the bill lost, 217–205.

Michel does not believe that the prescription will work all the time, or that the Republican-Southern Democrat coalition is permanently back together, or that all future labor-backed legislation is in jeopardy. He thinks common situs was a bad bill that would have caused inflation, raised expenses for an already depressed industry, and cost jobs.

"But it won't be the only time we'll play the game," Michel said. "If another issue comes along that lends itself to such widespread support, we'll try again. Labor probably learned something, but so did we, and hopefully so did our business supporters. We all learned the name of the game is votes."

CARTER'S ELECTION REFORMS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. FRENZEL. Mr. Speaker, in the hope that there would be some interest in what a prominent Minnesota daily thinks about the Carter election proposal which would impose the so-called Minnesota system on all States, I am inserting in the RECORD, an editorial from the Minneapolis Star of March 24.

The editorial indicates that same-day voter registration in Minnesota "does seem to have increased voter participation. But it has done so to the accompaniment of complaints that the privilege is an open invitation to abuse and fraud."

The editorial's concluding sentence on voting day registration is as follows:

We'd rather there was firmer proof that same-day registration's potential for mischief is minimal or non-existent before it is applied nationwide.

The editorial follows:

CARTER'S ELECTION REFORMS

When Vice-President Walter Mondale presented the Carter administration's package of proposed federal election reforms he called the need for one of them—same-day voter registration—"compelling and overwhelming." We'd have applied his words instead to another element of the package, a constitutional amendment to eliminate the electoral college.

That, we believe, would remove a clear and ever-present threat to the basic working of American democracy. We're not sure anymore, on the other hand, that letting people register to vote on the same day they cast their ballots might not itself pose such a threat.

Here in Mondale's home state, same-day registration does seem to have increased voter participation, which is one of the laudable objectives of the Carter reform package. But it has done so to the accompaniment of complaints that the privilege is an open invitation to abuse and fraud.

There is no solid evidence of that so far in Minnesota, at least beyond occasional mistakes, such as voters registering in the wrong precinct or election judges accepting questionable proof of residence. But that may be because the program has been rather loosely monitored, usually by mailing non-forwardable postcards to registrants in an attempt to confirm that they do indeed exist and do live where they said they did.

We'd rather that there was firmer proof that same-day registration's potential for mischief is minimal or nonexistent before it is applied nationwide.

The nation may not dare wait, however, for more proof of the mischief that could be done by the electoral college. Twice already in American history, in 1876 and 1888, the college has reversed the popular vote for president. There were no disastrous repercussions, but those were calmer times than we may have when it happens again—as sooner or later it must unless the Constitution is changed in the meantime to get the unneeded electoral college out from between the American people and their presidential choice.

AGAINST STEEL-JAW TRAPS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. LONG of Maryland. Mr. Speaker, with trepidation I reopen the debate on steel-jaw traps in this Congress. I know that the discussion will be distorted. Emotions will overflow, and I may be accused of being antisportsman, even pro-rabies.

In fact, my bill to ban the steel-jaw trap, H.R. 3516, is not anti-anybody. It would not outlaw trapping; it would simply assure that trapping be humane. Other countries have dispensed with the steel-jaw trap and still have strong trapping industries. Norway is one.

Why should we outlaw steel-jaw traps if we do not wish to stop trapping?

First; it is the humane thing to do. Humaneness is the quality of sympathy for other living things. It is that simple. We either have it or we don't. If we have it we will try to minimize the sufferings of other living things. Steel-jaw traps do not minimize the pain suffered by trapped animals. By holding animals in steel-jaw traps until they either die of shock and exposure or are clubbed to death, these traps cause great suffering. We can and should attempt to do the humane thing. That means banning the steel-jaw trap.

Second is the waste of life of pets and nonfurbearing wildlife. Cats and dogs wind up in the traps. Owls and eagles are put on endangered species lists and then allowed to be caught in indiscriminate trapping devices. It does not make sense.

Third is the impact of this particular method of trapping on the young people who make up a large proportion of those who do trap. If an animal has not already died of exposure in one of these traps, the trapper must club or stomp the animal to death, since shooting it would ruin the pelt. I would rather our children did not learn about nature this way. It is wonderful for young people to spend time in the fields and forests, but let them spend their time in more humane ways.

For these reasons, and because I do not feel that my bill would seriously hurt

the industry in the long run, I will press for action to ban the steel-jaw trap this session. Congressman VAN DEERLIN of California and I, shall be asking for support for an outright ban of these devices in the coming weeks.

A PERSONAL EXPLANATION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. DORNAN. Mr. Speaker, unfortunately, I was unable to attend the Monday and Tuesday sessions of the House of Representatives this week. Because of this, I would like to take this opportunity to clarify the RECORD as to my position on the legislation which was considered on those days.

If I had been present on Monday, March 28, I would have voted "nay" to the establishment of a Select Committee on Congressional Operations. It is my belief—based on my limited experience—that the Congress does, indeed, need to improve its operations, but I do not believe that this committee is the way to do it. The resolution which establishes this select committee effectively prevents the committee from doing anything worthwhile. The select committee does not have legislative jurisdiction and is prohibited from making any recommendations with respect to the "rules, parliamentary procedure, practices, or precedents of the House or the consideration of any matter on the floor of the House." That does not leave much for it to do. I believe that it would be a waste of the valuable time of those Congressmen appointed to it. It would also be a waste of many thousands of the taxpayers' dollars. It costs a lot to do nothing on Capitol Hill.

On Tuesday, March 29, I would have supported H.R. 3416, the amendment of the Agriculture Adjustment Act of 1938. This amendment would successfully curtail certain tobacco speculation which drives up the cost of the true tobacco farmer and would place no additional burden on the Federal Treasury.

I would not have supported the extension of the CETA program under suspension of the rules. The Congressional Budget Office, estimates that the "mere extension" would cost $8.3 billion in fiscal year 1978 including a carryover from the previous year. The program would also cost an additional $2.25 billion in fiscal year 1979. This is an $11 billion authorization and should not have been considered under a suspension of the rules. Regardless of the worth of the CETA program, an authorization of this magnitude should be open for amendment and for full debate.

My support would have been given to the mandatory rabbit meat inspection legislation, H.R. 2421. I firmly believe that the Federal Government has the right to inspect foreign meat imports for purity and that the domestic rabbit meat producers welcome USDA inspection.

I would not have supported the House Joint Resolution which makes further continuing appropriations for fiscal year 1977. Although proponents of this legislation have stated that it is necessary in order to allow the Secretary of the Treasury to make the next general revenue sharing payments to some 39,000 State and local governments, I cannot support it.

Mr. Speaker, there is simply not any revenue in the Treasury to share with anybody. At least not as long as our national debt stands close to $800 billion. I believe that the Federal Government should balance its budget and live within its means. If it were to do so, it could withdraw from the private money market where it has all but driven out localities which wish to fund their local public works. Localities would once again be able to fund their own programs free from the heavy hand of the Federal Government.

On Tuesday, I would have also voted to amend the Government Reorganization Act to require the House and Senate to pass approval resolutions for reorganization plans. I believe that by the rejection of this amendment the House of Representatives has surrendered some of its power to reorganize and that it may, in the future, have undesirable effects on the broad objectives of our legislation. The House has in effect, voted to allow the executive branch of the Government to accrue more power than it already possesses.

I would have voted against the passage of the Government Reorganization Act for the same reasons.

CONGRATULATIONS TO THE BETTER BUSINESS BUREAU

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. ANDERSON of Illinois. Mr. Speaker, I would like this opportunity to congratulate the Better Business Bureau of Metropolitan Chicago, Inc. on its 50th anniversary of continuous dedicated public service.

This remarkable organization, originally founded by a small group of concerned businessmen, has grown to include more than 2,000 firms for the purpose of assisting legitimate business and responsible consumers in their day-to-day transactions.

Throughout its 50 years of existence, the bureau has conscientiously provided the business community with a means of self-regulation to restore confidence in the marketplace and the free enterprise system. It has done this by developing sound standards for ethical business practices and competition in advertising, selling, investments, and fund raising. These standards have been wisely developed in cooperation with metropolitan media, industries, and trades, and have been implemented through impartial investigations and corrective action. In its evaluation of advertising for example, it has insisted that it be truthful, believable, and factual, and has alerted the proper Government agency responsible for law enforcement when illegal acts or fraud are committed in the marketplace.

Undeniably, the consumer and the free enterprise system have greatly profited from the bureau's timely exposure of questionable, unfair, and deceptive practices and from its role in curtailing frauds. On behalf of citizens of the Chicago area, I would like to thank the Better Business Bureau of Metropolitan Chicago, Inc. for its 50 years of service and wish it well in all future endeavors.

PUERTO RICO'S GOVERNOR BARCELO IS LEADING HIS COUNTRY TO PROSPERITY BY REDUCING TAX RATES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. KEMP. Mr. Speaker, I am particularly interested in the progressive economic policy being pursued by Gov. Romero Barcelo of Puerto Rico, whose New Progressive Party recently displaced the incumbent Popular Democratic Party after 30 years of rule.

The previous administration of Gov. Hernandez Colon had attempted to fight the island's unemployment problem with huge deficit-spending programs; financing such programs through the Eurodollar market, and raising taxes. And the result—predictably—was a fiscal crisis.

The Barcelo administration, by contrast, has embarked upon a program of tax reduction. As secretary of the treasury Perez recently remarked, we can raise revenues by restoring prosperity.

I believe that this is a very sound policy and I think that the United States would do well to examine more closely the strategy is being implemented in Puerto Rico. Governor Barcelo is eliminating the 5-percent excise tax; increasing the personal income tax exemption; and doubling the exemption limits on interest from savings, from $500 to $1,000.

What I find most exciting, however, is the conviction that these tax reductions will lead to an increase in tax revenues. Governor Barcelo believes that this will result from an expansion of the tax base caused by the incentives to increasing production that result from tax reductions.

I have spoken about this same phenomenon many times. During the 1920's a tax rate reduction proposed by Treasury Secretary Andrew Mellon led to an increase in tax revenues and a reduction of unemployment and inflation again, following the tax rate cuts initiated by President Kennedy in the early 1960's, revenues went up again with the same affects on unemployment and inflation.

As Governor Barcelo's strategy succeeds, I think that this will be very powerful evidence that the elimination of disincentives from high tax rates is the best way for third world countries to

achieve balanced economic growth without inflation, as we all desire for the United States as well.

ARMY TESTING—THE PEOPLE'S RIGHT TO KNOW

HON. DAN QUAYLE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. QUAYLE. Mr. Speaker, I am a supporter of a strong national defense and recognize the importance of research in protecting both civilian and military populations of our country. It is difficult, however, to understand the reluctance of the Defense Establishment, and the Department of Army, in particular, to be forthright with the people in regard to germ warfare testing that occurred in a number of urban and rural areas of our country in the 1960's.

Fort Wayne, Ind., which is in my congressional district, was one of the cities where the Traveler's Research Corp. conducted such tests for the Army under a $640,000 contract between 1964 and 1966.

What is especially alarming to me is that the people did not know the real purpose of these tests—and the Army was not publicly identified at the time with the tests.

I have written the Secretary of the Army requesting a policy statement regarding such testing involving civilian population at the present time. At the same time, I want to know the rationalization for veiling such tests in secrecy during the 1960's.

The people have a right to know when their Government is involved in tests which inject into the environment chemicals of any kind.

Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an excellent editorial aired by WPTA–TV, channel 21, in Fort Wayne on this subject. The editorial follows:

ARMY TESTING

Reports began to surface last year that the military had been doing testing of some chemical and biological agents on the American public . . . and the public never knew about it.

At a Congressional hearing this past Tuesday, Army officials admitted that for more than a 10 year period, they had been occasionally putting active agents into the air in crowded public places, bus stations and subways and the like. Some became ill and the family of one man thinks that his death is linked to the secret tests.

Also this week, the military admitted they secretly tested chemicals on the population of the Fort Wayne Area back in the 60's. They would not specify exactly where the agents were dispersed, nor what were the results of those tests. They claim it's a matter of national security.

That may be so, but what we're asking is . . . what about our personal security? It is absolutely devastating to find out that we or our friends and neighbors were the unwitting guinea pigs in the outdoor laboratory of some government scientists.

What right does anyone have to experiment on numbers of people without their permission. It sort of reminds us in a way of Nazi Germany and of the so-called Doctors who performed ghastly experiments on concentration camp prisoners in World War II.

We feel that the whole program is a national disgrace, that we must get a full accounting by those responsible, and public guarantees that the program is no longer going on nor will it be revived.

We've got to know all the facts on this one. Because if we don't, then how can we be sure, despite claims to the contrary, that secret testing is not going on right now, by an elusive group of scientists poisoning us in the name of saving the country.

That's as we see it. What do you think?

MINING LAW REFORM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. UDALL. Mr. Speaker, today I am introducing the mining law of 1977. This is a measure designed to repeal the antiquated mining law of 1872 and replace it with a rational leasing system for the development of minerals on the public domain. I invite my colleagues to join me in cosponsorship.

The mining law of 1872 has been on the books for 105 years and it is showing its age. The old mining law was enacted in a period when Western expansion was a national goal, when we believed our resources were unlimited, and when the long-term impacts of environmental disruptions were little understood. For many decades the 1872 mining law served us well, but this is 1977 and we need a new law.

For my colleagues who may not be familiar with the old mining law, let me briefly describe it. For the uninitiated, this description may be somewhat shocking.

Unlike other federally owned mineral resources, hard rock minerals on the public domain are not subject to a leasing system that assures appropriate payment to the United States; nor does the Secretary of Interior have very much to say about what areas will be explored or developed. Based on common practice in the mining camps of the Old West, the mining law simply provides that anyone may go onto the public domain open to the operation of the mining law, stake a claim and if he finds minerals of marketable value, he is free to dig them up. He is entitled to a patent—total ownership of the land forever. There are no statutory environmental controls, there are no provisions for competitive bidding, and there are no requirements for direct payment to the Treasury.

Mr. Speaker, such valuable Federal resources as coal, oil, and gas are subject to leasing systems and those systems work well. My bill would impose a similar leasing system on hard rock minerals on the public domain. In addition, environmental protection would be achieved through general reclamation requirements drafted for appropriate application to hard rock minerals.

Of course, the old law was based on some concepts that are valid today and I am working with leaders of the mining industry to draft a bill that will recognize these interests.

For example, the old law allowed access to the public land so that the prospector could explore for minerals. In my bill, any person is still free to prospect provided he has received a general prospecting license—which is not subject to a fee—an dhas given notice describing the prospecting areas. Such information is to be held confidential by the Department of the Interior. If there is to be "significant disturbance of the environment," an exploration permit may be obtained and the lessee will be required to obtain approval of a plan describing how the area will be reclaimed under the act's requirements.

Another concept of the old law that makes sense is that mineral development should be encouraged. The 1872 law achieves this by giving the prospector the right to extract what he finds. Unfortunately, the 1872 law goes too far as it entitles the discoverer of valuable minerals not only to take the minerals free of charge but to the full ownership of the land under a patent. Such a system is no longer tolerable.

Under my bill, upon discovery of minerals in paying quantities the holder of an exploration lease is entitled to a development and production lease. Actual extraction will be conducted pursuant to an approved reclamation plan.

Mr. Speaker, the bill contains a number of other features I need not detail here. The act will encourage due diligence, will provide for competitive bidding in areas of known mineralization, and will get us through the transition from a location-patent system to a leasing procedure as smoothly as possible.

The notion of hard rock mineral leasing system is not new. Along with three of my associates on the Public Land Law Review Commission, I supported a leasing system in the committee report issued in 1970. My good friend from Montana, Senator METCALF, has supported leasing legislation and our former colleague and chairwoman of the Subcommittee on Mines and Mining, Mrs. Mink, introduced a leasing bill in the last Congress. Moreover, I can tell my colleagues that the Secretary of the Interior, Cecil Andrus, agrees that we need reform. I am introducing this bill early in the 95th Congress so that with proper study—and I am not wedded to any particular language in this bill—we can get going on this needed legislation.

I hope that my colleagues will join me in cosponsorship of this bill. If they are interested in joining me when I reintroduce the bill on April 19, I hope they will direct their staff to contact my staff at X58331.

THE PRIDE OF NEW JERSEY

HON. HELEN S. MEYNER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mrs. MEYNER. Mr. Speaker, when I speak to my colleagues about my district and my State, New Jersey, I realize that

many still have the impression that New Jersey is little more than a hundred miles or so across the turnpike. Though we in the New Jersey congressional delegation know, of course, that ours is a State rich in natural, architectural, and manmade beauty, we accept good-naturedly the little jokes about our State—because we are used to it. Even the venerable Ben Franklin once referred to New Jersey as a keg tapped at both ends.

Lest anyone think we do not care about our State, beware. Enda Slack, a wise and perceptive columnist for the Daily Record—Morris County, N.J.—knows this. And in a recent column, she takes to task both those who would impugn our sense of pride and those who would shrink from it. Ms. Slack's column will make good reading for all of those who know New Jersey and all of those who should know it:

THE REAL NEW JERSEY JOKE: THERE IS NO STATE PRIDE

(By Enda Slack)

For some months now the picturesque vacation island of Nantucket has been seething with revolt. Congressional redistricting, it seems, is robbing the isle of its very own representative in Congress and there is wild talk among the usually steady New Englanders of becoming founding fathers again.

They want to secede from Massachusetts and form the 51st state or, if they get mad enough, a new nation.

The good residents of Martha's Vineyard are thinking along the same lines and pressure is growing to join the two islands into a new national entity.

Some latter-day Betsy Ross has already stitched up a new flag for the fledgling nation. It features a white sea-gull rampant on a rippling sea-blue field. And petitions of secession have been prepared for presentation to the Massachusetts Legislature.

Connecticut Gov. Elia Grasso has offered to take her ocean neighbors into her state but the independent islanders seem intent on building up their own identity.

There's a message in all of this for New Jersey. We are a state of more than seven million people, who live in 567 municipalities of varying sizes and conditions, ranging from large, battered cities through expensive suburbs to charming rural hamlets.

We have scenery, industry, history, culture and the Meadowlands sport complex. But we have no sense of identity or even of self-appreciation.

New Yorkers think of us as a long turnpike bordered by garbage dumps and swamps. Philadelphians, at the other end of the state, don't view us so harshly. If they think of us at all, it is in terms of our beautiful South Jersey beaches, Atlantic City and the approach of casino gambling.

What is so bad about all of this is that most of us who live here always put up with the jokes about "Jersey" and even share the outsiders' negative perception of our own state. We have no state pride.

We could cure all that by splitting from the union of states, calling back our congressional delegation and setting ourselves up as the nation of Nova Caesarea.

We could deploy the State Police along the Delaware and the relatively small stretch of land border we share with New York. Checkpoints would be set up at all the bridges linking us with New York and Pennsylvania to check passports, collect customs duties on imports, and intercept illegal drugs, contraband cigarettes and other goodies that flow through on our highways.

In no time, we'd become more conscious of all those people who would be trying to enter Nova Caesarea to spend a few weeks on the soft, white sands of Beach Haven or Stone Harbor. Or to fish and camp near our wooded lakes, get jobs in our industrial plants, attend our better colleges or sell their wares in the shopping malls that dot our landscape.

Pride in our new country would grow if we saw tourists landing at Newark Airport, planning to visit the quaint villages and inns of the western part of Nova Ceasarea, skiing in Sussex County, booking motels near the sports complex to be near the trotters and football games, touring our museums and galleries, sampling our better restaurants and enjoying the succulent fruits, vegetables and seafoods that abound in our fields and waters.

As a new nation, we'd have commercial television stations covering our every move, analyzing our government, praising our financial solvency and telling us more than we would ever want to know about ourselves.

No more would a New York TV commentator make a big joke (as one did Tuesday) about our efforts to revive the motion picture industry in New Jersey. The foreign media would follow with fascination our film activities and the antics of our stars.

It's only a dream, of course. No one could get New Jersey's seven million diversified people to agree on such a drastic move. We wish we could convince everyone who lives here to spend one day a week looking at the Garden State with the eyes of a visitor in an interesting foreign country. There's a lot to enjoy and stir our pride, if we open our eyes to our state assets.

We might even manage some day to elect someone from a crossroads village down in Hunterdon to the White House.

FAST DAY PLAN FOR CHARITY IN PLATTSBURGH, N.Y.

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. McEWEN. Mr. Speaker, I take this opportunity to commend the students at the New York State University College at Plattsburgh, the college community, Father Dan Keefe, head of the Newman Center in Plattsburgh, and ARA Slater Dining Service for the sacrifices they are making on behalf of the poor of Clinton County, N.Y.

Today, in Plattsburgh, is known as the Fast Day Plan for Charity. The students residing on the sixth floor of Banks Hall, under the leadership of their resident adviser, William Scandalis, and with Father Keefe's assistance, have obtained commitments from approximately 2,300 university students to forgo at least one meal at the university's dining halls today. For every meal that is sacrificed in this manner, the catering service, ARA Slater Dining Service, will donate an equivalent amount of money to be used to purchase food for the needy of Clinton County and those served by the international food relief program.

The distribution of food is being organized through the combined efforts of the Plattsburgh Methodist Church Emergency Food Shelf, Catholic Charities, and Crisis Center, which assists alcoholics and drug addicts. In addition, areas have been established in the university dining halls for students to donate food or money to be used to help the poor.

In this season of Lent and Passover, I think it is most appropriate that these sacrifices should be recognized. These young men and women and all those who participated in this Fast Day Plan for Charity have set an example of charity and concern for their fellow man that contains in it a lesson for us all.

CIVIL ENERGY FROM LASER FUSION: A GROWING REALITY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. PURSELL. Mr. Speaker, this will be my fourth installment regarding laser fusion. I hope that through these inserts the Congress will have a better understanding of what is taking place in this rapidly moving technology. From this understanding, I hope we can evolve an intelligent policy regarding the development of this technology for civil energy purposes as well as national security interests. Last fall, November 15, 1976, Business Week ran the following article in its research section:

SAVING TWO DECADES ON A FUSION TECHNIQUE

In three separate experiments over the last few weeks, scientists at the Lawrence Livermore Laboratory focused powerful twin laser beams on tiny fuel pellets, squeezing them to incredible densities and touching off reactions that produced more than a billion neutrons—the subatomic particles that are generated when atomic nuclei fuse. These neutron yields are far short of those that will be required to demonstrate the scientific feasibility of laser fusion as a source of energy. But results at Livermore are some 100 times as great as those achieved by any other research group, and they demonstrate clearly that the sprawling government lab near San Francisco has taken the lead in the race to develop laser fusion reactors. "We view our position as significantly advanced," says a confident Roger E. Batzel, Livermore's director, "and we would be surprised if it changes."

Livermore's work on "inertial confinement," as scientists call laser fusion technology, has all but eliminated the 15- to 20-year head start once held by magnetic confinement, the traditional research approach to fusion. In both types, the hydrogen isotopes, deuterium and tritium, are compressed and heated until their nuclei combine, releasing energy in the form of neutrons and alpha particles. This is the same process that lights the sun, and taming it could usher in an era of cheap, essentially inexhaustible energy. Richard E. Balzhiser, director of the Fossil Fuel & Advanced Systems Div. of the Electric Power Research Institute, a utility industry think tank in Palo Alto, Calif., estimates that fusion now represents a worldwide research and development effort of $1.5 billion per year.

AMBITIOUS

Until recently, most of that money has gone for magnetic confinement devices, in which a superheated plasma of hydrogen is contained by intense magnetic fields. Work on this approach began at Princeton University in 1951, and the first experimental magnetic-confinement power reactors are scheduled to start up in the mid-1980s. Inertial confinement, in which the fuel is imploded, or compressed to such high densities that it burns up before it has time to

fly apart, got little attention until the 1960s. As late as 1970, the total government budget for laser fusion research was a niggardly $3 million.

Then, in 1974, an audacious private company, KMS Industries Inc., of Ann Arbor, Mich., stole a march on the big government labs by using a laser to get neutrons out of a fuel pellet. Some of the glamor faded when KMS proved unable to meet its timetable for achieving scientific breakeven—the point at which more energy is generated by the fusion reaction than is required to drive the laser beam. That calls for temperatures of 100 million degrees and pressures of 10 million atmospheres. "We were too ambitious," admits Keith A. Brueckner, former technical director of the KMS fusion effort and now a professor at the University of California in San Diego. "We didn't appreciate the difficulties."

But the experimental strides made at KMS nevertheless persuaded the federal Energy Research & Development Administration to upgrade laser fusion research, with Livermore and the other government labs getting the lion's share of government spending. Livermore's operating budget for laser fusion doubled to $13 million between fiscal 1971 and fiscal 1973. This year it is set at $28 million. In addition, the lab has had some $30 million to spend on lasers and buildings to house them, and these facilities are now producing results.

Just how significant the results are is a matter of some debate. Brueckner, in a study published by EPRI this month, warns that laser fusion still has not reached goals comparable to those achieved in the 1960s by magnetic-confinement researchers. Scientists at Livermore, on the other hand, say that their latest work—including recent experiments not noted by Brueckner—indicates that they will be able to demonstrate scientific breakeven by 1983, or about the same time that proponents of magnetic confinement expect to meet this all-important milestone.

IMPORTANT POSSIBILITY

A major task of laser fusion work is designing the tiny fuel pellets so they will maximize "gain"—the ratio of fusion energy produced to the laser energy required to start the reaction. The relatively simple glass "microballoons" used by KMS and other early researchers apparently cannot provide enough gain to be useful in a power reactor, Brueckner says. But classified work at Livermore and other weapons laboratories has yielded pellet configurations that may do the job. In a carefully worded statement written after a classified briefing last summer, EPRI experts concluded: "These studies offer a very interesting and important possibility of pellet gain markedly exceeding that achievable with the presently published designs."

While this is encouraging news for boosters of fusion power, EPRI worries that the government's habit of keeping its laser fusion work secret may discourage utilities from pursuing the technology, since this would dictate federal control over the core of the power plant. In fact, classification of pellet research has already been a major impediment for researchers at private companies and in European and Japanese labs. But Philip E. Coyle, deputy director of Livermore's laser fusion program, predicts that the pellet designs will be declassified before a commerical plant is built.

Clearly, Livermore's access to classified material, coupled with its expertise in complex computer calculations and its share of ERDA funds, gives the lab a bellwether role that will be hard to challenge. The laboratory's interest in laser fusion goes back to 1960, when theoretician John H. Nuckolls first proposed the idea of imploding tiny deuterium-tritium targets. "But we had no driver then," Nuckolls recalls. "The idea of focusing all the power in the country on a pinhead seemed outlandish."

EARLY WORK

The invention of the laser provided Nuckolls' "driver," and this set off work on inertial confinement in a number of labs. At first, Livermore stayed in the background. "I was the only one here who took the fusion power plant seriously," Nuckolls recalls, "because magnetic confinement looked more promising." But when the old Atomic Energy Commission finally decided to start funding a major laser fusion program, Nuckolls' groundbreaking work vaulted Livermore to the head of the pack.

The lab chose the glass laser as the quickest route to scientific breakeven, even though a gas laser or an electron beam generator may well be better suited for commercial power plants. By 1975, Livermore was able to generate neutrons and—most important—demonstrate that they originated from thermonuclear reactions. At that time, the evidence was only indirect because the single-beam laser that Livermore was using could not produce enough neutrons for direct observation. "There wasn't really much doubt," Coyle recalls, "but there were some mischievous comments." This summer, Livermore started using a $3.5 million laser system called Argus, which is capable of hitting targets with a momentary pulse of more than 2 trillion watts—twice as much power at all the power plants in the U.S. can produce. Argus provided the first direct confirmation of fusion reactions.

"SHIVA"

Now, in a massive three-story building near the Argus operation, Livermore is building the most powerful glass laser in the world. Dubbed Shiva after the many-armed Hindu god, the $25 million system will consist at first of 20 separate lasers mounted on a framework of pure-white steel tubing. This "Spaceframe" is now in place, and the lasers, each capable of generating more than a trillion watts (a terawatt in scientific parlance) will be installed over the next few months. By late next year, Livermore expects to start experiments aimed at achieving a "significant" thermonuclear burn. And with an improved version of Shiva, it expects to demonstrate scientific breakeven. "In terms of neutron production, we are only halfway there on a logarithmic scale," admits Coyle. "But from a physicist's point of view the first steps are the hardest."

While Livermore streaks ahead, researchers elsewhere are also closing in:

At Los Alamos Scientific Laboratory, work has begun on a $55 million carbon-dioxide laser facility with a projected output of more than 100 terawatts. Carbon-dioxide lasers, which can be fired more frequently and are far more efficient than glass lasers, have a long wavelength that was at first considered a handicap in fusion work. But recent experiments have convinced Los Alamos researchers that there is little to worry about.

At Sandia Laboratories, in Albuquerque, N.M., bids have been invited for a $14 million facility that will use electron beams instead of lasers to implode fuel pellets. While prototype work indicates that electron beams would be cheaper and more efficient than lasers as fusion triggers, Sandia still has not found a way to focus the beams at a distance, necessary to avoid damaging the accelerator when a reaction occurs.

At KMS, news is sparse because the company is now negotiating with ERDA for a much-needed contract extension, as well as for additional funds to develop a system for making hydrogen with laser fusion. A tight-lipped Henry J. Gomberg, president of KMS, says only: "We've made significant advances in pellet design, in new pellet materials, and in the application of energy from implosion."

The progress is beginning to ignite some interest among the utilities, even though commercial application of the technology is at least two decades away. "A number of companies are trying to maintain a knowledge of fusion," says William Gough, head of EPRI's fusion research group. The institute recently pledged $1 million to support studies at the University of Wisconsin, which is working on conceptual designs for fusion power facilities. A consortium of utilities that also includes General Electric Co. and Exxon Corp. has committed $27 million over five years to a glass laser project at the University of Rochester. Battelle Memorial Institute has commitments from industry and from ERDA for a study of small-scale laser fusion power plants. "Laser fusion still hasn't caught up with magnetic confinement," sums up Robert W. Conn, who heads the Wisconsin project. "But there have been enough advances to ask what will be needed to achieve a power reactor."

ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. KEMP. Mr. Speaker, last Friday the captive nation of Byelorussia celebrated its 59th anniversary of the Proclamation of Independence of the Byelorussian Democratic Republic. In 1918, after almost two centuries of rich cultural and intellectual development of the Byelorussian heritage, the Byelorussian Rada proclaimed complete national independence, in contrast to the former position of autonomy within a Russian federated state. The declaration read:

A year ago, the peoples of Byelorussia, together with all the peoples of Russia, threw off the yoke of Russian Tsarism which, taking no advice from the people, had plunged our land into the blaze of war and ruined most of cities and towns. Today we, the Rada of the Byelorussian National Republic, cast off from our country the last chains of the political servitude that had been imposed by Russian tsarism upon our free and independent land. From now on, the Byelorussian National Republic is to be a free and independent power. The peoples of Byelorussia themselves, through their own Consituent Assembly, will decide upon the future relations of Byelorussia with other states. . . .

But it was not to be. In December of that year, despite valiant efforts by the Rada to preserve its culturally rich nation as an independent state, the Red Army seized the seat of power at Minsk and established a military police state. Byelorussia was eventually divided into two states, one in Poland, and the other under direct Soviet control.

As we share with the Byelorussian people both in America and behind the Iron Curtain this memorial of their short-lived freedom, we must also reflect deeply on the sharp denial of human rights that still exists for over 8 million people in Byelorussia today. As a nation blessed with the freedom of democracy and the inviolability of individual rights, the United States must lend its support to the courage and pursuit of freedom of those still suffering under the oppression

of communism behind the Iron Curtain—an oppression that does not recognize common decency and respect for human life and dignity as a basic right of human existence.

Mr. Speaker, that right of human dignity must form a cornerstone of our relations with the Soviet Union. We must continue in our efforts to obtain for every citizen of this world that freedom from persecution that is the ultimate result of the mutual recognition of the rights of common humanity among nations.

THE WILMINGTON TEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. RANGEL. Mr. Speaker, the North Carolina criminal justice system has long been notorious for its methods of jurisprudence, and the recent developments in the case of the Wilmington Ten have once again demonstrated the discrimination practiced in the courts of North Carolina.

Nine black men and one white woman are currently being incarcerated in North Carolina prisons, falsely convicted of instigating racial violence during implementation of court-ordered busing. The three witnesses used by the prosecution have recently recanted their testimony, citing pressures by the prosecutor's office to give false testimony against the defendants.

The following article by Everett Parker, director of the office of communication of the United Church of Christ, explains in great detail the sad history surrounding the details of this case. My colleagues will find this article of great interest, and I submit the following for their review:

THE SCANDAL OF THE WILMINGTON TEN

(By Everett C. Parker)

Since August, long suppressed evidence in the case of the Wilmington Ten has come to light that should convince impartial observers that these nine young black men and a white woman were railroaded into prison by the North Carolina criminal justice system. The chief witness against the Ten has recanted, confessing how the prosecuting attorney bribed him to testify with a promise of a lower prison sentence and coached him to lie on the stand. FBI investigation has turned up the fact that the State Human Relations Commission had evidence—now conveniently missing from its files—that might have exonerated the Ten, but fearful of the disapproval of powerful legislators did not testify at their trial. Even so, the North Carolina attorney general opposes their release on bail, and a Federal magistrate in chancery abets him by delaying a ruling on appeals in their behalf.

The case of the Wilmington Ten is a microcosm of a wider reality—that America is still very much a country at war with itself. A recounting of incidents in the struggle for civil rights is not needed here—its wounds lie deep within the hearts of all Americans who have fought battles against racism. Nor do we need to retrace the deceits that have underlain the racism of the '70's—the broken promises, the "voluntary desegregation," the gradual quieting of activists who have "met their goals," the cynical emasculation of equal employment opportunity rules by the Labor Department and other Federal agencies. The battle lines are still drawn very much the way they always have been—rich against poor, white against black.

Over the last 25 years, there have been only two fairly constant institutional allies in the struggle for civil rights: the courts and the press. When the courts have been quiescent, the press has often intervened and prodded them to act.

Yet, despite the racist overtones of the case of the Wilmington Ten, no great press support has appeared to expose the indifference and vindictiveness of the North Carolina prosecutors and judiciary. It is a bleak proof that in a society torn by a corporate evil such as racism, no institution of that society, even its final arbiter of social truth and justice, will stand totally apart, without prejudice.

The case of the Wilmington Ten is not just a struggle to protect constitutional rights and individual liberty. It is a fight against what Coleman McCarthy of the *Washington Post* has called "a spirit of vicious retribution" that is operating in all levels of American society.

The Wilmington Ten are at present scattered in nine North Carolina prisons. Only Rev. Ben Chavis, an employee of the United Church of Christ Commission for Racial Justice, has received any widespread press attention. The others—most of them high school students during the 1971 incidents of racial protest in Wilmington—are largely unknown. Marvin Patrick, Connie Tyndall, Jerry Jacobs, Reginald Epps, James McKoy, Wayne Moore, William Earl Vereen, William Wright, Ann Sheppard Turner—these are not household words. To understand why this is the case, and what the new evidence might mean for their eventual release, a review is necessary of the facts of the case and the circumstances that surround it.

Prisons and capital punishment are a way of life in North Carolina. So is poverty. North Carolina leads the country in both the number of prison cells per 1,000 population and of convicts condemned to death row. It also has the lowest percentage of organized labor. It is the largely white, inbred court system of that state that consistently feeds blacks, Indians and poor whites into the waiting cells. Blacks and Indians, though they are only 23 percent of the state's population, fill about 60 per cent of its prison cells.

The case of the Wilmington Ten grew out of a classic failure to enforce the law, which sparked outrage, protest and its own form of lawlessness. In 1966, a Federal court ordered the desegregation of the Wilmington high schools. The order was not implemented until late in 1970, when, in the midst of the school term, the one black high school became a junior high and its former students were divided between the two white high schools. Claims of discrimination by the high school administrators and teachers soon began to be heard from the black students. They complained about discrimination in grades, athletics, transportation and teacher hiring. Attempts at organization to protect their rights were met with counter threats and action by the Ku Klux Klan and a local militant group, Rights of White People (ROWP).

Early in 1971, the black students asked to have a memorial service for Dr. Martin Luther King, Jr. When the request was denied, the students felt they had exhausted the possibility of working within the system.

They sought help from the Rev. Eugene Templeton, the youthful white pastor of Gregory Congregational United Church of Christ. Gregory Church, with a solid middle-class black membership, stands on the edge of Wilmington's black community. Mr. Templeton, fearing violence from ROWP if the church was to become the chief supporter of the black high schoolers, called for aid from the Commission for Racial Justice of the United Church of Christ.

Ben Chavis, then a field worker with the Commission for Racial Justice, was assigned to Wilmington. Chavis had earned a bachelor's degree in chemistry from the University of North Carolina at Charlotte. In April, 1972, he was ordained as a minister in the Black Christian Pan Africanist Church. A young man known to have an "organizing presence," he seemed a good choice to help quiet the growing tensions in Wilmington.

Within a week, a list of the grievances of black students had, under Chavis' direction, been presented to the local school officials. When the officials ignored them, black students walked out of the schools and a crowd of 800 marched in protest to the school board. It was clear that Chavis had provided the organizing presence the black community needed.

Few question the sequence of events to this date. The outcome of the trial hinged on disputed reports of what happened in the next five days.

Wilmington residents knew that Chavis was in Wilmington, at Mr. Templeton's request. Because of Chavis' presence, but against the will of its members, the church had become the center of black resistance. White residents began driving by the church armed with shotguns and rifles. Barricades were hastily thrown up as the KKK and ROWP threatened to attack the black community. Three members of the State Good Neighbor Council (now called the Human Relations Council)—Rev. Aaron Johnson, Preston Hill and Fred Cooper—entered into negotiations between the various groups, but little or nothing was accomplished. By Wednesday, February 3, shooting and arson had already started, and Leon White of Raleigh, Mr. Chavis' immediate supervisor in the UCC Commission for Racial Justice, ordered him to leave Wilmington, hoping that would quiet the city. It did not.

Mr. Johnson, seeing that the situation was in fact worsening, called Mr. White the next day asking that Mr. Chavis, whom he felt to be the only black leader who was in touch with all the various groups, be allowed to return to Wilmington.

Even though Gregory Church was by the end of the week under heavy, almost constant fire from vigilantes, the mayor and chief of police turned down a request for protection and a curfew. Backed and barricaded into the church, Mr. Chavis and Mr. Templeton spent much of Saturday conferring with members of the GNC in attempting to bring food and supplies into the church sector.

That evening, February 6, a fire destroyed white-owned Mike's Grocery, one block from the church. Shortly afterwards, electrical and telephone lines to the church were cut and police were called in to break up sniper fire in the area. Steve Miller, 19, left the church to make a telephone call, and was shot dead. Or so the police say. Mr. Chavis claims that not only was Mr. Miller still alive when the police took him, but that he had been unarmed. The report filed in police headquarters says a shotgun was found near the spot where Mr. Miller fell. Registration markings and fingerprints were not checked.

The next morning a white man, Harvey Cumber, approached the barricades near the church and fired his .38 caliber pistol. A reply shot was fired, and Cumber collapsed, dead. At that point, the governor intervened, sending 600 National Guardsmen to help quiet Wilmington. By then, Mr. Chavis, Mr. Templeton and the others had left town. Nevertheless, the Guard assaulted the empty church.

That is the log of events that led to the trial of the Wilmington Ten. Well over a year passed before the judicial system of North

Carolina produced grand jury indictments. Early in the morning of March 15, 1972, police raided the homes of Mr. Chavis, Anne Sheppard (later Ann Sheppard Turner), a local VISTA poverty worker, and 14 former high school students who were allegedly involved in the Wilmington riots. The ten of these that were eventually brought to trial were charged on several counts: conspiracy to burn and burning with an incendiary device; conspiracy to assault and assault of emergency personnel; conspiracy to commit murder, and accessory before the fact to a crime.

Sixteen defendants (six of whom have still not been tried) were arrested March 15, 1972. By that time, a number of other people involved in the case had left Wilmington. Mr. Chavis was working in Raleigh.

Mr. Templeton, under threats on his life, had resigned the Gregory pastorate and moved to New Jersey. Messrs. Johnson, Cooper and Hill of the Good Neighbor Council dropped out of all phases of the investigation.

The Commission for Racial Justice of the UCC, arranged for all the defendants to be represented by a North Carolina lawyer, James E. Ferguson of Charlotte. He was with them first at a probable cause hearing in April. There the Ten discovered that the substance of the case against them rested with a single witness, Allen Hall. Hall, a black high school youth, had been involved in the Wilmington disorders, was arrested, convicted and under sentence. It soon became apparent that he was to receive lenient treatment in return for his testimony.

The trial was held in rural Burgaw, which has a majority black population. It got underway with a jury of ten blacks and two whites, but was aborted when the prosecutor suddenly became "ill," after jury selection. When it reconvened, the jury proportion was reversed—ten whites and two blacks. Of 42 witnesses called, only Hall gave direct testimony that purported to implicate the Ten. Only three witnesses took the stand in behalf of the defense, all testifying for Ann Turner. Mr. Templeton and the Good Neighbor Council both were subpoenaed by the defense but neither responded and Judge Robert Martin did nothing to force their appearance to testify. Mr. Templeton supposedly was prepared to testify that Mr. Chavis had pled constantly against violence and that they were together in the church at the time Mike's Grocery burned. He actually traveled to North Carolina, but did not go to the trial, supposedly because he heard a rumor that he would be arrested if he appeared there. The Council representatives deliberately flouted the subpoena.

The trial lasted seven weeks. The jury deliberated two hours before it returned a guilty verdict. Mr. Chavis received two sentences, 4–5 years for conspiracy to assault emergency personnel, and 25–29 years for unlawful burning. The judge ordered that they be served consecutively, rather than concurrently. Sentences of the eight youths ranged from 20–24 years to 22–26 years. Ms. Turner was given 7–10 years.

The appeals process began almost immediately. In December, 1972, after three months in prison, Mr. Chavis was freed on $50,000 bail provided by the Executive Council of the UCC. Six months later, the Church's General-Synod voted to post another $350,000 bail for the nine remaining defendants, commenting that their imprisonment represented "a serious injury to the concept of equal justice."

The appeal filed in the North Carolina Court of Appeals on July 30, 1974, alleged that Judge Martin had committed 2,685 trial errors and that the defendants' constitutional rights to a fair trial, impartial jury, due process and confrontation of witnesses had been denied. In December, 1974, the appeals court affirmed each conviction, holding that any errors on the part of Judge Martin were constitutionally harmless.

An appeal then was taken to the State Supreme Court. On May 6, 1975, it declined to review the case.

While he was free on bail, Mr. Chavis became director of the Washington office of the UCC Commission for Racial Justice. From that vantage point he was able to stir up a modest amount of national interest in his plight and that of his fellow defendants. He and the Rev. D. Charles E. Cobb, director of the Commission, made frequent trips to North Carolina to encourage and aid the other nine. Miss Sheppard evinced enough confidence in her future to get married. Members of Congress began to take an interest in the case.

Representatives John Conyers, Jr., (D-Mich.) and Ronald Dellums (D. Cali.) condemned the handling of the case in speeches on the floor of the House. Rep. Robert Kastenmeier (D. Wisc.), chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, noted in a letter to the FBI that the possibility existed that the case against Mr. Chavis "may have resulted from the highly questionable testimony of paid informers, and that the government's interest in prosecuting him may have been politically motivated."

Through all this, the UCC remained the staunch defender of the Ten. The defense attorneys, whose fees were paid by the church, filed an appeal with the U.S. Supreme Court. The late Rev. Dr. Robert V. Moss, president of the UCC and a native of North Carolina, in the press and at public meetings, sharply criticized the miscarriage of justice in North Carolina. Leaders of other denominations and the National Council of Churches spoke out vigorously in behalf of the Ten.

On January 19, 1976, the Supreme Court refused to hear the case, exhausting the last available appeal. President Moss then announced that the UCC would support the filing of a habeas corpus petition in Federal District Court to bring the case under Federal jurisdiction and return it to the Supreme Court, if necessary. In the meantime, the Ten faced incarceration.

They were promptly arraigned before Logan Howell, a magistrate of the Federal District Court in Raleigh. A motion that bail be set pending the disposition of the writ of habeas corpus was denied, despite the presence of several prominent character witnesses and written affidavits requesting the granting of bail for over 100 others. The magistrate focused on the question of setting bond and never permitted the question of the defendants' character to be raised. He took this stand in spite of the fact that all Ten had faithfully appeared in every court when summoned and had immediately surrendered for jailing when the Supreme Court refused to entertain their appeal.

On February 2, 1976, the Ten surrendered to authorities and were jailed, Mr. Chavis at Caledonia Prison Farm, Ms. Turner at the Correctional Center for Women and the eight others at Central Prison. Shortly thereafter, however, six of the eight were sent to other prisons around the state and Mr. Chavis was moved to the McCain Correctional Unit, the state prison hospital, used largely for physically and mentally ill patients. Mr. Chavis maintains this was a form of harassment which made it difficult for the Ten to meet with lawyers or confer collectively.

North Carolina prisons are notoriously bad. The day after the Supreme Court refused to hear the Wilmington Ten case, the Fourth U.S. Circuit Court of Appeals described the conditions in Raleigh's 100-year old penitentiary as "bizarre," constituting "cruel and unusual punishment." Last May, Mr. Chavis filed a $2 million damage suit against six North Carolina prison officials for maltreatment in prison. Ten days later, he was transferred from McCain to Central Prison, Raleigh, where he is today. Mr. Chavis had been on a hunger strike at McCain, as a protest at being isolated in a hospital unit instead of being allowed to be a part of a general prison population. During the short time he was in Caledonia Prison, he initiated a counseling program for the other prisoners and became a champion of prisoner rights. His friends are convinced that he was transferred to McCain as a punishment for aiding his fellow prisoners. His hunger strike was an even greater annoyance to prison officials, because of the risk to his health and consequent danger of public outcry. So the transfer to Raleigh was made with the explanation that officials felt his health was being endangered at McCain.

Early in the summer of 1976 Allen Hall was released from prison on parole after serving about 18 months of his sentence. Troubled in conscience, the young man went to Attorney James Ferguson and recanted his trial testimony. In a tape recording and a sworn statement he told of how he was threatened with a long prison sentence by police and the Wilmington Ten prosecutor; how they persuaded him to testify against the Ten; how they coached him for days in an isolated beach cottage.

Mr. Ferguson immediately amended the habeas corpus petition that is before the District Court to incorporate the new evidence. Mr. Hall claimed he was being threatened. Therefore, a representative of the UCC asked the Department of Justice to conduct an FBI investigation of the entire Wilmington Ten case. Senator John V. Tunney (D. Cal.) lent his support and the investigation was ordered. It is being made by the North Carolina FBI office.

The United Church of Christ is the sole source of money for the Wilmington Ten case. Anticipating action on the habeas corpus petition, the UCC Executive Council in October set aside $400,000 to provide bail if it is permitted. The Council also appropriated $70,000 for legal fees and $130,000 for a national informational campaign in behalf of the Ten.

Suppression of evidence is the latest scandal to be revealed in the case. On November 14, the Greensboro Daily News reported that the Good Neighbor Council was ordered by the North Carolina attorney general to obey the subpoena to testify in the trial of the Ten. Representatives of the Council set off for Burgaw by automobile. They carried with them documentary evidence that Rev. Aaron Johnson states was "highly favorable" to the Ten. En route they heard a radio report that the defense had rested its case; so they turned back to Raleigh and put their documents back in the files, relieved that they had escaped probable reprisals from the state legislature for testifying. Within a short time, the documents were removed from the Council files, and have not been seen since.

Ronald K. Ingle, director of the Council (now called the Human Relations Council), admitted to the News that the documents are missing, and that members of the staff have known for some time of their disappearance. The state attorney general has promised an investigation. Mr. Ingle was summarily fired by his superior for revealing the loss of the files.

Today:

Judge Robert Martin has been rewarded with an appellate judgeship.

Prosecutor James Stroud has been rewarded with a promotion and relocation.

No state official has opened an inquiry into what is in the missing files.

The attorney general still opposes bail for the Ten.

The U.S. magistrate has not ruled on the habeas corpus petition or the request that bail be granted.

The Wilmington Ten are in prison.

Ten lives are being blighted by a regressive judiciary and a white-controlled political apparatus that holds blacks in thrall—separate and unequal.

VALLEY FORGE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. SCHULZE. Mr. Speaker, today in Valley Forge, Pa., Americans have gathered from all parts of the country, from all walks of life and involved at all levels of Government to observe the ceremony which will turn over to the Federal Government the operation of Valley Forge as a national park.

This action symbolizes more than our Federal Government's recognition of an historical landmark and the watershed of our American heritage. It represents the will of the American people and the harmonious cooperation of local, State, and national governments.

You may recall that in the 94th Congress I initiated legislation to make Valley Forge a national park, and with the cosponsorship and assistance of my colleagues, this bill was signed into law. It was the will of the people—the will that government of the people—by the people—and for the people does work—that saved Valley Forge from the encroachment of the city and industrial expansion. Valley Forge is now preserved for all future generations of Americans.

In recognition of this day, I wish to share a message with my colleagues:

VALLEY FORGE

We return today—almost 200 years later—we cannot imagine that winter of 1777–1778; we cannot admire enough the patience, the fortitude and the strength of the soldiers who suffered and lived those winter months.

But one man returned in the summer of 1796. He was an elderly man, dignified and dressed in a plain suit of black.

He had returned to the scene of so much suffering and distress to see how the inhabitants had recovered from that winter. The stranger had wanted to make one last visit to the area for he had been encamped there during the War and felt he would never return. And that visitor was George Washington.

"I am content," Washington said, "to see the people happy and satisfied, the desolate fields recovering from the disasters they had experienced." This afforded Washington more real satisfaction than all the servile homage that could be paid to his person or station.

And, yet, today is a time to reflect. A time to recall the courageous action of those few who declared before the world their dedication to a new standard, a standard for mankind's freedom. It is a time for re-dedication to the American tradition and the American will. For while the statesmen were building a Nation, the 11,000 soldiers were preserving the peace. The tools have changed. But the ideal remains the same.

Let us dedicate Valley Forge not only as a national park, but as a national memory to the men who as an army came here in defeat, but left as troops in victory. That winter was a turning point of the American Revolution for Washington and his men. They gave life to the words of the Declaration of Independence.

I wish to share with you the words of Henry Armitt Brown in speaking of Valley Forge:

"If heroic deeds can consecrate a spot on earth, if the living be still sensible of the example of the dead, if courage be yet a common virtue and patience in suffering be still honorable in your sight, if freedom be any longer precious and faith in humanity be not vanished from among you, if love of country still finds refuge among the hearts of men, take your shoes off your feet, for the place on which you stand is holy ground."

No name evokes the spirit of patriotism, independence and sacrifice than that which gave birth to the United States—Valley Forge. Today that window to the past—a symbol of our Nation's ability to survive and the will to succeed—has been preserved for all generations.

TO ABOLISH A GOVERNMENT AGENCY

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. McCLOSKEY. Mr. Speaker, our distinguished colleague, JOSEPH MINISH, has introduced a bill (H.R. 4082) to permanently preserve the Renegotiation Board.

I would like to respectfully suggest, as an alternative to renewing and reforming the present Renegotiation Board's powers, that we abolish the Board's function for the time being and place the Renegotiation Board on a standby basis, to be reactivated only upon Presidential determination that a national wartime emergency has arisen of the type that led to the original act in 1942 and its successor in 1951.

I have introduced a bill, H.R. 5257, to accomplish this result.

If there will ever be a time when democratic governments can reduce their own size and complexity, it is now, in the early days of a new administration which made a campaign promise to do just that.

The original Renegotiation Act had its genesis in 1942, a time of grave national emergency—when contracts had to be negotiated under stress and in great haste—when the Government's immediate need for services and materials transcended all other considerations. Under these circumstances, renegotiation to recover excess profits was justified and necessary.

The same circumstances existed in 1951 when the present act was enacted. As in 1942, we were in the first year of a major war. Contracts were being executed under special emergency circumstances, and a special law to balance the equities between the parties was clearly in order.

Today, however, there is no such urgency. Government procurement officers are experienced, competent and under few, if any, time pressures. The principles of contract law are rooted deep in our history, and are well understood by the most recent law school graduates. The need to renegotiate a contract is a concept which should have no place in a society where the contracting parties can meet in dispassionate and quiet negotiations, with neither party under pressure to make or accept an offer.

Since 1951, Congress has enacted a whole series of additional laws calculated to prevent fraud and deception against the Government in both the negotiation and performance of contracts.

The Truth in Negotiation Act (10 U.S.C. 2306(f)), section 719 of the Defense Production Act (50 U.S.C. App. 2168) and the host of requirements codified in title 10 of the United States Code all operate in favor of the Government to require fair negotiating and fair reporting by contractors.

Why, then, should there be a special law, in nonemergency circumstances to give the Government a special remedy?

What showing has any witness made before the House committees of jurisdiction that any contract executed by the Government under peacetime conditions, where the contractor complied with all of these laws to protect the Government, resulted in inordinate profits to the contractor?

And if the contractor has not complied with those laws, if he has not submitted accurate, complete and current cost or pricing data, if he has not disclosed and adhered to disclosed cost accounting practices, there are standard legal remedies for the Government just as in the case of any other person who has been injured by breach of contract or violation of law.

I submit, Mr. Speaker, that in peacetime the whole concept of contract renegotiation is fallacious. There is no emergency to justify it. In those cases of novel, complex and experimental new weapons or scientific systems, the Government is free to enter into contracts on any basis it wishes, cost-plus, fixed price, fixed price incentive, or otherwise. The Government can calculate precisely what kind of contract it wishes in order to obtain the best advantage for the people of the United States.

But having done so, why should the Government need additional advantages?

Fairness of negotiation and performance is not a problem when no emergency exists.

If no fairness problem arises, what economic benefits can be said to arise from the operation of the act?

From the Renegotiation Board's last report, of December 31, 1976, it appears that in 1976 some 4,559 contractors filed with the Board. Forty-six contractors—about 1 percent—were determined to have made excessive profits. Of the 4,559 filings, 2,511 were screened, representing $24 billion in renegotiable sales.

Of this $24 billion, the Board determined that there were excess profits of slightly over $40 million. Assuming a 10-percent reasonable profit—one measure used by the Maritime Administration, for example—if one were to assume that $24 billion in sales allowed $2.4 billion in acceptable profits, only $40 million, or approximately 1½ percent of the total allowable profits, were found by the Board to be excessive.

And what were the costs to the taxpayer for this $40 million potential recovery?

First, the cost of the Board's operations for fiscal 1976 were approximately $5.5 million.

Second, the loss in corporate income taxes to the Government would be approximately half of the $40 million reduction in profits, an additional $20 million.

Third, there is the cost to the contractor—passed on to the Government—of compliance with the act itself. One company in my congressional district estimated that the cost of compliance with the act in 1976 came to over $160,000—about one-tenth of 1 percent—of their gross sales to the Government of around $150 million.

This company, Hewlett-Packard, does a gross business of $1 billion per year, with roughly 15 percent of its sales to the Government. Its board chairman, former Deputy Secretary of Defense David Packard, has seen the act in operation from both sides, and is of the opinion that Hewlett-Packard's experience, translated across the board to all of the contractors doing business with the Goverment, probably results in a cost to the Government in excess of $350 million.

For example, if the average per contractor cost were only half that of Hewlett-Packard's—$80,000 per year—the total cost for the 4,559 contractors filing with the Board would come to approximately $365 million, some of which is passed on to the Government and the balance to the American public.

If our colleagues will look at the list of 46 companies found by the Board to have made excessive profits since 1976, the Renegotiation Act begins to look more like an antismall business act than a law to deny excessive profits to large corporations.

None of the 46 companies would be listed among the household names of the Government contracting industry.

Under these conditions, Mr. Speaker, it seems well worth while to retire the Board to standby status, granting to the President the power to reactivate its procedures if and when he determines that emergency conditions have arisen to again place the Government at a disadvantage in contract negotiations. I have offered a bill, H.R. 5257, to accomplish this result.

Hopefully, the standard principles of contract, the Truth in Negotiation Act, the 3,300 watchdogs in the Defense Contract Audit Agency, and the GAO will be adequate to protect the United States from harm.

Abolishing a $5.5 million a year agency and 179 Government employees may not be the only step we can take to reduce the size and cost of unnecessary Government, but it is at least a start.

If this action reduces the total cost of goods and services purchased by the Government and American consumers by anywhere near $350 million, the resulting loss of after-tax "excess" profits of $20 million to small American businesses is neatly balanced by the recovery of an extra $20 million in Federal income tax revenues, and the saving of the $5.5 million in annual operating costs of the Board is an additional bonus.

I might add in passing that if Mr. MINISH's bill, H.R. 4082, is enacted, Hewlett-Packard estimates that the cost to their company and to the Nation will be tripled by the additional paperwork and compliance costs.

For all of these reasons, I hope the House will give serious consideration to enacting H.R. 5257 into law as an alternative to H.R. 4082, and that the wartime powers of the Renegotiation Act can be set aside until the next period of national emergency.

I have appended a list of the 46 American businesses who were last year determined by the Board to have taken excess profits from the Government, as well as a copy of H.R. 5257.

CONTRATORS DETERMINED TO HAVE MADE EXCESS PROFITS, FISCAL YEAR 1976

ADDRESS, FISCAL YEAR, AND PRODUCT OR SERVICE

1. Commerce Packaging Corp., Stamford, Conn., 1968, Packaging service.
2. Terry Corporation of Conn., Windsor, Conn., 1971, Steam turbines.
3. Pacific Architects and Engineers, Inc., Los Angeles, Calif., 1967, Facilities management.
4. Chamberlain Manufacturing Corporation, Elmhurst, Ill., 1968, Govt. Plant Operations.
5. Chamberlain Manufacturing Corporation, Elmhurst, Ill., 1969, Govt. Plant Operations.
6. Horne Brothers, Inc., Newport News, Va., 1967, Ship conversion and repair.
7. Horne Brothers, Inc., Newport News, Va., 1968, Ship conversion and repair.
8. Mechanical Piping, Incorporated, Newport News, Va., 1968, Pump and valve distr.
9. Mechanical Piping, Incorporated, Newport News, Va., 1970, Pump and valve distr.
10. Norris Industries, Inc., Los Angeles, Calif., 1969, Bomb and cartridge cases.
11. Air Borne Controls, Inc., Glendale, Calif., 1973, Harness assemblies.
12. Dilectrix Corporation, Farmingdale, N.Y., 1973, Teflon and rubber containers.
13. Trustee to Keystone Micro-Scan Inc., SII to Keystone Bay State Industries, Inc., Boston, Mass., 1969, Fuzes.
14. Republic Corporation SII to Polan Industries, Inc., Century City, Calif., 1968, Periscopes and weapon sights.
15. Met-Pro Water Treatment Corp., Lansdale, Pa., 1970, Water purification systems.
16. Met-Pro Water Treatment Corp., Lansdale, Pa., 1971, Water purification systems.
17. Bannercraft Clothing Company, Inc., Philadelphia, Pa., 1968, Military coats.
18. E. Walters & Company, Inc., Elk Grove Village, Ill., 1970, Fuze parts.
19. MJM Weather Vane Corp. (JV), New York, N.Y., 1967, Poncho liners.
20. B&C Machine Co., Inc., Hawthorne, Calif., 1968, Machine shop.
21. Sverdrup & Parcel and Associates, Inc., St. Louis, Mo., 1971, Engr. and architec, serv.
22. Sverdrup & Parcel and Associates, Inc., St. Louis, Mo., 1973, Engr. and Architec. serv.
23. Micri Mfg. Co., Inc., New York, N.Y., 1968, Small arms parts.
24. Hercules Incorporated, Wilmington, Del., 1967, Govt. plant operations.
25. Hercules Incorporated, Wilmington, Del., 1968, Govt. plant operations.
26. Stupp Corporation, Baton Rouge, La., 1973, Bomb body tubes.
27. Gilmore M. Perry, Washington, D.C., 1968, Manufacturer's rep.
28. Hopeman Brothers, Inc., Waynesboro, Va., 1971, Ship joiner.
29. Hopeman Brothers, Inc., Waynesboro, Va., 1972, Ship joiner.
30. National Presto Industries, Inc. CONS., Eau Claire, Wis., 1967, Projectile shells.
31. National Presto Industries, Inc. CONS., Eau Claire, Wis., 1968, Projectile shells.
32. National Presto Industries, Inc. CONS., Eau Claire, Wis., 1969, Projectile shells.
33. National Presto Industries, Inc. CONS., Eau Claire, Wis., 1970, Projectile shells.
34. National Presto Industries, Inc. CONS., Eau Claire, Wis., 1971, Projectile shells.
35. National Presto Industries, Inc. CONS., Eau Claire, Wis., 1972, Projectile shells.
36. OEA, Inc. SII to Ordance Engineering Associates, Inc., Des Plaines, Ill., 1969, Emergency escape systems.
37. Pembroke, Inc., Egg Harbor City, N.J., 1972, Military coats.
38. Pembroke, Inc., Egg Harbor City, N.J., 1973, Military coats.
39. Unaka Company, Incorporated CONS., Greenville, Tenn., 1967, Bomb fins.
40. Unaka Company, Incorporated CONS., Greenville, Tenn., 1968, Bomb fins.
42. The Austin Company, Incorporated, Greenville, Tenn., 1967, Wood pallets.
43. Mullins Leaf Tobacco Company, Inc., Mullins, South Carolina, 1966, Personnel supply serv.
44. Mullins Leaf Tobacco Company, Inc., Mullins, South Carolina, 1967, Equipment rental.
45. Sanford Tobacco Company, Inc., Sanford, North Carolina, 1968, Wood pallets.
46. Leo A. Daly Company, Omaha, Nebr., 1972, Architectural and Engr. service.

BEACH EROSION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. YOUNG of Florida. Mr. Speaker, today I had the opportunity to testify before the House Appropriations Subcommittee on Public Works on the problem of beach erosion control in Pinellas County, Fla. During the course of my testimony, I urged approval of a $100,000 preconstruction planning study for erosion control on Long Key, as well as $20,000 for a restudy of an existing renourishment project for the city of Treasure Island. So that my colleagues may be fully aware of the beach erosion problems in Pinellas County, I respectfully submit the full text of my testimony:

TESTIMONY OF CONGRESSMAN C. W. BILL YOUNG OF FLORIDA

Mr. Chairman, I appreciate this opportunity to address the Members of your committee on the subject of the Florida Public Works appropriations requests for fiscal year 1978. I would specifically like to direct my comments toward the problem of Beach Erosion in Pinellas County. A review of the Administration's budget, and its obviously supportive view of the need for Beach Erosion control in Florida, encourages me. I am impressed by budget requests for this purpose in the amounts of $4,500,000 to Dade County, $3,300,000 to Duval County, $1,950,000 to Broward County, $80,000 to Monroe County, $80,000 to Volusia County, and $60,000 to Martin County. That is $9,970,000. It is curious to note, however, that all of those beach front Florida communities are on the Atlantic Coast. Crossing to the west coast of Florida, I note only a total of $273,000 requested, and zero dollars in budget requests for Collier County, Sarasota County, and my own county of Pinellas. I submit that beach erosion is just as serious a problem for beach front communities on the Gulf of Mexico.

Before this committee for consideration today, are two projects located in Pinellas County for which erosion control studies are

essential. And, because beach erosion is an ever increasing problem which can easily get beyond immediate control, these studies really need to be provided for in the 1978 budget. The first is for a $100,000 preconstruction planning study for erosion control on Long Key, which is at the tip of the Pinellas County beaches in the incorporated area of the City of St. Petersburg Beach. The State of Florida has approved the study, and the Corps of Engineers has stated its capability to accomplish it as soon as it is funded.

Seasonal storms, currents and winds all act to reshape the coastline. While a natural beach system can adjust to many of the stresses due to the natural configuration of the beach and adjacent dunes, the activities of man often prevent this natural equilibrium from establishing itself. Developments too close to the water's edge destroy the natural dune system and limit the beach's ability to compensate for severe losses in sand. Beach renourishment is the solution to this problem. Dr. Robert Dolan of the University of Virginia, a noted authority on barrier beaches, sees beach renourishment as the closest approximation to the natural beach formation process. He notes, "The best method of beach restoration is any method that is similar to the natural process. Structures are designed to alter the energy flow, interfacing with the natural equilibrium of the beach. Rebuilding beaches, artificially, by placing sand on the system, permits the natural process to continue essentially unhampered."

The area of Pinellas County which will benefit from this $100,000 planning study, is a highly developed and widely used year-round resort. People from all over our country, and many parts of the world come to Long Key, and Florida residents from St. Petersburg, Tampa, and many of the inland Florida counties come to these beaches often, because they are less than a day's drive from their homes. If erosion of these beaches is not controlled, the beaches will not be readily usable and accessible to these tourists.

I ask you further to consider a budget request for $20,000 for a restudy of an existing renourishment project for the City of Treasure Island. The Treasure Island project began in 1969 with Federal Aid for renourishment scheduled to expire in 1979, in spite of the fact that the project has a 50-year "project life." The study must be done now, because only Congress has the authority to extend Federal aid, and its feasibility must be determined prior to the budget request period for 1979. The state of Florida has estimated that the study will cost $20,000, and the Corps of Engineers has stated that it has the capability to perform the study.

The Treasure Island project is not one that should be allowed to expire. In 1969, $524,766 was invested in beach renourishment there. In 1971, an additional $62,620 was appropriated. In 1972, another $216,000 was approved, and in 1976, $956,000 was added. This is a total appropriation to date of $1,759,586 of which approximately 50%, nearly $880,000 has been Federal money. The beach renourishment project has been very beneficial to Treasure Island, where 90% of the beach front property is held as public beach. That city's 9,000 permanent population, swells to 25,000 to 30,000 a day from December to April each year, and to 15,000 in the off season. While the money spent on any renourishment project that is well done, is money well spent, unfortunately it does not insure that the beach will always be there. The nourished sand is generally put on the beach above the water line. Wave and wind energy move sand from this beach face into the offshore zone, and when the energy subsides, much of the sand, but not all, is transported back on shore. This give and take action is part of the natural process of shoreline dynamics. Some groins have also been added in Treasure Island to minimize erosion and trap eroding sands. At this moment, the beach in Treasure Island is in good condition, and a continuing beach renourishment program over a period of years to come is important if it is to stay that way.

Another very important factor is that the Treasure Island project has now spanned nearly ten years, and it has served as a testing area for our entire national beach erosion program. A great deal of data has been gathered in the Treasure Island project which is of immeasurable historical value to the overall study of beach renourishment. Without this new study, all of the money expended to date by the Federal Government, the State Government, the County Government, and by Treasure Island itself, will literally be washed away into the Gulf of Mexico.

Again, I would like to emphasize, that both of these projects have already been authorized by Congress, but before they can begin, a pre-construction planning study of Long Key, and a reevaluation study of the Treasure Island project must be completed by the Corps of Engineers. I feel that it is very important that these studies be funded for Fiscal Year 1978, to clear the way for beach renourishment to begin in Fiscal Year 1979.

I urge this committee to take the action necessary to approve this total appropriation of $120,000 for beach erosion control studies in Pinellas County for Fiscal Year 1978.

SOVIET EMIGRATION POLICY

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. BONKER. Mr. Speaker, I want to call attention to the moving remarks delivered by Mrs. Esther Lazaris last week before the Commission on Security and Co-operation in Europe. She is one of the hundreds of Russian emigrees in Israel, still awaiting their long-detained spouses It had been their hope that the Helsinki accords, as a major statement of détente, would promote freer emigration. In fact, the Soviet Union not only remains stingy in issuing exist visas, but has taken increasingly to harassing applicants who assert only what they think are their new rights.

Mrs. Lazaris' conclusion speaks for itself: "My husband might have to pay dearly for my appearance before you. However, knowing him I have no doubts that he would approve of my action, as it is much worse to remain silent."

TESTIMONY OF ESTHER LAZARIS BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE, MARCH 17, 1977, WASHINGTON, D.C.

Ladies and gentlemen:

Allow me to thank you for giving me the opportunity to speak here. My name is Esther Lazaris. I live in Rehovot, Israel, together with my son Raphael who will be 5 years old next month, and with my parents. My husband Vladimir is still in Moscow. He has been trying to join us for over three years. His repeated requests for permission to be reunited with us in Israel have been refused by the Soviet authorities. WHY?

My husband, a lawyer by profession, worked in the patent office of a research institute for new building materials. The institute did not deal with any secret information, and Vladimir had no "secret" work. He was dismissed from his place of work shortly after he applied to leave for Israel, in October 1974. He was denounced publicly as a traitor by his colleagues. He has been out of work since then and has often been accused of being a parasite. During this time my husband has had one aim, to join us in Israel, and he has been doing everything possible to achieve this.

For every separated family life is very difficult, but in our case there is an added problem. Our son Raphael is somewhat retarded physically and mentally as a result of asphyxia suffered at birth. He receives medical treatment but needs more than the care and attention that I alone can give. HE NEEDS HIS FATHER!

Unfortunately I lack the legal and the political experience needed for understanding the details of the Helsinki "Final Act," signed by the Soviet Union, the United States, and other nations, but it appeared not only to our family, but to many others in a similar position that the end of our sufferings was near. No matter what the wording of the document was, none of us had any doubt that it would confirm the humanist principle of reunification of families who have been separated.

I have no right to forget that when speaking to this distinguished Commission, I represent not only my own case, but numerous other tragedies. I live in a country where there are hundreds of families in a position similar to mine. They came from all over the Soviet Union. There are many of them and I could not, of course, list them all. I have brought with me many cases. However, I would like to mention two today.

Mrs. Dina Ass lives in undescribable fear: her son Iosif Ass from Moscow, has been arrested by the Soviet authorities several months ago and he was facing a prison term. Thanks to the immediate reaction of the world public including members of the United States Congress, he was released. He still waits in Moscow for permission to join his mother in Israel. His mother, is afraid to turn on the radio every morning—what if there would be bad news from Moscow, again.

Even more difficult is the situation of another category of Soviet Jews—my unfortunate sisters whose husbands and sons are imprisoned in the Soviet Union. The long absence of letters, reports about torments of hunger and cold, the impossible work, the insults and harassments by the officers and the guards, reports about transfers to the frightful Vladimir Prison, about illnesses and inadequate medical treatment and punishment in solitary cells—all these and the complete helplessness turn their lives into hell.

Meri Khnokh, for example, had last seen her husband 7 years ago, when he was arrested. He has to serve another 3 years in prison and he is already very ill. It would be difficult to bring him to a satisfactory physical condition even if he would live in the best possible conditions. Thus, his wife and son, whom he has never seen, his parents, brother and sisters all in Israel, are still hoping to see him . . .

Sitting next to me is Jeanette Mager. Like me, Jeanette is a "separated" family. She lives in Israel. Her husband, Mikhail lives in Vinnitsa, in the Ukraine. They have been separated 4 years now. Jeanette's husband, a factory worker, has been repeatedly refused permission to join his wife and parents.

My husband might have to pay dearly for my appearance before you. However, knowing him I have no doubts that he would approve of my action, as it is much worse to remain silent. Apart from the worries I have about my son's health, I also live with continuing fear for my husband's daily life. We all remember the cases of the Prisoners of Conscience and the easy way they were transformed from being "Refusenik" to "POC". This process can happen very easily, as my parents too, suffered for their Zionist ideals. They were forcibly moved overnight to the

far north from their home in Lithuania in 1941.

For the last few months the campaign against the "refuseniks" has been raging in the press and on the radio and television. Anti-Semitism has increased. Even such a little thing as communication with my husband, something that is so basic and important when we are so far apart, is both uncertain and irregular and subject to censorship.

I would like here to remind you that the Soviet authorities allow Jews to emigrate to Israel solely on the basis of reunification of separated families. However, in many cases, instead of enjoying the happiness that should result from the application of such a humanitarian principle, people have become victims of a biased interpretation of this principle. In other words, they become victims of a personal tragedy.

Finally, honourable members of this Commission, I have told you of some of the problems that families like mine have, and I hope and pray that while you discuss the issues concerned with the Helsinki Agreement, please give thought to the fate of our loved ones.

I want to thank the National Conference on Soviet Jewry for bringing me to the United States to testify before this Commission, and I want to thank the Commissioners for hearing me.

Thank you.

PACIFIC DAILY NEWS EDITORIAL ON CLARK, SUBIC BASES

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. WON PAT. Mr. Speaker, as residents of the westernmost part of the United States, we of Guam are much closer to the island nations and mainland of Asia than we are to Hawaii. Also, being more than 3,000 miles west of Hawaii, Guam is the westernmost Pacific position in our Nation's defense.

Additionally, particularly since World War II Guam has been a primary defense facility. The military services own more than one-third of the island, military personnel and their families comprise about one-fourth of our island population and military operations are by far the largest factor in our local economy.

Consequently, we are acutely attuned to changes in the U.S. defense climate in the western Pacific. Presently, this includes close attention to the pending readjustments in the defense relationships between the United States and the Republic of the Philippines.

A cogent commentary on some aspects of this situation recently appeared in the Pacific Daily News of Guam, written by editor Joe Murphy. Mr. Murphy presents some astute observations and practical suggestions regarding the present and future alinement of national defense in the western Pacific.

The editorial is in large part based on a recent Philippine publication by a Filipino writer. It is useful to keep in mind that under the present Marcos administration in the Republic of the Philippines little is published that is not first approved by the Government and generally is required to reflect official views and positions.

Mr. Speaker, with the consent of my colleagues I would like to include Mr. Murphy's editorial in today's RECORD:

[From the Pacific Daily News, Mar. 25, 1977]

PHASING OUT OF CLARK, SUBIC BASES?

A phasing out of the two big American bases in the Philippines has been suggested by a Filipino writer, Juan T. Gatbonton.

This makes some sense. To arbitrarily close down the Navy base at Subic Bay and the Air Force base at Clark would be far too traumatic for everyone, including the Filipinos.

Such a closure would put too much pressure on Guam and Tinian, in too short a time. It wouldn't allow us to plan for the future. We never would be able to catch up on our infrastructure, such as schools, highways, sewers and housing.

Yet, if we knew that a move definitely was in the offing, five or 10 years hence Guam and Tinian could begin planning and preparing now for what figures to be a large increase in military expenditures on the islands.

A sudden decision to leave the Philippines could be disastrous for those islands as well. Such a disruption would throw thousands of Filipinos out of work, and chop hundreds of millions of sorely needed dollars from their economy. This wouldn't be fair to the Filipinos, who have put up with the base since the first American involvement in the Philippines back in 1898.

Even worse, any sudden change in the status quo of the bases would toss the entire Pacific Basin into a tizzy. Our allies, such as Taiwan and Japan, would grow extremely nervous about America's military umbrella in the Pacific. China would be upset over the new "vacuum" and the possibility of the Soviet Union moving in.

In short, it wouldn't be good politics for America to arbitrarily pull out of the Philippines without a long-range plan of action.

Writer Gatbonton, out of Manila, noted that President Marcos has defined three issues still unresolved in the bases negotiations between the Philippines and the United States. These are the manner and nature of rental payments; the powers to be vested in Filipino commanders of the bases; and the kinds of weapons to be allowed on the bases. All are critical.

The rental figure that has been mentioned by American sources is $200 million annually over a contract period of five years. This is roughly equivalent to what the U.S. is planning on paying the Spanish government. It is also roughly double the present volume of annual American aid.

The $200 million figure, Gatbonton says, is probably acceptable to Marcos. However, Manila objects to the payments being described as "aid", which connotes one-sided charity, whereas rental connotes reciprocity and mutual benefit.

That makes sense to us. The word aid isn't realistic. It is a subterfuge, a coverup. The U.S. is paying the Filipinos for the use of a portion of their islands for our own national interest.

Gatbonton suggests that the questions of what powers the Filipino commanders should have and what kinds of weapons should be allowed on the bases are related. Politically, the most sensitive weapons are, of course the nuclear ones.

The Japanese have always insisted that no nuclear weapons be stored at the American bases within their territory. This has caused a lot of problems, particularly in Okinawa. The Japanese wax indignant even in the midst of a typhoon when our B52s from Guam are flown to Kadena. Gatbonton says Chinese maps routinely identify the U.S. stations at Clark and Subic as part of the ring of American nuclear bases containing Communist power on the mainland.

The issue of nuclear capability was not anticipated when the bases treaty was arranged in 1945. And, as you might imagine, the fact that the Philippines would be an immediate target in the event of an all-out nuclear war must be strongly considered by the Filipinos. Still, up to now, the subject of the bases becoming magnets for enemy nuclear attacks has never been brought up, by the Filipino government.

The use that can be made of the bases in the Philippines will enter into whether or not the bases are worth the cost. If the Filipinos, like the Japanese limit the use of nuclear weaponry on the bases then the bases' effectiveness drops to the point where they might not be worth the payments. The U.S. couldn't use the Filipino bases for "offensive" action, for instance.

The U.S. already has some problems in use of the bases, although they really are enclaves of extraterritoriality. When Saigon fell, it was unilaterally decided by the U.S. to fly the refugees into Clark, and to ship them into Subic. No deal. Marcos, aware that the world was watching, turned thumbs down on that plan, and at the last minute the hordes of refugees were shifted to Guam.

If the Philippines limit the type of weapons that can be brought into the country, and if the bases have Filipino commanders, and if the host country tries to control the type of interventionism, then we can't see the point of staying in the Philippines at all.

It is time to consider a long-range pullout of our forces in the Philippines. The insight article concluded: "Even if the current stalemate on the bases is resolved, it is unlikely that the bases will stay for much longer. Significantly, the American figure for "aid" was stated over a five-year term. The situation in our part of the world five years from today will probably look even more different than the current situation. What the Filipino and American negotiators need to do is agree on a transition period for phasing out the bases and psychologically preparing both countries for life without them. In this way acrimony will be avoided and misunderstanding minimized."

That makes sense. We value highly the friendship of our Filipino friends. We don't want the bases to become a wedge between the two countries.

We think the handwriting is on the wall. The five-year base treaty probably will be accepted because anything less would cause great concern, and would disrupt the Filipino economy. But, once the die is cast, Guam and the Northern Marianas should begin pressuring the military to announce its future plans—so that we can make plans of our own for the accommodation of much of this military increase. JCM.

MINIMUM WAGE BILL: THE UNEMPLOYMENT ACT OF 1977

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. ERLENBORN. Mr. Speaker, it is no news to Members of this House that the pending minimum wage legislation could be the most important economic legislation to be faced by this session of Congress.

It should be no news, either, that unless this bill is either outright rejected, or drastically amended, it would, in the opinion of knowledgeable persons, be the most damaging piece of economic legislation in many, many years.

The trouble is, I firmly believe, that the idea of increased minimum wages is superficially attractive to those who judge the economic impact solely on the basis of the words "minimum wages." Of course, the idea looks like a blessed benefit for the poor.

Unfortunately, Mr. Speaker, when subjected to even elementary analysis, the pending minimum wage legislation is clearly deceptive. It would be a shuddering disappointment to the poor who have had their hopes raised by those who have been touting the idea that such legislation would be the pot of gold at the end of the rainbow.

I would like to bring to the attention of the Members of the House perhaps one of the most thoughtful editorials on the impact of minimum wage increases I have seen. The Washington Star of March 27, 1977, calls the current proposals an "Escalator for Wages." The writer asks a question we must all ask ourselves, when this legislation comes before the House:

> Is a higher minimum, especially at $3, or even $2.85, a measure of "economic justice to the poor"? Or is it a measure that could push tens of thousands of marginal workers out of jobs, while softening resistance to unionization, especially in the South?

I think it especially significant, as the editorial points out, that Dr. Arthur Okun, a former Chairman of the Council of Economic Advisers, told the Senate Budget Committee just last week that the $3 minimum demanded by organized labor would be "The most inflationary action taken by Federal Government in modern history," and termed it a "disaster."

Mr. Speaker, under leave to extend my remarks, I include the following editorial from the Washington Star of Sunday, March 27, 1977:

ESCALATOR FOR WAGES

When Labor Secretary Ray Marshall unveiled the administration's "compromise" policy on minimum wage legislation (a boost from the present $2.30 to $2.50 an hour, with "indexing" at 50 per cent of the average factory wage) one might have thought he had come out for the restoration of peonage.

Mr. George Meany, summoning his teariest tones, deplored the plan as "a bitter disappointment to everyone who looked to this administration for economic justice to the poor."

That's the sentimental way of saying that the AFL-CIO would like the federal minimum wage jumped to $3 an hour, with indexing provisions to keep it at 60 per cent of the average factory wage.

What is the case for sentiment? No subject of national economic discussion remains so stuck in the pieties of the 1930s. We are still mesmerized by memory; for the establishment of a floor under wages (at 40 cents an hour) was—39 years ago—a victory for workers over a class-conscious interpretation of the right of contract, interpreted as a right to employ on any terms, however degrading.

Today, the majority of American industrial workers earn far more than the minimum, and a vastly more sophisticated knowledge of the cross-currents of the job market is available. One may afford a somewhat more dry-eyed view. The relief of poverty may be an issue in the minimum wage battle. But there are many others.

Before deciding that this is the year for a major adjustment in the minimum wage, Congress ought to ask a number of questions:

Is a higher minimum, especialy at $3, or even $2.85, a measure of "economic justice to the poor"? Or is it a measure that could push tens of thousands of marginal workers out of jobs, while softening resistance to unionization, especialy in the South?

Is minimum wage "indexing"—tying the minimum to a constant percentage of the average hourly industrial wage—a device of unwelcome inflationary pressure?

And what, precisely, is the effect of an ever-rising minimum wage level—not a floor but an escalator—on the availability of low-skill jobs? Some industries with slack in their costs can absorb higher wage levels. Others, working at the margins, cannot do so and must turn to technological change that at best trades many low-paying jobs for a few high-paying jobs and worsens the plight of the unskilled. "Just how many jobs would disappear is not known," speculates a recent *New York Times* editorial, but "rough calculations put the figure between 200,000 and one million."

All these are hard but not unanswerable questions Congress ought to ask before taking Mr. Meany's visions at face value.

The key question, considering the general public interest, is what a higher minimum wage would do to the price index. Inflation, once out of hand, can erase the initial advantage of wage increases for those who get them and set back those who do not.

At a Senate Budget Committee hearing last week on the 1978 budget, Dr. Arthur Okun, a former chairman of the Council of Economic Advisers, took a dim view of the $3 minimum sought by organized labor.

"A jump like that," he said, "is something like a 2.5 per cent wage increase across the board, and . . . will be paid for by consumers and set off a new inflationary spiral. In that sense it would be a disaster."

"A disaster?" asked one senator. It would be, Dr. Okun went on, *"the most inflationary action taken by federal government in modern history* (emphasis ours) . . . This doesn't mean the $2.30 minimum wage ought to remain forever, but the jump from $2.30 to $3 would be a very major increase, unprecedented in the history of the minimum wage."

If Dr. Okun is right—and he speaks with authority and scarcely from an anti-labor point of view—it is either naive or cynical or both to speak of minimum wage legislation as if the only thing at stake were "economic justice to the poor." Like other governmental interventions in the economy, the legislative adjustment of wage floors (especially when floors are converted into escalators) has intricate effects on the price index and the structure and functioning of the job market. Not all the effects are necessarily constructive, even for the poor. Where, then, will the escalator go? And who will be on it?

THE AMERICAN BALD EAGLE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. JONES of Tennessee. Mr. Speaker, on June 20, 1782, the bald eagle was formally adopted as the emblem of the United States of America, a living symbol of our Nation's strength and freedom. Today it is fighting for its life.

With the problems that have plagued our national symbol in recent years, it is always encouraging to find people today who are willing to work in order to preserve and promote an American tradition so admired as the American bald eagle. As a Representative of the Seventh Congressional District of Tennessee, I am especially proud that at least two such people are my constituents.

Reelfoot Lake is an 11,000-acre natural lake located in the extreme northwest portion of Tennessee. Formed in 1812, by an earthquake, Reelfoot serves as one of the few winter homelands for the bald eagle in the United States. Because the bald eagle's diet is about 95 percent fish, Reelfoot's ready-food supply—fish—and relatively mild winters—ice-free water—make it ideal for 100 or more of this distinguished predator.

Recently a young photographer, Dale Beard, who is a native and lifelong resident of Reelfoot Lake, set out to do what he could to promote both respect for the American bald eagle and insight into the beauty of Reelfoot Lake. He has undoubtedly accomplished both in his remarkable photograph of the inspiring eagle atop the cypress of Reelfoot. Dale has developed a limited edition print of his work that will allow others to take pride in our country and its heritage. Thanks to Dale one of those prints, framed in cypress from a Civil War barn, hangs in my office so that people from near and far may have an opportunity to look upon the natural symbol of American pride. Therefore, I invite each of you to visit my office and this unique display.

Another young man has been instrumental in both preserving and promoting the American bald eagle. He is Steve Pardue, naturalist at Reelfoot Lake State Park. The work that Steve has done has come to my attention from various sources and I am proud to bring his dedication and hard work to the attention of others.

Reelfoot is a source of pride to west Tennesseans as the American bald eagle is to Americans. Through his work at Reelfoot in general and with the eagle in particular, Steve has helped to spread the pride that we have in Reelfoot Lake to many visitors and other States. By conducting an eagle watch program, Steve has helped to add yet another dimension to the hunting, fishing, and camping of beautiful Reelfoot Lake, as well as restoring a sense of pride and dedication in America to many people as they are able to personally view the majestic beauty that abounds in the bird that truly symbolizes America.

For thousands of years, the bald eagle has been a source of inspiration to mankind. They appear throughout history in art, literature, and religion as symbols of majesty and independence, spiritual aspiration, and divine power.

It is encouraging and inspiring to see people take pride in their country, heritage, and future. But it is even more so to see young people such as Dale and Steve, working so that others may take pride. Our thanks to them.

SACCHARIN

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. MARTIN. Mr. Speaker, I am pleased to announce that my bill, H.R. 5166, now has 148 cosponsors who agree that the Delaney clause needs to be amended and saccharin kept on the market.

The saccharin controversy presents Congress with the necessity for amending the Delaney clause to the food additives law. Saccharin is the first clear case where the absolute zero tolerance standard of the Delaney clause requires a substance to be banned even though its benefits to the general public clearly exceed any remote risk. Saccharin also has the distinction of being slated for a ban based on consideration of less valid evidence when far better evidence—tests on monkeys and public health statistics on human illness—show that normal use of saccharin poses no risk to the public.

Yet the present law requires that the best medical evidence and any consideration of health and nutritional benefits be disregarded. It requires that saccharin be prohibited as a food additive, simply because massive overdose tests on sensitive rats produce a significant increase in bladder tumors.

In general, medical, scientific, and nutritional experts recommend that the Delaney clause be amended to allow reasonable judgment of all the evidence of risk as well as the public benefits. Three former FDA Commissioners have endorsed this approach in principle as have the Director of the National Cancer Institute and a former Director.

Increasingly, it is recognized that obesity predisposes humans to not only diabetes and heart illness, but also to cancer. Accordingly whether saccharin is regarded by some as essential and by others as a convenience, there is no question but that it enables millions and millions of American consumers to maintain their dietary discipline with greater dependability. It is thus an important part of the preventive medicine regimen of those who need to control their weight in order to reduce their susceptibility to each of the three most prevalent fatal diseases. It is also of similar importance to elderly invalids and those who already have diabetes and heart illness as Members of Congress have already learned from their mail.

This effort to save saccharin as a general purpose—as opposed to a more expensive prescription item—nonnutritive sweetener is not a case of producers versus consumers. In fact, it poses a conflict of consumers versus consumer advocates, at least those consumer advocates who insist upon the Delaney absolute. Those who would ban saccharin on the basis of a disregard for its benefits and the best evidence of its safety are in the position of preventing the FDA from acting in the best interests of the health and nutrition of many millions of American consumers.

The Delaney clause should only be amended with great caution; but it clearly should be amended.

WORKERS EXPOSED TO LEAD NEED FEDERAL PROTECTIONS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. VENTO. Mr. Speaker, a national hearing is currently underway in Washington, D.C., to establish a safe and healthful standard for workers exposed to lead.

Lead is an ancient metal whose health hazards have been known since the days of the Romans, but today there is a renewed attempt to find a level of exposure which will not endanger men or women workers, nor of their children who can be infected by lead particles in the clothing of workers.

Many of our great trade unions are presenting testimony which is of vital importance to the Nation, yet little of this appears in the public press.

I know that many of my colleagues will be interested in the presentations and in the background studies which are behind the positions taken for safer and more healthful lead standards.

I insert an article from Press Associates, "OSHA To Act on Lead Poisoning: Steelworkers Plan Strategy To Win Tough Lead Standards," to be printed in the RECORD:

OSHA TO ACT ON LEAD POISONING: STEELWORKERS PLAN STRATEGY TO WIN TOUGH LEAD STANDARDS

ST. LOUIS, MO.—A. Q. Lewis, who has worked for over 20 years melting down used car batteries for pig lead at a small plant in Indianapolis, Ind., has seen seven co-workers die in recent years from causes believed to be job-related.

Lewis told 130 delegates to the Steelworkers' Lead Conference here, "and the last one was a close friend who spent three years on a kidney machine before he died."

The almost sinister nature of their deaths was the absence of any "official" medical documentation of a work-related nature. "But they knew they were dying from lead poisoning, their families knew it and those of us who still work there knew it," Lewis told the conference.

Dr. Richard P. Wedeen, professor of medicine at the New Jersey Medical School and director of the New Jersey Medical Center, provided scientific documentation of the dangers of lead contamination to those who work in the industry.

"When I began my research I found that American medical literature did not recognize any occupational disease to the kidney, or lead nephropathy," Wedeen told the conference. "Yet there is overwhelming evidence that excessive blood leads in the body will result in kidney breakdown and ultimate failure."

Wedeen, conducting clinical examinations of 141 workers in lead-related occupations in New Jersey while operating with a research grant from the Steelworkers, found a ten percent incidence of lead nephropathy.

"This could mean that upwards of 100,000 lead workers may have lead poisoning in the United States," he declared. The government estimates that one million workers are in lead-related industries.

Steelworkers' President-elect Lloyd McBride opened the conference by serving notice the union will fight for tougher standards on lead at Washington, D.C. hearings in mid-March. The steel union plans more than 17 hours of testimony from lead workers, medical experts and union safety and health technicians at the hearings of the Occupational Safety and Health Administration.

McBride is Director of District 34 here, where as many as a third of the 20,000 Steel workers in lead smelter and refining operations are located.

George Becker, the union's safety and health representative, served as conference chairman. Becker won praise from the scientific panel for his successful efforts in getting the government and medical experts to investigate the lead problem.

Claudia Miller, USWA Industrial Hygenist, detailed the proposed OSHA lead guidelines and stressed that contamination criteria should be based on lead particulates in the work environment rather than the readings of testing machines. While machines are valuable for determining damage to various parts of the body, Miller and other conference participants stressed that the only meaningful approach to lead in the workplace is to prevent exposure to workers.

Studies conducted among USWA members at battery plants in Indianapolis and Vernon, Calif., as well as New Jersey, revealed workers with evidence of nerve damage, premature aging, abdominal colic, kidney failure and even symptoms of brain damage. The studies in Indiana and California were conducted by a medical team of more than a dozen physicians and technicians, four of whom made presentations here.

Lead smelters in particular have been a continuing source of disease, reported Dr. Alf Fischbein, Dr. Ruth Lilis and Dr. William E. Blumberg, who have been part of the Mt. Sinai Hospital School of Medicine investigation team which interviewed union members last year. The inquiry was headed by Dr. Irving Selikoff, considered one of the nation's foremost researchers in occupational medicine.

An additional study by Dr. Hector Blejer of the California-based City of Hope medical research facility found electric storage battery plants in Los Angeles as another source of dangerous-level lead exposure.

Along with other members of the Mt. Sinai panel and Dr. Wedeen, Blejer cautioned against the use of drug therapy, especially by physicians unfamiliar with the occupational nature of lead poisoning. The complications of exposure were stressed by Dr. John Repko of the University of Louisville, who detailed the behavioral problems which can result, including loss of hearing, eye-hand coordination and body balance.

Dr. William Lloyd, USWA staff epidemiologist, said the history of lead as a health hazard is ancient, being blamed for the decline of the Roman Empire. However, there has been no serious attempt by the industries which employ as many as a million workers who risk exposure to lead to provide any protection, he said.

One example of the union's initiative was at the Granite City, Ill., lead smelter of NL Industries, which has 200 members of Local 6496. The plant was found to have "toxic exposure to lead" by the National Institute of Occupational Safety and Health only after the USWA asked for evaluation.

Dramatic evidence of the problem was demonstrated at the three-day conference, where the Mt. Sinai staff conducted a blood test by computer device that instantly measures the relative degree of lead exposure. While a reading of 30 by persons not exposed to lead is normal, a majority of the USWA members at the conference had readings in excess of 100, with several recording 250 or more.

Arthur Rucker, president of Local 735 in Cleveland, said that pressure must be placed on employers to provide testing devices as well as the preventive measures sought in OSHA guidelines. "Why can't they certify physicians to treat lead exposure cases, just as they do for other specialties?" he asked.

Dr. Ken Bridbord of NIOSH reviewed the agency's recommendations for a lead standard, and covered the effects of lead on reproduction. Virtual exclusion of women from the lead industry was cited as acknowledgement by companies in this sector that lead is harmful, but the response has been to "an adverse public opinion, concerned with the affects on pregnancy and children." Pregnant women who may be exposed to lead should leave the workplace, Dr. Lilis emphasized.

Canadian delegates circulated a company publication of a leading employer in Canada of lead smelter workers, which asserted that life expectancy of lead smelter workers exceeded that of "average workers," concluding that "trace elements (lead) found in humans are not only harmless, but essential to good health." The consensus at the USWA Lead Conference, however, was just the opposite, and pointed toward an alarming disregard toward the health and welfare of thousands of lead workers.

U.S. CAMPAIGN TO SUPPORT ARGENTINE REVOLUTIONARY TERRORISTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. McDONALD. Mr. Speaker, from 1970 through 1975 Cuban-trained and supported Marxist and Trotskyite terrorists conducted increasingly well-armed and sophisticated attacks on the citizens of Argentina. They were joined in 1974 by the Montoneros guerrillas from the leftwing of the Peronist movement. And due to the opportunism of the aged Juan Peron, and the incompetence of his widow and successor, Isabel, with her retinue of corrupt administrators, Argentina had entered a state of de facto civil war by the time moderate, anti-Communist officers of the Argentinian Army deposed Mrs. Peron in an orderly, nonviolent coup just 1 year ago.

During the past year, approximateley one-half of the armed revolutionary terrorists have been killed in shootouts with police and army forces. Although revolutionary terrorism has been diminished, the civil anarchy caused by the Marxist-Leninists continues with criminal gangs taking advantage of the revolutionaries' kidnaping techniques at the rate recently of three victims per hour. Criminals have found that everyone is worth something to someone; and kidnap relatives of store clerks, working people, teachers, and doctors for small ransoms amounting to whatever close relatives might reasonably be expected to have available in a bank. Furthermore, various gangs of thugs calling themselves the Argentine Anticommunist Alliance (AAA) have engaged in random acts of terrorism. These criminals have undermined public order and have actually aided the Marxist terrorists by further polarizing the country, and driving moderates into the ranks of extremists.

Argentina under the Perons had been made a haven for pro-Soviet, Castroite and Trotskyite revolutionaries from many Latin American countries. A large number of leftists who had been given refuge by Allende in Chile moved to Argentina legally and illegally after Allende's downfall in September 1973. Now the revolutionary terrorists and their sympathizers and supporters find themselves equally unwelcome in Argentina and are dispersing to Paris, Lisbon, Caracas, Mexico City, and other capitals.

It is apparent that sufficient numbers of Argentinian Marxist-Leninists have entered the United States to form their own organization and work alongside American Castroites and New Leftists against the Movimiento Antimperialista por el Socialismo en Argentina (MASA) (Anti-Imperialist Movement for Socialism in Argentina) first came to attention in this country in 1975. MASA has been active in cosponsoring demonstrations with a number of other groups composed primarily of foreign Marxist-Leninist nationals such as Chile Democratico (headed by the late Orlando Letelier), the Union of Democratic Thais, Iranian Students Association, Union of Democratic Filipinos, Association of Vietnamese Patriots in North America, and others. U.S.-based radical groups working with MASA include Non-Intervention in Chile (NICH), National Coordinating Center in Solidarity with Chile (Chile Solidarity Committees), Venceremos Brigade, Puerto Rican Socialist Party, Puerto Rican Solidarity Committee, Communist Party, U.S.A., Workers World Party, Prairie Fire Organizing Committee, Committee To Free the Five Puerto Rican Nationalist Prisoners, the Committee for the Defense of Human Rights in the Dominican Republic, CASA-General Brotherhood of Workers, and the New American Movement.

MASA operates from P.O. Box 134, Times Square Station, New York, N.Y. 10036; from P.O. Box 4388, Berkeley, Calif. 94704; and from P.O. Box 17728, Los Angeles, Calif. 90018.

In its literature, MASA supports both the Castroite/Trotskyite terrorist Ejercito Revolucionario del Pueblo (ERP) and the Montoneros which have been working in alliance for several years. Also given praise by MASA is the Junta de Coordination Revolucionaria (JCR), the "terrorist international" formed by the Castroite and Trotskyite terrorists of Argentina (ERP), Chile (MIR), Uruguay (Tupamaros), and Bolivia (ELN) in 1974 which takes its inspiration from the message read to the January 1966 Tricontinental Conference in Havana at which Castro set up the formal mechanism for his export of revolution around the world.

It is worth while in the present context to consider what Guevara said in that message. He predicted that the creation of many coordinated small terrorist focuses throughout the Third World would require our country to produce large amounts of arms and counterinsurgency to aid the governments under attack, possibly including military advisers and troops. Said Guevara:

It is the road of Vietnam; it is the road that should be followed by the masses; it is the road that should be followed in America, with the special characteristic that the groups in arms may form something like coordinating councils to make more difficult the repressive efforts of Yankee imperialism and facilitate our own cause.

The international revolutionary coordination from Havana has been able to drive a wedge between America and Argentina just when we should be aiding the Argentinian people in restoring the fabric of their society rent by revolutionary and criminal terrorism.

Guevara's speech is also worth rereading as a guide to the mentality of the revolutionaries who make up the JCR. These are not the "détente" Marxist-Leninists who are willing to take power by any means, even by playing the electoral game as in Chile. These are the hard-line advocates of terror and armed struggle. Said Guevara:

* * * we will follow the perennial example of the guerrilla, carrying out armed propaganda * * * that is the propaganda of bullets, of battles won or lost—but fought—against the enemy.

* * * * *

Hatred as an element of struggle; relentless hatred of the enemy that impels us over and beyond the natural limitations of man and transforms us into effective, violent, selective and cold killing machines. Our soldiers must be thus; * * *

We must carry the war as far as the enemy carries it: to his home, to his centers of entertainment, make it a total war. * * * Then his morale will begin to fall. He will become still more savage, but we shall see the signs of decadence begin to appear.

* * * * *

This means a long war; and we repeat once more, a cruel war. Let no one fool himself at the outstart and let no one hesitate to begin in fear of the consequences it may bring to his people.

Guevara repeatedly emphasized the international aspects of the Marxist-Leninist struggle for world power:

* * * we must bear in mind that imperialism is a world system, the last stage of capitalism—and it must be defeated in a great world confrontation. The strategic end of this struggle must be the destruction of imperialism. * * * In envisaging the destruction of imperialism, it is necessary to identify its head, which is no other than the United States of America.

* * * * *

And let us develop a true proletarian internationalism, with international proletarian armies; * * * so that to die under the flag of Vietnam, of Venezuela, of Guatemala, of Laos, of Guinea, of Colombia, of Bolivia, of Brazil * * * be equally glorious and desirable for an American, an Asian, an African, or even a European.

In this context it is considered significant that MASA documents have stated the organization believes "conditions in the United States are very favorable for solidarity work" and that—

Our people's experience in struggle will be an effective contribution to the process of class struggle in this country. We and the North American people have a common enemy: the capitalist system and imperialism.

Among the Marxist-Leninists, the phrase "solidarity work" covers everything from picketlines to acts of transnational terrorism.

Demonstrations of the more ordinary

variety of street-level "solidarity work" occurred on Thursday, March 24 to mark the first anniversary of the military takeover in Argentina.

The events opened with a small ecumenical service held at the Church Center for the United Nations which was organized by Jim O'Callahan of Clergy and Laity Concerned (CALC), one of the militant anti-imperialist organizations which has been defending the Vietnamese Communists imprisonment of an estimated 300,000 persons in "reeducation" and slave labor camps.

Sponsors of the "service" were the National Council of Churches Office for Latin America and the Caribbean; Union Theological Seminary; the United Methodist Church, Women's Division; the Ecumenical Committee; and the Washington Square Methodist Church. Principal participants included O'Callahan; David Calce; and Paul Mayer of Union Theological Seminary, an active defender of the Vietnamese Communist regime and board member of the July 4 Coalition of U.S. Castroite and New Left organizations.

During evening rush hour 250 persons demonstrated at the Argentine Consulate on 56th St. The demonstration was organized by MASA and the Committee for Democracy in Argentina, 339 Lafayette Street, New York, NL 10012. The demonstrators demanded an immediate end to all U.S. Economic involvement, private sector as well as government, in Argentina.

With the customary inflamed rhetoric, the demonstrators claimed that 50,000 persons had either disappeared without a trace or had been jailed for their "political beliefs." No mention was made of anyone jailed for their acts of political terrorism against the Argentine people. Generally the speakers tossed about the tired old catchwords which substitute for having to think and analyze objectively. "Imperialist," "Nazi," "torture" and "fascist" were the favorites.

MASK did not believe the present rupture of cordiality between the United States and Argentina was sufficient, and demanded an end to all U.S. private sector economic involvement in Argentina.

MASA's cosponsors for the demonstration provide an excellent example of Castro's tricontinental support for Marxist-Leninist revolution. Many of these organizations I have previously discussed. Sponsors included two Palestine Liberation Organization support groups, the Palestine Information Committee and Friends of the Palestinian Revolution; the violence-prone Iranian Students Association; the Prairie Fire Organizing Committee, an overt branch of the terrorist Weather Underground Organization, and its newspaper, City Star; the Tricontinental Film Center, which states it is being investigated by the Justice Department for possible violation of the Foreign Agents Registration Act; the Southern Africa Committee, which has announced it is also having foreign agents registration difficulties; NACLA—the North American Congress on Latin America, "intelligence-gathering arm of the movement"; the Irish Republican Clubs, the support group of the pro-Soviet "official" wing of the terrorist Irish Republican Army; and the militant Trotskyite Communist Workers World Party which a number of the leaders of a "terrorism now" faction expelled from the Socialist Workers Party have joined. Another militant Trotskyite faction, the Spartacist League, and its front, the Partisan Defense Committee, were represented in the crowd. Both of these Trotskyite factions are vocal admirers of the JSR and its "terrorism now" stance.

The sharply leftward drift of the new American movement was indicated by the presence of Friends of Santucho, Box 239, 161 E. Houston Street, New York, N.Y. 10002, which has applied to become a chapter of NAM to be called Santucho NAM. Roberto Mario Santucho was the founder and leader of the ERP. He was killed in a shootout with the Argentine authorities on July 19, 1976.

The sponsors as listed by MASA were:

Anti-Imperiialist Movement for Socialism in Argentina.
El Comité M.I.N.P.
N.I.Ch.
Third World Coalition: Latin American Task Force (AFSC).
Friends of Haiti.
O.P.H.R.I.Ch.
Tricontinental Film Center.
Workers World Party.
Youth Against War and Fascism.
Prairie Fire Organizing Committee.
F.U.S.P.
Venceremos Brigade.
Fight Back.
United Black Workers.
N.A.C.L.A.
Partido Socialista Puertorriqueno (P.S.P.)
Union de Estudiantes Sudamericanos—Hostos College.
Union Nacional de Panameños.
U.S. Committee for a Democratic Argentina.
New York Socialists (Socialist Party U.S.A.)
U.S. Committee for Panamanian Sovereignty.
City Star.
The Guardian.
War Resisters League.
Patrice Lumumba Coalition.
Jewish Socialist Community.
ZANU Support Committee.
People's Democratic Association.
Colectiva de Mujeres Latinas.
Jewish Socialist Youth Bund.
P.A.S.O.A.
Action for Women in Chile.
Iranian Student Association.
Blacks in Solidarity with South African Liberation.
Comite Antifascista Chileno.
American Indian Movement (International Indian Treaty Council).
Native American Solidarity Committee.
Mass Party Organizing Committee.
Irish Republican Clubs.
Puerto Rican Solidarity Committee.
Partido Revolucionario Dominicano.
Fourth of July Coalition (New York).
Frente Colombiano por el Socialismo.
Indian People's Association of North America.
Southern Africa Committee.
Palestine Information Committee.
Friends of the Palestinian Revolution.
Comité de los Cinco Nacionalistas.

The week's activities in solidarity with the Argentine terrorists concluded with a Saturday night showing of an Argentinian revolutionary movie, Los Traidores, at the New York University Catholic Center on Washington Square South. The meeting was organized by MASA, the Puerto Rican Socialist Party, the militant Puerto Rican and Dominican group called El Comite-MINP (Movement for Puerto Rican National Independence), and the Workers World Party.

Clearly as the U.S. revolutionaries build an anti-Argentine campaign there is a possibility that the accompanying "solidarity work" will include bombings or other acts of terrorism against Argentine consulates and against U.S. businesses with branches in that country. U.S. Federal and local law enforcement agencies have the responsibility to prevent acts of violence, and in particular the sort of "experience in struggle" which has brought havoc to civilization in Argentina.

JOB ENRICHMENT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. BADILLO. Mr. Speaker, today the New York Times carried a very perceptive article by Mr. A. H. Raskin, calling attention to a measury by my colleague, Mr. LUNDINE, that is designed to foster projects in the private industry to increase job security through cooperative endeavors by employers and workers to redesign job, upgrade skills, spur productivity and increase job satisfaction.

H.R. 29, which I cosponsored, has the strong support of the distinguished chairman of the Banking, Finance and Urban Affairs Committee, Mr. RUESS. The Economic Stabilization Subcommittee is scheduled to hold a second day of hearings on this bill tomorrow, March 31, 1977. The article is an interesting one and I commend it to my colleagues:

A MOVE FOR JOBS ENRICHMENT AND HUMANIZATION OF WORK

(By A. H. Raskin)

WASHINGTON.—Contrary to popular belief, Michael Maccoby did not spring full-armored out the primordial ooze as a stalker of victory-obsessed team captains in corporate executive suits. Long before his book "The Gamesman" started zooming up the best-seller list, Dr. Maccoby had won renown among social scientists as chief theorist for an experiment in work humanization that has been transforming fundamental attitudes toward work, productivity and industrial democracy at a Tennessee auto-parts factory.

Last week, over French toast at breakfast in the Capitol, the soft-spoken director of Harvard University's project on technology, work and character joined a legendary pioneer in reshaping the workplace, Einar Thorsrud of Oslo, in outlining to three influential members of Congress ideas that may help speed the United States along paths of labor-management innovation long familiar in West Europe.

The first thrust in that direction will begin tomorrow when the economic stabilization subcommittee of the House Banking Committee opens hearings on a bill sponsored by the host at that breakfast, Representative Stanley N. Lundine, Democrat of Jamestown, N.Y. The measure has strong support from the two other legislators at the session—Representative Henry S. Reuss, Wisconsin

Democrat, who heads the full Banking Committee, and Senator Jacob K. Javits, New York Republican, who has introduced a companion bill in the upper chamber.

The bill would make available $40 million in Federal grants to foster projects, primarily in private industry, to make employment more secure through cooperative efforts by workers and employers to redesign jobs, upgrade skills, spur productivity and heighten job satisfaction.

As Mayor of Jamestown, N.Y., before coming to Capitol Hil, Mr. Lundine helped demonstrate practicality of such ventures by presiding over development of a community-wide labor-management committee that was instrumental in cutting local joblessness from 10.2 percent to 4.2 percent in a three-year period when the rest of the country was slumping into recession.

The Lundine bil faces formidable obstacles. Most of organized labor is cool to quality-of-work experiments for fear that they can be exploited by nonunion employers to build a wall * * * corporations oppose them on the ground that they tear down traditional lines of authority and thus undermine plant discipline.

Within the Federal Government, jurisdictional jealousies between vested interests in the Labor and Commerce Departments could wreck the new initiative just as they have orphaned and abandoned the supposedly independent National Center for Productivity and the Quality of Working Life, which Congress chartered two years ago.

But roadblocks like these are not insuperable, in the judgment of so seasoned a legislative tactician as Representative Reuss. As one who believes "small is beautiful" when it comes to ventures to generate jobs through Federal stimulus, Mr. Reuss considers the Lundine approach a sensible one that involves no risk of enormous additions to the deficit and that stands a much better chance of Congressional approval than would most bills put forward by a sophomore on Capitol Hill.

The experience Dr. Maccoby has gained from four years of wet-nursing the job-enrichment program that he and Dr. Thorsrud cooperated in installing at the plant of Harman International Industries Inc., in Bolivar, Tenn., offers persuasive support for more experiments, though both experts stress that no single pattern can succeed if it is applied mechanistically in a different setting.

"Ideas for change must come from all levels, top to bottom," Dr. Maccoby said, "but it requires exceptional leadership to release the creativity that exists within the work force." The crucial initial factor at Harman was the intense support given the project by Irving Bluestone, an international vice president of the United Automobile Workers union, and Dr. Sidney Harman, president of Harman International until his nomination by President Carter in January to be Under Secretary of Commerce.

The workers at Bolivar, half of them women, formed teams to perform various operations involved in the preparation, painting and packing of auto mirrors. They decided among themselves who would do what jobs, kept their own records, covered for one another in periods of absence and worked out an intricate formula for sharing with management the labor-cost savings that have resulted from the project.

The improved communications and mutual trust built up at all levels through the establishment of clear principles for joint decisionmaking and increased job autonomy paid off this month in the remarkable conclusion of a new wage agreement—three months ahead of schedule—without any intervention by top officers of either company or union.

"That's the real triumph of this project," commented Gus Howard, a worker in the plant's receiving department and head of the local union.

The triumph goes well beyond Bolivar, however. Mr. Bluestone, enthusiastic over the progress there toward breaking down at avistic labor-management hostilities, has enlisted the support of the General Motors Corporation in a much more embracing experiment in job enrichment under union-company auspices at dozens of G.M. plants.

Similarly, now that Dr. Harman is going into Government, the Beatrice Foods Company of Chicago, a huge conglomerate, that is in process of absorbing his company, has assured Dr. Maccoby that one of the chief points of attraction is the harmonious and productive relationship that the project achieved. And Dr. Harman himself, as Commerce Under Secretary-designate, is scheduled to lead off for the Administration at tomorrow's hearings on the Lundine bill, embodying precisely the principles that underlay his own experiment.

For Dr. Thorsurd, the Norwegian expert, who has been involved in guiding more such ventures throughout the world than any other social scientist, the potential benefits seem boundless. He enthralled the Capitol breakfast guests with his description of the retraining programs that Norway instituted with unemployment insurance funds when the nation's idleness rate reached what was considered a calamitous level of 2 percent at the low point of the recession.

As Dr. Thorsrud described it, the greatest success in equipping workers with new skills (through a combination of on-the-job training and community vocational schools) came in plants with active programs for workers to participate in industrial decisionmaking. Senator Javits found in the Thorsrud report new ammunition for his pet campaign to convert the $17 billion a year that the United States now spends on unemployment insurance into something more substantial than a substitute for welfare.

THE NEED FOR A NATIONAL HEALTH POLICY

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. McHUGH. Mr. Speaker, later this year we can expect the administration to present its proposals on national health insurance. During the campaign last year President Carter repeatedly indicated his support for such a program, although he wisely did not bind himself to particular details at that time.

I do not serve on any of the committees that will have initial responsibility for considering national health insurance, Mr. Speaker, but this is an issue that is raised constantly in my district. Invariably, and regardless of the setting, strong support is expressed by the average citizen for health insurance in some form. Many of you have reported similar sentiments in your districts. The combination of the President's commitment to act and the public's desire for it will surely result in our having to deal with the issue in the 95th Congress.

THE ROOTS OF PUBLIC DISSATISFACTION

Clearly, the demand for action on the part of the public is a result of deep-seated dissatisfaction, and the reasons for that dissatisfaction are not hard to understand. The costs of health care in the United States have escalated dramatically in recent years, with Americans spending approximately $139 billion on medical treatment in 1976 alone. This represents an increase of approximately 400 percent over what we were spending 15 years ago, and it is estimated that we will be spending twice as much as we are presently spending by 1981.

Moreover, in spite of this dramatic increase in spending for medical care, there is growing evidence that Americans are not much healthier today than we were 15 years ago. We are told, for example, that the average life span has remained essentially constant in the last decade, and that the death rate for middle-aged men has begun to increase.

Numerous other problems have contributed to the growing public dissatisfaction. The maldistribution of doctors and other health professionals between central cities and rural areas on the one hand, and suburban and medium-size urban communities on the other, leaves much to be desired. Then, too, our Nation is aging. As our population grows steadily older, health problems become more serious and intense.

Thus, it is not hard to understand the reasons for public dissatisfaction. However, the simple fact is that solutions to these problems are not easily fashioned. Because national health insurance has been talked about so much, and because it has been held out by so many as an answer to these problems, most people now believe that it is the answer, which helps explain the growing support for Federal action in this area. Clearly, however, many do not fully appreciate the complexity of the problems we face.

National health insurance does not represent a national health policy. To be sure, it may eventually be the centerpiece of a national health policy. By itself, however, it is not going to solve all of the problems that have brought on the dissatisfaction that people feel. By itself, it is not going to make people healthier. Indeed, if it is implemented poorly, it may even aggravate the problems I have mentioned.

Moreover, we are faced with a paradox. While the people clearly want more Federal action, they also believe more strongly than ever that Federal programs have been inefficient and ineffective in resolving pressing national problems. People want these problems solved. However, at the same time, they question whether we can really solve them.

NEEDED: A NATIONAL HEALTH POLICY

To what can we attribute our failure to satisfy the people as regards health care? To some degree, of course, our failure can be traced to the complexity of the problems themselves. For example, in spite of the vast amounts of funds expended on cancer research to date, a solution to this dread disease has eluded our best minds. This is not simply a matter of wasted funds. It reflects the fact that some of these problems are very difficult and complex.

Failure can also be attributed in part to the contentiousness of the various parties involved. The President and Congress have battled over the appropriate

responses to health problems for the last 8 years. The Senate and the House have engaged in intramural squabbling within the House of Representatives itself, a variety of different committees and subcommittees have warred over which shall have jurisdiction over national health insurance. Further complicating the situation, a variety of outside groups have proved more than willing to challenge congressional enactments and executive regulations in the courts.

The basic reason for our failure, however, is that we lack a national health policy. The actions that have been taken over the last decade have not been considered in the context of a whole policy. Programs have been adopted on a piecemeal and episodic basis without excessive regard to consistency. For example, the medicare program pays rural physicians approximately 60 percent less than their urban counterparts because it compensates physicians on the basis of prevailing charges, which are lower in rural areas. Here is a perfect example of a program adopted to solve one health problem—namely, the lack of access by the poor to medical treatment—but which at the same time has aggravated another health problem; namely, the poor allocation of medical personnel between rural and urban communities.

In other cases, programs that have been adopted have worked at cross-purposes. Consider, for example, Federal policy with regard to smoking. On the one hand, the Public Health Service and the Surgeon General are constantly reminding us of the dangers of smoking. On the other hand, the Government continues to subsidize tobacco growers. We provide benefits for victims of black lung disease on the one hand; but we fail to provide sufficient funds for mine inspection on the other. Much of this happens because we lack a coordinated, comprehensive national health policy.

The consequences of our failure are familiar enough. The costs of obtaining health care continue to increase because the present system does not provide incentives to hold costs down. At the same time, the present system does little to improve the overall health of our people because it is geared to treating illness rather than preventing its occurrence. Dissatisfaction is further aggravated because poor administration and the complexity of the system allow much of the taxpayers' money to be siphoned off fraudulently.

My own tentative conclusion is that national health insurance, and the related components of a health care system, must be reconsidered in the light of a national health policy that is both comprehensive and integrated. Such a policy has never been enunciated, but the need for one has never been greater.

GOALS OF A NATIONAL HEALTH POLICY

By its very nature, such a policy must include broad goals, operational objectives, and plans for implementing them. I cannot elaborate in great detail on all of these; however, I would like to share with you what I believe the basic goals of such a policy should be:

First. A national health policy must, first of all, do more to promote good health. It must play a role in helping us to lead more sensible lives. As I said earlier, despite our increased spending on medical care, the health of all of our citizens—rich, poor and middle class alike—has not measurably improved. It seems likely, therefore, that other factors, such as nutrition, environment, and life style have a more significant impact on health than medical care. Yet, we have really not committed ourselves to prevention as a goal. Although we spend over $8 billion on feeding programs, and although there are large gaps in our understanding of human nutrition, the U.S. Agriculture Department spends less than 3 percent of its research budget on human nutrition. Indeed, we spend more for research on animal nutrition than we do on human nutrition. Doctors counsel patients to choose their food more carefully, to exercise, to stop smoking. How effective can such advice be, however, in the face of television advertising? A recent study concludes that on weekdays, over 70 percent, and on weekends, over 85 percent, of food advertising "is negatively related to the Nation's health needs * * *." Americans eat too much, and they eat too much of the wrong kinds of food.

Similarly, recent nutritional studies indicate that the quality of our diet is on the decline with the result that the incidences of certain types of diseases are on the increase. While constantly presented with persuasive messages on the kinds of foods to buy, the consumer has remarkably little information on the nutritional characteristics of the food itself because nutritional labeling is almost nonexistent. People are told that being overweight is not that big of a problem. All you have to do is to buy any one of a variety of gadgets and lose weight while watching television. They are not told the truth, namely, that to lose weight, you have to reduce your caloric intake and exercise properly. All of this points up the distinction between medicine and health. We spend vast sums of money curing diseases that could have been avoided in the first place if we lived more sensible lives. Yet, as Rene Dubos once observed: "To ward off disease or recover health, men as a rule find it easier to depend on the healers than to attempt the more difficult task of living wisely." Somehow that must change, and a national health policy must help bring about that change.

Two. A second goal of any national health policy should be to assure that all citizens have access to necessary medical care. No American should be excluded from this. Poverty should not be a disqualification. The medicaid program, which was first implemented in 1966, has helped many of our poor obtain adequate medical care. But the fact remains that over 25 percent of the poor continue to be excluded from coverage.

Nor can the problem of access be dismissed by pointing to the many private health insurance plans available. These are vital to our current health care system, but over 1 million Americans are denied coverage because the insurance industry considers them uninsurable. An estimated 12 percent of the American people have no health insurance protection at all.

Moreover, poverty and the inability to obtain insurance are not the only bars to access. Place of residence can also be a problem. As I mentioned earlier, many rural and inner-city residents are poorly served because of the difficulty in attracting and retaining doctors and other health professionals. Currently there are 133 counties in the United States populated by approximately 500,000 people in which there is no active physician providing medical care to patients. It does little good to have comprehensive entitlement to health care if the means for actually delivering it are not available.

Thus, universal access to necessary medical care must be the second goal of a national health policy.

Three. Finally, of course, such a national policy must have as a goal bringing health care costs under control. As I said earlier, medical costs have been escalating rapidly in recent years, and at a pace consistently faster than increases in the cost of living generally—as measured by the Consumer Price Index. This is no longer a problem for the poor alone. As we all know, inflation is the rallying cry of the middle class, and rightly so. To illustrate how medical costs affect inflation indirectly, I would point to the case of General Motors. When major steel producers recently announced a 6 percent increase, there was great resistance because of the assumption that the increase would soon be reflected in the price of major durable goods, notably automobiles. However, there was hardly any discussion of the 21 percent increase in health insurance premiums General Motors was required to pay. Yet, the fact is that General Motors pays more to Blue Cross and Blue Shield than it does to United States Steel, its major supplier of metal. We can be sure that this increase in premiums had a read impact on the rate of inflation.

The primary problem, of course, is that there are very few incentives to keep costs down under the current system. Just any kind of national health insurance would not do. We can see through the implementation of medicare and medicaid, and the growth in private insurance, that the wrong kind of insurance, whether public or private, is a contributing factor in the escalation of health costs. Under the present system, both the providers and the consumers of medical services have incentives to give and to take medical treatment, not to limit it to what is essential. This must be changed. A national health policy must not foster the spending of $250 on tests to achieve 97 percent certainty on a particular diagnosis when $50 on tests can provide 95 percent certainty. At the same time, some action must be taken to contain the rapid increases in the costs of malpractice insurance, increases which almost force a doctor to try for 97 certainty. In short, a national health policy must provide incentives to hold costs down.

CONCLUSION

These, then, are the basic goals we should seek to achieve in the development of a national health policy. If we can achieve them through the private sector, and by preserving personal

choices I am all for it. I sincerely hope we can. However, we cannot stand still. The present system is clearly not acceptable to the people at this point in our history.

By the same token, it would be a mistake to adopt a national health insurance plan without knowing that it fits into a comprehensive national health policy—a policy which hopefully can be arrived at with the participation and consent of all the interested parties, including the health professionals themselves.

I believe we are entering a time when critical choices will have to be made. Depending on the choices we make now, the health of our people will improve significantly, or will likely decline, undoing much of the progress made in earlier years. The most crucial decision, it seems to me, is whether we will now develop a national health policy or whether we will continue to improvise ad hoc solutions to these very serious and complex problems.

THE PORK CHOP BRIGADE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. KOSTMAYER. Mr. Speaker, I rise today to support the President in his challenge to the dam builders.

Last February 21, President Carter announced a review of all Federal water resource projects. Each of the construction agencies—the Bureau of Reclamation, Corps of Engineers, Soil Conservation Service, and the Tennessee Valley Authority—is to screen all authorized projects for which construction funds have been requested for fiscal year 1978.

Secretary Andrus on March 8, listed the criteria upon which the projects will be initially screened. The three criteria are:

First. A project must have no significant negative environmental impact,

Second. No major safety questions must be involved,

Third. The ratio of remaining costs to remaining benefits must exceed 1:1 when computed at the current discount rate of 6⅜ percent.

Those projects not satisfying all three criteria will then undergo further evaluation including a hearing and a complete review of economic, safety, and environmental data. Secretary Andrus further stated that before a final recommendation would be made on a project, consideration would be given to the human factors and the need for the project.

The reaction from Members of Congress to the President's review procedure bordered on hysteria. The "pork chop brigade" moved into high gear, Mr. Speaker. Are we to believe that the Members objecting to the review doubt that their pet projects will survive objective scrutiny?

Judging from the reaction of some of my colleagues I believe this is the case.

Mr. Speaker, we are talking about a lot of money. The 19 projects for which the President initially asked Congress to halt funding will eventually cost in excess of $5 billion. I commend the President for sharpening his pencil and reexamining the merit of those projects.

Some of these projects may be worthwhile. They are intended for flood control, water supply and agricultural use. But many of them are unsound both from an environmental and economic standpoint. The fact that Congress has already appropriated funds for the projects, and that indeed some are underway, does not diminish the validity of the President's challenge.

He must challenge the wisdom of past Congresses, of this Congress, and indeed, of future Congresses. If he does not, who will? Certainly not the other body which on March 10 refused to delete the funds.

The Federal budget is a political document. It grows in direct proportion to the desires of the individual Members of Congress to locate projects such as these water projects within their districts. Congressmen bear no individual responsibility but only a collective one for the increasing size of the Federal budget. It is the President who must bear the individual burden, and therefore it is he, and he alone, who must make these individual decisions, because Congress in its collective greed is simply not going to do so.

I am proud to support him, Mr. Speaker. I believe the American people support him, too.

During his campaign for the Presidency, Jimmy Carter promised to do exactly what he is doing now. Who among us in Congress can be surprised about this review. The President is fulfilling a commitment to those who supported him. He is keeping his promises, Mr. Speaker.

Instead of opposing the President, we should be defending him. My mail indicates my constituents do.

It is time to listen to the people and to the President. Let us call an end to "pork chop" politics. Let us truly trim the fat, Mr. Speaker.

SALUTE TO THE AMVETS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. ANDERSON of California. Mr. Speaker, those people who are familiar with my record over the years know that I have been a stanch supporter of programs benefiting our Nation's veterans. It is only right that we should be of assistance whenever possible, to those who have helped this Nation in its hours of need. While pursuing legislation, I have often had the opportunity to work with AMVETS—American Veterans of World War II, Korea, and Vietnam.

AMVETS has invariably been in the vanguard of progressive veterans' legislation. As important as this contribution has been to America, it is only one small part of the AMVET story.

The history of AMVETS follows:

THE HISTORY OF AMVETS

Truly AMVETS was born in the midst of war, for it was in August 1943, with victory still two years away, that a new organization, later to be known as American Veterans of World War II, had its beginning. Overseas the tide of battle was turning. Allies had swept through North Africa and Sicily. In the Pacific fighting raged on New Guinea. Thousands of Americans had made the supreme sacrifice. Hundreds of others were being mustered out of uniform with battle wounds and medical discharges. These men who fought in history's greatest war found it natural to seek each other's company. They were united by similar experiences . . . in jungles, in the Arctic, in deserts, in mountains, at sea, and in the skies. Thus, out of such comradeship, AMVETS came to be.

Two independent veterans clubs in Washington, D.C.—one formed on the campus of George Washington University, the other among veterans employed by the government—joined together to sponsor a servicemen's party. By September 1944 other such veterans clubs organized throughout America—in California, Florida, Louisiana, New York, Oklahoma, Rhode Island, Tennessee, and Texas. On November 11, 1944, Veterans Day, an article entitled "12,000,000 in Search of a Leader" appeared in *Collier's Magazine*. This story, written by Walter Davenport, introduced the clubs and outlined their mutual aims—1. To promote world peace, 2. To preserve the American Way of Life and 3. To help the veteran help himself. In December, 18 leaders, representing these nine groups, met in Kansas City, Missouri. There a national organization was formed, and it was on December 9, 1944 the name "American Veterans of World War II" was chosen. The word AMVETS, coined by a newspaper reporter, soon became the official name. The "White Clover", a flower which thrives in freedom throughout the world, is symbolic of the struggle during World War II and is the adopted flower of AMVETS.

In October 1945, two months after the end of World War II, the first national convention was called in Chicago. In 1946 AMVETS petitioned Congress for a federal charter. AMVETS, having displayed dignity and sound approach to National problems, won the deep respect of Congress, and on July 23, 1947 President Harry S. Truman signed AMVETS Charter. The words of the Senate Judiciary Committee echoed throughout the land: "the veterans of World War II are entitled to their own organization" and AMVETS being "organized along sound lines and for worthy purposes . . . having demonstrated its strength and stability, is entitled to the standing and dignity which a national charter will afford." President Truman also commented, "Were I a veteran of this war, I would prefer to have a veteran of World War II looking after my affairs, than a veteran of some other war." To this day no other World War II veterans group has been so honored.

When the war broke out in Korea in 1950 and again during the Vietnam crisis in 1966, AMVETS requested Congress to amend the charter so that those serving in the Armed Forces would be eligible for membership. On September 14, 1966 President Lyndon B. Johnson signed the bill redefining the eligibility dates for AMVET membership—"Any person who served in the Armed Forces of the United States of America or any American citizen who served in the armed forces of an allied nation of the United States on or after September 16, 1940 and on or before the date of cessation of hostilities as determined by the government of the United States is eligible for regular membership in AMVETS, provided such service when terminated by discharge or release from active duty be by honorable discharge or separation." On May 7, 1975, President Ford signed Proclamation 4373 terminating the Vietnam era and the cessation of hostilities; effective May 8, 1975 the Armed Forces became a peacetime service. The result of the proclamation is that military personnel entering

the service for the first time on or after May 8, 1975 are not eligible for AMVET membership.

The first National Headquarters for AMVETS was rented quarters at 724 Ninth Street, N.W., Washington, D.C. Then on April 18, 1952 President Truman dedicated the first AMVETS-owned National Headquarters. This building, a five-story townhouse, was located at 1710 Rhode Island Avenue, N.W. For fifteen years this building served Headquarters and the National Service Foundation. In 1965 AMVETS moved to a temporary location, and the historic townhouse was torn down. On the same site appeared a modern three-story structure of marble and glass. On the 19th anniversary of the signing of the Congressional Charter, July 23, 1966, President Lyndon B. Johnson dedicated the new building. During the program a beautiful life-like bronze bust of the President was unveiled by Mrs. Johnson. The bust is now located in the lobby of National Headquarters. The printing, quartermaster, mailing, programs, membership, public relations, legislative, accounting departments and the offices of the National Service Foundation are housed in the headquarters building.

Hourly from Headquarters a Carillon, donated by Schulmerich Carillons, Inc., chimes and then at specific times musical classics resound through the area. These bells are significant of the other AMVET Carillons throughout the United States. The Memorial Carillon at Arlington National Cemetery to honor the memory of those who died in the service of their country was the first installation. This console is in the Arlington amphitheatre overlooking the Tombs of the Unknowns. It was on December 21, 1949 that AMVETS presented the Carillon to the nation with the message: "While these bells ring, safely rest, freedom lives." AMVET Carillons also are now located at Golden Gate National Cemetery, San Bruno, Calif.; USS Arizona Memorial, Pearl Harbor, Hawaii; Jefferson Barracks National Cemetery, St. Louis, Missouri; State Capitol, Salt Lake City, Utah; Truman Library, Independence, Missouri; Garden of Patriots, Cape Coral, Florida; Federal Building, Chicago, Illinois; Rock Island Cemetery, Rock Island, Illinois; National Cemetery, Marietta, Georgia; Hoover Library, West Branch, Iowa; County Court House, Peoria, Illinois; Camp Butler Cemetery, Springfield, Illinois and VA Cemetery, Houston, Texas.

The "Green Hats" of AMVETS have served the hospitalized veteran, the retarded child, the shoeless orphan, and the lonely serviceman. However, the granting of scholarships has been a major endeavor of AMVETS. Each year many scholarships are awarded deserving students. This program, orginated in 1952, has awarded $250,000 in study grants. Positive Americanism, Youth Programs, Veterans Services, as well as participation in the World Veterans Federation, United Nations, All-American Conference to Combat Communism, and Freedoms Foundation at Valley Forge all means that AMVETS take a realistic approach to the problems of the day.

In 1954 the first AMVET Silver Helmet Award—a replica of the G.I. helmets of World War II—was presented to General George Marshall for his "enormous contributions to the United States in war and in peace." Subsequently Silver Helmets have been presented to other great Americans. Recipients include Presidents Hoover, Truman, Eisenhower, Kennedy, Johnson, Nixon and Ford; Pope Paul VI; Members of Congress, other Government officials, the clergy, military, professions, business and the entertainment world who have made a significant contribution to the welfare of our country and his fellow man. Presentation of the awards is made annually.

A network of trained National Service Officers across the country provide free expert advice to veterans and veterans' dependents. Annually these officers handle thousands of claims and obtain various benefits for the deserving veterans. These involve hospitalization, disability compensation, and educational benefits.

AMVETS keep a watchful eye and take an active part in the legislation on "The Hill." based on the assumption that "the veteran will ultimately benefit from any measure that benefits the nation and, conversely, any program not good for the country as a whole cannot be good for the veteran." AMVETS are especially proud of their roles in the enactment of the "Korean G.I. Bill of Rights" and the "Cold War Bill of Rights." Domestic issues, national defense, and foreign relations are issues of importance and grave concern to AMVETS.

The AMVETS National Insurance Program provides a very complete portfolio of group plans including Life, Hospitalization, High Limit Medical Catastrophe, Income Protection, High Limit Accident, and Cancer Expense insurance for members of AMVETS or the Auxiliary, Sons of AMVETS, Jr. AMVETS, and their family members. The associations and friendships of fellow-AMVETS is without doubt the most valued benefit of AMVET membership. In addition, participation in the many service programs whether it be Americanism, Civil Defense, Traffic Safety, or Rehabilitation, will provide a reward of real personal satisfaction. AMVETS is truly a family organization. Wives, mothers, sisters and daughters of AMVETS are eligible for membership in AMVETS Auxiliary, while sons and daughters between 7 and 17 years of age may join Jr. AMVETS. The Fun and Honor Group of AMVETS is known as the Sad Sacks, while its counterpart in the Auxiliary is the Sachettes. All male descendants, adopted sons, and stepsons of members of AMVETS and deceased members, or servicemen who died and who would have been eligible for membership in AMVETS, (providing the applicant is not eligible for membership in the parent organization) and who is at least eighteen years of age may join the Sons of AMVETS. Each subsidiary organization, including the National Service Foundation, is governed by its own Constitution and elects its own officers; however, all activities are geared to further the aims and purposes of the parent organization, AMVETS.

Time marches on, and AMVETS continue to work to attain world peace so that every man can live fearlessly under free skies, to make the United States an ever-better land of "freedom for all", and to help the veteran, his widow and orphan live happily as contributing members of society.

A partial listing of AMVETS aims and purposes surely provides one with inspiration and can only evoke our best wishes for the continued success of this fine organization.

To serve our country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.

To encourage, in keeping with policies of our Government, the establishment of a concrete plan to secure permanent international peace and to assist in the maintenance of international peace.

To inspire in our membership a sense of responsibility, and to develop leadership for the preservation of our American democratic way of life.

To help unify divergent groups in the overall interest of American democracy.

To train our youth to become purposeful citizens in a democracy with full knowledge of the responsibilities as well as the privileges of citizenship.

To cooperate with all duly recognized existing veterans organizations in the furtherance of the aims of World War II, Korea, and Vietnam veterans.

To insure the orderly return of the veteran to civilian life by protecting his rights as an individual while he is still in uniform.

To expedite and assist in the rehabilitation of the veterans by maintenance of employment services, sponsoring educational opportunities, and providing counsel of insurance, housing, recreation, personal problems, hospitalization, and veterans benefits.

To act as liaison agent between the veteran and the Government.

To provide an organization to encourage fellowship among all veterans of World War II.

To keep the public forever reminded that the veterans of World War II, Korea, and Vietnam fought or served to preserve peace, liberty, and democracy for their Nation.

I joined AMVETS in 1947, and am proud to be a life member of Post No. 2, Culver City, Calif.

WATER PROJECTS

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. EVANS of Colorado. Mr. Speaker, I would like to submit the following testimony by Representatives JIM WRIGHT and HAROLD T. JOHNSON given before the House Appropriations Subcommittee on Public Works. I commend their statements to your attention:

THE VALUE OF WATER PROJECTS

(Statement of JIM WRIGHT to House Appropriations Subcommittee March 28, 1977)

Today this committee begins its intensive annual examination of water resources projects—what they cost and what they are worth to the nation, its people and its future.

This process has been going on for a very long while. One of the earliest recognized purposes of government, when this republic was in its infancy, was the development of the nation's waterways.

It did not begin there, of course. Works to utilize water for the benefit of the human race can trace their genesis to the book of that name which records the commandment given at the dawn of human history to subdue and replenish the earth.

Since the earliest days of recorded civilization, the tribes of man have marked their progress by erecting impoundments and digging canals and drainage ditches to make the fickle vagaries of nature sustain their lives and serve their ends.

They needed no formalized formulae of benefits to costs. They knew instinctively that water was life, and it could bring death. Today, as then, it is man's most indispensable commodity and man's most useful servant.

Trapped, harnessed and directed by human intelligence, it runs our mills and grows our crops. It powers our machinery and lights our homes, cleanses our waste and moves our commerce.

Unharnessed and left to rampage, it can inundate our cities and our farms, destroy our homes and our hopes, afflict us with disease and death, and carry away to the seas

the fertile topsoil upon which our vaunted civilization rests.

It seems ironic that, almost alone among the works of our government, the development of our water resources is required by law to meet the stern mathematical criteria of benefits-to-costs ratios. No such requirement is imposed upon the funds we spend for weapons—or for highways—or for schools—or for welfare or for foreign aid.

When a manifest need exists for efforts in any of these directions, we move without hesitancy to meet it. Yet none of these activities is more important to the future of man than the development of our water supplies.

The President has asked that we reexamine a number of carefully considered projects and evaluate them anew by even harsher criteria than those set forth in law—the legal criteria by which the committees and houses of Congress have repeatedly examined those very projects in the past.

Certainly no responsible person would contend that any expenditure of government should be immune from sensible re-examination None of us would defend a palpably wasteful activity. Nor should we insist that our past judgments, however carefully rendered, contain any of the properties of infallibility.

But I do believe it presumptuous upon the part of the President's advisors to assume that they can, within a period of sixty days, perform a more enlightened judgment than the judgments performed by Congress after the most exhaustive hearings and reviews which in some cases have been in progress for 20 years and more.

Some of these are projects upon which literally millions of dollars already have been spent, with construction well begun. Most certainly we would need to consider the gross wastefulness of simply abandoning these projects in mid-way.

Recently a Washington newspaper editorialized that all water projects authorized as long as ten years ago should be reviewed before any more money was spent on them.

How, I wonder, would this newspaper react to the suggestion that this same rule apply to all other federally-funded projects—including for example the Washington subway system? Should we consider abandoning it now, with billions rather than millions expended? Should we simply call it off, and leave the elaborate structure of tunnels and tracks and stations half-finished—unused and unusable?

Those who advise the President in this matter have stressed that the interest rate on borrowed money has increased. But borrowed money is used in every program of both government and business, not only in water resources development. Must the benefits hoped from all the other activities of government be subjected to automatic devaluation by applying a discount rate? None of them are.

Far more useful to society and the nation's progress, it seems to me, that we should move in the reverse direction and pursue a conscious policy to bring about a reduction in interest rates.

Indeed, I do believe—and Congress has repeatedly directed—that we should develop some new criteria for the economic evaluation of water resources projects. If we are to magnify our projection costs, due to higher interest rates, how much more we need to increase our projection benefits to reflect the realistic expectation!

The stern, conservative criteria by which benefits are measured have been far too restrictive. They fail to account for benefits which clearly can be seen in the retrospective examination of our nation's water resources development program.

Any impartial review of that program will reveal that it has paid off handsomely in jobs, in measurable commerce, in health and safety, and in its undeniably impressive additions to the gross national product.

On balance, water resources development has paid richer dividends than we have derived from almost any other activity of our government.

FLOOD CONTROL

Let us look first at the benefits flowing from flood control. The nation has invested some $8 billion in a system of 325 completed projects and 150 others which are under construction. Already these projects have prevented more than $53 billion in flood losses—seven times the amount invested in them!

Nor could we reasonably conclude that all or even most of the nation's flood problems have been cured. About half the nation's communities and at least seven percent of its total land area still are subject to significant flooding. In 1972, Hurricane Agnes took 122 lives and damages estimated at $3.1 billion. And in 1973, floods along the Mississippi damaged 13 million acres of land, resulting in losses of almost a billion dollars, even though several billions of dollars in additional damages were prevented by existing flood control works.

RECLAMATION AND IRRIGATION

Next, let's consider the reclamation program which brings precious water to parched and thirsty lands of the American West.

According to a summary issued in January of this year by the Department of the Interior, the food, fibre and forage produced on western lands made useful by irrigation have added about $50 billion to the nation's wealth. And this is eight times the amount invested in those projects.

In 1975, enough food was produced on former desert lands reclaimed by irrigation to feed 36.5 million people for the entire year. This is something to think about as more and more of our traditional farm lands are taken out of production each year to accommodate our population growth, as the spectre of food shortages looms and a hungry world looks increasingly in our direction for sustenance.

Aside from these measurable additions to the nation's wealth and wellbeing, it is necessary to keep in mind that some 84 percent of all federal money spent on irrigation is directly reimbursable to the Federal treasury through the sale of water.

NAVIGATION

And let us consider the benefits of navigation. Traffic on our navigable waterways has increased seven-fold in the past twenty-five years, reaching more than 350 billion ton-miles annually.

Has it justified itself? Almost every waterway project has far exceded the economic usefulness attributed to it by the benefits projections estimated at the time of its authorization.

The Gulf-Intra Coastal Watreway, for example, was originally supposed by the conservative criteria of the Corps of Engineers ultimately to move some seven million ton-miles of commercial freight annually. Last year it exceeded one hundred million ton-miles.

Is the day of navigation ended? At a time when we must consider anew the efficient use of fuel, it seems more vitally necessary than ever. A couple of years ago, the following comparison was made: One dollar's worth of gasoline, or its equivalent in other fuels, would move one ton of freight 5 miles by air; 16 miles by truck; 65 miles by rail; or 333 miles by barge.

That water navigation creates economic wealth for the nation can be seen clearly in the fact that 131 of the nation's 150 largest cities have sprung up along the nation's navigable waterways.

During the past three years, more than $1 billion in private capital has been invested in industrial locations along the Tennessee-Tombigbee Waterway to create new jobs for Americans in the private economy.

Certainly this is worth considering at a time when we need to create some two million new and additional jobs in the private sector each year in order to take up the slack created by automation and to produce useful work for those young Americans coming newly onto the job market.

HUMAN VALUES

These are only a few of the demonstrable and clearly calculable values which inure to the nation through the development of our nation's water resources.

Certainly others are fully as impressive:

The development of potable water supplies for communities . . .

Wholesome outdoor recreational facilities for city-bound Americans . . .

The preservation of the nation's top-soil for future generations . . .

The augmentation of low-flows downstream to abate pollution in the dry seasons of the year . . .

It is hard to put a dollar sign on benefits like these.

Since the nation began, the enlightened conservationists, those interested in a wholesome living environment for the human race, have been those in the forefront of developing our nation's water resources.

In recent years, there has grown up a sort of faddish impression that the development of our water resources for people is somehow inimical to the natural environment since it sometimes disturbs existing habitat for various species of fish and wildlife.

Surely it reduces us to ridicule when at a time of great human and societal need for power we see the spectacle of a project which can supply millions of megatons of desperately needed electric power stopped just short of completion because of overriding legal concern for a species of tiny fish, the snail darter, of little interest or usefulness to mankind, which could no doubt be just as effectively preserved by seining it and simply transferring it to another locality.

We need to restore to our deliberations a modicum of common sense. And we need to bear constantly in mind that the very highest cause of environmental concern is the human species—and, the need to preserve it—from joining the list of endangered species.

Manifestly, when we provide pure water supplies for people, we improve the living environment.

When we save millions of families from having their life's savings and their life's dreams washed away by floods, we improve the living environment.

When we save the soil from wind and water erosion, we improve the living environment.

When we provide opportunities for wholesome outdoor recreation for millions of city-bound Americans, we improve the living environment.

When we reclaim a desert and make it bloom with food and fibre to feed and clothe people, we improve the environment.

Just as the positive benefits often are left out of environmental impact studies, so also are many valuable and measurable benefits often left out of our formal economic benefit studies.

It is to suggest a more realistic approach—one which appraises the value as well as the cost—that I have presumed to make this statement today.

If we looked only to cost, we would do nothing. America's cities would never have been built. Our factories would never have developed. The humane services which flow to our disadvantaged would never have been undertaken. A school would never have been constructed. All scientific inquiry would have been stillborn, and our exploration of

space would not have left the dreamer's drawing board. Columbus, in fact, would never have left Europe.

At the beginning of this century, America used some 40 billion gallons of water daily. Today our society uses more than 500 billion gallons. Water is our most useful servant. It is the one commodity for which there is no synthetic substitute, and the one which man can never, ever do without.

There is enough water to serve our needs for future time—only if we demonstrate the enlightened stewardship to use it and reuse it well. And there is enough time to do what we must—if we'll only be about the task. But there isn't any of either to spare.

STATEMENT OF THE HONORABLE HAROLD T. (BIZZ) JOHNSON

I am very pleased to have this opportunity to appear before the Subcommittee on Public Works Appropriations concerning the important subject of development of our Nation's water resources.

The conditions of the past two years in the midwest and west have made it dramatically clear that we are still dependent to a large extent on "Mother Nature" for a sufficient supply of water for human consumption, agriculture, industry, and transportation.

As our needs for water will continue to grow, so will the need to develop and conserve this most precious of resources.

Last year, through the process established by the Congressional Budget Act, our two Committees were instrumental in securing a substantial increase in the budget for water resources projects.

This increase brought the water resources program up to a satisfactory and responsive level, overcoming the Administration's efforts to phase out the Federal Government's role through the elimination of any funding for new project starts.

This year, too, our Committees have worked closely together on the budget recommendations, and have arrived at similar conclusions as to the funding needs and direction of the water resources program.

This similarity in understanding is very gratifying to me and I am sure that our two Committees will continue to work together in the future as we have in the past.

Mr. Chairman, I am not here today to talk about specific projects, but rather about the overall needs of the water resources program.

If the program is to function well, it is necessary that sufficient new construction starts be funded in order to meet identified needs.

It is likewise essential that studies be funded at an adequate level so that there will be a comprehensive identification of needs and solutions which will enable us to better choose priorities in water resources development.

Lastly, I would point out the need for generous funding of the small project authorities of the Corps of Engineers.

These small projects, which can be constructed without the specific authorization of Congress, can be undertaken expeditiously to meet serious needs of many communities throughout the country while at the same time, creating many new jobs over a wide geographic area.

Finally, Mr. Chairman, I would like to discuss the review of water resources projects and policies being undertaken by the Administration.

As you are aware, all projects under construction or in advanced engineering and design were reviewed in accordance with three criteria—remaining costs versus remaining benefits at 6⅞ percent, environmental impacts, and safety considerations.

Late last week, the list of 19 Corps of Engineers projects and 11 Bureau of Reclamation projects which did not meet the criteria was announced and public hearings will now be held on these projects prior to the final decision being made as to whether Fiscal Year 1978 funding will be requested by the Administration.

Our Committee has been monitoring this review very closely and will continue to do so as it is a matter which concerns us greatly.

I have spoken with the President, with O.M.B. Director Bert Lance, and Secretary of the Interior Andrus about it.

I have pointed out that the Congress, in Section 80 of the Water Resources Development Act of 1974, provided a mechanism for a review of the principles and standards used in project evaluation and formulation and urged completion of the Section 80 study and its submission to the Congress.

This would enable the Congress to play its proper role in this very important matter rather than simply reacting to actions taken unilaterally by the Administration.

With the information called for by Section 80 we will be in a position to determine what changes in project evaluation and formulation procedures are necessary to ensure that the water resources program will continue to be responsive to the changing needs of our Nation.

Many areas of the Country lack sufficient water now.

In the future, many more areas will be in the same situation.

It is imperative that we continue to identify present and future needs and ways of meeting them if we are to sustain and improve the quality of life for our people.

FOOD AND POPULATION: VI

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. RICHMOND. Mr. Speaker, I would like to bring to the attention of my colleagues two recent statements concerning appropriate policies the United States should undertake with respect to population growth and world food security. The Environmental Fund, an independent, nonprofit population organization, and the Rockefeller Brothers' Fund have both endorsed the concept of establishing a direct correlation between our foreign food and economic assistance and population control efforts in recipient nations. Both have, incidentally, called for a policy of population stabilization in the United States, without which our best efforts to preserve our environment, farmland, and natural resources will be for naught.

POPULATION POLICY

A task force of major environmental organizations—sponsored by the Rockefeller Brothers' Fund—concluded that U.S. foreign assistance programs "should be insistent upon one simple condition: That birth rates shall not be maintained higher than death rates. That constraint is derived from the physical laws of the planet, however, not from the selfish desires of any one group of people. This condition for population stabilization may interfere with some freedoms, but it lets each government accomplish that interference as it sees fit. At the same time it creates other freedoms by reducing the threats to survival, welfare, and equality that overpopulation would bring."

In order to reach this goal, the task force calls for special emphasis upon foreign aid measures that have the effect of reducing the number of children couples generally desire in most of the developing world. According to a recent Gallo-Kettering Poll in African, Latin American, and Asian nations, this number is between 4 and 6, guaranteeing at that level the doubling of national populations every 15 to 30 years, a condition that is intolerable.

In a statement on January 13, 1977, the Environmental Fund called for a moratorium upon assistance to any nation unwilling to tackle its population problem. On the other hand, the fund declared:

Our government should not only continue to help but expand its assistance—

To those developing countries which show through—

active practices a determination to decelerate their rate of population growth. The moratorium will only affect those nations which will not do so.

This is a courageous and welcome addition to the continuing discussion of how best to reverse rapid population growth and its subsequent environmental degradation.

FOOD POLICY

I am acutely aware of the desperate living conditions of many poor and hungry people around the globe. We have neither the time nor the resources to wait patiently for a hoped for automatic reduction in population growth rates due to prosperity. First, population growth makes any real improvement in living standards for much of the world impossible. Second, what is applicable to a tiny handful of western, industrial nations is not for the overwhelming number of nations in the less-developed world. Third, this theory, generally known as "the demographic transition", is seriously flawed. Japan, for example, has gone through such a successful transition that its 30 million people in 1850—with a zero population growth rate—are now 111 million people, doubling every 40 years.

In recognition of this, the environmental fund points out:

Food aid also enables the donor to postpone facing the grim reality no one wants to face, which is: unless population growth is stabilized, the inescapable result of saving lives today will be even greater number of lives lost tomorrow.

Echoing this concern, the task force recommends a significant change in U.S. food policy:

The world food situation is sufficiently critical that these areas of activity [food production, food redistribution, and population stabilization] should be pursued, each one more vigorously than it is now. And a reversal of priorities is necessary. Population stabilization is the only long-term solution and the one with the fewest economic and environmental costs.

Both statements warn that many of the world's food producing systems are being irreversibly destroyed due to the growth in human numbers. Population in many places have outrun the carrying capacity of their land, leaving many people at the mercy of climate change

and condemned to continued squalor and poverty, on areas of arable land which continue to dwindle.

The chairman of the Senate Foreign Relations Committee eloquently spoke to these problems a short time ago. Addressing his colleagues on the Senate floor, Senator SPARKMAN said:

I would like to see the United States, acting within the framework of the United Nations, take a strong new initiative this year to encourage population control programs. If the over-straining of the international financial system is the greatest short-term threat to the world economy, there can be little doubt that uncontrolled population growth is the greatest long-term threat. It is noteworthy that in the First United Nations' Decade of the 1960's, the developing countries actually achieved their goal of raising annual growth rates to 5 percent, but the gain in per capita terms was more than wiped out by population growth so that the gap between the rich and poor countries actually grew wider during the 1960's.

The United Nation's sponsored a World Population Conference at Bucharest in 1974, but little came of it except pious pleas and unrealistic attempts to shift the blame for economic ills from the failure of the third world countries to control population growth to the economic policies of the developed countries. Whatever merit there may be in these arguments—and I do not think there is much—it is obvious to any rational observer that no amount of aid is going to lift the burden of poverty from the third world unless effective measures are taken to curb population growth.

Accordingly, I would urge the Carter Administration, acting both bilaterally and through international organizations, to establish a direct correlation between economic assistance and effective population control measures. This may be severe, but our resources are limited and priorities must be established. It seems to me infinitely more humane, to direct our aid where it will really help people rather than to places where it will be quickly buried under the avalanche of uncontrolled population growth.

We hold no magic formula for the solution to the problem of population growth. Our current efforts, though, are simply making the matter worse. The potential international conflict resulting from over-population and its sisters of famine and pestilence are not hard to imagine. I support these proposals and hope my colleagues will give them serious consideration.

FRED RICHARD.

TUNA INDUSTRY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. BOB WILSON. Mr. Speaker, last week I made mention of the dire straits in which the American tuna fishing industry finds itself. This situation was brought on first by congressional action, and now is further compounded by congressional inaction.

We are standing by while governmental regulations slowly strangle this valuable and viable industry. We passed the laws, saw the subsequent regulations come into effect, and now we equivocate while the courts twist the meaning of our very words.

A good overview of the impossible position of the tuna industry and of the battle that is raging can be found in the following article from the Review of the News, March 23, 1977, issue and I commend it to my colleagues for their information and, hopefully, their action:

WHY YOU COULD PAY $2 A CAN FOR TUNA FISH

(By Susan L. M. Huck)

Perhaps you have noticed that the price of tuna has gone out of sight. It has to do with "crimes" on the high seas. Federal crime-fighting priorities are astonishing indeed. The penalties for accidentally drowning an eastern spinner porpoise which becomes entangled in a tuna seine were recently described by Mr. August Felando, manager of the American Tunaboat Association in San Diego. A tuna skipper "risks criminal penalties of a year in jail and $20,000 fines for himself and all his crew," plus civil fines of $10,000 for each porpoise violation, plus a $25,000 fine against the ship, plus confiscation of the entire catch (which can be worth up to a million dollars in the largest tuna clippers with a full load).

These incredibly draconian penalties might be compared to the fate awaiting those who are guilty of manslaughter, the accident killing of a human being. But the fact is that it's now *much* less costly to kill people!

What is this madness, you may well ask? What is so special about the eastern spinner porpoise? In response to enormous pressure from professional "environmentalists," the National Marine Fisheries Service (N.M.F.S.) recently decided that the species is depleted below an arbitrary figure—a conclusion more or less plucked from the blue, since nobody knows how many eastern spinner porpoises the ocean hold. This is "statistical gymnastics" to serve a political purpose—in this case that of taking the heat off the N.M.F.S., which has displeased the environmental lobby by failing to destroy the American tuna industry.

America's tuna fleet recently returned to San Diego and San Pedro a month early and 20,000 tons short of tuna, with all flags at half-mast. A resultant flat-out shortage of tuna will clearly boost the price. Bureaucrats and environmentalist lobbyists don't care to venture how high, but you might well be paying double within the year. If so, you can thank the lawyers, propagandists, and fund-raisers who have discovered that porpoises as clients have many advantages over people. They let you keep all the loot collected, and they can't even fire you.

The origin of all this legal grief is the Marine Mammal Protection Act of 1972. The majority of Congressmen, in voting for it, were thinking to protect whales and seals and such. The troublesome portion of the Act was inserted in the Senate version by former Senator Fred Harris and retained when House and Senate versions were reconciled in Conference Committee. The radical Harris, responding to the siren song of an obviously powerful lobby, had originally sponsored a bill which the Committee for Humane Legislation characterized as "much stronger," a bill which would not even have allowed the American tuna industry time to work on a solution to their problem.

In Congressional Hearings conducted on February 17th, it took Chairman Robert Leggett nearly half an hour to read a summary of the tuna-porpoise battle since passage of the 1972 Act. In the end, various federal judges based in Washington, far from reality but close to the environmentalist lobbies cluttering the capital, decided that the tuna industry should be sacrificed in the name of being nice to porpoises. Said judges were briefly defied by U.S. District Judge William Enright of San Diego, who gave the industry a two-month breather, saying "I cannot abdicate my responsibility while the entire industry withers." However, the outraged Washington judges responded by ordering the Secretary of Commerce to employ the F.B.I., along with U.S. Marshals, to keep the fishermen away from their work.

In mid-February, driven to the limit by legal pressure which is depriving them of a livelihood, the fishermen of the American Tunaboat Association sent a delegation to Washington to plead for relief before the Leggett Subcommittee. The tuna fishermen were joined by union representatives who detailed how many cannery workers would lose their jobs if this continued, and by a Puerto Rican official angered by the same consideration. What the Congressmen refer to as "monitor groups" were given equal time to carp, criticize, and carry on like schoolmarms about "punishing the bad captains."

The tuna men showed a film detailing their own research into better methods of sparing the porpoises. At present, only about one percent of those "wrapped" by the net are killed. Underwater film showed porpoise "sulking" in the nets, but responding well to the chance to escape during backdown. A delightful lady marine biologist, Patricia Forkan, suggested that, since porpoise are intelligent enough to learn what it means, a sound source, a sort of "freedom bell," might be placed in the water to guide these animals to the proper part of the net for escape. Finer mesh nets could be used, to further scale-down accidental entanglement.

All of this work was being done by the industry, without a penny of the small fortune collected by environmentalist hustlers rattling the can for Flipper nationwide. Having seen those groups in action, the best one can say is that *some* of them are well-intentioned. But they are, without exception, arrogant and uncompromising, and they have never put any food on my table and never will. They proved totally uninterested in the economic damage they were doing to consumers, and simply regarded the fishermen as beneath contempt. That may not be the way the rest of us see it.

One of the easiest ways to detect tuna, a deep-running fish, is to look for porpoise, because yellowfin tuna like to swim beneath two types of porpoise, spotters and spinners.

Tuna used to be caught by hook-and-line only. Then, in 1958, American tuna skippers figured out how to catch them with purse seines. If you think that you would enjoy tearing around in the open sea in a speedboat, then tuna fishing is for you, because the porpoises, and the tuna below them, are rounded up by seaborne cowboys and then "wrapped" by a gigantic net which extends hundreds of feet down. At the lower end of the net, a cable drawn through pursing rings then tightens the bottom of the net into a "purse." After that the net is drawn in, and within it are tons of tuna.

The big problem all along has been what to do about the porpoises which are also in the net. Some foreign fishermen have a market for them, also, but there is none in the United States.

Aside from that, there are several other excellent reasons why fishermen would rather spare the porpoises. They are large animals and tear up the nets. In addition they are "like hunting dogs" in that they may be useful in finding other tuna. Besides, the tuna fishermen know and like the porpoises—often risking their own lives to save them.

As the purse-seining fleet grew, so did the number of porpoises killed in the course of tuna fishing. On their own the tuna fishermen tried to do something about it. Back in 1970, a notable tuna skipper invented the "Medina panel" which formed a sort of ramp at the far end of the seine, thus helping the surface-running porpoises to escape while

the deeper-running tuna remained in the net.

Other skippers perfected a tricky "back-down procedure" which temporarily submerged the end of the net, while speedboat cowboys herded the porpoises in that direction. Many, many fishermen have gone into the sea themselves to help porpoises to escape. Many have been injured in doing so.

So it is the tuna industry, with the aid of some elements of the National Marine Fisheries Service, which is actually doing its best to save the porpoises. Anything short of not catching tuna, that is. Not catching tuna when they are near porpoise—which is often—is the only solution the environmentalists can think of.

Tuna fishing is an important business. The boats and gear are terribly expensive; even the fuel is enormously costly. These are not pleasure cruises. The tuna fishermen cannot afford to go out and clown around. And if you think so, as I did, "who's going to know what they're doing out there?" then it will amuse you to learn that the U.S. Coast Guard sends "spy planes" to monitor fishing methods, and that foreign fishermen "setting on tuna" can get a big reward for turning in Americans who do likewise.

Our tuna fishermen, who have a staggering investment in boats and equipment—a quarter of a million dollars for the net alone is not unusual—*must* produce profitably in order to stay afloat in more ways than one. The "porpoise lobby" airly tells me that they were warned about buying all these boats and "they can't use their purse seines, that's all." The lobbyists have spoken: their arrogance is hard to believe. When fishermen get up in the morning, their way of making a dollar is to provide us with something to eat. When these lobbyists get up in the morning, their way of making a buck is to prevent the fishermen from fishing profitably. Yet we are supposed to regard their espousal of the porpoise as selfless dedication. Watching these well-paid operations in action, one sees them smug and sleek, wallowing in the secular sainthood of their own propaganda machine.

The tuna fishermen and their families are Americans. Their ancestors invented the tuna industry around the turn of the century, and built everything they have. They don't want to leave the United States, but they are seriously considering taking their boats away and basing themselves in some other country where environmentalists are not allowed to harass the producers of badly needed food. Other countries are, indeed, wooing them; they represent a gold mine, after all. They can bring jobs, tax revenues, and needed exports to countries like Mexico, Panama, Netherlands Antilles, and so forth. Not in *any* other country would they have these unproductive fanatics harassing them year after year with the power of national government.

The totalitarian instincts of the environmentalists shone forth at the February Hearings, when they gloated over a 1916 statute which would prohibit the tuna fishermen from registering their boats elsewhere. It seems that, in order to remove from United States jurisdiction any vessel which could be useful to the U.S. Navy, it was necessary to obtain permission from the National Maritime Administration. The tuna clippers easily fall within this classification; during World War II, "the entire fleet was painted grey within weeks." So, in the name of national defense, a subject the environmentalists normally give rather little thought, the law can act to pin down their victims for further torment. The environmentalists even claimed that Americans aboard foreign-flag ships would be hunted down and prosecuted. One might wish they would become so incensed about our friendly neighborhood muggers.

The U.S. Coast Guard, incidentally, should now be employed to prevent Soviet factory ships from sweeping our fishing grounds clean. But, if the porpoise lobby has its way, Coast Guard spy-planes will be spanning the Pacific in search of American tuna fishermen.

Meanwhile, the propagandists are responsible for using children to turn out such letters as the following:

"I am writing about fishing on porpose [*sic*]. If you are going to fish for yellowfined [*sic*] tuna you should drop your nets and take them up right away so you can sort them out and get all the dolfins [*sic*] and porpose [*sic*] out. How would you like to get held under water and not beable [*sic*] to get air and then die very very slowly. You might get away but you would leave a fin or a half a tail behind. I think it hurts very much." * * *

"I am disgusted with the way you catch your tuna fish. Tishing [*sic*] on porpoise is one of the most unfair things in the world. You wouldn't like getting scooped up in a net and than [*sic*] drown." * * *

"We will never forgive you if all the dolphins leave this world. I don't think you would like to be drownd [*sic*] and then thrown back in the water when you are already dead."

A bale of this material, accompanied by kiddie-cartoons of fishermen drowning in nets, descended from the public schools upon the American Tunaboat Association last winter. Fishermen could laugh it off if it were not the sort of nonsense which pushes through legislation. Pressure on Congress can take the form of volume of mail times emotional agitation; the intelligence displayed is irrelevant. A spokesman for the Committee for Humane Legislation boasted of having generated stunning quantities of mail—resulting in a law which can make the price of tuna climb the wall and punch through the ceiling.

It does the fishermen no good to point out that bottlenose dolphins like the popular Flipper, are *not* associated with tuna and therefore never turn up in the nets, because the fishermen can hardly compete with all the well-oiled, professional propaganda outfits that know how to play fifth-graders and their teachers like an organ.

Just for fun I called the Fabius School, from which the above letters came, and spoke first to the principal, Michael Zindorf. Yes, he knew the difference between propaganda and education, but with regard to having Fabius pupils enlisted in the propaganda wars, he said, "I hate tuna, so I don't mind."

Neither he nor the fifth-grade teacher, Miss Tina Place, quite relished publicity however. I asked Miss Place why the spelling was so bad, and she said she corrected their first drafts, but let it go on the second and final draft of each letter "as long as it was legible."

In doing what was suggested in the ecology-lobby material which found its way unerringly into her classroom, Miss Place protested that "they tell you millions of places to write to," and she had chosen the Tunaboat Association rather than Congress, so she hadn't really mobilized her charges for propaganda purposes, and therefore I shouldn't sound, like, everybody by mentioning this in public. By this time I felt sure that Miss Place was not a hardcore agitator-propagandist, but someone only slightly less naive than her ten-year-olds.

Suppose that, by some miracle, no porpoises were ever again to die in the nets. Would that satisfy the environmentalists?

Absolutely not.

In the hearing room, on February 17th Bernie "Bud" Fensterwald, representing a gaggle of groups, demanded that porpoises not be "harassed," either! Nobody laughed.

Mr. Fensterwald's reading of the term "taking," in "taking of porpoise," includes "harassment" as far as he is concerned. I suppose he compares being in a net with being arrested. "If I were a porpoise," said Fensterwald's secretary, "I'd consider it harassment, having a net put around me, and having men in diving suits [sic] getting me out of the net, and bugging me all day."

Well, into each life some rain must fall. On the other hand, possibly porpoises like being tickled by sailors risking their lives to save them, something Mr. Fensterwald's secretary unaccountably omitted from her anthropomorphic fantasies.

No sooner had Fensterwald issued his new position than representatives of the other "monitor groups" begged permission to troop back to the stand and add that they, too, would fight to the last dollar against the "harassment" of porpoise. If they had not done so, they might have been put out of business by more hyperbolic porpoise saviors.

Those receiving environmentalist propaganda either perform their letterwriting chores as directed, or do nothing, they hardly ever take pen in hand, or beat their type writer keys, to write in opposition. Thus, the only mail generated is one-sided. This produces laws, the results of which come down on our heads some time later.

Many people have other things to do than write to Congress in complaint of the price of tuna, but should it soar through the ceiling you will know why, though unfortunately only Congress can undo what the Congress has done. Perhaps you will want to tell your Congressman that you know why the price of tuna is up, and would he and the other federal busybodies please get off the backs of the fishermen so the price of this inflation-era staple can come down again.

HATCH ACT IS NEEDED

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. ABDNOR. Mr. Speaker, one of the most abused words in the dictionary is "reform." By simple invocation of the sounds that go with those six letters, all sorts of ideas are offered to what the reformers hope will be a gullible public and Congress.

Rising again under the reform banner are proposals to amend the Hatch Act—which since 1939 has served to protect Federal employees from political intimidation, and at the same time has protected the public from undue political influence in their dealings with the Federal Government.

Proper regulation of political activities of Government employees has been debated since the meeting of the First Congress in 1791. Various means were tried through the years, culminating with the present law which is now under attack.

As the act has stood since its enactment, certain political activities were permitted and other were prohibited. The Hatch Act has survived Supreme Court tests which challenged its possible infringement on the rights of free speech.

Activities permitted under the current act include:

First, register and vote in any election; second, express opinion as an individual privately and publicly on political subjects and candidates, display a political picture, sticker, badge or button; third, make a financial contribution to a political party or organization; fourth, participate in nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization; fifth, be a member of a political

party or other political organization and participate in its activites to the extent consistent with law; sixth, attend a political convention, rally, fundraising function, or other political gathering; seventh, sign a political petition as an individual; eighth, take an active part as an independent candidate or in support of an independent candidate in a nonpartisan election; ninth, be politically active in connection with a question not specifically identified with a political party such as a constitutional amendment, referendum, and so forth; tenth, serve as an election judge or clerk or in a similar position to perform nonpartisan duties; and eleventh, otherwise participate fully in public affairs, except as does not materially compromise efficiency or integrity of an employee or the neutrality, efficiency, or integrity of the agency.

Activities prohibited under the current Hatch Act include: First, use official authority or influence for the purpose of interfering with or affecting the result of an election; second, take an active part in political management or in a political campaign of a partisan candidate for public office or political party office; third, serve as an officer of a political party a member of a National, State, or local committee of a political party, or an officer or member of a partisan political club, or be a candidate for any of these positions, organize or reorganize a political party, organization, or club; fourth, directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments, contributions, or other funds for a political organization; fifth, organize, sell tickets to, promote or actively participate in a fundraising activity of a partisan candidate, political party, or club; sixth, become a partisan candidate for or campaign for an elective public office; seventh, solicit votes in support of or in opposition to a partisan candidate for public office or political party office; eighth, act as recorder, watcher, challenger, or similar officer at the polls in behalf of a political party or partisan candidate, drive voters to the polls on behalf of a political party or partisan candidate; ninth, endorse or oppose a partisan candidate for public office or political party office in a political advertisement, a broadcast, campaign literate, or similar material; 10th, address a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public or political party office; 11th, serve as a delegate, alternative, or proxy to a political party convention; and 12th, initiate or circulate a partisan nominating petition.

Mr. Speaker, as we listen to the advocates of Hatch Act reform we all need to remember that once the protection of the Hatch Act is removed, the political pressures to which Federal employees will be subjected will be enormous. This past Monday the editorial writers of the Washington Star said it well. Their final advice on leaving the Hatch Act alone bears heeding by all my colleagues:

[From the Washington Star, Mar. 28, 1977]

MR. CARTER AND THE HATCH ACT

The Hatch Act has survived three major challenges in the courts but chances do not look good for its withstanding the combined assault of a Democratic Congress and a Democratic President, prodded by the unions that helped elected them.

President Carter the other day added the weight of his office to the mounting pressure on Capitol Hill to strip the Hatch Act of its prohibitions against partisan political activities by federal workers.

Yet, even while lamenting the Hatch Act's denial to federal employes of a "full opportunity to participate in the electoral process," the President conceded that the restrictions are valid for some. "There should be exceptions," he said, "for those employees who must retain both the appearance and the substance of impartiality. For employees in such sensitive positions . . . restrictions on political activity are necessary."

Mr. Carter did not define "sensitive positions" but we assume he means government workers who are in a position to exert political pressure on the public. Ones that come easily to mind are agents of the Federal Bureau of Investigation, the Internal Revenue Service and other law enforcement and investigative units.

But where do you draw the line? How about postal workers? Mr. Carter, who mentioned them specifically among the 2.8 million employes denied active participation in partisan politics, wants them freed from the Hatch Act. But it could be argued that mail carriers, who are in daily contact with millions of American citizens, are in a better position than most to proselytize for partisan political purposes.

How about employes who deal with welfare recipients? What's to stop them from putting in a plug, or a little pressure, for their favorite candidates as they go over eligibility forms?

How about federal agricultural agents who deal with farmers? Defense Department employes who handle contracts? Regulatory agency workers in a position to dispense or withhold all manner of favors?

John Bolton, a Washington lawyer, warned in a treatise on the Hatch Act published last year by the American Enterprise Institute: "A politically active bureaucracy raises grave dangers that, at least in part, government by the people risks being replaced by government by the government."

President Carter touched on the other major danger inherent in removing Hatch Act restrictions—the coercion of federal employes into political activity. Mr. Carter apparently does not believe this would be a serious problem but, just in case, he favors "strong penalties for any federal employe who attempts to influence or coerce another federal employe into political activity, or who engages in political activity while on the job."

The Hatch Act came into being in 1939 because federal workers were being pressured into political activity. Testimony disclosed that WPA workers in Kentucky were fired for holding views different from those of Democratic Senator Alben Barkley; federal workers in Tennessee were being pressured to make campaign contributions; WPA workers in Pennsylvania were ordered to attend a political rally; others were ordered to change their registration from Republican to Democratic.

Opponents of the move to lift the law's restrictions believe the danger of coercion is even greater now than at the time the Hatch Act was adopted. There were no unions among federal employes then; now there are strong ones. It is no coincidence that the main pressure for scuttling the Hatch Act comes from the unions.

If the protection of the act is removed, federal employes are apt to be caught between two pressures: Supervisors trying to make points with politicians in power, and unions trying to politicize the federal service for their own ends.

"The only possibly effective method to eliminate coercion," Mr. Bolton argues, "is to forbid the activity as well as the intimidation. This route is strong medicine, to be sure. Nonetheless, there does not appear to me any other equally protective alternative."

That what the Hatch Act does. It ought to be left alone.

EMBARGO ON CHROME: IT PUTS THE U.S. SEAL OF APPROVAL ON AGGRESSION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. McDONALD. Mr. Speaker, in a sad action recently, this body repealed the so-called Byrd amendment which permitted the importation of Rhodesian chrome. Sad to say, the ban will probably be strictly enforced, which is more than can be said of the other U.N. countries, including the Soviet Union. Instead of bringing democracy to Rhodesia, this action will hasten the day of slaughter of blacks and whites in Rhodesia by terrorists from all sides. Instead of representative government and majority rule, we will inevitably bring another black dictatorship into being in Africa, if there were not already a surplus of them. Is this progress for Africa? Is this the advancement of civilization? It looks like a retreat to me and the addition of another African country to the Communist sphere of influence in Africa.

John Davenport, formerly editor of Fortune magazine and also the former editor of Barron's, recently returned from South Africa and Rhodesia and what follows is his summation of why our policy is so wrong.

I commend it to the attention of my colleagues. The article appeared in Barron's, March 21, 1977:

EMBARGO ON CHROME—IT PUTS THE U.S. SEAL OF APPROVAL ON AGGRESSION

In a notable address to members of the American Bar Association in the spring of 1968, the late Dean Acheson declared that the imposition of economic sanctions against the state of Rhodesia by the U.S. and other countries at the instigation of the United Nations constituted nothing less than "*barefaced aggression, unprovoked and unjustified by a single legal or moral principle.*" We recall these forthright words of a not undistinguished U.S. Secretary of State with a certain amount of nostalgia, not just because we saw fit to reprint them at the time (Barron's, June 2, 1968), but also because they offer perhaps the sharpest commentary that can be made on the Carter Administration's latest ploy to deal with what has become known as the Rhodesian issue.

That ploy is to jam through an all-too-acquiescent Congress legislation which nullifies the so-called Byrd Amendment of 1971, which at least allowed the U.S. to purchase high-grade chrome ore and ferro-chrome from Rhodesia to the mutual benefit of both countries. To the benefit of the U.S., because chrome is essential to the making of stainless steel and to high-technolgy industries. To the benefit of Rhodesia, because sale of chrome allows her to earn the foreign exchange she desperately needs to buy arm to defend herself against mounting terrorist attack, which, on the evidence, is amply supplied with Communist guns and money and contravenese all principles of

international law, to say nothing of the spirit of the United Nations Charter.

We here pass over as largely irrelevant the shabby economic argument which Secretary of State Vance and others have brought forward for tightening the noose of sanctions around a country which has never harmed an American citizen, never threatened American property and the present government of which, despite everything, remains loyal to the West. The chief argument on this score is that in cutting itself off from Rhodesian chrome, the U.S. will no longer be completely dependent on Soviet Russia as an alternative source of supply, since advancing technologies both here and abroad now allow American industry to make use of lower-grade chrome available elsewhere, notably from South Africa, the racial policies of which are constantly denounced. In our book, other things equal, the U.S. should buy its raw materials where they are cheapest and most plentiful, and on both counts Rhodesia surely qualifies.

But the Administration's economic arguments are at best a smokescreen for its real purpose, which is to redeem some ill-advised political promises made during the late campaign. Acting on those promises, it will now further denigrate the government of Rhodesia's Prime Minister Ian Smith at the very time when he is seeking to fulfill commitments made under the Kissinger agreement to give Rhodesia responsible majority rule within the next two years. The new chrome embargo will not (as Secretary Vance professes to believe) enhance the chances of a peaceful and just solution to the Rhodesian question. On the contrary, it will put the seal of American approval on aggression and terrorism, and constitute the final turn of the screw in an American policy of deception and poltroonery that can only serve Soviet interests.

The seeds of this deception were planted in 1965, when Rhodesia, for many years a self-governing British colony, declared her independence of the British Empire with assuredly as much right, indeed more right, than many another African state then seeking and gaining self-determination. In this case, however, Great Britain opposed the move, but having no Redcoats at hand to put down the alleged "rebellion" (as she did in 1776), threw the whole matter into the lap of the United Nations. It did not take that body long, under pressure from other African states, to determine that Rhodesia was a "threat to the peace" because she had upset the psychology of her neighbors, and so merited non-recognition and economic reprisal. To those who pointed out that such reprisal clearly violates the provision of the UN Charter which forbids that body to intervene in the domestic affairs of any country, it was argued that in declaring independence, Rhodesia had become a species of non-state, enjoying no standing at the bar of international justice.

To strengthen this Humpty Dumpty reasoning (Mr. Acheson's phrase), it has become the business of the State Department, and most of the news media, to depict the government of Rhodesia as a renegade and "racist" regime, where some 270,000 whites shamelessly exploit six million blacks. This is at best a caricature of the truth. In declaring independence, Rhodesia adopted a constitution that made no mention of race, creed or color in terms of the franchise and might have drawn plaudits from a Madison or Jefferson. In 1969, that constitution was amended along more racial lines, with blacks voting for blacks and whites for whites. Yet as of early this year, there were four black tribal leaders in Ian Smith's Cabinet, an equal number of blacks and whites in Rhodesia's assembly, with provision that black representation would advance at least to parity as the contribution of blacks to the national income, thanks to education and rising productivity, steadily increased.

This may not be Simon-pure democracy, but on the record, Rhodesia's political system has given the nation a far better deal than the one-man, one-vote principle which has landed so many other African states in military or civil dictatorship (and, in many cases, economic penury). Between 1965 and 1975, Rhodesia staged a spectacular economic advance which surprised her friends and aggravated the enmity and envy of her foes. In a decade, Rhodesia's gross national product expanded on average by 7% per year, or better than that of the U.S., as the result of the diversification of her agriculture from tobacco to maize, cotton and cattle breeding, as well as heavy investment in mining, light industry, roads, public housing and education. With the result that even today, under wartime conditions, 85% of Rhodesian children receive at least five years of elementary education; the literacy rate is the highest in Africa (except for South Africa); and there are more blacks in the University of Rhodesia than whites. It should likewise be noted in passing that as of today, blacks constitute some two-thirds of Rhodesia's fighting forces.

In view of all the foregoing, the notion that Rhodesia's troubles stem from seething domestic unrest as the result of white "racist" rule must be dismissed. What endangers her existence is external aggression, of the kind that the UN was supposed to stop but which it has so far encouraged. Such aggression began in a small way in the early 'Seventies, when Rhodesia's so-called black "nationalist" leaders, operating usually from outside its borders, took up terrorist tactics. It was vastly increased with the collapse of the Portuguese empire in 1974–75, and the loss of both Angola and Mozambique to Communist domination—the latter exposing Rhodesia's long eastern flank, as well as her Zambian border, to continuous infiltration and attack.

Terrorism may well be a kind of life-style in much of Africa, but in the case of Rhodesia it has surely reached new depths of degradation—the mowing down last month of three Jesuit priests and four nuns at a Christian mission being only one of countless and recurrent acts of brutality. In this spreading war, moreover, it is not whites who have suffered the most. On the contrary, over 90 percent of civilian casualties to date have been blacks, who, working on Rhodesia's farms or on Tribal Trust lands, have been ruthlessly put to death—in many cases literally butchered—as punishment for their loyalty to what they regard as their own homeland.

To counter this Soviet armed and orchestrated barbarity, Rhodesia's military forces have given good account of themselves. Yet to date despite much hand-wringing, the civilized world has done little to back them up, and Western diplomacy has faltered. It is to the credit of Henry Kissinger that when Russian arms and Cuban mercenaries poured into Angola, he immediately perceived that a new imperial presence threatened the whole African continent, thus compelling a new American initiative. Yet when it came, the initiative was of a peculiar kind. In his speech in Lusaka, Zambia, last April, Kissinger dealt at best tangentially with the problem of terrorist attack across Rhodesian borders. Instead, in a desperate effort to hold the allegiance of neighboring black states and to prevent direct Soviet intervention, he refurbished an old formula: no help for Rhodesia whatever until she accepted the slippery and wholly undefined solution of "majority rule."

In pressing that policy, Kissinger found a reluctant ally in South Africa, which, though no friend of majority rule, found herself under mounting threat of UN sanctions, and desired peace in the north at almost any price. In Pretoria last September, all the cards came face up on the table, and against his own better judgment, Ian Smith bowed to American-British terms: virtual abdication of Rhodesia's 50-year-old Parliamentary system; the formation of an interim government in which whites and blacks would participate; and the drafting of a new constitution, which would give Rhodesia majority rule in two years.

These were harsh terms, but at least they held promise of an orderly transition from white to black political dominance, and the promise of an immediate lifting of sanctions when the interim government was formed. What came after is far uglier. For scarcely had the Kissinger plan been announced, than it ran into the opposition of precisely those African states which it was designed to mollify. From the so-called "front-line presidents" of Mozambique, Zaire and Zambia came swift denunciation of the Kissinger package as one more "imperialist" plot.

At the ensuing Geneva conference, it turned out that the black "nationalist" Rhodesian leaders were themselves badly split between the forces of the moderate Bishop Muzorewa, who probably would command a majority of black Rhodesian votes if an election were held tomorrow, and the so-called Patriotic Front of Joshua Nkomo and the implacable Robert Mugabe, a self-admitted Marxist, who is supposed to control the bulk of the terrorist forces. Small wonder that the Geneva conference broke up a babble of voices. Nor were matters mended when the pipe-smoking British chairman of the conference, Ivor Richards, indulged in his own shuttle diplomacy to come up with a wholly new settlement plan. This, as Ian Smith subsequently pointed out differed from the original Kissinger proposals "as chalk from cheese," and in effect would have given native Rhodesians, black and white, little say in their own future.

In taking this position, Smith has occasioned much tongue clacking around the U.S. Department of State. Indeed, in pressing for fresh sanctions on Rhodesia, Secretary Vance has implied that Smith is again endangering the peace, and apparently continues to believe that in any forthcoming conference, all parties, including known terrorists and Communists, must be represented. In our judgment, Smith stands tall for questioning this naive assumption that good can come out of evil. Having committed himself to majority rule, this man from Bulawayo, Rhodesia, and former RAF pilot, is not going back on his word. What he is stubbornly holding out for is a constitutional transfer of power which will duly protect minorities, recognize deep tribal differences and affiliations, and maintain civilized values and procedures—a settlement ' by Rhodesians and for Rhodesians."

What most other black African states, and terrorists of the stamp of Mugabe, are calling for is something totally different, namely, a black power grab of the kind that has undone so many African countries, and thereafter the socialization of Rhodesian industry and the nationalization of its land. States a pronouncement of one of the so-called "liberating" movements: "(In the new Zimbabwe) the present capitalistic system, which benefits a few settlers in Rhodesia and capitalists in South Africa, Britain and America at the expense of the laboring masses, will be abolished."

In the circumstances, there is no question where the U.S. should stand. What Congress should be debating is not how to tighten economic sanctions against Rhodesia, but how to get rid of them entirely. What the State Department should be encouraging are precisely those efforts of Mr. Smith to work out with moderate black Rhodesian leaders an "internal solution" which will square with the will of the majority of its peoples, rather than with the dictates of outsiders. And in preparing for any new international conference, Washington should surely reopen direct communication with Salisbury, where it has had no representative since 1968. As

matters stand, U.S. policy is being shaped in a vacuum.

To spark such an initiative, to send to Rhodesia a small delegation of Americans (including, we would hope, at least one distinguished jurist), would take courage. But, after all, not so long ago President Carter was promising an "open" administration and a comprehensible foreign policy. The trouble with U.S. Rhodesian policy is that it is simply incomprehensible to most Americans. Incomprehensible to go on treating Rhodesia as a "non-state" when, even under wartime conditions, she is one of the better governed states of Africa. Incomprehensible, because while calling for majority rule, the U.S. goes on blocking Rhodesia's own attempts to achieve it. Incomprehensible, finally, in view of the fact that if Rhodesia goes down the drain, then we may be sure that South Africa will be next on the Soviet shopping list. Solzhenitsyn, like Spengler before him, has a name for such diplomacy: the Decline of the West. We prefer to hope that the West will rally and come to its senses, perceiving that the issue in Rhodesia, as in much of southern Africa, is not between black and white. The issue is between the reign of terror and the rule of law.—JOHN DAVENPORT.

WRIT OF HABEAS CORPUS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. GONZALEZ. Mr. Speaker, in my opinion one of the most important rights guaranteed under our Constitution is that of article I, section 9, which states that the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it. And to quote Dr. Samuel Johnson in his conversations with Boswell:

> The Habeas Corpus is the single advantage our government has over that of other countries.

The citizens of our Nation have always taken the right to habeas corpus for granted and throughout our 200-year history it has not been abused, but I am very concerned with a Supreme Court decision last term, Stone against Powell which has resulted in restricting the availability of Federal habeas corpus review and I am proposing legislation today that will reverse the effect of this decision.

In Stone against Powell, Powell was convicted of murder in a California court on evidence obtained when he was picked up on a local vagrancy ordinance. At both his trial and on direct appeal the State courts rejected Powell's arguments that the vagrancy order was unconstitutional. Powell applied for a writ of Federal habeas corpus review on the grounds that he was being held in violation of the Constitution. The district court denied his plea, but the U.S. court of appeals reversed that decision holding the vagrancy ordinance was unconstitutionally vague, the arrest and search were unlawful and thus the evidence gathered should be excluded at trial based on the fourth amendment which guarantees against unlawful search and seizure and is applicable to the State courts through due process granted by the 14th amendment. But the Supreme Court reversed the appeals court decision holding that—

> A federal court need not apply the exclusionary rule on habeas review of a 4th amendment claim absent a showing that the state prisoner was denied on opportunity for a full and fair litigation of that claim at trial or on direct review.

It appears that the court is more concerned with limiting the avenues of relief than insuring that Powell, or anyone else is similar circumstances be guaranteed their rights under the Constitution. The Court did not say that it lacked jurisdiction, nor that a violation of the fourth amendment did not occur nor did it rest its decision on construction of the Federal habeas statute.

Instead, the Court rested its decision in this case on its own balancing of the relative State and Federal interest involved. The Court states that State courts protect fourth amendment rights as competently as the Federal district courts, but it appears that in Stone against Powell the Court has redrawn, based on its own policy judgments, the limits prescribed by Congress. And to quote Justice Brennan who dissented in Stone:

> The interest balancing approach use to justify the majority decision is nothing less than an obvious usurpation of Congress' Article III power to delineate the jurisdiction of federal courts.

Mr. Speaker, the bill I am proposing today will guarantee that a request for habeas corpus review by a Federal court will not be precluded because the argument raised is based on the exclusionary rule and relief shall be granted if the merits of the case warrant such relief. I believe my bill will reassert the power Congress is granted under the Constitution by insuring that Federal courts are open to claims which I feel have been closed by the Supreme Court decision in Stone against Powell.

The Court issued a number of policies which led to its decision in this case to limit the exclusionary rule in the context of Federal habeas corpus review and one calls for the most effective utilization of limited judicial resources. It appears that the Court is obviously asserting that by restricting the right of habeas corpus review the Federal courts will not be inundated with frivolous petitions. But can justice truly be served if the Court is more concerned with expediting court proceedings and administrative convenience rather than insuring that each party be guaranteed their constitutional rights.

And furthermore, based on the information I have obtained habeas corpus petitions are only a small fraction of total civil filings and consume on the average less than 1 percent of the Federal judges' time. It should also be noted that Congress has responded to any overloading causes by habeas corpus petitions by enacting the Federal Magistrates Act which provides for the preliminary screening by Federal magistrates of applications for posttrial relief and the submission of a report and recommendation to the district judge to facilitate decisionmaking.

Mr. Speaker, Congress has the power and the authority to define the jurisdiction of the Federal courts and I hope that my colleagues agree that we must do just that in order to preserve personal liberty by guaranteeing the right to habeas corpus review by the Federal courts to everyone regardless of prior State action. To quote Zechariah Chafee, Jr., from Documents on Fundamental Human Rights:

> Such great liberties as worship and speech will go on somehow, despite laws, but not liberty of person. Censorship can be evaded; prosecutions against ideas may break down; a prison wall is there. Only habeas corpus can penetrate it. When imprisonment is possible without explanation or redress, every form of liberty is impaired. A man in jail cannot go to church or discuss or publish or assemble or enjoy property or go to the polls.

Mr. Speaker, the Court's decision in Stone against Powell is just one of a number of decisions made by the Burger Court that reduces access to the Federal courts and I hope that the Judiciary Committee will consider my bill as well as look into other areas where the Court has used comity and federalism to essentially close the Federal courts to all cases where the State courts can hear the Federal claims. The legislative branch must exercise its power to define the jurisdiction of Federal courts and I believe the time to start is now.

JOBS, PRODUCTIVITY AND HUMAN RESOURCES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. MIKVA. Mr. Speaker, the continuing high rate of unemployment and inflation coupled with the slowing rate of productivity are among the most difficult problems facing our Nation. This week, the House Banking, Currency and Housing Subcommittee on Economic Stabilization begins hearings designed to provide alternatives and solutions to these serious economic problems. The subcommittee is using as the test for the hearings, the Human Resources Development Act introduced by our distinguished colleague from New York, STAN LUNDINE. The bill is carefully designed to encourage employers and workers to begin cooperative efforts to spur productivity and upgrade job skills. On Thursday, Under Secretary-designate Sidney Harman will be testifying on the successful jobs enrichment program which he instituted at Harmon International Industries before joing the State Department.

At this time, I would like to insert an article from the New York Times of today, March 30, by A. H. Raskin concerning the Lundine bill and the subcommittee hearings. I commend the article and the Human Resources Development Act

for the serious consideration of all Members:

A MOVE FOR JOBS ENRICHMENT AND HUMANIZATION OF WORK

(By A. H. Raskin)

WASHINGTON.—Contrary to popular belief, Michael Maccoby did not spring full-armored out the primordial ooze as a stalker of victory-obsessed team captains in corporate executive suits. Long before his book "The Gamesman" started zooming up the best-seller list, Dr. Maccoby had won renown among social scientists as chief theorist for an experiment in work humanization that has been transforming fundamental attitudes toward work, productivity and industrial democracy at a Tennessee auto-parts factory.

Last week, over French toast at breakfast in the Capitol, the soft-spoken director of Harvard University's project on technology, work and character joined a legendary pioneer in reshaping the workplace, Einar Thorsrud of Oslo, in outlining to three influential members of Congress ideas that may help speed the United States along paths of labor-management innovation long familiar in West Europe.

The first thrust in that direction will begin tomorrow when the economic stabilization subcommittee of the House Banking Committee opens hearings on a bill sponsored by the host at that breakfast. Representative Stanley N. Lundine, Democrat of Jamestown, N.Y. The measure has strong support from the two other legislators at the session—Representative Henry S. Reuss, Wisconsin Democrat, who heads the full Banking Committee, and Senator Jacob K. Javits, New York Republican, who has introduced a companion bill in the upper chamber.

The bill would make available $40 million in Federal grants to foster projects, primarily in private industry, to make employment more secure through cooperative efforts by workers and employers to redesign jobs, upgrade skills, spur productivity and heighten job satisfaction.

As Mayor of Jamestown, N.Y., before coming to Capitol Hill, Mr. Lundine helped demonstrate practicality of such ventures by presiding over development of a community-wide labor-management committee that was instrumental in cutting local joblessness from 10.2 percent to 4.2 percent in a three-year period when the rest of the country was slumping into recession.

The Lundine bill faces formidable obstacles. Most of organized labor is cool to quality-of-work experiments for fear that they can be exploited by nonunion employers to build a wall * * * corporations opposed them on the grounds that they tear down traditional lines of authority and thus undermine plant discipline.

Within the Federal Government, jurisdictional jealousies between vested interests in the Labor and Commerce Departments could wreck the new initiative just as they have orphaned and abandoned the supposedly independent National Center for Productivity and the Quality of Working Life, which Congress chartered two years ago.

But roadblocks like these are not insuperable, in the judgment of so seasoned a legislative tactician as Representatives Reuss. As one who believes "small is beautiful" when it comes to ventures to generate jobs through Federal stimulus, Mr. Reuss considers the Lundine approach a sensible one that involves no risk of enormous additions to the deficit and that stands a much better chance of Congressional approval than would most bills put forward by a sophomore on Capitol Hill.

The experience Dr. Maccoby has gained from four years of wet-nursing the job-enrichment program that he and Dr. Thorsrud cooperated in installing at the plant of Harmon International Industries Inc., in Bolivar, Tenn., offers persuasive support for more experiments, though both experts stress that no single pattern can succeed if it is applied mechanistically in a different setting.

"Ideas for change must come from all levels, top to bottom," Dr. Maccoby said, "but it requires exceptional leadership to release the creativity that exists within the work force." The crucial initial factor at Harmon was the intense support given the project by Irving Bluestone, an international vice president of the United Automobile Workers union, and Dr. Sidney Harman, president of Harman International until his nomination by President Carter in January to be Under Secretary of Commerce.

The workers at Bolivar, half of them women, formed teams to perform various operations involved in the preparation, painting and packing of auto mirrors. They decided among themselves who would do what jobs, kept their own records, covered for one another in periods of absence and worked out an intricate formula for sharing with management the labor-cost savings that have resulted from the project.

The improved communications and mutual trust built up at all levels through the establishment of clear principles for joint decision-making and increased job autonomy paid off this month in the remarkable conclusion of a new wage agreement—three months ahead of schedule—without any intervention by top officers of either company or union.

"That's the real triumph of this project," commented Gus Howard, a worker in the plant's receiving department head of the local union.

The triumph goes well beyond Bolivar, however, Mr. Bluestone, enthusiastic over the progress there toward breaking down atavistic labor-management hostilities has enlisted the support of the General Motors Corporation in a much more embracing experiment in job enrichment under union-company auspices at dozens of G.M. plants.

Similarly, now that Dr. Harman is going into Government, the Beatrice Foods Company of Chicago, a huge conglomerate, that is in process of absorbing his company, has assured Dr. Maccoby that one of the chief points of attraction is the harmonious and productive relationship that the project achieved. And Dr. Harman himself, as Commerce Under Secretary-designate, is scheduled to lead off for the Administration at tomorrow's hearings on the Lundine bill, embodying precisely the principles that underlay his own experiment.

For Dr. Thorsrud, the Norwegian expert, who has been involved in guiding more such ventures throughout the world than any other social scientist, the potential benefits seem boundless. He enthralled the Capitol breakfast guests with his description of the retraining programs that Norway instituted with unemployment insurance funds when the nation's idleness rate reached what was considered a calamitous level of 2 percent at the low point of the recession.

As Dr. Thorsrud described it, the greatest success in equipping workers with new skills (through a combination of on-the-job training and community vocational schools) came in plants with active programs for workers to participate in industrial decisionmaking. Senator Javits found in the Thorsrud report new ammunition for his pet campaign to convert the $17 billion a year that the United States now spends on unemployment insurance into something more substantial than a substitute for welfare.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 31, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

APRIL 1

*8:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on the administration's proposals relative to the food stamp program.

322 Russell Building

9:30 a.m.

Commerce, Science, and Transportation

*Subcommittee on Aviation

To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.

1202 Dirksen Building

Environmental and Public Works

Water Resources Subcommittee

To hold hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.

4200 Dirksen Building

Foreign Relations

Subcommittee on Western Hemisphere Affairs

To meet in closed session to receive a briefing on Panama Canal negotiations from Ambassadors Ellsworth Bunker and Sol Linowitz.

S-116, Capitol

Human Resources

Health and Scientific Research Subcommittee

To continue hearings in connection with the protection of human subjects used in experimental research.

Until 12:30 p.m. 6226 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings on S. 664, to provide for the insurance of graduated payment mortgages, and S. 1078, to revise the experimental mortgage insurance program.

5302 Dirksen Building

Budget

To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.

357 Russell Building

Commerce, Science, and Transportation

To hold hearings on the nominations of Charles Linn Haslam, of North Carolina, to be General Counsel, and Frank Alan Weil of New York, to be an Assistant Secretary, both of the Department of Commerce.

235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on proposed fiscal year 1978 authorizations for the Nuclear Regulatory Commission.
457 Russell Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To continue hearings on S. 717, to promote safety and health in the mining industry.
Until: 1:00 p.m. 4232 Dirksen Building

11:00 a.m.
Foreign Relations
Subcommittee on International Operations
To mark up H.R. 5040, authorizing additional funds for fiscal year 1977 for the Department of State; to be followed by a hearing on proposed fiscal year 1978 authorizations for the Board for International Broadcasting.
4221 Dirksen Building

Joint Economic
To hold hearings on the employment/unemployment situation.
1202 Dirksen Building

2:30 p.m.
Foreign Relations
To receive a briefing by Leonard Woodcock on his delegation's recent trip to Vietnam and Laos.
4221 Dirksen Building

APRIL 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To hold oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To resume hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
S-407, Capitol

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings to release an Office of Technology Assessment report entitled "Nuclear Proliferation and Safeguards."
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To hold oversight hearings on the administration of the Black Lung Benefits program.
Until: 2:00 p.m. 4232 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To hold hearings on S. 961, to promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes.
Until: 1:00 p.m. 2228 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

*3:30 p.m.
Foreign Relations
To receive a briefing (in closed session) from officials of the Central Intelligence Agency on the general world situation.
S-116, Capitol

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
235 Russell Building

Human Resources
To consider S. 855, to authorize funds for fiscal year 1978 for activities of the National Science Foundation; S. 755, extending through fiscal year 1978 all expiring health programs under the Public Health Service Act and the Community Health Centers Act; and S. 725, authorizing funds through fiscal year 1982 for certain education programs for handicapped persons.
Until: 11:30 a.m.
4232 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
424 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
1224 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Joint Economic Committee
To resume hearings on a recent study prepared by the University of Wisconsin on food chain stores' profits and prices.
318 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
S-407, Capitol

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 904, to establish a center within OMB to provide current information on Federal domestic assistance programs.
3302 Dirksen Building

Select Committee on Intelligence
Subcommittee on the Budget
To hold hearings on the question of public disclosure of funding levels authorized for Government intelligence activities.
2228 Dirksen Building

Special Aging
To hold hearings on the impact on older Americans of rising energy costs.
1202 Dirksen Building

10:30 a.m.
Commerce, Science and Transportation
To hold a business meeting.
5110 Dirksen Building

11:00 a.m.
Select Ethics
Business meeting (open with immediate vote to go into closed session) to discuss committee organization.
1417 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

APRIL 6

9:00 a.m.
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 393, the proposed Montana Wilderness Study Act.
Room to be announced

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear congressional witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To hold oversight hearings on extension of the Child Abuse and Prevention Treatment Act (Public Law 93-247).
Until: 12:00 noon 4200 Dirksen Building

Human Resources
*Health and Scientific Research Subcommittee
To hold hearings on benefits from and technological uses of genetic engineering-Deoxyribonucleic Acid (DNA) research.
Until 3:00 p.m. 6202 Dirksen Building

Select Small Business
Monopoly Subcommittee
To continue hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
424 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To continue oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Governmental Affairs
Subcommittee on Energy, Nuclear Proliferation, and Federal Services
To continue hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To continue oversight hearings on the administration of the Black Lung Benefits program.
Until: 1:00 p.m. 4332 Dirksen Building

Select Committee on Intelligence
Subcommittee on the Budget
To hold hearings on the question of public disclosure of funding levels authorized for Government intelligence activities.
2228 Dirksen Building

2:30 p.m.
Foreign Relations
Subcommittee on African Affairs
To meet in closed session to receive a briefing from officials of the Central Intelligence Agency on internationalization of local conflicts in Africa.
S-116, Capitol

APRIL 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 1019, to authorize funds for fiscal years 1978 and 1979 for certain maritime programs.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To continue hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Select Intelligence
To hold a closed hearing on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

Special on Aging
To continue hearings on the impact on older Americans of rising energy costs.
1224 Dirksen Building

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Dr. Frank Press, of Massachusetts, to be Director of the Office of Science and Technology Policy.
5110 Dirksen Building

APRIL 8

9:00 a.m.
Governmental Affairs
To continue hearings on S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
Until: 5 p.m. 3302 Dirksen Building

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To resume hearings on the national water policy in view of current drought situations.
4200 Dirksen Building

Judiciary
To hold hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building

Environment and Public Works
To resume hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs.
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building

Government Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building
Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building
Select Small Business
To hold hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building
Energy and Natural Resources
Subcommittee on Parks and Recreation
To hold hearings on S. 658, to designate certain lands in Oregon for inclusion in the National Wilderness Preservation System.
Room to be announced
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Coast Guard.
5110 Dirksen Building
Energy and Natural Resources
To Reserve hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building
Judiciary
To resume hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 26

9:30 a.m.
Select Small Business
To hold hearings on problems of small business as they relate to product liability.
1202 Dirksen Building
Select Small Business
To resume hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building
10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings to receive testimony in connection with delays and congestion occurring at U.S. airports-of-entry.
235 Russell Building
2:00 p.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building
Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on proposed fiscal year 1978 authorizations for the Nuclear Regulatory Commission.
4200 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

9:00 a.m.
Veterans' Affairs
Subcommittee on Housing, Insurance, and Cemeteries
To hold hearings on S. 718, to provide veterans with certain cost information on conversion of government supervised insurance to individual life insurance policies.
Until: 12 noon 6202 Dirksen Building
10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 5

9:00 a.m.
Veterans' Affairs
Subcommittee on Housing, Insurance, and Cemeteries
To continue hearings on S. 718, to provide veterans with certain cost information on conversion of government supervised insurance to individual life insurance policies.
Until: 12 noon 6202 Dirksen Building
10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science and Transportation
Consumer Subcommittee
To hold hearings on S. 957, designed to promote methods by which controversies involving consumers may be resolved.
5110 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 9

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To hold oversight hearings on the broadcasting industry, including net-

work licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 10

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To resume oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Government Affairs
Subcommittee on Reports, Accounting, and Management
To resume hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 11

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 12

10:00 a.m.
Government Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

10.00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To resume hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10.00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

JUNE 13

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To hold oversight hearings on the cable TV system.
235 Russell Building

JUNE 14

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

JUNE 15

9:30 a.m.
Commerce, Science and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

SENATE—*Thursday, March 31, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by Hon. LLOYD BENTSEN, a Senator from the State of Texas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, we lift our prayer to Thee at the beginning of the day, not as a substitute for work, but that all our work may be hallowed by Thy presence. May we work as though everything depended upon us and pray as though everything depended upon Thee. Restrain us from devising our own schemes, drafting our own codes, and then calling upon Thee to bless them. But rather keep us close to Thee, attuned to Thy spirit, obedient to Thy law so that what we do may begin, continue, and end in Thee, to the glory of Thy name and the advancement of Thy kingdom. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 31, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LLOYD BENTSEN, a Senator from the State of Texas, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BENTSEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, March 30, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there is one nomination on the Executive Calendar in the Navy that has been cleared on both sides. I ask unanimous consent that the Senate go into executive session to consider that nomination.

The ACTING PRESIDENT pro tempore. Hearing no objection, it is so ordered. The clerk will report the nomination.

U.S. NAVY

The assistant legislative clerk read the nomination of Vice Adm. Julien J. LeBourgeois, U.S. Navy, to be vice admiral.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object to the nomination, the majority leader is correct. There is no objection on this side of the aisle to this confirmation, and I shall not object.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE UNANIMOUS-CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there are two measures which have been placed on the unanimous-consent calendar as of yesterday which can be considered at this time. They still remain without objection from either side.

I ask unanimous consent that the Senate proceed to the consideration of calendar orders Nos. 58 and 59 on the unanimous-consent calendar.

ERDA LOAN GUARANTEE PROGRAM

The Senate proceeded to consider the bill (S. 37) to amend the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906), and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments as follows:

On page 9, line 1, strike "forebearance" and insert "forbearance";

On page 13, line 12, strike "Interior and Insular Affairs" and insert "Energy and Natural Resources";

On page 14, line 10, following "appropriated" insert "effective October 1, 1977, and thereafter";

On page 18, line 2, following "energy-related" insert "portions of";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "Amendments to the Federal Nonnuclear Energy Research and Development Act of 1974".

SEC. 101. Section 7(a) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906) is amended—

(1) by striking out "and" after the semicolon at the end of paragraph (5),

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(7) Federal loan guarantees: *Provided,* That all of the other provisions of this Act apply to such guarantees in the same manner and to the same extent as they apply to demonstrations under this Act.".

SEC. 201. The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901, et seq.) is further amended by adding at the end thereof the following new section:

"LOAN GUARANTEES FOR COMMERCIAL BIOMASS DEMONSTRATION FACILITIES

SEC. 20. (a) It is the purpose of this section—

"(1) to assure adequate Federal support to foster a commercial demonstration program to produce on a commercial scale synthetic fuels and other desirable forms of energy from biomass;

"(2) to authorize loan guarantees for the construction and startup and related costs of commercial demonstration facilities for the conversion of biomass into synthetic fuels and other forms of energy; and

"(3) to gather information about the technological, economic, environmental, and social costs, benefits, and impacts of such commercial demonstration facilities.

"(b)(1) The Administrator is authorized in accordance with such rules and regulations as he shall prescribe after consultation with the Secretary of the Treasury, to guarantee and to make commitments to guarantee, in such manner and subject to such conditions (not inconsistent with the provisions of this Act) as he deems appropriate, the payment of interest on, and the principal balance of, bonds, debentures, notes, and other obligations issued by or on behalf of any borrower for the purpose of (A) financing the construction and startup costs of commercial demonstration facilities for the conversion of biomass into synthetic fuels; and (B) financing the construction and startup costs of commercial demonstration facilities to generate desirable forms of energy (including synthetic fuels) in commercial quantities from bioconversion. The outstanding indebtedness guaranteed and committed to be guaranteed under clauses (A), and (B), of this paragraph shall at no time exceed $300,000,000.

"(2) An applicant for any guarantee under this section shall provide information to the Administrator in such form and with such content as the Administrator deems necessary.

"(3) Prior to issuing any guarantee under this section the Administrator shall obtain the concurrence of the Secretary of the Treasury with respect to the timing, interest rate, and substantial terms and conditions of such guarantee.

"(4) The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

"(5) With respect to any demonstration facility for the conversion of solid waste (as that term is defined in the Solid Waste Disposal Act, as amended), the Administrator, prior to issuing any guarantee under this section, must be in receipt of a certification from the Administrator of the Environmental Protection Agency and any appropriate State or areawide solid waste management planning agency that the proposed application for a guarantee is consistent with any applicable suggested guidelines published pursuant to section 209(a) of the Solid Waste Disposal Act, as amended, and any applicable State or regional solid waste management plan.

"(c) The Administrator, with due regard for the need for competition, shall guarantee or make a commitment to guarantee any obligation under subsection (b) only if—

"(1) the Administrator is satisfied that the financial assistance applied for is necessary to encourage financial participation;

"(2) the amount guaranteed does not exceed 75 per centum of the total cost of the commercial demonstration facility, as determined by the Administrator: *Provided,* That the amount guaranteed may not exceed 90 per centum of the total cost of the commercial demonstration facility during the period of construction and startup; and

"(3) the Administrator has determined that there will be a continued reasonable assurance of full repayment;

"(4) the obligation is subject to the condition that it not be subordinated to any other financing;

"(5) the Administrator has determined, taking into consideration all available forms of assistance under this section and other Federal statutes, that the impacts directly resulting from the proposed commercial demonstration facility have been fully evaluated by the borrower, the Administrator, and others;

"(6) the maximum maturity of the obligation does not exceed thirty years, or 90 per centum of the projected useful economic life of the physical assets of the commercial demonstration facility covered by the guarantee, whichever is less, as determined by the Administrator.

"(d) At least sixty days prior to submitting a report to Congress pursuant to subsection (m) of this section on each guarantee, the Administrator shall request from the Attorney General and the Chairman of the Federal Trade Commission written views, comments, and recommendations concerning the impact of such guarantee or commitment on competition and concentration in the production of energy and give due consideration to views, comments, and recommendations received: *Provided,* That if either official recommends against making such guarantee or commitment, the Administrator shall not do so unless he determines in writing that such guarantee or commitment is in the national interest.

"(e)(1) As soon as the Administrator knows the geographic location of a proposed facility for which a guarantee or a commitment to guarantee is sought under this section, he shall inform the Governor of the State, and officials of each political subdivision and Indian tribe, as appropriate, in which the facility would be located or which would be impacted by such facility. The Administrator shall not guarantee or make a commitment to guarantee under subsection (b) of this section if the Governor of the State in which the proposed facility would be located recommends that such action not be taken unless the Administrator finds that there is an overriding national interest in taking such action in order to achieve the purpose of this section. If the Administrator decides to guarantee or make a commitment to guarantee despite a Governor's recommendation not to take such action, the Administrator shall communicate, in writing, to the Governor reasons for not concurring with such recommendation. The Administrator's decision, pursuant to this subsection, shall be final unless determined upon judicial review to be arbitrary and capricious. Such review shall take place in the United States court of appeals for the circuit in which the State involved is located, upon application made within ninety days from the date of such decision. The Administrator shall, by regulation, establish procedures for review of, and comment on, the proposed facility by States, local political subdivisions, and Indian tribes which may be impacted by such facility, and the general public.

"(2) The Administrator shall review and approve the plans of the applicant for the construction and operation of any commercial demonstration and related facilities constructed or to be constructed with assistance under this section. Such plans and the actual construction shall include such monitoring and other data-gathering costs associated with such facility as are required by the comprehensive plan and program under this section. The Administrator shall determine the estimated total cost of such demonstration facility, including, but not limited to, construction costs, and start-up costs.

"(f) Except in accordance with reasonable terms and conditions contained in the written contract of guarantee, no guarantee issued or commitment to guarantee made under this section shall be terminated, canceled, or otherwise revoked. Such a guarantee or commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this section and that such obligation has been approved and is legal as to principal, interest, and other terms. Subject to the conditions of the guarantee or commitment to guarantee, such a guarantee shall be incontestable in the hands of the holder of the guaranteed obligation, except as to fraud or material misrepresentation on the part of the holder.

"(g)(1) If there is a default by the borrower, as defined in regulations promulgated by the Administrator and in the guarantee contract, the holder of the obligation shall have the right to demand payment of the unpaid amount from the Administrator. Within such period as may be specified in the guarantee or related agreements, the Administrator shall pay to the holder of the obligation the unpaid interest on and unpaid principal of the guaranteed obligation as to which the borrower has defaulted, unless the Administrator finds that there was no default by the borrower in the payment of interest or principal or that such default has been remedied. Nothing in this section shall be construed to preclude any forbearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the guaranteed obligation and approved by the Administrator.

"(2) If the Administrator makes a payment under paragraph (1) of this subsection the Administrator shall be subrogated to the rights of the recipient of such payment as specified in the guarantee or related agreements including, where appropriate, the authority (notwithstanding any other provision of law) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements or to permit the borrower, pursuant to an agreement with the Administrator, to continue to pursue the purposes of the commercial demonstration facility if the Administrator determines that this is in the public interest.

"(3) In the event of a default on any guarantee under this section, the Administrator shall notify the Attorney General, who shall take such action as may be appropriate to recover the amounts of any payments made under paragraph (1) (including any payment of principal and interest under subsection (h)) from such assets of the defaulting borrower as are associated with the commercial demonstration facility, or from any other security included in the terms of the guarantee.

"(4) For purposes of this section, patent and technology resulting from the commercial demonstration facility shall be treated as project assets of such facility in accordance with the terms and conditions of the guarantee agreement. Furthermore, the guarantee agreement shall contain a provision specifying that patents, technology, and other proprietary rights which are necessary for the completion or operation of the commercial demonstration facility shall be available to the Government and its designees on equitable terms, including due consideration to the amount of the Government's default payments.

"(h) With respect to any obligation guaranteed under this section, the Administrator is authorized to enter into a contract to pay, and to pay, the holders of the obligation, for and on behalf of the borrower, from the fund established by this section, as applicable, the principal and interest payments which become due and payable on the unpaid balance of such obligation if the Administrator finds that—

"(1) the borrower is unable to meet such payments and is not in default; it is in the public interest to permit the borrower to continue to pursue the purposes of such demonstration facility; and the probable net benefit to the Federal Government in paying such principal and interest will be greater than that which would result in the event of default.

"(2) the amount of such payment which the Administrator is authorized to pay shall be no greater than the amount of principal and interest which the borrower is obligated to pay under the loan agreement; and

"(3) the borrower agrees to reimburse the Administrator for such payment on terms and conditions, including interest, which are satisfactory to the Administrator.

"(i) Regulations required by this section shall be issued within one hundred and eighty days after enactment of this section, except as provided in subsection (s) of this section. All regulations under this section and any amendments thereto shall be issued in accordance with section 553 of title 5, of the United States Code.

"(j) The Administrator shall charge and collect fees for guarantees of obligations authorized by clauses (A) and (B), of subsection (b)(1), in amounts sufficient in the judgment of the Administrator to cover the applicable administrative costs and probable losses on guaranteed obligations, but in any event not to exceed 1 per centum per annum of the outstanding indebtedness covered by the guarantee.

"(k)(1) The Administrator is directed to submit a report to the Congress within one hundred and eighty days after the enactment of this section setting forth his recommendations on the best opportunities to implement a program of Federal financial assistance with the objective of demonstrating production and conservation of energy.

"(2) The report submitted under paragraph (1) of this subsection shall include a comprehensive plan and program to acquire information and evaluate the environmental, economic, social, and technological impacts of the demonstration program under this section. In preparing such a comprehensive plan and program, the Administrator shall consult with the Environmental Protection Agency, the Federal Energy Administration, the Department of Housing and Urban Development, the Department of the Interior, and the Department of Agriculture.

"(3) The comprehensive plan and program described in paragraph (2) shall include, but not be limited to—

"(A) information about potential commercial demonstration facilities proposed in the program under this section;

"(B) any significant adverse impacts which may result from any activity included in the program;

"(C) proposed regulations required to carry out the purposes of this section;

"(D) a list of Federal agencies, governmental entities, and other persons that will be consulted or utilized to implement the program; and

"(E) methods and procedures by which the information gathered under the program will be analyzed and disseminated.

"(4) The report required under paragraph (1) of this subsection shall be updated and submitted to the Congress at least annually for the duration of that program under this section.

"(l) Prior to issuing any guarantee or commitment to guarantee pursuant to subsection (b) of this section, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a full and complete report on the proposed commercial demonstration facility and such guarantee. Such guarantee or commitment to guarantee shall not be finalized under the authority granted by this section prior to the expiration of ninety calendar days (not including any day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which such report is received by such committees: *Provided*, That, where the cost of such commercial demonstration facility exceeds $50,000,000 such guarantee or commitment to guarantee shall not be finalized if prior to the close of such ninety-day period either House passes a resolution stating in substance that such House does not favor the making of such guarantee or commitment.

"(m)(1) There is hereby created within the Treasury a separate fund (hereafter in this section called the "fund") which shall be available to the Administrator without fiscal year limitation as a revolving fund for the purpose of carrying out the program authorized by clauses (A), and (B), of subsection (b)(1) and subsections (g) and (h) of this section.

"(2) There are authorized to be appropriated effective October 1, 1977, and thereafter to the fund from time to time such amounts as may be necessary to carry out the purposes of the applicable provisions of this section, including, but not limited to, the payments of interest and principal and the payment of interest differentials and redemption of debt. All amounts received by the Administrator as interest payments or repayments of principal on loans which are guaranteed under this section, fees, and any other moneys, property, or assets derived by him from operations under this section shall be deposited in the fund.

"(3) All payments on obligations, appropriate expenses (including reimbursements to other government accounts), and repayments pursuant to operations of the Administrator under this section shall be paid from the fund subject to appropriations. If at any time the Administrator determines that moneys in the fund exceed the present and reasonably foreseeable future requirements of the fund, such excess shall be transferred to the general fund of the Treasury.

"(4) If at any time the moneys available in the fund are insufficient to enable the Administrator to discharge his responsibilities as authorized by subsections (b)(1), (g), and (h) of this section, the Administrator shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Administrator from appropriations or other moneys available under paragraph (2) of this subsection for loan guarantees authorized by clauses (A) and (B) of section (b)(1) and subsections (g) and (h) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act; and the purpose for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"(n) For the purposes of this section, the term—

"(1) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, or any territory or possession of the United States,

"(2) 'United States' means the several States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and

"(3) 'borrower' or 'applicant' shall include any individual, firm, corporation, company, partnership, association, society, trust, joint venture, joint stock company, or other non-Federal entity.

"(o) An applicant seeking a guarantee under subsection (b) of this section must be a citizen or national of the United States. A corporation, partnership, firm, or association shall not be deemed to be a citizen or national of the United States unless the Administrator determines that it satisfactorily meets all the requirements of section 802 of title 46, United States Code, for determining such citizenship, except that the provisions in subsection (a) of such section 802 concerning (1) the citizenship of officers or directors of a corporation, and (2) the interest required to be owned in the case of a corporation, association, or partnership operating a vessel in the coastwise trade, shall not be applicable.

"(p) No part of the program authorized by this section shall be transferred to any other agency or authority, except pursuant to Act of Congress enacted after the date of enactment of this section: *Provided*, That project agreements entered into pursuant to this section for any commercial demonstration facility for the conversion or bioconversion of solid waste (as that term is defined in the Solid Waste Disposal Act, as amended) shall be administered in accordance with the May 7, 1976, Interagency Agreement between the Environmental Protection Agency and the Energy Research and Development Administration on the Development of Energy from Solid Wastes, and specifically, that in accordance with this agreement, (1) for those energy-related projects of mutual interest, planning will be conducted jointly by the Environmental Protection Agency and the Energy Research and Development Administration, following which project responsibility will be assigned to one agency; (2) energy-related portions of projects for recovery of synthetic fuels or other forms of energy from solid waste shall be the responsibility of the Energy Research and Development Administration; and (3) the Environmental Protection Agency shall retain responsibility for the environmental, economic, and institutional aspects of solid waste projects and for assurance that such projects are consistent with any applicable

suggested guidelines published pursuant to section 209(a) of the Solid Waste Disposal Act, as amended, and any applicable State or regional solid waste management plan.

"(q) Inventions made or conceived in the course of or under a guarantee authorized by this section shall be subject to the title and waiver requirements and conditions of section 9 of this Act.

"(r) With respect to any obligation which is issued after the enactment of this section by, or in behalf of, any State, political subdivision, or Indian tribe and which is either guaranteed under, or supported by taxes levied by said issuer which are guaranteed under, this section, the interest paid on such obligation and received by the purchaser thereof (or the purchaser's successor in interest) shall be included in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954, as amended: *Provided*, That the Administrator shall pay to such issuer out of the fund established by this section such portion of the interest on such obligations, as determined by the Secretary of the Treasury to be appropriate after taking into account current market yields (1) on obligations of said issuer, if any, or (2) on other obligations with similar terms and conditions the interest on which is not so included in gross income for purposes of chapter 1 of said Code, and in accordance with, such terms and conditions as the Secretary of the Treasury shall require.

"(s)(1) Each officer or employee of the Energy Research and Development Administration who—

"(A) performs any function or duty under this section; and

"(B)(i) has any known financial interest in any person who is applying for or receiving financial assistance for a commercial demonstration facility under this section; or

"(ii) has any known financial interest in property from which biomass or other energy resources are commercially produced in connection with any commercial demonstration facility receiving financial assistance under this section,

shall, beginning February 1, 1977, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

"(2) The Administrator shall

"(A) act within ninety days after the date of enactment of this Act—

"(i) to define the term 'known financial interest' for purposes of paragraph (1) of this subsection; and

"(ii) to establish the methods by which the requirement to file written statements specified in paragraph (1) will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

"(B) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(3) In the rules prescribed in paragraph (2) of this subsection, the Administrator may identify specific positions within the Administration which are of a nonpolicy-making nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this subsection.

"(4) Any officer or employee who is subject to, and knowingly violates, this subsection or any regulation issued thereunder shall be fined not more than $2,500 or imprisoned nor more than one year, or both.

"(t) Nothing in this section shall be construed as affecting obligations of any borrower receiving a guarantee pursuant to this section to comply with Federal and State environmental land use, water, and health and safety laws and regulations or to obtain applicable Federal and State permits, licenses, and certificates.

"(u) The information maintained by the Administrator under this section shall be made available to the public, subject to the provisions of section 552 of title 5, United States Code, and section 1905 of title 18, United States Code, and to other Government agencies in a manner that will facilitate its dissemination: *Provided*, That upon a showing satisfactory to the Administrator by any person that any information, or portion thereof, obtained under this section by the Administrator directly or indirectly from such person would, if made public, divulge (1) trade secrets or (2) other proprietary information of such person, the Administrator shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18, United States Code: *Provided further*, That the Administrator shall, upon request, provide such information (A) any delegate of the Administrator for the purpose of carrying out this Act, and (B) the Attorney General, the Secretary of Agriculture, the Secretary of the Interior, the Federal Trade Commission, the Federal Energy Administration, the Environmental Protection Agency, the Federal Power Commission, the General Accounting Office, other Federal agencies, or heads of other Federal agencies, when necessary to carry out their duties and responsibilities under this and other statutes, but such agencies and agency heads shall not release such information to the public. This section is not authority to withhold information from Congress, or from any committee of Congress upon request of the chairman. For the purposes of this subsection, the term 'person' shall include the borrower.

"(v) Notwithstanding any other provision of this section, the authority to make guarantees or commitments to guarantee under subsection (b)(1), the authority to make contracts under subsection (h), the authority to charge and collect fees under subsection (j), and the authorities under subsection (m) of this section shall be effective only to the extent provided, without fiscal year limitation, in appropriation Acts enacted after the date of enactment of this section.

"(w) For purposes of this section 'biomass' shall include, but is not limited to, animal and timber waste, urban and industrial waste, sewerage sludge, and oceanic and terrestrial crops.".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments were agreed to en bloc.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–70), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

The purpose of S. 37 is to amend the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906) so as to provide the Energy Research and Development Administration with authority to utilize loan guarantees in the research, development and demonstration of energy and energy-related technologies. The bill also provides for the authorization of a loan guarantee program to provide for the financing, construction and operation of commercialized demonstration facilities for the conversion of biomass into synthetic fuel or other usable forms of energy.

SUMMARY OF MAJOR PROVISIONS

Senate bill 37 would amend the Federal Non-Nuclear Energy Research and Development Act of 1974 by authorizing the Energy Research and Development Administration to enter into agreements, subject to congressional approval, whereby the Federal Government would guarantee the repayment of interest on and principal balance of loans and other forms of financial commitments secured for design, construction and operation of energy and energy-related research, development and demonstration projects.

Second, the bill provides for the establishment of a loan guarantee program, to be administered by the Energy Research and Development Administration, whereby the Administrator of ERDA is authorized to guarantee and to make commitments to guarantee the payment of interest on, and the principal balance of, bonds, debentures, notes, and other obligations issued by or on behalf of any person for the purpose of financing the construction and initial operation of commercial-sized demonstration facilities for the conversion of biomass into synthetic fuel or other usable forms of energy. The total outstanding indebtedness that may be guaranteed, at any time, by the Administration of ERDA is limited to $300 million.

BACKGROUND AND NEED

In 1975, the then Senate Committee on Interior and Insular Affairs considered the development of a national program to encourage the production of synthetic fuels through the use of Federal loan guarantees. Various private sector concerns were (and still are) unable to obtain financial backing for the construction of first-of-a-kind commercialized demonstration facilities without partial Federal assistance. Faced with the reality that this Nation's domestic oil reserves are continuing to decline and that ultimately the petroleum exporting nations will lack sufficient resources to export the Interior Committee acted to begin the development of a national synthetic fuels program. This Nation has vast amounts of energy stored in its coal, shale, and biomass reserves; much more so than it does in its petroleum and natural gas reserves. The purpose of enacting a synthetic fuels program, therefore, is to assure that this country investigates all possible substitutes for the declining liquid and gaseous supplies. The intent is to gather information and to determine whether or not these processes are technically feasible and cost effective.

By a vote of 92 to 2, the Senate adopted the Interior Committee's recommendation last year to adopt a $6 billion loan guarantee program. The conversion of biomass to synthetic fuels or other forms of energy was included in the loan guarantee program. After agreement by Senate and House conferees to retain the provision of the loan guarantee program, the Senate again adopted the conference report but the House of Representatives rejected that portion of the recommendations dealing with the loan guarantee program.

In order to insure that the 4th Congress had an opportunity to take action on a syn-

thetic fuels option, the committee voted to reinsert into the authorization bill for fiscal year 1977 the biomass portion of the synfuels program agreed to by the Senate and House conferees during consideration of the fiscal year 1976 authorization bill. Members of the Interior Committee meeting in executive session reiterated support for the broad development of a synthetic fuels program, but the committee specifically did not take action on the broader synthetic fuels program (which could include coal, oil shale, geothermal and solar energy resources) in order to await further action by the House of Representatives upon a synthetic fuels proposal under consideration during the second session of the 94th Congress. The bill, under consideration in the House (H.R. 12112) would have authorized a $4.0 billion loan guarantee and price support program for the production of synthetic fuels, including biomass, on a commercial demonstration scale. In addition, the legislation would have authorized the demonstration of energy conservation technologies in industrial and business settings. On a vote to adopt rules by which to consider H.R. 12112, the membership of the House voted (193–192) to deny the adoption of proposed rules and the measure was thereby not considered on the merits.

However, Senate and House conferees to the fiscal year 1977 ERDA authorization bill (H.R. 13350) agreed to the Senate provision which authorized ERDA to issue loan guarantees and to undertake a $300 million loan guarantee program to convert biomass to various forms of useful energy. The House of Representatives subsequently adopted the conference report to H.R. 13350 but the Senate, on matters unrelated to the loan guarantee provisions, failed to adopt the conference report just prior to adjournment of the 94th Congress. Senate bill 37, introduced by Senator Henry M. Jackson on January 10, 1977, is identical to titles VII and VIII of the conference report to H.R. 13350 except that the biomass loan guarantee program is not authorized to begin until October 1, 1977.

Provisions of the bill in need of further explanation and clarification are the following:

Section 20(b)(3)—Treasury To Act Promptly

This subsection was adopted to assure that the loan guarantees are administered with the concurrence of the Secretary of the Treasury so as to minimize the impact on the money market and coordinate these efforts with other Administration programs which affect fiscal policy. It is expected that the Secretary of the Treasury will act promptly so that the concurrence will not delay the implementation of this program and that the Secretary will exercise special care that smaller projects will not be delayed.

Section 20(c)—Competition

Subsection (c) requires that the Administrator have due regard for competition in carrying out loan guarantees. The committee is concerned that concentration in the energy business not be further aggravated through Federal loan guarantees.

Section 20(c)(2)—Project costs

ERDA is authorized to make guarantees for up to 75 percent of the total project cost of each facility.

ERDA can guarantee a higher percentage during construction and the start up period but limit this to a maximum of 90 percent.

Section 20(d)—Competitive impact

In subsection (c) ERDA must consider the need for competition in making loan guarantees.

In subsection (d), ERDA is required to solicit from the Attorney General and the Chairman of the Federal Trade Commission written views, comments, and recommendations concerning the impact of each proposed loan guarantee on competition and concentration in the energy supply industry. ERDA must do this in a timely fashion, but at least 60 days before ERDA sends its report on the proposed guarantee to Congress under subsection (1).

Section 20(e)(1)—State review

Section 20(e)(1) provides that once ERDA has ascertained, after reviewing applications for loan guarantees and determining which are capable of being approved, where a proposed demonstration facility is likely to be located, ERDA must promptly notify the appropriate State and local governmental officials. Before ERDA can approve any such application, however, ERDA must give the Governor of the State where the facility will be located an opportunity to make a recommendation thereon.

If the Governor recommends against making the guarantee for the facility, the ERDA must refrain from doing so unless the Administrator finds that there is an overriding national interest and sets forth his reasons for this finding in writing to the Governor.

The ERDA decision is subject to judicial review filed within 90 days after the decision.

Provision is also made for ERDA regulations concerning review by States and communities which may be impacted by the facility in any way and by the general public.

Section 20(g)(2)—Disposal of property in case of default

In the event of default, the Administrator is provided with the authority to complete the project, maintain the facility, operate the facility, including purchase of necessary feedstock and other material, and the authority to sell the products or energy produced by the facility. Such operation may be by the Federal Government or by other parties or by the defaulting borrower, where the Administrator determines that permitting the borrower to continue pursuing the purposes of the facility is in the public interest.

Section 20(g)(4)—Disposition of Patents on Default

Section 20(g)(4) provides that "patents and technology resulting from the commercial demonstration facility shall be treated as project assets of such facility in accordance with terms and conditions of the guarantee agreement." The purpose of this provision is to make clear that in the event of default intangible assets such as patents and technology are subject to claim by the United States in the same manner as tangible, physical assets. The term technology is intended to be all-inclusive and embrace such items as know-how and trade secrets. Patents and technology may well be extremely valuable assets of a defaulted project, and should be available to the United States upon default.

Section 20(g)(4) also provides that "the guarantee agreement shall contain a provision specifying that patents, technology, and other proprietary rights which are necessary for the completion or operation of the commercial demonstration facility shall be available to the Government and its designees on equitable terms, including due consideration to the amount of the Government's default payments." The purpose of this authority is to insure that the full complement of patents and technology required for the limited purpose of completing and operating the defaulting project will be available to the Government and its designees. Without this provision, it is conceivable that blocking patents and technology of the project participation or patents and technology license to the project participant by others might frustrate the ability of the United States or its designee to expeditiously and economically complete the project.

Waivers under section 20(r) of this act are not intended to override the applicability of section 20(g)(4) and should be made subject to its provisions.

Section 20(k) and 20(l)—Congressional Oversight

Section 20(k) provides that before ERDA finally makes a binding commitment to guarantee, or a guarantee of, obligations to any borrower to build a commercial demonstration facility, ERDA must transmit to the House Science and Technology Committee and the Senate Energy and Natural Resources Committee a complete report on the proposed guarantee and facility.

Such report on each proposed guarantee or commitment will lay before the committees for 90 calendar days, exclusive of days either House adjourns for more than 3 days.

If the estimated cost of proposed commercial demonstration facility will exceed $50 million, ERDA shall not finalize the guarantee or commitment for that facility if either House passes a resolution of disapproval within the 90 days period.

Section 20(p)—Transfer of loan guarantee program

The primary responsibility for the entire loan guarantee program is to remain with the ERDA until otherwise directed by the Congress. The committee does not intend to prevent the participation and cooperation of other Federal agencies with the ERDA through normal fund transfers provided that the ERDA maintain the final authority to control the program.

LEGISLATIVE HISTORY

On January 10, 1977, the bill S. 37, was introduced by Senator Jackson and referred to the Committee on Interior and Insular Affairs. The bill, pursuant to the provisions of Senate Resolution 4, was subsequently referred to the Senate Committee on Energy and Natural Resources. Senate bill 37 is almost identical to titles VII and VIII of H.R. 13350, 94th Congress, 2nd session. The major provisions of S. 37 have been extensively considered in the preceding Congress and favorably acted upon by the Senate and House of Representatives. On March 10, 1977, the Senate Committee on Energy and Natural Resources ordered the bill favorably reported with certain amendments of a technical nature.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on March 10, 1977, by unanimous vote of a quorum present recommends that the Senate pass S. 37, with certain amendments of a technical nature as previously described herein.

SECTION-BY-SECTION ANALYSIS

SECTION 101. Section 101 amends section 7 (a) of the Federal Nonnuclear Energy Research and Development Act of 1974 to provide the Energy Research and Development Administration, acting through the Administrator with the authority to issue loan guarantees.

SECTION 201. Section 201 amends the Federal Nonnuclear Energy Research and Development Act by adding a new section which authorizes the establishment of a loan guarantee program for biomass and urban waste commercial demonstration facilities. The program is authorized to provide guarantees for loans whose total amounts are not to exceed $300 million.

COST AND BUDGET CONSIDERATIONS

As the Committee on Interior and Insular Affairs (the predecessor to the Committee on Energy and Natural Resources) reported to the Congress during the 94th Congress, the Nation must pursue an aggressive, and necessarily expensive, research, development and demonstration program in various energy technologies. That proposition has not changed and the new Energy and Natural Resources Committee adopts the commit-

ment of its predecessor to see that the nation has available a number of economically and environmentally acceptable methods to derive needed energy producing and conserving technologies to meet future demands. It should be reiterated that as each new energy technology is moved to the commercial-size demonstration plant phase, major increases ($500 million to $1,000 million) in the budgetary level for capital expenses will necessarily have to be authorized. Cost for construction and operation of first-of-a-kind commercial scale demonstration plants will add several billion dollars to the total budget for the nonnuclear programs conducted by ERDA over the next several years. The committee believes that private industry must be intimately involved in this development of technologies and that federally backed loans are one mechanism which provides stimulation to private industry to embark upon these commercial-scale ventures with minimum government involvement and financial support.

Because default on various guaranteed loans is unpredictable with a new program, it is not now possible to establish the actual dollar outlays that might be incurred through establishment of this program. However, even if the percentage of defaults were 25 percent of the total guaranteed amount authorized under this program—and 25 percent is exceedingly large when compared with similar loan guarantee programs—that amount of Federal expenditures would be a modest amount when compared to the billions of dollars now being used to pay for foreign imported oil.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., March 25, 1977.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, 3106 Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 103 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 37, a bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

MARCH 25, 1977.

COST ESTIMATE

1. Bill number: S. 37.

2. Bill title: Amendments to the Federal Nonnuclear Energy Research and Development Act of 1974.

3. Bill status: As reported by the Senate Committee on Energy and Natural Resources.

4. Purpose of bill: This bill would authorize loan guarantees of up to $300 million for the construction, start-up and related costs of commercial demonstration facilities for the conversion of biomass into synthetic fuels and other forms of energy. Biomass is defined as animal and timber waste, urban and industrial waste, sewage sludge, and oceanic and terrestrial crops.

The Administrator of ERDA is authorized to carry out this program through the use of a revolving fund in the Treasury. The bill authorizes, to be appropriated to the fund, such amounts as may be necessary to guarantee these loans and manage the loan process. The bill also authorizes the ERDA Administrator to borrow from the Treasury if there is insufficient money in the fund to meet the government's commitments under the provisions of this bill, and it requires the Treasury to purchase the notes or other obligations issued by the Administrator for this purpose. ERDA also must submit a report within 180 days of enactment and annually thereafter, including a comprehensive plan for the evaluation of this program.

5. Cost estimate: The major potential budget impact of this bill is the establishment of contingent liabilities. It is estimated that the government would be required to fund at least $150 million of the $300 million authorized. However, the potential liability is the entire $300 million. Other budget effects are the administrative express ERDA would incur and the fees ERDA would collect. These costs are summarized below.

[In millions of dollars, fiscal years]

	1977	1978	1979	1980	1981	After 1981
Contingent liability						150.0
Estimated costs (function 300):						
Administrative costs	0.5	1.0	1.1	1.2	1.3	.....
Less: fees		—.1	—.4	—1.2	—2.4	.....
Net cost	.5	.9	.7	0	—1.1	.....

6. Basis for estimate: Administrative costs for the biomass program were based on ERDA's planning and evaluation costs for comparable high-technology loan guarantee programs. On this basis, it was estimated that the costs to process these loans, plan and assist in construction, and evaluate plant performance would total $1 million a year initially, with adjustments for inflation in future years. Fees were estimated at 1 percent of the outstanding debt covered by the guarantee.

Through the loan guarantee program, the government would assume a potential liability of up to $300 million. However, there is great uncertainty as to the economic and technological feasibility of the biomass program. Doubts as to the likely success of the program stem primarily from the lack of experience with such projects on the scale of those that are planned. As a result, some industry experts project the possibility of default as close to 100 percent, while others estimate a 25 percent chance of failure.

For purposes of realistically estimating the likely budget impact of these guarantees, it was assumed that roughly three plants would be built under this program and that two out of the three would fail either technologically or economically. However, should a default occur, it is estimated that approximately one-fourth of the value of the plant could be recovered. Therefore the government's contingent liability is estimated at $150 million. Due to the planning and lead time necessary for construction, operation, and evaluation of these plants, any failure and disbursement of funds would not occur until after 1981.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Leslie Wilson.

10. Estimate approved by:

C. G. NUCKOLS,
(For James L. Blum,
Assistant Director for Budget Analysis).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 5 of rule XXIX of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 37.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. The loan guarantee program authorized by S. 37 would be developed by the Administrator of ERDA with the voluntary cooperation of the public and local governments.

No personal information would be collected as a result of this program. Therefore, there would be no impact on personal privacy. When the program is developed, it will be used to assist only those members of the public who request assistance.

It is not anticipated that any additional paperwork, over and above that which is agreed to by the parties involved to the loan guarantee, would result from enactment of S. 37.

JOINT COMMITTEE ON ATOMIC ENERGY

The bill (S. 1153) to abolish the Joint Committee on Atomic Energy and to reassign certain functions and authorities thereof, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSES

SEC. 101. The purposes of this Act are—

(1) to abolish the Joint Committee on Atomic Energy and to provide for the transfer of its statutory functions and authority to other committees of the Congress which, under the rules of the House and Senate, are assigned jurisdiction over the development, utilization, or application of atomic energy;

(2) to preserve the security of information relating to the national security considerations of nuclear technology;

(3) to make necessary conforming amendments to the Atomic Energy Act of 1954, as amended, and certain other laws which pertain to the Joint Committee on Atomic Energy; and

(4) to provide for the disposition of staff personnel of the Joint Committee on Atomic Energy.

TITLE II—JOINT COMMITTEE ON ATOMIC ENERGY

SEC. 201. The Joint Committee on Atomic Energy is abolished.

TITLE III—TRANSFERS OF CERTAIN FUNCTIONS OF THE JOINT COMMITTEE ON ATOMIC ENERGY AND CONFORMING AMENDMENTS TO CERTAIN OTHER LAWS

SEC. 301. (a) Sections 201, 202, 203, 204, 205, 206, and 207 of the Atomic Energy Act of 1954, as amended, are repealed.

(b) Section 103 of the Atomic Energy Community Act of 1955, as amended, is repealed.

SEC. 302. Section 3 of the Congressional Budget Act of 1974 is amended by—

(1) striking the subsection designation "(a)"; and

(2) repealing subsection (b).

SEC. 303. Section 252(a)(3) of the Legislative Reorganization Act of 1970 is repealed.

SEC. 304. Section 502 of the Mutual Security Act of 1954, as amended, is amended by striking the words "the Joint Committee on Atomic Energy and".

SEC. 305. Section 3 of the International Atomic Energy Agency Participation Act of 1957 is amended by striking the words "the Joint Committee on Atomic Energy,".

SEC. 306. (a) Section 11 of the Atomic Energy Act of 1954, as amended, is amended by repealing subsection o.

(b) Section 11c of the Atomic Energy Act of 1954, as amended, is amended by deleting the words, "The term 'atomic energy' means" and inserting the words ' The terms 'atomic energy' or 'nuclear energy' mean".

(c) Section 11d of the Atomic Energy Act of 1954, as amended, is amended by deleting the words "The term 'atomic weapon' means" and inserting the words "The terms 'atomic weapon' or 'nuclear weapon' mean".

SEC. 307. Section 120 of the Atomic Energy Community Act of 1955, as amended, is amended by striking the second proviso and all that follows, and substituting the following: *"Provided further,* That before the Commission makes any disposition of property under the authority of this section, the basis for the proposed disposition (with necessary background and explanatory data) shall be submitted to the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment of more than three days): *Provided, however,* That after having received the basis for the proposed disposition, such congressional committees may by resolution in writing agreed to by such committees waive the conditions of all or any portion of such forty-five-day period.".

SEC. 308. Section 91 d. of the Atomic Energy Community Act of 1955, as amended, is amended by striking the words "Joint Committee on Atomic Energy" and substituting "congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section,".

SEC. 309. Section 51 of the Atomic Energy Act of 1954, as amended is amended by—

(1) striking the words "Joint Committee" the first time they appear and substituting "congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section,"; and

(2) striking the proviso and substituting *"Provided, however,* That the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section, after having received such determination, may by resolution in writing agreed to by such committees waive the conditions of all or any portion of such thirty-day period.".

SEC. 310. Section 54 a. of the Atomic Energy Act of 1954, as amended, is amended by deleting the words *"Provided, however"* the second time they appear and all that follows up to the next sentence and substituting the following: *"Provided, however,* That before they are established by the Commission pursuant to this subdivision (ii), such proposed amounts and periods shall be submitted to the Congress and referred to the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section, and a period of sixty days shall elapse while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days): *And provided further,* That any such proposed amounts and periods shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed action: *And provided further,* That prior to the elapse of the first thirty days of any such sixty-day period the congressional committees to which have been referred such proposed amounts and periods shall report to their respective Houses concerning their views and recommendations respecting the proposed amounts and periods and shall report to their respective Houses an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed amounts or periods.".

SEC. 311. Section 61 of the Atomic Energy Act of 1954, as amended, is amended by—

(1) striking the words "Joint Committee" the first time they appear and substituting "congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section,"; and

(2) striking all after the words *"Provided, however,"* and substituting "That the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section, after having received such determination, may by resolution in writing agreed to by such committees waive the conditions of all or any portion of such thirty-day period.".

SEC. 312. (a) Section 123 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. the proposed agreement for cooperation, together with the approval and the determination of the President, has been submitted to the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over such proposed agreements, and a period of thirty days has elapsed while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days): *Provided, however,* That the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over such proposed agreements, after having received such agreement for cooperation, may by resolution in writing agreed to by such committees waive the conditions of all or any portion of such thirty-day period; and".

(b) Section 123 d. of such Act is amended by—

(1) striking the words "Joint Committee" the first time they appear and substituting "congressional committees which, under the rules of the House and Senate are assigned jurisdiction over such proposed agreements,"; and

(2) striking the remainder of the sentence following the word *"Provided"* and substituting the following: "That prior to the elapse of the first thirty days of any such sixty-day period the congressional committees to which have been referred the proposed agreement shall each submit a report to their respective Houses of the views and recommendations of the committee respecting the proposed agreement and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation.".

SEC. 313. Section 161 v. of the Atomic Energy Act of 1954, as amended, is amended by striking the third proviso and substituting the following: *"Provided further,* That before the Commission establishes such criteria, the proposed criteria shall be submitted to the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this subsection, and a period of forty-five days shall elapse while Congress is in session (in computing the forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days): *Provided, however,* That the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this subsection, after having received such proposed criteria, may by resolution in writing agreed to by such committees waive the conditions of all or any portion of such forty-five-day period.".

SEC. 314. Section 164 of the Atomic Energy Act of 1954, as amended, is amended by—

(1) striking the words "Joint Committee" the first time they appear and substituting "congressional commitees which under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section,"; and

(2) striking the proviso and substituting *"Provided, however,* That the thirty-day period may be waived by resolution in writing agreed to by the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section.".

SEC. 315. Section 107(c) of Public Law 88-332 (42 U.S.C. 2204a) is amended by—

(1) striking the word "Joint Committee" the first time they appear and substituting "congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section"; and

(2) striking the proviso and substituting *"Provided, however,* That the forty-five-day period may be waived by resolution in writing agreed to by the congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section.".

SEC. 316. Section 170 i. of the Atomic Energy Act of 1954, as amended, is amended by striking the words "Joint Committee" each time they appear and substituting "congressional committees which, under the rules of the House and Senate are assigned jurisdiction over the subject matter of this section.".

TITLE IV—INFORMATION AND ASSISTANCE TO CONGRESSIONAL COMMITTEES

SEC. 401. (a) The Energy Research and Development Administration and the Nuclear Regulatory Commission shall keep the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the functions of the Administration or the Commission, fully and currently informed with respect to the activities of the Administration and the Commission.

(b) The Department of Defense shall keep the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over national security considerations of nuclear technology, fully and currently informed with respect to such matters within the Department of Defense relating to national security considerations of nuclear technology which are within the jurisdiction of such committees.

(c) Any Government agency shall furnish any information requested by the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the development, utilization, or application of nuclear energy, with respect to the activities or responsibilities of such agency in the field of nuclear energy which are within the jurisdiction of such committees.

SEC. 402. The committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the development, utilization, or application of nuclear energy, are authorized to utilize the services, information, facilities, and personnel of any Government agency which has activities or responsibilities in the field of nuclear energy which are within the jurisdiction of such committees: *Provided, however,* That any utilization of personnel by such committees shall be on a reimbursable basis and shall require, with respect to committees of the Senate, the prior written consent of the Committee on Rules and Administration, and with respect to committees of the House of Representatives, the prior written consent of the Committee on House Administration.

SEC. 403. All records, data, charts, and files of the Joint Committee on Atomic Energy which are not transferred under section 501 of this Act are transferred to the committees of the Senate which, under the rules of the Senate, have jurisdiction over the subject matters to which such records, data, charts, and files primarily relate. Such com-

mittees of the Senate shall make available such records, data, charts, and files to other committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matters to which such records, data, charts, and files relate.

TITLE V—PROTECTION OF NATIONAL SECURITY INFORMATION

SEC. 501. (a) All records, data, charts, and files of the Joint Committee on Atomic Energy relating to national security matters, including the military applications of nuclear technology, shall be transferred to the committees of the Senate which, under the rules of the Senate, have jurisdiction over the subject matters to which such records, data, charts, and files relate. In the event that any record, chart, or file shall be within the jurisdiction of more than one committee of the Senate, duplicate copies shall be provided upon request.

(b) The committees of the Senate which receive the records, data, charts, and files of the Joint Committee on Atomic Energy under subsection (a) shall make available such records, data, charts, and files to the committees of the House of Representatives which, under the rules of the House, have jurisdiction over the subject matters to which such records, data, charts, and files relate.

(c) The committees of the Senate which receive the records, data, charts, and files of the Joint Committee on Atomic Energy under subsection (a) may utilize the Office of Classified National Security Information established by section 502 of this Act or make other suitable arrangements for safeguarding such records, data, charts, or files.

SEC. 502. (a) There is established for the period beginning on the effective date of this Act and ending March 31, 1979, an office of the Senate to be known as the "Office of Classified National Security Information" (hereafter in this section referred to as the "Office"). The Office shall be under the policy direction of the majority leader, the minority leader and the chairman of the Committee on Rules and Administration of the Senate, and shall be under the administrative direction and supervision of the Secretary of the Senate. The Office shall have the responsibility for safeguarding such restricted data and such other classified information as any committee of the Senate may from time to time assign to it.

(b) The Office shall have the authority—

(1) upon application of any committee of the Senate, to perform the administrative functions necessary to classify and declassify information relating to the national security considerations of nuclear technology in accordance with guidelines developed for restricted data by the responsible executive agencies;

(2) to provide appropriate facilities for hearings of committees of the Senate at which restricted data or other classified information is to be presented or discussed; and

(3) to establish and operate a central repository in the United States Capitol for the safeguarding of restricted data and other classified information for which such Office is responsible.

(c) The Secretary of the Senate, with the approval of the majority leader, the minority leader, and the chairman of the Committee on Rules and Administration of the Senate, is authorized to appoint and fix the compensation of not more than two professional staff members and three clerical staff members for the Office. One of such professional staff members may be paid compensation at a rate not to exceed the rate provided for the two employees of a standing committee of the Senate referred to in section 105(e)(3)(A) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61-1), and the other professional staff member may be paid compensation at a rate not to exceed the rate provided for professional staff members of a standing committee of the Senate by section 105(e)(1) of such Act. The clerical staff members may be paid compensation at a rate not to exceed the rate provided for the four clerical assistants of a standing committee of the Senate referred to in section 105(e)(2)(A) of such Act.

(d) The salaries and expenses of the Office shall be paid from the contingent fund of the Senate pursuant to appropriations made to the contingent fund for such purpose. Until funds are first so appropriated, such salaries and expenses shall be paid from the contingent fund out of funds appropriated for "Miscellaneous Items". Such salaries and expenses shall be paid out of the contingent fund upon vouchers approved by the Secretary of the Senate, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

(e) Within thirty days of the date of enactment of this Act, the Office shall furnish the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Foreign Relations of the Senate with a listing of all those records, data, charts, and files of the Joint Committee on Atomic Energy which are to be transferred to such committees under section 501(a) of this Act, indicating which committee(s) may have jurisdiction over each item. The chairmen of the committees involved shall be responsible for resolving any case of doubt regarding jurisdiction over particular records, data, charts, or files.

TITLE VI—COMMITTEE STAFF

SEC. 601. For purposes of this title, the term—

(1) "effective date" means the effective date of title II of this Act;

(2) "eligible staff member" means an individual who is a member of the staff of the Joint Committee on Atomic Energy on the day prior to the effective date and had served continuously (except for any period of four days or less) as a member of the staff of the Joint Committee on Atomic Energy since October 1, 1976;

(3) "new committees" means the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Foreign Relations of the Senate; and

(4) "transition period" means the period beginning on the effective date and ending on June 30, 1977, or, if later, on the ninetieth day after the effective date.

SEC. 602. (a) On the effective date, those eligible staff members who are required to carry out the provisions of section 502 of this Act, as designated by the majority and minority leader and the chairman of the Committee on Rules and Administration of the Senate in accordance with such section, shall be transferred to the Office of Classified National Security Information.

(b) On the effective date, each eligible staff member not transferred to the Office of Classified National Security Information under subsection (a) shall be transferred to the staff of a new committee. The determination of the eligible staff members transferred to the staff of each of the new committees shall be made by the Committee on Rules and Administration in consultation with the chairmen and ranking minority members of the new committees. The chairman of each new committee (and the ranking minority member with respect to minority employees) shall notify the Secretary of the Senate of the eligible staff members transferred to that new committee.

(c) During the transition period, each eligible staff member transferred to a new committee—

(1) shall, notwithstanding the limitations contained in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended and modified, receive compensation at a rate not less than the rate of compensation such staff member was receiving on March 1, 1977; and

(2) may not be removed, except for cause, as a member of the staff of the new committee.

(d) The provisions of subsection (c)(2) shall not apply in the case of an eligible staff member who would be entitled to an annuity under section 8336(d) of title 5, United States Code, upon his involuntary removal from service as an employee of the Senate if such staff member (but for the provisions of subsection (c)(2)) would be subject to involuntary removal from such service and such staff member elects to have the provisions of this subsection apply.

SEC. 603. Not later than the effective date, the Committee on Rules and Administration shall report a resolution which authorizes expenditures out of the contingent fund of the Senate during the transition period by the new committees sufficient to enable each new committee to pay the compensation and expenses of the eligible staff members transferred to its staff under section 602.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. Titles II, III, IV, and V of this Act shall take effect on the tenth day after the enactment of this Act.

SEC. 702. Any reference in any rule, resolution, or order of the Senate or the House of Representatives or in any law, regulation, or Executive order to the Joint Committee on Atomic Energy shall, on and after the effective date of title II, be considered as referring to the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matter of such reference.

SEC. 703. The provisions of section 502 and title VI (except section 602(c)(1)) are enacted—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSFER OF MEASURES TO UNANIMOUS-CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there are five measures on the general orders calendar that are shown on page 10—orders Nos. 63–67. It is my understanding that these measures could pass as of now by unanimous consent, they having been cleared on both sides of the aisle.

If I am not incorrect in that assertion, I ask the clerk to place them on the unanimous-consent calendar for consideration later.

Mr. BAKER. Mr. President, if the majority leader will yield, he is correct.

There is full clearance on our side for those five items. However, I join him in the request and state my preference that they go to the unanimous-consent calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may I say respectfully that no unanimous consent is required.

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator has clearance for the year, as I recall.

Mr. ROBERT C. BYRD. Yes; that is correct.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I assume later in the day it would be possible to get final clearance on the two measures that are on the unanimous-consent calendar, Calendar Orders No. 60 and 61, but we will await that event.

Now, Mr. President, I yield to the minority leader. I do have a statement I want to make, but I yield to him in the event he has anything at this time so as not to delay him.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. BAKER. Mr. President, I have two short matters I wish to take up.

NONGAME WILDLIFE

Mr. BAKER. Mr. President, this past Tuesday I was pleased to cosponsor, along with Senator HART and a number of my Senate colleagues, the Federal Aid in Nongame Fish and Wildlife Conservation Act of 1977. This bill would provide Federal funds to aid the States in initiating programs for the protection and management of a large array of this country's most beautiful, interesting, and unique wildlife.

In the past traditional game management programs have in many instances had beneficial impacts on the nongame species but rarely were any management programs focused specifically toward this broad genre of wildlife.

Programs developed pursuant to this legislation should provide a chance to enjoy our country's abundant wildlife resources to a large segment of our citizenry, particularly our urban dwellers, who for a number of reasons have not had this chance in the past. The programs in addition should enable a large number of our nongame species of wildlife a chance to benefit from enhanced management for their particular needs.

Most if not all of the State wildlife management agencies highly favor this legislation because it allows them to develop innovative management programs that can bring the enjoyment of wildlife to many more of their citizens. For instance, my own State of Tennessee has written expressing support for this measure and has made some comments on this proposal which I am sure will be helpful in the further consideration of this bill in committee.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TENNESSEE WILDLIFE RESOURCES AGENCY,
Nashville, Tenn., March 17, 1977.

Re Federal Aid in Nongame Fish and Wildlife.

Hon. HOWARD BAKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: We appreciate your interest in a bill that would provide funding for nongame fish and wildlife.

We have reviewed Senator Hart's S. 3887, which he introduced on October 1, 1976. We are much encouraged by this legislation and have the following constructive comments for your consideration for reintroduction during 1977. We hope that you may be a joint sponsor because the program could provide many benefits for Tennessee and the Nation.

The proposed legislation provides for a fairly funded and much needed stimulus to current State nongame programs.

It would be helpful to make reference to the spin-off benefits accruing to many nongame species from game management programs and that many game species can also benefit from programs directed primarily toward nongame.

Many nongame species need target programs for this preservation and enhancement. However, legislation should reflect the general inseparability of programs benefiting game, nongame and endangered species. Most can best be perpetuated by programs recognizing total ecosystem management.

As much as nongame proponents need hope for properly funded State programs, there is a possibility that such a bill, unless carefully coordinated with Pittman-Robertson and Dingell-Johnson funding provisions, could further widen the breach and competition between consumptive and nonconsumptive users. We believe the bill can be more broadly supported if it reflects the broad benefits to be achieved by both clientele. It would be very helpful if the bill avoided references indicating (to some) a "raw edge" between such programs.

The legislation should provide for multiple use for consumptive and nonconsumptive users of fish and wildlife wherever such uses can be made compatible. An example of incompatibility would generally include urban nongame areas.

The use of license revenue, as 10% matching funds, is not excessive where multiple use is planned and where a "nongame management" practice is clearly beneficial to game species (Section 5(F)(4)).

"Fish and wildlife" is defined (Section 3) as "any member of the animal kingdom... with respect to a particular State, is native to that State." Many species which are not indigenous to particular states, were transplanted from other States or countries many years ago and are now well established and valued by the residents of these States. Such species include: rainbow trout, brown trout, largemouth bass, channel catfish and pheasant. In order to protect such desirable transplanted species, we recommend that "native fish and wildlife" be defined as, "any wild fish or wildlife species indigenous to a State or a non-indigenous wild species that the State Fish and Game Agency recognizes as well established in that State."

An excise tax on outdoor recreation equipment would probably be a good source of funding. However, it would be difficult to adequately delineate the types of equipment and fair percentages of excise tax that should be allotted on each. Based on overall benefits to the ecosystem, such funding could well be justified by Federal general appropriations, provided adequate provisions are made to assure annual continuation.

It would be very helpful if provisions are provided for such funds to be administered to the State Wildlife Agencies by the same Fish and Wildlife Service Section that administers other Federal aid programs. For your further information, I am enclosing a copy of a similar letter written to Senator Hart on January 17, 1977.

We hope these comments will be useful. Please call on us if we can testify in favor of the Nongame Bill or provide other input into this worthy proposal.

Sincerely,

HARVEY BRAY,
Executive Director.

TRIBUTE TO ALEX HALEY

Mr. BAKER. Mr. President, it is with a strong sense of pride that I, a Tennessean, can claim that Alex Haley is a native of my State. I am pleased, therefore, to announce that plans are in progress to pay tribute in Tennessee to this distinguished citizen during the period of May 18–21, and to establish a philanthropic foundation in his honor for the promotion of literary excellence.

In reality, however, the creation of "Roots" has benefited all of us, and Mr. Haley's contribution to the Nation cannot be reserved to Tennessee alone.

Mr. President, I commend the Governor of my State and his administration for taking the lead in proposing this celebration, and I am pleased to join them in that effort. I might state to my colleagues that some time next week I will ask for a special order to make further remarks on this subject, and I would invite anyone else who is similarly inclined to consider doing the same on that day.

THE SALT II NEGOTIATIONS

Mr. BAKER. Mr. President, yesterday afternoon I was privileged to travel to the White House to meet with the President of the United States, the Vice President of the United States, and certain of his advisors, together with the distinguished majority leader and the leadership on his side of the aisle, House and Senate.

We were briefed at that time rather extensively on the situation in the Soviet Union and the progress of our efforts to negotiate a satisfactory SALT talk.

I simply want to reiterate what I said at the conclusion of that briefing—that we may agree or disagree with the negotiating techniques of the administration in this regard; we may even agree or disagree with the substance of the policies that is formulated for presentation at those negotiations; but, I believe, that substance is fully and fairly bipartisan, and almost no one disagrees with the objective, which is to negotiate a satisfactory SALT II agreement.

I speculated and surmised following that briefing that there may be a little testing going on here. The Russians may be testing a new American President.

I would like to say in that regard, Mr. President, that I hope the world understands that while we have Republicans and Democrats in Congress and in the country, we have only one President; and in the matter of testing we will stand firmly and squarely behind our President, as he is now challenged or may later be challenged, in our devotion to

the culmination of successful negotiations for strategic arms limitation and other important matters in the future.

Mr. President, I reiterate those views because I hope this repetition will emphasize my dedication to them.

I have no request nor requirement for the remainder of my time under the standing order, and I yield it back.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the distinguished minority leader on his statement.

As I indicated yesterday at the meeting at the White House, I congratulated the President on making the meeting a bipartisan joint leadership meeting with Members on both sides of the aisle and Members from both bodies.

This is a matter that is so vital and so critical that it requires bipartisan consultation and bipartisan support.

I have no doubt that when the chips are down the security interests of this country are at stake, the President, no matter who he may be, whether he be a Democrat or whether he be a Republican, is the one President of the country, he is the one leader of the country, and that both political parties and the leadership of both parties are going to be with him on matters that go to the heart of the security interests of this country.

I know I am not presumptuous in interpreting the statements of the minority leader as I have just enunciated them.

The press is filled with stories that the talks between Secretary of State Cyrus Vance and Leonid Brezhnev on a treaty to limit nuclear weapons have "broken down." Secretary Vance is described as being "disappointed." Other press comments used the words "impasse" or "collapse" to describe the state of the negotiations.

Brezhnev is said to have rejected as "inequitable" both of the U.S. proposals for breaking the 2-year impasse in negotiations. Press accounts state that Mr. Brezhnev made no counterproposal and that his refusal to accept any aspect of the American plans appeared to deal a sharp blow to chances of achieving an accord before an interim 5-year agreement limiting some missiles expires in October.

Mr. President, I am not discouraged by the turn of events. Of course, I am disappointed, but this is nothing more than I expected. I expected to be disappointed. One should always expect to be disappointed in the behavior and attitude of Soviet leaders where arms talks are concerned.

This is a time of testing of wills. The Soviet leaders are testing President Carter.

It has become common practice of the Soviets to test the mettle of each new American President early in his term of office. I am sure that Jimmy Carter will prove his mettle to be firm and to be resolute. While it is a time of testing, it is no time for weakness. The proposals submitted by President Carter have been well thought out over a period of months, they were fair and equitable and reasonable, and they were calculated to be protective of the security interests of both the United States and the Soviet Union and to lower the risk of nuclear war. It is not surprising that the Soviets have initially turned down the proposals. They want an agreement that is not one of parity between the United States and the Soviet Union but, rather, one that will give the Soviet Union a decided advantage over the United States. Such an agreement would be a bad agreement, and no agreement is better than a bad agreement.

Any pretense that the President's position on human rights has endangered or scuttled the arms talks is nothing more than flimflam. The Soviets have never hesitated to meddle in our own internal affairs and to lecture us before the world, and it is good for them to get a little of their own medicine in return.

Soviet leaders will understand that it is in their own interests as well as in the interests of the United States that there be a new agreement—protective of the security interests of both countries. Soviet leaders know that it is in their interests, as well as in the interests of the United States, that the arms race not be accelerated. The Soviet leaders should also know that, while Americans are peace loving, the American people have the will and the resources to engage in an accelerated arms race if there is no other alternative, and that, in such event, while it would be at a disastrous cost to both countries, American technology will prevail over the Soviet system.

Soviet leaders have pretended to be ready and eager for a new SALT agreement. Today they stand before the bar of world opinion as having rebuffed American plans which were deliberately calculated to bring about a lowering of the Vladivostok ceilings on offensive missiles.

Mr. Carter says that he is "not discouraged at all." He should not be. His position is morally right, and his proposals were equitable and sound from the standpoint of the security interests of both nations. He has warned that if no agreement should be forthcoming, the United States "would be forced to consider a much more deep commitment to the development and deployment of additional weapons." The President is right in forgoing that decision until he is convinced that the Soviets will not join in a good faith workable, effective, verifiable agreement. But he is also right in stating that the United States, in the event no agreement can be reached, will develop and deploy additional weapons. We would have no other choice.

I think we have to understand that the proposals that were submitted by Mr. Carter through Mr. Vance were very complex proposals, and I do not think we should have expected the Soviet leaders to accept those proposals within a matter of 72 hours—a 3-day period.

I am encouraged by the fact that Mr. Vance and Mr. Gromyko will meet again in May and, meanwhile, Soviet and United States "working groups" are to be established to explore numerous other subjects—ranging from halting all nuclear weapons tests to limiting military forces in the Indian Ocean.

So, Mr. President, I think we have to avoid knee jerk reactions of "discouragement," "alarm," and so on.

The Soviets do not want to see their cities destroyed any more than we want to see ours destroyed. The Soviets cannot afford to bleed their economy of needed consumer goods for the sake of engaging in an accelerated arms race any more than can we. But, by the same token, they should not expect the United States to be willing to accept an agreement that places the United States at a disadvantage any more than can the Soviets accept such an agreement in reverse. Hopefully, commonsense will ultimately prevail after the Soviet leaders have had more time to reevaluate the proposals and to reassess the situation.

Mr. President, the road to a nuclear arms limitation treaty is neither a primrose path nor a superhighway. There are going to be potholes, pitfalls, and detours.

President Carter has said that he will "hang tough." I think the Soviet leaders should understand that the American people will also "hang tough" behind their leader. There will be no political division in this country when it comes to a matter so vital to the security interests of the United States and to the peace of the world. We may have political divisions with respect to the economic stimulus package, tax rebates, environmental problems, and solutions to the energy problem, but not with respect to the vital security interests of the United States and the peace of the world.

The time has passed when the Soviets can win advantages for themselves simply by saying "no" to American proposals, presenting no alternative proposals, folding their arms, and closing down the talks in the expectation that the U.S. negotiators will be so eager for a new agreement that we will be willing to settle for less than what is equitable in our own security interests. In the past the Soviets have had a way of showing intransigence until our own negotiators retreated to their final backup positions. The Soviets simply say no; the Americans fall back to the next position. The Soviets say no, fold their arms, turn their backs, pick up their ball and go home; the Americans fall back to another position. The stakes are too high, Mr. President, for us to cave in to Soviet intransigence.

There is only one course, and no other. That is for us to keep trying, demonstrating a continuing good faith, but, at the same time, a persistence and tenacity and patience that the Soviets will respect and that will stand up to their rebuffs. This is no time for belligerence nor saber rattling, but it is a time for clear vision and strength.

The President has said he will "hang tough." The American people will hang tough behind a strong leader. To paraphrase the words of the great American who spoke in the very early days of this Republic, this is a situation in which we either all hang together or we will all hang separately.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the consideration of the pending business, Senate Resolution 110, which the clerk will state.

The assistant legislative clerk read as follows:

Calendar No. 43, a resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the United States Senate; and for other purposes.

The Senate resumed the consideration of the resolution.

TAX REDUCTION AND SIMPLIFICATION ACT OF 1977—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I believe we are about to agree on a matter on which we can take action, but pending that agreement, let me engage in a colloquy with the distinguished minority leader.

I think that the situation with reference to action on the tax bill, which is H.R. 3477, should be clarified. Many staffs are constantly calling my personal staff, and the staff of the Policy Committee, inquiring as to whether or not any action is going to be taken on the tax bill before the recess. I think the matter ought to be clarified beyond any doubt.

It was my desire to call up the tax measure if it could be disposed of prior to the Easter nonlegislative period. The distinguished minority leader and I have discussed this matter on several occasions. I have sought to try to work out a time agreement which would provide for a final vote no later than, say, 6 o'clock next Thursday.

I do not labor under any illusions as to the likelihood of such an agreement. I personally feel that the Senate ought to act on the measure if action can be completed before the Easter holiday. I do not think it would be good for the Senate to begin action on this measure, and then take a scheduled nonlegislative period during which committees can act on various measures, during which Members of the Senate can conduct hearings on various matters, catch up on their mail and other things, or visit their home States, but leave the final floor action and a good many amendments awaiting our return following Easter.

I also have to say that many Senators who might call up amendments prior to the Easter nonlegislative period, would, if their amendments were rejected, be prepared, I am sure, upon their return to resurrect those amendments with slight changes, and thus get a vote on their amendemtns all over again.

So, Mr. President, I think it is time to leave our people in no doubt as to what the situation is.

For the record—and the distinguished minority leader and I have discussed this; I understand his position and he understands mine—I ask unanimous consent that a final vote occur on H.R. 3477 at no later than 7 o'clock p.m. on Thursday next.

Mr. BAKER. Mr. President, reserving the right to object, the majority leader is correct, as always, in faithfully reporting the negotiations and conversations we have had in this respect.

We have discussed this matter on a number of occasions. We have discussed this bill and its disposition fully, frankly, and candidly. I was aware of his intention to make this request, as he was aware of the necessity for me, a little later, to object to it.

I had hoped, to be honest, Mr. President, that we could turn to the tax bill immediately after we finish the ethics package; that we could get to certain aspects of it, including perhaps one of the amendments in the Republican economic package that has been adopted overwhelmingly in the Republican conference, which is a permanent tax reduction to be offered as a substitute. I had hoped it would be impossible to lay that down and dispose of it before the Easter recess, or at least to have it pending when we come back after the recess, following some statements on the bill generally and possibly on one of those amendments.

However, the majority leader was forthright and candid with me in indicating that he would prefer to dispose of the bill before we leave. I tried to be equally candid with him, and said that is not possible, in my view of the situation.

So it is therefore necessary for me, Mr. President, with that explanation, and signaling my continued devotion to a tax cut—though preferring a permanent tax cut as soon as possible—to object, realizing that under these circumstances we could not possibly deal with the full range and spectrum of the amendments likely to be offered, I believe, on both sides of the aisle.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that upon the Senate's return—I have not discussed this with the Senator from Tennessee, but I feel it is a reasonable request—and I believe I may have indicated to him that it was my intention to make the tax bill the pending business upon our return—I ask unanimous consent that when the Senate returns following the nonlegislative day period on Monday, April 18, the tax bill (H.R. 3477) be the pending business.

Mr. BAKER. Mr. President, reserving the right to object, would the majority leader consider withholding that request for just a moment? I am frank to say that after our previous conversation I discussed this matter on Tuesday with the distinguished Senator from Nebraska (Mr. CURTIS), our ranking member on the Finance Committee, the Republican leadership, and others; and I believe there is no objection. However, this is 2 days later, and I would be grateful if the majority leader would withhold that request for a few minutes until I can check.

Mr. ROBERT C. BYRD. Yes, I will be glad to withhold the request, but I am frank to say there is no other business to be taken up by the Senate upon our return.

Mr. BAKER. I appreciate the majority leader's withholding the request. I realize, of course, that the flow of legislation is uniquely under his control, but still I think it would be of benefit if I could clear that request for unanimous consent in order to make it firm and solid.

Mr. ROBERT C. BYRD. I am glad to withhold the request.

(Later in the day the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, I understand that the distinguished minority leader has been able to establish a contact with some of his colleagues who are principals in connection with the tax measure. I would like at this time to propose again my unanimous-consent request, that when the Senate returns from the nonlegislative day period on April 18 at 12 noon, and following the recognition of the two leaders and the transaction of routine morning business, at that time, the Senate proceed to the consideration of H.R. 3477, an act to provide for a refund of 1976 individual income taxes and other payments, to reduce individual and business income taxes and to provide tax simplification and reform.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I would point out, as I am sure the majority leader would agree, that the effectiveness of this unanimous-consent agreement is simply to make this bill the pending business when we return. It does not embrace any other requirements, any time limitations, or any provisions with respect to any other rule of the Senate. It rather has only to do with the business of making this measure the pending business when we return.

Mr. ROBERT C. BYRD. The Senator is correct.

The ACTING PRESIDENT pro tempore. Nor does it relinquish any rights of the minority leader.

Mr. BAKER. Nor is in intended to be a relinquishing of any rights of the minority leader.

Mr. ROBERT C. BYRD. The distinguished minority leader has preeminently covered the subject in a most comprehensive and understandable and impressionable manner.

Mr. BAKER. The majority leader is aware of the fact that the minority leader has few opportunities except to make sure that everyone understands.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader for his usual fine cooperation and good humor.

KILLING OF NEWBORN HARP SEALS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Hawaii (Mr. MATSUNAGA), I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 60 on the unanimous-consent calendar.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

Calendar No. 60, a concurrent resolution (H. Con. Res. 142) urging the Canadian Government to reassess its policy of permitting the killing of newborn harp seals.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with amendments.

The PRESIDING OFFICER. The clerk will state the committee amendment to the resolution.

The legislative clerk read as follows:

On page 2, line 3, strike "is a cruel practice which" and insert "at the current high level".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment to the resolution.

The committee amendment to the resolution was agreed to.

Mr. MATSUNAGA. Mr. President, there is great urgency and need to adopt House Concurrent Resolution 142, as amended by our Committee on Foreign Relations. The urgency arises from the fact that the annual 6-week Canadian harp seal hunt is now in full progress. In fact it is already into its third week. The need to adopt this measure as swiftly as possible exists because the seal killings are threatening the future survival of these sea mammals.

Mr. President, in my testimony before the Senate Foreign Relations Committee on a companion measure, Senate Concurrent Resolution 14, which I introduced in cosponsorship with Senator CRANSTON, Senator PELL, Senator MAGNUSON, Senator WILLIAMS, Senator PACKWOOD, Senator CHURCH, and Senator CASE, I pointed out my reasons for the need to curtail—if not halt—the seal slaughter. I believe:

First. There is little justification for the plunder of the newborn harp seals which provide relatively small economic utility;

Second. The manner in which these seal pups are killed and skinned is cruel and causes much suffering on the part of the animals;

Third. The continuance of massive killings by commercial sealers will eventually lead to the extinction of this species;

Fourth. The United States has a responsibility and a commitment to preserve and safeguard all wildlife whose existence on this planet is being threatened by the continued exploitation by man.

This year the Canadian Government is pursuing a seal killing quota of 170,000 pelts, an increase of more than 30 percent of last year's quota. My concern for this high level of killings—especially by the commercial, profit-motivated sealers, is that the hunts may be a real threat to the future existence of the harp seals.

I have reason to believe, Mr. President, that the species may be potentially endangered. According to Government scientists, the population of the harp seals has been declining. For example, for the period between 1951 and 1954, the approximate herd size of adult seals totaled 3 million. In only 10 years from 1954 to 1965 it had decreased to 2 million; and by 1976 the herd was decreased to a population of only 1 million.

Moreover, these scientists have reported that the decline in population has created a stressed state in the sexual development of the seals.

The mean age at first maturity of the seal during the 1950's ranged in the area of 5.49 years. In 1961–65 the mean age of sexual maturity was determined to be 4.77 years; recently, in 1976, this age marker was reported to be 3.8 years.

This is highly indicative that by instinct for survival, and because of their rapidly declining numbers, the seals are being forced to bear their young at a much earlier age.

In a recent report issued by the University of Guelph in Ontario, Canada, the projected harp seal pup production was somewhere between 193,000 to 321,000, with sustainable yields of 65,000 to 160,000. The authors of the Guelph report considered appropriate sustainable yields to be 103,000 to 130,000. This year, Mr. President, the allowable quota of kill has been set at an extremely high level of 170,000 seal pups.

The damage that can be created by an explosive quota such as this is best described by Dr. David M. Lavigne of the University of Guelph. In his article which appeared in the January 1976 issue of National Geographic magazine, Dr. Lavigne reports:

To many observers the reduction of quotas seems long overdue. In the 1950s alone the harp seal population in the western Atlantic appears to have dropped by more than half, from an estimated 3.3 million to 1.25 million animals. Obviously births declined as well. . . . Available evidence, however, suggests that even under present hunting quotas the harp seal may be reduced to precarious levels before the end of this century.

In addition to the belief that the seal hunts are depleting the stock of this species, the manner in which the killing is done has given rise to extensive public criticism and outrage.

Guilty of bearing an incredibly soft white fur, the seal pups—when only a few days old—are being clubbed to death and skinned on the icy drifts off the Labrador coast and the Gulf of St. Lawrence. These prized pelts, often brutally stripped from the young pups while they are still alive, serve no human purpose other than providing some with luxury fashionwear or toys and trinkets for tourists.

The United States has an interest and concern for the killings of the harp seals. Under the Marine Mammal Protection Act, our Nation has deemed it unlawful to import into our country any marine mammal, particularly seals, if such mammal was pregnant or nursing at the time of taking, or less than 8 months old, whichever occurs later—as it is taking place today on the Canadian front, where seal pups are being slain as early as 3 to 5 days after birth. The act further dictates that it is unlawful to import those marine mammals which are taken from a depleted stock or threatened or endangered species; or taken in a manner deemed inhumane by the Secretary of Commerce or the Interior, as the case may be.

Mr. President, the pending concurrent resolution is a sincere attempt to appeal to the conscience of the Canadian Government, a longtime friend and neighbor, to reassess its policy of permitting the killings of a mammal species which may become extinct in the near future.

The annual harp seal hunt is on. The hunting period is nearly half over. I urge the Senate's favorable and swift action on House Concurrent Resolution 142, as amended.

Mr. WILLIAMS. Mr. President, I rise in strong support of House Concurrent Resolution 142. I am very pleased that the Senate Foreign Relations Committee acted expeditiously on this resolution urging the Canadian Government to reassess its policy of permitting the killing of baby harp seals.

Mr. President, there is convincing evidence that the continuation of this annual slaughter will eventually lead to the extinction of the harp seal. The world community is understandably alarmed when the survival of a wildlife species is threatened. Through the Marine Mammal Protection Act and the Endangered Species Act, the United States has established a policy of encouraging the conservation of wildlife not only in this country but throughout the world. The resolution before us today seeks to further that policy.

I wish to thank my distinguished colleague and Senator sponsor of the resolution, Senator MATSUNAGA, for agreeing to my amendment to House Concurrent Resolution 142. This amendment sets forth the feeling of many U.S. citizens that the slaughter of baby seals not only threatens the harp seal with extinction, but also is a cruel practice. Hunters from Canada and Norway bludgeon the newborn seals and skin them within minutes. Many of my constituents have written to me to express their outrage about the cruelty and barbarity of killing such young animals. This sentiment was translated into the public policy of the United States through the Marine Mammal Protection Act of 1972, which established an absolute ban on the killing or importation of marine mammals which are nursing or under 8 months of age.

Mr. President, I believe the Senate should go on record today to protest the killing of baby seals in Canada. I urge my colleagues to vote in favor of House Concurrent Resolution 142 as amended.

UP AMENDMENT NO. 117

Mr. MATSUNAGA. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. MATSUNAGA), for Mr. WILLIAMS, proposes an unprinted amendment No. 117.

On page 2, line 3, insert the following: before "at" insert "is considered by many citizens of the United States to be cruel, and if continued".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 142), as amended, was agreed to.

Mr. MATSUNAGA. Mr. President, inadvertently an error in House Concurrent Resolution 142, as amended, exists in the text of the preamble. Therefore, Mr. President, I ask unanimous consent that the committee amendments to the preamble be agreed to en bloc and that the words "has increased the" be stricken from line 1 of the second "whereas" and that the preamble as thus amended be considered original text for the purpose of further amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments to the preamble are as follows:

On page 1, in the second paragraph of the preamble, strike "Canadian Government";

On page 1, in the second paragraph of the preamble, strike "by one third" and insert "has increased from one hundred and twenty-seven thousand";

On page 1, in the third paragraph of the preamble, strike "up to 90 per centum" and insert "a high percentage";

On page 1, strike all of the fourth and fifth paragraphs of the preamble, and insert in lieu thereof:

"Whereas there is enough conflicting scientific data available indicating that the 1977 quotas may be unsound from a conversion point of view; and"

On page 2, in the sixth paragraph of the preamble, after "preserve" insert "animals which are or may become".

The PRESIDING OFFICER. Is there further amendment to the preamble? If there be no further amendment, the preamble, as amended, is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which this important measure passed.

Mr. MATSUNAGA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–71), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

The primary objective of House Concurrent Resolution 142 is to urge the Canadian Government to reassess its policy of permitting the killing of newborn harp seals in its annual 6-week harp seal hunt.

BACKGROUND

The harps seal is one of two major species of hair seals which exist on the drifting ice pack of the North Atlantic.

Scientific estimates that the total primeval population of all harp seals was approximately 9 or 10 million. Excessive hunting and human competition for the available food supply (fish) has diminished these herds to about 2.5 million animals.

The harp seal reproduces in three distinct populations or herds that inhabit widely separated areas of the northern seas. These are: (a) the White Sea herd; (b) the Jan Mayen (or Greenland Sea) herd; and (c) the Newfoundland herd.

The Newfoundland herd was and still is the largest of the three seal populations. This herd consists of two groups: the "gulf herd," numbering about 400,000, which breeds on the ice in the Gulf of Saint Lawrence, usually in the vicinity of the Magdalen Islands; and the "front herd," numbering about 800,000, which breeds on the drifting ice pack to the east of southern Labrador and northern Newfoundland.

The Newfoundland herd has been the victim of an annual hunt since the late 18th century. The largest catches took place between 1820 and 1860 (over 500,000 animals annually).

In 1967, the management of the northwest Atlantic seal herds was placed under the aegis of the International Commission for the Northwest Atlantic Fisheries (ICNAF), whose members include most West European countries, Canada, Iceland, Japan, and the Soviet Union. In 1971, ICNAF set the first total allowable catch limit (TAC) to harp seals at 245,000. That same year, Canada established the independent Committee on Seals and Sealing (COSS), whose participants—scientists, veterinarians, and members of humane societies—advise the Government on sealing policy. The total allowable catch limit for 1972 through 1975 was 150,000; it was reduced to 127,000 in 1976. This year the ICNAF scientific advisers and COSS agreed that recent increases in the seal population made a higher 1977 total allowable catch limit reasonable. When Canada extended its fisheries jurisdiction to 200 miles on January 1, 1977, it alone became responsible for the seal herds. For 1977, it has adopted ICNAF's recommended total catch limit of 170,000 animals.

The primary justification for the hunt is economic. The following excerpt taken from a Canadian public affairs publication states the Canadian position:

"Most Canadian sealers live in the scattered communities of northern Newfoundland and southern Labrador. They pursue a resource-based rural life which depends upon the harvesting of cod, salmon and other wild species, as well as seals. Sealing occurs during a season when local unemployment rates may rise as high as 90 percent. The $2,300 earned by a sealer on a large vessel is significant when compared to Newfoundland's annual per capita income of $3,643. Almost one-third of those revenues come from edible meat and oil.

"The 1976 hunt's economic value for the Atlantic region was estimated to be $3.6 million. Its social value to traditional, rural communities is immeasurable. But more is at stake than the seal hunt itself; a balanced ecosystem is vital to all of the sea-based industries in the Atlantic provinces.

"Fisheries management is a complex science which provides no simple answers. Canada's seal hunt policy reflects the social and economic realities of the Atlantic region, the need for a balanced ecosystem, and a commitment to the conservation of wildlife and the humane harvesting of living marine resources. The current strategy is to allow seal populations to increase gradually over the next few years and to intensify scientific studies on the biology of seals and their interactions with other marine life."

U.S. POSITION

The State Department has not taken a specific position on House Concurrent Resolution 142. However, the Department did transmit general comments on the attitude of the U.S. Government with respect to the harp seal hunt. A copy of this communication is included in the appendix to this report.

The Government of Canada requested the State Department to convey to the Senate Foreign Relations Committee its comments on House Concurrent Resolution 142. The Canadian Government also asked the Department to convey to the Congress its offer to make available the services of qualified Canadian scientists for informal briefings for interested Members on the management of the seal hunt in Canada. Copies of these letters are included in the appendix to this report.

CONGRESSIONAL ACTION

On March 8, 1977, House Concurrent Resolution 142 was introduced in the House. An identical bill, Senate Concurrent Resolution 14, was introduced in the Senate by Senators Matsunaga, Cranston, Magnuson, Packwood, Pell, and Williams on March 17, 1977.

On March 21, 1977, the House Committee on International Relations ordered House Concurrent Resolution 142 favorably reported by a voice vote. This resolution passed the House on March 22, 1977 by unanimous consent.

On March 29, 1977, the Committee on Foreign Relations met in open session to consider House Concurrent Resolution 142. After hearing testimony from Senator Matsunaga (statement included in the appendix), the committee ordered, by a voice vote, that the resolution be reported with a number of clarifying amendments.

COST ESTIMATE

The enactment of House Concurrent Resolution 142, as amended, will not require the expenditure of any funds.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The distinguished minority leader is recognized.

UP AMENDMENT NO. 118

Mr. BAKER. Mr. President, I call up my unprinted amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) proposes an unprinted amendment numbered 118.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, lines 18 and 19, strike the following: "(unless hired on a per diem basis)".

On page 28, in unprinted amendment Number 110, strike the following "(unless hired on a per diem basis)".

On page 29 in unprinted amendment Number 94, strike the following: "(unless hired on a per diem basis)".

On page 39, after line 19, insert the following:

"5. In exceptional circumstances for good cause shown, the Select Committee on Ethics may waive the applicability of any provision of the Senate Code of Official Conduct to an employee hired on a per diem basis."

On page 53, insert after line 19, the following:

"Sec. 310. The Committee on Rules and Administration and the Select Committee on Ethics shall study the desirability of applying provisions of the Code of Official Conduct to individuals, corporations or other entities employed by the Senate on a per diem, consultant or contract basis."

Mr. BAKER. Mr. President, I yield myself 2 minutes.

Mr. President, this amendment I offer today is a followup on the colloquy I had with the distinguished manager of the bill a few days ago. It has to do with the question of the applicability of the code of conduct and other provisions to staff personnel who may be hired on a per diem basis. This makes clear, I believe, an ambiguity noted by the Senator from Tennessee in his first reading of the committee print which was not fully clarified, I thought, in the colloquy. I would very much hope that the manager of the bill could see fit to accept this amendment. I would also welcome his comments on it.

Mr. NELSON. Mr. President, the amendment by the distinguished Senator from Tennessee accomplishes what I had thought the resolution draft did accomplish. We made an exception for per diem employees related to the provisions of the resolution because people are hired on a temporary basis or a professor comes for 3 months in the summer, or a consultant is hired.

To require, for purposes of a limited period of time of service on a per diem basis, or for a straight period of 90 days, a disclosure of all assets we thought was overly burdensome and, furthermore, would discourage people from going through all that process only for purposes of serving as a consultant for a limited period of time.

So, in the drafting of it, when we exempted per diem employees, there was no attempt to permit a situation to exist where an employee could be hired on a per diem basis endlessly, and I think the Senator from Tennessee, in reading the resolution, addressed himself to a point that would have appeared to have permitted a permanent exemption of per diem employees, which was not our intent. I think the amendment accomplishes the original purpose that the committee had and it is a clarification of this issue in this problem. I think it is a good amendment. I am prepared to accept it.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BAKER. Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of Mr. BAKER.

The amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NELSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 119

Mr. NELSON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON), proposes unprinted amendment No. 119.

On Page 21, line 13 after "grandmother" insert "grandson, granddaughter,"

Mr. NELSON. This amendment corrects an oversight in the resolution. It merely includes a grandson or granddaughter in the definition of a relative. Therefore, gifts from a grandson or granddaughter would not be disclosed or prohibited in any circumstances under rules XLII and XLIII.

Mr. President, I move the adoption of the amendment. I yield back the remainder of my time.

Mr. BAKER. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. NELSON. I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VITIATION OF ACTION ON UP AMENDMENT NO. 108

Mr. NELSON. Mr. President, on Tuesday, the Senate agreed to an unprinted amendment No. 108, offered by Senator BENTSEN, which changed the effective date of rule XLIV from January 1, 1978, to January 1, 1979. Unprinted amendment No. 108 was technically imperfect and did more than the sponsor of the amendment intended. This problem has been pointed out to Senator BENTSEN and he has agreed that the Senate's action on amendment No. 108 should be vitiated.

Mr. President, I ask unanimous consent that Senate action on amendment No. 108 be vitiated.

Mr. CHAFEE. Reserving the right to object, Mr. President, as I understand, this amendment does not change anything from the original bill except it does permit the Bentsen amendment to extend advances to 1979, but the rest stays as we presented it.

Mr. NELSON. That is correct. The amendment was drafted in such a way that it went beyond the extension of the exemption until January 1979. This corrects that.

Mr. CHAFEE. I think that now, it remains that persons getting off boards of directors or publicly held corporations—that is effective next January, is it not?

Mr. NELSON. We changed no other effective dates, whatever the date may be, other than the effect of the limitation on outside earned income.

Mr. CHAFEE. I have no objection.

The PRESIDING OFFICER (Mr. STENNIS). Will the Senator repeat his request?

Mr. NELSON. My request was for unanimous consent that action on amendment No. 108 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 165

Mr. NELSON. Mr. President, I call up printed amendment No. 165 and ask for its immediate consideration.

Mr. CHAFEE. Reserving the right to object, Mr. President, going back a bit, do we not now have to vote to accept the Bentsen amendment to put it in?

Mr. NELSON. I am now calling up that amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Texas (Mr. BENTSEN) proposes an amendment as follows:

On page 54, line 17, strike out "1978" and insert in lieu thereof the following: "1979".

Mr. NELSON. Mr. President, amendment No. 165 was offered by Senator BENTSEN to accomplish the objective intended by unprinted amendment No. 108 and the Senate, in its vote on that amendment. I move adoption of the amendment.

Mr. CHAFEE. I second that, Mr. President.

The PRESIDING OFFICER. Is all time yielded back?

Mr. NELSON. I yield back the remainder of my time.

Mr. CHAFEE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 120

Mr. NELSON. Mr. President, I call up an unprinted amendment and ask for its immediate consideration.

Mr. CHAFEE. Reserving right to object, Mr. President.

The PRESIDING OFFICER (Mr. STENNIS). The Chair, in his capacity as a Senator from the State of Mississippi, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask that my unprinted amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) proposes unprinted amendment No. 120.

On page 25, line 14, insert the following: Delete the word "immediately."

Mr. NELSON. Mr. President, in rule XLIV, we have provided that honoraria in excess of the 15 percent of income limitation may be earned if the honoraria are donated to an organization exempt from taxation under section 501 (c)(3) of the Internal Revenue Code of 1954, and no tax benefit accrues to the Senator, officer, or employee. Paragraph 2(c), which discusses this provision, requires the Senator, officer, or employee to immediately donate the honorarium to a 501(c)(3) organization.

Several Senators have asked whether the committee in using the word "imme-

diately" had some specific time frame in mind.

In response to the questions, I have looked at the committee report and concluded that the word "immediately" does not accurately reflect the committee's intent. Therefore, this amendment would delete the word "immediately." It was the committee's intention that if an honorarium is received, and given to a tax exempt organization, the provisions of the paragraph would be satisfied. The committee would not want an organization to lose a benefit, because some delay on the Member's part took place. In terms of tax treatment, of course, the committee envisions a "wash": If the Member designated the 501(c)(3) organization, he would list the honorarium as income, and would claim an offsetting charitable deduction, with the result being as the provision requires, that "no tax benefits accrue."

The PRESIDING OFFICER. Does the Senator offer this as an amendment?

Mr. NELSON. Yes, the amendment is at the desk and it simply strikes the word "immediately."

Mr. President, I yield back the remainder of my time.

Mr. CHAFEE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 102

Mr. NELSON. Mr. President, I ask unanimous consent that unprinted amendment No. 102 be reconsidered.

Mr. CHAFEE. Mr. President, I reserve my right to object.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, there is pending a unanimous-consent request to reconsider unprinted amendment No. 102. I repeat that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 121

Mr. NELSON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

"In the unprinted amendment No. 102 strike subparagraph (c) and all that follows and insert in lieu thereof the following:

(c) a member of the board of a corporation, institution, or other business entity, if (1) the Member, officer, or employee had served continuously as a member of the board thereof for at least two years prior to his election or appointment as a Member, officer, or employee of the Senate, and (2) the amount of time required to perform such service is minimal, and the Member, officer, or employee is not a member of or a member of the staff of any Senate committee which has legislative jurisdictions over any agency of the Government charged with regulating the activities of the corporation, institution, or other business entity.

Mr. NELSON. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NELSON. Mr. President, I move the adoption of amendment No. 102 as amended.

The question is on agreeing to amendment No. 102 as amended. Amendment No. 102, as amended, was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment as amended, was adopted.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TIME-LIMITATION AGREEMENT—AMENDMENT NO. 121

Mr. CURTIS. Mr. President, I ask unanimous consent that on my amendment No. 121 there be a time limit of not to exceed 1 hour, equally divided between the proponents and the opponents.

The PRESIDING OFFICER (Mr. MATSUNAGA). Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I should like to have the attention of the manager of the bill.

I have amendment No. 121, on which the Senate has agreed to 1 hour of debate. I should like to be informed as to what the program of the manager of the bill is, so that I might have an idea when would be a good time to bring up this amendment.

Mr. NELSON. I have not had a chance to look at this amendment.

Mr. CURTIS. I will furnish the Senator with a modified copy. I have modified my amendment.

Mr. NELSON. I say to the Senator from Nebraska, without commenting on the merits one way or another, that this is a nongermane amendment.

Mr. CURTIS. I think that as we proceed, the Senator will find that it is germane and that a point of order will not lie against it.

Mr. NELSON. All right. I did not object at the time, so I cannot raise the point of order, anyway. But I do think it is not germane.

Mr. CURTIS. Will the Senator advise me what other amendments are now pending or about to be called up?

Mr. NELSON. I have no notion as to what amendments are about to be called up. We have some clarifying amendments that will be called up sometime today, but the only amendments I am aware of, other than those on which we have to reach some time agreement later, are the amendments that are being called up by Members as we go along.

Mr. CURTIS. I shall seek recognition to present this amendment sometime around noon, I think. I am not seeking recognition at this time.

Mr. NELSON. I see. The Senator wants to call it up later in the day.

Mr. CURTIS. Yes, a little later in the day. I have some troops that I want to summon.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I hope that Senators who have amendments will come to the floor and call them up. Time is running, and it is going to be a long day, at best. This is the last full day that the Senate will be spending on this code of conduct. The time that will be taken tomorrow is already allotted.

So I urge that Senators who have amendments come to the floor and call them up. Now is a good time. No Senator who wishes to call up an amendment is in the Chamber at this time.

I urge both cloakrooms to get the word out to Senators who have amendments to come forward, call them up, and get action thereon.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against both sides on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF DISCLOSURE ON INCOME AND ASSETS

Mr. NELSON. Mr. President, it has been brought to my attention that during the debate on March 28, 1977, certain comments were made by Senators which I believe do not accurately reflect the reporting requirements contained in proposed Rule XLII. This confusion surrounded the value which must be placed on assets covered by the financial dis-

closure rule. The rule requires that the identity and category of value of real property, certain types of personal property, and other assets be reported under the Code. When listing the category of value of such an asset, the category of value refers to the category in which the fair market value of that asset is included. For example, if the person owns stock in a corporation which stock has a fair market vaue of $150,000, then that person would list the stock with a category of value of between $100,000 and $250,000. If the asset were a piece of real property, the fair market value—or purchase price—would be listed. The category of value of the property relates to the value of the property without regard to any loan or mortgage. The category of value of the loan or mortgage would be listed separately under paragraph 2(f) requiring the identity and category of value of certain liabilities.

This is very important. If a person owns a home which was purchased for $90,000 and that person has an $80,000 mortgage on that home, under the Code the person is permitted to list the category of value of the purchase price of that home. So the category of value of the purchase price of the home would be listed as between $90,000 and $100,000. The person cannot list as the category of value of the home the difference between the purchase price and the value of the mortgage on the home; namely, $10,000. The Code calls for the listing of the category of value of the fair market value of certain assets and not the person's equity interest in such assets.

Similarly, with regard to the reporting of income, an individual is required to list the gross income received. If there are expenses allocable to that income, the reporting individual has the option of indicating those expenses and also listing a net income figure. However, a person cannot just list a net income figure where earned or unearned income is required to be listed.

Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

AMENDMENT NO. 166

Mr. STEVENS. Mr. President, I call up my amendment No. 166.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 26, line 14, strike subparagraph (10) and insert the following: "(10) distributive shares of partnership income if the material income-producing services performed by the Senator or officer or employee of the Senate are those of a managerial or supervisory nature and do not consume significant amounts of time while the Senate is in session.".

Mr. STEVENS. Mr. President, may I inquire what the time limit is on these amendments?

The PRESIDING OFFICER. The Chair informs the Senator that there is a 2-hour time limit on the amendment, to be equally divided between the mover of the amendment and the manager of the resolution.

Mr. STEVENS. I thank the Chair. I have no intention of taking that amount of time, but I would like to direct some questions to the manager of the bill with regard to this provision as it appears in the bill, and my suggested amendment.

The provision that appears in the bill is on page 26, commencing on line 14, and it states:

Distributive shares of partnership income if the services provided by the Senator, or officer or employee of the Senate, are not a material income-producing factor.

I am certain that my good friend from Wisconsin, the manager of the bill, would agree with me that one of the objectives of the new code of conduct would be to try to prevent the use of the Senate office per se for the acquisition of income. Yet I would call to the attention of my friend that if the resolution as it is presently drawn were adopted by the Senate, that might happen.

A Senator could be asked by Partnership X to become a partner; they would list him as a partner, and if it were a trucking company, for example, it could say on the sides of the trucks, "Senator Jones Trucking Company." He would have no obligation to provide any contribution to the partnership, and yet, to the extent that they distributed a share of partnership income to him, it would be completely exempt.

My amendment seeks to identify the actual role of a partner, which is a combination of that of a stockholder and that of a member of a board of a corporation, because a partner is called upon to participate in partnership affairs and the making of policy, as a stockholder would be, and he is also called upon to be a member of the partnership, as a member of the board of directors would be. He is, then, a responsible policymaker of the partnership.

I take it that the intent here is to limit earned income of a Senator from either a partnership or a corporation; does the Senator agree with that?

Mr. NELSON. Yes. The objective is to define earned income, which the resolution does, and then to provide a cap on the earned income of $8,600.

The amendment that is pending—we have another draft that I would like to have considered later on—would allow the earned income, as the resolution does, as high as $8,600 or 15 percent. It would permit the Member or the staff member to contribute managerial and supervisory services, for the purpose of protecting the investment, and the amendment that we will propose would also limit the distributive share of profits at the end of the year in a partnership to a pro rata percentage represented by the capital investment of the Member.

Mr. STEVENS. I think I agree with the Senator from Wisconsin. Let me state the objective of my amendment, and see if we are in agreement that we are going to achieve that objective.

A member of a partnership contributes to the capital account, and if we were in a partnership that had five members, and we each put in, say, $10,000, we could operate that partnership for about 4 years, and in each year have on our income tax return an attributable portion of the partnership income, even though we had no distributive shares. I assume that the Senator would agree with that, that you can have attributable income without having a distributive share of partnership income. This is for tax purposes, and it would mean that you would, in effect, have had no return from that partnership even though you would be taxed on a portion of the partnership return, under the circumstance that the moneys were used by the partnership for equipment, payment of mortgages, or whatever it would be; but you would be taxed on a portion of the income. In the event we came to the 5th year, and did have a cash flow after paying off the equipment or whatever it might be, and the Senator could then take a distributive share, the previous 4 years would show an increase in the capital account of the partner.

In the 5th year he could take a distributive share from the partnership which actually could amount to both a return of capital and a sharing of that current year's income. I hope the Senator realizes that. That would be perfectly legal under any partnership arrangement, to reduce your capital account by a distributive share, as well as taking, of course, the income.

In the Senator's concept here in terms of the pro rata return on the capital invested in the partnership, that is what I am aiming at. He does not mean the original investment but the pro rata share of the partner's interest in the partnership.

Mr. NELSON. That is correct. He may have made an original capital investment of a certain amount. Over the years the partnership is making a profit and that money is plowed in to pay off the mortgage against whatever capital asset they have, buildings or machinery, therefore, they are accumulating an increasingly larger interest in the capital investment which is coming from earnings of the partnership. Obviously, then, on any distributive share of income at any time it would be intended by the amendment that we would propose that the Member is entitled to receive a pro rata share of whatever his total investment in that partnership is.

Mr. STEVENS. As I understand the Senator's proposal, again looking at the Senator who is involved in a small corporation as opposed to a partnership, or any corporation, for that matter, the Senator could, under the existing resolution, receive a salary of not to exceed $8,600, approximately, from a corporation. Is that correct? That is, assuming he had no other income.

Mr. NELSON. He could receive a salary from the corporation for personal services of $8,600 as a member of the board, or whatever.

Mr. STEVENS. A Senator who is a member of a partnership could similarly receive a salary either from the partnership or from any other source in the amount of the 15 percent without regard to the limitation on this distributive share; is that correct?

Mr. NELSON. That is correct.

Mr. STEVENS. I take it we should call it a substitute for the amendment of the Senator from Alaska, if it is adopted. What it means is that in any year a Senator can have the 15-percent earned income and there will not be considered toward that income moneys that are received from a partnership in which the Senator has investment, so long as that share does not exceed his pro rata portion of the total investment in the partnership.

Mr. NELSON. That is correct.

Mr. STEVENS. In other words, if there is a capital account of $10,000 in the partnership and I were to have a $1,000 portion of that capital account, then I could take 10 percent of the income of the partnership as we are discussing it now, not as it is determined by the Federal tax laws—in terms of the distributive shares of the partnership—and not be in violation of the code of conduct.

Mr. NELSON. That is correct.

Mr. STEVENS. Mr. President, I believe the Senator from Wisconsin has a very fair compromise to the proposal that I raised. We want to be certain that those who pursue their investment policy through partnership participation rather than stock ownership are treated no less fairly and no less harshly than the rule treats stock owners. Is that the intent of the Senator?

Mr. NELSON. That is correct. If a member owned 20 percent of the stock or 10 percent of the stock in a corporation, he or she is entitled to a dividend proportionate to the amount of stock owned by the member or by the staff member. In fact, I think it is probably correct that in most States one cannot receive more.

Mr. STEVENS. Normally, a dividend distribution would be on the basis of stock ownership. There could be a preferential distribution under some laws, but not under the laws of my State. In terms of the distributive share of a partnership and the income of a partnership, in the partnership law as I understand it, it could include past income that was added to the capital account that represents moneys that were invested by the partnership on which the partner had been taxed previously. That means that a distribution of moneys from the partnership may not necessarily be the current year's income. I want to make certain we understand and agree on that.

Mr. NELSON. If I understand what the Senator was saying, this amendment does not propose to interfere in any way with the pro rata distributive share of whatever asset they have that comes as a consequence of the profits of the partnership.

Mr. STEVENS. Partnership income is determined on an annual basis for internal revenue purposes. Partnership income in terms of distributive shares, really in terms of normal partnership accounting, would mean if they are distributing past year's income, they are really distributing a portion of the capital accounts, but it does, in fact, represent past income of the partnership.

Mr. NELSON. That is correct.

Mr. STEVENS. If we had a partnership which allowed all of its income to be put back into the activities of the partnership for 4 years and in the 5th year distributed all that each partner was entitled to, so long as it is on a pro rata basis of the capital accounts as it stands at the time of the distribution, we have no problem; is that correct?

Mr. NELSON. The principle running through the amendment really does not concern itself particularly about the capital accounts. It simply concerns itself with the limitation that may be paid to a member from profits accumulated as capital or current income which may not exceed the pro rata share, percentagewise, of investment in the partnership.

Mr. STEVENS. I believe we are in accord. The concept is a good one. In effect, the Senator is putting into my amendment the concept of pro rata return on capital invested in a partnership, which I think is fair and brings it into line with the concept of a pro rata share of the dividends based upon the capital invested in the corporation.

Is the Senator prepared to offer his amendment as a substitute for my amendment, or does he wish to have me modify my amendment? I would be happy to proceed in any way he desires.

UP AMENDMENT NO. 122

Mr. NELSON. I will offer this as a substitute amendment.

Mr. President, I send a substitute amendment to the desk.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The clerk will state the substitute amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) proposes an unprinted amendment No. 122 in the nature of a substitute to amendment No. 166.

The assistant legislative clerk proceeded to read the amendment.

The PRESIDING OFFICER. The amendment is not drafted as a substitute and is not in order.

Mr. STEVENS. Then I withdraw my amendment so we may consider the amendment of the Senator from Wisconsin.

Mr. NELSON. I offer the amendment, Mr. President.

The PRESIDING OFFICER. The amendment is withdrawn. The clerk will state the amendment offered by the Senator from Wisconsin.

The assistant legislative clerk read as follows:

On page 26, at lines 15 through 17, strike everything beginning with "distributive shares of partnership income" and ending with "income producing factor" and insert in lieu thereof the following:

Distributive shares of partnership income if the distributive share received represents not more than a *pro rata* return on the capital invested in the partnership and the services provided by the Senator or officer or employee are managerial or supervisory in nature, necessary to protect the interests in the partnership and do not consume significant amounts of time while the Senate is in session.

Mr. NELSON. Mr. President, I move adoption of the amendment.

Mr. STEVENS. I think that is a fair compromise, Mr. President. I support it and join in moving adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. NELSON. All my time is yielded back.

Mr. STEVENS. All my time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The resolution is open to further amendment.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR COMMITTEE TO MEET DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, the Secretary of Agriculture, Mr. Bergland, is appearing before the Committee on Agriculture, Nutrition, and Forestry at this time. The committee, under the Stevenson resolution, without further consideration, will have to adjourn its meeting within 3 minutes. In the hope that the committee can continue to hear Mr. Bergland until he has completed his presentation before the committee, as I understand it, I ask unanimous consent that the Committee on Agriculture be authorized to meet until the hour of 12:30 p.m. today, just to accommodate the Secretary of Agriculture.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reluctantly, I must object.

The PRESIDING OFFICER. The objection of the Senator from Alaska is heard.

The request is not agreed to.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees

of the U.S. Senate; and for other purposes.

UP AMENDMENT NO. 123

Mr. THURMOND. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes unprinted amendment No. 123.

On page 5, line 13, delete the period and add the following: "unless, in an unusual case, a waiver is granted by the Select Committee."

On page 21, line 4, after "half sister", insert "fiance, fiancee,"

On page 22, line 4, delete the period and add the following: "unless, in an unusual case, a waiver is granted by the Select Committee."

On page 49, after line 13, insert the following: "(8) A brief description of a waiver granted under paragraph 2(c) of Rule XLII or paragraph (1) of Rule XLIII of the Standing Rules of the Senate, shall be made available upon request in the Ethics Committee Office with appropriate deletions to assure the privacy of the individual concerned."

Mr. THURMOND. Mr. President, the other day, in a floor colloquy, it was pointed out that the provisions of rule XLII, disclosure, and rule XLIII, gifts, are so restrictive as to cause potential hardships in some unusual situations.

The distinguished senior Senator from Nebraska (Mr. CURTIS) asked whether a staff member could accept an engagement ring valued in excess of $100 from her fiance if he were a lobbyist. Under a strict reading of paragraph 2 of rule XLIII, such a gift would be prohibited. Even if the fiance were not a lobbyist, section 2(A)(3)(C) would require the public disclosure of the identity of the source, a brief description, and the value of all gifts aggregating $100 or more from any one source in a calendar year. This, too, is unduly restrictive and potentially embarrassing.

Mr. President, I do not believe we want to be this restrictive and unreasonable in the code. I have a young lady in my office who is currently engaged to a lobbyist, and I am sure it would be embarrassing to her and unacceptable to her fiance, even if he were not a lobbyist, to publicly disclose such an intimate gift.

I have an amendment which leaves the current rules in force, but makes two changes. First, the definition of "relative," which is used to exempt certain gifts from the coverage of the code, would be expanded to cover a fiancee and fiance. Second, the amendment permits an individual to seek from the select committee a waiver to the gifts and disclosure sections in other circumstances, such as I have just described, which we have not anticipated and which could not give the appearance of impropriety. I believe this amendment is acceptable.

Mr. NELSON. Mr. President, I am prepared to accept the amendment and yield back the remainder of my time.

Mr. THURMOND. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLEN. Mr. President, I wish to propound a question or two to the distinguished floor manager of the resolution, if I may.

The Senator from Alabama, prior to coming to the Senate, was a practicing attorney. Since coming to the Senate, I have continued to pay my local law licenses, though I have not engaged in the practice of law in any form, with the following exception.

On two occasions in the Supreme Court of the United States I have, on behalf of the State of Alabama and some of its political subdivisions, filed amicus curiae briefs with the Supreme Court without compensation.

Feeling it is my duty to represent the people of Alabama and our various governments there, I would like to make sure that if in the future I am called on by my State government or by any of its political subdivisions to assist in matters that they might have before the Supreme Court of the United States, it would be proper for me, or any other Senator similarly situated, to file amicus curiae briefs on behalf of our local governments with the Supreme Court of the United States without compensation.

Is that practice permitted under the code?

Mr. NELSON. I would say yes. Of course, the code could not and would not be intended to modify any statute which may place limitations upon Members and staff in appearances before certain regulatory agencies, or Federal courts.

In the case stated by the Senator, I remind him we did already amend the resolution to prohibit any practice of any profession as defined in the code.

We changed that provision and authorized practice of the professions with an earned income limit of 15 percent applied thereto, provided they were sole practitioners, not associated with a firm or partnership.

Mr. ALLEN. Yes.

Mr. NELSON. So it is clear that the practice of law is permitted. It is clear that the Members or staff may receive an earned income not to exceed 15 percent. Therefore, it is also in my mind perfectly clear that a Member or staff, barring any prohibition in any other statute, may appear in court.

Mr. ALLEN. Yes. I am talking about the Senator himself.

Mr. NELSON. And the Senator himself may appear as a lawyer without compensation in any of these circumstances not otherwise prohibited by statute.

Mr. ALLEN. Would that also permit the Senator on behalf of constituents to appear as an attorney without compensation before various Federal regulatory bodies?

Mr. NELSON. On that score, I would want to check the statute.

It is my belief that there is a statute regulating appearances by Members of the Congress and other Federal employees before certain types of agencies and bodies of the Federal Government. I believe there is a prohibition on appearing before regulatory agencies.

Mr. ALLEN. It is certainly all right with me. I have not had occasion to be asked to perform any such service, I am merely trying to establish some guidelines in this connection.

But the filing of amicus curiae briefs or appearing in court amicus curiae, I assume then as long as it is without compenation, directly or indirectly, that would be permitted.

Mr. NELSON. So far as the code is concerned, it would.

Mr. ALLEN. I thank the distinguished manager of the resolution.

AMENDMENT NO. 158, AS MODIFIED

Mr. HELMS. Mr. President, I call up amendment No. 158 as modified and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes amendment No. 158, as modified.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, after line 12, insert the following:

5(a) Notwithstanding the provisions of this rule, a Member, officer or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization if such participation is not in violation of any law and if the Select Committee on Ethics has determined that participation in such program by Members, officers or employees of the Senate is in the interests of the Senate and the United States.

(b) Any Member who accepts an invitation to participate in any such program shall notify the Select Committee in writing of his acceptance. A Member shall also notify the Select Committee in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 12 of Rule XLV) to participate in any such program. Prior to the beginning of any such program, the Chairman of the Select Committee shall place in the Congressional Record a list of all individuals participating, where applicable the supervisors of such individuals, and the nature and itinerary of such program.

(c) No Member, officer or employee may accept funds in connection with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation and related expenses of the Member, officer or employee.

Mr. HELMS. Mr. President, I am pleased to accept the suggestions of the distinguished Senator from Wisconsin in the hope that this amendment will give some guidelines to the Committee on Ethics in evaluating foreign travel paid for by foreign sources. As the distinguished Senator is aware, my amendment originally was concerned only with foreign travel paid for by a nongovern-

mental source when the source was a charitable or educational foundation or organization, and when the government of the country in question could certify that no substantial part of the funds involved came from official government funds.

It is the personal conviction of the senior Senator from North Carolina that Senators should minimize foreign travel at the taxpayers' expense, thus avoiding the questions that arise constantly in the minds of taxpayers who cannot afford such travel themselves, particularly after they have paid their taxes on April 15. It is my feeling that whenever we can save the U.S. taxpayers' money, we ought to do so. Therefore, it seems to the Senator from North Carolina that when an unimpeachable source, such as a foreign charitable and educational foundation, seeks to extend hospitality to this country in the name of international understanding, the values of foreign travel and saving U.S. taxpayers' money can be harmonized. This is why the original amendment of the Senator from North Carolina was limited to the question of private moneys, and avoided the question of governmental funds.

However, the distinguished Senator from Wisconsin has pointed out that we already have Public Law 94–350, providing for cultural exchanges, including exchanges of legislators and governmental leaders, and that Congress has already consented to allowing Federal employees to accept travel paid for by foreign governments when it is for an educational purpose. This is in the United States Code at 22 U.S.C. 2451–2. It is not, therefore, the intention of the Senator from North Carolina to attempt to forbid by Senate resolution what is permitted by law, and thus I accept Senator NELSON's suggestion as to the inclusion of governmental programs into my amendment, and it has been thus modified.

However, I should like to ask the distinguished Senator from Wisconsin some questions so that we can clarify the legislative intent behind the modified amendment.

Mr. President, this language says that any Senator, officer, or employee of the Senate may participate in travel paid for by a former government or organization if such participation "is not in violation of any law." I ask the distinguished Senator from Wisconsin whether it is not true that this is a reference to 22 U.S.C. 2451–2, which regulates acceptance of such travel by Federal employees.

Mr. NELSON. That is correct.

Mr. HELMS. This regulates, of course, the acceptance of such travel by Federal employees. In other words, no foreign travel paid for by foreign governments is permitted, except as Congress designates in law. Is that correct?

Mr. NELSON. That is my understanding.

Mr. HELMS. Is it not also true that this amendment permits travel paid for by private educational or charitable organizations if—and I stress the word "if"—approved by the Senate Committee on Ethics?

Mr. NELSON. That is correct.

Mr. HELMS. So it seems clear, therefore, that Federal law covers trips paid for by foreign governments; but it is the express intention of this amendment to permit trips paid for by private foreign educational, or charitable institutions, if approved by the Select Committee on Ethics.

Mr. NELSON. That is correct. If we look at the amendment of the distinguished Senator from North Carolina, I think it clarifies and improves the language in the resolution, and the manager of the bill is prepared to accept it.

Mr. HELMS. I thank the Senator.

So, in other words, trips paid for by private foreign educational and charitable organizations are governed by the decisions of the Ethics Committee, but do not fall within the purview of 22 U.S.C. 24151–2.

Mr. NELSON. That is correct.

Mr. HELMS. Let us go, then, to the next point, which is the guidelines laid down for the Select Committee on Ethics. The language of the amendment says that the select committee must determine that participation in such programs is "in the interests of the Senate and the United States." It is my hope that this will not be interpreted narrowly or in such a way as to support on a one-sided basis matters and interests which are open for debate in the Senate, or to prevent the exploration of minority viewpoints.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HELMS. I yield gladly to my friend from South Carolina.

Mr. THURMOND. Mr. President, I see no objection to this amendment. In fact, I think it might be helpful.

Mr. HELMS. I thank the able Senator.

Mr. NELSON. Mr. President, this amendment, as I understand it, permits travel to be paid for by foreign charitable or educational organizations if that travel is approved by the Ethics Committee.

I would expect the Ethics Committee to apply the requirements in the Mansfield statement. The Ethics Committee might decide to alter those standards with respect to travel paid for by a foreign government—that is, paid for under existing law.

I yield back the remainder of my time.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. ALLEN. Mr. President, I hate to take issue with my distinguished friend from North Carolina. I believe I have supported all amendments he has offered thus far. But I really question the wisdom of this amendment. At the very time when Members of at least one House of Congress have been mentioned as having been beneficiaries of the largesse of certain foreign governments, operatives closely associated with foreign governments, I think it would ill-behoove us for any Senator to accept travel allowances and expense-paid tours from foreign foundations which in every case, I believe, have some sort of connection with a foreign government.

They are not offering their hospitality to Members of the Senate just because they like the Members of the Senate. There is some motive there that would cause them to offer these expense-paid trips.

I am not sure that the safeguard of the approval by the Ethics Committee would be sufficient, because it might be some time after the trip was made that the connection with the foreign government would be found out. I think we need to lean over backward to avoid the appearance of evil in this matter, I say to the distinguished Senator from North Carolina, who knows that I admire him very much.

I believe we can forego these foreign trips. I have had offers to go to certain countries in Eastern Asia on at least two occasions. Members of my staff have been invited. I have forbidden that. I have declined any such offers and have not allowed members of my staff to take such trips.

Let us not kid ourselves. They are not offering these expense-paid tours to Members of the Senate without reason. How many such offers would a former Senator receive? Not one.

I think we are making a bad mistake, and I urge the chairman of the ad hoc committee to consider this matter anew; because I think we are going down the primrose path here. I believe we should avoid this. If the effort to adopt the amendment is persisted in, I will call for the yeas and nays.

Mr. HELMS. Mr. President, as the able Senator from Alabama knows, the Senator from North Carolina never has taken a foreign trip paid for by Government funds—either U.S. Government funds or foreign government funds.

Mr. ALLEN. I know it.

Mr. HELMS. The financing of such trips by a foreign government is already permitted by law under certain conditions, and this amendment is intended to tighten the situation rather than to loosen it.

I would agree with the Senator except that I do think this is a worthy amendment, in that it requires the Ethics Committee to pass judgment before the fact of the trip.

Whatever is the will of the Senate suits me fine, but I submit the amendment with the intent and the hope that we can tighten up the situation rather than loosen it and also have some clarification of what the situation really is.

I appreciate the Senator's comments.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. HELMS. I yield, of course, to my friend from Alabama.

Mr. ALLEN. The amendment would give the stamp of approval by the Senate to a Senator accepting the foreign travel, the expense-paid trip, which could run to several thousand dollars, the only requirement being, I assume, that he would receive advance or subsequent approval of the Ethics Committee. Is that not right?

Mr. HELMS. Prior approval, I would emphasize.

Mr. ALLEN. But this does permit something and does put the stamp of approval on this practice—the approval by the Senate of engaging in and accepting trips that are paid for by foreign

foundations or associations in every case, I submit, where the foundation has some connection with the foreign government, or they would not be in this business.

I feel that it is an amendment that should not be adopted.

Mr. HELMS. Mr. President, I respect the Senator's views. The Senator from North Carolina takes no trips paid by the funds of any government and does not intend to take such trips. I merely want the situation clarified, and trips limited solely to those expressly approved in advance by the Ethics Committee. As matters now stand, no such prior approval is required—and, as my friend from Alabama has stated, questions have been raised in the other body about this sort of thing. This amendment is intended, therefore, to provide a discipline for the kind of situation mentioned by the Senator from Alabama. My original amendment was limted to trips paid by private charitable and educational foundations—foundations like our own which do not receive any Government funds. At the suggestion of the distinguished Senator from Wisconsin I broadened the amendment to conform the ethics code to what already exists in law in 22 U.S.C. 2451 and 2452, and to include prior approval by the Select Committee on Ethics. Thus the first part is not giving a new stamp of approval to foreign travel; it is a technical change conforming the ethics resolution to present law. And it further tightens the code by requiring specific prior approval by the select committee.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HELMS. I yield.

Mr. ROBERT C. BYRD. Mr. President, I see some merit in the position that is taken by the Senator from Alabama. I should like to ask this question, however, of the Senator from North Carolina, who is the author of the amendment: As the Senator knows, for the past few years, the People's Republic of China, working through the White House, has extended invitations to Members of Congress in both houses to visit the People's Republic of China.

The People's Republic, through its own organization there—I do not recall, the name of the organization, but, obviously, it is under the aegis of the Government—pays the expenses inside China for the transportation of Members of Congress, for the hotel bills and meals, and so forth. The White House, through the Defense Department, provides transportation of these Members to China and return.

What impact on this relationship would the Senator's amendment have? The President of the United States, Mr. Carter, and the former President of the United States, Mr. Ford, feel and felt, respectively, that these visits by Members of Congress to the People's Republic are beneficial, that they help to keep the communications lines open between the two countries, and that they provide an opportunity for exchange of viewpoints on the part of Chinese officials and Members of the Congress of the United States.

I personally went on one of those trips at the invitation of President Ford, to China 2 years ago, and various other Members of this body and of the other body have likewise gone on such trips.

There will be such a trip during the Easter nonlegislative period, and there presumably will be another trip in August of this year.

What will be the impact, if any, of this amendment on the kind of activity I just described?

Mr. HELMS. No negative impact whatsoever, as was established in a colloquy earlier between the Senator from Wisconsin and the Senator from North Carolina. The ethics of such travel are already a matter of law, so it would have no effect whatsoever I will say to the distinguished Senator from West Virginia. It conforms the Ethics Code to the law, which already exists, permitting the kind of travel just described by the distinguished majority leader. Without this technical change we would be in the position of having the law saying yes, but the code saying no. In addition it sets up criteria similar to those set forth on this floor in 1974.

On July 16, 1974, the then distinguished majority leader, Mr. Mansfield, and the minority leader, Mr. Scott, engaged in a colloquy which attempted to define criteria for foreign travel which would establish when, and I am quoting, "participation is in the interest of the Senate and the Federal Government and the Nation." The two distinguished leaders set up five criteria to define when such participation is in the interest of the Senate and the Nation. These included:

First, their principal objective is educational;

Second, they serve to enhance the capacity of the Senate employee to perform his duties in the Senate and to serve the Government and people of the United States with greater understanding;

Third, knowledge of the program is not withheld from the public;

Fourth, the staff employee, in every instance, participates only with the full awareness and approval of his employing Senator, committee, or Senate officer; and

Fifth, reference in detail to the participation is inserted by the authorizing person in the CONGRESSIONAL RECORD.

Mr. ROBERT C. BYRD. Mr. President, does the Senator understand that to mean there would be no cost to the U.S. Government of such participation by the Senator?

Mr. HELMS. That is correct, unless it is an exchange program authorized by law.

Mr. ROBERT C. BYRD. No cost; that is correct. How does the Senator know that to be the case?

Mr. HELMS. Well. it depends on the nature of the trip. If the Senate sends him or her, of course there would be. This amendment also deals with trips financed by legitimate educational foundations of foreign countries.

Mr. ROBERT C. BYRD. In those instances the Mansfield-Scott position as enunciated by the distinguished Senator does not envision the U.S. Government bearing any portion of those costs of staff personnel who visit at the invitation of such foundation.

Mr. HELMS. That is correct.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. HELMS. Now, is it not the opinion of the distinguished Senator from Wisconsin that the criteria which Senators Mansfield and Scott developed for staff travel are appropriate also for travel by Senators and officers of the Senate?

Mr. NELSON. Yes.

Mr. HELMS. Moreover, the Senator from North Carolina points out that the third, fourth, and fifth criteria are explicitly provided for in paragraphs (B) and (C) of this amendment.

I believe that it is also appropriate that these criteria apply to both Government-financed mutual exchange programs under 22 U.S.C. 2451–2 and to programs paid for by nongovernmentally financed foreign charitable and educational organizations.

It is therefore, the intention of this amendment, specifically, to permit private travel programs which are financed by charitable and educational organizations if they meet the criteria outlined by Senators Mansfield and Scott on July 16, 1974, and even if there are no official funds of the foreign government involved.

Mr. President. I ask unanimous consent that the joint statement of those Senators on July 16, 1974, be printed at this point in the RECORD for reference.

There being no objection, the joint statement was ordered to be printed in the RECORD, as follows:

SENATE STAFF PARTICIPATION IN EDUCATIONAL EXCHANGE PROGRAMS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Republican leader, the Senator from Pennsylvania (Mr. HUGH SCOTT) and myself, I make the following joint statement:

Mr. President, this Nation has in operation a number of exchange programs and leadership grants which bring to the United States, among others, political leaders, parliamentarians, and government employees, and military personnel of many foreign governments. While these programs are financed at the expense of the Federal Government, they can hardly be regarded as U.S. gifts to the foreigners who participate in the programs. Certainly they are not improper. Their purpose is to promote better understanding and to improve relationships between ourselves and the governments of other nations. If these U.S.-sponsored programs are to continue to be effective and, most important, acceptable to others and to our own people—and it is our hope that they will—they must derive from the principle of reciprocity and mutuality. They can hardly be deemed highly desirable when foreign personnel come to this Nation and then frowned on when American personnel go abroad under similar arrangements.

It is against this background that there have come to our attention certain comments and informal opinions casting doubt on the propriety of staff personnel of the Senate participating in exchange programs which appear to be comparable with U.S. programs for bringing foreign officials and civil servants and military personnel and others to this country. Without passing judgment on any particular instance of Senate staff participation in any particular program, it seems to us that participation by Senate staff personnel is proper in programs which serve such purposes as the following:

First, their principal objective is educational;

Second, they serve to enhance the capacity of the Senate employee to perform his duties in the Senate and to serve the government and people of the United States with greater understanding;

Third, knowledge of the program is not withheld from the public;

Fourth, the staff employee, in every instance, participates only with the full awareness and approval of his employing Senator, committee, or Senate officer; and

Fifth, reference in detail to the participation is inserted by the authorizing person in the CONGRESSIONAL RECORD.

It would seem to us that when these criteria are met, participation is in the interest of the Senate and the Federal Government and the Nation.

If any rule changes are necessary to establish a procedure for Senate staff participation in these bona fide exchange programs, it is the responsibility of the Committee on Ethics to propose such changes, formally, and for the Senate to approve or disapprove them. In the absence of such changes, the five points listed above should be sufficient. In our judgment, to provide a framework for determining when participation in educational exchange programs is valid for Senate staff personnel. We are confident of the integrity and good sense of Senate employees participating on the basis of these criteria and of the Committees, Members, and officers who supervise them.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield back his time?

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. ZORINSKY). Let us please have the Senate in order.

The legislative clerk resumed and concluded the call of the roll.

Mr. CRANSTON of California. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Michigan (Mr. RIEGLE) and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

I also announce that the Senator from Colorado (Mr. HASKELL) is absent attending the funeral of a friend.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 79, nays 9, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—79

Abourezk	Gravel	Muskie
Anderson	Hansen	Nelson
Baker	Hart	Nunn
Bartlett	Hatch	Pearson
Bayh	Hathaway	Pell
Bellmon	Hayakawa	Percy
Bentsen	Heinz	Proxmire
Biden	Helms	Ribicoff
Brooke	Huddleston	Roth
Bumpers	Humphrey	Sarbanes
Burdick	Jackson	Sasser
Cannon	Javits	Schmitt
Case	Johnston	Schweiker
Chafee	Kennedy	Scott
Church	Laxalt	Stafford
Cranston	Leahy	Stevens
Culver	Long	Stevenson
Curtis	Lugar	Talmadge
Danforth	Matsunaga	Thurmond
DeConcini	McClure	Tower
Dole	McGovern	Wallop
Domenici	McIntyre	Weicker
Durkin	Melcher	Williams
Eastland	Metcalf	Young
Ford	Metzenbaum	Zorinsky
Garn	Morgan	
Glenn	Moynihan	

NAYS—9

Allen	Chiles	Sparkman
Byrd, Harry F., Jr.	Clark	Stone
Byrd, Robert C.	Hollings	
	Randolph	

NOT VOTING—12

Eagleton	Hatfield	McClellan
Goldwater	Inouye	Packwood
Griffin	Magnuson	Riegle
Haskell	Mathias	Stennis

So Mr. HELMS' amendment (No. 158) was agreed to.

UP AMENDMENT NO. 124

Mr. STEVENSON. Mr. President, I have a technical amendment at the desk, which I call up.

The PRESIDING OFFICER. The amendment will be stated.

Mr. STEVENSON. Mr. President, could we have some order in the Chamber?

The PRESIDENT OFFICER. The Senate will be in order. The clerk will state the amendment.

The second assistant legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) proposes an unprinted amendment numbered 124: On page 33, line 10, insert—

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 10, insert a period after the word "Member" and strike the words "who is defeated for reelection or does not seek reelection."

Mr. HELMS. Mr. President, will the Senator yield for 1 minute?

Mr. STEVENSON. Yes, I yield 1 minute, without losing my right to the floor, to the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that I may move to reconsider the vote by which the previous amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I thank the Chair, and I thank the Senator from Illinois.

COMMITTEE MEETINGS

Mr. STEVENSON. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 5, at 2 p.m. for the purpose of marking up the authorization bill for fiscal year 1978 for the National Aeronautics and Space Administration.

This request has been cleared with the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. I also ask unanimous consent that the Committee on Commerce, Science, and Transportation be permitted to meet at 2 p.m. on Thursday, April 7, to hear testimony on the nomination of Dr. Frank Press to be Director of the Office of Science and Technology Policies.

This request has also been cleared with the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

UP AMENDMENT NO. 124

Mr. STEVENSON. Mr. President, this is a clarifying amendment. It makes it clear that no Member or former Member will be permitted by the Code to convert political funds in the future to his own personal uses. That was the intention of rule XLVI, section 2, of the committee's resolution, but it is not clear because that section, on the face of it, seems to limit the prohibition to Members who are defeated for reelection or do not seek reelection. This amendment would simply delete the reference to Members defeated for reelection or who do not seek reelection, to make it clear that the prohibition applies to all Members or former Members.

I have discussed the amendment with the distinguished chairman, and am hopeful that he will accept the amendment.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. STEVENSON. Yes. Mr. President, I yield to the Senator from Alabama for a question.

Mr. ALLEN. I am certainly going to support the amendment. I would like to know, from a practical point of view, would it be enforceable? In other words, the Federal election law would allow these funds to be converted to a Member's own use or a former Member's own use, and, actually, what jurisdiction would the Ethics Committee or the Senate, for that matter, have over a former Member who retires or is defeated and does not come back?

There is nothing requiring a former Member or Member to turn these funds over to anyone. They could lie dormant until such time as the Senator decided he wanted to convert them to his own use and pay a tax on them; but I wonder, really, from a practical point of view, is this amendment enforceable?

Mr. STEVENSON. The amendment is enforceable with respect to incumbent Members of the Senate.

Mr. ALLEN. I understand, yes; but what about former Members?

Mr. STEVENSON. The Senator is raising a very real problem, and it arises in many different contexts throughout this code of conduct. The fact of the matter is that with respect to former Members of the Senate, no matter what the offense, the Senate is without a remedy.

Mr. ALLEN. Yes.

Mr. STEVENSON. There is no way of enforcing the prohibition against Members who have left the Senate. So in that respect, this prohibition is largely hortatory. I hope there will not be any such occasions, in which the Ethics Committee is called upon to enforce a prohibition against former Members. If such an occasion did arise, the Ethics Committee would be without any means of enforcement.

Mr. ALLEN. As I say, I support the amendment but I was just trying to see if the Senator had any thought that it would be enforceable as to former Members.

Mr. STEVENSON. Mr. President, I am glad the Senator raised this question because it could come up in other contexts, too. If so, it will be a subject the Ethics Committee would have to consider.

It would be my expectation that in making determinations as to whether to investigate and follow through to the end complaints of misconduct involving former Members, the committee would take into consideration the fact that in such cases, even if an offense was proved, it could do nothing. It would be powerless to act. That, it seems to me, is a fact of life that the committee should consider.

If the offenses are serious, of course, they might violate the criminal laws and be referred to the Department of Justice. Where the investigation, even if it ends with culpability or a finding of culpability, can produce no disciplinary action, it seems to me the Ethics Committee should consider that and in such cases might want to conclude that any such investigation is an exercise in futility and should not be undertaken.

Mr. ALLEN. I believe that is very interesting.

I would like to inquire, in view of the Senator's hard work and expertise in this field—and I do commend him for the great contribution he has made in this area of committee reorganization and the question of ethics—though this may be slightly afield, if it became known, after a Senator left the Senate, that during his incumbency as Senator he had been guilty of impropriety, does the Senator feel that the Ethics Committee, and possibly the Senate, should indicate their disapproval and their condemnation of this action by the former Senator in protecting the good name and image of the Senate to show their disapproval of this, whether disciplinary action was possible or not?

Mr. STEVENSON. The answer is yes. It is difficult to generalize, but I certainly do not believe that a statute of limitations tolls or that a Member is excused of misconduct simply because he leaves the Senate. No. What the decision will be on a complaint alleging misconduct, as I indicated earlier, can be governed to some extent by a recognition in the Ethics Committee that it is incapable of disciplining the offender.

If the conclusion is reached, or the proof is there, and a former Member is guilty of an impropriety, no, I think the honor of the Senate and the duty of the Ethics Committee would demand a finding to that effect, though it is only hortatory, a reproval by the Ethics Committee in the first instance and by the Senate if, in its judgment, it felt that that was necessary.

Mr. ALLEN. Would he be given the same right to due process, so to speak, an incumbent Senator would have in stating his case before the Ethics Committee?

Mr. STEVENSON. Yes. I cannot conceive of any basis for making a distinction between the rights of human beings because they are or they are not then Members of the Senate. Regardless of their status, they are entitled to the same guarantees of due process.

Mr. ALLEN. I thank the Senator. I certainly agree with his responses to my question and I do support the amendment.

Mr. STEVENSON. Mr. President, I thank the distinguished Senator from Alabama for the opportunity to clarify several matters, and once again for his help on this difficult subject. I do thank him for his support of the amendment, which it is hoped the distinguished chairman will see fit to accept.

Mr. President, would the distinguished Senator from Wisconsin be prepared to accept this clarifying or technical amendment?

Mr. NELSON. Yes, the manager of the bill is satisfied with the clarification proposed in the amendment by the Senator from Illinois (Mr. STEVENSON). Mr. President, I am willing to accept the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Illinois yield back the remainder of his time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be charged against both sides on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Has all time been yielded back?

Mr. STEVENSON. Mr. President, I yielded back the time I had.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 121, AS MODIFIED

Mr. CURTIS. Mr. President, I send to the desk a modified version of amendment No. 121 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nebraska (Mr. CURTIS) proposes an amendment numbered 121, as modified.

The amendment, as modified, is as follows:

On page 53, after line 19, insert the following:

"SEC. 310. Rule V of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"'4. (a) No debate, motion, or other transaction of business shall be in order during any session of the Senate unless at least twenty-five Senators are present and on the floor of the Senate.

"'(b) It shall be the duty of the Presiding Officer to maintain a continuous count of the number of Senators present on the floor of the Senate during sessions of the Senate. If, at any time, the number of Senators present is less than twenty-five, the Presiding Officer shall immediately suspend the proceedings of the Senate and such proceedings, shall not be resumed until at least twenty-five Senators are present.'"

On page 53, line 20, strike out "310" and insert "311".

The PRESIDING OFFICER. Is this the amendment on which there is to be 1 hour of debate?

Mr CURTIS. Mr. President, I have prepared a question and answer sheet which describes this amendment. The sheet has been placed on everyone's desk. I think I can save time in my explanation if I read it.

Question. What would this amendment do?

Answer. It would require 25 Senators to be on the floor at all times or no business could be transacted.

Question. Is this a reasonable rule?

Answer. Yes—rule 5 now provides, "No Senator shall absent himself from the service of the Senate without leave."

Question. What is the exact language of the Curtis amendment?

Answer. "No debate, motion, or other transaction of business shall be in order during any session of the Senate unless at least 25 Senators are present on the floor of the Senate.

"It shall be the duty of the Presiding Officer to maintain a continuous count of the number of Senators present on the floor of the Senate during sessions of the Senate. If, at any time, the number of Senators present is less than 25, the Presiding Officer shall immediately suspend

the proceedings of the Senate and such proceedings shall not be resumed until at least 25 Senators are present."

Question. Is the Curtis amendment practical?

Answer. Yes—at the present time the Senate cannot proceed without a Presiding Officer. It would mean that they could not proceed unless there were 25 Senators there. This would probably be worked out by the majority assuming the responsibility of getting 15 Senators on the floor and the minority getting 10.

Question. In what ways would the adoption of the Curtis amendment save time?

Answer. It would eliminate, to a large degree, a very wasteful practice of live quorums followed by votes to direct the Sergeant at Arms to cause the Members to be present. The present procedure is not effective because Senators respond and answer and then leave.

Question. What are the advantages of the Curtis amendment?

Answer. One of the purposes of a code of ethics is to increase the public respect for the Senate. The adoption of this rule will materially assist in achieving that. The presence of 25 Senators will practically assure that legislation which should not be passed will not be passed. It will mean that when a Senator has something to say there will be at least 25 Senators present to hear him. The views of the 25 Senators present would be beneficial to those Senators who could not be present for the debate when they arrive and seek guidance as to any particular vote.

Mr. President, very frankly, this would call for a restructuring of our programing here. But it can be done.

Just as a Presiding Officer suspends until there is order and just as we cannot start until there is a Presiding Officer here, everything would stop unless there are 25 Senators.

Let us consider it a moment. Any 25 Senators we would select, we would get a diversity of views, economic and political views among those 25.

They would hear what would happen. As other Senators who are busy in committee or tied up on something essential come in, there would be a group that have heard the debate to whom they could turn.

At the present time, very important matters are presented and there are only one or two, or five or six, Senators present. What happens? We are busy in committee, or otherwise officially tied up; we rush in here and ask some one individual, other than a Senator, what it is all about and how to vote.

I think we get good advice many times, but we do not get that diversity of opinion.

Here is another matter: Nothing should be brought up on the Senate floor unless it is important. This is not a kid's debating society. This is one of the highest legislative bodies in the world. We should not be debating and deciding things here unless they are important and worthy to be considered.

I say this in defense of myself and all my colleagues: When visitors come here and they see only a few Senators, they wonder what it is all about. Some of them understand; some go away with a very bad impression. The fact is that it does not mean that the Senators are not playing golf or that they are taking a nap in their office. Not at all. This Government has grown so big that Senators are scattered all over in their activities.

However, our present procedure is self-defeating. Someone comes here; he has worked hard on a proposal; he presents it. There is no one to listen. He says, "I'm going to ask for a live quorum." It takes a long, long time to get a live quorum, and perhaps they have to order the Sergeant at Arms to notify Senators. Do they end up getting a live quorum? No. The Senators are tied up with other things, so we come in and answer and leave.

After all that waste of time, we end up with very few Senators present to transact the business of our Republic.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has used 8 minutes. He has 22 minutes remaining.

Mr. CURTIS. Mr. President, it will be argued that this is an impossible situation. It is not at all. Many groups and organizations do not start until a quorum is present, which is far more than 25 percent. How do we conduct our business? We go to a committee, and if there is not a quorum, they get busy on the telephone and secure a quorum. If at any time a quorum is not present, somebody can note it, and they cannot transact any business so far as reporting a bill is concerned.

I am convinced that the able leaders we have on both sides of the aisle can work out a program if this rule is adopted so that it works with ease.

Are we going to say to the country that we are incapable of so arranging our schedules so that we cannot have 25 Senators here, or are we going to say to the country that we do not think it is necessary?

This is another point I should like to make: This will greatly improve the debate in this body. It is discouraging for someone to work on a matter in presenting a bill or an amendment, or opposing it, and have no opportunity to present it to his colleagues.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, I reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished manager of the resolution yield me some time?

Mr. NELSON. Mr. President, I yield the leader whatever time he desires.

Mr. ROBERT C. BYRD. Mr. President, I commend the distinguished Senator from Nebraska on his objective. He seeks to have more Members on the floor at all times, especially with reference to matters that are being debated. So far as the objective is concerned, I can only compliment him and commend him.

So far as his amendment is concerned, however, I must say that it would be unworkable. It would impose an onerous burden on the joint leaders of the Senate. It would impose an onerous burden on the Presiding Officer of the Senate. It would not effectuate the expedition of business. It would, indeed, result in the slowing down of the business of the Senate to a considerable extent.

Moreover, I read from paragraph 4, page 1, of the Senator's amendment No. 121:

> No debate, motion, or other transaction of business shall be in order during any session of the Senate unless at least 25 Members are present on the floor of the Senate.

Mr. President, that is contrary to what the Constitution of the United States says. The Constitution of the United States, in article I—which deals with the legislative branch—section 5, says that with regard to each House, a majority of either House shall constitute a quorum to do business. The Constitution of the United States does not say that 25 Members of the Senate may transact business. The Constitution of the United States says that a majority of either House shall constitute a quorum to do business.

Yet, the amendment by the distinguished Senator from Nebraska would admit or sanction the right of the Senate to do business with only 25 Senators in attendance—without a quorum being present—and every Senator knows that that would fly in the face of the Constitution and is beyond the purview of the Senate to change by its rules.

Mr. CURTIS. Mr. President, will the Senator yield briefly for a question?

Mr. ROBERT C. BYRD. Yes, I am glad to yield.

Mr. CURTIS. Is it not true that at the present time, business is transacted and bills are passed not only when there is not a quorum here but when there may be five Members here? Is that not true?

Mr. ROBERT C. BYRD. The Senator is preeminently correct. But a quorum of the Senate is always assumed to be present, until the absence of a quorum is established. Under the Senate rule, any Senator may, at any time, suggest the absence of a quorum, upon which the Presiding Officer must immediately direct the clerk to call the roll.

Mr. CURTIS. This will not change that in the least.

Mr. ROBERT C. BYRD. It will not change that rule, but it would be unconstitutional to sanction the transaction of business with only 25 Senators required to be present.

Mr. CURTIS. Oh, no. I have heard everything. To require the Senators to be present would be unconstitutional.

Mr. ROBERT C. BYRD. I have not yielded to the Senator except for a question.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. ROBERT C. BYRD. Mr. President, the Constitution of the United States cannot be changed by the Senate by an amendment to this code of conduct resolution. The Senator knows that. He knows that his amendment would indeed admit or sanction the right of the Senate to do business without a quorum.

I read it again:

No debate, motion, or other transaction of business shall be in order during any session of the Senate unless at least 25 Senators are present on the floor of the Senate.

The amendment, by implication, says that debate, motions, or other transaction of business shall be in order during any session of the Senate if "at least 25 Members are present on the floor of the Senate." That clearly contravenes the Constitution of the United States. This kind of language, if we were to incorporate it into this code of conduct, could cause endless court cases contesting the legality of laws on the ground that a quorum was not present when such laws were pending and enacted.

Again, I commend my colleague. He has the best interests of the Senate at heart. He wants Members on the floor. But I say to him that this amendment not only would be unworkable; it would slow down the business of the Senate and would fly in the face of the Constitution. I hope that the Senator from Wisconsin will move to table the amendment.

In addition, it would put too much power in the hands of the Presiding Officer. He would constantly have to count the number of Senators in the Chamber. There goes one out the door; that leaves 24. There comes one in the door; that makes 25. There goes one out the door; that makes 24. Let us start, let us stop, let us start, let us stop.

Then someone would constantly be challenging the Presiding Officer's count. How do we know that he can count? He might count 25 and I might count 23. We would constantly have appeals from the rulings of the Chair, motions to table the appeals. I can see in this amendment a Pandora's box if I ever saw one. I say this with the greatest respect for my dear friend from Nebraska.

So, if the manager of the bill will in due time move to table the amendment, I will support the tabling motion.

Mr. NELSON. Mr. President, I might say about the amendment of the distinguished Senator from Nebraska that if a way could be designed in which the major issues or a major bill would finally be disposed of with an agreed time for debate, 2 to 4 hours, without Members reading speeches, and if the leadership or an appropriate group would decide which of those issues before us should be treated in that way, then to set aside the time and require a quorum might work.

I have thought of such a rule off and on. But I was here, as was the Senator from Nebraska, when we had 84 days of filibuster on the Civil Rights Act of 1964. To require 25 people to spend all day on the floor for 84 days would have been a tremendous waste of time.

I do not know about the constitutional question that was raised on quorums, but I do know that if you will whip open the Constitution and look at the eighth amendment you will see that there is a provision there that prohibits the imposition of cruel and unusual punishment, and if you required us to stay here and listen to all those speeches I think you would be in violation of the Constitution. [Laughter.]

Mr. President, I am prepared to yield back the remainder of my time.

Mr. CURTIS. Mr. President, I cannot yield my time back because win or lose we cannot consent to letting the gross error propounded by the other side of the aisle go unchallenged.

The distinguished majority leader is a very brilliant man, but he reached out for an argument this time that will look ridiculous. The idea of our having a rule here that a certain minimum number have to be here to listen or when a motion is made or something or other is unconstitutional is just about as ridiculous as you can get.

My amendment does not change the rule as to quorums. You can still insist that a quorum be present for a vote as you do in a committee. Many committees have done that. They have said that you cannot take testimony unless there is a committee member from each party present.

Now, imagine going out over the country and telling the people, "We were unable to do anything about absenteeism and getting Senators present because it is unconstitutional; that the Constitution prescribes a quorum, and we can go on the assumption that a quorum is present," when everyone knows that maybe there are not more than two Senators present.

I think the leadership is viewing its task as too difficult. I think after a few weeks' trial on this they would find it very easy.

I even heard it said at the beginning of this session of Congress that the Senate ought to have a non-Senator permanent Presiding Officer because it was difficult to get enough Senators to preside. How ridiculous can we get.

Mr. President, this goes to the heart of the ethics matter. The purpose of the code of ethics is to establish the confidence of the country in this body. I know there are a few people on the outside who accuse all of the Senators of being crooks, but those who know the facts know that is not true. But there is a feeling on the part of many that we need to do something to establish more public confidence.

With all the hundreds of people who come here in the Gallery and watch and listen, including the students, what do they go home and tell about if two or three Senators are on the floor, if a bill is passed and not very many people are here?

Furthermore, Mr. President, we are not doing a good job at legislating because a Member is discouraged from preparing his case for or against legislation or for or against an amendment because he stands up and talks to himself.

It is not unreasonable to say that we ought to have 25 Senators here. I think with a conference of the Senators who are chairmen of the committees it can be easily arranged that a fourth of the Senators could be here all the time. I do not think it would be an overburdensome job for the minority to have 10 people here and the majority 15.

Mr. President, I realize a motion to table is kind of a convenient escape hatch; that somehow we can go back home and tell the people, "Well, this was a procedural thing and we have to support the establishment."

But the fact remains a vote to table will be a vote to continue legislating by absenteeism.

We talk about absentee landlords——

Mr. STONE. Mr. President, will the Senator yield for a unanimous-consent request for 1 minute?

Mr. CURTIS. Yes.

Mr. STONE. I ask unanimous consent for Pam Weller of my staff be allowed the privileges of the floor during the votes and proceedings on this bill.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, Jr.). Without objection, it is so ordered.

Mr. STONE. I thank the Senator from Nebraska.

Mr. CURTIS. Mr. President, I am satisfied that if we could get a straight up and down vote on this I do not think there are a majority of the Senators who would oppose this idea. This gimmick of a motion to table may provide an escape hatch so that there will be enough arm twisting to defeat it.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. CURTIS. But I just challenge those in charge of this bill to refrain from a motion to table.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. CURTIS. I will be happy to yield.

Mr. ROBERT C. BYRD. The challenge has been accepted.

Mr. CURTIS. Very well.

Mr. ROBERT C. BYRD. The same thing may take place on one of these pay raise amendments one of these days.

I have heard Senators say, "I want a vote up or down on the pay raise." Then they turn around and vote against a motion to table amendments rejecting or repealing the recent Federal pay increase. One of these days we may see how many Senators are willing to vote on the Federal pay raise, up or down.

Mr. CURTIS. It will not bother me.

Mr. ROBERT C. BYRD. It will not bother me either.

Now, I plead with the manager of the bill to discount anything I said earlier in asking him to move to table this amendment. I plead that he disregard my earlier wishes. I want to give the able Senator from Nebraska a vote up or down on his amendment.

May I say also, in defense of the leadership and in defense of the Senator from Nebraska, there are only at this time 3—let me count—11 Senators on the floor.

Mr. CURTIS. It has doubled in the last 3 minutes.

Mr. ROBERT C. BYRD. Well, it has doubled because they heard the Senator was orating.

Mr. CURTIS. No.

Mr. ROBERT C. BYRD. But the galleries have been filled, they have been listening attentively and with admiration to the distinguished Senator from Nebraska as he has so eloquently orated.

If his amendment were already in effect, the Senator knows the Presiding Officer would have had to count; there would not have been 25 Senators on the floor; and the galleries would have

missed this excellent speech they have listened to today by the able Senator from Nebraska. They might have read it in the CONGRESSIONAL RECORD, but the visitors in the galleries would have been denied the one opportunity they have now had——

Mr. CURTIS. Mr. President, whose time is it?

Mr. ROBERT C. BYRD. My own time.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. CURTIS. On whose time is this?

The PRESIDING OFFICER. On the time of the Senator from Nebraska.

Mr. CURTIS. I refuse to yield further.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 11 minutes remaining.

Mr. CURTIS. The longer this goes the more foolishness comes from that other side. They spend most of their time saying it is unconstitutional to have Senators present to legislate. Imagine that. Is that not ridiculous? Now they say that if we require 25 to be present there would be no meeting. There would be no meeting. I just do not think that is true. I think West Virginia, Tennessee, and Kansas would elect Senators who would attend. I believe they would.

Mr. ROBERT C. BYRD. The Senator leaves me speechless.

Mr. CURTIS. The Senator's arguments are ingenious to the extreme, almost as ingenious as they are erroneous.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. NELSON. Mr. President, I have not agreed to that request by our leader. Did the Senator ask for, an up or down vote? Is that what the Senator said he wanted?

Mr. CURTIS. Yes.

Mr. NELSON. I cannot agree to it. I will give the Senator a down vote but not an up vote. I do not know whether I want to agree to that. I have never had so much power before. Here is the leader begging me to allow, as the Senator puts it, an up or down vote. Lord Acton was correct. He described us correctly:

Power tends to corrupt and absolute power corrupts absolutely.

If the Senator is prepared to yield back his time so that the manager of the bill does not have to listen to any more debate on this question, I will agree to an up or down vote with me voting it down.

SEVERAL SENATORS. Vote! Vote!

Mr. CURTIS. On those conditions I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. The yeas and nays have been ordered.

The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Florida (Mr. CHILES) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Michigan (Mr. RIEGLE) are absent on official business.

I also announce that the Senator from Colorado (Mr. HASKELL) is absent attending the funeral of a friend.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) and the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

The result was announced—yeas 22, nays 67, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—22

Allen	Garn	Schmitt
Baker	Hansen	Scott
Biden	Hatch	Stafford
Bumpers	Hayakawa	Thurmond
Chafee	Heinz	Tower
Curtis	Helms	Wallop
Dole	McClure	
Domenici	Roth	

NAYS—67

Anderson	Hart	Muskie
Bartlett	Hathaway	Nelson
Bayh	Hollings	Nunn
Bellmon	Huddleston	Pearson
Bentsen	Humphrey	Pell
Brooke	Jackson	Percy
Burdick	Javits	Proxmire
Byrd, Harry F., Jr.	Johnston	Randolph
	Kennedy	Ribicoff
Byrd, Robert C.	Laxalt	Sarbanes
Cannon	Leahy	Sasser
Case	Long	Schweiker
Church	Lugar	Sparkman
Clark	Mathias	Stennis
Cranston	Matsunaga	Stevens
Culver	McClellan	Stevenson
Danforth	McGovern	Stone
DeConcini	McIntyre	Talmadge
Durkin	Melcher	Weicker
Eastland	Metcalf	Williams
Ford	Metzenbaum	Young
Glenn	Morgan	Zorinsky
Gravel	Moynihan	

NOT VOTING—11

Abourezk	Griffin	Magnuson
Chiles	Haskell	Packwood
Eagleton	Hatfield	Riegle
Goldwater	Inouye	

So Mr. CURTIS' amendment was rejected.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 125

Mr. NELSON. Mr. President, I yield to the Senator from North Carolina.

Mr. MORGAN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

The Senator from North Carolina (Mr. MORGAN) proposes unprinted amendment No. 125.

Mr. MORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30 after line 19 amendment UP-118 insert:

"6. (a) The supervisor of an individual who performs services for any Member, committee, or office of the Senate for a period in excess of four weeks receives compensation therefor from any source, other than the U.S. Government, shall report to the Select Committee on Ethics with respect to the utilization of the services of such individual.

"(b) A report under subparagraph (a) shall be made with respect to an individual—

"(1) when such individual begins performing services described in such subparagraph;

"(2) at the close of each calendar quarter while such individual is performing such services; and

"(3) when such individual ceases to perform such services. Each such report shall include the identity of the source of the compensation received by such individual and the amount or rate of compensation paid by such source.

"(c) No report shall be required under paragraph 1 with respect to an individual who normally performs services for a Member, committee, or office fo less than eight hours a week.

"(d) For purposes of this rule, the supervisor of an individual shall be determined under paragraph 12 of rule XLV.".

Mr. MORGAN. Mr. President, this amendment would simply require that the supervisor of an individual who performs services for any Member of the Senate or for any committee of the Senate or any officer of the Senate, who receives compensation from sources other than the U.S. Government, shall be required to file a report with the Ethics Committee with regard to the utilization of such services; provided that the person performs as much as 8 hours a week and for a period of more than 4 weeks.

What this is designed to do, Mr. President, is let the Ethics Committee and the Senate and the public know who is performing services for a Member of the Senate or a committee of the Senate that is not being paid by the taxpayers. There is no prohibition against it, but it simply occurs to me that it is wise for us to know who is performing those services.

For instance, there are many foundations that create fellowships for individuals to work in the congressional offices and most of them perform useful services. Nevertheless, there are occasions when it seems to me that people can be involved in such services and be seeking to put across a given point of view. I might cite an example, and I do not say there is anything wrong with it.

When I was first elected to the Senate, I was approached by a foundation as to whether I would be willing to accept in

my office, as a member of my staff, a member of the medical profession of my State for a period of a year. Such member of the profession was to be compensated by the foundation, which was funded primarily by sources from the medical profession and governed, to a certain degree, by the American Medical Association.

If I am willing to accept those services, I think it is perfectly all right, although I was not quite willing to do that. I am not saying that I am passing judgment on the propriety of another Member's doing it, but I do think that my fellow citizens should have known if I had accepted such services. My fellow Senators should have known that he was on my staff and I think they would have been willing to look a little more closely perhaps, at my positions on health care, and so forth.

I use that as a given example, but I think we all know that there are many, many foundations and fellows on Capitol Hill—most, I think, with the best of motives. But we are all human and we are all subject to our own biases.

I have discussed this with the manager of the bill, the distinguished Senator from Wisconsin, and with the distinguished Senator from South Carolina (Mr. THURMOND). They both have indicated to me that they are agreeable to it.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I have read the amendment. I think it makes good sense. The Senator pretty clearly described what he was talking about. I am prepared to yield back the remainder of my time.

Mr. HELMS. Will the Senator yield for a question?

Mr. NELSON. Yes.

Mr. HELMS. I will address this question, Mr. President, to either of the Senators.

We now have such a rule limited only by compensation, is that not correct, $15,000, more or less?

Mr. NELSON. I did not get the question.

Mr. HELMS. I understand that what the able Senator from North Carolina is seeking is to make applicable all across the board, regardless of compensation paid to an employee of the Senate, what is now applicable only to employees paid more than $15,000, is that correct?

Mr. NELSON. No. All the amendment does, as I read it, is simply to provide that anyone who works for a Member and is not compensated by the U.S. Government, but is compensated by another source, shall report the facts to the Ethics Committee so that the information will be public.

Mr. HELMS. Will the Senator indulge me on his time for a brief quorum call so that I can check this with him?

Mr. MORGAN. Yes.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I want to commend my distinguished colleague from North Carolina on this amendment and with his permission I ask unanimous consent to be a cosponsor of this amendment.

Mr. MORGAN. I am happy to have the Senator as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Has all time been yielded back?

Mr. MORGAN. Mr. President, I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was agreed to.

The PRESIDING OFFICER. Who yields time? What is the will of the Senate?

Mr. HELMS. Mr. President, I suggest the absence of a quorum with the time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. What was the request?

The PRESIDING OFFICER. The time to be equally divided.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. METCALF. Mr. President, section 3 of proposed rule 48 directs Senate offices to file copies of newsletters and other informational mailings with the Secretary of the Senate on an annual basis. In turn, the Secretary is directed to make the mail matter along with other relevant information available for copying, to provide for public disclosure.

I wish to address a couple of questions to the managers of the resolution.

Is it the understanding of the managers that any Senator who wishes to do so can file his newsletters and other informational mailings as they are sent out rather than filing all of them on a specified annual date?

Mr. NELSON. That was my interpretation of the resolution; and since it said annually, I suppose different interpretations are possible. But if one wants to file monthly or immediately after sending out a newsletter, in my judgment that would meet the standard of the requirement. My interpretation is that the 1 year means that one must file at least once a year whatever publications and mailings were made the previous year; but if one wishes to file more often, it is perfectly permissible.

Mr. METCALF. Therefore, any Senator who chose to do so and who filed every such mailing as it was sent out would be considered to be in compliance with the registration requirements of section 3?

Mr. NELSON. That would be my interpretation. The Ethics Committee may develop some standards on that.

Mr. METCALF. A Senator would be required to file at the end of every year.

Mr. NELSON. There is no question about that.

Mr. METCALF. But if a Senator filed periodically when he sent out his mailings and filed them monthly or semimonthly or on the other dates, that would be considered to be in compliance?

Mr. NELSON. Yes. I would consider that the annual requirement is the minimum requirement in the resolution. If someone wants to file more often than annually, as the newsletters are sent out, that is perfectly acceptable under the rule.

Mr. METCALF. I raise these questions, Mr. President, because I am convinced that most Senators will eventually discover that disclosure as a continuing, routine function will eliminate a number of problems that may arise in fulfilling these requirements.

Disclosure as a Senator mails will make it unnecessary for the Senate office to maintain files and recordkeeping, for instance. There will be no need for the preparation and presentation of a bulky, annual report containing all the items mailed for an entire year. There can be no question that a newsletter or other mailing went out but somehow got lost in filing or otherwise failed to get reported.

As a further convenience for those who wish to exercise this option, could the Senate Service Department—perhaps in consultation with the Ethics Committee—arrange through appropriate regulations to forward the matter mailed to the Secretary's office automatically as a routine operation in fulfillment of this requirement?

The Senator may not be able to respond to this definitively here, but his comments on the suggestion will be helpful.

Mr. NELSON. I think it is a good suggestion to the service department. I suppose that the Ethics Committee would have the authority, under the provisions, to direct the service department to do that, in any event. I believe it is a good idea.

Mr. METCALF. I thank the Senator from Wisconsin.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. ALLEN. I understand this possible arrangement with the service department would still leave the Senator the option of the annual filing if he saw fit.

Mr. NELSON. Yes. I trust that would be the way to do it, if that is the way the Senator wanted it done; or, if the service department were appropriately directed, the Senator could request that his be filed annually.

Mr. ALLEN. I understand. I thank the Senator.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABOUREZK). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask the Chair whether this is correct: I had made a request the other day that the quorum calls be charged equally to both sides.

The PRESIDING OFFICER. The request was made at that time for that particular quorum call. There is no record at the desk of a permanent request by the Senator from Wisconsin.

Mr. NELSON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against the other side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

[There was a disturbance in the galleries.]

The PRESIDING OFFICER (Mr. ABOUREZK). The clerk will suspend until the Sergeant at Arms can restore order in the galleries.

The second assistant legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the distinguished minority leader and I have attempted to get Senators to the Chamber to ascertain if we can get amendments called up and disposed of. We have reached the conclusion that the best thing to do is have a live quorum and have Senators come to the Chamber to see which Senators have amendments and then call them up so the Senate can act on them.

Mr. BAKER. Mr. President, will the Senator yield,

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. I think that is a good idea. The majority leader and I discussed that matter a little while ago and agreed that the best thing to do under the circumstances was to have a quorum that would become live at around 2:30 p.m.; and at that time it would be my hope that the majority leader and I, with the consent of our colleagues, could establish not only who else has amendments but what the schedule of presentation on those amendments would be.

In the case of the Dole amendments and the Hansen amendments time limitation agreements have already been established. If we can establish a sequence for them and then inquire of our colleagues if there are other amendments, I think everyone then will be on notice as to the available remaining time, his opportunity to present amendments, and the fact that after we finish today there is no more time remaining because the time available tomorrow is provided for already.

So I certainly join with the majority leader in hoping that our colleagues will stay in the Chamber while we try to establish the sequence of events for the remainder of this day, and whenever he is ready I am ready to do that.

Mr. President, to conserve time and to make sure we do not cut anyone out of the opportunity to offer his amendments, I ask unanimous consent that when we have the quorum and it goes live, that quorum and the rollcalls attendant thereto not be charged against either side.

Mr. ROBERT C. BYRD. Very well. That is agreeable with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 15 Leg.]

Abourezk	Goldwater	Pell
Allen	Hart	Schmitt
Baker	Helms	Scott
Brooke	Kennedy	Stafford
Bumpers	Leahy	Talmadge
Byrd, Robert C.	Long	Thurmond
Case	McGovern	Wallop
Curtis	Morgan	
Eastland	Nelson	

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Washington (Mr. MAGNUSON), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Georgia (Mr. TALMADGE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Michigan (Mr. RIEGLE) are absent on official business.

I also announce that the Senator from Colorado (Mr. HASKELL) is absent attending the funeral of a friend.

Mr. STEVENS. I announce that the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

The result was announced—yeas 81, nays 5, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—81

Abourezk	Bayh	Bumpers
Allen	Bellmon	Burdick
Anderson	Bentsen	Byrd, Harry F., Jr.
Baker	Biden	Byrd, Robert C.
Bartlett	Brooke	Cannon
Case	Hollings	Proxmire
Chafee	Jackson	Randolph
Chiles	Javits	Ribicoff
Church	Kennedy	Roth
Clark	Laxalt	Sarbanes
Cranston	Leahy	Sasser
Curtis	Long	Schmitt
Danforth	Lugar	Schweiker
DeConcini	Mathias	Scott
Dole	Matsunaga	Sparkman
Domenici	McClellan	Stafford
Durkin	McGovern	Stevens
Eastland	McIntyre	Stevenson
Ford	Melcher	Stone
Garn	Metzenbaum	Thurmond
Glenn	Morgan	Tower
Hansen	Moynihan	Wallop
Hart	Muskie	Williams
Hatch	Nelson	Young
Hathaway	Nunn	Zorinsky
Hayakawa	Pearson	
Heinz	Pell	

NAYS—5

Goldwater	McClure	Weicker
Johnston	Metcalf	

NOT VOTING—14

Culver	Hatfield	Packwood
Eagleton	Huddleston	Riegle
Gravel	Humphrey	Stennis
Griffin	Inouye	Talmadge
Haskell	Magnuson	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of the Senators voting who did not answer the quorum call, a quorum is now present.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Will the Chamber come to order?

The Senate will suspend until the Chamber is in order. I ask all Senators who are conversing to remove their conversations from the Chamber.

The Senator will not continue until the Chamber is in order.

The Senate Chamber will please come to order.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, tomorrow the Senate will vote on final passage of the Code of Conduct after it disposes of an amendment which will be called up by Mr. BAKER. All time is allotted with respect to the Code of Conduct as far as tomorrow is concerned. It is anticipated that the final vote on the passage of Code of Conduct will occur somewhere between the hours of 11 a.m. and 11:15 a.m., or thereabouts.

The Senate came in early today, at 9:30 a.m., as a matter of fact, in an effort to accommodate all Senators who had amendments and who wanted to call them up. I think it is conservative for me to say that we have wasted at least an hour today waiting on Senators to present themselves and call up their amendments. Of course, I realize there were some committee meetings going on during the first 2 hours of the day. So part of the delay is understandable.

In the interest of expediting action on whatever amendments remain, the distinguished minority leader and I have decided we would have a live quorum, ask Senators to indicate if they have amendments that they yet want to call up, which would have to be called up today, and try to establish a sequence, if we can, in which those amendments will be called up so the Senate can expedite action thereon and not be in too late into the evening.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. I thank the majority leader for summarizing the situation as we find it.

On my side of the aisle I have notations that two Senators remain, and possibly three Senators, who yet have amendments. They are Senator DOLE, Senator HANSEN, and possibly Senator WALLOP, although I understand from Senator WALLOP that his amendment may be incorporated into one of the Hansen amendments.

Mr. CURTIS. Mr. President, will the Senator yield,

Mr. ROBERT C. BYRD. I yield.

Mr. CURTIS. I have an amendment No. 75 which I would like to call up.

Mr. ROBERT C. BYRD. Now may I ask if there are any Senators on this side of the aisle who have amendments?

Mr. MUSKIE. Mr. President, I have several amendments at the desk. I do not intend to call up any of them. I would like to inquire whether there will be some time after all amendments have been considered for some general debate. I would like about 5 minutes, no more, at that time.

Mr. ROBERT C. BYRD. Would that be today?

Mr. MUSKIE. It might be. I am caught up in the Budget Committee right now, but it may be that later in the afternoon I might be able to be free.

Mr. ROBERT C. BYRD. Very well. Do any other Senators on this side of the aisle wish to call up amendments or have some time for debate?

Mr. BUMPERS. Mr. President, I do not have any amendments to bring up, but I would like to take the opportunity to have about 3 or 4 minutes, subject to the same conditions the Senator from Maine has stated.

Mr. ROBERT C. BYRD. I see no other Senators on my side, I state to the distinguished minority leader, who indicate any intention to call up amendments or who want time for further comments.

Mr. BAKER. If the majority leader will yield, may I inquire if there is anyone else on my side?

The Senator from New Mexico (Mr. DOMENICI) indicates he would like 5 minutes to make general remarks, but not to call up an amendment.

Is that correct?

Mr. DOMENICI. That is correct.

Mr. McCLURE. The Senator from Idaho would like at least 5 minutes on general debate this afternoon.

Mr. BAKER. Are there other amendments on our side, or other requests for time?

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. CURTIS. The Senator from Nebraska is willing to agree on a 10-minute limitation for my presentation and I am ready to start at any time within the next 30 seconds.

Mr. ROBERT C. BYRD. Is the Senator's amendment germane?

Mr. CURTIS. It will be as soon as the Senator agrees to the 10 minutes.

Mr. ROBERT C. BYRD. I understand. That is why I asked the question.

Mr. CURTIS. It is germane. It deals with ethics.

Mr. ROBERT C. BYRD. Will the Senator from Nebraska tell us the title of the amendment and the number thereof?

Mr. CURTIS. The number is 75. It begins:

That the Standing Rules of the Senate are amended by designating rule XLV as XLVI, and by inserting after rule XLVI the following new rule.

Mr. ROBERT C. BYRD. Mr. President, if the Senator's amendment is germane under the order that has been entered already and as governed by the passage of the original resolution, Senate Resolution 36, I believe it was, the time limitation is fine. I would not want to agree to a time limitation on a nongermane amendment.

Mr. CURTIS. Mr. President, I ask recognition on my amendment.

Mr. BAKER. Mr. President, will the Senator withhold that for one moment?

Mr. CURTIS. Yes.

Mr. BAKER. Mr. President, will the majority leader yield long enough for me to make a final inquiry?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. BAKER. Unless there are other requests, to recapitulate, I have requests for amendments from Senators DOLE, HANSEN, and CURTIS, plus certain other requests for time to speak in general debate.

I thank the majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader.

May I ask, how many amendments by each of those Senators does the minority leader anticipate?

Mr. BAKER. According to the notations I have, there are five to be offered by the junior Senator from Kansas.

May I inquire if he still has five amendments he intends to offer?

Mr. DOLE. I think some of those can be disposed of in an exchange with the distinguished Senator from Wisconsin. One we might have a vote on, maybe two.

Mr. BAKER. I have a notation of six for the distinguished Senator from Wyoming.

Mr. HANSEN. The minority leader is correct. However, I understand two of them are acceptable and will be accepted by the distinguished manager of the bill, so I actually only have four.

Mr. BAKER. If the Senator will yield further, could the distinguished senior Senator from Wyoming indicate whether or not he feels he will need the full 80 minutes on each of the remaining four?

Mr. HANSEN. If I were to answer candidly, I suspect I might need more than that if I were to persuade all Members here of their true merit. I have no hope of doing that, so I do not propose to take that long.

Mr. BAKER. I thank the Senator.

The only remaining one is that of Senator CURTIS, and we are still hopeful of a time limitation on that.

Mr. CURTIS. Mr. President, it is my opinion, if the Senator will yield, that it is germane. But what is germane in this body is somebody's guess other than mine. I really think it is germane.

Mr. ROBERT C. BYRD. Mr. President, the Senator certainly has a right to call up his amendment.

What is the time limitation the Senator would suggest?

Mr. CURTIS. Well, I think I could present the argument for germaneness in 2 hours, but if I can present the amendment, I shall settle for 10 minutes.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the following Senators be recognized to call up their amendments: That Mr. CURTIS be recognized to call up his amendment and that there be a time limitation thereon of 20 minutes, to be equally divided; that he be followed by Mr. HANSEN to call up his amendments; that he be followed by Mr. DOLE to call up his amendments; and that during the afternoon, Mr. BUMPERS, Mr. MUSKIE, Mr. DOMENICI, and Mr. McCLURE each be recognized for not to exceed 15 minutes on this measure. Mr. NELSON has two amendments, which he can call up. Mr. NELSON will call up his amendments prior to the general debate.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, there are two things I want the majority and minority leaders to take care of. One is amendments to amendments, and the other is not to shut off amendments by this unanimous consent if any Member has an amendment. He may not have any time, but at least he can present it.

Mr. ROBERT C. BYRD. That will be honored, and I think it is taken care of by the general order.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BAKER. Reserving the right to object, Mr. President, just to follow up the query of the senior Senator from New York, as I understand it, this is just our effort to sequence the remaining amendments, to identify the remaining amendments, but what we are doing now is not in abrogation of the general provisions, the special order, and the provisions of Senate Resolution 110.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. That is correct, but I hope the Senators will be here to call up their amendments so we shall not have to spend further time in quorum calls.

Mr. JAVITS. I thoroughly agree with the Senator. My inquiry was just directed to protecting rights.

Mr. BAKER. Mr. President, it is my full intention, having done now everything that I know how to do to let our colleagues know that the time remaining is the time today and that they had better get their amendments in now or there is not going to be time, that when the flow of business stops, it will not be my purpose to object to our going out until tomorrow.

Mr. ROBERT C. BYRD. Exactly. May I say further, and this is not intended as anything by way of threat—it is merely a reminder—that under the resolution, a nondebatable motion can be made to re-

duce the time. That has not been done; I have no intention of doing it. I merely say that so that Senators will be encouraged to call up their amendments and let us try to get reasonable time thereon and proceed with the business without too much more delay.

I yield 1 minute to Mr. CHURCH.

EXTENSION OF TIME FOR FILING ANNUAL REPORT—COMMITTEE ON AGING

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senate Special Committee on Aging be given until April 7 to file its annual report. This additional time is needed because the Senate has not yet acted on a resolution to authorize the printing of additional copies of the committee's annual reports. Without this action, the cost of printing these additional copies will be greatly increased.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Connecticut 5 minutes.

REORGANIZATION ACT OF 1977

Mr. RIBICOFF. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 626.

The PRESIDING OFFICER (Mr. ABOUREZK) laid before the Senate the amendment of the House of Representatives to the bill (S. 626) to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.

(The amendment of the House is printed in the RECORD of March 29, 1977, beginning at page 9366.)

Mr. RIBICOFF. Mr. President, the House on Tuesday approved by a vote of 395 to 22, S. 626, legislation to renew the President's general reorganization authority. The Senate previously passed the bill on March 3, 1977, by a unanimous vote of 94 to 0.

The bill as passed by the House is identical in most respects to the Senate passed bill. The House bill preserves the principle that a plan proposed by the President shall become effective unless one House or the other approves a resolution of disapproval within 60 days. The few changes the House made in S. 626 are fully consistent, in my view, with the intent and spirit of the legislation approved by the Senate.

I ask unanimous consent that a summary of the differences between the House and Senate passed versions of S. 626 be inserted in the RECORD.

Mr. President, I recommend that the Senate adopt S. 626 as amended by the House. Final congressional action on this important legislation today will enable Congress and the executive branch to turn as quickly as possible to the crucial task of reorganizing and improving the way the Federal Government operates.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE REORGANIZATION AUTHORITY—COMPARISON OF SENATE AND HOUSE VERSION OF S. 626

The Reorganization Act Authority passed by the House is identical to the Senate passed bill in most respects.

The following are the substantive differences:

(1) The House bill requires the Governmental Affairs Committee in the Senate and the Government Operations Committee in the House to report either favorably or unfavorably a resolution of disapproval for each plan proposed by the President. In order to assure that in each case there will be a resolution for the committee to act on, the House bill requires the Chairman of the respective committees, or their designates, to introduce by request a resolution of disapproval whenever a reorganization plan is submitted.

The Senate passed bill requires that within 45 days the respective committees in the Senate and the House must report their recommendations on each plan submitted. However, if the committee favors a plan, it may simply file a report with the full House and Senate so stating, instead of reporting unfavorably a resolution of disapproval. Consequently, the Senate does not require the introduction of a resolution of disapproval in each case.

(2) The House provides that if the committee has not acted upon a resolution of disapproval in 45 days, the committee will be automatically discharged from further jurisdiction of the resolution and the resolution placed on the calendar of the House or Senate. The Senate bill has no such automatic discharge provision. If the committee fails to report a resolution, a discharge petition may be filed in either the House or Senate, and a majority vote of the House or Senate is required to discharge the resolution.

Once the committee has reported a resolution, or been discharged from further jurisdiction over a resolution, the procedures in the two bills for full House consideration are the same. The resolution is placed on the calendar and may be made the pending order of business by a majority vote of the appropriate House.

(3) The House bill specifies that no more than three reorganization plans may be pending in the Congress at any one time. The legislative history of the bill in the Senate expressed the expectation that the President would not undermine the ability of Congress to review each proposal in an orderly manner by submitting too many plans at one time. The Senate legislation, however, contained no prohibition on the number of plans that could be submitted at any one time.

(4) The House bill retains the wording in the 1971 Act requiring that each plan submitted deal with only "one logically consistent subject matter." The Senate wording placed slightly more flexible restrictions on what a single plan could contain. It specified that each plan must deal with only one logically consistent subject matter, "or any policy matters coordinated therewith."

(5) The limitation on the use of reorganization plans to abolish functions is worded slightly differently in the two bills. The House bill provides that a reorganization plan may not be used to abolish any enforcement function or "statutory program." The Senate bill prohibits use of a plan to abolish an enforcement function or any "function conferring a substantial programmatic benefit on the public."

(6) The House bill provides that a plan may become effective prior to the end of the 60 day period provided for Congressional consideration, if both Houses prior to that date have defeated a resolution of disapproval. The Senate bill contained no comparable provision.

(7) The provisions requiring committee consideration of each proposed plan within 45 days is enacted in the House passed bill as a function of the rule-making authority of the two Houses. Consequently, either House may alter these procedures by changing their rules. The Senate bill does not provide that these procedures are enacted as part of the rule-making authority of the two Houses. Consequently, legislation amending the reorganization Act itself might be necessary to alter the procedures for committee consideration of the plans.

Mr. RIBICOFF. Mr. President, I yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I was very pleased to work with Senator RIBICOFF on this matter. I can certainly indicate that members of the minority worked without partisanship in this regard to give the President this authority.

Now that the House has acted, we have carefully reviewed, the House amendments and have circulated them to all members of the minority on the Governmental Affairs Committee.

Mr. President, I support the House amendments to the Reorganization Act of 1977 and hope that the Senate will concur in them. The bill passed by the House of Representatives is almost exactly the same as the bill originally passed by the Senate and the few changes the House made, I feel, improve the legislation.

As passed by both Houses, this legislation:

Extends the President's authority to submit reoganization plans for 3 years. The 3-year extension was accepted in the Senate on an amendment by Senator JAVITS, and I am pleased the House concurs.

Specifies that the President cannot abolish executive departments or regulatory agencies but only realine functions within them.

Mandates that reorganization plans specify any reduction or increase in expenditures. I offered this amendment in the Senate and am pleased the House concurs.

Gives the President the right to amend reorganization plans within 30 days after they are submitted to Congress and allows him to withdraw them entirely.

States that reorganization plans become effective 60 days after transmittal to the Congress unless either House vetoes the plan.

There are seven basic changes in the House bill from the Senate, all of which I think improve on the Senate bill, and which were advocated by Members of the minority in the Senate.

The House bill changes are:

First. No more than three plans may be pending in Congress at any one time. The Senate bill provided no such limitation on the number of plans. Senator JAVITS in committee markup offered an amendment to limit the number of plans that could be pending at any one time but it was not accepted. I am very pleased that the House bill now contains such a limit.

Second. The House bill retains the wording in the 1971 act that any reorganization plan must deal with one logi-

cally consistent subject matter. The original Carter proposal contained no such language which I felt very strongly should be included in the reorganization authority.

I offered such an amendment in the Senate which was accepted but with some additional wording. The House language is clear and precise and is most acceptable.

Third. The House bill states that a reorganization plan cannot abolish any enforcement function or any "statutory program." This is clearer language than the Senate had and is most acceptable.

Fourth. The House bill requires that a resolution of disapproval must be reported either favorably or unfavorably from the Senate Governmental Affairs Committee or House Government Operations Committee thus giving the full House or Senate the opportunity to work its will. This is a modified variation of an amendment I offered in committee requiring at least a report to the floor on each reorganization plan. The House language goes further and actually requires the resolution of disapproval itself to be filed which I think strengthens Congress ability to be assured of a vote on any given reorganization plan.

Fifth. The House provides, as the Senate bill did not, that if the committee fails to take action within 45 days the committee will be automatically discharged from further consideration of the resolution of disapproval. Again, this is a strengthening of the Senate and House ability to be sure to be able to consider the resolution on the floor.

Sixth. The House bill provides that a plan may become effective prior to the end of 60 days if both Houses prior to that date have defeated a resolution of disapproval. There is no comparable Senate provision.

Seventh. In the House version, the provisions requiring committee consideration of each proposed reorganization plan are enacted as a function of the rulemaking authority of the two Houses. The Senate bill enacted them as amendments to the Reorganization Act itself.

Lastly, Mr. President, I am pleased that the House has accepted Senate language offered by Senator ROTH declaring the intent of Congress that the President should provide appropriate means for broad citizen advice and participation in restructuring and reorganizing the executive branch.

I feel that renewal of the reorganization authority is justified to provide an efficient way of dealing with many of the problems of duplication and overlap among the thousands of Federal Government departments, agencies, commissions, advisory committees, and other bodies. I think that the bill, as amended by the House, does balance the roles of the President and the Congress in the area of governmental reorganization, and I urge acceptance of the House amendments.

Mr. RIBICOFF. I yield to the distinguished Senator from New York, but before doing so, I pay special tribute to the Senator from Illinois and the Senator from New York for their constructive work on this measure. Their complete cooperation made this a meaningful bill.

It is ironic, most of the House amendments really are patterned after various amendments offered before the Senate committee by Senator JAVITS and Senator PERCY.

I yield to the distinguished Senator.

Mr. JAVITS. I thank my colleague very much.

Mr. President, these amendments are satisfactory. I will add one bit of addenda, I will not repeat any remarks that have already been made.

We must remember, three plans can be pending within any 30-day period. But it is a fact that there is continued in what we will now enact the requirement that each plan shall address itself to one unitary subject. That somewhat relieves the danger of simply being overwhelmed by the amount we have to deal with, so we have to deal arbitrarily.

Mr. RIBICOFF. If the Senator will yield, it was understood by the director of OMB, that before submitting a plan he would speak with the distinguished Senator from Illinois and myself.

So the Senate will not be faced with a problem of having too many plans before it at any one given time.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. The 5 minutes have expired.

Mr. RIBICOFF. Mr. President, I move that the Senate concur in the House amendments to S. 626.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator.

The motion was agreed to.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

AMENDMENT NO. 75

Mr. CURTIS. Mr. President, I call up amendment No. 75 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. CURTIS) proposes an amendment numbered 75.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

That the Standing Rules of the Senate are amended by redesignating rule XLV as XLVI, and by inserting after rule XLVI the following new rule:

"RULE XLV

"SENATORS' CODE OF ETHICS

"1. On the first day of each session of Congress, each Senator shall subscribe to and, upon his honor as a Senator, agree to abide by the following Code of Ethics:

"(a) I will not cast a vote in a committee or in the Senate, or refrain from casting a vote, in return for anything of value from any person, firm, association, organization, committee, or corporation.

"(b) I will not accept any money or anything of value for performing or not performing any official act as a Senator.

"(c) I will not influence or attempt to influence any other Member of Congress or any officer or employee of the Federal Government in the discharge of his duty in return for anything of value or of expected value.

"(d) I will not accept any honorarium or fee or any compensation of any kind for any speech, act, service, sale of goods, or otherwise in return for taking a position or casting a vote for or against any legislation or for supporting or opposing any legislation.

"(e) I will not accept any gift or entertainment of any kind or description in return for casting a vote for or against any legislation, or in any other way supporting or opposing legislation, or in return for any official act as a Senator.

"(f) I will not accept a campaign contribution for myself or for any other person or candidate or for any committee, nor will I permit any political committee operating in my behalf to accept a campaign contribution, in return for voting for or against any legislation or for performing or not performing any official act as a Senator.

"(g) I will not perform any act or refrain from performing any act which would cause an unlawful payment to be made from the United States Treasury.

"(h) I will not violate any law or engage in any conduct which would bring discredit upon the Senate or which is unbecoming to a Senator.

"(i) I will not misuse the franking privilege or other Government facilities or services which are available to me for the efficient and effective performance of my duties. I will not use the franking privilege or other facilities or services for personal gain or political purposes.

"(j) (1) If I am charged with the violation of any part of this Code, or the violation of any law, by a majority vote of the Select Committee on Ethics, I will cooperate fully with the investigation of such charges and I will freely disclose all information, facts, figures, documents, and data pertaining thereto requested of me by the Select Committee.

"(2) I hereby waive any immunity or any privilege against self-incrimination afforded to me by any law or by the Constitution of the United States with respect to any matter which may constitute a violation of this Code.

"2. A Senator who is found guilty, by a majority vote of the Senate, of violating any part of the Code of Ethics may, at the discretion of the Senate, be punished by—

"(a) censure;

"(b) forfeiture of any part of his pay as a Senator;

"(c) forfeiture of any part of his retirement benefit attributable to his service as a Senator;

"(d) expulsion from the Senate; or

"(e) any combination of the foregoing.".

Mr. CURTIS. Mr. President, I thank the distinguished majority and the distinguished minority leaders for using the power of their office, their prestige, their standing, and superior learning in getting a crowd over here so that I could make a speech.

I thought for a while I would have as many as 25. I will not quite make it, but I am, indeed, grateful.

My amendment is in the nature of a substitute. The present bill is something I would not criticize the committee for. They had a very difficult task in writing it, but I believe it has the wrong approach.

It calls for a great amount of disclosure, reporting, rules, and I am not

too sure that after it is all done it is going to raise the purity of this body.

I am quite convinced that there will be a number of individuals who ought to give time to the public service, outstanding individuals who have made successes in private life ought to serve in this body, but subject to all this regulation they may decline. I think that is a real possibility.

We have before us 11,000 words of regulations. I want to read one of them:

"(2) The Comptroller General shall, during each six-year period beginning after the date of enactment of this Act, audit at least one report filed by each Member of the Senate except that no such audit shall take place during the calendar year such Member is up for reelection.

That exempts 1 year from purity and high ethics because they cannot audit during that year.

In other words, we have 11,000 words writing a code of conduct.

Why, it took Moses only 400 words to set forth the Ten Commandments.

This is an excellent example of spending several weeks washing the outside of the cup.

Here is what I propose in lieu thereof.

At the present time, we have a procedure for reporting honorariums. They are made public. We have a procedure for filing a limited financial statement and our tax returns with the Committee on Ethics. That should go on.

But instead of all of these rules and regulations, I propose we have a code of ethics like the Boy Scouts do. They hold up their hands and they take an oath. Here is what this prescribes:

On the first day of each session of Congress, each Senator shall subscribe to and, upon his honor as a Senator, agree to abide by the following Code of Ethics:

I will not cast a vote in a committee or in the Senate, or refrain from casting a vote, in return for anything of value from any person, firm, association, organization, committee, or corporation.

I do not think that would be difficult to agree to.

(b) I will not accept any money or anything of value for performing or not performing any official act as a Senator.

(c) I will not influence or attempt to influence any other Member of Congress or any officer or employee of the Federal Government in the discharge of his duty in return for anything of value or of expected value.

In other words, I am saying that I will not go down and help some crony get a national bank charter and make some money out of it. This is a code of ethics.

(d) I will not accept any honoraria or fee or any compensation of any kind for any speech, act, service, sale of goods, or otherwise in return for taking a position or casting a vote for or against any legislation or for supporting or opposing any legislation.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER (Mr. HUDDLESTON). The Senate has used 4 minutes. The Senator has 6 minutes remaining.

Mr. CURTIS. I yield myself 4 additional minutes.

(e) I will not accept any gift or entertainment of any kind or description in return for casting a vote for or against any legislation, or in any other way supporting or opposing legislation, or in return for any official act as a Senator.

This is a good code of ethics. This is not a rule that is going to call for a lot of reports and one thing and another.

This resolution might well be labeled a public works resolution, because it is going to put a lot of clerks and auditors to work. A lot of buildings will have to be built in which to file their works. Imagine how much space it is going to take for copies of all the newsletters. Perhaps we can arrange to file them in the stadium.

(g) I will not perform any act or refrain from performing any act which would cause an unlawful payment to be made from the United States Treasury.

(i) I will not misuse the franking privilege or other government facilities or service which are available to me for the efficient and effective performance of my duties. I will not use the franking privilege or other facilities or services for personal gain or political purposes.

Mr. President, that is a code of ethics. This is where it really has teeth:

If I am charged with the violation of any part of this Code or the violation of any law, by a majority vote of the Select Committee on Ethics, I will cooperate fully with the investigation of such charges and I will freely disclose all information, facts, figures, documents, and data pertaining thereto requested of me by the Select Committee.

Here is something else in this Code:

I hereby waive any immunity or any privilege against self-incrimination afforded to me by any law or by the Constitution of the United States with respect to any matter which may constitute a violation of this Code.

Then it says:

A Senator who is found guilty, by a majority vote of the Senate, of violating any part of the Code of Ethics may, at the discretion of the Senate, be punished by—

(a) censure;

(b) forfeiture of any part of his pay as a Senator;

(c) forfeiture of any part of his retirement benefits attributable to his service as a Senator;

(d) expulsion from the Senate; or

(e) any combination of the foregoing.

Mr. President, here is a code of ethics that prohibits all things that could lead to corruption, conflict of interest, or conduct unbecoming a Senator. I think it takes in the whole realm. It requires a Senator to waive his immunity and to cooperate and disclose.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. I reserve the remainder of my time.

Mr. SCOTT. Mr. President, will the Senator yield briefly?

Mr. CURTIS. I yield 30 seconds to the Senator.

Mr. SCOTT. Mr. President, I wonder whether the Senator would amend his resolution to eliminate subsection (c) of paragraph 2, on page 4, which relates to retirement benefits. I am prepared to support the Senator's amendment, but I think something like this should be covered by general law and not by a code of ethics.

Mr. CURTIS. I do not think it will be used very often. But suppose we did find a crook in here who gained a million dollars or so unlawfully. I do not think the taxpayers should go on paying his retirement. This is a code of ethics that covers the waterfront, and it has teeth in it.

The PRESIDING OFFICER. The 30 seconds have expired.

Mr. CURTIS. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SCOTT. Mr. President, will the Senator yield very briefly?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. NELSON. Mr. President, when all time has expired, I will move to table this substitute amendment.

I must say, in all frankness, that I would not think of casting a vote for anybody, for any office—town clerk, county board, city council, dog catcher—if I thought it was necessary for him to promise not to commit a crime. It is the most outrageous thing I ever heard of.

Every item in here already is a crime. The Senator says that you have to sign an oath that you will not take a bribe. If anybody is running for office and I thought he had to sign such an oath, I would not vote for him. Nobody should vote for him. What kind of nonsense is this, to clutter up the code with a whole series of crimes that are on the statute books now?

I will not cast a vote in committee or in the Senate, or refrain from casting a vote, in return for anything of value from any person, firm, association, organization, committee, or corporation.

It is a crime to do it.

I will not accept any money or anything of value for performing or not performing any official act as a Senator.

It is a crime to do that. It is already on the statute books.

I listened to the Senator from Nebraska talk about cluttering up the statutes and about too many words in the resolution. Well, I never saw a worse collection of unnecessary words.

I will not accept any honorarium or fee or any compensation of any kind for any deeds, acts, service, sale of goods, or otherwise in return for taking a position or casting a vote for or against any legislation or for supporting or opposing any legislation.

That is bribery, for one to do that. It already is illegal.

Why are we wasting time with a silly resolution such as this? I cannot imagine anybody seriously proposing a proposition which says we have to sign an oath that we will not commit any crime. The Senator may know somebody who thinks it is necessary to do so. I do not. If a person is that crooked, he will sign the oath and commit the crime anyway. [Laughter.]

When are we going to get over this children's day?

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. NELSON. I will yield some time from the time of the Senator from Nebraska.

Mr. CURTIS. I have a minute and a half.

Mr. NELSON. I yield time for a question or a speech.

Mr. SCOTT. Neither a question nor a speech.

I have an amendment to offer to the amendment, but I just want to explain what I propose to do, if the Senator will yield me a moment before he yields back the remainder of his time.

Mr. NELSON. I yield 30 seconds to the Senator from Virginia.

Mr. SCOTT. Mr. President, I agree with the distinguished floor manager of the resolution that this is a matter in which we would be agreeing not to commit a crime. Yet, I am concerned that the Ethics Committee of the Senate could determine that someone had violated some portion of this amendment, without any additional regular due process of law.

So, at the appropriate time, I intend to offer an amendment to delete section 2(c) whereby a Member of the Senate would lose his retirement benefits.

Frankly, I have 36 years of Government service, and I would not want the Committee on Ethics to arrive at a decision that would take away something like that. I would want it to be done, if it were to be done at all, in a court of law, not by a committee of the Senate.

So, unless the distinguished Senator is agreeable to accepting this as an amendment, I do want to offer an amendment when all time has been yielded back.

The PRESIDING OFFICER. Who yields time?

Mr. CURTIS. Mr. President, I yield myself my remaining time.

The point of this is it does cover the waterfront on all offenses, but it goes farther than those things that violate the law. It says, "I will not do anything unbecoming to a Senator."

But the real point of this is you waive your immunity. Like the people back home, they have no immunity here. If anybody brings charges against you, you agree to cooperate and make all the things available and not claim immunity.

This will not provide the work force that this bill will. This proposal of the committee's is filled with ridiculous things. For instance, the idea of prohibiting an audit when somebody is up for reelection, what kind of ethics is that?

A couple of days ago I pointed out this bill was so ridiculously drawn that if a young lady subject to this bill received an engagement ring under certain circumstances, she would have to make a full disclosure of it. Is that ethics?

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. CURTIS. That is washing the outside of the cup; that is, trying to fool the people back home, the people who are honest and ethical, and so on. It is making work.

Mr. President, I am not unaware that I do not expect the support of Common Cause for my code of ethics; I do not expect the support of the powerful majority leader; and I do not expect the support of that very distinguished and able Senator from Wisconsin who is in charge of this bill.

Therefore, I am going to save the taxpayers the expense of printing a rollcall. Insofar as I am concerned I shall not ask for a rollcall vote because these powerful forces are against me.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMOND. Mr. President, first, I would like to explain this. I do not know whether the Senator was in the Chamber earlier during the day but we passed an amendment this morning taking care of the ring proposition.

I have a young lady in my office engaged to a lobbyist. I think it would be unfair to her or her fiance to tell how much that ring cost, so we have corrected that.

Mr. President, I want to say there is nobody in the Senate for whom I have greater respect than the able Senator from Nebraska. He has offered a code of ethics here which, I think, would read well to anybody, and which sets high standards for Senators.

However, I want to say this: On January 18, 1977, just a few months ago, the Senate adopted Senate Resolution 36. This resolution—it is printed in the hearings on the Senate Code of Conduct at page 198 where it begins—reads this way:

SEC. 2. (a) It shall be the function and duty of the special committee to conduct a complete study of all matters relating to standards of conduct of Members, officers, and employees of the Senate in the performance of their official duties, and to recommend to the Senate a Code of Official Conduct for Members, officers, and employees of the Senate. Such study and recommended Code of Official Conduct shall include, but not be limited to, standards for—

(1) annual public disclosure of income, assets, debts, gifts, and other financial items,

(2) restrictions on, or the elimination of, outside income from honoraria, legal fees, gifts, and other sources of financial or in-kind remuneration,

(3) conflicts of interest arising out of investments in securities, commodities, real estate, or other sources,

(4) office accounts, and excess campaign contributions,

(5) Senate travel,

(6) engaging in business or professional activities or employment, or other remunerative activities, so as to avoid any conflict with the conscientious performance of official duties.

Mr. President, the members of this Code of Ethics Committee had no choice; it was our duty under this resolution to bring in a code of conduct which included these points, and that is what we did. We had an obligation.

I again say that what the Senator from Nebraska has offered here as a code has many fine principles and high ideals expressed in it.

But we were instructed by the Senate—this resolution passed the Senate on January 18, 1977, and because of that resolution the responsibility was on the members of the Special Committee on Official Conduct to bring in such a code. That is what we did. We have a code now that includes public disclosure and all of these other matters.

I want to explain that because some of the Members do not seem to understand that. They seem to think the Members went out and expressed their own opinions and wrote what they wanted to just to get a code of ethics.

Mr. CURTIS. Mr. President, will the Senator yield just very briefly?

Mr. THURMOND. I will be pleased to yield.

Mr. CURTIS. I want the Senator to understand that I have no criticism of the committee. I stated earlier they were assigned an impossible task, and I think they have done very dedicated and careful work, and have really worked on a most difficult task, and I am fully aware of the problems involved and the instructions given, and I commend the Senator for his dedication to the task.

Mr. THURMOND. I wish to thank the distinguished Senator from Nebraska.

I want to say, however, that all of the polls which have been taken have shown that the public wants a public disclosure, they want some memorandum to show gifts the Senator has received, where he has received them. They want other provisions in a code to disclose his behavior while in office.

I really feel that when we adopt this code—and I feel sure we will—it will help to instill more public confidence in the Members of the Senate.

(At this point Mr. DURKIN assumed the chair.)

Mr. SCOTT. Mr. President, will the Senator from South Carolina yield briefly?

Mr. THURMOND. Mr. President, I would be pleased to yield to the distinguished Senator from Virginia.

Mr. SCOTT. Mr. President, I appreciate the Senator's yielding.

If I understood the Senator from Nebraska correctly, he indicated he was not going to ask for a rollcall vote on this matter and, therefore, I will not offer the amendment I had proposed.

But since looking at the amendment whereby any Senator could be deprived of his retirement benefits by action of the Senate or on the recommendation of the Committee on Ethics, why, it just seems to me there are many provisions here, such as waiving rights under the Constitution, with respect to any matter that may constitute a violation of the code, where it looks to me like this bill in many respects is a denial of due process such as we understand it, and while I agree with the distinguished Senator from Nebraska that this is basically something all of us should adhere to, I hate to vote for anything that, under the guise of a code of ethics, would deprive anyone of rights he would possess under the laws or the Constitution of the country.

Therefore, I am going to vote against the distinguished Senator's amendment. I appreciate the Senator's yielding.

Mr. THURMOND. I thank the Senator.

Mr. President, in response to the distinguished Senator from Virginia, I want to say generally the courts have held that the Senate is the judge of its own Members. The Constitution provides that, and provides for punishment of its Members, and so forth. Whether or not the courts will go so far as to deprive a Senator of his retirement, if the Senate so voted, is a question that would have to be determined by the courts.

I do think the Senator has raised a very valid point because I am not too

sure that the courts would allow the Senate to go that far. But it is a matter that would be subject to decision by the courts.

Mr. SCOTT. If the Senator will yield further, as to the section here on page 2 "I will not accept any money or anything of value for performing or not performing any official act as Senator" we are probably speaking of a felony. I have not done any checking of the law, but I feel sure it would be a felony to do what the Senate pledges not to do here. I do not believe a person should waive his constitutional rights before a committee of the Senate. This is a well-intentioned matter, but to me it is a bad amendment.

Mr. THURMOND. The Senator is speaking to page 2 of the amendment of the distinguished Senator from Nebraska.

Mr. SCOTT. Yes.

"I will not accept any money or anything of value for performing or not performing any official act as Senator." We are talking about bribery here.

Mr. THURMOND. That amendment has not been adopted, of course.

Mr. SCOTT. I realize it has not, and I hope it will not be.

Mr. THURMOND. It will be voted on now.

I move to table the amendment.

Mr. NELSON. He said he will withdraw it.

Mr. CURTIS. I will not withdraw it. I will not ask for a rollcall vote.

Mr. THURMOND. We yield our time back, if the distinguished Senator will yield the remainder of his time.

Mr. CURTIS. I do not have any. I am happy to yield back that which I do not have.

Mr. THURMOND. I move to table the amendment.

The PRESIDING OFFICER (Mr. STEVENSON). Does the Senator from Wisconsin yield back his time?

Mr. NELSON. I yield back the remainder of my time.

Mr. THURMOND. I move to lay on the table the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Nebraska [putting the question].

Mr. CURTIS. The "nays" have it. [Laughter]

The PRESIDING OFFICER. The "ayes" appear to have it.

The motion was agreed to.

AMENDMENT NO. 171

Mr. HANSEN. Mr. President, I call up my amendments and ask that they be stated.

The PRESIDING OFFICER. Does the Senator call up amendments en bloc?

Mr. HANSEN. I shall call up my six amendments and discuss them one at a time, Mr. President.

Mr. NELSON. Mr. President, what was the request?

The PRESIDING OFFICER. Only one amendment can be pending at a time except by unanimous consent.

Mr. HANSEN. Very well. I call up my first amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. HANSEN) proposes amendment numbered 171.

On page 6, strike out line 20, and insert in lieu thereof the following: "of such purchase, sale, or exchange, except that (1) any gift to any tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code of 1954 involving such a transaction need not be reported, and (2) any transaction solely by and between the reporting individual, his spouse, or dependents not be reported.".

Mr. HANSEN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. How much time do I have on this amendment?

The PRESIDING OFFICER. The time on each amendment is 80 minutes equally divided. The Senator has 40 minutes.

Mr. HANSEN. I thank the Presiding Officer.

Mr. President, I wish to make a few observations with regard to the hypocrisy which has led us to believe that the ethics code is a piece of legislation which the public has demanded of this body. I believe we have misread public sentiment, either because we have listened to the wrong voices or because we have imagined the voices we would like to hear.

THE WRONG VOICES

We hear a great deal about the polls which showed the decline in public confidence in America's legislating institutions. If we must place such great reliance on polls, Mr. President, let me then cite from the latest Harris poll printed in the Washington Post on March 14, 1977. It says that for the first time in a number of years, confidence in the leadership of the Nation's major institutions has begun to rise. However, the resurgence of public faith in the Government is selective and appears to be the result of, among other things, new leadership in Congress. The survey also notes, interestingly enough, that there is one exception to this rise in confidence. Confidence in television news shows has leveled out, and with respect to the printed media, public confidence has dropped. Given these results, who then is responsible for the call that we enact a new ethics code?

The voices we are listening to are the voices of those who would not be satisfied with anything we might do. Common Cause, as the leading proponent of this code would have us eliminate any outside income. Two representatives of Common Cause testified at the hearings before the Senate Special Committee on Official Conduct, Mr. David Cohen, President, and Mr. Fred Wertheimer, vice president for operations. Mr. Cohen stated before the committee,

The fact that the public believes the cleaning up of corruption in government should be the top priority of the new Congress is a terrible indictment of the state of congressional ethics.

He ended his testimony with—

Don't misread the public's views. Don't let us down.

Mr. President, I submit that we have misread the public's views. Most of the witnesses who appeared before the committee were representatives of public interest groups; yet none of them was as openly critical of the Senate's performance as the two representatives of Common Cause. I submit that Common Cause, with its own self-avowed goal of protecting the public interest, is no different from any other group seeking to influence Congress.

I believe Senator PACKWOOD accurately recognized that this ethics proposal is nothing more than a Common Cause code. On Tuesday I watched in dismay as the U.S. Senate capitulated under the pressures of Common Cause and the American free press. My greatest concern now is where this will all end. Will we next submit to complete public financing of our congressional elections, as the Senator from Oregon has suggested will be the case? Where will we draw the line? When will the individual Senators recognize their constituents are not the Common Cause lobbyists or the members of the media? Let them promote their concerns and interests by electing their own advocate to serve in this body. They are entitled to no less and no more representation than every other special interest group in this country. As for this Senator, I represent the interests of the people of the State of Wyoming as best I can. And I will continue to speak for and to listen to, as well as to receive advice from, all those who share my concerns and the concerns of the people of my State, regardless. To do otherwise would be a violation of their trust and confidence in me. Any less, and I would be remiss in executing my sworn duty as a U.S. Senator.

Yes, Mr. President, we have been listening to the wrong voices. This is where we have failed in my opinion. Now we are reacting, and we will listen to those who would have us isolate ourselves from our constituents and legislate ourselves right out of our constitutional responsibility to represent those constituents. To deny that we each have special concerns and special interests is to deny our very constituency—it is to deny that purpose for which we were sent here.

As Alexander Hamilton noted in the Federalist Paper No. 53:

No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lies within the compass of men in private as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it.

IMAGINED VOICES

Mr. President, we have, as well, imagined the voices we would like to hear. Last month we had the opportunity to vote against increasing our salaries. Yet we lacked the courage to do so and by a procedural device we allowed these increases to go through. Thus, at the same time we asked the American people to

tighten their belts against inflation, to hold the line against ever increasing wages and prices, we increased our own salaries by nearly 30 percent.

Needless to say, the American people were infuriated and they beseiged this body with cards and letters demanding to know our justifications. And suddenly our conscience welled up inside of us and we came to believe that only if we enacted an ethics resolution the public would be stilled and their anger dissipated.

The people of America do not need a Senate resolution to judge how moral, how ethical, how upright are the men and women who represent them. Mr. President, for over 50 years the people of this Nation have, by direct election, made decisions as to the character of the Senators whom they elect.

Let there be no mistake, this is not a code demanded by the American people. It is a code brought forward in an attempt to justify accepting the pay raise without displaying the courage to vote directly upon that issue.

THE REAL PROBLEM

There are real concerns by the American people about real problems. Yet today, we are reacting negatively when we should be legislating positively with regard to these problems. I believe that among the greatest concerns of Americans are inflation and unemployment. However, we do not have the courage to face up to these problems. We are notorious for seeking easy solutions. As H. L. Mencken noted,

> For every difficult and complex problem, there is an obvious solution that is simple, easy and wrong.

We consistently offer up new social experiments and persist in throwing money at our problems.

A recent example is the Tax Reduction and Economic Stimulus Act which virtually guarantees a $50 tax rebate for all Americans earning less than $30,000 a year. I have no illusions about the effectiveness of this measure economically or politically. We have a habit of increasing social security payments in an election year, and failing to increase taxes to cover those benefits until the following nonelection year.

We lack the courage to level with the American people. It is difficult to go home and tell your constituents that taxes must be increased and social spending cut. But if Congress is held in low public esteem, as we are being led to believe, it is our own fault. We overpromise, we cannot produce, and public confidence drops.

Governors Jerry Brown and Mike Dukakis won national attention not from promising the people of their States more, but less. They realized that government could not keep doing more, that the individuals would have to assume a greater responsibility and tighten their belts. We have failed to balance our budget. We have not even made an honest attempt at it. If the American people had more confidence in our ability to rectify some of this country's economic ills and reorganize our priorities, perhaps they would be less critical of our own salary adjustment.

I am a realist and I know I may be whistling in the wind when I hope that the Senate would take a long hard look at what it is trying to do. We may have an ongoing problem of credibility and we may need to work a bit harder at restoring public confidence in this institution, but writing a code of ethics does not guarantee ethics. Ethics is not something which can be legislated. In a recent editorial, Jack Germond and Jules Witcover noted that the real corruption in Congress is not so much a matter of money as it is a matter of attitude. They note that a new code of ethics is no assurance of a superior wisdom in the House or the Senate. We must lead, rather than react.

Mr. President, I wish, at this time, to discuss my amendments. I am pleased that some of my concerns have already been resolved by amendments brought forward by Senator STEVENS with regard to the receipt of gifts, by Senator WALLOP with regard to the outside-earned-income clarification, and by Senator PERCY with regard to professional services for compensation.

DISCLOSURE

As I have already related, I have supreme confidence in the ability of the American people to make decisions with regard to the ethics of the men and women whom they send to this body. Thus, I favor a disclosure section which gives them the opportunity to make such a judgment.

However, I feel that there are a few minor deficiencies which must be corrected if this disclosure section is to serve its purpose without imposing intolerable burdens upon those who must meet its requirements.

One of my amendments would apply the exception from reporting that exists with regard to transactions in securities or commodities futures to the purchase, sale, or exchange of any interest in real property. I believe that this change is necessary for consistency, since a transaction in real property seems analogous to a transaction in securities or commodities futures.

A second amendment would eliminate all categories over $500,000 for the reporting on real property held, personal property held, personal liability owed, securities and commodities transactions, and purchase, sale, or exchange of real property. I do so with one purpose in mind: The personal safety and well-being of the spouses and families of those who serve this body.

We all know of friends in whose family tragedy has struck because of publicity as to personal wealth. It is unfortunate that there are, in this great country of ours, those who would seize upon these disclosure reports as a shopping list for crime or a source of lucrative kidnap victims. Yet, such is the case.

However, it is a risk which we need not undertake in our desire to achieve effective and full disclosure. The holdings are still listed; the liabilities are still there. Does it matter that they are listed as being over $500,000, rather than between $1 and $2 million? I think not. Any difference is minimal, and any good which might flow from such detail could not offset the risk which it poses for the loved ones of those who serve the Senate.

One of my amendments would remove from any reporting requirement the spouses and dependents of officers and employees of the Senate. It is my belief that the Members of this body made a conscious decision to enter public life and to subject ourselves to the public scrutiny which we knew would follow. We made this decision and were joined in it by our wives who knew the sacrifices which would be demanded of them. While one might fully expect the disclosure requirements which this resolution demands of Members and their wives on an entry into public life, the same cannot be said for those who serve us here.

The officers and employees of the Senate have made no such decision and their spouses have not either. They have undertaken certain very real obligations and burdens, but it cannot be said that one of these burdens is to expose to the public the lives of their husbands and wives.

It is my belief that we make sufficient demands of the time, energy, and dedication of our officers and employees without placing on their lives the additional strain that would flow from the disclosure requirements made of spouses.

The two additional changes which I would make in the disclosure section relate: First, to the release of financial disclosure reports by the Secretary of the Senate; and second, to the notification of individuals of whom an investigation is undertaken by the Select Committee on Ethics. My amendment would require the Secretary of the Senate, rather than to merely permit him, to obtain from any person receiving a copy of a disclosure statement, the name and address of the individual and the name of the person or organization on whose behalf the report is requested. Also, my amendment would require, when the select committee votes to investigate an individual, and prior to the transmittal of the tax returns from the Comptroller General's Office to the select committee, that the concerned individual be notified of the committee's vote and of its request for his tax returns.

These are both minor changes but they are necessary to insure, in the first case, that the reports are utilized for the proper purpose and, in the second case, that the rights of the reporting individual are protected.

OUTSIDE EARNED INCOME

I cannot speak as eloquently to the subject of outside earned income as my colleague from Maine. Yet, I feel the points must be raised again. Allow me a brief philosophical discourse on this question of the occupational origins of those who come here to serve their country.

No serious student has ever suggested that America is perfect, but most fair-minded people would agree that despite all her shortcomings and weaknesses, America does things better than most of her neighbors.

I, for one, am not ready to abandon the concept of private ownership, com-

petition and business enterprise for another less proven system. As a consequence, I think that every legitimate group, every honest endeavor deserves a chance to be represented in Congress. Thus I am concerned with the objectives of Common Cause that some Members of Congress seem determined to achieve in a head-long rush. I submit, that we will not have a stronger America, a better America, an America where most will live better, by following the Pied Pipers of Common Cause. Rather, we will discourage initiative, we will sacrifice freedom of choice and we will submerge ingenuity by listening only to that drummer.

While they do not say so, I cannot escape the conclusion that somehow, woven through their precepts is the philosophy that business is bad and a universal desire to live better and pass on to one's children a better chance than their parents had is not in the public interest. This philosophy, fully implemented legislatively will certainly discourage people with ability from seeking public office. Common Cause will not stop at the point they have reached thus far. As the Senator from Maine stated recently with regard to outside earned income: "They will get the rest of you, they will get after your incomes, your outside incomes." And they will. They truly will.

The mainspring of our country's success has been the fact that our concepts of government and enterprise have been organized so as to take full advantage of these natural and universal aspirations of man. It is true that we need to lay out the parameters of conduct to obviate shortcuts some would take by transgressing on the rights of others. But it does not follow that we will improve the life of the average American by insulating and isolating elected representatives from the valuable input that the doers of America have to offer.

CONFLICT OF INTEREST

I would strike sections 9 and 10 of the rule on conflict of interest. The report recognizes the right of a former Member to earn a living in any manner in which he sees fit. Yet, it indicates that the possible conflicts of interest must be prevented, at least during the time when the individual could have the most influence.

Let us look at what this resolution is really saying through this report. It is not saying that a former Member or employee is unethical in seeking employment with or as a registered lobbyist after leaving this body. It is saying that we are unethical when we listen to him. It is saying that we are engaged in a conflict of interest by hearing him out.

If we can serve this body, if we can represent the people of our State, then we can certainly make a decision as to the relative merit of a cause which anyone brings to our attention whether it be a former Member or the farmer from back home. Let us strike these provisions and admit that we have the honor and the courage to listen to anyone and make an independent decision. If we do not, then this rule will not protect us and will merely destroy what the report states it does not wish to destroy, the ability of a former Member or staffer to earn a living in any way he sees fit.

Mr. President, I believe that the logic of Senator MUSKIE's comments with regard to the outside-earned-income provision is unassailable. However, after the vote of this body on the amendments offered by the Senator from Maine and the Senator from Connecticut, I harbor no illusions as to the success of any attempt to delete from this resolution the limitation on outside earned income.

Accordingly, I have deleted any reference to the rule on outside earned income.

Mr. President, my amendments would have the following effect:

Amendment No. 171 would apply the exception from reporting that exists with regard to transactions in securities or commodities futures to the purchase, sale, or exchange of any interest in real property.

Amendment No. 174 would delete all categories over $500,000 for the reporting on real property held, personal property held, personal liability owed, securities and commodities transactions, and purchase, sale, or exchange of real property.

Amendment No. 173 would eliminate the requirement that officers and employees report on their spouses and dependents.

Amendment No. 172 would change on line 22 the word "may" to "shall" requiring the Secretary of the Senate to obtain the name, address, and possibly organization of those requesting a copy of any financial disclosure report.

Amendment No. 175 would change the language so as to require that after the Senate Select Committee votes to investigate an individual and requests from the Comptroller General the envelopes containing the reports filed with the Comptroller General, that the concerned individual be notified prior to the transmittal of those envelopes. Presently the requirement is merely "within a reasonable time."

Amendment No. 176 would eliminate any prohibition against a Member, staff employee or committee employee lobbying certain specified individuals in the Senate for a period of a year.

I note that the distinguished manager of the bill is present, Mr. President. Therefore, I ask if he would be willing to accept my first amendment which would apply the exception for reporting which exists with regard to transactions in securities or commodities futures to the purchase, sale, or exchange of any interest in real property.

Mr. NELSON. That is amendment No. 171?

Mr. HANSEN. That is right.

Mr. NELSON. That amendment is acceptable to the manager of the bill.

Mr. HANSEN. I thank my distinguished colleague.

If I may, I would like to call up the other amendments and maybe we can dispose of the two upon which I understand we are in agreement, and have votes on the other four, or at least dispose of them.

Mr. NELSON. But do we not have to vote on amendment No. 171? We cannot vote on two amendments at once.

Mr. HANSEN. That is correct.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. HANSEN. Mr. President, insofar as my first amendment, which has been called up, I return the remainder of my time. Mr. President, I move the adoption of the amendment, amendment No. 171.

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to amendment No. 171.

The amendment was agreed to.

Mr. HANSEN. Mr. President, I move that we reconsider the vote by which the amendment was agreed to.

Mr. NELSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 175

Mr. HANSEN. Mr. President, next I call up my amendment No. 175 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. HANSEN) proposes an amendment No. 175.

On page 16, line 12, strike out "Within", strike out lines 13 and 14 and insert in lieu thereof "After such recorded vote has been taken, but prior to the transmittal to the Select Committee of the envelopes containing such reports, the individual concerned shall be informed".

Mr. HANSEN. Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, this is an acceptable amendment. I yield back the remainder of my time.

Mr. HANSEN. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HANSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STONE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT 174

Mr. HANSEN. Mr. President, I call up my amendment No. 174.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. HANSEN) proposes an amendment

On page 9, line 9, strike all after "$500,000" and insert in lieu thereof a period.

Mr. HANSEN. Mr. President, this amendment would strike all categories above $500,000. I would like to have a rollcall vote on this one. I ask for the yeas and nays.

The PRESIDING OFFICER. Is all time yielded back, first? Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. HANSEN. I yield back my time.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. President, I move to lay on the table the amendment of the Senator from Wyoming.

Mr. HANSEN. If the Senator would withhold for one minute, my colleague from Wyoming is here.

Does my colleague wish to make any observations on this amendment?

We are talking about amendment No. 174 which would strike the disclosure categories above $500,000.

Mr. WALLOP. I would, yes.

Mr. HANSEN. Will the Senator from Wisconsin let me take back a little of my time, so I may yield to my colleague from Wyoming?

Mr. NELSON. Yes.

Mr. HANSEN. Mr. President, I yield such time as my colleague may desire.

Mr. WALLOP. If the Senator from Wisconsin would indulge me for just a moment, I think the point that my colleague (Mr. HANSEN) has made is worth reiterating.

I think that we are doing something to the families of Members without accomplishing anything for the public. If we read the report of the transactions of the committee on page 21, it says:

> Therefore, the use of categories of value fully meets the legitimate public purpose of identifying potential conflict and the magnitude of those conflicts, while not requiring a yearly appraisal of each holding and also minimizing the invasion of privacy involved.

I do not think we have achieved that at all. The reason I do not think we have achieved it is that we have pretty well carried it out beyond the limits of most people who will be here. I am sure there will be people who are worth $500,000 or more, and are right now, but I think we will have categorized virtually every Member quite specifically.

Also, those who deal in cash and stocks and bonds and liquid securities do not understand the difference between those kinds of holdings and holdings of land and the misperception that some crazy people in this society have about people who hold land. They seem to think that if you have land holdings that are worth a million dollars, you are instantly worth a million dollars. There has moved to our part of the world something that the rest of this country has had for a long time: People who find that there are benefits to be gained by taking members of a family for ransom, or taking items of value for ransom.

The other day, the able Senator from New York was on the floor of the Senate saying that we should not identify art works by value because it exposed them to risk. Yet we are sitting here and saying, "Well, we do not want to expose art works to risk; somebody might come in and steal them; but it is all right if they come and take your children or your wife or your aging father and hold him for ransom."

I do not see the distinction. That colloquy clearly indicates that this body is trying to make a distinction that a piece of art is worth more than a member of one's family. I fail to understand that.

Furthermore, there is no public purpose served. How does this information serve the public, beyond a given category?

I am certain that some are not even listening to these arguments. They fully intend to follow the line of Common Cause, and they sit there paying no attention. Nobody seems to care what is being said here. The arguments are extraneous. This is the way the bill has gone right from the beginning. The committee has made all the decisions, and there are no reasons for any of us to be down here arguing. There are people who have real concerns, real concerns for their families and the families of Members of this Senate. Yet these concerns seem to be cast idly by.

You know that you have the votes and you are going to reject the argument without any sensitivity, without even bothering to listen to the reasoning that is trying to be presented.

With that, I yield back my time to my colleague from Wyoming.

Mr. NELSON. May I have 2 minutes to reply?

Mr. HANSEN. Yes.

Mr. NELSON. In the first place, I say to the junior Senator from Wyoming, I was being asked a question by the distinguished Senator from South Carolina about this issue I have heard, probably 10 times, exactly what the Senator has said, so I know what the debate was. I was listening, and the Senator from South Carolina wished to ask me a question. I know what the argument is. I am not insensitive to it.

The wealthiest people in Congress are all well-known, or almost all well-known now. Everybody in the country knows that the Kennedy family is wealthy, and the Heinz family is wealthy.

We looked and considered all the issues that have been discussed here by the distinguished Senator from Wyoming. There is no question that there used to be debates here, and Senator Dirksen used to lead them, about the right of privacy, against any public disclosure. There is an argument to be made for that.

The qusetion is, is there an overriding public interest in knowing what the investments, what the economic interests are of the people who vote and pass legislation affecting everybody in the country?

I think, myself, that there is, and I would guess that most of the people in the country believe that, with whatever handicaps go with it—and there are some—in the important positions in public life, the public should know what the interests of its elected officials are. It is necessary mostly so that they can be reassured, in my judgment, but at least so that they can make a judgment as to whether or not the elected official is voting the interest of the public or, in some rare instances—not nearly so often as some people may think— the personal selfish interest of the elected official. So we decided upon a disclosure by category section.

The executive branch is following that procedure. We passed a similar procedure with different levels last year. The House passed this procedure. And I am well aware that no procedure, no category of disclosure, nothing that any one of us might design, would be the same as what another Member in the House or Senate designed. So it is a question of balance in the whole picture. If we are going to have disclosure of one's interests, how much disclosure do we have and what level?

Certainly, one can argue that $5 million is the wrong level. It is argued by the distinguished senior Senator from Wyoming that $500,000 is enough.

I am not saying the conclusion the committee came to is perfect. I happen to support the $5 million.

I think a disclosure is adequate to indicate the general categories of investment and interest, economic interest of the Members. Although there are critics of that, who think it ought to go to precise dollar figures and to however many millions, that a Member would have, the Senator from Connecticut (Mr. WEICKER) was on the floor attacking the disclosure as totally inadequate saying that we ought to have to show a net worth rather than have general categories.

We had another Member on the minority arguing that this was totally inadequate.

I am sure the two Senators from Wyoming feel strongly about their position and I understand it. I am not saying the position of the committee, or mine, is any better on the merits than theirs. But I personally believe that the disclosure envisioned by the Senator from Wyoming would be inadequate.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I do not know what time I took, but for the last time I will yield back all my time.

The PRESIDING OFFICER. The Senator's time has been yielded back.

The Senator from Wyoming.

Mr. HANSEN. Mr. President, I ask unanimous consent that I may change the amendment to do what I intended to accomplish by modifying the language. The amendment now reads, "on page 9, line 9, strike all after $500,000 and insert in lieu thereof a period."

My intention was to cut off the disclosure categories at $500,000, that is at greater than $500,000.

What I should have said was: "on page 9, strike lines 9 through 15 and insert in lieu thereof (7) greater than $500,000."

What it would do would be to knock out points 8, 9, and 10 which provide for categories up to greater than $5 million.

I am not trying to pull any fast ones. I simply make the amendment do what I intended and thus strike the balance of that section relating to categories.

The PRESIDING OFFICER. Is there objection to the amendment being so modified?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

> On page 9, strike lines 9 through 15 and insert in lieu thereof "(7) greater than $500,000.".

Mr. HANSEN. I thank my colleagues.

Mr. President, I appreciate the comments by my distinguished colleague from Wyoming. I would observe that Senator HAYAKAWA, the junior Senator from California, in talking about some of

the problems of unemployment, has stated that one of the unique things about America is the great middle class that is represented in ever greater abundance in our country.

As a consequence, it seems to me that my amendment would support the contention that we will strengthen America as we permit representatives of that great middle class to be represented in this body, to make certain their voices shall be heard, to make certain that those who share their experiences will be here to speak directly to many of their concerns.

I think that is precisely what this does. I do agree it goes at cross purposes with what I understand some of the proponents of Common Cause would have us do. They would like us to become a kept body, to represent no one, to have our elections paid for out of the public treasury, to be able to make no outside income, to be able to have no outside investments of any kind, and thus to be absolutely subservient to those persons who would presume to speak for the body politic.

Such a philosophy, it seems to me, is entirely foreign to what this country stands for. It rejects the very elements of strength that I think account for our country's excellence.

I think we need more people who are willing to accept the challenge of individual responsibility, who know that the mainspring of human progress is a universal desire to improve upon one's station in life. While the system has never been perfect, while no one can ever say with any degree of certainty that there are not some things which need to be corrected in this country, it is my contention that nowhere else in all the world can we find any system of government which has yielded the results that we find in the American system.

I think we are not going to strengthen this country, not going to make for more people who are willing to try to accomplish something, in order to make this country stronger and better by denying the right for all of our voices to be expressed here.

One of the things that concerns me about the trend we seem to be taking now is that we are renouncing this very important, very vital, very vibrant part of America. We are renouncing it by saying that we will not hear from those voices and we will be concerned only with people whose campaigns are paid for by the public treasury, who have said they will earn no outside income, who will do nothing else except becoming legislators, 12 months out of every year.

If we make the fatal error, in my opinion, Mr. President, of going down that road, we will be following in the footsteps of some other countries whose hour of twilight has come and who have only darkness ahead of them.

I hope Senators will not fall prey to the soothsayers who suggest that all business is bad, that all of this inherent human instinct is wrong, who would have us become kept citizens insisting that we close our ears and our eyes to all others. To do so, Mr. President, would be to do great violence to the American dream which has not yet been fulfilled, a dream that can only be fulfilled as we encourage all our people to aspire to a better life, to be willing to accept the responsibilities that we should willingly take upon ourselves. I think these interests deserve to be represented. Americans need to have people who have experienced these concerns, these anxieties, these worries which are common to the business life of America today. It seems to me that we should not take the step of saying that you can have no other outside interests.

I hope this amendment will receive the consideration of Senators. I yield back the remainder of my time.

Mr. ALLEN. Mr. President, will the Senator yield me 2 minutes?

Mr. HANSEN. I yield.

Mr. ALLEN. Mr. President, I have listened to the distinguished Senator from Wyoming with great interest. As I understand it, his amendment would cut off the disclosure of total assets at $500,000 or in excess of that. That would be the last item.

I have supported the committee on nearly every position it has taken with respect to these amendments, but I believe that the amendment of the distinguished Senator from Wyoming has merit. I feel that if a Senator discloses that he has property and assets of more than $500,000, he has made sufficient disclosure. I do not regard that much in assets as making a person very wealthy. I do not think there is any necessity of going beyond that figure. I believe that is sufficient disclosure. I do not feel that it would be necessary to go beyond that figure.

Even though I have supported most of the committee's positions, I feel that on this matter I will have to support the amendment.

Mr. HANSEN. I thank the Senator from Alabama. I am not certain whether he was present in the Chamber when my distinguished colleague from Wyoming was speaking a little earlier, but he made the point that this amendment is prompted by our mutual concern for the welfare of members of a Senator's family. If a person were contemplating a public career, a role that might someday lead to his becoming a Member of this body, a real deterrent to his assuring such a role has to be the concern that he would have for the welfare of his family. I think it is a very legitimate concern.

I appreciate very much the observations of my good friend from Alabama.

Mr. President, if no one else wishes to be heard on this matter, I will yield back the remainder of my time.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HANSEN. I yield to the Senator from South Carolina as much time as I have remaining.

Mr. THURMOND. Mr. President, I have supported this code of ethics very strongly, and I feel keenly about the importance of adopting a strong code of ethics. I do feel, however, that the amendment by the distinguished Senator from Wyoming has great merit.

The able Senator from Wyoming (Mr. WALLOP) brought out a point which I think is exceedingly important. On page 9 of the resolution the categories are set out, and item 7 reads: "Greater than $500,000 but not more than $1,000,000."

As I understand it, this amendment would put a period after the "$500,000," so that if anybody had investments, he would have to show they were more than $0.5 million. But when you pass that, the next category is greater than $1 million. One million dollars today is not what it was some years ago. At any rate, when we refer to a millionaire, people still look upon him as a man who is extremely rich, extremely wealthy.

I am concerned about a Senator—I do not fall in the category of a millionaire—who is in that category, who will have to check that column, "more than $1 million," or the next column, which says "more than $2 million."

Some people know about the Kennedys and about the Heinzes; but there may be many others here who have worked hard and saved and, through their earnings, have accumulated $500,000 or $600,000 or perhaps $800,000 or $900,000.

Suppose they have little children? When they check "more than a million dollars," is that not going to put an idea in somebody's head—perhaps it will, perhaps it will not—that this is where he can get some money? I have four little children. The oldest is 5 years of age. I have some farmland. Right now, it would not be worth more than $700,000, but I hope that some day it will be worth a million dollars.

I do not think I ever will be classed as a millionaire; but if that land ever went up and I were classed as a millionaire, I would fear the results if I had to check off that that land was worth a million dollars. There are people who kidnap little children. I am concerned about having to point out millionaires.

I have spent my life working for the working people. I worked on a farm when I grew up. I worked in a textile mill during my college years. I have worked all my life. But I am not against a man who has made a million dollars. I think it is to the credit of any man in this country who can rise and save and climb if he can.

We brag about Abraham Lincoln, who was born in a log cabin and became President of the United States. We should brag equally about a man who was born in poverty and can work his way up through his talents and hard work and ingenuity and become a millionaire. But why do we want to point him out? Why do we want to make him subject to having his children kidnaped or make them the subject of attacks? For that reason, I am going to support this amendment. I do not believe it has much chance of adoption, but I am trying to look at this matter from a sound, practical standpoint.

I feel that, for the good of the public and for the good of Senators who someday might fall into this category, if a Senator checks off $500,000 or more, that should be enough.

The next category, $1 million or more, I repeat, may subject him to an attack. It may subject him to being kidnaped, his wife to being kidnaped, his children to

being kidnaped. I see nothing to gain by having him check any figure above $500,000.

There is something magic about the word "millionaire"; and once a man has to check a figure of $1 million, it puts him in a different world. I think it is important that we not subject any citizens in this body to an attack of that kind.

Mr. HANSEN. Mr. President, I thank the Senator from South Carolina for his observations.

Believing that an earlier colloquy that took place has relevance, I should like to read from the RECORD of March 28, 1977, on page 9183.

Senator JAVITS and the distinguished floor manager of the bill were engaged in a colloquy, and I shall pick up quoting what Senator JAVITS said at that time. He said:

Mr. JAVITS. I am not quoting any longer. I am speaking.

It is my understanding that, by this provision I have just read, the committee intended to establish a broad exemption to the reporting requirements for certain items of personal property of a household nature. These include but are not limited to household goods, such as paintings, antique furnishings and jewelry which are acquired for personal use but which may also be good investments.

I would like to again read that in order that Senators will understand that there are other ways besides investments in land in which the total worth of a person may be held. So I read a second time what Senator JAVITS said:

These include but are not limited to household goods, such as paintings, antique furnishings and jewelry which are acquired for personal use but which may also be good investments. Thus, even if the sale of such items might produce substantial income, or if they have substantial potential for appreciation, they are not required to be reported unless the reporting individual is in a trade or business of buying and selling such items for profit.

Mr. NELSON. The Senator from New York states the interpretation which had been my interpretation all along. It does not seem to me that it is any particular concern if someone inherited some furniture that turned out to be or was an antique, or if somebody liked a picture and purchased it and over the years it became more valuable. This Senator has never been concerned about that.

If one is in the business of investing in antique furniture, the business of investing in paintings, art, or in the business of investing in antique jewelry for the purpose of making a profit, that is a business activity.

I would ask my good friend from Wyoming if he might give the Senate the benefit of his observations as he interprets the thrust of this colloquy between the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Wisconsin (Mr. NELSON) as it touches upon my amendment to cut off disclosure categories at $500,000 or greater.

Would the Senator from Wyoming respond to that request?

Mr. WALLOP. I would be happy to respond to my colleague. The plain fact is that unless we adopt the amendment of the Senator from Wyoming we are putting a greater value on a painting, an object, or a possession, than we are on a child, a mother or a wife. You can interpret it no other way.

In the report itself it says:

Thus, a painting in a home would not have to be listed even though the painting when sold might produce substantial income.

I presume the Ethics Committee might see fit not to require the listing of a loan if you had to make it to pay a ransom on your children. The plain fact is the only way this can be interpreted is this Senate is putting more value on things, touchable things, than on their families. You lose a painting, and you lose some money, but you lose a child, or wife, or mother, and I suggest it just is not quite the same. We have put a greater value on material objects, which is apparently suitable to the greater god Mammon that we seem to worship in this body, than we do on families of Members of the Senate right here.

I believe my colleague from Utah would like to be yielded to at this point.

Mr. HANSEN. I would be happy to yield to my colleague from Utah in a moment.

May I say, in response to my good friend from Wyoming, there is, too, as I attempted to point out, what I think is a seeming untenable distinction between the fact, as Senator JAVITS says—and I am paraphrasing him now—that you might have some jewelry or a painting or antique furniture, and not only would it be a possession to which you would attach considerable importance, but it could also be a good investment.

However, under this bill as drawn that does not have to be reported unless you happen to be in the business of selling antiques, paintings, or jewelry.

If you want to have a ring that may be be worth a very substantial amount of money or buy a ring that is worth a very substantial amount of money, confident it is not going to depreciate in value—and that seems to be the case today—then you do not have to disclose that. It might be worth $100,000, conceivably it could be worth $500,000 or more. But, as I read this colloquy, that does not have to be disclosed.

Mr. WALLOP. That is exactly right, it does not have to be disclosed. But it is putting those things in a more special category than human lives.

Mr. HANSEN. I agree with my friend from Wyoming.

Mr. WALLOP. If I had my way I would strike the whole section, for it really is rather ridiculous. It lists holdings of not more than $5,000, and greater than $5,000 but not more than $15,000, and from $15,000 we go to $50,000, and $50,000 to $100,000, and from $100,000 to $250,000, and then we double it. It is not going to tell the public anything that is in its best interest to know. I am willing to leave the $500,000, but I honestly believe at this moment that the Senate is bowing to materialism over human life.

Mr. HANSEN. I agree with my colleague from Wyoming.

I yield to my distinguished colleague from Utah.

Mr. HATCH. I feel the same way as my colleagues from Wyoming.

I feel constrained to tell you that I am not a millionaire, but I would be if it was not for my running for the U.S. Senate.

The reason I ran for the U.S. Senate was because I was sick and tired of the hypocrisy we see that does occur in the U.S. Senate, not the least of which has been a great deal of what has occurred here over the last week or so.

It seems very strange to me that the greatest body in the world, the U.S. Senate, has bowed for 2 weeks before the altar of Common Cause. I think Common Cause does some good things. I think without it we might have had maybe less intent to be ethical in our society and maybe we would not have had some of the good things that have come.

But I think we have wasted 2 weeks here when disclosure should be the rule and not 11,000 words, as Senator CURTIS seems to say.

I have six children who are worth all the millions that anybody else in this body owns. I can tell you this: I think anybody who loves children and who has children and who wants to raise them to maturity and give them everything they need has to look at this particular provision, among others, and just say it is ridiculous.

I also have a lot of art. Maybe some day that will make me a millionaire, but the fact of the matter is there is not a piece of art that I have—and I treasure what I do have—that I would not gladly give up to prevent any molestation of my children. I think this is an important matter.

But maybe more important is another reason why I ran. I never ran for public office before, but I came into this running for the U.S. Senate because I believed we need change in this society; we need people who will solve society's ills. I do not know a man in this Senate whom I do not regard highly. I do not know a man in this Senate whom I do not feel is an honorable man. I do not know anyone here whom I think would do any malicious, unethical act to demean his office in the U.S. Senate.

But I can tell you this: I know a number of them who would not even have run if they knew they had to lay everything they have had, everything they have done, and all they have worked for all their lives, out in the public laundry to wave in front of everybody.

I can tell you I am not so sure I would have run.

I am a little disturbed that we spend this kind of time when we have the ills in this society that should be solved.

I commend my two colleagues from Wyoming because I know they feel the same way, as do Senator THURMOND, Senator CURTIS, many other men here, Senator MUSKIE.

Senator MUSKIE was criticized by one of the major newspapers in this country because he raised some very, very valid points.

I can tell you that one of the major reasons why I think this whole ethics thing is a sham and a deleterious aspect to future potential candidates is because it is going to act as a deterrent for good people to come into public life. I think we need more people right out of the pri-

vate sector who have not held office before, who are citizen candidates in the sense that Jefferson spoke of, who want to come here and help try to effectuate change for the benefit and betterment of all mankind and not just for the betterment and benefit of a few self-seeking individuals here in Washington, D.C.

Those who have had to work hard all their lives for what they have earned and who have neither inherited it nor had it given to them are very loath to tell the world what they have done. I think that comprises quite a few of the men in this body.

All I can say is this: I think it is far more important to encourage good people to run than it is to have this type inadequate, defective, harmful, and inharmonious disclosure.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. CURTIS. I commend the Senator for his remarks. I am thoroughly convinced the passage of this resolution is going to deter a great many men who should give time to public service but they simply do not want to go through that ordeal. Public officials are on the defensive a considerable amount of time anyway. I do not believe that all of these pages will prevent a dishonest person from continuing to be dishonest. But I think that great injury will come to other people.

I am not critical of the committee, but, as I said a while ago, they worked on an impossible task.

Just listen to this language:

> The Comptroller General shall, during each 6-year period beginning after the date of enactment of this Act, audit at least one report filed by each Member of the Senate except that no such audit shall take place during the calendar year such Member is up for reelection.

Can the Senator guess an explanation of that?

Mr. HATCH. I certainly can.

Mr. CURTIS. I thank the Senator.

The PRESIDING OFFICER. All time on the amendment has expired.

The yeas and nays have been ordered.

Mr. HANSEN. Mr. President, I know the distinguished floor manager of the bill is off the floor at the moment. I was hoping that he might be persuaded to give me an up-and-down vote on this.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides. I make that request on behalf of the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Is all time yielded back?

The PRESIDING OFFICER. Yes, all time is either used or yielded back.

Mr. NELSON. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to lay on the table amendment No. 174, as modified, of the Senator from Wyoming.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Michigan (Mr. RIEGLE) are absent on official business.

I also announce that the Senator from Colorado (Mr. HASKELL) is absent attending the funeral of a friend.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Michigan (Mr. RIEGLE), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from Oregon (Mr. PACKWOOD), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Michigan (Mr. GRIFFIN) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 55, nays 33, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—55

Anderson	Gravel	Muskie
Bayh	Hart	Nelson
Biden	Hathaway	Nunn
Brooke	Heinz	Pearson
Bumpers	Hollings	Pell
Burdick	Huddleston	Percy
Cannon	Jackson	Proxmire
Case	Javits	Ribicoff
Chiles	Kennedy	Sarbanes
Church	Leahy	Sasser
Clark	Mathias	Stafford
Cranston	Matsunaga	Stevenson
Culver	McGovern	Stone
Danforth	McIntyre	Talmadge
DeConcini	Melcher	Weicker
Durkin	Metcalf	Williams
Ford	Metzenbaum	Zorinsky
Garn	Morgan	
Glenn	Moynihan	

NAYS—33

Allen	Eastland	Randolph
Baker	Goldwater	Roth
Bartlett	Hansen	Schmitt
Bellmon	Hatch	Schweiker
Bentsen	Hayakawa	Scott
Byrd, Harry F., Jr.	Helms	Sparkman
Byrd, Robert C.	Johnston	Stennis
Chafee	Laxalt	Stevens
Curtis	Long	Thurmond
Dole	Lugar	Wallop
Domenici	McClellan	
	McClure	

NOT VOTING—12

Abourezk	Hatfield	Packwood
Eagleton	Humphrey	Riegle
Griffin	Inouye	Tower
Haskell	Magnuson	Young

So the motion to lay on the table was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 172

Mr. HANSEN. Mr. President, I call up my amendment No. 172 and ask for its immediate consideration.

Mr. NELSON. Mr. President, could we have order?

The PRESIDING OFFICER. The Chair was just about to ask for order. The clerk will suspend until there is order in the Chamber. The Senate is not in order.

The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Wyoming (Mr. HANSEN) proposes an amendment numbered 172:
> On page 13, line 22, strike out "may" and insert in lieu thereof "shall".

Mr. HANSEN. Mr. President, the purpose of this amendment is to remove from the responsibility of the Secretary of the Senate the requirement that he make a judgment on obtaining the name, the address, and possibly the organization of those requesting a copy of any financial disclosure report.

The language in the bill now says that the Secretary of the Senate may require of the person who wants this information his name, his address, and the organization that he might be representing.

It seems to me there is merit in saying that this is a rule that ought to be applied uniformly, with complete objectivity. If it is determined that we are going to ask some people who they are, and to give their address, when they want information on the private financial dealings of a Senator, then we ought to require it of all people. I can see no reason to place upon the Secretary of the Senate the responsibility for making such a decision. It seems to me that if we said, "He shall do this," there would be no question about it, and it would be applied uniformly. Everyone would know when he goes to the Secretary of the Senate and wants to see a disclosure report he is going to have to say who he is, where he lives, and if he represents an organization.

I should think all Senators would welcome the assurance that would come from the knowledge that this sort of disclosure will be treated in a very even-handed manner. I would hope that the Senate would accept this amendment.

I yield such time as my distinguished colleague from Wyoming may require to speak on this particular amendment.

Mr. WALLOP. Mr. President, I thank my colleague from Wyoming for yielding to me.

This is another area in which I have to express a sense of real malaise, a sense that something arrogant is taking place within this Senate. I have been informed by my staff that there will be a move to

table this amendment. Again I point out that the distinguished Senator from Wisconsin seems to pay little attention to arguments, seems to have his mind made up on this matter.

Mr. NELSON. May I say to the Senator from Wyoming I have heard that argument twice. Ninety percent of the time when I have been speaking on this resolution the Senator from Wyoming has not been present. I am just a little bit tired of the personal reference. I have listened to more arguments on this issue than anybody in this Senate. I am getting a little tired of the lecture from the Senator from Wyoming that every time he utters an if, and or but the whole world should stop and listen.

Mr. WALLOP. I was not asking for the whole world but the attention of the distinguished floor leader of the bill. As I understand it, it is his obligation to follow the arguments and make judgments with some rationale, and not take it for granted that everything the committee had come up with was an act of God.

Mr. NELSON. May I say to the Senator I have not taken it for granted. I have led fights on this floor to knock things out of this resolution with which I disagreed.

Mr. WALLOP. And apparently this is another one that will take place.

I would suggest that there is an argument being made here that would bear listening to. The argument is that if there is discretion at all, then there is no reason for it ever to be required. The argument has been made to me that some of the staff of the committee think that this would be intimidating, that somehow or another we would intimidate somebody if we asked him to file his name, address, and the organization for whom he was requesting this information.

If that argument holds water, then we would have to say that, as fair as he is, the Secretary of the Senate is a creature of the majority. Not always will the majority be the Democratic Party, I would presume. If he is such a creature, then we lay on him either an intolerable burden, or the choice as to whether or not to intimidate members of the public who are coming to look for disclosure statements of his own party or disclosure statements of the other party.

If there is any validity in requiring it at any time, then there surely is validity in requiring it every time. If not, the section does not even belong here. The plain fact is that the committee report contemplated that it would be a requirement.

I read from page 28:

permits the Secretary of the Senate to require—

But—

The information on who has examined a financial disclosure form will also be a matter of public record.

If that is true, why should it not be uniformly applied to anybody who comes to inspect? If it should not be uniformly applied, it should not be applied at all.

I yield back to my distinguished colleague from Wyoming. Perhaps we can get some answers from the other side.

Mr. NELSON. Mr. President, will the Senator yield? I may be able to save some time.

Mr. HANSEN. I am happy to yield.

Mr. NELSON. I suggest to the junior Senator from Wyoming that it might save time and be the better part of wisdom to at least inquire to find out how a Member stands on an amendment before giving a lecture implying criticism of how he does stand. It so happens that I favor the amendment.

Now, let me say something on this: There is one State in the Union—just one—that has an open income tax return. You can go to the department of taxation—for the past 50 years, since 1923, when the law passed under John Blaine as Governor, which provided that a citizen can go to the tax department and ask for the tax return of any corporation or any citizen—everybody who files—and get the whole tax return.

In 1955, the Republican majority in the State legislature led a fight to close the returns. I, as the leader of the Democratic Party, led the fight against it. We ended up with a compromise position, in which the law no longer would permit, after 1955, a disclosure of the whole return. But it did permit a disclosure of the taxes paid.

So, as of this day, you can go to the tax department of the State of Wisconsin, pay $2, give your name and address, and the tax department will disclose my taxes or the taxes of any citizen, big or small, or any corporation, large or small—taxes paid. Then the tax department sends a postcard to the person whose tax is looked at, which says, "Mr. John J. Jones, representing himself"—or whoever he represents—"has sought and secured the taxes paid."

So let me say to the Senator from Wyoming, it is an old, old practice in Wisconsin. That is why the returns are so honest in the State of Wisconsin, because people do not dare cheat. There is less cheating in Wisconsin on income taxes than in any State in the Union. I think it is a good provision, because I think taxes are public moneys. So I think it is a fine amendment.

The junior Senator from Wyoming need not have lectured me at all, although I enjoy his lectures once in a while—but once a day, not twice.

Mr. President, I am prepared to take the amendment.

Mr. HANSEN. Mr. President, I appreciate what the distinguished Senator from Wisconsin, the floor manager of the bill, has said. With his assertion that he is prepared to take the amendment, I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time and move the adoption of the amendment. I want a little credit.

The PRESIDING OFFICER (Mr. MORGAN). The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 173

Mr. HANSEN. Mr. President, I call up my amendment No. 173 and asked that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. HANSEN) proposes an amendment:

Page 10, line 10, delete "and (3)" and insert in lieu thereof ", (3), and (4)".

Page 10, following clause (3) insert a new clause (4) to read:

"(4) No report shall be required with respect to the interests of a spouse or dependents of any reporting individual who is an officer or employee of the Senate.".

Mr. HANSEN. Mr. President, I shall take only a few minutes to discuss this amendment.

The purpose, it seems to me, is clear. We are simply trying to say that we do not think that the same rules that apply to Members of the Senate ought to be imposed upon employees of the Senate. There are instances where either a man or a woman may take a position with a Senator. The spouse can very well be engaged in some other activity. It may be a professional person or any kind of business person. To impose the financial disclosure report requirements on the spouse of an officer or of an employee seems to me to be going a little too far After all, those persons have not run for election; they have not placed themselves in the position of asking public support at the polls for what they are doing.

It occurs to me that if we do not adopt this amendment we would likely restrict the competence of persons who would be available to serve on Senate staffs simply by the burden that would be imposed on the spouses of those persons. I hope that the distinguished floor manager of the resolution will find some merit in this amendment and, if he were to say he would be willing to accept it, I would be listening most intently.

Mr. NELSON. Let me say to my good friend, the distinguished Senator from Wyoming, I do find some merit in the amendment, but very little. Therefore, I am not going to support it.

Mr. HANSEN. I have a little difficulty hearing my good friend from Wisconsin. I did not think he said what I was hoping he would say.

Mr. NELSON. This disclosure is required concerning a spouse of a staff member, which staff member has a salary of $25,000 or over. It requires, as the Senator knows, only that the spouse, if the spouse is employed, disclose the name of the employer if the spouse makes over $1,000—not the amount of the salary or, if the spouse is a professional person, not the amount of the income; just the law firm with which the spouse is associated. So that disclosure is very modest, in the sense that it does not disclose the amount of income made by the spouse.

As to assets, as the Senator knows, the Member is only required to report what the Member knows of the assets of his spouse. If he does not really know what his spouse's assets are, the Member is not required to even seek to find out. We discussed that in colloquy the other day.

I think that if there is a reasonably justifiable reason for requiring disclosure of a spouse's assets, if known by the Member, and the spouse's employer, if employed and earning over $1,000—if there is a reasonably justifiable reason

for that being required of Members, I think it is reasonably justified also to be required of staff members who are at a salary level of over $25,000.

Perhaps it may be argued that it is not as compelling a reason, although I suppose one might say, with regard to certain staff members, staff directors in very powerful positions, drafting legislation that has an important impact, in many instances, that there may very well be, in many instances, as sound a reason or an even more compelling reason for disclosure of assets of spouse or employment of spouse. In any event, we went through it at some length in committee and, as the Senator knows, I do support the committee position on that disclosure with respect to the staff.

Mr. HANSEN. Mr. President, unless someone else wishes to be recognized on my time, I am prepared to withdraw this amendment.

The amendment was withdrawn.

AMENDMENT NO. 176

Mr. HANSEN. Mr. President, I call up my amendment No. 176 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. HANSEN) proposes an amendment:

On page 29, strike out lines 13 through 25.
On page 29, strike out lines 1 through 7.

Mr. HANSEN. Mr. President, the purpose of this amendment is to eliminate any prohibition against a Member, staff employee, or committee employee lobbying certain specified individuals in the Senate for a period of 1 year after that Member, employee, or committee employee has terminated his employment.

I must say that one of the reasons it seemed to me to make sense that we strike this 1 year prohibition is that it is a pretty difficult thing to determine when a Member may be lobbying or when it could be contended that a former Member of the Senate were lobbying a present Member.

It is a time-honored tradition that former Members of this body have access to the floor. I suppose if some former Member were to come upon the floor and make an inquiry about the weather, or health of his friend, or members of the family, someone could read very sinister motives into such an innocuous inquiry.

I have already talked with my good friend from Wisconsin, the distinguished floor manager of the resolution, and have been apprised that he would not be willing to accept this amendment. Is there any different situation on that?

Mr. NELSON. The answer is a very polite "no."

Mr. HANSEN. Mr. President, in view of the continuing position of my good friend from Wisconsin, and fully aware of the realities of life and not unfamiliar with the problems that seem to fall upon the shoulders of those of us who are oftentimes in the minority in one way or another, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. NELSON. I thank the distinguished senior Senator from Wyoming who has demonstrated himself to be a magnificent strategist.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 126

Mr. DOLE. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 126:

On page 53, line 10, insert the following new section:

SEC. 309. The Committee on the Judiciary shall, within one hundred and eighty days after the day on which this resolution is agreed to report to this Senate on the constitutionality of the effect of the provisions of the code of conduct which have the effect of discrimination between various classes of Senators on the basis of outside income (whether earned or unearned).

Mr. DOLE. Mr. President, this amendment would replace the amendment the Senator from Kansas had contemplated proposing to the Senate. There may or may not be a question on the constitutionality of discriminating among classes of Senators insofar as earned or unearned income is concerned.

This amendment would simply direct the Committee on the Judiciary to make a study of that specific question. I think the manager of the bill is willing to accept this amendment.

The recent court case of Buckley against Valeo made it clear that the equal protection clause was included in the fifth amendment right to due process. What this means is that the Federal Government, as well as State governments, must not discriminate or engage in other activity contrary to the equal protection clause.

Our rights as Americans are protected against the discriminatory actions of our Government. Also, the Federal courts have jurisdiction to consider matters dealing with congressional rules, as indicated in the case which the Supreme Court heard in the late 1960's concerning Adam Clayton Powell. Since Federal courts have this jurisdiction, since the fifth amendment protects Americans against discriminatory actions of the Federal Government, and since the way in which this bill treats earned income in in relation to the way it treats unearned income is discriminatory; then it appears that there may be a question as to the constitutionality of this bill.

Recently, the Court has indicated that it will balance the Government interest along with the rationality of the means to get at those Government interests against the burden imposed by the rule. Since the means adopted in this bill are not directly related to the problems that concern us all, and since this will be a very heavy burden upon Senators without investment income, the Senator from Kansas believes that this bill may very well be unconstitutional.

Certainly, this resolution will have a chilling effect on citizen participation in the Senate selection process—a concern which is mirrored in Supreme Court rulings in this area and something which bothers this Senator as well.

Mr. NELSON. Mr. President, I say to the Senator from Kansas that the amendment directing that study is acceptable to the manager of the bill.

I yield back the remainder of my time.

Mr. DOLE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. DOLE. Mr. President, I ask the Senator from Wisconsin to comment on this. Yesterday, the Senator from Kansas offered an amendment on committee attendance. I think that this matter can be resolved without further discussion of that amendment. The Senator from Kansas does not propose to offer that amendment.

In addition, the Senator from Kansas has submitted to the Ethics Committee staff certain questions relating to air travel. Those questions and the answers should provide for further clarification of this new code of ethics.

The examples used are, in effect, an extension of those questions raised by the Senator from Alaska (Mr. STEVENS). We are in the process of getting responses to that, so the Senator from Kansas will not offer that amendment.

Having said that, if the Senator from Wisconsin concurs and we can resolve the committee time and attendance question without any amendment, the Senator from Kansas has no further amendment.

Mr. NELSON. This deals with the amendment offered last night on the attendance record question. I am informally advised that the problem raised by the Senator from Kansas can be resolved without any committee amendment.

Mr. DOLE. The Senator from Kansas is satisfied that it can be resolved, and I see no purpose in pursuing it further.

With respect to the matter of transportation, that, I believe, is in the process of being scrutinized by the staff, and we hope that we will reach some agreement on that, so the Senator from Kansas has no further amendment.

UP AMENDMENT NO. 127

Mr. NELSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) proposes an unprinted amendment numbered 127.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, delete lines 19 through 24 and delete all on page 26, and insert in lieu thereof the following:

"3. (a) For purposes of this rule, the term 'outside earned income' shall, subject to the provisions of subparagraph (b), mean any income earned by an individual (other than the salary received as a Senator or officer or employee of the Senate) which is compensation received as a result of personal services actually rendered.

(b) For purposes of subparagraph (a), the term "outside earned income" does not include:

(1) Advances on books from an established trade publisher under usual contract terms;

(2) Royalties from books;

(3) Proceeds from the sale of creative or artistic work;

(4) Any "buyout" arrangement from professional partnerships or businesses which is reasonably related to the fair market value of the partnership or business interest in the enterprises at the time of the sale of such interest, payable within a reasonable period of time, and not related to future services or profitability of the enterprise;

(5) Income from family enterprises, if the services provided by the Senator or officer or employee are managerial or supervisory in nature, necessary to protect the interests in the family enterprise and do not consume significant amounts of time while the Senate is in session; and

(6) Distributive shares of partnership income if the distributive share received represents not more than a pro rata return on the capital invested in the partnership and the services provided by the Senator or officer or employee are managerial or supervisory in nature necessary to protect the interests in the partnership and do not consume significant amounts of time while the Senate is in session.

Mr. NELSON. Mr. President, it has become clear that the outside earned income limitation has resulted in some confusion. This confusion stems in part from the extreme complexity of the issue and the difficulty of applying a general rule to the innumerable cases which can be imagined. But the confusion also stems, I believe, from the way the rule is drafted.

For this reason, a portion of rule XLIV was redrafted with the assistance of the staff of the Joint Committee on Taxation. I am prepared to offer this new language as an amendment in the form of a substitute to paragraph 3 of rule XLIV. The amendment does not make substantive changes in the rule, but it is drafted in a way that I believe will eliminate some of the confusion which has surrounded this issue.

Under the amendment, paragraph 3(a) sets forth the basic concept of the rule:

Outside earned income means wages, salaries, professional fees, honoraria, stipends, and other amounts received or to be received as compensation for personal services actually rendered.

This is, and always has been, the essence of the rule. If compensation is being received for personal services rendered, that income is subject to the income limitation.

Paragraph 3(a) eliminates the reference to the idea of services which are "material income-producing factors." This concept, which has a very narrow meaning in the Internal Revenue Code, was thought by the committee to provide a fair test within rule XLIV, but the discussion on this measure has shown that it is not a concept which significantly clarifies matters in our context. Under the amendment, the crucial test would be whether compensation was being received for personal services. The Obey commission in the House reached the same conclusion, also after testing other alternative approaches to the problem.

Subparagraph (b) of the amendment lists a number of items which are not to be included in "outside earned income." While the resolution takes the same approach, in subparagraph 3(c), there is an important difference. In the resolution an attempt was made to spell out a large number of items which would ordinarily not be considered earned income. As a result of this list, however, two misconceptions were possible:

First, that the list included each and every possible example of income that would not be earned income; and

Second, that if income took one of the forms mentioned, it would in every case be outside the income limitation, even if personal services were involved. For this reason, the amendment takes the approach that the definition in paragraph 3(a) is decisive. If income is not received as compensation for personal services, then it is not earned income. Therefore, the amendment does not explicitly mention all the items listed in the original resolution; rather, this amendment lists exclusions from earned income which might raise more serious questions: Advances on books from established publishers; royalties; proceeds from the sale of creative or artistic work; income received from a "buyout" arrangement; and income from unincorporated family enterprises. The only substantive change was made in response to a suggestion by the Joint Committee on Internal Revenue Taxation: The salary of a Senator or officer or employee of the Senate is specifically excluded from outside earned income.

This amendment has been discussed and cleared by both sides. It contains no substantive changes, but it represents a significant improvement nonetheless.

Mr. LONG. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. LONG. As I understand it, there were certain things listed which were not included in the definition of outside earned income, such as interest income. That is clearly not outside earned income. It was felt that it is not necessary to include those items within it, because there is no doubt that those items are not outside earned income; but there are certain specific items that the amendment indicates are not to be outside earned income, and those listed are those about which it is felt there might be some doubt.

Mr. DOLE. Mr. President, the amendment has been cleared on this side.

Mr. NELSON. The amendment has been cleared on both sides.

Mr. President, I yield back the remainder of my time.

Mr. HATHAWAY. Mr. President, I support the pending amendment offered by the Senator from Wisconsin. His amendment, which is quite similar to an amendment I offered on Monday, would greatly improve and simplify the definition of outside earned income contained in rule 44. It modifies the basic definition of outside earned income to include any amount received or to be received for personal services actually rendered. Most importantly, it eliminates, as did my prior amendment, the additional words, "if such services are material income producing factors."

These words were of dubious value and created a potential loophole which could have allowed a Senator or staff member to ignore totally the necessary limitation on outside earned income. That definition could have arguably allowed the rendering of personal services which generated significant amounts of income so long as such income when reviewed proportionately to the total income of the business as a whole, did not constitute a material element of the total business income.

For example, a Senator might have been permitted under the original definition to accept a $50,000 payment from a multinational corporation as a result of personal services rendered in the form of advice on legislative matters. This income would arguably be exempt from the limitation since the services were not material income producing factors to the business. Further, the report, in describing what was intended with reference to a family business to be viewed as "a material income-producing factor", stated:

For example, if the Senator or employee is making substantially all of the managerial decisions for the enterprise or spending substantial amounts of time with it, then the income so derived should be considered personal services income.

The Senator from Wisconsin's amendment eliminates these interpretive problems and simplifies the definition of outside earned income to include any amounts received for personal services. This is as it should be and thereby preserves the essential distinction between earned and unearned income. The Senator's amendment does contain certain exemptions, with which, as I indicated during debate on Monday, I was not entirely in agreement—namely family enterprises and partnerships.

But these exemptions are drafted in a careful manner so as to indicate that the fundamental purpose of the exemptions is to allow a Senator or employee with an interest in a partnership or a family enterprise to receive income which is directly related to prior investment. The definitions of the exemptions clearly limit the personal services which may be rendered so that they do not consume significant amounts of time while the Senate is in session and thereby do not conflict with the conscientious performance of official duties.

Since admittedly these principles involve a large gray area, I particularly appreciate the Senator's citing of a number of examples with respect to family enterprises and partnerships which clarify that his intention is to allow such income as a return on investment and not as compensation for personal services.

I support this amendment as eliminating considerable confusion in this area, and tightening the legislative language to insure that it properly reflects the intentions of this body to subject outside personal services income to 15 percent oi salary and to limit any exemptions from this rule to income which is basically unearned.

I am pleased that my efforts at pointing out the problems inherent in the original language have been worthwhile and that the issues have been resolved in a satisfactory manner.

The PRESIDING OFFICER. Is all time yielded back?

Mr. DOLE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum. I am not aware of any more amendments, but there was agreement that the Senator from Maine (Mr. MUSKIE), the Senator from Idaho——

The PRESIDING OFFICER. The Chair is advised that Senator BUMPERS, Senator MUSKIE, Senator MCCLURE, and Senator DOMENICI have time to speak.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. ROBERT C. BYRD. Both sides on the resolution.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, we will shortly, I think, be able to inform our Members as to whether or not any additional rollcall votes will occur today.

Mr. President, I take the floor at this time—and I yield myself such time as I may require from the time on the resolution—to inquire as to whether or not any Senators have further amendments on which rollcall votes would be ordered and, if not, we can inform our colleagues that there will be no more rollcall votes today.

Does the distinguished minority leader have anything to suggest in that regard?

Mr. BAKER. Mr. President, if the Senator will yield——

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. BAKER. I have inquired on our side and I know of no other amendments to be called up and offered on this side.

We do have two requests for general debate. Beyond that we have no other requests and, therefore, I join with the majority leader in saying I know of no such requests and, therefore, I surmise there will be no further votes tonight.

Mr. ROBERT C. BYRD. Very well.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-380, appoints the Senator from Florida (Mr. CHILES) and the Senator from Maine (Mr. HATHAWAY) to the Advisory Commission on Intergovernmental Relations, in lieu of the Senator from Maine (Mr. MUSKIE) and the Senator from South Carolina (Mr. HOLLINGS).

ORDER FOR STAR PRINT—S. 1152

Mr. BENTSEN. Mr. President, I have a unanimous-consent request I would like to present to the Senate.

Due to certain errors in the original print of S. 1152, I ask unanimous consent that a star print of the bill be authorized.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVE G, 95TH CONGRESS, FIRST SESSION

Mr. ROBERT C. BYRD. Mr. President, I, as in executive session, ask unanimous consent that the injunction of secrecy be removed from the protocol with Canada to amend the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fisheries in the Fraser River System, as amended (Executive G, 95th Congress, first session), transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol between the Government of the United States of America and the Government of Canada to Amend the Convention for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, as Amended, signed at Washington on February 24, 1977. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Protocol.

The present Protocol increases the size of the Advisory Committee to the International Pacific Salmon Fisheries Commission from six members from each country to seven members from each country. The additional positions will enable the United States to provide for a native Indian adviser while continuing to have representatives on the Committee from all the presently represented parties.

An Indian adviser is particularly necessary at this time in light of recent court decisions dealing with Indian fishing rights. I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

JIMMY CARTER.

THE WHITE HOUSE, *March 31, 1977.*

AUTHORIZATION FOR THE COMMITTEE ON RULES AND ADMINISTRATION TO FILE REPORTS ON SENATE RESOLUTION 5 AND CERTAIN OTHER RESOLUTIONS UNTIL 5 P.M. ON APRIL 8, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration have until 5 p.m. on Friday, April 8, to report Senate Resolution 5, sponsored by the Senator from West Virginia (Mr. ROBERT C. BYRD) and Senate Resolutions 6, 7, 8, and 9 sponsored by the Senator from Oregon (Mr. HATFIELD), Senate Resolution 10, sponsored by the Senator from Maine (Mr. HATHAWAY), and Senate Resolutions 11 and 12, sponsored by the Senator from Alabama (Mr. ALLEN), and which were ordered to be reported from that committee by April 4. They were all required to be reported by the Committee on Rules and Administration by April 4. The committee will be unable to report them by April 4. Hence the reasons for the request to extend the date to 5 p.m. on April 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. May I say while the Senate will not be in session on the 8th, the measures will have been reported hopefully, by then, and the commitee may require the additional time in order to file its report.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, before I proceed further I should state that on tomorrow the program will be as follows—I believe there is one order for the recognition of a Senator tomorrow, Senator BARTLETT.

Mr. BAKER. Mr. President, if the Senator will yield, it is my understanding that the junior Senator from Oklahoma now requests the same time with a special order Monday, and I have a request from the senior Senator from Utah (Mr. GARN) for the same time tomorrow.

Mr. ROBERT C. BYRD. For the same time tomorrow but not Mr. BARTLETT.

Mr. BAKER. Yes.

ORDER FOR RECOGNITION OF SENATOR GARN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the name of Mr. GARN be substituted for Mr. BARTLETT in the order for recognition tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the

Senate completes its business today it stand in recess until the hour of 9:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

Mr. MUSKIE. Mr. President, I appreciate this opportunity to take a few moments to state my intentions with respect to the final vote on the pending resolution. I expect to vote against it for reasons I shall briefly outline.

I do not intend to spend an extended amount of time going over those reasons, because I suspect whatever I say tonight is simply a capstone on what I have said earlier in debate on this resolution.

First of all, Mr. President, may I emphasize I think it is well for the Senate and Congress to undertake to establish an ethical standard for the conduct of Members of Congress. I have no objection to that at all. I am sorry it is necessary, in terms of public perception of our conduct and behavior, to reestablish a spirit of trust and confidence between us and our constituents. However, it does appear to be necessary, and I support the effort to do so.

Second, there are many provisions in this bill which I can support. I think in some respects we may find them to be overly burdensome and restrictive, but it is in the nature of the legislative process to support legislation notwithstanding such misgivings. I think full public financial disclosure is a must in this day and age. This pending resolution does not provide for full and complete financial disclosure in the literal meaning of those words but, nevertheless, it does adopt the principle of disclosure, and I applaud it for doing so.

I think it is appropriate to impose limits on gifts that Senators and staff members may receive. I think some limitation on the practicing of a profession or the rendering of professional services is appropriate. I think the proposed limitation on so-called unofficial office accounts is appropriate. I think the prohibition of so-called lameduck travel is appropriate. The proposed restrictions on the use of the frank, I think, are appropriate. So, on the whole, there are many provisions in this bill, Mr. President, I can support.

However, the floor manager, the distinguished Senator from Wisconsin (Mr. NELSON), the majority leader, members of the committee, and others who support the resolution have made it clear they consider the centerpiece of this resolution to be the limitation on outside earned income. I have stated my views on that provision at length; and I am not going to belabor it. But I do want to restate the elements of my disagreement with the supporters of this restriction at this time. My silence on previous occasions was used, in the course of the debate on this resolution, to suggest I had, in effect, acquiesced in previous limitations.

I did not acquiesce, and I certainly intend to make it clear I do not acquiesce now. So, because this is regarded as the centerpiece of this resolution, I find it necessary to make my decision on voting for or against it on that point. Therefore, I shall vote against the resolution, notwithstanding my support of the provisions which I have outlined above.

Why do I oppose the restriction on outside earned income in this resolution?

First, I think it is harsh and discriminatory.

Second, I think it is unnecessary, and in my judgment of doubtful constitutionality.

Third, it is based upon an assumption with respect to the role of a U.S. Senator to which I take strong exception.

The majority leader, for example, in his argument on my second amendment, had this to say:

> Mr. President, reference has been made to the necessity of the lecture circuit to further the public dialog. That will not be hampered by the 15-percent limitation on outside earned income. A public dialog is now focused on the floor of the Senate. The days of the Chautauqua circuit are gone forever. The national news media now reports events simultaneously with their occurrence. This is the finest and the best speech forum in the world.
>
> Right up there sits an entire gallery of press media. The printed media, the television and radio media are at hand. We have our opportunities to get on the Sunday shows: Face the Nation, Issues and Answers, Meet the Press, and so on. We have every opportunity to get our views out to the public.

Mr. President, I just do not view speeches here in Washington, whether from this floor or in the studios of the national networks, as a substitute for getting out among our people at the grassroots. President Carter understands this, and through these first days and weeks of his administration has driven that point home with emphasis and with increasing acceptance on the part of our people.

I think it is a part of the role of a Senator to speak to the people where they are. I have always regarded it in that way. The majority leader says:

> Well, all we are doing is restricting the income that you can earn from speaking around the country.

Putting that point aside for the moment, the argument has been that speaking around the country takes time away from our duties as Senators. So, implicitly, even if we were to receive no income from making speeches, it is the intent of this resolution to chill or inhibit or restrain the role of a Senator in speaking to the people of this country.

I just do not happen to agree with that. I have found it possible, in my own experience, to build public awareness of issues and problems by speaking around the country. I shall continue to do so. And I have not always done so for a fee. I have spoken to groups where I thought my message should be made for no fee or for a small fee, because I think that is a part of the role of a Senator. I see nothing wrong, when a group offers a fee for doing that sort of thing, with supplementing my income by accepting it. But the income part of it is not what I am talking about.

Not so long ago, Mr. President, Lou Harris did a poll that is very revealing on this point about public knowledge of Government and those who serve within Government. The poll showed these things, among others:

While 63 percent of the people felt that the Federal Government affected their lives personally a great deal, only 40 percent felt that they were up to date on what was going on in the Federal Government in Washington. In other words, 60 percent of the people felt that they did not know what was going on at the level of Government that a majority felt had the most direct impact on their lives. And this notwithstanding the enormous role of television and radio as well as the print media in disseminating information around the country.

The public official who was the best known in the country, except for the President, was the Governor—89 percent of the people could name their Governor. He was there at the grassroots. He traveled among them.

Only 59 percent could name one of their Senators. Forty-six percent could name their Congressmen, and only 39 percent could name their second Senator.

Another test Harris used was to find out how much people knew about the makeup of the Congress—that it was made up of two Houses. Only 62 percent of the people answered that the Congress was made up of the House of Representatives and the U.S. Senate. An astonishing 20 percent answered that the Congress was made up of the House, the Senate, and the Supreme Court.

Harris also surveyed State and local officials including Governors and mayors to determine the means they used to keep in touch with the people. More of them said they used speeches and appearances on a regular basis—88 percent—than any other kind of activity to keep in touch with their constituents. This notwithstanding television and the availability of the print media.

Mr. President, I hope we never assume that our only role as Senators is to sit in this Chamber or in our committee rooms on a 12-month basis legislating and talking to our people only through the press gallery, the television studios, and the radio studios. I hope we never assume we know what the people are thinking about, what they are talking about, or what their views are on that basis. And yet that limitation on that role in this resolution adds another driving force to that tendency. It tends to nail us down to this place by frowning not only on the earning of incomes from that activity—which I still insist is an honorable profession—but frowning upon the taking of time from our work here to do that work.

I think being a U.S. Senator from any State imposes this responsibility on each of us to speak to the people wherever they are in this country when we have appropriate opportunities to do so. We should not be so isolated as to speak only in Washington; we should not be so parochial as to speak only to our constituents. They expect us to be national leaders. For 200 years Members of this body have acted as national leaders by speaking to our people where they are, where they can ask us questions, where they can assert points of view.

Now we are told we have to restrict that in the future. We are as responsive to incentives as anybody. If we have to do this free of charge, how many of us are going to miss votes, incur the displeasure of our constituents, dissipate energy and the time by traveling to, for example, San Diego, Key West, Anchorage, or points in between, at the invitation of groups of citizens who are interested in hearing what we have to say?

I told the Senate the other day, the day my amendments were rejected, when I went back to my office my staff told me I was in receipt of several invitations from student organizations in colleges and universities to come to their campuses to lecture. On what? On this new Senate code of ethics.

Am I to tell them the Senate considers it unethical for me to give them the time, let alone accept the fee they offer, to speak on that subject to them? How ridiculous can we get?

Of course, there is a temptation to abuse this lecture circuit in terms of the time we devote to it or the money we get from it.

The PRESIDING OFFICER (Mr. STONE). The Senator's 15 minutes have expired.

Mr. MUSKIE. Just 1 more minute, please.

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senator may proceed for 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. MUSKIE. I thank the distinguished majority leader.

But I think the abuse is controllable and does not exceed the risk of abuse that pertains to other forms of outside income.

May I say in closing, Mr. President, I understand why the majority leader has felt he had to take the position he took. I do not challenge his motivation in doing so, or the sense of duty which prompted him to do so. I disagree with him on this for the reasons I have stated. I feel very deeply about it.

I am sorry that to some segments of the press my position has been interpreted as evidence of greed on my part. Well, if I were greedy, I would not be a Senator, because I have not gained much by whatever effectiveness I have demonstrated in my 19 years in this body.

People who have disagreed with me have chosen to misunderstand the reason why I have taken the position I have.

I hope in these closing remarks, and I do not intend to have anything further to say on this subject in the course of this debate, I may have put my position into a somewhat broader perspective for those who are interested in a fair assessment of what it is.

I appreciate the recommendation of the majority leader in extending the exemption for this kind of activity. I think that gives the entire Congress time to reassess the wisdom of the policy we are about to adopt.

In voting against the resolution, I hope the majority leader does not assume I am not appreciative of that change in the resolution. But I still cannot bring myself to vote for the resolution, the centerpiece of which has been described as a limitation on this kind of activity. I thank the majority leader and I thank the Senate for listening to me.

Mr. ROBERT C. BYRD. Would the Senator allow me to ask unanimous consent that I may speak for 1 minute?

Mr. DOMENICI. I yield.

Mr. ROBERT C. BYRD. Mr. President, I have listened with great care to the distinguished Senator from Maine (Mr. MUSKIE).

May I say there is no Senator in this body for whom I have a greater admiration and in whom I place a higher trust, and for whose integrity I have such high faith and confidence.

There is only one thing I must say, and I respect his viewpoint and respect his reasons for voting against the code of ethics: I do not believe I ever said that the limitation on outside income was the centerpiece. I may have. In fact, the fact that the Senator said that I said that makes me doubt as to whether or not I am correct.

I am confident that I said that that was a centerpiece, because I have felt that there were several centerpieces in this legislation. Some of them have been named by the distinguished Senator from Maine. Among these were the financial disclosure areas, the provisions dealing with gifts, the provisions dealing with lame-duck travel, and so on.

If I have at any point said that the limitation on outside earned income was the centerpiece, it was not a precise statement of my viewpoint. I have felt that it was a centerpiece.

I have said, however, that it was perhaps the most symbolic area of the entire measure, which is perhaps unfortunate. I have felt that the public and the press perhaps viewed that as the most symbolical provision in the resolution, and perhaps the litmus test of the resolution, which I think is unfortunate, because there are other equally important areas of the measure, as far as I am concerned.

Mr. MUSKIE. Will the Senator yield for just a moment?

Mr. ROBERT C. BYRD. Yes.

Mr. MUSKIE. I, of course, accept the majority leader's definition of his position on the bill. What happened and what was said in a moment of emotionalism on the debate I think ought to be carefully reviewed. So I accept his definition. I do not challenge it at all.

I may have misstated what the Senator intended to do earlier. I appreciate the majority leader's remarks and personally I believe that our disagreement on this matter is over and I feel relatively more relaxed.

Mr. ROBERT C. BYRD. I thank the distinguished Senator, my friend from Maine.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. How much times does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator from New Mexico has 15 minutes.

Mr. DOMENICI. Mr. President, I probably shall not use the full 15 minutes, but I just wanted to make a few observations.

First, let me comment on the last conversation that occurred here on the floor between the distinguished majority leader and the senior Senator from Maine. I think that it is quite obvious that when people like the good Senator from Maine oppose in principle parts of this resolution and vote their consciences against it, it is appropriate that he and the majority leader discuss, as they did, what that really means.

As I watched the debate evolve on the issue that concerned the Senator from Maine most, it appeared to me that, based on my 4 years in this institution, there is not a Senator that was better equipped, that is more entitled than he to make the argument that he made, because there can be no doubt that he feels strongly. His record proves that he did his work in this institution as a Senator; his reputation for integrity and absence of conflict of interest is beyond reproach and second to none. His diligence and time spent and rare missing of committee meetings is legislative history. What he has done here proves that he was able to do that and do it well, and yet carry on what he thought was in his and his family's best interest by way of the position that he has taken as a Senator on the issue of outside earned income.

I thought no one better could take the issue to the Senate and no one could argue it better so as to get a true vote without any of the prejudices that come from the special interests that are involved in this resolution. For there are groups involved in it, just as there are in almost all legislation that we consider.

While I do not necessarily agree with him on that position, I want him to know and I want the record to reflect that as far as this Senator is concerned, that has nothing to do with what he thinks about senatorial ethics and the demand that each man or woman who comes to this institution impose on himself or herself a code of conduct that is beyond reproach, as he has. And he did not need a code of ethics to do it.

I want to say, however he votes and whatever his position is, it certainly should not be taken that the senior Senator from Maine is, by some stretch of the imagination, less for a code of conduct and ethics than are others who vote contrary to him, because he need not have one to open his record of 19 years here to scrutiny.

I wanted to say that first.

Mr. MUSKIE. Will the Senator yield?

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. DOMENICI. I am delighted to yield.

Mr. ROBERT C. BYRD. The distinguished Senator from New Mexico has said, far better than I can say, exactly how I feel with respect to the distinguished Senator from Maine (Mr. MUSKIE).

Mr. MUSKIE. Thank you very much. I say to the distinguished majority leader (Mr. BYRD) and to my good friend from New Mexico, the Senator from New Mexico is in a position to match my attendance, because he serves on two of the subcommittees which occupy so much of my time.

I want to say to the Senator that I particularly appreciate that compliment from him. It means a great deal.

Mr. DOMENICI. I thank my good friend.

Now I want to say a few words about my own feelings on this.

I am going to vote for the code of ethics. Perhaps I have not been as motivated to consider the amendments in detail and the code in great detail. Maybe I should have. But I came to the Senate out of a mayorship of a city that paid very little, if anything, for the services I rendered to it and for it. I had, when I came here, eight children. I made a commitment to my constituents and my family—and incidentally, the good Senator from Maine asks if there have been any additions since that time. There have not. They are all prepartisan politics, my children.

I made a commitment to my wife, my constituents, and my children that we were not going to involve ourselves—certainly, I was not—in trying to have an outside income of any substance. I did a little bit of honorarium work, never excessive. I never tried to make it very much. We made, I guess, what one might consider, without knowing all the details of this job and living here, a commitment that we were going to be satisfied with what the institution paid us. So I have not been concerned.

I made a commitment to disclose everything. I filed my income taxes, I filed net worth statements indicating the property I owned when I came here. It is obvious to my citizens that in order to get by, I have to sell something about every 2 years and use that diminution in any net worth to get by.

So, in a sense, many of the arguments in this regard I have not been properly sensitive to. But I do understand that there are good people in this institution and that they are genuinely worried about the institution.

I, too, worry about it. I hope that if we pass this code of ethics, it will not be the inhibitor to good people seeking a position in the Senate, as some indicate it will. I hope it will not. After they get here, if they are elected, I hope it will not be such an inhibitor that it makes it more difficult than being a Member already is.

Being a Member of this institution is tough. The job has grown beyond all proportions. The Federal Government is so big now that 100 Senators, no matter how we try, really cannot handle the work. At least, we have not found out how. And we certainly cannot handle it without doing to ourselves grave injustice in terms of the abuse of ourselves, the abuse of our time, and, yes, the abuse of our minds.

We very rarely have enough time to sit and think. One Senator, the other day, reminded me, after sitting at a 1-hour briefing on energy—to which 30 Senators were invited and only 5 could make it—he said, "You know, we have grown to where we are almost embarrassed that we would spend an hour talking to experts about a multifaceted problem with many different approaches to its solution. We almost feel this is wasting our time, when, as a matter of fact, that is what we would have to have available and spend more time at."

What is the episode of the last 2½ weeks? I said the senior Senator from New Mexico would like to make this a part of the record. I want to use this next 3 or 4 minutes to remind the Members of the U.S. Senate that we have spent all of these days on literally scores of amendments, hours of debate. We have devoted literally day after day of Senator floor time for this particular code of ethics. We have listened attentively to what many Senators have to say about the burdens that it is going to place on them, how this interpretation versus that interpretation is going to wreak havoc on this side or do good on that side.

But, Mr. President, how many times in the past few years have we had before the Senate a bill to regulate activities of the American people—small business, average Americans, those who produce pollution, those who produce toxic substances—how many times have we had bills before us three times as filled with content and substance as this one? And how many times have we taken 2 hours and passed it? Never a concern about what those people that we are regulating might have to say about how it is going to be interpreted. Rather, always saying, "Oh, don't worry, the commission that is doing the work will take care of it by regulating. Don't worry about it, we have been fair"—all the time listening only to a few and then passing it and washing our hands of it and saying, "We have now regulated."

The point I make is that I hope this will be a lesson to us, that we ought to consider regulations and rules that are going to flow from laws that are going to be imposed on the American people, or American business, or American schools, or whatever it may be. That we ought to consider with as much concern, with as much depth, with as many questions, what it does to them and what their genuine concerns are about those interpretations and impacts as we have so willingly done when these regulations are going to apply to us.

Yes, we have been concerned. I will call another difference to the attention of the Senate. We are concerned and our own peers are going to regulate us, for six Members of this body will be our Committee on Ethics. But how many bills have we passed, as I described, when those to be regulated and ruled against and interpreted about are not going to have their own peers sitting on the commission or sitting on the agency? Frequently, it is quite to the contrary.

Almost by design, we will put an antagonist to the interests we are regulating, or in the interest of fairness, and ignore the concerns of those who tell us much the same thing that has been told us about the regulations that this will impose, that in some instances are going to be arbitrary, ludicrous, unneeded, as has been said far better than I for the past 10 or 15 days.

I hope that those who have seen the impact of regulations on their lives via a code of conduct will, as we proceed through the regulatory process in considering more laws and new laws and changes in laws, take a lesson and a chapter out of this one and listen and learn more, take a little more time, debate it a little more thoroughly, assume that the contentions of people have a little bit more reality than we have in the past, and not so quickly assume that it will all work out when we have not been very quick to assume this one will all work out when our own peers will be our judges, when we do not even have to go to the other body or to the President to change this. It is our own. Yet, look at the concern.

So I close by saying that I have concern about this code. I am going to vote for it. I hope we watch it carefully. I do believe it has some good and has some things not so good. But all in all, from this Senator's standpoint, I am willing to try. It seems to me that if it serves the purpose of letting the American people know we are genuinely interested, are concerned, trying to pick up our morale a bit, then it will have served a useful purpose.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. SCHMITT. Will the Senator let me have 1 minute?

Mr. DOMENICI. I yield my remaining 1 minute to my colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. Mr. President, I wish to compliment my colleague and good friend from New Mexico on his remarks, particularly those related to the considerations that we should give to the regulatory process as it comes before this body.

I think the Senator is absolutely right, has hit the nail right on the head, I hope we can have comparable debate on some bills that I am sure we will be considering in this session.

I will vote against the bill for many reasons which I have already articulated in other days and at other times before this body. But I do wish to say he is exactly right in the short shrift we give the regulatory process. I commend him on his remarks.

Mr. DOMENICI. I thank the Senator from New Mexico. I am pleased that he

commented and pleased to have him as my new colleague from New Mexico.

Mr. President, I yield back the remainder of my time.

Mr. McCLURE. Mr. President, first of all, let me compliment my friend the Senator from New Mexico for the comments he has just made.

Mr. FORD. Will the Senator yield for a question?

Mr. McCLURE. Certainly.

Mr. FORD. How much time will the Senator take?

Mr. McCLURE. About 15 minutes.

Mr. FORD. I thank the Senator.

Mr. McCLURE. Mr. President, I not only commend him for the perception which he brought to this question, as he often does, a unique perception that sometimes is not brought to bear upon problems in this Senate, but also thank the Senator from New Mexico for his comments concerning the opposition that was expressed by the Senator from Maine, because I, too, share the feelings he expressed about the Senator from Maine's right to raise those issues.

I am concerned that when this vote is taken, the reasons why a person may have voted against the bill will be lost in the paper blizzard at home as to the faults that are in the legislation, rather than looking at the criticisms in the light of constructive criticisms in favor of ethics.

I am concerned about some of the arguments that have been made and I will address myself first to one specific area of disagreement with what has happened here and then some rather broader comments.

During the entire debate about the question of outside income—and sometimes it got muddied in the discussions between earned and unearned income—it seems to me that the entire basis for trying to limit outside income from whatever sources boiled down to about three particular areas.

One was the conflict or possible conflicts because of the source of the income, whether it be honorarium, or income from property, or income from stocks, or income that might be affected by the actions of the Congress of the United States.

The second question was in regard to conflicts because of the time it might take from a Senator's busy schedule to earn the money or to manage the portfolio of stock or manage the real estate that might be involved.

The third reason given by proponents of this bill was because of political activities, because they indicate that sometimes the time it took to earn honorariums also involved political activities.

Indeed, they are right in every instance. Whether it is earned or unearned income, there can be conflicts because of the source of that income. There can be conflicts because of the time that it takes. There can be conflicts because of the political activity that is involved.

Yet, this bill, which is bound to pass tomorrow, does not really address any one of those problems.

If the Congress were to subject itself to the same test that we have required in the truth in packaging and truth in labeling, this Congress would be guilty of a criminal violation of the law because this bill is a fraud.

We say that we are acting in behalf of the American people by raising the ethical standards of this Congress, and I say that this resolution does not really do that and only does a little of it. It allows more to be concealed than is required to be revealed. We do that in the name of ethics. We do it because we are told the public demands it. Well, if we are really concerned about the conflict of time, then I should have offered an amendment which I had prepared but which I will not offer because the pattern has been very abundantly demonstrated that there will be no serious consideration of many of the amendments that have been offered. The amendment I had prepared, which I will not offer, simply says that it shall be against the rules of the Senate for any sitting Member of the Senate to be a candidate for the office of President or Vice President of the United States.

If we are concerned about a conflict of time and the demand upon the time of a Senator, I ask the Members of the Senate, or anyone else who cares, to look at the time that has been taken away from this body by Members of this body who, within the last 2 years, have been candidate for the office of President or Vice President of the United States.

The record is adequate, I am certain, that far more time has been devoted by Members of the Senate to seeking other political office—Vice President or President of the United States—than has been taken away from this body by those who earned large honorariums. Yet, nothing is said about that conflict of interest.

It is said that we must adopt a code of ethics that confines the areas of political activity because we are servants of the public and not political officers, not seeking political office. Yet, what greater conflict is there than the abuse of this office and the time that we take to seek other office? How many Members of the Senate, within the last 2 years, sought other office at the time they were supposed to be discharging duties in this office?

If we are really concerned about the conflict of time, if we are really concerned about the conflict of political activity, then this body would be interested in purging itself of that apparent conflict by adopting an amendment which would prohibit any Member from running for the office of President of the United States or Vice President of the United States.

Mr. President, I do not have any illusions that that amendment would be adopted in this body, and therefore I am not going to offer it. I mention it only because of the very apparent hypocrisy in approaching some but not all of the questions of unethical activity and the obvious hypocrisy in some of the arguments that have been given with regard to the reasons why we are adopting this code.

The resolution before us does not meet the demands of the public so far as the elimination of the appearance or the reality of conflicts of interest are concerned. It does not require disclosure in kind and form that would allow the public to judge whether or not there is a conflict of interest. It very carefully avoids doing that. Yet, we tell the public that we have done something about disclosure when precisely the opposite is the case.

It says that we have a conflict of interest because of time, but it has never yet addressed the question of how much of our time is required for public service in this job and how much of our time is permitted us to do other things at our discretion. Perhaps we should have a time clock at the door, and we can check in and chcck out. Perhaps we should have a timeclock at the door of the committee sessions, and we can check in and check out. Perhaps we should have a timeclock at the door of our office, and we can check in and check out. Then we can add up to see whether or not we have given 40 hours a week or 45 hours a week or 50 hours a week; and we can compare, by some very precise standard, which Members of the Senate have lived up to their responsibility to devote their time to their office.

I am not certain that we can really tell whether they have slept when they were in their office or whether they paid attention when they were in the committee room. whether they listened or participated in debate on the floor; but at least we would know whether they were there—and apparently whether they are there is important to somebody at least in judging other people but not themselves.

I am not sure that we know how much time we can require. I am not sure that we can write arbitrary rules that define how much time we require of each Member. I am not sure that we can write, as this resolution attempts to write, the very arbitrary definitions we seek to define the difference between official conduct as a Senator and political activities by a political officer.

If any political activity ever were conducted by a Member of the U.S. Senate that is higher than the political activity in which we are engaged right now, I would like to know what it is; because all this debate on ethics is being done in the name of giving politics a better name. It is done in the name of giving us a better image to the American people. It is done to enhance the reputations of individual Members of the Senate. That is a political activity. Yet, we are told that we must have an ethics measure that carefully separates political and nonpolitical activities. But I think that is obviously impossible.

We are told that we must adopt this resolution, and we will, because they expect it; because it is expected of us; because we have a low reputation with the American people; that any sampling of public opinion indicates that the Congress of the United States is not held in the high regard that many of us desire that it should be held.

Yet, it is not because of the individual ethics or lack of ethics of individual Members that Congress as a whole is held in low esteem. It is not because of individual activities in politics for hon-

orariums or outside earnings or conflicts of interest or apparent conflicts of interest that Congress is held in low esteem. It is because the American people do not perceive that the Congress of the United States is dealing with the basic problems that afflict this country.

The people of the United States have looked at our activities and have said, "We don't care about what you are doing; you're not devoting yourself to the real problems of this country," whether it be the problem of the environment and how we meet it without destroying our society; whether it is the question of whether we have an energy policy, after years of debate in the Congress of the United States, and obviously we have not.

Is it a question of whether or not the Congress of the United States is aiding or hurting economic recovery? The people of this country are concerned about the problem of oppression within this country, about the loss of their individual freedoms. They are concerned about the growth of big business authority and power in this country. They are concerned about the abuse of authority and power by big labor. They are concerned about the growth of big government. What is Congress doing about any of those basic problems?

The reason why the Congress of the United States does not enjoy a good reputation is not the ethics of the Members but the ability of the Members to focus on the important issues and to come up with meaningful answers to the problems that confront this country. No amount of playacting in the name of ethics reform is going to remove that feeling from the minds of the American people. That can be solved only by effective, affirmative, positive, constructive action in the kinds of laws we pass, the way we reform the bureaucracy, the way we meet the problems that are basic in this country, and not in the sham, the facade, the fraud of the measure we are about to agree to, and then sit back and relax and say, "We have now done our duty. The people will now respect us."

Respect must be earned in a much more direct and a much more difficult manner than that.

Mr. President, I yield back the remainder of my time.

ADDITIONAL STATEMENTS SUBMITTED ON SENATE RESOLUTION 110

Mr. STONE. Mr. President, on Thursday and Friday of last week I missed a number of rollcall votes on the resolution to establish a Senate Code of Official Conduct because of a long-standing commitment to be in Florida on those days. For the benefit of my constituents I would like to indicate how I would have voted on these amendments if I had been present.

I. HONORARIA

Amendment No. 124 offered by Senator DURKIN—similar to an amendment which had previously been defeated—would have restricted the groups from which Senators may receive speaking fees to those which are not registered lobbyists or which do not maintain a political action fund. While I do not accept fees, other than transportation reimbursement, for speaking engagements, I realize that many of my colleagues do. The resolution already contains severe limitations on honoraria—limits total amount that can be received in a year and limits to $1,000 the amount that can be received for any one speech. These limits will sufficiently guard against a Senator being unduly influenced by honoraria without imposing the added burden of checking out each group that requests a Member to speak before them. If present I would have voted with the majority to table amendment No. 124.

II. DISCLOSURE

Schmitt amendment No. 90 would have required an annual statement of net worth and disclosure of basic Federal income tax information. While I make it a practice to disclose this information, I think that the detailed disclosure required by the Nelson committee resolution, which stops short of requiring Members and staff to have their assets appraised in order to arrive at a net worth figure, provides sufficient information to allow the voters to judge whether potential conflicts of interest exist. Had I been present I would have voted with the majority to table the amendment.

Schmitt amendment No. 153 requires disclosure of a financial interest of a spouse or dependent only if the interest is in the constructive control of the reporting individual. Constructive control is found if the enhancement of the interest would substantially benefit the reporting individual. I would have voted with the majority for this amendment as it presents a sensible guideline for determining when the interests of a spouse or dependent need to be publicly disclosed in order to give an accurate picture of any potential conflict of interest that might arise for the reporting individual.

III. OUTSIDE EARNED INCOME

A. Durkin amendment No. 103 would have excluded from the definition of "outside earned income," income from a family-owned farm which did not employ more than 10 employees, if the services rendered by the Member or employee are not a material income-producing factor. I would have voted to table the amendment as I see no need to make a special exception for family farms over other family businesses and even less reason to only apply it to farms with less than 10 employees. If the criteria for determining what outside earned income will be limited is how much time the Member or employee devotes to the business, additional qualifications on the type and size of a family enterprise are unnecessary.

B. Tower unprinted amendment No. 96 would have prohibited any Senator or Senate employee making $35,000 or more from accepting any Federal subsidy or any income from an enterprise which is regulated or financed by the Federal Government. Had I been present I would have voted with the majority to table this amendment. While the intent of the amendment was commendable, as drafted it went much too far in trying to avoid remote conflicts of interest. It would have prevented anyone employed by the Senate from having a savings account in a federally regulated bank. Senate Resolution 110 provides ample protections against real conflicts of interest.

For the same reasons, I would have voted to table a similar Tower amendment—unprinted amendment No. 97—which would have placed a limit on the amount of subsidy or income from a Federally regulated enterprise that a Member or employee could accept.

IV. CONFLICTS OF INTEREST

Durkin amendment No. 104. The resolution currently prohibits a Member, officer or employee from introducing or aiding the progress of legislation if a principal purpose of it is to further his pecuniary interests. The Durkin amendment would have broadened it so that if any part of a bill had this effect, the Member, officer, or employee could not in any way aid in its passage. I would have voted to table the amendment had I been present. The code sufficiently safeguards the public from the kind of self-interest legislation by the provision this amendment would have changed and by the detailed disclosure provisions.

V. UNOFFICIAL OFFICE ACCOUNTS

Stevenson amendment No. 146 would have prohibited Members from using excess campaign contributions for office expenses. Such prohibition would have gone into effect 30 days after the Senate expanded the uses for which official funds could be used. Had I been present I would have voted against the motion to table the amendment. This amendment would have mandated that political funds be used only for political purposes and that official funds be used only for official purposes. It seems to me that this is a basic separation of funds that should have been made a long time ago.

VI. ENFORCEMENT

Roth amendment No. 100 would have established an outside three-member commission to investigate serious allegations of wrongdoing against Members or Senate officers or employees. Its findings would be referred to the Senate Ethics Committee which could make any additional investigation it felt was necessary and would recommend appropriate action to the Senate. I would have voted with the majority to table the amendment because no hearings have been held on the concept of an outside group composed of retired Member's of Congress investigating current Members' conduct. There are serious constitutional as well as practical questions which need to be studied in connection with this proposal before it can be voted on in the Senate.

THE TREATMENT OF TRANSPORTATION UNDER THE RULES REQUIRING FINANCIAL DISCLOSURE AND RECEIPT OF GIFTS FROM CERTAIN INDIVIDUALS

Mr. NELSON. Mr. President, Senate Resolution 110 requires the disclosure of transportation received with a value in excess of $250 unless that transportation is part of personal hospitality or is received from a relative.

In the report accompanying Senate Resolution 110, the committee has tried to be very clear about what type of trans-

portation must be reported and what type of transportation is not required to be reported. With respect to the transportation included in personal hospitality, the report is sufficiently precise. Transportation on a pleasure boat owned by an individual which someone is visiting or other transportation provided by an individual but not substituting for commercial transportation, would be included in personal hospitality. For a more detailed discussion of personal hospitality, one should refer to the report.

The rules on financial disclosure and gifts are attempting to require the reporting of or the regulation of transportation which is provided as a gift. A detailed definition of what is a gift can be found in each of these rules. If money is received as a reimbursement for other than necessary expenses, this is a gift. Thus, if a Senator is going to speak in California and the group he is speaking to not only pays for his plane flight to California but also his plane flight on to Hawaii for the weekend and back, the reimbursement received for the transportation to and from Hawaii would be other than a necessary expense and therefore a gift. However, the reimbursement for the cost of transportation necessary to get to and from the speaking engagement which reimbursement is received from the group or person before which the Senator is speaking, is not a gift but a reimbursement for a necessary expense.

Similarly, if the group or person before whom the Senator is speaking provides actual transportation instead of reimbursing the Senator for commercial transportation, that actual transportation necessary to get to and from the speaking engagement is not a gift and, therefore, need not be reported and is not prohibited.

A couple of examples will serve to illustrate this distinction. If a Senator is invited to speak to a group in a rural part of Vermont and the Senator states that he could only speak on that occasion if his transportation can be provided to and from Washington in such a manner that the Senator does not miss any votes on the Senate floor, then a private plane provided by the group to which the Senator is speaking taking the Senator from Washington to the speaking engagement and returning the Senator to Washington would be transportation provided in a situation where the transportation is a necessary expense and is not a gift. This principle is not limited to transportation to speaking engagements where honoraria are received. If a Senator is requested to inspect a part of the Alaskan pipeline and the trip is part of the Senator's official business, transportation to and from the pipeline by the company building the pipeline would be necessary transportation provided for the Senator to perform his governmental function and would not be a gift. However, if a large corporation told the Senator that they had a private airplane which would be at his disposal any Friday afternoon to take him back to his home State for the weekend, this would be a gift even if the Senator were returning to his home State for official business.

A good deal of commonsense will be needed to apply this interpretation of reportable and prohibited transportation to actual everyday situations. Senate Resolution 110 provides for the Ethics Committee to give advisory opinions to help guide Senators and high-level officials in determining whether transportation is covered or not by rules XLII and XLIII of the proposed Code of Official Conduct. It is likely that transportation provided in a private airplane by a lobbyist or corporation with a political action committee would be a gift if that transportation is between Washington and the Senator's home State and the Senator is not involved in a speaking engagement, meeting, or inspection tour affecting that corporation. However, private airplane transportation within a State, especially the larger Western States, where a corporation provides a private airplane for a Senator to inspect a facility or area affected by the corporation's activity, is much more likely not to be a gift.

In determining whether transportation is a gift, whether or not the transportation is to or from, or within the Senator's home State, is not determinative. Someone can receive transportation which is not a gift to a speaking engagement in an other State. Further, any transportation received for personal purposes or for vacation purposes would always be a gift and, therefore, covered by rules XLII and XLIII.

One further point should be made with respect to the applicability of rules XLII and XLIII to transportation. It is the intent of the sponsors of Senate Resolution 110 that if a Senator travels on a private airplane owned by a corporation, that transportation is not a gift if the Senator reimburses the owner of the plane for the cost of the equivalent commercial air transportation.

The above description of what transportation is considered a gift for the purposes of Senate Resolution 110 was drafted in cooperation with Senator STEVENS who raised some questions about this topic a few days ago. Senator STEVENS, have I accurately described the treatment of transportation and is that treatment satisfactory to you?

Mr. STEVENS. Mr. President, I first would like to thank Senator NELSON, the manager of this resolution, and his staff for working with me and my staff to clarify the interpretation of the proposed Code of Official Conduct with respect to transportation received by a Senator. Senator NELSON has accurately stated how I believe the code should be interpreted.

I have a series of additional questions I would like to pose to the manager of the bill to clarify the application of the code in this area. As I understand the code, if a group of Senators go fishing on a boat owned by an individual, that is personal hospitality and is not covered by rules XLII or XLIII. No disclosure is required and that activity is not prohibited even if the individual is a registered lobbyist.

Mr. NELSON. That is correct.

Mr. STEVENS. If the fishing boat is owned by a local corporation which is not a registered lobbyist and does not have a political action committee, the Senator would have to disclose the value of the use of the boat if the value exceeded $250 but use of the boat would not be prohibited under rule XLIII, no matter what the value of the use of the boat.

Mr. NELSON. The Senator is correct.

Mr. STEVENS. If the boat is owned by a corporation with a political action committee, the Senator could not accept use of the boat worth more than $100.

Mr. NELSON. That is correct. It should be made clear that the value of the use of the boat would be based upon the cost of renting or leasing a comparable boat. If 10 people go out for a day on a boat and a comparable boat would cost $660 a day to rent, the value of the use of the boat to each individual is $66.

Mr. STEVENS. I would like to thank the floor manager for engaging in this very informative colloquy with me.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. FORD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOHN SHERMAN COOPER DAM AND RESERVOIR—S. 1205

Mr. BAKER. Mr. President, it was a pleasure to meet yesterday in my office with Mrs. Opal Lucas of London, Ky., who is a good and loyal friend of former Senator John Sherman Cooper and a strong leader for her region and State.

Mrs. Lucas brought to me a resolution unanimously adopted at the 1977 Kentucky Fifth District Lincoln Day Dinner. This annual banquet at Cumberland Falls is a great tradition in the Fifth District of Kentucky, where my father was born. I fondly recall speaking at the Fifth District Lincoln Day Dinner in the past, as did also my father and my wife's father, Senator Dirksen, before me.

The resolution requests the Army Corps of Engineers to name the Laurel River Lake in Laurel County, Ky., the "John Sherman Cooper Dam and Lake." Mr. President, I ask unanimous consent that a copy of this resolution be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. To name this beautiful, new Corps of Engineers lake—located in the vicinity of Senator Cooper's home—

after the distinguished former Senator and Ambassador would be a fitting recognition of Senator Cooper's dedicated, long, and outstanding service to his county, State, and Nation.

Mr. President, I have discussed this matter with my colleagues from Kentucky, Senators HUDDLESTON and FORD, who are, I believe, on the floor at this time; and I have discussed it as well with the distinguished representative of the Fifth Congressional District of Kentucky, Dr. TIM LEE CARTER, and it is my pleasure at this time, Mr. President, to send to the desk a bill on my behalf and on behalf of Senators HUDDLESTON and FORD, and I ask for its appropriate referral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

EXHIBIT 1

RESOLUTION REQUESTING THE ARMY CORPS OF ENGINEERS TO NAME THE LAUREL RIVER DAM THE JOHN SHERMAN COOPER DAM AND RESERVOIR

Whereas, the Laural River Dam and Lake is an actuality, largely through the efforts of our own distinguished, former United States Senator, John Sherman Cooper, and,

Whereas, this beautiful dam and reservoir is a boon to this and neighboring counties, in that it provides much needed energy and makes accessible to man the varied beauties of nature—fauna-flora-rocks, rills and all facets of nature at its best, and,

Whereas, it is a source of pleasure to boaters, water skiers, and fisherman and lovers of nature in such fashion that it has caused and will cause this region to blossom as the "Rose of Sharon," and,

Whereas, the dedicated efforts of other great statesmen who worked unceasingly to procure the selfsame benefits to a particular area have been honored to have these named for them, to wit—"Barkley Lake" in western Kentucky; "Norris Lake" in east Tennessee; "Sam Rayburn Lake" in Texas, and many others too numerous to mention, and,

Whereas, John Sherman Cooper is recognized throughout the nation and the world as an outstanding United States Senator; an outstanding Ambassador to India, and more recently, an outstanding Ambassador of this nation to East Germany; and,

Whereas, the life of John Sherman Cooper for the most part, in war and peace, has been dedicated to public service, not only for this state and nation, but for the entire world, and is so recognized by Republicans, Democrats, and Independents, who all attest that he has fulfilled the admonition of the Master, who said: "He that would be greatest of all, let him be servant of all." John Sherman Cooper throughout his entire career has observed the commandment of the Man of Gallilee, and,

Whereas, John Sherman Cooper, both in private life and public life has emulated the great emancipator, Lincoln, that we honor here tonight, in humility, service, faith, compassion, justice, humor and other qualities of greatness. We, the members of the Fifth District Lincoln Republican Club think that it is altogether fitting and proper that the Laurel River Dam and Lake be named in honor of the faithful, dedicated servant of all the people of the Commonwealth of Kentucky to the "John Sherman Cooper Dam and Lake," and,

Whereas, this great statesman, John Sherman Cooper, like Ulysses of old, has traveled a little further, thought a little deeper, and striven always to steer his party in the right direction, by this Resolution may we show our gratitude to Senator Cooper, whose motto for serving his party has been, "To strive, to seek, to find, and not to yield."

Therefore, be it resolved that this organization, in its 39th annual session, request that Laurel River Lake and Dam be renamed, "The John Sherman Cooper Lake and Dam" in honor of the memorable services of John Sherman Cooper, and be it further resolved that all civic clubs in this region make the same request of the Corps of Engineers to name the lake and dam in honor of this great statesman.

Mr. HUDDLESTON. Mr. President, I am very pleased to join with the distinguished Senator from Tennessee in supporting this proposal in naming this beautiful lake and dam located in Laurel County, Ky., very near the birthplace of Senator John Sherman Cooper, after this distinguished Kentuckian and distinguished American.

As long as I can remember in Kentucky the name of John Sherman Cooper has been prominent among our statesmen and among our public officials.

I am very pleased and honored to be serving in the seat held here in the U.S. Senate by Senator Cooper prior to his retirement from this body.

Senator Cooper was a gentleman certainly in the finest Kentucky tradition, and we are proud of that tradition in Kentucky, proud of the sons of Kentucky whom we have sent forth not only to this capital but throughout the world to serve the people.

Senator Cooper did serve Kentucky in the legal profession, as a county judge, as a State legislator, and as a Member of the U.S. Senate. Certainly he served the entire Nation not only as a Senator but as an Ambassador to India, as an adviser to Secretaries of State and to Presidents and, most recently, in a very important post, as our first Ambassador to East Germany.

Greater service to the Nation and to the State has been a hallmark of John Sherman Cooper. He is not of my party. He represents a member of the Republican Party, and that makes him something of a political phenomenon as far as our State of Kentucky is concerned because even though he was not always successful in his attempts for reelection, as no Republican could expect to be in the Democartic State of Kentucky, he did enjoy a longer tenure in public office than any other Republican and virtually was unbeatable as he reached the end of his long and distinguished public service.

The reason he was so acceptable to all Kentuckians, as he was to all Americans, was that all of his actions in public office reflected the general good of the public. He never resorted to narrow partisanship in any capacity in which he served the American people or the people of Kentucky.

The naming of this particular facility, this beautiful lake and dam, is particularly appropriate because Senator Cooper devoted a great deal of his time and effort to preserving the natural heritage we have in this country; he was active in wilderness legislation in the Wild Rivers Act, and the National Historical Preservation Act.

There are many in this body who are more intimately acquainted with his service here in the U.S. Senate than I am and what he meant to this body and what his service, for instance, on the Committee on Foreign Relations meant to this entire Nation and to the world.

So it is not necessary for me to reiterate that service and the high esteem those who served with him and knew him on both sides of the aisle felt for John Sherman Cooper.

I would just say again I am pleased to join in this movement, and I appreciate the fact that the Senator from the great State of Tennessee (Mr. BAKER), who knew John Sherman Cooper well from his early childhood, has initiated this action, and I join wholeheartedly in his effort and recommend it to the Senate.

I thank the Presiding Officer.

Mr. FORD. Mr. President, I am pleased to join with my colleague from Kentucky and my colleague from Tennessee in endeavoring to honor this outstanding Kentuckian, John Sherman Cooper, a man who has distinguished himself in public service, service at the county level, State level, nationally, and on the international scene.

Only this week the former Senator and Ambassador was in my office working with my staff and with me to assist us in our efforts to help a local group.

This distinguished Kentuckian is still interested in people and is still working for them.

I think it is appropriate to name this lake and this dam for John Sherman Cooper because this area is a very beautiful area.

It is one he recognized at an early date, and one he worked so hard to bring about. This area will be one that those who are sportsmen will enjoy, it is one that those who are nature lovers will enjoy, and those who would go and relax in the tranquil area of the countryside will enjoy.

I am very pleased to see this effort is being made and I, too, feel this is just a small token of appreciation of the people of the Commonwealth of Kentucky and of this country to say to John Sherman Cooper that "we appreciate your work, we appreciate your dedication as a public servant, we appreciate your faithfulness in your duty as a public servant."

I, too, hope that the appropriate committee will work very quicky in sending this back to the Senate floor so that we might take the necessary steps to make his a permanent thing and name it, the dam and the lake, after this distinguished Kentuckian.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which

were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

BUDGET OF THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT—PM 61

The Presiding Officer laid before the Senate the following message from the President of the United States, which was referred to the Committee on Appropriations:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am today transmitting for your consideration the budget of the District of Columbia for fiscal year 1978.

JIMMY CARTER.

THE WHITE HOUSE, *March 31, 1977.*

MESSAGE FROM THE HOUSE

At 11:50 a.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4800) to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such act, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ULLMAN, Mr. CORMAN, Mr. RANGEL, Mr. STARK, Mr. JACOBS, Mrs. KEYS, Mr. FISHER, Mr. CONABLE, Mr. VANDER JAGT, and Mr. KETCHUM were appointed managers of the conference on the part of the House.

The message also announced that the Speaker has appointed as members of the United States delegation of the Canada-U.S. Interparliamentary Group Mr. FASCELL, chairman; Mr. JOHNSON of California, vice chairman; Mr. BOLAND, Mr. GIBBONS, Mr. HANLEY, Mr. MEEDS, Mr. LAFALCE, Mr. CAVANAUGH, Mr. MCEWEN, Mr. WINN, Mr. GOODLING, and Mr. JEFFORDS.

The message further announced that the House has agreed to, without amendment, the concurrent resolution (S. Con. Res. 8) authorizing the printing of the committee print entitled "The Accounting Establishment" as a Senate document.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–1025. A letter from the Secretary of the Navy transmitting a draft of proposed legislation to amend section 409 of title 37, United States Code, to eliminate restrictions for transporting a house trailer or mobile dwelling by a member of the uniformed services, and for other purposes (with accompanying papers); to the Committee on Armed Services.

EC–1026. A letter from the Deputy Assistant Secretary of Defense, Installations and Housing, transmitting, pursuant to law, notice of 28 construction projects to be undertaken by the Army National Guard (with accompanying papers); to the Committee on Armed Services.

EC–1027. A letter from the Chairman of ConRail transmitting, pursuant to law, a summary of activities and accomplishments of the Consolidated Rail Corporation for the nine month period ending December 31, 1976 (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC–1028. A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report of Federal activities related to welfare programs for the period from July 1, 1975, to June 30, 1976 (with an accompanying report); to the Committee on Finance.

EC–1029. A letter from the Chairman of the National Advisory Council on the Education of Disadvantaged Children transmitting, pursuant to law, the 1977 Annual Report of the National Advisory Council on the Education of Disadvantaged Children (with an accompanying report); to the Committee on Human Resources.

EC–1030. A letter from the Director of the Administrative Office of the United States Courts transmitting a draft of proposed legislation to amend the Federal Rules of Criminal Procedure to provide for appellate review of sentence in certain circumstances (with accompanying papers); to the Committee on the Judiciary.

EC–1031. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Recruitment and Retention of Veterans Administration Health Care Workers are not Major Problems" (HRD–77–57, March 31, 1977) (with an accompanying report); to the Committee on Governmental Affairs.

EC–1032. A letter from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a listing of names of persons who have filed the reports for fiscal year 1976 as required by section 410(b) of Public Law 91–121 (with an accompanying report); to the Committee on Armed Services.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM–115. House Joint Resolution No. 26 adopted by the Legislature of the State of Montana requesting that the Congress of the United States take into consideration climatic and soil conditions and raise the general 160-acre limitation on lands under single ownership which may be irrigated from Federal reclamation projects to reflect varying climatic and soil and conditions; to the Committee on Energy and Natural Resources;

"HOUSE JOINT RESOLUTION NO. 26

"A joint resolution of the Senate and the House of Representatives of the State of Montana requesting that the Congress of the United States take into consideration climatic and soil conditions and raise the general 160-acre limitation on lands under single ownership which may be irrigated from Federal reclamation projects to reflect varying climatic and soil conditions

"Whereas, the Reclamation Act of 1902 generally provides that no water may be sold for lands in excess of 160 acres in single ownership; and

"Whereas, the Omnibus Adjustment Act of 1926 provides in effect that the owners of irrigable lands in excess of 160 acres must dispose of this excess before they can receive water from a federal project; and

"Whereas, due to the climatic and soil conditions of a great portion of Montana and of the other Northwestern States a 160-acre parcel is not an economic agricultural production unit; and

"Whereas, the climatic and soil conditions of a great portion of Montana and of the other Northwestern States require a farm or ranch unit containing in excess of 160 irrigable acres in order to achieve a viable agricultural production unit which can support a family; and

"Whereas, the State of Montana owns substantial acreages of potentially irrigable land within irrigation districts; and

"Whereas, Congress has seen fit to grant exemptions from the 160-acre limitation to the Northern Colorado Water Conservancy District; and

"Whereas, the Small Reclamation Projects Act of 1956 has been construed to grant an exemption from the 160-acre limitation.

"Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

"That, the Congress of the United States is requested to take into consideration climatic and soil conditions and raise the general 160-acre limitation on lands under single ownership, and provide special provisions allowing additional acreage to lessees of state land, which may be irrigated from Federal Reclamation Projects to reflect varying climatic and soil conditions and state ownership.

"Be it further resolved:

"That, the Secretary of State shall send a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Montana congressional delegation, the Secretary of the Interior, the Commissioner of the Bureau of Reclamation, and the legislatures of the several States."

POM–116. House Joint Resolution No. 270 adopted by the General Assembly of the Commonwealth of Virginia memorializing Congress to allow regulation of surface mining of coal to remain in the hands of the States; to the Committee on Energy and Natural Resources:

"HOUSE JOINT RESOLUTION NO. 270

"Whereas, coal is our nation's most abundant fossil fuel; and

"Whereas, our nation faces an energy crisis of potentially devastating proportions, with coal being the only reliable and proven energy source available to meet our needs for the foreseeable future; and

"Whereas, over one-half of our total coal production now comes from surface mines; and

"Whereas, recognizing the necessity to properly control surface mining and reclamation operations, Virginia and thirty-seven other states, including all major coal producing states, now have surface mining laws; and

"Whereas, these laws are based on the desires and judgements of the citizens of the respective states, taking into account differences in climate, terrain, coal quality and quantity, transportation facilities, and other unique considerations; and

"Whereas, there is overwhelming evidence that House Resolution 2 and similar bills before the Congress would result in reduced coal production, greater dependence upon foreign oil, increased unemployment in the coal-producing counties of Virginia and other states, and unnecessary economic disruptions throughout our nation; and

"Whereas, the United Mine Workers of America voted overwhelmingly on September twenty-nine, nineteen hundred seventy-six, at their Cincinnati, Ohio, convention to withdraw their previous support of federal coal and surface mining legislation; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That regulation of coal surface mining and reclamation should remain the exclusive responsibility of the sev-

eral states, and that Congress should refrain from forcing federal intrusion into this area which is, and ought to remain, a matter properly under the control of those citizens directly affected; and, be it

"Resolved further, That the Clerk of the House of Delegates is hereby instructed to send copies of this resoluiton to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and the members of the Virginia delegation to the United States Congress as an expression of the sense of this body."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Energy and Natural Resources:

Special Report entitled "History, Jurisdiction, and a Summary of Legislative Activities during the 94th Congress of the Committee on Interior and Insular Affairs (Rept. No. 95–79).

By Mr. WILLIAMS, from the Committee on Human Resources:

Special Report entitled "Legislative Review Activity" (Rept. No. 95–80).

By Mr. LONG, from the Committee on Finance:

Special Report entitled "Legislative Review Activity" (Rept. No. 95–81).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NELSON, from the Select Committee on Small Business:

Arthur Vernon Weaver, Jr., of Arkansas, to be Administrator of the Small Business Administration.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. WILLIAMS, from the Committee on Human Resources:

Mary Berry, of Colorado, to be Assistant Secretary for Education in the Department of Health, Education, and Welfare.

Ernest LeRoy Boyer, of New York, to be Commissioner of Education.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. STENNIS, from the Committee on Armed Services:

David Emerson Mann, of Maryland, to be an Assistant Secretary of the Navy.

William James Perry, of California, to be Director of Defense Research and Engineering.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. McGOVERN:

S. 1190. A bill to authorize appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the Arms Control and Disarmament Agency; to establish for those agencies requirements and guidelines regarding policy and procedures; and for other purposes; to the Committee on Foreign Relations.

By Mr. McGOVERN (for himself, Mr. PERCY, Mr. HUMPHREY, Mr. BELLMON, and Mr. DOLE):

S. 1191. A bill to amend the Public Health Service Act to establish a Bureau of Human Development, and for other purposes; to the Committee on Human Resources.

By Mr. JACKSON (by request):

S. 1192. A bill to provide for the relief of certain residents of the Trust Territory of the Pacific Islands; to the Committee on Energy and Natural Resources.

By Mr. JACKSON (by request):

S. 1193. A bill to authorize $15 million for the Government of Guam; to the Committee on Energy and Natural Resources.

By Mr. CHURCH (for himself, Mr. CLARK, Mr. WILLIAMS, Mr. HUMPHREY, Mr. STEVENSON, Mr. RANDOLPH, Mr. LEAHY, Mr. INOUYE, Mr. STONE, Mr. ABOUREZK, Mr. HUDDLESTON, Mr. BROOKE, Mr. BURDICK, Mr. METCALF, Mr. EASTLAND, Mr. STAFFORD, Mr. JACKSON, Mr. MAGNUSON, Mr. PELL, Mr. EAGLETON, Mr. HATFIELD, and Mr. KENNEDY):

S. 1194. A bill to amend titles II, VII, XI, XVI, XVIII, and XIX of the Social Security Act to provide for the improved administration of the old-age, survivors, and disability insurance program, the supplemental security income program, and the medicare program by a newly established independent Social Security Administration, to separate social security trust fund items from the general Federal budget, to prohibit the mailing of certain notices with social security and supplemental security income benefit checks, and for other purposes; to the Committee on Finance.

By Mr. DURKIN:

S. 1195. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. ABOUREZK:

S. 1196. A bill for the relief of Alfred Feghali; to the Committee on the Judiciary.

By Mr. DOLE:

S. 1197. A bill to amend title XVIII of the Social Security Act to provide coverage for services which may be performed by a dentist on the same basis as presently allowed for physicians under the medicare program, and to authorize payment under such program for all inpatient hospital services furnished in connection with dental procedures requiring hospitalization; to the Committee on Finance.

By Mr. CHILES:

S. 1198. A bill to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes; to the Committee on Armed Services.

By Mr. McINTYRE:

S. 1199. A bill to amend title 5 of the United States Code to improve agency rulemaking by establishing paperwork control mechanisms by expanding opportunities for public participation, and by enabling the President to delay the implementation of certain rules for one year to allow a more comprehensive analysis of congressional intent and public impact, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ABOUREZK (for himself, Mr. THURMOND, Mr. McGOVERN, Mr. RANDOLPH, Mr. DOMENICI, Mr. HUMPHREY, Mr. HATHAWAY, and Mr. HOLLINGS):

S. 1200. A bill to amend section 306(a) of the Consolidated Farm and Rural Development Act to prescribe criteria for determining the amount of grants made under such section, to prescribe the priority of applicants for loans and grants under such section, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GOLDWATER:

S. 1201. A bill to amend title 5 of the United States Code to allow congressional employees with long periods of service with the same Member of Congress to receive Civil Service retirement credit for employment by the Member during a break in service of the Member; to the Committee on Governmental Affairs.

By Mr. McCLURE (for himself and Mr. CHURCH):

S. 1202. A bill to provide for the transfer of certain lands to the Secretary of the Interior by the Energy Research and Development Administration for sale to farmers damaged by the Teton flood; to the Committee on Energy and Natural Resources.

By Mr. LAXALT (for himself, Mr. GARN, Mr. McCLURE, and Mr. MELCHER):

S. 1203. A bill to amend the Federal Land Policy and Management Act of 1976 relating to certain rules and regulations promulgated by the Secretary of the Interior and the Secretary of Agriculture; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON:

S. 1204. A bill entitled "The Saccharin Control Act of 1977"; to the Committee on Human Resources.

By Mr. BAKER (for himself, Mr. HUDDLESTON, and Mr. FORD):

S. 1205. A bill to provide that the lake referred to as the "Laurel River Lake" on the Laurel River, Kentucky, shall hereafter be known as the John Sherman Cooper Lake and that the dam forming such lake shall hereafter be referred to as the John Sherman Cooper Dam; to the Committee on Environment and Public Works.

By Mr. HUMPHREY:

S.J. Res. 42. A joint resolution to authorize and request the President to issue a proclamation designating the year 1977 as the "Year of Education" in honor of the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGOVERN:

S. 1190. A bill to authorize appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the Arms Control and Disarmament Agency; to establish for those agencies requirements and guidelines regarding policy and procedure; and for other purposes; to the Committee on Foreign Relations.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1978

Mr. McGOVERN. Mr. President, in recent years, for purposes of efficiency, the Foreign Relations Committee has dealt with the annual authorizations for various foreign affairs agencies through a consolidated Foreign Relations Authorization Act, rather than by means of in-

dividual bills for each agency as submitted by the executive branch. This omnibus bill has proven to be an effective legislative vehicle; it and the yearly Foreign Assistance Act now constitute the two major pieces of annual foreign affairs legislation.

Mr. President, I now introduce the Foreign Relations Authorization Act, fiscal year 1978, which consists simply of the provisions of the several bills submitted by the administration providing fiscal year 1978 authorizations for the State Department, the U.S. Information Agency, the Board for International Broadcasting, and the Arms Control and Disarmament Agency. The Subcommittee on International Operations, of which I am chairman, will be considering the State, USIA, and BIB requests contained in this bill in the weeks ahead, during which time the Arms Control Subcommittee chaired by Senator PELL will be considering the ACDA request. I anticipate that the full committee will then, after considering the recommendations made by the two subcommittees, report out, with appropriate amendments, the bill I have just introduced.

By Mr. McGOVERN (for himself, Mr. PERCY, Mr. HUMPHREY, Mr. BELLMON, and Mr. DOLE):

S. 1191. A bill to amend the Public Health Service Act to establish a Bureau of Human Development, and for other purposes; to the Committee on Human Resources.

PREVENTIVE MEDICINE, HEALTH MAINTENANCE AND HEALTH PROMOTION

Mr. McGOVERN. Mr. President, today I am introducing legislation which provides for a national preventive medicine, health maintenance and health promotion initiative, using research in nutrition as the cornerstone upon which to build a healthier and more productive America.

By authorizing and directing the Federal health research machinery to include prevention among its priorities, greater clarity and direction should be brought to many crucial areas, including basic and applied research, program implementation, program evaluation, technology evaluation, data collection, analysis and dissemination, and policy formation.

In July 1976, the Select Committee on Nutrition and Human Needs initiated a series of hearings, which are still in progress, focusing on diet and health. These hearings are a part of a major effort by the committee to make preventive health care an integral part of our national health policy and programs.

The hearing record to date clearly demonstrates the vital role of good nutrition in maintaining and promoting optimal health. On the first day of the hearings, the Assistant Secretary for Health, Dr. Ted Cooper, stated that besides general self-care and self-responsibility, nutrition was most important in health maintenance and promotion. He went on to say that we must call to public attention the underlying conditions or antecedent causes of preventable diseases rather than concentrating solely on the treatment of diseases themselves. He added that people throughout the Nation want and can benefit from more authoritative guidance about nutrition, that there is much already known which has not been transmitted, and that there are still many gaps in our understanding of nutrition which must be filled by intensified research.

Both the fiscal year 1977–81 and fiscal year 1978–82 forward plans for Health, DHEW, emphasize the importance of nutrition research and programs.

The hearing record already has provided substantial evidence of the potential savings if Americans ate a better diet. The No. 1 killer in the United States, cardiovascular disease, is costing $60 billion a year alone from health care expenditures and lost productivity. USDA estimated that a better diet could reduce this cost by 25 percent.

It is equally important to consider the significant reduction in morbidity which can result from an improved diet. Enhanced learning capacity in our infants and children, fewer sick leave days among the adult working population, and greater vitality for Americans of all ages are just a few of the benefits which can increase the quality of life for the Nation.

The sense of the Nutrition Committee is that the United States must begin to redress the past overemphasis on disease oriented, curative medicine; and that since we all must eat to live, nutrition and diet is one place that all Americans can and should take responsibility for improving their own health and the quality of their lives.

I believe this legislation is a significant step forward in addressing the need for a preventive emphasis in health—away from sickness and toward the concept of wellness.

I ask unanimous consent that the bill and an explanation of the bill be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Preventive Medicine, Health Maintenance and Health Promotion Act of 1977".

FINDINGS

SEC. 2. The Congress finds that—

(1) many of today's health problems are caused by a variety of factors not susceptible to medical solutions or to direct intervention by a health provider;

(2) health care costs were $135 billion in fiscal year 1976, of which 40 percent were Federal dollars, and are projected to be $230 billion in fiscal year 1980;

(3) our rapidly escalating health care costs are not producing a commensurate increase in the quality of the Nation's health;

(4) the average life expectancy for a white male age 45 has increased by only 3.6 years between 1900 and 1973.

(5) in fiscal year 1976, the Federal Government spent an amount for "prevention and protection" which represents only 3.1 percent of the total Federal health budget and less than 1 percent of all United States health care expenditures in fiscal year 1976;

(6) to a substantial degree an individual's behavior and lifestyle such as smoking, alcohol consumption, exercise, hours of sleep, stress, and dietary habits, are capable of both causing and preventing certain chronic and degenerative disease problems including cancer, cardiovascular disease, diabetes, and cirrhosis of the liver.

(7) 6 of the 10 leading causes of death in the United States are related to diet;

(8) it has been estimated that an overall savings of 20 percent in the yearly cost of medical care could be achieved through an improved diet;

(9) there are still many gaps in our understanding of nutrition which will require intensified research;

(10) it is imperative that the United States begin to address the past overemphasis on disease-oriented, curative medicine and begin a preventive approach to the study of certain chronic and degenerative diseases.

PURPOSES

SEC. 3. It is the purpose of this Act to—

(1) establish at the National Institutes of Health a Bureau of Human Development, having a preventive and curative, noncategorical perspective on health, and consisting of two new institutes:

(A) the National Institute of Family Health,

(B) the National Institute on Population Sciences, which assume the responsibilities of the National Institute of Child Health and Human Development, and three existing Institutes:

(C) the National Institute of General Medical Sciences,

(D) the National Institute on Aging, and

(E) the National Institute on Environmental Health Sciences,

(2) establish the position of Associate Director for Preventive Medicine within the Office of the Director, NIH,

(3) rename the Center for Disease Control the National Center for Health Maintenance and Promotion,

(4) include in the mission of the Bureau of Human Development such priorities as nutrition, genetics, and epidemiology,

(5) revise and expand the mission at the National Center for Health Maintenance and Promotion for such priorities as nutrition, health education and epidemiology, and

(6) provide lead agency responsibility with regard to a national initiative for preventive medicine, health maintenance and health promotion to the Bureau of Human Development; the National Center for Health Maintenance and Promotion; the National Center for Health Services Research; the National Center for Health Statistics; and the Office of Health Information and Health Promotion in the Office of the Assistant Secretary for Health, the Department of Health, Education, and Welfare.

TITLE I—BUREAU OF HUMAN DEVELOPMENT

SEC. 101. Part E of title IV of the Public Health Service Act is amended to read as follows:

"ESTABLISHMENT OF NATIONAL BUREAU OF HUMAN DEVELOPMENT

"SEC. 441. (a) There is hereby established in the Public Health Service a National Bureau of Human Development (hereinafter in this part referred to as the 'Bureau') for the purpose of conducting, supporting, and fostering basic and applied research and training relating to the maintenance of health, and the prevention and cure of disease by the study of the continuum of human development not limited to but including human reproduction, fertility and heredity, child and maternal health, adolescent health, family health and the special health problems and requirements of adults, particularly those related to aging and the aged; by the study of man-made agents in the environment which impact on the continuum of

human development; and for the purpose of providing a non-categorical perspective at the National Institutes of Health for biomedical and social science research with particular emphasis on maintaining a strong basic research effort in general medical science and human biology and giving special attention to Bureau-wide priorities not limited to but including nutrition, genetics, epidemiology and where justified longer-term research programs.

"(b) The Director of the Bureau shall be appointed by the Secretary upon recommendations from the Director of National Institutes of Health. The Director of the Bureau shall report directly to the Director of the National Institutes of Health. The Director of the Bureau shall establish an Information Office for Human Development Research to collect, catalog, and analyze all information derived from studies which have been and are being carried on in the United States and elsewhere and disseminate such information insofar as feasible through publication, conferences, meetings, and other forms of communication for the use and benefit of any person concerned with Human Development Research in any country.

"(c) With regard to the activities of the Bureau there is established a National Human Development Policy Advisory Board (hereinafter in this section referred to as the 'Board') to be composed of 22 members as follows:

"(1) The Director of the National Institutes of Health, and the Associate Director for Preventive Medicine of the National Institutes of Health, the Secretary of Health, Education, and Welfare, the Director of the National Science Foundation, the chief medical officer of the Veterans' Administration (or designee), a medical officer designated by the Secretary of Defense, and the Director of the Office of Health Information and Health Promotion shall be ex officio members of the Board, without voting status. The remaining members of the Board shall be appointed from persons who are among the leading scientific or medical authorities outstanding in the fields related to the Bureau's activities. Each appointed member of the Board shall be appointed from among persons who by virtue of their training, experience, and background are especially qualified to appraise the programs of the Bureau.

"(2)(A) Five members shall be appointed by the Secretary upon recommendation by the Bureau Director. Not more than 3 shall be scientists or physicians and not less than two shall be representatives from the general public. Of these five, one shall be particularly qualified to represent the Institute for Family Health, one shall be particularly qualified to represent the Institute on Population Sciences, one shall be particularly qualified to represent the Institute for General Medical Sciences, one shall be particularly qualified to represent the Institute on Aging, and one shall be particularly qualified to represent the Institute of Environmental Health Sciences.

"(B) Members appointed under subparagraph (A) shall serve four-year terms except that of the members first appointed, one shall be appointed for one year, one shall be appointed for two years, one shall be appointed for three years, and two shall be appointed for four years.

"(3) Two members (one a physician or scientist and one a representative of the general public) shall be appointed by each Institute Director of the Bureau to serve for two years, except that of the members first appointed, three physicians or scientists and two representatives from the general public shall be appointed for one year, and of the five, one each shall come from each Institute in the Bureau. These 10 members shall be chosen from those members already having served two years on their respective Institute Advisory Councils.

"(d)(1) Any member appointed to fill a vacancy occurring prior to expiration of the term for which his or her predecessor was appointed shall serve only for the remainder of such term. Appointed members shall be eligible for reappointment and may serve after the expiration of their term until their successors have taken office.

"(2) A vacancy in the Board shall not affect its activities, and 12 members thereof shall constitute a quorum.

"(e) One of the Bureau Director's appointed members shall be designated by the Bureau Director to serve as chairperson for a two-year term.

"(f) The Board shall meet at the call of the Bureau Director or the Chairperson, but not less than 4 times a year and shall advise and assist the Bureau Director with recommendations on Bureau Research policy priorities, budget requests and allocations, and the future direction and mission of the Bureau.

"(g) The Director of the Bureau shall designate a member of the staff of the Bureau to act as Executive Secretary of the Board.

"(h) The Board may hold such hearings, take such testimony and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the National Human Development Program.

"(i) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the National Human Development Program toward the accomplishment of its objectives.

"(j) Members of the Board who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Board compensation at rates not to exceed the daily equivalent of the annual rate in effect for GS–18 of the General Schedule, including travel time; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(k) There are authorized to be appropriated to carry out the purposes of this section $475,000,000.00 for the fiscal year ending September 30, 1978, $575,000,000.00 for the fiscal year ending September 30, 1979, and $700,000,000.00 for the fiscal year ending September 30, 1980.

"NATIONAL INSTITUTE OF FAMILY HEALTH

"SEC. 442. (a) There is hereby established within the Bureau a National Institute of Family Health (hereinafter in this part referred to as the 'Family Health Institute') to carry out the purposes of section 441 with regard to research and training relating to the prevention and cure of disorders through the study of institute priorities, not limited to but including, nutrition, genetics, and epidemiology, in order to determine the origins of disease; to understand the processes of normal maternal, paternal and child health; to solve specific disorders, diseases, and health problems which impede or prevent optimum maternal, paternal and child health; to contribute to the maximum well-being of pregnant women and the children they bear; to minimize the risks of having children damaged by mental retardation or other developmental disabilities; and to facilitate the optimal growth and development of children.

"(b) The Family Health Institute shall carry out the purposes of section 301 with respect to the conduct and support of research which specifically relates to sudden infant death syndrome.

"(c) The Director of the Family Health Institute shall be appointed by the Secretary upon recommendations from the Director of the National Institutes of Health. The Director of the Family Health Institute shall serve as an Associate Director of the Bureau in order to participate in the Bureau's policy and budget process which includes but is not limited to the setting of priorities; presentations before the Director of the National Institutes of Health, the Assistant Secretary for Health, the Secretary for Health, Education, and Welfare, and the Congress; and interacting with any other health or related agencies.

"(d)(1) There is established a National Family Health Advisory Council (hereinafter referred to as the 'Family Health Council') to advise, consult with, and make recommendations to the Institute Director, at meetings held not less than 3 times each year, with regard to the activities of the Family Health Institute established under this section.

"(2) The Family Health Council shall be composed of the Director of the National Institutes of Health who shall serve as chairperson, the Associate Director for Preventive Medicine of the National Institutes of Health, the Chief Medical Officer of the Veterans' Administration a medical officer designated by the Secretary of Defense, and a member designated by the Director, Office of the Child Development, who shall serve as ex officio members; and 12 members appointed by the Secretary upon recommendations from the Director of the Family Health Institute. Six of such members shall include but are not limited to leading scientific and medical authorities in basic and applied research and training in the biomedical, behavioral, and social sciences. Six of such members shall be providers of family health services, and members of the general public, including representatives of women's groups, youth groups, consumer groups and minority groups, and experts in law, economics, and relevant fields; and may include additional ex officio members as deemed necessary to carry out its functions. Each appointed member of the Family Health Council shall hold office for a term of four years except that any members appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term, and except that, of the members first appointed three shall hold office for a term of four years, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. No more than two members from either the scientist and physician group, or the general public may be selected in any one year. None of the members shall be eligible for reappointment until a year has elapsed since the end of his or her preceding term.

"(3) Members of the Family Health Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Family Health Council compensation at a rate not to exceed the daily equivalent of the annual rate in effect for GS–18 of the General Schedule, including travel time; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(4) The Director of the Institute shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(5) The Family Health Council shall assume all duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which the Family Health Council established under this part is concerned.

"(e) The Secretary, through the Director of the Institute established under this section, shall carry out the purposes of section 301 with respect to the conduct and support of research in Family Health. In carrying out the Family Health program of the Family Health Institute, the Family Health Director shall:

"(1) with the advice of the Family Health Council, plan and develop an expanded, intensified, and coordinated family health research program encompassing the relevant programs of the National Institute of Child Health and Human Development as it existed prior to the date of enactment of this section;

"(2) expeditiously utilize existing research facilities and personnel of the National Institutes of Health for accelerated exploration of opportunities in areas of special promise to advance knowledge in the fields of Family Health;

"(3) encourage and coordinate Family Health research by commercial entities where there is evidence of a particular capacity for such research and enter into contracts with such commercial entities;

"(4) make grants and enter into contracts with public or nonprofit private agencies, institutions, organizations, and with individuals engaged in scientific research in Family Health;

"(5) establish, support and maintain programs of training in the appropriate sciences and disciplines to provide an expanded and continuing manpower base from which to select investigators and health professions personnel for participation in basic, applied, and directed research in Family Health, including where appropriate the use of training stipends, fellowships, career awards, grants to public and nonprofit private entities, and contracts with public and private entities;

"(6) call special meetings of the National Family Health Advisory Council at such times and in such places as deemed necessary in order to consult with, obtain advice from, and accomplish all other actions necessary without delay to gain maximum benefit from new scientific or technical finding; and

"(7) provide for the collection, cataloging, and analysis of Family Health research findings and their dissemination by the Institute, and the Bureau's Information Office.

"NATIONAL INSTITUTE ON POPULATION SCIENCES

"SEC. 443. (a) There is hereby established within the Bureau a National Institute on Population Sciences (hereinafter referred to as the 'Population Institute') to carry out the purposes of section 441 with regard to applied research and training relating to population matters having both preventive and curative emphases such as—

"(1) biomedical research in reproductive biology;

"(2) research in the development of fertility control methods;

"(3) research on the effects of nutrition and genetics on human reproduction;

"(4) research in the organization, delivery, and dissemination of fertility control methods and services;

"(5) research in the social, behavioral, epidemiological, and demographic sciences as to the psychological, social, and economic determinants and consequences of population processes, structure, growth, distribution, and change; and

"(6) their effects on human health and well-being.

"(b) The Director of the Population Institute shall be appointed by the Secretary upon recommendation from the Director of the National Institutes of Health. The Director of the Population Institute shall serve as an Associate Director of the Bureau in order to participate in the Bureau's policy and budget process which includes but is not limited to the setting of priorities; presentations before the Director of the National Institutes of Health, the Assistant Secretary for Health; and the Secretary of Health, Education, and Welfare and the Congress; and interacting with any other health or related agencies.

"(c)(1) There is established a National Population Sciences Advisory Council (hereinafter referred to as the 'Population Council') to advise, consult with, and make recommendations to the Institute Director, at meetings held no less than three times each year with regard to the activities of the Population Institute established under this section.

"(2) The Population Council shall be composed of the Director of the National Institutes of Health who shall serve as chairperson, the Associate Director for Preventive Medicine of the National Institutes of Health, the Chief Medical Officer of the Veterans' Administration or designee, a medical officer designated by the Secretary of Defense, and a member designated by the Director, Office of the Child Development, who shall serve as ex officio members; and twelve members appointed by the Secretary upon recommendations from the Population Institute Director. Six of such members shall include but are not limited to leading scientific and medical authorities in basic and applied research and training in the biomedical, behavioral, social and demographic sciences. Six of such members shall be providers of fertility control methods and services, members of the general public, including representatives of women's groups, youth groups, consumer groups and minority groups, and experts in law, economics, and relevant fields; and may include additional ex officio members as deemed necessary to carry out its functions. Each appointed member of the Population Council shall hold office for a term of four years except that any members appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term, and except that, of the members first appointed, three shall hold office for a term of four years, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. No more than two members from either the scientist and physician group, or the general public may be selected in any one year. None of the twelve members shall be eligible for reappointment until a year has elapsed since the end of his or her preceding term.

"(3) Members of the Population Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Population Council compensation at a rate not to exceed the daily equivalent of the annual rate in effect for GS–18 of the General Schedule, including travel time; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(4) The Director of the Institute shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(5) The Population Council shall assume all or such part as the Secretary may specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which the Population Council established under this part is concerned.

"(d) The Secretary, through the Director of the Institute established under this section, shall carry out the purposes of section 301 with respect to the conduct and support of research in population matters such as reproductive biology, fertility control technology, and in the social, behavioral and demographic sciences. In carrying out the program of the Population Institute, the Population Institute Director shall:

"(1) With the advice of the Population Council, plan and develop an expanded, intensified, and coordinated Population Sciences research program encompassing the relevant programs of the former National Institute of Child Health and Human Development, as it existed prior to the date of enactment of this section.

"(2) Expeditiously utilize existing research facilities and personnel of the National Institutes of Health for accelerated exploration of opportunities in areas of special promise to advance knowledge in the fields comprising the population sciences.

"(3) Encourage and coordinate population sciences research by commercial entities where there is evidence of a particular capability for such research, and enter into contracts with such commercial entities.

"(4) Make grants and enter into contracts with public or nonprofit private agencies, institutions, organizations, and with individuals engaged in scientific research in the population sciences.

"(5) Establish, support and maintain programs of training in the appropriate sciences and disciplines to provide an expanded and continuing manpower base from which to select investigators and health professions personnel for participation in basic, applied and directed research in the population sciences, including where appropriate the use of training stipends, fellowships, career awards, grants to public and nonprofit private entities, and contracts with public and private entities.

"(6) Call special meetings of the National Population Sciences Advisory Council at such times and in such places as he deems necessary in order to consult with, obtain advice from, and accomplish all other actions necessary without delay to gain maximum benefit from new scientific or technical findings.

"(7) Provide for the collection, cataloging, and analysis of Population Sciences research findings and their dissemination by the Institute, and the Bureau's Information Office.

"NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

"SEC. 444. (a) There is hereby established as a component within the Bureau, the National Institute of General Medical Sciences (hereinafter referred to as the General Medical Institute) to carry out the purposes of section 441 with regard to research and training relating to general medical sciences activities having both preventive and curative emphases in basic medical, biological, preclinical, clinical, related natural, epidemiological and behavioral sciences, the methods of science, and broad multi-disciplinary programs and studies, including but not limited to nutrition and genetics, which have significance for two or more institutes or other divisions of the Public Health Service, or are outside the general area of responsibility of any other institute or division.

"(b) The Director of the General Medical Institute shall be appointed by the Secretary upon recommendations from the Director of

the National Institutes of Health. The Director of the General Medical Institute shall serve as an Associate Director of the Bureau in order to participate in the Bureau's policy and budget process which includes but is not limited to the setting of priorities; presentations before the Director of the National Institutes of Health, the Assistant Secretary for Health and the Secretary of Health, Education, and Welfare, and the Congress; and interacting with any other health or related agencies.

"(c)(1) There is established a National General Medical Sciences Advisory Council (hereinafter referred to as the 'General Medical Council') to advise, consult with, and make recommendations to the Institute Director, at meetings held no less than 3 times each year with regard to the activities of the General Medical Institute esablished under this section.

"(2) The General Medical Council shall be composed of the Director of the National Institutes of Health who shall serve as chairperson, the Associate Director for Preventive Medicine of the National Institutes of Health, the Chief Medical Officer of the Veterans Administration or his designee, and a medical officer designated by the Secretary of Defense, who serve as ex officio members; and 12 members appointed by the Secretary upon recommendation from the Institute Director. Six of such members shall include but are not limited to leading scientific and medical authorities in basic and applied research and training in the biomedical, behavioral and social sciences. Six of such members shall be providers of general medical services, members of the general public, including representatives of women's groups, youth groups, consumer groups, and minority groups, and experts in law, economics, and relevant fields; and may include additional ex officio members as deemed necessary to carry out its functions. Each appointed member of the General Medical Council shall hold office for a term of four years except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such time, and except that, of the members first appointed, three shall hold office for a term of four years, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. No more than two members from either the scientist and physician group, or the general public may be selected in any one year. None of the twelve members shall be eligible for reappointment until a year has elapsed since the end of his or her preceding term.

"(3) Members of the General Medical Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the General Medical Council compensation at a rate not to exceed the daily equivalent of the annual rate in effect for GS-18 of the General Schedule, including travel time; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 6, United States Code, for persons in the Government service employed intermittently.

"(4) The Director of the Institute shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(5) The General Medical Council shall assume all or such part as the Secretary may specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which the General Medical Council established under this part is concerned.

"(d) The Secretary, through the Director of the Institute established under this section, shall carry out the purposes of section 301 with respect to the conduct and support of research in the General Medical Sciences. In carrying out the General Medical program of the General Medical Institute, the General Medical Director shall:

"(1) with the advice of the General Medical Council, plan and develop an expanded, intensified, and coordinated General Medical research program;

"(2) expeditiously utilize existing research facilities and personnel of the National Institutes of Health for accelerated exploration of opportunities in areas of special promise to advance knowledge in the fields of General Medical Sciences;

"(3) encourage and coordinate General Medical research by commercial entities where there is evidence of a particular capability for such research, and enter into contracts with such commercial entities;

"(4) make grants and enter into contracts with public or nonprofit private agencies, institutions, organizations, and with individuals engaged in scientific research in General Medical Sciences;

"(5) establish, support and maintain programs of training in the appropriate sciences and disciplines to provide an expanded and continuing manpower base from which to select investigators and health professions personnel for participation in basic, applied, and directed research in General Medical Sciences, including where appropriate the use of training stipends, fellowships, career awards, grants to public and non-profit private entities, and contracts with public and private entities;

"(6) call special meetings of the National General Medical Sciences Advisory Council at such times and in such places as deemed necessary in order to consult with, obtain advice from, and accomplish all other actions necessary without delay to gain maximum benefit from new scientific or technical findings; and

"(7) provide for the collection, cataloging, and analysis of general medical sciences research findings and their dissemination by the Institute, and the Bureau's Information Office.

"NATIONAL INSTITUTE ON AGING

"SEC. 445. (a) There is hereby established as a component within the Bureau, the National Institute on Aging (hereinafter referred to as the Aging Institute) to carry out the purposes of section 441 with regard to the conduct and support of biomedical, social, epidemiological and behavioral research and training, including but not limited to nutrition and genetics, related to the aging process and the diseases and other special problems and needs of the aged.

"(b) The Director of the Aging Institute shall be appointed by the Secretary upon recommendations from the Director of the National Institutes of Health. The Director of the Aging Institute shall serve as an Associate Director of the Bureau in order to participate in the Bureau's policy and budget process which includes but is not limited to the setting of priorities; presentations before the Director of the National Institutes of Health, the Assistant Secretary for Health, and the Secretary of Health, Education and Welfare, and the Congress, and interacting with any other health or related agencies.

"(c)(1) The Secretary shall establish a National Advisory Council on Aging (hereinafter referred to as the Aging Council) to advise, consult with, and make recommendatios to the Institute Director, at meetings held no less than 3 times each year, on programs relating to the aged which are administered by the Institute Director and on those matters which relate to the Institute.

"(2) The Aging Council shall be composed of the Director of the National Institutes of Health, who shall serve as chairperson, the Associate Director for Preventive Medicine of the National Institutes of Health, the Chief Medical Officer of the Veterans' Administration or designee, a medical officer designated by the Secretary of Defense, a representative designated by the Commissioner on Aging, and the Chairperson of the Aging Research and Manpower Committee of the Federal Council on Aging, who serve as ex officio members; and 12 members appointed by the Secretary upon recommendations from the Aging Institute Director, who are leaders in the fields of fundamental sciences, medical sciences, education or public affairs. Six of such members shall be leading scientific and medical authorities in basic and applied research and training in the biomedical, behavorial and social sciences. Six of such members shall be providers of health services to the aging, members of the general public, including representatives of women's groups, youth groups, consumer groups, and minority groups, and experts in law, economics, and relevant fields; and may include additional ex officio members as deemed necessary to carry out its functions. Each appointed member of the Aging Council shall hold office for a term of four years except that any members appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term, and except that, of the members first appointed, three shall hold office for a term of four years, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. No more than two members from either the scientist and physician group, or the general public may be selected in any one year. None of the 12 members shall be eligible for reappointment until a year has elapsed since the end of his or her preceding term.

"(3) Members of the Aging Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Aging Council compensation at a rate not to exceed the daily equivalent of the annual rate in effect for GS-18 of the General Schedule, including travel time; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by Section 5703, Title V, United States Code, for persons in the Government service employed intermittently.

"(4) The Director of the Institute shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(5) Upon appointment of such Advisory Council, it shall assume all, or such part as the Secretary may specify, of the duties, functions, and powers of the National Advisory Health Council relating to programs for the aged with which the Advisory Council established under this part is concerned.

"(d) The Secretary—

"(1) shall, through the Director of the Institute carry out the purposes of section 301 with respect to research investigations, experiments, demonstrations, and studies related to the aging process and the diseases and other special problems and needs of the aged, except that the Secretary shall determine the area in which and the extent to which he will carry out such activities in furtherance of the purposes of section 301 through the Institute or another institute established by or under other provisions of

this Act, or both of them, when both such institutes have functions with respect to the same subject matter, and

"(2) shall be responsible for coordinating such activities so as to avoid unproductive and unnecessary overlap and duplication of such functions; and

"(3) shall, through the Institute, conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of all programs and activities assisted or conducted by the Department of Health, Education, and Welfare.

"(e) The Secretary may also provide training and instruction and establish traineeships and fellowships, in the Institute and elsewhere, in matters relating to study and investigation of the aging process and the diseases and other special problems and needs of the aged. The Secretary may provide trainees and fellows participating in such training and instruction or in such traineeships and fellowships with such stipends and allowances (including travel and subsistence expenses and dependency allowances) as he deems necessary, and, in addition, provide for such training, instruction traineeships, fellowships through grants to public or other nonprofit institutions. In carrying out his health manpower training responsibilities under this Act or any other Act, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(f) The Secretary shall provide for the collection, cataloging, and analysis of aging research findings and their dissemination by the Institute and the Bureau's Information office.

"NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

"SEC. 446. (a) There is hereby established as a component within the Bureau, the National Institute of Environmental Health Sciences (hereinafter in this part referred to as the Environmental Health Institute) to carry out the purposes of section 441 with regard to research and training relating to the prevention of human health problems caused by harmful man-made agents, including but not limited to foods, food constituents, additives and preservatives, in the environment; to the development of an understanding of the relationship between these agents, and human disease; to the identification of those chemical and physical agents in the environment that can adversely affect man; to understanding the mechanisms and manifestations of human diseases produced by these agents; to providing the scientific basis for the development of control measures by regulatory agencies; and to the further understanding of Institute research priorities which include but are not limited to the health effects of environmental agents at low concentrations over long periods of time; the interaction of several agents in man that can result in enhanced toxic effects; and the modifying effects of a variety of physical and biological states within man on susceptibility to and the course of disease induced by these agents.

"(b) The Director of the Environmental Health Institute shall be appointed by the Secretary upon recommendations from the Director of the National Institutes of Health. The Director of the Environmental Health Institute shall serve as an Associate Director of the Bureau in order to participate in the Bureau's policy and budget process which includes but is not limited to the setting of priorities; presentations before the Director of the National Institutes of Health, the Assistant Secretary for Health, and the Secretary of Health, Education, and Welfare, and the Congress; and interacting with any other health or related agencies.

"(c)(1) There is established a National Environmental Health Sciences Advisory Council (hereinafter referred to as the 'Environmental Health Council') to advise, consult with, and make recommendations to the Institute Director, at meetings held no less than 3 times each year with regard to the activities of the Environmental Health Institute established under this section.

"(2) The Environmenal Health Council shall be composed of the Director of the National Institutes of Health, who shall serve as chairperson, the Associate Director for Preventive Medicine of the National Institutes of Health, the Chief Medical Officer of the Veterans Administration or designee, a medical officer designated by the Secretary of Defense, and the Director of the Environmental Protection Agency or designee, who serve as ex officio members; and 12 members appointed by the Secretary upon recommendations from the Environmental Health Institute Director. Eight of such members shall include but are not limited to leading scientific and medical authorities outstanding in environmental health sciences. Four of the members shall be members of the general public, including representatives of women's groups, youth groups, consumer groups and minority groups, and experts in law, economics, and relevant fields; and may include additional ex officio members as deemed necessary to carry out its functions. Each appointed member of the Environmental Health Council shall hold office for a term of four years except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term, and except that, of the members first appointed three shall hold office for a term of four years, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. No more than two members from either the scientist and physician group, or the general public may be selected in any one year. None of the 12 appointed members shall be eligible for reappointment until a year has elapsed since the end of his or her preceding term.

"(3) Members of the Environmental Health Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Environmental Health Council compensation at a rate not to exceed the daily equivalent of the annual rate in effect for GS-18 of the General Schedule, including travel time; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title V, United States Code, for persons in the Government service employed intermittently.

"(4) The Director of the Institute shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(5) The Environmental Health Council shall assume all or such part as the Secretary may specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which the Environmental Health Council established under this part is concerned.

"(d) The Secretary, through the Director of the Institute established under this section, shall carry out the purposes of section 301 with respect to the conduct and support of research in Environmental Health. In carrying out the Environmental Health program of the Environmental Health Institute, the Environmental Health Director shall:

"(1) With the advice of the Environmental Health Council, plan and develop an expanded, intensified, and coordinated environmental health research program.

"(2) Expeditiously utilize existing research facilities and personnel of the National Institutes of Health for accelerated exploration of opportunities in areas of special promise to advance knowledge in the field of Environmental Health Sciences.

"(3) Encourage and coordinate Environmental Health Sciences research by commercial entities where there is evidence of a particular capability for such research, and enter into contracts with such commercial entities;

"(4) Make grants and enter into contracts with public or nonprofit private agencies, institutions, organizations, and with individuals engaged in scientific research in Environmental Health Sciences.

"(5) Establish, support and maintain programs of training in the appropriate sciences and disciplines to provide an expanded and continuing manpower base from which to select investigators and health professions personnel for participation in basic, applied, and directed research in Environmental Health Sciences, including where appropriate the use of training stipends, fellowships, career awards, grants to public and nonprofit private entities, and contracts with public and private entities;

"(6) Call special meetings of the National Environmental Health Sciences Advisory Council at such times and in such places as deemed necessary in order to consult with, obtain advice from, and accomplish all other actions necessary without delay to gain maximum benefit from new scientific or technical findings.

"(7) Provide for the collection, cataloging, and analysis of Environmental Health Sciences Research findings and their dissemination by the Institute and the Bureau's Information Office.".

SEC. 102. Section 471 of the Public Health Service Act is amended by—

(1) inserting "(a)" after "471."; and

(2) by adding at the end thereof the following new subsection:

"(b) There is established within the office of the Director of the National Institutes of Health the position of Associate Director of Preventive Medicine. It shall be the function of such Associate Director to foster and coordinate basic and applied research and training relating to the maintenance of health and the prevention of disease.".

TITLE II—NATIONAL CENTER FOR HEALTH MAINTENANCE AND PROMOTION

SEC. 201. The Center for Disease Control shall hereafter be designated as the "National Center for Health Maintenance and Promotion".

SEC. 202. (a) In addition to any other functions to be performed by the National Center for Health Maintenance and Promotion (hereinafter referred to as the "Center") the Center shall encourage increased epidemiological research and programs, particularly with respect to chronic and degenerative diseases, and provide support for longer term epidemiological research where justified.

(b) There are authorized to be appropriated to carry out the purposes of this section $15,000,000 for the fiscal year ending September 30, 1978, $25,000,000 for the fiscal year ending September 30, 1979, and $35,000,000 for the fiscal year ending September 30, 1980.

SEC. 203. (a) There is established within the Public Health Service a Bureau of Health Education. In addition to any other functions assigned to such Bureau by the Secretary of

Health, Education, and Welfare, such Bureau shall serve as the focus for health education programs for the Public Health Service. Such Bureau shall—

(1) identify priorities which should include but are not limited to, smoking, drugs, alcohol, self-care, family planning, immunizations, venereal disease, and safety; and utilize the best means available, such as the solicitation of concepts and the awarding of pre-planning grants, in order to provide national leadership and direction in the implementation of programs designed to accomplish the priorities identified;

(2) provide for peer review of contract and grant proposals submitted or solicited for funding to the Public Health Service;

(3) assist the National Center for Health Services Research in the evaluation of current health education programs, and in the development and evaluation of standards, criteria and methodologies for improved health education programs;

(4) require evaluation from the outset of all health education programs undertaken;

(5) provide for long-range basic and applied evaluative research;

(6) serve as a source for technical assistance for the development of health education concepts and programs;

(7) encourage and assist in the broader application of effective health education interventions at the Regional, State and community level, including the assignment of qualified and experienced staff at each of the 10 regional offices of the Department of Health, Education, and Welfare;

(8) encourage and assist the dissemination of improved health education interventions as well as new health knowledge in the health education programs it supports or reviews; and

(9) develop mechanisms, including a clearinghouse for health education information, for improving the dissemination of information, and for coordinating health education activities in the public and private sectors.

(b) There are authorized to be appropriated to carry out the purposes of this section $7,500,000 for the fiscal year ending September 30, 1978, $8,500,000 for the fiscal year ending September 30, 1979, and $10,000,000 for the fiscal year ending September 30, 1980.

SEC. 204. (a) There is established, as a component at the National Center for Health Maintenance and Promotion, a Bureau of Nutrition for the purpose of establishing and conducting a program to continuously monitor, survey and evaluate the nation's nutritional status, having as a first priority the development and testing of an appropriate survey methodology, and utilizing the experience gained from such surveys as the Ten-State survey and the Health and Nutrition Examination Survey; for the purpose of fostering and supporting the dissemination and application of nutrition research findings; with the intent of coordinating and interacting with the Department of Agriculture on its household food consumption survey in order to provide a more complete assessment of national nutritional needs; and with the intent of utilizing the evaluation research and survey expertise of other Public Health Service agencies such as the National Center for Health Services Research and the National Center for Health Statistics.

(b) There is authorized to be appropriated to carry out the purposes of this section $1,000,000.00 for the fiscal year ending September 30, 1978, $3,000,000.00, for the fiscal year ending September 30, 1979, and $5,000,000.00 for the fiscal year ending September 30, 1980.

TITLE III—NATIONAL CENTER FOR HEALTH SERVICES RESEARCH

SEC. 301. Section 305 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(f)(1) In addition to other functions under this section, the Center shall—

"(A) provide expertise for the evaluation of existing health education programs and for the evaluation and development of evaluation research methodology for the Bureau of Health Education;

"(B) evaluate new technology being developed at the National Institutes of Health and other agencies to determine which merits dissemination;

"(C) evaluate existing technology, for efficiency and effectiveness to determine which should be continued, altered, or eliminated from use; and

"(D) evaluate the efficiency and effectiveness of health maintenance and health promotion procedures and programs.

"(2) There are authorized to be appropriated to carry out the purposes of this subsection $2,000,000 for the fiscal year ending September 30, 1978, $4,000,000 for the fiscal year ending September 30, 1979, and $6,000,000 for the fiscal year ending September 30, 1980.".

TITLE IV—NATIONAL CENTER FOR HEALTH STATISTICS

SEC. 401. (a) The Secretary of Health, Education, and Welfare acting through the National Center for Health Statistics (established under section 306 of the Public Health Service Act), shall make a continuing survey of the needs, interest, attitudes, knowledge, and behavior of the American public regarding health, particularly health maintenance and health promotion. The Secretary shall use the findings of such surveys and the findings of similar surveys conducted by national health education organizations and community health education organizations as the basis for formulating policy respecting preventive medicine, health maintenance and health promotion.

(b) For the surveys to be conducted through the National Center for Health Statistics there are authorized to be appropriated $2,000,000 for the fiscal year ending September 30, 1978, $3,000,000 for the fiscal year ending September 30, 1979, and $4,000,000 for the fiscal year ending September 30, 1980.

TITLE V—OFFICE OF HEALTH INFORMATION AND HEALTH PROMOTION

SEC. 501. Section 1706 is amended to read as follows:

"SEC. 1706. The Secretary shall establish within the Office of the Assistant Secretary for Health an Office of Health Information and Health Promotion which shall—

"(1) coordinate and promote activities within the Department of Health, Education, and Welfare, and between the Department of Health, Education, and Welfare and other departments and agencies which relate to health information and health promotion, preventive health services, and education in the appropriate use of health care;

"(2) coordinate its activities with similar activities of organizations in the private sector;

"(3) establish a national information clearinghouse to facilitate the exchange of information concerning matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care, to facilitate access to such information, and to assist in the analysis of issues and problems relating to such matters; and

"(4) maintain a national dialogue on preventive medicine, health maintenance and health promotion issues, policies and programs; provide advice and recommendations to the Secretary on general policy with respect to the functions of the Office; and provide to the Congress and the Secretary an analysis and recommendations with respect to preventive medicine, health maintenance and health promotion, on all budget requests from the Department which relate to health or health related matters.

SHORT EXPLANATION OF THE NATIONAL PREVENTIVE MEDICINE, HEALTH MAINTENANCE AND HEALTH PROMOTION ACT OF 1977

This bill provides for a national preventive medicine, health maintenance and health promotion initiative, using research in nutrition as the cornerstone upon which to build a healthier and more productive America.

By authorizing and directing the federal health research machinery to include prevention among its priorities, greater clarity and direction should be brought to many crucial areas, including basic and applied research, program implementation, program evaluation, technology evaluation, data collection, analysis, and dissemination, and policy formation.

A. PURPOSE

(1) establish at the National Institutes of Health a Bureau of Human Development having a preventive and curative, non-categorical perspective on health, and consisting of two new Institutes:

(A) the National Institute of Family Health; (B) the National Institute of Population Sciences; which assume the responsibilities of the National Institute of Child Health and Human Development, and three existing Institutes:

(C) the National Institute of General Medical Sciences,

(D) the National Institute on Aging, and

(E) the National Institute on Environmental Health Sciences,

(2) establish the position of Associate Director for Preventive Medicine within the Office of the Director, NIH,

(3) rename the Center for Disease Control, the National Center for Health Maintenance and Promotion; and

(4) include in the mission of the Bureau of Human Development such priorities as nutrition, genetics, and epidemiology,

(5) revise and expand the mission at the National Center for Health Maintenance and Promotion for such priorities as nutrition, health education and epidemiology,

(6) provide lead agency responsibility with regard to a national initiative for preventive medicine, health maintenance and health promotion to the Bureau of Human Development; the National Center for Health Maintenance and Promotion; the National Center for Health Services Research; the National Center for Health Statistics; and the Office of Health Information and Health Promotion in the Office of the Assistant Secretary for Health, the Department of Health, Education, and Welfare.

B. TITLE I

(1) Establishes a National Bureau of Human Development for the purpose of conducting, supporting and fostering basic and applied research and training relating to the maintenance of health and the prevention and cure of disease by the study of the continuum of human development; by the study of man-made agents in the environment which impact on human development; and for the purpose of providing a non-categorical perspective at NIH for biomedical and social science research.

(2) Establishes a Policy Advisory Board, having equal representation from all the Bureau's Institutes, which shall advise and assist the Bureau Director with recommendations on Bureau research policy priorities, budget requests and allocations, and the future direction and mission of the Bureau.

(4) Authorizes $475,000,000 in the first year of the Bureau which is only $17.5 million above the proposed fiscal year 1978 authorization levels.

(5) Divides the existing National Institute of Child Health and Human Development

into the National Family Health Institute, and the National Population Sciences Institute.

(6) Incorporates the existing National Institute of General Medical Sciences, the National Institute on Aging, and the National Environmental Health Sciences Institute into the Bureau.

(7) Cites as Bureau and Institute priorities, not limited to but including, nutrition, genetics, epidemiology, and longer term research where justified.

(8) Provides for peer review Advisory Councils for each Institute.

(9) The Institute Directors also act as Associate Directors of the Bureau in order to participate in the Bureau's policy and budget process including the setting of priorities, presentations before the Director, NIH, the Assistant Secretary for Health, the Secretary, HEW, and the Congress, and interacting with any other health or related agencies.

(10) Establishes within the office of the Director at NIH the position of Associate Director of Preventive Medicine in order to foster and coordinate basic and applied research and training relating to the maintenance of health and the prevention of disease.

C. TITLE II

(1) Renames the National Center for Disease Control the National Center for Health Maintenance and Promotion thus expanding its mission and giving it a more positive approach to health.

(2) Encourages increased epidemiological research and programs particularly with respect to chronic and degenerative diseases; provides support for longer term epidemiological research where justified; and authorizes $15 million in additional funding in the first year.

(3) Establishes a Bureau of Health Education to serve as a focus within the PHS for health education programs including but not limited to such priorities as smoking, drugs, alcohol, self-care, family planning, immunizations, venereal disease, and safety; provides for evaluation of existing health education programs; requires evaluation from the outset of all new health education programs undertaken; encourages and assists in the broader application of effective health education interventions, including the assignment of qualified and experienced staff at each of the 10 regional offices of DHEW; encourages and assists in the dissemination of improved health education interventions and knowledge; provide for peer review of grants and contracts; and authorizes $7.5 million in the first year of the program.

(4) Establishes a new Bureau of Nutrition for the purpose of establishing and conducting a program to continuously monitor, survey and evaluate the nation's nutritional status, having as a first priority the development and testing of an appropriate survey methodology, and utilizing the experience gained from such surveys as the Ten-State survey and the Health and Nutrition Examination Survey; for the purpose of fostering and supporting the dissemination and application of new nutrition research findings," with the intent of coordinating and interacting with the Department of Agriculture on its household food consumption survey in order to provide a more complete assessment of national nutritional needs; and with the intent of utilizing the evaluation research and survey expertise of other Public Health Service agencies such as the National Center for Health Services Research and the National Center for Health Statistics; and authorizes $1 million in the first year of the program.

D. TITLE III

Included in the duties of the National Center for Health Services Research are the provision of expertise for the evaluation and development of evaluation research methodology for the Bureau of Health Education, National Center for Health Maintenance and Promotion; the development and utilization of an expertise to: 1) evaluate new technology to determine which merits dissemination; 2) evaluate existing technology, now in use, to determine which should be continued, altered or eliminated; and 3) evaluate health maintenance and health promotion procedures and programs; and authorizes $2 million in additional funding for the first year.

E. TITLE IV

Provides that the National Center for Health Statistics shall conduct a continuing survey of the needs, interest, attitudes, knowledge, and behavior of the American public regarding health, particularly health maintenance and health promotion; and authorizes $2 million in additional funding for the first year.

F. TITLE V

Includes in the duties of the Office of Health Information and Health Promotion that it: 1) maintain a national dialogue on preventive medicine, health maintenance and health promotion issues, policies and programs; 2) provide advice and recommendations to the Secretary on general policy with respect to the functions of the Office; and 3) provide to Congress and the Secretary an analysis and recommendations with respect to preventive medicine, health maintenance and health promotion, on all budget requests from the Department which relate to health or health related matters.

Mr. PERCY. Mr. President, I am pleased to cosponsor the National Preventive Medicine, Health Maintenance, and Health Promotion Act of 1977.

This bill is a product of the long-standing interest of the Select Committee on Nutrition and Human Needs in the relationship between diet and health. This interest culminated in a year-long nutrition and health investigation, which is still in progress. The findings of the investigation have made a persuasive case for the need to shift our medical system from curative care to preventive care.

Many of us in Congress at one time or another have talked about the problem of the national health crisis. We have criticized the escalating costs of medical care, deplored the maldistribution of health manpower, decried the lack of research funding, denounced fraud and abuse in health programs, and tried to do something about the growing inaccessibility of health care for the average citizen. Most of us, however, overlooked the fundamental weakness of a medical system that is oriented primarily toward death prevention rather than health maintenance and promotion. We failed to see that the major diseases of "civilization"—heart attack, stroke, and cancer—may not be susceptible to strictly medical solutions. And we failed to hear the growing agreement among health authorities that spending money for medical care may have no more positive effect on good health than making simple changes in the way we eat and live.

As our national health care expenditures fast approach $200 billion a year, it is imperative that we seek alternatives to curative care to prevent disease and maintain health.

The National Preventive Medicine, Health Maintenance, and Health Promotion Act is an attempt to find such an alternative. The bill would reconstitute four existing National Institutes of Health into a new Bureau of Human Development. The reorganization would mean increased funding and greater priority for nutrition and prevention in basic and applied health research, health policy formulation, and health program implementation.

As a cosponsor, my primary objective is to lend support to the promotion of nutrition and prevention as integral parts of our national health policy and programing. The specifics of the bill are by no means cast in stone. They represent ideas and proposals to be considered. In the months ahead the Nutrition Committee plans to solicit the views of interested individuals and groups to create a public dialog through which the bill would be refined and perfected.

I hope that the National Preventive Medicine, Health Maintenance, and Health Promotion Act of 1977 will be a first step toward a national health care system that is committed as much to the healthy as to the dying.

By Mr. JACKSON (by request):

S. 1192. A bill to provide for the relief of certain residents of the Trust Territory of the Pacific Islands; to the Committee on Energy and Natural Resources.

Mr. JACKSON. Mr. President, by request, I send to the desk a bill to provide for the relief of certain residents of the Trust Territory of the Pacific Islands.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 17, 1977.

Hon. WALTER F. MONDALE,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposed bill "To provide for the relief of certain residents of the Trust Territory of the Pacific Islands."

We recommend that the bill be referred to the appropriate committee for consideration, and strongly urge that it be enacted.

The bill would provide for *ex gratia* compensation to the people of Rongelap and Utirik Atolls in the Marshall Islands for radiation exposure resulting from a thermonuclear detonation on Bikini Atoll on March 1, 1954. The following sum would be paid:

(1) $25,000 to each person, or his heirs or legatees per stirpes and not per capita, who has had his thyroid gland or a neurofibroma in the neck surgically removed, or who has developed thyroid atrophy resulting in myxedema or who develops a radiation related malignancy;

(2) $25,000 for the heirs or legatees per stirpes and not per capita of a person dying of radiation-related causes; and

(3) $1,000 to each person who was an inhabitant of Utirik Atoll, his heirs or legatees per stripes and not per capita.

On March 1, 1954, the people of Rongelap, some of whom were visiting nearby Allingnae Atoll, and the people of Utirik were exposed

to accidental radiation fallout from a United States thermonuclear test. The Rongelapese received an estimated GAMMA dose of 175 rads and the Utirikese 14 rads. Additionally, the people of Rongelap were displaced from their island, for 3 years, the people of Utirik for 3 months. There were no deaths at the time of the fallout but acute effects were noted, particularly in the Rongelap people. These included transient depression of blood cells, body skin burns, and spotty loss of hair. There was internal absorption of radioactive material by inhalation and ingestion of contaminated food and water.

In 1965, the U.S. Congress appropriated $950,000 to carry out the provisions of P.L. 88-435, enacted in the preceding year, for the exposed people of Rongelap (some $10,500 per person). No compensation was paid to the people of Utirik since the dosage received was believed, at that time, to be too low to cause any radiation abnormalities.

Since the 1965 compensation payment thyroid radiation related effects began to appear in the Rongelap exposed groups; particularly tumors of the thyroid in children and to a lesser degree in adults. By 1976, 28 of the original Rongelapese exposed population of 86 had developed abnormalities of the thyroid gland. Of this group, 27 have had thyroid surgery in the United States with four of the tumors being cancerous. Additionally, in 1972, a 19-year old Rongelapese man, who had been exposed at the age of one year and who earlier had thyroid surgery died of acute leukemia in the National Institutes of Health, Bethesda, Maryland. In addition, there has been one case of neurofibroma tumor of the neck.

Annual medical examinations on the people of Rongelap and Utirik have been carried out since the 1954 fallout. In 1974, the Atomic Energy Commission paid $18,000 as an inconvenience payment to the people of Utirik to recompense them for the medical tests regularly being done on them but this amounted to approximately $114 per person. During the follow-up medical examinations, several benign tumors of the thyroid in the Utirik population appeared, as well as one case of thyroid cancer. Since the incidence was less than the incidence in the unexposed Rongelap population, it was held that these tumors were not related to the fallout. In October 1975, a second case of cancer of the thyroid appeared in an exposed Utirik woman. Medical experts and statisticians advise that it is extremely unlikely that two cases of thyroid cancer would occur by chance in the exposed Utirik population. Seven Utirikese have had thyroid surgery to date.

The Congress of Micronesia in 1972 appointed a Special Committee concerning Rongelap and Utirik Atolls to study the problem. The Committee recommended additional compensation be paid to the people of Rongelap and Utirik.

There is no question that certain liability exists for the fallout accident and this was recognized in 1965, when the U.S. Congress appropriated $950,000 (P.L. 88-485) for the people of Rongelap.

In 1955, the U.S. Government settled with the Government of Japan for 29 Japanese fishermen aboard the Japanese fishing vessel, the *Lucky Dragon*, who were subject to the same 1954 fallout as were the people of Rongelap and Utirik. The claims of these Japanese fishermen were the subject of a settlement of $2 million entered into by the Department of State (T.I.A.S. 3160, 6 U.S. TI, January 4, 1955).

Since 1965, latent effects have increasingly appeared in the Rongelap exposed population and now in the Utirik exposed population. While the people of Rongelap received a previous *ex gratia* payment in the nature of relief benefit, based on humanitarian principles, this earlier payment was for general suffering, damages, injuries, and inconvenience suffered up to 1965. As noted above, up to that time no serious after effects had been recorded. The thyroid radiation related effects, i.e., tumors, some cancerous, and other thyroid abnormalities, as well as one death from acute leukemia, have occurred since 1965. Additionally, the people of Utirik did not receive compensation in 1965.

We believe tht the amounts of compensation requested in the enclosed bill are reasonable. Following is a breakdown of the current costs of the proposed bill.

1. $25,000—for each thyroid operation to date; for surgical removal of neurofibroma tumor in the neck and for atrophy of the thyroid gland. (35 cases to date), $875,000.

2. $25,000—to the heirs of a person dying from radiation related causes, $25,000.

3. $1,000—each for each exposed Utirikese, their heirs, or assignees (158), $158,000.

Total, $1,058,000.

We believe that future payments under the enclosed legislation would not exceed an additional $300,000 to $500,000.

The Office of Management and Budget has advised that the presentation of this draft bill is consistent with the Administration's objectives.

Sincerely,

CECIL D. ANDRUS,
Secretary.

By Mr. JACKSON (by request):

S. 1193. A bill to authorize $15 million for the Government of Guam; to the Committee on Energy and Natural Resources.

Mr. JACKSON. Mr. President, by request, I send to the desk a bill to authorize $15 million for the Government of Guam.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 25, 1977.

Hon. WALTER F. MONDALE,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To authorize $15 million for the Government of Guam."

We recommend that the bill be referred to the appropriate Committee for consideration and that it be enacted.

This is the third Interior proposal to aid Guam since Typhoon Pamela occurred in May 1976.

Immediately after Typhoon Pamela, the Guam Government and Guamanian citizens received financial assistance of approximately $70 million from the Federal Disaster Assistance Administration. In addition, a $20.0 million grant, requested by Interior, was provided directly to the Guam Government to maintain essential government services. Typhoon Pamela so disrupted the economy that revenues were not sufficient to continue government operations. Finally, Interior has proposed a $10.2 million grant to reconstruct and upgrade power and water facilities based on an assessment of the Typhoon damage.

In addition to these funds, the Department has requested a supplemental appropriation to develop a program plan to help the Government of Guam deal with its short and long range needs. We expect this plan to cover a broad range of activities, including governmental operations, financial management, economic development, and alternative proposals for federal government assistance.

Guam's cash flow has been deficient for several years, however, and poses a more immediate problem. The decline of revenues is attributable to several factors: (1) the decline of the tourist industry in the mid-seventies, (2) the Tax Reduction Act of 1975 and, finally, (3) Typhoon Pamela. This proposed $15.0 million grant is intended to compensate Guam for losses suffered under the Tax Reduction Act of 1975 and to supplement Guam's revenues until the plan is completed and implementation is started. Currently there are immediate and obvious investment and rehabilitation requirements, such as improving roads, school facilities, which need not await the completion of the more comprehensive program plan. The requested funds will permit Guam to start on some of the more immediate projects. Furthermore, Guam may need to use some of the funds to continue the operation of essential government services. This grant represents a logical bridge for Guam until the overall program plan is completed.

The Office of Management and Budget has advised that there is no objection to the presentation of this legislative proposal from the standpoint of the Administration's program.

Sincerely,

CECIL D. ANDRUS,
Secretary.

By Mr. CHURCH (for himself, Mr. CLARK, Mr. WILLIAMS, Mr. HUMPHREY, Mr. STEVENSON, Mr. RANDOLPH, Mr. LEAHY, Mr. INOUYE, Mr. STONE, Mr. ABOUREZK, Mr. HUDDLESTON, Mr. BROOKE, Mr. BURDICK, Mr. METCALF, Mr. EASTLAND, Mr. STAFFORD, Mr. JACKSON, Mr. MAGNUSON, Mr. PELL, Mr. EAGLETON, Mr. HATFIELD, and Mr. KENNEDY):

S. 1194. A bill to amend titles II, VII, XI, XVI, XVIII, and XIX of the Social Security Act to provide for the improved administration of the old-age, survivors, and disability insurance program, the supplemental security income program, and the medicare program by a newly established independent Social Security Administration, to separate social security trust fund items from the general Federal budget, to prohibit the mailing of certain notices with social security and supplemental security income benefit checks, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY ADMINISTRATION ACT

Mr. CHURCH. Mr. President, on behalf of myself and Senators CLARK, WILLIAMS, HUMPHREY, STEVENSON, RANDOLPH, LEAHY, INOUYE, STONE, ABOUREZK, HUDDLESTON, BROOKE, BURDICK, METCALF, EASTLAND, STAFFORD, JACKSON, MAGNUSON, PELL, EAGLETON, HATFIELD, and KENNEDY, I introduce for appropriate reference the Social Security Administration Act.

Representative CHARLES VANIK, the chairman of the Oversight Subcommittee of the House Ways and Means Committee, is introducing a similar bill today. With this type of strong support from a respected and high-ranking member of the House Ways and Means Committee, I am hopeful that this measure can be enacted into law soon.

The bill that I introduce today is based upon legislation, S. 388, that I sponsored during the past Congress. That measure

received strong bipartisan support. A clear majority—51 Senators in all—sponsored S. 388. However, no final action was taken because the House Ways and Means Committee considered several other high priority bills during the 94th Congress, including the Tax Reform Act, the Tax Reduction Act of 1975, amendments to the supplemental security income program, unemployment compensation amendments, and others.

MAJOR PROVISIONS

The Social Security Administration Act has three principal provisions. First, it would reestablish the Social Security Administration as an independent, nonpolitical agency under the direction of a three-member governing board appointed by the President with the advice and consent of the Senate.

This new autonomous unit would continue to have administrative responsibility for:

The social security cash benefits program, old-age, survivors, and disability insurance;

Medicare;

Supplemental security income; and

The portion of the black lung benefit program now under the direction of the existing Social Security Administration.

Second, the bill would prohibit the mailing of political notices with social security or supplemental security income checks.

Third, our proposal would remove the transactions of the social security trust funds from the unified budget.

NEED FOR AN INDEPENDENT AGENCY

Social security is the economic backbone for the vast majority of older Americans. It accounts for over half the income of 7 out of 10 individual beneficiaries and 1 out of 2 elderly couple beneficiaries.

Social security also represents almost the entire source of support—90 percent or more of total income—for 1 out of 4 single aged beneficiaries and 1 out of 12 older couples.

In addition, social security keeps 10 million persons out of poverty, including 7 million older Americans. Without these benefits millions of elderly individuals would be forced onto the welfare rolls. Others would be required to depend upon relatives—many of whom would be financially hard pressed to provide economic assistance. And without social security, the overwhelming proportion of older Americans could not hope to achieve even a moderate standard of living.

These facts underscore the need to assure that the social security system continues to be administered effectively, impartially, and efficiently.

Hearings conducted by the Committee on Aging have provided compelling reasons to separate the Social Security Administration from the Department of Health, Education, and Welfare.

Many leading authorities now agree that HEW is unwieldly and unmanageable by virtue of its size, budgetary level, and numerous programs.

The fiscal 1977 appropriations for HEW amounted to $45.1 billion. In addition HEW administers over 300 programs, several of which are very complex. Overall, HEW has over 152,000 employees.

Removal of the Social Security Administration, I strongly believe, would help to reduce HEW to more manageable proportions. At the same time, it would allow the Secretary and his staff to devote more attention to other important programs, as well as the smaller remaining units in the Department.

Social security is clearly large enough and important enough to be a separate agency. It is one of the larger direct line operations of the entire Federal Government. employing about 86,000 persons throughout the country.

Independent status, in my judgment, would also improve the efficiency of the Social Security Administration. The three-member board—appointed for staggered terms—would permit continuity of operation. This would be a safeguard against the situation which occurred in 1973—when the Social Security Administration operated without a Commissioner at the helm for about 7 months. During this time, crucial decisions affecting the supplemental security program had to be made. I am convinced that this gap contributed to some of the problems now confronting SSI.

A three-member board would also permit some degree of specialization for the appointees. For example, the three board members could each be experts in a particular area, such as the cash benefits program, medicare, or SSI.

Social security clearly deserves full-time, nonpolitical executive attention. The rapid turnover of HEW Secretaries and their staffs—and there have been 12 Secretaries during HEW's 24 years of existence—creates problems for the operations of social security. And it certainly does contribute to the best administration of this important institution which now affects almost every American family in one from or another.

PROHIBITING MAILING OF POLITICAL NOTICES

The Social Security Administration Act has another provision to protect the program from undue political pressures.

This would be achieved by prohibiting the mailing of announcements with social security or SSI checks which make reference by name, title, or signature to any officer of the United States.

Our proposal would not—and I want to emphasize this point—prevent the mailing of notices for legitimate informational purposes by the Social Security Administration.

It would, however, safeguard the program from attempts by elected officials to politicize the program.

In the past Republican and Democratic administrations alike have included announcements with social security checks. These notices usually imply that a boost in benefits is because of Presidential action.

The most striking example occurred in October 1972—a month before the Presidential election—when President Nixon sent out an announcement to 28 million persons, claiming credit for the enactment of the 20-percent social security increase. Yet, he used every resource at his disposal to defeat this measure.

Social security should not be exploited by persons in high office for their personal gain. It is simply too important to be demeaned in this way.

No one benefits—least of all the elderly—if social security and SSI can be used for political purposes. Both programs are simply too important to be demeaned in this fashion.

REMOVE SOCIAL SECURITY TRUST FUNDS FROM UNIFIED BUDGET

Our proposal would also remove the transactions of the social security trust funds from the unified budget.

Now social security transactions are a part of the unified budget, which lumps together general revenue operations and the separately financed social security system.

This is causing confusion for many Americans. Some are concerned whether their social security benefits are securely protected. Others are wondering how separate social security is from general revenue programs of the Federal Government.

The effect of the Social Security Administration Act is to return to the pre-1969 budget presentation, which kept the financial transactions of the social security system—except for purposes of economic analysis—entirely separate from general revenue income and expenditures. And this is the way that it should be.

Social security is a separately financed program and is paid from earmarked contributions from workers, their employers, and self-employed persons. The trust funds can only be used for two purposes: payment of benefits and administrative expenses of the system.

Social security represents a commitment by the Federal Government to pay benefits to workers and their families with separate financing on the basis of past earnings and contributions from covered employees. These obligations should not be lumped together with other programs, as if it were possible within the budgetary process to make choices between social security payments and other Government expenditures.

Public understanding about managing the Federal budget would also be greatly improved if there would be general recognition that social security is separately financed through earmarked payroll contributions.

Public confidence in the security of the long-range commitments of social security calls for budgetary and accounting treatment that is entirely separate from general revenue programs.

Although the social security trust funds would not be a part of the unified budget, they would be taken into account, as has always been the case, for purposes of economic analysis.

EXISTING FEATURES UNCHANGED

The Social Security Administration Act would not make any changes in the benefit or financing provisions of the social security system. Most existing relationships between the Social Security Administration and other units of Government would remain unchanged.

The Secretary of the Treasury, for example, would still have responsibility for investment of the trust funds.

The bill would, in no way, disturb existing relationships between Social Security and the Office of Management and Budget, the General Accounting Office, and the General Services Administration. The newly constituted Social Security Administration would be subject to the normal clearances on legislative proposals.

Moreover the statutory Advisory Council on Social Security would still continue as would other special purpose advisory panels. Their membership, however, would be appointed by the governing board of the Social Security Administration. This would enhance the nonpolitical character of the system.

NEED FOR PROMPT ENACTMENT

Nearly 33 million persons now receive social security benefits, or one out of every seven Americans. Over 100 million workers will pay social security taxes in 1977. In return, they will build credits for retirement, disability, survivor, and hospital insurance protection for themselves and their families.

Every one of these individuals has a very direct and important stake in social security. They deserve no less than the very best in service from the social security offices throughout the Nation. They also have a right to insist that social security continue to be administered fairly and effectively. And, the Social Security Administration Act would contribute to these objectives.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Administration Act".

DECLARATION OF PURPOSE

SEC. 2. (a) The purpose of this Act is to strengthen the fiscal and administrative structure of the contributory social security programs. These programs constitute a retirement and group-insurance plan that provides nearly all American workers and their families protection designed to partly make up for the loss of earned income during retirement, during periods of extended and total disability before retirement age, or because of death, and provides protection against the costs of medical care during periods of extended and total disability and after age sixty-five. In conjunction with the program of supplemental security income to the needy, designed to fill the gaps in insurance protection, these contributory social insurance programs form a universal structure of economic security. It is essential that every practical step be taken to assure the long-range fiscal integrity of these programs and to provide for nonpolitical, objective, and skilled program administration.

(b) In creating the contributory social security and health insurance programs, the Congress has undertaken a fiscal obligation which differs in essential respects from its obligations under programs financed in other ways. The distinctive nature of this obligation results from (1) the contributory character of the programs which gives to nearly every American a personal financial stake in future benefit rights, (2) the concomitant obligation of Government to assure beyond peradventure that these rights earned by compulsory contributions and based on past earnings will, in fact, be honored when they fall due whether in the near or the distant future, (3) the dependence of the programs, if this assurance is to be fully credible, on adequate long-term sources of income dedicated exclusively to these programs, and (4) the need that changes in these systems which may be required to meet changing economic and social conditions be developed on a long-range basis and in the context of their interrelated benefit and financial structures. In order to assure more completely the full recognition of the fiscal obligations inherent in these programs, this Act separates the transactions of the self-financed social insurance programs from the transactions of the general budget.

(c) The magnitude of these social insurance programs and of the supplemental security income program—in terms of the number of people affected by them, the volume of income and expenditures, the number of persons engaged in their operation, the nationwide network of local offices, and the complexity of these huge operations—demands the utmost in skillful, nonpolitical administration. To help assure such administration and continuously high levels of service to the beneficiaries of and contributors to the programs, this Act constitutes the Social Security Administration as an independent agency in the executive branch, responsible directly to the President. The independence accorded by this change will also serve to emphasize to the public that the Government's role in the insurance programs is essentially that of trustee and manager for those who have worked in covered employment and contributed to the support of the programs, a role which is markedly different and carries different obligations from the Government's role in programs financed in other ways.

TITLE I—SOCIAL SECURITY ADMINISTRATION

SEC. 101. (a) Title VII of the Social Security Act is amended by inserting immediately before section 702 the following new section:

"SOCIAL SECURITY ADMINISTRATION

"SEC. 701 (a) (1) There is hereby established, as an independent agency of the executive branch of the Government, a Social Security Administration (hereinafter in this section referred to as the 'Administration'). The Administration shall be headed by a Board which shall consist of three members who shall be appointed by the President, by and with the advice and consent of the Senate. The resident shall, from time to time, designate one of the members as Chairman of the Board.

"(2) No individual shall, during the time that he holds the office as a member of the Board, engage in any business, vocation, or employment, other than the discharge of his duties and the exercise of his authority as a member of the Board.

"(3) Not more than two of the members of the Board shall be members of the same political party.

"(4) Each member of the Board shall hold office for a term of four years, except that (A) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term, and (B) the terms of office of the members first taking office after the date of enactment of the Act to establish the Social Security Administration as an independent agency shall expire, as designated by the President at the time of appointment, one on January 20, 1979, one on January 20, 1980, and one on January 20, 1981.

"(5) Actions taken, and decisions made by members of the Board shall be by majority vote; and any action so taken, or decision so made, shall be the action or decision of the Administration.

"(b) (1) It shall be the duty of the Administration to administer the programs established by titles II, XVI, and XVIII of this Act, and to discharge the duties and responsibilities imposed on the Secretary of Health, Education, and Welfare in connection with the administration of the program established by title IV of the Federal Coal Mine Health and Safety Act of 1969.

"(2) The Administration shall also have the duty of studying and making recommendations as to the most effective methods of providing economic security through social insurance, and as to legislation and matters of administrative policy concerning the programs referred to in paragraph (1), and to other programs having similar objectives.

"(3) The Administration shall prepare and submit to the Congress an annual report on its activities, which report shall include the rector of the Social Security Administration." made pursuant to paragraph (2).

"(c) (1) There shall be in the Administration an Executive Director, who shall be appointed by and serve at the pleasure of the Administration, and who shall perform such functions concerning the programs administered by the Administration as the Administration may prescribe.

"(2) There shall be in the Administration a General Counsel, who shall be appointed by and serve at the pleasure of the Administration, and who shall be the principal legal counsel in the Administration. The Administration may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.".

(b) Section 702 of such Act is amended by inserting, immediately before the period at the end thereof, the following: "; except that nothing in this section shall be construed to require the Secretary to make studies of or recommendations with respect to programs administered by the Social Security Administration".

(c) Section 706 of such Act is amended—

(1) by striking out "Secretary", wherever it appears therein, and inserting in lieu thereof "Social Security Administration",

(2) in subsection (c) (1) thereof, by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Social Security Administration", and

(3) in subsection (a) thereof, by striking out "the public assistance programs under this Act" and inserting in lieu thereof "the program established by title XVI of this Act".

(d) Section 201(c) of such Act is amended—

(1) in the first sentence thereof, by inserting "the Chairman of the Board of the Social Security Administration," immediately after "Secretary of Labor.", and

(2) in the third sentence thereof, by striking out "Commissioner of Social Security" and inserting in lieu thereof "Executive Director of the Social Security Administration".

(e) The last sentence of section 205(g) of such Act is amended by striking out "in the person occupying the office of Secretary or any vacancy in such office" and inserting in lieu thereof "in the membership of the Board of the Social Security Administration or any vacancy in the membership of such Board".

(f) Section 1817(b) of such Act is amended—

(1) in the first sentence thereof, by inserting ", the Chairman of the Board of the Social Security Administration," immediately after "the Secretary of Labor,", and

(2) in the third sentence thereof, by striking out "Commissioner of Social Security" and inserting in lieu thereof "Executive Director of the Social Security Administration".

(g) Section 1841 (b) of such Act is amended—

(1) in the first sentence thereof, by inserting ", the Chairman of the Board of the Social Security Administration," after "Secretary of Labor", and

(2) in the third sentence thereof, by striking out "Commissioner of Social Security" and inserting in lieu thereof "Executive Director of the Social Security Administration".

(h) Title II (other than the first sentence of section 201(c) thereof, and the last sentence of section 205(g) thereof), title XVI and title XVIII (other than the first sentence of section 1817(b) thereof, and the first sentence of section 1841(b) thereof), of the Social Security Act are each amended—

(1) by striking out, wherever it appears therein, "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Social Security Administration",

(2) by striking out, wherever it appears therein, "Department of Health, Education, and Welfare" and inserting in lieu thereof "Social Security Administration",

(3) by striking out, wherever it appears therein, "Department" (but only if it is not immediately succeeded by the words "of Health, Education, and Welfare", and only if it is used in reference to the Department of Health, Education, and Welfare) and inserting in lieu thereof "Social Security Administration", and

(4) by striking out, wherever it appears therein, each of the following words (but, in the case of any such word, only if such word refers to the Secretary of Health, Education, and Welfare): "Secretary", "Secretary's", "his", "him", and "he", and inserting (in the case of the word "Secretary") "Social Security Administration", (in the case of the word "Secretary's") "Social Security Administration's", (in the case of the word "his") "the Social Security Administration's", (in the case of the word "him") "the Social Security Administration", and (in the case of the word "he") "the Social Security Administration".

(i) Section 1867(b) of such Act is amended by adding at the end thereof the following new sentence: "Any advice or recommendations so provided by the Advisory Council with respect to title XIX shall be transmitted by the Social Security Administration to the Secretary."

(j) Title XIX of the Social Security Act is amended by striking out "Secretary" wherever it appears, and inserting in lieu thereof "Social Security Administration" in—

(1) section 1902(a)(9)(A) thereof, and

(2) section 1903(i)(2) thereof.

(k) Section 1122 of such Act is amended—

(1) in subsection (c) thereof, by striking out "The Secretary shall pay" and inserting in lieu thereof "The Social Security Administration shall (pursuant to and in accordance with directives from the Secretary) pay",

(2) in subsection (d)(1)(B) thereof, by striking out all the matter that follows clause (ii) of subparagraph (B) and inserting in lieu thereof the following: "then, for such period as he finds necessary in any case to effectuate the purposes of this section, he shall in determining the Federal payments to be made under title V and XIX with respect to services furnished in the health care facility for which such capital expenditure is made, not include (and shall direct the Social Security Administration, in determining the Federal payments to be made under title XVIII with respect to services furnished in such health care facility, not to include) any amount which is attributable to depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary facilities), or other expenses related to such capital expenditures. With respect to any organization which is reimbursed on a per capita or a fixed fee or negotiated rate basis, the Secretary shall, in determining the Federal payments to be made under titles V and XIX, exclude (and shall direct the Social Security Administration, in determining the Federal payments to be made under title XVIII, to exclude) an amount which in his judgment is a reasonable equivalent to the amounts which would otherwise be excluded under this subsection if payments were to be made on other than a per capita or a fixed fee or negotiated rate basis.", and

(3) in subsection (e) thereof, by striking out "in determining the Federal payments" and inserting in lieu thereof "for the purpose of the determination of the Federal payments".

(l) Part B of title XI of such Act is amended—

(1) in section 1152(e) thereof, by—

(A) inserting "or title XVIII" immediately after "(other than this part", and

(B) inserting at the end thereof the following new sentence: "In order to avoid duplication of functions and unnecessary review and control activities, the Social Security Administration is authorized to waive any or all of the review, certification, or similar activities otherwise required under or pursuant to title XVIII when it finds, on the basis of substantial evidence of the effective performance of review and control activities by Professional Standards Review Organizations, that the review, certification, and similar activities so required are not needed for the provision of adequate review and control.",

(2) in section 1155(f)(2) thereof, by inserting "(or cause to be made, in appropriate cases, by the Social Security Administration)" immediately after "that the Secretary make",

(3) in section 1157 thereof, by striking out "The Secretary" wherever it appears and inserting in lieu thereof "The Social Security Administration",

(4) in section 1159(b) thereof, by—

(A) inserting "(or by the Social Security Administration, in the case of a beneficiary or recipient under title XVIII)" immediately after "to a hearing thereon by the Secretary", and

(B) inserting "(or the Social Security Administration's final decision, in the case of a beneficiary or recipient under title XVIII)" immediately after "review of the Secretary's final decision", and

(C) inserting "(or the Social Security Administration, as the case may be)" immediately after "The Secretary",

(5) in section 1165 thereof, by inserting "(promulgated in consultation with the Social Security Administration)" immediately after "The Secretary shall by regulations", and

(6) in section 1168 thereof, by adding at the end thereof the following: "In determining the amount to be payable from the Federal Hospital Insurance Trust Fund, the Secretary shall consult with the Social Security Administration; and any amount payable from such Fund shall be payable by the Social Security Administration, pursuant to and in accordance with directives of the Secretary.".

SEC. 102. (a) Except as provided in subsection (b), the term "Secretary of Health, Education, and Welfare" and the term "Secretary", when used to refer to the Secretary of Health, Education, and Welfare, shall be deemed to refer to the Social Security Administration when (and to the extent that) such term is employed in any provision of law which imposes any duty or responsibility on, confers any authority on, or imposes any limitation on the exercise of authority by, the Secretary of Health, Education, and Welfare with respect to the administration of the programs established by (1) title II, XVI, or XVIII, of the Social Security Act, or (2) title IV of the Federal Coal Mine Health and Safety Act of 1969.

(b) The provisions of subsection (a) shall not apply to any provision of law which is contained in (1) title II, XVI, or XVIII, of the Social Security Act, (2) title IV of the Federal Coal Mine Health and Safety Act of 1969, or (3) section 1122 of the Social Security Act, or part B of title XI of such Act.

SEC. 103. (a) There are transferred to the Social Security Administration (established by section 701 of the Social Security Act under the amendment made by section 101(a) of this Act) all functions carried out by the Secretary of Health, Education, and Welfare, with respect to the administration of programs and activities the administration of which is vested in such Administration, by reason of this Act and the amendments made thereby.

(b) There are transferred to the Social Security Administration (as established by section 701 of the Social Security Act under the amendment made by section 101(a) of this Act) all personnel, assets, liabilities, contracts, property, and records, which the Director of the Office of Management and Budget determines to be employed, held, or used by the Secretary of Health, Education, and Welfare primarily in connection with the functions, activities, and programs which, by reason of this Act and the amendments made thereby, are vested in or become the responsibility of such Administration.

(c) The position of Commissioner of Social Security is abolished.

SEC. 104. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, promulgated, granted, or allowed to become effective, in the exercise of functions (A) which were exercised by the Secretary of Health, Education, and Welfare (or his delegate), and (B) which relate to functions which, by reason of this Act and the amendments made thereby, are vested in the Social Security Administration (as established by section 701 of the Social Security Act under the amendment made by section 101(a) of this Act), and

(2) which are in effect at the time this Act takes effect,

shall (to the extent that they relate to functions described in paragraph (1)(B)) continue in effect according to their terms until modified, terminated, suspended, set aside, or repealed by the Social Security Administration (as established by section 701 of the Social Security Act).

(b) The provisions of this Act (including the amendments made thereby) shall not affect any proceeding pending at the time this Act takes effect before the Secretary of Health, Education, and Welfare with respect to functions vested (by reason of this Act and the amendments made thereby) in the Social Security Administration (as established by section 701 of the Social Security Act under the amendment made by section 101(a) of this Act), except that such proceedings, to the extent that they relate to such functions, shall continue before the Social Security Administration (as so established). Orders shall be issued under any such proceeding, appeals taken therefrom, and payments shall be made pursuant to such orders, in like manner as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by the Social Security Administration (as so established), by a court of competent jurisdiction, or by operation of law.

(c) Except as provided in this subsection—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect; and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered,

in the same manner and effect as if this Act had not been enacted.

No cause of action, and no suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Health, Education, and Welfare, shall abate by reason of the enactment of this Act. Causes of action, suits, actions or other proceedings may be asserted by or against the United States and the Social Security Administration (as established by section 701 of the Social Security Act under the amendment made by section 101(a) of this Act), or such official of such Administration as may be appropriate, and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of a party, enter an order which will give effect to the provisions of this subsection (including where appropriate, an order for substitution of parties).

(d) This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function which (by reason of this Act) is vested in the Social Security Administration.

(e) Orders and actions of the Social Security Administration in the exercise of functions vested in such Administration under this Act (and the amendments made thereby shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Secretary of Health, Education, and Welfare in the exercise of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function so vested in the Social Security Administration shall continue to apply to the exercise of such function by such Administration.

(f) In the exercise of the functions vested in it under this Act (and the amendments made thereby), the Social Security Administration shall have the same authority as that vested in the Secretary of Health, Education, and Welfare with respect to the exercise of such functions immediately preceding the vesting of the same in such Administration, and actions of such Administration shall have the same force and effect as when exercised by such Secretary.

TITLE II—MISCELLANEOUS AND CONFORMING AMENDMENTS

SEC. 201. (a) Section 205 of the Social Security Act is amended by adding after subsection (q) thereof the following:

"(r) The Social Security Administration shall not permit to be enclosed with any check for benefit payments under this title any material which—

"(1) is not related to the provisions of this title or title XVIII, or

"(2) contains the name, signature, or title of any officer of the Government of the United States.".

(b) Section 1631(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(6) The Social Security Administration shall not permit to be enclosed with any check for benefit payments under this title any material which—

"(A) is not related to the provisions of this title or title XVIII, or

"(B) contains the name, signature, or title of any officer of the United States.".

SEC. 202. Title IV of the Federal Coal Mine Health and Safety Act of 1969 is amended—

(1) in section 402(c) thereof, by striking out "where used in part B means the Secretary of Health, Education, and Welfare, and", and

(2) in all the provisions thereof (other than section 402(c) and section 427) by—

(A) striking out, wherever it appears therein, "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Social Security Administration", and

(B) striking out, wherever it appears therein, each of the following words (but, in the case of any such word, only if such word refers to the Secretary of Health, Education, and Welfare): "Secretary", "Secretary's", "his", "him", and "he", and inserting (in the case of the word "Secretary") "Social Security Administration", (in the case of the word "Secretary's") "Social Security Administration's", (in the case of the word "his") "Social Security Administration's", (in the case of the word "him") "the Social Security Administration", and (in the case of the word "he") "the Social Security Administration".

SEC. 203. (a) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) in the second sentence of subsection (a) thereof, by striking out "The Budget" and inserting in lieu thereof "Except as provided in subsection (d), the Budget"; and

(2) by adding at the end of such section the following new subsection:

"(d) The Budget shall set forth the items referred to in paragraphs (4), (5), (6), (7), (8), (9), and (12) of subsection (a) which are attributable to receipts of and expenditures from the general fund of the Treasury (commonly referred to as the 'administrative budget'), and shall set forth separately such items which are attributable to receipts of and expenditures from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund.".

(b) The amendment made by subsection (a) shall apply with respect to the Budget for the fiscal year ending September 30, 1978, and for each fiscal year thereafter.

SEC. 204. (a) Section 5312 of title 5, United States Code (relating to level I of the Executive Schedule), is, amended by adding at the end thereof the following new paragraph:

"(14) Chairman of the Board of the Social Security Administration.".

(b) Section 5313 of such title (relating to level II of the Executive Schedule) is amended by adding at the end thereof the following new paragraphs:

"(23) Member of the Board of the Social Security Administration.

"(24) Executive Director, Social Security Administration.".

(c) Section 5314 of such title (relating to level III of the Executive Schedule) is amended by adding at the end thereof the following new paragraph:

"(65 General Counsel, Social Security Administration.".

(d) Section 5315 of such title (relating to level IV of the Executive Schedule) is amended by striking out—

"(99) Commissioner of Social Security, Department of Health, Education, and Welfare."

The officers referred to in the preceding sentence shall be compensated from the date they first take office, at the rates provided for in the amendments to title 5, United States Code, made by section 204 of this Act. Such compensation and related expenses of such officers shall be paid from funds available for the functions vested in the Social Security Administration by this Act and the amendments made thereby.

By Mr. DURKIN:

S. 1195. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

Mr. DURKIN. Mr. President, in my State of New Hampshire and throughout this Nation, there are many needy and deserving veterans who are forced to live on a veterans' pension and social security benefits. Both of these programs were designed to insure that its recipients will be allowed an income which will enable them to survive with a fair and decent standard of living. Yet the intent of the legislation establishing both of these programs has systematically been frustrated by the procedure which causes the benefits under the veterans' pension to be reduced with each corresponding increase in monthly social security benefits. The legislation which I am introducing today will remedy this situation by providing that the cost-of-living increases in social security benefits shall be disregarded in the determination of the annual income of a veteran entitled to pension benefits and shall in no way reduce a veteran's pension.

In the last Congress, Members of this body articulated a sincere sensitivity to the problems and needs of both the elderly and the veterans of this Nation. The inflationary economy of the last years has oftentimes had a more severe impact on these two groups than on other deserving members of our society. We have attempted to resolve this problem for the elderly by providing a cost-of-living increase in social security benefits. Yet the practical effect of our Federal programs is that this increase which we have determined to be necessary is not helpful to its full extent for those veterans who receive social security as their pension benefits are reduced by the very amount of the social security cost-of-living increase. The absurd result is that those veterans who may need a cost-of-living increase the most are in this way effectively deprived of fully enjoying the increase.

Mr. President, we must put an end to this absurd system with its deleterious impact on the veterans of this Nation. I therefore urge prompt consideration of this legislation which will disregard the cost-of-living increase in social security benefits in the determination of annual income for purposes of a veteran's pension.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (g) of section 415 of title 38, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) In determining the annual income of any individual who is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, the Administrator, before applying paragraph (1)(G) of this subsection, shall disregard any part of such benefits which results from (and would not be payable but

for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act."

(b) Section 503 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In determining the annual income of any individual who is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, the Administrator, before applying subsection (a)(6) of this section, shall disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-236 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act."

(c) In determining the annual income of any person for purposes of determining the continued eligibility of that person for, and the amount of, pension payable under the first sentence of section 9(b) of the Veterans' Pension Act of 1959, the Administrator of Veterans' Affairs shall disregard, if that person is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 215(i) of the Social Security Act.

SEC. 2. The amendments made by this Act shall apply with respect to annual income determinations made pursuant to sections 415(g) and 503 (as in effect both on and after June 30, 1960) of title 38, United States Code, for calendar years after 1972.

By Mr. DOLE:

S. 1197. A bill to amend title XVIII of the Social Security Act to provide coverage for services which may be performed by a dentist on the same basis as presently allowed for physicians under the medicare program, and to authorize payment under such program for all inpatient hospital services furnished in connection with dental procedures requiring hospitalization; to the Committee on Finance.

TITLE XVIII OF THE SOCIAL SECURITY ACT

Mr. DOLE. Mr. President, there are two serious inequities in the present medicare law affecting the profession of dentistry and its specialty, oral surgery. I am today introducing legislation which will remedy these inequities.

Many of the professional services covered under the present medicare program are provided by both oral surgeons and other dentists and by physicians, but the patient is reimbursed for such services only when they are provided by physicians. The first section of this proposed legislation will eliminate this discrimination against dentists and their patients.

There is significant overlap between the professional practice of dentists, including oral surgeons, and that of physicians. Both groups often admit their patients to hospitals and perform complicated oral and maxillofacial procedures, provide diagnostic care, and treat oral infections. Medicare will presently pay for all of these services if they are performed by a physician, but will not pay for the diagnostic care or treatment of oral infection if it is performed by a dentist or an oral surgeon.

Under present law, medicare only covers the services of dentists when they constitute so-called "physicians' services." "Physician" is defined to include a doctor of dental or oral surgery, licensed by his State "but only with respect to": First, surgery related to the jaw or any contiguous structure; or second, reduction of fractures of the jaw or any facial bones.

Under present law, as it had been regularly interpreted by the Social Security Administration, a dentist only functions or acts as a "physician," and his services are only covered, when he is involved in actual surgery or reduction. The law, thus, seriously discriminates against dentists and oral surgeons by excluding from coverage important nonsurgical functions. Absolutely no logical reason exists to support this unfair treatment. Dentists and especially oral surgeons are professionaly trained and licensed by State law to perform these procedures.

This situation creates serious consequences for the patient and is important to the professional life of the dentist. If the patient is aware of the discrimination, his freedom of choice of provider between a physician and a dentist will be prejudiced. If he is not aware of this legal pitfall, he will be deprived of reimbursement for what surely must appear to him to be a completely arbitrary distinction.

The correction of this inequity will not increase the scope of covered services. The existing exclusion from coverage of routine dental care found in section 1862(a)(12) would not be changed. Those services of both dentists and physicians that fall into this category will still not be covered. The solution offered by my legislation will merely assure that patients will not be denied reimbursement for otherwise covered services solely because of the academic degree of the provider.

The second section of this legislation will authorize payment under the medicare program for all inpatient hospital services furnished in connection with dental procedures requiring hospitalization. Presently, if a patient's oral surgeon hospitalizes the patient for a noncovered dental procedure solely because the patient's dental condition necessitates hospitalization, the patient is not reimbursed for his hospital expenses.

Existing medicare law differentiates between cases in which the dental procedure itself is a covered service—and thus allows reimbursement for the dentist's fee—and cases involving noncovered procedures. If the procedure is covered, the inpatient hospital expenses are also covered. However, the present medicare statute as interpreted by the Social Security Administration restricts the payment of inpatient hospital expenses in the case of a noncovered dental procedure to circumstances in which the patient's underlying medical condition, and not solely his dental condition, requires hospitalization.

The effect of the existing law is to preclude hospitalization coverage where, in the judgment of the patient's dentist, the severity of his dental condition alone requires hospitalization for the safe performance of a noncovered dental procedure. In this case, the patient must find his own means of payment for the hospital expenses. For example, an 81-year-old woman in Florida who was hospitalized by her oral surgeon for the removal of six maxillary teeth had her claim rejected because the medicare intermediary found that she was treated for a purely dental condition. The correction of this problem will not increase the coverage of dental fees. It will only increase the hospital coverage and aid the patient.

I am pleased to introduce these proposed amendments to title XVIII of the Social Security Act, and I urge their timely consideration.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (2) of section 1861(r) of the Social Security Act is amended to read as follows: "(2) a doctor of dental surgery or of dental medicine who is legally authorized to practice dentistry by the State in which he performs such function or action, and who is acting within the scope of his license when he performs such function or action, or".

SEC. 2. (a) Section 1814(a)(2)(E) of the Social Security Act is amended to read as follows:

"(E) in the case of inpatient hospital services in connection with a dental procedure, the individual, because of his underlying medical condition and clinical status, or because of the severity of his dental condition, requires hospitalization in connection with the provision of such dental services;".

(b) Section 1862(a)(12) of such Act is amended by striking out "except that" and all that follows and inserting in lieu thereof the following: "except that payment may be made under part A in the case of inpatient hospital services in connection with the provision of any dental services if the individual, because of his underlying medical condition and clinical status, or because of the severity of his dental condition, requires hospitalization in connection with the provision of such services; or".

SEC. 3. The amendments made by this Act shall apply with respect to items and services furnished on or after the first day of the first month beginning after the date of the enactment of this Act.

By Mr. CHILES:

S. 1198. A bill to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes; to the Committee on Armed Services.

Mr. CHILES. Mr. President, I am today introducing S. 1198, to establish the authority and procedures necessary to maintain an adequate supply of critical materials for our national security.

This is a companion bill to H.R. 4895, which was introduced earlier this year by my distinguished colleague from Florida, Mr. BENNETT, chairman of the House Armed Services Subcommittee on Seapower and Strategic and Critical Materials. The House measure was voted out unanimously by the House Armed Services Committee on March 17, and passed the House Rules Committee March 29.

National stockpiles are maintained to

guarantee an adequate supply of critical materials for national security, so as to allow our defense and defense-related activities to function smoothly in the event of wartime disruptions.

The National Security Council recently completed a study of our national stockpile system. That study revealed an imbalance in our stockpiles: Many items currently in the stockpile are simply not needed for our national defense, while other items of great importance to our national security needs are not in these stockpiles at all.

The solution to this problem will require the acquisition of substantial amounts of additional stockpile materials, and the cost of that acquisition may run into the billions of dollars. This legislation is designed to provide the need without placing an undue burden upon the taxpayers of this country. It is consistent with my determination to provide a strong national defense in an efficient, cost-effective manner.

This bill would provide the Government with three mechanisms which will work together to go a long way toward correcting our stockpile imbalance in a cost-effective manner.

First. It would establish a special strategic and critical materials procurement fund, which would use the revenues from stockpiles in the future. Currently such proceeds return to the General Treasury fund. The money in this special fund would be subject to the normal congressional authorization and appropriation processes.

Second. It would provide for the authorization of appropriations for the acquisition, transportation, and processing of materials for the strategic stockpiles. The lack of such authority in the present stockpile law would hinder our ability to correct the imbalance in our stockpiles. This bill would also authorize the transfer of excess stockpile materials at fair market values as payment for the expenses of acquisition, refining, or processing of needed materials. That way, we can exchange our excess material to acquire, refine, and process those materials we need.

Third. It would require the establishment of a coordinated Government program to barter or exchange excess goods owned by the Government to foreign countries for strategic materials. The authority to do so exists today and has been used in the past to exchange excess American agricultural commodities for strategic materials from foreign countries. This bill contains provisions to assure the active cooperation and participation of every appropriate department or agency and also requires each agency to submit a detailed report on its efforts to participate in the program.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Strategic and Crtical Materials Stock Piling Act (50 U.S.C. 98b) is amended—

(1) by striking out the period at the end of paragraph (e) and inserting in lieu thereof "; and"; and

(2) by adding after such paragraph the following new paragraph:

"(f) establish a program which (1) shall provide for the acquisition of strategic and critical materials from foreign countries through barter of goods owned by the United States, and (2) shall include provisions adequate to assure the active cooperation and participation of each appropriate department and agency, as determined by the President, having custody of goods owned by the United States which are deemed suitable for barter with foreign countries.".

SEC. 2. Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended by adding at the end the following new sentence: "Each report submitted under this section shall include a detailed report on the efforts of each appropriate department and agency (as determined by the President under section 3(f)) to acquire strategic and critical materials through barter with foreign countries under the program established pursuant to section 3(f).".

SEC. 2. Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98g) is amended to read as follows:

"SEC. 8. (a)(1) No funds may be appropriated or obligated for procurement of materials under this Act unless funds for such procurement have been specifically authorized by law.

"(2) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for transportation, maintenance, rotation, storage, refining and processing of the materials to be acquired under this Act, such sums as the Congress, from time to time, may deem necessary to carry out the provisions of this Act.

"(3) Funds appropriated for procurement of materials under this Act, and funds appropriated for transportation, maintenance, rotation, storage, refining, and processing materials to be acquired under this Act, including funds heretofore appropriated for such purposes, shall remain available to carry out the purposes for which appropriated until expended.

"(b) Excess materials in the inventory maintained under the Defense Production Act of 1950 (50 U.S.C. App. 2061–2166) and excess materials in the national stockpile and supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise beneficiating materials, or of rotating materials, pursuant to section 3.".

SEC. 4. Section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) is amended to read as follows:

"SEC. 9. (a) There is established in the Treasury of the United States a separate fund to be known as the Strategic and Critical Materials Procurement Fund (hereinafter in this section referred to as the 'Fund'). All moneys received after the effective date of this section on account of sales of materials under this Act shall be covered into the Fund.

"(b)(1) Moneys covered into the Fund shall be available, when appropriated therefor, only for the procurement, transportation, maintenance, rotation, storage, refining, or processing of materials under this Act.

"(2) Any moneys covered into the Fund which are appropriated shall remain available, without fiscal year limitation, for the purposes for which they are appropriated until they are expended.

"(c) The Administrator of General Services shall submit a report to the Congress not later than the first day of January of each year on the financial condition and the results of the operation of the Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as a Senate document of the session of the Congress to which the report is made.".

SEC. 5. (a) Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) The amendment made by section 3 shall apply with respect to fiscal year 1978 and each fiscal year thereafter.

By Mr. McINTYRE:

S. 1199. A bill to amend title 5 of the United States Code to improve agency rulemaking by establishing paperwork control mechanisms by expanding opportunities for public participation, and by enabling the President to delay the implementation of certain rules for 1 year to allow a more comprehensive analysis of congressional intent and public impact, and for other purposes; to the Committee on Governmental Affairs.

RED TAPE REDUCTION ACT

Mr. McINTYRE. Mr. President, we have all experienced the feelings of helplessness and frustration which seemingly go hand-in-hand with the burgeoning morass of Government rules and regulations. Like a Gordian knot which sits in the marketplace and defies unraveling, the Code of Federal Regulations—CFR—has become an undecipherable nightmare for small businessmen who are overruled and cross-regulated by a series of diffuse agency programs whose very purposes often run head-on into each other.

A classic example is an Ohio meatpacker who was visited by an OSHA inspector. OSHA determined that his concrete packing floors were too smooth, and that he would have to rib his floors to afford better traction for the safety of his employees. At considerable expense, he complied, only to be visited by the Food and Drug Administration shortly thereafter, who ruled that his new ribbed floors were equally unacceptable due to the bacteria which would accumulate between the ribs.

Mr. President, we can no longer wait for another Alexander the Great to enter the scene and sever this knot with a single blow of his mighty sword. We have dallied too long, and the problem is far too great, that now, as legislators, it is our responsibility to do whatever we can to abate the serious administrative problems which we all know will not vanish overnight.

We are not alone in our effort, however. The Commission on Federal Paperwork has been working for a year and a half now in a full-time effort to identify unnecessary, duplicative, and conflicting paperwork connected with Federal, State, and local governments. In another 6 months, Congress and the President will receive the Commission's major recommendations and final report.

As cochairman of the Commission, I have been closely monitoring the staff's work. One finding I have observed thus far from our many hearings and the subsequent staff research is that early statutory deadlines for the promulgation of rules and regulations have often trig-

gered unworkable situations within the administrative agencies.

A prime example is the Employee Retirement Income Security Act of 1974—ERISA. The intent of the act was to promote solidarity in pension and retirement plans by establishing standards for those who set up plans or held retirement funds in trust. A most laudable objective, but the act required that the regulations be promulgated within 120 days from the law's effective date. This deadline created a rush situation within the Department of Labor which resulted in an ill-conceived, 30-page report, the EBS–1, which was thrust upon thousands of pension planners. The report consisted of essay type responses which consumed countless man-hours from businesses of all kinds, yet the information which took so much time to gather was not good enough to use. Is it not ironic that, in this case, and in several others, our haste to implement an otherwise sound program has caused us to take two steps in reverse before we can take one forward.

There are other areas where the speed of implementing regulations is causing great problems. I shall just mention one: the requirements of the Office of Civil Rights.

Robert Benton, one of the Commissioners serving on the Commission on Federal Paperwork, who is also superintendent of public instruction in Iowa, gave me some information recently concerning the speed of regulatory implementation that has resulted in massive paperwork.

Benton noted that the Council of Chief State School Officers had been working closely with the executive branch to develop ways to implement surveys of schools to comply with HEW regulations promulgated by the Office of Civil Rights. But at a meeting in Salt Lake City last November 14–17, the Council reviewed the OCR plans for 1976–1977 collection of data for schools. It found that the data burden was excessive, requiring hundreds of thousands of person-hours to provide; the amount of advance notice and the time schedule make it virtually impossible to meet OCR requirements as schools conduct normal essential education activities; and, in many States the OCR information requirements are redundant.

Clearly, more time should have been taken before regulations and information requests were sent out by OCR burdening our school districts.

This brings me to the point I would like to make about ourselves. It includes some criticism, which is usually enough to make most of us quit listening from the start, but I believe there is a good deal of truth in what I am about to say.

I believe it would be fruitful to consider our ability, as legislators, to set effective dates for the promulgation of rules and regulations in all the laws we enact. I submit that in some instances, we know exactly what the surrounding circumstances are, and in most instances we know enough to approximate, but in a few cases—let us face it—our deadlines to agencies have been unreasonable because we were not fully aware of all the exigencies which come into play once a law is handed to an agency for implementation. This is not to say that we have been intentionally arbitrary and capricious. But nobody bats 1,000, and sometimes we make mistakes.

The Red Tape Reduction Act which I am introducing today would relieve this situation by allowing adjustments in premature effective dates. The bill permits the President to delay the promulgation of agency rules under a given law for a period not to exceed 1 year. The delay would be carried out by the President's Executive order based on a request from an agency head.

Mr. President, the new administration has made a pledge of cooperation with Congress during the next 4 years.

We can reciprocate by listening to the executive branch in an area where they have a better vantage point than we. By heeding the advice of an agency head who can convincingly show that sticking to a congressionally mandated effective date would cause serious administrative problems, we can avoid clashes with the agencies and with the public which could easily be avoided. I concur with President Carter in his assertion that good faith efforts on the part of both Congress and the executive will go a long way. The public will be the real winner. In the spirit of joint cooperation, I therefore urge prompt passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Red Tape Reduction Act of 1977".

STATEMENT OF FINDINGS

SEC. 2. (a) The Congress finds that—

(1) a multiplicity of complex laws are passed in each session of the Congress of the United States which require additional interpretation by the executive agencies;

(2) many laws contain statutory rulemaking deadlines which, in fact, are not met;

(3) a period of time for study and analysis between the date of enactment of a Public Law of the United States and the promulgation of the necessary rules thereunder would allow a more effective implementation of such Public Law, and would improve communication and understanding between Executive department and agencies charged with the administration or enforcement of such Public Law and Congressional Oversight committees;

(4) such a period would improve public participation in rulemaking by allowing more time to identify a rule's unnecessary and excessive paperwork before it is approved and thrust upon the public;

(5) the public is often unaware of agency proposals to promulgate new rules and regulations;

(6) in many instances, the public has not been allowed to effectively participate in rulemaking procedures with respect to rules which have direct and widespread public impact; and

(7) the delays caused by the selective use of such periods of study would be justified by the improved quality of rules which would be produced thereunder.

DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(1) "agency" has the meaning set forth in section 551(1) of title 5, United States Code;

(2) "rule" has the meaning set forth in section 551(4) of title 5, United States Code;

(3) "law" means a Public Law of the United States or any amendment thereto, but such term does not include a treaty of the United States or any Protocol thereto which has received the ratification of the Senate, a Private Law, or any reorganization plan submitted under the provisions of chapter 9 of title 5, United States Code.

DELAY OF REGULATIONS

SEC. 4. (a) Section 553 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Upon the request of an agency head, the President may issue an Executive Order delaying for a period not to exceed one year the effective date required by law for the promulgation of rules or regulations. Such Executive Order must include a finding that the effective date required by law is impracticable due to—

"(A) the need to collect data not readily available; or

"(B) widespread and substantial public impact which requires additional time for consultation with affected parties.

"(2) During the period of delay described in paragraph (1) of this subsection, the agency shall evaluate the relative costs and benefits, both direct and indirect, for any alternative rule necessary to implement the law, and shall promulgate such rule as it finds best implement such law not later than 30 days after such evaluation is completed.

(b)(1) The Executive Order described in subsection (a) of this section may take effect—

(A) only after the expiration of the first period of thirty days of continuous session of Congress after the date on which such Executive Order was issued; and

(B) only if, between the date of issuance of such Executive Order and the end of the thirty-day period, no concurrent resolution is adopted which states in substance that Congress does not favor such Executive Order.

(2) For the purpose of paragraph (1) of this subsection—

(A) continuity of a session of Congress is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such thirty-day period.

(c) Whenever a committee of either House of Congress reports a resolution of disapproval as provided in subsection (b) of this section relating to such Executive Order, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion is highly privileged and is not debatable. An amendment to such motion is not in order, and it is not in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(d) No request for an Executive Order described in subsection (a) of this section shall issue if, in the opinion of the agency head, such Executive Order, if issued, would so delay the promulgation of the final rule or regulation by an agency as to present a substantial risk to the health or safety of persons or to national security.

PUBLIC PARTICIPATION

SEC. 5. Section 553 of title 5, United States Code, is amended as follows:

(1) subsection (b) thereof is amended—

(A) by inserting after the first sentence thereof the following new sentence:

"Other appropriate publications shall be used whenever such use would substantially improve notification to those parties significantly affected by the proposed rule.";

(B) in paragraph (2) thereof by striking out "; and" and inserting in lieu thereof a semicolon;

(C) by striking out the period at the end of paragraph (3) thereof and inserting in lieu thereof a semicolon; and

(D) by adding immediately after paragraph (3) thereof the following new paragraphs:

"(4) an estimate of the projected paperwork burden involved in complying with the proposed rule, including the type and number of people affected, the time required to comply, the expertise or special training involved in compliance, and the cost of compliance; and

"(5) the tentative date, whenever possible to project, upon which a proposed rule is scheduled to become effective.";

(2) subsection (c) thereof is amended—

(A) by inserting after the first sentence thereof the following new sentence:

"During the drafting stage of the rule, which shall be determined by each agency head but which shall in no event be less than 30 days in duration, the agency shall make a reasonable attempt to work with those parties likely to be affected by the paperwork burden of the proposed rule."; and

(B) by inserting after the second sentence thereof the following new sentence:

"The statement shall include an acknowledgment as to whether the agency used its best efforts to obtain a broad range of public input during the drafting of the rule."; and

(3) subsection (d) thereof is amended by striking out "30 days" in the first sentence thereof, and inserting in lieu thereof "45 days".

SEPARABILITY

SEC. 6. If any provision of this Act or the applicability thereof is held invalid with respect to its application to any person or circumstance, the remainder of this Act shall not be affected thereby.

EFFECTIVE DATE

SEC. 7. (a) Except as provided in subsection (b) of this section this Act shall become effective upon the date of—

(b) This Act shall be inapplicable to any Act of Congress enacted during the first period of 90 legislative days immediately preceding the date of enactment of this Act.

By Mr. ABOUREZK (for himself, Mr. THURMOND, Mr. RANDOLPH, Mr. MCGOVERN, Mr. DOMENICI, Mr. HUMPHREY, Mr. HATHAWAY, and Mr. HOLLINGS):

S. 1200. A bill to amend section 306(a) of the Consolidated Farm and Rural Development Act to prescribe criteria for determining the amount of grants made under such section, to prescribe the priority of applicants for loans and grants under such section, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FMHA WATER AND SEWER GRANT AND LOAN PROGRAM AMENDMENTS

Mr. ABOUREZK. Mr. President, I am pleased to introduce today a bill to amend the Rural Development Act's provisions concerning the Farmers' Home Administration's water and sewer grant and loan program.

This program has provided a vital and essential service to rural communities throughout the country, and the work of the FmHA in this area is to be commended. I believe, however, that certain changes are needed.

Rural communities face particular problems in obtaining a reliable supply of good quality water, or in developing sewer systems that are efficient and safe.

Because rural communities are small, they cannot accomplish many of the economies of scale in water development available to larger communities. Nonetheless, the rural community must meet the same needs of its people and Federal standards for the supply of water and construction of sewers as the large city. The result is that for many rural communities, the choice is either a system they cannot afford, or a system that is unreliable or unsafe.

The national demonstration water project, under a grant from the Environmental Protection Agency, in fact, has been conducting a survey of rural water needs, and their information so far indicates that rural communities face a number of severe water problems.

The Michigan health department reported, for instance, 25 percent of the wells in very small communities were bacteriologically unsafe for drinking. The costs of providing safe water to these communities would be $26 per month per user, an obviously unrealistic price for rural users.

The problem in Michigan is but one of dozens of similarly severe cases reported by the national demonstration water project in their national rural water needs survey. The survey has come up with even more disturbing national data:

One out of every ten residents in places under 2,500 lives in housing without running water;

There are approximately 10 million people who live in housing with incomplete plumbing in rural areas;

Approximately 18 million people in communities of 10,000 and under use individual wells that have high rates of contamination;

Over 6.5 million people served by community water systems use water that did not meet Federal drinking water standards in 1970; and

While comprising only 27 percent of the population, communities of 2,500 and under have 92 percent of all housing without running water and 64 percent of all housing without complete plumbing.

I have also appended to this statement the average user payments for water in FmHA funded systems for the first half of 1976, figures that show just how high the payments are. There is also comparative data on the number of housing units in rural and urban areas lacking complete plumbing, or without running water.

The Farmers' Home Administration's water and sewer grant and loan program is designed to alleviate these problems, and, in part, it has succeeded. In large part, however, it has not.

Congressional intent in creating the program was to provide assistance to low-income communities to meet their water and sewer needs. A 1975 survey by the national demonstration water project shows, however, that under current rules, families with incomes under $5,000 per year constitute 44 percent of the supposed FmHA target population—families with incomes under $12,000 in places of 10,000 population or less—but receive only 12 percent of the FmHA grant funds. The average monthly per-family charge for water service was roughly $10.25 per month, which is about three times what the urban family would pay. Many families are paying over $30 a month, according to the survey, and average rates typically amount to 2 to 4 percent of a family's median income. Most disturbingly, though, the lower the income of the family, the greater the percentage of their income must go for water service.

These high rates are very disturbing, of course, for the communities which must pay them. As the data show, however, there is an even more serious problem: many communities find that they cannot afford a decent water system, even with an FmHA grant. These communities, as a result, face severe difficulties in attracting business and preventing out-migration. If we are to preserve a rural way of life in this country—and I believe we absolutely must—then we must make it possible for people to live in rural communities.

The current FmHA system encounters the problems raised here for a number of reasons.

First, the amount of the grant FmHA can make is limited to 50 percent, even though other Federal grants for water systems, such as those from EPA, are more typically 75 percent. The legislation I am proposing today would increase the percentage allowed to 75 percent, and thus enable FmHA to make user payments more realistic and to make it possible for many communities to install water systems when they otherwise would not be able to do so.

Second, the grant moneys are made available, by administrative practice, on the basis of the 1-percent rule. This rule states that a grant cannot be made until the community, through loans, assures that each potential user in a project has assumed an annual debt service burden equal to 1 percent of the community's median family income.

This 1-percent rule applies only to debt service; all operations and maintenance costs must be paid by the users. Operation and maintenance costs, however, are often equal to or greater than debt service costs. Moreover, the 1-percent rule is not generally even met. The average in Kansas was 1.3 percent, in New York 2.8 percent, et cetera.

Largely because of the 1-percent rule, the 50-percent grant limit is usually not reached. Moreover, the rule causes program administrators to give inadequate consideration to total system costs, since only the capital costs of the project are relevant to the 1-percent rule. As a result, NDWP has found, many projects turn out to have operation and maintenance costs that cause user payments to be beyond what users can reasonably afford.

To rectify this situation, I am proposing that grants be made so that average user payments for all the costs of the project will not exceed a range of 1 to 2½ percent. The specific percentage a community pays will depend on its median income—poorer communities will pay the least, wealthiest the most. This change in the rules means that FmHA money will be directed specifically toward those who need it most, and that the costs of water systems will be brought to a level where people can afford them. The bill allows the Secretary, however, to use his discretion to allow for a lower rate for a wealthier community where he determines it necessary. I want to stress that nothing in this bill calls for an increase in the authorization or appropriation for this program.

The bill also addresses two more minor problems in the program. One of these is the failure of FmHA to give adequate consideration to non-centralized systems as a means of fulfilling FmHA's mandate to provide area-wide service where possible.

The second would establish a clear system of priorities for the loans and grants, so that communities facing health problems would have first priority, while communities establishing new service would have second.

This important legislation is being simultaneously introduced in the House by Congressman ALEXANDER of Arkansas. It is not a regional issue—I have received information on the program from all over the country. I hope that the Senate can act expeditiously on this, so that we can get about the business of making a decent water supply available to everyone.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a memorandum provided by my staff on the program, a copy of the bill, a section-by-section analysis, and relevant data on rural water and sewer needs and payment levels.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)) is amended by (1) inserting "(A)" after "(2)"; (2) striking out "50 per centum" in the second sentence and inserting in lieu thereof "75 per centum"; (3) adding at the end thereof the following: "Subject to the limitations prescribed in the foregoing provisions of this paragraph, any grant made under this section for any project shall be made in such an amount as will result in the amount of the payment for project facility use by the average domestic user in the area served by the project being not greater than the amount prescribed in clause (i), (ii), (iii), or (iv) below, as appropriate.

"(i) In the case of a project in any area in which the median income is in the lowest 25 percentile of the national median income, the average domestic user payment shall be not more than 1 per centum of the median family income of the area to be served by the project.

"(ii) In the case of a project in any area in which the median income is above the 25 percentile but at or below the 50 percentile of the national median income, the average domestic user payment shall be not more than to 1½ per centum of the median income of the area to be served by the project.

"(iii) In the case of a project in any area in which the median income is above the 50 percentile but at or below the 75 percentile of the national median income, the average domestic user payment shall be not more than to 2 per centum of the median family income in the area to be served by the project.

"(iv) In the case of a project in any area in which the median income is above the 75 percentile of the national median income, the average domestic user payment shall be not more than to 2½ per centum of the median family income in the area to be served by the project.

"(B) In any case in which the Secretary determines that the maximum amount of the grant which can be made to any association under this paragraph will be insufficient to result in the applicable user cost limitation prescribed in subparagraph (A), the Secretary shall seek the assistance of appropriate agencies of the State in which such association is located and other departments and agencies of the Federal Government to provide such additional assistance as may be necessary to meet or assist in meeting the user cost limitation prescribed in subparagraph (A).

"(C) In implementing the provisions of subparagraph (A), the Secretary may increase the amount of the grant for which any association would otherwise qualify under this paragraph if the Secretary determines that the increased amount of the grant would result in the user cost being less than that prescribed in the applicable clause of Subparagraph (A) and that (i) there is an exceptional need for the increased amount of the grant, such as areas in which the median income does not represent significant numbers of low-income families in the area to be served, or (ii) the lower user cost would have significant beneficial effect on the efficiency of the project for which the grant is made."

SEC. 2. Paragraph (3) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(3)) is amended by striking out "to the extent feasible" in clause (ii) of the first sentence and inserting in lieu thereof a comma and the following: "including those persons in the area who can feasibly be served by the applicant by means of separate facilities providing central service or facilities serving individual properties, or both,".

SEC. 3. Paragraph (12) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(12)) is amended by striking out the first sentence and inserting in lieu thereof the following: "In the making of loans and grants for community waste disposal and water facilities under paragraphs (1) and (2) of this subsection, the Secretary shall accord highest priority to the application of any municipality or other public agency (including any recognized Indian tribe on a Federal or State reservation or other federally recognized Indian tribal group) in a rural community which has a population not in excess of five thousand five hundred and which has a hazardous public health situation as determined and certified to the Secretary by the State Health Officer (or other appropriate official) of the State in which the community is located. The Secretary shall accord the next highest priority to applicants for projects which contemplate a substantial number of new service connections for residents of the area not presently receiving adequate service.".

SECTION-BY-SECTION ANALYSIS OF FARMERS' HOME ADMINISTRATION WATER AND SEWER GRANT AND LOAN PROGRAM AMENDMENTS OF 1977

Section 1 (A): This section replaces the current limit for water and sewer development costs of 50% with a new limit of 75%.

(A i-iv): This subsection establishes a formula for the distribution of grants linking the amount of the grant to the median income of the community so that the poorest communities would have to pay the least and the wealthiest the most. Users in the poorest communities would be required to pay not more than 1% of their median income for all water and sewer costs; those in the wealthiest not more than 2½%, with communities in between paying amounts between these levels.

(B): This subsection directs the Secretary to seek assistance from other agencies of federal, state or local governments to provide grants to meet the levels specified in (A).

(C): This subsection gives the Secretary discretion to provide grants larger than those that would meet the formula specified in (A) in certain special cases.

Section 2: This section mandates the Secretary to consider non-centralized systems in his efforts to secure area-wide service for water and sewer systems.

Section 3: This section establishes that the first priority for grants and loans will go to areas facing health problems; the second to areas establishing new service.

THE FMHA, WATER-SEWER LOAN/GRANT PROGRAM: PERFORMANCE, PROBLEMS, AND POSSIBILITIES*

OBJECTIVE

One of the purposes of the Consolidated Farm and Rural Development Act of 1972 is to assist rural residents in obtaining access to necessary community facilities at prices they can afford. To this end, a program of subsidies for the building of community facilities is included in the Act and its conduct is mandated to the Farmers Home Administration (FmHA) in the U.S. Department of Agriculture.

TYPES OF SUBSIDIES

Two kinds of subsidies are provided under the present community facilities program:

((1) Low-cost loans. FmHA is authorized to make or guarantee loans to eligible applicants at five-percent interest with a 40-year repayment period. Top priority in the disbursement of loan funds is given to water and sewer projects.

(2) Grants. Direct grants, which are not to be repaid, may be made to cover parts of the cost of initial construction. Water-sewer projects are eligible for grant as well as loan funds.

In both cases, funds are available only to cover "eligible projects costs," with the excluded items detailed in the FmHA regulations. Loans can often be made when grants could not be (for example, to purchase an existing water system.)

PROGRAM TARGETS

Both private and public organizations are eligible for FmHA funding. The basic target population consists of people who live in the open countryside or in communities, incorporated or unincorporated, with up to 10,000 in population. In addition, the funds are intended for "needy" applicants, i.e., families

* This paper was prepared by the staff of Senator James Abourezk (D-S. Dak.). The studies referred to in the paper were done by National Demonstration Water Project and the information was provided to the staff at the request of Senator Abourezk.

with annual incomes under $12,000. Program funds are allocated to states according to a formula based on the characteristics of this target population.

CONSTRAINTS ON USE OF FUNDS

There are constraints, legislative and administrative, that have been placed on the use of these loan and grant funds:

(1) Loans. Although there is apparently no limit on the total amount of loan funds that may be obligated in a single year, there is a de facto limitation imposed by the number of staff people who are available to process applications. In addition, since FmHA considers itself the "banker of last resort," applicants must show that they have been unable to receive satisfactory credit elsewhere.

(2) Grants. The total amount of grant funds that may be obligated in a single year is limited—$300 million according to the 1972 legislation. For FY '77 only $200 million was authorized. Lack of staff is also a problem in the processing of grant applications, of course. In addition to these limitations, there are other constraints on the use of grant funds that do not apply to loans:

(a) Fifty-percent rule. The authorizing legislation limits to fifty percent the amount of grant funds that may be applied to total project costs.

(b) One-percent rule. No grant funds will be applied in a project until each potential user has assumed, through loans, an annual debt service burden equal to one percent of the community's median family income. (Agency regulations.)

(c) Similar-communities rule. Although grant funds are to be used to produce reasonable rates, this is defined as a rate that is not less than that being paid by similar communities. (Agency regulations.)

(d) Discretionary rules. Since the authorizing legislation does not establish a clear system of priorities in terms of eligible applicants or projects, FmHA has broad discretionary powers in choosing among applicants.

APPLICATION OF THE RULES

In practice, the agency regards the constraints on the use of grant funds as guidelines only. The rules are often not followed, and when there is a deviation, it tends to be in the direction of fewer grant funds than the applicant would be entitled to if the rules were followed. Studies by a major national organization in the rural water-sewer field of funding actions by FmHA in Fiscal year 1976 reveal:

(1) Underobligation. Although, under present legislation, FmHA could have obligated $300 million in grant funds in FY 76, Congress only appropriated $200 million, and the FmHA did not obligate even this entire amount.

(2) Underfunding. Of the 650 water and sewer projects funded by the agency in FY 76, over two-thirds were underfunded either in terms of the fifty-percent rule, the one-percent rule, the similar communities rule, or combinations of these. Of the three rules, the fifty-percent rule is the least likely to be followed in the sense that, for a given project, the probabilities are that FmHA will not provide grant funds up to its authorized level of fifty percent of project costs. The one-percent rule is also honored more in the breach than in the observance; commonly the debt service load is higher than this. The average was 1.3 in New York, 2.8 in Kansas, etc.

(3) Narrow interpretation of Rules. FmHA usually interprets "similar communities" to mean projects the agency itself has funded. High rates in one project are thus transferred to others.

In addition to failing to use its full grant funding authority, as shown in statistical studies, FmHA also uses its discretionary powers, experience indicates, to channel funds into a narrow range of projects. Thus it has shown a preference for funding central systems (i.e., a single water source and miles of pipe in the distribution system) as opposed to other types of systems (e.g., more water sources but less pipe) that may be less expensive. Also it promotes mergers, consolidations, and upgrading of existing systems rather than the building of facilities for those rural residents who have no adequate facility at all.

RESULTS OF PRESENT POLICY

The results of these policies and practices are:

(1) Rates are high in FmHA projects The national average in the 650 projects examined in the previously-mentioned study was $10.25 per user per month. The average monthly user payment is over thirty dollars in a number of states.

(2) Grant funds are not reaching the neediest communities. In a study of 210 systems receiving some grant funds in the first half of FY 76, it was found that families with annual incomes of $5,000 and under, about 44 percent of FmHA's target population, received only 12 percent of the grant funds. (This study was a part of the broader study cited above.)

(3) Isolated rural residents receive no assistance. Since FmHA largely regards community systems as meaning traditional central systems, residents who live in open countryside where a central system is not economically feasible receive almost no governmental assistance. These residents could be served if a broader definition of "system" were so that different types of facilities could be constructed to bring area-wide water-sewer service.

(4) The unserved population is at a disadvantage. Rural residents who lack any adequate facility have more difficulty in receiving assistance than those served by existing systems that may be consolidated or upgraded to improve their performance.

A few illustrations, chosen at random from the many thousands that exist, may sharpen the picture presented above.

(1) High rates. The All Seasons Water Users Association in Bottineau County, North Dakota, has received funding from FmHA for a 625-connection system. Previously the people were hauling water from long distances or using poor quality wells. However, average monthly user payments are projected at $28 per month or $336 per year. These rates are particularly high in view of the fact that thirty percent of the families involved have annual incomes of less than $6,000. Debt service on the system will amount to 3.18 percent of the community's median family income.

(2) Unserved populations. The Health Department in Marquette County, Michigan recently tabulated the results of the individual water wells sampled in the eighteen townships. From this sample, it was found that twenty-five percent of the wells produced water that was bacteriologically unsafe for drinking. These wells serve homes owned or rented primarily by low-income and elderly people. They have been unable to receive assistance in obtaining adequate water service.

RECOMMENDED CHANGES

To correct the problems cited above, a number of legislative changes are required. The objectives would be to:

(1) Insure reasonable rates. The Congress should specifically mandate that FmHA grant funds will be used to produce reasonable rates. This should be defined in legislation in such a way that average monthly user payments (the total bill, not just the debt service) would be linked directly to community median family income, and the lower the income of the community, the lower the percentage of family income that would have to be paid for water or sewer service. To accomplish this, the limitation on grant funds per project would have to be changed from the present fifty percent to at least 75 percent. Further, FmHA would need additional staff in the field to process the applications in a timely manner.

(2) Insure area-wide service. Under the present program, both applicants and FmHA proceed on a facility-by-facility basis with inadequate attention to the service needs of residents of smaller outlying communities and the open countryside. Legislation should be changed to require FmHA to develop facilities to provide service to all residents of an area rather than only those residents in dense population clusters that can be served by a single central facility. Service responsibility should not be limited to a single facility but should consider service through use of one or more facilities providing central service and facilities providing service to individual properties, or both.

(3) Insure new service connections. The legislation should require that, second only to health hazard conditions, FmHA should give funding priority to applications that contemplate a substantial number of new service connections. Applicants that are concerned solely with upgrading established service without extending a facility or incorporating new facilities into their plan would not receive priority unless a health hazard, as certified by the State Health Officer, existed.

CONCLUSION

The present FmHA water-sewer loan/grant program is not meeting the objectives of the Consolidated Farm and Rural Development Act of 1972. The legislative changes recommended would bring the agency more into line with the goals cited in this legislation.

TOTAL POPULATION LIVING IN HOUSING WITHOUT RUNNING WATER

[In thousands]

Water resource region	1969 Total population	1969 Without running water	1969 Percent	1975 Population	1975 Without running water	1975 Percent
New England	11,815	140	1.1	12,493	102	0.8
Middle Atlantic	37,826	642	1.7	39,612	472	1.2
South Atlantic Gulf	23,131	2,035	8.8	25,423	1,521	6.0
Great Lakes	28,821	339	1.2	30,390	252	.8
Ohio	19,975	1,465	7.3	21,158	1,098	5.2
Tennessee	3,228	459	14.2	3,564	357	10.0
Upper Mississippi	12,697	438	3.4	13,387	325	2.4
Lower Mississippi	6,280	678	10.8	6,418	490	7.6
Souris/Red/Rainy	666	73	11.0	649	50	7.7
Missouri	8,394	384	4.5	8,833	278	3.1
Arkansas/White/Red	6,694	405	6.1	6,847	300	4.4
Texas Gulf	9,356	347	3.7	9,911	256	2.6
Rio Grande	1,716	142	8.3	1,695	98	5.8
Upper Colorado	342	29	8.5	344	21	6.1
Lower Colorado	2,092	101	4.8	2,411	81	3.4
Great Basin	1,196	12	1.0	1,263	9	.7
Columbia/North Pacific	6,271	111	1.8	6,703	82	1.2
California	19,761	108	.5	21,159	81	.4
Alaska	296	43	14.5	307	31	10.0
Hawaii	743	9	1.2	787	9	1.1
Total, United States	201,300	7,960	3.9	213,354	5,913	2.8

Source: "Domestic Water Use From Non-Central Systems," 1975 National Water Assessment, U.S.D.S.C.S. The Water Resources Council in its OBERS projections (the basis for the "Total Population" category above) does not distinguish between rural and urban. Hence, it was not possible to calculate the percent of rural residents that lack water for each of the regions.

TABLE II-21.—AVERAGE USER PAYMENT IN FmHA FUNDED SYSTEMS BY STATE, FIRST HALF OF FISCAL YEAR 1976

State	Number of projects funded	Average annual user payment	Average monthly user payment
Alabama	10	$108	$9.00
Arizona	4	253	21.10
Arkansas	15	121	10.10
California	5	186	15.50
Colorado	1	152	12.67
Florida	1	150	12.50
Georgia	3	91	7.50
Idaho	1	175	14.58
Illinois	4	158	13.17
Indiana	2	200	16.67
Iowa	2	130	10.83
Kansas	4	286	23.83
Kentucky	6	122	10.17
Louisiana	2	91	7.58
Michigan	2	140	11.67
Minnesota	1	404	33.67
Mississippi	8	120	10.00
Missouri	4	135	11.25
New Mexico	2	160	13.33
New York	2	235	19.58
North Carolina	10	100	8.33
North Dakota	4	254	21.16
Ohio	3	199	16.58
Oklahoma	6	159	13.25
Oregon	7	153	12.75
Pennsylvania	2	134	11.16
South Carolina	3	106	8.83
South Dakota	1	161	13.33
Tennessee	25	106	8.83
Texas	14	168	14.00
Utah	1	123	10.25
Virginia	2	101	8.42
Washington	2	180	15.00
West Virginia	6	123	10.25
Wisconsin	2	129	10.75
Wyoming	4	166	13.83

Note: Data not available for all States.

Source: NDWP, 1976.

HOUSING UNITS LACKING COMPLETE PLUMBING, BY STATE AND CENSUS REGION, 1970

	1970			1960		
	Number of housing units	Without complete plumbing		Number of housing units	Without complete plumbing	
		Number	Percent		Number	Percent
WEST						
Alaska	88,555	15,162	17	64,204	17,419	27
Urban	43,752	1,152	3	28,892	2,733	9
Rural	44,803	14,010	31	35,312	14,686	42
Arizona	579,573	30,196	5	400,136	48,169	12
Urban	461,718	11,497	2	308,158	21,324	7
Rural	117,855	18,699	16	91,978	26,845	29
California	6,976,261	143,676	2	5,373,724	275,119	5
Urban	6,325,287	107,443	2	4,681,199	180,968	4
Rural	650,974	36,233	6	692,525	76,151	11
Colorado	742,858	36,721	5	570,059	70,372	12
Urban	573,399	16,795	3	422,336	33,789	8
Rural	169,459	19,926	12	147,723	36,583	25
Hawaii	215,892	12,041	6	163,787	27,053	17
Urban	178,814	6,231	3	125,123	13,538	11
Rural	37,078	5,810	16	38,664	13,515	35
Idaho	238,293	12,619	5	209,702	25,294	12
Urban	129,662	3,679	3	104,017	6,833	7
Rural	108,631	8,940	8	105,685	18,461	16
Montana	240,755	21,746	9	220,305	39,711	18
Urban	128,414	6,606	5	115,584	12,797	11
Rural	112,341	15,140	13	104,721	26,914	26
Nevada	171,658	5,485	3	99,327	9,195	9
Urban	137,367	2,855	2	70,027	4,541	6
Rural	34,291	2,630	8	29,300	4,654	16
New Mexico	322,294	34,226	11	272,765	53,352	20
Urban	228,078	7,586	3	185,971	17,525	9
Rural	94,216	26,640	28	86,794	35,827	41
Oregon	735,631	26,425	4	605,690	50,395	8
Urban	504,493	14,180	3	384,072	21,618	6
Rural	231,138	12,245	5	221,618	28,777	13
Utah	311,982	8,557	3	257,515	14,162	5
Urban	250,362	4,068	2	194,670	6,868	4
Rural	61,620	4,489	7	62,845	7,294	12
Washington	1,204,092	41,510	3	971,982	76,674	8
Urban	878,748	22,623	3	683,779	43,978	6
Rural	326,154	18,887	6	288,203	32,696	11
Wyoming	114,572	6,719	6	107,118	14,537	14
Urban	69,107	1,760	3	62,466	4,172	7
Rural	45,465	4,959	11	44,652	10,365	23
NORTH-CENTRAL						
Illinois	3,692,447	176,955	5	3,243,870	424,239	13
Urban	3,017,884	106,465	4	2,629,796	257,909	10
Rural	620,563	70,490	11	614,074	166,330	27
Indiana	1,711,896	110,681	6	1,468,532	242,603	17
Urban	1,126,139	44,860	4	934,018	103,507	11
Rural	585,757	65,821	11	534,514	139,096	26
Iowa	954,975	71,820	8	889,209	171,432	19
Urban	550,247	27,747	5	478,958	58,432	12
Rural	404,728	44,073	11	410,251	113,000	28
Kansas	787,508	43,855	6	730,040	112,605	15
Urban	513,453	13,942	3	445,395	35,132	8
Rural	274,055	29,913	11	284,645	77,473	27
Michigan	2,845,448	123,827	4	2,396,241	220,910	9
Urban	2,079,439	47,614	2	1,765,241	87,962	5
Rural	766,009	76,213	10	731,181	132,948	18
Minnesota	1,219,591	99,460	8	1,044,030	198,681	19
Urban	812,248	33,352	4	659,453	64,342	10
Rural	407,343	66,108	16	384,577	134,339	35
Missouri	1,665,506	161,867	10	1,461,806	365,984	25
Urban	1,141,001	49,408	4	974,205	131,830	14
Rural	524,505	112,459	21	487,601	234,514	48
Nebraska	511,473	31,305	6	464,493	77,874	17
Urban	309,243	9,651	3	251,980	21,220	8
Rural	202,230	21,654	11	212,513	56,654	27
North Dakota	200,465	27,635	14	187,460	59,162	32
Urban	84,032	4,235	5	65,578	7,185	11
Rural	116,433	23,400	20	121,892	52,027	43
Ohio	3,447,860	178,108	5	3,006,322	372,615	12
Urban	2,646,606	75,185	3	2,252,104	168,215	7
Rural	801,254	102,923	13	754,218	204,400	27
South Dakota	221,636	30,059	14	208,811	60,046	29
Urban	96,158	4,863	5	82,856	9,220	11
Rural	125,478	25,196	20	125,955	50,826	40
Wisconsin	1,416,427	101,372	7	1,206,690	176,045	15
Urban	932,147	34,407	4	787,764	61,579	8
Rural	484,280	66,965	14	418,926	114,466	27
SOUTH						
Alabama	1,114,845	188,363	17	949,071	362,884	38
Urban	657,617	46,767	7	542,843	117,389	22
Rural	457,228	141,596	31	406,228	245,495	60
Arkansas	672,967	123,694	18	566,856	239,534	42
Urban	339,016	28,981	9	255,349	53,982	21
Rural	333,951	94,713	28	311,507	185,552	60
Delaware	174,990	8,856	5	137,613	16,008	12
Urban	123,513	2,215	2	91,410	4,769	5
Rural	51,477	6,641	13	46,203	11,239	24
Florida	2,490,838	127,423	5	1,712,929	256,215	15
Urban	2,016,393	75,729	4	1,302,312	146,516	11
Rural	474,445	51,794	11	410,617	109,699	27
Georgia	1,466,687	193,748	13	1,150,788	384,716	33
Urban	896,203	57,049	6	662,830	131,497	20
Rural	570,484	136,699	24	487,958	253,219	52
Kentucky	1,060,689	220,646	21	912,104	357,839	39
Urban	557,295	28,067	5	432,417	63,627	15
Rural	503,394	192,579	38	479,687	294,212	61
Louisiana	1,146,105	132,191	12	960,271	279,552	29
Urban	769,530	44,305	6	630,892	117,874	19
Rural	376,575	87,886	23	329,379	161,678	49
Maryland	1,234,680	54,770	4	912,464	89,608	10
Urban	958,566	16,263	2	676,153	25,438	4
Rural	276,114	38,507	14	235,311	64,170	27
Mississippi	697,271	169,362	24	613,311	291,898	48
Urban	320,081	34,350	11	246,501	58,910	24
Rural	377,190	135,012	36	366,810	233,079	64
North Carolina	1,619,548	252,319	16	1,292,688	459,196	38
Urban	732,436	44,909	6	548,580	101,691	19
Rural	887,112	207,410	23	744,108	357,505	48
Oklahoma	937,815	66,426	7	801,859	163,100	20
Urban	633,445	18,885	3	512,562	50,279	10
Rural	304,370	47,541	16	289,297	112,821	39
South Carolina	804,858	149,300	19	660,860	254,861	39
Urban	389,180	38,207	10	296,786	67,806	23
Rural	415,678	111,093	27	364,074	187,055	51
Tennessee	1,297,000	192,543	15	1,070,252	369,694	35
Urban	763,626	35,984	5	578,512	93,773	16
Rural	533,374	156,559	29	491,740	275,921	56
Texas	3,809,086	291,383	8	3,069,310	571,384	19
Urban	2,965,688	132,715	4	2,295,891	286,414	12
Rural	843,398	158,668	19	773,419	284,970	37
Virginia	1,484,952	199,317	13	1,149,420	311,410	27
Urban	939,375	32,272	3	663,923	72,278	11
Rural	545,577	167,045	31	485,497	239,132	5
West Virginia	592,845	108,678	18	563,078	179,018	32
Urban	243,118	9,664	4	232,613	18,276	8
Rural	349,727	99,014	28	330,465	160,742	49

HOUSING UNITS LACKING COMPLETE PLUMBING, BY STATE AND CENSUS REGION, 1970

	1970			1960		
	Number of housing units	Without complete plumbing		Number of housing units	Without complete plumbing	
		Number	Percent		Number	Percent
NORTH-EAST						
Connecticut	968, 815	25, 842	3	790, 031	51, 385	7
Urban	761, 598	19, 893	3	625, 293	40, 317	6
Rural	207, 217	5, 949	3	164, 738	11, 068	7
Maine	339, 440	52, 015	15	303, 530	78, 564	26
Urban	167, 484	12, 994	8	157, 639	23, 278	15
Rural	171, 956	39, 021	23	145, 891	55, 286	38
Massachusetts	1, 839, 019	65, 721	4	1, 606, 523	138, 416	9
Urban	1, 568, 745	55, 531	4	1, 361, 441	117, 610	9
Rural	270, 274	10, 190	4	245, 082	20, 806	8
New Hampshire	248, 799	17, 403	7	192, 145	24, 435	13
Urban	136, 063	5, 482	4	111, 752	9, 275	8
Rural	112, 736	11, 921	11	80, 393	15, 160	19
New Jersey	2, 305, 293	57, 917	3	1, 884, 382	110, 073	6
Urban	2, 048, 505	47, 971	2	1, 669, 642	87, 638	5
Rural	256, 788	9, 946	4	214, 740	22, 435	10
New York	6, 159, 314	195, 165	3	5, 468, 785	380, 779	7
Urban	5, 323, 904	137, 898	3	4, 735, 110	283, 146	6
Rural	835, 410	57, 267	7	733, 675	97, 633	13
Pennsylvania	3, 880, 102	198, 605	5	3, 504, 255	364, 516	10
Urban	2, 822, 127	90, 084	3	2, 563, 512	165, 404	6
Rural	1, 057, 975	108, 521	10	940, 743	199, 112	21
Rhode Island	307, 309	9, 646	3	273, 014	33, 241	12
Urban	272, 685	7, 569	3	237, 963	28, 465	12
Rural	34, 624	2, 077	6	35, 051	4, 776	14
Vermont	149, 762	12, 454	8	119, 896	18, 135	15
Urban	46, 834	1, 737	4	47, 395	3, 599	8
Rural	102, 928	10, 717	10	72, 501	14, 536	20

RURAL HOUSING UNITS WITHOUT COMPLETE PLUMBING, REGIONAL TOTALS FOR 1970

	Units	Percent
West	188, 608	9. 3
North-central	705, 212	13. 3
South	1, 832, 757	25. 1
North-east	255, 609	8. 4
United States	2, 982, 186	16. 0

Source: 1970 Census of Housing, vol. 1, U.S. summary, U.S. Department of Commerce.

Mr. THURMOND. Mr. President, I am pleased to cosponsor the legislation by the distinguished Senator from South Dakota, Mr. ABOUREZK, which will amend section 306(a) of the Consolidated Farm and Rural Development Act, as administered by the Farmers Home Administration.

Adequate water distribution and waste disposal programs are essential if American citizens who reside in rural areas are to be able to enjoy an adequate standard of living. Section 306(a) of the Consolidated Farm and Rural Development Act was enacted to focus on the water and sewer needs of rural Americans. To some extent, this program, administered by the Farmers Home Administration, has been successful; however, statistics compiled from a survey by the national demonstration water project found that many rural Americans lack essential water and sewer services. Specifically, this survey revealed that:

First, 1 out of every 10 residents in places under 2,500 lives in housing without running water;

Second, there are approximately 10 million people who live in housing with incomplete plumbing in rural areas;

Third, approximately 18 million people in communities of 10,000 and under use individual wells that have high rates of contamination;

Fourth, over 6.5 million people served by community water systems use water that did not meet Federal drinking water standards in 1970; and

Fifth, while comprising only 27 percent of the population, communities of 2,500 and under have 92 percent of all housing without running water and 64 percent of all housing without complete plumbing.

Mr. President, these rural citizens are without services which the majority of Americans considers a bare necessity.

This water and sewer program is funded at the level of $300 million per year. However, over $100 million was not obligated for fiscal year 1976; and were subsequently carried over into the next fiscal year. Mr. President, this "carry-over" represents over one-third of the funds that had been appropriated for this vital program.

I want to point out to my colleagues that nothing in this bill calls for any increase in authorization or appropriation for this FmHA program. This legislation would encourage rural communities to provide these much needed water and sewer services. Primarily, these proposed changes would increase the limit for grants of water and sewer development costs from 50 to 75 percent, and established a distribution formula which links the amount of grants to the median income of the community.

Mr. President, I believe that the changes proposed by this legislation would make available needed water and sewer systems to many rural communities, and I urge my colleagues to give prompt and favorable consideration to this measure.

By Mr. GOLDWATER:

S. 1201. A bill to amend title 5 of the United States Code to allow congressional employees with long periods of service with the same Member of Congress to receive civil service retirement credit for employment by the Member during a break in service of the Member; to the Committee on Governmental Affairs.

Mr. GOLDWATER. Mr. President, I am today introducing legislation to provide Government retirement credit to individuals who may serve as employees of Members of Congress continuously during a break in service of such Member and for long periods of years both before and after the separation.

Now, the way I have drafted the bill, it would require that an individual be employed by a Senator or Congressman—

First. For at least 6 years prior to any break in service of that Member of Congress.

Second. During the entire period of such break in congressional service, and

Third. For at least 6 years after the date on which the Member again takes office in the Congress.

The periods of employment which are set forth as conditions of eligibility for the special retirement credit provided in the bill happen to represent the length of time of a full term of office as a Senator. This seems to be as reasonable a test of continuity of employment as any other, but I am willing to consider alternative suggestions.

It does seem equitable to me to allow an individual who is employed consecutively by a Member of Congress for the equivalent of one full Senate term before the Member may have a break in service, and then for another period of years equivalent to a second full term of office as a Senator, to qualify for civil service retirement credit for their continuous employment by the same Member during a temporary break in congressional service.

Mr. President, let me point out that no staffer will get a free ride under the bill. It requires that the employee must make the appropriate monetary deposit required under the retirement law for the extra years of credit involved. Another restriction imposed by the legislation is a limit of 5 years on the additional years of employment which such a congressional employee may use for retirement credit.

Finally, in order to make certain that such an employee would not double-dip—that is, would not receive possible social security payments based on the same years used toward a civil service annuity—the bill specifically provides that no social security credit shall be allowed for any period of years during which a congressional employee is allowed the special retirement credit provided in the bill.

Also, I might note that the legislation would not apply retroactively, but would apply only to individuals who become entitled to annuities upon their separation from service as congressional employees after the date of enactment of the legislation.

Now, Mr. President, I will explain that I got the idea for the bill as the result of my knowledge of the situation of an individual who has long been employed

by me. When I took my self-imposed sabbatical from 1964 to 1968, one individual who had served with me for several years before my temporary retirement from the Senate remained employed by me throughout the entire period of the intervening 4 years. After I returned to the Senate in 1969, that individual continued as a member of my staff and is still employed by me.

However, I do not intend the legislation to be in any way considered as a private bill. It is drafted in general terms and would apply to anyone who meets the conditions described in the bill. I think it is only fair that we offer an option of additional retirement credit to loyal and experienced employees who have extended years of service with Members of Congress and who have been employed continuously by a Member for so many years.

By Mr. McCLURE (for himself and Mr. CHURCH):

S. 1202. A bill to provide for the transfer of certain lands to the Secretary of the Interior by the Energy Research and Development Administration for sale to farmers damaged by the Teton flood; to the Committee on Energy and Natural Resources.

ERDA LAND TRANSFER FOR TETON FARMERS

Mr. McCLURE. Mr. President, I am introducing a bill today that will make 6,000 acres of Energy Research and Development Administration land in Idaho available to farmers who lost their farms in the Teton Dam disaster. As many of you recall, the Teton disaster of June 5, 1976, caused considerable destruction to both lives and property in the upper Snake River agriculture region. Congress and the administration acted quickly to provide assistance and the replacement of lost homes and businesses through special legislation is being carried out today.

There are a handful of farmers, however, whose farms were in the immediate path of the flood and whose farms today are under deposits of gravel or stripped to bedrock. To continue farming on this land is impossible and while they may be compensated for the loss of their land, they must have the opportunity to reinvest that money into other farmland. Efforts to try and locate suitable farmland in the same region have not been successful. While the Bureau of Reclamation did a survey of real estate and located around 25,000 acres of farmland, a closer look revealed that much of the land has been overfarmed, is too far from the upper Snake River region, is either scab land or alkaline, and is basically unsuitable as productive farmland. State and other Federal land are not available.

In order to try and provide these farmers with an opportunity to continue farming in this part of Idaho, I have proposed that a small portion of the Energy Research and Development Administration site be released for farming. ERDA retains 572,000 acres in southeastern Idaho at their Idaho Nuclear Engineering Laboratory. Their facilities cover approximately 1 percent of this land. My bill transfers 6,000 acres of ERDA land to the Bureau of Reclamation and after 3 years, if eligible farmers have not purchased this land, it will be returned to ERDA. The 6,000 acres are on the eastern edge of the site, adjacent and south of highway No. 88, are bordered by farm land and have no ERDA facilities on them.

The entire INEL site is designated an ecological research area and many research projects are located throughout these sagebrush flat lands. The area provides habitat for antelope, deer, upland game birds, and other smaller animals. Both the Environmental Division of INEL and the Idaho Fish and Game Department have assured me that the acreage selected is not in a migration path of antelope nor other game, is not critical habitat for any species and is the best land suited for farm use with respect to the wildlife concerns. Any research that may be conducted on this land is also being conducted on other INEL lands and my proposal will not jeopardize the research program.

Both the administration and ERDA have promised their cooperation in this program if other alternatives could not be found for these farmers. Unfortunately, time is of the essence and no alternatives have been found. For generations these families have farmed this area and they want to continue farming but they must be able to begin soon. This proposal makes Federal land available to be purchased by farmers whose land was taken away from them by the Federal Government through the Teton disaster. It is justice to provide them with the opportunity to continue their life's work, that of farming in eastern Idaho.

By Mr. LAXALT (for himself, Mr. GARN, Mr. McCLURE, and Mr. MELCHER):

S. 1203. A bill to amend the Federal Land Policy and Management Act of 1976 relating to certain rules and regulations promulgated by the Secretary of the Interior and the Secretary of Agriculture; to the Committee on Energy and Natural Resources.

Mr. LAXALT. Mr. President, today I am introducing legislation designed to improve congressional oversight over the Federal agencies charged with the management of public lands and to restrain such agencies from prescribing regulations which are inconsistent with congressional intent.

The method proposed is one with which we are all well acquainted; that is, the legislative veto. The power to direct, review, approve or disapprove proposed executive actions has expanded rapidly during the last several decades. Almost 200 different acts of Congress have provided some type of congressional review over or consent for contemplated or pending executive implementations of those laws. The need to engage in this method of oversight and our willingness to do so with respect to public lands is evidenced by the inclusion of such provisions in Public Law 94–579, the Federal Land Policy and Management Act of 1976. My legislation which amends that act simply provides for a more comprehensive application of the legislative veto.

As a result of the act, certain sales, withdrawals, and exclusions of principal uses are now subject to legislative veto. It is important to note that in approving such uses of the veto, Congress expanded its oversight domain from general policy matters to specific management actions. While the impetus for that action was the issue of the disposal of public lands, so too should the protection of public lands and the regulation of the users of public lands cause us to expand our oversight capabilities. In my view, applying the legislative veto to these areas is entirely appropriate and necessary.

The act conveys to the Secretaries of the Interior and Agriculture broad authority to issue rules and regulations to carry out the purposes of the act. This authority is provided principally in sections 302 and 310, but also appears elsewhere for the enforcement of particular provisions. Having conveyed that power, the Congress should be willing to take the necessary steps to insure that it is not abused. By adding a new section which requires that no rule or regulation concerning public lands including their management, use, and protection will take effect until the expiration of 90 days and then only if Congress has not adopted a concurrent resolution of disapproval, we will acquire a means by which to control any abuses.

Regulations pertaining to the internal management of the relevant agencies are likely to be of little importance to public land users, and hence, are excluded from the disapproval process. However, beyond this exemption, I believe that it is necessary to include all other categories of regulation. Were we to attempt further specification of regulations not subject to congressional disapproval, we would run the risk of excluding potentially important areas. It is my opinion that only through the method proposed here can we accommodate the many, and sometimes competing interests of public land users. In addition, my proposal would provide to many groups of public land users who either cannot afford costly litigation or who do not have a cozy relationship with the regulators, a final safeguard against regulatory overkill.

The mechanics of the disapproval provision are largely the same as those employed in the disapproval provisions already contained in the organic act. A significant feature of this method is that a concurrent, as opposed to a simple resolution, is required to reject a rule or regulation, thereby reducing the likelihood of capricious action. The 90-day referral, identical to the existing veto provision, should provide adequate time during which to consider the proposed rule or regulation. Also, in the event of an emergency situation, a method is provided whereby regulations will take effect immediately.

Certainly, my own State of Nevada, the land of which are almost 90 percent federally owned, has a very great interest in this legislation. Likewise, this interest is shared by many other Western States with high percentages of Federal landownership. And, I make no bones about this, making the regulators more

responsive to the needs and interests of Nevadans and other westerners is, without question, one of the goals of this legislation. However, I believe that the additional goal of restoring to the Congress the power to assure that its intent is not subjected to bureaucratic misinterpretation, is one which we all can share.

Lastly, I would suggest that while this legislation holds the potential for extensive application, if need be, the more likely prospect is that frequent use will not be necessary. Although it is not a panacea for all the problems of the regulation of land use, I believe that the presence of the prerogative and, its occasional application, will have a deterrent effect on agency regulation. For example, only recently, the Bureau of Land Management issued regulations concerning surface mining on public lands which have imposed serious hardship on the public land miners of the West. The knowledge that the Congress may disapprove some of the regulations may have a chilling effect on that agency, and consequently, an improvement in the quality of the regulations.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Land Policy and Management Act of 1976 is amended by adding at the end thereof the following new section:

"SEC. 708. (a) Except to the extent otherwise provided in subsections (b) and (c) of this section, no rule or regulation issued pursuant to this Act or any other law by the Secretary of the Interior with respect to the implementation of the provisions of this Act or any other law involving the management, use, or protection of the public lands, including the property located thereon, and no rule or regulation issued pursuant to this Act by the Secretary of Agriculture with respect to the implementation of this Act involving lands within the National Forest System, shall take effect until after the expiration of the ninety day period (not counting days on which the Senate and the House of Representatives have adjourned for more than three consecutive days) beginning on the day copies of such rule or regulation (together with a concise statement of the purposes of such rule or regulation, the legal authority for such rule or regulation and a detailed explanation thereof) has been transmitted to the Senate and the House of Representatives by the appropriate Secretary, and then only if the Congress has not, within such period, adopted a concurrent resolution stating that it does not approve the rule or regulation. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to such rule or regulation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same rule or regulation. When the committee has reported, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(b) Notwithstanding the provisions of subsection (a) of this section, in any case in which the Secretary of the Interior or the Secretary of Agriculture determines that a delay in the effective date of a proposed rule or regulation otherwise subject to the provisions of subsection (a) would seriously injure an important public interest, substantially frustrate legislative policies, or seriously damage a person or class of persons without serving any important public interest, such Secretary may promulgate and put into effect such rule or regulation without regard to the provisions of subsection (a), but such rule or regulation shall expire ninety days after its promulgation and in no case shall any subsequent rule or regulation, covering the same or similar subject matter as that contained in such rule or regulation so expiring, take effect except in accordance with the provisions of subsection (a) of this section.

"(c) The provisions of subsection (a) of this section shall not be applicable with respect to interpretative rules, general statements of policy, or rules of departmental organization, procedure, or practice.

"(d) The failure of Congress to act with respect to, or the rejection without referral to a Committee of, any resolution of disapproval of any rule or regulation under subsection (a) shall not be deemed to be an expression of approval by the Congress of such rule or regulation.".

By Mr. JOHNSTON:

S. 1204. A bill entitled "The Saccharin Control Act of 1977"; to the Committee on Human Resources.

Mr. JOHNSTON. Mr. President, I am today submitting legislation that will provide for an orderly process in determining what the United States should do regarding saccharin. As all of my colleagues in the Senate are aware, the recent decision of the Food and Drug Administration to move toward a ban on saccharin in the next month is highly criticized, and I believe with good reason. It is my impression, from all that I have reviewed, that the decision of the Food and Drug Administration is based on slim and inconclusive evidence. Information provided by the Department of Health, Education, and Welfare suggests that over a period of 80 years the use of saccharin has not been known to harm people. Moreover, it is clear that many Americans rely on saccharin either as an important food supplement in a diabetic's diet, as a means of weight control, or for other health reasons, such as good dental practice.

For all of these reasons, Mr. President, I think it is important that we be certain that any decision made limiting or restricting the use of saccharin is a sound and well-founded decision. This bill is designed to insure that.

Very simply, Mr. President, this bill would mandate a study by the Secretary of Health, Education, and Welfare, to include a review of past work together with original research. Such study would take no less than 1 year. I have inserted this time limit because I believe that it is virtually impossible for any meaningful new research in the area to be done in a shorter period of time.

Once this study is completed, the Secretary will submit his findings to the Congress. No regulations of any kind, either proposed or final, limiting, restricting, or modifying the use of saccharin will be lawful prior to the completion of this study and the submission of the Secretary's report.

Finally, Mr. President, I have included in section 4 of this bill a provision that allows for a one-House veto of any regulations that are finally published. I believe that it is appropriate in this case, and I believe that the Congress is perfectly capable of assessing the final regulations, if any, that might be promulgated in this area.

ADDITIONAL COSPONSORS

S. 247

At the request of Mr. GOLDWATER, the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of S. 247, to provide recognition to the women's Air Forces Service Pilots.

S. 394

At the request of Mr. CULVER, the Senator from West Virginia (Mr. BYRD), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of S. 394, the Bridge Replacement and Rehabilitation Act of 1977.

S. 514

At the request of Mr. RIBICOFF, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 514, to provide visionary care under part B medicare payments.

S. 527

At the request of Mr. CULVER, the Senator from Minnesota (Mr. ANDERSON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of S. 527, a bill to authorize the Small Business Administration to furnish reinsurance for product liability insurers of small business.

S. 607

At the request of Mr. JOHNSTON, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 607, to establish a Minority Business Development Administration.

S. 666

At the request of Mr. STEVENS, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 666, a bill to allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the applica-

tion of, certain Federal laws allowing employment preference to Indians and for other purposes.

S. 708

At the request of Mr. CLARK, the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 708, to amend title XVIII of the Social Security Act.

S. 904

At the request of Mr. KENNEDY, the Senator from Alaska (Mr. GRAVEL) was added as cosponsor of S. 904, a bill to provide for the efficient and regular distribution of current information on Federal domestic assistance programs.

S. 991

At the request of Mr. RIBICOFF, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 991, to establish a Department of Education.

S. 1010

At the request of Mr. MCINTYRE, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Kansas (Mr. PEARSON), and the Senator from Minnesota (Mr. ANDERSON) were added as cosponsors of S. 1010, the National Consumer Cooperative Bank bill.

S. 1034

At the request of Mr. HAYAKAWA, the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. MCCLURE), and the Senator from Alabama (Mr. ALLEN) were added as cosponsors of S. 1034, to provide for a study of the effects of saccharin and for other purposes.

S. 1076

At the request of Mr. GARN, the Senator from Wyoming (Mr. HANSEN), the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. CHURCH), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of S. 1076, to amend the Jones Act.

S. RES. 76

At the request of Mr. HAYAKAWA, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of Senate Resolution 76, relating to unilateral regulations by the European Economic Community.

S. RES. 120

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of Senate Resolution 120, relating to the ban on saccharin.

SENATE RESOLUTION 129—SUBMISSION OF A RESOLUTION RELATING TO THE CONSIDERATION OF S. 266

(Referred to the Committee on the Budget.)

Mr. JACKSON submitted the following resolution:

S. RES. 129

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 266, a bill to authorize appropriations for fiscal year 1977 to the Energy Research and Development Administration. Such waiver is necessary to extend a program of the Energy Research and Development Administration, and increase the authorization for the program to allow completion of remedial action concerning a potential health hazard caused by the use of sand containing uranium mill tailings for the construction of buildings in the Grand Junction, Colorado area.

SENATE RESOLUTION 130—SUBMISSION OF A RESOLUTION RELATING TO RURAL FIRE PROTECTION

(Referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. HUDDLESTON submitted the following resolution:

S. RES. 130

Whereas approximately 37 percent of Americans live in communities having a population of 10,000 or less; and

Whereas the fire fatality rate for white Americans in nonmetro areas is approximately 4 per 100,000 versus 2.7 per 100,000 in metro areas; and

Whereas the fire fatality rate for black and other minority groups in non-metro areas is 15.3 per 100,000 versus 8.1 in metro areas; and

Whereas rural fire efforts are often thwarted by insufficient water supplies, inadeqaute equipment, and lack of alarm facilities; and

Whereas increased training of fire protection personnel is badly needed in many areas; and

Whereas improved fire protection is essential to the protection of lives and property in rural areas as well as to the development of such areas; and

Whereas fire has destroyed the Nation's forests at an average annual rate in excess of two million acres over the past five years; and

Whereas applications for Federal assistance under title IV of the Rural Development Act of 1972 have far exceeded the number which could be funded; and

Whereas the executive branch has never requested funds for carrying out the Federal-State matching program provided for in title IV of the Rural Development Act of 1972: Now, therefore, be it

Resolved, That it is hereby declared to be the sense of the Senate that the Department of Agriculture should make a strong commitment to and give increased attention and emphasis to the Rural Community Fire Protection program provided for under title IV of the Rural Development Act of 1972, and that the Congress should provide increased fundng for such program.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of Agriculture.

Mr. HUDDLESTON. Mr. President, I am today submitting a resolution urging that the new administration give increased attention to title IV of the Rural Development Act which provides for rural firefighting assistance.

Recently, I cosponsored legislation to extend this program and I fully expect the Senate Agriculture Committee to follow through on that in the near future.

But, the fact is that over the past 3 years during which the program has been in existence it has not received sufficient time and attention from the Department of Agriculture or from the previous administration. There has never been a budget request from the administration for the program, and the $3.5 million which has been allotted annually has been the result solely of congressional action. This has happened despite the fact that numerous requests for assistance under this matching program—far in excess of the number which could be funded—have come in each year.

Because of the previous indifference of the Department to this program, I had earlier thought of proposing legislation to transfer it to the National Fire Prevention and Control Administration in the hope that it would receive the attention which it merits, and also to avoid any duplication which can exist when several agencies or departments are involved in similar fields. In view of the fact that we have a new administration, I have, however, decided to withhold that proposal at this time in the hope that the Department will exercise the interest and support for this program which is due, although initial actions are not reassuring. To emphasize that need and the desire of the Congress that the Department follow such a course, I am, consequently, submitting this resolution.

Because of the importance of expanding and improving our rural fire prevention capabilities, I ask unanimous consent to have printed in the RECORD a summary of Federal assistance which is currently available for rural fire prevention activities. The summary was prepared by Mauree W. Ayton, analyst in science and technology, of the Congressional Research Service.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY BY MAUREE W. AYTON

In addition to the programs of the National Fire Prevention and Control Administration and the Department of Agriculture, other programs that provide assistance for fire protection to rural communities include the following:

Department of Commerce. National Bureau of Standards:

Fire protection research. Publishes information that is useful to rural communities.

Department of Commerce. National Weather Service:

Disseminates weather information and special weather data for aviation, agriculture, fire prevention, etc.

Department of Defense. Defense Civil Preparedness Agency:

Assists communities by making vehicles available on donation or loan under the surplus and contributions loan program. Certain government purpose military vehicles are ideally suited, with certain modification, for use as emergency fire and rescue equipment. Information for modifying this equipment is contained in Technical Memorandum 75–1, "Converting Vehicles For Use as Fire Apparatus or Rescue Trucks," available from the Defense Civil Preparedness Agency, Washington, D.C. 20301. Vehicles may be obtained through local and State civil preparedness directors.

Department of Health, Education, and Welfare:

Administers a fire services training program. Matching Federal funds for fire fighter training, including training for volunteers, are granted by the State directors of vocational education under the Vocational Education Act of 1973, as amended by the Vocational Education Amendments of 1968 (Public Law 90–576).

Department of the Interior. Bureau of Mines:

Provides grants, of up to 50 percent of cost, to combat fires on the public domain or Indian lands that endanger federally-owned coal reserves, and gives financial and technical assistance for the control of such fires on pirvately-owned land. Elimination of air pollution from such fires is also an objective. Available to State or local government, or owner of coal reserves threatened by the advance of a fire.

Department of Labor, Manpower Administration:

Provides salaries for public service employees and subsidized labor supply for construction, improvement, repair, renovation, painting, beautification of fire department buildings and equipment. Dispatchers, spotters. Assistance is available to volunteer and public fire departments in open country, villages, towns, and cities not larger than 50,000 persons, if not within the built-up or already subdivided suburbs of cities larger than 50,000 population.

Department of Transportation. Federal Aviation Administration (FAA):

Section 612 of the Airport and Airway Development Act of 1970 directs the FAA to establish minimum safety standards for the operation of airports that serve Civil Aeronautics Board certified air carriers. Part 139 of the Federal Aviation Regulation requires certain firefighting and rescue equipment. Federal aid is available to State, county, municipal, and other public agencies to assist in the purchase of this equipment, if airport requirements are shown in the National Airport System Plan.

Department of Transportation. National Highway Traffic Safety Administration (NHTSA):

NHTSA is authorized under the Highway Safety Act of 1967 to administer an emergency medical services program which provides Federal grants and assistance for purchasing ambulances, small rescue trucks, approved equipment, and training for personnel. Assistance is available through this program to emergency service that provide complete ambulance or rescue service, 24 hours a day, with specified communications and management programs and facilities.

Department of the Treasury:

The State and Local Fiscal Assistance Act of 1972 provides Federal aid to States, counties, cities, towns, and townships without the Federal Government controlling exactly how the money is spent. The idea is to have the Federal Government provide funds but to permit local jurisdictions to determine their needs and priorities. Fire services are eligible to receive their share of revenue sharing funds.

U.S. Consumer Product Safety Commission:

Its comprehensive injury information clearinghouse, the National Electronic Injury Surveillance System (NEISS), collects surveillance and in-depth data from 119 emergency rooms which participate in NEISS and provide a representative sample for the United States. Its in-depth investigations include all deaths and injuries associated with flamable fabrics.

U.S. Postal Service:

Provides special rates for second and third class bulk mailings to philanthropic organizations, and to volunteer fire, ambulance and rescue companies.

AMENDMENTS SUBMITTED FOR PRINTING

SUPPLEMENTAL APPROPRIATIONS, 1977—H.R. 4877

AMENDMENT NO. 178

(Ordered to be printed and to lie on the table.)

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (H.R. 4877) making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes.

AMENDMENT NO. 179

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted an amendment intended to be proposed by him to the bill (H.R. 4877), supra.

NOTICE OF HEARINGS

PARKS AND RECREATION SUBCOMMITTEE

Mr. ABOUREZK. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Parks and Recreation Subcommittee of the Senate Energy and Natural Resources Committee.

The hearing is scheduled for April 29, 1977, beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding S. 1125, a bill to authorize the establishment of the Eleanor Roosevelt National Historic Site in the State of New York, and for other purposes.

For further information regarding the hearings you may wish to contact Mr. Thomas Williams of the subcommittee staff on extension 47145. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Parks and Recreation Subcommittee, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.

ADDITIONAL STATEMENTS

SELECTION OF FEDERAL JUDGES

Mr. HUDDLESTON. Mr. President, on October 28, 1976, the Kentucky Bar Association, together with the distinguished junior Senator from Kentucky (Mr. FORD) and I, created a nine-member nonpartisan advisory Commission to make recommendations for Federal district judgeship vacancies in our State. For each judgeship vacancy, this Commission will recommend from three to five persons who are considered to be the best qualified. Senator FORD and I, in turn, will submit all of those recommended by the Commission to the President for his consideration.

The Kentucky Commission was the second one of its kind in the Nation and is a significant step in the direction of removing partisan politics from the selection of Federal judges. Since the creation of the Kentucky Commission, President Carter has proposed a similar system for the Federal circuit courts of appeals and other Senators have expressed an interest in the idea. In order to assist those who are considering this approach to improving the Federal judiciary, I ask unanimous consent that the charter of the Federal Judicial Selection Commission of Kentucky be printed in the RECORD.

There being no objection, the charter was ordered to be printed in the RECORD, as follows:

CHARTER OF THE FEDERAL JUDICIAL SELECTION COMMISSION OF KENTUCKY

United States Senator Walter D. Huddleston, United States Senator Wendell H. Ford and Henry D. Stratton, President of the Kentucky Bar Association, after extended and careful consideration of the selection process for judicial officers of the United States courts, find:

1. That the maintenance of a strong and competent federal judiciary is necessary for the protection of the rights and freedoms of all those within the jurisdiction of the United States Constitution and that the judiciary must be preserved as a viable co-equal branch of our democratic government;

2. That only those individuals who exhibit the highest professional and personal qualifications and attributes should be appointed to serve on the federal judiciary;

3. That the selection process should not be influenced by arbitrary criteria such as sex, race, national origin, religion or political affiliation which have no bearing upon a nominee's true qualifications; and

4. That the constitutional process of presidential appointment, with the advice and consent of the United States Senate, to fill vacancies in the courts of the United States can be substantially augmented and improved through the creation of a nonpartisan advisory commission composed of outstanding representatives of the Kentucky Bar and leading citizens of the Commonwealth of Kentucky to nominate eligible persons for the federal district courts of Kentucky and appropriate seats on the United States Court of Appeals for the Sixth Circuit.

In accordance with these findings, the following charter is promulgated effective immediately:

1. There is hereby created and established the Federal Judicial Selection Commission of Kentucky, hereinafter referred to as the "Commission".

2. The Commission shall nominate persons found to be qualified to fill vacancies on the United States District Court for the Western and Eastern Districts of Kentucky and those vacancies on the United States Court of Appeals for the Sixth Circuit which are appropriately considered Kentucky seats.

3. The Commission shall consider all applications and also seek out through appropriate means qualified prospects for appointment to fill vacancies on the above mentioned courts. The Commission may seek and receive recommendations from any interested citizen or group.

4. Whenever a vacancy occurs in a judicial office within the jurisdiction of the Commission, the Commission shall meet to consider the qualifications and eligibility of all possible candidates for appointment.

The Commission shall notify the Kentucky Bar and the public at large in the Commonwealth of the existence of a vacancy and of the nomination procedure to be followed by the Commission and shall request recommendations of persons to fill vacancies.

5. Within 30 days after the occurrence of a vacancy, the Commission shall select by majority vote of its entire membership no fewer than three nor more than five proposed nominees who are the most qualified of those considered. The nominees shall be listed alphabetically and certified to the two United States Senators from Kentucky, who shall submit the nominees to the President of the United States as the most qualified for his appointment. The time limitation may be extended for an additional 30 days at the discretion of the Senators.

For those vacancies which exist at the time of the creation of the Commission, the initial 30 day time limitation shall begin to run 30 days after all commissioners have been officially appointed.

6. The Commission shall seek, receive, review and evaluate all pertinent information on the judicial prospects concerning their qualifications and eligibility.

7. No nominee shall be certified as one of the most qualified by the Commission unless there is an affirmative showing that the nominee possesses:

(a) All the qualifications required by law;

(b) The personal qualities of integrity, sound physical health, objectivity, emotional stability, honesty, fairness, compassion and community respect; and

(c) The professional qualities of probable judicial temperament, legal experience and outstanding legal ability.

8. The personal and professional qualities shall be identified and evaluated in light of guidelines and rules established by majority vote of the Commission. These guidelines and rules shall be recorded by the Commission and copies made available to the public for review without undue delay.

9. The Commission shall consist of nine members to be appointed as follows:

(a) Each United States Senator from Kentucky shall appoint three members to the Commission;

(b) Three members of the Commission shall be appointed by the Board of Governors of the Kentucky Bar Association from among the Kentucky Bar members who are actively engaged in the practice of law with offices within the Commonwealth of Kentucky. No more than two of the Bar appointments shall have their primary legal practice located in the same federal judicial district;

(c) The Senators and Board of Governors shall cooperate in their appointments to assure that the Commission membership represents, insofar as possible, a cross-section of the people of Kentucky as a whole including diverse political affiliation;

(d) A member of the Commission may not be a justice, judge or hold statewide office in any political party;

(e) Initial appointments of the members of the Commission shall be for staggered terms of two, three, and four years, as designated by the appointing authority. When a vacancy occurs on the Commission due to the resignation, disability or death of a member, a successor shall be chosen by the original appointing authority for the unexpired term. Vacancies which occur due to expiration of the member's term shall be filled by the original appointing authority for a term of four years.

(f) No member shall be eligible for appointment to a federal judicial office so long as he or she is a member of the Commission and for a period of two years after ceasing to be a member.

10. An act of the Commission shall be official only with the concurrence of a majority of its members.

11. The Commission shall designate its chairman, vice chairman and secretary. Notice of Commission meetings must be given to all members three days prior to the meeting. Operating rules of the Commission shall be recorded and made available without undue delay for public inspection.

12. The Commission shall keep the public informed of its activities and actions to the extent possible without jeopardizing the goals of the selection process or compromising the privacy of potential nominees.

13. A member of the Commission may be removed from the Commission by his or her appointing authority if the member conducts himself or herself in a manner unbecoming to an individual with this important responsibility or willfully violates the rules or official policies of the Commission.

14. Nothing contained herein is intended in any way to impair or delegate the constitutional and statutory powers, duties or prerogatives of the President of the United States or the Senate in the appointment of judicial officers.

LET US CUT TAXES ON INCOME AND SAVINGS

Mr. HATCH. Mr. President, there are better alternatives to the administration's rebate and spending package for stimulating the economy. In an article in the current issue of the Reader's Digest, Representative JACK KEMP argues that it is more important to increase productivity than to increase spending. He points out that jobs ultimately have their basis in profits. Businesses respond to profitable activities by investing in them, and these new investments result in the new plant and equipment that provide new jobs for a growing labor force. If the labor force grows faster than the rate at which the country adds to the plant and equipment that employs people in productive jobs, the unemployment rate will grow.

In his article, Representative KEMP outlines his proposals for increasing productivity. I believe that his proposals are both sensible and fair and that we should consider them as an alternative to the administration's stimulus package. I ask unanimous consent that Representative KEMP's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEEDED—TAX REFORM THAT WILL CREATE JOBS

(By Representative JACK KEMP)

In the traffic circle at Niagara Square in Buffalo, N.Y., stands the white marble William McKinley Memorial, a handsome 93-foot obelisk that has been a local landmark for almost 70 years. Unfortunately, it has also now become a landmark example of how *not* to create jobs. Consider:

With the city hard hit by the recent recession, a decision was made to create jobs by building a brick wall around the base of the monument. Buffalo hastily scraped up $135,000 to "match" $440,000 in federal funds, and the bricklayers went to work. Only as the fortress-like wall began rising did citizens realize how grotesquely it altered the beauty of the square.

A great public outcry finally halted the job, the project was torn down, and the monument area restored to its original condition. But by the time the last truck had hauled away the debris, taxpayers all over the country had chipped in on a "project" that added nothing to the wealth or well-being of the city and did nothing for the area's flagging economy.

Buffalo needs jobs. America needs jobs, for the millions now out of work and for the almost two million young men and women who will be entering the market each year. But America does not need McKinley monument-type jobs like those urged by too many of my colleagues in Congress. Tax rebates, temporary tax credits and government make-work programs, such as those advocated by the Carter Administration, cannot deal permanently with unemployment because they do nothing to increase real wealth and exist only as long as the private sector supports them with its taxes. Real jobs—those that produce goods and services, pay taxes and, in turn, create more jobs—come only one way: by harnessing private enterprise, the ultimate source of all of America's wealth.

Today, however, America's job machine, once the wonder of the world, is slowing down. Its fuel supply—the investment capital to start new companies, expand old ones, develop new products, replace obsolete or worn-out machines—is slowly being choked off.

How has it happened? The voracious combination of taxes rising on the tide of inflation has been eating up profits and discouraging the saving and investment necessary to increase our pool of job-producing, economy-expanding capital. Corporate after-tax profits (as a percentage of corporate domestic income) were 13 percent in 1965. By 1975 they had dropped to 5.1 percent.

This decline has also meant a drastic drop in retained earnings, the money left after paying dividends that business plows into job-producing modernization and expansion. A study by the Machinery and Allied Products Institute, adjusted to show the effects of inflation, shows that in 1965 corporations had $19 billion in retained earnings. A decade later, retained earnings had been wiped out.

The consequences of this economic reality are evident in every part of the country. In Buffalo, a major employer decides not to expand plant capacity. In Ohio's Mahoning Valley, a group of small steel companies considers a drastic pooling of resources to acquire enough capital to build a jointly operated mill that would replace antiquated blast furnaces. Fears of anti-trust violations are raised, but the alternative is frightening: get out of business. Indeed, this whole capital issue *is* the jobs issue. There is no economic lesson more basic than that capital *creates* jobs (a man can't hire people to cut wood if he hasn't first invested in saws) and *increases* productivity—and therefore wages—by buying better, more efficient tools.

The most important factor in increasing productivity is the amount of capital investment spent per worker. In the 1950s, we were investing an average of $84,000 per worker added to the labor force. In the '70s, that rate dropped to $60,000 per new worker. As a consequence, American workers are losing ground in the productivity race against world competitors.

Lest anyone think there is no correlation between investment capital and real economic growth, look at Japan. The free-world leader in productivity growth (close to 11 percent a year), it has also been the leader in private investment, plowing an average of 35 percent of its GNP back into capital expenditures. In West Germany, the figure is 26 percent; in France, 25 percent. The United States trails all major free-world nations, with an investment rate of only 18 percent.

Because our investment rate ranks last among the major industrial nations, we also rank last in growth of real wages and benefits. From 1965 to 1975, the real income of the American worker increased only 15.7 percent. In Sweden, it increased 68.8 percent; in Germany, 78.1 percent; and in Japan, 137.9 percent. In the United States by 1950, per-capita income was twice that of Sweden or Switzerland. Today, both have surpassed us, and other industrial nations are not far behind.

If we are to meet our energy needs, compete with foreign industry, build a projected 28 million new homes and maintain our standard of living, staggering amounts of capital are essential—$4 trillion in new investment between now and 1986. If present trends continue, we will fall $650 billion short of this goal.

Despite such predictions—plus the relationship between our dwindling rate of investment and jobs—we find Congress today still talking about soaking the rich and increasing taxes on business. It is the spectacle of a man choking himself. But if the advocates of "getting the fat cats" and "placing the burden on business" have their way, we will see still further reduction of our ability to save, invest, energize the economy.

There is, however, a way to encourage investment and provide millions of new jobs. Many of my colleagues in the House have joined me in sponsoring the Jobs Creation Act. Its most important proposals:

An across-the-board cut of ten percent on all personal income-tax rates. The American taxpayer's need for permanent relief is painfully obvious. The total tax bill of the average American household in 1975 (the most recent year computed) was $5844, or 41.2 percent of household income. Because of the universality of the federal income tax, a permanent cut at that level would be the most equitable and easily attained form of relief. Such a cut would be far better than one-shot rebates of money that has already been funneled to Washington and is then sent back—without interest, plus the added

expense of printing and mailing checks. We can best stimulate the economy by leaving more money with the people in the first place.

An exemption to each taxpayer of up to $1000 on a new savings account, money added to existing savings, or new investments in stocks and bonds. This will treat everyone equally and is a basic step to encourage the saving that is the heart of capital formation. Of the nine major industrial nations of the free world, the United States ranks eighth in taxation of what we consume. But it ranks first in taxation of wealth—the pool from which we must draw to finance the kind of productivity that makes things available to consume. Only by encouraging investment can we provide the trillions of dollars that American industry needs to supply real jobs for millions of workers.

An end to the double taxation of corporate dividends. This double dip by the U.S. Treasury has reduced the benefits of investment to individuals. After whacking 48 cents out of a corporate-profit dollar for federal taxes, the government then extracts tax a second time from the dividend checks of individual stockholders. The bite can go as high as 70 percent. This virtual confiscation of at least half and often more of a profit dollar has made many people reluctant to invest in business. The evidence: while 548 small companies (under $5 million net worth) were able to sell stock and raise $1.5 billion in capital in 1969, only four new companies issued stock in 1975, raising just $16 million in funds.

A reduction of the tax rate on small businesses. Today many small businesses must pay 48 percent of all earnings above $50,000 to the government—more than double the already high (20 to 22 percent) tax rate on earnings below $50,000. This tax jump is a formidable disincentive to firms that might otherwise expand. While these smaller businesses cannot borrow on the same terms as bigger companies, nor easily sell stock to raise funds, they are taxed at the same rate as multimillion-dollar business.

I also believe in adjusting personal and corporate income taxes to the consumer-price index so that individuals and businesses are not penalized when they are pushed into higher tax brackets solely because of inflation. It is the automatic result of inflation that income taxes as a percent of the average worker's income have risen steadily since 1950. Case in point: a Chicago construction worker earned $7196 in 1965 and saw $634, or 8.8 percent of it, siphoned off to Washington via income tax. In 1975, he earned $13,798, nearly double his pay of a decade ago. But Washington slipped $1386 out of his pay envelope—more than ten percent of his earnings. There's a hidden story here of how relentlessly the government tax machine runs on. When inflation is factored in, it turns out that the worker's pay increased only 12.4 percent over the decade, while his real taxes increased 28.1 percent, more than twice the wage rate.

The Jobs Creation Act would obviously increase after-tax corporate profits. This means bigger dividends, but also more money for job-producing capital expansion. In short, the "bonanza" would be widespread—through new jobs and through the financial benefits to the more than 25 million U.S. stockholders, many of them workers and retirees.

As I have found from the wide blue-collar support in my home district, working people understand all this better than do many supposedly pro-labor Congressmen. More than 51 million workers have a vital stake—beyond their jobs—in American business. Their retirement funds are invested in stocks and bonds (in fact, the controlling interest—at least one third of the shares—of the 1000 largest U.S. industrial corporations is held by about 1300 of the biggest union, teacher and employe pension funds). In addition, more than 380 million life-insurance policies depend to a great degree on business investments.

A major study—directed by economist Norman Ture—shows that enactment of the Jobs Creation Act would restore production incentives and generate a substantial amount of new jobs and higher wages. As such economic activity increases, the tax base grows. The revenue loss would be substantially less than usual estimates because lowering the high tax rates, which are the roadblocks to a more vigorous economy, would result in an increased GNP and, therefore, increased tax base. This is because jobs in the private sector pay for themselves, while the taxpayer foots the bill for public-sector jobs. And, of course, more private-sector jobs mean fewer unemployment-related expenditures by government, such as food stamps and unemployment compensation.

On the other hand, if we go the route of government make-work, we will find ourselves dreaming up largely nonproductive jobs at a cost that could reach $34 billion a year in public money. We are clearly at a time of decision. We can "create" jobs that are, in fact, an ill-disguised divvying of a shrinking economic pie into smaller and smaller portions. Or we can set about baking a bigger and better pie.

We've known the recipe for 200 years in America: it's the intrinsic genius of the capitalist system. But we've been stifling that genius through restrictive, regressive tax policies. It's clearly time to examine, revise and in some cases throw out those policies and let that genius breathe free.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, evidently something in the Genocide Convention is not clear to my colleagues; otherwise, I am sure the convention would have been ratified by now.

The text of article I of the convention is self-explanatory. The signers seek to make it clear that genocide will be an international crime outlawing actions that result in elimination of members of racial, ethical, national, or religious groups. Article I states that all parties which ratify the convention will join together to prevent and punish genocide. The action of preventing genocide then would not be acted upon by just one nation.

Mr. President, the only change that acceptance of the Genocide Treaty would make is that the crime of genocide would be added to the list of criminal offenses. It would not give more power to any part of the Government.

We must realize that when genocide is committed, it involves reprehensible actions against a large mass of people. It is a concern to all nations.

Since 1776 the United States has made a commitment to strive for basic human rights for all mankind. What the Genocide Convention does it to extend our principles of leadership in the field of human rights to an international accord.

Mr. President, there is no reason to stop driving for a major goal of the United States—that of complete harmony between people and nations. We must not continue to remain inactive in this matter of utmost concern.

Mr. President, I urge my fellow Senators to ratify the Genocide Convention as quickly as possible.

OPPOSITION TO SACCHARIN BAN

Mr. MORGAN. Mr. President, on March 9 of this year, the Federal Food and Drug Administration announced its intention to ban saccharin from public consumption. The FDA said this ban was required under the Delaney amendment to the Federal Food, Drug and Cosmetic Act. That amendment bans a food additive if it is "found to induce cancer when it is ingested by man or animal."

Saccharin is now the only artificial sweetener presently allowed by the FDA.

The Delaney amendment has been on the Federal books since 1958. This was the same amendment under which the FDA banned cyclamates a few years ago.

The reason given for banning saccharin was that 100 Canadian rats were fed diets containing 5 percent saccharin, and from this controlled study 17 of the rats developed cancer. For a human to consume this much saccharin he would have to drink 800 12-ounce bottles of diet soda every day of his life. What is truly remarkable, therefore, is that 17 of the 100 Canadian rats got cancer but that the remaining 83 remained in good health.

The dangers to the American public, resulting from the ban on saccharin, are truly great. The biggest danger is to 200 million or more Americans who are overweight and diabetics who are on restricted diets.

Heart disease is the major killer in this country; responsible for more deaths than all other causes combined. Heart specialists are concerned about the effects on heart disease. Just replacing 10 billion cans of diet soft drink with regular soft drink will lead to an extra 2 trillion calories, and that means 600 million extra pounds of fat in Americans.

Saccharin has been used fairly consistently for almost 80 years. During that time, ironically, the rate of human stomach and bladder tumors has either remained stable or gone down. This indicates that widespread use of saccharin has not caused cancer.

And there can be little doubt that it has saved thousands of lives which otherwise would have been lost through heart disorders.

The FDA takes the position that the Delaney amendment is unqualified and prohibits rational decision making. I do not agree.

The amendment has been on the books for almost 20 years. During that time there was reputable research with monkeys which disclosed no abnormalities after they had been given large doses of saccharin for 6½ years. There have been numerous other tests indicating that saccharin is safe. It seems to me that there is discretion in the Delaney amendment but that the discretion is being abused at this time by the FDA.

I communicated my displeasure over the saccharin issue to the FDA a few days after the ban was announced. I am hopeful that the FDA will use the discretion inherent in the Delaney amendment clause and reexamine its position with a view toward leaving saccharin on the market.

If this is not the case, and action is required by the U.S. Congress to delete or amend the Delaney amendment, I am hopeful the Congress will act swiftly and decisively so that no American will be forced to be without saccharin.

The ban on saccharin by the Federal Food and Drug Administration is to me just a further example of the power which the bureaucrats assume in writing regulations for the executive branch. The Congress passes many bills which basically have good intentions and are based on sound reasons.

However, we must of necessity leave the day-to-day implementation of the laws up to the executive branch, and this includes writing rules and regulations.

In many cases, as with saccharin, the Executive branch gets carried away in writing the rules and regulations and includes many things which the Congress never intended.

These rules and regulations affect our farmers, businesses, industry, schools, consumer products and every facet of life.

Under the Constitution, the laws of this land are to be made by Congress, not by the bureaucrats in the executive branch.

The President has indicated that he intends to cut down on the number of rules and regulations being issued. I applaud this action, and I sincerely hope that he will be successful in this effort.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Mr. JOHNSTON. Mr. President, I am glad to report to the Senate that the Appropriations Committee has voted funds to maintain the operation of the Uniformed Services University of the Health Sciences through the end of fiscal year 1978. I trust that the Senate as a whole will strongly endorse this committee position when the supplemental appropriations bill is considered on the floor. This university is an efficient, economical, and constructive national initiative toward solving the chronic shortage of military physicians. Moreover, testimony before the Appropriations Committee strongly indicates that the university will be a national health resource of which we can be justifiably proud.

I ask unanimous consent that several pieces of information about the university be printed in the RECORD. First, there is a letter to each Senator signed by Senators BELLMON, HUDDLESTON, JACKSON, STEVENS, THURMOND, and myself, explaining in some detail the contribution that the university will make. Second, there are three statements that were made before the Appropriations Committee during hearings on this question. I would hope that Senators would carefully look at these materials. I believe that they strongly indicate that we should move ahead with the course of action that the Senate has endorsed on a number of prior occasions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 29, 1977.

DEAR COLLEAGUE: We are writing at this time to call your attention to an item in the FY 1977 Supplemental Appropriations Bill which we believe is critically important. The Appropriations Committee has included $12.5 million in funding to operate the Uniformed Services University of the Health Sciences through the end of FY1978. This decision was made by a 17–4 vote, and we believe it is essential that these funds be a part of the Senate bill.

As you know, Congress determined in 1972 that a dual mechanism of scholarships and a university was necessary for procuring physicians for the Armed Services. The Scholarship Program and the University were to be complementary, not competitive, and together they were designed to alleviate the chronic military physician shortage.

Five years later, the University is a reality. All construction funds have been appropriated and are under contract, and the first of two buildings is almost complete with the second building well under way. A class of 32 students began last September and a new class of 68 students is being selected from among 4000 applicants at this time. More than 200 faculty members are participating in the University's program. By 1980, the University will admit 175 students each year.

The Congress has acted on a number of occasions to support this University. At each step, the University has been discussed, and at each stage we have determined it to be a sound investment. A hearing was recently held in the Appropriations Committee to review the program. That hearing proves conclusively that this medical training initiative is an efficient, economical, and effective means of training a cadre of career physicians for the military. We would like to summarize for you the main points that were made in this hearing:

1. The University is a less expensive means of procuring physicians for the services than the Scholarship Program.

The General Accounting Office has indicated, and the Defense Department agrees, that the only accurate comparison of costs between the two programs is the total cost per staff year. Only this calculation recognizes the fact that University graduates will remain in the service, on average, more than twice as long as Scholarship Program graduates. In fact, while 99 percent of all Scholarship Program graduates serve only their 4 year commitment, University graduates will serve more than 10 years (a 7 year active duty commitment and a 4-year military residency), and many will remain as career medical officers.

The General Accounting Office, in a report of June 15, 1976, indicates that the total cost per staff year of the Scholarship Program will be $32,068, while the University will cost only $26,236. These are comparable figures, including in both cases the full costs of each program. Occasionally, different costs have been cited for the Scholarship Program, but these lower costs have been arrived at by including only the Defense Department contribution and by neglecting a proportional amount of support provided by the Department of Health, Education, and Welfare.

2. The University will produce a cadre of career professional medical officers who are essential to the health mission of the services.

There are a number of important nonquantifiable benefits of this University. Most of these were summarized in a November, 1976 memorandum prepared by Dr. Robert N. Smith, Assistant Secretary of Defense for Health Policy. Dr. Smith's statement said, in part:

"The USUHS will provide a nucleus of career-minded health professionals which is considered to be essential to the effective accomplishment of the military medical mission. The University will add to the supply of needed doctors, particularly in the primary care area. The University will assist the military in retaining outstanding physicians by offering them opportunities to pursue careers in academic medicine while remaining on active duty. . . . This institution is in a unique position to develop models in medical education and health care delivery systems. The University will train global military physicians as well as being a repository of knowledge on worldwide medical problems. All of these benefits make the USUHS a truly national health resource."

It was Dr. Smith who represented the Administration, in its efforts to terminate the university, at our hearing. He stated before the Appropriations Committee that he continues to believe in these non-quantifiable benefits, and it is his opinion that the University is certain to improve the effective accomplishment of the military medical mission.

3. The services currently face a serious shortage of physicians, and the University is an important step toward correcting that problem.

In order to meet its demand for physicians this year, the services will have to recruit some 900 doctors "off the street." In the last several years, of these recruited physicians, 35 percent have been foreign medical graduates, and 29 percent of these recruited doctors have not been U.S. citizens. In the Navy, foreign medical graduates this year are accounting for 62 percent of the recruited doctors. The recruiting problem in general is typified by the Air Force experience in the last two years. In FY 1976, the Air Force could recruit only 220 physicians toward an objective of 553. Failure to meet these recruiting objectives ultimately means that we incur huge expense in having service members, their families, and military retirees treated by civilian personnel.

The University will be an important step toward solving this physician shortage. Estimates show that by the year 2005, 28 percent of the doctors on active duty will be University graduates.

4. The University will make a contribution toward solving the over-all national shortage of physicians.

At our hearing, there was strong agreement that the additional physicians provided by the University are needed in the general American health care system. Were the University to be disbanded, approximately 1500 scholarships would be required to provide an equivalent number of physicians. Thus, closing the University not only withdraws the 700 new training spaces that are now being created, but also reduces the number of civilian medical training positions by 1500.

At this time we should be expanding our national health training resources, not contracting them. This University, with its 175 graduates a year, is an important step in that direction.

We hope that your review of this information will confirm our commitment that the University will be an important and cost-effective national health resource.

STROM THURMOND.
HENRY BELLMON.
WALTER D. HUDDLESTON.
J. BENNETT, JOHNSTON, Jr.
TED STEVENS.
HENRY M. JACKSON.

STATEMENT BY THE HONORABLE DAVID PACKARD, CHAIRMAN, BOARD OF REGENTS, UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Mr. Chairman, and members of the Committee, I am David Packard, Chairman of the Board of Regents of the Uniformed Services University of the Health Sciences. As you know, the Congress founded the University and directed that "the business of the University shall be conducted by a Board of Regents." I am happy to have the opportunity to appear before you to report on the University.

The Board of Regents is proud to report that the University is a going concern. We have met every requirement directed by the Congress. An exceptionally strong senior faculty has been recruited and outstanding men and women are applying for future positions. An extraordinarily bright and dedicated Charter Class is hard at work learning medicine. The University has received its appropriate accreditation. The buildings are on schedule. Mr. Chairman, I wish that my time could be spent telling you about all the exciting work that is going on. Unfortunately, I must talk about a very different issue.

The Secretary of Defense made a decision in February of this year to close the University. He made that decision in order to reduce the costs of operating the Department of Defense. Now, I have considerable sympathy for Secretary Brown; I have had some experience myself in trying to reduce Defense costs. However, in the case of the University, I must respectfully disagree with the Secretary of Defense. It is my purpose today to review cost and *benefit* information which I hope will persuade you to keep the University open, and I want to discuss some of the considerations which were not adequately taken into account when the decision was made by the Secretary.

Let me begin with construction costs. The Congress—after very careful review and analysis of the need for the University—decided to found the school and appropriated $85 million for the buildings. The University has had fine support from the Naval Facilities Engineering Command who secured excellent contracts for us. We are going to bring those buildings in for a little over $72 million with a savings of $13 million from the appropriation.

The construction timetable is on schedule. I might note that in the early planning for the University, additional buildings were programmed. The Board of Regents, which keeps a very close eye on the school and which meets monthly to review progress, decided in February 1976 that additional programs and buildings were not justified at this time and requested the Congress to delete $9 million from the FY 77 budget, which was done. We now have one building almost finished, and another one nearly 20 percent complete. The Department of Defense has proposed to give these buildings away, but no one has come to the Congress or the Board of Regents to tell you or us who is to get them. Nor have we heard of any plans to permit the Congress to review the costs and benefits of the programs which these new owners would propose for the buildings. Since those buildings were specifically designed to be a medical school, I am sure that it will cost the taxpayers a good bit of money for remodeling. No one has told the Congress or the Board of Regents what those costs might be. There have been some rough estimates that the building costs would come to over $40 million if the project is shut down today. I believe it will be more, possibly as much as $60 million, to close the project down and settle all claims—as compared to the $72 million which is all both completed buildings will cost. In short, I believe the Department of Defense has failed to do its homework on the closing and construction costs and I predict that a lot of tax dollars are going to be wasted if the University is closed.

Let me now turn to the costs of operating the school and of producing military medical officers. There were a number of careful cost-effectiveness studies done in 1974, 1975, and 1976. The Board of Regents has reviewed all of these. In my opinion as a businessman, the two General Accounting Office studies of May and June, 1976 are not only the most recent, but are the most complete and carefully done. The Board of Regents has generally accepted the cost data in these two studies with one major reservation: Congressman Price asked the GAO for the total cost to the taxpayer of the DoD Scholarship program. The GAO reported that an extra $10,624 of Federal support should be added to the Scholarship program, which would make scholarship students cost more than University graduates. The GAO said that it was not proper to add these costs since the Department of Health, Education and Welfare would have to pay them anyway. However, I believe that the taxpayer and the Congress are providing money to HEW to pay for physicians for the civilian community, not for the Department of Defense. In manufacturing, when one is producing several different items in a plant, investment costs are assigned or apportioned to each product; it is the only way that one can determine true costs so that accurate sales pricing can be done. Since the DoD scholarship program is designed to produce a physician for DoD, in my view it is fair to charge these costs to DoD—I would even go so far as to suggest that Secretary Califano ought to ask Secretary Brown for some or all of that $10,624 per scholarship student! I think it is important to mention that scholarship costs are going to increase; medical school tuitions have increased an average of 60 percent in the past five years, and are still increasing. The Congress, the Department of Defense and the Board of Regents can control the costs of the University; we have no such capability for civilian medical school costs.

There are other aspects of the Secretary of Defense's decision that concern me. The men and women in our volunteer Armed Forces have repeatedly put medical care very high on their list of reasons for joining and remaining in the Armed Forces. The Congress has been a strong supporter of the military medical departments. It is clear that the Congress intends to provide quality medical care to military people and their dependents.

The Secretary of Defense said that he could get enough physicians for the Department of Defense from the Scholarship program and by recruiting volunteers. I am sure he was not aware of the increasing number of foreign medical graduates that the Surgeons General have had to recruit while trying to meet—without success so far—their physician shortages. I am sure he was not aware that to replace the 175 graduates of the school will require over 1500 additional scholarships—for which he would have to come to the Congress for authorization and more money.

I am sure he was not aware of the ethical and contractual commitments his Department had made to University faculty and students. I am sure he was not aware how difficult it will be to transfer our students to other medical schools. I am sure he was not aware that over 2400 young men and women have applied for the 68 spaces in the class due to start this September. I am sure he was not aware of the problems the Department of Defense is having in keeping young physicians in the active Reserve for mobilization requirements. I am sure he was not aware that the new Health Professions Education Assistance Act of 1976 will markedly reduce the number of foreign medical graduates available for recruitment and will provide an HEW scholarship program that is more attractive than the DoD Scholarships. I am sure he was not aware that 185 medical and scientific officers of the Army, Navy, Air Force, and Public Health Service, and 40 Federal civilian physicians and scientists have already accepted joint teaching appointments to the University—at no extra salary cost to the Department of Defense. I know the Secretary of Defense was not aware of the GAO studies showing that the University and the Scholarship program have essentially equal costs.

I believe that if the Secretary of Defense had had all these facts available to him, that he would not have decided to close the school.

Let me now turn to some points that all the cost-effectiveness studies have not addressed—the benefits that the University will provide the Department of Defense. The GAO analysts recognized these benefits, but since dollars could not be credited to them, the analysts could not consider them.

The University provides a unique medical education. In addition to giving the students a first-class general medical education, it uses the extra six months in the program to provide an excellent foundation in military medicine. University graduates will get a special education in medical staff and command operations in peace and war; in medical defense against nuclear, chemical and biological war; in tropical medicine and parasitology; in military preventive and environmental medicine; in aviation and submarine medicine; in wound ballistics and mass casualty management and in all the other unique aspects of medical care of our Armed Forces in war and peace. Dr. Smith told the Congress last week that keeping doctors in the military depends on giving them a "sense of mission" about the military. That is exactly what the University will provide.

The University is already regarded by the career physicians now on active duty as "their" school. They have volunteered for its faculty, they are excited about teaching its students, and they regard it as their center for academic excellence. For this group of skilled and scarce people closing the school means that the Department of Defense has broken faith, ruptured a contract, and in effect told them it has no need for their dedication. Closing the University is certain to lose the Department of Defense the services of many of its best medical officers.

The superb Federal clinical research and educational facilities in Washington have accepted the University students with open arms. The students are already seeing patients at Walter Reed, Bethesda, and Malcolm Grow hospitals. Students are doing projects at the National Library of Medicine. The Congress recognized the educational potential of these institutions—they are already vital parts of the University.

The University—as a center of academic excellence—will be training military medical scientists for the masters and doctors degrees. The Department of Defense now sends its young Medical Service Corps and Basic Science Corps officers to civilian universities to get their degrees in bacteriology, parasitology, chemistry, and the other sciences allied to medicine and required by the military departments to support patient care and medical research. The University will provide a military relevant, problem-focused education in these sciences and train another cadre of long service officers for the Armed Forces.

The University clinical faculty, both military and civilian, will add to the patient care staff of the medical departments. As an indispensable part of their teaching of medical students, interns and residents, they will provide an additional resource to the Department of Defense for consultation and medical service. You gentlemen in the Congress are already quite aware of the excellent care you get when you go to Walter Reed, Bethesda, or Malcolm Grow hospitals. You know many of the University faculty, who now serve at their hospitals. I can assure you that the Board of Regents has selected and will continue to select only the most highly qualified men and women for the faculty—and we have had no dearth of applicants! It is this faculty to whom the military medical departments will turn to teach the programs in continuing medical education for active duty physicians. You gentlemen are well aware that more and more states are requiring evidence at continued professional growth and knowledge for re-

newal of licenses to practice medicine. Both at the school and on consultant visits, the University faculty will provide a significant portion of those requirements for military physicians all over the world.

Finally, at a time when the State of New York is paying to send its residents to school in Israel, and when civilian medical schools receive 40 percent of their support from state and private funds, it does not seem to me either just or equitable that the Department of Defense should depend any longer on the civilian sector to be the exclusive source of the physicians in the Armed Forces. I believe it is at last time that the Department of Defense begin to carry its share of the load and be a positive contributor to our nation's health manpower pool.

In summary, gentlemen, I cannot too strongly urge you and the other members of the Congress to continue to support and finance the University that the Congress founded. If you will permit a personal note, I am no stranger to the "bottom line". I know the University to be an efficient, cost-effective operation with intangible benefits that cannot be obtained any other way. Investment in the University is identical to your investments in capital ships and other systems that you intend to be long term contributions to our national defense. The graduates of the University will be the "core of the Corps", the essential cadre for mobilization in war and for service and training in peace.

I would like to place on the record a statement by Dr. Charles Odegaard, a member of the Board of Regents and—as president emeritus of the University of Washington, a distinguished medical educator. Let me take a minute to read just a few of his wise observations.

I hope that your decision will be not only favorable but as rapid as your deliberative process will allow Right now we are in limbo. We cannot admit a next class. We cannot recruit faculty. Our present faculty is asking if they should seek jobs elsewhere We cannot purchase supplies and equipment for next year's program. We have been told to prepare a plan to close down. If we are to stay open, we must tell our student applicants and faculty recruits by mid-April and we must move quickly to make up for our lost time.

Gentlemen, I know the House Armed Services Committee has put us back in the budget on no uncertain terms. The Board of Regents places the preservation of the University in your hands, trusting that you will support the University and that you will see to it that a dedicated faculty and student body and the committed military physicians now on active duty will once again know that the Congress is determined to keep the faith with them.

Mr. Chairman and members of the Subcommittee, I would be honored to answer your questions.

STATEMENT BY JOHN E. CHAPMAN, M.D., DEAN, SCHOOL OF MEDICINE, VANDERBILT UNIVERSITY

Mr. Chairman—Members of Congress: I come here to testify as a medical educator of some 20 years of experience in medical education and for many of those years as a participant and an observor of medical education in both developed and developing medical schools. By training I am a pharmacologist, Clinical pharmacologist, internist and toxocologist. By profession I am a medical educator and a medical administrator and currently Dean of the School of Medicine, Vanderbilt University, Nashville, Tennessee. I am a member of the Advisory Committee of the Liaison Committee on Medical Education which accredits medical education in the United States and have on numerous occasions been both participant as well as chairman of committees which examine medical education in both new and fully developed medical schools in this country over the past several years. I have also chaired national study and policy committees on student finances. It is from the perspective of having reviewed the status of essentially every medical school in the country, as well as the perspective of being a Dean, acting Vice Chancellor, and Associate Dean related directly to students in medical education that I speak to you today to the subject of the feasibility of a Uniformed Service University of the Health Sciences. I also speak from a unique perspective of having been a member of a survey team which visited the Uniformed Services University of the Health Sciences on April 19, 20, 21, and 22 of 1976 for purposes of evaluating the program.

The conclusions and statements which I provide you are my own, and represent the thinking that I feel, based upon the experience I have had with students, with medical education, with curricula and with the American Medical Scene. I do not speak for any particular organization, but rather represent an independent view of one Dean with experiences in medical education and with medical students at all levels from Assistant to the Dean through Assistant Dean, Associate Dean, Dean, and at one time Acting Vice Chancellor for Medical Affairs.

When I learned of the plan, now long standing and of much debate, for a Uniformed Services University of the Health Sciences, I initially had some reservations. I had worked with students for many years and found that a number of students—sometimes significant, sometimes miniscule, saw advantage to and participated in the various scholarship programs of the several Services to support them while in medical school. However, as time passed and I gained in experience, I found that these students divided themselves into two groups, a relatively large group which undertook the scholarship responsibility through force of financial circumstances and a smaller group which felt a dedication and an attraction to military medicine. The former group sought to discharge military responsibility as quickly as possible and depart while the latter group represented the core of the Medical Corps of the various Services.

It is my view that economically it is less expensive, and functionally to greater advantage, to attract those who are truly attracted because of strong motivation and to train and educate those of strong motivation in areas in which that motivation is strong and enduring.

A Uniformed Services University for the Health Sciences provides a focus for this group to express that motivation and to organize that motivation into mobilizable activity in a manner which can be, indeed must be, of high quality both in terms of the qualifications of the individual and in terms of the program to which the individual is exposed, as well as an economically sound investment which endures.

There is little which can be more expensive than the constant turnover of physicians—the physician who is there because he must be, not because that physician wishes to be. The former is expensive and potentially a liability. The latter is less expensive and a great asset. There is a certain pride in any medical school to be dedicated to those principles of strength that that medical school holds to be important and of priority value.

The Uniformed Services University for the Health Sciences will provide a focus for those individuals who hold the principles and objectives of this University in high priority. It is true that military scholarships can, and do, provide for a certain number of students who ultimately enter the armed Services and stay. It is my view that there is strength in diversity and significant weakness in common uniformity, thus it would be my view that those who indicate that it must be one or the other seek the simplistic approach and ignore the fact that our economy, our security, and our way of life is built on diversity with a common thread wherein organizations are developed which address specifically principles and priorities of unique interest to particular individuals. It is my assertion that the Uniformed Services University for the Health Sciences provides that focus for individuals dedicated to, and who hold a priority for, military medicine and far from being a financial liability, it is a financial asset to have highly motivated people in a quality program which develops a tradition around which develops the motivation which is economically sound in that it perpetuates itself—strength builds upon strength and the diversity that is provided through not only the Uniformed Services University for the Health Sciences but the various military scholarship programs will together provide that diversity and strength which provides for certainty and security for our medical services. We know that the Department of Defense is currently short by almost a third of the authorized physicians in the Reserve. Further, most of the physicians available through the Reserve are rather senior in years we need to build a youthful, dedicated, interested, committed group of physicians in military medicine. It is my assertion that the Uniformed Services University for the Health Sciences will provide for that important need and will provide for that important need in a manner which is economically feasible.

I think the people who monitor the budget would do well to remember an axiom which I learned as a student of evaluation and budget making. I quote "All that counts cannot be counted, and some that counts most cannot be counted at all and counterwise all that we count may not count at all."

While it is a catchy phrase it does have some substance to it in that the magic of numbers does not count the motivational factors—the factors of dedication—the factors of turnover—the factors of pride, quality and service.

I would add but one further comment, namely that Congress acted to create a medical school—a Uniformed Services University for the Health Sciences and did so after debating the issue many times over many years. Students are studying in that University at the present time, faculty have been recruited, progress has been made, schedules have been met, commitments are in place—a curriculum has been developed, approvals have been achieved.

To reverse field at this point would tend to confirm one of the greatest fears that some of us, certainly I, had as this concept of a governmentally free standing medical school developed—namely that the institution would not be an institution but a political organization and would engage the political process more than it would engage the academic process of educating physicians and other health care professionals. It is my view that in order to be a stable, viable institution which will attract faculty and students of high quality that issues of on-again, off-again must be converted into what do we want, rather than do we want it. That point has been passed—the latter question has been answered through your action; do we want it—the answer has been YES—and now it is present and functioning. It seems to me important to address how much do we want and what type; for this comes with a decision and a commitment, a fundamental commitment not to dangle an organization at the end of a string but rather to firm it up, focus it clearly and support it wisely to produce the desired result—it can be done, you have the resources and power to do it.

With these few comments you know something of me and of my views—I am here to respond to whatever inquiry you wish to make of me—Thank you.

STATEMENT BY CONGRESSMAN CLAUDE PEPPER, CHAIRMAN, SELECT COMMITTEE ON AGING, U.S. HOUSE OF REPRESENTATIVES

Chairman McClellan, Chairman Johnston, I appreciate your allowing me to come before your Subcommittees on such short notice. I just want to speak briefly on the Administration's proposal to abolish the Uniformed Services University of the Health Sciences.

I appreciate the fact that this proposal was put forward in the spirit of fiscal responsibility, but I believe there is a strong case for keeping the university open.

We are told there will be savings in construction costs—perhaps as much as $100 million. But estimates of completing the buildings now stand at $72.6 million—$13.2 million under what Congress has appropriated. This may be one of the few cost underruns experienced by the Defense Department in recent memory. Moreover, it is estimated that closing the school could cost between $40 million and $60 million.

We hear that the cost of graduating a medical student from the Uniformed Services University is much greater than through the Defense Department scholarship program. And, as you know, the General Accounting Office did a comparison of these costs based on years of expected service in the military, and found that the cost to the Defense Department is somewhat lower through the scholarship program. But what does not receive as much attention is the fact that other Federal programs—primarily through the Department of Health, Education, and Welfare, pick up the rest of the tab for these scholarship students, so there is not a saving to the Federal Treasury.

Moreover, it has been demonstrated that the total cost for graduating a civilian medical school student is somewhat higher than for a student at the military medical school.

As my colleagues are aware, the Administration indicates we will save $14 million in operating costs in fiscal year 1978, and as much as $28 million a year by fiscal 1982. Yet the GAO, in its report last May, indicated that some 379 scholarship graduates each year would be needed to replace 175 graduates yearly of the University, because of the difference in the length of time each is required to serve. The additional Defense Department scholarships needed would cost some $12 million annually. And it is possible that it would cost as much as $27.6 million, with the additional Federal assistance that could be requested by civilian schools.

Moreover, we are all aware that tuition at civilian medical schools is rising rapidly. The cost of these Defense Department scholarships will no doubt continue to rise.

The Administration believes it can make up its physician shortage through recruitment, with the use of scholarships, Variable Incentive Pay and other steps. But we have seen that the Department has not yet met its physician needs through recruitment. Moreover, we know that a substantial number of these recruits are graduates of foreign medical schools.

We have heard discussions about greatly reducing the number of foreign medical graduates who are allowed to practice medicine in this country. Should this happen, it stands to reason that DOD would have an even more difficult time recruiting physicians. And our civilian medical schools would be hard put to produce enough physicians to serve both the civilian and military populations.

We could argue the question of cost-savings for the rest of the week. Everybody has his own set of figures. The fact is, it is difficult to assess what the cost factors will be with any certainty. But there are other aspects that must be taken into account.

If we close down this school, we will have displaced 32 first-year medical students who have planned their careers around the University. They will, no doubt, have difficulty being accepted at civilian schools as second-year students. The staff and faculty of the University, many of whom gave up tenured positions elsewhere, will have their lives disrupted. The costs of settling the obligations can be expected to be substantial.

The school is operating. The curriculum has been established. The buildings will be finished soon. The students and faculty have made plans for their futures. Why disrupt them now—why, after the Congress has acted, change our minds now? It would be a sad state of affairs for Congress to take an about-face at this late date.

This University was created to produce a core of career-minded physicians—doctors trained in the tradition of the services, who understand the special needs of military personnel and their families, and who are trained to deal with war-time situations.

Finally—and this is an area of great concern to me—I believe this University is needed as much by civilians as the military. If we close down the school, there will be that much more pressure on the civilian medical schools. I am constantly beset by people who want to go to medical school, but there simply aren't enough spaces.

For almost 30 years, I have fought in the Congress for Federal aid to medical education. We simply must do what we can to ensure that this Nation has enough trained doctors and health care personnel to meet the needs of all our citizens—those in the military and those in the cities and towns all around this country.

If we ask the civilian schools to give us their physicians for the military—and if, as I mentioned, foreign medical graduates are prevented from practicing here, we will run the risk of having too few doctors to serve the rest of our population.

As Chairman of the Select Committee on Aging, I am determined to see that our older citizens have the benefit of medical care. It is they who most need the assurance that there are enough well-trained doctors to meet their needs. I believe that we should go ahead with our plans for this University, and I am hopeful that we will be able to accomplish this goal.

Thank you.

THE JONES ACT AND RUBBER RIVER RAFTS

Mr. CHURCH. Mr. President, the U.S. Customs Service has decided to administratively expand the scope of the Jones Act to include inflatable river rafts. This action may seriously affect the whitewater industry within my State of Idaho.

The Jones Act was passed by Congress back in 1920. This law, which prohibits the shipment of cargo from one U.S. port to another on any foreign vessel, was enacted to protect America's merchant marine and shipbuilding industries from foreign competitors. The law was never meant to apply to the small rubber rafts which are used extensively throughout the country in running whitewater rivers. However, the Customs Service, through somewhat tortured logic, has recently ruled that foreign-made rafts are in violation of the Jones Act. They reason that these rafts, contrary to simple commonsense, are foreign ships which are carrying cargo on navigable waterways between two U.S. ports. Now this fact by itself is not all that earthshaking. It is unlikely that the Customs Service's corps of inspectors will brave the hazards of Idaho's back country to check on the origin of a raft. However, the Coast Guard is in the process of preparing a set of regulations on raft safety that would require inspections by next year, and they have stated that they could not certify a foreign-made raft. These foreign-made rafts currently make up about 60 percent of the total in U.S. commercial use.

I have recently joined with my colleague from Utah, Senator GARN, in sponsoring legislation which would amend the Jones Act to exempt inflatable boats used in river running from its provisions. It is unfortunate that we must resort to changing the law to resolve this situation. Nonetheless, I feel this step is necessary if we are to protect Idaho's whitewater industry, which is a source of income to many small businesses, and an important Idaho tourist attraction.

Mr. President, I ask unanimous consent that an article which appeared in a recent issue of Business Week, and which describes this problem in some detail, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RED-TAPE MAY CAPSIZE RIVER RAFTS

For a number of years the sport of descending river rapids in inflatable rafts has been booming as more and more persons found adventure in shooting the spectacular runs. But most of the rafts may be beached next year because of a bizarre excess of federal bureaucracy. The U.S. Customs Service has ruled that foreign-made rafts, roughly 60% of the total in U.S. commercial use, are in violation of the Jones Act, which prohibits foreign vessels from trafficking between U.S. ports. Most foreign-built rafts come from Britain and France.

Clearly, the Jones Act was never intended to be applied to the tiny rafts, which carry at most 12 people and operate only sporadically during the summer months. But the rafts nevertheless fit neatly into the definition of coastwise trade, since they carry cargo between two U.S. destinations and, since they usually successfully traverse the treacherous rapids, they do it on navigable U.S. waterways. "We must hold that the transportation of passengers . . . in foreign-built rubber rafts would be in violation of the coastwise laws," the Customs Service stated in a letter to Representative Marjorie S. Holt (R-Md.).

INSPECTIONS PLANNED

Raft operators might ignore the customs ruling, since no inspectors are likely to trek into the wilderness to check a raft's origin. But the Coast Guard is preparing a series of regulations on raft safety that would require inspections by next year. "We couldn't certify a raft that was foreign made," says Lieutenant Commander Paul Anderson of the Coast Guard's merchant vessel inspection office.

The Coast Guard, wary of President Carter's pledge to reduce such meddlesome red tape, has dumped the problem on Transportation Secretary Brock Adams. But Anderson sees only two recourses: either get Customs to reinterpret its view of the Jones Act or persuade Congress to pass an exemption for rubber rafts.

Senator Edwin J. Garn (R-Utah) has drafted a bill that would do just that. But bailing out the raft operators does not rate a high priority. In the meantime, the sport, which has grown tenfold over the past seven years, could begin a tumble worse than those suffered in rapids. "Even if there was a good reason for banning foreign rafts," says a Garn staffer, "U.S. manufacturers can't take up the slack."

COMMONSENSE ON BEEF CONSUMPTION

Mr. McGOVERN. Mr. President, I am indebted to the Huron (S. Dak.) Daily Plainsman, one of the principal daily papers in my State, for editorially putting into proper perspective certain information contained in a recent report by the Senate Select Committee on Nutrition and Human Needs.

Some factions of the beef industry interpreted several statements in the report regarding beef consumption as harmful to an industry already depressed by almost 3 years of market prices well below the cost of production. I consider whatever differences which might have existed as being differences of emphasis rather than substance. The committee continues to consider beef a safe and highly desirable source of protein. It does recommend a reduction in the consumption of excessive saturated fat.

The editorial I have referred to appeared in the March 29, 1977, edition of the Daily Plainsman and is entitled "Unnecessary Furor." For the information of Senators also similarly involved, I ask unanimous consent that the text of the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNNECESSARY FUROR

We haven't seen the report from the Senate Select Committee on Nutrition and Human Needs that has generated all of the fuss over red meat in the American diet, but it is probably safe to assume that the controversy, if indeed there is one, is not nearly as serious as it has been billed.

A part of the excitement over the report stems from the fact that Sen. George McGovern, second ranking Democrat on the Senate Agricultural Committee and Robert Dole, Kansas, the ranking Republican, are both members of the select committee which McGovern chairs.

The rumble started when the Senate Select Committee on Nutrition issued a report recommending decreased consumption of fat and cholesterol and suggested that more of our protein needs be satisfied from fish and poultry and vegetable sources.

Cattle industry spokesmen asked the committee for a corrected report last week and asked that it make "no further dietary recommendations without consideration of scientific data from all sources."

In his weekly newsletter McGovern makes a sensible argument that the nutrition report recommendation, that we strive to consume a leaner product, and the long-term goals of the American National Cattlemen's Association to eliminate "excess fat" from finished beef animals for a better return are compatible.

There are a few basic facts that support Sen. McGovern's position.

Cattlemen are getting less for their finished beef than it costs to raise it. And one of the reasons is oversupply that could be most readily reduced by marketing animals at lighter weights, with less fat and lower production costs for the feeder. This would provide the leaner carcass that the nutrition committee seems to have in mind.

In the end, however, it is the housewfe and the consumer who will ultimately decide how much marbling they want in their beef and whether or not they want to substitute chicken or fish.

Those consumers who have a cholesterol problem will probably take the advice of their own doctor about what they should or should not eat. And those who have no problem will probably not pay a great deal of attention to the recommendations of the Senate Select Committee anyway.

If there is a real demonstrable health bonus for eating leaner meat, and if there is a real economic bonus for producing leaner meat, it would seem that it should not be too difficult for the experts on the select committee on nutrition and officials of the livestock organizations to pool their expertise for the benefit of all concerned.

There should be a distinct advantage in having ranking members of both political parties from agricultural states serving on both the agriculture and nutrition committees at the same time.

The furor of last week seems a little unnecessary.

HARNESSING THE WIND

Mr. RIBICOFF. Mr. President, the energy challenges facing America are mounting, and there is a growing awareness that most of the energy resources currently utilized are not limitless. Although the President's energy message will not be presented to the Congress and the Nation for another couple of weeks, we have received indications that conservation will be a keystone of a comprehensive national energy policy.

In addition to conservation, it is also imperative that we utilize as many alternative energy sources as are practical. One readily available source is the wind.

For centuries man has harnessed the power of the wind to pump water and irrigate his fields, to operate mills and, in a number of isolated cases, to generate electricity. Some 150,000 windmills are in operation throughout the United States. Another 50,000 could be repaired and made operable. Clearly, this is an existing source of energy—and a renewable source—which warrants fuller exploitation.

The current issue of the Sierra Club Bulletin contains a very informative and timely article on the use of windmills. As the author properly notes, while a windmill may never be able to generate the same amount of energy as a big thermal plant "most experts agree that wind-driven engines can provide supplemental power during peak loads."

I ask unanimous consent that this article be printed in the RECORD and commend it to our colleagues' attention.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WINDMILL RENAISSANCE

(By Volta Torrey)

The most nearly inexhaustible source of energy yet available to us is the sun. It bathes the earth with radiation, and the wind derives its strength directly from this energy. Windmills have often enhanced both the earth's productivity and its beauty, without ever polluting the air, water, or soil. But when nuclear power was first demonstrated at Alamagordo, New Mexico, thirty-two years ago this summer, further development of wind-energy conversion systems in the United States virtually ceased, and was not resumed until recently.

The Persians caught bits of the wind's energy more than ten centuries ago to irrigate gardens in their arid land. Their crude sails revolved horizontally, like carousels, and a few like them are still turning in Afghanistan. Five centuries ago, Northern Europeans caught more of the wind's energy with nearly vertical sails, which were copied here until about 100 years ago, when our inventors substituted small many-bladed fans for the long rectangular sails of the Dutch, English and other European peoples.

The American windmills cost less to construct, were easier to manage and yielded enough energy to lift water from deep wells. When we celebrated our first centennial year, dozens of new factories were beginning to produce millions of dollars worth of windmills. The plants were clustered near Chicago, and the wind-driven engines exhibited at the Columbian Exposition on that city's lake front were one of its most spectacular attractions. Sears, Roebuck & Co. and Montgomery Ward sold thousands by mail, and windmill manufacture provided work for men whose labor was no longer needed on farms because of the increasing mechanization of agriculture.

ROLE OF EARLY WINDMILLS

The windmills they produced helped homesteaders survive and eventually prosper on the semiarid Great Plains west of Omaha. They also filled trackside tanks with water for the locomotives that first crossed the continent. Volunteer firemen saved flimsy wooden buildings in frontier towns with water pumped by windmills, and many Americans soon had running water in their home for the first time. Windmills became a significant factor in our country's exports, and the industry throve until rural electrification reduced the demand for its products.

The fans on the farmers' towers revolved too slowly to generate electricity. More speed was obtained by replacing them with two- or three-bladed "impellers," which resembled the propellers on airplanes. This rejuvenated the windmill business for a few years after World War I, but the little aero-generators could only deliver direct current, which was expensive to store and incompatible with the alternating current the utility companies poured into transmission lines from their steam and hydroelectric plants.

This technical obstacle to the use of the wind was reduced during World War II. If nuclear energy had not seemed too promising to most of our engineers, legislators and investors when that war ended, the wind might be generating millions of kilowatts for our utility companies today.

Palmer Putnam, a Boston engineer living on Cape Cod in the 1930s, was impressed both by the wind's strength there and by his utility company's monthly bills. He thought the wind should be used to reduce the cost of electricity and, with Dr. Vannevar Bush's help, he interested dozens of eminent engineers and scientists in designing a gigantic wind-driven power plant. New England utility executives concerned about increasing demands on their hydroelectric plants found Putnam's ideas attractive, too. The S. Morgan Smith Company, a leading builder of water turbines, then undertook the construction of the most powerful wind turbine ever built. General Electic produced a synchronous generator for it, and the machine was erected during the war on a high knoll in Vermont called Grandpa's Knob.

It was able to feed enough current for a small town into New England companies' transmission lines. But the builders and operators were handicapped by other wartime demands, and one of the two big impeller blades in the rotor broke loose. That wind plant could have been repaired and modified, but it was built without government help; and the S. Morgan Smith Company could not afford to continue the work on it. So the company decided to tear it down for junk when the atomic bombs ended the war. No other such mighty turbine has since been built anywhere in the world.

Although you seldom see a stationary wheel drawing useful power from the wind in our cities or suburbs today, tens of thou-

sands of fan wheels are still pumping water for cattle on Western ranches, on scattered farms and in the less developed countries. Three years ago, two American factories were still producing a few windmills to run pumps, and a third company was still manufacturing small aerogenerators that often have proven especially valuable even though they yield only a few watts of electrical energy. Those bits have enabled radio operators to stay on the air in electrical blackouts to direct rescuers to victims of severe storms, earthquakes and similar emergencies. During the first winter that we were asked to save energy in the United States, those little "Windchargers" also kept a few Christmas trees lit for us.

The prices demanded by the Arabs for their petroleum account largely for our current interest in further development of a source of energy used in their part of the world long ago. Our big federal Energy Research and Development Administration (ERDA) categorizes wind as a subdivision of solar energy and has increased support for studying it, but thus far it has pushed development of nuclear and other sources of energy much more enthusiastically.

WINDMILLS TODAY

Our biggest wind-energy conversion system today is a 100-kilowatt machine designed by space engineers and erected on the Ohio Shore of Lake Erie near Sandusky. It is less than a tenth as powerful as the one on Grandpa's Knob, but similar to it in many respects. Beaumont Smith, former president of the S. Morgan Smith Company, and Carl Wilcox, one of its engineers, were honored guests at the dedication of the Ohio plant last fall. "After thirty-five years," Mr. Wilcox observed, "our ideas have been proven worthwhile." On this machine, ERDA expects to test new concepts and components for more powerful wind turbines, and several aerospace companies are competing for contracts to produce them.

Although the Ohio plant is the largest one now running, many other new types are generating smaller amounts of electricity elsewhere. Almost any home handyman can build a windmill that will pump water, but building an economical, efficient aerogenerator is still a complex technical challenge.

At Albuquerque, New Mexico, in the Sandia laboratories that ERDA inherited from the Atomic Energy Commission, a small team of aerodynamics specialists has built a modern rotor that revolves parallel to the ground, the way the world's first windmills did. Instead of catching the wind with simple sails, this one does it with scientifically designed bow-shaped airfoils. Engineers call this a "vertical axis wind turbine" because the axis of rotation is perpendicular both to the earth's surface and to the windstream that drives it. Several similar turbines are being tested in other states and Canada. The Sandia team believes this kind of machine will prove to be best for generating electricity, and ERDA has applied for a patent on its experimenters' innovations.

At Mukwonago, Wisconsin, a technological commune called "Windworks," sponsored by Buckminster Fuller, has been especially interested in small aerogenerators that anyone handy with tools might assemble. This group has devised new kinds of vertical rotors, towers and power converters. With one of the latter, the owner of a Windworks system might make his utility company's meter run backward whenever the wind produced more power for him than he was using. Representative Henry Reuss is testing a Windworks system at his summer home in Wisconsin. He has permitted his utility company to put a ratchet on his meter, however, to keep it from being reversed by energy from the wind.

At Stillwater, Oklahoma, a newly organized firm called American Wind Turbine, Inc., began manufacturing another new type of windmill last year. The rotor on it is built like a bicycle wheel, with a rim around it so that power can be drawn from it at either the hub or the trim. The wheel weighs less than the old type of fan and is easier to support at an appropriate height. This turbine can either run a pump mechanically or generate electricity.

Both on our big ranches and in many other places still remote from transmission lines, some machine of this sort may be the most economical type of power plant yet feasible. The wind that drives these and other new experimental machines cost nothing, and this accounts largely for the wind mills' ability to survive competition from alternative energy sources.

A tradoff of esthetics for function may be required when the newest prototypes are built; such a tradeoff is anticipated with windmills to be erected on San Francisco Bay area hills.

WINDMILLS IN ART

Generations of artists and children have found windmills especially fascinating. Rembrandt was one of the first of many painters who left us pictures of their countries' windmills. Since Shakespeare's day, perceptive writers have also sprinkled poetry, plays, novels, and essays with allusions to windmills. And city youngsters still leap out of family cars at a "Children's Farm" maintained by the National Park Service near Washington, to run and watch an old gray farm windmill pump water spasmodically into a tank for barnyard animals.

Nostalgic senior Americans have spent millions of dollars to build replicas, import, restore, and reconstruct fine examples of windmills designed long ago in Europe. American windmills, too, are now attracting more attention; special bicentennial exhibits in the Smithsonian Institution last summer featured full-size models of two different types of windmills manufactured in the industry's heyday.

Few authorities expect a windmill ever to generate as many megawatts of energy economically as a big thermal or nuclear plant, but most experts agree that wind-driven engines can provide supplemental power during peak loads. The most desirable sizes and types of wind-energy conversion systems can soon be determined, and economic as well as environmental and sentimental motives all suggest that more attention should be given to solar energy, including the wind, in formulating policies to provide our country with adequate energy.

FCC THROWN OUT OF CENSORSHIP BUSINESS

Mr. PROXMIRE. Mr. President, one of the reasons I introduced in January S. 22, the First Amendment Clarification Act of 1977, was to establish the principle that there is no inherent difference between the print and the broadcast media when it comes to first amendment freedoms.

This legislation is necessary because to date neither the Congress nor the Federal Communications Commission has been willing to recognize that our laws governing broadcast journalism and broadcast programing in general allow Government discretion to censor.

Fortunately, the courts have on occasion been less willing than the Congress and the FCC to concede to the Government the power to determine such matters as fairness in broadcast journalism and standards of taste in broadcast programing.

One such occasion came earlier this month when a panel of the U.S. Court of Appeals for the District of Columbia Circuit ruled that the FCC acted in violation of the Communications Act of 1934 when it banned the broadcast of certain unsavory words at times when children are likely to be in the audience.

This decision may have spared our broadcasters from further erosion of their first amendment rights, Mr. President, but it was by no means a ringing vindication of freedom of expression in the broadcast media.

Only Chief Judge Bazelon, who wrote a concurring opinion, was willing to say that any FCC intrusion upon the editorial and programing discretion of the licensee is a violation of the first amendment.

The opinion of the court, written by Judge Tamm, willingly accepts that the FCC had in this instance tread upon the "forbidden realm of censorship." but only to the extent that it had violated the ban on such actions contained in section 326 of the Communications Act.

The FCC order, Judge Tamm ruled, would have been so broad as to forbid the broadcast of certain portions of the Bible, passages from Shakespeare, and excerpts from literary works by Hemingway, Joyce, and others. Moreover, he said, the order was too vague in defining the standard for indecent broadcasting to provide sufficient guidance for broadcasters without encroachment on free expression.

I would like to call the attention of my colleagues to one particular passage in Judge Tamm's opinion, however, which I believe has significant bearing on our consideration of S. 22, which would do away with the equal time provisions and the so-called fairness doctrine. Judge Tamm stated:

> We should continue to trust the licensee to exercise judgment, responsibility and sensitivity to the community's needs, interest and tastes. To whatever extent we err, or the commission errs in balancing its duties, it must be in favor of preserving the values of free expression and freedom from governmental interference in matters of taste.

This declaration of faith in the responsibility of licensees, we should note, comes in the context of a ruling concerning the broadcast of material which many of us might prefer not to hear, let alone condone for the entertainment of our children.

But it seems ironic, Mr. President, that we can fail to give our attention to Government's continuing control of broadcast journalism when within the last 6 months we have seen the Federal courts twice reprimand the FCC for its efforts to control violence, sex, and indecent language in broadcast programing. It had been my impression, Mr. President, that expression of a political nature—which makes up much of broadcast news—was of primary importance under the first amendment. Yet this area of expression remains in the status of a stepchild to the FCC.

If the courts are willing to entrust matters of taste in programing to the licensees, should not the Congress be willing to entrust matters of news judgment to them as well?

I am persuaded that if licensees are sufficiently responsible to make pro-

graming decisions, they are certainly competent to make news judgments without concern for such regulations as the fairness doctrine.

Mr. President, I am encouraged by the court of appeals decision to the extent that it indicates a trend in the right direction. But the task of elevating broadcasters to parity with publishers under the first amendment is far from complete.

So that my colleagues might have the benefit of a more detailed analysis of the court panel's decision, I ask unanimous consent that a report on that decision in the March 21, 1977, issue of Broadcasting magazine be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FCC THROWN OUT OF CENSORSHIP BUSINESS BY D.C. COURT

At the time the FCC issued its anti-indecency ruling in a case involving a George Carlin comedy record dealing with the "seven dirty words you can never say on television" (Broadcasting, Feb. 17, 1975), commission officials said that if the ruling did not survive judicial review, there was probably no language that could not be aired at any time. The question of whether that fear was warranted may soon be answered. Last week, a panel of the U.S. Court of Appeals in Washington overturned the commission's action, which attempted to distinguish broadcasting from other media for First Amendment purposes and which was designed to protect children from the broadcast of allegedly offensive material. Judge Edward A. Tamm, who wrote the court's opinion, said the commission's ruling was "overbroad and vague" and carried the commission into the "forbidden realm of censorship."

The panel, reflecting the uncertainty over government authority in the area of regulation of speech, was split. Judge Tamm said the commission's ruling constituted a violation of the Communications Act provision that prohibits the commission from censoring broadcast material. Chief Judge David Babelon, who concurred, went further, he said the ruling also violated the First Amendment, and he appeared to reject the commission's view that material protected in other media could be barred from broadcasting. Judge Harold Leventhal, the third member, dissented, with an opinion generally supporting the commission's position.

The effect of the opinion was to place the commission in a quandary—or, as Chairman Richard E. Wiley put it, "a never-never land." He said the commission's ruling was a good faith effort" to implement the federal statute prohibiting the airing of obscene or indecent material. "I guess we did not do it right," he said. But he also said the commission was left without guidance as to how it might proceed properly.

Accordingly, it seemed likely the commission would seek review of the panel's decision by the full nine-member bench of the District of Columbia circuit. At a minimum, the court might provide clarification.

The record album at issue—*George Carlin, Occupation: Foole*—was broadcast by Pacifica Foundation's WBAI(FM) New York on the afternoon of Oct. 30, 1973. The album was featured in a broadcast on the use of language in society.

But the Carlin monologue came to the commission's attention in a complaint from a man who said he had heard it on the car radio while driving with his young son. And the commission—under pressure from Congress and the public to police the airwaves for allegedly offensive material—seized on it as a means of clarifying its definition of the kind of indecent material that it would ban under the obscenity and indecency statute.

The definition referred to language that describes "sexual or excretory activities and organs" in a manner considered "patently offensive" by community standards for the broadcast medium and that is broadcast at a time of day when children would be expected to be in the audience. The commission said such material might be aired late at night, provided it had serious literary, artistic, political or scientific value. And the commission, citing its authority under the obscenity-indecency statute, held the words, "as broadcast," to be "indecent" and prohibited from the air.

To Judge Tamm, the statement does exactly what the Communication Act's Section 326—the no-censorship provision—prohibits it from doing: interfere with licensee discretion in programing. Despite the effort to "channel" the allegedly offensive material into late-evening hours, he said, the commission is still engaging in censorship.

As drafted, the commission ruling, Judge Tamm said, would prohibit the broadcast of Shakespeare's "The Tempest" or "Two Gentlemen of Verona," some passages of the Bible, as well as the works of a number of authors, including Ernest Hemingway and James Joyce. The Nixon Watergate tapes would also be forbidden, he said.

Having declared the ruling in violation of Section 326, Judge Tamm said it was not necessary to decide the First Amendment question. But he also said the ruling does not meet the "rigorous demands" the Supreme Court has laid down for defining obscenity—even assuming the commission has the power to ban nonobscene speech from the air. He said the ruling is "overbroad" (it "sweepingly forbids any broadcast of the seven words irrespective of context or however innocent or educational they may be)" and "vague" ("it fails to define children").

Judge Tamm's solution to the problem is to trust broadcasters to exercise good taste and judgment. "To whatever extent we err, or the commission errs in balancing its duties," he said, "it must be in favor of preserving the values of free expression and freedom from governmental interference in matters of taste."

Judge Bazelon held that regulation of indecency must be subjected to the same restraints as those applied to the regulation of obscenity; he said the Supreme Court has always treated indecency in terms of obscenity. And, like Judge Tamm, he found the commission's definition of the term "massively overbroad." Furthermore, he said, the commission had failed to demonstrate radio and television are different—why offensive speech that would be protected in other media may be regulated when broadcast over radio or television. Judge Bazelon rejected each of the commission's arguments for that proposition, including the principal one—that the ban is designed to prevent the exposure of children to words their parents would not want them to hear. The commission, he said, "incorrectly assumes that material regulatable for children can be banned from broadcast." If the commission had such power, Judge Bazelon said, it could ban the airing of political or religious programs from which parents might want to shield their children."

Judge Leventhal, who appended a transcript of the Carlin monologue to his opinion to make clear the nature of the problem that confronted the commission, said he "cannot fault" the commission's action.

"TV-radio broadcasting has special access to the home, and home audiences are a primary target of the industry," he said. "In the home, special considerations apply, with freedom from unwanted intrusion both by the government . . . and by others presenting unwanted materials."

Judge Leventhal noted that the "abhorrence of censorship is a vital part of our society." But he indicated he is not an absolutist on the First Amendment, at least where children are concerned. He said he would permit regulation of programing if the aim is "to assist parents in their protection of young children" during the time of their development—"a compelling state interest."

THE RIGHT APPROACH TO FUTURE OF TELECOMMUNICATIONS

Mr. HART. Mr. President, under the chairmanship of Senator HOLLINGS, the Subcommittee on Communications has just completed excellent exploratory hearings on a vitally important but complex subject—the future of telecommunications in this country and the various public policy options that are before us.

At issue here are how to preserve the high quality of our public telephone network and how to make available to American consumers a new generation of specialized communications services made possible by the revolution in computer and electronics technology of the 1950's and 1960's. These new services promise to change our patterns of work and leisure just as radically as the telephone once did.

Under current FCC policies, competition has been allowed in two specialized areas of the telecommunications industry—provision of private long-distance business lines and terminal equipment. The public telephone network has remained a regulated monopoly, controlled by A.T. & T. and the 1,600 independent telephone companies.

But. A.T. & T. and the independents claim that unless these specialized services are supplied by them on a monopoly basis, the technical quality of the public telephone network will suffer and local telephone rates will go up. After failing to reverse the FCC policies in the courts, the established industry is now seeking to remove competition from the telecommunications industry through legislation in the shape of the Consumer Communications Reform Act.

The controversy centers on the established industry's claim that profits from A.T. & T.'s specialized services subsidize basic telephone rates. The industry goes on to argue that local rates will have to be raised if the "creamskimming" activities of the new private line and terminal equipment competitions are allowed to continue.

Studies by the FCC and some States strongly suggest that the reverse may be true—that far from helping to keep local rates low by contributing to common costs, A.T. & T.'s specialized private line and terminal equipment services may be running at a deficit and keeping local rates artificially high.

The crucial question of cross-subsidies is complicated by a lack of information on the true costs of A.T. & T.'s various services. A.T. & T. itself appears to be unable to provide adequate data, and the FCC believes that it will take the general application of new fully distributed costing principles and a revision of the uniform system of accounts before a complete picture emerges

As an editorial in Sunday's Washing-

ton Post noted, Senator DANFORTH went straight to the heart of the matter in his perceptive questioning of the A.T. & T. chairman, John D. deButts, at the Communications Subcommittee hearings last week. Since A.T. & T. is asking for legislation against competition, Senator DANFORTH told Mr. deButts, A.T. & T. must carry the burden of proving the harm it alleges will result if competition in private lines and terminal equipment is allowed to continue. A.T. & T. must provide something more than just a bald statement that they are losing money, he added, and went on to lay down a challenge to the A.T. & T. chairman: "Show me."

Mr. President, we should all pay attention to the words of Senator DANFORTH. If the largest corporation in the world wishes us to pass monopoly legislation that would give it a free hand to determine the future of telecommunications in this country, it must first present us with a watertight case. So far, it has just not produced the facts to back up its claims.

I ask unanimous consent that the editorial from the Washington Post of Sunday, March 27 be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TO A.T. & T.: "SHOW ME"

The new Senator from Missouri, John C. Danforth, got it just right the other day when he told the chairman of the telephone company, "Show me." The chairman, John D. deButts, was claiming that residential telephone rates are now subsidized by long distance service. But the Federal Communications Commission says it has seen no evidence of such a subsidy, and AT&T hasn't kept its book in the past in a way that reveals one. So Sen. Danforth, quite properly, told Mr. deButts that the "burden of proof" is on the telephone company to justfy its claim.

The subsidy is central to AT&T's persistent campaign for legislation cutting off competition in the telecommunications field. It has built a massive lobbying effort around the idea that more competition will mean poorer service and higher rates for residential customers. The FCC and the Department of Justice, which have been promoting competition, insist that neither result is inevitable. And no one appears to have the economic data to back up the assertions.

That lack of data has not deterred AT&T's efforts on Capitol Hill, however, Mr. deButts asked last week for an immediate prohibition against new competition for his company while Congress studies the whole telecommunications field. And the "Bell Bill," as a piece of legislation entitled "the Consumer Communications Reform Act" has become known, is still being pushed vigorously from all over the country. The force of that effort should not be underestimated. The Bell system reaches into 48 states and employs a million people. It should have been no surprise that its pet legislative proposal picked up more than a third of the members of Congress as sponsors when it was first introduced last year.

That bill, which would grant AT&T an effective monopoly in its industry, does raise many complex issues. The telecommunications field is changing rapidly and its future is not yet defined. As computers become tied to communications circuits, a whole new kind of daily life begins to unfold. It is not clear, at least to us, what form this exploding industry should take or what role government should have in it or in its regulation. But it is clear that no one company ought to have a stranglehold on it and on the introduction of new equipment and new techniques. That is why Congress should proceed with all deliberate speed in dealing with the questions opened up by the Bell Bill and why Sen. Danforth has the right approach.

VIEWS OF HEW ON COLLEGE TUITION TAX CREDIT

Mr. KENNEDY. Mr. President, in light of the recurring issue in the Senate over the proposed college tuition tax credit, I wrote to Secretary of HEW Joseph A. Califano earlier this month, asking for the Department's views on the merits of this tax approach to ease the burden of rising education costs on American families.

Under the current version of the credit proposal introduced earlier this year in the Senate, an income tax credit of $250 in 1977, increasing to $500 in 1980, would be available for college tuition expenses. The cost of the bill to the Federal Treasury would be $1.1 billion in the first year and $2 billion when the credit is fully phased in. In the past, I have opposed such proposals as an expensive, unstudied, and unwise new Federal spending program through the Internal Revenue Code.

Today, I received Secretary Califano's reply, in which he raises a number of serious objections to the credit as a matter of Federal education policy. Among the points made by the Secretary are the following:

Direct Federal grant and loan programs are more effective than a tax credit in dealing with the increasing burden of tuition costs, because such programs can target the relief to the specific needs of particular families.

The tax credit is inequitable because it gives the same benefits to families regardless of income, need, or actual education expenses. Families with incomes too low to pay taxes get no benefits at all. Wealthy families with children in low-tuition community colleges get the same benefit as low-income families with children in high-tuition colleges.

For many families, even those in upper-middle-income groups, a long-term low interest loan would be preferable to a tax credit, because the full college costs could be spread over several years under the loan.

The benefits of the tax credit would be distributed unfairly among income groups, with 60 percent of the benefits going to families with incomes over $18,000 a year.

The benefits of the tax credit would also be distributed unfairly on the basis of college costs: only 30 percent of the benefits would go to families with children in private colleges, although they have 60 percent of the financial need of families benefiting from the tax credit.

Overall, as the Secretary concluded, the credit would be a "radical departure" from current Federal education policy.

Obviously, these objections by HEW should make Congress pause before it launches an expensive new multibillion-dollar Federal tax subsidy program of the sort proposed by the tuition tax credit. The Nation can be rightfully proud of its existing aid-to-education programs. As Secretary Califano notes, it may be possible to improve the existing programs even further. But on the present evidence, adoption of the tax credit approach would be a serious step in the wrong direction, and a waste of scarce Federal education dollars that could be much better used in other ways.

Mr. President, I ask unanimous consent that the texts of my letter to Secretary Califano and his reply may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 8, 1977.

Hon. JOSEPH A. CALIFANO, Jr.,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I am writing to request your Department's analysis of the proposed tuition tax credit for education expenses. As you know, this proposal was passed by the Senate last year in its consideration of the Tax Reform Act of 1976. Although the provision was dropped by the Senate-House Conference Committee, there is a continuing interest in the proposal, and it may well be offered as a rider on the Senate floor to the Administration's tax bill.

I believe that it is important for the proposed tax credit to be analyzed as a Federal education program. I would therefore appreciate receiving your comments on the measure, viewing it as a Federal program to provide financial assistance for education. It would be helpful if your analysis could recast the proposed tax credit as a direct federal grant program, equivalent to the tax expenditure, and then address such questions as:

Is there an overall need for the program?

Are the federal funds targeted to the persons that need federal assistance?

Is the form of the program—direct grants—more desirable than other forms of aid, such as loans?

Is the distribution of the benefits equitable among income groups?

Would the proposed program be consistent with the policies underlying the benefits provided by existing direct federal expenditures for education?

In sum, I would like your view as to whether the Department would support the education program contained in the proposed tax credit if it had been proposed as a direct program to be administered by HEW.

Unfortunately, there is some urgency to the proposal, since it may be offered as a rider to the tax bill coming soon to the Senate floor.

With best wishes, and I look forward to hearing from you.

Sincerely,

EDWARD M. KENNEDY.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., March 31, 1977.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am writing in response to your request for an analysis of proposals for the use of tuition tax credits to provide aid to families with college age students.

There is no question but that college costs are rising and that many families must make hard choices to finance a college education. Reduction in the family's standard of living or increased borrowing is often necessary to meet educational expenses. However, there are many combinations of grant and loan

programs which would deal with that problem better and more fairly than a program of tuition tax credits, by distributing assistance according to the severity of the particular family's problem. For example, a highly paid professional sending his child to a low-tuition community college would get as large a benefit under some proposals as a blue collar worker sending his child to an expensive private college with no other aid. A family with income so low that it pays no tax would receive no aid at all. The "solution" proposed by such legislation badly matches the problem.

This, of course, implies an answer to your question regarding whether such a program would target Federal funds to those who need assistance. Such grants would have little relationship to need because almost all students, even those attending low-tuition public institutions, incur sufficient tuition charges and other expenses to be eligible for the maximum credit. A reduction in the allowable credit would occur only where the student received grant or scholarship assistance, and, since today most grants and scholarships are awarded on the basis of need, such a reduction would almost always result from receipt of a need-based grant or scholarship.

A direct, targeted grant program in which both family ability to pay and costs of attendance determine the amount of the students grant is a desirable way of equalizing educational opportunities, and is highly complementary to loan programs. However, for many of the upper-middle income families which would likely benefit from a grant program such as the tax credit proposal, I suspect a loan program would be preferable. What they need most is to spread college costs over an extended number of years, as is currently done under the Guaranteed Student Loan program. I think most of these families, when faced with large college costs in a particular year, would prefer a $2,500 long term 7 percent loan to a $250 to $500 grant. Where the issue is not ability to pay, but convenience, I believe the loan alternative becomes the more desirable.

The distribution of benefits under a grant program patterned after some proposals would appear to be inequitable among income groups. Benefits would be largely the same, despite differences not only in college costs, but also in income. We estimate that at least 60 percent of tax credit benefits would probably go to families with incomes of $18,000 or more—which are considerably better off than the national average. Further, only 30 percent of the benefits would go to families sending children to private colleges, although they have almost 60 percent of the financial need of all families likely to benefit from the credit.

You ask whether the proposed program would be consistent with policies underlying present direct Federal expenditures for education. It would be a radical departure. Two factors presently determine the amount of aid a student receives from Office of Education programs: the family's ability to pay, and the cost of the chosen college. When ability to pay is subtracted from cost, we have need, and in this sense all the Office of Education programs are need based. Perhaps, as some argue, different ways of determining need should be considered, or assignment of responsibility for meeting need among different programs could be improved. I cannot, however, imagine endorsing a student grant program which would completely discard need as a relevant factor in the manner of some tuition credit proposals.

Sincerely,

JOSEPH A. CALIFANO, Jr.

ELECTORAL REFORM

Mr HATCH. Mr. President, in recent years the issue of electoral reform has received substantial attention among scholars and students of the election process. The 1976 Presidential election has rekindled the flame and reform of the electoral college system is again dominant in political discussion. In the last six Presidential contests, half were termed by historians, media, and citizens alike as being "close," where a small shift of voters in any one or two States would have changed the outcome of the election and essentially affected the course of our Nation's history.

With all of the bantering about the electoral college these last several years, it is apparent that some reform is needed, but it is imperative to give careful and thorough consideration to each alternative to our present system. In reforming the electoral college we are not dealing with a minor procedural matter, but rather passing judgment on a method to elect our Chief Executive. It is sure to have an enormous effect on not only our domestic and foreign policies, but every aspect of our national character.

Advocates of change in the system generally favor one of three oft-mentioned plans:

First. Total elimination of the electoral college, providing for the direct election of the President and Vice President by popular vote;

Second. The "district" plan, which would provide for two at-large electors from each State in addition to one elector from each congressional district, and the elector would cast his vote for the candidate carrying that particular district; and

Third. The proportional distribution of a State's electoral votes relative to the percentage of popular votes each candidate receives.

I presently believe that the proportional plan is the most preferable reform proposal for small States particularly. In amending our Constitution it is imperative that we improve on the Founding Fathers original concepts. We cannot blithely disregard their very legitimate concerns. First of all, we must remember that the 50 States are individual political units and deserve to retain a high degree of election impact of their own. For a candidate to even campaign in Utah, my home State, with only four electoral votes, would be a waste of his time and money if Utah and her citizens are not guaranteed that their individual votes are on a par with those cast in New York or California. The abolition of the electoral college or the adoption of the district plan could not make this guarantee. Utahans, even though they live in a less populous State, are Americans nonetheless, and should have reasonable opportunity to participate in Presidential campaigns.

The main flaw in the present system is the "winner-take-all" method of apportioning the electors. Under this system, 48 percent of the people in New York who voted for Gerald Ford were ignored. A like situation existed for supporters of Jimmy Carter in California. Can we continue to allow these citizens to be disenfranchised? The proportional system will give each individual's vote its full measure of value toward the total number of electoral votes cast, and ultimately toward the selection of the President and Vice President of the United States, without defeating the intended purpose of the electoral college.

Further, it is generally agreed that citizen apathy is becoming far too widespread. I find this personally alarming. All citizens bear a responsibility to participate in the election-day process be it national, State, or local, but the electoral college operating within the constitutional structure for national elections does absolutely nothing to encourage voter interest. Why should John and Jane Doe of Boston, Mass., bother to vote at all when it is a virtual certainty that their State will be carried by the Democratic Party? The Democratic Party must also be concerned by this problem.

It is obvious that direct election by popular vote will not contribute to a solution to this problem of mutual concern. This method of Presidential election would reduce the effect of an individual's vote to a ratio of less than 1 to 100 million. The district plan, while it would make a nominal impression on the voters and retain some of the essence of the constitutional idea of insuring the weight and importance of all 50 States, is, in actuality, the present "winner-take-all" system on a smaller level, one in which the winner of the particular congressional district wins the one electoral vote.

Additionally, it is my feeling that basing the electoral system on the State level is more efficient for counting and statistical purposes. A large share of the precincts across America still utilize paper ballots; and, under the district proposal, the elector in most of these congressional districts could not be chosen the same evening as the election.

The specific proposal of which I am a cosponsor, Senate Joint Resolution 18, has yet another unique and praiseworthy feature. In an instance when the electoral college fails to elect a President, our Constitution has provided for a decision by the House of Representatives. Senate Joint Resolution 18 mandates that both House and Senate shall choose the President by a majority vote in joint session. This is further insurance that the States, under a proportional plan, such as Senate Joint Resolution 18, will have proper recognition as equal participants in the federal system.

I have but briefly outlined a few of the commonsense reasons why I believe a constitutional amendment revising the electoral college is needed and why the proportional system appears to me to be the best option. It combines the best points of what our Founding Fathers wrote into the Constitution in 1787, and yet acknowledges the constructive criticism of recent years. The 95th Congress can be recorded 20 years from now as the Congress that gave serious and deliberate consideration to such an amendment, not more lip service, and moved positively to increase each individual's voting power. We can act to strengthen our citizens' input in Government.

ECONOMIC RECOVERY IN THE NORTHEAST REGION

Mr. KENNEDY. Mr. President, a number of organizations have recently been formed in the Northeast to promote economic recovery in the region. On Octo-

ber 6, 1976, the Department of Commerce announced an Economic Development Administration, EDA, grant of $540,000 to form the Council for Northeast Economic Action. The Council is comprised of leaders from the public and private sectors, and is now in the process of formulating a program of research and policy coordination in order to develop solutions to regional economic problems.

Dr. James M. Howell, senior vice president of the First National Bank of Boston, has been appointed to serve as Chairman of the Council. Dr. Howell has long been a leading advocate of the need to effectively coordinate governmental and private sector efforts to combat economic stagnation in the Northeast. In this regard, the March 21 edition of the Weekly Bond Buyer contained an article which outlined Dr. Howell's recommendations for dealing with this most serious problem. His proposals merit careful consideration, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BROAD PRIVATE SECTOR ASSISTANCE TERMED KEY TO ECONOMIC RECOVERY IN NORTHEAST

BOSTON.—A four-point economic recovery program aimed at combating the unique governmental and economic conditions of the Northeast and emphasizing broad private sector technical assistance has been put forth by James M. Howell, senior vice president at First National Bank of Boston and chairman of the Council for Northeast Economic Action.

Speaking at a Boston Citizen seminar, "The Northeast Means Business," sponsored by Boston College, Mr. Howell said: "President Carter's employment stimulus program most likely will have a less significant impact on the regions that require the greatest assistance because those regions are characterized by governmental and economic maturity. Seemingly paradoxical, but it is not.

"Municipal governments in the Northeast are ill equipped to play a role in solving the region's complex economic problems. Governmental structures still largely reflect the growth patterns of the 19th Century; local boundaries have simply not been changed to be more functionally compatible with changing realities. Moreover, outdated management practices seriously undermine the ability of municipal governments to deal with modern issues, let alone implement a wide range of new Federal programs with skill and success," Mr. Howell said

He added that the other part of the region's structural problem is that of economic maturity. "Once economic maturity is reached, a wide range of new economic problems begins to manifest itself—lagging capital spending, structural adjustment problems in labor markets and a reluctance on the part of business management to expand in the region. Taken together, these factors produce regional economic stagnation—that is, the private sector stops making a net contribution to the region's growth.

He analyzed the impact of these dual maturities on President Carter's "special economic stimulus package with its heavy reliance on public service employment and investment tax incentives. To the national policymakers, these new programs will undoubtedly appear sound, but regional maturity hampers their effectiveness in the Northeast.

"To implement a relatively large public service employment program, there must be effective governments, not 'mature' ones immersed in bureaucratic inefficiencies." He said that the bank's empirical analysis indicates that "employment increases in mature government structures have already reached the stage of rapidly declining returns to the overall economy."

Mr. Howell also declared that "for Federal investment tax credits to stimulate private sector capital spending in the Northeast, the cost-price structure in our region must be reduced relative to other competing regions, especially the New South. But again, national policies fail to hit the regional target because a national investment tax credit overlooks regional cost differences."

Referring to another disparity, Mr. Howell said that compared to the New South, private sector contribution to total Northeast employment has slipped dramatically. He described research recently completed by the economics department of First National Bank of Boston which focused on the 30 largest urban areas in the Northeast and found that during the 1972–75 period whatever aggregate growth had occurred was stimulated by government employment.

PROPOSALS OUTLINED

Mr. Howell's suggested program includes the following four points:

A new forum to deal with resolution of the Northeast's problems in a national context should be established. Specifically, the long-awaited White House Conference on Balanced Regional Growth should be convened.

The regional economic consequences of proposed Federal programming and budgetary considerations should become a regular part of all Presidential recommendations. Similarly, Congressional Budget Office analyses of these proposals/programs should include regional economic impact statements.

Just as Federal programming initiatives should be predicated on regional variations, these initiatives should also take into account changing concepts of the proper allocation of functions among levels of government.

A broad private sector technical assistance program should be created to aid Northeastern municipalities in overcoming the problems of governmental and economic maturity. Steps have already been taken by the Council for Northeast Economic Action to develop a proper foundation for a major regional programming effort to transfer the technical skills of the private sector to the public sector.

"NORMALIZING" RELATIONS WITH CUBA AND NORTH VIETNAM

Mr. THURMOND. Mr. President, on Monday, March 28, 1977, radio station WBSC in Bennettsville, S.C., broadcasted an airitorial of particular merit.

There have been suggestions recently of "normalizing" relations with Cuba and North Vietnam. Mr. Ken Harmon of WBSC expresses an opinion shared by many Americans—Americans who remember the history of the Castro regime.

Ken Harmon is an outstanding community leader and patriotic, public-spirited, a fine citizen.

Mr. President, I believe my colleagues will find Mr. Harmon's comments worth their consideration. Accordingly, I ask unanimous consent that the airitorial be printed in the RECORD.

There being no objection, the airitorial was ordered to be printed in the RECORD, as follows:

WBSC RADIO AIRITORIAL

The United States Government is talking about normalizing trade and diplomatic relations with Cuba. We are against this now and until Cuba has made restitution to the Companies and individuals whose property was seized when the Cuban government expropriated it. Millions of dollars was lost by Americans when this took place and we feel that normalizing relations with the Cubans will have the effect of saying to them you don't have to do anything about the property you took from our citizens without giving them one thing in return. The total of this property is nearly two billion dollars. Think of that . . . two billion dollars and unless there is some way to force the Cubans to repay . . . our people will never see a dime. The Cubans need relations with us . . . we don't need them. If the need gets strong enough we will hear something from them about this debt. Let's hold off diplomatic relations with the Cubans until they show good faith toward us and make some restitution for the property they took.

VIRGINIA WORKERS: THE MODEL FOR OUR NATION

Mr. HARRY F. BYRD, JR. Mr. President, the Senate has now voted favorably upon H.R. 4800, legislation to extend the Emergency Unemployment Compensation Act.

The act provides workers with an additional 13 weeks of unemployment compensation beyond the normal 39 weeks of regular and extended benefits. Under the Senate bill, the program ends December 31, 1977—and shall not be extended.

The legislation is a temporary measure, and I emphasize "temporary," to assist workers who are unemployed, because of economic conditions in their State.

I voted in favor of this legislation. My vote was cast, however, in the expectation and belief that this program will cease to operate on December 31, 1977. Any further extension would convert a social insurance program into welfare.

Although Virginia is a participant in this program, Virginia's workers have used the extended benefits available to them only on a very limited basis.

I am very proud of Virginia's record which I would like to share with my colleagues in the Senate.

In terms of population, Virginia is the 12th largest State in the United States. However, according to information prepared by the Finance Committee staff for the committee in its consideration of the bill, only 1,282 Virginians have had to make use of the extended unemployment benefits under the Emergency Unemployment Act.

Only four other States—Alaska, New Hampshire, North Dakota, and Wyoming—have used this program less.

Of those Virginians who participated in the program, only 39 people fully exhausted their available benefits. In only two other States, New Hampshire and Wyoming, did less people fully use this program.

The statistics for Virginia's involvement in this program are a tribute to the competence and industry of the working men and women in Virginia.

Virginia, like other States, has been hit by the recession. But, Virginians have not given up. Through their perseverance and ingenuity, workers in Virginia have found employment opportunities and have remained as productive members of our State's labor force.

Through my travels in Virginia, I have

met Virginians who are employed in all types of jobs—in factories, in stores, in mines, on farms, and in offices. The information before the Finance Committee confirms what I have long known. Virginia's working men and women are the backbone of our State.

During a discouraging period of rising prices and unemployment, Virginia's working people have adhered to sound principles of industry and resourcefulness.

I am proud of those who work in our factories and offices and stores, and on our farms and in our mines. Their actions and attitudes are examples which the rest of our Nation should follow.

QUESTIONS SURROUNDING THE BAN ON SACCHARIN

Mr. ANDERSON. Mr. President, the proposed ban on saccharin is denying consumers their right to choose.

Diabetics use saccharin in place of sugar. Overweight persons use saccharin to help control weight and ward off possible heart attacks. Saccharin has helped many people who have had to limit their sugar intake; it has become a part of many peoples' lives over the past 80 years.

The U.S. Government is doing an injustice to the consumer by banning this product before conclusive tests have shown that saccharin is positively linked to cancer in humans. I will not support the sale of any product which is a proven cause of cancer. But I do not believe that sufficient evidence yet exists linking saccharin to cancer.

I have added my name to Senate Resolution 120, introduced by Mr. HUMPHREY to place a temporary halt on the saccharin ban. This resolution provides for further investigation into the saccharin issue without amending the Delaney clause, which I feel is a needed protection for consumers.

If further investigations show saccharin to be a safe food additive, I will support a move to exempt saccharin from Food and Drug Administration supervision.

Mr. President, due to the complexity of this issue, I ask unanimous consent that the following article from the March 14, 1977, issue of the Minneapolis Tribune be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUESTIONS SURROUND FDA PLAN TO BAN SACCHARIN

(By Lewis Cope)

Saccharin has become the latest target in scientists' efforts to cut your risk of having cancer. How the saccharin decision was reached shows some of the promise and problems.

The U.S. Food and Drug Administration (FDA) announced last week that it would ban the widespread use of saccharin on the basis of Canadian research in which 14 rats developed bladder cancer.

The rats had been fed very high doses of this artificial sweetner. To consume an equivalent amount of this chemical, a person would have to drink 800 12-ounce diet soft drinks a day for a lifetime, the FDA noted.

The FDA took red dye No. 2, which had been widely used in foods, off the market last year after tests in which some of the animals literally turned red because of the high doses of the chemical used.

Is it realistic to use such high doses in animal tests?

Even at lower doses, just because rats get cancer, should humans be worried?

Since saccharin has been in use for 80 years, why worry now?

And with obesity one of the nation's top medical concerns, is it being penny wise and pound foolish to take the only artificial sweetner off the market?

The real question, of course, is not what would happen to someone who even *tried* to drink 800 bottles of saccarin-sweetened pop in a day. It's what would be the cancer risk for a person who consumes, say, one-thousandth of the dosage of saccharin fed to the Canadian rats.

But if these lower doses of saccharin caused one out of every 10,000 humans who used it to get cancer, it would be a major concern. Assuming that half of the 200 million Americans have used saccharin at one time or another, that could be 10,000 cases of cancer.

The risk of cancer drops with decreased dosage, but not in any simple mathematical way. Experts explain that they don't know precisely what risks are posed by low doses of cancer-causing chemicals. There may even be a threshold dose below which no one would get cancer.

"As a generalization, many of us believe there is a threshold level for a carcinogen—but no one has been able to demonstrate it," said Dr. Arnold Brown, chairman of the Department of Pathology and Anatomy at the Mayo Clinic in Rochester, Minn., in a telephone interview.

Brown last year headed a National Cancer Institute study group that reviewed the many animal tests with another artificial sweetener, cyclamates, that had come on the scene in the 1950s but had been banned in 1969.

"The committee is concerned over the implications of the increased incidence of tumors in the urinary tract of cyclamate-fed animals from several studies," even though the increases were so small they might be caused by chance alone, the committee concluded. "It is not clear whether this represents a weak carcinogenic (cancer-causing) response" or not, the committee said. On the basis of this study, however, the FDA decided that it should keep cyclamates off the market.

Brown now serves as chairman of the National Cancer Institute's Clearing House on Environmental Carcinogens, which advises the federal institute on which chemicals should be tested—and how—for their possible cancer-causing potential.

The Canadian research involved 100 rats that were fed large doses of saccharin for their entire lifespan. Fourteen of these animals developed cancerous bladder tumors—compared with only two tumors in a control group of 100 rats that weren't given saccharin.

No one is suggesting that 14 percent of humans who have ingested saccharin in soft drinks or food products will develop bladder cancer. But even a fraction of 1 percent could mean a lot of cancer cases.

Two earlier studies failed to find a correlation between high use of saccharin and human bladder cancer. One involved diabetics who depended on this artificial sweetener, the other checked dietary habits of people with bladder cancer.

But, as Brown noted, it's "extremely difficult" to try to sort out the various factors that may be involved in such a common type of malignancy. Bladder cancer now strikes about 30,000 Americans each year.

Other studies have found high rates of bladder cancer in areas of the country where many people work in chemical industries. Various unknown factors that may cause bladder cancer make it difficult to pick out the role that saccharin may play.

MAN VS. RATS

"I'm not a rat—why should I worry?"

To questions like this, experts noted that there is good reason for concern.

The National Cancer Institute lists 35 "known human carcinogens"—chemicals or other agents shown to have a cause-and-effect relationship with cancer in man. This is based on clear evidence that people exposed to sufficient amounts of these things develop cancer.

One is cigarette smoke. Another is radioactive materials. A third is asbestos. Another is vinyl chloride, which has been shown to cause a rare type of liver tumor in workers who are exposed to it in the plastic industry. If this chemical had caused only the "garden variety" of liver cancer, its causative role probably would have escaped detection.

In all, about 1,000 chemicals—both common and rare ones—have been reported in one study or another to cause cancer in animals. Some of these findings are debated, and no one can say that all of these chemicals can cause cancer in people. But the safe course is to assume that many do, experts say.

WHY NOW?

After 80 years of wide use of saccharin, why the concern now?

First, research into what causes cancer has been spurred in recent years. Experts now estimate that between 70 and 90 percent of all cancer cases have an environmental cause—that is, they are caused by what we eat and drink and smoke and otherwise expose ourselves to.

Second, the concern over saccharin is not new. A number of researchers have reported over the past three years that animals given saccharin had increased cancer rates. But impurities in the saccharin and various other factors made these findings questionable. So new studies began. The Canadian study was the first to come up with conclusive findings.

WHAT NOW?

"Today, about 20 percent of adults in the United States are overweight to a degree that may interfere with optimal health and longevity," says a recent report of the National Institutes of Health. "After age 40, this figure jumps to a startling 35 percent."

Saccharin has helped many people keep their weight down, raising concerns about what may happen when the FDA order becomes final. This isn't scheduled until July, although the FDA already is encouraging manufacturers "to discontinue use of saccharin as soon as possible."

The FDA really had no choice. The Delaney Clause requires all food additives that are clearly shown to cause cancer when ingested by animals to be taken off the market.

The FDA is considering classifying saccharin as a drug, so doctors could prescribe it for diabetics who need to restrict their use of sugar and presumably some overweight people. But the convenience of buying a bottle of diet pop still would be gone.

Researchers are studying some other possible low-calorie sweeteners, but none appears close to approved use.

And the saccharin dilemma is just the beginning.

More and more chemicals are being treated with the realization that this could be an important way to cut the cancer toll.

The hope is that this knowledge can be used to reduce the 385,000 cancer deaths in the United States each year. The hope is that it won't cause an epidemic of cancer-phobia—or, on the other hand, raise so many concerns that the public becomes oblivious to them.

After all, the biggest environmental cause

of cancer already is known—and millions of Americans keep puffing away on cigarettes.

Americans—either through government actions or individual decisions—will be making more and more decisions in this area.

REPORT OF THE COMMITTEE ON VETERANS' AFFAIRS REGARDING OVERSIGHT ACTIVITIES IN THE 94TH CONGRESS

Mr. CRANSTON. Mr. President, section 136 of the Legislative Reorganization Act of 1946, as amended, requires each standing Senate committee to submit on or before March 31 of each odd-numbered year, a report on the oversight activities of that committee during the previous Congress. On behalf of the Committee on Veterans' Affairs, of which I have become chairman in this Congress. I report the following to the Senate:

During the 94th Congress, the Senate Committee on Veterans' Affairs, under the able chairmanship of the Senator from Indiana, Mr. Hartke, exercised jurisdiction over the following legislative matters and concerns:

Veterans' measures generally;

Pensions of all wars of the United States, general and special;

Life insurance issued by the Government on account of service in the Armed Forces;

Compensation of veterans;

Vocational rehabilitation and education of veterans;

Veterans' hospitals, medical care and treatment of veterans;

Soldiers' and sailors' civil relief;

Readjustment of servicemen to civil life, and

National cemeteries.

During the Congress the committee had 25 hearing sessions and, as a result of these hearings, printed 11,362 pages of hearing record. Eleven executive sessions were held and 17 bills were ordered reported. Of the 17 reported, all were passed by the Senate and 15 were ultimately enacted into public law. Those enacted into public law include:

1st session, 1975:

Veterans Disability Compensation and Survivor Benefits Act of 1975 (Public Law 94–71).

Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 (Public Law 94–123).

Veterans and Survivors Pension Interim Adjustment Act of 1975 (Public Law 94–169).

2d session, 1976:

Naming of Veterans' Administration Hospital at Loma Linda, Calif., for Jerry L. Pettis (Public Law 94–246).

Per Diem Rates for Members of the American Battle Monuments Commission (Public Law 94–256).

Releasing of Names and/or Addresses of Present and Former Armed Forces Members by the Administrator of Veterans' Affairs (Public Law 94–321).

Veterans Housing Amendments Act of 1976 (Public Law 94–324).

Increased Payments to Cover the Cost for Care and Treatment of Veterans in State Homes (Public Law 94–417).

Naming of Veterans' Administration Hospital at Madison, Wisconsin, for William S. Middleton (Public Law 94–420).

Extending and Improving the Program of Exchange of Medical Information (Public Law 94–424).

Veterans and Survivors Pension Adjustment Act of 1976 (Public Law 94–432).

Veterans Disability Compensation and Survivor Benefits Act of 1976 (Public Law 94–433).

Medical Care for Certain Members of Allied Wartime Forces (Public Law 94–491).

Veterans' Education and Employment Assistance Act of 1976 (Public Law 94–502).

Veterans Omnibus Health Care Act of 1976 (Public Law 94–581).

The bills which passed the Senate but did not pass the House are: Veterans' Insurance Amendments Act of 1976 (S. 1911) and Veterans and Survivors Pension Reform Act (S. 2635).

In compliance with this provision of the Legislative Reorganization Act, I ask unanimous consent that the report on the activities of the Veterans' Affairs Committee be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CEMETERIES AND BURIAL BENEFITS ACTIVITIES OF THE VETERANS' AFFAIRS COMMITTEE

Pursuant to Executive Committee action on December 9, 1975, a new Subcommittee on Cemeteries and Burial Benefits was created. Senator John Durkin (D., N.H.) was named as the initial Chairman of this Subcommittee.

The mission of the Veterans' Administration National Cemetery System over which this Subcommittee had oversight jurisdiction is to provide, for the interment of any eligible deceased service-person, discharged veterans or dependents in any open National Cemetery, and procurement of headstones and markers for graves of eligible active duty personnel and discharged veterans.

Currently, the VA maintains and operates 138 existing cemeterial activities. In late fiscal year 1977, a new cemetery is scheduled to open in New York, and during fiscal year 1978, cemeteries in California and Massachusetts are slated for opening.

The Committee, prior to the formation of this new Subcommittee, conducted hearings in regard to the establishment of new national cemeteries. These open hearings, held at the Courthouse in Casper, Wyoming, considered S. 1361, a bill, introduced by request by Senator Clifford Hansen (R., Wyo.), the ranking Minority member of the Committee, to authorize a program of assistance to states for the establishment, expansion, improvement, and maintenance of veterans' cemeteries.

Testimony was presented by the Director of the National Cemetery System for the Veterans' Administration, the Veterans' Affairs Commission of the State of Wyoming, representatives of major veterans organizations, and a representative from the Funeral Directors' Association of Wyoming.

In addition to considering S. 1361, the full Committee and the Subcommittee on Cemeteries and Burial Benefits considered a total of 19 bills in regard to the VA cemetery system introduced into the Senate during the 94th Congress. In addition, an Administrative proposal to eliminate the veterans' burial benefit when and to the extent the benefits duplicated other federally funded benefits was considered and rejected during both sessions of the 94th Congress.

COMPENSATION FOR SERVICE-CONNECTED DISABILITIES

The Subcommittee on Compensation and Pension, chaired by Senator Herman Talmadge (D., Ga.), held two days of hearings in regard to compensation, disability and indemnity compensation (DIC) and other compensation-related matters during the 94th Congress. These hearings reviewed the Veterans' Administration service-connected disability compensation and dependency and indemnity and death compensation programs.

The compensation program provides financial aid to veterans who, because of service-connected disability, have suffered impairment of earning capacity. The amount paid in individual instances is contingent upon the nature of the disability or combination of disabilities and the extent to which earning capacity is impaired.

Death compensation, or dependency and indemnity compensation (DIC), is payable to the surviving spouse and dependents of a veteran whose death occurs during active duty or as a result of service-connected causes. This benefit is intended to compensate for the loss of family income, and individual benefits are contingent upon the military pay grade of the person upon whose death entitlement is predicated.

Bills considered during these hearings included S. 1597, Veterans Disability Compensation and Survivor Benefits Act of 1975 (ultimately enacted as Public Law 94–71 on August 5, 1975), S. 3596, Veterans Disability Compensation and Survivor Benefits Act of 1976 (ultimately enacted as Public Law 94–433 on September 30, 1976), and other bills related to the veterans compensation and DIC programs.

Those testifying in the open hearing held on May 8, 1975 concerning the Veterans Disability Compensation and Survivor Benefits Act of 1975 and related bills included the Chief Benefits Director of the Veterans' Administration and representatives from the Disabled American Veterans, The American Legion, Veterans of Foreign Wars, and the Paralyzed Veterans of America, Inc. Those submitting written testimony included representatives from the Non-Commissioned Officers Association of the U.S.A., Disabled Officer's Association, the Retired Officers Association, Gold Star Wives, and Blinded Veterans Association.

By agreement with the Subcommittee on Compensation and Pension, S. 1597 was reported without recommendation to the full Committee for consideration. On June 19, 1975, the full Committee met in open executive session and unanimously ordered reported S. 1597, as amended. The measure was reported to the Senate on June 19, 1975 accompanied by Report 94–214. On June 23, the Senate considered and passed S. 1597 and then vacated the action by amending H.R. 7767 with the provisions of S. 1597 as passed by the Senate. H.R. 7767 as amended was passed and forwarded to the House of Representatives. On July 22, 1975, the House agreed to the Senate amendment with an amendment; on July 24 the Senate agreed to H.R. 7767, as amended; and on August 5, 1975 the measure was signed into law.

As enacted, Public Law 94–71:

(1) Provides a 10-percent cost-of-living increase in the rates of disability compensation for those veterans rated 50 percent disabled or less and a 12-percent increase for more severely disabled veterans rated 60 percent to totally and permanently disabled.

(2) Provides a 10-percent cost-of-living increase in the rates of additional compensation for dependents of veterans whose disability is rated 50 per centum or more.

(3) Provides an increase from $150 to $175 in the annual clothing allowance of a veteran who, because of his compensable disability, wears or uses a prosthetic or orthopedic appliance, including a wheelchair which tends to wear out or tear his clothing.

(4) Provides that the effective date of an award of increased compensation shall be the earliest ascertained date that an increase in disability occurred if the application is received within a year of such date.

(5) Provides a 12-percent cost-of-living increase in the rates payable for dependency and indemnity compensation (DIC) for widows and children, and a 12-percent increase in additional allowances for those in receipt of DIC and death compensation who are in receipt of aid and attendance.

(6) Provides that a study be conducted by the Veterans' Administration, and submitted by October 1, 1976, of application for dependency and indemnity compensation

(DIC) by widows of veterans who had disabilities rated total and permanent at the time of death, and provides that such study shall include an analysis of whether there has been a significant increase in the use of discretionary authority by the VA in claim awards.

Compensation for service-connected disability

Percent:	Rate
(a) 10	$35
(b) 20	65
(c) 30	98
(d) 40	134
(e) 50	188
(f) 60	236
(g) 70	280
(h) 80	324
(i) 90	364
(j) Total disability	655

DIC widow rates

Pay grade:	Monthly rate
E-1	$241
E-2	248
E-3	255
E-4	270
E-5	278
E-6	284
E-7	298
E-8	315
E-9	329
W-1	304
W-2	316
W-3	326
W-4	344
O-1	304
O-2	315
O-3	337
O-4	356
O-5	392
O-6	441
O-7	478
O-8	523
O-9	562
O-10	615

The study mandated by Public Law 94-71 to be conducted and submitted by the VA on or before October 1976 was subsequently transmitted by the Administrator to the Committee on September 28, 1976.

A summary of the study findings is as follows:

"There were 1,842 cases meeting the requirements of P.L. 94-71, where the veteran at the time of death was receiving disability compensation from the Veterans' Administration based on a rating of 100%.

"The Veterans' Administration awarded service-connected death benefits in 1,597 cases, 86.70% of the claims filed for dependency and indemnity compensation.

"Eight cases, .43% of the claims filed, were remanded to the regional offices of jurisdiction for further development (to obtain private hospital report, medical statement from private doctor, etc.) and reconsideration of the claims.

"In the study mandated under P.L. 93-295, a total of 1,697 claims was reviewed. The Veterans' Administration allowed service-connected death benefits in 1,274 cases, 75.07% of the claims filed. Claims for service-connected death benefits were disallowed in 423 cases, 24.93% of the claims filed. Although nearly 150 more cases were involved in the current study, there were 186 fewer denials of service connection for cause of death."

On July 23, 1978, a hearing concerning S. 3596, the Veterans Disability Compensation and Survivor Benefits Act of 1976, and related bills was held during which testimony was presented by interested parties concerning the veterans compensation and disability and indemnity compensation (DIC) programs and related matters. Those testifying included the Deputy Chief Benefits Director of the Veterans' Administration and representatives from the Disabled American Veterans, the American Legion, Veterans of Foreign Wars, and AMVETS. Those submitting written testimony included representatives from the Paralyzed Veterans of America, Inc., and the Blinded Veterans Association.

By agreement with the Subcommittee on Compensation and Pension, S. 3596 was reported without recommendation to the full Committee for consideration. On September 1, 1976, the Committee met in open executive session and unanimously ordered reported H.R. 14299, as amended, to include the provisions of S. 3596. Subsequently, on September 9, 1976, the measure was reported to the full Senate accompanied by Senate Report 94-1226. On September 20, H.R. 14299, as amended, was considered and passed by the Senate. On September 21, the House agreed to the Senate amendment and forwarded the bill to the President. On September 30, 1976, the bill was enacted as P.L. 94-433.

As enacted, P.L. 94-433:

(1) Provides disabled veterans with an 8-percent increase in compensation rates and an 8-percent increase in the statutory awards for more serious disabilities.

(2) Provides veterans rated 50 percent or more disabled with an 8-percent increase in the additional allowances authorized for spouses, children, and dependent parents.

(3) Provides an 8-percent increase in dependency and indemnity compensation (DIC) benefits for surviving spouses of veterans when the death of the veteran was service-connected (including the additional allowance payable for dependent children and those in need of aid and attendance).

(4) Provides children of veterans whose death was service-connected (when there is no surviving spouse) with an 8-percent increase in benefits.

(5) Provides children who have become permanently incapable of self-support due to disability incurred prior to the age of 18 with an 8-percent increase in DIC benefits.

(6) Directs the Administrator to carry out a thorough study of the dependency and indemnity compensation program to measure and evaluate the adequacy of benefits and to determine whether such benefits should be based on the former military pay grade of the deceased veteran.

(7) Increases from $175 to $190 the annual clothing allowance paid certain seriously disabled veterans whose disability tends to wear out or tear their clothing.

(8) Increases from $30,000 to $40,000 the VA mortgage protection life insurance available for certain severely disabled veterans eligible for and living in specially adapted housing.

(9) Extends eligibility for the VA automobile and adaptive equipment program to certain disabled veterans who served prior to World War II.

(10) Authorizes VA payment for the cost of transportation to a national cemetery for burial of the remains of deceased disabled veterans.

(11) Authorizes additional allowances for those spouses of veterans rated 50 percent or more disabled when the spouse requires the aid and attendance of another person.

(12) Includes "annulment" as a form of dissolution of marriage in applying of the "end of the year" rule to establish the effective date of reduction or discontinuance of compensation, DIC, or pension as a result of such action.

(13) Directs the Administrator to conduct a scientific study to determine if there is a causal relationship between the amputation of an extremity and the subsequent development of cardiovascular disorders.

(14) Makes numerous technical amendments to chapter 11, Disability Compensation, and chapter 13, Dependency and Indemnity Compensation including the elimination of unwarranted or inappropriate gender references.

Compensation for service-connected disability

Percent:	Rate
(a) 10	$38
(b) 20	70
(c) 30	106
(d) 40	145
(e) 50	203
(f) 60	255
(g) 70	302
(h) 80	350
(i) 90	393
(j) Total disability	707

DIC survivor benefits rates

Pay grade:	Monthly rate
E-1	$260
E-2	268
E-3	275
E-4	292
E-5	300
E-6	307
E-7	322
E-8	340
E-9	355
W-1	328
W-2	341
W-3	352
W-4	372
O-1	328
O-2	340
O-3	364
O-4	384
O-5	423
O-6	476
O-7	516
O-8	565
O-9	607
O-10	664
E-3	275
E-4	292
E-5	300
E-6	307
E-7	322
E-8	340
E-9	355
W-1	328
W-2	341
W-3	352

EDUCATION AND TRAINING

The Subcommittee on Readjustment, Education, and Employment conducted three days of hearings in regard to matters relating to the veteran educational programs conducted under Chapters 31, 34, 35, and 36 of title 38, U.S.C., and veterans unemployment programs conducted under Chapters 41, 42, and 43 of the same title.

Readjustment benefits under the G.I. Bill consist of educational assistance for eligible veterans, dependents, and survivors. Under Chapter 31 of title 38, United States Code, service-disabled veterans are provided with vocational rehabilitation opportunities for the purpose of restoring employability lost by reason of the service-connected disability. Under Chapter 34 of title 38, eligible veterans and servicepersons are provided educational assistance to assist in the readjustment to civilian life following military service. Dependents and survivors of veterans whose death or permanent and total disability are service-connected are eligible for educational assistance under Chapter 35 of title 38.

During the 94th Congress, several reports concerning the G.I. Bill program were submitted to the VA pursuant to statutory mandates or oversight requests.

On September 29, 1976, pursuant to Section 212(c) of Public Law 93-508, the Veterans' Administration reported to the Congress a report (subsequently printed as Committee Print No. 58) on erroneous, misleading, or deceptive advertising practices. The report included the nature and disposition of all cases in which an institution approved for veterans benefits utilized advertising, sales or enrollment practices which were erroneous, deceptive, or misleading either by actual statement, omission, or intimidation.

On December 13, 1976, pursuant to section 1798 of title 38, U.S.C., the Administrator submitted to the Committee a report (subsequently printed as Committee Print No. 64) specifying the default experience under the Education Loan program provided to eligible veterans and persons under § 1798 of title 38. In addition, the report included a comparison of collective default experience at individual educational institutions. The VA reported to the Committee that of the 13,290 loans disbursed during the fiscal year there were 102 loan defaults; a default rate of .08 percent.

Additional reports submitted to the Congress include Training by Correspondence under the G.I. Bill (An In-Depth Analysis) (Committee Print No. 49), Data on Vietnam Era Veterans (Committee Print No. 59), Continuation of G.I. Bill Training After the Use of "Free" Entitlement (June 1966 through December 1975) (Committee Print No. 60), and Completion Rates for Education and Training Under the Vietnam-Era G.I. Bill.

The Subcommittee on Readjustment, Education and Employment held hearings in regard to the education program on October 1 and 2, 1975. Those presenting testimony at these hearings included the Chief Benefits Director of the Veterans' Administration, and representatives of the Veterans of Foreign Wars, The American Legion, Disabled American Veterans, National Association of Concerned Veterans, Assistant Secretary of the Army for Manpower and Reserve Affairs, the President of Compton Community College—representing the American Association of Community and Junior Colleges, the Vice Chancellor of the University System of Georgia, and representatives of the Paralyzed Veterans of America, Swords to Plowshares, Non Commissioned Officers Association of the United States of America, and the Bureau of Equal Opportunity for the State of Pennsylvania. Reports concerning the G.I. Bill were received by the Committee from the General Accounting Office, National League of Cities, Human Resources Research Organization, Institute for Social Research, University of Michigan, Defense Manpower Commission, Congressional Research Service, and Professors Charles C. Moskos and Morris Janowitz. Communication concerning Amendment 2005 to S. 969 included communications from Universal Training Service, Miami, Florida; Iona College, New Rochelle, New York; San Diego Community College, San Diego, California; American Veterans of World War II, Korea, and Vietnam (AMVETS), Florida State University, American Council on Education, Georgia Veterans Association, National College of Business, and Association of Independent Colleges and Schools.

The full Committee met in open executive session on September 1, 1976 to consider S. 969 and Amendment 2005, the Veterans Education and Employment Assistance Act of 1976, and ordered reported S. 969 as amended with the provisions of Amendment 2005 as amended. On September 16, 1976, S. 969, as amended, was reported to the full Senate accompanied by report 94-1243. Subsequently, on October 1, 1976, S. 969 was considered, amended, and passed by the Senate by a unanimous voice vote. Later that same evening, the House agreed to S. 969 as amended with amendments. The Senate agreed to the House amendments and forwarded the measure to the President and the President signed the bill into law on October 15, 1976.

As enacted, Public Law 94-502 (with the exception of title VI relating to employment and covered in a separate section of this report):

Title I—Chapter 31, Disabled Veterans' Vocational Rehabilitation Rate and Program Adjustments—

(1) Increases by 8 percent the subsistence allowance paid disabled veterans pursuing a course of vocational rehabilitation under chapter 31 of title 38, United States Code.

(2) Eliminates the current termination date for use of chapter 31 benefits by seriously disabled veterans when it is determined that any such veteran is in need of vocational rehabilitation.

(3) Permits chapter 31 trainees to be trained in Federal agency facilities on the same basis as trainees under the Rehabilitation Act of 1973, thus affording disabled veterans increased opportunities for Federal employment.

Title II—Veterans' Educational Rate Program Adjustments—

(1) Increases by 8 percent the educational assistance allowance paid eligible veterans pursuing a program of education (including farm cooperative, elementary and secondary education and preparatory educational assistance) under chapter 34 of title 38, United States Code.

(2) Increases by 8 percent the individualized tutorial assistance allowance authorized for eligible veterans with deficiencies in subjects required as part of an approved program of education.

(3) Removes the current restriction to undergraduate use of the 9 months of additional benefit entitlement granted in 1974, thus allowing a maximum of 45 months of eligibility for an approved program of education (including graduate work).

(4) Codifies existing regulations which define the terms "institution of higher learning" and "standard college degree".

(5) Directs the Administrator to conduct a study to determine the effectiveness of vocational objective courses approved for enrollment of veterans with particular emphasis as to whether there is full compliance with the provisions of section 1673(a)(2).

(6) Codifies existing regulations which limit enrollment of veterans in any independent study program other than those leading to a standard college degree and provides that benefits for a course of study exclusively by independent study shall be computed on less than half time basis.

(7) Extends to most programs of education the requirement that no more than 85 percent of the students enrolled in certain approved courses be in receipt of VA benefits or other Federal grants.

(8) Clarifies the definition of "unsatisfactory progress" to include those situations where a veteran is not progressing at a rate which will allow the veteran to graduate within the normal period of time for completion of studies (unless the Administrator finds that there are mitigating circumstances).

(9) Amends the veteran-student services program to permit completion of a work-study agreement even if the veteran ceases to be a full-time student.

Title III—Chapter 35, Survivors' and Dependents' Educational Assistance Rate and Program Adjustments—

(1) Increases by 8 percent the educational assistance allowance paid survivors of veterans who died of service-connected causes, and dependents of seriously disabled veterans.

(2) Extends maximum entitlement to benefits from 36 to 45 months for all persons training under chapter 35.

(3) Liberalizes the period of eligibility for use by eligible children of educational assistance benefits under chapter 35.

(4) Codifies existing regulations which define the terms "institution of higher learning" and "standard college degree".

(5) Codifies existing regulations which limit enrollment of eligible persons in any "independent study program" other than those leading to a standard college degree and provides that benefits for a course of study which is exclusively by independent study shall be computed on a less than half time basis.

(6) Further defines "unsatisfactory progress" to include those situations where an eligible person is not progressing at a rate which will allow the eligible person to graduate within the normal time for completion of the program as certified to the Veterans' Administration (unless the Administrator finds that there are mitigating circumstances).

Title IV—Post-Vietnam Era Veterans' Educational Assistance Act—

(1) Establishes December 31, 1976, as the termination date for establishing eligibility for veterans' education and training benefits under chapter 34 of title 38, United States Code.

(2) Establishes for those men and women entering the Armed Forces on or after January 1, 1977, a new chapter 32 educational matching assistance program known as Post-Vietnam Era Veterans' Educational Assistance.

(3) Sets a 5-year authorization for chapter 32 which may be extended with DOD funding if the President recommends continuation and if Congress does not disapprove.

Title V—Chapter 36, Education Loan and Program Administration Amendments—

(1) Increases by 8 percent the monthly training assistance allowance paid to eligible veterans or persons pursuing a full program of apprenticeship or other on-job training and provides similar increases for those pursuing a program of education by correspondence.

(2) Increases from $600 to $1,500 the maximum annual VA direct education loan available for eligible veterans, survivors, and dependents.

(3) Amends the VA direct education loan program to provide that interest charges on such loans shall be comparable to, but shall not exceed those charged students under other federally insured educational loan programs.

(4) Provides that the school catalogs submitted by institutions to State approving agencies contain the schools' progress requirements for graduation.

(5) Codifies existing regulations prohibiting payments for the auditing of courses and further directs that absent mitigating circumstances no payment will be authorized for any course for which the grade assigned is not used in computing the requirements for graduation.

(6) Permits continued VA payments for intervals between school terms and provides that when a veteran or eligible person transfers from one institution to another payments are permitted providing that in either event such periods do not exceed 30 days.

(7) Increases by 8 percent the allowance paid for administrative expenses incurred by State approving agencies in supervising approved educational institutions and further authorizes subcontracting by such State agencies.

(8) Codifies existing regulations which provide that the date of interruption or termination in a program of education shall be the last date the veteran or eligible person pursued such course.

(9) Increases by $2 the reporting fee paid to institutions for each veteran or other eligible person enrolled therein.

(10) Reduces the required number of clock hours necessary to qualify as a full-time course for certain vocational objective courses.

(11) Extends the requirement of 2 years of operation to certain branches or extensions of institutions prior to VA approval for enrollment of veterans.

(12) Provides the Administrator shall not approve the enrollment of any eligible veteran or person in any correspondence course

leading to a vocational objective which is normally completed in less than 6 month.

(13) Strengthens section 1796 which directs the Administrator not to approve the enrollment of veterans in any course offered by an institution utilizing erroneous, deceptive, or misleading sales or enrollment practices by requiring institutions to maintain complete records and copies of all advertising and sales materials utilized during the preceding 12-month period.

(14) Clarifies and strengthens provisions permitting VA inspection of student records to assure institutional compliance with the requirements of title 38.

(15) Strengthens and improves the education advisory committee to the Veterans' Administration.

(16) Requires annual VA compliance surveys of those institutions which enroll eligible veterans and requires that approximately 200 new compliance specialists be added to the VA staff.

Title VII—Miscellaneous and Effective Date—

(1) Provides that benefit rate increases and most other provisions shall become effective on October 1, 1976.

(2) Clarifies and strengthens provisions prohibiting the assignment of VA benefits.

(3) Establishes an ending date to the Vietnam era for purposes of qualifying for a civil service preference as a wartime veteran.

In addition to the foregoing, there are a number of technical amendments to chapters 31, 34, 35, 36, 41 42. and 43 of title 38 United States Code, including the removal of unnecessary or unwarranted gender references.

The assistance rates follow:

MONTHLY EDUCATIONAL ASSISTANCE ALLOWANCES

	No dependents	1 dependent	2 dependents	Each additional dependent
Full-time	$292	$347	$396	$24
Three-quarter	219	260	297	18
Half-time	146	174	198	12
Cooperative	235	276	313	18
Apprenticeship:				
OJT:				
1st 6 mo	212	238	260	11
2d 6 mo	159	185	207	11
3d 6 mo	$106	$132	$154	$11
4th 6 mo and any succeeding 6-mo periods	53	79	101	11
Farm cooperative:				
Full-time	235	276	313	18
Three-quarter	176	207	235	14
Half-time	118	138	157	9
Active duty; Less than half-time	Tuition cost, not to exceed full-time rate of $292.			
Correspondence and flight	90 percent of charges—Monthly entitlement charges—$270.			

EMPLOYMENT

The Department of Labor has primary responsibility for the implementation of statutory provisions in regard to veteran unemployment. Section 2002 of chapter 41 of title 38, U.S.C., as amended, establishes Congressional purpose in regard to veterans employment programs operated through the Department of Labor's employment service as follows:

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and eligible persons. . . ."

Chapter 42 provides for the employment and training of disabled and Vietnam-Era veterans. Specifically, section 2012 requires certain Federal contractors—and subcontractors thereof—to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam Era. Chapter 43 of the title provides reemployment protection to certain veterans.

On October 22, 1975, the Subcommittee on Readjustment, Education, and Employment held open hearings to review the operation of the readjustment assistance program as it related to veteran employment problems and to consider S. 760, a bill introduced by Senator Thurmond (R., S.C.), the senior minority member of the Committee. S. 760 would have provided for a separate agency within the Department of Labor to be known as the Veterans' Employment Service and to authorize the appointment of an Assistant Secretary of Labor for Veterans' Employment to head that Service.

Testimony concerning veterans' unemployment problems and the Department of Labor's implementation of programs mandated by Congress to assist in easing such problems was received by the Subcommittee from the Assistant Secretary of Labor for Manpower, the Assistant Secretary of Labor for Employment Standards Administration, representatives from the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Veterans Committee, and the National Association of Concerned Veterans.

Subsequently, the Committee included in title VI of S. 969, as reported and amended, provisions designed to improve the veterans' employment programs and a provision creating the post within the Department of Labor of Assistant Secretary of Labor for Veterans' Employment.

As enacted, Title VI of S. 969:

(1) Establishes within the Department of Labor the position of Deputy Assistant Secretary of Labor for Veterans' Employment, the appointment of whom is subject to Senate confirmation.

(2) Expands and strengthens the administrative controls designed to assure that eligible veterans receive satisfactory employment assistance.

HEALTH CARE

Under the aegis of the Subcommittee on Health and Hospitals chaired by Senator Alan Cranston, the 94th Congress enacted six veterans health care bills, including two major measures designed to improve the overall operating efficiency of the VA's Department of Medicine and Surgery. In addition to its legislative work during 1975 and 1976, the Subcommittee conducted a wide-ranging program of Congressional oversight activities, including formal legislative hearings on the scope and quality of health care programs provided by the VA; regular staff meetings with the VA's top-ranking health care officials; and liaison activities with other Congressional committees and Federal agencies.

The Department of Medicine and Surgery is responsible for the maintenance, staffing, and operation of the nation's largest unified system of health care facilities—172 general and neuropsychiatric hospitals, 228 outpatient clinics, 89 nursing homes, and 16 domiciliary facilities. In fiscal year 1976, 1.2 million patients were hospitalized in VA facilities; there were 14.2 million visits to VA outpatient clinics; 29,400 veterans received extended care in VA nursing homes and domiciliary facilities; and 78,800 veterans received treatment fully or partially paid for by the VA in contract hospitals, community nursing homes, and State-supported health care facilities. The VA health care program employed 172,000 people, making it the second largest department or agency in the entire Federal government; only the Department of Defense employed more. The Department of Medicine and Surgery's total budget in fiscal year 1976 was $4.1 billion.

Legislative activities

(1) Recruitment and Retention of VA Physicians and Dentists. In the spring of 1974, Chief Medical Director John D. Chase, in "Quality of Care" survey prepared at the President's request, cited difficulties in the recruitment and retention of well-qualified health care personnel as "[t]he most critical problem confronting the Department of Medicine and Surgery". Physician recruitment and retention posed a particular problem, primarily because statutory rates of pay for Federal employees were limited by a $36,000 a year salary ceiling—substantially less than most physicians could earn in private practice or (because of "bonus" legislation enacted in 1974) as Federally-employed physician officers in the Department of Defense or the United States Public Health Service.

The inevitable result was an exodus of experienced and highly qualified physicians from the VA system, an exodus that reached crisis proportions during the 12-month period ending in June, 1975, when more than 300 full-time physicians resigned because they considered their salaries inadequate. Just as serious were the increase in full-time VA physicians choosing to convert to part-time staff positions, and the VA's growing reliance on physicians who received their professional training in foreign medical schools.

To enable the VA to compete effectively with other Federal health care agencies for the services of qualified physicians, Senator Cranston introduced S. 1711 on May 12, 1975. The bill authorized the payment of up to $13,500 annually in "special pay" to full-time and part-time physicians agreeing to perform a specified number of years of service in a VA health care facility. The Subcommittee held hearings on S. 1711 and related legislation on May 22 and 23, 1975, and reported the bill to the full Committee on Veterans' Affairs on July 9. In executive session on July 16, the full Committee ordered the bill reported, and the report (No. 94–325) was filed on July 23.

On July 21, the House of Representatives, by a 382-to-3 vote, passed H.R. 8240, a bill similar in concept to but different in important particulars from S. 1711. On August 1, the Senate substituted the text of S. 1711 for the text of the House bill, and by a 76-to-6 vote passed the amended version of H.R. 8240. The House then passed H.R. 8420 on October 8 with an amendment incorporating an agreed-upon compromise text. The Senate followed suit on October 9, and the President signed the legislation into law on October 23 as the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 (Public Law 94–123).

As enacted, the measure:

(a) Mandates the payment of special pay to eligible physicians and dentists in the Department of Medicine and Surgery as follows:

One. Full-time physicians, with the exception of those in certain narrowly drawn categories of positions equally applicable to both physicians and dentists found by the Chief Medical Director not to be experiencing a significant recruitment and retention problem, receive $5,000 in "primary special pay," plus up to $8,500 in variable "incentive special pay."

Two. Full-time dentists—with the exception of those in certain narrowly drawn categories equally applicable to both physicians and dentists—receive $2,500 in "primary special pay" plus up to $4,250 in "incentive special pay."

Three. Part-time physicians and dentists employed on a half-time basis or more in the Department, with the same narrowly drawn categorical exceptions, receive "primary special pay" plus "incentive special pay" proratably reduced by the proportion of time employed in VA facilities.

(b) Removes the salary authorization for the Chief Medical Director and Deputy Chief Medical Director from title 5 of the United States Code; establishes statutory salaries for these officials in section 4107 of title 38 of the United States Code; imposes salary ceilings on their salaries, as well as that of the Associate Deputy Chief Medical Director, to correspond to specific executive schedule levels in title 5; and directs the provision of $13,500 in special pay to these three officials.

(c) Revises the "Physician and Dentist Schedule" in section 4107 of title 38 to codify the 5-percent comparability pay increase in Public Law 94–82 and Executive Order No. 11883, effective October 12, 1975, as to DM&S personnel.

(d) Requires the Administrator of Veterans' Affairs to report annually to the relevant committees of Congress on the operation of the special pay program.

(e) Requires the Director of the Office of Management and Budget and the Comptroller General, after consultation with the Administrator of Veterans' Affairs and the heads of relevant Federal agencies, to submit to the appropriate committees of Congress, not later than August 31, 1976, separate and independent reports proposing a permanent and coordinated legislative solution to the problem of attracting and retaining the services of qualified physicians and dentists for careers in the VA, the uniformed services, and other Federal agencies providing health care; requires the Comptroller General to prepare a report on the Federal Government's recruitment and retention and pay comparability problems with respect to health care personnel other than physicians and dentists, due March 1, 1977; and requires the Chief Medical Director to comment upon the OMB and GAO reports within 120 days of the receipt of those reports by the Congress. The Committee has received these reports.

(f) Provides for the inclusion in the title 38 Department of Medicine and Surgery personnel system of physicians' assistants and expanded-duty dental auxiliaries, along with physicians, dentists, and registered nurses, and directs that they be paid under the Nurse Schedule in section 4107 of title 38.

(g) Removes the prohibition on compensatory time off for VA registered nurses, but only when a nurse who, because of certain overtime work, is entitled to special compensation voluntarily and specifically requests in writing that that compensation take the form of extra time off rather than overtime pay.

The estimated first-full-year cost of the Act was $40,118,000. That figure included approximately $38 million for physician special pay, $1.8 million for dentist special pay, and $300,000 for pay raises associated with the transfer of pay authority for physician assistants from title 5 to title 38, United States Code.

(2) *Omnibus Health Care.* The Second Session of the 94th Congress saw the introduction and consideration of one of the most comprehensive veterans health care bill ever referred to the Committee on Veterans' Affairs. Introduced by Sentaor Cranston on February 2, 1976, S. 2908 was the culmination of two years of planning and development. The omnibus bill was designed, in its sponsor's words, "to shape a new direction for the Department of Medicine and Surgery after almost a decade of tremendous growth—a direction that will emphasize better and more comprehensive treatment primarily for service-connected veterans and primarily within the limits of existing resources, existing programs, and existing facilities."

The bill was born out of a concern that the unparalleled growth in VA health care expenditures between 1969 and 1976 (from $1.5 billion to $4.7 billion, a tripling in only seven years) had exacted a significant cost in operating efficiency, particularly in two respects. First, the expanded capacity of the VA health care system and the concomitant liberalization of eligibility requirements for inpatient care and outpatient services had primarily benefited veterans whose disabilities were non-service-connected. Care for the service-connected clearly suffered as the proportion of resources devoted to the treatment of veterans with non-service-connected conditions increased. Second, rapid and in some instances unplanned growth in health care resources generated legal and administrative problems that threatened the overall efficiency of the VA health care program.

The Subcommittee held two days of hearings on S. 2908 and related measures on February 18 and 19, 1976. The bill was reported by the Subcommittee on May 25, and by the full Committee on Veterans' Affairs on June 16. The Committee report (No. 94–1206, with Supplement) was filed on September 3.

On September 13, the full Committee again convened in executive session and ordered reported H.R. 2735 with an amendment substituting the text of S. 2908 as reported for the text of the House-passed bill. This procedural step was taken to expedite House consideration of the omnibus measure in the final month of the 94th Congress. H.R. 2735 as so amended passed the Senate by voice vote on September 16.

The House, on September 29, passed H.R. 2735 with an amendment incorporating the text of an agreed-upon compromise version of the legislation. The Senate passed the same amended bill on October 1, and on October 21 the President signed the measure into law as the Veterans Omnibus Health Care Act of 1976 (Public Law 94–581).

As enacted, this far-reaching legislation:

(1) Requires periodic reexaminations of VA beneficiary travel reimbursement rates, and reduces expenditures for such travel by (A) requiring persons receiving care for non-service-connected conditions to certify their inability to defray the expenses of travel, and (B) generally limiting reimbursement to the cost of travel by public transportation.

(2) Authorizes mental health services, consultation, professional counseling, and training for the family members of a veteran receiving outpatient care for a service-connected disability when essential to the effective treatment and rehabilitation of the veteran; and (at the discretion of the Administrator) the same services in connection with outpatient care of a veteran's non-service-connected disability when essential to permit the veteran's discharge from the hospital.

(3) Provides total VA health care eligibility to any veteran with a service-connected disability rated at 50 percent or more—lowered from 80 percent under present law.

(4) Establishes a system of priorities for outpatient care stressing priority for veterans requiring treatment for service-connected disabilities, those with 50-percent-or-more-rated service-connected disabilities, those with less-than-50-percent-rated service-connected disabilities and those with major non-service-connected disabilities.

(5) Authorizes, as part of national HEW immunization programs, the VA (at no cost to the VA) to provide immunization against infectious diseases to veterans otherwise receiving treatment at VA health care facilities, and to process malpractice or negligence claims arising from such immunizations in accordance with VA procedures.

(6) Provides statutory authorization for the VA compensated work-therapy program by allowing for contractual arrangements with private industry and nonprofit corporations to supply work projects for patient-workers, with remuneration at rates of pay not less than those specified in the Fair Labor Standards Act.

(7) Makes a series of changes in the VA's authority to provide outpatient care to veterans seeking treatment for non-service-connected disabilities, including provisions to limit such outpatient care to care provided in VA facilities; to limit the duration of care provided to complete treatment incident to hospital care; to limit the provision of care to "obviate" the need for hospital admission to only those circumstances when VA facilities are available for such care; and to permit followup outpatient dental services when necessary to complete treatment begun during hospitalization.

(8) Permits the transfer of veterans who have received maximum hospital benefits to intermediate care facilities, at VA expense and at lower rates of reimbursement than the rates authorized for nursing home care; and liberalizes the cost formula for determining the maximum amount which the VA may pay for community nursing home care.

(9) Clarifies the authority to provide home health services (including certain home improvements and structural alterations—with certain limitations thereon) when required for the effective and economical treatment of the disability of a veteran.

(10) Extends CHAMPVA coverage to the widow or surviving children of a veteran who, at death, suffered from a total and permanent service-connected disability.

(11) Authorizes the acquisition and subsequent disposal of automobiles needed for special driver training courses in the automobile and adaptive equipment program.

(12) Extends until September 30, 1977, the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 which authorizes the VA to enter into special pay agreements with physicians and dentists in DM&S.

(13) Establishes podiatric and optometric services in the VA, headed by directors of podiatry and optometry; establishes a "Clinical Optometrist and Podiatrist Schedule" in title 38; and makes other changes to move optometrists and podiatrists from the civil service to the title 38 pay and personnel system.

(14) Provides, in a new subchapter, entitled "Protection of Patient Rights", standards for obtaining the informed consent of all patients and research subjects, and guarantees (generally incorporating existing provisions of law set forth elsewhere) the confidentiality of certain patient medical records and the nondiscrimination against alcohol or drug abusers in admission to VA health care facilities.

(15) Requires the VA, in accordance with present DM&S plans, to establish and operate a minimum of 10,000 nursing home care beds by fiscal year 1980.

(16) Permits direct reimbursement by the Social Security Administration to the VA for

care provided to a medicare-eligible person (not an eligible veteran) in a VA facility pursuant to a sharing agreement; and requires a report to Congress regarding the implementation of this new authority.

(17) Authorizes the Administrator to prescribe standards for care provided in State home facilities receiving VA assistance and to suspend reimbursement to any facility which fails to meet those standards.

(18) Requires the Chief Medical Director to prepare a study to determine how to accommodate the growing number of elderly veterans in the VA health care system; and requires notification to individuals of any new or expanded eligibility for health care benefits to which such individuals are entitled as a result of enactment of H.R. 2735.

(19) Makes medical, technical, conforming, and clarifying amendments throughout title 38.

The estimated first-full-year cost of the Act is $6,476,000.

(3) Care of Veterans in State Veterans Homes. On September 21, 1976, the President approved H.R. 10394, as amended (Public Law 94–417), a bill to increase the per-diem rates at which the VA reimburses State veterans home for care provided to eligible veterans.

Currently, there are over 11,000 veterans being treated in State Veterans Homes at costs substantially below the per diem costs in the Veterans' Administration:

Comparative per diem costs

	State homes	Veterans' Administration	Difference per patient day
Category of care:			
Domiciliary	$12.19	$15.53	$3.34
Nursing home	20.23	41.74	21.41
Hospital	37.92	77.88	39.96

During fiscal year 1975, based on the average daily census in State Veterans Homes of approximately 11,000 veterans, the savings to the Federal Government for treating veterans in state home facilities as opposed to VA facilities amounted to almost a quarter million dollars.

Reimbursement rates under current law were last increased in September, 1973. The cost of operating state home facilities has increased dramatically since 1973.

Public Law 94–417 offers some relief to State Veterans Homes which are facing financial crisis situations because of spiraling inflation.

Rates are increased for state home reimbursement as follows under the provisions of Public Law 94–417:

Domiciliary care from $4.50 to $5.50 per day.

Nursing home care from $6.00 to $10.50 per day.

Hospital care from $10.00 to $11.50 per day.

The estimated cost of the legislation is $18.8 million in fiscal year 1977 (including $7.5 million for retroactive reimbursements to January 1, 1977), and between $12.1 million and $15.1 million in succeeding fiscal years.

(4) Release of Medical Information to State Public Health and Law Enforcement Officials. On June 29, 1976, the President approved H.R. 10268, as amended (Public Law 94–321), a bill to authorize the release of the names and addresses of patients or former patients in VA health care facilities to State public health and law enforcement officials.

Medical experts agree that the most effective way to prevent the spread of communicable diseases is to contact and treat all persons who may have been exposed to an infected carrier of the disease. To facilitate and coordinate the control of communicable diseases, all 50 States have established infectious disease units or their equivalents in the State health agency, and have enacted State laws requiring that medical authorities submit to the unit the names and addresses of persons who contract one of an enumerated list of dangerous cammunicable diseases.

For many years, the VA voluntarily complied with State reporting laws, and with other laws and ordinances requiring that gunshot or other suspicious wounds be reported to local law enforcement authorities. In 1974, however, the VA General Counsel held that the Administrator no longer had discretionary authority to release the names and addresses of veterans pursuant to State reporting laws. The VA's sudden decision raised the distinct possibility that health officials might be unable to control the spread of a dangerous disease, threatening the health of literally millions of Americans inside and outside the VA health care system.

The purpose of H.R. 10268, as amended to incorporate a substitute Senate text for the original House-passed bill, is to clarify Federal law in order to permit voluntary VA compliance with State reporting statutes, so long as a qualified representative of the State agency to which the name or address of a VA patient is to be reported requests the information in writing and certifies that it is needed for a purpose authorized by law.

(5) Exchange of Medical Information. On September 28, 1976, the President approved H.R. 3348 (Public Law 94–424), a bill to extend for an additional four years the VA's Exchange of Medical Information (EMI) program.

To strengthen medical programs at Veterans' Administration hospitals not affiliated with medical schools or in locations remote from medical teaching centers, and to foster the widest possible cooperation and consultation among members of the medical profession, Congress, 10 years ago, enacted legislation (Public Law 89–785, the Veterans Hospitalization and Medical Services Modernization Amendments of 1966) to authorize the Administrator of Veterans' Affairs to enter into agreements with medical schools, hospitals, medical centers, and individual members of the medical profession for the free exchange of medical information. The EMI program was part of a comprehensive program for the sharing of medical facilities, equipment, and information, now codified as subchapter IV of chapter 81 of title 38, United States Code.

The purpose of the EMI program was to bring modern medical and communications technology to bear on the quality of services available to veterans at VA hospitals which, for reasons of size, location, or lack of resources, were unable to take full advantage of the latest medical information. The 1966 legislation charged the VA with the responsibility to engage in pilot projects having as their objective the strengthening of VA hospitals through the exchange of medical information, and authorized annual appropriations of $3,000,000 for the 4 fiscal years ending June 30, 1971 to support projects in that area. Authorization for the program was scheduled to expire June 30, 1975.

As enacted, H.R. 3348 authorizes appropriations of $3,500,000 for fiscal year 1976, and $4,000,000 annually for fiscal years 1977 through 1979.

(6) Health Care Benefits for Allied Veterans. On October 14, 1976, the President approved H.R. 71 (Public Law 94–491), a bill to provide hospital and medical care benefits to certain members of the armed forces of Poland and Czechoslovakia during World War I or World War II. The estimated first-full-year cost of the measure is negligible.

OVERSIGHT ACTIVITIES

(1) Oversight Hearings. Hearings in May, 1975, and February, 1976, generated more than 2,000 written pages of testimony on the VA health care program. Among the more than 70 witnesses who testified were VA Chief Medical Director John D. Chase, Deputy Chief Medical Director Laurance V. Foye, distinguished members of the medical academic community, representatives of concerned labor and employee groups, representatives of health and allied health professional organizations, spokesmen for the national veterans organizations, and many other interested parties. Some of the many subjects considered at these oversight hearings were:

Problems associated with the recruitment and retention of VA physicians, dentists, nurses and other nursing personnel, optometrists, podiatrists, technologists, and technicians, and possible solutions to recruitment and retention difficulties;

The potential benefits of comprehensive preventive health care, and the costs, benefits, and administrative requirements of establishing a preventive health care program in the VA;

Alcoholism and drug abuse among veterans, and the development of treatment and rehabilitation programs for veterans suffering from alcohol abuse or drug addiction;

Relationships between VA hospitals and affiliated medical schools;

Medical programs for elderly veterans, and changing patterns of health care associated with the increasing number of aging veterans.

(2) Staff Meetings. Committee members and staff members met on a regular basis with top-ranking officials of the Department of Medicine and Surgery for meetings, briefings, and informal discussions on policy matters. The most important of these meetings are the annual budget briefings, conducted in December and January. Other meeting topics during the 94th Congress included an evaluation of the VA's progress in recruiting and retaining physicians and dentists after the enactment of Public Law 94–123; a briefing on unexplained patient deaths at the Ann Arbor VA Hospital; problems associated with affiliations between VA hospitals and medical schools; and administrative problems in the operation of the ambulatory care program.

(3) Liaison with Other Committees and Agencies. An important part of the Subcommittee's work during the 94th Congress was the communication to the Senate Budget and Appropriations Committees of the Subcommittee's views on matters pertaining to the VA health care budget. Pursuant to section 301(c) of the Congressional Budget Act of 1974, the Committee on Veterans' Affairs submitted a detailed report to the Budget Committee on March 15, 1975, and March 15, 1976, including views and estimates on all VA health care programs. In 1976, the Chairman of the Subcommittee wrote to the Chairman of the Appropriations Subcommittee on HUD-Independent Agencies with recommendations on the next fiscal year's health care budget appropriation. The June 4, 1976, letter resulted in an additional $50 million in appropriations for VA health care programs in fiscal year 1977.

In addition to its work with the Budget and Appropriations Committees, the Subcommittee coordinated portions of its legislative program with the Labor and Public Welfare (now Human Resources) and Finance Committees; communicated regularly with the General Accounting Office on monitoring and compliance activities; and corresponded with the Departments of Defense and Health, Education, and Welfare on departmental matters affecting veterans health care benefits.

HOUSING

During the 94th Congress hearings were held by the Subcommittee on Housing and Insurance, chaired by Senator Richard (Dick)

Stone (D., Fla.), in regard to the veterans housing program and related matters.

The Veterans' Administration provides housing credit assistance to eligible veterans, active servicemen, and certain survivors. The program substitutes the guaranty of the Federal Government for the investment protection afforded by substantial downpayments and shorter terms of loans under conventional mortgages. The program assists those eligible for participation in purchasing such modes of housing as conventional mobile homes and condominiums. Under this program, the VA is also authorized to make direct home loans in those areas of the country where private credit for VA-guaranteed loans is not generally available.

On November 12, 1975, the Subcommittee on Housing and Insurance reviewed veterans housing programs and, in particular, S. 2529, the Veterans Housing Amendments Act of 1975.

Testimony concerning the housing program and related matters was presented by the Chief Benefits Director of the Veterans' Administration, the Vice President of the Institute of Public Affairs, the General Counsel for the Manufactured Housing Institute, and representatives of the Veterans of Foreign Wars and the Disabled American Veterans. In addition, written testimony was submitted by a representative of the Non Commissioned Officers Association.

Pursuant to agreement, the Subcommittee reported S. 2529 without recommendation to the full Committee. After consideration in open executive session on March 10, 1976, the full Committee ordered S. 2529 reported, as amended in the nature of a substitute, to include the amending of the short title to the Veterans Housing Amendments Act of 1976.

The measure was reported to the full Senate on May 11 accompanied by Senate report 94–806. After consideration, S. 2529, as amended, was passed by the Senate and forwarded to the House. On May 18, the House passed S. 2529 as amended to contain the provisions of H.R. 13724. On June 11, the Senate agreed to the House amendments with amendments and on June 16 the House agreed to the Senate amendments to the House amendments and forwarded the measure to the President. On June 30, 1976, S. 2529 was enacted as Public Law 94–324.

As enacted, P.L. 94–324:

(1) Extends eligibility for housing benefits for the first time to veterans whose service was exclusively following the official termination of World War II and prior to the commencement of the Korean conflict—after July 25, 1947, and prior to June 27, 1950.

(2) Increases the Veterans' Administration direct home loan maximum from $21,000 to $33,000.

(3) Makes permanent the Veterans' Administration loan guaranty and direct home loan programs.

(4) Increases the maximum Veterans' Administration loan guaranty for the purchase of mobile homes from 30 to 50 percent.

(5) Makes technical amendments to the housing chapter—chapter 37 of title 38, United States Code, to correct grammatical errors and remove unnecessary or unwarranted gender references.

(6) Preempts, under certain conditions, State constitutional usury provisions which limit interest rates chargeable on FHA and VA mortgages by a certain class of lenders but which do not impose such rate limits on mortgages made by another class of lenders.

The Subcommittee on Housing and Insurance also held an open hearing in regard to the veterans housing program at the Larson Building in Tallahassee, Florida, on April 20, 1976. Specifically, the Subcommittee reviewed VA loan guarantee regulations as they affected veterans seeking to purchase a condominium.

Those presenting testimony to the Subcommittee included the Assistant Loan Guaranty Officer from the VA Jacksonville office, the Vice Chairman of the Veterans Advisory Council, the Executive Director of the Florida Home Builders Association, and representatives from the Flard Corporation, J. R. Kislak Mortgage Corporation, Veterans of Foreign Wars, and Disabled American Veterans.

INSURANCE

In the 94th Congress, the Subcommittee on Housing and Insurance held three days of open hearings during which testimony concerning the VA insurance program and related matters was received. The hearings also received testimony concerning S. 2529, the Veterans Housing Amendments Act of 1975, and S. 2218, the Veterans Insurance Disclosure Act of 1975.

Life insurance protection for eligible veterans, servicepersons, and respective beneficiaries are provided under seven separate programs—six of which are administered directly by the VA and one of which, Servicemen's Group Life Insurance (SGLI), is administered by a primary commercial carrier under contract with the VA. During fiscal year 1977, the face value of the total insurance in force in all these programs amounted to approximately $95 billion; the number of policies in force totaled 7.9 million.

On November 12, 1975, the Subcommittee met in open hearings to consider S. 1911, the Veterans Insurance Amendments Act of 1975, and other related bills. Those presenting testimony in regard to S. 1911 included the Chief Benefits Director of the Veterans' Administration and representatives of the Disabled American Veterans, and Veterans of Foreign Wars. In addition, a representative of the Non Commissioned Officers Association submitted written testimony.

The full Committee met in open executive session on December 9, 1975 and ordered reported S. 1911 as amended in the nature of a substitute. On March 10, 1976, the measure was reported to the full Senate accompanied by Senate Report 94–689. Subsequently, on March 15, S. 1911, as amended, was considered and passed by the Senate. On March 16, the measure was referred in the House of Representatives to the House Committee on Veterans' Affairs. The House Committee did not act upon S. 1911 during the Congress.

As passed, S. 1911:

(1) Provides any veteran whose coverage has lapsed under Servicemen's Group Life Insurance and who does not elect to be insured under Veterans' Group Life Insurance with a conversion right to an individual policy of commercial life insurance including a term policy.

(2) Provides all veterans upon lapse of coverage under Veterans' Group Life Insurance with the option of choosing an individual commercial policy of term insurance (convertible at a time specified in the policy to a permanent plan of insurance), as well as a whole life policy when exercising their statutory conversion privilege.

(3) Extends for 1 year after enactment of the "Veterans' Insurance Amendments Act of 1976" the period during which veterans extended retroactive eligibility by Public Law 93–289 for Veterans' Group Life Insurance may apply for such policies.

(4) Makes technical amendments to chapter 19—Insurance of title 38, United States Code to clarify statutory language, to restructure sections of the chapter into shorter subsections, and to eliminate unnecessary or unwarranted gender references.

The Subcommittee on Housing Insurance also held two days of open hearings on S. 2218, the Veterans Insurance Disclosure Act of 1975.

On December 3, 1975, those appearing to testify in regard to this measure included the President of the National Association of Insurance Commissioners, the President of the John Hancock Mutual Life Insurance Company, a professor of insurance from Indiana University, and the Secretary of the National Association of Life Underwriters.

On December 4, 1975, during the second day of hearings concerning this measure, those offering public testimony included the Director of the Veterans' Administration Insurance Center, the Senior Vice President and Chief Actuary of Prudential Insurance Company of America, a representative of the Society of Actuaries, and a representative from the National Association of Concerned Veterans.

PENSION

After several years of investigation, research, and inquiries, the Committee, during the 94th Congress, reported and the Senate passed legislation which would have assured to each pensioner the opportunity to elect to receive pension benefits under a pension program designed to prevent the loss of veterans pension income solely as a result of Social Security cost-of-living increases.

On November 18, 1975, and again on December 2, 1975, open hearings in regard to S. 2635, the Veterans and Survivor Pension Reform Act, were held. Those offering testimony in regard to this measure included the Honorable Robert Dole (R., Kans.), the Chief Benefits Director of the Veterans' Administration, and representatives from the American Legion, Veterans of Foreign Wars, Widows of World War I, Veterans of World War I, Paralyzed Veterans of America, and the National Association of Concerned Veterans.

On December 9, 1975, in an open executive session, the Committee ordered reported S. 2635 as amended in the nature of a substitute. On December 10, the measure was reported to the full Senate accompanied by Senate Report 94–532. On December 15, S. 2635 was considered by the Senate and unanimously passed by voice vote. The following day the measure was referred to the House of Representatives wherein it was referred to the House Committee on Veterans' Affairs.

As passed by the Senate, S. 2635 would:

(1) Assure a level of income above the minimum subsistence level allowing veterans and their survivors to live out their lives in dignity.

(2) Prevent veterans and widows from having to turn to welfare assistance.

(3) Treat similarly-circumstanced pensioners equally.

(4) Provide greater pension for those with greater needs.

(5) Guarantee regular increases in pension which fully accounts for increases in the cost of living.

Under current law a basic payment rate is set which is reduced by a formula system as outside income increases. At present, a veteran without a dependent and with no other income is entitled to a maximum of $1,920 a year ($1,296 for a widow). A veteran with a dependent and with no other income is entitled to a maximum yearly payment of $2,064 ($1,536 for a comparable widow with dependents).

The new pension program would establish a minimum level of income above the poverty level. A single veteran and a surviving spouse without dependents would be entitled to a maximum pension payment of $2,700, if the pensioner had no other income. A veteran with a dependent and a surviving spouse with a dependent would be entitled to a maximum of $3,900.

The new system contains few income exclusions. An exclusion is income not counted as such for purposes of pension computation. Generally, each dollar of income available to an individual or couple will be deducted from the maximum entitlement. The VA will pay the difference. Certain exclusions which rep-

resent extraordinary expenses (for example, burial or unusual medical expenses) or which represent one-time payments which replace loss (for example, fire insurance) are retained. For those in need of "aid and attendance" or permanently housebound, a higher level of need is established which reflects the additional support required (an additional $1,596 a year for those in need of aid and attendance or an additional $636 for those pensioners who are housebound). Aid and attendance allowance is "dollared down" in the same manner as entitlement is "dollared down." Presently, a pensioner loses his entire aid and attendance allowance should he become ineligible for pension.

A limited amount of income earned by the spouse of a veteran in need of aid and attendance or permanently housebound is excluded.

Consistent with the objectives and principals of a need-based pension program, the entitlement rates for widows are equalized with those for veterans. Currently, entitlement rates for widows are but two-thirds that of veteran rates.

The new pension program provides automatic annual cost-of-living adjustments to the minimum level of income support established by this act. For example, a 10-percent increase in the cost of living would automatically result in a similar percentage increase in pension for single and married pensioners to $2,970 and $4,290, respectively. According to information supplied by the Veterans' Administration, under the new pension program, no veteran or widow receiving cost-of-living increases in social security payments would as a result suffer *any* reduction in VA pension payments.

Prior to implementation of the new program, all veterans and dependents currently eligible for pension will receive an 8 per centum increase in the rate and a $300 increase in the maximum annual income limitations effective January 1, 1976. After October 1, 1976, all new pensioners must qualify under the new program. Those pensioners on the rolls prior to October 1, 1976, will have the option of switching to the new program or continued coverage under existing pension programs. Those minority of veterans electing to remain under that program originally established by Public Law 86–211, would thereafter annually receive cost-of-living adjustments in their rates and maximum annual income limitations.

A new pension program based on identical principles as those explained above is established for parents receiving dependent and indemnity compensation.

Current "old law" pensioners (that is, those receiving pension under those provisions in effect prior to enactment of Public Law 86–211) would receive automatic cost-of-living increases in the maximum annual income limitations consistent with past congressional practice.

The House, however, did not act on S. 2635 during the Congress.

Prior to Senate passage and as a result of the lack of time available to the House to consider the reform measure prior to the end of the session, the Senate, on December 10, considered H.R. 10355 and passed it unanimously as amended in the nature of a substitute to include the provisions of titles II and IV of S. 2635. On December 18, 1975, the House agreed to the Senate amendment and forwarded the measure to the President who signed it into law as Public Law 94–169 on December 23, 1975.

As enacted, the Veterans and Survivors Pension Interim Adjustment Act of 1975 Public Law 94–169:

(1) Increases the maximum annual income limitations for eligible veterans and their survivors receiving pension by $300 and provides an average 8-percent increase in the rates of pensions.

(2) Increases the maximum annual income limitations of "old law" pensioners by $300.

(3) Increases the maximum annual income limitations by $300 for parents receiving dependency and indemnity compensation (DIC) and provides an average 8-percent increase in the rates for DIC.

(4) Increases by 8 percent the allowances payable to those in receipt of pension who are in need of aid and attendance or who are deemed permanently housebound.

During the 2nd session of the 94th Congress, the House again did not act upon the comprehensive pension reform program provided for in S. 2635. On June 21, 1976, the House considered and forwarded to the Senate H.R. 14298. On June 22, the measure was held at the desk in the Senate rather than being referred to the Committee. On August 4, H.R. 14298 was considered and passed by the Senate as amended to contain the provisions of titles I and III of S. 2635, the Veterans and Survivors Pension Reform Act. Subsequently, on September 9, the House agreed to the Senate amendment to H.R. 14298 with an amendment; the House struck those provisions of H.R. 14298 relating to S. 2635 and added those provisions included as part of H.R. 14298 as it had originally cleared the House and in addition included Congressional findings in regard to the pension program and further mandated the VA to conduct a study on the non-service-connected disability pension program. The Senate agreed to the House Amendments in September and on September 30 the President signed the Veterans and Survivors Pension Adjustment Act of 1976 into law as P.L. 94–432.

As enacted, Public Law 94–432:

(1) Makes permanent the 8-percent increase in non-service-connected pension provided for in the Veterans and Survivors Pension Interim Adjustment Act of 1975 (Public Law 94–169) otherwise scheduled to expire on September 30, 1976.

(2) Provides a 7-percent increase in pension rates for totally disabled wartime veterans, eligible survivors, and eligible children effective January 1, 1977.

(3) Increases the annual countable income limitation governing payment of pension to—

(A) eligible veterans,

(i) $3,300 to $3,540 for single veterans,

(ii) $4,500 to $4,760 for veterans with wife and children.

(B) eligible widows,

(i) $3,300 to $3,540 for widows alone,

(ii) $4,500 to $4,760 for widows and children,

(C) eligible children from $2,700 to $2,890,

(D) eligible dependent parents,

(i) $3,300 to $3,540 for 1 parent,

(ii) $3,300 to $3,540 for 2 parents not together, and

(iii) $4,500 to $4,760 for 2 parents together or remarried.

(4) Increases by 7 percent the rates and annual income limitations for disability and indemnity compensation (DIC) for eligible parents.

(5) Increases the monthly housebound rate for veterans from $53 to $57.

(6) Increases the monthly aid and attendance allowance for veterans from $133 to $155.

(7) Increases the monthly aid and attendance allowance for widows and dependent parents from $69 to $74.

(8) Provides for a graduated reduction in aid and attendance allowances for those veterans whose income exceeds maximum allowable income limitations.

(9) Provides a 25-percent add-on in pension rates for eligible veterans who are 78 years of age or older.

(10) Revises the definition of permanent and total disability to permit payment from date of unemployability after age 65 if claim is filed within 1 year as now done for those filing within 1 year of age 65 or of becoming permanently and totally disabled before that age.

(11) Increases the annual income limitations for the protected (old) law pensioners to—

(A) single veterans and widows without children, $2,900 to $3,100, and

(B) veterans or widows with a child, $4,200 to $4,460.

(12) Increases by 7 percent (from $69 to $74) the aid and attendance allowance for widows receiving death compensation under the protected (old) law.

(13) Revises the rule governing determination of dependency of a parent and allows the Administrator to set guidelines in considering cost-of-living increases.

(14) Requires heads of other Federal agencies to furnish the Administrator of VA, upon request, available information to assist in determining eligibility for benefits.

That section of P.L. 94–432 (§ 404) making Congressional findings and declarations concerning the non-service-connected pension program and mandating a comprehensive report in regard to it is as follows:

SEC. 404. (a) The Congress finds and declares that the pension program for non-service-connected disability or death, authorized in chapter 15 of title 38, United States Code, and administered by the Veterans' Administration—

(1) does not provide sufficient assistance to meet the needs of some eligible veterans and survivors;

(2) has developed some inconsistencies, inequities, and anomalies which prevent it from operating in the most efficient and equitable manner; and

(3) subjects many pensioners annually to reductions in their pensions.

The Congress further finds and declares that it lacks sufficient long-range information as to actual and anticipated financial characteristics of potential pensioners (and their families) upon which to estimate costs of existing alternative pension programs.

(b) No later than October 1, 1977, the Administrator of Veterans' Affairs shall submit a report to Congress and the President. The report shall contain the findings and recommendations of a comprehensive investigation, analysis, and evaluation of existing and alternative non-service-connected pension programs, and shall include, but not be limited to, the following:

(1) Income characteristics of veterans and survivors currently in receipt of non-service-connected pension.

(2) Actual and anticipated long-term financial characteristics of pensioners including those veterans and survivors (and their families) who may be potentially eligible for benefits under the non-service-connected pension program during the next 25 years.

(3) Identification and analysis of existing inequities, anomalies, and inconsistencies contained in the current non-service-connected pension program.

(4) Current and proposed income exclusions.

(5) Particular problems and needs of catastrophically disabled non-service-connected pensioners.

(6) Alternative proposals which—

(A) assure a level of income for eligible veterans at or above the national minimum standard of need;

(B) treat similarly circumstanced pensioners alike; and

(C) provide the greatest amount of assistance to those with the greatest amount of need.

(c) On the basis of the investigation, analysis, and evaluation required to be made in subsection (b), the report shall identify alternative courses of legislative or administrative action (including proposed legislation) and long-range cost estimates therefore which, in the judgment of the Administrator, would result in a more equitable non-service-connected pension program.

THE NATIONAL DEFENSE BUDGET CATEGORY

Mr. NUNN. Mr. President, I want to express my serious concern over some of the recommendations for reductions that are being made as the Congress develops the target for the national defense budget category in the first concurrent budget resolution.

The unrelenting quantitative and qualitative military buildup by the Soviet Union has been well documented and it is not my intention today to recite the detailed comparisons that give us all concern. The recent collapse of the SALT negotiations must give us all pause in making any reductions in our defense capabilities. This is not the time to let down our guard or give the Soviets a signal of weakness and weak resolve. The budget for fiscal year 1978 must provide an adequate national defense program to meet current needs and to continue a program sufficient to deter our potential adversaries in the future.

The defense budget has been presented with this basic national priority in mind. President Carter has recommended a level of $120.1 billion for national defense. President Ford recommended a budget level of $122.9 billion. The Authorization and Appropriation Committees in both the House and Senate have recommended levels within this range. This consensus view should not be dismissed lightly. Some continued real growth in the defense budget is necessary for national security and it appears to the Senator from Georgia that a budget in the range of $121 billion is the minimum level necessary.

REDUCTIONS IMPERIL ADEQUATE DEFENSE

Some of the recommendations now being made to change the budget target are based on apparently innocent financial and accounting adjustments. There is no such thing as free money—something has to give. I am concerned that what will give in the end is our defense capability.

What is likely to happen is that these easy adjustments would result in real decreases in necessary force levels and procurement. A $1 billion reduction based on "prior year unobligated balances" actually means reducing already approved programs for aircraft and shipbuilding. There may be areas in the President's budget where the Congress feels the additional investment is necessary. Similarly, budgeters may recommend a change in the inflation assumptions in the operations and maintenance accounts. But we should not base the already poor readiness of our forces on uncertain estimates of inflation over a year from now. I hope that inflation subsides in the future. But I doubt that inflation will be zero in fiscal year 1978 as is assumed in some suggested reductions. We simply cannot base our force readiness on these kind of estimates. Reductions would require decreased readiness levels of current forces—including decreases in necessary maintenance and operational capability of forces and equipment now in being.

Manpower cost account for a large part of the defense budget—56 percent of the total defense spending as proposed in the Carter budget. This is an increase from 47 percent in fiscal year 1964, which is primarily due to increases in comparability pay All-Volunteer Force requirements and increases in retirement pay, but the actual manpower levels have been sharply reduced—by 22 percent compared to the fiscal year 1964 levels. We are at the point where significant reductions in manpower levels, in order to reduce manpower costs, are no longer prudent. Further, manpower savings in 1 year are difficult to achieve. A $500 million reduction in defense outlays from manpower savings can only be achieved by releasing perhaps 150,000 or more people from the defense payroll, or reducing the number of new people brought on by roughly 150,000. Such a large reduction in 1 year is inappropriate on the basis of our national security needs.

SUPPORT FOR THE BUDGET PROCESS

This Senator has been, and continues to be, a strong supporter of the congressional budget process. I think the Armed Services Committee has acted responsively to these new procedures and I commend the Senate Budget Committee for the determined spirit of cooperation with which it has acted. However, I am very concerned that the appropriate target for national defense not be established as part of a numbers game where apparenlty innocent budgeting assumptions translate into unwarranted reductions in national defense. I am concerned that the national defense target established by the House Budget Committee is not sufficient to meet our real national security needs and I urge the Senate Budget Committee to base its target on these real needs.

A TRIBUTE TO BLACK FASHION MODEL BILLIE BLAIR

Mr. CRANSTON. Mr. President, today, the distinguished junior Senator from Michigan, Mr. RIEGLE is conducting field hearings on the effects of the chemical PBB in the State of Michigan.

I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Michigan.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR RIEGLE

It is indeed a great honor to pay tribute to black fashion model, Billie Blair.

Miss Blair was born in Flint, Michigan, to Mrs. Hattie Stewart Blair and Mr. William Blair. She attended Flint Public Schools, where during that time she worked as a volunteer at the Lapeer, Michigan Home for Retarded Children. Miss Blair also attended Mott Community College (Flint) and Arkansas University.

Today, Miss Blair is a professional model having modeled for such top designers as Christian Dior, Oscar DeLaRenta, Halston, Givenchy, Bill Blass, Calvin Klein, Rufus Barkley and others. She has been proclaimed by Newsweek Magazine as one of the top six models in the United States, and can be seen weekly and monthly in issues of Vogue, Cosmopolitan, Charm, Glamour, Women's Wear Daily, Jet, Ebony, Essence and Gentlemen's Quarterly.

I want to congratulate Miss Blair on achieving great success in the modeling profession.

(This concludes additional statements submitted by Senators today.)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROGRAM

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, following the recognition of the two leaders or their designees on tomorrow, the distinguished Senator from Utah (Mr. GARN) will be recognized for not to exceed 15 minutes, after which, if there is any time remaining prior to the hour of 9:45 a.m., I ask unanimous consent that there be a period for the transaction of routine morning business with statements limited therein to 2 minutes each with the understanding that no resolutions will come over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT—"SUNSET AMENDMENT"

Mr. ROBERT C. BYRD. Mr. President, at the hour of 9:45 a.m., the distinguished minority leader will be recognized to call up his amendment, the so-called sunset amendment, I believe it is, as modified, upon which there shall be 1 hour of debate to be equally divided and controlled by the majority and minority leaders, or their designees, and that if an amendment thereto is offered it may only be offered after the first 30 minutes of that hour have elapsed. At the end of the 1 hour on the Baker amendment, the vote will occur on any amendment offered to the Baker amendment, if any has been offered, or on a tabling motion with such vote to occur at 10:45 a.m.

Following that vote on a tabling motion or on an amendment, whichever may be the case, the vote on the Baker amendment will occur no later than 11 a.m., and following the vote on the disposition of the Baker amendment, no intervening amendment, motion, or debate will be in order and a vote will occur immediately on adoption of Senate Resolution 110. That would occur at 11:15 a.m.

This means, then, that the first rollcall vote tomorrow will occur at 10:45 a.m.

If the Senator wishes we could order the yeas and nays now.

Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at this time on the Baker amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on a motion to table Mr. BAKER'S amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays on such a motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Mr. President, will the majority leader yield for a question?

Mr. ROBERT C. BYRD. I yield.

Mr. BUMPERS. Is it possible that the Baker amendment could possibly be voted on before that hour? I know the Senator said not later than 11 a.m. but if both sides yielded back the remainder of their time could it occur before that hour?

Mr. ROBERT C. BYRD. The problem here is that, in the event there is an amendment offered to the amendment by Mr. BAKER, there might be a vote on that amendment. I anticipate that a tabling motion, however, will be offered at the close of that hour so that the vote on the tabling motion—and this does not rule out an amendment—will occur at 10:45 a.m. Then the vote on the Baker amendment will occur at 11 a.m.; that would be the earliest that we could vote on the Baker amendment.

H.R. 4877

Mr. President, following the disposition of the code of conduct resolution on tomorrow, the Senate will take up the supplemental appropriations bill. I have cleared this with Mr. MCCLELLAN and I, therefore, ask unanimous consent that upon the disposition of the code of conduct resolution on tomorrow the Senate proceed to the consideration of H.R. 4877, an act making supplemental appropriations.

Mr. BAKER. Mr. President, reserving the right to object, I only observe that the matter has been cleared on our sides by the distinguished senior Senator from North Dakota, the ranking Republican member of the Appropriations Committee, and those who have amendments to offer, and I do not object.

Mr. BAYH. Mr. President, reserving the right to object, is the majority leader making a unanimous-consent request that the supplemental appropriations bill be the next order of business after the disposition of the pending business?

Mr. ROBERT C. BYRD. Yes.

Mr. BAYH. May I pose the question?

Mr. ROBERT C. BYRD. Yes.

Mr. BAYH. Does either one of the leaders anticipate there is going to be a number of amendments on the supplemental appropriations bill?

Mr. ROBERT C. BYRD. I really am not able to answer that question. I do not know of any amendments on this side. There may be.

Mr. BAYH. With all respect, I think the majority leader has already partially answered it. If there were going to be some, I assume the majority leader would know at least part of the disposition.

Mr. ALLEN. Mr. President, Senator SPARKMAN and I have one amendment, and we hope the committee will accept it.

Mr. BAKER. Mr. President, if the Senator will yield, for the information of colleagues I understand there are three amendments at the desk to the supplemental appropriations bill on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there is one matter I have overlooked.

ORDER FOR ADMINISTRATION OF OATH OF OFFICE TOMORROW

I ask unanimous consent that upon the disposition of the code of conduct and prior to proceeding to the consideration of the supplemental appropriations bill tomorrow, there be not to exceed 15 minutes in which the swearing-in of Mr. Kimmitt to be Secretary of the Senate may take place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there will probably be some rollcall votes tomorrow afternoon on the supplemental appropriations bill and/or on amendments or motions in relation thereto. I would not anticipate that the Senate would be in any later than somewhere around 5 p.m. tomorrow. I hope that it will not take that long, but I should think that should be a reasonable hour for us at least to surmise at this point as being the final recessing of the Senate.

I believe that about wraps it up now.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9:15 a.m. tomorrow morning.

The motion was agreed to; and at 7:01 p.m. the Senate recessed until tomorrow, Friday, April 1, 1977, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate March 31, 1977:

FEDERAL ENERGY ADMINISTRATION

David J. Bardin, of New Jersey, to be a Deputy Administrator of the Federal Energy Administration, vice Eric R. Zausner, resigned.

IN THE AIR FORCE

The following officer to be placed on the Retired List in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be lieutenant general

Lt. Gen. Ray B. Sitton, 260-22-9821FR (major general, Regular Air Force), U.S. Air Force.

The following officers to be placed on the Retired List in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be lieutenant general

Lt. Gen. James M. Keck, 039-09-7364FR (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Joseph G. Wilson, 229-01-5510FR (major gen., Regular Air Force), U.S. Air Force.

Lt. Gen. Maurice F. Casey, 334-18-3434FR (brigadier general, Regular Air Force), U.S. Air Force.

DEPARTMENT OF THE TREASURY

Joseph Laitin, of Maryland, to be an Assistant Secretary of the Treasury, vice David Robert Macdonald, resigned.

FEDERAL HIGHWAY ADMINISTRATION

William Meredith Cox, of Kentucky, to be Administrator of the Federal Highway Administration, vice Norbert T. Tiemann, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate March 31, 1977:

Vice Adm. Julien J. LeBourgeois, U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

HOUSE OF REPRESENTATIVES—*Thursday, March 31, 1977*

The House met at 11 o'clock a.m.

Rev. Joseph Prunskis, Symphorosa Church, Chicago, Ill., offered the following prayer:

Dear Lord, who created all nations and who has made the United States of America the greatest Nation in the world, guided by the ideals of freedom and justice, inspire the noble leaders of this Nation and the brilliant men of this House of Representatives to struggle for the liberty of all captive nations and for justice in the lands now suffering under the oppression of foreign tyranny, as is the case with Lithuania.

Dear Lord, bless the efforts of these experienced representatives of the people who so many times in this great House have raised their voices for the freedom of Lithuania. Grant that Lithuania be saved from the Calvary of oppression and enjoy the resurrection of its freedom and independence, that all Lithuanians from exile in Siberia, from jails, from psychiatric wards, from slave labor camps be able to again assemble in freedom in their shrines, cleansed from present desecration, and sing hymns of gratitude for their liberation.

Lithuanians in their land at present are under the oppression of unscrupulous atheistic tyrants but they have an unshaken confidence that the Stars and Stripes will help to raise their tricolor flag of freedom. So help us God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

NINTH ANNIVERSARY OF ASSASSINATION OF REV. MARTIN LUTHER KING, JR.

Mr. FORD of Tennessee, asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, April 4, 1977, will mark the ninth anniversary of the assassination of Martin Luther King, Jr. Martin King died from the gunshot wounds of an assassin's bullet in my hometown of Memphis.

This great black man was an American leader of international stature who lived with a dream which inspired the world, a dream which has yet to be accomplished.

It is a shame Martin King died a senseless death, and it is a national embarrassment that no probe has uncovered conclusive, satisfactory findings surrounding the death of the Reverend King.

I am very pleased that we, the Members of Congress, the highest elected officials of this great country, voted yesterday to reconstitute the Select Committee on Assassinations, a committee charged with the mission of delivery to the American people a full and thorough investigation into the assassinations of President John F. Kennedy and Martin Luther King, Jr.

The Members of Congress are to be commended for the passing of this resolution on the eve of the assassination of Martin King.

I am fully optimistic that, through the professional efforts of the committee, the American people, once and for all, will be provided with the answers they so rightfully deserve.

I will include at a later point in the RECORD the final speech of Martin King, delivered in Memphis, Tenn.

PERSONAL EXPLANATION

(Mr. COLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN. Mr. Speaker, Tuesday, the vagaries of the relationship of man and machine came home to me in vivid fashion. My confrontation with the technological wizards of our environs occurred as the House voted on questions of reorganization powers for the President. Specifically, my problem developed as we voted on rollcall No. 107, final passage of House Resolution 441. It was my intent, in fact it was my action, to vote for such passage. However, the electronic voting device failed to show that I had taken any such action and recorded me as not voting.

Mr. Speaker, I will not attempt to prove culpability. Suffice it to say that it was my intention to vote for final passage of the reorganization bill and that I inserted my voting card into the machine. I thought my vote had been properly recorded. In reading the CONGRESSIONAL RECORD of Tuesday, I find it was not. In the future, I will not rely on the electronic device as much as I rely on my own system of checks and balances.

PROVIDING FUNDS FOR EXPENSES OF HOUSE INFORMATION SYSTEMS OF COMMITTEE ON HOUSE ADMINISTRATION

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 442) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 442

Resolved, That (a) the Committee on House Administration is authorized to incur such further expenses (not in excess of $7,980,000) as the committee considers advisable to enable House Information Systems to provide for the development, operation, maintenance, and improvement of ongoing computer services for the House of Representatives, for the investigation of additional computer services for the House of Representatives, and to provide computer support directly to the committees, Members, and administrative offices of the House of Representatives, including expenditures—

(1) for the employment of professional, technical, clerical, and other assistants,

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), and for the procurement of equipment by contract or otherwise, and

(3) for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions.

Such expenses shall be paid out of the contingent fund of the House on vouchers authorized and approved by such committee, and signed by the chairman thereof.

(b) Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), and not to exceed $24,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. Of such funds authorized by this resolution, $2,940,000 is designated to provide computer support to other standing committees of the House of Representatives and to joint committees and offices of the Congress at the following projected levels:

(a) Committee on Appropriations, $583,000.

(b) Joint Committee on Internal Revenue Taxation, $69,000.

(c) Committee on Science and Technology, $17,000.

(d) Committee on the Judiciary, $15,000.

(e) Committee on Public Works and Transportation, $28,000.

(f) Committee on Education and Labor, $28,000.

(g) Committee on Veterans' Affairs, $28,000.

(h) General support to all committees (including calendar preparation, text processing, LEGIS, hearings publication, economic forecasting, graphics, modeling, and technical assistance), $1,753,000.

(i) Congressional Budget Office, $200,000.

(j) Commission on Administrative Review, $8,000.

(k) Legislative Counsel, $94,000.

(l) Official Reporters to Committees, $117,000.

SEC. 3. Of such funds authorized by this resolution, $750,000 is projected to provide computer support to the officers of the House of Representatives.

SEC. 4. Of such funds authorized by this resolution, $3,150,000 is projected to provide computer support to the Members of the House of Representatives, including the ongoing development and operation of such systems as electronic voting, LEGIS, Member office support, and the Member information network.

SEC. 5. No part of the funds authorized by this resolution shall be available for expenditures in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 6. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 7. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY SELECT COMMITTEE ON ETHICS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 428) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

Resolved, That, effective March 9, 1977, expenses of investigations and studies to be conducted by the Select Committee on Ethics, as authorized by House Resolution 383, acting as a whole or by subcommittee, not to exceed $283,000, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $20,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Select Committee on Ethics shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire on December 31, 1977.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations

established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING ADDITIONAL FUNDS FOR EXPENSES OF COMMITTEE ON INTERNATIONAL RELATIONS IN CONNECTION WITH VISITS TO UNITED STATES BY HEADS OF STATES AND OTHER FOREIGN DIGNITARIES

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 434) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 434

Resolved, That, until otherwise provided by law, there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary, but not to exceed $15,000 in any calendar year, for the payment of expenses incurred in carrying out the first section of H. Res. 348, Eighty-seventh Congress, adopted June 29, 1961, and enacted as permanent law by the Legislative Branch Appropriation Act, 1963 (Public Law 87-730; 76 Stat. 680).

SEC. 2. Effective on the date of the enactment of the provisions of this section as permanent law, subsection (b) of the first section H. Res. 348, Eighty-seventh Congress, adopted June 29, 1961, and enacted as permanent law by the Legislative Branch Appropriation Act, 1963 (Public Law 87-730; 76 Stat. 680), is amended by striking out "$5,000" and inserting in lieu thereof "$15,000".

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR ADMINISTRATIVE EXPENSES INCURRED IN CONCLUDING BUSINESS AND ACTIVITIES OF FORMER SELECT COMMITTEE ON PROFESSIONAL SPORTS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 436) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That effective January 3, 1977, the administrative expenses incurred in concluding the business and activities of the former Select Committee on Professional Sports, not to exceed $3,000, shall be paid out of the contingent fund of the House on vouchers signed by the former chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. The authorization granted by the resolution shall expire on March 31, 1977.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF INVESTIGATIONS, STUDIES, OVERSIGHT, AND FUNCTIONS TO BE CONDUCTED BY COMMITTEE ON GOVERNMENT OPERATIONS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 328) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 328

Resolved, That effective January 3, 1977, expenses of investigations, studies, and oversight responsibilities and functions to be conducted pursuant to rule X, clause 2, paragraphs (b)(1), (b)(2), and (c) relating to general oversight responsibilities), clause 4(c) (relating to additional functions of the Committee on Government Operations), and rule XI, clause 1(b) (relating to the authorization of investigations and studies), by the Committee on Government Operations, acting as a whole or by subcommittee, not to exceed $1,945,598, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of the committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $15,200 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72(i)); and not to exceed $2,000 of such total amount may be used to provide for specialized training, pursuant to section 202 (j) of such Act, as amended (2 U.S.C. 72a (j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. The chairman of the Committee on Government Operations shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

With the following committee amendment:

That effective January 3, 1977, expenses of investigations, studies, and oversight responsibilities and functions to be conducted pursuant to rule X, clause 2, paragraphs (b)(1), (b)(2), and (c) (relating to general oversight responsibilities), clause 4(c) (relating to additional functions of the Committee on Government Operations), and rule XI, clause 1(b) (relating to the authorization of investigations and studies), by the Committee on Government Operations, acting as a whole or by subcommittee, not to exceed $1,645,598, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of the committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $15,200 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $2,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. The chairman of the Committee on Government Operations shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

The committee amendment was agreed to.

Mr. DENT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 283) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 283

Resolved, That, effective from January 3, 1977, not to exceed $4,094,075 shall be paid out of the contingent fund of the House for the expenses of the investigations and studies to be conducted pursuant to the rules of the House by the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants. Such payment shall be made on vouchers authorized by such committee, signed by the chairman of such committee and approved by the Committee on House Administration. Not to exceed $425,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72(i)).

SEC. 2. Of the total amount provided by this resolution, not to exceed the following amounts, shall be made available for the expenses of the following subcommittees of the Committee on Interstate and Foreign Commerce, in accordance with this resolution:

(a) Subcommittee on Oversight and Investigations, $898,000;

(b) Subcommittee on Energy and Power, $705,230;

(c) Subcommittee on Health and the Environment, $471,200;

(d) Subcommittee on Communications, $498,000;

(e) Subcommittee on Transportation and Commerce, $370,000; and

(f) Subcommittee on Consumer Protection and Finance $399,645.

The amounts specified in this section shall be paid on vouchers authorized by such committee, signed by the chairman of such committee or subcommittee, and approved by the Committee on House Administration.

SEC. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Interstate and Foreign Commerce shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

That, effective January 3, 1977, expenses of investigations and studies to be conducted by the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, not to exceed $3,197,000, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of such contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $425,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a (i)): but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Interstate and Foreign Commerce shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

The committee amendment was agreed to.

Mr. DENT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING ADDITIONAL FUNDS FOR THE LEADERSHIP OFFICES, AND FOR OTHER PURPOSES

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 393

Resolved, That (a) subject to the provisions of subsection (b), effective March 1, 1977, there shall be two additional employees in the office of the minority leader and one additional employee each in the offices of the majority whip and the chief deputy majority whip.

(b) The annual rate of compensation for any individual employed under subsection (a) shall not exceed the annual rate of basic pay of level IV of the Executive Schedule of section 5316 of title 5, United States Code, and until otherwise provided by law such compensation as may be necessary shall be paid from the contingent fund of the House.

SEC. 2. Effective March 1, 1977, and until otherwise provided by law, there shall be paid out of the contingent fund of the House such additional amounts as may be necessary for office personnel, rental or lease of necessary equipment, and other official expenses of each of the following officials of the House the following per annum amounts:

(1) The majority leader, $30,000.

(2) The minority leader, $30,000.

(3) The majority whip, $15,000.

(4) The minority whip, $15,000.

SEC. 3. (a) Effective March 1, 1977, and until otherwise provided by law, the per annum gross rate of compensation of the Postmaster of the House of Representatives shall be equal to the amount for level 13, step 5, of the House Employees Schedule.

(b) Until otherwise provided by law, such additional amounts as may be necessary to carry out subsection (a) of this section shall be paid out of the contingent fund of the House.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

With the following committee amendment:

That (a) subject to the provisions of subsection (b), effective March 1, 1977, there shall be two additional employees in the office of the minority leader, and one additional employee each in the offices of the majority whip and the chief majority whip.

(b) The annual rate of compensation for any individual employed under subsection (a) shall not exceed the annual rate of basic pay of level V of the Executive Schedule of section 5316 of title 5, United States Code, and until otherwise provided by law such compensation as may be necessary shall be paid from the contingent fund of the House.

SEC. 2. Effective March 1, 1977, and until otherwise provided by law, there shall be paid out of the contingent fund of the House such additional amounts as may be necessary for office personnel, and rental or lease of necessary equipment, of each of the following officials of the House the following per annum amounts:

(1) The majority leader, $30,000.

(2) The minority leader, $30,000.

(3) The majority whip, $15,000.

(4) The minority whip, $15,000.

SEC. 3. (a) Effective March 1, 1977, and until otherwise provided by law, the per annum gross rate of compensation of the Postmaster of the House of Representatives shall be equal to the amount for level 13, step 5, of the House Employees Schedule.

(b) Until otherwise provided by law, such additional amounts as may be necessary to carry out subsection (a) of this section shall be paid out of the contingent fund of the House.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania (Mr. DENT) is recognized for 1 hour.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. DENT. Before I yield to the gentleman from Minnesota (Mr. FRENZEL) I would like to clarify for the record, that an error was made in the printing of House Resolution 393 as amended. On page 2, line 22, the word deputy should be inserted after the word chief. So it should read chief deputy majority whip. I will be pleased to yield to the gentleman.

Mr. FRENZEL. I thank the gentleman for yielding.

I would like to invite the attention of the House to the fact that House Resolution 393 provides for four additional employees; two to go to the minority leader, one to the majority whip, and one to the chief majority whip. In addition, there are other sums appropriated or, rather, granted under this resolution: To the minority leader, $30,000; the majority leader, $30,000; the majority whip, $15,000; the minority whip, $15,000.

Section 3 provides for an increased salary for the Postmaster of the House. Mr. Speaker, section 3, I think, regarding the Postmaster is worthwhile. I think that particular employee has been skipped a couple of times, and I think that section 3 should be passed.

However, sections 1 and 2 provide extra employees and extra expense money for our leadership. I love and respect our leadership and think that they should have all the reasonable tools available to them to carry out their duties as are required in this House. However, the four additional employees that we will be creating under this resolution are to be compensated at a rate of about $47,500, more or less, and if that figure is inaccurate, I am sure that the chairman can make it accurate in later discussions. That is an awful lot of staff on top of on already large staff.

We have a great many employees in this House. We have a billion dollar budget for legislative expenses. We particularly have a lot of high-paid employees in this House. I can recall making a very strong case for the fact that the minority needed one-third of the committee staff around here for years and that, therefore, we should have more staff. Recently I have sobered up a little bit and decided that our less than 20 percent of the staff is probably adequate, and that we should reduce the majority staff until our staff equaled one-third of the total staff.

I hate to toll the mournful litany of what this House has done to the taxpayers, but I guess I will anyway because we never seem to remember. In the first instance, we raised our own pay, or allowed it to be raised, by $13,000, without a vote. Then we raised our office expenses by $5,000. Then we raised the pay of our chief staff assistants to $47,500. Then we increased the size of most of our committee budgets. And today we are creating four more positions of a very high-salaried nature and giving them more expense money.

Mr. Speaker, I believe that we have really done enough. I believe that our leadership has plenty of tools, plenty of personnel, and plenty of expense money to do its job in a responsible way.

The distinguished gentleman from Wisconsin (Mr. STEIGER) is going to offer a motion to recommit that will leave the extra positions and chop out the expense money.

I think that is the second-best alternative. I think his motion to recommit should be accepted, but really a better alternative is to vote the whole thing down and see if our leadership can struggle along on the resources which already are available to it.

Mr. Speaker, I would strongly urge that the House reject this resolution and I hope that we will have the opportunity to vote on it.

I thank the distinguished gentleman from Pennsylvania for yielding to me.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes, for purposes of debate I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

Could we know a little more clearly the figures here? What is already the expenditure of these offices and how are they divided as between the minority and the majority parties?

Mr. THOMPSON. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, I asked the gentleman to yield because on behalf of the majority and the minority I appeared before the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT). At the moment the majority leader has two level 3 positions and one level 5 position. The lump sum allowance is $168,603. The minority leader has an identical amount. The majority whip has one level 3 and the minority whip has one level 3, for a total each of $173,661.

Mrs. FENWICK. Mr. Speaker, if the gentleman will yield further, I am a little confused, if the gentleman will forgive me. How could one level 3 and another level 3 total $173,000?

Mr. THOMPSON. It is dollars. No, the dollars are lump sum allowances, not for staff.

Mrs. FENWICK. Well, what are they for?

Mr. THOMPSON. They can be used for additional clerical staff or other matters.

Mrs. FENWICK. But I am confused. If I understood the gentleman correctly, he said the minority whip and the majority whip each had one level 3, and the total for that was $173,000.

Mr. THOMPSON. And in addition to the level 3 position they each have $173,661.

Mrs. FENWICK. For what?

Mr. THOMPSON. For staff and for other expenses which they have. Perhaps when I am finished answering the gentlewoman's question the gentleman from Pennsylvania will yield to the minority leader who will explain what he does with it. The proposed additions here are one for the majority, two level 4's for the minority leader, one for the majority whip, and one for the chief deputy whip, so they balance out.

Mr. STEIGER. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes, but before I do I would like to say that included in the sums the gentleman just mentioned are office expenses and equipment. It is not all salaries.

I yield to the gentleman from Wisconsin for debate purposes.

Mr. STEIGER. Mr. Speaker, I wonder if I could help the gentlewoman from New Jersey and the gentleman from New Jersey, because on the figures I went back and looked at the Clerk's report for fiscal year 1976, July 1 through September 30, 1976. The figures are in fact somewhat different from those which were given as I understand it on a 6-month basis by the gentleman from New Jersey. In fact the majority leader has $359,995, the whip has $323,525, and the minority leader has $359,995.

Mr. THOMPSON. Mr. Speaker, if the gentleman will yield further on how he calculates that, one can add the actual salary in with the lump sum or not. These figures are accurate.

Mr. STEIGER. My understanding is that these figures are accurate if the Clerk's report is accurate. If the Clerk's report is not accurate, we had better look at the Clerk's report.

Mr. RHODES. Mr. Speaker, if the gentleman will yield to me perhaps I can clarify a bit. Believe me, I wish the situation were actually clearer so we could know the answer a lot better than even I am going to be able to state it, but the payrolls of the majority leader and the minority leader and the Speaker's office are really divided into two parts. We have certain positions which are authorized by certain levels of pay. I think the gentleman from New Jersey stated there was a level 3 and a level 4 and a level 5 in the majority and minority leaders' offices. I do not think we have talked about the whip yet.

In addition to that there is a certain lump-sum appropriation which can be used and can be parceled out as the leaders desire to have it used and parceled out. I wish it were not that way. I would much rather have a certain amount of money that I can use any way that I can see fit as far as hiring people is concerned.

It would give me much more flexibility, but that is not the situation. The situation now is that we have the positions as set forth by the gentleman. I do not mind telling the House what I need these two positions for and perhaps the gentleman from Wisconsin and the gentleman from Minnesota will listen carefully as I do. There was an election in

November. The Republican Party did not win the Presidency. As a result of the fact that the Republican Party did not win the Presidency, certain facilities that were in the executive department, as far as research and so on and so forth, which used to be available to the Republican Party will no longer be available. They will be available to the Democratic Party; so as a result, it is rather necessary for the minority leader and the minority whip to beef up our staffs so we can hopefully fill in some of those gaps which were caused by the loss of the election in November.

I am really a little bit amazed that my good friends from Wisconsin and Minnesota did not take the time to ask me why I needed these positions. I would have been very glad to let them know, if they had asked.

Mr. THOMPSON. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, the discrepancy between the amount cited by the gentleman from Wisconsin and that which we used before the subcommittee of the gentleman from Pennsylvania (Mr. DENT) is caused simply by the fact that in the Clerk's report he adds in the value of the salaries of the two level 3 positions which the distinguished minority leader has and the one level 5 position and the lump-sum allowance and the official expense allowance, that comes out to the same amount.

Mr. STEIGER. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. DENT. Yes, for purposes of debate only.

Mr. STEIGER. Mr. Speaker, I will say to my friend, the gentleman from Arizona, I am aware of the reason for the two additional staff. I am prepared at the appropriate point, Mr. Speaker, I will alert the House, to ask for a division of the committee amendment. Otherwise, a motion to recommit is not in order, which I had intended; so I do not want to disrupt the gentleman from Illinois (Mr. ROSTENKOWSKI). I do not want to disrupt the gentleman from Arizona (Mr. RHODES), or the gentleman from Indiana (Mr. BRADEMAS), or the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT), on their additional personnel; but I do want the House to have a chance to vote on the $30,000 for the majority leader and the minority leader and the $15,000 for the majority and minority whips. That is a separate issue that can be determined by the House, because as I understand it the minority whip, for example, turned back—turned back in excess of $140,000 for the fiscal year 1976. The minority leader turned back in excess of $20,000. The majority leader turned back in excess of $18,000 and the majority whip turned back in excess of $60,000; so there is not, it seems to me, the same justification for an additional amount for office personnel, rental or lease of equipment and other official expenses, which is the language now in the resolution.

Mr. Speaker, I think the House would be well advised to say with respect to our leaders, for whom we have real affection and respect, that, "We do not think you need that extra money for those purposes. The personnel maybe you need."

Frankly, I think Robert Rota, the Postmaster, needs a raise. He has not had one in 6 years.

So, Mr. Speaker, I will ask for a separate vote on the committee amendment, on section 2 of the committee amendment, so we can separate out that issue. I will do that if I can.

The gentleman from New Jersey is quite right, and I am grateful to the gentleman for the further qualification and the gentleman's further response on this, because I think the figures do come out to the same; but the House ought to be aware that in the case of the majority leader it is $359,995. In the case of the majority whip it is $323,525. Those are substantial amounts of money available to the leadership.

As yet, Mr. Speaker, I am totally unpersuaded, because I see nothing in the commitee report that indicates that they need the additional $30,000.

Mr. THOMPSON. Mr. Speaker, will the gentleman from Pennsylvania yield for a parliamentary comment?

Mr. DENT. I yield to the gentleman.

Mr. THOMPSON. Mr. Speaker, the resolution which the gentleman from Pennsylvania has before us is a clean resolution in the sense it is one committee amendment. I gather what the gentleman has in mind is a motion to recommit and to strike something or other; is that correct?

Mr. STEIGER. If the gentleman from Pennsylvania will yield for debate I will say that yes, I had intended to offer a motion to recommit, to strike section 2—that is, the extra money—but I understand that with a committee amendment we cannot do that, so I will be forced to request of the Speaker, if it is possible, to divide the question and to have a separate vote on section 2 of the resolution.

PARLIAMENTARY INQUIRY

Mr. STEIGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEIGER. I would like to inquire as to whether it is appropriate to ask for a separate vote and divide the resolution.

The SPEAKER. The answer is in the affirmative.

Mr. STEIGER. I thank the Speaker, and I make that request that it be divided and we have a separate vote on section 2.

Mr. DENT. Mr. Speaker, I would like to let the gentleman know the action taken by the committee. The committee debated this particular resolution, as it does all of them.

It is not unusual to have leftover moneys at the end of the year, because in some situations it is rather difficult to compute the exact amount of money which may be needed to sustain the necessary activities. So, it is not unusual for the leadership to have money left in their last year's appropriations.

We also took into consideration the fact that salaries are being raised around here, as they are all over the system, all over the bureaucracy. Almost everyone finding himself in the position of competing for staff and paying more for that staff than they did last year. We did set the pay ceiling at $47,500 rather than the $50,000 level as suggested in the original approach. In conclusion, I can only tell the gentleman that the committee voted unanimously for this resolution.

Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER. Does the gentleman from Wisconsin ask for a division of the question on section 2 of the committee amendment?

Mr. STEIGER. I demand a division on section 2, Mr. Speaker.

The previous question was ordered.

The SPEAKER. The question is on the remainder of the committee amendment, with the exception of section 2.

The committee amendment, with the exception of section 2, was agreed to.

The SPEAKER. The Clerk will report section 2 of the committee amendment.

The Clerk read as follows:

SEC. 2. Effective March 1, 1977, and until otherwise provided by law, there shall be paid out of the contingent fund of the House such additional amounts as may be necessary for office personnel, and rental or lease of necessary equipment, of each of the following officials of the House the following per annum amounts:

(1) The majority leader, $30,000.
(2) The minority leader, $30,000.
(3) The majority whip, $15,000.
(4) The minority whip, $15,000.

The SPEAKER. The question is on section 2 of the committee amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. STEIGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 276, nays 128, answered "present" 1, not voting 27, as follows:

[Roll No. 113]

YEAS—276

Addabbo	Baucus	Breaux
Akaka	Beard, R.I.	Breckinridge
Alexander	Bedell	Brinkley
Allen	Bellenson	Brodhead
Ambro	Benjamin	Broomfield
Ammerman	Bennett	Brown, Calif.
Anderson, Calif.	Bevill	Burke, Calif.
Anderson, Ill.	Biaggi	Burke, Mass.
Andrews, N.C.	Bingham	Burlison, Mo.
Annunzio	Blanchard	Burton, Phillip
Applegate	Blouin	Butler
Ashley	Boggs	Byron
Aspin	Boland	Carney
AuCoin	Bolling	Carr
Badillo	Bonior	Cavanaugh
Baldus	Bonker	Cederberg
Barnard	Bowen	Chappell
	Brademas	Chisholm

Collins, Ill.
Conte
Corcoran
Corman
Cornell
Cornwell
Cotter
D'Amours
Daniel, Dan
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Dicks
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
English
Evans, Ga.
Fary
Fascell
Findley
Fisher
Fithian
Flippo
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Fountain
Fuqua
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Ginn
Goldwater
Gore
Gudger
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hightower
Holland
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Ireland
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jordan
Kastenmeier
Kazen
Keys
Kostmayer
Krebs
Krueger
LaFalce
Le Fante
Lederer
Leggett
Lehman
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Luken
Lundine
McClory
McCloskey
McCormack
McFall
McHugh
McKay
McKinney
Madigan
Mahon
Mann
Markey
Marks
Marlenee
Mathis
Mattox
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Michael
Natcher
Nedzi
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Preyer
Price
Pursell
Quie
Quillen
Railsback
Rangel
Reuss
Rhodes
Richmond
Risenhoover
Roberts
Rodino
Rogers
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Runnels
Russo
Ryan
Santini
Sarasin
Satterfield
Sawyer
Scheuer
Seiberling
Sharp
Simon
Sisk
Skelton
Skubitz
Slack
Smith, Iowa
Solarz
St Germain
Stanton
Stark
Steed
Steers
Stratton
Studds
Stump
Thompson
Thornton
Tonry
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walsh
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—128

Abdnor
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Badham
Bafalis
Bauman
Beard, Tenn.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Caputo
Carter
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Conable
Coughlin
Crane
Daniel, R. W.
Devine
Dickinson
Dornan
Duncan, Tenn.
Early
Edwards, Okla.
Emery
Erlenborn
Evans, Del.
Evans, Ind.
Fenwick
Fish
Ford, Tenn.
Forsythe
Frenzel
Frey
Gilman
Glickman
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hammer-schmidt
Hansen
Harsha
Heckler
Hefner
Hillis
Hollenbeck
Holt
Hyde
Ichord
Jacobs
Jeffords
Johnson, Colo.
Kasten
Kelly
Kemp
Ketchum
Kildee
Kindness
Lagomarsino
Latta
Leach
Lloyd, Tenn.
Lott
Lujan
McDonald
Marriott
Martin
Michel
Miller, Calif.
Miller, Ohio
Mollohan
Montgomery
Moore
Moorhead, Calif.
Myers, Gary
Myers, Ind.
Neal
Nichols
O'Brien
Pressler
Pritchard
Quayle
Rahall
Regula
Rinaldo
Robinson
Roncalio
Rousselot
Runnels
Ruppe
Schroeder
Schulze
Sebelius
Shuster
Smith, Nebr.
Snyder
Spence
Stangeland
Steiger
Taylor
Thone
Treen
Trible
Walgren
Walker
Wampler
Whitehurst
Whitley
Winn
Wylie
Young, Alaska
Young, Fla.

ANSWERED "PRESENT"—1

Burton, John

NOT VOTING—27

Brooks
Clay
Conyers
Diggs
Eckhardt
Ertel
Evans, Colo.
Fraser
Heftel
Jones, Tenn.
Koch
Lent
Mikva
Milford
Moffett
Poage
Roe
Shipley
Sikes
Spellman
Staggers
Stockman
Stokes
Symms
Teague
Tucker
Wilson, Tex.

The Clerk announced the following pairs:

Mr. Jones of Tennessee with Mr. Teague.
Mr. Brooks with Mr. Shipley.
Mr. Eckhardt with Mr. Diggs.
Mr. Ertel with Mr. Fraser.
Mr. Heftel with Mr. Conyers.
Mr. Milford with Mr. Koch.
Mr. Evans of Colorado with Mr. Clay.
Mr. Moffett with Mr. Mikva.
Mr. Roe with Mr. Sikes.
Mr. Stokes with Mr. Staggers.
Mrs. Spellman with Mr. Charles Wilson of Texas.

Messrs. CARNEY, ASPIN, CONTE, and BYRON changed their vote from "nay" to "yea."

Messrs. GLICKMAN, MARRIOTT, and BROWN of Ohio changed their vote from "yea" to "nay."

So section 2 of the committee amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

Mr. LATTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 276, nays 122, not voting 34, as follows:

[Roll No. 114]

YEAS—276

Addabbo
Akaka
Alexander
Ambro
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Applegate
Ashley
Aspin
AuCoin
Badillo
Baldus
Baucus
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carter
Cavanaugh
Cederberg
Chappell
Chisholm
Collins, Ill.
Conte
Corcoran
Corman
Cornell
Cornwell
Cotter
D'Amours
Daniel, Dan
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derwinski
Dicks
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Evans, Ga.
Fary
Fascell
Findley
Fisher
Fithian
Flippo
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Fountain
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Ginn
Goldwater
Gore
Gudger
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Heckler
Hefner
Hightower
Holland
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jordan
Kastenmeier
Kazen
Keys
Kostmayer
Krebs
Krueger
LaFalce
Le Fante
Lederer
Leggett
Lehman
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Luken
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Mathis
Mattox
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Mineta
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Michael
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Preyer
Price
Railsback
Rangel
Reuss
Rhodes
Richmond
Risenhoover
Roberts
Rodino
Rogers
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Runnels
Russo
Ryan
Santini
Sarasin
Satterfield
Scheuer
Seiberling
Sharp
Simon
Sisk
Skelton
Skubitz
Slack
Smith, Iowa
Solarz
St Germain
Stanton
Stark
Steers
Stratton
Studds
Stump
Thompson
Thornton
Tonry
Traxler
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Waggonner
Walsh
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitley
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—122

Abdnor
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Badham
Bafalis
Bauman
Beard, Tenn.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Caputo
Clawson, Del
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Conable
Coughlin
Crane
Daniel, R. W.
Derrick
Devine
Dickinson
Dornan
Duncan, Tenn.
Early
Edwards, Okla.
Emery
English
Erlenborn
Evans, Del.
Evans, Ind.
Fenwick
Fish
Ford, Tenn.
Forsythe
Frenzel
Frey
Gammage
Gilman
Glickman
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hammer-schmidt
Hansen
Harsha
Hillis
Hollenbeck
Holt
Jacobs
Jeffords
Kasten
Kelly
Kemp
Ketchum
Kildee
Kindness
Lagomarsino
Latta
Leach
Lloyd, Tenn.
Lott
Lujan
McDonald
Marriott
Martin
Michel
Miller, Calif.
Miller, Ohio
Mollohan
Montgomery
Moore
Moorhead, Calif.

Myers, Gary	Rousselot	Treen
Myers, Ind.	Ruppe	Trible
Nichols	Sawyer	Vander Jagt
O'Brien	Schroeder	Walker
Pressler	Schulze	Wampler
Pritchard	Sebelius	Whitehurst
Pursell	Shuster	Winn
Quayle	Smith, Nebr.	Wylie
Quie	Snyder	Young, Alaska
Quillen	Spence	Young, Fla.
Rahall	Stangeland	
Regula	Steiger	
Rinaldo	Stockman	
Robinson	Taylor	
Roncalio	Thone	

NOT VOTING—34

Allen	Evans, Colo.	Roe
Barnard	Fraser	Shipley
Brooks	Heftel	Sikes
Burlison, Mo.	Jones, Tenn.	Spellman
Carr	Koch	Staggers
Clausen, Don H.	Lent	Steed
Clay	Lundine	Stokes
Conyers	Mikva	Symms
Diggs	Milford	Teague
Eckhardt	Minish	Walgren
Ertel	Moffett	Wilson, Tex.
	Poage	

The Clerk announced the following pairs:

Mr. Jones of Tennessee with Mr. Teague.

Mr. Heftel with Mr. Mikva.

Mrs. Spellman with Mr. Minish.

Mr. Staggers with Mr. Diggs.

Mr. Sikes with Mr. Carr.

Mr. Shipley with Mr. Clay.

Mr. Milford with Mr. Steed.

Mr. Moffett with Mr. Conyers.

Mr. Brooks with Mr. Stokes.

Mr. Barnard with Mr. Charles Wilson of Texas.

Mr. Eckhardt with Mr. Koch.

Mr. Roe with Mr. Lundine.

Mr. Burlison of Missouri with Mr. Allen.

Mr. Ertel with Mr. Evans of Colorado.

Mrs. LLOYD of Tennessee and Mr. ENGLISH changed their votes from "yea" to "nay."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1051. An act to amend the U.S. Grain Standards Act with respect to recordkeeping requirements and supervision fees, and to establish an advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service, and for other purposes.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on Monday, March 28, 1977, I was away on official business. Had I been present, I would have voted in the following fashion:

Rollcall No. 104, House Resolution 420, to establish a Select Committee on Congressional Operations, "nay."

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL MIDNIGHT, FRIDAY, APRIL 1, 1977, TO FILE REPORTS ON H.R. 5306 AND H.R. 5117

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight Friday, April 1, 1977, to file reports on H.R. 5306 to amend the Land and Water Conservation Fund Act, and H.R. 5117, to provide temporary authorities to the Secretary of the Interior to facilitate emergency action to mitigate the impacts of the 1976–77 drought.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Arizona?

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO HAVE UNTIL MIDNIGHT, FRIDAY, APRIL 1, 1977, TO FILE A REPORT ON H.R. 5101, ENVIRONMENTAL RESEARCH, DEVELOPMENT AND DEMONSTRATION AUTHORIZATION ACT OF 1978

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology may have until midnight, Friday, April 1, 1977, to file a legislative report to accompany the bill (H.R. 5101), the Environmental Research, Development and Demonstration Authorization Act of 1978.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 4800, EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 1977

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that it may be in order to consider a conference report on the bill (H.R. 4800), the Emergency Unemployment Compensation Extension Act of 1977, at any time after it is filed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4895, AMENDING THE STRATEGIC AND CRITICAL MATERIALS STOCKPILING ACT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 451 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 451

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4895) to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. McFALL). The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 451 provides for the consideration of H.R. 4895 to amend the Strategic and Critical Materials Stock Piling Act. This is an open rule providing for 1 hour of general debate with the time divided between the chairman and ranking minority member of the Committee on Armed Services. The resolution also provides for one motion to recommit with or without instructions.

Mr. Speaker. H.R. 4895 amends the Strategic and Critical Materials Stock Piling Act to establish a stockpile procurement fund which would be funded from the sale of excess materials from the stockpile. Moneys deposited in this fund would then be earmarked to acquire future materials for the stockpile. Any acquisitions, of course, would be subject to the normal congressional authorization and appropriations process. Questions have been raised about the wisdom of establishing such a fund, but I am sure that any debate on this question can be handled during general debate on the bill.

H.R. 4895 also establishes a program coordinated by the General Services Administration to encourage the acquisition of strategic and critical materials through barter with foreign countries. Since the use of barter has not been very prevalent in the last few years, the bill also requires that reports on the efforts of Federal departments and agencies to acquire these strategic materials through barter be included within semiannual reports made to Congress under existing law.

The bill also requires specific rather than standing authorization for acquisition of materials.

Mr. Speaker, House Resolution 451 provides for the consideration of a bill of great importance to our Nation and I urge my colleagues to adopt it so that

we might proceed to the consideration of H.R. 4895.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a 1-hour open rule providing for the consideration of H.R. 4895, the Strategic and Critical Materials Stock Piling Act Amendments of 1977.

The gentleman from California has outlined the major sections of the bill. It creates a special strategic and critical materials procurement fund to be financed from disposed sales. These moneys would be used to buy future stockpile materials, but this would be subject to the normal authorization and appropriation processes. A coordinated barter program is established to facilitate the acquisition of strategic and critical materials from foreign countries. Finally, the transfer of excess stockpile materials at fair market value is authorized as payment for the expenses of obtaining and refining of materials.

The bill does not provide any new spending authority or new budget authority, nor does it provide any new authorization of budget authority.

It has been reported that there are many items which are needed in our stockpile for national defense purposes but which we do not have. This report also indicates that procuring these items will cost billions of dollars. To help pad the drain from the Treasury, this legislation sets up a fund into which is deposited receipts from the sale of disposed stockpile materials. This fund will be independent of the General Treasury and will provide some assurance that money will be available for necessary purchases.

Additionally, the new barter system proposed by the measure will allow the United States to trade its surplus commodities to other countries for critical materials at a favorable exchange rate.

Mr. Speaker, I support this rule and urge its adoption so that we may proceed to consider and pass these welcome amendments to the Strategic and Critical Materials Stock Piling Act.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4974, HEALTH PLANNING AND HEALTH SERVICES RESEARCH AND STATISTICS EXTENSION ACT OF 1977

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 450 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 450

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4974) to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for health planning and related programs. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the minority to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 450 provides for the consideration of H.R. 4974, the Health Planning and Health Services Research and Statistics Extension Act of 1977. The rule is an open rule with 1 hour of general debate. The rule also contains a waiver of points of order that may lie against consideration of the bill for failure to comply with section 402(a) of the Budget Act. This waiver is necessary, because the bill does contain two authorizations for fiscal year 1977 which would have had to been passed prior to May 15, 1977, in order to be in keeping with the budget process. These authorizations, however, are not necessary, because the amounts were previously appropriated. Therefore, after the rule is adopted the Committee on Interstate and Foreign Commerce will move to strike the 1977 authorizations and bring the bill into full compliance with the Budget Act.

H.R. 4974, provides for a 1-year extension of health planning and health research and health statistics programs, at essentially their existing level of funding. The authorization levels contained in the bill are 15 percent above the appropriation levels for fiscal year 1977. The Committee on Interstate and Foreign Commerce has proposed to extend these programs for a 1-year period in order to afford the new administration an opportunity to review and evaluate these programs.

Under the bill a total of $490.34 million is authorized to go to health systems agencies, State health planning and development agencies, rate regulation demonstration programs, centers for health planning, health facilities formula grants, and area health resources development funds. In addition the authorization includes funds for the National Health Services Research Center and the National Health Statistics Center.

Mr. Speaker, these programs were established in the Public Health Service Act which called for the development of a major new system of social institutions in health care throughout the country to be responsible for the public planning of our health care system. An excellent beginning has been made and I urge the adoption of this resolution and the bill, H.R. 4974, so that these programs can go forward and at the same time we can give the new administration an opportunity to review and make recommended changes in the near future.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the remarks just made by the gentleman from Louisiana (Mr. LONG). I would like to point out to the Members of the House that there is one item that was not included in this rule which should be included, and that is the provision to recommit with or without instructions.

During the last Congress, the Members of the Committee on Rules had an understanding that this provision would be included in all of our rules, but this is not the case in this rule.

The problem arises in a limited number of cases, but it is very important that this provision be included in rules, for the consideration of bills.

Under a rule providing for a motion to recommit which does not include language "with or without instruction" a straight motion to recommit may be offered. In addition, a motion to recommit with instructions to amend a part of the bill not previously amended may be offered. However, a motion to recommit with instructions to only amend a part of the bill, which has already been amended, may not be offered. Thus, in a situation where an amendment in the nature of a substitute has been adopted, for example, a motion to recommit could not include any instructions. In order to avoid this problem, the rule can provide, and has provided in the past, for a motion to recommit with or without instructions. This language insures that a motion to recommit can include instructions in all situations.

Rules reported by the Committee on Rules in the latter part of the last Congress routinely provided for a motion to recommit with or without instructions.

Mr. Speaker, fair play alone should dictate that this policy not be changed by this Congress. I know the majority has the votes to do anything in this House that it would like, but I think fair play should prevail.

Even though we might be voted down every single time by the majority, the minority in this country still has certain rights, and certainly in this House we should have certain rights.

Mr. Speaker, we ought to have the right in the instance I have just mentioned to offer a motion to recommit with or without instructions. So in future cases we shall attempt to change these rules when this important provision is omitted.

Mr. Speaker, I have no requests for

time, and I reserve the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF COMMITTEE PRINT ENTITLED "THE ACCOUNTING ESTABLISHMENT" AS A SENATE DOCUMENT

Mr. HAWKINS. Mr. Speaker, by direction of the Committee on House Administration, I call up the Senate concurrent resolution (S. Con. Res. 8) authorizing the printing of the committee print entitled "The Accounting Establishment" as a Senate document, and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the committee print of the Committee on Government Operations, Ninety-fourth Congress, entitled "The Accounting Establishment," prepared by its Subcommittee on Reports, Accounting, and Management, be printed as a Senate document, and that there be printed two thousand additional copies of such document for the use of that committee.

The SPEAKER pro tempore (Mr. MCFALL). The gentleman from California (Mr. HAWKINS) is recognized for 1 hour.

Mr. HAWKINS. Mr. Speaker this resolution, insofar as I know, has no opposition. It authorizes the printing as a Senate document of the committee print entitled "The Accounting Establishment' at a total cost of $39,082.20. There has been no opposition to the resolution in either body.

It is necessary that this document be printed at this time, because less than 50 copies are available. The Senate committee desires to hold a hearing on the subject matter, and it is for the purpose of the meeting that they have requested this printing, at this time together with the printing of an additional 2,000 copies. Other copies will be offered for public sale and will, I believe, return substantial amounts of the total cost of the printing to the Treasury.

Mr. Speaker, I ask for approval of the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR PRINTING OF SUBCOMMITTEE PRINT ENTITLED "GIVE YOURSELF CREDIT: GUIDE TO CONSUMER CREDIT LAWS"

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–145) on the concurrent resolution (H. Con. Res. 162) providing for the printing of 20,000 additional copies of the subcommittee print of the Subcommittee on Consumer Affairs of the Committee on Banking, Finance, and Urban Affairs entitled 'Give Yourself Credit: Guide to Consumer Credit Laws," which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION AUTHORIZING PRINTING AS A HOUSE DOCUMENT OF THE DEDICATION CEREMONY OF PORTRAIT OF THE HONORABLE MELVIN PRICE

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–146) on the resolution (H. Res. 379) authorizing the printing as a House document of the dedication ceremony of the portrait of the Honorable MELVIN PRICE, chairman, Committee on Armed Services, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR PRINTING OF REPORT OF SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–147) on the resolution (H. Res. 246) providing for the printing as a House document of a report of the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR PRINTING OF REPORT RELATING TO PROCUREMENT OF ADP RESOURCES

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–148) on the resolution (H. Res. 363) to provide for the printing of the report relating to procurement of ADP resources by the Federal Government, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 4975, BIOMEDICAL RESEARCH EXTENSION ACT OF 1977

Mr. DODD. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 449

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4975) to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. DODD) is recognized for 1 hour.

Mr. DODD. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, this rule is an open rule providing for 1 hour of debate on H.R. 4975, Biomedical Research Extension Act of 1975.

The purpose of this bill is to extend the programs and authorizations for 1 year under the National Cancer Act, the National Heart, Lung, and Blood Act, the National Research Service Award Act and that portion of the Public Health Service Act that deals with the National Library of Medicine.

The levels of authorization are equal to 115 percent of the actual appropriations for fiscal year 1977.

The total amount authorized under the bill would be slightly under $1.5 billion.

The Committee on Interstate and Foreign Commerce, Subcommittee on Health and the Environment, is seeking 1 year extensions for these programs in order to evaluate and review these programs and to give the new administration an opportunity to study these areas.

Mr. Speaker, I urge the adoption of House Resolution 449 in order that we might debate and vote on H.R. 4975.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished gentleman from Connecticut (Mr. DODD), the youngest Member in our history to be a member of the House Committee on Rules, for yielding me this time.

Mr. Speaker, as stated, this resolution provides a 1-hour open rule for the consideration of H.R. 4975, the Biomedical Research Extension Act of 1977.

This legislation extends the programs and authorizations of appropriations for 1 year through fiscal year 1978 under the National Cancer Act; National Heart,

Lung, and Blood Act; National Research Service Awards Act; and title II of the Public Health Service Act to support the National Library of Medicine.

The fiscal 1978 authorization of $1,499,785,150 represents a decrease from the fiscal 1977 authorization of $1.68 billion but a 15-percent increase over the fiscal 1977 appropriation of $1.3 billion.

Mr. Speaker, I know of no objections to the passage of this rule, and I support its adoption at this time.

Mr. DODD. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, I must point out that, being the second youngest member ever to serve on the Committee on Rules, I am proud to replace the gentleman from Mississippi (Mr. LOTT) in that unique category.

I have no further requests for time, Mr. Speaker, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4976, HEALTH SERVICE EXTENSION ACT OF 1977

Mr. DODD. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 448 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself unto the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R 4976) to amend the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services to authorize appropriations for fiscal year 1978 for health services programs, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. DODD) is recognized for 1 hour.

Mr. DODD. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Mississippi (Mr. LOTT) for the purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 448 provides for consideration of H.R. 4976, the Health Service Extension Act of 1977. This bill would authorize $1.08 billion for fiscal 1978 for health services programs.

These programs are those authorized under the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services.

The rule provided for in House Resolution 448 is a 1-hour open rule.

Mr. Speaker, the bill itself would extend the authorizations for fiscal 1978 at 115 percent of fiscal 1977 appropriations for the following health service delivery programs: grants to the States for comprehensive health services, hypertension, migrant health centers, community health centers, family planning, sudden infant death syndrome, hemophilia treatment centers, the provision of home health services, and title V of the Social Security Act (maternal and child health and crippled children's services). The bill would also continue the authority for blood separation centers and training in the provision of home health services for fiscal 1978.

H.R. 4976 makes minor revisions in the authorities for migrant health centers, community health centers, family planning research, community mental health centers, and hypertension programs. The bill also contains a series of technical and minor substantive amendments to the Health Professions Educational Assistance Act of 1976; the Alcohol Abuse and Alcoholism Prevention Treatment, and Rehabilitation Act of 1970, as amended; the Drug Abuse Office and Treatment Act of 1972, as amended; the Nurse Training Act of 1975; the Indian Health Care Improvement Act; and the Social Security Amendments of 1972.

Mr. Speaker, I urge adoption of the rule to allow for consideration of this bill by the full House.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe the gentleman from Connecticut (Mr. DODD) has pretty well explained the rule. I might mention that it would also increase the authorization for maternal and child health and crippled children's services by 115 percent of the fiscal year 1977 appropriations and continue for fiscal year 1978 authority for blood separation centers.

Finally, the Public Health Services Act is amended to require HEW to take into account, in designating medically underserved populations, unusual local conditions which are a barrier to access or availability of personal health services.

The amount authorized for fiscal year 1978 in this measure is $1,082,512,300.

I might further say that I commend the gentleman from Florida (Mr. ROGERS), the chairman of the subcommittee for the work that gentleman has done in this area. I know that he is making a real effort toward getting good health legislation through this body and also is taking into consideration the conditions in the rural areas that are underserved medically.

Mr. Speaker, I know of no controversy surrounding the passage of this rule and I support its adoption.

Mr. DODD. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT

Mr. BENNETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4895) to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BENNETT).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4895. with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. BENNETT) will be recognized for 30 minutes, and the gentleman from South Carolina (Mr. SPENCE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have been chairman of the Stockpiling Subcommittee for a good number of years now, and procedures and processes before this committee led the committee to the conclusion that there should be some revisions made in the basic Stockpiling Act.

For one thing, Mr. Chairman, matters brought before the committee by the executive branch for declaration as surplus often were things that had only recently been acquired, which gave us some concern, as it logically should.

Another thing, when we were presented with disposal actions, we ofttimes found when we went into the disposal action hearings that in fact there had not been the proper paperwork and research on the bill.

A good example of this was opium. Opium came before us for disposal on the theory that there were substitutes for opium and on the theory that opium could be easily acquired. We found both of these statements made in the presentation of the executive branch to be

without foundation. We found that opium did not have a good substitute with regard to trauma and found that there were not very many countries that were willing to produce opium for us. As a result we had to have a very conservative bill with regard to that disposal request.

Then we found that there was a strong suspicion that the stockpile was being used to effect changes in market results, to fight inflation, or to have some objective other than the basic legislative criteria relative to having enough in the stockpile to defend ourselves in case of war.

Another thing that came up was the strong suspicion—and we have evidence in the hearings on this matter—that the stockpile was being misused in budgetary situations. When things looked bad in the budget, there was a tendency to rush in and ask to dispose of some things in the stockpile, purely to make the budget look good and not for any defense stockpiling purpose.

Then we found shifting criteria from time to time. We found the administration coming in at one time asking for things on the basis of a 5-year war, or a 3-year war, or a 1-year war, or a war which would involve a certain number of men; and shifting in all of this from time to time. For instance, they shifted from a 5-year to a 3-year war, and then to a 1-year war, and it was only at the insistence of the committee they finally went back to the criteria of having considerations based at least on a 3-year war.

Let us look for a few minutes at what this bill will do.

Mr. Chairman, the bill under consideration today has a very important and overall objective that every Member of this House should be vitally interested in. It will strengthen the control of the Congress with respect to the strategic and critical stockpile. This objective is accomplished in several ways.

First, the bill would require that funds appropriated for the acquisition of strategic and critical materials, for fiscal year 1978 and subsequent years, be specifically authorized by law. This would provide the Congress with an additional means of oversight and control over the acquisition of stockpile materials. In the past, too often the executive branch has purchased materials which later they have disclosed to be surplus. While the President would have full power and flexibility to determine the kinds and quantities of materials he would ask Congress to acquire, the Congress would hereafter review acquisition requests for need, adequacy or excessiveness in connection with an annual authorization and appropriations process.

Appropriations of funds for other stockpile functions such as transportation, maintenance, rotation, storage, refining, and processing of materials would continue to be made under a standing authorization, as is the case under existing law. Since these functions involve day-to-day operation of the stockpile, I believe that the standing authorization process is more appropriate.

Second, the bill would establish a separate fund within the Treasury to be known as the strategic and critical materials procurement fund. The source of money for this fund would come from the sales of materials declared excess from the strategic and critical materials stockpile by the Congress. The revenues realized from the sale of the materials, after the date of enactment of this bill, would be covered into the fund and be available only when authorized and appropriated by Congress for the procurement, transportation, maintenance, rotation, storage, refining, or processing of strategic and critical materials.

By placing these moneys in the fund rather than the general Treasury, to be used for other purposes, the possibility of the stockpile being used for purposes other than originally intended will be eliminated. It will encourage the maintenance of a balanced stockpile, since moneys in the fund can only be used for stockpile purposes. Most important, it will improve management of the stockpile through an assured source of funds for future materials acquisitions.

We are all mindful that the only objective of the Strategic and Critical Materials Stock Piling Act was to insure an adequate supply of critical materials for the security of the Nation. This bill, and particularly section 4, is intended to assist in meeting that objective.

Third, the bill would establish within the General Services Administration—GSA—a program to acquire strategic and critical stockpile materials through barter with foreign countries, provide for coordination of the program by the Administrator of GSA, and require the inclusion of the operation of the barter program within semiannual reports made to Congress under existing law.

The bill would not change any existing law authorizing the acquisition of strategic and critical materials through barter, nor would additional barter authority be created. Specific authority to engage in barter activities with foreign suppliers is currently contained in three statutory provisions, namely, Public Law 85–931, as amended (7 U.S.C. 1692) which authorizes the Secretary of Agriculture to barter agriculture commodities owned by the Commodity Credit Corporation in exchange for strategic and critical materials, the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2423) which authorizes the President to barter defense articles under the Foreign Military Sales Act in exchange for strategic raw materials and agencies of the Federal Government may use the authority of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(f)) to exchange surplus property for strategic and critical materials.

While the above authority exists in statutes separate from the Strategic and Critical Materials Stock Piling Act, the Congress has not provided a program which aims to coordinate and encourage the use of barter as a device to acquire strategic and critical materials. This bill would provide such a coordinated program to be administered by the Administrator of General Services.

Fourth, the bill would also make available excess materials in the inventories maintained in the national stockpile, supplemental stockpile and Defense Production Act for transfer, at fair market value, for the purpose of acquiring strategic and critical materials and for other functions. This authority currently exists in riders in appropriations laws—for example, Public Law 94–363. However, this highly meritorious provision deserves to be incorporated into permanent law. Accordingly, section 3 of the bill would include this provision as section 8(b) of the Strategic and Critical Materials Stock Piling Act.

Mr. Speaker, it seems to me this legislation is long overdue. It would give Congress the grip and handle on the stockpile situation of our country to protect our national defense, and I urge passage of this bill.

Mr. Speaker, I wonder if the other side would have some remarks they would like to make at this time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the current law we are dealing with is called the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a). The purpose of the law is to assure that we have sufficient materials "to supply the industrial, military and naval needs of the country for common defense" and to prevent "a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency."

Presently the law operates in this way. At the direction of the President, the Administrator of GSA purchases from domestic and foreign sources and excesses from our other Government agencies the needed materials. Also, the President determines which materials are no longer needed in the stockpile. Then he authorizes the Administrator of the GSA to dispose of these materials. Notice is given in the Federal Register 6 months prior to these disposals. Congress has to approve these disposals. The funds then go into the General Treasury of this country.

Ninety-five percent of the stockpile we have acquired was acquired prior to 1959. Sales from the stockpile since 1958 have amounted to $7.1 billion.

A recent study initiated by the National Security Council found that many items we have in our stockpile today are not required. Also, the study found that we need many items which are not currently in the stockpile. The cost of acquiring these new items greatly exceeds the value of the items which are presently available for disposal.

In the past, disposals could be used, as our chairman has said, as a budget balancing device and to manipulate the

market price of certain materials. The stockpile was never intended to be used in this way.

This bill, H.R. 4895, will give Congress more oversight and control over acquisitions. This bill calls upon the GSA to better utilize bartering to acquire these materials. Also, it sets up a fund for the funds derived from these sales from the stockpile. This will prevent a playing of games with the setting of goals for the stockpile, budget balancing devices, and also market manipulations.

Mr. Chairman, I ask this body to vote "aye" on H.R. 4895.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, this bill troubles me, for two reasons.

First, it would make a rather significant change in our longstanding, basic stockpile legislation at a time when the new Carter administration is reviewing this entire matter—a review that will take into account the carefully developed recommendations of the National Commission on Supplies and Shortages. I share the deep reservations of the gentleman from Florida (Mr. BENNETT) on the use of stockpiles to influence prices, or sale of stockpile materials to give the appearance of balancing the budget. But we simply cannot rationally separate any longer the concept of a stockpile existing solely for national defense emergencies and the stockpile as an element of the Nation's economic defenses against cartels, supply disruptions, and the generally unpredictable actions and policies of the mainly less-developed producing countries.

I do not mean to suggest any endorsement at this point of the recommendation of the Commission on Supplies and Shortages for a new "economic stockpile." I do suggest that we should wait a while before making any changes in our stockpiling legislation, pending an administration review of the entire matter.

My second reservation is even more fundamental, and it arises from some of the work we are doing in the Subcommittee on Economic Stabilization of the Banking Committee, of which I have the honor to be chairman. The report on this bill states, on page 7, that "the bill has no inflationary impact." This is based on the fact that the bill would not, by itself, have any budgetary effect, and the statement is true as far as it goes. But the bill could have an inflationary impact all the same—just as other pieces of legislation have inflationary impact when none is intended or foreseen.

This bill requires that all receipts from sale of excess stockpile materials be placed in an earmarked fund in the Treasury for use only for purchases of other stockpile materials deemed to be required. Will this not inevitably give rise to the temptation to nudge close decisions toward purchase of more materials—and hence the propping of prices in world and domestic markets? The committee report itself recognizes this. It says on page 5:

Since moneys in the fund can only be used for stockpile purposes, the acquisition of needed materials will be expedited rather than leaving moneys in the fund as unexpended balances.

Other things equal, purchases for the stockpile raise prices, though that may not be their original purpose. The potential inflationary impact of this bill is its mechanism for expediting, and probably increasing, stockpile purchases.

Congress would have to approve each purchase, under this bill, and I applaud that change. But I can see temptations to purchase at times of soft markets when there is unexpended money lying around. We are soon going to have to recognize that achievement of a more stable general price level—that is, control of inflation—requires that some prices fall to offset those that will inevitably rise.

Mr. BENNETT. Mr. Chairman, we have no further request for time.

Mr. SPENCE. Mr. Chairman, we have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) is amended—

(1) by striking out the period at the end of paragraph (e) and inserting in lieu thereof "; and "; and

(2) by adding after such paragraph the following new paragraph:

"(f) establish a program which (1) shall provide for the acquisition of strategic and critical materials from foreign countries through barter of goods owned by the United States, and (2) shall include provisions adequate to assure the active cooperation and participation of each appropriate department and agency, as determined by the President, having custody of goods owned by the United States which are deemed suitable for barter with foreign countries.".

SEC. 2. Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended by adding at the end the following new sentence: "Each report submitted under this section shall include a detailed report on the efforts of each appropriate department and agency (as determined by the President under section 3(f)) to acquire strategic and critical materials through barter with foreign countries under the program established pursuant to section 3(f).".

SEC. 3. Section 8 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98g) is amended to read as follows:

"SEC. 8. (a)(1) No funds may be appropriated or obligated for procurement of materials under this Act unless funds for such procurement have been specifically authorized by law.

"(2) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for transportation, maintenance, rotation, storage, refining, and processing of the materials to be acquired under this Act, such sums as the Congress, from time to time, may deem necessary to carry out the provisions of this Act.

"(3) Funds appropriated for procurement of materials under this Act, and funds appropriated for transportation, maintenance, rotation, storage, refining, and processing materials to be acquired under this Act, including funds heretofore appropriated for such purposes, shall remain available to carry out the purposes for which appropriated until expended.

"(b) Excess materials in the inventory maintained under the Defense Production Act of 1950 (50 U.S.C. App. 2061-2166) and excess materials in the national stockpile and supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise beneficiating materials, or of rotating materials, pursuant to section 3.".

SEC. 4. Section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) is amended to read as follows:

"SEC. 9. (a) There is established in the Treasury of the United States a separate fund to be known as the Strategic and Critical Materials Procurement Fund (hereinafter in this section referred to as the 'fund'). All moneys received after the effective date of this section on account of sales of materials under this Act shall be covered into the fund.

"(b)(1) Moneys covered into the fund shall be available, when appropriated therefor, only for the procurement, transportation, maintenance, rotation, storage, refining, or processing of materials under this Act.

"(2) Any moneys covered into the fund which are appropriated shall remain available, without fiscal year limitation, for the purposes for which they are appropriated until they are expended.

"(c) The Administrator of General Services shall submit a report to the Congress not later than the first day of January of each year on the financial condition and the results of the operation of the fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as a House document of the session of the Congress to which the report is made.".

SEC. 5. (a) Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) The amendment made by section 3 shall apply with respect to fiscal year 1978 and each fiscal year thereafter.

Mr. BENNETT (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, I would like to pay tribute to the gentleman from Ohio. I thought he would like to say something about this bill because a part of this bill, a large part of this bill was

inspired by his remarks when the stockpiling bill came up a year ago or so. Then the gentleman suggested we really ought to pursue the idea of acquiring materials by barter. So I would like to pay tribute to him and say that for some of us in Congress who feel at times that our speeches fall on deaf ears, his speech did not fall on deaf ears and our committee pursued this bill largely because of his own expressed interest.

Mr. MILLER of Ohio. Mr. Chairman, I greatly appreciate the remarks of the gentleman from Florida and I think the gentleman should be highly commended for his outstanding work on the bill before the House.

I support the bill, H.R. 4895, unequivocally.

I am pleased and gratified that the committee has included in this bill a provision to establish within the General Services Administration a program to acquire strategic and critical raw materials through barter with foreign countries. GSA would coordinate existing barter authorities and better utilize them to procure strategic materials for future use.

As many of the Members may recall, on December 11, 1974, I offered an amendment to the Foreign Assistance Act that added language authorizing the President, when he determines it in the national interest, to extend assistance to an aid recipient country when that country agrees to exchange necessary or strategic raw material it controls, for such assistance. Necessary or strategic raw materials were defined to include petroleum, other fossil fuels, minerals, or any other natural substance in short supply in the United States.

My amendment was agreed to overwhelmingly by a recorded vote of 244 to 136. Subsequently, the language was retained in conference with the Senate, and became incorporated as section 32 of the Foreign Assistance Act of 1974 (Public Law 93–559).

By approving my barter amendment to the foreign assistance program, the Congress recognized two very important issues. One, the United States should get something in return for the billions of dollars we send overseas each year in the form of foreign aid. Barter arrangements, coordinated and utilized properly, can better jutsify foreign aid expenditures. Second, the Congress realized the United States faces critical shortages of basic raw materials necessary to the operation and growth of our economy. Through barter agreements with foreign aid recipients, this country can gain access to the abundant yet undeveloped natural resources that exist around the world. In doing so, we enhance our strategic stockpiles at less cost, and assure that our vulnerability to future world market disruptions in the flow of raw materials is minimized.

I regret that to date this and other existing authorities have not been utilized by any administration as they should. Because of this, the program to encourage and coordinate a barter system is necessary and I commend the committee for its recognition and action in this regard.

Mr. Chairman, I thank the gentleman from Florida (Mr. BENNETT) and I appreciate very much having the opportunity to discuss this matter with my colleagues.

It is important that we pass this bill today and give the administration the true impression that the Congress means business about bartering.

The CHAIRMAN. Are there any amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4895) to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes, pursuant to House Resolution 451, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 24, not voting 35, as follows:

[Roll No. 115]

YEAS—373

Addabbo	Bennett	Carney
Akaka	Bevill	Carter
Alexander	Biaggi	Cavanaugh
Allen	Blanchard	Cederberg
Ambro	Blouin	Chappell
Ammerman	Boggs	Chisholm
Anderson, Calif.	Boland	Clausen, Don H.
Anderson, Ill.	Bolling	Clawson, Del
Andrews, N.C.	Bonior	Cleveland
Andrews, N. Dak.	Bonker	Cochran
Annunzio	Bowen	Cohen
Applegate	Brademas	Coleman
Archer	Breaux	Collins, Ill.
Armstrong	Breckinridge	Collins, Tex.
Ashbrook	Brinkley	Conable
Ashley	Brodhead	Conte
Aspin	Broomfield	Corcoran
AuCoin	Brown, Calif.	Corman
Badham	Brown, Ohio	Cornell
Badillo	Broyhill	Cornwell
Bafalis	Buchanan	Cotter
Baldus	Burgener	Coughlin
Baucus	Burke, Calif.	Crane
Bauman	Burke, Fla.	D'Amours
Beard, R.I.	Burke, Mass.	Daniel, Dan
Beard, Tenn.	Burleson, Tex.	Daniel, R. W.
Bedell	Burlison, Mo.	Danielson
Benjamin	Butler	Davis
	Byron	de la Garza
	Caputo	
Delaney	Kazen	Rhodes
Dellums	Kelly	Richmond
Derrick	Kemp	Rinaldo
Derwinski	Ketchum	Risenhoover
Devine	Keys	Roberts
Dickinson	Kildee	Robinson
Dicks	Kindness	Rodino
Diggs	Krebs	Rogers
Dingell	Krueger	Roncalio
Dornan	LaFalce	Rooney
Downey	Lagomarsino	Rosenthal
Duncan, Oreg.	Latta	Rostenkowski
Duncan, Tenn.	Le Fante	Rousselot
Early	Leach	Roybal
Edgar	Lederer	Rudd
Edwards, Ala.	Lehman	Runnels
Edwards, Calif.	Levitas	Ruppe
Edwards, Okla.	Lloyd, Calif.	Russo
Eilberg	Lloyd, Tenn.	Ryan
Emery	Long, La.	Santini
English	Long, Md.	Sarasin
Erlenborn	Lott	Satterfield
Evans, Del.	Lujan	Sawyer
Evans, Ind.	Luken	Scheuer
Fary	Lundine	Schroeder
Fascell	McClory	Schulze
Fenwick	McCloskey	Sebelius
Findley	McCormack	Sharp
Fish	McDade	Shuster
Fisher	McDonald	Sikes
Fithian	McFall	Simon
Flippo	McHugh	Sisk
Flood	McKay	Skelton
Florio	McKinney	Skubitz
Flowers	Madigan	Slack
Flynt	Mahon	Smith, Iowa
Foley	Mann	Smith, Nebr.
Ford, Mich.	Markey	Snyder
Ford, Tenn.	Marlenee	Solarz
Forsythe	Marriott	Spellman
Fountain	Martin	Spence
Frenzel	Mathis	St Germain
Frey	Mattox	Stangeland
Fuqua	Mazzoli	Stanton
Gammage	Meeds	Steed
Gaydos	Metcalfe	Steers
Gephardt	Meyner	Stockman
Giaimo	Mikulski	Stratton
Gibbons	Miller, Ohio	Studds
Gilman	Mineta	Stump
Ginn	Minish	Taylor
Glickman	Mitchell, Md.	Thompson
Goldwater	Mitchell, N.Y.	Thone
Goodling	Moakley	Thornton
Gore	Mollohan	Tonry
Gradison	Montgomery	Traxler
Grassley	Moore	Treen
Gudger	Moorhead, Calif.	Trible
Guyer	Moorhead, Pa.	Tsongas
Hagedorn	Mottl	Tucker
Hall	Murphy, Ill.	Udall
Hamilton	Murphy, N.Y.	Ullman
Hammer-schmidt	Murphy, Pa.	Van Deerlin
Hanley	Murtha	Vander Jagt
Hannaford	Myers, Michael	Vanik
Hansen	Myers, Ind.	Vento
Harkin	Natcher	Volkmer
Harsha	Neal	Waggonner
Hawkins	Nedzi	Walgren
Heckler	Nichols	Walker
Hefner	Nix	Walsh
Hightower	Nowak	Wampler
Hillis	O'Brien	Watkins
Holland	Oakar	Waxman
Hollenbeck	Oberstar	Weaver
Holt	Obey	Whalen
Horton	Panetta	White
Howard	Patten	Whitehurst
Hubbard	Patterson	Whitley
Huckaby	Pattison	Whitten
Hughes	Pease	Wiggins
Hyde	Pepper	Wilson, Bob
Ichord	Perkins	Wilson, C. H.
Ireland	Pettis	Winn
Jacobs	Pike	Wolff
Jeffords	Pressler	Wright
Jenkins	Preyer	Wydler
Jenrette	Price	Wylie
Johnson, Calif.	Pritchard	Yates
Johnson, Colo.	Pursell	Yatron
Jones, N.C.	Quayle	Young, Alaska
Jones, Okla.	Quillen	Young, Fla.
Jordan	Railsback	Young, Mo.
Kasten	Regula	Young, Tex.
Kastenmeier	Reuss	Zablocki
		Zeferetti

NAYS—24

Bellenson	Carr	Gonzalez
Bingham	Conyers	Harrington
Burton, Phillip	Drinan	Harris

Holtzman	Moffett	Rahall
Kostmayer	Moss	Rangel
Maguire	Myers, Gary	Seiberling
Marks	Nolan	Stark
Miller, Calif.	Ottinger	Weiss

NOT VOTING—35

Abdnor	Fraser	Quie
Barnard	Heftel	Roe
Brooks	Jones, Tenn.	Rose
Brown, Mich.	Koch	Shipley
Burton, John	Leggett	Staggers
Clay	Lent	Steiger
Dent	McEwen	Stokes
Dodd	Michel	Symms
Eckhardt	Mikva	Teague
Ertel	Milford	Wilson, Tex.
Evans, Colo.	Pickle	Wirth
Evans, Ga.	Poage	

The Clerk announced the following pairs:

Mr. Teague with Mr. Abdnor.
Mr. Heftel with Mr. Eckhardt.
Mr. Shipley with Mr. Brown of Michigan.
Mr. Brooks with Mr. Evans of Georgia.
Mr. Ertel with Mr. Leggett.
Mr. Milford with Mr. Lent.
Mr. Wirth with Mr. McEwen.
Mr. Stokes with Mr. Mikva.
Mr. Clay with Mr. Roe.
Mr. John L. Burton with Mr. Michel.
Mr. Dent with Mr. Quie.
Mr. Dodd with Mr. Symms.
Mr. Pickle with Mr. Charles Wilson of Texas.
Mr. Staggers with Mr. Fraser.
Mr. Koch with Mr. Steiger.
Mr. Jones of Tennessee with Mr. Rose.
Mr. Barnard with Mr. Evans of Colorado.

Messrs. MOSS, MOFFETT, NOLAN, KOSTMAYER, WEISS, OTTINGER, RANGEL, STARK, and MILLER of California changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the request of the gentleman from Florida?

There was no objection.

HEALTH PLANNING AND HEALTH SERVICES RESEARCH AND STATISTICS EXTENSION ACT OF 1977

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4974) to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for health planning and related programs.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. ROGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4974, with Mr. DANIELSON, in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. ROGERS) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida, (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4974 extends for 1 year without modification the legislative authorities for the health planning and resources development programs authorized by titles XV and XVI of the Public Health Service Act and for health services research and health statistics programs authorized by title III. It would authorize appropriations for the planning programs for 1978 at the same level at which they were authorized for 1977, because the planning authorizations are based upon formulas related to the population served by the programs supported and because these are new programs in their initial implementation phase needing additional appropriations for new agencies and activities as well as sufficient appropriations to compensate for the effects of inflation on existing agencies and activities. The other programs would be authorized at a level which is 115 percent of 1977's appropriation; the committee approach to long-standing stable programs.

Titles XV and XVI of the Public Health Service Act:

Require the creation of a National Council on Health Planning and Development, specify national health priorities, and require the development of national guidelines for health planning;

Authorize Federal support for a system of local health planning agencies, called health systems agencies, HSA's. They required the Governors of the States to divide the country into health service areas in accordance with specified requirements. This has been done with designation of 202 areas throughout the country. An HSA is then designated for each area. The legal structure, staffing, governing body characteristics, functions, and responsibilities of these health systems agencies are also specified;

Authorize support in each State of a State health planning and development agency, SHPDA, and specifies the structure, organization, functions, and responsibilities of these agencies. In addition, each State is required to have a statewide health coordinating council, SHCC, which is to advise and supervise the State's health planning and development agency. Finally, provide authority for six demonstration programs in State rate regulations;

Provide support for a system of centers for health planning to serve as back-up agencies to the HSA's, and requirements applicable to HEW respecting technical assistance to, and evaluation of, the health planning programs; and

Make available grants, loans, and loan guarantees for the modernization of medical facilities, construction of new facilities—inpatient facilities may be assisted only in areas of rapid recent population growth—and conversion of existing medical facilities for the provision of new health services. The construction programs are to be administered by the State health planning and development agencies and the assistance is to be used only in ways which are consistent with health plans drawn by the State agencies.

The law also provides an extension of the authority for the Secretary of HEW to establish National Centers for Health Services Research and Health Statistics, and, acting through them, to engage in and support various health services research and health statistical activities.

H.R. 4974 contains one quite inadvertent violation of the requirements of the budget process—we reduced an existing authorization for fiscal year 1977 to a lower level, which is considered as providing an authorization for fiscal year 1977. I will at the appropriate time offer an amendment to correct this.

These health planning programs have been undergoing their initial implementation and development during the last 2½ years. On the whole the committee is impressed that this effort has proceeded satisfactorily. The law requires the development of a major new system of social institutions at the State and areawide level responsible for shaping the development of the health system in accordance with community needs. To write the appropriate regulations and develop the necessary organizations is a large job which the committee feels has been well begun during this time. There are criticisms, most of which are covered in the committee's report on the legislation, and it is clear that a variety of amendments to the legislation will be desired at such time in the near future as the committee undertakes substantive revision of it. In the meantime the committee feels that HEW should expedite the writing and publication of regulations, the formal designation of the planning agencies, and the development and use of an effective evaluation process for health system agencies and State agencies.

The most serious criticism of the implementation of the act to date has concerned the deficiencies in the regulations published by the last administration implementing the certificate-of-need provisions. These regulations contain a variety of omissions, such as the omission of home health agencies and ambulatory care programs, which the committee feels are inconsistent with the

law and legislative history. We have corresponded with the new administration and received some assurance of changes and assurance of continued study of these issues by the new administration. It is to be hoped that the new administration will be able to provide policy to the committee in the near future on the appropriate scope and coverage of certificate of need and indicate how much of this can be achieved without legislative change.

Particularly disturbing was the omission of home health agencies from coverage by certificate of need since these are clearly within the legislative intent, see for instance the conference committee report on Public Law 94-641.

Mr. Chairman, this is reasonable legislation which was supported by all witnesses before the committee during its consideration. It allows the new administration sufficient time to study these programs and develop their positions on them and for the committee to respond to those positions. I urge its passage.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this legislation. It extends for 1 fiscal year the authorizations for the National Health Planning and Resources Development Act of 1974 which was signed into law in January of 1975. The objective of the law is to develop an effective planning network at the local level to assure rational planning for health services and resources development.

This means, in effect, Mr. Chairman, that in one area perhaps there should be only one expensive cobalt machine. In that way we can save the county, States or other areas for which such cobalt machines are used, a great deal of money. In other words, we should have one center for such expensive diagnostic and treatment methods as this.

Mr. Chairman, of course, this legislation also has to do with the allocation of hospital beds and of health facilities. It is somewhat controversial. There are many physicians, and many people, who do not agree with this legislation and there are some court cases involving it. However, there is no question but that we have 60,000 more hospital beds today than we should have. Each one of those beds is costing the public about $30,000 a year.

This is one of the reasons why health care is so expensive today. I myself think that this bill is very necessary in order to save money for the patient and for the people and for the public throughout our country.

Next year, I hope we will review this planning law very carefully.

In particular—I am interested in reevaluating the appropriateness of the definitions in the law of provider—indirect provider—and consumer—as they relate to membership on the H-S-A's governing boards. It has been pointed out to me that some of these categories have been defined so tightly that they have excluded individuals from participation in the category in which they ought to belong. Also, I think we need to reconsider the proportionate representation on these boards, called for in existing law. Of course, these are controversial issues, and we shall have to consider them carefully.

The other two programs which are included in this legislation have been part of our health laws for a longer period of time—and we have revised these authorities to reflect current needs over the years.

At this time—the National Center for Health Services Research is involved in research in a number of important areas which relate to our health care delivery system.

For example, the Center has undertaken studies in areas of financing and distribution of health manpower, as well as the design, construction, organization, and costs of health facilities and equipment. Their work is valuable both to Federal policymakers, and to those at the State and local levels, who need such information for effective program operation.

The National Center for Health Statistics is the other important informational resource program which will be extended under this legislation.

It is the principal organization within the Government responsible for collecting health statistics.

This center is actively involved in the study, development, and maintenance of health statistical systems and a variety of specific programs on illness, accidental injuries, disability, natality, mortality, health facilities, health services, and so on.

I urge the Members to support extension of all these programs for the next fiscal year as provided in this legislation.

Mr. Chairman, in general, the subcommittee and committee agreed to extend all these expiring programs at a level of authorization which is 115 percent above the fiscal year 1977 appropriation.

The one exception is the health planning legislation. Since this program is not yet fully implemented, the committee decided to recommend an authorization level for fiscal year 1978 which is the same as the current authorization level for fiscal year 1977. Thus, the total amount authorized for health planning and resources development is $431 million for fiscal year 1978.

Therefore, the grand total of this bill for fiscal year 1978 authorizations is $490,340,000.

Mr. Chairman, I urge favorable consideration of H.R. 4974, and I reserve the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

I notice that in this bill, and also in the two succeeding bills that the gentleman's subcommittee is going to bring out today, all programs have been authorized at a level of 15 percent over their fiscal year 1977 appropriation level to allow for inflation. I have the reaction that that is a rather arbitrary and odd way of assessing these programs. Should not each one be looked at on its own merits? Has inflation gone up 15 percent in the last year?

Mr. ROGERS. May I say to the gentleman that as these are existing programs, the basic judgment as to their validity has been made. These are simply a 1-year extension, as I tried to explain in my statement, and are intended to allow the administration enough time to come in and make assessments of what they want to do, and to come to the Congress with their recommendations. They were not prepared to do that earlier this year, so we determined that the programs should be extended pending a more thorough review later this year. As the gentleman knows, this is an authorizing measure and not an appropriation.

Mr. SEIBERLING. That is right.

Mr. ROGERS. With regard to the 15-percent increase, it represents an increase over the fiscal year 1977 appropriation not the fiscal year 1977 authorization. For many of the programs we have been criticized for not providing higher authorizations. We have tried to provide just a 1-year extension and will be looking at them again very soon. I might say that, because the health planning legislation is only now being implemented we have extended this program at last year's authorization level.

Mr. SEIBERLING. If the gentleman will yield further, in other words, the gentleman is saying when it gets to the Committee on Appropriations that the administration by that time will presumably come in with some specific amounts, which may be less than the 15 percent?

Mr. ROGERS. Yes. Furthermore, we will be looking further at these programs to make any significant changes that are necessary.

Mr. SEIBERLING. I thank the gentleman.

Mr. CARTER. I have no requests for time, Mr. Chairman.

Mr. STAGGERS. Mr. Chairman, I rise in support of H.R. 4974, the Health Planning and Health Services Research and Statistics Extension Act of 1977, and urge its passage by my colleagues. This is noncontroversial legislation which extends existing programs without substantive change for 1 additional year.

This has been done by the committee in order to meet the May 15 deadline imposed by the Budget Act, and thereby to give the new administration time to review these programs and develop their positions and policy with respect to them. This approach has been supported by the new administration and by all other witnesses in front of our committee even though some of them would like later

amendments considered at the time that the substance of the legislation is reviewed.

H.R. 4974 primarily extends Public Law 93-641, the Health Planning and Resources Development Act of 1974. This act reorganized Federal health planning assistance and called for the Development of a major new system of State and areawide health planning agencies to assist in shaping the evolution of our health system to meet local community needs. Since its passage implementation has been steady and satisfactory, despite some criticisms which are enumerated in the committee's report. The committee is hopeful that this evolution will continue although it remains possible that the committee will modify these programs to the extent it finds necessary at such time as full hearings are held.

Mr. Chairman, this is a reasonable approach and I urge your support for it.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 4974, the Health Planning and Health Services Research Extension Act. The bill provides, for example, the necessary continuation of funding for local health planning agencies, State planning and development agencies, and moneys for grants for construction and modernization of outpatient facilities and construction of new inpatient facilities in areas of recent population growth, health services research and collection of national health statistics. I want to say however, that although I support this measure, which basically maintains the fiscal year 1977 authorization levels, I do so only because I know we will take a closer look into these programs during the next year. Since the House is under deadline, I know we must expedite matters to get these crucial programs funded, in order to provide a mere continuance of these programs. But, during the next year, the Congress must commit itself to reviewing the entire act, particularly focusing on increased funding authorization. For example, we have only to look at the quality of the delivery of health care to our urban citizens in order to see that maintaining the current level of appropriations is not enough. As one good example, there is a crying need for increased effort to provide modern, effective medical facilities in areas easily accessible to the needy. People in the cities need better health care and we can only begin better delivery of health services when we expand our commitment to this problem.

I close by emphasizing that I support this 1-year extension, and I look forward to the comprehensive review and upgrading of the programs under this act during the next year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Health Planning and Health Services Research and Statistics Extension Act of 1977".

SEC. 2. (a) Section 1516(c)(1) of the Public Health Service Act (relating to authorizations for planning grants) is amended by striking out "for the fiscal year ending June 30, 1977" and inserting in lieu thereof "each for the fiscal years ending September 30, 1977, and September 30, 1978".

(b) Section 1525(c) of such Act (relating to authorizations for State health planning and development agencies) is amended by striking out "for the fiscal year ending June 30, 1977" and inserting in lieu thereof "each for the fiscal years ending September 30, 1977, and September 30, 1978".

(c) Section 1526(e) of such Act (relating to authorizations for grants for rate regulation) is amended by striking out "for the fiscal year ending June 30, 1977" and inserting in lieu thereof "each for the fiscal years ending September 30, 1977, and September 30, 1978".

(d) Section 1534(d) of such Act (relating to authorizations for centers for health planning) is amended by striking out "for the fiscal year ending June 30, 1977" and inserting in lieu thereof "each for the fiscal years ending September 30, 1977, and September 30, 1978".

SEC. 3. (a) Section 1613 of the Public Health Service Act (relating to authorizations for construction) is amended by striking out "for the fiscal year ending June 30, 1977" and inserting in lieu thereof "each for the fiscal years ending September 30, 1977, and September 30, 1978".

(b) Section 1640(d) of such Act (relating to authorizations for area health services development) is amended by striking out "for the fiscal year ending June 30, 1977" and inserting in lieu thereof "each for the fiscal years ending September 30, 1977, and September 30, 1978".

SEC. 4. (a) Section 308(1)(1) of the Public Health Service Act (relating to authorizations for the National Center for Health Services Research) is amended (1) by striking out "and" after "1975,", and (2) by inserting after "1976" the following: ", $24,000,000 for the fiscal year ending September 30, 1977, and $27,600,000 for the fiscal year ending September 30, 1978".

(b) Section 308(1)(2) of such Act (relating to authorizations for the National Center for Health Statistis) is amended (1) by striking out "and" after "1975,", and (2) by inserting after "1976" the following: ", $27,600,000 for the fiscal year ending September 30, 1977, and $31,740,000 for the fiscal year ending September 30, 1978".

SEC. 5. (a) (1) Section 1903(m)(2)(A) of the Social Security Act is amended to read as follows:

"(2) (A) Except as provided in subparagraphs (B) and (C), no payment shall be made under this title to a State with respect to expenditures incurred by it for payment (determined under a prepaid capitation basis or under any other risk basis) for services provided by any entity which is responsible for the provision of inpatent hospital services and any other service described in paragraph (2), (3), (4), (5), or (7) of section 1905(a) or for the provision of any three or more of the services described in such paragraphs unless—

"(i) the Secretary (or the State as authorized by paragraph (3)) has determined that the entity is a health maintenance organization as defined in paragraph (1); and

"(ii) less than one-half of the membership of the entity consists of individuals who are insured under parts A and B of title XVIII or recipients of benefits under this title.".

(2) Section 1903(m)(2)(C) of such Act is amended by striking out "(A)(ii)" each place it occurs and inserting in lieu thereof "(A)(ii)".

(3) The amendments made by paragraphs (1) and (2) shall apply with respect to payments under title XIX of the Social Security Act to States for services provided—

(A) after October 8, 1976, under contracts under such title entered into or renegotiated after such date, or

(B) after the expiration of the one-year period beginning on such date,

whichever occurs first.

(b) Section 1309(a) of the Public Health Service Act is amended by striking out "September 30, 1977" the second time it occurs and inserting in lieu thereof "September 30, 1979".

SEC. 6. (a)(1) The third sentence of section 1503(b)(1) of the Public Health Service Act is amended by inserting "established" before "under section 1524".

(2) The first sentence of section 1511(a) of such Act is amended by striking out "There" and inserting in lieu thereof "Except as provided in section 1536, there".

(3) Section 1511(b)(5) of such Act is amended by striking out "1535" and inserting in lieu thereof "1536".

(4) Section 1512(c) of such Act is amended by striking out "agencies' " and inserting in lieu thereof "agency's".

(5) The first sentence of section 1513(a) of such Act is amended by striking out "the provision" and inserting in lieu thereof "provision".

(6) The last sentence of section 1513(a) of such Act is amended by striking out "(g)" and inserting in lieu thereof "(h)".

(7) The margin of the last sentence of paragraph (1) of section 1513(b) of such Act is indented to align with the margin of paragraph (2) of such section.

(8) Section 1513(b)(2)(C) of such Act is amended by striking out "is consistent" and inserting in lieu thereof "are consistent".

(9) The first sentence of section 1513(d) of such Act is amended by striking out "health system" and inserting in lieu thereof "health systems".

(10) Section 1514 of such Act is amended by inserting "public or" before "nonprofit private".

(11) Section 1515(d) of such Act is amended by striking out "health services area" and inserting in lieu thereof "health service area".

(12) Section 1521(a) of such Act is amended by striking out "other than" and all that follows in such section and inserting in lieu thereof a period.

(13) Section 1521(d) of such Act is amended by striking out "Policy, Planning," and inserting in lieu thereof "Planning".

(14) Section 1523(c) of such Act is amended by striking out "(6), or (7)" and inserting in lieu thereof "or (6)".

(15) Section 1526(a) of such Act is amended by inserting "grants" after "may make".

(16) Section 1536(a) of such Act is amended by striking out "Territories in" and inserting in lieu thereof "Territory of".

(17) Section 1536(b)(4) of such Act is amended (A) by striking out "office" and inserting in lieu thereof "officer", and (B) by striking out "the regulation" and inserting in lieu thereof "regulations".

(18) Section 1602(5) of such Act is amended by striking out "1503" and inserting in lieu thereof "1603".

(19) The second sentence of section 1602 of such Act is amended by striking out "supports" and inserting in lieu thereof "support".

(20) Sections 1603(a)(4), 1603(a)(5), 1603(a)(6), 1904(b)(1)(C), 1604(b)(2)(A)(i) and 1604(c)(2)(B) of such Act are each amended by striking out "1602(a)" and inserting in lieu thereof "1602".

(21) Section 1603(a)(6) of such Act is

amended by striking out "(4)" and inserting in lieu thereof "(5)".

(22) Section 1603(a)(7) of such Act is amended by striking out "standards" and inserting in lieu thereof "requirements".

(23) Section 1610(a) of such Act is amended by striking out "1513" and inserting in lieu thereof "1613".

(24) Section 1613 of such Act is amended by striking out "1510" and inserting in lieu thereof "1610".

(25) Section 1622(c) of such Act is amended by adding after paragraph (4) the following new paragraph:

"(5) If any loan to a public entity under this part is sold and guaranteed by the Secretary under this subsection, interest paid on such loan after its sale and any interest subsidy paid, under paragraph (3)(A)(ii), by the Secretary with respect to such loan which is received by the purchaser of the loan (or the purchaser's successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.".

(26) Section 1622(e)(2) of such Act is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1977".

(27) Section 1633(14) of such Act is amended by striking out "title XIV" and inserting in lieu thereof "title XV".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 3, beginning in line 8 strike out "$24,000,000 for the fiscal year ending September 30, 1977,"; and beginning in line 14 strike out "$27,600,000 for the fiscal year ending September 30, 1977,".

Mr. ROGERS. Mr. Chairman, this is a technical amendment that simply makes it conform with the Budget Act, and I know of no objection to the amendment.

Mr. CARTER. Mr. President, I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. ROGERS).

The amendment was agreed to.

Mr. GARY A. MYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage the Chairman of the committee in brief colloquy. With respect to the HSA's which are funded in here, I understand that Dr. CARTER has already informed the House there is some controversy that naturally arises from implementation of HSA planning.

There is a great deal of uncertainty about what the impact of their planning is going to be over the long term. As I understand presently, it deals with whether or not a local hospital desires Federal construction funds. However, it is unclear what will occur in the future if a local hospital decides not to go along with an HSA plan and provides certain services with their own funds. It is not clear now whether they may be prohibited from receiving medicare funds or certain funds for patients who would normally be funded under Federal programs in the future.

I do not expect the gentleman to be able to tell me exactly what is going to occur in this area, but I did want to take this time to lay out in the record the need for legislation that is required to provide at the local level, particularly for small communities, the opportunity for freedom of choice of providing services which the HSA's might think excess, but local communities believe worthy of funding on their own without being penalized to the extent of their not being able to receive Federal reimbursement for patients.

Is it the intent of the gentleman within this Congress to reflect on some of these concerns, particularly as we are becoming aware of them in certain small communities? Is this the type of review that the gentleman will have?

Mr. ROGERS. Yes. We will conduct a thorough review of this legislation to see whether there should be substantive changes to the health planning law. This bill constitutes an extension just for 1 year. The purpose of the HSA's is to require local decisionmaking, to insure that health planning is performed away from Washington and is instead the product of a local decision process. That is the purpose of the health planning law and I would agree with the gentleman's philosophy.

Mr. GARY A. MYERS. I thank the gentleman because, even though the philosophy is to localize decisions and I know HSA's are to be structured in the community on a basis which encompasses local people within the decisionmaking, there are certain communities which have not been represented or are not able to be represented on the HSA's. They feel, even though it is not a Washington decision, that it is a decision made under the umbrella of the Washington group and they find it frustrating.

Mr. ROGERS. We will look at the gentleman's concerns. As you know, under the law, the State must provide an appeals mechanism, so if local people are not satisfied with an HSA decision they will have an appeals mechanism within the State.

Mr. GARY A. MYERS. Is that mechanism one whereby the committee feels the individuality of every decision would be adhered to or protected? Some of the communities feel they have not been looked at as an individual case.

Mr. ROGERS. We will be glad to look at the gentleman's particular situation and any others that arise before further hearings. In my view, the existing appeals mechanisms allow local needs to be fully aired.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

I take this time to engage in a colloquy with the distinguished chairman of the committee, the gentleman from Florida (Mr. ROGERS) on a related subject. The importance of local autonomy and local decisionmaking with regard to health-related services is of vital concern and interest to me. The area that I represent surrounds the city of Chicago and the Cook County area. There is a strong desire throughout this surrounding area to maintain its independence and to prevent domination by the larger metropolitan area of Chicago.

We seem to have a relatively satisfactory health service planning agency right now. However, it seems that the final decision under the existing law rests on or is vested in the State and I wonder if there is authority for the local area to avoid being bound by the State's ultimate decision. I am encouraged by the gentleman's suggestion that there is a right of appeal and I would like to be assured that this is inherent in this law—and that this concept is retained so as to provide as much local decisionmaking as possible.

Mr. ROGERS. The gentleman is correct in that we intended to provide the local area with the decisionmaking authority, with an appeals mechanism within the State if there is disagreement so it can be resolved at that level.

Mr. McCLORY. Mr. Chairman, would the gentleman also respond to this question. In the composition of the Health Service Planning Agency, it seemed to be originally that any requirement for local public officials on the planning agency was omitted. What is the present status with regard to the requirement that local public officials be represented?

Mr. ROGERS. Local public officials can be and should be and are represented.

Mr. McCLORY. There is no particular percentage that is specified?

Mr. ROGERS. No. We have not mandated a particular percentage of local officials; but we do say they are eligible and should be represented.

Mr. McCLORY. Mr. Chairman, I thank the gentleman from Florida.

AMENDMENT OFFERED BY MR. PHILLIP BURTON

Mr. PHILLIP BURTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PHILLIP BURTON: Page 8, insert after line 12 the following:

SEC. 7. Section 2(f) of the Public Health Service Act (relating to the definition of the term State) is amended (1) by striking out "and" after "Islands," and (2) by adding before the period the following: ", American Samoa, and the Trust Territory of the Pacific Islands".

Mr. PHILLIP BURTON. Mr. Chairman, first, I would like to express my own approbation of the enormous contribution the chairman, the gentleman from Florida (Mr. ROGERS) and the ranking minority Member, the gentleman from Kentucky (Mr. CARTER) have made to the state of health of the American people and its delivery system.

Mr. Chairman, I would also like to commend them for having included our new fellow Americans in the northern Marianas Islands.

I would note an unintended omission in the definition of a State and I urge the definition be completed, as this amendment provides, by including the

American Samoa and the Pacific Trust Territories.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for his comment. I have no objection to this amendment at all.

Mr. CARTER. Mr. Chairman, if the gentlemen will yield, certainly I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. PHILLIP BURTON).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DANIELSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4974) to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for health planning and related programs, pursuant to House Resolution 450, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries.

BIOMEDICAL RESEARCH EXTENSION ACT OF 1977

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4975) to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. ROGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4975, with Mr. DANIELSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. ROGERS) is recognized for 30 minutes, and the gentleman from Kentucky (Mr. CARTER) is recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I am pleased to present to this body legislation to extend the authorities and authorizations of appropriations for 1 year through fiscal year 1978 for the National Library of Medicine, the National Cancer Program, the National Heart, Blood Vessel, Lung, and Blood Program, and National Research Service Awards. A 1-year extension of these programs, with few minor substantive and technical amendments, is felt to be appropriate in this instance because the timing would permit the legislation to be reviewed again shortly after the committee, the new administration, and other interested parties have the opportunity to make more substantive recommendations on these and related program areas. The Subcommittee on Health and the Environment intends to consider these recommendations during its review and consideration of legislation to substantially revise all of the biomedical research authorities. During hearings this year before the Subcommittee on Health and the Environment on legislation to extend these authorities, the administration's testimony was supportive of the concept of extending these authorities for 1 year.

The committee is proposing appropriations authorization levels at 115 percent of the actual fiscal 1977 appropriations—a 15-percent increase—for these programs. These increases are essential for the continuity of these programs, for their growth and to offset increased costs due to inflation. We propose a total new authorization of approximately $1.5 billion. This is comparable to an authorization level of approximately $1.68 billion and an actual appropriations level of approximately $1.3 billion for fiscal year 1977 for these programs under existing law. As stated in the committee report, we do not anticipate that the enactment of this legislation will have any detrimental impact on the economy. Its authorization levels represent less than .24 percent of the President's proposed budget for all Federal programs in fiscal year 1978.

The authorization levels in the proposed legislation offer a significant opportunity to lower the economic and social costs associated with our Nation's most devastating diseases and, by supporting biomedical training and library programs, insure the future quality of our national research effort and the dissemination of scientific knowledge and health information to our health care system. The estimated economic cost of cancer to this Nation in 1976 was $20 billion. The estimated total cost to the Nation in 1974 of cardiovascular, lung, and blood diseases was $57 billion. The programs authorized in the committee's bill are designed to provide support for biomedical research, training, education, and other programs in an effort to reduce pain disability, medical complications, and economic costs associated with these diseases. As new discoveries in the prevention, early detection, diagnosis, control, treatment, and rehabilitation in these disease categories are translated into our health care delivery system, they can result in a decrease in both the amount and degree of illness and injury and thus save billions of dollars in associated economic costs.

Mr. Chairman, 2 days of hearings were held on the proposed legislation and it was reported by unanimous voice vote in both the Subcommittee on Health and the Environment and the full Committee on Interstate and Foreign Commerce.

Our committee has already seen evidence that these programs are effective in saving lives and economic costs. Testimony before the Subcommittee on Health and the Environment revealed that from 1970 to 1975 deaths from heart attack declined 14 percent. Hypertensive disease mortality declined 34 percent. Mortality for stroke declined 18 percent. Mortality for rheumatic fever and rheumatic heart disease declined 25 percent, and for congenital heart disease it declined 14 percent. Further, it is estimated that 49,000 fewer deaths from cardiovascular disease occurred in 1976 compared to 1974. This savings in lives alone is greater than the number of lives that could be saved if all deaths from automobile accidents could be avoided.

For victims of cancer the outlook is also beginning to improve. The death rate from Hodgkins disease has decreased 17 percent since 1970 and the mortality rate for all forms of cancer seems to be decreasing slightly. Our subcommittee received testimony that 1.5 million Americans alive today have been cured of cancer and are free of the disease at least 5 years after diagnosis and treatment.

Although all these statistics seem to indicate that we are finally making some breakthroughs with respect to these devastating diseases, we still have a long way to go as deaths from these diseases still constitute an overwhelming proportion of total causes of all deaths of Americans. Cardiovascular diseases still account for 52.5 percent of all deaths in the United States. The over 100 forms of cancer constitute the second leading cause of deaths and emphysema and other chronic obstructive lung diseases constitute the fifth leading cause of death from all diseases in the United States. Thus, the committee has reaffirmed the importance and need for a continuation of these vital programs at the authorization levels in the proposed legislation.

Mr. Chairman, I want particularly to thank and commend the activity of the gentleman from Kentucky (Dr. CARTER), the ranking minority member on the subcommittee, and his staff, whose interest in these programs has been

demonstrated over the years. In addition, I want to thank the gentleman from West Virginia (Mr. STAGGERS) for his leadership on this legislation as chairman of the full committee. Finally, I want to thank all the other members of the Subcommittee on Health and the Environment, Mr. SATTERFIELD, Mr. PREYER, Mr. SCHEUER, Mr. WAXMAN, Mr. FLORIO, Mr. MAGUIRE, Mr. MARKEY, Mr. OTTINGER, Mr. WALGREN, Mr. BROYHILL, Mr. MADIGAN, and Mr. SKUBITZ, for their fine contributions and support of this legislation.

Mr. Chairman, I strongly urge you and my colleagues in the House to support this legislation for the continuation of these important programs.

BIOMEDICAL RESEARCH AUTHORIZATIONS, APPROPRIATIONS, AND OBLIGATIONS, COMPARED WITH PROPOSED AUTHORIZATIONS IN H.R. 4975

[In millions of dollars; fiscal years]

Programs—Public Health Service Act	1972			1973 [1]			1974 [2]			1975 [3]			1976			1977		115 percent 1977 appropriation proposed, 1978 authorized
	Authorized	Appropriated	Obligated	Authorized	Appropriated	Obligated	Authorized	Appropriated	Obligated	Authorized	Appropriated	Obligated	Authorized	Appropriated	Obligated	Authorized	Appropriated	
390 National Library of Medicine	25.5	6.9	6.9	27.5	8.5	6.6	8.4	7.0	7.0	17.5	6.7	6.7	20.0	6.3	6.3	20.0	8	9.2
409 Cancer control programs	20.0			30.0	30.0	5.2	40.0	34.0	33.8	53.5	50.1	50.0	68.5	56.1	54.9	88.5	58.102	66.81730
4100 Other cancer programs [3]	400.0	378.8	378.6	500.0	462.0	425.2	600.0	493.5	[4] 485.4	750.0	630.8	630.8	830.0	693.8	693.8	985.0	738.662	849.46130
Total cancer programs (title IV, part A)	420.0	378.8	378.6	530.0	492.2	430.4	640.0	527.5	519.2	803.5	680.9	680.8	898.5	749.9	748.7	1,073.5	796.764	916.27860
414 Heart, blood vessel, lung and blood prevention and control			8.8	25.0		13.0	35.0		21.3	45.0		21.0	10.0		25.9	30.0	26.0	29.9
419B Other heart, blood vessel, lung, and blood programs [3]	232.6	223.8		375.0	300.0	242.7	425.0	289.6	265.0	475.0	318.2	297.2	339.0	358.6	331.3	273.0	353.597	406.63655
Total NHL and BI programs (title IV, part B)	232.6	232.6		400.0	300.0	255.7	460.0	289.6	286.3	520.0	318.2	318.2	[5] 349.0	358.6	357.2	403.0	379.597	436.53655
472 National Research Service Awards										207.9	[6] 62.2		165.0	[6] 75.9		185.0	[7] 119.8	[7] 137.770
NIH training programs:																		
NRSA													45.6		57.5		99.8	114.807
Old training programs		185.9			141.6			127.2					107.7		62.5		34.3	
Total		185.9			141.6			127.2					153.3		120.0		134.1	

[1] Obligations are significantly less than appropriations due to impoundment of funds.
[2] Excludes 1973 restored funds.
[3] Includes old training programs.
[4] $7,704,000 of construction funds carried over to fiscal year 1975.
[5] Appropriation Act passed January 1976 under title III, sec. 301. Authorization passed April 1976 amending title IV., sec. 419B.
[6] Includes NIH and ADAMHA.
[7] Includes NIH, ADAMHA, and nurses training.

Mr. CARTER. Mr. Chairman, I strongly support this legislation to extend the National Cancer Institute; Heart, Lung, and Blood Institute; National Research Service Awards; and the National Library of Medicine for 1 year, as our distinguished chairman has said. The authorizations are 15 percent more than the appropriations for the year 1977.

Some people may consider that we are not appropriating enough. It is my opinion that if we use what we have, and we have, and well, perhaps no more is needed at the present time.

We have seen many things accomplished by this legislation. For instance, deaths from heart attack have diminished 14 percent in the 1970–75 period. At the present time, 52.5 percent of the deaths in this country are due to heart or heart-related vascular diseases. We have made great progress in this area.

In the area of hypertensive disease and rheumatic fever and stroke, we have had fewer deaths and much improvement. It is estimated that 49 percent fewer deaths from cardiovascular diseases occurred in 1976 as compared to 1974. In spite of these accomplishments, we must proceed—we must go forward.

Mr. Chairman, I strongly support this legislation.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank my distinguished colleague for yielding.

Mr. Chairman, I am not medically instructed enough to know in which category Huntington's disease might fall, but I am concerned that we should be doing some research in the field of Huntington's Disease.

I was wondering if it was covered here in this legislation.

Mr. CARTER. I do not know that it is included in this. The gentlewoman is referring to Huntington's chorea, which is a rather unusual disease, and there is some research going on in that, but funds are not in this legislation for it.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, just for research training. Actually, that falls under the genetic category.

Mrs. FENWICK. There would be funds for research training in this field?

Mrs. ROGERS. Yes.

Mrs. FENWICK. I thank the gentleman.

Mr. ROGERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Chairman, I appreciate the time, for today we approach a subject which has been important for the past years and which shall remain important until its solution has been found. This legislation today provides a vehicle through which we may proceed, if we choose to do it.

The slogan of the American Cancer Society is "to cure cancer in your lifetime." The question I would like to ask today is this: In whose lifetime shall a cure for cancer be found?

May I refer to a bill, the caption of which reads "To authorize the Public Health Service and the National Academy of Sciences jointly to investigate the means and methods for affording Federal aid in discovering a cure for cancer, and for other purposes."

That bill was introduced in 1929, 48 years ago, by Senator Harris, of Cedartown, Ga., the State from which I come.

May I refer you to a more recent action of this body, a concurrent resolution introduced by the late gentleman from New York, the Honorable John J. Rooney, which was passed by this body on July 15, 1970. The major portion of this resolution reads as follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the conquest of cancer is a national crusade to be accomplished by 1976 as an appropriate commemoration of the two hundredth anniversary of the independence of our country; and be it further

Resolved, That the Congress appropriate the funds necessary for a program of cancer research and for the buildings and equipment with which to conduct the research and for whatever other purposes are necessary to the crusade so that the citizens of this land and of all other lands may be delivered from the greatest medical scourge in history.

Mr. Chairman, every one of us wants to find a cure for cancer. I, too, wish to compliment this great subcommittee for the excellent progress that has been made, but I submit today, at this hour, it is not enough.

I salute the American Cancer Society, for they have been in this battle for a long time, but the issue today is simply: How much funding, and for how long?

Three years ago, I read five paragraphs from an Atlanta Journal article of April 21, 1974, by Mr. Charles Seabrook, in which he talks about "A Place To Die":

Among the most unwanted people in Atlanta are dying cancer patients who have been ruined financially by the disease. Hospitals don't want them, and nursing home operators are increasingly reluctant to take them.

As a result, Atlanta's only free home for destitute cancer victims, Our Lady of Perpetual Help operated by the Catholic church, is being deluged with calls from families who are at the end of their financial rope but still want some decent place for their loved ones to die.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, along that line, if there are institutions which will not or which do not want to treat terminal cancer, I think this is terrible. I think it is a shame. Personally it is my feeling that they should be covered by a catastrophic insurance bill, and if the gentleman will join me, I certainly will introduce such legislation.

Mr. BRINKLEY. Mr. Chairman, I thank the gentleman. I shall be very happy to follow his leadership and join him in that legislation.

Mr. Chairman, the writer of the article continued as follows:

"I wake up in the middle of the night trying to decide who to take next," said Our Lady's director, Sister Mary Eucharia.

"We get frantic phone calls every day from families whose financial resources have been wiped out by cancer, and who have exhausted their chances for any possible government medical aid," she said.

"Ironically," said Sister Eucharia, "Our Lady is being filled more and more with incurable cancer victims in their mid 30s or early 40s—people who are ineligible for government medical assistance."

Mr. Chairman, that is going to the point which the gentleman from Kentucky (Mr. CARTER) raised.

That is the point. It is afflicting younger people in their most productive years, and in that respect it is our Nation's No. 1 killer.

Mr. Chairman, before the day is over 900 people in this country will have died of cancer, and one in every four sitting in this room, according to current statistics, will die of cancer.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. BRINKLEY) has expired.

Mr. ROGERS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Chairman, I will continue with my presentation.

Yet even in view of this staggering figure, this great loss of life in this country, the Cancer Institute reports they can fund only about half of the scientifically approved cancer research projects which they receive.

This is totally unacceptable to those 900 people who are going to die today, and it should be unacceptable—and I know it is—to the Members who serve in this body and whose lives are affected in one way or another by this disease.

I refer the Members now to a computer printout which I just received. These are approved but unfunded projects from the Cancer Institute for 1 year. And, remember, any one of these projects might well be the project which could produce a cure for cancer or some preventive treatment.

Mr. Chairman, every single line that is seen on this printout is an approved but unfunded project for the last year. I will ask the Members to look at it. Look at this paper. This is the printout, every line of which represents an approved but unfunded project by the National Cancer Institute. What are we to do about it?

Mr. Chairman, I have an amendment today that has open-ended authority. It provides such funds as may be necessary. The witnesses will come in again, and they will testify before the Committee on Appropriations. It would be shameful to retrogress below the authority which we had last year for this Institute. The subcommittee chairman has already stated that the 15 percent of the appropriations is less than the authority approved by this body last year.

Mr. Chairman, we should change that, and during the amending process I shall offer an amendment to provide such funding as may be necessary in order that the subcommittee of the Committee on Appropriations may address this most important project.

Mr. STAGGERS. Mr. Chairman, I urge all my colleagues in the House to join me in support of H.R. 4975, the Biomedical Research Extension Act of 1977. This bill provides for a 1-year extension of the programs and authorizations for the National Library of Medicine, for cancer, heart, blood vessel, lung, and blood diseases, and for National Research Service awards and has the administration's support.

H.R. 4975 was reported by unanimous vote of the Committee on Interstate and Foreign Commerce after being reported by its Subcommittee on Health and Environment which held 2 days of hearings on it this year.

The committee bill would extend these programs to continue for 1 year so that the new administration, and other interested parties, will have the opportunity to conduct a thorough review of these programs and make recommendations for the committee to consider when it takes up legislation in the near future to substantially revise biomedical research authorities.

Mr. Chairman, it is vitally important to our Nation that these programs continue without interruption. They are of critical importance to the public health. They are designed to provide support for research, training, demonstration, and education for our national effort in reducing devastating pain, disability, and medical complications resulting from cancer, heart, blood vessel, and blood diseases.

Cancer continues to be one of the most intolerable diseases afflicting people and causes family disruption as well as billions of dollars annually in economic loss. Deaths from diseases of the heart and blood vessels continue to be the annual leading cause of all deaths in the United States. Emphysema and other chronic obstructive lung diseases constitute the fifth cause of death from all diseases.

We have made great progress in controlling these diseases and in saving lives of Americans afflicted by them. However, much more research needs to be done if we are ever to develop effective methods to prevent these diseases or cure individuals afflicted by them.

Mr. Chairman, I again urge you and other Members of the House to vote favorably for this legislation—which is so important to all people in the United States.

Mr. CONTE. Mr. Chairman, I rise in support of this bill to provide a 1-year extension of programs under the National Cancer Act, the National Heart, Lung, and Blood Act, and certain other measures.

As a member of the Labor-HEW Appropriations Subcommittee, which oversees the budgets of these vital biomedical research programs, I am well acquainted with the tremendous advances being made in this area.

Major advances have been made in a number of areas, but I would like to mention just a few of them. New methods have been developed for the utilization of ultrasound as a diagnostic technique for breast and other types of cancer which until now depended upon the use of ionizing radiation. Clinical trials have been initiated with a new antitumor agent demonstrating a high degree of effectiveness in a variety of experimental tumor systems. Combination chemotherapy has brought about significant improvements in the rate of remission and survival from lung cancer.

In the cancer control area, a national effort has been established to assist in the timely transfer of research knowledge. Programs assist community hospitals and local physicians to implement optimal treatment and rehabilitation techniques. And we are seeing major progress in earlier detection and thus better survival rates for cancer patients.

For more than 50 years heart and blood vessel diseases have been the major cause of death in this country. They now account for 54 percent of all deaths annually. An estimated 30 million Americans have diseases of the heart and blood vessels, resulting in a huge burden of acute and chronic illness and disability.

The work of the National Heart, Lung, and Blood Institute has been instrumental in reducing the mortality rate from such diseases. Perhaps one of the most dramatic examples is in hypertension and hypertensive heart disease. Since the beginning of the Institute's program, there has been over a 50-percent increase in the number of total patient visits to physicians for such diseases. Despite the need for more research, the state of the art now exists to control most hypertension and reduce its complications—a tribute to the research and control efforts sponsored under this act.

Mr. Chairman, the programs extended in this bill are among the most worthwhile in the Federal budget. The annual cost to this Nation of cancer and heart disease easily exceeds $50 billion. And that does not attempt to measure the tragedy of human life lost, upon which no price can be placed.

Mr. Chairman, I have worked with the Appropriations Committee on which I serve to try to see that adequate levels of funding have been provided for these programs, and I will continue to do so. I urge the extension of these vital research programs through the adoption of this bill.

Mr. ROGERS. Mr. Chairman, I have no further requests for time.

Mr. CARTER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, under the rule, the Clerk will read the bill for amendment under the 5-minute rule.

The Clerk read as follows:

H.R. 4975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Biomedical Research Extension Act of 1977".

SEC. 2. Section 390(c) of the Public Health Service Act (relating to authorizations for medical libraries) is amended (1) by striking out "and" after "1975,", and (2) by inserting after 1976" the following: ", and $9,200,000 for the fiscal year ending September 30, 1978".

SEC. 3. (a)(1) Section 409 of the Public Health Service Act (relating to authorizations for cancer control programs) is amended (A) by striking out "and" after "1976,", and (B) by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1977, and $69,116,150 for the fiscal year ending September 30, 1978".

(2) Section 410C of such Act (relating to authorizations for programs of the National Cancer Institute) is amended (A) by striking out "and" after "1976;", and (B) by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1977; and $847,162,450 for the fiscal year ending September 30, 1978".

(b)(1) The second sentence of section 408 (b) of such Act (relating to national cancer research and demonstration centers) is amended by striking out "; but support under this subsection (other than support for construction) shall not exceed $5,000,000 per year per center.", and inserting in lieu thereof a period and the following: "The aggregate of payments (other than payments for construction) made to any center in support of such an agreement for its costs (other than indirect costs) described in the first sentence may not exceed $5,000,000 in any fiscal year, except that if in any fiscal year there is an increase, as reflected in the Consumer Price Index published by the Bureau of Labor Statistics, in the costs of a center for which payments may be made under such an agreement, the aggregate of payments in such year for such center may exceed $5,000,000 to include such increase and any such increase in any preceding fiscal year for which payments were made to such center under such an agreement to the extent that such increase resulted in payments in excess of $5,000,000. As used in this section, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which fellowship support may be provided under section 472.".

(2) Section 410B(a)(1) of such Act (relating to the National Cancer Advisory Board) is amended (A) by inserting "Policy" after "Technology", and (B) by striking out "(or his designee)" and inserting in lieu thereof "(or their designees)".

SEC. 4. (a)(1) Section 414(b) of the Public Health Service Act (relating to authorizations for heart, blood vessel, lung, and blood disease prevention and treatment programs) is amended (A) by striking out "and" after "1976,", and (B) by striking out "fiscal year 1977" and inserting in lieu thereof "the fiscal year ending September 30, 1977, and $29,900,000 for the fiscal year ending September 30, 1978".

(2) Section 419B of such Act (relating to authorizations for the National Heart, Lung, and Blood Institute) is amended (A) by striking out "and" after "1976,", and (B) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $406,636,550 for the fiscal year ending September 30, 1978".

(b)(1) Section 415(a)(1) of such Act (relating to national research and demonstration centers) is amended—

(A) by striking out "diseases and for research in the use of blood and blood products and in the management of blood resources" in subparagraph (A) and inserting in lieu thereof "and blood vessel diseases", and

(B) by striking out ", blood vessel diseases, research in the use of blood products, and research" in subparagraph (C) and inserting in lieu thereof "diseases and research, in the use of blood products and".

(2) The third sentence of section 415(b) of such Act (relating to national research and demonstration centers) is amended by striking out "in any year" and all that follows in such sentence and inserting in lieu thereof the following: "in any fiscal year, except that if in any fiscal year there is an increase, as reflected in the Consumer Price Index published by the Bureau of Labor Statistics, in the costs of a center for which payments may be made under such an agreement, the aggregate of payments in such year for such center may exceed $5,000,000 to include such increase and any such increase in any preceding fiscal year for which payments were made to such center under such an agreement to the extent that such increase resulted in payments in excess of $5,000,000.".

(3) Section 417(a)(1) of such Act (relating to the National Heart, Lung, and Blood Advisory Council) is amended by striking out "National Science Foundation" and inserting in lieu thereof "Office of Science and Technology Policy".

(4) Section 419A(a) of such Act (relating to administration) is amended by striking out "made pursuant to section 414".

(5)(A) Section 415(b) of such Act (relating to national research and demonstration centers) is amended by striking out "five years" each place it occurs and inserting in lieu thereof "three years".

(B) The amendment made by subparagraph (A) shall apply with respect to cooperative agreements entered into under section 415(b) of the Public Health Service Act after the date of enactment of this Act.

SEC. 5. Section 472(d) of the Public Health Service Act (relating to National Research Service Awards) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $137,770,000 for the fiscal year ending September 30, 1978".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc, considered as read, and printed in the RECORD because they are basically technical in nature.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The committee amendments are as follows:

Page 4, line 14, insert "into blood," after "research".

Page 5, strike out lines 14 through 21.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. BRINKLEY

Mr. BRINKLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRINKLEY: On page 2, line 5, strike out "$69,116,150" and insert in lieu thereof "such sums as may be necessary".

On page 2, line 11, strike out "$847,162,450" and insert in lieu thereof "such sums as may be necessary".

Mr. BRINKLEY. Mr. Chairman, I rise in support of this amendment.

It is a spinoff, as it were, of the bill which I have introduced, H.R. 211, the vehicle being the offering of the subcommittee.

Mr. Chairman, I would like to provide a brief background of the National Cancer Institute, which was created in 1938, with the identical clause, "such funds as may be necessary" authorization.

All subsequent institutes at the National Institutes of Health were created with "as necessary" authorizations.

The National Cancer Act created a conquest of cancer program in 1971 and authorized yearly dollar amounts for the Institute. The Heart Institute also was changed later.

The fiscal year 1977 appropriation is $1,073.5 million.

The fiscal year 1977 appropriation is $814 million.

Mr. Chairman, I want to review that just for a moment. The fiscal year 1977 authorization is $1,073,500,000. The 1977 appropriation is $814 million.

Now we go to the 1978 cancer authorization request from the committee, of $937 million, which is below the current authorization, and that is wrong. It certainly should match it, and we can match it and leave to the discretion of the Committee on Appropriations the actual amount of funding if we go to the "such funds as may be necessary" as it formerly was.

Mr. Chairman, as the matter now stands, there is no bargaining room for appropriations. If a request for $937 million is made and allowed to stand, the House will, following tradition, cut that very severely. The $937 million figure would provide only a 15-percent increase over this year's appropriation. That is a compromise, and the Cancer Institute is likely to wind up with something less than the cost-of-living increase.

Mr. Chairman, Dr. Arthur James, the past president of the American Cancer Society, made this statement, which I think is really important:

The ideal chemical could be developed that would be effective in killing cancer cells or a vaccine could be developed at any time that would actually prevent cancer.

Mr. Chairman, he said that we are on the threshold of those discoveries.

How soon depends on how badly you and I want it and how much effort we are willing to make and how much support we are willing to give it.

Mr. Chairman, he is talking about funding. He is not talking about a moderate level of funding either. He is talking about accelerated funding, about the same crusade that the late gentleman from New York, Mr. Rooney, talked about back in 1970. How soon and how much depend upon what you and I want to give in terms of priority.

Mr. Chairman, again I remind the Members of Dr. Linus Pauling, the man who has been called a valuable natural resource, who discovered the red blood cell abnormality which causes sickle cell anemia, who could not even get a $37,000 grant.

Mr. Chairman, here is evidence, this printout, line by line, before us, of other researchers who did not make it simply because their projects were considered to be of low priority.

In conclusion, Mr. Chairman, I would like to show the Members the summary here, which this adds up to, in terms of money and in terms of projects. The total unfunded projects which have been approved as valid is 1,543. The total amount needed to fund them would have been $126,362,000, which would have been very well spent.

I include the following:

NATIONAL CANCER INSTITUTE, FISCAL YEAR 1977, UNFUNDED GRANT APPLICATIONS AS OF MAR. 30, 1977

ALL PROGRAMS BY TYPE AND GRANT NUMBER (INCLUDES EST. IND. COSTS)—UNFUNDED APPROVALS

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
TRADITION PROGRAM—ROI—NEW													
16137-01A3 Mittler, Sidney	J7	057	AC	CG	1.AI	A	26, 287			34, 698		27, 322	0146118001
16593-01A2 Avadhani, Naray	06	096	AB	CG	1.A	A	74, 658			98, 548		50, 200	0396463801
16699-01A2 Hiramoto, Raymo	J7	017		IM	1.A	A	50, 000			66, 000		50, 000	0010556601
16739-01A3 Mc Innis, Bayli	J7	047		EP	1.A	A	24, 682			32, 580		24, 628	0443490301
17069-01A2 Nair, Vasu	06	017		DD	1.AI	A	30, 775			40, 623		32, 314	0163972901
17260-01A2 Amma, Elmer L	J7	017		TB	1.A	A	18, 000			23, 760		18, 500	0417584801
17413-01A2 Caspi, Eliahu	J7	047		CL	1.A	A	24, 500			32, 340		25, 500	0229370801
17610-01A2 Joshi, Jayant G	06	066		TB	1.AI	A	33, 608			44, 362		33, 933	0430578304
17650-01A1 Bello, Leonard	J7	047		TB	1.AI	A	66, 030			87, 159		59, 112	0396463801
17712-01A1 Swenton, John S	06	126		DD	1.A	A	35, 803			47, 259		28, 150	0366218701
17741-01A2 Henery-Logan, K	J7	047		DD	1.AI	A	33, 553			44, 289		37, 343	0210820102
17750-01A1 Urist, Marshall	06	056		TB	1.AI	A	24, 800			32, 736		25, 890	0050577505
17795-01A2 Firshein, Willi	J7	027		TB	1.AI	A	53, 690			70, 870		49, 213	0079140901
17812-01A1 Merritt, Kathar	06	126		IM	1.A	A	29, 273			38, 640		28, 165	0302021601
17845-01A2 Ohki, Shinpei	06	126		TB	1.A	A	38, 980			51, 453		35, 648	0335992614
18082-01A1 Davey, Frederic	06	017		IM	1.AI	A	26, 942			35, 563		28, 920	0335992619
18118-01A1 Folkers, Karl	06	126		DD	1.A	A	35, 910			47, 401		38, 062	0440578403
18123-01A1 Gokel, George W	06	126		DD	1.AI	A	28, 243			37, 280		0	0396461901
18124-01A1 Gould, Steven J	06	126		DD	1.AI	A	31, 704			41, 849		30, 339	0071860101
18182-01A1 Murphy, William	J7	126		IM	1.A	A	58, 480			77, 193		63, 158	0235249701
18243-01A2 Wong, Harry Y	J7	017		DR	1.AI	A	23, 899			31, 546		24, 659	0093499801
18292-01A1 Hylemon, Philli	06	096		TB	1.AI	A	22, 289			29, 421		24, 855	0470353201
18348-01A2 Cavalieri, Lieb	06	126		TB	1.AI	A	21, 900			28, 908		21, 900	0337518401
18352-01A1 Sharon, Nathan F	06	126		TB	1.A	A	40, 700		0	53, 724		35, 700	5209116201
18365-01A1 Wu, Chung	06	126		TB	1.AI	A	34, 088			44, 996		36, 782	0235249701
18415-01A1 Bello, Jake	06	126	AJ	CG	1.AI	A	24, 000			31, 680		25, 000	0335966005
18494-01A1 Chan, Po C	06	126	AL	CG	1.AI	A	27, 750			36, 630		27, 850	0339632301
18543-01A1 Roth, Jay S	06	017		TB	1.A	A	42, 815			56, 515		41, 566	0071860101
18545-01A1 Tterlikkis, Lam	06	096		DD	1.AI	A	30, 647			40, 454		29, 789	0100513802
18549-01A1 Roush, Marvin L	06	096		DR	1.AI	A	47, 563			62, 783		48, 359	0210820102
18690-01A1 Kern, David H	06	096		IM	1.AI	A	50, 000			66, 000		50, 000	0050222503
18695-01A1 Lerner, Leon M	06	096		DD	1.AI	A	36, 669			48, 403		36, 554	0335992616
18697-01A1 Wilson, Stephen	06	096	AA	CG	1.AI	A	28, 421			37, 515		27, 172	0150577805
18708-01A1 Carlson, Robert	06	106		DD	1.AI	A	19, 369			25, 567		25, 751	0245365652
18726-01A1 Brewer, Gregory	06	126		TB	1.AI	A	25, 047			33, 062		13, 376	0057636101
18733-01A1 Trainin, Nathan F	06	056		IM	1.A	A	64, 980		0	85, 773		69, 030	5209116201
18740-01A1 Wilson, J. Frank	06	106		RA	1.A	A	153, 692			202, 873		121, 602	0500046001
18746-01A1 Furth, John J	06	017		TB	1.A	A	25, 757			33, 999		26, 651	0396463801
18759-01A1 Carlson, Donald	06	126		RA	1.A	A	75, 280			99, 369		77, 916	0440578404
18801-01A1 Morre, D. James	06	017		TB	1.AI	A	75, 401			99, 529		63, 153	0156796301
18815-01A1 Zeitz, Louis	J7	047		RA	1.AI	A	56, 276			74, 284		59, 540	0337518401
18820-01A1 Brady, Al H	J7	047		CL	1.A	A	27, 879			36, 800		27, 879	0105221250
18875-01A1 Collins, Jeffre	06	126		VO	1.AI	A	35, 808			47, 266		28, 493	0342221101
18876-01A1 Kimelberg, Hard	06	017		TB	1.A	A	28, 275			37, 323		29, 283	0338455007
18877-01A1 Haber, Bernard	06	126		TB	1.AI	A	41, 359			54, 593		31, 759	0440578406
18890-01A1 Simpkins, Henry	06	126		VO	1.A	A	34, 566			45, 627		29, 689	0061727110
18891-01A1 Russell, Charlo	J7	017		TB	1.A	A	21, 562			28, 461		21, 799	0331605017
18895-01A1 Yeh, Chin-Lung	J7	047		DD	1.A	A	31, 715			41, 863		34, 252	005804270
18903-01A1 Hall, Stan S	06	096		DD	1.AI	A	53, 474			70, 585		38, 406	0317168750
18915-01A1 Shanmugam, Govi	06	126		VO	1.AI	A	47, 034			62, 084		45, 346	0267915401
18946-01A1 Thompson, Karen	J7	047		IM	1.A	A	59, 961			79, 148		61, 121	0051514301
18947-01A1 Pattillo, Rolan	06	126		IM	1.AI	A	48, 660			64, 231		45, 986	0500046001
18975-01A1 Hauswirth, Judi	06	017	AG	CG	1.A	A	43, 995			58, 073		39, 532	0217493601
18983-01A1 Lanks, Karl W	06	017		TB	1.AI	A	44, 430			58, 647		22, 945	0335992616
19022-01A1 Banerjee, Shail	06	126		TB	1.AI	A	30, 000			39, 600		30, 000	0337047101
19035-01 Machado, Emilio	06	016		IM	1.AI	A	64, 516			85, 161		59, 415	0430578304
19041-01A1 Secrist, John A	J7	047		DD	1.A	A	40, 189			53, 049		39, 129	0366218701
19044-01A1 DLuzio, Nicho	06	126		IM	1.AI	A	61, 373			81, 012		63, 472	0198424601
19081-01A1 Click, Robert E	06	096		IM	1.AI	A	48, 016			63, 381		47, 003	0245365601
19106-01A1 Strauss, Phylli	06	116		TB	1.A	A	33, 320			43, 982		35, 000	0226116101
19110-01A1 Redpath, John L	06	017		RA	1.A	A	47, 726			63, 011		40, 047	0145225001
19114-01A1 Gabbay, Edmond	J7	027		DD	1.A	A	29, 640			39, 124		37, 760	0100513806
19247-01A1 Parker, Kathlyn	J7	047		DD	1.A	A	27, 939			36, 879		29, 000	0401003201
19258-01A1 Dornfest, Burto	J7	047		IM	1.AI	A	27, 262			35, 985		28, 107	0335992616
19293-01A1 Wright, Stephen	J7	047		VO	1.A	A 23	64, 351			84, 943		59, 719	0450514002
19301-01 Frenster, John	06	056		TB	1.AI	A	35, 464			46, 812		40, 735	0057303601
19302-01A1 Gershwin, M Eri	C6	126		IM	1.AI	A	53, 620			70, 778		49, 808	0050577503
19305-01A1 Heiniger, Hans-	J7	017		IM	1.A	A	52, 065			68, 725		54, 310	0207096501
19306-01A1 Borden, Ernest	J7	047		VO	1.A	A	33, 049			43, 624		35, 438	0500578503
19313-01 Allen, James R	06	056	AE	CG	1.AI	A	20, 051			26, 467		25, 138	0500578503
19326-01A1 Yuhas, John M	J7	047		RA	1.A	A	66, 765			88, 129		64, 842	0325897601
19332-01A1 Maderazo, Eufro	J7	047		IM	1.AI	A	19, 256			25, 417		15, 907	0073201501
19339-01 Adair, Winston	06	056		TB	1.A	A	34, 761			45, 884		17, 845	0100513807
19355-01 Dicke, Karel A F	06	076		CL	1.AI	A	30, 000		0	39, 600		30, 000	6405797202
19357-01A1 Krueger, Robert	J7	047		IM	1.AI	A	26, 680			35, 217		25, 894	0362350301
19369-01A1 Paque, Ronald E	J7	047		IM	1.A	A	47, 962			63, 309		48, 698	0440578418
19374-01 Thomsen, Sharon	06	076	BE	CG	1.AI	A	33, 893			44, 738		28, 829	0105221250
19443-01A1 Schneller, Stew	J7	067		DD	1.AI	A	28, 096			37, 086		36, 033	0100513807
19482-01A1 Brodsky, Isador	J7	057		VO	1.AI	A	21, 690			28, 630		23, 431	0393133101

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost reccm-mended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recom-mended	State/ institute cost
19495-01 Lee, John A	06	076	------	EP	1.AI	A	191, 742	----------	----------	253, 099	----------	173, 344	0480861001
19498-01A1 Mukherji, Bijay	J7	047	------	IM	1.A	A	41, 938	----------	----------	55, 358	----------	45, 293	0220130301
19507-01A1 Oberley, Larry	J7	047	------	RA	1.A	A	37, 899	----------	----------	50, 026	----------	28, 767	0163972901
19511-01 Baxter, C Stuart	06	056	AF	CG	1.AI	A	37, 455	----------	----------	49, 440	----------	35, 524	0361569401
19518-01A1 Kalter, Harold	J7	017	------	CL	1.A	A	49, 302	----------	----------	65, 078	----------	49, 352	0360615001
19522-01 Elias, Peter M	06	056	------	TB	1.AI	A	26, 010	----------	----------	34, 333	----------	26, 940	0050577508
19577-01A1 Herzig, Geoffre	J7	047	------	CL	1.AI	A	48, 180	----------	----------	63, 597	----------	48, 452	0269083901
19596-01A1 Rotman, Marvin	J7	047,	------	RA	1.A	A	90, 107	----------	----------	118, 941	----------	91, 268	0335949901
19612-01A1 Tereba, Allan M	J7	047	------	VO	1.AI	A	55, 243	----------	----------	72, 920	----------	39, 074	0437893501
19614-01A1 Liu, Hsiao-Su	J7	057	------	CL	1.A	A	55, 659	----------	----------	73, 469	----------	60, 595	0226948301
19629-01A1 Fry, Francis J	J7	047	------	RA	1.A	A	71, 194	----------	----------	93, 976	----------	65, 524	0150666501
19661-01A1 Gabbay, Edmond	J7	027	------	DD	1.AI	A	35, 052	----------	----------	46, 268	----------	34, 052	0100513806
19695-01A1 Levino, Ruth R	J7	047	------	DD	1.AI	A	28, 704	----------	----------	37, 889	----------	28, 704	0220894901
19718-01A1 Stinnett, J Dwi	J7	047	------	IM	1.A	A	27, 981	----------	----------	36, 934	----------	29, 407	0361569401
19746-01A1 Vadlamudi, Babu	J7	057	BH	CG	1.AI	A	43, 380	----------	----------	57, 261	----------	36, 699	0100513804
19758-01 Yi, Pon N	06	076	------	RA	1.A	A	23, 204	----------	----------	30, 629	----------	23, 088	0142052001
19812-01A1 MacDonald, A B	J7	047	------	IM	1.AI	A	51, 196	----------	----------	67, 578	----------	55, 285	0223212902
19820-01A1 Barth, Rolf F	J7	047	------	IM	1.A	A	44, 486	----------	----------	58, 721	----------	47, 426	0174206604
19859-01A1 Hill, Lucius D	J7	047	------	CL	1.A	A	80, 841	----------	----------	106, 710	----------	80, 841	0480861001
19891-01 Kriss, Joseph P	06	056	------	TB	1.A	A	80, 107	----------	----------	105, 741	----------	65, 459	0058046501
19897-01 Alberts, David	06	056	------	DD	1.AI	A	45, 214	----------	----------	59, 682	----------	49, 960	0030490201
19904-01A1 Peters, Howard	J7	067	------	DD	1.AI	A	32, 189	----------	----------	42, 489	----------	34, 120	0058042701
19920-01A1 Rosenberg, Barb	06	126	------	TB	1.AI	A	34, 810	----------	----------	45, 949	----------	36, 013	0337518401
19945-01 Crist, Delanson	06	066	------	DD	1.AI	A	28, 110	----------	----------	37, 105	----------	30, 258	0092869001
19950-01A1 Gottlieb, Maris	J7	047	------	EP	1.AI	A	99, 946	----------	----------	131, 928	----------	127, 954	0198424601
19983-01A1 Lis, Adam W	J7	047	------	TB	1.AI	A	42, 450	----------	----------	56, 034	----------	43, 250	0386297007
20017-01A1 Rajewsky, Manfr F	J7	017	AD	CG	1.A	A	39, 280	----------	----------	51, 849	----------	39, 280	439104601
20041-01A1 Hogan, Edward L	06	017	------	IM	1.AI	A	52, 964	----------	----------	69, 912	----------	53, 743	0417575301
20048-01 Greene, William	06	056	------	IM	1.AI	A	22, 618	----------	----------	29, 855	----------	23, 393	0079420201
20049-01 Stock, Leon M	06	096	AF	CG	1.A	A	23, 956	----------	----------	31, 621	----------	23, 956	0141413601
20055-01 Panet, Amos F	06	017	------	VO	1.A	A	30, 120	----------	0	39, 758	----------	34, 564	5203283201
20088-01 Witz, Isaac P F	06	086	------	IM	1.A	A	52, 160	----------	0	68, 851	----------	59, 979	5208234901
20108-01A1 Chang, Robert S	06	126	------	IM	1.A	A	44, 378	----------	----------	58, 578	----------	44, 386	0050577503
20109-01A1 Galant, Stanley	06	126	------	IM	1.A	A	30, 167	----------	----------	39, 820	----------	32, 872	0050577504
20113-01A1 Capra, J Donald	06	076	------	IM	1.A	A	36, 960	----------	----------	48, 787	----------	37, 705	0440578404
20122-01 Armstrong, Rosa	06	126	AC	CG	1.A	A	45, 237	----------	----------	59, 712	----------	47, 285	0050577508
20126-01 Ginsburg, Haim F	06	097/127	------	IM	1.AI	A	42, 100	----------	0	55, 572	----------	38, 700	5203999501
20137-01 Gracy, Robert W	J7	096	------	TB	1.AI	A	22, 350	----------	----------	29, 502	----------	23, 100	0446108501
20144-01 Skibba, Joseph	06	106	------	CL	1.AI	A	34, 622	----------	----------	45, 701	----------	36, 868	0500046001
20151-01 Talaty, Erach R	06	027	------	DD	1.AI	A	30, 351	----------	----------	40, 063	----------	30, 261	0179262501
20153-01 Engel, Eric	06	126	------	TB	1.AI	A	22, 804	----------	----------	30, 101	----------	24, 154	0438721001
20154-01 Kersey, John H	J7	096	------	IM	1.A	A	50, 000	----------	----------	66, 000	----------	50, 000	0245365601
20155-01 Brawn, R James	06	126	------	IM	1.AI	A	51, 054	----------	----------	67, 391	----------	58, 915	0057375801
20157-01 Humphreys, Robe	J7	096	------	IM	1.A	A	26, 510	----------	----------	34, 993	----------	27, 206	0220850903
20160-01 Hirschman, Shal	06	096	------	VO	1.AI	A	34, 600	----------	----------	45, 672	----------	34, 080	0331605015
20166-01 Criss, Wayne E	06	126	------	TB	1.AI	A	42, 400	----------	----------	55, 968	----------	42, 100	0093499801
20167-01 Normann Sigurd	06	076	------	TB	1.A	A	39, 000	----------	----------	51, 480	----------	41, 340	0100513806
20184-01 Simon, Edward H	06	096	------	VO	1.AI	A	25, 744	----------	----------	33, 982	----------	28, 595	0156797301
20188-01 Hayry, Pekka J F	06	096	------	IM	1.A	A	58, 900	----------	0	77, 748	----------	51, 150	4153298401
20191-01 Byfield, John E	06	126	------	IM	1.AI	A	24, 775	----------	----------	32, 703	----------	27, 525	0050222503
20199-01 Fujimori, Eiji	06	126	AB	CG	1.AI	A	49, 660	----------	----------	65, 551	----------	49, 600	0220478001
20201-01 Katz, Morris F	06	066	AE	CG	1.AI	A	56, 867	----------	0	75, 064	----------	49, 764	3159441101
20202-01 Butler, George	06	096	------	DD	1.AI	A	28, 368	----------	----------	37, 445	----------	28, 717	0100513806
20211-01 Dodge, Alice H	06	096	------	TB	1.AI	A	48, 043	----------	----------	63, 416	----------	43, 457	0051074501
20213-01 Negin, Michael	06	106	------	DR	1.AI	A	61, 460	----------	----------	81, 127	----------	71, 722	0392205901
20217-01 Berteaud, Andre F	06	017	------	DR	1.AI	A	114, 900	----------	0	151, 668	----------	37, 200	4201303401
20218-01 Daniels, Malcol	06	096	------	RA	1.A	A	47, 891	----------	----------	63, 216	----------	33, 229	0386297004
20219-01 Litwack, Gerald	06	096	AG	CG	1.A	A	46, 223	----------	----------	61, 014	----------	43, 823	0398240301
20220-01 Waite, Marilynn	06	017	------	VO	1.A	A	48, 045	----------	----------	63, 419	----------	39, 760	0440578403
20221-01 Hoffman, Robert	06	096	AA	CG	1.A	A	29, 884	----------	----------	39, 446	----------	21, 757	0325895701
20237-01 Carper, William	06	017	------	TB	1.AI	A	32, 768	----------	----------	43, 253	----------	25, 099	0179262501
20241-01 Furth	J7	106	BE	CG	1.A	A	38, 600	----------	----------	50, 952	----------	38, 600	0331742301
20245-01 Alexander, C	06	096	AA	CG	1.A	A	28, 562	----------	----------	37, 701	----------	25, 903	0010104501
20256-01 Anderson, Norma	06	076	------	IM	1.A	A	49, 027	----------	----------	64, 715	----------	51, 951	0214134401
20257-01A1 Wong, Chiu-ming F	J7	047	------	DD	1.AI	A	30, 900	----------	----------	40, 788	----------	30, 900	3154793702
20262-01 Gusdon, John P	06	126	------	IM	1.AI	A	62, 958	----------	----------	83, 104	----------	61, 286	0349021201
20267-01 Weiss, Noel S	06	126	------	EP	1.AI	A	140, 675	----------	----------	185, 691	----------	112, 620	0480861001
20274-01 Erickson, John	06	126	------	TB	1.AI	A	40, 900	----------	----------	53, 988	----------	43, 814	0399351801
20278-01 Hercules, K	06	096	------	VO	1.AI	A	32, 150	----------	----------	42, 438	----------	16, 900	0065720901
20279-01 Wells, Robert D	06	017	------	VO	1.A	A	69, 127	----------	----------	91, 247	----------	64, 062	0500578503
20281-01 Wheeler, Glynn	06	016	------	DD	1.A	A	79, 823	----------	----------	105, 366	----------	78, 291	0017657001
20285-01 Marvell, Elliot	06	096	------	DD	1.A	A	30, 605	----------	----------	40, 398	----------	28, 975	0386297004
20286-01 Ceriani, Robert	06	126	------	DR	1.AI	A	64, 709	----------	----------	85, 415	----------	77, 036	0051514301
20289-01 Uyeki, Edwin M	06	017	------	DD	1.A	A	32, 615	----------	----------	43, 051	----------	35, 019	0174206604
20291-01 Castle, Raymond	J7	096	------	DD	1.AI	A	32, 483	----------	----------	42, 877	----------	34, 238	0450951901
20293-01 Logue, Marshall	06	126	------	DD	1.AI	A	24, 482	----------	----------	32, 316	----------	25, 910	0210820103
20294-01 Levy, Daniel	06	126	------	TB	1.AI	A	59, 019	----------	----------	77, 905	----------	57, 461	0057636101
20297-01 Juchau, Mont R	06	106	AG	CG	1.AI	A	92, 371	----------	----------	121, 929	----------	64, 694	0489087701
20298-01 Costlow, Mark E	06	106	BE	CG	1.A	A	34, 971	----------	----------	46, 161	----------	32, 465	0437893501
20300-01 Gasic, Gabriel	06	126	------	TB	1.AI	A	60, 452	----------	----------	79, 796	----------	68, 149	0396463801
20301-01 Lanks, Karl W	06	017	------	TB	1.AI	A	40, 095	----------	----------	52, 925	----------	22, 955	0335992616
20304-01 Lyle, Robert E	06	096	AA	CG	1.AI	A	27, 645	----------	----------	36, 491	----------	26, 315	0300830102
20305-01 Wolberg, William	06	017	------	DD	1.AI	A	38, 252	----------	----------	40, 492	----------	42, 077	0500578503
20307-01 Griffin, Martin	06	126	------	TB	1.AI	A	20, 000	----------	----------	26, 400	----------	20, 000	0376239610
20308-01 Abul-Hajj, Yusu	06	096	BE	CG	1.AI	A	10, 700	----------	----------	14, 124	----------	11, 000	0245365601
20311-01 Miller, R. Bryan	06	096	------	DD	1.AI	A	26, 240	----------	----------	34, 636	----------	23, 124	0050577503
20316-01 Champoux, James	06	017	------	VO	1.AI	A	33, 576	----------	----------	44, 320	----------	32, 960	0489087701
20317-01 Weintraub, H	06	126	------	VO	1.A	A	52, 802	----------	----------	69, 698	----------	42, 442	0316661401
20334-01 Feder, Bernard	06	106	------	RA	1.AI	A	43, 284	----------	----------	57, 134	----------	44, 101	0057636101
20335-01 Gerard, Gary F	06	126	------	VO	1.A	A	47, 823	----------	----------	63, 126	----------	50, 774	0267915401
20338-01 Knowles, H	06	096	------	RA	1.AI	A	26, 863	----------	----------	35, 459	----------	28, 504	0489082001
20339-01 Preedy, John R	06	096	BE	CG	1.AI	A	28, 100	----------	----------	37, 092	----------	28, 100	0112384501
20340-01 Hoffee, P	06	017	------	TB	1.AI4	A	43, 800	----------	----------	57, 816	----------	41, 700	0396562601
20341-01 Levy, Stuart B	06	017	------	TB	1.A	A	26, 391	----------	----------	34, 836	----------	24, 909	0220130301
20342-01 Lentz, Barry R	06	017	------	TB	1.AI	A	18, 915	----------	----------	24, 967	----------	24, 783	0340578206
20350-01 Turner, Robert	06	096	------	TB	1.A	A	34, 612	----------	----------	45, 687	----------	23, 887	0079140901
20351-01 Hohmann, Philip	06	126	------	TB	1.A	A	50, 921	----------	----------	67, 215	----------	27, 640	0335966005
20352-01 Craig, Hessly C	06	017	------	TB	1.A	A	37, 994	----------	----------	50, 152	----------	30, 579	0210820103
20354-01 Rittenhouse, H	06	126	------	IM	1.A	A	31, 190	----------	----------	41, 170	----------	43, 523	0235249701
20356-01 Stellwagen, R	06	126	------	TB	1.AI	A	31, 003	----------	----------	40, 923	----------	29, 003	0057636101
20358-01 Adir, Joseph	06	096	AI	CG	1.AI	A	36, 000	----------	----------	47, 520	----------	35, 762	0210820104
20359-01 Astrin, Susan M	06	126	------	VO	1.AI	A	35, 750	----------	----------	47, 190	----------	33, 570	0393670801
20363-01 Kramer, Simon	06	076	------	RA	1.A	A	34, 500	----------	----------	45, 540	----------	0	0394050801
20368-01 Leavitt, Wendell	06	017	BE	CG	1.A	A	34, 279	----------	----------	45, 248	----------	37, 841	0361569401

NATIONAL CANCER INSTITUTE, FISCAL YEAR 1977, UNFUNDED GRANT APPLICATIONS AS OF MAR. 30, 1977—Continued

ALL PROGRAMS BY TYPE AND GRANT NUMBER (INCLUDES EST. IND. COSTS)—UNFUNDED APPROVALS—Continued

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
TRADITION PROGRAM—ROI—NEW—Continued													
20380-01 Rao, Dandamudi	06	126		DR	1.AI	A	24,211			31,958		18,384	0310714201
20383-01 McGowan, Larry	06	126		EP	1.AI	A	42,000			55,440		0	0092863301
20392-01 Levinson, W	06	096		VO	1.AI	A	40,587			53,574		42,824	0050577508
20393-01 Budinger, T	06	126		RA	1.A	A	95,000			125,400		90,530	0050577502
20402-01 Mathews, C	06	017		TB	1.AI	A	23,150			30,558		25,000	0030490201
20411-01 Huebner, F. Kay	06	126		VO	1.AI	A	49,535			65,386		53,310	0399340401
20412-01 Gear, Adrian R	06	126		TB	1.AI	A	35,594			46,984		30,470	0478975601
20416-01 Corwin, Laurenc	06	126		CL	1.A	A	108,593			143,342		113,656	0220894901
20420-01 Allen, Howard J	06	126		TB	1.AI	A	25,300			33,396		23,300	0335966005
20425-01 Acton, Edward M	06	116		DD	1.A	A	36,519			48,205		39,441	0058042701
20426-01 Jasmin, Claude F	06	056		VO	1.AI	A	58,000		0	76,560		69,855	4201622601
20427-01 Chinnadurai, Go	06	126		VO	1.A	A	38,148			50,355		38,885	0267915401
20430-01 Freeman, M. Jame	06	106		IM	1.AI	A	40,000			52,800		40,000	0156736301
20434-01 Burk, Peter G	06	126		TB	1.A	A	57,565			75,985		61,377	0335451101
20454-01 Chan, Samuel H	06	126		TB	1.A	A	33,700			44,484		30,100	0338187101
20455-01 Wilson, Stephen	06	096	AE	CG	1.AI	A	23,950			31,614		22,915	1050577805
20456-01 Brubaker, Georg	06	017		DD	1.AI	A	24,464			32,292		25,688	0143553001
20457-01 Bucovaz, Edsel	J7	126	AB	CG	1.A	A	26,702			35,246		26,702	0430578302
20458-01 Russell, Percy	06	126		TB	1.AI	A	16,277			21,485		17,497	0050577507
20460-01 Chu, Shih-Hsi	06	017		DD	1.A	A	27,980			36,933		29,376	0401003201
20465-01 Cohen, Jordan L	06	017		CL	1.A	A	43,425			57,321		44,287	0057636101
20467-01 Cheung, Augusti	06	106		CL	1.AI	A	55,104			72,737		54,223	0210820104
20468-01 Avadhani, Naray	06	086		TB	1.AI	A	30,389			40,113		32,801	0396463801
20474-01 Saffhill, Roy F	06	047	AJ	CG	1.AI	A	18,782		0	24,792		19,752	8341548501
20475-01 Morris, Carl R	06	126		DD	1.AI	A	41,785			55,156		37,680	0430578302
20476-01 Pinnick, Harold	06	017		DD	1.AI	A	18,212			24,039		18,212	0110676602
20477-01 Strauss, Michae	06	017		DD	1.AI	A	24,710			32,617		22,475	0468738101
20481-01 Taylor, John M	06	126		VO	1.A	A	42,150			55,638		39,250	0393670801
20488-01 Disaia, Philip	06	017		IM	1.AI	A	43,916			57,969		47,915	0057636101
20489-01 Cotropia, Josep	06	126		IM	1.A	A	52,452			69,236		36,483	0440578407
20491-01 Kitchell, Barba	06	096		DD	1.AI	A	26,759			35,321		20,115	0342221101
20492-01 Davis, William	06	126		IM	1.AI	A	41,943			55,364		42,039	0489082001
20495-01 Brennan, James	06	017		CL	1.AI	A	48,472			63,983		47,143	0337047101
20498-01 Cross, Sue S	J7	126		VO	1.A	A	48,650			64,218		45,463	0470353201
20502-01 Greenwald, Pete	06	126		EP	1.A	A	97,664			128,916		104,955	0335966001
20504-01 Verbit, Lawrenc	06	017	AA	CG	1.AI	A	16,297			21,512		16,395	0335992621
20505-01 Wilson, John H	06	106		VO	1.A	A	36,751			48,511		40,222	0440481201
20508-01 Gillette, Ronal	06	116		IM	1.AI	A	57,276			75,604		48,450	0120820005
20511-01 Raich, Peter C	06	017		CL	1.AI	A	32,983			43,537		29,251	0500578503
20522-01 Hayes, John A	06	076	AC	CG	1.A	A	32,181			42,478		28,255	0222012690
20541-01 Malarkey, Willi	06	126		CL	1.AI	A	14,703			19,407		14,703	0366218701
20547-01 Hadley, Mac E	06	017		TB	1.A	A	51,650			68,178		42,400	0030490201
20550-01 Righthand, V. Fa	06	096		VO	1.AI	A	23,016			30,381		21,849	0239110501
20552-01 Rosowsky, Andre	06	116		DD	1.A	A	43,575			57,519		44,178	0221464901
20554-01 Matney, Thomas	06	086	AF	CG	1.AI	A	30,000			39,600		20,000	0440578417
20561-01 Roth, Sanford I	06	017	AI	CG	1.AI	A	54,250			71,610		59,940	0040497850
20562-01 Rovera, Giovann	06	126		TB	1.A	A	30,000			39,600		32,400	0399340401
20566-01 Morrow, Kenneth	06	116		TB	1.AI	A	23,055			30,432		24,075	0448285901
20570-01 Leduc, Elizabet	06	017		DD	1.AI	A	60,758			80,200		65,625	0401003201
20577-01 Douple, Evan B	06	126	BE	CG	1.AI	A	22,699			29,962		24,471	0302021601
20580-01 Schlessinger, R	J7	126		DD	1.A	A	32,675			43,131		32,675	0337047101
20583-01 Galkin, Benjami	06	126		DR	1.AI	A	38,132			50,334		40,303	0394050801
20587-01 Donaghey, Charl	06	106		EP	1.II	A	33,779			44,588		0	0443490301
20589-01 Smith, Bruce J	06	126		IM	1.A	A	44,400			58,608		39,500	0393670801
20590-01 Speck, William	06	126	AJ	CG	1.A	A	50,113			66,149		50,841	0331742301
20591-01 Faras, Anthony	06	096		VO	1.AI	A	28,750			37,950		30,300	0245365601
20593-01 Nias, Anthony H. F	06	106		RA	1.A	A	41,946		0	55,368		35,752	8341116901
20596-01 Formica, Joseph	06	096		DD	1.AI	A	25,884			34,166		19,134	0470353201
20600-01 Dougherty, Thom	06	126	BK	CG	1.AI	A	50,134			66,176		27,899	0335966005
20602-01 Sosnovsky, Geor	06	017		DD	1.A	A	13,526			17,854		14,277	0500578501
20604-01 Wolf, Walter	06	126	BK	CG	1.AI	A	34,395			45,401		34,740	0057636101
20606-01 Wenner, Charles	06	126	AE	CG	1.AI	A	44,462			58,689		37,468	0335966005
20608-01 Jiang, Nai-Sian	06	126		TB	1.AI	A	30,950			40,854		31,830	0244976111
20619-01 Sack, George H	06	126		VO	1.A	A	54,135			71,458		52,977	0214134414
20621-01 Malkinson, Alvi	06	096		TB	1.A	A	36,241			47,838		40,068	0245365601
20622-01 Rosner, Anthony	06	017	BE	CG	1.AI	A	39,925			52,701		43,171	
20624-01 Lemon, Henry M	06	096	AG	CG	1.AI	A	32,340			42,688		35,924	0280578100
20628-01 Purdy, Robert H	06	037		DD	1.AI	A	43,700			57,684		44,150	0447660800
20630-01 Kimball, Paul C	06	126		VO	1.AI	A	32,454			42,839		27,155	0366218700
20634-01 Irwin, David	06	126		TB	1.AI	A	24,449			32,272		22,481	0224907700
20636-01 Shier, W. Thomas	06	126		TB	1.A	A	37,900			50,028		47,000	0057210031
20637-01 Suld, Helga M	06	126		DD	1.AI	A	24,600			32,472		23,100	0394050817
20638-01 Ortez, Richard	06	116		IM	1.AI	A	27,570			36,392		28,026	0440578401
20639-01 Kano-Sueoka, TA	06	116		TB	1.AI	A	40,000			52,800		40,000	0061727101
20641-01 Civan, Mortimer	06	096		TB	1.AI	A	46,278			61,086		33,275	0396463811
20646-01 Fischer, Harry	06	107		DR	1.AI	A	18,823			24,846		0	0337047101
20653-01 Jeffery, Willia	06	017		TB	1.A	A	54,484			71,918		40,770	0443490301
20664-01 Abeloff, Martin	J7	126		CL	1.AI	A	39,380			51,981		27,618	0214134401
20667-01 Goldstein, Alla	06	126		IM	1.A	A	36,000			47,520		38,100	0440578411
20668-01 Rembaum, Alan	06	106		TB	1.A	A	39,150			51,678		41,439	0051073507
20670-01 Stiles, Charles	06	106		TB	1.AI	A	83,450			110,154		59,003	0221464901
20672-01 Yam, Lung T	06	017		CL	1.AI	A	30,820			40,682		28,351	0180481001
20673-01 Shiku, Hiroshi	06	126		IM	1.A	A	30,900			40,788		33,021	0337518400
20675-01 Andrulis, Peter	J7	126		DD	1.AI	A	43,182			57,000		47,584	0210884200
20676-01 Sternlight, Him	06	126		DD	1.A	A	47,464			62,652		37,395	0360218621
20677-01 Goodman, Sarah	06	116		IM	1.A	A	36,022			47,549		32,578	0112384511
20678-01 Smith, Ralph E	06	126		VO	1.AI	A	33,669			44,443		31,491	0342221110
20683-01 Eliceiri, Georg	06	126		TB	1.A	A	48,381			63,862		42,031	0267915480
20693-01 Nilsen-Hamilton	06	126		TB	1.A	A	28,500			37,620		29,400	0057210000
20694-01 Soslau, Gerald	06	017		VO	1.AI	A	39,425			52,041		22,038	0393133101
20695-01 Wade, Adelbert	06	126	AL	CG	1.A	A	24,775			32,703		23,919	0110676611
20696-01 Lipton, Allan	06	126		IM	1.AI	A	50,700			66,924		47,600	0396461901
20701-01 Helquist, Paul	06	017		DD	1.A	A	34,304			45,281		33,283	0335992616
20704-01 Aposhian, H. Vas	06	126		VO	1.AI	A	36,572			48,275		37,706	0030490202
20707-01 Martin, Gail R	06	126		TB	1.AI	A	73,966			97,635		55,454	0050577502
20709-01 Gams, Richard A	06	076		TB	1.AI	A	35,220			46,490		32,583	0010556601
20714-01 Gaudin, David	06	096		CL	1.AI	A	28,074			37,057		31,521	0010556601
20718-01 Oegema, Theodor	06	017		TB	1.A	A	57,671			76,125		42,028	0245365601
10719-01 Pincus, Jack H	06	106		TB	1.AI	A	37,555			49,572		32,784	0058142701

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
20730-01 Yau, Tom M	06	096	------	TB	1.AI	A	30,000			39,600		31,534	0360218601
20734-01 Bankert, Richar	06	126	------	IM	1.A	A	42,928			56,664		47,161	0335966005
20735-01 Tompkins, Wayne	06	116	------	IM	1.A	A	48,697			64,280		46,364	0140577704
20744-01 Talmage, David	06	126	------	IM	1.A	A	42,873			56,592		46,466	0061727110
20753-01 A1 Abramson, Fred	J7	047	------	CL	1.AI	A	26,384			34,826		28,991	0092863301
20758-01 Mickey, Don D	06	116	------	IM	1.AI	A	25,608			33,802		25,991	0342221101
20760-01 Maguire, Henry	06	106	------	IM	1.A	A	51,121			67,479		50,513	0393133101
20766-01 Abramson, Maxwe	06	116	------	TB	1.A	A	50,600			66,792		52,850	0163972901
20770-01 Larsen, William	06	116	------	TB	1.AI	A	34,791			45,924		31,121	0163972901
20773-01 Fichter, Kennet	06	126	------	DD	1.AI	A	37,673			49,728		40,310	0210884201
20776-01 Rosenberg, Howa	06	126	------	DD	1.AI	A	34,900			46,068		37,480	0360218601
20778-01 Munson, Benjami	06	126	------	TB	1.AI	A	18,923			24,978		19,576	0335966001
20780-01 Chang, William	06	017	------	DD	1.AI	A	31,358			41,392		34,300	0331605015
20783-01 Rifkind, Arleen	J7	096	AF	CG	1.AI	A	45,000			59,400		45,000	0331903807
20787-01 Neubort, Simon	06	126	AJ	CG	1.AI	A	31,290			41,302		34,101	0339433501
20792-01 Loew, Gilda H	06	096	AA	CG	1.AI	A	30,000			39,600		32,000	0058046501
20797-01 Swartz, Harold	06	106	------	TB	1.A	A	38,360			50,635		37,845	0500046001
20798-01 Zamir, Lolita O	06	126	AA	CG	1.A	A	33,621			44,379		28,023	0335992621
20804-01 Nath, Amar	06	017	AI	CG	1.AI	A	31,900			42,108		33,738	0392205901
20806-01 DeMarchi, Jean	06	126	------	VO	1.A	A	52,860			69,775		44,434	0438721001
20829-01 Foker, John E	J7	126	------	TB	1.AI	A	27,397			36,164		27,397	0245365601
20830-01 A1 DeGraw, Joseph	J7	047	------	DD	1.A	A	41,499			54,778		44,819	0058042701
20831-01 Inoue, Susumu	06	116	------	CL	1.A	A	45,730			60,363		40,485	0231510501
20834-01 Colvin, Michael	06	126	------	DD	1.A	A	43,881			57,922		46,783	0214134401
20837-01 Lin, Teh P	06	096	------	VO	1.AI	A	45,139			59,583		49,652	0050577508
20839-01 Fiel, Robert J	06	126	------	CL	1.AI	A	20,000			26,400		22,000	0335966001
20844-01 Rein, Robert	06	016	AB	CG	1.AI	A	29,500			38,940		30,500	0335966005
20845-01 Brunner, Michae	06	047	------	VO	1.AI	A	54,574			72,037		54,579	0337839401
20851-01 Geacintov, Nich	06	106	AB	CG	1.A	A	73,098			96,489		53,890	0335998301
20858-01 Allerton, Samue	06	017	------	TB	1.AI	A	36,980			48,813		37,374	0057636101
20860-01 Wilson, Raphael	06	017	------	CL	1.AI	A	39,475			52,107		34,602	0440481201
20883-01 Secrist, John A	06	126	------	DD	1.AI	A	27,155			35,844		25,365	0366218701
20893-01 Flanagan, Thoma	06	017	------	VO	1.AI	A	31,185			41,164		23,469	0335992601
20915-01 Specter, Steven	J7	017	------	IM	1.AI	A	27,700			36,564		28,928	0390133014
20924-01 Cohen, Maimom M.F	J7	017	------	TB	1.AI	A	45,000			59,400		47,250	5203283201
20965-01 Houck, John C	06	017	------	TB	1.AI	A	61,834			81,620		0	0488961401
20990-01 Sinnhuber, Russ	06	096	AL	CG	1.A	A	47,990			63,346		52,273	0386297004
21005-01 Cheeke, Peter R	06	096	AE	CG	1.AI	A	35,175			46,431		35,175	0386297004
21035-01 Loan, Raymond W	J7	017	------	IM	1.AI	A	42,052			55,508		40,571	0260578002
21039-01 Dawson, Peter J	06	017	------	VO	1.AI	A	49,600			65,472		50,864	0141413601
21040-01 Holt, Patrick G. F	J7	017	------	IM	1.AI	A	31,136			41,099		26,995	2409172201
21046-01 Herman, Peter G	J7	047	------	DR	1.A	A	40,669			53,683		36,346	0221080402
21048-01 Lee, John A	J7	017	------	EP	1.A	A	40,932			54,030		0	0489087701
21049-01 Divekar, Ashok	J7	017	------	DD	1.A	A	40,100			52,932		22,700	1700578705
21053-01 Shin, Hyun S	J7	047	------	IM	1.A	A	40,356			53,269		33,558	0214134401
21057-01 Zucker, Stanley	J7	067	------	CL	1.A	A	44,768			59,093		42,496	0335992612
21088-01 Berenblum, Isaa F	J7	047	AD	CG	1.A	A	37,000			48,840		43,300	5209116201
21090-01 Brine, George A	J7	067	------	DD	1.A	A	31,526			41,614		32,286	0346939101
21097-01 Carroll, Kennet F	J7	017	AL	CG	1.AI	A	16,600			21,912		17,900	3159197901
21103-01 Lindahl, Ronald	J7	017	BF	CG	1.AI	A	43,434			57,332		43,123	0010104501
21105-01 Levy, Julia G F	J7	047	------	IM	1.A	A	26,599			35,110		23,815	3150957601
21106-01 Lin, Tong Ming F	J7	106	------	EP	1.A	A	9,300			12,276		9,690	3355763501
21113-01 Logan, Wende W	06	036	------	DR	1.AI	A	13,025			17,193		12,711	0335966005
21118-01 Sadler, John R	06	126	------	VO	1.AI	A	40,599			53,590		28,472	0061727110
21128-01 Naor, David F	J7	017	------	IM	1.A	A	25,731			33,964		25,731	5203283201
21133-01 Koenig, Virgil	J7	047	------	IM	1.AI	A	20,000			26,400		20,000	0440578406
21137-01 Magnus, Philip	J7	047	------	DD	1.A	A	20,652			27,260		22,704	0366218701
21140-01 Huang, Chian L	J7	126	------	DD	1.AI	A	24,144			31,870		25,014	0239110501
21144-01 Little, R Danie	J7	047	------	DD	1.A	A	28,760			37,973		28,856	0050577509
21145-01 Dauphinee, Mich	J7	047	------	IM	1.A	A	37,166			49,059		35,833	0050577508
21146-01 Waite, B Mosele	J7	047	------	VO	1.A	A	35,850			47,322		31,254	0349021201
21148-01 Loh, Philip C	J7	047	------	VO	1.A	A	34,926			46,102		34,907	0120820005
21149-01 Richters, Arnis	J7	047	------	IM	1.AI	A	28,000			36,960		28,000	0057636101
21150-01 Sydiskis, Rober	J7	047	------	VO	1.AI	A	5,525			7,293		0	0210870104
21152-01 Lebreton, Pierr	J7	047	AA	CG	1.AI	A	23,602			31,154		20,308	0140577702
21155-01 Shanbour, Linda	J7	037	AB	CG	1.AI	A	33,196			43,818		35,670	0440578417
21158-01 Voigt, Walter	J7	047	AD	CG	1.AI	A	32,984			43,538		34,181	0105221250
21162-01 Dunkerton, Lois	J7	017	------	DD	1.A	A	14,401			19,009		20,113	0057636101
21163-01 Heathcock, Clay	J7	047	------	DD	1.A	A	19,748			26,067		21,983	0050577502
21164-01 Rosler, Karl H	J7	047	------	DD	1.AI	A	14,568			19,229		15,630	0210820104
21165-01 Wu, Guang-Jer	J7	047	------	VO	1.A	A	29,270			38,636		44,209	0112384501
21189-01 Kite, Joseph H	J7	047	------	IM	1.A	A	26,536			35,027		25,200	0335992614
21196-01 Raska, Karel, J	J7	037	------	VO	1.A	A	50,674			66,889		45,278	0310714203
21197-01 Knesek, John E	J7	057	------	VO	1.AI	A	34,821			45,963		37,731	0440578407
21199-01 Kornel, Ludwig	J7	017	BE	CG	1.AI	A	39,080			51,585		36,400	0146644302
21200-01 Olson, Carl	J7	047	------	VO	1.A	A	55,639			73,443		58,596	0500578503
21201-01 Peavy, Duane L	J7	047	------	IM	1.A	A	30,675			40,491		30,717	0440481201
21202-01 Frelinger, Jeff	J7	047	------	IM	1.A	A	25,000			33,000		25,000	0057636101
21203-01 El Khadem, Hass	J7	047	------	DD	1.AI	A	43,797			57,812		48,500	0235230701
21204-01 Kyba, Evan P	J7	047	------	DD	1.A	A	21,652			28,580		22,052	0440578403
21205-01 Cargill, Robert	J7	047	------	DD	1.A	A	27,335			36,082		26,923	0417584801
21206-01 McSharry, Jame	J7	047	------	VO	1.AI	A	30,200			39,864		29,450	0338455007
21209-01 Lightbody, Jame	J7	067	------	IM	1.AI	A	35,080			46,305		27,560	0239110501
21214-01 Klooman, Gilles	J7	047	------	DD	1.AI	A	47,038			62,090		44,011	0360218601
21216-01 Gillettee, Ronal	J7	047	------	IM	1.AI	A	51,807			68,385		49,314	0120820005
21217-01 Manly, Kenneth	J7	047	------	VO	1.A	A	47,758			63,040		47,707	0335966001
21220-01 Molinari, John	J7	047	------	TB	1.AI	A	24,250			32,010		24,696	0396562601
21246-01 Chung, Albert E	J7	017	------	TB	1.A	A	59,348			78,339		54,234	0396562601
21258-01 Bresnick, Edwar	J7	047	AD	CG	1.A	A	52,989			69,945		52,189	0468738101
21262-01 Horn, Diane	J7	027	------	TB	1.A	A	47,872			63,191		35,710	0057636101
21276-01 Amsel, Jonathan	J7	017	------	EP	1.A	A	60,116			79,353		61,250	0140577703
21277-01 Sheffield, Joel	J7	047	------	VO	1.A	A	37,071			48,933		39,399	0317603801
21279-01 Cooper, Sheldon	J7	047	------	IM	1.A	A	52,872			69,791		49,533	0057636101
21281-01 Song, Chang W	J7	047	------	RA	1.A	A	39,452			52,076		39,632	0245365601
21283-01 Dixon, Robert L	J7	047	------	RA	1.A	A	99,123			130,842		47,216	0349021201
21286-01 Durocher, John	J7	047	------	DR	1.A	A	46,725			61,677		42,388	0396456201
21289-01 McCormick, J	J7	047	AF	CG	1.A	A	45,840			45,508		45,840	0235245901
21293-01 Reeves, William	J7	017	------	IM	1.AI	PA	43,388			57,272		49,592	0489087701
21297-01 Santos, George	J7	047	------	IM	1.AI	A	50,000			66,000		50,000	0214134401
21298-01 Gray, Allen P	J7	047	AA	CG	1.AI	A	40,049			52,864		40,049	0140962701
21299-01 Gordon, Robert	J7	047	AE	CG	1.AI	A	76,627			101,147		56,720	0057636101
21302-01 Khoobyarian, Ne	J7	017	------	VO	1-AI	A	20,000			26,400		21,600	0140577703
21306-01 Falconer, David	J7	027	------	DR	1.AI	A	37,031			50,200		37,539	0058042701
21307-01 Kellermann, Got	J7	047	BF	CG	1.A	A	58,148			76,755		56,201	0500578503

NATIONAL CANCER INSTITUTE, FISCAL YEAR 1977, UNFUNDED GRANT APPLICATIONS AS OF MAR. 30, 1977—Continued

ALL PROGRAMS BY TYPE AND GRANT NUMBER (INCLUDES EST. IND. COSTS)—UNFUNDED APPROVALS—Continued

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
TRADITION PROGRAM—ROI—NEW—Continued													
21308-01 Cramer, Roger E	J7	047		DD	1.A	A	25,624			33,823		27,250	0120820005
21310-01 Lerner, Michael	J7	047		IM	1.AI	A	25,020			33,026		29,842	0376247204
21312-01 Gutai, Mary W	J7	047		VO	1.A	A	56,446			74,535		41,318	0335966005
21313-01 Khoury, Allan T	J7	047		VO	1.AI	A	54,650			72,138		60,685	0399340401
21314-01 Brian, David A	J7	017		VO	1.AI	A	49,662			65,553		37,005	0430578304
21319-01 Damsky, Carolin	J7	047		VO	1.A	A	46,200			60,984		49,415	0399340401
21320-01 Michael J. Gabr	J7	116		IM	1.A	A	28,983			38,257		31,929	0361569401
21323-01 Dermer, Gerald	J7	017	BF	CG	1.A	A	22,100			29,172		23,300	0052941201
21325-01 Warren, John R	J7	047		IM	1.A	A	33,556			44,293		26,982	0146144650
21326-01 Erickson, Raymo	J7	047		VO	1.A	A	31,622			41,741		32,121	0061727110
21329-01 Cohen, Irun R F	J7	047		IM	1.A	A	56,740			74,896		56,740	5209116201
21330-01 Hsu, Clement C	J7	047		IM	1.AI	A	53,152			70,160		48,481	0146144601
21331-01 Abdou, Nabih I	J7	047		IM	1.AI	A	58,180			76,797		42,352	0174206504
21333-01 Ruddle, Nancy H	J7	047		VO	1.A	A	39,268			51,833		45,349	0079420201
21339-01 Zimmer, Stephen	J7	047		VO	1.A	A	42,060			55,519		37,043	0182793601
21340-01 Pilch, Yosef H	J7	047		IM	1.AI	A	110,331			145,636		103,621	0040577507
21343-01 Fratiello Anth	J7	017		DD	1.AI	A	22,896			30,222		29,015	0050513619
21344-01 Loew, Leslie M	J7	047		TB	1.A	A	24,019			31,705		19,250	0335992621
21345-01 Zon, Gerald	J7	067		DD	1.AI	A	17,832			23,538		17,061	0091214101
21350-01 Landers, Terry	J7	077		VO	1.A	A	43,288			57,140		28,262	0440578417
21360-01 Spitalny, Georg	J7	027		IM	1.A	A	57,785			76,276		62,392	0338409401
21361-01 Bhattacharyya	J7	037		IM	1.AI	A	28,216			37,245		29,751	0334582801
21362-01 Yasunobu, Kerry	J7	047	BF	CG	1.A	A	31,799			41,974		31,299	0120820005
21365-01 Sager, Ruty	J7	047		TB	1.A	A	50,000			66,000		54,000	0221464901
21367-01 Reggiardo, Zule	J7	037		IM	1.A	A	46,048			60,783		47,980	0210820104
21368-01 David, Gary S	J7	047		IM	1.AI	A	57,820			76,322		57,985	0057375801
21374-01 Karpel, Richard	J7	047		TB	1.A	A	39,199			51,742		33,473	0210820103
21379-01 Wallace, Robert	J7	047		EP	1.A	A	121,448			160,311		125,468	0163972901
21380-01 Murthy, Vrudhul	J7	047		EP	1.A	A	60,760			80,203		63,488	0051225501
21385-01 Stambaugh, John	J7	017		CL	1.AI	A	39,396			52,002		39,396	0394050801
21388-01 Zemlicka, Jiri	J7	047		DD	1.A	A	39,100			51,612		36,366	0230135901
21392-01 Maguire, Henry	J7	048		RA	1.A	A	48,612			64,167		45,691	0393133101
21395-01 Ferrer, Jorge F	J7	017		VO	1.AI	A	50,774			67,021		48,910	0396463801
21396-01 Trahanovsky, Wa	J7	017		DD	1.A	A	25,340			33,448		24,474	0163974801
21398-01 Chan, James C	J7	047		VO	1.A	A	65,522			86,489		71,180	0440578407
21400-01 Chadha, Kailash	J7	047		VO	1.AI	A	26,903			35,511		29,184	0335966001
21401-01 Kumar, Vinay	J7	047		IM	1-A	A	44,430			58,657		41,329	0220894901
21403-01 Jacobsonl Myron	J7	047		TB	1.A	A	27,600			36,432		27,600	0446108501
21403-01 Modakl Mukund J	J7	047		VO	1.AI	A	16,710			22,057		17,254	0337518401
21406-01 O'Donnell, Paul	J7	047		VO	1.AI	A	44,928			58,473		47,129	0337518401
21410-01 Eisch, John J	J7	047		DD	1.AI	A	30,680			40,497		32,113	0335992621
21413-01 Nelson, James A	J7	047		DD	1.A	A	42,250			55,770		37,578	0440578406
21423-01 Brubaker, Georg	J7	107		DD	1.AI	A	26,172			34,547		26,661	0143553001
21424-01 Harmon, Robert	J7	057		DD	1.AI	A	38,761			51,164		40,806	0239194101
21425-01 Wilson, Stephen	J7	017		DD	1.A	A	29,170			38,504		28,084	0150577895
21432-01 Rader, Richard	J7	047		DD	1.A	A	23,855			31,488		25,650	0239119501
21436-01 Deegan, Michael	J7	047		IM	1.AI	A	22,694			29,956		22,700	0235249701
21437-01 Khwaja, Tasneem	J7	047		DD	1.A	A	49,899			65,866		49,899	0057636101
21440-01 Leong, Jo-Ann C	J7	047		VO	1.AI	A	57,170			75,464		46,484	0386297004
21449-01 Zucker, Robert	J7	047		TB	1.AI	A	42,000			55,440		39,925	0106387001
21450-01 Hughes, Walter	J7	047		DD	1.A	A	36,371			48,009		27,891	0228422704
21455-01 Staba, Emil J	J7	047		DD	1.AI	A	18,050			23,826		15,350	0245365601
21456-01 Meschan, Isador	J7	047		DR	1.AI	A	46,376			61,216		39,356	0349021201
21466-91 Frankel, Fred R	J7	057		IM	1.A	A	26,227			34,619		26,227	0396463801
21467-01 Abraham, Rajend	J7	017	AJ	CG	1.AI	A	43,385			57,268		42,964	0338455007
21470-01 Still, William	J7	047		DD	1.A	A	32,885			43,408		32,884	0438721001
21471-01 Padwa, Albert	J7	047		DD	1.A	A	20,900			27,588		15,445	0335992614
21475-01 Walker, Robert	J7	047		IM	1.A	A	21,389			28,233		17,000	0220850904
21476-01 Friesen, Benjam	J7	047		RA	1.A	A	37,819			49,921		35,967	0174206601
21478-01 Sitz, Thomas O	J7	047		TB	1.A	A	10,000			13,200		10,000	0476249601
21479-01 Larcom, Lyncon	J7	057	AJ	CG	1.A	A	17,500			23,100		18,500	0411626401
21482-01 Catsimpoolas, N	J7	047		IM	1.A	A	31,300			41,316		31,300	0224911501
21483-01 Sell, Stewart	J7	047		IM	1.A	A	61,591			81,300		67,278	0059577505
21489-01 Theiss, Jeffrey	J7	047		DD	1.A	A	39,822			52,565		43,354	0059577503
21490-01 Faller, John W	J7	047		DD	1.A	A	38,447			50,750		38,457	0079420201
21494-01 Shih, Jean C	J7	047		DD	1.A	A	27,438			36,218		27,438	0057636101
21498-01 De Meester, Tom	J7	057		CL	1.A	A	178,468			235,577		196,315	0141413601
21500-01 Hoberman, Henry	J7	047		TB	1.AI	A	34,850			46,002		38,500	0339433501
21502-01 Springgate, Cla	J7	047	AJ	CG	1.AI	A	53,895			71,141		33,895	0198424601
21506-01 Greene, Reginal	J7	047		DR	1.A	A	43,188			57,008		38,767	0224907701
21509-01 Bell, Eugene	J7	047		TB	1.AI	A	36,928			48,744		34,168	0224911501
21510-01 Ross, Jeffrey	J7	017		TB	1.A	A	38,439			50,739		41,083	0500578593
21513-01 Borden, Ernest	J7	047		TB	1.A	A	22,722			29,993		25,844	0500578593
21516-01 De Harven, Etie	J7	047		IM	1.A	A	49,125			64,845		52,641	0337518401
21519-01 Adams, Emory T	J7	047		IM	1.AI	A	20,000			26,400		20,000	0448266910
21520-01 Brattain, Micha	J7	037		TB	1.AI	A	29,297			38,672		29,228	0010556601
21524-01 Apple, Martin A	J7	077		DD	1.AI	A	40,650			53,658		41,500	0050577508
21525-01 De Sombre, Euge	J7	057	BF	CG	1.A	A	63,853			84,285		53,994	0141413601
21528-01 Lerner, Richard	J7	027		VO	1.A	A	70,200			92,664		75,266	0057375801
21529-01 Subramanian, Ki	J7	047		VO	1.A	A	44,415			58,627		32,934	0140577703
21530-01 Meyer, Rich B	J7	047		DD	1.AI	A	25,908			34,198		30,008	0050577508
21531-01 Raschke, Willia	J7	047		VO	1.A	A	49,400			65,208		53,800	0057210001
21537-01 Schimmerling, W	J7	047		RA	1.A	A	116,642			153,967		112,490	0050577502
21538-01 Bradley, S. Gayl	J7	017		DD	1.AI	A	33,325			43,989		33,359	0479353201
21539-01 Schmidtke, Jon	J7	047		IM	1.A	A	26,538			35,030		29,108	0245365601
21541-01 Lin, Peck-Sun	J7	047		RA	1.A	A	63,178			83,394		62,245	0228422704
21542-01 Floyd	J7		AF	CG	1.A	A	22,261			29,384		22,261	0376239601
21544-01 Roberts, Bryan	J7	047		VO	1.A	A	56,048			73,983		31,266	0220925301
21545-01 Sharma, Brahma	J7	017		IM	1.AI	A	40,000			52,800		40,000	0061497201
21547-01 Khwa Ja, Tasneem	J7	047		DD	1.AI	A	43,123			56,922		45,900	0057636101
21543-01 Acton, Edward M	J7	037		DD	1.A	A	49,916			65,889		53,909	0058042701
21554-01 Lewis, Neil J	J7	047	AE	CG	1.AI	A	41,916			55,329		45,958	0366218701
21558-01 Quesenberry, Pe	J7	037		TB	1.AI	A	66,606			87,919		71,674	0221080402
21560-01 Stanley, Evan P	J7	047		IM	1.A	A	72,526			95,734		70,423	0339433501
21562-01 Schaffner, Carl	J7	047	BC	CG	1.AI	A	51,009			67,331		52,949	0317168701
21563-01 Fischman, Donal	J7	077		IM	1.A	A	60,000			79,200		50,000	0335992616
21565-01 Rose, Richard C	J7	047	AG	CG	1.A	A	50,845			67,115		44,436	0396461902
21567-01 Borer, Philip N	J7	057		TB	1.A	A	48,709			64,295		28,508	0050577504
21571-01 Schneiderman, H	J7	047	AD	CG	1.AI	A	25,000			33,000		27,000	0050577504
21576-01 Okunewick, Jame	J7	037		VO	1.AI	A	37,480			49,473		39,297	0390176701

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM D/I	LT No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
21577-01 Davis, Donald G	J7	057		DD	1.AI	A		28,955			38,220		27,075	0190577903
21580-01 Mohr, Scott C	J7	047	AB	CG	1.AI	A		20,701			27,325		22,063	0220894901
21582-01 Franklin, Renty	J7	057		TB	1.AI	A		29,163			38,495		28,433	0093499801
21584-01 Block, Ronald E	J7	047		DR	1.A	A		58,580			77,325		35,410	0106387001
21585-01 Broitman, Selwy	J7	047		IM	1.AI	A		45,234			59,708		43,295	0220894901
21587-01 Schlamowitz, Ma	J7	047		CL	1.A	A		42,377			55,937		42,077	0440578407
21589-01 Wanebo, Harold	J7	047		IM	1.A	A		44,756			59,077		48,018	0337518401
21596-01 Epstein, Robert	J7	017		IM	1.A	A		54,810			72,349		39,704	0140481026
21597-01 Gala, Richard R	J7	047	AG	CG	1.A	A		46,112			60,867		44,750	0239110501
21598-01 Kelly, William	J7	047	BE	CG	1.A	A		51,170			67,544		54,800	0245365601
21599-01 Witorsch, Rapha	J7	047	BE	CG	1.AI	A		20,539			27,111		21,775	0470353201
21604-01 Gardiner, Richa	06	076		DR	1.A	A		36,000			47,520		24,000	0146644301
21607-01 Smith, Emil R	J7	047		TB	1.AI	A		22,049			29,104		19,838	0220850903
21608-01 Rogol, Alan D	J7	077	BE	CG	1.AI	A		20,254			26,735		20,899	0478975601
21609-01 Rao, Bantwal R	J7	047	BE	CG	1.A	A		42,613			56,249		31,439	0269083901
21617-01 Smith, Leland L	J7	047	AE	CG	1.A	A		37,704			49,769		28,754	0440578406
21619-01 Baxter, C. Stuar	J7	047	AB	CG	1.A	A		33,519			44,245		36,951	0361569401
21621-01 Chen, Chong-Maw	J7	017		DD	1.A	A		19,000			25,080		20,400	0500578502
21629-01 Okun, Milton R	J7	047		TB	1.A	A		49,288			65,060		47,002	0228422704
21640-01 Fondy	J7			DD	1.A	A		12,297			16,232		10,751	0338187101
21662-01 Wheeler, Kennet	J7	067		RA	1.A	A		51,532			68,022		50,830	0337047101
21674-01 Stanley	06	126		VO	1.A	A		13,430			17,727		14,335	0220894901
21738-01 Nowotny, Alois	J7	057		IM	1.A	A		38,971			51,441		43,497	0396463801
22084-01 Dutta, Saradind	J7	047		DD	1.A	A		31,449			41,512		29,438	0239110501
22391-01 Ihler	J7	057		CL	1.A	A		47,425			62,601	2	65,025	0396562601
Total new	511							20,869,061	0	0	27,546,971		19,755,336	
								511			511		503	
COMPETING RENEWALS														
02071-25 Levitz, Mortime	J7	107/4		TB	2.A	4A		94,122			129,888		100,367	0335998301
03367-21 Trentin, John J	J7	047		IM	2.A	A		109,000			150,420		109,000	0440481201
04464-19 Moore, E. Collee	J7	067		TB	2.A	A		44,682			61,661		44,682	0440578407
05507-17 Quin, Louis D	J7	057		DD	2.A	A		29,282			40,409		29,411	0342221101
05513-16A1 Matteson	06	096		DD	2.A	A		58,407			80,601		45,733	0489082001
05671-17 Rosen, Fred	J7	057		DD	2.A	A		56,000			77,280		56,000	0335966001
05873-16 Coleman, Dougla	J7	037		TB	2.A	A		33,980			46,892		36,700	0207096501
05985-16 Murphy	M6	096	AG	CG	2.AI			65,018			89,724		71,354	0207096501
06097-16 Quevedo	06	017		RA	2.AI	A		54,100			74,658		56,264	0401003201
06734-14A1 Jacquez	06	126		TB	2.A	A		27,200			37,536		42,390	0235249701
06999-14 Beaudreau	06	126		VO	2.AI	A		45,103			62,242		47,809	0386297004
07093-15 Pomerantz, Seym	J7	067		TB	2.A	A		47,521			65,578		52,273	0210820104
07339-12A2 Tsou, Kwan C	06	036		DD	2.AI	A		86,603			19,512		91,748	0396463801
07883-13 Ibsen, Kenneth	J7	057		TB	2.A	A		42,690			58,912		48,093	0050577504
08000-13 Loftfield, Robe	06	096		TB	2.AI	A		48,090			66,364		43,090	0325897601
08395-11 Abrams, Richard	06	116		VO	2.AI	A		46,323			63,925		43,558	0396562601
08499-11A2 Hu, Fuan	06	126		TB	2.A	A		64,452			88,943		68,312	0385031201
08662-12 Rueckert, Rolan	06	017		VO	2.A	A		77,138			106,450		81,226	0500578503
08851-14 Strohl, William	06	017		VO	2.A	A		81,242			112,113		86,116	0310714201
10052-12 Anderson, Harri	J7	067		TB	2.AI	A		44,874			61,926		42,221	0335992616
10495-09 Goldstein, Melv	J7	057		DD	2.A	A		55,388			76,435		51,628	0331903801
10586-10 Leboy, Phoebe S	J7	067		TB	2.A	A		68,755			94,881		64,955	0396463801
10935-15 Samuels, Leo T	06	017	AD	CG	2.A	A		35,247			48,640		38,772	0450514002
10944-08 Bates, Robert B	06	066		DD	2.AI	A		32,000			44,160		34,000	0030490201
10977-13 Piette, Lawrenc	J7	047	AB	CG	2.A	A		55,000			75,900		57,500	0120820005
11041-09 Dudock, Bernard	06	017		VO	2.A	A		34,165			47,147		39,765	0335992612
11161-09 Hartman, Standi	J7	047		DD	2.A	A		41,128			56,756		41,128	0220894901
11271-07A3 Brada, Zbynek	J7	047	AF	CG	2.AI	A		66,460			91,714		66,460	0106387001
11305-09 Robinson, Willi	J7	057		TB	2.AI	A		49,514			68,329		49,107	0061727110
11389-07A1 Nagyvary, Josep	06	126		DD	2.AI	A		28,650			39,537		28,650	0448E9100
11421-12 Franck, Richard	J7	057		DD	2.A	A		42,150			58,167		43,710	0332698001
11442-07 Zalkin, Howard	06	126		TB	2.A	A		40,396			55,746		41,596	0156796301
11760-07 Bryan, Robert F	06	096		DD	2.A	A		51,750			71,415		48,000	0478975601
11850-07 Vander Jagt, Da	J7	067	BH	CG	2.A	A		31,500			43,470		31,500	0325897601
11880-06 Anderson, Wayne	J7	057		DD	2.A	A		36,650			50,577		38,838	0335992614
11944-07 Medina, Daniel	J7	047	AD	CG	2.A	A		62,417			86,135		62,417	0440481201
11967-131 Berlin, Kenneth	J7	097		DD	2.A	A		35,550			49,059		38,600	0376245301
12080-07 Pogell, Burton	06	126		TB	2.A	A		77,970			107,598		65,470	0267915401
12186-07 Mautner, Henry	J7	057		DD	2.AI	A		35,925			49,576		38,155	0228422704
12193-10 Caine, Drury S	J7	057		DD	2.AI	A		36,444			50,292		37,991	0110676601
12235-11 Srinivasan, P R	J7	047		TB	2.A	A		50,436			69,601		45,436	0331742301
12323-07 Smith, Ralph E	J7	057		VO	2.AI	A		42,598			58,785		44,014	0342221101
12327-07 Kimball, Aubrey	J7	047		DD	2.A	A		48,562			67,015		50,277	0443490301
12360-07 Lee, Kuo-Hsiung	J7	047		DD	2.AI	A		33,089			45,662		35,648	0340578206
12404-07 Moolten, Freder	J7	067		IM	2.A	A		55,730			76,907		54,000	0220894907
12411-06 Webb, Thomas E	J7	067		TB	2.A	A		37,834			52,210		40,140	0366218701
12447-07 Achey, Phillip	J7	067		RA	2.A	A		24,165			33,347		28,582	0100513806
12461-06 Wheelock, E Fre	J7	067		IM	2.A	A		95,152			131,309		85,756	0394050801
12496-07 Carter, David M	J7	047	AJ	CG	2.AI	A		55,178			76,145		53,476	0079420201
12574-06 Brown, Jerry L	J7	067		TB	2.A	A		62,273			85,936		51,816	0061727110
12618-03 Piatak, David M	J7	067		DD	2.A	A		29,762			41,071		31,026	0146118001
11635-06 Hollander, V	J7	017		TB	2.A	A		42,064			58,048		47,413	0333444701
12714-04A1 Kalf, George F	J7	037		TB	2.A	A		46,927			64,759		46,627	0394050801
12754-06 Persidsky, M	06	106		CL	2.AI	A		50,008			69,011		56,022	0050329601
12795-06 Larson, Carl L	06	106		IM	2.AI	A		51,453			71,005		55,701	0275443501
12843-06 Pierre, Robert	06	106		DR	2.AI	A		53,985			74,499		58,870	0244976101
12920-07 Oppenheimer, St	J7	018		TB	2.A	A		46,692			64,434		40,161	0050513617
12989-04 Cravioto, Humbe	J7	047		IM	2.AI	A		57,000			78,660		57,000	0335998301
13007-04 Lief, Florence	06	116		VO	2.A	A		46,683			64,422		47,825	0396463801
13056-05 Block, Ronald E	06	017	BK	CG	2.AI	A		23,165			31,967		24,495	0106387001
13061-06 Wallach, Donald	J7	067		TB	2.AI	A		80,133			110,583		84,633	0228422704
13102-04A1 Looney, William	J7	047		DD	2.A	A		45,000			62,100		45,000	0478975601
13112-04 Irvin, William	06	096		IM	2.AI	A		33,649			46,435		36,228	0260578002
13168-06 Jackson, David	J7	057		VO	2.A	A		48,767			67,298		48,486	0235249701
13176-06 Makman, Maynard	06	017	BF	CG	2.AI	A		56,439			77,885		57,639	0339433501
13199-06 Cristol, Stanle	J7	037		DD	2.A	A		48,420			66,902		50,900	0061727101
13223-04 Benjamin, Fred	J7	116		CL	2.AI	A		35,629			49,168		38,642	0334582801
13231-06 Ledinko, Nada	06	116		VO	2.AI	A		55,619			76,754		58,956	0360089301
13270-04 Moss, A. J., Jr	06	076		RA	2.A	A		35,480			48,962		38,128	0040497850
13307-04 Ovadia, Jacques	M6	106		RA	2.AA	A		52,437			72,363		55,531	0145225001
13341-03 Swartz, Harold	J7	057		RA	2.A	A		26,987			37,242		29,856	0500046001
13353-04A1 Song, Chang W	06	096		RA	2.A	A		44,739			61,739		44,183	0245365601
13370-05 TS'O, Paul O	06	066	AF	CG	2.A	CA		44,530			61,451		54,400	0214134401

NATIONAL CANCER INSTITUTE, FISCAL YEAR 1977, UNFUNDED GRANT APPLICATIONS AS OF MAR. 30, 1977– Continued

ALL PROGRAMS BY TYPE AND GRANT NUMBER (INCLUDES EST. IND. COSTS)– UNFUNDED APPROVALS– Continued

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
COMPETING RENEWALS—Continued													
13608-06 Vogt, Marguerit	J7	067		VO	2.A	A	72,900			100,602		78,000	0057210001
13625-05A1 Sorenson, Georg	06	116		TB	2.AI	A	60,000			82,800		60,000	0302021601
13759-04A1 Tryfiates, Geor	M6	096	BF	CG	2.AI	A	24,533			33,855		24,245	0499163701
13777-05 Welsch, Cliffor	06	096		DD	2.A	A	30,550			42,159		27,155	0235245901
13861-04A1 Greenbaum, Lowe	06	027		DD	2.AI	A	61,648			85,074		64,679	0331742301
13940-04A1 Schierman, Loui	06	126		IM	2.AI	A	67,112			92,614		72,172	0335948902
14040-04 Reichle, Freder	06	027		CL	2.AI	A	35,000			48,300		35,000	0398240301
14108-06 Goldstein, Alla	J7	047		IM	2.A	A	43,000			59,340		45,580	0440578406
14162-04 Glazer, Robert	M6	096	AB	CG	2.AI		41,583			57,384		37,633	0112384501
14223-04 Bartels, Peter	J7	106		DD	2.AI	A	45,184			62,353		45,184	0030490201
14230-04A1 Blakley, Raymon	J7	047		IM	2.A	A	33,025			45,574		37,050	0163972901
14232-03 Hussa, Robert O	J7	067		CL	2.A	A	48,700			67,206		42,700	0500046001
14237-04 Gribble, Gordon	J7	017		DD	2.A	A	32,685			45,105		27,904	0302021601
14274-04A1 Romano, Antonio	06	017		VO	2.A	A	35,870			49,500		35,870	0071860101
14297-04 Koffler, David	06	017		IM	2.A	A	60,000			82,800		60,000	0331605015
14312-04 Leffert, Hyam L	J7	057		TB	2.AI	A	49,665			68,537		54,631	0057210001
14326-04 Capizzi, Robert	06	126	AD	CG	2.A	A	35,383			48,828		37,435	0079420201
14351-04 Edstrom, Ronald	J7	057		DR	2.AI	A	25,804			35,609		23,014	0245365601
14360-04A1 Gabourel, John	06	116		IM	2.AI	A	33,780			46,616		36,274	0386297007
14386-04 Uyeki, Edwin M	M6	116		DD	2.AA		34,646			47,811		35,818	0174206604
14441-04A1 Linder, Maria C	J7	047		TB	2.A	A	28,845			39,806		31,157	0224911501
14460-04 Kollmorgen, Ger	06	126		IM	2.A	A	58,860			81,226		62,854	0376239601
14495-03 Allen, Fritz S	06	056		DD	2.AI	A	22,651			31,258		24,457	0325897601
14527-04 Abell, Creed W	06	017		DD	2.AI	A	24,743			34,145		26,602	0440578406
14611-04 Tufariello, Jos	06	106		DD	2.A	A	35,177			48,544		37,641	0335992614
14618-04 Mayor, Heather	M6	067		VO	2.AA		43,716			60,328		47,933	0440481201
14651-04 Bigner, Darell	06	017		IM	2.AI	A	30,000			41,400		31,800	0342221101
14669-04 Hayes, Raymond	J7	047		RA	2.A	A	150,265			207,365		116,692	0436182601
14673-04 Parker, John W	J7	057		IM	2.A	A	60,000			82,800		60,000	0057636101
14750-04A1 Schwartz, Herbe	J7	047		DD	2.AI	A	43,401			59,893		39,169	0335966001
14770-04 Ghossein, Nemat	06	106		RA	2.AI	A	31,158			42,998		33,679	0339433501
14787-04 Leis, Jonathan	J7	057		VO	2.A	A	39,565			54,599		38,535	0342221101
14797-04 Johnson, Lewis	M6	106		TB	2.AI		30,502			42,092		24,592	0112384501
14815-04 Ristow, Sandra	J7	067		IM	2.AI	A	51,778			71,453		49,048	0245365601
14826-04A1 Cavalieri, Erco	J7	047	AF	CG	2.A	A	48,832			67,388		48,832	0280578104
14832-04A1 Martin, R Bruce	J7	037		DD	2.A	A	28,035			38,688		29,397	0478975601
14874-04 Kauffman, Shirl	J7	057	AC	CG	2.AI	A	30,717			42,389		28,702	0335992616
14914-04 Gilbertson, Joh	J7	057	BK	CG	2.AI	A	41,638			57,460		43,996	0396562601
14991-05 Deschner, E E	J7	067	AD	CG	2.AI	A	55,805			77,010		59,804	0337518401
14992-04 Leck, Ian M F	06	047		EP	2.A	EA	22,662		0	31,273		0	8344774701
14993-04 Weiss	N5	096		IM	2.AI	A	27,219			37,562		29,701	0335966005
15000-04 Alexander, Pete F	06	017		IM	2.A	A	34,105		0	47,064		31,900	8344569501
15018-04 Moore, George E	J7	037		TB	2.A	A	95,000			131,100		81,000	0062088101
15038-04 Glaser, M Ronal	J7	057		VO	2.A	A	44,832			61,868		47,522	0396461902
15087-04 Paul, Dietrich	J7	057		TB	2.AI	A	88,400			121,992		83,060	0057210001
15093-04 Mahaley, Moses	J7	057		DD	2.AI	A	19,672			27,147		19,672	0342221101
15109-04 Fink, Louis M	06	126	AD	CG	2.AI	A	47,661			65,772		47,449	0061727110
15125-04 Necheles, Thoma	J7	067		EP	2.A	A	69,244			95,556		76,168	0220130301
15129-04 Cooperband, Sid	J7	057		IM	2.A	A	60,000			82,800		60,000	0220894901
15137-04 Kohrman, Arthur	J7	057	BE	CG	2.A	A	32,267			44,528		33,305	0235245901
15143-04 Dave, Chandraka	06	116		DD	2.AI	A	58,620			80,895		50,389	0335966001
15149-04 Butel, Janet S	M6	106		VO	2.A		42,807			59,073		43,349	0440481201
15162-04 Morreal, Charle	06	106	AF	CG	2.A	A	53,351			73,624		46,693	0335966001
15168-04 Goldstein, Rich	J7	067		VO	2.A	A	37,080			51,170		39,305	0223212902
15171-04 Hodgson, Derek	06	027		DD	2.A	A	41,200			56,856		30,000	0340578206
15187-03 Baril, Earl F	J7	057		TB	2.A	A	51,900			71,622		52,450	0229370801
15196-04 Ahmad, Fazal	J7	067		TB	2.AI	A	39,600			54,648		40,100	0106387001
15229-03 Weihing, Robert	J7	057		TB	2.A	A	53,850			74,313		50,100	0229370801
15233-04 Parsa, Ismail	J7	057	AD	CG	2.A	A	44,260			61,078		47,607	0335992616
15236-04 Cooper, Richard	06	116		IM	2.AI	A	42,006			57,968		45,877	0396463801
15250-04 Gehan, Edmund A	J7	037		EP	2.A	A	151,239			208,709		163,191	0440578407
15270-04 Flesher, James	J7	057	AF	CG	2.AI	A	51,300			70,794		51,300	0182793601
15306-04A1 Lynch, Richard	J7	047		IM	2.AI	A	41,650			57,477		31,764	0269083901
15330-03A1 Hui, Sek W	06	126		TB	2.A	A	30,000			41,400		25,000	0335966005
15338-04 Acton	06	126		IM	2.A	A	53,062			73,225		51,816	0010556601
15348-04 Williams, John	J7	067		DD	2.AI	A	29,240			40,351		31,300	0398240301
15360-04 Baril, Earl F	06	126		DD	2.AI	A	40,800			56,304		40,800	0229370801
15385-03 Noval, Joseph J	J7	067		CL	2.A	A	35,000			48,300		35,000	0398240301
15389-04 Apirion, David	J7	067		TB	2.AI	A	44,284			61,111		44,284	0269083901
15435-04A1 Levin, Victor A	J7	047		DD	2.A	A	42,972			59,301		41,746	0050577508
15461-04 Hudson, Bruce S	06	106		TB	2.A	A	26,000			35,880		25,000	0058046501
15500-04 Cornelius, Euge	J7	047		IM	2.A	A	66,800			92,184		66,800	0079420201
15516-03 Kuhns, William	J7	017		IM	2.A	A	37,727			52,063		39,451	0335998301
15585-04 Zolla, Susan B	06	017		IM	2.AI	A	50,113			69,155		54,162	0335998301
15586-04 David, Gary S	J7	047		IM	2.AI	A	45,229			62,416		50,520	0057375801
15593-04 Anderson, Rober	J7	057		RA	2.A	A	77,576			107,054		43,147	0325897601
15621-04 Presant, Cary A	06	027		TB	2.A	A	68,509			94,542		49,336	0264095001
15622-04 Johnson, Donald	J7	067	BE	CG	2.AI	A	50,025			69,034		41,025	0174206604
15630-04 Keegstra, Kenne	J7	057		VO	2.A	A	43,293			59,744		37,123	0335992612
15647-04 Garrett, Carlet	J7	057		TB	2.A	A	31,434			43,378		32,097	0100513807
15683-04 Herrmann, Rober	06	027		TB	2.AI	A	26,400			36,432		26,400	0220894901
15694-04 Hostetler, Karl	J7	067		TB	2.A	A	24,369			33,629		23,669	0050577507
15733-04 Jacob, Samson T	J7	057		TB	2.A	A	41,785			57,663		41,785	0396461902
15743-04 Wilson, John H	J7	027		VO	2.A	A	37,200			51,336		39,438	0440481201
15760-04 Franklin, Micha	J7	057	AF	CG	2.A	A	42,445			58,574		30,110	0450514002
15792-04 Shapiro, Willia	J7	047		CL	2.A	A	40,000			55,200		42,400	0337518401
15796-04 Fanestil, Darre	J7	047	BE	CG	2.AI	A	51,842			71,541		57,026	0050577507
15811-04 Hibbs, John B	06	037		IM	2.A	A	63,600			87,768		55,153	0450514002
15813-04 Baker, Nome	J7	057		TB	2.AI	A	58,964			81,370		63,977	0050577505
15842-03 Kniker	06	096		IM	2.A	A	48,297			66,649		48,297	0447660801
15883-04 Weiss, Benjamin	J7	057		DD	2.AI	A	54,925			75,796		52,426	0399351801
15909-04 Chu, Ming Y	J7	047		DD	2.A	A	31,292			43,182		31,292	0407071801
15928-03 Young, Charles	J7	057		CL	2.A	A	38,217			52,739		41,912	0337518401
15940-04 Salser, Winston	06	096		TB	2.A	A	58,403			80,596		63,694	0050577505
16007-04 Raskas, Heschel	M6	106		VO	2.AA		46,368			63,987		37,449	0269083901
16045-04 Srivastava, B. I	J7	067		DD	2.A	A	37,100			51,198		38,900	0335966005
16047-04 Halpern, Michae	06	047		VO	2.AI	A	54,320			74,961		59,887	0399340401
16112-04 Hard, Richard C	J7	067		IM	2.A	A	37,112			51,214		40,209	0470353201
16115-04 Friedmann, Theo	06	057		VC	2.AI	A	66,204			91,361		68,074	0050577507
16123-04 Shier, W. Thomas	J7	057		TB	2.A	A	54,500			75,210		65,660	0057210001

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
16149-04 Kleinberg, Davi	J7	067	BE	CG	2.A	A	41,365			57,083		45,502	0335998301
16153-03 Sirotnak, Franc	J7	047	------	DD	2.A	A	51,800			71,484		51,800	0337518401
16155-04 Piko, Lajos	J7	067	------	VO	2.AI	A	43,615			60,188		46,415	0050481017
16181-04 Green, Melvin H	06	067	------	VO	2.AI	A	52,765			72,815		53,064	0050577507
16191-04 Fissekis, John	J7	057	------	DD	2.AI	A	35,096			48,432		37,626	0337518401
16193-04 Morahan, Page S	J7	057	------	VO	2.A	A	32,034			44,206		33,956	0470353201
16227-03 Boggs, Sallie S	J7	057	------	VO	2.A	A	45,812			63,220		53,935	0396562601
16279-04 Heidrick, Marga	J7	057	------	TB	2.AI	A	37,095			51,191		27,396	0280578104
16301-03 Ling, Gilbert N	06	057	BK	CG	2.AI	A	30,000			41,400		30,548	0396456201
16311-04 Steiner, Sheldo	J7	067	------	VO	2.A	A	48,000			66,240		51,524	0440481201
16327-04 Agris, Paul F	J7	057	------	TB	2.AI	A	34,834			48,070		38,230	0260578002
16328-03A1 Campbell, Rober	J7	047	------	IM	2.A	A	36,630			50,549		36,630	0386297007
16329-04 Bose, Henry R	J7	067	------	VO	2.A	A	44,909			61,974		49,400	0440578403
16344-03 Hollstein, Ulri	06	096	------	DD	2.A	A	19,028			26,258		20,400	0325897601
16464-03 Caspi, Eliahu	J7	126	BH	CG	2.A	A	62,500			86,250		62,500	0229370801
16595-03 Mariano, Patric	06	106	------	DD	2.A	A	34,864			48,112		30,701	0448266910
16752-03 Matanoski, Gene	J7	057	------	EP	2.A	A	131,364			181,282		142,049	0214134401
16890-04 Acs, George	J7	057	------	TB	2.A	A	66,260			91,438		58,760	0331605015
16895-04 Greenberg, Jay	J7	057	------	TB	2.A	A	47,900			66,102		50,300	0229370801
16903-03 Stang, Peter J	J7	057	------	DD	2.A	A	44,400			61,272		34,115	0450514002
16912-04 Zingaro, Ralph	J7	057	------	DD	2.AI	A	35,371			48,811		40,131	0448266910
16913-04 Kwan, Catherine	J7	067	------	TB	2.AI	A	37,234			51,382		40,874	0050577505
17217-03 Stevens, Calvin	J7	057	------	DD	2.AI	A	27,033			37,305		28,185	0239110501
17658-03 Pauly, John L	J7	067	------	IM	2.A	A	21,660			29,890		23,718	0335966001
18318-03 Mathews-Roth, M	J7	077	AG	CG	2.A	A	27,983			38,616		28,936	0220126901
18936-03 Krueger, Robert	J7	057	------	VO	2.A	A	58,646			80,931		61,597	0362350301
20078-02 Jacobs, Diane M	J7	067	------	IM	2.A	A	70,000			96,600		56,000	0335992614
20092-04A2 Friedman, Herma	06	096	------	IM	2.AI	A	40,804			56,309		44,055	0390133001
21054-03 Shin, Seung-IL	J7	067	------	TB	2.A	A	35,000			48,300		37,800	0339433501
21119-04 Wilhelm	06	106	------	VO	2.A	A	27,296			37,668		27,031	0337047101
21131-06 Hutton, John J	J7	057	------	CL	2.A	A	44,670			61,644		49,242	0182793601
Total compending renewals	204						9,661,587 204	0	0	13,332,911 204		9,657,377 203	
SUPPLEMENTS													
08676-12S1 Greengard, Olga	06	056	------	TB	3.A	A	7,603			9,731		7,603	0225844401
10056-12S1 Solomon, Alan	J7	047	------	IM	3.A	A	14,851			19,009		26,835	0430578304
10267-10S1 Rosse, Wendell	06	126	------	IM	3.AI	A	12,598			16,125		2,700	0342221101
11537-07S1 Chiang, Joseph	06	096	------	DD	3.AI	A	5,160			6,604		5,260	0335992632
12076-04A2 Goldfeder, Anna	06	046	------	RA	3.AI	A	75,000			96,000		0	0335998301
13447-04S1 Van Herle, Andr	06	026	------	DR	3.A	2DA	15,048			19,261		15,800	0050577505
13478-05S1 Shah, Keerti V	06	116	------	VO	3.A	A	5,750			7,360		11,500	0214134401
14374-05S1 Moroson, Harold	06	017	------	RA	3.A	A	26,100			33,408		0	0335948901
14638-04S1 Hall, Peter F	06	056	BK	CG	3.A	A	8,738			11,184			0050577504
14881-05S1 Shiman, Ross	J7	067	------	TB	3.A	A	5,200			6,656		5,616	0396461902
16019-03S1 Herman, Peter G	J7	047	------	RA	3.A	A	29,375			37,600		0	0223212902
16442-03S1 Ross, Morris H	J7	077	AL	CG	3.A	A	15,925			20,384		14,975	0393670801
17376-03S1 Bing, David H	J7	067	------	IM	3.A	A	19,500			24,960		0	0226674701
18659-06S1 Gill, Thomas J	J7	047	------	IM	3.A	A	4,546			5,818		19,035	0396562601
19402-01S1 Farrand, Stephe	J7	066	------	TB	3.A	A	18,600			23,808		0	0144689203
19455-01S1 Ceriani, Robert	J7	047	------	TB	3.A	A	14,162			18,127		19,430	0051514301
21167-01S1 Sander, Eugene	06	096	------	DD	3.AI	A	14,000			17,920		0	0499163701
Total supplements	17						292,156 17	0	0	373,955 17		128,754 10	
Total traditional (excludes May 1977 round or applications)	732						30,822,804 732	0	0	41,253,837 732		29,541,467 716	
CLINICAL TRIALS—NEW													
15469-01A2 Johnson, Gary H	J7	047	AQ	SY	1.B	L	21,190			29,242		22,909	0450514002
17152-01A1 Greenspan, Ezra	06	096	N	CH	1.B	L	40,210			55,489		43,242	0331605015
17599-01A2 Dillard, Edgar	J7	047	AQ	SY	1.B	L	37,800			52,164		31,800	0440578406
19818-01A1 Abramson, Neil	J7	096	N	CH	1.B	L	50,050			69,069		43,660	0104028001
20255-01 De Simone, Phil	06	017	O	CH	1.B	L	81,355			112,269		0	0182793601
20365-01 Oken, Martin M	06	106	N	CH	1.B	L	30,000			41,400		33,000	0245365601
21056-01 Altman, Stanley	J7	017	S	CH	1.B	L	19,428			26,810		0	0459527103
21059-01A1 Yates, Jerome W	J7	047	M	CH	1.B	L	22,496			31,044		24,662	0468738101
21060-01A1 Gottlieb, Arlan	J7	047	M	CH	1.B	L	69,417			95,795		73,168	0335992619
21092-01 Vaughn, Clarenc	J7	017	S	CH	1.B	L	94,343			130,193		0	0236687001
21115-011 Carbone, Paul P	J7	027	N	CH	1.B	L	565,242			780,033		189,695	0500578503
21122-01 Cruz, A B, Jr	J7	017	S	CH	1.B	L	27,375			37,777		0	0440578418
21378-01 Necheles, Thoma	J7	047	M	CH	1.B	L	30,910			42,655		33,231	0220130301
21439-01 Phillips, Theod	J7	077	AP	RA	1.B	L	64,372			88,833		68,649	0050577508
21504-01 Bull, Frances E	J7	047	N	CH	1.B	L	39,253			54,169		51,799	0235249701
Total	15						1,193,441 15	0	0	1,646,942 15		615,815 11	
COMP RENEWALS													
14299-03A2 Meyer, Leo M	J7	017	O	CH	2.B	L	29,355			38,455		29,155	0330481061
17145-02 Dewys, William	M6	096	N	CH	2.B		102,120			133,777		108,063	0146144650
Total	2						131,475 2	0	0	172,232 2		137,218 2	
SUPPLEMENTALS													
03389-19S1 Stuckey, Walter	J7	017	S	CH	3.B	L	32,137			41,456		0	0198424601
04920-1852 Wilson, Henry E	J7	017	S	CH	3.B	L	52,197			67,334		0	0366218701
10948-0851 Wolter	J7	066	N	CH	3.B	L	70,942			91,515		0	0146644301
12248-05S1 Kramer, Simon	06	026	AP	RA	3.B	3 L	26,267			33,884		42,158	0394050801
16943-03S1 Hoogstraten, BA	J7	017	S	CH	3.B	L	29,880			38,545		0	0174206604
17145-02S1 Dewys, William	J7	096	N	CH	3.B	L	27,474			35,441		37,918	0146144650
Total	6						238,897	0	0	308,175		80,076	
	23						6			6		2	
Total clinical trails							1,563,813 23	0	0	2,127,349 23		833,109 15	

NATIONAL CANCER INSTITUTE, FISCAL YEAR 1977, UNFUNDED GRANT APPLICATIONS AS OF MAR. 30, 1977—Continued

ALL PROGRAMS BY TYPE AND GRANT NUMBER (INCLUDES EST. IND. COSTS)—UNFUNDED APPROVALS—Continued

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
CORE APPLICATIONS—NEW													
17087-01A1 Stewart	M6	076		MD	1.C	5D	385,825			520,863	2	267,863	0450514002
19590-01A1 Schultz	J7	047		CG	1.C	5D	259,025			349,683	1	145,723	0106387001
20433-01 Das Gupta	06	096/087		MD	1.C	5D	268,004			361,805	2	309,206	0140577703
Total	3						912,854 3	0	0	1,232,351 3		722,792 3	
SUPPLEMENTS													
06973-15S1 Owens, Albert H	J7	017		MD	3.C	5D	138,610			194,054		0	0214134401
10372-10S1 Kaplan	06	096/087		MD	3.C	5D	53,666			75,132		0	0058046501
13148-05S1 Durant	M6	026		MD	3.C	5D	59,938			83,913		0	0010556601
16163-02S1 Clark, William	J7	017		MD	3.C	5D	133,751			187,251		0	0050577505
16359-02S1 Cole	N5	016		MD	3.C	5D	64,693			90,570		0	0079420201
16520-02S1 D'Angio, Giulio	J7	047/067		MD	3.C	5D	42,262			59,166		0	0396463801
17700-02S2 Pinkel	06			MD	3.C	D	132,616			185,662		0	0500046001
Total	7						625,536 7	0	0	875,748 7		0	
Total Core	10						1,538,390 10	0	0	2,108,099 10		722,792 3	
BASIC PROGRAM PROJECTS—NEW													
18900-01A1 Rose	J7	047		IM	1.D	D	197,827			267,066	2	201,038	023911050
20223-01 Russell	06	126/117		TB	1.D	D	246,317			332,527	2	243,565	003049020
20227-01 Green, Maurice	J7	126		VO	1.D	D	324,822			438,509	4	335,912	026791540
20263-01 Burchenal	06	017/127		MD	1.D	D	150,610			203,323	1	162,169	033507410
21069-01 Warren		047		TB	1.D	D	361,870			488,524	2	362,000	039934040
21081-01 Melnick, Joseph	J7	097		VO	1.D	D	250,945			338,775	2	261,018	044048120
21082-01 Strominger, Jac	J7	017		VO	1.D	D	271,546			366,587	2	134,368	022146490
Total	7						1,803,937 7	0	0	2,435,311 7		1,700,070 7	
COMP RENEWALS													
13419-04 Borek, Ernest	J7	047		TB	2.D	D	370,492			500,164	1	372,563	0061727110
	1												
SUPPLEMENTS													
12800-05S1 Fahey	M6	016	CI	IM	3.D	ID	51,207			69,129		0	0050577505
14801-04S1 Carter, William	J7	047		VO	3.D	D	19,367			26,145		0	0335966001
16836-02S1 Bach	06	126/117	CI	IM	3.D	ID	21,184			28,598		0	0500578503
16964-02S1 Costanzi	06	066		IM	3.D	D	69,698			94,092		67,874	0440578406
Total	4						161,456 4	0	0	217,964 4		67,874 1	
Total basic program projects	12						2,335,885 12	0	0	3,153,439 12		2,140,507 9	
EXPLORATORY PROJECTS—NEW													
19467-01A1 Goldenberg	J7	126		CG	1.E	5D	88,000			114,400	1	47,081	0181091601
20210-01 Morgan	D6	076		MD	1.E	5D	24,483			31,827		0	0190577902
21070-01 Slater, James M	J7	047		RA	1.E	5D	93,087			121,013	1	61,096	0054562901
21072-01 Mallams, John T	J7	037		RA	1.3	5D	136,579			177,552	1	88,285	0311075301
21381-01 Newell	J7	047		MD	1.E	5D	74,655			97,051	1	65,066	0335998301
Total	5						416,804 5	0	0	541,843 5		261,528 4	
COMP RENEWALS													
16208-03 Ezdinli	06	017/127		MD	2.E	5D	32,280			42,609	0	0	0141413601
16572-03 Goldenberg, Dav	J7	116		MD	2.E	5D	70,610			93,205	1	63,249	0181091601
17061-03 Sawitsky, Arthu	J7	037		MD	2.E	5D	81,744			107,902		0	0334582801
Total	3						184,634 3	0	0	243,716 3		63,249 1	
Total	8						601,438 8	0	0	785,559 8		324,777 5	
CLINICAL PROGRAM PROJECTS—NEW													
18078-01A1 Levin	J7	047		CL	1.G	D	119,070			160,744	1	112,834	0221464901
19553-01 Mittelman	M6	056		MD	1.G	D	351,931			475,106	2	344,110	0335966005
19597-01A1 Raventos	J7	047		RA	1.G	D	490,896			662,709	2	692,893	0050577593
19775-01 Lampkin	M6	056		MD	1.G	D	251,873			340,028	2	231,185	0360615001
20665-01 George	J7	017		RA	1.G	D	302,616			408,531	2	350,976	0057363101
21071-01 Creaven	J7	047		CL	1.G	D	422,548			570,439	2	389,952	0335966001
21120-01 Robinson	J7	077		CL	1.G	D	349,823			472,261	2	383,543	0061727110
21239-01 Suit	J7	067		RA	1.G	D	1,469,069			1,983,243	2	658,220	0224907701
21291-01 Rodgriguez	J7	047		CL	1.G	D	600,324			810,437	1	617,550	0440578407
Total	9						4,358,150	0	0	5,883,498		3,781,263	
COMPETING RENEWALS													
07368-14 Kornblith	06	037/028	B	RA	2.G	D	406,864			549,266	2	369,493	0224907701
12247-06 Tubergen	J7	057		MD	2.G	D	541,152			730,555	2	530,177	0061497201
Total	2						948,016	0	0	1,279,821		899,670	

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
SUPPLEMENTS													
14043-03S1 Brady	06	106/097		RA	3.G	D	138,953			187,586		0	0393133101
15548-02S1 Levitt	J7	047	T	RA	3.G	D	38,130			51,475		0	0245365601
Total	2						177,083	0	0	239,061		0	
Total	13						5,483,249	0	0	7,402,380		4,680,933	
NRSA—INSTITUTIONAL TRAINING GRANTS/FELLOWSHIPS—NEW													
09036-01A1 Morahan	J7	077			1.H	G	50,413			54,446		72,365	0470353201
09038-01 Broom	J7				1.H	G	60,500			65,340			0450514002
09074-01 Lonney	J7				1.H	G	25,337			27,363			0478975601
09090-01 Bahn	J7				1.H	G	64,900			70,092			0396463801
09113-01 Yohn	J7				1.H	G	100,067			108,072			0366218701
09124-01A1 Rapp	J7	047			1.H	G	58,959			63,675		98,258	0396461902
09128-01A1 Acton	J7	077			1.H	G	165,811			179,075		198,158	0010556601
09148-01 Lampkin	J7				1.H	G	56,850			61,398			0360615001
09162-01A1 Levitt	J7	077			1.H	G	17,638			19,049		36,421	0245365601
09197-01A1 Butel	J7	017			1.H	G	71,548			77,271		96,766	0440481201
09198-01 Elkind	J7				1.H	G	51,674			55,807			0141413601
09213-01A1 Mathews	J7	077			1.H	G	83,500			90,180		122,400	0030490201
09219-01A1 Fredricks	J7	017			1.H	G	19,819			21,404		19,819	0071860101
09222-01 Green	J7				1.H	G	46,849			50,596			0267915401
09227-01 Gentry	J7				1.H	G	48,033			51,875			02553.0304
09266-01A1 Henny	J7	077			1.H	G	31,992			34,551		41,882	0214134401
09274-01A1 Linn	J7	077			1.H	G	98,195			106,050		95,355	0050577502
09276-01 Hollander	J7				1.H	G	30,548			32,991			0333444701
09279-01 White	J7	077			1.H	G	63,180			68,234		102,195	0079420201
09280-01 Wilson	J7				1.H	G	37,534			40,536			0221080402
09281-01 Folk	J7	047			1.H	G	45,994			49,673		78,849	0235249701
09284-01 Trosko	J7	077			1.H	G	30,155			32,567		31,252	0235245901
09286-01 Bresnick	J7	077			1.H	G	68,250			73,710		119,636	0468738101
09287-01 Rosenberg	J7	077			1.H	G	74,959			80,955		112,438	0058046501
09288-01 O'Connell	J7	077			1.H	G	40,192			43,407		65,069	0244976101
09290-01 Mendelsohn	J7	077			1.H	G	68,493			73,972		136,164	0050577507
09291-01 Wilson	J7	077			1.H	G	37,666			40,679		37,704	0050577508
09293-01 Conrad	J7	077			1.H	G	76,712			82,848		76,712	0010556601
09295-01 Lushbaugh	J7				1.H	G	32,413			35,006			0436182601
09296-01 McCormick	J7	077			1.H	G	29,125			31,455		31,812	0235345901
09297-01 Cline	J7	077			1.H	G	61,000			65,880		101,758	0050577505
09298-01 Gelfand	J7				1.H	G	50,678			54,732			0140577703
09299-01 Anderson	J7				1.H	G	122,059			131,814			0440578407
09302-01 Kallman	J7	097			1.H	G	147,689			159,504		244,350	0058046501
09304-01 Leon	J7	047			1.H	G	162,911			175,943		165,476	0239110501
09306-01 Lieberman	J7	077			1.H	G	15,474			16,711		15,474	0500578503
09307-01 Laszlo	J7	077			1.H	G	95,769			103,430		134,077	0342221101
09308-01 Rappaport	J7	077			1.H	G	39,419			42,572		40,626	0051597901
09309-01 Soloway	J7	077			1.H	G	51,167			55,260		52,670	0226116101
09310-01 Ambrose	J7				1.H	G	34,611			37,379			0182793601
09311-01 Zipser	J7				1.H	G	140,282			151,504			0334577101
09313-01 Hnilica	J7				1.H	G	46,264			49,965			0438721001
Total	42						2,654,620 42	0	0	2,866,971 42		2,327,686 26	
Total (excludes June 1976 and May 1977 applications)	42						2,654,620 42	0	0	2,866,971 42		2,327,686 26	
CONFERENCE GRANTS—NEW													
19531-01A1 Najem	0 06	016/126		PA	1.I	E	49,945			49,945	2	55,200	0310714201
20248-01 Cassady, John M.	0 06	066/067		CL	1.I	A	3,279			3,279		0	0156796301
20439-01 Harmon, Robert	0 06	066/067		TB	1.I	A	8,635			8,635	--	0	0090234701
20682-01 Shingleton, Wil	0 06	066/126		TB	1.I	A	7,161			7,161		0	0342221101
20684-01 Bonney, William	0 06	066/067		IM	1.I	A	18,000			18,000		0	0163972901
20826-01 Wooton	J7	126		RA	1.I	A	25,177			25,177	2	31,063	0140972001
21526-01 Wilson, Charles	0 J7	047		DD	1.I	A	9,325			9,325		0	0050577508
21588-01 Arje, Sidney L	0 J7	017		DD	1.I	A	50,000			50,000		0	0330233701
21706-01 Beroza	0 J7	037		CG	1.I	A	13,000			13,000		0	0090555101
Total	J7						184,522 9	0	0	184,522 9		86,263 2	
CCPDS—NEW													
21187-01 Taylor, Samuel	J7	067		EP	1.J		137,542			185,681		146,084	014103770
RESEARCH CAREER DEVELOPMENT AWARDS—NEW													
00111-01A1 Hornemann, Ulfe	J6	116		DD	1.L	F	25,000			25,000		25,000	0156796301
00137-01A1 Walker, William	J6	017		IM	1.L	F	23,000			23,000		23,000	0457893501
00160-01A1 Johnson, Willia	J6	076		TB	1.L	F	25,000			25,000		25,000	0331742301
00210-01A1 Archer, Michael	J6	126		CG	1.L	F	22,521			22,521		22,521	0224911501
00277-01 Agris, Paul F	J6	126		TB	1.L	F	25,432			25,432		25,432	0260578002
00280-03 Criss, Wayne E	J6	076		CG	1.L	F	25,000			25,000		25,000	0093499801
00282-01 Richie, Ellen S	J6	116		IM	1.L	F	23,700			23,700		23,700	0440578407
00284-01 Courtney, Richa	J6	116		VO	1.L	F	21,000			21,000		21,000	0440481201
00286-01 Chesler, David	J6	017		RA	1.L	F	25,000			25,000		25,000	0224907701
00288-01 Miller, Kenneth	J6	017		DD	1.L	F	24,540			24,540		24,540	0336910301
00289-01 Smith, Amos B	J6	076		DD	1.L	F	20,400			20,400		20,400	0396463801
00291-01 Schneiderman, M	J6	106		CL	1.L	F	21,400			21,400		21,400	0394050801
00292-01 Smith, Bruce J	J6	017		IM	1.L	F	25,000			25,000		25,000	0393670801
00294-01 Coats, Eugene A	J6	097		DD	1.L	F	21,852			21,852		21,852	0361569401
00295-01 Polmar, Stephen	J6	116		IM	1.L	F	25,000			25,000		25,000	0360218601
00296-01 Sinensky, Micha	J6	017		TB	1.L	F	22,500			22,500		22,500	0061103301
00297-01 Hawrylko, Eugen	J6	126		TB	1.L	F	23,000			23,000		23,000	0337518401
00298-01 Rodriguez, Vict	J6	096		CL	1.L	F	25,000			25,000		25,000	0440578407
00299-01 Coffin, John M	J6	116		VO	1.L	F	21,500			21,500		21,500	0228422704
00302-01 Ristow, Sandra	J6	106		IM	1.L	F	20,000			20,000		20,000	0245365601
00308-01 Wolcott, Robert	J6	106		IM	1.L	F	25,000			25,000		25,000	0010556601

NATIONAL CANCER INSTITUTE, FISCAL YEAR 1977, UNFUNDED GRANT APPLICATIONS AS OF MAR. 30, 1977—Continued

ALL PROGRAMS BY TYPE AND GRANT NUMBER (INCLUDES EST. IND. COSTS)—UNFUNDED APPROVALS—Continued

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
RESEARCH CAREER DEVELOPMENT AWARDS—NEW—Continued													
00312-01 Levin, Victor A	J6	017		DD	1.L	F	25,000			25,000		25,000	0050577508
00313-01 Spitzer, Gary	J6	066		IM	1.L	F	25,000			25,000		25,000	0440578407
00314-01 Murphy, Sharon	J6	116		CL	1.L	F	25,000			25,000		25,000	0437893501
00318-01 Hatcher, Victor	J6	116		TB	1.L	F	25,000			25,000		25,000	0335451101
00319-01 Jacobson, Kenne	J6	047		TB	1.L	F	24,201			24,201		24,201	0335966001
00320-01 Molloy, George	J6	106		TB	1.L	F	19,137			19,137		19,137	0082076701
00321-01 Robberson, Dona	J6	096		TB	1.L	F	23,500			23,500		23,500	0440578407
00323-01 Hittelman, Walt	J6	036		TB	1.L	F	25,000			25,000		25,000	0440578407
00324-01 Burns, Charles	J6	116		TB	1.L	F	25,000			25,000		25,000	0163972901
00330-01 Tan, Yin-Hwee	J6	076		VO	1.L	F	25,000			25,000		25,000	0335079201
00332-01 Chang, Chia-Che	J6	017		TB	1.L	F	19,000			19,000		19,000	0235245901
00333-01 Hirschberg, Car	J6	116		TB	1.L	F	22,000			22,000		22,000	0267915401
00334-01 Li, Steven S	J6	116		TB	1.L	F	25,000			25,000		25,000	0331605015
00335-01 Chae, Chi-Bom	J6	077		VO	1.L	F	20,330			20,330		20,330	0340578206
00336-01 Wray, Granville	J6	066		TB	1.L	F	20,000			20,000		20,000	0440481201
00342-01 Shultz, Leonard	J7	037		IM	1.L	F	16,900			16,900		16,900	0207096501
00343-01 Moldow, Charles	J7	077		VO	1.L	F	25,000			25,000		25,000	0245365601
00344-01 Kuchnir, Franca	J7	047		RA	1.L	F	25,000			25,000		25,000	0141413601
00346-01 Wieland, Donald	J7	017		DD	1.L	F	20,160			20,160		20,160	0235249701
00349-01 Lotzova, Eva	J7	037		CL	1.L	F	25,000			25,000		25,000	0440578407
00351-01 Grieco, Paul A	J7	047		DD	1.L	F	25,000			25,000		25,000	0396562601
00353-01 Meyer, Ralph R	J7	017		TB	1.L	F	25,000			25,000		25,000	0361569401
00356-01 Joyce, Robert A	J7	037		CL	1.L	F	25,000			25,000		25,000	0396562601
00359-01 Colvin, Robert	J7	047		IM	1.L	F	25,000			25,000		25,000	0224907701
00362-01 Furcht, Leo T	J7	017		TB	1.L	F	25,000			25,000		25,000	0245365601
Total	46						1,076,073 46	0	0	1,076,073 46		1,076,073 46	
LARGE BOWER PROGRAM—NEW													
19154-01A1 Lipton, Allan	06	076		LB	1.0	E	104,303			135,593	2	47,124	0396461902
19314-01A1 Stemmermann	06	096		LB	1.0	E	31,800			41,340	1	28,336	0129611301
20069-01A1 Brattain	06	047		LB	1.0	E	38,372			49,883	2	36,669	0010556601
20405-01 Steele, Glenn	06	126		LB	1.0	E	81,442			105,874	2	67,428	0221464901
20796-01 Kahan, Barry	06	106		LB	1.0	E	120,000			156,000	2	127,200	0146144650
20871-01 Broitman, Selwyn	06	096		LB	1.0	E	62,758			81,585	2	77,603	0220126902
21142-01 Pilch, Yosef	06	037		LB	1.0	E	80,684			104,889	2	68,523	0057243301
21143-01 Berlinger	06	037		LB	1.0	E	53,919			70,094	2	53,961	0337518401
21154-01 Bortin	J7	037		LB	1.0	E	36,083			46,907	1	39,692	0505540401
21210-01 Isacoff	J7	017		LB	1.0	E	66,343			86,245	1	71,258	0050222503
21211-01 Hagemann	J7	096		LB	1.0	E	21,000			27,300	2	23,100	0390176701
21492-01 Byers, Vera	06	047		LB	1.0	E	56,417			73,342	2	55,395	0050485411
21623-01 Gardner	J7	017		LB	1.0	E	123,823			160,969	2	125,377	0450514003
21669-01 Del Villano	J7	047		LB	1.0	E	38,000			49,400	2	36,135	0361630201
21676-01 Steplewski	J7	067		LB	1.0	E	101,165			131,514	1	90,379	0399340401
21677-01 Welch	J7	047		LB	1.0	E	108,794			141,432	1	108,519	0437893500
21680-01 Deschner	J7	037-028		LB	1.0	E	31,223			40,589	2	31,510	0337518401
21681-01 Goldman	J7	017		LB	1.0	E	51,690			67,197	1	46,025	0223212902
Total	18						1,207,816 18	0	0	1,570,153 18		1,134,234 18	
COMP RENEWALS													
15973-04 Danes	J7	057		LB	2.0	E	54,776			71,208	2	58,223	0331903807
16918-03 Levin	06	017-127		LB	2.0	IE	43,754			56,880	2	41,565	0141413601
17505-03 Lamont	J7	057		LB	2.0	E	54,659			71,056	2	81,786	0221080402
Total	3						153,189 3	0	0	199,144 3		181,574 3	
SUPPLEMENTS													
18015-02S1 Delaney, John	06	066		LB	3.0	E	8,500			11,050	0	0	0245365650
Total	22						1,369,505 22	0	0	1,780,347 22		1,315,808 21	
PROSTATE PROJECT—NEW													
20400-01 Brickner	J6	096,087		PR	1.P	E	15,725			21,228	0	0	0371086901
20881-01 Sanford	J6	076,067		PR	1.P	E	47,856			64,605	1	51,492	0396461902
21491-01 Brannan	06	106		PR	1.P	E	37,926			51,200	2	39,442	0190191901
21496-01 Hollenberg	06	017		PR	1.P	E	40,265			54,357	2	48,896	0214134401
21746-01 Heidelberger	06	017		PR	1.P	E	72,720			98,172	2	83,367	0057363101
Total	5						214,492 5	0	0	289,562 5		223,197 4	
SUPPLEMENT													
6925-03S1 Rotkin	6	126		PR	3.P	EE	73,386			95,401		0	0140577703
Total	6						287,878 6	0	0	384,963 6		223,197 4	
CLINICAL EDUCATION—NEW													
17916-01A1 Beazley, Robert	J7	077		CE	1.Q	K	57,932			62,566		53,910	0190577902
17949-01A1 Nadel, Eli M	J6	076		CE	1.Q	K	94,710			102,286		124,822	0267915401
18766-01A1 Toto, Patrick D	J7	077		CE	1.Q	K	41,369			44,678		41,768	0144689203
19424-01A1 Zegarelli, Edwa	J7	077		CE	1.Q	K	16,735			18,073		17,851	0331742301
19434-01A1 Aust, John C	J7	077		CE	1.Q	K	98,645			106,536		102,955	0335992619
19504-01A1 Greene, George	J7	047		CE	1.Q	K	25,373			27,402		27,685	0335992614
19541-01A1 Morrison, Franc	J7	077		CE	1.Q	K	91,214			98,511		93,535	0255390304
19638-01 Moloney, Willia	J6	076		CE	1.Q	K	50,928			55,002		52,336	0221080402
19780-01A1 Aron, Bernard S	J7	077		CE	1.Q	K	118,859			128,367		121,592	0361569401
20503-01 Economou, Steve	J6	106		CE	1.Q	K	52,700			56,916		54,977	0146644301
20643-01 Costanzi, John	J6	126		CE	1.Q	K	118,072			127,517		121,136	0440578406
20849-01 Cataldo, Edmund	J6	126		CE	1.Q	K	58,500			63,180		60,751	0228422704

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
21274-01 Rogers, Robert	J7	077		CE	1.Q	K	141, 239			152, 538		146, 258	0150577806
21275-01 Robinson, Harry	J7	077		CE	1.Q	K	58, 045			62, 688		55, 047	0335998301
21328-01 Greenman, Phili	J7	057		CE	1.Q	K	53, 520			57, 801		74, 196	0235245901
21407-01 Kirsten, Werner	J7	047		CE	1.Q	K	65, 937			71, 211		71, 096	0141413601
Total	16						1, 143, 778	0	0	1, 235, 272		1, 219, 915	
							16			16		16	
CMP RENEWABLE													
17971-03 Horton, John	J7	077		CE	2.Q	K	81, 330			87, 836		84, 108	0338455007
17982-03 Gardner, Bernar	J7	077		CE	2.Q	K	105, 878			114, 348		109, 037	0335992616
18013-03 Athens, John W	J7	077		CE	2.Q	K	102, 780			111, 002		108, 440	0450514002
18016-03 Cerilli, James	J7	077		CE	2.Q	K	91, 808			99, 152		92, 740	0366218701
Total	4						381, 796	0	0	412, 338		394, 325	
							4			4		4	
SUPPLEMENTS													
17933-03S1 Hall, L. Raymond	J6	077		CE	3.Q	K	22, 000			23, 760		23, 080	0264185701
17984-03S1 Dishi, Noboru	J7	077		CE	3.Q	K	22, 056			23, 820		0	0120820005
18397-03S1 Bochler, Dolore	J6	017		CE	3.Q	K	48, 000			51, 840		0	0500578503
Total	3						92, 056	0	0	99, 420		23, 080	
							3			3		1	
Total	23						1, 617, 630	0	0	1, 747, 030		1, 637, 320	
							23			23		21	
CONSTRUCTION—NEW													
19428-01 Augsburger	06			CO	1.R	I	8, 324, 250			8, 324, 250	0	0	0058046501
20440-01 Potter John F	06			CO	1.R	I	4, 071, 780			4, 071, 780		0	0092869001
21123-01 Brenna n, Michae	J7			CO	1.R	I	850, 80[illegible]			850, 80[illegible]		0	0230135901
Total	3						13, 246, 830	0	0	13, 246, 830		0	
							3			3			
BLADDER PROJECT—NEW													
20247-01 Hahn	J6			BL	1.S	E	52, 315			70, 102	2	63, 143	0244976101
20923-01 Herz	J6			BL	1.S	E	56, 632			75, 886	2	41, 404	0335451101
21024-01 Weltman	J6			BL	1.S	E	34, 655			46, 437	1	35, 651	0405369401
21581-01A1 Nayak	06	017/127		BL	1.SI	E	51, 000			68, 340	1	52, 042	0050577505
21612-01 Chlapowski, Fran	06	126		BL	1.S	E	43, 181			57, 862	2	41, 290	0220850903
21647-01 Daly, James J	06	017		BL	1.S	E	53, 058			71, 097	1	51, 582	0224907701
21748-01 Catalona	06	077/068		BL	1.S	E	60, 233			80, 712	2	58, 971	0264095001
21832-01 Kursh	06	097/088		BL	1.SI	E	37, 440			50, 169	1	23, 224	0360218601
21844-01 Morales	06	047/038		BL	1.SI	E	51, 055			68, 413	2	34, 619	3156817201
21938-01 Wolf	06	037/028		BL	1.S	E	29, 460			39, 476	0	0	0224911501
22118-01 Elliott	06	407/038		BL	1.S	E	39, 150			52, 461	1	42, 647	0245365601
Total	11						508, 179	0	0	680, 955		444, 573	
							11			11		10	
COMPETING RENEWALS													
16765-04 Irving	06	057/048		BL	2.S	CE	88, 610			118, 737	2	88, 140	0430578302
16969-03 Purtilo	06	067/058		BL	2.SI	IE	48, 000			64, 320	1	51, 360	0224928603
17972-03 Johnson	06	067/058		BL	2.S	TE	28, 900			38, 726	0	0	0440578407
Total	3						165, 510	0	0	221, 783		139, 500	
							3			3		2	
Total	14						673, 689	0	0	902, 738		584, 073	
							14			14		12	
PANCREAS													
19169-01A1 Kim	J7	017/127		PA	1.T	E	31, 602			41, 082	1	29, 812	0267915401
19188-01A1 Geokas	06	017 127		PA	1.T	E	28, 420			36, 946	1	32, 312	0050577503
19744-01A1 Woolley	J7	067 058		PA	1.T	E	35, 540			46, 202	2	27, 904	0092869001
20120-01A1 Reddi	J7	077 068		PA	1.T	E	23, 815			30, 959	2	25, 740	0331605015
20127-01 Benarde	06	076		PA	1.TI	E	77, 015			100, 119	2	81, 400	3093133101
20198-01 Pour	06	116		PA	1.T	E	187, 042			243, 154	2	195, 631	0280578104
20751-01 Ming	06	017		PA	1.T	E	33, 565			43, 634	2	29, 935	0398240301
21646-01 Lawson	06	047 038		PA	1.T	E	38, 596			50, 174	1	41, 683	0058042701
21649-01 Oberfield	06	017 127		PA	1.TI	E	31, 850			41, 405	2	34, 005	0224375701
22063-01 Bockman	J7	077 068		PA	1.T	E	31, 125			40, 459	1	30, 145	0110676605
Total	10						518, 568	0	0	674, 134		528, 567	
							10			10		10	
CANCER CONTROL—NEW													
19375-01 Shenker	06	046/037		CC	1.U	J	82, 470			111, 334	1	77, 050	0335998301
20140-01 Chalmers, Thoma	J7	076		CC	1.U	J	50, 000			67, 500		50, 000	0331102701
20228-01 Russell, Richar	06	017		CC	1.U	J	31, 498			42, 522		30, 135	036[illegible]218701
20396-01 Robson, Martin	J7	126		CC	1.U	J	51, 123			69, 016		30, 023	0141413601
20617-01 Aungst, C. Will	J7	126		CC	1.U	J	141, 191			198, 707		152, 225	0335966005
20661-01 Lichtenstein	06	126/117		CC	1.U	J	36, 614			49, 428	2	36, 024	0386297005
20791-01 Adams, Calvin K	J7	126		CC	1.U	J	119, 329			161, 094		92, 044	0100513606
21486-01 Rusch, Harold P	J7	047		CC	1.U	J	92, 366			124, 694		121, 494	0500578503
21501-01 Bernstein, Norm	J7	047		CC	1.U	J	64, 877			87, 583		66, 875	0224907701
Total	9						675, 468	0	0	911, 878		655, 870	
COMPETING RENEWALS													
16409-03 Durant	06	067/058		CC	2.U	J	1, 016, 239			1, 371, 922	2	1, 085, 362	0010556601
Total	10						1, 691, 707	0	0	2, 283, 800		1, 741, 232	

NATIONAL CANCER INSTITUTE, FISCAL YEAR 1977. UNFUNDED GRANT APPLICATIONS AS OF MAR. 30, 1977—Continued

ALL PROGRAMS BY TYPE AND GRANT NUMBER (INCLUDES EST. IND. COSTS)—UNFUNDED APPROVALS—Continued

Grant No. and principal investigator	BD. DTE	Budget period	SB AT	CA AT	Type/ program/ thrust	OFM LT D/I No.	Direct cost recommended	Direct cost awarded	Indirect cost awarded	Total cost unfunded	Future 1st year's direct cost	Future year recommended	State/ institute code
NRSA—INDIVIDUAL FELLOWSHIPS—NEW													
05594-01A1 Schwartz, Kenne	J7	047	------	CI	1.X	G	14,500			14,500		0	0050222503
05884-01 Carley, William	J7	027	------	TB	1.X	G	14,500			14,500		0	0331903801
05902-01 Moskal, Joseph	J7	047	------	TB	1.X	G	14,500			14,500		0	0235245901
05905-01 Chromey, Nancy	J7	047	------	IM	1.X	G	14,500			14,500		0	0220894901
05906-01 Pfeffer, Lawren	J7	037	------	VO	1.X	G	14,500			14,500		0	0337056601
05908-01 Ladner, Martha	J7	047	------	IM	1.X	G	14,500			14,500		0	0386874201
05911-01 Ernest, Michael	J7	116	------	TB	1.X	G	14,500			14,500		0	0331742301
05912-01 Sciaky, Daniela	J7	018	------	TB	1.X	G	14,500			14,500		0	0334577101
05932-01 Skare, James C	J7	047	------	VO	1.X	G	14,500			14,500		0	0221464901
05936-01 Porvaznik, Mart	J7	077	------	CG	1.X	G	14,500			14,500		0	0050577504
05941-01 Shafie, Samir M	J7	077	------	TB	1.X	G	14,500			14,500		0	0337047101
05952-01 Telang, Nityana	J7	047	------	CG	1.X	G	14,500			14,500		0	0280578103
05953-01 Caldwell, Burto	J7	077	------	CI	1.X	G	14,500			14,500		0	0079420201
05961-01 Goldstein, Lawr	J7	047	------	CG	1.X	G	14,500			14,500		0	0440578403
05973-01 Winston, Vetrn	J7	126	------	VO	1.X	G	14,500			14,500		0	0174202801
Total	15						217,500 15	0	0	217,500 15		0	
COMPETING RENEWALS													
05183-03 Eardley, Diane	J7	067	------	IM	2.X	G	14,500			14,500		0	0079420201
Total	16						232,000 15	0	0	232,000 16		0	
CREG—DCCP													
19555-01 Jungmann, Richa	06	056	01	CP	1.4	VB	29,534			39,870		28,534	0146144650
19592-01A1 Moskowitz, Merw	J7	067	16	CP	1.4	CB	40,594			54,801		40,594	0156796301
19727-01 Mayer, Robert J	06	096/087	13	CP	1.4	EB	33,450			45,157		36,300	0221464901
19730-01A1 Mitchell, Ann D	J7	047	16	CP	1.4	CB	35,087			47,367		35,135	0058042701
19748-01 Schottenfeld, D	06	056	13	CP	1.4	EB	34,573			46,673		37,053	0335074101
19924-01 Siegel, Carole	06	115	10	CP	1.4	EB	64,655			87,284		67,991	0335967977
20024-01A1 Chen, Tsu T	J7	047	16	CP	1.4	CB	27,614			37,278		24,383	0150577806
20232-01 Firat F	J7	126	14	CP	1.4	EB	45,000			60,750	4	28,000	8200712301
20444-01 Yuasa, Shu F	06	017	15	CP	1.4	EB	7,000			9,450		7,000	5403823501
20897-01 Hirohata, Tomio	06	106	28	CP	1.4	NB	68,775			92,846		73,440	0120820005
20899-01 Wade, Adelbert	06	096	27	CP	1.4	NB	94,246			127,232		92,929	0110676602
20906-01 Stemmermann, Gr	J7	096	28	CP	1.4	NB	49,490			66,811		50,210	0124303501
20909-01 Graham, Saxon	J7	106	28	CP	1.4	NB	131,207			177,129		138,030	0335992614
20929-01 Das, John B	J7	106	24	CP	1.4	NB	25,587			34,542		76,192	0221504801
20929-011 Das, John B	06	106	24	CP	1.4	NB	139,017			187,672		76,192	0221504801
20931-01 Chang, William	06	106	29	CP	1.4	NB	50,950			68,782		50,950	0331605015
20934-01 Mullen, James L	06	106	24	CP	1.4	NB	35,820			48,357		18,685	0336463801
20944-01 Simko, Vladc	06	126	25	CP	1.4	NB	23,655			31,934		23,975	0361569401
20954-01 Bresnick, Edwar	06	096	26	CP	1.4	NB	89,562			120,908		91,139	0468738101
20955-01 Olson, James A	06	106	29	CP	1.4	NB	30,000			40,500		29,000	0163974801
20961-01 Newberne, Paul	06	097	29	CP	1.4	NB	72,058			97,278		77,747	0224911501
20975-01 Leklem, James E	J7	096	28	CP	1.4	NB	61,316			82,776		62,012	0386297004
20982-01 Mahlum, Dennis	06	017	29	CP	1.4	NB	65,620			88,587		87,660	0480685903
20983-01 Nixon, Joseph E	06	098	26	CP	1.4	NB	68,787			92,862		73,602	0386297004
21016-01 Van Soest, Pete	06	116	25	CP	1.4	NB	86,225			116,403		0	0331903801
21023-01 Reddy, Janardan	06	106	29	CP	1.4	NB	46,096			62,229		43,198	0174206604
21213-01 Quarles, John M	J7	047	16	CP	1.4	CB	41,873			56,528		42,287	0448266910
21228-01 Sloane, Nathan	J7	017	16	CP	1.4	CB	45,028			60,787		45,028	0430578302
21231-01 Felix, Jeanette	J7	047	16	CP	1.4	CB	62,527			84,411		58,504	0214134401
21592-01 Benedict, Willi	J7	047	16	CP	1.4	CB	65,263			88,105		70,784	0051520001
Total	30						1,670,609 30	0	0	2,255,309 30		1,586,554 29	
Total	30						1,670,609 30	0	0	2,255,309 30		1,586,554 29	
CREG—DCT													
20326-01 Meltz, Martin L	06	096	03	CM	1.5	TB	138,824			187,412		145,150	0447660801
20328-01 Schenken, Larry	06	096/087	03	CM	1.5	TB	120,571			162,770		132,051	0390176701
20331-01 Piro, Anthony J	06	017	03	CM	1.5	TB	57,540			77,679		56,909	0221464901
20337-01 Schneiderman, M	06	106	03	CM	1.5	TB	76,760			103,626		75,717	0334050801
20344-01 Stone, Helen B	06	096/087	03	CM	1.5	TB	61,108			82,495		67,742	0061725201
20345-01 Nelson, Janet S	06	096	03	CM	1.5	TB	56,419			76,165		57,657	0489087701
20349-01 Tolmach, L. J	06	017	03	CM	1.5	TB	119,311			161,069		96,920	0269083901
20528-01 D'Angio, Giulio	06	126	03	CM	1.5	TB	80,815			109,100		66,403	0391499101
20553-01 Chen, Tsu, T	06	126	03	CM	1.5	TB	49,196			66,414		46,101	0150577806
20585-01 Brandes, David	06	096	03	CM	1.5	TB	44,050			59,467		47,595	0214134401
20725-01 Arnold, Wilfred	06	017	02	CM	1.5	PB	103,095			139,178		54,876	0174206604
20726-01 Vetter, Richard	06	096	02	CM	1.5	PB	65,078			87,855		55,470	0156796301
20742-01 Leith, John T	06	116	03	CM	1.5	TB	56,926			76,850		62,348	0030490201
20762-01 Byfield, John E	06	116	03	CM	1.5	TB	79,684			107,573		88,454	0050222503
20874-01 Trosko, James E	06	096	02	CM	1.5	PB	80,216			108,291		59,607	0235245901
Total DCT	15						1,189,593 15	0	0	1,605,944 15		1,113,001 15	
Total unfunded							68,896,345	0	0	86,257,005		50,609,443	
Applications to (date excludes May 1977 round of applications).							1,045			1,045		956	

Mr. Chairman, there is no person more well-intentioned than the gentleman from Florida (Mr. ROGERS). His track record is great.

But it is possible that today he is wrong in holding it at 15 percent above the last year's appropriation figure. It could be that he is mistaken. I think he is. I hope we can correct it.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I would ask the gentleman from Georgia if it is his opinion that more than $69,116,000 will be needed?

Mr. BRINKLEY. That is correct.

Mr. KAZEN. That is the reason for saying "such sums as may be necessary"?

Mr. BRINKLEY. That is correct.

Mr. KAZEN. The gentleman then means that it may take more than this?

Mr. BRINKLEY. Yes.

Mr. KAZEN. My next question to the gentleman is: Can that much money prudently be spent in 1 year?

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. KAZEN, and by unanimous consent, Mr. BRINKLEY was allowed to proceed for 1 additional minute.)

Mr. BRINKLEY. Mr. Chairman, in response to the inquiry of the gentleman from Texas, let me say that the gentleman is a lawyer. He and I as lawyers very well know the value of demonstrative evidence. It is here—here is where the money could be spent, as indicated on this printout, these projects can be considered by the National Cancer Institute. They have been approved but they are unfunded. The unfunded portion being $126,362,000 alone. The total number of those projects indicated on this printout which stretch across the floor and over to this podium are 1,543. The money could be very well spent.

We are on the threshold of discovery and we could have significant breakthroughs.

Mr. KAZEN. What is the figure that the gentleman from Georgia thinks will get the job done?

Mr. BRINKLEY. I should think that it would be the appropriation of the past year plus $126,362,000.

I hope to have an opportunity to appear before the Committee on Appropriations and suggest that the level of funding for this fiscal year will be the appropriations of last year and, in addition to that, the amount of $126 million plus, more.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. BRINKLEY. I urge support of the amendment.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have great respect for my distinguished colleague, the gentleman from Georgia (Mr. BRINKLEY) and for his intense interest in the cancer program as he has demonstrated so earnestly.

The committee, of course, has gone into this program in great detail over the years. I might say that the Cancer Institute is the most favored of all the NIH Institutes as this House knows. This Congress has given it the most money, even though it is not the first cause of death in this Nation. Cancer is second with approximately 365,000 deaths a year, but it is a dreaded disease. Because of that we mounted a particularly heavy campaign and we are expanding the program. Heart and other cardiovascular diseases alone, cause about 985,000 deaths per year, if the Members want to compare. We are only funding the Heart, Lung, and Blood Institute at about half the rate we are funding the Cancer Institute.

As a general rule, only about 50 percent of all approved applications submitted to all Institutes of NIH to do research are able to be funded. Similarly, the National Cancer Institute can fund about 50 percent of its approved applications at a total funding level of about twice as much as any other single Institute within NIH. So we have mounted a tremendous campaign for cancer relative to other Institutes and given current budgetary restraints.

Let me tell the Members what the funding level is for these programs. In the fiscal 1977 appropriations we provided $60 million for cancer control programs. This is the actual appropriation, the money appropriated and being spent, $60 million for cancer control programs, such as early detection programs. The general cancer research program appropriation provided an additional $736 million. This year we are going up from $60 million to $69 million. for control programs, and from $736 million to $847 million for research programs for a total of $916 million for cancer alone.

I understand the concern of the gentleman. We would all like to appropriate $2 or $3 billion for every disease. What we have tried to do is put the proper emphasis where it should be put. I would urge that the House reject this amendment pending the committee's thorough evaluation later this session.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have been eminently involved with this problem for quite a few years. In fact, the distinguished chairman of the subcommittee and I drafted the original bill. We have tried to authorize every dollar which was necessary. The thing about it is that cancer is not going to be cured by throwing money at it, just by dollars. It is going to be cured by men who are dedicated, men who are willing to go to school and get M.D.'s and later either doctor of science degrees or Ph. D.'s, to become microbiologists and oncologists, and have the willingness and dedication to get out and find the cause of cancer. I submit that if money would cure cancer within itself, I would immediately support the gentleman's amendment. But the fact is that it will not do that.

I am familiar with the way the money is spent throughout our country. I will say that some of our money is being wasted. We are actually funding projects in West Germany at the present time. We are funding projects in France, and I believe also in England, although I am not sure of that. As it happens, the economy of West Germany is much better than that of the United States, and some of the people in cancer work here in the United States today come to me and tell me that they object to sending money to West Germany, and so do I. I think that we should have cooperation between this country and other countries in our knowledge of cancer and in our transfer of knowledge, and in assisting one another. But certainly we have appropriated sufficient money.

What we have lacked has been the dedication of the people who are working to find the cause of cancer. Some of the specialists tell me that we will first get the cure. I rather doubt this. I believe that we have got to have someone with the dedication of Pasteur who was willing to work day after day and night after night, or someone with the dedication of Koch who found the cause of diphtheria, or of Erlich who found the treatment for syphilis, or of Madam Curie who found radium. We have got to have people of this kind, and I regret to say that throughout our country we are lacking in that dedication.

As I read, I read about vanity—vanity. Everything is vanity. I have come to believe that in many cases that is the feeling of many of our people, and I regret that. We lack dedication.

I regret that. We lack dedication. But I am going to tell the Chairman today that if we do not return to dedication, to the principles of our Forefathers, if we do not dedicate ourselves to finding the cause of such terrible and tragic diseases as cancer, if we do not dedicate ourselves to the upbuilding of this great Nation of ours, we might well go down the drain.

Mr. Chairman, it is with great reluctance that I oppose the amendment offered by the gentleman from Georgia, a very distinguished and a very fine man. If I thought that money would find the cause of cancer, certainly I should support the amendment, but dedication is what is required.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BRINKLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BRINKLEY. Mr. Speaker, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to rule XXIII, clause 2, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Georgia (Mr. BRINKLEY) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments? There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DANIELSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4975) to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs, pursuant to House Resolution 449, he re-

ported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ALLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 385, nays 4, not voting 43, as follows:

[Roll No. 116]

YEAS—385

Addabbo	Caputo	Flippo
Akaka	Carney	Flood
Alexander	Carr	Florio
Allen	Carter	Flowers
Ambro	Cavanaugh	Flynt
Ammerman	Cederberg	Foley
Anderson, Ill.	Chappell	Ford, Mich.
Andrews, N.C.	Chisholm	Ford, Tenn.
Andrews, N. Dak.	Clawson, Del	Forsythe
	Cleveland	Fountain
Annunzio	Cochran	Frenzel
Applegate	Cohen	Frey
Archer	Collins, Ill.	Gammage
Armstrong	Conable	Gaydos
Ashbrook	Conte	Gephardt
Ashley	Conyers	Giaimo
Aspin	Corcoran	Gibbons
AuCoin	Corman	Gilman
Badham	Cornell	Ginn
Badillo	Cornwell	Glickman
Bafalis	Coughlin	Goldwater
Baldus	D'Amours	Gonzalez
Baucus	Daniel, Dan	Goodling
Bauman	Daniel, R. W.	Gore
Beard, R.I.	Danielson	Gradison
Beard, Tenn.	Davis	Grassley
Bedell	de la Garza	Gudger
Beilenson	Delaney	Guyer
Benjamin	Dellums	Hagedorn
Bennett	Dent	Hall
Bevill	Derrick	Hamilton
Biaggi	Derwinski	Hammer-schmidt
Bingham	Devine	
Blanchard	Dickinson	Hanley
Blouin	Dicks	Hannaford
Boggs	Dingell	Hansen
Boland	Dodd	Harkin
Bolling	Dornan	Harrington
Bonior	Downey	Harris
Bonker	Drinan	Harsha
Bowen	Duncan, Oreg.	Hawkins
Brademas	Duncan, Tenn.	Heckler
Breaux	Early	Hefner
Breckinridge	Edgar	Hightower
Brinkley	Edwards, Ala.	Hillis
Brodhead	Edwards, Calif.	Holland
Broomfield	Edwards, Okla.	Holt
Brown, Calif.	Eilberg	Holtzman
Brown, Mich.	Emery	Horton
Brown, Ohio	English	Howard
Broyhill	Erlenborn	Hubbard
Buchanan	Evans, Del.	Huckaby
Burgener	Evans, Ga.	Hughes
Burke, Calif.	Evans, Ind.	Hyde
Burke, Fla.	Fary	Ichord
Burke, Mass.	Fascell	Ireland
Burleson, Tex.	Fenwick	Jacobs
Burlison, Mo.	Findley	Jeffords
Burton, Phillip	Fish	Jenkins
Butler	Fisher	Jenrette
Byron	Fithian	Johnson, Calif.
Johnson, Colo.	Moorhead, Pa.	Simon
Jones, N.C.	Moss	Sisk
Jones, Okla.	Mottl	Skelton
Jordan	Murphy, Ill.	Skubitz
Kasten	Murphy, Pa.	Slack
Kastenmeier	Murtha	Smith, Iowa
Kazen	Myers, Gary	Smith, Nebr.
Kelly	Myers, Michael	Snyder
Kemp	Myers, Ind.	Solarz
Ketchum	Natcher	Spellman
Keys	Neal	Spence
Kildee	Nedzi	St Germain
Kindness	Nichols	Stangeland
Kostmayer	Nix	Stanton
Krebs	Nowak	Stark
LaFalce	O'Brien	Steed
Lagomarsino	Oakar	Steers
Latta	Oberstar	Steiger
Le Fante	Obey	Stockman
Leach	Ottinger	Stokes
Lederer	Panetta	Stratton
Lehman	Patten	Studds
Levitas	Patterson	Stump
Lloyd, Calif.	Pattison	Taylor
Lloyd, Tenn.	Pease	Thone
Long, La.	Pepper	Thornton
Long, Md.	Perkins	Tonry
Lott	Pettis	Traxler
Lujan	Pickle	Treen
Luken	Pike	Trible
Lundine	Pressler	Tsongas
McClory	Preyer	Tucker
McCloskey	Price	Udall
McCormack	Pritchard	Ullman
McDade	Pursell	Van Deerlin
McEwen	Quayle	Vander Jagt
McFall	Rahall	Vanik
McHugh	Rangel	Vento
McKay	Regula	Volkmer
McKinney	Reuss	Waggonner
Madigan	Rhodes	Walgren
Maguire	Richmond	Walker
Mahon	Rinaldo	Walsh
Mann	Risenhoover	Wampler
Markey	Roberts	Watkins
Marks	Robinson	Waxman
Marlenee	Rodino	Weaver
Marriott	Rogers	Weiss
Martin	Rooney	Whalen
Mathis	Rosenthal	White
Mattox	Rostenkowski	Whitehurst
Mazzoli	Rousselot	Whitley
Meeds	Roybal	Whitten
Meyner	Rudd	Wiggins
Michel	Runnels	Wilson, Bob
Mikulski	Ruppe	Wilson, C. H.
Miller, Calif.	Russo	Wolff
Miller, Ohio	Ryan	Wright
Mineta	Santini	Wydler
Minish	Sarasin	Wylie
Mitchell, Md.	Satterfield	Yates
Mitchell, N.Y.	Sawyer	Yatron
Moakley	Scheuer	Young, Fla.
Moffett	Schroeder	Young, Mo.
Mollohan	Schulze	Young, Tex.
Montgomery	Sebelius	Zablocki
Moore	Seiberling	Zeferetti
Moorhead, Calif.	Sharp	
	Shuster	

NAYS—4

Collins, Tex.	McDonald	Sikes
Crane		

NOT VOTING—43

Abdnor	Fraser	Quie
Anderson, Calif.	Fuqua	Quillen
	Heftel	Railsback
Barnard	Hollenbeck	Roe
Brooks	Jones, Tenn.	Roncalio
Burton, John	Koch	Rose
Clausen, Don H.	Krueger	Shipley
	Leggett	Staggers
Clay	Lent	Symms
Coleman	Metcalfe	Teague
Cotter	Mikva	Thompson
Diggs	Milford	Wilson, Tex.
Eckhardt	Murphy, N.Y.	Winn
Ertel	Nolan	Wirth
Evans, Colo.	Poage	Young, Alaska

The Clerk announced the following pairs:

Mr. Jones of Tennessee with Mr. Abdnor.
Mr. Teague with Mr. Mikva.
Mr. Heftel with Mr. Roe.
Mr. Brooks with Mr. Coleman.
Mr. Ertel with Mr. Charles Wilson of Texas.
Mr. Milford with Mr. Anderson of California.
Mr. Wirth with Mr. Diggs.
Mr. Clay with Mr. Fraser.
Mr. John L. Burton with Mr. Eckhardt.
Mr. Staggers with Mr. Hollenbeck.
Mr. Koch with Mr. Krueger.
Mr. Barnard with Mr. Leggett.
Mr. Shipley with Mr. Lent.
Mr. Cotter with Mr. Metcalfe.
Mr. Evans of Colorado with Mr. Quie.
Mr. Murphy of New York with Mr. Quillen.
Mr. Thompson with Mr. Symms.
Mr. Rose with Mr. Winn.
Mr. Nolan with Mr. Young of Alaska.
Mr. Fuqua with Mr. Don H. Clausen.
Mr. Roncalio with Mr. Railsback.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 4975.

The SPEAKER pro tempore (Mr. WRIGHT). Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

HEALTH SERVICE EXTENSION ACT OF 1977

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4976) to amend the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services to authorize appropriations for fiscal year 1978 for health services programs, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. ROGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4976, with Mr. MAZZOLI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. ROGERS) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill, H.R. 4976, extends, for fiscal year 1978, the authorizations of appropriations for the following health programs:

Grants to States for wide-ranging comprehensive health services, including communicable disease control; environmental services; chronic disease control; emergency and home health services and mental health programs.

Grants to States for prevention, detection, and treatment of hypertension, which affects some 23 million Americans.

Grants for the establishment and operation of migrant health centers. These grants provide support for 125 migrant health centers and 33 rural health initiative programs. Almost 500,000 persons are served by this program.

Grants for community health centers—better known as neighborhood health centers. These grants presently are awarded to 165 community health centers.

Grants to continue the congressional initiative in the fields of population research and family planning, which has resulted in significant increase in the availability of voluntary family planning services, with emphasis on services to low-income people.

Grants to continue the Federal effort to make information available to health professionals and the public with respect to the nature of sudden infant death syndrome and its effect on families who have lost a child to it.

Grants to provide Federal assistance to establish comprehensive hemophilia diagnostic and treatment centers and to develop and expand blood separation centers.

Grants to continue and expand the community mental health centers program, which presently provides comprehensive services to some 88 million persons. This program, which was initiated in 1963 by President Kennedy, is intended to provide startup support for a nationwide network of centers.

Grants to States to extend and improve maternal and child health services for reducing infant mortality, for promoting the health of mothers and children, and for serving the needs of crippled children.

Demonstration grants to support the initial costs of establishing and operating home health services agencies, the expansion of services provided by existing agencies, and training of professional and paraprofessional personnel in the provision of home health care.

A simple, 1-year extension of these expiring programs without substantive amendments will provide the new administration with the opportunity to carefully review these programs and make recommendations to the committee with respect to possible future revisions.

I have already instructed the subcommittee staff to undertake a thorough review of each of these programs in close cooperation with the administration. That review is underway. Because of the need for critical evaluation of all health services programs, the Health Services Extension Act authorizes the continuation, but not the substantial expansion, of these programs by extending the authorizations of appropriations at 115 percent of the fiscal year 1977 appropriations. This increase is intended to take into consideration inflationary factors.

Mr. Chairman, this legislation extends programs that provide health services to millions of Americans who otherwise would not receive them. It is a fiscally responsible bill. It has the support of the new administration, and it deserves the overwhelming support of this body.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4976 extends the authorizations for the following health services programs at 115 percent of last year's appropriations: Grants to the States for comprehensive health services, hypertension, migrant health centers, community health centers, family planning, sudden infant death syndrome, hemophilia treatment centers, and the provision of home health services.

Also, this legislation would increase the authorization of appropriations level of title V of the Social Security Act for maternal and child health and crippled children's services by 115 percent of last year's appropriations.

It would also continue the authority for blood separation centers and training in the provision of home health services.

In addition, this bill makes minor revisions in the authorities for migrant health centers, community health centers, family planning research, and community mental health centers.

H.R. 4976 also contains a series of technical and some minor substantive amendments to the recently enacted health manpower law, as well as to the following authorities:

Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970;

Drug Abuse Office and Treatment Act of 1972;

Nurse Training Act of 1975;

Indian Health Care Improvement Act; and

Social Security Amendments of 1972.

Mr. Chairman, the thrust of this legislation is to extend the various health services programs which provide needed health services to the people of this country.

As you know, I have been a strong supporter of all these programs because I know what they mean to the people who depend upon these services.

For example, the community health center program has supported the establishment of ambulatory health care centers to serve medically needy populations. These centers attempt to coordinate Federal, State, and local resources in a single organization capable of delivering both health care and related social services to a defined population.

The family planning programs have also been extremely helpful in making voluntary family planning services available to all those who want them. This program, too, deserves our continued support.

In addition, this legislation extends the community mental health centers program. It was the intent of the original act to provide a resource, at the community level, for the treatment of the mental health problems of the community.

At the present time it is estimated that about 88 million persons are expected to be covered by the more than 500 centers in operation.

Yet we have also heard reports that too much of the Federal dollar is being spent on administration and not enough on services for the patients. This situation is of great concern to me and I have urged the committee to look at this program carefully next year.

Mr. Chairman, there are many other important programs included in this legislation, such as hypertension, hemophilia treatment centers, and the grants we provide to the States for various health service programs.

All of these programs contribute to the effective operation of our Nation's health care system, and I urge that you give favorable consideration to this legislation.

Mr. ROGERS. Mr. Chairman, I reserve the balance of my time.

Mr. CARTER. I yield to the distinguished gentlewoman from New Jersey (Mrs. FENWICK) such time as she may consume.

Mrs. FENWICK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to speak most urgently on behalf of this bill and bring to the attention of the House some of the elements that I hope can be included in the services that this bill will provide. I am speaking specifically of regulations that need to be changed, of services that could well be provided at home and of people who are now institutionalized because we have no programs that will allow these people to be treated properly at home.

I have in mind two different types of institutionalizing that I think we could well avoid at considerable saving. I notice the budget chairman is here and I would like to have the attention of the budget chairman and his support for this program.

What I have in mind is this. We now have for example in the State of New Jersey a program that will take care of medicare patients in nursing homes but the regulation provides that they cannot leave the nursing home more than 18 days a year. This seems to me a totally irresponsible, cruel, and unwise rule. There have been abuses, because occasionally people have left for more than a month at a time and expected to find the bed reserved. What does it mean? It means if one is poor and is working and has a member of the family in a nursing home—and indeed I have such a case—and one wants to bring one's mother home every weekend, one cannot because if it amounts to more than 18 days a year one must sacrifice the medicare payments. A regulation allowing 1 day a week would be an answer and a practical answer, to this kind of program.

But further, supposing we have a family where both the man and wife, the couple, are working because they

have to put children through college I wonder if it would not be wiser to provide home care for an elderly parent who could bring to the family a stipend that would be considerably less, perhaps, than would be spent in the nursing home. I think it would. I think it would contribute to family solidarity and I think it would save taxpayers money, and I think it would contribute to the happiness of the elderly person. I see no reason why we should not proceed along those lines.

Further why can we not provide this for the handicapped? I had a case of an elderly women whose only family was a severely retarded boy. He grew too big for her to handle at home. He needed help at home. He could not get help at home. He had to be sent to an institution at a very great expense to the State.

What I am begging for here is this. I understand my colleague, the gentleman from Florida, has urged larger appropriations for these home elderly care services. I think if we enlarge the home health care services we could considerably cut down on the welfare costs in the nursing homes.

I think the case is clear. I just hope that these home health services will be practically and prudently done in a humane way, allowing for the need for the elderly people to see their families, for children to see their grandparents. I think we are doing incalculable harm under the present system.

Mr. ROGERS. Mr. Chairman, may I respond to the gentlewoman by saying that we do have numbers of laws that support home health services, particularly medicare and medicaid. We are spending some hundreds of millions of dollars and the figure is going up very, very rapidly.

There is a provision in this bill to continue the authority for demonstration projects in home health care. It is a very small but realistic authority. We continue the program. This is just a 1-year extension and then we will be getting into further consideration as we hold hearings later this year.

Mrs. FENWICK. Could I ask the gentleman: Is there any provision here so that, for example, we could hire profitmaking organizations which are prepared to give this kind of service? It is much easier to fire a company than it is to get rid of a bureaucrat.

Mr. ROGERS. This program is not a service delivery program. Some people have thought it was simply because we use the term "home health care." This program supports the expansion of existing agencies and the start up of new ones, but it does not provide support for the reimbursement of services. Medicare and medicaid provide that, and the committee under the gentleman from Illinois, Chairman ROSTENKOWSKI, has a program there.

Mr. SCHEUER. Mr. Chairman, will the distinguished chairman yield?

Mr. ROGERS. I yield 1 minute to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I strongly support this legislation.

Mr. Chairman, this legislation, H.R. 4976, the Health Services Extension Act, reauthorizes for 1 year the title X family planning programs administered by the Department of Health, Education, and Welfare with a 15-percent increase above current spending levels. Included in the 1978 authorization are $123 million for family planning services and $67 million for population research.

There are approximately 10 million low- and marginal-income women in this country who are in need of family planning services. Since the enactment of the Family Planning Services and Population Research Act of 1970, family planning services have been extended to some 6 million women. Despite this progress, almost 4 million women, mostly low income, still do not have access to these services. One-third of our counties, mostly rural, still are without family planning services. Hopefully in the months ahead with the President's support, we will see the expansion of a permanent nationwide system of family planning.

Perhaps the most compelling reason for expanding federally assisted family planning services is the tragically high incidence of adolescent pregnancy. One in every four American women becomes pregnant before reaching the age of 20.

Each year more than 1 million 15- to 19-year-olds, and even more appalling, 30,000 girls younger than 15, become pregnant. Approximately one-third of all legal abortions each year are obtained by teenagers. One-third of all births to teenagers occur out of wedlock.

It is tragic that while the birth rate for the population in general is on the decline, it actually rose for that age group for whom the health risks and social consequences are most severe. Between 1970 and 1974, the birth rate for 14-year-olds climbed 9 percent, from 6.6 to 7.2 per 1,000, and 3 percent for 15-year-olds.

Yet, very few of these young girls want to become mothers at so young an age. Of the 540,000 pregnancies each year to unmarried 15- to 19-year-olds, only 10 percent are intended. All in all, 667,000 unintended pregnancies and 300,000 unintended births occur each year to women between the ages of 15 and 19 years. Unfortunately, we do not know as yet how many of the pregnancies and births to girls 14 and under are intended, but we can imagine that the number would be even smaller.

Teenage mothers face substantial health risks, limited educational and employment opportunities, diminished prospects for stable marriages and other grave social and economic disadvantages.

Sixteen percent of the babies born to mothers under 15 are of low birth weight—less than 5.5 pounds. Low birth weight is not only a major cause of infant mortality, but also of many childhood illnesses and birth injuries such as neurological defects which often result in lifelong mental retardation. Teenage mothers, themselves, are also more likely to die or suffer illness or injury as a result of the pregnancy. The death rate from complications of pregnancy is 60 percent higher for women who become pregnant before they are 15.

Educational and employment opportunities are also limited for the teenage mother. A study in New York City of mothers of first-borns showed that 85 percent of those who first became mothers at ages 15 to 17 did not complete high school. Pregnancy is by far the most often cited reason for dropping out of school.

Nearly half of all teenage marriages break up within 5 years while those that are "forced" because of pregnancy are three times more likely to end in divorce. Teenage couples who marry as a result of pregnancy are also economically disadvantaged in terms of occupation, income, and assets. The New York study showed that 91 percent of the women who had their first child at age 15 to 17 were neither full- or part-time employed; 72 percent of these same mothers were on welfare.

Teenagers become pregnant because of nonuse or sporadic use of contraceptives. Many teenagers are ill-informed about contraceptives and the risks of pregnancy. In 1975, it was estimated that some 4 million girls between the ages of 15 and 19 were in need of contraceptive services. During that same year, 1.1 million visited family planning clinics for services while another 1 million received services through private physicians. The other 2 million remained unserved.

Birth control information and services must be made available to all the 4 million sexually active teenagers in this country at risk of pregnancy if we are to stop the teenage pregnancy epidemic. Despite the considerable progress that has been made over the last years, teenagers' access to family planning services are still limited legally, economically, and socially—despite the fact that premarital intercourse is beginning at younger and younger ages.

Only 26 States and the District of Columbia have confirmed the right of unmarried minors to obtain contraceptive services on their own consent, while 46 States permit unmarried women 18 or older to obtain contraceptives. While we are making an effort to expand services here at the Federal level, the States must remove the existing legal barriers to contraceptive availability to teenagers.

As these legal barriers are removed, we can expect that the demand for services will increase. The Federal Government must be prepared to meet this demand. Adequately financed programs should be developed to assist medical personnel to implement delivery mechanisms appropriate and sensitive to teenagers. Special effort should be made to insure that educational, counseling, and follow-up services are offered along with clinical care. The availability of contraceptive services for teenagers should be aggressively monitored in federally assisted programs. Since repeat pregnancies account for a large portion of teenage births, special attention should be paid to expanding contraceptive, counseling and educational services to unmarried teenagers who have already experienced a pregnancy. We must establish an outreach program to inform teenagers that contraceptive services are

available to them and that these services are provided confidentially.

We must evaluate the current extent of sex education programs and their effectiveness. Only 29 States and the District of Columbia require teaching health education courses in public schools, and of these, only 6 States and the District of Columbia require the teaching of some form of family life or sex education. Louisiana actually prohibits sex education instruction. A survey of U.S. school districts showed that only 39 percent of the districts with sex education programs taught anything about birth control.

Education is our first line of defense against pregnancy. We must expand and strengthen existing population and sex education programs in our high schools.

The facts are clear. Teenage pregnancy is dangerous to the teenagers themselves, to the children to whom they give birth, and above all to society at large. Our response to the problem has been far from adequate. The funds we are authorizing today will enable us to extend family planning services to 300,000 additional individuals, many of them teenagers. During the next year, we must work with the administration to develop a comprehensive program of family planning which will reach all the teenagers and all the low-income women in this country who are in need of services. Teenage pregnancy is a tragic and dangerous problem which deserves immediate attention.

Mr. STAGGERS. Mr. Chairman, I rise in complete support of this legislation. H.R. 4976, reported by the Committee on Interstate and Foreign Commerce by unanimous voice vote, will extend the authorizations of appropriations for fiscal year 1978 at 115 percent of fiscal year 1977 appropriations for several crucial public health service delivery programs. These programs include grants to the States for comprehensive health services; hypertension; migrant health centers; community health centers; family planning; sudden infant death syndrome; hemophilia treatment centers; and the provision of home health services.

In addition, it increases the authorization of appropriations level of title V of the Social Security Act—maternal and child health and crippled children's services—to a level reflecting 115 percent of the fiscal year 1977 appropriation and continues the authority for blood separation centers and training in the provision of home health services for fiscal year 1978.

Because the committee intends to undertake a thorough review of these authorities later in this session and hopes, at that time, to have received substantive comment from both the administration and interested members of the public, this legislation is designed to maintain rather than provide for expansion or modification of these programs.

Mr. Chairman, the important health service programs addressed in this legislation need to be maintained during the period of congressional and administration program review; those individuals who depend on these services deserve no less. I urge the adoption of this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, today, I am asking my colleagues to support the extension of the Health Services Act. The bill authorizes spending $1.1 billion for fiscal year 1978 on a variety of necessary and vital health programs.

These programs include centers devoted to community health, family planning, mental health, hemophilia treatment, and other important areas of health concern, all of which are of inestimable benefit to the Nation's poor and elderly.

I do, however, have one major point of disagreement with H.R. 4876 as it presently exists. The resolution authorizes only $4.45 million for home health services—a reduction of $7.55 million from the fiscal year 1977 level.

I believe that home health services are too important to stand this sort of brutal fund slashing. Therefore, I give my full support to Representative PEPPER's amendment which would restore last year's home health services authorization to the $12 million level. As we are all aware, the development of good home health services will save the Nation money in the long run. Analysis by the General Accounting Office of 20 expert studies comparing health costs found that of "the 20 studies, 19 presented data which supported the proposition that home health care can be less expensive" than institutional care.

It is also important to note that the Department of Health, Education, and Welfare, HEW, reports it received funding requests from 2½ times as many qualified home health services applicants as it had available funding.

I urge all Members interested in improving the quality of health care to pass Mr. PEPPER's amendment and the Health Service Extension Act.

Mr. FORD of Tennessee. Mr. Chairman, I rise today to join my distinguished colleague, the Honorable CLAUDE PEPPER, in supporting an amendment to H.R. 4976, the Health Services Extension Act. I would like to take this time to say that Mr. PEPPER, with his acute interest and years of service in the area, can quite properly be deemed an expert in the field of aging, specifically in the area of health care. Having worked extensively with him on the House Select Committee on Aging, I have found him to be sympathetic to the needs of our seniors. Therefore, I feel justified in saying that any measure which he chooses to introduce should not be viewed lightly.

This amendment, as you know, restores the authorization for home health training and demonstration programs to its former level of $12 million, placing it in a more proper perspective according to the importance of these health care services. Under the provisions of H.R. 4976, this authorization level was reduced by $7.6 million to last year's appropriation, plus a 15-percent increase allowance for inflation. With $1.1 billion authorized for the extension of health services, I feel it is an insult to allow a mere $4.5 million to cover the spiraling cost of this invaluable, ever-growing service.

Both the high costs of long-term care and, the growing concern over needless institutionalization of our Nation's precious seniors, have led to a demand for alternatives to institutional care. Home health care is one such alternative which has proven highly successful in allowing many elderly the opportunity to retain the dignity and self-respect essential to each of us. No one should be denied these truly human characteristics because they are no longer self-sufficient due to age, illness, et cetera. It is as important for seniors who are able, to interact with family and friends on a day-to-day, normal, healthy basis, as it is for you and me.

It is up to us, the members of Congress, to see to it that services to this invaluable group of citizens not only continue and expand to meet their every need, but, that they are administered properly at the expense of adequate Federal funding.

Noted author Alex Haley referred to the elderly as "our greatest source of strength." Let us help to keep them strong.

Therefore, I urge you to join Mr. PEPPER and me in supporting this important health care amendment.

Mr. CONTE. Mr. Chairman, I rise in support of this measure to provide a 1-year extension for a number of health services delivery programs. As one of the original cosponsors of legislation to create many of these programs, and as one who worked hard 2 years ago to override the Presidential veto of these programs, I am pleased to support this 1-year extension.

Among the programs extended under this bill is that for community mental health centers. I have been a strong supporter of this program, which has been tremendously effective in reducing the incidence of institutionalization of mental patients. Since the mental health centers program began, the average patient residence in State hospitals has dropped over 44 percent. With the average daily cost per patient at over $37 per day, you can see the cost benefits involved, aside from the therapeutic benefits of community-based treatment.

Another of the programs extended in this bill is for maternal and child health services, one of our oldest Federal health programs, having undergone constant improvement since its foundation in 1935. In areas where maternal and child health services are available, estimates show that it prevents or corrects two-thirds of chronic handicapping conditions.

Average costs per patient have fallen constantly in this program, despite the general cost inflation in the Nation's health services. This is a tribute to the efficiency of the management of this program, and the skill which has been used in its formulation and administration.

Infant mortality is one of the few health problems in which increased medical care has a demonstrable effect in lowering the death rate. The maternal and child health program provides that care, and has cut mortality rates by as much as 50 percent in areas where programs have been established.

Another important program extended by this bill is that for sudden infant death syndrome. This program is de-

voted to public information and to training medical examiners, policemen, firemen, and parents how to deal with the leading cause of death in infants beyond the first month of life.

Mr. Chairman, I strongly urge the renewal of these programs to provide much-needed health care services for our people.

It is my understanding that the gentleman from Florida (Mr. PEPPER) may offer an amendment to increase the authorization for home health care services. I am strongly in favor of such an amendment and would like to express my support for it at this time.

Home health care offers a viable alternative to institutionalization. Dignity and self-respect are essential to all of us, but the elderly are often denied these essentials simply because they may no longer be self-sufficient.

Home health care allows older people to remain at home by providing needed care while families are unable to stay with an elderly person, and I urge the adoption of the proposed increase in authorization levels.

Mr. BADILLO. Mr. Chairman, earlier today, I rose in support of H.R. 4974, the Health Planning and Health Services Research Extension Act. At that time, I spoke of the dilemma that this Congress faces in expediting funding for health programs. I mentioned that although I supported that bill, there was the need for reviewing and expanding various programs under the act. However, the time constraints we are presently working under do not permit such a review at this time. Therefore, it is better to continue those necessary programs for 1 year while at the same time, continuing our extensive review of health services.

My feelings about H.R. 4976, the Health Services Extension Act are much the same. Though H.R. 4976 maintains most of the programs included under the act at a rate of 115 percent of fiscal year 1977 authorization, I must state emphatically that in many areas, maintaining the same level of funding with the 15-percent allowance for inflation is just not enough. The people of my district, as well as the citizens of other urban areas, need substantially more assistance in the area of health care than was provided under the previous administration. I will however, support this bill so that we can at least maintain the level of services now being provided.

When we talk about the Health Services Extension Act, we are talking about maternal and child care, community health centers, family planning, community mental health centers, home health services and the like. These services are the "nuts and bolts" of our health delivery system to the needy. Our poor, whether they live in urban or nonurban areas, deserve the best possible medical care that our advanced technology has to offer.

Maintaining the same level of expenditure in areas that are not adequately dealing with the serious health deficiencies of our Nation's needy as they stand, can obviously not stop the physical and mental suffering for all those, both young and old, who cannot provide themselves with adequate medical care. So although I support this 1-year extension, I must emphasize that the Congress must commit itself to a comprehensive review of the programs covered by this act, and to a broad expansion of those programs which are necessary to provide adequate medical care to the Nation's needy.

I do want to note that I oppose the approximately $8 million cut from the fiscal year 1977 authorization level for home health services that is proposed by this extension act. I therefore will support my colleague Congressman CLAUDE PEPPER'S amendment to put that appropriation back into the budget. This is an area where we cannot afford a cutback. There are so many individuals confined to their homes who are in the extreme need of home health services. There are also those who find it extremely difficult to get to a hospital or clinic. These people should not be denied their right to adequate medical attention.

I also want to mention that I support one of the minor changes in this bill. It is one which will change the definition of the term "medically underserved populations" for the purpose of planning, developing, and operating community health centers to serve such populations. The change will require the Secretary of HEW to take into account, in designating medically underserved populations, unusual local conditions which make it hard to obtain adequate health services. This section would therefore allow a neighborhood to be declared medically underserved, even though that community lies in a metropolitan area with an abundance, or enough medical personnel.

Mr. ROGERS. Mr. Chairman, I have no further requests for time.

Mr. CARTER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Health Services Extension Act of 1977".

SEC. 2. (a) (1) Section 314(d) (7) (A) of the Public Health Service Act (relating to authorizations for formula grants to States for comprehensive public health services) is amended (A) by striking out "and" after "1976,", and (B) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $103,500,000 for the fiscal year ending September 30, 1978".

(2) Section 314(d) (7) (B) of such Act (relating to authorizations for grants for hypertension programs) is amended (A) by striking out "and" after "1976,", and (B) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $10,350,000 for the fiscal year ending September 30, 1978".

(b) Section 314(d) (7) (B) of such Act is further amended by inserting after "treatment of" the following: ", and, where appropriate, for ambulatory care for,".

SEC. 3. (a) (1) Section 319(h) (1) of the Public Health Service Act (relating to authorizations for planning and development of migrant health centers) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $1,897,500 for the fiscal year ending September 30, 1978".

(2) The second sentence of section 319(h) (1) of such Act is amended by striking out "the next fiscal year" and inserting in lieu thereof "each of the next two fiscal years".

(b) (1) The first sentence of section 319 (h) (2) of such Act (relating to authorizations for operation of migrant health centers) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $29,152,500 for the fiscal year ending September 30, 1978".

(2) The third sentence of section 319(h) (2) of such Act is amended by striking out "fiscal year 1977" and inserting in lieu thereof "fiscal years ending September 30, 1977, and September 30, 1978".

(c) Section 319(h) (3) of such Act (relating to authorizations for inpatient and outpatient hospital services) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $3,450,000 for the fiscal year ending September 30, 1978".

SEC. 4. (a) (1) Section 330(g) (1) of the Public Health Service Act (relating to authorizations for planning and development of community health centers) is amended (A) by striking out "and" after "1976,", and (B) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $5,750,000 for the fiscal year ending September 30, 1978".

(2) Section 330(g) (2) of such Act (relating to authorizations for operation of community health centers) is amended (A) by striking out "and" after "1976,", and (B) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $241,670,200 for the fiscal year ending September 30, 1978".

(b) (1) Section 330(b) (3) of such Act (relating to the definition of medically underserved population) is amended by adding at the end thereof the following: "In designating urban and rural areas for purposes of this paragraph, the Secretary shall take into account unusual local conditions which are a barrier to access to or the availability of personal health services.".

(2) The first sentence of section 330(e) (1) of such Act is amended by striking out "subsection (e)" and inserting in lieu thereof "subsection (c)".

SEC. 5. (a) Section 1001(c) of the Public Health Service Act (relating to authorizations for family planning projects) is amended (1) by striking out "and" after "1976;", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977; and $123,625,000 for the fiscal year ending September 30, 1978".

(b) Section 1003(b) of such Act (relating to authorizations for training) is amended (1) by striking out "and" after "1976;" and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977; and $3,450,000 for the fiscal year ending September 30, 1978".

(c) Section 1004(b) (1) of such Act (relating to authorizations for research) is amended (1) by striking out "and" and "1976," and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $62,922,250 for the fiscal year ending September 30, 1978".

(d) Section 1005(b) of such Act (relating to authorizations for informational and educational materials) is amended (1) by striking out "and" after "1976;", and (2) by striking out "for fiscal year 1977" and insert-

ing in lieu thereof the following: "for the fiscal year ending Septemoer 30, 1977; and $690,000 for the fiscal year ending September 30, 1978".

SEC. 6. (a) Section 1121(b)(5) of the Public Health Service Act (relating to authorizations for sudden infant death syndrome programs) is amended (1) by striking out "and" after "1976,", and (2) by striking out "June 30, 1977" and inserting in lieu thereof the following: "September 30, 1977, and $2,300,000 for fiscal year ending September 30, 1978".

(b) Section 1131(f) of such Act (relating to authorizations for hemophilia programs) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $3,450,000 for the fiscal year ending September 30, 1978".

(c) Section 1132(e) of such Act (relating to authorizations for blood separation centers) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $3,450,000 for the fiscal year ending September 30, 1978".

SEC. 7. (a)(1) The first sentence of section 708(a) of the Public Health Service Act (relating to health professions data) is amended (A) by inserting "program" after "health professions personnel which", and (B) by striking out "United States and its territories and possessions" and inserting in lieu thereof "States".

(2) Section 708(e)(1)(C) of such Act is amended by inserting "use" after "personal data which".

(b) Section 721(f) of such Act (relating to regional health professions programs) is amended by striking out "subsection (a)" in paragraphs (1) and (2) and inserting in lieu thereof "subsection (a) of section 720".

(c) Effective October 1, 1977, section 731(a)(2)(B) of such Act (relating to loan repayment period) is amended (1) by inserting "nor later than 12 months" after "9 months", and (2) by striking out ", and not later than the earlier of 12 months after such date or of 3 years after the date he" and inserting in lieu thereof "or".

(d) Effective October 1, 1977, section 736 of such Act (relating to participation of Federal credit unions) is amended by striking out "Director of the Bureau of Federal Credit Unions" and inserting in lieu thereof "Administrator of the National Credit Union Administration".

(e) Effective October 1, 1977, section 737(1) of such Act (relating to definition of eligible institution) is amended by striking out "that is receiving, or the Secretary determines is eligible to receive, a grant under section 770 for such fiscal year" and inserting in lieu thereof "that received a grant, or the Secretary determines met the requirements for receipt of a grant, under section 770 for the preceding fiscal year".

(f) Section 741(f)(1)(B) of such Act (relating to loan forgiveness) is amended by inserting before the semicolon the following: "or who obtained, before October 12, 1976, any other educational loan for his costs at a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, or podiatry".

(g) Effective October 1, 1977, sections 748(b)(2) and 749(b)(2) of such Act (relating to traineeships) are each amended by inserting "tuition and fees and" before "such stipends".

(h) Effective October 1, 1977, section 758(a) of such Act (relating to scholarships for first-year students of exceptional financial need) is amended by striking out "in the school year ending in the fiscal year in which such grant is made".

(i)(1) Effective October 1, 1977, the first sentence of section 771(b)(2)(C) of such Act (relating to residencies in primary care) is amended by striking out "training program of such school in primary care" and inserting in lieu thereof "training program of any school in primary care".

(2) Effective October 1, 1977, section 771(b)(2)(E) of such Act (relating to termination of affiliation with medical residency training programs) is amended by striking out "in the fiscal year".

(3) Effective October 1, 1977, section 771(b)(3)(A) of the Public Health Service Act (relating to eligibility for capitation grants) is amended by striking out "immediately before" and inserting "in".

(4) Effective October 1, 1977, section 771(b)(3)(B) of such Act (relating to the enrollment of students of foreign schools of medicine in schools of medicine in the United States) is amended to read as follows:

"(B) No later than August 15, 1977, and August 15 of each of the next two years, the Secretary shall identify the citizens of the United States who—

"(i) before October 12, 1976—

"(I) were students in a school of medicine not in a State, or

"(II) were enrolled in programs of institutions of higher education (other than schools of osteopathy or schools of medicine of more than two years) which programs were in existence in the States before such date and which prepare students to enter the third year of schools of medicine in the States; and

"(ii) by date of the identification made under this subparagraph—

"(I) in the case of a student described in clause (i)(I), successfully completed at least two years in a school of medicine not in a State, and, in the case of a student described in clause (i)(II), successfully completed a program described in such clauses, and

"(II) successfully completed part I of the National Board of Medical Examiners' examination (or any successor to such examination).

The Secretary shall equitably apportion a number of positions among the schools of medicine in the States adequate to fill the needs of students identified in accordance with the preceding sentence.".

(j) Effective October 1, 1977, section 781(d)(2)(C) of such Act (relating to residency program requirement) is amended by striking out "or general internal medicine" and inserting in lieu thereof ", general internal medicine, or general pediatrics".

(k) Section 789(a)(1) of such Act (relating to training in emergency medical services) is amended by striking out "and to assist in meeting the cost" and all that follows in such section and inserting in lieu thereof the following: ", to assist in meeting the cost of training (including the cost of establishing programs for the training) of physicians in emergency medicine, especially training which affords clinical experience in emergency medical services systems receiving assistance under title XII of this Act, and to assist in meeting the cost of traineeships for individuals in graduate medical education programs who are in need of the traineeships and who plan to specialize or work in the practice of emergency medicine. Traineeships provided under grants or contracts under this paragraph shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) as the Secretary may deem necessary.".

(l) Effective October 1, 1977, section 796(a)(4) of such Act (relating to project grants and contracts) is amended by striking out "of methods" and inserting in lieu thereof "or improvement of programs".

(m) Effective October 1, 1977, section 796(c) of such Act (relating to eligibility for allied health special project grants and contracts) is amended (1) by striking out "or" at the end of paragraph (2), (2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or", and (3) by adding after paragraph (3) the following new paragraph:

"(4) other public or nonprofit private entities capable, as determined by the Secretary, of carrying out projects described in subsection (a).".

(n)(1) Effective October 1, 1977, subpart IV of part C of title VII of such Act (relating to national Health Service Corps Scholarships) is amended by adding at the end thereof the following new section:

"INDIAN HEALTH SCHOLARSHIP PROGRAM

"SEC. 757. (a) In addition to the sums authorized to be appropriated under section 756(a) to carry out the Scholarship Program, there are authorized to be appropriated $5,450,000 for the fiscal year ending September 30, 1978, $6,300,000 for the fiscal year ending September 30, 1979, $7,200,000 for the fiscal year ending September 30, 1980, and for each of the succeeding four fiscal years such sums as may be specifically authorized by an Act enacted after the date of enactment of this section, to provide scholarships under the Scholarship Program to provide physicians, osteopaths, dentists, veterinarians, nurses, optometrists, podiatrists, pharmacists, public health personnel, and allied health professionals to provide services to Indians. Such scholarships shall be designated 'Indian Health Scholarships' and shall be made in accordance with this subpart, except as provided in subsection (b).

"(b)(1) The Secretary, acting through the Indian Health Service, shall determine the individuals who shall receive the Indian Health Scholarships, shall accord priority to applicants who are Indians, and shall determine the distribution of the scholarships on the basis of the relative needs of Indians for additional services by specific health professions.

"(2) The active duty service obligation prescribed in the written contract entered into under this subpart shall be met by the recipient of an Indian Health Scholarship by service in the Indian Health Service, in a program assisted under title V of the Indian Health Care Improvement Act, or in the private practice of his profession if, as determined by the Secretary in accordance with guidelines promulgated by him, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(c) For purposes of this section, the term 'Indians' has the same meaning given that term by subsection (c) of section 4 of the Indian Health Care Improvement Act and includes individuals described in clauses (1) through (4) of that subsection.".

(2) Section 105(a) of the Indian Health Care Improvement Act is amended by striking out "pursuant to section 104" and inserting in lieu thereof "pursuant to section 757 of the Public Health Service Act".

(o)(1) The second sentence of section 810(a) of such Act (relating to computation of capitation grants for nursing schools) is amended by inserting "for each fiscal year" after "shall be computed".

(2) Paragraphs (1), (2), and (3) of such section 810(a) are each amended by striking out "such year" each place it occurs and inserting in lieu thereof "such fiscal year".

(3) Sections 810(c)(1)(A), 810(c)(2)(A), and 810(c)(2)(B) of such Act relating to requirements for nursing school capitation grants are each amended by striking out "beginning after" and inserting in lieu thereof "beginning in".

(4) Section 810(c)(1)(B) of such Act is amended by striking out "fiscal" each place

it occurs and inserting in lieu thereof "school".

SEC. 8. (a) Section 202(d) of the Community Mental Health Centers Act (relating to authorizations for planning of community mental health center programs) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $100,000 for the fiscal year ending September 30, 1978".

(b) Section 203(d)(1) of such Act (relating to authorizations for initial operation) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $22,775,000 for the fiscal year ending September 30, 1978".

(c) Section 204(c) of such Act (relating to authorizations for consultation and education services) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $15,000,000 for the fiscal year ending September 30, 1978".

(d) Section 205(c) of such Act (relating to authorizations for conversion grants) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $22,000,000 for the fiscal year ending September 30, 1978".

(e) Section 213 of such Act (relating to authorizations for financial distress grants) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $12,000,000 for the fiscal year ending September 30, 1978,".

(f) Section 231(d) of such Act (relating to authorizations for rape prevention and control) is amended (1) by striking out "and" after "1976,", and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and $5,750,000 for the fiscal year ending September 30, 1978".

(g) Section 203(e)(1)(A)(i) of such Act (relating to conversion grants) is amended by striking out "two grants" and inserting in lieu thereof "three grants".

SEC. 9. (a) Section 501 of the Social Security Act (relating to authorizations for maternal and child health and crippled children's services) is amended (1) by striking out "and" after "1972,", and (2) by striking out "and each fiscal year thereafter" and inserting in lieu thereof the following: "and for each of the next four fiscal years, and $399,864,200 for the fiscal year ending September 30, 1978, and for each fiscal year thereafter".

(b) Section 249B of the Social Security Amendments of 1972 (relating to compensation under medicaid for nursing home inspectors) is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1980".

SEC. 10. (a) Section 602(a)(5) of Public Law 94-63 (relating to authorizations for home health services) is amended by inserting after "1977" the following: ", and $3,450,000 for the fiscal year ending September 30, 1978,".

(b) Section 602(b)(4) of such Public Law (relating to authorizations for home health services training) is amended (1) by striking out "and" after "1976,", and (2) by inserting after "1977" the following: ", and $1,000,000 for the fiscal year ending September 30, 1978,".

SEC. 11. (a)(1) Section 303(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (relating to State plans) is amended by adding after and below paragraph (16) the following:

"Each State plan shall pertain to the twelve-month period of the State fiscal year which commences in the calendar year in which the plan is submitted and shall be submitted not later than July 15 of each calendar year.".

(2) Section 303(b) of such Act is amended by adding at the end the following: "A State plan submitted under subsection (a) may also contain provisions relating to drug abuse or mental health. The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, shall establish procedures by which the Institute shall review each State plan submitted under subsection (a) and under which it shall complete its review of each such plan not later than September 15 of the calendar year in which the plan is submitted or not later than sixty days after the plan is received by the Institute, whichever is later.".

(3) The second sentence of section 409(e) of the Drug Abuse Office and Treatment Act of 1972 (relating to State plans) is amended by striking out "commencing October 1 of the calendar year" and inserting in lieu thereof "of the State fiscal year which commences in the calendar year".

(b)(1) The first sentence of section 302(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (relating to allotments) is amended by striking out "shall be less than $200,000." and inserting in lieu thereof the following: "shall, except as provided in paragraph (2), be less than the greater of (A) $200,000, or (B) the amount of such State's allotment for the fiscal year ending June 30, 1976, unless the amount appropriated under section 301 for allotments for the fiscal year ending June 30, 1976, was greater than the amount appropriated for the fiscal year for which the minimum allotment determination is being made, in which case the minimum allotment prescribed by this clause shall be an amount which bears the same ratio to the amount allotted for the fiscal year ending June 30, 1976, as the amount appropriated for the fiscal year for which the minimum allotment determination is being made bears to the amount appropriated for the fiscal year ending June 30, 1976.".

(2) Section 302(a) of such Act is further amended (1) by inserting "(1)" after "(a)" and by adding at the end the following:

"(2) If the amount appropriated under section 301 for any fiscal year is less than the amount required to make for such fiscal year the minimum allotment prescribed by paragraph (1) to each State with an approved State plan, the minimum allotment for such fiscal year for a State with an approved State plan shall be an amount which bears the same ratio to the minimum allotment prescribed by paragraph (1) for such State as the amount appropriated under section 301 for such fiscal year bears to the amount of appropriations required to make the minimum allotment, as so prescribed, to each State with an approved State plan.".

(c) Section 311(c)(2)(B)(i) of such Act (relating to review of applications) is amended by striking out "his" and inserting in lieu thereof "its".

(d) The second sentence of section 202 of the Drug Abuse Office and Treatment Act of 1972 (relating to the Director of the Office of Drug Abuse Policy) is amended by striking out "any other department or agency of the United States" and inserting in lieu thereof "any department or agency of the United States engaged in any drug traffic prevention function (as defined in section 103)".

(e) Section 408(b)(2) of the Health Professions Education Assistance Act of 1976 (Public Law 94-484) (relating to effective date of revision of National Health Service Corps Scholarship Program) is amended—

(1) by striking out "Except as provided in subparagraph (B)" in subparagraph (A) and inserting in lieu thereof "Except as provided in subparagraphs (B) and (C)"; and

(2) by amending subparagraph (C) to read as follows:

"(C) If an individual received a scholarship under the Public Health and National Health Service Corps Scholarship Program for any school year ending before September 30, 1977, periods of internship or residency served by such individual in a facility of the National Health Service Corps or other facility of the Public Health Service shall be creditable in satisfying such individual's service obligation incurred under that Program for such scholarship or for any scholarship received under the National Health Service Corps Scholarship Program for any subsequent school year.".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 5, line 14, strike out "$62,922,250" and insert in lieu thereof "$67,838,000".

Page 5, line 10, insert "(1)" after "(c)"; redesignate clauses (1) and (2) in lines 11 and 12 as clauses (A) and (B), respectively; and after line 15 insert the following:

(2) Section 1004(b)(2) of such Act (relating to limitation on source of funds) is amended by adding immediately before the period the following: "or for the administration of this section".

Page 6, line 1, strike out "June 30," and insert in lieu thereof "fiscal year".

Page 6, line 2, before "Sep-" insert "ending".

Page 8, line 16, before "and" insert "the second time it occurs".

Page 13, line 15, strike out "such" and insert in lieu thereof "the Public Health Service".

Page 14, line 10, after "for" insert "the".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc, considered as read, and printed in the RECORD. These are basically technical amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. PEPPER

Mr. PEPPER. Mr. Chairman, I offer amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. PEPPER: Page 16, line 24, strike "$3,450,000" and insert in lieu thereof "$8,000,000".

Page 17, line 3, strike "$1,000,000" and insert in lieu thereof "$4,000,000".

Mr. PEPPER. Mr. Chairman, I am pleased that my distinguished friend and colleague from Florida has brought such a fine bill before us extending many important health programs.

However, the members of the House Select Committee on Aging, which I have the privilege of chairing, and a number of the members of the Commerce Health Subcommittee which reported this bill to the floor, and others are joining in this amendment because of concern that the bill reduces last year's home health authorization from $12 million to $4.45 million.

Last year a report of the Aging Committee called for an increase in home health demonstrations and training. We believe that at the least, last year's $12 million should be restored. Our amendment would maintain the current levels of $8 million for demonstrations and $4 million for training.

This amendment has been endorsed by the Nation's leading senior citizens' organizations, including the National Council of Senior Citizens, the American Association of Retired Persons, the National Council on Aging, the National Caucus on the Black Aged, and others.

Home health is cost-effective. A GAO report found that among 20 studies by experts, 19 supported the proposition that "home health care can be less expensive than institutional care."

Perhaps a few million dollars spent on developing home care alternatives to institutions can point us in the direction away from the $9 billion we spent on nursing homes and $41 billion on hospital care last year.

In addition, page 14 of the Commerce Committee's own report on this bill states:

Home health care has been increasingly recognized as providing in many instances, a less expensive and often more effective alternative.

Mr. Chairman, we have heard the argument that fraud and abuse exists in home health agencies. I commend my colleague, Mr. ROGERS, and others in this Congress who have brought some of these abuses to light. I share their concern and I have offered proposals to end these activities—such as full disclosure of ownership, tighter peer review, and so forth. I am as serious about fraud and abuse as anyone in this body, Mr. Chairman, But I am also serious about the need to move ahead with our program to bring relief to the 22 million elderly people of this country who count on our compassion and our vigorous efforts to provide the service they desperately need.

It is possible that we will always have fraud. One thing is for certain: We will always have the elderly who need our attention. The elimination of fraud and abuse is an ongoing operation. We have to maintain vigilance, it is the price we pay for democracy. What better way do we have to control fraud and abuse, Mr. Chairman, than through federally supervised demonstration programs. Through them we have the ability to determine what programs work and which do not; to determine which operations are run honestly and which are not.

Concerning the amount of money, the committee says it cut back the authorization to reflect the 115 percent of last year's appropriation. But the need for this program is far greater. HEW informed me that it expects 400 qualified applications this year—nearly seven times the number for which funding is now available—56.

While the Carter administration only asked for $3 million in the budget it is acknowledged that this year's Carter budget was largely the previous administration's recommendations so as to allow time for new personnel to develop new proposals. Let me quote President Carter's views in this campaign:

We do not need to wait for enactment of a national (health) program to improve health services for older people. One important reform we can begin immediately would be to shift the focus of our programs away from institutions and toward outpatient and home health services.

I met with the President's representatives at the White House last week, and they have requested our recommendations for possible budget changes. It is not too late to include items in the budget. I would point out that it is not really even necessary to clear an authorization—rather than an appropriation—in the budget. But I do hope the appropriations can be increased also.

This program is only a year old. To put it back now would cripple it even before it has really begun.

All we are seeking to do is restore the $7.55 million that has been cut from last year's authorization. You may be interested in knowing that Senator KENNEDY's Health Subcommittee has already reported to the full Senate Human Resources Committee the equivalent of our amendment.

I urge your support of the amendment.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Chairman, I want to commend the gentleman from Florida for this statement. I think the committee hearings last year demonstrated that the elderly people of this country want an alternative to institutionalization and that the evidence would warrant, even if we assume it were cheaper, but even if it were not, this is the more beneficial program to present as an alternative.

Second, I inquire of the gentleman in the well, in view of the $12 million authorization last year, my understanding is that there has been something like two and a half times as great application by home health agencies to participate in this program over last year. If we simply increase the appropriation figure by 15 percent, that will not nearly handle the amount of applications we now have pending. Is that not so?

Mr. PEPPER. That is correct.

Mr. COHEN. I want to commend the gentleman again, and will support him when it comes time for a vote on this amendment.

Mr. PEPPER. I thank the able gentleman. At our committee's direction, I went down to the White House the other day, last week, and had a conference with the President's representative, Mr. Eisenstadt. We laid before him the program of the Aging Committee, and invited a meeting with the President. He said he would set it up at an early date. We already have a statement from the President in his campaign which endorses the idea of more funds for home health care for the elderly. This is what the President said in his campaign:

We do not need to wait for enactment of a national health program to improve health services for our older people. One important reform we can begin immediately would be to shift the focus of our programs away from institutions and toward outpatient and home health services.

What we are seeking to do is to preserve an opportunity to appear before the Appropriations Committee and have the President join us—and we still have some hope of that being done—to ask something nearer the authorization for 1977 for fiscal year 1978, namely, $8 million for demonstration projects and $4 million for training projects.

What the committee has done is to reduce the authorization from $8 million for demonstrations down to $3.45 million, 15 percent above the amount actually appropriated for fiscal year 1977; and to reduce the $4 million authorized in the present law for training down to $1 million. We say, why should this committee reduce the authorization and deny us any hope whatsoever of getting any improved contribution from the Appropriations Committee, with the help of the executive branch.

Mr. COHEN. Mr. Chairman, if the gentleman will yield further, as I understand the gentleman's amendment, what he is seeking to do is simply to provide the Appropriations Committee with the flexibility of increasing the amount of the appropriation if it should find the facts would warrant it. But, to give the committee the flexibility it has had in the past, as it had last year, they might very well only appropriate the $4 million or $3.5 million, but they might very well find a need to go to $8 million and $4 million.

Mr. PEPPER. The gentleman is absolutely correct.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(On request of Mr. BAUCUS and by unanimous consent, Mr. PEPPER was allowed to proceed for 3 additional minutes.)

Mr. BAUCUS. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Montana.

Mr. BAUCUS. I would like to associate myself with the remarks of the gentleman from Florida. In my experience, home health care has probably been more imaginative, more effective than any other health care delivery system I

have seen in the State of Montana. I think the gentleman is right in seeking to restore the authorization to last year's level.

As the gentleman from Maine has pointed out, it gives the Appropriations Committee the opportunity to be flexible in providing the appropriate amount. I think, we can and should go further in providing home health care services as opposed to providing other, more costly health care delivery systems. In short, home health care services cost less and provide more flexibility than other health care programs.

The home health care program is one which has just begun to assist senior citizens in my district. Currently Montana has nine such programs in operation, including such towns as Anaconda, Billings, Bozeman, Butte, Great Falls, Helena, Kalispell, and Missoula.

Additional funding is necessary for additional home health programs, particularly in more remote rural areas of Montana.

The need for home health services is clear. The number of persons receiving benefits under current programs is not sufficient in terms of need.

Home health services is less costly than the institutionalization of patients. I fully support this amendment and commend the gentleman from Florida for offering it.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentlewoman from Ohio, a member of the Aging Committee.

Ms. OAKAR. Mr. Chairman, I just want to say that I wish to associate myself with the gentleman's remarks. It is really unthinkable that medicare is so limited in its coverage of the elderly's needs in health care. The average low-income elderly person lives on a fixed income of approximately $3,000 per year. A good portion of this income goes toward their health needs. There is no one in more dire need of adequate health care than the elderly, especially those on fixed incomes.

It seems absolutely necessary, and in fact I think the request is modest. I think if we can spend billions of dollars on the various programs we have voted for in the past few months there is no reason why we ought not to only respect the wishes of the gentleman from Florida, but to increase the amount of money for home health care.

Mr. PEPPER. I thank the gentlewoman.

Mrs. LLOYD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentlewoman from Tennessee.

Mrs. LLOYD of Tennessee. Mr. Chairman, I rise in strong support of the amendment to restore the funding for home health services to the originally proposed $12 million level. Home health care has been increasingly recognized as providing, in many instances, a less expensive and often more effective alternative to continuing hospital and nursing home care. The entire budget proposal is needed to adequately develop these programs. Often we overlook some very basic needs of our citizens while we concentrate on other priorities. One of the vital concerns which I believe we cannot ignore is home health care for the elderly.

Unfortunately, many of our elderly are placed in long-term care facilities when they could remain at home and want to do so. Granted, sometimes institutionalization is necessary; but, more times than not, it is the only alternative that we have to offer them.

Institutions are generally well-meaning and humane in their treatment; and they very adequately serve the needs of those who need constant care and treatment, but they still cannot meet the needs of the elderly as individuals. The limited service which is provided by home health care programs is often sufficient for many elderly and still allows them the comfort and security of remaining in their homes around family and friends they love.

We have found an alternative now and that is home health care. This availability of home health care services allows older people to remain at home by providing needed care while families are at work or school, and unable to stay with an elderly parent, grandparent, husband, or wife.

National Health Center statistics show that at least 18 percent of the noninstitutionalized elderly population suffer some limitation in mobility. Many of these people can continue to live independently only through the use of in-home services. It has been estimated that at least 300,000 institutionalized older persons could be better serviced by in-home service, particularly home health care. We should not ignore this demonstrated need for continued and improved home health care.

I think that we all recognize that most of the elderly would prefer to remain in their homes for treatment whenever this is possible. There is substantial proof available that such treatment is not only more acceptable but less expensive than institutional treatment.

For these reasons, I strongly support the restoration of $12 million funding for home services; and, I urge my colleagues to do the same.

Mr. PEPPER. I thank the gentlewoman for her remarks.

Mr. BEARD of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Rhode Island (Mr. BEARD), a member of the Select Committee on Aging.

Mr. BEARD of Rhode Island. I thank the gentleman for yielding.

Mr. Chairman, I also would like to support the gentleman from Florida (Mr. PEPPER) in his amendment. The gentleman has certainly been a champion in this area, ever since the days of Franklin Delano Roosevelt, in presenting services to our less fortunate people.

Mr. Chairman, I very proudly support the gentleman's amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for bringing this amendment to the floor. Mr. Chairman, I rise to support the amendment to restore last year's figure of $12 million authorized for home health services to H.R. 4976. The rationale of the committee in reducing the amount of money approved for home health care services, from $12 million to $4.45 million, is to limit total authorization for health services to 115 percent of the 1977 appropriation. The purpose of the limitation is to give Congress and the administration adequate time to review these programs, preparatory to 1979. Mr. Chairman, the record establishes my commitment to sound fiscal policies and responsible spending programs. However, in this instance, I think the committee has considered the figures and overlooked the facts.

The growth rate of aging population in the United States is more rapid than the rate of our population as a whole. It is estimated that by the year 2000, persons in the age category of 65 years of age and over will total 28 million people. In 1890, the average lifespan for an individual in this country was 49 years. Today, thanks to medical and technical advances it has advanced to 71 years.

Elderly people have problems that most of us in this room do not worry about on a day-to-day basis. Perhaps it would be well to pause for a moment, and consider that one day, most of us will deal with those problems, and on a very personal basis. If at this point in our own lives, each of us faced the choice of staying in our own homes, enjoying the free choice of when to get up and go to bed, the right to have a sandwich or a candy bar whenever we are hungry, the option of reading a book or watching television at 2 o'clock in the morning if we cannot sleep, and all of the other privileges of free choice we enjoy without thinking much about them; or, being placed in a nursing home where our hours of waking and sleeping, our scheduled mass-produced meals, and our activities day and night are necessarily determined by others—what do you think our individual choice would be?

Many of the people who are now facing this problem are virtually at the end of their lives, and undoubtedly at the end of their ability to make an independent choice of how and where they want to spend their remaining years. A great many are faced today with the decision of staying at home or going to a nursing home. They cannot wait until fiscal year 1979 for the committee to reevaluate their problem. If they lose the home health care services now available to them, many of them will be unable to remain in their homes. Frequently, in addition to the patient involved, there is the added complication of a spouse of many years, who does not need either nursing home care or home health care, but will be left to live all alone—with all of those attendant problems—if it is necessary for the patient to be admitted to a nursing home.

A number of professional people in the field of providing for the needs of the aging have communicated their concern for the reduction of funding authorized by the Health and Environmental Sub-

committee, and their comments on the subject should be considered at this time.

Mother M. Bernadette de Lourdes, O.C., president of the National Council on the Aging, Inc., states:

National Health Center statistics show that at least 18 percent of the non-institutionalized elderly population suffer some limitation in mobility. Many of these people are homebound and can continue living independently only through the use of in-home services. Estimates have been made that suggest at least 30,000 institutionalized older persons could be better served by in-home services—particularly home health care. Clearly more public attention should be given to these alternative services.

Mr. Nelson Cruikshank, president of the National Council of Senior Citizens, Inc., adds:

Home Health Care is an invaluable service. It gives older people who are no longer completely self-sufficient, but who do not require 24 hour-a-day medically supervised care, a chance to maintain a normal life style, centered around family, friends, and the familiar. The authorization level of last year's health services bill was $12 million for home services. N.C.S.C. opposes the proposed cutback to $4.5 million as H.R. 4976 recommends. This reduction of $7.55 million flies in the face of the demonstrated need for improved models of home health care services.

Mr. Peter W. Hughes, legislative counsel for the National Retired Teachers Association and the American Association of Retired Persons, has stated:

Home health services have been a long neglected part of our health care system, and it seems unwise to reduce the authorization below the level previously provided for such services if we are to continue the progressive development of a medical resource which is today by far the most acceptable alternative to institutionalization of our older citizens in need of medical care.

In view of the fact that each year there are more and more Americans who need home health services in order to maintain their independence as long as possible, are we not foolish to consider losing ground in this very important program. To be sure, the committee is to be commended for wishing a thorough evaluation of the problem to determine exactly how important this program is to how many people, but such an evaluation should be the groundwork for improving the existing program, not undermining it.

I urge my colleagues to consider the seriousness of this matter to the people who are in need of home health services right now, and to support this amendment to maintain an authorization of $12 million this year, so that this valuable contribution to the dignity and security of many of our senior citizens will not suffer.

Incidentally, Mr. Chairman, the amount of additional funding authorization this amendment provides is really nothing when compared with the millions of dollars worth of medical care the American taxpayer pays for in foreign lands all over this world.

The CHAIRMAN. The time of the gentleman from Florida (Mr. PEPPER) has expired.

(By unanimous consent, Mr. PEPPER was allowed to proceed for 2 additional minutes.)

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York (Mr. BIAGGI), a member of the Select Committee on Aging.

Mr. BIAGGI. Mr. Chairman, I want to congratulate the gentleman from Florida (Mr. PEPPER) for offering this amendment. I want to state for the record that I am privileged to be associated with the gentleman on the Select Committee for the Aging and, obviously, I am in support of this amendment. But I find it incredible, and what confounds me is that we are having so much discussion over a proposal which has so much merit. We talk, as the Indian, with forked tongue. We visit our constituency, we visit the senior citizens, and we espouse their cause and promise them the moon. But yet when it comes down to reality, and given the opportunity to do something substantial, we find opposition. All that is requested here is a modest increase in the authorization. It is a simple request. A modest increase in the authorization—in reality it is a restoration of funds. Traditionally, the Appropriations Committee reduces authorizations.

Mr. PEPPER. It is the same authorization for this year.

Mr. BIAGGI. Generally, Appropriations reduces the request of the authorization. Give the Appropriations Committee the opportunity to properly evaluate the need. This proposal, home care for the elderly, in my judgment, is based upon a happy experience, and bitter at the same time, because it is limited in its availability. Based upon happy experiences it is probably one of the most salutary efforts and programs that we have made in the Congress. Today we have the opportunity to do a little something. I am not excited about the magnitude of this effort. But I am depressed and disappointed in what appears to be some opposition to a simple increase in authorization.

Mr. Chairman, if we are to realize our commitment to the deinstitutionalization of the elderly, it is imperative that we restore the $7.5 million for home health services which is not contained in this bill.

As the chairman of the Federal, State, and Community Services Subcommittee of the House Select Committee on Aging, I am greatly concerned about the delivery of health care services for this Nation's 22 million elderly. The adequacy of health care delivery is based, in good part, on permitting a variety of services to be offered. For years, this Nation was of the belief that the health needs of its elderly could only be met by hospitals and nursing homes. But, as the cost of providing these services began to skyrocket, it became apparent that alternative types of care had to be explored. Congress, in response to this, began to provide funds in various pieces of legislation, for programs to aid in the development of home health services. In last year's Health Services Act, we provided one of the highest levels of funding to date for these services.

That $12 million, provided for in last year's authorization, was spent prudently for demonstration and training grants to establish home health agencies. Support and interest in this program were demonstrated clearly and in fact, the number of eligible applications submitted to the Department of Health, Education, and Welfare for funding, exceeded the number of those actually funded by 2½ times.

I can understand the committee's rationale in seeking justification for expenditures under this act. However, I feel they have chosen the wrong program to reduce at this time, since these cuts are to be implemented before initiating a review of the program. At the very least, the funding level should be restored to last year's $12 million level. If our ultimate goal is efficiency in health care spending, we cannot overlook the fact that home health care represents one of the most cost efficient means of providing health care services. When one considers that we spent some $50 billion in fiscal year 1975 for hospital and nursing home care; it seems illogical not to provide $12 million for home health programs.

The Committee on Aging has studied the health care needs of the elderly in great detail. One of our most important recommendations, contained in a report issued by the committee in the 94th Congress, was for increased Federal funding of home health care services, including grants to colleges and universities for the training of personnel to deal specifically with the elderly in the home environment. The specific figure suggested was $60 million. We realize this goal cannot be achieved at the present time, but the committee strongly feels that funding must be provided for these necessary programs and urges that the $12 million funding level be restored.

This amendment which we are offering today enjoys wide bipartisan support in the Congress and is supported by major senior citizen organizations including the National Council of Senior Citizens, the AARP, the NRTA, and the National Caucus on the Black Aged. The Licensed Practical Nurses Association has also contacted me to indicate their full support for the amendment. Adequate funding of home health service programs is consistent with President Carter's position, which he indicated during his campaign, in support of shifting the focus in health programs for the elderly, from institutional care to outpatient and home health care services.

This Nation is spending some $118 billion per year for health. The system is self-perpetuating and fiscally inefficient. Home health care has been recognized as a cost saving and efficient means of providing care for the aged. It would be a tragic mistake for this Congress to so drastically restrict funds for home health care. Support of this amendment makes good fiscal sense and is an expression of our concern for providing the elderly with adequate health care services.

The CHAIRMAN. The time of the gentleman from Florida (Mr. PEPPER) has again expired.

(On request of Mr. BIAGGI, and by unanimous consent, Mr. PEPPER was allowed to proceed for 5 additional minutes.)

Mr. BIAGGI. Mr. Chairman, I exhort each Member present to express his views—and I think that is what is necessary to impress the committee. The gentleman from Florida (Mr. PEPPER) himself is deeply concerned but feels that this may not be the procedure and may not be the place. But I say that if we reject this, what we are in effect doing is giving the appearance that we do not give a darn. The senior citizens of this Nation are sufficiently abused and sufficiently exploited politically. Let us do something right for them. In my judgment, this is right. It is not enough to get excited about, because there is not enough here. It should be larger.

The gentleman's request should be substantially larger, but he does not make a larger request; he makes a modest request.

There may be other areas for improvement and for providing better service and an enlarged service, but that will come.

Mr. Chairman, I exhort the Members to do what is right. With all due respect to the chairman of the subcommittee who is offering this bill, this bill will not be diminished one scintilla in its efficacy by agreeing to this amendment. As a matter of fact, it may provide it a more salutary glow.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of his amendment.

Mr. Chairman, I would just like to commend the gentleman from Florida (Mr. PEPPER) for offering this amendment to H.R. 4976. I believe, as he does, that last year's $12 million should be restored, thereby retaining the current levels of funding of $8 million for demonstration and $4 million for training grants.

No one likes to think of spending their last days away from home. There must be an alternative to institutional care—and I believe that home health care can provide that alternative. Services should be provided which would enable older people to live happy, independent lives at home despite frailty and disability. However, these services do not currently exist on any notable scale. On the contrary, most nursing service available to older Americans is supplied only in nursing homes.

We now know, that in many instances, home health services are less costly than institutionalization and more often than not the more effective alternative to continuing hospital and nursing home care.

I believe it is time we stop warehousing our Nation's older Americans and offer them the ability to choose. In my opinion, the Pepper amendment can begin to accomplish that purpose.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Virginia (Mr. WAMPLER), who is a member of the Select Committee on Aging.

Mr. WAMPLER. Mr. Chairman, I am pleased to join the distinguished chairman of the Select Committee on Aging (Mr. PEPPER), and other members of the Aging Committee, in support of a critically needed amendment to H.R. 4976.

The Pepper amendment will restore the authorization for home health services to the fiscal year 1977 level of $12 million. In view of the increased demand and critical need for home health services established by the Health Revenue Sharing and Health Services Act of 1975, I find it disappointing that H.R. 4976 contains a reduction in the authorization level for home health training and demonstration grants to $4.45 million.

Rationalization for the $7,550,000 reduction in fiscal year 1977 authorization in the committee report, is the desire to limit authorizations to 115 percent of the 1977 appropriation in order that Congress and the administration may have adequate time to review these programs prior to fiscal year 1979. The Nation's elderly have waited too long for adequate health care and critically needed alternatives to institutionalization. It is our responsibility in the 95th Congress to elevate the issue of quality long-term care for the elderly to the level of a national priority, rather than the imposition of indiscriminate reductions in the allocation of resources when such formulas are antithetical to improving the quality of life for older Americans.

Hearings conducted by the Select Committee on Aging revealed the startling fact that there are approximately 2 to 3 million noninstitutionalized persons who are bedfast, homebound and need the supportive assistance provided by home health agencies. The committee report "New Perspectives in Health Care" contains the recommendation for a $60 million appropriation for grants and loans for nonprofit and public home health agencies and for the training of professional and paraprofessional home health personnel. A significant portion of the recommended appropriation would be allocated for the development of agencies in underserved counties and counties not served by certified agencies. One of the greatest concerns to the elderly residing in rural areas and small towns is the insufficiency of medical care and inaccessibility to existing medical facilities as a result of the maldistribution of health resources.

Statistics indicate that 54.8 percent of the Nation's physicians are located in the most densely populated metropolitan areas and serve the needs of 41.4 percent of the population. Only 7.3 percent of the Nation's physicians are located in nonmetropolitan areas to serve the needs of 17 percent of the population. A total of 145 counties with more than 500,000 residents have no active physician in patient care.

An efficient home health delivery system coordinated with other health and social service providers would be an initial step in reducing the disparity between urban and rural health services.

Mr. Chairman, I urge the adoption of the Pepper amendment as vital to the growth and development of the home health program—a cost effective solution to the health needs of the Nation's elderly population.

Mr. PEPPER. Mr. Chairman, I thank the gentleman from Virginia (Mr. WAMPLER) for his contribution.

Mr. Chairman, this amendment is cosponsored by the gentleman from California (Mr. ROYBAL), the gentleman from Pennsylvania (Mr. ROONEY), the gentleman from New York (Mr. BIAGGI), the gentleman from New York (Mr. SCHEUER), the gentleman from California (Mr. WAXMAN), the gentleman from New Jersey (Mr. FLORIO), the gentleman from Maine (Mr. COHEN), the gentleman from Virginia (Mr. WAMPLER), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the gentleman from New York (Mr. KOCH), the gentleman from New York (Mr. OTTINGER) and the gentleman from New Jersey (Mr. MAGUIRE). I hope the amendment will be agreed to.

Mr. ROGERS. Mr. Chairman, I rise reluctantly in opposition to the amendment.

Mr. Chairman, all the arguments we have heard are very emotional and very appealing, but they really do not go to what this bill does. This bill does not go to the point of providing home health services. This bill is not delivering home health care services.

Some of the Members have misunderstood what this bill is doing. It does not do that at all, nor was it ever designed to do that.

I know that those members of the Select Committee on Aging have a great interest in this area. The Subcommittee on Health and the Environment does, too.

When we wrote this program we said that what we wanted to be done in this particular phase of our bill was to have some demonstration projects in order to see what we can do in providing additional services through demonstrations. The statement was made that there were 2½ times the number of funded applicants who were qualified. A simple telephone call to Dr. Ed Martin—and we verified this today—showed that every qualified applicant for this program was funded. That is 56 out of the 139 who applied. There is plenty of money to continue and add to the existing program.

Mr. Chairman, I do not hear anybody getting up and saying anything about the minorities, the blacks or the Puerto Ricans in community health centers. Those centers agree that they think 115 percent, as the committee provides, is fair. They are willing to do it.

I do not see anybody standing up and saying we should go above the 115 percent formula for migrant health centers. The migrants agree that 115 percent is fair; and they would abide by what the committee purposes.

Mr. Chairman, what about the hypertension program, which includes 23 million Americans? They said it was fair to have 115 percent on a 1-year extension bill. We are proceeding this way so that the administration and the committee can work together this year to decide what revisions should be made, not to just, helter-skelter, make some emotional appeal.

Mr. Chairman, the committee has

gone into this program. This committee is interested in getting home health care.

Do the Members know what we do in medicaid and medicare? We are up to about a half-billion dollars in delivery of home health services under those programs.

Let us not have anyone come in here and tell me that this committee is against home health services. This committee handles medicaid. The committee of the gentleman from Illinois (Mr. ROSTENKOWSKI) handles medicare. Both programs authorize generous home health care benefits.

Every group wants more money, every one. Yet, they all said they could live with this 1-year extension at an 115 percent increase. However, someone, all of a sudden, says that this particular program, which is not even involved in the provisions of services, has to have more and more consideration than anybody else.

Mr. Chairman, the committee does not think so. The committee thinks the reported bill is reasonable and fair.

I hope that the House will stand by the committee and stand with those in the community mental health program as well as stand with those in the neighborhood health centers, who would have liked to have had more, too. I hope that we will also stand with the migrants and that we will stand with the hypertensives. Everyone wants to be fair.

Mr. Chairman, we are going to look carefully at this and the rest of the health services at the end of this year, with help from the administration. The committee has been reasonable, and I hope that the Members will understand that.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, my distinguished friend and colleague, the gentleman from Florida (Mr. ROGERS), has said, with respect to some of these other beneficiaries, that they apparently had agreed to the 15 percent addition of last year's appropriation.

In the case of the aging, I do not know anybody who has agreed to the authorization.

Mr. ROGERS. Mr. Chairman, if the gentleman will permit, it is not just the elderly who benefit from home health services. Surely the gentleman knows this assistance does not go just to the aging.

Mr. PEPPER. There has been a letter received by the Members of this House from the National Council on the Aging, the American Association of Retired Persons, and the National Council of Senior Citizens.

Mr. ROGERS. Mr. Chairman, I would urge that the amendment be defeated.

The CHAIRMAN. The time of the gentleman from Florida (Mr. ROGERS) has expired.

Mr. CARTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to have a colloquy with the distinguished chairman, the gentleman from Florida, Mr. ROGERS.

Of course, as the chairman said, the funds in this bill actually are for a demonstration project; is that not correct?

Mr. ROGERS. If the gentleman will yield, that is correct.

Mr. CARTER. And we did increase the amount which both of our Presidents have recommended; is that correct?

Mr. ROGERS. That is correct.

Mr. CARTER. This program is not only for our elderly; are we not right on that?

Mr. ROGERS. That is correct.

Mr. CARTER. At the same time, in this legislation which we have today we are authorizing expenditures for community health centers which would include services for the elderly. Also, under medicare and medicaid, home visits for the elderly are covered.

Furthermore, the amount authorized for community health centers comes to $247 million for fiscal year, 1978.

Mr. Chairman, I defy any man anywhere to say that the chairman and I do not have the welfare of the older people at heart. We certainly do, and we resent anyone's making the statement that we are not solicitous about the health of the elderly American people. Am I correct, Mr. Chairman?

Mr. ROGERS. The gentleman is correct.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Chairman, first of all, as the gentleman from Kentucky (Mr. CARTER) knows, I have respect and affection for him and for the gentleman from Florida (Mr. ROGERS), the chairman of the subcommittee.

We are not saying that there is not anything in here for the elderly, but what we are saying—and I will address my attention to this side of the aisle and also to the enlightened side, that side of the aisle, although all are enlightened persons—is that all this amendment does is bring the authorization up to the level at which it was under the Ford administration, the previous administration.

Mr. CARTER. Mr. Chairman, I refuse to yield any further.

I want to say right now that this authorization has not been what the gentleman has stated. Last year it was a total of 12, that was 8 and 4, and in this legislation it is $3.45 million for demonstration projects and $1 million for training.

Actually that is not enough money to furnish help for the poor people of West Palm Beach if it was for assistance to the elderly.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Chairman, I might say that in President Carter's budget it is $3 million. We have provided $3.5 million. There is zero provided for training here and we have provided $1 million. So that the President's budget has been exceeded by about one and a half million in this request. That is both former President Ford's and President Carter's request.

Mr. CARTER. I want to further point out, Mr. Chairman, that we have $247 million in here for community centers to help them.

Mr. JOHN L. BURTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendments.

Mr. Chairman, I think that everything everybody says is correct. It is higher than President Carter's budget. It is less than last year's authorization under the other administration.

Again I am addressing my attention basically to my Democratic colleagues.

I am sure the Members know that the principles of our party enunciated through the election, as well as the principles of the party on the other side of the aisle, are to provide economic justice for the elderly; for the elderly who cannot afford certain things for themselves. For people whose working years may have been during the depression when there was not any work or when they were not really covered under social security because they might have been in the gaps that were not covered, or when their retirement benefits, from whatever institutions, were based on wages a long time ago that we know do not keep up with inflation.

What we are saying is. and it has bipartisan support, bring it up to the level of the authorization that we had last year. That was fine.

What is an authorization? It is not a blank check. It says if the President in his wisdom, and we know that he is a fairly wise President, if he wishes to authorize more he can have some leeway, it may be he might wish to put some more money into programs such as this that are a lot more beneficial and economical for the taxpayers and as I say, more beneficial to the senior citizens than would be some kind of institutional care.

The appropriation for this will be coming up. We are not appropriating the money now. And if the money is appropriated later it may not even be spent.

What we are saying is that we recognize the need and that the need is as great, at least, as it was last year. That is all we are saying. It even might be a little bit more than that, but, let us say it is the same.

This provides the authority. It is not mandated. They do not have to spend the money for the program. This is the authority.

I think this is the least we can do if we recognize the needs of the elderly and we know that those needs have not decreased since last year.

This gives authority to the executive and to the Committee on Appropriations and to the Members seated here to perhaps feel that we can invest a certain amount of money that might improve the quality of the life of the elderly and that might at the same time even be a tax savings in the future because we will have prevented greater expenditures.

So, Mr. Chairman, I really believe that this is a piece of cake. It does not bust the budget. It does not do anything we did not do last year. I cannot see any reason for being against it. Certainly the committee came on with the thought: My God, let us never amend a committee bill.

Remember, we amended a resolution yesterday. The gentleman from Maryland had his amendment agreed to. We amend bills every day.

I have great affection and respect for this subcommittee from the Committee on Interstate and Foreign Commerce but, I mean, they do not carry my proxy and I do not think they carry the proxies of the Members. I know that they try to do the best they can and that they have an agreement with the administration to try to extend things and hold things in abeyance. We are not breaking that. We are saying there is a little more authority to help the elderly of our country and do it in a way that will even be beneficial from a fiscal standpoint. It may be a tough political vote to help the elderly and save tax dollars, but I think we ought to take the chance, because this is not an election year.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. JOHN L. BURTON. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

I serve on the Select Committee on Aging with the gentleman from California. Is it not true that in our study of institutionalized care versus home health care that greater reductions in health care can be achieved by placing our emphasis on and our investment in home health care as opposed to institutionalized care? I think that is what this program is all about.

Mr. JOHN L. BURTON. Absolutely. This will provide savings of dollars yet uncounted. It is a cheaper and a better source of care, and it is better for the elderly.

Mr. BONKER. If the gentleman will yield further, is it not also true that the Senate is moving to authorize $12 million for this program and that we should at least match that amount?

Mr. JOHN L. BURTON. I believe that the other body is moving in that direction, yes.

Have courage and vote "yes".

Mrs. SPELLMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take only a few minutes to indicate my very strong support for the amendment offered by the distinguished gentleman from Florida (Mr. PEPPER). I raced in from a markup session because I feel so strongly about this.

Home health services offer an alternative to institutionalization, an alternative which we should encourage as much as possible.

Institutionalization is such an ugly word, reflecting the loss of privacy, and even the loss of individuality which occurs when someone is institutionalized. Institutionalization of the elderly, primarily through nursing homes, is the focus of our medical care programs, and this should not be the case. So many of those who survive in nursing homes would be happier and better cared for in a home atmosphere, receiving the individual treatment and attention that they deserve. Home health care is less expensive and often more effective than continuing hospital and nursing home care—we should not be discouraging this alternative by reducing the authorization for it.

However, that is exactly what this bill proposes. While the funding level last year for home health care services was only $3 million, the authorization was $12 million. This disparity between authorization and appropriation should be recognized in this year's extension of the program. Home health services as a program has been in operation for little more than 2 years, and has yet to receive funds sufficient to make it a fully operational program. The $4.45 million proposed authorization in this bill, while greater than the amount appropriated last year, is substantially less than the amount originally authorized. Such a drastically lowered authorization gives scant room for the Appropriations Committee to work in, and most certainly denies full operational status to home health services demonstration and training programs.

I think that it is important to note that H.R. 4976 is intended to give Congress and the administration adequate time to review these health programs for fiscal year 1979. How can the effectiveness of home health services be reviewed? The program is not fully operational, and it certainly cannot become operational with such a reduced authorization.

Mr. Chairman, I urge my colleagues to join me in support of Mr. PEPPER'S amendment to restore—and this is a restoration to last year's level, not an increase of any kind—the $12 million authorization for home health services demonstration and training projects.

Mr. CARTER. Mr. Chairman, will the gentlewoman yield?

Mrs. SPELLMAN. I yield to the gentleman from Kentucky.

Mr. CARTER. I thank the gentlewoman for yielding.

Certainly I have great sympathy for our elderly people, but I would say to the gentlewoman in the well that to accomplish the purpose which she mentions $12 million is just a drop in the bucket. To do something like this throughout the United States would cost no less than $800 million for home health care for all of our senior citizens, and at the present time about 12 percent of our population is 65 or over. Moreover, medicare and medicaid already provide coverage for home health services. Those would be the proper programs for which to increase funding levels, rather than this small demonstration authority.

Mrs. SPELLMAN. I do want to say to the gentleman that to say that this is not enough is a rather sad excuse. If it is not enough, then let us not put anything in or if it is not enough, let us put more in. Let us put in the amount of money that this kind of program really deserves, because home health services is a program which needs to be made as fully operational as we possibly can.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I listened to the debate, and I am sorry I came in late, I would be led to think that America had just been discovered, that home health care is a brand new program. I support home health care. The U.S. Government supports home health care, and supports it very well. As I understand, this is just a demonstration project as to how to improve home health care.

For those not familiar with it, let me explain. We carry home health care programs under the medicaid program. Lord knows how many millions of dollars we put into it. We carry home health care under the medicare program, and again I cannot tell Members how many dollars we put into it, but there is an awful lot of money that goes into it and there is no limit as to how much money can be spent. It is just a question of how much is the demand and how much we are able to provide. So there is no limitation on the amount of money that is being spent on home health care under medicare and medicaid.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Can the gentleman tell me where in medicare is long term home health care covered the same as it is covered in the program before us now? Where specifically?

Mr. GIBBONS. There was a project I just got through investigating in California and I can tell the gentlewoman all about that if she wants me to. We found a lady running the program there who had charged two Mercedes Benzes to the U.S. Government.

Ms. OAKAR. I am talking about the average elderly, which covers every economic group, and most of the elderly are poor, for the information of the gentleman. Where specifically under medicare is this covered?

Mr. GIBBONS. If the gentlewoman will pardon me, I just do not care to yield any more.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Let me finish my statement, because I did not yield to the gentlewoman and I would rather not yield to the gentleman at this time.

There is plenty of help under medicaid and medicare that covers the elderly, the aged, the poor. There is an awful lot going on.

I do not know what the Rogers program is supposed to do, but Members must not think we are not doing anything in the United States and that we are not spending a great deal of money.

In fact, the biggest problem we have right now in home health care is to try to find the way to provide home health care and at the same time to see to it that not only the elderly but also the Government get their money's worth out of it.

In a recent program brought to my attention, we had to go into it because it fell within the Oversight Subcommittee

of the Committee on Ways and Means, we found in California—and I am not just picking on California, because Florida has things equally bad—the lady running the home health care charged a couple of Mercedes Benzes, a $24,000 one, and she charged a $25,000 recreational vehicle and a $1,800 brass bed and a $700 pair of jade earrings to the U.S. Government—and it just went on and on. When we asked her to explain, she took the fifth and so did her accountant. When we checked on the provider to see what was going on, we found the distinguished insurance company had been checking up on them also, but they had their own auditors hired away from them, and when they got through with that they hired away the Government auditors when they got to breathing on them.

When we get to home health care we have got to be careful not to push it past our ability to do good. I do not know what the Rogers program is going to do, but I know the gentleman from Florida is a very conscientious man and he is trying to improve health care in this country. I do not want anybody just to think we do not want to provide home health care, but we need some way to get it to the people, to get the rackets out of it, and to make sure the Government as well as the patients get their money's worth out of it.

This demonstration program, as has been proposed by the gentleman from Florida (Mr. ROGERS) and the subcommittee, I understand, is opposed to that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the chairman.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding.

I think the point made by the gentleman is certainly valid. We are spending almost half a billion dollars in home health services. This provision does not go to that at all. All this is is a demonstration program.

We are over the President's budget in both instances—in the demonstration program and the training program—more than President Carter has asked for. I would hope the Democrats would take note of that.

Furthermore, as the gentleman said, this business of fraud and abuse really needs to be looked into. We have evidence coming in so rapidly now that it is frightening. In some instances, the Government is paying more to nurses and allied health professionals for home health services than for care by the doctor himself in the house.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. GIBBONS was allowed to proceed for 2 additional minutes.)

Mr. GIBBONS. Mr. Chairman, I just want to yield to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I just want to point out specifically that medicare does not cover long-term or in-depth home health care. I agree, it is very discouraging when we hear about these Mercedes Benz and other abuses.

Mr. GIBBONS. Mr. Chairman, let me interrupt. If it does not, there is an awful lot of money spent not according to law, because in this California matter I talked about, 96 percent of the money came from medicare funds. We are talking about an awful lot of money.

Ms. OAKAR. We are talking about long-term or in-depth home health care.

Mr. GIBBONS. I am talking about home health care, yes. I understand what the gentlewoman means, the kind where the patient is in the home and they go in and deliver services to that patient in the home. We finance it under medicare and under medicaid. I am familiar with this program.

Ms. OAKAR. Let me ask one other point, because the gentleman was allowed 2 additional minutes.

Whenever we bring up isolated incidents—and I am sure there are problems with people who take advantage of a program—let us not forget the millions of elderly people who legitimately are served. I hope we do not have the attitude in this Congress that we want to penalize everyone.

Mr. GIBBONS. Oh, no.

Mr. Chairman, I think I have yielded long enough.

Ms. OAKAR. I think this is very important.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

(By unanimous consent, Mr. GIBBONS was allowed to proceed for 1 additional minute.)

Mr. GIBBONS. Mr. Chairman, I just want to say that the whole home health care program is a good program, but it is not just carried under this program.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I certainly agree with the gentleman.

Mr. GIBBONS. It is carried on under two ongoing programs, in which we have invested millions of dollars.

Mr. CARTER. The gentleman has made an excellent statement. Every patient entitled to medicaid is entitled to unlimited coverage for home health services. Under medicare, both part A and part B provide coverage for home health care for up to 100 visits under each part. However, under part A 3 days of hospitalization must precede the home health care coverage.

The program that the chairman is talking about and has brought forth and has sponsored is only a demonstration project.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, am a member of the Select Committee on Aging. I would like to point out that HEW testified before our committee that current home health care programs, including medicare and medicaid, are "not sufficient in terms of need."

Testimony before us shows that there are 2 or 3 million uninstitutionalized persons who are homebound or need assistance in getting around.

The HEW study shows that 1 million institutionalized elderly, between 14 and 25 percent, may be "unnecessarily maintained in an institutional environment."

My colleagues preceding me, particularly my colleague from Kentucky, have pointed to the fact that we are only talking about a demonstration project, and that is true. But, as my colleague well knows, demonstration projects will often determine to a great extent the course of future health care delivery programs, including training. Funding also is directly related to the rapidity with which we bring on line home health care delivery programs that really present alternatives to institutional care.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Kentucky.

Mr. CARTER. I would say again that every person under medicaid is entitled to an unlimited coverage for home health care. Under medicare, coverage for home health care is provided under both part A and Part B for up to 100 visits under each part. However, in order, to be covered under part A for home health care, there must be 3 days of hospitalization first. This is the area, if the gentleman will yield further, in which we should expand our care, and not on a demonstration project.

Mr. HUGHES. I appreciate that, and I appreciate the contribution. I think my colleague has made that point on many other occasions today, but it is still inadequate and the demonstration programs we are talking about are not covered under existing law. They add something new, and these demonstration programs are really charting the future for our home health care delivery services.

Mr. Chairman, I yield back the balance of my time, and ask for a vote.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Florida (Mr. PEPPER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PEPPER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 322, noes 69, not voting 41, as follows:

[Roll No. 117]

AYES—322

Addabbo	Bedell	Burke, Fla.
Akaka	Benjamin	Burke, Mass.
Alexander	Bennett	Burton, John
Allen	Biaggi	Burton, Phillip
Ambro	Bingham	Byron
Ammerman	Blanchard	Caputo
Anderson, Calif.	Blouin	Carney
	Boggs	Carr
Anderson, Ill.	Boland	Cavanaugh
Andrews, N.C.	Boiling	Cederberg
Andrews, N. Dak.	Bonker	Chisholm
	Bowen	Clausen, Don H.
Annunzio	Brademas	
Applegate	Breaux	Cleveland
Armstrong	Brinkley	Cochran
Ashley	Brodhead	Cohen
Aspin	Broomfield	Coleman
AuCoin	Brown, Mich.	Collins, Ill.
Badillo	Brown, Ohio	Conte
Bafalis	Broyhill	Conyers
Baldus	Buchanan	Corcoran
Baucus	Burgener	Corman
Beard, R.I.	Burke, Calif.	Cornell

Cornwell	Kazen	Reuss
Coughlin	Kelly	Rhodes
D'Amours	Kemp	Richmond
Daniel, Dan	Keys	Rinaldo
Danielson	Kildee	Risenhoover
Davis	Kindness	Rodino
de la Garza	Kostmayer	Roncalio
Delaney	Krebs	Rooney
Dellums	Lagomarsino	Rosenthal
Dent	Le Fante	Rousselot
Derrick	Leach	Roybal
Derwinski	Lederer	Rudd
Dickinson	Leggett	Runnels
Dicks	Lehman	Ruppe
Dodd	Levitas	Ryan
Dornan	Lloyd, Calif.	Santini
Downey	Lloyd, Tenn.	Sarasin
Drinan	Long, La.	Sawyer
Duncan, Tenn.	Long, Md.	Schroeder
Early	Lott	Schulze
Edgar	Lujan	Sebelius
Edwards, Calif.	Lundine	Seiberling
Eilberg	McCloskey	Sharp
Emery	McCormack	Sikes
Evans, Del.	McDade	Sisk
Fascell	McEwen	Skelton
Findley	McFall	Slack
Fish	McHugh	Smith, Iowa
Fisher	McKay	Smith, Nebr.
Fithian	Madigan	Snyder
Flood	Maguire	Solarz
Florio	Markey	Spellman
Flowers	Marks	Spence
Ford, Mich.	Marlenee	St Germain
Ford, Tenn.	Marriott	Stanton
Forsythe	Martin	Stark
Fountain	Mathis	Steers
Frenzel	Mazzoli	Steiger
Frey	Meeds	Stockman
Gammage	Metcalfe	Stokes
Gaydos	Meyner	Stratton
Gephardt	Mikulski	Studds
Gilman	Miller, Calif.	Stump
Glickman	Mineta	Taylor
Goldwater	Minish	Thompson
Gonzalez	Mitchell, Md.	Thone
Goodling	Mitchell, N.Y.	Tonry
Gore	Moakley	Traxler
Gradison	Moffett	Treen
Grassley	Mollohan	Trible
Gudger	Montgomery	Tsongas
Guyer	Moore	Tucker
Hagedorn	Moorhead, Pa.	Ullman
Hall	Mottl	Van Deerlin
Hamilton	Murphy, Ill.	Vander Jagt
Hammer-schmidt	Murphy, Pa.	Vanik
	Murtha	Vento
Hanley	Myers, Michael	Volkmer
Hannaford	Myers, Ind.	Walgren
Harkin	Natcher	Walker
Harrington	Neal	Walsh
Harris	Nedzi	Wampler
Harsha	Nichols	Watkins
Heckler	Nix	Waxman
Hefner	Nolan	Weaver
Hightower	Nowak	Weiss
Holland	O'Brien	Whalen
Holt	Oakar	White
Holtzman	Oberstar	Whitehurst
Horton	Obey	Whitley
Howard	Ottinger	Whitten
Hubbard	Panetta	Wilson, Bob
Huckaby	Patterson	Wilson, C. H.
Hughes	Pease	Winn
Hyde	Pepper	Wolff
Ichord	Perkins	Wright
Ireland	Pettis	Wydler
Jeffords	Pike	Wylie
Jenkins	Pressler	Yates
Jenrette	Price	Yatron
Johnson, Calif.	Pritchard	Young, Alaska
Johnson, Colo.	Pursell	Young, Fla.
Jones, N.C.	Quayle	Young, Mo.
Jordan	Rahall	Young, Tex.
Kasten	Rangel	Zeferetti
Kastenmeier	Regula	

NOES—69

Archer	Crane	Ginn
Ashbrook	Daniel, R. W.	Hansen
Badham	Devine	Hillis
Bauman	Dingell	Jacobs
Beard, Tenn.	Duncan, Oreg.	Jones, Okla.
Bellenson	Edwards, Ala.	Ketchum
Bevill	Edwards, Okla.	LaFalce
Breckinridge	English	Latta
Brown, Calif.	Erlenborn	McClory
Burleson, Tex.	Evans, Ga.	McDonald
Burlison, Mo.	Evans, Ind.	Mahon
Butler	Fary	Mann
Carter	Fenwick	Mattox
Chappell	Flynt	Michel
Clawson, Del	Foley	Miller, Ohio
Collins, Tex.	Giaimo	Moorhead, Calif.
Conable	Gibbons	

Moss	Robinson	Skubitz
Myers, Gary	Rogers	Steed
Patten	Rostenkowski	Thornton
Pattison	Satterfield	Waggonner
Pickle	Scheuer	Wiggins
Preyer	Shuster	
Roberts	Simon	

NOT VOTING—41

Abdnor	Heftel	Railsback
Barnard	Hollenbeck	Roe
Bonior	Jones, Tenn.	Rose
Brooks	Koch	Russo
Clay	Krueger	Shipley
Cotter	Lent	Staggers
Diggs	Luken	Stangeland
Eckhardt	McKinney	Symms
Ertel	Mikva	Teague
Evans, Colo.	Milford	Udall
Flippo	Murphy, N.Y.	Wilson, Tex.
Fraser	Poage	Wirth
Fuqua	Quie	Zablocki
Hawkins	Quillen	

Messrs. VENTO, AMBRO, GORE, FOUNTAIN, WHITTEN, SKELTON, BENNETT, BREAUX, and McKAY changed their vote from "no" to "aye."

Mr. EVANS of Georgia and Mr. ENGLISH changed their vote from "aye" to "no."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. STANGELAND. Mr. Chairman, on rollcall No. 117, the vote on the Pepper amendments, I was unavoidably absent. Had I been present I would have voted in favor of the amendments.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MAZZOLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4976) to amend the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services to authorize appropriations for fiscal year 1978 for health services programs, and for other purposes, pursuant to House Resolution 448, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them in en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. ROGERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 4, not voting 52, as follows:

[Roll No. 118]

YEAS—376

Addabbo	Ammerman	Andrews, N.C.
Akaka	Anderson, Calif.	Andrews, N. Dak.
Allen	Anderson, Ill.	Annunzio
Ambro		

Archer	Fascell	Marlenee
Armstrong	Fenwick	Marriott
Ashbrook	Findley	Martin
Ashley	Fish	Mathis
Aspin	Fisher	Mattox
Badham	Fithian	Mazzoli
Badillo	Flood	Meeds
Bafalis	Florio	Metcalfe
Baldus	Flowers	Meyner
Baucus	Flynt	Michel
Bauman	Foley	Mikulski
Beard, R.I.	Ford, Mich.	Miller, Calif.
Beard, Tenn.	Ford, Tenn.	Miller, Ohio
Bedell	Forsythe	Mineta
Bellenson	Fountain	Minish
Benjamin	Frenzel	Mitchell, Md.
Bennett	Frey	Mitchell, N.Y.
Bevill	Gammage	Moakley
Biaggi	Gaydos	Moffett
Bingham	Gephardt	Mollohan
Blanchard	Giaimo	Montgomery
Blouin	Gibbons	Moore
Boggs	Gilman	Moorhead, Calif.
Boland	Ginn	
Bolling	Glickman	Moorhead, Pa.
Bonior	Goldwater	Moss
Bonker	Gonzalez	Mottl
Bowen	Goodling	Murphy, Ill.
Brademas	Gore	Murphy, Pa.
Breaux	Gradison	Murtha
Breckinridge	Grassley	Myers, Gary
Brinkley	Guyer	Myers, Michael
Broomfield	Hagedorn	Myers, Ind.
Brown, Calif.	Hall	Natcher
Brown, Mich.	Hamilton	Neal
Brown, Ohio	Hammer-schmidt	Nedzi
Broyhill		Nichols
Buchanan	Hanley	Nix
Burgener	Hannaford	Nolan
Burke, Calif.	Hansen	Nowak
Burke, Fla.	Harkin	Oakar
Burke, Mass.	Harrington	Oberstar
Burleson, Tex.	Harris	Obey
Burlison, Mo.	Harsha	Ottinger
Burton, John	Heckler	Panetta
Burton, Phillip	Hefner	Patten
Butler	Hightower	Patterson
Byron	Hillis	Pattison
Caputo	Holland	Pease
Carney	Holt	Pepper
Carr	Holtzman	Pettis
Carter	Horton	Pickle
Cavanaugh	Hubbard	Pike
Cederberg	Huckaby	Pressler
Chappell	Hughes	Preyer
Chisholm	Hyde	Price
Clausen, Don H.	Ichord	Pritchard
	Ireland	Pursell
Clawson, Del	Jacobs	Quayle
Cleveland	Jeffords	Rahall
Cochran	Jenrette	Rangel
Cohen	Johnson, Calif.	Regula
Coleman	Johnson, Colo.	Reuss
Collins, Ill.	Jones, N.C.	Rhodes
Conable	Jones, Okla.	Richmond
Conte	Jordan	Rinaldo
Conyers	Kasten	Risenhoover
Corcoran	Kastenmeier	Roberts
Corman	Kazen	Robinson
Cornell	Kelly	Rodino
Cornwell	Kemp	Rogers
Coughlin	Ketchum	Roncalio
D'Amours	Keys	Rooney
Daniel, Dan	Kildee	Rosenthal
Daniel, R. W.	Kindness	Rostenkowski
Danielson	Kostmayer	Rousselot
Davis	Krebs	Roybal
de la Garza	LaFalce	Rudd
Delaney	Lagomarsino	Runnels
Dellums	Latta	Ruppe
Dent	Le Fante	Ryan
Derrick	Leach	Santini
Derwinski	Lederer	Sarasin
Devine	Lehman	Satterfield
Dickinson	Levitas	Sawyer
Dicks	Lloyd, Calif.	Schroeder
Dingell	Lloyd, Tenn.	Schulze
Dodd	Long, La.	Sebelius
Dornan	Long, Md.	Seiberling
Downey	Lott	Sharp
Drinan	Lujan	Shuster
Duncan, Oreg.	Lundine	Simon
Duncan, Tenn.	McClory	Sisk
Early	McCloskey	Skelton
Edgar	McCormack	Skubitz
Edwards, Ala.	McDade	Slack
Edwards, Calif.	McEwen	Smith, Iowa
Edwards, Okla.	McFall	Smith, Nebr.
Eilberg	McHugh	Snyder
Emery	McKay	Solarz
English	Madigan	Spellman
Erlenborn	Maguire	Spence
Evans, Del.	Mahon	Stangeland
Evans, Ga.	Mann	Stanton
Evans, Ind.	Markey	Stark
Fary	Marks	Steed

Steers	Ullman	Whitehurst
Steiger	Van Deerlin	Whitley
Stockman	Vander Jagt	Whitten
Stokes	Vanik	Wiggins
Stratton	Vento	Wilson, Bob
Studds	Volkmer	Winn
Stump	Waggonner	Wolff
Taylor	Walgren	Wright
Thompson	Walker	Wydler
Thone	Walsh	Wylie
Thornton	Wampler	Yates
Tonry	Watkins	Yatron
Traxler	Waxman	Young, Alaska
Treen	Weaver	Young, Fla.
Trible	Weiss	Young, Mo.
Tsongas	Whalen	Young, Tex.
Tucker	White	Zeferetti

NAYS—4

Collins, Tex.	McDonald	Sikes
Crane		

NOT VOTING—52

Abdnor	Heftel	Quillen
Alexander	Hollenbeck	Railsback
Applegate	Howard	Roe
AuCoin	Jenkins	Rose
Barnard	Jones, Tenn.	Russo
Brodhead	Koch	Scheuer
Brooks	Krueger	Shipley
Clay	Leggett	St Germain
Cotter	Lent	Staggers
Diggs	Luken	Symms
Eckhardt	McKinney	Teague
Ertel	Mikva	Udall
Evans, Colo.	Milford	Wilson, C. H.
Flippo	Murphy, N.Y.	Wilson, Tex.
Fraser	O'Brien	Wirth
Fuqua	Perkins	Zablocki
Gudger	Poage	
Hawkins	Quie	

The Clerk announced the following pairs:

Mr. Jones of Tennessee with Mr. Alexander.

Mr. Cotter with Mr. AuCoin.

Mr. Teague with Mr. Leggett.

Mr. Heftel with Mr. Mikva.

Mr. Applegate with Mr. Scheuer.

Mr. Barnard with Mr. Charles H. Wilson of California.

Mr. Brooks with Mr. Krueger.

Mr. Flippo with Mr. Clay.

Mr. Ertel with Mr. Diggs.

Mr. Hawkins with Mr. Perkins.

Mr. Howard with Mr. Luken.

Mr. Russo with Mr. Evans of Colorado.

Mr. Staggers with Mr. Fraser.

Mr. Roe with Mr. Gudger.

Mr. Rose with Mr. Jenkins.

Mr. Koch with Mr. Udall.

Mr. Milford with Mr. Charles Wilson of Texas.

Mr. Murphy of New York with Mr. Eckhardt.

Mr. Zablocki with Mr. Wirth.

Mr. Shipley with Mr. Symms.

Mr. St Germain with Mr. Fuqua.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

BUDGET OF DISTRICT OF COLUMBIA FOR FISCAL YEAR 1978—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–116)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed with illustrations:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am today transmitting for your consideration the budget of the District of Columbia for fiscal year 1978.

JIMMY CARTER.

THE WHITE HOUSE, *March 31, 1977.*

RESIGNATION AS DELEGATE TO CONFERENCE OF INTERPARLIAMENTARY UNION IN CANBERRA, AUSTRALIA

The SPEAKER laid before the House the following resignation as a delegate to the Conference of Interparliamentary Union in Canberra, Australia:

WASHINGTON, D.C.,
March 30, 1977.

Hon. THOMAS P. O'NEILL, JR.,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I respectfully request that I be removed as a delegate to the Conference of Interparliamentary Union in Canberra, Australia.

I am honored by your appointing me as a member of the delegation, and I regret very much that I am unable to participate.

With kindest regards,

Sincerely yours,

ROBERT N. GIAIMO,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS DELEGATE TO CONFERENCE OF INTERPARLIAMENTARY UNION IN CANBERRA, AUSTRALIA

The SPEAKER laid before the House the following resignation as a delegate to the Conference of Interparliamentary Union in Canberra, Australia:

MARCH 17, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Thank you very much for your letter notifying me that I have been appointed as a delegate to the Interparliamentary Union meeting in Canberra.

I appreciate very much this opportunity, and I regret that for personal reasons and because of political commitments, I will be unable to go.

Thank you for your understanding.

Cordially,

RICHARDSON PREYER.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS DELEGATE TO CONFERENCE OF INTERPARLIAMENTARY UNION IN CANBERRA, AUSTRALIA

The SPEAKER laid before the House the following resignation as a delegate to the Conference of Interparliamentary Union in Canberra, Australia:

WASHINGTON, D.C.,
March 30, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, Washington, D.C.

DEAR MR. SPEAKER: I am writing to submit my resignation as a member of the Interparliamentary Union Delegation.

I am requesting that this resignation become effective immediately.

Thank you very much for your attention to this matter.

Sincerely,

LEE H. HAMILTON.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBERS OF DELEGATION TO ATTEND CONFERENCE OF INTERPARLIAMENTARY UNION IN CANBERRA, AUSTRALIA

The SPEAKER. Pursuant to the provisions of section 204(b), Public Law 94–141, the Chair appoints as members of the delegation to attend the Conference of the Interparliamentary Union in Canberra, Australia, from April 10 to April 16, 1977, the following Members on the part of the House to fill the vacancies thereon: The gentleman from New Jersey (Mr. PATTEN); the gentleman from Texas (Mr. PICKLE); and the gentleman from Maryland (Mr. BYRON).

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished majority leader for the program of the balance of this week and for next week.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the distinguished majority leader.

Mr. WRIGHT. Mr. Speaker, it will be our purpose to ask that when the House adjourns today, it adjourn to meet at noon on Monday next.

On Monday, which is Consent Calendar day, there are no bills. There are 10 suspensions for Monday, as follows:

H.R. 5306, relating to land and water conservation fund;

H.R. 5027, veterans medical services bill;

H.R. 3695, State grants for veterans home facilities;

H.R. 5029, hospital care for veterans in the Philippines;

H.R. 5025, construction of VA medical facilities;

H.R. 1680, relief for certain underpayments of estimated tax;

H.R. 1828, to defer effective date of sick pay for 1 year;

S. 2025, increased authorization for the SEC, fiscal year 1977;

H.R. 5117, emergency drought legislation;

H.R. 5502, military construction authorization.

In addition to those suspensions, it is expected that the House will take up

H.R. 5294, debt collection practices, subject to a rule being granted.

On Tuesday, the House would meet at noon. There are no bills on the Private Calendar. There are two suspensions scheduled. They are:

H.R. 7, career education, and

H.R. 130, Petroleum Marketing Practices Act.

In addition to those, there is scheduled H.R. 3199, Water Pollution Control Amendments, 1977. I understand a rule has been granted, and it is a 1-hour open rule.

On Wednesday, the House would meet at noon. We will take up H.R. 5262, International Lending Institutions Act, subject to a rule being granted.

At the close of business on Wednesday next, the House would adjourn until Monday noon, April 18, for the Easter district work period.

The House will adjourn by 3 p.m. on Fridays, and by 5:30 p.m. on all other days except Wednesdays, until May 15.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

Mr. MICHEL. Might I ask the distinguished majority leader whether H.R. 5502, military construction, the most recent added to the program, is the omnibus, multimillion-dollar military construction program, or just one individual item?

Mr. WRIGHT. It is my understanding, if the gentleman will yield, that this is the military construction supplemental authorization.

Mr. MICHEL. Then is it expected we would have the conference report on unemployment compensation come up yet today?

Mr. WRIGHT. It is not expected that there will be any additional business today. The business of the week has been concluded.

Mr. STEIGER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER. I thank the gentleman for yielding.

Mr. Speaker, would it be possible for the majority leader to give us a better explanation why H.R. 4800 is not scheduled? The gentleman from California got unanimous consent to bring it up today after it was filed. The program expires as of midnight tonight, and I find it difficult to understand why we should not be willing to take it up and discuss it.

Mr. WRIGHT. It is my understanding that the committee desires to take it up later.

Mr. STEIGER. If the gentleman from Illinois will yield further, may I say to the distinguished majority leader that it is my understanding that the reason the conference report may not be brought up has nothing to do with anything except the fear, apparently, perceived or real, that there may be an effort to have a vote on the pay issue. The other body voted that down. But there was an amendment offered by Senator BARTLETT in the other body, which was not adopted, which was not accepted by the conference, on which a vote could be held; and I am, frankly, disturbed—if I can use that word—that the House will adjourn tonight and allow the FSB program to expire because we are not prepared to take that issue up.

Mr. WRIGHT. If the gentleman will yield, I am not prepared to discuss the merits of the legislation with respect to the scheduling. However, as I understood the gentleman's colloquy, he was suggesting that he desired some sort of instructions to recommit the bill to conference.

If that were the case, then this act could not go into effect tonight, anyway, because the House will not be in session tomorrow, and there would not be any purpose in hurrying it through, as the gentleman earlier suggested.

Therefore, the purpose of hurrying it through, as the gentleman first suggested, and the purpose of seeking to recommit it to conference, as the gentleman suggested in the second place, are incompatible with one another.

Mr. STEIGER. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MICHEL. Yes; I yield to the gentleman from Wisconsin.

Mr. STEIGER. Mr. Speaker, the other body adopted the Bartlett amendment by a vote of 82 to 13. It should not take the conferees more than 10 minutes to go back to conference, adopt it in conference, and bring back the conference report. Consent has been given to bring it up. Clearly the other body is not going to fight that proposition.

I say to the majority leader that clearly it is apparent that we could consider this conference report after the conferees reach agreement and get this bill on its way to the President. The President can sign it tonight, and that will continue the FSB benefits for those who will otherwise be without those benefits as of midnight tonight.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield further, I will just say to the gentleman from Wisconsin (Mr. STEIGER) that he may be a little too conservative in his appraisal of the loquacity of the Members of the House. The majority leader is not prepared to make any judgment in respect to that at this time.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I would just respond to the gentleman from Wisconsin (Mr. STEIGER), who has fought this bill at every point and tried to kill it, by saying this: We went to conference and the vote was 8 to 2 in favor of refusing to recede, and the Senate conferees receded on this point. It is not germane.

If this comes back with a nongermane provision in the conference report, the gentleman knows enough about the rules to know that it cannot be pushed through this House in a matter of minutes or hours. He knows who is going to cut FSB off at midnight tonight, and so do I.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I would like to point out that the gentleman from Wisconsin (Mr. STEIGER) could have objected to the consideration of the conference report if he had wanted to slow this up. The gentleman from Wisconsin has never held back this particular vote. The gentleman from California (Mr. CORMAN), I think, knows that very well.

If the House wants to move without unemployment compensation, it can do so, but if the House is afraid to grapple with the salary issue, which seems apparent at this point, then we can let unemployment compensation languish, and that will be the responsibility of the majority party.

Mr. MICHEL. Mr. Speaker, I appreciate the distinguished majority leader's telling us about the program for the balance of the day and for next week.

Mr. WRIGHT. Mr. Speaker, I appreciate the expression of appreciation by the distinguished minority whip. I am glad that he appreciates the majority leader's efforts.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, APRIL 4, 1977

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, APRIL 6, 1977

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next, it adjourn to meet at noon on Wednesday, April 6, 1977.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER laid before the House the following resignation as a member of the House Commission on Congressional Mailing Standards:

WASHINGTON, D.C., *March 10 1977.*

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: While I am honored that I have received an appointment once again to the Franking Commission, I must with regrets decline. Increased Committee, legislative and constituent demands on my time preclude my devoting the time and

energy which I feel service on the Commission warrants.

With all best wishes, I remain

Most sincerely,

JAMES J. HOWARD,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of section 5(b), Public Law 93–131, the Chair appoints as a member of the House Commission on Congressional Mailing Standards the gentleman from New York (Mr. SOLARZ), to fill the existing vacancy thereon.

APPOINTMENT AS MEMBERS OF U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as members of the U.S. Group of the North Atlantic Assembly the following Members on the part of the House: The gentleman from California (Mr. BOB WILSON); the gentleman from Illinois (Mr. FINDLEY); the gentleman from Alabama (Mr. EDWARDS); and the gentleman from Virginia (Mr. WHITEHURST).

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation:

WASHINGTON, D.C.,
March 25, 1977.

Hon. THOMAS P. O'NEILL,
Speaker of the House, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following prospectuses on March 24, 1977:

LEASE RENEWALS

2000 M Street, N.W., Washington, D.C.
2300 E. Devon Avenue, Des Plaines, Illinois.

ALTERATIONS AND REPAIRS

Virginia Heating, Refrigeration and Sewage Disposal Plant, Arlington, Virginia.

Central Intelligence Agency Building, McLean, Virginia.

CONSTRUCTION

San Jose, California, Courthouse and Federal Building.

The original and one copy of the authorizing resolutions are enclosed with accompanying prospectuses.

Sincerely,

HAROLD T. "BIZZ" JOHNSON,
Chairman.

COMMUNICATION FROM THE CLERK OF THE HOUSE—SUBPENA IN CASE OF MACK AGAINST JENNINGS IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *March 31, 1977.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 4, 1977 Wm. H. (Bill) Mack commenced an action in the United States District Court for the District of Columbia against the Clerk and the Sergeant-at-Arms of the House of Representatives (*Wm. H. (Bill) Mack* v. *Edmund L. Henshaw, et al.* [D.D.C. Civ. Action No. 77–0009]). In this action, plaintiff sought an order compelling defendants to pay him $88,000, an amount approximately equal to the salary of a Member of Congress for a two year period. Plaintiff alleged, *inter alia*, that he was entitled to this relief on the grounds that the House failed to adjudicate the election contest which he filed for the Twenty-first Congressional District of Ohio and permitted the contestant to take the oath of office and assume the duties of a Member of Congress.

On March 4, 1977, my General Counsel filed the attached motion to dismiss the action on behalf of the defendants pursuant to Rule 12(b)(1), (2) and (7) of the Federal Rules of Civil Procedure, together with the attached Memorandum of Points and Authorities in Support Thereof. By the attached order issued on March 23, 1977 by the Honorable Howard F. Corcoran, United States District Judge, the motion to dismiss was granted.

I have the honor to transmit to you the aforementioned documents and I present the matter for the consideration of the House.

With kind regards, I am

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk,
U.S. House of Representatives.

The SPEAKER. The subpena and order will be printed in the RECORD at this point.

The subpena and order are as follows:

[In the U.S. District Court for the District of Columbia, Washington, D.C., Civil Action File No. 77–0009]

SUMMONS IN A CIVIL ACTION

Wm. H. (Bill) Mack, Relator, Plaintiff v. W. Pat Jennings, Clerk, U.S. House of Representatives, et al., Defendants.

To the above named Defendant: W. Pat Jennings. You are hereby summoned and required to serve upon Wm. H. (Bill) Mack, plaintiff's attorney, whose address 530 Terminal Tower, Cleveland, Ohio 44113, an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY,
Clerk of Court.
GREG HUGHES,
Deputy Clerk.

Date: January 4, 1977.

[In the U.S. District Court for the District of Columbia, Civil Action No. 77–009]

ORDER

Wm. H. (Bill) Mack, Plaintiff, v. Edmund L. Henshaw, Jr., et al., Defendants.

Upon consideration of defendants' unopposed motion to dismiss *, the memorandum in support thereof, and the entire record herein, it appears to the Court that subject matter jurisdiction over the present action is absent.

It is, accordingly, by the Court this 23d day of March, 1977.

Ordered that this action should be, and the same hereby is, dismissed.

———, ———,
Judge.

*No opposition to the aforementioned motion having been filed within the prescribed time, we treat defendants' motion to dismiss as conceded. *See* Local Rule 1–9(d).

TRADE ADJUSTMENT ASSISTANCE PROGRAM

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to take this opportunity to bring to the attention of the Members of the House the fact that a hearing was held this morning before the Subcommittee on Trade of the Committee on Ways and Means on the trade adjustment assistance program, which has been a miserable failure in this country.

The program has brought no assistance whatsoever to the unemployed shoe worker; it has brought no financial assistance to those firms that went out of business. In fact, it has been a cruel joke and a hoax on the American public.

Mr. Speaker, I want to point out further that in that hearing room this morning I brought to the attention of the members the fact that foreign imports of footwear now represent 52 percent of the domestic market. We are now seeing a great industry being destroyed as a result of inaction on the part of the U.S. Congress and on the part of the executive branch of government, and it is about time that this country of ours stood up for the American worker and gave his job some protection.

Mr. Speaker, the testimony which I gave at the hearing of the Subcommittee on Trade is included as follows:

TESTIMONY OF THE HONORABLE JAMES A. BURKE BEFORE THE HOUSE WAYS AND MEANS TRADE SUBCOMMITTEE ON THE TRADE ADJUSTMENT ASSISTANCE PROGRAM, MARCH 31, 1977

Mr. Chairman, I am grateful for the opportunity to appear before you and the other distinguished Members of the Trade Subcommittee today. I want to thank the Committee for its initiative in holding hearings on the TAA program. It is a program with many problems—conceptual and administrative—and I recommend that we take clear focus of these problems and begin overhauling the program at once.

First of all, I want to state that the program bears little or no resemblance to that originally contemplated by Congress. Congress made it quite clear when it passed the 1974 Trade Act that TAA was to be considered only if it could be shown that it would remedy demonstrated injury and be a more effective remedy than the other types of relief provided for under the Act. The Executive Branch has systematically used adjustment assistance as a palliative, most notably in the case of the domestic footwear industry, in an effort to avoid foreign criticism and in direct contravention of the Trade laws. Furthermore what little relief is rendered under this program, has been unobtainable because of regulations and administrative decisions that have made the program virtually unworkable.

Perhaps the worst aspect of this program is the fact that it has been used as a palliative by the Federal Government to avoid any rational discussion regarding the real problems of import-impacted firms, vis a vis low labor costs abroad, multinational firms' tax benefits, import barriers to American exports,

etc Adjustment assistance has been called forth time and time again as a quick fix, a cure-all for import battered firms. It seems to soothe some people's consciences as they watch the trade deficits grow and thousands of people separated from their jobs to point to this program as a panacea. Congress never intended its use as such. And as the experience of the shoe industry points up, it can no longer stand the test of scrutiny.

It will probably come to little surprise to the Members of this panel that I intend to focus my remarks on the experience of the shoe industry with TAA. My reasons are several. First of all, this industry was singled out last year as a candidate for what was termed as "expedited trade adjustment assistance". Secondly, footwear is a major domestic industry, facing import penetration better than 50 percent, and I think it is important to see if a major import-impacted industry can realistically or logically "adjust" in accordance with the expectations of this program. Third, the experiences of this industry with TAA have been documented by a recent GAO report commissioned by me over a year ago.

Mr. Chairman, with regard to the shoe industry this program has been a dismal failure. Perhaps this program works better in smaller industries with lower import penetration and the capability and opportunity to diversify into other product lines, but this is where the line must be drawn; it simply does not apply to labor-intensive industries such as footwear either from a worker or firm standpoint. The statistics speak for themselves: A 1975 Federal Reserve Board study found that shoe workers in Massachusetts who had lost their jobs in the previous 20–56 months had enormous difficulties in finding new jobs. Over a quarter had not found jobs; 50 percent had been unable to find fulltime jobs and the 25 percent who had found jobs were working for 16 percent less wages. Two thirds of the industry work force are women (often secondary wage earners), unskilled, with an average of 9 years schooling. The average age of shoe workers is far higher than in most manufacturing concerns. The shoe factory, in more instances than not, was located in a rural area with very few other industries. TAA simply becomes a dole for these workers which, when it runs out means the welfare rolls. Obviously, a program that "retrains and relocates" would not have a high success rate among the workers I have just characterized. Again, in a highly echnological industry the success rate might be greater, however, in a labor-intensive, low paying industry, the program simply does not make sense, and becomes little more than dole.

But let us go on to the firm adjustment assistance program. As a Member of the House Ways and Means Committee during consideration of the Trade Reform Act of 1974, I was involved in the liberalization of this program. I didn't think much of the concept behind the program then; however, I respected the sincere intent of many in Congress, who do not share my trade philosophy, to craft a program which would provide some meaningful relief to workers and firms stung by import competition. I am here to tell you today that this program is a slap in the face to Congress and has been rendered virtually unworkable by the most ridiculous set of regulations I have witnessed in over 40 years in public service. The program has been perverted, severely underfunded, and basic provisions completely ignored. As the only specified Federal program presently available for relief to import-battered firms, TAA is like the emperor's new clothes. On paper the program couldn't sound better—technical assistance, loans, financial assistance; but finding a firm that has benefited by all this government largesse is like trying to find the proverbial needle in the haystack.

With respect to the shoe industry, GAO reported that a Commerce Department Study anticipated that 200 firms would apply for TAA and at least 150 would be eligible for assistance. To this date, only 25 firms have applied, 16 have been certified, (3 of which had been certified under the old act and recertified in June 1975), and only 4 have received any aid at all.

In reality the program is rife with bureaucratic red tape, loan rates which hover almost two percentage points above market rates, all manner and number of governmental compliance regulations delays, no technical assistance whatsoever, and cumbersome and inscrutable application forms. The GAO study documents that there is substantial uncertainty involved in interpreting what information is required in the petition process; how much information is adequate whether all procedures have been complied with and how, if at all, assistance can be obtained in the pre-proposal steps. A firm must show compliance with EPA regulations; file what amounts to a 14 point environmental impact statement; show evidence of an affirmative action plan; sign a civil rights statement indicating it will not discriminate on the basis of sex, race or religion; submit financial records and tax returns for the past five years; undergo FBI checks on financial officers and stockholders; and document in full that imports have been a major cause of steadily declining financial conditions and prospects. All this amounts to time and money—two sorely lacking commodities in a business about to go under. It's a classic catch-22 situation.

Community Adjustment Assistance is nonexistent as government officials have told communities that the program is too complicated and they'd have better luck under other EDA administered programs, and interestingly enough, shoe firms have had more success with other government programs. Let me quote from the GAO report:

"We did note one instance where a nonrubber footwear manufacturer received a working capital loan guarantee of $500,000 under EDA's Business Development Loan Program. The decision to process the project under this program instead of the trade adjustment assistance program was based on several factors according to a Regional Business Development Chief—

"It was unlikely the principals could obtain from the previous owners the necessary information for certification under TAA, the firm did meet the requirements of the Business Development Loan Program, and time considerations.

"Regarding the latter, EDA's Atlantic Regional Office stated that even a minimal delay could probably cause the demise of this company. In this regard, it took only 96 days from application to acceptance to loan agreement signing, a considerably shorter time frame than could be expected under the TAA Program, considering certification and application requirements."

A basic requirement of the program is technical assistance in preparing a firm's application. Section 252 of the 1974 Trade Act states that:

"In order to assist a firm which has been certified as eligible to apply for adjustment assistance under this chapter in preparing a viable adjustment proposal, the Secretary may furnish a technical assistance to such firms."

GAO found "EDA has done little to assist in the preparation of applications for trade adjustment assistance."

Mr. Chairman, what it all boils down to is the fact that the government is telling the shoe industry and other industries like it, that it is expendable. We tell them this when we fail to take any effective import relief action; we tell them this when we offer them a program that is little more than a dole (not much of one at that); we tell them this, again, when we fail to effectively administer this program. Even if we accept all the givens of this program, it still remains a dole, Congress and the Administration must take a long-hard look at this program.

LEGISLATION TO PROHIBIT CHILD PORNOGRAPHY

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, today I am resubmitting a bill which Mr. MURPHY of New York and I have previously submitted to prohibit child pornography. With the addition of 6 names, the number of Members sponsoring this legislation has risen to 104. I think that I can safely say that many of my colleagues share my sense of outrage that children are being abused in this fashion. I know that many of us think that the time has come to shout, "Stop."

I think that the sexual exploitation of a child is one of the most indecent invasions that an adult can make on the rights of that child. The most heinous crimes in our society are those which involve the violation of either the body or the mind. The sexual abuse of children involves an element of both. The violation of a child's body is rather obvious, but there is also a violation of the mind. The psychological scars that a child will carry into adulthood as a result of such abuse could actually be greater than the scars created by physical beatings.

The problem is a national problem both in terms of scope and in terms of its interstate characteristics. One estimate places the number of children who are commercially sexually abused at greater than half a million. Such a statistic is frightening. Just as frightening is the fact that such exploitation has been found involving children as young as 2 or 3 years old. We need to stop this shameless exploitation before it damages even more children.

The second way in which the problem is a national problem is that pornographic material which depicts in embarrassing detail the sexual exploitation of children moves through interstate commerce. This material may move through a number of States and through the hands of several dummy corporations before it reaches the shelves. The people who profit from this traffic, are unbelievably perverse and deserve the punishment of our governments. When the pursuit of the god "profit" becomes so great that all sense of social responsibility or decency is lost, the Government has a responsibility to protect those who are being exploited; even more so when the victims are innocent children.

Because it is a national problem, it requires a national solution. The sexual abuse of children presents a constitutional question. The States are the proper source of sexual consent laws. They also have special responsibility in the area of child abuse. We would urge the States to actively enforce existing laws and pass new legislation where it is needed. There are presently at least 18 States which are considering legislation in this area.

When child abuse impinges on interstate and foreign commerce, though, the Federal Government has responsibilities. For that reason, Congressman JOHN MURPHY of New York and I have taken the step of initiating Federal legislation which would make the sexual abuse of children a felony punishable by 20 years imprisonment or a $50,000 fine, or both, for anyone to cause or knowingly permit a child of less than 16 years to participate in a sexual activity if that person knows, or has reason to know, that the tainted fruit of such an activity will end up in interstate commerce. The bill would also make it a felony with severe penalties to ship, receive, or sell through interstate commerce any material which depicts the sexual abuse of a child in either photographs or movies.

We have chosen to concentrate on the sexual abuse of children rather than trying to define obscenity because the issue is really an issue of the protection of children. In addition, it is particularly difficult to develop an acceptable definition of obscenity. It is presently a violation of the criminal code to ship obscene materials through interstate commerce, but that has not prevented an epidemic of materials with sexually explicit photographs of children. The courts have had a particularly difficult time arriving at a definition of obscenity. I do not think, however, that any sane person could contend that the Constitution protects an individual who abuses a child.

In the early part of this century the Congress took action to regulate the conditions of the employment of children because of the atrocious working conditions that existed. I feel that just as pernicious as the sweatshops which left physical scars are the modern day conditions which leave psychic scars.

We in America have always valued our children. They are truly our link to the future. Any abuse of a child is a crime against ourselves and against society. Coldhearted abuse in the pursuit of profit is a particularly heinous crime. These children are not capable of caring for themselves. They need our nurture and our protection.

MOSCOW SALT TALKS

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, I take this opportunity to address the House on the importance of the President's quest for peace and his efforts to provide a basis for strategic arms negotiations that is both comprehensive and equitable. In our meeting with the President yesterday he explained in detail the administration's efforts to produce a proposal which is fair and balanced, and one that provides for substantial reductions in the arms race. The plan that Secretary Vance presented to the Soviet leaders in Moscow is one which, if used as a basis for negotiations, can lead to the permanent lessening of tensions and provide mutual benefit to both of our countries, as well as to the world.

The elements of our negotiating proposal as the President explained them yesterday include:

First. A substantial reduction in the level of deployment of missile launchers below the 2,400 level, and missiles with multiple warheads or MIRV's below the 1,320 level established under the Vladivostok agreements.

Second. To stop the development and deployment of any new weapons systems.

Third. To freeze at the present level about 550 intercontinental ballistic missiles, our Minuteman, and their missiles known as the SS–17, 18, and 19.

Fourth. To ban the deployment of all mobile missiles, and

Fifth. To have a strict limit on the deployment of the Soviet backfire bomber and a strict limit on the range that would be permitted to cruise missiles.

Our proposal also includes a limit on the number of test firings each year of intercontinental and medium range missiles and an assured means of distinguishing between their mobile missles.

For the first time the United States has come forward with a plan that calls not only for limitations on the production and deployment of nuclear weapons, but for reductions on a major scale that would have a deep and lasting impact on lowering the threshold of nuclear warfare.

The negotiating proposal the President described calls for both equity and parity in the strategic balance between the United States and the Soviet Union. It is a proposal which aims not at unilateral advantage but at a realistic and open appraisal of the nuclear arms race.

The President has presented a plan that can cap the arms race. His is not a proposal that has been submitted to be withdrawn and altered. Rather it is a proposal that he will stick by and which deserves our support.

Before Secretary Vance went to Moscow, 6 weeks of active and arduous preparation went into the U.S. proposal, and it was agreed to by all the agencies and departments taking part in the process of developing our position. That includes the National Security Council, our State and Defense Departments, the Joint Chiefs of Staff, and the Arms Control and Disarmament Agency.

By approaching the problems of limiting new weapons and reducing the threat of present ones, the President and his advisers have offered the prospect for a realistic limit to the nuclear arms race. The congressional leadership fully and enthusiastically supports his efforts and his comprehensive approach.

That the Soviet Union did not accept our proposal as the framework for negotiations at this time is understandable. Perhaps they are testing the President as they have tested previous Presidents in the early days of their terms. Perhaps they need more time to assess it. That would be understandable. But let there be no misunderstanding on one point. The Congress supports the President and his efforts. He has a full term before him and neither he nor we nor the American people are under any pressure to reach an agreement that does not come to terms with the basic issues and resolve them with equity for both sides.

We hope that the Soviet Union will come to realize before the negotiations resume in Geneva in mid-May that the United States proposal represents a sincere, serious, and thoughtful basis for strategic arms negotiations that can benefit both our countries and the world. We are facing the essential and critical issue of our time—survival in the nuclear age. The U.S. proposal represents our best effort to resolve this problem.

AMERICA'S COMMITMENT TO A JUST ARMS LIMITATION PROGRAM

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, as one of the Members of Congress who was privileged to attend President Carter's briefing yesterday on the Moscow negotiations, I would like to express my admiration for the manner in which the talks were handled and to thank the President for keeping Congress fully and currently informed.

There may be a tendency to dismiss the Moscow talks as a failure because we were unable to reach agreement with the Soviet Union on a series of matters vital to our national security. I do not see it that way. We presented a series of fair and balanced proposals to our Soviet counterparts, and they were rejected. I think it is clear that we made an honest effort in Moscow to achieve arms reductions that would not jeopardize our national security. I am familiar with these proposals and I do not see how we could have been more forthcoming without making unacceptable, unilateral concessions to the Soviets.

The administration has an obligation to the American people to be firm in its dealings with the Soviets on national security matters. In these negotiations we must proceed from the assumption that no agreement is better than a bad agreement. The United States is not obliged to make its arms limitation proposals acceptable to the Soviet Union; such a concept runs contrary to the whole idea of negotiation and compromise. I believe the Secretary of State and the administration are to be commended for resisting the impulse to realize progress in our relations with the Soviets if such progress entails compromise that are contrary to our national interests.

I also believed it is important to point out that arms limitation talks with the Soviets have not collapsed. There is general agreement that the talks should continue. They will continue and I am hopeful that they will eventually be successful. However, they can only be successful if the Soviets fully understand that the United States is not prepared to pay any price for arms limitations. In this respect, the recent Moscow talks may well have served to pave the way for more productive negotiations in the future.

Finally, Mr. Speaker, I would like to point out that the Soviet Union and other potential adversaries should be aware that the security of the United States of America is not a partisan po-

litical issue. Republicans and Democrats will join in supporting just programs for limitation. They will stand together in resisting false progress, unfair concessions, and any attempt to use these negotiations as a lever to weaken our commitment to the ideals that have made America the strongest and most compassionate nation in the world.

LITHUANIAN INDEPENDENCE

The SPEAKER pro tempore (Mr. MOAKLEY). Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, on February 16, 1918, the Lithuanian nation declared its independence. This was a goal for which the Lithuanian people had been striving throughout a long period of Russian domination (1795–1915) followed by German occupation during the First World War. After two decades of independence, Lithuania again fell under Russian domination when it was occupied by the Red Army in the Second World War. It was declared a constituent Republic of the U.S.S.R. on August 3, 1940. Following the German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944. Since then, it has been considered by the Soviet Union as a component republic.

The United States has never recognized the Soviet incorporation of Lithuania or the other two Baltic States—Estonia and Latvia.

Lithuania was one of the first countries to experience the aggression of both Hitler and the Soviet Union. When the outbreak of the Second World War seemed imminent, Lithuania attempted to maintain a policy of absolute neutrality, but was gradually engulfed, nevertheless. The first loss occurred when Klaipeda—Memel—was yielded to Germany in March 22, 1939—in the face of an ultimatum and the threat of German armies.

Next, a mutual assistance treaty was forced upon Lithuania by the Soviet Union on October 10, 1939. Lithuania was required to grant air bases to the Soviet Union and to admit Soviet garrisons in spite of a Soviet-Lithuanian treaty of nonaggression which had been signed in Moscow on September 28, 1926. On June 15, 1940, the Soviets demanded immediate formation of a "friendly" government and occupied the country. In July 1940, a rigged election produced a Congress which requested the incorporation of Lithuania into the Soviet Union. On August 3, 1940, at this "request," Lithuania was declared a constituent Republic of the U.S.S.R. by the Supreme Soviet in Moscow.

Today, Soviet propagandists take great pleasure in castigating "American imperialism." Dire warnings are found almost daily in the Soviet press concerning the threat of American aggression throughout the world. Not surprisingly, the Soviets point out in the same breath that they—not the United States—are the true friends of the "oppressed peoples" of the world. According to the Soviets, their Communist "brothers"—all helpless nations of the world—should look to the Soviet Union for beneficent aid and assistance. Sadly enough, it appears that some people and nations are now falling prey to this Soviet charade.

WHAT THEN IS REALITY?

Last June, we marked the 36th anniversary of the Soviet deportation of over 34,000 Lithuanians to Siberia.

Certainly, the Lithuanian people can attest to the "fraternal assistance" rendered by the Soviet Union.

In 1940, Lithuania was forcibly absorbed into the Soviet state. The Lithuanian people—proud of their heritage and country—did not accept Soviet domination passively. Yet the struggle of Lithuania against its massive Soviet neighbor was decided before it began. Without the aid and support of their "true friends," the brave and gallant Lithuanian people were forced into subjugation.

The Soviet Union—revealing its real self—dealt harshly with Lithuania. Freedom ceased to exist. But the cruelest blow was the massive deportation in June of 1941 of over 34,000 Lithuanian citizens to Siberia. Men, women, and children, representing different sections of the Lithuanian social spectrum—but united in their love for freedom and positive opposition to Soviet rule—were forcibly removed from their homeland and send to labor in the infamous work camps of Siberia.

This then was—and still is—the reality.

We must never forget the injustices the Soviet Union inflicted upon Lithuania. Fortunately for the United States, we have many Americans of Lithuanian descent who still remember, in some cases all to vividly, the tragedy of Lithuania.

We must share those memories and remember the lessons which they embody. For although, ironically, the United States has gained immeasurably from the Soviet Union's crimes in Lithuania, gaining citizens who know and love freedom, we owe it to ourselves and the Lithuanian people not to forget their sufferings.

We here in the United States, who still cherish freedom and democracy, must continue to strive for a redressing of the Soviet crimes carried out against Lithuania and her people. Our commitment must remain ualtered and undiminished. For if we cease to remember we fail not only the Lithuanian people but also ourselves.

Mrs. FENWICK. Mr. Speaker, on March 29 of last year, I spoke on the floor of this House about a most tragic family separation. Mr. Aloyzas Jurgutis of Chicago, Ill., is separated from his wife, Marija and daughter, Daina, both of whom live in Vilnius, Lithuania.

In the year that has lapsed since I last spoke in the well of the House, the Soviet authorities have not in any way moved to reunify this family, despite the Soviet Union's commitments in the Helsinki accord to facilitate family reunification. In fact, the U.S.S.R. is now using that international accord as a pretext for denying legitimate emigration requests. It is a warping of the letter and intent of the Final Act of the Conference on Security and Cooperation in Europe and I call the attention of my colleagues to this attitude of Soviet authorities. The Jurgutis family is just one of thousands subjected to these barriers. The 35 nations which signed the Helsinki accord acknowledged that these matters of family reunification, travel for personal and professional reasons and exchange of information go well beyond purely "internal affairs." The inclusion of these principles in the accord was a milestone in international concern for human rights and has engendered great hope in Eastern Europe and the U.S.S.R. Already this year, for example, we have seen dissention in Poland, Czechoslovakia, Romania, and the Soviet Union because of the promise of the Helsinki accord. In most cases, these governments have ignored the commitments they made at Helsinki in 1975.

Since I last spoke about Aloyzas Jurgutis, the President has signed legislation I introduced to establish a Commission on Security and Cooperation in Europe. Under the very able leadership of Representative DANTE FASCELL, the Commission is now working diligently preparing a U.S. policy for the Belgrade Conference to follow up on implementation of the Helsinki accord. Our own attention to the human rights provisions of the accord has itself given hope to the people in Eastern Europe and the U.S.S.R. that the terms of this international agreement will be implemented and that this will not prove to be a hollow promise. We must, for our part, honor the Helsinki accord and compile a record of compliance by the other signatory countries. Having signed this international document, it is our duty to do so.

In commemorating Lithuanian Independence Day today, we should recognize that the people of Lithuania are not free to "leave any country, including their own, and to return to their country," as the U.N. Universal Declaration of Human Rights promises. The Jurgutis family is only one of many that we should not forget today as we commemorate that period when Lithuanians were free to determine the course of their own lives.

Mr. McHUGH. Mr. Speaker, this year the people of Lithuania commemorate the 59th anniversary of the 1918 Declaration of Independence which ushered in an era of free and independent life for this ancient nation. It is my privilege today to join my colleagues in paying tribute to the indomitable spirit of the Lithuanian people and the great contributions they have made to the world's understanding of liberty as a precious gift.

As Americans, we have just celebrated 200 years of free and independent life. But at the same time that we are proud of our remarkable achievements as a free

people, we should not forget that we are inheritors, not creators, of our own freedom. Indeed, we owe our ideals of self-determination to a spirit of independence and political individuality that had evolved in Europe for many centuries before our own Revolution. In great part, it was Lithuania's strong resistance to invaders seeking new territory that, throughout the Middle Ages, helped to stabilize the development of modern Europe. The distinct national unity that made this resistance possible began in 1251 A.D. with the formation of the Lithuanian state under King Mindaugas. And for many centuries before, the Lithuanian people had become identified—for instance by the Roman historian Tacitus in the first century A.D.—as the ancestral dwellers of the Baltic coast, possessed of a language which is now the oldest in its form of all the world's living languages.

It is thus one of the great tragedies of our time that a people of ancient national identity, culture and peaceful achievements have not been able to retain their territorial sovereignty and political independence in our own times. Untold sufferings have been wrought on humanity by the wars of this century, yet the victories won have in many ways been bitterly unsatisfactory. Ironically, the defeat of Nazi Germany lulled the free Western nations into a tragic acceptance of the Soviet Union's totalitarian activities in Eastern Europe—activities which had proven during the Second World War to be as dangerous to the survival of liberty as had been the Nazi threat.

Today, Mr. Speaker, people who love freedom are still paying a heavy price for the political arrangements that evolved from the Second World War. The business of freedom, for which our country fought, remains unfinished. The sudden breakdown in disarmament talks yesterday in Moscow points up the fact that, decades after Franklin Roosevelt rallied us to win a victory over "freedom from fear," we continue to live fearfully in an era of nuclear power struggles.

We should be truly grateful that, throughout the long period of Soviet oppression that has continued in Lithuania since 1940 to this day, the Lithuanian people have continued to nourish their ancient language, customs and art, ready to hold their national identity in trust for their children's children if necessary, but determined that the love of liberty shall be stronger in this world than the forces of territorial greed and ideological oppression. The United States has supported Lithuania's right to be free again, and has never recognized the illegal Soviet occupation of Lithuania and her sister Baltic republics, Estonia and Latvia. At the same time, our country has been especially blessed by the many tens of thousands of people of Lithuanian descent who adopted our land. They have contributed greatly to the building of America's devotion to liberty at home, and the fostering of human dignity throughout the world.

It has been a sad lesson for the American people that our country, despite its best intentions at times, must be wary of using force to attempt to change political processes abroad, as in the case of Vietnam. Yet our awareness of our limitations must never cause us to be faint-hearted in working diplomatically, economically, and by appropriate political means to further the survival of liberty for Lithuania and the other captive nations. To be worthy of our birthright as a free people, we should not only thrill to Benjamin Franklin's proud exclamation, "Where freedom is, there is my country!" We must also, if we are to be worthy of freedom's blessings, never forget Thomas Paine's magnificent and challenging reply: "Where freedom is not, there is my country!"

Mr. DERWINSKI. Mr. Speaker, I join in welcoming the Reverend Joseph Prunskis who delivered the invocation this morning and has set the stage for this special order in commemoration of Lithuanian Independence Day.

As an original sponsor, of what was to become House Resolution 864, I take this occasion to emphasize the point that it continues to be the policy of the United States in both the executive and legislative branches of Government, that we will not recognize in any way, the Soviet annexation of the Baltic States.

The people of the Baltic States are consistently subject to the deliberate "russification" of their culture, in an effort by the Soviets to eradicate the historic nationalism of the Baltic peoples.

The largest of the Baltic peoples, the Lithuanians, have a long and glorious history. They have withstood previous centures of Russian domination, and I predict that with their fortitude, they will overcome the second stage of Communist suppression and realize the ideals of personal liberty, independence, and human dignity.

Although the Lithuanians are not allowed to celebrate the anniversary of their independence, it is significant that a country whose people have not been allowed to govern themselves for centuries still have strong national ties.

The hopes and aspirations of these peoples have not diminished as evidenced by their continuing defiance of the Soviet Government.

We must not forget the fate of those who are oppressed under Communist totalitarianism, and support their ongoing efforts to achieve their sovereign rights and their dreams of self-government. We must continue to take a firm stand on the enforcement of the human rights section of the Helsinki agreement and reinforce Lithuanians and other Baltic peoples in their determination to gain national independence.

Mr. ST GERMAIN. Mr. Speaker, on this, the day set aside to commemorate the independence of the Lithuanian people on February 16, 1918, it seems fitting to cite the heritage of this proud nation.

The history of Lithuania begins in the 12th century when the various tribes that would eventually join to form the nation banded together to protect themselves from their Russian neighbors. The first great ruler of Lithuania was Mindaugas, who united the various tribes into one nation. Under the rule of Gediminas, Lithuania expanded and would eventually cover land from the Baltic to the Black Sea.

In the 14th century, the nation was unofficially united with Poland with the marriage of Grand Duke Ladislas Jagello to the Queen of Poland, Jadwiga. The two countries maintained this union until the third partition of Poland in 1795.

For over 400 years, Lithuania occupied a seat as one of the most powerful nations in Europe. With the partition of Poland and Lithuania, the country's struggle to maintain its independence began.

The first blow dealt the Lithuanian people came when the Russians tried to erase the national spirit by forbidding them to write in their native language. The Lithuanian culture was kept alive through the nonwritten arts such as painting for the next 125 years.

The struggle to maintain the Lithuanian culture and heritage was difficult and at times seemed hopeless.

In the middle of the 19th century, the present territory of Lithuania was seized by famine and, like so many of their European neighbors, the Lithuanian people began to emigrate to America.

This exodus become more marked after the Polish-Lithuanian insurrection of 1863. The bitter persecution which followed the insurrection, coupled with another severe famine led to even greater emigration to America.

The immigrants settled on New England farms and followed the railways west, across Pennsylvania.

The last large emigration of Lithuanian people to America came in the late 19th century when the Czarist government introduced compulsory military service. In addition, the bitter religious, political, and national oppression pursued by the Russians, along with continued economic hardship, caused many Lithuanians to leave their homeland.

Once in America, the Lithuanians did not forget their proud heritage.

Books and newspapers published by Lithuanians in America were smuggled across the German border into Lithuania. This underground movement, with the publications being passed from hand to hand, family to family, helped support the spirit of the Lithuanians during these trying times.

With the invasion of the German armies at the onset of World War I, the Russians were finally driven out of Lithuania.

In 1917, the German Government was prevailed upon to authorize a Congress of Lithuanian delegates. This led to the proclamation on February 16, 1918, of an independent Lithuanian state based upon democratic principles.

After centuries of hardship and oppression, the Lithuanian people were once again free. Over the next 20 years, Lithuania showed an extraordinary capability in developing a vital and prosperous modern society. This prosperity was halted in 1940 when the Soviet Union sent troops into Lithuania and declared that they were part of the Communist bloc. During World War II, Nazi troops replaced the Russian Army for a few years, but in 1944, the Russians again controlled Lithuania.

From that day, the Lithuanian people have not known a single day of freedom.

The United States has never recognized the forced absorption of Lithuania into the Soviet Union. Americans must continue to insist on the inalienable rights of the Lithuanian people to national independence and individual freedom. It is my hope that the issue of freedom and self-determination for Lithuania and the other Baltic peoples will be raised. Free men must continue to speak out until the Lithuanian dream of self-determination becomes a reality.

Mr. WYDLER. Mr. Speaker, today in the House of Representatives we are commemorating the 59th anniversary of Lithuania's Independence Day. Tragically, no such commemoration can take place in Lithuania itself. That country has been forcibly incorporated into the Soviet Union, and its people have suffered the loss of their cherished freedom and independence. But while February 16, the actual anniversary date of the Lithuanian republic, passed without official notice in Lithuania, we can be sure that in the hearts of the Lithuanian people that date did not go by unobserved. For in spite of cruel oppression on the part of Soviet authorities, the Lithuanian people maintain their love of freedom, their sense of identity as a people, their love of their country with its proud history and rich cultural heritage, and their determination to one day regain their independence.

United in the 13th century under Mindaugas, Lithuania remained unconquered until 1795, when she came under the domination of Czarist Russia. The oppressive Russian subjugation lasted until 1915, when World War I brought first a period of German occupation and then, on February 16, 1918, the event we are now commemorating, the proclamation of an independent, democratic Lithuanian State.

The young republic survived a Red Army invasion in 1919, driving the aggressors out in 1920 and securing a peace treaty in which Russia recognized the independence of Lithuania and renounced forever all rights of sovereignty over the Lithuanian people and territory. This treaty was honored for exactly 20 years, during which time the Lithuanian State flourished, accomplishing significant achievements in land reform, industrialization, education, and social legislation. This was accompanied by a vigorous revival of Lithuanian literary and cultural activity.

But in 1940 this progress and independence came to an end, when the Soviet Union, having forced Lithuania to admit Soviet garrisons into the country the year before, staged a rigged election which resulted in the incorporation of Lithuania into the U.S.S.R.

In 1954 hearings were held before the Subcommittee on Poland, Lithuania, and Slovakia of the House Select Committee on Communist Aggression. It is instructive to examine the testimony presented at these hearings, because it makes sickeningly clear the Soviet method of operation in toppling free governments. What I find almost more sinister than the brute force which the Soviets exercise is their mockery of democratic political processes, the farce that they stage in order to give the appearance that their power is derived from the people, when, in fact, it is coming out of the barrel of a gun. Following is a portion of the testimony given at these hearings by Liudas Dovydenas, a Lithuanian journalist.

Mr. DOVYDENAS. The morning of July 7, 1940, I awakened and I read in the newspaper that I was selected as a member of the People's Diet, that is, a delegate or deputy to the People's Diet.

Mr. MCTIGUE. How did you happen to be named to the People's Diet?

Mr. DOVYDENAS. No one informed me. When I read it in the paper I telephoned the office of the newspaper and they informed me that the officials had designated me as a deputy.

Mr. MCTIGUE. The officials of what group?

Mr. DOVYDENAS. The Communist——

Mr. MCTIGUE. Would that mean that you were designated by the Communists as a candidate; you didn't know anything about it; woke up one morning to find out that you were the Communist Party's selected candidate; you had nothing to say about it one way or the other; is that correct?

Mr DOVYDENAS. Correct.

Mr. MCTIGUE. Now, why do you suppose they selected you?

Mr. DOVYDENAS. First of all it was because I was a well-known writer who had written a book on the farmers, and they considered me a friend of the working people . . .

Mr. MCTIGUE. Did you make any efforts to protest your candidacy?

Mr. DOVYDENAS. Yes.

Mr. MCTIGUE. What were you told?

Mr. DOVYDENAS. I turned to the second secretary of the Communist Party, Adomas, Adomas Maskop. I protested to him regarding my designation.

Mr. MCTIGUE. And, after you protested to him, what did he say to you?

Mr. DOVYDENAS. His answer was that the Communist Party knows what it does and it does as it pleases.

The Communist secretary told me that if I do not accept this candidacy to the Deputies Diet, that I will endanger my own life and the life of my family, and those who will try to talk me out of this will be penalized.

Mr. MCTIGUE. Then, in 1940, you found yourself an unwilling candidate on the ticket of the Communist-controlled Party. This is correct: is it?

Mr. DOVYDENAS. That is correct.

Mr. MCTIGUE. Then the election was held?

Mr. DOVYDENAS. Yes.

Mr. MCTIGUE. And, of course, since you were a candidate of the Communist Party, you were elected without any difficulty?

Mr. DOVYDENAS. Yes.

Mr. MCTIGUE. So, you, therefore, found yourself a member against your will of the Peoples Assembly, so-called; is that correct?

Mr. DOVYDENAS. That's right.

Mr. MCTIGUE. Was the assembly able to take its own independent action—

Mr. DOVYDENAS. No.

Mr. MCTIGUE. Was it required that approval come from Moscow?

Mr. DOVYDENAS. Everything came from Moscow.

Mr. MCTIGUE. Now, were you at one time on a committee, while you were a member of this Assembly, to redraft the Lithuanian Constitution?

Mr. DOVYDENAS. Yes; I was 1 of 9 men elected to this constitution committee. There were altogether 3 sessions—3 meetings. At the first meeting there was Pozdniakov . . . and he informed us that the constitution had not been translated from the Russian language.

At the second meeting we were informed that the constitution had been translated, but two Lithuanian professors . . . had not approved the Lithuanian language.

Pozdniakov asked, "Who is against this?" We were all silent.

The following day the press in Moscow and Lithuania announced that the constitution had been approved by the best men of Lithuania.

Mr. MCTIGUE. Mr. Dovydenas, will you tell us briefly how Lithuania became incorporated into the U.S.S.R.?

Mr. DOVYDENAS. First of all, Red army garrisons were established in Lithuania beginning from June 1939 until June 1940.

After our election to the Peoples Diet, we were all informed that the incorporation of Lithuania into the Soviet Union had been settled and that the Peoples Diet should meet and approve.

Mr. MCTIGUE. So everybody voted "Yes," in the Assembly to the motion, or to the resolution that Lithuania be incorporated into the U.S.S.R.?

Mr. DOVYDENAS. The 79 Deputies sat in a theater among about a thousand people, and these people were unknown to us. We weren't asked to vote for this, but the question was asked, "Who is against this resolution?"

No one counted our vote. No one noticed whether we raised our hand or not, but the people in the theater began to yell, "hurrah, hurrah."

Mr. MCTIGUE. And that is how the Assembly came to approve the admission of Lithuania into the U.S.S.R.?

Mr. DOVYDENAS. That is correct.

Mr. MCTIGUE. Now, after Lithuania had become a member of the U.S.S.R. through the medium which you have just described here in your testimony, of a farcical vote in the Assembly isn't it true that the atrocities and the deportations and the tortures and the arrests started in Lithuania?

Mr. DOVYDENAS. Before my selection as a candidate, several thousand intellectual people in Lithuania were seized and arrested, and we learn soon afterwards that several of these were killed immediately.

Mr. MCTIGUE. Did you witness, yourself, these deportations and killings?

Mr. DOVYDENAS. Yes.

Mr. MCTIGUE. And arrests?

Mr. DOVYDENAS. Yes.

Mr. FEIGHAN. In that election, there was only one list of 79——

Mr. DOVYDENAS. Yes.

Mr. FEIGHAN. So that no person could vote for anyone else in opposition to any or all of the 79 names which were on the Communist list?

Mr. DOVYDENAS. That is correct. There were just 79 candidates and no other party at all.

Mr. FEIGHAN. One more question. Were there any military men or men of the police force carrying arms in this big meeting where the Assembly met and gave this so-called approval of the Communist directed resolution?

Mr. DOVYDENAS. Yes, I know around the theater there were about 50 tanks. In the theater, behind the scenery were 100 or 150 Soviet Army men. On the stage there was a table. It was covered; it was covered for the presidium table, and under the table were some Soviet men.

Mr. FEIGHAN. Soldiers?

Mr. DOVYDENAS. Yes. Soldiers. And it became evident to me that the people who were yelling "hurrah" in the theater were Soviet solders and NKVD members.

That is how Lithuania ceased to be a free and independent nation, and became incorporated into the U.S.S.R.

It is, I think, impossible to read this account without a growing sense of outrage and revulsion. This is the modus operandi of people who masquerade before the world as the saviors of a downtrodden humanity. The history of the world is replete with deeds of butchery and aggression visited on one people by another. But what we have here is not only a case of murderous aggression, not only an example of a large State greedily

swallowing up a small one. The Communists attempt to camouflage their deeds by making a mockery of democratic principles. They try to give the impression that their victims acquiesce in their own destruction. It is as though the hordes of Genghis Khan, or Attila's warrors, had attempted to present themselves as messengers of peace and joy, eagerly welcomed by the inhabitants of the villages they plundered.

Having destroyed the political freedom of the Lithuanian people, the Soviets subsequently sought to deprive the Lithuanians of their religion, distinct traditions and cultural heritage, and proud sense of their own rich history. The Soviets want Lithuanians to cease being Lithuanians and become, instead, "Soviet men" and "Soviet women," cogs in the machinery of "Soviet society."

The Lithuanians are fiercely resisting this cultural annihilation. We in the West salute these brave people—ordinary men and women, from all walks of life, exhibiting extraordinary courage.

One of the most moving lines from the Lithuanian national anthem states:

Lithuania . . . may your sons draw their strength from the past.

In commemorating Lithuanian Independence Day, we are expressing the hope that one day Lithuania will again be a free and independent nation, and that her sons will indeed draw their strength from the heritage preserved and handed down to them by these heroic people, whose bravery and endurance in this present time of persecution will also be a source of strength and inspiration to the future generations of Lithuanians.

Mr. YATRON. Mr. Speaker, I would like to join my colleagues and the Lithuanian American community today in commemorating the 59th anniversary of Lithuanian Independence Day. It is most fitting that the U.S. Congress pay tribute to the people of Lithuania, who steadfastly cling to a cultural heritage which reflects the values of freedom, and basic individual human rights on which America is based.

Fifty-nine years ago, the proud people of Lithuania valiantly proclaimed their right to stand among the free people of the world. Due to Soviet domination for the past 37 years, Lithuania has not been allowed to govern itself, however, the people of this country have resisted persistent Soviet attempts to destroy their unity and identity. A strong desire for individual freedoms and self-determination survives in Lithuania today as a source of inspiration to all the freedom loving people of the world.

Lithuania stands as a reminder to the free world of how precious and valuable our freedom truly is, and how costly the loss of this freedom can be. Let us hope that some day the Lithuanian people will achieve the independence they so richly deserve, and that we will realize a universal understanding and agreement on basic human rights and principles to eliminate government controls that stifle the independence and sovereignty of the various peoples of the world.

Mr. LEDERER. Mr. Speaker, February 16 marked the 59th anniversary of the independence of Lithuania. It is a date of both triumph and tragedy. Triumph because the Lithuanian people were able for 22 years to live and thrive in the freedom of February 16, 1918, when the years of planning and hoping, of agitation and struggle by the Lithuanian patriots, culminated in the independence of the Lithuanian State. Tragedy because this glorious era of Lithuanian independence was ended by the Soviet Union in 1941. Without deference to the Lithuanian sovereign state, the Soviets moved in and engulfed this free territory.

Mr. Speaker, the Lithuanian people have not been bowed or broken by the years of Soviet tyranny. We know that the people of this once proud land are struggling in bondage, yearning to be free.

I extend my warmest wishes to my Lithuanian friends here in the United States that the day will come soon again when their friends and families in Lithuania can be a free people again. Let us therefore mark this 59th anniversary of Lithuanian independence by encouraging this continuing struggle for freedom and by dedicating ourselves to its eventual realization.

Mr. DENT. Mr. Speaker, we have heard a lot lately about dissidents in the Soviet Union. Through the narrow channels of information available comes the story of men like Sergei Kovalev. A world-renowed biologist, Kovalev is serving a 7-year sentence in a Russian prison camp. According to his close friend, dissident leader Andrei Sakharov, the doctor requires a cancer operation or else he may die in captivity.

The tragic story is not new, but it is symbolic. It is symbolic of Kovalev's nation, which has suffered centuries of repression, yet has retained a passion for freedom. It is the nation we honor today: Lithuania.

Fifty-nine years ago, an independent Lithuania was born out of the ruins of World War I. There was little more than ruins: The nation was a charred battlefield for much of the Russian-German conflict. But the Lithuanians rebuilt their land, established their own government, and for 22 years there was sunlight of a sort by the Baltic.

That light was blotted out by the Stalinist Soviets who treacherously absorbed Lithuania as a "constituent republic" in 1940. On one night the Russians deported 30,000 Lithuanian intellectuals to Siberia, beginning a tradition that Kovalev is suffering today. The German blitzkrieg soon followed and Lithuania remained a Nazi captive till Soviet recapture in 1944.

The story is more tragic when we remember that Lithuania had been a nation for centuries before it was first annexed by tsarist Russia in 1795. This made the loss of the independence of 1918 twice as bitter.

Today the Soviets believe that the Helsinki accord of 1975 legitimizes their sovereignty over Lithuania. While tanks and missiles may give them physical control, the Russians cannot rule the minds and spirits of Sergei Kovalev and his fellow Lithuanians.

On this day, let us condemn Soviet domination of a land that can proudly call itself a dissident nation, and let us remember that as long as there are free Lithuanians—like the millions of Lithuanian Americans—there will always be a free Lithuania.

Mr. KOCH. Mr. Speaker, on February 16 of this year Lithuanians fortunate enough to live beyond the reach of the Kremlin masters who presently rule over their country celebrated the 59th anniversary of the Declaration of Independence of Lithuania. In drawing attention to that occasion, my title's twist of Shakespeare's famous lines is more than a cute play on words. Ironically, Shakespeare's verse about an object of beauty contains a message appropriate to the brutal Soviet occupation of Lithuania:

What's in a name? That which we call a rose
By any other name would smell as sweet.

—*Romeo and Juliet*, II, ii, 43

The Soviet leaders have labeled their rule "international communism" and "the dictatorship of the proletariat," but by any name the forceful incorporation of Lithuania into the Soviet Union was and is repressive imperialism.

Historically, Lithuania has been a battleground in the repeated wars between Russia and Germany. In former years the kaisers and the czars fought over possession of the Baltic States, and more recently the Nazis and the Soviets continued the struggle. For a brief period in this century the Lithuanian people enjoyed freedom and democratic self-rule, but that independence, which had been achieved in 1918, abruptly ended when Hitler and Stalin divided up eastern Europe in 1939. First Soviet forces occupied the Baltic States and half of Poland, then the Nazi war machine stormed across Lithuania when Hitler turned on Stalin, and finally the Red Army "liberated" Lithuania as it pushed the German forces back across eastern Europe. The people of Lithuania, joyful at the expulsion of the Germans and hopeful of renewed independence, quickly discovered that Soviet liberation was equal to the Nazi reign.

Most Americans know the sweet smell of a rose, but few can conceive of the horrors of Soviet imperialism. The Stalinist foreign policy that has achieved the extension of the Kremlin's rule over eastern Europe has nearly fulfilled an age-old czarist dream of Russian dominance from the Baltic to the Adriatic. To consolidate and preserve the Soviet Empire, Moscow has sought to stamp out all traces of non-Communist, non-Soviet identities within its dominions. In Lithuania, as elsewhere, the Kremlin rulers have employed mass executions and mass deportations to achieve their goal.

Between 1939 and 1959, primarily because of German and Soviet deportations and executions, the Lithuanian population declined 13.7 percent as compared to population increases over the same period of 4.3 percent in Germany, despite defeat in the war, of 29.9 percent in the Netherlands, and of 10.1 percent in the U.S.S.R. In the first 6 years after "liberation," for example, 350,000 Lithuanians were deported and thousands of Russians were imported to take their place.

Yet despite the years of terror, the

spirit of the Lithuanian people and their thirst for freedom lives on. The American people must forever stand behind them in their valiant struggle.

Mr. MARKS. Mr. Speaker, in light of the recent disclosures of political repression within the Soviet Union and East European countries, it is especially important that Americans recognize the 59th anniversary of the Republic of Lithuania.

We must assure this small nation that their quest for liberty has not been forgotten.

The history of the Republic of Lithuania reflects the strong determination of the Lithuanian people to be free. Fifty-nine years ago, on February 16, 1918, the Lithuanian Republic was able to overcome the subjugation of Tsarist Russia and formally declare its independence. For the next 20 years the Lithuanian people dedicated their energies to creating a free and prosperous nation. Tragically, the country was taken over by Nazi and then Soviet forces.

Since the close of World War II, the Soviet Union has attempted to destroy all vestiges of the Lithuanian Republic. In one 4-year period alone, beginning in 1944, over 350,000 people were forced to leave the country.

As defenders of human freedom, the American people cannot allow the Lithuanian drive for independence to be extinguished. We must insist in our public statements and at the Belgrade Conference, scheduled for this summer, that, at the very least, the Soviets must comply with the Helsinki agreement.

It is in this spirit that we celebrate the 59th anniversary of Lithuanian independence.

TRIBUTE TO FANNIE LOU HAMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 60 minutes.

Mr. MITCHELL of Maryland. Mr. Speaker, I rise today on behalf of the 16 members of the Congressional Black Caucus, to pay tribute to a courageous leader in the quest for human rights and human dignity, Fannie Lou Hamer. Ms. Hamer, who died at much too young an age this month was one of the shapers of the "New South."

Fannie Lou Hamer left her sharecropper farm 15 years ago to join the movement, and quickly attained a position of leadership in the struggle. She was instrumental in voter registration drives, in the formation of labor unions, and the building of agricultural cooperatives throughout the South.

In 1964, during the Democratic National Convention, she stirred the Nation with her account of the plight of blacks in Mississippi. She helped found the Mississippi Freedom Democratic Party, an alternative to the segregated regular Mississippi Democratic Party, and led them to victory at the 1968 Democratic Convention, when they unseated the regulars and took their seats as the legitimate delegation from Mississippi.

Throughout her life, she remained in Ruleville, a small Mississippi town saying:

Why should I leave Ruleville and why should I leave Mississippi? . . . You don't run away from problems, you just face them.

Mr. Speaker, by not only facing the problems but solving many of them in her community, Fannie Lou Hamer earned a place of honor and respect among all who knew her.

Last fall, at the annual Congressional Black Caucus dinner in Washington D.C., Fannie Lou Hamer was presented with the George W. Collins Memorial Award for Community Service. Ms. Hamer was one of the giants of our time. We acknowledged that last September. Today, we grieve the loss of her leadership, her spirit, and her love.

SELECT COMMITTEE ON ASSASSINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, due to the length of the business being considered today, I shall not take the hour allotted me, but will, instead, submit for the RECORD the following information in respect to the documentation of the charges which I have made against the former chief counsel and staff director of the House Select Committee on Assassinations, Richard A. Sprague.

If the full committee had bothered to consider the charges which led to my firing of Mr. Sprague on February 10, the following paper is briefly what I would have said in respect to my charge of insubordination:

INSUBORDINATION

On Tuesday, February 8, 1977, at 10:00 a.m., I met with Mr. Sprague in my office. Because of the necessity to reduce personnel costs, I directed that he prepare a plan for a reduction of least essential staff positions and be prepared to submit the plan along with the names of the employees who could be necessarily terminated at a meeting of the committee at 4:00 p.m. that afternoon.

As the Members of the Committee know, Mr. Sprague did not only not comply with my directive but advised both me and the Members of the Committee that he did not intend to "fire" anyone and that he was going to prepare a budget for presentation to the Committee. I have no quarrel with the fact that Mr. Sprague could have made alternative recommendations to the Committee at that time—but he did not and has not.

On Wednesday, February 9, 1977, I directed that Mr. Sprague give me his written assurance that failing to recommend necessary reductions in force, he guarantee compliance with the financial limitations imposed by H. Res. 222 and H. Res. 11. Such assurances were to include precise plans for reducing expenditures, paying necessary expenses and conducting the ordinary and essential business of the Committee.

He responded:

"As I explained to the Committee on February 8, the Committee can stay within these financial restrictions by adhering to the pay reductions the staff has agreed to, keeping office expenses to a minimum, and having the Committee quickly approve a new budget which can be submitted to the Congress.

"This was clearly not responsive to the financial crisis facing the Select Committee. I requested that assurance by noon on Friday, Februaery 11, 1977. I received the 'response' by hand delivery on February 14."

I also directed that Mr. Sprague provide me by noon February 10, 1977, a complete listing of Committee personnel, the salaries of each and the duties assigned to each, along with a statement of that person's last previous position of employment and salaries. I received that response by hand delivery on February 14, 1977.

I requested a budget plan because if Mr. Sprague had any new or novel ideas of how the Committee could comply with the financial strictures of H. Res. 222 and H. Res. 11, without cutting staff, I wanted those assurances in writing, so that the Committee could make an intelligent judgment of this promised alternative.

I wanted to complete listing of committee personnel to enable the Members of the Committee to be able to evaluate each position as well as the staff member occupying that position, since the Members of the Committee are responsible for justifying each and every position.

In further reference to this, Mr. Speaker, it is incredible to find out, during the House debate yesterday on the further life of the committee, that somehow the committee has been granted $200,000 in House contingency funds, without any question.

There was never any indication at any time when I was chairman that such an arrangement could be worked out.

A VESTED INTEREST IN PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 5 minutes.

Mr. CONABLE. Mr. Speaker, I am not knowledgeable about diplomacy, and among my colleagues I claim no special awareness of its intricacies. Like many of my colleagues, however, I feel a crushing sense of disappointment at the collapse of the Moscow SALT talks. After long years of apparent progress in arms limitation, we suddenly find ourselves in impasse with the other military superpower in the world. The meaning of this impasse is still obscure; there is scant comfort in such obscurity. Without posturing, I do not believe we should change our position on human rights, make any unilateral military concessions, or retreat from areas of legitimate American interest in the world. Neither should we allow ourselves to fall back into cold war confrontation or bankrupting military competition, as long as alternatives are available for the possible reduction of tension.

I hope, Mr. Speaker, some effort will be made by the administration to work toward normalization of trade relations with Russia. Note that I am advocating normalization rather than special trade concessions. Trade is not a one-way street, nor is there disadvantage to us in the growth of American commercial strength. Russia has things we need and we have things Russia needs. Even more important, a mutually profitable trade can give another dimension to our relations with Russia while giving the participants a vested interest in peace. I am frightened by diplomatic failure when there is no other contact to use and no other easy expression of American

strength and influence except the ugly flexing of military muscle.

LEGISLATION TO REDUCE FEDERAL PAPERWORK REQUIREMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, I am pleased to join with my colleagues, Mr. HORTON and Mr. STEED, in sponsoring legislation to reduce Federal paperwork requirements.

The burden of excessive paperwork which has been amply documented is particularly onerous to small businessmen who cannot absorb the costs of complying with Federal information requests as easily as their larger counterparts. In addition to generating considerable expense—which usually is passed along to consumers through higher prices—these requirements often result in key personnel using their time to fill out forms rather than perform tasks which would be much more valuable to the company.

This measure will change the rules of the House to require that all committee reports which accompany legislation must contain an assessment of the paperwork which will be generated. This would implement one of the more than 350 recommendations of the Commission on Federal Paperwork, on which both of the chief sponsors of this legislation served. Although this is not a complete answer to the problem of ever-increasing Federal paperwork, it is an important beginning. In my view, it will ease the problem in at least three ways.

First, this resolution will draw attention to the problem during the process of drafting legislation. Potential paperwork burdens can be identified in advance and taken into account while a given measure is being considered.

Second, such a reporting requirement will provide agencies with guidelines in their efforts to carry out legislatively mandated programs. The agency can know more precisely what information it is expected to collect, and can limit its efforts appropriately. Additionally, there will be a solid legal basis in legislative history for making inquiries of individuals and companies.

Third, this measure will provide a means by which private individuals and groups can attack their mounting paperwork burdens. Such criteria will pinpoint agency divergences from congressional intentions. This requirement will provide a mechanism to confront demands for information which go beyond those contemplated in the original legislation.

There is no doubt that we must act to reduce the paperwork burdens which are created by often necessary Government regulations. If the proliferation of Federal paperwork is to be reduced, Congress must lead in the effort to implement the Commission's recommendations. Small business asked for help, and we expressed our concern by creating the Commission on Federal Paperwork. Now we must show that our concern is more than a hollow sentiment by acting on the Commission's proposals.

GENE HUGGINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 10 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, it is with a feeling of deep sadness and personal loss that I call the attention of my colleagues, particularly in the California delegation, to the death of Gene Huggins, chief of public affairs for the Army Corps of Engineers, San Francisco District.

To all who knew him, Gene was a dedicated and conscientious public servant, who quite literally devoted his life to the Corps of Engineers.

In his role as a chief spokesman for the corps in the greater San Francisco area, Gene gave his all.

To all who worked closely with him, he was tireless in his efforts to develop and promote a positive image for the corps, at a time when the corps was under attack from many quarters. Yet in "getting the story out," Gene was totally honest and forthright and truly told it like it was.

At the bottom of Gene's honesty and forthrightness was his deep desire to involve concerned citizens in the public policy process.

He maintained an active liaison with a broad cross section of environmental, civic and business and professional organizations in order to encourage public comment and participation in the policymaking process, and he gave freely of his time and energy to insure that all who desired input and access got this opportunity. What is perhaps most significant is that Gene was actively working to develop alternatives to build bridges between the Government and the governed long before we were discussing "open doors," "sunshine in Government," and the like, as an employee of a Government agency that has perhaps been unfairly and inaccurately described as unresponsive and unreceptive to public opinion and criticism.

In addition, though he was not an engineer, Gene was a great "idea man," and he devoted considerable thought and energy to "brainstorming" new roles for the Corps, particularly in the area of environmental affairs. In this regard he was a leading advocate in the effort to upgrade and expand the San Francisco Bay model, which has been so important to the ongoing study and analysis of estuarine problems and potentials in the greater San Francisco Bay area as well as the San Joaquin Delta.

Gene was also an astute and farthinking student of California water resource problems and potentials, and he was particularly well aware of the key importance of the north coast of California, where 40 percent of the State's water supply originates. As we attempt to analyze our current drought-related problems, I cannot help but feel that if Gene's strong advocacy of the early completion of Warm Springs-Lake Sonoma and other major water projects throughout California had been successful we might not be facing the grim reality of a long, hot, dry summer.

With this background, it is not difficult to understand how Gene Huggins came to be so deeply respected and admired by all those with whom he was associated. On a personal note, Gene's solid working knowledge of Corps programs and activities and his longstanding personal association with other Federal, State, and local government officials throughout the Redwood empire district I represent and the State as a whole, made my job easier.

So one of my former staff members, Bill Birkhofer has said:

> Without the "education" we received from Gene, we simply would not have been as effective in our jobs.

For all these reasons Gene will be sorely missed. But the memories of our long and close friendship with him and the personal and professional example he set for us will remain with us for the rest of our lives.

LEGISLATION TO MITIGATE THE IMPACT OF FUTURE TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 15 minutes.

Mr. COLLINS of Texas. Mr. Speaker, I have introduced a bill to mitigate the impact of future terrorism. My concern is with involvement by broadcasters that may hamper law enforcement officers who are involved in working on an active crime. Broadcasting must be free, but it must also be responsible.

In the instance where hostages are being held and tensions are high, there are primary differences between printed newspaper and voice broadcasting. Printed news is usually reviewed before being printed which provides a secondary assessment of the news. Also the printed news has a time delay, plus its nonavailability to an isolated building involved in a crime.

Broadcasting has the voice on the air immediately. Criminals may hear words just as they are uttered. If a newscaster makes quick and impetuous remarks there is no one to reassess the impact of his words. A phone interview on the air could spark off a criminal. A newscast could reveal to criminals the actions and plans of law enforcement officers.

Most broadcast executives and newscasters are fully cognizant of their heavy moral and social responsibilities. It is the exceptional individual in his desire to get a scoop, news recognition or a competitive advantage who goes beyond the line of reasonable news presentation.

Broadcasters represent a public trust. The Federal Communications Commission renews the license of each station based on its public broadcasting service to the community. For clarity in this broad definition on public service, I submit this bill:

H.R. —

> A bill to amend the Communications Act of 1934 to permit the Federal Communications Commission to deny the renewal of any radio or television broadcast license if the licensee has broadcast information regarding certain crimes in a manner which impeded law enforcement efforts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Communications Act of 1934 (47

U.S.C. 307) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e)(1) The Commission, in determining whether to renew any radio broadcast station or television broadcast station license under this section, may deny such renewal if the Commission determines that the radio broadcast station or television broadcast station licensee involved—

"(A) broadcast, in the course of operating the radio or television broadcast station, any information relating to any serious crime (during the period in which such crime is in progress); and

"(B) such broadcasting resulted in unreasonable interference with the efforts of law enforcement personnel (i) to protect against any injury or loss of life; or (ii) to apprehend any person committing such crime.

"(2) For purposes of this subsection, the term 'serious crime' means any act which is prohibited by Federal or State law and the commission of which threatens, or results in, the injury or death of any individual.".

SEC. 2. The amendment made by the first section of this Act shall apply to any application for the renewal of any radio or television broadcast license which is filed with the Federal Communications Commission after the date of the enactment of this Act.

JUSTICE DEPARTMENT REASONING SUPPORTS DINGELL-BROYHILL AMENDMENTS TO ASSURE COMPETITION IN THE AUTOMOBILE AFTERMARKET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BROYHILL) is recognized for 15 minutes.

Mr. BROYHILL. Mr. Speaker, H.R. 4444, a bill which I have introduced with my colleague, JOHN DINGELL, amends the Clean Air Act to establish a sound schedule for automobile pollution reduction. While this bill seeks to provide auto emission standards which are workable yet environmentally sound, it also addresses other aspects of the Clean Air Act which affect different segments of the automotive industry, namely, the "aftermarket parts" industry.

Under the Clean Air Act of 1970, vehicle manufacturers are mandated to warrant for 5 years or 50,000 miles, under both a "production" warranty and a "performance" warranty, that the emission control system installed by that manufacturer will remain effective for that length of time.

The production warranty is already effective. The performance warranty, which is conditioned upon the proper maintenance and operation of the vehicle by the owner, is mandated to become effective only when the Administrator of the Environmental Protection Agency determines that adequate testing facilities are available. It is this performance warranty that poses a very serious threat to the existence of the independent automotive aftermarket as well as to the consumer.

Since the owner of a new automobile is not going to jeopardize his position with respect to the performance warranty, he will go to the franchised dealer of the vehicle manufacturer for warranty work as well as for routine service and repair. This reaction to the auto warranty will thus effectively shut out the independent aftermarket service and parts industry presently serving the automobile owner. The consumer no longer will have the freedom of choice to use the parts and services he wishes. The law will create a monopoly for the vehicle manufacturers and their franchised dealers.

At this point in the RECORD, I am inserting the news release which was issued by the Department of Justice upon issuing their report on the anticompetitive effects of expanded automobile warranties:

DEPARTMENT OF JUSTICE NEWS RELEASE

The Department of Justice today urged the Environmental Protection Agency (EPA) to consider carefully the possible economic costs of proposed regulations to implement the vehicle emission control production warranty.

The Department's views were contained in comments filed with EPA today on that agency's proposed rulemaking procedure for the warranty program.

Under the Clean Air Act, motor vehicle manufacturers must give purchasers a warranty guaranteeing that the vehicle has been designed and built to satisfy federal air pollutant emission standards for its useful life. The useful life of a motor vehicle has been defined as five years or 50,000 miles, whichever comes first.

Despite the presence of these warranties since the 1972 model year, EPA has determined that they are not an effective device to combat pollution. As a result, EPA intends to develop more detailed regulations to make the warranty effective.

Deputy Assistant Attorney General Jonathan C. Rose of the Antitrust Division expressed concern that increased regulation, unless properly focused, could lead to increased consumer costs and other anticompetitive results beyond those necessary to attain the desired environmental goals.

He noted that the Department comments made the following points:

The EPA warranty program could not be made an effective pollution control device unless it were greatly expanded.

To obtain an effective warranty, EPA might find it necessary to broaden its scope to cover virtually any mechanical defect in the automobile related to emissions.

The costs of such an expanded warranty to consumers would be enormous.

The warranty would become, in effect, a full service contract, and the price of a new vehicle would increase dramatically.

Mr. Rose pointed out that an expanded comprehensive service warranty would significantly impede the ability of independent service stations and garages to compete with the service departments of dealers franchised by the national automobile manufacturers. Thus, he said, concentration in the automobile aftermarket—auto repair, service and parts dealers—could increase substantially, and the advantage of free competition could be lost.

As a solution, the Department recommends in its comments that EPA list the emission control devices that would be covered by the warranty and that only those devices that would not have been included in the vehicle if the Clean Air Act had not been passed would be on the list.

The Department also urged EPA to continue its efforts to develop an effective method of testing emissions so that a mandatory emission inspection program could be implemented.

According to the Department, a narrow production warranty and a mandatory inspection program could achieve the national goals set out in the Clean Air Act, while minimizing the program's social costs, including its anticompetitive impact.

Mr. Speaker, in order to give Members more complete information on the position taken by the Department of Justice, I am including excerpts from the full statement that the Department made to the Environmental Protection Agency opposing the expansion of the automobile warranty program as an efficient method for the reduction of automobile pollution:

COMMENTS OF THE U.S. DEPARTMENT OF JUSTICE

On November 16, 1976, the Environmental Protection Agency (EPA) in an Advance Notice of Proposed Rulemaking announced its intention to consider regulations to implement more effectively the coverage of Section 207(a) of the Clean Air Act. This rulemaking proceeding will attempt to clarify coverage of the emission control production warranty. The Department of Justice submits these comments to assist the Agency in its consideration of the potential social and economic costs that such regulation could have, including the impact on competition in the automotive aftermarket.

THE INTEREST AND POSITION OF THE DEPARTMENT OF JUSTICE

A. The Interest of the Department of Justice—The Department of Justice appears before federal agencies to advocate regulatory policies that will advance competition, efficiency, and consumer welfare. Our role, however, is not to advocate that these national objectives are paramount, but to ensure that they are given appropriate weight by agencies in carrying out their differing statutory missions. This we try to do by assisting the agency in evaluating the impact of its proposed action on competition and in finding the least or less anticompetitive alternatives to achieve regulatory goals as defined by Congress.

"Congress has clearly determined that cleaner, healthier air is desirable. As with many national policies, however, the particular method chosen to reach this goal may have side effects that are unnecessarily harmful to competition. Our desire to avoid such results was plainly enunciated during Congressional hearings in 1974 by Bruce B. Wilson, then-Deputy Assistant Attorney General, Antitrust Division: "We seek to encourage procedures which would limit—or if possible eliminate—potential anticompetitive fallout from the drive toward cleaner air."

B. The Position of the Department of Justice—

The following discussion will analyze why the present production warranty has not been an effective antipollution device subsequent to vehicle purchase, and why there will be serious cost-efficiency problems if the EPA attempts to expand the production warranty to compensate for the inability of the Agency to implement the performance warranty. We will show that the present emission control production warranty cannot effectively achieve the environmental objectives of the entire warranty program for two reasons: First, the current production warranty focuses on only one contributing factor in emission control, namely the pollution control devices.

Second, there do not seem to be sufficient incentives present to encourage consumers to use the warranty. We will also show that substantially broadening the scope of the production warranty via the adoption of comprehensive coverage under Options 2 or 3 is not a viable solution to the current problems. Rather, such action would, in effect, transform the 207(a) warranty into a performance warranty. By doing so, the economic costs of the warranty program would be substantially increased, including possibly

the social cost of an adverse impact on competition.

THE COST-EFFECTIVENESS OF A WARRANTY PROGRAM

While we share the EPA's concern that the emission control production warranty has not effectively achieved the ends originally intended of it we are not convinced that expanding the warranty—in effect, transforming it into a performance guarantee—will lead to an improvement in its cost effectiveness. The potential costs of extending the present production warranty to control emissions subsequent to vehicle purchase will, in all probability, far outweigh the potential benefits.

Mr. Speaker, the report goes on to say:

As a means to effect emission control beyond the initial construction of a vehicle, the warranty is unsatisfactory. The mere presence of the production warranty does not by itself encourage proper maintenance if the vehicle continues to operate despite the functional soundness of the emission control equipment.

In sum, the current emission control production warranty fails to effectively achieve environmental objectives insofar as it concentrates on only one contributing factor in emission performance, pollution control devices. In addition, as appears to be the case by virtue of these hearings, it may not even succeed in this respect if incentives are lacking to use the warranty and/or if failures in pollution control devices are not detectable.

Mr. Speaker, it should be clear that the consumer should not be forced to pay the additional costs and business should not have to suffer the anticompetitive effects of a warranty program which will not be effective in cleaning up the air.

The Justice Department report concludes by saying:

In addition to the direct costs to the consumer of such a performance guarantee, the social costs associated with the competitive disadvantage that potentially could be imposed on a sizable class of vehicle service businesses is a particular concern of the Department of Justice. This would come about if the warranty is honored only by manufacturer-affiliated dealers. Then, vehicle owners can be expected to take their vehicles exclusively to dealers for all emission related repairs and service. Independent garages and service stations that may be equally skilled in making such repairs would be placed at a disadvantage relative to dealers. Without a comprehensive warranty non-dealers would succeed or fail depending upon their ability to compete in the marketplace next to dealers; however, the presence of the warranty would make it next to impossible for non-dealers to attract customers for emission related repairs, regardless of their price and their quality of work. If an environmentally effective production warranty must cover essentially all engine repairs and service, then the warranty would have severe implications for the long run viability of independent garages and service stations. Indeed, it could effect a significant increase in concentration in the service industry to the point where a substantial adverse impact on the price of service and repair could be expected. In any event, the impact on concentration would be directly related to the comprehensiveness of the warranty.

A warranty program is clearly mandated by the Clean Air Act, and the EPA must implement that program. It is not possible to eliminate all the costs, including all the anticompetitive effects, of such a program. It is possible, however, to minimize those costs and still attain the environmental goals of the Clean Air Act.

Mr. Speaker, this is precisely what our legislation, H.R. 4444, would acomplish should it be enacted. It will allow this Nation to attain our clean air goals without excessive economic impact. This bill will provide a workable and balanced program for cleaning up our environment by setting a stringent schedule for pollution reduction and by implementing a rational and effective warranty program to back up our clean air goals.

I ask that my colleagues review H.R. 4444 and its provisions which would help eliminate any anticompetitive effects arising from implementation of the 1970 Clean Air Act requirements.

Mr. Speaker, recently I introduced H.R. 4444 with my colleague, JOHN DINGELL, and some 75 cosponsors. This bill, if adopted, would guarantee consumers the right of choice over automotive parts and service for their motor vehicles and prevent a monopoly in the sale of aftermarket parts and service. This would be accomplished by amending the Clean Air Act of 1970 to provide that the manufacturers' performance warranty for the motor vehicle emission system be reduced to 18 months or 18,000 miles, whichever occurs first.

Extensive hearings on this subject were held by the House Select Committee on Small Business, on which I served. After carefully reviewing provisions of the Clean Air Act, the committee found the performance warranty to be unnecessary, anticompetitive, and anticonsumer. All 19 members of the Small Business Committee unanimously recommended in the committee report of December 18, 1974, that the performance warranty be reduced from the statutory 5 years or 50,000 miles.

This is a complex issue which merits some explanation lest it be misinterpreted as a reduction in requirements placed on vehicle manufacturers to produce nonpolluting vehicles, or be considered as not in the best interest of the car owning public. Warranty provisions in H.R. 4444 will in no way reduce clean air standards.

Under the Clean Air Act of 1970, vehicle manufacturers are mandated to warrant for 5 years or 50,000 miles, under both a production warranty and a performance warranty, that the emission control system installed by that manufacturer will remain effective for at least that length of time.

The production warranty is already in effect. The performance warranty, which is conditioned upon the proper maintenance and operation of the vehicle by the owner, is mandated to become effective once the Administrator of the Environmental Protection Agency determines that adequate testing facilities are available. It is this performance warranty that poses a very serious threat to the existency of the independent automotive aftermarket, and strong anticonsumer problems.

It is important to note that the Clean Air Act contains sufficient protection under its design requirements and production warranties to maintain air quality, as the manufacturer would still be required to test and certify his engine in accordance with EPA test standards on emissions and durability prior to sale.

The production warranty requirements force the vehicle manufacturer to warrant that the emission control system is designed, built, and equipped in a manner that will enable it to comply with emission regulations which exist at the time the vehicle was first sold, and that it is free from defects in materials and workmanship that would cause the system to fail to conform with applicable regulations for its useful life, which is defined in the act as 5 years or 50,000 miles, whichever occurs first.

The performance warranty will only go into effect when EPA develops a quick, reliable test for precisely measuring emissions. This is likely to be somewhat in the future. Under this performance warranty, the vehicle manufacturer is then liable for the repair, at his cost, of every vehicle on the road that fails an emission inspection, so long as the vehicle owner has complied with the maintenance and operation instructions mandated by the vehicle manufacturer. These maintenance and operation instructions are the critical points insofar as the independent automotive aftermarket and the consumer are concerned.

The owner is not going to jeopardize his position with respect to that warranty, and will go to the franchised dealer of the vehicle manufacturer not only for warranty work, but also for nonwarranty work performed at the same time. This effectively will shut off the independent aftermarket from their customers. The consumer no longer will have the freedom of choice to use the parts and services he wishes, and the law will create a monopoly for the vehicle manufacturers and their franchised dealers.

The Small Business Subcommittee found that since the cost of the performance warranty has been built into the price of the vehicle:

It is also questionable that the consumer will ever truly benefit from the performance warranty as it now stands, because the vehicle manufacturer can reap windfall profits from this warranty, for every voided warranty results in an unearned profit of approximately $300. Thus, the vehicle manufacturer has a strong financial incentive to void these warranties, which might in part account for the present burdensome and restrictive care and maintenance instructions which contain innumerable opportunities for avoiding liability. These same escape clauses will exist in a warranty of any length, the longer the warranty, the greater the cost, which thereby provides a stronger incentive to escape liability. Every time a warranty is voided, it is the consumer, and only the consumer who loses. The consumer not only forfeits the money paid to the manufacturer at the time of purchase, he also pays again to have the work performed.

Thus the subcommittee found the performance warranty to be anticompetitive, anticonsumer and unnecessary to the protection of clean air. It should be noted that neither of the legislative committees that developed the Clean Air Act of 1970 had the opportunity to hold hearings on the warranty provisions of the act which might have highlighted the monopolistic and anticonsumer aspects of the law.

The vehicle manufacturers maintenance instructions, which will be required to be followed to prevent voiding the warranty, will have a major impact on the car-owning public. The vehicle owner is obligated under these circumstances to have stipulated parts replaced or serviced at the vehicle manufacturers' designated intervals, at his or her own expense. Should the vehicle fail to comply with an applicable emission standard under the performance warranty, it is not the obligation of the vehicle manufacturer to repair the emission control system until the vehicle owner has proven that the described maintenance in his owners' manual has been performed at the established time, and that the work was done with acceptable parts to the manufacturer, and by a qualified service outlet.

Of course, the antitrust laws prevent vehicle manufacturers from requiring that only their parts be used to replace those they know will wear out prior to the expiration of the 5-year, 50,000-mile warranty, or that the servicing of these parts be performed only by a franchised dealer. Consequently, because of the potential liability the vehicle manufacturer would face when the quick "tailpipe" test of EPA is approved, they must protect themselves by conditioning the validity of warranties on "recommended use of original equipment manufacturers—OEM—parts or their equivalent" and the use of franchised dealers or a "qualified service outlet." The manufacturers' owners manual instructions create a strong psychological restraint on the consumer to force him to return his vehicle to the franchised dealer for all work for 5 years or 50,000 miles, through fear of voiding his warranty.

This forcing of the consuming public to return their vehicles to a franchised dealer for all parts and service for 5 years of 50,000 miles to insure that the warranty is not invalidated will occur when the performance warranty is triggered by EPA. According to our subcommittee report—

The Subcommittee is of the opinion that there are serious anti-consumer aspects to both the proposed certification program (by EPA) and the 5 year, 50,000 mile warranty requirements of the Clean Air Act.

The restrictive maintenance instructions will cause many cautious car owners to have all servicing—whether related to the warranty or not—performed by their franchised dealer, which is a serious inconvenience as well as a serious threat to the independent automotive aftermarket. Those who continue to use their neighborhood service or garage outlets will undoubtedly void their warranties, which they have already paid for when the car was originally purchased, thereby being forced to pay again to have that system repaired at additional expense should the system ever fail an emissions inspection in the future.

The consumer cannot afford to risk a dispute with the vehicle manufacturer over the use of parts and services which might later be claimed to be improper. Therefore, the consumer is forced to go to dealers for all his work during the life of the warranty, regardless.

The warranty provisions of H.R. 4444 will have no adverse effects on air quality. This legislation, if enacted, will relieve the automotive aftermarket industry from the possibility of a monopolistic takeover by the vehicle manufacturers and will retain the rights of the auto owner to have a choice over the parts and services used to maintain his vehicle.

The Small Business Committee received testimony from representatives of vehicle manufacturers, repair garages, service stations, EPA, the Federal Trade Commission, and the Antitrust Division of the Department of Justice. All their testimony and the documentation compiled convinced the House Small Business Committee that the performance warranty of the Clean Air Act serves little meaningful purpose.

At this point in the RECORD I am inserting the recommendations of the House Small Business Committee which may be found on page 33 of House Report 93–1628:

CHAPTER IV. RECOMMENDATIONS

On the basis of the testimony, evidence and findings, the subcommittee recommends that:

A. The Environmental Protection Agency—

1. Pursue all administrative remedies to minimize the anticompetitive effects of the warranty provisions of the Clean Air Act Amendments of 1970;

2. Require the vehicle manufacturers to insert clear and conspicuous affirmative statements in their care and maintenance instructions and their emission control system warranties which would advise the vehicle owner that he or she may use nonoriginal equipment manufacturers' parts for the repair and maintenance of the car; and that nonfranchised service outlets may service that vehicle;

3. Work with appropriate governmental agencies in developing affirmative language for inclusion in these care and maintenance instructions, which clearly advise the car-owner that he or she may use nonoriginal equipment manufacturers' parts and nonfranchised service outlets without necessarily jeopardizing the validity of the emission performance warranty.

4. Determine, by testing on an individual basis, that a specific part actually increases emissions, before it decertifies or refuses to certify the part under its proposed voluntary certification program and develop due process procedures for appeal from an agency determination;

5. Expedite the development of a quick and reliable test for measuring emissions, which would thereby enable the agency to insure that in use vehicles were conforming to the applicable standards through periodic motor vehicle inspections which would insure the maintenance of existing emission level standards;

6. Issue an economic impact statement prior to the implementation of all new regulations, including the certification program, for the purpose of demonstrating that no competitive disadvantages are placed upon small businesses; and

7. Review all existing and proposed policies and regulations to determine if they are consistent with this Nation's antitrust policies.

B. The Federal Trade Commission and the Department of Justice—

1. Examine the vehicle manufacturers care and maintenance instructions and emission control system warranties to determine if they are consistent with this Nation's antitrust policies.

C. The above agencies and department advise the committee by June 1, 1975, of the actions they have taken to implement these recommendations.

D. The appropriate legislative committees of Congress consider amending the Clean Air Act by reducing the length of the 5-year/50,000-mile performance warranty to a period comparable to that presently established by the competitive forces operative in the open marketplace, such as for 12 months or 12,000 miles, whichever occurs first.

HOW TO INCREASE GOVERNMENT REVENUES BY CREATING GREATER PROSPERITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, the House and Senate Budget Committees are presently in the midst of putting together the first concurrent resolution on the budget for fiscal year 1978. As such, they are carefully weighing the impact of various programs on the budget and the sources of Federal revenues.

I suggest that one thing these committees ought seriously be considering is a reduction in tax rates in order to increase Federal revenues and reduce the projected deficit by getting the country on an expansion curve.

It is a fact, borne out by experience, that high tax rates do not increase Federal revenues. They only encourage people to reduce their taxable incomes, either by taking more leisure or hiding their money in tax shelters, such as municipal bonds. Consequently, a reduction in tax rates will encourage a more efficient use of resources and expand the tax base itself, thereby increasing revenues.

This was the argument made by President Coolidge in an address made on February 12, 1924. I believe that this speech is as timely today as it was then and I hope that my colleagues from the Budget Committee will take time to read it:

ADDRESS OF THE PRESIDENT OF THE UNITED STATES BEFORE THE NATIONAL REPUBLICAN CLUB AT THE WALDORF-ASTORIA, NEW YORK, FEBRUARY 12, 1924

The President said, in part, as follows:

Out of an income of about $60,000,000,000 a year the people of this country pay nearly $7,500,000,000 in taxes, which is over $68 for every inhabitant of the land. Of this amount the National Government collects about $3,200,000,000, and the State and local governments about $4,300,000,000. As a direct burden this is a stupendous sum, but when it is realized that in the course of our economic life it is greatly augmented when it reaches the consumer in the form of the high cost of living, its real significance begins to be appreciated. The national and local governments ought to be unremitting in their efforts to reduce expenditures and pay their debts. This the National Government is earnestly seeking to do. The war cost of more than $40,000,000,000 is already nearly half paid. Amid the disordered currencies of the warring nations our money is, and has been maintained, at the gold standard. Our budget has long since been balanced, and our debt-paying program is at the rate of $500,000,000 each year. In spite of all these expenditures, the next fiscal year has an estimated surplus revenue of over $300,000,000.

This represents a great financial achievement in the past three years. In the first place, it was necessary to provide for more than $7,000,000,000 of short-term securities.

These have all either been paid or refunded, so that they will become due in the future at orderly intervals, when they can be retired or further extended. When it is realized that such large loans were made in a way that not only left business undisturbed, but was scarcely perceptible to the public, the skill with which Secretary Mellon managed them can well be appreciated.

Coincident with this was the even greater task of reducing national expenditures. Through legislative enactment and executive effort this has gone steadily forward, and is now proceeding from day to day. Under the watchful care of the Budget Bureau every department is constantly striving to eliminate all waste and discard every unnecessary expense.

Every reasonable effort has been made to secure the liquidation of our international debts. The largest, which was that of Great Britain, and which amounted with accumulated interest to $4,600,000,000, has been settled on terms that provide for its payment over a period of 62 years. Interest runs at 3 per cent until 1933, and after that 3½ per cent. This calls for payments in the immediate future of $160,000,000 and more a year. They have the option to pay us in our own bonds, and in its practical working this agreement does not involve cash payments to this country, but simply a mutual cancellation of debts. The funding of the British debt was one of the greatest of international financial transactions. It had its effect on business confidence, which was world wide. It demonstrated the determination of a great empire faithfully to discharge its international obligations. In this respect it was much more than a financial transaction, it was an exhibition of the highest type of international honor. It showed that the moral standards of the world were going to be maintained.

All of this has laid the foundation for national tax reduction and reform. In time of war finances, like all else, must yield to national defense and preservation. In time of peace finances, like all else, should minister to the general welfare. Immediately upon my taking office it was determined after conference with Secretary Mellon that the Treasury Department should study the possibility of tax reduction for the purpose of securing relief to all taxpayers of the country and emancipating business from unreasonable and hampering exactions. The result was the proposed bill, which is now pending before the Congress. It is doubtful if any measure ever received more generous testimony of approval. Opposition has appeared to some of its details, but to the policy of immediate and drastic reduction of taxes, so arranged as to benefit all classes and all kinds of business, there has been the most general approbation. These recommendations have been made by the Treasury as the expert financial adviser of the Government. They follow, in their main principle of a decrease in high surtaxes, which is only another name for war taxes, the views of the two preceding Secretaries of the Treasury, both of them Democrats of pronounced ability. They are nonpartisan, well thought out, and sound. They carry out the policy of reducing the taxes of everybody, especially people of moderate income. They give to the country almost a million dollars every working day.

The proposed bill maintains the fixed policy of rates graduated in proportion to ability to pay. That policy has received almost universal sanction. It is sustained by sound arguments based on economic, social, and moral grounds. But in taxation, like everything else, it is necessary to test a theory by practical results. The first object of taxation is to secure revenue. When the taxation of large incomes is approached with that in view, the problem is to find a rate which will produce the largest returns. Experience does not show that the higher rate produces the larger revenue. Experience is all in the other way. When the surtax rate on incomes of $300,000 and over was but 10 per cent, the revenue was about the same as when it was at 65 per cent. There is no escaping the fact that when the taxation of large incomes is excessive, they tend to disappear. In 1916 there were 206 incomes of $1,000,000 or more. Then the high tax rate went into effect. The next year there were only 141, and in 1918 but 67. In 1919 the number declined to 65. In 1920 it fell to 33, and in 1921 it was further reduced to 21. I am not making any argument with the man who believes that 55 per cent ought to be taken away from the man with $1,000,000 income, or 68 per cent from a $5,000,000 income; but when it is considered that in the effort to get these amounts we are rapidly approaching the point of getting nothing at all, it is necessary to look for a more practical method. That can be done only by a reduction of the high surtaxes when viewed solely as a revenue proposition, to about 25 per cent.

I agree perfectly with those who wish to relieve the small taxpayer by getting the largest possible contribution from the people with large incomes. But if the rates on large incomes are so high that they disappear, the small taxpayer will be left to bear the entire burden. If, on the other hand, the rates are placed where they will produce the most revenue from large incomes, then the small taxpayer will be relieved. The experience of the Treasury Department and the opinion of the best experts place the rate which will collect most from the people of great wealth, thus giving the largest relief to people of moderate wealth, at not over 25 per cent.

A very important social and economic question is also involved in high rates. That is the result taxation has upon national development. Our progress in that direction depends upon two factors—personal ability and surplus income. An expanding prosperity requires that the largest possible amount of surplus income should be invested in productive enterprise under the direction of the best personal ability. This will not be done if the rewards of such action are very largely taken away by taxation. If we had a tax whereby on the first working day the Government took 5 per cent of your wages, on the second day 10 per cent, on the third day 20 per cent, on the fourth day 30 per cent, on the fifth day 50 per cent, and on the sixth day 60 per cent, how many of you would continue to work on the last two days of the week? It is the same with capital. Surplus income will go into tax-exempt securities. It will refuse to take the risk incidental to embarking in business. This will raise the rate which established business will have to pay for new capital, and result in a marked increase in the cost of living. If new capital will not flow into competing enterprise the present concerns tend toward monopoly, increasing again the prices which the people must pay.

The high prices paid and low prices received on the farm are directly due to our unsound method of taxation. I shall illustrate this by a simple example: A farmer ships a steer to Chicago. His tax, the tax on the railroad transporting the animal, and of the yards where the animal is sold, go into the price of the animal to the packer. The packer's tax goes into the price of the hide to the New England shoe manufacturer. The manufacturer's tax goes into the price to the wholesaler, and the wholesaler's tax goes into the price to the retailer, who in turn adds his tax in the price to the purchaser. So it may be said that if the farmer ultimately wears the shoes he pays everybody's taxes from the farm to his feet. It is for these reasons that high taxes mean a high price level, and a high price level in its turn means difficulty in meeting world competition.

Most of all, the farmer suffers from the effect of this high price level. In what he buys he meets domestic costs of high taxes and the high price level. In what he sells he meets world competition with a low price level. It is essential, therefore, for the good of the people as a whole that we pay not so much attention to the tax paid directly by a certain number of taxpayers, but we must devote our efforts to relieving the tax paid indirectly by the whole people.

Taken altogether, I think it is easy enough to see that I wish to include in the program a reduction in the high surtax rates, not that small incomes may be required to pay more and large incomes be required to pay less, but that more revenue may be secured from large incomes and taxes on small incomes may be reduced; not because I wish to relieve country.

The practical working out of the proposed schedules is best summarized by the Treasury experts, who find that $92,000,000 a year will be saved to those who have incomes under $6,000; $52,000,000 to those who have incomes between $6,000 and $10,000; and that less than 3 per cent of the proposed reduction would accrue to those who have incomes of $100,000 or more. A married man with two children, having an income of $4,000, would have his tax reduced from $28 to $15.75; having $5,000, from $68 to $38.25; having $6,000, from $128 to $72; having $8,000, from $276 to $144; and having $10,000, from $456 to $234.

In order to secure these results, the administration bill proposes to reduce the tax on earned income 25 per cent, and the normal tax on unearned income also 25 per cent. This would apply to all incomes alike, great and small, and would provide general and extensive relief. Further reductions would be secured by increasing the amount of income, exempt from surtaxes, from $6,000 to $10,000. Such surtaxes increase progressively until on incomes of $100,000 or more they reach the maximum of 25 per cent which, with the normal tax of 6 per cent, make large incomes pay in all 31 per cent. It is also proposed to repeal many troublesome and annoying rates, such as admission taxes and sales taxes, the existence of which is reflected in the increased cost of doing business and the higher prices required from the people.

That is the tax measure which has been proposed, and which has my support. Because I wish to give to all the people all the relief which it contains, I am opposed to material alteration or to compromise. It is about as far removed as anything could be from any kind of partisanship. At least, I do not charge that there is any party or any responsible party leadership that admits it is opposed to making taxes low and in favor of keeping taxes high. But the actions and proposals of some are liable to have just that result. I stand on the simple proposition that the country is entitled to all the relief from the burden of taxation that it is possible to give. The proposed measure gives such relief. Other measures which have been brought forward do not meet this requirement. They have the appearance of an indirect attempt to defeat a good measure with a bad measure. You have heard much of the Garner plan. Brought forward to have something different, it purported to relieve the greatest number of taxpayers. It gave not the slightest heed to the indirect effect of high taxes, or to the approaching drying up of the source of revenue and consequent failure of the progressive income tax, or to the destruction of business initiative. It is political in theory. When the effect of its provisions was estimated, it meant a loss of revenue beyond the expected surplus. It is impossible in practice. The people will not be misled by such proposals. It is entirely possible to have a first-class bill. I want the country to have the best there is. I am for it

because it will reduce taxes on all classes of income. I am for it because it will encourage business. I am for it because it will decrease the cost of living. I am for it because it is economically, socially, and morally sound.

But the people of the Nation must understand that this is their fight. They alone can win it. Unless they make their wishes known to the Congress without regard to party this bill will not pass. I urge them to renewed efforts.

COL. JACK REILLY, DIRECTOR OF SPECIAL EVENTS FOR CHICAGO, RETIRES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues the retirement of Col. Jack Reilly, director of special events for Chicago, who since 1955 has personally supervised the visits of the famous and near-famous to Chicago—kings, queens, astronauts, presidents, chancellors, performers, and so many others.

It has been my good fortune to know the colonel for the past 20 years. He is a living legend to hundreds and thousands of Chicagoans.

The ethnic community of Chicago is especially grateful to Colonel Reilly for organizing the first International Folk Fair which has been held for many years at the Navy Pier in the city of Chicago. At this fair, people from every ethnic group and from countries all over the world display their cooking, their art, and all aspects of their culture for the entire weekend. I personally have attended these wonderful fairs along with hundreds and thousands of my fellow Chicagoans.

Whenever the late Mayor Richard J. Daley appeared at a special event, one would see Colonel Reilly at his side. He has been dedicated and devoted to Mayor Daley and to the people of Chicago. Chicago is a better place because Colonel Reilly has been with us.

As Colonel Reilly retires from his active role as director of special events for Chicago, I know that he will be missed and that he leaves with the gratitude of so many who had the pleasure of witnessing or participating in the splendid events which he planned so well.

I extend to him my best wishes for abundant good health and many rich blessings during his retirement years.

An article from the March 31 edition of the Chicago Tribune written by Dorothy Collin about Colonel Reilly's outstanding career follows:

COLONEL REILLY MARCHES OUT

(By Dorothy Collin)

The parade has finally passed Jack Reilly by.

After 50 years of world's fairs and visiting astronauts, of Presidents and fan dancers, of St. Patrick's Days and Columbus Days, of captains and kings, he is hanging up his parade permit. The colonel retires Thursday as Chicago's director of special events.

"I've had it all, but I'm not going to miss it," he said. "Like that fellow said, 'Old soldiers never die.' Well, I'm ready to just fade away."

I was sitting in Reilly's office on the sixth floor of City Hall, an office filled with the flotsam of the spectaculars so dear to his and the late Mayor Richard Daley's hearts.

In the past that office was often a madhouse, especially as the visit of an astronaut or a particularly famous king or queen neared. This time it was quiet, subdued. And so was the crusty old colonel.

"I go way back," he said. "I always say I was on the reception committee to meet Marquette."

Well, he doesn't go back that far, but he has been around Chicago since the 1920s, and it was as director of special events for the Century of Progress in 1933 that he made his mark as a promoter.

"The whole world came to Chicago," he said. "Actually, we referred to it as a world's fair, but it wasn't really. We were short on royalty and short on foreign exhibits. Most of the buildings were built by commercial investment. They'd build these villages—an English Village, a French Village, an Italian Village, the Streets of Paris.

"Ah, the Streets of Paris. The French never forgave Chicago for that. They resented it bitterly that she should try to capture the streets of Paris."

He thought for a minute, then chuckled.

"The Streets of Paris became known all over the world. Sally started there."

Sally of course, was Sally Rand, the fan dancer who made herself and the fair legendary.

"Sally came to the Century of Progress looking for a job. She was a little girl who discovered herself," Reilly said, looking a bit dreamy.

But Sally must have had a little help from a certain promoter because the officials running the fair weren't enthusiastic about her. "The resented the publicity she received," Reilly said. "And it's true Sally hardly compared to the Hall of Science, though I never had a phone call from anyone asking me to get them into the Halls of Science, but I got lots from people who wanted to catch Sally's second show.

"She was not without rivals. Faith Bacon was appearing in Hollywood, one of the shows there, and Faith always claimed that she had invented the fan dance for George White's scandals. She and Sally didn't see eye to eye."

During the two years of the fair, Reilly got in the habit of meeting and greeting the famous, everyone from Baron de Rothschild to Father Coughlin.

The baron managed to get himself into a ticklish position when he posed helping the Diving Venus adjust her tiny costume. "I think he was a bit near sighted," Reilly said.

And Father Coughlin, the controversial radio priest, almost got a number of his faithful killed. "The women were throwing themselves at him, under the wheels of the cars," Reilly said. "It was unbelievable."

After the Century of Progress, Reilly worked in Arizona for a while and then became director of special events for the New York World's Fair. He served in the Army in World War II and ended up back in Chicago in the early 1950s.

He went to work for Daley in 1955 and since then has been official host to hundreds of visitors, ranging from the great-great-great-granddaughter of Sir Walter Scott to the Emperor of Japan, from a mariachi band to the Queen of England.

Ah, yes, the Queen, or as Reilly calls her, "one of my favorite girls."

Elizabeth II came to call on July 6, 1959, and it was "the most magnificent day of my lifetime."

"I don't think there will ever be another day or visit like that one because royalty isn't able to do the things they did then," Reilly said. "Their countries can't afford it. But to see that yacht out in the lake, to see her come to shore . . . ah boy . . ."

There were others Reilly really liked. "I'm also very fond of the Queen of Iran," he said. "She's a doll. And the Grand Duchess of Luxembourg, the mother of the present one.

"Oh, and here's one I really fell in love with," he said, scanning the lists of visitors, "Her Majesty Frederika, Queen of the Hellenes. Of course, she's been chased out of the country now, but I remember her because we became very friendly, and she said, "What's wrong with your eye?"

Reilly, who has worn a black patch over one eye for years because of cataracts, explained this to the queen. "She said that the king had had his eye operated on and that she would give me the name of the doctor and I must go to him. 'He'll restore your vision,' she said."

On a later visit she asked her lady-in-waiting if she had given Reilly the doctor's address. "When she said she couldn't find it, the queen said, 'Well, you know it's in the baggage, so find it.' And she held her train for 30 minutes so she could get the name and address of the guy. I'll never forget her."

He'll also never forget Konrad Adenauer, the chancellor of West Germany, "in front of the Palmer House with his walking stick, chasing the cameramen, saying, 'You spoil these fellows.' "

Nor Prince Philip of England, "He came back several times," Reilly said. "I liked him better when he was accompanied by Her Majesty."

Nor "this whole string of astronauts who were really polite, nice fellows. You know, the mayor and I thought we were doing a pretty lousy job with the youth, with inspiring them to love their country and be proud of it.

"We thought that maybe these fine young men could give them something to pattern themselves after. Then along comes Viet Nam, and the youth, they all looked blank and said, 'Who me?' "

As Reilly reminisced, he happened to mention the size of a crowd at some parade. So I asked him about his crowd estimates—estimates that many observers felt came straight from the old promoter's vivid imagination.

He looked at me slyly and guffawed. "I am blessed with a power," he said. "And I always say to anyone who doubts me, 'Count them yourself.' "

I also asked him what his favorite event was, in addition to Queen Elizabeth's visit. "The Venetian Night," he said. "I love the damn thing. It marks Chicago's graduation into the big leagues. It put us into a class with other cities that have festivals during the summer season."

And he got up to show me some drawings of floats for Venetian Night and photos of daredevil acts that will perform during the Lakefront Festival.

"We try to get the greatest thrill acts, acts that make your heart jump into your throat," he said, no longer sounding so subdued. "You can't find any more sensational acts than these. They can top anything that's ever been done anywhere in the world.

"You know, I can't stretch it out to believe I can be around when Chicago has its next world's fair. But there is a date that could be moved in on, the anniversary of the 1893 fair.

"They should put together a commission of younger executives to start working on it now," he said, getting more excited. "And wherever I am, I'll come staggering back for it."

TRIS: A THREAT TO AMERICA'S CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 30 minutes.

Mr. DRINAN. Mr. Speaker, during the past several years, Congress has enacted

a number of laws designed to protect unsuspecting citizens against various substances which might be hazardous to their health. Under the Federal Hazardous Substances Act and other legislation of this kind, it is imperative that the appropriate agencies act swiftly and decisively whenever a potential health hazard is detected. Each additional day of bureaucratic delay may expose thousands more of our citizens to unnecessary risk. When an agency fails to meet its public responsibility in this regard, it is the job of the Congress to expose present shortcomings and take steps to insure that the public will be better protected in the future.

WHAT IS TRIS?

The past year constitutes a valid case study of bureaucratic inaction with regard to the Consumer Product Safety Commission's treatment of the chemical additive "TRIS." TRIS is a flame-retardant chemical used extensively by the textile industry. It is the primary flame-retardant used in children's sleepware in order to meet standards promulgated in 1972 under the Flammable Fabrics Act. According to the Environmental Protection Agency, TRIS is regarded "as the only commercially significant flame retardant additive * * * in the civilian marketplace.

The EPA estimates that one-half of all children's sleepwear sold in the United States contains TRIS. Virtually all children's pajamas which are made from polyester, acetate, or triacetate fibers are TRIS-treated. As many as 45 million children wear sleepwear which contains TRIS at some point during their childhood.

THE FIRST SIGNS OF DANGER

The first indication that TRIS should be viewed with suspicion came in 1973 when preliminary tests conducted by scientific researchers in California and New York revealed that the additive caused mutations in human cells. According to Prof. Bruce Ames of Berkeley, there is a 90-percent correlation between substances which are mutagenic and those which are carcinogenic. Ames noted that TRIS was more mutagenic than several known human carcinogens, increasing the likelihood that TRIS caused cancer. Subsequent tests confirmed the preliminary findings.

While the mutagenicity of TRIS was proved beyond dispute, other studies indicated that the substance could be absorbed into the skin of persons wearing TRIS-treated garments. TRIS makes up close to 10 percent of the weight of TRIS treated garments. As much as half of that is called surface TRIS which, according to Dr. Ames, "is susceptible to extraction and possible absorption through the skin." Other studies, including one conducted by Michigan Chemical the manufacturer of TRIS, revealed that TRIS could be ingested through the common infant practice of mouthing or sucking on sleepwear.

CITIZENS PETITION FOR RELIEF

On the basis of evidence that TRIS, a potential carcinogen, was being absorbed or ingested by millions of American children, the Environmental Defense Fund, a public interest group, petitioned the Consumer Product Safety Commission to take corrective action on March 24, 1976. That petition, filed more than a year ago, recognized that the actual danger of TRIS to children, while strongly suspected, had not yet been proven. Accordingly, the petition asked the CSPC to require that garments containing TRIS be labelled to indicate the presence of the chemical and to advise consumers to wash such garments at least three times before using. Such washing, by eliminating a large proportion of surface TRIS, would reduce the potential danger. The petition also asked that CPSC to establish a mechanism for testing TRIS and alternative chemical flame-retardants more fully in the future.

The Commission responded immediately to the petition, stating that it would be considered in accordance with the provisions of the Federal Hazardous Substances Act. No further word was forthcoming for the next 7 months. On October 20, 1976, the Environmental Defense Fund filed a request for expedited consideration of its March petition on the basis of the continuing risk of injury posed by TRIS along with new scientific evidence of the chemical's toxicity. Two months later, the Commission replied that it was still studying the question. Nine months had passed without any action whatsoever by the agency responsible for safeguarding the public.

THE NATIONAL CANCER INSTITUTE REPORTS

In January 1977, Dr. Ames reported in Science that—

Bacterial studies showing that TRIS is a mutagen suggest that it is likely to be a carcinogen, but animal studies are necessary for more conclusive evidence.

That conclusive evidence was forthcoming on February 1, 1977, when the National Cancer Institute released the results of its 3-year study on the effects of TRIS on laboratory rats and mice. The results proved that TRIS was, in fact, a potent carcinogen. Some of the specific results follow: 52 percent of male rats fed TRIS developed kidney cell tumors compared to 0 percent in the control group; 45 percent of female mice fed TRIS developed stomach cell tumors compared to 4 percent in the control group; 34 percent of female mice fed TRIS developed lung tumors as compared to 7 percent in the control group; and 70 percent of female mice fed TRIS developed liver cell tumors compared to 20 percent in the control group.

In summary, both male and female rats, fed TRIS in their diets daily, showed a statistically significant increase in kidney tumors. Such tumors have rarely been observed in control animals. Both male and female mice fed TRIS showed increased incidences of tumors at multiple sites.

The significance of these laboratory test findings cannot be overemphasized. According to a National Cancer Advisory Board report issued in 1976—

"Demonstration that a compound is carcinogenic in animals should, therefore, be considered evidence that it is likely to be carcinogenic in humans, unless there is strong evidence in humans to the contrary.

As of February 1, 1977, the CPSC knew that TRIS posed a danger to American children.

RESPONSE TO THE NEW EVIDENCE

Armed with the data of the National Cancer Institute, EDF filed a second petition with the Commission on February 8, 1977. That petition called for an immediate ban on TRIS-treated garments under the Federal Hazardous Substances Act as an "imminent hazard to the public health." "Based on the results of the NCI Bioassay Study," the petition stated, "TRIS must now be considered a potent carcinogen and a carcinogenic risk to humans."

EDF noted that the U.S. Circuit Court of Appeals had twice upheld actions by the Environmental Protection Agency based on the grounds that data from animal experiments indicating carcinogenicity were sufficient to support a finding of imminent hazard to human health. If TRIS were assumed to be as carcinogenic to humans as it is to rats, the petition observed, a 1 to 8 percent increase in the U.S. cancer rate would be likely to result from its continued ingestion by infants. If skin absorption of TRIS, along with direct ingestion, was also considered, the incidence of cancer would be considerably greater.

Two days laters, on February 10, the CPSC issued a press release noting that it had the TRIS matter under "highest priority consideration." The Commission stated its belief that "TRIS-treated garments already in use and having been washed several times present little, if any, risk to consumers." That statement contradicted an observation by an EPA official in the January 1977 issue of Science that—

Even after 3 cycles of laundering with detergent, some mutagenic activity was still demonstrable.

The Commission failed to identify those garments on the market which contained TRIS, suggesting instead that—

To find out if a particular children's sleepwear garment has been directly treated with TRIS, consumers should contact the manufacturers directly.

Six weeks later, the Commission had still taken no action whatsoever against TRIS. On March 23, EDF filed suit against the Commission in Federal district court alleging that the CPSC had failed to act on its petitions "within a reasonable time" as required by the Administrative Procedures Act. The suit also charged the Commission with failing to carry out its responsibility under the Federal Hazardous Substances Act to declare TRIS a hazardous substance and take appropriate action.

WHAT MUST BE DONE

Mr. Speaker, as we sit here today, TRIS-treated pajamas remain on the shelves of department stores and children's shops throughout the Nation. Unsuspecting parents have no way of knowing the risks they needlessly expose their children to each time they purchase such a garment. Even if a parent knew about the hazards of TRIS, he or she has no way of knowing whether a particular garment is TRIS-treated or not.

The Commission has now promised to

reach a decision concerning TRIS on April 7. Assuming that the Commission carries out its obvious responsibility to ban TRIS-treated sleepwear, that decision will come many months too late. Several steps must be taken at once. First, the sale of TRIS-treated children's sleepwear should be banned. Second, TRIS-treated garments in the hands of consumers or retailers should be repurchased in accordance with the provisions of the Federal Hazardous Substances Act. Third, an appropriate warning should be broadcast to the public.

Finally, the CPSC should develop standards for testing alternatives to TRIS. Antiblaze 19, manufactured by Mobil Chemical Co., and Emulsion 212, manufactured by Apex Chemical Co., are two such alternatives which may appear on the market if TRIS is banned. The latter additive shares many of TRIS' chemical characteristics and may itself be carcinogenic. As EDF's February petition pointed out—

> It makes no sense for the Commission to ban TRIS while permitting it to be replaced by untested but chemically similar compounds which may pose a comparable health hazard to children.

Dr. Ames added:

> The use of an untested chemical as an additive to pajamas is unacceptable in view of the enormous possible risks.

Extension testing must be carried out in order to prevent a recurrence of the TRIS debacle.

There is no longer any question that TRIS treatment constitutes mistreatment. The American public has been mistreated by the Commission's failure to act swiftly and decisively against this dangerous additive. On Monday, April 4, the Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs, on which I serve, will hold a hearing to investigate the conduct of the CPSC with regard to TRIS since the first EDF petition was filed more than 12 months ago. I look forward to hearing the Commission explanation of its sluggishness in acting to protect the public and to the issuance of a ban on TRIS on April 7.

A HOUSE INTELLIGENCE COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 15 minutes.

Mr. ASPIN. Mr. Speaker, although the Senate has had a functioning committee to oversee the intelligence community since the middle of last year the House has none.

The present arrangement has satisfied very few either in the House or the Executive.

On the one hand, the President recently complained that too many persons in the legislative branch have access to the most sensitive information since current law requires that seven committees be notified about convert operations.

On the other hand, there is no single, staffed House body whose sole responsibility is the continuing oversight of all intelligence activities—not just to check on covert operations, but also to check for the inefficiencies and duplication that are endemic because the intelligence effort is scattered over several executive agencies.

Today, along with 59 other Members, I have introduced a resolution to set up a House Intelligence Committee. The resolution is identical to the one which set up the Senate committee with the exception of technical changes to conform to the rules of the House and the membership provisions.

Let me describe the major provisions one by one.

First, the membership provision. Under the resolution the committee would have a revolving membership like the Budget Committee. No member could serve longer than three terms out of any consecutive five. This is similar to the Senate Intelligence Committee and meets the concerns of those who feel a permanent membership is more likely to become a captive of the intelligence agencies unable to exercise its oversight functions. Service would be an additional committee assignment with one-third of the membership coming from Armed Services, one-third from International Relations and the remainder from the other standing committees. As a practical matter more than one-third of the membership would change each Congress.

Second, declassification procedures. The committee may not declassify any information over the objection of the President. But the committee may refer any document it thinks ought to be declassified over the objection of the President to the full House. This provision is the same provision which the Senate has.

Third, the power of authorization. The key to the committee's authority—as it is to all congressional committees—will be the power to handle authorizing legislation each year for all the intelligence agencies and for the intelligence activities of other agencies. Incidentally, the Senate committee is now working on an authorization bill and, unless we act quickly to set up a counterpart committee, the House will have no clear way to handle the bill.

The authorization power ties in directly with the fourth provision, dealing with covert operations. The committee will not have veto power over covert operations, but the resolution declares it to be the sense of the House—as it is already the sense of the Senate—that the CIA notify the committee in advance of any planned covert operations. The committee can then take to the President any objections or reservations it may have.

As a last resort, the committee can cut off funds. The power of the purse insures that the CIA is responsive to the committee's calls for information. The CIA and other intelligence agencies will know that if the committee's questions are not answered in full, their budgets are liable to suffer.

The fifth principal provision deals with jurisdiction. The committee would have exclusive jurisdiction over the CIA and would share jurisdiction over other intelligence activities with existing standing committees should they wish to exercise jurisdiction.

Mr. Speaker, I have consciously drafted this legislation as a virtual carbon copy of the resolution establishing the Senate Intelligence Committee. The reason for this was simple; after the experience of a year ago with the Pike committee report, some Members have understandably shied away from the idea of a permanent committee.

One of the problems the Pike committee had was the fact that it was a temporary committee. It faced a deadline. The administration of that time realized that. And those of us who served on the Pike committee found out quickly that we were being strung out. Delays that would not matter to a standing committee cast a dark shadow over a select committee watching the clock click down. It was this deadline which led to the final confrontation with the Ford administration, the decision of the committee to declassify information over Mr. Ford's objection, and the decision of the House to classify the Pike report itself.

The Senate has had a permanent Intelligence Committee for almost a year now. I used the Senate resolution as the basis for the resolution I am introducing today to underscore the fact that a standing committee on intelligence can operate effectively and quietly.

Last Tuesday, Tom Wicker wrote a column in the New York Times in which he put together a tentative scorecard based on the Senate committee's operations of almost a year. Without objection, Mr. Speaker, I would like to insert at this point in the RECORD a copy of this column entitled, "Oversight: Good News and Bad," from the March 29 New York Times:

OVERSIGHT: GOOD NEWS AND BAD

(By Tom Wicker)

WASHINGTON.—Recent inquiries about the new Senate Intelligence Committee produced, among other perhaps significant responses, the following:

From a member of the committee: "Just a few minutes ago, I was checking over $100,000 items in the line-item budget of the [Central Intelligence Agency]. By the end of the year, we'll even be able to trace the money in the director's contingency fund, and that's where the dirty work's been done."

From a member of the staff: The committee soon will hold public hearings, *not* on the C.I.A. budget itself but on how much of the C.I.A. budget should be made public.

From another member of the committee: "If [the C.I.A.] wanted to hold anything back from us, I'd have thought the stuff they're telling us was the kind of thing they'd be holding back."

From a Senator not a member of the committee: "I proposed [George] McGovern to the Steering Committee for an opening they had on the Intelligence Committee. They said they'd have to talk it over, there had to be balance on the committee, and so forth. The next day they came back with [Daniel Patrick] Moynihan's name penciled in. He's a freshman, he's more manageable."

So there's good news and bad news. There is an Intelligence Oversight Committee, it is functioning, perhaps effectively—but it may be too cautious, too "manageable," and already in danger of the same fate that overtook all previous oversight efforts. Close

observers and some members fear it could end up more nearly protecting C.I.A. interest against the public than the public interest against the C.I.A.

Here is a tentative scorecard, based on the record so far:

THE GOOD NEWS

The C.I.A. is keeping the committee fully informed—as far as members know—of its covert actions abroad, and several of the more "militant" members of the committee believe this is limiting the agency's willingness to undertake the riskiest and least defensible operations—the overthrow of a government, for example, or the assassination of a foreign leader.

Covert operations reported to the committee have first been authorized by President Carter; if the committee disapproves, members can first take the issue to Mr. Carter, then if necessary to an executive session of the Senate (from which the facts would be certain to leak out).

The committee is getting itself organized for the job; for example, Senator Robert Morgan of North Carolina, a former Attorney General of that state, is heading an Investigations subcommittee that may soon be able to spot-check C.I.A. reports on covert operations.

The C.I.A. budget is getting the kind of scrutiny it never had had before—another likely inhibition on its ability to get into such costly and controversial operations as the botched retrieval of the Glomar Express.

The committee has apparently made a start on drafting charters for the intelligence agencies in an attempt to control their activities and protect the rights of Americans—new and more restrictive charters for the C.I.A. and the Federal Bureau of Investigation; the first charter ever for the vast, communications-centered National Security Agency, and perhaps an overall charter governing the entire "intelligence community."

THE BAD NEWS

The committee's organizing efforts are moving too slowly and there has been too little attendance at meetings and too little rank-and-file interest in the committee's work.

This is likely to be a permanent handicap because there's no political "payoff" for members—quite the opposite; secrecy means they can claim little credit for accomplishment and must run the risk of being blamed for any "leaks"; members might also be criticized if they approved some CIA operation that later went wrong.

Some members, including Chairman Daniel Inouye, are reported to have been affected by what Daniel Ellsberg once called "the secret honeydew" of classified information, with the consequence that the committee may already be showing a tendency to be "persuaded" by the C.I.A.—in its defense, for example, of secret payments to King Hussein.

Two senior members of the Church committee, whose intelligence investigations in 1975 and 1976 led to the establishment of the Intelligence Committee, said flatly they believed it already had been "co-opted" by the C.I.A. A member said the committee now "feels comfortable" with the C.I.A., which is hardly the point.

As for legislative possibilities, the news from the committee is disturbing enough to require another article.

It is interesting to note the "bad news" as listed by Wicker. The problem of poor attendance, for example, is more likely to be a Senate problem since Senators are spread more thinly.

It is, however, a fact of life that there is no political payoff as an incentive for active membership on the committee. That is simply the nature of the beast. It is also true that there are many things that all of us do here in Congress for which there is no political payoff.

The last two items of bad news are variations on the single theme—the fear that the committee will be seduced by the intelligence community. This really depends on the committee membership. I am sure there will always be members who are relatively uncritical of the agency they are overseeing. That is not unique to an intelligence committee, as we all know from our own experiences.

Let me be quite frank and state there are some potential problems with the resolution I have introduced today. Specifically, I see two areas not fully covered by my resolution which the Rules Committee may want to address.

The first concern is House rule XI 2 (e) (2) which states:

All committee hearings, records, data, charts, and files shall . . . be the property of the House and all Members of the House shall have access thereto.

A standing committee could presumably make highly restrictive rules governing access—for example, classified data must be read on the committee premises only, no notes may be taken, every page looked at must be individually logged—that would adequately prevent abuse. But the mere fact that rule XI 2(e)(2) would remain on the books unqualified would provide the kind of red flag that critics of Congress could wave. We ought to consider amending the rule in this resolution setting up an intelligence committee—not because Members cannot be trusted, but simply to remove a potential focal point for criticism. There is precedent in the exemption to this rule granted to the Ethics Committee earlier this year.

A second concern is the Hughes-Ryan amendment to the Foreign Assistance Act which requires the President to approve CIA operations "and report, in a timely fashion, a description and scope of such operation to the appropriate committees of the Congress, including the Committee on Foreign Relations of the United States Senate and the Committee on Foreign Affairs of the United States House of Representatives."

President Carter has complained that too many people in Congress have access to information on covert operations and has said repeatedly that the Executive must report to too many committees. Hughes-Ryan is interpreted as requiring reporting to seven committees in Congress—the two Appropriations, two Armed Services, two International Relations, and Senate Intelligence.

A new House Intelligence Committee will bring the total to eight and is likely to take some fire for just that reason. We cannot amend Hughes-Ryan when we set up a committee by resolution. But the resolution could contain a clause defining Hughes-Ryan's reference to "appropriate committees" as meaning the Intelligence Committee in the House, plus International Relations which is named in the statute.

With a House resolution, we cannot affect either the Senate reporting structure or the committees named in the statute. We can reduce the number of committees being reported to six. A further reduction would require a Senate resolution or a statutory change.

Mr. Speaker, I hope this House will move quickly to establish a standing Committee on Intelligence. In a matter of weeks the Senate will have voted an intelligence authorization bill for the first time. It will authorize funds for intelligence activities in the State Department, Defense Department, Justice Department, Energy Research and Development Administration and assorted other agencies. Where are we going to send this bill? I hope we will act soon so there is some committee on this side of the Hill that can act on the bill.

INTRODUCTION OF LEGISLATION TO ESTABLISH INDEPENDENT SOCIAL SECURITY ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, today, Senator CHURCH, 21 other Members of the Senate, and I are introducing legislation to establish an independent Social Security Administration. The reason for this legislation is well stated in its declaration of purpose:

The magnitude of these (retirement and health) social insurance programs and of the supplemental security income program—in terms of the number of people affected by them, the volume of income and expenditures, the number of persons engaged in their operation, the nationwide network of local offices, and the complexity of these huge operations—demands the utmost in skillful, nonpolitical administration. To help assure such administration and continuously high levels of service to the beneficiaries of and contributors to the program, this Act constitutes the Social Security Administration as an independent agency in the executive branch, responsible directly to the President.

The bill we are introducing takes the Social Security Administration, with its $115 billion in program expenditures, out from under the shadow of HEW and establishes it as a highly visible independent agency reporting directly to the President. The bill creates a three-person board to deal with major policy questions and an executive director in charge of day-to-day operations. The bill in no way changes any individual's benefits or rights to benefits under existing and future social security programs. The legislation is strictly limited to improving the quality of the delivery of services by the Social Security Administration.

Secretary Califano is to be commended for his recent announcements indicating an effort to reorganize, streamline, and improve the operations of the Department of Health, Education, and Welfare. As I understand his proposals, medicare would be pulled out of the Social Security Administration, but the Federal role in the aid to families with dependent

children program would be given to Social Security. In view of other efforts underway to reform the welfare laws and in light of efforts to federalize the welfare system, this may mean that Social Security will come to play a major role in the day-to-day operations of the Nation's welfare programs.

The present structure of HEW is such a mess that I believe that the Secretary's reorganization efforts will provide an important opportunity for debate on how the Department should be restructured. I am hopeful that the bill we are introducing today will contribute to that debate.

Personally, I am very opposed to adding any major new programs to the already overwhelming duties of the Social Security Administration. Social Security has one basic, vital job to do—provide for the retirement income and health insurance needs of the Nation's retirees and disabled workers and their families. It used to do that job very, very well. But the advent of new programs, in particular the supplemental security income program for the aged, blind, and disabled, has changed the mission of the Social Security Administration and reduced its efficiency and effectiveness. I personally would oppose adding another welfare program such as AFDC on top of the SSI welfare workload now crushing the Social Security Administration.

During the 94th Congress, I served as chairman of the Ways and Means Oversight Subcommittee. During that Congress, we held 12 separate hearings on the operation of the SSI program. From these hearings, I am convinced that no new programs should be given to Social Security at this time—it is still trying to properly administer the SSI program which was enacted in 1972. Second, from my experience at the Oversight Subcommittee, I believe that the Social Security Administration should be removed from the bureaucratic confusion of HEW and given its own independent status. The hearings held by the Oversight Subcommittee during the 94th Congress are one long argument for the passage of the bill we are introducing today.

I would like to take a few minutes to highlight some of the examples in our hearings which, first, argue against further welfare programs being given to social security, and second, for the creation of an independent Social Security Administration separate from HEW.

First, when SSI was given to Social Security to administer, it resulted in a significant increase in the error rate in the regular retirement and disability programs administered by Social Security. Prior to SSI, about 1 case in 20 had an error which affected the payment being received by the retiree or disabled worker. After SSI, the error rate went up to 8 percent of all cases or 1 case in 12. In addition, one out of every five social security cases now has some form of clerical error which may or may not affect the benefit payment level. This rise in error rate can be directly attributable to the workload pressure placed on Social Security by the SSI program.

In addition, the quality of office service given to our Nation's retirees declined with the advent of the SSI workload. On September 17, 1976, at our New York City field hearings, the president of the New York-New Jersey Council of Social Security District Office Employees testified:

The tremendous backlog and ongoing workload of SSI redeterminations has had an adverse affect on maintaining the level of service customarily provided by SSA employees to beneficiaries of the social security program.

Waiting times have steadily increased at all offices to the point where 3- to 4-hour waits are common. The pressures to interview such large numbers of people each day have forced employees to rush through one interview so they could get to the next one. This continuous day-to-day pressure has resulted in an increase in errors and has seriously lowered the morale of the employees.

Following is a portion of a letter which I have just received from a social security employee in Philadelphia:

Point 8—The single most serious problem facing SSA is the inability to give SSA(RSI) claimants the immediate, effective attention they most certainly deserve. Take for instance before the commencement of SSI. A claimant filing for retirement under RSI would have his claim filed, processed and receiving checks in approximately six—seven weeks the most. Even a medicare card would be generated at the appropriate time. NOT NOW. With SSI Claimants utilizing the SS employees time, checks are now received in approximately 10–12 weeks and sometimes longer.

An American Federation of Government Employees local president from Nebraska wrote me, stating:

5. SSI has had an adverse effect upon the quality of other S.S.A. programs. The claimants require more time, the interviews are longer, the constant mobility of the claimants, innumerable events which keep changing payments such as moving to another's home, into a nursing home, inheriting some money, winning at Bingo or the race track, selling a resource, all these innocuous events create a chain of administrative events.

6. Most employees believe S.S.A should not be burdened with any more multimillion beneficiary programs to administer. S.S.A. has reached a saturation point, and is spread far too thin as it is. The public expects more, is more demanding, questions the explanations of the laws and are suspicious and alienated by bigness and big bureaucracies. It is impossible to be all things to all people and do it efficiently.

Second, while I do not believe Social Security should be given any major new programs to administer, I also believe our hearings show that if Social Security had been an independent agency, free of HEW, and able to speak directly to the President, the problems which marred the startup of SSI and which still plague the Administration could have been avoided. As employee union witnesses testified at our New York hearing last September:

Politically, the decisions of the Nixon/Ford Administration's office of Management and Budget and the Civil Service Commission have seriously disrupted all national planning regarding staffing the Social Security Administration. Rather than authorize the number of full-time career employees outlined in the budget requests made by S.S.A. to the office of Management and Budget, S.S.A. Management was given minimal permanent staffing and blanketed with temporary, term, and part-time employees as a solution. It is our belief that as a part of the Executive Branch, Social Security Management officials willingly tempered their manpower requests and projections to suit the philosophy of the Administration.

This same management was aware that restrictions imposed by the last two administrations kept staffing at levels insufficient to deal with the massiveness of the new S.S.I. legislation. We feel they failed to make this case on behalf of the American people. As the result of this, chaos ensued.

Some of the strongest testimony I have heard in support of an independent Social Security Administration came from former Commissioner Robert Ball—now scholar in residence, National Academy of Sciences—who compared the startup of medicare with the startup of the SSI program:

Mr. BALL. Equally important, there was not the kind of a delegation of authority that is needed to get a mammoth job like this done in a short time.

If I can emphasize one thing, it is this point about putting in a new program, about the need to put somebody fully in charge and hold him responsible.

In 1965 when SSA was charged with the responsibility for setting up the Medicare program, SSA was fully in charge and had the complete support and help of all parts of government, all of the executive branch, budget, the President, the Congress, and so on.

This time in the implementation of SSI, and I was just there long enough to be able to know about some of this and observe the rest, levels of administration above SSA were slow to supply sufficient manpower for the new program and slow to approve needed computer capacity.

Mr. VANIK. What agencies were involved?

Mr. BALL. You had to go through HEW justification for additional manpower as a step toward getting approval in the Office of Management and Budget so that you could be delayed for months and were. This was a period when the Government was generally holding down manpower very strictly. I want to be completely fair on this, originally there was a good block of manpower given to social security for this. It was recognized and when they came back to get more, that is when the real delay set in. The same with computer capacity.

I am not arguing if you had 5 years you could not figure out a way to use SSA's existing computer capacity, but in the timeframe involved there needed to be additional computer capacity. That was held.

That did not happen in medicare.

Another point, in the same vein, Mr. Chairman, is that detailed review of policy issues at staff levels above SSA also made it impossible for the agency to respond quickly to implementation issues as they arose.

I just want to summarize that point by saying in big, new programs, medicare and SSI or if we are going to have national health insurance and welfare reform, there is no way to make these things work well until the usual levels of bureaucratic clearance give way to a full delegation. There is just no time for passing all that paper back and forth. The need for complete delegation was recognized in medicare, but not SSI.

I believe we should forever free social security from the type of bureaucratic delays and lack of top-HEW, top-OMB support which created the SSI disaster. I believe that the bill which Senator

CHURCH and I are introducing today will achieve that purpose. I hope that during the coming months of discussion on reorganization that we will be able to enact this legislation.

IMPACT AID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. DICKS) is recognized for 5 minutes.

Mr. DICKS. Mr. Speaker, today, I am introducing legislation which will increase the appropriation for Federal impact aid to schools from the $370 million requested in the President's budget to the $830 million needed to assist school districts financially burdened as a result of Federal activities. Last year's appropriation was $768 million. The table below compares the 1977 grant to schools in my district with the amounts that would be made available under President Carter's budget and under the $830 million appropriation needed to fulfill congressional intent of Public Law 81–874:

COMPARISON OF BUDGETED AND PROPOSED FISCAL YEAR 1978 APPROPRIATIONS FOR FEDERAL IMPACT AID P.L. 81–874 (ESTIMATED)

	Budgeted	Needed
Impact aid	$370,000,000	$830,000,000
King County:		
Federal way	8,000	130,000
Auburn	128,500	228,500
Kitsap County:		
North Kitsap 400	88,900	339,500
Bremerton	120,300	884,500
Central Kitsap	427,900	1,129,000
Bainbridge Island	11,000	53,500
South Kitsap	11,800	779,000
Pierce County:		
Clover Park	3,546,500	4,339,000
Franklin Pierce	(1)	248,500
Peninsula	(1)	95,000
University Place	(1)	110,500
Eatonville	15,900	39,500
Steilacoom	17,500	121,500
Tacoma	14,800	702,500
Bethel	(1)	376,500
Total	4,391,100	9,577,000

[1] None.

The table above illustrates the fiscal impact of the program cuts. The schools in my district need Federal impact aid to provide basic education to the children of Federal employees. The President's budget limits this aid to schools to only those children who reside on Federal property and have a parent on active duty in the services, or who reside on Federal property and have a parent employed on Federal property situated in the same State as the school district or within reasonable commuting distance of the district. Payments to schools for children who reside on Federal property or reside with a parent employed on Federal property, or have a parent on active duty in the services are not allowed.

The results of these proposed cuts in Federal impact aid will be a lowering of the quality of education for all children in school districts impacted by Federal activities. Sources of revenue other than Federal impact aid are often limited, and in some school districts nonexistent. In my district, the people support the schools with their property taxes. The economy is dominated by the Federal Government, an employer which does not contribute to the tax base. The people have accepted the Federal Government's decision to place these military installations and Federal agencies in their communities. In return, they should not be asked to lower the quality of their children's education, for without an increase in the President's request for impact aid, the quality of education in these communities will deteriorate immediately. I urge my fellow Members of the House of Representatives to support an increase in Federal impact aid.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ERTEL) is recognized for 5 minutes.

Mr. ERTEL. Mr. Speaker, I regret that I may not be able to be present during the entire time the House meets today and will have to pair any votes that I may miss. I will have to leave, because of a longstanding commitment to be the keynote speaker at the annual meeting of the Tri-County United Way in Harrisburg. This organization funds more than 40 social agencies serving the communities and the people of Perry, Dauphin, and Cumberland Counties. I look forward to helping them in any way I can to continue their vital programs.

LEGISLATION TO PROHIBIT CHILD PORNOGRAPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr. Speaker, today I reintroduce a bill, along with Mr. KILDEE, regarding the use of children in the production and marketing of pornographic materials. With today's additional cosponsors, there are now 104 Members of Congress who have joined together—nearly one-quarter of this legislative body representing 70 percent of the States of the Union—in the battle against this incredibly virulent form of abuse of America's children.

The scope of the problem is nationwide; the reality of what is being done to these children almost defies description. The current issue of Time magazine, April 4, 1977, page 55, has published a brief article which details some of the case histories of this sexual exploitation and abuse of children. I personally find it difficult to believe that such perversity and callousness could be directed toward a young child who is unable to understand either the act itself or the lifelong effects it will have on his or her emotional development. Yet the reality exists, and the article, which I herewith include for the RECORD, only touches on the surface of those cases which are printable.

Yet there is no Federal law, specifically prohibiting the use of children in pornography.

Our legislation is currently before Mr. RODINO's Subcommittee on Monopolies and Commercial Law, and Mr. BRADEMAS' Subcommittee on Select Education, awaiting public hearings and testimony on this most odious and repulsive form of pornography. One hundred and four cosponsors strongly urge the chairmen to schedule hearings at an early date:

H.R. —

A bill to amend the Child Abuse Prevention and Treatment Act to prohibit the sexual exploitation of children and the transportation and dissemination of photographs or films depicting such exploitation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Exploitation Prevention Act".

SEC. 2. The "Child Abuse Prevention and Treatment Act" (P.L. 93–247, 88 Stat. 4) is amended by inserting at the end thereof the following new sections:

"SEXUAL EXPLOITATION OF CHILDREN

"SEC. 8. Sexual abuse of children:

"(a) Any individual who causes or knowingly permits a child to engage in a prohibited sexual act or in the simulation of such an act shall be punished as provided under subsection (c) if such individual knows, has reason to know, or intends—

"(1) that such act may be photographed or filmed; and

"(2) that any photograph or film depicting such act may be transported, shipped, or mailed through interstate commerce or foreign commerce or may affect interstate commerce or foreign commerce.

"(b) Any individual who photographs or films a child engaging in a prohibited sexual act or in the simulation of such an act shall be punished as prohibited under subsection (c) if such individual knows, has reason to know, or intends that any photograph or film made by such individual depicting such act may be transported, shipped, or mailed through interstate commerce or foreign commerce or may affect interstate commerce or foreign commerce.

"(c) Any individual who violates subsection (a) or (b) shall be fined not more than $50,000 or imprisoned not more than twenty years, or both.

"SEC. 9. Transportation and dissemination of certain photographs and films:

"(a) Any individual who—

"(1) knowingly transports, ships, or mails through, or in such a manner as to affect, interstate commerce or foreign commerce any photograph or film depicting a child engaging in a prohibited sexual act or in the simulation of such an act; or

"(2) receives for the purpose of selling or sells any photograph or film which has been transported, shipped, or mailed through, or in such a manner as to affect interstate commerce or foreign commerce, and which depicts a child engaging in prohibited sexual act or in the simulation of such an act, shall be punished as provided under subsection (b).

"(b) Any individual who violates subsection (a) shall be fined not more than $25,000 or imprisoned not more than fifteen years, or both.

"SEC. 10. Definitions:

"For purposes of this chapter:

"(1) The term 'child' means any individual who has not attained age sixteen.

"(2) The term 'prohibited sexual act' means—

"(A) sexual intercourse;

"(B) anal intercourse;

"(C) masturbation;

"(D) bestiality;

"(E) sadism;

"(F) masochism;

"(G) fellatio;

"(H) cunnilingus;

"(I) any other sexual activity; or

"(J) nudity; if such nudity is to be de-

picted for the purpose of sexual stimulation or gratification of any individual who may view such depiction."

SEC. 11. Enforcement:

1. For purposes of enforcement, such enforcement authority as necessary for the provisions of Section 8 and Section 9 of this Act shall be vested in the Attorney General of the United States.

SPONSOR AND COSPONSORS

Mr. Murphy of New York, for himself and Mr. Kildee of Michigan, Mr. Coughlin of Pennsylvania, Mr. Hannaford of California, Mr. Traxler of Michigan, Mr. Baucus of Montana, Mr. Brodhead of Michigan, and Ms. Oakar of Ohio.

CHILD'S GARDEN OF PERVERSITY

Lollitots magazine is one of the milder examples. It features preteen girls showing off their genitals in the gynecological style popularized by *Penthouse* and *Playboy*. Other periodicals, with names such as *Naughty Horny Imps, Children-Love* and *Child Discipline*, portray moppets in sex acts with adults or other kids. The films are even raunchier. An 8-mm. movie shows a ten-year-old girl and her eight-year-old brother in fellatio and intercourse. In another film, members of a bike gang break into a church during a First Communion service and rape six little girls.

These and a host of other equally shocking products are becoming increasingly common fare at porn shops and sex-oriented mail-order houses across the nation. They are part of the newest growth area pushed by the booming, billion-dollar pornography industry: child porn.

"I just found out about these magazines and films this summer, and I've become a raving banshee over it," says Dr. Judianne Densen-Gerber, a Manhattan psychiatrist who has been barnstorming around the country in a crusade against this abuse of minors. Her effort is only one part of a new campaign against child porn. New York City has cracked down, and police have at least temporarily forced kiddy-sex periodicals and films out of the Tawdry Times-Square area. Some twenty states are considering child-porn laws. Last week the Illinois house of representatives approved a bill setting stiff penalties for producing and selling child porn. The bill is expected to pass the senate and become state law.

Child porn is hardly new, but according to police in Los Angeles, New York and Chicago, sales began to surge a year or two ago and are still climbing. Years ago much child pornography was fake—young-looking women dressed as Lolitas. Now the use of real children is startlingly common. Cook County State's Attorney Bernard Carey says porno pictures of children as young as five and six are now generally available throughout Chicago. Adds Richard Kopelkin, a state's attorney investigator: "They are even spreading to the suburbs, where they are now considered rare items, delicacies."

Among recent developments:

Underground sex magazines are heavily stressing incest and pedophilia. One current West Coast periodical ran ten pages of photos, cartoons and articles on sex with children.

In San Francisco hard-core child-porn films were shown in a moviehouse for five weeks before police seized the films last February. Even San Francisco's Mitchell brothers, the national porn-film kings, were outraged. Says Brother Jimmy: "We think obscenity laws should start with child porn."

An Episcopal priest, the Rev. Claudius I. Vermilye Jr., who ran a farm in Winchester, Tenn., is awaiting trial on charges that he staged homosexual orgies with boys on the farm and mailed pictures of activities to donors around the country.

Until recently, much child porn sold in America was smuggled in from abroad. Now most of it appears to be home grown, with the steady stream of bewildered, broke runaways serving as a ready pool of "acting talent" for photographers. Pornographers who stalk children at big-city bus stations find many victims eager to pose for $5 or $10—or simply for a meal and a friendly word. Says Lloyd Martin, head of the Los Angeles police department's sexually abused child unit: "Sometimes for the price of an ice-cream cone a kid of eight will pose for a producer. He usually trusts the guy because he's getting from him what he can't get from his parents—love." In many cases, the porn is a byproduct of child prostitution. Pimps invite children to parties, photograph them in sex acts, and circulate the pictures as advertisements to men seeking young sex partners. Frequently, the pictures are then sold to porn magazines.

Even worse, some parents are volunteering their own children to pornographers, or producing the sex pictures themselves. Last year a Rockford, Ill., social worker was sent to jail for allowing his three foster sons to perform sex acts before a camera for $150 each. In January, a couple in Security, Colo., was charged with selling their twelve-year-old son for sexual purposes to a Texas man for $3,000.

Some children in porn photos are victims of incest. Parents will have intercourse with a son or daughter, then swap pictures with other incestuous parents, or send the photos to a sex publisher. Sex periodicals, particularly on the West Coast, publish graphic letters on parents', sexual exploits with their own children. Says Los Angeles' Martin: "We had one kid in here the other day who is eleven years old. His father started on him when he was six, then sold him twice as a sex slave. The kid had been in movies, pictures, magazines and swap clubs. After a while, he broke down and cried and said how grateful he was to have been pulled out of it."

Such experiences can of course scar a child for life. Warns New York Psychoanalyst Herbert Freudenberger: "Children who pose for pictures begin to see themselves as objects to be sold. They cut off their feelings of affection, finally responding like objects rather than people." Some psychiatrists believe that children who pose in porn pictures are often unable to find sexual fulfillment as adults. Another danger, says Los Angeles Psychiatrist Roland Summit, "is that sexually abused children may become sexually abusing adults."

Child porn poses fewer hazards for the pornographers. Producers of child porn can be prosecuted for sexual abuse of children, but the children are hard to identify and locate. So are the producers, who often hide behind a welter of dummy corporations. Thus most prosecutions are under the obscenity laws, which generally make no distinction between children and adults as porn models. One result: many lawyers believe that the genital pictures in *Lollitots*, however offensive, might be judged no more obscene under the law than similar photos of adult women routinely published in most men's magazines.

To make prosecutions easier, angry legislators in several states and Congress are proposing a kind of end run around the obscenity laws—a ban on sexually explicit pictures of children, whether legally obscene or not. One bill introduced into the House of Representatives by Democrats John Murphy of New York and Dale Kildee of Michigan already has 103 co-sponsors. It would make any proven involvement with the production and sale of explicit sex pictures of children a felony. Says a Kildee aide: "Our bill is clearly enough directed toward child abuse so that the First Amendment should not arise. This is why we defined child pornography as a form of abuse, rather than a form of obscenity."

Under this approach, a salesman in an adult bookstore could be prosecuted as an active participant in the crime of sexually exploiting the children pictured in the store's magazines. New York Lawyer Charles Rembar, who successfully defended *Lady Chatterly's Lover* and *Fanny Hill* against obscenity charges, thinks the seller of child porn is a suitable target: "It is totally unrealistic to say that the people who sell these magazines and films are not involved in the act themselves." Yet other lawyers consider a broad child-abuse law a form of backdoor censorship. Says Ira Glasser of the New York Civil Liberties Union: "I assume if you put your mind to it, you could come up with an acceptable statute prohibiting adults from using children in explicit sex films and photos, but controlling what people see or read is another matter. Everything published ought to be absolutely protected by the First Amendment."

Despite First Amendment problems, public pressure for some kind of law is likely to grow. Many Americans battling against child porn view their efforts as a last stand against the tide of pornography. Says California State Senator Newton Russell: "This is a reflection of the social and spiritual morality of this nation. If there is to be any reversal in the trend, the place to start is child porn."

ESTABLISHMENT OF A HOUSE INTELLIGENCE COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

Mr. ZABLOCKI. Mr. Speaker, I am introducing today a House resolution to establish a new standing Committee of the House—the Committee on Intelligence. The committee would be comparable to that which is already established in the Senate, although there are some modifications in my resolution, as distinguished from the Senate's comparable legislation, which have been included in an effort to make improvements.

There is no need to go into historical detail at this point to demonstrate the need for establishment of an Intelligence Committee in the House. The need is clear to many Members already.

It is vital to the Nation to have an effectively-functioning foreign intelligence system. It is equally necessary that the Congress of the United States exercise proper control over U.S. intelligence activities, and to be apprised of the information obtained.

Unfortunately, in a great democracy such as ours, there must be secrecy in various aspects of the intelligence function. This need cuts against the grain of our philosophy of making the maximum amount of information available to the people.

What I am hoping the establishment of an Intelligence Committee in the House will accomplish is to maintain the largest possible flow of intelligence information to the Congress and to the public, while at the same time strengthening Congress control over intelligence activities. A single committee can more effectively achieve these goals than is now possible in the House.

The need from the standpoint of leg-

islative procedures also is apparent in our relations with the Senate. The Senate's Intelligence Committee, which has performed well so far, can report out measures but when such legislation gets to the House there is no comparable committee to consider it.

I urge the Committee on Rules to give serious consideration to the establishment of an Intelligence Committee in the House in the near future.

INTRODUCING A RESOLUTION TO PROVIDE FOR RADIO AND TELEVISION BROADCAST COVERAGE OF FLOOR PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, in a continuing effort to make our representative form of Government more intelligible, efficient, open, and responsive I am introducing today a resolution to provide for radio and television broadcast coverage of floor proceedings in the House of Representatives. In my estimation such coverage would benefit both the American public and the House itself. It is something that is long overdue.

Recent surveys and public opinion polls show a trend that must alarm every Member of Congress. The trend to which I refer is the precipitous decline in the number of people who approve of the performance of Congress. It is a sad fact that this vital institution has scarcely ever been held in lower esteem by those whom it serves. While there are undoubtedly many causes of this loss of confidence, one of the principal causes is a widespread ignorance of the way in which Congress conducts its business. Accompanying the ignorance is a suspicion that things are not being done right. It is not far from there to the conclusion that Members of Congress have something to hide.

In the 94th Congress a bill was passed to permit public attendance at most meetings of executive branch agencies. I supported that bill in the belief that it was time for the public to acquire a better understanding of the daily operations of its Government. For me, as for most of my constituents, the Government in the Sunshine Act was a landmark among efforts to reform the Federal bureaucracy, though in the aftermath of its passage many of us were left wondering why the excellent ideas embodied in the act were not fully extended to the legislative branch. Of course, progress has been made in Congress. The meetings of committees in both the House and Senate are more open now than ever before and the secrecy of markup sessions is rapidly becoming a thing of the past. These are appreciable gains of which we should be proud. However, much more remains to be done. The most important parts of the institution, the Chambers of the House and Senate, remain effectively closed. Reporters may sit in the galleries during floor proceedings, and they may describe what they see forthrightly and diligently, but no one will claim that the public thereby attains a deeper insight into the workings of Congress. These continue to mystify most people.

The potential benefit to the public of radio and television broadcast coverage of floor proceedings is apparent enough, but not to be overlooked is the potential benefit to Congress itself. One often hears the complaint that the job of a Member of Congress has become so complex that even the most necessary of tasks cannot be adequately performed. In an attempt to help Members meet the need to be too many places in too little time Congress has turned to such things as electronic voting, increased computer services and larger staffs. This assistance may have stemmed the overwhelming tide of work, but clearly it has done nothing to turn that tide back. Most Members will readily admit that they are as busy as ever.

One of the worst problems is that of a Member's absence from the Chamber during floor proceedings. Committee business, meetings with constituents and a hundred other duties compel such absence time and time again. However, once a Member leaves the floor for whatever reason he is effectively cut off from proceedings there. Sometimes he rushes back to the floor with only a superficial awareness of a parliamentary or legislative situation which has developed while he was away. Sometimes his votes in those situtions are not as informed as they should be. It is no exaggeration to say that Congress has handicapped itself severely by its failure to make use of communications technology to keep Members informed of ongoing floor action.

Aside from its educational impact on the public and its informational value to Members of Congress, radio and television broadcast coverage of floor proceedings would be advantageous in other ways. For example, there is every indication that it would have a salutary effect on the floor proceedings themselves. According to a recent report of the Twentieth Century Fund Task Force on Broadcasting the Legislature:

> The experience of states and foreign countries tends to prove that, far from making actors or demagogues of members, the presence of television improves the conduct of debate and increases the efficiency of the legislative session.

Doubtless the same thing could be said of the presence of radio. A positive report of this sort should allay the fear that microphones and cameras would cause Members to grandstand and play to the audience.

Another obvious advantage of such coverage, the creation for posterity of an extremely accurate and comprehensive historical document of floor proceedings, ought to be mentioned. Of course, an audiovisual document would be much more revealing and true to the facts than would a printed journal. In fact, such a document might very well serve to correct many of the abuses to which the CONGRESSIONAL RECORD and other journals are subject. The value of this rich archive to future historians and political scientists should not be underestimated.

Allow me to describe the resolution in very brief terms. It would:

Express findings that radio and television broadcast coverage of floor proceedings in the House is desirable;

State that the purpose of the resolution is to provide a proper and acceptable means of allowing such coverage, with utmost concern for maintaining the dignity and decorum of the House and insuring fair and equitable treatment to all sides of an issue;

Provide for such continuous coverage without any limitations or restrictions except in the case of a secret session;

Specify that the Speaker of the House be responsible, with assistance from a Broadcast Advisory Board, for implementing and overseeing such coverage;

Provide that all radio and television stations, systems, networks and services in the United States and its territories be given access to such coverage, which is restricted to legitimate news and research purposes and may not be used for political purposes or with commercial sponsorship;

Provide that the Library of Congress, under arrangement with the Clerk of the House, make copies of the tapes of such coverage and make such copies available through the interlibrary loan system;

Specify that such audio coverage be made available to each Member and committee through a closed-circuit radio system;

Provide for the installation of necessary equipment;

Prohibit control over microphones by anyone other than House personnel;

Prohibit copyright of such coverage;

Require House access to all such live coverage;

Specify that any station given access to such coverage pay a fair fee for it and be allowed to use it at its own discretion;

Direct the Committee on Rules to review broadcast operations before the end of the Ninety-fifth Congress and again in the Ninety-seventh Congress;

Specify that such initial coverage be by means of a contract with a network pool consisting of ABC, CBS, NBC and PBS; and

Provide for an effective date and funding.

The resolution which I have just described is thoroughgoing and carefully drafted. The changes required would be simple and economical. It would enhance the right of the American public to know about Congress, aid Members of Congress in the discharge of their duties, improve legislative sessions and create an archive for the future. Last, it would address and prevent abuses that might attend radio and television broadcast coverage of floor proceedings.

Mr. Speaker, it is time for the House of Representatives to capitalize on the revolution in communications technology. To fail to do so would be an unfortunate omission. I urge my colleagues to give the resolution their closest attention.

THE FOSTER CARE AND ADOPTION REFORM ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 10 minutes.

Mr. MILLER of California. Mr. Speaker, I am introducing today the Foster Care and Adoption Reform Act of 1977, a comprehensive piece of legislation carefully designed to remedy a continuing crisis in foster care which affects hundreds of thousands of children, and their families across this Nation.

I am very proud that eight of my colleagues are joining me in introducing this legislation today. These cosponsors include seven members of the Subcommittee on Public Assistance and Unemployment Compensation including the distinguished chairman, and the majority whip.

The thrust of this legislation is to look at the problems of foster care and adoption in a thorough manner. It is important to increase our ability to provide much needed assistance to families in crisis before placement is required. It is similarly critical to provide more services after placement which can help to reunify the family. We must provide greater accountability for children and families involved in the foster care system by extending to them better procedural and due process protections. We must improve our data collection and information dissemination systems so as to increase our knowledge about the children in the system because inadequate information systems have handicapped our ability to track children in care.

And last, we must increase the possibilities for adoption of foster children by providing cost-effective subsidies to adopting parents, rather than continue, by our Federal law, to discourage the permanent placement of these children.

In nearly 2 years of personal investigation, I am yet to find defenders of the present foster care system. But I have found many of its victims—the families who are torn apart by the Federal requirements which encourage the fragmentation of the family; the children floating in limbo, receiving none of the assistance which would enable them to return home or enter another permanent home; the foster parents, who receive minimal financial assistance and few of the services which would enable them to better provide for their foster children. This is the continuing crisis of foster care which we must remedy.

The issue is not whether we will spend Federal funds on these children and families, but when. We can either adequately support preventive service programs which can keep families together, or ignore the developing crisis and continue to pay hundreds of millions of dollars annually to maintain them in long-term foster care, without any benefit to them or their families.

Foster care was originally conceived as a short-term separation of parent and child, during which time reunification services were to attempt to remove those factors necessitating out-of-home placement. We now know that children often are thrust into placement without any type of preventive services and remain there for years with no attempts to return them to their natural homes.

The need for this legislation has recently been demonstrated by three detailed studies: "Foster Care in Five States"—California, Iowa, Vermont, Arizona, and Massachusetts—written by the Department of Health, Education, and Welfare; a multi-State review of children in placement, prepared by the General Accounting Office, commissioned by Congressman JOHN BRADEMAS, chairman of the Subcommittee on Select Education, and myself; and a review of foster care in the eight Southeastern States funded by HEW and just completed by the Regional Institute of Social Welfare Research.

The conclusions reached in these reports are alarming:

The number of children in federally funded foster care has skyrocketed from 1,020 in 1962 to over 115,000 in 1976.

The average monthly payment for children in placement in 1976 was $260—for a home-placed child—and $601—for an institutionalized foster child, roughly one-fourth of all children reported.

Almost all studies have shown that virtually no services are available to biological families after the child has been placed in foster care—at best, followup seems to be a sporadic phenomenon—HEW report—similar finding by RISWR.

Over 60 percent of the children in placement in the Southeast could be better served elsewhere. Nearly one-third could be returned to their natural homes, and another 10 percent could be adopted—RISWR report.

One-third of the children in placement, examined by GAO, had not been reviewed in 6 months as required by Federal law. In California, over half the children had not been reviewed in that period and in Massachusetts, the figure was 26 percent. Witnesses at congressional hearings have estimated that there may be as many as 100,000 children lost in the foster-care system.

In Arizona, HEW has found that children intended to remain in care for no more than 3 months actually were in placement for over 2 years. Those placed for adoption remained in indeterminate placement for over 2 years.

Massachusetts found that 66 percent of the natural parents with children in foster placement reported that they had been "unable to get assistance for their problem until placement," and 30 percent said that they did not feel that placement was warranted. Virtually no effort is made—to keep the biological family together and prevent placement of children in foster care. These findings were not unlike those in other States.

In reviewing various State programs, HEW has concluded:

> Most of the studies cite [a] lack of adequate planning, goal setting, review, and follow-up of cases as major problems hindering achievement of foster care objectives.

HEW also notes:

> Every State study cites insufficient case planning and lack of consideration of alternatives to foster care as serious failures of the program.

A potential channel for funding these services, title IV–B of the Social Security Act, has been severely underfunded for several years. Although the current authorization stands at $266 million, only about $50 million has been appropriated for child welfare services, generally those programs cited in studies and mandated in my legislation as being effective in reducing the likelihood of placement for its duration. I am extremely pleased to say that within the last few weeks, the House Ways and Means Committee, the House Budget Committee, and the Senate Finance Committee have all endorsed full funding for title IV–B and I am hopeful that the Senate Budget Committee will follow suit tomorrow.

Current Federal costs for foster care currently are about $700 million, and State and local expenditures may be several times that amount. This amounts to a major expenditure of money for a program which does little more than warehouse children for years, as most of those involved in the program in the States readily admit. Many counties are so strapped for funds that they expend money merely for maintenance, rather than for services, and the child remains in placement indefinitely as a result.

In recent years, there have appeared several demonstration service delivery and monitoring programs in selected locations throughout the country. The results of these experimental programs, in reducing unnecessary placements, providing needed services to families, and returning children to their own homes are remarkable and prove beyond doubt that, with adequate support, local administrators have the desire and expertise to revise the current state of affairs in foster care.

In Nashville, during the early 1970's, the comprehensive emergency services program, funded partly by HEW, developed services for families in crisis. The impact on reducing placements and time in placement illustrates how a successful preventive program can operate:

Number of neglect or dependent petitions filed: minus 56 percent.

Families involved in neglect and dependent proceedings: minus 54 percent.

Number of children removed from home: minus 51 percent.

Number of children institutionalized: minus 85 percent.

Number of children under age 6 institutionalized: minus 100 percent.

Recidivism rate for neglect and dependency: minus 88 percent.

Number of children in long-term care for more than 2 years reduced from 94 percent to only 34 percent.

Funds saved during Nashville program: $68,000.

In New York City, where a year of foster care can cost from $5,000 to $13,000 the Child Welfare League operated a similar program—the New York State preventive services demonstration project. For an investment of $500,000 for services, the estimated saving over

1 year was $2,000,000. A recent review of the program concluded:

The findings of the project indicate that a program of intensive counseling and concrete services—made readily available to families when foster care placement of a child has occurred or is imminent—can be effective in preventing or reducing the length of placement, enhancing the functioning of the parents and children, improving the environmental conditions of families, and *in securing considerable savings in foster care expenditures.*" (Emphasis added.)

In addition to these service programs, efforts to reduce the duration of foster care have achieved highly successful results in over a dozen cities around the Nation. Operated by the National Council of Juvenile Court Judges, the children-in-placement project—CIP—utilizes largely volunteer personnel to supplement overburdened courts charged with reviewing foster care placements. At minimal cost, the CIP project has sharply reduced the number of children in care, and reunited children with their families in every community in which it has been implemented by reducing the burden on the family and juvenile courts.

The "chief barrier to finding homes" for the tens of thousands of children in foster care who cannot return to their natural parents is "the lack of adoptive families able to assume full financial responsibility for them," according to Boston College law professor Sanford N. Katz. The Children's Bureau has estimated that there are 120,000 foster children in indeterminate placements waiting to be adopted. Professor Katz led a study by the Child Welfare League, financed by HEW, which developed a Model Subsidized Adoption Act for State legislatures. Versions of that act have been enacted by over 40 legislatures, but most programs have been handicapped by the lack of supporting Federal funds.

Where strongly supported, subsidized adoption programs have been found to be beneficial to the children and cost effective, too. The State of Washington passed an adoption support act in 1971, and 4 years later the results were reported to the State legislature, concluding:

There is a highly significant relationship between the availability of financial support for the adoption of hard-to-place children and the adoption of those children. Children for whom adoption subsidy was available experienced a higher rate of adoption than similar children for whom support was not available.

A recent Congressional Research Service report found that—

The total savings which would result from the adoption of one child would be $131,760 for the period (from age three) until that child reached age 21.

In the Washington State demonstration project, the cost effectiveness of adoption supports was evident:

When payments between foster care and adoption support are compared, there is a savings of 18.7% with adoption support.

Other States, too, have realized substantial savings through introduction of adoption supporters in place of foster care:

California, by paying $92 per month in adoption subsidy rather than $133 for foster care, saved $646,860 in 1 year alone;

Connecticut, by reducing its per child monthly charge by $10, saved $60,852 in 1 year;

In Illinois, nearly $300,000 was saved by the adoption with subsidy of 45 foster children;

In Michigan, $86,422 was saved in the first 6 months of 1974 alone, a cost equaling just 57 percent of the amount which would have been required had the children remained in foster placements.

The Washington report concluded:

(I)mplementation of an adoption support program for hard-to-place children will result in many more of these children being adopted.

The bill I today introduce, therefore, authorizes the payment of such subsidies to families under title IV–A of the Social Security Act.

The record clearly indicates that the foster care and adoption situation today is a national disgrace, that it fails to achieve a single one of the goals established for current Federal programs, and that it, in fact, makes victims of the very children and families it is supposed to benefit. The Foster Care and Adoption Reform Act of 1977 is the product of nearly 2 years of investigation, consultation with State and local administrators, children's advocates and legal organizations, Federal officials and many others who have contributed their best thoughts in assisting me to formulate this legislation. Its enactment will represent a long awaited statement of commitment by this Congress and the new administration to the children and families of this Nation.

I am submitting today a section-by-section description of the Foster Care and Adoption Reform Act, and invite my colleagues to join me in sponsoring this legislation and encouraging its swift enactment.

SECTION-BY-SECTION DESCRIPTION OF THE FOSTER CARE AND ADOPTION REFORM ACT OF 1977

Section 1. Title

Section 2. Findings and purposes

Section 3. Amends title IV–B of the Social Security Act, eliminating the $266 million authorization and replacing it with an entitlement with a cap of $300 million.

Section 4. Repeals Sec. 408 of the Social Security Act (foster care) effective September 30, 1980.

Section 5. Section 470: (a) Establishes a requirement that, by September 30, 1980, each state must have in effect a State Plan for Foster Care and Adoption Services without which no title IV–A maintenance or other payments may be made.

(b) Details of the state plan, including. a maintenance of effort by the state for expenditures under title IV–B at 90 per cent of current spending; voluntary or involuntary placement of a child in foster care approved only after adequate preventive services (defined) have been offered and either failed to alleviate the situation, or have been refused, except in certain emergency cases; development of a voluntary placement detailing rights, obligations and responsibilities of all parties during the period of placement; the child's right to placement with relatives or in his own neighborhood; a prohibition on the placement of foster children near criminal offenders; preparation and periodic modification of an individualized case plan for each child; provision of services to the child and parents designed to achieve family reunification after placement has occurred; semi-annual impartial reviews of placement, and due process protections to assure that the full procedural rights provided in the Act are accorded the child and parents; a dispositional hearing to be conducted no later than 18 months after placement in order to determine the child's future placement either in the natural family, in a permanent adoptive home, or in long-term foster care (under specified circumstances); procedures covering a parental request for the establishment of a data collection system to provide greater knowledge regarding children in placement; annual reports to the Secretary of HEW regarding the State's program; cooperation between the states and HEW in moving toward meeting caseload standards established by national professional organizations; confidentiality provisions; a grievance procedure for parents, foster parents, or children who believe they have been denied some right under the Act.

(c) Requires the Secretary to approve plans which are in conformity with the requirements of section (b).

(d) Definitions of "parent" and "child".

Section 471: Duties of the Secretary: The Secretary's responsibilities include: development of regulations and guidelines for determining costs and reimbursements, and for setting rates; provision of technical assistance to States for help in developing standards for foster homes and institutions, and for the training of foster parents; evaluation of state reports; penalty provisions for noncompliance with the state plan; dissemination of information about successful programs, and data collection and provision of assistance in the replication of successful programs; consultation with other federal agencies to achieve better integration of other programs, specifically voluntary programs for senior citizens, in providing some of the services which are to be offered families and children.

Section 472: Foster Care Support Payments:

(a) Modified eligibility for federal reimbursement, opening eligibility to children who have been placed in accordance with the State Plan, including voluntarily placed children under specified circumstances. Also, allows children placed in conformity with the eligibility standards in this legislation prior to the approval date for state plans to be claimed for reimbursement if the administrative, procedural and due process provisions of this law are applied to each such child within three months of their having been claimed.

(b) Technical.

(c) Technical.

(d) Reenacts sections of the current Sec. 408 concerning the counting of certain administrative costs by a public agency in placing a child to be counted as maintenance payments.

(e) Definitions of "foster family home", "group home" and "child-care institution".

Section 473: Eligibility Requirements: Changes eligibility to permit federal reimbursement for children from a family with up to 60 percent of the state median income (compared to the present standard, which is AFDC eligibility). Permits a state to impose fees reasonably related to the income of the family and the cost of the service for those with incomes above the AFDC standard.

Section 474: Adoption Regulations:

(a) The Secretary is to appoint a Committee on Uniform Adoption Regulations.

(b) Obligation of the Committee, including the reporting to the Secretary of proposed adoption regulations within nine months.

(c) Secretarial responsibilities for disseminaton of draft regulations, and issuance of final regulations, which are not to be in conflict with current interstate compacts for the placement of children.

(d) Duties of the Secretary, including: dissemination of information; reports to the Congress; cooperation with the states; requirements that adoption agences subscribe to certain standards of quality; creation of a national information system to assist in locating permanent homes for adoptive children.

Section 6. Technical.

Section 7. Technical.

Section 8. Adoption Support Payments.

Section 411: (a) Allows for federal subsidies to be paid to the parents of adopted children.

(b) Adoption subsidies to be counted as maintenance payments under title IV–A of the Social Security Act for states complying with adoption regulations, providing that in cases where strong emotional ties have been established between a foster child and his foster parents, those parents must be given the first opportunity to adopt the child; in other cases, after diligent efforts have been made for six months to place the child without use of the subsidy and no suitable home has been found, the child should be certified as eligible for a subsidy.

(c) Technical provisions concerning calculation of the subsidy.

(d) Prohibits adoption subsidy payments to a state which fails to comply with federal regulations, or which discriminates against prospective adoptive parents because of race, ethnicity, marital status or age.

Section 9. (1) Technical (non-discrimination provision).

(2) Amends title IV–B to limit expenditures of new monies provided states for services designed to reduce the need for foster care.

Section 10. Amends the method of calculation title IV–B allocations to the States, eliminating the high state match currently required (although under section 470(b), states would have to continue to spend at 90 percent of their 1977 level expenditures while federal monies would increase by six times 1977 levels).

Section 11. Technical.

LEGISLATION TO PROVIDE BUSINESS AND INDUSTRY IN NORTHEAST WITH ADDITIONAL TAX INCENTIVES TO INCREASE INVESTMENT IN JOB-PRODUCING FACILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

Mr. BOLAND. Mr. Speaker, yesterday I introduced legislation for myself and on behalf of Mr. CONTE, Mr. EARLY, Mr. MARKEY, Mr. MOAKLEY, Mr. HARRINGTON, Mr. STUDDS, and Mr. TSONGAS which is intended to provide business and industry in the Northeast with additional tax incentives to increase investment in job-producing facilities.

The legislation, which has been endorsed by the Coalition of Northeastern Governors, would provide businesses with double accelerated depreciation for new plants and equipment, provided the new investments were made in areas with unemployment rates of 6 percent or more.

Under the proposal, tax payments to the Federal Government would be postponed, though not eliminated, thereby granting economically stimulating interest-free loans to companies willing to invest in stagnant economies. All Federal tax liabilities would eventually be paid in full.

The proposal, in "targeting" financial assistance to those areas of the country with high unemployment rates, would be of particular benefit to the industrialized Northeast where unemployment continues above national averages.

Specifically, the proposal would allow firms investing in manufacturing equipment in States where the 5-year moving average of unemployment rates exceeded the national average to calculate their Federal tax liabilities using depreciation rates twice those presently allowed. The legislation would thus be restricted to those areas in long-term economic difficulty and would phase out as unemployment rates declined.

If enacted, firms would pay less in the early years of investment's life with greater payments being made in succeeding years. The program would cost the U.S. Treasury nothing in the long run as back taxes were paid, yet investors would only be obligated to pay relatively modest amounts of tax in the early years.

The depreciation allowance proposal has several advantages. First, it targets tax relief to areas most in need of aid by limiting its benefits only to areas whose average unemployment rate for the last 5 years was above 6 percent. Thus, areas with chronic unemployment would be helped the most. Second, the program would phase out automatically in any area once the 5-year average unemployment rate falls below 6 percent, thereby preventing the continuation of tax incentives where they are not needed. Third, the program would be largely self-administering. Fourth, individual taxpayers and firms operating in healthy regions of the country would not bear the burden of the program. Fifth, the program would not be inflationary, since the program's benefits are targeted to regions with underutilized resources.

LEGISLATION TO ESTABLISH A NATIONAL CLIMATE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 20 minutes.

Mr. BROWN of California. Mr. Speaker, I am pleased to announce 3 days of hearings, April 4, 5, and 6, focused on provisions of legislation establishing a national climate program. The need for a national climate program is well established from extensive hearings and a report of the Subcommittee on the Environment and the Atmosphere in the last Congress. Recent events, including the current drought in the Western States and the extremely cold winter in the East, have only reemphasized the importance of the climate to human activities.

The impacts of climate fluctuations and potential human-caused climate change can override or deeply influence patterns of agricultural production and weather-crop interaction, patterns of energy demand and supply, patterns of human settlement and coastal demography, patterns of water supply and water use, and patterns of political stability and alliance.

Public interest in climatological questions is widespread. It crosses disciplinary and institutional lines and levels. The challenge is to foster an integrated, long-term national effort to understand climate as best we can and to assess the impact of climate fluctuation on human activity and society.

How well we expand the necessary sophisticated scientific research efforts of global scope will depend on how well diverse disciplines and agencies work together in a national climate program.

The program should have four major thrusts: First, establishment of a wide monitoring network to gather data and detect trends; second, advancement of our understanding of natural climate variability; third, improvement of monthly, seasonal, annual, and longer range predictions of climate parameters; and fourth, assessment of the economic, agricultural, energy, and other impacts of climate variability on human activities. Monitoring, research, and assessment activities must be coupled throughout with a network for disseminating the information generated rapidly and in useful form.

The subcommittee intends to report legislation to implement such a program. While the need for a national climate program is well established, leadership and responsibility for specific functions remain unresolved. Therefore, these hearings on this legislation are for the purpose of answering such questions as: What are the essential elements of a national climate program—NCP? What level of effort is appropriate for each element? How should they be organized and managed? How can planning, assignment of priorities, and coordination of activities in the NCP be achieved? How should existing climate-related activities be integrated into the new NCP? How can predictive and impact information outputs of the NCP best serve the user communities in agriculture, business, energy, public service, and so forth? How should the NCP be organized to best translate scientific climate data into information to help society adapt to climate fluctuations?

I am pleased to note that 41 Members have cosponsored this national climate program legislation. The proposal has had broad and bipartisan support over several years, particularly from Mr. WINN of Kansas, who is a primary cosponsor again this year.

The hearings will be in room 2325, Rayburn House Office Building, at 10 a.m. on Monday, April 4; 9:30 a.m. on

Tuesday, April 5; and at 10 a.m. on Wednesday, April 6. The list of witnesses follows:

COMMITTEE ON SCIENCE AND TECHOLOGY
SUBCOMMITTEE ON THE ENVIRONMENT AND THE ATMOSPHERE
National climate program
Witness List

April 4, 10 a.m., room 2325 Rayburn: John F. O'Leary, Federal Energy Administration.

Panel representing "consumers" of climate information and services:

Mr. Bill Burrows, Deere & Company Technical Center, Moline, Ill.

Mr. Paul S. Weller, Jr., Vice President, Public Affairs, National Council of Farmer Cooperative.

Stanley A. Changnon, Jr., Illinois State Water Survey, Urbana, Ill.

April 5, 9:30 a.m., room 2325 Rayburn:

The Honorable Juanita M. Kreps, Secretary of Commerce.

Mr. Howard Hjort, Director, Agricultural Economics, U.S. Department of Agriculture.

Panel of climate researchers:

Dr. George Benton, Vice President, Johns Hopkins University.

Charles A. Engman, Associate Director, Institute for Environmental Studies, University of Wisconsin.

Dr. Helmut Landsberg, Institute for Physical Science and Technology, University of Maryland.

April 6, 10 a.m., room 2325 Rayburn:

Dr. Edward P. Todd, Assistant Director for Astronautical, Atmospheric, Earth, and Ocean Sciences, National Science Foundation.

Lindsay Grant, U.S. Department of State.

Mr. D. A. Davies, WMO, Geneva, Switzerland.

Panel from the private sector:

Dr. James D. McQuigg, Consultant, Columbia, Mo.

E. A. Ward, Advanced Energy and Resource Systems Analysis, MITRE Corp.

FANNIE LOU HAMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL), is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, 2 weeks ago our Nation suffered the loss of a great American, Fannie Lou Hamer. Ms. Hamer was a prominent figure in the national civil rights movement in the 1960's. During her lifetime she founded the Freedom Democratic Party, which was seated in place of the State's all white regular delegation at the 1964 Democratic Convention.

Later she became active in the State's predominantly black Loyalist Democrats, which wrested national party recognition from the regular party organization. As a result, the State's democratic parties were merged last year.

Ms. Hamer participated in numerous civil rights marches and voting rights lawsuits. Although she was never elected to public office, her contribution to black Americans and our country should never be forgotten.

Therefore, I ask my colleagues to remember Ms. Hamer and her family in their prayers and to remember all that she accomplished in her lifetime.

A YEAR OF EDUCATION IN HONOR OF THE LUBAVITCHER REBBE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 10 minutes.

Ms. HOLTZMAN. Mr. Speaker, I have today, together with Senator HUMPHREY, introduced a joint resolution to declare 1977 a year of education in honor of the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson.

Rabbi Schneerson is the leader of the worldwide Lubavitch movement. Under his inspired leadership, the humanitarian, educational, and religious work of Lubavitch has flourished throughout the world.

Yesterday the Rebbe and his followers celebrated his 75th birthday. On this joyous occasion, the Rebbe dedicated himself and Lubavitch to a year of education for the youth of the world.

I am privileged to represent the district in which Rabbi Schneerson has made his worldwide headquarters. In recognition of his many achievements, the respect in which he is held by millions, and his commitment to scholarship, I am honored to introduce the following joint resolution:

H.J. RES. 369

Joint resolution to authorize and request the President to issue a proclamation designating the year 1977 as the "Year of Education" in honor of the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson

Whereas the beloved Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, celebrated his seventy-fifth birthday on March 30, 1977; and

Whereas Rabbi Schneerson is one of the most revered and renowned spiritual leaders in the world; and

Whereas Rabbi Schneerson has provided wise and inspired leadership to the Chabad-Lubavitch movement throughout the world; and

Whereas the leadership of Rabbi Schneerson and the devotion of his followers have made the Lubavitch movement a powerful force for education and spiritual enlightenment throughout the world; and

Whereas Rabbi Schneerson has declared this year a Year of Education and dedicated himself and the Lubavitch movement to this goal: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating 1977 as the "Year of Education" in honor of the seventy-fifth birthday of the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson.

WHY DOES BREZHNEV'S GOVERNMENT TORTURE A 38-YEAR-OLD LITHUANIAN WOMAN FOR BELIEVING IN GOD?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, elsewhere in today's proceedings, I have joined Representative FLOOD and a number of our colleagues in commemorating the 59th anniversary of the declaration of Lithuanian independence. At this point, I think it is appropriate to bring up again the individual plight of a Lithuanian Catholic named Nijole Sadunaite which illustrates the depravity of Moscow's rule throughout the Soviet Empire and which typifies the fate of thousands of unknown persons in Soviet prison camps.

The letter I have inserted below from Mr. Lazar M. Pistrak of Amnesty International presents the details of Ms. Sadunaite's case. In brief, Ms. Sadunaite, who is a devout Catholic, was arrested when authorities found a copy of the "Chronicle of the Lithuanian Catholic Church" in her home and was sentenced to 3 years of harsh regime in a forced labor camp and 3 subsequent years of internal exile for "possession and distribution of literature defaming the Soviet state." The Chronicle, which covers religious life in the Lithuanian Catholic communities and lists factual information on prosecutions of church members, cannot be reasonably viewed as falling within this definition.

Earlier this year I joined a number of my colleagues in signing a letter to Secretary Brezhnev protesting the treatment of Ms. Sadunaite, which violates Soviet law and international agreements on universal human rights. The harsh regime imposed on her is a euphemism for slow, painful starvation resulting from exhaustive labor and insufficient nutrition. The Soviet secret police have discovered that starvation coupled with capricious and arbitrary denials of the few minimal privileges allowed prisoners is as effective a torture as the more macabre practices of Stalin's era, but one that does not elicit the same degree of international outrage as Stalin's tactics.

A low profile with respect to Soviet violations of human rights is, of course, what Brezhnev and the rest of the Kremlin leadership want. But it is incumbent upon the decent people of the world, regardless of their political persuasions, to thwart the Soviet leaders, and all other dictators who try to play down their brutalities, by speaking out about cases like Nijole Sadunaite's.

Why a state as mighty as the Soviet Union finds it necessary to repress innocent people like Ms. Sadunaite is unclear. Perhaps the state is not so mighty. One thing is certain, the colossal secret-police bureaucracy in the U.S.S.R. arises out of the same "banality of evil" that Hannah Arendt perceived as the backbone of the Third Reich.

Mr. Pistrak's letter follows:

WASHINGTON, D.C., *March 18, 1977.*

Hon. EDWARD I. KOCH,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: It is a well-known fact that the Catholic Church in Lithuania is being particularly persecuted by Soviet authorities. Less known are the number and names of the victims of that oppression. Nevertheless, occasionally, detailed information concerning some of the victims reaches Amnesty International, the London-based non-political organization aiding prisoners of conscience throughout the world. One such case is that of Nijole Sadunaite, a devoted member of the Lithuanian Catholic Church.

The 38-year old Miss Sadunaite was arrested on August 27, 1974. Ten months later, on June 20, 1975, she was sentenced to three years of harsh regime in a forced labor camp to be followed by three years of internal exile The "crime" was for alleged "possession and distribution" of the Chronicle of the Lithuanian Catholic Church described in the sentence as "literature defaming the Soviet

State." In fact, however, the Chronicle is an unofficial publication covering religious life in Lithuanian Catholic communities and containing factual reports about the prosecution of church members, court proceedings against them, statements in defense of religious freedom officially guaranteed by the Soviet Constitution, and similar matters.

The sentence of six years of deprivation of freedom violates not only the human rights provisions laid down in the Soviet Constitution but also international agreements signed by the Soviet Union such as the 1948 Universal Declaration of Human Rights and the 1975 Helsinki agreement.

Nijole Sadunaite has been doing hard work over a year now in the Mordovian complex of labor camps known for its protein-low rations of about 2,000 calories, completely inadequate to the high norms of production imposed on the inmates.

Amnesty International has now launched a campaign for the release of Nijole on legal and humanitarian grounds, or at least, for a reconsideration of the case.

Your help, dear Congressman Koch, is urgently needed. Would you kindly write Ambassador Anatoliy Dobrynin and the Department of State on behalf of Miss Nijole Sadunaite in which you would express your protest at this kind of inhuman treatment that she has received and at the same time request her release or a retrial of her case.

Expecting your favorable reply, I remain, a

Sincerely,

For Group 34 of Amnesty International.

LAZAR M. PISTRAK.

"I'VE BEEN TO THE MOUNTAIN TOP"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FORD) is recognized for 5 minutes.

(Mr. FORD of Tennessee asked and was given permission to extend his remarks and to include extraneous matter.)

Mr. FORD of Tennessee. Mr. Speaker, I include the speech of the late Dr. Martin Luther King, Jr., which I referred to earlier during my 1-minute speech today:

"I'VE BEEN TO THE MOUNTAIN TOP"

(By Dr. Martin Luther King, Jr., April 3, 1968)

Dr. MARTIN LUTHER KING, JR. Thank you very kindly, my friends. As I listened to Ralph Abernathy in his eloquent and generous introduction and then thought about myself, I wondered who he was talking about. It's always good to have your closest friend and associate to say something good about you. And Ralph is the best friend that I have in the world.

I'm delighted to see each of you here tonight in spite of a storm warning. You reveal that you are determined to go on anyhow. Something is happening in Memphis, something is happening in our world.

As you know, if I were standing at the beginning of time, with the possibility of general and panoramic view of the whole human history up to now, and the Almighty said to me, "Martin Luther King, which age would you like to live in?"—I would take my mental flight by Egypt through, or rather across the Red Sea, through the wilderness on toward the promised land. And in spite of its magnificence, I wouldn't stop there. I would move on by Greece, and take my mind to Mount Olympus. And I would see Plato, Aristotle, Socrates, Euripides and Aristophanes assembled around the Parthenon as they discussed the great and eternal issues of reality.

But I wouldn't stop there. I would go on, even to the great hey-day of the Roman Empire. And I would see developments around there, through various emperors and leaders. But I wouldn't stop there. I would even come up to the day of the Renaissance, and get a quick picture of all that the Renaissance did for the cultural and esthetic life of man. But I wouldn't stop there. I would even go by the way that the man for whom I'm named had his habitat. And I would watch Martin Luther as he tacked his ninety-five theses on the door at the church in Wittenberg.

But I wouldn't stop there. I would come on up even to 1863, and watch a vacillating President by the name of Abraham Lincoln finally come to the conclusion that he had to sign the Emancipation Proclamation. But I wouldn't stop there. I would even come up to the early thirties, and see a man grappling with the problems of the bankruptcy of his nation. And come with an eloquent cry that we have nothing to fear but fear itself.

But I wouldn't stop there. Strangely enough, I would turn to the Almighty, and say, "If you allow me to live just a few years in the second half of the Twentieth Century, I will be happy." Now that's a strange statement to make, because the world is all messed up. The nation is sick. Trouble is in the land. Confusion all around. That's a strange statement. But I know, somehow, that only when it is dark enough, can you see the stars. And I see God working in this period of the Twentieth Century in a way that men, in some strange way, are responding—something is happening in our world. The masses of people are rising up. And wherever they are assembled today, whether they are in Johannesburg, South Africa; Nairobi, Kenya; Accra, Ghana; New York City; Atlanta, Georgia; Jackson, Mississippi; or Memphis, Tennessee—the cry is always the same—"We want to be free."

And another reason that I'm happy to live in this period is that we have been forced to a point where we're going to have to grapple with the problems that men have been trying to grapple with through history, but the demands didn't force them to do it. Survival demands that we grapple with them. Men, for years now, have been talking about war and peace. But now, no longer can they just talk about it. It is no longer a choice between violence and non-violence in this world, it's non-violence or non-existence.

That is where we are today. And also in the human rights revolution, if something isn't done, and in a hurry, to bring the colored peoples of the world out of their long years of poverty, their long years of hurt and neglect, the whole world is doomed. Now, I'm just happy that God has allowed me to live in this period, to see what is unfolding. And I'm happy that He's allowed me to be in Memphis.

I can remember. I can remember when Negroes were just going around as Ralph has said, so often, scratching where they didn't itch, and laughing when they were not tickled. But that day is all over. We mean business now, and we are determined to gain our rightful place in God's world.

And that's all this whole thing is about. We aren't engaged in any negative protest and in any negative arguments with anybody. We are saying that we are determined to be men. We are determined to be people. We are saying, that we are God's children. And that we don't have to live like we are forced to live.

Now, what does all of this mean in this great period of history? It means that we've got to stay together. We've got to stay together, and maintain unity. You know, whenever, Pharoah wanted to prolong the period of slavery in Egypt, he had a favorite, favorite formula for doing it. What was that? He kept the slaves fighting among themselves. But whenever the slaves get together something happens in Pharoah's court, and he cannot hold the slaves in slavery. When the slaves get together, that's the beginning of getting out of slavery. Now let us maintain unity.

Secondly. let us keep the issues where they are. The issue is injustice. The issue is the refusal of Memphis to be fair and honest in its dealings with its public servants, who happen to be sanitation workers. Now, we've got to keep attention on that. That's always the problem with a little violence. You know what happened the other day, and the press dealt only with the window breaking. I read the articles. They very seldom got around to mentioning the fact that one thousand, three hundred sanitation workers were on strike, and that Memphis is not being fair to them, and that Mayor Loeb is in dire need of a doctor. They didn't get around to that.

Now we're going on to march again, and we're got to march again, in order to put the issue where it is supposed to be. And force everybody to see that there are thirteen hundred of God's children here suffering, sometimes going hungry, going through dark and dreary nights wondering how this thing is going to come out. That's the issue. And we've got to say to the nation: we know it's coming out. For when people get caught up with that which is right and they are willing to sacrifice for it, there is no stopping point short of victory.

We aren't going to let any mace stop us. We are masters in our non-violent movement in disarming police forces, they don't know what to do. I've seen them so often. I remember in Birmingham, Alabama, when we were in that majestic struggle there we would move out of the 16th Street Baptist Church day after day; by the hundreds we would move out. And Bull Connor would tell them to send the dogs forth and they did come; but we just went before the dogs singing, "Ain't gonna let nobody turn me round." Bull Connor next would say, "Turn the fire hoses on." And as I said to you the other night, Bull Connor didn't know history. He knew a kind of physics that somehow didn't relate to the transphysics that we knew about. And that was the fact that there was a certain kind of fire that no water could put out. And we went before the fire hoses; we had known water. If we were Baptist or some other denomination, we had been immersed. If we were Methodist, and some others, we had been sprinkled, but we knew water.

That couldn't stop us. And we just went on before the dogs and we would look at them; and we'd go on before the water hoses and we would look at it, and we'd just go on singing "Over my head I see freedom in the air." And then we would be thrown in the paddy wagons, and sometimes we were stacked in there like sardines in a can. And they would throw us in, and old Bull would say, "Take them off," and they did; and we would just go in the paddy wagon singing, "We Shall Overcome." And every now and then we'd get in the jail, and we'd see the jailers looking through the windows being moved by our prayers, and being moved by our words and our songs. And there was a power there which Bull Connor couldn't adjust to; and so we ended up transforming Bull into a steer, and we won our struggle in Birmingham.

Now we've got to go on to Memphis just like that. I call upon you to be with us Monday. Now about injunctions: We have an

injunction and we're going into court tomorrow morning to fight this illegal, unconstitutional injunction. All we say to America is, "Be true to what you said on paper." If I lived in China or even Russia, or any totalitarian country, maybe I could understand the denial of certain basic First Amendment privileges, because they hadn't committed themselves to that over there. But somewhere I read of the freedom of assembly. Somewhere I read of the freedom of speech. Somewhere I read of the freedom of the press. Somewhere I read that the greatness of America is the right to protest for right. And so just as I say, we aren't going to let any injunction turn us around. We are going on.

We need all of you. And you know what's beautiful to me, is to see all of these ministers of the Gospel. It's a marvelous picture. Who is it that is supposed to articulate the longings and aspirations of the people more than the preacher? Somehow the preacher must be an Amos, and say, "Let justice roll down like waters and righteousness like a mighty stream." Somehow, the preacher must say with Jesus, "The spirit of the Lord is upon me, because he hath annointed me to deal with the problems of the Poor."

And I want to commend the preachers, under the leadership of these noble men: James Lawson, one who has been in this struggle for many years; he's been to jail for struggling; but he's still going on, fighting for the rights of his people. Rev. Ralph Jackson, Billy Kyles. I could just go right on down the list, but time will not permit. But I want to thank them all. And I want you to thank them, because so often, preachers aren't concerned about anything but themselves. And I'm always happy to see a relevant ministry.

It's alright to talk about "long white robes over yonder," in all of its symbolism. But ultimately people want some suits and dresses and shoes to wear down here. It's alright to talk aoout "streets flowing with milk and honey," but God has commanded us to be concerned about the slums down here, and his children who can't eat three square meals a day. It's alright to talk about the new Jerusalem, but one day, God's preacher must talk about the new New York, the new Atlanta, the new Philadelphia, the new Los Angeles, the new Memphis, Tenn. This is what we have to do.

Now the other thing we'll have to do is this: Always anchor our external direct action with the power of economic withdrawal. Now, we are poor people, individually, we are poor when you compare us with white society in America. We are poor. Never stop and forget that collectively, that means all of us together, collectively we are richer than all the nations in the world, with the exception of nine. Did you ever think about that? After you leave the United States, Soviet Russia, Great Britain, West Germany, France, and I could name the others, the Negro collectively is richer than most nations of the world. We have an annual income of more than thirty billion dollars a year, which is more than all of the exports of the United States, and more than the national budget of Canada. Did you know that? That's power right there, if we know how to pool it.

We don't have to argue with anybody. We don't have to curse and go around acting bad with our words. We don't need any bricks and bottles, we don't need any Molotov cocktails, we just need to go around to these stores, and to these massive industries in our country, and say, "God sent us by here, to say to you that you're not treating his children right. And we've come by here to ask you to make the first item on your agenda—fair treatment, where God's children are concerned. Now, if you are not prepared to do that, we do have an agenda that we must follow. And our agenda calls for withdrawing economic support from you."

And so, as a result of this, we are asking you tonight, to go out and tell your neighbors not to buy Coca-Cola in Memphis. Go by and tell them not to buy Sealtest Milk. Tell them not to buy—what is the other bread?—Wonder Bread. And what is the other bread company, Jesse? Tell them not to buy Hart's Bread. As Jesse Jackson has said, up to now, only the garbage men have been feeling pain, now we must kind of redistribute the pain. We are choosing these companies because they haven't been fair in their hiring policies; and we are choosing them because they can begin the process of saying, they are going to support the needs and the rights of these men who are on strike. And then they can move on downtown and tell Mayor Loeb to do what is right.

But not only that, we've got to strengthen black institutions. I call upon you to take your money out of the banks downtown and deposit your money in Tri-State bank—We want a "bank-in" movement in Memphis. So go by the Savings and Loan Association. I'm not asking you something that we don't do ourselves at SCLC. Judge Hooks and others will tell you that we have an account here in the savings and loan association from the Southern Christian Leadership Conference. We're just telling you to follow what we're doing. Put your money there. You have six or seven black insurance Companies in Memphis. Take out your insurance there. We want to have an "insurance-in."

Now these are some practical things we can do. We begin the process of building a greater economic base. And at the same time, we are putting pressure where it really hurts. I ask you to follow through here.

Now, let me say as I move to my conclusion that we've got to give ourselves to this struggle until the end. Nothing would be more tragic than to stop at this point, in Memphis. We've got to see it through. And when we have our march, you need to be there. Be concerned about your brother. You may not be on strike. But either we go up together, or we go down together.

Let us develop a kind of dangerous unselfishness. One day a man came to Jesus; and he wanted to raise some questions about some vital matters in life. At points, he wanted to trick Jesus, and show him that he knew a little more than Jesus knew, and through this, throw him off base. Now that question could have easily ended up in a philosophical and theological debate. But Jesus immediately pulled that question from mid-air, and placed it on a dangerous curve between Jerusalem and Jericho. And He talked about a certain man, who fell among thieves. You remember that a Levite and a priest passed by on the other side. They didn't stop to help him. And finally a man of another race came by. He got down from his beast, decided not to be compassionate by proxy.

But he got down with him, administered first aid, and helped the man in need. Jesus ended up saying, this was the good man, this was the great man, because he had the capacity to project the "I" into the "thou," and to be concerned about his brother. Now you know, we use our imagination a great deal to try to determine why the priest and the Levite didn't stop. At times we say they were busy going to church meetings—an ecclesiastical gathering—and they had to get on down to Jerusalem so they wouldn't be late for their meeting. At other times we would speculate that there was a religious law that "One who was engaged in religious ceremonials was not to touch a human body twenty-four hours before the ceremony." And every now and then we begin to wonder whether maybe they were not going down to Jerusalem, or down to Jericho, rather to organize a "Jericho Road Improvement Association." That's a possibility. Maybe they felt that it was better to deal with the problem from the casual root, rather than to get bogged down with an individual effort.

But I'm going to tell you what my imagination tells me. It's possible that those men were afraid. You see, the Jericho road is a dangerous road. I remember when Mrs. King and I were first in Jerusalem. We rented a car and drove from Jerusalem down to Jericho. And as soon as we got on that road, I said to my wife, "I can see why Jesus used this as a setting for his parable." It's a winding, meandering road. It's really conducive for ambushing. You start out in Jerusalem, which is about 1,200 miles, or rather 1,200 feet above sea level. And by the time you get down to Jericho, fifteen or twenty minutes later, you're about 2,200 feet below sea level. That's a dangerous road. In the days of Jesus it came to be known as the "Bloody Pass." And you know, it's possible that the priest and the Levite looked over that man on the ground and wondered if the robbers were still around. Or it's possible that they felt that the man on the ground was merely faking. And he was acting like he had been robbed and hurt, in order to seize them over there, lure them there for quick and easy seizure. And so the first question that the Levite asked was, "If I stop to help this man, what will happen to me?" But then the good Samaritan came by. And he reversed the question: "If I do not stop to help this man, what will happen to him?"

That's the question before you tonight. Not, "If I stop to help the sanitation workers, what will happen to all of the hours that I usually spend in my office every day and every week as a pastor?" The question is not, "If I stop to help this man in need, what will happen to me?" If I do not stop to help the sanitation workers, what will happen to them?" That's the question.

Let us rise up tonight with a greater readiness. Let us stand with a greater determination. And let us move on in these powerful days, these days of challenge to make America what it ought to be. We have an opportunity to make America a better nation. And I want to thank God, once more, for allowing me to be here with you.

You know, several years ago, I was in New York City autographing the first book that I had written. And while sitting there autographing books, a demented black woman came up. The only question I heard from her was. Are you Martin Luther King?"

And I was looking down writing, and I said yes. And the next minute I felt something beating on my chest. Before I knew it I had been stabbed by this demented woman. I was rushed to Harlem Hospital. It was a dark Saturday afternoon. And that blade had gone through, and the X-rays revealed that the tip of the blade was on the edge of my aorta, the main artery. And once that's punctured, you drown in your own blood—that's the end of you.

It came out in the New York Times the next morning, that if I had sneezed, I would have died. Well, about four days later, they allowed me, after the operation, after my chest had been opened, and the blade had been taken out, to move around in the wheel chair in the hospital. They allowed me to read some of the mail that came in, and from all over the states, and the world, kind letters came in. I read a few, but one of them I will never forget. I had received one from the President and the Vice-President. I've forgotten what those telegrams said. I'd receive a visit and a letter

from the Governor of New York, but I've forgotten what the letter said. But there was another letter that came from a little girl, a young girl who as a student at the White Plains High School. And I looked at that letter, and I'll never forget it. It said simply, "Dear Dr. King: I am a ninth-grade student at the White Plains High School." She said, "While it should not matter, I would like to mention that I'm a white girl. I read in the paper of your misfortune, and of your suffering. And I read that if you had sneezed, you would have died. And I'm simply writing you to say that I'm so happy that you didn't sneeze."

And I want to say tonight, I want to say that I, am happy that I didn't sneeze. Because if I had sneezed, I wouldn't have been around here in 1960, when students all over the South started sitting in at lunch counters. And I knew that as they were sitting in, they were really standing up for the best in the American dream. And taking the whole nation back to those great walls of democracy which were dug deep by the founding fathers in the Declaration of Independence and the Constitution. If I had sneezed, I wouldn't have been around here in 1961, when we decided to take a ride for freedom, and ended segregation in the interstate travel. If I had sneezed, I wouldn't have been around in 1962, when Negroes in Albany, Georgia, decided to straighten their backs up. And whenever men and women straighten their backs up, they are going somewhere, because a man can't ride your back unless it is bent. If I had sneezed; I wouldn't have been here in 1963, when the black people in Birmingham, Alabama, aroused the conscience of this nation, and brought into being the Civil Rights Bill. If I had sneezed, I wouldn't have had a chance later that year, in August, to try to tell America about a dream that I had had. If I had sneezed, I wouldn't have been down in Selma, Alabama, to see the great movement there. If I had sneezed, I wouldn't have been in Memphis to see a community rally around those brothers and sisters who are suffering. I'm so happy that I didn't sneeze.

And they were telling me, now it doesn't matter now. It really doesn't matter what happens now. I left Atlanta this morning, and as we got started on the plane, there were six of us, the pilot said over the public address system, "We are sorry for the delay, but we have Dr. Martin Luther King on the plane. And to be sure that all of the bags were checked, and to be sure that nothing would be wrong with the plane, we had to check out everything carefully. And we've had the plane protected and guarded all night."

And then I got into Memphis. And some began to say the threats, or talk about the threats that were out. What would happen to me from some of our sick white brothers?

Well, I don't know what will happen now. We've got some difficult days ahead. But it doesn't matter with me now. Because I've been to the mountain top. And I don't mind. Like anybody, I would like to live a long life. Longevity has its place. But I'm not concerned about that now. I just want to do God's will. And He's allowed me to go up to the mountain. And I've looked over. And I've seen the promised land. I may not get there with you. But I want you to know tonight, that we, as a people will get to the promised land. And I'm happy tonight. I'm not worried about anything. I'm not fearing any man. Mine eyes have seen the glory of the coming of the Lord.

FISCAL YEAR 1978 COAST GUARD AUTHORIZATION AND TANKER SAFETY

(Mr. DICKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DICKS. Mr. Speaker, the Merchant Marine and Fisheries Committee held 2 days of hearings this week on the fiscal year 1978 Coast Guard authorization request. To my way of thinking, these hearings served to underscore the need for vigorous congressional oversight and initiatives in the area of vessel traffic control—VTS. VTS is a means by which the traffic of hazardous cargoes can be monitored and controlled. VTS can be as unsophisticated as a series of shipping lanes and radio communications, or it can employ sophisticated radar or satellite surveillance.

This administration has taken significant steps to support needed tanker safety and oil spill liability measures—measures which Members of the Merchant Marine and Fisheries Committee as well as the Congress have been pushing for years. There is still work to be done, however, as is evident in the area of vessel traffic control. In testimony before the Merchant Marine and Fisheries Committee, Adm. Owen W. Siler, Commandant of the Coast Guard, stated that the Office of Management and Budget has called for a 6-month study of VTS, while forwarding the suggestion that it may be more appropriate for local authorities to run VTS than the Coast Guard.

I understand that a number of the members of the committee questioned the wisdom of both proposals; VTS, after all, has been thoroughly studied since the early 1970's. As for turning the acquisition and operation of VTS over to the localities affected, Admiral Siler is strongly against such a move, and I could not agree with him more. The Coast Guard is charged with the responsibility of safeguarding our coastal waterways; they are the ones with the expertise to do it. Should we turn air traffic control over to the localities affected? I do not think so, and the same principle applies to vessel traffic control.

But even without OMB interference, the Coast Guard is reluctant to expand, upgrade, or accelerate current VTS efforts. At present, VTS is working in San Francisco, Puget Sound, and Houston/Galveston. During this year, two additional programs will be underway in New Orleans and Valdez. In 1978, New York Harbor will be the beneficiary of a VTS. But beyond this, the Coast Guard's VTS efforts are limited in the extreme: Detailed analyses are underway to see if the Chesapeake Bay and the Gulf Intracoastal Waterway VTS installations will be cost-effective.

Thus, with the possible exception of portions of the Chesapeake Bay and the Gulf Intracoastal Waterway, the Coast Guard does not plan to install sophisticated vessel traffic systems to any additional ports and waterways in the United States. The fiscal year 1978 Coast Guard authorization as submitted by the administration has only $1.162 million in acquisition funds for the VTS at New Orleans.

What accounts for this limited approach to save our ports and waterways from catastrophic accidents? The dimensions of the Coast Guard's caution become clearer when placed in historical perspective. The European ports of Liverpool, Hamburg, and Rotterdam have had some form of VTS in place since the mid-1960's. Our first pilot project VTS began in the early 1970's. As early as 1973, the Coast Guard conducted an analysis of port needs for vessel traffic services. The findings of this survey indicated that seven U.S. ports and waterways were experiencing the number and type of vessel casualties that would require vessel traffic services to prevent. Today, the Coast Guard is still studying two of these areas—portions of the Chesapeake Bay and Gulf Intracoastal Waterway—to determine if VTS installations would be "cost-effective."

I am somewhat confused about the Coast Guard's conception of "cost-effectiveness." Apparently by the Coast Guard's definition, health insurance would not be "cost-effective" if you or I did not get seriously ill. According to Coast Guard marine casualty statistics which were included in the Merchant Marine and Fisheries Committee's hearings on VTS during the 94th Congress, in fiscal year 1975, the reported losses to vessels, cargoes, and property was $103 million. Coast Guard marine casualty reports suggest that due to unreported casualties and underestimates of the dollar losses for those casualties that were reported, the actual dollar losses are probably several times this amount. In addition, these costs do not include the substantial damages to property ashore, such as the costs of spilled oil cleanup.

It is my hope and expectation that the Congress will enact much needed oil spill liability legislation. The compensation provided under this legislation is extensive. For example, eligible claimants might include fishermen whose fishing grounds are polluted by catastrophic oil spills, and resort communities whose peak vacation periods may be adversely affected by oil-slicked beaches.

VTS systems will vary in costs depending on their degree of sophistication. But it seems to me that the costs of even the most sophisticated VTS we now have or will have in operation are slight compared with the liabilities we may face in the future—liabilities that may be preventable with proper vessel traffic services in place. The Coast Guard has provided me with a summary of VTS costs which I would like to submit at the conclusion of my remarks. It shows that VTS costs vary from New York Harbor, with its $6.45 million acquisition and installation cost and $1.37 million operational cost per year to Valdez with its $2.9 million acquisition and installation cost and its $675 thousand per year operational cost.

In light of these statistics, the Coast Guard's "cost-effectiveness" analyses are subject to question.

My own conclusion is that we need to move decisively to expand our VTS programs nationwide to those ports and waterways which will bear the brunt of increased traffic of hazardous cargoes carried in bulk. Section 101 of H.R. 3796 which Mr. STUDDS, Mr. BONKER, Mr. PRITCHARD, and I and 33 other cosponsors

have introduced authorizes the Secretary of Transportation to establish, operate, and maintain effective vessel traffic services nationwide. The Secretary is given explicit authority to control vessel traffic by specifying times of entry, movement or departure, establishing vessel traffic routing schemes, draft, size and speed limitations, and restricting operations under certain circumstances. More sophisticated VTS applications are directed for ports and waterways through which pass an average of 100,000 barrels per day of hazardous cargo in bulk. For these areas, this legislation directs the Secretary to maintain computerized tracking and data retrieval systems. The Canadian VTS around Vancouver has this capability, whereas the U.S. computerized systems do not. Essentially, this means that as a computer tracks incoming vessels, it can routinely delve into its data bank to determine the ship's history, status of certificates and potential safety hazards. As I understand it, the Coast Guard has not opted for this relatively inexpensive capability because it has not been fully tested.

This attitude is entirely consistent with the Coast Guard's restricted vision concerning the need, scope and effectiveness of VTS programs. At present, there are 41 ports and waterways through which pass an average of over 100,000 barrels per day of hazardous cargoes carried in bulk. Many of these areas can be lumped together for coverage under a single VTS system. An entire coast can be wired for VTS protection using one large and one backup computer, for that matter. The technology for effective VTS programs is at hand; costs can be kept to a minimum through tough oversight and careful planning. All that needs to be done is to move the Coast Guard away from its current, overly restrictive definition of what the problem is and what needs to be done.

Fortunately, members of the Merchant Marine and Fisheries Committee and Members of the Congress are sensitive to this problem. It is my hope that with congressional leadership, we can establish meaningful vessel traffic systems nationwide.

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Washington, D.C., March 17, 1977.

Hon. NORMAN D. DICKS,
House of Representatives,
Washington, D.C.

DEAR MR. DICKS: This is in further response to your letter of 2 February 1977, requesting cost and personnel estimates for extending vessel traffic services (VTS). An analysis of the volume and type of waterborne commerce carried in U.S. ports and waterways has been conducted. Those areas with a daily average throughput of at least 100,000 barrels of hazardous cargo in bulk are listed in enclosure (1).

Vessel traffic services must be individually tailored to meet the unique traffic management requirements of each port or waterway. This requires detailed, extended study of each area including its topography and geography, vessel traffic patterns and congestion, hazards to traffic flow, and past vessel casualty performance. In addition to such technical and engineering considerations, the proper level of VTS complexity in any area is determined through analysis of incremental costs and benefits. In this way national benefits will be maximized as the optimum VTS level is established in each port or waterway, with those areas of greatest need receiving first attention.

Although several discrete system components have been developed, their combination and exact system configuration are dependent upon factors unique to each area. Basically, vessel traffic services differ in complexity in two ways: surveillance capability and data analysis/diplay capacity. Some vessel traffic services may rely entirely on VHF-FM radio-telephone communications without any means of electronic surveillance. Those systems with surveillance capabilities may use one or more of several means, including magnetic sensors, low light level closed circuit television, marine radars, or specially developed high resolution radars. In addition, surveillance may cover the entire VTS area or only critical portions.

Methods of data handling, analysis and display also vary widely among vessel traffic services. Some systems in areas with lower traffic loads may process all information manually, while other systems will employ computerized equipment to assist in data management and analysis. Computer systems vary in cost and complexity from relatively simple vessel "accounting" systems to high-powered systems which perform continuous risk analysis functions and automatically generate alerts when conflict situations are predicted.

Recently developed vessel traffic services employ representative VTS components, and reflect the variety of technologies and implementation efforts required for relatively complex systems. Enclosure (2) provides manning requirements and system establishment and operation costs for the Coast Guard's four most recent VTSs which are in advanced development stages for New Orleans, LA, Valdez, AK, and New York, NY., and already operational in Houston-Galveston, TX. Since lesser vessel traffic services are comprised of subsets of these equipments, costs have been presented by VTS component. By referring to these costs of present VTS components, a gross approximation of the range of costs may be estimated for other areas.

Additional information on the vessel traffic services program was provided by the Coast Guard testimony of 21 September 1976 before the House Committee on Merchant Marine and Fisheries, Subcommittee on Coast Guard and Navigation. This and other testimony pertaining to VTS is recorded on pages 182-195 of the House Committee on Merchant Marine and Fisheries Report on Vessel Traffic Control, Serial No. 94-39. It is hoped that this information will help clarify some of the areas involved in this most complex program.

Sincerely,

T. H. RUTLEDGE,
Captain, U.S. Coast Guard, Chief,
Congressional Affairs.

U.S. PORTS AND WATERWAYS CARRYING AT LEAST 100,000 BARRELS PER DAY OF HAZARDOUS CARGO IN BULK

(Waterborne Commerce of the United States, 1975)

Portland Harbor, ME.
Port of Boston, MA.
Cape Cod Canal, MA.
Providence River and Harbor, RI.
New Haven Harbor, CT.
Greater New York Harbor, NY.
Hudson River to Waterford, NY.
Delaware River to Trenton, NJ.
Baltimore Harbor, MD.
Norfolk Harbor, VA.
Hampton Roads, VA.
Port of Wilmington, NC.
Charleston Harbor, SC.
Jacksonville Harbor, FL.
Port Everglades Harbor, FL.
Port of Chicago, IL.
Indiana Harbor, IN.
Long Beach Harbor, CA.
Los Angeles Harbor, CA.
Richmond Harbor, CA.
Columbia River, OR & WA.
Port of Portland, OR.
Seattle Harbor, WA.
Ohio River, OH.
Gulf Intracoastal Waterway (Mobile-New Orleans).
Gulf Intracoastal Waterway (New Orleans-Sabine).
Gulf Intracoastal Waterway (Sabine-Galveston).
Gulf Intracoastal Waterway (Galveston-Corpus Christi).
Tampa Harbor, FL.
Mobile Harbor, AL.
Pascagoula Harbor, MS.
Gulf Intracoastal Waterway (Morgan City-Port Allen Route).
Lake Charles Deep Water Channel, LA.
Calcasieu River and Pass, LA.
Sabine-Neches Waterway, TX.
Houston Ship Channel, TX.
Texas City Channel, TX.
Freeport Harbor, TX.
Corpus Christi Ship Channel, TX.
Mississippi River to Minneapolis, MN.
Illinois River, IL.

INFORMATION ON PRESENT VTSs DESIGN COST AND MANNING

1. As a minimum, each VTS has a Vessel Movement Information System (VMRS), which collects and disseminates ship movement data from participating vessels over a VHF-FM communications network. Costs for the remote and local communications equipments and relay facilities for the VMRS in New Orleans include $2,000,000 for acquisition/installation and $120,000 per year for recurring maintenance and lease costs. New Orleans has a larger coverage area and contractor furnished site locations and development. In contrast, corresponding costs were $500,000 and $55,000 per year for Houston, which has a smaller coverage area and government furnished and developed sites. Between these extremes, the VMRSs for Valdez and New York, both with a mix of government and contractor furnished sites and high labor rates, cost approximately $1,400,000 plus $1455,000 per year. The availability of access to the remote sites for installation and maintenance due to terrain or weather can also affect these costs.

2. Each port also has a method of storing and retrieving data on the vessels participating in the service. These methods vary greatly, from a computer controlled dynamic and static situation display in New York, Houston, and New Orleans, to manual tracking on a radar or chart display in Valdez. The computer controlled displays vary from a cost of $1,700,000 plus $143,000 per year for New York with an almost unlimited number of vessel routes to $350,000 plus $65,000 per year for Houston with "pipeline" vessel courses along idealized straight line channels. The New Orleans computer system, which will have capabilities similar to New York but installed and maintained in a lower labor rate area, costs $1,500,000 plus $100,000 per year.

3. Low Light Level Closed Circuit Television (LLLCCTV) and high resolution shore based radar are used in some areas to provide electronic surveillance capabilities. In the Kills and East River of New York and in the Houston Ship Channel, LLLCCTV is used. The costs for this surveillance, including video relay to the control center, is $1,850,000 plus $110,000 per year for New York which has high labor rates and contractor furnished sites, and $1,000,000 plus $60,000 per year for Houston with government furnished sites and lower labor rates. In both New York and Valdez, the port entrances and the har-

bor area near the Vessel Traffic Centers (VTC) are each surveyed by separate high resolution radar sites. This coverage costs approximately $1,500,000 per port plus $175,000 per year for New York and $300,000 per year for Valdez. The costs to relay the radar video from the remote radar sites to the VTCs at these ports are included in the VMRS implementation costs, are not readily extractable. The radar sites are co-located with communications sites, and the radar and radio links use some of the same facilities. The seaward entrance to the Houston VTS at Galveston, Texas, will be surveyed by one remote high resolution radar. This radar costs approximately $790,000 plus $75,000 per year, and will use common carrier video relay services costing $137,000 plus $114,000 per year.

4. The personnel manning levels required for the different ports vary from 45 enlisted and seven officers for New York's five sector VTS to nine enlisted and four officers for Valdez's one sector VTS. New Orleans with four sectors and Houston with three sectors require 40 and 24 enlisted respectively and seven officers each. For the purpose of the financial summary below, the costs for enlisted were computed at $13,500 per year and $27,000 per year for officers.

5. Cost summaries by port and VTS element are furnished below. It should be noted that building construction costs for the VTCs and support structures such as site access piers are not included. These costs have varied enormously, from minor alteration of existing facilities to very expensive new construction in harsh environments such as Valdez, Alaska. Such costs must be developed on a port by port basis taking VTC locations and detailed architectural engineering studies into account.

VESSEL TRAFFIC SERVICES COSTS

Element	Port			
	New York	Valdez	Houston	New Orleans
VMRS	$1,400,000 plus $145,000 per year	$1,400,000 plus $145,000 per year	$500,000 plus $55,000 per year	$2,000,000 plus $120,000 plus year.
Data system	$1,700,000 plus $143,000 per year		$350,000 plus $65,000 per year	$1,500,000 plus $100,000 plus year.
LLLCCTV	$1,850,000 plus $110,000 per year		$1,000,000 plus $60,000 per year	
Radar	$1,500,000 plus $175,000 per year	$1,500,000 plus $300,000 per year	$790,000 plus $75,000 per year	
Link			$137,000 plus $114,000 per year	
Personnel	$796,500 per year	$229,500 per year	$513,000 per year	$729,000 per year.

Note: Totals (less VTC Construction) are as follows: New York, $6,450,000 plus $1,370,000 per year; Valdez, $2,900,000 plus $675,000 per year; Houston, $2,760,000 plus $882,000 per year; and New Orleans, $3,500,000 plus $949,000 per year.

COOPERATIVE ORGANIZATION COMPETITION ACT (H.R. 5540)

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, last week I introduced the Cooperative Organization Competition Act (H.R. 5540). The bill is intended to strengthen the authority of Federal antitrust enforcers to prevent anticompetitive mergers between argicultural co-ops, particularly the dairy co-ops. In addition, the bill would clarify the prohibition against agreements by such co-ops to fix prices or to refrain from competing by not operating in each other's market area.

Recently, the Justice Department reported that the regional monopolization of the dairy producing industry, coupled with outmoded milk marketing regulations, makes consumers pay about $245 million a year more than they should for milk and other dairy products. Although the bill does not attempt to deal with the marketing regulations problem, it does represent a necessary first step in providing a means to prevent and reduce monopolization which occurs through anticompetitive mergers between dairy co-ops.

H.R. 5540 is a response to the failure over the last decade of the Justice Department and the Federal Trade Commission to bring any test cases challenging anticompetitive mergers between dairy co-ops. Both the Justice Department and the Federal Trade Commission claim that they have the legal authority to prevent such anticompetitive mergers, but both say that the scope of the antitrust exemption for "the existence and operation" of agricultural co-ops is sufficiently ambiguous that the right of the Government to act against anticompetitive dairy co-op mergers is unclear. Spokesmen for agencies indicated this week that they would support congressional action to establish clear authority to prevent anticompetitive mergers between agricultural cooperatives.

The problem was recently explained in a Justice Department report in the following way:

[Dairy] cooperatives have used mergers as one important tool in acquiring market power. Having attained market power, the cooperatives have exercised it to realize monopoly profits . . . Significant costs to consumers arise out of the exercise of monopoly power by [dairy] cooperatives. Accordingly, society would benefit if the acquisition of monopoly power could be prevented.

In the past 25 years, the dairy co-ops have increased their share of the dairy producing market from 50 to 80 percent. That growth has been matched by an increase in monopoly power in most of the country's milk marketing areas. In approximately half of these areas, a single regional co-op represents at least 74 percent of the dairy producers. As the only important supplier of raw milk to the dairy processors in their areas, such co-op have monopoly power and are able to charge prices which are considerably above the federally established minimum prices.

Consumers end up paying unnecessarily high prices which support the local monopolies of dairy producers. Without anticompetitive mergers between dairy co-ops, there would be less monopoly power, more competition, and lower prices for milk and other dairy products.

The experience of Ohio and of the congressional district I represent will serve as an example of the need for the enforcement of a law clearly prohibiting anticompetitive dairy co-op mergers.

The district I represent includes the greater Akron area. It is in an area known as milk market order 36, along with the rest of northeastern Ohio and much of western Pennsylvania. Prior to 1970, four dairy co-ops operated in northeastern Ohio and competed against each other to some degree. In 1970, the four merged into a single large dairy co-op, which has grown to the point where it now represents approximately 80 percent of the dairy producers in northeastern Ohio. The other co-ops in order 36 operate in Pennsylvania and apparently do not compete with the large co-op for business in northeastern Ohio. As a result, there is virtually no meaningful competition in the area, and we have just about reached the point where northeastern Ohio dairy processors can get their raw milk from only one source, the large co-op.

If the Justice Department and the Federal Trade Commission had the clear authority to challenge the merger of the four co-ops into one, it is possible that the merger would never have occurred or would be broken up and that there would still be some effective competition between the four.

The enactment of H.R. 5540 would give the Justice Department and the Federal Trade Commission clear authority to review the 1970 merger, to challenge it even now if they felt it had resulted in a monopoly or in substantially reduced competition, and to get appropriate equitable relief—such as an order splitting the large co-op into smaller units which would compete against each other. The authority contained in H.R. 5540, in other words, would include the ability to eliminate monopoly power which has developed through mergers found to be anticompetitive.

Although H.R. 5540 addresses the problem of monopolization resulting from anticompetitive mergers, it should be noted that there are other provisions of existing law which also promote monopolies and inhibit competition. One example is the Federal milk marketing regulation system, which prohibits dairy processors in one geographic area from purchasing raw milk produced outside that area, despite the fact that technology now permits the shipment of milk over great distances without any spoilage. Another factor contributing to the development of regional monopolies in milk producing is the device known as a "marketing agency in common," which is authorized by the Capper-Volstead Act and which permits agricultural co-ops to set identical prices. As I have in-

dicated, H.R. 5540 does not address these problems. A recent Justice Department report suggests that a comprehensive examination and revision of the milk marketing system would be appropriate. I, for one, would welcome such an examination and revision by Congress. In the meantime, however, we should give the Federal antitrust enforcers clear authority to challenge anticompetitive mergers which have promoted or may promote regional monopolization in the dairy producing industry.

H.R. 5540 would clarify the agricultural co-ops' antitrust exemption, so that co-ops would understand how the law applies to them and so that the Federal enforcement agencies could feel less inhibited about challenging co-op mergers which have resulted or will result in co-op monopolies or substantial reductions in competition. The bill would make the operations of agricultural co-ops fully subject to the antitrust laws, except where there is a very specific exemption elsewhere in the laws, as is the case with the Capper-Volstead Act's authorization of co-ops' having a marketing agency in common. While the formation of agricultural co-ops would be generally exempt from the antitrust laws, this exemption would not apply if a co-op were formed through an anticompetitive merger or if the co-op had any member with annual sales in excess of $1 million. This requirement is needed to limit properly the co-ops' antitrust exemption so as to conform to the original Congressional intent, namely to enable small farms to unite for purposes of mutual help in dealing with strong agricultural middlemen. H.R. 5540 would make the antitrust laws apply fully to the formation of any agricultural co-op containing corporate agribusiness members.

The text of H.R. 5540 follows these remarks.

H.R. 5540

A bill to amend the Clayton Act to clarify the application of the antitrust laws to cooperative organizations, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cooperative Organization Competition Act of 1977".

SEC. 2. Section 6 of the Clayton Act (15 U.S.C. 17) is amended to read as follows:

"SEC. 6. (a) The labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor organizations, instituted for purposes of mutual help and not conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws. The operation of agricultural and horticultural organizations is subject to the antitrust laws, but nothing contained in the antitrust laws shall be construed to forbid the existence of such organizations, instituted for purposes of mutual help and not conducted for profit: *Provided,* That such organization is not formed through an acquisition or merger the effect of which has been or may be, in any line of commerce in any section of the country, substantially to lessen competition, or tend to create a monopoly: *And provided further,* That such organization contains no member which with its affiliates has annual sales in excess of $1 million.

"(b) Appropriate injunctive and other equitable relief (including dissolution or divestiture) shall be ordered upon a finding that the effect of a merger or acquisition by an agricultural or horticultural organization has been or may be, in any line of commerce in any section of the country, substantially to lessen competition, or tend to create a monopoly, regardless of when such merger or acquisition may have been or may be consummated.

"(c) As used in this section, the term 'affiliate' of a member means any other person, corporation, association, organization, or joint venture, which controls, is controlled by, or is under common control with, such member."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ASHBROOK (at the request of Mr. RHODES) for March 28, on account of official business.

Mr. JONES of Tennessee (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KASTEN) to revise and extend their remarks and include extraneous matter:)

Mr. CONABLE, for 5 minutes, today.
Mr. WHALEN, for 5 minutes, today.
Mr. DON H. CLAUSEN, for 10 minutes, today.
Mr. COLLINS of Texas, for 15 minutes, today.
Mr. BROYHILL, for 15 minutes, today.
Mr. KEMP, for 5 minutes, today.

(The following Members (at the request of Mr. GEPHARDT) and to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. DRINAN, for 30 minutes, today.
Mr. ASPIN, for 15 minutes, today.
Mr. GIBBONS, for 5 minutes, today.
Mr. VANIK, for 5 minutes, today.
Mr. DICKS, for 5 minutes, today.
Mr. ERTEL, for 5 minutes, today.
Mr. MURPHY of New York, for 5 minutes, today.
Mr. ZABLOCKI, for 5 minutes, today.
Mr. HAMILTON, for 20 minutes, today.
Mr. MILLER of California, for 10 minutes, today.
Mr. BOLAND, for 5 minutes, today.
Mr. BROWN of California, for 20 minutes, today.
Mr. RANGEL, for 5 minutes, today.
Ms. HOLTZMAN, for 10 minutes, today.
Mr. KOCH, for 10 minutes, today.
Mr. FORD of Tennessee, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BRINKLEY, and to include extraneous material on his amendment to H.R. 4975 in the Committee of the Whole today.

(The following Members (at the request of Mr. KASTEN), and to include extraneous matter:)

MRS. PETTIS.
Mr. VANDER JAGT.
Mr. RUPPE in two instances.
Mr. SCHULZE.
Mr. DERWINSKI in two instances.
Mr. COHEN.
Mr. O'BRIEN in two instances.
Mr. LENT.
Mr. PURSELL.
Mr. ASHBROOK in four instances.
Mr. JEFFORDS in two instances.
Mr. KASTEN in two instances.
Mr. ABDNOR.
Mr. GARY A. MYERS.
Mr. MCEWEN.
Mr. WALKER.
Mr. DORNAN.
Mr. HORTON.
Mr. BROYHILL.
Mr. KEMP.
Mr. ROUSSELOT in two instances.

(The following Members (at the request of Mr. GEPHARDT) and to include extraneous matter:)

Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. SANTINI.
Mr. MILFORD.
Ms. OAKAR.
Mr. FORD of Tennessee.
Mr. VENTO in two instances.
Mr. HOWARD in two instances.
Mr. GIBBONS.
Mr. EILBERG in 11 instances.
Mr. KOCH in two instances.
Mr. MCDONALD in four instances.
Mr. ROSE in two instances.
Mr. VANIK.
Mr. HAMILTON.
Mr. CHARLES H. WILSON of California.
Mr. BAUCUS.
Mr. DINGELL.
Mr. STARK.
Mr. BOLAND.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 351. Joint resolution making further continuing appropriations for the fiscal year 1977, and for other purposes.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1051. An act to amend the United States Grain Standards Act with respect to record-keeping requirements and supervision fees, and to establish an advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service, and for other purposes; to the Committee on Agriculture.

ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, April 4, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1132. A letter from the General Counsel, U.S. General Accounting Office, transmitting confirmation of the release of certain budget authority, the rescission or deferral of which was proposed by the President and not approved by the Congress; to the Committee on Appropriations.

1133. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize reimbursement for expenses incurred in obtaining quarters by certain members of the uniformed services on sea duty who are deprived of their quarters aboard ship, and for other purposes; to the Committee on Armed Services.

1134. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 409 of title 37, United States Code, to eliminate restrictions for transporting a house trailer or mobile dwelling by a member of the uniformed services, and for other purposes; to the Committee on Armed Services.

1135. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1136. A letter from the Deputy Assistant Secretary of Defense (Military Personnel Policy), transmitting a list of present and former Defense officers and employees who have filed reports pertaining to their Defense Department and defense-related industry employment for fiscal year 1976, pursuant to section 410(d) of Public Law 91–121; to the Committee on Armed Services.

1137. A letter from the Deputy Assistant Secretary of Defense (Military Personnel Policy), transmitting a report that no use was made of the authority to make payments to officers holding positions of a critical nature during calendar year 1976, pursuant to 37 U.S.C. 306(f); to the Committee on Armed Services.

1138. A letter from the Mayor of the District of Columbia, transmitting his response to the Comptroller General's report (FGMSD–76–75), relating to the District of Columbia government's accounting controls over undelivered checks and the adequacy of internal controls established to prevent duplicate payments, pursuant to section 736 (b)(3) of Public Law 93–198; to the Committee on the District of Columbia.

1139. A letter from the Secretary of Housing and Urban Development, transmitting notice of proposed new and altered records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1140. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of major defense equipment sold commercially to the Government of the Netherlands (transmittal No. MC–26–77), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on International Relations.

1141. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of major defense equipment sold commercially to the Government of Singapore (transmittal No. MC–29–77), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on International Relations.

1142. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain military equipment to Norway (transmittal No. 77–19), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

1143. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for December 1976, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1144. A letter from the Chairman and Chief Executive Officer, Consolidated Rail Corporation, transmitting a report on the Corporation's activities during the 9 months ended December 31, 1976, pursuant to section 301(g) of the Regional Rail Reorganization Act of 1973; to the Committee on Interstate and Foreign Commerce.

1145. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1978; to the Committee on Public Works and Transportation.

1146. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting the Board's 43d annual report, covering fiscal year 1976 and the transition quarter, pursuant to section 9(a) of the Tennessee Valley Authority Act of 1933 (48 Stat. 63; 16 U.S.C. 831h); to the Committee on Public Works and Transportation.

1147. A letter from the Federal and State Cochairmen, Upper Great Lakes Regional Commission, transmitting the Commission's 1976 annual report, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works and Transportation.

1148. A letter from the Secretary of Health, Education, and Welfare, transmitting a report covering fiscal year 1976 on Federal activities related to welfare programs, pursuant to section 704 of the Social Security Act; to the Committee on Ways and Means.

1149. A letter from the Acting Administrator, U.S. Energy Research and Development Administration, transmitting a draft of proposed legislation to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes; jointly, to the Committees on Armed Services, and Science and Technology.

1150. A letter from the Comptroller General of the United States, transmitting a report on the recruitment and retention of Veterans' Administration health care workers (HRD–77–57, March 31, 1977); jointly, to the Committees on Government Operations, and Veterans' Affairs.

1151. A letter from the Comptroller General of the United States, transmitting a report on the possibility of consolidating and sharing functions and facilities and reducing Government investment and expenditures for Federal support of aviation (LCD–76–445, March 31, 1977); jointly, to the Committees on Government Operations, Public Works and Transportation, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on House Administration. House Concurrent Resolution 162. Concurrent resolution providing for the printing of 20,000 additional copies of the subcommittee print of the Subcommittee on Consumer Affairs of the Committee on Banking, Finance, and Urban Affairs entitled "Give Yourself Credit: Guide to Consumer Credit Laws"; with amendment (Rept. No. 95–145). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 379. Resolution authorizing the printing as a House document the dedication ceremony of the portrait of the Honorable Melvin Price, chairman, Committee on Armed Services; with amendment (Rept. No. 95–146). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 246. Resolution providing for the printing as a House document of a report of the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce; with amendment (Rept. No. 95–147). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 363. Resolution to provide for the printing of the report relating to procurement of ADP resources by the Federal Government (Rept. No. 95–148). Referred to the House Calendar.

Mr. NEDZI: Committee on Armed Services. H.R. 5502. A bill to authorize supplemental appropriations during fiscal year 1977 for military construction and for operation and maintenance of family housing, and for other purposes (Rept. No. 95–149). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 7. A bill to authorize a career education program for elementary and secondary schools, and for other purposes; with amendment (Rept. No. 95–150). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 4544. A bill to amend the Federal Coal Mine Health and Safety Act to improve the black lung benefits program established under such act, and for other purposes; with amendment (Rept. No. 95–151). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 468. Resolution providing for the consideration of H.R. 3199. A bill to amend the Federal Water Pollution Control Act to provide for additional authorizations, and for other purposes, (Rept. No. 95–152). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 469. Resolution providing for the consideration of H.R. 5294. A bill to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors. (Rept. No. 95–153). Referred to the House Calendar.

Mr. REUSS: Committee on Banking, Finance and Urban Affairs. H.R. 5262. A bill to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Fund, and for other purposes; with amendment (Rept. No. 95–154). Referred to

the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ZABLOCKI (for himself, Mr. BINGHAM, Mr. ROSENTHAL, Mr. FINDLEY, Mr. FASCELL, Mr. DIGGS, Mr. NIX, Mr. FRASER, Mr. WOLFF, Mr. SOLARZ, Mr. WINN, Mr. STUDDS, Mr. LAGOMARSINO, Mr. GILMAN, Mr. WHALEN, Mr. PEASE, Mr. IRELAND, Mr. CAVANAUGH, Mrs. MEYNER, and Mr. BURKE of Florida):

H.R. 5840. A bill to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. Moss, Mr. OTTINGER, Mr. MOFFETT, Mr. MAGUIRE, Mr. FLORIO, and Mr. TRAXLER):

H.R. 5841. A bill to increase the efficiency of the production and use of electric energy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 5842. A bill to amend the Social Security Act to provide for inclusion of the services of licensed practical nurses under medicare and medicaid; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 5843. A bill to amend the Internal Revenue Code of 1954 to exempt farmers from the highway use tax on heavy trucks used for farm purposes; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 5844. A bill to establish a demonstration farm program; to the Committee on Agriculture.

By Mr. COHEN:

H.R. 5845. A bill to amend the Internal Revenue Code of 1954 to provide tax credits and deductions for the expenses of periodic physical examinations and to amend the Social Security Act to provide for coverage of periodic physical examinations in the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. CORNWELL (for himself, Mr. LE FANTE, Mr. HUGHES, Mr. MOSS, Mr. DELLUMS, Mr. BENNETT, Mr. HANNAFORD, Mr. MAZZOLI, Mr. ANDERSON of Illinois, Mr. MATHIS, Mr. ST GERMAIN, Mr. JOHN L. BURTON, Mr. STARK, Mr. RAILSBACK, Mr. LEACH, and Mrs. SIKES):

H.R. 5846. A bill to provide for the exclusion of industrially funded personnel in computing the total number of civilian personnel authorized by law for the Department of Defense in any fiscal year; to the Committee on Armed Services.

By Mr. DANIELSON:

H.R. 5847. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for certain salaries and other compensation paid for personal services; to the Committee on Ways and Means.

By Mr. DENT (for himself, Mr. MURPHY of Pennsylvania, and Mr. LEDERER):

H.R. 5848. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ECKHARDT (for himself, Mr. BEDELL, Mrs. COLLINS of Illinois, Mr. EDWARDS of California, Mr. HARRIS, Mr. PICKLE, Mr. ROSENTHAL, Mr. SCHULZE, Mr. TUCKER, and Mr. WALKER):

H.R. 5849. A bill to amend the Budget and Accounting Act, 1921, to provide the Comptroller General additional authority to audit certain expenditures; to the Committee on Government Operations.

By Mr. FORD of Tennessee (for himself, Mr. CONTE, Mr. ALLEN, Mr. BOLAND, Mr. CLEVELAND, Mr. FITHIAN, Mr. GORE, Mr. MARKEY, Mr. OBEY, Mr. O'BRIEN, Mr. PATTERSON of California, Mr. RANGEL, Mr. RUDD, Mr. STOCKMAN, and Mr. ZABLOCKI):

H.R. 5850. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FORSYTHE (for himself, Mr. MURPHY of New York, Mr. LEGGETT, Mr. BREAUX, Mr. PRITCHARD, Mr. AKAKA, Mr. AUCOIN, Mr. BAUMAN, Mr. EMERY, Mr. EVANS of Delaware, Mrs. FENWICK, Mr. FLORIO, Mr. HUGHES, Mr. LENT, Mr. MCCLOSKEY, Mr. MAGUIRE, Mrs. MEYNER, Ms. MIKULSKI, Mr. OBERSTAR, Mr. RODINO, Mr. RINALDO, Mr. RUPPE, Mr. STUDDS, Mr. TRIBLE, and Mr. ZEFERETTI):

H.R. 5851. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 regarding the issuance of interim permits for ocean dumping, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMMERSCHMIDT:

H.R. 5852. A bill to amend title 38 of the United States Code to deny veterans' benefits to certain individuals whose discharges from service during the Vietnam era under less than honorable conditions are administratively upgraded under temporarily revised standards to discharge under honorable conditions; to the Committee on Veterans' Affairs.

By Mr. JONES of Oklahoma:

H.R. 5853. A bill to provide for annual authorizations for appropriations to the U.S. Customs Service; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. MURPHY of New York, Mr. BAUCUS, Mr. HANNAFORD, Mr. TRAXLER, Mr. BRODHEAD, Ms. OAKAR, and Mr. COUGHLIN):

H.R. 5854. A bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation; to the Committee on the Judiciary.

By Mr. KINDNESS (for himself, Mr. HORTON, Mr. MCCLORY, Mr. MOORHEAD of California, Mr. ERTEL, Mr. BUTLER, Mr. STEERS, Mr. LAFALCE, Mr. KETCHUM, Mr. KEMP, Mrs. MEYNER, and Mr. ROBINSON):

H.R. 5855. A bill to provide for the resolution of claims and disputes relating to the Government contracts awarded by executive agencies; to the Committee on the Judiciary.

By Mr. MARLENEE:

H.R. 5856. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. MICHEL:

H.R. 5857. A bill to provide emergency drought assistance by authorizing the Secretary of Agriculture to pay certain costs of transporting water; to the Committee on Agriculture.

By Mr. QUIE (for himself, Mr. ANDREWS of North Dakota, Mr. FRASER, Mr. HAGEDORN, Mr. STANGELAND, Mr. VENTO, Mr. OBERSTAR, Mr. MARLENEE, Mr. FRENZEL, and Mr. NOLAN):

H.R. 5858. A bill to amend the Tariff Schedules of the United States to permit the free entry of Canadian petroleum (including reconstituted crude petroleum) and crude shale oil, provided that an equivalent amount of the same kind and quality of domestic or duty-paid foreign crude petroleum (including reconstituted crude petroleum) and crude shale oil has been exported to Canada; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 5859. A bill to extend the age limitation before which certain passenger vessels can qualify for operating-differential subsidies from 25 years to 30 years; to the Committee on Merchant Marine and Fisheries.

By Mr. VANIK:

H.R. 5860. A bill to provide for annual authorizations for appropriations to the U.S. Customs Service; to the Committee on Ways and Means.

By Mr. WAGGONNER (for himself, Mr. MOORE, and Mr. TREEN):

H.R. 5861. A bill to prohibit the Federal Trade Commission from promulgating trade regulation rules which repeal or limit use of holder in due course defenses in connection with the sale or lease of goods or services to consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. WEAVER:

H.R. 5862. A bill to establish a regional energy corporation with power to generate and purchase, integrate and pool, and market all the electric energy in the Pacific Northwest Region with emphasis on conservation of energy and a preferental rate for residential consumers, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and Public Works and Transportation.

By Mr. WEAVER (for himself, Mr. ULLMAN, Mr. DUNCAN of Oregon, Mr. SYMMS, Mr. SKELTON, Mr. HUCKABY, Mr. RICHMOND, Mr. SEBELIUS, Mr. MEEDS, and Mr. JOHNSON of Colorado):

H.R. 5863. A bill to establish an Advisory Committee on Timber Sales Procedure appointed by the Secretary of Agriculture for the purposes of studying, and making recommendations with respect to, procedures by which timber is sold by the Forest Service, and to provide an opportunity for congressional review; to the Committee on Agriculture.

By Mr. MANN (for himself, Mr. HOLTZMAN, Mr. HALL, Mr. GUDGER, Mr. EVANS of Georgia, Mr. WIGGINS, and Mr. HYDE):

H.R. 5864. A bill to approve with modifications certain proposed amendments to the Federal Rules of Criminal Procedures, to disapprove other such proposed amendments, and for other related purposes; to the Committee on the Judiciary.

By Mr. MANN:

H.R. 5865. A bill to amend title 18 of the United States Code to provide a procedure for obtaining search warrants on the basis of oral testimony; to the Committee on the Judiciary.

By Mr. MANN (for himself, Mr. GUDGER, and Mr. HYDE):

H.R. 5866. A bill to amend title 28 of the United States Code to change the procedure for the removal of certain State criminal cases to the Federal courts; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.R. 5867. A bill to authorize the marketing of saccharin under section 409 of the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL:

H.R. 5868. A bill to amend the Internal Revenue Code of 1954 to provide for payment by the Government of all reasonable litigation expenses to prevailing taxpayers in legal action; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 5869. A bill to provide that the lake referred to as the "Laurel River Lake" on the Laurel River, Ky., shall hereafter be known as the John Sherman Cooper Lake and that the dam forming such lake shall hereafter be referred to as the John Sherman Cooper Dam; to the Committee on Public Works and Transportation.

By Mr. CORMAN (for himself, Mr. ASPIN, Mr. BROWN of California, Mr. CLEVELAND, Mr. CONABLE, Mr. COUGHLIN, Mr. DICKINSON, Mr. DRINAN, Mr. EDWARDS of California, Mr. HAGEDORN, Mr. MCHUGH, Mr. MADIGAN, Ms. MIKULSKI, Mr. MITCHELL of Maryland, Mr. MURPHY of Pennsylvania, Mr. PERKINS, Mr. PRITCHARD, Mr. SYMMS, and Mr. WYDLER):

H.R. 5870. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DICKS:

H.R. 5871. A bill making appropriations for school assistance in federally affected areas, and for other purposes; to the Committee on Appropriations.

By Mr. DRINAN (for himself, Mr. AMMERMAN, Mr. BAUCUS, Mr. BEDELL, Mr. BONIOR, Mrs. CHISHOLM, Mr. CLAY, Mr. DIGGS, Mr. EDGAR, Mr. ERTEL, Mr. GEPHARDT, Mr. FAUNTROY, Mr. FLORIO, Mr. HARRINGTON, Mr. HARRIS, Mr. JEFFORDS, Mr. KOSTMAYER, Ms. MIKULSKI, Mr. NEAL, Mr. NIX, and Mr. NOLAN):

H.R. 5872. A bill to direct the Administrator of Energy Research and Development to establish a system of research and development of energy-conserving industrial technologies with due regard for the need to operate such a system in a manner which will stimulate depressed sectors of the American economy; to the Committee on Science and Technology.

By Mr. DRINAN (for himself, Mr. OBERSTAR, Mr. OTTINGER, Mr. PANETTA, Mr. PURSELL, Mr. RANGEL, Mr. ROONEY, Mr. ROSENTHAL, Mr. SIMON, Mrs. SPELLMAN, Mr. STARK, Mr. THOMPSON, Mr. TRAXLER, Mr. UDALL, and Mr. WALGREN):

H.R. 5873. A bill to direct the Administrator of Energy Research and Development to establish a system of research and development of energy-conserving industrial technologies with due regard for the need to operate such a system in a manner which will stimulate depressed sectors of the American economy; to the Committee on Science and Technology.

By Mr. EILBERG:

H.R. 5874. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of decreased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. BAUCUS, Mr. BOWEN, Mr. JOHN L. BURTON, Mr. CARR, Mr. DANIELSON, Mr. DERWINSKI, Mr. DICKS, Mr. DUNCAN of Oregon, Mr. ERTEL, Mr. GLICKMAN, Mr. HIGHTOWER, Mr. JONES of North Carolina, Mr. KINDNESS, Mr. KREBS, Mr MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOTTL, Mr. NIX, Mr. PEASE, Mr. SEBELIUS, Mr. THONE, Mr. TRAXLER, Mr. UDALL, and Mr. WALSH):

H.R. 5875. A bill to authorize the marketing of saccharin under section 409 of the Federal Food, Drug. and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. FORD of Michigan (for himself, Mr. NIX, Mr. CHARLES H. WILSON of California, Mr. CLAY, and Mr. SOLARZ):

H.R. 5876. A bill to revise the manner in which the salary rates for certain executive, legislative, and judicial positions are adjusted, and for other purposes; jointly, to the Committees on Post Office and Civil Service, and Rules.

By Mr. GONZALEZ:

H.R. 5877. A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, and to eliminate the requirement that an individual need skilled nursing care in order to qualify for such services, to amend part A of such title to liberalize the coverage of post-hospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. GORE:

H.R. 5878. A bill to provide for a feasibility study on establishing price, allocation, and export controls on coal, natural gas, and certain other energy sources; jointly, to the Committees on Interstate and Foreign Commerce, and International Relations.

H.R. 5879. A bill to exempt the Columbia Dam and Reservoir in Tennessee from the provisions of the Endangered Species Act of 1973; to the Committee on Merchant Marine and Fisheries.

By Mr. HORTON:

H.R. 5880. A bill to amend title 5 of the United States Code to improve agency rulemaking by establishing paperwork control mechanisms by expanding opportunities for public participation and by enabling the President to delay the implementation of certain rules for 1 year to allow a more comprehensive analysis of congressional intent and public impact, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. ICHORD (for himself, Mr. TAYLOR and Mr. YOUNG of Missouri):

H.R. 5881. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JEFFORDS (for himself, Mr. DICKS, Mr. CORRADA, Mr. BAUCUS, Mr. LONG of Maryland, Mr. ROSE, Mr. RICHMOND, Mr. GLICKMAN, Mr. AKAKA, Mr. PANETTA, Mr. FRASER, Mr. MADIGAN, Mr. WIRTH, Mr. WEAVER, and Mr. BLOUIN):

H.R. 5882. A bill to establish a national policy concerning agricultural land; to establish an Agricultural Land Review Commission; to establish a demonstration program for protecting agricultural land from being used for nonagricultural purposes; and for other purposes; to the Committee on Agriculture.

By Mr. JEFFORDS (for himself, Mr. OTTINGER, Mr. WALGREN, Mr. MICHAEL O. MYERS, Mr. WINN, Mr. YOUNG of Alaska, Mr. BALDUS, Mr. SIMON, Mr. KASTENMEIER, Mr. STEIGER, Mr. PATTISON of New York, Mr. MCCLOSKEY, Mr. PERKINS, Mr. ERTEL, Mr. MARKS, and Mr. HARKIN):

H.R. 5883. A bill to establish a national policy concerning agricultural land; to establish an Agricultural Land Review Commission; to establish a demonstration program for protecting agricultural land from being used for nonagricultural purposes; and for other purposes; to the Committee on Agriculture.

By Mr. JOHNSON of California (for himself and Mr. HARSHA) (by request):

H.R. 5884. A bill to provide temporary authorities to the Secretary of Commerce to facilitate emergency actions to mitigate the impacts of the 1976–77 drought and promote water conservation; to the Committee on Public Works and Transportation.

By Mr. JOHNSON of California (for himself, Mr. ROBERTS, Mr. HARSHA, and Mr. DON H. CLAUSEN):

H.R. 5885. A bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. KASTEN:

H.R. 5886. A bill to eliminate cost-of-living pay adjustments for Members of Congress, to provide that recommendations of the President with respect to salaries of Members of Congress shall take effect only after approval by the Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KEMP:

H.R. 5887. A bill to reform the Food Stamp Act of 1964 by improving and making more realistic various provisions relating to eligiblity for food stamps and administrative responsbility for the food stamp program, and for other purposes; to the Committee on Agriculture.

H.R. 5888. A bill to amend the National Flood Insurance Act of 1968 for the purpose of providing insurance against damage caused by the movement of frozen water into property located along shorelines; to the Committee on Banking, Finance, and Urban Affairs.

By Mr. KEMP (for himself, Mr. MOORHEAD of Pennsylvania, Mr. CEDERBERG, Mr. COCHRAN of Mississippi, Mr. COLLINS of Texas, Mr. DORNAN, Mr. FORSYTHE, Mr. LEDERER, Mr. LENT, Mr. MONTGOMERY, Mr. MURPHY of Pennsylvania, Mr. JOHN T. MYERS, Mr. PATTISON of New York, Mr. PERKINS, Mr. PURSELL, Mr. SEBELIUS, Mr. WALGREN, Mr. CHARLES WILSON of Texas, and Mr. YOUNG of Alaska):

H.R. 5889. A bill to exempt sales by small producers of certain natural gas from regulation of the Federal Power Commission and from the requirement of certificates of pub-

lic convenience and necessity of section 7(c) of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. MARKEY (for himself, Mr. BENJAMIN, Mr. BENNETT, Mr. BLOUIN, Mr. BONIOR, Mr. BOWEN, Mr. BURGENER, Mr. CARR, Mr. DICKS, Mr. DODD, Mr. EDGAR, Mr. HALL, Mr. IRELAND, Mrs. KEYS, Mr. KINDNESS, Mr. KREBS, Mr. LAGOMARSINO, Mr. LATTA, Mr. LUNDINE, Mr. MADIGAN, Mr. MARRIOTT, Mr. MATTOX, Mr. MINETA, Mr. PEASE, and Mr. ROBINSON):

H.R. 5890. A bill to amend section 601(a)(2) of the Legislative Reorganization Act of 1946 to provide that the salaries of Senators and Representatives may not be subject to any cost-of-living adjustment under such section before October 1, 1978; to the Committee on Post Office and Civil Service.

By Mr. MARKEY (for himself, Mr. SKELTON, Mr. STEERS, Mr. STOCKMAN, Mr. STRATTON, Mr. THONE, Mr. WEAVER, Mr. WEISS, Mr. WON PAT, Mr. VAN DEERLIN, and Mr. YOUNG of Missouri):

H.R. 5891. A bill to amend section 601(a)(2) of the Legislative Reorganization Act of 1946 to provide that the salaries of Senators and Representatives may not be subject to any cost-of-living adjustment under such section before October 1, 1978; to the Committee on Post Office and Civil Service.

By Ms. MIKULSKI (for herself, Mr. GILMAN, and Mr. NOLAN):

H.R. 5892. A bill to repeal the changes made by the Tax Reform Act of 1976 in the exclusion of sick pay; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. BRADEMAS, Mr. BRODHEAD, Mr. CORMAN, Mr. JACOBS, Mr. KETCHUM, Mrs. KEYS, Mr. RANGEL, and Mr. STARK):

H.R. 5893. A bill to amend title IV of the Social Security Act to provide improved assistance to children and families in need of service, to provide greater accountability for children in foster placement, and to promote greater permanency for children, by requiring each State to have a plan specifically covering foster care and adoption services, and for other purposes; to the Committee on Ways and Means.

By Mr. MITCHELL of New York:

H.R. 5894. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Technology.

By Mr. RICHMOND (for himself, Mr. AKAKA, Mr. BADILLO, Mr. BINGHAM, Mrs. CHISHOLM, Mr. CONYERS, Mr. CORRADA, Mr. DELLUMS, Mr. DOWNEY, Mr. EDGAR, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. GILMAN, Ms. KEYS, Ms. MIKULSKI, Mr. MITCHELL of Maryland, Mr. NOLAN, Mr. NOWAK, Mr. SCHEUER, Mr. SEIBERLING, Mr. STEERS, Mr. UDALL, Mr. VENTO, Mr. WEISS, and Mr. WON PAT):

H.R. 5895. A bill to amend the Food Stamp Act of 1964, as amended, by simplifying administration, encouraging participation, and eliminating fraud, and for other purposes; to the Committee on Agriculture.

By Mr. RUSSO (for himself, Mr. MURPHY of Illinois, Mr. HUGHES, Mr. MOAKLEY, Mr. DERWINSKI, Mr. BRODHEAD, Mr. TREEN, Mrs. COLLINS of Illinois, and Mr. BONIOR):

H.R. 5896. A bill to authorize the Comptroller General to audit the programs, activities, and financial operations of the Federal National Mortgage Association, and to amend certain housing laws for the purpose of improving Federal programs which insure home mortgages; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RUSSO (for himself, Mrs. FENWICK and Mr. HAWKINS):

H.R. 5897. A bill to amend title 18 of the United States Code with respect to firearms; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 5898. A bill to authorize the home production of beer and wine; to the Committee on Ways and Means.

By Mrs. SPELLMAN (for herself, Ms. OAKAR, and Mr. LEDERER):

H.R. 5899. A bill to amend title VIII of the Act commonly called the Civil Rights Act of 1968 with respect to the awarding of attorney's fees and the authority of the Department of Housing and Urban Development to initiate a civil action to enforce the provisions of such title; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 5900. A bill to amend titles II, VII, XI, XVI, XVIII, and XIX of the Social Security Act to provide for the improved administration of the old-age, survivors, and disability insurance program, the supplemental security income program, and the medicare program by a newly established independent Social Security Administration, to separate social security trust fund items from the general Federal budget, to prohibit the mailing of certain notices with social security and supplemental security income benefit checks, and for other purposes; jointly, to the Committees on Ways and Means, Interstate and Foreign Commerce, Education and Labor, and Government Operations.

By Mr. WHALEN (for himself, Mr. SEIBERLING, Mr. FORD of Michigan, and Ms. OAKAR):

H.R. 5901. A bill to provide that certain cost-of-living and other increased benefits received under title II of the Social Security Act will not be considered as income for purposes of determining eligibility and the amount of benefits of participants in the food stamp program and for purposes of determining eligibility and the amount of benefits of participants in certain programs concerning surplus agricultural commodities; to the Committee on Agriculture.

H.R. 5902. A bill to provide that social security benefit increases occurring after May 1977 shall not be considered as income or resources for the purposes of determining the eligibility for or amount of assistance when any individual or family is provided under certain Federal housing laws; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5903. A bill to amend title XIX of the Social Security Act to make certain that individuals otherwise eligible for medicaid benefits do not lose such eligibility, or have the amount of such benefits reduced, because of increases in monthly social security benefits; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN (for himself, Mr. SEIBERLING, Mr. FORD of Michigan, Mr. LONG of Louisiana, and Ms. OAKAR):

H.R. 5904. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. WHALEN (for himself, Mr. SEIBERLING, Mr. FORD of Michigan, and Ms. OAKAR):

H.R. 5905. A bill to amend the Social Security Act to make certain that recipients of aid to families with dependent children and recipients of supplemental security income benefits will not have the amount of such aid or benefits reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 5906. A bill to amend title 5 of the United States Code to prohibit the consideration of certain matters in the determination of cost-of-living allowances for employees stationed outside the continental United States; to the Committee on Post Office and Civil Service.

By Mr. DRINAN (for himself, Mr. AKAKA, Mr. AUCOIN, Mr. BADILLO, Mr. BEARD of Rhode Island, Mr. BEILENSON, Mr. BLANCHARD, Mr. BLOUIN, Mr. BONIOR, Mr. CARR, Mr. CLEVELAND, Mrs. COLLINS of Illinois, Mr. CORMAN, Mr. CORNWELL, Mr. D'AMOURS, Mr. DANIELSON, Mr. DELLUMS, Mr. DOWNEY, Mr. EDGAR, Mr. EDWARDS of California, and Mr. EMERY):

H.R. 5907. A bill to provide for incentives for the commercial application of solar energy, energy conservation, and renewable resource equipment and devices in homes, neighborhood and community structures, small businesses, and facilities owned or occupied by nonprofit organizations; jointly, to the Committees on Banking, Finance and Urban Affairs, and Small Business.

By Mr. DRINAN (for himself, Mr. FLORIO, Mr. FORD of Michigan, Mr. FRASER, Mr. GAYDOS, Mr. GEPHARDT, Mr. GLICKMAN, Mr. GORE, Mr. HARKIN, Mr. HARRIS, Mr. HOWARD, Mr. HUGHES, Mr. HYDE, Mr. JENRETTE, Mr. KILDEE, Mr. KOCH, Mr. LAFALCE, Mr. LUNDINE, Ms. MIKULSKI, and Mr. MITCHELL of Maryland):

H.R. 5908. A bill to provide for incentives for the commercial application of solar energy, energy conservation, and renewable resource equipment and devices in homes, neighborhood and community structures, small businesses, and facilities owned or occupied by nonprofit organizations; jointly, to the Committees on Banking, Finance and Urban Affairs, and Small Business.

By Mr. DRINAN (for himself, Mr. MOAKLEY, Mr. MOFFETT, Mr. MURPHY, of Pennsylvania, Mr. NOLAN, Ms. OAKAR, Mr. PANETTA, Mr. PATTERSON, of California, Mr. PEPPER, Mr. PEASE, Mr. PRESSLER, Mr. PRITCHARD, Mr. PURSELL, Mr. RINALDO, Mr. RISENHOOVER, Mr. RODINO, Mr. ROE, Mr. ROONEY, Mr. ROSE, Mr. ST GERMAIN, and Mr. SCHEUER):

H.R. 5909. A bill to provide for incentives for the commercial application of solar energy, energy conservation, and renewable resource equipment and devices in homes, neighborhood and community structures, small businesses, and facilities owned or occupied by nonprofit organizations; jointly, to the Committees on Banking, Finance and Urban Affairs, and Small Business.

By Mr. DRINAN (for himself, Mr. SEIBERLING, Mr. STARK, Mr. THONE, Mr. TSONGAS, Mr. UDALL, Mr. VAN DEERLIN, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WOLFF, and Mr. WON PAT):

H.R. 5910. A bill to provide for incentives for the commercial application of solar energy, energy conservation, and renewable resource equipment and devices in homes, neighborhood and community structures, small businesses, and facilities owned or occupied by nonprofit organizations; jointly, to the Committees on Banking, Finance and Urban Affairs, and Small Business.

By Mr. BROWN of California (for himself, Mr. BADILLO, Mr. BEARD of Rhode Island, Mr. BEILENSON, Mr. BLANCHARD, Mr. BONIOR, Mr. CARR, Mrs. COLLINS of Illinois, Mr. D'AMOURS, Mr. DANIELSON, Mr. DELLUMS, Mr. DOWNEY, Mr. EDGAR, Mr. EDWARDS of California, Mr. GAYDOS, Mr. GEPHARDT, Mr. HARKIN, Mr. HOWARD, Mr. HUGHES, Mr. HYDE, Mr. KILDEE, Mr. LAFALCE, Ms. MIKULSKI, Mr. MOFFETT, and Mr. NOLAN):

H.R. 5911. A bill to authorize the inclusion of solar energy research, development, and demonstration programs in certain agricul-

tural programs; to the Committee on Agriculture.

By Mr. BROWN of California (for himself, Mr. FORD of Michigan, Mr. PATTERSON of California, Mr. PEPPER, Mr. PEASE, Mr. PRESSLER, Mr. PURSELL, Mr. RISENHOOVER, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. TSONGAS, Mr. UDALL, Mr. VAN DEERLIN, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, Mr. WINN, and Mr. WON PAT):

H.R. 5912. A bill to authorize the inclusion of solar energy research, development, and demonstration programs in certain agricultural programs; to the Committee on Agriculture.

By Mr. BROWN of California (for himself, Mr. AKAKA, Mr. AUCOIN, Mr. BLOUIN, Mr. CLEVELAND, Mr. CORNELL, Mr. CORNWELL, Mr. EMERY, Mr. ERTEL, Mr. FLORIO, Mr. FRASER, Mr. GLICKMAN, Mr. GORE, Mr. HARRIS, Mr. JENRETTE, Mr. MIKVA, Mr. MURPHY of Pennsylvania, Mr. NEAL, Ms. OAKAR, Mr. PANETTA, and Mr. THONE):

H.R. 5913. A bill to authorize the inclusion of solar energy research, development, and demonstration programs in certain agricultural programs; to the Committee on Agriculture.

By Mr. JEFFORDS (for himself, Mr. WON PAT, Mr. AUCOIN, Mr. FRASER, Mr. BALDUS, Mr. CORNWELL, Mr. EMERY, Mr. ERTEL, Mr. DELLUMS, Mr. FLORIO, Mr. HOLLENBECK, Mr. LEHMAN, Mr. MCCLOSKEY, Mr. WOLFF, Mr. MIKVA, and Mr. PANETTA):

H.R. 5914. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for cooperative programs with less-developed countries for the development of unconventional energy technology; jointly, to the Committees on Science and Technology, and International Relations.

H.R. 5915. A bill to amend the Foreign Assistance Act of 1961 to encourage greater emphasis on the production and conservation of energy in developing countries through the development and utilization of unconventional energy technologies; to the Committee on International Relations.

By Mr. JEFFORDS (for himself, Mr. FASCELL, Mr. MINETA, Mr. BADILLO, Mr. BEARD of Rhode Island, Mr. BEILENSON, Mr. BLANCHARD, Mr. BONIOR, Mr. CARR, Mrs. COLLINS of Illinois, Mr. D'AMOURS, Mr. DANIELSON, Mr. DOWNEY, Mr. EDGAR, Mr. EDWARDS of California, Mr. FORD of Michgan, Mr. GAYDOS, Mr. GEPHARDT, Mr. HARKIN, Mr. HOWARD, Mr. HUGHES, Mr. HYDE, Mr. KILDEE, Mr. LAFALCE, and Ms. MIKULSKI):

H.R. 5916. A bill to amend the Foreign Assistance Act of 1961 to encourage greater emphasis on the production and conservation of energy in developing countries through the development and utilization of unconventional energy technologies; to the Committee on International Relations.

H.R. 5917. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for cooperative programs with less-developed countries for the development of unconventional energy technologies; jointly, to the Committees on Science and Technology and International Relations.

By Mr. JEFFORDS (for himself, Mr. MOFFETT, Mr. NOLAN, Mr. PATTERSON of California, Mr. PEPPER, Mr. PEASE, Mr. PRESSLER, Mr. PURSELL, Mr. RISENHOOVER, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. TSONGAS, Mr. UDALL, Mr. VAN DEERLIN, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas):

H.R. 5918. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for cooperative programs with less-developed countries for the development of unconventional energy technologies; jointly, to the Committees on Science and Technology, and International Relations.

By Mr. JEFFORDS (for himself, Mr. MOFFETT, Mr. NOLAN, Mr. PATTERSON of California, Mr. PEPPER, Mr. PEASE, Mr. PRESSLER, Mr. PURSELL, Mr. RISENHOOVER, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. TSONGAS, Mr. UDALL, Mr. VAN DEERLIN, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, and Mr. WINN):

H.R. 5919. A bill to amend the Foreign Assistance Act of 1961 to encourage greater emphasis on the production and conservation of energy in developing countries through the development and utilization of unconventional energy technologies; to the Committee on International Relations.

By Mr. OTTINGER (for himself, Mr. MCCORMACK, Mr. GEPHARDT, Mr. GORE, Mr. HARKIN, Mr. HARRIS, Mr. HOLLENBECK, Mr. HOWARD, Mr. HUGHES, Mr. HYDE, Ms. KEYS, Mr. KILDEE, Mr. LAFALCE, Mr. LEHMAN, Mr. MCCLOSKEY, Ms. MIKULSKI, Mr. MIKVA, Mr. MOFFETT, Mr. MURPHY of Pennsylvania, Mr. NOLAN, Mr. PATTERSON of California, Mr. PEPPER, Mr. PEASE, Mr. PRESSLER, and Mr. PURSELL):

H.R. 5920. A bill to promote the use of energy conservation, solar energy, and total energy, and total energy systems in Federal buildings; to the Committee on Pubic Works and Transportation.

By Mr. BEDELL (for himself, Mr. GLICKMAN, Mr. GORE, Mr. HARKIN, Mr. HOWARD, Mr. HUGHES, Mr. HYDE, Mr. JENRETTE, Mr. KILDEE, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LEHMAN, Mr. LUNDINE, Mr. MCCLOSKEY, Ms. MIKULSKI, Mr. MITCHELL of Maryland, Mr. MOFFETT, Mr. MURPHY of Pennsylvania, Mr. NOLAN, Mr. NEAL, Mr. PATTERSON of California, Mr. PANETTA, Mr. PEPPER, Mr. PEASE, and Mr. PRESSLER):

H.R. 5921. A bill to amend the Small Business Act and the Federal Nonnuclear Energy Research and Development Act of 1974 to provide certain assistance to individuals and small business concerns in the areas of solar energy equipment and energy-related inventions; jointly, to the Committees on Small Business and Science and Technology.

By Mr. BEDELL (for himself, Mr. AKAKA, Mr. AUCOIN, Mr. BADILLO, Mr. BEARD of Rhode Island, Mr. BEILENSON, Mr. BLANCHARD, Mr. BLOUIN, Mr. BONIOR, Mr. CARR, Mr. CLEVELAND, Mrs. COLLINS of Illinois, Mr. CORNWELL, Mr. D'AMOURS, Mr. DANIELSON, Mr. DELLUMS, Mr. DOWNEY, Mr. EDGAR, Mr. EDWARDS of California, Mr. ERTEL, Mr. FASCELL, Mr. FORD of Michigan, Mr. FRASER, Mr. GAYDOS, and Mr. GEPHARDT):

H.R. 5922. A bill to amend the Small Business Act and the Federal Nonnuclear Energy Research and Development Act of 1974 to provide certain assistance to individuals and small business concerns in the areas of solar energy equipment and energy-related inventions; jointly, to the Committees on Small Business, and Science and Technology.

By Mr. BEDELL (for himself, Mr. PURSELL, Mr. RINALDO, Mr. RISENHOOVER, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. THONE, Mr. TSONGAS, Mr. UDALL, Mr. VAN DEERLIN, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WOLFF, and Mr. WON PAT):

H.R. 5923. A bill to amend the Small Business Act and the Federal nonnuclear Energy Research and Development Act of 1974 to provide certain assistance to individuals and small business concerns in the areas of solar energy equipment and energy-related inventions; jointly, to the Committees on Small Business, and Science and Technology.

By Mr. MOAKLEY (for himself, Mr. AKAKA, Mr. BADILLO, Mr. BAUCUS, Mr. BEARD of Rhode Island, Mr. BEDELL, Mr. BEILENSON, Mr. BINGHAM, Mr. BLANCHARD, Mr. BLOUIN, Mr. BONIOR, Mr. BROWN of California, Mr. CARR, Mr. CARNEY, Mr. CLEVELAND, Mrs. COLLINS of Illinois, Mr. CORNELL, Mr. D'AMOURS, Mr. DANIELSON, Mr. DELLUMS, Mr. DOWNEY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EMERY, and Mr. ERTEL):

H.R. 5924. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives for the conservation of energy used to heat or cool residences and commercial buildings, and for the utilization of renewable fuel energy sources; to the Committee on Ways and Means.

By Mr. MOAKLEY (for himself, Mr. GAYDOS, Mr. GEPHARDT, Mr. HARKIN, Mr. HARRINGTON, Mr. FASCELL, Mrs. FENWICK, Mr. HOWARD, Mr. HOLLENBECK, Mr. HUGHES, Mr. HYDE, Mr. JEFFORDS, Mr. KILDEE, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LEHMAN, Mr. LONG of Maryland, Mr. LUNDINE, Mr. MCKINNEY, Mr. MCCLOSKEY, Ms. MIKULSKI, Mr. MITCHELL of Maryland, Mr. MOFFETT, Mr. MOTTL, Mr. MURPHY of Pennsylvania, and Mr. NEAL):

H.R. 5925. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives for the conservation of energy used to heat or cool residences and commercial buildings, and for the utilization of renewable fuel energy sources; to the Committee on Ways and Means.

By Mr. MOAKLEY (for himself, Mr. NOLAN, Ms. OAKAR, Mr. OBERSTAR, Mr. OTTINGER, Mr. PATTERSON of California, Mr. PEPPER, Mr. PEASE, Mr. PRESSLER, Mr. PRITCHARD, Mr. PURSELL, Mr. RANGEL, Mr. RICHMOND, Mr. RISENHOOVER, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. THONE, Mr. TSONGAS, Mr. UDALL, Mr. VAN DEERLIN, Mr. WALGREN, and Mr. WAXMAN):

H.R. 5926. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives for the conservation of energy used to heat or cool residences and commercial buildings, and for the utilization of renewable fuel energy sources; to the Committee on Ways and Means.

By Mr. MOAKLEY (for himself, Mr. WEAVER, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WIRTH, Mr. WOLFF, and Mr. WON PAT):

H.R. 5927. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives for the conservation of energy used to heat or cool residences and commercial buildings, and for the utilization of renewable fuel energy sources; to the Committee on Ways and Means.

By Ms. HOLTZMAN:

H.J. Res. 369. Joint resolution to authorize and request the President to issue a proclamation designating the year 1977 as the Year of Education in honor of the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson; to the Committee on Post Office and Civil Service.

By Mr. RHODES (for himself, Mr. DORNAN, Mr. HYDE, Mr. GLICKMAN, Mr. KREBS, Mr. HORTON, Mrs. LLOYD of Tennessee, Mr. WALKER, Mr. JOHN T. MYERS, Mrs. FENWICK, Mr. JOHNSON of California, Mr. MONTGOMERY, Mr. FARY, Mr. WAXMAN, Mr. HEFNER, Mr. STANGELAND, Mr. YOUNG of Alaska, Mr. CHARLES H. WILSON of CALIFORNIA, Mr. FISH, Mr. EVANS of Georgia, Mr. CLEVELAND, Mr. EMERY, Mr. NICHOLS, Mr. MARRIOTT, and Mrs. HOLT):

H.J. Res. 370. Joint resolution to designate the week commencing with the third Monday in February of each year as National Patriotism Week; to the Committee on Post Office and Civil Service.

By Mr. SCHULZE (for himself, Mr. ANDERSON of Illinois, Mr. AUCOIN, Mr. BEDELL, Mr. BLOUIN, Mr. COCHRAN of Mississippi, Mr. CORCORAN of Illinois, Mr. COUGHLIN, Mr. DRINAN, Mr. EDGAR, Mrs. FENWICK, Mr. GRADISON, Mr. HAGEDORN, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. LEACH, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MCKINNEY, Mr. OTTINGER, Mr. PATTISON of New York, Mrs. SCHROEDER, Mr. SIMON, Mr. VENTO, and Mr. WALKER):

H. Con. Res. 185. Concurrent resolution to urge the President to reduce the risk of chemical warfare; jointly, to the Committees on Armed Services, and International Relations.

By Mr. ASPIN (for himself, Mr. BADILLO, Mr. BALDUS, Mr. BAUCUS, Mr. BEDELL, Mr. BEILENSON, Mr. BLOUIN, Mr. CARR, Mr. CONYERS, Mr. CORNELL, Mr. DOWNEY, Mr. EDGAR, Mr. GIBBONS, Mr. GLICKMAN, Mr. HAMILTON, Mr. HANNAFORD, Mr. HARRINGTON, Mr. HAWKINS, Mr. HUGHES, Mr. IRELAND, Mr. KOCH, Mr. KOSTMAYER, Mr. LONG of Maryland, and Mr. MCHUGH):

H. Res. 453. Resolution to establish a Standing Committee of the House on Intelligence, and for other purposes; to the Committee on Rules.

By Mr. ASPIN (for himself, Mr. MARKEY, Mr. MAZZOLI, Mr. METCALFE, Mrs. MEYNER, Mr. MIKVA, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. OTTINGER, Mr. PANETTA, Mr. PATTERSON of California, Mr. PATTISON of New York, Mr. PREYER, Mr. RYAN, Mr. SEIBERLING, Mr. SOLARZ, Mr. STARK, Mr. TSONGAS, and Mr. VENTO):

H. Res. 454. Resolution to establish a Standing Committee of the House on Intelligence, and for other purposes; to the Committee on Rules.

By Mr. ASPIN (for himself, Mr. WAXMAN, Mr. WOLFF, Mr. ANDERSON of Illinois, Mr. COHEN, Mr. ERLENBORN, Mrs. FENWICK, Mr. JEFFORDS, Mr. JOHNSON of Colorado, Mr. MCCLOSKEY, Mr. MARKS, Mr. PRITCHARD, Mr. SAWYER, and Mr. WEISS):

H. Res. 455. Resolution to establish a Standing Committee of the House on Intelligence, and for other purposes; to the Committee on Rules.

By Mr. DORNAN:

H. Res. 456. Resolution relating to congressional reform; to the Committee on Rules.

By Mr. FINDLEY (for himself, Mr. MURPHY of Illinois, and Mr. SIMON):

H. Res. 457. Resolution relative to determining a telecommunications regulatory policy; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON:

H. Res. 458. Resolution amending the Rules of the House of Representatives to provide for television and radio coverage of the proceedings of the House; to the Committee on Rules.

By Mr. HOWARD:

H. Res. 459. Resolution urging the expeditious completion of the Subcommittee on Communication's review of the Communications Act of 1934; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTEN:

H. Res. 460. Resolution to create a select committee to audit accounts of committees, Members, and officers of the House of Representatives; to the Committee on Rules.

By Mr. PICKLE (for himself, Mr. AKAKA, Mr. AUCOIN, Mr. BADILLO, Mr. BEARD of Rhode Island, Mr. BEILENSON, Mr. BLANCHARD, Mr. BONIOR, Mr. CARR, Mr. CLEVELAND, Mrs. COLLINS of Illinois, Mr. D'AMOURS, Mr. DANIELSON, Mr. DELLUMS, Mr. DICKS, Mr. DOWNEY, Mr. EDGAR, Mr. EDWARDS of California, Mr. FLORIO, Mr. FORD of Michigan, Mr. GAYDOS, Mr. GEPHARDT, Mr. GORE, Mr. HANNAFORD, and Mr. HARKIN):

H. Res. 461. Resolution to study the feasibility of installing solar energy equipment in the House office buildings; to the Committee on Public Works and Transportation.

By Mr. PICKLE (for himself, Mr. HARRIS, Mr. HOLLENBECK, Mr. HOWARD, Mr. HUGHES, Mr. HYDE, Mrs. KEYS, Mr. KILDEE, Mr. LAFALCE, Ms. MIKULSKI, Mr. MIKVA, Mr. MOFFETT, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NOLAN, Mr. PATTERSON of California, Mr. PEPPER, Mr. PEASE, Mr. PRESSLER, Mr. PURSELL, Mr. RISENHOOVER, Mr. RODINO, Mr. ROE, Mr. ST GERMAIN, and Mr. SCHEUER):

H. Res. 462. Resolution to study the feasibility of installing solar energy equipment in the House office buildings; to the Committee on Public Works and Transportation.

By Mr. PICKLE (for himself, Mr. SEIBERLING, Mr. TSONGAS, Mr. UDALL, Mr. VAN DEERLIN, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, Mr. WINN, and Mr. WON PAT):

H. Res. 463. Resolution to study the feasibility of installing solar energy equipment in the House office buildings; to the Committee on Public Works and Transportation.

By Mr. RHODES (for himself, Mrs. FENWICK, Mr. LEACH, Mr. EMERY, Mr. WALSH, Mr. WALKER, Mr. REGULA, Mr. STEERS, Mr. ROBINSON, Mr. ROBERT W. DANIEL, Jr., Mr. DORNAN, Mr. ERLENBORN, Mr. FRENZEL, Mr. MADIGAN, and Mr. NOLAN):

H. Res. 464. Resolution to create a select committee to audit accounts of committees, Members, and officers of the House of Representatives; to the Committee on Rules.

By Mr. STOKES:

H. Res. 465. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Assassinations; to the Committee on House Administration.

By Mr. WHALEN:

H. Res. 466. Resolution amending clause 7 of rule XIII of the Rules of the House; to the Committee on Rules.

By Mr. ZABLOCKI:

H. Res. 467. Resolution to establish a Standing Committee of the House on Intelligence, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

74. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to locating the Solar Energy Research Institute in Westborough, Mass.; to the Committee on Science and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRON:

H.R. 5928. A bill for the relief of Miss Coralia Raposo; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 5929. A bill for the relief of Stephen A. Levine and his spouse; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 5930. A bill for the relief of John J. Egan; to the Committee on the Judiciary.

By Mr. GINN:

H.R. 5931. A bill for the relief of Julious Killingsworth; to the Committee on the Judiciary.

By Mr. KAZEN:

H.R. 5932. A bill for the relief of Marcelino S. Silva and his wife, Emilie M. Silva; to the Committee on the Judiciary.

By Mr. MCKAY:

H.R. 5933. A bill for the relief of Jonathan Winston Max; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

69. The SPEAKER presented a petition of the city council, Lakewood, Ohio, requesting that Congress propose an amendment to the Constitution of the United States relative to the right to life, which was referred to the Committee on the Judiciary.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House Rule X. Previous listing appeared in the CONGRESSIONAL RECORD of March 28, 1977, page 9290:

H.R. 781. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide that canceled checks shall be treated as prima facie evidence of any expenditure allowed as a deduction against the income tax.

H.R. 782. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to exclude from the estate tax life insurance benefits to the extent that the beneficiary paid the premiums on the policy. Treats premiums paid by the decedent as paid by the beneficiary where the beneficiary is the surviving spouse.

H.R. 783. January 4, 1977. Science and Technology. Directs the Secretary of Commerce to coordinate the establishment and operation of a Federal climate program for the collection, analysis, and dissemination of data concerning climatic states and the influence of human activities on climatic dynamics. Empowers the Secretary, in order to carry out the purposes of this Act, to: (1) establish advisory committees composed of experts in climatology and related fields and of representatives of interested Federal departments; and (2) transfer funds and make grants to governmental bodies and to nonprofit and educational institutions.

H.R. 784. January 4, 1977. Science and Technology. Establishes a five-year program in the Energy Research and Development Ad-

ministration designed to develop advanced automobile propulsion systems. Directs the Secretary of Transportation and the Administrator of the Environmental Protection Agency to evaluate test vehicles for compliance with applicable environmental, energy efficiency, and motor vehicle safety requirements.

H.R. 785. January 4, 1977. Science and Technology. Establishes a five-year program in the Energy Research and Development Administration designed to develop advanced automobile propulsion systems. Directs the Secretary of Transportation and the Administrator of the Environmental Protection Agency to evaluate test vehicles for compliance with applicable environmental, energy efficiency, and motor vehicles safety requirements.

H.R. 786. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to prohibit the taking of a business deduction for expenses paid or incurred to advertise alcoholic beverages.

H.R. 787. January 4, 1977. Agriculture. Amends the Food Stamp Act of 1964 by revising: (1) eligibility standards; (2) the method of determining the amount of the coupon allotment; (3) administration of the program by State agencies, including the eligibility certification procedure and duties imposed on issuing agents; and (4) the method of computing the Federal share of program costs and of making payments to the States. Transfers the functions of the Secretary of Agriculture under the Food Stamp Act of 1964 to the Secretary of Health, Education, and Welfare.

H.R. 788. January 4, 1977. Armed Services. Revises the method of computing retired or retainer pay for members of the armed forces who were later called to active duty before October 1, 1973, and served on active duty for at least two years.

H.R. 789. January 4, 1977. Armed Services. Revises the method of computing retired or retainer pay for members of the armed forces who later serve on active duty.

H.R. 790. January 4, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to authorize the Federal Power Commission to exempt from regulation sales of natural gas to interstate pipelines where such sales are not otherwise committed to interstate commerce and where the pipeline company is curtailing deliveries of natural gas supplies.

H.R. 791. January 4, 1977. Interstate and Foreign Commerce; Ways and Means. Amends Title XVIII (Medicare) of the Social Security Act to expand the coverage of the supplementary medical insurance program to include physician extender services.

H.R. 792. January 4, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay a pension to eligible veterans of World War I.

H.R. 793. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide monthly insurance benefits for dependent relatives of individuals entitled to old-age or disability insurance benefits or of individuals who were fully and currently insured at the time of their death.

Stipulates the payment of dependent's benefits to individuals under age 18 and over age 62 who were receiving at least one-half of their support from the insured individual.

H.R. 794. January 4, 1977. Education and Labor. Requires persons acquiring effective control of existing plants or business facilities to give notice to employees and the community of an intention to close or relocate such a plant or facility at least one year and 180 days prior to closing or relocating. Requires owners of plants or business facilities which have been in operation for ten years and employ 200 or more people to give such notice of a determination to close or relocate at least 180 days prior to closing or relocating.

H.R. 795. January 4, 1977. Government Operations. States that the costs of goods manufactured in the United States and required for public use shall not be deemed unreasonable under the Buy American Act unless the price of such goods is 50 percent higher than like foreign-made goods.

H.R. 796. January 4, 1977. Public Works and Transportation. Amends the Local Public Works Capital Development and Investment Act of 1976 to direct the Secretary of Commerce, acting through the Economic Development Administration, to make a redetermination of grant requests by States and localities once additional Federal funding becomes available. Authorizes appropriations for such purposes.

H.R. 797. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide a limited exclusion from gross income of interest on savings deposits paid or accrued by an individual taxpayer.

H.R. 798. January 4, 1977. Veterans' Affairs. Provides that if any cost-of-living increase is made in old-age and survivors insurance benefits payable under title II of the Social Security Act after December 31, 1975, or, if any general benefit increase is made under such Act after such date, the Administrator of Veterans' Affairs shall increase specified benefit payments to veterans by the same percentage.

Provides that recipients of veterans' pension and compensation shall not have the amount of such pension or compensation reduced because of increases in monthly social security benefits or railroad retirement benefits.

H.R. 799. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) to increase by 20 percent the primary insurance amount for individuals covered under such Title.

H.R. 800. January 4, 1977. Ways and Means. Increases to $6,000 the amount of outside earnings which is permitted an individual each year without any deduction from benefits under Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act.

H.R. 801. January 4, 1977. Agriculture; Ways and Means. Amends the Social Security Act by authorizing the Secretary of Health, Education, and Welfare to formulate and administer a food allowance program for the elderly.

H.R. 802. January 4, 1977. Education and Labor. Amends the Employee Retirement Income Security Act of 1974 to require as part of the private pension plan termination insurance program that the Pension Benefit Guarantee Corporation insure during periods when a beneficiary is unemployed and not eligible for benefits under the Social Security Act benefits which: (1) are forfeitable, have been in effect for less than 60 months, or are for other reasons deemed nonbasic; and (2) are payable before normal retirement age.

H.R. 803. January 4, 1977. Armed Services. Amends the National Security Act of 1947 to include the Secretary of the Treasury as a member of the National Security Council.

H.R. 804. January 4, 1977. Ways and Means. Amends Titles II (Old-Age, Survivors, and Disability Insurance) and XVIII (Medicare) of the Social Security Act and the Railroad Retirement Act to eliminate the requirement that an individual be entitled to disability benefits for at least 24 consecutive months in order to qualify for hospital insurance benefits under the Medicare program.

H.R. 805. January 4, 1977. Appropriations. Appropriates specified amounts to the Secretary of the Interior for construction of the Natchez Trace Parkway.

H.R. 806. January 4, 1977. Appropriations. Makes appropriations in specified amounts to the Secretary of the Interior for the completion of the Mission 66 Bypass Road at Vicksburg, Mississippi.

H.R. 807. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Prohibits any federally assisted continuing care institutions from requiring any cash payment in addition to or in lieu of its regular periodic charges for care and services unless such payment is made in accordance with a written contract or agreement which sets forth the rights and obligations of the parties involved.

H.R. 808. January 4, 1977. Public Works and Transportation; Banking, Finance and Urban Affairs. Amends the Public Works and Economic Development Act of 1965 to establish within the Department of Commerce an Office of Aid to Economic Communities.

Authorizes the designation of economic disaster communities in accordance with specified criteria.

Authorizes Federal agencies to assist such areas by making available certain property and personnel.

Establishes a Federal Economic Recovery Fund within the Treasury to aid economic disaster communities.

H.R. 809. January 4, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants to States, localities, interstate bodies, corporations, partnerships, and associations for treatment works training projects by contract without regard to generally applicable procedures with respect to expenditure of funds for public contracts.

H.R. 810. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide a limited exclusion from the excise tax on self-dealing private foundations in order to allow the reimbursement of government officials for certain foreign travel expenses.

H.R. 811. January 4, 1977. Judiciary; Merchant Marine and Fisheries; Government Operations. Amends the Outer Continental Shelf Lands Act to create a Marine Resources Conservation and Development Fund for use by the Secretary of the Interior for various marine resources programs. Requires monies collected from leases on the Outer Continental Shelf to be deposited into the fund with a certain percentage to be returned to the States.

H.R. 812. January 4, 1977. Judiciary; Merchant Marine and Fisheries; Interior and Insular Affairs; Science and Technology. Amends the Outer Continental Shelf Lands Act to establish a policy for the development and management of oil and natural gas in the Outer Continental Shelf designed to protect the marine and coastal environment.

Directs the Secretary of the Interior to establish a comprehensive exploratory program to develop potential oil and gas leases. Directs the National Oceanic and Atmospheric Administration to assume lead responsibility in preparation of environmental impact statements.

Revises bidding and lease administration procedures.

Authorizes the Secretary of Transportation to report on pipeline safety and operation on Federal lands and in the Outer Continental Shelf.

H.R. 813. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) and Title II (Old-Age, Survivors', and Disability Insurance) of the Social Security Act to extend Medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 814. January 4, 1977. Interstate and Foreign Commerce. Amends the Federal Administration Act of 1974 to direct the Federal Energy Administrator to prohibit practices involving pricing of energy supplies sold to consumers which allow per unit rates to vary inversely with total consumption.

H.R. 815. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide identical income tax rates for single persons and married couples filing joint returns. Limits the earned income that must be reported by a married person filing a separate return to the amount actually earned by that individual.

H.R. 816. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide a $5,000 tax exclusion for persons aged 65 or over for amounts received as an annuity, pension, or other retirement benefit.

H.R. 817. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 818. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to require an automatic cost-of-living adjustment in the income tax rates, the amount of the standard deduction, personal exemption, and depreciation deduction, and the rate of interest payable on certain obligations of the United States.

H.R. 819. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for State and local taxes paid or incurred for the furnishing of public utility services.

H.R. 820. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to impose on every passenger automobile sold by a manufacturer an excise tax based upon the fuel efficiency rate of such automobile as determined by the Environmental Protection Agency.

Directs the Secretary of the Treasury to make a variable payment based upon fuel efficiency to purchasers of new passenger automobiles manufactured in the United States.

Amends the Automobile Information Disclosure Act to require each car to display its fuel efficiency rate and the resultant tax.

Prohibits adjustments to an automobile which result in causing lower fuel efficiency.

H.R. 821. January 4, 1977. Education and Labor. Establishes a comprehensive mid-career development service program to be administered by the Employment and Training Administration of the Department of Labor.

Authorizes specified programs through the Department of Labor to provide job training, employment opportunities, and unemployment assistance to middle-aged and older workers.

Directs the Secretary of Labor to study the adequacy of workmen's compensation, employee pension and health benefits, and manpower training programs to meet the needs of such workers.

Directs the Comptroller General to study means of increasing the number of part-time and subprofessional full-time positions in the executive branch which may be filled by middle-aged and older workers.

H.R. 822. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 823. January 4, 1977. Interstate and Foreign Commerce. Amends the Federal Power Act to authorize the Federal Power Commission to take additional steps to meet anticipated power shortages.

Requires public hearings on certain proposals for utility rate increases. Authorizes the Commission to take additional measures to eliminate discriminatory and anticompetitive practices by utilities.

H.R. 824. January 4, 1977. Armed Services. Repeals the Military Selective Service Act.

H.R. 825. January 4, 1977. Banking, Finance and Urban Affairs. Authorizes the Secretary of Housing and Urban Development to make loans to homeowners and builders to assist them in purchasing and installing solar heating or solar heating and cooling equipment, and directs the Secretary to provide individuals with all current information on such equipment upon request. Directs the Energy Research and Development Administration to: (1) establish procedures for inspecting and evaluating solar heating and cooling equipment; (2) review new equipment as developed; and (3) periodically review certifications of such equipment for validity.

H.R. 826. January 4, 1977. Banking, Finance and Urban Affairs. Requires the establishment of escrow accounts in connection with federally related mortgage loans, under specified conditions. Requires that interest be paid on such accounts. Regulates the requirements of advance deposits in escrow accounts.

H.R. 827. January 4, 1977. Banking, Finance and Urban Affairs. Requires the developers of all federally assisted condominium projects to disclose specific information on proposed new condominium construction or conversion to condominium units of existing structures.

Establishes regulations to protect tenants in a leased-unit structure which is to be converted to condominium use.

Authorizes the Secretary of Housing and Urban Development to make grants to State and local governments to establish similar programs.

H.R. 828. January 4, 1977. Banking, Finance and Urban Affairs. Establishes an Emergency Housing and Economic Recovery Fund under the Secretary of Housing and Urban Development. Authorizes the Secretary to purchase mortgages on dwelling units which are the mortgagor's principal residence and meet certain other criteria.

Establishes economic limits at which the provisions of this Act will be activated and terminated.

Directs the Secretary of the Treasury to purchase any obligations of the Fund, and authorizes the Secretary to use the proceeds from the sale of securities issued under the Second Liberty Bond Act as a public debt transaction for the purposes of this Act.

H.R 829. January 4, 1977. Banking, Finance and Urban Affairs. Requires banks, savings and loan associations, and insured credit unions to disclose, upon request and in all advertising, specified information on computation and payment of the earnings on savings deposits.

Directs the Board of Governors of the Federal Reserve System to prescribe regulations to enforce the provisions of this Act.

H.R. 830. January 4, 1977. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities designed to achieve conservation and nonuse of energy and materials. Establishes within the Office of Education a Council on the Conservation and Nonuse of Energy Materials to advise the Secretary on the administration of this Act.

H.R. 831. January 4, 1977. Education and Labor. Establishes, under the Elementary and Secondary Education Act of 1965, a Director of Consumers' Education whose duty shall be the making of grants, and contracts with educational and governmental entities to design projects to provide consumer education to the public.

H.R. 832. January 4, 1977. Education and Labor. Directs the Secretary of Labor to establish and maintain in counties with populations under 20,000 a pilot program designed to provide a guaranteed job opportunity to certain county residents from low-income households by partially reimbursing public and private employers for wages paid to certain such individuals, and fully reimbursing such employers for wages paid to certain other such individuals.

H.R. 833. January 4, 1977. Education and Labor. Amends the Wagner-Peyser Act to direct the Secretary of Labor to provide technical and management assistance to State public employment offices, establish a national clearing house for employment service information in the United States Employment Service, and implement an assistance program for certain State employment office job placement projects.

Directs the Secretary to study the merits of a nationwide job bank system and of replacing the State employment office system with a Federal office system.

H.R. 834. January 4, 1977. Education and Labor. Directs the Secretary of Labor, through the Bureau of Labor Statistics, to publish a monthly price index reflecting the retail prices of items purchased generally by individuals 62 years of age and older, such index to be known as the Consumer Price Index for the Elderly.

H.R. 835. January 4, 1977. House Administration. Requires the Comptroller General to conduct each year an audit of the financial transactions and accounts relating to the conduct of official business of 44 Members of the House of Representatives. Requires such an audit to be conducted whenever requested by the Committee on Standards of Official Conduct of the House of Representatives. States that information necessary to complete such an investigation shall be provided to the Comptroller General by the subject of the investigation.

H.R. 836. January 4, 1977. International Relations. Suspends sales of defense articles and services for six months to Iran, Saudi Arbia, Iraq, Qatar, Bahrain, the United Arab Emirates, Oman, and Kuwait, unless the President transmits to Congress and Congress approves by joint resolution a statement of policy with respect to sales, credit, and guarantees to such countries under the Mutual Security Act of 1954 and the Foreign Military Sales Act.

H.R. 837. January 4, 1977. Interstate and Foreign Commerce. Declares that the Federal Communications Act shall not be construed to require the availability of broadcasting time to any person. Repeals the "equal time" provision relating to availability of broadcasting time to legally qualified candidates for public office.

Repeals the prohibition on political editorializing by noncommercial educational broadcasting stations.

H.R. 838. January 4, 1977. Interstate and Foreign Commerce. Amends the Federal Cigarette Labeling and Advertising Act to require the Secretary of Health, Education, and Welfare to include in his annual report to Congress on the health consequences of smoking, effects on nonsmokers of involuntary inhalation of cigarette smoke.

H.R. 839. January 4, 1977. Interstate and Foreign Commerce. Revises the warning label on cigarette packages and requires the inclusion on such package of a label bearing a statement of the tar and nicotine content.

H.R. 840. January 4, 1977. Interstate and Foreign Commerce. Directs the President to take all necessary action to enforce price regulations and all orders issued under the Emergency Petroleum Allocation Act of 1973. Directs the Federal Trade Commission to monitor actions taken by the President or his delegate to enforce such regulations and orders.

H.R. 841. January 4, 1977. Interstate and Foreign Commerce. Prescribes criteria for Federal, State, and local agencies regulating electric utilities which would require that rate schedules accurately reflect long-run incremental costs of service and that price differentials for different customers classes reflect actual documented differentials in cost of service.

Prohibits any allowance for recoupment of any advertising costs except if such advertising is designed to discourage energy con-

sumption during peak load periods or to encourage conservation of electricity in general.

Establishes standards for the treatment of fuel adjustment clauses and for the determination of effective dates for proposed changes in rates and schedules.

H.R. 842. January 4, 1977. Judiciary. Requires the registration of all firearms. Sets forth specifications for handguns which must be met before the Secretary of the Treasury may approve the handgun for sale.

H.R. 843. January 4, 1977. Judiciary. Makes it unlawful for any person to willfully intercept or record any wire or oral communication without the consent of all parties to such communication.

Eliminates exceptions to the prohibition against manufacturing, possessing, selling, advertising, or sending in interstate or foreign commerce any electronic or mechanical device knowing or having reason to know that the design for such device renders it primarily useful for the purpose of surreptitious interception of oral or wire communications.

H.R. 844. January 4, 1977. Judiciary. Requires that a witness before Congress or a Federal court, grand jury, or agency consent and be given transactional immunity before testimony may be compelled by court order.

Directs the Attorney General to report annually to the Administrative Office of the United States Courts and to Congress with respect to such orders.

H.R. 845. January 4, 1977. Judiciary. Prohibits the Department of Justice and the Federal Bureau of Investigation from compensating any person for furnishing information unless such compensation is expressly authorized by law.

Repeals authorization for appropriations to the Federal Bureau of Investigation for expenses of unforeseen emergencies of a confidential character the purpose for the spending of which need not be specified.

H.R. 846. January 4, 1977. Judiciary. Repeals the provision excepting all positions in the Federal Bureau of Investigation from the Federal competitive service.

H.R. 847. January 4, 1977. Judiciary. Makes it unlawful for any person to import, manufacture, sell, buy, transfer, receive, transport, own, or possess any handgun or handgun ammunition. Authorizes the Secretary of the Treasury to exempt certain handguns from this prohibition.

H.R. 848. January 4, 1977. Judiciary. States that no sentence of death shall be imposed upon any person convicted under Federal, territorial, or State law and that no unexecuted death sentence shall be carried out after the enactment of this Act. Directs that each provision authorizing or requiring the imposition of capital punishment shall be deemed to authorize or require the imposition of life imprisonment and that death sentences remaining unexecuted on the date of the enactment of this Act shall be deemed sentences of life imprisonment.

H.R. 849. January 4, 1977. Post Office and Civil Service. Increases to 90 days the period before an election during which a Member of, or Member-elect to, the Congress may not make a mass mailing as franked mail if such Member or Member-elect is a candidate in such election.

H.R. 850. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide identical income tax rates for single persons and married couples filing joint returns. Limits the earned income that must be reported by a married individual filing a separate return to the amount actually earned by that individual.

H.R. 851. January 4, 1977. Public Works and Transportation. Directs the Administrator of the Environmental Protection Agency to establish research and demonstration programs for the control of sludge. Authorizes financial assistance for sludge removal programs.

H.R. 852. January 4, 1977. Rules. Amends the Impoundment Control Act of 1974 by requiring the President to transmit a special message to Congress before rescinding or reserving any part of any budget authority. Declares that no such rescission shall become effective until Congress has acted on a bill effecting such rescission.

H.R. 853. January 4, 1977. Science and Technology. Directs the Administrator of the Energy Research and Development Administration to establish a program for research and development of industrial energy conserving technologies. Authorizes financial assistance in the form of grants and loans for the development and demonstration of such technologies, with special attention to be given to stimulation of depressed industrial areas.

H.R. 854. January 4, 1977. Small Business. Amends the Small Business Act to empower the Small Business Administration to make loans to small businesses seriously affected by a shortage of energy producing materials.

H.R. 855. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) to decrease 20 to 5 the number of years a divorced woman must have been married to an insured individual in order for her to qualify for wife's or widow's benefits on his wage record.

H.R. 856. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that the remarriage of a widow, widower, or parent shall not terminate his or her entitlement to widow's, widower's, or parent's insurance benefits or reduce the amount thereof.

H.R. 857. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act and the Railroad Retirement Act to qualify an individual for disability insurance if such individual has the required number of quarters regardless of when such quarters were attained.

H.R. 858. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that the automatic cost-of-living increases in benefits be made on a semiannual basis (rather than only on an annual basis as at present).

H.R. 859. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 860. January 4, 1977. Ways and Means. Establishes the Internal Revenue Administration in the executive branch of the Federal Government for the purpose of administering and enforcing the Internal Revenue Code.

Transfers all present functions, instructions, rules, or regulations which were promulgated or administered by the Secretary of the Treasury or his delegate with respect to the enforcement of the Internal Revenue Code, to the Internal Revenue Administration.

H.R. 861. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to disallow the deduction of oil company advertising expenses incurred for purposes other than the sale of products or services.

H.R. 862. January 4, 1977. Interstate and Foreign Commerce; Public Works and Transportation. Prohibits smoking in specified areas of Federal facilities and in interstate passenger carrier facilities. Requires the separation of smokers from nonsmokers in certain areas of such facilities.

H.R. 863. January 4, 1977. Small Business; Banking, Finance and Urban Affairs. Amends the Small Business Act by authorizing the Small Business Administration to make loans to individuals and home-builders for the purchase and installation of qualified solar heating or solar heating and cooling equipment procured from small business concerns.

Directs the Energy Research and Development Administration to: (1) establish procedures for inspecting and evaluating solar heating and cooling equipment; (2) review new equipment as developed; (3) periodically review certifications of such equipment for validity; and (4) transmit pertinent data to the Small Business Administration for its use in certifying equipment for purposes of the loan program created by this Act.

H.R. 864. January 4, 1977. House Administration. Prohibits travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned or retired.

H.R. 865. January 4, 1977. Post Office and Civil Service. Changes the title of Federal hearing examiners to administrative law judges. Sets the salary for such officials at 90 percent of the salary paid United States district court judges.

H.R. 866. January 4, 1977. Veterans' Affairs. Provides for a burial allowance to be paid: (1) to any State or political subdivision thereof for burying a veteran in any cemetery owned by the State or subdivision if such cemetery or section thereof is used solely for the interment of veterans; or (2) to a person prescribed by the deceased veteran if burial is in a cemetery other than the kind described.

H.R. 867. January 4, 1977. Veterans' Affairs. Permits certain veterans with service-connected disabilities who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either.

H.R. 868. January 4, 1977. Interstate and Foreign Commerce; Ways and Means. Amends Title XVIII (Medicare) and Title XIX (Medicaid) of the Social Security Act to include the services of licensed practical nurses under the coverage provided pursuant to such Titles.

H.R. 869. January 4, 1977. Public Works and Transportation. Establishes an Office of Ridesharing within the Urban Transportation Administration of the Department of Transportation Administration to coordinate Federal ridesharing programs. Establishes procedures and guidelines for State ridesharing programs. Authorizes financial assistance for ridesharing programs, and research and demonstration projects.

H.R. 870. January 4, 1977. Judiciary. Amends the Bankruptcy Act to include among debts which have priority specified debts to consumers based on deposits of money made in connection with the purchase, lease, or rental of goods or services for personal or household use not delivered on the date of bankruptcy or on account of a cause of action based on the breach of an implied or express warranty in connection with such goods or services.

H.R. 871. January 4, 1977. Judiciary. Amends the Immigration and Nationality Act to eliminate the limit on the number of alien children which may be adopted.

H.R. 872. January 4, 1977. House Administration. Prohibits travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned or retired.

H.R. 873. January 4, 1977. Interstate and Foreign Commerce. Prohibits the shipment or sale in interstate commerce of nonreturnable beverage containers for which no reasonable refundable money deposit is required.

Directs the Secretary of Health, Education, and Welfare to define the term "nonreturnable containers."

H.R. 874. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide a $5,000 tax exclusion for persons aged 65 or over for amounts received as an annuity, pension, or other retirement benefit, and for all persons receiving retirement benefits under a public retirement system.

H.R. 875. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction to individuals who rent their principal residences for a portion of the real property taxes paid or accrued by their landlord.

H.R. 876. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that the automatic cost-of-living increases in benefits be made on a semiannual basis (rather than only on an annual basis as at present).

H.R. 877. January 4, 1977. Ways and Means. Directs the Secretary of Labor, through the Bureau of Labor Statistics, to prepare a "Consumer Price Index for the Elderly". States that the Index shall be a statistical measure of the changes in the prices of goods and services bought by individuals, as a group, who are 65 years of age or older or are otherwise entitled to monthly benefits under Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act.

H.R. 878. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to eliminate restrictions which are presently applicable in determining whether a person is the widow of an individual insured for benefit purposes.

H.R. 879. January 4, 1977. Ways and Means. Amends the Social Security Act to assure a minimum annual income to all elderly residents of the United States.

H.R. 880. January 4, 1977. Ways and Means. Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to authorize payment for specified services performed by chiropractors, and physical examination, and related routine laboratory tests.

H.R. 881. January 4, 1977. Interior and Insular Affairs; International Relations; Interstate and Foreign Commerce. Direct the Nuclear Regulatory Commission to cease the granting of licenses or construction authorizations for certain nuclear power plants pending the outcome of a comprehensive study by the Office of Technology Assessment. Requires a five-year independent study of the nuclear fuel cycle by the Office of Technology Assessment with final reports and recommendations to be made to the Congress.

H.R. 882. January 4, 1977. Interior and Insular Affairs; International Relations; Interstate and Foreign Commerce. Directs the Nuclear Regulatory Commission to cease the granting of licenses or construction authorizations for certain nuclear power plants pending the outcome of a comprehensive study by the Office of Technology Assessment with final reports and recommendations to be made to Congress.

H.R. 883. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow a limited income tax deduction for agency fees, court costs, attorneys' fees and other necessary costs and fees incurred in the adoption of a child.

H.R. 884. January 4, 1977. Banking, Finance and Urban Affairs. Directs the Secretary of Housing and Urban Development to convey specified lands to the city of Fayetteville, Georgia.

H.R. 885. January 4, 1977. Education and Labor. Amends the Occupational Safety and Health Act of 1970 to prohibit the assessment of penalties against an employer where such employer has corrected the violations with which he is charged within a prescribed abatement period.

H.R. 886. January 4, 1977. Education and Labor. Amends the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to take the differences between the light residential construction industry and the heavy construction industry into consideration when promulgating standards for such industries.

Stipulates that the standards promulgated for the light residential construction industry shall be kept separate and distinct, and shall reflect the less hazardous conditions in such industry.

H.R. 887. January 4, 1977. Government Operations. Establishes a Department of Education within the executive branch. Transfers to the Secretary of Education educational functions now handled by various Federal offices including the Office of Education, the Office of Economic Opportunity, the Department of Health, Education, and Welfare, and the Department of Defense.

H.R. 888. January 4, 1977. Government Operations. Requires the Secretary of the Treasury to prepare and make public annual consolidated financial statements for all expenditures of the United States, utilizing the accrual method of accounting.

H.R. 889. January 4, 1977. Government Operations. Requires the Administrator of General Services, when intending to dispose of any real property by the United States, to notify the Members of Congress representing the district in which such property is located.

H.R. 890. January 4, 1977. House Administration. Provides each Representative to Congress with 98 copies of the Congressional Record, 30 more than previously allocated.

H.R. 891. January 4, 1977. International Relations. Prohibits the authorization of any appropriation or the making of any payment to the United Nations or an affiliated agency in excess of the amount determined by the devision of the total assessment of such organization by the number of member nations as to January 1 of each year.

H.R. 892. January 4, 1977. Interstate and Foreign Commerce. Amends the Uniform Time Act to revise the terminating date of daylight savings time from the last Sunday in October to the first Monday of September.

H.R. 893. January 4, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to remove the requirement that the words "margarine" or "oleomargarine" be prominently displayed on package labels. Prescribes the manner in which margarine or oleomargarine may be served at public eating places.

Requires the regulation of margarine and oleomargarine by Federal agencies to be as uniform as practicable.

H.R. 894. January 4, 1977. Judiciary. Penalizes certain activities relative to commerce in the following: (1) stolen transportation tickets; (2) counterfeit, forged, or altered transportation tickets; (3) equipment for forging or counterfeiting transportation tickets.

H.R. 895. January 4, 1977. Judiciary. Directs that, in every criminal action arising under Federal law, determination of whether any article is obscene, lewd, lascivious, or filthy be made, unless the defendant has waived a jury trial, without comment by the court upon the weight of the evidence.

States that no court of the United States or of the District of Columbia shall have jurisdiction to review or set aside a jury finding with respect to obscenity in any criminal action arising under Federal law for the possession, sale, dissemination, or use of obscene materials. States that no Federal court shall have jurisdiction to review such a jury determination in any such State or local prosecution.

H.R. 896. January 4, 1977. Judiciary. Requires specified minimum prison sentences for any individual who uses or carries a firearm during the commission of a Federal felony and for whoever is convicted by a State court of a crime punishable by a term of imprisonment exceeding one year and used or carried a firearm transported in, or affecting, interstate or foreign commerce during the commission of such crime.

H.R. 897. January 4, 1977. Post Office and Civil Service. Repeals the provisions of law establishing the Commission on Executive, Legislative, and Judicial Salaries.

H.R. 898. January 4, 1977 Veterans' Affairs. Revises the eligibility requirements for outpatient dental services and treatment for veterans who were prisoners of war.

H.R. 899. January 4, 1977. Veterans' Affairs. Revises the effective date for determining death compensation, dependency and indemnity compensation, or death pensions for veterans and their survivors.

H.R. 900. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that any individual who is entitled to a monthly benefit under such title for the month preceding the month in which such eligible individual dies shall be entitled for the month in which he dies to a prorated benefit based upon a specified formula.

H.R. 901. January 4, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 902. January 4, 1977. Interstate and Foreign Commerce. Amends the Fair Packaging and Labeling Act to require that packaged consumer commodities be labeled to show their total selling price.

H.R. 903. January 4, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to authorize the Civil Aeronautics Board to grant exemptions from the requirements of such Act for all-cargo operations in interstate air transportation pending consideration of an application for initial certification under such Act if such exemption is in the public interest.

H.R. 904. January 4, 1977. Veterans' Affairs. Provides that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits.

H.R. 905. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow employers to take the credit for expenses of work incentive programs for wages paid new, full-time handicapped employees over the first cumulative 12 months of their employment.

H.R. 906. January 4, 1977. Interstate and Foreign Commerce. Prohibits the sale of natural gas or electric energy except in accordance with a fixed rate schedule approved by a regulatory authority in accordance with prescribed procedures, including prior public notice and a full evidentiary hearing.

Establishes procedures for judicial review in the case of alleged violations by a regulatory authority.

H.R. 907. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide that the income tax liability of individuals with an adjusted gross income of $30,000 or less shall not exceed ten percent of such income.

H.R. 908. January 4, 1977. Banking, Finance, and Urban Affairs. Prescribes procedures for foreclosure of multifamily mortgages owned or held by the United States encumbering real estate located in any State. Provides for the designation of a foreclosure commissioner who shall have a nonjudicial power of sale and who shall conduct foreclosures and sales as a fiduciary to both the mortgagor and the United States.

H.R. 909. January 4, 1977. Judiciary. Requires specified minimum prison sentences for felons using or carrying a firearm during the commission of a felony which may be prosecuted in a Federal court. Subjects such felons to possible increased sentence as dangerous special offenders.

H.R. 910. January 4, 1977. Post Office and Civil Service. Extends to 120 days the period before any general election involving a Member of or Member-elect to Congress within which such Member or Member-elect

is prohibited from sending mass mailings as franked mail.

H.R. 911. January 4, 1977. Education and Labor Amends the Occupational Safety and Health Act of 1970 to provide that any employer who successfully contests a citation or penalty under such Act shall be awarded a reasonable attorney's fee and other reasonable litigation costs.

H.R. 912. January 4, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to prohibit the television broadcasting of programs portraying nudity, obscenity, or explicit sexual activity.

H.R. 913. January 4, 1977. Judiciary. Directs the United States to pay reasonable litigation costs, including attorney fees, to prevailing defendants in civil actions in which the United States is a plaintiff.

H.R. 914. January 4, 1977. Veterans' Affairs. Repeals the existing program of mortgage protection life insurance for veterans with a permanent and total service-connected disability. Establishes a new program of mortgage protection life insurance for such veterans.

H.R. 915. January 4, 1977. Veterans' Affairs. Increases the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors.

H.R. 916. January 4, 1977. Veterans' Affairs. Increases pension payments to a surviving spouse of a war veteran when she attains age 78 years.

H.R. 917. January 4, 1977. Veterans' Affairs. Increases the rates of vocational rehabilitation, educational assistance and special training allowance paid to eligible veterans and persons.

H.R. 918. January 4, 1977. Veterans' Affairs. Extends to all career personnel of the Veterans' Administration the preference for attendance at Regional Medical Education Centers heretofore limited only to VA medical and health personnel.

H.R. 919. January 4, 1977. Veterans' Affairs. Gives the Administrator of Veterans' Affairs the authority to extend medical services to veterans of World War I who have non-service connected disabilities.

H.R. 920. January 4, 1977. Veterans' Affairs. Permits funds to be appropriated for the construction, acquisition or alteration of Veterans' Administration medical facilities upon submission to appropriate Congressional committees of written notice and a project prospectus.

H.R. 921. January 4, 1977. Veterans' Affairs. Prohibits the Administrator of Veterans' Affairs from readjusting the schedule of ratings of veterans' disabilities without prior notification to both Houses of Congress.

H.R. 922. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 923. January 4, 1977. Judiciary; Rules. Requires any rule proposed by any Government agency to be submitted to Congress with a full explanation of such rule. States that such rule shall become effective no later than 60 days after submission to Congress unless either House adopts a resolution disapproving such rule.

H R. 924. January 4, 1977 Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to authorize payment for specified services performed by chiropractors, and physical examination, and related routine laboratory tests.

H.R. 925 January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for optometric and medical vision care under the supplementary medical insurance program.

H.R 926 January 4, 1977 Government Operations Establishes the Government Executive Analysis and Reform (GEAR) Commission and a Task Force on American Federalism.

Directs the Commission to study the structure of Federal agencies and programs and to recommend methods to improve the efficiency of the Federal Government.

Directs the Task Force to study the appropriate levels of responsibility shared among Federal, State and local governments and to recommend constitutional legislative, and administrative changes necessary to achieve a proper balance and division of Federal, State and local roles.

H.R. 927. January 4, 1977. Education and Labor. Directs the Secretary of Labor to establish a program to: (1) fund training and employment programs for youths in jobs on public service and private employment projects; and (2) provide special employment assistance to unemployed youths, the goal of such program to be the elimination of youth unemployment. Establishes within the Department of Labor a National Youth Full Employment Board and a Youth Job Guarantee Office to assist in the administration of the program.

Amends the Comprehensive Employment and Training Act of 1973 to require prime sponsor planning councils to select, plan, and evaluate projects assisted under this Act.

H.R. 928. January 4, 1977. Public Works and Transportation. Amends the Local Public Works Capital Development and Investment Act of 1976 to restrict grants under the Act to those areas where unemployment rates exceed the national average. Increases the amount authorized to be appropriated under such Act.

H.R. 929. January 4, 1977. Judiciary. Amends the Clayton Act to prohibit companies engaged in production, refining, and marketing of petroleum products from acquiring or retaining an interest in coal, oil shale, tar sands, uranium, geothermal steam, or solar energy assets.

H.R. 930. January 4, 1977. Rules; Government Operations. Terminates within four years of the date of enactment of this Act all regulatory agencies unless before that time the President and Congress conduct separate studies, determine that such agencies continue to serve the purposes for which they were created, and recommend that any such agency or some of the functions thereof should not be eliminated. Requires similar review every seven years of each regulatory agency not eliminated by this Act or each regulatory agency created after the enactment date of this Act, with automatic termination of an agency unless the Congress and the President recommend its continuation.

H.R. 931. January 4, 1977. Government Operations. Requires the Administrator of General Services, where a specified amount of land within a State or local governmental unit is Federal real property, to pay to such unit amounts equivalent to the property taxes which would have been collected had the property been privately owned.

H.R. 932. January 4, 1977. Education and Labor; Judiciary. Eliminates the jurisdiction of any United States court to require that pupils be assigned to particular schools on the basis of their race, color, religion or national origin. Prohibits the withholding of Federal financial assistance to induce the assignment of pupils to a particular school on the basis of race, color, religion or national origin.

H.R. 933. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to limit application of the Tax Reform Act's elimination of the sick pay exclusion for persons who have not retired on total disability, to taxable years beginning after December 31, 1976.

H.R. 934. January 4, 1977. Ways and Means; Interstate and Foreign Commerce Amends Title IV (Aid to Families with Dependent Children), Title XVIII (Medicare), and Title XIX (Medicaid) of the Social Security Act to provide that the Federal matching rate for purposes of reimbursement to States under the programs of aid to needy families with children and medical assistance shall be set at 75 percent.

H.R. 935. January 4, 1977. Interior and Insular Affairs; Judiciary; Merchant Marine and Fisheries. Amends the Outer Continental Shelf Lands Act to establish a policy of increased development of oil and gas resources on the Outer Continental Shelf while ameliorating any adverse impacts of such development.

Revise procedures for bidding, leasing, and exploration of Outer Continental Shelf lands. Requires consultation by the Secretary of the Interior with affected coastal States and regional advisory boards established pursuant to this Act.

Establishes an Offshore Oil Pollution Compensation Fund to ameliorate the effects of discharges of oil from offshore facilities and vessels. Details procedures for assessment of liability for oil spill damages and removal costs.

H.R. 936. January 4, 1977. Interstate and Foreign Commerce. Prohibits the sale of beverage containers without a minimum refund value of five cents. Requires labeling of refund values on all such containers. Prohibits sale of metal beverage containers with detachable openings.

H.R. 937. January 4, 1977. Interstate and Foreign Commerce. Prohibits the sale of beverage containers without a minimum refund value of five cents. Requires labeling of refund values on all such containers. Prohibits sale of metal beverage containers with detachable openings.

H.R. 938. January 4, 1977. Agriculture. Directs the Secretary of Health, Education, and Welfare, to establish minimum standards of sanitation for imported diary products. Requires inspection and labeling of imported dairy products to certify compliance with sanitation standards.

H.R. 939. January 4, 1977. Agriculture. Sets, under the Agricultural Act of 1949 as amended, the price support for milk.

H.R. 940. January 4, 1977. Judiciary. Prohibits employees of the United States from engaging in specified national secuirty crimes. Imposes penalties for the commission of such crimes.

Establishes an independent office to be known as the Legal Office of National Security Affairs to be directed by the National Security Solicitor for the purpose of enforcing the prohibitions specified in this Act.

H.R. 941. January 4, 1977. Judiciary. Amends the Clayton Act to prohibit persons with nonfarming business assets in excess of $3,000,000 from engaging in the production of agricultural products. Directs the Secretary of Agriculture to acquire, under certain circumstances, any property or interest of which a person must divest himself by virtue of this prohibition.

H.R. 942. January 4, 1977. Post Office and Civil Service. Prohibits the United States Postal Service from closing any post office which serves a rural area or small town unless: (1) a majority of the persons regularly served by such post office approve the closing; (2) it establishes a rural station or branch which provides the same postal services as the post office and does not result in any change in the address of persons served by such post office; or (3) it establishes a rural route to serve the area. Allows the Postal Service to establish a rural route as a substitute for an existing post office upon making specified determinations.

H.R. 943. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to exempt corporations organized solely to provide reserves and deposit insurance for credit unions from the income tax.

H.R. 944. January 4, 1977. Interior and Insular Affairs; Interstate and Foreign Commerce; Science and Technology. Creates a

Federal Oil and Gas corporation to oversee the exploration and development of oil and gas on Federal lands in a manner consistent with environmental and conservation interests. Stipulates that sales of oil or natural gas by the Corporation shall be made at fair and reasonable prices designed to foster competition in energy-related industries.

H.R. 945. January 4, 1977. Agriculture. Extends the authority of the Secretary of Agriculture to make direct or insured loans, under the Consolidated Farm and Rural Development Act, to farmers for the acquisition and improvement of owner-operated farms up to the net worth of the farm as improved.

Grants special consideration to young farmers with respect to such loans.

Revises the repayment requirement for such loans.

H.R. 946. January 4, 1977. Judiciary. Requires candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 947. January 4, 1977. Judiciary. Requires candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 948. January 4, 1977. Judiciary. Requires candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 949. January 4, 1977. Education and Labor. Increases the authorization of funds for grants under the Museum Services Act.

H.R. 950. January 4, 1977. International Relations. States that the place of birth of an individual issued a United States passport shall not be disclosed in the passport.

Amends the Immigration and Nationality Act to eliminate the requirement that the passport of an individual seeking entry into the United States disclose the birthplace of such individual.

H.R. 951. January 4, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to require the Secretary of Health, Education, and Welfare to make grants to public or nonprofit entities for research projects in fertility and sterility in humans and the human reproductive process.

Authorizes the Secretary to establish specialized treatment centers in the field of human reproduction.

H.R. 952. January 4, 1977. Ways and Means. Amends the Social Security Act by adding Title XXI—Minimum Income Maintenance Benefits, which establishes a national program to guarantee a minimum adequate income for all qualified residents of the United States.

H.R. 953. January 4, 1977. Banking, Finance and Urban Affairs; Ways and Means. Authorizes the Secretary of the Treasury, upon application by a municipality, to guarantee any bond issued by the municipality.

Amends the Internal Revenue Code to exclude the interest on any municipal bond guaranteed pursuant to this Act from the gross income exemption of interest on the obligations of a State or any subdivision thereof.

H.R. 954. January 4, 1977. Interstate and Foreign Commerce; Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes. Amends the Public Health Service Act to establish a National Cancer Research Fund in the Treasury to be partially funded from the additional excise taxes collected under this Act.

H.R. 955. January 4, 1977. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to States and municipalities for the construction of bikeway projects.

H.R. 956. January 4, 1977. International Relations. Amends the Export Administration Act of 1969 to regulate the export of nuclear material, equipment, and devices.

H.R. 957. January 4, 1977. Interstate and Foreign Commerce. Establishes a National Voluntary Medical and Hospital Services Insurance Agency charged with the responsibility to make all necessary preparations to offer subscriptions and enrollments, and to commence payment of claims for benefits claimed by enrollees under a National Voluntary Medical and Hospital Services Insurance Plan. Preempts all similar or duplicate hospital and medical service insurance benefits or payments provided by any other agency of the United States.

H.R. 958. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to eliminate all the deductibles, coinsurance, and time limitations presently applicable to benefits thereunder. Eliminates medicare taxes as the method of financing hospital insurance benefits and premium payments as the method of financing supplementary medical insurance benefits. Includes within the coverage of Title XVIII eye care, dental care, hearing aids, prescription drugs, prosthetics, one physical checkup a year, preventive care, diagnosis of breast cancer, services of clinical psychologists, and services of registered nurses. Establishes a system of adminitrative and judicial review of claims which arise under the supplementary medical insurance program.

H.R. 959. January 4, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 960. January 4, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 961. January 4, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 962. January 4, 1977. Rules. Requires review of Federal programs to determine if they warrant continuation. Directs the President to conduct such review of the programs covered by the annual budget. Requires Congress to make such review every four years.

H.R. 963. January 4, 1977. Rules; Government Operations. Abolishes within three years of the enactment of this Act, or three years after they have been established, all Federal regulatory agencies unless the President and Congress determine that such agencies should continue to exist.

H.R. 964. January 4, 1977. Armed Services. Prohibits the Department of Defense from using its appropriated funds to: (1) conduct any research involving the use of dogs, for the purpose of developing or improving radioactive, chemical, or biological warfare agents; or (2) procure dogs for use in experiments involving the testing of toxic chemical substances, if alternative methods are available.

H.R. 965. January 4, 1977. Banking, Finance and Urban Affairs. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, all Federal Reserve Banks and their branches, including transactions of the System Open Market Account.

H.R. 966. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to permit the payment of old-age insurance to a married couple on their combined earnings record. Directs that the remarriage of a widow, widower, or parent shall not terminate or reduce entitlement to widow's, widower's, or parent's insurance benefits. Increases the amount of outside earnings which is permitted an eligible individual.

Amends Title XVIII (Medicare) of the Social Security Act to provide coverage for clinical psychologists' services and specified tests and examinations for breast cancer.

H.R. 967. January 4, 1977. Public Works and Transportation. Repeals the present provision of the Airport and Airway Development Act which limits the charges for Federal inspection or quarantine services at airports of entry or other inspection points during regularly established hours of service on Sunday and holidays to those charges applicable during regularly established hours of service on weekdays.

H.R. 968. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the restrictions against income averaging by individuals recently supported by other individuals.

H.R. 969. January 4, 1977. Agriculture. Transfers all functions of the Secretary of Agriculture under the Food Stamp Act of 1964 to the Secretary of Health, Education, and Welfare.

H.R. 970. January 4, 1977. Education and Labor. Amends the Occupational Safety and Health Act of 1970 to provide that any employer who successfully contests a citation or penalty under such Act shall be awarded a reasonable attorney's fee and other reasonable litigation costs.

H.R. 971. January 4, 1977. House Administration. Prohibits travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned or retired.

H.R. 972. January 4, 1977. International Relations. Prohibits the settlement of a debt owed to the United States by a foreign country in an amount less than the full value of the debt, unless approved by Congress by concurrent resolution.

H.R. 973. January 4, 1977. International Relations. Restricts payments of the United States to the United Nations to the ratio of the population of the United States to the total population of member nations.

H.R. 974. January 4, 1977. Interstate and Foreign Commerce. Amends the Uniform Time Act to designate the last Sunday in February as the starting date for daylight savings time.

H.R. 975. January 4, 1977. Judiciary. Directs the United States to pay reasonable litigation costs, including attorney fees, to prevailing defendants in civil actions in which the United States is a plaintiff.

H.R. 976. January 4, 1977. Judiciary. Amends the Hobbs Act to impose penalties for interfering with commerce by willfully causing property damage of at least $2,000 at or near a factory, construction site, or other place where work or business of an employer or owner is carried on or where such employer or owner transports, stores, or maintains property.

Stipulates that a violation of such provision or the provision prohibiting interference with commerce through robbery, violent acts, or extortion shall not be nullified or mitigated by certain factors.

H.R. 977. January 4, 1977. Post Office and Civil Service. Requires all persons admitted to a competitive examination given by the Civil Service Commission or appointed in the competitive service to: (1) be citizens of the United States; or (2) owe permanent allegiance to the United States.

H.R. 978. January 4, 1977 Rules. Amends the Congressional Budget Act of 1974 to require Congress to review each Federal program at least every six years as though it were being proposed to be enacted for the first time. Prohibits the extension of budget authority for any such program beyond such

six year period until the Congressional committees with jurisdiction over such programs conduct such reviews.

H.R. 979. January 4, 1977. Veterans' Affairs. Establishes a mortgage protection life insurance program for certain veterans unable to acquire commercial life insurance because of service-connected disabilities.

H.R. 980. January 4, 1977. Ways and Means. Amends the Internal Revneue Code to allow a limited income tax deduction for agency fees, court costs, attorney's fees and other necessary costs and fees incurred in the adoption of a child.

H.R. 981. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes. Amends the Public Health Service Act to establish a National Cancer Research Fund in the Treasury to be partially funded from the additional excise taxes collected under this Act.

H.R. 982. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 983. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction for donations of blood to charitable organizations in an amount equal to $25 for each pint donated.

H.R. 984. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 985. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to permit the payment of old-age insurance benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit.

H.R. 986. January 4, 1977. Education and Labor; Judiciary. Amends the Work Hours Act of 1962 and the Walsh-Healey Act to permit specified government contractors to compute wages on the basis of either a four-day workweek consisting of ten-hour workdays or a five-day workweek consisting of eight-hour workdays.

H.R. 987. January 4, 1977. Ways and Means. Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for hearing aids and dentures under the supplementary medical insurance program.

H.R. 988. January 4, 1977. Judiciary. Directs that orders of a State court or a court of the District of Columbia relative to the custody of children of divorced or separated parents be given full faith and credit by every other State and the District of Columbia until such issuing court no longer has under the law of the State in which it is located, or declines to exercise, jurisdiction over modifications of such orders.

H.R. 989. January 4, 1977. Judiciary. Directs that orders of a State court or a court of the District of Columbia relative to the custody of children of divorced or separated parents be given full faith and credit by every other State and the District of Columbia until such issuing court no longer has under the law of the State in which it is located, or declines to exercise, jurisdiction over modifications of such orders.

H.R. 990. January 4, 1977. Agriculture. Directs the Secretary of Agriculture to conduct research and development related to new methods of protein production, fertilizer production, and processing vegetable protein.

Directs the Secretary of Health, Education, and Welfare to develop an educational program relating to the preparation and use of such food products.

H.R. 991. January 4, 1977. Armed Services. Authorizes the President to appoint the sons and daughters of recipients of the Distinguished Service Cross, the Navy Cross, or the Air Force Cross to the appropriate service academy.

H.R. 992. January 4, 1977. Armed Services. Entitles otherwise ineligible members of the uniformed services and their dependents to medical and dental care in a uniformed services facility during a 60-day period following separation from service. Grants post exchange and commissary privilege to such individuals during this period.

H.R. 993. January 4, 1977. Armed Services. Prohibits the contracting for the construction of any vessel for the Navy at any place outside the United States.

H.R 994. January 4, 1977. Banking, Finance and Urban Affairs. Authorizes the Secretary of Labor to make loans to industry and business in certain areas to aid in the financing of pollution control facilities.

H.R. 995. January 4, 1977. Banking, Finance and Urban Affairs. Establishes the National Bank for Cooperative Housing to make and guarantee loans to private and public housing developers for the purchase or construction of low- and middle-income cooperative housing when reasonable interest loans are not available from other sources.

H.R. 996. January 4, 1977. Banking, Finance and Urban Affairs. Establishes a presidentially-appointed National Landlord and Tenant Commission.

Directs the Commission to conduct a study of landlord-tenant problems, to review the implementation of the provisions of this act to grant funds to the States for the establishment and maintenance of housing courts, in accordance with standards established by the Commission, to develop model lease and rental agreements, and to appoint a body to develop and implement a national rent control plan.

Sets forth the rights and obligations of tenants and landlords.

H.R. 997. January 4, 1977. Education and Labor. Authorizes the President to call and conduct a White House Conference on Education in 1978.

H.R. 998. January 4, 1977. Education and Labor. Amends the Education of the Handicapped Act to provide that local educational agencies shall not receive Federal financial assistance unless they provide educational services to all handicapped children at levels of expenditure at least equal to outlays for other children.

H.R. 999. January 4, 1977. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to make grants to States for the establishment of vision screening programs for public school students.

H.R. 1000. January 4, 1977. Education and Labor. Directs the Secretary of Health, Education, and Welfare to develop and implement youth camp safety standards, including standards for day camps, resident camps, and travel camps.

Establishes the Advisory Council on Youth Camp Safety within the Department of Health, Education, and Welfare.

EXTENSIONS OF REMARKS

GUN CONTROL

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. SCHULZE. Mr. Speaker, as a sportsman, hunter, and gun collector, I believe that the time has come to focus attention on the criminal rather than the law-abiding citizen or the instrument of crime when we discuss the question of gun control. Ultimately, individuals, and not society or some inanimate object, are responsible for crime. With this in mind, I am introducing legislation which is intended to increase the mandatory sentencing for criminals who carry a firearm in the commission of a crime. When one considers that only 3 percent of those who commit serious crimes in this country are sent to jail for doing so, there is obviously some need for improvement.

Our laws should be directed toward the criminal use of firearms rather than toward restricting the vast legitimate use by law-abiding citizens. Restrictive gun control legislation is not the answer.

According to FBI reports, firearms are used in less than 4 percent of all serious crimes nationwide. While firearms ownership has gone up steadily over the years, the rate of homicides involving guns has been declinnig. Over the past 10 years, less than one-fourth of the aggravated assault cases across the Nation were committed with firearms. There are perhaps 200 million privately owned firearms in the United States today, of which only one-sixth of 1 percent are used in the commission of crimes annually, including less than 1 percent of all handguns. I do not believe that the 50 million law-abiding gun owners in this Nation must be penalized because the firearm is misused by a small and often criminal element in society.

In addition, the efficacy of restrictive Federal gun control legislation is doubtful. Nationwide, there are over 20,000 firearms statutes in effect as the crime rate continues to increase. Hawaii, which has the lowest rate of gun ownership, has twice the crime rate of Wyoming, which has the highest rate of gun ownership.

In New York City, according to the Sunday Bulletin, "robbery-murders have been on the increase, although that city has some of the strictest antigun laws in the Nation, the kind gun-control advocates see as the answer to violent crimes."

In 1975, the Philadelphia Inquirer reported that the "famous Philadelphia gun law, enacted in 1965, did regulate the sale of all firearms. Its stated purpose was to reduce crime." Interestingly enough, however, from 1965 to 1973 gun killings in the city rose from 62 to 250. The article stated further that "this is an increase of 400 percent. Robberies committed with guns increased from 662 to 3,776—a 474-percent jump. Even the most casual observer must agree that the

strict gun purchase section of the gun law did not reduce crime."

Aside from the criminal use of firearms, the firearms accident rate also concerns the advocates of strong Federal gun control legislation. Let me simply cite the fact that there are 20 times more accidental deaths with cars, 8 times more through falls, and 3 times more through drowning, according to recent National Safety Council reports.

Finally, I believe that gun ownership is a fundamental right. The right to bear arms was rooted in 17th century English Common Law, and it was so important to our Founding Fathers that it was placed second in the Bill of Rights, preceded only by the individual's freedom of expression. Noteworthy is the fact that Samuel Adams and Patrick Henry were emphatic about the need for such an amendment prior to ratification of the Constitution. They protested that as initially submitted the document did not guarantee "the right of having arms in your own defense." Thomas Jefferson stated that "No free man shall ever be debarred the use of arms." The intention of our forefathers could not have been more clearly stated.

Mr. Speaker, our efforts must be spent in improving our criminal justice system, and not just penalizing those citizens who properly use firearms. I will work to see to it that the rights of the law-abiding citizens of this country are protected, and I urge my fellow colleagues to join me in that task.

The text of my bill is as follows:

H.R. —

A bill to amend title 18 of the United States Code to increase the penalties imposed for certain firearms violations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924(c) of title 18 of the United States Code is amended—

(1) by striking out "not less than one year nor more than ten years." and inserting in lieu thereof the following: "not less than five nor more than fifteen years.";

(2) by striking out "not less than two nor more than twenty-five years and, notwithstanding" and inserting in lieu thereof the following: "not less than fifteen nor more than twenty-five years. Notwithstanding"; and

(3) by striking out "a second or subsequent conviction of such person or give him" and inserting in lieu thereof the following: "any conviction under this subsection or give".

NAVY PRESSES CASE FOR CARRIERS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr BOB WILSON. Mr. Speaker, I have long been an advocate of nuclear powered combatant ships for our Navy and was severely disappointed earlier this month when the House scuttled plans for a fourth nuclear powered aircraft carriers of the Nimitz class.

When the new "smaller" carrier recommended by the administration and a Nimitz class vessel are compared size for size and dollar for dollar, there does not seem to be all that much difference. I fail to see the rationale for opting for the "smaller" carrier. It is faulty in that we would be giving up an increased offensive/defensive capability for the lessened cost. A good rundown of these various comparisons of the two carriers is given in the March 9, 1977, issue of the Baltimore Sun and I commend it to my colleagues for their information:

NAVY PRESSES CASE FOR CARRIERS

(By Charles W. Corddry)

WASHINGTON.—The Navy made it clear to Congress yesterday that it is unwilling to give up yet on either nuclear-powered aircraft carriers or flattops of very substantial size.

Though a current of frustration ran through the House Armed Services Committee, where its carrier supporters were rebuffed by the House last week, the Navy's top uniformed officer testified that nuclear ships are superior and some should be built for the 1980's.

"I firmly believe we should build nuclear carriers in the future," Adm. James L. Holloway 3d, chief of naval operations, declared.

Questioning brought out that he meant nuclear carriers of both the so-called smaller size now being planned and the current Nimitz size. He did not believe, he said, that the Navy's three gigantic Nimitz class ships are the last of their size.

In what many saw as a historic turn, the House voted 252 to 161 last week to sink the fourth Nimitz-class ship before construction had started. This was done on recommendation of former President Ford, who had a last minute change of mind, and of President Carter.

The proposal of both, which the House vote was seen as endorsing, was to replace the fourth nuclear Nimitz class carrier with two smaller conventionally powered carriers, one in fiscal 1979 and one in fiscal 1981. Admiral Holloway and fellow admirals yielded to that but the Naval chief said yesterday that later smaller carriers should be built with nuclear power.

In his testimony, he gave the committee an idea of what is meant by smaller or "moderate" ships.

While the new-type carrier has not yet been designed, it appears that it could wind up displacing more than 70,000 tons—hardly a small ship even by comparison with the 94,400 ton Nimitz class. Its flight deck may be 900 feet or more, while the Nimitz's is 1,040.

The rationale behind the administration's pressure for "smaller" ships is that the growing size and power of the Soviet fleet require more and therefore less costly U.S. ships. The huge carrier is seen as increasingly vulnerable, though Admiral Holloway yesterday rated the proposed smaller ship as less capable of self-defense because, for one reason, of its smaller aircraft complement.

The fourth Nimitz class carrier, had it been built, would have cost $2.2 billion by Pentagon estimates. The Navy says starting from scratch and designing and building a smaller nuclear ship would cost as much. But it hopes to build the new conventional type for $1.25 billion.

The ship, though still on paper, appears to be growing in size. By the 1990's the Navy hopes to have vertical-takeoff planes, making small decks feasible. Until then, the admirals insist new carriers must be big enough to handle all current sea-going planes.

In the Pentagon's annual defense posture statement in January, the new carrier was described as displacing 40,000 to 50,000 tons. Admiral Holloway yesterday used the figures 50,000 to 60,000 tons.

Representative Les Aspin (D., Wis.), no big carrier fan, brought out that those figures were for "standard load," that is, a ship without its own fuel, reserve boiler water and aircraft fuel. With those added and under "full load," the ship would displace another 8,000 to 12,000 tons, Admiral Holloway said.

Judging by differences between standard and full load displacement for current carriers—about 13,000 tons for the Nimitz and Enterprise and 20,000 tons for the conventional Kitty Hawk—the admiral's estimate may be conservative.

He said the new ship would have to have two to three catapults, four arresting gears, two to three aircraft elevators—all factors making for size and weight. It would carry about half the Nimitz's 90 to 100 plane complement.

MOBILE TEACHERS' RETIREMENT ASSISTANCE ACT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. PANETTA. Mr. Speaker, today I am introducing the Mobile Teachers' Retirement Assistance Act of 1977.

The bill is necessary to protect the retirement benefits of teachers who move across State lines to teach. Since the bill is identical to bills introduced in the 92d, 93d, and 94th Congresses, it is my hope that the 95th Congress will recognize the urgency of this legislation which I feel would rectify a serious injustice to which public school teachers have been subjected for many years. A similar bill has already been introduced in the Senate by my good friend Senator CRANSTON of California.

Current law in effect prohibits teachers from moving across State lines because such a move would require them to lose hard-earned retirement benefits. At a time when there is severe unemployment in the teaching profession and when there is a growing need for experienced teachers in our rural areas, it is essential that Congress pass legislation which will encourage mobility for teachers so that they can relocate to areas where employment opportunities and the demand for their skills is the greatest.

In my State of California alone, over 100,000 elementary, secondary, and community college teachers have taught in other States. Nationally, 26 percent of America's teachers have taught in at least two States. Those teachers, who spent an average of 8 years working in other States, lost their retirement benefits when they moved.

The bill I am introducing today would establish a Federal-State program to assist in the funding of these benefits for public school teachers. It would en-

able teachers who have taught in two or more States to retire at the end of their careers with benefits substantially the same as they would have received by teaching in a single State for their entire careers. In addition, the bill would extend Federal funds to aid in the financing of recognized out-of-State service credit for those States who wish to participate.

Many of our State retirement systems have made attempts to rectify this prohibition of teacher mobility, but because of the limitation of State funds the interstate nature of this problem makes Federal legislation a necessity.

Mr. Speaker, I include in the RECORD, following my remarks, the text of the bill:

H.R. 5825

A bill entitled "Mobile Teachers' Retirement Assistance Act"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Teachers' Retirement Assistance Act."

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. The Congress finds that the transfer of qualified teaching personnel between schools operated by public educational agencies in one State and schools operated by public educational agencies in another State is seriously impeded because of the possibility of forfeiture of retirement benefits in the system from which a teacher transfers and that the resulting immobility of teachers impedes the mobility of the Nation's work force by hindering the growth and development of new communities. It is therefore the purpose of this Act to protect commerce by facilitating the interchange of teaching personnel from a public educational agency in another State by providing Federal financial assistance in the transfer of credits from one State to another State.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "State retirement system" means a State retirement system established under State law or local public retirement system recognized or established by State law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system, school or institution of higher education.

(5) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which includes teachers.

(6) The term "Commissioner" means the United States Commissioner of Education.

(7) The term "out-of-State" means public teaching service performed in another State or in elementary or secondary schools operated by the United States Department of the Interior and United States Department of Defense and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(8) The term "vesting" means a right of a teacher who separates from covered employment after having at least the minimum years of credited service required under the State retirement system, and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

SEC. 4. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 5(c).

(2) allow covered teachers at least ten years of out-of-State credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher by the date of retirement of a portion of the cost involved and payment from public funds of the remainder.

(3) require no more than one year of in-State service for each year of out-of-State service credit granted.

(4) provide that the teacher's payment for out-of-State service credit shall not exceed 25 per centum of the total cost of the out-of-State service credit.

(5) provide for vesting after not more than five years of credible service in the State retirement system.

(6) provide for making such reports, in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such report.

(b) If the Commissioner determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 5. (a) The Commissioner shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 4(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other twelve-month period designated by the system) which ended in such calendar year with credited out-of-State service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 50 per centum of the total cost as determined by the retirement system at such teacher's age on date of retirement: *Provided,* That if the teacher has not reached age sixty, the cost shall be determined as if the teacher were age sixty.

(b) The Federal contribution under this section to a State retirement system shall be limited to the reserve required to provide not more than ten years of out-of-State service credit: *Provided,* That the Commissioner may determine maximum reserve factors at each age, beginning at age sixty, for purposes of the Federal contribution.

(c) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

COST OF ADMINISTRATION

SEC. 6. The Commissioner shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 2 per centum of the Federal contribution made under section 5.

EFFECTIVE DATE

SEC. 7. This act shall become effective October 1, 1977, with respect to teachers who retire on or after such date.

APPROPRIATIONS AUTHORIZED

SEC. 8. For the purpose of making such Federal payments, there is hereby authorized to be appropriated for the fiscal year ending September 30, 1978, and for each succeeding fiscal year the amount necessary to effectuate the provisions of this Act.

MS. CHERYL DEE MORRISSEY: WINNER OF THE VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM FOR THE STATE OF NEVADA

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. SANTINI. Mr. Speaker, Ms. Cheryl Dee Morrissey, the VFW Voice of Democracy Winner for the State of Nevada, has written an eloquent and thought-provoking essay about America. Through her imaginative style and her grasp of the language, Ms. Morrissey has set forth a penetrating look at our country's past and her promising future. I am pleased and proud to share this work with my colleagues:

1976–77 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM NEVADA WINNER

(By Cheryl Dee Morrissey)

There is no new thing to be said about America. No new word about the mountains, or the sea, or the stars. The years go their way, but the same mysterious sea beats upon the shore; the same silent stars keep holy vigil above a tired world. To these, men turn forever in unwearied homage. And thus with America. It is a sea in deep undervoice of mystic loneliness.

America, like the sea, changes and conforms to its environment, but it will always be a constant, such as the stars keeping their lonely vigil over the world and the sea, rushing to meet the shore.

Almost all my life I have spent around sailboats, and to me America is the flagship of the world. Living in these United States, I have the right to secure my future, for in its wake I am protected from the ravages of the world around me, an uncharted tempestuous sea.

America is a resplendent sailing vessel, structured from the bottom of its keel to the uppermost point of its mast, by the people and for the people. She was rigged to lean firmly but gently as the winds direct her, yielding always and ever to the intent of the population, her passengers. They have steered her out of slavery to equal rights, from depression to the highest standard of living in the world, from a few scattered colonies to fifty proud states.

I see her keel, reaching deep into the water, as our own Constitution, providing the balance and the weight which keeps us upright and solid in our voyage.

As she clips through the water, the ship America varies course by bearing upon the rudder, synonymous to the power of the vote, avoiding ill winds, opposite tides, and maelstroms the world about us contrives.

The ribs of this windjammer are strong and sturdy. They sustain the entire ship, weaving a network of timber which is seaworthy in all trials the ocean dares to concoct. The ribs in America's brand of democracy are the Amendments, sound and supportive.

I gaze upon three sails, flying high and full. The largest of the three, the Main Sheet, flies off the mast, as the main body of our government exists with the instrument of the Constitution and the Amendments. Ballooning on the bow of the vessel is the jib, aiding the main sail by pulling the ship America through the water, as state government helps to draw our form of democracy to success. The aftmost sheet is the Mizzen; it completes the ring from Constitutional Monarchy, representing local government.

But the whole must be greater than the sum of these parts. For this we have the ropes. Without them there would be no purpose, for they set the sails, and they serve as the combination of the will of the people and the power of electorate.

Thus, the vessel America sails the stormy ocean, avoiding all obstacles it produces, and in so doing the United States protects and secures my future. This is what America means to me, to have faith in a country which one knows cannot fail . . . who could not be proud to sail upon such a worthy vessel?

HANOVER COLLEGE CELEBRATES 150TH ANNIVERSARY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. HAMILTON. Mr. Speaker, Hanover College in Hanover, Ind., is distinguished as the oldest 4-year liberal arts college in Indiana, and the only Presbyterian church-related college in the State. Hanover this year celebrates the 150th anniversary of its founding, 150 years of quality education within a Christian environment. Among those individuals who have shared in Hanover's heritage and are a part of her pride are alumni Harvey W. Wiley, author of the Pure Food and Drug Act, steel magnate and philanthropist William Henry Donner, and Thomas Hendricks, Vice President of the United States under Grover Cleveland.

Hanover's physical plant today includes 555 acres bordering the Ohio River in the southeastern corner of the State. The grounds contain 33 of the most modern educational and administrative facilities on any college campus of its size in the country. Course offerings in 23 academic disciplines are complemented by a strong intramural and intercollegiate athletic program, in addition to numerous cocurricular activities including music, drama, radio programing, student government, and 3 student publications. Fall and winter terms of 14 weeks are followed by a 5-week spring term which many students utilize for off-campus course work, internships, or study abroad. Two of the newest additions to the campus are the Lyman S. Ayres Athletic Field, a 70-acre physical education complex, and the Duggan Library, housing 205,000 volumes in addition to the special collections in its archives room. Construction of a center for fine arts is scheduled to begin this year. Hanover is also the site of nationally affiliated chapters of four sororities and five fraternities. Enrollment averages 1,000 men and women students per term.

Hanover College has been the sight of numerous "firsts" in the early years of its existence and these include:

The first seminary in the Northwest Territory;

The first college literary society in Indiana;

The first teacher training courses in Indiana;

The first laboratory teaching of chemistry in Indiana;

The first field study in the teaching of biology and geology in Indiana;

The first vocational education in Indiana;

The first college football and tennis in Indiana; and

The first football game played on a lighted field in Indiana.

Mr. Speaker, the educational purpose of Hanover College is summarized in the following statement: "The historic and continuing purpose of Hanover College is to provide a liberal education which will develop a searching mind sustained by Christian understanding. The aim, with clear insistence on free inquiry into the nature of man, is to lay the groundwork for a lifetime of intellectual and spiritual growth."

HIGH TAXES—A MAJOR CONCERN IN WISCONSIN

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. KASTEN. Mr. Speaker, the Federal income tax burden on middle-income Americans is one of the most volatile issues in America today.

Survey after survey in Wisconsin pegs "taxes" as a major concern of the people.

Far too often when we approve billion dollar programs and deficits, I think we forget that the financial burden of Government today goes beyond the Federal level. People back home are paying more and more in State and local taxes, too. And at every level, inflation has caused overtaxation of all Americans.

My constituents in Wisconsin are particularly concerned about high taxes. They have reason to be· Wisconsin is a high tax State.

A recent study by the Federal Advisory Commission on Intergovernmental Relation shows that Wisconsin families pay the second highest personal income taxes in the Nation in three income categories—$10,000, $17,500 and $25,000. Wisconsin takes more tax out of a $10,000 income than other States take out of a $25,000 income.

I would like to share with my colleagues the complete results of this study, which appeared this week in U.S. News & World Report:

STATE INCOME TAXES—WHO PAYS MOST, LEAST

If you're wondering how your State's income-tax bite compares with that in others—

Biggest chunk of a family's income is taken by State income taxes in Delaware, Massachusetts, Minnesota, Oregon and Wisconsin

Heaviest taxed at all income levels is Minnesota.

Lightest income taxes, among States which levy them, are taken by Louisiana, Maine, Michigan, Nebraska and Ohio.

No income taxes at all are levied by nine States: Connecticut, Florida, Nevada, New Hampshire, South Dakota, Tennessee, Texas, Washington and Wyoming. New Jersey starts collecting an income tax this year

These are the findings in a new study by the staff of the Advisory Commission on Intergovernmental Relations, an independent research organization created by Congress in 1959.

The Commission computed the amount that each State levies at different levels of income. Those State tax figures on three incomes for the latest available year, 1974, are given below.

To show how widely the bite varies—

With a $10,000 income, a family will pay more than $250 in seven high-tax States, ranging from $255 in Maryland to more than twice that in Minnesota. But a similar family would pay less than $65 in eight other States.

With a $17,500 income, a Minnesota resident would pay more than $1,000, while five States levy from $801 to $611, and six others are under $200.

With a $25,000 income, the family of four will pay $1,000 or more in eight States and the District of Columbia. But five other States levy less than $400.

In fact, two States—Minnesota and Wisconsin—take more tax out of a $10,000 income than some others do out of a $25,000 income—Michigan, Louisiana, Nebraska and Maine.

On the average, State income taxes figure out to about $150 or 1.5 percent on an adjusted gross income of $10,000; $368 or 2.1 percent on $17,500, and $750 or 3 percent on $25,000.

The tax rates rise most steeply as income rises in California, Georgia, Idaho, New York, North Dakota and Oklahoma. Only in Pennsylvania is it the same for all incomes—a flat 2 percent.

Keep in mind, though, that the amount of a State's income tax is not a measure of the total tax burden it imposes. You also pay sales, property, real-estate and other taxes and fees.

A new nationwide study shows this—State's personal income tax for a married couple with two children

	At $10,000 of annual income	At $17,500 of annual income	At $25,000 of annual income
Alabama	$147	$339	$593
Alaska	182	369	668
Arizona	148	314	646
Arkansas	163	387	771
California	64	293	688
Colorado	157	382	785
Delaware	236	652	1,238
District of Columbia	250	579	1,107
Georgia	83	319	714
Hawaii	212	611	1,133
Idaho	138	474	973
Illinois	150	338	525
Indiana	150	300	450
Iowa	295	528	884
Kansas	126	297	560
Kentucky	243	444	750
Louisiana	48	125	227
Maine	60	160	359
Maryland	255	479	812
Massachusetts	277	641	1,013
Michigan	[1] 59	103	221
Minnesota	543	1,016	1,724
Mississippi	38	218	473
Missouri	109	268	567
Montana	279	499	947
Nebraska	35	158	330
New Mexico	84	238	527
New York	206	550	1,174
North Carolina	258	535	1,000
North Dakota	105	338	822
Ohio	55	188	390
Oklahoma	50	196	517
Oregon	238	633	1,184
Pennsylvania	200	350	500
Rhode Island	119	286	521
South Carolina	157	420	885
Utah	148	452	821
Vermont	216	520	946
Virginia	175	449	829
West Virginia	144	276	494
Wisconsin	365	801	1,488

[1] Refund of other taxes by State.

Ten States—Connecticut, Florida, Nevada, New Hampshire, New Jersey, South Dakota, Tennessee, Texas, Washington and Wyoming—did not levy a general personal-income tax in 1974, the year for which taxes are shown. New Jersey enacted an income tax last year.

Note: Figures assume the following—all income is from wages and salaries earned by one spouse. At $10,000, the optional standard deduction is used. At $17,500, itemized deductions of $3,520 are used. At $25,000, deductions of $4,365 are assumed.

For States that allow a deduction for federal income taxes, deductions were used: $791 at $10,000; $1,908 at $17,500, and $3,470 at $25,000. Figures for Michigan are based only on taxes for Detroit home-owners.

PROPOSED AMENDMENTS TO THE FEDERAL RULES OF CRIMINAL PROCEDURE

HON. JAMES R. MANN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. MANN. Mr. Speaker, the Judiciary Committee's Subcommittee on Criminal Justice has pending before it several proposed amendments to the Federal Rules of Criminal Procedure. The subcommittee has studied these proposed amendments and has taken action on them that has resulted in the drafting of three bills. At the request of the subcommittee, I am introducing these three bills today. In order to understand the reasons for the subcommittee's action and decision to have three bills introduced, it is necessary to know something about the background of the proposed amendments.

They were promulgated last April by the Supreme Court, which was acting pursuant to statutes known as the Rules Enabling Acts—in this instance, 18 U.S.C. 3771 and 3772. At the same time, the Court also promulgated a set of rules to govern proceedings under 28 U.S.C. 2254 and 2255, sometimes referred to as habeas corpus proceedings.

The amendments to the Federal Rules of Criminal Procedure and the habeas corpus rules were to have taken effect on August 1, 1976. The Congress, however, enacted Public Law 94-349 and delayed their effective date. The effective date of all but two of the amendments to the Federal Rules of Criminal Procedure was delayed until next August 1—two of the amendments were allowed to go into effect last August 1. The effective date of the habeas corpus rules was delayed until 30 days after the 94th Congress adjourned sine die.

The subcommittee took up the habeas corpus rules last Congress and drafted legislation that approved most of them as proposed and approved the rest with modifications. The subcommittee's legislation was enacted by Congress, signed by the President and became Public Law 94-426.

The proposed amendments to the Federal Rules of Criminal Procedure are still pending before Congress. If Congress does nothing about them before August 1, 1977, the amendments as proposed by the Supreme Court will take effect. If Congress wants to have a say in what these amendments provide, it must enact legislation before August 1.

With that in mind, the Subcommittee on Criminal Justice began 3 days of hearings on the proposed amendments in February. We heard from a wide segment of the legal community during those hearings—judges, prosecutors, defenders, and law professors. On the basis of the information and testimony that it has received, the Subcommittee has drafted legislation which it is recommending to the Committee on the Judiciary. This legislation approves some of the proposed amendments, either in toto or in a modified form, and disapproves the others. I am introducing that legislation today, and it will be taken up at the next Judiciary Committee meeting. If approved by the commitee, it should come before the House by the end of April.

As I indicated, the subcommittee has decided to disapprove certain of the proposed amendments. It did so, not because it necessarily disagrees with the proposals, but because it felt that they required separate consideration and action. In the subcommittee's opinion, the proposed amendments adding a new rule to the Federal Rules of Criminal Procedure (rule 40.1) and amending an existing rule (rule 41(c)) deserve separate action by the Congress.

Because the subcommittee believes that these two proposed amendments require separate consideration and action, it has requested that I introduce legislation upon which it can act. Consequently, I am today introducing two bills, one that is substantively the same as proposed new rule 40.1 and one that is substantively the same as the proposed amendment to rule 41(c). These two bills will serve as the legislative vehicles for congressional action on the issues raised by those proposed amendments.

The subcommittee's purpose in proceeding in this manner is to insure that the Supreme Court's proposals receive thorough consideration and that the provisions of the amendments be well thought out and carefully drafted. It is not our purpose to bury the Supreme Court's proposals. The subcommittee has already scheduled a hearing on the legislation dealing with the proposed amendment to rule 41(c). The legislation dealing with proposed new rule 40.1 will also receive expeditious consideration by the subcommittee.

RULE 40.1

As I mentioned above, one of the bills embodies the substance of proposed new rule 40.1, which deals with procedures for removing a criminal case from State to Federal court. Removal of criminal, as well as civil cases is presently governed by 28 U.S.C. 1446.

The subcommittee found that some of the provisions in the proposed new rule were noncontroversial, but it also found that others raised some disturbing problems. Some of the provisions of the proposed rule are in conflict with the removal statute (28 U.S.C. 1446). For example, the statute provides that once a removal petition has been filed, the "State court shall proceed no further" (28 U.S.C. 1446(e)). The proposed new rule, however, would permit the State court to continue its proceedings up to the entry of judgment.

The subcommittee is of the opinion that it is unwise for a congressionally enacted statute and a rule of procedure to be in conflict like that. Due regard for a coordinate branch of the Government would seem to suggest that rule changes which, in effect, repeal parts of congressionally enacted statutes ought to be accomplished by means of legislation—especially here, where the proposed changes raise other problems.

Some of these other problems are illustrated by the provision in the proposed new rule requiring that a removal petition be filed no later than "10 days after the arraignment in State court." This conflicts with the present statute, which permits a petition to be filed at any time, 28 U.S.C. 1446. Changing the filing time raises problems other than questions related to the separation of powers doctrine. Pretrial procedures in State courts are quite diverse. In fact, in some jurisdictions, a State criminal trial will be concluded within 10 days of arraignment. Thus a defendant might not be able to file a petition before the State court enters judgment in his case—either in the proposed rule or by Advisory Committee note to the proposed rule. It is not clear what would happen in an instance where a removal petition was filed within the time allowed—10 days—but after the State court had entered a judgment of guilty. If the removal petition were found meritorious, could the case still be removed to Federal court? If removed, would a trial in Federal court be barred by the double jeopardy clause of the Constitution? It seems to the subcommittee that further information about arraignment and trial procedures in State courts is essential in drafting a provision that changes the present statute's provisions concerning the time for filing a removal petition.

I should also note that it has been questioned whether removal petitions really present a problem to the Federal courts. Representatives of the Judicial Conference, the people initially responsible for drafting the proposed new rule, testified at our hearings. While they testified that it was their impression that removal petitions were a problem, they had not statistics available to support this impression. The subcommittee would hope to develop further information on the need for changing the present removal statute.

RULE 41(C)

I am also introducing, at the subcommittee's request, a bill that is in substance identical to the proposed amendment to rule 41(c).

The Supreme Court's proposed amendment to rule 41(c) allows search warrants to be issued, if the circumstances make it reasonable, "upon sworn oral testimony of a person who is not in the physical presence of a Federal magistrate." Typically, the magistrate would receive such testimony over the telephone, and the whole procedure is sometimes referred to as the telephone search warrant procedure.

The proposed amendment provides that sworn oral testimony of the person shall be recorded and transcribed and that the transcription shall be certified by the magistrate and filed with the court. Before approving the issuance of a warrant, the magistrate must require the person requesting the warrant to read to him, verbatim, its contents. If the magistrate approves issuance of the warrant, the person requesting it will then sign the magistrate's name on a copy of it. If a search under this procedure is allowed, the copy of the warrant in the possession of the person who requested it must be returned to the magistrate.

Two States, Arizona and California, presently have statutes that provide procedures for obtaining a search warrant when the person requesting it is not physically present with the magistrate. The procedures in those States differ somewhat from the procedure established by the proposed amendment.

The intent of the proposed amendment according to its drafters, is to provide a method for obtaining a search warrant "when it is not reasonably practicable for the person obtaining the warrant to present a written affidavit to a magistrate." Advisory Committee note to proposed amendment to rule 41(c), in House Document No. 94–464, at 21. The rationale is that this procedure will encourage Federal law enforcement officers to seek search warrants in situations when they might otherwise conduct warrantless searches. See Advisory Committee note to proposed amendment to rule 41(c), in House Document No. 94–464, at 22. The subcommittee approves and applauds this goal.

However, several witnesses at our hearings suggested that the new procedure would not be used in lieu of warrantless searches. They asserted, instead, that it would be used in lieu of the present procedure, where the person seeking the warrant must appear in person before the magistrate. The subcommittee would, of course, be concerned if this were to come to pass.

The subcommittee is of the opinion that a Federal procedural rule on this topic ought to be drafted in light of the experience of those States that have such procedures. We can learn from them how they have dealt with the technological problems. We can find out whether and under what circumstances the procedure has proven beneficial. We can also find out whether the procedure has led to a reduction in the number of warrantless searches, or whether it has been used in lieu of the traditional procedure for obtaining a search warrant. To get answers to these questions requires additional time and study. The bill I am introducing at the subcommittee's request will give it the vehicle for conducting that study.

In conclusion, Mr. Speaker, let me reiterate what I said earlier. The subcommittee is not attempting to avoid dealing with removal petitions and telephone search warrants. The subcommittee is interested in those issues and intends to deal with them expeditiously. To this end, we have already scheduled a hearing on the bill dealing with telephone search warrants. Since many of the issues involved touch upon fundamental rights of our citizens, we believe that it is our obligation to study the problems thoroughly, decide what sort of legislation is appropriate, and then draft precise and clear language to deal with the problems.

A TRIBUTE TO DENNY BRACKEN

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. CHARLES H. WILSON of California. Mr. Speaker, last Sunday, Denis Bracken, a news reporter with KNX Radio in Los Angeles and the CBS Radio Network, passed away at the age of 45. While my colleagues from outside the Los Angeles area may not immediately recognize the name, I assure you that his voice would be recognized in a second were you to hear it.

Denny Bracken's passing is an extremely sad moment. Not only was he a young and exceptionally gifted broadcaster, but he was, more importantly, a very decent person.

For every Los Angeles commuter who travels the freeways there is an instant love affair with the car radio. It makes bearable the long drive from home to work in the morning and the evening return. For every commuter who knows what it is like to measure distance in inches during rush hour, the voice of Denny Bracken was a reassuring comfort. He would reduce the headlines, usually filled with some international tragedy to a more human level. For instance, if a particular issue was the current talk of the city, Denny would call the particular individual involved, either in Washington, D.C., Sacramento, or Los Angeles, get their perspective and then present the various viewpoints in a fairly balanced report. In fact, several weeks ago, he called me in my Washington office to get my reaction to a report dealing with weaknesses in NATO. I felt we had a special relationship because if something happened that directly involved me or my congressional district, he would always try to call to get my reaction or my thoughts on the matter.

Denny was not what you would consider a straight news reporter, but more human interest oriented. In a large urban area like Los Angeles, he became the personal friend of many through the radio waves. One of his popular programs was a call-in talk show where he would get comments from average citizens, then talk about the issue and provide a little

perspective on what was going on. His programs were always informative but never impersonal.

Versatility was also a Denny Bracken trademark. With the CBS Radio Network, he cohosted the program "Mike Roy's Cooking Thing." Denny and chef Mike Roy, who ironically passed away only late last year, would discuss recipes and other cooking tidbits. The friendship and warmth expressed between the giant chef and his Irish cohort was something every person could identify with. After Mike Roy's death, Denny went on with the program, renamed "Meet the Cook," which was heard by 10 to 12 million people across the country.

He also reported sports and other major news events for KNX. As he said:

News, sports, food. I just can't make up my mind and I really don't want to. I have no desire to become a specialist and that's why KNX has been such a satisfying experience.

Jim Zaillian, a fellow coworker of Denny's and news director at KNX, said:

He was without parallel in broadcast journalism. In my 28 years in broadcasting, I've never known anybody with as much all-round talent.

Los Angeles is going to miss Denis Bracken and his reassuring voice. As one resident of that city, I will miss being able to turn on the radio on the drive from the airport to my home in Hawthorne and hear him deliver his personal kind of journalism. Good journalism is something more than the mere reporting of events. It is a journalist who is able to capture the imagination and conscience of the listening audience. Denny Bracken was able to capture that imagination. His programs raised the consciousness of Los Angeles, improved community spirit and helped to make life a little more pleasant for its residents.

He will definitely be missed.

INTRODUCES BILL TO KEEP STEAMSHIPS IN OPERATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. STARK. Mr. Speaker, today I am introducing a bill to amend the Merchant Marine Act of 1936 to allow a 5-year extension of Federal subsidies to the S.S. *Monterey* and the S.S. *Mariposa*. Without this action, the last two remaining U.S.-flag passenger ships will cease operation in April of next year.

Let me elaborate as to the reasons this action is in the best interest of the country. First, over 615 full-time jobs are directly connected to these ships, providing a livelihood to over 1,000 American workers. Additional jobs are provided in the longshore and shipyard industries. The loss of these jobs, especially at a time when we are working to create more employment, would be tragic and would impact heavily on the west coast.

Moreover, the operation of these vessels generates considerable amounts of money that is injected into our economy. The annual payroll of the *Mariposa* and *Monterey* is about $20 million, and it is estimated that at least an equal amount is spent in related services. This does not include the taxes paid to Federal and State governments each year. The continuation of the approximately $15 million in Federal subsidies paid to the ships' operator, the Pacific Far East Lines, would seem to be a conspicuous example of financing in which the Government receives more in direct and indirect revenues than it pays out in subsidies.

The ships also bring about 5,000 tourists each year from the west coast to Hawaii, and another 1,500 to Alaska, thereby contributing to those locales' economies. There is no reason that these vessels should not continue in operation. Pacific Far East Lines wants to keep them alive, and both the American Bureau of Shipping and the U.S. Coast Guard have indicated that the *Mariposa* and *Monterey* are in good shape and could operate until 1983.

Besides the obvious losses that would occur if we let these ships' operating subsidies be terminated in April of 1978, there are other less tangible effects. Cost cannot be attached to the ending of a tradition of American seagoing passenger service that dates back to the beginning of our Nation at a time when more passenger ships are sailing on world trade routes than at any other time. It would be reprehensible for us to sit idly by and let this happen.

We cannot turn our back on the plight of our last remaining passenger ships and on the American seamen for whom they provide jobs. I urge you to consider this bill and join me to keep the *Mariposa* and *Monterey* afloat.

BILL TO IMPROVE AND EXPAND HOME HEALTH CARE SERVICES

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. GONZALEZ. Mr. Speaker, I am introducing a bill today that will improve and expand the home health care services available under medicare and medicaid.

A very unfortunate situation has developed in our country in the last 10 years and that is the practice of placing the elderly in nursing homes. According to recent satistics, more than 1 million people over the age of 65 are in a nursing home and the shocking fact is that many of these people really do not belong there. They do not need the round-the-clock care provided by a nursing home nor the intensive medical care provided, but what they do need is a little skilled assistance to enable them to remain safely and happily at home.

Recent studies have determined that if adequate home health care programs were developed, these programs could prevent or postpone the institutionalization of as many as 2.5 million elderly. And the sad fact is that many of the elderly would rather remain in their own homes in comfortable and familiar surroundings within the neighborhood and among the friends that they have known for so many years. But many of them are afraid to do so because of their illness and the fear that if they become ill in the middle of the night, they could not get assistance or if they fell and broke a leg, they could not get help. So many of them are forced into spending their life savings on a nursing home because of the security it provides.

The bill I am proposing calls for a number of changes which include removing the limitation of 100 home health visits currently permitted under medicare part B, expanding home health services covered under medicare to include a full range of medical, homemaker and other correlative services, and removing the requirement that an individual need skilled nursing care in order to qualify for home health services.

I hope that the Committee on Ways and Means will explore the matter of home health coverage under medicare and medicaid in this Congress and give it the attention it deserves. HEW's director for the Office of Long Term Care recently said that no matter how good a nursing home is, it cannot substitute for a home environment, and I am sure that the elderly in our Nation would unanimously agree. Let us give the elderly the opportunity to live their golden years in familiar surroundings that hold many happy memories rather than an institutionalized environment that gives them no hope for tomorrow.

URGES ADVOCATE FOR THOSE WHO SERVED

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. ABDNOR. Mr. Speaker, I rise today to echo the sentiments of many citizens throughout this great Nation. Yesterday the administration announced phase two of its "Bind the Wounds of the Vietnam War" program. I was appalled at phase one, but I do not think that I can find the words that express the contempt that I have for phase two. The people of this country were asked to turn the other cheek when the President announced his pardon. They did, but not without anguish. Now Mr. Carter has slapped those who served again. I speak in support of those who served this country honorably. It is about time they have an advocate. They were asked and they gave. In some cases, they were not asked but told. Not all who served agreed, but they gave their services when the country needed them. That has been the attitude which brought this country into its third century. Our Nation asked them to suffer and sacrifice. Many gave the utmost sacrifice. These are the people we owe our compassion to, not those who deserted our Nation.

Under the President's program, the guidelines for review are so all-encom-

passing that I do not know why he has included guidelines at all. Why did he not make a blanket upgrade? Then to add to it, he provides that if the review board refuses to upgrade the discharge, we will provide counsel for appeal. That is a nice thought. We have slighted those who served enough at the thought of an upgrade anyway. I could go on and on, but I think that I have made my position clear on this issue.

I would also like to touch on one other complication caused by this action that concerns me deeply. I am proud to be a member of the Veterans' Affairs Committee. I feel that our committee does its best to provide assistance to those veterans who honorably served this Nation. The Veterans' Administration provides unparalleled service to our veterans. But try as we do, we could do more. I would ask you to look at the facts for a moment. We do not have the funds to provide some of the things that our veterans sorely need. Look at unemployment, educational costs, hospital care. Need I continue? The President's proposal will not only upgrade discharges, but will make all of those people eligible for veterans' benefits. I ask you, is this just? I think not. Our committee has been struggling with the Budget Committee to get over $1 billion restored to our proposed budget. These funds are needed to provide adequate assistance to those who served. I do not have to tell you the needs of our veterans—you know them. I guess we will just have to tell our veterans, "Thanks for your time. We'll call you the next time we need your help, but don't expect much from us as we have got to be compassionate to those who decided not to help you."

I close by saying thank you, Mr. President, from those in our VA hospitals and those who are at Arlington and the other cemeteries throughout the Nation. I guess we have given them the compassion they asked for.

COCALICO HIGH SCHOOL BOYS BASKETBALL TEAM WINS STATE TITLE

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. WALKER. Mr. Speaker, I would like to take note, for the benefit of my colleagues, of the accomplishments of a group of young athletes from Lancaster County, Pa. These young athletes are the members of the Cocalico High School basketball team.

As someone who has more than a passing interest in the sport of basketball, I find their recent victory as statewide basketball champions in Pennsylvania an outstanding accomplishment.

Their talent, their perseverance, and their dedication have brought this high honor not only to themselves and their school, but also to Lancaster County which has never before been home to a State boys basketball championship team.

I hasten to note that on their way to ultimate victory in the playoffs, the Cocalico Eagles faced perhaps their toughest adversary in the semifinals against another local team from Lancaster Catholic High School. This group of young men gave us all reason to be proud of their skill and their sportsmanship.

The spirit and magic surrounding this special group of young men from Cocalico was best evidenced last Saturday evening when thousands of supporters lined the streets of Denver, Pa., to welcome their champions home.

It is this kind of support that the Cocalico Eagles enjoyed through the regular season and the strenuous playoffs. A particularly important share of the credit goes to the families of the team players who, I am sure, figure prominently in the success of this team.

Congratulations would not be complete if I failed to mention Coach Ed McIlmoyle—the mentor, master strategist, and one of those unusual people who obviously brought out the best in those he took to the championship.

The coach, the player's families, the community of Denver, and the Cocalico area have reason to be proud of these young men. They set their sights on becoming the best and they achieved it.

This is the kind of attainment through teamwork that serves as an inspiration to all of us.

MINERAL DEVELOPMENT ACT OF 1977

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. RUPPE. Mr. Speaker, the Committee on Interior and Insular Affairs, on which I serve, will soon be considering legislation to reform the mining law of 1872. This law presently permits individuals to search for, discover, and acquire title to the so-called hard rock minerals, such as copper, lead, zinc, silver, gold, and uranium, lying within the public domain.

The distinguished chairman of our committee, Mr. UDALL, has introduced legislation, H.R. 5806, which would, in essence, repeal the mining law of 1872 and substitute a completely new Federal leasing system for hard rock mineral development.

Secretary of the Interior Cecil D. Andrus has expressed his support of mining law reform and the Department of the Interior is expected to forward its recommendations to the Congress in the very near future.

The hard rock mining industry, through its national trade association, the American Mining Congress, has drafted legislation to correct many of the outmoded provisions of the mining law, modernize many of its other provisions, and, in general, simplify administration of the current act. It is my understanding that this bill was prepared by a panel of individuals who are extremely knowledgeable in the area of public land mineral law. This bill attempts to follow the recommendations made on the subject by the Public Land Law Review Commission. This bill also takes cognizance of the provisions of the recently enacted Federal Land Policy and Management Act of 1976.

I think that it is important that the recommendations of the mining industry for changes in the mining law be before the Congress and specifically the Committee on Interior and Insular Affairs. It is for that reason I introduced H.R. 5831 yesterday. I am not prepared to endorse any of the several proposals to reform or repeal the mining law at this time. Like many of my colleagues, I look forward to considering the merits of these proposals and I regard it as essential that the viewpoints of all those concerned with changes in our mineral development laws be before our committee as it begins its important work.

A PROPOSAL TO REVISE MEDICARE REQUIREMENTS AFFECTING RURAL HEALTH CARE FACILITIES

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BAUCUS. Mr. Speaker, in the last Congress, I introduced legislation to amend title 18 of the Social Security Act as it pertains to rural health care facilities. Despite the lateness of introduction, it was of such importance that nearly 40 colleagues agreed to cosponsor. I am reintroducing it today.

The problem that my amendment addresses is not, I suspect, one of great national concern, but it is of intense concern to health officials both in my district and in selected other districts which have unusually small health facilities serving extremely sparsely populated rural areas. Allow me to provide some background on this problem.

In order to participate in the medicare program, provides and suppliers of health services must comply with specific requirements set forth in the statute and with other requirements pertaining to the health and safety of medicare beneficiaries which the Secretary of Health, Education, and Welfare is authorized by the statute to prescribe.

According to policy established by the Social Security Administration, a hospital is certified for participation in medicare if it meets all statutory requirements and is in substantial compliance with all regulatory requirements; that is, the deficiences do not represent a hazard to patient health and safety, and efforts are being made to correct the deficiencies.

The regulatory requirements are far reaching in scope, ranging from detailed specifications for facilities to the hiring of medical directors in nursing homes. Most of these regulations are necessary and desirable. However, their reasonableness is questionable with regard to extremely small health care facilities located in remote and isolated areas. The requirements do not take into consid-

eration certain problems that are unique to certain rural area facilities; for example, the small number of hospital beds, the scarcity of skilled health personnel, the limited spectrum of services offered, and the geographical isolation of these facilities.

Attempts to comply with HEW regulations in order to get the Federal funds, which many of these rural health facilities find necessary to remain solvent, have resulted in great expense and in some cases, closure of facilities altogether. Recognizing that some health care in isolated rural areas is better than none at all, the Social Security Administration certifies certain access hospitals—so named because failing to permit these hospitals to participate in the medicare program would amount to denying certain beneficiaries access to inpatient care. Most of the access hospitals are small and located in rural areas.

Despite the certification of access hospitals, it became apparent in the early 1970's that although good faith efforts were being made to secure qualified nursing personnel, some rural hospitals were having difficulty complying with the nursing staff requirements. Consequently, an amendment to the Social Security Act was passed which authorized the Secretary of HEW, under certain conditions, to waive the nursing requirement if he found that—

The hospital is located in a rural area and the supply of hospital services in the area is not sufficient to meet the needs of medicare beneficiaries residing therein;

The failure of the institution to qualify as a hospital would seriously reduce the availability of service to beneficiaries therein;

The failure of the institution to qualify as a hospital would seriously reduce the availability of services to beneficiaries; and

The hospital has made and continues to make a good faith effort to comply with the nurse staffing requirement, but compliance is impeded by lack of qualified nursing personnel in the area.

In the last Congress legislation was passed extending for 3 years until January 1, 1979, the Secretary of HEW's authority to waive the 24-hour nursing service requirements for certain rural hospitals. No waiver authority was provided with respect to any other condition of participation or standard relating to health and safety. During the floor debate on this legislation in the House of Representatives, the following was noted:

The present law allowing waivers for the 24-hour registered nurse coverage requirement has made possible for many good and otherwise qualified rural hospitals to continue as providers under medicare. Attracting enough RN's for 24-hour coverage has always been a problem for rural hospitals. Loss of certification as qualified providers under medicare would work a severe hardship on both rural hospitals and patients. Such facilities depend significantly on their patient load covered under these programs. A closing or loss of certification of just one of these hospitals would force an expensive and unneeded burden on the paitent, who might have to travel hundreds of miles to the next available medical facility.

The Senate Committee on Finance was in favor of extending the nursing staff waiver for 1 year only, as it believed the 3-year extension would serve to delay a more permanent solution to the problem. The Senate Finance Committee asked instead that a movement be made toward developing recommendations for legislative changes designed to establish specific rural hospital certification requirements commensurate with staff and facilities in rural areas.

I would like to identify the problems encountered by health officials in sparsely populated areas and to articulate solutions to those problems. My knowledge of this area is limited. I do not sit on a House committee with jurisdiction regarding this area. I do know that this is a serious problem for some isolated areas of the country. This problem must be addressed if adequate high standard health care facilities are to remain open in rural areas. My knowledge of this area stems largely from a hearing I held in my district in early 1976. Over a hundred health professionals, including hospital administrators, nurses, doctors, and nursing home directors from all 23 counties in my district attended. In addition two members of my staff have traveled to several small hospitals in the district to see first-hand the problems which these institutions face.

My statement today will simply present a proposal for providing realistic Federal certification standards which will allow for the continued existence of health facilities in many rural areas.

The legislation which I introduce today is somewhat different than the bill which I introduced during the last Congress. This bill would make permanent the 24-hour nursing waiver after its current extension expires in December of 1978.

Great flexibility is accorded rural health facilities in meeting the health and safety provisions relating to participation under medicare. Under this bill the Secretary of HEW would be required to take into account the geographic location, the scope of services rendered by a particular rural health facility, and the availability of qualified personnel when considering personnel requirements relating to rural health facilities.

Mr. Speaker, I feel compelled to point out one dilemma this bill poses. As I stated earlier, its to protect sick people who need health care facilities in sparsely populated, remotely located rural communities. Of the thousands of hospitals we have in the United States, I suspect that very few—perhaps less than 200—fit my image for facilities which need exemption from certain onerous Federal requirements. Yet, when I introduced a similar bill in the last Congress, I received support from some colleagues and health officials who are concerned about communities and hospitals which probably should not qualify for an exemption.

Thus, while the response last year broadened the base of support for this legislation, it also convinced some people who are concerned about preserving high health standards that my bill would actually reduce the quality of care in all rural areas. Mr. Speaker, that is not my intent, and I am perfectly prepared to sacrifice the broader support for a more narrowly drafted exemption.

Put another way, what I am trying to achieve through this legislation is to provide the Secretary of Health, Education, and Welfare with the discretion to exempt certain hospitals from certain requirements when those requirements are simply too heavy to bear. I am convinced that most rural health officials are making good-faith efforts to supply quality health care, and yet, invariably, they are concerned about the "oppressive" nature of HEW when it seeks compliance with certain regulatory requirements. Yet when I talk with HEW officials, they tell me that they have no discretion in enforcing such requirements. If that is so, my bill would provide them that discretion and thereby reduce the constant fear that local health officials in remotely located hospitals now have of losing Federal funds.

MIXED USE REFORMS

Perhaps the most significant aspect of this legislation is its provision relating to the "mixed use" of acute care and nursing care beds. At present, hospitals do not receive medical reimbursement for patients who are not found by utilization review boards to be in need of acute care facilities. Nursing homes, on the other hand, may qualify for medical reimbursement for those very patients if they meet certain Federal requirements.

If rural hospitals were allowed "mixed use" of their facilities, that is, medical reimbursement for acute-care patients and lesser Federal payment for nursing home patients, the results would be as follows: A higher occupancy rate for the hospitals and thereby lowering the per-patient costs; the possibility of better medical care for some patients who must otherwise be transferred to nursing homes; and the elimination of the need for nursing homes to gear up for more skilled medical care in order to serve the more ill patients being transferred sooner from hospitals and to qualify for medical reimbursement to pay for the costs of serving those patients.

It is my hope that this legislation will provide greater flexibility for certain health facilities—irrespective of whether they are thought of as hospitals or nursing homes—to meet Federal requirements and to provide economically viable health institutions.

Last year some representatives from nursing homes suggested that my bill might undermine their economic opportunities in rural areas. Quite the contrary is my intent. Where such facilities are having difficulty providing the kind of skilled nursing care needed to meet Federal quality requirements, my bill would simply switch that responsibility to a hospital in their community, provided that hospital is interested in providing long-term skilled nursing care.

Another aspect of the mixed-use question worth noting here is that some hospitals are now deterred from providing skilled nursing care because they are required by HEW accounting rules to re-

imburse costs on historical data which may no longer reflect actual costs of the hospital. Let me explain. As I understand it, reimbursement rates established for hospitals providing acute care and skilled nursing care are based on the average costs borne for specific patients. Thus, if the costs were established when half of a hospital's patients were skilled nursing patients, that figure could, in many cases, understate the actual costs borne by a hospital when its percentage of acute nursing patients increases beyond 50 percent.

While my bill may not specifically solve this problem. I do hope the Ways and Means Committee will see fit to address it when it reconsiders health cost control legislation later this year.

CONCLUSION

This legislation will not solve all of the problems which confront remotely located rural health facilities. My purpose for introducing this bill is to draw attention to the unique potential and critical problems facing rural hospitals. It is not intended to lower the quality of health care in rural areas.

In discussions across my district, hospital administrators, doctors, State enforcement officials, and other health providers universally agree that many of the conditions of participation under medicare have improved the quality of health care in rural areas. In virtually every instance, these rural health facilities have made continuing efforts to comply with the conditions of participation.

I am not attempting to create a double standard for rural health facilities. Rather, I am attempting to ensure that adequate health care will continue to be available to all Americans, including those who live in isolated rural areas. Unless Congress addresses this critical situation soon, some small rural health facilities will undoubtedly be forced to close. If that unfortunate event occurs, many rural health care providers will be forced to discontinue service for lack of adequate facilities. This will only compound the serious personnel shortages facing rural areas.

For these reasons I introduced the following bill:

H.R. 5808

A bill to amend medicare provisions as they relate to rural health care facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861(e) of the Social Security Act is amended by adding the following sentence at the end thereof: "The term 'hospital' also includes a rural health facility of fifty beds or less (whether used exclusively for patients requiring inpatient hospital services or for such patients and patients requiring extended care services), which the Secretary has determined meets the definition relating to a rural area specified in subsection (e), subparagraphs (A) and (B) of this section, and which meets the other requirements of subsection (e), except that—

"(A) with respect to the requirements for nursing services applicable after December 31, 1978, such requirements shall provide for temporary waiver of the requirements, for such period as the Secretary deems appropriate, where (i) the facility's failure to fully comply with the requirements is attributable to a temporary shortage of qualified nursing personnel in the area in which the facility is located, (ii) a registered professional nurse is present on the premises to render or supervise the nursing service provided during at least the regular daytime shift, and (iii) the Secretary determines that he employment of such nursing personnel as are available to the facility during such temporary period will not adversely affect the health and safety of patients;

"(B) with respect to the health and safety requirements promulgated under paragraph (9), such requirements shall be applied by the Secretary to the facilities herein defined in such manner as to assure that personnel requirements take into account the availability of technical personnel and the educational opportunities for technical personnel in the areas in which rural health facilities are located, and the scope of services rendered by such rural health facilities; and regulations shall provide for the continued participation of such facilities where such personnel requirements are not fully met, for such period as the Secretary determines that (i) the facility is making good faith efforts to fully comply with the personnel requirements, and (ii) the employment by the facility of such personnel as are available to the facility will not adversely affect the health and safety of patients; and

"(C) with respect to the fire and safety requirements promulgated under paragraph (9), the Secretary may (i) waive, for such period as be deems appropriate, specific provisions of such requirements which if hardship for a rural health facility and which, if not applied, would not jeopardize the health and safety of patients, and (ii) may accept a facility's compliance with all applicable State codes relating to fire and safety in lieu of compliance with the fire and safety requirements he promulgates under paragraph (9), if he determines that such State has in effect fire and safety codes, imposed by State law, which adequately protect patients."

SEC. 2. Section 1861(e)(9) of the Social Security Act is amended by striking out the period at the end and inserting in lieu thereof the following: "; and with respect to the institutions described in the last sentence of this section, meets such requirements relating to long-term patient care policies, services and programs as the Secretary finds necessary."

SEC. 3. Section 1861(v) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(8) Notwithstanding any other provisions of this subsection, the reasonable cost of services furnished in a 'rural health facility' (as defined in subsection (e)) shall be determined without regard to the requirement in subsection (j) relating to a distinct part, and shall be so calculated as to provide proper payment for services rendered to patients requiring inpatient hospital services and services rendered to patients requiring extended care services.".

A TRIBUTE TO FANNIE LOU HAMER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. CONYERS. Mr. Speaker, it will be difficult for future generations of Americans to truly understand the life of Fanny Lou Hamer. Born into poverty in 1917 in Ruleville, Miss., the youngest of 20 children, she became an articulate and compassionate spokeswoman for healing and unity in the Nation.

It will be difficult for the coming generations to comprehend and appreciate the struggles that she had to wage against ignorance and hatred. Perhaps they will have the opportunity to see a film of her challenge to the seating of a segregated Mississippi State delegation at the 1964 Democratic National Convention, or hear a recording of her singing "O, Freedom."

Of Fanny Lou Hamer, it may truly be said that her life was its own reward. She had the courage to challenge injustice, to struggle relentlessly for human dignity, and to speak out in a powerful voice touching the hearts of those around her with her vision of a nation united in its respect for the rights of all its citizens.

Each day of Fannie Lou Hamer's life was motivated by the causes and beliefs that she held most dear, and knew to be most important. Her death will be felt by all those who oppose racism and inequity.

LITHUANIA'S INDEPENDENCE DAY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. EILBERG. Mr. Speaker, I am honored to join my fellow colleagues in the House of Representatives in commemorating the 59th anniversary of the Declaration of Independence of Lithuania.

Lithuania, a nation of 3¼ million inhabitants is situated on the shores of the Baltic Sea. Its long and glorious history is rich in culture and in the pursuance of liberty.

The Lithuanian Kingdom was established in 1251. During the middle ages, Lithuania abounded in human freedom and education, contributing greatly to the development of European civilization. Independence was lost, however, in 1795 when it was conquered by Catherine the Great of Russia.

Lithuania remained under the claws of the "great bear to the east" for over a century. During that time, the Russians tried repeatedly to russify the Lithuanian people, but the latter clung to their heritage and refused to adopt the Russian way of life.

Soon after World War I began, Lithuania was overrun by the army of Kaiser Wilhelm. At long last, on February 16, 1918, Lithuania was returned to the Lithuanian people and 2 years later, a treaty of peace was signed between Russia and Lithuania whereby Lithuania was recognized as an independent nation and Russia renounced forever all rights of sovereignty.

On August 1, 1922, Lithuania adopted a constitution predicated on the principles of freedom of speech, assembly, religion, and communication. Lithuania almost immediately joined the League of Nations and systematically instituted sweeping land reforms, increased its industrialization, and enlarged its commitment to education. Independence agreed with Lithuania, as these dramatic changes proved.

But the whole world was changing too, and Lithuania was to be one of the victims of this change. Less than a year after the start of World War II, the Supreme Soviet in Moscow arbitrarily declared Lithuania a constituent republic of the Soviet Union, thus abrogating the Treaty of Peace signed in 1920.

Independence may have been lost once again, but Lithuanians have not given up their dream of a sovereign state. Lithuanian patriots have spoken out about their struggle for freedom despite Soviet attempts to suppress all such communications to the Western World.

The House of Representatives has never recognized the forcible conquest of Lithuania by the Soviet Union. I am proud to have cosponsored House Concurrent Resolution 409 in the last Congress, which stated that "there is no change in the longstanding policy of the United States on nonrecognition of the illegal seizure and annexation by the Soviet Union" of the Baltic nations, and which made clear the Congress would continue not to recognize the Soviet actions.

This summer, the United States will be attending the followup Conference on European Security and Cooperation in Belgrade, Yugoslavia. We have another chance to bring the force of world public opinion and the diplomatic power of the Western nations to bear on the Soviet Union's disregard of the human rights provisions of the Final Act of Helsinki. The Commission on Security and Cooperation in Europe, established by the U.S. Congress last year has documented evidence of the Soviet noncompliance with these provisions.

THE RED TAPE REDUCTION ACT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. HORTON. Mr. Speaker, I am today introducing the Red Tape Reduction Act. My bill, a companion bill to one being introduced in the Senate by Senator MCINTYRE, would authorize the President to delay for up to 1 year, the effective date for agency rulemaking. The President could effect the delay, upon request from an agency head, by Executive order. As many of us know, agencies often cite rulemaking deadlines as obstacles to greater public participation in the rulemaking process. Greater public participation in that process and additional time when needed would certainly lessen the number of ill-conceived rules and regulations.

As chairman of the Federal Paperwork Commission, I have seen numerous examples of the problems that can result from unrealistic effective dates specified in legislation. Take, for example, the Employee Retirement Income Security Act of 1974. In this bill, which was intended to safeguard private pensions and promote the availability of sound pension and retirement plans, Congress called on IRS and the Department of Labor to issue regulations within 120 days of enactment. The deadline proved to be totally unworkable. The Department issued regulations which generated mountains of paperwork and demanded the waste of countless man-hours from businesses of all kinds. Ironically, the information required of pension planners proved to be unusable. There are many such examples which I could list.

In most instances, we in the Congress are sufficiently aware of the factors that will determine the ability of an agency to meet a specific deadline. Generally our deadlines are reasonable and can be met. However, we cannot always anticipate all the circumstances that will affect an agency's ability to issue responsible regulations. I submit that we should allow flexibility in the rulemaking process when it can be justified.

The Red Tape Reduction Act, if enacted, would underscore our commitment, and the commitment of the administration to a government that is responsive and efficient. I urge my colleagues in the Congress to support this timely legislation.

A TRIBUTE TO B COMPANY, 2D BATTALION, 108TH INFANTRY, NEW YORK ARMY NATIONAL GUARD

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. McEWEN. Mr. Speaker, I take this opportunity to pay tribute to the Reserve components of our military services, and, in particular, to B Company, 2d Battalion, 108th Infantry, New York Army National Guard for being selected to represent the United States in Great Britain this year. I extend my heartiest congratulations to the commanding officer, Lt. Gary R. Benware and to the members of this unit, located in my home city of Ogdensburg and in Malone, both in New York's 30th Congressional District.

With the decreasing strength of active military personnel, our Nation is placing increasing reliance on the Reserve components to defend this great country, should the need arise. In the Revolutionary War, and in every other war in which this Nation has fought, these patriots voluntarily left jobs, homes and families to come to the aid of our country. At great personal sacrifice they are training today to meet the challenge of the future. That the "citizen soldiers" of northern New York are contributing to this effort outstandingly is evident from the accomplishments of B Company.

The trip to England for joint training exercises with British territorial forces from May 28 to June 12 has been designed by the Department of Defense to correlate the U.S. units with their NATO counterparts. This marks the first time an Army National Guard infantry company from New York has been sent outside the Continental United States for training. B Company is one of two infantry companies, out of more than 200 across the Nation, selected by the National Guard Bureau in Washington for this unique training.

B Company's selection was not at random. Last year at Fort Drum, N.Y., where 80,000 Reserve component soldiers conduct annual training, B Company was selected as the "most outstanding rifle company." In the fall of 1976, B Company was rated by a 1st Army inspection team during a weekend training period and found to be outstanding in all of the categories that they were rated.

B Company has earned this recognition and the honor of representing our country abroad. It is with pride that I salute them and wish them good luck in this venture.

THE CONTINUING NATURAL GAS CRISIS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Ms. OAKAR. Mr. Speaker, I wish to draw attention today to an editorial that appeared in the Cleveland Press on March 26, 1977. The editors of the Press expressed strong concerns over the indifferent attitudes that the chairman of one large gas supplier had expressed with regard to possibility of another severe winter. In a conversation with the Governor of Ohio, James A. Rhodes, Mr. B. J. Clarke of Columbia Gas System, Inc., stated that his firm had no plans to protect against a recurrence of this year's natural gas crisis. In other words, should we be unfortunate enough to experience another harsh winter, there will be additional natural gas emergencies.

The Congress must look closely at this matter and explore ways that we might induce or require fuel suppliers to employ better management and crisis-prevention methods. I do not want the people of Ohio and this great Nation to be forced to shut down their schools, businesses, and factories during another abnormally cold winter season.

The Cleveland Press editorial follows:

COLUMBIA GAS: SAME SONG

Early in February, at the height of the natural gas crisis, 1.2 million workers were idled in the nation.

About 5550,000 layoffs were in Ohio, the worst hit state.

Lack of gas caused many big industries to shut down. Businesses across the state closed or curtailed their hours. School systems told students and teachers to stay home where many of us turned down the thermostat to uncomfortably cold levels.

Those served by Columbia Gas of Ohio, the state's biggest gas supplier, suffered the hardest.

Earlier this week Governor Rhodes called to the Statehouse B. J. Clarke, chairman of Columbia Gas System Inc. Rhodes wanted to know what Columbia plans to do if next winter is as severe as this one.

With one minor exception, Clarke replied that Columbia expects to continue doing what it has been doing.

That response, which could be the blueprint for another disaster, is totally unacceptable.

Luther C. Heckman, head of the Public

Utilities Commission of Ohio, says that a better pipeline system and increased storage capacity are the best ways to get more gas.

But there is no indication that Columbia intends to increase its storage capacity or attempt to gain more control over the pipeline system owned by a sister company, Columbia Gas Transmission.

According to Heckman and an official of the Federal Power Commission, one of Columbia's major problems this past winter was that it "gambled and lost."

Columbia didn't think the winter would be severe and did not prepare for it.

Last fall Columbia sold a large part of its reserve supply of gas, betting it could still get by a normal winter. Columbia lost that bet, with disastrous results.

And now Clarke tells the governor he doesn't intend to do anything much different next winter.

A bristling Rhodes said he wasn't satisfied with that answer, nor are we.

The governor told Clarke to come back next week with a detailed written report.

All Ohioans ought to be interested in whether Columbia intends to change an operating system that obviously does not leave it prepared to serve this state adequately in difficult times.

TORRANCE, CALIF., HONORS ITS SCHOOL EMPLOYEES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. DORNAN. Mr. Speaker, I would like to call the attention of the House of Representatives to a fine action on the part of the citizens of Torrance, Calif. On April 22, the Association of Torrance School Administrators will host the sixth annual employees recognition banquet for the retiring employees of the Torrance Unified School District. This year, more than 300 citizens will attend the banquet to let their school employees know that their work and dedication over the years has not been forgotten.

I would like to take this opportunity to join with the people of Torrance in paying tribute to these fine Californians for a job well done.

Among those to be honored are:

Mrs. Ouida M. Edwards, High School Assistant Principal's Secretary.

Mrs. Edna W. Aronson, Elementary School Teacher.

Mr. Jay W. Morgan, High School Assistant Principal.

Mrs. Fern O. Fortney, Stenographer.

Mr. Neil P. Carter, Custodian.

Mr. George W. Donnelly, High School Teacher.

Mrs. Elizabeth Griswold, Elementary School Teacher.

Mr. Kerwin M. Hill.

Mrs. Marie H. Smoyer, Clerk Typist.

Mr. Alex C. Such, Head Custodian.

Mr. Jackson W. Thomas, Master Custodian.

Mr. John Torrico, Custodian.

Mrs. Charles E. Williams, Project Leadman.

Mrs. Dorothy W. Hood, Speech Therapist.

Mrs. Marie C. Icenhauer, Reading Teacher.

Mrs. Elizabeth R. Parrino, Reading Teacher.

Dr. Robert C. Morton, Assistant Superintendent, Personnel.

Mr. Marshall R. Starr, Elementary Counselor.

Mr. Carl B. Edwards, Elementary School Teacher.

Mrs. Frances B. Fox, Elementary School Teacher.

Mrs. Dorothea B. Chandler, Curriculum Consultant.

Mrs. Ethel S. Hoffund, Elementary School Teacher.

Mrs. Virginia S. Lindsey, High School Teacher.

Miss Marion E. Prichard, Elementary School Teacher.

Dr. Wallace B. Magner, Jr., Personnel Coordinator.

Mrs. Helen E. Alter, Senior Stenographer.

Mr. Harvey W. Aton, Grounds Maintenance.

Mr. Oscar Bak, Custodian.

Mrs. Alice E. Brown, Cafeteria Worker.

Mrs. Doris Eleanor Burton, Library Clerk.

Mr. Kenwood E. Christensen, Leadman Mechanic.

Mrs. Dorothy A. Dolan, Cafeteria Worker.

Mr. Virginius D. Gale, Maintenance Mechanic.

Mrs. Lucille R. Gardner, Cafeteria Manager.

Mr. Fred G. Hilton, Assistant Grounds Foreman.

Mr. Richard I. Jenison, Custodian.

Mr. Charley L. McClung, Custodian.

Mr. Earl E. McGrury, Maintenance Mechanic.

Mr. Ray M. Millan, Custodian.

Mr. John E. Mock, Supervisor, Transportation.

Mr. Samuel A. Nelson, Groundsman.

Mr. Bernard B. Parisho, Custodian Foreman.

Mr. Walter E. Pillet, Custodian.

Mrs. Evelyn D. Renz, Elementary School Secretary.

Mrs. Anne M. Scoufos, Housekeeper—Children's Center.

SUMMARY ON PRESIDENTIAL PAY RECOMMENDATIONS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. FORD of Michigan. Mr. Speaker, today I, along with other members of the Ad Hoc Subcommittee on Presidential Recommendations, introduced legislation incorporating the recommendations contained in our report which was issued on March 16, 1977. This bill revises the method by which executive, legislative, and judicial salary adjustments are made and reflects for the most part, the recommendations which have been made by the Members of the House. Following is a brief summary of this legislation:

First. Defers all salary adjustments—quadrennial and comparability—for Members of Congress and the Vice President until beginning of next Congress.

Second. Completely revises section 225 of Federal Salary Act of 1967, as follows:

a. Quadrennial Commission established every 4 years on calendar, rather than fiscal, year basis—1980, 1984, and so on.

b. Members of House and Senators are linked together for pay purposes.

c. Quadrennial Commission must submit its recommendations to President during 7 days of November. President must submit his report to Congress during first 15 days of the new Congress—1981, 1985, and so on.

d. Pay adjustments take effect unless disapproved by either House of Congress. Congress may disapprove all or any portion of recommended rate.

e. Petition may be filed to discharge committee from consideration of a disapproval resolution if committee has not reported such resolution within 15 days after its referral.

f. If majority of Members sign the petition, a privileged motion to discharge committee is in order.

g. After committee has reported—or has been discharged from further consideration of—a disapproval resolution, a privileged motion to consider the resolution is in order.

Third. Provides that Members of Congress, Vice President, Federal judges, and all individuals paid under the executive schedule may not receive an annual comparability increase for any year in which a quadrennial increase occurs.

A SUGGESTION FOR FDA: GET OFF OUR BACKS

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. O'BRIEN. Mr. Speaker, since the Food and Drug Administration announced its proposed ban on the sugar-substitute saccharin, the people of this country have risen up with a single voice like no other situation I am aware of.

A remarkable degree of unanimity has also marked the commentary of the Nation's press on the FDA proposed ban.

I would like particularly to draw the attention of the House to the March 18 column of Joe Cappo in the Chicago Daily News. Mr. Cappo, as is his wont, states the problem most succinctly: Get off our backs:

A SUGGESTION FOR FDA: GET OFF OF OUR BACKS

(By Joe Cappo)

The Food and Drug Administration did not go far enough when it proposed to ban saccharin from the market.

If saccharin is dangerous to the health of Americans, no one should have to propose anything. The product should simply be confiscated, yanked off the shelves of all of the stores in the country.

But we haven't seen the FDA do that, have we? No. Instead, it sends up a trial balloon, stating that perhaps saccharin should be banned. I have the impression that, if there is enough ruckus from saccharin users, then the FDA will probably find some excuse for not implementing the proposed ban.

(Maybe that is only wishful thinking. I must admit that I am a saccharin user, not because of any medical reasons, but because I try to save a few calories here and there.)

Some observers have said the research on which the proposed ban is based is a bit weak. The scientists pumped large amounts of saccharin into experimental rats and determined it can cause bladder tumors. Not being a scientist, I cannot dispute the scientific findings, although I wonder why an agency of the U.S. government should base a proposed ban on research conducted by a Canadian laboratory.

I am not going to repeat the old saw about how a person would have to drink 800 cans of diet soda every day in order to duplicate the dosage of saccharin that was administered to rats. There are probably some teenagers around who can consume that much soda.

The question I have is this: Why is the FDA harping on saccharin?

If the FDA were forced to be realistic about the matter, it would have to ban cigarets as being more of a cancer threat than saccharin. Congress has even banned cigaret advertising from radio and television. The Surgeon General requires a special warning to appear on every pack of cigarets and on every advertisement. And yet the FDA has not banned cigarets.

Unfortunately, the FDA is not forced to be realistic. It is charged with enforcing a nebulous rule called the Delaney clause, which commands the agency to ban any food additive that is found to cause cancer in humans or in animals.

Saccharin is only the most recent case. A couple of years ago, another non-nutritive sweetener, cyclamate, was also found to cause cancer in rats. The scientific data in that case also has been disputed, and the matter is still unsettled.

I think the Delaney clause is discriminatory because it singles out food additives that cause cancer. Why doesn't it mention other items that cause cancer? And why should we have special rules about cancer that do not apply to other illnesses?

Heart disease, kidney disease, drunk driving and other things will kill you just as dead as cancer.

I think the best perspective in this situation was put forth by a scientist who worked on the cyclamate data. He compared the heavy dosages fed to the rats with someone driving a car at 150 miles an hour. It is dangerous to drink 800 cans of diet pop a day, and it is dangerous to drive a car at 150 miles an hour.

THE PROBLEM IS EXCESS

At the same time, a prudent person might live to a ripe old age if he or she drove at no faster then 55 miles an hour and drank no more than, say, 200 cans of diet pop every day.

What the FDA and the Delaney clause fail to recognize is that it is not the product itself that causes the harm, it is human excess that causes it.

Saccharin is a beneficial product for many people, particularly diabetics. I'll bet that most diabetics would accept the marginally increased chance of contracting cancer rather than give up their daily use of saccharin. And the choice in this matter should be left to them and their doctors, and not to the FDA.

I am getting more than a little tired of government agencies and the courts grinding out a constant flow of edicts about what we can eat, drink, see or do. And because of that, I am going to cut this column out of the paper and mail it to the Commissioner, Food and Drug Administration, Parklawn Building, 5600 Fishers Ln., Rockville, Md. 20852. And I'm also going to send another copy to my congressman.

How about you?

ERISA HEARINGS CONTINUE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. GIBBONS. Mr. Speaker, today I am announcing for the record the continuation of hearings on the enforcement of the Employee Retirement Income Security Act of 1974 on April 5, at 8:30 a.m., in Cannon House Office Building, room 334. At that time the Wavs and Means Subcommittee on Oversight will resume its examination of how the Teamster Central States Pension Fund has been regulated.

Invited witnesses include the Secretary of Labor and the acting Commissioner of the Internal Revenue Service. The subcommittee is especially interested in the revocation by the IRS of the tax-exempt status of this fund and in developments announced by the agencies on the day before the March 14–15, 1977, hearings of the subcommittee.

The inquiry was initiated by subcommittee member J. J. PICKLE, Democrat of Texas.

The hearing will begin in open session and all testimony, including written statements, will be taken on the record under oath.

CONGRESSIONAL REFORM

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. KASTEN. Mr. Speaker, almost every opinion poll taken in recent years demonstrates that the American people have become alienated from their Government. Problems facing our country today are far too serious to allow a gulf of suspicion to continue between the people and their elected representatives.

The 95th Congress must reform itself and the procedures by which it operates in order to regain the trust and confidence of the American people.

Adoption of the Code of Ethics was a first step in that direction. I believe, however, that there are several other reforms which are needed before we can convince the people that we are here to serve their interests, not to perpetuate ourselves in office.

Earlier this week, I introduced a constitutional amendment to limit the terms of Congressmen and Senators. Adoption of my amendment would insure that our elected representatives cannot remain in office so long that they lose touch with the people they serve.

Today I am introducing legislation to reform the manner in which pay raises are allowed for Members of Congress and a bill to require a full audit of all expense and personnel records of the House of Representatives.

REQUIRE PAY RAISE VOTE

There was nothing right about the way in which the recent $13,000 pay raise was accomplished. Due to the sensitive nature of the issue, a recorded vote of the House was both necessary and proper.

However, the procedure for increasing congressional salaries had been shrewdly devised so that no Member needed to record his or her vote on the merits of the raise. Since no congressional action was taken to disapprove of the salary increase, it automatically took effect.

Such a procedure makes a mockery of any talk of restoring trust in elected officials. In fact, it denies the most basic element of the American system of government: Accountability to the people.

Mr. Speaker, we cannot allow this back-door pay raise procedure to continue, particularly when another cost-of-living increase is scheduled for October. Accordingly, I am introducing legislation which would require a recorded vote of the membership before any future salary increases, including cost-of-living raises, can become effective.

My bill will also delay implementation of any congressional salary increase until the next Congress. This way, no Member of Congress can benefit from a pay raise until he or she has met the test of the voters.

GREATER ACCOUNTABILITY NEEDED

I also believe it is important that we guard against misuse of public funds by Congressmen. The scandals of the 94th Congress will continue to haunt us if we do not insist upon greater accountability of the tax dollars spent by individual Members.

One of the glaring omissions in the recently approved code of ethics is its failure to require a complete accounting of the tax dollars spent to operate Congress. With Congress spending about $1 million per Member per year, it is imperative to have a full and complete audit of Members' accounts. Congress must be held publicly responsible for its spending practices. These records must be available for public examination.

I am introducing a bill which would require a full and complete audit of all expense and personnel records of individual Members and committees of the House of Representatives. Results of the audit will be made available to the public.

As I mentioned in my opening remarks, I believe it is time for Congress to bridge the gap between its actions and the feelings of the American people. We can only do this if the people believe we are making a serious effort to correct the abuses which have fostered the distrust and alienation in the first place. I believe the reform proposals I have introduced this week will help us accomplish this goal. I urge their prompt consideration and adoption by the House.

ENERGY DEPARTMENT VITAL

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BOLAND. Mr. Speaker, the Arab oil embargo of 1973 made all Americans acutely aware of a problem that experts had seen for years; that our supply of energy is not keeping up with our ever-increasing demand. In the 3½ years since the oil embargo there have been spot shortages of gasoline and natural gas, electrical blackouts and browncuts, thousands of articles and books on the subject and constantly higher prices for all types of energy. There has not, however, been a single national energy policy. This situation is about to change.

President Carter has sent to the Congress his proposal for reorganization of the various energy agencies. Under this proposal, the more than 50 different Federal agencies that currently handle energy matters will be replaced with a single Department of Energy. This new Department will combine the present

Federal Energy Administration, the Energy Research and Development Administration and the Federal Power Commission under one roof. It will also provide the United States with a comprehensive national energy policy. I believe this reorganization has been needed for a long time and I am one of the sponsors of the President's proposal, now before us, as H.R. 4263.

Over the past few years there have been some fine efforts by companies, local groups, various States, and individuals in the area of energy research and conservation. On the Federal level, however, there has often been confusion and inaction. Private developers and researchers have often been frustrated in their efforts to secure Federal funds and assistance by a morass of complicated, often overlapping programs. Our national energy programs have dashed off in all directions with no central coordination. This new Department of Energy will provide the vital element of coordination. This Department will also supply national leadership in the area of energy development, research and, most importantly, conservation.

Mr. Speaker, this country has faced and overcome many difficult problems in the past and I believe we can find solutions to our energy problem. The answer will not be an easy one and it will involve an effort by every American. The establishment of an Energy Department is just the first step in meeting the energy problem head on. The next step will be the formulation of a national policy that will take all of our energy needs into account and provide a workable program for the future. Nothing less than our way of life is at stake.

At this time I would like to include a recent editorial from the Springfield Daily News that expresses views held by millions of Americans:

CONGRESS AND ENERGY

The President's proposal for a new Department of Energy can be viewed as his most important piece of legislation so far.

By consolidating the government's energy functions under one roof, under the direction of James Schlesinger, the stage will be set for development of a long-range program worthy of its name.

Congress is responding to public opinion and acting on a new code of ethics for Capitol Hill. If there is not the same public demand for an energy program, this does not mean that Congress can afford to procrastinate on this proposal from the President.

If we don't deal with the energy problem while there is still time, it will be too late tomorrow.

THE SAN MARINO HISTORICAL SOCIETY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. ROUSSELOT. Mr. Speaker, the 1976 American Revolution Bicentennial celebration spurred a sense of pride from sea to shining sea. From the smallest rural community to the largest cities our citizens expressed their feeling for the quality of our land and the accomplishments of our people in redounding glory. My hometown of San Marino, Calif., was no exception to the enthusiasm that brought forth a national exhibition of gratitude for the courage and fortitude of those who secured the blessing of liberty for America. The San Marino Historical Society planted red, white, and blue flowers in the heart of the city and named this colorful display the "Bloomin' Flag."

FOUNDING

The San Marino Historical Society was founded, appropriately enough, on July 4 in 1973 when Mrs. Jack E. Sherwood sent a letter to the editor of the San Marino Tribune proposing the founding of a historical society to honor the Nation's Bicentennial in 1976. Midge Sherwood became the founding president and those who served on the first board were Mrs. Alexander F. Smith, Mrs. Clifford V. Stadler, Mrs. Thomas Paine, Mr. James Carriel, Mrs. Breitkreutz, Dr. Ed Carpenter, Mr. Paul E. Dobbins, and Mr. Donald Duke. With a total of 60 members in 1973, the San Marino Historical Society now has over 300. One of the society's first official acts was to appoint a Bicentennial activities committee and hold a town hall meeting for the purpose of gathering suggestions for the Bicentennial.

BLOOMIN' FLAG

The society launched their Bicentennial salute in November of 1975 with the dedication of a living American flag in flowers. Planted in a 40 feet by 30 feet bed on Huntington Drive at Sierra Madre Boulevard, the flag still stands as a testament to the loyalty felt by the citizens of San Marino to the United States of America.

AWARDS RECEIVED

The society received three awards which I would like to bring to the attention of my colleagues. The Bicentennial Commission of the State of California awarded the society a certificate of recognition "for its founding as a salute to the 200th birthday of the United States of America." In February of 1974, History News, a magazine published by the American Association of State and Local History, cited the San Marino Historical Society as the first historical society in the Nation to form in honor of the Nation's Bicentennial. Finally, in May of 1976, the society recieved a Bicentennial Award of Merit from the Conference of California Historical Societies.

FUTURE PLANS

Mrs. Alexander F. Smith is now presiding as president of the San Marino Historical Society and they continue to remain active in the community.

A recent issue of Grapevine published by the Society relates plans to organize tours of historical points of interest in the city. A training course is planned for the tour leaders who will then make themselves available to interested groups and individuals. The society has also formed a speakers' bureau composed of local citizens who have researched various topics and make presentations at group meetings.

PRESIDENT CARTER SUPPORTS H.R. 3361, THE PUBLIC PARTICIPATION IN FEDERAL AGENCY PROCEEDINGS ACT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. KOCH. Mr. Speaker, I am delighted to bring to the special attention of my colleagues the testimony of Barbara A. Babcock, Assistant Attorney General, Civil Division, on H.R. 3361, the Public Participation in Federal Agency Proceedings Act of 1977. In her oral testimony before the House Administrative Law Subcommittee, Ms. Babcock announced the support of the President and of the Department of Justice for this important piece of legislation. As one of the chief House sponsors, I welcome the President's endorsement and I believe the Members of the House, 87 of whom are already cosponsors, will follow the President's lead in committing ourselves toward the opening up of our Federal agencies to direct citizen access.

The text of Ms. Babcock's prepared remarks follow:

H.R. 3361

(Statement of Barbara A. Babcock, Assistant Attorney General, Civil Division, before the Committee on the Judiciary, Subcommittee on Administrative Law and Governmental Relations, House of Representatives)

Dear Mr. Chairman:

As Assistant Attorney General for the Civil Division of the Department of Justice, I welcome the opportunity to lend the Department's support to H.R. 3361, the "Public Participation in Federal Agency Proceedings Act of 1977." The Bill is an important step in implementing the policies espoused by the new Administration: President Carter's ideal of creating an "open government," Attorney General Bell's goal of facilitating "access to justice." We heartily concur with the many distinguished witnesses who, in these and other hearings, emphasized the importance of increased citizen participation in agency proceedings. The practical and symbolic significance of opening agency processes to public patricipation is widely acknowledged. Broader representation increases governmental accountability, expands the constituency regularly appealing to government agencies, and helps to counteract public skepticism and alienation. It also contributes to more informed, better reasoned, decisionmaking.

Unfortunately, the goal of active public participation in agency proceedings has not been adequately realized, largely because of the costs entailed in taking part in such hearings. Actual participation in and access to agency decisionmaking by the public-at-large is minimal. We need far more balanced representation to correct a tendency for segments of the public-at-large to be unrepresented in agency proceedings. H.R. 3361 seeks to remedy this underrepresentation by removing, to some extent, the financial impediment to public participation. The Bill does this in two ways: proposed Section 558a directs agencies to award attorneys' fees and costs to eligible groups or persons who participate in certain administrative proceedings; proposed Section 707 directs courts to award attorneys' fees and costs to qualifying parties who participate

in court proceedings reviewing agency actions.

We regard H.R. 3361 as a reasonable response to a substantial problem affecting administrative and public law. At present, each agency decides whether it has authority to award attorneys' fees and costs to persons acting in the public interest. Determinations of eligibility and amount, if made at all, are rendered without legislative or regulatory guidelines. Inequality of treatment from agency to agency compounds the unfairness of effectively precluding many groups from participation in the administrative processes. H.R. 3361 addresses this problem by authorizing awards and by providing general standards for determining eligibility and amount. At the same time, the Bill allows sufficient flexibility to enable each agency to tailor its implementing regulations to its own special needs. For example, in outlining several criteria for determining whether an applicant will make a substantial contribution to the decisionmaking process, the Bill recognizes the authority of differing agencies to consider a variety of additional relevant factors. Similarly, the Bill provides an open-end definition of the proceedings to which it applies, thereby leaving that decision to agency discretion. The Bill is designed to encourage experimentation and we support its approach, at least in the early stages of implementation.

The FTC's experience with the Magnuson-Moss Act highlights the wisdom of H.R. 3361. In a recent Senate hearing, the Chairman of the Federal Trade Commission, Calvin Collier, testified that the availability of attorneys' fees increased public participation in trade regulation rulemaking proceedings and produced substantial benefits to the effectiveness and integrity of the decisionmaking process. In particular, he recounted a number of specific examples in which financial assistance enabled public interest groups to conduct studies, develop ideas, and present facts and arguments that neither the industry nor agency staff had presented. Based in part on this experience, Mr. Collier praised the contribution of public interest advocates. No agency, no matter how well-intentioned, can be confident that its view adequate represents "the public interest." The public interest is a conglomeration of interest and is best served by the airing of all responsible views.

The results of implementing the FTC program are illuminating in yet another respect. The problems envisioned by the opponents of H.R. 3361 have not materialized under the Bill's counterpart in the Magnuson-Moss Act. Specifically, Mr. Collier noted that the FTC's award program did not cause undue delays in its proceedings. The carefully drafted provisions of H.R. 3361 likewise create little potential for delay. The Bill does not in any way relax legal standing requirements. It minimizes duplication of argument, and allows awards only to those who will contribute substantially to the proceedings. To the extent that the presentation of important and otherwise unrepresented viewpoints leads to longer, and more complete, proceedings, the result can hardly be characterized as undue delay. Indeed, the Bill discourages unwarranted delay, which obviously would prejudice the dilatory party in the eyes of the awarding agency.

The Bill differs from the Magnuson-Moss Act in one critical respect: H.R. 3361 provides for judicial review of award determinations and, in addition, authorizes payment of fees and costs incurred in lawsuits challenging agency actions. Although the Administrative Office of the U.S. Courts questions the wisdom of involving courts in award determinations, the Department of Justice regards these provisions as an improvement over the FTC provision. The availability of judicial review will act as a check against abuses of discretion, preventing, and not simply remedying, poorly-made decisions. Judicial review is necessary also to ensure some degree of uniformity among and within the various agencies.

We agree with Judge Leventhal who, on many occasions, has stated that the proposed legislation will not create an untoward burden on our judicial system. As reflected in the legislative histories of predecessor bills, H.R. 3361 contemplates a narrow and common standard of review, under which the court must determine whether the agency's determination constitutes an abuse of discretion. More importantly, increased public participation will undoubtedly lessen the burdens borne by our courts. More accurate and comprehensive administrative records will avoid the need for repeated remands. In addition, better informed agency decisionmaking may well result in fewer appeals. And though the Bill directs reimbursement for the costs of court litigation, it imposes a function long performed by the judiciary.

We do suggest one clarification to the legislation. H.R. 3361 provides that at the agency level, the "amount and computation" of the award be made "prior to timely participation in the proceeding . . ." The agency may defer its decision temporarily if it provides written reasons why a "prior determination cannot practicably be made." Although the deferral provision is needed to minimize premature and inaccurate computations, the applicant's eligibility for an award generally can and should be made prior to the commencement of the proceeding. We therefore urge that the Bill be amended to make clear that when the deferral procedure is utilized, determinations of eligibility can be made apart from and prior to determinations of amount.

We recognize that the two-step approach proposed may in some cases lead to separate appeals from determinations of eligibility and amount. However, even if both determinations were made at the outset, the ensuing proceeding would often give rise to an appeal from the agency's ruling on the merits. Therefore, an appeal from a deferred determination of the amount of an award could, in many cases, conveniently be consolidated with an appeal from agency action on the merits. On balance, then, we think the improvement effected by the recommended change would outweigh any potential drawbacks.

We would further note that actual implementation of H.R. 3361's award program may perhaps reveal the need for a central mechanism to allocate funds under the Bill. As Chairman Collier indicated earlier, the Bill poses several potential problems: First, there may be difficulties, under the congressional appropriations process, in deciding how to divide the funds. Second, decentralization of authority might cause needless confusion in a program that in time could become an important feature of federal administrative practice. Third, an agency might withhold funds from applicants that oppose its policies, and applicants might compromise their positions in an effort to obtain funds.

Finally, I would like to comment briefly on the costs involved in implementing the proposed legislation. First, it is worth noting that the amount appropriated over the next three years is small in comparison with the tax laws subsidization of business interests that incur litigation expenses. And unlike tax subsidies, awards under H.R. 3361 are not granted indiscriminately. The Bill screens out applicants motivated by economic self-interest and compensates those who seek to represent segments of the public-at-large. The Department of Justice joins President Carter in strongly admonishing that we can ill-afford to ignore the need to facilitate public participation in the administrative processes. It is time we kept our promise of access to justice for all, regardless of wealth or social position. H.R. 3361 is a meaningful step in that direction.

LEGAL FEES REIMBURSEMENT ACT

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BROYHILL. Mr. Speaker, I am today introducing the Legal Fees Reimbursement Act of 1977. My purpose for introducing this legislation is to correct what I believe to be a serious inequity in the relationship between the American taxpayer and the Internal Revenue Service.

Specifically, my bill provides for payment by the Federal Government of all reasonable legal fees incurred by the taxpayer in legal actions brought by the taxpayer against the Internal Revenue Service, in which the taxpayer prevails.

Our Federal tax laws have become so complicated that it requires the wisdom of Solomon to comprehend them. Indeed, Mr. Speaker, as my colleagues know, the Supreme Court at times has to decide cases where Federal tax courts have interpreted our tax laws differently.

We read all the time of taxpayer complaints that their tax liability depends on who they talk to at their local IRS office for an opinion.

Increasingly, there are disputes between the American taxpayer and the IRS. The IRS, to their credit, has a responsible conference and appeals process within the service which, for the most part, I believe, deals fairly and responsibly with our Nation's taxpayers.

However, after conferences and appeals, if the taxpayer still believes the IRS has inaccurately figured his or her tax liability, the taxpayer is left with three possible options. The taxpayer can accept the judgment of the IRS and pay the additional tax, he can refuse to pay and have his wages garnished or a tax lien put on his property, or, thirdly, he can contest the IRS decision in court. None of these is a particularly attractive alternative. Resolving the matter in a court of law would seem to be the most responsible option but for the fact that the taxpayer feels he does not have a chance against the seemingly unlimited legal resources of the Federal Government.

Furthermore, under present law, if the taxpayer challenges the IRS in court and wins, the court costs and legal fees in many instances would exceed the tax liability in question. In other words, the taxpayer loses money by exercising his right to question the judgment of the IRS.

What happens in most cases is that the taxpayer in disgust simply gives up and pays the disputed tax, realizing that even if he wins in court, he will probably lose monetarily due to legal fees and court costs. Congress should act to correct the obvious imbalance in the relationship between the IRS and the taxpayer. I believe my legislation is the answer for correcting the present situation. Far from encouraging frivolous suits, my bill simply enables the taxpayer to stand before the courts as an equal with the IRS. If the courts deter-

mine the taxpayer's claim is legitimate, the IRS and the Government will assume all court costs and reasonable legal fees. If the taxpayer is wrong, he will naturally assume his own legal fees and court costs.

If this bill is accepted, I believe the taxpayer will feel that the scales of justice have been returned to a position of balance as they should be.

I would hope that my colleagues will give this legislation serious consideration.

IN SUPPORT OF THE RESOLUTION TO ESTABLISH A STANDING COMMITTEE ON INTELLIGENCE IN THE HOUSE OF REPRESENTATIVES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. HAMILTON. Mr. Speaker, the American public has been shocked by recent allegations of wrongdoing on the part of our intelligence agencies. Plots to assassinate foreign heads-of-state, complicity in the overthrow of foreign governments, and cash payments to foreign officials have grabbed headlines. It appears to some people that the situation is out of control. A very necessary discussion of the appropriate role of our intelligence agencies has begun.

No one can doubt that difficult issues have been raised. The covert activities of our intelligence agencies must be restricted, while their legitimate activities, such as the collection of current information on the strengths and weaknesses of any potential adversary, must be upgraded. The way in which we fund intelligence operations must be overhauled. As things stand, most Members of Congress do not know how much money they are allocating or how the money will be used. Other problems, too numerous to mention here, must be faced immediately and forthrightly.

It is my belief that the beginnings of a solution to these problems are to be found in increased congressional oversight of intelligence operations. Therefore, I wish to express my support for the resolution to establish a standing Committee on Intelligence in the House of Representatives. Such a committee would provide us with the kind of systematic oversight of intelligence operations that has been lacking. It would also complement the existing committee in the Senate.

Let me set out very briefly the outstanding features of the proposed committee.

Membership: Membership, patterned after that of our highly successful Committee on the Budget, would be drawn in equal portions from the Committee on International Relations, the Committee on Armed Services, and all other standing committees. This would insure a broad mix of opinion of expert and layman alike. Members would retain their customary committee assignments, but they would be replaced periodically so that no Member would be unfairly burdened.

Authorization and jurisdiction: The fundamental power of the proposed committee would flow from its mandate to handle the authorizing legislation for all intelligence agencies and all intelligence activities of other agencies. Control of the purse would allow the committee to work its will on intelligence policy in a manner consistent with its responsibilities. The committee would also enjoy exclusive jurisdiction over the Central Intelligence Agency, though it would share jurisdiction over other agencies with other standing committees. This wise division of labor would permit sharply focused inquiries and the uninterrupted use of oversight expertise which has already been developed.

Declassification and covert activities: The proposed committee would not be empowered to declassify any information over the objection of the President. It could, however, take its case for the declassification of any information to the full House. Such a procedure would give it a reasonable say in matters of secrecy now solely within the purview of the President. The committee would also not be empowered to restrict covert activities, though it would have a limited advisory function. The power to advise would be sufficient in this case since it would be backed by the power to authorize expenditures.

I believe that many of the excesses of our intelligence agencies could be checked or corrected by rigorous oversight. The present organization of the House, however, has made this all but impossible. Unlike the Senate, which has produced solid results through its single oversight committee, the House has delegated its oversight duties to several committees and has produced very little. Its recent investigations have been marred by dangerous leaks of information and unending disputes over jurisdiction. It has not responded in an orderly way to problems which have been laid before it.

Mr. Speaker, it is apparent that we must not allow this chaotic state of affairs to continue. We have before us today a resolution which would provide a remedy. Let us act on it as soon as possible. The problem of oversight of intelligence operations will only grow worse the longer we delay.

PHILADELPHIA BEGINS LANGUAGE ORIENTATION PROGRAM FOR FIREFIGHTERS IN SPANISH-SPEAKING AREAS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. EILBERG. Mr. Speaker, Philadelphia Fire Commissioner Joseph R. Rizzo has inaugurated a Spanish language orientation program for the city's firefighters stationed in Spanish-speaking areas of Philadelphia. The program began March 26.

The program is being conducted by Oscar Rosario, chairman of the mayor's Spanish-speaking advisory council, and is focusing on an understanding of key Spanish words and phrases.

The purpose of the project is to enable Philadelphia firemen to communicate with Spanish-speaking Philadelphians when responding to a fire or during inspections in their neighborhoods.

There are two sessions planned for each of the four platoons of the eight fire-fighting units in the Spanish sections Philadelphia. The sessions are an hour long each.

NBC'S 3-HOUR SMEAR OF SENATOR JOSEPH McCARTHY—PART IV

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. McDONALD. Mr. Speaker, in the first three parts of my report to my colleagues on the psuedo-documentary produced by NBC to smear the late Senator Joe McCarthy, I dealt primarily with the lies about Senator McCarthy's political activities. Today, however, I would like to present the evidence to refute some of the smears about his personal character.

Early in the 3-hour program Senator McCarthy was depicted as falsifying his war record and of shooting only at coconut trees. Senator McCarthy's former commanding officer, retired Col. Glen L. Todd, was located by the National Enquirer. He told their reporter:

First of all everything was flattened on Guadalcanal before we even got there. There weren't any coconut trees anywhere near us. Besides we were in a war zone, and in a war zone, you don't allow people to go around shooting guns off—especially a machine gun.

Todd went on to say:

I served with Joe McCarthy in a dive bomber squadron during WWII. I was an executive officer part of that time and his commanding officer for the rest. We fought together on Guadalcanal, Bougainville, and Munda in the South Pacific. Mac was a captain and the squadron intelligence officer. And believe me, he was certainly no coward. He was a brave Irishman. And he did a great job for us. He was a hell of a man.

As only some of the interview was used in the excellent article published in the Enquirer, I would like to make available to my colleagues some of the additional statements made by Colonel Todd. He said:

There were no milk runs on Guadalcanal. It was a pretty hot war out there, and at that time we were losing about 30 percent of our planes. We were getting jumped on all the time by Jap Zeros. Our planes were sluggish—could only fly about 120 mph—and the Zeros were highly maneuverable and could zip along at about 300 mph. Those certainly weren't milk runs—but Mac flew on those kind of missions. He didn't have to go out on any missions—wasn't paid to do it, like I was. He did it because I asked him to—and he realized it would make him a better officer.

It was always my feeling that an intelligence officer who never goes into combat can't interrogate pilots who came back from combat. I thought flying a few missions would give Mac a good idea of what people were seeing and doing. That way, when he interrogated flyers, he could do it in a professional manner.

The first Time Mac went up, he went up with me—and, as I said, he did it because I asked him to.

The other missions he flew he did because he wanted to do it. Sometimes I'd see him climbing in the gunner's seat of a Douglas Dauntless like a naughty boy. He knew he shouldn't be there, but he wanted to go.

I don't really know how many missions Joe flew, but I was the one who recommended him for his 2 Air Medals. At that time you could get an Air Medal for every five missions flown—and if you ever flew as a passenger in a hospital plane, that counted toward the five missions. But I didn't count any mission Mac flew unless he got fired on or his plane did some dive bombing.

Since I recommended Mac for 2 Air Medals, I know he flew at least 10 missions—I think the number was 12.

Another of the men who served in World War II with Senator McCarthy, Ken Smedley of Santa Barbara, Calif., told the Enquirer:

Joe McCarthy flew with me on several missions, and I felt just as secure having him back there in the gunners seat as I would have with a regular gunner.

Joe didn't have to fly at all—he wasn't even a gunner. He flew the missions because he was the intelligence officer and he wanted to get a better perspective of what we were being confronted with.

As far as I'm concerned Joe McCarthy always conducted himself as a fine, upstanding officer and gentleman—and he was my friend.

Senator McCarthy received the Distinguished Flying Cross, the Air Medal with four clusters, and the Navy Commendation Medal with a V, which shows that it was awarded for combat operations.

Adm. C. W. Nimitz in awarding the Commendation Medal to Senator McCarthy wrote that it was—

For meritorious and efficient performance of duty as an observer and rear gunner of a dive bomber attached to a Marine scout bombing squadron operating in the Solomon Islands area from September 1, to December 31, 1943. He participated in a large number of combat missions, and in addition to his regular duties, acted as aerial photographer. He obtained excellent photographs of enemy gun positions, despite intense anti-aircraft fire, thereby gaining valuable information which contributed materially to the success of subsequent strikes in the area. Although suffering from a severe leg injury, he refused to be hospitalized and continued to carry out his duties as Intelligence Officer in a highly efficient manner. His courageous devotion to duty was in keeping with the highest traditions of the naval service.

C. W. NIMITZ,
Admiral, U.S. Navy.

Commendation Ribbon Authorized

Similar letters of commendation were written for Senator McCarthy by other commanders of combat forces in the Pacific, including Maj. Gen. H. R. Harmon, of the U.S. Army, who commanded all of the Army, Navy, and Marine aircraft in the Solomon Island area; and Marine Maj. Gen. Field Harris, who was the Marine Corp assistant-commandant—air.

Senator McCarthy's war record is clear. He served his country well when it needed him. It is particularly offensive when a Peter Boyle, a writer and actor in Jane Fonda's anti-American show, aimed at weakening the will of the American troops to fight in Vietnam, denigrates the combat record of a good American.

DR. E. F. SCHUMACHER VISITS CONGRESS

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. ROSE. Mr. Speaker, on Monday, March 21, the Congressional Clearinghouse on the Future sponsored its third "Dialog on America's Future," and Dr. E. F. Schumacher was our guest.

Concluding a 6-week visit to our country, Dr. Schumacher, a British economist and author of "Small Is Beautiful: Economics as if People Mattered," told us that he believes there is a tremendous interest among our constituents in his concept of intermediate technology.

Dr. Schumacher said:

Political leaders—governors, state legislators, mayors—greeted me at each one of my stops this year. Two years ago only one governor (Brown of California) was interested in what I was saying.

Mr. Speaker, this visit of Dr. Schumacher's has generated much interest in the press. In the Washington Star of March 22, William Delaney wrote an article about our meeting, and Newsweek of March 28, discussed his visit to the United States.

I am pleased to insert these two articles into the RECORD today:

[From Newsweek, Mar. 28, 1977]

MR. SMALL

When he spoke at the Civic Center in Helena, Mont., British economist E. F. Schumacher thought 200 people might come. Instead, 600 showed up, and some had to stand in the hallway to hear him talk. At the Science Museum of Minnesota, he drew enthusiasts from all over the state, and dozens of people were turned away. At a session with California state employees in Sacramento, the audience overflowed onto the floor around Schumacher's lectern, sitting cross-legged like kindergarten students at story time. In fact, almost everywhere he has gone on a 43-day, twelve-state tour of the U.S., Schumacher, who wrote "Small Is Beautiful" three years ago, has attracted large crowds. This week he speaks to more than 100 congressmen in Washington and may get to see Jimmy Carter, who read Schumacher's book a couple of years ago. "I didn't set out to start a movement," he says, slightly puzzled by his fame and following. "Strangely, people took up my ideas."

Perhaps it's not so strange. Schumacher stresses the need to conserve resources and limit economic growth—a message that apparently appeals to a nation that has just experienced a natural-gas crisis and is still in the grip of a serious drought. The rest of Schumacher's message is considerably more controversial—nothing less than a full-scale assault on conventional economic wisdom. Economists, he says, have established material growth as the most important measure of social progress. They assume that a person who consumes more is automatically better off than someone who consumes less. Schumacher, 66, who spent twenty years as chief economist of Britain's National Coal Board, believes economists need a new set of values, and in a brief chapter in his book, he compares the economics of materialism to an economic system he derives from Buddhism. "While the materialist is mainly interested in goods, the Buddhist is mainly interested in liberation," he has written. Since consumption is merely a means to well-being, the aim of the Buddhist should be to obtain maximum well-being with minimum consumption.

The best way to do that, he says, is to develop what he calls "intermediate" or "appropriate" technology—an idea especially useful in the resource-short countries of the developing world. One example: Nigerian villagers use a $16 hand-operated metal-bending device to make agricultural tools; the cheapest machine available to do the same job costs $1,750 and requires electricity. Even in highly developed countries like the U.S., Schumacher maintains that appropriate technologies—solar heating, smaller farms and waste-recycling systems, for example—are needed to stave off energy shortages.

He also believes that industrialized nations must produce more efficient and durable products, preferably by a less automated, less dehumanizing technology.

Colonialization: Schumacher's following is strongest in rural areas, where the determination to live independently of big government and big business runs deepest. In his low-key, witty way, he warns small-town audiences to resist "colonialization by the big metropolitan areas." An example of that trend, he told the Helena crowd, is Montana's practice of exporting timber and sending cattle out of state to be slaughtered—and then importing furniture—and meat. Rather than doing business in a roundabout way like that, Schumacher believes industry should decentralize into smaller, self-contained units.

Schumacher admits that it may be a while before his ideas inspire change in the U.S., where bigger is generally deemed better and growth is an intrinsic part of the business ethic. But he notes that California Gov. Jerry Brown, one of his earliest fans, recently established an Office of Appropriate Technology. A National Center of Appropriate Technology has also been set up in Butte, Mont., and on Schumacher's U.S. tour, dozens of people have requested advice on everything from alternate energy sources to intensive gardening (a French system of deep rooting and tight planting that produces high yields on small plots).

There is a definite religious element to Schumacher's disclosure on the uses of smallness, especially his conviction that a technologically muscle-bound world must get back in touch with its spiritual needs. Schumacher, a convert to Catholicism, delivered a sermon at San Francisco's Grace Cathedral earlier this month. But the Englishman disavows any desire to be America's newest guru. Like Emerson, he emphasizes the old-fashioned virtue of self-reliance and practices what he preaches. He grinds his own flour, bakes his own bread and grows his own vegetables on a 4-acre plot in Caterham, a village 20 miles from London. One of his few concessions to technology is an electric wheelbarrow. But that, says Schumacher, is appropriate technology for an elderly man with a bad back.

[From the Washington Star, Mar. 22, 1977]

THEORY TO "THINK SMALL" DRAWS RAPT AUDIENCE

(By William Delaney)

The author of "Small Is Beautiful," concluding a six-week North American tour by meeting with President Carter at the White House today, reports "an amazing groundswell" of interest in his ideas "from all strata of society—not just the counter-culture types.

"When I came here 2½ years ago," German-born British economist E. F. Schumacher told a group of congressmen yesterday, "only one governor (California's Jerry Brown) was interested. I supposed the country was then still groggy from what I call

the Viet-gate syndrome. Now they're all interested."

At yesterday's midafternoon gathering, sponsored by a bipartisan Capitol Hill study group that calls itself the Congressional Clearinghouse on the Future, an audience of about 50 members of Congress, their spouses and aides listened with obvious interest as the tall, silver-haired Schumacher peppered them with ideas on everything from brickmaking in Nigeria to bakeries in Canada.

The thrust of his argument is that our economies and the technologies they offer are almost invariably geared to giant-scale endeavors that promote even more giantness, are increasingly energy-inefficient and often do not provide what the people—especially the poorest people—really want.

"It costs as much now to ship a brick 200 miles as it does to make it," he said. Yet Schumacher said Britain's brickmakers, with their works concentrated in Bedfordshire, were "appalled" when he suggested that they set up mini-brickworks around the country, saving in transportation costs and dispersing jobs.

Population dispersal, localism and self-sufficiency are key tenets of his philosophy—a philosophy that he told Charles Rose, D-N.C., and leader of the study group, he felt Carter would tend to appreciate, although he said he "hadn't a clue" as to what direction their talk today would take.

Farm-equipment makers are designing $80,000, air-conditioned tractors for the 1980s and 1990s, he told the attentive congressmen, while no attention is being given to designing equipment that would be both affordable and more efficient for the small farmer.

"You see," he added, "how technology is moving away from the people."

In seeking relatively inexpensive alternative energy sources in North Pakistan, something to take advantage of the area's small streams, Schumacher discovered that the last small-scale turbine had been designed in England in 1902. Technology had long ago moved on to provide far bigger, more expensive solutions.

In his brief talk and his response to questions from the congressmen, Schumacher made the following observations:

"In half the country (the United States), people are really worried about water."

"There is in the country so much readiness for voluntary efforts. You need direct human contact in programs like welfare. The government is good at collecting money but not at spending it."

Academics tend to view urbanization as a good force, yet themselves have not adequately treated it as a question. "Millions feel trapped in cities." Only West Germany, with its 12 "high-culture" cities, has had "a proper pattern of settlement."

Decaying urban neighborhoods should be reconstructed by the residents themselves, adapting an idea from developing nations that have discovered that "development" enriched outside, international construction firms.

"The poor people in rich countries pay to the rich in poor countries." Foreign assistance should be "about poverty—not development, but poverty."

"I notice a great deal of uneasiness (toward the 'small is beautiful' concept) with the managers of the big companies. There is very little, as yet, active imagination. Market forces have no imagination."

Schumacher referred several times to the federal government's $3 million National Center for Appropriate Technologies in Butte, Mont., but told the group he felt the role of the government should be to give the movement "a fair wind, to show interest. . . .

"A little money channeled this way wouldn't hurt. But I wouldn't want to see this bureaucratized."

One of few questions for which he did not have a ready answer was that of Albert H. Quie, R-Minn., as to how his ideas could improve education.

But soon he was talking admiringly of the mix of work and learning in China. "Work has to be brought back into the school." He spoke disparagingly of excessively book-oriented education, of huge consolidated schools, and suggested that children and teachers could be making their own furniture, growing their own food.

A SENSIBLE NATIONAL WATER POLLUTION POLICY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. OTTINGER. Mr. Speaker, the House will soon be asked to decide the fate of the Corps of Engineers program for regulating dredging and filling activities in the Nation's waterways and wetlands.

At present, the corps has the authority, under section 404 of the 1972 Clean Water Act, to regulate by permit dredging and filling operations in all waters of the United States. Under legislation (H.R. 3199) marked up last week by the Public Works Committee, the corps' section 404 authority would be limited to commercially navigable waters, adjacent swamps and wetland areas, and coastal wetlands. This new provision would exclude 98 percent of stream miles and 80 percent of swamps and marshes from Federal protection.

The Public Works Committee bill is expected to reach the House floor next week.

Because of the controversy surrounding the committee's proposed cutback in the section 404 program, the Environmental Study Conference earlier this week sponsored a briefing for congressional staff on the corps' program. Appearing at the ESC briefing were representatives of the agencies and groups that have a strong interest in the 404 issue. I am including for the RECORD copies of information distributed at the briefing by the corps, the Environmental Protection Agency, the National Forest Products Association, and the Natural Resources Defense Council.

I hope this information is helpful to my colleagues in their consideration of the section 404 controversy:

JOINT STATEMENT BY THE CORPS OF ENGINEERS AND ENVIRONMENTAL PROTECTION AGENCY ON SECTION 404

A number of concerns about the Section 404 program have been expressed. Some can be corrected by legislation. Others have little foundation, or are being handled administratively. These concerns are as follows:

A. *Scope of Jurisdiction:* The major expression of opposition to Section 404 has focused on the extent of waters that are subject to its protection. Opponents argue that the program should be limited to the commercially navigable and coastal waters that have been traditionally regulated by the Corps, leaving the responsibility for the remaining lakes, rivers, streams and most of the wetlands to the States. They assert that the Corps lacks expertise to delineate and regulate these additional waters and that its resources will be stretched to such an extent that it will be unable to devote its attention to that narrow category of waters that the Federal government has always protected for navigation. On June 16, 1976, the House of Representatives passed amendments to the Water Act (the Wright Amendment) which would have limited the Corps jurisdiction to commercially navigable and coastal waters plus their adjacent wetlands. However, the Senate refused to concur in this approach, opting instead for amendments that would have retained the broad Federal jurisdiction.

Defense of the broad Federal jurisdiction under Section 404 includes the following points:

(1) Pollution that impacts many forms of commerce is not confined to commercially navigable and coastal waters. Regulation of all waters is required to address pollution at its source.

(2) Even the protection of navigation requires jurisdiction over the tributaries and wetlands that connect to our highways of waterborne commerce.

(3) A roll back in Section 404 jurisdiction will establish a precedent for similar coverage of the Water Act's industrial/municipal permit program even though industries and municipalities have accepted this jurisdiction and are well underway to achieve the effluent limitations imposed in their permits.

(4) Most States and previous Federal programs have failed to adequately regulate aquatic resources as evidenced by the loss of over 50 million acres of wetlands since the nation's formation, with a six million acre loss occurring in the last twenty years.

(5) There is a Federal interest in protecting all waters of the United States, and restoring and maintaining their biological, physical and chemical integrity. The failure of one State to adequately regulate its aquatic resources will adversely affect the resources of other States and the commerce, health and welfare of the Nation.

(6) The Corps has taken administrative steps to handle these additional waters. These include:

The authorization in its regulation of discharges that occur in smaller waters (where flow is less than 5 cfs), provided certain nationwide conditions are met to protect water quality.

The use of areawide general permits with appropriate conditions that authorize categories of discharges in certain designated waters provided those discharges cause minor individual and cumulative environmental impact.

The examination with EPA of various methodologies that can be used to more precisely delineate jurisdiction.

B. *Scope of Review:* Critics of the Section 404 program argue that the scope of review of a permit application includes non water quality related concerns such as wetlands preservation, protection of coastal areas, and endangered species. These concerns are, however, part of the aquatic system and are interrelated with its chemical, physical and biological integrity.

The permit program serves to focus and resolve conflicting national concerns embodied in several Federal Statutes, such as the National Environmental Policy Act, the Endangered Species Act, the Fish & Wildlife Coordination Act, and the Federal Water Act, each of which requires evaluation of particular aspects of the environment during the review of any Federal permit application.

C. *Duplication of Effort:* The Corps regulations recognize that other State and/or local permits or certifications may be required for discharges of dredged or fill material. Provision is made in its regulation for joint Corps-State-local processing of applications or certifications, including joint public notices, public hearings, and environmental impact statements. For non-federal projects, no Section 404 permit is issued if a State or local permit is denied.

A recent, yet uncompleted, survey of existing State programs reveals that only six States have permit programs comparable to Section 404. Section 404 has filled this void in the remaining States, in recent months, and three States (Colorado, Tennessee and Illinois) have asked the Corps to intervene in projects within those States. In each case, the State has indicated that it lacks adequate controls to properly review the activity and to require it to protect aquatic resources from unnecessary degradation or destruction.

D. *Activities Covered:* Several mechanisms have been utilized administratively to regulate Section 404 activities. In addition, and because of misunderstandings that arose during the early stages of the program, the Corps regulation specifically excludes activities that do not involve discharges of dredged or fill material.

The present regulation includes the following provisions with respect to the activities to be regulated or excluded:

Plowing, seeding, harvesting, and cultivating are specifically excluded since these farming, forestry, and ranching activities do not involve discharges of dredged or fill material. (Some activities associated with them, such as road building or levee construction, do involve discharges that can have a deleterious effect on water quality unless performed properly.)

Maintenance, including emergency reconstruction, of fills, such as roads, dams, farm and stock ponds, levees, dikes, and breakwaters, are specifically excluded since these fills have already altered the aquatic system and their maintenance is essential to avoid further alteration.

Bulkheads and fills for property protection less than 500 feet in length are authorized by the regulation, subject to certain specified conditions.

The Corps has prepared a revision to its regulation that is planned for publication in the immediate future. This revision has already been coordinated with the affected Federal agencies, and, in addition to reiterating the above, would accomplish the following:

Authorize through the regulation all discharges of dredged or fill material in streams and impoundments (e.g., most stock and farm ponds) with an average flow of less than 5 cfs, and in natural lakes less than 10 acres, subject to certain specified conditions to protect water quality.

Authorize through the regulation the construction of roads involving discharges of less than 100 cubic yards of material, subject to certain conditions such as the installation of culverts to avoid the disruption of water circulation. According to estimates from the forestry industry, this would eliminate from individual permit requirements at least 90 percent of the forest roads constructed to harvest trees.

E. *Variations in Field Interpretations:* The Corps has decentralized the Section 404 program by assigning its implementation to the 37 District Offices and 11 Division Offices located throughout the Country. This decentralization allows response to the local conditions of each area and enables a closer partnership of review to exist between the Corps and appropriate State and local agencies.

The District's response to local conditions will obviously vary as the local conditions vary. Headquarters guidance is also distributed to insure uniform interpretation of existing policies and laws, and to assist the field offices in responding to the various activities that must be regulated. Some Federal agencies and outside interest groups are assisting the Corps in formulating this guidance. For example, the U.S. Forest Service, through its own initiative, is working with the Corps, EPA, forest and environmental interest groups to formulate specific nationwide guidelines for the evaluation of forest practices involving discharges of dredged or fill material. The Corps and EPA have urged other Federal agencies to assume similar initiatives with respect to their constituents' interests, and to work with it in eliminating misunderstandings about the program.

F. *General Permits:* To relieve potential overregulation, the Corps implemented a general permit program in its regulation to authorize discharges that are minor in nature and that cause insignificant environmental impacts, individually and cumulatively. As of January 28, 1977, 66 general permits had been issued and 93 more in various stages of processing. These general permits include the following activities: roadway fills, logging roads, small impoundments, property and shore protection, and submarine utility lines.

Some have indicated that general permits are a good idea, but may not be legal. Each legislative proposal to amend Section 404 has affirmed the Corps' use of general permits. The legality of the general permit program appears to be sustainable without legislation for two reasons. First, Congress specifically referred to "general permits" in the legislative history to Section 404. Second, a Federal Court has already held with respect to the industrial/municipal permit program administered by EPA under the same Act that it has "wide latitude to rank categories and sub-categories of point sources of different importance and treat them differently within a permit program . . . (and) substantial discretion to use administrative devices, such as area permits to make EPA's burden more manageable". *NRDC. v. Train*, ——; Supp. ——, 7 ERC 1831 (D.D.C., 1975).

The general permit program is new. Some initial confusion can be anticipated. The Corps is sensitive to this situation and has disseminated periodically detailed guidance on the program, including a monthly summary and critique of each general permit that is issued.

STATEMENT ON H.R. 3199 BY THE CLEAN WATER CAMPAIGN, A COALITION OF 21 ENVIRONMENTAL ORGANIZATIONS

H.R. 3199, a bill to amend the Federal Water Pollution Control Act of 1972 (FWPCA), contains several controversial sections which environmentalists vigorously oppose, as well as an authoriztion for funding the construction of sewage treatment plants. The Clean Water Campaign supports funding for sewage treatment plants but opposes H.R. 3199 for the following reasons:

(1) Deliberations over H.R. 3199 are holding up final passage of the Jobs Bill, H.R. 11. The House Public Works Committee has postponed conference on the Jobs Bill until after it takes action on H.R. 3199. In effect, thousands of jobs and billions of dollars are being held hostage by the Committee to controversial, non-urgent amendments to the FWPCA.

(2) Deliberations over H.R. 3199 are holding up additional funding for sewage treatment plants. Although H.R. 3199 would authorize additional funding for sewage treatment plants, the authorization is saddled with other controversial amendments to FWPCA. These controversial amendments have prevented passage of an authorization for the past two years and will continue to do so. According to estimates by the Association of State and Interstate Water Pollution Control Administrators,* approximately 36 states will run out of federal money for the construction of sewage treatment plants by the end of summer 1977. Pollution clean-up and up to 500,000 jobs are affected by this delay. Funding for sewage treatment plants can be added to the final Jobs Bills, as was done in the Senate version, S. 427.

(3) Section 16 of H.R. 3199 would weaken protection of vital wetlands and open a loophole which would allow the disposal of toxic materials in waterways with impunity. Wetlands are the spawning ground and nursery for fish and wildlife, natural water purifiers, and a means of natural flood control. By cutting back federal jurisdiction under Section 404 of FWPCA to approximately 2% of stream miles and 20% of wetlands areas, Section 16 will jeopardize the attainment of clean water and a healthy environment.

(4) Section 13 of H.R. 3199 would extend FWPCA's 1977 requirements for industrial sources, on a case-by-case basis, for two years. This extension is unnecessary, overly broad, and will penalize those dischargers which spent the money necessary to comply. In addition, this section would allow an overly broad extension of FWPCA's 1977 deadline for industries which intend to tie into municipal sewage treatment plants. Although some flexibility is necessary in dealing with industries which do intend to tie in, the exemption in H.R. 3199 is too broad.

(5) Section 12 of H.R. 3199 would allow the delegation of EPA's authority to fund sewage treatment plants to the states without sufficient environmental and fiscal safeguards. It would also remove EPA oversight of state priority lists. In effect, Section 12 creates a block grant program which would weaken the construction grants program and lead to waste of taxpayers' money.

(6) Both the House and the Senate will take up the controversial issues under FWPCA later this year. Other than the authorization for construction of sewage treatment plants, there are no issues in H.R. 3199 which are so urgent that they have to be examined immediately rather than later this year in the context of a major review of FWPCA.

The House Public Works Committee may seek a rule to attach H.R. 3199 to the Jobs Bill, H.R. 11. H.R. 3199 may then be taken to the House floor the week of April 4. The Clean Water Campaign urges the following action:

(1) Oppose attachment of H.R. 3199 to H.R. 11.

(2) Oppose passage of H.R. 3199 and demand immediate conference on the Jobs Bill, H.R. 11. Support provision of funding for sewage treatment plants in the Jobs Bill.

(3) If action is to be taken on H.R. 3199, support amendments to it which will alleviate controversy and better protect the environment. Congressman Edgar has drafted an amendment to Section 16 which would amend Section 404 of FWPCA. This amendment is well-drafted, would alleviate much of the controversy surrounding Section 404, and has the support of environmentalists in the House deliberations Other amendments to Section 12 and 13 may also be introduced.

* States which will run out of funding include: Alabama, Alaska, Arkansas, California, Colorado, Florida, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

PROVISIONS OF THE ELECTRIC UTILITY ACT OF 1977

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. DINGELL. Mr. Speaker, today, I am introducing H.R. 5841, a bill to increase the efficiency of the production and use of electric energy, and for other purposes. I am inserting into the RECORD

the following summary of the major provisions of this bill:

SUMMARY OF MAJOR PROVISIONS OF THE ELECTRIC UTILITY ACT OF 1977

The purposes of the Electric Utility Act of 1977 are (1) to increase the efficiency of generation and transmission of electric power through encouragement of competition, through incentives for efficiency and through prescription of reliability standards; (2) to establish a regional planning mechanism for new facilities; (3) to insure that electric utility rates are designed to minimize energy consumption and the need for new generating capacity, and to provide for reasonable rates to electric consumers; and (4) to provide for greater consumer representation in regulatory proceedings and to provide technical and financial assistance to State regulatory authorities.

TITLE I—IMPROVING EFFICIENCY OF, AND PRESERVING COMPETITION IN, GENERATION, AND TRANSMISSION OF ELECTRICITY

The Federal Power Commission is empowered to establish centrally dispatched power pools the membership of which is available to all electric utilities—private, public, cooperative—within a region and to order, when needed, exchanges of energy, interconnection, wheeling, and other transmission services between utilities. Wholesalers of electric energy are required to report anticipated shortages to their wholesale customers and the effects of such shortages are to be distributed equitably.

The FPC, on its own initiative, can suspend rate increases or order interim rates into effect after preliminary hearings. No more than one interim rate may be in effect at any time except under extraordinary circumstances. Automatic adjustment clauses in wholesale rates are prohibited unless they result from an evidentiary hearing which is held at least once every four years and unless the clause is reviewed every two years to insure maximum economies in operations and purchases. Wholesale buyers may audit records of their suppliers to insure compliance with schedules.

The Federal Power Act is amended to allow the FPC, on its own initiative, to order the cessation of any unfair method of competition. The construction of a bulk power facility (one with a generating capacity greater than 200 megawatts) can be subject to an anticompetitive review by the Attorney General and final permission of the FPC.

In order to improve the reliability of the supply of electric energy, the FPC is ordered to, within one year after the date of enactment of this Act, prescribe rules with regard to such reliability. Likewise within one year after the date of enactment of this Act, the FPC is ordered to prescribe rules for the encouragement of cogeneration.

Finally the Federal Power Act is amended to further restrict interlocking directorates of electric utilities.

TITLE II—COORDINATION OF PLANNING OF BULK POWER FACILITIES

Title II requires all utilities regardless of ownership to prepare annual long-range plans specifying their future bulk power facilities. The FPC is ordered to establish planning areas serving all or part of one or more States for the purpose of coordinating the planning of bulk power facilities. A planning area and this council shall report annually to the FPC on the status of bulk power facility plans within its boundaries.

TITLE III—IMPROVING EFFICIENCY OF USE OF ELECTRICITY

Title III applies to electric utilities whose sales of electric energy for purposes other than resale exceed 200 million kilowatthours in a calendar year.

Utilities are required to set rates based on cost of service (with the exception that "lifeline" rates are permitted) and institute time of day rates to industrial and commercial consumers and to residential consumers if reasonable metering costs are paid by the residential consumer. Utilities are required to provide rate information to consumers in a timely and clear manner and are prohibited from charging consumers for certain types of advertising.

State regulated utilities may not raise their rates unless it is done through an evidentiary hearing or through an automatic adjustment clause. Such a clause must be established in an evidentiary hearing at least once every four years and reviewed every two years to insure maximum economies in operations and purchases. The reviewing authority may audit the records of the utilities to insure compliance.

Electric utilities are required to gather certain data to determine the cost of service. Utilities shall implement load management techniques if they are practicable and cost-effective.

Utilities may not increase rates unless they meet all of the required provisions of Title III. State regulatory agencies must declare to the FPC an assumption of authority to determine compliance of State regulated utilities. Absent such a declaration, and until one is made, the FPC shall determine compliance. State regulatory agencies are instructed to arrive at methods for determining cost of service and to consider implementation of load management techniques.

Participation of consumers and State agencies in ratemaking decisions is authorized and financial compensation by the utility for expenses of certain participants is required if the consumer should prevail.

TITLE IV—CONSUMER REPRESENTATION AND ASSISTANCE TO STATE AGENCIES

The Federal Energy Administrator can make grants to State regulatory agencies for the improvement of staff support and for the development of rate reform initiatives. Further grants are provided for consumer participation. The office is also required to aid State regulatory agencies in technical areas such as load management and cost of service determinations.

An Office of Public Counsel is established to aid consumers who might not otherwise be adequately represented in hearings before the FPC and to participate in other matters before other Federal agencies when their activities significantly affect utility matters. The office can also provide compensation to intervenors who cannot afford to pay necessary costs of intervention.

H.R. 4250—A DANGEROUS BILL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. ASHBROOK. Mr. Speaker, on March 23 the House defeated H.R. 4250, common situs picketing legislation, on a vote for 205 in favor to 217 opposed. This bill would have legalized secondary boycotts in the construction industry.

Although sponsors of this legislation said it was designed to provide equal treatment for craft and industrial workers, in actuality it went far beyond that. It would have extended to construction unions strike and picketing rights not enjoyed by other unions.

This point is forcefully brought out in a newsletter prepared by Peter A. Cockshaw, editor and publisher of Cockshaw's Construction Labor News and Opinion. Following is Cockshaw's March issue of Construction Labor News and Opinion:

SITUS PICKETING 1977: A DIFFERENT—AND MORE DANGEROUS—BILL

New situs picketing bill gives unions far more power and creates many unforeseen hazards for contractors.

The new situs picketing bill is being sold by labor and its Congressional allies as one which merely gives construction unions equal treatment and simplifies or clarifies earlier versions. Nothing could be more erroneous, however. The bill is actually a PR smokescreen for legislation that dangerously extends the power of unions while it paralyzes the employer through many unforeseen hazards and pitfalls.

H.R. 3500 (Senate bill is S. 924) has little to do with equal treatment. Instead, it grants uncontrolled strike and picketing privileges to construction unions. It gives them powers far beyond any held by industrial unions and beyond any even contemplated during Congress' last go at situs picketing legislation. The new bill, in fact, is a carefully conceived—and well concealed—attempt to (1) force all American construction employees to become dues-paying members of AFL-CIO unions whether they want such representation and whether they work in states with right-to-work laws (vis-a-vis top-down organization), (2) require that American employers aid such unions in completing such membership, and (3) force the entire construction industry to support the economic and political goals of the Building & Construction Trades Department of the AFL-CIO.

This picture of 1977's situs picketing bill is not drawn by a man given to overstatement or carelessness. It is from one of the most respected labor lawyers in the business—Peter G. Nash, partner in the prestigious firm of Vedder, Price, Kaufman, Kammholz & Day. Nash is a labor expert who earlier distinguished himself as Solicitor of the Department of Labor and General Counsel of the National Labor Relations Board. In an exclusive interview with CLN + O, he analyzed and recapped the most treacherous provisos set forth in the newest version of situs legislation.

DEMOLISHING THE "EQUAL TREATMENT" THEORY

"Labor's 'equal treatment' claim is nothing but a ploy to confuse the public and Congress," Nash points out. "The sooner management clears away this smokescreen, the better." Any legislation intended to provide equal treatment for construction unions simply repeals the special construction exception in Section 8(e) and amends Section 8(b)(4)(B) of Taft-Hartley. This would only permit a union having a legitimate dispute with a general contractor to picket not only that general but all his construction subcontractors at a common site.

"Such a proposal would provide equal treatment and, whether good or bad legislation, it is difficult to object to politically," Nash explains. "Because equality has been the announced intention of common situs picketing legislation for years, it isn't surprising that every President and Secretary of Labor since Eisenhower has endorsed the concept and President Carter has committed himself to sign such a bill."

The bill now in Congress, however, starts off by granting unions more-than-equal picketing and striking powers. It uses this as its foundation and then builds and builds and builds from there.

THE THREE BASIC INGREDIENTS OF H.R. 3500

The latest situs bill has three main ingredients to trigger its biggest guns against an

employer. First off, the basic dispute must be with a proper primary person. Such a primary must be "any of several persons who are in the construction industry . . . and are . . . engaged as joint venturers or in the relationship of contractors and subcontractors in such construction . . . at such site."

To clarify, the primary must be in construction, must be a contractor or subcontractor, must be at the site, and must be engaged in construction at the site. This clearly covers all construction contractors and subs and makes no distinction between them (as there is in industrial disputes).

The definition also covers hospitals, manufacturing plants, department stores, petroleum companies, as well as previously protected governmental bodies (towns, counties, cities, states, federal government) and airlines, railroads, farms, etc., when such owners act as their own general.

Therefore, wherever a facility is its own general contractor in building or renovating, it is "in construction" as a "general contractor," "at the site" and engaged "in construction work at the site." So even the above are proper primaries to trigger picketing of an entire site.

In making an exception, H.R. 3500 does prohibit picketing "directed at a person who is not engaged primarily in the construction industry, who, through individuals regularly employed by that person and represented by a labor organization, is installing or servicing products produced by that person or is doing construction work at a facility owned by that person."

This proviso apparently aims to stop construction unions from raiding or interfering with the work of union industrial workers. Note: Industrial facilities are protected only if they have employees doing the construction work, only if they are unionized and only if they work full-time.

PICKETABLE OR STRIKABLE SECONDARIES

The second ingredient is to have properly picketable or strikable secondaries. H.R. 3500 seems to define such a secondary as "any person . . . at the site of construction."

Under this definition, any industrial employer is a picketable and strikable secondary if construction work is being done at his site. This holds true because there is no requirement for the secondary to be involved in the construction itself, merely that he be "at the site of construction." This could also hold true for anyone else who happens to be "at the site," such as material delivery companies, sales representatives of another company and the like.

Under the National Labor Relations Act, each is a "person" and is "at the site" when performing duties for the construction project or for the operation of the facility itself.

THE REAL PERIL IS THE THIRD INGREDIENT

The bill's third requirement—and perhaps the most treacherous—is that an acceptable dispute exists between the union and the primary, and that the union carry out its strike or picketing in an acceptable manner.

"In my opinion," warns attorney Nash, "this is an illusory requirement on two counts." First, nothing in the bill requires that the dispute have anything to do with the construction work itself or with construction employees. Thus a dispute with a proper primary industrial facility could trigger common situs picketing of construction work that happens to share a site with the industrial employer. Second, the bill repeals all union unfair labor practice provisions of Section 8(b) of the Taft-Hartley Act regarding site picketing activity.

It states that "nothing contained in this subsection (b) shall be construed to prohibit any strike . . . or any inducement of any individual employed by any person to strike . . . at the site of construction . . . directed to any person . . . in the construction industry . . . engaged . . . at such site." This is in striking contrast to the Conference Bill which passed both houses of Congress last term, and which began with the words "Nothing contained in clause (B) of this paragraph . . ."

Last term's version of the bill exempted construction unions from only the secondary boycott provisions of Taft-Hartley H.R. 3500, on the other hand, authorizes picketing and striking at a site without regard for subsection 8(b)—that portion of Taft-Hartley containing all but two of the unfair labor practices that apply to all other unions in this country.

"Accordingly," says Nash, "this bill authorizes a union at a construction site to strike or picket in an unlawful manner and for any of the following otherwise unlawful objectives":

In support of a "take-it-or-leave-it" bargaining position.

In support of non-mandatory bargaining demands (e.g., who the employer's bargainers shall be, what work the employer shall or shall not perform, whether or not an employer may sell his business, arbitration of the basic contract, benefits for retirees, etc.).

To force an employer to enter into an 8(e) "hot cargo" agreement.

To require an employer to join an employer organization and be bound by any pact negotiated by it.

To force an employer to stop doing business with another (e.g., to dismiss a supplier, subcontractor, insurance company, bank, law firm, etc.).

To promote featherbedding.

"Accomplishing the above is the real intent of H.R. 3500," says Nash. "The 1975 Conference Bill provided that nothing 'shall be construed to permit a strike . . . in furtherance of a labor dispute, unlawful under this Act.' This year's situs bill contains no such proviso."

Unless bans on strike or picketing activity are described somewhere else in H.R. 3500, a union may picket the primary and all secondaries at a construction site for any reason and by any means. There are few exceptions to this rule, all contain a hidden meaning, and some seek to expand union strike and picket rights rather than restrict them.

This year's situs legislation also omits the "grandfather" clause which was contained in the 1975 version. The bill becomes law 90 days after enactment whereas H.R. 5900 provided an exemption up to one year for projects under construction from time of bill's enactment.

SITUS PICKETING IN ACTION

The full, devastating impact of a situs picketing law can be seen in several examples. Let's assume an industrial employer has expansion work being performed at an existing facility, and he is in no way involved in the work. The union representing employees of the electrical subcontractor strikes and pickets the entire construction site over a wage dispute, and includes within its picketing the separate gates for the industrial employer's employees.

Clearly, any situs picketing law that aims merely to provide equal treatment would require the union to confine its picketing to the subcontractor with whom it is disputing. That picketing certainly could not be expanded to the industrial gates. But under H.R. 3500, both the common construction site picketing and the industrial gate picketing are legal because the construction subcontractor is an appropriate primary "in construction," and the other construction subcontractors and general are appropriate secondaries "at the site." In this way, Nash says, H.R. 3500 gives construction unions "far more power than any industrial unions now have."

Now assume an industrial employer, to avoid shutdown of his business, hires full-time employees, puts them to work on the construction site doing construction work and enters into a contract with a construction union to represent them. No such union-organizing activity would be required of any employer away from a construction site to avoid picketing, but under H.R. 3500 this would be necessary to protect the facility and its business. "The new situs bill thus gives industrial employers strong incentive to hire full-time construction union employees," adds Nash, "granting relief to construction unions from membership unemployment and permanently expanding the union's dues collections. This is hardly 'equal treatment'."

In another example, assume that an industrial employer is acting as his own general contractor on a construction addition to an existing facility. The employer has a wage dispute with a union representing its industrial employees, and that union strikes and pickets both the industrial facility and the gates for his construction subcontractors.

Certainly this would not be allowed off a construction site, but H.R. 3500 sanctions it. Indeed, it may go further and allow the industrial union to follow all the subcontractors to their other construction jobs and picket those sites, to follow all the contractors to their jobs and picket them as well. *Ad infinitum, ad nauseum.*

Also assume that a union on a construction site pickets the general contractor to have a non-union contractor removed. Although no such activity by an industrial union is legal, H.R. 3500 not only allows it, it permits the picketing to spread to all contractors on the entire jobsite, to any industrial employer at that site, to all other sites where the contractors are working, to the industrial employers at those sites, and on and on.

"No industrial union ever dreamed of such power granted by this 'equal treatment' legislation!" Nash exclaims.

SPOILS GO TO THE "PRIVILEGED" CLASS

Stripping the situs picketing bill of its legal complexities, we agree with those who claim it is nothing more than a union organizing device that further elevates union construction workers to a government-favored, privileged class and imposes unreasonable—paralyzing—restraints on the right of employers to conduct business.

The privileges conferred and restrictions imposed by the legislation raise serious concern among all employers. If Congress passes H.R. 3500 and President Carter signs it, then the new Administration will have taken a giant step in the wrong direction. A big—and harmful—step backward.

PETER A. COCKSHAW,
Editor and Publisher.

P.S. As we go to press, H.R. 3500 has been re-numbered 4250 to reflect minor technical changes and the inserting of the 1975 version of the Construction Industry Collective Bargaining Act. Neither the minor technical changes nor the bargaining act soften the impact of the situs provisions discussed above.

TEXAS MUNICIPAL LEAGUE'S WORKMEN'S COMPENSATION FUND

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. PICKLE. Mr. Speaker, Texas was the first State to establish the Texas Municipal League's Workmen's Compensation Joint Insurance Fund. This unique plan went into effect when the Texas State Legislature passed a law re-

quiring political subdivisions to provide workmen's compensation to their employees. It is a method whereby the municipalities collectively self insure. The fund charges its members 75 percent of the standard workers' compensation insurance premium, and pays out dividends at the end of the year based on each city's experience. This has saved Texas cities a lot of money. I want to share Texas' experience with the rest of the Members by inserting the attached article from Business Insurance, February 21, 1977:

TEXAS LEADS THE WAY, MUNICIPALITIES UNITING FOR SELF-INSURANCE

(By Kathryn McIntyre Roberts)

CHICAGO.—Municipal organizations in states across the country are establishing funds for their members to collectively self-insure for workers' compensation.

Saving money is the incentive for creating the programs. In some states members pay the standard commercial premiums into the fund but they may receive rebates at the end of the year. In others, the members pay reduced premiums into the fund and can expect dividends at the end of the year based on their loss experience.

In some states a search for better loss control services is a factor in the organization of a collective self-insurance fund for workers' compensation.

Although larger cities around the country have already successfully self-insured for workers' compensation, the emerging statewide pools provide the money saving technique to municipalities too small to individually self-insure.

The Assn. of County Commissioners of Alabama established a self-insurers fund for workers' compensation for its members last October. The Alabama League of Muncipalities formed a corporation three months ago to provide a collective self-insurance mechanism for its members.

The Michigan Municipal League, the Maine Municipal Assn. and the Kentucky Municipal League are in the process of organizing similar pools for their members.

In Oregon the major insurance problem for political subdivisions is general liability. A tight market and skyrocketing premiums for the insurance prompted the League of Oregon Cities to hire a consultant to study the situation and make recommendations. Self-insuring for workers' compensation is now also under consideration.

A model, or at the very least an inspiration, to these states is the Texas Municipal League's Workmen's Compensation Joint Insurance Fund. The fund is a unique study in municipalities collectively self-insuring for workers' compensation. It was the first broad-based program in the country. And the league got into it on the ground floor for providing workers' compensation to municipal employes without waiting for insurance companies to act.

Bill Martin, assistant director of the Texas Municipal League (TML), outlined the organization and operation of the fund for Business Insurance.

TML worked with its state legislature in drafting the 1973 law which requires political subdivisions to provide workers compensation to their employes. Prior to 1973, municipalities were given the option of providing the benefit and not all did so. By cooperating with the legislature, the league was able to include in the law a legal basis for municipalities to collectively self-insure the new benefit.

In October 1973, TML hired the Philadelphia consulting firm of Towers, Perrin, Forster & Crosby Inc. for $20,000. The consultants worked with the TML sorting through the alternatives and ultimately drawing up the specifications for the fund.

When workers' compensation became mandatory for larger cities in Texas on July 1, 1974, the TML Workmen's Compensation Joint Insurance Fund had 130 cities enrolled. Another 100 cities joined the fund in the first year.

Now the fund has a membership of almost 300 with $14.8 million in aggregate premium volume, a figure which represents what it would have cost the cities to obtain commercial coverage at standard rates. Implementation of the 1973 law was graduated by the size of city budgets, but all cities must provide workers' compensation by this July.

The fund charges its members 75% of the standard workers' compensation insurance premium, determined by insurance rating procedures. And at the end of the year dividends are paid the members based on each city's experience.

The fund has a service contract with the Texas Employer's Insurance Assn. Under a recently renegotiated contract, the fund pays the firm 9.5% of the aggregate premium volume to administer and service the program. The firm handles claims and provides safety engineering consultation and services.

"The high quality of service Texas Employer's provides is the real strength of our fund," said Mr. Martin.

The TML's fund is averaging a 50% loss ratio. The average loss ratio in the state is 62%. Mr. Martin said the improved loss ratio is saving the member municipalities another 11% of what they would otherwise pay for the insurance. That makes the savings to the cities 36% of what it would cost to commercially insure workers' compensation.

Reinsurance of the fund costs 2.7 percent of the aggregate premium volume. The fund has been reinsured against any one loss exceeding $50,000 and an aggregate loss of more than 68 percent of the standard premium. However, effective July 1, the fund is increasing the catastrophe insurance to $100,000 and the stop/loss to 70 percent. Mr. Martin said the fund was forced to increase the catastrophe risk "because there was no way to buy $50,000 in today's market."

The TML's fund has already undergone an evaluation by the consultants. The $10,000 evaluation, finished in November, resulted in some recommendations for better management reports. The consultants also recommended the league move into self-insuring general liability and fleet auto as soon as possible.

But the fund's trustees "want to ride the current success a little longer before we brave new worlds," according to Mr. Martin. He estimated it will be "a couple of years" before the trustees follow the consultants' advice.

The TML has been more than happy to help other state leagues organize self-insurance funds for their members. A thick packet of information, including the by-laws of the TML's fund, is sent to those who request it.

"We know they are piggy-backing on our experience. But that's okay. Someone had to blaze the way," said Mr. Martin.

The state leagues profiting from TML's experience are quick to admit it. Said O. H. Buddy Sharpless, administrator of the Alabama Assn. of County Commissioners' Self-Insurers Fund, "It would have been a lot more work without Texas as a model. We looked at their by-laws and contracts and modeled ours substantially on theirs."

After five months in operation, the fund now has 27 members out of 67 counties in the state and $350,000 in premiums. Mr. Sharpless predicts there will be 40 members by the end of the year.

The county fund offers its members a 15 percent discount on the standard rates in Alabama, plus possible rebates at the end of the year based on the experience of the fund and the individual counties. Thus far, said Mr. Sharpless, losses have "barely scratched the surface of the claims fund."

The fund has a service contract with Risk Management Service of Alabama. The firm receives 27 percent of the premiums paid into the fund. Of that, 15 percent pays for reinsurance and the other 12 percent pays for handling claims and loss control consultation.

The Alabama League of Cities has taken a slightly different approach. Three months ago it created a separate corporation to provide the mechanism called Municipal Workmen's Compensation Management Co. Inc.

"It's growing by the day," said John Watkins, executive director of the Alabama League. It now has 35 members and $300,000 in premiums. The potential membership is 356, the membership of the league. Mr. Watkins anticipates a majority of the league's members will participate in the fund.

The Municipal Workmen's Compensation Management Co. has its service contract with Risk Management Services of Alabama and has the same fee schedule as the County Commissioners' Fund.

Mr. Watkins said the TML's fund served as a model for the corporation. He noted, however, that the impetus in his league came from a number of mayors who are also businessmen. They had joined association pools to insure their businesses and promoted the idea for municipalities.

The Michigan Municipal League is now enrolling members in its collective self-insurance fund for workers' compensation and hopes it will be in operation on July 1.

Eugene Berrodin, manager of personnel and educational services for the league, said the move was prompted by "difficulty in securing any bids, escalating costs and difficulty in obtaining satisfactory services."

The Michigan Municipal League hopes to involve several hundred of its 470 members. Mr. Berrodin said it's planned to charge the participants the standard Michigan premium and then rebate any unneeded funds every year.

He noted that although some cities in his state have self-insured individually, they are anxious to join the fund having found it hard to handle the paperwork.

Mr. Berrodin stressed the difficulty cities have obtaining loss control services from commercial insurers. He said one city manager in the state told him he sees his workers' compensation insurance agent once a year—when he's selling the insurance.

As elsewhere, Michigan found TML's groundwork beneficial. In addition, the league hired Yeager & Co. of Southfield, Mich. to assist them in creating the program. When the fund is operating, the firm will process claims and provide safety engineering services. The fee is to be negotiated and will depend on the size of the fund, said Mr. Berrodin.

The Maine Municipal Assn. has designed specifications for a self-insurance pool for workers compensation based on TML's program, said Kent Hotham, assistant director of personnel services for the association.

Maine is prepared to launch its fund by the target date of April 1. Self-Insurers Management Corp. of Boston, Mass. is researching rates and securing excess insurance. The Management Corp. is doing the preliminary work at no charge with the agreement that if the association establishes a self-insurance program the firm will be hired on a two-year service contract at 12% of the aggregate premium volume.

Mr. Hotham said the Maine municipalities began to explore collectively self-insuring for workers' compensation a year and a half ago when their pooled policy was terminated by Argonaut Insurance Co. Since then the

municipalities have secured workers' compensation insurance individually

There are 471 members of the Maine Municipal Assn., but many are small cities with limited budgets Mr Hotham said at this point he can't estimate what the response will be to the self-insurers fund

The Kentucky Municipal League has been investigating self-insuring for workers' compensation since October 1976. Since midsummer of 1976, rates for the insurance have jumped 42% in Kentucky, said Mike Amyx, executive director of the league.

In addition, the market is drying up. "We find many smaller communities are finding no local agents willing to sell it. So they have to go to the state's assigned risk pool which is 20% to 25% more than it would cost commercially," said Mr. Amyx.

A 12-member committee of city officials investigating collective self-insurance for the 420 incorporated cities in Kentucky has found TML "very helpful," he said. An administrator of the TML's fund spent a day with the committee to discuss the program.

The Kentucky League is hoping to launch its program in late summer or early fall and anticipates it will be a joint venture with the state's 120 counties. The league has not hired a consultant yet, but Mr. Amyx said they will "very probably evaluate local and national consultants" for the job.

The League of Oregon Cities has hired the San Francisco consulting firm of Warren, McVeigh, Griffin & Huntington to study the state's problem of high costs and a tight market for liability insurance. The consulting firm was hired by the league in cooperation with the Assn. of Oregon Counties, the Oregon School Board Assn. and the Assembly of Community Colleges. The four organizations will share the $18,000 bill for the study which should be completed by the end of April.

Noel Klein, staff associate with the league, said general liability insurance premiums in the state are up 300% to 500% and there are "only one or two companies writing new policies now."

About 700 political subdivisions could be involved if the consultants recommended a self-insurance pool.

Although the high cost of insurance against false arrest and errors and omissions, to name a couple, drove the state organization to hire a consultant, Mr. Klein said, "workers compensation has been a concern too." It will be considered for pooling now also.

COMMUNIST ATTACK ON THOSE UPHOLDING THE FOURTH AMENDMENT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. McDONALD. Mr. Speaker, the Occupational Safety and Health Act—OSHA—is an attack on our free enterprise system in general and businesses in particular. A common criminal is entitled to a jury trial, is protected from unreasonable searches and seizures, is presumed innocent until proven guilty, is provided an attorney at taxpayer expense if he cannot afford one, and may not be convicted on the basis of a vague or undefined law. OSHA denies every one of these constitutional rights to businessmen.

The degree to which a political system protects criminals but punishes productive citizens is a good measure of its degeneration from freedom to collectivism. Unfortunately the Communists seem to understand this better than many of those who allegedly defend free enterprise. Recently, for example, the Communist Party newspaper, the Daily World, leveled an attack on Representative GEORGE HANSEN and an Idaho businessman for their defense of a businessman's right to fourth amendment protection from unreasonable searches and seizures. A three-judge Federal court has declared the inspection provisions of OSHA unconstitutional since it failed to require Government agents to show probable cause and obtain a search warrant as required by the fourth amendment. Apparently, the idea of a businessman retaining constitutional rights is a threat to the Communists.

It is interesting to note that the Daily World identifies the Idaho Congressman fighting OSHA as Orval Hansen, who has not been in Congress since 1974. Nothing like collectivist efficiency.

The article, from the March 16 Daily World, follows:

BIRCHITE, ULTRA'S SUIT COULD KILL USES OF OSHA

(By Frank Carroll)

The latest attack on the Occupational Safety and Health Administration (OSHA) has taken the form of a challenge, led by rightwing Birchite forces against the right to send inspectors into workplaces without a search warrant.

The U.S. Supreme Court has still not ruled on this question. Lower federal courts have ruled in Idaho and three other states that OSHA inspectors must have warrants.

OSHA experts, union activists and the Labor Department all agree that the search warrant requirement would kill the ability of OSHA to protect workers.

The suit in Idaho was brought by a leading Birch Society member.

Rep. Orval Hansen (R-Ida.), rightwing Congressman and William Buckley, rightwing columnist, have joined the attack. Buckley, in a recent column, singled out OSHA as a prime target for elimination.

The U.S. Supreme Court is expected to rule soon on the constitutionality of the "right of entry" provision of the Occupational Safety and Health Act. Meanwhile, Justice William Rehnquist ruled that inspectors can continue until the Supreme Court decides.

OSHA is being defended by Labor Secretary Ray Marshall and by Ms. Eulah Bingham, Undersecretary of Labor-elect for OSHA.

Ms. Bingham, a union supported scientist, will take office in a few days. Marshall has indicated a willingness to get the agency back into shape after years of hamstringing and disruption by former Presidents Nixon and Ford.

But it will take labor support, especially rank-and-file support, and a fightback against the rightwing attackers of the agency, to make OSHA what it should be—a defender of the workers' health and lives.

LITHUANIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. HOWARD. Mr. Speaker, in this time of American consciousness for human rights throughout the world, I feel it appropriate that we in Congress again focus our attention on Lithuania and her courageous people's struggle against foreign domination. February 16, 1977, marked the 59th anniversary of the formation of the Republic of Lithuania, yet that joyous day was saddened with the knowledge that the country is not free.

Much has been said in this body regarding the noble heritage of Lithuania. My purpose here is to rededicate ourselves to the cause of that nation's freedom, as well as the freedom of all men. The tremendous spirit to be free that the Lithuanian people possess in spite of despotic rule by the Soviets serves as a model to all oppressed people of the world. Lithuanians have kept alive the struggle against suppression of their independence and religious and political freedoms and have long been an example of the pursuit of liberty and world peace. We condemn Soviet suppression of their fundamental rights. The United States has consistently refused to sanction the forcible occupation of Lithuania and her Baltic neighbors and I continue to advocate that policy.

The Lithuanian-American Council and the Lithuanian-American community of the United States deserve commendation for their efforts and continued activity in behalf of their brothers who are not so fortunate to enjoy the democracy we Americans so easily take for granted. As we pause to mark this anniversary of Lithuanian independence, let us recognize the contribution of the more than 1 million Americans of Lithuanian descent who have contributed to the development of the United States and to the preservation of its ideals of liberty and freedom and let us not forget those Lithuanian people in their homeland who still struggle for the fundamental liberties under the oppression of the Soviet Union.

LITHUANIAN INDEPENDENCE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. LENT. Mr. Speaker, I join my colleagues today in commemorating the 59th anniversary of the declaration of independence of Lithuania, and in remembering the subsequent suppression and human suffering which this day also marks.

There is a tendency in this day and age for our people and leaders to concentrate their attention on the global view of issues and problems, and overlook in this approach the individuals and nations who are the actors in the global arena.

The fate of Lithuania and the other Baltic States is a case in point. If our commitment to human rights and our activities today in support of this commitment are to mean anything, then it is important that we stop and remember the painful violations and betrayals which we protest.

In the Baltic region, millions of human beings were brutally displaced when their lands and homes were occupied by the Russian Army. Families were separated, and individuals forcibly relocated in different parts of the Soviet Union. There are tales of horrors which multiply upon themselves—of men and women deported to Siberia and made to cut wood in the dead of winter to heat the homes of soldiers, with scant clothing, little food, no shoes: Those who froze to death were lucky.

Today, we remember and extend our remembrance to the peoples of the Baltic States, with the promise that we shall never forget their courage and their sorrow, and with praise for their endurance.

We must, as we have so often done before, express the hope that those nations of the world who continually violate human rights and ignore individual freedom and initiative, will in the future act to prevent human tragedies such as those experienced by the Baltic peoples.

AEROSAT: THE NEED FOR REEVALUATION AND MAINTENANCE OF INTERNATIONAL COLLABORATION

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. WYDLER. Mr. Speaker, in deleting authorization for the funding of Aerosat, the proposed aeronautical communications satellite, from H.R. 3965, the Committee on Science and Technology was mindful of the international implications of this program.

Aerosat is truly an international collaborative program to apply space technology to the improvement of aeronautical safety and efficiency in air space management. The United States has 47 percent with the European Space Agency—ESA—possessing an equal share and Canada 6 percent.

When Aerosat was conceived during the early seventies, growth projections for air traffic particularly over the North Atlantic, were quite optimistic. From the vantage point of hindsight, the combination of lags in projected traffic growth together with escalation in program costs, indicates the wisdom of a full review. Current cost projections for the U.S. portion alone were $15.5 million for fiscal year 1978. They were planned to equal $25 million for each of the succeeding 6 years. In addition, from a budgetary standpoint, committing so large a portion of the FAA's R. & D. budget totalling only $85 million, seems a misplacement of priorities. Indeed, funding Aerosat from the FAA's R. & D. budget when, according to NASA, "there are no technological imponderables involved," appears inappropriate.

However, it is important that our foreign partners in the Aerosat program do not perceive our action in any way, to be a lack of interest in maintaining such international cooperation which this program truly represents. The committee's purpose is simply to reevaluate Aerosat in concert with our foreign partners. It is as much in their interest as ours to be assured of both the need and the application of the most cost-effective technology. We understand ESA participants in the Aerosat program will welcome such reevaluation so long as the cooperative machinery is left in place.

The committee recommended authorization of up to $1.5 million for full review of Aerosat and asked that a new plan be submitted for its review prior to the scheduled meeting of the Aerosat Council on May 4, 1977. One example of improved cost effectiveness which could be made available to the Aerosat program is the space shuttle launch vehicle rather than Delta boosters.

Based upon the testimony of the primary beneficiaries of improved over-ocean air traffic control, we must question current Aerosat timing and capability. I understand the desirability of a thorough reevaluation is shared by at least some of the 9 ESA government partners who should not therefore, consider that the United States has acted in an arbitrary manner.

Many of the basic assumptions upon which Aerosat was based have become questionable. It is my hope, however, that the program will be maintained at a low level of effort and cost pending the development of realistic traffic projections. It is equally important that the latest technology for airborne separation assurance, air traffic control surveillance, airborne communications, and perhaps navigation capability, be incorporated in a revised satellite system designed for full operational designation once a suitable test period is completed.

Thank you.

THE DEMONSTRATION FARM ACT OF 1977

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BROWN of California. Mr. Speaker, many agricultural issues have been raised in recent months as the harsh, freezing winter and the drought caused various people to look more closely at farming usage of water, and energy. This scrutiny raised concerns about soil erosion, needless waste of water and organic matter, and a dependency on limited, highly priced energy sources.

There is a great deal of on-going research in these areas of concern resulting in the continuing development of new technologies, techniques, and practices which improve conservation and utilization of our fertile topsoil, the quality and quantity of water supplies, energy and organic matter. But these new methods often take 10 to 30 years to reach the farmer out in the field, and it is understandably difficult to encourage a transfer to new technology or practices when so much time and money has been invested in other equipment.

The problem is that improved conservation of these resources is needed as soon as possible. Recent reports on topsoil loss show it at questionable high levels—over the 5 ton/acre maximum acceptable by often as much as 15 to 20 tons/acre—reducing soil fertility and productivity at a measurable rate. The runoff of this sediment into our water bodies increases their pollution which is another strong concern of various groups across the country. Irrigation methods need to be reevaluated with a possible transfer to drip irrigation, solar-energy irrigation pumps, and recycling of waste waters wherever practicable. Organic matter is a source of fuel and fertilizer which should be put to use wherever possible.

My answer to this dilemma of getting research results to the farmer rapidly is demonstration farms. I have therefore introduced the Demonstration Farm Act of 1977. This legislation sets up a system of demonstration farms within each State which would apply new conservation and utilization technologies and practices where the farmers could actually see the new methods in practice. Basically the legislation does this in the following manner:

Sets up an information-gathering system in the USDA to compile all Federal, State, public, and private research projects concerning conservation and utilization of energy, soil, water, and organic matter.

Authorizes the Secretary of Agriculture to give grants to each State Department of Agriculture for the purpose of settting up:

First, one large model farm on State land to demonstrate projects selected from this compilation that address particular State or regional problems and conditions regarding soil loss, energy shortages, climate fluctuations, water shortages, et cetera;

Second, after having been tested on the model farm for no more than 2 years and proved to be practicable, no less than 10 demonstration projects on farms that are already in operation;

Third, the model farms and individual farmers will give tours and keep records of the benefits or problems of the projects, including energy savings, decrease in soil erosion, water savings or quality improvement, and the like. These reports will be given, in a compiled form, to the Congress, the USDA, and the State Departments of Agriculture.

Fourth, the authorization level for this bill is $20 million.

Since the drought the dust-bowl tendencies in the Midwest have pointed out the worsening problems with soil erosion and water shortages. I feel it behooves us to respond immediately with our best ideas and possible solutions. It is the time to get everyone involved. This bill gets the State departments of agriculture working with the USDA Extension Service, the Soil Conservation Service, the agricutural universiti

experiment stations. My hope is that with this increase in communications and cooperation the goal of reaching the farmers as quickly as possible will be furthered. Everyone has something to contribute, and it is time to pull in all our ideas and apply those that are most feasible.

CALIFORNIA'S WATER SHORTAGE

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mrs. PETTIS. Mr. Speaker, as you are aware, California is currently experiencing a water shortage due to an unseasonably dry winter.

I would like to insert for the RECORD, two recent articles which appeared in California newspapers regarding: The severity of the shortage; what water districts are doing to combat the paucity of water; and why water conservation by Californians is needed.

I am particularly pleased with the Coachella Valley County Water District and the agricultural water users in that area for their efforts. As the article "Along the Western Water Front" indicates, the Coachella Valley is not faced with the water shortage primarily because water always has been recognized as valuable there.

There is no doubt that unless all of California takes water conservation seriously the shortage will continue to be of disastrous proportions.

The articles follow:

[From the Desert Rancher, March 1977]

ALONG THE WESTERN WATER FRONT

The fruits of the labor of 59 years by employes and elected officials of the Coachella Valley County Water District became dramatically apparent this year.

Arid Southern California in general, and the Coachella Valley in particular, is not faced with the water shortage which has parched Northern and Central California primarily because water always has been recognized as valuable here.

Because of this concern, there are now more than 47 million acre feet of Colorado River water in storage behind the nine major dams in the river system. If not another drop of snow falls in the Rockies, California will be able to draw its annual Colorado River entitlement of 4.4 million acre feet for several years and probably will be able to continue to draw more than its basic entitlement at least until 1985 when Arizona is expected to start using its full entitlement.

Farmers in Coachella Valley use approximately 566,300 acre feet of Colorado River water annually for irrigation of more than 55,000 acres. Barring the adoption of irrational mandatory state-wide water rationing, these farmers should have no concern of the availability of an adequate water supply.

It isn't an accident of nature that this water supply is available today. When the Coachella Valley County Water District was organized in 1918, directors began working immediately to obtain Colorado River water for irrigation. It took more than 30 years of political and manual labor before the first drop of Colorado River water was delivered to Coachella Valley farms in 1949.

This district has been extremely active politically in fighting for adequate storage on the river. Ray Rummonds, CVCWD president, also has served as chairman of the Colorado River Board of California for 12 years.

Even today district officials urge conservation of water. According to U.S. Bureau of Reclamation figures, CVCWD beneficially uses and distributes nearly 95 per cent of the Colorado River water it receives at Check Gate 6A near Niland on the Coachella Canal.

Farmers of the Coachella Valley sympathize with the farmers of Central and Northern California, but, due to the adequate supply of water in storage along the Colorado River, they should not be required to cut their water use by 25 per cent. There is no method of delivering Colorado River water to Northern and Central California.

Already, farmers are recognized as being among the most efficient water users in the state and Coachella Valley farmers are some of the most efficient water users among farmers.

The district has, however, offered its annual entitlement of State Water Project water, some 8,000 acre feet, to Kern County this year.

The water normally is destined for urban use in the Coachella Valley, but its immediate use in groundwater basin recharge. Recharged water won't reach the nearest wells for more than 15 years so the district's temporary loss of this urban water supply will have no direct effect and will be hardly detectable in the future.

Good fortune and good planning have assured Coachella Valley residents of at least 100 years of high quality groundwater supply at five times the valley's present population.

According to United States Geological Survey figures, there is 15.7 million acre feet of water in storage in the first 750 feet of the groundwater basin.

Again, this isn't all accidental.

One of the prime reasons CVCWD was formed in 1918 was to conserve the waters of the Whitewater watershed.

As soon as the district was formed, district officials began to obtain the lands in the Whitewater spreading area from the Bureau of Land Management, Southern Pacific and others, now totalling several thousand acres.

If this had not been done those lands now all would be in private ownership and present day water conservation efforts would be for naught.

In the early 1920s, CVCWD adjudicated all the stream flows of the Whitewater and its tributaries, preserving to the present generation those flows to serve Coachella Valley.

As with agricultural users though, urban users should use water wisely.

[From the Los Angeles Times, Mar. 29, 1977]

SOUTHLAND MAY RUN OUT OF WATER BY FALL: RESERVOIRS WILL BE EMPTY IN SEPTEMBER WITHOUT 10% CUTBACK, OFFICIALS SAY

(By W. B. Rood)

Without at least a 10% cut in water use, the reservoirs that form the backbone of Southern California's water supply system will be virtually dry by the end of summer, according to official projections released Monday.

Despite extensive publicity about the drought and appeals for conservation, figures compiled by the Metropolitan Water District show water consumption throughout the Southland is far outstripping expectations.

For March alone, MWD tallies show water use will exceed last year's March total by about 40%.

"Last February, our board asked for a voluntary 10% conservation," said Evan L. Griffith, assistant general manager for MWD, which wholesales water to 27 local agencies serving 11 million people throughout the Southland.

"What happened instead is that district-wide water use went up."

Along with failure of appeals for voluntary conservation, district officials blame unseasonably warm weather for the unexpected jump in demand.

"The hot weather is killing us," Griffith said. "For every degree of temperature rise above the monthly norm, we use an additional 4,000 acre-feet of water."

Whatever the reasons, even those water officials who were saying Southern California would do reasonably well this year are now heeding grim projections.

Perhaps the best evidence of that was the action taken Monday by a committee of the MWD board, which has been reluctant to impose sanctions to achieve a cut in water use.

With only token opposition, the committee approved a measure which would charge local districts double for any water taken in excess of 90% of the amount they used in 1976.

The measure also would allow MWD to reward districts with a $20-per-acre-foot rebate for better than 10% savings as compared to 1976 consumption.

The proposal, which goes before the full MWD board today, would take effect on April 1 and be administered on a month-by-month basis at least through Dec. 31 or until the board believes it is no longer needed.

The board acted after hearing a graphic presentation of how precarious a position MWD is in as a result of the drought.

The district's ability to make it through the summer depends not only on the willingness of water customers to conserve but also on the whims of nature and the capacity of several dozen 40-year-old pumps to endure. MWD has given up its supplies of California Aqueduct water in an effort to make additional supplies available to harder hit Northern California.

To compensate, the district is operating its Colorado River Aqueduct beyond designed capacity. Nine pumps on the river itself and 36 more that force the water to populous areas of Southern California are working full time.

"If one of those pumps goes out—just one—our reservoirs (Lakes Mathews and Skinner plus four state reservoirs to which the district has access) would go to zero storage sometime in July," said MWD's Griffith.

Normally the district operates only eight of its pumps on the Colorado, allowing for maintenance on the out-of-service unit.

"When we went to nine pumps on March 1, we thought Lake Mathews would go up by about 1,000 acre-feet a day. Instead it was going down by 400 a day until the recent rains," Griffith said.

"That's what has scared the hell out of us," said another district official.

Even if the pumps churn on without incident and barring damage to the Colorado River Aqueduct by earthquake—a possibility district officials talk about in whispers—it will be imperative for Southern Californians to conserve.

"Without any conservation, we'll be out of business by September," said James Krieger of MWD's operations branch.

If Southlanders manage to cut their water use by 10%, the picture in September will be better but not rosy.

The combined storage in the district's two main reservoirs, Mathews and Skinner, would be about 100,000 acre feet. At capacity the two hold 225,000.

All but one of the district-tapped state reservoirs, Pyramid Lake, would be virtually dry or severely depleted.

This is the picture that has made MWD dead serious about conservation.

"If in a month or two we don't see any evidence of real conservation, I don't see that we would have any alternative but to

go to mandatory rationing," said one district official.

Another factor which has stirred the MWD board to action was the long-range picture outlined in a letter from General Manager John H. Lauten to the district board.

"Metropolitan has already been advised preliminarily by (the state) Department of Water Resources that the state must give first priority to restoring storage in its now seriously depleted reservoirs," Lauten wrote.

"In the absence of an extremely abundant water year in 1978, Metropolitan may again be requested to substantially reduce its demand on the State Water Project."

In sum, MWD is hoping for 11 million Southlanders to take conservation seriously, 36 pumps to run indefinitely without problems, freedom from serious earthquakes and a better rainfall than anyone can normally expect in the coming water year.

EFFECT OF GOVERNMENT REGULATIONS ON THE STEEL INDUSTRY

HON. GARY A. MYERS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. GARY A. MYERS. Mr. Speaker, the Council on Wage and Price Stability recently announced the results of a study of Federal regulations affecting the steel industry. The report highlights many instances in which Federal regulations have had a deleterious effect on the industry. Because of the importance of the steel industry to the national economy and because Federal regulations may impact on other industries in a similar fashion, I would like to bring to the attention of other Members a summary of the Council study. The summary follows:

COUNCIL ON WAGE AND PRICE STABILITY,
Washington, D.C., January 18, 1977.

COUNCIL ON WAGE AND PRICE STABILITY RELEASES STUDY OF GOVERNMENT REGULATIONS AFFECTING STEEL INDUSTRY

The Council on Wage and Price Stability today released the first of two volumes in a unique and comprehensive compilation and study of all the federal regulations affecting the American steel industry. Volume I, which was nine months in preparation, catalogs and explains all of the federal regulations and policies which affect the manufacture of steel. The catalog provides for the first time and in one place an objective description of the myriad of federal regulatory programs that affect a major industry, and discusses the cumulative impact—positive and negative; primary and secondary—of these independent federal actions.

In announcing the release, Acting Council Director William Lilley III said, "No one really knew how far the federal government had gone in regulating primary heavy manufacturing. Our catalog portrays how a major industry, such as iron and steel, can hardly make even routine decisions without taking into account the directives of some federal agency."

"Steel is an industry whose production procedures are increasingly prescribed by government, whose costs are substantially influenced by government, whose market share exists at the sufferance of government and whose profitability is affected a good deal less by innovation and enterprise than it is by what it must spend to comply with a mushrooming list of federal rules and regulations," Lilley said. He noted five main points which he said the Council staff had drawn from the study:

The volume of federal regulations affecting a single industry like steel is astonishing. Over 5,000 regulations from 27 agencies impact on the steel industry in ways described in the catalog. And, because many of these are quite detailed, that number really does not convey the complexity and extent of government rules. Further, the catalog does not include most state regulations. In many ways the catalog portrays only the tip of the iceberg.

The scope of government intervention is growing by leaps and bounds. While the number of agencies directly affecting the steel industry remained static at 13 from 1950 to 1960, from 1960 to 1965 four new agencies were established. By 1970, five more had been added and between 1970 and 1975, seven additional agencies had been created.

The number and extent of programs creating regulations has also risen as Congress has given new rulemaking powers to existing government offices.

The reach of these regulations has extended more and more into the daily routine of plant operators and workers. Prior to 1970, most regulations, such as those governing taxes and securities, did not interfere in the day-to-day operation of the manufacturing process.

When viewed from the point of impact, regulations are imposed without coordination among the regulating agencies or, indeed, with no coordination among offices of a single agency. Not surprisingly, many of the regulations operate in contradictory ways.

"What appears to us," said Lilley, "is that regulators have no way of knowing what they are actually doing to those they regulate because each deals with only one discrete part of the process, while the industry must deal with all the pieces at once. When we asked federal agencies for lists of their regulations that affected the industry, they told us they were unable to provide them because they simply didn't know what regulations impacted on which industries. Obviously, this approach to regulation, which gives primary emphasis to the statute books and insufficient emphasis to the impact of regulation, makes it very difficult for steel manufacturers or any manufacturer to function efficiency."

The 5,000 or so federal regulations described in the catalog only pertain to the direct manufacturing process. Regulations affecting mining, transportation, and marketing, for example, are not included, and the catalog does not include most state regulations. "A compilation of all the regulations that affect this single industry in all its aspects would be many times longer than the 250-page catalog that we are releasing today," Lilley said.

A mere listing of the growth in agencies or in the number of regulations does not adequately capture the changing nature of the limitations imposed on private sector decisionmakers. The catalog clearly shows the trend from proscriptive regulations (*e.g.*, antitrust laws) to prescriptive regulations (*e.g.*, safety requirements). Federal agencies now employ a variety of regulatory approaches, each intervening differently in the production process. The type of intervention ranges from design-specification standards, performance standards and incentive standards to reporting, disclosure and planning requirements.

The catalog discusses regulatory impact in the following areas: Environmental, Occupational Safety and Health, Discrimination in Employment, Industrial Relations, Antitrust, Foreign Trade, Federal Income Tax and Energy. The Council found that just to understand each of the regulatory programs affecting the steel industry in any one discrete area was a major undertaking in itself.

"What started off as a widely supported effort to accomplish certain socially desirable objectives through regulation has now grown so gigantic that the industry is having an increasingly difficult time accomplishing its most socially beneficial objective, that of producing iron and steel," said Lilley. He continued:

"If the trend in regulatory intervention proceeds at the pace of the past ten years, there is no doubt in our mind that the American steel industry will become increasingly unwilling *and* unable to invest in new, job-creating plants and equipment. This is clearly not the desired result of either the regulations or the regulators, and indeed no single regulation could have that effect. But when each and every regulation, rule and directive is aggregated, when each and every hoop and hurtle is put in one arena, the impact is far more pervasive and overwhelming than the creators of any single regulation can imagine. It is truly a case where the whole is far greater than the sum of the parts.

"Of paramount concern to us is that, if allowed to continue along the present course, the sheer magnitude and complexity of the regulations being imposed on this major industry, or any other, will soon reach a critical mass, where it will become evident to all that the process has finally gotten totally out of control. When that day comes, the public's revulsion over what has been allowed to happen will be vented against *all* regulation, good and bad alike, rather than against the excesses to which the process has been allowed to run."

The second volume of the study, a review of various past attempts to measure the impacts of federal regulations of the steel industry and a proposal of methods to improve these evaluations, has not yet been completed.

ARE WE REALLY THE "SINFUL ARMS MERCHANTS OF THE WORLD"?

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. MILFORD. Mr. Speaker, there is a rising and vocal enthusiasm, seemingly based on some type of divine guidance that would brand the United States as being "sinful and evil" because of our foreign military sales activity.

Seemingly the United States, like the Corinth of old has become corrupt and is now leading the rest of the world to a hell made of cannons, bombs, airplanes, and missiles. A new Paul has come onto the scene with a theme which would have us unilaterally stop these sinful sales. This theme exhibits a gross lack of understanding of an international scheme that has so carefully built faith, trust, and cooperation throughout the free world. This international scheme has made mutual economies and securities of the free world viable.

The real moral issue rests with keeping faith with the sacrifices of the American taxpayer who paid to build a stable international balance of mutual support of economic and military security upon which mutual survival depends.

These other unwitting and superficially moral ideas would destroy that work and drive those markets elsewhere to the degradation of international cooperation at a cost to American aviation and related industries of hundreds of thousands of jobs.

These ideas are tantamount to abandoning a proven and beneficial concept to the predatory invasion of our markets and influence by the dictates of controlled ideologies and economies.

It will be a black day for international stability and economics when we forfeit our position so expensively and painstakingly constructed out of the chaos of World War II.

I refuse to be a passive spectator to the destruction of the victory gained after the victory of the war, both at such a terrible price.

I would be unfaithful of public trust to remain silent on a subject of national debate which has advocates of a direction that very probably would do irreversible harm to our domestic and international economy and politics so vital to these times.

During and after World War II, the Government and citizens of the United States assumed a moral responsibility unprecedented in history. This country of ours, singlehandedly, brought stability to our friends and enemies in a torn world and stayed the encroaching menace of communism. All of this was done at huge cost to the American taxpayer and drain on our resources.

World stability, such as it is, stems from that endeavor and sustains its precarious balance by continued worldwide participation of the United States and its support of our friends and allies as they are establishing their own way to go.

If America were impregnable and totally self sufficient, we could turn inward if that were our choice. But international interdependence for collective security on political, military, and economic fronts is a fact of modern life. And, for the United States, the interdependence of politics, national security, and economics is a fact of international life.

Economic security in this dangerous world is as all important as military security and both go hand in glove. The preeminence of the U.S. position in civil aviation, for one instance, is irrevocably tied to the preeminent position of the United States in the military market and the security of our friends and allies.

The U.S. aviation industry, its jobs, its trade balance, its economics, and its political influence in the free world have a common catalyst in the military sales abroad and ebb or flood as policy encourages military sales to seek their best level in the market.

On moral grounds it must be acknowledged that in the years following World War II, the security of Europe and the Middle and Far East rested with U.S. military and security assistance programs paid for by the American taxpayer, as a price willingly paid for peace and stability of a fragmented world.

As these areas became able, direct assistance was replaced, in a large measure, by arms sales to these countries as they came to look to their own security. Military sales grew:

Because the United States recognized the legitimacy of the needs expressed by these governments in today's uneasy and turbulent world.

Because allies and foreign friends have decided that they need equipment of American manufacturers and services from the U.S. Government and American suppliers to sustain their sovereign purposes.

Because more countries are now economically able to purchase such equipment and services from economies stabilized by U.S. assistance.

Because many sovereign nations prefer to purchase military equipment and services from the United States rather than from other countries for economic and political reasons.

There are a host of other reasons, but let us stop here for a moment and let me give voice to one of my primary concerns that naturally follows from any form of restriction upon these military sales to friends and allies which may drive their markets elsewhere.

Closely tied to international cooperation and U.S. influence abroad has been the immeasurable impact of U.S. preeminence in worldwide air transport and the close day-to-day working alliance brought about by sales and operations of U.S. civil aircraft abroad. The atmosphere for peace, respect, and understanding that arises from this area should not be underestimated. In addition, the economics of the international sales of aeronautical products are second only to agriculture, and clearly the positive factor in trade balance so necessary to afford our continued support of friends and allies whether for selfish or moral reasons.

Domestically we would not have the industry base for that vital civil aviation arena if it were not for the capability to meet related military commitments. Internationally, we would not have the entree to the civil market were it not for the hand in glove military sales, training, and support activities.

To constrain military sales and thus inevitably drive that market elsewhere could be a self-righteous and shallow morality and may well bear bitter fruit;

International cooperation would certainly wither;

The civil aviation market and involvement would decline substantially;

Domestic areospace and air transport industry would suffer severe reverses;

Hundreds of thousands of jobs would be placed in jeopardy; and

The ricochet effect on the entire economy would reach into the smallest production unit in every town of the United States and depress all domestic and foreign markets.

So, in addition to disregarding the worldwide influence gained at great cost to the taxpayer since World War II, on historically unprecedented moral grounds, we would also disregard a primary factor in the U.S. productive enterprise so painstakingly assembled.

From an ideological point of view, we would abandon the proof to the world that the American system is the benefactor of the world to the dictates of controlled ideologies and economies. No moral benefit can be derived from that avenue on any grounds. Certainly, controls and constraints of free enterprise for national purpose are suspect whatever the stripe.

I have no doubts that our competitors, friends, and adversaries, will invest—and are now investing—major resources to capture—and are capturing—the abandoned American political and economic position, a grain or a gulp at a time. We cannot control the arms of the world; we can only influence their source and their use where we remain that source and earn a measure of cooperation for their use. It will be a black day for domestic and international economics and stability when we abandon our position so painstakingly constructed from the chaos of World War II.

TASK FORCE ON FOREIGN SOURCE INCOME

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. VANDER JAGT. Mr. Speaker, over the past several months it has been my privilege to serve on the Committee on Ways and Means Task Force on Foreign Source Income. This task force group under the able chairmanship of my esteemed colleague from Illinois, Mr. DAN ROSTENKOWSKI, has worked diligently during its existence in studying the important and difficult issues assigned to it by our distinguished committee chairman, Mr. ULLMAN.

On March 8, 1977 the task force filed its report with the Committee on Ways and Means. Mr. Speaker, I would commend the members of the task force for the conscientious and responsible way in which the group proceeded in fulfilling its mission. The task force chairman, the gentleman from Illinois (Mr. ROSTENKOWSKI), directed our endeavors in a capable and considerate fashion. The quality of the product of our deliberations is largely attributable to his diligent leadership.

The report has dealt with complex and even controversial issues in the important area of the taxation of foreign source income. In submitting our report we acted to encourage the study of its content by interested Members of Congress, tax officials in the executive branch, and the interested public. It is expected that the report will receive consideration in our tax reform deliberations later in this Congress. The task force was not unanimous in the substantive recommendations in the report, but I believe the task force was unanimous in its conviction that it had addressed itself to its assigned task thoroughly and perceptively.

One of the substantive areas where I had views that were divergent to those

expressed in the report related to the taxation of shipping income. And, I would like to comment briefly on that subject at this point.

Mr. Speaker, as a member of the Task Force on Foreign Income, I am concerned that the proposal of the task force with respect to taxation of international shipping would have undesirable international ramifications which would far outweigh any conceivable revenue gains.

Any proposal to change the rules respecting the taxation of international shipping must take into account the effect of such action on tax decisions of other countries and on world trade. While the interests of the United States are paramount, they are so inextricably related to the interests of the rest of the world that they cannot be considered separately.

Opponents of a partial repeal of code section 883(a)(1), which provides for the reciprocal exemption of foreign shipping income, have pointed out many serious consequences of such action. They believe it will almost certainly bring on retaliatory tax measures by other nations that will be detrimental to U.S. shipowners and operators whether they fly the U.S. flag or foreign flags. They believe that such measures would be especially detrimental to U.S. flag ships because they are now only marginally competitive in world commerce, and the added cost of retaliatory taxation in foreign ports would put many of them out of business and thus diminish further the size of the U.S. merchant fleet.

They believe further that the number of U.S. controlled foreign flag ships would also be drastically reduced, if section 883(a)(1) were amended as proposed, because U.S. owners of foreign flag ships would be forced by competition to sell them to foreign interests or to keep their vessels out of U.S. trade.

Should these developments occur, they would, of course, have serious national defense implications, to say nothing of their critical impact in emergencies such as another Arab oil embargo.

Opponents of partial repeal of section 883(a)(1) further point out that the present system of mutual tax forbearance results in what is at least a rough tax equality in international shipping. They state that this has produced an efficient and highly competitive system for shipping the world's goods, of which the ultimate consumer is the beneficiary.

Any such proposal to increase U.S. tax revenue must be weighed against the likelihood of action against U.S. owned shipping by other countries. With the limited information now at hand, the full nature or extent of such retaliation simply cannot be measured.

Finally, Mr. Speaker, foreign relations consequences to the United States must be weighed. The unilateral decisions proposed in the report would undermine the confidence in our Nation's desire for consultation and cooperation with other nations in tax actions affecting their trade. Moreover, it is a serious mistake to embark on a course which would be injurious to the economies of Liberia and Panama—and a possible affront to their national pride—since the shipping adversely affected thereby is predominantly registered in these two countries and is important to them. We have special need for their confidence and trust at this time.

Mr. Speaker, in concluding these brief remarks I would commend again my colleagues on the Task Force on Foreign Source Income for the able way in which they carried out this difficult assignment.

SPACE APPLICATION PROGRAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. TEAGUE. Mr. Speaker, Elizabeth Price, a freelance writer, has recently reviewed the space application program. I am including her analysis in the RECORD for the benefit of my colleagues and general public. The opportunity to improve our quality of life and our economic well-being can be enhanced by taking full advantage of applications of space. The Price article is an eloquent statement defining development of our space program in terms of practical benefits:

BACKGROUNDER ON SCIENCE ON SPACE SHUTTLE/APPLICATIONS

So far, as of Spring 1977, the Space Shuttle—called the Enterprise thanks to Star Trek fans—has only ridden piggyback on top of a Boeing 747. It will not fly on its own power until summer. But once it gets operational in the 1980's, it will provide a laboratory in space for all kinds of science experiments, many of them with both medical and commercial applications to benefit those of us still down here on earth.

While many of the scientific experiments on the first Spacelab—to be fitted into the Shuttle's "cradle" for a summer of 1980 first flight—have been planned by European countries making up the European Space Agency, all the Spacelab operations will still be managed by NASA. (Of the 77 experiments approved in February for the ESA's portion of the Spacelab package, 15 are U.S. designed.)

One of the most innovative types of experiments, with the highest factor of eventual commercial "usability," will be the materials processing investigation begun on Skylab in the early 1970's, using much of the Apollo mission hardware that was left over. (Again, of the above 77, 39 of the European experiments are in this field.)

Dr. James H. Bredt, head of NASA's Division of Space Processing under Special Projects, considers materials processing "of utmost importance to manufacturing and industry, as well as both medical and pure sciences."

When the Spacelab and its "host vessel," the first Orbiter now undergoing preliminary test flights during 1977, orbit the earth at the comparatively low altitude of 150 nautical miles, there will be "null gravity" aboard the ship, almost "zero g."

It is this absence of earth gravity that opens up the possibilities of commercial use of the weightlessness of space. Experiments can be conducted in this near-zero gravity that would be impossible on earth. Additionally, both the returnability of the Shuttle itself, and its experiments, and the relatively cheaper costs of assembling entire laboratories in space will save operational costs all around, and give a positive "cost factor" to several projects.

Entire space stations can be assembled in orbit, with parts rocketed up from earth or manufactured in a different kind of "space factory," at much lower expenditures in weight and thrust than can be achieved if a similar station were built on earth and then launched into space. If some processes can benefit to a measurable degree from weightlessness, the work itself can be done more cheaply in space.

Materials processing has been getting prime attention in NASA's planning during the past two years because of the materials shortages discovered in 1975–76. There was a heightened interest in all ways to alleviate any potential shortage of metals, in particular, and in ways to "work" them into forms for manufacturing. Metallurgy is important in commercial manufacturing of all types, and many of the research developments in space will have almost immediate application in consumer and secondary user engineering processing.

In the weightlessness of space, liquid drops that on earth would settle on the bottom of containers float freely. Gas bubbles formed in liquids stay put right where they grew. Crystals form in ways they never do in the "one g" gravity of earth. New alloys of metal can be made with strength and durability not often achieved in earthbound processes. For these reasons, the science of materials processing makes up a fertile field to be staked out for projects on the first Spacelab flight in 1980 and others into the next decade.

As the pictures of the Space Shuttle have already shown, both newspapers and television are going to find Spacelab (and its Orbiter) vividly picturable. Inside Spacelab there will be large components that can be "modeled" to show on TV and diagram in science supplements—like the space furnace first used in Skylab's small science console—and "micro" forms shown by "one-of-a-kind" crystals formed in space. NASA already has a series of good pictures from Skylab and undoubtedly will make use of the first Spacelab flight for more.

On Skylab I, astronaut Pete Conrad memorialized such crystal formation by discovering that, "Hey, it's blowing a bubble," as he watched a crystal form in an experiment designed to explore the effects of "containerless" solidification of particular metals.

Various nickel alloys (with tin, silver and copper) were melted by an electron beam gun, then allowed to solidify in zero g. Most of them detached themselves from their "pedestals," and solidified while floating free. However, some of them did not—and in research terms this particular experiment might not have been considered an overall success. Instead, in the serendipitous way whereby pure science often leads to something else, if followed out of scientific curiosity or simply in events themselves some of the nickel-silver samples formed INTERNAL voids, unheard of on earth. And one or two of them bubbled up to call forth Conrad's reaction.

Subsequent analysis showed that at the temperature and pressure of the experiment, a metallic gas might be expected to evolve from the alloy, but it had never happened on earth—so the process had never even been named. This particular experiment was not repeated on Skylab flights, but became part of a larger study of "containerless processing."

Since with the lack of gravity, things remain pretty much where they are placed, metals can be "worked" without enclosing them in a container. This results in ease of handling and less contamination than is almost always present in crucibles. Also, for many refractory and reactive materials, there are no crucibles available that can with-

stand temperatures necessary to the "melt" (melting temperature and phase transfer) of such reactive materials. Consequently, this way of achieving solidification is ideal for such materials.

(The extensive attainable vacuum and the abundance of solar energy also enhance vacuum melting in space.)

Solidification depends on a basic attribute of weightlessness that practically eliminates gravity-driven convection. Convection is the transference of heat through a liquid or gas by the actual movement of the fluid—or, as Dr. Bredt puts it, "why heat rises," and causes liquids to bubble and then evaporate. Since the densities of fluids are thus temperature-dependent, reduced convection leads to a reduction in liquid mass transfer—a possibility that has many practical applications of control of solidification processes.

On an orbiting space station—that permanent laboratory envisioned via later Space Shuttle hauls to and from space—conceivably a small manufacturing plant could be set up to treat metals, create alloys, and go further with the search for more useful materials formed with alloys. Density differences in two "inmiscible"—or non-mixing—metals can be overcome to allow them to melt and meld.

One experiment already scheduled for the first Spacelab flight is one called a "drop dynamics" project. (It is a good example, says Dr. Bredt, of a project that has been refined and studied between Skylab and Spacelab by a series of ballistics rocket flights like the Black Brant flights at White Sands Missile Range. These provide about five minutes of low gravity during "coasting." NASA "buys" three of these a year and uses them to plan further, longer-term space studies.)

The drop dynamics experiment module was designed and built by the Jet Propulsion Laboratory responsible for the unmanned science—or part of it—that was on the Viking mission. The module will have a resonant chamber in which acoustic "standing" waves can be "excited" electronically. Radiation pressure formed by the force of these waves will be used to place and manipulate a liquid drop and watch its action. This is called, in the technical jargon NASA uses, a "levitation" apparatus.

Levitation melting is a lab technique used for very small quantities of metals on earth. In space, however, with the possibility of contamination-free and crucibleless melting, much larger quantities of metal can be cast with only small forces to correct the "drift" to the earth-container wall.

Drop dynamics may also have important contributions to make to the sciences of nuclear physics, meteorology and fluid management in space. Dr. Bredt lists improved beryllium crystal production, needed for neutron spectrometers, and the possibility of making hollow glass "balloons" useful in laser fusion. Laser fusion is one of the alternative methods (to magnetic fields) of achieving the heat and containment necessary to the process of nuclear fusion—a 21st century possibility for cheap, safe and abundant energy for electricity, once the 20th century technology is established as feasible.

(It also has led to such intriguing titles as the "International Colloquium on Drops and Bubbles" held in California several years ago as JPL got started with NASA on this research.)

One of the pure research fields tabbed by NASA's Office of Space Technology (OAST) as experimentation to be done in space is the entire field of fluid dynamics. Basic research in this area can lead to improvements in the action of foams and aerosols, to studies in hydrodynamic instability, and to better knowledge of two-phase heat transfer (one of the basic studies in mechanical engineering as applied to sources of energy and mounting costs.)

A minor type of alloy manufacture, also to be studied further on Spacelab, is the solidification of such "eutectic" alloys as copper-aluminum. A eutectic alloy is one in which the liquid phase of transfer freezes to form two solids simultaneously. The second phase of the alloy formation consists of "rods" that act as a fiber-strengthener. On earth, the rods are short because of cutoffs caused by convective stirring. In low gravity casting, the rods grow to be continuous throughout the structure, allowing for reinforcement and mechanical strength in structural alloys. This in turn makes possible the optical fibers that form light guides for laser communications.

Historically, materials processing in space has already caused small revolutions in ways to improve liquid diffusion of zinc and allow "exothermic" brazing of the internal structure of nickel. On the Apollo-Soyuz flight in 1975, studies were carried out on surface-tension induced convection in lead, on synthetic semi-conductors, and on homogeneous solidification of managanese bismuth, a high-strength permanent magnet material.

It was on the Apollo-Soyuz flight also (ASTP for Apollo-Soyuz Test Program), which "capped" the Skylab program by allowing a rendezvous and docking mission between American and Russian astronauts and cosmonauts, that the only biomedical experiment managed by the materials processing division was done.

It was also the most immediately exploitable commercial type of project. NASA did the experiment at the request of the Abbott Laboratories, which has an ongoing research program in blood clotting mechanisms. It has a particular interest in mass culturing of kidney cells to make urokinase, an enzyme that can be used in controlling blood clots.

Experiments on Skylab had found that separation of components within certain materials could be done more easily in "null" gravity than in the heavier weight of earth labs. On ASTP, then, the astronauts conducted preliminary experiments which discovered a much bigger percentage of cells with urokinase—once a group of kidney cells had undergone such separation of components—than had ever been achieved on earth. The separation was done via electrophoresis, another type of process that seems to take place more easily and effectively in space.

DR. EULA BINGHAM, SCIENTIST, TAKES OVER EMBATTLED OSHA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. VENTO. Mr. Speaker, one of the achievements of the Carter administration has been to call topnotch Americans into positions of responsibility to carry out its mission of bringing competence and compassion to our Federal Government.

Members of Congress are well aware of the fact that the Occupational Safety and Health Administration—OSHA—has been under constant fire from all sides, almost from its inception in 1971. What many of us may not know is that Dr. Eula Bingham, a distinguished occupational health scientist from the University of Cincinnati Medical School, is now on board as the Assistant Secretary of Labor for Occupational Safety and Health.

Dr. Bingham takes over an agency which has been plagued with problems, but she comes to her job with the full blessing of both President Jimmy Carter and the Secretary of Labor, Ray Marshall, and the best wishes of the labor movement.

I am inserting several articles about Dr. Bingham, her background, her qualifications, and her views about OSHA in the RECORD:

DEPARTMENT OF LABOR—ANNOUNCEMENT OF INTENTION TO NOMINATE EULA BINGHAM TO BE ASSISTANT SECRETARY FOR OCCUPATIONAL SAFETY AND HEALTH, MARCH 11, 1977

The President today announced that he will nominate Eula Bingham to be Assistant Secretary of Labor (Occupational Safety and Health). Ms. Bingham is an associate professor and associate director of the Department of Environmental Health at the University of Cincinnati School of Medicine.

She was born on July 9, 1929, in Covington, Ky. She received a B.S. degree from Eastern Kentucky University in 1951, and an M.S., in 1952, and a Ph.D., in 1958, from the University of Cincinnati.

Between 1951 and 1961, she was an analytical chemist with a Cincinnati chemical firm and also worked as a research associate and assistant.

Ms. Bingham has been at the University of Cincinnati School of Medicine since 1961 as an assistant professor until 1970, and an associate professor since then. Courses she has taught include physiology for engineers, functional histology and histological technology, and biological effects of air pollutants and chemical carcinogensis.

She served on the National Academy of Sciences' *ad hoc* Lead in Paint Commission in 1974–75; as Chairman of the Labor Department's Standards Advisory Commission on Coke Oven Emissions in 1974–75, and on the Labor Department's Standards Advisory Commission on Carcinogens in 1973

From 1972 to 1976, she served on the Study Section for Safety and Occupational Health of the National Institute for Occupational Safety and Health She was a consultant to the Panel on Vapor Phase Organic Air Pollutants from 1972 to 1975.

Ms. Bingham has served on the Food and Drug Advisory Commission of the Food and Drug Administration and on the Environmental Health Advisory Commission, Science Advisory Board of the Environmental Protection Agency since 1976. She served on the National Air Quality Criteria Advisory Commission in 1975–76.

Ms. Bingham resides in Cincinnati, Ohio

SENATE COMMITTEE QUESTIONS BINGHAM ON SAFETY AND HEALTH PRIORITIES

Eula Bingham, the President's nominee to be Asistant Secretary of Labor for Occupational Safety and Health, tells the Senate Committee on Human Resources that the success of OSHA "can't be measured in numbers of citations and fines." Testifying during nomination hearings March 15, she acknowledges that the solutions to the problems of occupational safety and health "have essentially eluded us" and adds that her first priority at OSHA would be "to enable it to fulfill the real potential of the Act."

Bingham, a scientist and professor of health, was nominated by President Carter on March 11 (1976 DLR 49: A-3). An announcement of her nomination had been expected for weeks after it was known that she had strong support from leaders in the labor movement and had been to a meeting

with Mr Carter. Shortly after the departure of Morton Corn as head of OSHA, Bingham began working at the Labor Department as a special consultant.

Human Resources Committee Harrison Williams (D–NJ) praised Bingham, and although there were references to the controversy surrounding OSHA, the questions posed to the assistant-secretary-designate were friendly.

Bingham identified four major areas of concern related to OSHA:

Remedying what she called a "lack of education" about occupational safety and health;

Increasing the number of trained personnel, namely industrial hygienists and physicians knowledgeable in occupational medicine;

"Breaking the logjam" of occupational health standards at OSHA; and

Simplifying the language of safety standards.

Bingham said she opposes excessive attention to details in standards, such as the correct construction of bathroom stalls or whether a hallway is an inch too narrow. "This isn't what the Act is about. It is a compassionate Act intended to save lives and prevent illnesses," she said.

In response to a question from Williams, the nominee promised to check personally on the progress of an OSHA-commissioned study of industrial talc aimed at determining the asbestos content for purposes of regulation. Williams said manufacturers and users of the talc had a right to know OSHA's intentions concerning the product as soon as possible.

Bingham said she was sympathetic and agreed the agency has an obligation "to take positions on the basis of the available evidence."

She also told Williams that there is a role for OSHA in the regulation of harmful pesticides like kepone and leptophos and promised a written reply on what the agency currently is doing in this area. "It is something of great concern to me because if there is going to be damage, it is irreversible damage" from these agents, she said.

Bingham added that an increase in the number of professionals working in safety and health was an indication of the growing concern with these areas nationwide. She said it was visible not only in industry but in government and labor unions as well.

Williams questioned her on the problems of violations which are repeated and said this was particularly serious with mining operations, "which might be coming to you folks." Williams referred to proposals which would give OSHA responsibility for safety enforcement in mines.

The New Jersey Democrat said there ought to be "a follow up, a stimulant" to ensure that mining companies do not repeatedly violate regulations, and added that he hoped new powers allowing the Government to close mines in such cases would succeed.

Senator Jacob Javits (R–NY) told Bingham she had "an extremely difficult assignment" and said that OSHA was one area where "the administrator is a decisive factor who can make or break the program."

CARTER CHOICE TO HEAD JOB-SAFETY AGENCY EXPECTED TO BE A WOMAN, EULA BINGHAM

WASHINGTON.—President Carter is expected to name a woman professor from the University of Cincinnati to head the government's job safety and health program, which he said he wants run firmly but with "sensitivity" to employers' problems.

Mr. Carter disclosed his intention to put a woman in charge of the Occupational Safety and Health Administration yesterday during a visit to the Labor Department, without saying whom he had in mind. But the nomination is expected to go to 47-year-old Eula Bingham, an associate director of the Institute of Environmental Health at the University of Cincinnati's medical school.

If confirmed by the Senate, she would fill what currently may be one of the toughest federal jobs, running an agency that has been under constant business and labor criticism since it was created by Congress in 1970. Many of OSHA's health standards have been challenged in court, and opponents in Congress have sought to chip away its authority. A three-judge court in Idaho recently ruled that federal safety inspections were unconstitutional: the ruling has been appealed to the U.S. Supreme Court.

The President told a crowd of about 1,000 federal employes in the Labor Department lobby that the job-safety program "has the best prospect of improving the lives of workers" of "all the beneficial legislation that has been passed by Congress in recent years."

"ENFORCE LAW RIGIDLY"

He said he wants to "enforce the law rigidly" with "no backing down on the concept." But he noted the program has drawn the "most adverse" reactions from business and said it should be run with a "minimum" number of regulations and a "maximum" amount of common sense.

His statement that he will nominate a woman to head OSHA drew applause from the Labor Department employes.

Mr. Carter's visit, and a second talk he made yesterday at the Commerce Department, were designed to quell the fears of federal workers about his plans to reduce the size and complexity of government. In his remarks, and in answering questions, he urged the workers to play an active role in streamlining the federal bureaucracy.

"I'm very serious about cutting down on excess regulations," he said, and in making Cabinet members read all regulations. But he assured his Labor Department audience he isn't "trying to abolish the preparation of regulations," adding: "I don't want any of you to be afraid of change."

ELIMINATE DUPLICATE FORMS

Mr. Carter said he hopes that Cabinet departments soon will agree to use the same federal information-gathering forms and to eliminate duplicate forms. He said he favors a greater voice for states and cities in administering federal programs and will meet with all 50 governors Feb. 28 to discuss the subject.

Later, at the Commerce Department, he told 2,000 employes that "it's time for us to root out" U.S. participation in the Arab boycott, which he termed a violation of "the constitutional rights of Jewish citizens" and "personally obnoxious to me."

Supporters of Mrs. Bingham for the OSHA job declare she is well-suited to step into the sensitive government job. "She is extremely competent, with a fantastic sense of humor, who is hard as nails," declares Sheldon Samuels, health director for the AFL–CIO's Industrial Union Department.

She has had considerable experience in dealing with the OSHA bureaucracy, having chaired an advisory committee that recommended stiff standards to control emissions from coke ovens in the steel industry. And she was a member of another advisory committee that drafted standards for controlling job exposures to cancer-causing substances.

Mrs. Bingham has a particular interest in the hazards women face at work. Last year she organized and helped conduct one of the first conferences on occupational hazards faced by women in the workplace. Much of her professional research has involved environmental health questions, particularly occupational cancer.

Despite her scientific background, some business groups fear that Mrs. Bingham lacks the administrative experience necessary to manage OSHA. Based on her committee's recommendations for stiff, expensive coke-oven controls—which were scaled down by the Labor Department—they're concerned she would be more responsive to complaints from labor groups than she will be understanding of the problems business faces in complying with federal safety and health regulations.

She would replace Morton Corn, who resigned as head of OSHA Jan. 20 to return to the University of Pittsburgh.

MARSHALL ASSURES UAW OF ACTION ON JOB SAFETY

(By Helen Dewar)

Labor Secretary Ray Marshall told the United Auto Workers yesterday that the Carter administration is strongly committed to simplification and vigorous enforcement of occupational health and safety rules.

Addressing the concluding session of a three-day UAW legislative conference here, Marshall acknowledged "a lot of trouble" with enforcing job safety rules in the past but said criticism shouldn't undermine the program.

In attempting to draw a distinction between the approach of the Carter administration and previous ones toward carrying out the Occupational Safety and Health Act of 1970, which seeks to enforce minimum standards for worker protection, he said:

"We believe in these laws and we're going to try to make them work. There have been people in the past who did not believe in them and therefore did not try to make them work. It's difficult to administer a law you don't really believe in."

At the same time, the government must be "practical and pragmatic" and not build up expectations that it can achieve more than is possible, Marshall said. Hence the government must simplify its safety and health regulations and then "try to really make them work," he added.

The program, administered by the Labor Department, has been criticized by industry as unduly burdensome and by labor as ineffectual. Marshall conceded that "some ridiculous things" were done under OSHA but said some of the criticism stemmed from an "organized campaign" to discredit the purpose of the program, which he described as "absolutely essential."

FEDERAL FINGERS IN TOO MANY PIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. DERWINSKI. Mr. Speaker, Jack Mabley, a featured columnist of the Chicago Tribune, properly addresses the subject of Government intervention in his column of March 30. At a time when the President attempts to reform Government operations by reducing the size and scope of the Federal agencies and departments, his comments are especially appropriate.

Jack Mabley is not an "ivory tower" columnist. He has served as an official of a local municipality and speaks with practical experience. His article follows:

FEDERAL FINGERS IN TOO MANY PIES

(By Jack Mabley)

The storm had blown away, the sun was shining, and I was feeling good Tuesday morning—until I read the financial pages.

More big problems ahead. Too much wheat. Too much corn. No place to store the grain. Too much milk. Too much milk? Didn't the President just boost the price support to farmers?

What has happened to the law of supply and demand?

The government is repealing it, nibbling it to death.

In the last six months we've been swamped with poor-mouthing from the grain states. Drought, erosion, disaster, or too much rain. Always one or the other. So what have we got this spring? The biggest wheat surplus in two decades.

And there is literally no place to put it. The storage bins are already full, China and Russia don't want it. Bakeries can bake just so many loaves of bread. So they're going to stack it on the ground and put tarps over it and let the rats and weather eat it from the ground up.

The Secretary of Agriculture and his troops will find some way to make sure the farmers don't lose any money. They'll lend them money to build more storage bins or pay them to pile the wheat in their barnyards.

A milk surplus? The first thing I read in the new National Observer is "A fantastic glut of butter, cheese, and non-fat dry milk is piling up in Uncle Sam's larder. Milk output is bubbling to the highest levels in 23 years. . . . So are supermarket prices for these commodities going down? Hardly. They're going up—by U.S. Government decree."

You see, Carter made this promise to the farmers during the campaign. . . .

Recall the poor-mouthing from Florida when the frost hit the orange trees? Well, it turned out they had a three-month supply of o.j. sitting in cold storage, and the crops weren't severely damaged. But the price will go up in the stores.

Coffee . . . enough said.

I'm probably being incredibly naive in suggesting the country reached greatness when the law of supply and demand operated and the government was minimally involved in sticking its nose in everybody's business.

If there was a short supply of dairy products, prices went up, and more families went into dairy farming. If too many farmers produced too much milk, prices went down, and inefficient producers went into another line of work. The market, not the government called the shots.

There were hardships and injustices, but no system is perfect. The alternative is increasing government management, and it isn't working because we are locked into ruinous inflation and wide unemployment.

Government experts could destroy me in a debate—until we got to the checkout counter at the market.

Recently the Sunday Tribune carried a help-wanted ad for "PROGRAM ANALYST [Women's Activities Advisor]. The Agency for International Development has a need for someone to provide guidance and leadership to various programs concerned with enhancing the status of women in less developed countries, with particular emphasis on their participation in socio-economic affairs, their development as a human resource within the labor market, and their participation in trade union affairs."

Applicants were directed to a Washington federal agency. The pay scale is $28,725 to $37,347, depending on qualifications.

Eugene L. Kurowski, president of Central Business Administration, Inc., 2636 W. Marquette Rd., read this ad, cried a little, then shot off a letter to our two U.S. senators [unanswered to date].

Mr. Kurowski's firm employs the equivalent of 21.6 full-time people. Not one of them is paid a salary equal to that in the ad.

The company pays about $73,500 in payroll taxes. Half this amount will go to the person who wins the job in the ad.

"All our employes are skilled, technically qualified, trained, experienced, and productive," Kurowski wrote his senators. "The most frustrating thing I face daily is the knowledge that inflation continues to erode buying power. In the battle of inflation, we are the troops in the trenches.

"Our real enemy is the federal government, and in particular agencies like this. They add to federal deficit spending and their ill-conceived programs. In the war over inflation the biggest weapon against us is our tax dollar. Something is wrong."

And getting wronger by the day, Senators and Mr. Carter.

TRIBUTE TO RALPH F. DE MARCO, A MAN WHO SERVED THE PEOPLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BIAGGI. Mr. Speaker, on March 19, 1977, Queens County, New York City lost an adopted son, who became one of its great leaders. The Astoria section of Queens lost a community father. Their people lost a brother. I lost a colleague in service, who was my very dear friend.

Ralph F. DeMarco was a man of the people. He was part of their family and their neighborhood. His ideals were their example and his achievements were in part their own. He worked for the people. He guided them and provided for them. He served their needs and their causes. He represented his people. Their concerns were his. They were important and he did something about them. And he loved his people. He gave so unselfishly of himself to others. He was gifted with the goodness and the talents to do so.

Born in Italy in 1908, Ralph DeMarco was brought to his beloved Astoria at the age of 2. He was another immigrant who destiny placed among us. But Ralph DeMarco went on to accomplishment, and to touch and affect all who knew him and so very many others. He was to serve Astoria for over half a century. His life was replete with distinctions. He assumed many positions of honor, and was accorded the praise of his fellow men and women many times over.

Ralph DeMarco believed in civic duty. At an early age, he saw the necessity to organize and to lead, in order to render service to the nighborhood he valued and be of assistance to those in need. Just 24 years of age, Ralph founded the Taminent Regular Democratic Club in Astoria, which has become a fountain of development and progress for the community His attributes and abilities supported him through 22 years as the club executive member, and 23 years as their district leader. Mr. DeMarco went on to serve and lead the party he respected by becoming vice chairman of the Queens County democratic organization's executive board. He was holding that office and serving 60 thousand people as district leader at the time of his death.

Prompted by devotion to duty and dedication to civil service, Ralph DeMarco left a successful business to work as executive secretary to three presidents of the Borough of Queens. He gave a total of 12 years of service in that capacity. Ralph also capably served his borough as director of neighborhood community services. The city of New York had the benefit of his labor as deputy commissioner of the department of sanitation. He held nationwide stature as a delegate to the National Democratic Conventions in 1972 and 1976.

The Elks and the Knights of Columbus called him a brother. The governing boards of St. John's Hospital and Elmhurst City Hospital enjoyed his expertise.

Ralph had a special concern for our youth. He was particularly devoted to Scouting and the Scouts had much admiration for him. The Boy Scouts of America gave him their highest civilian award. The Queens County Boy Scouts accorded him their top honors for founding Troop No. 473, which is sponsored and supported by the Taminent Club.

The American Legion convention regarded him as the Outstanding Adult Scouter. He was also a member of the board of directors of the Boys Club of Queens County. District No. 1 of the Queensboro Federation of Parents Club, Inc., honored him with their annual community service award. Ralph DeMarco had made his mark, and so successfully, in many walks of life. He had given more of his adult years to public service than many people together experience in their lifetimes.

We know that the memory of Ralph DeMarco will live on in the hearts of all the people he cared about. We can take comfort in the fact that his legacy is preserved in the numerous opportunities and good works he was personally responsible for.

He will surely be missed. We hope that his like can come again.

We have the example of his virtue, and how he used it in life, to give us the inspiration to go on to finish his work. We have the fervent hope that he will be rewarded in the hereafter in at least equal measure to all that he gave to his brethren.

We appreciate that his spirit survives within his loving family. His devoted wife, Mary DeMarco, was the jewel of his life. We trust that God will shower her with His love and the strength to carry on as Ralph would want her to. His three daughters were so dear to him. Their pride should be so special in having shared so much of his love and example. His children's families were a source of great joy to him. He was so fond of them. The grandchildren gave him many happy and treasured moments. To all of them, Gloria and Ed Aloise, and their sons, Mike and Ed; Carol and John Scarno, and their children, Michelle, Drew, and Ralph; Jeanette and Daniel Longo, and their children, Daniel, Lisa, and Jay, we extend our warmest wishes that they will enjoy happiness and prosperity as Ralph DeMarco would have wanted.

May he truly be blessed and rest in peace. His work is done.

PERIODIC PHYSICAL EXAMINATION ACT OF 1977

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. COHEN. Mr. Speaker, I am very pleased to introduce legislation entitled "The Periodic Physical Examination Act of 1977."

Health care has become the second largest expenditure in the United States. During fiscal year 1976, $139.3 billion was spent for treatment after illness occurred.

Clearly, our country needs to give more attention to preventive medicine. Medical problems resulting from poor diet or careless behavior are all too common. Studies have shown that self-imposed risks—such as excessive eating, smoking, or drinking—are important underlying factors in each of the five major causes of death between the ages of 1 and 70.

Americans need to take more personal responsibility for their own health. Yet, many people lack the medical sophistication necessary to recognize key symptoms of illness and disease that, if diagnosed early, can be treated.

The periodic physical examination has long been recognized for its value in enabling the physician to identify health problems early enough to help the patient. A recent study concluded that annual checkups, directed at preventable diseases, can lower the mortality rates for those diseases by as much as 50 percent.

Although the main purpose of these exams is to discover potentially preventable diseases, exams that fail to find any medical abnormalities also provide comfort and reassurance to individuals concerned about their health.

Furthermore, regular checkups keep physicians aware of thier patients' medical histories while providing the patients with a means to discuss physical and emotional problems that have been bothering them.

Americans, however, give too little attention to this preventive measure. As rising health costs discourage many people from visiting their doctor periodically, people must be encouraged and motivated to take better care of themselves. My bill would help achieve that goal.

This proposal would first provide tax incentives for individuals to have periodic physical exams. The tax relief could come either by credit or deduction, depending on which option would benefit each taxpayer.

The relief would cover the taxpayer's expenditures for periodic physical exams, as well as that portion of the taxpayer's insurance premium attributable to this care, and would require such verification as the Secretary of the Treasury determines to be necessary.

The credit would be available for all appropriate expenses, in the amount of 20 percent of the total expenditures, subject to a limitation of $200 per family tax return, or $50 per individual, or the total tax liability of the taxpayer, whichever of the three is less.

The deduction, on the other hand, covers the entire cost of the examination up to a total of $500 per return, or $250 per individual, whichever is less. The deduction is an adjustment to gross income, rather than an itemized deduction. Nevertheless, if the taxpayer chooses to itemize, the expenses of the exam which exceed the limitations in this bill may be applied to the 3-percent adjusted gross income floor in computing additional medical deductions.

I hope that private insurance companies and employee health care plans will soon offer physical exams as a part of their basic health care package. Certainly, as we in Congress consider the issue of national health insurance, no program should be approved without a section dealing with physical examinations for all.

As a step in this direction, my bill also amends the Federal health care programs of medicare and medicaid to cover periodic physical examinations. The poor, the old, and the disabled encounter the greatest health risks in our society. Every step should be taken to assure that they receive periodic physical examinations.

In order for a physical exam to qualify under this bill, it must include those routine diagnostic or preventive health services which the Secretary of Health, Education, and Welfare determines to be reasonable and necessary for the maintenance of health, or prevention of illness in individuals. This may include the measurement of blood pressure, height, and weight; screening for tuberculosis, anemia, and common hearing and sight disorders; urinalysis; routine immunzation; and chest X-rays for individuals 20 years of age or older.

The expenses of the exam would qualify for coverage by medicare and medicaid, or appropriate tax relief, provided the exam occurred no more frequently than outlined in the statute. For example, an individual would be eligible for tax relief for the cost of one examination between the ages of 5 and 9, 10 and 14, 15 and 19. Beginning at age 20, this interval would be decreased as age increased until the individual reached 51. From that time onward, the individual would be eligible for tax aid for a physical exam every year. The interval between exams was drawn from information presented to the Subcommittee on Retirement and Employee Benefits of the House Post Office and Civil Service Committee when hearings were held on the subject in December 1976.

The exception to this routine would be for women of child-bearing age or older seeking gynecologic services. Women 14 years of age and older would be eligible on a yearly basis for a pelvic examination, pap smear, breast examination, and any other test determined appropriate by the Secretary of Health, Education, and Welfare.

The legislation that I am introducing today will encourage people to take preventive health measures by providing tax incentives for individual expenditures and coverage of these services under Federal health programs. This bill would not only help protect individuals from disease and premature death, but it would also help hold down the Nation's soaring medical bills.

It is unfortunate that our tax system is the only mechanism now available to encourage people to look after their own health. While it is not the role of the Government to dictate lifestyles, it is the proper role of the Government to educate our citizens and to promote good health aggressively. This bill provides an important step toward the goal shared by Congress, the administration, and the health consumer—a healthier life at a lower cost. Our entire society has a stake in the health of each individual. And we can best help those who help themselves.

THE NATIONAL ENERGY POLICY PARADOX

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BROWN of California. Mr. Speaker, as the date of President Carter's energy message to the Congress approaches, many of us have been reminded of the many, varied, and complex issues which surround a national energy policy and program. The newspapers contain previews of this Presidential energy message every day, but these are obviously only bits and pieces of what must be a major package. One subject that has not been discussed, at least publicly, has been the need for a national policy to encourage decentralization of energy systems and energy policymaking, and the encouragement of small scale energy systems. This policy is clearly in the best interests of the Nation, yet it is not all clear to me how the Federal Government will encourage it. This is the national energy policy paradox.

There have been efforts to develop programs that would encourage regional diversity and small scale energy technologies. As one of those who has consistently argued for such programs, I must say that they have been resisted by the executive branch, at least in the past. Among the initiatives the Congress has taken to encourage decentralization and small scale technologies are proposals for States to administer Federal programs, as contained in the EPCA and ECPA bills, and proposals for State-run energy extension services, as contained in the fiscal year 1977 ERDA authorization bill. Also contained in the ERDA authorization bill is a small grants program for appropriate technology, in which I have some pride of authorship.

Another initiative is the solar energy package that many Members of Con-

gress have supported, where we attempt to encourage solar energy across the board in the agencies and operations of the Federal Government. Still other examples can be found in efforts to encourage small businesses, and local governments to enter the energy field. While this activity is commendable, it is still only a very small part of a national energy policy that has, at least up to now, emphasized large-scale, capital intensive, energy production facilities.

The most recent sign that Federal policy may be changing was contained in the announcement of a site for the Solar Energy Research Institute—SERI. This announcement stated:

> It has been decided that by far the most effective way to encourage widespread use of solar energy is through a regionally diversified effort.

This decision is a significant policy shift from past ERDA practices, and if applied to other energy technologies, could represent a fundamental shift in Federal policy.

One of the most articulate advocates of the decentralized approach is Amory Lovins, who is a widely published and quoted physicist who works with the Friends of the Earth. Because his arguments are quite convincing, I wish to place in his testimony of last December to the President's Council on Environmental Quality in the CONGRESSIONAL RECORD at this time.

The statement follows:

STATEMENT BY AMORY B. LOVINS, CONSULTANT PHYSICIST AND BRITISH REPRESENTATIVE, FRIENDS OF THE EARTH, INC.

(President's Council on Environmental Quality, hearings on "Environment and Conservation in Energy Research and Development" (Austin, TX), December 14–16, 1976.)

I can perhaps best contribute to these hearings not by using these brief opening remarks to describe the many simple, small-scale end-use and supply technologies that excite me, but rather to suggest how they can fit together, in a broader context of energy and social goals, to make a coherent policy greater than the sum of its parts. I should therefore like to summarize a hopeful view of our energy future on which many analysts of diverse views, in many countries, have recently begun to converge. The arguments are set out more fully in the October issue of Foreign Affairs and in a technical backup paper for the October Oak Ridge symposium. Reserving details for our discussion, I shall briefly sketch for you two hypothetical energy paths that a country such as this one might follow over the next 50 years. These paths are not forecasts nor precise recommendations, but rather a qualitative vehicle for ideas of broad international relevance.

Most governments still view the energy problem as how to meet the expanding needs of a dynamic economy. The solution normally proposed is "Strength Through Exhaustion"—that is, pushing hard on all domestic fuel resources, whether oil, gas, coal, or uranium. Increasingly remote and fragile places are to be ransacked, at ever greater risk and cost, for increasingly elusive fuels. These are then to be converted into premium forms—fluids and, increasingly, electricity—in ever more costly, complex, enormous, and centralized facilities.

The threat that this approach poses to the values, wild places, communities, and living things that many of us cherish—and even to essential life-support systems—is all too apparent. But it is only one of the reasons that this policy is unwise and unworkable. Another is that at least half our energy growth in the next few decades would be lost in conversions before it every got to us. The efficiency of the fuel chain would plummet. Moreover, while we would have superabundant electrical supply options, costing three-fourths of our total energy investment, we would still be seriously short of fluid fuels.

Even more pragmatically, this policy, even if it is technically and managerially and politically feasible, still cannot be pursued because it costs too much. This is because it relies on energy systems of extraordinary capital intensity. Building a complete energy system to deliver a new kilowatt of energy to your doorstep costs about ten times as much capital investment with synthetic-fuel or Arctic or offshore technologies as with the traditional energy technologies on which our society is built. Electrical technologies, especially nuclear ones, cost about a hundred times as much to build as those traditional direct-fuel technologies. The big, complex energy systems are thus looking increasingly like future technologies whose time has passed. In the US, just the next decade of the heavily electrified Project Independence would cost over a trillion of today's dollars. This would require the energy sector to consume its traditional quarter of all our discretionary investment—plus about two-thirds of all the rest. We couldn't even afford to build the things that were supposed to *use* all that energy—let alone the investments needed to employ all the people disemployed by energy-intensive black boxes.

Such a massive and inflationary diversion of resources into the energy sector would require a strong central authority with power to override any objections. Operating the unforgiving high technologies would require a bureaucratized technical elite, politically remote from the people they served. Even as political and economic power became more concentrated, the energy system's vulnerability to being turned off by a few people would increase, requiring stringent social controls. Centralized energy systems would allocate energy and its side-effects inequitably to different groups of people at opposite ends of the transmission line or pipeline, adding interregional conflict to the centrifugal politics of central authority versus local autonomy. Lest citizens somehow choose "wrong," democratic process would have to be replaced by elitist technocracy, "we the people" by "we the experts." Thus not only the economic but also the structural and political costs of traditional energy policy would prove unsupportable. And over all these threats would loom the transcendent threat of nuclear violence and coercion in a world dependent on international commerce in atomic bomb materials measured in tens of thousands of bombs' worth per year. The impact of human fallibility and malice on nuclear systems would, I believe, quickly corrode humane values and could destroy humanity itself.

There is, fortunately, another possible energy path that offers us an escape from these appalling problems: a path that is quicker, cheaper, more useful in dealing with inflation and unemployment, and environmentally and socially very attractive: a path of which I expect we shall be hearing much more under a Carter Administration. Such a path does not rest on the traditional belief that the more energy we use the better off we are. Instead it considers that energy is a means, not an end: hence that how much energy we use to accomplish our social goals is a measure less of our success than of our failure. We should seek to do the job with an elegant frugality of energy and trouble, using our best technologies to wring as much social function as possible out of each unit of energy we use. In this sense there is ample evidence that North Americans could at least treble (and Europeans double) their energy efficiency over the next 50 years or so. This could be done through technical improvements alone, or, for those who consider today's values and institutions imperfect, through some combination of technical and social changes. In poor countries too, the quickest and most practical way to improve well-being is often to increase the efficiency of such mundane devices as stoves, so that scarce fuels can be used to maximum effect.

Even in the most industrialized countries, such as the US and Japan, diverse and relatively simple technologies that rely on renewable energy flows would suffice, with no technical breakthroughs whatever, to meet virtually all energy needs in about 50 years. A substantial fraction—upwards of a third in the U.S, for example—could be met in this way by the turn of the century. In poor countries, and especially in the rural villages, the renewable technologies, adaptable and oriented toward real human needs, could have a profound impact even more quickly.

Surprisingly, these renewable energy systems would be cheaper than the big high technologies which we would otherwise have to use in the long run to do the same tasks, because renewable sources matched in scale to end-use needs do not suffer from the pervasive diseconomies of large scale. Big systems, for example, cannot be mass-produced; they have such expensive distribution systems that you are probably paying twice as much to have your electricity delivered as to generate it; they are often more unreliable (and most expensively so) than small systems; and, because of their long lead times, they suffer especially from interest, escalation, mistimed demand forecasts, and wage pressures. Big systems, incidentally, also magnify the likelihood and size of mistakes, and stifle innovation because they are too big for technologists to play with.

Moving to renewable, appropriate energy sources certainly does not imply building huge solar-electric stations in the desert or in space, and indeed need not imply any solar-electric systems of any kind, but only solar heat, conversion of organic wastes (chiefly from forestry and agriculture) to clean fuels for vehicles, and modest amounts of wind (mainly in non-electrical systems). Such simple, proven technologies, usable promptly without long development lags, plus our presently installed hydroelectric capacity, are all we need—*if* we match the quality of energy supplied to the quality needed for the tasks at hand. Some 58 percent of our end-use energy needs are in the form of heat, 34 percent below and 24 percent above the boiling point of water. A further 34 percent is liquid fuels for transport. The end uses that really require electricity and can use its high quality to advantage are only about 8 percent of all US end use. These limited premium uses are already so oversupplied that the US doesn't really need any central power stations at all! Electricity is a special, very costly form of energy: Americans typically pay already from about $50 to over $120 per barrel-equivalent for it, and will soon pay far more. Electricity is the last kind of energy we need more of, because we couldn't use more of it in ways that would let us get our money's worth out of it. It would have to be used inappropriately for low-grade purposes like heating buildings. That would be rather like cutting butter with a chainsaw—which is expensive, inelegant, messy, and dangerous.

I believe we can plan now for an orderly transition to living within our energy income, even with only those renewable sources that are already available at reasonable cost. Redirecting our effort at the margin will free

disproportionate resources, and will let us take advantage of the big systems we already have without multiplying them further. Matching energy supply in both scale and quality to end-use needs can then virtually eliminate distribution and conversion losses respectively. But this transition (or indeed any other) will take a long time—perhaps 50 years—so we must build a bridge to our energy-income economy by using fossil fuels (including modest amounts of coal), briefly and sparingly, to buy time. We know how to do this much more cleanly and efficiently than now, with technologies flexibly designed so that as the smaller renewable technologies come along we can plug them into an appropriately scaled infrastructure. I have particularly in mind cogeneration, district heating, fluidized-bed boiler backfits, and the smaller-scale coal conversion systems such as the flash processes and supercritical gas extraction.

Because the energy systems we need, both ultimate and transitional, are much smaller and simpler than conventional ones, they are quicker, cheaper, and more certain to work right. Their environmental and political costs are very low. A soft energy path, like any other, does entail substantial social problems in using pluralistic consumer choice of a myriad small devices and refinements to substitute in function for large, difficult projects under central management. But these problems can be addressed more pleasantly, more plausibly, and more consistently with traditional values than can the much more intractable alternative social problems of centrism, autarchy, technocracy, and vulnerability.

A "soft" energy path also promotes a world psychological climate of denuclearization, in which it comes to be viewed as a mark of national immaturity to have or desire either reactors or bombs. I believe that unilateral action by the US to encourage soft energy technologies at home and abroad, in tandem with new initiatives for nonproliferation and strategic arms reduction, could withdraw the political support without which foreign nuclear programs cannot survive, and could thus go very far to put the nuclear genie back into the bottle. But this shift of policy is urgent; we must stop passing the buck before our clients start passing the bombs.

The choice is indeed urgent. Every dollar, every bit of sweat and technical talent and political commitment, every barrel of irreplaceable cheap oil that we devote to the very demanding high technologies is a resource that we cannot use to pursue the elements of a soft energy path urgently enough to make them work together properly before our fossil-fuel bridge has been burned. In this sense, technologies like nuclear power are not only unnecessary but a positive encumbrance, for they foreclose other and more attractive options. The two energy paths, though not technically incompatible, are institutionally and culturally incompatible and logistically competitive. We must, with due deliberate speed, choose one or the other, before one has foreclosed the other or before nuclear proliferation has foreclosed both. We should use fossil fuels—sparingly—to capitalize a transition as nearly as possible straight to our ultimate energy-income technologies, because we won't have another chance to get there. Recognizing that no energy future is free of social problems, we must choose which kinds of social problems we want. And to gain a fuller understanding of the very wide range of choice available to us, we must work backwards from our long-term goals to see how to get there, so discovering the potential for radically different paths that would be invisible to anyone working forwards in time through incremental ad-hocracy.

I believe that the soft path would be largely self-implementing through ordinary market and social processes once we had taken a few important initial steps, including removing familiar non-market institutional barriers to conservation and soft technologies, resubsidies now given to fuel and power sectors, moving the more than $10 billion a year in vigorously enforcing antitrust laws, and pricing energy at a level consistent with its long-run replacement cost by means of a severance royalty. Phasing in these measures can, I believe, be both equitable and beneficial to the economy.

I do not pretend that such steps will be easy; only easier than not taking them. But if properly handled they can have enormous political appeal, for the soft energy path, rather than trading off one constituency against another, offers advantages for everyone: jobs for the unemployed, capital for businesspeople, environmental protection for conservationists, enhanced national security for the military, opportunities for small business to innovate and for big business to refit, exciting technologies for the secular, a rebirth of spiritual values for the religious, world equity and order for globalists, energy independence for isolationists, civil rights for liberals, states' rights for conservatives. Though a hard energy path is consistent with the interests of a few powerful American institutions, a soft path is consistent with far more strands of convergent social change at the grassroots. It goes with, not across, our political grain.

Unfortunately, few ERDA officials are equipped to consider soft-path concepts, for their paradigm rests not on the thermodynamic structure of end use but rather on assumed energy—GNP correlations (which responsible energy modellers now consider fictitious). ERDA still does not even acknowledge that paths can be exclusive: the official position is that we can and must do everything at once, even though ERDA's own scenarios show the contrary, and manifestly any choice of RD&D priorities retards some options while advancing others.

In a recent critique of my *Foreign Affairs* paper, ERDA inexplicably clings to these bizarre remnants of ERDA-48 while conceding that decentralized energy systems deserve in-house study (which I am helping to set up), that small transitional coal technologies have been slighted, and that central electrification has been overemphasized. These concessions are welcome, but have come at a glacial pace. ERDA still lacks staff able to appreciate scale issues and end-use orientation. It might therefore be useful for me to sketch some of the changes I would like to see in ERDA during 1977:

1. Slim down the agency to the activities its title describes by putting bomb production in the Department of Defense, civilian materials production in an independent agency, and bomb research somewhere else (perhaps the Arms Control and Disarmament Agency, and certainly not the University of California).

2. Reorganize the ERDA administrative branches by thermodynamic category of end use rather than by technological sector.

3. Decentralize the ERDA working divisions across the country.

4. Replace nearly all the top three layers of ERDA officials.

5. Drastically reduce ERDA overheads, not only internal but external: for example, a friend in the fluidized-bed business reports that just responding to an ERDA RFP would have cost him $2 million, more than it would have cost to build the device.

6. Shift emphasis (within or outside ERDA) in many areas, including fluidized-bed combustion, from research and development to demonstration and application. ERDA is currently retarding, rather than speeding, commercialization of some important systems.

7. Redirect resources devoted to fission (except work on the terminal phase of the program), space-satellite solar systems, and other obvious turkeys, and reduce many programs (such as fusion, big coal-gas plants, solar-thermal electric, and MHD) to a much lower level. I expect that with greatly increased emphasis on conservation and soft solar technologies, the resulting ERDA budget would total perhaps $0.5–1 billion.

8. Try to shift ERDA's emphasis from complexity to simplicity. This will entail a shift of contracting away from large war and aerospace corporations, which will have to find ways of recycling themselves without ERDA bailouts. An example of what worries me here is the way Boeing-Vertol is building subway cars in Boston. Their first design for a door had 1300 parts. With difficulty they sweated this down to about 300, and there is a small chance that the doors might work, but the technologists have just become so sophisticated that they can't design a door any more. The real centers of innovation for the kinds of systems we need are now small groups and individuals, not high-technology corporations.

9. Make sociopolitical assessments of proposed technologies as integral a part of ERDA's planning process as environmental assessments are supposed to be.

10. Open the entire ERDA process to the public in a substantive rather than merely a formalistic way.

11. Set up a ratproof procedure for monitoring dissent within ERDA so as to prevent the suppression of uncongenial views and of differing perceptions of what the energy problem is.

12. Greatly strengthen ERDA's interagency, State, local, and grassroots liaison while removing ERDA's improper (and probably illegal) promotional role.

13. Emphasize work on scale issues by appointing a Deputy Administrator for Small Systems, with special responsibility for making ERDA staff think about scale, centralization, electrification, and associated sociopolitical issues.

14. Severely restrict ERDA's use of elaborate computer models, most of which are fatuous or irrelevant or both. All the really important policy questions facing ERDA today can probably be addressed for less than $10,000 each on the back of a large envelope.

15. Reconsider the role of the 100,000-odd employees of the National Laboratories and of the appropriateness of running those labs via universities and corporations as at present.

16. Reconsider whether ERDA is necessary.

In such brief remarks I cannot do justice to the richness of the technical background, but only suggest some holistic perspectives that ERDA now lacks, to the detriment of its mission. I hope, though, I have conveyed the impression that the basic issues in energy strategy, far from being too complex and technical for ordinary people to understand, are on the contrary too simple and political for experts to understand. Only by concentrating on these simple, yet powerful concepts can we learn, as Robert Frost did, that taking the road less travelled by can make all the difference.

BALANCED AUTO EMISSION STANDARDS: DINGELL-BROYHILL AND RIEGLE-GRIFFIN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. DINGELL. Mr. Speaker, Congressman BROYHILL and I are providing Mem-

bers of Congress with detailed rationale supporting the schedule of clean air automobile emisson control standards contained in H.R. 4444, Mobile Source Emission Control Amendments of 1977, the Dingell-Broyhill bill.

We are seeking, along with over 80 cosponsors of our bill in the House, additional cosponsors to insure the enactment of reasonable, balanced, and achievable motor vehicle pollution control levels for the Clean Air Act. Inextricably linked to the standards contained in our legislation is the important factor of timing, that is, when can these standards be met so that autos can operate at our stringent levels without the performance of the car being impaired while autos reach mandated improvements in auto fuel economy. Important to this timing factor is that emission control technology be in place and available to manufacturers, technology that will not drive the cost of purchase and maintenance for consumers beyond affordable prices.

The cosponsors of H.R. 4444, and identical House bills, believe the following schedule and timetable of emission standards, and rationale for these standards, would insure balance to achieve environmental, economic, and energy conservation goals. Supporting us in this effort are the United Auto Workers, AFL–CIO, the automobile manufacturers, dealers, suppliers and distributors, parts manufacturers, parts retailers, parts suppliers, and repair garages along with numerous automobile and transportation associations, investment houses, and air, water, and ground carriers. We also are seeking support in the Senate to the identical companion bill to H.R. 4444, S. 919, as introduced by Senators DON RIEGLE and ROBERT GRIFFIN.

The rationale for our legislation follows:

RATIONALE FOR AUTOMOBILE EMISSION CONTROL STANDARDS IN THE DINGELL-BROYHILL (H.R. 4444) AND RIEGLE-GRIFFIN (S. 919) MOBILE SOURCE EMISSION CONTROL AMENDMENTS OF 1977 TO THE CLEAN AIR ACT OF 1970

	gpm
Hydrocarbons HC	
1978–79	1.5
1980–81	0.41
1982 and thereafter	0.41
Carbon monoxide CO	
1978–79	15.0
1980–81	9.0
1982 and thereafter	9.0
Oxides of Nitrogen NO_x	
1978–79	2.0
1980–81	2.0
1982 and thereafter	1.0–2.0

1978–79 STANDARDS

Each of the auto emission schedules approved in legislation during the 94th Congress by the Senate, the House, and the Conference Committee provided for standards of 1.5/15/2.0 for 1978 models. Congress recognized in the 1976 Conference Amendments to the Clean Air Act that the statutory standards required by the current law for 1978 models were unnecessarily stringent and infeasible. Both government agencies and the motor vehicle manufacturers reasonably assumed that the emission standards for 1978, as agreed to by the Conference Committee, would become the applicable emissions standards when the Clean Air Act Amendments were passed by the 95th Congress.

With respect to 1979 standards, the yearlong certification proces for the 1979 models will begin in mid-summer of 1977—just three months away. All the lead-time problems which faced the industry for upcoming 1978 models are almost upon the industry for 1979 models. Therefore, the public interest, business and labor will best be served by an extension of the 1977 standards through the 1979 model year. Also, keeping standards of 1.5/15/2.0 for 1979 would allow the nation to continue to maximize fuel economy gains. It is essential that the standards be set for at least two year intervals to ensure certainty in the manufacturing cycle.

1980–81 STANDARDS

Autos already have made major contributions towards obtaining clean air goals. As older cars are replaced with new, cleaner burning cars, the pollution clean up by autos rapidly progresses.

Beyond 1979, as the domestic and foreign manufacturers have recently testified at Congressional hearings, the disadvantages in meeting excessively stringent standards include fuel economy penalties, higher costs to the consumer (increased equipment and maintenance costs), and at least initially, poorer driveability of and performance and reduced model availability. The impact of these disadvantages, which would result if auto emission standards were too stringent or tighter than the Dingell-Broyhill/Riegle-Griffin standards, must be weighed against the fact that analytical data available shows there also would be statistically insignificant improvements in the nation's ambient air quality. Congress has previously agreed that the statutory standards must be changed. New standards must truly be cost-beneficial and implemented at the proper time when advanced automotive emission control technology is available.

For 1980 and subsequent models, hydrocarbons (HC) will be controlled at the .41 gpm level called for by current law. The Federal Motor Vehicle Goals Study, or "300 Day Study," shows that it would make very little difference in air quality gains to wait the year or two it would take to integrate technology which would alleviate the fuel economy penalty in moving to more stringent hydrocarbon control. However, of the three pollutants, automotive hydrocarbon emissions are strongly implicated in smog formation; and if any clean-up should be accelerated, it is agreed that hydrocarbon control should be given the priority, as it is in the Dingell-Broyhill/Riegle-Griffin bills.

The carbon monoxide (CO) standard for 1980 and subsequent models should be 9.0 grams/mile. The recent "300 Day Study" of the Department of Transportation shows that air quality goals can be met and exceeded with this standard, and that minimal improvement would result from the statutory 3.4 gpm standard. For example, as compared with 1971–73, projected 1990 air concentration levels of CO would be 80 percent lower with a 9.0 grams/mile standard, or 83 percent lower with a 3.4 grams/mile standard. On the other hand, imposing the lower standard would put a particular burden on cars with small engines, and those are the ones that will be needed to achieve desired fuel economy goals. It should also be noted that use of a more stringent standard is not an effective way to solve the problem of cars which are not properly maintained in use, and thus emit high CO levels.

The 9 grams per mile carbon monoxide standard reflects recent evidence that today's California carbon monoxide standard of 9 gpm, which has been adopted by the California Air Resources Board for the long term, is more than adequate to protect public health. This is significant, because this CO level permits the operation of three-way catalyst technology to achieve low NOx levels while still providing more fuel-efficient operation.

1982 AND THEREAFTER STANDARDS

With regard to NOx, the ultimate level which represents the best tradeoff between fuel economy and air quality will fall within the 1 to 2 gram per mile range. Not enough is known at this point to specify the precise standard. Therefore, the Administrator of EPA would be given the authority to adjust the standard within this range. There is substantial argument over what level of NOx control is needed for public health reasons. When vehicles are controlled to levels as stringent as 2 grams per mile NOx, as they are today, stationary sources become the major NO_x emitters. The Motor Vehicle Goals or "300 Day Study" identified five strategies to control NOx in the atmosphere, each of which would be more cost-effective than reducing auto emissions below 2 grams per mile.

There are many unsettled questions regarding the control of oxides of nitrogen (NOx). Recent technological developments (such as those used by Volvo) indicate that the recommended level of 1.0 grams/mile can be achieved, but considerable additional work is needed if that technology is ever to be made sufficiently applicable to a wide range of cars. In fact, there is some question whether that standard will actually be needed to protect public health. Therefore, the EPA Administrator should be given authority to revise the NOx standard, up to 2.0 grams/mile, unless he determines that would endanger public health.

NOx control also presents special problems for many engines, such as diesels, which can help conserve energy. Thus, the identical Dingell-Broyhill/Riegle-Griffin bills propose that the EPA Administrator could permit a NOx level up to 2.0 grams/mile for specific categories of cars if that is necessary for them to achieve substantial energy savings. Here again, the higher NOx level would not be permitted if the Administrator determines that would endanger public health.

SOLAR ENERGY AND INDUSTRIAL PARKS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. PATTEN. Mr. Speaker, solar energy has thus far been generally associated with residential homes and not with large-scale industry and generating stations. Mr. David S. Steiner of the Sudler Construction Co. and Bell Laboratories are doing something to change that association.

Mr. Steiner, at an environmental awards luncheon, announced a proposal submitted to ERDA which would develop solar heating for the Bell Laboratories building in the 287 Industrial Park in Piscataway, N.J. This is an exciting plan and if successful, could lay the groundwork for the utilization of solar technology in industrial buildings.

I commend to my colleagues the remarks of Mr. Steiner on the environment, energy conservation and the role of the industrial park in those areas. Also to follow is an article which appeared in the Home News on the proposal:

REMARKS MADE BY DAVID S. STEINER

Over the years we have worked at our business, often in the belief that our best efforts will be recognized, not by our peers or investors, but by the communities where we operate.

As many of you know the Sudler Companies operate in 14 states, and we have learned that many jurisdictions have many differing views of what we are trying to do or what we are doing.

I think we all remember when an industry moved into town after finding a piece of land near the railroad tracks for its factory and began life in the community by stoking up its furnaces, tossing a layer of ash over the entire area and called it prosperity.

By contrast, today, if one comes to town, it has to deal with all of us, and once it starts up, it takes a lot of advertising to let potential work force know jobs are waiting in their hometowns.

We earnestly try, in these sometimes complicated times, to find the keys that open doors to a better future for all of us, and our effort in Piscataway, we think is a landmark.

A yardstick by which all future office and industrial parks will be measured.

The industries of today have become part of the total landscape without marring it for the clustering of industries in a controlled environment, in a campus setting which makes them good and attractive neighbors, is a far cry from what once was.

That we have in some measure succeeded in achieving our goal to bring a valuable asset to the Piscataway community; let me repeat, is a sign of our coming of age.

A sign that private industry, business and financial interests and local government have led the way to discovering we are not antagonists, but good neighbors working for a common goal.

In sense we are creating a new ecological system where each element contributes to the health and growth of the others, and in that environment we all prosper.

Candidly I must admit we sometimes differ, but because we believe in what we are doing, because we believe our office and industrial parks are assets to the communities and to their economic viability, we persevere.

Seriously, I believe we are on the threshold of a new day, for those of you who won awards for sharing our concerns for environmental planning.

There can be no denying the significant contributions you are making by bringing your expertise in your fields to save the land, water and the air we breathe.

As pragmatists you understand the price exacted by any type of progress and have said you are willing to foot some of the bills.

Up to now there has been an understandable difference between environmentalists; governmental agencies and we in the private sector, especially as developers, builders and financiers.

Events have narrowed our options so we cannot any longer ignore what the other is doing and let them go it alone.

The last meeting of the OPEC nations and their decision to once more raise the price of oil emphasizes how defenseless we are as our energy needs continue to climb faster than the prices.

Here in the Northeastern United States, and particularly New Jersey, which daily becomes more dependent on Middle East oil as domestic sources go to other markets, the problem becomes more acute.

It is imperative for us to find workable alternatives, so we cannot let government do it alone but must instead enter a creative partnership in developing alternatives to the reliance on dwindling energy sources.

We intend to become one of those partners with a project for utilizing solar heating in our Corporate Park 287 complex.

We have submitted a proposal to the United States Energy Research and Development Administration, in response to its request for demonstration projects, that would use the building presently occupied by Bell Laboratories Inc. as the test bed.

To date information on operation of solar heating has been sparse and generally limited to residential buildings, so to those of us in the industrial and office park field, a whole new body of information that does not exist will become available

Beyond the mechanics of the system is the added excitement of helping to play a part in solving national problems brought on by the present energy crisis.

The coin is more than two-sided, for our goals, individually, corporately, nationally, are to develop alternate sources of energy, to husband what we have and at the same time live in harmony with our world, and to be worried about the environment.

When through your collective efforts Corporate Park 287 won the award presented by American industrial properties report "for sound environmental planning" we knew it was a commitment to change.

Undoubtedly we will find other solutions as time passes and we learn more, but for the present, where saving even one gallon of oil is meaningful, we must be among the leaders, we must take the next step forward.

We have no other choice.

[From Home News, Jan. 13, 1977]

INDUSTRIAL PARK SEEKS SOLAR GRANT

(By Rudy Larini)

PISCATAWAY.—The Bell Laboratories, Inc., facility on Route 287 may become the model for the industrial application of solar energy in the northeastern United States.

The Sudler Construction Co., which built Corporate Park 287 in which Bell Laboratories is located, is the only industrial park in the Northeast to have applied for a portion of the $7.5 million to be distributed by the federal Energy Research and Development Administration (ERDA) for solar energy projects, according to a spokesman for the firm.

Former Morris County Assemblywoman Rosemarie Totaro, a consultant to Sudler, said some 300 applications have been submitted nationwide for the solar energy grants ERDA is expected to award in March. However, only four applications have been submitted by industrial parks, she said.

The Bell Laboratories project is expected to cost between $250,000 and $300,000 and is to provide heat for roughly a third of the 230,000-square-foot building. It also would supply about half the hot water needed at the facility, including that used in the cafeteria for the 1,100 company employees.

Plans for the solar energy project were unveiled yesterday when Sudler received an environmenal award from American Industrial Properties Report, an industrial development journal which annually chooses six industrial parks throughout the Nation which exemplify sound environmental planning.

The journal's criteria for the award include that the park be an asset to the community, architecturally pleasing and blend with its surroundings.

David Steiner, executive vice president of Sudler, urged the Federal and State Governments to approve pending legislation which would exempt the purchase and installation of solar heating systems from sales and local property taxes.

If the Federal Government approves the grant for Bell Laboratories, Steiner said Sudler would pay for the installation and Bell professionals would supervise the engineering maintenance.

Acceptance of the Federal grant would entitle ERDA to monitor the operation of the solar-heating system once a month for five years and use the results to encourage other industries to employ solar energy for part of their energy requirements.

Installation of the solar-heating system would take approximately six to eight months once the project is approved, according to Wayne Bonhag, a representative of the Solaron Corp. of Colorado, which manufactures the system.

Twenty-eight solar-heat-collecting panels, covering 5,600 square feet, would be installed on the roof of the Bell Laboratories building.

The system would use air rather than water as the heat-transfer medium, thereby eliminating the problems of corrosion and freezing.

The system is designed to provide hot water year-round and heat during the winter. The facility's existing electrical heating system would be used during periods of prolonged cloudiness, although the solar system would have a stone heat storage area underground.

DEPOSIT ON BEVERAGE CONTAINERS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. JEFFORDS. Mr. Speaker, the issue of requiring a deposit on beverage containers as a means of conserving energy and material resources, creating jobs, and bringing about consumer savings is one which is increasingly becoming the focus of attention by both the public and by various legislative bodies throughout the country. As my colleagues may recall, last November the citizens of the States of Maine and Michigan voted overwhelmingly for a beverage container deposit system, joining the States of Oregon, Vermont, and South Dakota, which have had similar laws for quite some time. Additionally, the EPA guidelines requiring deposit systems on all Federal facilities is being implemented shortly, having already started at Fort Knox with good success to date.

The degree of public acceptance of deposit systems is evidenced by a public opinion survey performed for the Federal Energy Administration which indicates that 73 percent of the American public is in favor of a national deposit system. Many State legislatures are now considering their own deposit laws, and the chances of passage are extremely good in many of them. An example is Massachusetts, where the proponents of this legislation recently received the endorsement of a group of the most prestigious economists in the country, including Nobel Laureates Paul A. Samuelson, institute professor and professor of economics at the Massachusetts Institute of Technology, and Kenneth J. Arrow, James Bryant Conant university professor at Harvard University.

I am submitting for the RECORD a listing and a statement issued by these distinguished individuals.

STATEMENT

We, the undersigned economists of Massachusetts, urge the passage of a bill before the Massachusetts Legislature that would

require deposits on beverage containers (S. 73). We strongly support the passage of this legislation for one or more of the following reasons:

1. Litter would be substantially reduced.

This conclusion is supported by experience in Oregon as a result of similar legislation.

2. Solid waste disposal costs would be lessened.

Returnable containers would result in substantial savings to our cities and towns. A bottle that is recycled represents a bottle that did not have to be disposed of.

3. It would lead to conservation of scarce materials.

A U.S. Environmental Protection Agency study has found that a national bottle bill would lead to an annual saving by 1980 of .5 tons of aluminum, 1.5 million tons of steel, and 7 million tons of glass. And the National Commission on Supplies and Shortages has recommended mandatory deposits on beverage containers.

4. It would result in savings of energy.

A study commissioned by the U.S. Federal Energy Administration (FEA) found that national bottle legislation would result in an annual saving by 1982 of approximately 150 trillion British thermal units. This saving is equivalent to some 73,000 barrels of oil daily.

5. Beverage prices would not increase.

While opponents of the bottle bill have argued that it would lead to an increase in effective beverage prices, a recent, well-documented study published by the Federal Reserve Bank of Boston concludes that an increase is unlikely and that, if it did indeed take place, it would be negligible. The FEA study supports this finding on a national basis. In addition, a 1975 League of Women Voters survey demonstrates that in markets where both refillable and nonrefillable beverage containers are available simultaneously, beverages in refillable containers are less expensive.

Furthermore, the Federal Reserve Bank of Boston study indicates that the bottle bill would have a positive impact on employment in the commonwealth, both in terms of number of jobs and payroll. Indeed, the study suggests that the introduction of nonrefillable bottles into Massachusetts led to a loss of jobs and also points out that the bottle bill might lead to the development of an in-state recycling industry. By contrast, the argument that this bill would be detrimental to Massachusetts employment, an argument not supported by evidence, has been set forth in propaganda largely influenced by out-of-state interests whose sudden devotion to Massachusetts employment should be questioned by any intelligent citizen.

We feel that the bottle bill will have a positive impact on the economy of Massachusetts.

Signed by:

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Edwin Kuh, Professor of Economics and Management, Sloan School of Management.

Eli Shapiro, Professor of Management, Sloan School of Management.

Sidney S. Alexander, Professor of Economics, Sloan School of Management and Department of Economics.

Jagdish Bhagwati, Professor of Economics.

E. Cary Brown, Professor of Economics, Head of the Department.

Richard A. Cohn, Assistant Professor, Sloan School of Management.

Peter A. Diamond, Professor of Economics.

Rudiger Dornbusch, Associate Professor of Economics.

Franklin M. Fisher, Professor of Economics.

Harold Freeman, Professor Emeritus of Economics.

Ann F. Friedlaender, Professor of Civil Engineering and Economics.

Frederick L. A. Grauer, Assistant Professor of Finance, Sloan School of Management.

Robert E. Hall, Professor of Economics.

Jeffrey E. Harris, Assistant Professor of Economics.

Daniel M. Holland, Professor of Finance, Sloan School of Management.

Robert Merton, Professor of Economics, Sloan School of Management.

Franco Modigliani, Institute Professor, Professor of Economics and Finance, Sloan School of Management and Department of Economics.

Charles A. Myers, Professor of Industrial Relations, Sloan School of Management.

Robert A. Pindyck, Associate Professor of Economics, Sloan School of Management.

Jerome Rothenberg, Professor of Economics and Urban Studies.

Paul A. Samuelson, Nobel Laureate, Institute Professor, Professor of Economics.

Robert M. Solow, Institute Professor, Professor of Economics.

Lance Taylor, Professor of Nutritional Economics.

Lester C. Thurow, Professor of Economics, Sloan School of Management and Department of Economics.

Joel R. Yellin, Associate Professor of Social Science.

HARVARD UNIVERSITY

Robert Dorfman, David A. Wells, Professor of Political Economy.

Richard A. Musgrave, Harold Hitchings Beerbank, Professor of Political Economy.

T. C. Schelling, Lucius N. Littauer, Professor of Political Economy recipient: 1977 Frank E. Seidman Distinguished Award in Political Economy.

Arthur Smithies, Nathanial Ropes, Professor of Political Economics.

Jerry Green, Associate Professor of Economics.

Abram Bergson, George F. Baker, Professor of Economics.

Kenneth J. Arrow, James Bryant Conant University Professor, Nobel Laureate.

H. M. Polemarchakis, Instructor in Economics.

Rachel McCulloch, Assistant Professor of Economics.

H. S. Houthakker, Henry Lee, Professor of Economics.

H. Rosousky, Walter S. Baker, Professor of Economics, Dean of Faculty of Arts and Sciences.

James S. Duesenberry, William Joseph Maier, Professor of Money and Banking.

Charlotte V. Kuh, Assistant Professor of Education.

Dwight Perkins, Professor of Economics.

Charles J. Christenson, Professor of Economics.

DEPARTMENT OF ECONOMICS, TUFTS UNIVERSITY

Franklin D. Holzman, Professor of Economics.

Arthur Green, Assistant Professor of Economics.

Daniel Qunjian, Professor of Economics.

Kushmad Ahmad, Associate Professor of Economics.

Bart Ostro, Assistant Professor of Economics.

PUBLIC JOBS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for March 30, 1977, into the CONGRESSIONAL RECORD:

PUBLIC JOBS

A most challenging task confronting today's policymakers is the creation of 19 million new jobs in the next four years. Such a task is clearly risky, but the costs of failure are great. Apart from the personal tragedy of joblessness, each percentage point of unemployment means a huge loss to the nation's output of goods and services.

Maximum efforts must be made to create new jobs in the private sector even though it will take some time before an expanding economy provides jobs for all who want them. In the meantime public jobs programs will be necessary. There is, however, a heated debate on the effectiveness of such programs. Some persons argue that many of the 7.8 million Americans who are unemployed can be put back to work in this way. Others say that public jobs are no good.

The present job programs are aimed both at cyclical unemployment, which is caused by an economic recession, and at structural unemployment, which affects the untrained and unskilled even in good times. Cyclical unemployment can be reduced by economic stimulation, but structural unemployment requires special training and placement efforts.

These are the major federal jobs programs:

Public Service Jobs: Under this program, federal money is used to pay the salaries of workers on local and state government payrolls. Approximately $2.7 billion will be spent this year on some 310,000 such workers. President Carter has asked Congress to raise this sum to $3.4 billion and bring 290,000 more workers into the program.

Critics contend that public service jobs are "make-work" and are usually offered to persons who would have been paid by local and state governments anyway. They also point out that the wages (often about $3.40 per hour) draw unskilled workers away from the private sector. Proponents of public service jobs claim that these problems can be resolved with careful, long-range planning. The problem, thy say, is one of correlating the need for service with the supply of workers who require employment assistance.

Public Works Jobs: Under this program, $2 billion has been allocated to communities for the repair and construction of schools, municipal buildings, parks and other projects. President Carter has proposed an additional $2 billion. Besides improving community facilities, the program provides work in the hard-hit construction industry. The Congressional Budget Office estimates that between 16,000 and 46,000 workers are hired for each $1 billion spent.

Critics of public works jobs complain that it takes so long for projects to get underway that very little is really done to create jobs. They also point out that the jobs created go only to skilled tradesmen. Proponents of public works jobs contend that the economy benefits quickly even though the money is not spent immediately. They make the point that qualifying projects must be ready to begin within ninety days.

Countercyclical Assistance: Under the countercyclical revenue sharing program, funds are paid to localities with especially high rates of unemployment to be used in any way local officials choose. The theory is that the extra funds aid the local economy and keep the local governments from having to lay off workers. This $1.15 billion program is estimated to create or protect 40,000 to 77,000 jobs. President Carter has asked Congress for an additional $925 million to expand the program.

Training Programs: There are relatively few federal programs designed to counsel and train people and provide summer jobs. The existing programs include the Comprehensive Employment and Training Act, summer jobs for teenagers and the Job Corps. There are

also special programs for native Americans, migrant workers and Vietnam veterans. President Carter is proposing an expansion of the Job Corps and the creation of new programs to maintain and improve public parks and community facilities.

Aside from these programs, various tax incentives are also being suggested to encourage job creation in the private sector. There is, however, considerable controversy over the size and the nature of the tax credits. Furthermore, most of the experts agree that tax reduction is a very indirect and cumbersome way to create jobs.

Obviously there are many problems in putting the unemployed back to work, either directly on a government payroll or indirectly in other public or not-for-profit groups. Public service jobs are expensive and they do require some growth in the public sector. But with unemployment compensation now running about $17 billion a year, the choices are not quite so simple. Anything that can be done to get people off welfare and back to work has to be beneficial.

CHEMICAL WARFARE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. SCHULZE. Mr. Speaker, on March 21, I introduced a concurrent resolution with respect to a moratorium on the further production of lethal chemical weapons, including the so-called binary weapons, and the destruction of a specified amount of lethal chemical mustard gas. Joining me in this legislation are 25 cosponsors whose names appear at the end of this statement.

The resolution was also introduced in the Senate by the distinguished gentleman from Connecticut, the Honorable LOWELL WEICKER.

The response to the Schulze-Weicker initiative has been quite encouraging. Many have indicated their interest and support for this proposal. In fact, a very interesting article on this subject appeared in the March 25 issue of the Christian Science Monitor. I offer the article for inclusion in the RECORD.

[From the Christian Science Monitor]

TO HALT THE NERVE-GAS RACE

Is President Carter as serious as he seems about checking the arms race? If he is, he will take up the initiative of two congressional Republicans toward halting a particularly grisly part of that race—chemical weapons including the nerve gases that are freshly in the news.

Early in the week came a report of renewed Pentagon efforts to develop nerve-gas weapons and defenses against them in the face of a reported growth in Soviet nerve-gas capability. Then came the previously scheduled proposal by Senator Weicker of Connecticut and Representative Schulze of Pennsylvania for the destruction of a 3,000-ton stockpile of mustard gas as well as a three-year moratorium on the production of new nerve or mustard weapons.

No one should object to prudent research on defense against all possible weapons. But Mr. Weicker and Mr. Schulze are on the right track in calling on the United States to make a firm gesture of its sincerity in seeking an international ban on the production as well as use of chemical weapons. They call on both houses of Congress for a non-binding resolution urging the President for action on the moratorium. We call on the President to move ahead speedily on such a moratorium. (The U.S. already rightly subscribes to the Geneva Protocol against the first use of chemical weapons and to a later international instrument against both the production and use of biological weapons.)

During the three years—a period which would not present a threat to U.S. security—the Soviet Union and other countries would be challenged to give similar evidence of their sincerity in checking the chemical arms race. Third-world nations would have this example to discourage them in the proliferation of these weapons—a cheaper and tempting alternative to joining the nuclear club.

As Senator Weicker pointed out, the road toward nuclear control is long and hard. Chemical weapons control is on a smaller scale—so far—and is achievable. But not if no one takes the first step.

Mr. Speaker, if the United States is ever going to take the leadership role in total nuclear disarmament—as the Carter administration has pledged—it must direct initial efforts at a level where success is attainable. My resolution is an attempt to begin the process toward meaningful international agreements on arms control and disarmament. Today, there is a possibility to begin that process. We should make that possibility a reality. I invite my colleagues to join in this effort by cosponsoring this resolution.

The list of cosponsors and the text of the resolution follow:

LIST OF COSPONSORS

Mr. Schulze, Mr. Anderson of Illinois, Mr. AuCoin, Mr. Bedell, Mr. Blouin, Mr. Cochran, Mr. Corcoran, Mr. Coughlin, Mr. Drinan, Mr. Edgar, Mrs. Fenwick, Mr. Gradison, Mr. Hagedorn, Mr. Kastenmeier, Mr. Kostmayer, Mr. Leach, Mr. Lehman, Mr. Long, Mr. McKinney, Mr. Ottinger, Mr. Pattison, Mr. Pressler, Mrs. Schroeder, Mr. Simon, Mr. Vento, Mr. Walker, and Mrs. Meyner.

H. CON. RES. 185

A concurrent resolution to urge the President to reduce the risk of chemical warfare

Resolved by the House of Representatives (the Senate concurring), That the Congress finds that—

(1) the policy of the United States is not to make first use of lethal and incapacitating chemical weapons in war;

(2) in 1972 the United States signed the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, and such Convention declared that "each State Party to the Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production, and stockpiling and for their destruction";

(3) in 1975 the United States ratified the Geneva protocol prohibiting the use of chemical and biological weapons in warfare; and

(4) the United States supports the continuing negotiations being conducted by the Conference of the Committee on Disarmament toward this end of an effective chemical weapons treaty.

SEC. 2. It is the sense of the Congress that—

(1) the President should declare a moratorium of three years on the further United States manufacture of lethal and incapacitating nerve and mustard agents and the so-called binary agents;

(2) the President, as a sign of good faith to the world, should order the destruction of three thousand tons of lethal chemical mustard agents from existing United States stockpiles over the three years of such moratorium, and invite interested international organizations, such as the Conference of the Committee on Disarmament to send delegations to view the destruction process;

(3) the President should invite the Union of Soviet Socialist Republics and other nations which possess quantities of lethal chemical weapons to indicate their sincerity in seeking a chemical weapons treaty by following the example of the United States, and should urge the Third World Nations to refrain from seeking the introduction of chemical weapons into their arsenals; and

(4) the President should urge the participants of the Conference of the Committee on Disarmament to rapidly conclude an international treaty banning the manufacture and possession of lethal chemical weapons. Such a treaty, in order to be meaningful, should provide for the destruction of existing stocks and production facilities over a specified period of time. Such a treaty must also provide independent, international procedures for verifying the disposal of stocks and facilities, investigating and challenging suspect activities, and establishing on-site inspections.

SACCHARIN—WHO DECIDES

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. COLLINS of Texas. Mr. Speaker, the common man and woman of the United States deserve to be heard. The saccharin ban edict marks another step toward loss of individual rights. Washington headlines human rights, yet the bureaucrats want to dominate and destroy the rights of each individual whether they live in Carrollton, Richardson, Farmers Branch, Plano, or Irving.

America was built on the independence of each person to think and decide for themselves. Yet step by step, law by law, regulation by regulation, the all-powerful Federal Government is deciding every move in a person's life.

If one of my neighbors in Dallas wants to use saccharin, I think he has the right to use it. If he wants to walk barefoot in the winter, that is his right. If he wants to walk to work, he should be allowed to do so. If he wants to eat saccharin instead of sugar, that is his right.

Last night I read an interesting one page editorial in this week's U.S. News & World Report. Written by Marvin Stone it asks "Why Ban Saccharin?" Here are some key sections:

How capricious does our Government intend to be—and how far can it be allowed to go—in limiting freedom of choice by individual citizens?

That question is at the heart of the controversy over saccharin, which the Food and Drug Administration proposes to ban because of evidence that it is a cancer-causing agent in force-fed Canadian rats.

Saccharin is the only noncaloric sweetener still legal in this country and is used by virtually every American—in tooth paste, soft drinks, canned fruits and vegetables,

gelatin mixes, candy, chewing gum, medicines.

Since its discovery in 1879, saccharin never has been known to produce cancer in humans, so it is not surprising that the FDA has fallen under attack as being arrogant, absurd, unscientific and irrational.

From the start, the whole saccharin mess has been surrounded by a hypocrisy on the part of the Government. What is wrong with allowing Americans to make themselves aware of the arguments for and against the use of saccharin and then leaving them alone to make a free choice—much as they now are free to make a choice whether to smoke tobacco or, for that matter, whether to take the risk of driving on highways that claim 45,000 lives a year?

Surely people in Washington have learned by now that, when common sense has fled from Congress and the bureaucracy, public outrage soon surfaces, and sometimes prevails. Prohibition of whisky, well intentioned as it may have seemed, failed as unenforceable. More recently, seat belts with ignition underlocks provoked a citizen revolt strong enough to force repeal.

Americans need not be treated like a mindless mass, with the most personal decisions stuffed down people's throats through restrictive legislation.

The proper approach with saccharin is to tell people in plain English what may be the risk of using it, and let the people decide for themselves whether the risk is worth taking.

WHAT AMERICA MEANS TO ME

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. ROSE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor a Voice of Democracy Scholarship Program in our Nation's secondary schools. This takes the form of a nationwide broadcast scriptwriting contest open to all 10th, 11th and 12th grade students. Contestants submit a 3 to 5 minute broadcast script recorded on a magnetic tape. This year's theme was "What America Means to Me."

Winners are selected from each State and this group then competes here in Washington for a $10,000 scholarship to the school of his or her choice and other scholarships ranging from $5,000 to $1,500.

I am very proud that this year's winner from North Carolina is Ms. Alfreda Jones of Maxton, N.C., in my Seventh Congressional District. Freda is the daughter of Mr. and Mrs. James A. Jones of Maxton. She is 17 years old, and an 11th grader at Prospect High School in Maxton.

The transcript of her winning broadcast script follows:

WHAT AMERICA MEANS TO ME

(By Alfreda Jones)

America—land of plenty, shelter for the insecure, refuge for the homeless; America—land of the free and home of the brave—lifts her mighty torch in salute to all those yearning to be free; those who served to make her great. Clad in her royal garments, she is an empire unto herself. Sure, she has had problems, inner struggles, turmoils, still America remains proud and erect. Founded on a base of freedom, America has moved steadily through some of the most trying times any nation has ever come face to face with and has overcome obstacles never thought conquerable. Through two-hundred years Americans have fought for the cause of freedom, struggling to maintain the respect due a great country by constantly striving to work for the betterment of its economic situation. I have a duty to aid my country in the many successful and unsuccessful experimental struggles in government, religion, the sciences, medicine and education.

America has remained a nation of struggles in a government for the people, of the people, and by the people. Such great documents as the Emancipation Proclamation, the Constitution, and the Bill of Rights have helped to form our present democratic government. I am proud to say that America has a government that is absolutely run by her people.

In addition to this, I take great pride and admiration in the courageous efforts of man to maintain his right to worship freely. Americans have nourished their religious beliefs to such an extent that they have survived through such confrontations as drugism, alcoholism, crime, and political manipulations, to name only a few. The trials and tribulations suffered and endured by religion are potent enough to ruin and destroy most organizations, but religion as a secular way of life is gradually becoming a stronger lifeline for Americans to hang on to. Due to the great missionary and evangelistic efforts of our nation, religion has become prevalent in many remote parts of the world; and in this we take great pride.

Furthermore, we as Americans, can enjoy the many battling advancements made in the numerous fields of science, one of which includes medicine. I find myself frequently looking back with amazement at the persistence of medicine to overcome and annihilate so many dreaded diseases in its endeavors for advancement. If only we as present day Americans could feel a small bit of the triumph that was felt when some of the most beneficial accomplishments were made, or the tragedy felt when so many hours and years of hard work were found to be useless in the end.

Can you imagine the will and determination that it took to pick up the pieces and return to the starting point with the knowledge that there might be a similar reoccurrence? This strong-willed determination and perseverance extended through all the various fields and phases of the scientific world. Fortunately, America had produced men who were willing to give untiringly of themselves if it meant some small contribution to the betterment of our great country.

Yet, I am still awesomely struck by the accomplishments and failures that education has encountered in its many experimentations to educate the masses of America. Educationally, America has truly advanced from the days of walking three miles to borrow a book• and inadequately heated schoolhouses—to the days of air-conditioned schools and books for everyone. Education is valued more highly now than ever before as a result of man's continuous yearning for knowledge of himself and the world around him.

A nation of rights, responsibilities, security, freedom, and liberty—a country exploring broader horizons in every aspect imaginable; millions of brave men and women, past and present; and all the events that have occurred because of them and their bold determination to improve the standards of our country—this is what America means to me; and for this I love you, America, for to me YOU are my life.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Monday, April 4, 1977, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

APRIL 4

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform of the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Banking, Housing and Urban Affairs
To continue markup on S. 69 and S. 92, to amend and extend the Export Administration Act.
5302 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To hold oversight hearings to determine the status of national efforts in energy conservation.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development

To resume hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
S-407, Capitol

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings to release an Office of Technology Assessment report entitled "Nuclear Proliferation and Safeguards."
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To hold oversight hearings on the administration of the Black Lung Benefits program.
Until 2:00 p.m. 4232 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To hold hearings on S. 961, to promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes.
Until: 1:00 p.m. 2228 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

3:30 p.m.
Foreign Relations
To receive a briefing (in school session) from officials of the Central Intelligence Agency on the general world situation.
S-116, Capitol

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
235 Russell Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
424 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
1224 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Joint Economic Committee
To resume hearings on a recent study prepared by the University of Wisconsin on food chain stores' profits and prices.
318 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
S-407, Capitol

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 904, to establish a center within OMB to provide current information on Federal domestic assistance programs.
3302 Dirksen Building

Human Resources
To consider S. 855, to authorize funds for fiscal year 1978 for activities of the National Science Foundation S. 755, extending through fiscal year 1978 all expiring health programs under the Public Health Service Act and the Community Health Centers Act.
Until 11:30 a.m. 4232 Dirksen Building

Rules and Administration
To resume consideration of S. Res.'s 5 through 12, proposing several changes in the Senate rules, principally with regard to Rule XXII (cloture).
301 Russell Building

Select Committee on Intelligence
Subcommittee on the Budget
To hold hearings on the question of public disclosure of funding levels authorized for Government intelligence activities.
2228 Dirksen Building

Special Aging
To hold hearings on the impact on older Americans of rising energy costs.
1202 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
To hold a business meeting.
5110 Dirksen Building

11:00 a.m.
Select Ethics
Business meeting (open with immediate vote to get into closed session) to discuss committee organization.
1417 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

APRIL 6

9:00 a.m.
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 393, the proposed Montana Wilderness Study Act.
Room to be announced

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear congressional witnesses.
1114 Dirksen Building

Banking, Housing and Urban Affairs
To hold a hearing on the nomination of Harold Marvin Williams, of California, to be a member of the Securities and Exchange Commission.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To hold oversight hearings on extension of the Child Abuse and Prevention Treatment Act (Public Law 93-247).
Until 12:00 noon 4200 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on benefits from and technological uses of genetic engineering-Deoxyribonucleic Acid (DNA) research.
Until 3:00 p.m. 6202 Dirksen Building

Select Small Business
Monopoly Subcommittee
To continue hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
424 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nominations of Rupert Cutler, of Michigan, Dale Ernest Hathaway, of the District of Columbia, and Robert Haldeman Meyer, of California, each to be an Assistant Secretary of Agriculture; to be followed by consideration of these nominations and that of Howard W. Hjort, of the District of Columbia, all to be Members of the Board of Directors of the Commodity Credit Corporation.
324 Russell Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To mark up S. 305, to require issuers of registered securities to keep accurate records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To continue oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Governmental Affairs
Subcommittee on Energy, Nuclear Proliferation, and Federal Services
To continue hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To continue oversight hearings on the administration of the Black Lung Benefits program.
Until: 1:00 p.m. 4332 Dirksen Building

Select Committee on Intelligence
Subcommittee on the Budget
To hold hearings on the question of public disclosure of funding levels authorized for Government intelligence activities.
2228 Dirksen Building

2:30 p.m.
Foreign Relations
Subcommittee on African Affairs
To meet in closed session to receive a briefing from officials of the Central Intelligence Agency on internationalization of local conflicts in Africa.
S-116, Capitol

APRIL 7

9:30 a.m.
Banking, Housing, and Urban Affair
To hold a hearing on the nomination of Chester Crawford McGuire, of California, to be an Assistant Secretary of Housing and Urban Development.
5302 Dirksen Building

Commerce, Science and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 1019, to authorize funds for fiscal years 1978 and 1979 for certain maritime programs.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To continue hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Select Intelligence
To hold a closed hearing on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

Special Aging
To continue hearings on the impact on older Americans of rising energy costs.
1224 Dirksen Building

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Dr. Frank Press, of Massachusetts, to be Director of the Office of Science and Technology Policy.
5110 Dirksen Building

APRIL 8

9:00 a.m.
Government Affairs
To continue hearings on S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
Until: 5 p.m. 3302 Dirksen Building

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To resume hearings on national water policy in view of current drought situations.
4200 Dirksen Building

Judiciary
To hold hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building

Environment and Public Works
To resume hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs.
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.

Governmental Affairs
Subcommittee on Reports, Accounting and Management
To hold hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

Select Small Business
To hold hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building

Energy and Natural Resources
Subcommittee on Parks and Recreation
To hold hearings on S. 658, to designate certain lands in Oregon for inclusion in the National Wilderness Preservation System.
Room to be announced

Governmental Affairs
Subcommittee on Reports, Accounting and and Management
To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on S. 656, S. 918, and S. 1130, to amend the Consumer Protection Act to prohibit abusive practices by independent debt collectors.
5302 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Coast Guard.
5110 Dirksen Building
Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building
Judiciary
To resume hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 26

9:30 a.m.
Select Small Business
To hold hearings on problems of small business as they relate to product liability.
1202 Dirksen Building
Select Small Business
To resume hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Banking, Housing and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 656, S. 918, and S. 1130, to amend the Consumer Protection Act to prohibit abusive practices by independent debt collectors.
5302 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings to receive testimony in connection with delays and congestion occurring at U.S. airports-of-entry.
235 Russell Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 656, S. 918, and S. 1130, to amend the Consumer Protection Act to prohibit abusive practices by independent debt collectors.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building
Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on proposed fiscal year 1978 authorizations for the Nuclear Regulatory Commission.
4200 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

9:00 a.m.
Veterans' Affairs
Subcommittee on Housing, Insurance, and Cemeteries
To hold hearings on S. 718, to provide veterans with certain cost information on conversion of government supervised insurance to individual life insurance policies.
Until: 12 noon 6202 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 5

9:00 a.m.
Veterans' Affairs
Subcommittee on Housing, Insurance, and Cemeteries
To continue hearings on S. 718, to provide veterans with certain cost information on conversion of government supervised insurance to individual life
Until: 12 noon 6202 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 957, designed to promote methods by which controversies involving consumers may be resolved.
5110 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 10

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To resume oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To resume hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal government, are established.
3302 Dirksen Building

MAY 11

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To resume hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

MAY 26

10:00 a.m.
Government Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the cable TV system.
235 Russell Building

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

JUNE 15

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

SENATE—*Friday, April 1, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Shed Thy light upon our work, O Lord, that at the close of day we may have no regrets. Save us from false choices and from artificial poses and pretensions. May Thy spirit find a dwelling place in our hearts where love reigns supreme and outlasts all transient thoughts and emotions. And may the Lord of the Passover and the Lord of Palm Sunday rule over us and all the nations of the Earth, to the glory of Thy holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 7, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished majority leader.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Thursday, March 31, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I advised the majority leader when we spoke of this matter just a moment ago that while until now I have consistently objected to committees meeting after that time when they are permitted under the rules to meet, since committees have the first 2 hours of the session to meet anyway, which would be until 11:15 a.m., and we turn to the final vote on this matter at 11:30; and since the only matter pending during the intervening time would be the amendment of this Senator, I have elected not to object to the meeting of committees today.

The ACTING PRESIDENT pro tempore. The Chair hearing no objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there are several nominations on the Executive Calendar under "New Reports" that have been cleared on both sides. I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning with "New Reports."

The ACTING PRESIDENT pro tempore. Without objection, the Senate will go into executive session to consider certain measures on the Executive Calendar starting with "New Reports," and the clerk will state the first nomination on the calendar.

SMALL BUSINESS ADMINISTRATION

The assistant legislative clerk read the nomination of Arthur Vernon Weaver, Jr., of Arkansas, to be Administrator of the Small Business Administration.

The ACTING PRESIDENT pro tempore. Is there objection to the confirmation of the nomination?

Mr. BAKER. Mr. President, reserving the right to object, there is no objection. For the information of the majority leader, the following nominations on the Executive Calendar, two under the Department of Defense and two under HEW, I also have no objection to.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nomination of William James Perry, of California, to be Director of Defense Research and Engineering.

The ACTING PRESIDENT pro tempore. Is there objection to the confirmation of the nomination? Without objection, the nomination is confirmed.

The assistant legislative clerk read the nomination of David Emerson Mann, of Maryland, to be Assistant Secretary of the Navy.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The assistant legislative clerk read the nomination of Mary Berry, of Colorado, to be Assistant Secretary for Education.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The assistant legislative clerk read the nomination of Ernest LeRoy Boyer, of New York, to be Commissioner of Education.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The distinguished minority leader is recognized.

PLUTONIUM AND FOREIGN POLICY

Mr. BAKER. Mr. President, I would like to draw the attention of my colleagues to J. W. Anderson's column in this morning's Washington Post. This column, which is entitled "The Politics of Plutonium," discusses the chances that the United States will be able to successfully dissuade our allies from pursuing the breeder reactor-plutonium option.

When the United States did not go ahead with the SST, it did not stop France and Great Britain from building the Concorde. The opinion expressed in this column is that our forgoing the plutonium option will have the same effectiveness.

Indeed, our self-denial of plutonium as an energy option could force other countries to pursue it more vigorously because they will realize that the United States will not be able to maintain its role as a reliable supplier of nuclear fuel.

Mr. President, I urge my colleagues to carefully consider the realism of the United States crossing plutonium recycling and the breeder reactor from its list of energy options on the basis that it will cause the rest of the world to follow. I ask unanimous consent that this Washington Post column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLITICS OF PLUTONIUM

(By J. W. Anderson)

The plutonium breeder reactor has a lot in common with the Concorde, the supersonic jet, as a device for souring this country's relations with Europe. In political terms the chief difference between the two is that the breeder reactor touches immensely greater national interests. If American nuclear policies are not managed with very great skill, they will inflict a degree of damage of which the surprisingly bitter row over Concorde provides only the mildest warning.

Once upon a time people thought that technology would tie nations together, because of the need for scientific cooperation and massive investments. That happy thought turns out to have been a bit too optimistic. The United States now seems to be in the process of changing its mind about plutonium as a commercial fuel. The U.S. government is beginning to discourage the dispersal of this technology around the world. That's the issue in the Carter administration's attempt to interrupt the sale of West German plutonium equipment to Brazil.

Consider the parallel with Concorde. The United States chose not to build it—but the British and French partnership decided differently. Now the machine is in the air, and it wants to land in New York. Americans complain about the noise, but Europeans consider that objection to be hardly more than a veil for crass commerical protectionism plus, perhaps, a strain of resentment at a technology that does not have the American flag stamped on it. The issues here are really rather minor: costs, noise levels and whether your trip to Europe takes eight hours or four. But the politics of the landing rights has become disproportionately divisive.

Unlike Concorde, energy technology touches national necessities of the first order. Europeans sharply point out that the United States enjoys the luxury of reconsidering plutonium only because—unlike Europe—this country has vast reserves of coal and plenty of uranium. Plutonium is derived from uranium. But the magic of the breeder reactor is that it produces about 70 times as much energy, per pound of uranium, as the uranium-fueled light water reactors now producing electricity in this country. There's a price to be paid for this magic—plutonium as a fuel is vastly more dangerous than uranium.

Europe is prepared to take that risk. Europeans now see the breeder reactor as the ultimate answer to their dependence on foreign fuel sources. Which foreign sources? For one, the United States which, to be candid, has given other nations reason to be cautious about its reliability.

The United States has been the Europeans' main supplier of enriched uranium for the present generation of commercial reactors. But recently the United States has been vague and noncommittal about its plans for expanding its uranium exports. There has also been increasing strain over the controls that the United States wants to put on the fuel that it sells—controls that Europeans consider unnecessary and demeaning. Because of these uncertainties and disagreements, Europe has now begun to buy enriched uranium from the Soviet Union which, as one European official puts it, is much more flexible.

But this choice between American and Russian supplies only reinforces the Europeans' intense desire to unhook themselves from both of the superpowers—and to use their own great command of technology to achieve both independence and security of supply. The major European powers have already gone a very long way in their commitment to the development of plutonium breeder reactors. France and Britain have both had experimental breeders running since the 1960s. Germany has one in operation now, and there's another under construction in Italy. As for the much bigger commercial breeders, France has now decided to go ahead with the world's first—the 1200 megawatt Superphenix. A 1300 megawatt breeder is under design in Britain.

These prototypes demonstrate the European command over the technology. But here we come back to the Concorde analogy again. They won't be competitive, in economic terms, unless they are widely used. There is going to be fierce pressure on European governments to export these machines to help pay for the enormous development costs. The German sale of the plutonium reprocessing plant to Brazil isn't the last of these cases. It's more likely to be only the first.

American ideas on the subject currently run strongly in favor of U.S. guarantees to deliver enriched uranium to Europe, in order to make plutoniuum reprocessing unnecessary. But Europeans fear that U.S. policy might be subject to change with each successive President, and that internationalization of the reprocessing plants will only dilute their own control.

The United States still has time to back away from the plutonium breeder. But it's too late for Americans to persuade Europe (or, for that matter, Japan) to come with them. At this point, the only realistic goal for U.S. policy is to try to limit the worldwide traffic in plutonium to those countries with very large requirements for electric power—and with proven records in weapons control. That much of a policy is necessary, but even going that far threatens an unpleasantly high level of friction between this country and Europe.

Advanced technologies, it turns out, quickly become national symbols of deep emotional force. If you doubt it, keep watching Concorde.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no other request or requirement for my time. Therefore, I yield back the remainder of my time under the standing order.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished senior Senator from Utah (Mr. GARN) for not to exceed 15 minutes.

THE CLEAN AIR ACT AMENDMENTS

Mr. GARN. Mr. President, as most Senators know, I took an active interest in clean air legislation during the last session of Congress. I have been accused of killing the Clean Air Act amendments, and I plead guilty of trying to understand the legislation thrust before us at the end of the session last year. If my insistence on deliberation killed the bill, I am ready to take the blame or the credit.

I have also been accused of killing the amendments at the behest of the auto industry. To that charge I must plead not guilty. At the time I filibustered against the bill, I had not even talked with representatives of the auto industry. I have since, and I have told them that even if the bill had been perfectly satisfactory to them, I would have acted exactly as I did.

The fact is that I felt then, and still feel, that the legislation which came out of the House-Senate conference last fall would have had serious adverse impacts on employment, on economic growth, on energy consumption, and even on health. The exact limits of those impacts I was not ever able to get anyone to tell me.

Under the circumstances, it seemed best to kill the bill, and try again this year.

During that debate, the distinguished Senator from Maine, chairman of the responsible subcommittee of the Public Works Committee, now the Committee on Environment and Public Works, stood on the floor and warned that there would be no quick fix this year for the auto industry. He pointed out that unless there is some relaxation in the statutory emission limits, the manufacturers will be faced, later this year, with the choice between shutting down and manufacturing autos that cannot legally be sold.

The Senator from Maine has been as good as his word. There has been no quick fix for autos. There may not even be a moderately rapid fix for autos. I invite the attention of the Senate to the following points:

First. The Easter recess is upon us, and the Environment and Public Works Committee has not yet reported out a bill. It appeared that markup would be completed this week, perhaps yesterday, until the committee adopted an amendment which is displeasing to the so-called environmentalists. I will have more to say about that later;

Second. The companion bill is still in subcommittee in the House, where, after 2 months work, I am informed that 7 of the bill's 59 sections have been marked up. Of the seven completed, six are not controversial, and the other is the bill's title. I have been told that it will not go to the floor of the House before June;

Third. The two bills are very different in approach. Indeed, they are quite similar to the versions passed by the two Houses last year, which resulted in a very long and somewhat acrimonious conference, out of which came a bill which could not pass the Congress. Thus, even after both Houses have acted, delay is likely;

Fourth. At this time, we do not know what position the new administration is going to take on questions of clean air. The new Administrator of the Environmental Protection Agency has said that he cannot predict when EPA's position will be ready. I have been informed by other sources that no position on air will be included in President Carter's environmental message, which is expected at any moment;

Fifth. Nor have we seen the details of the Carter energy proposal, although we are told that it will change our lifestyle radically. In view of the close connection between pollution control and energy consumption, the energy policy is certain to demand consideration in dealing with questions of air quality;

Sixth. There is increasing uncertainty about environmentalist support for the bill. As noted above, the Senate committee on Wednesday adopted an amendment dealing with nonattainment, which is apparently very unsatisfactory to those opposed to any relaxation in air quality standards. The amendment is complex, and I do not pretend to understand it. But the fact remains that some kind of relief in nonattainment areas is essential in view of statutory deadlines now in force. It appears to me that whatever level of relief there is someone is going to be unhappy. If there is enough relief, the environmentalists will oppose it; if there is not enough, every Governor and mayor in the country will oppose it. The possibilities for delay are endless.

All of which leads me to the following conclusion. It is time to separate legislation dealing with mobile and stationary sources of pollution. At the present time, there is no reason whatever to consider them together. Indeed, issues related to one make it impossible to deal rationally with the other. We are continually faced with a situation where a little relief from the regulatory straitjacket is offered to one group here, and a little to another group there, the price always being support for a total package which is really acceptable to no one, and unfair to the American people. In my view, Mr. President, the time has come to stop the charade. Let us split the bill into two parts. It may be that the Senate can hold the feet of the auto companies to the fire. If they can, that is fine. I am a cosponsor of the Riegle-Griffin bills, which are similar to the House-passed Dingell-Broyhill amendment last year; I understand that Senator MUSKIE does not like their approach, but I am willing to take my chances on the floor. If the auto companies are unable to persuade the Congress that they deserve relief, so be it.

On the other hand, we could then get down to the serious problems of the stationary sources. This year the big stickler appears to be nonattainment. Incidentally, no one seems to have noticed this problem last year. But the problem of prevention of significant deterioration has not yet been solved either. And I am sure that as the President's environmental and energy messages are delivered, issues such as coal conversion, clean coal, tall stacks, intermittent sources, and many others will be taken up. Let us deal with them in terms of stationary sources, and not tied up with questions of auto emissions.

Obviously, the legislative outlook for comprehensive clean air legislation is not impossibly dark. No one should be willing to say at this point that there will be no comprehensive bill this year. But at the same time, Mr. President, I believe it would not be possible to say that of course there will be a bill this year. In view of the uncertainty, which is growing every day, let us separate the two kinds of polluters, and deal with them on their own terms.

It is rather interesting, with the time delay that we have experienced, that just about a year ago Senator Moss, the former senior Senator from Utah, and I proposed an amendment that would have asked for a 1-year study of this nondegradation problem so that the Senate could act on the basis of facts and not on the basis of emotion. Everybody said we could not afford that kind of delay, so our amendment was defeated. But 1 year has passed. If this Senate had listened to us a year ago, we would now have completed our 1-year study and then could have made the decision on a rational basis rather than the emotion of whether the auto industry needs a quick fix, whether the environmentalists think it is good or bad, or mayors, Governors, whoever was involved. It looks like it will be months, if at all, before we achieve a bill this year.

I just wanted to remind the Senate of that fact, where they turned down our request for a 1-year study. The 1-year has very nearly passed. We might have been able to make some intelligent decisions on this matter. In the meantime, to tie the two types of pollutors together, auto emissions—mobile sources and stationary sources, does not make a great deal of sense to me. It seems to me we should consider dealing with the automobile problem immediately so that they can meet their production schedules for their 1978 models without laying off thousands if not hundreds of thousands of people, canceling orders in their procurement process. If they do not know whether their cars will meet the 1978 standards or not, let us deal with that.

Let us finally get back to dealing with the stationary sources on a reasonable, factual basis and take time to consider that adequately so that we do not cause massive economic problems in this country, particularly in the energy-rich West.

Mr. President, that concludes my remarks.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business not to extend beyond 9:45, with speeches by the Senators limited to 2 minutes.

Is there morning business to be transacted?

AMBASSADOR MIKE MANSFIELD

Mr. ROBERT C. BYRD. Mr. President, the press has recently reported that President Carter has selected former Senate Majority Leader Mike Mansfield for the very important post of Ambassador to Japan, our major ally in the Pacific. The Washington Post has indicated that formal announcement will be made following normal diplomatic and security clearances.

I know that every Senator on both sides of the aisle would join me in applauding such an appointment. Mike Mansfield is eminently qualified for any ambassadorial post, but he is especially well qualified for an assignment in the Far East. His deep and absorbing interest in the history of the development of the nations in the Pacific and eastern regions is well known to those of us who have served with him in the Senate.

As a professor of Far Eastern history at the University of Montana before he came to Government, Mike Mansfield began what was a lifetime commitment to better relations between the United States and the nations of the Pacific. While he served in the Congress of the United States, he was able to give his colleagues and the Nation the benefit of his deep understanding and knowledge about the people and the governments in that part of the world.

No American alive today is more highly respected, more dedicated to decency and honor, in government and be-

tween governments, or more experienced in diplomacy.

Mike Mansfield's many years here as a Senator and as a majority leader prepared him well to represent this Nation to the other countries of the world. The President has stated that he wished to make diplomatic appointments on the basis of background, knowledge, understanding and experience, rather than as a reward for political assistance. Certainly, the appointment of Senator Mansfield to this very sensitive post would be an excellent example of the value of that new and commendable approach to foreign relations. I look forward to the time when we in the Senate can officially applaud the appointment of former Majority Leader Mike Mansfield through the advice and consent process.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mr. CLARK). The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I rise only to express my profound agreement with the remarks by the distinguished majority leader. Senator Mansfield served us long and faithfully as majority leader in this body. He was in the chair now occupied so ably by the distinguished Senator from West Virginia when I came to the Senate in January of 1967. My wife's father was in this chair at that time. I saw and observed the good, close, cordial, effective, sometimes energetic relationship, both in agreement and disagreement, between them. I am even vain enough to suggest that the Senate prospered and benefited from that relationship. I even confess to an admiration for it and an aspiration that it should continue in the future.

I think the President chose well in choosing Senator Mansfield to represent us in Japan. I think the Japanese will profit from that, as we shall certainly profit from it. So I commend the President of the United States for that nomination. I look forward to an early, prompt, and enthusiastic confirmation of Ambassador Mansfield's appointment.

The PRESIDING OFFICER. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader for his remarks. I am sure they will be highly appreciated by our former majority leader and continuing friend, Mike Mansfield, and Mrs. Mansfield.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE UNANIMOUS-CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there are six measures on the Unanimous-Consent Calendar. The first one is being held for a budget waiver. The remaining five were cleared yesterday. They were put on the Consent Calendar and appear there this morning. No objections have been received from this side of the aisle. I ask unanimous consent, if there have been no objections received from the other side of the aisle, that the Senate proceed to the consideration of Calendar Orders numbered 63 through 67 on the Unanimous-Consent Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, I shall not object. I certainly agree we should dispose of those items at this time. I am happy to see this many items on the Unanimous-Consent Calendar, which means that they have gone over so that all Members are apprised of them and apprised of the fact that they may be disposed of in this way.

I wonder about Calendar Order No. 61. My calendar shows it was held for a typographical correction.

Mr. ROBERT C. BYRD. My calendar shows both a typographical error amendment needed and budget waiver.

Mr. BAKER. I thank the majority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

EXPENDITURES FOR THE SELECT COMMITTEE ON INDIAN AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 102) authorizing expenditures by the Select Committee on Indian Affairs, which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 1, line 6, strike "March" and insert "April";

On page 1, line 7, strike "$617,400" and insert "$484,000";

So as to make the resolution read:

Resolved, That in carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from April 1, 1977, through February 28, 1978, to expend not to exceed $484,000 from the contingent fund of the Senate, of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 2. Expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–74), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 102 as referred would authorize the Select Committee on Indian Affairs from March 1, 1977, through February 28, 1978, to expend not to exceed $617,400 in carrying out the duties and functions imposed on it by section 105 of Senate Resolution 4, 95th Congress, agreed to February 4, 1977. Not to exceed $25,000 of that amount would be available to the select committee for the procurement of the services of individual consultants or organizations thereof.

At the request of the Committee on Rules and Administration, the select committee reconsidered its original budget of $617,400. During reconsideration, the select committee reduced its request by $89,400 for the 12-month period—from $617,400 to $528,000.

The Committee on Rules and Administration has amended Senate Resolution 102 to provide the select committee with $484,000 for the 11-month period from April 1, 1977, through February 28, 1978, which amount is the revised request of $528,000 reduced by $44,000 or one-twelfth.

The Select Committee on Indian Affairs was established to conduct a study of any and all matters pertaining to problems of Indians, including but not liimted to, Indian land management and trust responsibilities, Indian education, health, special services, and loan programs, and Indian claims against the United States.

The select committee is composed of five members, who are appointed by the President of the Senate—three from the majority party and two from the minority party. Pursuant to Senate Resolution 4, the select committee will cease to exist at the close of the 95th Congress and, effective with the commencement of the 96th Congress, its jurisdiction and duties will be transferred to the Committee on Human Resources.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 113) authorizing additional expenditures by the Committee on Appropriations for routine purposes, was considered, and agreed to, as follows:

Resolved, That the Committee on Appropriations is authorized to expend from the contingent fund of the Senate, during the Ninety-fifth Congress, $250,000, in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946, as amended.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–75), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 601 79th Congress, 60 Stat. 812, August 2, 1946) authorized each standing committee of the Senate to expend not to exceed $10,000 per Congress for routine purposes.

Senate Resolution 113 would authorize the Committee on Appropriations to expend from the contingent fund of the Senate, during the 95th Congress, $250,000 in addition to the amount, and for the same purposes, specified in said section 134(a).

An explanation for the request is expressed in a joint letter addressed to Senator Howard W. Cannon, chairman of the Committee on Rules and Administration, by Senator John L. McClellan, chairman, and Senator Milton

R. Young, ranking minority member, of the Committee on Appropriations, which letter is as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 16, 1977.

Hon. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Yesterday, the Appropriations Committee reported an original resolution to provide authority for the expenditure of $250,000 by this committee from the contingent fund of the Senate. The resolution, S. Res. 113, was referred to your Committee.

Under the Legislative Reorganization Act of 1946, the Committee on Appropriations has a $10,000 expense fund for each Congress which the committee utilizes primarily for the payment of billings for hearing transcripts. It has been necessary to secure supplemental authority each year to enable the committee to pay for hearing transcripts and to otherwise meet our obligations mandated by the Budget and Impoundment Control Act.

The funds authorized for this committee for the 95th Congress will soon be expended. An additional $250,000 is requested for expenditures for the preparation of verbatim transcripts of hearings, computer services and routine expenditures. Under the circumstances, it is necessary to secure an additional authorization at this time, and it would be very much appreciated if your committee would act favorably on Senate Resolution 113.

Senator Milton R. Young, ranking minority member of the committee joins me in this request.

With kindest personal regards, I am

Sincerely,

JOHN L. MCCLELLAN,
Chairman.
MILTON R. YOUNG,
Ranking Minority Member.

DEVELOPMENTS IN AGING: 1976

The resolution (S. Res. 119) authorizing additional copies of the report entitled "Developments in Aging: 1976," was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Special Committee on Aging one thousand one hundred and sixty additional copies of its report to the Senate entitled "Developments in Aging: 1976" (Part One).

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–76), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 119 would authorize the printing for the use of the Special Committee on Aging of 1,160 additional copies of part 1 of its report to the Senate entitled "Developments in Aging: 1976".

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,160 additional copies, at $965.30 per thousand $1,119.75

A letter in support of Senate Resolution 119 addressed to Senator Howard W. Cannon, chairman of the Committee on Rules and Administration, by Senator Frank Church, chairman of the Special Committee on Aging, is as follows:

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, D.C., March 18, 1977.

Hon. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Senate Resolution 373, agreed to March 1, 1976, the Special Committee on Aging will report to the Senate on March 31, 1977, Senate Resolution 119, introduced on this date, will provide an additional 1,160 copies of the report, "Developments in Aging: 1976" (part 1).

The cost estimate provided by the Government Printing Office is in the amount of $965.30 per additional thousand copies.

Demand for copies of this annual report of the committee always far exceeds the number of copies provided by a resolution. Copies are distributed to Members of Congress and to libraries, and the Superintendent of Documents offers copies for sale.

Your consideration of this resolution will be appreciated.

With best wishes,

Sincerely,

FRANK CHURCH,
Chairman.

EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

The resolution (S. Res. 128) authorizing additional expenditures by the Committee on Rules and Administration for routine purposes, was considered and agreed to, as follows:

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, during the Ninety-fifth Congress, $20,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–77), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Congress, 60 Stat. 812, August 2, 1946) authorized each standing committee of the Senate to expend not to exceed $10,000 per Congress for routine purposes.

Senate Resolution 128 would authorize the Committee on Rules and Administration to expend from the contingent fund of the Senate, during the 95th Congress, $20,000 in addition to the amount, and for the same purposes, specified in said section 134(a).

TRIBUTES TO GERALD R. FORD

The concurrent resolution (H. Con. Res. 157) authorizing the printing of a compilation of tributes by Members of the House in the Halls of Congress to commemorate the years of service of the Honorable Gerald R. Ford, was considered and agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–78), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 157 would provide (1) that a compilation of tributes by Members of the House in the Halls of Congress to commemorate the years of service of the Honorable Gerald R. Ford be printed, with an appropriate illustration, as a House document; and (2) that there be printed and bound, as directed by the Joint Committee on Printing, 1,500 additional copies of such document, which would be distributed under the direction of the Honorable John J. Rhodes.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$16,280.50
1,500 additional copies, at $5,031.47	7,547.20
Total estimated cost, H. Con. Res. 157	23,827.70

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to reconsider en bloc the votes by which the resolutions were adopted.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNIVERSAL REGISTRATION

Mr. ALLEN. Mr. President, the administration has proposed a bill to provide for what it euphemistically calls universal registration.

Actually, the bill will provide for universal nonregistration, because it is to provide, as I understand it, that prospective voters do not have to register in advance in order to be allowed to vote. They can go to the polling booth on election day, identify themselves through some method such as a driver's license, social security card, some sort of ID card, and be allowed to vote if they are 18 years of age or over.

It is simple, indeed, under the present law for a person to register to vote. All he has to do is to be at least 18 years of age and present his body, present himself to the registrars, and vote.

No literacy test is required, no tests of any sort, and why that is not simple enough, I do not understand.

I believe that this bill gives more cause for concern about the future of our Republic than any bill that has been introduced in the Congress during the time that I have been in the Senate.

Someone has said that democracy can last only to the point when the people realize that they can appropriate from the public treasury benefits to themselves in ever-increasing amounts.

There is no need for this proposed law. I suggest that it will have strong opposition in committee and on the floor.

What this would do would be, particularly in a big city, to allow those who are interested in having people vote to clean out every skid row hotel, every street corner, every pool room, every beer joint, every X-rated movie house, every massage parlor, and herd these people to the polls and vote them like sheep. We can imagine that people so herded to the polls would have very little interest in fiscal responsibility. They would be

not at all interested in curbing permissiveness.

I feel that this proposed law presents a real danger to the future of our Republic. We would have multiple voting. There would be nothing to prevent a person voting many times.

So the potential for fraud is enormous.

I assure the Senate that this is a bad bill and I hope it will be defeated.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4895. An act to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes;

H.R. 4974. An act to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for health planning and related programs;

H.R. 4975. An act to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs; and

H.R. 4976. An act to amend the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services to authorize appropriations for fiscal year 1978 for health services programs, and for other purposes.

The message also announced that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker has appointed Mr. BOB WILSON, Mr. FINDLEY, Mr. EDWARDS of Alabama, and Mr. WHITEHURST as members of the U.S. Group of the North Atlantic Assembly on the part of the House.

The message further announced that, pursuant to the provisions of section 204(b), Public Law 94–141, the Speaker has appointed Mr. PATTEN, Mr. PICKLE, and Mr. BYRON as members of the delegation to attend the Conference of the Interparliamentary Union in Canberra, Australia, from April 10 to April 16, 1977, on the part of the House.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIBICOFF, from the Committee on Governmental Affairs:

Special report entitled "Report on Legislative and Review Activities of the Committee on Post Office and Civil Service" (Rept. No. 95–82).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. JACKSON, from the Committee on Energy and Natural Resources:

Robert L. Herbst, of Minnesota, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Guy Richard Martin, of Alaska, to be an Assistant Secretary of the Interior.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 4895. An act to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes; to the Committee on Armed Services.

H.R. 4974. An act to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for health planning and related programs; to the Committee on Human Resources.

H.R. 4975. An act to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs; to the Committee on Human Resources.

H.R. 4976. An act to amend the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services to authorize appropriations for fiscal year 1978 for health services programs, and for other purposes; to the Committee on Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. NELSON:

S. 1206. A bill to provide temporary authority to the Administrator of the Small Business Administration to facilitate water conservation practices and emergency actions to mitigate the impacts of the 1976–77 drought; to the Select Committee on Small Business.

By Mr. PACKWOOD (for himself, Mr. HATFIELD, and Mr. STEVENS):

S. 1207. A bill to provide for a series of regional presidential primary elections; to the Committee on Rules and Administration.

By Mr. ZORINSKY:

S. 1208. A bill for the relief of Fernando de la Rama and Carmen de la Rama; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself and Mr. PERCY):

S. 1209. A bill to reorganize the executive branch of the Government by consolidation of functions and to increase efficiency and coordination in the area of disaster assistance, emergency preparedness, mobilization readiness, and for other purposes; to the Committee on Governmental Affairs.

By Mr. STENNIS (for himself and Mr. TOWER) (by request):

S. 1210. A bill to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes; to the Committee on Armed Services.

S. 1211. A bill to authorize appropriations during the fiscal year 1979, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, development, test, and evaluation for the Armed Forces and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes; to the Committee on Armed Services.

By Mr. MATSUNAGA:

S. 1212. A bill for the relief of Maria Elena Jumalon; to the Committee on the Judiciary.

S. 1213. A bill to provide for an emergency program of reforestation projects, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABOUREZK (for himself, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 1214. A bill to establish standards for the placement of Indian children in foster or adoptive homes, to prevent the break-up of Indian families, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. ABOUREZK (for himself, Mr. BURDICK, Mr. GRAVEL, Mr. DECONCINI, and Mr. JACKSON):

S. 1215. A bill to provide for grants to Indian-controlled postsecondary educational institutions, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. ABOUREZK (by request):

S. 1216. A bill relating to the distribution of certain funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission docket numbered 298, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. KENNEDY:

S. 1217. A bill to regulate activities involving recombinant deoxyribonucleic acid; to the Committee on Human Resources.

By Mr. BAYH:

S. 1218. A bill to amend the Juvenile and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON:

S. 1206. A bill to provide temporary authority to the Administrator of the Small Business Administration to facilitate water conservation practices and emergency actions to mitigate the impacts of the 1976–77 drought; to the Select Committee on Small Business.

SMALL BUSINESS EMERGENCY DROUGHT DISASTER LOAN ACT OF 1977

Mr. NELSON. Mr. President, I am introducing today, by request of the administration, a bill to provide low cost small business loans to drought disaster victims.

The bill would create a temporary loan

program which would expire at the end of this fiscal year, September 30, 1977. Eligible small firms must demonstrate that drought conditions have caused at least a 20-percent reduction in normal business levels as determined over not more than the 5 preceeding fiscal years. In addition, the Small Business Administration must determine that the firm will suffer substantial economic injury without assistance under the program. Firms must be in drought designated areas as determined by the President, the Secretary of Agriculture, or the SBA Administrator.

Loans could be made for normal business purposes or for improving water conservation practices or to rehabilitate, replace, or augment water supply facilities adversely affected by the 1976–77 drought.

Fifty million dollars is the requested authorization for this program.

I ask unanimous consent that this bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Emergency Drought Disaster Loan Act of 1977".

SEC. 2. (a) The Small Business Administration may make direct loans to small business concerns as defined by Section 3 of the Small Business Act and regulations thereunder for the following purposes:

(1) To remedy the effects of actual or prospective substantial economic injury resulting from the 1976–77 drought in drought-designated areas as determined by the President, the Secretary of Agiriculture, or the Administrator of the Small Business Administration.

(2) For short-term projects to improve water conservation practices or to rehabilitate, replace, or augment water supply facilities adversely affected by the 1976–77 drought in drought-designated areas as determined by the President, the Secretary of Agriculture, or the Administrator of the Small Business Administration.

(b) Such loans are subject to the following conditions:

(1) the interest rate for Section 2(a)(1) loans shall be at a rate of not less than 5 percent per annum; for loans under Section 2(a)(2) the interest rate shall be as established for Section 7(b)(1) loans under the Small Business Act;

(2) no loan may be made for a period exceeding 30 years;

(3) to be eligible for loans based upon claims of economic injury, a small business concern must demonstrate that its level of business activity is, or is expected to be, not less than 20 percent below the normal level of business activity for a period not exceeding the preceding 5 fiscal years. The Administration must also determine that such concern has suffered or is likely to suffer substantial economic injury without assistance under the Act;

(4) loan applications must be submitted and approved before October 1, 1977.

(c) Any funds to be used for purposes of assistance under Section 2(a)(1) or Section 2(a)(2) must be committed before October 1, 1977. In addition, the short-term projects for which these loan proceeds may be used must be completed by November 30, 1977, unless, under special circumstances or hardship, the Administrator of the Small Business Administration allows a project completion extension.

SEC. 3. The Administrator of the Small Business Administration may designate any area in the United States as an emergency drought impact area if he finds that a major and continuing adverse drought condition exists and is expected to continue, and such condition is causing significant hardships on the affected areas. Provisions of this Act apply to drought disaster areas currently designated under existing law, as well as those to be designated pursuant to this Act.

SEC. 4. Insofar as possible and if not expressly changed by any provisions of this Act, the provisions of the Small Business Act applicable to loans authorized by sections 7(b)(1) and 7(b)(2) of the Small Business Act and the rules and regulations relating thereto shall apply to loans made under this Act.

SEC. 5. The National Environmental Protection Act of 1969, as amended, shall be implemented to the fullest extent consistent with but subject to the time constraints imposed by this Act, and the Administrator of the Small Business Administration, when making the final determination regarding an application for assistance hereunder, shall give consideration to the environmental consequences determined within that period.

SEC. 6. Thereby authorized to be appropriated to the revolving fund established by section 4(c)(1)(A) of the Small Business Act the sum of $50,000,000.

STATEMENT OF NEED AND PURPOSE

The Small Business Administration's Emergency Drought Disaster Loan Program is to be established as part of a coordinated, multi-agency Presidential initiative to facilitate water conservation practices and to provide immediate relief from the impact of the 1976–77 drought.

The program will also provide emergency drought assistance loans to assist small business concerns to overcome the impact of actual or prospective economic injury suffered as a result of drought. Eligibility requires an actual or expected decrease in business activity of at least 20 percent below normal levels.

Its primary purpose is emergency drought loan assistance to aid water conservation and to improve or augment existing water supply facilities to avert future adverse impact of droughts on small concerns.

Small business concerns in both currently-designated drought disaster areas and areas to be designated by the President or the Secretary of Agriculture or the Administrator of the Small Business Administration will become eligible for this emergency drought assistance.

Actual or prospective loss loans will be made to small concerns at 5-percent interest for a period up to 30 years. Loans for other purposes authorized by this bill will be at the current 6⅝-percent interest per annum for a period up to 30 years.

Emergency loan applications may not be accepted after September 30, 1977. Funds for drought disaster assistance under the Act must be committed before October 1, 1977. Project measures authorized under this bill must be completed by November 30, 1977, unless due to special circumstances SBA's Administrator makes an exception.

An additional $50 million appropriation is being requested from Congress to fund this new program.

SECTION-BY-SECTION ANALYSIS

SECTION 1

Purpose clause and provision for citation of the Act.

SECTION 2

Section 2(a)(1) establishes an economic injury disaster loan (EIDL) program (similar to SBA's 7(b)(2) program).

Section 2(a)(2) establishes a direct loan program for water conservation and drought disaster assistance (similar to SBA's 7(b)(1) program).

Section 2(b) provides terms for the assistance to be granted. Loans are to be at 5 percent interest under Section 2(a)(1) and at a comparable interest rate of 6⅝% under Section 2(a)(2) for a period not to exceed 30 years. Section 2(b)(3) provides that small business concerns must experience a 20 percent reduction in normal business activity to qualify for EIDL assistance under this Act.

Section 2(b)(4) establishes a September 30, 1977 deadline for loan applications and approvals under this Act.

Section 2(c) provides that loan funds for programs under this Act must be committed pursuant to an approved application before October 1, 1977. The mandatory project completion date for projects funded under this Act is November 30, 1977, unless in consideration of hardship, the Administrator extends the completion deadline.

SECTION 3

Provides for declaration of drought disaster areas by SBA's Administrator, and application of this Act's provisions to current drought disasters and drought disaster designated pursuant to this Act.

SECTION 4

Makes available the provisions of the Small Business Act applicable to loans authorized by Sections 7(b)(1) and 7(b)(2) of the Small Business Act and the rules and regulations of the Agency relating thereto for purposes of administering this Act.

SECTION 5

Requires that the National Environmental Protection Act be fully implemented consistent with the time constraints of this Act.

SECTION 6

Provides an authorization for an appropriation of $50 million to the disaster loan fund of the Small Business Act for the purposes of this Act.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, D.C., March 28, 1977

Hon. GAYLORD NELSON,
Chairman, Select Committee on Small Business, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is a copy of proposed legislation "To provide temporary authority to the Administrator of the Small Business Administration to facilitate water conservation practices and emergency actions to mitigate the impacts of the 1976–77 drought" which the Agency is today transmitting to the President of the Senate and the Speaker of the House of Representatives.

I trust that this Presidential initiative will receive your favorable consideration and support.

Sincerely,

WILLIAM T. GENNETTI,
For ROGER H. JONES,
Acting Administrator

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, D.C., March 25, 1977

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am enclosing for your consideration and appropriate reference a bill "To provide temporary authority to the Administrator of the Small Business Administration to facilitate water conservation practices and emergency actions to mitigate the impacts of the 1976–77 drought."

On March 23, 1977, the President announced a number of administrative actions and legislative proposals to extend immediate assistance to those suffering serious human and economic costs because of the severe drought in the Western and Plains States. In accordance with the President's message, the Small Business Administration

is hereby submitting a proposed draft bill to provide small business concerns with:

(1) Emergency drought assistance loans to help overcome the impact of actual or prospective economic injury suffered as a result of drought. Such loans will bear a 5 percent interest rate to the borrower.

(2) Loans for short-term projects to improve water conservation, and loans to improve or augment existing water supply facilities to avert the future adverse impact of droughts. Such loans will be made at a uniform interest rate (currently 6⅝ percent) comparable to all SBA 7(b) loans.

Small business concerns in both currently-designated drought disaster areas and areas to be designated by the President or the Secretary of Agriculture or the Administrator of the Small Business Administration will become eligible for up to $50 million in emergency drought assistance.

The Office of Management and Budget has indicated that the enactment of this measure would be in accord with the program of the President.

Sincerely,

ROBERT H. JONES,
Acting Administrator.

Enclosure.

By Mr. PACKWOOD (for himself, Mr. HATFIELD, and Mr. STEVENS):

S. 1207. A bill to provide for a series of regional Presidential primary elections; to the Committee on Rules and Administration.

PRESIDENTIAL REGIONAL PRIMARIES ACT

Mr. PACKWOOD. Mr. President, in 1968, I asked for the adoption of a new approach to conducting Presidential preference primaries. Nearly a decade of neglect later, the number of States holding primaries has increased to 30. Though there is no logical sequence of primary dates or uniformity of election results, candidates for the highest office in our land are expected to compete for the attention of the voters in all of these States.

The competition requires huge amounts of money. President Ford spent over $1.5 million on travel expenses just during the 1976 primary season. This amounted to 18 percent of his total campaign expenditures. Other candidates spent similar amounts simply because there is no rational sequence in which the States hold their primaries. This also contributed to gross inefficiencies in the purchase of media for political advertising. Media markets very seldom end abruptly at the borders of a State. For example, radio, television, and newspaper advertising purchased for New York voters reached nonvoters in New Jersey, Connecticut, Rhode Island, and other States, all at considerable expense. In 1972, $21 million was spent on radio and television spots just during the primary season.

States on opposite sides of the Nation hold their primaries on the same day. On May 4, candidates were expected to compete in Alabama, District of Columbia, Indiana, Mississippi, and South Dakota. On May 25, five primaries extended from Oregon to Arkansas. On June 8, three major primaries were held in California, New Jersey, and Ohio, and these examples are not atypical.

Physical and mental exhaustion, frequent burdens of any campaign for public office, are greatly intensified by duplicative plane rides, institutional food, and uncomfortable hotels. Older or physically handicapped candidates drop off the pace in the earliest primaries.

We no longer choose our President by his character, intelligence, and stands on issues, but by whether, after 30 primaries on 15 different dates, he can still stand at all.

Reporting procedures have become the most recent burden. Both 30 and 10 days prior to each State primary, the Federal Elections Commission requires financial disclosure of campaign receipts and expenditures. In 1976, this meant high salaried accountants closed out the books for both the Ford and Carter campaigns 27 times during the 100-day primary season, thus adding to the duplication and expense.

This expenditure of money and manpower would be worthwhile if it facilitated more candidate exposure to the public, but it does not. Too much time is spent in airplanes or taxis to and from airplanes. Visits to individual States only allow enough time to meet with members of the local press, stage a few "attention-getters" and remind the voter asking a tough question, "I have a plane to catch." To the extent that our present primary system wastes the candidates' resources, the public is denied essential access to its present and future leaders.

I propose we stop this waste. I propose we streamline the process of selecting Presidential nominees. The legislation I reintroduce today is very simple. It would establish five regions. The regions I have drawn up can be generally described as New England, the Great Lakes area, the Southeast, the Great Plains, and the West. My plan would establish five dates on which States could hold their Presidential preference primaries. The States would retain the decision as to whether to hold a primary, but once they choose to do so, it would be held on the same date as other primaries in that region. If these regions had been established in 1976, no region would have had more than seven State primaries on the designated date, or fewer than five.

State officials would also continue to officiate their State's primary, except that the results would be required to conform to a Federal standard developed by the Federal Election Commission.

The sequence of regional primaries would be determined by lot. The plan calls for the first primary to be held on the second Tuesday in March. A drawing would be held 70 days prior to that date to determine which region would hold its primary. This same procedure would be followed for the succeeding primaries to be held on the second Tuesday of April, May, June, and July of Presidential election years.

I ask my colleagues to support this concept—not necessarily the bill's specifics, the dates to hold primaries or the makeup of a particular region, but its concept. We must not lose sight of its intent by focusing on the specifics. The proposal, no matter how it evolves, must further the goals of democracy. It must provide an efficient elections process which minimizes wasted expenses and, more importantly, focuses more widespread and penetrating public exposure on the candidates.

I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Regional Primaries Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) the proliferation of elections held by States for the expression of a preference for the nomination of individuals for election to the office of President subjects candidates for nomination for election to such office to physical exhaustion, danger, and inordinate expense;

(2) there is no uniformity among State laws with respect to the effect of such elections on delegates to the nominating conventions held by political parties;

(3) the confusion caused by this lack of uniformity in state laws gives rise to cynicism, frustration, and distrust of the nomination process;

(4) the national nominating conventions held by political parties constitute an integral part of the process by which the President is chosen by the people of the United States; and

(5) in order to protect the integrity of the Presidential election process and provide for the general welfare of the Nation, it is necessary to require states which conduct presidential primaries to conduct them in accordance with an organized, regional scheme for all such primaries.

ESTABLISHMENT OF REGIONAL PRIMARIES

SEC. 3. (a) The Congress requires that no State which conducts an election for expression of a preference for the nomination of individuals for election to the office of President provide by law for such election to be conducted except in accordance with the provisions of this Act.

(b) Five regional primaries shall be held during each Presidential election year. The first regional primary shall be held on the second Tuesday of March, and an additional regional primary shall be held on the second Tuesday of each of the four succeeding months. Seventy days before the date of the first regional primary, the Commission shall determine by lot the region in which that primary is to be held. The Commission then shall determine by separate lot, conducted seventy days before the date of each subsequent regional primary except the last, the region in which each subsequent regional primary is to be held.

(c)(1) At each such regional primary, there shall appear on the ballot, together with the name of the political party with which he is affiliated, the name of each individual who is generally recognized in national news media throughout the United States as a candidate for nomination by a political party for election to such office, as determined by a majority of the members of the Commission.

(2) An individual whose name is not placed on a regional primary ballot by the Commission under paragraph (1) may have his name and the name of the political party with which he is affiliated appear on the ballot, if he is eligible for election to the office of President, notifies the Commission in writing that he is a candidate for nomination by a political party (specifying which

political party) for election to the office of President, and—

(A) present the Commission with a petition supporting his candidacy for such nomination, signed by 1 per centum of the registered voters eligible to vote in the primary (not more than 25 per centum of the signatures necessary shall come from any State within that region); or

(B) pays a filing fee of $10,000 which should be refunded if he receives a 5 per centum or more of the total number of votes cast by members of his political party in the regional primary.

The notification and presentation or payment shall be made to the Commission by such date before the primary as the Commission may prescribe, but not earlier than forty-five days or later than thirty-five days prior to the date on which the primary is to be held in that region.

(3) The Commission shall announce—

(A) a tentative list of individuals for whom votes may be cast at a regional primary seventy days before the date of that primary; and

(B) a final list of individuals for whom votes may be cast at a regional primary thirty days before the date of that primary.

(d) The Commission shall not include on the ballot of any regional primary the name of any individual who executes and files with the Commission the following affidavit, executed under oath:

"I, _____, being duly first sworn, do depose and say that I am not, and do not intend to become, a candidate for nomination for election, or for election, to the office of President of the United States.

"State of _____

"County or city of _____

"Subscribed and sworn to before me this _____ day of _____, 19_____.

"_____
"Name

"(Seal)"

"_____
"Title

"My commission expires _____, 19_____."

(e) Nothing in this Act prohibits the casting of votes for candidates whose names are written on the ballot by voters in accordance with the requirements, if any, of the law of the State in which the election is held.

(f) Subject to such guidelines as the Commission may promulgate, the regional primary shall be conducted in each State which chooses to hold a primary by officials of that State charged with conducting elections. Voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Each voter shall be eligible to vote only for a candidate for nomination by the party of that voter's registered affiliation. Each such state shall make provision for the registration of voters by party affiliation.

(g) The chief executive officer of each state shall certify the results of the regional primary held in his State to the Commission within a period of time after such date, not exceeding fifteen days, prescribed by the Commission.

APPOINTMENT OF CONVENTION DELEGATES

SEC. 4. (a) A candidate who receives 5 per centum or more of the votes cast by members of his political party in a regional primary shall appoint delegates from States within the region within which the primary was held to the national nominating convention held by the political party whose nomination he seeks.

(b) The number of delegates which a candidate shall appoint in any state within that region is a number which is a percentage of the total number of delegates from that State to his party's national nominating convention equal to the percentage of the votes cast by members of his party in that State received by him in the primary.

(c) If a candidate receives less than 5 per centum of the votes cast by members of his political party in a regional primary, he may not appoint a delegate from any State within that region. The percentage of the votes cast for such a candidate by members of his political party in any State within that region shall be (1) apportioned among the other candidates of the same political party who received votes in that State on the basis of the number of votes received by each of such other candidates and (2) added to the percentage of the votes received by each of such other candidates in that State for the purpose of determining the number of delegates they may each appoint under subsection (b).

(d) If a candidate fails or refuses to appoint delegates to which he is entitled in any State within a reasonable time, as prescribed by the Commission, the Commission shall, with the consent of the State government involved, appoint delegates pledged to support such candidate at the national nominating convention held by his party. Such delegates shall be bound, to support such candidate at the convention to the same extent as if they had been appointed by that candidate.

CONVENTION BALLOTING

SEC. 5. (a) A delegate to a convention held by a political party for the nomination of a candidate for election to the office of President shall vote for the nomination of the candidate who appointed him or for whom he was appointed until—

(1) two ballots have been taken; or

(2) such candidate receives less than 20 per centum of the vote on a ballot; or

(3) such candidate releases him.

(b) If an individual receives a majority of the votes cast on a ballot, he shall be the nominee of that party for election to the office of President. A subsequent ballot may be taken to reflect the support of the entire convention for such candidate, but the result of the subsequent ballot shall not, in such case, result in the nomination of a different individual for election to such office.

(c) The individual who will be the candidate for a political party for election to the office of Vice President shall be selected by the convention held by that party in accordance with such procedures as it may adopt.

REIMBURSEMENT OF STATES FOR COSTS OF PRIMARY

SEC. 6. Upon application therefor, the Commission shall reimburse each State, which held a presidential primary in 1976, to make future primaries within that State conform to the provisions of this Act. No other costs incurred shall be reimbursed. Applications for reimbursement shall be submitted at such times and in such form, and shall contain such information, as the Commission shall require.

DUTIES OF THE FEDERAL ELECTIONS COMMISSION

SEC. 7. (a) The Commission shall meet prior to each regional primary and at such other times as it deems necessary, and shall—

(1) publish tentative and final lists of the individuals for whom votes may be cast in each regional primary ballot and furnish a certified list of such individuals to the appropriate officials of each State thirty days before a regional primary is to be held in that State;

(2) determine the sufficiency of any petition presented to the Commission under section 3(c);

(3) prescribe the date, after the date of a regional primary, on which the chief executive officer of each State shall certify the results of the regional primary held in his State to the Commission;

(4) promulgate guidelines and procedures to be followed by the States in conducting regional primaries;

(5) review applications for reimbursement submitted under section 6, prescribe the time of submission, from, and information content of such applications and determine and pay the amount to be reimbursed to each State under such section:

(6) consult and cooperate with State officials in order to assist them in conducting regional primaries;

(7) determine by lot in accordance with section 3(b) the order in which the regional primaries are to be held;

(8) receive and hold any filing fee paid under section 3(c)(2)(B) and—

(A) refund that fee to the candidate who paid it if he receives a number of votes in the regional primary with respect to which he paid it equal to 5 per centum or more of the total number of votes cast by members of his political party in that primary; or

(B) pay the fee into the general fund of the Treasury if it is not refundable under clause (A) of this paragraph;

(9) appoint delegate when necessary under section 5(d); and

(10) take such other actions as may be necessary to carry out the provisions of this Act.

(b) The Commission shall report to the Congress and the President not later than one hundred and eighty days prior to the date of the first regional primary to be held under this Act on the steps it has taken to implement the provisions of this Act, together with recommendations for additional legislation, if any, which may be necessary in order to carry out the regional primary system established under this Act.

DEFINITIONS

SEC. 8. As used in this Act. the term—

(1) "Commission" means the Federal Election Commission;

(2) "region" means any of the following five regions:

(A) Region 1 comprises Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Connecticut, New York, Pennsylvania, New Jersey, and Delaware.

(B) Region 2 comprises Michigan, Illinois, Indiana, Ohio, West Virginia, and Kentucky.

(C) Region 3 comprises the District of Columbia, Maryland, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone.

(D) Region 4 comprises North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Texas, and Louisiana.

(E) Region 5 comprises Washington, Oregon, Montana, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, Hawaii, and Guam.

(3) "regional primary" means an election held in accordance with the provisions of this Act for the expression of a preference for the nomination of individuals for election to the office of President;

(4) "candidate" means an individual who is a candidate for nomination by a political party as its candidate for election to the office of President;

(5) "national nomination convention" means a convention held by a political party for the nomination of candidates for election as President and Vice President; and

(6) "State" means the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and each of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. PROXMIRE (for himself and Mr. PERCY):

S. 1209. A bill to reorganize the executive branch of the Government by consolidation of functions and to increase efficiency and coordination in the area of disaster assistance, emergency preparedness, mobilization readiness, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMERGENCY ASSISTANCE AND PREPAREDNESS ADMINISTRATION ACT OF 1977

Mr. PROXMIRE. Mr. President, the U.S. emergency preparedness measures are totally inadequate, duplicative, and wasteful. Therefore, I am introducing a bill together with the Senator from Illinois (Mr. PERCY) to consolidate emergency preparedness powers in one agency instead of the three departments that now exist. The result will be better protection and service to Americans during times of national emergencies—and a savings of $15 million annually.

Right now our Federal preparedness programs are disjointed, duplicative, inefficient, wasteful, and at times even conflicting. Three different agencies, the Federal Preparedness Agency of the General Services Administration, the Federal Disaster Assistance Administration of HUD, and the Defense Civil Preparedness Agency of DOD, all unsuccessfully compete for time and attention. The result is mass confusion.

Forty-three Governors have reported to the Joint Committee on Defense Production that this confusion causes severe problems in administering State emergency programs. One witness told the committee that his State agency had to prepare 7 pounds of paperwork in order to get Federal assistance in obtaining a $50 siren.

There are literally dozens of committees, interagency task forces, and study groups all working on Federal preparedness planning. But no one is commanding the ship. No one is coordinating or making overall policy decisions. No one in the executive branch can even determine exactly how much the Government is spending each year on preparedness programs—not even the Director of the Federal Preparedness Agency, who has theoretical control.

This bill will have a net effect of eliminating two unnecessary Federal agencies and saving $15 million annually. There will be significant savings by reductions in overhead costs and possibly some manpower efficiencies as well. At the same time the essential national emergency preparedness programs will be upgraded and improved.

Under this bill a new agency will be created called the Federal Emergency Assistance and Preparedness Administration with a Director as a permanent member of the National Security Council. The new agency would have responsibility in cases of major disasters including hurricanes, tornadoes, storms, floods, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, civil disturbance, sabotage or any other catastrophe which causes or may cause substantial damage or injury to civilian property or persons. It also has jurisdiction over mobilization of the civilian economy—in times of war—and civil preparations for nuclear attack.

Mr. President, this measure is, to a large degree, an outgrowth of an extensive review of the Nation's preparedness effort undertaken last year by the Joint Committee on Defense Production. Among several major problems which that inquiry revealed in the civil preparedness area was the problem of organization at the Federal level. A forthcoming report of the Joint Committee will detail these organizational shortcomings in specific terms. The present bill is based on the Joint Committee's recommendations for remedying these organizational deficiencies.

In a very real sense, this bill is not so much an effort to reform the organization of the Federal preparedness effort as it is to restore it to a form which it has had in the past and which, through a variety of ill-considered changes, it has now lost.

For many years the civil preparedness program—including preparedness for natural disasters, economic crises, industrial and transportation accidents, for industrial mobilization, and for civil defense—has been based on the concept of a partnership between the Federal Government and staff and local governments on the other hand. In furtherance of this concept, the Federal Government encouraged States and communities to form single agencies to carry out all emergency services within their jurisdictions. By the same token, the Federal Government maintained a centralized policy and planning mechanism in the old Office of Emergency Preparedness in the Executive Office of the President.

Certain program functions relating to Federal continuity of government or to the specific missions of other departments and agencies were carried on within those agencies. Yet the Office of Emergency Preparedness retained policy and planning control, as well as budgetary control, which it exercised through a mechanism known as "delegate agency funding." This meant that Government leaders had a comprehensive overview of all of the emergency preparedness activities and spending of the Federal Government. It also meant that there was a single source of guidance and liaison for the State and local emergency preparedness units.

Under this former system the close connection between emergency preparedness, especially in terms of civil defense and industrial mobilization, and national defense was fully recognized in that the Director of the Office of Emergency Preparedness had a seat on the National Security Council. This is no longer the case today.

The wisdom underlying this approach to civil emergency preparedness was apparently lost sight of, for the current picture of our Federal preparedness effort is one of disjointed organization, diffusion of authority and responsibility, inadequate budget control, bureaucratic confusion and duplication, conflicting priorities, and general neglect of preparedness at the highest levels of Government, except after a disaster occurs.

Let me review some of the more salient findings of the joint committee's yearlong oversight inquiry.

First, there is no one in the executive branch who can state exactly how much the Government is spending each year on its preparedness efforts. So nominal is the policy control of the Director of Federal Preparedness that when the administration decided to make deep cuts in the civil defense budget, it failed to inform the Director of FPA, much less seek his advice on the planned reductions.

Second, the authority for many preparedness activities—authority formerly delegated to the Director of Emergency Preparedness—have been retained by the President under a new Executive order issued in 1973. It is unrealistic to expect a man as busy as the President to devote time on an ongoing basis to these important but not always pressing responsibilities. The result is that they have been neglected.

Indeed, in its hearings, the joint committee found that many preparedness functions assigned to Cabinet-level departments have been neglected. This appears to be a consequence of both overdelegation and underdelegation. In the press of other business, the President and his staff are unable to keep an eye on emergency preparedness activities. That authority which has been delegated has been distributed in so diffuse a way that accountability has been lost. Simply stated, the problem is one of a lack of centralized policy and planning control.

Third, the committee found that splitting up the preparedness effort into three separate agencies located in three larger departments—the Federal Preparedness Agency in the General Services Administration, the Federal Disaster Assistance Administration in the Department of Housing and Urban Development, and the Defense Civil Preparedness Agency in the Department of Defense—had two negative results. First, it submerged these agencies so deep in departments with essentially nonemergency missions that they were unable to get the attention they needed at the Cabinet level. Lack of access has hampered their effectiveness. At the same time, the three-way split has confounded State and local agencies in their efforts to work with the Federal Government.

This three-agency situation requires special comment. Under the partnership concept, coordination among the various units involved in preparedness planning and programs is of critical importance. There must not only be coordination among Federal, State and local governments, but among the many units of the Federal Government which might play a role in an emergency. Finally, there needs to be coordination between the Government and the many private institutions—ranging from private relief organizations such as the Red Cross to private industry such as the electric

power utilities—that also play a role in disaster preparedness.

Yet the existence of three separate agencies frustrates the coordination that is so vital to effective emergency preparedness. During our oversight review, all of the State and territorial Governors were queried about the Federal preparedness program. Forty-three Governors reported that this Federal preparedness troika causes severe problems in administering State emergency programs and only one reported that this three-way split causes no problems at all.

In its hearings, the joint committee heard from State emergency services directors, who told us specifically how their own efforts were frustrated by the duplication of agencies at the Federal level.

According to the State directors, the biggest sources of trouble are the conflicting priorities and hence conflicting directives of the Federal preparedness organizations, as well as the duplication of paperwork which the State agencies must process.

We found several dozen committees, interagency task forces and study groups trying to sort out the work of the many bureaucracies involved in preparedness programs but we did not find any central coordinating and policymaking authority.

In other hearings, the joint committee learned about erosion of the defense mobilization base. This has come about for many of the same reasons that have undermined Federal efforts to cope with natural disasters. Various parts of the defense industrial base planning system are strewn throughout the Government—in the Commerce Department, in the General Services Administration, in the Labor Department, in the Department of Defense, and elsewhere. Centralized control of these activities is largely a fiction. The lack of a central, authoritative organization for overseeing the defense implications of the peacetime civilian economy means that the agencies spend precious time and resources trying to harmonize their own interests rather than monitoring and coordinating the activities of the industrial base. Here, as with other aspects of civil emergency preparedness, conflicts in the program priorities of different departments and agencies lead to lack of agreement about preparedness priorities and thus to misallocated resources, programmatic confusion, and ineffectiveness.

Mr. President, the fragmented Federal emergency preparedness effort is not responsive to the needs of our citizens; it is not effective. It has not kept pace with the many new types of disaster or crisis that threaten life and property in a complex, modern society. Among these are large-scale transportation accidents, sudden resource shortages, nuclear powerplant accidents, sabotage, and terrorism.

And, as presently constituted, the Federal emergency preparedness effort wastes money. How much, we cannot be sure, because there are no fully accurate figures on total disaster preparedness spending. But the administration of three preparedness agencies duplicates overhead costs. And we can be sure that there is something wrong in our spending priorities when one Federal agency can spend millions to build an underground bunker for storing currency against a nuclear attack, while the State and local governments have difficulty getting funds for drought relief or surplus Federal equipment to aid in coping with other natural disasters.

The bill which we are introducing will go a long way toward eliminating these problems, conflicts and inequities. It will provide a central administration for all types of emergency preparedness policy, planning, and programs. It will give this administration policy and budget control over preparedness activities which, for practical reasons, should be carried out by other departments and agencies. It provides for a unified and comprehensive approach to all preparedness planning. It recognizes that the security of life and property is endangered by many types of natural and manmade events by restoring to the National Security Council the official of Government primarily responsible for emergency preparedness. And it mandates savings in overhead costs by providing spending ceilings for the new Federal Emergency Assistance and Preparedness Administration.

This legislation is based on a long and careful study of the past development and present condition of American emergency preparedness organizations and programs. It seeks to build on the wisdom of our past experience in this area, and to take account of the many more recent developments that affect the safety of our lives and property. I commend this bill to the careful consideration of my colleagues. I believe they will find that it answers our national preparedness needs very well and deserves expeditious consideration.

Mr. President, I would like to take this opportunity to thank my distinguished colleague, the senior Senator from Illinois, and staff from the Governmental Affairs Committee for their considerable efforts in assisting with this bill.

Mr. President, I ask unanimous consent that, following Senator PERCY'S remarks, an outline of the legislation and the text of the legislation be printed in the RECORD.

Mr. PERCY. Mr. President, I am pleased to introduce today, along with my distinguished colleague, Senator PROXMIRE, the Federal Emergency Assistance and Preparedness Administration Act of 1977, legislation to reorganize the emergency preparedness and disaster assistance functions of the Federal Government.

Mr. President, this year of 1977 has witnessed an unprecedented sequence of national emergencies. There has been an exceptionally severe winter causing unexpected shortages in heating fuel, industrial shutdowns, and millions of dollars of property damage as well as personal hardship; an equally severe drought in the western part of the country necessitating water rationing and other emergency measures; and a series of disastrously large oil spills. They have all focused the attention of the Nation on how this Government prepares itself for and reacts to the occurrences of unexpected emergency situations.

A number of studies conducted this past year, including those of the General Accounting Office, the Joint Committee on Defense Production, and others, have documented the utter chaos characterizing the institutional structures of our Government responsible for emergencies. Emergency preparedness and disaster assistance is perhaps the single worst organized functional area in the entire Federal Government.

At the present time, there is, in fact, no single agency of the Government responsible for dealing with emergency situations. Nor is there any single coordinating body with the authority to orchestrate the activities of the literally dozens of subagency fragments with responsibilities in this area. Rather, "lead" agency responsibilities have been vested in not one but three subagency units: First, the Defense Civil Preparedness Agency of the Department of Defense, second, the Federal Disaster Assistance Administration of the Department of Housing and Urban Development, and, third, the Federal Preparedness Agency of the General Services Administration. None of these are recognized by congressional statute, none of them holds coordinating authority over the other two, none of them wields sufficient power to assert leadership and establish direction.

The current remarkably chaotic state of affairs, Mr. President, is the product of a long parade of Executive orders and reorganization plans spanning the past 27 years. Since 1950, Congress has enacted a number of significant statutes, creating Federal responsibilities for preparing for and reacting to emergency situations. The situations covered range from civil defense against nuclear military attack and emergency relief in case of floods or tornadoes or other natural disasters, to the continuity of government subequent to nuclear annihilation. However, in drafting these various statutes, Congress has failed to address itself to the question of how to organize these varying responsibilities within the executive branch. Rather, statutes by and large have simply vested authorities in the President himself, to delegate as he pleases.

For example, in 1969, through a single Executive order (E.O. 11490), President Nixon distributed emergency preparedness responsibilities to 28 different agencies—since grown to 37—of the Federal Government. At that time, an Office of Emergency Preparedness existed in the Executive Office of the President to oversee these 37 agencies in their implementation of those responsibilities. However, just 4 years later, this Office was abolished through still another reorganization plan—plan No. 1 of 1973—and its functions were decentralized to less authoritative entities within the Government. As a result, each of those 37 agencies is currently answerable only to the General Service Administration in their performance of these functions, an agency with no statutory authority whatsoever to exercise supervision or

dictate uniform policy over this esoteric archipelago of officialdom.

Another sign of institutional fragmentation is found in the structure of disaster relief programs. The "Catalogue of Domestic Assistance" published by the Office of Management and Budget now lists over 45 programs administered by 15 departments and agencies of the Government, again without centralized supervision. State emergency relief agencies often find themselves in a state of utter confusion in dealing with such an arbitrary array of bureaucracy. There is no central point of contact available to applicants for Federal emergency assistance. Forms and qualifications and procedures differ from agency to agency. As a result localities are often frustrated in obtaining necessary assistance, and American citizens suffer needlessly in their hour of misfortune.

While clearly we have the programs to deal with emergency disaster situations, the haphazard and chaotic structuring of those programs has frustrated the goals Congress has set for them.

As if these difficulties were not enough, Mr. President, sharp splits have developed between those agencies of the Government responsible for preparing and planning for emergencies, and those responsible for reacting to them. Preparedness functions have been isolated in those agencies, particularly DCPA and FPA, which are primarily concerned with civil defense and wartime preparedness, to the exclusion of natural disasters or other more commonplace emergencies. However, the major source of State preparedness funding emanates from just these agencies, and particularly DCPA preparedness grants. In the past, States and localities have used DCPA funds to establish procedures and organizations for both civil defense and natural disaster preparedness. Last year, however, in an effort toward organizational "reform," the States were forbidden from using DCPA funds for any purpose other than wartime civil defense preparedness. As a result, virtually all Federal assistance for natural disaster preparedness has dried up. The potential loss of life resulting from this single bureacratic squabble is incalculable.

The legislation that I am introducing today together with Senator PROXMIRE will undertake a long-overdue revamping of the emergency-related institutions of the Federal Government. For the first time, a single congressionally authorized Administration will be responsible for both planning and reacting to emergencies and disasters. All functions and programs currently scattered among the Defense Civil Preparedness Agency, the FDAA, and FPA, and the Office of Industrial Mobilization of the Department of Commerce, will coalsece in this new Administration. All other programs, functions, and activities of the Government remaining outside the new Administration will fall within its supervisory or coordinating authority.

As best as we can estimate, Mr. President, the current pricetag for Federal agencies included within this reorganization stands at $179.7 million. I believe that through centralized management and improved coordination, this figure can be drastically reduced. For that reason, we have set in this legislation a spending ceiling of $164.7 million, or a decrease of $15 million from the current total, to force the new administration to implement these savings. We have designed this spending ceiling, however, to assure that in no case would the administration have its hands tied in grappling with an unexpected emergency situation should it arise.

Upon passage of this legislation, Mr. President, this country would enjoy a single coherent emergencies policy and program with a unified organizational structure capable of implementing it in a rational manner.

This legislation, developed by the staffs of the Governmental Affairs Committee and the Joint Committee on Defense Production working in close cooperation, represents a major step toward bringing order to a most confused and chaotic sector of the Federal bureaucracy. The need for such legislation is acute. Already this year in just 3 months, Mr. President, more than 15 Presidential Declarations of Major Disaster Areas or States of Emergency have been issued. In these areas seven Government operations are decreased and have efficient and effective implementations of government policy.

There being no objection, the bill and outline were ordered to be printed in the RECORD, as follows:

S. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "Federal Emergency Assistance and Preparedness Administration Act of 1977".

TABLE OF CONTENTS

Sec. 1.—Title
Sec. 2.—Definitions
Sec. 3.—Establishment
Sec. 4.—Director
Sec. 5.—Organization
Sec. 6.—Functions
Sec. 7.—Coordination with Other Federal Agencies
Sec. 8.—Coordination with States and Localities
Sec. 9.—Transfers of Functions and Authorities
Sec. 10.—Annual Reports
Sec. 11.—Authorization of Appropriations
Sec. 12.—Amendment of Preparedness Programs

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "emergency preparedness" refers to all programs, functions, activities, or expenditures of the Federal Government undertaken for the purpose of preparing, warning, planning, stockpiling, training, or otherwise establishing contingency measures against damage or danger to life, limb, property, the environment, or the economy, or the mitigation of such damage or danger which might result from the occurrence of any one or a combination of—

(A) a major disaster or emergency as defined in the Disaster Relief Act of 1974;

(B) an industrial, transportation or similar accident;

(C) an economic crisis resulting from any commodity shortage (including an energy shortage), industrial shutdown, or other disruption caused by any occurrence referred to in this subsection or by any other fortuitous or uncontrollable circumstance resulting in severe personal, business, or community hardship;

(D) the effect on life or property of an act of sabotage or terrorism;

(E) an accident involving radioactive material;

(F) any such emergency or disaster occurring outside the United States or its territories for which the United States might wish to donate assistance; or

(G) the effect on civilian life and property of a military or industrial mobilization or an attack upon the United States involving either conventional or nuclear weapons;

(2) the term "disaster assistance" refers to all programs, functions, activities, or expenditures of the Federal government undertaken for the purpose of facilitating recovery from or repair of damage inflicted by or providing immediate relief during the course of any of the occurrences enumerated in clause (1); and

(3) the term "Federal agency" means any department, agency, or other authority of the executive branch of the government or any subdivision or office thereof.

ESTABLISHMENT

SEC. 3. There is hereby established as an independent establishment of the executive branch of the Government the Federal Emergency Assistance and Preparedness Administration (hereinafter referred to as the "Administration").

DIRECTOR

SEC. 4. (a) The Administration shall have a Director and Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of fitness to perform the duties and functions of the office. The Deputy Director shall act for and exercise the powers of the Director during the absence or disability of the Director.

(b) The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Administration. The Director shall have the authority and control of all of the staff of the Administration and their activities. The Director shall maintain budgets and allocate available funds as appropriate in carrying out the provisions of this Act.

(c) The Director shall be a permanent member of the National Security Council and shall report to the President through his Domestic Council for other than national security matters.

(d)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(66) Director, Federal Emergency Assistance and Preparedness Administration.".

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(114) Deputy Director, Federal Emergency Assistance and Preparedness Administration.".

ORGANIZATION

SEC. 5. (a) For purposes of carrying out his responsibilities under this Act, the Director may delegate such of his duties and authorities as he sees fit to subordinates within the Administration and to the Deputy Director.

(b) The Director shall establish within the Administration the following Offices to assist him in carrying out the provisions of this Act and the functions transferred to the Administration by this Act:

(1) An Office of Director Assistance Operations to implement those functions of the Administration relating to emergency relief for areas declared by the President pursuant to his authority under the Disaster Relief Act of 1974 to be major disaster areas or areas under states of emergency.

(2) An Office of Emergency Preparedness to implement those functions of the Admin-

istration related to preparing the American people against contingencies as defined in section 2(1).

(3) An Emergency Information Center to implement the responsibilities of the Administration under section 6(10), 6(11), 8(a)(4), and 8(a)(6).

(4) An Office of Program Evaluation to review on a continuing basis all programs, functions, and activities of the Administration, including both those under the direct authority of the Administration and those within the supervisory or coordinating functions of the Director under section 7 of this Act, and to make recommendations, based on its review, to the Director for the improvement of such programs, functions, and activities through better coordination, consolidation, institutional realinement, programmatic amendment, or otherwise through legislation or agency action.

FUNCTIONS

SEC. 6. The Administration shall—

(1) implement all Federal disaster assistance programs and authorities transferred to the Administration by section 9;

(2) implement all Federal emergency preparedness programs and authorities transferred to the Administration by section 9;

(3) coordinate all programs, functions, and activities of the Federal Government related to emergency preparedness and disaster assistance;

(4) develop and implement a coherent overall policy framework encompassing all functions of the Administration, and in such framework:

(A) identify priorities for Federal activity,

(B) integrate the preparedness and assistance functions of the Administration to provide a unified approach to Federal emergency activities,

(C) provide adequate emphasis to civil defense and other nuclear preparedness programs, and

(D) identify and integrate the roles of the states and localities in the overall emergency preparedness and disaster assistance effort;

(5) carry out comprehensive planning and policy formulation with respect to industrial mobilization, economic readiness, and such other civil preparedness functions as may be assigned by the President for emergencies and contingencies relating to the national defense and for supervising and coordinating the implementation of federal economic and industrial mobilization programs;

(6) develop, in coordination with other branches, departments, and agencies or the Federal government, contingency plans for the continuity of the Federal government and for supervising the implementation of these plans;

(7) establish and maintain training programs for personnel from public agencies and private institutions concerned with predicting, planning for, and preparing for emergencies and disasters or with providing assistance before, during or after the occurrence of such emergencies and disasters;

(8) develop, and where appropriate implement, in consultation with representatives of appropriate Federal agencies contingency plans for fulfilling its responsibilities under this Act, in a manner which

(A) reflects priorities established under clause (4)

(B) concentrates available resources against those needs most common and costly, and

(C) incorporates the full range of contingency and emergency situations within the jurisdiction of the Administration;

(9) initiate reviews of Federal emergency preparedness and disaster assistance programs and make periodic recommendations regarding how such programs can be improved through greater consolidation, coordination, institutional realignment, programmatic amendment, or otherwise by legislation or Federal agency action;

(10) undertake research and development activities leading to the improvement of programs under the cognizance of the Administration, including generic studies of disasters, emergencies, crises, and other contingencies which adversely affect life and property, and provide the results of such research and development activities to Federal, State, local and private agencies, as appropriate; and

(11) monitor all programs, functions, and activities of the Federal government concerned with collecting and analyzing data on natural, economic, industrial, agricultural, technological, scientific and other phenomena and trends, including data on materials availability and consumption, for the purpose of assisting in the fulfillment of the Administration's responsibilities for predicting, planning for, and preparing for industrial and economic mobilization, strategic stockpiling, economic crises, and emergencies and disasters as defined under section 2 (1) of this Act, and assemble and maintain current information relevant to such purposes in a central location and make available to the public and to interested public and private agencies on a periodic basis new information assembled pursuant to this clause.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 7. (a) All expenditures related to emergency preparedness and mobilization authorities under the Defense Production Act of 1950, as amended, as delegated and assigned to federal agencies under Executive Order 11490, as amended, shall be included within the annual budget and appropriation of the Administration, and the Director shall be responsible for coordinating and supervising the implementation of programs and activities pursuant to such authorities.

(b) Upon a declaration by the President, pursuant to the Disaster Relief Act of 1974, of a major disaster or a state of emergency, the Director shall coordinate and supervise all programs, functions, and activities of the Federal government to provide assistance under such declaration. The head of each Federal agency having jurisdiction of any such program, function, or activity shall cooperate with the Director in fulfilling his responsibilities under this section.

(c) The head of each Federal agency which has jurisdiction of a program or function relating to emergency preparedness or disaster assistance, including those referred to in subsection (b) of this section, shall, within 30 days of the enactment of this section and thereafter at least annually, report to the Director on the status, funding, and activities of each such program or function. The Director, at least annually, shall cause to be published a compilation of reports submitted to him under this subsection. Such compilation shall be made available to the public on such terms as the Director shall prescribe.

(d) The head of each Federal agency which has jurisdiction of a program, function, or activity relating to emergency preparedness or disaster assistance, including international disaster assistance, shall assist and cooperate with the Director in developing contingency plans under section 6(6) and 6(8), and shall likewise assist and cooperate in the implementation of those plans where so requested by the Director.

(e) The head of each Federal agency which has jurisdiction of any program, function, or activity concerned with collecting and analyzing data described in section 6(11) shall cooperate with the Director in fulfilling his responsibilities under that subsection.

COORDINATION WITH STATES AND LOCALITIES

SEC. 8. (a) The Director shall assist States and localities in applying for and participating in all Federal programs relating to emergency preparedness and disaster assistance. This assistance shall include—

(1) providing relevant information and materials to applicants and participants;

(2) maintaining a library of current information to be made available to States and localities;

(3) providing education services and programs to States and localities;

(4) monitoring all Federal agencies concerned with studying natural phenomena and predicting natural occurrences and potential natural disasters, and providing such information on a regular basis to States and localities;

(5) establishing within the Administration a single point of contact for all State, local, and private preparedness or relief organizations in order to facilitate coordination of programs and standards among different types of government and organizations and to improve the provision of Federal services;

(6) providing on a regular basis such information as shall have been assembled under section 6(11) of this Act which might be useful to States and localities in predicting, planning for or preparing for emergencies or disasters; and

(7) providing liaison services to other Federal agencies.

(b) The Director shall develop improved avenues of Federal-State cooperation, including those authorized under the Joint Funding Simplification Act of 1974, and implement these methods where applicable.

(c) The Director shall consult with States and localities in carrying out his functions under this section.

TRANSFERS OF FUNCTIONS AND AUTHORITIES

SEC. 9. All functions, authorities, files, and accounts of the Defense Civil Preparedness Agency in the Department of Defense, the Federal Disaster Assistance Administration in the Department of Housing and Urban Development, the Office of Industrial Mobilization in the Department of Commerce, and the Federal Preparedness Agency, the Stockpile Storage Division and such other elements as are related to stockpiling in the General Services Administration, are hereby transferred to and vested in the Administration.

SEC. 10. (a) Not later than December 31 of each year, the Director shall report to the President and the Congress on activities pursuant to the provisions of this Act during the preceding fiscal year. Such reports shall include—

(1) an analysis of all funds expended or obligated under each of the programs or activities assigned to the Administration by this Act;

(2) an assessment of the Administration's efforts in providing assistance following each declared major disaster or state of emergency, including an accounting of assistance provided, and progress that has been made in facilitating recovery from such declared major disaster or state of emergency;

(3) progress under emergency preparedness programs assigned to the Administration;

(4) a description of activities undertaken by the Administration toward improving coordination and cooperation among agencies of the Federal government and between the Federal and state and local governments relating to activities under this Act;

(5) recommendations, as appropriate, of the Office of Program Evaluation under section 5(b)(4); and

(6) such other recommendations as the Director deems appropriate and such information as may be useful in assessing the progress of the Administration.

(b) Each report required to be submitted to the Congress by this Act shall be referred

to the standing committee or committees having jurisdiction over any part of the subject matter of the report.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated to the Federal Emergency Assistance and Preparedness Administration through the close of fiscal year 1981—

(1) for all expenses, except those set forth under paragraphs (2) and (3), $126,700,000 for fiscal year 1978, $129,700,000 for fiscal year 1979, $132,700,000 for fiscal year 1980, and $135,700,000 for fiscal year 1981;

(2) for expenses in carrying out the functions of the Administration under the Disaster Relief Act of 1974 not including administrative expenses, such sums as may be necessary; and

(3) for expenses in carrying out the functions of the Administration under section 7 (a) of this Act, $38,000,000 for each of the fiscal years 1978, 1979, 1980, and 1981.

AMENDMENT OF PREPAREDNESS PROGRAMS

SEC. 12. (a) Section 2 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251) is amended—

(1) by striking out ", in this thermonuclear age," in the first sentence of such section; and

(2) by inserting "or from major disasters" immediately after "from attack" in the second sentence of such section.

(b) Section 3 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2252) is amended—

(1) by inserting immediately after paragraph (a) the following:

"(b) The term 'major disaster' means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, civil disturbance sabotage, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.";

(2) by redesignating paragraphs (b), (c), (d), (e), (f), and (g) as paragraphs (c), (d), (e), (f), (g), and (h), respectively;

(3) by amending paragraph (c) (as redesignated by paragraph (2)) by—

(A) inserting "or by a major disaster" in clause (1) immediately after "attack upon the United States"; and

(B) inserting "or major disaster" after "attack" each place it appears in such paragraph after clause (1); and

(4) by amending paragraph (d) (as redesignated by paragraph (2)) by striking out the period at the end of the first sentence and all that follows through "civil defense plans".

(c) Section 201 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281) is amended—

(1) by striking out "of enemy attacks to the civilian population" in paragraph (c) and inserting in lieu thereof "to the civilian population of any attack or major disaster";

(2) by inserting "and major disasters" in paragraph (d) immediately after "effects of attacks";

(3) by striking out "June 30, 1976" in the second proviso to paragraph (e) and inserting in lieu thereof "September 30, 1980";

(4) by inserting "or major disaster" in paragraph (g) immediately after "attack" each place it appears;

(5) by striking out "June 30, 1976" in the fourth proviso to paragraph (h) and inserting in lieu thereof "September 30, 1980";

(6) by striking out "quarterly" in the tenth proviso to paragraph (i) and inserting in lieu thereof "annually".

(d) Section 205 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2286) is amended—

(1) by inserting "and the areas which may be affected by major disasters" in paragraph (d) (1) immediately after "target and support areas"; and

(2) by striking out "June 30, 1976" in subsection (h) and inserting in lieu thereof "September 30, 1980".

(e) Section 307 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2297) is amended by striking out "June 30, 1974" and inserting in lieu thereof "September 30, 1980".

OUTLINE: FEDERAL EMERGENCY ASSISTANCE AND PREPAREDNESS ADMINISTRATION ACT OF 1977

I. This legislation would create a Federal Emergency Assistance and Preparedness Administration (FEAPA) as an independent establishment of the Executive Branch of the government by combining the following units:

A. The Defense Civil Preparedness Agency of the Department of Defense;

B. The Federal Disaster Assistance Administration of the Department of Housing and Urban Development;

C. The Federal Preparedness Agency of the General Services Administration;

D. The Office of Industrial Mobilization of the Department of Commerce;

E. 37 independent emergency preparedness Offices attached to various departments and agencies of the government by Executive Order. These would become "delegate agencies of the new Administration (see IV below).

The Administration would be under the coordinate all other programs, functions, and activites of the government relating to disaster assistance or emergency preparedness.

II. Structure:

The Administration would be under the contrcl of a Director and a Deputy Director appointed by the President and confirmed by the Senate. The Director would be authorized to delegate responsibilities within the Administration as he sees fit. The following sub-agency units would be established to implement specialized functions of the Administration:

A. An office of Disaster Assistance Operations;

B. An Office of Emergency Preparedness;

C. An Emergency Information Center;

D. An Office of Program Evaluation.

The Director would become a statutory member of the National Security Council and report to the President through his domestic Council.

III. Functions:

The Administration would be responsible for all disaster assistance and emergency preparedness functions of the government. All functions of the four agencies combined into the Administration would vest directly in the Director. Among the responsibilities of the Administration would be:

A. Disaster assistance functions under the Disaster Relief Act of 1974;

B. Civil Defense, emergency preparedness, and continuity of government functions under the Civil Defense Act of 1950;

C. Industrial Mobilization functions under the Defense Production Act of 1950;

D. Training and assistance grant programs to the states for civil defense and disaster assistance;

E. Development and implementation of a unified coherent policy and program framework for all functions of the Administration;

F. Coordination of all other emergency functions and programs of the Federal government;

G. Information collection and dissemination, research and development, and program evaluation functions in the emergency preparedness and disaster assistance fields.

IV. Coordination with other Governmental Units:

The Administration would serve as a single point of contact for state and local governments in dealing with the Federal government on emergency matters. The Administration would provide liaison and information services and work with the states and local governments in developing improved avenues of cooperation and coordination.

The Administration would be responsible for coordinating the total Federal effort in the emergency preparedness and assistance fields. Agency heads with functions or activities in this area would be directed to cooperate with the Director in this effort. In cases of Presidentially declared emergencies or disasters, the Director would have direct supervisory authority over all Federal agencies responsible for providing assistance.

The 37 small emergency preparedness Offices attached to different agencies of the government under Executive Order 11490 (1969) would become "delegate agencies" of the Administration. The Director would have both budgetary and supervisory control over these Offices, though they would remain within their home agencies for purposes of retaining necessary agency expertise.

V. Effect on Substantive Programs:

This legislation makes only one substantive change in Federal emergency programs. Currently, Defense Civil Preparedness Agency (DCPA) preparedness grant funds to the states are limited to nuclear civil defense purposes. States are technically forbidden from using these fundfs for coping with natural disasters. This restriction would be removed.

Aside from this single substantive change, the new Administration would be charged with reviewing and recommending proposals to streamline and harmonize the variety of programs within its jurisdiction. Further substantive changes will, of course, require further legislation.

VI. Authorization of Appropriations:

The authorization for the Administration is designed to result in savings of $15 million stemming from the general reorganization. However, actual emergency assistance funds would not be included in this restriction so as not to cripple the ability of the government to react to an unforeseen emergency situation. Total authorization for the Administration, not including emergency assistance funds, would total $164.7 million in the first year, as opposed to a current cost of $179.7 million.

By Mr. STENNIS (for himself and Mr. TOWER) by request):

S. 1210. A bill to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each actvie duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes; to the Committee on Armed Services.

S. 1211. A bill to authorize appropriations during the fiscal year 1979, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training

student loads, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE AUTHORIZATIONS, 1978 AND 1979

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from Texas (Mr. TOWER), I introduce, for appropriate reference, two bills to authorize appropriations during the fiscal year 1978 and fiscal year 1979 respectively, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of these legislative measures and an explanation of their purpose be printed in the RECORD immediately following the listing of these bills.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF
THE DEPARTMENT OF DEFENSE,
Washington, D.C., March 9, 1977.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith legislation, "To authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes."

We are also submitting herewith, as separate legislation, a similar request for authorization of appropriations for fiscal year 1979.

These proposals are part of the Department of Defense legislative program for the 95th Congress and the Office of Management and Budget has advised that enactment of the proposals would be in accordance with the program of the President. These proposals are being sent to the Speaker of the House of Representatives.

The enclosed request for FY 1978 which reflects the President's budget revisions submitted to Congress on February 22, 1977 supersedes the previous request for that fiscal year which was submitted as separate legislation along with the FY 1977 appropriation authorization request. Because Congress did not act on the FY 1978 proposed legislation and in order to update our original request to make necessary changes reflecting, for example, Congressional action on our 1977 request, we believe it is appropriate to resubmit the proposed Department of Defense authorization legislation for fiscal year 1978.

Title I provides procurement authorization for the military departments and Defense agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1978.

Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the military departments and the Defense agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1978.

Title III of the proposal prescribes the end strengths for active duty personnel in each component of the Armed Forces as required by section 138(c)(1) of title 10, United States Code, in the numbers provided for by budget authority and appropriations requested in these components in the President's budget for fiscal year 1978.

Title IV of the proposal provides for average strengths of the Selected Reserves of each Reserve component of the Armed Forces as required by section 138(b) of title 10, United States Code, in the numbers provided for by budget authority and appropriations requested for these components in the President's budget fo rfiscal year 1978.

Title V of the proposal provides the civilian personnel end strength for the Department of Defense as required by section 138 (c)(2) of title 10, United States Code, in the numbers provided for by budget authority in appropriations requested for the Department of Defense in the President's budget for fiscal year 1978.

Title VI of the proposal provides for the average military training student loads as required by section 138(d)(1) of title 10, United States Code, in the numbers provided for this purpose in the President's budget for fiscal year 1978.

Title VII of the proposal provides for the Defense Civil Preparedness Agency as required by the amendment to the Federal Civil Defense Act by section 804(b) of the Department of Defense Appropriation Authorization Act for fiscal year 1977.

In accordance with the Budget Control Act of 1974, we are also submitting, in the form of a separate bill, authorizations for appropriations for fiscal year 1979.

Sincerely yours,

L. NIEDERLEHNER,
Acting General Counsel.

By Mr. ABOUREZK (for himself, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 1214. A bill to establish standards for the placement of Indian children in foster or adoptive homes, to prevent the break-up of Indian families, and for other purposes; to the Select Committee on Indian Affairs.

Mr. ABOUREZK. Mr. President, many Americans and the Congress are becoming more aware of the difficulties Indian communities face in a broad range of areas: Health, education, land, and water rights, economic development, and others. But there are few who are aware of the difficulties American Indians face in a matter of vital concern to them; namely the welfare of their children and their families.

It appears that for decades Indian parents and their children have been at the mercy of arbitrary or abusive action of local, State, Federal, and private agency officials. Unwarranted removal of children from their homes is common in Indian communities. Recent statistics show, for example, that a minimum of 25 percent of all Indian children are either in foster homes, adoptive homes, and /or boardings schools, against the best interest of families and Indian communities. Whereas most non-Indian communities can expect to have children out of their natural homes in foster or adoptive homes at a rate of 1 for every 51 children, Indian communities know that their children will be removed at rates varying from 5 to 25 times higher than that.

Because of poverty and discrimination Indian families face many difficulties, but there is no reason or justification for believing that these problems make Indian parents unfit to raise their children: nor is there any reason to believe that the Indian community itself cannot, within its own confines, deal with problems of child neglect when they do arise.

Up to now, however, public and private welfare agencies seem to have operated on the premise that most Indian children would really be better off growing up non-Indian. The result of such policies has been unchecked: Abusive child removal practices, the lack of viable, practical rehabilitation and prevention programs for Indian families facing severe problems, and a practice of ignoring the all-important demands of Indian tribes to have a say in how their children and families are dealt with.

Officials seemingly would rather place Indian children in non-Indian settings where their Indian culture, their Indian traditions and, in general, their entire Indian way of life is smothered. The Federal Government for its part has been conspicuous by its lack of action. It has chosen to allow these agencies to strike at the heart of Indian communities by literally stealing Indian children. This course can only weaken rather than strengthen the Indian child, the family, and the community. This, at a time when the Federal Government purports to be working to help strengthen Indian communities. It has been called cultural genocide.

This bill is derived from hearings which I chaired on April 8 and 9 of 1974. I do not mean to suggest that this bill will relieve all of the problems that Indian families and Indian communities face. What I do mean is that this pattern of discrimination against American Indians is the responsibility of the Congress. We as elected leaders cannot lay back and allow these practices to continue. It is the responsibility of the Congress to take whatever action is within its power to see to it that American Indian communities and their families are not destroyed; to see to it that Indian people receive equal justice and the support of the Federal Government. We must commit ourselves to a course in Indian child welfare which will eliminate the abuses and injustices and which will begin the long, overdue process of helping, rather than handicapping, Indian children and their families.

I introduced this bill in the last Congress. It has been modified pursuant to comments from the Indian community. I ask unanimous consent that a summary along with the full text of the bill be printed in the RECORD. Joining me as cosponsors of this much needed legislation are my colleagues Senators HUMPHREY and MCGOVERN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1214

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Indian Child Welfare Act of 1977".

FINDINGS

SEC. 2. Recognizing the special relations of the United States with the Indian and Indian tribes and the Federal responsibility for the care of the Indian people, the Congress finds that—

(a) An alarmingly high percentage of Indian children, living within both urban communities and Indian reservations, are separated from their natural parents through the actions of nontribal government agencies or both individuals or private agencies and are placed in institutions (including boarding schools), or in foster or adoptive homes, usually with non-Indian families.

(b) The separation of Indian children from their biological families frequently occurs in situations where one or more of the following circumstances exist: (1) the natural parent does not understand the nature of the documents or proceedings involved; (2) neither the child nor the natural parents are represented by counsel or otherwise advised of their rights; (3) the Government officials involved are unfamiliar with, and often disdainful of, Indian culture and society; (4) the conditions which led to the separation are not demonstrably harmful or are remediable or transitory in character; and (5) responsible tribal authorities are not consulted about or even informed of the nontribal government actions.

(c) The separation of Indian children from their natural parents, including especially their placement in institutions or homes which do not meet their special needs, is socially and culturally undesirable. For the child, such separation can cause a loss of identity and self-esteem, and contributes directly to the unreasonably high rates among Indian children for dropouts, alcoholism and drug abuse, suicides, and crime. For the parents, such separation can cause a similar loss of self-esteem, aggravates the conditions which initially gave rise to the family break-up, and leads to a continuing cycle of poverty and despair. For Indians generally, the child placement activities of nontribal government agencies undercut the continued existence of tribes as self-governing communities and, in particular, subvert tribal jurisdiction in the sensitive field of domestic and family relations.

DECLARATION OF POLICY

SEC. 3. The Congress hereby declares that it is the policy of this Nation, in fulfillment of its special responsibilities and legal obligations to the American Indian people, to establish standards for the placement of Indian children in foster or adoptive homes which will reflect the unique values of Indian culture, to discourage unnecessary placement of Indian children in boarding schools for social rather than educational reasons, to assist Indian tribes in the operation of tribal family development programs, and generally to promote the stability and security of Indian family life.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) "Secretary", unless otherwise designated, means the Secretary of the Interior.

(b) "Indian" means any person who is a member of, or who is eligible for membership in, a federally recognized Indian tribe, as defined in subsection (c) hereof.

(c) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native region, village, or group as defined in the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) "Indian organization" means any group, association partnership, corporation, or other legal entity owned and controlled by Indians, or a majority of whose members are Indians.

(e) "Tribal court" means the Court of Indian Offenses, any court operated and maintained by an Indian tribe and any other tribunal which performs judicial functions in the name of an Indian tribe within an Indian reservation.

(f) "Nontribal government agency" means any Federal, State, or local government department, bureau, agency, or other office, including any court, and any private agency licensed by a State or local government, which has jurisdiction or which performs functions and exercises responsibilities in the fields of social services, welfare, and domestic relations, including child placement.

(g) "Child placement" means any proceedings, judicial, quasijudicial, or administrative, voluntary or involuntary, and public or private, under which an Indian child is removed from the custody of his natural parent or parents or his Indian adoptive parent or parents, and is either offered for adoption or is placed in a foster home or other institution.

(h) "Natural parent" means the biological parent of a child and also any Indian who has adopted a child.

(i) "Blood relative" means any grandparent, aunt or uncle (whether by blood or marriage), brother or sister, brother or sister-in-law, niece or nephew, or stepparent, whether by blood, marriage or adoption, over the age of eighteen or otherwise emancipated, or as defined by tribal law or custom.

TITLE I—CHILD PLACEMENT STANDARDS

SEC. 101. (a) In the case of any Indian child who resides within an Indian reservation, no child placement shall be valid or given any legal force and effect, except temporary placements after emergency removal under circumstances where the physical or emotional well-being of the child is immediately threatened, unless made pursuant to an order of the tribal court, where a tribal court exists within such reservation which exercises jurisdiction over child welfare matters and domestic relations.

(b) In the case of any Indian child who is domiciled within an Indian reservation, or who resides within an Indian reservation which does not have a tribal court, no child placement shall be valid or given any legal force and effect, except temporary placements under circumstances where the physical or emotional well-being of the child is immediately threatened unless the Indian tribe occupying such reservation has been accorded thirty days' written notice of, and a right to intervene as an interested party in, the child placement proceedings. For the purposes of this Act, an Indian child shall be deemed to be domiciled where his natural parent or parents, or the blood relative in whose care he may have been left by his natural parent or parents, is domiciled.

(c) In the case of any Indian child who is not a resident or domiciliary of an Indian reservation, no child placement shall be valid or given any legal force and effect, except temporary placements under circumstances where the physical or emotional well-being of the child is immediately threatened, unless the Indian tribe of which the child is a member, or is eligible for membership, has been accorded thirty days' written notice of, and a right to intervene as an interested party in, the child placement proceedings.

(d) No Indian child shall be removed from the custody of his natural parent or parents, Indian adoptive parent or parents or blood relative in whose custody the child has been placed by the private actions of any private individual, corporation, group or institution for a period of more than thirty days without written notice served upon the tribe of which the child is a member or is eligible for membership in or upon whose reservation the child resides or is domiciled. The notice shall be in writing signed or acknowledged by the child's natural parent or parents, Indian adoptive parent or parents, or blood relative, and the child's temporary guardian, notorized or signed by two witnesses, stating the names of all the parties, their addresses, the expected length of removal, the purpose of removal and the extent to which custody over the child is transferred to the temporary guardian. This section shall not apply if the tribe has enacted or enacts its own law governing private placements. No placement shall be valid or given any legal force and effect if made in violation of this section.

(e) It shall be the duty of the party seeking a change of the custody of an Indian to notify the relevant tribal governing body by mailing written notice to the chief executive officer or such other person as the tribe may designate: *Provided further*, That the judge or hearing officer at any child placement proceeding shall make a good faith determination of whether the child involved is Indian and, is so, which tribe must be notified.

SEC. 102. (a) No placement of an Indian child, except as provided in section 101(d) of this Act, shall be valid or given any legal force and effect, except temporary placements under circumstances where the physical or emotional well-being of the child is immediately threatened, unless (1) his natural parent or parents, or the blood relative in whose care the child may have been left by his natural parent or parents, has been accorded thirty days' written notice of the child placement proceedings and a right (A) to intervene in the proceedings as an interested party through counsel or, alternatively, in a tribal court, through a lay advocate, (B) to submit evidence and present witnesses on his or her own behalf, and (C) to examine all reports or other documents and files upon which any decision with respect to child placement may be based; and (2) the nontribal government agency seeking to effect the child placement affirmatively shows that alternative remedial services and rehabilitative programs designed to prevent the break-up of the Indian family have been made available and proved unsuccessful.

(b) Where the natural parent or parents of an Indian child, who falls within any of three classes mentioned in section 101 of this Act, or the blood relative in whose care the child may have been left by his natural parent or parents, opposes the loss of custody, no child placement shall be valid or given any legal force and effect in the absence of a determination, supported by an overwhelming weight of the evidence, including testimony by qualified professional witnesses, that the continued custody of the child by his natural parent or parents, or the blood relative in whose care the child has been left, will result in serious emotional damage, or in the absence of a determination, supported by clear and convincing evidence, including testimony by a qualified physician, that the continued custody of the child by his natural parent or parents, or the blood relative in whose care the child has been left, will result in serious physical damage. In making such determinations, poverty, including inadequate or crowded housing, misconduct, and alcohol abuse on the part of either natural parent, or the blood relative, shall not be deemed prima facie evidence that serious physical or emotional damage to the child has occurred or will occur. The standard to be applied in any proceeding covered by this Act shall be

the standards of the Indian community in which the natural parent or parents, Indian adoptive parent or parents, or blood relatives reside.

(c) In the event that the natural parent or parents or Indian adoptive parent or parents of an Indian child consent to the loss of custody, whether temporary or permanent, no child placement shall be valid or given any legal force and effect, unless such consent is judge of a court having jurisdiction over child placements, and accompanied by the witnessing judge's certificate that the consent was explained in detail, was translated into the natural parent's native language, and was fully understood by him or her. If the consent is to a nonadoptive child placement, the natural parent or parents or Indian adoptive parent or parents may withdraw the consent at any time for any reason, and the consent shall be deemed for all purposes, except temporary custody, as having never been given. If the consent is to an adoptive child placement, and the child is over the age of two, the natural parent or parents or Indian adoptive parent or parents may withdraw the consent for any reason at any time before the final decree of adoption: *Provided further*, That no final decree of adoption may be entered within ninety days after the natural parent or parents, Indian adoptive parent or parents, or blood relative has given consent to the adoption. A final decree of adoption may be set aside only upon a showing that the child is again being placed for adoption, that the adoption did not comply with the requirements of this Act or was otherwise unlawful, or that the consent to the adoption was not voluntary. Consent by the natural parent or parents of an Indian child given within ninety days of the birth of the child shall be presumed to be involuntary.

(d) No placement of an Indian child, except as provided by section 101(d) of this Act, shall be valid or given any legal force and effect, except temporary placements under circumstances where the physical or emotional well-being of the child is immediately threatened, unless the child has been represented in the placement proceedings by counsel or, alternatively, in a tribal court, by a lay advocate, and unless his natural parent or parents, Indian adoptive parent or parents, or the blood relative in whose care the child may have been left by his natural parent or parents, or Indian adoptive parent or parents, has been represented by separate counsel or lay advocate.

SEC. 103. (a) In offering for adoption an Indian child, every nontribal government agency shall grant a preference to members of the child's extended Indian family, which shall be defined by tribal law or custom.

(b) In otherwise placing an Indian child, every nontribal government agency, in the absence of good cause shown to the contrary, shall grant preferences in the following order: (1) to the child's extended Indian family, (2) to a foster home, if any, licensed or otherwise designated by the Indian tribe occupying the reservation of which the child is a resident or domiciliary; (3) to a foster home, if any, licensed by the Indian tribe of which the child is a member or is eligible for membership; (4) to any other foster home within an Indian reservation which is recommended by the Indian tribe of which the child is a member or is eligible for membership; (5) to any foster home run by an Indian family; and (6) to a custodial institution for children operated by an Indian tribe, a tribal organization or nonprofit Indian organization: *Provided, however*, That each Indian tribe may modify or amend the foregoing order of preferences, and may add or delete preference categories, by resolution of its government body. Every nontribal government agency shall maintain a record evidencing its efforts to comply with the order of preferences provided under this subsection in each case of an Indian child placement.

(c) Where an Indian child is placed in a foster or adoptive home, or in an institution, outside the reservation of which the child is a resident, pursuant to an order of a tribal court, the tribal court shall retain continuing jurisdiction over such child placement until the child attains the age of eighteen.

SEC. 104. After an Indian adoptive child attains the age of eighteen, upon his or her application to the court which entered the final adoption decree, and in the absence of good cause shown to the contrary, the child shall have a right to learn the names and last known address of his natural parent or parents and siblings who also have attained the age of eighteen, their tribal affiliation and the grounds for the severance of their family relations.

SEC. 105. In any proceeding within the jurisdiction of this Act the United States, any Indian Reservation, State, Commonwealth, territory or possession thereof shall give full faith and credit to the laws of any Indian tribe involved in a proceeding under the Act and any Tribal Court orders issued in such proceeding.

TITLE II—INDIAN FAMILY DEVELOPMENT

SEC. 201. (a) The Secretary is hereby authorized under such rules and regulations as he may prescribe, to make grants to, or enter into contracts with, Indian tribes for the purpose of assisting such tribes in the establishment and operation of Indian family development programs, as described in section 202, and in the preparation and implementation of child welfare codes.

(b) The Secretary is further authorized, under such rules and regulations as he may prescribe, to carry out, or to make grants to or contracts with Indian tribes to carry out, a special home improvement program to upgrade: (1) the housing conditions of Indian foster and adoptive parents, if such housing conditions are substandard; (2) the housing conditions of Indians who seek Indian foster or adoptive children, where improved housing would enable such Indians to qualify as foster or adoptive parents under tribal law or regulations; and (3) the housing conditions of Indian families facing disintegration, where improved housing would contribute significantly to family stability.

(c) The Secretary is also authorized, under such rules and regulations as he may prescribe, to carry out, or to make grants to or contracts with Indian organizations to carry out, off-reservation Indian family development programs, as described in section 203. In the establishment, operation, and funding of off-reservation Indian family development programs, the Secretary may enter into agreements or other cooperative arrangements with the Secretary of Health, Education, and Welfare, and the latter Secretary is hereby authorized for such purposes to use funds appropriated for similar programs of the Department of Health, Education, and Welfare.

(d) There are authorized to be appropriated $21,792,000 during fiscal year 1978, $23,700,000 during fiscal year 1979, $25,120,000 during fiscal year 1980, and such sums as may be necessary during each subsequent fiscal year in order to carry out the purposes of this section.

SEC. 202. (a) Every Indian tribe is hereby authorized to establish and operate an Indian family development program, which program may include some or all of the following features:

(1) a system for licensing or otherwise regulating Indian foster and adoptive homes;

(2) the construction, operation, and maintenance of family development centers, as defined in subsection (c)(2) hereof;

(3) family assistance, including homemakers and home counselors, day care, after-school care and employment, recreational activities, and respite services;

(4) provision for counseling Indian families and Indian children;

(5) a special home improvement program, as defined in section 201(b);

(6) the employment of professional and other trained personnel to assist the tribal court in the disposition of domestic relations and child welfare matters;

(7) education and training of Indians, including tribal court judges and staff, in skills relating to child welfare and family assistance programs, and the granting of scholarships for such education and training; and

(8) a subsidy program under which Indian adoptive children are provided the same support as Indian foster children.

(b) Where an Indian tribe has implemented a licensing or other regulatory system pursuant to subsection 202(a)(1), any Indian foster or adoptive home so licensed or designated (1) may accept Indian child placements by a nontribal government agency and State funds in support of Indian children, (2) shall have a first preference in the placement of an Indian child who is a resident or domiciliary of such tribe's reservation in accordance with subsection 103(b)(1) of this Act, and (3) shall have a second preference in the placement of an Indian child who is a member of, or eligible for membership in, such tribe in accordance with subsection 103(b)(2) of this Act.

(c)(1) The objective of every Indian family development program shall be to prevent the break-up of Indian families and, in particular, to insure that the permanent removal of an Indian child from the custody of his natural parent or parents, or the custody of any blood relative in whose care he has been left by his natural parent or parents, by a tribal court or nontribal government agency shall be effected only as a last resort.

(2) In furtherance of this objective, every Indian tribe is authorized to construct, operate, and maintain a family development center which may contain, among other features:

(A) facilities for counseling Indian families which face disintegration and, where appropriate, for the treatment of individual family members;

(B) facilities for the temporary custody of Indian children whose natural parent or parents are temporarily unable or unwilling to care for them or who otherwise are left temporarily without adequate adult supervision by a blood relative; and

(C) facilities for the temporary custody of Indian parents, where so ordered by a tribal court, in lieu of incarceration for public intoxication or the commission of any other minor offense.

SEC. 203. Off-reservation Indian family development programs, operated either directly by the Secretary or through grants and contracts with local Indian organizations, may include, but shall not be limited to, the following features:

(a) a system for regulating, maintaining, and supporting Indian foster and adoptive homes, including a subsidy program under which Indian adoptive children are provided the same support as Indian foster children;

(b) the construction, operation, and maintenance of family development centers providing the facilities and services set forth in paragraphs (2) (A) and (B) of section 202(c) of this Act;

(c) family assistance, including homemakers and home counselors, day care, after-school care and employment, recreational activities, and respite services;

(d) provision for counseling and treatment both of Indian families which face disintegration and, where appropriate, of Indian foster and adoptive children;

(e) an Indian child defense program, as

defined in section 204(b), and other representation of Indian children before the courts; and

(f) furnishing guidance, representation, and advice to Indian families involved in child placement proceedings before nontribal government agencies.

SEC. 204. (a) The Secretary is hereby authorized and directed, under such rules and regulations as he may prescribe, to undertake a study of the circumstances surrounding all child placements which have occurred during the sixteen years preceding the effective date of this Act, where the Indian child so placed still is under the age of eighteen on such date. If the Secretary has good cause to believe, on the basis of this study, that a child placement was or may be invalid or otherwise legally defective, and if either natural parent, Indian adoptive parent or the blood relative previously having custody of the Indian child so requests, the Secretary is authorized, in his discretion, to institute a habeas corpus action or other appropriate legal proceeding in the name of the United States on behalf of such parent, Indian adoptive parent or blood relative in the United States district court for the district in which the child resides for the purpose of challenging the child placement and, if it is found invalid or legally defective, of restoring custody of the Indian child to its natural parent or parents, Indian adoptive parent or parents, or to the blood relative in whose care the child had been left.

(b) The Secretary is further authorized and directed, under such rules and regulations as he may prescribe, to operate, or to make grants or contracts with Indian tribes or Indian organizations to operate, an Indian family defense program which shall provide representation by an attorney or, alternatively, in a tribal court, by a lay advocate for any Indian child who is the subject of a child placement proceeding, or, if appropriate, for his natural parent or parents, or the blood relative in whose care the child may have been left by his natural parent or parents.

(c) The Secretary also is authorized and directed, under such rules and regulations as he may prescribe, to collect and maintain records in a single, central location of all Indian child placements which either are effected after the date of this Act or are the subject of the study required under subsection (a) hereof, which records shall show as to each such placement the name and tribal affiliation of the child, the names and addresses of his natural parents and the blood relative, if any, in whose care he may have been left by a natural parent, the names and addresses of his siblings, and the names and locations of any tribal court or nontribal government agency which possesses files or information concerning his placement. Such records shall not be open for inspection or copying pursuant to the Freedom of Information Act (80 Stat. 381), as amended, but information concerning a particular child placement shall be made available in whole or in part, as necessary: (1) to an Indian adoptive child over the age of eighteen for the purpose of identifying the court which entered his final adoption decree and furnishing such court with the information specified in section 104; (2) to the adoptive parent of an Indian child or to an Indian tribe for the purpose of assisting in the enrollment of an Indian adoptive child in the tribe of which he is eligible for membership; and (3) to the adoptive parent of an Indian child for the purpose of establishing or continuing his tribal affiliation or a relationship with his siblings. The records collected by the Secretary pursuant to this section shall be privileged and confidential and shall be used only for the specific purposes set forth in this Act.

(d) There are authorized to be appropriated $18,000,000 during fiscal year 1979, $20,000,000 during fiscal year 1980, $22,000,000 during fiscal year 1981, and such sums as may be necessary during each subsequent fiscal year in order to carry out the purposes of this section, including the payment of attorney fees.

SEC. 205. (a) The Secretary is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purposes of carrying out the provisions of this Act.

(b)(1) Within six months from the date of enactment of this Act, the Secretary shall consult with Indian tribes, Indian organizations and Indian-interest agencies in the consideration and formulation of rules and regulations to implement the provisions of this Act.

(2) Within seven months from the date of enactment of this Act, the Secretary shall present the proposed rules and regulations to the Select Committee on Indian Affairs of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, respectively.

(3) Within eight months from the date of enactment of this Act, the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from the date of enactment of this Act, the Secretary shall promulgate rules and regulations to implement the provisions of this Act.

(c) The Secretary is authorized to revise and amend any rules or regulations promulgated pursuant to this section: *Provided*, That prior to any revision or amendment to such rules or regulations, the Secretary shall present the proposed revision or amendment to the Select Committee on Indian Affairs of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, respectively, and shall, to the extent practicable, consult with the tribes, organizations, and agencies specified in subsection (b)(1) of this section, and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties.

SUMMARY OF PROPOSED INDIAN CHILD WELFARE ACT OF 1977

INTRODUCTORY SECTIONS

Section 1 sets forth the title of the Act.

Section 2 contains a number of findings, based upon Congressional hearings, that an alarmingly high percentage of Indian children are separated from their natural parents and placed in foster and adoptive homes, that such family break-ups frequently occur as a result of conditions which are temporary or remediable or under circumstances where the Indians involved do not receive a full and fair hearing, and that the placement of Indian children in institutions or homes which do not meet their special needs is socially undesirable.

Section 3 would declare the policy of Congress to assist Indian tribes in the operation of family development programs, to establish standards for the placement of Indian children and, generally, to promote the stability and security of Indian family life.

Section 4 sets forth a series of definitions for terms used in the Act, including definitions for "Indian", "Indian tribe", "nontribal government agency", "child placement" and "natural parent".

TITLE I. CHILD PLACEMENT STANDARDS

Section 101 would give effect to the underlying premise of the Act that Indian tribes, as local governmental institutions, have a vital role to play in any decision about whether an Indian child should be separated from his family. Specifically, subsection (a) provides that, in the case of any Indian child who resides within an Indian reservation, no child placement shall be valid "unless made pursuant to an order of the tribal court, where a tribal court exists within such reservation which exercises jurisdiction over child welfare matters and domestic relations." With respect to all other placements of Indian children, subsections (b) and (c) provide that the appropriate Indian tribe shall be given thirty (30) days notice of, and a right to intervene in, the placement proceedings. An exception from these requirements is allowed for temporary placements where the physical or emotional well-being of the child is immediately threatened.

Section 102 is intended to assure that Indian families will be accorded a full and fair hearing when child placement is an issue. Thus, subsection (a) provides that the natural parents, or the blood relative in whose custody a child may have been left by his natural parents, shall have actual notice of any child placement proceeding and a meaningful opportunity to participate therein, and that no child placement shall be valid unless the moving agency "affirmatively shows that alternative remedial services and rehabilitative programs designed to prevent the breakup of the Indian family have been made available and proved unsuccessful." Subsection (b) provides that an Indian child placement shall not be effected over family opposition in the absence of overwhelming evidence, including expert testimony, that continuation of the status quo will result in serious physical or emotional damage to the child. Finally, subsection (c) provides that any consent by a natural parent to loss of a child's custody shall be both informed and voluntary, and, except in certain cases after a final adoption decree, also may be later withdrawn.

Section 103 establishes priorities in the placement of Indian children, with a first preference given to members of the child's extended Indian family, and other preferences to homes licensed by Indian tribes or maintained by Indians and institutions operated by Indian tribes and organizations. When a child placement is accomplished through an order of a tribal court, the court will retain continuing jurisdiction over the placement until the child reaches 18.

Section 104 provides that, in the absence of good cause to the contrary, an Indian adoptive child upon reaching the age of 18 shall be entitled to learn particulars about his adult natural family.

TITLE II. INDIAN FAMILY DEVELOPMENT

Subsection 201(a) would authorize the Secretary of the Interior to make grants to, or enter into contracts with, Indian tribes for the purpose of assisting such tribes in the establishment and operation of Indian family development programs. Pursuant to subsection (b), such programs would include a special home improvement program where better housing would contribute significantly to family stability or the improved facility would be used as a foster or adoptive home. Subsection 201(c) would also authorize the Secretary of the Interior to carry out or to make grants to, or enter into contracts with, Indian organizations to carry out, off-reservation Indian family development programs, and would permit the Secretary of Health, Education and Welfare to assist in the financing of such programs.

Section 202 describes some of the major features which may be incorporated by an Indian tribe into its Indian family development program, including under subsection (c) the construction, operation and maintenance of family development centers. Where an Indian tribe has implemented a licensing or other regulatory system, any Indian foster

or adoptive home so licensed or designated may accept Indian child placements by a non-tribal government agency and State funds in support of Indian children, and shall have a preference in child placements in accordance with subsection 103(b) of the Act.

Section 203 describes some of the major features which may be included in off-reservation Indian family development programs.

Section 204 directs the Secretary of the Interior to undertake a study of past child placements and, if he has good cause to believe on the basis of this investigation that the placement may be invalid or legally defective, and if the child's family so requests, to institute appropriate legal proceedings challenging the placement. The Secretary is further directed to operate, or to make grants or contracts with Indian tribes or Indian organizations to operate, an Indian family defense program which shall provide representation by an attorney for every Indian child, or its parents, who is the subject of a child placement proceeding.

Section 205 establishes procedures for promulgating rules and regulations necessary to carry out the Act.

By Mr. KENNEDY:

S. 1217. A bill to regulate activities involving recombinant deoxyribonucleic acid; to the Committee on Human Resources.

Mr. KENNEDY. Mr. President, today I am pleased to introduce the administration's legislation regarding the urgent necessity to regulate and control recombinant DNA research. This legislation grows out of the recommendation of a broadly based interagency committee, which was chaired by the Director of the National Institutes of Health, Donald Frederickson. The need for such legislation is aslo recognized by the scientific community both here and abroad.

Mr. President, as chairman of the Senate Subcommittee on Health and Scientific Research, I have scheduled hearings on this and related legislation next Wednesday, April 6, 1977. These hearings are specifically designed to elucidate the relevant issues regarding this kind of genetic research so that it will be possible to promptly report a comprehensive bill from the committee to the Senate.

Recombinant DNA research has captured the attention and raised the anxiety of the Nation more than any other area of biomedical research in history. The potential to purposefully transform the nature of living organisms, for good or ill, is both an exhilarating and frightening prospect. The concern is not over current benefits or current risks—but over uncertain future benefits and uncertain future risks.

The questions of potential benefits and hazards of this research extend beyond the walls of the laboratory and the realm of freedom of scientific inquiry. These questions involve every citizen, scientist and layman alike. The assessment of risk and the judgment of how to balance risk against benefit of recombinant DNA research are responsibilities that clearly rest in the public domain. And it follows that these issues must be decided through public processes. The vigorous discussion and debate amongst both the scientific community and the general public over this issue is very beneficial to the policy-making process. However, as the dialog unfolds throughout the Nation, I believe that there is a growing concensus throughout the country that regulatory legislation is necessary.

The legislation that I am introducing today presents the administration's views on regulating recombinant DNA research. I believe that the approach taken by the administration leaves several unresolved issues. First, I think that there is need for an alternative definition of recombinant DNA research to that given in the administration's proposal. I suggest that we define recombinant DNA research as any research, study, investigation, experiment, or act in which molecules or segments of molecules of deoxyribonucleic acid—DNA—that are not known to be otherwise capable of being propagated in a particular species of living cell are rendered capable of propagation in that species by joining them by any method outside of living cells to another DNA molecule or segment of DNA molecules. I would like the witnesses at the hearing to comment on this definition.

Second, I strongly feel that the public has a right to participate in the decisions concerning this area of research. I would like the witnesses at the hearing to consider whether a commission within the Department of Health, Education and Welfare, should be established and be composed of a majority of individuals who are not involved in biomedical research.

Third, I have concern about the scope and nature of the standards to be promugated under the administration's bill. Why should the thrust of the standards be limited to the production or possession of recombinant DNA? Why not include recombinant DNA research and include standards for the responsibilities and qualifications of those who both own research facilities and those who actually do the research.

In this regard, I take exception with the apparent limitation under the administration's approach. Should not the failure to comply with the standards be a ground for revoking a license. Is it not the main purpose of licensure to assure that the standards are met?

I believe that there must be a legislative standard under which the decision to grant a license is made. Therefore, I would like those who will be before my subcommittee next week to consider if a license should only be granted when the Government is satisfied that the research to be authorized by a license will be conducted in a manner as to assure the health and welfare of the persons to engage in the research, the environment, and the population of the surrounding community.

Finally, I would like to raise the following questions for consideration at the hearing:

First. Should there not be a comprehensive, thoughtful study which will consider and evaluate the ethical, societal, and legal implications of recombinant DNA research. I think that a group such as a subcommittee of the National Commission for the Protection of Human Subjects could be formed with the charge to study these long-range implications and make periodic reports to the Nation.

Second. Does the public not have a right to know who is conducting this type of research, where it is being conducted, and under what conditions?

Third. How much funding will this entire effort require and how many positions?

Fourth. Should there be a limit on how many facilities are to exist at the highest level of physical containment?

Fifth. Why should this research be exempt from environmental impact requirements?

Sixth. What information should be required to be submitted to the Government and what information should be disclosed to the public?

These are some of the concerns I have and I encourage the witnesses at the hearing next Tuesday to comment on the administration's proposal, the issues I have raised and to express their own concerns.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Recombinant DNA Regulation Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) work with recombinant DNA will improve the understanding of basic biological processes and offers many potential benefits,

(2) there exists, however, a possible risk that microorganisms containing recombinant DNA may cause disease or alter the environment,

(3) microorganisms containing recombinant DNA could spread throughout the United States and to other countries, adversely affecting human health, the environment, industry, and agriculture.

(4) the only effective way to minimize the risk to health, the environment, industry, and agriculture is by regulating activities involving recombinant DNA, whether or not those activities are in interstate commerce, and therefore,

(5) all activities involving recombinant DNA either affect or are in interstate commerce.

GENERAL REQUIREMENTS

SEC. 3. (a) Except as provided in subsection (b), no person may possess or engage in the production of recombinant DNA unless—

(1) the production or possession complies with the standards promulgated under section 4,

(2) the production or possession occurs in a facility licensed under section 5, or the possession occurs while transporting recombinant DNA from one such facility to another and

(3) the production or possession occurs as part of a project that has been registered under section 6.

(b) The Secretary may exempt from some or all of the requirements of subsection (a) any category of activities he finds poses no significant risk to health or the environment (1) because of the nature of those activi-

ties, or (2) because the category is adequately regulated under other Federal law.

STANDARDS

SEC. 4. (a) For purposes of protecting the health and safety of individuals who work with recombinant DNA, the health and safety of the public at large, and the integrity of the environment, the Secretary—

(1) shall, no later than 90 days after the enactment of this Act, promulgate (without regard to section 102(2)(C) of the National Environmental Policy Act of 1969 or 5 U.S.C. 553) as interim standards applying to the production or possession of recombinant DNA the Recombinant DNA Research Guidelines (41 Fed. Reg. 27901 (1976)), with such modifications as he finds are needed,

(2) shall, no later than 180 days after the promulgation of interim standards under clause (1), initiate procedures to promulgate final standards applying to the production or possession of recombinant DNA,

(3) shall, no later than one year after the promulgation of interim standards under clause (1), promulgate final standards applying to the production or possession of recombinant DNA, and

(4) may, from time to time, promulgate (A) new standards applying to the production or possession of recombinant DNA, and (B) amendments to standards promulgated under this section.

(b)(1) Any person adversely affected by an action of the Secretary under this section may obtain review of the action in the United States Court of Appeals for the District of Columbia. The petition for review must be filed within sixty days of the action. Review shall conform to chapter 7 of title 5 of the United States Code.

(2) An action with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in any other proceeding.

LICENSING OF FACILITIES

SEC. 5. (a) The Secretary may issue or renew a license for a facility to permit the production or possession (or certain categories of production or possession) of recombinant DNA at that facility only if (1) the facility submits an application therefor containing or accompanied by such information concerning recombinant DNA activities at that facility as the Secretary may prescribe, (2) the facility agrees and the Secretary determines that such production or possession (including the transportation of recombinant DNA to or from that facility) will comply with the standards promulgated under section 4 and such ancillary conditions as he may prescribe, and (3) the facility agrees and the Secretary determines that such production or possession will occur only as part of a project registered under section 6.

(b) The Secretary may require payment of a fee from a facility for the issuance or renewal of a license under this section to cover all or part of the costs of administering this Act in respect to that facility.

(c) A license issued or renewed by the Secretary under this section is valid for the period prescribed by the Secretary, not to exceed three years.

(d) The Secretary may permit an appropriate State or local agency or a licensing or accrediting body to issue and renew licenses for facilities to permit the production or possession (or certain categories of production or possession) of recombinant DNA at those facilities if and for so long as the Secretary determines that the agency or body—

(1) requires a facility to comply with the standards promulgated under section 4 and such ancillary conditions as the Secretary may prescribe,

(2) requires a facility to permit the production or possession of recombinant DNA only as part of a project registered under section 6, and

(3) has the capacity to and does make provision for assuring that the requirements of clauses (1) and (2) continue to be met.

(e) The Secretary may revoke, suspend, or limit a license issued under this section if he finds, after notice and opportunity for a hearing to the facility, that the facility—

(1) has misrepresented any material fact in obtaining the license,

(2) has engaged or attempted to engage or represented itself as entitled to perform any activities involving recombinant DNA not authorized by its license,

(3) has failed to comply with any of the terms or conditions of the license,

(4) has failed to comply with a request of the Secretary for any information or materials the Secretary finds necessary to determine the facility's continued eligibility for its license or to evaluate the possible effects on health or the environment of activities involving recombinant DNA,

(5) has failed to comply with a request of the Secretary to inspect any portion of the facility, its operations, or its records, which are related to activities involving recombinant DNA, or

(6) has violated or aided and abetted in the violation of any requirement established under this Act.

REGISTRATION

SEC. 6. The Secretary shall register any project involving recombinant DNA if the request for registration is accompanied by such information as the Secretary may prescribe concerning recombinant DNA activities which are part of that project.

INSPECTIONS

SEC. 7. An individual designated as an inspector by the Secretary, upon presenting appropriate credentials to the owner, operator, or agent (if any of these be present) in charge of a facility at which the inspector has reasonable grounds to believe that recombinant DNA is present or is being produced may enter that facility at reasonable times, and inspect, at reasonable times and in a reasonable manner, the facility and all things at (or being transported to or from) that facility which he has reasonable grounds to believe are involved with recombinant DNA and obtain appropriate samples of such things. When an inspector has completed such an inspection he shall, before he leaves the facility, inform the owner, operator, or agent in charge of the facility of any conditions or practices which in the inspector's judgment constitute a violation of any of the requirements of this Act. The inspector shall also prepare a written report of his findings and send it to the owner, operator, or agent in charge of the facility within a reasonable time.

RECORDS AND SAMPLES

SEC. 8. Each facility at which recombinant DNA is produced or located shall keep and make available to the Secretary such records (including medical records of personnel) and samples involving recombinant DNA at (or being transported to or from) that facility as the Secretary may prescribe.

REPORTS

SEC. 9. Each facility at which recombinant DNA is produced or located shall submit to the Secretary such reports concerning recombinant DNA at (or being transported to or from) that facility as the Secretary may prescribe.

EFFECT ON STATE AND LOCAL REQUIREMENTS

SEC. 10. (a) Except as provided in subsection (b), no State or political subdivision of a State may establish or continue in effect with respect to recombinant DNA activities any requirement which is different from, or in addition to, any requirement applicable under this Act to such activities.

(b) Upon application of a State or political subdivision of a State, the Secretary shall exempt from subsection (a) a requirement of that State or political subdivision applicable to recombinant DNA activities if he determines that the requirement is, and will be administered so as to be, as stringent as, or more stringent than, a requirement under this Act. The Secretary may not withdraw any such exemption for so long as he finds that such requirement remains unchanged and continues to be so administered.

EMPLOYEE PROTECTION

SEC. 11. (a) No employer may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee) has—

(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act,

(2) testified or is about to testify in any such proceeding, or

(3) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of this Act.

(b)(1) Any employee who believes that the employee has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within 30 days after such alleged violation occurs, file (or have any person file on the employee's behalf) a complaint with the Secretary of Labor (hereinafter in this section referred to as the "Secretary") alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify the person named in the complaint of the filing of the complaint.

(2)(A) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an investigation of the violation alleged in the complaint. Within 30 days of the receipt of such complaint, the Secretary shall complete such investigation and shall notify in writing the complainant (and any person acting on behalf of the complainant) and the person alleged to have committed such violation of the results of the investigation conducted pursuant to this paragraph. Within ninety days of the receipt of such complaint the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the person alleged to have committed such violation, issue an order either providing the relief prescribed by subparagraph (B) or denying the complaint. An order of the Secretary shall be made on the record after notice and opportunity for agency hearing. The Secretary may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.

(B) If in response to a complaint filed under paragraph (1) the Secretary determines that a violation of subsection (a) of this section has occurred, the Secretary shall order (i) the person who committed such violation to take affirmative action to abate the violation, (ii) such person to reinstate the complainant to the complainant's former position together with the compensation (including back pay), terms, conditions, and privileges of the complainant's employment, (iii) compensatory damages, and (iv) where appropriate, exemplary damages. If such an

order is issued, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(c)(1) Any employee or employer adversely affected or aggrieved by an order issued under subsection (b) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred. The petition for review must be filed within sixty days from the issuance of the Secretary's order. Review shall conform to chapter 7 of title 5 of the United States Code.

(2) An order of the Secretary, with respect to which review could have been obtained under paragraph (1), shall not be subject to judicial review in any criminal or other civil proceeding.

(a) Whenever a person has failed to comply with an order issued under subsection (b)(2), the Secretary shall file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory and exemplary damages. Civil actions brought under this subsection shall be heard and decided expeditiously.

(e) Subsection (a) of this section shall not apply with respect to any employee who, acting without direction from the employee's employer (or any agent of the employer), deliberately causes a violation of any requirement of this Act.

CONSULTATION

SEC. 12. In administering this Act, the Secretary shall consult with the Secretaries of Agriculture, Commerce, Defense, Labor, and Transportation, the Administrators of the Environmental Protection Agency and Veterans' Affairs, the Director of the National Science Foundation, other appropriate officials, and such interagency committees and other advisory bodies as the Secretary may establish, concerning the promulgation of standards and of amendments to standards, the avoidance of duplicative requirements, and such other matters which may be of mutual interest.

ENFORCEMENT

SEC. 13. (a) Upon petition by the Secretary, the district courts of the United States may restrain violations of this Act.

(b)(1) Any person who violates a provision of this Act (other than in section 11) may be assessed a civil penalty by the Secretary of not more than $5,000 for each violation.

(2) No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge. In determining the amount of the penalty the Secretary shall consider the appropriateness of such penalty to the gravity of the violation.

(3) In case of inability to collect such civil penalty or failure of any person to pay all, or such portion of such civil penalty as the Secretary may determine, the Secretary shall refer the matter to the Attorney General, who shall recover such amount by action in the district court of the United States for the district in which that person resides or has his principal place of business.

(c) Any person who knowingly or willfully violates any provision of this Act (other than in section 11) shall be subject, upon conviction, to a fine of not more than $5,000, or to imprisonment for not more than one year (and not more than ten years for a related series of violations), or both.

(d) Each day a violation of this Act continues shall constitute a separate violation for purposes of this section.

EMERGENCY PROCEDURE FOR HAZARDOUS RECOMBINANT DNA

SEC. 14. The Secretary may commence a civil action, by process of libel or otherwise, in an appropriate district court of the United States for the seizure or destruction of hazardous recombinant DNA or for other appropriate relief to prevent its production, movement, or spread.

ADMINISTRATIVE RESTRAINT OR SEIZURE

SEC. 15. If during an inspection under section 7 an inspector finds material he has reasonable grounds to believe is hazardous recombinant DNA, he may order the material not to be moved or may seize the material. Within twenty days after such action by an inspector the Secretary must commence a civil action under section 14 with respect to the inspector's action, unless the owner of the material has agreed otherwise.

TRAINING

SEC. 16. The Secretary may conduct and support training in the safe handling of recombinant DNA.

REPRESENTATION BY ATTORNEY GENERAL

SEC. 17. The Attorney General shall appear and represent the Secretary or the Secretary of Labor at any civil or criminal action initiated under this Act.

DEFINITIONS

SEC. 18. For purposes of this Act—

(1) "Secretary" (except as used in section 11) means the Secretary of Health, Education, and Welfare,

(2) "DNA" means deoxyribonucleic acid,

(3) "recombinant DNA" means DNA that consists of different segments of DNA which have been joined together in a cell-free system and that has the capacity to infect and replicate in some host cell either autonomously or as an integrated part of the host's genome,

(4) "hazardous recombinant DNA" means recombinant DNA which either—

(A) poses a significant risk to health or the environment, or

(B)(i)(I) is neither located at a facility licensed under section 5 nor being transported from one such facility to another, or

(II) is likely to be moved or to spread from such a facility or transportation to a location not at such a facility or part of such transportation, and

(ii) is not known not to pose a significant risk to health or the environment,

(5) "person" means any individual, partnership, corporation, association, or any Federal, State, or local governmental entity,

(6) "district court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and a similar or equivalent court in any other United States territory or possession or in the Trust Territory of the Pacific Islands, and

(7) in relation to transportation to or from a facility, a suitable facility in a foreign country shall be treated as a facility licensed under section 5.

GEOGRAPHIC APPLICABILITY OF ACT

SEC. 19. This Act applies to the United States, its territories and possessions, and the Trust Territory of the Pacific Islands.

RELATIONSHIP TO OTHER FEDERAL LAWS

SEC. 20. (a) This Act shall not affect the authority of any Federal agency to regulate under any other Act activities involving recombinant DNA.

(b) In exercising any authority under this Act, the Secretary, or any person acting on his behalf or pursuant to the provisions of this Act, shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970, be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

(c)(1) Upon request by the Secretary, each Federal agency is authorized—

(A) to make its services, personnel, and facilities available (with or without reimbursement) to the Secretary to assist the Secretary in the administration of this Act, and

(B) to furnish to the Secretary such information, data, estimates, and statistics, and to allow the Secretary access to all information in its possession, as the Secretary may reasonably determine to be necessary for the administration of this Act.

(2) Upon request by any Federal agency, the Secretary is authorized—

(A) to make the services, personnel, and facilities of the Department of Health, Education, and Welfare available (with or without reimbursement) to that agency to assist the agency in the administration of any Act with respect to activities involving recombinant DNA, and

(B) to furnish to that agency such information, data, estimates, and statistics, and to allow that agency access to all information in the Secretary's possession, as the agency may reasonably determine to be necessary for the administration of any Act with respect to activities involving recombinant DNA.

SEPARABILITY

SEC. 21. If any provision of this Act is held invalid by reason of being inconsistent with the Constitution, all provisions of this Act which are separable from that invalid provision shall remain in effect.

EFFECTIVE DATE AND EXPIRATION DATE OF ACT

SEC. 22. (a)(1) This Act is effective upon enactment, except that sections 3(a), 10(a), and 18(4)(B) are effective 180 days after enactment.

(2) Upon promulgation of standards under section 4, no person may possess or engage in the production of recombinant DNA unless the production or possession complies with those standards.

(b) This Act shall expire five years after its enactment except with respect to records made within that period.

By Mr. BAYH:

S. 1218. A bill to amend the Juvenile and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

CARTER ADMINISTRATION URGES EXTENSION OF 1974 JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Mr. BAYH. Mr. President, today I am pleased to introduce by request, President Carter's proposal to extend the Juvenile Justice and Delinquency Prevention Act of 1974 through fiscal year 1980. Like my own bill, S. 1021, introduced last month, the President's bill, which incidentally has been thoughtfully shepherded by Attorney General Bell, would provide the stability and revitalization so essential to the implementation of the 1974 Act which passed this body by a vote of 88 to 1 and the House of Representatives by a vote of 329–20.

I am proud that this bipartisan congressional initiative was strongly endorsed in my party's national platform in the following unequivocable manner:

A Democratic Congress in 1974 passed the Juvenile Justice and Delinquency Prevention Act to come to grips with the fact that

serious crimes in the United States, and to remedy the fact that federal programs thus far have not met the crisis of juvenile delinquency. We pledge funding and implementation of this Act, which has been ignored by the Republican Administration.

Never have we had a more opportune setting to fulfill these commitments.

I was especially heartened and gratified by President Carter's February 22, 1977, message to the Congress on the revisions to the fiscal year 1978 budget. The President noted that there were important goals that the revision did not reflect and then, relative to the changes made to date, Jimmy Carter said:

The 1978 budget is essentially still President Ford's budget, with only such limited revisions as my administration has had time to make. But these revisions do reflect our careful choices among many possible options; they are important first steps toward a Federal Government that is more effective and responsive to our people's needs.

Among those "careful choices" and "important first steps—more responsive to our people's needs" is the first clear Presidential endorsement of the Juvenile Justice and Delinquency Prevention Act of 1974.

Mr. President, the Carter administration has requested "additional funds for juvenile justice and delinquency prevention programs that have a high potential for reducing crime and delinquency" specifically the requested amount for fiscal year 1978 restores the 1977 level of $75 million.

Although I am very pleased by this particular change in White House policy I was not surprised. When candidate Jimmy Carter was asked last October by the American Bar Association whether he favored an increased share of LEAA and other Federal funds for juvenile justice and delinquency prevention he responded in the affirmative and added:

Both the commentators and the statistical evidence now point to the fact that court reform, corrections, and juvenile justice are the critical elements in improving crime control.

For one who has struggled to establish such Federal priorities these words and the budget revisions reflecting a commitment to them are indeed sweet music.

Similarly, Attorney General Griffin Bell made a strong commitment to such priorities and to the full implementation of the Juvenile Justice and Delinquency Prevention Act during the Senate Judiciary Committee's confirmation hearings. In response to my inquiries as to whether, if confirmed as Attorney General, he would provide juvenile justice and juvenile crime prevention the priority it deserves and that the 1974 law and the 1976 amendment require, Judge Griffin Bell said that he would and then continued by noting:

If we are going to do anything about crime in America, we have to start with the juvenile.

He also added the following observation:

I have never known that our country on a national level had a criminal justice policy. I plan to establish one. If you do have a criminal justice policy, the most important part of it would be juvenile justice—how to prevent juvenile crime—I have a deep interest in that.

The measure that I introduce today will extend and strengthen the Office of Juvenile Justice. It will strengthen and revitalize the program designed to accomplish the very priority on juvenile justice and juvenile crime prevention underscored by President Jimmy Carter and Attorney General Griffin Bell.

Mr. President, I ask unanimous consent that the bill and accompanying materials be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977.".

SEC. 2. Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 201(g) is amended by deleting the word "first" and inserting the word "second" in lieu thereof.

(2) Section 204(b)(5) is amended by inserting in the first sentence after the words "Advisory Committee" the words "and the Coordinating Council".

(3) Section 204(b)(6) is amended by inserting after the words "Advisory Committee" the words "and the Coordinating Council".

(4) Section 204(f) is amended by inserting after the words "appropriate authority," and before the words "departments and agencies" the word "Federal".

(5) Section 204(g) is amended by deleting the word "part" and inserting the word "title" in lieu thereof.

(6) Section 204(j) is amended by inserting after the word "agency," the word "organization,", and by deleting the word "part" and inserting the word "title" in lieu thereof.

(7) Section 204(k) is amended by deleting the word "part" and inserting the word "title" in lieu thereof, and by deleting the words "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting the words "Title III of this Act" in lieu thereof.

(8) Section 206(d) is amended by deleting the word "six" and inserting the word "four" in lieu thereof.

(9) Section 208(e) is amended by deleting the words "to the Administrator" and "the Administration of".

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 3. Title II, Part B of such Act is amended as follows:

(1) Section 221 is amended by deleting the words "and local governments".

(2) Section 221 is further amended by inserting after the word "through" the words "grants and".

(3) The third sentence of Section 222(c) is amended by deleting the words "local governments" and inserting the words "units of general local government or combinations thereof" in lieu thereof.

(4) Section 222(d) is amended by deleting the words "or kind" in the second sentence and by inserting after the words "by section 261" the words "except that assistance extended to private nonprofit organizations may be up to 100 per centum of the approved costs of any assisted program or activity". Immediately after section 222(d) insert the following new paragraph:

"(e) The requirement of cash match in subsection (d) may be waived by the Administrator, in whole or in part, if the State planning agency makes a formal determination that a demonstrated and determined good faith effort has been made to obtain cash match and cash match is not available."

(5) Section 223(a)(4) is amended by deleting the words "local governments" the first time they occur and inserting the words "units of general local government or combinations thereof" in lieu thereof.

(6) Section 223(a)(5) is amended by inserting after the words "local government" the words "or combinations thereof".

(7) Section 223(a)(6) is amended by deleting the words "local government" and inserting the words "unit of general local government" in lieu thereof.

(8) Section 223(a)(6) is further amended by inserting after the words "local government's structure" and before the words "(hereinafter in this part" the words "or to a regional planning agency".

(9) Section 223(a)(8) is amended by inserting after the word "programs" in the second sentence a period followed by the words "Programs and projects developed from the study may be funded under section 223(a)(10) provided that they meet the criteria for advanced technique programs as specified therein".

(10) The first sentence of section 223(a)(10) is amended by deleting the words "or by the local government".

(11) The first sentence of section 223(a)(10) is further amended by inserting after the words "or through" the words "grants and".

(12) Section 223(a)(10) is further amended by deleting all of subparagraph (D) and redesignating subparagraphs (E), (F), (G), and (H) as subparagraphs (D), (E), (F), and (G), respectively.

(13) Section 223(a)(12) is amended by deleting the word "must" and inserting the word "may" in lieu thereof.

(14) Section 223(c) is amended by inserting the following sentence at the end thereof: "Failure to achieve compliance with the section 223(a)(12) requirement within the two-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator determines that the State is in substantial compliance with the requirement and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.".

(15) Section 224(a)(5) is amended by deleting the word "and" the last time it occurs.

(16) Section 224(a)(6) is amended by placing a comma after the words "develop and implement" and inserting thereafter the words "in coordination with the United States Office of Education, Department of Health, Education, and Welfare,".

(17) Section 224(a)(6) is further amended by deleting the period at the end thereof and inserting in lieu thereof a semicolon followed by the word "and".

(18) Immediately after paragraph (6) of Section 224(a) insert the following new paragraph:

"(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system.".

(19) Section 227(a) is amended by deleting the words "State, public or private agency, institution, or individual (whether directly or through a State or local agency)" and inserting the words "public or private agency, organization, institution, or individual (whether directly or through a State planning agency)" in lieu thereof.

(20) Section 227(b) is amended by deleting the words "institution, or individual un-

der this part (whether directly or through a State agency or local agency)" and inserting the words "organization, institution, or individual under this title (whether directly or through a State planning agency)" in lieu thereof.

(21) Section 228(b) is amended by deleting the words "under this part" and inserting the words "by the Law Enforcement Assistance Administration" in lieu thereof.

(22) Section 228(b) is further amended by deleting the words "25 per centum of".

(23) Section 228(c) is amended by deleting the word "part" and inserting the word "title" in lieu thereof.

(24) Immediately after Section 228(d) insert the following new paragraphs:

"(e) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

"(f) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509, of title I of the Omnibus Crime Control and Safe Streets Act of 1968, that portion shall be available for reallocation under section 224 of this title.".

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 4. Title II, part C of such Act is amended as follows:

(1) Section 241 is amended by deleting all of subsection (e). Subsections (f) and (g) are redesignated as subsections (e) and (f) respectively.

(2) Redesignated section 241(f) is amended by inserting after "(4)" and before the words "enter into contracts" the words "make grants and".

(3) The subsection lettered "(b)" immediately following redesignated section 241(f) is redesignated subsection "(g)".

(4) Redesignated section 241(g) is amended by deleting "(g)(1)" which appears immediately after the word "subsection" and inserting "(f)(1)" in lieu thereof.

(5) Section 248 is deleted.

PART D—AUTHORIZATION OF APPROPRIATION

SEC. 5. Title II, part D of such Act is amended by redesignating the title of Part D "Administrative Provisions" and as follows:

(1) Section 261 is amended by deleting subsection (a) and inserting in lieu thereof the following:

"To carry out the purposes of this title there is authorized to be appropriated $75,000,000 for the fiscal year ending September 30, 1978, and such sums as are necessary for each of the fiscal years ending September 30, 1979, and September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended."

(2) Section 262 is amended by deleting all of subsections (a) and (b) and inserting in lieu thereof the following:

"The Administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.".

(3) Section 263 is amended by deleting the words "subsection (b)" in subsection (a) and inserting the words "subsections (b) and (c)" in lieu thereof.

(4) Section 263 is further amended by adding after subsection (b) as new subsection (c) as follows:

"(c) The amendments made by the Juvenile Justice and Delinquency Prevention Amendments of 1977 shall take effect on and after October 1, 1977."

AMENDMENT TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

SEC. 6. Section 203(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new sentence: "The chairman and at least two additional members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this subsection."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: It is my pleasure to forward for your consideration a legislative proposal entitled the "Juvenile Justice and Delinquency Prevention Amendments of 1977."

This proposed bill would amend the Juvenile Justice and Delinquency Prevention Act of 1974 and extend the authority of the Law Enforcement Assistance Administration to administer the Act for an additional three years. The bill would provide additional funding to the Law Enforcement Assistance Administration to coodinate Federal juvenile delinquency programs and activities and to assist States, units of general local government, and private nonprofit agencies, organizations, and institutions in their efforts to combat juvenile delinquency and improve the juvenile justice system.

The legislative proposal includes a number of amendments designed to strengthen the coordination of Federal efforts. The Federal Coordinating Council established by the 1974 Act would be authorized to assist in the preparation of LEAA annual reports on the analysis, evaluation, and planning of Federal juvenile delinquency programs. LEAA runaway programs would be coordinated with Department of Health, Education, and Welfare programs funded under the Runaway Youth Act.

Title I of the Omnibus Crime Control and Safe Streets Act would be amended to require that the chairman and at least two other members of each State's planning agency supervisory board. This will insure that the supervisory board receives the benefit of advisory group input in carrying out its duties and responsibilities.

The legislative proposal also makes significant changes in the formula grant program. The 1974 Act requires that status offenders be deinstitutionalized within two years of a State's participation in the formula grant program. The Administrator would be granted authority under the proposed bill to continue funding to those States which have achieved substantial compliance with this requirement within the two-year statutory time limitation for deinstitutionalization and evidenced an unequivocal commitment to achieving this objective within a reasonable time. The use of in-kind matching funds would be prohibited. However, assistance to private nonprofit organizations would be authorized at up to 100 percent of the approved costs of any assisted program or activity. In addition, the Administrator would be authorized to waive the cash match requirement, in whole or in part, for public agencies upon a determination that a good faith effort has been made to obtain cash match and cash match is not available. No change would be made to the provision requiring that programs receiving satisfactory annual evaluations continue to receive funds.

The proposal would require that Special Emphasis school programs be coordinated with the United States Office of Education. A new category of youth advocacy programs would be added to the listing of Special Emphasis programs in order to focus upon this means of bringing improvements to the juvenile justice system.

The proposal would also authorize the Administrator to permit up to 100 percent of a State's formula grant funds to be utilized as match for other Federal juvenile delinquency program grants. This would increase flexibility and permit maximum use of these funds in States which have been unable to fully utilize available Federal fund sources. The Administrator would also be authorized to waive match for Indian tribes and other aboriginal groups where match funds are not available and to waive State liability where a State lacks jurisdiction to enforce grant agreements with Indian tribes.

The proposal would authorize $75 million for Juvenile Justice Act programs in Fiscal Year 1978 and such sums as are necessary for each of the Fiscal Years 1979 and 1980. The maintenance of effort provision, applicable to juvenile delinquency programs funded under the Omnibus Crime Control and Safe Streets Act, would be retained. The retention of this provision underscores the Administration's commitment to juvenile justice and delinquency prevention programming at the Federal level.

Finally, the proposal would incorporate a number of the administrative provisions of the Crime Control Act as administrative provisions applicable to the Juvenile Justice and Delinquency Prevention Act. The addition of these provisions would permit LEAA to administer the two acts in a parallel fashion. These provisions would include formalized rulemaking authority, hearing and appeal procedures, civil rights compliance, recordkeeping requirements, and restrictions on the disclosure of research and statistical information. The incorporation of the civil rights provisions added by the Crime Control Act of 1976 would strengthen LEAA's ability to assure nondiscrimination in programs and projects funded under the Juvenile Justice and Delinquency Prevention Act.

I recommend the prompt and favorable consideration of the proposed "Juvenile Justice and Delinquency Prevention Amendments of 1977." In addition to the bill, there is enclosed a section-by-section analysis.

The Office of Management and Budget has advised that enactment of this proposed legislation would be consistent with the Administration's objectives.

Sincerely,

GRIFFIN B. BELL,
Attorney General.

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977".

Section 2 amends Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 in nine ways:

(1) Section 201(g) is the subject of a technical amendment.

(2) Section 204(b)(5) is amended to mandate the assistance of the Coordinating Council in the preparation of the annual analysis and evaluation of Federal juvenile delinquency programs.

(3) Section 204(b)(6) is amended to mandate the assistance of the Coordinating Council in the preparation of the annual comprehensive plan for Federal juvenile delinquency programs.

(4) Section 204(f) is amended to clarify that the Administrator's authority to request information, reports, studies, and surveys is limited to Federal departments and agencies.

(5) Section 204(g) is amended to authorize the Administrator to delegate his functions under all of Title II to any officer or employee of the Administration.

(6) Section 204(j) is amended to authorize the Administrator to utilize grants and contracts to carry out the purposes of Title II.

(7) Section 204(k) is amended to require appropriate coordination between LEAA activities funded under Title II and Department of Health, Education, and Welfare programs funded under the Runaway Youth Act.

(8) Section 206(d) is amended to require a minimum of four annual meetings of the Coordinating Council.

(9) Section 208(e) is amended to make the title of the National Advisory Committee Subcommittee on Standards consistent with the subcommittee title used in section 247.

Section 3 amends Title II, Part B of the Act through twenty-four separate provisions related to Federal assistance programs:

(1) Section 221 is amended to reflect that the Administrator has authority to make formula grants only at the State (State planning agency) level.

(2) Section 221 is further amended to clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

(3) Section 222(c) is amended to conform with the definitions of "units of general local government" and "combination" set forth in Section 103(8) and (9) of the Act.

(4) Section 222(d) is amended to prohibit the use of in-kind match and to provide that formula grant assistance to private nonprofit organizations may be up to 100 percent of assisted program or activities. For public agencies, the Federal share may not exceed 90 per centum of the approved costs of any assisted program or activity. However, Section 222(e) provides that the Administrator may waive the cash match requirement for public agencies, in whole or in part, if the State planning agency determines that a demonstrated and determined good faith effort has been made to obtain cash match and cash match is not available.

(5) Section 223(a)(4) is amended to conform with the definitions of "unit of general local government" and "combination" set forth in Section 103(8) and (9) of the Act.

(6) Section 223(a)(5) is amended to provide that funds expended through programs of local government include programs sponsored or administered by combinations of local government.

(7) Section 223(a)(6) is amended to conform with the definition of "unit of general local government" set forth in Section 103 (8) of the Act.

(8) Section 223(a)(6) is further amended to clarify that regional planning bodies may be designated by local chief executives as the "local agency" to perform planning and administration functions on behalf of the unit of general local government.

(9) Section 223(a)(8) is amended to provide that programs and projects developed from a State's detailed study of needs may be funded as advanced technique programs under Section 223(a)(10) provided that they meet the criteria established for designation as advanced technique programs.

(10) Section 223(a) (10) is amended to again reflect that formula grants are made only at the State (State planning agency) level.

(11) Section 223(a)(10) is further amended to again clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

(12) Section 223(a)(10) is further amended to delete drug and alcohol abuse programs from the list of advanced technique programs.

(13) Section 223(a)(12) is amended to clarify that status offenders may, but need not, be placed in shelter facilities.

(14) Section 223(c) is amended to provide that the Administrator may continue to approve State plans, where a State has failed to achieve compliance with Section 223(a)(12), upon a determination that: (a) the State is in substantial compliance; and (b) the State has made an unequivocal commitment to achieving full compliance within a reasonable time.

(15) Section 224(a)(5) is the subject of a technical amendment.

(16) Section 224(a)(6) is amended to mandate coordination with the United States Department of Education in the development of Special Emphasis School programs.

(17) Section 224(a)(6) is also the subject of a technical amendment.

(18) Section 224(a) is amended by adding a new paragraph (7) authorizing the use of Special Emphasis funds for youth advocacy programs.

(19) Section 227(a) is amended to add public and private organizations to the list of entities affected by this subsection.

(20) Section 227(b) is amended to add public and private organizations to the list of entities affected by this subsection.

(21) Section 228(b) is amended to prohibit the use of formula grant funds to match LEAA funds.

(22) Section 228(b) is further amended to permit up to 100 percent of a State's formula grant funds to be used as match for other Federal juvenile delinquency program grants.

(23) Section 228(c) is amended to permit the Administrator to require a matching contribution from recipients of National Institute grants and contracts under Part C of the Act.

(24) Section 228 is amended by adding two new subsections: (a) subsection (e) authorizes the Administrator to waive the non-Federal match for grants to Indian tribes or other aboriginal groups where they have insufficient funds. In addition, where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administrator may waive the State's liability and proceed directly with the Indian tribe on settlement matters; and (b) subsection (f) provides for reallocation, as Special Emphasis funds, of any funds not required by a State or which become available following administrative action to terminate funding.

Section 4 amends Title II, Part C of the Act in five separate amendments related to the National Institute for Juvenile Justice and Delinquency Prevention:

(1) Section 241 is amended to delete the subsection (e) provision for delegation of authority by the Administrator to employees of the Institute and to redesignate subsections (f) and (g) as subsections (e) and (f).

(2) Redesignated section 241(f) is amended to clarify the Institute's authority to make grants as well as enter into contracts for the partial performance of Institute functions.

(3) Erroneously lettered subsection (b) is redesignated subsection (g).

(4) Redesignated subsection (g) is the subject of a technical amendment.

(5) Section 248 is deleted to remove duplicative restrictions on disclosure or transfer of juvenile records gathered for purposes of the Institute.

Section 5 amends Title II, Part D of the Act by changing the title of Part D to "Administrative Provisions" and in four other respects:

(1) Section 261 is amended by deleting subsection (a) relating to level of authorized funding and substituting a three-year authorization at an appropriation level of $75,000,000 for fiscal year 1978, and such sums as are necessary for each of the fiscal years ending September 30, 1979, and September 30, 1980. Funds appropriated are to remain available for obligation until expended.

(2) Section 262 is deleted and language substituted that incorporates the administrative provisions of Sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of the Omnibus Crime Control and Safe Streets Act into the Act as administrative provisions.

(3) Section 263 is the subject of a technical amendment.

(4) Section 263 is further amended to provide that the amendments made by this Act shall be effective on and after October 1, 1977.

Section 6 amends Section 203(a)(1) of the Omnibus Crime Control and Safe Streets Act to provide that the chairman and at least two other members of the advisory group established pursuant to Section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act shall be appointed to the State planning agency supervisory board.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. DOLE, the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 4, to amend the Internal Revenue Code.

S. 124

At the request of Mr. GLENN, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 124, to amend the Internal Revenue Code.

S. 294

At the request of Mr. MELCHER, the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 294, to amend the Meat Import Quota Act of 1964.

S. 310

At the request of Mr. MATSUNAGA, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 310, relating to the medicare and medicaid programs.

S. 590

At the request of Mr. THURMOND, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 590, to confer Cabinet status on the Veterans' Administration.

S. 779

At the request of Mr. BURDICK, the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 779, to amend the Internal Revenue Code.

S. 803

At the request of Mr. HELMS, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 803, to amend the Internal Revenue Code.

S. 919

At the request of Mr. RIEGLE, the Senator from Oklahoma (Mr. BELLMAN), and the Senator from Utah (Mr. GARN)

were added as cosponsors of S. 919, a bill to establish certain vehicle emission standards and for other purposes.

S. 1001

At the request of Mr. DOMENICI, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 1001, relating to awards of legal fees and related expenses in certain litigation.

S. 1008

At the request of Mr. RIEGLE, the Senator from New Hampshire (Mr. DURKIN), the Senator from Vermont (Mr. LEAHY), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 1008, a bill to amend section 107 of the Energy Reorganization Act of 1974 to delegate power to State legislatures to veto Energy Research and Development Administration site selection for radioactive waste storage.

SENATE RESOLUTION 105

At the request of Mr. NELSON, the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of Senate Resolution 105, calling for a White House Conference on Small Business.

SENATE JOINT RESOLUTION 13

At the request of Mr. RANDOLPH, the Senator from New Mexico (Mr. SCHMITT) and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 13, designating Energy Conservation Month.

SENATE CONCURRENT RESOLUTION 17—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF AN INTERNATIONAL NUCLEAR FUEL AUTHORITY

(Referred to the Committee on Foreign Relations.)

Mr. GLENN submitted the following concurrent resolution:

S. CON RES. 17

Whereas it is United States policy to encourage worldwide development of energy resources and to discourage the spread of nuclear weaponry;

Whereas it is the objective of all countries with nuclear power programs to obtain an assured supply of nuclear fuel as well as appropriate storage facilities for spent fuel;

Whereas pursuit of such assured supply has resulted in actions by some non-nuclear weapons states to achieve a national enrichment or reprocessing capability;

Whereas high enrichment and reprocessing of nuclear fuel have the serious potential for accelerating nuclear weapons development;

Whereas it is in the interests of the United States, from the viewpoint of preventing nuclear weapons proliferation, to engage in concerted action with other supplier nations to avoid the development of enrichment or reprocessing capabilities on a national basis by non-nuclear weapons states;

Whereas the legitimate needs of all nations for an assured supply of nuclear fuel and spent fuel storage facilities can be met through international contractual arrangements include use by all present suppliers of a single distribution channel;

Whereas such arrangements obviate the need for national enrichment or reprocessing facilities by countries not currently possessing them; and

Whereas international cooperation in this area is desirable, possible, and practical: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is requested to enter into negotiations as soon as is practicable, with all foreign countries possessing nuclear fuel production facilities, for the purpose of drafting a treaty with provisions for the following:

(1) Establishment of an International Nuclear Fuel Authority (hereafter referred to as INFA), headed by a Board of Directors representing all major supplier nations and the IAEA, with responsibilities for allocation and distribution of an agreed upon share of fuel produced from nuclear fuel production facilities in accordance with agreements between INFA and recipient countries.

(2) A set of conditions under which INFA services will be provided, and which will insure, to the satisfaction of all INFA members, that the transferred materials cannot or will not be used for weapons or explosions.

(3) The use of plant facilities constructed under INFA auspices for the storage of spent nuclear reactor fuel.

(4) The return of spent fuel to INFA from recipient countries as a result either of an arrangement whereby fuel is leased or, in the case of outright sale, credit is given in the form of equivalent new fuel for the energy content of the plutonium contained in the spent fuel.

(5) An appropriate formula for distribution of proceeds from INFA transactions.

(6) Penalties for violations and abrogation.

SEC. 2. The President is requested to report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate within 6 months after the adoption of this resolution, and at intervals not to exceed 6 months thereafter, with respect to the progress that has been made in the requested negotiations.

Mr. GLENN. Mr. President, today I am submitting a concurrent resolution and two amendments designed to deal with the problem of the proliferation of nuclear weapons capability. These are proposed against a background of depressing facts and statistics.

One. Only three out of six nuclear weapons states have signed the nuclear nonproliferation treaty.

Two. About half of all nonweapons states have not signed the NPT, including "near-weapons" states such as Argentina, Brazil, Israel, and South Africa.

Three. Nonweapons states with the potential for building or otherwise obtaining reprocessing plants including Argentina, Belgium, Brazil, the Federal Republic of Germany, Iran, Italy, Japan, Pakistan, South Korea, and Taiwan.

Four. By the year 2000, the world may be producing enough plutonium in power reactors for 200,000 bombs per year.

Five. Under present rules, as Dr. Albert Wohlstetter has pointed out, a nonweapon state can come closer to exploding a nuclear weapon today, without violating an agreement not to make a bomb, than the United States was 30 years ago.

Clearly, the battle against proliferation cannot be said to be going well. The inexorability of technological progress means that some nations that could be considered "near-weapon" states last year are "nearer-weapon" states this year. And the number of states desiring fuel cycle facilities from which fissile materials can be produced is growing. The reason for this sorry state of affairs can be traced to the three major incentives for nations to obtain their own fissile materials. These are:

One. A perceived increase in national security.

Two. A desire for energy independence with respect to their nuclear power programs.

Three. A perceived increase in national prestige.

Until the nuclear weapons states make some concrete progress toward nuclear disarmament thereby channeling their own bases of national pride away from acquisition of nuclear weapons or weapons potential, we shall see little progress in reducing the perceived national security or prestige incentives toward acquiring fissile materials by nonweapons states. Of more immediate amenability toward solution is the proliferation emanating from the legitimate desire of a nonweapons state to have a reliable supply of nuclear fuel for its power reactors; that is, for nuclear energy independence.

To meet this legitimate need, the United States, acting in concert with the other nuclear suppliers, must endeavor to provide a reliable fuel supply to all nations adhering to strict safeguards on all their nuclear facilities. In so doing, the need on the part of such nations for national enrichment or reprocessing facilities vanishes. Accordingly, I am offering today two proposals. The first is in the form of a resolution calling upon the President to enter into international negotiations for the purpose of developing a treaty establishing an International Nuclear Fuel Authority which would contract with suppliers to receive shipment of low-enriched nuclear fuel for distribution to recipient countries in accordance with binding agreements.

The resulting lack of need of any nonweapons state to import a reprocessing facility motivates my second proposal, which provides that any nation importing or exporting any such facility suffers an immediate cutoff of American military and economic assistance unless the President determines it is not in the national interest to do so, and the Congress fails to override him by joint resolution. This proposal is a stepped up version of the so-called Symington amendment which was passed in the last Congress. Under that amendment military and economic assistance will be cut off if any country imports or exports a reprocessing facility unless the recipient country places all of its nuclear activities under IAEA safeguards and places the reprocessing facility under international control if any such control mechanism is available. My proposal would impose the cutoff in the case of the importation of a reprocessing plant whether or not the conditions of the Symington amendment are met. In other words, my proposal takes the position that the transfer of such facilities to countries not now pos-

sessing them is of such danger to international security that we should attempt to prohibit the transfer regardless of the conditions under which it takes place.

I am offering this proposal in the form of an amendment both to S. 897, the nuclear nonproliferation legislation now before the Governmental Affairs Committee, and to S. 1160, the foreign military assistance bill now being considered by the Foreign Relations Committee.

I believe these proposals are effective supplements to existing nonproliferation laws and other proposals on this subject currently before the Congress. I look forward to hearings and extensive discussions on these proposals.

SENATE RESOLUTION 134—SUBMISSION OF A RESOLUTION AUTHORIZING PRINTING OF THE REPORT OF THE NATIONAL FOREST RESREVIEW COMMISSION

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE submitted the following resolution:

S. RES. 134

Resolved, That the annual report of the National Forest Reservation Commission for the fiscal year ended September 30, 1976, be printed with an illustration as a Senate document.

SENATE RESOLUTION 135—SUBMISSION OF A RESOLUTION CONCERNING RECOMMENDATIONS OF THE AMERICAN INDIAN POLICY REVIEW COMMSSION

(Referred to the Select Committee on Indian Affairs.)

Mr. ABOUREZK for himself, Mr. DECONCINI, Mr. HATFIELD, and Mr. BARTLETT) submitted the following resolution:

Whereas the Congress, in recognition that Federal policy toward American Indians is in need of extensive revision, created the American Indian Policy Review Commission; and

Whereas the American Indian Policy Review Commission, pursuant to legislative requirements, conducted a Bureau of Indian Affairs management study; and

Whereas the Congress is aware of an absence of managerial and organizational capacity in the Bureau of Indian Affairs; and

Whereas the Congress finds that long-range planning capabilities are nonexistent in the budget process and that the organization of the budget and the planning function is fragmented and ineffective; and

Whereas the Congress finds that for the Indian community to have a meaningful input in the budget process there must be a comprehensive tribal needs analysis and long-range plan which the system would use as the vehicle to guide allocation of capital and human resources into strategic areas; and

Whereas the Congress recognizes that almost every area of the Bureau of Indian Affairs personnel management is inadequate; promotes poor attitudes; that the present interpretation of the Indian preference policy in employment adversely affects all personnel actions; that Indian preference should be modified to ensure effective operation without impeding progress toward the fullest employment of Indians; that a comprehensive manpower planning system should be developed to determine proper staffing; that aggressive recruiting and training programs should be improved and upgraded at all levels; and

Whereas the Congress recognizes that due to inadequate and unreliable measurement information, officers and employees of the Bureau of Indian Affairs can do little to control people or programs; that the type of information available cannot be used effectively to evaluate, manage and motivate people, make decisions or measure program quality; that more sophisticated management control requires performance standards as a basis of comparison; that insufficient standards and measurements are prime reasons for line manager, program and employee control problems; and

Whereas, the Congress finds that the present Bureau of Indian Affairs structure does not meet the needs of Indian people who require a variety of services; that the current organization is characterized by a lack of communication, excessive spans of control and ineffective leadership; that there is little preparation for future impact of Indian self-determination, minimal Indian input or proximity to decisions and excessive Bureau response time: Now, therefore, be it

Resolved, That it is the sense of the Senate, that the Secretary of the Interior and the Commissioner of the Bureau of Indian Affairs, should, as soon as practicable but in no event later than one year following the approval of this resolution, implement and cause to be implemented all of the recommendations of the American Indian Policy Review Commission's Bureau of Indian Affairs Management Study, and that the moneys saved or equivalent thereof during each fiscal year by reason of the implementation of such recommendations should be directed by the Congress into program services which directly benefit Indians at the tribal level.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the Secretary of the Interior and the Commissioner of the Bureau of Indian Affairs.

Mr. ABOUREZK. Mr. President, Congress created the American Indian Policy Review Commission for the purpose of seeking recommendations from which to legislate meaningful approaches to fulfilling the present and future needs of Indian people. One of the charges of the Commission was to do a management study of the Bureau of Indian Affairs. This management study has been completed and adopted by the Commission.

This study covered the need for changes, because of the inadequacies of the Bureau of Indian Affairs, in the budget process, personnel administration, management information, and organizational structure. If implemented it will go far to meet the needs of efficiency, effectiveness, and reasonable cost in the operation of the Bureau of Indian Affairs.

The changes called for in this report will restructure the Bureau of Indian Affairs and change the manner in which it deals with American Indians. The restructuring would result in redirecting on a one-time basis about $20 million and on an annual basis an estimated $122 million to services at the tribal level.

This means gains for the Congress in establishing a sound American Indian policy, gains for the American Indian tribes in program effectiveness, and gains for the American taxpayer in Government efficiency.

This also is in line with President Carter's policy of restructuring and making more efficient the Federal Government.

I ask unanimous consent to have printed in the RECORD a summary of the Bureau of Indian Affairs management study.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SEC. V. DIGEST OF RECOMMENDATIONS

Recommendations	Action required	Financial impact	Estimated amount
BUDGET PROCESS			
1. Establish a formal planning system within BIA and integrate it into the present budget process.	Executive		
2. Reorganize budgeting, planning, and intergovernmental relations into 1 integrated organization.	do		
3. Stimulate Indian participation in the budget process.	do		
4. Include all nonbanded area programs except trust funds in the agency budget formation process by fiscal 1979.	do	1-time cost	$50,000
5. Make the budget function responsible for variance analyses and performance reviews.	do		
6. Emphasize Indian participation and band analysis in the BIA budget review to the Department, OMB, President, and Congress.	do		
7. Establish annual project planning at area and agency levels for all continuing programs and monitor performance quarterly on a personal basis, altering the plan to reflect status changes.	do	Annual saving	250,000
PERSONNEL MANAGEMENT			
8. Strengthen Indian preference to improve BIA effectiveness while continuing to hire, train and upgrade Indians for Bureau employment.	do		
9. Develop a human resources planning system using industrial engineering techniques to establish appropriate staffing levels and position requirement.	do	Annual saving 1-time cost	75,000,000 430,000
10. Develop an aggressive recruiting program to secure qualified or trainable Indians.	do	Annual cost 1-time cost	150,000 50,000
11. Reorganize the employment classification system to improve credibility.	do		
12. Improve BIA employee relations practices	do	1-time cost	100,000
13. Develop training programs to meet specific BIA requirements.	do	Annual cost 1-time cost	80,000 200,000
14. Continue regular civil service evaluations and upgrade personnel-management quality through Department of the Interior project manager appointments.	do	Annual cost	42,000

SEC. V. DIGEST OF RECOMMENDATIONS—Continued

Recommendations	Action required	Financial impact	Estimated amount
MANAGEMENT INFORMATION			
15. Establish and install performance measurement standards.	do	Annual saving	$15, 000, 000
16. Initiate a program to improve and facilitate general communications between central office and field supervisors.	do		
17. Develop a concise statement on critical issues	do		
18. Improve the management by objectives program.	do		
19. Expedite the automatic data processing modernization study to insure completion by Jan. 1, 1977.	do	Annual cost Avoidance	$10, 000, 000
20. Complete application analysis section of the modernization study by Oct. 1, 1976.	do		
21. Add remote access and interactive capabilities to reduce processing time and increase computer program development efficiency.	do		
22. Develop an inventory system for a comprehensive equipment management system.	do	Annual saving	6, 600, 000
23. Develop standardized material and supply inventory systems.	do	Annual saving 1-time saving	5, 000, 000 20, 000, 000

SECTION I. EXECUTIVE SUMMARY

The mandated Indian preference policy in personnel actions is being implemented, although with some harmful effects on overall bureau effectiveness. Indian participation in the budget process is a positive step toward achieving self-determination. Procedures are being issued to implement the contracting provisions of Public Law 93-638.

The Division of Automatic Data Processing is also conducting a comprehensive modernization study to update its services. A personnel management project director has been employed recently to spearhead specific improvements in personnel practices. In addition, Management by Objectives (MBO) techniques are being used in a number of locations.

PRIOR ASSESSMENTS OF BIA

Numerous studies have been carried out over the years by other task force groups, committees, consultants, Indian organizations, federal agencies and individuals. All have identified problems and made specific recommendations. In establishing the objectives for this study, it became obvious that a comprehensive review of these materials should be made.

A search of prior reports on BIA operations was implemented to pinpoint recurring references to topics tentatively identified as potential problem areas. The purpose was to establish a basis for comparison with findings of the current study and to ensure that all pertinent problem areas would be covered.

Over 75 representative reports written during the past 25 years were evaluated, including several comprehensive studies and subsequent updates plus a large number of topical reviews made in the last 5 to 10 years. With occasional exceptions, the studies were initiated by Senate and House committees or the Executive Branch. In general, the reports were prepared by staff groups within these branches including the House Appropriations Committee, Civil Service Commission and BIA. Occasionally, special task forces were established while, in other cases, members of the private sector studied Indian problems.

For this analysis, 75 reports were grouped into 23 categories which combined similar short reviews. These are indicated in Appendix Exhibit I, Prior Assessments—Listing of Titles and Title Categories. Of the more than 60 topics of specific interest identified by the report review, five general areas were summarized which apply to the broad subject of management as shown in Appendix Exhibit II, Summary of Prior Management Assessments. The five major management topics considered relevant to this current study are:

Management, including administration, authority, organization, planning and the like. Nineteen of the 23 report categories identify problems in these areas.

Accounting, which includes the budget process in its eight subject areas, was treated in nine categories.

Management information on all administrative levels was referenced in nine categories.

Personnel management and 15 related matters pertaining to the effective utilization of human resources were found to be a problem issue in 15 categories.

Intergovernmental relations, including BIA's relations with other Executive Branch agencies, Congress, state and local governments, were identified in 14 categories.

A sixth major topic encompasses programs, facilities, natural resources, government policies and financing. This general area is detailed in Appendix Exhibit III, Summary of Prior Service Assessments. The analysis has shown that prior studies directed somewhat more attention to this area than to the management practices and related functions which provide the services. Appendix Exhibit IV, Details of Management and Service Assessments, lists all 60 problem areas within the six general topics.

The results of the search indicate that many areas of potential problems have been previously identified. Within the management classification, management practices, personnel administration and intergovernmental relations received the most attention. Accounting, including the budget process, and management information—both extremely important to effective management—received substantially less emphasis.

An evaluation of prior studies strongly suggests that findings related to the management principles of planning, organizing, leading and controlling have not been given sufficient emphasis. Elements which require increased attention are:

Recognition that management ability is just as essential to program success as capital.

Provision of executive leadership at all organizational levels.

Development of comprehensive, timely information for use by bureau personnel to ensure effective planning and control.

Installation of an improved communications system throughout the bureau.

Utilization of long-range planning to direct bureau activities.

Implementation of recommendations.

Many of the prior assessments of the BIA identified similar problems and resulted in appropriate recommendations. However, these past efforts fell short of their objectives because the apparatus for implementation was not present. As a result of these findings, the recommendations of this review team are presented with an implementation section to overcome potential obstacles.

CONCLUSIONS

During this nine-week intensive examination, the following conclusions were reached. There is a notable absence of managerial and organizational capacity throughout BIA. Decisions are made on a day-to-day basis with little long-range planning. Communication among the organizational levels is poor as are agency-tribe relationships.

Evidence of critical analysis and determination of appropriate performance standards for key positions is almost nonexistent and achievements in most areas are not measured against appropriate yardsticks. There is a critical absence of information essential to efficient administration. Frequently, data as basic as simple performance comparisons were not available. Directories and organization charts were often out of date.

Employee attitude and overall morale suffer dramatically as a result of these inadequacies. The situation is further aggravated by the effects of implementing Indian preference, uncertainty over the effects of Public Law 93-638, poor personnel practices and inadequate career development.

RECOMMENDATIONS

The proposals presented in this report are meant to serve as the basis for specific improvement of BIA operations, policies and procedures. Recommendations have been made on the most critical areas of bureau management policy, especially those issues which would produce the greatest impact for Indian people. These areas include budget, personnel, management information and structure.

The budget process is unique to the extent that the client is supposed to formally participate in the budget request through Band Analysis. However, long-range planning capabilities do not exist while the organization of the budget and the planning function is fragmented and ineffective. To increase the effectivenes of the budget cycle, a formal planning system must be created as part of the budget process. It must include comprehensive tribal needs analyses and long-range plans. This formalized planning system should act as the vehicle to guide allocation of capital and human resources into strategic areas.

The functions of budgeting, planning and intergovernmental relations should be consolidated. This new central office organization would report directly to the Commissioner of Indian Affairs and should have functional responsibility for similar operations at lower organizational levels. This would improve coordination of these related activities. Throughout the preparation and presentation process, the bureau should foster increased Indian participation in the development of budget information and materials. Implementation will provide increased visibility for Indian needs and plans.

Almost every area of personnel management in the bureau is inadequate. The present interpretation of the Indian preference policy adversely affects all personnel actions taken by the bureau. The application of Indian preference should be modified to ensure effective operation without impeding progress toward the fullest employment of Indians in the bureau. A planning system should be developed utilizing industrial engineering techniques to determine proper staffing levels and position requirements. Savings in administrative costs could be redirected to program areas. An aggressive recruiting program must also be put into effect to secure both qualified and trainable Indians. The current classification function must be reorganized to restore integrity.

Employee relations practices require substantial changes. The means to accomplish this effectively is through consistent, formal training. Since training activities need improvement at all levels, a comprehensive need analysis should be undertaken and programs developed to meet specific requirements. The

Civil Service Commission should continue to review personnel management activities in BIA. The project manager's assignment to correct deficiencies in personnel management must be continued and emphasized.

A modernization study is underway to update the data processing function. However, the estimated implementation schedule should be moved ahead 50% while equipment revision should include multi-processing and communication abilities. Automated inventory systems should be developed on a centralized basis. The potential financial benefits would be substantial.

Management by Objectives must be revised to set goals flowing upward from lower operating levels with guidelines flowing downward from upper management. It should be integrated into the budget process along with employee performance evaluations.

The present structure of the bureau is better suited to serve a single, common need, client base. However, Indian people have differing needs which require a variety of services. The current organization is characterized by a lack of communication, excessive spans of control and ineffective leadership. There is little evidence of preparation for the future impact of Indian self-determination. Indian input and proximity to decisions is minimal while bureau response time is excessive.

A new organization concept has been developed to move decisionmaking closer to the tribal level and provide dramatic leadership. The recommended approach is based upon separation of functional and administrative responsibilities. This concept will permit the elimination of 12 area offices and the creation of six regional service centers. This calls for a major change in the responsibilities assigned to new regional service center managers. Agency offices would have more responsibilities and a change in name to local service centers. Two consolidated functions—Human Resources and Natural Resources—would be established at the central office. The reporting relationship between school superintendents and the bureau would be strengthened and a mechanism for Indian participation in educational decisions would be established. Conflicts between the bureau and the Department of the Interior can be partially resolved by elevating the commissioner's position to that of an Assistant Secretary.

The bureau must have its own legal staff to provide timely attention to Indian needs. Establishing a separate entity in BIA will overcome existing conflict of interest problems in the Department of the Interior.

BENEFITS

As a result of this study, 23 recommendations have been formulated to improve management activities in the bureau. These are detailed in the following sections. Implementation can be accomplished by executive action.

The primary objective of the review was to focus on problem areas needing immediate attention. Whenever posible, exact dollar savings were quantified. Improved efficiency is anticipated as a result of all recommendations. Similarly, anticipated costs of implementation have also been included. Both savings and expenditures were projected on the basis of brief analyses and may not reflect all elements involved. The total annual financial impact of the recommendations is shown in the following table:

ANALYSIS OF POTENTIAL BENEFITS

	Annual	One-Time
Savings	$112, 800, 000	$20, 000, 000
Cost avoidance	10, 000, 000	
Cost	272, 000	830, 000

These figures include average annual savings of $11-million which can be attained through implementation of the suggestions on organization structure. Savings and costs related to staff levels were calculated on the basis of average bureau salaries. It is anticipated that most staff reductions can be implemented through attrition or reassignments to other federal agencies.

IMPLEMENTATION

A number of problems which reduce BIA effectiveness have been identified in this study. Proposed solutions and anticipated benefits are described in following sections. To preempt the possibility this study will suffer from lack of implementation, Congress must act to develop a positive vehicle to expedite accomplishment. First, Congress must give the report formal, general endorsement of concept and interest. Then, a Management Improvement Implementation Review Office—organizationally located in an appropriate management division of the Office of Management and Budget (OMB)—should be established.

Quarterly reports and interim updates in special situations should be distributed to the Commissioner of Indian Affairs, the Secretary of the Interior, appropriate congressional committees and the Executive Office. These official documents will indicate implementation progress and pinpoint delays and problems. In addition, management team members should provide counsel and periodically review implementation strategy with review office personnel. Finally, the commissioner and the Secretary of the Interior should be required to highlight essential features of these reports in annual budget presentations to Congress.

AMENDMENTS SUBMITTED FOR PRINTING

TAX REDUCTION AND SIMPLIFICATION ACT OF 1977—H.R. 3477

AMENDMENT NO. 180

(Ordered to be printed and to lie on the table.)

Mr. BUMPERS (for himself, Mr. HOLLINGS, Mr. STONE, and Mr. GOLDWATER) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 3477) to provide for a refund of 1976 individual income taxes and other payments, to reduce individual and business income taxes, and to provide tax simplification and reform.

U.S. POLICIES ON NONPROLIFERATION—S. 897

AMENDMENT NO. 181

(Ordered to be printed and referred to the Committee on Foreign Relations and the Committee on Governmental Affairs, jointly.

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (S. 897) to strengthen the U.S. policies on nonproliferation and to reorganize certain export functions of the Federal Government to promote more efficient administration of such functions.

FOREIGN ASSISTANCE ACT—S. 1160

AMENDMENT NO. 182

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (S. 1160) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, I should like to announce that the Committee on Banking, Housing and Urban Affairs will hold hearings April 18 through April 22, 1977, on reauthorizations and extensions of housing and community development programs, many of which are due to expire at the end of this fiscal year.

The hearings will be held in room 5302, Dirksen Senate Office Building and will begin at 10 each morning.

The committee would welcome statements for inclusion in the record of hearings.

HEARING NOTICE CHANGE—COMMITTEE ON SMALL BUSINESS

Mr. NELSON. Mr. President, the hearings scheduled on the restrictive and anticompetitive practices in the eyeglass industry for April 5 and 6 at 9:03 a.m., will be held in the Small Business Committee hearings room, 424 Russell Building rather than 318—caucus room—of the Russell Building as previously announced.

GOVERNMENTAL EFFICIENCY HEARINGS ON GENERAL ACCOUNTING OFFICE REPORT ON FLOOD INSURANCE PROGRAM

Mr. EAGLETON. Mr. President, the Subcommittee on Governmental Efficiency of the Governmental Affairs Committee will be holding hearings on April 11, 20, and 22 on the General Accounting Office report on weaknesses in the financial controls on the national flood insurance program. The hearings will be held in room 6226, Dirksen Senate Office Building. Witnesses will include representatives of GAO, Arthur Andersen & Co., the National Flood Insurers Association, and the Department of Housing and Urban Affairs.

SUBCOMMITTEE ON FEDERAL SPENDING PRACTICES AND OPEN GOVERNMENT

Mr. CHILES. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of 2 days of public hearings before the Governmental Affairs Subcommittee on Federal Spending Practices and Open Government.

The hearing is scheduled for April 13, 1977, in Tampa, Fla., beginning at 9:15 a.m. in the city council hearing room, and April 18, 1977, in Orlando, Fla., beginning at 9:15 a.m. in the city council hearing room.

Testimony is invited regarding the spending and procurement practices of the Small Business Administration in connection with the 8(a) program.

For further information regarding the hearings you may wish to contact Bob Harris of the subcommittee staff at 224–0211. Those persons wishing to testify or submit a written statement for the record should write to the Subcommittee

on Federal Spending Practices, Committee on Governmental Affairs, Washington, D.C. 20510.

ADDITIONAL STATEMENTS

HANDICAPPED PEOPLE AND AFFIRMATIVE ACTION

Mr. BURDICK. Mr. President, each year the North Dakota Committee on Employment of the Handicapped of the Governor's Council on Human Resources sponsors an "Ability Counts" writing contest for high school students. First-place winners represent North Dakota in the national competition and are invited to attend the annual meeting of the President's Committee on Employment of the Handicapped in Washington, D.C.

This year North Dakota's winner is Susanne Arnold of Pleasant Lake, N. Dak. She is an 18-year-old senior in the Wolford, N. Dak., Public Schools. Her faculty sponsor, who will attend the Washington conference with her, is Ms. Evelyn Glenn.

Ms. Arnold's paper, entitled "Handicapped People and Affirmative Action," discusses her survey of efforts in her community to hire handicapped citizens. It is an interesting and perceptive essay, and I ask unanimous consent that it be printed in the RECORD so that others may have the opportunity to review her findings.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

HANDICAPPED PEOPLE AND AFFIRMATIVE ACTION

What does my community think about affirmative action to hire handicapped persons? Do they actually carry out their beliefs in their business and social life? Do the handicapped people of my community think they are being treated fairly? These are only a few of the questions I attempted to answer. Due to the size of my community, is was difficult to find people to interview. I interviewed ten employers, four handicapped persons, and ten people of the area. Through this cross-section of people, I attempted to "sound out" the attitudes and ideas of my entire community.

Of the four handicapped persons I interviewed, all four felt that they had been helped a great deal by the Rehabilitation Act. Mrs. June Richards, activity director of the geriatrics ward in a local hospital, said, "If it had not been for these regulations, I am certain I would not have gotten this job." Three of the four were working in jobs they had not originally been trained for. Three also felt that there was at least some hesitation on the part of employers to hire them. All four expressed great satisfaction at the cooperation they received from fellow workers. Two of the four had some difficulty procuring their jobs. Kathy Miller, a receptionist at a rest home said, "I probably wouldn't be working here right now if I wouldn't be afraid of not being able to find another job." All four knew of the President's Committee for the Employment of the Handicapped, and appreciated that it was there to protect them.

Among the employers I interviewed were: the manager of a hospital, a bank president, and the personnel manager of a creamery. Seven of the ten interviewed had voluntarily hired handicapped persons in their business. Five were aware of the Rehabilitation Act and its requirements. Nine employers felt it was not unprofitable to hire handicapped people. "Definitely not. They perform their duties as efficiently as anyone else." Stated the manager of Otter Tail Power Company. Eight of the ten, however, did have at least some trouble applying the Rehabilitation Act specifically to their own business.

All of the individuals of the community that I visited with felt that the Rehabilitation Act was definitely a necessary and very important regulation.

A handicapped woman I visited with captured, what I felt, was the essence of successfully dealing with a handicap. She found that by learning to meet each day cheerfully, and dealing only with that single day's disappointment and inconveniences, could she cope with her handicap. "Some days, just not being able to bowl is a big thing. Said Mrs. June Richards.

In view of all the data and ideas I accumulated through personal interviews, telephone conversations, letters, questionnaires, and lots of just plain listening to what was said, and what was not said, I gained a tentative impression of my community's attitude toward handicapped people. I say tentative because it is impossible for one person to fully understand another's thoughts and motives; only what that person allows you to observe. Yet, I found complete cooperation and encouragement in my research. I feel that the community of Rugby, North Dakota, merits high points in nearly every aspect of Handicapped People and Affirmative Action.

THE LEGISLATIVE PRESENTATION OF AMVETS

Mr. THURMOND. Mr. President, the Senate Committee on Veterans' Affairs was recently presented the AMVETS' 1977 legislative program by that organization's national commander, the Honorable Thomas J. McDonough.

AMVETS is a great organization. Founded in 1944, its membership consists of veterans from World War II, Korea, and Vietnam. Through its various programs, AMVETS stresses Americanism, patriotism, devotion to God and country, and service to one's fellowman.

In his presentation before the Veterans' Affairs Committee, Commander McDonough expressed AMVETS' concern over the need for a continued independent Veterans' Administration and veterans health care system to administer to the needs of the Nation's veterans, their survivors, and their dependents. He also stated his organization's concern over the continuing need to adjust existing programs to offset the increases effected by inflation. The national commander also made numerous specific recommendations dealing with taxation of veterans benefits, non-service-connected disability and death pensions, education and training, proposals which would authorize the judicial review of final determinations by the Administrator of Veterans' Affairs, and other general areas of interest to veterans and their families.

Mr. President, in order to share the concerns of AMVETS with my colleagues, I ask unanimous consent that the 1977 legislative program be printed in the RECORD.

There being no objection, the legislative program was ordered to be printed in the RECORD, as follows:

AMVETS' 1977 LEGISLATIVE PROGRAM, MARCH 25, 1977

(Statement of Thomas J. McDonough)

Mr. Chairman and Members of the Committee: To be accorded the privilege of appearing before this Committee is a singular honor in and of itself. In my capacity as the leader of a major veterans' organization, I am extremely proud in the knowledge that you recognize AMVETS as an inlet to the vast reservoir of matters for your consideration.

In view of this, I wish to express my personal gratitude and the gratitude of the entire membership of AMVETS and its Auxiliary to the Committee for this and past kindnesses, and our commendations on your fair and realistic approaches to the problems confronting our Nation's veterans and their dependents. The progress made during the 94th Congress illuminates the sound and fair approach taken to the vital matters with which you are concerned.

Since it is not our intent to consume an unreasonable share of your valuable time, our Testimony will be as brief as possible, touching on the highlights of our 1977 legislative goals with only the minimal amount of detail necessary to illustrate the important points which follow.

VA MEDICAL CARE PROGRAM

Of foremost consideration by AMVETS is the continuation of top quality medical care for our veterans. The VA's Department of Medicine and Surgery functions admirably in its performance of that mission. Through the VA Hospital System, the medical needs of veterans are served by extremely competent and highly-trained medical personnel. This specialized service has historically been provided by the Department of Medicine and Surgery. Our organization will relentlessly pursue the continuation of the VA Medical System as it currently exists and will strongly oppose any future attempts to encompass it within any other national health care program.

AMVETS commends this Committee and the individual efforts of its members and their colleagues for the positive approach taken to H.R. 2735 during the final days of the 94th Congress which resulted in the passage of the Veterans' Omnibus Health Care Act of 1976 (P.L. 94-581). We are gratified that this action satisfied, to a large degree, the concerns of AMVETS over the expanding needs for VA nursing care beds and the availability of quality care through community-based nursing facilities as expressed in our testimony before this Committee in 1976.

In addition to our continued and specific support of the VA Medical System as it now exists, we wish to reaffirm our strong opposition to the almost constant attempts to subvert and minimize the authority and mission of the Veterans' Administration as a whole. We shall never relent in our pursuit of the preservation of the Veterans' Administration as a separate and independent agency of the Federal Government and the functions, authority and responsibilities with which it is currently charged.

COMPENSATION AND DIC

The passage of the Veterans' Disability Compensation and Survivor Benefits Act of 1976 reflects that consideration was given to our 1976 Testimony wherein AMVETS requested an increase in VA compensation rates. At that time, we requested also that your Committee address the need for an increase in statutory awards for those veterans who are most seriously disabled.

H.R. 14299, which resulted in P.L. 94-433, provided for an 8-percent increase in compensation rates for both of these categories in addition to an 8 percent increase in Dependency and Indemnity Compensation (DIC) benefits for surviving spouses and de-

pendent children of deceased veterans when the death of the veteran is caused as a result of a service-connected disability. We are gratified that this legislation became reality. We believe, however, that this "eleventh hour" legislation was not responsive to the cost-of-living increases experienced prior to the enactment of P.L. 94–433. Therefore, we strongly urge that automatic future increases in compensation and DIC be provided in tempo with cost-of-living indices.

Prior to the convening of the 95th Congress, AMVETS submitted to this Committee an outline of Legislative goals and Objectives which we would be pursuing during 1977. Among these proposals, consideration of amendatory legislation was requested in the area of eligibility for DIC benefits. We restate our request that favorable consideration be given to legislation to amend Title 38, U.S. Code, Chapter 13, Section 410(b), to provide that, a veteran who is totally disabled (100 percent) at the time of death shall be considered to have died of a service-connected disability. This would establish the criteria for eligible survivors to receive DIC and attendant benefits. We urge further that the current twenty year time period required for the preservation of a total disability, as described in Section 110 of Title 38, U.S. Code, be reduced to a more realistic period of ten years. We will support legislation directed to that end with the provision that frequent reevaluation examinations would not be required, but we would have no objection to the inclusion of marital criteria as a condition for eligibility.

We reaffirm our opposition to any attempts directed to Federal taxation of VA compensation, DIC, pension or other VA monetary benefits. We commend also the instruction given to the Administrator of Veterans' Affairs to conduct a thorough study to determine whether DIC benefits should be based on the former military pay grade of the deceased veteran. AMVETS has long considered such a base to be an inequity in view of the fact that the cost-of-living is no greater for the survivors of a deceased General or Flag Officer than it is for those of deceased enlisted personnel of the lowest rank.

AMVETS endorses the intent of H.R. 2295 which would provide out-patient dental services and treatment to any veteran who has a service-connected disability rated at 60 percent or more.

NON-SERVICE-CONNECTED DISABILITY AND DEATH PENSION

AMVETS is in support of legislation which would provide for the exclusion of social security benefits as countable income for VA pension purposes. In full realization, however, of the fact that non-service-connected pension is based on need, we would lend our total support to proposals such as H.R. 904 which, if adopted, would exclude any part of social cost-of-living increases as countable income for calendar years after 1972.

As described in our preliminary statement of Legislative Goals for 1977 dated November 1, 1976, We bring attention again to our request for consideration to increase the current $1,200 unearned income limitation of the spouse to $2,200 which would equate the cost-of-living increases experienced in the last four years.

Among other inequities in the VA pension program as it currently exists, is one provision which has caused AMVETS considerable concern over the years. The rate tables direct that a living veteran with three or more dependents shall receive the maximum pension allowable in accordance with his/her income from other sources. On the other hand, a widow with more than three dependents, at the same income level, may receive VA pension at the same rate with additional allowances for each dependent child over three. We question the rationale behind this principle.

AMVETS lauds the action taken by this Committee which resulted in the enactment of the Veterans' and Survivors' Pension Adjustment Act of 1976 (P.L. 94–432). The provision of this law to make permanent the 8 percent increase in pension rates provided for in P.L. 94–169 and due to expire on September 30, 1976 in the absence of additional legislative action, confirms our opinion of the diligence and fairness of your members and their colleagues. We congratulate you also on the additional increase in pension rates, annual income limitations, housebound eligible veterans 78 years of age or older.

We urge your prompt attention to amend Title 38, U.S. Code, Section 503(a)(12) to additionally exclude educational benefits under Chapter 34 as income for pension purposes.

EDUCATION AND TRAINING

AMVETS is pleased with the increase in rates and the removal of the undergraduate use restriction as it pertains to nine additional months of entitlement contained P.L. 94–502 but we are concerned with the January 1, 1977 cutoff date for educational benefits. We fear that the elimination of education and training benefits will adversely affect the future recruitment of military personnel. Should a future *"draft"* become necessary, we will strongly support the implementaion of a "G.I. Bill" providing for improved benefits and embracing those members of the military who served after January 1, 1977.

AMVETS takes the realistic stand that flight training benefits should be eliminated. Whereas these benefits are programmed to provide funding for an activity which is largely avocational in nature and provides no assurance that the beneficiary will pursue this field of endeavor as a profession or as a means of employment, we hold that the monies allocated thereto could be best utilized in direction of sincere vocational rehabilitation, education and training programs.

PERIODS OF WAR

AMVETS is in agreement with the language of H.R. 240 which would amend Title 38, U.S. Code, to include as wartime veterans those persons who served during certain "expeditionary" actions, thus allowing those veterans to receive VA benefits to which they are not presently entitled.

JUDICIAL REVIEW OF BVA DECISIONS

AMVETS is opposed to any attempts to implement judicial review of claims beyond the authority of the Board of Veterans' Appeals. We believe that such review would place an unreasonable additional onus on our already over-burdened judicial system and would be extremely costly and difficult to administer and would not be in the best interests of the veteran.

BURIAL AND PLOT ON INTERMENT ALLOWANCES

We are in strong opposition to any attempts to eliminate or reduce the current allowances provided for the burial of wartime veterans.

NATIONAL CEMETERY SYSTEM

We reiterate our stand against the class burial concept at Arlington National Cemetery and again urge positive action directed toward the removal of the present restrictions and to allow for the burial of any Honorably Discharged veteran as long as plot space remains available.

AMVETS restates our recommendation that a National Cemetery be established in each state and that Federal funds be provided to the states for this purpose.

G.I. HOME LOANS

An increase in the current maximum VA Home Loan Guarantee Entitlement is held to be in order at this time. The maximum entitlement was increased in 1974 from $12,500 to the current $17,500, representing an increase of $5,000. Real estate costs have soared in tempo with all other facets of the cost-of-living index. Lending institutions are hardput to advance loans without sufficient guarantee of repayment in view of the current economic situation. Additionally, many homes purchased under the G.I. Loan programs after World War II and the Korean Conflict are in need of repair or improvement. The ending of the Viet Nam War puts additional emphasis on the need for suitable veterans' housing. AMVETS believes that these facts lend sufficient substantiation to the need for an increase in G.I. Loan Entitlement.

VETERANS' EMPLOYMENT

AMVETS is gravely concerned over the high unemployment rate, especially as it pertains to Viet Nam Era veterans. The current economic crisis has understandably created joblessness in all segments of our population. However, the unemployment ratio of the younger, the disabled and the minority veteran is severely disproportionate to the overall picture. We laud the steps taken during the 94th Congress in this connection, particularly the establishment of the position of Deputy Assistant Secretary of Labor for Veterans' Employment. We shall continue our efforts toward the improvement of veterans' employment practices and policies and have submitted to the Administration the following proposal, among others, and would urge affirmative Congressional action and support if and where needed.

AMVETS has particular concern over the grim situation facing many of our older veterans caught in the wake of industrial shutdowns and relocations. Unemployed and untrained in other skills, this segment of our veteran population is confronted with an almost hopeless future in the absence of retraining programs which will provide the necessary skills for meaningful employment in other fields. It should be noted that these veterans, for the most part, have contributed continuously to our society through their maintaining of steady employment over the years and are now in need of assistance which was previously unnecessary. We propose that such re-training programs be implemented.

Before concluding the employment portion of our testimony Mr. Chairman, we wish to call your attention to the following critical items relative to the employment problems of America's veterans.

AMVETS is disappointed that a Deputy Assistant Secretary of Labor for Veterans' Employment, as called for by P.L. 94–502, has not yet been appointed and we urge prompt attention to this important matter. AMVETS believes the selection of the Deputy Assistant Secretary for Veterans' Employment should be based on the individuals knowledge of the problems, programs and services available to our veteran community. We believe the criteria for this position should be based on experience, ability, knowledge and acceptability to veterans groups without regard to race, creed, color or political associations.

AMVETS further recommends that the Veterans' Employment Service be elevated from its present position in the United States Employment Service to a management level with direct contact to the Assistant Secretary of Labor for Employment and Training and that the office be totally funded to administer the Department of Labor's Veterans' Employment Programs.

In addition, we firmly believe that the Office of Veterans' Reemployment Rights and Office of Federal Contract Compliance should be combined and placed within a single agency charged with the administration of veterans' employment programs in the Department of Labor.

GENERAL AREAS OF INTEREST

AMVETS continues to espouse the necessity to maintain and improve a strong and formidable National Defense policy. We would strongly oppose with all means at our disposal any attempts to cut the Defense Budget and support with equal vigor affirmative action directed at implementing the production of the B–1 bomber, the cruise missile and the allocation of additional funds for the continued procurement of the Air Force's new F–16 fighter.

We must reiterate our total opposition to any attempts directed at the unionization of the Armed Forces or to the granting to military personnel of any collective bargaining rights not provided for in the uniform code of military justice as that code currently exists. It must be made clear that AMVETS does not dispute or oppose the principle of organized labor, but does question the effects such a practice would have on military discipline should military personnel be given the right to question or disobey the lawful orders of their superiors.

We strongly oppose any proposals directed at deferring payment of military retirement pensions until the retiree reaches a more "normal retirement age of 55 or 60." A regulation of this nature could do nothing but discourage potential personnel from pursuing military careers.

We continue to be adamantly and irrevocably opposed to the President's amnesty/pardon action. We recognize the Presidential pardoning powers as contained in Article II, Section 2 of the United States Constitution as the law, but advocate concurrently a Constitutional amendment to limit that power in the interests of the "equal justice under law" concept which is the foundation of the American system of government.

AMVETS vigorously supports the efforts of the FBI, the CIA and other security agencies whose mission is to maintain the security and integrity of our country within the intent and framework of the law.

The issue concerning U.S. sovereignty over the Panama Canal remains as a top priority area of concern for AMVETS. We will continue our efforts to defeat any attempts at the surrendering of that sovereignty.

We urge Congressional support to Senate Concurrent Resolution 5 which would continue to oppose United Nations membership for the Socialist Republic of Viet Nam until a satisfactory accounting of American persons listed as "Missing-in-Action" is received. We have, additionally, asked the President to appoint representatives of the major veterans' organizations to the newly created "MIA" Task Force.

We support the proposal to allocate funds to erect a monument at Arlington National Cemetery in memory of those Americans who did not return from the war in Southeast Asia.

We are mandated to oppose any effort directed to lowering the established criteria, relative to the issuance of an Honorable Discharge.

We reiterate AMVETS opposition to reduce in size or scope of activity or to eliminate the commissary system as it is now constituted.

The allocation of additional funds to support the U.S. Soldiers and Airmen's Home in Washington, D.C. continues to be an important pursuit of AMVETS.

We are mandated by Convention Resolution to strongly recommend that Memorial Day be restored to its original traditional date of May 30th and we will support legislation to restore other traditional American holidays to their original dates.

The interest of AMVETS to other legislative matters affecting veterans and the Nation will continue to be of priority importance and we shall be honored to submit future testimony on those and other matters of concern before your Subcommittees.

CONCLUSION

In conclusion, Mr. Chairman, may I cite the positive action taken recently to preserve the Senate Committee on Veterans Affairs and the support given in strength by AMVETS and other major veterans' organizations. We assure the Congress, collectively, that we will oppose, with renewed and additional vigor, any future attempts to subvert or reassign the authority of or to eliminate or reduce in size, the Committee on Veterans Affairs of both Houses of the Congress.

Again, and finally, we offer our heartfelt appreciation for the personal courtesies extended by this Committee on this and prior occasions.

Mr. Chairman, my staff and I will be pleased to answer any questions the Committee members may wish to ask.

BLOOD DONORS

Mr. SPARKMAN. Mr. President, the students of Austin High School in Decatur, Ala., collected 1,728 pints of blood yesterday. I understand this exceeds the former world's record by some 200 pints.

I commend Alan Smith and Cathy Williams who spearheaded the drive, along with the entire student body and faculty of Austin High School. I am always pleased to bring the accomplishments of our young people in Alabama to the attention of my colleagues and the public. I am particularly proud of these high school students in my native Morgan County for their monumental achievement.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I wish to report that, according to U.S. Census Bureau approximations, the total population of the United States as of April 1, 1977, is 216,790,461. In spite of widely publicized reductions in our fertility levels, this represents an increase of 1,521,519 people since April 1 of last year. It also represents an increase of 96,169 people since March 1, 1977, that is, in just the last month.

Over the year, therefore, we have added enough people to fill the combined cities of Minneapolis, Minn., Fort Worth, Tex., and Jacksonville, Fla. And in just 1 short month, our population has grown enough to more than fill the city of Racine, Wis.

FISCAL 1977 ECONOMIC STIMULUS APPROPRIATION ACT: FUNDING FOR OLDER WORKER PROGRAMS

Mr. CHILES. Mr. President, I support the adoption of the fiscal 1977 Economic Stimulus Appropriations Act, a measure which is needed to stimulate our economy and to provide additional job opportunities for unemployed persons.

I am especially pleased that the Senate Appropriations Committee—of which I am a member—included a $59.4 million funding increase for the title IX senior community service employment program.

All Americans have been affected in one form or another by the 1974–75 recession, but older workers have been especially hard hit. A recent Committee on Aging working paper reveals that persons 55 or older run a much greater risk of being unemployed for a long period of time after they lose their jobs. Others find themselves going down the occupational ladder in attempting to remain employed.

The harsh reality is that advancing age is a serious employment barrier.

However, the title IX senior community service employment program provides meaningful employment for low-income persons 55 or older. For many older Americans, it offers a dignified means to help themselves by helping others in their communities. For others, it provides a second career in purposeful activity.

Nearly 15,000 individuals are now employed in title IX programs throughout the Nation. The Senate Appropriations Committee bill would raise this total to 37,400.

In my home State of Florida, 690 individuals 55 or older are employed in four title IX programs: Green Thumb, Senior Aides, Senior Community Service Aides, and the Forest Service. The funding increase in the Senate Appropriations bill would create an additional 22,600 jobs for older workers, including almost 1,200 for Floridians 55 or older.

In addition, the Senate bill would extend 71 older worker projects originally funded by the Administration on Aging under the title X job opportunities program of the Public Works and Economic Development Act.

These projects provide employment opportunities for 4,811 persons 50 years or older in a wide range of capacities, including environmental aides, home health aides, parks and recreation aides, legal services aides, ombudsmen, and preretirement counselors.

Equally important, title X has helped to deliver essential services while providing much-needed income for unemployed older Americans.

In Florida, 577 individuals are employed in projects administered by the Florida Office on Aging, the National Farmers Union, the National Council on the Aging, and the National Retired Teachers Association-American Association of Retired Persons.

Many older Americans now believe that advancing age shuts them off from gainful activity. But this need not—and it should not—be the case.

The later years can also be a time for service and continued self-development. Why should our Nation attempt to stifle activity when inactivity may be the elderly's greatest enemy?

Most older Americans have led productive lives during their younger years. They should continue to have the opportunity to remain active during their later years.

The title IX and title X older worker employment programs provide aged and aging Americans greater latitude in engaging in purposeful activity, as well as a means to supplement their limited incomes.

For these reasons, I reaffirm my support for the funding in the Economic Stimulus Appropriations Act to develop job opportunities for older workers.

NATIONAL WATER POLICY

Mr. DOMENICI. Mr. President, yesterday morning the Committee on Environment and Public Works began hearings on national water resources. In April I will travel to New Mexico where the committee will hold similar hearings in the field. Other members of the committee will journey to their States to assess the needs of their constituents with respect to water resources. It is my profound hope that out of this effort will emerge a legislative package which will form the nucleus of a national water policy, which this country gravely needs.

Last week, Gov. Richard D. Lamm of my neighboring State of Colorado, offered an editorial on water which appeared in the Washington Post. This editorial sets forth a view which is rarely heard on this water-rich east coast. Governor Lamm cites some alarming facts, for example—the inland West, which comprises more than half of the land mass of the United States, receives less than 15 percent of the total national precipitation.

At the same time, we in the West are being asked to make major contributions to production of food and energy which will sustain this Nation and others into the future. We simply have got to have a sound national water policy—and that policy must embrace the very special and critical problems of the West.

I ask unanimous consent that this excellent editorial be printed in the RECORD, Mr. President, so that my colleagues may benefit from its point of view.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE VIEW FROM THE MOUNTAINS

(By Richard D. Lamm)

John Gunther once wrote about Colorado: "Touch water, and you touch everything; about water, the state is as sensitive as a carbuncle." This needs to be truly understood when judging the reaction of the West to the President's attempted cancellation of a number of Western water projects.

Water in the West is a precious and quixotic substance. Scientists have established that the High Plains experience a drought of serious proportions according to a relatively fixed 20-year cycle. We stand at the threshold of a new drought and for the first time since the 1930s, we see giant dust storms. The nightmares of the '30s increasingly haunt us.

But even in the normal years, water in the West is never available in abundant supply. Draw a vertical line between Kansas and Missouri and 73 per cent of the nation's precipitation falls *east* of that line. Of the remaining 27 per cent, about half falls in the Columbia River Basin, leaving 14.2 per cent of the nation's total rainfall to be divided by 14 Western states comprising over half the land mass of the United States.

This situation of continuous scarcity places grave demands on the semiarid state of Colorado. Yet, we do not get to keep even the limited precipitation that we have. The old proverb, "He who controls the mountains controls the rivers," was obviously written before the day of interstate water compacts. Some 11 other states depend in whole or in part on Colorado's water runoff. Ultimately, Colorado gets to use less than half of its annual precipitation.

Like many Western states, Colorado gets most of its water by runoff over a 60-day period in the spring. We capture it or we lose it; thus, reclamation becomes a major issue in the West. Our social and economic fabric depends on effective utilization of the small amount of water we have, and effective utilization depends to a considerable extent on reclamation projects.

The era of developing large, new water sources is coming to a close. Few people today realistically talk to large-scale diversion of Canadian or Columbia River water or hope to start endless new reclamation projects. The Bureau of Reclamation did, in fact, "make the deserts bloom" in years past, but the possibility of a large number of additional projects is neither politically nor economically possible.

But we do want existing obligations fulfilled.

Much of the economic and political history of the West is written in water. John Wesley Powell, the great explorer, told the Mountain Constitutional Convention in 1889 that "all the great value of this territory has ultimately to be measured in acre feet." We may become the rallying point of the West. If the South felt like a stepchild of the United States until President Carter, the West does now.

The federal government owns 50 per cent of the West; yet it expects us to produce large quantities of coal, shale oil, uranium, produce and wheat, all of which requires massive amounts of water. It waits until we get in the middle of our driest year in recorded history, and then stops numerous water projects already under construction.

It is not an auspicious start.

President Carter has lived through and experienced sectional discrimination; he is a sensitive man and clearly wants to be even-handed. But his vision should not be limited by sectional experience. Water projects may be regarded as little more than boondoggles in the East. Perhaps some of the Western water projects are unjustifiable and deserve close scrutiny. But it is the Western states that will have to live with these projects, and when, as in Colorado, they had been subjected to intensive ecological and economic analysis before receiving the state's imprimatur, it is unfair and unwarranted for the federal government to suddenly initiate yet another review process.

For Coloradans, these projects represent economic viability to a large number of agriculturalists and a hedge against drought to many small towns whose municipal water supplies are currently totally dependent upon yearly rainfall. Small wonder that water is, one of the state's residents stated recently, a "get-your-gun" issue.

We are all victims of our history—Southerner or Westerner. The West is willing to develop its natural resources for the nation's benefit, as long as that development pays its own way and does not despoil the land. Yet, if that is to be accomplished, the West must develop many of these existing reclamation projects.

People tend to forget just how fragile the Western environment really is. One can still see the wagontracks from the Oregon Trail of the 1840s—the land has never healed. The West is willing to accommodate itself to the continuous scarcity of moisture. All we ask is that we are given the tools to develop and manage effectively the little water we have.

FULL LIABILITY FOR NUCLEAR POWER

Mr. GRAVEL. Mr. President, Federal District Judge James B. McMillan of Charlotte, N.C., has ruled that the Price-Anderson Act is unconstitutional. He said the act, which limits the public liability of nuclear power companies in the event of catastrophic accident at a power reactor, is a deprivation of property without due process.

In plain language, a nuclear power accident could conceivably cause billions of dollars in damages to the public—up to $14 billion, according to a recent authoritative estimate. But the power company whose reactor caused such an accident would be exempt from paying full damages in such an accident.

Nuclear proponents have tried for years—with remarkable success, I might say—to disguise the basic inequity of this act. Their argument has relied on two irrelevancies:

First, they say, the chance of nuclear accident is "vanishingly remote."

Second, the Government has provided increasing amounts of indemnity in the event of such an accident.

The fact is that the fundamental injustice of the Price-Anderson Act has nothing to do with these assertions—dubious as they prove, under examination, to be.

The function of third-party liability in our society is to put responsibility for hazardous activities on those who carry out the hazardous activities—those who, presumably, stand to profit from the activities. By requiring a power company and its insurer to be responsible for full damages, you force it to assess the danger involved in relation to the profits to be gained.

This is the beauty of our liability system—its self-regulating nature. Under this system, the company itself compares the degree of hazard with the possibility of profit. This is a very efficient way of making a real-life cost-benefit analysis of a hazardous activity. It leaves Government a minimal role, and it puts the decision into the hands of those who really know most about the subject.

To see the injustice and overall social undesirability of the Price-Anderson Act, one need not assail the Government-sponsored assessments of the chances of nuclear catastrophes; one need not show that in uninflated dollars, Government indemnification has decreased, not increased.

One need only see how it benefits society on the whole to place full liability for damages on those who cause the damages. A natural system of checks and balances occurs in this instance.

In this specific case, nuclear power grew with unnatural speed as a result of Price-Anderson—and the fact that the nuclear industry is now in economic ill-health has a great deal to do with the fact that it grew largely as a result of Price-Anderson—almost, in fact, by Government fiat.

Had Government not artificially induced nuclear power growth by exempting this industry from the checks and balances of public liability, the growth of the industry would have been based not on wishes for cheap, abundant energy, but on realistic appraisal of the limitations—both technological and political—of atomic energy.

Many in the nuclear industry claim that reactors will continue to be built without Price-Anderson protection. The important thing is that, if Judge McMillan's decision is upheld, the decisions of the industry will be laid on sounder foundations.

In December 1975, 35 Members of the Senate supported my amendment to impose full third-party liability on the nuclear industry. Their votes were consistent with Judge McMillan's decision.

I believe we only stand to benefit from the reimposition of full liability on the nuclear industry.

LEGISLATIVE PRESENTATION OF THE VETERANS OF WORLD WAR I

Mr. THURMOND. Mr. President, the Senate Committee on Veterans' Affairs was recently privileged to receive the legislative concerns of the Veterans of World War I of the U.S.A., Inc. Appearing before the committee were the national commander of the Veterans of World War I, the Honorable Bruce Bennett, and the national legislative director, Mr. Harold B. Say.

The Veterans of the World War I of of the U.S.A., Inc. was founded in 1949 and has more than a quarter of a million members. Through its legislative program and service programs, this great veterans' organization stresses Americanism, advocates a strong national defense, and sponsors service programs to veterans of World War I, their widows, and dependents.

In his presentation before the committee, Mr. Say emphasized that the Veterans of World War I are interested in the maintenance of an independent Veterans' Administration and VA health care system to continue administering to the needs of the veterans and their families. Other important concerns of this veterans' organization, as expressed in the presentation before the committee, were the need for an adoption of a meaningful pension measure for World War I veterans, the necessity of adjusting existing programs by periodic cost-of-living increases, the necessity of adopting innovative approaches to care for our Nation's elderly veterans, and a variety of other recommendations designed to meet the changing needs of our veterans population.

Mr. President, in order to share the legislative concerns of the Veterans of World War I with my colleagues, I ask unanimous consent that their legislative statement be printed in the RECORD.

There being no objection, the legislative statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY VETERANS OF WORLD WAR I OF THE U.S.A., INC.

(By Harold B. Say)

Firstly, Mr. Chairman, I repeat our thanks and appreciation for opportunity to appear before you today to present our general desires in the field of veterans' legislation. And again, our appreciation for what this Committee has done in bettering the status of veterans of World War I. Our organization is highly pleased that the Committee was kept intact.

In frank honesty the number one point of interest of our members is the enactment of a general, meaningful pension bill for men who served in World War I and for their widows. We are aware of the fact that this Committee in general has a philosophy of a "needs" measurement before granting a pension. Reasoning of our own organization is based on "equity"; of giving World War I veterans something to compensate for the billions given later veterans—approximately 40 billions in educational aid alone. We will expand on this phase in later portions of our presentation or argument.

Our organization is interested in all angles of legislation affecting veterans, particularly in that bearing on the Veterans Administration and its work. In our mind, it is a magnificent organization, depite any shortcomings.

Veterans of World War I have been concerned with distant rumbles which have suddenly grown louder in the precincts of those who would erode the veterans' structure; who would toss them in the same basket with all other social welfare cases and groups. Some of these social planners would do away with veterans' hospitals. We have complete faith that this Committee will resist any efforts to erode the status of the veteran or the institution his government built to assist and care for him when in need of care and assistance.

National Health Insurance is under the jurisdiction of other committees. However, whatever is evolved in this field can have direct bearing on the welfare of veterans and their kin. We hope you will stand firm against any steps carrying hazard for the fine Veterans Administration program of medical care for veterans and the pension system.

We would urge that clear language be written into any legislation on the subject specifically guaranteeing that the VA medical program be kept intact and exclusively for the care of veterans. We want no merger of the VA system into a general national health care program.

On the existing "needs" or welfare pension program, we again urge that Social Security income not be counted in arriving at income limitation totals. Again this year we have been deluged with letters, many of them starkly pitiful, from veterans or widows who have had their pensions cut due to increases in Social Security. Social Security increases theoretically were for the purpose of increasing incomes of all the elderly. This these increases accomplished except in the case of the veteran on pension. In his case the government gave with one hand and took away with the other.

This Committee has before it S. 107 by Senator Pearson which would correct this injustice. We hope this Committee will report it or a similar measure out favorably.

Our organization appreciates that this Committee recognized cost of living jumps by upping pension rates at intervals. We would urge that pensions be increased at least six percent this year to meet cost of living increases.

This same principle should apply in the disability compensation program. The disabled veteran must have some way of meeting increased costs in groceries, quarters and other living expenses.

We are not in position to have exact facts and figures, but we know with the size of the veteran population today and because all of them are growing older that added hospital facilities and increased medical services in the immediate years ahead will be imperative. Such information as we have indicates that at least 1,000 additional personnel are needed now if patients in VA hospitals are to have the highest quality care. I am certain we do not need to urge this Committee to concern itself with such items as hospital and medical facilities.

Old hospitals ultimately have to be replaced or renovated. Money is required for either.

World War I veterans now have an average age of around 82 years. Most of our widows are past the age of 72. Obviously, at these advanced ages, health considerations are most important. Therefore, we would like to recommend that in the framework of the existing pension program that there be a presumption of "housebound" at age 78 for veterans so that any World War I veteran would receive $60 per month plus his regular pension on achieving this advanced age. In addition, we would like to recommend that a housebound rate of $40 per month be instituted for the widow who reaches age 75.

Since our primary concern is the problem of advanced age and accompanying health problems, we would like to recommend for the Committee's consideration that a deduction from gross countable income of 20 percent be applied automatically to offset additional expenses for health and special dietary needs associated with advanced age. We recommend that the veteran or widow be given the option of deducting 20 percent for the purpose of covering unusual medical expenses, special dietary needs and other expenses which are attendant to advancing age or, if the veteran or widow has exceptional medical expenses exceeding 20 percent in a given year, the individual be accorded the privilege of deducting the higher amount.

Our organization would urge that legislation be drafted providing that Veterans of World War I receive the same treatment as do Spanish American War Veterans in the matter of admission to VA hospitals and in outpatient medical and dental care. Our organization at its 1976 convention passed unanimously a resolution urging such legislation.

Everyone knows that a dollar today does not buy what it did a scant ten years ago. This fact applies with elements connected with death. We would urge this Committee and the Congress to increase burial allowance from $250 to $300; allowance for a plot from $150 to $200.

Veterans of World War I would like to see enacted a minor change in the matter of supplying cemetery markers. It would urge the Congress to authorize the furnishing of memorial markers for graves in private cemeteries in "instances wherein the remains of an honorably discharged serviceman are not recoverable".

Inheritance tax exemption on farm lands has been $60,000. In many cases parts of a farm must be sold to pay inheritance taxes. Our 1976 convention passed a resolution urging that this exemption be raised to $250,000.

A paragraph I enter now is rather a side matter but it concerns a case of some badly overlooked veterans—the women telephone operators of the AEF Signal Corps in 1917–18. General Pershing on arrival in France in 1917 perceived at once that he would need some 300 women telephone operators, mostly able to speak French. Army Regulations of 1917 specified that a member of the Army, other than a nurse, must be a male.

The General did not stop and wait until he could get the law changed. His Army officers at his direction simply swore them into the Army. Overseas, they were under strict Army discipline; wore Army uniforms and insignia.

When the war was over, these women went back to civilian work or to that of housewives, raising babies and such. Their war work was done.

Not until many years later did it occur to them that they were veterans and should

be so classed. Only about 60 of the approximate 300 of these telephone girls of 1918 are alive today. Numerous bills have been introduced to give them veterans' status. They have repeatedly been turned down on the grounds that they were civilians on contract status. Last year Brock Adams, then a Representative from the State of Washington, now Transportation Secretary, when he entered a bill proposing veterans' status for the women, called upon the Pentagon to produce a copy of a contract with any of these women. The Pentagon could not produce one for the simple reason that none existed. The women were sworn directly into the Army.

We feel a deep injustice has been done to this group of fine women, and hope this Committee will give genuine consideration when a bill reaches you.

Reverting to the issue of pension for veterans of World War I, we would point out that veterans of all wars previous to World War I received a pension. Veterans of World War II and later conflicts have received bounteous benefits. These facts leave 1917–18 men standing alone and largely overlooked. We cannot feel they are less deserving than other veterans. Had veterans of 1917–18 received what later veterans have been granted by their government, we would agree to the philosophy of "needs" only in granting a pension. But they have not received such benefits. At the risk of boring you with repetition from previous years, we would again point out that the War I veteran received $60 on day of discharge; later an average of $547.50 in adjusted service certificate compensation. Sixty dollars in 1919 would just about pay for a suit of civilian clothes. And these two sums totaling $607.50 were all he received in the way of a reward for service. Because of the vicious depression of the thirties many veterans had to borrow on their certificates at high rates, and never realized the face value.

World War II veterans under the GI education aid legislation received $16,576,939,000. They and later veterans have received nearly 40 billion dollars in educational aid alone.

Our World War I veterans do not begrudge this aid to later veterans. A fraction of these billions would have been a vast aid to War I men had it been available to further their education. It is generally agreed that their educational level was about sixth grade. It is undoubtedly accountable for the fact that so many of them are in dire straits today. War I men were too early for fine pension plans in effect today. Also their age made many of them too late to realize maximums in Social Security.

We know a vast number of them are hard pressed to exist. A general pension of around $150 a month would be a heavenly gift to great numbers of them.

Our numbers are dropping rapidly. Not one-fifth of those who went to war in 1917–18 are alive today. Fifteen years from now their average age will be that of the Spanish War veterans—around 96, and fifteen years hence only about 12,000 of them will be on earth.

To benefit this dwindling band, a pension will have to come soon. We repeat that we would have no grounds on which to plea for a pension had our people enjoyed benefits approaching those bestowed on later veterans. It is too late to send World War I men off to school at $250 or more a month. The only path toward partial equity is a pension. We hope this Committee can come to this conclusion.

Your Committee has before it S. 317 by Senator McGovern and S. 450 by Senator Durkin, both of which would establish a general pension of $150 a month for a veteran with a dependent; $135, if alone. Our organization would be happy with either bill or one akin.

We are hopeful that you can agree with the logic of our argument on this pension phase. Thank you.

Respectfully,

HAROLD B. SAY,
Legislative Director, Veterans of World War I of the U.S.A.

EXTENSION OF THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT

Mr. RIEGLE. Mr. President, the passage and enactment of H.R. 4800, a bill to extend the Emergency Unemployment Compensation Act for 1 year, is vital to hundreds of thousands of unemployed Americans who are unable to find work. This legislation extends the Federal supplement benefit program and allows unemployed workers to receive unemployment benefits after they have exhausted their 39 weeks of regular and extended benefits. This means they will be able to continue with the unemployment compensation system that has proven so valuable during the recent recession and lagging recovery.

The unemployment compensation system is especially effective for several reasons and they deserve to be mentioned during the current debate:

First. It has a built-in self-destruct feature; as people return to work, the program diminishes automatically;

Second. It stimulates the economy by bolstering personal income and consumption. It generates a higher level of general commercial activity—increasing jobs and boosting tax receipts;

Third. Almost every incremental dollar spent converts directly to purchasing power in the hands of people who need it most;

Fourth. Unemployment compensation does not destroy a person's psychology or take away his pride. It does not destroy his incentive to return to work.

And our unemployed citizens do want to work. Many of those receiving benefits have worked for 20 to 30 years and contributed to our economic vitality. They are now unemployed through no fault of their own and are seeing years of hard work and effort going down the drain.

We are recovering from the worst recession this country has experienced since the Great Depression of the 1930's. The recovery is much slower than the economists predicted with 7.6 million workers still unemployed. Even the most optimistic forecasts do not project the unemployment rate to drop drastically in the next year or so. This is not the time to eliminate a program that provides a minimum level of income security protection to so many of our citizens. And the amount it provides is certainly not exorbitant. In my own State of Michigan, the average payment is $88 a week.

We are constantly reminded that the unemployment insurance system was never designed to handle nationwide unemployment on the scale we have experienced over the past few years. As a result of the state of the economy and the severe unemployment rate, 24 States have had to borrow a total of $4.4 billion from the unemployment compensation loan fund. My own State of Michigan has had to borrow $624 million. One important aspect of H.R. 4800 is that it includes a deferral of these State debts for an additional 2 years.

Considering the recent two-tenths of 1 percent increase in the FUTA tax required by H.R. 10210, and current and projected economic conditions, it would be a real hardship for businesses in a State like Michigan to have their taxes raised by an additional three-tenths of 1 percent each year to pay off a debt incurred during a long-term recession. It is easy to see where an imposition of this tax would lead. Businesses will simply decide it is not worth it to come to States that are in a deficit, and national corporations that are based in States that owe the Government money are not going to expand them in a State that has not been hit this way.

That might sound attractive to someone from a State that has not been affected. That might mean more jobs for another State. But it is not that simple. In my judgment, there is an enormous national cost to this kind of basic dislocation. In addition, the States that are the winners this time around on that kind of inequitable system could very well be the losers next time. That is why I feel it is important that we develop a comprehensive cost equalization/reinsurance proposal that will tie all of the 50 States together so that we all share the risks of another recession and long-term unemployment.

A 2-year deferral of the debt repayments will give us time to develop and enact comprehensive cost equalization/reinsurance legislation. Let me take a moment to explain what I mean by that. Cost equalization is intended to assist those States that are experiencing benefit costs in excess of a national standard that would be applicable uniformly to all States. States would receive reimbursement for a portion of their excess costs—those costs which exceed the national standard. Reinsurance is intended to provide assistance to a State whose current benefit cost experience is unusually severe when measured against the State's own historical experience. Again, a State would be reimbursed for only a portion of the excess costs—those costs which exceed the historical experience by a specified level. Legislation containing these basic elements would go a long way toward restoring a sound, equitable unemployment compensation system.

One final point I would like to make is the importance of general revenue financing of Federal supplemental benefits as included in this legislation. An unemployed worker should no longer be considered the responsibility of his employer after 39 weeks. By taxing an employer for these benefits we are really penalizing him for a long-term recession that is a result of national economic policies. General revenue financing will help to lift the heavy burden these employers are experiencing.

In conclusion, I would like to reemphasize the importance of a sound, comprehensive unemployment insurance system that equally shares the benefits and risks among all the 50 States. How-

ever, we must keep in mind that the ultimate and most practical solution to this long-term problem must be the adoption of a full employment policy that puts our people back to work.

OUTSTANDING CHOICE TO HEAD THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION: JOAN CLAYBROOK

Mr. PERCY. Mr. President, it is a tribute to the capabilities of the many public-interest lawyers who have been working so effectively in Washington for the last decade, that President Carter has recognized those talents and sought to bring them into his administration.

Many of these recent nominees have already spent time working in the Federal Government, some for the agency or department they have been selected to head. This experience will serve them well as they now assume the great responsibilities of executive level decisionmaking.

One nomination in particular deserves the highest commendation—that of Joan Buckler Claybrook to head the National Highway Traffic Safety Administration. Ms. Claybrook's qualifications for that position are superb. As the director of Consumer Watch, she has testified before congressional committees on numerous occasions and has always impressed me with her substantive contributions, her intelligence and her integrity.

Even before she began working on safety legislation at NHTSA as executive assistant to the first administrator of the 10-year old agency, Ms. Claybrook had begun to develop a valuable expertise in both highway safety and the legislative process. Dr. William Haddon, Jr., president of the Insurance Institute for Highway Safety and the first head of the traffic safety agency, credits Ms. Claybrook with having an important role in the enactment of the Automobile Safety Act of 1966. That measure established the National Highway Traffic Safety Administration. Now, she will have the opportunity to put her hard-earned experience and uncanny enthusiasm to work as administrator of the $180 million agency. In that role, I am confident she will serve the public interest well.

Ms. Claybrook has shown herself an effective administrator at Consumer Watch and a resourceful spokesperson for the American consumer. Her consumer advocacy, however, will not preclude her from being an honest arbiter of Federal safety regulations. The automobile industry can expect to be treated fairly and with consideration. I am certain that Ms. Claybrook recognizes the great achievements of that industry and its importance in the implementation of national traffic safety standards.

Just as Ms. Claybrook was a respected consumer spokesperson, she will be an equally respected and independent head of the NHTSA. As Automotive News, a trade publication, has said, "We believe Claybrook will be beholden to nobody, including Ralph Nader or any other special interest group, and look forward to seeing someone at the head of NHTSA who understands the workings of the department." I share these sentiments, and look forward to her leadership and success.

Mr. President, I ask unanimous consent that the New York Times article announcing Joan Claybrook's nomination to head the National Highway Traffic Safety Administration be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOBBYIST FOR NADER TO HEAD SAFETY UNIT

(By Ernest Holsendalph)

WASHINGTON, March 18.—Joan Buckler Claybrook, an experienced advocate of consumer causes and Ralph Nader's chief lobbyist here, was formally nominated today by President Carter to head the National Highway Traffic Safety Administration.

The 10-year-old agency has been involved in setting safety standards for automobiles and other vehicles as well as designing a program of fuel economy standards for vehicles.

A pressing concern of the agency is a reevaluation, starting next month, of Government policy toward the controversial system of airbag restraints for automobiles much admired by most safety-oriented consumer organizations and Miss Claybrook but strongly resisted by the large automakers.

The Ford Administration had signed agreements with the automobile companies to equip only a limited number of cars in the future with airbags, even though the traffic safety agency found them practical for use as lifesavers in vehicle crashes.

REACTIONS VARIED, BUT STRONG

Reports that Miss Claybrook, who served as an executive assistant to the first administrator of the safety agency, was favored for the post stirred strong but mixed reactions. In an interview today, Miss Claybrook, evidently on instructions from the Department of Transportation, declined to discuss her ideas on vehicle safety beyond saying she had "a deep and abiding interest in the subject."

S. L. Terry, vice president for public responsibility and consumer affairs at Chrysler, said he found the prospect of her appointment "appalling."

"She has always been against the industry," he said. "It certainly does not seem to be an even-handed appointment. I would not expect that the Department of Transportation would appoint an auto executive, but likewise I also wouldn't expect the appointment of an industry critic or a Nader supporter. There must be a lot of people better qualified."

Late today, Thomas A. Murphy, chairman of General Motors, issued a statement, saying, "We hope that she will approach the responsibilities of the position with an open mind, fairly considering all legitimate points of view."

Martin J. Caserio, vice president and group executive at General Motors, observed: "There will be some criticism and, I suppose, some accolades if she is appointed. She has been quite critical of the industry—she will be quite a change."

Clarence Ditlow, who heads the Center for Auto Safety here, said she was "extremely hardworking and an aggressive individual who will enforce the law."

HELPED WRITE SAFETY ACT

Dr. William Haddon, Jr., president of the Insurance Institute for Highway Safety and the first head of the safety energy, praised Miss Claybrook for her knowledge of the field, adding that she had a substantial hand in writing the automobile Safety Act of 1966 that gave rise to the traffic safety agency. "She is one of the best lobbyists on the Hill," he said.

Proponents of a more aggressive automobile safety policy say they expect the Administration, for the first time since it was granted in 1976, to exercise the subpoena power of the agency to obtain accurate cost figures for meeting safety standards, eliminating defects and making other improvements. Also, they hope that information about the number of serious complaints by vehicle users can be obtained.

They also will press for measures to improve pedestrian safety by adopting standards to remove sharp edges from vehicles and promote designs that will pitch pedestrians atop vehicle hoods rather than under the wheels in an accident.

Perhaps most important, a more active department would monitor compliance with standards more closely, said Mr. Ditlow of the Center for Auto Safety, which is associated with Mr. Nader.

Miss Claybrook, who now directs the work of Congress Watch, which lobbies on a variety of Nader causes, was born 39 years ago in Baltimore. She grew up there, received her undergraduate degree from Goucher College, in Towson, Md., and later earned a law degree from Georgetown University here.

She worked for six years in the legislative department of the Social Security Administration in Baltimore before moving to Washington in 1965 on an American Political Science Association fellowship. She then did legislative staff work on the Hill, including a stint for then Senator Walter F. Mondale.

WORKED IN SAFETY AGENCY

Subsequently, she worked on safety legislation and served in the highway traffic safety agency until 1970, when she left to work briefly for then Representative Paul S. Sarbanes, now a Senator from Maryland. She then entered consumer work.

"I did work on a variety of issues, including procedural rights in the legal system, consumer protection, toxic substances, 'sunshine' legislation and antitrust amendments last year," she said today.

Even though most spokesmen for the automobile industry have been at least wary of Miss Claybrook, the Feb. 21 issue of Automotive News, a trade publication, sounded an accommodative note:

"We hope that the auto industry will give Claybrook a period of grace before those certain slings and arrows are fired at her. We must take exception to the label that is being put on Claybrook as being in Ralph Nader's hip pocket. When Dr. James Gregory left Union Oil Company to head N.H.T.S.A., we didn't hear anyone shouting that he would be in the oil companies' hip pockets.

"We believe Claybrook will be beholden to nobody, including Ralph Nader or any other special interest group, and look forward to seeing someone at the head of N.H.T.S.A. who understands the workings of the department."

Other appointments announced today by the White House included Frank Press, 52, to be President Carter's science and technology adviser, and William Peckham, 36, a black deputy mayor of Detroit to be Assistant Secretary for Administration of the Treasury Department.

TESTIMONY OF THE INTERRELIGIOUS TASK FORCE ON U.S. FOOD POLICY—A COMPREHENSIVE LOOK AT DEVELOPMENT

Mr. HUMPHREY. Mr. President, last week, Mr. George A. Chauncey, chairman of the Interreligious Task Force on U.S. Food Policy, testified before my Foreign

Assistance Subcommittee on our bilateral development and humanitarian assistance programs. He was accompanied by Mr. Larry Minear.

The testimony was particularly relevant to our consideration of U.S. aid programs. The statement submitted to the committee by the task force probably represents the most comprehensive and thoughtful document ever developed by a nongovernmental organization on a particular area of human need—in this case meeting the needs of the poor majority in the developing countries.

We should not lose sight of the significance of the task force's statement. The Interreligious Task Force represents a broadly based network of religious denominations which have strong grassroots ties in this country.

As I noted in the hearings, the Interreligious Task Force has made several invaluable contributions to our consideration of development issues, particularly in the areas of Public Law 480, human rights, and strengthening the "New Direction" mandated by Congress in 1973. The knowledge and concern the task force brings to these issues have been indispensable to congressional efforts aimed at strengthening our role as a Nation in meeting the needs of the poor majority in the Third World.

Rather than go into the task force's statement in great detail, I will let the document speak for itself. The task force is to be commended for the thoughtfulness and comprehensive nature of their concerns as expressed in this document, for it truly represents the concerns of a vast number of Americans.

Mr. President, I ask unanimous consent that Mr. Chauncey's statement, on behalf of the Interreligious Task Force on U.S. Food Policy, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TASK FORCE TESTIMONY ON THE DEVELOPMENT ASSISTANCE ACT OF 1977

INTRODUCTION

The Interreligious Taskforce on U.S. Food Policy welcomes this opportunity to present testimony on United States international development assistance policy.

We are a team of Washington-based staff of national religious agencies who work together to witness for, and to help the American religious community witness for, a morally responsible U.S. food policy. We speak for ourselves and not for the two dozen Protestant denominations and national Roman Catholic, Jewish, and ecumenical agencies which cooperate in our work. However, our very existence as a group with broadly-based national interreligious support symbolizes the widespread concern in the American religious community with hunger at home and abroad, and particularly with its political dimensions.

Practically every major religious body in this country has in recent years declared hunger a primary moral concern and programmatic priority. There is probably no single human need about which there is more widespread concern in the churches and synagogues of this land. The Judeo-Christian faith compels its adherents—as a matter of religious obligation—to seek bread and justice for all people.

Our written statement is in four parts. In Part One we discuss developments affecting the Third World since the enactment of the International Food and Development Assistance Act of 1975 (H.R. 9005). In Part Two we summarize recent surveys of American attitudes toward the poor nations of the world. In Part Three we assess the implementation in U.S. bilateral assistance of the "New Directions" mandated by Congress in 1973. In Part Four we offer Taskforce recommendations in eleven areas of U.S. international development assistance policy.

Part One: Recent developments affecting the Third World

A. World Hunger and Development Assistance

Recent developments offer both good news and bad. Generally good harvests in 1975 and 1976 have improved the short-run world food situation to the point where there is now more discussion of surpluses than of shortages. Grain stocks have been substantially increased, both in the major exporting countries and in a number of developing countries. World grain carryover is expected to amount to about 13 percent of annual consumption by mid-1977, a significant increase from the low point of about 9 percent at the time of the World Food Conference, but still considerably less than the 17–18 percent deemed the minimum safe level by the UN's Food and Agriculture Organization (FAO).

Food production worldwide increased by 2 percent in 1975 and by an estimated 2–3 percent in 1976. Production in the developing countries was up by 4.2 percent in 1975 and by an estimated 2–3 percent in 1976. However, increases in the developing world have averaged about 2.5 percent per year in the 1970's, well below the World Food Conference target level of 3.6–4.0 percent. Production increases both worldwide and in the developing countries have been largely offset by population increases (of 1.9 percent worldwide and 2.6 percent in the developing countries). As a World Food Council report notes, "Sustained increases (in food production) will be needed for many years if there is to be any real and lasting effect on the nutritional situation. Any change in this situation would depend not only on increased production but also on changes in the distribution of income."

The countries designated by the United Nations as Most Seriously Affected (MSA) by the food, fuel, and fertilizer crisis of the early 1970's have had generally improved crops over the past two years, but continued to require food imports amounting to 19.7 million tons in crop year 1974/75 and an expected 18.5 million tons in 1975/1976. Over 70 percent of these imports are expected to be in the form of commercial sales and less than 30 percent in the form of food aid.

There has been some forward progress on the part of the international community towards the goals set by the World Food Conference. The World Food Council, created by the Conference, has monitored global food and hunger issues and has sought to translate Conference pledges into international and national action. A Global Food Information and Early Warning System has been set up under the auspices of FAO aimed at quickening and otherwise improving world responses to food emergency situations in the future. Most recently, the International Fund for Agricultural Development, proposed by the OPEC countries at the World Food Conference and funded jointly by OPEC and the industrialized countries, has met its initial target of $1 billion in pledges, and is expected to begin making disbursements soon for projects aimed at strengthening Third World agriculture. Overall multilateral and bilateral aid for agriculture in the less developed countries (LDCs) increased by almost 180 percent between 1972 and 1975 (although the net gain in constant prices was about 65 percent, and 1976 disbursements appear to have been less than in 1975). In many cases, aid has been more clearly targeted on the poor and on meeting basic human needs than in the past.

Substantial obstacles remain in the way of building long-term food security. Not the least of these is the problem of increasing food production in developing countries, which is often impeded by factors such as artificially low prices for producers, insufficient capital and credit for small and moderate-sized farmers, inadequate on-farm or locally available storage facilities and lack of accessible markets, and unjust land tenure patterns. Among the developed food-exporting countries, little progress has been made in building either national or international grain reserves. The absence of well-planned reserves continues a paradoxical situation in which "surplus" production results in depressed prices for farmers and ultimately in production cutbacks, while years of poor harvests force food prices out of the reach of many consumers in developing and developed countries alike.

B. The Economic Situation and Development Assistance

Trade, investment, and other economic policies affect the poor and the hungry at least as much as do agricultural production and aid programs. Third World leaders have in recent years achieved unprecedented agreement on the broad outlines of proposals toward a "New International Economic Order" (NIEO). Their proposals call for: (a) international recognition of full rights of national sovereignty, including the right to nationalize foreign investments subject only to domestic laws; (b) improvement of terms of trade in favor of the developing countries, involving stabilized prices at higher levels for Third World export commodities and preferential entry for developing country exports into developed country markets; (c) an international code of conduct for multinational corporations; (d) increased access for developing countries to technologies now controlled by developed countries and/or multinational corporations through an easing of patent rights and other measures; and (e) international monetary reforms which would assure some automatic transfers of financial resources from the "Northern" developed countries to the less developed "South."

Proposals for a New International Economic Order in various still-evolving forms have been debated in a number of international settings, most notably the Sixth and Seventh Special Sessions of the UN, the Conference on International Economic Cooperation (CIEC), and at the Fourth Session of the United Nations Conference on Trade and Development (UNCTAD IV) last May. Since UNCTAD IV, negotiations have centered around the demand of developing countries for a "common fund" to support buffer stock arrangements which would in turn backstop a loosely linked series of international commodities agreements. The common fund proposal is a considerable toned down version of earlier demands for "indexing" or linking Third World commodity prices to changes in the prices of the North's industrial products. Under the common fund proposal, stocks of various commodities exported by the developing countries would be bought up and stored by the managers of each commodity agreement when prices fell to a certain level and sold when prices rose to an agreed upon higher level.

Proposals for moving toward the new international economic order on which many nations (some with serious reservations) reached agreement at the Sixth Special Ses-

sion, have generally met with skepticism and resistance from many developed countries. Even the relatively mild common fund proposal has been, until recently, opposed by the U.S. on the grounds that it would interfere with the operation of free market forces, an argument which ignores the existence of U.S. held stockpiles of a number of key commodities and U.S. participation in a number of specific international commodity agreements in the past.

U.S. spokesmen have recently proposed increased U.S. aid to developing countries in FY 78, primarily through international financial institutions, as an alternative to U.S. participation in the common fund. The idea that aid will substitute for rather than supplement U.S. action on broader economic issues fails to be responsive to the views of developing nations, which continue to stress that reforms in the trade realm are of considerably greater urgency and scale than the provision of aid, however welcome it may be. (Developing nations rely on trade for 80 percent of their foreign exchange, on aid and private investment for 10 percent each.) We hope that President Carter's remarks at the United Nations signal a new openness on the part of the Administration on the common fund and related international economic issues.

The need for a new global economic system is evident from a review of how the present system affects the poor of the world. According to the Overseas Development Council, the gap between the world's poor and its affluent is wide and growing wider:

In 1974, over 100 developing countries in Africa, Asia, and Latin America, with 67 percent of world population, accounted for only 14 percent of the global world product. In contrast, the 25 or so developed countries in Europe and North America, with only 25 percent of the world's population, accounted for nearly 72 percent of global world product in 1974.

Between 920 million and 1,200 million people in the developing countries are "living in a state of serious or absolute poverty."

About 35 percent of the developing world's labor force was unemployed or underemployed in 1975.

Real prices of commodities produced by developing nations have fluctuated wildly. Developing nations as a group had a negative trade balance of about $26 billion in 1975; the 49 developing countries with per capita GNP of $300 or less had a negative trade balance of $5.67 billion. While in 1960 the revenue from 25 tons of rubber was sufficient to purchase six tractors, the same quantity of rubber could purchase only two tractors in 1976.

Total outstanding external public debts of developing countries have been rising sharply, from about $19 billion in 1960 to about $140 billion at the end of 1975. Additional private debts brought total indebtedness to about $165 billion by the end of 1975. Continued heavy borrowing indicates that the total debt of developing countries is now probably over $190 billion.

Unfavorable terms of trade, inflation, indebtedness, and low levels of development assistance from the developed countries have combined to result in virtual stagnation of the developing nations' economies. A recent World Bank projection underscores how bleak the immediate prospect is. According to the Bank's projections, average per capita income of the 675 million people in developed countries will increase over the ten-year period of 1970–1980 by some $900, from $3,100 to $4,000. Average per capita income of the 725 million people living in the middle-income developing countries (excluding the OPEC countries) will increase by $130, from $410 to $540. Average per capita income of the billion people living in the poorest nations of the world will increase by only $3, from $105 to $108. Per capita GNP in the lowest income countries, measured in constant dollars, is actually declining.

While economic indicators such as GNP and balance of payments do not tell the whole story of development, or frequently even the geater part of it, it is indisputable that many developing countries are facing an extremely severe economic situation. This situation cannot be solved simply by either aid or internal reform measures alone—systemic changes in the international economic order are required. An Tanzanian President Julius Nyerere has noted:

However great an effort the poor nations make, they cannot overcome their own poverty in the foreseeable future. This is not strange; none of the industrialized countries started their progress without injections of external capital, even when world technology was much less complicated and costly than at present. Nor can redistribution within the poor societies solve their problem. . . . (The) truth is that, however much we reorganize our economic system to serve the interests of the mass of the people, and however much our government tries to weight the income distribution in favor of the poorest people, we are merely redistributing poverty, and we remain subject to economic decisions and interests outside our control.

If it has become more and more clear that development aid by itself can do relatively little to meet the pressing needs of the world's poor, it is also now apparent that aid which directly helps to meet the basic human needs of the world's poor—in combination with equity measures within developing countries and substantive reforms in the world economic order—is needed as much today as at any previous point in history.

Part Two: Attitudes of Americans Toward the Third World

In recent years the American public has become increasingly aware of and concerned about United States relations with the Third World. The end of the Vietnam War, the advent of the energy crisis, and the famines of 1973–4 underscored for many the interdependent world in which the U.S. is set. Americans, concerned about both the economic situation at home and the suffering of the poor abroad, are more and more questioning the purposes and impacts of American policies toward the Third World. Americans clearly want to protect their jobs and the prices of the goods they buy, but they also want their government's policies to serve justice and reduce suffering in the world.

From February to April of 1976, the State Department conducted a series of "Town Meetings" in five cities across the country in order to hear the views of interested private groups and citizens on foreign policy. The Department also sponsored public opinion polls in each of the five areas. In each of these meetings and in the polls, participants expressed a strong concern for moral issues. They had a clear sense of the values and principles they want American policy to uphold, and they felt that those values and principles were not receiving sufficient or serious attention from policymakers.

The issue of world hunger and United States aid, the global economy, the activities of multinational corporations, human rights, and arms sales figured prominently on the Town Meeting agenda. Majorities ranging from 65 percent in Portland to 73 percent in San Francisco considered "stopping world hunger" a "very important" objective, and equally clear majorities felt that American aid should not be restricted to "countries that will help us to do what we want" or to "countries that have democratic governments." State Department officials reported "general acceptance of the legitimacy of the demand by underdeveloped countries for enhanced standing in the global economy" Participants also expressed strong suspicion of the activities of multinational corporations in the Third World.

Participants regretted the State Department's seeming lack of attention to human rights and wanted the United States to exercise moral leadership in promoting human dignity. They envisioned the United States as promoting peace in the world, but saw current U.S. arms sales policies as standing in glaring contradiction to this view. The Town Meeting Program indicated that the American public is concerned about morality in foreign policy and is disillusioned with policies that seem to be formulated without regard to moral questions.

This finding was confirmed in a series of hearings on "Foreign Policy Choices for the Seventies and Eighties," held in 1975 and 1976 by the Senate Foreign Relations Committee. Witnesses represented many different sectors of the American public and offered a wide variety of views and recommendations. In general, however, they underscored the finding of the Town Meeting Program that the American public wants United States foreign policy to reflect clearly its values and character.

George Gallup, Jr. testified that the public supports United States efforts to respond to global problems: "We apparently feel it is our duty—as a rich and powerful nation—to help less fortunate people, even countries unfriendly to the U.S." Gallup further reported that Americans favor participation in the United Nations and support the concept of international cooperation in decision-making. Louis Harris reported that 60 percent of the American people regard combatting world hunger as a top national priority; that 58 percent favor foreign economic aid; and that the latter figure would rise to 79 percent "if guarantees could be given that the economic aid would actually reach the people it is meant to help, instead of lining the pockets of predatory foreign rulers." Harris summed up his testimony with this comment:

Leadership which has the courage to ask the public here in this country to make sacrifices to help the lot of people around the world, which believes that a sense of genuine morality should guide our foreign policy, which goes beyond the simple balance of power considerations in choosing our allies, will find a responsive public out there.

There are other significant straws in the wind which confirm the existence of a growing, although not yet organized, constituency for forthcoming approaches by the U.S. in its dealings with developing nations. We reported in testimony two years ago that hunger abroad (as well as at home) had become a major concern and programmatic priority for most major religious bodies in this country and that there was increasingly widespread recognition of the roles played by public policy in alleviating or aggravating human hunger. In the past two years, most major religious bodies in the U.S. have continued and deepened their involvement in the hunger issue—a commitment reflected in private giving to voluntary agencies, in religious educational emphasis and materials, and in attention by religious groups to issues of public policy. While a "development assistance lobby" parallel to that of the environmentalists or certain other public interest groups has not yet emerged, we are confident that there is a growing constituency in this country which wants and will support improved and expanded U.S. aid to the neediest nations.

Part Three: New Directions, 1973–1977

1973 Reforms

In 1973, Congress began the process of legislating what has become known as the "New Directions" strategy for U.S. development assistance. Initiated by the House Foreign Affairs (now International Relations) Com-

mittee, the reforms represented an effort to move U.S. bilateral aid away from "trickle-down" theories of development and toward a more grass-roots, people-oriented approach. The 1973 reforms concentrated bilateral aid in three "functional categories"—food production and nutrition, population planning and health, and education and human resources. The objective was to channel technical assistance and resources directly into meeting critical development problems. The "poor majority" within the developing countries were to receive particular attention and to be involved increasingly as participants in the development process. AID was directed to focus, in the language of the House Committee's report, on "meeting the basic human needs of the poorest people in the developing countries, in order to enhance their opportunities for employment, to improve the distribution of wealth, and to increase social justice." Moreover, "large-scale capital transfers" and "projects which aim at development through a 'trickle-down' approach" were in the future to be funded, if at all, by international lending institutions and private investment, the Committee concluded.

The 1973 New Directions called for maximizing the role of the private sector in development aid, "particularly those institutions which already have ties in the developing areas such as educational institutions, cooperatives, credit unions, and voluntary agencies" (H.R. Report 93-388). The Percy Amendment to the 1973 foreign assistance authorization bill mandated increased emphasis on aid projects designed to integrate women into development processes.

1975 Revisions

Congress extended and consolidated the New Directions approach through the International Development and Food Assistance Act of 1975. The mandate for participation by the poor, for focus on human needs, and for bottom-up rather than top-down development strategy was made more explicit. The U.S. food aid program was amended so as to be more clearly targeted at human and development needs. A new functional category, technical assistance, energy, research, reconstruction, and selected development projects, was added, in order to coordinate and focus aid programs not included in the three primary categories, again with emphasis on basic human needs in key development areas. "Appropriate technology" was given particular attention, with start-up funds provided for a special semi-public, semi-private institute for appropriate technology in development, and with encouragement given to the rapid expansion of intermediate-level technologies in U.S. aid. A cut-off of economic aid to countries engaging in "consistent patterns of gross violations of internationally recognized human rights" was mandated unless such aid could be shown to be of direct benefit to needy people.

The 1973 and 1975 reforms represented important departures from previous aid bills. They challenged the stagnant and largely discredited "foreign aid" programs of the past, which had stressed rapid economic growth in narrowly defined terms of gross national product, and which had frequently served U.S. political and strategic interests more than the development goals of needy nations. They formulated an alternative strategy which stressed integrated rural development, job creation, and the participation of the poor in the development process. And they raised hope among persons and groups concerned with international development that U.S. development assistance would now move significantly into the New Directions.

Implementation of the New Directions

Implementation of the New Directions has been disappointingly slow and uneven. A 1975 report from AID to the Congress, "Implementation of New Directions in Development Assistance," included some welcome reports of changes at the project level, but cautioned that it was unrealistic to expect "dramatic results on a large scale in a short period of time." While the report gave more attention to theoretical concerns than to actual project level specifics, the Taskforce and many others at that time felt, in evaluating New Directions implementation, that AID should be given the benefit of the doubt, because the far-reaching changes called for by Congress would doubtless require time for implementation at every level of the bureaucracy.

Recent reports, however, indicate that implementation still leaves much to be desired. For example, a February, 1977 staff report of the Senate Subcommittee on Foreign Assistance examined U.S. development assistance in Pakistan, the Philippines, and Indonesia. In each case, projects which clearly met the New Directions criteria were found to be the exception rather than the rule. The report indicates that political relations between the U.S. and recipient countries and domestic political considerations in the recipient countries have been the most frequent obstacles in the way of forthright implementation of New Directions types of development projects. Both the U.S. and the governments of Pakistan, the Philippines, and Indonesia have apparently preferred to steer away from development projects which involve and directly benefit the poor whenever such projects appear to threaten political relationships.

Roy Prosterman and C. A. Taylor of the University of Washington independently monitored AID field projects in selected countries in August and September, 1976. They reported "that AID/Washington had, apparently, not even bothered to explain major elements of the 'New Directions' mandate to those in the country missions—and the process of project approval that goes forward in Washington clearly has done nothing to bring predictability, or a reasonably assured level of compliance with the law, into existence." (In fairness to AID, it should be noted that an AID circular of April, 1976 to field staff contains a thoughtful and sensitive discussion of ways and means for implementing the New Directions mandate at the country program and project level. However, the same document conceded that progress was then uneven and that more discussion and coordination was needed between AID/Washington and AID missions.)

In 1976, the Interreligious Task Force sent a field survey questionnaire to 125 religious agency personnel in six developing countries whose work was closely related to development and who were in contact with U.S. (and sometimes multilateral and other bilateral) aid projects. Sixty-four responses were received, many with extensive comments. While our sampling was not scientifically selected and may be too small to be statistically significant, a pattern of generally consistent comments about AID from our respondents is worthy of mention:

AID appears to be giving much more attention now than previously to meeting the needs of the poor majority, though much improvement is still needed. Many respondents mentioned the particular need for developing agricultural credit mechanisms suited to subsistence farmers.

AID appears to be giving more attention to an integrated approach in its development programs, but needs to place much higher priority on training local people.

AID appears to be devoting much more attention now than previously to the use of appropriate technology, although bottlenecks frequently appear based on AID's ignorance of local conditions. Some respondents mentioned cases where technology requiring electricity was introduced in areas where no electricity was available. Others mentioned a tendency for projects involving appropriate technology to favor wealthier farmers or more highly educated individuals requiring less training in the use of the equipment provided.

AID generally does not appear to work well at the village level. Many respondents made comments about AID staff's poor language skills, lack of understanding of local culture, unwillingness to leave comfortable lifestyles to travel to the countryside for even short periods of time, and disinclination to work through indigenous organizations.

AID is giving very little attention to the role of women in development, although AID's efforts in selected countries appear to be improving.

AID field staff appear to have a fairly cautious attitude toward working more closely with private and voluntary organizations (PVOs), particularly religious-affiliated ones.

AID is generally thought to do a poor job of monitoring its programs in the field. Many respondents feel that AID's effectiveness could be enhanced by much more attention to monitoring project implementation.

Other suggestions for improving AID's programs include expanding rural credit programs; supporting projects on a longer-term basis; increasing significantly the direct involvement of local people in project design, implementation, and follow-up, with more reliance on community organizations as compared with governmental institutions; and increasing links between local AID missions and expatriate and indigenous private voluntary organizations.

In sum, while further refinements and clarifications in legislation are doubtless needed in furthering the New Directions process, a primary focus for aid reform should now clearly be on the implementation of the existing legislative mandate, both at the Washington administrative level and at the field level.

Part Four: Taskforce recommendations

1. The Scale and Character of U.S. Official Development Assistance.

The Taskforce recommends:

A. That the United States commit itself to the goal of providing 0.7 percent of its Gross National Product as Official Development Assistance (ODA);

B. That the United States take concrete steps in FY 78 and 79 to increase the level of ODA toward the 0.7 percent goal;

C. That the United States provide a larger proportion of its ODA through multilateral channels; and

D. That development assistance be separated in both authorization and appropriations legislation from security-supporting and military aid.

Testifying in mid-1975 on the development assistance authorization bill for FY 76-77 (H.R. 9005), the Taskforce recommended that the U.S. commit itself to provide at least 0.7 percent of its GNP for official development assistance (ODA) by 1980 and 1.00 percent by 1983, taking steps in FY 76 and 77 to move systematically toward those goals. The 0.7 percent GNP target represents the goal set by governments in the U.N. General Assembly in 1970 at the beginning of the Second Development Decade although never affirmed by the U.S. in U.S. law nor achieved in subsequent practice. Congress in 1975 did not affirm the target, nor has U.S. development assistance policy since then moved substantially in the recommended direction.

The facts are basically these. U.S. development assistance program levels remained relatively constant in fiscal years 1974–77. The program levels for bilateral development assistance in AID's basic functional accounts (such as food production and nutrition, population planning and health) were $877.6 million in FY 74 and $934 million in FY 77. Program levels of U.S. voluntary contributions to international organizations were $146.2 million in FY 74, $244 million in FY 77. Other AID development assistance programs, exclusive of P.L. 480,[1] brought total development assistance program levels funded through AID from $1.154 billion in FY 74 to $1.697 billion in FY 77. In addition to this total were U.S. contributions in the form of paid-in capital to international financial institutions such as the World Bank. U.S. budget resources devoted to these were $620 million in FY 74 and an estimated $794.1 million in FY 77. Program levels of security assistance increased during the same period from $633 million to $1.76 billion. Some individual increases in FY 76–77 are worthy of particular note, such as the authorization and appropriation of $200 million in U.S. contributions to the new International Fund for Agricultural Development and the appropriation for the International Development Association of the fully authorized $375 million in FY 77 (as opposed to only $320 million in FY 76).

The Carter Administration has requested Congressional approval for some long overdue increases in development assistance programs in FY 78. Program levels of bilateral development assistance in the basic functional accounts through AID would rise above FY 77 levels by 22 percent to $1.140 billion and U.S. voluntary contributions to international organizations by about 5 percent to $256 million. Despite these increases, total development program levels would remain roughly constant at $1.7 billion since a multiyear appropriation for IFAD is credited to FY 77. The value of the P.L. 480 program ($1.364 billion) is at about FY 77 levels.

U.S. contributions of paid-in capital to international financial institutions would increase from $819 million in FY 77 to $1.602 billion in FY 78. Because beginning with FY 78 all callable capital is to be appropriated, major increases in the size of callable capital appropriations for these institutions are being requested (from $266 million in FY 77 to $1.014 billion in FY 78). Only the paid-in portion of U.S. contributions qualifies as official development assistance. Program levels of security assistance would increase from $1.76 billion in FY 77 to $1.89 billion in FY 78.

Early projections are that in FY 78, even with the proposed increases in both development and security supporting assistance, U.S. official development assistance as a percentage of its GNP will decrease relative to that of other donors.

During the same FY 74–77 period, there has been progress toward channeling an increasing proportion of development assistance multilaterally, as we urged in 1975 because of our view that such aid tends to be less political in character. The percentage for multilateral institutions proposed for FY 78 is considerably higher, reflecting in large measure the substantial and welcome increases proposed for IDA and the other international financial institutions. AID has also made progress in increasing the proportion of grants in relation to loans available to the neediest countries. It notes in its FY 78 Congressional Presentation that it is "increasingly softening the terms of aid to the poorest countries and hardening them to the better-off developing countries," with all assistance to nations on the UN's list of Least Developed Countries (LDCs) to be in grant form.

The modest increases in U.S. ODA described above were offset, as a percentage of GNP, by U.S. economic growth generally as well as by inflation. The U.S. comparative standing among other industrialized nations, calculated in relation to per capita GNP, remained 12th of 17 countries in 1974 and in 1975, although as a percentage of U.S. GNP, our ODA slipped from 0.27 to 0.26. While actual FY 76 and 77 and probable FY 78 percentages and relative standing are not yet available, estimated figures would place the U.S. at 0.26, 0.24, and 0.23 percent of GNP, or 12th, 13th, and 13th, respectively.

In authorization legislation for FY 76 and 77, U.S. development assistance was separated from military and security supporting assistance, as we had recommended. However, both sorts of aid were funded in a combined appropriations bill in FY 76 and again in FY 77. It should be pointed out that U.S. Security Supporting Assistance, which is not covered by the New Directions mandate, is included as a part of U.S. official development assistance in calculating U.S. standing relative to that of other donors. Because much of such aid serves U.S. short-term political objectives rather than the longer-term development objectives of recipient countries, a "true accounting" of U.S. ODA would further still weaken the U.S. proportionate standing.

While applauding the increased aid levels proposed for FY 78, we underscore our view that aid must be not only more, but better. We note the contention of some aid supporters that current aid programs, both bilateral and multilateral, are so uneven and unsatisfactory in their effectiveness that large increases will simply undermine any chances for program improvements in current efforts. While their concern must be taken seriously, we feel that not to increase aid contributions would have far-reaching negative impacts. In some cases, additional funding cannot be absorbed at the moment and will need to be applied over time; in others, substantial increments can be pressed into use almost at once.

While we continue to urge more multilateral funding, we reiterate our view, expressed in 1975, that multilateral organizations themselves "should be continually reviewed in terms of the degree of decisionmaking power shared in them by the developing countries, the allocation of loans and grants, and the effectiveness of their operation." Such review is particularly necessary in view of the increased scale of their operations and the increased amounts of U.S. funds which will, we hope, be committed to them. With reference to the World Bank in particular, we note the absence of universality in its membership and the disincentive to larger OPEC contributions exercised by the current system of weighted voting. Other changes might also make it a more serviceable resource to developing nations.

U.S. contributions to organizations such as the International Development Association (IDA) and the regional international financial institutions should be seen as supplementary to, rather than as substitution for, broader U.S. efforts to make progress on issues such as commodity agreements, a common fund, market access and debt renegotiations. These institutions should also be encouraged to exercise an increasingly active development-stimulating role with respect to the poor majority, rather than serving to buffer the deepening exposure of U.S. commercial lending institutions in the LDCs.

It is with all of these factors in mind that we make the above recommendations on the scale and character of U.S. official development assistance.

2. Allocation According to Human Need:

The Taskforce recommends that allocations of U.S. development assistance be based first upon human need as judged by internationally accepted standards, and secondly on the extent of commitment by recipient countries to involving the poor in development and to distributing equitably its benefits.

HUMAN NEEDS

Over the years a number of groupings of less-developed countries has been devised by various international, national, and private organizations. Each list has sought to determine the countries which are neediest in one regard or another, based on impartial and objective assessment criteria. Among these lists have been:

The U.N.'s list of Least Developed Countries (LLDCs), created in 1971 and updated in 1975, which includes 29 countries with very low per capita GNP, negligible or minimal manufacturing sectors, and wide-spread illiteracy. The LLDC list is used by the U.N agencies for a number of purposes and by the United States as a determinant of countries to receive U.S. foreign assistance grants rather than loans.

The U.N.'s list of Most Seriously Affected Countries (MSAs), devised in 1974 in the wake of soaring food, fuel, and fertilizer prices in an effort to concentrate international assistance on countries with low GNPs and foreign reserves, import needs of essential commodities and extensive debts, and other serious economic difficulties. Revised in 1975 to include a total of 45 nations, the list served as the basis for the application of the 70/30 formula for U.S. Title I food aid in FY 1975.

The Food Priority Countries list, adopted in principle by the U.N. World Food Council in 1976, to provide a policy tool more indicative of human hunger and malnutrition than gross economic indicators allow. The 43 countries provisionally on the list have most of the following characteristics: annual per capita incomes in 1975 prices of $500 per year or less, annual cereal deficits projected to reach by 1985 at least 500,000 tons and/or 20 percent of estimated consumption, protein-calorie malnutrition on a significant scale, inadequate average food production gains over the past decade, the existence of the potential for rapid, efficient, and well-distributed increases in food production, and serious balance of payments constraints.

The World Bank's grouping of countries according to per capita GNP: countries with per capita annual GNPs of less than $200 (of which there are 33), of $200–$499 (42), of $500–$1999 (64), of $2000–$4999 (29), and of $5000 or more (19). The Bank's latest published figures are for 1974. The United States currently uses World Bank figures of countries with $300 per capita annual GNPs or less as a criterion for determining the recipients of at least 75 percent of concessional food aid under P.L. 480 Title I.

The groupings of the World Bank's International Development Association (IDA), which, based on the above World Bank data, are entitled "low income developing countries" (the 33 nations with annual per capita GNPs of $200 or less), "middle income developing countries (the 56 nations with GNPs of $375 or less), and the "higher income developing countries" (nations with GNPs above $375). IDA focuses its programs on the first group (to which it committed 82 percent of its total resources during 1972–74) and, to a lesser extent, the second group (which received 16 percent during the same period).

The Consultative Group on Food Production and Investment in Developing Countries' list of 18 countries which have chronic and widespread malnutrition and in which development assistance may bring substantial food production and nutritional gains.

The listings of the International Food Policy Research Institute, a private organization whose research is widely used by inter-

national organizations, which has identified four categories of food-deficit countries, of which the two most critical are "very severe food-deficit countries" and "serious food problem countries."

There is thus substantial international consensus as to the core group of countries which should generally be the focus of development assistance efforts, although the variety of groupings is on the face somewhat confusing.[3] Internationally recognized standards of human need such as are reflected in these various lists should in our view be the primary determinant in U.S. development aid allocations.

We do not feel the need at this time for the Congress to require mandatory use of one or more of the above lists for bilateral economic aid allocations purposes. AID since 1973 has succeeded in shifting bilateral assistance increasingly to the poorest countries. Over 75 percent of official development assistance (other than security supporting assistance) is to go in FY 78 to countries with per capita GNP of $300 or less. We do feel, however, that regular consideration by AID of the various lists could result in a more careful targeting of aid for specific needs-related purposes.

COMMITMENT TO EQUITY MEASURES

Measures to benefit and involve the poor majority through broadly based, human needs-oriented development strategies are key to AID's New Directions mandate and to the work of most international development organizations and agencies. Assessing the commitment of governments to such measures necessarily involves some evaluative judgments.

In enacting subsections 102(c) and (d) of the Foreign Assistance Act, Congress in 1975 began the process of devising standards for measuring development progress in aid recipient countries as judged by New Directions standards. These subsections specify that "greatest emphasis" in the U.S. aid program is to be given to "countries and activities which effectively involve the poor in development" and which "help the poor toward a better life." Congress instructed the Executive Branch to establish criteria for evaluating the progress of aid recipients in five key areas: increasing labor-intensive agricultural productivity, reducing infant mortality, controlling population growth, promoting greater equality of income distribution, and reducing rates of unemployment and underemployment. U.S. aid allocations are subsequently to be "increasingly concentrated" in countries making good progress in some or all of these areas.

AID summarizes its progress in developing and refining such criteria in its FY 78 presentation to Congress and in a more detailed separate report. AID is still in the initial stages of fashioning assessment mechanisms and of obtaining assessments from it missions in LDCs. It reports that available data on progress in the five key areas is uneven and sketchy and that international agencies are themselves not very far along in assessing countries of greatest need. AID observes that qualitative judgments as well as quantitative indicators are needed and that even after that data are in, "the overall political and economic interests of the U.S. in the recipient country" will play a significant role.

We welcome the current attempt of Congress and AID to focus bilateral aid more carefully. We are, however, still concerned that U.S. political and economic interests might override what we see as the primary considerations for development aid allocation—human need and commitment to key development objectives. As we have said in other contexts, neither development assistance nor food aid should be used as a political weapon; both should represent resources made available first and foremost in response to human need, wherever it exists, and to serve developmental objectives.[4]

Commitment to the meeting of basic human needs and to involving the poor majority in development are objectives which are indeed hard to measure in quantitative terms, and, as AID has noted, "Quantitative measures will always need to be used as support for, rather than replacement of, informed judgments as a basis for . . . allocations decisions." On the other hand, if the New Directions approach is to be taken seriously, priority in determining relative funding allocations for U.S. development assistance must clearly be given to countries and programs involving measures consistent with the legislative mandate. However, even countries which are progressing very slowly or sporadically in making internal reforms ought not to be totally excluded from receiving U.S. aid. Instead they should be encouraged to move toward participatory and needs-oriented development strategies through dialogue, through more responsive and more multi-year U.S. development assistance, and through earmarking of aid away from trickle-down projects. Most importantly, aid could be made available in increased and sustained amounts for any country willing to proceed on the often politically risky route towards equity and involvement of the poor.

Human rights and population planning, two important concerns which also bear on development assistance allocations decisionmaking, are considered in the subsequent two sections.

3. Human Rights—

The Taskforce recommends:

A. That Congress retain the current human rights language regarding bilateral development assistance in the Foreign Assistance Act and encourage its even-handed application to all recipient countries.

B. That Congress apply identical language to concessional food aid programs under Title I of PL 480 and to the activities of the Export-Import Bank, and apply similar language to U.S. participation in international organizations and international financal institutions; and

C. That Congress, to assure that human rights considerations become an enduring cornerstone in U.S. foreign policy, upgrade human rights concerns within the structure and work of the State Department and AID and within the work of international bodies such as the United Nations and the Inter-American Commission on Human Rights.

Present statutes allow development assistance to go to developing countries the governments of which have engaged in consistent patterns of gross violations of internationally recognized human rights provided that such aid can be shown to be of direct benefit to needy people. Military and security aid is to be cut off or reduced when gross violations of human rights are found to exist.

We welcome the increased prominence and attention given by the Carter Administration to human rights concerns. We applaud its decision to reduce or deny military aid to Argentina, Ethiopia, and Uruguay. However, the projected allocations of economic and military aid for FY78 still remain heavily skewed toward countries the governments of which are widely alleged to have engaged in consistent patterns of gross violations of internationally recognized human rights, including the Republic of Korea, the Philippines, Indonesia, Brazil, Haiti, and Ethiopia. We urge that U.S. aid to such governments be reviewed with an eye to a consistent application of human rights concerns.

We offer three observations regarding the intricate and sometimes paradoxical relationships between human rights and development assistance. One, U.S. development assistance should not be a means through which repressive governments tighten their hold over their people. Two, the basic objectives of development assistance themselves are less likely to be realized when the rights of the poor and of those committed to social change are not respected. Improvements in the quality of life for the poor majority through, for example, reforms in land tenure or credit access arrangements, bear a direct relationship to the freedom of citizens to seek such reforms—and there may be a role for development assistance in helping to secure those rights.

Finally, the need for development assistance to hasten the realization of certain social and economic rights, such as the right to food and decent housing, to education and medical care, sometimes exists in tension with the need to protect civil and political rights. In some situations, U.S. aid can be instrumental in helping to realize the right to food, even in nations where basic political rights are not respected. There are no easy or universal answers. What is required is the sensitive application of the language of the Foreign Assistance Act to the particular situation of any given country.

Against this background, the Taskforce recommends that the human rights language currently applicable to U.S. bilateral aid not be changed. We oppose both sorts of changes which have been suggested: striking the human rights safeguards altogether, or tightening them to prevent any aid to needy persons in a country with a repressive government. We do urge that the language of Section 116 be broadened to include U.S. concessional food aid under Title I of PL 480 and Export-Import Bank programs.

With respect to U.S. contributions to international organizations (such as the UN Development Program and UNICEF) and international financial institutions (such as the World Bank and the regional banks), we welcome the congressional concern expressed in recent years over the activities of such bodies in countries with governments which have exhibited consistent patterns of gross violations of internationally recognized human rights. U.S. delegates to the Inter-America Development Bank and to the African Development Bank are now instructed by law to vote against loans to such governments for projects which do not directly benefit needy people. Since this standard makes possible discussion of both human rights in recipient countries and the relevance of projects to needy people, the Taskforce recommends that Congress apply similar language to U.S. participation in international organizations and international financial institutions (including the World Bank, IDA, and the regional development banks).

With respect to military assistance, we reiterate the support we expressed in 1975 for a cut-off of military aid to governments such as these since such aid lacks the direct benefits to needy people which the pass-through provision in development aid allows.

We also recommend that Congress give more priority to human rights concerns within the structure and work of the State Department and AID and within the work of international bodies such as the UN Commission on Human Rights and the Inter-American Commission on Human Rights.

4. Population Planning—

The Taskforce recommends:

A. That the United States continue to give priority to funding through bilateral and multilateral channels for population planning, fully integrated into the broader developments strategy of recipient nations;

B. That the United States, in light of the internationally recognized right of all citizens to know about and have access to family-planning services, encourage all nations to provide their citizens with that information and access;

Footnotes at end of article.

C That the United States refuse to provide population aid to programs that employ involuntary sterilization or any other contraceptive method without informed consent as a means to limit childbearing.

D. That the United States not deny development assistance and food aid to countries that have not already succeeded in reducing their birth rates nor to these that place a higher priority on other developmental objectives.

Many Americans believe that U.S. development assistance should be directed primarily or even exclusively to the moderation of birth rates in developing countries. Some have suggested that U.S. development assistance and food aid should be made available only to those nations which are seeking to, or succeeding in, controlling their birth rates and should be denied to other nations which are not actively engaged in population limitation programs. It is frequently suggested that in the absence of the early and drastic reduction in population growth in developing nations, the benefits of U.S. development assistance and food aid will be nullified.

As noted with Recommendation 2 above, the effort of countries to control population growth is one of the factors which the President is directed to consider in establishing criteria for allocating funds among nations. U.S. assistance can clearly play a constructive role in supporting such efforts by developing countries. The reference in the statutes to population planning is indeed one appropriate factor in U.S. decision-making regarding allocations among countries, provided that it is not translated into a narrow requirement that a recipient government set population goals and institute family planning services in order to receive U.S. development assistance.

The 1974 World Population Conference in Bucharest helped to create an international consensus concerning the interactions between population growth and the social and economic policies and planning of governments, in rich and poor nations alike. With respect to the demography of poorer nations, it was generally agreed that not only do population variables influence development, but also that development achievements affect population growth. Moreover, a more adequate understanding of those development variables which are most integrally related to the lowering of fertility rates is now emerging.

There remains, however, continued uncertainty about the relative impact on fertility rates of programs to reduce infant mortality, to include women in the development process, and to provide greater employment opportunities and greater economic stability for the poorest in a society. These and other development features, allied with good family planning and health services, are known to contribute in some instances to a lowering of fertility rates and in turn of population growth rates. In the state of Kerala in South India, a significant decline in the birth rate took place during a recent ten-year period. Kerala has the lowest per capita income of India's states but the highest literacy rate, the highest per capita consumption of nutritionally important foods, the highest percentage of villages with protected water supplies, the lowest infant mortality rate, the highest life expectancy, and a total death rate (9 per 1,000) lower than that of Germany or Great Britain. However these factors interacted with population growth rates, it seems clear that improved nutrition and education played an important role.

One of the most rapid social changes in recent history, highlighted by the recent U.N. Conferences on Population and on Women, has been the movement toward acceptance of the need to make family planning education and means available to all people. Governments have now affirmed that "Individuals and couples have the right freely and responsibly to determine the number and spacing of their children and to have the information and the means to do so." Progress in recent years toward implementing this right has meant a major advance in the health of women. The broader realization of freedom of choice in the control of fertility is playing a major role in their liberation.

More research is clearly needed on the relative importance of different developmental variables to fertility rates, so that limited aid funds may be used to maximum effect. However, enough is now known to point toward the need for the full integration of population planning into the broader development picture. Family planning services should be integrated wherever possible into total health planning and programming. Such integration requires a movement away from an approach which would carry out population planning measures in isolation or which would make developing country action on population a precondition for receiving U.S. development assistance and food aid.

In our view, the United States should strongly encourage all nations to provide their citizens with the means of family planning in fulfillment of the internationally recognized human right of all citizens to know about and have access to family planning services. (This right is among those acknowledged in the U.N.'s Teheran Declaration on Human Rights (1968), the World Population Plan of Action (1975), and the World Conference of the International Women's Year (1976).) At the same time, the United States should refuse to provide population aid to programs which employ measures to limit child-bearing which are destructive of human rights and human dignity.

5. Women and Development Assistance:

The Taskforce recommends that Congress reiterate its concern for development assistance programs sensitive to the needs of women and direct AID to report on its implementation of existing legislative policy in its next presentation to Congress.

As noted above, most development assistance programs until recently have been directed toward economic growth and industrialization as measured by GNP and other economic indices. Such indicators ignore economic activity which occurs along traditional lines, frequently not even involving cash exchange. In many areas of the developing world, the economic activity of women is primarily of this sort. Women grow, process, and serve food for their families' consumption; they produce handicrafts, clothing and household goods for home use and for barter; they carry water and firewood long distances for their families' use; they care for children and the sick; and they trade and barter their own and others' products at local markets which they themselves frequently operate. Much of this productive labor, however economically and socially necessary, is invisible to those development planners who rely solely on GNP as a measure of economic activity.

American and other Western development planners, in ignoring or minimizing the economic activity of women, have often undermined the status of women in aid-receiving societies. Frequently assuming that agriculture is primarily the work of men, these planners have directed efforts to modernize agricultural production toward men, even in cultures in which women perform most of the agricultural labor. Western influence on traditional land tenure patterns has sometimes resulted in male monopolies on land ownership and thus on control of agricultural products, although women may perform most of the agricultural labor. Assuming that men are the primary breadwinners for their families, Western agencies often provide alternative training and employment only for men when new technology displaces workers. Women responsible for supporting themselves and their children frequently lose access to their traditional employment without gaining access to jobs in the modern sector.

Development programs founded on Western cultural patterns and assumptions too often increase women's economic dependence on men, limit their options for participation in developing economies, and overemphasize the maternal and sexual aspects of their roles. The results have been harmful for the children dependent on these women, for developing societies as a whole, and most of all for the women themselves. When women responsible for food production lose access to employment or to land, both they and their children suffer. Moreover, land transferred from cultivation by women to cultivation by mean often also shifts from food to cash-crop production. Western ideas of womanhood, portrayed via highpowered advertising campaigns, have contributed to the decline of breastfeeding in developing countries, a trend which has had grave consequences for millions of infants. Many population analysts agree that fertility rates decrease as women gain higher status, greater economic independence, and a broader range of role options. Thus, changes in the role of women have profound consequences for the society as a whole. But the most important consequences are for the women themselves, who deserve just and equitable treatment as participating members of their societies.

Women's roles in developing societies have received increased attention in recent years, with calls for changes coming from many sources. The Percy Amendment to the Foreign Assistance Act of 1973 provides that development assistance "shall be administered so as to give particular attention to those programs, projects and activities which tend to integrate women into the national economies of foreign countries, thus improving their status and assisting the total development effort." There is, however, some question about how widely the Percy Amendment has been implemented. Respondents to the Interreligious Taskforce field survey described above frequently expressed the view that from their vantage point overseas, very little has yet been done.

To hasten the realization of this Congressional objective, AID, in our view, should undertake a concerted effort to evaluate the effects of its programs on the role and status of women, redesigning programs where necessary to serve better the needs of both women and men in recipient countries. Such an effort should take place with a view toward realizing the goals of: 1) increased economic and political independence for women; 2) a wider range of role and occupational options for women; 3) a more equitable sharing of the burdens of labor between men and women; 4) increased participation of women in planning and decisionmaking in all fields. Realizing these goals will require a concerted effort to provide education and training for women, especially since women constitute more than 60 percent of the world's illiterate population. A first step toward these goals, and probably a precondition for their full realization, would be an increase in the number of women in policymaking positions within AID, particularly among field staff.

6. Priority for Nutrition—

The Taskforce recommends:

A. That AID in its food production activities under Section 103 be directed to give more attention to explicit nutritional goals and benefits.

B. That the proportion of Section 103 funds spent on nutrition as compared with those spent on food production be increased substantially.

C. That the United States increase its support of multilateral nutritional efforts through agencies such as the U.N. Food and Agriculture Organization, UNICEF, and the World Health Organization.

D. That Congress provide appropriate legislative attention in the FY 78 authorization bill to the nutrition and health impacts of widespread infant formula use in developing countries.

"Food Production and Nutrition" (Section 103) represents AID's largest single bilateral program account, scheduled to receive more than 50 percent of AID's basic bilateral program funds in FY 78. However, the bulk of Section 103 funds go to food production-related efforts, with less than 10 percent (about $55 million) earmarked for direct nutrition-improvement projects. While the nutrition share is modest, it represents a steadily growing concern of AID and a decided improvement over FY 1973, when only $6.6 million was allocated to nutrition.

Responding to continuing criticism of the low level of nutrition funding, AID stated in its recent report to Congress on Implementation of Recommendations of the World Food Conference: . . . all of the funds which are appropriated under Section 103 of the Foreign Assistance Act are ultimately directed to the goal of improving nutritional levels whether they finance specific nutrition studies and projects or attack the underlying economic problems which must be resolved if nutritional levels are to be raised on a self-sustaining basis. The same is true for most of the PL 480 program . . .

The Taskforce heartily endorses the concept of attacking "underlying economic problems," and recognizes that improved food production and more equitable distribution are necessary prerequisites for adequate nutrition. However, the New Directions strategy demands more than a "trickle down" approach to nutrition.

Numerous studies have shown that increased food production and improved food supply do not necessarily translate into improved nutrition for the poor. Additional food produced in the developing countries may be exported, marketed entirely in urban areas, or hoarded by speculators or by farmers. Increased production of foods which are unsuited to the needs, tastes, or economic resources of the poor are not likely to be consumed by the poor. Several Central American countries have increased beef production substantially in recent years, but increased exports have resulted in lower domestic consumption of beef and higher malnutrition rates. Brazil's rapid growth in agricultural production has clearly brought little, if any, nutritional benefit to the severely improverished people of its Northeast. Even large-scale transfers of U.S. concessional food aid have had at best an uneven effect on the nutritional health of poor people in developing countries, AID's statement about PL 480 to the contrary notwithstanding. Adequate nutrition, then, must be seen as one of the primary and cross-cutting goals of development, with the nutrition component an integral dimension of each food production or other development undertaking.

If AID should avoid letting nutrition get lost in the food production shuffle, it should at the same time avoid too narrow a definition of nutrition. Nutritional gains in many situations do in fact depend on increased food production and related efforts, and especially on the successful involvement of small farmers and the landless poor in development. Social and economic factors should be considered as integral parts of nutrition. Activities not only in food production but also in population planning and health and in education and human resource development can have nutritional pay-offs, particularly if that objective is clear from the start.

We note with approval AID's funding of a substantive study on the problems posed by increasing infant formula use and declining breastfeeding in developing countries. A particular concern of many in the religious community, this trend has been flagged by respected nutritionists such as Alan Berg of the World Bank as a major contributing cause of infant malnutrition, illness, and mortality, and as a significant balance of payments costs for the developing world. Aggressive advertising by multinational infant formula manufacturers has helped persuade many Third World mothers to buy costly formula rather than to breastfeed. This has had particularly harmful effects in areas generally lacking in the resources necessary for wise formula use, such as clean water, refrigeration, sterile conditions, and basic literacy. The problem has been further complicated by inadequate understanding of its scope by health personnel, mothers and governments in the developing countries, and by some of the infant formula companies and their home governments.[5]

A joint resolution introduced in the 94th Congress by Rep. Michael Harrington and 28 co-sponsors underscored Congressional support for increased efforts by AID in this area, expressed the sense of Congress that U.S. businesses engaged in infant formula manufacturing or sales "have a responsibility to conduct their overseas activities in ways which do not have adverse effects on the nutritional health and well-being of people in developing countries," and called for an interagency study of the infant formula/breastfeeding situation in developing countries that would focus on corporate behavior as well as nutriton. The Taskforce urges that the issues raised in the Resolution be addressed by the Congress in the reauthorization of development assistance for FY 78–79.

7. The Geography of Aid Procurement:

The Taskforce recommends that the proportion of U.S. bilateral development funds spent in developing nations be increased, with steps taken to assure that at least one-half of such funds are spent in the developing nations during FY 70 and thereafter.

For many years AID's budget requests have stressed the benefits that accrue to U.S. businesses and to U.S. balance of payments from U.S. foreign aid spending. AID, unlike most other Executive Branch departments, can tell any Member of Congress or Senator the total dollar value of goods and services it purchases in his or her area, and in fact on occasion commits additional funds in order to assure a Member's support for a particular measure. For many years more than 90 percent of all AID's spending for personnel and materiel took place in the United States. As recently as 1975, 85 percent of AID funds were spent here. In 1976 the level declined to 70 percent, reflecting mainly increased purchases of goods and services in the aid-receiving countries. Urged by the Taskforce to accelerate the trend, AID has expressed its fear that Congressional support for development assistance may be weakened by increasing the percentage of spending overseas.

The Taskforce believes it imperative that U.S. aid programs give maximum encouragement to the development of local resources in developing countries so as to minimize reliance on external products and services. In mandating a New Directions strategy in which participation by the poor in their own self-development is central, Congress by implication recognized the necessity of encouraging local self-reliance and initiative. Aid tied to procurement in the U.S. undermines self-development in poorer nations inasmuch as imported goods and services are generally more capital-intensive and more geared to U.S. values and lifestyles than those which might be obtained through local procurement. Local procurement would promote the growth of indigenous enterprise, offer greater employment opportunities for Third World workers, and probably also help build up the kind of integrated developing country infrastructure needed to provide a sound base for long-term development. Unless foreign assistance encourages and otherwise promotes self-reliance, it will increasingly be recognized as useless and even counterproductive.[6]

While the approach we recommend may not satisfy those who justify "foreign aid" on the basis of its direct impact on the U.S. economy, we believe that a more farsighted approach would be to view development assistance as an investment in the sort of world in which we all wish to live. In that perspective, we urge that steps be taken to assure that an additional 10 percent of such funds be spent in LDCs in each of the next two fiscal years so that by FY 79 at least 50 percent of U.S. funds would be spent in the developing nations themselves.

8. Appropriate Technology and Technical Assistance—

The Taskforce recommends:

A. That Congress direct AID to incorporate appropriate technology concepts and practices into all of the functional categories of development assistance and into its work at every level.

B. That AID's policies regarding the use of pesticides and chemical fertilizer be reexamined and revised to prevent human and environmental damage.

In reviewing procurement patterns, the transferability of the technologies of the U.S. and other developed countries to the developing nations beomes a major issue. Are U.S. products generally appropriate for conditions in such countries? Complexity of products, patent rights, and other constraints frequently make advanced technologies and personnel with specialized skills both expensive and difficult to replicate in developing countries. The labor-saving aspect of advanced technology, viewed in the past as a major advantage, now appears frequently to constitute a liability for nations seeking to provide jobs for their people amid massive and chronic unemployment. Advanced technologies are increasingly questioned in the U.S. as well, as unemployment hovers around 8 percent and more becomes known about the environmental effects of "high" technologies. Lifestyles in developed countries generally, which result in the use of about 55 percent of the world's energy by 18 percent of the world's population, are now the subject of critical scrutiny. The juxtaposition of development planners and aid agency personnel has not gone unnoticed.

What is clearly needed in the area of technology are approaches adapted to local needs, relatively inexpensive and labor-intensive. This kind of "appropriate" or "intermediate" technology is fortunately receiving increased attention from AID and from international organizations. In response to a 1975 Congressional initiative calling for a new AID-funded private sector initiative in the field of appropriate technology geared to developing countries, AID has issued a thoughtful report, "Proposal for a Program in Appropriate Technology." It outlines ways in which private and voluntary organizations, academic institutions, the business community, and AID itself may cooperate in promoting and developing appropriate technology. The Taskforce field survey referred to above indicates that AID has increasingly incorporated appropriate technology concepts at the project level, although there continues to be room for considerable improvement. Partially in response to initiatives by the U.S. Congress, the Inter-American Development Bank (IDB) and Asian Development Bank (ADB) have also begun to emphasize projects employing appropriate technology.

To be sure, some developing countries have occasionally seen appropriate technology as "hand-me-down," obsolete, or cut-rate, designed to perpetuate their current roles as "drawers of water and hewers of wood" and to deflect their progress toward "modernization." But more frequently they have recognized their need for technologies which lie,

---

Footnotes at end of article.

in the words of E.F. Schumacher, somewhere "between . . . the hoe and the tractor, or the panga and the combine harvester," and which are well within their national budgets, generate local employment, and stimulate the development of local resources and self-reliance. While appropriate technology is not necessarily indigenous technology, it is inherently more readily transferable than its alternatives. In many cases, initially imported appropriate technology can soon be locally produced. Agricultural and industrial systems drawing largely on local resources, particularly human resources, offer much more hope for long-range, locally beneficial development than their alternatives.

For these reasons, it seems desirable and necessary for AID to incorporate appropriate technology concepts and practices into all of the functional categories of development assistance, and ultimately into virtually all of its development projects. Section 107 of the Foreign Assistance Act, which calls for an expanded and coordinated private sector program of appropriate technology, encourages AID in this direction. AID's previously mentioned "Proposal for a Program in Appropriate Technology" represents a good approach to the implementation of the Section. As its legislative history makes clear, the Section is meant to be complementary to an expanding emphasis on appropriate technology in all the functional categories. It could be undercut, however, by an uncritical endorsement of a major role for private enterprise in development (cf. Recommendation 10) and by present procurement patterns (cf. Recommendation 7).

We wish to comment in passing on a recent instance of glaringly inappropriate technology: AID's financing for use in developing countries of pesticides banned for environmental and health reasons in the United States. Heptachlor and chlordane, suspended by the Environmental Protection Agency because of suspected cancer-causing properties, were subsequently shipped to developing countries by AID. Leptothos, which has caused partial paralysis and other disorders of the central nervous system among U.S. pesticide plant workers, was shipped to South Vietnam and Indonesia under AID contracts. DDT has been used in a number of aid-receiving countries both for crop protection and for malaria control. In these and other instances, a number of severe illnesses and deaths are known to have occurred in connection with the use of AID-financed pesticides in developing countries. Too little is known of the long-term environmental effects of such chemicals, but what is known now suggests the need for serious rethinking of the use of hard pesticides, in the U.S. and abroad.

The need to utilize even very toxic "hard" pesticides has often been accepted as a given, both in the developed countries and, as the Green Revolution has spread, in the developing nations. The need to increase agricultural production has often been the sole or overriding determinant in rural development strategy. The undisputed need for control of malaria has led to the uncritical application and use of certain pesticides. In countries with serious pest and health problems, environmental concerns have often been seen as a luxury which only more advanced nations could afford to indulge in. A closer look at the fruits of the Green Revolution, however, has often resulted in more cautious views of pesticide use.

While some pesticides are generally beneficial if used with proper safeguards, AID has apparently moved with little selectivity in providing pesticides and related technical assistance. Some duties have shown that when chemical pesticides are applied with greatest intensity, crop losses from pest damage actually increase. Malarial mosquitos are known to become immune to DDT after several years' exposure. And the economic costs of chemical pesticides, which have been increasing rapidly in recent years, are frequently far beyond the means of small farmers in developing countries, making it highly unlikely that increased production from pesticides will actually benefit smaller farmers and others largely outside of cash markets.

There has been a growing consensus in recent years regarding the need to explore fully and implement wherever possible various alternatives to current practices of largely unrestrained application of chemical pesticides, herbicides, and fertilizers. The social and environmental costs of not doing so include continued loss of topsoil through increased runoffs, increased residues of deadly chemicals in food and water, eutrophication of lakes and pollution of rivers and streams, and the destruction of life forms other than the primary intended targets.

Integrated pest control strategies, involving techniques such as the development and use of pest-resistant plant strains, beneficial predator and parasite insects, diversification and increased rotation of crops, and the use of hormones and sterile insects often in combination with less deadly chemical pesticides, represent an increasingly attractive alternative. AID has given belated but welcome attention to such strategies, but has not yet indicated whether as a matter of U.S. aid policy integrated pest control will be given a major or relatively minor role in the future.

Other specific alternative technologies which deserve much greater attention include methane digestors, which compost human, plant, and animal wastes into both enriched fertilizer and methane gas at low costs, and the use of small-scale, low-cost wind and solar energy. Broad policy encouragement for such appropriate technology measures already exists, particularly in Section 106 of the Foreign Assistance Act, in the language of the House International Relations Committee's report on foreign assistance authorization levels for FY 1976–77, and in the language of the House Appropriations Committee's reports on the FY 1976 and 1977 foreign assistance appropriations bills.

9. Agricultural Research and Extension:

The Task force recommends that Congress monitor closely the performance of AID, and AID in turn the performance of U.S. educational institutions, in carrying out the expanded agricultural research activities enabled by Title XII of the Foreign Assistance Act.

In 1975 Congress passed a new Title, which strengthens and expands the agricultural research provisions of the Foreign Assistance Act and broadens the role of U.S. state and land-grant agricultural institutions in aiding developing countries. The Board for International Food and Agricultural Development specified in the Act is now fully operational, its members beginning with care and sensitivity the process of formulating the guidelines on which agricultural research grants to U.S. institutions will be based.

While many U.S. land-grant colleges have been active in developing countries and have actively sought to expand their activities as Title XII will provide, U.S. agricultural schools in the past have frequently been out of touch with the needs of smaller farmers and of consumers in our own country. The great bulk of research has been concentrated on gaining production increases, regardless of the socio-economic context of such increases, and generally with little consideration of measures to assure equitable distribution of economic benefits among farmers and consumers. Great sums have been spent on improving the appearance of food products, but relatively little has been spent on improving human nutrition.

In our view, Title XII could prove to be either a step towards increased self-reliance and improved agricultural output in the developing countries or a step in the direction of heightened dependency among recipient nations on U.S. technology and expertise. The success of Title XII will largely be determined by the extent of the commitment by AID and cooperating U.S. institutions to strengthening Third World institutions and to training Third World research and extension workers. The provisions of the law themselves require priority to the needs of small farmers, country-specific research, and extensive field testing and extension efforts. The inevitable temptation—to spend the major portion of Title XII funds in the U.S., on projects more beneficial to U.S. institutions and agriculture than to farmers in the developing countries—should be strongly resisted.

Responding to a concern expressed by the Taskforce that Title XII might well result in little beyond increased budgetary support for U.S. institutions, AID has noted that the enabling legislation, legislative history, and AID's guidelines and project approval procedures are "all explicit on the need to conduct agricultural research through [developing country] institutions when feasible." However, the Agency also said that limited institutional resources and skilled personnel in the developing countries effectively narrow the range of the "feasible." It is essential that at this formative stage of the new programs there be careful monitoring by Congress of AID and by AID of U.S. recipients of grants and contracts.

10. A More Circumscribed Role for Private Investment—

The Taskforce recommends:

A. That Congress call for a critical evaluation of the role and impact of U.S.-based private investment in developing countries and of the role of the U.S. Export-Import Bank and its impact on development;

B. That Congress allow authorization for the Overseas Private Investment Corporation to expire at the end of FY 77, with any clearly developmental programs under its authority being transferred to AID; and

C. That Congress direct AID to continue its "partnership" relationship with U.S. business and particularly U.S. agribusiness only to the extent that such a relationship is compatible with the New Directions mandate.

PRIVATE INVESTMENT

Until fairly recently, conventional wisdom in aid and development circles was that international private investment, while not as concessional as direct aid grants and loans, nonetheless represented a clearly developmental flow of resources from the rich developed countries to the poorer developing countries. Reports such as those of the Pearson and Peterson Commissions in the late 60's and early 70's placed great emphasis on the benefits of overseas investment by multinational corporations (MNCs) for developing countries—and for private enterprise and the developed countries.[1] Opinion in the Third World, never entirely unified, has generally taken a much more suspicious and often hostile view of the MNCs. Suspicion has increased in recent years, both in those countries and elsewhere, spurred largely by more careful scrutiny of the activities of MNCs and their impact on Third World development. Observers have noticed:

MNC investment in agriculture tends to involve the exporting of raw materials from developing countries, with relatively little value added through processing labor. Developing countries are thus locked into their traditional roles as cheap sources of supply for the developed countries, maintaining their vulnerability in trade relations. Multinational agribusiness, by increasing the practice of producing cash crops for export, often displaces small farmers and preempts prime land which would otherwise produce food for

---

Footnotes at end of article.

local production. Even when local small producers are raising cash crops for export, local economies are generally able to gain more from their purchasing and spending than they are from MNCs, which often buy and sell overseas and use labor-displacing technology.

Investment by MNCs tends to be heavily concentrated in the extraction of natural resources such as petroleum and metals. Again, relatively little processing or skilled labor occurs in the developing countries, partly as a result of trade barriers in the developed countries against processed products. Once a natural resource is exhausted, the developing host country is left without an ongoing source of revenue, while the private company can take its operations elsewhere in search of profits.

Instead of supplying external capital, MNCs have tended to utilize local capital, despite the conventional understanding of how they function. Over 75 percent of MNC investment capital in the 60's was from local sources rather than the company's base country. This places MNCs in direct competition with local businesses in developing countries for scarce capital resources, adding depletion of local capital to depletion of non-renewable natural resources.

MNCs engaged in marketing activities in developing countries have fostered the growth of consumer tastes which are often grotesquely inappropriate in developing countries. Richard Barnet and Ronald Muller in Global Reach cite cases of Latin American peasant farmers selling their meager supply of eggs in order to buy coca-cola—while their own children suffer from malnutrition. Similar instances can be cited in connection with the marketing of products such as cosmetics, drugs, and luxury foods.

Many multinational corporations have sales greater than the gross national products of the developing countries within which they operate. They often have monopolies over forms of technology through patent restrictions and frequently enjoy tax benefits from their base country and often from host countries as well. Transfer buying and selling between subsidiaries of a parent company can hide a full accounting of profits and losses from the public. Most developing countries find themselves unequal partners of the MNCs, unable to exercise control over multinational investment and its many effects on their societies.

It is not necessary to conclude that MNCs are inherently evil or somehow constitutionally opposed to the development of the Third World. With very rare exceptions, businesses exist in order to make profits, not to pursue social goals. Some companies undoubtedly prefer to be socially beneficial whenever they can do so and still make a profit. Others apparently have less concern for society as a whole. While some MNCs may be of help to some developing countries, particularly to those with sufficient economic and political strength to enter joint ventures as the equals of the powerful corporations, it should never again be assumed that private investment automatically serves development along "New Directions" lines.[8]

The Taskforce therefore recommends that Congress mandate a thoroughgoing and critical interagency evaluation of the actual and potential roles of private investment (especially U.S.-based) in developing countries.

THE U.S. EXPORT-IMPORT BANK

Similarly, the role of the U.S. Export-Import Bank (Eximbank) should be thoroughly reviewed. Eximbank provides financing through direct loans, guarantees, and insurance programs to U.S. and foreign businesses and to foreign governments in order to facilitate the exporting of U.S. goods. Loans are made at or close to commercial rates, although a concessional element is sometimes added through somewhat lowered interest rates or the extension of "grace periods" before loan repayments are required. While not generally considered a foreign assistance program, Eximbank is funded under foreign assistance appropriations legislation and is treated as such in some governmental discussions. Eximbank financing for developing countries amounting to $5.1 billion was authorized in FY 76—far more than the total of U.S. bilateral and multilateral official development assistance in recent years. Dollar flows of this magnitude clearly have a significant impact on development planning in the LDCs, an impact which could be assessed as part of the recommended study.

THE OVERSEAS PRIVATE INVESTMENT CORPORATION (OPIC)

OPIC was created in 1969 under the Foreign Assistance Act as a separate agency to "mobilize and facilitate the participation of United States private capital and skills in the economic and social development of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States." OPIC insures the investments of U.S.-based multinational businesses against the risks of currency inconvertibility, expropriation, war, revolution and insurrection, and also maintains a very small program of direct lending and loan guarantees aimed at facilitating investment in economically risky developing country situations.

OPIC's legislative mandate is to "encourage and support only those private investments in less developed friendly countries and areas which are sensitive and responsive to the special needs and requirements of their economies, and which contribute to the social and economic development of their peoples." In practice, however, OPIC has written insurance for projects such as the Habitation Leclerc Hotel in Haiti, where $150 per day room charges contrast starkly with average Haitian per capita income levels of less than $150 per year. OPIC insurance has also covered ITT Sheraton hotels in India, Brazil, and Taiwan, and a gaming lodge in Kenya owned by Chase International.

OPIC is also mandated "to give preferential consideration" in writing insurance and extending financing to "investment projects involving businesses of not more than $2,500,000 net worth or with not more than $7,500,000 in total assets." In 1974, however, more than three-fourths of all OPIC insurance was covering corporations on Fortune Magazine's list of the largest 500 companies and banks on Fortune's list of the 50 largest.

A 1974 Senate Foreign Relations Committee report stated "we cannot conclude that the OPIC investment insurance program is justified on the grounds that it is an aid to development of the poorer countries. Rather, the program is used by American corporations as an insurance program which lowers their risk against adverse political events in less developed countries." Referring to a General Accounting Office statistical study done for the Foreign Relations Committee, the report observed that according to criteria introduced by OPIC itself, "50 percent of the OPIC insured investment projects were rated adverse by GAO with respect to their impact on local LDC capital mobilization (equity participation by local capital); 27 percent of the projects were rated adverse with respect to their effect on local LDC suppliers or down stream industries; and 27 percent of the projects were rated adverse with respect to their effect on local LDC employment and skill creation. Most of the rest of the projects had only slight positive impact on these areas."

Portions of OPIC's very small program of direct lending and loan guarantees may conceivably serve developmental purposes. If they can be clearly shown to do so, they should be transferred to AID and monitored closely in the future. Meanwhile, OPIC's authorization should be allowed to expire in 1977, since its operations are not in keeping with the New Directions approach to development policy of the U.S. and small business people.

AID'S "PARTNERSHIP" WITH AGRIBUSINESS

Early in 1976 AID announced a new "partnership" with U.S. agribusiness, aimed at helping to "solve the food production and distribution problems in developing countries while creating job opportunities for the rural poor." AID's 1977 Congressional Presentation, observing that "Small-scale and large-scale agribusiness firms can bring unique technical and management skills to bear at bottlenecks at all phases of the food production and marketing cycle," notes that "AID is expanding its efforts to involve U.S. agribusiness in development programs and strengthen local private sector agribusiness in developing countries."

AID's main experience at the field level with agribusiness has come through the Latin American Agribusiness Development Corporation (LAAD), which involves some of the largest U.S. agribusiness companies such as Cargill, John Deere, Gerber, Ralston Purina, and the Chase Manhattan Bank in joint ventures with Latin American agribusiness. Whereas the New Directions mandate calls for priority attention for channeling development assistance to meet basic human needs and involving the poor in development, LAAD appears to have had different effects. A 1974 AID-financed evaluation of four years' work by AID's model project found that "the direct effect upon domestic consumption by LAAD appears to be slight because the bulk of the product lines handled are either destined for upper middle, upper class consumption or for export . . . The effect made on small farmers and cooperatives to date has been nearly nil."

In the view of the Taskforce, AID's increased emphasis on a "partnership" relationship with U.S. business and especially with U.S. agribusiness should be continued only to the extent that it is compatible with AID's "New Directions" mandate. In fact, we question whether the concept of "partnership" is appropriate. As an alternative, we would suggest an emphasis on mutual cooperation involving the selective use of American farmers and small business people (including those in agriculture-related fields) as consultants, matching appropriate U.S. skills with specific, known needs of small farmers and entrepreneurs in developing countries.

11. U.S. Private and Voluntary Organizations—

The Taskforce recommends that the Congress incorporate into the Foreign Assistance Act policy language recognizing and facilitating an expanded role for U.S. PVOs in broad partnership with the U.S. government.

The overseas work of U.S. private and voluntary organizations (PVOs)—traditionally in relief and increasingly in development—has been broadly supported by the American people and widely acclaimed by independent observers. PVO programs are generally credited with providing a direct people to people approach aid, with reaching needy people otherwise not touched by the efforts of governments and international agencies, with creative uses of appropriate technology, and with low administrative expenses. PVOs have, by and large, cultivated and maintained the trust of their contributors, who have expanded substantially the level of their contributions in recent years in response to hunger and other crises.

Congress at the same time has given increasing support to the activities of U.S. PVOs, although a broad partnership role with the U.S. government for such organizations has yet to be addressed in the Foreign Assist-

Footnotes at end of article.

ance Act as a matter of development assistance policy. Traditionally, AID has provided PVOs with reimbursement for certain ocean freight expenditures for shipping materiel to programs overseas, made available to PVOs food commodities under the grant programs of Title II of PL 480, and entered into certain other grants and contracts. Recent financial grants have assisted PVO administration and training and overseas program operations. However, difficulties in working relationships and differences in policy matters between AID and PVOs still remain, and the broad supportiveness, flexibility, and "facilitation-without-strings" which characterize the relationships between other governments such as Canada and Sweden and their PVOs is largely absent from the U.S. scene.

The 94 PVOs registered with AID's Advisory Committee on Voluntary Aid recently reported income for a recent twelve-month period of $951 million. Of this, $597 million came from private contributions in cash and kind, $354 million from U.S. government support of the above sorts. These agencies carried out in more than one hundred countries programs of emergency relief to victims of natural and other disasters and of development in fields such as agriculture, health and family planning, education, and housing. Unlike its low rank among the industrialized nations in its expenditures on official development assistance as a percentage of GNP, the U.S. in the annual per capita private contributions of its citizens as a function of GNP stands near the top of the list of donor countries.

In light of the above considerations, the Taskforce urges Congress to facilitate an expanded role for U.S. PVO's in broad partnership with the government. In such a partnership role, PVO's while subject to reasonable accountability for their use of government funds, should in their operations enjoy maximum feasible autonomy from the U.S. government. Moreover, PVO's, though supported in part by government funds, should not be considered by the Congress or the Executive Branch as an overseas arm of U.S. foreign policy.

CONCLUSION

Over two years ago, representatives of 130 nations, meeting at the World Food Conference in Rome, committed themselves to bring about by 1985 a world in which "no child will go to bed hungry, . . . no family will fear for its next day's bread, and . . . no human being's future and capacity will be stunted by malnutrition."

We urge you to establish an international development assistance policy that, sensitive to the claims of justice and compassion, will move us toward that goal of a hunger- and malnutrition-free world.

FOOTNOTES

[1] The value of the P.L. 480 program increased from $972 million in FY 74 to an estimated $1.337 billion in FY 77.

[2] See Appendix.

[3] The developers of each list acknowledged the imprecision of the groupings they have created. The imprecision results from the sketchiness of the data in many developing countries, the inequalities of income which per capita averages do not take into account, differentials of purchasing power and inflation in various nations, and most importantly, the frequently indirect correlation between economic data and quality of life indicators such as literacy, health care, housing, and nutrition.

[4] Had a needs-oriented allocations process been followed by U.S. aid administrators in recent years, Vietnam and Laos would doubtless have qualified for post-war reconstruction and, the nations of the Sahel would have received more substantial amounts, and Mozambique would probably have continued to be a recipient of U.S. bilateral economic assistance.

[5] Two U.S.-based powdered baby milk manufacturing companies recently announced, in response to shareholder resolutions introduced by church groups, that they would cease certain advertising practices and otherwise sharply modify their marketing activities in the developing countries. Other shareholder resolutions and at least one court case brought by church groups relating to infant formula marketing abroad remain pending.

[6] Our attention here is directed toward purchases in developing countries themselves with U.S. aid funds. Under current practices, U.S. development *loans* allow for purchases in developing countries themselves, although procurement procedures give a clear advantage to U.S. suppliers. U.S. development *grants*, on the other hand, are strictly tied to U.S. procurement. We note in passing the announced intention of the U.S. government to negotiate the "reciprocal untying" of aid with other *developed* countries to enable purhases in those countries with U.S. aid funds. This promises to enhance the purchasing power of current U.S. expenditures, but does not address the need for increased purchases in *developing* countries themselves to which we refer above.

[7] The term "multi-national corporation (MNC) has no single agreed-upon meaning. MNCs are sometimes defined as inclusive of those companies with (1) yearly sales of at least $100 million, (2) operations in at least 6 countries, and (3) overseas subsidiaries which together make up at least 20 percent of total annual accounts. The U.N., on the other hand, defines MNCs or "transnational corporations" (TNC as any enterprise active in production or in services outside of its base-country's borders, regardless of scale and even apart from the question of private or state ownership of a given company.

[8] Unfortunately, much less attention has been given (by both advocates and opponents of private investment) to the actual and potential effects of small-scale private investment, both local and foreign, in the developing countries. We see this type of investment as generally offering greater potential benefits for developing countries pursuing an equity-oriented growth strategy, although we would again caution against an unexamined presumption of beneficial results.

APPENDIX

NET FLOW OF OFFICIAL DEVELOPMENT ASSISTANCE (ODA) FROM DAC COUNTRIES AS A PERCENTAGE OF GROSS NATIONAL PRODUCT, 1960, 1970, AND 1975–80

	1960	1970	1975	1976 [1]	1977 [1]	1978 [1]	1979 [1]	1980 [1]
Australia	0.38	0.59	0.61	0.55	0.56	0.57	0.57	0.58
Austria	NA	.07	.17	.16	.16	.17	.17	.18
Belgium	.88	.46	.59	.57	.61	.64	.65	.68
Canada	.19	.42	.58	.58	.61	.65	.68	.70
Denmark	.09	.38	.58	.62	.64	.67	.70	.70
Finland	[2] NA	.07	.19	.20	.22	.24	.27	.29
France	1.38	.66	.62	.61	.59	.60	.61	.62
Germany	.31	.32	.40	.32	.29	.28	.27	.26
Italy	.22	.16	.12	.11	.12	.12	.12	.12
Japan	.24	.23	.24	.23	.22	.22	.21	.20
Netherlands	.31	.61	.75	.85	.88	.89	.88	.88
New Zealand	[3] NA	.23	.52	.42	.41	.44	.46	.47
Norway	.11	.32	.66	.74	.86	.96	.97	.97
Portugal [4]	1.45	.67	NA	NA	NA	NA	NA	NA
Sweden	.05	.38	.82	.86	.89	.92	.96	1.00
Switzerland	.04	.15	.19	.16	.15	.14	.14	.14
United Kingdom	.56	.37	.39	.37	.37	.39	.40	.41
United States [5]	.53	.31	.27	.26	.24	.23	.22	.21
DAC total (billions of dollars):								
ODA:								
Current prices	4.6	6.8	13.6	14.6	16.2	18.3	20.5	22.8
1975 prices	11.0	11.5	13.6	13.6	14.1	14.6	15.3	15.9
GNP: Current prices	900	2,000	3,800	4,200	4,800	5,500	6,200	6,900
ODA as percent of GNP	0.52	0.34	0.36	0.35	0.34	0.34	0.33	0.33

[1] Estimate.
[2] Finland became a member of DAC in 1975; ODA figures for 1960 are not available.
[3] New Zealand became a member of DAC in 1973; ODA figures for 1960 are not available.
[4] Portugal withdrew from DAC in October 1974; figures later than 1973 are not available.
[5] U.S. ODA amounted to 2.79 percent of GNP at the beginning of the Marshall plan in 1949.

Note: Countries included are (or were) members of the OECD Development Assistance Committee and account for 80 percent of the world's total concessional aid (ODA). Figures for 1975 and earlier years are based on actual data. Those for 1976–80 are based on OECD and World Bank estimates of growth of GNP, on information about budget appropriations for aid, and on aid policy statements by governments. They are projections—not predictions—of what will occur unless action not now planned takes place.

Sources: Adapted from Robert S. McNamara, "Address to the Board of Governors," Manila, Philippines, Oct. 4, 1976 (Washington, D.C.: World Bank, 1976), p. 40, and Report by the Chairman of the Development Assistance Committee, "Development Cooperation, 1976 Review" (Paris: OECD, 1976), table 2. From "The United States and World Development: Agenda 1977," by John W. Sewell and the staff of the Overseas Development Council, New York, 1977.

THE ROAD IS PAVED WITH GOOD INTENTIONS

Mr. GARN. Mr. President, recently, at Brigham Young University in Provo, Utah, former Congresswoman Edith Green presented an enlightening speech entitled "The Road Is Paved With Good Intentions." In this speech she addresses the effects Government regulations have on our lives and states that while most regulations are well intended the results are oftentimes disastrous.

How many times have we as Members of Congress worked long and hard on a bill and thought the intent was clear only to witness the lack of commonsense involved in administering the law and oftentimes total distortion by regulations of the original purpose and intent of the bill? As author of title IX of the Higher Education Act, Mrs. Green knows only too well how this can happen.

As she points out:

Good intentions are fine but what happens in the local print shop, the local university, the local bus station will determine the degree of confidence people have in their government.

Mr. President, I ask unanimous consent that Mrs. Green's comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

THE ROAD IS PAVED WITH GOOD INTENTIONS

(By Mrs. Edith Green)

It has been almost 20 years since I made my first visit to Salt Lake City. Sputnik had gone into orbit and there was great concern about American education. Were we producing enough scientists, enough engineers, enough technicians so that we could maintain superiority over the Russians? How many of our Ambassadors and foreign service personnel could speak the language of the country to which they were being sent?

Out of this was born the National Defense Education Act of 1958. The word "Defense" was carefully included because otherwise there would not be enough votes to insure approval by the Congress. This was the first major education bill affecting colleges and universities since the Land-Grant College Act signed by Abraham Lincoln.

The American public and Congress were rightfully concerned about the quality of education, about the small percentage of male high school graduates who were going on to college, about the still smaller percentage of female high school graduates who were being admitted to universities, about the concentration of Negroes in the all-black colleges of the South, yes and about the black maid with tired feet who defied orders and tradition and who dared sit in the front of that bus in Selma, Alabama.

Out of these honest concerns came the National Defense Eucation Act, the Higher Education Facilities Act to build college libraries and science buildings, the Civil Rights Act of 1964, the Health Personnel Act to train more doctors and nurses, the Housing Act to provide dormitories, the Higher Education Act of 1972 with its controversial IX and the Occupational and Safety Health Act to protect the safety and health of some 60 million workers.

The intentions were noble—to improve the quality of education and to provide equality of opportunity for every young person who really wanted an education regardless of race, color, creed, or sex. Many of the intended goals were achieved. College enrollments did increase dramatically in the 60's; between 1955 and 1965 the number of high school graduates going to college increased 110 percent; women and blacks were being admitted to study at some of the best universities; quotas were being abolished; professions historically closed to most women and most blacks were searching for qualified applicants.

But what also has happened that would cause university presidents to say to the Office of Education in our Nation's Capital that the "road to hell is paved with good intentions—but this is what is happening on our campus!"

The faculty and students at Brigham Young do not need to be reminded of the courageous action of your Board of Trustees and President Oaks in objecting to certain HEW regulations attached to Title IX. I applaud their action. Little Hillsdale College in Michigan joins Brigham Young when it declares "We will comply with some of the Title IX regulations as put forth by HEW."

President McGill of Columbia University complains that the only voice the university hears is that of junior officials from EEOC on the HEW Civil Rights Office who have the power to bring harassing suits. A month ago, Oregon colleges opened fire on Congress and the Veterans Administration over a new order requiring colleges to keep detailed records of Veterans enrolled in each course of study. HEW backed down.

A syndicated columnist writes about the giant bureaucracy connected with Higher Education: "It seems to be exercising the arrogance of officialdom which Cicero once described in ancient Rome."

A small business man in Pocatello, Idaho defied a Federal Inspector of OSHA (Occupational Health and Safety Act) and took his case to court. A three judge panel upheld the business man's position in a strongly worded decree. The United States Supreme Court carefully side-stepped the DeFunis case, but other cases are on the way up on reverse discrimination.

What has happened to our good intentions? First, explosion of paper work. There is much talk about the scientific explosion, the knowledge explosion, but the paper explosion is horrendous. Each new law, each new regulation increases the volume. Senate subcommittee estimated that it costs Uncle Sam about $16 billion a year to "print, shuffle and store" all of the forms, papers that business (including universities) must fill out. It costs business men another $18 billion to get the forms filled out. Head of the National Archives office estimated the guess was conservative. He reported that in one year paper work sufficient to fill more than 35 box cars.

Then in the ever present Bureaucracy, a Federal Agency consists of an upper echelon of political appointees cabinet-sub-cabinet positions. Traditionally, their life-spans in office are very short. Then there is a vast underlay of permanent civil service personnel known as the "Feds." The top people rarely get a chance to get a real grasp on the Agency before moving on. As a result the lower level bureaucracy runs the show. In practice this means that regulations and guidelines are issued, laws are interpreted, contracts are let by 3rd, 4th, and 7th ranking officials who too often are immune to constituency complaints. In fact Civil Service manages to protect all who come within their purview—from any serious restraints on their freedom, except in rare cases of malfeasance.

Let's examine briefly just two laws Congress passed. The passage of OSHA (Occupational Safety and Health Act) was accompanied with great hopes that through a coordinated effort and firm but fair enforcement of procedures, we could begin a meaningful attack on the 14,000 deaths, the more than 2 million disabling injuries and the hundreds of thousands of occupational illnesses that occur in the work place each year—including university campuses.

The legislation had hardly been enacted when complaints began crackling over Congress like a summer electrical storm and its thunder reached such proportions that both the House and the Senate slashed the operating budget of the new Safety Agency.

The law was put into effect in April 1971. One month later a special edition of the Federal Register was published containing 250 pages of safety and health standards. Seven pages dealt with the use of step-ladders alone; such erudite warnings that one could be injured more severely if he fell off the top than from the bottom step. Senator Curtis asked the Library of Congress to provide a copy of all the standards and codes which the Occupational Safety and Health Act had blanketed into law. Three days later, the Library advised that it was a monumental undertaking which would require the cooperation of the Department of Labor. Senator Curtis found that the documents made a stack 17 feet high. It would cost a business man $4000.00 to buy all of the publications that had been incorporated into the law.

The consensus codes of the construction and industrial groups—developed over the years were incorporated and became Federal law. Although many of these "consensus" codes had been in existence for years, most people were, more often than not, completely unaware of their existence. They had been guides, recommendations adopted at different times by industries, but not mandatory. Suddenly—without review, these codes became law.

Some of the now famous and ludicrous examples stemming from OSHA are attributable to this factor. The "ice water fiasco" is one of the most notorious. An OSHA regulation stated that "ice shall not come into direct contact with water it is cooling." Fines were levied against some who were found to have ice in their ice water! This regulation was an archaic throwback to the days when the ice industry cut ice out of lakes in winter and stored the blocks for summer use. It was in an old consensus standard, picked up and incorporated into OSHA regulations without review. Finally, finally OSHA published standards which provided that ice used in ice water must be free from contamination.

One Navajo Indian found himself in violation because he had to have a phone—one outside and one inside the mine—even though he operated the mine alone and there would have been no one to answer the phone at the other end—had it been installed. He also had to have a stretcher, so, if he is hurt, someone would carry him out—but, again he was the only one there.

Uniform requirements regardless of local conditions, unseasonable regulation can only breed disrespect. Regretfully, while Congress can write our common concerns into legislation, we cannot legislate the uncommon gift of common sense needed to administer laws intelligently. What can be even more disconcerting to a legislator, is to see regulations issued for a program which totally distort the original purpose and intent.

Certainly it was not the intent of the Civil Rights legislation to bring about reverse discrimination. Yet this is precisely what has happened in many cases. The DeFunis case being the best known. Yes, in Portland, a ship conversion plant, for example, employed 15 percent minority workers—a considerably higher percentage than in the state itself. Inspectors from San Francisco, however, said they must have at least 15 percent in each department; 15 percent secretaries—carpenters, welders, etc. They had only two secretaries and one bookkeeper, but before they could hire any more whites, 15 percent of the two secretaries and one bookkeeper must be minority people. Qualified black welders were not available. This did not discourage the Federal Administrators—they said black welders could be imported from Chicago and other areas. Local qualified white welders could not be hired until the 15-percent quota was met. Yet—nowhere in the Civil Rights legislation is such shuffling of population to meet artificial quotas suggested.

In 1972, when we enacted the Higher Education Act—including Title IX—to end discrimination against women, we ought to be exceedingly explicit so that the establishment of quotas would be prohibited. I was surprised and dismayed when complaints from colleges and universities came in stating that the Department of Labor was requiring them to meet quotas. Some institutions complained that, under Labor Department restrictions, they would not be able to hire a white male faculty member until the year 2000. I consider the rhetoric of some in saying, "We don't require quotas—we require goals"—as nothing more than a game of semantics!

For years I participated in the great national struggle against discrimination—both discrimination on the basis of race and discrimination on the basis of sex. One of the ugliest aspects of discrimination was always the "quota system"—quotas limiting women, blacks, HEW's, persons of Irish descent—and on and on.

As I watched it over the years, quotas rep-

resented the crudest form of mindless inequality, because that meant that an important decision was being made not on merit—but on some blatantly unfair, irrelevant criterion.

I find it hard to understand the reasoning that now leads well intentioned people, in simplistic zeal, to institute reverse quotas. Do they believe that one injustice deserves another? Is the basis of judgment to be "merit" or some strict ethnic or sex formula?

Will we need to parcel out all opportunities to so many people aged 20 to 30, so many aged 30 to 40, etc. so many Protestants, so many Mormons, so many Catholics, so many Jews—and so on without end? Is this what democracy has come to mean? Can there be opportunity or hope in such a rigid system? Often people argue that this is the only way to redress evils that have lasted hundreds of years: because my grandmother was considered almost as chattel—because my grandmother did not have the educational opportunities her brothers had—because she could not own or sell property (even property she inherited)—because she was never allowed to vote—am I, her granddaughter, to be given preferential treatment to supposedly redress the grievances of the past? I think not.

During my life, I would only have liked equal treatment, I do not believe it is just, nor fair, nor indeed wise for this generation to try to design a social system based on the mistakes—the injustices practiced by our forefathers. I do not believe this is the best way to launch a more just world of the future.

I have never believed that race, sex, religion, or national origin are valid criteria for either "favorable" or "unfavorable" treatment. This is one reason why I have been opposed to programs which give an advantage in job consideration and promotion to members of those groups who have suffered historic discrimination. As a woman I am a member of one of those groups and keenly aware of the injustices which exist—and I could recite by chapter and verse personal experiences to document the case.

Nevertheless, I reject the thesis that reverse discrimination is therefore justified. When Congress passed the Civil Rights Act in 1964, the purpose was to end discrimination on the basis of race, color, creed, national origin, or sex. It was not designed to replace one injustice with another. One of the most damaging things about prejudice, in my view, is that it gives primary value to a group characteristic rather than recognizing the unique individuality of each human being. It does not matter whether this discrimination works in the person's favor or against him. What he or she still loses is the irreplaceable privilege of being looked upon as an individual rather than an anonymous face in the crowd.

As I see it—only genuinely equal opportunity—containing neither advantage nor disadvantage can provide this.

This is what Title IX was all about—equality of opportunity. It was designed to end discrimination on the basis of sex—in admission standards to undergraduate or graduate schools. It was designed to end discrimination in pay. If a female faculty member had the same professional training—the same experience, the same responsibilities as a male professor then she should be paid the same salary. Title IX was designed to provide equal opportunities for disadvantaged young girls in the Job Corps and other federally financed educational programs. Title IX was not designed to do away with intercollegiate sports. Title IX was not designed to force the integration by sex, of every physical education class in the country. Title IX was not designed to do away with all male choirs, father-son or mother-daughter banquets—or to require the integration by sex of boy scouts, girl scouts, campfire girls, Y.M.C.A.'s, Y.W.C.A.'s—sororities, fraternities.

In each one of these instances—the regulation grew out of the fertile imaginative brain of someone in the administrative branch of the government—and in each instance either the Congress had to pass a specific law prohibiting such action—or the President of the United States had to issue an Executive order to stop the nonsense.

There is nothing timeless nor sacrosanct about local control of education—but there is theoretical sense and good common horse sense in recognizing that all initiative and all wisdom does not somehow automatically flow to and collect on the banks of the Potomac—there to be gathered and redistributed as gifts of the all-seeing, all-knowing Federal government. I suggest the new administration could make a tremendous contribution—perform a valuable service—if in its new reorganization plans, it pass this word down to the thousands of Federal employees who spend their days and their hours drawing up new rules—new regulations.

Good intentions are fine—but what happens in the local paint shop, the local university, the local bus station will determine the degree of confidence people have in their government.

PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask unanimous consent to have printed in the RECORD the notification I have just received.

There being no objection, the notification was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 30, 1977.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal N. 77-19, concerning the Department of the Navy's proposed Letter of Offer to Norway for anti-submarine patrol aircraft estimated to cost $21.7 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,
Lieutenant General, USAF, Director, Defense Security Assistance Agency, and Deputy Assistant Secretary, (ISA), Security Assistant.

TRANSMITTAL NO. 77-19

(Notice of proposed issuance of letter of offer pursuant to section 36(b) of the Arms Export Control Act.)

(i) Prospective Purchaser: Norway.

(ii) Estimated Values: (1) Major defense equip., $17.9; (2) Others, 3.8; Total $21.7.

(iii) Description of Articles or Services Offered: Three (3) P-3B anti-submarine patrol aircraft.

(iv) Military Department: Navy.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: March 30, 1977.

FOOD ADDITIVE SAFETY AMENDMENTS OF 1977

Mr. BARTLETT. Mr. President, I am pleased to join as a cosponsor of S. 1046, introduced by Senator SCHWEIKER for himself and Senators HELMS, DALE, HATFIELD, and RANDOLPH. This bill, the Food Additive Safety Amendments of 1977, would reform and make more realistic the law regulating the availability of certain food additives such as saccharin.

The Food and Drug Administration's proposed ban on the use of saccharin points out clearly the deficiencies in the existing law. The present law, in the provision popularly known as the Delaney clause, mandates that any food additive be banned which "is found to induce cancer when ingested by man or animal." The law permits no exceptions and provides for no discretion in the Food and Drug Administration.

Certainly I have as much concern as anyone with the dangers of food additives that might cause cancer. But the present law, which wholly ignores the counterbalancing benefits of a particular additive, is a meat-axe approach to the problem which can result in ridiculous results such as the saccharin ban.

The FDA's ban of saccharin was based on a Canadian study which showed that saccharin, taken in massive quantities, may cause cancer in rats. The amount given the rats was the equivalent of the amount a person would get from drinking 800 12-ounce cans of diet soft drink every day for the rest of his life. Even given the differences in metabolic rates and lifespan between humans and rats, that sort of test obviously proves nothing. Taken in those quantities, anything from apples to drinking water might cause cancer.

Dr. Sherwin Gardner, Acting Commissioner of the Food and Drug Administration, recently acknowledged before a congressional committee that—

> We have no evidence that saccharin has ever caused cancer in human beings. . . .

And yet, present law requires that saccharin be banned.

I suppose one solution to this problem would be to write a law requiring, as one Member of the House suggested, that saccharin products be labeled like cigarettes with this language: "Warning: The Canadian Government has determined that saccharin may be hazardous to your rat's health." But I think the approach of S. 1046 is better.

S. 1046 would provide that in determining whether a food additive should be banned, the benefits of it must be considered in addition to weighing its cancer-causing potential. The bill also provides for the continued availability of saccharin until the desirability of saccharin use could be analyzed and weighed under the new procedure.

The approach set out by the bill, unlike the present law, would take into account the needs of the millions of Americans who suffer from diabetes as well as those who might develop other health problems as a result of weight increases.

In sum, I think this bill strikes a reasonable balance between the assurance that Americans are not subjected to a substantial risk of cancer and the assurance that the ban of a product doesn't needlessly increase the risk of other health hazards. The bill is a cautious, reasoned approach to a difficult problem. I urge its adoption.

MODERN WAR TECHNOLOGY NECESSITATES A GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, for the past several years I have urged ratification of the Genocide Convention. The purpose of the treaty is to make the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group" an international crime.

Today the threat of genocide is greater than ever before. The numbers of people and conflicting beliefs continue to grow. The biggest and most frightening development, however, has been in the weapons of war. Modern technology has given us a wide array of techniques which make it easier than ever to selectively eliminate particular groups.

Biological warfare, particularly germ warfare, can be selectively targeted. In the French and Indian War, masses of Indians were purposely killed by giving them blankets infected with smallpox. The tragedy of this genocidal use of biological warfare is increased when we consider the many other tactics available to make genocide an easy feat. Chemical warfare and nuclear warfare are grave tools of war. We cannot forget the instant destruction of Hiroshima and Nagasaki. Add to these methods of warfare conventional weaponry, which Hitler proved unquestionably effective in wiping out millions of innocent people.

It is obvious that the world's rapidly advancing war technology compels us to act. We have no hesitancy about working from the strategic end—the SALT talks. Why then are we so hesitant to condemn the actions which would make use of it? The Genocide Convention is a treaty which gets at the core of the issue; it condemns genocide and genocidal attempts and morally obligates those who sign it to do all they can to prevent these heinous murders. The United States has not done this. What must the rest of the world think of us?

Mr. President, 82 other countries have ratified the Genocide Convention because they know it is a valuable foundation for international harmony, an expression of international morality we all can, and must, share in order to survive.

WHEN SUNSHINE CAUSES SUNBURN

Mr. DOLE. Mr. President, like most other Members of the Senate, I voted last year for the freedom of information amendment to the Government in the Sunshine Act of 1976. I did so, however, with definite reservations—some of which I expressed at the time.

After all, who can oppose open government, openly conducted, in favor of closed government, secretly conducted? Who can favor darkness over daylight or shadow over sunlight as the conditions under which a free society should operate?

"Let the sun shine in," we say, and let there be free access to government information for every citizen. To argue otherwise would be bad enough; to vote otherwise would be akin to opposing motherhood and apple pie.

But as I said, before I cast my affirmative votes for the FOIA amendment and the Sunshine Act itself I cautioned my colleagues of the potential for abuse and injustice inherent within each. It now appears from a gesture of "compliance" which has crowded the headlines over the past 2 weeks that my concerns were well-founded.

I refer specifically to the release by HEW on March 14—in response to a number of Freedom of Information Act requests—of the names of physicians in solo practice, medical groups, and laboratories for whose services medicare allegedly paid $100,000 or more in 1975. It has taken until now to have some idea of the extent of personal damage done to a substantial number of America's doctors by that action, but whatever the final analysis might show, we know enough already to realize that indiscriminate doses of "sunshine" can often lead to "sunburn."

Incidentally, the interim regulation to implement those requests was not published in the Federal Register until 2 days after the date of release—which seems in itself to be jumping the gun a bit—but regardless, Secretary Califano apparently felt there was an immediate pressing need to "let the sun shine." In the process, as we have since witnessed, he watched the hide get fried off HEW's own Bureau of Health Insurance.

"Why?" or "Why not?" and "So what?" I was tempted to ask when the information was published naming 409 physicians; 1,752 groups; and 58 laboratories for whose services medicare paid the $100,000. After all, it was the intent of Congress that medicare cover the cost of physician services for our elderly. Should the press, therefore, conclude, or invite its audience to conclude, that payment of more than $100,000 is excessive, abusive, wasteful of the taxpayer's dollar, or dramatic evidence of a ripoff?

I personally tend to view such payments, unless given evidence to the contrary, as showing that a Government program is functioning as it was designed to function and providing the services it was intended to provide. Unfortunately, however, the release of data of this sort does nothing to reassure the American people of the program's effectiveness, especially when it has not been so interpreted by the press.

"HEW Releases Names of Doctors on Medicare Gravy Train," trumpeted the Fort Lauderdale Sun-Sentinal. And this more or less reflected the attitude initially taken by much of the media.

Few of the stories which reported on the HEW release, that is, bothered to explain that the figures cited were gross, not net, and that by no means did they represent what the doctor put away in his bank account until the IRS could get hold of him at tax time. Moreover, few stories mentioned that the dollar totals quoted included not only payments to the physician but payments made directly to the beneficiary in cases where they themselves were responsible for the doctor's bill.

In those latter instances, whatever the reimbursement should have been showed up in the HEW list as part of the total figure, even though it was a payment the doctor may never have received. But let me get down to specifics by citing some individual examples of error and misrepresentation which have been pointed out to me.

The first involved one of my physician constituents from Salina, Kans., Dr. John H. Schwartz, who was listed as a recipient of $135,066 in 1975. He protested in understandable indignation that the figure was somewhat inaccurate, since he had actually been reimbursed only $7,765 or some $127,300 less than claimed.

I thought at first that this was probably an exception—a simple oversight that had crept into an otherwise flawless computer masterwork—but later I read of a Kansas City physician, reported by HEW to be in solo practice, who was supposed to have received $280,712 from medicare. As it turned out, he was neither an officer nor a full member of a 60-physician group called Medical Associates Chartered—a corporation of the internal medicine department at the University of Kansas Medical School—yet was credited with its total billings and reimbursements.

The Associated Press wondered how and why such a thing could happen, and decided to ask the physician involved, Dr. Daniel Hinthorn, for an explanation. Dr. Hinthorn informed them that he had received no more than $1,000 and probably closer to $700 if the truth were known.

"I hate to have people think I'm getting wealthy off of poor people," Dr. Hinthorn told the AP. "Actually," he said, "I am not getting wealthy at all," adding that professors are paid about half or a third of what private physicians earn.

Dr. Roger E. Murken of Ames, Iowa, was listed as having received $702,453. He left the 44-physician McFarland Clinic in December of 1975 and is now practicing in Pomona, Calif., but the publication of his name and the vast amount of money he allegedly received have caused him, and his relatives in Ames, some serious headaches. It has also subjected them to considerable abuse, for his story was heavily publicized by the Iowa newspapers and the local segment of the Today show.

The doctor's parents and in-laws still living in Ames kept getting asked if the reason Dr. Murken had moved to California had been because "he made all that money on medicare patients." The fact is, Dr. Murken's gross receipts, as-

signed and unassigned were only between $15,000 and $20,000 during 1975.

The HEW regional director in Kansas City, who checked the figure at Dr. Murken's insistence, agreed that the $702,453 figure was completely in error. Dr. Murken felt obliged to point out that any physician in a town of 30,000 who made $702,453 in a single year of treating medicare patients would have to be the most shameless crook at large, and that the press should have at least consulted him before using a patently stupid figure.

"HEW put me to a lot of effort, cost me a small fortune in telephone calls, and forced me to take a lot of abuse," Dr. Murken said, "and I do not feel they should have the right and the power to do that." I agree with Dr. Murken, Mr. President. No agency of Government has the right, or should have the power, to do that.

The cases I have cited, however, are by no means isolated examples of bureaucratic error. Dr. John Chidlow of Shreveport, La., for example, who was said to have received $298,686, says that figure must have been what was paid to him and 18 other physicians with whom he works.

"I will be happy to forget the whole matter if Mr. Califano will send me the rest of the money I am supposed to have collected," Dr. Chidlow said helpfully.

A Michigan doctor, listed as having received $115,000, actually got $15,000. "My wife must think I have an apartment on the side and a mistress as well," he told the AP.

Dr. Ernest Watson of Elmhurst, Ill., was another listed as having received over $100,000 from medicare—specifically, $233,871. But Dr. Watson is a pediatrician—and baby specialists are not frequently sought out by persons 65 years of age or older. Dr. Watson is 76 years old and has been living in Arizona for the past 12 years. He is retired and, needless to say, practiced no medicine at all in 1975.

Mr. President, HEW's list of solo practitioners even included General Hospital in Detroit. I suppose someone at HEW must have thought that some physician named Dr. Hospital held a reserve rank in the armed services as a major general.

I could go on. I could recite cases where physicians have been besieged by crank calls and threats. I could describe instances in which their children are being taunted on the playground for having a cheat or a crook for a father.

There is still a different type of repercussion where this HEW release threatens a cut-back of medical school appropriations by the State legislature. And in at least one other case, philanthropic contributions to a hospital may be curtailed because it is allegedly getting rich on medicare.

These problems were caused by inexcusable and egregious errors in HEW reporting, Mr. President. They are in addition to the damage done to reputations, peace of mind, and domestic harmony.

But it is pointless to give the Senate a laundry list. It would be far too long and would do little to undo the damage already done by what must be one of the sloppiest pieces of bureaucratic shuffling in recent years.

As I said earlier, the HEW release listed 409 physicians, 1,752 groups, and 58 laboratories for whose services medicare paid $100,000 or more in 1975. The American Medical Association, understandably concerned over what it had learned to expect was another attempt to tarnish its profession, quickly came to the defense when it recognized from the lists that multiple inaccuracies existed.

It set out to interview, on a crash basis, those physicians listed as practicing alone, and during the limited time available reached 166 of the 409 doctors—approximately 40 percent—in 30 States and the District of Columbia. It is astonishing to learn, Mr. President, that fully 65.7 percent of the HEW figures checked were found to be incorrect.

The errors were generally of three kinds:

First. The solo practice designation was wrong, and the figure reported referred to a group practice;

Second. The amount listed as received by the physician was incorrect; or

Third. Both the designation and amount were in error.

Let me emphasize the degree of error: HEW was wrong in two out of three of its attempts to report factual statistical data. Of course, SSA has responded that the errors were "probably not of the magnitude stated by the AMA," but given the obvious hazards of guilt for the same malfeasance you are criticizing, I think we have to assume the AMA was pretty careful about its figures.

In all fairness, I suppose we cannot hold Secretary Califano personally responsible for the precipitous release, under his name, of March 14, for he is new to his job and doubtless unaccustomed to the bumbling vagaries of the Bureau of Health Insurance. But I would hope that this might motivate him to shake the Bureau up a bit, if for no other reason than because two out of three wrong is a failing mark even on a true or false test.

I notice from a New York Times story of last Saturday that the Social Security Administration expects to issue a corrected list of the now infamous "$100,000 club" in about 2 weeks—or a full month after the initial fiasco. That will hardly be a consolation or reassurance to us as Senators and taxpayers, however, who have learned through this experience that BHI only knows where our money goes 30 percent of the time.

Mr. President, if this unfortunate action on the part of HEW should somehow result in making the press more responsible in its reporting of Government information about private individuals, then I suppose the whole sad affair will have been worth the hardship it has caused. Happily, I add, not all the press rose to this HEW release like young trout to a fly, but rather checked before they wrote—and have since even come to the defense of those who were aggrieved. For that we should be grateful

If there is no objection, Mr. President, I ask unanimous consent to have printed in the RECORD just a few such editorials which appeared in the Salina Journal; the Wichita Eagle; and the Washington Star, as well as stories by the National Observer, Chicago Tribune, and Associated Press. Together they demonstrate that sometimes, at least, the Sun does shine in.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Salina (Kans.) Journal, Mar. 17, 1977]

PROFITEERING?

The American public seems to have a peculiar love-hate view of its doctors.

We love, respect, admire, obey and trust our own personal physicians.

But we are fed a diet of TV "exposes" featuring malingering doctors. And so, when HEW or some other federal agency releases figures claiming that "X" number of doctors have made more than $100,000 in a year on Medicaid or Medicare charges, the suspicion of profiteering comes to some of us.

That's a shame.

Granted, there are undoubtedly a few bad apples in the barrel but most doctors are honest, hardworking and capable.

There are at least 3 reasons why some doctors do make substantial money in the Medicare field:

1. They're willing to put up with an aged class of clientele and the vast paperwork involved, while many of their peers would rather not bother. In fact, a doctor can make more money with less work by dealing with middle-income and wealthy patients.

2. They, themselves, are superefficient or have efficient staffs which can handle a large Medicare volume.

3. They're specializing in a medical field, such as urology, where many of the patients are elderly and are apt to be on Medicare.

Anyway, what's so bad about a doctor getting wealthy?

In what other profession does a person have to spend the best years of his life, and a lot of money, just preparing himself for it?

What other profession holds our lives in its hands?

What other professions (there are a few, but very few) demand such skill, such dedication, such long and bizarre hours, such emotional expenditures?

Most doctors deserve all the monetary rewards, that come their way.

As for HEW, you can't always believe its reports. Judging by at least one Salina doctor's experience and the number of complaints pouring into Washington from all over the nation, its latest report this week on doctors' incomes was full of fantastically inflated errors.

There apparently are some bad or inefficient apples in HEW, too, or some mighty dumb computers.

[From the Wichita (Kans.) Eagle, Mar. 17, 1977]

WHAT IS PROVED?

What, if anything, is proved by the fact that eight medical groups and two other Wichita physicians collected more than $100,000 each from Medicare in 1975?

Maybe that Wichita is a health care center whose medical specialists and the other doctors involved in this largest city in Kansas work hard.

St. Louis has 16 listings, for whatever that may mean.

It is unfortunate that because the program designed to look after the medical needs of the elderly and the chronically ill is federally run and federally financed in part, those who provide the health care seem automatically open to suspicious scrutiny.

Six-figure earnings by professional athletes are quite routine—d'ya expect those guys to perform for nothing?—but when it becomes known that a doctor may have prospered treating Medicare patients, suspicions sprout.

That and the intricacies of federal regulations make it easy to understand why occasionally doctors and hospitals balk at participation in programs where federal money is involved.

Take, for instance, the situation involving the Sedgwick County Mental Health department and two hospitals to which it has been referring patients. Now the hospitals say they will not renew contracts with the department because a federal regulation limits charges to all county-referred patients whether the hospital bills are paid with public funds or not—thus, if a patient sent to the hospital by a county mental health clinic but able to pay his own hospital bill from private resources or with his own hospitalization insurance were billed the private patient rate, the hospital would have to rebate to the county any charges exceeding government allowed actual costs. That doesn't leave hospitals "growth" money.

Presumably there are opportunities for fraud any massive program in which public funding is involved and federal authorities must, of course, stay vigilant to detect and correct abuses.

But on the whole, the Medicare program is a worthwhile one and must not be ensnarled by controversy and red tape. Perhaps organizational changes ordered by Health-Education-Welfare Secretary Joseph Califano will help.

[From Washington Star, Mar. 27, 1977]

A SLOPPY PIECE OF WORK

That Medicare information put out a couple of weeks ago by the Department of Health, Education and Welfare (at the demand of several news organizations, including The Star) was darn startling.

It indicated that 409 physicians around the country received $100,000 or more dur-1976 from payments for Medicare patients. When that news hit the streets of Topeka, Peoria, Baltimore, Washington and a few hundred other places, the local citizenry was given the impression that the doctors were really cleaning up on Medicare payments.

But were they?

Perhaps some. But in response to complaints from outraged doctors, who in many instances had been badgered and sometimes called crooks by furious citizens, the American Medical Association undertook a study of the list. As of a few days ago, the AMA had checked 129 of the 409 and found a 70 per cent rate of error.

Some figures, according to AMA, were simply wrong. But the biggest error was the listing of physicians who are in group practice as solo practitioners. For example, a Kansas doctor, who is chief of a 20-member group practice, was listed as the recipient of $544,014 but says he was responsible for billings of only $12,522. An Oregon doctor, who is the salaried director of a hospital and has no private practice, was listed as receiving $103,686 which evidently went to the hospital.

The AMA's check included three District of Columbia physicians reported as receiving more than $100,000—Charles A. Hufnagel, John W. McTigue and George E. Schreiner—who were erroneously listed in the HEW release as solo practitioners when in fact they shared the proceeds with associates.

The figures sometimes are misleading in another respect. The HEW list includes payments to doctors as well as to patients, but patients don't always pay the doctor; sometimes they spend their Medicare reimbursements for something besides doctor bills.

The point is that raw statistics often can give someone a raw deal. In this instance, the error was compounded by the news media which in some cases didn't bother to go beyond the statistics in their first stories, and in other cases gave more prominence to the seemingly spectacular payments than to the explanation that the payments frequently didn't all go to one person.

Similar errors and misleading impressions, in approximately the same proportion, have been found by AMA in Medicaid payment lists released the past several years.

HEW produced the Medicare list to satisfy requests from the press under a Freedom of Information amendment to the Government in the Sunshine Act of 1976.

Now there is nothing wrong with government in the sunshine, so long as the sunshine lights up the entire picture. HEW has an obligation not to produce misleading or erroneous information. And news organizations have an obligation to go beyond raw statistics, particularly when we have initiated an inquiry.

Perhaps some doctors have abused the Medicare program, but it seems obvious that many who haven't were tarred with the same brush.

Dr. James H. Sammons, executive vice president of AMA, claims that the Medicare episode "has got to be the sloppiest performance in the history of American bureaucracy." Well, maybe not the sloppiest, but it certainly ranks high.

[From the National Observer, Mar. 26, 1977]

THE "RICH" MEDICARE DOCS: MISLEADING FIGURES

(By Lawrence Mosher)

During 1975 Dr. Charles D. Kelman, a New York City ophthalmologist, earned $412,757 for services paid by Medicare, the Federal health-care program for the elderly.

Chesapeake Physicians of Baltimore received $844,294 in Medicare payments that year. And in Zumbrota, Minn. (population 1,830), the Zumbrota Health Facility took in $22,293,171 from the Government.

All these revelations, and more, can be found in a half-inch thick list published last week by the Department of Health, Education, and Welfare. The disclosure, produced to satisfy requests under the Freedom of Information Act, provided the names and addresses of physicians, clinics and group practices, and laboratories that earned $100,000 or more in Medicare services for 1975.

However well-intentioned, the Federal disclosure contained enough errors and produced enough confusion to make officials at the Social Security Administration wish they had never heard of the law that led to publication of the list.

"GUILT BY INNUENDO"

Social Security spokesman reported that their Baltimore office was ringing with angry doctors calling to complain. One St. Louis doctor, they said, insisted he had been retired for 10 years. The American Medical Association criticized the disclosures as establishing "guilt by innuendo"; the AMA says the impression is created that doctors who receive large Medicare payments must somehow be doing something illegal.

Take the examples used in this story. They are deceptive unless fully explained, which often was not possible from the information given in the list. The Zumbrota Health Facility should have been listed as the Mayo Clinic, Rochester; Zumbrota is a town near Rochester. Chesapeake Physicians Professional Association numbers about 200 doctors, all practicing at Baltimore's City Hospital. Dr. Kelman employs a staff of two other ophthalmologists, four technicians, and four secretaries. He reports that his overhead costs exceed his Medicare payments. Such payments, he says, account for about 75 per cent of his total income.

A major cause of the confusion is the Social Security Administration's computerized billing system for Medicare. Group practices and clinics are often listed under one doctor's name without giving the other names. Although the Medicare list distinguished between "solo practitioners" and "group/clinics," some newspapers and reporting services apparently did not make this clear.

A NEW LIST

What affronted some physicians, however, was the disclosure itself. "They made it sound like the doctors were just pocketing the money," says Kelman. He received an American Academy of Achievement award in 1969 for developing an ultrasonic needle procedure for removing cataracts.

Kelman's surgical process, which he has taught to some 1,500 other ophthalmologists around the country, allows patients to go home the day after the operation. The standard operation requires an additional four days' hospitalization. Kelman figures he personally saves the Government $240,000 a year in unnecessary hospitalization costs.

By week's end the Social Security Administration said it was preparing a new list that it hopes would eliminate the errors. The disclosures, however, appear to be a new aspect of Medicare operation that physicians will have to live with.

[From the Chicago Tribune, Mar. 18, 1977]

HEW PAYMENTS LIST GETS "ZERO" FROM IRATE DOCTORS

(By Peter Rich)

Dr. Ernest Watson of Elmhurst was one of the Chicago area physicians listed by the Department of Health, Education, and Welfare as receiving more than $100,000 in payments from Medicare in 1975.

Specifically, the HEW list noted, Dr. Watson received $233,371.

A spoksman for the Illinois State Medical Society told The Tribune there are two strange things about that:

Dr. Watson is a pediatrician, a baby doctor. Since Medicare generally is for people over 65 years of age. Dr. Watson's patients wouldn't really qualify for it.

Dr. Watson is 76 years old, retired, and has been living in Arizona for the last 12 years. He did not practice medicine in 1975.

The above error is just one of many the ISMS has uncovered in the HEW list.

In fact, the spokesman said, "Every doctor we have contacted so far has ben listed erroneously."

The society put out a statement terming the HEW list "grossly inaccurate and a malicious distortion of the facts."

The spokesman listed some more interesting examples:

Dr. R. P. Foth of Aurora was listed as receiving $460,000 in Medicare payments in 1975. The business manager of the Dryer Clinic in Aurora, where Dr. Foth is located, estimates that Dr. Foth received approximately $35,000 in Medicare payments in 1975.

A Dr. C. A. Bayar of Chicago is listed as receiving $238,239 from Medicare in 1975. But Dr. Bayar died the previous year—1974.

A spokesman for the American Medical Society said his group is "doing a spot check with various medical societies to determine just what the error rate [in the HEW list] is."

"If it is anything like what it seems to be in Chicago and Illinois," he added, "this has got to be one of the sloppiest performances in the history of American bureaucracy.

"If the AMA were to put out data this inaccurate, the press would have us for breakfast, and properly so. I think HEW ought to be held similarly accountable."

Numerous Chicago area physicans on the HEW list have been calling The Tribune to complain that erroneuos amounts of Medicare payments were attributed to them.

Dr. Bipin Bhayani of Kankakee called to complain that whereas he had been listed

as receiving $160,533 in Medicare payments in 1975, he actually received only $45,917—and he sent a copy of his Form 1099-MED, filed with the IRS for 1975, which shows his "total medical and health care payments" to be the lower amount.

Dr. Edward Brunner, chairman of the department of anesthesiology at Northwestern University, McGaw Medical Center, called to complain that while a Dr. H. S. Holley is listed by HEW as receiving $108,221 in 1975, only $2,488 actually was collected in Dr. Holley's name, and the entire 20-physician anesthesia practice group at NU to which he belongs received only $29,590.

"The published data obviously are incorrect," Brunner noted.

Dr. Olaf S. Andersen of Elgin, who was listed as receiving $116,943, said his total billings for 1975 were about $80,000, and that Medicare was only a portion of that, "perhaps half, certainly no more than $60,000."

Moreover, he said, for six months of 1975 he was on the staff of the University of Illinois as a salaried employee.

Dr. George Olander of Highland Park, listed as receiving $101,538, told The Tribune he received no individual payments from Medicare, and that the sum listed went to a corporation of which he is a senior member, Surgeons Group, SC.

He sugegsted that the erroneous HEW listing may have resulted from Medicare officials' insistence on listing individual physicians rather than the groups to which they belong in their billing procedures.

In Washington, the government began checking for mistakes in the HEW list.

Since the list contained the names of 409 physicians, 1,752 groups, and 58 laboratories, such checking is expected to take some time.

A spokesman at the Social Security Administration office told The Tribune it will take me "about a week" before a revised corrected list is issued.

Michael Naver, a spokesman for the Baltimore Social Security office that issued the list, said that "in most cases it was just sloppy bookkeeping by insurance carriers or others." He said the agency sees no evidence that fraud was involved.

HEW acknowledged that it has received complaints from numerous doctors disputing their figures. A HEW spokesman said some of the doctors complain that payments listed to them were in fact total payments of fees to a group clinic for many physicians.

The executive vice president of the American Medical Association, Dr. James H. Sammons, said release of the names "serves only to badger a large segment of the profession and to establish guilt by innuendo."

He noted:

"There is something basically dishonest in the broadcast release of names of Medicare payments. The physicians are identified by HEW as individual recipients of Medicare funds whereas the payments often are for services provided by many others as well.

"Many of the physicians listed are hospital-based radiologists, pathologists, anesthesiologists, or heads of clinics. Such physicians usually have large staffs working under their direction."

The apparent errors were not confined to the Chicago area by any means.

An AMA spokesman said a Dr. Milton Hamolsky of Providence, R.I., was listed as receiving $307,452 in Medicare payments in 1975.

"He checked his records and found he was reimbursed for only $625. Moreover, he has been a salaried physician at the hospital since 1963, and not a solo practitioner, as the HEW statement noted," the spokesman said.

[From the Associated Press]

PHYSICIANS COMPLAIN ABOUT HEW LISTING

Complaints are rolling in by the dozens from doctors saying that they have been victimized by the Washington bureaucracy as the result of a list reporting individual payments of more than $100,000 made under the Medicare health care program for the elderly.

"My wife must think I have an apartment on the side and a mistress as well," said a Michigan doctor who was listed as having received $115,000 for Medicare but claimed he actually got $15,000.

Last week, in response to a request filed under the Freedom of Information Act, the Department of Health, Education and Welfare released a list of 409 doctors, 1,752 health care groups and 58 laboratories which received payments under the Medicare program.

So many complaints were received from physicians saying the list was inaccurate that the department issued a statement 24 hours later conceding there might have been errors in the report and promised a revised list this week.

"The error rate is phenomenal," said Joe Breu, a spokesman for the American Medical Association. "It is unconscionable that they should release the figures without knowing what they are talking about."

Breu said Friday that the association had contacted 80 doctors in 22 states whose names were on the list and found 56 were listed incorrectly.

He said 39 were listed as solo practitioners when the sum listed represented amounts for clinics or groups of dotcors, two had the wrong amounts, and 15 had both the amount and the listing of the physician as a solo practitioner incorrect.

Dr. Richard R. Patton of Seattle was listed as having received $3.2 million for Medicare services in 1975.

"If that's true, tell them to send the money and I'll retire," said Patton. He was one of 112 physicians affiliated with Mason Clinic which actually received the payment.

Another example of incorrect listing of the amount was for Anesthesia Services of Mobile, Ala.

"Our records show we collected right at $134,000 in Medicare payments in 1975," said Alice Gadlihe, business manager for the anesthesia group. "Yet the HEW report has us listed as collecting $628,153. I think they must have figured up anesthesia services for the whole Mobile area to have come up with that figure."

A spokesman for the department said the reports apparently did not differentiate between an individual doctors' receipts and payments made to a group of physicians in the name of one person.

The HEW list included this disclaimer: "Despite efforts made to verify this information, data on some individuals may not be completely accurate due to coding and or clerical errors which could cause some payments attributed to a listed physician to have been for service performed by another physician or in a group practice setting.

Despite the disclaimer, there was no indication on the actual list that the physicians represented groups.

Dr. John Chidlow of Shreveport, La., who was reported to have received $298,686, said the figure must have been for him and 18 other physicians with whom he works.

"I will be happy to forget the whole matter if Mr. Califano will send me the rest of the money I am supposed to have collected," said Chidlow. Joseph A. Califano is secretary of Health, Education and Welfare.

Dr. Oscar Blitz of New Orleans reportedly got $233,173. Blitz said the amount was for all four doctors in his office and was about $100,000 high anyway.

"I wish to God, I made that much. I couldn't make that much if I worked all day and all night. There aren't that many hours in a day," he said.

Dr. E. W. Peters of Cleveland reportedly received $882,458. "I retired nine or 10 years ago," was his response. Peters noted that he founded the Euclid Clinic Foundation which now has 50 doctors on its staff, but he is no longer affiliated with the clinic.

Dr. Vernon Stabler of Stabler Clinic in Greenville, Ala., referred to the listing of $111,764 for him instead of for all five doctors in his clinic as "poppycock."

"I don't mind HEW releasing the list because newspapers just love that sort of thing," Stabler said. "Medicare doesn't account for much of our business anyway. I'm not concerned one bit about HEW's list."

While some physicians treated the matter relatively lightly, others were angered by the report.

"I'm very upset," said Dr. Lawrence E. Smith of Auburn, N.Y., who was listed as receiving $147,000. "In a small town like this, that is very hard to live down."

Smith said he works with four other doctors.

"I haven't made that much in all my life," commented Dr. Olaf Severud of Cooperstown, N.Y., who was listed as receiving $466,013.

Severud, 71 and semiretired, receives a salary of $15,000 a year from a nursing home and said he suspected all of the home's Medicare payments were listed in his name.

Dr. Daniel Hinthorn of the University of Kansas Medical Center in Kansas City was shown as receiving $280,712, but said he received no more than $1,000 in Medicare payments and probably closer to $700.

Hinthorn said he called Califano after the figures appeared. "He listened for one or two minutes and then he said just a moment and transferred me to someone else. They shunted me around to several different people."

Hinthorn said he got no satisfaction.

"I hate to have people think I'm getting wealthy off poor people. Actually I'm not getting wealthy at all," he said, adding that professors are paid about half to a third what private physicians get.

Hinthorn said he has been subjected to "anxiety and remarks from friends and associates" since the report appeared.

Hinthorn said he was a salaried employe of Medical Associates Chartered, a 60-doctor corporation.

THE ROLE OF PRIVATE AND VOLUNTARY AGENCIES IN OVERSEAS DEVELOPMENT

Mr. HUMPHREY. Mr. President, last week my Foreign Assistance Subcommittee received testimony from representatives of private and voluntary agencies which are actively involved in overseas development activities.

The testimony and subsequent discussion on the role of PVO's, the problems they face, and the unique contribution they make to the development process provided for a very stimulating and educational session.

Participating in the panel discussion were Mr. C. Payne Lucas, executive director of Africare, Mr. Tom Fox, executive director of Volunteers in Technical Assistance, VITA, and Mr. Edward Bullard, president of Technoserve, Inc.

All three agreed that the success of the PVO's as they related to the Agency for International Development could be maximized only if a Bureau of Private Developmental Assistance, headed by an Assistant Administrator, were established within AID.

As Mr. Lucas pointed out in his testimony:

Such a Bureau would be a "one stop" place where all PVO assistance could be co-

ordinated. Such a Bureau would not ignore the necessary participation of the Area Bureaus and the invaluable support and input of the Offices of Developmental Resources and Technical Assistance within these Bureaus. Simply put, it would expedite the development of the partnership between PVOs and AID. It would be an enormous efficiency and economy move.

Mr. President, I endorse this recommendation, which we will consider when markup begins in my subcommittee on the bilateral development and humanitarian assistance programs next week. As my colleagues are well aware, in the 1973 reform of our bilateral aid programs, Congress directed AID to strengthen its relationship with private and voluntary organizations, including increased financial support for PVO activities. I believe establishment of a separate Bureau in the Agency would allow AID to carry out this congressional directive more effectively.

Each of the three PVO's represented at the hearings were unique in their contributions to the development process.

For example, VITA, which was established 17 years ago, was founded by a group of scientists and engineers, many of whom were employed by General Electric's Research and Development Laboratory. As Mr. Fox pointed out:

Today, it is widely known overseas as a respected source of technical assistance and information; it is a regular participant and leader in the mounting national dialogue on appropriate technology; and it is an association of some 5,000 highly skilled people, mostly Americans, who seek to apply their skills to important and recurrent problems in developing areas around the world.

In noting the vast need for technical assistance in less developed countries, and the great pool of applicable expertise and experience existing in the industrialized nations, Mr. Fox stated:

What may be of interest, however, are the mechanisms provided by VITA for productively matching these two elements—need and technical talent. Essentially VITA achieves this linkage through three programs: its Technical Information Service, its Publications Program, and specific projects.

Mr. Fox also explained that for the user of VITA's services,

. . . there probably are two distinctive reasons for VITA's appeal. First, VITA's approach is unobtruse and demonstrably non-paternalistic. Its assistance is originated, so to speak, by the consumer—by the requests of extension agents, small businessmen, research centers, development organizations, governments, and others in developing countries. Problems and needs are defined in the field. And VITA's pool of specialists devotes its efforts to grappling with the issues from a local perspective—not through reaching into a mail-order catalog of high and so frequently inapplicable technology.

In addition, a second major appeal of VITA's program is its flexibility—a readiness and capacity to tackle all kinds of problems: in agriculture, small business development, water supply—in Asia, Africa, and Latin America—the gamut of appropriate technology questions throughout the developing world.

I would urge my colleagues to read Mr. Fox's testimony, for I am sure they will experience the same sense of appreciation for the special skills this organization brings to the development effort.

Africare also brings a unique approach to development. Mr. Lucas, who has served as a Peace Corps country director in several African countries and later as the regional director for all Peace Corps programs in Africa, pointed out that his organization has 22 projects in 9 countries.

However, he pointed out some of the difficulties associated with perceptions of the role of PVO's in development:

The Congress and U.S.A.I.D. have acted upon that concern by encouraging private and voluntary organizations (PVOs) to assume a much larger role in world development. This is now national policy, but it is a policy on trial. Moreover, in some quarters PVOs are not taken seriously. They are often perceived as just "do-good" organizations manned by volunteers and nonprofessionals and living on government handouts. The very nature of the concept of "private and voluntary organizations" is often misleading, for most of these organizations are engaged in development and sometimes relief, and are staffed not by volunteers but by professionals who would otherwise be employed by such institutions as the World Bank, United Nations, U.S.A.I.D. and the Peace Corps, to mention a few.

Many PVOs have already made an enormous contribution to development. However, the jury is still out on the eventual role of PVOs in developmental assistance. We are just beginning to perceive the full potential of using PVOs to complement bilateral and multilateral aid programs.

He further noted:

Africare's experience is not unique among private and voluntary organizations working in the foreign assistance field. We and others, frequently with U.S.A.I.D. financial support, are helping to change the face of U.S. foreign assistance in the Third World. It is the face of a pluralistic society reflecting a pluralistic America; it is a society in which voluntarism and service to others are enduring cultural strengths; it is a technological society which nevertheless values hard physical work. Each is a national trait that especially suits Americans working in the Third World.

The obvious question is how best to exercise these strengths abroad. We have been experimenting for the better part of 30 years—A.I.D., its forerunners and the Peace Corps being the outstanding government innovations. The private sector, however, has a remarkable record of accomplishment as well. There are dozens of organizations—diverse in their expertise and purpose—that have proven capacity for productive work in developing lands. These organizations which seldom suffer in suspicious foreign eyes for being American; they do not represent the United States officially, and they are accepted in some places where A.I.D. would be rejected. . . . They are often more flexible and responsive than A.I.D. or other national aid programs can be in providing urgent needs. . . . Because their personnel and program practices are less bound by red tape and security requirements, they can attract American experts into short- and long-term programs overseas when they are needed, not six months or a year later. . . . In short, these private and voluntary organizations are "can-do" enterprises, highly competent in their specific fields. Moreover, they are a direct link between the people of the third world and the individual American who is concerned enough about the state of the planet that he or she will contribute money or time to its improvement.

A.I.D. cannot provide this linkage, but it is helping to strengthen the links: and it can—with the blessings of Congress—do much more. . . .

As my colleagues can see, Mr. Lucas presented a very eloquent statement on the role of PVO's in development.

Mr. Bullard testified that 65 percent of Technoserve's staff of 70 were former Peace Corps volunteers.

As he pointed out in his testimony:

An organization such as Technoserve has no tangible "product." It gives away no food, no tools and no money and it builds no roads or schools. The organization is its people—career professionals who combine a high level of commitment and competence. . .

The aim of the program is to create new jobs, income, and increase rural productivity and food productions, all leading to an improved quality of life. Technoserve believes that helping low-income people to start or expand their own viable self-help enterprises is the best means of accomplishing these important ends. Helping others to start medium scale businesses and cooperatives in developing countries is what we do. It is complex; the businesses sometimes fail. It is a process, however, which we believe does most effectively foster self-reliance, economic stability and human dignity for the poorest majority.

As an example of such projects, Mr. Bullard cited the following:

In Central America, Technoserve is helping 250 low-income rice farmers to set up a large cooperative rice mill, which they now own and which is processing and marketing their rice; 465 jobs have been created by this project alone and income and productivity in this rural area are projected to rise significantly.

One of the most important points made by Mr. Bullard was the following:

A number of the "tools" or processes which many of the PVOs utilize in their overseas development efforts are becoming of increasing interest to the development community. These tools can be empirically tested by PVOs in their field work and determination made on the basis of actual experience as to what mechanisms are most effective in the development process. Some of the more important tools now being utilized by PVOs include:

Intermediate technology which is becoming an integral part of many development projects;

Management assistance and training as it relates to development projects and programs;

Cooperative structures used as a means of involving the poorest majority;

Capital, not as an end in itself, but as a tool to facilitate the development process;

Labor intensive enterprises which seem an effective means of helping people to help themselves.

Mr. President, Mr. Fox, Mr. Lucas, and Mr. Bullard provided my subcommittee with important and exciting information on the contribution of PVO's to the development process. I urge colleagues to read their statements in great detail, because I believe they are valuable contributions to our knowledge of PVO operations.

Mr. President, I ask unanimous consent that the three statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

TESTIMONY OF THOMAS H. FOX

Mr. Chairman, I am indeed very honored to appear before this subcommittee and am grateful for this opportunity to describe for you the work of VITA, a private voluntary organization working in the field of foreign assistance. Then, based on my experience with this and other PVOs, I want to make a few recommendations for the future relationship of the United States Government to the many such organizations that now exist.

VITA, Volunteers in Technical Assistance, is a seventeen-year old organization. Founded in Schenectady, New York, by a group of scientists and engineers, many of whom were employed by General Electric's Research and Development Laboratory, it started in 1960 as a very small, volunteer-administered, local program. Today, it is widely known overseas as a respected source of technical assistance and information; it is a regular participant and leader in the mounting national dialogue on appropriate technology; and it is an association of some 5000 highly skilled people, mostly Americans, who seek to apply their skills to important and recurrent problems in developing areas around the world.

It is not necessary to describe for this subcommittee the vast need for technical assistance in developing countries. Nor is it necessary to explain that a great pool of applicable expertise and experience exists within the United States and in other highly industrialized countries. What may be of interest, however, are the mechanisms provided by VITA for productively matching these two elements—need and technical talent. Essentially VITA achieves this linkage through three programs: its Technical Information Service, its Publications Program, and specific projects. I will return to outline these mechanisms in some detail.

First, however, I would like to describe the spirit of our program. For, in truth, it is the character of VITA's program which makes the organization attractive to requestors and Volunteers alike, and leads to successful problem-solving. No authority in developing countries compels people to seek out VITA. But they do. At the same time, of course, there is no compulsion here at home for citizens to become VITA Volunteers. But they do, and in ample numbers. So what is there about the nature of VITA's approach to development which sets the stage for success—for productively matching up people, totally voluntarily, in the solving of development problems?

For the user of VITA's services, VITA's requestors, there probably are two distinctive reasons for VITA's appeal. First, VITA's approach is unobtrusive and demonstrably non-paternalistic. Its assistance is originated, so to speak, by the consumer—by the requests of extension agents, small businessmen, research centers, development organizations, governments, and others in developing countries. Problems and needs are defined in the field. And VITA's pool of specialists devotes its efforts to grappling with the issues from a local perspective—not through reaching into a mail-order catalog of high and so frequently inapplicable technology.

In addition, a second major appeal of VITA's program is its flexibility—a readiness and capacity to tackle all kinds of problems: in agriculture, small business development, water supply—in Asia, Africa, and Latin America—the gamut of appropriate technology questions throughout the developing world.

To its Volunteers, the occasion to design and adapt technology is one of the challenges and attractions of VITA. Many of them enjoy the escape from their day-to-day routine with big and complex technology and the professional challenge of the search for appropriate solutions for more restricted conditions, such as limited materials and capital.

In addition to this challenge, VITA enables Volunteers to make use of their professional or avocational skills without requiring new special training programs. Moreover, there is no fixed tour of duty or limit to the length of Volunteer service. There is no need to pack up, leave home, job, country; they can participate from their home. In short, VITA makes it possible for large numbers to volunteer, people who have the desire to help but not the freedom to participate on-site, as, say, Peace Corps Volunteers do. (VITA volunteering, incidentally, has proven to be a natural extension of service for returned Peace Corps men and women. Through the VITA program, they can and do continue to make satisfying and effective use of the expertise and sensitivies gained during their Peace Corps tours abroad.) To sum up this brief analysis, then, VITA's program is essentially non-threatening and unobtrusive; it is appropriate technology in orientation; and it opens up avenues of participation in development by many who would not otherwise have the opportunity, but who do have invaluable contributions to make.

As noted before, the actual mechanisms of VITA's program are its Technical Information Service, its Publications program, and special projects.

The Technical Information Service has been providing assistance by mail for almost two decades. It has answered over 25,000 requests for help, approximately 100 per month.

Some of the assistance provided by the Information Service is in the form of already-published information which can help requestors better define problems. Therefore, VITA maintains a library of appropriate technology materials which are used to answer such requests. In those cases which call for more than simple access to information, the majority certainly, the assistance is provided directly by VITA Volunteers. A very good example of the way in which this service works is provided by a case from Tanzania:

In September, 1974, a group of expatriate and host country nationals at the Water Ministry in Arusha, Tanzania, requested information and guidance concerning a design for a windmill to pump water. A VITA staffer took the request, and, using our partially computerized file, searched for names of VITA Volunteers who were expert in this field. The staff member contacted these Volunteers to determine which of them would be willing to handle the case. Meanwhile, the VITA library sent preliminary information. Finally, 9 Volunteers were contacted and contributed to the design of the first prototype, in Tanzania. That design was then sent back to VITA by the requestors, to be scrutinized by U.S.-based VITA Volunteers for technical accuracy. Upon completion of the review process, the requestor changed the design to incorporate suggestions made by VITA Volunteers and a second prototype was built and approved by the local Tanzania government.

Some VITA cases would have stopped here, but this one didn't. And, I think it is worthwhile to cite briefly some of the further actions generated by this one request:

The requestor received from Tanzanian sources $12,000 to build windmills for an irrigation project (and more may be forthcoming);

A windmill was built and displayed at a 1976 UNICEF Conference in Kenya;

Three pumps were designed by VITA Volunteers to be used in conjunction with the windmill;

The windmill design has been prepared for publication and will soon be available for worldwide distribution—and replication.

Of course, not all requests involve this kind of time and input—and not all are as successful. But this case is a good indication of just how much VITA's service can accomplish. I am proud to say 96% of VITA's requestors who evaluated VITA's responses provided in 1976 were satisfied with VITA's responses and would make use of the service again, a fine tribute to VITA's Volunteers and program.

Our Publications program uses not only Volunteers who are engineers and scientists, but also writers, editors, and illustrators as well. For example, a manual focusing on the problems of small scale grain storage, which VITA and Peace Corps together produced last year, combined the talents of 20 Volunteers. Now VITA Volunteer translators are working to put this and other publications into French and Spanish. Such interdisciplinary teams of Volunteers collaborate to produce how-to manuals for which there is a clear felt need, handbooks focused on the requirements of development workers in the field. VITA distributed over 10,500 of these publications in 1976, an astonishing 100% increase over the preceding year—and the number continues to grow.

In addition to working through the Information and Publications Service, VITA undertakes a number of more intensive, specific projects. In these, we work with host country organizations not only to provide a technology design, but also to provide ongoing assistance through the testing and implementation stages. In Upper Volta, we're helping to establish an appropriate technology center. In Nigeria, we're working with the prestigious International Institute of Tropical Agriculture to adapt and test a wide variety of agricultural implements for local use. In Honduras, VITA Volunteers have been working with a lime producers' cooperative to design, build, and test a new kiln for the production of lime. Goals of this project have included not only better quality lime, but also the more efficient use of wood—an increasingly scarce national resource in so many parts of the world. VITA's contribution has included designs, several on-site visits by staff and Volunteers, and general trouble-shooting through all phases of the project.

This particular project demonstrates one of VITA's greatest strengths, that Volunteers and staff alike get caught up with a sense of excitement and participation in both the ups and downs of the organization. When a portion of the VITA-designed lime kiln in Honduras threatened to collapse, VITA staffers got on the phone to mobilize Volunteers, who in turn went back to the drawing boards and came up with possible solutions. When the lime kiln was constructed and then test-fired successfully, it was a shared satisfaction. And when the kiln design was adopted by another Honduran organization, there was a shared pride.

I'd like now to turn to VITA's role and relationship with other private voluntary organizations. For we have always taken our role as part of the PVO community very seriously.

VITA is somewhat different from many of the other development-oriented private voluntary organizations—because of its unusually wide use of American citizens in solving recurrent problems and because of its operations are carried out from a U.S. base. And yet, VITA is also very similar to other PVOs. For example, a shared commitment to solving the grass roots problems of poor people in developing countries links VITA firmly with the development-oriented members of the PVO community. In addition, CITA's commitment to long-term solutions and its leadership and promotion of "appropriate technology" place it in the vanguard of those PVOs which share similar goal statements.

In a broader sense, VITA depends on the programs and operations of host country agencies and other private voluntary organizations—for it is often the case that those organizations with offices and representatives located within developing countries provide the impetus and structure through which requestors' needs get expressed to VITA. Operating as it does from a centralized U.S. base, and operating almost entirely by mail in complementary relationships with requestors, VITA's operation is extremely cost effective; but it requires a window to the wider world. Therefore, VITA extends its own reach as it enhances and collaborates with the capabilities of overseas-based organizations, like Technoserve and Africare. Other PVOs

thus play an important role; by translating VITA's written word into direct benefit to poor people, they are frequently VITA's eyes and ears and even agents overseas. In 1976 alone, VITA worked in direct collaboration with other American private voluntary organizations in 130 different cases.

VITA also shares with other PVOs a large number of common concerns. Of continuing concern is the necessity to ensure that PVO perceptions, technologies, and programs respond to local needs and local aspirations. VITA must be particularly cautious and aware of this potential problem because so much of our work is provided at long distances and conveyed by the written word.

I think that bridging the gap between the giver of services and the recipient, sensitively and effectively—that is, ensuring that the collaboration between VITA and the recipient is truly collaboration—is a challenge and a concern shared by all thoughtful PVOs, indeed by all instruments of foreign cooperation and assistance. I might add that it is also at the heart of the dialogue and discussion about "appropriate technology."

A second concern—indeed a major problem—that VITA shares with most other private voluntary organizations, particularly the smaller ones, relates to funding. Small, private voluntary organizations have a very difficult time raising funds to assure their very survival. Additional funds needed to ensure effective programming are even harder to find—regardless of the success of the program and the attractiveness of the appeal to donors or potential donors. Virtually every dollar raised during the course of a year is spoken for ahead of time; planning and evaluation, two factors critical to effective program delivery, are thus very hard to assure. A stable, secure financial base, is, therefore, absolutely essential for private voluntary organizations, at least those which have demonstrated over the years that they deserve to exist and thus to be funded.

Based on my experience as Execuive Director of VITA and from my perspective as one very close to many other private voluntary organizations, I will close with a number of recommendations to this subcommittee as it in turn ponders new ways to effectively communicating American capabilities and attitudes and resources to people overseas who would seek our cooperation and assistance.

First, I think it essential that the Congress continue to stress the importance of the current work and the potential of private voluntary organizations working overseas. More than any other single instrument, private voluntary organizations reflect the generous spirit of the American people. Further, PVOs, through the diversity of their programs and approaches, reflect the plurality of our society. Thus, PVOs are not only a means of assistance and growth; they are, in addition, communication channels linking our society with others. In this capacity alone, private voluntary organizations are and should continue to be a fundamental cornerstone of a total United States presence in developing countries.

But I think it important to state here that PVOs, particularly the smaller ones, often feel cast in the role of stepchildren among the community or larger and more powerful American structures and organization working overseas, despite recent Congressional statements, and despite sensitive and consistent support within many offices in A.I.D. More must be done to enhance and strengthen the role of PVO's work overseas, both in terms of Congressional statements of priority and support, and in terms of specific decisions which recognize the importance of maintaining the character of private voluntary organizations.

Additionally, I recommend that much more be done to facilitate the education of the American people about needs overseas and about the realities of interdependence. To me, it is insulting to both residents of the United States and those of the developing countries to see that the most effective fundraising appeals in this country seem to be those that show a small child with a distended stomach holding out an empty rice bowl. This kind of appeal is frequently the only image that many Americans have of developing countries. Yet this appeal perpetuates an image of development and of developing countries which absolutely defeats any program which attempts to convey interdependence rather than dependence, cooperation rather than aid, dignity rather than degradation. The Congress obviously is in a position to reverse this public impression; I hope you will seek opportunities to do so.

I further recommend that the Congress recognize and continue to support the work being done within the PVO community itself to strengthen and expand capabilities and programs. One noteworthy effort which I wish to bring to the attention of this subcommittee is PACT. PACT, an acronym for Private Agencies Collaborating Together, is a consortium of agencies which encourages the collaboration and sharing of resources and perceptions of the private organization community. Based on the assumption that small organizations with limited means can best improve the impact of their services overseas by sharing resources, and thus increasing their critical mass, PACT is one of the more creative and demonstrably effective instruments within this community of private voluntary organizations. It exists with the warm support of A.I.D., and at the behest of its member organizations. VITA is firmly committed to PACT. And in my other capacity as current Chairman of PACT's Board of Directors, I wish to underline the importance and impact of this fine organization.

I go on to recommend that the Congress enact legislation which will assure and increase the amount of funding support available to private voluntary organizations. Tested and worthy development-oriented private voluntary organizations, following annual and rigorous reviews, should have some guarantee of stable funding, for periods as long as five years. Such financial support should be general and broad-based. Further, unnecessary restrictions on matters such as travel, "buy-American," and the like should be removed where they now exist.

I do not advocate full government support for PVOs like VITA. Quite the contrary, f feel that such organizations should receive significant percentages of their funds from private sources. I do feel strongly, however, that the government would make its greatest contribution to PVOs by funding core activities and administrative costs, those costs for which it is much harder to raise funds from private sources. Funding for the implementation of specific projects is much easier for PVOs to raise from the private sector. But the money for planning and developing those projects is hard to come by.

To summarize, I urge the Congress to:

(1) increase the amount of funding available to the development PVOs (and I would ensure that all PVOs are following a relatively common definition and practice of development);

(2) make grants available for periods as long as five year, with an annual review;

(3) make such grants as unrestricted as possible.

As I am sure this subcommittee is aware, there have been a number of recent and thoughtful studies of possible structures and forms by which governmental money might best support the work of private voluntary organizations. The so-called Crystal City Conference Report is one such study, but there are others: a paper by Warren Wiggins of the TransCentury Corporation; recommendations from the supportive Private Voluntary Cooperation Office with A.I.D.; and, by implication, a study on the future of the Peace Corps by Harlan Cleveland of the Aspen Institute for Humanistic Studies. Each of these reports seems to be advocating the creation of a forceful organizational unit which would be structured specifically to deal with the PVOs, both for financial and for program support. Some of the studies advocate a totally new structure in the form of a public corporation or foundation.

Without endorsing definitively one course or another, I do find myself strongly in favor of at least an interim step which would create, within A.I.D., a separate, strong Bureau whose mandate is to encourage private voluntary cooperation. Such a step would lend visible strength and support to PVOs. Similarly, I very much advocate the creation of new, innovative structures—such as PACT and Appropriate Technology International—through which the Government expresses its support for a specific component of private voluntary cooperation. This kind of flexibility enhances the plurality and diversity that the PVOs themselves express.

In conclusion, Mr. Chairman, I sense that the mood of this Administration, this Congress, and this country encourages a fresh look at the relationships of private citizens to the issues confronting developing—and because the world is interdependent—developed countries as well. I can only suggest that you look first to the private voluntary organizations as appropriate tools for accomplishing this objective—with a spirit and style that is both collaborative and effective.

TESTIMONY OF C. PAYNE LUCAS

Mr. Chairman and Members of the Committee:

I appreciate the opportunity you have afforded me to testify on a matter which I am deeply interested in, The Developmental Assistance Act of 1977 and how it relates to private voluntary assistance.

Before joining Africare five years ago, I served with the Peace Corps for almost ten years—first, as a Country Director in several African countries and then, as the Regional Director for all Peace Corps programs in Africa. Upon leaving the Peace Corps, I joined Africare, which was created in 1972 as a non-profit, tax-exempt organization and dedicated to the improvement of the quality of life in rural Africa through programs of food production, water resource development and the delivery of health services.

At the present time Africare has 22 projects in nine countries. We will submit for the record a complete list of all our past and current projects.

We are governed by a distinguished group of Americans and Africans who make up our Board of Directors. The Africare staff of nineteen, including overseas, is made up of Africans, Black and White Americans with over 75 years of experience on the African Continent.

It is written neither in stone, nor in the annals of Congress, that foreign aid is exclusively the business of government. Lend-Lease made sense in 1940; the Marshall Plan made sense in 1949; PL-480 made sense in the 1950s and '60s. But bilateral government-to-government assistance, by itself, makes less sense in the 1970s. No longer should we be concerned primarily with disbursing "surplus" commodities abroad—food, hardware and dollars. These satisfy important needs. But they seldom affect the underlying cause of the world's developmental imbalance. That is the lack of technological and managerial capacity in the poorest countries. Conventional aid programs tend often to reinforce this weakness. Instead of helping nations to rely more upon their own skills and initiatives, we often provide the skills and initiatives for them. Unintention-

ally, we promote an insidious form of international welfarism that both saps the people's will to improve their own lives and alienates them from those supposedly trying to help them. In other words, we often become the "bad guys".

Private and voluntary assistance (PVOs) provide an important "third approach" to developmental assistance (in addition to bilateral and multilateral aid). This is no secret to the members of this Committee and the officials at the U.S. Agency for International Development. The congressional and U.S.A.I.D. participants in the foreign assistance process are acutely conscious of the limitations and pitfalls of bilateral and often multilateral aid. The congress and U.S.A.I.D. have acted upon that concern by encouraging private and voluntary organizations (PVOs) to assume a much larger role in world development. This is now national policy, but it is a policy on trial. Moreover, in some quarters PVOs are not taken seriously. They are often perceived as just "do-good" organizations manned by volunteers and non-professionals and living on government handouts. The very nature of the concept of "private and voluntary organizations" is often misleading, for most of these organizations are engaged in development and sometimes relief, and are staffed not by volunteers, but by professionals who would otherwise be employed by such institutions as the World Bank, United Nations, U.S.A.I.D. and the Peace Corps, to mention a few.

Many PVOs have already made an enormous contribution to development. However, the jury is still out on the eventual role of PVOs in developmental assistance. We are just beginning to perceive the full potential of using PVOs to complement bilateral and multilateral aid programs.

Let me use Africare to illustrate the thesis: it is American based, although its genesis is both African and American. It is not an us-doing-good-deeds-for-them proposition. It is simply *us*, Americans and Africans engaged together in solving very real human problems. The Africans set developmental priorities in their countries and provide as many of the technical and supervisory personnel as they can on specific projects. In the United States we mobilize private and government resources necessary to sustain the African's programs until they become self-sufficient. Along the way, we have built a membership of several thousand Americans and other grassroots donors, many of them relatively poor themselves, who identify directly with Africa, with what Africare does and the way it does it. Our members and grassroots donors helped us survive for the first few years. They saw that, through Africare, they could contribute directly to concrete improvement in the lives of rural Africans. They could not do that as taxpayers. Bilateral government aid is unavoidably impersonal; it represents a corporate American humanitarianism that inevitably loses something in translation. Africare and other PVOs have become important instruments for overcoming the impersonalization of foreign assistance.

Our philanthropy does not come *only* from the U.S. Treasury; however small, it also comes from individual, community and religious groups and a few foundations and corporations. This makes a world of difference to the beneficiary, the poor majority, who truly appreciates the extra commitment of many Americans to PVO programs.

Something more happened. In 1974, Africare received a Development Program Grant from U.S.A.I.D. It is an instructive example of how Africare, with private and government assistance, is helping African nations to plan and carry out comprehensive rural development programs which, if successful, will reduce their dependence upon many forms of foreign assistance.

An Africare development team (including a Food Production Specialist, Agricultural Economist and Public Health Specialist among others) worked with local officials and technicians in Mali, Upper Volta and Niger to construct model "integrated" rural development strategies which take into account a broad range of social, economic and physical factors affecting a given project.

A series of planning workshops in the three countries allowed members of Development Ministries to fashion model programs which could be adapted to specific locations and later submitted to funding sources for support.

Thus, in Upper Volta, for example, the Ministry of Development, local officials and villagers in Yatenga and Seguenega districts determined their own development priorities in economic improvements, health and education. Several of their proposals were funded subsequently by foundations, individuals, religious institutions and community group contributions to Africare.

In Niger, meanwhile, the Ministry of Rural Economy, with assistance from Africare, has prepared a model hydroagricultural project designed to reclaim valuable land in the Niger River Basin to increase food production.

The project, funded in Phase I by the Lilly Endowment, is expected to serve as a model for similar land reclamation efforts along the Niger River northward into Mali. Projects such as this have the potential to become a major factor in reducing Niger's, and eventually Mali's, dependence on imported food.

Although a few foundations, notably Lilly Endowment and U.S.A.I.D., have provided significant financial support, Africare's success would be less meaningful if thousands of Americans, representing every community group, had not involved themselves in its work.

Africare's experience is not unique among private and voluntary organizations working in the foreign assistance field. We and others, frequently with U.S.A.I.D. financial support, are helping to change the face of U.S. foreign assistance in the Third World. It is the face of a pluralistic society reflecting a pluralistic America; it is a society in which voluntarism and service to others are enduring cultural strengths; it is a technological society which nevertheless values hard physical work. Each is a national trait that especially suits Americans for working in the Third World.

The obvious question is how best to exercise these strengths abroad. We have been experimenting for the better part of 30 years—A.I.D., its forerunners and the Peace Corps being the outstanding government innovations. The private sector, however, has a remarkable record of accomplishment as well. There are dozens of organizations—diverse in their expertise and purpose—that have proven capacity for productive work in developing lands. These are organizations which seldom suffer in suspicious foreign eyes for being American; they do not represent the United States officially, and they are accepted in some places where A.I.D. would be rejected. . . . They are often more flexible and responsive than A.I.D. or other national aid programs can be in providing urgent needs. . . . Because their personnel and program practices are less bound by red tape and security requirements, they can attract American experts in to short and long-term programs overseas when they are needed, not six months or a year later. . . In short, these private and voluntary organizations are "can-do" enterprises, highly competent in their specific fields. Moreover, they are a direct link between the people of the third world and the individual American who is concerned enough about the state of the planet that he or she will contribute money or time to its improvement.

A.I.D. cannot provide this linkage, but it is helping to strengthen the links; and it can—with the blessings of Congress—do much more. My American and African colleagues in Africare are only too aware how difficult it is to establish a private development agency on a sound footing.

I wonder, frankly, whether we could have done it without having turned to A.I.D. for a development program grant two years ago. It bought us time and opportunity to show how we could assist African officials on their home ground to design and direct their own social and economic projects. Ultimately it gave A.I.D. another vehicle for delivering assistance effectively in the drought-ravaged Sahel of West Africa.

It also meant that there is one more organization assembling new sources of private support for foreign development projects. The Development Program Grant, referred to earlier, for instance, helped Africare to convince the Lilly Endowment and several Church groups, including West Kansas Conference of Methodist Bishops, UMCOR and World Vision, to invest in the important hydro-agricultural/land resettlement program in Niger. That program might still be a dream—if A.I.D. had not given us the boost we needed.

Mr. Chairman, my point should be clear: serious overseas development must be a partnership between government and U.S. private agencies, just as it must be a partnership between us and the developing countries themselves. A.I.D. is the obvious locus of federal assistance to PVO's. It is already showing what can be done by this means, albeit on a relatively small scale. Congress certainly is anxious to make its foreign aid dollar more effective; certainly it wishes to encourage even greater private and voluntary involvement in development abroad; and it can do so by increasing A.I.D.'s budget for Developmental and Operational Program Grants to PVOs.

Finally, I believe that we can maximize the success of PVOs as they relate to A.I.D. by creating within A.I.D. a Bureau of Private Developmental Assistance, headed by an Assistant Administrator. Such a Bureau would be a "one stop" place where all PVO assistance could be coordinated. Such a Bureau would not ignore the necessary participation of the Area Bureaus and the invaluable support and input of the Offices of Developmental Resources and Technical Assistance within those Bureaus. Simply put, it would expedite the development of the partnership between PVOs and A.I.D. It would be an enormous efficiency and economy move.

We believe that increased support to PVOs and the creation of a separate Bureau for Private Development within A.I.D. would be strongly supported by the American people. Two separate public opinion polls commissioned by the Overseas Development Council and the Chicago Council on Foreign Relations showed a marked preference for, and confidence in, private organizations over government as implementors of foreign assistance programs.

I will be happy to answer any questions you may have.

STATEMENT BY EDWARD P. BULLARD

Mr. Chairman and members of the Committee, I am Edward P. Bullard, President of Technoserve, Inc. I will address you today as President of Technoserve, a Private and Voluntary Organization, (PVO), and will also speak of the work of PVOs who are vitally interested in United States foreign assistance programs.

The PVO community in the United States is perhaps unique in the world. Our organizations are diverse and our origins different. We

share certain fundamental convictions, however, which we would like to make known to this Committee:

We believe that the problems of the Third World are problems which we should be actively addressing;

We believe that the PVO community can make a significant contribution towards the solution of these problems leading to the well being of our neighbors in low-income countries;

We believe, however, that to bring this about, an appropriately structured partnership between PVOs and our government must be further developed.

During my presentation I will address these points and hopefully together we can further stimulate an important new thrust in United States development assistance programs.

A PRIVATE AND VOLUNTARY ORGANIZATION (PVO)—TECHNOSERVE, INC.

Technoserve is a PVO engaged exclusively in development activities in low-income countries. It is a non-profit non-governmental organization founded in 1968. Its primary purpose is providing technical assistance for the establishment of self-help enterprises by low-income peoples and to thereby increase local productivity and income. Technoserve headquarters are located in Darien, Connecticut, U.S.A., with programs operating in several African and Latin American countries. Technoserve is supported by voluntary contributions from churches, foundations, private organizations, individuals, and public entities such as the U.S. Agency for International Development. Its 1976 income totaled $1,200,000.

An organization such as Technoserve has no tangible "product." It gives away no food, no tools and no money and it builds no roads or schools. The organization is its people—career professionals who combine a high level of commitment and and competence. Technoserve's staff of 70 believe that it is important to help our less fortunate neighbors and virtually all have committed themselves to that process. These staff people represent our best hope for effectively assisting our neighbors overseas. They are typical of the staff of many PVOs.

It is interesting to note in Technoserve's case that 65% of the Americans on Technoserve's professional staff are former Peace Corps volunteers. These individuals have returned from overseas assignments, entered schools of higher education to develop specialized skills and joined Technoserve so as to fulfill their desire to further help in the development process. A significantly increasing number of such talented and committed people are applying for jobs with Technoserve. Technoserve is also pleased that approximately 50% of its professional staff are host country and third country nationals. It is our host country colleagues who can and must play an increasing role with a PVO like Technoserve in local institution building and the development process.

Since Technoserve is "people" and it produces no tangible "product" I should explain our program. The aim of the program is to create new jobs, income, and increase rural productivity and food production, all leading to an improved quality of life. Technoserve believes that helping low-income people to start or expand their own viable self-help enterprises is the best means of accomplishing these important ends. Helping others to start medium scale businesses and cooperatives in developing countries is what we do. It is complex; the businesses sometimes fail. It is a process, however, which we believe does most effectively foster self-reliance, economic stability and human dignity for the poorest majority.

The best way to illustrate Technoserve's program is to cite a few specific examples of project development activities from the more than 25 enterprises Technoserve has assisted.

In Central America, Technoserve is helping 250 low-income rice farmers to set up a large cooperative rice mill which they now own and which is processing and marketing their rice. 465 jobs have been created by this project alone and income and productivity in this rural area are projected to rise significantly.

Technoserve is pleased with its progress as well in West Africa in the development of what could be a whole new industry. With Technoserve help, two companies have been formed by nationals to grow sugar cane and market sugar syrup. Hundreds of small scale farmers will shortly be supplying cane to processing plants which utilize low cost appropriate technology developed by Technoserve and nationals.

Development however, is a difficult and long term process as illustrated by another project we are assisting in Latin America. For more than three years Technoserve has been assisting over 100 small woodworking shops to start their own supply cooperative and build a large $300,000 wood drying kiln complex. The cooperative has lost money and is now in financial difficulty. Technoserve caused some of the problems by being too anxious to see the cooperative expand and by not insuring that the cooperative was well managed. While we now feel the cooperative can be made viable, the experience points out that there is no way to guarantee success in business or in development and that development is a learning process for us all. Given sufficient time, effort and luck these projects do effectively improve the well being of the poorest majority. This is the kind of work that PVOs can do.

THE PVO COMMUNITY

An understanding of the PVO community requires that an initial distinction be made between those agencies, usually older well established, whose programs are primarily related to relief efforts and the newer development related agencies. While fully recognizing the value of agencies that promote relief sevice or combine relief and development, Technoserve will limit its comments to that new generation of PVO whose programs are exclusively in the development field.

Within that broad categorization of development oriented PVOs, there still exists considerable diversity. Various PVOs have programs directed at health care, adult literacy, family planning, agricultural extension and research, cooperative development, technical assistance and self-help enterprise development. This diversity of programming nevertheless centers around a common set of *goals* and objectives shared by the PVO community and by the Congress of the United States. Some of these major goals for development assistance are: self reliance; increased productivity in rural and urban areas; the increase of income among low-income populations; new jobs or improved conditions of employment; increased availability of locally produced food; and human development for the poorest majority target population.

The PVO community has running through it some important operational *characteristics* which are significant from the standpoint of U.S. foreign assistance. It is generally recognized that PVOs are: innovative and willing to take risks; relatively cost effective, utilizing low cost delivery systems; able to generate trust and confidence within the U.S. public sector; able to operate in areas inappropriate for formal multilateral or bilateral assistance; engaged in projects involving the poorest majority as full partners; and assisting projects which are often replicable.

A number of the "tools" or processes which many of the PVOs utilize in their overseas development efforts are becoming of increasing interest to the development community. These tools can be empirically tested by PVOs in their field of work and determinations made on the basis of actual experience as to what mechanisms are most effective in the development process. Some of the more important tools now being utilized by PVOs include: intermediate technology which is becoming an integral part of many development projects; management assistance and training as it relates to development projects and programs; cooperative structures used as a means of involving the poorest majority; capital, not as an end in itself, but as a tool to facilitate the developement process; and labor intensive enterprises which seem an effective means of helping people to help themselves.

The PVO community is developing the capability of combining mutually accepted goals with important operational characteristics and innovative mechanisms in a manner such that the community can have a significant impact on the well being of the poorest majority.

Another interesting feature of the PVO community is the effort within the community to try and organize consortia or collaborative work in developing countries. Many PVOs including Technoserve belong to organizations such as Private Agencies Collaborating Together (PACT) and Coordination in Development (CODEL) which have made it possible for the individual PVOs to share information and become more effective in their development activities.

LESSONS LEARNED

The PVOs have learned a great deal since the 1973 Foreign Assistance Act encouraged greater participation on the part of the PVO community in the development process overseas. Some of the *lessons* which are of particular importance to Technoserve and other agencies working in similar fields include the following: projects should be assisted in response to local initiative; with limited resources, efforts must be made to select activities which maximize the social and economic benefit; an important ingredient in the success of a particular project is the identification and stimulation of local leaders; and the recognition that the appropriateness of technology depends on whether it "fits" with all the other ingredients which make up a project.

The following general observations are more fundamental and are shared by a great many organizations within the PVO community.

First, "grand solutions" and great leaps forward are not pragmatically possible. Development is a people process and must be carried on one step at a time. The fact that it is difficult to effectively reach the target population does not relieve us of the responsibility of continuing to recognize that the poorest majority is the target population.

Second, true development is complex and long-term. If such a complex problem is to be effectively addressed it must be addressed with competent professionals. The PVO community needs to be able to attract and hold the best talents in the United States and elsewhere if a significant impact is to be made on the well being of the poorest majority around the world.

Third, in order to achieve the level of competence and professionalism to attract able people and to develop sophisticated programs covering extended periods of time, PVOs require reasonable funding stability.

PVO'S AND U.S. FOREIGN ASSISTANCE—AN EMERGENCY PARTNERSHIP

United States foreign assistance has been traditionally channeled through bilateral and multilateral mechanisms. While these two mechanisms have their strength and weaknesses they are requisites of an effective foreign assistance program. A new avenue of foreign assistance is coming into prominence, however, and deserves increasing attention.

That avenue is represented by U.S. support for the programs of PVOs. There is the growing consensus of PVOs working in development that the use of PVOs to provide developmental assistance abroad should be strengthened to become the independent vital third avenue of assistance, equal in importance and emphasis to the other bilateral and multilateral avenues. With past help from the private and public sectors, the PVO community has gained stature and know-how and is now in a position to shoulder greater responsibilities in the foreign assistance program of the United States. A strong reason to include the PVO community as a major avenue of foreign development assistance is the support they bring to U.S. overseas development efforts through their broad constituencies.

Joined with this increased capability to play a role in development assistance is the agreement between PVOs and the U.S. Congress on major shared priorities. All seem to concur that the poorest majority should be the target for our foreign development assistance programs. We agree that local capabilities should be strengthened so that this poorest majority can experience better diets, better health and child care, more manageable family size, constructive income producing work and improved purchasing power. The integration of women into the national economies is important as is increasing production, processing, nutritive value and distribution of food. The enhancement of job opportunities through the encouragement of labor intensive, low cost systems of production and services, improved literacy and better forms of education and training all are equally shared priorities.

PVOs can also be mechanisms for more effectively utilizing some multilateral and bilateral programs. The large multilateral lending institutions are constantly faced with the problem of getting their funds to the poorest majority. PVOs with their close historical link with this target population can structure projects so that funds from such large lending institutions would benefit the poor. Appropriate guidelines instructing these lending institutions to more fully utilize PVOs in their development programs should be formulated and contained in legislation concerned with replenishment of these institutions.

In a similiar vein, there should be closer collaboration between the United States bilateral assistance programs and the activities of PVOs in developing countries. Often PVOs are relatively small and their capabilities unknown to host country development institutions and governments. In appropriate circumstances, USAID Missions could encourage host country development organizations to take advantage of competent PVOs and their services.

As relationships between the private and public sectors are joined, concerns are often expressed regarding the fact that PVOs may lose their character and autonomy and become too dependent on the U.S. Government. Some percentage funding formulas have been proposed as a means of protecting the independence of PVOs. Many of my colleagues and I feel this type of oversimplified approach could have serious negative consequences on the potential role which PVOs can play in the development process. More to the point is the manner in which the government procedurally and substantively handles this new relationship. It is our contention that the key concepts are partnership and interdependence. If these concepts characterize the relationship between PVOs and U.S. foreign economic assistance activities, the PVOs' independence is not threatened.

Implicit in the idea of partnership and interdependence is the reality that PVOs must be reasonably assured of ongoing forms of funding from U.S. Government sources. The concept that somehow seed funding from the Government can start a non-profit organization on its way to financial self-sufficiency is false and must be laid to rest. The new generation of development oriented PVOs could be financially self-sufficient but their scale, impact, level of competence and tenure of staff would seriously limit their impact on the well-being of the poorest majority. Thus, the concept of ongoing forms of support from the U.S. Government for PVOs must be accepted in principle as it is in bilateral and multilateral funding appropriations.

In addition, mechanisms need to be established for giving PVOs some indication of what funding levels they might expect three to five years into the future. Only with some such guidelines can proper planning, staffing and program implementation be undertaken. PVOs do recognize that funding from the U.S. Government cannot be guaranteed for long periods of time. However, most PVOs are willing to assume that risk in the interest of benefiting a larger number of the poor.

Many details remain to be worked out relative to the partnership concept. A balance would have to be struck between the government's need for financial accountability and program evaluation while allowing PVOs to run their own programs, set their own targets and make their own mistakes. Future regulations and registration procedures, however, should not be allowed to inordinately impinge upon the autonomy and staff time of the PVOs. While it is recognized that accountability is a legitimate concern of Congress, PVOs are more easily monitored than many of the large multilateral programs.

It should be noted that not all PVOs are effective, nor are they all equally well run, nor do all wish to establish a partnership with the U.S. Government. The allocation of scarce U.S. Government foreign assistance resources must be based on competence and performance in the field and a desire to collaborate with U.S. Government plans. There must be a screening process which directs funds to those agencies which most effectively address the needs of the target population.

RECOMMENDATIONS

1. Technoserve recommends that legislation be enacted which recognizes PVOs as full partners in the U.S. development assistance program and that further guidelines be drawn up giving shape and direction to this evolving partnership. If the PVO community is to become an important third avenue of development assistance, impetus for this new role should come from Congress.

2. Technoserve recommends that a higher level of funding for PVO development activities be acknowledged as essential and that $125,000,000 be directed to PVO activities in FY 1978. This amount could, for the time being, come from a number of different sections of the Development Assistance Act and not necessarily be a single line item. Technoserve believes that approximately $125,000,000 can be effectively used by the PVOs in FY 1978. A statement in the Act indicating that such an amount is to be directed to PVO activities for development assistance purposes would give substance to the idea of an emerging partnership. The $125,000,000 referred to above is in addition to ocean freight, excess property, disaster relief and P.L. 480 food programs.

3. Technoserve recommends that the Agency for International Development continue as the mechanism through which the emerging partnership betwen the U.S. Government and PVOs be further implemented; also that a mechanism be developed for the centralized management of the PVO program within AID. Relations between the PVO community and AID have been generally constructive and the Agency for International Development does appear to be the best instrument through which to implement the new partnership philosophy.

Thank you again, Mr. Chairman, for allowing me to express my opinions on matters which are very important to all of us in Technoserve and the PVO community as well as to our low-income neighbors overseas. It is our hope that a new partnership will continue to evolve between our government and the PVO community and that this partnership will be a further demonstration of the generosity and human concern of the American people for our less fortunate neighbors in other countries.

UNIONIZATION OF THE MILITARY

Mr. THURMOND. Mr. President, in the March 23, 1977, edition of the St. Louis Globe-Democrat there was an article entitled, "Military Union Threat to United States."

This article points out that the Carter administration has refused to face reality and come to grips with the threat of unionization of the Armed Forces. I fully share the concern expressed therein.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From St. Louis Globe-Democrat, Mar. 23, 1977]

MILITARY UNION THREAT TO UNITED STATES

Thus far the Carter Administration has refused to face reality and come to grips with the threat of unionization that hangs over the U.S. armed forces.

On the surface it appears that President Carter is adamantly against moves to organize the military. "My opinion, strongly held," he said recently, "is it would not be advisable to have military personnel unionized."

However, fears regarding exactly where the President stands on this vital issue are justified by Mr. Carter's insistence that it is not necessary to pass legislation that would prohibit members of the armed forces from joining a union.

Now the door seems to be wide open for an invasion by union recruiters as top administration officials have taken up the President's chant. Both Defense Secretary Harold Brown and Navy Secretary W. Graham Claytor figuratively wrung their hands as they straddled the issue at a hearing by the Senate Armed Services Committee.

The unfolding drama of indecision annoyed Chairman John C. Stennis, who is author of one of two bills on the matter that are pending in the Senate. The Mississippi Democrat pleaded with the Defense Department officials by urging them to "make up your minds which way you are going."

Strong warnings of intentions to organize the military have been visible for more than a year and a half. Time will run out if the procrastination continues endlessly. The Association of Civilian Technicians already is organizing members of the reserves and the National Guard The 300,000-member American Federation of Government Employees has amended its constitution to extend recruiting to the armed forces. The National Maritime Union also established a committee to study the matter.

Two years ago the Union of Military Physicians sprang up among U.S. officers sanctioned in Germany.

Despite all this activity and a beachhead already established among reserve forces, President Carter continues to downgrade the intentions of the unions. Mr. Carter is not alone in the belief that strong efforts to organize military personnel are non-existent. The President reports that various labor leaders agree with his position, making it the first time organized labor has voluntarily renounced recruiting as a tool for increasing its membership.

Supporters of the ban on union activity point to the upheaval that would result to the chain of command and the damage, perhaps irreparably, to the nation's defenses. The two Defense Department witnesses at the hearings acknowledged the dire results. Brown conceded that military unions could cause havoc with the command system.

Although the Defense Secretary testified that collective bargaining in the armed forces is "fundamentally incompatible" with the necessity for an "unencumbered command and control system," he declined to support either of the two measures being studied by the Senate panel. Both Brown and Claytor cast doubt on the constitutionality of such a law.

The present policy that is aimed at prohibiting solicitation for union membership on military bases is not working. This fact was proven by Sen. Strom Thurmond, R-S.C., who displayed a flyer publicizing a meeting with AFGE officials at the Oakland Army base to discuss "unionization of the military."

The administration cannot give first consideration to paying political obligations to labor leaders. Top priority and concern must be given to the entire country.

Congress' authority over the armed forces is clearly spelled out in Article I of the U.S. Constitution, which says:

"The Congress shall have power . . . to raise and support armies . . . to provide and maintain a navy . . . to make rules for the government and regulation of the land and naval forces."

Such power invested in Congress would appear to answer any challenge alleging that a ban on union membership in the armed forces might violate individual rights.

Article II of the Constitution establishes the President as Commander-in-Chief of the Army and Navy of the United States. President Carter should have no hesitancy in backing legislation to uphold Congress' authority and his own executive power.

The President has but one course to follow. He should spur the Democratic-controlled Congress to enact legislation banning military unions that in war could spell the difference between victory or defeat.

A PROUD WEEK FOR THE STATE OF WISCONSIN

Mr. NELSON. Mr. President, this was a proud week for the State of Wisconsin. On Saturday, the University of Wisconsin won its second national hockey championship by defeating an outstanding Michigan team 6–5 in an exciting overtime finish. And of course Monday night the Marquette University basketball squad battled its way to a national championship of its own by beating a fine North Carolina team 67–58.

Marquette's victory was an appropriate climax to a brilliant career for Coach Al McGuire, who now retires from college basketball. After 10 consecutive years of post-season tournament appearances, he and his players can finally claim the grandest prize of all. Coach McGuire was showman, philosopher, tactician, and teacher. He brought winning basketball to Milwaukee and his own unsinkable style to fans everywhere. Most important, he helped mold the lives of many young men who wore the Marquette uniform. He will be missed by all of us.

PETROLEUM PRICE MONITORING SYSTEM

Mr. LEAHY. Mr. President, coincidental with the decontrol of middle distillate petroleum products, former FEA administrator Frank Zarb developed an elaborate price monitoring system to track sudden price increases which might result from decontrol, and to set in motion steps to bring prices down. The agreement to establish the system and an outline of the procedures involved was set forth in a letter from Mr. Zarb to Senator KENNEDY on page 21538 of the CONGRESSIONAL RECORD of June 30, 1976.

Subsequent meetings with FEA officials engendered considerable confusion about the meaning of the agreements outlined in Mr. Zarb's letter and detailed on page 41155 of the Federal Register of September 21, 1976; about how the operation of the so-called price trigger affects FEA's authority to grant relief; and as to what relief is available for dealing with this situation.

Consequently, I wrote Comptroller General Staats on January 19 of this year requesting clarification of these points. Shortly after I received the reply, the price trigger was tripped in the North Central region, causing FEA to schedule investigatory hearings.

Mr. President, in the interest of furthering this process, I ask unanimous consent that a copy of my letter to Mr. Staats and his legal opinion be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON
AGRICULTURE AND FORESTRY,
Washington, D.C., January 19, 1977.

Mr. ELMER STAATS,
Comptroller General, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: As you may be aware, coincidental with the decontrol of middle distillate petroleum products, Federal Energy Administrator Frank Zarb last year developed an elaborate price-monitoring system to track sudden price increases which might result from decontrol, and to set in motion steps to bring prices down. The agreement to establish the system and an outline of the procedures involved is contained in a letter from Administrator Zarb to Senator Kennedy on page 21538 of the Congressional Record of June 30, 1976.

The Northeast, and especially New England, has experienced rapid and sharp increases in recent months in the price of number two heating oil, a middle distillate product. These increases have been exceptionally high in the residential sector, which comprises 68 percent of the volume tracked by FEA's monitoring system.

Recent meetings with FEA officials have engendered considerable confusion about the meaning of the agreement outlined in Administrator Zarb's letter and detailed on page 41155 of the Federal Register of September 21, 1976; about how the operation of the so-called "price trigger" affects FEA's authority to grant relief; and as to what relief is available for dealing with this situation.

For that reason, I would like clarification of the following questions:

(1) Under the terms of the notice in the September 21 Federal Register, is the FEA legally bound to take any action?

(2) If middle distillate prices "break" the trigger, what, if any, action is required under the law?

(3) What authority is there to grant relief, and what relief is available under the law?

Your timely response is appreciated because of the unusual hardships that these price increases have imposed, and the apparent reluctance of the FEA to take swift and meaningful action. Furthermore, since President Ford intends to submit to Congress a gasoline decontrol plan today with a similar "price trigger" mechanism, it would be extremely helpful to have the answers to my questions before the Senate acts on this latest decontrol plan.

Sincerely,

PATRICK J. LEAHY.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., March 18, 1977.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEAHY: This is in response to your letter of January 19, 1977, requesting clarification of several legal issues regarding the operation of the Federal Energy Administration's (FEA) system for monitoring prices and responding to price increases of middle distillate petroleum products. Specifically, you asked the following questions:

(1) Under the terms of the notice in the September 21 Federal Register, is the FEA legally bound to take any action?

(2) If middle distillate prices "break" the trigger, what, if any, action is required under tho law?

(3) What authority is there to grant relief, and what relief is available under the law?

The Federal Energy Administration Act of 1974 (FEAA), Pub. L. No. 93-275, 88 Stat. 96, established the Agency and set forth its authority and functions in broad terms. Section 5 provides, in pertinent part:

"Sec. 5(a) Subject to the provisions and procedures set forth in this Act, the Administrator shall be responsible for such actions as are taken to assure that adequate provision is made to meet the energy needs of the Nation. To that end, he shall make such plans and direct and conduct such programs related to the production, conservation, use, control, distribution, rationing, and allocation of all forms of energy as are appropriate in connection with only these authorities or functions—

"(1) specifically transferred to or vested in him by or pursuant to this Act;

"(2) delegated to him by the President pursuant to specific authority vested in the President by law; and

"(3) otherwise specifically vested in the Administrator by the Congress.

"(b) To the extent authorized by subsection (a) of this section, the Administrator shall—

* * * * *

"(4) develop plans and programs for dealing with energy production shortages;

"(5) promote stability in energy prices to the consumer, promote free and open competition in all aspects of the energy field, prevent unreasonable profits within the various segments of the energy industry, and promote free enterprise;

"(6) assure that energy programs are designed and implemented in a fair and efficient manner so as to minimize hardship and inequity while assuring that the priority needs of the Nation are met;

"(7) develop and oversee the implementation of equitable voluntary and mandatory

energy conservation programs and promote efficiencies in the use of energy resources;

"(8) develop and recommend policies on the import and export of energy resources;

* * * * *

Additionally, the President has delegated to the Administrator of FEA all authority granted to him by the Emergency Petroleum Allocation Act of 1973 (EPAA), Pub. L. No. 93-159, 87 Stat. 27. See Exec. Order 11790, June 27, 1974. Pursuant to section 4(a) of EPAA, as amended by the Energy Policy and Conservation Act of 1975 (EPCA), Pub. L. No. 94-163, 89 Stat. 871, the President promulgated allocation and price control regulations as required See 10 C.F.R. §§ 210-212 (1976).

Regarding those regulations, section 4(b)(1) of the EPAA provides, in pertinent part:

"(b)(1) The regulation under subsection (a) of this section, to the maximum extent practicable, shall provide for—

* * * * *

"(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers; and branded independent marketers;

* * * * *

"(F) equitable distribution of crude oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners nonbranded independent marketers, branded independent marketers, and among all users;

* * * * *

Also, subsections (b) and (c) of section 12 of EPAA allow the President to exempt any petroleum products from allocation and price controls, if he determines that such exemption is consistent with the objectives of section 4(b)(1). These controls may be reimposed, however, pursuant to section 12(f), which provides:

* * * * *

"With respect to any oil or refined product category which is exempted pursuant to the provinions of this section, the President shall have authority at any time thereafter to prescribe a regulation or issue an order respecting either the allocation of amounts, or the specification of price or the manner for determining the price, of any such oil refined product category upon a determination by him that such regulation or order is necessary to attain, and is consistent with, the objectives specified in section 4(b)(1). Any such oil or refined product category for which allocation or price requirements are reimposed under authority of this subsection may subsequently be exempted without regard to the provisions of subsection (c) of this section."

In accordance with section 12(c) of EPAA the FEA submitted an energy action to Congress, with appropriate findings, exempting middle distillates from allocation and price controls. Congress did not disapprove the amendment within 15 days, as specified in section 551 of the EPCA, therefore middle distillates were exempted effective July 1, 1976. In response to congressional concern that prices of middle distillates would rise unjustifiably upon decontrol, FEA proposed and adopted the plan for monitoring prices referred to in your letter. See 41 Fed. Reg., Sept. 21, 1976, pp. 41155-62.

The Carter Administration appears to have reaffirmed the previous administration's intention to monitor prices. The Washington Post recently (February 11, 1977, p. A1) reported that the FEA intends to reimpose price controls on kerosene and home heating oil when prices rise above the index price level. According to the Post, FEA Administrator John F. O'Leary stated:

"My predecessor, Frank Zarb, committed this agency to a return of price controls if heating oil went back through the trigger price. Zarb made that commitment as a price for getting decontrol through Congress and I plan to honor that commitment."

Under this plan, regional and national price indices are computed by FEA based on:

" * * * actual average June 1976 prices for No. 2 heating oil and No. 2-D diesel fuel (weighted by their historical relative sales volumes), adjusted to take into account (1), seasonal price variations of both products, (2) actual increases/decreases in the price of imported and domestically produced crude oil, (3) actual increases/decreases in the prices of imported middle distillates (weighted by their historic relative volumes), (4) increases in non-product costs of refiners, as defined and limited under FEA costs pass-through regulations, and estimated increases in operating costs of resellers and retailers, and (5) the two cents/gallon flexibility factor." 41 Fed. Reg. 41156.

If actual prices for middle distillates rise above the index price, then FEA will:

" * * * (a) hold public hearings within ten days to determine the causes of the excessive price levels and to solicit comments on actions necessary to return actual prices to levels at or below the index price level, and (b) to take within ten days of completion of hearings such action as may be required to restore prices to those levels within one month." 41 Fed. Reg. 41156.

The notice of adoption of the plan includes the following options available to FEA to restore prices to levels at or below the index prices:

" * * * (1) reimposition of complete price and allocation controls over the entire industry, (2) imposition of partial price/allocation controls over the entire industry, (3) imposition of full or partial controls over certain segments or distribution levels of the industry, and (4) modification of FEA's entitlements program to reduce the cost of imported middle distillates." 41 Fed. Reg. 41156.

In connection with your third question we have also considered whether allocation and price controls could be reimposed on a regional basis under the plan. While such action is not specifically authorized by the acts discussed above, there is nothing in those acts that would preclude such action. Since FEA's plan provides for monitoring of prices on a regional basis, the reimposition of controls on a regional basis appears to be an available form of relief under the plan.

In regard to whether FEA is required to act, should middle distillate prices "break" the trigger, FEA has the authority under section 12(f) of EPAA to reimpose allocation and price controls on exempted petroleum products. This action is discretionary, however, so long as FEA determines that such action is necessary to attain, and is consistent with the objectives specified in section 4(b)(1) of EPAA. Nothing in FEAA or EPAA requires FEA to take any action in response to rising prices of decontrolled petroleum products.

By adopting the plan discussed above, FEA has essentially limited its discretionary authority in responding to price increases of middle distillates. According to the terms of the plan, if actual prices exceed index prices FEA must hold public hearings, and take some action to return prices to the index price level. The specific action taken, however, is still discretionary, limited only by sections 12(f) and 4(b)(1) of EPAA, and section 5(b) of the FEAA.

In regard to your first question, there is an issue as to whether FDA is legally bound to adhere to the plan at all. Generally, while administrative agencies are bound by their own validly-promulgated rules and regulations issued pursuant to statute, they are not bound by internal agency procedures, even though they are published in the Federal Register. *Service* v. *Dulles*, 354 U.S. 363 (1956); *Accardi* v. *Shaughnessy*, 347 U.S. 260 (1954); *Gardner* v. *F.C.C.*, 530 F. 2d 1086 (D.C. Cir. 1976).

In the present case, the price monitoring plan was published in the Federal Register as a notice, rather than as a statutory regulation. While a court would not be bound by the agency's label, the line between a binding agency regulation and a non-binding internal agency procedure is not well defined. See *St. Francis Mem. Hosp.* v. *Weinberger*, 413 F. Supp. 323 (1976). If FEA decided to ignore the plan and a law suit were instituted to attempt to force adherence to the plan, the outcome would be influenced by such factors as whether the plaintiff detrimentally relied on the plan and whether FEA had compelling reasons to deviate from the plan. Therefore, we are unable, in the present case, to provide a definitive answer to the question of whether FEA is legally bound to follow the plan. We can, however, provide some guidance as to the probable outcome.

Even though the plan was published as a notice, in adopting the plan FEA followed the administrative procedure normally used in the promulgation of regulations—that is, notice by publication of proposed rules, public hearings solicitation of written comments, incorporation of comments into the proposed rules, and finally publication of the adopted rules. See 5 U.S.C. § 553 (1970). Since FEA treated the plan procedurally as a regulation, an argument can be made that it is, in fact, a regulation and that the public may rely on it as such.

Also, while FEA did not indicate that the plan was being promulgated pursuant to any specific statute, the plan meshes closely with FEA's statutory authority and regulations in the area of price control and allocations as discussed above. The plan appears to be in implementation of these statutes and regulations, rather than merely an internal agency procedure. Specifically, the plan provides a standard for FEA to determine when to institute remedial action under section 12(f) of the EPAA. The plan also is consistent with, and facilitates achievement of the objectives stated in section 4(b)(1) of the EPAA.

Additionally, the plan is directly related to the authority of FEA, as set forth in section 5(b) of the FEAA.

For these reasons we feel that a court could find that the plan is legally binding on FEA.

Even if the plan is binding on FEA, however, it could be amended or repealed very quickly. Generally, formal rulemaking, including amendment or repeal of an existing rule or regulation, requires notice of the proposed rulemaking, opportunity for interested parties to submit comments and publication of the adopted rule not less than 30 days before its effective date. 5 U.S.C. § 553 (1970). However, notice of proposed rulemaking and the opportunity to submit comments are not required:

". . . when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. § 553(b)(3)(B) (1970).

Also, the requirement under section 553(d) that the adopted rule must be published 30 days before it is effective can be waived:

"* * * (3) as otherwise provided by the agency for good cause found and published with the rule."

In this case, therefore, it would not be difficult for EPA to make the required findings

under these provisions, based perhaps on an emergency of some sort, and then to repeal the plan in a very short time.

We note that our audit staff is preparing a report to you, to be provided separately, regarding the validity of the sampling techniques used by FEA in monitoring prices under the plan.

We hope that this information has satisfactorily answered your questions.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

INTERNATIONAL NARCOTICS CONTROL

Mr. HUMPHREY. Mr. President, two reports have come to my attention in recent days which illustrate the basic dilemma facing our International Narcotics Control program. During the early 1970's the United States began an active effort to stop production of illegal drugs at their source. The effort has resulted in some curtailment of supply of dangerous drugs to the United States, but at the cost of heavy U.S. involvement in drug enforcement operations of other countries. Pressured by the United States, countries such as Mexico and Bolivia passed stringent drug laws that are now backfiring on many U.S. citizens. Now the United States is forced to pressure these same countries in the other direction to protect the basic human rights of our citizens caught by the laws we helped draft. I would not be surpised if these countries are confused by our policies.

The first of the two reports which illustrate this dilemma is the Secretary of State's March 4, 1977 report to the Senate Foreign Relations Committee required by section 408(b)(2) of the International Security Assistance and Arms Export Control Act of 1976. The report states that local Mexican authorities have often mistreated U.S. citizens. It notes 58 cases of substantiated physical abuse of U.S. citizens after their arrest, 17 cases of unscrupulous financial practices by Mexican attorneys, and 269 cases of inadequate notification after arrest. The U.S. Embassy was in many cases forced to send formal protest notes. I should add, however, that the Mexican National Government is cooperating with our Government on these matters and that cooperation will surely continue under the new Mexican President, Lopez Portillo. In this regard, the administration is now drafting implementing legislation for the United States-Mexican Treaty on the Execution of Penal Sentences which will allow the Senate to more effectively consider the treaty.

The second report is a Jack Anderson article which appeared in the March 19, 1977 Washington Post, entitled "Bolivia Mistreats Jailed Americans." The article details some of the hardships suffered by U.S. citizens for what would be minor drug offenses in this country. The State Department has informed my staff that the Bolivian Government is cooperating with our efforts to provide humane treatment and due process for our citizens in Bolivian jails. For example, in January Bolivia passed a new law which reduces sentences from 10 to 2 years for simple possession of drugs; and recently the number of judges trying narcotics cases has increased from 3 to 12. The State Department has not, however, begun negotiations with Bolivia on a prisoner exchange treaty.

The dilemma of our International Narcotics Control program is a difficult one to solve. It is important to stop the flow of dangerous drugs into our country and halt the damaging effect it has on our society. But it is equally important to have a consistent international drug control policy which both avoids excessive U.S. involvement in the domestic affairs of others and yet protects the basic human rights of U.S. citizens abroad. The administration has requested $39 million for its fiscal year 1978 international narcotics program. My Foreign Assistance Subcommittee hopes to hold hearings on these matters later this year.

Mr. President, I ask unanimous consent that the texts of the two documents to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, D.C., March 4, 1977.

Hon. JOHN SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: In accordance with Section 408(b)(2) of the International Security Assistance and Arms Export Control Act of 1976 (P.L. 94-329), I am writing to report on the progress which has been made toward achieving full respect for the human and legal rights of United States citizens detained in Mexico.

In the last report, submitted to you by my predecessor on November 10, 1976, it was reported that the problem of obtaining full respect for the human and legal rights, under Mexican law, of all United States citizens detained in that country had not been solved and that the Department was not fully satisfied with the progress that had been made at that time toward its solution.

During hearings before the House International Relations Committee from July 1975 through January 1976, the Department reported on its findings in some 475 cases of United States citizens who were detained in Mexico as of July 1, 1975. The Department indicated during those hearings that prisoners' allegations of physical abuse and denial of human and legal rights were substantiated in a disturbing number of cases. Unfortunately there are still substantiated cases in which U.S. citizens are not receiving the full rights guaranteed to them under Mexican law.

During the period from July 1, 1975 through January 15, 1977, over 1500 Americans were arrested in Mexico. A vast majority of that number were involved in minor offenses and the arrestees were released after only one or two days in jail and/or the payment of a fine. During this period, there were 58 cases of substantiated physical abuse at the time of arrest. In another 47 cases the evidence was not sufficient to reach a clear conclusion. There were also 17 cases wherein Americans were subjected to unscrupulous financial practices by attorneys who extracted large fees from the prisoner and/or his family for services which they then failed to provide and another 61 cases where the evidence of malpractice was not sufficient to reach a conclusion. In cases of substantiated abuse the Embassy at Mexico City and our consular posts throughout Mexico have made and continue to make protests to the Mexican authorities at both the local and federal levels. I should point out, however, that protests have not been made in those cases where the arrested American citizens specifically requested that no protest be made. The protests are normally made both orally and in writing to the appropriate local officials. In many instances, the cases are documented by constituent posts and forwarded to the Embassy at Mexico City so that protests can be lodged with the Mexican Foreign Ministry. In such cases, the Embassy sends a formal note of protest to the Ministry with a copy to the Mexican Attorney General. These notes include a description of the case, a sworn statement by both the prisoner and the consular officer where appropriate, and a request that a full investigation be made into the allegation of abuse. To date, the Embassy has not received satisfactory replies to the vast majority of such notes.

While it is true that the total number of cases of substantiated abuse represents a small percentage of the total number of arrests, we cannot be complacent. As was noted in our previous report, as long as one American citizen is not being accorded his human and legal rights under Mexican law, we will not be satisfied.

Timely notification to our consular officers of the arrest of an American in Mexico and subsequent early access to the arrestee continue to be major problems, which we have discussed repeatedly with officials of the Mexican Government at the highest levels. We have stressed in these discussions the importance the United States Government places on obtaining early notification of an arrest and subsequent prompt access to the detainee in accordance with the Vienna Convention on Consular Relations to which both of our countries are signatories. While we have succeeded in convincing the Mexican Federal Government of our position, practical results on the local level remain spotty and uneven. During the last eighteen months, there were some 269 cases where we did not consider notification of an arrest by police authorities as adequate. In many cases the initial information on the arrest case came from outside sources such as friends or relatives rather than from local authorities. Once notification has been received, however, the gaining of consular access to the arrested American is usually no longer a problem. Conditions of communication and or transportation, however, can be an obstacle, particularly in the many cases where the arrest takes place several hundred miles from the nearest consular office. In these instances initial contact with the arrested citizen is made by telephone and a consular officer visits as soon thereafter as practical.

In our last report, the Department also noted that the Mexican Government was understood to be in the process of revising its law to extend parole to drug offenders on the same basis as other convicts. The parole bill, however, was not reported out of committee prior to the adjournment of the Mexican Congress on December 31. We understand that the parole legislation may be reconsidered when the Mexican Congress reconvenes in September.

On the more positive side, the United States and Mexico have concluded successful negotiations on a treaty which will permit a national of the United States or Mexico convicted of a crime in the other country to serve his sentence in a penal facility located in his own country. The Treaty on the Execution of Penal Sentences was formally signed in Mexico City on November 25, 1976 and ratified by the Mexican Senate on December 31, 1976. The Treaty was transmitted to the United States Senate for its advice and consent to ratification on February 15. Implementing legislation which is currently being drafted by the Department of Justice must also be enacted before the Treaty can go into force. We are hopeful that, when ratified, the Treaty will help to alleviate the long range problem of large numbers of Americans serving extended sentences in Mexico.

During the period covered by this report a new Mexican administration has assumed office and we have discussed the problem with newly installed officials. President Lopez Portillo is, of course, aware of the problem and, as you know, alluded to it in his address to the House of Representatives during his recent State Visit to Washington. We are hopeful that our continuing discussion of the plight of U.S. citizens arrested in Mexico with the new Mexican Government officials will lead to rapid improvement.

Sincerely,

CYRUS VANCE.

[From the Washington Post, Mar. 19, 1977]

BOLIVIA MISTREATS JAILED AMERICANS

(By Jack Anderson and Les Whitten)

Three months ago, we described the plight of 35 Americans who are languishing in grim, rat-infested Bolivian prisons, uncertain when they wil get out. Some have been held for years, without trial, on suspicion of possessing marijuana or cocaine.

They can thank their own government for their misfortune. They were dumped in jail as a direct result of U.S. pressure upon Bolivia to crack down on drug violators. The Justice Department even sent an attorney to help the Bolivians draft a tough drug law.

The U.S. government is also subsidizing the police who arrested the Americans. No less than $4 million of the American taxpayers' money has been pledged to the Bolivian drug enforcement program.

This $4 million bequest hasn't noticeably softened the hearts of the Bolivian police toward their American prisoners. At least five young Americans have written home about police brutality. One complained that the police beat him with a rubber hose. Another wrote that he had been beaten and then threatened with execution before a firing squad at sunrise. A long-haired youth was dragged across the prison courtyard by his ponytail.

Most of the prisoners have complained bitterly about sanitary conditions. The prisons are infested with rats and cockroaches. The food and water have caused dysentery, intestinal infection and hepatitis.

One prisoner almost died, according to his parents, of hepatitis. Another lost 70 pounds in prison as a result of an intestinal infection. Yet the prison authorities refused him treatment for nearly a year. Another man would have received no medical treatment for flu and malaria except for the kindly intervention of a priest.

But it is the uncertainty that has caused the most anguish. Most of the Americans were arrested for possessing no more than a pinch or two of marijuana or cocaine. Some pleaded innocence, claiming they just happened to attend a party where pot was smoked.

Yet they have been stuck in the slammer for months, some as long as three years, without a trial. Their parents have hired Bolivian lawyers who have collected fat fees but accomplished nothing.

The parents have also complained to us that the U.S. embassy in La Paz seemed more concerned about the sensibilities of the Bolivian authorities than the suffering of the imprisoned Americans.

After we wrote about their sad situation, the State Department dispatched a special team to Bolivia to investigate. The investigators visited the Americans in prison, with the full cooperation of the Bolivian government. Their report is still in the drafting stage, but we can disclose the main findings:

The State Department confirmed that most of the American prisoners have been denied due legal process. This is regarded as a "flagrant violation" of their human rights. The Bolivian judges have deliberately held up the trials, however, to spare the Americans harsh sentences under the existing law. The judges are waiting hopefully for the law to be modified.

The investigative team also confirmed that Americans have been mistreated in Bolivian prisons. Not all the complaints about beatings and brutality could be verified, although the report about one youth being dragged by the hair was affirmed. But the investigators concluded that the Americans were treated no worse than Bolivian prisoners in the same circumstances.

There is also no question that sanitary conditions are substandard in the Bolivian prisons. The investigators actually saw the rats and cockroaches with their own eyes. As a result, many prisoners have had health problems. But again, the American prisoners are no worse off than their Bolivian cellmates.

The State Department agrees that most of the Americans were arrested for simple possession. But a few of the prisoners apparently were drug traffickers. One was caught with 50 pounds of cocaine in his suitcase.

Belatedly, the State Department has now moved to protect the basic rights of the jailed Americans. The department has even cautioned the Bolivian authorities delicately that U.S. aid could be withdrawn if the human rights of the prisoners are violated. The U.S. embassy has also been authorized to retain a Bolivian attorney to give legal advice on the prisoner problem.

SENATE SMALL BUSINESS COMMITTEE

Mr. NELSON. Mr. President, I wish to announce the following subcommittees for the Senate Small Business Committee:

Subcommittee on Monopoly and Anticompetitive Activities: Senator Nelson, Chairman; Senator Haskell and Senator Weicker.

Subcommittee on Government Regulation and Small Business Advocacy: Senator McIntyre, Chairman; Senator Nunn and Senator Bartlett.

Subcommittee on Economic Development, Marketing, and the Family Farmer: Senator Nunn, Chairman; Senator Hathaway and Senator Packwood.

Subcommittee on Government Procurement: Senator Hathaway, Chairman; Senator Culver and Senator Packwood.

Subcommittee on Financing, Investment and Taxation: Senator Haskell, Chairman; Senator Nelson and Senator Bartlett.

Subcommittee on The Future of Small Business: Senator Culver, Chairman; Senator McIntyre and Senator Weicker.

The chairman and the ranking minority member of the full committee are members ex officio of all subcommittees.

SPEECH BY MR. GEORGE MEANY IN ACCEPTANCE OF THE 1977 EUGENE V. DEBS AWARD

Mr. ROBERT C. BYRD. Mr. President, it was my pleasure, in company with scores of the leaders of American labor and several of my colleagues from Congress, to be present last night for the George Meany Testimonial Dinner held at the Shoreham Americana Hotel here in Washington. On this occasion, Mr. Meany was presented with the 1977 Eugene V. Debs Award in recognition of his lifelong efforts in behalf of the American labor movement and the enormous contributions that he has made to the social and economic progress of the American worker.

George Meany is one of the American labor giants of all time. He began his labor career in 1910 when he became an apprentice plumber in New York City. Since that time, 67 years ago George Meany has risen through the ranks of his own occupation to become one of the leading spokesmen for labor around the world.

Mr. Meany has never lost touch with his origins as a skilled worker or with the men and women who have turned to him again and again for leadership. As a result, he has given voice to the aspirations and ideals of millions of people in this Nation whose talents, energy, craftsmanship, and discipline have helped to make this country the leading economic and industrial power of the world.

The commitments of George Meany have gone beyond just economic concerns, however. He has been a dedicated American patriot who has wisely balanced the just goals of American labor with the well-being of the whole country. He believe deeply in America and has supported the concept of a strong national defense program. He has also given himself to the cause of social and economic justice for all Americans, not just the members of his own union. When historians record the names of those men and women who have helped shape the destiny of this Nation in this generation, George Meany's name will be high on their list.

In response to receiving the Eugene V. Debs Award, Mr. Meany gave a clear and succinct statement of his vision of the role of the labor movement in modern America. His speech is a resounding affirmation of the values of American democracy and our way of life.

Mr. President, I ask unanimous consent that the inscription on the Eugene V. Debs Award, together with Mr. Meany's speech, be printed in the RECORD.

There being no objection, the inscription and the speech were ordered to be printed in the RECORD, as follows:

INSCRIPTION

GEORGE MEANY

For nearly a quarter of a century, one man has towered over the united American labor movement, guiding its development into the strongest organization of free workers in the world.

The authentic and outspoken voice of American workers, George Meany has never subordinated their fundamental interests to other claims, rightly insisting that the economic and social progress of workers is the bedrock of the national welfare.

No man in our time has stood so firmly and effectively for the universality of the democratic idea and its inalienable connection with free trade unionism; and no man has in consequence so richly earned the enmity of all totalitarians, "left" and "right" alike.

For George Meany, economic prosperity, social justice, and expanding human rights are the inseparable and mutually reinforcing elements of the good society for which countless millions struggle the world over.

Because this is our vision as well, and because he has done so much to help fulfill Debs' hope for the American worker.

Social Democrats, U.S.A. proudly presents its 1977 Eugene Victor Debs Award to George Meany, March 31, 1977.

ADDRESS BY MR. MEANY

I am delighted to be here and to accept your 1977 Eugene V. Debs Award.

I see here many old friends and familiar faces—veterans of many battles, some lost, some won, most unfinished. I see a lot of people who wear different hats on different days of the week.

Take Bayard Rustin, for example. On one day, I run into him as president of the Randolph Institute. On another day, he is organizing the Black Americans in support of Israel Committee. On still another day, he is chairman of the executive committee of the leadership Conference on Civil Rights. And now, of course, I see him as chairman of Social Democrats, U.S.A.

I think this is a tribute not only to Bayard's many talents but also to the broad-ranging interests of this organization, whose members are active in so many of the struggles for economic and social justice in which the trade union movement also has a profound interest.

A lot has changed since Gene Debs passed from the American scene. A lot has changed in American life and industry. A lot has changed in the American labor movement. Many of the programs that Debs' old Socialist movement advocated have since become part of American life. And, of course, many of that movement's old dogmas have been rightly discarded by Debs' modern descendants.

For my money, all of these changes have been for the better. Of course, there are some people who don't seem to think so. They don't see progress in the American trade union movement in the last half century or so—only deterioration. They miss the rhetoric of class struggle, the clarion calls for the general strike, the bloody clashes with the police or national guard—usually observed from a safe distance. The militance of such people is sort of disembodied—it bears no relation to the actual conditions and concerns of workers at any given time. It is a fashion for all seasons.

When we think of Debs the trade unionist, we think of the Pullman strike of 1894—the so-called Debs rebellion. It was a great strike. The issues could not have been clearer. The company could not have been more morally wrong; the workers could not have been more militantly right. It was a tremendous, dramatic, classic labor struggle. It had only one drawback: The strike was smashed. The workers lost.

They did not lose for lack of charismatic leadership. Debs had charisma enough. He was also a prudent man, who really worked to avoid the strike.

No, the workers lost because of the overwhelming power of the forces arrayed against them—a rich and brutal company, a hostile president, a trigger-happy national guard, a private army of goons plus public indifference. Against these forces, the workers were too weak and poorly organized to prevail.

Now, I suppose there are areas in this country where this kind of power imbalance still exists, where the alignment of forces is so favorable to management and so hostile to organized workers that union victories are few and far between. And, of course, it is still true that the labor movement as a whole has hardly achieved equality of power with the big corporations.

Nonetheless, there has been—overall, a fundamental and, I believe, lasting shift in the alignment of forces as between labor and capital. It is a shift that would have pleased, though not, of course, satisfied Debs. In any case it is a shift that has had a profound impact on American society.

The American worker today gets more respect on the shop floor than any worker in the world. He is not locked into the kind of class system that exists in much of the old world and demands a deferential attitude on the part of the worker toward his so-called "betters."

Nor need an American worker feel that the government is completely stacked against him—as once seemed the case. Big business still exercises more than its fair share of influence over government policy, but we have a say, too—and we have more and more to say. And because we have more to say, the American people are better off.

So, the trade union movement has come a long way since Debs. Sometimes, we forget how far. Take, for example, the question of civil rights.

As late as 1893, Debs' own union, the American Railway Union, had a constitutional provision restricting membership to "whites only." Debs himself tended to the view that black workers had no special or distinct problems that needed to be specifically addressed. All the problems of black Americans, he thought, would be solved as part of the class struggle of the working class as a whole against the bosses.

We've come a long way from this view. Of course, the "whites only" clauses have been eliminated from just about all union constitutions. But more than that, we have recognized that black Americans do have special problems, the result of their unique history in America, and that their problems must be addressed directly. And we have learned that it's not enough to tear down the racial barriers—in unions or anywhere else. We need to provide training and education and other forms of assistance to insure that equality of opportunity is not a hollow phrase.

That's why we have a civil rights department in the AFL-CIO. That's why we have outreach programs. That's why we work with the Randolph Institute, the recruitment and training program, the Urban League. That's why we backed the NAACP when it was in trouble. That's why we have marshalled all of our forces on capitol hill on behalf of civil rights and other social legislation designed to improve the lot of minorities and the poor.

That's why we will not accept the miserable proposal of the administration for a shamefully inadequate minimum wage.

Nor will we accept its proposal to permanently lock the Nation's minimum wage workers below the poverty level.

Eugene Debs is famous for having said "while there's a lower class, I am of it . . ." Debs was a deeply compassionate man and I understand what he meant. But I don't believe anybody should be part of the lower classes. I think the so-called lower classes should be abolished. There is no virtue in poverty or social inferiority.

So when some of our critics say that we have made workers middle class, I say: Thanks for the compliment. We haven't made enough workers middle class—but we're working on it. And when we succeed in that goal, then in the tradition of Gompers who said "more", we'll aim to make workers upper class.

I guess this is the point where the tradition of Gompers and the tradition of Debs come together—for if workers become upper class, there can't be much of a class society. And that is a goal we share—A society in which people are not divided by false distinctions of wealth and privilege.

Take another example of the progress we have made as a trade union movement. Certainly, one of Debs' valid criticisms of the old AFL was that it was not sufficiently involved in politics. Of course, Debs had in mind a specific political program that would have tied the labor movement to the Socialist Party or to some kind of labor party. Neither has proven viable in the United States, although some diehards refuse to recognize that reality.

Nonetheless, the American trade union movement today is more deeply involved in politics than its most politically-oriented critics could have believed possible a few decades ago. Our committee on political education is the single most effective political machine in the country. Certainly, in terms of involving people in electoral activity, it is far more effective than either the Democratic or Republican Party apparatus.

In the final analysis, this is not a machine based on money. We can't compete with the big corporations in that field. Our machine is based on people—on our ability to turn out tens of thousands of people to work for pro-labor candidates. It is a people's machine.

And our legislative operation is truly a people's lobby. It doesn't work only for trade unions objectives, in a narrow sense. It works for consumers, for the unemployed, for the elderly, for the handicapped. Our trade union movement is involved in every issue that affects the daily lives of working people—housing, education, health care, energy, the environment—you name it.

I don't know whether this is "pure and simple unionism" or "business unionism" or "social unionism" or "political unionism." None of these labels tell the true story of what the trade union movement is today. One thing is for sure: It is a more sophisticated, effective, broad-based, democratic, and involved movement today than it was ten, twenty, or thirty years ago, let alone in the days of Gene Debs. And it faces more difficult and complex challenges.

One of these challenges did not really exist in the days of Debs. I refer to the spread of totalitarianism on the world stage. Totalitarianism, as we know it today did not exist in Debs' time. There were tyrants and despots, to be sure, but not these modern, all-powerful States machines that exercise total control over social life and demand the unquestioning allegiance of the individual. Such systems did not emerge until the rise of fascism and communism.

Totalitarianism is, of course, a threat to all elements of a democratic society. But we know from experience that the first institution to be crushed in a totalitarian takeover is the trade union movement.

For this reason, we have a tremendous stake in the extension of the democratic system and the securing of human rights wherever possible. Notice, I said the Extension of the democratic system—not merely its preservation. I do not say this because I propose a military rollback of totalitarian power but because it is a fact that free workers cannot safely coexist with slave labor.

We couldn't do it in the United States a hundred years ago in a relatively democratic political framework. It is unlikely we can do it in a world constantly shrinking, thanks to technology. Any realistic, long-term prospects for peace in the world must look to the dismantling, by non-nuclear means, of the worldwide totalitarian system.

There is no easy way to achieve this goal while avoiding nuclear annihilation. Certainly, we need time—time in which to mobilize world opinion on human rights, as President Carter has begun to do—and we strongly support that effort. We need time to revive and revitalize the economies of the Western World. We need time to design realistic and effective programs to help third world countries to develop democratic institutions and climb out of centuries of backwardness.

To buy that time, we need to maintain a military capacity that will not only deter a direct attack on the United States but also discourage dangerously aggressive political and diplomatic behavior by what we now call our potential adversaries in other parts of the world.

There is no doubt but that democracy is now on the defensive in the world. American workers have a vital stake in reversing this trend. This is one of the great challenges we face in the remainder of this century.

Yes, we have come a long, long way since Debs' day. Many of his ideas did not stand the test of time and have fallen by the wayside. Many of his visions for the labor movement have been fulfilled, even if not in ways he expected. Much more remains to be done on the road to achieving a more democratic, a more just, and a more egalitarian society.

I know that this is the goal to which Social Democrats, U.S.A., has dedicated itself. It is also the goal of the American labor movement. It is in the spirit of this common dedication that I am honored to receive this award.

CONCEPT OF THE CITIZEN LEGISLATOR

Mr. WALLOP. Mr. President, the distinguished minority leader, Senator Baker, has eloquently expressed the need for America to contemplate the benefits of returning to the concept of the citizen legislator. The greatest artists step back from their canvas from time to time to view it in totality. By keeping our noses too close to the national canvas, we lose perspective.

Historically, our canvas has been colored by citizen painters; natural colors if you will. Now for 20 years we have been filling it in with the colors of full-time professional legislators and staff, not citizen legislators and constituents.

The colors are dull and contrived. The harmony and vibrancy of renewed perspectives lost. Mr. President, the picture is blurred now. The fine lines of history smudged by too much paint.

The Congress has usurped much local prerogative, taken too much of the Nation's legislative load unto itself. In so doing, we have increased the legislative load and decreased the efficiency of Congress.

The result is that instead of those who have been elected to hold the brush, unelected painters are at work on our national canvas. Those who have been elected have lost touch with those who view the work and provide the variety of color. We can no longer freshen our canvas by renewing our perspectives. It is not part of the present concept. The blurring will accelerate, and our painting become more abstract, less relevant. The longer we fail to step back and assess our work, the more difficult the restoration of perspective becomes.

We can renew contact by design, as Senator BAKER suggests, if we adopt a limited session. We can renew it by collective recognition of the value of increased stimulation provided by constituent contact. As a body we know too little of the effects of our activity on individual lives and the productive sector of society.

Only by having this our purpose can we resist the pressures to become over-involved. More of the specific judgments of the Congress will be made by elected Members than by the unelected forces which support an over-involved Congress.

Mr. President, the Senate, the people must contemplate the essence of the distinguished miniorty leader's expressed philosophy. It is in the national interest that we step back, look at our work, to see if the natural color cannot be restored.

It is to date the world's greatest canvas. Dare we spoil it by claims that the search for color has become too demanding to look for it at home.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A VOTE FOR THE BAKER PLAN

Senator Howard Baker of Tennessee has a plan for solving a lot of public image problems for the Senate all at once.

He suggests that the august body be restricted to meeting only six to seven months a year. That way Senators could justly be permitted to earn outside income, since they would need to support themselves. Their pay could be cut accordingly which would please those legions who were up in arms over the congressional pay increases. The Senators would spend more time with their constituencies, finding out more about the concerns of the folk back home.

In other words, a citizen legislature, closer to the people and the land and not so much exposed to the temptations of Washington, would be restored. And we might add another point in favor of the Senator's idea: It might cut down on the number of laws passed each year.

BALANCED AUTO EMISSIONS STANDARDS: THE RIEGLE-GRIFFIN AMENDMENT

Mr. RIEGLE. Mr. President, I am placing in the RECORD today a detailed rationale supporting the schedule of clean air automobile emission control standards contained in S. 919, the Riegle-Griffin Mobile Source Emission Control Amendments of 1977.

Our bill—sponsored in the House by Representatives JOHN DINGELL and JAMES BROYHILL and over 80 cosponsors—presents what we believe are reasonable, balanced and achievable motor vehicle pollution control levels for the Clean Air Act. Our maximum concern in our advocacy of these control levels is the issue of timing: Providing standards that will provide cleaner air while at the same time permitting cars to reach the stringent fuel economy levels mandated by the Energy Policy and Conservation Act of 1975. Important to this timing factor is that emission control technology be in place and available to manufacturers, technology that will not drive the cost of purchase and maintenance for consumers beyond affordable prices.

We believe that the following schedule and timetable of emission standards, and rationale for these standards, will insure the best balance possible to achieve environmental, economic, energy conservation, and public health goals. Supporting us in this effort are the United Auto Workers; the AFL–CIO; automobile manufacturers, dealers, suppliers, and distributors; parts manufacturers, retailers, and suppliers; repair garages; and numerous transportation and automobile associations, investment houses, and air, water, and ground carriers.

I ask unanimous consent to have printed in the RECORD the rationale for our legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RATIONALE FOR AUTOMOBILE EMISSION CONTROL STANDARDS IN THE DINGELL-BROYHILL (H.R. 4444) AND RIEGLE-GRIFFIN (S. 919) MOBILE SOURCE EMISSION CONTROL AMENDMENTS OF 1977 TO THE CLEAN AIR ACT OF 1970

	gpm
Hydrocarbons HC	
1978–79	1.5
1980–81	0.41
1982 and thereafter	0.41
Carbon monoxide CO	
1978–79	15.0
1980–81	9.0
1982 and thereafter	9.0
Oxides of Nitrogen NO_x	
1978–79	2.0
1980–81	2.0
1982 and thereafter	1.0–2.0

1978–79 STANDARDS

Each of the auto emission schedules approved in legislation during the 94th Congress by the Senate, the House, and the Conference Committee provided for standards of 1.5/15/2.0 for 1978 models. Congress recognized in the 1976 Conference Amendments to the Clean Air Act that the statutory standards required by the current law for 1978 models were unnecessarily stringent and infeasible. Both government agencies and the motor vehicle manufacturers reasonably assumed that the emission standards for 1978, as agreed to by the Conference Committee, would become the applicable emissions standards when the Clean Air Act Amendments were passed by the 95th Congress.

With respect to 1979 standards, the year-long certification process for the 1979 models will begin in mid-summer of 1977—just three months away. All the lead-time problems which faced the industry for upcoming 1978 models are almost upon the industry for 1979 models. Therefore, the public interest, business and labor will best be served by an extension of the 1977 standards through the 1979 model year. Also, keeping standards of 1.5/15/2.0 for 1979 would allow the nation to continue to maximize fuel economy gains. It is essential that the standards be set for at least two year intervals to ensure certainty in the manufacturing cycle.

1980–81 STANDARDS

Autos already have made major contributions towards obtaining clean air goals. As older cars are replaced with new, cleaner burning cars, the pollution clean up by autos rapidly progresses.

Beyond 1979, as the domestic and foreign manufacturers have recently testified at Congressional hearings, the disadvantages in meeting excessively stringent standards include fuel economy penalties, higher costs to the consumer (increased equipment and maintenance costs), and at least initially, poorer driveability of and performance and reduced model availability. The impact of these disadvantages, which would result if auto emission standards were too stringent or tighter than the Dingell-Broyhill Riegle-Griffin standards, must be weighed against the fact that analytical data available shows there also would be statistically insignificant improvements in the nation's ambient air quality Congress has previously agreed that the statutory standards must be changed. New standards must truly be cost-beneficial and implemented at the proper time when advanced automotive emission control technology is available.

For 1980 and subsequent models, hydro-

carbons (HC) will be controlled at the .41 gpm level called for by current law. The Federal Motor Vehicle Goals Study, or "300 Day Study," shows that it would make very little difference in air quality gains to wait the year or two it would take to integrate technology which would alleviate the fuel economy penalty in moving to more stringent hydrocarbon control. However, of the three pollutants, automotive hydrocarbon emissions are strongly implicated in smog formation; and if any clean-up should be accelerated, it is agreed that hydrocarbon control should be given the priority, as it is in the Dingel-Broyhill/Riegle-Griffin bills.

The carbon monoxide (CO) standard for 1980 and subsequent models should be 9.0 grams/mile. The recent "300 Day Study" of the Department of Transportation shows that air quality goals can be met and exceeded with this standard, and that minimal improvement would result from the statutory 3.4 gpm standard. For example, as compared with 1971-73, projected 1990 air concentration levels of CO would be 80 percent lower with a 9.0 grams/mile standard, or 83 percent lower with a 3.4 grams/mile standard. On the other hand, imposing the lower standard would put a particular burden on cars with small engines, and those are the ones that will be needed to achieve desired fuel economy goals. It should also be noted that use of a more stringent standard is not an effective way to solve the problem of cars which are not properly maintained in use, and thus emit high CO levels.

The 9 grams per mile carbon monoxide standard reflects recent evidence that today's California carbon monoxide standard of 9 gpm, which has been adopted by the California Air Resources Board for the long term, is more than adequate to protect public health. This is significant, because this CO level permits the operation of three-way catalyst technology to achieve low NO_x levels while still providing more fuel-efficient operation.

1982 AND THEREAFTER STANDARDS

With regard to NO_x, the ultimate level which represents the best tradeoff between fuel economy and air quality will fall within the 1 to 2 gram per mile range. Not enough is known at this point to specify the precise standard. Therefore, the Administrator of EPA would be given the authority to adjust the standard within this range. There is substantial argument over what level of NO_x control is needed for public health reasons. When vehicles are controlled to levels as stringent as 2 grams per mile NO_x, as they are today, stationary sources become the major NO_x emitters. The Motor Vehicle Goals or "300 Day Study" identified five strategies to control NO_x in the atmosphere, each of which would be more cost-effective than reducing auto emissions below 2 grams per mile.

There are many unsettled questions regarding the control of oxides of nitrogen (NO_x). Recent technological developments (such as those used by Volvo) indicate that the recommended level of 1.0 grams/mile can be achieved, but considerable additional work is needed if that technology is ever to be made sufficiently applicable to a wide range of cars. In fact, there is some question whether that standard will actually be needed to protect public health. Therefore, the EPA Administrator should be given authority to revise the NO_x standard, up to 2.0 grams/mile, unless he determines that would endanger public health.

NO_x control also presents special problems for many engines, such as diesels, which can help conserve energy. Thus, the identical Dingell-Broyhill/Riegle-Griffin bills propose that the EPA Administrator could permit a NO_x level up to 2.0 grams/mile for specific categories of cars if that is necessary for them to achieve substantial energy savings. Here again, the higher NO_x level would not be permitted if the Administrator determines that would endanger public health.

EUGENE V. DEBS AWARD

Mr. ROBERT C. BYRD. Mr. President, our esteemed colleague, Senator MOYNIHAN, delivered a speech last evening at the George Meany testimonial dinner, upon which occasion Mr. Meany received the 1977 Eugene V. Debs Award. Senator MOYNIHAN's speech was exceptionally well received, and his delivery was, as usual, superb. In order that our colleagues may have the benefit of the contents of Senator MOYNIHAN's address, I ask unanimous consent that the transcript of Senator MOYNIHAN's speech be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD as follows:

ADDRESS BY SENATOR DANIEL PATRICK MOYNIHAN

The distinguished members of this audience will permit a displaced professor some remarks on the momentous reunion of two great intellectual and political traditions that occurs here tonight, two traditions which despite many common values have but rarely shared a common ground in American politics. One does not exaggerate in stating that among the most promising trends of the past decade in our sometimes unhappy public life has been the revival of a sense of shared concern, common origins, and mutual respect between these two important schools of our politics and thought.

In Bayard Rustin, Carl Gershman, and Sidney Hook we have the heirs to Morris Hillquit, Victor Berger, Eugene Debs, Norman Thomas, John Dewey—American social democrats who never wavered from the conviction that socialism was above all else a philosophy which sought a broader application of the American ideals of democracy.

In George Meany, I. W. Abel, and Lloyd McBride—Lloyd McBride whose recent election so brillantly confirmed the good sense of American working people and the authenticity of America's labor leadership--we have the heirs to the tradition of Samuel Gompers, William Green, Philip Murray, and a host of other leaders in the day-to-day struggle to improve the lives of working men and women.

(We all welcome Lloyd McBride on this occasion, and I particularly welcome him. I am trying to get used to having a President of the United States who received his commission in the Navy a year *after* I did. At least we have a President of the Steelworkers who joined that union seven years before me, even if he was twenty and I was sixteen on the respective occasions. It's the first trade union I ever did join—out at the National Can Company in Long Island City. It had great leadership then and it has great leadership still.)

These two traditions, at the turn of this century—so long ago, it seems—confronted one another in an intense but remarkably honest and creative debate. The Socialists argued that American labor should found its own political party and dedicate itself to a long-term effort to build a new society. But Gompers, his colleague, Peter McGuire, and the early American Federation of Labor chose otherwise.

In a speech some of you may have heard me give during last year's primary campaign in New York, I described the choice, and its gradual acceptance by the rest of American society as a "social contract." A social contract which has been the basis of social stability and progress for much of the modern era of American democracy. Its terms were simple and direct:

First, labor would not "seek to transform the American economic system by posing an alternative system."

Second, labor would not "seek to transform the American political system by founding its own political party."

But, third, in return, the labor movement would not only be permitted but would be encouraged to seek to gain within the American system so constituted a broad range of material and social benefits for the people it represented.

One would search long and hard through the political history of this century to find a broad social agreement that has been so honorably and scrupulously upheld as American labor's adherence to that social contract

Labor's choice was right. The political and economic stability which that agreement fostered, and the gains won by labor under it, in turn brought unequaled well-being, dignity, and position to American workers. Perhaps the greatest testimonial to the soundness of Sam Gompers' choice today comes from the children of his brilliant adversaries—from you the Social Democrats, U.S.A. You have at the end put aside your call for a separate party of labor and socialism. You have broken out of the confining dogmatism that economic democracy can only be achieved through the drastic imposition of an alternative system of economic organization. And, yet you have come to these decisions without any corruption or abandonment of your deepest ideals—a point to which I shall return.

But first—how have the other sectors of American society met their responsibilities under labor's social contract? Have they understood it? Have they cherished it and abided by it?

In most places, at most times, the record has not been so bad. But there is something in the air today that should cause us concern.

It could be detected on Capitol Hill last week when the House voted down the Common Situs Picketing Bill. It was noticeable in the atmosphere surrounding the Administration's decision as to the proper increase to propose in the minimum wage. It is not just a phenomenon of Washington. It could be sensed, for example, in New York when discussions about union rights under the new financial plan for the City were going on. It was even present in our Democratic Party at its 1974 mid-term convention

The ground on which we have stood is shaking. We can, all of us, sense the tremors of bad faith, of withdrawn consent, of weakened commitment and of yet more weakened understanding which threaten the very social contract between capital and labor which has persisted into this last quarter of this century, and which has been the near constitutional source of so much of what we have achieved.

Whence this subterranean convulsion which we begin to sense? I believe its nature is clear enough. The plain success of the American labor movement has brought about a massive defection of the much enlarged ranks of those ever present ideologues and opportunists who support the labor movement from the outside on condition that they may lead it from the outside, or as they would see it, from above They know what is best for labor and judge the quality of a labor leader by his or her willingness to be led. By them, of course

This is normal. What is not normal is that the disaffection of this cadre is threatening our understanding of the great social contract on which so much depends

Thus, a week ago when the Common Situs Picketing Bill failed an editorial in a leading American newspaper commented " or-

ganized labor is seen as motivated by self-interest, rather than broader public interest". (The journal was describing the attitude, not necessarily endorsing it, and the description was not inaccurate.) Elsewhere an important union official argued that labor should put legislation that is "in the best interest of the whole country" ahead of such narrow *union* interests. He did not see—fewer and fewer are able to see—that by the terms of our social contract labor is expected to concentrate its efforts on the particular and the specific well-being of union members. This is practically the condition of our system of a free economy and a limited state.

I for one hope that labor will continue to press forward on behalf of the specific interests of its members. I believe that a labor movement doing just that is engaged in one of the most constructive and democratic undertakings the world has seen. I do not know whether it would be more reactionary or more revolutionary to deny labor this role, but I do know our public life would never again be the same if such an effort should succeed.

Those who sneer at labor's efforts to satisfy its own institutional self-interests not only fail to realize how valid and important those interests usually are in themselves, but they also overlook the degree to which the prosperity and stability of our nation depends on labor's willingness to concentrate energy on such objectives.

Do those who look askance at legislation such as the Common Situs Picketing Bill *really* want labor to forsake such limited, bread-and-butter goals? There are some—who think of themselves as the Left—who surely do. They want labor to abandon the social contract of Gompers and McGuire, and to launch into the sort of ideological and political warfare that prevails in so much of the world.

There are also those on the right who believe that labor should give up the old demand for "more", and proclaim that it now has "enough". In this view, labor has achieved its goals, and now should restore all powers of social and economic decision-making to their rightful proprietors—to the corporations, the foundations, the editorialists, and certain right-thinking government officials. Either way the grand social contract is dissolved.

Both the Left—the false Left—and the right would dissolve the contract. Neither is comfortable when labor holds a respected place at the table, speaks with its own voice, conducts its own negotiations, and makes its own demands. Both want labor to renounce its "selfish", "narrow" interests, and to dedicate itself to the broader public good—*as those outside the labor movement will define it.*

In truth it has been a long time indeed since American labor asked for very much for itself. Go over the COPE score card—it is a list of votes which do concern unions and union members, but you find little there that can be said only to represent the direct institutional interests of labor unions themselves. What you *will* find is tax reform, health security, civil rights, urban redevelopment, international trade, voter registration. There is *very little* which benefits unions directly, and unions only. Yet still the critics on the Left and on the Right are not satisfied.

One has the feeling that we may be on the threshold of a certain crisis in relations between American Labor and the wider society, a crisis which, however, we have every prospect of surmounting. I have a sense that the social contract is coming up for renegotiation, and as I would hope reaffirmation. And I think it is the time that this society offered a new package to American Labor—one that will reaffirm and renew our social contract. After all, it has been the best labor contract any society has ever had.

Such a package should have as its proclaimed purpose doing away with the variety of legal and procedural obstacles which now impede the growth and effectiveness of the American labor movement. I will not attempt to outline in full what I think such a package should include—but high on the list should be the program for Labor Law Reform set forward by the AFL–CIO Executive Council at its meeting last February.

The National Labor Relations Board should be strengthened, and its procedures streamlined so that workers seeking union representation are not subject to procedural harassment and discouraging delays.

Employers who violate the labor law should face penalties equal to those which are awarded to unions in such cases.

Agricultural workers should receive all the collective bargaining rights provided to other workers under the National Labor Relations Act.

And surely the time has come to enact a federal prohibition against state laws which deny workers the opportunity to seek union security clauses in their contracts. The so called "right-to-work" is a patent deception. A fundamental premise of industrial democracy is that all who benefit from a collective bargaining agreement should share in the cost of achieving and maintaining it. It is time to begin a massive campaign for the repeal of Section 14–b of the Taft-Hartley Act.

What the Voting Rights Act was to the minority of blacks in the South, the repeal of 14-b would be to the majority of workers—black and white alike. Very simply, they would get back economic rights which have just as surely been denied them as were voting rights.

This last point brings me back to the great contribution of the Social Democrats, U.S.A. Unlike so many who profess to be pro-labor, the Social Democrats have had the wisdom and intellectual integrity to learn from the real experience of the trade union movement. And now it is time for them to teach what they have learned.

Your insight has been that the particular practical, bread-and-butter successes of the American labor movement have not been won at the expense of "the best interests of the whole country", that indeed they have contributed in a major way to the interests of the public-at-large. Your understanding of this truth makes you crucial allies for example, in labor's campaign against right-to-work.

You can explain why the growth of stable unionism in the South will provide major benefits to American blacks. You can argue that industries which evade their responsibilities to their employees will in the end bring trouble to the South, just as they have left trouble behind them in the North. You can point out how free enterprise and competition—which modern social democrats no longer categorically oppose—are subverted when unfair labor laws turn businesses from trying to produce better products more efficiently to trying to find groups of workers who are more vulnerable to exploitation.

The Social Democrats, U.S.A., now accept that the social contract its predecessors disputed a half century ago was no sweetheart contract. The American labor movement has worked under that contract, as the old radical phrase put it, "to build a new society in the womb of the old". It is no exaggeration to say that some major steps toward social democracy have already been achieved in this country. It is time that truth were told to a skeptical world. It is time our own people understood how the misunderstood particularism of American Labor has brought not only benefits that are universal in our society, but has demonstrated truths which are surely international in their implication.

(This concludes additional statements submitted by Senators today.)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The PRESIDING OFFICER. Under the previous order, the hour of 9:45 a.m. having arrived, the Senate will now resume consideration of the pending business, Senate Resolution 110, which the clerk will state by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee (Mr. BAKER) is recognized to call up his amendment on which there shall be 1 hour of debate, with the time to be equally divded and controlled between the majority and minority leaders or their designees. Any amendment to the Baker amendment can only be offered after the first half-hour of the hour on the Baker amendment, with the vote on any such amendment or tabling motion to occur at the end of that hour.

AMENDMENT NO. 164 (AS MODIFIED)

Mr. BAKER. Mr. President, I call up my amendment No. 164, as modified.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) proposes an amendment numbered 164, as modified:

On page 55, line 23, insert the following:

SEC. 311. (a) The Senate Code of Official Conduct shall cease to be effective on March 1, 1981.

(b) On or before March 1, 1980, the Select Committee on Ethics shall report to the Senate its recommendations with respect to whether the Senate Code of Official Conduct, or any part thereof, shall be continued, or modified and continued as modified.

Mr. BAKER. Mr. President, I yield myself such time as I may utilize.

Mr. President, for 2 weeks now, the attention of the Senate has been devoted to the consideration of Senate Resolution 110, the Senate Code of Official Conduct, more commonly called the ethics code. While I am fully cognizant of, and sensitive to, the necessity for consideration of this resolution, I am compelled to remark, Mr. President, that I have approached this subject with a deep and abiding sense of regret.

Obviously, I regret the need or necessity for even considering a resolution prescribing the ethics of elected officials, connoting as it does that we can legislatively regulate the ethics or morals of anyone. Obviously, we cannot. What we can do is inhibit, through the continual threat of disclosure, the actions of those few for whom the holding of a public trust is not, in and of itself, sufficient inhibition.

For that reason, I have supported this resolution, Mr. President; and I shall vote in favor of it on final passage later

this morning. However, before we reach that vote, Mr. President, I would ask that my colleagues turn their attention to yet one more amendment, which adds a sunset provision to the Senate Code of Official Conduct.

The amendment is quite simple. It terminates the provisions of Senate Resolution 110 on the 1st of March 1981; and it requires the Ethics Committee to submit to the Senate no later than the 1st of March 1980, its recommendations concerning those provisions of the code that should be continued, or modified and continued as modified.

This amendment will allow us to address at a later time and in a deliberate manner my concern that the Congress is headed in the wrong direction—toward an institutionalized bureaucracy. That, Mr. President, is the problem; and what we have been addressing for the past 2 weeks is merely a symptom of the problem. I believe that the time has come for us to focus on the problem itself and make a conscious decision on what we believe the nature of the Congress should be, and reverse, if we must, the evolutionary trend of recent years. I sincerely believe that my amendment will provide a forum for this much-needed reappraisal.

As we so frequently do in attempting to define the constitutional framework of the Government, Mr. President, allow me to read what one of the framers had to say in "The Federalist No. 49" about the proposed legislative branch:

> The members of the legislative department, on the other hand, . . . are distributed and dwell among the people at large. Their connections of blood, of friendship, and of acquaintance embrace a great proportion of the most influential part of the society. The nature of their public trust implies a personal influence among the people and that they are more immediately the confidential guardians of the rights and liberties of the people.

Can anyone say here today that this 95th Congress, sometimes called the first billion dollar Congress, was encompassed in form or function within the scope of the vision of our Founding Fathers?

I believe the Founding Fathers contemplated an entirely different concept—a concept of the citizen legislator who lived and worked among the people and who could draw from the knowledge and wisdom gained from daily exposure to the needs of the people in establishing the broad policies devised to guide the daily operation of Government.

As recently as 1950, when my father was elected, Congress met for a total of 103 days and accumulated the grand total of 85 votes. As do we, Mr. President, my father came to Washington in January for the convening of Congress; but there the similarity ends, because in the spring, he returned to Tennessee to practice law; he returned to Tennessee to participate fully in the mainstream of the economic, social, and political life in his community, his district, and his State. He knew firsthand, Mr. President, what policies of Government would benefit the people of Tennessee because he lived there. He was in every sense of the word a citizen of Tennessee, and I believe he was also a better legislator because of it.

On the other hand, Mr. President, we are in session virtually the entire year; and last year we had 700 rollcall votes. We pass bills of incredible length, detailing with minutia the functions of Government and, in turn, imposing on the lives and livelihoods of an unwelcoming public detailed guidance and regulation. And we do this, Mr. President, in self-imposed isolation, without any true exposure to the needs of the public for whom we serve and by whom we are elected.

It is this situation, Mr. President, that I regret; and it is this situation which has necessitated our consideration of this ethics resolution; and it is this situation that mandates the passage of my amendment.

All this amendment does is invite the Senate to make a knowing and conscious decision on the fundamental nature of Congress.

In addition, Mr. President, the sunset date that I have proposed allows reasonable and ample time to test and consider the full ramifications of the resolution we are about to adopt and to consider the recommendations of the Select Committee on Ethics with regard to those provisions of this code that should be modified and/or continued.

I add that to emphasize that by passage of this amendment, we will not be "sunsetting" ethics, which we could not do legislatively any more than we can legislatively create them. At the very least, what we are doing is committing ourselves to a continued reexamination of our code of conduct and to issues collateral thereto, such as the manner of our compensation and the nature of our undertaking.

Mr. President, I ask that my colleagues consider the amendment with that purpose in mind; and I urge that they vote in favor of its passage.

Mr. President, this is not a cause I have come to support and embrace easily, or without concern for the political implications involved or the difficulty of the task. I am aware of the possibility of misinterpretation, notwithstanding that I have stood shoulder to shoulder with the majority leader and others in insisting that, after we pass on the adjustment of our salary benefits and compensation, we address immediately the question of a revised and up-to-date code of conduct. Moreover, I understand that it is possible for some to say that any opposition to this code by amendment, by voting against it, by "sunsetting" it, is an effort to torpedo it. I understand that risk. I understood it before I undertook this endeavor, and I was not wrong.

I note with interest a letter from Common Cause dated and received on March 24, 1977, presumably addressed to each Member of the Senate. It was signed by Mr. David Cohen, the president of Common Cause, and it reads:

> COMMON CAUSE,
> *March 24, 1977.*
>
> DEAR SENATOR: We strongly oppose the amendment to be offered by Senator Baker which would terminate the Code of Conduct after only two years.
>
> Senator Baker's mischievous amendment is a blatant attempt to destroy the Code of Conduct and kill the limit on earned outside income before it has even had a chance to work. The limit on earned outside income does not go into effect until January 1978. Under Senator Baker's amendment the entire Code—including the income limitation—would expire in January 1980, only two years after the limitation had gone into effect—

I might say, parenthetically, that I doubt that the modification of the dates in the amendment was known to Mr. Cohen at the time he wrote the letter—

> We strongly urge you to vote against the Baker amendment which would make a mockery of the Senate's commitment to a limit on earned outside income and the other provisions of the Code of Conduct.
>
> Sincerely,
>
> DAVID COHEN,
> *President.*

So, Mr. President, my anticipation that any effort to cause us to reexamine the function and role of Congress would be interpreted as an effort to torpedo this code of conduct was correct—notwithstanding my announcement on the day this measure was laid before the Senate that I intended to support it. In addition, although I said at the time that the temper of these times, the nature of the circumstances involved, the fact that the House of Representatives has adopted a similar measure, and the misunderstandings in the public domain require us to do it, I believe it is a step in the wrong direction. I believe that when we approve this new code of ethics, we should make certain that we set in place the catalyst that will cause us to consider it again in a more tranquil time.

Notwithstanding all that, I fully understood then, and I understand now the possibility of my motives being misinterpreted.

That is why I said, Mr. President, that I did not come to this cause without considerable thought. For there is nothing more fundamental to my political beliefs and my dedication to the future of this Nation than my belief in the fundamental integrity, viability, and usefulness of the constitutional arrangements of Government in the United States.

I believe that our Founding Fathers were so inspired, I believe that their foresight was so great and thorough; I believe that their insight was so accurate and adequate, that it is truly astonishing—it is little short of a political miracle—that now, 201 years later, the form and structure is so relevant to our times. But it is.

I believe in the structure of government. I believe in the political system. I believe in that grand institution we talk about as the two-party system, which in many ways is the fourth department of Government, serving the function of sensing out and determining what the people think and translating it into useful governmental policy.

However, Mr. President, I believe that we have strayed from the fold. We have gone in the wrong direction. We have lost a clear understanding of our role as Congressmen. We must do something about it; because if this structure of Government is to continue to serve us in the future, we must make certain that we do not fritter away the genius that was designed into it.

So, Mr. President, let me share with

my colleagues, if I may, some of my thoughts about the direction Congress might take in the future—some of the things we might consider in the ensuing 3 years before we have to focus once again on the reinstitution of code of conduct.

To begin with, I think Congress should stop thinking of itself as an aggregation of Presidents. We are not charged with carrying out the laws of the land. In Congress, we are charged, really, with two duties—to serve as a policy-setting group, and to oversee the activities of the Government. Those are our responsibilities.

But I look on these desks, these historic desks in the Senate Chamber, and almost every day I see another bill that is 10 pages, 100 pages, sometimes more than 1,000 pages long; and I realize that what we are doing in the Senate and in the House of Representatives, is trying defensively to write rules, regulations and guidelines in an attempt to implement the law.

We are trying to be bureaucrats. We are trying to provide against some secretary of some agency or department, an assistant secretary under him, or some anonymous bureaucrat from writing a rule, regulation or guideline of which we do not approve or with which we disagree.

We will always lose that game. There is no way we can match them bureaucrat for bureaucrat. There is no way we can stay ahead of the bureaucracy with defensive legislation. That is not our turf. Our turf is to write laws. Our turf should be setting the broad, general policies of the United States, and, in turn, having a fair respect for the integrity of the executive department to implement and of the judiciary to monitor for performance of both.

Some say, "Well, look why on earth would you suggest that in the wake of the trauma of Watergate?" Maybe I am the only person here, one of a handful left in the country, who believes that Watergate was not a structural defect in the system. In fact, I think the system worked very well. I believe Watergate was a defect of personalities, not of structure; and I do not believe that the tragedy of Watergate should be used as a device or an excuse for fundamentally altering the relationship among the three departments of Government.

I do not fear an imperial presidency. I would fear an imperial President. I would fear that I might or might not succeed, or my party might or might not succeed, or the country might or might not succeed in moderating the tendencies of an imperial personality. But the structure itself is sound; and I see no violence done to it by asking that Congress return to its fundamental role, which was that of formulating policy to be carried out by the President and the several departments and agencies under his charge and care.

I do not expect the bureaucracy to compete on our turf either, regardless of how many bureaucrats they have, how many employees they have, or how thoroughly isolated they are by civil service. They are not going to write the policy of the Government if we do our job. We are not going to write the rules and regulations and guidelines if we trust them to do their job.

So, Mr. President, I hope we would focus more attention on the business of the policy of the Government and have a greater care for its faithful execution by the executive department.

Maybe that is one of the few good things—speaking only as a politician now and not as a citizen—maybe that is one of the few good things that come to a Republican for losing the Presidential election. I can suggest to my colleagues on the other side of the aisle that they ought to be willing to do that.

Mr. President, what else do I see? I see the possibility that the problem of 12-month sessions or 10-month sessions compounded by the prospect of Federal financing of our election campaigns will do violence to the most intimate of all political relationships. Not only will we have prescribed the standard of living, the code of conduct, the permissible activities of the participants in the legislative department of Government; we will also have provided and assured their campaigns for reelection from the Federal Treasury. If we think we are isolated now, wait until we see what happens then.

I think it is entirely too sensitive a business, this question of choosing the government, to say that the government will be selected by a process financed and regulated by the government.

My own view, Mr. President, is that 3 years from now we should not only be meeting less, dealing more with policy, and resisting the temptation to author rules and act like bureaucrats, we should positively encourage our Members to reimmerse themselves in the mainstream of America's political, social, and economic life. It is just not the same when you make a flying trip, a weekend hit-and-miss visit, to your constituency, but I can feel the difference when I am home for a week, or two weeks, during those rare breaks we have had lately.

I can tell the difference in my perception, my appreciation of the concerns, of the combined desires, the aspirations, the dissent, the demand of the people of my State when I am there for awhile—when I can identify again. We ought to provide for this interaction because it is useful.

It is not only reinvigorating politically and personally, it is essential, in my view, to the balancing effect it has on our attitudes and our outlook.

I would like to see us disclose our income tax returns. You have to pay some price for public service, I think, and that is one. I would like to see us disclose our assets and liabilities. I would like to see strong statutes that prohibit a conflict of interest while you are a member of the Government. But I would not like to see us positively insulate a Member of Congress from a proper understanding of the fabric of society in this country.

I have no illusions about this, Mr. President. I do not think I can change any mind today. I look around this Chamber and there are five of us on the floor. I do not think I can change anybody's mind on such fundamental principles in 5 weeks, let alone 2 weeks during 50 hours of debate.

But I believe we can change our minds, Mr. President, in the course of 3 years. I think if we resolve together to reexamine the role of Congress; if we talk about citizen legislators; if we reexamine the propriety of trying to keep people from understanding what it is like to be a citizen of Tennessee instead of a citizen of the District of Columbia in the Federal compound; if we talk about that for the next 3 years, I have a hunch that the great force which has made remarkably right decisions on behalf of America for two centuries called public opinion, will focus on this issue and will give us the guidance we need.

We have been right in America on the great decisions before us not because we have always had great leaders—we have had our share, for which we thank God—but we have been remarkably right on the big decisions America has made because the people were right in the expression of their collective genius for self-government.

If we talk about this concept; if we set in place the action-forcing mechanisms that require us to debate it; if we do not simply agree that now we are going to be Congressmen on the public payroll for our standard of living, for our reelection campaign, forever amen; if we put action-forcing mechanisms in this code, I think you will have that debate in the country in the next year or two or three. To the extent that this feeble voice can be heard, I shall encourage that discussion against whatever odds, whatever risks of misunderstanding.

So, Mr. President, let me reiterate my view very briefly: I think we ought to pass this ethics code; I think it will be politically unconscionable not to do so. I think that, having worked within the framework of the statute law that provides for the adjustment of salaries—salaries having reached the levels that they have, it is essential that we put in place a firm code of conduct. I think the two go together. I supported one and I am going to support the other.

But that requirement does not diminish my concern for the direction in which we are going, and this amendment is simply an action-forcing concept to make us reexamine the fundamental tenets.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. TALMADGE). Who yields time?

Mr. CLARK. Mr. President, will the Senator yield 3 minutes?

Mr. NELSON. I wonder, Mr. President, there is an important omission in the RECORD on an amendment.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Wisconsin for the purpose of making whatever correction he deems necessary.

Mr. NELSON. I will only take a minute or 2, but I ask unanimous consent that it not be charged against either side.

Mr. ROBERT C. BYRD. Mr. President, we only have an hour in any event, so

it would have to be charged against my side.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, did the Senator from Iowa wish time?

Mr. CLARK. Only 3 minutes.

Mr. ROBERT C. BYRD. I yield 3 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 3 minutes.

Mr. CLARK. Mr. President, there is clearly much to be said for the citizen-legislator concept that the distinguished minority leader has outlined this morning; if that is still a feasible concept, it is well worth considering. But as I read the very brief amendment, it seems to me that it does not have much relationship with that concept. The two do not necessarily go together.

Mr. President, this amendment has been referred to as the "sunset" amendment, and if the distinguished minority leader would forgive me, it seems to me that a better title would be the "wait till the heat dies down" amendment. I cast no aspersions on the intent of the amendment. I think it has been well explained. But if the Senate does in fact agree to the pending amendment, it seems to me that we will be saying to the country: "Yes, we are concerned about ethics, and we are passing a very tough code of ethics. But in a few years, in March of 1981, when the heat dies down, this code is going to quietly self-destruct."

There is no guarantee that the Senate will take any action or will ever have a vote on this important question.

We will be saying to the people of this country:

Yes, we gave ourselves a $13,000 pay raise, but we are also passing a tough code of ethics—except that in a few years the code will die a quiet death, and the paychecks will keep rolling in.

That is what agreeing to this amendment, it seems to me, will say to the Nation; it will be interpreted in that way.

We are all for ethics today, but wait until tomorrow when the heat dies down. I think it clearly is going to be interpreted in the country in that way.

Of course, the proponents of this amendment are calling it a sunset amendment, and appropriately so. Sunset is a very appealing concept. Senator MUSKIE's excellent sunset bill has more than 50 cosponsors. But as I understand it, the Muskie bill would apply only to spending programs, to authorizations. There would be no sunset for criminal law; there would be no sunset for any statutes which are in any way comparable to the Code of Official Conduct. Sunset, in fact, is designed to force a periodic review of Federal programs to help us eliminate unnecessary Government spending. Sunset, as the proposed Muskie bill is written, has nothing at all to do with the kind of sunset proposed in the pending amendment.

Even if there were some realistic relationship, let us not forget that the sunset bill has not been enacted, not by the House of Representatives, not by the Senate.

The PRESIDING OFFICER (Mr. DECONCINI). The Senator's 3 minutes have expired.

Mr. CLARK. Mr. President, will the majority leader yield me I additional minute?

Mr. ROBERT C. BYRD. I yield 1 additional minute.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 additional minute.

Mr. CLARK. But will it not look strange in view of the fact that this legislation has not been passed—indeed, somewhat incredible—if the very first sunset proposal that we pass in this body is to sunset our own Senate Code of Official Conduct?

Mr. President, this code of conduct obviously is not perfect. It will not last for all time. It is going to need changes and, of course, we must constantly review it. But if we say now, after all the work that we have done that has gone into writing this code of conduct, that in a few short years the code will simply cease to exist, then we will certainly seem to be making a mockery of this process.

Mr. President, we will be seeming to make a mockery of any professed commitment to put our house in order and keep it in order.

I hope that the amendment will be defeated.

Mr. ROBERT C. BYRD. Mr. President, I understood the distinguished Senator from South Carolina (Mr. THURMOND) wanted to be yielded time.

UP AMENDMENT NO. 128

Mr. President, while I am waiting on the Senator, I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The time of 10:15 a.m. having arrived, the amendment is in order.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) proposes unprinted amendment No. 128 to amendment No. 164, as modified.

On line 1 strike all after the word "The" and insert in lieu thereof the following:

"Code of Official Conduct of the Senate shall be periodically studied by the Select Committee on Ethics and between January 1 and June 1, 1984, the Select Committee on Ethics shall report to the Senate its recommendations with respect to whether or not the Senate's Code of Official Conduct, or any part thereof, should be continued in effect, and whether or not it should be amended."

AMENDMENT NO. 164

Mr. ROBERT C. BYRD. Mr. President, I yield 7 minutes to the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, I have the highest regard for our minority leader. He is an able man of courage and capacity, and it is a pleasure for me to work with him. But I cannot agree with him on this amendment.

I think this might be the test that will go to the public as to whether the Senate really means what it says when it adopts a code of ethics. This may be the word that will go out as to whether the Senate is permanently adopting a code of ethics or temporarily taking a position to offset the bad reaction to the increase in pay.

In my judgment, it will be a mistake to agree to this amendment. There is no sunset amendment on the pay increase; there should be no sunset amendment on this code of ethics.

Generally speaking, we have sunset amendments on authorization bills or spending bills, but on legislation of this kind, it is different. We want the word to go out to the people of the United States that the Senate has adopted a permanent code of ethics, not only for us, but also for our successors.

So it is my position that later, if this code of ethics is not exactly what it should be, then we can modify it, we can correct it; but to say it is going to end will give the wrong impression. In the future we can amend the code of ethics but let us do not end it. Amend it; not end it.

Mr. President, I think an amendment of this kind is a meat-ax approach because if the amendment is adopted we are simply going to cut it off entirely and kill the whole code of ethics. We do not have to do that to make any corrections. I believe the time has come when the people of this country want a permanent code of ethics so that they can feel that the Members of Congress not only appear right but they are going to be right. There has been confidence-shaking in the Members of Congress, whether it is justified or not. I have respect for every Member of this body. But that is the fact, nevertheless. The polls show it, and if that is a fact, we should be willing to take steps to correct it.

We cannot take steps to correct it if we are going to pass a temporary code of ethics, and that is what this would amount to if we agree to this amendment.

Mr. President, in my judgment this amendment will convey the wrong impression to the public. In my judgment if we adopt this amendment the people may get the impression that Congress really does not mean what it says in a permanent way, and that the Senate is going to return to its old ways when the sunset amendment takes effect.

Mr. President, I am very pleased that the Senate has gone forward on this code of ethics. It has been a pleasure for me to serve on the committee and help to write this code of ethics.

I believe most Senators favor this code of ethics, and we are going to adopt it today. I believe it is going to become a permanent part of the rules of the Senate, and will result in statutes being passed that will set high standards for Members of Congress, the leaders of this country, and the people. The Members of Congress are among our top leaders. If we do not set the standards for the people of the country to follow, who is going to set the standards? To whom can the man on the street look for proper standards of behavior and conduct? To whom can people on the street look to emulate in their life and conduct, especially in public office?

Now is the time to pass a permanent code of ethics. Later, if flaws show up, they can be corrected. But we do not wish to give the impression that we would

wish to pass any type of code of ethics except in a permanent way. I say again, later we can amend it, but let us not end it.

Mr. President, I yield back whatever time remains.

Mr. ROBERT C. BYRD. Mr. President, I yield 3 minutes to my distinguished friend from Alabama (Mr. ALLEN).

Mr. ALLEN. I thank the distinguished majority leader.

Mr. President, I wish to commend the Senator from Wisconsin (Mr. NELSON), the Senator from South Carolina (Mr. THURMOND), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Iowa (Mr. CLARK), and the other members of the ad hoc committee for the excellent job they have done in drafting and steering this resolution to its imminent passage in just a few minutes.

I commend Senator NELSON for his dedication and leadership, and for the great knowledge and expertise that he has in this field. He has been on this floor every minute that this matter has been under discussion. He has shown familiarity with all of the provisions of the resolution. He has been able to give excellent responses to all the various amendments that have sought to weaken or to strengthen the resolution. No Senator could have done a more effective job.

I pay tribute to the distinguished Senator from South Carolina, (Mr. THURMOND) who is the ranking Republican member on the ad hoc committee and who has been a stalwart supporter of the resolution. Many times, on amendments, on the content of the legislation, and on the amendment now before the Senate, he has not had the full backing of Senators who are members of his party, but this great Senator (Mr. THURMOND), a man of character and unimpeachable integrity, has fought with great courage for the good name of the Senate and for the image that the Senate presents to the American people. I certainly commend him for the way that he has helped in the drafting of this resolution and in the strong support he has given the resolution on the Senate floor. I feel that he has made a great contribution in fashioning and shaping the resolution so that we will have an excellent code of conduct for Members of the Senate.

I think that there is sufficient credit available for all members of the ad hoc committee, for the outstanding job they have done. Truly I feel they have rendered a great public service. And the Senate itself has risen to the occasion by setting strict rules governing the official and unofficial conduct of its Members.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. I thank the Senator for yielding.

Mr. THURMOND. Mr. President, let me convey my sincere appreciation for the remarks of the Senator from Alabama.

Mr. ROBERT C. BYRD. Mr. President, I yield 7 minutes to the distinguished Senator from Wisconsin.

Mr. NELSON. Mr. President, of that 7 minutes I first yield myself 4.

I regret that the other Members of the Senate were not here to hear the thoughtful philosophical comments of the Senator from Tennessee. I suppose they were not here because the word was around that I was going to be here.

Many of the things the Senator said I would agree with. However, I am not with him on the sunset amendment.

We all know the Senator from Tennessee is a thoughtful, charming, good citizen, a litterateur, and connoisseur and student of history and biography. But as I read his amendment, it dawned on me for the first time that the Senator from Tennessee was a genuine Renaissance man in the best sense of the word—not only a litterateur, but a scientist as well—a scientist of great intellectual dimension.

I have studied this remarkable invention of the Senator from Tennessee called the sunset amendment. Through this amendment of his, the Senator would arrange for a remarkable event: a sunset.

The only other person I have ever heard of in the history of mankind who attempted to change the natural order of our galaxy, or dreamed about doing so, was Archimedes. We all remember Archimedes. It was he who said:

> Give me a place to stand, give me a fulcrum and a pole long enough, and I will move the Earth.

Archimedes never found a place to stand, but the Senator from Tennessee has found a place to stand, right here on the Senate floor.

What would this marvelous invention do? It would arrange for the sunset to occur before the Sun rises, which is a remarkable accomplishment. My ancestors, through eons and eons, all the way back to the baboon or the monkey, whichever group my family came from, sat on the trees and sat on the cliffs and watched the Sun rise, and many hours later watched the sun set, and marveled at the whole process. I say to the Senator, if he arranges that event in our galaxy, he will have outraged the whole human species and the whole animal kingdom.

One man that I know of was prosecuted because of the perception of the public that he was trying to rearrange the order of our galaxy. That was Galileo. We all remember Galileo. He got his telescope out and stared at the stars and everything he could see in our galaxy, the Moon and the Sun, for 2 or 3 years, and pretty soon he announced that the Earth was not the center of our universe.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. NELSON. I yield myself 3 additional minutes.

As Senators will recall, Galileo was punished. They forced him to spend the rest of his life under house arrest in Florence—not because of what he was trying to do, but because they believed his idea was wrong.

I say to the Senator that the rest of us need to save him from the sad fate that awaits him, because if he succeeds in making the Sun set before it rises, there will be another modern inquisition, and I know what will happen to the Senator. They will try him, they will convict him, they will sentence him, and that sentence will be so bad that death will seem like a pleasant diversion.

That sentence will be that the Senator must spend 8 hours a day every day for the rest of his life sitting here in the Chamber listening to the rest of us speak. I believe we ought to all join together, those who love the Senator from Tennessee, and save him from that fate by voting to destroy this ingenious machine that the Senator from Tennessee has invented.

Mr. CURTIS. Will the distinguished Senator yield for a short question?

Mr. NELSON. On the time of the other side.

The PRESIDING OFFICER. The Senator from Tennessee has 5 minutes remaining.

Mr. BAKER. Mr. President, I yield 1 minute to the Senator from Nebraska.

Mr. CURTIS. I am fascinated by the remarks of the Senator from Wisconsin, but my question is this: What causes the Senator to have such pride in the work of the resolution he is presenting that it would be wrong to take another look at it at the time suggested by the distinguished Senator from Tennessee?

Mr. NELSON. What I object to is just having an amendment which concludes that we have to have a sunset before this little piece of legislation gets off the ground.

Mr. CURTIS. The Senator did not understand my question. I asked what causes the Senator to take such pride in the resolution he has written which causes him to oppose the idea of taking another look at it at the time suggested?

Mr. NELSON. Every single year at any time, at the beginning of every session, there is an appropriate time, if we wish, without any sunset resolution, to reexamine all of the rules of the Senate and propose changes to them.

Mr. RIBICOFF. Will the Senator yield at that point?

I do not believe, and I hope the chairman will agree with me, that it is a question of pride. Those of us who were given the job were given an unwelcome task. I do not know a single member of the Nelson committee who sought to be on the Nelson committee. As a matter of fact, all Members were like myself. They were pursuaded to do this. We felt we had an obligation. The leadership asked us to try to work it out and we did.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield 1 additional minute.

Mr. RIBICOFF. There is no question of pride in this legislation. There is much in it that I do not like. There is much in it that the membership does not like. I do believe we will be faced with the reality that within 6 months or a year we will be trying to work out statutorily, and not just by rule, laws to cover all three branches of the Government.

Right now, the executive branch has its set of rules, the judicial branch has its set of rules, the House has a set of rules and the Senate will have a set of rules.

My feeling is if we are going to have any code of ethics or code of conduct, every member of the Federal Government should be treated equally. I would expect that within the next year, long before the end of a 3-year period, somebody in the Senate will have the obligation and responsibility to bring forth statutory language, a statutory enactment, which contains uniform rules which will apply to every member of the Federal Government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from West Virginia has 7 minutes remaining. One minute has been yielded.

Mr. ROBERT C. BYRD. I yield to the Senator from Wisconsin.

Mr. NELSON. I would just like to say as a supplementary comment to what the Senator from Connecticut said that I would be more pleasantly inclined toward the sunset amendment of the Senator if we could include rule XXII. If the Senator would include rule XXII I might be able to go along with that.

There are a lot of rules that ought to have a sunset on them.

Mr. RIBICOFF. May I have 1 more minute?

Mr. ROBERT C. BYRD. I yield 1 minute to the Senator.

Mr. RIBICOFF. I take this opportunity to commend the Senator from Wisconsin for his outstanding leadership in putting this resolution together. With all his duties, with all the responsibilities he has had, he has devoted extra time and weekends to this task. Similarly, Senator THURMOND, the ranking minority member on the committee, has worked exceedingly hard on this resolution and has exhibited outstanding leadership and wisdom throughout the consideration of this resolution. Senator CLARK has made extensive contributions to this resolution and contributed his intelligence and sensitivity to this task. Senator JAVITS, as always, has applied his energy and keen mind to developing this code.

We have gathered together our personal staffs on both the Republican and Democratic side, all able men and women.

Ira Shapiro of Senator NELSON's staff, who served as chief counsel and staff director of the committee; John Napier of Senator THURMOND's staff, who served as chief counsel to the minority; Andy Loew of Senator CLARK's staff, Eric Hultman of Senator THURMOND's staff, Chuck Warren and Brian Conboy of Senator JAVITS' staff; Mildred Lehman of the Congressional Research Service, and David Schaefer of my staff. The staff worked exceedingly hard and devoted full time to this task, every day late into the evening and on weekends for the last 8 weeks.

We have worked hard to bring this code to the Senate floor. Senator NELSON has been patient, he has been thoughtful, and he has been very, very wise in trying to work out in a short period of time this code of official conduct by which we try to govern ourselves in the future. I do not want to let the time go by without commending the Senator from Wisconsin.

Mr. ROBERT C. BYRD. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. Five minutes remain to the Senator from West Virginia and 4 minutes to the Senator from Tennessee.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, the Commission on Executive, Judicial, and Legislative Salaries recommended that the salaries of senior Federal Government officials be increased, but only if a strict code of public conduct were enacted. President Ford, in recommending an increase in salaries of the Federal judiciary, senior officials in the executive branch, and Members of Congress, said:

> Like the commission, I would not recommend a salary increase if there is not a firm commitment to a new code of conduct.

Mr. Ford went on to say:

> I have personally discussed this matter with President-Elect Carter and he authorized me to say that he fully supports my recommendations concerning salary levels and the need for stronger codes of conduct for all three branches as recommended by the Commission. Thus, the Executive Branch has made the commitment to the improved code of conduct. I have also spoken to the Chief Justice of the United States and he too supports the recommendations of the Commission and is committed to the code of conduct principles in the report.
>
> If the Congress commits itself to adoption of the proposed code of conduct reforms, then I believe the Congress should permit their salary increases to take effect. This will not only restore public confidence in national leaders, but it will permit the country to be able to attract the most qualified citizens to these important posts.

Mr. President, when the Congress accepted the March 1, 29-percent salary increase to which it was entitled—and with respect to which I am going to have a good bit more to say later and also with reference to the so-called billion dollar Congress—Congress accepted, by implication, an obligation to adopt a strong code of conduct as recommended by the Peterson Commission and by President Ford, and supported by President Carter.

The House of Representatives has already adopted a strong code of conduct. The Senate is about to complete action incorporating its own code of conduct into the standing rules.

I take this occasion to compliment highly Senator NELSON, the chairman of the committee, and Senator STROM THURMOND, the ranking member of that committee; also, Mr. RIBICOFF and the other members of the committee on both sides. These three Members, Senator NELSON, Senator THURMOND, and Senator RIBICOFF, have, more than any of the rest of us, stood on this floor day after day to manage the resolution and deal with amendments thereto. They did not ask for this assignment. They were asked by the joint leadership to take the assignment. I am proud of them, proud that they accepted such an onerous burden. I congratulate them on their dedication to duty, and I congratulate and thank them on their product. I also thank Senators EAGLETON, INOUYE, NUNN, CLARK, MELCHER, and GLENN on this side of the aisle; and Senators JAVITS, GRIFFIN, STAFFORD, PACKWOOD, LAXALT, and CHAFEE, all of whom worked hard in the committee.

When Members of Congress accepted the pay raise, to which Members of Congress were rightly entitled, we did so without any "sunset" provision or self-destruct amendment in relation thereto. The adoption of the amendment now before us, which would terminate the effect of Senate Resolution 110 on March 1, 1981, would mean that we had accepted the benefit of the pay raise but have placed our obligation to enact a code of official conduct, as envisioned by the Peterson Commission, by Mr. Ford and Mr. Carter, in a most uncertain status.

Quite frankly, Mr. President, it is somewhat demeaning to the Senate, in a sense, to enact a code of conduct governing its own membership. Who, among men anywhere would impugn the integrity of an ED MUSKIE or a GEORGE MCGOVERN or a STROM THURMOND for accepting honoraria for written articles or for speeches delivered to academic or other audiences? Who would impute to an ABE RIBICOFF or a JOHN STENNIS or a MILTON YOUNG or a DICK STONE or a HOWARD BAKER or a GAYLORD NELSON an ulterior motive in accepting a gift, the value of which amounted to $101 from a source other than a relative?

Who would charge a CLIFF CASE or a FLOYD HASKELL or a GARY HART or a CHARLES "MAC" MATHIAS with a conflict of interest in voting?

Who would harbor the thought that a BILL HATHAWAY or a JIM EASTLAND or a HERMAN TALMADGE or a JIM ABOUREZK or a JOHN CULVER would be influenced in his vote on any matter by having accepted two boxes of La Corona Corona cigars at Christmas—the cumulative value of which would be more than $35—from an employee of a corporation, labor organization, or other organization having a separate, segregated fund for political purposes?

To ask such absurd questions is to answer them. Nevertheless, out of the necessity of the times, the climate of public opinion, and in the context of errant activities in the past on the part of a minority of public officials, it is apparent that a code of official conduct must be enacted. The committee knew this; I know this; and most other Senators will agree.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ROBERT C. BYRD Has all my time gone?

Will the Senator from Tennessee allow me some time?

Mr. BAKER. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. BAKER. I yield 2 minutes to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank my very courteous and gracious friend.

It is all a part of the overall aftermath of Vietnam and Watergate—two dark episodes in our Nation's history, which have inflicted deep wounds of distrust among the people toward elected officials. Such distrust and lack of confidence will not be assuaged by the adoption of an amendment which would say, in effect, that the Senate is not really serious about the enactment of a code of conduct.

I do not impute to the distinguished minority leader any mischievous conduct in offering this amendment. I do not call it a blatant attempt to destroy the code—to use the words in the Common Cause letter. I respect the Senator for his point of view. I disagree with him, but I do not cast any reflection on his sincerity, on his convictions, or on his good conscience in offering the amendment. I regret that Common Cause has chosen to use such words in the letter.

Now, I believe there is much merit to the concept of sunset legislation—but I believe that it is most applicable to the appropriations process, to federally administered programs, to regulations promulgated by regulatory agencies, and where specific programs and activities require continued funding. The amendment before us, however, proposes something entirely different from the self-destruction of a funded program. It constitutes a ground-zero reexamination of principles and standards of conduct by which we are to be guided in our official capacities as U.S. Senators.

Today marks the 12th day of action on this resolution—action that has produced intense feeling, much eloquent oratory, and often true debate between Members on the floor. Through these nearly 50 hours of debate, we have had 24 rollcall votes on this legislation. Rarely has a resolution been so carefully scrutinized, attacked, defended, and with resulting compromises reached, than has Senate Resolution 110. Where compromises have been drawn—and it is true that some of the lines have been arbitrary—they have been drawn only after careful consideration and where it was found that lines had to be drawn somewhere. I said at the beginning of the debate that the code of conduct recommended by the committee was not perfect, and this was shared by every member of the committee that worked so hard and so diligently to report the resolution. We all said that some improvements could be made through floor debate, and they have been made.

We have made many critical and difficult decisions in the course of these 12 days that directly relate to our institutional integrity and how it is perceived—by ourselves and by the American people. I think it would be a serious error in judgment if, after the struggle to hammer out this resolution, the Senate were to adopt an amendment calculated to inflict automatic self-destruction upon the code of conduct we will have enacted. It would be better to kill it now and simply admit that we do not intend to be governed by a code of conduct written into the Senate rules.

No Senator here today will insist that what we adopt will contain the answer to every conceivable problem. If I may refer to a statement by the distinguished Senator from Mississippi, Mr. STENNIS, former chairman of the Committee on Standards and Conduct, which he made at the time of the adoption of the Senate code of ethics in 1968:

> It is not a finished product . . . but a substantial beginning.

In the House, its Ethics Committee report referred to its code as "a meaningful beginning—subject to revision and refinement."

Both events and statements occurred in 1968, 9 years ago. No mandatory review period or reauthorization period was included in the measures adopted by both Houses, because it was accepted that if and when a change was to be made, it would take place at the proper time, as facts might warrant. This is building, from experience, the standard adopted 9 years ago and one which should continue to be applicable in the future.

Codes of ethics are standards of accepted behavior that are intended to endure until they are bettered. They are not, in the same class as a restricted railroad ticket, good for this day and time only.

Codes of conduct are not transients adopted to fit a temporary need. When the time comes to amend what we are doing today, we will know it. We certainly are not adopting these changes as an experiment, to be brought to an absolute and final end, and within a designated time frame, on which date the code of conduct would be scrapped, with no substitute required to take its place at that moment, which would likely mean that the Senate would have to go through this whole, long and tortuous process again.

In closing, I call attention to the fact that Senate Resolution 110 authorizes certain Senate standing committees to conduct studies and report recommendations in numerous areas within 120 days and other time frames after Senate Resolution 110 is agreed to. To arbitrarily require now that the code should self-destruct in 4 years and presumably include in its own suicidal end any actions taken by such Senate standing committees in respect thereto, would not seem to be feasible. Hardly would whatever operations that would be so adopted have been put into effect, than the entire procedure would have to be done all over again. In reality, there would be a duplication of effort along with its additional expenditure of time and labor.

Surely the rules of the Senate are more than a restricted railroad ticket. Time will prove what amendments might eventually have to be made to the measure we are working on now, but time in this sense accords with traditional Senate practices, not an arbitrary time frame of 4 years. At the appropriate time, I shall move to table the amendment.

Mr. BAKER. Mr. President, do I have 2 minutes left?

The PRESIDING OFFICER. The Senator does.

Mr. BAKER. Let me first say, Mr. President, that I am personally very grateful to those I appointed to the ad hoc committee to try to draw up this code. Senator THURMOND, Senator GRIFFIN, and others have worked long and hard to produce a code of ethics. I told them at the time that I thought they had to do this job. I think they have done it very well.

I also want to say, Mr. President, that I believe I have proved my point: You sure do stir them up when you start talking about nature. Regardless of our comedy and all that sort of thing, I suspect even the manager of the bill might shudder a little bit if somebody condemned him to listen here 8 hours a day. But the majority leader and I do that more than anybody else. I contend that would be a cruel punishment.

So it would be to ask a body of Senators to come here and cut their own salaries by being paid on a per diem basis, which I think we should do to put us back in the mainstream of life in America. I rather like going home, myself, but I am certain it will cause some ripples on the water.

All of these ideas verge on being radical, because we have come so far from the original concept of Congress. As I said at the outset, I do not expect these ideas to be incorporated into this bill, but that did not deter me from offering it.

I promise that I will discuss this idea as often as I can. As long as my colleagues and others will listen, I shall condemn them to that purgatory, to hear what I have to say on this subject.

Mr. President, I must also say that I think a half loaf is better than none. I ask unanimous consent that I might accept the amendment of the distinguished Senator from West Virginia.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, I ask unanimous consent that I may amend my amendment to conform to the provisions of the amendment of the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I regret to have to object, but I shall object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. CURTIS. I ask for the yeas and nays on the Byrd amendment.

Mr. ROBERT C. BYRD. Mr. President, I am glad to give the Senator the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I am going to move to table. The purpose of my amendment was two-fold—to shut out any other amendment, No. 1; and, No. 2, to do only what the Ethics Committee can do now. I move to lay the amendment on the table.

The PRESIDING OFFICER. Which amendment?

Mr. ROBERT C. BYRD. Mr. BAKER'S amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Tennessee.

Mr. BAKER. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. There is an amendment pending. That is the amendment of the distinguished Senator from West Virginia. What disposition does the Chair make of that amendment?

My parliamentary inquiry is, does that amendment not have to be disposed of before the tabling amendment will lie against the amendment of the Senator from Tennessee?

The PRESIDING OFFICER. No, it does not.

Mr. ROBERT C. BYRD. My motion which tables the Senator's amendment would take my own amendment with it if the tabling motion is adopted.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay it on the table.

Mr. BAKER. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. The inquiry is the amendment was not disposed of in any way that I ascertained. The amendment of the Senator from West Virginia, if it were added to the amendment of the Senator from Tennessee, would go down with the tabling motion. But it has not been adopted as part of the amendment of the Senator from Tennessee.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Tennessee.

Mr. BAKER. Parliamentary inquiry once again.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. There has been no disposition of the Byrd amendment.

The PRESIDING OFFICER. That is correct.

Mr. BAKER. It has not been adopted. If the Baker amendment is tabled, what is the status of the Byrd amendment?

The PRESIDING OFFICER. It falls.

Mr. ROBERT C. BYRD. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. The Byrd amendment to the Baker amendment is an amendment in the second degree.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. The tabling of the Baker amendment, which is an amendment in the first degree, automatically carries with the tabling of the Byrd amendment, which is in the second degree.

The PRESIDING OFFICER. It would carry that amendment with it.

Mr. ROBERT C. BYRD. If the motion to table fails, then the question will recur on the adoption of the Byrd amendment.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. BAKER. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. I do not even attempt to presume to lecture either the Parliamentarian or the distinguished majority leader but, if this were other and different circumstances, I would pursue that a little bit.

At this time, however, do I understand correctly that the yeas and nays are ordered on the Byrd amendment, but the pending motion is to lay on the table the Baker amendment?

The PRESIDING OFFICER. Yes.

Mr. BAKER. Have the yeas and nays been ordered on that motion?

The PRESIDING OFFICER. They have been ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table the Baker amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HASKELL), the Senator from Washington (Mr. MAGNUSON), and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. STEVENS. I announce that the Senator from Kansas (Mr. PEARSON) and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 63, nays 31, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—63

Abourezk	Byrd, Robert C.	Dole
Allen	Cannon	Durkin
Anderson	Case	Eagleton
Bayh	Chiles	Eastland
Bentsen	Church	Ford
Biden	Clark	Glenn
Brooke	Cranston	Gravel
Bumpers	Culver	Hart
Burdick	DeConcini	Hathaway
Helms	Melcher	Riegle
Hollings	Metcalf	Sarbanes
Huddleston	Metzenbaum	Sasser
Humphrey	Morgan	Sparkman
Jackson	Moynihan	Stafford
Johnston	Muskie	Stennis
Kennedy	Nelson	Stevenson
Leahy	Nunn	Stone
Mathias	Pell	Talmadge
McClellan	Proxmire	Thurmond
McGovern	Randolph	Williams
McIntyre	Ribicoff	Zorinsky

NAYS—31

Baker	Griffin	Packwood
Bartlett	Hansen	Percy
Bellmon	Hatch	Roth
Byrd, Harry F., Jr.	Hatfield	Schmitt
Chafee	Hayakawa	Schweiker
Curtis	Heinz	Scott
Danforth	Javits	Stevens
Domenici	Laxalt	Wallop
Garn	Long	Weicker
Goldwater	Lugar	Young
	McClure	

NOT VOTING—6

Haskell	Magnuson	Pearson
Inouye	Matsunaga	Tower

So the motion to lay on the table the amendment of the Senator from Tennessee (Mr. BAKER) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADDITIONAL STATEMENTS OF SENATORS SUBMITTED ON SENATE RESOLUTION 110

Mr. CRANSTON. Mr. President, in politics, appearance is often as important as reality. It is not enough for a politician to be honest, essential though that surely is. He must also avoid any taint or suspicion of dishonesty.

He should not only do so in his own interest—for his political survival, more importantly, he must do so in the national interest—for the survival of effective, democratic government.

Public confidence in Government has been badly shaken in recent years. And with just cause. We in Government have a responsibility to take whatever steps are necessary to reestablish public confidence in the men and women who hold high public office.

I believe the code of official conduct, which the Senate has just approved overwhelmingly, is just such an essential step. While steering a middle course between extremes, it provides for a number of sweeping tough, comprehensive reforms.

Financial disclosure—the heart of honesty in politics—is made mandatory to an unprecedented degree, including full public disclosure of all income, assets, liabilities, and gifts. Actions that could lead to real—or seeming—conflicts of interest are restricted. Foreign travel for lame duck office holders is banned. Staff political activity is limited. So is the receipt of gifts. Office slush funds are prohibited—and a much-needed new look at the adequacy of office allowances is called for. For the first time there is an equal employment practice code for Senate hiring, banning discrimination because of race, color, age, religion, sex, national origin, or physical handicap.

And, for the first time, effective enforcement procedures are to be instituted.

I voted for tougher restrictions on incumbents' use of the newsletter prior to primary and general elections. And I also supported a proposed ban against surplus campaign funds being used to defray office expenses. Both those tougher provisions failed.

Nonetheless, I believe this new code is a measure that the Senate can be proud of—and that the American people can have full confidence in.

Mr. CLARK. Mr. President, this code of conduct represents a big step forward. The proposal that we drafted in committee has remained largely intact. Most of the attempts to water it down on the floor were beaten back. It will go a long way toward ending the abuses that have so tarnished Congress image in recent years through its prohibitions against conflicts of interest, its ban on gifts and elimination of secret slush funds, its limitations on outside income, and its stringent public financial disclosure requirements.

A major aspect of the code—which sets it apart from the code of conduct passed earlier by the House—is the strict enforcement provisions it contains. These provisions will insure that the Senate will be held accountable for allegations of wrongdoing against its Members, so that such allegations can no longer be buried in back rooms.

This code alone will not restore public confidence in the Senate. But the very specific standards it sets forth for judging the conduct of the Senate's Members provide a sound mechanism for achieving that goal. The challenge now will be for Senators and the public alike to apply those standards rigorously so that the credibility of the Senate as an institution can be restored.

Mr. President, I would just like to add a word of praise for the Senator from Wisconsin. This has truly been a thankless task. Yet, just as he did in committee, he has handled this resolution on the floor with consummate wit, skill, and grace, and the Senate is deeply in his debt.

Mr. President, I would also give thanks to the senior Senator from South Carolina, who has stood by all the major provisions of this resolution and, as ranking minority member, has performed with great ability.

The senior Senator from Connecticut has also made an invaluable contribution to the creation and passage of this resolution.

And finally, Mr. President, I want to commend the distinguished majority leader. It is Senator ROBERT C. BYRD who deserves enormous credit for the adoption of this Code of Official Conduct. His leadership truly has been exemplary.

All these men have done an exemplary job. We are indebted to them, and to the staff, which has worked many long hours to help us complete this task.

Mr. ROTH. Mr. President, it is with considerable regret that I am voting against the proposed code of conduct.

I believe that ethics legislation is sorely needed, and I am pleased that the proposed code does contain some provisions which I initiated and have fought for over the past 2 years. I will vote against the code, however, because I believe it fails to address the real ethics problem facing the Congress while at the same time creating many cumbersome and arbitrary rules that can result in less rather than more public confidence in the Congress. It has all the characteristics of so much of our legislation—overregulation and underenforcement.

What is the problem of ethics in Congress? It is not that there has been a lack of sound rules. Senators and Congressmen, like all other Federal officials, are prohibited by law from accepting bribes or abusing their personal positions for private gain. In the late 1960's, both the House and the Senate passed rules incorporating high standards of conduct. The problem has been that there has been a low standard of enforcement.

This past year's crisis of confidence in the ethics of Congress did not begin with the Hays affair. It was the result of a series of serious allegations that went uninvestigated. Congress, which is so quick to intervene when allegations involve the executive branch or private sector, dragged its heels on serious allegations involving its own Members. Neither House was serious about finding out what the truth was and disciplining any who violated the law.

How should the Senate address the ethics problem? First of all, the rules should be clear and straightforward.

Second, there should be disclosure of outside business interests and other transactions that could involve, but do not necessarily involve, a conflict of interest so that the voters themselves can decide whether a Member has compromised himself.

Third, confidential financial information should be filed and should be made immediately available in response to a court order when there are serious charges of wrong-doing. Finally, and most importantly, there should be effective enforcement with outside participation.

On the whole, I am satisfied with the disclosure requirements of the proposed code. Important information will be disclosed, and information of a very personal nature, such as tax returns, will be filed confidentially. The code contains the auditing provisions which I first authored in the Watergate Reform Act and which I regard as absolutely essential to instill confidence that disclosure will be full and accurate. This is a very substantial improvement over the recently adopted House code.

I am also gratified that the confidential financial information will be available in response to a court order. This is a provision I proposed more than 2 years ago and which gives real meaning to the confidential disclosure procedure.

What are the problems with the code? First, the rules are absurdly complex and arbitrary. The Code is honeycombed with special exceptions and arbitrary distinctions, many of which just do not make sense when judged by any ethical standard. Can anyone explain why it is ethical under the code for a Senator to practice teaching or hair-dressing on the outside, but unethical for a Senator to practice medicine or architecture if he has been trained in those fields? Or why a gift of personal hospitality from a lobbyist is not restricted and does not have to be disclosed, while other kinds of gifts from lobbyists are limited and disclosed? Or why if a Senator is a painter and sells an artistic work that should be excepted from the 15-percent limitation on outside earned income, while most other kinds of earnings are included?

As the code has been debated and amended on the floor, it has generally grown more rather than less complex. I am not sure that there is a Senator in this body who entirely understands what the code provides and what it proscribes.

A number of most difficult issues have simply been referred—or deferred—to committee with instructions to report back later on.

Clearly, we have fallen into the trap of overregulation of which Elliot Richardson wrote in a recent article entitled "The Sexless Orgies of Morality." Ambassador Richardson warns that one important liability of trying to legislate morality is that it will discourage good people from going into politics and public service:

> The danger of dredging up petty complaints or adopting overly rigid rules can be serious—a fundamental dampening of processes essential to our political system. For we must not only enact good laws, and exact high standards. We must also attract good people, and such excesses can make that more difficult.
>
> The outcome of Watergate, we keep hearing, proved that the system works, that our government is still one of laws, and not of men. That's so. But it was never intended to mean good laws without good men, who will always be needed.

In many respects, the very complexity of the bill may very well cause more rather than less confusion in the Congress, press, and public about just what high ethical standards are and are not. And that, in turn, is likely to create less rather than more confidence that high ethical standards are being maintained.

Moreover, it will make the Code more difficult to enforce, and I regard enforcement as the key to creating public confidence in the Congress. What good are any rules if violations are ignored?

There is no question but that the Senate has made a better effort than the House in trying to strengthen enforcement. In my judgment, however, this effort still falls short of what is needed. I have said many times that I think it is very difficult for a small group like the Senate or the House to investigate its own Members.

We deal with each other on a day-to-day basis, and many friendships and common interests develop that inevitably inhibit investigating when allegations do arise. Moreover, I do not believe the pub-

lic will have real confidence in an in-house procedure.

During the debate on the proposed code, I offered an amendment to establish an outside body to receive complaints and conduct investigations. I believe this procedure would have built effective enforcement into the code and created public confidence in Congress willingness to maintain the highest standards of ethical conduct.

I regret the Senate tabled this amendment. Without it, I fear the Senate is heading toward a new crisis of ethics. There may be little problem in the very near future, but to maintain high standards in the long term, there must be an effective enforcement mechanism.

Finally, Mr. President, I appreciate the hard work and energy expended by the members of the special committee which drafted this resolution. They were working under very stringent time constraints. Frankly, I believe we were wrong in establishing such deadlines. This is an issue that should have been given very sober and careful consideration. It should have been looked at long before the proposed pay raise finally goaded the Senate into taking action. And a good deal more time should have been given to evaluating the problem and considering the different alternatives for addressing it.

In the absence of such time, I believe we have taken the wrong route. We have tried to legislate morality rather than tried to emphasize effective enforcement.

Mr. HUMPHREY. Mr. President, when the Senate accepted the findings of the Quadrennial Commission for an increase in the pay rates of top Federal officials, it did so with the specific understanding that it would promptly develop, consider, and adopt a code of conduct that would reassure our constituents that Members of Congress are prepared to respond to their legitimate concerns for explicit and binding financial ethical standards.

We assumed this moral obligation, and established a Special Committee on Official Conduct to draw up such a code in an expeditious manner. Acting within its stringent deadline, the committee has heard testimony and collected data in order to present to the Senate its recommendations.

The basic purpose of this code is to avoid any conflict of interest, or any appearance of conflict of interest, among Members of the Senate. This should be the guiding criteria in our debate. We are not called upon by our constituents to profess poverty as a condition of our service. The U.S. Senate demands an enormous investment of time, and physical and mental endurance. Our commitment is to fulfill that office capably, with energy and integrity. Clearly, it would be a betrayal of that commitment to allow our judgment to be swayed by personal financial considerations.

The code before us reflects new and demanding standards of official conduct. However, many of us already have made a practice of financial disclosure, and supported legislation, such as the Integrity Act of 1977, that would require public financial disclosure of high-level officials in all three branches of the Federal Government.

There is little doubt that this code entails a painful loss of privacy for many individuals. But this is a price we pay for the privilege of serving in high office. The public has a right to demand good, responsible and ethical performance. Unfortunately, some serious examples of failure to meet those standards have undermined the confidence of our constituents.

In order to be an effective representative body, we need the confidence of our constituents and their trust in a responsive, distinterested legislative process. We cannot afford the cynicism that would greet any failure on our part to devise and adopt a strict code of financial ethics.

Some of the debate on this issue suggests that a high degree of ethical conduct and responsibility is a brand new requisite of public service, a recent discovery rather than a common sense condition of office. I never have considered public officials above the law. Indeed, it is expected that public office entails especially scrupulous standards of honesty and integrity.

The code of conduct resolution before the Senate today has been drafted with care. It will clarify areas where Senators otherwise may reasonably err with regard to expenditures related to official duties. In that sense, it is a protection against honest error and against bad faith or frivolous allegations.

Inevitably, this code will involve inequities in the treatment of unearned and earned income. It is often very difficult to judge when a Senator's speaking engagements represent time away from his duties and when they are a vital extension of his duties that helps clarify and encourage public debate of major national issues.

I regret that Government has fallen so far in the estimation of the public. This body has been damaged by well-publicized instances of wrongdoing. Such incidents can be addressed by existing sanctions of this body and of the courts. Unfortunately, as a result, the Senate finds its reputation tarnished, its motives suspect, and its strength as an institution imperiled by suspicions and intimations which besmirch in a general and indiscriminate manner every Member of this body, regardless of his personal standards and public record.

Having reached a situation where the Senate's credibility is seriously undermined, it is important that we act promptly to confront this issue, to resolve it, and then to return to the important and primary business of lawmaking.

While I accept this stringent code as a requisite of public service, and I know all of us can learn to live with the extra work and restrictions it entails, I would specifically question the requirement for imposing audit requirements in addition to those embodied in current law. Most Senators are in a tax bracket that is subject to auditing by the Internal Revenue Service, and to require an additional audit by the Comptroller General every 6 years seems to me unnecessary duplication.

With that slight reservation, let me say that all of these requirements are not necessarily comfortable; they do not necessarily affect all of us with equal fairness. But, when the pay raise was discussed in the Senate, I noted that we had authorized a commission to make an objective, cutside evaluation of pay scales. We accepted its recommendations.

Now, we have asked a committee of our colleagues to make an objective evaluation of the requirements for financial accountability. The provisions of this code represent a conscientious attempt to avoid conflicts of interest, while respecting so far as possible the understandable desire for personal privacy. However, the dominant principle is the public demand for guarantees against conflict of interest. That principle is embodied in the safeguards established against the use of official position for direct or indirect financial benefit.

In voting for this code of conduct, I am essentially reaffirming the personal obligation I always have accepted to act with respect for my office and responsibility to my constituents.

Mr. THURMOND. Mr. President, I support a strict code of conduct for the Senate and shall vote in favor of Senate Resolution 110.

When we began this debate, I said I would support any amendments to make the code more practical and workable, but would oppose any amendments to weaken its effectiveness. I believe the code has survived the debate intact, and I urge my colleagues to support it.

When the Senate passed the initial resolution to charter a special committee to write a code of conduct, it mandated the committee to make recommendations in the following areas:

First, annaul public disclosure of income, assets, debts, gifts, and other financial items;

Second, restrictions on, or the elimination of, outside income from honoraria, legal fees, gifts, and other sources of financial or in-kind remuneration;

Third, conflicts of interest arising out of investments in securities, commodities, real estate, or other sources;

Fourth, office accounts, and excess campaign contributions;

Fifth, Senate travel;

Sixth, engaging in business or professional activities or employment, or other remunerative activities, so as to avoid any conflict with the conscientious performance of official duties.

By way of comparison, Mr. President, let me list the following recommendations of the Committee on Official Conduct which have been incorporated in the code:

First, complete, full public financial disclosure by Senators or officers and employees of the Senate earning in excess of $25,000 per year.

Second, a prohibition on knowingly accepting a gift or gifts having an aggregate value of over $100 during a year from any individual or organization having a "direct interest in legislation."

Third, a prohibition imposed on Senators, officers, and employees of the Senate earning more than $35,000 from earning income in an amount exceeding 15 percent of their salaries.

Fourth, a restriction on Members, officers, and employees earning over $25,000 from practicing their profession or rendering professional services.

Fifth, a prohibition on the use of so-called unofficial office accounts.

Sixth, a prohibition on the practices of so-called "lame-duck travel" in connection with foreign travel.

Seventh, a restriction on the use of the frank to materials printed or paper purchased with Government funds.

Eighth, a prohibition against discriminating in employment practices in the Senate.

Ninth, a set of procedural rules to guarantee a strong Ethics Committee accountable to the Senate and to the public.

Tenth, a number of studies to be conducted by Senate committees to provide for greater accountability and efficiency in Senate procedures.

Mr. President, the committee has now fulfilled its duties, the Senate has debated this matter for almost 3 weeks, and I believe we have now worked out a code of which the Senate can be proud.

It has not been an easy task to draft a code of conduct for the Senate. The code which we will pass is not a perfect one, but it is a necessary part of the continuing process of keeping the affairs of house in order. It is also a beginning in the long and arduous task to restore public confidence in Congress as an institution.

As vice chairman of the special committee, it has been a pleasure to work on this code. I am particularly grateful, Mr. President, to the Republican members of the committee who served with distinction—Senators JAVITS, GRIFFIN, PACKWOOD, STAFFORD, LAXALT, and CHAFEE. Senator NELSON, the chairman of the committee, deserves the gratitude of the Senate for his exemplary leadership. I commend him for his fairness and leadership on this matter.

Mr. President, I strongly support the code.

Mr. DOLE. Mr. President, I have a few questions which I would like to put to the manager of the bill to confirm some of the impressions which I have about this bill and to get some answers in areas where I am uncertain.

Basically, there are two related sections of this bill which could deal with gifts of transportation or lodging paid for by someone other than a Senator or the Government. The gifts section of the bill restricts certain kinds of gifts of transportation and lodging, and the financial disclosure calls for the reporting of certain gifts of lodging and transportation.

Here are my questions:

Let us say I take a trip to Kansas to give a speech to a group there. I understand that the group can pick up my expenses without that amount being considered a gift for either reporting purposes or for purpose of restrictions in the gifts section. Is that correct?

Mr. NELSON. Yes, that is correct.

Mr. DOLE. If that group has a political action committee, does that change things?

Mr. NELSON. No, that makes no difference.

Mr. DOLE. Suppose I go to Kansas to speak to a group and someone, not a corporation or labor union with a PAC, and not a lobbyist, wants to pay for my transportation to Kansas. Is that allowed?

Mr. NELSON. Yes, but it must be disclosed if the amount is over $250 and not paid for by the group you are speaking to.

Mr. DOLE. Would it make any difference if it were being paid for by a private person as opposed to a business of some kind?

Mr. NELSON. No. As long as it is not an officer or director of a registered lobbyist or corporation with a political action committee, it would not make a difference.

Mr. DOLE. Would it make any difference what sort of group I was addressing—or whether I was there on personal business—or doing several things at once?

Mr. NELSON. No. But it would be considered a gift and would have to be disclosed.

Mr. DOLE. Once I am in Kansas, can I accept a ride in a plane owned by a corporation or by an individual for my travels around the State if the owner of the plane is not an officer or director of a registered lobbyist or a corporation with a PAC?

Mr. NELSON. Yes, but you must disclose this if the value of the ride exceeds $250 or if other gifts received from the same source during that calendar year exceed $250.

Mr. DOLE. Would it make any difference whether I was 1 year or 5 years away from the expiration of my term?

Mr. NELSON. No.

Mr. DOLE. If the corporate or private plane is not owned by a registered lobbyist or an officer or director of a corporation with a political action committee, can I accept the gift regardless of what kind of event I am going to?

Mr. NELSON. Yes.

Mr. DOLE. Can I use it to attend political meetings, civic and community meetings, go on Senate business, or go on personal business?

Mr. NELSON. There is nothing prohibiting this in the code. But as explained before, this may have to be disclosed. However, the propriety of this may be governed by other rules or laws, such as the Federal election law.

Mr. DOLE. Does it make any difference if there is commercial transportation available in any of the instances which I have mentioned in which I accepted private travel?

Mr. NELSON. No.

Mr. DOLE. Would any of the instances which I have outlined above be any different if I were traveling around in a State other than my home State?

Mr. NELSON. No.

Mr. DOLE. Suppose I make a bonafide appearance before a political action committee of a corporation in Wichita, Kans., and they buy me a round trip ticket as a "necessary expense" of having me there. Can I go ahead on the same trip and take time off to go home to Russell, Kans., at my own expense, and still have the plane fare from Washington to Wichita and back paid for by the group, and not have it considered as a gift?

Mr. NELSON. Yes. If the appearance for which you received the round trip ticket is bona fide, the round trip ticket is a necessary expense. The situation is not changed by the fact that you went home to visit.

Mr. DOLE. With the same hypothetical situation, would it make any difference if I went ahead and went to some political events or went to other meetings to address other business or civic groups. Could the corporation with the political action committee still pay for my plane fare to and from Wichita for that weekend?

Mr. NELSON. As the question is posed, there would be no violation of the code. In a variety of cases posing different circumstances, advisory opinions will be available from the Ethics Committe.

Mr. GOLDWATER. Mr. President, this ethics code which we have been debating may in the end look all right, read all right, and even prove satisfactory to the moralizers in Common Cause and the media. But I submit that it is an exercise in sheer hypocrisy. It is a sham, an unworkable sham that will have very little effect on improving the official conduct of the Members of the Senate. And I suggest that the American people will not be fooled by an in-house procedure which leaves it up to the Members of Congress to police themselves.

I am afraid Mr. President, that public cynicism will be overwhelming when the first test of this code is handled under the procedures proscribed. After all the American people have watched before as the Senate and House wrestled mightily with an ethical problem involving some of its Members and came forth with nothing stronger than a wrist tapping.

Mr. President, unless there are strong regulations for policing this conduct, backed by the force of law, we will fall back into the old ethical practice which produced little surveillance, few penalties, and a series of shabby scandals.

A recent editorial in U.S. News & World Report had some observations on the general subject of conniving and cowardice in the Congress of the United States. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SAME OLD GANG?

(By Marvin Stone)

The shameless conniving and cowardice that Congress displayed in arranging to raise its pay, without having to vote, was greeted with dismay, shock and disgust. There still exists, outside Washington, the notion that public servants ought not to wear masks when they dip into the public till.

But the deed is done and Congress has survived one more self-inflicted blow. Still, is it out of line to ask our elected representatives to start earning their $57,500 a year? It may be fruitless to seek a return to the credo, now discarded, that public service carries its own rewards. Yet there are opportunities for Congress to examine and mend its ways. A half-dozen imperatives come to mind:

One. Congress should provide real enforcement for the Code of Ethics that is the other half of the pay-raise bargain. The commission that recommended the raise made stiffened morality in Congress a condition, so merely enacting the Code in the form of House and Senate rules is not enough. Unless regulations for policing are effective, with the force of law, the new Code will fall back into the state of the old, which produced little surveillance, few penalties and a series of shattering scandals. The machinery is still to be set up, and an alert public should demand, as a minimum:

Means to guarantee that members finances will be fully disclosed.

Tight enforcement of a limit on outside earnings.

A watch on investments to discourage members from voting when there are possible conflicts of interest.

Strict and specific accountability for expense allowances.

A reliable and open system of auditing for all matters under the Code.

Two. Congress should see to it that future cost-of-living raises for itself, like the one due next October, are submitted to a vote. People are entitled to that much accountability.

Three. Congress should stop growing, spending and wasting at its present headlong pace and begin setting an example for the rest of Government in cutting out frills. In these times, simple decorum calls for a new look at mushrooming allowances, free gyms and pools and steam rooms and potted plants, fancy limousines for leaders, subsidized meals and insurance, frequent travel in the U.S. and often frivolous junkets abroad.

Four. Congress should stop trying to ram political hacks and cronies down the throat of the executive branch. It is a hiring practice that belongs to the past.

Five. Congress should co-operate in putting judiciary nominations under a merit system. The President has taken the first step by moving to set up regional committees that will recommend persons for the U.S. circuit bench. But the other traditional plums—district judges and U.S. attorneys—remain substantially under the thumbs of Senators. Therefore, for these positions, Attorney General Griffin Bell has asked the legislators to set up their own merit committees in the States, to choose names that will eventually reach the President. Some Senators have acted already; the rest should not delay.

Six. Congress should tackle again the job of pruning the congressional-committee structure, a thicket of power struggles, jealousies and overlapping authority. Last month the Senate almost succeeded in reducing its committees from 31 to 15, but that effort broke in the face of hard lobbying and then finally crumbled under the ambitions of entrenched chairmen. In the end it was almost a sham. The need for Senate reform is unsatisfied. And the House has not even tried this year.

If lawmakers will address these issues with vigor and openness, people may stop asking whether this new 95th Congerss is not just the same old gang, doing the same shameless things.

Mr. DOLE. Mr. President, it is no secret that the Senator from Kansas has serious reservations about this ethics resolution. Despite those reservations, however, this Senator supports the resolution and hopes that it will clear up some of the problems which Congress has been having with how it is perceived by the American people. But beyond that, the Senator from Kansas hopes that this resolution will help us keep our House in order in future years.

One reservation concerns the unfair, discriminatory treatment of earned versus unearned income. The proponents on our side of the issue effectively refuted the arguments which were made on behalf of the committee's position. Despite our arguments, however, the unfair treatment of these two kinds of income remains in the resolution.

Another consideration is that those of us who do receive honoraria pay a lot of that money back to the Government in taxes. For instance, for the years 1971 through 1975 my average tax liability, after paying withholding on my salary, was an amount totaling about 25 percent of my total Senate pay after taxes.

THE CONSTITUTIONAL QUESTION

In addition to other reservations about this provision, the Senator from Kansas fears that this may well be unconstitutional and introduced an amendment, which was accepted by the manager of the resolution, that mandates a study by the Judiciary Committee as to the constitutionality of this provision of the ethics resolution.

This Senator trusts that the committee will do a full, exhaustive study of the question. Basically, the question arises from the discrimination between classes of Senators. The chilling effect which this could have on participation in the political process, and the lack of a reasonable connection between the legitimate Government end which this bill pursues and the method which it uses in pursuit of that end.

After research and study into the various legal questions involved, we should have a meaningful study which will give us some insight into the constitutional validity of the code of conduct.

The Senator from Kansas will be looking forward to seeing the report of the committee. It could shed some light on this very serious question.

Mr. GARN. I understand that if an organization invites a Senator to make a speech, whether or not it involves an honorarium, the organization can pay the expenses for travel out and the accommodations for the night of the speech or the night after, if those are necessary expenses.

Mr. NELSON. That is correct.

Mr. GARN. My question for the floor manager is this: If an organization invites a Senator to make a speech and offers to bring his wife out as well, is the cost of her travel and accommodations for the day of the speech also "necessary expenses," or are those costs regarded as a gift to the wife?

Mr. NELSON. The committee's intent was that the expenses you described—the cost of travel and accommodations for the wife—would be regarded as part of the "necessary expenses." These costs would not be a gift to the wife.

Of course, if the Senator and his wife stayed at the city where the speech was made for a few days after the speech, if expenses were paid for them, these expenses would be a gift. But, of course, that would be true whether or not the Senator's wife was involved.

Mr. GARN. That is my understanding and I thank the Senator.

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement on Senate Resolution 110 by the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR TOWER

I am opposed to passage of S. Res. 110, and I would like to comment briefly on my reasons for disagreeing with this approach to the question of congressional ethics.

I suppose that there are those who would consider it foolhardy for an elected official to oppose a so-called "ethics bill", and I have thought long and hard about my decision. I think we can all appreciate the need to restore a high level of public confidence in our government and in our elected officials, and it was with this goal in mind that we set about the task of constructing a clear and rational set of standards to govern our conduct as public officials.

Unfortunately, after months of drafting, and endless hours of floor debate, the end product of this effort is nothing more than a blatant public relations maneuver designed to justify the recent pay raise which Congress received. I did not vote for this pay raise; but even if I had, I find it demeaning to this Senate, and an insult to the intelligence of the American people, that we should endorse such a quid pro quo. This bill is a hoax, and it's full of discriminating exceptions for those who are wealthy enough to use them.

I have said on several occasions that I support the concept of public financial disclosure, and I would support those sections of this bill which require such public disclosure of income, as well as the sources of that income. But this bill goes far beyond that. This bill differentiates between outside "earned" income, and outside "unearned income", placing an arbitrary limitation on the former, and no limits whatsoever on the latter. In other words, if you happen to be a relatively wealthy individual with healthy investments, you are free to collect as much income as these endeavors will yield. But if you don't happen to be wealthy, then you are strictly limited in the amount of money you can earn beyond your Senate salary. If this sort of arrangement were set up in private industry, you would have every civil rights group crying "discrimination" in no time.

Proponents of the bill claim that these provisions are intended to prevent conflicts of interest. Following this premise then, we are supposed to believe that if a Senator has substantial investments in cotton, or tobacco, or if he owns stock in some sort of manufac-

turing concern, that he is less likely to be "influenced" by these interests than the Senator who accepts an honorarium for making a speech to the cotton farmers, or the tobacco industry, or to the national association of manufacturers. I simply don't buy that twisted line of reasoning. Nor do I believe that every Senator is up here casting votes with his own gain in mind.

In my opinion, the best way to prevent conflicts of interest is to let the public know what we earn, and where it comes from. Armed with this information, I think the public is quite capable of determining for themselves whether or not a public official is acting responsibly and responsively. I don't want to see this Senate turned into another faceless bureaucracy, where the overriding concern is not with the legislative business at hand, but rather with how many forms we have to fill out, and how many costly investigations we have to undertake, and that is just what we are doing here.

I think it is most appropriate that the Senate has chosen April Fool's Day to take final action on this bill, because it's a joke to think that there will be any real benefits accruing from this bill. I would hope, Mr. President, that the Senate will put aside public relations posturing, and get back to the business of enacting a sensible and responsible code of ethics.

Mr. LAXALT. Mr. President, from the outset of the discussion concerning the adoption of an "ethics code" of the U.S. Senate, I have entertained serious reservations about the whole matter.

After serving on the Select Conduct Committee and after observing the many hours of debate on the issue, both on the floor and in discussion with my colleagues, I have come to the conclusion that I cannot in good conscience vote for this piece of legislation.

Not because one is opposed to ethical conduct in the Senate. That is patently absurd. But rather because nothing in the past several weeks has convinced me that there is such a justification for the enactment of the restrictive provisions in this code which may well prove to be counterproductive and demeaning to the American people. Essentially what we are doing is telling the voters they do not have the wisdom to pass on the conduct and performance of their elected officials at the ballot box as should be done in a democracy. It is also demeaning to the Members of this body and to the institution itself.

The redeeming feature of the code is the inclusion of full public disclosure which is entirely necessary for the voter to make his decision at the ballot box. However, that positive step forward was negated by the imposition of countless do's and don'ts, all needless restrictions on individual freedoms.

It has been repeatedly said that the public demands that we do something in this field. Other than some general surveys, of rather doubtful value as far as I am concerned, I find no evidence of such strong public feeling.

In my own case, and I rather imagine the same is true of my colleagues, other than a few letters from members of Common Cause, we have heard nothing. Contrast that with the thousands of letters received by the Senators the past few weeks on common situs.

Perhaps the public has a far greater perception of what is important than the Senate.

It has been said that the passage of this code will help to raise public esteem of the Senate. That, to me, is sheer "poppycock." The real reason the public does not think well of us as an institution is not because we do not have a code of ethics, but because we just have not done a good job in addressing the serious problems of this country.

The fact that only 18 percent of the public give us a favorable rating is of no moment to me. The public just does not like institutions. It never has. It never will. They do not like doctors as a group. They certainly do not like lawyers as a group. On a "one-to-one" basis, this situation is wholly different.

I rather imagine that if Gallup surveyed the country a hundred years ago and asked if they approved of Congress the rating would not be materially different than it is now.

It has been said that as a "profession" we should have a code of the type utilized by the other professions such as the doctors, lawyers, and accountants. But the fact is that the situations are not analogous at all.

As a former member of a Board of Governors regulating the conduct of attorneys in Nevada, I never questioned the need for a code. We had no other method to employ sanctions for those few who would "stray from the corral of ethical conduct."

But we have a readily available sanction for errant Senators. It is forceful. It is final. I speak of course of the sanction of the ballot box.

It has been said that Senators should be "full time," whatever that means. In looking about the Senate I find that some of the most effective Senators are those who speak frequently around the country and those who necessarily spend time on their citizens investments. I have yet to see a case where these men have misplaced their priorities by emphasizing extra-Senate activities in preference to doing a job as a Senator.

I see great value in Senators spending as much time as possible, consistent with their responsibilities here, in the real world.

We must always remember that the heart of this system is in citizen politicians.

To me, the result of this code may well be a Senate in a few years composed of full time, noncitizen, technocrats. Then one would not be able to tell the difference between Capitol Hill and the agencies downtown. We will all be one happy, muted, bureaucratic family.

Then this independent and proud institution will be turned into a "Department of Legislation," complete with a bureaucratic manual on "How to Be an Honest U.S. Senator."

Then inevitably many good people, before running for the Senate, will pick up this manual and say, "The hell with it. I don't need that nonsense. What kind of an institution is this that needs moral suasion?"

It is a prospect that chills because if we ever reach the point that strong willed, independent, persons with strong views about innate ethical conduct, choose "not to run," the Senate, and in turn the country, will be irreparably damaged.

I guess what I am trying to say is that I am proud to be in the U.S. Senate. Today, when I face the prospect of this piece of legislation passing, almost entirely for reasons of raw political expediency sprinkled with far too much hypocrisy, I feel a little less proud.

That is bad for me, and probably bad for the Senate, for I fear that far too many of my colleagues share the same feeling.

(This concludes additional statements of Senators submitted on S. Res. 110.)

Mr. HUMPHREY. Mr. President, I should like to have the attention of the manager of the bill, the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. May we have order in the Senate?

Mr. HUMPHREY. Mr. President, this code of official conduct that we will soon vote upon—and I trust will ratify by our vote—is a very important and a very sweeping measure in terms of rules of conduct of the Members of the U.S. Senate.

My concern is and my request is this: Once this body of rules is adopted, a copy of said body of rules, in layman's language, in a very well-prepared little booklet, should be made available to every Member of the Senate, to every staff member of the Senate, to all persons to whom this code of conduct applies.

Ignorance of the law, they say, is no defense. However, we are writing here a very elaborate system of code of conduct. I realize that it will be printed in our rules, but this does not apply merely to Members of the Senate. It applies also to the staff; it applies to spouse; it applies to members of families.

I suggest that, just as we receive a little booklet that gives us the names and addresses and telephone numbers of every Member of the Senate, we have a similar little publication that will give to every Member of the Senate and to all persons to whom this code applies, in layman's language that is easy to understand, what we have adopted here as a set of rules.

I would appreciate any comment that the manager of the bill would care to make.

Mr. NELSON. Mr. President, I agree with the distinguished Senator from Minnesota. We have had some discussion, but I cannot recall now whether it was in committee or on the floor. However, since the committee that conducted the hearings and prepared this code expires with the adoption of the code, that responsibility would fall upon the Ethics Committee, chaired by the distinguished Senator from Illinois (Mr. STEVENSON).

I believe it would be the hope and intent of the Senate that the appropriate committee—and I think it is the Ethics Committee—would prepare a summary

touching the main points, and there would also be available, of course, copies of the code itself. I intend to ask unanimous consent that the whole code be printed in full in the RECORD.

As the Senator from Minnesota well knows this code of conduct does not involve only 100 Members of the Senate. It involves some 2,000, I believe, staff people.

Mr. HUMPHREY. Exactly.

Mr. NELSON. Everybody is entitled to have in hand a copy of the code itself as well as a copy of a pamphlet that explains in direct, simple English what the code means. They should be informed, of course, that they can seek advisory opinions on any matter involving the code upon a request to the Ethics Committee.

Mr. HUMPHREY. May I add this: Is it my understanding that this code become effective in a couple of months from now?

Mr. NELSON. There are a number of effective dates that are different. Some of it becomes immediately effective.

As you know, the outside earned income limitation reporting date is January 1979; the first financial disclosure statement will be filed on May 15.

Mr. HUMPHREY. Of this year?

Mr. NELSON. Of 1978, covering the period starting October 1, 1977. So there are several dates within that code on which certain provisions become effective.

Mr. HUMPHREY. The only thing I want to be sure of is that whoever has the responsibility, that the interpretation of the code, the exact language of the code, and the preparation of the necessary documents that will give this information, will not fall between the boards of an ad hoc committee that goes out of business and an Ethics Committee that maintains itself as a continuing institution, because if there are parts of this code that go into effect immediately or within a few days, it is imperative that those persons who are to be affected by the code be fully informed.

I know we can say, "Well, it is in the CONGRESSIONAL RECORD." Well, you have got to have a love for reading if you want to read the CONGRESSIONAL RECORD. That is about as interesting a display of material in terms of the layout as McNamara's dead goat. (Laughter.)

You know, there is nothing there that anybody would be enticed into reading unless it was compulsory.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield so I may propound a unanimous-consent request and see if it meets the objection? I think the Senator from Minnesota has made an excellent suggestion.

I ask unanimous consent that in today's RECORD there appear an up-to-date synopsis of Senate Resolution 110, Official Code of Conduct, with amendments, to date.

There being no objection, the Synopsis was ordered to be printed in the RECORD, as follows:

To Senator R. C. Byrd.
From J. H. Duffy.
Re Synopsis of S. Res. 110, Official Code of Conduct, with amendments, to date.

Rule 42:

1. Each Senator, officer, or employee compensated at an annual rate in excess of $25,000, or who is authorized under Rule 49 to handle campaign funds, or who is a candidate for nomination or election to the Senate, shall file reports with the Secretary of the Senate not later than the 30th day after the individual first fulfills the filing requirements or May 15th of that calendar year, whichever is later.

2. Reports required to be filed shall include, per calendar year:

(1) amount and identity of source of each item of earned income (except for honoraria) in excess of $100;

(2) amount, source, date of each honorarium received and which, if any, were donated to charity;

(3) identity of each source of income (other than earned income) received in excess of $100 and the category in which it falls.

(a) up to $1,000;
(b) $1,000 to $2,500;
(c) $2,500 to $5,000;
(d) $5,000 to $15,000;
(e) $15,000 to $50,000;
(f) $50,000 to $100,000; and
(g) over $100,000.

(4)(a) any gifts described in paragraphs b and c of section 4 shall not be considered as income;

(b) identity of source, value, and description of gifts of transportation, lodging, food, or entertainment of $250 or more (except from a relative) must be reported, but personal hospitality for food, lodging, or entertainment need not be reported;

(c) gifts aggregating $100 or more from any one source other than a relative must be reported unless a waiver is granted by the Ethics Committee;

(d) gifts with a fair market value less than $35 need not be aggregated;

(e)(1) real property in excess of $1,000 must be disclosed; and

(2) personal property in a trade or business or for investment in excess of $1,000 in value must be disclosed;

(f) each personal liability owed in excess of $2,500 must be disclosed;

(g) each transaction in securities or commodities in excess of $1,000, except a gift to charity or transactions among immediate family, must be disclosed;

(h) transactions in real property in excess of $1,000 must be disclosed—acreage, location, etc., except for personal residence;

(i) identity of any patents or interests in patents must be disclosed;

(j) positions held in any corporation, firm, partnership, etc., must be disclosed; and

(k) contracts, agreements, etc., for private employment after the reporting individual leaves his Senate position or providing for a continuation of benefits from a prior employer other than the Federal Government must be disclosed.

If compensation is paid the reporting individual in excess of $5,000 in any of the two calendar years prior to the year in which an individual is required to report, then the identity of the person paying the compensation must be disclosed as well as the nature and term of the services.

3. (a) For purposes of subparagraphs (e) through (h), supra, actual dollar values need not be supplied, but there must be an indication of the category of values of each item:

(1) up to $5,000;
(2) $5,000 to $15,000;
(3) $15,000 to $50,000;
(4) $50,000 to $100,000;
(5) $100,000 to $250,000;
(6) $250,000 to $500,000;
(7) $500,000 to $1,000,000;
(8) $1,000,000 to $2,000,000;
(9) $2,000,000 to $5,000,000; and
(10) over $5,000,000.

(b) Value of real property need not be obtained by appraisal. The purchase price and the date of purchase will suffice. For personal property, however, the book value or net worth or equity value or other recognized indication of value and a description of the method used shall be reported.

(2) Earned income over $1,000 received by the spouse or dependents of a reporting individual must be disclosed but only the source and not the amount. Gifts to spouses or to adult dependents are to be reported only if they exceed $500 from any one source.

(3) No report relative to a spouse living separate and apart need be filed.

(d) Income and holdings of a trust must be disclosed unless not created by reporting individual, spouse, or dependents; the reporting individual, spouse, and dependents have no knowledge of contents; and the trustee refuses to disclose any information about trust holdings and income.

Where trust holdings and income must be reported, it should be done by category as in the case of unearned income (see subparagraph (a)(3) of paragraph 2, p. 4, of S. Res. 110).

Blind trusts need not be dissolved before May 15, 1978, and Governmental Affairs Committee has 6 months in which to study whether blind trust should be permitted.

(e) Report only what is actually known about trust corpus and income.

4. (a) Reports to be filed with Secretary of Senate by May 15 of the next year.

(b) Reports covering only a portion of a year shall be filed with the Secretary on the last day an office or position is occupied.

(c) Candidates seeking nomination or election shall file 30 days after qualifying or May 15th of that year, whichever is later.

(d) A copy of each report shall be provided to the Select Committee on Ethics.

(e) Senators and candidates shall file a financial disclosure statement with the Secretary of State in the State he represents or where he is a candidate.

(f) Extensions of time for filing may be granted by the Ethics Committee but total extensions shall not exceed 90 days.

(g) Comptroller General to provide assistance to any Member, officer, or employee.

5. (a) Secretary shall make reports available to the public within 15 days after receipt and provide copies on request.

(b) persons requesting report copies may be required to furnish names and addresses and organizations represented, and to pay reasonable fees.

(c) Secretary shall preserve each report for 7 years and then destroy.

(d) Ethics Committee to review all statements for timeliness and form.

(e) (1) and (2) Comptroller General to conduct random audits on about 5 percent of reports filed but shall audit at least one report filed by a Member during a 6-year term but not in an election year.

(3)(A) Comptroller General is authorized to request a subpoena from Ethics Committee for audit purposes.

(B) Comptroller may utilize outside consultants to assist him.

(4) Findings of each audit shall be given to Ethics Committee and person audited.

6. (a) Income tax return copies shall be furnished to Comptroller in sealed envelopes by May 15 in each year.

(b) Papers filed with Comptroller to be kept for not less than 7 years, sealed, but if Ethics Committee by majority vote requests individual reports, they shall be transmitted by Comptroller. Individual affected shall be notified in reasonable time of the vote and the nature and scope of the examination. Only members of Ethics Committee may open and examine contents of sealed envelopes.

Ethics Committee may decide to proceed further and allow Members and staff to examine papers and use papers for evidence after due notice and hearing opportunity.

Comptroller shall report by June 1st each year the names of Senators, officers, and employees who have filed. Papers on file with Comptroller for more than 7 years shall be returned to the files or to the spouse or representative.

(c) Comptroller may examine materials filed for purpose of conducting an audit.

(d) When a discovery order is issued by a competent court in a criminal proceeding involving a Member, officer, or employee and served on the Comptroller, the Comptroller shall:

(1) give reasonable notice to individual affected;

(2) make an authenticated copy of any report in a sealed envelope, reseal the report and attach copy to envelope with note that it was opened pursuant to discovery order; and

(3) appear in court and produce the authenticated copy.

A competent court is a Court of the United States, a State, or the District of Columbia, having general jurisdiction over criminal offenses against the U.S., a State, or D.C. Discovery includes a subpoena.

The Ethics Committee must establish procedures for the confidentiality of tax return information.

7. Definitions:

(a) "Commodity future"—Commodity Exchange Act, sections 2 and 5 (7 U.S.C. 2 and 5).

(b) "Comptroller General"—U.S. Comptroller General.

(c) "Dependent"—Internal Revenue Code of 1954, section 152.

(d) "Earned income"—outside earned income plus Senate salary.

(e) "employee of Senate"—salary paid by Secretary of Senate.

(f) "gift"—anything of value, money, food, transportation, entertainment, etc., unless equal consideration is received. Gift does not include political contributions, commercial loans, bequests or inheritances, or anything of value given to a spouse or a dependent by an employer in recognition of service.

(g) "income"—gross income (IRS sec. 61).

(h) "political contribution"—FECA (2 USC 431).

(i) "political expenditure"—FECA (2 USC 431).

(j) "relative"—immediate family, grandparents, uncles and aunts, nephews and nieces, in-laws, stepparents and stepchildren, first cousins.

(k) "Security"—SEC 1933 (15 USC 77b).

(l) "transactions in securities and commodities futures"—any acquisition, transfer, or disposition of securities or commodities.

Rule 43:

1. Was stricken by the Senate.

2. (a) prohibits Members, officers, and employees, spouses or dependents from accepting any gifts aggregating in excess of $100 from any person, organization, or corporation having direct interest in legislation unless Ethics Committee grants a waiver.

(b) the following having an interest in legislation:

(1) persons, organizations, or corporations registered under the Lobbying Act of 1946 or employed or retained by registered lobbyists, or

(2) a corporation, labor organization, or other organization having a separate, segregated fund for political purposes, or an officer, director or employee of such organizations.

(c) the prohibitions on gifts do not apply to:

(1) relatives;

(2) gifts of less than $35 in value;

(3) personal hospitality of an individual;

(4) meals and entertainment from a lobbyist; and

(5) gifts from a foreign national not acting for a foreign organization or government.

3. (a) For purposes of Rule 43, a gift is a payment, subscription, advance, money, food, services, entertainment, transportation or anything of value but shall not include:

(1) political contribution;

(2) a commercial loan;

(3) bequest or inheritance;

(4) bona fide public award;

(5) reception honoring a Member, officer, or employee within the limitations on gifts other than a suitable memento; and

(6) anything of value to a spouse or dependent in recognition of service.

(b) term "relative"—same as rule 42, 7(j)

4. If a gift is accepted unknowingly except a prohibited gift as set forth in paragraph 2, supra, it shall be returned or the donor reimbursed.

Foreign travel paid for by a foreign foundation may be accepted by Members, Officers, and Employees if approved by the Select Committee on Ethics.

Rule 44:

1. No Senator, officer, or employee who is compensated at an annual rate in excess of $35,000 and employed for more than 90 days in a calendar year, shall receive any outside earned income exceeding 15 percent of salary.

2. (a) Honoraria for a Senator shall not exceed $1,000 per appearance, speech, or article.

(b) Honoraria for an officer or employee shall not exceed $300 per appearance, speech, or article nor $1,500 in any calendar year.

(c) Honoraria in excess of limits of (a) and (b) supra and up to $25,000 per calendar year may be accepted if such honoraria are immediately to a tax exempt organization and if no tax benefit accrues for such donation.

3. (a) "Outside earned income" means any income received as the result of personal services rendered if such services are material income factors.

(b) "Outside earned income" includes honoraria, stipends, advances on books, or creative or artistic works.

(c) "Outside earned income" does not include:

(1) royalties from books;

(2) income from family enterprises where services are not material income producing factors;

(3) gains from property, dealings, or investments;

(4) interests;

(5) rents;

(6) dividends;

(7) alimony or separate maintenance;

(8) annuities;

(9) income from discharge of debts;

(10) partnership income where there is no material income producing factors;

(11) income from estate or trust;

(12) sale of creative or artistic works; and

(13) fair market "buy-out" arrangements of business or partnership.

Rule 45:

1. No Member, officer, or employee shall receive any compensation resulting from improper influence.

2. Outside business, professional activity, or employment for compensation in conflict with official duties is barred.

3. Officers and employees may not engage in any outside business or professional activity unless he reports when such activity begins and annually thereafter by May 15th and is given approval by his supervisor.

4. Members, officers, and employees shall not introduce or support legislation designed to benefit him or his family.

5. A Member may decline to vote on any matter which he believes would be a conflict of interest.

6. Members, officers, and employees who are compensated at an annual rate in excess of $25,000 shall not provide professional services for compensation during regular office hours of the Senate office in which employed. "Professional services" includes those which involve a fiduciary relationship.

7. Members, officers, and employees are prohibited from serving on publicly-held or regulated corporation, financial institution, or business board. The prohibition shall not apply when service is without any compensation on a board of a tax exempt organization; on organizations principally available to Senators, officers, or employees, or when service on a board has existed for 2 years prior to coming to the Senate, the amount of time spent is minimal, and there is no conflict of interest. Applies only to those compensated in excess of $25,000.

8. Senate committee staff compensated at a rate in excess of $25,000 per year shall divest himself of any holdings which may constitute a conflict of interest with his employing committee unless approved by his supervisor and the Ethics Committee.

9. Members who leave office may not lobby Members, officers, or employees for one year.

10. Staff members who leave may not lobby his employing Member or that Member's staff for one year. Committee staff members who leave may not lobby the Members of the employing committee or its staff for one year.

11. (a) "Senate employee"—see Rule 49

(b) Subcommittee staff are treated as committee staff

(c) "lobbying"—is any oral or written communication to influence content or disposition of pending measures, but does not include:

(A) communications such as testimony before a committee or submitted for the period; and

(B) personal communications to express an opinion privately.

12. For this Rule, supervisors are:

(a) a Senator or Vice President for his staff;

(b) a chairman for committee staff but minority staff shall be supervised by the ranking minority Member;

(c) subcommittee chairman and the ranking minority Member for the Majority and Minority staffs respectively;

(d) President pro tem for the Secretary of the Senate, Sergeant-at-Arms and Doorkeeper, the Chaplain, Legislative Counsel and employees of the Legislative Counsel;

(e) Secretary of the Senate for his employees;

(f) Sergeant at Arms and doorkeeper for his employees;

(g) Majority and Minority Leaders and Majority and Minority Whips for their employees;

(h) Majority Leader for the Secretary for the Majority and the Secretary for the Majority for his employees; and

(i) Minority Leader for the Secretary for the Minority and the Secretary for the Minority for his employees.

Rule 46:

1. Unofficial office accounts are barred. No Member may receive funds for the purpose of defraying unreimbursed expenses relative to the operation of a Member's office.

Excluded are:

(a) personal funds;

(b) appropriated funds;

(c) political committee funds; and

(d) reasonable reimbursements.

2. No political contribution shall be converted to the personal use of any Member or former Member. Personal use does not include any reimbursement of expenses incurred in connection with official duties.

Rule 47:

1. Prohibits foreign travel by any Member after:

(a) defeat in a general election; and

(b) sine die adjournment of the date of the general election, in the case of a Member who is not a candidate.

2. No Member, officer, or employee may accept funds for any expense for which he has been reimbursed from any other source, nor receive double reimbursement from the U.S. Government, nor use funds furnished except for purposes funds were furnished.

3. Per diem allowances shall be used for appropriate expenses and unexpended balances shall be returned.

Rule 48:

1. Prohibits Senators and candidates from using mass mailings 60 days before the date of any election in which the individual is involved.

2. Only official funds shall be used to purchase, print, or prepare any mass mailing under the frank.

3. (a) mass mailings shall be registered annually with the Secretary of the Senate. Copies of mailings shall be furnished, except as to the number of pieces. A description of the group(s) to whom mass mailings were sent shall be provided.

(b) Secretary of the Senate shall make reports available to the public.

4. This rule shall not apply to inquiries from or responses to persons to whom mail is sent, Members of Congress, Government officials, or news releases.

5. Senate computer facilities shall not be used to store campaign contributors, workers, party members, or other partisan political purposes.

6. (a) Senate and House radio and television studios may not be used by Senators or candidates less than 60 days prior to any election.

(b) Exception if facilities are used at the expense and request of licensed broadcast organizations exempt from taxation [IRS code, sections 501(c)(3)]

Rule 49:

1. Prohibits any officer or employee of the Senate from handling any campaign funds except that 2 staff aides in the District of Columbia or 2 staff aides in the Member's home State may be designated by the Senator to perform any function *except* solicitation. Such aides must be compensated at a rate in excess of $10,000 per year and authorized in writing by the Senator to the Secretary of the Senate.

Any such authorized aid(s) must file financial statements with the Secretary of the Senate.

2. (a) an "employee" is any employee paid by the Secretary of the Senate

(b) any reemployed Government consultant's compensation shall be totaled for purposes of the rule.

3. Any officer or employee of the Federal Government, utilized by any Senate committee, shall agree in writing to comply with the Senate Code of Official Conduct.

4. Full-time services of an individual for more than 90 days shall be prohibited unless the individual:

(a) is an officer or employee of the Senate;

(b) is an officer or employee of the Government (other than the Senate); and

(c) agrees in writing to comply with the Code of Official Conduct (and any such person shall be treated as an employee of the Senate).

Rule 50:

No Member, officer, or employee shall:

(a) refuse to hire an individual;

(b) discharge an individual;

(c) discriminate against an individual on the basis of race, color, religion, national origin, *age*, or state of physical handicap.

Title II—Ethics Committee:

Sec. 201. Sec. 2(a) of S Res. 338, 88th Congress, July 24, 1964, is amended by inserting "violations of the Senate Code of Official Conduct" after the words "violations of Law" in paragraph (1).

Sec. 202(a). Sec. 2 of S. Res. 338 added new subsections:

(b)(1) Each complaint shall be in writing, in proper form, and under oath.

(2) Sworn complaint: —personal knowledge, alleging a violation of law, Senate Code of Official Conduct, or other rule or regulation of the Senate.

(3) knowing or willing perjury may be referred to the Attorney General.

(4) Ethics Committee may propose an appropriate remedy for any violation it deems to be neither of a de minimus nature nor sufficiently serious to justify censure or expulsion.

A summary of the Ethics Committee's conclusions shall be filed with the Secretary of the Senate as a public record.

(5) Ethics Committee to determine in the event of credible evidence whether:

(A) the violation is serious enough to warrant Senate action per section (a)(2) of S. Res. 338.

(B) less serious violations shall be reported by the Ethics Committee to the Senate.

(6) Investigations relative to the conduct of an officer shall be reported to the Senate as soon as practicable.

(d)(1) Ethics Committee to conduct a prompt review of complaints to determine substantial credible evidence as to a violation of the Code.

(2) If no credible evidence, the Ethics Committee shall report such to the complainant and the party charged.

(3) Inadvertent, technical, or de minimus violations are to be handled by informal methods.

(4) Ethics Committee may devise remedies for violations which are neither of a de minimus nor of a serious nature. Summaries of the Ethics Committee findings will be filed with the Secretary of the Senate.

(5) The Ethics Committee shall determine if there is substantial credible evidence to warrant serious penalties or something less.

(6) Ethics Committee to report to the Senate its findings.

(e) Complaints against an employee shall be handled according to appropriate procedures. If a complaint has no merit, the complainant and the accused shall be so notified.

(f) Ethics Committee may employ hearing examiners to hear testimony and make findings or recommendations.

(g) This section precludes any alleged violations occurring prior to the effective date of the Code of Official Conduct. However, the Ethics Committee may review or investigate any prior alleged violation not resolved on the merits by its predecessor, Select Committee on Standards and Conduct.

(h) The Ethics Committee shall adopt rules and procedures.

Sec. 203. S. Res. 338 is amended:

(e)(1) a member of the Ethics Committee shall not participate in any review or investigation of his own conduct (or a member of his staff).

(2) a member of the Ethics Committee may disqualify himself from participating in any investigation pending before the Committee.

(3) whenever any member of the Ethics Committee disqualifies himself or is ineligible to participate in an investigation, another Member of the Senate shall be appointed, if qualified, to serve as a temporary Member.

Sec. 204. Section 3 of S. Res. 338 is amended:

(1) by inserting after "fix the compensation of" in subsec. (a)(7) the following: "a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and," and

(2) the Select Committee is authorized to employ outside counsel when necessary or appropriate.

Sec. 205. Section 2(a) of S. Res. 338 is amended by adding after "disciplinary action" the following: "including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; and in the case of an officer or employee: suspension or dismissal."

Sec. 206. Amends Section 3 of S. Res. 338:

(e)(1) Select Committee shall prescribe and publish necessary regulations to implement the Code of Conduct.

(2) Select Committee is authorized to issue interpretative rulings of law, the Code, or any rule within its jurisdiction.

(3) Select Committee shall issue advisory opinions in response to requests from Members or officers or candidates concerning the application of any law, the Code of Conduct, or any rule or regulation of the Senate relative to a factual situation.

(4) The Select Committee may, in its discretion, issue an advisory opinion to an employee.

(5) Reliance upon an advisory opinion and good faith action on such opinion will protect individuals who receive such opinions from any sanction of the Senate.

(6) Individuals may rely upon an advisory opinion issued if the request for an opinion included a complete and accurate statement of the specific fact situation. Any person who is involved in a specific fact situation which is indistinguishable from that for which the opinion was issued may also rely on the opinion.

(7) Any advisory opinion issued shall be printed in the *Congressional Record* with suitable deletions to assure privacy of persons involved. Interested parties should be given opportunity to submit written comments to the Select Committee prior to the issuance of an opinion.

Title III—Miscellaneous; Effective Dates

Sec. 301. Within 120 days after S. Res. 110 is agreed to, the Committee on Appropriations shall report to the Senate legislation to adjust amounts and uses of Senatorial allowances. (The Rules and Administration Committee was deleted from this section.)

Sec. 302. The Appropriations Committee and the Finance Committee shall review the Internal Revenue Code relative to tax status of funds raised and expended to defray ordinary and necessary expenses of a Member. (Rules and Administration Committee was deleted from this section.)

The Committee shall have 120 days after adoption of S. Res. 110 to report their findings to the Senate.

Sec. 303(a). The Committee on Rules and Administration shall review the desirability of promulgating rules and regulations for:

(1) periodic audits by GAO of all offices and committees of the Senate;

(2) central system of recordkeeping and reporting accounts, allowances, expenditures and travel;

(3) procedures for handling accounts of committees and Members' offices; and

(4) public disclosure of accounts of committees and offices of the Senate.

(b) The Committee shall report the results of its review to the Senate within 120 days after adoption of S. Res. 110.

Sec. 304(a). The Rules Committee shall review desirability of requiring only official Senate funds for payment of Senate radio-television studio expenses.

(b) Rules Committee to report its findings in 120 days after S. Res. 110 is adopted.

Sec. 305(a). Foreign Relations Committee is to review the problem to travel, lodging, and related expenses provided to Members, officers, and employees paid for by foreign governments where it is not possible to procure transportation, lodging, etc., or to reimburse the foreign government.

(b) The Committee shall report results of its review and recommendations within 90 days after S. Res. 110 is adopted.

Sec. 306(a). Governmental Affairs shall review desirability of permitting:

(1) use of franked mail to simplified addresses in Senator's State.

(2) franked mail but simplified address which is:

(A) to be prepared by Postal Services, and

(B) to be delivered to:

(i) each boxholder or family on a rural or star route;

(ii) each post office boxholder; and

(iii) each stop or box on a city carrier route.

(b) the committee shall report its findings and recommendations within 120 days after adoption of S. Res. 110.

Sec. 307. The Rules Committee shall study laws relating to contributions solicited from or made by officers or employees of the Senate and report results and recommendations within 180 days after adoption of S. Res. 110.

Sec. 308. Rules Committee to report within 180 days after adoption of S. Res. 110 proposals to prohibit misuse of official staff by holders of public office in campaigns for nomination or election to Federal office.

Sec. 309(a). Governmental Affairs Committee shall study handling of employment discrimination complaints.

(b) the committee shall report results and recommendations within 180 days after adoption of S. Res. 110.

(c) Governmental Affairs recommendations shall be referred to the appropriate committee for not to exceed 60 days.

Sec. 310(a). Amendments to the Standing Rules of the Senate made by Title I and Title II shall take effect on the day after the day on which S. Res. 110 is adopted.

(b)(1) Rule 42 of the Standing Rules of the Senate as amended by Title I of S. Res. 110 relating to public financial disclosure shall take effect on October 1, 1977. Statements required to be filed thereunder, on or before May 15, 1978, shall cover the period October 1, 1977, through December 31, 1977, except any individual may opt to cover all of calendar year 1977.

(2) Rule 44, as it existed prior to the Title I amendments of S. Res. 110, shall remain in effect through September 30, 1978, and the statement to be filed on or before May 15, 1979, shall cover the period January 1, 1978, through September 30, 1978, or all of calendar year 1978 at the option of the individual.

(c) Rule 44, as amended by Title I of S. Res. 110 relating to outside earned income shall take effect January 1, 1979.

(d) Paragraphs 6, 7, 8, 9, and 10 of Rule 45 as amended by Title I of S. Res. 110 on conflict of interest shall take effect on April 1, 1978.

(e) Rule 46, as amended by Title I of S. Res. 110, prohibiting unofficial office accounts shall take effect as follows:

(1) the day after S. Res. 110 is agreed to, no contributions may be received.

(2) expenditures from an unofficial office account shall cease December 31, 1977.

(f) Rule 48 relating to the franking privilege and radio and television studios shall take effect on January 1, 1978.

(g)(1) Paragraph 1 of Rule 49 shall take effect 30 days after S. Res. 110 is agreed to.

(2) Rule 43 shall remain in effect for 30 days after S. Res. 110 is adopted.

(h) Rule 50 (employment practices) shall take effect January 3, 1979.

(i) Amendments to S. Res. 338 contained in sections 202 and 203 of Title II of S. Res. 110 shall take effect 30 days after the resolution is agreed to.

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent—I have not discussed this with the chairman of the Committee on Ethics—that the Committee on Ethics, assisted by the staff of the Nelson Special Committee on Official Conduct—prepare such a compendium as the distinguished Senator from Minnesota has recommended; that there be a time limit—that the Committee on Ethics, with the assistance of the staff of the Nelson committee, prepare such a summary in layman's language and quoting the pertinent areas of the code within a period of 30 days, and that such compendium be printed as a Senate document. We can change the time from 30 to 60 days.

Mr. HUMPHREY. That meets my concerns. I was going to make that motion, but I am pleased the majority leader has done so.

I think this will be very helpful, may I say. Might I add that every person this code affects must receive a copy of said compendium, said analysis and summary. We should not take any chances here, because this is a field day for an investigative reporter, and I just want to be sure we all know exactly what we are doing. I am going to vote for the code. I commend the Senator from Wisconsin for his diligence and for his incredible patience and, above all, for his sense of fair play.

Mr. McCLURE. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. Yes.

Let me first yield to the Senator from Illinois.

Mr. STEVENSON. Mr. President, will the Senator yield to me so I might also respond to the Senator?

The PRESIDING OFFICER (Mr. METZENBAUM). Under the previous order, the hour of 11:15 a.m. having arrived, the Senate will now proceed to vote on the adoption of Senate Resolution 110.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the code be delayed for 3 minutes.

Mr. GOLDWATER. I object.

Mr. ROBERT C. BYRD. Two minutes?

Mr. GOLDWATER. No.

Mr. ROBERT C. BYRD. One minute?

Mr. GOLDWATER. We have been sitting around here for 2 weeks and we are ready to vote.

Mr. ROBERT C. BYRD. Vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

Mr. BROOKE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Will the Members of the Senate retire to their seats so the rollcall may be heard by each of the Members?

The clerk may proceed.

The assistant legislative clerk resumed the call of the roll.

Mr. MUSKIE (when his name was called). On this vote I have a pair with the distinguished Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. CRANSTON. I announce that the Senator from Washington (Mr. MAGNUSON) is necessarily absent.

I futher announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

Mr. STEVENS. I announce that the Senator from Kansas (Mr. PEARSON) and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 86, nays 9, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—86

Abourezk	Eastland	Melcher
Allen	Ford	Metcalf
Anderson	Garn	Metzenbaum
Baker	Glenn	Morgan
Bartlett	Gravel	Moynihan
Bayh	Griffin	Nelson
Belmon	Hart	Nunn
Bentsen	Haskell	Packwood
Biden	Hatch	Pell
Brooke	Hatfield	Percy
Bumpers	Hathaway	Proxmire
Burdick	Heinz	Randolph
Byrd, Harry F., Jr.	Helms	Ribicoff
	Hollings	Riegle
Byrd, Robert C.	Huddleston	Sarbanes
Cannon	Humphrey	Sasser
Case	Jackson	Schweiker
Chafee	Javits	Scott
Chiles	Johnston	Sparkman
Church	Kennedy	Stafford
Clark	Leahy	Stennis
Cranston	Long	Stevens
Culver	Lugar	Stevenson
Danforth	Mathias	Stone
DeConcini	Matsunaga	Talmadge
Dole	McClellan	Thurmond
Domenici	McClure	Williams
Durkin	McGovern	Young
Eagleton	McIntyre	Zorinsky

NAYS—9

Curtis	Hayakawa	Schmitt
Goldwater	Laxalt	Wallop
Hansen	Roth	Weicker

PRESENT AND GIVING A LIVE PAIR—1

Muskie, against.

NOT VOTING—4

Inouye	Pearson	Tower
Magnuson		

So the resolution (S. Res. 110), as amended, was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CODE OF ETHICS—SENATE RESOLUTION 110

Mr. ROBERT C. BYRD. Mr. President, I renew a request made earlier, though slightly modified. I ask unanimous consent that an analysis be prepared of the provisions of the code of ethics, using the distinguished former Vice President's language, "in lay language," so that such a code will be readily understandable by the Members, officers, and employees of the Senate. I ask unanimous consent that the Committee on Ethics be directed to provide for the Senate within 60 days such a compilation of these provisions, its analysis thereof, and that such a code of conduct be printed as a Senate document.

Mr. BAKER. Reserving the right to object, Mr. President, would the majority leader consider a request to have a final version of Senate Resolution 110, with all of the amendments embodied in it, printed as a Senate document and an appropriate number of copies provided, in addition to the summary and synopsis?

Mr. ROBERT C. BYRD. Yes. I include that in my request, Mr. President. Possibly by Monday the distinguished minority leader and I can join in offering a resolution which would provide for the printing of sufficient copies to supply the Members and employees of the Senate.

Mr. BAKER. I thank the majority leader. I am told by our staff on the Rules Committee that it may take as many as 5,000 copies if we are to have good circulation.

Mr. ROBERT C. BYRD. That would require a resolution.

Mr. McCLURE. Mr. President, reserving the right to object, and I shall not object, if there had been the opportunity before the vote on this resolution, I would have suggested that it might have been wise for us to delay the effective date of the enactment until this compilation is available to Members, their staffs, and the public. I suspect that in spite of the lengthy debate we have gone through on this resolution there are a good many Members of this body who do not know what is in the resolution. The sponsors and the floor manager confess that on numerous occasions they were unable to give precise explanations of the effect of the resolution under certain facts and situations. I think it might have been well for us to have had the explanation at least before the resolution goes into effect, if not before it was voted upon. That was not possible, because of the objection of the Senator from Arizona that forced us to go to an immediate vote.

I think it is unfortunate that we legislate when we must immediately confess during the process of the vote that we do not know what it means. Yet that is just what we have done.

I withdraw my objection.

Mr. STEVENSON. Mr. President, reserving the right to object, on the question of the Ethics Committee putting together within 60 days an explanation in layman's language of what this code does on its face, I would hope that the request propounded by the distinguished majority leader did not go beyond that. The code establishes procedures for advisory opinions and interpretative rulings. Those procedures will fill in the cracks and interpret the provisions of the code over a period of months and perhaps years.

If the Ethics Committee is expected to interpret all of the provisions and to fill all of the cracks within 60 days, then the request is an impossible one with which to comply. I would hope it can be clarified to make clear that the Ethics Committee is only expected, within this period of time, to interpret, in layman's language, this code and what it does on the face of it and, to the extent it is possible, to go beyond that. It will not be possible to interpret everything.

Mr. ROBERT C. BYRD. Mr. President, I am going to withdraw my request at this time. I feel we should consult with Mr. NELSON, Mr. THURMOND, Mr. STEVENSON, and Mr. SCHMITT as to just what kind of a request we want to present.

Mr. STEVENSON. Will the majority leader yield further?

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENSON. The Ethics Committee will undertake, to the extent possible, without a unanimous-consent agreement, to interpret this code.

It will also undertake, as has been suggested, to advise all the Members in advance of the effective date of every provision in this code, starting today. In response to the Senator from Idaho and others who have expressed concern, I will attempt, with the vice chairman of the Ethics Committee, to place in the RECORD today a statement apprising every Member of every provision of this code which goes into effect immediately and in the near future.

That is a practice that the Ethics Committee will maintain as the provisions come into effect and that we shall begin today.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, I withhold that request until I have had further opportunity to consult with the minority leader and the other Senators mentioned. At that time, I think we shall introduce a resolution to provide for the printing of the appropriate number of copies.

Mr. BAKER. Will the majority leader yield for just a moment?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I hope he will still ask that a final print of Senate Resolution 110 be compiled so we may have that to work with.

Mr. ROBERT C. BYRD. Yes.

Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the amendments to Senate Resolution 110 and that Senate Resolution 110, as amended, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I further ask unanimous consent that Senate Resolution 110, as amended, be printed in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. RES. 110

Resolved, That this resolution may be cited as the "Official Conduct Amendments of 1977".

TITLE I—CODE OF OFFICIAL CONDUCT

SEC. 101. The Standing Rules of the Senate are amended—

(1) by striking out rules XLI, XLII, XLIII, and XLIV; and

(2) by renumbering rule XLV as rule XLI, and by adding after such rule the following new rules which shall be known as the "Senate Code of Official Conduct":

"RULE XLII

"PUBLIC FINANCIAL DISCLOSURE

"1. (a)(1) Each individual who for a period in excess of ninety days during a calendar year is a Senator, or an officer or employee of the Senate who is compensated at a rate in excess of $25,000 a year, shall file a report containing a full and complete financial statement for that calendar year.

"(2) Each employee designated under rule XLIX to handle campaign funds during any calendar year shall file a full and complete financial disclosure statement for that calendar year.

"(b) Each individual described in subparagraph (a) who during any calendar year ceases to occupy an office or position described in such subparagraph shall file a report containing a full and complete financial statement for that portion of such year beginning on January 1 and ending on the date on which he ceases to occupy such office or position.

"(c) Any individual who seeks nomination for election, or election, to the office of United States Senator shall file in any year in which such individual has—

"(1) taken the action necessary under the law of a State to qualify for nomination for election, or election, or

"(2) received political contributions or made expenditures, or has given consent for any other person to receive political contributions or make expenditures, with a view to bringing about such individual's nomination for election, or election, to such office,

a report containing a full and complete financial statement for the preceding calendar year.

"(d) The Secretary of the Senate shall submit annually to the Select Committee on Ethics (hereinafter referred to as the 'Select Committee') a complete list of Members, officers, and employees of the Senate who are required to file a report under this paragraph and shall submit at the close of each calendar quarter a list of individuals required to file such report who have begun or terminated employment with the Senate or been designated pursuant to rule XLIX.

"2. Each individual shall include in each report for each calendar year for which he is required to file a report under paragraph 1 a full and complete statement, in such manner and form as the Select Committee shall prescribe, which contains the following:

"(a)(1) The amount and the identity of each source of earned income (exclusive of honoraria) received during such calendar year which exceeds $100 in amount or value;

"(2) the identity of the source, the amount, and the date, of each honorarium received during such calendar year and an indication of which honoraria, if any, were donated to a charitable organization pursuant to paragraph 2(c) of rule XLIV; and

"(3) the identity of each source of income (other than earned income) received during such calendar year which exceeds $100 in amount or value, and an indication of which the following categories the amount of value of such item of income is within:

"(A) not more than $1,000,

"(B) greater than $1,000 but not more than $2,500,

"(C) greater than $2,500 but not more than $5,000,

"(D) greater than $5,000 but not more than $15,000,

"(E) greater than $15,000 but not more than $50,000,

"(F) greater than $50,000 but not more than $100,000, or

"(G) greater than $100,000.

"(4) For purposes of clauses (1) and (3) any gift described in subparagraphs (b) and (c) of this paragraph shall not be considered as income.

"(b) The identity of the source, a brief description of, and the value of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more provided by any one source other than a relative during the calendar year except that any food, lodging, or entertainment received as part of the personal hospitality of any individual need not be reported.

"(c) The identity of the source, a brief description of, and the value of all other gifts aggregating $100 or more from any one source other than a relative during the calendar year unless, in an unusual case, a waiver is granted by the Select Committee.

"(d)(1) Gifts with a fair market value of less than $35 need not be aggregated for the purposes of subparagraphs (b) and (c) of this paragraph.

"(2) In aggregating gifts for purposes of subparagraphs (b) and (c) of this paragraph, the reporting individual may deduct from the total value of gifts received from any source during the calendar year the total value of gifts given by the reporting individual to that source during the calendar year, except that, if gifts with a fair market value of less than $35 received from that source are not aggregated, gifts with a fair market value of less than $35 given to that source may not be deducted.

"(e)(1) The identity and category of value of each item of real property held, directly or indirectly, during such calendar year which has a fair market value in excess of $1,000 as of the close of such calendar year; and

"(2) the identity and category of value of each item of personal property held, directly or indirectly, during such calendar year in a trade or business or for investment or the production of income which has a fair market value in excess of $1,000 as of the close of such calendar year.

"(f) The identity and category of value of each personal liability owed, directly or indirectly, which exceeds $2,500 at any time during such calendar year.

"(g) The identity, date, and category of value of any transaction, directly or indirectly, in securities or commodities futures during such calendar year exceeding $1,000, except that (1) any gift to any tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code of 1954 involving such a transaction need not be reported, and (2) any transaction solely by and between the reporting individual, his spouse, and dependents need not be reported.

"(h)(1) The identity, date, and category of value of any purchase, sale, or exchange, directly or indirectly, of any interest in real property during such calendar year if the value of the property involved in such purchase, sale, or exchange exceeds $1,000 as of the date of such purchase, sale, or exchange, except that (1) any gift to any tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code of 1954 involving such a transaction need not be reported, and (2) any transaction solely by and between the reporting individual, his spouse, or dependents not be reported.

"(2) For the purposes of subparagraph (e) (1) of this paragraph and clause (1) of this subparagraph the identity of an item of real property shall include the number of acres of property (if there is more than one acre), the exact street address (except with respect to a personal residence of a reporting individual), the town, county, and State in which the property is located, and if there are substantial improvements on the land, a brief description of the improvements (such as 'office building').

"(i) Any patent right or any interest in any patent right, and the nature of such patent right, held during such calendar year.

"(j) The identity of all positions held as an officer, director, trustee, partner, adviser, proprietor, agent, employee, or consultant of any corporation, company, firm partnership, or other business enterprise, any nonprofit organization, and any educational or other institution.

"(k) A description of, the parties to, and the terms of any contract, promise, or other agreement between such individual and any person with respect to his employment after such individual ceases to occupy an office or position described in paragraph 1, including any agreement under which such individual is taking a leave of absence from an office or position outside of the United States Government in order to occupy an office or position described in paragraph 1, and a description of and the parties to any agreement providing for continuation of payments or benefits from a prior employer other than the United States Government.

An officer or employee of the Senate required to file a report under paragraph 1 shall include in such report the identity of any person, other than the United States Government, who paid such individual compensation in excess of $5,000 in any of the two calendar years prior to such calendar year and the nature and term of the services such individual performed for such person. The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

"3. (a) For purposes of subparagraphs (e) through (h) of paragraph 2, an individual need not specify the actual amount or value of each item required to be reported under such subparagraphs, but such individual shall indicate which of the following categories such amount or value is within:

"(1) not more than $5,000,

"(2) greater than $5,000 but not more than $15,000,

"(3) greater than $15,000 but not more than $50,000,

"(4) greater than $50,000 but not more than $100,000,

"(5) greater than $100,000 but not more than $250,000,

"(6) greater than $250,000 but not more than $500,000,

"(7) greater than $500,000 but not more than $1,000,000,

"(8) greater than $1,000,000 but not more than $2,000,000,

"(9) greater than $2,000,000 but not more than $5,000,000, or

"(10) greater than $5,000,000.

"(b) For the purposes of subparagraph (e) of paragraph 2, if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list the date of purchase and the purchase price of the interest in the real property instead of specifying a category of value pursuant to subparagraph (a) of this paragraph. If the current value of any other item required to be reported under subparagraph (e) of paragraph 2 is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value but such individual shall include in his report a full and complete description of the method used in determining such value.

"(c)(1) For the purposes of subparagraphs (a) through (c) of paragraph 2, the individual need only report the source, not the amount, of any earned income over $1,000 or gifts over $100 ($250 in the case of transportation, lodging, food, or entertainment) received by a spouse or minor dependent, and of gifts of over $500 received by an adult dependent, but with respect to earned income, if his spouse or minor dependents are self-employed in his or her own business or profession, only the nature of such business or profession need be reported.

"(2) For the purposes of subparagraph (a)(3) and subparagraph (d) through (j) of paragraph 2 a reporting individual shall also report the interests of the spouse or dependents of that individual if such interests are within the constructive control of the reporting individual. For the purposes of this subparagraph, an interest is in the constructive control of a reporting individual if the enhancement of the interest would substantially benefit the reporting individual.

"(3) No report shall be required with respect to the interests of a spouse living separate and apart from the reporting individual.

"(d)(1) Except as provided herein and at clause (2) of this subparagraph, the holdings of and income from a trust or other financial arrangement from which the reporting Senator, officer, or employee or the spouse or dependents of such reporting individual receives income or has an equity interest in must be publicly reported according to the provisions of paragraph 2, except that the identity of the holdings and the sources of a trust's income need not be disclosed if—

"(A) the trust was not created directly or indirectly by the reporting individual, his spouse, or dependents,

"(B) the reporting individual, his spouse, and dependents have no knowledge of the contents or sources of income of the trust, and

"(C) the reporting individual has requested the trustee to provide information with respect to the holdings and sources of income of the trust and the trustee refuses to disclose the information.

However, where the identity of the holdings and the sources of income of a trust need not be disclosed, the reporting individual must list the category of the net cash value of his interest in the told trust holdings under subparagraph (e) of paragraph 2, and must list the category of the amount of the income from the trust under subparagraph (a)(3) of paragraph 2.

"(2) Since it is the policy of the United States Senate that Senators, and officers and employees of the Senate make full and complete public financial disclosure of financial holdings, it is the sense of the Senate that trusts established for the purpose of being 'blind trusts', whether revocable or irrevocable, shall be dissolved or amended by May 15, 1978, by the creating party to permit the disclosures required by this rule unless, prior to that date, the minimum requirements for a 'blind trust' are defined by a rule of the Senate or by statute and the trust involved meets the requirements of that rule or statute.

"(e) An individual only is required to report information within his knowledge.

"4. (a) Each individual required to file a report under paragraph 1(a) for any calendar year shall file such report with the Secretary of the Senate not later than May 15 of the next year.

"(b) Each individual required to file a report under paragraph 1(b) for a portion of a year shall file such report with the Secretary of the Senate on the last day he occupies an office or position described in paragraph 1 during such year.

"(c) Each individual required to file a report under paragraph 1(c) shall file such report with the Secretary of the Senate not later than the thirtieth day following the day on which such individual first fulfills the filing requirements of such paragraph during such year or May 15 of that year, whichever is later.

"(d) A copy of each report filed under subparagraphs (a), (b), and (c) shall be provided to the Select Committee by the Secretary of the Senate.

"(e) Each Senator and each individual required to report under paragraph 1(c) shall cause his financial disclosure statement to be filed as a public document with the Secretary of State (or, if there is no Office of Secretary of State, the equivalent State offices) in the State which the Senator represents or in which he is a candidate for the position of Senator.

"(f) The Select Committee may grant one or more reasonable extensions of time for filing any report but the total of such extensions shall not exceed ninety days.

"(g) The Comptroller General shall provide assistance in completing any reports required under this rule when requested by a Member, officer, or employee of the Senate.

"5. (a) Except as provided in this paragraph, the Secretary of the Senate shall make each report filed with him under this rule available to the public within fifteen days after the receipt of such report, and shall provide a copy of any such report to any person upon a written request.

"(b) The Secretary of the Senate shall require any person receiving a copy of any report under subparagraph (a) to supply his name and address and the name of the person or organization, if any, on whose behalf he is requesting such copy and to pay a reasonable fee in any amount which the Secretary of the Senate finds necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. The Secretary of the Senate may furnish a copy of any such report without charge or at a reduced charge if he determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the public.

"(c) Any report received by the Secretary of the Senate shall be held in his custody and made available to the public for a period of seven years after receipt by the Secretary of the Senate of such report. After such seven-year period, the Secretary of the Senate shall destroy any such report.

"(d) The Select Committee shall review all financial statements filed pursuant to paragraph 1 to determine whether such statements are filed in a timely manner and are complete and in proper form.

"(e)(1) The Comptroller General shall, under such regulations as he may prescribe, and which are approved by the Select Committee, conduct, on a random basis, audits of approximately 5 per centum of the reports filed with the Secretary of the Senate (other than those filed by a Member of the Senate).

"(2) The Comptroller General shall, during each six-year period beginning after December 31, 1977, audit at least one report filed by each Member of the Senate except that no such audit shall take place during the calendar year such Member is up for reelection.

"(3)(A) In conducting an audit under clause (1) or (2), the Comptroller General is authorized to request that the Select Committee issue a subpena to require the production of books, papers, and other documents.

"(B) The Comptroller General may use outside consultants to assist him in his responsibilities under this subparagraph.

"(4) The Comptroller General shall transmit the findings of each audit to the Select Committee and the individual being audited.

"6. (a) Each individual who is required to file a financial statement under paragraph 1 for any calendar year shall file with the Comptroller General, in a sealed envelope, a report containing a copy of the returns of taxes, declarations, statements, other documents, and amendments thereto, which he, or he and his spouse jointly, or any fiduciary (regarding income received on behalf of such individual), made for such year in compliance with the income tax provisions of the Internal Revenue Code of 1954. Such report shall be filed not later than the date on which such individual is required to file a financial statement under paragraph 1.

"(b) Except as otherwise provided by this paragraph, all papers filed with the Comptroller General under this paragraph shall be kept by the Comptroller General for not less than seven years, and while so kept shall remain sealed. Upon receipt of a resolution of the Select Committee, adopted by a recorded majority vote of the members of the Select Committee, requesting the transmission to the Select Committee of any of the reports filed by an individual under this rule, the Comptroller General shall transmit to the Select Committee the envelopes containing such reports. After such recorded vote has been taken, but prior to the transmittal to the Select Committee of the envelopes containing such reports, the individual concerned shall be informed of the vote to examine and audit, and shall be advised of the nature and scope of such examination. When any sealed envelope containing any such report is received by the Select Committee such envelope may be opened and the contents thereof may be examined only by members of the Select Committee in executive session. If, upon such examination, the Select Committee determines that further consideration by the Select Committee is warranted and is within the jurisdiction of the Select Committee, it may make the contents of any such envelope available for any use by any member of the Select Committee, or any member of the staff of the Select Committee, which is required for the discharge of his official duties. The Select Committee may receive the papers as evidence, after giving to the individual concerned due notice and opportunity for hearing in a closed session. The Comptroller General shall report to the Select Committee not later than the 1st day of June in each year the names of Senators, officers, and employees who have filed a report. Any paper which has been filed with the Comptroller General for longer than seven years, in accordance with the provisions of this paragraph, shall be returned to the individual concerned or his legal representative. In the event of the death or termination of service of a Member of the Senate or an officer or employee of the Senate, such papers shall be returned unopened to such individual, or to the surviving spouse or legal representative of such individual within one year of such death or termination of service unless the Select Committee directs that such papers be returned at a later date.

"(c) Notwithstanding the provisions of subparagraph (b), the Comptroller General, after giving notice to the individual being audited, may examine the material filed pursuant to this paragraph for the purpose of conducting an audit as required under paragraph 5(e).

"(d) Whenever in any criminal case pending in any competent court in which a Member, officer, or employee of the Senate is a defendant, or in any proceeding before a grand jury of any competent court in which alleged criminal conduct of the Member, officer, or employee of the Senate is under investigation, a discovery order of such court is served upon the Comptroller General directing him to appear and produce any reports filed pursuant to this rule, the Comptroller General shall—

"(1) within a reasonable time prior to appearing in response to such discovery order of such court, notify the individual whose report is requested of the receipt of the discovery order of such court,

"(2) if such report is in a sealed envelope, unseal the envelope containing such report and have an authenticated copy made of such report, replace such report in such envelope and reseal it, and note on such envelope that it was opened pursuant to this clause in response to a discovery order of such court, a copy of which shall be attached to such envelope, and

"(3) appear in response to such discovery order of such court and produce the authenticated copy so made.

For purposes of this subparagraph, the term 'competent court' means a court of the United States, a State, or the District of Columbia which has general jurisdiction to hear cases involving criminal offenses against the United States, such State, or the District of Columbia, as the case may be; and the term 'discovery order' includes a subpena approved by a competent court.

"(e) The Select Committee on Ethics shall promulgate regulations and procedures to insure the confidentiality of tax returns and tax information examined by the staff of that committee pursuant to subparagraph (b) above. Such regulations shall include the sanction of dismissal for any employee who knowingly and willfully communicates to any unauthorized person information derived from any confidentially filed tax return or tax return information examined pursuant to subparagraph (b) above.

"7. As used in this rule—

"(a) the term 'commodity future' means commodity future as defined in sections 2 and 5 of the Commodity Exchange Act, as amended (7 U.S.C. 2 and 5);

"(b) the term 'Comptroller General' means the Comptroller General of the United States;

"(c) the term 'dependent' has the meaning set forth in section 152 of the Internal Revenue Code of 1954;

"(d) the term 'earned income' means outside earned income (as defined in rule XLIV) and any salary disbursed to an individual by the Secretary of the Senate;

"(e) the term 'employee of the Senate' includes any employee or individual described in paragraphs 2, 3, and 4(c) of rule XLIX.

"(f) the term 'gift' means a payment, subscription, advance, forebearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but does not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest inheritance, or other transfer at death, or (4) anything of value given to a spouse or dependent of a reporting individual by the employer of such spouse or dependent in

recognition of the service provided by such spouse or dependent;

"(g) the term 'income' means gross income as defined in section 61 of the Internal Revenue Code of 1954;

"(h) the term 'political contribution' means a contribution as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

"(i) the term 'political expenditure' means an expenditure as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

"(j) the term 'relative' means, with respect to a person required to file a report under this rule, an individual who is related to the person as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, fiance, or who is the grandfather or grandmother of the spouse of the person reporting;

"(k) the term 'security' has the meaning set forth in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b); and

"(l) the term 'transactions in securities and commodities futures' means any acquisition, transfer, or other disposition involving any security or commodity.

"RULE XLIII

"GIFTS

"1. (a) No Member, officer, or employee of the Senate, or the spouse of dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee. In determining whether an individual has accepted any gift or gifts having an aggregate value exceeding $100 during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in subparagraph (c)) given by such individual to such person, organization, or corporation during that calendar year.

"(b) For purposes of subparagraph (a), only the following shall be deemed to have a direct interest in legislation before the Congress:

"(1) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

"(2) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.

"(c) The prohibitions of subparagraph (a) do not apply to gifts—

"(1) from relatives;

"(2) with a value of less than $35;

"(3) of personal hospitality of an individual;

"(4) from an individual who is a foreign national if that individual is not acting, directly or indirectly, on behalf of a foreign corporation, partnership or business enterprise, a foreign trade, cultural, educational or other association, a foreign political party or a foreign government.

"2. For purposes of this rule—

"(a) the term 'gift' means a payment, subscription, advance, forebearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but does not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest, inheritance, or other transfer at death, (4) a bona fide award presented in recognition of public service and available to the general public, (5) a reception at which the Member, officer, or employee is to be honored, provided such individual receives no other gifts that exceed the restrictions in this rule, other than a suitable memento, (6) meals, beverages, or entertainment, consumed or enjoyed, provided the meals, beverages, or entertainment not enjoyed or consumed in connection with a gift of overnight lodging, or (7) anything of value given to a spouse or dependent of a reporting individual by the employer of such spouse or dependent in recognition of the service provided by such spouse or dependent; and

"(b) The term 'relative' has the same meaning given to such term in paragraph 7(j) of rule XLII.

"3. If a Member, officer, or employee, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph 1, such Member, officer, or employee shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift.

"4. (a) Notwithstanding the provisions of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization if such participation is not in violation of any law and if the Select Committee on Ethics has determined that participation in such program by Members, officers, or employees of the Senate is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Select Committee in writing of his acceptance. A Member shall also notify the Select Committee in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 12 of rule XLV) to participate in any such program. Prior to the beginning of any such program, the chairman of the Select Committee shall place in the Congressional Record a list of all individuals participating, where applicable the supervisors of such individuals, and the nature and itinerary of such program.

"(c) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation and related expenses of the Member, officer, or employee.

"RULE XLIV

"OUTSIDE EARNED INCOME

"1. During the period of service in a calendar year of a Senator, or of an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year, the aggregate amount of the outside earned income of such individual for such period shall not exceed 15 per centum of—

"(1) the aggregate amount of the salary of such an officer or employee disbursed by the Secetrary of the Senate during such period; and

"(2) in the case of a Senator, the aggregate amount of base salary paid to Senators and disbursed by the Secretary of the Senate for that period.

"2. (a) A Senator shall not receive honoraria in excess of $1,000 for each appearance, speech, or article.

"(b) An officer or employee of the Senate covered by paragraph 1 shall not receive honoraria in excess of—

"(1) $300 for each appearance, speech, or article, and

"(2) $1,500 in the aggregate in any one calendar year.

"(c) Notwithstanding the limitations under paragraph 1 or 2(b)(2), any Senator, or employee may accept honoraria in excess of the amount allowed in paragraph 1 or 2(b)(2) but not in excess of $25,000, if he donates such honoraria to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 and if no tax benefits accrue to such Senator, officer, or employee for such donation.

"3. (a) For purposes of this rule, the term 'outside earned income' shall, subject to the provisions of subparagraph (b), mean any income earned by an individual (other than the salary received as a Senator or officer or employee of the Senate) which is compensation received as a result of personal services actually rendered.

"(b) For purposes of subparagraph (a), the term 'outside earned income' does not include:

"(1) advances on books from an established trade publisher under usual contract terms;

"(2) royalties from books;

"(3) proceeds from the sale of creative or artistic work;

"(4) any 'buyout' arrangement from professional partnerships or businesses which is reasonably related to the fair market value of the partnership or business interest in the enterprise at the time of the sale of such interest, payable within a reasonable period of time, and not related to future services or profitability of the enterprise;

"(5) income from family enterprises, if the services provided by the Senator or officer or employees are managerial or supervisory in nature, necessary to protect the interests in the family enterprise and do not consume significant amounts of time while the Senate is in session; and

"(6) distributive shares of partnership income if the distributive share received represents not more than a pro rata return on the capital invested in the partnership and the services provided by the Senator or officer or employee are managerial or supervisory in nature, necessary to protect the interests in the partnership and do not consume significant amounts of time while the Senate is in session.

"RULE XLV

"CONFLICT OF INTEREST

"1. A Member, officer, or employee of the Senate shall not receive any compensation, nor shall he permit any compensation to accrue to his beneficial interest from any source, the recipt or accrual of which would occur by virtue of influence improperly exerted from his position as a Member, officer, or employee.

"2. No Member, officer, or employee shall engage in any outside business or professional activity or employment for compensation which is inconsistent or in conflict with

the conscientious performance of official duties.

"3. No officer or employee shall engage in any outside business or professional activity or employment for compensation unless he has reported in writing, when such activity or employment commences and on May 15 of each year thereafter so long as such activity or employment continues, the nature of such activity or employment to his supervisor. The supervisor shall then, in the discharge of his duties, take such action as he considers necessary for the avoidance of conflict of interest or interference with duties to the Senate.

"4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class.

"5. A Member, notwithstanding the provisions of Rule XII of the Standing Rules of the Senate, may decline to vote, in committee or on the floor, on any matter when he believes that his voting on such a matter would be a conflict of interest.

"6. No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall affiliate with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation or permit that individual's name to be used by such a firm, partnership, association or corporation or practice a profession for compensation to any extent during regular office hours of the Senate office in which employed. For the purposes of this paragraph, 'professional services' shall include but not be limited to those which involve a fiduciary relationship.

"7. No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall serve as an officer or member of the board of any publicly held or publicly regulated corporation, financial institution, or business entity. The preceding sentence shall not apply to service of a Member, officer, or employee as—

"(a) an officer or member of the board of an organization which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, if such service is performed without compensation;

"(b) an officer or member of the board of an institution or organization which is principally available to Members, officers, or employees of the Senate, or their families, if such service is performed without compensation; or

"(c) a member of the board of a corporation, institution, or other business entity, if (1) the Member, officer, or employee had served continucusly as a member of the board thereof for at least two years prior to his election or appointment as a Member, officer, or employee of the Senate, and (2) the amount of time required to perform such service is minimal, and the Member, officer, or employee is not a member of or a member of the staff of any Senate committee which has legislative jurisdiction over any agency of the Government charged with regulating the activities of the corporation, institution, or other business entity.

"8. An employee on the staff of a committee who is compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall divest himself of any substantial holdings which may be directly affected by the actions of the committee for which he works, unless the Select Committee, after consultation with the employee's supervisor, grants permission in writing to retain such holdings or the employee makes other arrangements acceptable to the Select Committee and the employee's supervisor to avoid participation in committee actions where there is a conflict of interest, or the appearance thereof.

"9. If a Member, upon leaving office, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, he shall not lobby Members, officers, or employees of the Senate for a period of one year after leaving office.

"10. If an employee on the staff of a Member, upon leaving that position, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the Member for whom he worked or that Member's staff for a period of one year after leaving that position. If an employee on the staff of a committee, upon leaving his position, becomes such a registered lobbyist or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the members of the committee for which he worked, or the staff of that committee, for a period of one year after leaving his position.

"11. For purposes of this rule—

"(a) 'employee of the Senate' includes an employee or individual described in paragraphs 2, 3, and 4(c) of rule XLIX;

"(b) an individual who is an employee on the staff of a subcommittee of a committee shall be treated as an employee on the staff of such committee; and

"(c) the term 'lobbying' means any oral or written communication to influence the content or disposition of any issue before Congress, including any pending or future bill, resolution, treaty, nomination, hearing, report, or investigation; but does not include—

"(1) a communication (i) made in the form of testimony given before a Committee or office of the Congress, or (ii) submitted for inclusion in the public record, public docket, or public file of a hearing; or

"(2) a communication by an individual, acting solely on his own behalf, for redress of personal grievances, or to express his personal opinion.

"12. For purposes of this rule—

"(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

"(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

"(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

"(d) The President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

"(e) the Secretary of the Senate is the supervisor of the employees of his office;

"(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

"(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, or other assistants assigned to their respective offices;

"(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

"(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

"RULE XLVI

"PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

"1. No Member may maintain or have maintained for his use an unofficial office account. The term 'unofficial office account' means an account or repository into which funds are received for the purpose, at least in part, of defraying otherwise unreimbursed expenses allowable in connection with the operation of a Member's office. An unofficial office account does not include, and expenses incurred by a Member in connection with his official duties shall be defrayed only from—

"(a) personal funds of the Member;

"(b) official funds specifically appropriated for that purpose;

"(c) funds derived from a political committee (as defined in section 301(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)); and

"(d) funds received as reasonable reimbursements for expenses incurred by a Member in connection with personal services provided by the Member to the organization making the reimbursement.

"2. No contribution (as defined in section 301(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) shall be converted to the personal use of any Member, or any former Member. For the purposes of this rule 'personal use' does not include reimbursement of expenses incurred by a Member in connection with his official duties.

"RULE XLVII

"FOREIGN TRAVEL

"1. Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) shall be received for the purpose of travel outside the United States by any Member of the Senate whose term will expire at the end of a Congress after—

"(a) the date of the general election in which his successor is elected; or

"(b) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress.

"2. No Member, officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) for any expense for which the individual has received reimbursement from any other source; nor may such Member, officer, or employee receive reimbursement for the United States Government. No Member, officer, or employee shall use any funds furnished to him to defray ordinary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.

"3. A per diem allowance provided a Member, officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, officer, or employee receiving such an allowance to return to the United States Government that por-

tion of the allowance received which is not actually used for necessary lodging, food, and related expenses.

"RULE XLVII

"FRANKING PRIVILEGE AND RADIO AND TELEVISION STUDIOS

"1. A Senator or an individual who is a candidate for nomination for election, or election to the Senate, may not use the frank for any mass mailing (as defined in section 3210(a)(5)(D) of title 39, United States Code) if such mass mailing is mailed at or delivered to any postal facility less than sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office or the individual is a candidate for Senator.

"2. A Senator shall use only official funds of the Senate, including his official Senate allowances, to purchase paper, to print, or to prepare any mass mailing material which is to be sent out under the frank.

"3. (a) When a Senator disseminates information under the frank by a mass mailing (as defined in section 3210(a)(5)(D) of title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed.

"(b) The Secretary of the Senate shall promptly make available for public inspection and copying the copy of the mail matter registered, the description of the group or groups of persons to whom the mass mailing was mailed.

"4. Nothing in this rule shall apply to any mailing under the frank which is in direct response to inquiries or requests from persons to whom the matter is mailed, is addressed to colleagues in Congress or to government officials (whether Federal, State, or local), or consists entirely of news releases to the communications media.

"5. The Senate computer facilities shall not be used (a) to store, maintain, or otherwise process any lists or categories of lists of names and addresses identifying the individuals included in such lists as campaign workers or contributors, as members of a political party, or by any other partisan political designation, (b) to produce computer printouts except as authorized by user guides approved by the Committee on Rules and Administration, or (c) to produce mailing labels for mass mailings, or computer tapes and discs, for use other than in service facilities maintained and operated by the Senate or under contract to the Senate. The Committee on Rules and Administration shall prescribe such regulations not inconsistent with the purposes of this paragraph as it determines necessary to carry out such purposes.

"6. (a) The radio and television studios provided by the Senate or by the House of Representatives may not be used by a Senator or an individual who is a candidate for nomination for election, or election, to the Senate less than sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which that Senator is a candidate for public office or that individual is a candidate for Senator.

"(b) This paragraph shall not apply if the facilities are to be used at the request of, and at the expense of, a licensed broadcast organization or an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

"RULE XLIX

"POLITICAL FUND ACTIVITY; DEFINITIONS

"1. No officer or employee of the Senate may receive, solicit, be the custodian of, or distribute any funds in connection with any campaign for the nomination for election, or the election of any individual to be a Member of the Senate or to any other Federal office. This prohibition does not apply to two assistants to a Senator, at least one of which is in Washington, District of Columbia, who have been designated by that Senator to perform any of the functions described in the first sentence of this paragraph (except solicitation) and who are compensated at an annual rate in excess of $10 000, if such designation has been made in writing and filed with the Secretary of the Senate and if such assistant files a financial statement in the form provided under rule XLII for each year during which he is designated under this rule. The Secretary of the Senate shall make the designation available for public inspection.

"2. For purposes of the Senate Code of Official Conduct—

"(a) an employee of the Senate includes any employee whose salary is disbursed by the Secretary of the Senate; and

"(b) the compensation of an officer or employee of the Senate who is a reemployed annuitant shall include amounts received by such officer or employee as an annuity, and such amounts shall be treated as disbursed by the Secretary of the Senate.

"3. Before approving the utilization by any committee of the Senate of the services of an officer or employee of the Government in accordance with section 202(f) of the Legislative Reorganization Act of 1946 or with an authorization provided by Senate resolution, the Committee on Rules and Administration shall require such officer or employee to agree in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate. Any such officer or employee shall, for purposes of such Code, be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation he is receiving as an officer or employee of the Government.

"4. No Member, officer, or employee of the Senate shall utilize the full-time services of an individual for more than ninety days in a calendar year in the conduct of official duties of any committee or office of the Senate (including a Member's office) unless such individual—

"(a) is an officer or employee of the Senate,

"(b) is an officer or employee of the Government (other than the Senate), or

"(c) agrees in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate.

Any individual to whom subparagraph (c) applies shall, for purposes of such Code, be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation which such individual is receiving from any source for performing such services

"5. In exceptional circumstances for good cause shown, the Select Committee on Ethics may waive the applicability of any provision of the Senate Code of Official Conduct to an employee hired on a per diem basis.

"6. (a) The supervisor of an individual who performs services for any Member, committee, or office of the Senate for a period in excess of four weeks receives compensation therefor from any source, other than the United States Government shall report to the Select Committee on Ethics with respect to the utilization of the services of such individual.

"(b) A report under subparagraph (a) shall be made with respect to an individual—

"(1) when such individual begins performing services described in such subparagraph;

"(2) at the close of each calendar quarter while such individual is performing such services; and

"(3) when such individual ceases to perform such services.

Each such report shall include the identity of the source of the compensation received by such individual and the amount of rate of compensation paid by such source.

"(c) No report shall be required under paragraph 1 with respect to an individual who normally performs services for a Member, committee, or office for less than eight hours a week.

"(d) For purposes of this rule, the supervisor of an individual shall be determined under paragraph 12 of rule XLV.

"RULE L

"EMPLOYMENT PRACTICES

"No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

"(a) fail or refuse to hire an individual;

"(b) discharge an individual; or

"(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment,

on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.".

TITLE II—PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

SEC. 201. Section 2(a) of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended by inserting after "violations of law," in paragraph (1) "violations of the Senate Code of Official Conduct,".

SEC. 202. Section 2 of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended by redesignating subsection (b) as (i), and by inserting after subsection (a) the following new subsections:

"(b)(1) Each sworn complaint filed with the Select Committee shall be in writing, shall be in such form as the Select Committee may prescribe by regulation, and shall be under oath.

"(2) For purposes of this section, 'sworn complaint' means a statement of facts within the personal knowledge of the complainant, alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate.

"(3) Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the Select Committee may refer any such case to the Attorney General for prosecution.

"(4) For the purposes of this section, 'investigation' is a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(c)(1) No investigation of conduct of a Member, or officer, and no report, resolution, or recommendation relating thereto may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee.

"(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the members of the Select Committee voting.

"(d)(1) When the Select Committee receives a sworn complaint against a Member or officer of the Senate, it shall promptly conduct an initial review of that complaint. The initial review shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to

conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(2) If as a result of an initial review under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall report such determination to the complainant and to the party charged, together with an explanation of the basis of such determination.

"(3) If as a result of an initial review under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimus nature, the Select Committee may attempt to correct or prevent such a violation by informal methods.

"(4) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence but that the violation, if proven, is neither of a de minimus nature nor sufficiently serious to justify any of the penalties expressly referred to in subsection (a)(2), the Select Committee may propose a remedy it deems appropriate. If the matter is thereby resolved, a summary of the Select Committee's conclusions and the remedy proposed shall be filed as a public record with the Secretary of the Senate and a notice of such filing shall be printed in the Congressional Record.

"(5) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence, the Select Committee shall promptly conduct an investigation if (A) the violation, if proven, would be sufficiently serious, in the judgment of the Select Committee, to warrant imposition of one or more of the penalties expressly referred to in subsection (a)(2), or (B) the violation, if proven, is less serious, but was not resolved pursuant to paragraph (4) above. Upon the conclusion of such investigation, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(6) Upon the conclusion of any other investigation respecting the conduct of a Member or officer undertaken by the Select Committee, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(e) When the Select Committee receives a sworn complaint against an employee of the Senate, it shall consider the complaint according to procedures it deems appropriate. If the Select Committee determines that the complaint is without substantial merit, it shall notify the complainant and the accused of its determination, together with an explanation of the basis of such determination.

"(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

"(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting investigations of complaints.".

SEC. 203. The first section of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended by adding after subsection (d) (as added by section 102 of Senate Resolution 4, Ninety-fifth Congress) the following new subsection:

"(e)(1) A member of the Select Committee shall be ineligible to participate in any initial review or investigation relating to his own conduct, the conduct of any officer or employee he supervises, or the conduct of any employee of any officer he supervises, or relating to any complaint filed by him, and the determinations and recommendations of the Select Committee with respect thereto. For purposes of this subparagraph, a Member of such Select Committee shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of rule XLV of the Standing Rules of the Senate.

"(2) A member of the Select Committee may, at his discretion, disqualify himself from participating in any investigation pending before the Select Committee and the determinations and recommendations of the Select Committee with respect thereto. Notice of such disqualification shall be given in writing to the President of the Senate.

"(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any investigation or disqualifies himself under paragraph (2) from participating in any investigation, another Member of the Senate shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such investigation and the determinations and recommendations of the Select Committee with respect thereto. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself.".

SEC. 204. Section 3 of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended—

(1) by inserting after "fix the compensation of" in subsection (a)(7) the following: "a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and";

(2) by amending subsection (b) to read as follows:

"(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

"(2) Any investigation conducted under section 2 shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel."; and

(3) by amending subsection (c)(1) to read as follows:

"(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information, and facilities of any such department or agency of the Government, and".

SEC. 205. Section 2(a) of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended by inserting after "disciplinary action" in paragraph (2) the following: "(including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility; and, in the case of an officer or employee: suspension or dismissal)".

SEC. 206. Section 3 of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended by adding at the end thereof the following new subsection:

"(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

"(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

"(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

"(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: *Provided, however,* That the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

"(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

"(8) A brief description of a waiver granted under paragraph 2(c) of rule XLII or paragraph (1) of rule XLIII of the Standing Rules of the Senate, shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.".

TITLE III—MISCELLANEOUS; EFFECTIVE DATES

SEC. 301. The Committee on Appropriations shall, within one hundred and twenty days after the day on which this resolution is agreed to, report to the Senate legislation to adjust the amounts and permissible uses of senatorial allowances so that such allowances will be adequate to defray the necessary and appropriate expenses incurred in connection with the operation of a Member's office. In considering such legislation the Committee shall consider the need to increase clerk-hire allowances and/or to combine or merge official senatorial allowances to provide for additional expenses that might be necessary to comply with the requirements of this resolution.

SEC. 302. (a) The Committee on Appropriations, in consultation with the Committee on Finance, shall review the provisions of the Internal Revenue Code of 1954 relating to the tax status of funds expended by a political committee to defray ordinary and necessary expenses of a Member, the regulations prescribed thereunder, and rulings made with respect thereto.

(b) The Committee on Finance in consultation with the Committee on Appropriations shall review the amounts deductible for senatorial expenses incurred while living away from home pursuant to section 31c of title 2, United States Code, so that the same will more adequately relate to actual living expenses incurred by a Member in connection with the performance of his official duties.

(c) The committees shall report the results of their review under subsections (a) and (b), together with their recommendations, to the Senate within one hundred and twenty days after the day on which this resolution is agreed to.

SEC. 303. (a) The Committee on Rules and Administration shall review the desirability of promulgating rules and regulations providing for—

(1) periodic audits by the General Accounting Office of the accounts of all committees and offices of the Senate;

(2) a centralized system of recordkeeping and comprehensive reporting relating to the accounts, allowances, expenditures, and travel expenses of all committees and offices of the Senate;

(3) suggested accounting procedures for the handling of the acounts of all committees and offices of Members; and

(4) public disclosure and availability of information on the accounts of all committees and offices of the Senate, which shall be available in a form which segregates the allowances and expenses of each committee and office.

(b) The committee shall report the results of its review under subsection (a), together with its recommendations, to the Senate within one hundred and twenty days after the day on which this resolution is agreed to.

SEC. 304. (a) The Committee on Rules and Administration shall review the desirability of requiring that only official Senate funds may be used to pay for any expenses incurred by a Senator in the use of the radio and television studios provided by the Senate.

(b) The committee shall report the results of its review under subsection (a), together with its recommendations, to the Senate within one hundred and twenty days after the day on which this resolution is agreed to.

SEC. 305. (a) The Committee on Foreign Relations shall review the problem of travel, lodging, and other related expenses provided to Members, officers, or employees of the Senate paid for by foreign governments in the situation where it is not possible to procure transportation, lodging, or other related services or to reimburse the foreign government for those purposes.

(b) The committee shall report the results of its review under subsection (a), together with its recommendations, to the Senate within ninety days after the day on which this resolution is agreed to.

SEC. 306. (a) The Committee on Governmental Affairs shall review whether it is desirable to permit—

(1) a Senator to mail franked mail with a simplified form of address for delivery within the State for which he was elected; and

(2) a Senator to mail franked mail with a simplified form of address as provided under paragraph (1) which is—

(A) to be prepared as directed by the Postal Service, and

(B) to be delivered to—

(i) each box holder or family on a rural or star route,

(ii) each post office box holder, and

(iii) each stop or box on a city carrier route.

(b) The committee shall report the results of its review under subsection (a) together with its recommendations, to the Senate within one hundred and twenty days after the day on which this resolution is agreed to.

SEC. 307. The Committee on Rules and Administration shall study laws relating to contributions solicited from or made by officers or employees of the Senate and report the results of their review, together with their recommendations, to the Senate within one hundred and eighty days after the day on which this resolution is agreed to.

SEC. 308. The Committee on Rules and Administration shall, within one hundred and eighty days after the day on which this resolution is agreed to, report proposals to prohibit the misuse of official staff by holders of public office in campaigns for nomination for election, or election, to Federal office.

SEC. 309. The Committee on the Judiciary shall, within one hundred and eighty days after the day on which this resolution is agreed to, report to the Senate on the constitutionality of the effect of the provisions of the Code of Official Conduct which have the effect of discrimination between various classes of Senators on the basis of outside income (whether earned or unearned).

SEC. 310. (a) The Committee on Governmental Affairs shall conduct a study of the subject of handling employment discrimination complaints.

(b) The Committee shall report the results of their study under subsection (a), together with their recommendations, to the Senate within one hundred and eighty days after the day on which this resolution is agreed to.

(c) The recommendation of the Committee on Governmental Affairs shall be referred to the appropriate committee for a period not to exceed sixty days.

SEC. 311. (a) The Committee on Governmental Affairs shall review the desirability of establishing rules and regulations for the establishment and maintenance of "blind trusts", or other similar financial arrangements, by high-level Government officials (including Members, officers, and employees of the Senate) during their period of governmental service.

(b) The committees shall report the results of their review under subsection (a), together with their recommendations to the Senate within one hundred and eighty days after the day on which this resolution is agreed to.

(c) The recommendations of the Committee on Governmental Affairs shall be referred to the appropriate committee for a period not to exceed sixty days.

SEC. 312. The Committee on Rules and Administration and the Select Committee on Ethics shall study the desirability of applying provisions of the Code of Official Conduct to individuals, corporations or other entities employed by the Senate on a per diem, consultant or contract basis.

SEC. 313. (a) Except as provided in this section, the amendments to the Standing Rules of the Senate made by title I and the provisions of title II shall take effect on the day after the day on which this resolution is agreed to.

(b)(1) Rule XLII of the Standing Rules of the Senate (as amended by title I), relating to Public Financial Disclosure, shall take effect on October 1, 1977, and the statement required to be filed thereunder on or before May 15, 1978, shall cover the period October 1, 1977, through December 31, 1977, except that, at the option of any individual required to file such statement, it may cover the calendar year 1977.

(2) Rule XLIV of the Standing Rules of the Senate (as such rules existed prior to the amendments made by title I) shall remain in effect for the period through September 30, 1977, and the statement required to be filed thereunder on or before May 15, 1978, shall cover the period January 1, 1977, through September 30, 1977, except that, at the option of any individual required to file such statement, it may cover the calendar year 1977.

(c) Rule XLIV of the Standing Rules of the Senate (as amended by title I), relating to Outside Earned Income, shall take effect on January 1, 1979.

(d) Paragraphs 6, 7, 8, 9, and 10 or rule XLV of the Standing Rules of the Senate (as amended by title I), relating to Conflict of Interest, shall take effect on April 1, 1978.

(e) Rule XLVI of the Standing Rules of the Senate (as amended by title I), relating to Prohibition of Unofficial Office Accounts, shall take effect as follows:

(1) On the day after the day on which this resolution is agreed to, no contributions to an unofficial office account may be received.

(2) Expenditures from unofficial office accounts shall terminate on December 31, 1977.

(f) Rule XLVIII of the Standing Rules of the Senate (as amended to title I), relating to Franking Privilege and Radio and Television Studios, shall take effect on January 1, 1978.

(g)(1) Paragraph 1 of rule XLIX of the Standing Rules of the Senate (as amended by title I) shall take effect thirty days after the day on which this resolution is agreed to.

(2) Rule XLIII of the Standing Rules of the Senate (as such rules existed prior to the amendments made by title I) shall remain in effect for the period through the thirtieth day after the day on which this resolution is agreed to.

(h) Rule L of the Standing Rules of the Senate (as amended by title I) relating to Employment Practices, shall take effect on January 3, 1979.

(i) The amendments to Senate Resolution 338 contained in sections 202 and 203 of title II of this resolution shall take effect thirty days after the day on which this resolution is agreed to.

NOTICE OF IMMEDIATELY EFFECTIVE REQUIREMENTS OF THE SENATE CODE OF OFFICIAL CONDUCT

Mr. STEVENSON. Mr. President, effective at midnight tonight, 12:01 a.m., April 2, 1977, a number of new ethics rules will be in effect.

These standing rules of the Senate impose requirements on Senators, officers, and employees of the Senate, as well as on former Members of the Senate. Further, the new rules also expand the defi-

nition of who is an employee of the Senate for the purpose of compliance with these new rules and present rules.

On behalf of the Senate Select Committee on Ethics, I and Senator SCHMITT give notice these rules are in effect and impose immediate obligations and prohibitions on Senators, former Senators, officers, and employees of the Senate. Inasmuch as enrolled copies of Senate Resolution 110, incorporating all amendments thereto, will not be available until next week, this notice summarizes the new rules, obligations, and prohibitions. But Senators, officers, and employees are advised to consult the statement of Senate Resolution 110, as adopted, which appears elsewhere in this issue of the RECORD.

Some rules and some portions of rules which are a part of the new Senate Code of Official Conduct take effect at a later date. The select committee will give timely notice with respect to those rules or portion of rules.

In addition, present Senate "ethics" rules—rules 41, 42, 43, and 44—or portions of them, continue in effect during the period of transition to full coverage under the provisions of Senate Resolution 110. This notice will refer to those requirements as well.

Further, Senators, former Senators, officers, employees, and candidates are on notice that present rules 41, 42, 43, and 44 can be, for years hence, the basis for a complaint and Ethics Committee investigation regarding a violation which occurred when those rules were in effect.

IMMEDIATELY EFFECTIVE PORTIONS OF THE SENATE CODE OF OFFICIAL CONDUCT

A. RULE 43—GIFTS

New rule 43 takes effect at midnight tonight. It states prohibitions against a Member, officer, or employee, or a spouse or dependent, accepting gifts with aggregate value exceeding $100 during the calendar year from a person, organization, or corporation having direct interest in legislation before the Congress; or from a foreign national, with certain exceptions relating to gifts which are private and personal and gifts of educational travel to a foreign country.

B. RULE 45—CONFLICT OF INTEREST

Paragraphs 1 through 5 of rule 45 take effect at midnight tonight.

Paragraph 1 prohibits the taking of a bribe.

Paragraph 2 prohibits outside employment which is inconsistent or in conflict with the conscientious performance of official duties.

Paragraph 3 continues the requirement, previously stated in old Senate rule 41, that officers and employees must report to supervisors in writing any outside employment for compensation immediately upon taking such employment and on May 15 of each year. This paragraph further imposes on the supervising Senator the full responsibility to see that such activities by his employee do not represent a conflict of interest or interference with the employee's duties to the Senate.

Paragraph 4 prohibits Members, officers, or employees from knowingly using their official position to advance legislation which furthers their pecuniary interests.

Paragraph 5 permits a Senator to decline to vote, in committee or on the floor, when he believes his voting would be a conflict of interest.

C. RULE 46—PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

Under provisions of Rule 46 which are effective at midnight tonight, no contribution henceforth may be received into an "unofficial office account," but otherwise approved expenditures from present funds in existing unofficial office accounts may continue until December 31, 1977.

Further, this rule provides that expenses incurrd by a Member in connection with his official duties shall be defrayed only from personal funds of the Member; official funds specifically appropriated for that purpose; funds derived from a political committee—as defined in section 301(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)); and funds received as reasonable reimbursements for expenses incurred by a Member in connection with personal services provided by the Member to the organization making the reimbursement.

Further, the rule states that, effective midnight tonight, no contribution shall be converted to the personal use of any Member or any former Member.

"Old" rule 42, paragraph 1, may still remain in effect with respect to the source of contributions which legally may be expended from an unofficial office account during the remainder of this year. This "old" rule 42 may also qualify the Federal Election Commission's regulations or IRS regulations regarding purposes for which such funds may be spent during the remainder of this year.

D. RULE 47—FOREIGN TRAVEL

Under rule 47, effective immediately, no Member of the Senate whose term will expire at the end of the Congress may use Government funds for foreign travel after the date of the general election in which his successor is elected, or in the case of a Senator who is not a candidate in the general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of the Congress.

Second, rule 47 prohibits, effective immediately, the practice commonly known as "double dipping." That is, those accepting Govenrment funds for foreign travel may not receive reimbursement for any expense both from the Government and from another source.

Similarly, it prohibits such persons engaged in foreign travel from receiving reimbursement for the same expense more than once from the Government. And, further, it requires that Government funds to defray expenses for foreign travel can be used for no other purpose.

Also, rule 47 requires that a per diem allowance for foreign travel must be used for lodging, food, and related expenses and the portion not actually used must be returned.

E. RULE 49—POLITICAL FUND ACTIVITY: DEFINITIONS

Paragraph 1 of new rule 49, which limits staff political fund activity, takes effect in 30 days, but similar provisions of "old" rule 43 remain in effect: Only an employee in the personal office of a Senator, receiving an annual salary of $10,000 or more who is designated by the employing Senator in writing for the purpose, and who files a public financial disclosure statement regarding contributions, may "receive, solicit, be the custodian of, or distribute" campaign funds. When paragraph 1 of rule 49 takes effect on May 1, a restricted number of employees may be so qualified and "solicitation" will not be permitted even by the qualified staff persons.

Paragraphs 2, 3, and 4 take effect at midnight tonight. They change the definition of a Senate employee covered for the purposes of compliance with some parts of the Senate Code of Official Conduct. Under these new definitions, employees detailed for Senate service from Government agencies on a reimbursable basis, educational fellows, and other temporary assistants paid from non-Government funds, and reemployed annuitants may be required to publicly disclose contributions and honoraria received or handled, submit confidential statements of their financial interests, and report to supervisors in writing their outside business and professional activities.

F. DISCLOSURE OF FINANCIAL INTERESTS UNDER PRESENT RULE 44

The Senate's approval of Senate Resolution 110 does not relieve Senators, officers, employees, and candidates of their obligations under present rule 44 to submit to the GAO before May 15, a sealed disclosure of financial interests. Nor does Senate Resolution 110 change existing requirements for the public reporting, by May 15, of contributions received, contributions expended, and honoraria received. Forms and instructions for these reports are available in the office of the Ethics Committee.

Mr. President, we urge all Senators and supervisors of Senate employees to bring the new ethics rules which take effect at midnight tonight to the attention of all persons under their supervision.

ADMINISTRATION OF OATH OF OFFICE AS SECRETARY TO HONORABLE JOSEPH STANLEY KIMMITT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the swearing-in ceremony for the new Secretary of the Senate.

If the retiring Secretary of the Senate, Mr. Francis R. Valeo, will escort Mr. J. Stanley Kimmitt to the rostrum, the Chair will administer his oath of office.

Mr. J. Stanley Kimmitt, accompanied by Mr. Francis R. Valeo, advanced to the desk, where Mr. Kimmitt was administered his oath of office, as follows:

The ACTING PRESIDENT pro tempore. Do you, Joseph Stanley Kimmitt, solemnly swear that you will support the Constitution of the United States, and do you, Joseph Stanley Kimmitt, Secretary of the Senate of the United States of America, solemnly swear that you will truly and faithfully discharge the duties of your said office, to the best of your knowledge and abilities?

Mr. KIMMITT. I do.

[Applause, Senators rising.]

NOTIFICATION TO HOUSE OF REPRESENTATIVES OF ELECTION OF JOSEPH STANLEY KIMMITT AS SECRETARY OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 131) was considered and agreed to, as follows:

Resolved, That the House of Representatives be notified of the election of Joseph Stanley Kimmitt, of Montana, as Secretary of the Senate, effective April 1, 1977.

NOTIFICATION TO PRESIDENT OF THE UNITED STATES OF THE ELECTION OF JOSEPH STANLEY KIMMITT AS SECRETARY OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 132) was considered and agreed to, as follows:

Resolved, That the President of the United States be notified of the election of Joseph Stanley Kimmitt, of Montana, as Secretary of the Senate, effective April 1, 1977.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senate will be in order. Will Senators please take their seats?

RECOGNITION OF MR. JOSEPH STANLEY KIMMITT AS HE ASSUMES THE DUTIES OF SECRETARY OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I congratulate Mr. Stanley Kimmitt as he assumes the duties of Secretary of the Senate. I look forward to working with Mr. Kimmitt in the months that lie ahead of us in the 95th Congress.

Mr. Kimmitt comes to his post well prepared to fulfill the responsibilities that will be his. After a long and distinguished career in the military, from which he retired as a colonel, Mr. Kimmitt entered Senator Mansfield's staff for a brief period before being elected Secretary of the Majority in 1966.

As Secretary of the Majority, Stan Kimmitt forged a record of integrity, devotion to duty, thoroughness, punctuality, and effectiveness. These are qualities that will serve him well in his new office.

Mr. President, it is my opinion that the work of the Senate is of ultimate importance to the functioning of this Nation.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. HARRY F. BYRD, Jr.). The Senate will be in order. Attachés who are standing will take seats or leave the Chamber.

The Senator may proceed.

Mr. ROBERT C. BYRD. Mr. President, in the Senate, there are few jobs that can equal that of the Secretary of the Senate in importance or demands laid upon it. The position of the Secretary requires a degree of proficiency and commitment that would try any man's mettle; this is a task that calls for maturity, wisdom, balance, and a meticulous sense of accuracy.

But Stan Kimmitt has spent his whole career in the service of his country, often under the trying circumstances of combat. In becoming the Secretary of the Senate, he is but beginning a new phase in a life of patriotic duty and challenge.

I did not know until I became majority leader of the extreme efficiency, dedication, and effectiveness of this man, but I know it now. In all the years that I have worked in the Senate, I was not aware of the amount of work that he has had to do, and the efficiency with which he does it and the punctuality with which he has responded to the needs of the institution.

All of us who have benefited by Mr. Kimmitt's conscientious assistance in the past appreciate the quality of his work, and we wish him well as he enters into this new relationship with the Senate.

Mr. METCALF. Mr. President, a few minutes ago it was my privilege and honor to administer the oath of office to our new Secretary of the Senate, Mr. Stan Kimmitt. Of course, every Senator knows Stan. As Secretary for the Majority under Senator Mansfield, he performed faithfully, diligently, and skillfully. He is acquainted with the operations of the Senate and has the respect of the Senate employees. It is a special privilege and honor to welcome Stan as the new Secretary, because he is a constituent of mine from Great Falls, Mont. I look forward to working with him and I know that every Senator will be pleased that he is our new Secretary.

RESOLUTION COMMENDING HONORABLE FRANCIS R. VALEO UPON HIS RETIREMENT AS SECRETARY OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a third resolution, joined in by my friend the minority leader, and ask for its immediate consideration.

The resolution (S. Res. 133) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, upon the retirement of its Secretary, Francis R. Valeo, the Senate wishes to express its appreciation for his 19 years of service as an employee of the Senate and his over 10 years as Secretary of the Senate;

Whereas the said Francis R. Valeo at all times has discharged the difficult duties and responsibilities of his office with high efficiency and abiding devotion; and

Whereas his unsurpassed service and his unfailing dedication to duty have earned for him our affection and our esteeem: Now, therefore, be it

Resolved,, That Francis R. Valeo be hereby commended for his long, faithful and exemplary service.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Francis R. Valeo.

COMMENDATION TO MR. FRANCIS R. VALEO FOR HIS CONTRIBUTIONS AS SECRETARY OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, as Mr. Frank Valeo leaves the position of Secretary of the Senate, he will be completing approximately 31 years of continuous service, directly or indirectly, to the Congress of the United States. In the many capacities in which he has served, he has distinguished himself repeatedly.

The duties of the Secretary of the Senate are important and varied. For nearly 11 years, Frank Valeo has carried out these duties with dispatch, efficiency, and courtesy. All those who have been Members of the Senate for the past decade owe Mr. Valeo a genuine debt of gratitude for the tireless assistance he has rendered us.

Before coming to work for the Senate, Frank Valeo had already established his credentials as an expert on foreign affairs, with a special emphasis on the Far East. Those who accompanied the former majority leader, Mr. Mansfield, and Mr. Valeo on their trips to China were relieved to discover that Mr. Valeo had even mastered the intricacies of the Chinese language. This is but a further example of the intelligence, scholarship, experience, and background that he has applied to his vocation over the years.

Both as secretary to the majority and Secretary of the Senate, Frank Valeo brought honor to himself and to the institution that he served. He has a deep appreciation for the traditions and heritage of this body, and he has labored selflessly for it. I can assure Mr. Valeo that his contributions will long be remembered, and that he will have a special place in the hearts of the many friends among the membership of the U.S. Senate.

TRIBUTES TO MR. KIMMITT AND MR. VALEO

Mr. BAKER. Mr. President, I join the majority leader in congratulating Mr. Kimmitt on his election as Secretary of the Senate, and our good wishes to Mr. Valeo as he retires from that important position.

It is the function of the officers of the Senate, the Secretary of the Senate in particular, to serve this entire body, and that is a tradition that has been kept faithfully over the years. I am sure that Stan Kimmitt will do it with great fidelity as well. We of the minority congratulate him. We wish him well in this new undertaking, and we wish all happiness and good health to Frank Valeo.

Mr. ROBERT C. BYRD. I yield to the Senator from Missouri.

Mr. EAGLETON. I thank my distinguished colleague for yielding.

Briefly, Mr. President, I want to add my words of support and esteem for the two individuals just mentioned. Mr. Valeo and Mr. Kimmitt are two of the finest persons I have known from any walk of life. The word gentleman applies both to Mr. Kimmitt and Mr. Valeo. The Senate indeed has been fortunate to have two such outstanding individuals as part of the Senate family. I wish them the best of health and happiness in the years ahead.

Mr. CRANSTON. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. CRANSTON. I just want to join in the statements, Mr. President, in which

I totally concur, regarding Frank Valeo and Stan Kimmitt. Both have rendered wonderful service to each of us individually, to the Senate as a body, and to this country. It is a great pleasure to know each of them. I look forward to working with Stan Kimmitt in his new responsibilities, and I look forward to working with Frank Valeo in whatever important responsibilities he, too, will assume. I trust, expect, and hope he will have some great opportunities for further public service of the great character he has already rendered.

Mr. BURDICK. Mr. President, I am pleased to have the opportunity to pay tribute to my friend, Mr. Francis R. Valeo, who is retiring as Secretary of the Senate after a career in government which has spanned more than 30 years.

As a person, Frank has exemplified the the same qualities as his close and dear friend, the former Senate majority leader, Mike Mansfield of Montana. He has been intelligent, kind, open, fair, and honorable in his relationship with all the distinguished Members of this Chamber. I am deeply grateful for his contributions to the U.S. Senate and to the American people.

All Members of this body truly appreciate Frank's long dedication to high quality public service. There is no question that he understood the mechanics and the spirit of the U.S. Senate better than anyone else. I join my colleagues in extending my best wishes to a great American and a dedicated public servant, Francis R. Valeo. It is my hope that the future will hold all good things for him and his family.

The PRESIDING OFFICER. The Senate will be in order. What is the will of the Senate?

VISIT TO THE SENATE BY GOVERNOR TEASDALE OF MISSOURI

Mr. EAGLETON. Will the Senator yield for 5 seconds?

Mr. McCLURE. I yield.

Mr. EAGLETON. I would like to bring to the attention of my colleagues the fact that the new Governor of the State of Missouri, the Honorable Joseph P. Teasdale, is standing near the doorway of the Senate.

[Applause.]

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate now go into executive session for the purpose of allowing Mr. JACKSON to call up two nominations that are at the desk.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. JACKSON. Mr. President, I call up the two nominations to be Assistant Secretaries of Interior, Mr. Martin and Mr. Herbst, reported earlier today.

The PRESIDING OFFICER. The clerk will state the nominations.

DEPARTMENT OF THE INTERIOR

The legislative clerk read the nomination of Robert L. Herbst, of Minnesota, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Guy R. Martin, of Alaska, to be Assistant Secretary of the Interior.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. JACKSON. Mr. President, I ask unanimous consent that the President be notified.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, 1977

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 4877, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 4877) making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. The time on this bill is limited to 4 hours, to be equally divided and controlled by the senior Senator from Arkansas (Mr. McCLELLAN) and the senior Senator from North Dakota (Mr. YOUNG), with 1 hour on any amendment in the first degree and 30 minutes on any amendment in the second degree, debatable motion, appeal, or point of order.

The Chair recognizes the Senator from Arkansas (Mr. McCLELLAN).

Mr. McCLELLAN. I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, I ask unanimous consent that James Fleming and Jane Mathias of my staff, and Mr. Ron Tammen of Senator PROXMIRE's staff be given the privilege of the floor during discussion and vote on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. McCLELLAN. Yes; I yield.

Mr. JOHNSTON. I ask unanimous consent that Alan Yuspeh and John McCutcheon of my staff have the privilege of the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that Wendy Grieder of my staff be entitled to floor privileges during discussion on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded for purposes of amendment as an original text, provided that no point of order shall be considered to have been waived by reason of an agreement on this order.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, will the Chair explain the statement by the Senator from Arkansas about the ability to object?

The PRESIDING OFFICER. The request made by the Senator from Arkansas means that if a committee amendment is subject to a point of order, that point of order would not be waived. They could still be made and no Senator would lose his right to make a point of order.

Mr. ROBERT C. BYRD. In other words, the Senator would not be giving up any of his rights if the request of the Senator from Arkansas is agreed to.

Mr. FORD. I ask the Senator also, is this the proper time to object to an amendment or a portion of the bill that the Senator now has proposed in the committee amendment?

The PRESIDING OFFICER. Does the Senator from Kentucky mean is this the time that a point of order should be made?

Mr. FORD. No, I want to object to the amendments on pages 5 and 6 that have been offered en bloc with the other committee amendments. I want to object to those amendments.

The PRESIDING OFFICER. The Senator from Kentucky, in that situation, would need to object to the unanimous-consent request of the Senator from Arkansas.

Mr. FORD. The Senator objects.

Mr. ROBERT C. BYRD. Mr. President, the Senator is only objecting to those specific amendments.

Mr. FORD. That is correct. Not to all of the amendments and not to all of the bill.

Mr. McCLELLAN. Mr. President, I amend my request to apply that to all except the two provisions identified by the Senator from Kentucky.

Mr. FORD. The amendments on pages 5 and 6, primarily the uniform services medical school appropriations.

Mr. McCLELLAN. My request is for all of it to be approved except as to those two items.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas as modified?

Mr. FORD. I have no objection.

The PRESIDING OFFICER. The Chair hears none. It is so ordered.

The committee amendments agreed to are as follows:

On page 3, line 8, strike "$1,020,000" and insert "$1,320,000";

On page 3, line 11, strike "$5,141,000" and insert "$7,682,000";

On page 4, line 20, strike "$10,000,000" and insert "$60,000,000: *Provided*, That $50,000,000 shall be made available only upon enactment into law of authorizing legislation";

On page 7, beginning with line 1, insert:

ADMINISTRATIVE PROVISION

The limitation on the use of funds for legislative liaison activities of the Department of Defense for fiscal year 1977 contained in section 728 of the Department of Defense Appropriation Act, 1977, is hereby increased from $5,000,000 to $7,400,000.

On page 7, line 10, strike "$2,499,000" and insert "$3,589,000";

On page 7, beginning in line 10, strike out ": *Provided*, That after August 1, 1977, none of the funds contained herein may be used to finance in excess of 128 contract employees or employees on detail to the Intelligence Community Staff from other agencies";

On page 7, line 23, after "expended" insert a colon and "*Provided*, That all expenditures shall be approved by the Chairman of the Commission";

On page 8, line 6, strike "$18,202,600" and insert "$16,202,600";

On page 8, line beginning with line 16, insert:

ADMINISTRATIVE PROVISIONS

Authorization is hereby provided to the Government of the District of Columbia to make retroactive cost of living payments out of funds heretofore appropriated to such Government, to day care providers under contract to the city during the period July 1, 1975, to September 30, 1976, but not to exceed the amount of $855,000.

On page 10, line 7, strike "$31,000,000" and insert "$15,500,000: Provided,";

On page 11, line 5, strike "$15,000,000" and insert "$19,500,000: Provided,";

On page 11, beginning with line 8, strike through and including through line 14;

On page 11, line 18, strike "$11,325,000" and insert "$18,725,000";

On page 11, line 21, strike "from the Soviet Union and other Eastern European countries";

On page 11, line 23, strike "and for the movement of baggage";

On page 12, line 4, strike "$3,660,000" and insert "$6,360,000";

On page 12, line 13, strike "$15,000,000" and insert "$25,000,000";

On page 12, line 21, strike "$316,000,000" and insert "$326,000,000";

On page 13, line 1, strike "$36,000,000" and insert "$46,000,000";

On page 13, beginning with line 14, insert:

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

None of the funds made available for Operating Expenses of the Agency for International Development in fiscal year 1977 shall be available for leasing, purchasing, renovating, or furnishing of housing or office space in Cairo, Egypt, except through the Foreign Building Operations of the Department of State.

On page 15, beginning with line 5, insert:

FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

DISASTER RELIEF

For an additional amount for "Disaster relief", $20,000,000: *Provided*, That the foregoing amount shall be used only for the reimbursement of State and local governments, notwithstanding any provision of law, in areas where an emergency has been declared by the President, for costs of snow removal incurred in such emergency.

On page 15, line 22, strike "$500,000,000" and insert "$4,500,000,000";

On page 15, line 24, strike "table I of Committee Print Number 94–39 of the Committee on Public Works and Transportation of the House of Representatives" and insert "the table on page 16 of Senate Report Number 95–38, adjusted proportionately in ac-

On page 16, beginning with line 8, insert: cordance with the above appropriation";

NATIONAL COMMISSION ON NEIGHBORHOODS

SALARIES AND EXPENSES

For expenses necessary for the National Commission on Neighborhoods established pursuant to S. 1070 or similar legislation, $1,000,000.

On page 16, beginning with line 13, insert:

NATIONAL INSTITUTE OF BUILDING SCIENCES

SALARIES AND EXPENSES

For expenses necessary for the National Institute of Building Sciences, $500,000, as authorized by section 809 of the Housing and Community Development Act of 1974 (12 U.S.C. 1701j–2), as amended, to remain available until September 30, 1978.

On page 17, beginning with line 19, insert:

ASSISTANCE FOR HEALTH MANPOWER TRAINING INSTITUTIONS

For an additional amount for "Assistance for health manpower training institutions", $10,045,000, wihch shall be available for subchapter II, III and IV programs pursuant to 38 U.S.C. 5082, to remain available until September 30, 1983.

On page 18, line 8, strike "$45,255,000" and insert "$43,895,000";

On page 18, line 8, strike "$4,000,000" and insert "$2,900,000";

On page 18, line 21, strike "$1,000,000" and insert "$5,800,000, of which not to exceed $5,000,000, to remain available until expended, shall be for a program of conversion of certain railroad rights-of-way to recreation and conservation uses as authorized by Section 809(d) of Public Law 94–210";

On page 19, line 4, strike "$127,493,000" and insert "$108,693,000";

On page 19, line 7, following "Service" insert "and no more than $18,800 000 shall be available to the U.S. Forest Service";

On page 19, line 13, strike "$21,025,000" and insert "$15,475,000";

On page 19, line 15, following "aircraft" insert a comma and "of which $4,025,000 shall remain available until expended";

On page 20, line 4, strike "$13,730,000" and insert "$7,510,000";

On page 20, line 7, strike "$92,263,000" and insert "$93,001,000";

On page 20, beginning with line 12, insert:

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For an additional amount for "John F. Kennedy Center for the Performing Arts", $4,500,000, to remain available until expended: *Provided*, That these funds shall be available only upon enactment of S. 521, Ninety-fifth Congress, or similar legislation.

On page 21, line 4, strike "$1,304,000" and insert "$2,388,000";

On page 21, line 8, strike "$10,050,000" and insert "$13,978,000: *Provided*, That $5,128,000 for the purchase and renovation of a building to serve as a replacement for the Salt Lake City Metallurgy Research Center shall remain available until expended and shall become available only upon enactment into law of authorizing legislation";

On page 21, beginning with line 14, strike through and including line 19;

On page 21, line 23, strike "$10,040,000" and insert "$10,140,000";

On page 22, line 4, strike "$35,200,000" and insert "$19,200,000";

On page 22, line 6, strike "$26,700,000" and insert "$10,700,000";

On page 22, line 9, strike "$10,904,000" and insert "$22,132,000";

On page 22, line 10, strike after "expended" insert a comma and "including not to exceed $10,000,000 to offset losses in Federal grants-in-aid as authorized by Public Law 94–255: *Provided*, That $4,000,000 for grants for the rehabilitation of Enewetak Atoll in the Marshall Islands shall be available only upon enactment into law of authorizing legislation";

On page 22, beginning with line 17, strike through and including line 19;

On page 23, line 6, strike "$233,005,000" and insert "$223,805,000";

On page 23, line 19, strike "$33,800,000" and insert "$16,900,000";

On page 24, beginning with line 6, strike through and including line 10;

On page 24, line 14, strike "$32,002,000" and insert "$90,889,000";

On page 24, line 14, strike "$12,000,000" and insert "$67,000,000";

On page 24, beginning with line 19, insert:

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For an additional amount for "Indian health services", $1,000,000.

On page 24, beginning with line 23, insert:

INDIAN HEALTH FACILITIES

For an additional amount for "Indian health facilities", $75,000,000, to remain available until expended.

On page 25, line 9, following "10,000" insert a colon and "*Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions";

On page 25, line 17, strike "$425,000" and insert "$203, 000";

On page 25, line 21, strike "$18,000,000" and insert "$21,250,000";

On page 25, line 22, strike "$9,000,000" and insert "$12,000,000";

On page 25, line 24, strike "$9,000" and insert "$6,750,000";

On page 26, line 1, following "7(h)," insert a comma and "and $22,500,000 shall be available to the National Endowment for the Arts for the purposes of section 219(b) of Public Law 94–555";

On page 26, line 13, following "$200,000," insert a colon and "Provided, That none of these funds shall be available for the compensation of Executive Level V or higher positions";

On page 26, beginning with line 16, insert:

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,100,000, to remain available until expended, to prepare a comprehensive economic and environmental study of Southeastern Alaska pursuant to authority provided in sections 17(a)(7) (A), (D), (H), and (I) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), as amended: Provided, That said sum shall be in addition to, and shall not be considered part of, the moneys authorized and appropriated to the Commission pursuant to section 17(a)(9)(B) of the Settlement Act and complementary legislation of the State of Alaska: Provided further, That said sum shall not be subject to the Federal funding limitation specified in section 17(a)(9)(A) of the Settlement Act.

On page 29, line 8, strike "$11,000,000" and insert "$12,000,000;

On page 29, line 16, strike "$7,500,000" and insert $13,700,000";

On page 30, line 5, strike "$115,049,000" and insert "$133,022,000";

On page 30, line 9, strike "title" and insert "titles";

On page 30, line 10, following "VII" insert "and XV";

On page 30, line 10, following "Act" insert "and the District of Columbia Medical and Dental Manpower Act of 1970, as amended";

On page 30, line 12, strike "$404,826,000" and insert "$416,746,000";

On page 30, line 17, strike "$18,500,000" and insert "$16,000,000";

On page 31, beginning with line 1, insert:

EMERGENCY SCHOOL AID

For an additional amount for "Emergency School Aid", $35,000,000 of which $25,000,000 shall be for carrying out section 707(a)(13) through 707(a)(15) of the Emergency School Aid Act and $10,000,000 shall be for activities under section 708(a) of said Act, notwithstanding any other provision of said Act, to provide assistance to school districts for which section 706(a) funding is insufficient to meet their needs and which are implementing voluntary plans to eliminate or reduce minority group isolation.

On page 32, line 13, strike "$3,206,418,000" and insert "$3,212,518,000";

On page 32, line 13, strike "of which $6,100,000 shall be for section 721(a)(2) of the Higher Education Act and" and insert "of which";

On page 33, line 2, following "year" insert a colon and "*Provided further*, That funds contained in Public Law 94-94 under this head for work study grants shall remain available through September 30, 1978";

On page 33, line 8, following the comma, insert "and title III, part D, of the Education Amendments of 1976,";

On page 33, line 9, strike $19,475,000" and insert $24,475,000";

On page 35, line 4, strike "$9,500,000" and insert "$9,750,000";

On page 35, line 6, following the comma, insert "$250,000 for section 301,";

On page 35, line 11, strike "$2,390,000" and insert "$3,940,000";

On page 35, line 11, strike "$1,350,000" and insert "$2,900,000";

On page 36, beginning with line 11, insert:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an adidtional amount for "salaries and expenses" $177,000.

RAILROAD RETIREMENT BOARD

REGIONAL RAIL TRANSPORTATION PROTECTIVE ACCOUNT

For an additional amount for payment of benefits under Section 509 of the Regional Rail Reorganization Act of 1973, to remain available until expended, $25,000,000, including not to exceed $25,000 for payment to the Railroad Retirement Board for administrative expenses.

On page 37, beginning with line 5, insert:

CHAPTER VIII—LEGISLATIVE BRANCH: SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Jane B. Hart, widow of Philip A. Hart, late a Senator from the State of Michigan, $44,600.

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE LEADERS, AND WHIPS OF THE SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For an additional amount for "Compensation and Mileage of the Vice President and Senators", $2,900: *Provided*, That, effective January 5, 1977, the compensation of a Deputy President pro tempore of the Senate shall be at a rate equal to the rate of annual compensation of the President pro tempore and the Majority and Minority Leaders of the Senate.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, MAJORITY AND MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS

For an additional amount for "Expense Allowances of the Vice President, Majority and Minority Leaders and Majority and Minority Whips", $6,500: *Provided*, That, effective with fiscal year 1977 and each fiscal year thereafter, the expense allowance of the Majority and Minority Leaders of the Senate shall not exceed $5,000 each fiscal year for each Leader: *Provided further*, That, effective April 1, 1977, there is hereby authorized an expense allowance for the Majority and Minority Whips of the Senate which shall not exceed $2,500 each fiscal year for each Whip: *Provided further*, That, during the period beginning on January 3, 1977, and ending September 30, 1977, and during each fiscal year thereafter, the Vice President, the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip may receive the expense allowance (a) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the Vice President, the respective Leader or the respective Whip, or (b) in equal monthly payments.

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $51,400: *Provided*, That, effective April 1, 1977, the President pro tempore is authorized to appoint and fix the compensation of an Administrative Assistant at not to exceed $47,595 per annum; a Legislative Assistant at not to exceed $40,080 per annum, and an Executive Secretary at not to exceed $23,380 per annum.

OFFICE OF DEPUTY PRESIDENT PRO TEMPORE

For Office of the Deputy President Pro Tempore, $51,400: *Provided*, That, effective April 1, 1977, the Deputy President pro tempore is authorized to appoint and fix the compensation of an Administrative Assistant at not to exceed $47,595 per annum; a Legislative Assistant at not to exceed $40,080 per annum, and an Executive Secretary at not to exceed $23,380 per annum.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For an additional amount for "Offices of the Majority and Minority Leaders", $45,900: *Provided*, That, effective April 1, 1977, the Majority Leader and the Minority Leader are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided further*, That the gross compensation paid to such employees shall not exceed $191,700 each fiscal year for each Leader: *Provided further*, That the positions established by the Legislative Branch Appropriation Act, 1970, for the Offices of the Majority and Minority Leaders are abolished effective April 1, 1977.

FLOOR ASSISTANTS TO THE MAJORITY AND MINORITY LEADERS

For Floor Assistants to the Majority Leader and the Minority Leader, $42,600: *Provided*, That, effective April 1, 1977, the Majority Leader and the Minority Leader may appoint an Assistant to the Majority Leader for Floor Operations and an Assistant to the Minority Leader for Floor Operations, respectively, and fix the compensation of such assistants at a rate of compensation not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

OFFICE'S OF THE MAJORITY AND MINORITY WHIPS

Effective April 1, 1977, the Majority Whip and the Minority Whip are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided further*, That the gross compensation paid to such employees shall not exceed $111,100 each fiscal year for each Whip: *Provided further*, That the positions established by the Legislative Branch Appropriation Act, 1970 and the Legislative Branch Appropriation Act, 1976, for the Offices of the Majority and Minority Whips are abolished effective April 1, 1977.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretary of the Conference of the Majority and the Secretary of the Confrence of the Minority, $58,200: *Provided*, That, effective April 1, 1977, the Secretary of the Conference of the Majority and the Secretary of the Conference of the Minority may each appoint and fix the compensation of an Executive Assistant at not to exceed $45,758 per annum and a Secretary at not to exceed $17,869 per annum.

OFFICE OF THE CHAPLAIN

For an additional amount for "Office of the Chaplain", $2,000: *Provided*, That, effective April 1, 1977, the compensation of the Chaplain shall be $22,044 per annum in lieu of $18,704 per annum.

OFFICE OF THE SECRETARY

Effective April 1, 1977, the positions of Assistant to the Majority and Assistant to the Minority established by the Supplemental Appropriation Act, 1955 are hereby abolished.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For an additional amount for "Administrative and Clerical Assistants to Senators", $33,000: *Provided*, That, effective April 1, 1977, the clerk hire allowance of each Senator from the State of Virginia shall be increased to that allowed Senators from States having a population of five million but less than seven million, the population of said State having exceeded five million inhabitants.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For an additional amount for "Office of Sergeant at Arms and Doorkeeper", $27,800: *Provided*, That, effective April 1, 1977, the Sergeant at Arms and Doorkeeper may appoint and fix the compensation of a Special Assistant at not to exceed $28,724 per annum in lieu of not to exceed $23,714 per annum; a Chief Clerk at not to exceed $26,219 per annum in lieu of a Clerk at not to exceed $23,714 per annum; an Executive Secretary to the Sergeant at Arms at not to exceed $26,219 per annum in lieu of an Executive Secretary at not to exceed $23,714 per annum; a Secretary to the Sergeant at Arms at not to exceed $16,199 per annum and a Secretary at not to exceed $14,696 per annum in lieu of two Secretaries at not to eceed $14,696 per annum each; a Secretary for Personnel Administration at not to exceed $20,708 per annum in lieu of a Secretary to the Sergeant at Arms at not to exceed $18,704 per annum; a Secretary to the Administrative Assistant at not to exceed $15,531 per annum and two Assistant Chief Telephone Operators at not to exceed $14,028 per annum each in lieu of three Assistant Chief Telephone Operators at not to exceed $14,028 per annum each; a Secretary to the Special Assistant at not to exceed $12,191 per annum in lieu of a Secretary at not to exceed $11,022 per annum; a Receptionist at not to exceed $12,191 per annum and nineteen Telephone Operators at not to exceed $11,022 per annum each in lieu of twenty-one Telephone Operators at not to exceed $11,022 per annum each; thirteen Messengers at not to exceed $9,686 per annum each in lieu of fourteen Messengers at not to exceed $9,686 per annum each; a Laborer at not to exceed $9,018 per annum in lieu of two Laborers at not to exceed $9,018 per annum each; three Laborers at not exceed $5,010 per annum each in lieu of five Laborers at not to exceed $5,010 per annum each; a Chief Barber at not to exceed $17,535 per annum in lieu of not to exceed $11,523 per annum; an Assistant Chief Barber at not to exceed $15,865 per annum in lieu of a Chief Barber at not to exceed $12,692 per annum; five Barbers at not to exceed $14,696 per annum each in lieu of two Barbers at not to exceed $11,690 per annum each and three Barbers at not to exceed $9,853 per annum each; two Barber Shop Attendants at not to exceed $10,855 per annum each in lieu of a Barber Shop Attendant at

not to exceed $9,686 per annum and a Barber Shop Attendant at not to exceed $4,342 per annum; a Secretary to the Deputy Sergeant at Arms at not to exceed $22,044 per annum; a Driver-Messenger, Deputy President pro tempore, at not to exceed $15,364 per annum; and a Deputy Chief, Police Force, at not to exceed $33,901 per annum.

AGENCY CONTRIBUTIONS AND LONGEVITY COMPENSATION

For an additional amount for "Agency Contributions and Longevity Compensation", $800,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For an additional amount for "Office of the Legislative Counsel of the Senate", $5,500.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For an additional amount for "Senate Policy Committees", $6,000.

INQUIRIES AND INVESTIGATIONS

For an additional amount for "Inquiries and Investigations", fiscal year 1976, $375,000.

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", fiscal year 1976, $650,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. Effective April 1, 1977, the Majority Leader of the Senate and the Minority Leader of the Senate are each authorized to appoint and fix the compensation of not more than two individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The provisions of section 8344 of title 5, United States Code, shall not apply to any individual serving in a position under this authority. Expenditures under this authority shall be paid from the contingent fund of the Senate upon vouchers approved by the Majority Leader and the Minority Leader, respectively.

SEC. 102. (a) Effective April 1, 1977, the second sentence of section 105 of the Legislative Branch Appropriations Act, 1976 (89 Stat. 275) is amended by striking out "July 1, 1975" and inserting in lieu thereof "April 1, 1977".

(b) The Majority Leader of the Senate is authorized to fix the compensation of the Secretary for the Majority so long as the position is held by the incumbent holding such position on April 1, 1977.

SEC. 103. Effective on the date of the enactment of this Act, the proviso in the paragraph under the headings "CONTINGENT EXPENSES OF THE SENATE", "MISCELLANEOUS ITEMS" in the Second Supplemental Appropriations Act, 1975 (Public Law 94-32) is amended to read as follows: *"Provided,* That notwithstanding any other provision of law, the Sergeant at Arms, subject to the approval of the Committee on Rules and Administration, is hereafter authorized to enter into multi-year contracts for data processing equipment, software, and services."

SEC. 104. The second paragraph under the heading "ADMINISTRATIVE PROVISIONS" in the Legislative Branch Appropriation Act, 1959 (72 Stat. 442; 2 U.S.C. 65b), is amended by striking out "during any fisca' year".

SEC. 105. Effective April 1, 1977, section 3 (f) under the heading "ADMINISTRATIVE PROVISIONS" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1972 (2 U.S.C. 59(e)), is amended by striking out "quarterly" in paragraph (5) and inserting in lieu thereof "monthly".

SEC. 106. (a) In accordance with subsection (g) of section 705 of Senate Resolution 4, 95th Congress, agreed to February 4 (legislative day, February 1), 1977, each Senator shall, except as otherwise provided in this section, receive each fiscal year an amount equal to three times the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified. Such amount may be used by a Senator only to employ individuals for the purpose of assisting him in connection with his membership on committees of the Senate. Each Senator shall designate the committee with respect to which any individual is so employed to assist him.

(b)(1) In the case of a Senator who is the chairman or ranking minority member of any committee, or of any subcommittee that receives funding to employ staff assistance separately from the funding authority for staff of the full committee, the amount referred to in subsection (a) shall be reduced by the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, for each such committee or subcommittee.

(2) In the case of a Senator who is authorized by a committee, a subcommittee thereof, or the chairman of a committee or subcommittee, as appropriate, to recommend or approve the appointment to the staff of such committee or subcommittee of one or more individuals for the purpose of assisting such Senator in his duties as a member of such committee or subcommittee, the amount referred to in subsection (a) shall be reduced, for each such committee or subcommittee, by an amount equal to (A) the aggregate annual gross rates of compensation of all staff employees of that committee or subcommittee (i) whose appointment is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator, if such employees are employed for the purpose of assisting such Senator in his duties as a member of such committee or subcommittee thereof as the case may be, or (B) the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, whichever is less.

(3) In the case of a Senator who is serving on more than three committees, one of the committees on which he is serving, as selected by him, shall not be taken into account for purposes of paragraphs (1) and (2). Any such Senator shall notify the Secretary of the Senate of the committee selected by him under this paragraph.

(c)(1) An employee appointed under this section shall be designated as such and certified by the Senator who appoints him to the chairman and ranking minority member of the committee designated by such Senator and shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it.

(2) If (A) a Senator's service on a committee terminates (other than by reason of his ceasing to be a Member of the Senate) or a Senator's status on a committee as the chairman or ranking minority member of such committee or a subcommittee thereof changes, and (B) the appointment of an employee appointed under this section and designated to such committee by such Senator would (but for this paragraph) thereby terminate, such employee shall, subject to the provisions of subsection (e), be continued as an employee appointed by such Senator under this section until whichever of the following first occurs: (1) the close of the tenth day following the day on which such Senator's service on such committee terminates or his status on such committee changes or (2) the effective date on which such Senator notifies the Secretary of the Senate, in writing, that such employee is no longer to be continued as an employee appointed under this section. An employee whose appointment is continued under this paragraph shall perform such duties as the Senator who appointed him may assign.

(d) An employee appointed under this section shall not receive compensation in excess of that provided for an employee under section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified.

(e) The aggregate of payments of gross compensation made to employees under this section during each fiscal year shall not exceed at any time during such fiscal year one-twelfth of the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that fiscal year in which the Senator holds the office of Senator through the end of the current month for which the payment of gross compensation is to be made. In any fiscal year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees under this section shall be the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) divided by twelve, and multiplied by the number of months the Senator holds such office during that fiscal year, counting any fraction of a month as a full month.

(f) Section 108 of the Legislative Branch Appropriation Act, 1976 (2 U.S.C. 72a-1c), is repealed.

(g)(1) This section shall take effect on March 1, 1977.

(2) Any designation, or change of designation, made by a Senator before the date of the enactment of this Act under section 705 of Senate Resolution 4, 95th Congress, agreed to February 4 (legislative day, February 1), 1977, shall be treated as a designation or change made under this section.

(3) The amount of any accrued surplus available to any Senator under section 108 of the Legislative Branch Appropriation Act, 1976, at the close of February 28, 1977, shall be available to that Senator during the period beginning on March 1, 1977, and ending on September 30, 1977, for the purpose of this section.

(4) The aggregate amount available to a Senator for gross compensation of employees appointed under this section during the period beginning on March 1, 1977, and ending on September 30, 1977 (other than any amount available under paragraph (3)), shall be seven-twelfths of the total amount to which the Senator is entitled under this section (after application of the reductions required by subsection (b)) for the fiscal year ending on September 30, 1977.

SEC. 107. (a) Section 106 of the Legislative Branch Appropriation Act, 1977, is amended to read as follows:

"SEC. 106. (a) There is hereby established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Barber Shops Revolving Fund (hereafter in this section referred to as the 'revolving fund').

"(b) All moneys received by the Senate barber shops from fees for services or from any other source shall be deposited to the credit of the revolving fund. Moneys in the revolving fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate for necessary supplies and expenses of the Senate barber shops.

"(c) On or before December 31 of each year, the Secretary of the Senate shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in excess of $10,000 in the revolving fund at the close of the preceding fiscal year.

"(d) Disbursements from the revolving fund shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate.

"(e) The Sergeant at Arms and Doorkeeper of the Senate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.".

(b) The amendment made by subsection (a) shall take effect on April 1, 1977.

SEC. 108. Hereafter, the Secretary of the Senate is authorized to make transfers between appropriations or funds available for disbursement by him for a fiscal year as may be approved by a resolution of the Senate (reported by the Committee on Appropriations of the Senate), and, to the extent necessary, to reimburse, out of funds thereafter made available for disbursement by him for such fiscal year, any appropriation or fund for any amount so transferred from it.

SEC. 109. Any funds appropriated under the heading "Senate" in any appropriation Act for the fiscal year ending September 30, 1977, shall remain available for obligation through September 30, 1978, for the same purposes for which appropriated.

SEC. 110. (a) Notwithstanding any other provision of law, but subject to the provisions of subsection (b), the Committee on Governmental Affairs is authorized, effective April 1, 1977, and during the remainder of the fiscal year ending September 30, 1977, to pay one additional staff member at a per annum rate not to exceed the rate provided for the two staff members referred to in section 105 (e) (3) (A) of the Legislative Branch Appropriations Act, 1968, as amended and modified.

(b) The provisions of subsection (a) shall cease to be effective when and if the individual who was transferred from the staff of the Committee on the District of Columbia to the staff of the Committee on Governmental Affairs under section 703 of Senate Resolution 4, 95th Congress, and who was paid by the Committee on the District of Columbia at the per annum rate referred to in subsection (a), ceases to be a member of the staff of the Committee on Government Affairs, or of a subcommittee thereof, and paid at such rate.

On page 54, beginning with line 10, insert:

JOINT ECONOMIC COMMITTEE

For an additional amount for "Joint Economic Committee", $11,500.

On page 54, beginning with line 13, insert:

JOINT COMMITTEE ON ATOMIC ENERGY

For an additional amount for "Joint Committee on Atomic Energy", $14,100.

On page 54, beginning with line 16, insert:

JOINT COMMITTEE ON PRINTING

For an additional amount for "Joint Committee on Printing", $6,000.

On page 55, line 3, following the comma, insert "including rental of space in the District of Columbia,";

On page 55, line 5, strike "$569,050" and insert "$729,000";

On page 55, beginning with line 7, insert:

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

CONTINGENT EXPENSES

For an additional amount for "contingent expenses", $90,000.

GENERAL PROVISIONS

SEC. 111. Notwithstanding any other provision of law, the Secretary of the Senate is authorized to receive moneys from the Department of the Treasury as reimbursements for salaries paid by the United States Senate in connection with certain officers and members of the United States Capitol Police serving as instructors at the Federal Law Enforcement Training Center. Moneys so received shall be deposited in the Treasury of the United States as miscellaneous receipts.

SEC. 112. The provisions of section 1824 of the Revised Statutes of the United States, as amended (40 U.S.C. 210), are amended by deleting "at a cost not to exceed twenty dollars per man,".

SEC. 113. The Chairman of the Capitol Police Board is authorized, subject to such conditions as he may impose, to authorize the asignment of a police motor vehicle for use by instructor personnel of the Capitol Police Force while assigned to the Federal Law Enforcement Training Center.

On page 56, beginning with line 6, strike all through and including page 57, line 14;

On page 57, line 15, strike "X" and insert "IX";

On page 57, beginning with line 22, insert:

SOUTHWESTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and maintenance", $13,800,000.

ADMINISTRATIVE PROVISIONS

Appropriations made to the Bureau of Reclamation for fiscal year 1977 shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $75,000.

Appropriations made to the Bureau of Reclamation, Southeastern Power Administration, Southwestern Power Administration, and Alaska Power Administration for fiscal year 1977 shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

On page 58, line 18, strike "XI" and insert "X";

On page 59, line 15, strike "$44,337,709" and insert "$48,297,749";

On page 59, line 16, strike "$39,154,000" and insert "$43,115,039";

On page 60, line 7, strike "$6,000,000" and insert "$10,000,000";

On page 60, line 15, strike "$2,975,000" and insert "$2,238,000";

On page 60, line 20, strike "$3,099,000" and insert "$7,977,000: *Provided*, That none of the funds appropriated herein for payment of private counsel fees shall be obligated or expended by the Department for the representation of any defendants in suits commenced after the effective date of this Act, until the Committee on the Judiciary of the Senate expresses approval of the policy statement embodied in the Attorney General's Order No. 687–77 dated January 19, 1977";

On page 62, beginning with line 8, insert:

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $100,000.

On page 62, beginning with line 12, insert:

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $309,000.

On page 62, line 23, strike "$1,000,000" and insert "$2,880,000";

On page 63, line 3, strike "$17,329,000" and insert "$26,353,000";

On page 63, line 9, strike "$110,000,000" and insert "$115,000,000";

On page 63, line 11, following "subsections", insert "(c), (d)";

On page 63, line 12, strike "$110,000,000" and insert "$115,000,000";

On page 65, beginning with line 1, insert:

OFFICE OF SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $413,500: Provided, That not to exceed $7,500 shall be available for official reception and representation expenses.

On page 65, line 11, strike "XII" and insert "XI";

On page 65, beginning with line 10, insert:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

TRAFFIC AND HIGHWAY SAFETY

For an additional amount for "Traffic and Highway Safety", $3,000,000, to remain available until expended.

On page 66, line 5, strike "$25,000,000" and insert "$47,000,000";

On page 66, line 33, strike "$3,000,000" and insert "$1,000,000";

On page 67, line 1, strike "XIII" and insert "XII";

On page 67, beginning with line 3, insert:

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000.

On page 67, beginning with line 7, strike through and including line 10;

On page 67, beginning with line 15, strike through and including line 18;

On page 67, line 25, strike "$26,804,000" and insert "$28,804,000";

On page 68, beginning with line 9, insert:

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For an additional amount for "Operating expenses", $30,000: *Provided*, That $30,000 shall be made available for official entertainment expenses of the Vice President, to be accounted for solely on his certificate.

On page 68, line 18, strike "$167,000" and insert "$155,000";

On page 68, line "$100,000" and insert "$241,000";

On page 69, line 5, following "$1,600,000" insert a colon and "*Provided*, That the Director may place a total of five (5) positions in GS–16, 17, and 18 and that such positions are in addition to total number of positions authorized to be placed in such grades by section 5108 of title 5";

On page 69, line 18, strike "$1,207,000" and insert "$775,000";

On page 72, line 9, strike "$16,000,000" and insert "$25,000,000";

On page 72, beginning with line 15, insert:

NATIONAL COMMISSION ON ELECTRONICS FUND TRANSFERS

SALARIES AND EXPENSES

Of the amount provided under this head in the "Treasury, Postal Service, and General Government Appropriation Act, 1977", $135,000 shall be available for expenses of travel, notwithstanding the provisions of section 501 of the Act.

On page 73, beginning with line 1, strike all through and including line 13;

On page 73, line 14, strike "XIV" and insert "XIII";

On page 73, line 20, strike "and 95-93" and insert "95-93, and 95-97";

On page 73, line 21, strike "$39,920,032" and insert "$40,817,081";

On page 76, beginning with line 7, insert:

SENATE

"Salaries, officers and employees", $5,395,800;

"Office of the Legislative Counsel of the Senate", $30,600;

"Senate policy committees", $85,600;

"Inquiries and investigations," $924,300;

"Folding documents", $4,500;

"Miscellaneous items", $4,000;

On page 77, line 21, insert:

"Senate office buildings", $445,400;

"Senate garage", $10,300;

On page 80, line 22, strike "$3,400,000" and insert a comma and "$3,055,000";

On page 86, line 3, strike "$297,294,000" and insert "$303,694,000";

On page 86, line 5, strike "$153,474,000" and insert "$138,474,000";

On page 86, line 8, strike "$212,636,000" and insert "$217,436,000";

On page 86, line 10, strike "$7,350,000" and insert "$12,350,000";

On page 86, line 12, strike "$7,600,000" and insert "$9,900,000";

On page 86, line 16, strike "$173,030,000" and insert "$174,430,000";

On page 86, line 18, strike "$102,838,000" and insert "$100,638,000";

On page 86, line 20, strike "$17,237,000" and insert "$16,937,000";

On page 86, line 22, strike "$123,434,000" and insert "$125,334,000";

On page 86, line 24, strike "$88,700,000" and insert "$74,400,000 and, in addition, $15,000,000 of funds heretofore made available in fiscal year 1977 only for the Civilian Health and Medical Program of the Uniformed Services shall be available without regard to that limitation";

On page 87, line 4, strike "$6,889,000" and insert "$6,689,000";

On page 87, line 6, strike "$1,900,000" and insert "$1,800,000";

On page 87, line 10, strike "$5,125,000" and insert "$4,825,000";

On page 87, line 13, strike "$18,366,000" and insert "$17,866,000";

On page 87, line 15, strike "$18,000,000" and insert "$17,400,000";

On page 94, line 14, strike "$31,000" and insert "$30,000";

On page 95, line 16, strike "$36,000" and insert "$46,000";

On page 96, line 10, strike "expenses" and insert "expenses,";

On page 98, beginning with line 13, insert: "Operating expenses, international programs", $656,000;

On page 98, line 21, strike "$950,000" and insert "$1,196,000";

On page 101, line 5, strike "$13,000" and insert "$28,000";

On page 101, line 7, strike "$3,000" and insert "$8,000";

On page 101, line 9, strike "$3,000" and insert "$8,000";

On page 101, line 14, strike "$2,250,000" and insert "$2,650,000";

On page 101, line 15, strike "$1,000,000" and insert "$1,400,000";

On page 103, beginning with line 12, strike through and including all of line 13; and

On page 103, line 17, strike "$32,000;" and insert "$32,000.".

Mr. McCLELLAN. Mr. President, the bill now before us includes supplemental funds for almost every department and agency of Government.

The total amount recommended by the committee for the fiscal year 1977 supplemental appropriations bill is $32,142,985,710.

This amount is $4,250,388,439 over the House, but is still under the President's budget estimates by $873,813,605.

A summary table on pages 4 through 7 of the report shows a chapter-by-chapter breakdown of the bill on a comparative basis.

Title I of the bill includes the general program supplemental items for the various departments and agencies.

Title II of the bill includes the costs associated primarily with the October 1, 1976 general Government pay raise. In title II the committee is recommending a reduction of $215 million below the budget request for pay costs.

Title III of the bill includes the general provisions which are unchanged from those included in the House bill.

I shall discuss each of the chapters very briefly in my remarks and I presume they might be discussed in more detail when the individual chapters are under consideration.

For chapter I, on agriculture, the bill provides $1,521,835,000, which is $720,741,000 over the budget request and $52,841,000 over the House bill.

The principal item of increase over the House bill relates to a late budget request in the amount of $50,000,000 for subscription to capital stock of the Federal Crop Insurance Corporation which was transmitted too late for consideration by the House. Both House and Senate bills include an unbudgeted amount of $710,000,000 for reimbursement of net realized losses of the Commodity Credit Corporation. This amount was deferred in the regular appropriation bill for fiscal year 1977 and is included in the budget estimate for fiscal year 1978.

For chapter II on national defense the bill includes $101,854,000 which is $846,000 below the budget request and $13,555,000 over the House bill.

The principal item of increase over the House is the $12.5 million required to fund operating costs of the Uniformed Services University of the Health Sciences. Both House and Senate have reduced the amount budgeted for per diem rate changes and certain other travel entitlements. These savings more than offset the amount included in the bill for the Uniformed Services University and thus the chapter overall is below the budget request.

For chapter III, on the District of Columbia, the bill includes $18,352,600, which is $4,000,000 below the budget request and $2,000,000 under the House bill.

The reduction in the budget request is expected to be offset by additional local revenues which could be raised from several sources including collection of delinquent parking ticket fines from 1976 and other sources.

For chapter IV, on foreign operations, the bill provides $500,655,000, which is $142,000,000 below the budget request and $19,100,000 over the House bill.

The committee has made a number of adjustments in the House bill based on detailed testimony.

For chapter V, on HUD-independent agencies, the bill provides $19,498,956,000, which is $2,467,412,000 below the budget request and $4,031,545,000 over the House bill.

The principal change from the House bill is the adidtion of $4 billion for a total of $4.5 billion for wastewater treatment plant construction grants. The committee recommendation would provide the full budget request for these facilities.

For chapter VI, on Interior and related agencies, the bill includes $1,029,363,000, which is $181,819,000 over the budget request and $95,746,000 over the House bill.

The principal increase over the House bill relates to $75 million for Indian health facilities. The recommended funding would provide the Indian Health Service with $46 million to install overdue sanitation facilities in existing Indian homes and $29 million for the same facilities in new homes to be constructed in fiscal year 1977.

For chapter VII, the Labor-HEW chapter, the bill includes $5,931,601,000, which is $953,390,000 over the budget request and $106,670,000 over the House bill.

The changes from the House allowance relate to a great variety of health and education programs, including mental health, medical research, medical education, other forms of student assistance and educational support.

For chapter VIII, the legislative branch, the bill includes $4,447,250, which is $1,272,105 below the budget request and $2,484,350 over the House bill.

The increase over the House is composed primarily of Senate budget requests which, by custom, the House does not consider.

For chapter IX, on Public Works, the bill includes $43,800,000 which is the same as the budget request and $13,800,000 over the House bill.

The increase over the House is required to fund a budget request for the Southwestern Power Administration which reached the Congress too late for consideration by the House. These funds are required for the purchase of additional thermal generated electric power to make up the shortfall in the amount of power generated at the Corps of Engineers' hydroelectric power facilities in a six-State area of Kansas, Oklahoma, Texas, Missouri, Arkansas, and Louisiana.

For chapter X, on State, Justice, Commerce, and Judiciary the bill provides $359,722,249, which is $2,161,500 below the budget request and $28,827,540 over the House bill.

The principal changes from the House relate to increased funding for the National Oceanic and Atmospheric Administration and an additional $4 million for a total of $10 million as the U.S. Government contribution for expenses associated with the Eighth Pan American Games to be held in San Juan, Puerto Rico in 1979. Also included are several late budget requests which were received too late for consideration by the House.

For chapter XI, on transportation, the bill provides $63,500,000, which is 1,000,000 over the budget request and $23,000,000 over the House bill.

The changes from the House are required to provide the full budget request

for the traffic and highway safety program of the National Highway Traffic Safety Administration and grants to the National Railroad Passenger Corporation of the Federal Railroad Administration.

For chapter XII, on Treasury, Postal Service, and General Government the bill includes $964,000,000, which is $102,884,000 over the budget request and $9,7233,000 below the House bill.

The principal change from the budget request relates to an amount of $125 million included in both House and Senate versions of the bill. The funds would allow the General Services Administration to deal with the growing backlog of repairs to Federal buildings. Approximately 30,000 jobs could be accommodated with the recommended funding.

Finally, Mr. President, chapter XIII provides about $40.8 million for the satisfaction of claims and judgments. This is about $1 million more than the House bill. All of this is reflected in a budget estimate received in the Senate following House action on the bill.

Mr. President, that gives a brief summary of the bill. As is our normal procedure in supplemental bill, I shall ask the respective subcommittee chairmen to respond to any questions on their particular chapters. Before doing so, however, I would like to yield to my colleague, the distinguished Senator from North Dakota and the ranking minority member of the committee, Mr. YOUNG.

Mr. YOUNG. Mr. President, the committee recommendation for this supplemental appropriations bill is $32,142,985,710. This is $4,250,388,439 more than the amount provided by the House and $873,813,605 below the Carter budget estimate.

The distinguished chairman of the Committee on Appropriations, Mr. MCCLELLAN, has provided detailed information of this bill. Following this, we will have another big appropriations bill, the economic stimulus appropriations bill, which the committee has already reported out. This bill would total $19.8 billion. These two bills, plus the public works employment bill that was passed at the end of the last Congress containing appropriations of $3.7 billion, places the Congress in the position of providing approximately $55.7 billion without offsetting increases in revenues.

Mr. President, our national debt is increasing very sharply and the total national debt for this fiscal year is expected to reach $802 billion. Just the interest on this huge debt will be $46.8 billion. This sharp increase in spending will result in higher inflation rates and, I fear, another period of uncontrolled inflation.

The Ford budget estimated that the fiscal year 1978 debt would be $785 billion and the interest on that debt would be $45 billion. Also, the Ford budget estimated that the deficit for fiscal year 1978 would be $56.1 billion. A recent Washington Post article stated that the House Budget Committee was recommending a budget ceiling that would result in a deficit of $62.4 billion.

Mr. President, I am deeply concerned about the increased spending in this bill and the other bills that are to follow. I am also deeply concerned about unemployment and the economic growth of this country. I find it very difficult to understand how greater expenditures of funds and more deficits are going to improve our national economy. These huge additional expenditures may give some temporary assistance to the economy but the after effects could be devastating. What assurance, if any, do we have that this increased spending will not kick off another inflationary spiral? Somehow I cannot understand how we as a Nation, can spend ourselves into prosperity.

I know that many of my colleagues support the provisions of this supplemental appropriations bill, and there are some necessary programs contained in this bill that should be funded, as well as programs that must be continued in accordance with existing law. However, I am sure that there are many programs that could continue as presently funded and this bill could have been reduced by as much or more than the House reduced it.

For these and other reasons, Mr. President, I shall vote against this bill on final passage.

Mr. ABOUREZK addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MCCLELLAN. Mr. President, what is the parliamentary situation with respect to the exceptions made in the unanimous consent request on the adoption of amendments?

The PRESIDING OFFICER (Mr. ZORINSKY). The pending question is the one committee amendment on page 6 which has not been agreed to.

Mr. MCCLELLAN. Are there two amendments to which there were exceptions?

The PRESIDING OFFICER. There is only one on page 6.

Mr. JOHNSTON. Will the Senator yield?

The PRESIDING OFFICER. The clerk will state the committee amendment.

The legislative clerk read as follows:

On page 6, line 12, strike "$1,200,000" and insert "$10,700,000, of which $9,500,000 shall be available only for the uniformed Services of the Health Sciences, this $9,500,000 to remain available for obligation until September 30, 1978";

Mr. MCCLELLAN. May I inquire, what the clerk read covers all of the bill to which he raised exceptions?

Mr. FORD. The exceptions were made to the amendments on pages 5 and 6. It primarily deals with the additional funds, operation and maintenance, of the Uniformed Services University of the Health Sciences.

Mr. MCCLELLAN. Does the Senator have objection to considering both at the same time and having one vote on the two amendments?

Mr. FORD. I have no problem.

Mr. MCCLELLAN. I ask unanimous consent that the total exceptions be considered as one issue now pending before the Senate and that there be only one vote.

The PRESIDING OFFICER. Does that include pages 5 and 6, or just page 6?

Mr. JOHNSTON. Mr. President, reserving the right to object, if the Senator will yield, the two amendments, of course, go together.

Mr. MCCLELLAN. They go together.

Mr. JOHNSTON. There is no objection to that.

I think the Senator from Kentucky and I are willing to have a time limitation of a total of 30 minutes, 15 minutes on each side. The first vote would be on the question of germaneness, which I hope would be——

Mr. MCCLELLAN. That is a parliamentary issue.

We are trying to settle what is before us and we can just have one vote on the two-amendment issues.

Mr. JOHNSTON. My only problem is the Senator said one vote and I did not want——

The PRESIDING OFFICER. Obviously, the material, the amendment, starts on page 5.

Mr. FORD. Page 5, lines 11 through 23, and page 6, 11 through 15.

Mr. MCCLELLAN. My request, Mr. President, only applied to the issues raised by the exception to the amendment, not upon a parliamentary question of germaneness. That would be a completely separate issue.

Mr. FORD. I have an understanding with the Senator from Arkansas, if the Chair is willing, that I was to be allowed to make my points and we would debate the issue here, and I can make my point, raise my points of order, as to the amendment, is that correct, and get into germaneness at that time, if the Senator wants?

Mr. MCCLELLAN. Why not raise the point of order now?

Mr. FORD. It is all right with me. But the Senator from Louisiana and I have agreed we can do it in 30 minutes, 15 on each side.

The PRESIDING OFFICER. Is there objection to the half-hour limitation on the amendment?

Without objection, it is so ordered.

The Senator from Kentucky has 15 minutes.

Mr. FORD. Mr. President, I am beginning to feel the pressure of seniority on a new Member in this body. I assure my colleagues that I do not mind the lobbying that is going on as it relates to this, because I feel I am right, and when one feels he is right and his people are supporting him, I believe he should continue to wage that battle.

Mr. President, twice I have stood before this body in opposition to the Uniformed Services University of the Health Sciences, and I do so again today.

Mr. President, I object to the inclusion of advanced funding in this bill—$12,465,000 to be exact—for the university. The administration recently declared its intention of closing down the university, the House appropriated no funds in its version of the supplemental, and here we are giving the program life instead of cutting it off.

Health manpower needs can be met without a university at a savings of $112 million between now and fiscal year 1982 by simply increasing the active duty obligation of scholarship participants,

which will automatically give the Department the same number of staff years of physician services as would be obtained from both programs when operating concurrently.

The cost of Federal aid to health education is absurd when comparing the two programs. This cost existed before the university and will continue after the university—or continue regardless of what happens to the university.

The shortage of physicians is in specialties, in geography, rather than simple numbers.

The claim that military medical needs are not being met is not true, and only 6 percent of the total numbers of physicians assigned fiscal year 1977 are foreign trained.

I do not want to be misunderstood. I am not against having doctors for our Armed Forces. On the contrary, I think we owe it to those who serve and protect our country to give them the very best health care available. But we can do this and at the same time serve a larger constituency—the American taxpayer—by terminating the university, transferring its 32 students—only 32, Mr. President—to the armed services health professions scholarship program, and putting the buildings to another use.

As a means of obtaining adequate medical care for our military personnel, the Department of Defense has chosen the least expensive of the three options suggested last year by the General Accounting Office analysis of the scholarship and university programs: By simply increasing the initial active duty obligation of scholarship program participants, the Department will receive the same number of staff years of physician service as would be obtained from both programs operating concurrently—and at an even lower cost per staff-year than both programs get now. Let me emphasize this point: No expansion of the scholarship program is required and no expansion of civilian medical schools will be necessary.

The Defense Department estimates that closing the school would result in a $112.6 million savings in operation and maintenance costs between now and fiscal year 1982, and approximately $30 million annually after that. Since the Defense budget already includes funding for the scholarship program, these amounts are direct budget savings.

A few words regarding the cost of staff-years of expected service are in order. At $21,441 per staff-year, the scholarship program is the most cost-effective method of providing military physicians as compared to $26,236 for the university. Supporters of the military medical school are continually adding to the scholarship program the cost of Federal assistance to civilian medical schools so that the university will look like the bargain it is not.

Mr. President, Federal subsidies to medical education are independent of the existence of both the university and the scholarship program and will continue regardless of their fates. Both the GAO and the DMC have stated this very fact, and I cannot understand why the university's proponents persist in supporting it with false figures.

To those of my colleagues who will argue that, since tuition costs are rising, the cost of the scholarship program will increase too, I point out that the current distribution of DOD scholarship students indicates that these large increases will not impact greatly on the Defense Department; 38 percent of the scholarship students have a tuition cost of under $2,000; 32 percent, of $2,000 to $4,000; 22 percent, of $4,000 to $6,000; and only 8 percent, of $6,000 to $8,000. None are in schools having a tuition cost of over $8,000. Furthermore, as costs and salaries go up for civilian schools, so will they increase at the university.

The university is neither cost-effective nor an efficient use of resources. The GAO, the Defense Manpower Commission—DMC—and the House Appropriations Survey and Investigations staff report have all shown the university to be an inefficient method of providing military physicians. Perhaps the DMC study says it best:

> It is clear . . . that it would be efficient to terminate the USUHS today and rely upon the scholarship program. . . . The analysis presented in this paper indicates that the operating costs of the USUHS alone would exceed the costs of the scholarship program: Therefore, the USUHS would be an inefficient alternative even if the facilities were constructed and had no net value in alternative uses.

But the facilities do have alternative uses. The second and largest phase is only 15 percent finished. When the shell is completed, the interior can be redesigned and constructed according to the requirements of a new mission. Final disposition of the buildings has not yet been decided upon and will be up to both the Defense Department and the Congress. However, NIH and Bethesda Naval Hospital could easily use more space, to name two possibilities. Future savings in construction costs will be significant, ranging, I would guess, near $100 million.

It is argued that one of the best reasons for having a military medical school is that it will help increase the Nation's supply of doctors. I think we all agree that it is the responsibility of the Department of Defense to provide adequate health care for its dependents at the greatest savings to the taxpayer and that it is the primary function of the university to fill this role. Mr. President, not only is our often decried national physician shortage taking care of itself, I further submit this shortage is the business of neither the Defense Department nor the university.

Besides, how proponents of the university program can argue that it will help solve the problem is a little much. By the time the first full class of 175 students graduates, it will be 1983. By the time these doctors are ready to return to the civilian sector, whether because they have paid back their time or have had a 20-year career, the physician shortage may well be a physician surplus.

Fears of a physician shortage are exaggerated: It is ending. A revised preliminary report from the Manpower Analysis Branch of the Department of Health, Education, and Welfare projects the national supply of physicians to increase from 375,000 in 1975 to 517,000 in 1985, a 38-percent increase. The report also shows the percentage of non-U.S. trained physicians will decrease from 21 percent to 18 percent of the total supply. The AMA Journal for December 27, 1976, indicates that medical graduates from the 114 medical schools will increase 11 percent from 1977 to 1981. Between 1966 and 1976, graduates from medical and basic science schools increased 79 percent.

The Department of Defense is convinced that physician requirements can be met and be met more economically in the 1980's through a combination of the Armed Forces scholarship program and direct recruiting than by the Uniformed Services University of the Health Sciences.

First, retention rates in the military services are increasing. The variable incentive pay program was initiated in 1974 to enable military salaries to better compete with civilian salaries and has helped with recruitment of physicians. As a matter of fact, as of December 31, DOD had filled 11,080 of 11,648 authorized physician slots for fiscal year 1977.

Second, the scholarship student is a volunteer who has chosen to serve in the Armed Forces in return for a scholarship or perhaps because he is attracted to service in the Armed Forces. He will be obligated to serve a minimum of 5 years—1 year internship, 4 years payback—and up to 10½ years—1 year internship, 4 years residency, and 5½ years payback. The same argument so frequently applied to the university pertains here also: The longer a person stays in the military and accrues benefits and tenure, the longer he or she may be expected to serve. The increased duty obligation of the scholarship program added to the important element of the variable incentive pay plan results in a convincing argument that physician retention rates will increase significantly over the next several years. I would like to take the time right now to refute the argument that 99 percent of all scholarship program graduates serve only their 4-year commitment: Department of Defense statistics show that at least 50 percent serve more than the minimum time required.

One final argument, Mr. President. The other side often dwells on the need for specially trained physicians who are tailored for specific military needs. Aside from the fact that the military doctor spends most of his time engaged in the field of primary health care—the common cold and broken bones, if he needs special training, he can do it right here in the civilian world. Over an 8-year period, our 600 surgeons in Southeast Asia saw fewer traumatic vascular injuries—wounds to a major artery—than did the surgeons at Houston's Ben Taub Hospital from January 1969 to September 1973.

I heard in the committee the objection to foreign trained physicians.

The buildings that have been constructed can be used efficiently by other

Federal agencies, NIH, and the Bethesda Naval Hospital. The facts are clear.

Military manpower needs can be met another way. The buildings under construction can be utilized effectively by other Federal agencies.

The university was approved without careful cost-benefit analysis, a fact pointed out by the GAO study.

We are going to hear on this floor today that those figures are wrong and they want to bring in the health manpower help from HEW to our medical schools. That cannot be added in, because it is there now, and it is going to be there regardless of the decision on the university.

If we are concerned about the tax burden and the need to give the taxpayers the best use of their money, this appropriation should be deleted and the university terminated.

Mr. President, I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, I do not know what this Congress has to do in order to convince the President that we are serious about the uniformed services medical school.

This legislation first passed Congress in 1972—full hearings, full debate, full votes in both Houses of Congress. We came back and funded it in 1973. We funded it in 1974. We funded it in 1975. We funded it in 1976.

Now, Mr. President, $85.8 million has been appropriated for the school, with all the construction under contract. There is a cost underrun of $13.2 million, all the design is complete, with the first building virtually finished and the second building well along, and now the administration tells us that we should reexamine this thing and kill the medical school.

Mr. President, when we received that message, we had another hearing in the Appropriations Committee, and by a vote of 18 to 4 ruled that we should continue with the medical school.

Let me point out what is involved in this amendment and why it is so essential that we act today.

First of all, we have the first class that has been accepted in the medical school. The first class is underway.

Second, we have 35 full-time faculty members employed, with their lives and their professions invested in this school. We have 175 physicians from the private sector who are working with the medical school.

We had 2,500 applications that had been received for the 68 places in the class to start in September, and we have the whole school in motion ready to go.

What this amendment does is simply to fund the school through fiscal year 1978. Why fund it through fiscal year 1978? Because if we do not, all this staff, all these students, all this tremendous effort and funds that have been put into this school, based upon the Executive Order to discontinue, will be lost for this country.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. HUMPHREY. I just want to take a moment of the Senator's time to tell him that I am thoroughly in agreement with him. I believe it would be a serious mistake to retard in any way or to do away with this medical school. The Armed Forces medical school serves a vital purpose. In the long run, it is a money saver rather than a money user, and it gives some stability to the medical services for the Armed Forces. I am familiar with it. I know the head of the medical school. I think it is necessary. I thank the Senator for his efforts.

Mr. JOHNSTON. I thank the Senator from Minnesota for his good words. I know that he has been interested in this matter. Indeed, many Senators in this body, with the number of years this matter has been pending, have become familiar with it.

The Senator is correct in saying that this school actually will save money. According to the GAO, the cost per physician year—that is, the cost of putting a physician in the field—for the university is only $26,236; whereas, for the scholarship fund it is $32.068, when all the Federal costs are figured in.

Mr. President, I think the only reason why we ever have had this move to cut out the medical school was the concern as to what we might call a false accounting practice, whereby only the Department of Defense costs were figured on the scholarship funds, and they deleted a large amount of Federal funds from the actual cost of the scholarship program.

If we figure the full Federal cost, there is a saving of about $6,000 per staff year by going to the Uniformed Services University of Health Services.

Not only that, Mr. President; 40 percent of the cost of the scholarship program which is put up by the State is not at all figured into this. If we add that cost—which, after all, is a cost to taxpayers whom we represent—then it is a great saving to have the Uniformed Services University of Health Sciences, particularly when it is fully funded, fully appropriated, and almost complete.

Mr. President, 35 percent of the doctors now coming into the military, who are being recruited now, are foreign doctors. Of those, about 60 percent are not even American citizens. I believe we badly need a cadre of permanent officers who are willing to make a military career and military medicine their profession. Military medicine treats about 8 million to 10 million people; 9 million to 10 million Americans are dependent on military physicians. I think it is only appropriate that we continue an effort which we started more than 5 years ago.

The issue is very clear. This question of fiscal year 1978 funding is absolutely essential to settle this question once and for all.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. SARBANES. Mr. President, I commend the distinguished Senator from Louisiana and the members of the Committee on Appropriations for the action they have taken.

If ever there was a clear example of being pennywise and pound foolish, it is the proposal which the Secretary of Defense has put forth, to proceed to terminate the Uniformed Services University of the Health Sciences.

As has been so ably pointed out by the distinguished Senator from Louisiana, the construction of this project has proceeded so far that no savings of consequence are to be realized by termination especially when one realizes additional costs are incurred by termination. In this regard I note that this is a project which, very laudably, has come in below estimates.

Mr. JOHNSTON. The Senator is correct.

Mr. SARBANES. That does not happen often.

Second, as the Senator has pointed out, the savings in terms of the cost of education are like the old shell game. The Secretary looks only at the cost to the Defense Department. However, if you go to the existing medical schools to get your personnel—and it is not there, in any event—you will incur not only the costs reflected in the Defense Department budget but also the costs incurred by other Federal agencies, plus costs incurred by State governments or private entities responsible for providing that medical education.

So, in terms of total cost to the entire society, this is going to educate doctors at a lesser cost than the use of the scholarship program in terms of the total cost; is that not correct?

Mr. JOHNSTON. The Senator is very correct, and I appreciate his comments.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes remaining.

Mr. SARBANES. I again commend the Senator and strongly support his position. If we really want to make effective use of our resources, if we want to give the armed services a guaranteed source of trained medical personnel, and if we want to meet the broad medical needs of our society, then the way to do it is to press forward with this university and not to terminate it.

Mr. JOHNSTON. I thank the distinguished Senator from Maryland.

I yield 2 minutes to my distinguished friend from Hawaii.

Mr. MATSUNAGA. This is just for a brief question and statement.

I supported the measure when it was first proposed in the House of Representatives, and I do intend to support the Senator and his committee. I commend the Senator and his committee for taking the action that it has taken.

One question which has arisen, and I ask this so that the Senator from Louisiana may make a statement for the RECORD where readers of the RECORD may be better informed, the objection I have heard runs along these lines: "Well, that school is just going to be set up for special selectees who will be appointed by politics and favoritism and it is not going to be a school to which those who merit attendance or who will merit enrollment will be admitted."

Would the Senator care to comment on that?

Mr. JOHNSTON. I certainly would.

This school now has 2,500 applications, and they have been meticulously selected on the basis of merit, on the basis of grades, and on the basis of their potential for the school and for the military.

The Senator is very correct in feeling and in urging that the selection be continued as at present, and that is totally on the basis of merit. The Senator can be assured that will continue.

Mr. MATSUNAGA. How does one apply to go to that school?

Mr. JOHNSTON. Anyone can file an application. I think you have to meet the minimum requirements, be a college graduate, et cetera.

As I say, there are presently 2,500 applications pending. Just apply to the Uniformed Services Medical School.

Mr. MATSUNAGA. I thank the Senator and I again congratulate him.

Mr. JOHNSTON. I thank the Senator from Hawaii.

Mr. President, I reserve the remainder of my time.

Mr. FORD. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Kentucky has 11 minutes.

Mr. FORD. You know, we are hearing the same song, the same words, the same music we have been hearing for years. This is not just a new thing for the House and the Senate. It is something which has been going on for years before. If you want to check political history, check those who ascended to certain positions, who were very much in favor of this medical school, and see how quickly the Department of Defense agreed to it.

The Senator from Louisiana keeps using figures that he wants to use. He is trying to make this a foreign doctor amendment. I do not know where he gets his figures, but the Department of Defense states that only 6 percent of foreign doctors were accepted.

Now I have got him on his feet, and that is fine. He has his figures and I have mine, and he is not going to use my time, so I want to quote from a statement that was made to the Senator for a question and a statement made by Senator JOHNSTON to Dr. Smith.

Chairman JOHNSTON. How would these cost effectiveness analyses be affected when the "sunk" costs of University construction are considered? That is, even assuming their validity at program outset, would they now be favorable where already-obligated construction costs are removed?

Dr. SMITH. If the GAO analyses were to be updated to consider incremental costs from this point in time, the "sunk" costs of University construction would be larger and the amount of unincurred investment costs to be amortized would be smaller. This would definitely decrease the cost per staff year for University graduates; however, even if all construction costs were excluded from the calculation, the decrease would only amount to $1,208 per staff year (see page 22, GAO Report, May 5, 1976). The University cost per staff year would then be $25,028 ($26,236–$1,208), still higher than the Scholarship cost per staff year of $21,444.

Now, we hear the argument about esprit de corps, having their own medical school. I listened to the former Senator, now Congressman, PEPPER as he testified before this committee, and he was bragging about the esprit de corps, the dedication, the fine service, the fine health, and all the medical care he could receive at Bethesda and at Walter Reed. I wonder where these people came from? They did not come from the Uniformed Services Medical School; they came from private schools, from our civilian area. So I do not see that there is any more esprit de corps.

We hear a lot from those who say, "We need to train them in military wounds." Well, let me just give you a little something here that might be of interest.

The other side often dwells on the need for specially trained physicians who are tailored for specific military needs. Aside from the fact that the military doctor spends most of his time engaged in the field of primary health care, the common cold, broken bones, pregnancy, if he needs special training he can do it right in the civilian world.

Over an 8-year period—now, think of this—our 600 surgeons in Southeast Asia saw fewer traumatic, vascular injuries, wounds to a major artery, than did the surgeons in Houston Ben Taub Hospital from January 1969 to September 1973, a 4-year period.

The university is already built, we hear. Major construction is only 15-percent complete. When finished, the new building can be used by other governmental agencies, with a significant future savings in construction alone.

We can save there, and we can save by using the scholarship program, we can save the taxpayers twice. We need more military physicians, and the university is the only way we can get them, we hear.

DOD indicates that all military physician needs can be met by a combination of the scholarship program and continuing existing incentives. This can be done without any strain on the facilities which are expanding rapidly.

Mr. President, if we want to help on both sides, if we want to save the taxpayers $112.6 million and $14 million this year, I think we ought to give that consideration.

How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator has slightly over 8 minutes remaining.

Mr. FORD. The Senator from Louisiana does have about 3? If the Senator will use his and I will use mine——

The PRESIDING OFFICER. The Senator from Louisiana

Mr. JOHNSON. Mr. President, on the question of foreign physicians, I want to make clear I did not say we had 35 percent foreign physicians in the military. What I said was that 35 percent of the new recruits are foreign. In other words, the situation is bad, that is, 6 percent of the doctors now total are foreign, but 35 percent of the recruits are. I do not know what it would be next year without this medical school. Perhaps it would exceed 35 percent.

Mr. President, the distinguished Senator from Kentucky will make a point of order to this matter, and I shall bring to the floor the question of germaneness. It is a very simple question. And that is the question of whether or not this amendment, which forwards funds through fiscal year 1978, is germane to the question of funding for 1977 in effect. I think it is very clear that it is. There is no language written into this bill that makes it legislative in character. We are not trying to engraft a statute. All we are doing is trying to insure that fiscal year 1978 is funded in order that we will have a life of this medical school in fiscal year 1978. If we do not do that, if we do not agree to this amednment at this time, then all of the efforts that we have and $100 million which we have invested is likely to go down the drain and in the process we will be breaking faith with a lot of fine physicians who have signed on for a career of teaching there and for many students who are already in the school and already doing a job.

So, Mr. President, I will reserve the remainder of my time.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yied to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Has not this project been authorized?

Mr. JOHNSTON. Yes. The project was authorized in 1972.

Mr. McCLELLAN. What amount of funds has been authorized for its construction to date?

Mr. JOHNSTON. To date we have appropriated $85.8 million, but I might say that the whole matter is under contract, and it came through with a contract of $72.6 million or an underrun fo $13.2 million.

Mr. McCLELLAN. That is another issue and that is very good news that we do have one contract in process where the construction is being achieved for much less than the estimated cost.

I do not understand how we have been appropriating money for this project year after year unless appropriations were authorized in the beginning when the project was authorized.

Mr. JOHNSTON. The appropriations were authorized and have been authorized each year, not only the construction contracts but the maintenance and operation.

Mr. McCLELLAN. Separate authorizations each year?

Mr. JOHNSTON. Excuse me. O. & M. does not require brand new authorizations in this matter.

Mr. McCLELLAN. I do not understand. The what?

Mr. JOHNSTON. Operation and maintenance funds and personnel are not required for the operation of this medical school, I am advised.

Mr. McCLELLAN. I am not talking about the operation of it, the teaching and so forth. I am talking about the construction.

Mr. JOHNSTON. Yes.

Mr. McCLELLAN. This projcet was authorized.

Mr. JOHNSTON. That is right.

Mr. McCLELLAN. No question about that.

Mr. JOHNSTON. No question about that.

Mr. McCLELLAN. At the time of the authorization of the project establishing the authority to construct the project, was there not at that time an authorization of funds sufficient to carry out the construction?

Mr. JOHNSTON. Yes, there was.

Mr. McCLELLAN. It seems to me like it is authorized.

Mr. JOHNSTON. It absolutely is authorized.

Mr. McCLELLAN. We have not had a separate authorization for each appropriation we made for it, have we?

Mr. JOHNSTON. No, we have not, except for the——

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. McCLELLAN. Mr. President, I yield myself such time as I may use on the bill.

Mr. JOHNSTON. The Senator's question was: Was there more than one authorization for construction?

Mr. McCLELLAN. Have we each year been making an additional authorization or specific authorization for expenditures on the construction of this project?

Mr. JOHNSTON. The answer is yes.

Mr. McCLELLAN. We have been. But we are now at a point where there is no appropriation or where an additional appropriation is needed in order to continue construction.

Mr. JOHNSTON. That is right.

Mr. FORD. Mr. President, will the Senator yield?

Mr. JOHNSTON. There is no additional money needed for construction. What we are talking about here is the cost of operating the school for fiscal year 1978.

Mr. McCLELLAN. They do not need any construction money?

Mr. JOHNSTON. We do not need any construction money.

Mr. McCLELLAN. This is operating the school?

Mr. JOHNSTON. That is correct.

Mr. McCLELLAN. But there is no specific authorization for that; is that right?

Mr. JOHNSTON. Such authorization is not needed.

Mr. FORD. Mr. President, will the Senator yield?

Mr. McCLELLAN. All right. Just one moment. The distinguished Senator from Louisiana contends that no such authorization is needed.

I will be glad to yield.

Mr. FORD. I ask the chairman if he will yield to me a minute.

Mr. McCLELLAN. I yield.

Mr. FORD. I think he should be concerned. We are not authorizing construction money in this legislation.

Mr. McCLELLAN. All right.

Mr. FORD. We are authorizing operations money.

Mr. McCLELLAN. There is construction money still needed to carry on this project.

Mr. FORD. I know. But we are talking about the operation, materials and personnel, and it is only authorized a year at a time, and this is fiscal year 1977 appropriation. And we are authorizing 1978 appropriations money. We are extending the original authorization over into fiscal year 1978. I think the chairman of this distinguished committee probably realizes it may be that he should not be authorizing something that is going to happen in the next fiscal year, because we only appropriate 1 year at a time. We only authorize 1 year at a time.

Mr. McCLELLAN. We can authorize for longer than 1 year at a time. That is frequently done.

Mr. FORD. Operation and maintenance and military personnel, I find, is only authorized for 1 year In that specific case, I think that I am correct.

I am ready to submit my point of order, if the chairman is ready. Is the Senator from Arkansas prepared?

Mr. McCLELLAN. I yield the floor, Mr. President.

ADDITIONAL STATEMENTS SUBMITTED

Mr. BAKER. Mr. President, I wish to speak briefly in favor of this amendment, which would provide the funding required to continue in operation of the Uniformed Services University of the Health Sciences.

I believe it would be most ill-advised to terminate this program so auspiciously well underway. I fully agree with the Committee on Appropriations, which concluded that the arguments in favor of the University far outweigh those opposed.

It is time, Mr. President, to conclude this issue and establish, once and for all, the continued existence of this valuable source of physicians, not only for the military, but for the Nation at large.

I, therefore, urge my colleagues to vote against this amendment.

Mr. President, I commend the Appropriations Committee for including the $12 million in the pending supplemental in order to continue the operation of the Uniformed Services Health University for fiscal year 1978.

As the Senate knows, the January budget contained these funds but in a subsequent amendment by the new administration recommended that no funds be appropriated for fiscal year 1978 and that the school be closed.

Mr. President, at the outset let me say that with health care now one of the dominant issues in America today, it is unthinkable to close any medical school, regardless of whether its purpose is to furnish physicians for the Armed Forces or for our civilian population. And I hope the Congress will not close the one at issue today.

MILITARY DEPENDENCE FOR OVER TWO DECADES ON THE DOCTOR DRAFT

Mr. President, the decision of whether the medical school will continue to exist is a crucial issue for the future of military medicine.

I would remind the Senate that for over 20 years our Armed Forces were dependent on the so-called doctor draft provisions for acquiring physicians needed for the Armed Forces. The issue first arose in the late 1940's when legislation was enacted to provide an additional $100 per monh in compensation in the hope that this sum would stem the resignations and provide some inducement to volunteers for the Armed Forces When the Korean war began in 1950, there was no alternative but to provide a special draft for physicians which was continued as a part o fthe draft laws until their expiration in 1972. As the saying goes—

We can fight a war without lawyers but not without doctors.

This authority was unique since a person was compelled to serve on active duty on the basis of his profession.

Today there still remain on active duty repaying their obligated service a small number of physicians who entered active service under the draft provisions.

DEPENDENT NOW ON PHYSICIAN VOLUNTEERS

It was realized with the end of the draft in 1972 that the only means for providing volunteer physicians in adequate numbers for the Armed Forces was some means of medical school scholarships under which the graduates would serve certain minimum obligated periods in return for Federal financial assistance.

The legislation enacted in 1972 provided for two programs to obtain physicians. These programs were complimentary, not competitive. First the scholarship program for civilian medical schools was authorized under which the graduates would serve on active duty 4 years. The second source was the Uniformed Services Health University created in the act whose graduates would be obligated to serve for 7 years on active duty following graduation. Under both programs, additional periods of obligated service would be required for intern and residency training.

The purpose of the medical school was twofold, first to provide a nucleus for career physicians in the Armed Forces. It is anticipated that about 75 percent would continue in active service for an entire military career. It is planned that eventually the medical university will provide about 20 percent of the physicians on active duty in the Armed Forces. The civilian scholarship program will always be the dominant source for medical officers.

The Senate might recall that one of the problems during the years of the doctor draft was a low level of medical experience in the Armed Forces due to the constant 2-year turnover of physicians. At one time, over two-thirds of all the physicians in the Armed Forces had less than 2 years' medical experience.

The second purpose was to provide a unique school with a curriculum, which in addition to the traditional courses, would include those essential for military medical training, such as the problems involved in mass casualties, trauma, combat surgery, medical logistics, and the like.

One added benefit would be the retention of outstanding military physicians who might wish to participate in academic medicine during their career but who would leave active duty because of the absence of such an opportunity.

The school which by law was located in Bethesda, Md., would have available to it the unique clinical facilities already in

existence at the Naval Hospital at Bethesda, Walter Reed, Malcolm Grow at Andrews Field, and those at the National Institutes of Health. Because of these facilities, new construction could be limited to two buildings.

WHAT HAS HAPPENED

In the over 4 years since its statutory authorization, a distinguished Board of Regents under Mr. David Packard, has proceeded to the point where the school is now operating. One building is 87 percent complete; the other is 20 percent complete. It should be noted that these buildings received an appropriation of $79.9 million, but the latest cost estimate is only $66.5 million, with a saving to the Government of $13.2 million. A faculty including 50 full-time civilian members have been appointed. The first student class of 32 out of over 1,700 applicants was entered last fall. The second year class of 62 out of over 2,500 applicants have been selected for entrance in the fall of 1977. Academic accreditation has been granted. The school will eventually have 700 medical students and graduate 175 per year.

The important fact, Mr. President, is that the school is now operating.

POSITION OF CIVILIAN MEDICINE

Mr. President, in the early 1970's the creation of the school was opposed by some segments of American civilian medicine. This opposition was mainly on the premise that it represented Federal intervention in medical training which traditionally was reserved to the States and private institutions.

Insofar as I know, these reservations have disappeared. On the contrary, there is support from American medicine. Last week, one of those who testified in strong support of the school and in opposition to its closing was Dr. John E. Chapman, currently dean of the school of medicine at Vanderbilt University.

ARGUMENT ON COST

One argument put forth by the administration is that it is possible to train all the physicians for the Armed Forces in civilian medical schools. Further money will be saved if we close the institution now.

Mr. President, I am convinced that this cost argument has no merit. Studies conducted by the General Accounting Office indicated the following:

First. In terms of the cost per year of expected active service from the graduates of the civilian scholarship program, the total cost to the Federal Government is $32,068. This covers the cost to all departments, Defense, and HEW. The cost per year for the scholarship program to the Department of Defense is only $21,444 which is the figure used by the Department for comparative purposes.

Second. On this same basis, the cost for the medical university per year is $26,236.

It should also be noted that the GAO report indicates that the total cost to train a physician at the university would be about $184,000 as compared to $188,000—the national average for civilian medical schools.

Commonsense also indicates that there could not be much merit to the cost argument. Construction costs are about the same whether the buildings are to be used as a military or civilian medical school. The same equipment is used in all hospitals. The faculty by law is paid on a scale equivalent to that prevailing in the District of Columbia for similar jobs.

Incidentally, as I have already indicated, the total cost of these two buildings will be over $13 million below the appropriated figure of $79.9 million.

SO-CALLED ONE TIME SAVINGS

Mr. President, the so-called one time savings from termination are highly questionable. About $40 million in construction has already been obligated. There would be costly termination expenses involved with any contract cancellation. On the other hand, it is possible that efforts would be made to complete the buildings which would result in no savings at all, but additional expenses if converted to other use.

TWO SCHOLARSHIP STUDENTS REQUIRED FOR EACH UNIVERSITY STUDENT

Another cost factor that has not been considered is the fact that about 1,500 scholarships in civilian medical schools would be required to equate to 700 students in the medical university. This 2:1 ratio would be required due to the longer military service which could be expected from those graduating from the university. In other words, two students must be in the pipeline in civilian scholarships for each one student in the medical university.

Putting it another way, it would take three civilian medical schools of 500 students each to provide the same number of physicians for the Armed Forces as the medical university.

In summary, the executive branch has presented no case on the cost argument.

OPPOSITION WITHIN THE EXECUTIVE BRANCH

Mr. President, from the time of its original consideration in the Congress, there has been constant and determined opposition by certain civilians within the executive branch. Mr. Nixon received advice which he did not accept to veto the original legislation authorizing the university. The same opposition has continued.

I would like to quote from the program/budget decision memorandums for fiscal year 1978:

> It is an inappropriate role for the Federal Government to play. The Federal Government should not be competing with private institutions and state governments to produce and have licensed physicians.

This PBD, as it is called, was approved and resulted in the pending recommendation to the Congress to close the university. This decision, according to testimony, came up only through the budget channels. Those having substantive responsibility were not consulted.

ISSUES OF FEDERAL FINANCIAL PARTICIPATION

Mr. President, if the concern of OMB is with Federal financial assistance to health care, the pending appropriation item of some $12 million is hardly the place to start.

I would like to cite a few figures, all taken from the official fiscal year 1978 special analyses budget document:

In 1978, Federal spending for health programs will total $56 billion. This sum includes, of course, the medicare and medicaid programs. Included within this sum are also some other significant amounts: $1.9 billion for health training and education, mainly for students; $1.24 billion in funds for medical schools; $1.3 billion for health care facility construction; $308 million for health planning and statistics, including $42 million for general purpose statistics.

On page 204 this document states:

> The Federal Government now pays almost one-third of all health expenditures in the country. That includes more than 60 percent of the costs of medical research, 45 percent of health facilities, 40 percent of medical education and 30 percent for health services.

These figures speak for themselves.

THE ISSUE OF WHO SPENDS THE FUNDS

Mr. President, also without merit is argument that something is wrong with expending the funds directly to a Federal agency rather than going through the grant process. The medical university is controlled by a stautory Board of Regents, most associated with civilian medical education except the Chairman, Mr. Packard, Former Deputy Secretary of Defense.

There has never been any indication that this school would be other than first rate, in terms of faculty, curriculum and student body. The only funding difference would be that the Federal money goes directly to universities rather than through grants to civilian medical schools. I have heard of no complaints from civilian medical schools that the medical university poses unfair competition.

TOO MANY DOCTORS?

There has been some intimation that in the years ahead too many doctors will be graduated from civilian medical schools and the university constitutes unfair competition as the PBD indicates. In view of today's health care problems, that is certainly a risk that I, for one, am willing to take. One purpose of the medical university was to assist in a small way with its 175 yearly graduates in relieving the civilian medical schools of the complete burden of medical training for the Armed Forces. This relief will provide for additional spaces to the other special civilian programs, such as rural physician problems. It will also relieve the States and private institutions of whatever financial burden the absence of the medical university will impose.

At any rate, the annual output of 175 physicians could not under any stretch of the imagination contribute to flooding the market with physicians where the output is now about 13,000 per year.

NO RENEGING ON COMMITMENT

Mr. President, the Medical University was debated at length about 6 years ago and the issue was settled with the permanent law authorizing the institution. The 1972 statute contained no language

that the university would be created only until the "OMB decided it should be closed."

Commitments have long been made. The faculty has been appointed; the first year students have been admitted; the second year accepted; construction is partially completed. The medical university should not be an annual political football to be fought over as a part of each annual budget. Under this premise, the Congress each year could question whether to close the Military Academy at West Point and the Naval Academy at Annapolis on the theory that all the career officers could be acquired through the ROTC program.

NEED FOR RAPID DECISION

Mr. President, I commend the Appropriations Committee for including these funds as a part of the supplemental appropriation. If the fate of the medical university is not to be determined until the regular Department of Defense appropriation is passed by the Congress late this summer, the indecision during this period will be most damaging. It places the entire institution in limbo. Faculty members already appointed cannot afford to wait until the end of the summer to see if they are to be retained. Students may not wish to wait. All sorts of decisions will be hanging in the balance for several months.

The Congress should decide this issue now and should decide in the affirmative.

CONCLUSION

Mr. President, the continued existence of the university is not only crucial for military medicine, they are also important issues for the Congress.

It would be a mistake for the Congress to place sole reliance on civilian scholarships for providing military physicians. If this school is closed, it could not be recreated at any time in the foreseeable future. We would not know for years whether the civilian scholarship program alone could completely satisfy military needs.

Every Senator knows that adequate medical care must be provided for the men and women of our Armed Forces as a matter of military necessity.

If this school is closed and the day should come when the doctor draft must be reinstated, the Congress will have only itself to blame. The termination of the university can only contribute to the necessity of the draft renewal in the future.

Mr. President, this medical institution should be developed as the Congress mandated in 1972—not terminated.

Mr. PROXMIRE. Mr. President, before exploring some of the myths surrounding the arguments in support of the Uniformed Services University of the Health Science, I want to compliment my friend from Kentucky (Mr. FORD) for his persistent leadership in guarding the public's purse while seeking more efficient ways of increasing the number of physicians available to our society. After all, that is the principal issue here—what is the best way to educate and graduate physicians. No one disputes the need. No one argues against the requirement for military physicians. No one claims we can do without more physicians. The issue simply is what is the most efficient way of getting these physicians into military life.

PHYSICIAN SHORTAGES?

We are likely to hear many stories here today about the lack of physicians or the maldistribution of physicians or the needs of military families or the desperate condition of health care in the United States. Every one of these statements will be extraneous. That is not the issue. The issue is tax funds and physicians. How to get more physicians for less money.

Now the easiest thing we could do would be to say that we do not care about economy—that we do not care about costs, that we do not care about savings recommended by the President and Secretary of Defense—that we do not care about the burden on the taxpayers. That is the easy answer—simply spend tens of millions of dollars for military physicians without regard for efficiency or effectiveness or costs. Just open the Federal coffers and let the money roll out. And hope that by spending more and more money that will solve the problem. We could throw money at the problem until it goes away.

Mr. President, we could just ignore the economies that the President has requested—just turn our backs on the projected savings of $14 million this year and $112.6 million by 1982. We could raise the defense budget by putting funds for the university back in.

ECONOMY VOTE

But I hope we would be more responsible than that. How can I say more responsible? Because of a simple fact. Every impartial study of the university program versus the scholarship program indicates that it is far less costly to train our military physicians by scholarship than by operating a huge $80 million military university which at its peak will only produce 17 percent as many graduates. Think of it. We are investing $80 million into a building and $14 million a year in operating costs for a graduating class of only 175 students while at the same time the scholarship program graduates 988 a year.

How do we compare the costs of the two programs? Well, the General Accounting Office has compiled a 50-page report going into every conceivable variable. For example, they specifically looked at the difference in the retention rates required by the university, which is 7 years, compared to the scholarship program which is 4 years. They drew the conclusion that even considering the expected return based on staff years of service, even figuring in the different retention rates—still the scholarship program was much more economical than the university.

DEFENSE MANPOWER COMMISSION

Now does the GAO stand alone? No, indeed. Several years ago the Senate created a special Defense Manpower Commission and funded it at about $2 million. Senators BAKER and BENTSEN were the cosponsors of this legislation. The idea was to find ways where we could save money in defense manpower.

And what did this national commission conclude? They concluded that the university program was so ineffective that you could go ahead and build the $80 million building, let it stand idle, and still operate the scholarship program more cheaply.

No one is proposing we let that building stand idle. But that is just an indication of the magnitude of difference in the efficiency of producing physicians under each program.

Do the GAO and Defense Manpower Commission stand alone? No. They have been joined by Secretary Richardson when he was the Secretary of HEW and also when he was at the Defense Department. He looked at the university program and found it wanting. He opposed it.

Anybody else? Well, the President and Secretary of Defense oppose the university on economic grounds. Even under President Ford, the Office of Management and Budget recommended the university be killed, but the Ford administration did not accept this position.

There are other reports, of course. The House Appropriations Committee surveys and investigations staff report for one. And reports by various health consultants to HEW and DoD.

I point out these facts to emphasize that what the Senator from Kentucky is doing here is backed up by the most exhaustive analysis you would want on any project.

This is an economy vote—pure and simple. This is a vote of the big spenders versus the economy-minded advocates. This is a vote based on thorough analysis by several Federal and legislative organizations.

Unfortunately, Mr. President, a discussion of the specifics of the university versus the scholarship program have been clouded by propagation of a number of myths.

Let me take each in turn:

FACT AND FANCY

Myth No. 1: "The University is a less expensive means of procuring physicians for the services than the scholarship program." Now let us get right to the heart of this myth. It is built on a letter report to the House Armed Services Committee by the GAO. The House committee specifically instructed the GAO, over their vocal objections, to include in the analysis the fixed cost of the HEW budget going to civilian medical schools. The Comptroller General, in this very letter to the House committee, said although they were doing the computation the way the committee had forced them to, it was not valid. It is not a mathematically or economically correct comparison. It was a set up. The Defense Manpower report said the same thing. So these so-called facts that the GAO said the university is cheaper are a distortion. How can anyone check? Just ask the GAO. They put it in writing and they will say it in public.

The real facts are that the university is far, far more expensive than the scholarship program. Up to $160,000 more ex-

pensive per student per educational costs; $5,000 more expensive per staff year of experienced service.

Myth No. 2: "There is a shortage of military physicians." Listen for a moment to what the Defense Department has to say about this. And remember that if anyone knows about military physician shortages it should be the Defense Department:

The National supply of physicians will increase from 375,300 in 1975 to 517,200 in 1985 an increase of about 38 percent. The percentage of non-U.S.-trained physicians will decrease from 21% to 18% of the total supply. Graduates from 114 medical schools will increase from 13,961 in 1977 to 15,512 in 1981 an increase of 11% in just four years. Graduates from medical and basic science schools increased 79% from 1966 to 1976.

Retention rates for physicians in the military are swinging up because of the volunteer aspect of the program now under the scholarships concept. Those who enter the program in their first year of medical school will be obligated to serve a minimum of 5 years and up to 10½ years in payback.

I am quoting from the Department of Defense now:

In summary, the DOD is convinced that physician requirements can be met in the 1980's more economically through a combination of the scholarship program and direct recruiting. Notwithstanding the controversy over the federal subsidy, the bottom line of the federal budget will be a $20–$30 million less during the period FY 79–82 if the decision to close the University is upheld by the Congress.

Myth No. 3: Foreign-born physicians. The argument is going around that we should be worried about the number of foreign born physicians in our military. Foreigners actually treating our troops. Well, first of all the statistics show only an 8 percent foreign-trained recruitment for fiscal year 1976 and only 6 percent totally in DOD. The source of my figures is the Department of Defense.

Second, let us just think a minute about being worried about being treated by someone born in another country. There is an explicit prejudice involved here. All these physicians must be accredited for practice in the United States. They must all meet our tough standards.

Third, consider for a minute the contribution of foreign born scientists to our country. About half of the Nobel Prize winners were born overseas. Should we reject them—not let them contribute to our society?

In short, Mr. President, this argument about foreign-born physicians is just plain absurd—if not worse.

Myth No. 4: "We already have the building so why not keep going since $80 million has been sunk into the project."

In reality, Mr. President, construction of the primary building is only 15 percent complete. By turning this building over to another Federal tenant now projected to require a new building, there can be significant savings in future construction costs. In other words, the taxpayers are going to get a double savings by closing down the University. One savings by producing physicians through the cheaper scholarship program and one savings from not having to build a facility for some other Government agency.

(This concludes additional statements submitted on Uniformed Services University of the Health Sciences.)

Mr. FORD. Mr. President, I raise a point of order that on page 5 of the bill, lines 11 through 23, and page 6, lines 10 through 15, the matter contained therein is not authorized since it relates to operation and maintenance and military personnel accounts authorized for only 1 year and since the language contained therein expressly carries over to a second fiscal year in remaining available for obligation until September 30, 1978.

Further, I point out that under 10 U.S.C. 138 no funds for civilian or military personnel shall be approved until there is an end strength authorized for that fiscal year and in this case there is no such authorization.

Further, I point out that the first budget resolution for fiscal year 1978 has not yet been passed and incorporation of funding for fiscal year 1978 by the language "to remain available for obligation until September 30, 1978" is new spending authority which is not in order under section 303(a) of the Congressional Budget Impoundment and Control Act of 1974.

Further, I ask the Chair, should the Chair sustain point of order on the lack of authorization, whether or not a question of germaneness could then lie against the point of order in view of the fact that there is no House language on this matter.

Mr. JOHNSTON. Mr. President, I raise the question of germaneness. This provision is germane to the funding for the Defense Department provided in pages 5 through 7 of the bill and in my judgment is not a legislative matter since it adds no language but simply forward funds for fiscal year 1978.

Could I get an opinion from the Chair?

The PRESIDING OFFICER. Under rule XVI, paragraph 4, questions of relevancy of amendments to a general appropriation bill when raised must be submitted to the Senate and decided without debate. However, in submitting this question to the Senate, the Chair wants to advise the Senate that under the precedents the question of germaneness, when raised after a point of order has been made that the language is legislation on an appropriation bill, tolls the point of order if the Senate decides the question of germaneness in the affirmative, and those precedents have uniformly held in such a situation that "an amendment legislative in character is in order on a general appropriation bill if it is germane to the language as passed by the House." Thus, "if the House of Representatives opens the door by incorporating legislation in a general appropriation bill, the Senate has an inherent right to amend such proposed legislation, and to perfect that language, notwithstanding its rules."

Therefore, since there is no House language involved here, the Chair thinks that the question of germaneness is not properly raised, but submits the question as he must under the rule.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

Mr. McCLELLAN and Mr. FORD suggested the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FORD. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The call of the roll was resumed.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Is the committee amendment on page 5, lines 11 through 23, germane? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Georgia (Mr. TALMADGE), and the Senator from Idaho (Mr. CHURCH) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The yeas and nays resulted—yeas 56, nays 30, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—56

Allen	Hansen	Metcalf
Baker	Haskell	Morgan
Bartlett	Hatch	Nelson
Bellmon	Hatfield	Nunn
Bentsen	Hathaway	Percy
Brooke	Helms	Randolph
Burdick	Huddleston	Ribicoff
Cannon	Humphrey	Riegle
Case	Jackson	Sarbanes
Chafee	Javits	Sasser
Curtis	Johnston	Scott
Danforth	Laxalt	Sparkman
DeConcini	Leahy	Stafford
Dole	Mathias	Stennis
Domenici	Matsunaga	Stevenson
Eagleton	McClellan	Wallop
Eastland	McClure	Weicker
Gravel	McIntyre	Young
Griffin	Melcher	

NAYS—30

Abourezk	Ford	Muskie
Anderson	Garn	Pell
Biden	Glenn	Proxmire
Bumpers	Hart	Roth
Byrd, Harry F., Jr.	Heinz	Schmitt
	Hollings	Schweiker
Byrd, Robert C.	Kennedy	Stone
Chiles	Lugar	Williams
Clark	McGovern	Zorinsky
Culver	Metzenbaum	
Durkin	Moynihan	

NOT VOTING—14

Bayh	Inouye	Stevens
Church	Long	Talmadge
Cranston	Magnuson	Thurmond
Goldwater	Packwood	Tower
Hayakawa	Pearson	

The PRESIDING OFFICER. The Senate having decided that the amendment is germane, the point of order falls.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was found to be germane.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. May we have order so I may ascertain whether there are any other amendments on this bill?

The PRESIDING OFFICER. The Senate will be in order. The question now recurs on the amendments.

The amendments were agreed to, as follows:

On page 5, beginning on line 11, insert:

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", $1,167,000, to remain available for obligation until September 30, 1978.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military personnel, Navy", $888,000, to remain available for obligation until September 30, 1978.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military personnel, Air Force", $910,000, to remain available for obligation until September 30, 1978.

On page 6, line 12, strike "$1,200,000" and insert "$10,700,000, of which $9,500,000 shall be available only for the Uniformed Services University of the Health Sciences, this $9,500,000 to remain available for obligation until September 30, 1978";

UP AMENDMENT NO. 129

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

Mr. EAGLETON. Will the Senator from Pennsylvania yield?

Mr. HEINZ. I am happy to yield if I know who is asking me to yield.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself, Mr. PACKWOOD, and Mr. BIDEN, proposes unprinted amendment numbered 129.

On page 28, line 20, immediately after the numeral "III", add ", X".

On page 28, line 21, strike "$68,479,000" and insert in lieu thereof "$73,479,000".

Mr. EAGLETON. Mr. President, I want to address a question to the Senator from Pennsylvania.

Twenty Missourians are in town to meet with the Secretary of Defense on a base closure in my State. The Senator from Pennsylvania can appreciate the sensitivity of that. I have an amendment of which Senator BELLMON is aware which was requested by the President for agricultural benefits. Will he yield for 30 seconds so we may run this through?

Mr. HEINZ. I yield to the Senator as long as I do not lose my right to the floor.

Mr. EAGLETON. Mr. President, I send to the desk an amendment to the bill and ask for its immediate consideration.

The PRESIDING OFFICER. It will take unanimous consent to lay the amendment of the Senator from Pennsylvania aside.

Mr. EAGLETON. I ask unanimous consent that the amendment of the Senator from Pennsylvania be temporarily laid aside to take up my amendment, and that his amendment, upon disposition of mine, be the next order of business.

Mr. ALLEN. Will the Senator yield for a moment?

Mr. EAGLETON. Yes.

Mr. ALLEN. With respect to that request, would he request that it be laid aside for 5 minutes?

Mr. EAGLETON. That will be fine.

I amend my request to ask unanimous consent that the amendment of the Senator from Pennsylvania be laid aside for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UP AMENDMENT 130

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Missouri.

The assistant legislative clerk proceeded to read as follows:

The Senator from Missouri (Mr. EAGLETON) proposes Unprinted Amendment 130.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Following Line 26, P. 4, insert the following:

FARMERS HOME ADMINISTRATION

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural Water and Waste Disposal Grants," $75,000,000.

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount for the "Rural Development Insurance Fund" for "water and sewer facility loans," $150,000,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURE CONSERVATION PROGRAM

For an additional amount to carry out the Agricultural Conservation Program, $100,000,000, to incur obligations for the period ending September 30, 1977, and to liquidate such obligations for soil and water conserving practices in major drought areas as designated by the President or the Secretary of Agriculture: *Provided*, That not to exceed one per centum of the amount herein may be withheld and allotted to the Soil Conservation Service for services of its technicians in the designated drought areas: *Provided further*, That emergency assistance herein authorized shall be made available in accordance with standards and criteria as developed and approved by the Secretary of Agriculture.

Mr. EAGLETON. Mr. President, this amendment is a three part amendment. The first part would add $75 million in new budget authority for the rural water and waste disposal grant program within the Farmers Home Administration in the Department of Agriculture. The second part would provide an additional $150 million in loan authority to enable the Farmers Home Administration to increase its water and sewer facility loan program for the current fiscal year. The third and final part of the amendment would provide $100 million by direct appropriation for the agricultural conservation program for the balance of this fiscal year.

All of these amendments have been requested by the President and the committee has received the official budget estimates and justifications. These data were received too late, however, to enable these requests to be considered by the subcommittee and by the committee prior to the markup sessions. These additional requests are a part of the President's supplemental for designated drought areas.

For fiscal year 1977, Congress provided $200 million for the water and waste disposal grant program. The Ford budget proposed $50 million for fiscal 1978, but the original Carter revision increased this by $150 million and returned it to the 1977 appropriation level.

For the loan program, the 1977 level was $600 million, and this figure was proposed in both the Ford and Carter budget estimate for fiscal year 1978. These loan funds, of course, would be utilized in connection with the grant funds previously described.

For the agricultural conservation program, the 1977 appropriation bill authorized a program of advance contract authority of $190 million. The Ford budget proposed to eliminate this program for the forthcoming fiscal year, as previous administrations have been proposing for several years. The Carter budget proposed to restore the program at the $190 million level for fiscal 1978. The latest supplemental estimate would increase this by $100 million, and this would be by direct appropriation, rather than by contract authority as provided in the regular bill.

While the subcommittee has not had the opportunity to hold separate hearings on these individual supplemental estimates, we did go into these programs during our regular hearings on the regular bill for fiscal 1978 and the supplementals for the current fiscal year. The record will clearly show that the demand for each of these programs exceeds even the total amounts which would result from approval of these latest requested additions.

Mr. President, I understand that the Department is prepared to proceed immediately with the obligation of these additional funds upon passage of the bill. The potential projects are ready to proceed in the drought areas. This is clearly evidenced by the fact that the Department predicts that of the $75 million in water and waste disposal grants, we can anticipate actual outlays of $30 million before the end of this fiscal year. Of the $100 million for ACP, $33 million will result in actual 1977 outlays. The

remaining amounts for each program would result in outlays in fiscal year 1978.

These are programs which the Congress has considered many times before. They are proven programs and have been shown to be successful over a period of years. Given the added impetus of the drought situation and the emergency nature of it, I recommend that these funds be included in the pending supplemental.

Mr. President, I believe Senator BELLMON has cleared these amendments. I know the Senator from North Dakota has. I yield to my distinguished chairman.

Mr. McCLELLAN. This is a total of $325 million for the three items?

Mr. EAGLETON. Yes, $75 million for rural water and waste disposal, $150 million for water and sewer loans, and $100 million for the agricultural conservation program. This is a total of $175 million in new budget authority and $150 million for loans.

Mr. McCLELLAN. I thank the Senator.

Mr. EAGLETON. Mr. President, I move adoption of my amendment.

Mr. McCLURE. Will the Senator yield?

Mr. EAGLETON. Yes.

Mr. McCLURE. Is this within the ceilings of the budget already established in the existing resolution?

Mr. EAGLETON. It is within the overall total of ceiling limitations.

Mr. McCLURE. But when the Senator is talking about the ceilings that have been submitted, he is talking about the 1978 fiscal year. This is for 1977.

Mr. EAGLETON. They are within the 1977 total.

Mr. McCLELLAN. Will the Senator yield to me a moment?

Mr. EAGLETON. Yes.

Mr. McCLELLAN. I just talked to the distinguished chairman of the Budget Committee a while ago (Mr. MUSKIE), and he told me these are all within the budget authorization.

Mr. McCLURE. Did I understand the Senator from Arkansas to say that they are within the ceilings established within the third concurrent resolution?

Mr. McCLELLAN. That is what I am advised by Senator MUSKIE.

Mr. McCLURE. Does the Senator from Oklahoma agree that is the case?

Mr. BELLMON. Mr. President, there is room for this amendment, but this is going to make the budget limits very high. There will be no room for any additional funding after this has been approved.

Mr. McCLURE. I thank the Senator for yielding.

Mr. EAGLETON. Mr. President, I thank my distinguished colleague from Pennsylvania for yielding.

I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. EAGLETON. I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EAGLETON. Mr. President, the Agricultural chapter of the pending supplemental provides a total of about $1.5 billion—$1,521,835,000—in new budget authority. This is about $721 million—$720,741,000—over the budget estimate and about $52.8 million—$52,841,000—over the House bill.

The House considered budget estimates of about $751 million—$751,094,000—most of which was reflected in the food stamp program, $720 million. They approved those budget estimates in each case and added $717,900,000. Those additions consisted of:

1. $710 million for the Commodity Credit Corporation to reimburse for net realized losses. This amount was originally contained in the 1977 budget estimate and was eliminated from the regular bill for 1977. It is also contained in the budget estimate for Fiscal Year 1978. The effect of the House action is to move this appropriation up from the 1978 bill to Fiscal 1977 as originally budgeted.

2. $3,300,000 for the Federal Grain Inspection program. These funds will be used to provide initial capital for the inspection program which will be funded on a user fee basis and will provide training and administrative costs to get the program in operation.

3. $4,100,000 for Animal and Plant Health Inspection Service for its Mediterranean Fruit Fly control program. The Department originally requested this amount be made available by transfer from the Fire Ant control program. When this proposed transfer was objected to by the House, the House then provided this amount by new appropriations.

4. $500,000 for the Extension Service to begin implementation of the Farmer-to-Consumer Marketing Act which was enacted October 8, 1976, too late to be considered in the regular 1977 bill.

The committee recommends approval of these House-added items and has recommended the following additions:

1. $1,041,000 for Animal and Plant Health Inspection Service for the Citrus Black Fly control program. This is a serious problem in Florida and the estimates included $559,000. It developed that this amount was not sufficient to initiate an adequate program. With the recommended increase, total funding will be $1,600,000.

2. $1,500,000 for a control program for the Range Caterpillar in the Southwest, particularly New Mexico.

3. $300,000 for additional research for pseudorabies.

4. $50 million for Subscription to Capital Stock for the Federal Crop Insurance Corporation. Following House action on the bill, the Department submitted a supplemental estimate for an additional $50 million, conditioned on the enactment of pending legislation to increase authorization. So, this amount is over the House bill, but is the budget estimate.

That, Mr. President, highlights the agricultural chapter in the bill. If anyone has any questions, I shall be glad to have them.

UP AMENDMENT 129

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Pennsylvania.

Mr. HEINZ. I thank the Chair.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HEINZ. Mr. President, I offer this amendment on behalf of Senator PACKWOOD, Senator BIDEN, and myself. The purpose of the amendment is really quite straightforward. It adds $5 million to the family planning project grants appropriation. In doing this, what I seek to achieve is to fulfill a commitment that I believe is widely shared throughout this Nation, that we must provide women with a viable and effective alternative to abortion.

For fiscal year 1977, the Congress authorized $115 million for family planning project grants under section 1001 of the Public Health Service Act. Thus far, we have appropriated only $107.5 million of that sum. This amendment seeks to add another $5 million in appropriations for fiscal year 1977 to that amount, bringing the total of $112.5 million, still under the authorized amount. That money, of course, would be for fiscal 1977, which, I point out to my colleagues, runs until September 30 this year. So we are only about half way through the year.

The reason that there is such a need is that there is an immediate pressing shortfall in funds that has forced women across the country to forego the benefits of family planning services.

We are reaching a point in too many areas of this country where the number of abortions is fast reaching the number of live births. I think it is a very tragic miscalculation to underfund family planning. But that is exactly what we have done this fiscal year. Right now, there are qualified, good, solid family planning programs in virtually every area of the country that are in grave danger because the money that they need simply is not there.

Let me give you a few examples. These are very troubling conditions.

HEW's office for region V reports that it will be unable to fund nearly $800,000 worth of family planning project grants that have already been approved as necessary and desirable.

HEW's office for region IX reports that at this point, it is unable to fund seven family planning projects that have already been approved because of a $700,000 shortfall.

In Iowa, HEW has been unable to meet requests for legitimate expansion of current services amounting to $100,000, even though those requests have already been approved for fiscal year 1977.

In Missouri and Nebraska, HEW has fallen $155,000 short of meeting approved requests just for maintaining services at their current levels.

The only way that HEW will be able

to fund a $1 million family planning project in Washington, D.C.—where abortions already exceed live births and where illegitimate births exceed legitimate ones—is by taking that money away from other approved requests in region III, which includes my own State of Pennsylvania.

Mr. President, I do not know whether these examples indicate that we are facing a crisis in the fight to provide alternatives to abortion—I think they do—but I know that we have not done the job we need to. It is a very minimal amount we are asking to get on with that job. We are falling behind in our commitment and we are falling behind in the work that needs to be done. I do not believe, no matter what we intend to do in fiscal 1978, that we can afford to fall any further behind on this job than we are right now and I do not believe we can afford to defer until next year a job we ought to be doing right now.

Mr. President, I am sure my colleagues are aware that the administration has expressed its full support for establishing a program of alternatives to abortion—a program which realizes the tremendous value of family planning. In his town meeting in Clinton, Mass., President Carter stressed this point. Secretary Califano has done the same since then. The administration's budget for fiscal year 1978 includes increases for family planning project grants—increases which incidentally I believe are insufficient to meet the task at hand. But in any case, if we allow our existing network of family planning programs to falter now—and I am talking about existing programs, Mr. President, not new programs—we will inevitably frustrate President Carter's hopes of making a fuller attack on the problems in the year ahead.

In closing, Mr. President, I do want to express my deep respect for the work of the Appropriations Committee. I know that the Senator from Massachusetts, the Senator from Washington, the distinguished chairman of the committee, have worked very effectively over a great many years, very hard, to achieve the very goals that I am discussing here today.

I do, in a sense, owe them a real apology that I was not able to come before Senator MAGNUSON's and Senator BROOKE's subcommittee when they were considering this matter and bring it to their attention. Had I been aware of it at the time, I would have done so. I wish I could have done a better job in that regard.

But I hope, Mr. President, that my failure, any shortcomings, to be able to bring this to the attention of the appropriate Subcommittee on Appropriations, will not cause the committee or this body to stand in the way of taking action on this matter of great urgency.

When we deny women access to family planning services, we force them into unfortunate and absolutely tragic choices.

To me, it is a matter of great urgency and concern, of great importance clearly, and I hope my colleagues will share that view and will accept this amendment.

Mr. BROOKE. Mr. President, I rise to speak on the distinguished Senator from Pennsylvania's amendment.

I certainly am not one to talk against adequate funds for family planning. I agree with the distinguished Senator that it is a very important, yes, a vital program.

The PRESIDING OFFICER (Mr. SASSER). May I interrupt and ask who yields time?

Mr. McCLELLAN. The Senator from Massachusetts may be in charge of the time on this amendment. It affects his committee.

Mr. BROOKE. I yield myself such time as I will use.

I thank the distinguished chairman of the full committee.

But, Mr. President, I think the record ought to be clear. In fiscal 1976 we appropriated $100 million for family planning specifically. In fiscal 1970, we raised that to $113.6 million. The Carter administration has come in with a request for fiscal 1978 for $123 million.

I have checked with Dr. Edward Martin of the Health Services Administration, because the distinguished Senator from Pennsylvania informed me that he was going to introduce such an amendment, to find out if additional funds were necessary. Dr. Martin pointed out that no additional funds are needed at this time to maintain in the service levels under the grants awarded, that grants are given for 1 full year, and that, if managed wisely, this would be sufficient.

But in addition to the $113 million that we have appropriated for this year, we also have some $145 million that is available for family planning. The other sources of income are maternal and child health services funded at $25 million; medicaid and social services funded at $55 million; State and local government, nonpublic agencies, and other sources, of $45 million; and direct care community health centers and migrant health centers at $20 million, approximately.

So we are talking about anywhere from $125 million to $145 million over and above the $113-plus million that we have already appropriated for family planning in 1977.

There just is not a need for it at this time.

I suggest to the distinguished Senator from Pennsylvania that he come before the subcommittee and make his request, if he does intend to increase the fiscal 1978 appropriation beyond the $123 million that the President has already requested.

But I want to assure him that we on the subcommittee do not find at this time a need for additional money. If there were a need for additional money, I assure the Senator that Senator MAGNUSON, who himself is a strong believer in family planning, I, as the ranking minority member, a strong believer and the committee itself, would be aware of it.

I have never felt it difficult within either the subcommittee or the full committee to get sufficient funds for family planning. I am going to assure the Senator that this is true of the distinguished chairman and the distinguished ranking minority member of the full committee, as well. If there were a need, as I said, we would be willing even to take this amendment to conference. But we just cannot appropriate this money or accept this amendment when the need has not been established.

Congressional witnesses will be heard on Tuesday, April 6, and we will welcome the Senator from Pennsylvania's testimony at that hearing if he feels very strongly that the appropriation request of $123 million is inadequate to do the job for fiscal 1978.

But again, I point out this is a supplemental and that there are sufficient funds available through the regular family planning program and elsewhere in the HEW budget to take care of the concerns the Senator from Pennsylvania has raised.

Mr. HEINZ. Mr. President, I want to agree with one thing in particular the Senator from Massachusetts has said. He has truly been a great supporter of family planning and our disagreement on this amendment probably arises because information has only in the last several days become available on this subject.

As I said to the Senator from Massachusetts a moment ago, I wish I had been able to appear before his subcommittee at the appropriate time to make this case. However, last week my office requested that HEW do a survey of their regional offices around the United States to find out what the situation was with respect to their family planning grant demands.

I also emphasize that we are talking only about the family planning project grants, not about the whole four pieces of the family planning program. A project grant appropriation for this year, for that particular title, is $107.5 million—not the figure for the entire program to which the Senator referred, which is correct for the entire program.

HEW surveyed not all but a number of their regional offices. On the basis of that survey, they determined that there existed as of today $7.5 million worth of projects—approved, desirable projects—that meet every criteria we would want them to meet and that we would normally like to see implemented. That $7.5 million is $2.5 million more than I am asking the Senate for today. I think that is a very conservative request.

I have checked to make sure that there is no problem with the budget here. Indeed, in the health function 550 we are in good shape, both in terms of budget authority and outlays.

I hope my colleagues will be sensitive to the fact that, while undoubtedly the Appropriations Subcommittee on Labor-HEW has done an excellent job, it is no attempt on my part to suggest that they overlooked something when the subcommittee hearings were held several weeks ago. This is new information. I know that HEW did not have it when the Senator held his hearings. For that reason, I can understand why the Senator feels that he has an obligation to oppose the amendment.

However, Mr. President, I believe we have to change in response to changed

circumstances. I submit that the information we have received from the HEW regional offices, although received lately, is accurate, and I think it is indicative of a serious problem and concern here.

Mr. BROOKE. The Senator is quite correct that a very limited survey was taken. I do not have the figures, but I will accept the Senator's figure of $7.5 million. That is relatively little, when we consider that available is some $145 million which can be utilized by those projects that concern the Senator.

I do not know about the difference in the information we are receiving; but we have received within the last few minutes, as I understand it, from Dr. Ed Martin of the Health Services Administration, information that they do not need additional funds to maintain the service levels under the grants awarded and that they do have additional funds for family planning elsewhere in the HEW budget.

I assure the Senator that his concern about funding those projects is my concern, and many of us are concerned about it, and they will be funded.

I do not know to whom the Senator has talked about the budget ceiling; but if he will read the Senate budget scorekeeping report, we are now more than $100 million over in the health function. I am sure that the distinguished chairman of the full committee and the distinguished ranking minority member will bear out that we are $100 million over. To request an additional $5 million at this time would take us that much further above the budget ceiling. I am sure that the Senator does not want that.

Senator MUSKIE, the distinguished chairman of the Budget Committee, supports the position we are taking in opposing this amendment for those reasons—not that Senator MUSKIE is opposed to family planning, because of budget ceiling problems. As I said, we are over the budget ceiling for the health function.

Mr. HEINZ. I respond to the Senator from Massachusetts, my good friend, by saying two things:

First, I understand that some $9.7 billion remains unspent in function 550.

Second, the total outlay authorized by the Budget Committee for that function is in the nature of $39.3 billion—not million, billion.

It seems to me that $5 million in a pot of $39.3 billion would have to be considered reaching, to say that this is a budget-busting amendment.

Mr. BROOKE. I do not know what the Senator is referring to; but Senator MUSKIE's assistant, who is a counsel on the Budget Committee, has reaffirmed the statement I have made to the Senator from Pennsylvania. He pointed out the 550 health function—I am looking at page 15 of the scorekeeping summary—as indicating $100 million over the ceiling.

The Senator can say it is not budget busting. I think we have busted the health budget, if we are $100 million over. If we add $5 million to that, it is just busting it further. I do not think it is the intent of the Senator from Pennsylvania to take us even further over the budget ceiling than we already are.

Mr. HEINZ. Referring to page 15 of the same document, my understanding is that this document does not include the numbers included in the second supplemental appropriation, which we now have under consideration. Is that not correct?

Mr. BROOKE. This is the first supplemental. We do not have the second supplemental.

Mr. HEINZ. This supplemental appropriation.

Mr. BROOKE. I refer the Senator to the distinguished chairman of the Budget Committee. I am reading from the same page as is the Senator from Pennsylvania. The "+0.1" means over the budget by $100 million. I do not see how we could possibly accept the amendment.

Mr. HEINZ. That number, of course, is not outlays. That is budget authority.

Mr. BROOKE. That is new budget authority; that is correct.

Mr. HEINZ. In any event, we are talking about a very small flea bite on what normally would be a very large elephant.

Mr. BROOKE. I am getting to the point where $5 million is no longer a flea bite. I have been known as a liberal-moderate, but $5 million is a lot of money, and I cannot consider it a flea bite, even though we are talking in terms of a total budget of $113 million for this year.

Perhaps the ranking minority member of the committee would like to comment.

Mr. YOUNG. I say to the Senator from Pennsylvania that I have never heard such a strong argument against a good program than that which the Senator from Massachusetts has put forth today. He would add another $100 million if he thought the money was needed. I agree with him.

I hope the Senator will withdraw his amendment and take up the matter when the next regular bill is considered, and I am sure he will get a sympathetic hearing. You have made a good case.

Mr. HEINZ. Mr. President, I have great respect for the ranking minority member of the Appropriations Committee, but I cannot oblige him by withdrawing the amendment. I am offering it on behalf of Senator PACKWOOD and Senator BIDEN, and I could not in good conscience withdraw it. I am not inclined to do so, and I do not think they are.

Mr. BROOKE. I have been informed by the Budget Committee that the document does include the supplemental as well, so we are $100 million over.

I do not think that anything further can be said. We agree in principle on family planning. We just do not agree that we can afford at this time to add any money for that purpose. However, we would be very pleased to consider it in the fiscal 1978 budget.

Mr. President, I believe the yeas and nays have been ordered, and I yield back the remainder of my time.

Mr. PACKWOOD. Mr. President, I rise as a cosponsor of the family planning amendment just offered by my colleague from Pennsylvania. I consider it a worthy amendment and a needed one.

I recognize that the trend is finally up for funding family planning, after 4 years of stagnation. And I am pleased to see this new direction: $100 million in fiscal year 1976, where it had stayed for 4 years; $113 million in fiscal year 1977; and $123 million proposed for fiscal year 1978.

However, it is important not to stop at figures which look good on paper. We have to translate what they mean on the program level, particularly in the face of inflation.

I want to be sure my colleagues are aware that there are regions all around the country which could use more family planning funds now; not as a whim, but effectively use funds either to maintain last year's service levels or to expand in order to meet the demand for services in their communities.

Admittedly, the fiscal year 1977 appropriations brought a welcome $13 million increase, but only $107.5 million went to family planning project grants, even though $115 million had been authorized. With 6 months still left to go in this fiscal year, a number of regions are falling short of funds. HEW did a sampling for me of five regions and found that legitimate requests had been filed in each for funds to: First, maintain last year's service levels; or second, to expand to meet the local demands for services.

My own region X, for example, has requested the following amounts to provide for approved but unfunded applications:

Oregon	$50,000
Washington	80,000
Alaska	7,500
Idaho	20,000
Total	157,000

Region I, which takes in New England, has requested $500,000 just to maintain last year's service level.

Region III, has requested: $3,380,000 for maintenance and needed expansion of services; $1,000,000 of this is for the D.C. area alone.

According to HEW, there is no question that $5 million in supplemental appropriations, as proposed by Senator HEINZ, could be effectively used. With 6 months left in this fiscal year, $5 million could be distributed easily, without fear of glutting the programs, and with the knowledge it would have a favorable and needed impact.

Some follow the argument that we simply cannot afford to fund family planning, or any other health program, as fully as we might like. But I say we cannot afford not to fund family planning well. This is one area where the cost benefits are unquestionable.

The short-term benefits are excellent: Out of what the Federal Government expends for family planning, it saves $2 each year for every $1 spent the previous year. This savings is offsetting the prenatal and postnatal hospital costs, plus the first 3 months of infant care.

The long-term cost-benefits are staggering: $26 is saved for every $1 spent on family planning.

It is clear Federal investment in family

planning is a tremendous saving measure, not a spending one.

Our family planning programs are directed toward approximately 10 million women—at 200 percent of poverty. But at this point in time, there are about 3.5 million women we are not yet providing services for. Add to this 2.2 million teenagers who are above the low-income level, but seeking services, and we have a total of 5.7 million women without any access to family planning services.

If we do not supply any supplemental appropriation today, this means some regions will drop below last year's level of services. Other regions will not be able to begin providing for an additional number of low-income women who need, deserve, and have requested services.

We still have a long way to go before we have fully met our family planning goals in this country. And every time we slip back in funding, it actually costs us more. Let us use some financial forethought and make a worthwhile, needed investment in these programs. I hope my colleagues will see the merit of this amendment and give it their strong support.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "nay."

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

On this vote, the Senator from Oregon (Mr. PACKWOOD) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) would vote "nay."

The result was announced—yeas 11, nays 72, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—11

Biden	Leahy	Ribicoff
Case	Long	Riegle
DeConcini	Matsunaga	Roth
Heinz	Pell	

NAYS—72

Abourezk	Gravel	Morgan
Allen	Griffin	Moynihan
Anderson	Hansen	Muskie
Baker	Hart	Nunn
Bartlett	Haskell	Percy
Bellmon	Hatch	Proxmire
Bentsen	Hatfield	Randolph
Brooke	Hathaway	Sarbanes
Bumpers	Hayakawa	Sasser
Burdick	Helms	Schmitt
Byrd, Harry F., Jr.	Hollings	Schweiker
	Huddleston	Scott
Byrd, Robert C.	Jackson	Sparkman
Cannon	Javits	Stafford
Chafee	Johnston	Stennis
Chiles	Laxalt	Stevenson
Clark	Lugar	Stone
Culver	Mathias	Talmadge
Curtis	McClellan	Wallop
Danforth	McClure	Weicker
Dole	McGovern	Williams
Domenici	McIntyre	Young
Ford	Melcher	Zorinsky
Garn	Metcalf	
Glenn	Metzenbaum	

NOT VOTING—17

Bayh	Goldwater	Packwood
Church	Humphrey	Pearson
Cranston	Inouye	Stevens
Durkin	Kennedy	Thurmond
Eagleton	Magnuson	Tower
Eastland	Nelson	

So Mr. HEINZ' amendment was rejected.

Mr. LEAHY and Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JAVITS. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. LEAHY. I yield for that purpose.

Mr. McCLELLAN. Mr. President, let us have order.

The PRESIDING OFFICER. The Senate is not in order.

The Senator may proceed.

Mr. JAVITS. Mr. President, I ask unanimous consent that Michael Shore of the Human Resources Committee staff be accorded the privilege of the floor during debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Douglas Racine of my staff be accorded the privilege of the floor throughout all votes and consideration of this bill this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. LEAHY. Mr. President, may I have authority to yield 1 minute to the distinguished Senator from Kentucky, or 2 minutes, if he wishes?

The PRESIDING OFFICER. Until the Senator calls up his amendment, he is not entitled to yield.

UP AMENDMENT NO. 131

Mr. LEAHY. Mr. President, I call up my amendment on chapter 3 of the bill, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY) proposes unprinted amendment No. 131.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8 strike lines 14 through 21 and insert the following:

TRANSPORTATION

For an additional amount to enable the District of Columbia to meet its share of any operating deficit incurred in connection with the operation of the Phase I segment of the Metrorail system covering the period January 1, 1977, to June 30, 1977, $846,000, except that no such amount, or part thereof, shall be obligated until commitments have been made for the total operating deficit associated with the Phase I segment.

Mr. LEAHY. Mr. President, I yield such time to the Senator from Kentucky as he may need.

Mr. BROOKE. Will the Senator yield first for a unanimous-consent request?

Mr. LEAHY. Without losing my right to the floor, yes.

Mr. BROOKE. I ask unanimous consent that Jack Robinson of Senator HATFIELD'S staff, Marc Edelman of Senator DANFORTH'S staff, Dick Vodra of Senator SCHWEIKER'S staff, and Mike Maloof of Senator GRIFFIN'S staff be accorded the privilege of the floor during the consideration of this supplemental appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, if I may have the attention of the distinguished Senator from Massachusetts, I would like to ask him a question, if it is agreeable, at this time.

It is my understanding that the committee has directed the Secretary of Labor to use discretionary funds to continue to the end of the fiscal year a number of programs for the elderly which were previously funded under title X of the Public Works and Economic Development Act. Is that correct?

Mr. BROOKE. The Senator is correct. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HUDDLESTON. Was it the committee's intention to continue programs for the elderly which were joint Community Services Administration-title X funded, as well as those which were Administration on Aging-title X funded?

Mr. BROOKE. Yes, it was the committee's intent to continue those title X programs which employ the elderly.

Mr. HUDDLESTON. I thank the Senator very much. I have great concern about these programs. We have two programs in Kentucky which I am very much concerned about. One is the Pennyrile older workers project, which employs 85 people over 65, and all under the poverty level I might add, for 24 hours a week to serve some 744 persons; the second, a project in the Big Sandy area which provides a variety of services including Outreach, information referral, and transportation for some 5,000 elderly

in the area. I am most anxious that these programs be continued.

I thank the distinguished Senator from Massachusetts.

Mr. BROOKE. I appreciate the distinguished Senator from Kentucky's clarifying the record in this matter and helping make the legislative record.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the amendment I have called up is a technical matter which does not change the dollar totals recommended by the commitee and is entirely consistent with the substantive positions recommended by the committee. My amendment would change the availability dates of funds recommended for Metrorail, and is necessary primarily because the District of Columbia Government and the Metro system operate on different fiscal years.

This amendment has been cleared with the ranking minority member of the D.C. Appropriations Subcommittee.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. LEAHY. I yield back the remainder of my time on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. LEAHY. Mr. President, the committee recommends a total of $40,144,300 for the District of Cclumbia and $1,500,000 for the Temporary Commission on Financial Oversight of the District of Columbia for chapter III of the bill. For the Temporary Commission on Financial Oversight, this amount is identical to the city request and the House allowance. For the District of Columbia, this amount is $43,500 more than the request from the city and $846,000 more than the House allowance.

I will not take the Senate's time by going into each and every item included in chapter III of the supplemental bill because I believe they are covered very thoroughly in our report. I would however, like to highlight two items:

First, the city did not include a request in the fiscal year 1977 bill nor did they make a request in the supplemental for the funds necessary to cover the city's portion of the projected operating deficit of Metrorail now operating in the city. The city has also not requested any funds to cover the city's share of the operating deficit of Metrorail in the fiscal year 1978 budget request.

The city continues to leave this item unfunded in the hopes of building pressure and gaining agreement from the surrounding jurisdictions for a commuter tax to be used to help fund Metrorail. As passage of a commuter tax in the foreseeable future is unlikely, the committee has included $846,000 in the bill to permit the city to pay its share of the operating deficit of the Metrorail system that has been operating during the last year. Without the provision of these funds, the continued operation of Metrorail is in great doubt. The committee has also recommended language on the face of the bill to give the mayor maximum bargaining leverage with the other jurisdictions to insure that the other jurisdictions commit their share of the operating deficit before the city obligates these funds.

The perfecting amendment to chapter III of the bill, which was just adopted by the Senate, was introduced to correct the dates for which the $846,000 subsidy for Metrorail applies. The confusion on the dates, which my perfecting amendment corrected, arises primarily because of the fact that the city and the Metro system operate on different fiscal years.

Second. The other item I would like to highlight is the committee recommendation to reduce the Federal payment to the city by $2 million below the level recommended by the House. Including the reduction in the Federal payment made by the House, the total reduction would be $4 million. The committee believes that local revenues, in addition to those previously estimated, can be raised to help finance the supplemental request and, thereby, offset the reduction in the Federal payment. One of the largest sources of funds available to the city for this purpose is the $15.2 million of deliquent parking ticket fines from calendar year 1976.

UP AMENDMENT NO. 132

Mr. ABOUREZK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. ABOUREZK) proposes an unprinted amendment numbered 132:

On page 10, line 7, strike out "15,500,000" and insert in lieu thereof "31,000,000".

On page 10, line 11, before the period insert a comma and the following: "and $28,000,000 shall be allocated for a contribution to the United Nations Relief and Works Agency".

Mr. LEAHY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats, or kindly retire to the cloakrooms.

Mr. ABOUREZK. Mr. President, I have discussed this amendment with the chairman of the Foreign Relations Appropriations Subcommittee, and the ranking Republican member has cleared it. It is just an add-on to the UNRWA appropriation, to increase it from $15.5 million to $31 million, with $28 million allocated to UNRWA.

The distinguished Senator from Vermont, as I understand, is standing in for the Senator from Hawaii (Mr. INOUYE), and may wish to comment.

Mr. LEAHY. Mr. President, the committee recommendation was to reduce the supplemental request for the United Nations Reconstruction and Works Agency from $28 million to $12.5 million. The reasons prompting this reduction are set forth in the committee report, and I ask unanimous consent for the pertinent portion to be reprinted at this point in the RECORD:

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

United Nations Relief and Works Agency (UNRWA).—In October of 1976 the Congress appropriated $38,700,000 to provide for a voluntary U.S. contribution to UNRWA The history of this appropriation is complex and needs to be recounted in some detail if the Committee's current recommendation is to be understood. It may be recalled that the President's original fiscal year 1977 budget submission requested funding of a $26,700,000 contribution to UNRWA. This amount was later amended (June 16, 1976) and the request rose to $66,700,000. In supporting documents, presented with the amended budget estimate, the administration said that the additional funding was required in order to help UNRWA "meet its operational requirements and in order to meet the fiscal crisis, its worst ever, facing the Agency." The administration contended that the additional funding would "demonstrate that the United States is willing to do its share and this hopefully will encourage others, particularly the Arab States, to increase their contributions."

In response to the administration's request for increased contributions, this committee recommended that the Senate provide for the appropriation of $38,700,000, an amount which was less than the administration's amended budget estimate but $12 million greater than the original request. We noted in our report that, "Should UNRWA be unable to underwrite its projected deficit from other sources the Committee will sympathetically review a request for supplemental funding."

That request is now before the Senate. Once again the argument is made that ". . . prompt action on our part will encourage them (other donors) to act more generously than might otherwise be the case." This argument differs little from that made in support of the June 16 1976, request or, indeed, from arguments made in prior years. Always we are told, if the United States does its share and contributes generously, others will follow suit.

This Committee has grown weary of this tired refrain. We know of the valuable services provided by UNRWA and of its importance to the preservation of peace in the Middle East. We also know of the plight of the Palestine refugees and we are aware (as we noted in our Report on Further Continuing Appropriations in fiscal year 1975) that, "Too frequently have they been the pawns in the international political process."

The primary concern of this committee with regard to contributions to UNRWA is that U.S. contributions should strengthen the Agency. Our position remains unchanged from that voiced in our fiscal year 1976 Report on the Foreign Assistance and Related Programs Appropriations Bill.

UNRWA's finances remain troubled. The United States is doing its part to ease UNRWA's distress. The measure of the United States' contribution is large. And, if that measure is taken with a rule which also measures the total contribution of the United States to peace and stability in the Middle East, it is immense. Therefore, if UNRWA is to continue to provide essential services and to play its positive role in the Middle East, new and generous contributors must be found.

The Committee has recommended the appropriation of $12.5 million which, when added to the previously appropriated amounts for UNRWA, will bring fiscal year 1977 U.S. voluntary contributions to UNRWA to a total of $51,200,000. Those who doubt that this is less than a fair share for the United States need only look at the table which follows:

UNITED NATIONS RELIEF AND WORKS AGENCY CONTRIBUTIONS BY GOVERNMENTS, CALENDAR YEAR 1976

[Figures rounded]

Country	Contributions		
	Regular	Special	Total
Argentine	$5,000		$5,000
Australia	369,000		369,000
Austria	70,000		70,000
Bahrain	15,000		15,000
Belgium	943,000	$54,000	997,000
Canada	3,351,000	294,900	3,645,900
Chile	2,000		2,000
Congo	5,000		5,000
Cyprus	508	242	750
Denmark	1,386,000	165,000	1,551,000
EEC	13,864,000		13,864,000
Finland	247,000	52,000	299,000
France	1,306,000	300,000	1,606,000
FRG	2,914,000	398,000	3,312,000
Ghana	5,000		5,000
Greece	17,000		17,000
Guinea	1,000		1,000
Holy See	3,000		3,000
Iceland	13,000		13,000
India	13,000		13,000
Indonesia	6,000		6,000
Iran	30,000		30,000
Iraq	122,000		122,000
Ireland	89,000		89,000
Israel	1,119,000		1,119,000
Japan	5,000,000	500,000	5,500,000
Jordan	243,000		243,000
Kuwait	600,000	1,000,000	1,600,000
Lebanon	103,000		103,000
Liberia	5,000		5,000
Libya	600,000		600,000
Luxembourg	6,000	47,000	53,000
Malaysia	2,000		2,000
Mauitania	8,000		8,000
Mauritius	1,000	1,000	2,000
Morocco	45,000		45,000
Netherlands	1,450,000	387,000	1,837,000
New Zealand	122,000		122,000
Nigeria	6,000		6,000
Norway	1,799,000	181,000	1,980,000
Oman	25,000		25,000
Pakistan	21,000		21,000
Philippine	2,000		2,000
Qatar	60,000	500,000	560,000
Republic of Korea	10,000		10,000
San Marino		6,000	6,000
Saudi Arabia	1,200,000	10,000,000	11,200,000
Singapore	2,000		2,000
Spain	1,000,000		1,000,000
Sri Lanka	1,000		1,000
Sudan	6,000		6,000
Sweden	5,618,000	454,000	6,072,000
Switzerland	1,251,000	333,000	1,584,000
Syria	36,000		36,000
Trinidad and Tobago	3,000		3,000
Tunisia	7,000		7,000
United Arab Emirates	270,000		270,000
United Kingdom	5,490,000	1,468,000	6,958,000
United States	26,700,000	12,000,000	38,700,000
Upper Volta	2,000		2,000
Venezuela	5,000		5,000
Yugoslavia	25,000		25,000
Total	77,619,508	28,141,142	105,760,650

Mr. LEAHY. Mr. President, there is a valid point to be made that the world community has too long let the United States shoulder a disproportionate share —43 percent—of the rapidly increasing costs of UNRWA's undertakings. Nevertheless it is a crucial time in the Middle East and under the urging of my colleagues I am prepared to accept the amendment if it is agreeable with the floor manager of the bill.

Mr. McCLELLAN. I have no objection.

Mr. ABOUREZK. Mr. President, in proposing my amendment to the 1977 supplemental appropriations bill, H.R. 4877, restoring the U.S. contribution to the United Nations Relief and Works Agency, UNRWA, I would just like to make a few additional comments about this particular piece of legislation.

The need for $28 million specifically earmarked for UNRWA is extremely compelling, not only from a humanitarian point of view, but also because in this way the United States is able to indicate a concern for the welfare of refugees all over the Middle East. A concern which has not diminished over the past month despite some public statements.

We have come to a delicate time in our negotiations with the Middle East and without some sort of positive response from the United States to all parties of a Middle East settlement, our progress in achieving a settlement will be even more tortuous than ever.

The $28 million request which was originally requested before the Congress and subsequently cut by the Subcommittee on Foreign Operations was developed realistically and carefully by the U.S. Government. The amount maintains the level of contributions of the United States over the past years, but does not increase it. Support for UNRWA has been and continues to be an integral part of the overall U.S. approach to the Middle East. Its sole purpose is to maintain minimum subsistence for over a million and a half persons dislocated by events in the Middle East and most recently 12,000 alone from the civil war in Lebanon. By the way, the sum of $28 million in fiscal year 1977 can purchase two F–15 Eagle fighters, a cheap, capable plane while the same amount of money, $28 million, can provide food, medicine, shelter, training, and health services for about 1,600,000 people.

If UNRWA receives no more funds, its operations will effectively cease in August or September. Continued American support is necessary to induce other nations to contribute further and this has worked in the recent past. I know the subcommittee cited this as an old refrain: that the United States has given more than its share, but, in the past years alone, contributions from Arab nations have increased significantly.

The displaced persons of the Middle East are a problem we must face and deal with, not only because we as Americans consider ourselves to be a moral people having compassion for the less fortunate, but because I firmly believe when these people can resume their normal lives in a decent place to reside, they can make an invaluable contribution to a fair and just settlement to the Middle East.

Therefore, I urge my colleagues to adopt this amendment to provide this $28 million for the United Nations Relief and Works Agency, to sustain its operations among these dislocated persons of the Middle East. The United States, as well as the rest of the world, has a great stake in seeing a fair and honest resolution to the conflict in the Middle East.

Mr. LEAHY. Mr. President, Appropriations Committee action on items relating to foreign assistance is reflected in the committee report on pages 28 through 41 and the dollar effect of these recommendations is shown on the table reprinted on pages 42 and 43.

Principal committee changes from the President's budget request include: a reduction in UNRWA of $15.5 million; an increase in MAP for Portugal of $4.5 million.

For migration and refugee assistance, the committee bill:

Allows full funding of President's request—$8.325 million—for Soviet refugees not settling in Israel.

Allows the full amount of the President's budget request of $7.4 million for Indochina refugees which was transmitted subsequent to House action.

Allows $3 million included by House for resettlement of Soviet refugees in United States but removes earmarking for refugees "from the Soviet Union and other Eastern European countries * * * and for the movement of baggage." In this regard, the committee stated in its report

We are sympathetic to the early resettlement needs of refugees, particularly those who have fled repression and persecution. These funds will assist them in making the cultural transition to American life. The Committee believes that funds made available for these reception grants should not be legislatively restricted to special groups of refugees but believes that all refugees who come to our shores seeking a new life of freedom and hope should be equally eligible for assistance.

An amendment to the House bill deleted the words "from the Soviet Union and other Eastern European countries * * * and for the movement of baggage" while retaining $3,000,000 for reception grants was approved by a vote of 16 to 3.

The committee also recommends: Full funding for World Bank's soft loan window—IDA, $55 million; full funding for Asian Development Bank—$25 million; partial funding of the request for the Inter-American Development Bank—$326 million of $460 million requested for IDB. This includes an increase of $10 million for IDB callable capital above the House.

Finally, Mr. President, the committee, after noting such excesses as an increase from $9,720 to $37,850 in the annual leasing cost for the AID Mission Director's residence in Cairo, proposed bill language—page 13—to turn over all AID leasing in Cairo to the Department of State's Foreign Building Operations.

Mr. ABOUREZK. I yield back the remainder of my time, and move the adoption of the amendment.

The PRESIDING OFFICER. Does the Senator from Arkansas yield back his time?

Mr. McCLELLAN. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

Mr. ABOUREZK. I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I am prepared to go immediately to the items for chapter X and we have some add-ons since we have heard from the President——

The PRESIDING OFFICER. Who yields time to the Senator from South Carolina?

Mr. HOLLINGS. I yield such time as

is necessary, if we are on controlled time.

The PRESIDING OFFICER. The Senator has no time.

Mr. McCLELLAN. He has time on his amendment.

The PRESIDING OFFICER. He has not called up an amendment.

Mr. HOLLINGS. Well, I was ready to explain the amendments. We can call up the amendments; they are at the desk.

I call up the first amendment, relative to the drought assistance program of the Economic Development Administration, $225 million.

The PRESIDING OFFICER. The amendment will be stated.

UP AMENDMENT NO. 133

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS) proposes an unprinted amendment numbered 133:

On page 62 after line 19 of the bill insert the following:

DROUGHT ASSISTANCE PROGRAM

For expenses necessary to carry out the Community Emergency Drought Act of 1977, $225,000,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

Mr. HOLLINGS. Mr. President, the committee recommends a total of $359,722,249 for chapter XI of the bill. This is approximately $28.8 million more than the House bill and is $2,161,500 less than the budget estimates.

I will not delay the Senate by going into each and every item, they are well explained in our report, but will highlight our major recommendations:

First. For the Department of State, a total of $103,916,749 is recommended. We have provided the 1975 and 1976 contributions for the United Nations Educational, Scientific, and Cultural Organization—UNESCO. As the Senators will recall, the Foreign Assistance Act, 1974, prohibited further U.S. contributions to UNESCO until the President certified UNESCO's compliance with the requirements of that act. President Ford issued the certification last December and Secretary Vance has affirmed the Carter administration's support of resuming our contributions. In the committee we came to an agreement with Senator CASE to pay the 2 years that we are in arrears and avoid a financial crisis for UNESCO.

We have also provided $10 million as the U.S. contribution to the eighth Pan American Games to be held in Puerto Rico in 1979. This is $4 million more than provided by the House and should be all the Federal assistance required in light of the organizing committee's ability to gain additional revenues from the TV rights.

Second. For the Department of Justice, we have included a total of $43,267,000 which in addition to covering a mixed bag of housekeeping items, also provides $22 million for a new youth correctional facility near Lake Placid, N.Y., that will be used initially to house athletes competing in the 1980 winter Olympics. This is a unique approach to overcoming the very expensive cost of housing the athletes, and we will not only meet those needs at a conversion cost of $1,500,000, but we will also be providing a much needed youth correctional facility for the northeastern United States.

The most volatile item under the Department of Justice is the $4,878,000 we recommended for the payment of private counsel fees. This will provide legal representation of Government officials in civil suits brought against them for actions arising out of the performance of their governmental duties. The House did not allow this item and a major portion of our hearing and deliberations were devoted to a discussion of this item. The new ranking minority member of the subcommittee, the distinguished junior Senator from Connecticut (Mr. WEICKER) contributed some excellent insights in these discussions as did three of our other new members, the junior Senator from North Dakota (Mr. BURDICK), the junior Senator from Vermont (Mr. LEAHY), and the junior Senator from Arizona (Mr. DECONCINI).

Without these funds, the Department could no longer represent the former and present Government officials who have been sued for invasion of privacy and other civil matters in nine pending civil damage suits. Accordingly we were constrained to recommend these funds even though we are gravely concerned about providing representation for persons already indicted for crimes such as former Attorney General Mitchell, Haldeman, Ehrlichman, and the rest of the Watergate crowd. Therefore, we have inserted language in the bill requiring the Attorney General to obtain the approval of the Senate Judiciary Committee of the Department's policy statement and regulations governing the Department's role in defending Government employees, before he provides representation for any defendants in suits commencing after the effective date of this act.

Third. For the Department of Commerce we recommend a total of $177,592,000, which is $42,686,000 more than the budget estimates, partially due to the replenishment of the Economic Development Administration's—EDA—title I funds that we reprogramed last month for the facilities for the winter Olympics at Lake Placid. It was my understanding that the administration would send us a budget estimate to cover this. I wrote Bert Lance about this and we now have a budget estimate from the President for only $20 million, due to a misunderstanding. The House has provided the $30,100,000 needed to replenish EDA's regular program and we should do no less ourselves.

I assure the Senate that I will be very reluctant to approve any such reprogramings in the future without a solid commitment from the administration in the form of a budget estimate.

Another major Commerce item in the coastal zone management program where we have added $14,024,000 above the budget and House-approved level. Senator WEICKER and I are both keenly interested in this program and during the hearings we found several instances where the budget inadequately provided for the program that we authorized last year. Accordingly we have added sufficient funds so that the States may obtain the up-to-80-percent planning grant that is authorized instead of 66⅔ percent Federal level that the OMB wants to require. We also put in additional funds for the energy impact formula grants; as well as providing for the unbudgeted environmental and planning grants that are necessary to plan for the $110 million in loans, guarantees, and repayment assistance going to the States from the coastal energy impact fund that we also provided for in this bill.

We were prepared to add $1 million for the Regional Fisheries Management Councils established pursuant to the Fishery Conservation and Management Act of 1976. However, the Department has sent us a reprograming request to use some of the funds we appropriated last year for two new ships to police the 200-mile limit. Apparently the ship that was to be constructed for the west coast is not necessary and we can obtain the funds from that source just as soon as we can complete the necessary paperwork.

Fourth. For the Judiciary, we recommend the full $33,250,000 requested for fees of jurors and the mandatory payment to the judicial survivors annuity program.

Fifth. Under related agencies, we recommend $1,696,500 and have included $413,500 for the Office of the Special Trade Representative for Trade Negotiations. As the committee knows, President Carter has nominated Bob Strauss to be the new Trade Negotiator and Mr. Strauss has asked for six additional positions which have been firmly supported by Senators LONG and RIBICOFF on behalf of the Committee on Finance. The President decided not to send us an estimate for the $300,000 but we were impressed by the need to strengthen the hand of the Special Trade Representative. We did not reduce the amount requested for representation and reception expenses so that the amount conforms to the annual level of the Secretary of Treasury.

Mr. President, as I started to say earlier, since the committee reported out the bill, we have received additional budget estimates from the President to provide relief to the areas of the Nation that have been victims of prolonged and severe drought. These estimates were transmitted pursuant to the President's message of March 23 that calls for new authorizations and funds for the EDA and the SBA.

For the EDA, new temporary authority is recommended to provide $225 million in low interest loans and grants to communities of 10,000 or more population in drought stricken States. This is for projects that can be completed quickly to augment community water supplies where there is a health and safety problem due to water shortage. We, of course, have held no hearing on this request but I have a justification statement that indicates the $225 million consists of $150 million for low interest loans and $75 million for grants.

For the SBA, an additional $50 million is recommended to provide emergency

drought assistance loans to assist small business concerns in overcoming the impact of actual or prospective injury suffered as a result of drought; and for a direct loan program for water conservation and drought disaster assistance.

Mr. President, both of these requests are unauthorized and in view of the Senate's action in holding up the Economic Stimulus Act until the necessary authorizations have cleared, I was at first reluctant to include these drought relief amendments in a Supplemental Appropriations Act. However, I am mindful of the terrible situation that exists in many of our States and on the basis that the appropriations will not be effective until the necessary authorizing legislation is enacted, I will offer two amendments that will provide for the requested drought relief programs of the EDA and SBA.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. HOLLINGS. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Arkansas yield back his time?

Mr. McCLELLAN. I yield it back.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

UP AMENDMENT NO. 134

Mr. HOLLINGS. Mr. President, I now call up the $50 million amendment for the disaster loan fund for the Small Business Administration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS) proposes an unprinted amendment numbered 134:

On page 65 after line 10 of the bill insert the following:

SMALL BUSINESS ADMINISTRATION
DISASTER LOAN FUND

For additional capital for the "Disaster loan fund", authorized by the Small Business Act, as amended, $50,000,000 for the purposes of carrying out the provisions of the Small Business Emergency Drought Disaster Loan Act of 1977, to remain available until September 30, 1978: *Provided*, That this appropriation shall become available only upon enactment into law of authorizing legislation.

Mr. HOLLINGS. Mr. President, I yield back my time and move the adoption of the amendment.

Mr. McCLELLAN. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

UP AMENDMENT NO. 135

Mr. HOLLINGS. Now, Mr. President, I call up the final amendment, relative to the Department of Justice and the additional amount necessary for the support of U.S. prisoners.

The PRESIDING OFFICER (Mr. MOYNIHAN). The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS) proposes an unprinted amendment numbered 135.

On page 61 after line 20 of the bill insert the following:

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States prisoners," $10,000,000.

Mr. HOLLINGS. Mr. President, on March 17, 1977, the Attorney General notified the subcommittee that the appropriation "Support of U.S. Prisoners" had overobligated its first quarter apportionment of $8 million by $1,475,558. Similar notification was provided to the House and the Director of the Office of Management and Budget—OMB. The Department has submitted to OMB a deficiency apportionment request for the second quarter to avoid the necessity for again reporting another overobligation.

This account is essentially uncontrollable. Most of the costs within this appropriation are incurred for maintaining Federal prisoners in local jails. These prisoners may be awaiting trial, awaiting removal from local jails to the Federal Prison System, or serving short sentences. The costs relating to these prisoners are a function of the number of prisoners being held and the contracts that the Federal Prison System negotiates with the local jails. The steady increase in per diem costs of the jail contracts has been the principal reason why the costs to this appropriation have been increasing.

Responsibility for administering this account is divided between the U.S. Marshals Service and the Federal Prison System. Although ultimate financial responsibility lies with the Federal Prison System, it is the U.S. Marshal's Service that administers the contracts with the local jails and that has responsibility for disbursing funds under these contracts. Presently, the Federal Prison System has no adequate way of maintaining controls on how the largest segment of this appropriation is spent.

Through February 28, 1977, obligations for this account totaled $16,221,058. At the present rate of expenditure, the appropriation would require approximately $39 million for fiscal year 1977. The requested supplemental of $10 million, when added to the $31,875,000 enacted would bring the funding level to $41,875,000. Since the monthly rate of expenditure still appears to be increasing, a supplemental appropriation for anything less than the amount proposed may be inadequate.

The Department has not yet sent a formal request for a supplemental appropriation to the Office of Management and Budget. The reapportionment request that was forwarded to OMB on March 24, 1977, identified a substantial fourth quarter deficiency and stated that a supplemental appropriation would be required. Although the Bureau of Prisons may be able to prepare a more refined estimate of total costs at a later time, the estimating procedures are not likely to be significantly different from the $10 million now proposed. Furthermore, the expected late enactment of the Second Supplemental Appropriation Act may leave this account without funds to pay its bills several months before corrective action can be taken.

Mr. President, to summarize, in the first quarter they were $1,475,588 over the $8 million apportioned for the care of prisoners. It is an uncontrollable section. We have to pay the various facilities where they are kept for the charges.

If there are any questions, I would be glad to answer them. Otherwise, I move the adoption of the amendment. I yield back all remaining time and move the adoption of the amendment.

The PRESIDING OFFICER. Does the Senator from Arkansas yield back his time?

Mr. McCLELLAN. I do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOLLINGS. Now, Mr. President, on the time on the bill, there is one other item I am interested in.

We had a brief discussion with our distinguished colleague from Rhode Island (Mr. CHAFEE). The distinguished Senator is very concerned about a matter which concerns us all. Specifically, regarding OCS oil and gas development of Baltimore Canyon and Georges Bank, we are all familiar with the court decision which temporarily stays any further offshore drilling activities. We have put $5 million in coastal zone management environmental and planning grants and this is not affected by the court order. That is over and above what the President requested.

I will do everything possible to make certain that the areas affected, such as Rhode Island, receive the funds for which they are eligible between now and the end of the fiscal year to do the required planning for that area. The same is true of the coastal energy impact fund for loans and bond guarantees in that State.

I want to sympathize with the concern of our distinguished friend from Rhode Island. However, I do not want to add any further money since we are already $5 million over estimate of the President to provide for environmental and planning grants. I yield to the Senator from Connecticut.

Mr. WEICKER. I have nothing further on this. Does the Senator yield the floor?

Mr. HOLLINGS. Yes, I yield the floor. Let me thank my friend from Vermont. I think I interrupted the fine presentation he was making. I thought he had finished. I apologize for interrupting.

Mr. LEAHY. Mr. President, I was somewhat in error there. I advise the distinguished Senator from South Carolina there were two other amendments we were anticipating, but I understand that neither is ready to be brought up at this moment. Nothing was interrupted.

AMENDMENT NO. 179

Mr. WEICKER. Mr. President, I have an amendment at the desk. I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 179.

On page 68, strike out lines 19 through 22.

Mr. WEICKER. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I am today introducing an amendment to H.R. 4877, the supplemental appropriations bill for fiscal year 1977 for executive branch agencies. My amendment will strike $241,000, requested by the President for increased staffing for the Council on Wage and Price Stability. Both the AFL–CIO and the Chamber of Commerce strongly support this amendment.

On March 16, the House of Representatives reduced the President's budget request to $100,000. The House-approved increase brings the funding to the maximum level of authorization for the Council this year. However, on March 24, the Senate Appropriations Committee agreed to go ahead and appropriate the full amount of $241,000, which is $141,000 more than has been authorized by the Congress. This additional funding will result in a 50-percent increase in the Council staff, which would include 10 additional economists along with necessary support staff and facilities.

We are all aware of the President's recent economic message to the Congress proposing a "voluntary" prenotification system to cover significant price increases as well as wage hikes. Both business and labor have already emphatically rejected this proposal.

President Carter requests this major increase in staff so that the Council on Wage and Price Stability can "perform a more active job of monitoring wage and price developments." The words ring loud and clear to all segments of our economy. It is language which can only indicate great Government involvement in decisions which should be left to the free marketplace.

Control of inflation is closely linked to business and labor confidence. A strengthened Council of Wage and Price Stability will strike fear in the hearts of both business and labor. The haunting nightmares of controls will be rekindled.

Mr. President, I have been around this track before. I am 100 percent against wage and price controls. But that is a complete turnabout as far as LOWELL WEICKER is concerned. In 1971, I urged wage and price controls under former President Nixon and I was wrong. We went through a period of wage and price controls and it ended up in more confusion; it ended up with labor especially being penalized, and when the lid came off, the entire Nation faced a new flood of inflation.

I know now what I should have known then: Letting the free economy and the free marketplace operate is the best way—the only way—out of our long term economic troubles. Limited controls and partial restrains on any segment of the economy are not worth the paper they are written on. There is no middle ground—either you have a free economy or you manage it entirely.

Now, Mr. President, the words of President Carter are a total contradiction as to what is being requested in this supplemental. It is not a matter of economics or additional economic monitoring. Indeed, if that were the case he could ask for the additional support in the Council of Economic Advisers. That would be proper and it would raise no fears. The other agency where additional staffing might be required in the economic sense would be the Office of Management and Budget. Indeed, additional staffing will take place within that entity as a part of President Carter's reorganization plans. But why additional staffing for the Council on Wage and Price Stability?

It was readily admitted during the course of the hearings on this subject that just the very existence of the Council gives rise to the fear that eventually wage and price controls might be imposed. There is a certain inflationary aspect already present in the existence of the Council.

What do Members think the impact is going to be when we want to increase the staffing and the professional help of the Council 50 precent? This is not just mere economic advice. I repeat, that can be achieved through either the Council of Economic Advisers or the Office of Management and Budget.

The name of this entity is the Council on Wage and Price Stability. It is the Council that would have the authority to administer wage and price controls. I think it logical that if they are given this increased staffing, in both the business community and the labor community there is an anticipation that eventually such controls might come to pass. That is not without its impact today, as people start scurrying around to figure, "Well before that comes to pass, I will get my price increase" or labor, "I will get my wage demands in before such controls are imposed." That is what is involved here. It has a very important psychological effect on the entire subject of inflation.

I repeat to my colleagues that this amendment—and this is probably the first time I have seen this come to pass as long as I have been in the body—has the support of both the Chamber of Commerce and the AFL–CIO. Both labor and business know how badly they were hurt during the last round of controls. Both are well aware of this specter hanging in the background, a specter which some day might become a reality.

Aside from all the increases that are being voted around the Chamber today, here is an area where $241,000 can be saved. But, and more important, the Congress should make it very clear that economic monitoring is all right and reorganization is all right. Both can be done through the appropriate agencies in the Council of Economic Advisers and the Office of Management and Budget. But when it comes to wage and price controls, the answer is a clearcut "no."

Mr. President, I suggest the absence of a quorum and ask that the time be charged to the distinguished Senator from Florida, who is not in the Chamber right now.

Mr. McCLELLAN. I object. I suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The Senator from Connecticut and the Senator from Arkansas have control of the time.

Mr. YOUNG. I can yield time on the bill.

Mr. McCLELLAN. I yield as much time to the Senator as he needs.

Mr. CHILES. I thank the chairman.

Mr. President, President Carter, in his January 31, 1977, message to the Congress, proposed a 2-year economic recovery program and indicated his desire for strengthening the Council on Wage and Price Stability. The President has requested the addition of 10 senior economists and 3 research assistants to the Council staff. At present there are 20 senior economists on the full-time staff of 47 personnel. Nine of these economists review and evaluate the economic impact of Federal regulations and rulemakings. The remaining 11 economists monitor the entire private sector of the economy. This is the area that the President proposes to increase the Council's analysis capability. The additional personnel would be available to analyze the supply and demand trends in particular industries so that bottlenecks and potential shortages could be identified—thereby allowing the administration to deal with them in a timely manner. This is not an excessive request as it takes a single economist anywhere from 3 to 6 months for an indepth industry study.

The Council has been in existence for almost 3 years—in that time they have not requested any personnel increases. This request is not to indicate that wage and price controls are being considered. The President has reiterated many times that he does not desire to have authority—including standby authority—to impose wage and price controls.

In the committee report on this item the following language was included:

> The Committee believes that the current monitoring role of the Council on Wage and Price Stability is appropriate, and the inclusion of funds for additional positions in no way anticipates the adoption of or movement to Wage and Price Controls.

President Carter and his economic advisers believe that recognition of supply shortfalls before they occur can lead to public and private actions to avert these shortages and the subsequent inflation that could develop. The Council on Wage and Price Stability is a unique organization to perform these studies. The additional funding will provide the personnel to enable them to perform their as-

signed mission. The 10 economists and 3 supporting personnel will increase the full-time staff of the Council to 60 personnel from the 47 they now have.

Mr. President, I recommend that the amendment not be approved and the committee recommendation of $241,000 be sustained.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, will the Senator from Florida yield for just a minute?

Mr. CHILES. I yield.

Mr. PROXMIRE. Mr. President, I am concerned about the appropriation for the Council on Wage and Price Stability, which I think is under the jurisdiction of the subcommittee which the Senator chairs. It is my understanding that the committee went to $214,000, which is the request of the administration.

Mr. CHILES. That is correct.

Mr. PROXMIRE. However, the amount provided is substantially over the figure included by the House. My problem is that the Council is under the jurisdiction, for authorizing purposes, of the Banking Committee. The authorization is, I think, $1.6 million, and with this addition of $241,000, we would be about $140,000 or so over the authorization.

I have been told that this is in order, because there is a budget estimate. There is no additional language here. But I am concerned about it, and I wanted to verify the facts with the distinguished chairman to be sure that I understood what was being done here.

I frankly think that the Council on Wage and Price Stabilization could do a much better job if they had more professionals, which is the purpose of this appropriation. They have only 25 professionals, as I understand it, for the entire economy, of whom half are responsible for inflation in the governmental sector and only 12, or half of the 25, for the entire complicated American economy. So I would not object to the addition, but I am concerned about how it was done. The administration gave no notice to the Banking Committee, but just went right ahead and provided the appropriation without providing any kind of information to the authorizing committee. It seems to me that that is, at best, unusual.

I ask the Senator if he concurs with my concern and if he can give me any further justification for this increase?

Mr. CHILES. I do concur in that. The Senator from Florida really does not approve of the appropriations that come through without authorization. It is my understanding that the present authorization is $1,700,000. That does expire on September 22 of 1977.

It is my further understanding that H.R. 3184, introduced in the House, to raise to $2.2 million the authorization and extend it to September 30, 1978, has been introduced and is in the Committee on Banking and Currency in the House. Hearings are to be held there on April 19.

I do not have any note that the bill has been introduced in the Senate or that the Senator from Wisconsin has been notified of that. I certainly accept his statement.

Mr. PROXMIRE. I appreciate that. I do think a better way to operate in the future would be for the administration, when they are going to provide for a significant change in an agency, to do their best to see that the authorizing process has an opportunity to operate. Here is an agency has been proceeding for several years now at its present level.

Mr. CHILES. I concur with the Senator from Wisconsin. The only thing I point out is that we are in an administration change here. We have an administration that is coming in with an economic plan. They say this is a part of their economic and recovery plan, to try to do this additional monitoring in the private sector, to try to anticipate shortfalls or bottlenecks.

I think that perhaps we should put this administration on notice that we do expect to be given this information. I certainly would concur with the Senator from Wisconsin on that. I raised the point many times about appropriations going through without authorization.

Mr. PROXMIRE. I appreciate it.

Let me close by saying that I hope we will regard this as a rare exception and require in the future that the authorization process be given an opportunity to operate.

Mr. CHILES. The Senator from Florida certainly agrees with that.

Mr. WEICKER. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Connecticut has 21 minutes. The Senator from Arkansas has 20 minutes.

Mr. WEICKER. Mr. President, I yield myself such time as I may need.

As an addendum to the dialog between the distinguished Senator from Wisconsin and the distinguished Senator from Florida on the proper procedures being followed, let the RECORD be very clear that in the sense of the "$50 rebate," the Appropriations Committee was asked to appropriate funding before there was any authorization from the Finance Committee.

I certainly like to accommodate new administrations and make it feel welcome and desirable in going ahead, not raising too much Cain too fast.

But I do think those procedures have to be followed.

We have been through other administrations where the procedures were circumvented, much to the regret of everybody in this Chamber and in the Nation. I just do not intend to see that process repeated—and it is being repeated and has been repeated on several different occasions.

Mr. President, one last comment and I am prepared to yield back the remainder of my time and get to the matter of voting.

I have followed this Council on Wage and Price Stability from the beginning, or rather from what was supposed to be its ending.

I remember very clearly when sitting on the Banking and Currency Committee that a very narrow vote occurred on the issue as to whether or not the Council should ever remain in being. We had all come through the experience of wage and price controls. It was rejected finally, not just by this body and the House, but by the people as being a failure, an experimental failure, and by the narrowest of margins the Council was allowed to remain in being, albeit just in an advisory capacity and with the smallest of staffs.

Now here it is, 3 years later, and we have a message from the President, according to the document in front of me, where on page 164, it states:

> The President, in his January 31, 1977 economic message, stated his desire for a substantial strengthening of the Council. This will provide the capability for the Council to be more active in wage-price monitoring as well as analysis of supply trends in basic industries.

I think the message is pretty clear. Let nobody sit in shocked surprise as to the final step.

We are the ones that kept the Council in being; two, gave it the necessary staffing; and then another step, gave it additional staff and professional help in the sense of monitoring.

I mean, what are we spending all this money for? To put it in the closet and forget about it, or is it being put there in the anticipation that some day it might be used?

I repeat my request of my colleagues to reject this item. It is not just a matter of dollars and cents. It is a matter of policy. It is a matter of direction.

If I had my druthers in it, I would not just like to eliminate the 50-percent increase in staffing, but what should have been done 3 years ago by the Banking and Currency Committee, eliminate the whole council; and if we want in-depth, adequate economic advice, get it from the Council on Economic Advisers, get it from the Office of Management and Budget.

The function of the Council on Wage and Price Stability, the ultimate function, is wage and price controls, and there is no ducking around that issue.

Mr. President, I am prepared to go to a vote on this matter. I am prepared to yield back the remainder of my time if my colleagues from Florida and Arkansas are.

Mr. CHILES. I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Connecticut. The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Missouri (Mr. EAGLETON), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Hampshire (Mr. DURKIN) are necessarily absent.

I further announce that the Senator

from Hawaii (Mr. INOUYE) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from Missouri (Mr. DANFORTH) is absent on official business.

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Alaska would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 35, nays 48, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—35

Baker	Griffin	Morgan
Bartlett	Hansen	Percy
Bellmon	Hatch	Randolph
Bentsen	Hatfield	Roth
Byrd, Harry F., Jr.	Hayakawa	Schmitt
Chafee	Heinz	Schweiker
Curtis	Helms	Scott
DeConcini	Hollings	Stafford
Dole	Laxalt	Wallop
Domenici	Lugar	Weicker
Garn	McClure	Young
	Metzenbaum	Zorinsky

NAYS—48

Allen	Haskell	Metcalf
Anderson	Hathaway	Moynihan
Biden	Huddleston	Muskie
Brooke	Humphrey	Nelson
Burdick	Jackson	Nunn
Byrd, Robert C.	Javits	Pell
Cannon	Johnston	Proxmire
Case	Kennedy	Ribicoff
Chiles	Leahy	Riegle
Clark	Long	Sarbanes
Culver	Mathias	Sasser
Eastland	Matsunaga	Stennis
Ford	McClellan	Stevenson
Glenn	McGovern	Stone
Gravel	McIntyre	Talmadge
Hart	Melcher	Williams

NOT VOTING—17

Abourezk	Durkin	Pearson
Bayh	Eagleton	Sparkman
Bumpers	Goldwater	Stevens
Church	Inouye	Thurmond
Cranston	Magnuson	Tower
Danforth	Packwood	

So Mr. WEICKER's amendment was rejected.

UP AMENDMENT NO. 136

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SCHWEIKER) for himself and Mr. Stevens proposes an unprinted amendment No. 136:

On page 48, after line 10, insert the following:

(4) In the case of a Senator who is the chairman or ranking minority member of a subcommittee that receives funding to employ staff assistance separately from the funding authority for the full committee, if the amount of funds made available to him to employ staff assistance is less than the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, then paragraph (1) shall not apply with respect to such subcommittee during the period March 1, 1977 through September 30, 1977.

Mr. SCHWEIKER. Mr. President, I will be very brief. This amendment is designed—I am offering it for Senator Stevens of Alaska and it is designed—to take care of just a few Senators who were on the Post Office and Civil Service Committee with the Senate Resolution 60 staffing money, and have been consolidated into another committee, and to treat them equally, the same way they were treated because they take their staff with them in the committee, and this is just to iron out that inequality.

I believe, I hope, the majority will find it acceptable.

Mr. HUDDLESTON. Mr. President, the subcommittee has examined this amendment and we agree that it just merely corrects an inequity, one of several, that occurred because of the reorganization we went through earlier this year.

Mr. SCHWEIKER. I yield back my time.

Mr. McCLELLAN. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

AMENDMENT NO. 169

Mr. ALLEN. Mr. President, I call up, on behalf of my distinguished senior colleague, Mr. SPARKMAN, and myself, amendment No. 169 which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) for himself and Mr. Sparkman proposes amendment No. 169:

On page 30, between lines 12 and 13 add the following:

For Tuskegee Institute, Tuskegee, Alabama, for construction assistance for its School of Veterinary Medicine under the Health Professions Educational Assistance Act of 1976 (Public Law 94-484) and the Public Health Service Act—$1,000,000.

Mr. ALLEN. Tuskegee Institute seeks construction assistance for its school of veterinary medicine under title III—assistance for construction of teaching facilities under the supplemental appropriations bill for the fiscal year 1977. Funds in the amount of $1 million are sought to permit Tuskegee Institute's School of Veterinary Medicine to continue to serve as a regional health professions program designated for the training of students in veterinary medicine through the Southern Regional Education Board, Atlanta, Ga.—SREB.

BRIEF HISTORY

Tuskegee Institute's School of Veterinary Medicine was designated in 1948 as a regional service institution to provide regional training in veterinary medicine for students in 10 cooperating States. Through the SREB, the following States now contract for 31 of the 50 entering spaces in each first-year class: Arkansas, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

I might say, Mr. President, that the Tuskegee Institute is in danger of losing its accreditation if funds are not provided for it to update its buildings and facilities; it is in danger of losing its accreditation. This must be done before 1978.

Under this bill and the committee report, some $25 million, exactly $25 million, has been allocated to three institutions: Tufts College in Massachusetts, the University of Pennsylvania, and Washington State University. This does not take any of those funds away from those institutions, and I find no fault whatsoever, and certainly approve of the money going to those institutions. But this seeks $1 million for Tuskegee Institute.

THE PROBLEM

Current program efforts are being seriously curtailed due to inadequate and outdated facilities designed and constructed in 1950–51. The Council on Education, American Veterinary Medical Association—AVMA—the national accrediting body for all schools of veterinary medicine has given Tuskegee Institute until 1978 to complete a master physicial facility development plan designed to enlarge and upgrade the teaching and patient care facilities. Funds in the amount of approximately $6 million of Federal and non-Federal matching funds have been identified to initiate this construction/renovations project. An additional $2 million is required to complete the building program in keeping with Council requirements in order to maintain accreditation.

SUMMARY

Tuskegee Institute's School of Veterinary Medicine qualifying under the regional health professions program—Public Law 94-484—seeks to have $1 million earmarked for the construction—final phase—of its health teaching facilities—veterinary medicine.

These facilities when completed—two new buildings—a large animal care center and a learning resource center—four renovated buildings; preclinical, clinical anatomy, large animal ward and barn, and post mortem buildings—will permit the institute to increase its enrollment to 65 students from its present base of 45 students—increases of 5 in 1977 and 15 in 1978—thereby increasing its regional commitment to the training of more students in this most critical health profession.

I might say this, Mr. President, Tuskegee's School of Veterinary Medicine is the most integrated school of veterinary medicine in the United States, yet it continues to be the principal training resource for minority students in the field of veterinary medicine. I would like to call attention to this amazing statistic, that 90 percent of all black veterinarians in this country have had their training and their schooling at Tuskegee Institute's School of Veterinary Medicine. It is one of the outstanding schools of veterinary medicine in the country, but is hampered by a lack of facilities. This money will help.

I understand that, in all likelihood, they will be before the committee seek-

ing additional funds for 1978, but this would be a stopgap appropriation.

I have talked to the chairman of the committee, Mr. McCLELLAN, to Senator YOUNG, the ranking minority member, to Mr. BROOKE on the subcommittee, and I understand the staff has cleared the matter with Mr. MAGNUSON, the chairman of the subcommittee.

I have talked to Senator KENNEDY, and he supports the amendment. As a matter of fact, I found no opposition whatever to the amendment.

We wrote a "Dear Colleague" letter to all of the Senators, enclosing this fact-sheet, and I believe it is indeed a meritorious amendment.

Mr. SPARKMAN. Mr. President, the amendment offered by Senator ALLEN and me to provide $1 million in construction funds for the School of Veterinary Medicine at Tuskegee Institute, Tuskegee, Ala., is urgently needed.

The record will show that Tuskegee Institute's School of Veterinary Medicine was designated in 1948 to provide regional training in veterinary medicine in 10 cooperating States. Recently, however, the Council on Education of the American Veterinary Medical Association, which is the regional accrediting body for all schools of veterinary medicine, notified Tuskegee Institute that it must complete a master physical facility development plan to enlarge and upgrade the teaching and patient care facilities at the school of veterinary medicine in order to maintain accreditation. The council has mandated that Tuskegee Institute comply with its requirements by 1978.

The stature of Tuskegee Institute, and in particular its contributions to our amazing U.S. agriculture, is too well known for me to repeat here. The Tuskegee Institute School of Veterinary Medicine continues to be the principal training institute for black students in the field of veterinary medicine; and, in, fact, it has provided training for some 90 percent of all black veterinarians in this Nation.

I might add that veterinary medicine is also the training ground for new research scientists. Although animal disease research has not enjoyed the glamour and level of financial support accorded human health disease research, nonetheless the need for more veterinarians to cope with the major diseases of our animal population have direct human health implications. In short, we need to step up the increase in the number of veterinarians and veterinary research programs in our Nation. The modest request sought by Senator ALLEN and me in our amendment would go a long way toward accomplishing this important objective.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. BROOKE. I would just like to say, Mr. President, I commend the distinguished Senators from Alabama (Mr. ALLEN and Mr. SPARKMAN) for introducing this amendment.

I have discussed it with Senator MAGNUSON and, in fact, Senator MAGNUSON is well aware of it. The Senator is quite correct, we have appropriated $25 million for the purposes he has indicated. I know first hand of the excellence of the Tuskegee Institute's School of Veterinary Medicine and its distinguished President, Dr. Luther Foster, and we agree that this is a stopgap, that there is an emergency, and that this is an important institution serving a large area of people.

As the Senator has said, it is the most integrated school of its kind in the country, but primarily it does serve minorities.

We are willing to accept this amendment, and I understand the distinguished chairman, Senator McCLELLAN, and the distinguished ranking member, Senator YOUNG, are willing to accept this amendment and, hopefully, we will hold it in conference.

Mr. ALLEN. I am certainly hopeful.

Mr. McCLELLAN. I think Senator YOUNG agrees with me, and we accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. McCLELLAN. I yield back my time.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 137

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes unprinted amendment No. 137.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 17, insert the following:

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976, Public Law 94–579, to remain available until expended.

Mr. JOHNSTON. Mr. President, there is no additional appropriation attached to this amendment. It is simply authority for the Bureau of Land Management to establish a self-sustaining account with which to finance environmental impact assessments required by law whenever an application is filed for use of public lands. This fund, to be financed by deposits of the use applicant, will avoid the need for supplemental appropriations, reprogramings, or other devices to which the BLM has had to resort in the past.

In this instance, Mr. President, there is an imperative need for this account. The Northern Tier Pipeline Co., we are told, is filing an application with the Federal Power Commission. This would involve the proposed pipeline from the Pacific Northwest to the northern Midwest. It would be designed to bring Alaska crude oil to a section of the Nation that is not now adequately served.

There are a great many uncertainties surrounding this proposed project, Mr. President, including the question of whether it should be built at all. This amendment has nothing to do with that issue. This language would merely enable the BLM, using funds deposited by the applicant, to move forward with the required environmental impact study, which I am told will require about $500,000 for the balance of this fiscal year.

The account proposed in my amendment is identical to the BLM's request in its 1978 fiscal year budget submission. This amendment would merely advance the activation of that account.

I hope, Mr. President, that this amendment would be acceptable to the chairman of the Interior subcommittee, and the chairman of the full Committee on Appropriations.

Mr. ROBERT C. BYRD. Mr. President, as the Senator from Louisiana has pointed out, there is no additional appropriation involved in his amendment. The account it establishes is proposed for fiscal 1978 and has been looked into at the subcommittee's budget hearings for the Bureau of Land Management. It is something we will have to do sooner or later with the growing demand for energy transportation systems. I see no reason why it should not be done sooner.

The matter of the Northern Tier Pipeline application, which we were told will be filed within the next few days, came to our attention when Senator MELCHER and others brought it to my attention just prior to the markup of the supplemental.

I have discussed this amendment with the Senator from Louisiana, and I understand that my colleague, the ranking Member on the other side of the aisle, Mr. STEVENS, will be agreeable to accepting it.

I have no objection to its adoption, and I accept it.

Mr. JOHNSTON. I yield back the remainder of my time.

Mr. ROBERT C. BYRD. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mr. Thomas Susman, of the staff of the Committee on the Judiciary, be accorded the privilege of the floor during the remainder of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, we now move to chapter IX of the supplemental bill. Senator STENNIS, who is chairman of the Subcommittee on Public Works, and I have conferred on this chapter, and he has asked that I present it in his absence.

I wish to express my full support and that of Senator STENNIS for the public works chapter of the 1977 supplemental appropriations bill. The Public Works Subcommittee and the full committee have fully considered the items contained in chapter IX and agreed to them without dissent. There is, however, one amendment I wish to offer in behalf of the subcommittee.

UP AMENDMENT NO. 138

I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an unprinted amendment No. 138.

On page 57, between lines 21 and 22, insert the following:

DROUGHT EMERGENCY ASSISTANCE

For necessary expenses for activities to mitigate the impact of the 1976–1977 drought, $100,000,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

Mr. HATFIELD. Mr. President, as ranking minority member of the Public Works Subcommittee and as a Senator from a State that is being affected by the drought now and will be severely affected as the dried seasons approach, I am pleased to offer an amendment which would add $100 million to the $30 million already contained in the committee recommendations for the Bureau of Reclamation's drought relief efforts.

This amount falls within the remainder of the allocation made to this subcommittee under the third concurrent budget resolution. The $100 million is for construction, management, and conservation activities, for deliveries of water to Indian reservation lands, and for operation of a "water bank" to purchase water from willing sellers for willing buyers at a negotiated price. These funds will provide low-interest loans—5 percent—to the purchasers of this water.

The Senate has already passed authorizing legislation—S. 925—for this purpose and I am advised that the House will take up the authorizing legislation on Monday.

While the committee did not have hearings on this specific request and amount, the committee has been made aware during our hearings on the fiscal year 1978 program of the severity of the drought and of the fact that the Energy and Natural Resources Committee and the administration had such a proposal under consideration.

Last week, after the committee reported this supplemental bill, we received the President's supplemental budget request for drought relief. I was pleased to see this recognition by the administration of the severity of the water shortages facing our Western States. I hope this action foreshadows further favorable actions by the President aimed at meeting the Nation's water needs.

The President's request included the $100 million item being offered as a committee amendment and the other two items already included in the committee recommendations before you. The first of these items already in the bill is $30 million for the emergency fund of the Bureau of Reclamation. These emergency funds will be used to install new wells in areas with available ground water supplies, to install pumps, to use water from drains in streams, to pump water from dead storage in reservoirs, for installation of pipes or concrete canal lining to conserve water and for technical assistance for improving system operation and irrigation scheduling procedures.

This supplemental item will enable the Bureau of Reclamation, under authority granted by the Emergency Act of 1945, to provide assistance to water districts served by the Bureau projects to alleviate severe water shortages resulting from the current drought in the 17 Western States.

Mr. President, at this time I move the adoption of the amendment.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HATFIELD. I am happy to yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I commend the distinguished senior Senator from Oregon (Mr. HATFIELD) for offering this amendment which will provide, as I understand it, $100 million for emergency drought assistance.

Colleagues will remember on March 15 the Senate approved S. 925, which was sponsored by members of the Committee on Energy and Natural Resources, with a record vote of 92 to 0.

The amendment offered by the Senator from Oregon, the distinguished ranking member of the subcommittee, will take us a long step forward in implementing the provisions of S. 925. As the Senator has mentioned, the House Interior Committee has approved an authorization which is for less than what we have approved in the Senate; namely we approved, as I recall, $400 million. But the House of Representatives has provided an authorization of $100 million.

That measure will come up on Monday under suspension of the rules so it will not be subject to amendment under the House rules.

I commend the chairman of that subcommittee, Mr. MEEDS, of Washington, and the chairman of the full committee, Mr. UDALL, of Arizona, for the expeditious manner in which they have moved to take action on the bill that we passed here in the Senate on March 15.

I must say, Mr. President, that there has been very fine bipartisan support all the way around on the problem that we face, particularly in the western part of the United States; namely, the worst drought since the 1930's.

I again extend my appreciation to the distinguished ranking minority member of the Subcommittee on Public Works (Mr. HATFIELD), and to the distinguished Senator from Arkansas (Mr. MCCLELLAN), chairman of the full committee, and the distinguished Senator from North Dakota (Mr. YOUNG) the ranking Republican member of the full committee.

Mr. HATFIELD. I thank the Senator from Washington for his comments. I also wish to indicate that it was through his initiative that we were able to get the authorization measure completed so exeditiously, in order to make way for this appropriation.

Mr. President, I move the adoption of the amendment.

Mr. McCLELLAN. We are willing to accept the amendment, and I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. HATFIELD. Mr. President, I would like to conclude the remarks concerning this particular chapter with the fact that the chapter also includes the President's request for $13.8 million for the Southwestern Power Administration for the purchase of thermal power to meet contractual commitments to market power.

The PRESIDING OFFICER. Who yields time to the Senator from Oregon?

Mr. YOUNG. I yield the Senator 10 minutes on the bill.

Mr. HATFIELD. Water shortages in the Southwest have sharply reduced the region's ability to produce hydroelectric power. It should be noted that the full amount of this appropriation for the Southwestern Power Administration will be repaid to the Federal Treasury with power revenues.

Mr. President, that concludes the remarks we have in explanation of chapter 9 of the supplemental appropriation bill.

Mr. PROXMIRE. Mr. President, I am responsible for chapter 5 of this legislation. Under the rules, will the chairman yield me time on that chapter?

Mr. McCLELLAN. I yield the Senator such time as he may require.

Mr. PROXMIRE. I thank the chairman.

Mr. President, chapter V of H.R. 4877, making supplemental appropriations for fiscal 1977, contains funding for the Department of Housing and Urban Development, the Environmental Protection Agency, the Veterans' Administration, and other independent agencies. The Senate Appropriations Committee has recommended total new budget authority of $19,498,956,000 for chapter V, which is $4,031,545,000 more than the House provided, but $2,467,412,000 less than the amount requested in the President's budget for the activities being funded.

The committee has concurred with the House recommendations in all but five instances. In all five cases we have added to the House-approved amount. Here is what the add-ons would accomplish:

An additional $4 billion for the Environmental Protection Agency's wastewater treatment plant construction grant program on top of the $500 million approved by the House, to provide the States and territories with additional Federal support for 75 percent of the total cost of building sewage treatment facilities. These funds would be disbursed on the basis of a formula set forth in S. 427 with slight proportional reductions reflecting the fact that we have provided only the $4.5 billion requested

by the administration rather than the $4,538,700,000 necessary to fully fund the formula.

Mr. President, I should add frankly that I opposed this large amount in the subcommittee and in the full committee, but was overruled by the majority both in the subcommittee and in the full committee. I proposed $2.25 billion for this item in full committee.

A total of $20 million for the Federal Disaster Assistance Administration to reimburse communities that have received emergency assistance for snow removal costs that occurred prior to the declaration of an emergency. This provision is subject to a point of order.

New funding of $1 million provided for a 1-year study by the National Commission on Neighborhoods of existing policies and new initiatives to conserve and revitalize existing city neighborhoods. This provision is also subject to a point of order since S. 1070, which authorized the Commission, has not yet passed the Senate.

The appropriation of $500,000 directly to the National Institute of Building Sciences so that the Institute can analyze and disseminate information on new building techniques, technology and materials. In the past the Institute has been living off the crumbs from the Department of Housing and Urban Development's table. The Department has provided the Institute with funding in the form of grants totaling $140,000 over the last 2 fiscal years.

An add-on of $10,045,000 to the $35,000,000 already appropriated by the Congress in fiscal 1977 for the Veterans' Administration program of assisting health manpower training institutions. This will allow the VA to support 28 projects under the program—projects that would otherwise have to be reconsidered on the basis of new submissions after June 30 of this year.

I would be remiss if I did not also point out that the great bulk of the $19.5 billion in budget authority contained in chapter V—$13,112,405,000 of it—is for assisted housing under the section 8 program, and that the total budget authority provided is far, far more than the administration will spend in a single year. In fact these funds will be spent over a period of 40 years.

I particularly want to call to the attention of the Senate the fact that the Budget Act has been interpreted as requiring, unjustly in my estimation, that the Department of Housing and Urban Development multiply by 10, 20, or 40 the assisted housing appropriations they have for a single year. That, in my judgment, is a very serious and unfair handicap for housing.

At any rate, chapter V funding will not have nearly as great an impact on the Federal deficit as appears at first blush.

Incidentally, we concurred with the House in settling on the Section 8 figure as well as all the other items not specifically mentioned in this statement.

Mr. President, this bill includes pay raises for virtually all Federal agencies in addition to a number of other vital funding recommendations. Consequently I hope that we can proceed to pass the legislation quickly, take it to conference, and have a bill on the President's desk for his signature before we leave on our Easter recess.

Mr. ROBERT C. BYRD. Mr. President. I notice on page 46 of the committee report that the Independent Offices Subcommittee has included, within chapter V of the supplemental appropriations bill, $20 million for the Federal Disaster Relief Administration to reimburse State and local governments for snow removal costs resulting from a winter storm for which the President issued an emergency declaration.

The committee report further States that this reimbursement appropriation is meant to cover costs of snow removal incurred by States and local governments which would have been borne by the Federal Government had the emergency declaration been in effect on the date of the winter storm.

I quote from the report:

States or portions thereof which received an emergency declaration as a result of a winter storm in the last week of January and the first week of February 1977 were Indiana, Michigan, Ohio and Pennsylvania.

My question to the distinguished senior Senator from Wisconsin is: Does this list of States constitute an exclusive list, or will other States which qualify also be eligible for these funds?

Mr. PROXMIRE. I can assure the Senator from West Virginia that the list is not, in any way, meant to be exclusive or restrictive. I am aware that West Virginia also experienced heavy snow removal costs and if West Virginia can qualify, then certainly the State would be eligible to receive any funds provided under this disaster relief title.

Mr. ROBERT C. BYRD. I thank the able Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I understand the Senator from New Jersey has an amendment to this chapter that he would like to offer.

UP AMENDMENT NO. 139

Mr. WILLIAMS. Mr. President, I have an amendment which I send to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DECONCINI). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. WILLIAMS) proposes an unprinted amendment numbered 139:

On page 14—

Mr. WILLIAMS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, between lines 16 and 17, insert the following:

HOUSING FOR THE ELDERLY OR HANDICAPPED

The limitation on the aggregate loans that may be made under section 202 of the Housing Act of 1959 from the fund authorized by subsection (a) (4) of such section for the fiscal year 1977 is hereby increased by $150,000,000.

Mr. WILLIAMS. Mr. President, the amendment I am offering, for myself and Senator BROOKE, Senator KENNEDY, Senator CRANSTON, Senator CLARK, and Senator MATSUNAGA, would provide supplemental fiscal year 1977 lending limits for the section 208 housing for the elderly and handicapped program.

This amendment would increase these lending limits by $150 million.

For each of fiscal years 1976 and 1977, loan limitations of $750 million were established for the section 202 program through the appropriations process.

The Department of Housing and Urban Development granted fund reservations to 285 section 202 projects in fiscal year 1976.

These projects initially totaled more than 28,000 units.

HUD was able to reserve funds for such a high number of projects only because it held project size to 100 units.

Discovering that many projects required additional units to make them feasible, HUD has been forced to utilize a portion of the fiscal year 1977 lending authority of $750 million, committing auproximately $150 million to the fiscal year 1976 section 202 projects in order to provide for larger projects where necessary.

As a result, only $600 million of the fiscal year 1977 lending authority it left for the new round of projects soon to be invited by HUD.

It is clear that if $900 million was required for HUD to meet its fiscal year 1976 commitment, then the number of units which would be reserved with only $600 million in fiscal year 1977 will be severely reduced.

Consequently, if the Congress is to retain the 202 program at the intended fiscal year 1977 support level of $750 million an additional $150 million in lending authority must be approved.

Current treasury borrowing levels allow a total of $1.475 billion for the section 202 program through fiscal year 1977.

This figure will increase to $2,387 billion on October 1, 1977.

In addition, amounts in the program's revolving trust fund may be loaned to sponsors.

These amounts do not, however, apply to reservations for loans; they apply to the actual lending transactions.

Due to the snail's pace with which this program has operated in the past, HUD's 202 reservations are running more than a year ahead of the actual loan transactions.

Because of the time lag between loan reservations and loan transactions, HUD's treasury borrowing to cover reservations made in fiscal year 1977 will be charged against the borrowing authority that exists for the years in which HUD actually borrows the money.

During fiscal year 1977 HUD will use virtually none of its existing treasury borrowing authority to place loan money in the hands of approved sponsors.

As a result, HUD will not reach its maximum treasury borrowing level of $1.475 billion this fiscal year.

Depending on the speed with which

HUD moves in approving new applications, reservations made in fiscal year 1977 will not result in actual treasury borrowing until at least fiscal year 1978.

By this time the treasury borrowing limit will have reached $2.387 billion.

Thus, there is absolutely no danger that my amendment will deplete the treasury borrowing authorization, for at the very maximum HUD could commit no more than $1.650 billion for section 202 approved projects through fiscal year 1977.

This figure of $1.650 billion consists of $750 million in lending authority for fiscal year 1976, $750 million in lending authority approved for fiscal year 1977, and the $150 million provided by my amendment to make up for the amount committed from the fiscal year 1977 lending authority to projects approved in fiscal year 1976.

The Congress had expected that the newly rejuvenated 202 program would run a little faster than it has.

Personally, I had expectations that we would have seen elderly persons moving into section 202 units last year.

So it seems only fitting that we keep the program at a relatively consistent support level to insure that the program does not suffer setbacks in construction levels.

It is estimated that the amount my amendment would provide could fund an additional 5,000 units of excellent rental housing for the elderly in fiscal year 1977, and may provide as many as 10,000 badly needed jobs in construction and in related industries much earlier than would otherwise be the case.

In a 1976 speech regarding housing, President Carter stated:

> . . . Instead of production we have been given moratoriums and illegal impoundments . . . Many projects begun earlier have died lingering deaths due to administrative delays by HUD . . . Section 8 has provided the housing industry with neither sufficient incentives nor confidence in the Federal commitment to low-income housing . . . We must restore idealism and purpose to our housing programs . . . The Section 202 Program, which successfully provides housing for the elderly and the handicapped, must be expanded . . .

This supplemental lending authority would represent a beginning in meeting the President's stated goal by assuring that the section 202 program is funded at 100 percent of the authorized level.

I urge my colleagues to support this amendment which will signify our commitment to a better life for older Americans.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. WILLIAMS. Yes.

Mr. PROXMIRE. Mr. President, I am very happy to support this amendment. It is an excellent amendment. Housing for the elderly is one of the most popular programs we have in this country. It is a program that is not in the budget and should not be in the budget because the effect on the taxpayer is positive, not negative. This money is paid back in full with interest. It is a program that has worked extremely well all over the country, certainly in my State, and I am happy to support it.

I think in fairness to HUD, however, I should point out for the Record that the Secretary of Housing does oppose this amendment and has told me through staff that HUD does oppose it. They oppose it for three reasons, primarily: They feel that they do not have the staffing available to do the job that should be done. Therefore, they feel the program might not provide the 28,000 unit starts that the Senator from New Jersey has referred to. They feel they have enough lending authority now. Finally, they feel they would have to devote more section 8 money to house the section 202 recipients.

Mr. President, none of those arguments convince me. It seems to me we should put pressure on HUD to do the job. They have fallen short in the past in many respects.

We all know that publicly-assisted housing has been woefully deficient in this country. We have a goal of 600,000 starts and last year we had 41,000 starts, 7 percent of our goal. It is probably the worst record of any Federal program we have.

I am delighted to support the Senator from New Jersey. I think he has a good amendment and I am happy to accept it.

Mr. WILLIAMS. I appreciate that very much. I will say that the manager of this section of the appropriation bill has been a consistent fighter for the section 202 program. I believe that my amendment will truly put us on the road to a more active section 202 program and I feel confident that HUD will be able to handle the applications for 1977 that this amendment is designed to fund.

Mr. MATHIAS. Will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MATHIAS. I agree with the Senator from Wisconsin. The arguments advanced against this proposition really do not hold water against the need which exists. I think it is not only appropriate but necessary to add the sum of $150 million, which the Senator from New Jersey has proposed. In fact, I would be glad to be a cosponsor of this amendment. I had some question whether, as a member of the committee, I should take that position. I believe clearly these moneys are necessary. I do not think there is any question that the need for these additional funds is there and that additional requests for funding housing for the elderly and handicapped projects are pouring into HUD. If we are going to be able to respond to the need which already exists, we are going to have to take this action.

The appropriation of these funds will keep us under the authorized amount for the program. Therefore, I am very happy to join with the Senator from Wisconsin and my chairman in supporting the amendment.

Mr. BROOKE. Will the Senator yield?

Mr. WILLIAMS. I am happy to yield.

Mr. BROOKE. Mr. President, I commend the distinguished Senator from New Jersey for offering this amendment. As a member of the subcommittee, I join with him and would like to be added as a cosponsor of this amendment.

Mr. WILLIAMS. I have listed the Senator from Massachusetts.

Mr. BROOKE. It is extremely important for us to provide additional funds for housing for the elderly and the handicapped. I will not belabor the point. I believe the Senator from New Jersey has made his case well, and I am very pleased that the chairman of the subcommittee, the distinguished Senator from Wisconsin (Mr. PROXMIRE) has agreed to accept this amendment.

Mr. WILLIAMS. Mr. President, I have no further requests for recognition.

The PRESIDING OFFICER (Mr. SASSER). Is all time yielded back?

Mr. WILLIAMS. I yield back the remainder of my time.

Mr. BROOKE. I yield back the remainder of our time. Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 140

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts (Mr. KENNEDY), for himself and Mr. BROOKE, proposes an unprinted amendment No. 140.
>
> On page 15, after line 4, insert the following:
>
> EMERGENCY HOMEOWNERS' RELIEF FUND
>
> For emergency mortgage relief payments and for other expenses authorized by title I of the Emergency Housing Act of 1975 (Public Law 94-50), $1,000,000.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, I offer this amendment on behalf of myself and my colleague from Massachusetts (Mr. BROOKE). It is a very simple amendment. It provides $1 million appropriation for the emergency mortgage relief legislation which has been authorized and signed by the President into law. Actually, the Congress provided some $30 million for this legislation, and it was unexpended.

The reasons for this particular provision will be further elaborated upon during our discussion next week when the housing authorization legislation is considered.

The purpose of this amendment, Mr. President, is to provide assistance for mortgage payments by certain individuals in the Mashpee area of Massachusetts. Some individuals face the potential problem of not being able to meet the mortgage payments on their homes because of clouded title resulting from the Indian land dispute over 16,000 acres in Mashpee.

Senator BROOKE and I have felt the pain and the anguish experienced by a number of homeowners and small businessmen, particularly construction companies, because of the cloud of title which has been imposed by the lawsuit.

This has resulted in a dramatic increase in unemployment, and as a result those particular workers, as well as other individuals may face difficulties in making the mortgage payments for their homes and small businesses.

This amendment is to provide some degree of relief for those particular individuals.

It is my understanding that the moneys would expire by September of this year and that the procedures which have been outlined in the bill in terms of repayment and the standards which have been set in terms of eligibility would be enforced.

It will mean a great deal to those working people who are in danger of losing their homes and their small businesses, and who have been experiencing extraordinary hardship.

We are all hopeful, whether we are talking about Massachusetts or the few other areas or States which have been affected by challenges in terms of the Indian claims, that we are going to see an early resolution of those problems. This is purely a temporary remedy but, even though it is small in terms of dollar value, it is extremely important to a number of the small homeowners in a very special part of our State that are at this time being very heavily pressed. It will be for their relief and for the small businesses as well.

Mr. BROOKE. Will the Senator yield?

Mr. KENNEDY. I yield to my colleague.

Mr. BROOKE. Mr. President, I associate myself with all that the distinguished Senator from Massachusetts (Mr. KENNEDY) has said. It is a small amount that we are seeking for Mashpee, but it is vitally needed. The people who own homes in the town of Mashpee are experiencing grave difficulties. Indian claims, which have yet to be adjudicated, affect all of the homes and all of the small businesses in that town. The town has practically been brought to a standstill, because of this cloud on title. Many of the people have lost income because of this crisis and are unable to pay their monthly mortgage payments.

This action, Mr. President, will not resolve the most important question facing Mashpee regarding the cloud on title. We hope that this matter will be resolved through negotiations rather than long and protracted litigation. This kind of mortgage relief at this time would be most beneficial to the residents of that town who paid consideration for their homes, and are not responsible for the current situation. Certainly, they should not suffer because Congress may not have done its job to approve the transfer of land when it passed the Non-Intercourse Act of 1790.

This is a very serious problem and I am hopeful that my subcommittee chairman, the distinguished Senator from Wisconsin (Mr. PROXMIRE) will see fit to accept this amendment. Obviosuly, I am strongly in favor of it. I am cosponsoring this amendment with the distinguished Senator from Massachusetts (Mr. KENNEDY), because we think it is so vitally needed. It is a small amount of money and I am sure that we can amend the authorization legislation appropriately when that bill comes on the floor next week. These two provisions working together, I think, will make this a viable form of relief to the citizens of the town of Mashpee.

Mr. PROXMIRE. I have discussed this matter with both Senators from Massachusetts, Mr. President. I understand the urgent need in Massachusetts.

First, I wish to say that there is also a problem in Maine which is much more serious and quite different. This does not go to the problem in Maine. I have discussed the Maine situation with the Senators from Maine. They are very alert to this problem and concerned about it, but their particular difficulty would not be met by the measure that the Senator from Massachusetts brings up. This $1 million would be for the problem in Massachusetts with respect to mortgage payments.

In 1976, we appropriated $35 million under this provision of the law. It was never used by HUD. It requires an action by the Secretary of Housing and Urban Development to find an emergency. After we appropriate this money, we have to authorize a new program. It has to be passed by the House and Senate and signed by the President Then the Secretary has to make a finding. So there is a long path between the action that we take this afternoon and any assistance for the people in Massachusetts. This is certainly the first essential step.

There is one point I want to make clear. This appropriation will expire on September 30, 1977; that is, at the end of this fiscal year. With that understanding, I am willing to accept the amendment.

Mr. BROOKE. Will the Senator yield?

Mr. PROXMIRE. Yes.

Mr. BROOKE. I am hopeful we will reauthorize this program so that it will not expire on September 30, 1977.

Mr. PROXMIRE. Yes. What I am saying is that since the fiscal year expires on September 30, and since we are amending a 1977 supplemental, September 30 is the date on which the appropriation would expire. We would have an opportunity to provide an additional amount if we wished to.

Mr. BROOKE. Both my distinguished colleague from Massachusetts (Mr. KENNEDY) and I are aware of the procedure. We understand what has to be done and the length of time involved, but we have to begin that process now. We feel if we accept this amendment, we can make the necessary changes in the authorization bill next week. Then, the Secretary of Housing and Urban Development will be able to review this matter and make her determination that an emergency exists. If this situation in Mashpee is not an emergency, I cannot imagine what would constitute an emergency. I am hopeful that the Secretary of Housing and Urban Development will find that this crisis is an emergency that qualifies under the existing legislation.

Mr. KENNEDY. If the Senator will yield, we believe this particular resource will comply with provisions which have been included in the emergency mortgage legislation. My colleague and I shall have to work on some minor adjustments. But, yes, we do understand it.

We hope it will be used to a minimum extent. If it is used to the maximum extent, it means an enormous human tragedy to the people who will be utilizing it. There is no real requirement that the million dollars be utilized. The standards under the emergency act are extremely severe. What they will offer is a sense of hope, particularly at this time, which is such a crucial time to the people of that community.

Mr. PROXMIRE. Mr. President, I yield back my time.

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 141

Mr. KENNEDY. Mr. President, I send to the desk an amendment for myself and the distinguished Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself, Mr. JAVITS, and Mr. HUMPHREY, proposes unprinted amendment No. 141:

On page 12, between lines 5 and 6, insert the following new paragraph:

"ROMANIA RELIEF AND REHABILITATION

"For relief and rehabilitation of Romanian earthquake victims, $10,000,000, to be available only upon enactment of authorizing legislation and to remain available until expended.".

Mr. KENNEDY. Mr. President, I offer this amendment in behalf of myself and the Senator from New York, as well as the Senator from Minnesota (Mr. HUMPHREY). This is an extremely modest amendment, really more of a symbol to the people of Romania, who have suffered one of the greatest human disasters that any nation has experienced in recent times: More than 1,700 people killed, tens of thousands wounded in the recent earthquakes; nine of their best and most important hospitals damaged or completely destroyed—a total of more than a billion dollars worth of damage to the country.

This is an effort to give a significant indication of the caring of the American people toward people who have suffered and are continuing to suffer in a most unfortunate manner because of the earthquake in Romania.

Mr. President, this amendment appropriates $20 million in earthquake assistance, subject to enactment of authorizing legislation—S. 1124—which Senator JAVITS and I introduced last Friday.

It is important that the Senate act now upon this amendment, in the context of the Supplemental Appropriations bill, in order for the United States to respond to the urgent rehabilitation and reconstruction needs caused by the massive earthquake which struck the people of Romania on March 4.

The Congress is clearly on record in support of humanitarian assistance to

Romania. On March 14, the Senate adopted Senate Concurrent Resolution 12, sponsored by Senator JAVITS and myself, with additional cosponsors, which stated:

The United States should do all that is possible to assist the people of Romania in their hour of need following the terrible natural disaster which has just afflicted them....

On March 17, the House concurred in the resolution.

The administration is also clearly on record in support of this amendment. On March 30 I received a letter from Acting Secretary of State Warren Christopher, stating the administration's support for $20 million in grant assistance to the victims of the Romanian earthquake. He noted that "we believe such aid would effectively demonstrate our country's readiness to act in accordance with our humanitarian concerns," and that "the amount of $20 million is fully justified."

Mr. President, I ask unanimous consent that the text of Secretary Christopher's letter be printed at that point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 30, 1977.

Hon. EDWARD M. KENNEDY,
U.S. Senate.

DEAR SENATOR KENNEDY: I would like to express the support of the Department of State and this Administration for the legislation you and Senator Javits introduced on March 24, authorizing $20 million in assistance to the victims of the Romanian earthquake. We believe such aid would effectively demonstrate our country's readiness to act in accordance with our humanitarian concerns.

As you know, the earthquake that struck Romania on March 4 was a major disaster. The most recent reports available to us show over 1500 dead, 11,000 injured, and 34,000 families homeless. More than 32,000 buildings were destroyed or seriously damaged, and losses to the Romanian economy exceed $1 billion.

The Romanian Government has requested further assistance. We believe the United States should promptly take further steps, in addition to the approximately $600,000 in emergency assistance offered so far, to help Romania in the reconstruction phase of its recovery from the disaster.

In view of the severity of the earthquake, we believe grant assistance in the amount of $20 million is fully justified. These funds would be used in accordance with the following list of priorities:

1. Hospital, medical and similar equipment and commodities with a humanitarian purpose;

2. Equipment, commodities and technical services required for clearing damaged buildings and the rehabilitation and reconstruction and replacement in other sectors.

3. Equipment and commodities required for rehabilitation and reconstruction and replacement in other sectors.

We believe prompt action is appropriate to make FY 1977 funds available for these purposes. I appreciate your leadership in seeking rapid Congressional approval for an offer of $20 million in reconstruction aid to Romania.

The Department of State is reviewing the appropriateness of low-interest credits to help finance Romanian purchases of U.S. equipment to repair or replace items damaged or destroyed by the earthquake. We will be in touch with you after we have studied this matter further.

Sincerely,

WARREN CHRISTOPHER,
Acting.

Mr. KENNEDY. Mr. President, to date the United States has provided some $626,000 in disaster relief assistance, but this phase of assistance will be largely completed by April. As the emergency relief phase of the Romanian earthquake operation ends, it is particularly important that rehabilitation and reconstruction programs begin with assurances of support.

On March 10, the Romanian Foreign Minister asked our Ambassador in Bucharest for help in normalizing the lives of the victims of the earthquake. Since then, a number of areas of need have been identified to which the United States can appropriately contribute—and which have an urgent humanitarian purpose.

Although the $20 million to be appropriated by this amendment has not yet been fully broken down by projects, several areas of specific needs have been targeted.

The first, as I noted earlier, is in the medical field. The earthquake damaged nine important hospitals in Bucharest alone, plus many other medical facilities and clinics outside the city. Critically important medical equipment—some of which originated in the United States—has been destroyed. The administration intends to use a sizable portion of the $20 million in grant aid for hospital and medical equipment, and commodities with a humanitarian purpose.

A second area of need relates to technical services and commodities required for the clearance of damaged buildings and the rehabilitation and reconstruction of housing, schools, and other community facilities.

Finally, I am hopeful that after the authorization for this appropriation is passed by Congress, the administration will fully consider other kinds of assistance to Romania which may be appropriate to help its people overcome the human and social and economic hardships produced by the earthquake. As Secretary Christopher noted in his letter:

The Department of State is reviewing the appropriatenes of low-interest credits to help finance Romanian purchases of United States equipment to repair or replace items damaged or destroyed by the earthquake.

If such assistance is provided, Mr. President, and requires additional legislation, I want the record to clearly show that I am prepared to support its enactment.

For now, however, it is important that we move ahead on the amendment we are offering today, to provide an immediate and urgently needed humanitarian contribution to the rehabilitation and reconstruction efforts underway to help the earthquake victims in Romania.

Again, Mr. President, the $20 million is subject to an authorization to be considered by the Foreign Relations Committee. It will not be expended now. It amends a provision in the Foreign Assistance Act that only relates to humanitarian needs, not to the general concept of economic construction. It is limited and targeted purely to humanitarian needs. I hope it will be accepted.

REFUGEE ASSISTANCE

Mr. President, on another matter, I would like to commend the action of the Appropriations Committee, and the leadership of the chairman of its Foreign Operations Subcommittee, Senator INOUYE, in supporting the supplemental requests for the migration and refugee assistance account. I believe the action of the committee was both wise and timely in fully funding these requests.

At a time when our country is making a fresh beginning under President Carter in support of our Nation's traditional concern for human rights and humanitarian affairs, I believe it is important that we act in support of these efforts. The response of the committee in providing increased financial support to the migration and refugee assistance account is further evidence to all that the United States is taking seriously its concern for the homeless and the needy.

I also want to commend the committee for its action in eliminating the narrow focus of the funding for refugees—for broadening the scope of the migration and refugee assistance account beyond refugees only from the Soviet Union and Eastern Europe. The elimination of this narrow wording is a step in the right direction—toward treating all refugees entering the United States equally.

Further study will be required, Mr. President, to work out a comprehensive refugee resettlement policy for the United States, and I pledge my best efforts to assure that the newly constituted Judiciary Subcommittee on Immigration, Refugees and International Law will undertake a thorough review this coming year of all U.S. policies and programs in behalf of refugees—especially those entering the United States.

Again, I support and commend the committee for its actions in behalf of refugees.

Mr. JAVITS. Will the Senator yield?

Mr. KENNEDY. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the Foreign Relations Committee on my motion reported out a resolution which was adopted expressing sympathy with the people of Romania in this crisis situation of the earthquake, which was very damaging. The letter of the State Department, which has been printed in the RECORD, indicates the size of this disaster.

Mr. President, the important point here is that it is humanitarian, that it will be authorized with particularity, and that, therefore, it does not represent any difference in the U.S. policy respecting East-West problems and East-West trade.

Though it is a fact Romania has qualified for most-favored-nation treatment, even under the provisions of the statutes which we have today, what I think is critically important is that the Foreign Relations Committee has acted

on the question of the U.S. general policy which is involved and supported by the Senate. The fact is that this will be specifically for humanitarian purposes and that it does not change U.S. policy in East-West matters.

But rather, it represents the constant policy of the United States that where there is a disaster which affects people, as was the case here, this rises above governments and government policy and deserves to be handled on its own by us, as this very fine initiative by Senator KENNEDY would represent.

Mr. President, it is very important for us that Romania, which has shown itself in many respects independent in its policy, may be encouraged in the feeling that thereby it is making friendly relations with the American people, especially important when they have been struck by such a serious blow as this earthquake disaster.

I, therefore, take great satisfaction in joining with Senator KENNEDY in this effort and hope very much that it may be considered acceptable by the managers of the bill.

The PRESIDING OFFICER (Mr. DECONCINI). The Senator from North Dakota.

Mr. YOUNG. Mr. President, I yield myself 5 minutes.

Here is a $20 million proposal with no budget estimate, no hearings, no committee consideration, no authorization, no advice or consultation with the chairman, Mr. MCCLELLAN, on this type of spending, no contact with the staff.

A memorandum delivered to the committee this morning states that "the executive branch favors this amendment" but OMB advises that the matter of a budget amendment has not been presented to the President and that no budget amendment has been or will be transmitted prior to floor consideration of the bill.

Furthermore, it is subject to a point of order.

I am sure Romania is one of the more friendly Communist countries. But it seems to me, when we throw around $20 million, give it in other parts of the world, that it should be given more consideration than this. At least, the committee should have been advised at least a half hour before it was taken up and given just a little time to consider it.

Mr. KENNEDY. Mr. President, I just want to make it clear that I had the opportunity of speaking with the chairman of the Foreign Operations Subcommittee 2 days ago about this particular matter. I agree with the Senator about the emergency aspects of this particular proposal. But I did have a chance to indicate that it was not enormously complex and it is not a precedent-shattering proposal, either.

Not long ago I was on the floor when there was just about a full Chamber and the distinguished Senator from Rhode Island (Mr. PASTORE) waved through $25 million in earthquake assistance, not even being subject to an authorization, and I heard no objection about that when it was being devoted to Northern Italy when it experienced an extraordinary disaster.

So this amendment is subject to an authorization. There will be a time it will go through the nearing process in that respect, as it should.

But I think this is an important symbol to the Romanian people who have suffered very dramatic personal hardship, that the people of the United States have some degree of sympathy for their plight.

Mr. LEAHY. Mr. President, on behalf of the subcommittee, I have discussed this matter with the ranking minority member of the subcommittee, the distinguished senior Senator from Pennsylvania.

We are aware of the question on authorization. We are aware of the fact that if we appropriate this money, there will still have to be the hearings in the normal authorization process.

But we agree with the distinguished Senator from Massachusetts and the distinguished Senator from New York on the reasoning for this appropriation.

I have reviewed the correspondence from the State Department and I am perfectly willing, as is the ranking minority member of the subcommittee, to accept the amendment.

Mr. YOUNG. Mr. President, I yield myself 3 minutes more.

Mr. President, there are billions of dollars in this bill now that are not authorized. It is far beyond $32 billion.

The national debt now is estimated to reach $802 billion this year. Just the interest on our national debt this year will be about $46.5 billion.

The reason we are going in that direction is the procedure we are following now. No committee consideration, no authorization, no warning before one amendment after another, running into billions of dollars.

It is a good cause, but I think $20 million without hearings is too much for it. I oppose it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HART). On whose time?

Mr. YOUNG. On my time.

Mr. MCCLELLAN. Mr. President, I ask unanimous consent that the quorum call not be charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, it is in order, I believe, for me to amend my amendment.

The PRESIDING OFFICER. When the time on the amendment has expired or has been yielded back.

Mr. KENNEDY. I yield back the remander of my time.

Mr. MCCLELLAN. I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, will the Senator from Arkansas yield me 2 minutes?

Mr. MCCLELLAN. I yield.

Mr. KENNEDY. Mr. President, is it appropriate to amend the amendment at this time?

The PRESIDING OFFICER. The Senator can now offer an amendment to the amendment.

Mr. KENNEDY. I substitute $10 million for the $20 million.

Mr. LEAHY. Do I understand the Senator to say that he is substituting $10 million for $20 million?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MCCLELLAN. Mr. President, this amendment came as a little surprise. As the distinguished Senator from North Dakota pointed out, we did not have any notice of it until yesterday, and I was under the impression that the administration did not approve it. They had no budget for it or any request for it. Now that the amendment provides that the money will not be available for expenditure until authorized, I think that is adequate protection for everyone who may have some doubts about it.

In view of the letter that came in today or yesterday from the Acting Secretary of State, I see no objection to accepting this amendment, at least taking it to conference. In the meantime, the authorization committees can hold hearings and determine whether it should be authorized. No money would be expended until authorized, and I am prepared to accept the amendment, if the Senator from North Dakota will agree.

Mr. YOUNG. Mr. President, I am willing to accept the amendment.

Mr. MCCLELLAN. I yield back the remainder of my time.

Mr. DECONCINI. Mr. President, will the Senator yield me 2 minutes?

Mr. MCCLELLAN. I yield.

Mr. DECONCINI. Mr. President, I associate myself with Senator KENNEDY's amendment. I believe it is a fine compromise and a fine gesture. I thank the Senator for the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD Senate Concurrent Resolution 12, relating to the earthquake disaster in Romania and expressing the sympathy of the United States, and the determination that we shall do all possible to assist the people of Romania in this disaster.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 12

Whereas Romania has suffered a disastrous earthquake which resulted in a significant loss of life, much human suffering, enormous physical destruction, and major economic disruption; and

Whereas it is in the tradition of the United States to provide humanitarian assistance to the victims of such disasters; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States should do all that is possible to assist the people of Romania in their hour of need

following the terrible natural disaster which has just afflicted them; and should join with other nations and international organizations and with public and private organizations for that purpose; and that the people of the United States express their deepest sympathy to the victims and to their bereaved families.

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes on the bill?

Mr. McCLELLAN. I yield.

Mr. JAVITS. Mr. President, there are two items with respect to the bill to which I desire to call the attention of the Senate.

One is a provision of $2 million for the parks system to proceed with acquisitions in respect of the Fire Island National Seashore. This is a critically important recreation facility, almost literally in the very heart of the New York City area. It is a remarkable idea to thread together many very important watering areas for wild fowl and recreation.

I am deeply indebted to the Senator from West Virginia (Mr. ROBERT C. BYRD) for helping us include this provision in the bill. It is extremely helpful and extremely useful to that area of the country and generally to our situation.

The second item I would like to offer is my support for the Senate committee recommendations on the fiscal year 1977 general supplemental appropriations bill. I believe the Senate committee has responded effectively to the overall funding needs for which these proposed supplemental appropriations are intended, and I shall vote to approve their recommendations. The total of $32.1 billion in new budget authority, and additional funds available through interaccount transfers, recommended by the Senate committee reflect necessary funding to maintain and improve a wide range of Federal programs and services.

I note with particular interest the levels recommended for programs and activities in labor, health, education, and welfare. In these areas, the Senate committee provides $5.9 billion, or funding of $950 million above the President's supplemental request, and $100 million above the House recommendations. These proposed levels reflect a continuing and necessary commitment to Federal efforts to provide direct benefits to all our Nation's people.

In health, for example, the Senate committee recommendations include fiscal year 1977 regular appropriations for health manpower programs, and important increases over the House in programs to fund alcoholism grants throughout the States, as well as allied health and public health programs. In education, the Senate committee proposes increases above the House for innovative programs to assist school district desegregation under new provisions of the Emergency School Aid Act, as well as in several programs providing student and institutional assistance in higher education, including restoring recommended 1977 appropriations for the national direct student loan program to their full 1976 level of $321 million. Important increases above the House are also recommended for programs to assist our Nation's college and university libraries, and to improve activities in educational guidance, counseling, and testing.

I am also pleased to note that the Senate committee has recommended a total of $282.5 million to help low-income families respond effectively to their basic energy needs under programs administered through the Community Services Administration.

In short, the Senate committee has developed recommendations that reflect effective funding levels for a number of programs designed to provide social benefits for our Nation's people. I commend the members of the committee for their efforts, and urge their continued consideration in these vital areas.

UP AMENDMENT NO. 142

Mr. McCLELLAN. Mr. President, if no one else has an amendment, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. McCLELLAN) proposes an unprinted amendment numbered 142:

On page 104, strike out lines 11 through 17.

Mr. McCLELLAN. Mr. President, this section on page 104 of the bill was adopted on the House floor, and it reads:

None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for the termination or deferral of any project, activity or weapons system approved by Congress, except specific projects, activities, or weapons systems for which, and to the extent, budget authority has been rescinded or deferred as provided by law.

Mr. President, the administration is very much opposed to that language. I am offering this amendment to strike it, so that the matter can go to conference and we can give further study to it.

I have a letter from the Director of OMB, dated March 23, and I will read the pertinent paragraph:

In effect, the provision would modify the Impoundment Control Act of 1974 by preventing use of funds in the bill to take any action to defer or stop projects or activities approved by the Congress. Since the Supplemental Bill provides funds to cover pay raises for virtually all Federal civilian and military personnel, the total salaries of nearly all personnel are affected. The amendment would have the effect of prohibiting all personnel receiving any salary payment under the Supplemental Bill from taking any action—even to place a call—to withhold or delay use of any Congressionally approved funds. For example, a routine deferral of any project, made to await the results of a study to determine the most desirable use of funds, would be prohibited. The majority of deferrals have not been overturned presumably because the Congress recognizes that they represent normal or desirable management of funds.

That is the issue. I feel that the matter should have some study and discussion. Therefore, I propose to strike it, so that we can debate it in conference and try to resolve it.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the Director of OMB.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 23, 1977.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, your Committee will be considering the 1977 Supplemental Appropriations Bill (H.R. 4877) during this week. I want to express my opposition to section 304 of the bill as approved by the House. This provision is as follows: "None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for the termination or deferral of any project, activity or weapons system approved by Congress, except specific projects, activities, or weapons systems for which, and to the extent, budget authority has been rescinded or deferred as provided by law."

In effect, the provision would modify the Impoundment Control Act of 1974 by preventing use of funds in the bill to take any action to defer or stop projects or activities approved by the Congress. Since the Supplemental Bill provides funds to cover pay raises for virtually all Federal civilian and military personnel, the total salaries of nearly all personnel are affected. The amendment would have the effect of prohibiting all personnel receiving any salary payment under the Supplemental Bill from taking any action—even to place a call—to withhold or delay use of any Congressionally approved funds. For example, a routine deferral of any project, made to await the results of a study to determine the most desirable use of funds, would be prohibited. The majority of deferrals have not been overturned presumably because the Congress recognizes that they represent normal or desirable management of funds.

The provision is likely to raise substantial questions of interpretation as to whether an action constitutes termination or deferral of a project or activity approved by Congress. The determination of what activities or projects have been "approved by Congress" is clear only when amounts for such activities or projects are specifically designated in appropriations language.

In summary, I believe the Senate should not include this provision in an approved supplemental bill because of the difficulties it would create.

Sincerely yours,

BERT LANCE,
Director.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

ADDITIONAL STATEMENTS SUBMITTED ON H.R. 4877

SCHOOLS AT FORT RILEY

Mr. DOLE. Mr. President, I have prepared an amendment to provide an additional appropriation of $12.5 million for the construction of urgently needed schools at Fort Riley, Kans. After discussing this matter with the Senator from Massachusetts, I believe we can

take care of it with a colloquy to follow my explanation of the problem.

LACK OF FUNDS

The problem is very simple. In the last few years, the Army has spent $27.3 million to construct 1,101 new family housing units at Fort Riley. This will eventually add more than 1,700 children to the student population there. The result is a severe shortage of school facilities.

The soldiers at Fort Riley who may have children of school age cannot understand why we spend over $27 million to build new housing units and not a single penny to build additional school facilities or even to expand the existing schools.

The present school facilities at Fort Riley have a capacity of 2,275 students. The student population at Fort Riley is presently 2,937. This figure will increase to about 3,994 as the additional housing units are completed and filled.

This problem has arisen because getting the funds appropriated has apparently "fallen through the cracks." The Army has the jurisdiction over constructing the housing units. HEW has jurisdiction over construction of the school facilities. The Army has built 1,100 housing units. HEW has not requested a single penny for school facilities. It looks like a matter of the left hand not being coordinated with what the right hand is doing.

In order to build adequate schools, the school district superintendent has advised me an appropriation of $12.5 million is needed.

SCHOOL IN WORLD WAR II BARRACKS

Mr. President, as a result of the lack of funding, we now have 140 children going to school in World War II-era barracks. I am appalled that we have to send the sons and daughters of our military families to school in World War II barracks. And the number is going to increase unless we provide some supplemental appropriation.

The Army has provided the World War II barracks as a temporary facility. As I understand, this is the best that can be done since the Army is specifically barred from using Defense appropriations for school construction.

Needless to say, there are many problems resulting from this situation. There are no special education facilities. There is no auditorium. The playground facilities are minimal, and that is significant since grades 1 through 6 are being taught in these facilities.

The lack of better facilities has required that more than an optimum number of students are placed in each class. As I understand, about 30 children are being placed in each class. Classes cannot be held on the second floor of these buildings because of the danger of fire. Due to poor insulation, these buildings are very expensive to heat, which uses up funds that could be better spent in providing a better education.

There is no cafeteria. Food must be prepared in a kitchen some place else and transported to the facilities.

The alternative to the temporary solution of using World War II barracks would be double sessions. Double sessions would require half of the students going to school from 7 a.m. to 1 p.m. and the other half from 1:30 p.m. to 7:30 p.m. I believe this is totally unacceptable for children in grades 1 through 6.

In addition to those classes being held in World War II barracks 232 children of grades kindergarten through 6 are being bused into schools in Junction City. These students are being assigned to schools on a space-available basis, which means they are rotated from one school to another on a year-to-year basis. Again, the lack of stability in the school environment adds to the difficulty of getting a good education.

At the junior high school level, the school at Fort Riley, which was constructed for about 400 students, is being attended by 563 students. Due to the crowded conditions, there is no library and no special education facilities. Three temporary buildings have been constructed to accommodate additional students.

EFFECT ON MILITARY PERSONNEL

Mr. President, this situation is intolerable. The students we are talking about are dependents of professional military people. These career soldiers are the core of the Army. I believe that those who stand foremost in defense of our Nation are reasonably entitled to expect an education for their children at least equal to that provided elsewhere in public facilities.

The shortage of school facilities at Fort Riley did not occur suddenly. As I, understand, HEW inspected the existing schools in May 1975, and found numerous deficiencies. However, there has been no appropriation to expand or modernize the existing facilities or to build new facilities. It is puzzling to me that HEW has not seen fit to give a high enough priority on this problem to request an appropriation. Instead, the Department of HEW is apparently willing to have first-grade through sixth-grade level children going to class in World War II-era barracks.

OTHER INSTALLATIONS

Mr. President, when I inquired into this matter I learned that a number of other installations are having a similar problem. Consequently, I prepared a letter to the subcommittee on new appropriations which I have circulated to Senators from the respective States where those installations are located. This letter has been signed by Senators THURMOND, FORD, and HUDDLESTON. I ask that this letter and attached chart be inserted in the RECORD.

Again, I would just stress that this is a very urgent matter. If we could appropriate the funds today, and start building the schools today, it would not be too soon. For, it takes some time to build a school and we already have young students in an unacceptable classroom situation.

Many people including the commanding general at Fort Riley, the superintendent of the school district, and others in the community have contacted me to advise of the seriousness of this matter.

There are a number of other school districts that are affected by the shortage of school facilities at military installations. I ask unanimous consent that a list of the civilian superintendents and their respective school districts be inserted in the RECORD.

I, also have a brief summary of the conditions existing at the seven most severely affected installations in the Department of the Army. I ask unanimous consent that this summary be inserted in the RECORD.

As indicated in the summary, there are 4,015 students presently attending schools in temporary buildings, most of which are World War II-era barracks that are totally inadequate to serve as modern school facilities. Mr. President, there has also been a great deal of correspondence back and forth between the Department of Army and the Department of HEW. This correspondence may be instructive as to how we have come to this position of lacking school facilities. I ask unanimous consent that it be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 28, 1977.

Hon. WARREN G. MAGNUSON,
Chairman, Labor-HEW Appropriations Subcommittee, Washington, D.C.

DEAR MR. CHAIRMAN: We would like to ask your assistance in solving a critical shortage of school facilities for thousands of children of military families in our states.

It appears the problem has arisen because getting funds appropriated has "fallen through the cracks". At the seven most severely affected installations, the Army has spent over $128 million building about 5,000 new on-post family housing units in the last ten years. But the Army is specifically barred from spending DOD funds for school facilities—that authority falling under HEW (Section 10, Public Law 81-815).

During the construction of these new housing units, no funds whatsoever have been provided at five of the seven posts for building schools to accommodate the children of families moving in. As a result, there are now several thousand Army children being educated in over-crowded classrooms and often in previously abandoned buildings, mess halls, hospitals, churches, or whatever type of makeshift facility can be obtained. As housing units are filled, the number of students without a proper school building will exceed 7,000. Plans are being developed for double sessions which will further aggravate education problems with early morning and late evening school hours. The attached chart shows specific details of the problem at Forts Riley, Stewart, Bragg, Buchanan, Campbell, Jackson, and Leonard Wood.

We are especially concerned about the lack of schools for these dependents because it will cause the greatest detriment for those military professionals who make up the core of our armed services. It seems to us that those who stand foremost in defense of our nation are reasonably entitled to expect an education for their children at least equal to that provided elsewhere in public facilities. At a time when we are concerned about

inadequate military manpower, it seems especially inappropriate to deprive the career families of their basic needs.

As a first step, we believe there should be an immediate supplemental appropriation of $67 million to solve the most critical problems under Section 10, P.L. 81-815 at the above-named seven installations. Secondly, there should be on-going appropriations to meet other school facility requirements for military dependents. It appears that since spending authority already exists, comprehensive hearings in the Labor-HEW Appropriations Subcommittee should be held to better determine what our long-range requirements are for the construction of schools on military bases. The Army Chief of Staff has indicated a projected school shortage for over 15,000 students by 1980. We understand that extensive remodeling is needed at a great many on-post schools to bring them up to existing state and federal education standards.

We ask your help in appropriating funds on a first priority basis for the seven installations where dependent children are presently without school facilities.

Sincerely yours,

BOB DOLE,
U.S. Senate.
STROM THURMOND,
U.S. Senate.
WENDELL FORD,
U.S. Senate.
WALTER HUDDLESTON.
U.S. Senate.

SUMMARY OF CRITICAL ON-BASE SCHOOL CONSTRUCTION NEEDS AT ARMY INSTALLATIONS IN THE UNITED STATES

Army installation	Fiscal years 1967 through 1976: On-post family housing units approved	Funds approved for construction of such housing	Pupils after completion of additional family housing	Capacity of on-base school facilities	Unhoused pupils after completion of additional family housing	Funds needed for school construction on-base (millions)
Fort Riley, Kans.	1,101	$27,305,500	3,994	2,275	1,719	$12.5
Fort Stewart, Ga.	1,150	35,348,700	1,726	722	1,004	2.5
Fort Bragg, N.C.	786	18,517,000	5,017	3,619	1,398	20.0
Fort Buchanan, P.R.	0	0	1,913	1,140	773	6.7
Fort Campbell, Ky. and Tenn.	1,300	36,491,700	4,692	3,580	1,112	10.0
Fort Jackson, S.C.	540	11,190,000	1,150	700	450	2.5
Fort Leonard Wood, Mo.	0	0	3,010	2,397	613	10.8
Total	4,877	128,852,900	21,502	14,433	7,069	65.0

SUMMARY OF CONDITIONS AT INSTALLATIONS WITH GREATEST NEED FOR SCHOOLS

1. Fort Bragg, NC. Currently there is an actual shortage of 1,622 student spaces. Presently there are 827 students in Army wooden hospital type buildings, with a burn time of 8 minutes or less. They will probably be on double session by September 1977. Application (USOE) 1972 and 1976—no action.

2. Fort Buchanan, PR. Presently there are 650 students housed in termite infested WW II type buildings, Application was submitted (USOE) 1966—never funded—will have to be closed for safety reasons by 1987.

3. Fort Campbell, KY. There is a shortage of 1,112 student spaces. There are 912 students scheduled to attend classes in Army wooden hospital barracks facilities. They will be on double sessions by 1978. Application (USOE) for new high school submitted 1974.

4. Fort Leonard Wood, MO. Space shortage 613. Students are now housed in temporary facilities, the current ones are very much in need of repair and a new middle school is needed immediately. Application (USOE) submitted July 1872.

5. Fort Jackson, SC. There are 450 kindergartners and 6th graders attending class in WWII hospital-chapel complex with burn time of 6 minutes or less. Application for new elementary school submitted 1974. No action.

6. Fort Riley, KS. There is a shortage of 1,179 adequate student spaces at Fort Riley. Presently there are 141 students attending classes in Army barracks (7) and mess hall (1) and a supply building. A new middle school is urgently needed now. Extensive renovation is needed on current buildings. Application school construction (USOE) July 1973—no action.

7. Fort Stewart, GA. Shortage of 787 spaces. Presently 422 students attending classes in temporary wooden building. Double sessions by September 1977. Application (USOE) new elementary school submitted July 1976.

Total shortages: 6,953.

Total students presently in temporary buildings: 4,015.

ADDRESSES FOR ARMY-OPERATED SCHOOLS IN THE CONTINENTAL UNITED STATES

Fort Bragg, Dr. Haywood Davis, Superintendent, XVIII Airborne Corps and Fort Bragg, Fort Bragg, N.C. 28307, 919-396-3934.

Fort Buchanan, C. Robert Englbrtson, Superintendent, Antillies Consolidated Schools, District 809-783-2424, Fort Buchanan, Puerto Rico 00934.

Fort Campbell, Dr. Leon R. Sitter, Superintendent, 101st Airborne Division (Air Assault) and Fort Campbell, Fort Campbell, Ky. 42223, 502-729-2550.

Fort Jackson, Dr. Thomas Silvester, Superintendent, United States Army Training Center, Infantry, Fort Jackson, S.C. 29207, 803-782-2720.

Fort Leondard Wood, Mr. Lavaga Claiborn, Superintendent of School District R-6, Waynsville, Mo. 65583, 314-774-6121.

Fort Riley, Harold Deever, Superintendent of Geary County Unified District 475, Junction City, Kans. 66441, 913-238-6184.

Fort Stewart, Mr. John N. Wall, Superintendent, Headquarters, Fort Stewart, Fort Stewart, Ga. 31313, 912-876-6094.

DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., October 8, 1974.

Hon. CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I am writing to solicit your assistance in the solution of a critical dependent education and morale problem for our service families residing on Government installations in the United States.

Due to inadequate funding levels under Public Law 81-815 since 1967, and the increased numbers of school age dependent children residing on DOD installations in CONUS, student space has become critically deficient. The purpose of Public Law 81-815, as you know, is to provide Federal financial assistance for the construction of school facilities for children affected by Federal activities. The absence of such funding, particularly for Section 10 of the Act, is impacting adversely on the morale of our service members and is depriving student dependents assigned to installations of adequate education opportunities due to inadequate and antiquated facilities.

This situation will continue to worsen if we do not take action immediately to obtain some Fiscal Year 1975 funding relief and to begin now to plan for obtaining Congressional support for subsequent Fiscal Years funding.

I solicit your support in solving this problem and stand ready with my staff to render any assistance you may need.

Sincerely,

BILL CLEMENTS.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., December 2, 1974.

Hon. WILLIAM CLEMENTS,
The Deputy Secretary of Defense, Washington, D.C.

DEAR BILL: Thank you for your letter of October 8 concerning difficulties experienced by service families due to the low funding of Public Law 81-815 during the past seven years. Please accept my apology for the delay in responding.

We are aware of the serious problems affecting some military schools which have eligible but unfunded applications under P.L. 815; however, as you are aware, both the Public Law 815 construction program and the Public Law 874 school maintenance and operation program carry a relatively low priority with the Administration.

It would seem probable that the only relief which might be anticipated in this area would be through establishment of higher priorities for the Section 10 program. We are reluctant to encourage full Federal funding of on-base installations if it tends to move us away from State and local assumption of the administration of education programs for on-base children.

However, it would undoubtedly be of assistance for the Office of Education, in cooperation with the Department of Defense, our Office of Facilities Engineering and Property Management, and appropriate State and local education agency representatives, to make an up-to-date analysis of school construction needs on Government installations. This would give us a sound basis for any decisions relative to a policy change in the facilities program.

Under the circumstances, I cannot be too encouraging concerning any immediate changes in the situation; however, I can fully appreciate the seriousness of your concerns and will be happy to meet with you or arrange meetings of our staff to discuss the matter further.

Sincerely,

CAP,
Secretary.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., Feburary 27, 1975.

Hon. CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR CAP:

I appreciated receiving your 2 December 1974 response to my letter concerning the impact that the insufficient funding level of Section 10, Public Law 81-815 is having on our base schools.

With your recommendations at hand, I asked Bo Callaway to represent the Department of Defense by having members of his staff meet with your Commissioner of Education to discuss this mutual problem. They did so on 16 December 1974. From this meeting has come the inclosed package of the most critical construction needs as they now see them.

Cap, I want to assure you that we in Defense agree completely with HEW's desire to place the onus for support of these schools on the state and local communities. The only caveat we would place on our support of your position on this question is that we must have assurance that there would be no degradation in the overall educational product provided to our youngsters. It is in attempting to achieve our mutually desired end that we run into the horns of the dilemma on which Defense now finds itself. Our dilemma is that we cannot use Defense appropriations to build or renovate installation schools nor can we get sufficient Section 10 funds to bring the schools up to the standard required by local communities as a prerequisite to acceptance.

As you see from the Inclosure, our needs are immediate and, although I agree with you in principle that a joint, in-depth analysis into the problem is the logical approach, I do not think it is the most prudent one if we are concerned with the immediate welfare of the children. I say this for I feel the analysis may provide a long-term solution but will not assist in solving the present critical problem at the six Department of Defense installations.

I am confident in my own mind that it is not the intent of the administration to deny the children of our volunteer military force an opportunity for an adequate education. I, therefore, solicit your assistance in raising the priority of these children within the overall HEW perspective through a request for additional or reprogrammed funds in FY 75 and 76. I stand ready to assist you in every way in this immediate endeavor and will provide whatever DOD help is required when you are prepared to begin your in-depth, long-range analysis.

Sincerely,

BILL CLEMENTS.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., June 6, 1975.

Hon. WILLIAM CLEMENTS,
The Deputy Secretary of Defense,
Washington, D.C.

DEAR BILL: Thank you for your response of February 28 to my letter of December 2 concerning the schoolhousing condtions existing at several Federal installations. Please accept my apology for the undue delay in responding.

I, too, share your concern for the educational welfare of children of personnel in the Uniformed Services. Consequently, I have asked Office of the Secretary and Office of Education personnel to review the alternatives available to alleviate critical situations existing at military installations where school facilities are provided under Section 10 of P.L. 815 and address the problems which will be appearing further down the road. The following actions, therefore, are being taken:

(1) Dr. Theodore H. Bell, the Commissioner of Education, has been requested to restructure the priority determinations under Section 10 of P.L. 815 to give higher priority to construction of facilities for unhoused children. This will be done by issuing revised Federal Regulations concerning the determination of priorities as soon as possible.

(2) Action will be taken to reprogram funds requested to be appropriated in Fiscal Year 1976 in order to permit $3 million to be utilized for Section 10 school facilities.

(3) The Office of Education will utilize these funds to meet emergency repair requirements, if any, and to provide relocatable and/or preengineered school facilities in order to alleviate the most critical overcrowded conditions at military installations, such as Fort Bragg. Relocatable facilities have proven in the public education sector to be valuable and worthy means of coping with rapid growth and changing pupil populations.

(4) The Department also will seek means of reprogramming additional funds for the above purpose or requesting supplemental funds in Fiscal Year 1976 for the purpose of providing school facilities for dependents of military personnel.

As you probably already know, the Commissioner initiated in April of 1974 an in-depth analysis of all school facilities located on military installations constructed under Section 10 of P.L. 815, which are under the cognizance of the Commissioner. Two installations, identified by you as critical have been visited thus far—Fort Bragg and Fort Riley. School facilities at Fort Jackson and Fort Campbell will be evaluated prior to July 1. While I do not expect a full report relative to the in-depth analysis prior to January 1977, I do believe that interim reports will provide sufficient guidance for policy decisions relative to the Fiscal Year 1977 budget.

With respect to this latter effort, it is requested that you authorize the services of Base Engineering Personnel to cooperate fully with the Director, Office of Facilities Engineering and Property Management (OFEPM), DHEW, in developing the necessary data (e.g., school facility analyses and cost estimates) which must be obtained for school facilities at each Federal installation to be involved in the study. Such services should be available to the Director, OFEPM, upon request, for such time or times as may be necessary during the conduct of this study. Appropriate notification to military commanders of your decision and direction concerning this request will be helpful in moving the study forward.

Would you please advise Commissioner Bell of your concurrence with this request. Mr. William Stormer will serve as his principal representative on this matter, and his telephone number is 245–8427.

Sincerely,

CAP,
Secretary.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., February 9, 1976.

Hon. T. H. BELL,
U.S. Commissioner of Education, Department of Health, Education, and Welfare, Office of Education, Washington, D.C.

DEAR MR. BELL: Thank you for your letter of January 9, 1976, concerning recent developments in Impact Aid legislation and appropriations for the construction of on-base school facilities.

Although the appropriation of $10 million for PL 81–815 proposed in the 1977 fiscal year is disappointingly low, it is encouraging that the Section 10 portion of the total has noticeably increased.

Your past efforts and continuing interest in this matter are sincerely appreciated.

Sincerely,

W. P. CLEMENTS, Jr.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., January 9, 1976.

Hon. WILLIAM P. CLEMENTS,
The Deputy Secretary of Defense,
Washington, D.C.

DEAR MR. CLEMENTS: Earlier in the year, we discussed the possibility of increasing the contribution made by the Impact Aid appropriation to on-base school facilities construction (Section 10 of P.L. 81–815). At that time we agreed to shift our priorities so as to allow construction of facilities for unhoused children as well as seek an increase in the appropriation.

While we have requested appropriation language to enable us to change program priorities, OMB has disallowed our requested increase in this account for Fiscal Year 1977, allowing us a total of $10 million for all P.L. 81–815 purposes. Of this total we expect to use $3 million for Section 10. Although this is an amount less than the $5 million (out of a total appropriation of $20 million) allowed for Fiscal Year 1976, it nevertheless represents a significant increase in the proportionate amount allotted Section 10 in recent years. Unfortunately, given other programmatic requirements and the OMB allowance, we will be unable to honor our previous agreement to seek a further increase in this badly needed item during Fiscal Year 1977.

Needless to say, I regret the situation and wish that we had some other option.

Sincerely,

T. H. BELL,
U. S. Commissioner of Education.

SECRETARY OF THE ARMY,
Washington, D.C., February 14, 1977.

Hon. EDWARD AGUIRRE,
U.S. Commissioner of Education, U.S. Office of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. AGUIRRE: There is a critical need for additional school facilities for dependents of Army personnel stationed at several locations in the United States and in Puerto Rico. On 16 September and again on 4 November 1976 the Adjutant General wrote to the Honorable Dr. William Pierce, the Acting Commissioner, concerning the acuteness of this problem at Fort Campbell, Kentucky, and elsewhere.

The Adjutant General's letters to Dr. Pierce pointed out that the situation we face has resulted from four factors: the present school buildings were built in the early years of the PL 81–815 program and are now educationally obsolete; the development in recent years of modern fire codes, and other changes in law such as that for handicapped accessibility; increased numbers of on-post children as a result of increased on-post family housing; and the lack of adequate funding for PL 81–815 in recent years.

I am aware that your office is conducting an in-depth survey in order to ascertain the full cost of correcting all known deficiencies of all the schools on federal property for which you are responsible. Although your survey will not be completed before next spring, from our perspective it has already confirmed the fact that there are a number of installations on which there are extremely critical facilities needs now. Our own survey, which has been completed, has verified Forts Bragg, Buchanan, Campbell, Jackson, Riley, Stewart, and Leonard Wood as requiring immediate attention. It is suggested that supplemental FY 1977 funding be sought to solve these needs on an emergency basis. We estimate that approximately $70M are required. The balance of the requirements could be submitted for FY 1978 funding consideration.

The budgetary constraints under which you must operate are fully understood, and I have been informed that increased PL 81–815 funding has been denied due to a higher priority being assigned other Office of Education program needs. I feel that classroom space, which the Federal Government is responsible for providing, should receive a high priority. Immediate action should be taken so that our military children will not have to attend schools in overcrowded classrooms, abandoned makeshift wooden troop barracks, or eventually double sessions.

I stand ready to assist you in any way to obtain adequate school facilities for our children.

Sincerely,

MARTIN R. HOFFMANN.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., March 16, 1977.

Hon. CLIFFORD ALEXANDER,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: I am responding to a letter I received from the former Secretary of the Army, Martin Hoffmann, concerning the need for immediate funding to undertake school construction projects that would correct deficiencies in school facility needs on certain specified military installations. He urged that action be taken now, as opposed to delaying the consideration of funding until the results are known of a complete study of the needs on all government installations for which the Commissioner of Education has responsibility under the provision of Section 10 of Public Law 81-815.

When this in-depth survey was undertaken, it was believed that my office could expect to receive a complete report on it by January 1, 1977. That report is expected to show the scope of construction needs as developed by the survey and an estimated amount of funds, based on preliminary engineering analysis, that will be needed to accomplish them. However, limitations imposed on those conducting the study by other work requirements, as well as the size of the undertaking itself, have delayed its completion. I expect to receive the final report by May 15. We cannot consider funding until the survey is completed.

I do expect to receive a very abbreviated version of the report containing projected estimates of our potential involvement within the next four weeks. This should permit me to consider the funding problems further.

Existing regulations require that all applications filed under the Public Law 81-815 school construction program must be ranked in an order of relative priority with respect to all other applications. Further, applications under Section 10 of that Act must be grouped into four subclassifications and funded in that order. This being the case, we could not guarantee that any specific situation could receive immediate assistance, even if funds were available. Action would depend on the priority status of the individual project in its relationship to all projects.

In my judgment, therefore, we will be better advised to wait until the findings of the in-depth survey are known, rather than to make an appeal for funds to accommodate selected installations at this time. Indeed, we may find that the applications of such selected installations are outranked by others which may not be on the list cited in Mr. Hoffmann's letter.

In sum, while we regret the inconvenience that some military children are experiencing, we request you to bear with us a little longer until the entire scope of the problem is known.

Sincerely,

JOSEPH A. CALIFANO, Jr.

Mr. DOLE. Mr. President, the Senator from Kansas wishes to address a question to the junior Senator from Massachusetts. In the committee report on the supplemental appropriations bill, the following instructions were stated:

> The committee, therefore, directs the Office of Education to complete and submit to Congress by May 1, 1977 its on-going study of this problem. The committee can then properly assess the priorities and funding requirements in a future appropriations bill.

We are very pleased to see the committee direct that the study be completed by May 1. The funding for the schools at Fort Riley and other installations have been awaiting the completion of this study. It was originally due to be completed on January 1, 1977, but has been repeatedly postponed. Apparently, the priority given to this study by HEW is not too high and hopefully this will stimulate some greater effort.

The Senator from Kansas is wondering, after the study is completed on May 1, will the Labor-HEW Appropriation Subcommittee then be able to provide funding for these urgently needed schools in the second supplemental appropriation bill, if there is one, or in the first appropriation bill where this will be germane?

As I indicated, the lack of school facilities and the overcrowding problem is severe. If we started building the schools today, it would be some time before we could get the grade school children out of World War II barracks. It seems to me that we should make every effort to move quickly on an initial level of appropriations. Can the Senator from Massachusetts comment on this matter?

Mr. BROOKE. Mr. President, the Subcommittee on Labor-HEW Appropriations shares the concern of the Senator from Kansas (Mr. DOLE) about the urgent need for school facilities at Fort Riley and other installations. The Senator from South Carolina (Mr. HOLLINGS), the Senator from Missouri (Mr. EAGLETON), and the Senator from Kentucky (Mr. HUDDLESTON) are all on the Appropriations Committee and I believe they have similar situations at installations in their respective States. It is our intention on the subcommittee to assess the study and then to consider the need for additional funding. In the absence of a second supplemental appropriation, we could take up this matter for funding in the regular appropriation bill for fiscal year 1978.

Mr. DOLE. Mr. President, it appears that in the case of Fort Riley, the information upon which the study is being based may be somewhat out of date. We have contacted the school superintendent of that district and the other persons at the installation directly in charge of the on-post schools. As I understand the last HEW inspection was in May 1975. Since the original problem with the lack of school facilities apparently developed because of a bureaucratic slipup between the Department of Army and the Department of HEW, the Senator from Kansas is wondering if there would be any merit in hearing directly from those persons involved in each installation. Does the Senator from Massachusetts (Mr. BROOKE) feel it would be possible to hold hearings or to allow the civilian school superintendents for each district to present their views in writing on the need for additional facilities?

Mr. BROOKE. Mr. President, although we have already completed our hearings for the regular appropriation bill, we would be happy to hear from the school superintendents for each district at the most severely affected installations. That would allow us to hear directly from the grassroots as to how severe the school facility problem is at each installation.

Mr. DOLE. Mr. President, I thank the Senator from Massachusetts. It is my hope that we can provide some funding at the earliest possible date so as to alleviate the severe lack of school facilities.

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

Mr. WILLIAMS. Mr. President, I rise today to speak in favor of continued adequate funding for the National Transportation Policy Study Commission. The Appropriations Committee has recommended a $1 million supplemental for this Commission and I strongly urge my colleagues to support it.

The National Transportation Policy Study Commission has a broad legislative mandate to make recommendations to Congress and the President on a transportation policy to meet the needs of the Nation through the year 2000. Frankly, I am delighted that Congress had the foresight last year to establish such a Commission to look at our entire transportation network.

Yesterday, Mr. President, the Commission held its monthly meeting here in Washington and I am glad to report that it is making considerable progress in formulating its basic theoretical and conceptual approach for attacking the policy issues ahead. It was particularly heartening to note that the Commission is striving to maintain a close liaison with both the executive branch and the Congress. In fact, the Commission is attempting to structure its study to coincide with the congressional timetable for upcoming legislation.

Mr. President, last year Congress worked its will by authorizing this vital Commission. It would be irresponsible not to provide an adequate appropriation to allow the Commission to carry out its congressional mandate. Therefore, I urge the Senate to support the Appropriations Committee's recommendation of $1 million for the National Transportation Policy Study Commission.

Mr. BROOKE. Mr. President, I am glad to recommend the Labor-HEW chapter—chapter VII—of the fiscal year 1977 supplemental appropriations bill.

Our chapter totals $5,931,601,000, or $953,390,000 more than the budget request and $106,670,000 above the House level.

The Labor-HEW chapter covers a wide spectrum of items, a number of which lacked authorization at the time we considered the regular fiscal year 1977 Labor-HEW bill and could not be funded. This included, in particular, a number of items in the health area, occupational and vocational education, and higher education.

Let me enumerate some of the highlights section by section:

LABOR

We have provided more than $23 million for Department of Labor items. These include funds to provide for more staff for special investigations under the pension program and for handling, among other matters, the increase in age discrimination complaints. Additional funds are provided for mandatory higher benefit costs under the Federal Employees Compensation Act.

HEALTH

Under health, we go along with the House allowances of $3 million for home health services; $25.3 million for the National Health Service Corps and $40.1 million to continue the work of establishing a nationwide network of self-supporting regional emergency medical services. In another part of the bill we provide $6 million for training people for work in the emergency medical services field.

Our bill provides $12 million to step up the effort against venereal disease and to expand the program to immunize children for measles, rubella, polio, mumps, diphtheria and pertussis. We also provide funds for educational resource centers to train people in occupational medicine, nursing, toxicology, industrial hygiene and safety.

The bill provides an increase of $6.2 million over the House allowance for the National Institute of Arthritis, Metabolism and Digestive Diseases to assist a number of research programs which received no additional funding in the fiscal year 1977 Labor-HEW bill because of a special emphasis on diabetes research.

For alcoholism, we have increased funding for project grants and grants to the States by $17.9 million over the House. We continue to be concerned about problem drinking, particularly among teenagers and women. The additional funds in the bill will help to reach these groups and to maintain grants to the States at their 1976 level.

For health professions our committee provided $101.1 million for capitation grants for medical, osteopathic, and dental—MOD—schools, the same level as the House. There was a tentative decision in subcommittee to reduce MOD capitation grants by $9.1 million in favor of more emphasis on scholarships. From the start I opposed the effort to cut capitation and am glad that the full committee agreed with my amendment to restore the House level. The committee vote was 12 to 4. The capitation grants presently benefit some 82,000 students attending MOD schools, stabilizing tuition and other costs. But capitation already is lower than in previous years and any further cutback would only serve to drive up tuition costs.

Scholarships are an important source of funds, but they do not help as many students as capitation. Yet we need a balance of both scholarships and capitation in the effort to provide sufficient numbers of health professionals.

In this connection the committee provided $40 million for National Health Service scholarships, $1 million more than the House.

Also, I was pleased the committee agreed to my amendment to restore $8.9 million for the D.C. medical and dental manpower program, a special form of capitation for medical and dental schools in the Nation's Capital.

I would also mention that the committee agreed with my request to provide $4 million for grants for professional health schools facing financial difficulties, particularly minority institutions. This is $1 million above the House level. Requests for these financial distress grants now total more than $8 million.

The bill includes $25 million for establishment or expansion of regional veterinary medicine schools at Washington State University, Tufts University in Boston, and at the University of Pennsylvania. New England needs its own veterinary medicine school, and I am pleased to help in having one located at Tufts.

The committee also provided increases over the House for both allied and public health programs.

EDUCATION

Our bill provides nearly $3.7 billion for education programs, mostly for vocational and higher education. Our recommendation is $43.6 million more than the House allowance. More specifically:

We recommend $10 million in supplemental funds for emergency school aid to help cities undergoing voluntary desegregation. There was no House recommendation for this program, but the large concentrations of minorities in States with low overall minority populations receive inadequate assistance under the present formula for distributing these funds. We believe the additional funds should help correct this inequity.

We are also concerned about encouraging cities to get an early start on magnet schools, which is a promising new desegregation tool for which Federal aid was authorized in the 1976 education amendments. We recommend $25 million for this program.

For vocational education programs, for special educational projects, for studies on handicapped children, and for the operations of the National Institute of Education, we concur with the House allowances.

I was particularly pleased that the committee agreed to my amendments for supplemental educational opportunity grants and for direct loan programs totaling $41 million.

As a result of the success of our basic opportunity grants program—BOG's—there has been a tremendous increase in the number of disadvantaged students who now can get a college education. Nothing could please me more. But we must not forget that by law BOG's can pay only half of their costs. The other half must come from somewhere else, and for the poor that other half is not available from their families. My amendment helps by providing the first increase—$20 million—in 2 years for SEO grants and by continuing the direct loan program at least at its current level.

For work study, we provide $390 million which, together with carryover funds, also will provide an increase for the next school year in this program.

I also was pleased that the committee agreed to my amendment for an additional $2 million for training for minority librarians, for which there is still a very strong demand, and for much needed increases in foreign language training and cooperative education.

Cooperative education is a highly successful, proven program which permits college students to gain practical work experience while they attend school. As wage earners, they pay taxes, giving the Government a return on its investment. The program could lead to permanent jobs for many participants.

OTHER AREAS

In other matters, the committee provides $1.2 billion, the same level as the House, to make up a shortfall in public assistance funds.

The committee also recommends $282.5 million for emergency energy programs under the Community Services Administration. Some $82.5 million is primarily for purchasing materials to insulate the homes of low income families. The funds will enable the CSA to substantially expand this program which has been operating since fiscal year 1975 and thus to reach additional homes before the onset of next winter.

The other $200 million is to assist poor families and individuals in continuing to obtain energy and fuel supplies.

Our report provides a thorough explanation of how the committee wishes this program carried out, and I commend it to your attention.

I believe we have developed a responsive and responsible Labor-HEW chapter, and I urge its adoption.

Mr. HUDDLESTON. Mr. President, the total amount recommended in chapter VIII for the legislative branch is $4,447,250, a decrease of $1,272,105 below the budget request and $2,484,350 over the House allowance.

The increase over the House is composed principally of Senate items which, by custom, the House does not consider. Virtually all of the Senate increases are for relatively mandatory costs such as the increased costs associated with the general pay increase of October 1, 1976, the gratuity of 1 year's salary to the widow of Senator Hart and various costs associated with Senate Resolution 17 which established the Office of Deputy President Pro Tempore.

The bill does not include any funds related to the March 1, 1977 executive pay raise. Funds to cover these costs will be considered in connection with a later supplemental budget request.

The bill also includes a number of housekeeping provisions which are explained in detail in the body of the report.

I urge my colleagues to support chapter VIII of the bill.

Mr. HOLLINGS. Mr. President, I am very pleased that this bill contains my amendment which was supported by Senator BURDICK and others adding $10,045,000 to the VA account for additional funding for the Medical School Assistance and Health Manpower Training Act of 1972. The purpose of this program is to assist educational institutions which affiliate with VA medical facilities to expand and improve their programs of education in the health professions and occupations.

Adding these funds will serve to diminish the backlog of approved but unfunded programs which has built up mainly because through the past few years we have appropriated only about one-half of the $50 million authorized per year to fund titles II, III and IV of this act. Adding this $10,045,000 to the fiscal year 1977

VA appropriation of $25,800,000 for these titles will still leave funding for fiscal year 1977 $14,155,000 under the authorization.

This add-on will fund 28 projects which are now approved but would be scratched from the VA list of projects under active consideration on June 30, 1977. This would result in many of these projects being resubmitted for approval and then competing with an additional 12 projects which are approved but unfunded and which would be dropped from the VA approved list on December 31, 1977.

I ask unanimous consent to have printed in the RECORD at this point the list of the 28 projects which will be funded by the additional $10,045,000 and the 12 additional projects that are also in the backlog of unfunded projects.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION MEDICAL SCHOOL ASSISTANCE AND HEALTH MANPOWER TRAINING ACT OF 1972 (PUBLIC LAW 92-541)—ASSISTANCE TO AFFILIATED MEDICAL SCHOOLS AND OTHER HEALTH MANPOWER TRAINING INSTITUTIONS (SUBCHS. II, III, AND IV)

APPROVED BUT UNFUNDED APPLICATIONS REMAINING UNDER ACTIVE CONSIDERATION UNTIL JUNE 30, 1977

Institution, location	Application No.	General category	Total amount approved [1]
Eastern Virginia Medical School, Hampton, Va.	0266-S1	Subch. II	$766,067
University of Nebraska, Lincoln, Nebr.	0532	Nursing	61,691
Erie Community College, Buffalo, N.Y.	0518	Dental auxiliary	819,138
Otero Junior College, LaJunta, Colo.	0527	Nursing	668,764
Duke University, Durham, N.C.	0482	Radiology technology	343,506
Medical College of Virginia, Richmond, Va.	0501	Medical records	369,202
Bangor Community College, Bangor, Maine.	0334-S1	Dental assistant and dental hygiene.	26,670
University of Houston, Houston, Tex.	0493	Pharmacy	266,131
Southern California College of Optometry, Fullerton, Calif.	0499	Optometry	1,228,422
Tuskegee Area Health Education Consortium, Tuskegee, Ala.	0161-S1	Multidiscipline	255,130
Penn Valley Community College, Kansas City, Mo.	0464	Medical laboratory technology	455,168
Middlesex Community College, Bedford, Mass.	0522	Dental hygiene	447,938
Duke University, Durham, N.C.	0483	Audiology and speech pathology.	466,151
College of St. Benedict, St. Joseph, Minn.	0171-R1	Mental health associate	72,760
University of Puerto Rico, San Juan, P.R.	0474	Nuclear medicine technology	241,130
University of North Dakota, Grand Forks, N. Dak.	0475	Physical therapy	349,641
Texas Woman's University, Denton, Tex.	0515	Dietetics	140,258
Do	0530	Nursing continuing education	377,989
University of Alabama, Birmingham, Ala.	0496	Nuclear medicine technology	273,468
Virginia Polytechnic Institute, Blacksburg, Va.	0510	Dietetics	159,230
Hahnemann Medical College, Philadelphia, Pa.	0473	Audiology and speech pathology.	442,080
University of Arkansas, Little Rock	0121-S1	do	171,174
University of South Carolina, Columbia, S.C.	0524	Pharmacy	444,149
University of Alabama, Birmingham, Ala.	0497	Dietetics	126,252
Laboure Junior College, Boston, Mass.	0507	do	240,276
Boston University, Boston, Mass.	0506	Biomed. instruments and machine operation.	187,512
Medical College of Georgia, Augusta, Ga.	0517	Respiratory therapy	400,660
Weber State College, Ogden, Utah	0486	Social work	244,363
Total			10,044,911

APPROVED BUT UNFUNDED APPLICATIONS REMAINING UNDER ACTIVE CONSIDERATION UNTIL DEC. 31, 1977

Institution, location	Application No.	General category	Total amount approved [1]
California State University, Long Beach, Calif.	0545	SCI nurse practitioner	$120,511
University of Arizona, Tucson, Ariz.	0536	Medical laboratory technology	202,020
University of Minnesota, Minneapolis, Minn.	0541	Pharmacy	260,172
LaGuardia Community College, Long Island City, N.Y.	0547	Dietetics	469,562
University of Wisconsin-Milwaukee, Milwaukee, Wis.	0563	Occupational therapy	162,500
Albany Medical College of Union University, Albany, N.Y.	0549	Dietetics	377,741
Simmons College, Boston, Mass.	0543	Physical therapy	222,150
Des Moines Area Community College, Des. Moines, Iowa.	0556	Dental auxiliary	234,000
University of Connecticut, Storrs, Conn.	0551	Physical therapy	246,106
Medical College of Virginia, Richmond, Va.	0557	Radiology technology	186,609
University of Colorado Medical Center, Denver, Colo.	0538	Dental laboratory technology	618,242
University of Minnesota, Minneapolis, Minn.	0544	Continuing education	753,146
Total			3,852,759

[1] Includes indirect cost and subch. IV.

Mr. KENNEDY. Mr. President, I want to express to the chairman my support for many of the actions taken by the committee during what I know was the largest supplemental appropriations bill that we have considered in many years.

While there are some areas which I hope the committee will maintain a close watch so as to be able perhaps to provide some assistance in a subsequent supplemental, I want to express my accord with many of the actions taken by the committee. I am particularly pleased that in a substantial number of programs in which I had expressed by own views to the committee, additional appropriations were provided.

In that regard, I want to express particular appreciation to the distinguished Senator from Washington, the chairman of the Labor-HEW Appropriations Subcommittee for its action in the area of providing energy relief for the poor through the appropriation of some $200 million for the Community Services Administration's crisis intervention program.

Senator MUSKIE and I first suggested this program a month and a half ago and we have recevied support from the Governors, from the mayors, and from the community action programs around the country, not to mention from private citizens.

Just as the drought in the West had justified a national response, so too has the unusually severe winter presented enormous economic burdens on individuals in my State, in the Northeast, the upper Midwest and many other sections of the country.

We believe this action may permit some modicum of relief to a number of poor families around the country.

I should also note that the committee should be commended for including $82.5 million in the weatherization program within CSA which has been enormously successful and which I believe holds out substantial potential for conservation.

Also, let me express to the chairman of the subcommittee my appreciation concerning his action on several health programs.

HEALTH

Health care costs escalated 15 percent in the last year. If we are going to control inflation of this magnitude, we must improve our health care system. We can begin to do this by making some cost effective investments which will have a major impact on the entire system. The Senate Appropriations Committee version of H.R. 4877 does an excellent job of addressing this need.

The Health Professions Educational Assistance Act of 1976, Public Law 94-484, is a sweeping revision of existing law and was specifically designed to come to grips with three of the major health manpower problems which plague the Nation—the geographic maldistribution of health professionals, the maldistribution of physicians by specialty, and the Nation's significant dependence upon foreign medical graduates for the provision of medical care. In order to effectuate these goals, the committee has recommended: $119,100,000 for capitation; $24 million for student assistance loans; a full $40 million for National Health Service Corps scholarships and over $25 million for the National Health Service Corps. I was particularly pleased with the committee's recommendation of $10 million for the development of a regional veterinary school at Tufts University in Massachusetts.

Under the Health Planning and Resource Development Act—Public Law 93-641—State health planning and development agencies play a pivotal role in the distribution of limited health resources. The committee's recommendation of an additional $5 million for SHPDA's will better enable these State agencies to do the job mandated by the legislation.

As chairman of the Subcommittee on Health and Scientific Research, I am pleased with the committee's sensitivity

to the particular needs facing our Nation in providing better health care for all Americans. The eventual success of a national health insurance plan is dependent on the effective operations of the programs addressed in this bill. I would particularly like to express my support to Senator MAGNUSON for the fine work done by the Labor-HEW Appropriations Subcommittee in the consideration of these matters.

However, I would note that the committee decision to defer an additional $2 million for the migrant health program is of some concern. This action will mean a cutback in the hospitalization program which was begun as a direct response to the past failure to migrants to have access to hospital care.

I strongly urge the chairman to reconsider this matter at the time of a second supplemental appropriation bill.

EDUCATION

I want to commend the chairman for the overall actions of the committee in the area of education, providing funding for vocational and higher education programs which were awaiting the enactment of Public Law 94-482.

In that regard, I also want to express special appreciation to the chairman for the committee's favorable action on my request for some $35 million in appropriations for the emergency school aid program and for an increase in the special services programs. The additional magnet school, neutral site, and pairing provisions, as well as the follow the child provision, were provisions which I had sponsored in the authorization bill. They have been given strong support by many communities and by education authorities, including the Great City Schools Association, and by the U.S. Civil Rights Commission. I know that Boston and the other communities cited by the committee in its report are in great need of this assistance to improve the quality of their educational programs.

In that regard, I would note that the additional appropriations for the special services for the disadvantaged program to fund the New Service Learning Centers program is of special interest and concern to me. I was the author of the provision extending and expanding the traditional "TRIO" programs and these additional appropriations will permit additional students to receive aid in acquiring a postsecondary education.

My two concerns in this area relate to the committee's decision, at this time, not to increase the title I compensatory education program. Although the regular appropriations for this year of more than $2 billion represented an increase over the previous administration's request, the program remains underfunded. Title I of ESEA accounts for 47 percent of all Federal elementary-secondary spending and 75 percent of spending for compensatory education nationwide.

Since 1968 price inflation has resulted in a decrease of 30 percent in real spending for all elementary-secondary and vocational education programs.

In 1968 the title I program served 7.6 million children at an average level of $378 per child. In fiscal year 1977 only 5.2 million children were served at the same average service level.

In order to maintain 1968 service levels State and local agencies have been forced to reduce the number of children served by 34 percent.

The tragedy here is that this program works. It is working in rural communities and it is working in inner cities. We have conclusive evidence that title I is producing learning gains across the country.

In many school districts, title I has been a catalyst for change in other areas of education. Title I has resulted in new approaches, and better educational methodology, and renewed commitment to individual student achievement.

HEW audit reviews find that 99.4 percent of title I ESEA funds are accurately targeted and spent.

The need for this funding is even more apparent when we look at the fact that one in every four young people do not complete the planned, formal program of secondary education in this country.

And high school students are not making the transition from school to work. Unemployment figures for high school youth are generally double the national figures.

Unemployment figures for blacks and urban young people are four times the national average.

There are few expenditures which better serve the security of this Nation than these funds which improve educational skills of young people regardless of economic or racial background.

I hope that the committee will review this matter in the light of the great need for services around the country, as well as the impact on school systems of declining allocations, and consider some additional funds before the next school year begins.

Similarly, with regard to the teacher corps program, I do believe that the failure to increase their funding over the previous 3 years is unjustified. They have aids students, individuals, and communities, and it should be expanded. Again, I tie and it should be expanded. Again, I urge a reconsideration of this issue during a subsequent supplemental appropriations bill.

FOREIGN ASSISTANCE

I want to commend the committee anew with regard to migration and refugee assistance where the committee acceded to the request for assistance of The United National High Commission for Refugees program in Thailand providing relief to Vietnam refugees. This program funding as well as the emergency refugee and migration assistance fund represent important humanitarian actions by the United States. In addition, I want to express special approval of the committee's decision to provide some $3 million for assisting in refugee resettlement in the United States. The transition period for refugees is enormously difficult, particularly those fleeing repression under emergency circumstances, such as Chilean, Uruguayan, and Argentinian refugees. I am hopeful that they and the refugees from the Soviet Union will be seen as individuals with similarly difficult human problems. That is the committee's decision and it is a decision I fully support.

I also want to concur in the decision to provide additional assistance at this time to Portugal which is in the process of securing its transition to a democratic regime.

We will be joining our NATO allies in a joint program of assistance and we will be demonstrating as well to many nations our willingness to respond positively to countries which have committed themselves to democratic values and principles.

HOUSING

In the area of housing, the committee has strongly registered its concern to the administration at the pace of new housing construction, particularly in the 202 housing for the elderly program. I have sent a letter along with the distinguished chairman of the Senate Housing Committee, Senator PROXMIRE, to our new HUD Secretary and I do hope that the message contained in the committee report to spur the 202 program forward will be acted on.

Mr. President, the combined effort of this vital supplemental appropriations bill, at the same time the committee had to deal with the emergency stimulus appropriations measure was enormous.

The chairman and the committee deserve our commendation for their determined efforts.

Mr. ROBERT C. BYRD. Mr. President, I would like to mention briefly an item that the Senator from California (Mr. CRANSTON) hoped could be funded under moneys made available to the Forest Service in this supplemental appropriations bill.

The Forest Service recently purchased the Meeks Bay Resort at Lake Tahoe to provide for public recreation and marina activities. Because of the current drought, the water level in Lake Tahoe has dropped 5 feet and the docks are over land instead of water. To remedy this situation and make the marina usable this summer, the Forest Service needs $70,000 to dredge under the docks. Senator CRANSTON understands this dredging work ordinarily would be done two seasons from now.

Unfortunately, the request of the Senator from California did not reach me until March 25, which was the day after our subcommittee markup. Obviously, we did not have time to look into this proposal and check it out with the Forest Service.

It would seem that $70,000 for needed dredging at the Meeks Bay marina is a meritorious request. As soon as the staff can look into this matter, we may be able to assist the Senator.

In all, the committee has recommended some $24 million in additional appropriations to the Forest Service for recreation management, maintenance and development. If this dredging project is desirable and feasible, I see no reason why the Forest Service could not accommodate it within this generous addition to its recreation budget.

I shall do what I can to accommodate the Senator from California, and if it is not possible to provide for this in the supplemental we shall certainly give it high priority in our consideration of the 1978 fiscal year budget.

Mr. CASE. The Senate Appropriations Committee, in considering the 1977 Sup-

plemental Appropriations bill, concurred with the House action in adding $2,000,000 for the newly authorized National Alcohol Research Centers. In its report accompanying this bill, the committee stated:

This additional funding will allow the NIAAA to create several National Alcohol Research Centers at established and experienced alcohol research schools and/or institutes. The Committee clearly recognizes the growing problem of teenage and women's alcoholism programs and is hopeful that Centers such as these will contribute to finding a solution to a disease which afflicts over 10 million Americans.

In my own State of New Jersey, the internationally known Rutgers Center of Alcohol Studies is dedicated to the solution of all alcohol problems. Is this the sort of center the Senator has in mind for designation as a national center?

Mr. BROOKE. That is exactly the type of center the committee has in mind. The Center of Alcohol Studies, at Yale University from 1948 until it moved to Rutgers in 1963, has pioneered in many areas of alcohol-related research. Senator MAGNUSON concurs that this is the type of center the committee meant?

Mr. CASE. I thank the Senator.

Mr. GLENN. Mr. President, I particularly wish to commend the chairman and ranking minority member of the Labor-HEW Subcommittee of the Appropriations Committee, Senators MAGNUSON and BROOKE, as well as the distinguished committee chairman, Mr. MCCLELLAN, for providing $35 million in additional funding for the Emergency School Aid Assistance Act for the remainder of fiscal year 1977.

ESAA is perhaps the single most important program of Federal assistance to school districts undergoing school desegregation. ESAA funds help local communities defray some of the expenses associated with large-scale school desegregation plans. Typically, communities receive funding subject to a State apportionment formula. However, there are several sections of ESAA which allow direct funding for certain purposes to districts that are in most need of immediate assistance in carrying out desegregation plans. It is in these areas that the committee has wisely chosen to recommend additional fiscal year 1977 funding. This recommendation of $10 million for special projects and $25 million for magnet schools, pairing of schools, and neutral site schools, represents soundly directed expenditures that should help reduce tensions while helping to provide high quality, constitutionally sound educational opportunities. This additional $35 million should provide extra assistance to many of the large school districts in Ohio that are currently in various stages of the school desegregation process. Cleveland, Cincinnati, Dayton, Columbus, Youngstown, and Akron are among the larger Ohio communities that stand to be assisted by these new funds. Smaller Ohio communities, such as Warren, Lorain, and Lima, among others, might also benefit.

Mr. President, I am most gratified that the committee has chosen to provide $25 million to encourage development of innovative desegregation methods such as magnet schools, pairing of schools, and neutral site schools. The authorization for this appropriation is essentially the School Integration Innovation Act which I introduced last year and which became law as an amendment to the Education Amendments of 1976. In this act, we sought to encourage greater use of desegregation remedies that attract integrated student bodies voluntarily by virtue of their educational attractiveness. The beauty of this approach is that these remedies may be used independently of, in conjunction with, or as part of court-ordered desegregation plans. When operated soundly, these features offer hope of reducing some of the necessity for large-scale mandatory transportation plans.

Mr. President, on March 10, I had the honor of delivering the keynote address to the international conference on magnet schools in Dallas, Tex. It was especially gratifying to meet educators and administrators from across the Nation and to hear their overwhelming endorsement for properly designed and well-administered programs in magnet schools. The conference agenda produced voluminous testimony about exciting new magnet programs being developed throughout the country in an atmosphere of calm and cooperation. Surely, we at the Federal level should provide support and encouragement to these efforts. Importantly, this relatively small expenditure has the potential of contributing to the long-range development of our central cities and metropolitan areas by helping to stabilize and even renewing many of our urban communities.

Mr. President, this is the type of positive activity that we should have engaged in long ago. I would like to compliment the committee for its action and express my complete support.

Mr. THURMOND. Mr. President, I rise in support of the fiscal year 1977 supplemental appropriation bill, reported by the Senate Appropriations Committee, and specifically the $12.5 million added to support the Uniformed Services University of the Health Sciences.

If there is one central and critical problem in the personnel area of our military forces today, it is the lack of medical personnel to care for those individuals in military service.

VISITS SHOW NEEDS

Staff investigations by the Senate Armed Services Committee show that personnel in the military, particularly enlisted personnel, place the lack of medical services at the top of their list of complaints.

A visit last year by several staff members to Fort Carson, Colo., revealed that sessions with junior enlisted personnel, noncommissioned and junior officers uncovered an attitude that medical care in the Army had hit an all-time low.

While those interviewed found the medical care adequate when they could obtain it, every group complained that the waiting time for medical care ran from a few days to weeks and even months.

A number of enlisted personnel told the staff investigators that they had been forced to go to civilian doctors and pay the cost out of their pockets for fear serious illnesses would occur before they could see a military doctor.

Mr. President, this problem was no surprise to those of us who have been close to this problem for many years. The situation has been bad for some time, now it is simply worse and deteriorating rapidly. There is simply a serious shortage of doctors in the military.

Coupled with this, I hear complaints in the Congress that we are paying doctors too much in bonus pay. Yet, these same critics offer no real solutions to this serious problem.

UNIVERSITY BADLY NEEDED

The solution in part, lies in funding the badly needed Uniformed Services University of the Health Sciences. The Congress undertook this program several years ago, and today it is near reality. It is badly needed, and if canceled as some propose, will only deepen the already serious morale problems in our all-volunteer forces.

There are those who argue we can procure enough doctors for the services through scholarships at medical schools. This source has proven inadequate and is one reason we are faced with acute shortages of medical personnel in the military today.

SCHOLARSHIP PLAN INADEQUATE

Take for instance my own State. We have one medical school, and hundreds of applicants each year. The primary purpose of the South Carolina Medical College is to provide doctors to meet the medical needs of our State. Many State applicants are rejected due to the shortage of classroom space. Our State college is naturally reluctant to give its few spaces to young people who plan to enter military service and practice medicine.

Mr. President, the situation in the Medical College of South Carolina is typical of that across this country. For instance, in the 1973–74 school year 40,506 applications were received in medical schools in the United States and 14,335, about 8 percent of the applicants, were accepted. Unfortunately, of this number it is estimated only about 11,000 will graduate.

FOREIGN STUDENTS RECRUITED

To meet this problem the Defense Department has been forced to attempt to enlist large numbers of foreign doctors. In the current year statisticians expect that 35 percent of those recruited will be foreign medical students, 70 percent of whom will be noncitizens.

Furthermore, the recruiting shortages result in huge costs because military personnel are then forced to obtain medical services through the CHAMPUS program. For each doctor not recruited,

costs of about $83,000 annually are incurred in the CHAMPUS program.

These are but two of the many problems involved in providing adequate numbers of physicians for the military services.

SCHOOL MEETS REAL NEED

The Congress designed the university program to meet the needs of the services as the doctor draft ended several years ago. The university, coupled with the continued scholarship program, is programed to enable the services to begin meeting that medical shortage by the mid-1980's.

Mr. President, there are many other reasons this university should be supported. I will list a few of these reasons.

First. The military university provides a base for medical specialty training vital to improve treatment of combat wounds;

Second. Recruiting plus civilian scholarships has not provided the numbers of doctors needed for the military services;

Third. Superb clinical teaching facilities are already in place at Bethesda Naval Hospital and Walter Reed Army Hospital;

Fourth. Four-year costs show the expense of a military university graduate is about equal to that of the civilian school graduate;

Fifth. Thirty-two students are already enrolled and in training;

Sixth. A faculty has been hired, many of those individuals giving up good positions to assist the military in training doctors;

Seventh. Construction funds have already been approved by Congress and obligated. The construction program is about 50 percent complete; and

Eighth. If the university is closed, millions of the taxpayers dollars will be wasted in termination costs of a program approved earlier by Congress.

Mr. President, I urge the Senate to give its endorsement of the Appropriation Committee's action in providing $12.5 million in this bill. The committee members went into this matter in detail, and under the able leadership of the distinguished junior Senator from Louisiana (Mr. JOHNSTON), the funding was approved by a 18-to-4 vote.

If the Senate wants to meet the medical needs of military personnel, if the Senate wants to stand by its decision of past years, if the Senate wants to improve morale in the military, then a vote in favor of these funds is essential.

Mr. STEVENS. Mr. President, as the distinguished chairman of the Interior Subcommittee, Mr. BYRD, has presented a comprehensive view of the Senate committee recommendations for this portion of the bill, I will make my statement brief.

Although our recommendations are $95.7 million over the House allowance for Interior and related agencies, this amount does not represent across-the-board increases. Rather, all of this amount can be attributed to two programs in which the committee has taken special interest. The first is $55 million over the House allowance for the weatherization program within the Federal Energy Administration. This is the same as the budget request. We are aware that this duplicates funding made available to the Community Services Administration in the HEW chapter of the supplemental. Hopefully, we will be able to work out this jurisdictional problem in the near future. In the meantime, however, there is a tremendous backlog in winterizing homes of low-income citizens, the handicapped, and the elderly; so, we are of the opinion that even if the program is funded through two different sections of the bill, the money can be well utilized this summer to better prepare us for another cold winter with its accompanying fuel shortages.

The other large item which we have funded that is not included in the House bill is $75 million for Indian Health Service water-sewer construction projects. All of these funds can be obligated during the current fiscal year and will provide some 3,200 man-years of employment on Indian reservations. The current unemployment rate among Native Americans ranges from 20 to 50 percent which is greatly in excess of the national average. The construction funds will provide necessary sanitation facilities both to existing Indian homes and to new units being constructed by the Bureau of Indian Affairs and the Department of Housing and Urban Development. Thus, while providing employment, essential facilites will also be made available to Native Americans in many parts of our country. I do hope that the Senate will be able to maintain the $75 million level in conference with the House.

We have made some reduction to the House bill, primarily for positions which cannot be filled as early as originally anticipated when the supplemental request was presented to Congress. Thanks to the leadership of our subcommittee chairman, I feel that we are presenting a balanced bill for Interior to the Senate, and I urge its adoption.

Mr. DURKIN. Mr. President, I am pleased that the supplemental appropriations bill which is before us today will allow the families of policemen, firefighters, and other law enforcement officials who were killed in the line of duty to receive benefits due them under the public safety officers' benefits program, a bill which many of us cosponsored last year.

The Public Safety Officers' Benefits Act of 1976 authorized the payment of a $50,000 death benefit. But it also prevented the awarding of these benefits until specific appropriations for the program were made. Funds were appropriated for the Law Enforcement Assistance Administration, which is responsible for administering the PSOB program, several months before the act was signed into law. Therefore, fiscal year 1977 LEAA money could not be used to compensate the survivors of policemen, firefighters, corrections officers, game wardens, and other law enforcement officials who were mortally wounded while in the performance of their duties.

On October 2, 1976, 3 days after the Public Safety Officers' Benefits Act of 1976 was signed into law, Ralph W. Miller, a young patrolman with the Manchester, N.H., Police Department was brutally murdered while providing vital services to his community. Since then, 120 other families have filed claims for the benefits authorized for them last September. These families look to us to insure that the Federal Government lives up to its commitment and to expeditiously pay the $50,000 benefit required by law. Today's legislation will fulfill this obligation.

The first supplemental appropriations bill will allow funds which are already appropriated for the LEAA to be used to pay benefits authorized by the PSOB Act. By removing the restriction on these funds, families which have suffered the loss of a family member may promptly receive the compensation promised them.

Mr. ROBERT C. BYRD. Mr. President, on chapter VI for the Interior Department and related agencies, the subcommittee is recommending total appropriations of $1.029 billion. This includes some $503.1 million for the Interior Department and $526.2 million for the Forest Service, Federal Energy Administration, Indian Health Service, and other related agencies. The total for chapter VI is $181.8 million over budget estimates and $95.7 million over the House allowance.

For the most part, Mr. President, the recommended increases are directed at job-intensive programs. We have supported some $87 million in additions to the Forest Service, for instance, to fund recreation and resource development projects in the national forests and the public lands. For the Indian Health Service, as another example, we have recommended $75 million to accelerate needed water and sanitation facility construction for Indian homes.

For the Interior Department, we are recommending increases for drought mitigation in the West and mine subsidence control in the East, and for airport construction in the Trust Territory of the Pacific. We have also added $4.5 million to the National Park Service for emergency roof repairs at the Kennedy Center for the Performing Arts.

Except for selected reductions to adjust for authorizations and personnel compensation needs and for certain program cutbacks, we have basically approved the budget estimates before the subcommittee. Since there does appear to be some interest in the new payments-in-lieu-of-taxes program, I should mention we are recommending the full $100 million budget request.

Mr. CHURCH. Mr. President, I would like to call attention to an item in the fiscal year 1977 supplemental appropriations bill which I support, and I hope my colleagues will support. The Appropriations Committee recommends an additional $2.7 million for model projects under the Older Americans Act to provide partial support for public broadcast television programing for older Amer-

icans. This amount has been approved by the House to support an innovative television series, "Over Easy," produced by KQED in San Francisco. The pilot shows in this series received very favorable review and widespread support from elderly viewers and professionals in the field of aging. I feel this type of programing can make an important contribution.

I am also pleased that H.R. 4876 would provide funds for an additional 10 personnel to strengthen enforcement of the Age Discrimination in Employment Act. Approximately $200,000 of this $285,000 appropriation would be available to improve activities for presenting evidence for age discrimination cases.

Congress enacted the age discrimination law nearly 10 years. However, job bias because of age is still a real and serious problem today. Quite clearly, the Department of Labor must be vigorous in enforcing the law evenhandedly and conscientiously.

Finally, H.R. 4876 includes an additional $2 million for the National Institute on Mental Health to develop a more comprehensive research program concerning mental health and illness of the aged. These funds will be allocated to the Center for Studies of Mental Health of the Aging.

The Committee on Aging, of which I am chairman, plans to issue a working paper soon on protective services and the elderly. This report will also examine public policy concerning the treatment of the mentally and physically infirm.

One of the major points in the working paper is that the institutional treatment of the infirm aged—perhaps more so than anything else—symbolizes our Nation's neglect of the elderly. This failing in public policy takes its tragic toll in many ways: Economically, psychologically, and socially.

Research is needed to develop innovative and sound solutions to correct the shortcomings in existing public policy. I am glad to see this need recognized, at least in part, in the appropriations bill.

SEWAGE TREATMENT GRANTS

Mr. DOLE. Mr. President, this supplemental measure will provide $4.5 billion to continue the highly beneficial Federal sewage treatment construction grant program, which I fully support.

The program provides 75 percent Federal funding of costs involved in constructing municipal sewage treatment plants, and my own State of Kansas has greatly benefited from these funds in past years.

The Water Pollution Control Act Amendments of 1972 mandated the cleanup of our Nation's waters through the elimination of direct discharges of municipal and industrial sewage. It became necessary for the Nation's communities, both large and small, to construct or upgrade existing sewage treatment facilities in order to comply with the new Federal regulations. Congress, in its wisdom, recognized the limited financial capabilities of municipalities to undertake such construction, and authorized a very helpful 75 to 25 percent Federal-local cost-sharing program for the treatment plants. Many communities have already benefited from the grants, and many more will benefit in the future.

There are still a number of rural communities in Kansas which both want and need to upgrade their sanitation facilities. Under the allocation formula authorized in this legislation, Kansas will stand to receive $54,878,000 in Federal construction grants prior to October 1977, and will have 3 years in which to obligate those funds.

There is no question that this assistance will be both welcome and put to good use in Kansas. I support the full appropriation as recommended by the committee, and urge its expeditious approval.

Mr. MUSKIE. Mr. President, I urge passage of the Supplemental Appropriations Act of 1977, which includes $282.5 million for the Community Services Administration for weather-related aid to low-income families.

Part of this amount, $82.5 million, would be used to continue the CSA's weatherization program to help insulate and otherwise improve the fuel economy of low-income homes. This program is designed to protect low-income families from ruinous fuel bills in future winters.

But the remaining $200 million would be used to alleviate the lingering effects of this year's severe winter—more specifically, the enormous fuel bills that thousands of poor families have yet to pay.

The funds would be allocated to States, which in turn would provide eligible families assistance in paying their fuel or utility bills. Payment in most cases would go directly to the utility company or fuel oil dealer involved.

Just because the worst of the winter is over—and the relief of spring is upon us—does not mean that this winter's emergency can be forgotten.

In fact, nothing could be farther from the truth. Funds are needed now for the unpaid fuel bills accumulated this winter.

My Subcommittee on Intergovernmental Relations polled State utility commissions and utility companies recently and found that, typically, utility companies allowed financially strapped customers to accumulate fuel bills over the winter months, rather than discontinue service during severe weather.

This was due both to the independent decisions of companies—and I consider this a constructive exercise of corporate responsibility—and because many State utility commissions ordered temporary bans on service cutoffs.

Now, however, as the weather has warmed up, State utility commissions have relaxed these bans and companies have begun to discontinue service.

At the same time, many thousands of low-income families are no more able to pay these accumulated bills than they were 2 months ago.

For example, my subcommittee found that a Wisconsin gas company recently sent out 25,000 disconnect notices to customers in the Milwaukee area, effective April 2, the day after the State commission's disconnect moratorium expires.

And this is just one example of an alarming and growing problem that will overcome the already strained finances of poor families—unless we can provide needed help immediately.

To give you an idea of the dimensions of the problems, let me add some information.

This winter was the coldest in 60 years, 40 percent colder than last year, and it affected States in virtually every section of the country.

Seven Governors declared states of emergency. Natural gas shortages idled over a million workers, and as far south as Dade County, Fla., crop damage ran into the hundreds of millions of dollars.

Nationally, energy consumption was 32 percent higher this winter than last, according to the Library of Congress. In New England, energy consumption was 25 percent higher.

With increased consumption came higher prices, as well.

Fuel oil customers in New England faced a 5-to-7-cent-per-gallon increase since last summer, and natural gas prices across the country increased over 7 percent during the winter.

That resulted in a winter fuel bill of almost $1,000 for the average New England family.

In all, the Library of Congress estimates that the total heating bill for the Nation was $8.4 billion this winter, "a 49-percent increase nationwide over last year * * * equivalent to an average of more than $139 per housing unit."

However, these financial burdens fall heaviest on those least able to pay. According to the Community Services Administration, energy costs have risen more than four times faster than average welfare payments since 1973. And even before this winter, many poor and elderly persons were paying 60 to 80 percent of their income for shelter and heat.

In order to meet the needs of those who have been unable to shoulder this burden, I and a number of my colleagues in both Houses began work several months ago to secure this supplemental appropriation for the CSA. Our plan is simply to provide the funds through existing authorizations to the CSA, which in turn would allocate the $200 million among the States. The Governor of each State would then be responsible for using the best delivery systems at his disposal to put the financial assistance into the hands of those who most need it.

In order to qualify, individual or family income would have to be within 125 percent of the poverty level. Further, the recipient would have to provide the administering agency with proof of need.

Each eligible household would be limited to a maximum payment of $250. This payment, for fuel, would be made directly to the utility company or fuel oil dealer. Eligible recipients could, however, receive a $50 cash payment for other energy-related expenses resulting from this winter's cold.

The formula which has been developed

to allocate these funds among the States is designed to target the assistance where it is most needed. It takes into account the severity of this winter's cold in each State, the number of those who need assistance in each State, and the relative cost of buying fuel.

So that my colleagues can see how the $200 million would be divided among the States, I ask that the allocation list by State be printed in the RECORD at this point.

Alabama	$2,300,000
Alaska	960,000
Arizona	420,000
Arkansas	1,960,000
California	3,380,000
Colorado	2,720,000
Connecticut	2,860,000
Delaware	660,000
District of Columbia	820,000
Florida	1,400,000
Georgia	2,760,000
Hawaii	140,000
Idaho	1,160,000
Illinois	14,160,000
Indiana	5,900,000
Iowa	4,420,000
Kansas	2,140,000
Kentucky	4,600,000
Louisiana	1,380,000
Maine	3,000,000
Maryland	2,440,000
Massachusetts	5,060,000
Michigan	13,760,000
Minnesota	8,780,000
Mississippi	1,700,000
Missouri	6,000,000
Montana	1,460,000
Nebraska	2,340,000
Nevada	360,000
New Hampshire	1,680,000
New Jersey	5,080,000
New Mexico	1,120,000
New York	21,880,000
North Carolina	4,000,000
North Dakota	1,740,000
Ohio	13,800,000
Oklahoma	2,180,000
Oregon	1,880,000
Pennsylvania	14,600,000
Puerto Rico	680,000
Rhode Island	1,400,000
South Carolina	1,520,000
South Dakota	1,620,000
Tennessee	3,440,000
Texas	4,180,000
Utah	1,260,000
Vermont	1,460,000
Virginia	3,200,000
Washington	2,700,000
West Virginia	2,840,000
Wisconsin	8,240,000
Wyoming	460,000

Mr. President, earlier this year my Subcommittee on Intergovernmental Relations held hearings on this proposal and heard from Governor Grasso of Connecticut, Governor Carroll of Kentucky, Governor Shapp of Pennsylvania and Lieutenant Governor O'Neil of Massachusetts. These witnesses all supported the assistance proposal.

As Governor Carroll testified:

. . . in time of trouble, it is always the poor who suffer most. Kentucky is no exception. To a family who is just scraping by on a fixed income, unemployment insurance and food stamps, a fuel bill that is double or triple what they normally pay can be back breaking. . . . Federal programs that provide aid to these needy families don't have contingency clauses for days of sub-zero weather and soaring fuel bills. We need a special kind of help—the kind that this committee is considering today.

In an effort to further determine the need for this kind of assistance in other States and how each Governor might administer this program, my Intergovernmental Relations Subcommittee wrote to each Governor. So far, we have received responses from 24 States. Each Governor from whom we received a response strongly endorsed the proposal. And almost all said that the funds were desperately needed in their State. I ask unanimous consent that these responses be printed in the RECORD.

I also ask unanimous consent that the complete text of the study of fuel bills and cutoffs prepared by my Intergovernmental Relations Subcommittee be printed in the RECORD.

Mr. President, this $200 million appropriation represents the best Federal/State response to the financial disaster that this winter's severe cold has meant to so many people. It comes at the end of the winter, but at a time that it is needed by many of our citizens. I urge my colleagues to lend their support to this worthwhile proposal.

There being no objection, the responses were ordered to be printed in the RECORD, as follows:

[Telegram]

MONTGOMERY, ALA.,
March 9, 1977.

Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

Reference is made to your letter of March 1 concerning funding of a Federal program providing financial assistance to low-income families unable to pay high fuel bills. It is my belief that this legislation is needed and I am responding to the questions contained in your letter as follows:

1. There is a need for financial assistance in Alabama for those unable to pay increased fuel bills.

2. These funds are still needed.

3. The community action agencies have been designated as the delivery system to provide such a system.

4. We can provide timely assistance if legislation is enacted and will assume accountability for this program. We are now completing our State plan and have conducted initial training of personnel who will administer this program. Furthermore, we are prepared to set our program in motion upon receipt of these funds.

Sincerely yours,

GEORGE WALLACE.

STATE OF ALASKA,
Juneau, March 11, 1977.

Hon. EDMUND S. MUSKIE,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR MUSKIE: It was my understanding that the federal program for emergency financial assistance for low income families unable to pay high fuel bills this winter was to be targeted for those states in the eastern U.S. experiencing unusually severe winter conditions this year.

Alaska has been having a warmer than usual winter this year; however, as you know, our usual winter weather conditions are much colder than what is experienced in the lower 48 states. Normal Alaskan temperatures combined with very high and continually rising fuel costs inflict serious hardships on poor families in this state year after year. My administration has, and will continue, to work for a more equitable distribution of federal funds for the energy needs of the poor which would give recognition to the special needs of low income Alaskans who regularly face the effects of extreme and long winters.

We do have an effective delivery system for winterization of homes and emergency bulk fuel loan assistance through Community Services Administration grantees in the State. Emergency fuel assistance funds could be immediately made available to those in need by those same grantees, were such funds available to Alaska. However, because of the "emergency" nature of these fuel assistance funds and because this year Alaska has experienced an unseasonably warm winter, Alaska is not seeking a portion of the special $200 million federal appropriation. It is our desire to see these emergency funds go to help poor families in the eastern and southern states suffering from one of the most difficult winters in their history.

Sincerely,

JAY S. HAMMOND,
Governor.

[Telegram]

SACRAMENTO, CALIF.,
March 14, 1977.

EDMUND S. MUSKIE,
Chairman, U.S. Senate, Committee on Governmental Operations, Subcommittee on Intergovernmental Relations, Washington, D.C.

The request for funds to assist low income families unable to pay high fuel bills accumulated during the bitter cold winter would not be applicable to California at this time due to unusually dry and moderate temperatures. However we do support this action for areas where the need has been demonstrated. California is in the process of evaluating the high cost of energy due to the severe drought conditions.

STEVEN YBARRA,
State of California,
Health and Welfare Agency.

STATE OF IDAHO,
Boise, February 4, 1977.

Hon. EDMUND MUSKIE,
Special Energy Committee, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR MUSKIE: It was heartening to hear your recently televised statement that there is a possibility that Federal funds will be made available to assist low income people with their fuel needs.

Here in Idaho we are having a colder than usual winter with its attendant problems for persons with low incomes. We can only imagine the hardships faced by persons with limited means as they try to cope with the viciously severe weather being experienced in the eastern sections of our nation. While our public and private agencies are severely strained trying to assist people to secure and maintain fuel supplies we know that some of our fellow Governors and citizens are faced with fuel problems of catastrophic proportions.

We urgently request that you make every effort to make funds available to assist low income people to secure adequate fuel in this severe winter. Such funds should be made available in proportion to need based upon population and severity of weather and be made available as quickly as possible to those States facing the most severe problems.

Sincerely yours,

JOHN V. EVANS,
Governor.

OFFICE OF THE GOVERNOR,
Indianapolis, Ind., March 7, 1977.

Hon. EDMUND S. MUSKIE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MUSKIE: The following is in response to your letter of March 1, 1977, regarding Federal Crisis Intervention Legislation to provide financial assistance to low income families to pay high fuel bills accumulated during the bitter cold this winter.

1. Very definitely. The Indiana Office of Community Services Administration has already served more families with Crisis Intervention assistance in December and January than was served in all of the previous year. Present funds have been depleted and other program funds have been diverted to meet the need, with no assurance of replacement funds.

Indiana has 145,384 families (11% of state) at or below the 125% low income level. The following projections have been made:

	Average expenditures per family	*Total*
Total families:		
145,384	$250	$36,346,000
145,384	200	29,076,000
145,384	150	21,807,000
145,384	100	14,538,000
145,384	50	7,269,200
29,768 (20 percent)	250	7,442,000

The Indiana Community Action Program Executive Directors have requested $20,000,000 of Emergency Energy Assistance funds to meet the emergency energy needs of low-income Hoosiers.

2. The need still exists and will continue during the next 3 to 6 months in order to pay bills in arrears and re-establish credit with fuel suppliers. Many low-income families are on deferred payment plans and will continue to pay excess bills each month.

3. Indiana has designated the Office of Community Services Administration to administer this program. A delivery system is in place to cover all 92 counties.

4. Indiana has spent considerable time and energy to provide this form of assistance to our citizens. The delivery system assumes optimal accountability of funds, verification of income and need.

I am confident that Indiana is prepared to insure that this program successfully meets the needs of our low-income citizens. Your sponsorship of this legislation is greatly appreciated.

Kindest personal regards,

OTIS R. BOWEN, M.D.,
Governor.

OFFICE OF THE GOVERNOR,
Des Moines, Iowa, March 21, 1977.

Hon. EDMUND S. MUSKIE,
Committee on Government Operations, Subcommittee on Intergovernmental Relations, U.S. Senate, Washington, D.C.

DEAR ED: I would like to acknowledge your letter of March 1 concerning financial assistance to low-income families unable to pay high fuel bills. To answer your specific questions, there is some need for financial assistance to poor and near poor families and individuals in Iowa who were unable to pay increased fuel bills during the past winter. Our Community Action Agencies have been using part of their weatherization funds from the Community Services Administration for this purpose. They have also negotiated with fuel suppliers for installment payments of back bills in cases where families were able to do so.

While some of the needs have been alleviated already, it is still possible to provide meaningful assistance. However, it seems more fair to expand emergency assistance to low-income families who have paid their utility bills but were forced to sacrifice in another area.

If provided with federal funds we would rely on my Office for Planning and Programming, in which the State Office of Economic Opportunity is located, to coordinate the effort. This office has been working with the Community Action Agencies on weatherization and the fuel crisis intervention program. It also provides state money for weatherization and has furnished Comprehensive Employment and Training Act enrollees to help with the program. We would expect to continue to use the Community Action Agencies' delivery system with, perhaps, referrals from the county social services departments and area agencies on aging.

We are confident that Iowa can provide this assistance in a manner to assure accountability and timeliness.

Sincerely,

ROBERT D. RAY,
Governor.

[Telegrams]

TOPEKA, KANS.,
March 16, 1977.

Senator EDMUND MUSKIE,
Captitol 1 D.C.:

In regard your letter 3-1-77: fuel bill as sistance needed for low income Kansas, can be distributed through increase in GA, AFDC, SSI grants within 15 days of notice. Cannot supply verification that funds are spent specifically on fuel bills, more likely increase will replace food money spent on fuel earlier in year.

ROBERT F. BENNETT,
Governor of Kansas.

GOVERNOR OFFICE,
Frankfort, Ky., March 11, 1977.

Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

DEAR ED: We appreciate the efforts on the part of you and your colleagues to alleviate some of the problems incurred by our low income citizens as a reult of this winter's inclement weather, we are very hopeful that you will be able to secure fundings to assist in fuel costs to these families. In response to the specific questions you posed:

1. There is no doubt that a need still exists for financial relief to low income families to compensate for their increased fuel bills.

2. The impact of the high cost of recent fuel bills will mean that low income budgets will be severely restricted for several months if some financial support is not provided. Although the intended benefits of this program would be delayed, provisions of assistance at this time would still be meaningful.

3. Should federal funds be provided, the existing welfare payment systems or offices would be utilized.

4. I have been assured by the department for human resources that they will have the capability of providing this special assistance to active welfare recipients through its regular payment system and in taking applications for non-recipients through its local office structure which is available in every county in Kentucky.

Please feel free to contact this office if we can be of further assistance in your endeavors.

Sincerely,

JULIAN M. CARROLL,
Governor of Kentucky.

AUGUSTA, MAINE,
March 4, 1977.

Senator EDMUND S. MUSKIE,
Capitol One, D.C.:

Your letter of March 1, 1977, to Governor Longley has been forwarded for attention on item 1. Yes, definitely. Item 2, yes, still needed, not too late. Item 3, local community and State resources already in existence Item 4, most certainly.

DAVID E. SMITH,
Commissioner of Human Services.

STATE HOUSE,
Boston, Mass., March 7, 1977.

Senator EDMUND S. MUSKIE,
Committee on Government Operations, Subcommittee on Intergovernmental Relations, Washington, D.C.:

In response to your question concerning the $200 million emergency appropriation:

1. There is definitely a need for financial assistance to low-income families and individuals because of increased fuel bills this winter. The combination of higher energy prices and a colder than average winter has caused hardship for both the poor and the near poor.

2. Funds are still needed: (A) Social service agencies often expended other program money to assist families during the coldest weather and should be reimbursed for these costs. (B) Utility companies and oil retainers have often been reluctant to cut off service during the middle of winter. Unless bills in arrears are paid, many families will now be cut off.

3. Massachusetts will use its existing network of community action agencies and the State welfare department to deliver funds.

4. This network has been in use for a number of years. It is accountable and effective and will be able to ensure a timely delivery of assistance to those most in need. There are already established procedures for handling emergency fuel requests, and this network has been shown to be the most effective system for our State. As an example, the network was able to deliver 300,000 gallons of donated oil to needy households in February.

Sincerely,

MICHAEL S. DUKAKIS,
Governor, Commonwealth of Massachusetts.

MARCH 9, 1977.

Senator EDMUND S. MUSKIE,
Committee on Government Operations, the Senate, Washington, D.C.

Thank you for your letter regarding the proposal for Federal financial assistance to low income families to help offset their high heating fuel bills. We have clearly defined the need for such assistance in Michigan, estimating that roughly 260,000 households are below the poverty level and budget for their own fuel needs. The average annual fuel bill this year will be about $100 above last year's total. Financial assistance to these most vulnerable households is still needed and could efficiently be provided through the State Department of Social Services. The relief could most efficiently be provided through direct vendor payments to the utilities, if Congress grants the States that authority. I can assure you that Michigan has an administrative structure geared to channeling this support quickly, effectively, and accountably to those low income households most in need. Again, the scale of the problem and its national impact dictates that Federal action be taken, and if there is anything that my office can do to assist you in winning congressional approval of the program, please let me know.

WILLIAM G. MILLIKEN,
Governor of Michigan.

MARCH 11, 1977.

To: David Johnson.
From: Cindy Warren.
Subject: Fuel Assistance.

I received a telephone call today at 10:00 a.m. from Herman Wells on behalf of Governor Finch (Miss.) concerning the fuel assistance questionnaire. In response to your questions as follows:

1. Yes.
2. No, it's not too late.
3. CSA.
4. Yes he is confident the funds would be used with accountability. Their delivery system is well established.

EXECUTIVE OFFICE,
Jefferson City, March 9, 1977.

Hon. EDMUND S. MUSKIE,
The United States Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR MUSKIE: As Governor of Missouri, I heartily endorse your proposal to appropriate two-hundred million dollars for emergency aid to help low income persons pay their heating bills.

Missouri has been especially affected this past winter as it has been one of the coldest winters in the state's history. Consequently, customers of utilities in this state have incurred very large heating bills.

I realize that your proposal is a short-term solution to a long-term problem, but I feel that your proposal will bring relief to those people most in need. Also, it is unlikely that the combination of factors, the cold winter and the FPC Opinion 770, will occur again, at least in the foreseeable future.

I endorse your proposed appropriation and qualified utility customers in Missouri look forward to benefiting from this appropriation as soon as possible.

Again, thank you for your help.

Sincerely yours,

JOSEPH P. TEASDALE,
Governor.

STATE OF NORTH CAROLINA,
Raleigh, March 16, 1977.

Senator EDMUND S. MUSKIE,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR MUSKIE: I appreciate the opportunity to comment on the proposed $200 million appropriation to provide financial assistance to low income families faced with inordinately high winter fuel bills. Our responses to the four questions posed in your letter of March 1 are summarized below.

(1) There is a definite need for an appropriation of this kind. A recent sample survey of local agencies in North Carolina indicated that there were still a considerable number of low income families experiencing difficulties in paying their fuel bills.

(2) The immediate need for these funds has decreased in the past several weeks. However, there is still a residual need as indicated above. I would question whether or not the proposed $200 million could be spent effectively in a limited period of time. A smaller appropriation might be in order or the Congress may wish to appropriate the full amount with the provision that it remain available until expended. This would allow us to respond quickly to any similar emergencies next year.

(3) Fortunately, we have several program delivery systems at our disposal. Seventy-eight of our one-hundred counties are served by Community Action Agencies and this year through a state level Economic Opportunity office we expect to be providing low income energy assistance to the other twenty-two counties. These agencies have played an important role in the Federally assisted low income home weatherization program. Each county in the state is also served by a department of social services. Collectively, these agencies have an effective outreach capability and considerable experience in dealing with the needs of lower income families.

(4) I believe we have the capacity to maintain accountability and to deliver these services in both a timely and effective manner. I would urge the Congress to allow states to choose among existing delivery mechanisms in administering this program.

I would also suggest that the Congress make every effort to assure that the low income home weatherization program which was authorized by the 94th Congress as part of the Energy Production and Conservation Act be implemented as soon as possible. Swift action on this program will permit us to spend this summer winterizing the homes of low income families. We hope to use this approach to avoid some of the hardships experienced this winter.

Your consideration is greatly appreciated.

JAMES B. HUNT, Jr.,
Governor.

[Telegram]

Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

Answers to questions regarding Federal fuel assistance program—

1. Not a great need now in North Dakota some aid would be appreciated.
2. Funds will be needed to offset economic conditions of the poor in light of worsening drought conditions.
3. The Division of Economic Opportunity is in conjunction with CAP's and social services will administer funds.
4. North Dakota State Government will assure both accountability and timeliness.

Letter to follow.

ARTHUR L. LINK,
Governor of North Dakota.

[Telegram]

Hon. EDMUND MUSKIE,
U.S. Senator,
Committee on Government Operations Subcommittee on Intergovernmental Relations, Washington, D.C.

In response to your questions concerning congressional appropriation of $200,000,000 for financial assistance to the poor unable to pay increased fuel bills the following replies are given:

1. There is a definite need in New Mexico for financial assistance to poor and near poor in payment of increased fuel bills this winter. In the previous year, New Mexico community action agencies assisted 4,020 families in payment of utility bills. At least the same number of families are still critically in need of such help.

2. New Mexico's northern counties experienced inclement and harsh weather conditions through late spring months, therefore such assistance is still badly needed.

3. Such funds received by New Mexico would be channeled through the office of the Governor.

4. I am confident that this arrangement would insure accountability and timeliness in the delivery of these vital services. In the event that we are given a short time period within which to expend the funds, it may be necessary to enlist the support of other social services delivery programs to assist in the distribution of such assistance. Dependent on the amount of funding to be allocated to New Mexico, we may be unable to expend the funds within a specified time limit. In this case, provision should be made for funds to be carried over until the need for such assistance increases during the fall and winter months.

The New Mexico State Legislative has displayed a willingness to commit state resources to emergency energy conservation efforts through appropriation of $250,000 for winterization which does not allow for crisis intervention. Funding made available through your legislation would complement the services made available through the legislative appropriation. In order to fully evaluate our role in administering these funds, we would appreciate being advised of the approximate dollar amount that New Mexico would receive.

JERRY APODACA,
Governor, New Mexico.

[Telegram]

Senator EDMUND MUSKIE,
U.S. Senate,
Washington, D.C

Ohio strongly supports your proposal to provide assistance to low income families in meeting the unusually high costs of heating this winter. I urge that you consider raising the proposed amount per family from $250 to $350. This additional amount will cover other emergency assistance such as furnace repair, repair of broken water lines, and associated repairs. Please consider also the plight of our elderly citizens dependent upon social security benefits. This group will also require assistance. Cases have been reported where in the heating costs alone has exceeded the total funds available to these elderly citizens.

JAMES A. RHODES,
Governor of Ohio.

[Mailgram]

Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MUSKIE: Thank you for your kind letter. I appreciate your concern for the severe impact that the winter has had, particularly on the poor and those with fixed incomes.

Here in Oklahoma we have already begun moving in the direction which you propose. Three weeks ago, I recommended to the legislature that the monthly state supplemental grant be increased to adult categories of assistance and AFDC households. Hopefully this will help meet some of the financial problems created by rising fuel costs.

In answer to your question, there is a definite need for financial assistance in Oklahoma. Any funds which the Federal Government could provide would give meaningful assistance to those in need. If Federal funds are made available, I am confident that the welfare dept. will use current delivery systems to get the most effective use of the monies, while insuring both timeliness and accountability.

Thank you for your consideration and concern.

Sincerely,

DAVID L. BOREN,
Governor, Oklahoma.

[Telegram]

HARRISBURG, PA.

Hon. EDMUND S. MUSKIE,
U.S. Senate,
Capitol One, D.C.:

Responding your March 1st letter regarding financial assistance to low income families unable to pay high fuel bills:

1. There is need in Pennsylvania for financial assistance to poor families unable to pay increased fuel bills.

2. These funds still needed and can be used in meaningful ways.

3. Pennsylvania would use its public assistance system for distribution of these funds.

4. We can provide this assistance in timely manner with full accountability.

MILTON J. SHAPP,
Governor.

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS,
Providence, R.I., March 15, 1977.

Hon. EDMUND S. MUSKIE,
Chairman, Subcommittee on Intergovernmental Relations, Washington, D.C.

DEAR SENATOR MUSKIE: In reply to your letter of March 1, 1977 requesting information to assist you in preparing an informational package for backup documentation on the 200 million dollar appropriation for state governments under the Community Services Administration program, my staff has prepared the following responses:

(1) There is a great need in my state for financial assistance to the poor and near-poor families who are unable to pay fuel bills. Through our Department of Community Affairs, we operate a monumental Crisis Intervention Program to prevent many families from utility and oil shutoffs. We initially received $98,000 from the federal government. Our State legislature appropriated an additional $300,000. We also had a statewide private contribution program called Project HEAT (Heat Emergency Action Team) which accumulated $256,000 and the Division on Aging allocated $37.800 for Crisis Intervention. This is a grand total of $691,800. We prevented about 8,000 shutoffs.

(2) Funds are still needed and it is not too late to provide meaningful assistance. At the writing of this letter, we are not in the grips of a severe cold spell. However, many of these families over the course of the next few weeks are going to be faced with a utility shutoff or an oil shutoff due to the lack of funds. Meanwhile, our Crisis Intervention Program only allowed us to provide enough money to keep the utility on or oil in the tank. It did not allow us to pay back bills. It is not uncommon, as a result of this, that many of these people have enormous back bills ranging from $200 to $500. Because of these back bills, the utility companies will shut off if payment is not forthcoming. This will of course leave them without heat for the balance of the spring and into next winter because they certainly will not be able to accumulate the money they will need to have their utility turned on. Any additional funds will at least allow the families to get out of debt and start over fresh.

(3) Our existing delivery system used our local Community Action Agencies to disburse the money, take care of the intake, and determine the need of the families. Due to the extreme amount of need, our agencies had to forego most of their other activities in order to provide this assistance. The Community Action Agencies were just not equipped to handle the number of families who were in need. We developed a system in Providence that allowed us to utilize our State Welfare Department to assist in qualifying families in need. I believe that our Community Action Agencies and our State Welfare Department would be able to handle this type of program and provide maximum service to those in need.

(4) I can assure you that our system will provide accountability and promptness in disbursing the money because we have been involved in this program for the past four years, and we have demonstrated both accountability and efficient delivery of services to our needy families in Rhode Island.

This program has been operated through the Department of Community Affairs, Division of Human Resource Development, and any additional information can be obtained through Mr. Frederick C. Williamson, Director, Department of Community Affairs. His telephone number is (401) 277-2850.

Sincerely,

J. JOSEPH GARRAHY,
Governor.

[Telegram]

Senator EDMUND MUSKIE,
U.S. Senate,
Capitol One, D.C.

Your March 1, 1977 letter regarding financial assistance for fuel bills of low income families. Question 1. Need exist particularly if funds could be used to pay the crude bill. Question 2. Funds still needed and it is still not too late to provide meaningful assistance. Question 3. Social welfare and community action systems which would assure both accountability and timeliness. Question 4. Yes.

GOV. RICHARD A. SNELLING,
State of Vermont.

[Mailgram]

Senator EDMUND S. MUSKIE,
Chairman, Subcommittee on Intergovernmental Relations, U.S. Senate, Washington, D.C.

Governor Godwin has asked me to respond on his behalf to your letter of March 1 concerning proposed legislation which would provide financial assistance to low income families to pay high fuel bills accumulated during the winter months. As you know, Virginia was one of the States hard hit by the severe winter.

Although there were funds available in Virginia to provide emergency fuel assistance from several sources, a quick survey has indicated that most of the resources have been depleted. Information provided from community action agencies, State agencies and public utilities indicate that a need exists in Virginia. Some families in need can be readily identified in that they have delinquent fuel or utility accounts. Other families have paid their large fuel bills and are unable to adequately meet their food, housing, insurance, health and other needs.

While funds are needed in Virginia the delay in congressional action will make the program extremely difficult to administer. Certification of need will be especially troublesome.

Should Federal funds become available Virginia will continue to utilize a mechanism which includes local welfare departments, community action agencies, area agencies on aging and other local service providers.

I am confident that assistance could be provided insuring the accountability of the administering agency. The timeliness of our actions will depend upon the length of time it takes for legislation to be passed and signed by the President as well as the degree of flexibility and practicality present in the legislation and program guidelines. Obviously it will be a relatively simple matter to determine eligibility for those families and individuals who have delinquent fuel or utility accounts on record. We should also consider serving those persons in need who no longer have a fuel problem but rather a housing or health problem aggravated by their attention to their fuel bills. Determining their eligibility may be a long and arduous task.

MAURICE B. ROWE,
Secretary of Administration and Finance, Office of the Governor.

[Telegram]

CHARLESTON, W. VA.

Hon. EDMUND MUSKIE,
U.S. Senate,
Washington, D.C.:

Thank you for your letter to discuss plans to appropriate $200,000,000 to assist low-income families to pay high fuel bills.

This is a worthwhile undertaking, because almost every family has felt the economic pinch caused by excessive heating costs during the extreme winter weather this year.

In response to your specific questions, I would like to provide the following:

(1) Welfare Commissioner Leon Ginsberg advised that emergency fuel funds were adequate to assist most families with desperate needs through February. More money could be used and applied, but some relief was available to those who sought assistance.

(2) Since heating bills are still being received by our citizens, additional relief would be welcomed, and the Department of Welfare is still receiving requests for emergency assistance.

(3) We would use any additional funds through the Department of Welfare, working in conjunction with community action agencies. I am advised, however, that these agencies serve only 41 of our 55 counties.

(4) There is some question about ability to provide accountable and timely relief through existing welfare mechanisms. Dr. Ginsberg specifically requests that SSI recipients be included in such relief, since no direct assistance is offered to persons in West Virginia by the State.

We would endeavor to obtain such accountability in any special program, and I am sure that this could be done, since funding processes would be different.

GOV. JOHN D. ROCKEFELLER IV,
State of West Virginia.

STATE OF WISCONSIN,
OFFICE OF THE GOVERNOR,
Madison, Wis., March 14, 1977.

Hon. EDMUND S. MUSKIE,
U.S. Senate, Committee on Government Operations, Subcommittee on Intergovernmental Relations, Washington, D.C.

DEAR SENATOR MUSKIE: Thank you for your letter of March 1 regarding the congressional proposal to appropriate $200 million for state governments to provide financial assistance to low income families unable to pay high fuel bills accumulated during the bitter cold this winter.

As you will recall, we presented testimony to your committee on February 3 in support of such a program and have worked with Representative David Obey from the 7th Congressional District in Wisconsin to get the proposal introduced in the House of Representatives. We were disappointed, of course, in the outcome of the House Appropriations Committee vote on March 10 and support Mr. Obey's efforts to have the appropriation restored by the full house.

Our response to your specific questions regarding this proposal are as follows:

1. Is there a need in your state for financial assistance to poor and near poor families and individuals who are unable to pay increased fuel bills this winter?

As we indicated in our testimony for your committee, the average cost of all heating fuels in Wisconsin increased 54% between January 1976 and January 1977. In addition, the heating season has been 29% colder this year than previous year resulting in a 29% increase in fuel use for space heating as a result of the bitter cold. Recent statistics suggest that approximately 10,500 Wisconsin households have requested emergency fuel assistance this winter with thousands more crises forestalled by a Public Service Com-

mission moratorium on shut-offs by regulated utilities.

2. Are these funds still needed, or is it too late to provide meaningful assistance?

The above mentioned moratorium expires on April 1, 1977 and we anticipate many more crises with several months of the heating season still ahead in Wisconsin. During the winter of 1976, over 5,000 households were affected by the expiration of that year's moratorium and the increased cold coupled with the 62% increase in the price of natural gas can be expected to significantly increase that number in three weeks when the current order expires.

3. If provided Federal funds, what existing delivery system would your state use to make assistance available to those in need?

In Wisconsin, the state is the grantee for the current Community Services Administration weatherization/emergency fuel assistance programs and has contracts with all of the Community Action Agencies in the state for administration of the program on a statewide basis. We would anticipate continued utilization of that delivery mechanism for the proposed program.

4. Are you confident that your state government could provide this assistance in a manner that assures both accountability and timeliness?

Because the program is already administered on a contractual basis in the state and because we have an existing formula for distribution of funds within the state, we would expect to be able to make the funds available by amendments to our existing contracts as quickly as we receive them. We held a training program for all Community Action Agencies on February 24, 1977 to acquaint them with the proposed procedures they will be expected to follow to assure both timeliness and accountability if these funds become available.

Thank you again for your concern in this very important matter.

Sincerely,

PATRICK J. LUCEY,
Governor.

FUEL BILLS AND FUEL CUT-OFFS

(A survey of the impact of this winter's below normal temperatures on utility customers, by the staff of the Subcommittee on Intergovernmental Relations of the Governmental Affairs Committee, Mar. 21, 1977)

INTRODUCTION

In order to determine the plight of people unable to pay their fuel bills this winter, the staff of the Senate Subcommittee on Intergovernmental Relations surveyed 48 State utility commissions and 46 utility companies in 44 States. The survey was conducted by telephone during the period between February 16 and March 18, 1977.

SUMMARY

In summary, the subcommittee staff found that—

1. There is substantial evidence that amounts owed utility companies in unpaid fuel bills have increased dramatically this winter over last;

2. There is evidence that, in many States, utility companies substantially reduced the number of utility consumers cutoff for failure to pay during the height of the winter, but there is a growing indication that cutoffs will increase this spring;

3. Twenty-eight States have no regulations or agreements with utility companies which prohibit cutoffs of utilities for failure to pay;

4. Only 11 States have regulations which prohibit utility cutoffs for failure to pay; and

5. Eight States have informal agreements with utility companies which have the effect of limiting cutoffs.

BACKGROUND

This winter's cold has resulted in much higher energy consumption throughout the nation—23 percent higher than last year. Also, throughout this winter, energy prices have continued their upward spiral.

This combination of higher prices and increased consumption has caused utility bills for residential consumers to sky-rocket. The Congressional Research Service of the Library of Congress estimates, in fact, that U.S. consumers will spend $8.4 billion more to keep warm this winter than last—an average increase of $139 per household.

Such dramatic increases in fuel bills have inevitably led to an increase in the number of families and individuals unable to pay them.

THE STUDY

As was indicated above, this staff study is based on data collected from two sources—State utility commissions and utility companies. The survey of State commissions was conducted first, during the week of February 16–23. In this survey the subcommittee staff tried to collect information about commission rules and regulations on utility cutoffs as well as information about the number of cutoffs and the amount owed utility companies this winter. While the State commissions were able to provide information about their own rules and regulations, they had little information about the number of cutoffs and the amounts owed utilities.

To collect this additional data, the subcommittee staff began a telephone survey of large utility companies. An effort was made to contact at least one such company in each State. Data from 46 companies in 44 States are included in the study.

For the purpose of this study the subcommittee staff was only able to contact a limited number of electric and gas utilities. And while this staff survey does not represent a scientific sample of the gas and electric utility companies, it does include sufficient information to draw conclusions about broad trends.

Further, it is important to note that this survey only includes information about residences heating with natural gas and electricity. It does not include information about homes heated by other fuels such as coal and fuel oil. Because these fuels are often distributed by small dealers, the staff concluded it would be difficult to ascertain reliable data about them. In all, more than one-fourth of the homes in the nation are heated by fuels, other than gas and electricity, mostly number 2 fuel oil.

The poor rely even less on natural gas and electricity for home heating than do more affluent segments of the population. According to statistics compiled by the Washington Center for Metropolitan Studies, 54% of the poor use natural gas for home heating, 8% use electricity, 23% use fuel oil including kerosene, 9% use bottled gas, and 9% use other fuels or none. (The different fuels add to more than 100% because some households use more than one fuel for heating.)

All of this means that this study represents only a portion of the problem that resulted this winter.

THE SURVEY OF STATE UTILITY COMMISSIONS

State governments have broad powers to regulate the activities of utility companies. Through State utility commissions, almost every aspect of utility activity is scrutinized and controlled.

The staff began its efforts to determine the effects of this winter's severe cold on utility customers by surveying the State utility commissions with the questionnaire below. The staff was able to obtain a response from States with its telephone survey. However, as mentioned before, the State commissions were in general unable to answer questions about amounts owed utility companies and the number of cutoffs made by utilities this winter. So, only questions 1 and 2a, b and c are treated in this part of the study.

THE QUESTIONNAIRE

(1) Has your commission ordered a moratorium on utility disconnects for failure to pay bills this winter?

(2) If yes, (a) When was it first put into effect?

(b) When will it expire?

(c) Has any such action ever been taken previously in your State?

(d) How many consumers have been affected by the order (that would have had their utilities cutoff otherwise)?

(e) How much money is owed to the utilities because of this order?

(f) What percentage of consumers in your State use fuels whose suppliers are not covered by your commission?

STATES WITH NO REGULATIONS AGAINST UTILITY CUTOFFS

The following twenty-eight States reported that they have no regulations prohibiting utility cutoffs—

Arizona, Arkansas, Colorado, Delaware, Florida, Idaho, Iowa, Indiana, Kansas, Louisiana, Michigan, Missouri, New Hampshire, Nevada, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia.

While these States have no moratorium regulations, seven—Idaho, South Carolina, Vermont, Maryland, New Hampshire, West Virginia and Texas—indicated that utilities must give notice or contact the Welfare Department before cutting off service. This barrier serves as a cushion and gives some consumers the opportunity to take advantage of programs designed to assist those unable to pay their bills.

Michigan prohibits cutoffs for families with illness.

Three of these twenty-eight State commissions—Tennessee, Iowa and Indiana—said that utilities in the States were attempting to help people faced with enormous fuel bills by allowing them to pay out their accounts over an extended period. While no other specific information was collected, there is evidence that this practice exists in many other States.

Two State commissions, Missouri and West Virginia indicated that at the time the study was conducted they were considering regulations which would prohibit utility cutoffs for failure to pay bills.

STATES WITH REGULATIONS PROHIBITING CUTOFFS

Alabama, Illinois, Mississippi (only a resolution urging no cutoffs), New Jersey, Wisconsin, Ohio and Pennsylvania have taken action this winter to prohibit fuel cutoffs this winter. Four other States, Oklahoma, Maine, Minnesota and South Dakota have had rules which prevent cutoffs under certain circumstances existing before this winter.

Typical of those States which acted this winter to prohibit cutoffs, is the short duration of the moratorium periods. In Illinois, the moratorium lasted 15 days, from February 1 to February 15 and has since been replaced by a voluntary program. In Alabama, the moratorium ran from January 18 to February 15. Mississippi's action, which was in the form of a resolution urging utilities not to be cut off covered only the month of February. New Jersey's regulation was put in plan January 31 and was in effect until March 1. Ohio's runs from January 23 to the end of March. Wisconsin's regulation covers

the period between November 30 and April 1. Only Pennsylvania has regulations which will stay in effect until removed by the Commission. The Pennsylvania rule took effect January 18, 1977.

Those States which are relying on regulations put in place before this winter, have more general prohibitions on disconnects which do not expire. Oklahoma, for example, prohibits cutoffs when the temperature is below 10 degress or on weekends. Minnesota prohibits cutoffs at temperatures below zero. South Dakota, simply prohibits cutoffs during the winter months.

STATES WITH INFORMAL AGREEMENTS WITH UTILITY COMMISSIONS

Eight States, California, Georgia, Kentucky, Massachusetts, Montana, Virginia, Connecticut and New Mexico have, as was charatcerized by the Montana Commission—"Gentlemen's Agreements"—not to cut off service during the cold months.

The Massachusetts example is fairly typical. In Massachusetts, no actual rules against cutoffs have been made. But, the utility companies have "promised" not to turn off residential users. This promise notwithstanding, the Commission reported that the utilities" retain the rights to threaten."

None of the States with these informal agreements with utility companies indicated that they monitored the activities of the companies in this regard.

(Attached is a company by company breakdown of the information provided the subcommittee by each utility company responding with substantive information to the subcommittee's telephone survey.)

THE SURVEY OF UTILITY COMPANIES—AMOUNT OWED

The subcommittee staff found that utility companies in 28 States are owed more this winter than last. The average increase in these 28 States was found to be 34.12%. In some States, Illinois for example, the increase was relatively minor—3.39%. But in others, the increase in amounts owed is dramatic. In Ohio, Pennsylvania and Utah the increase is approximately 41%. In Louisiana the increase is 57% and in Kansas, the utility company is owed 72% more this winter than last.

The staff found that eight States had the amounts owed decreased. In general, these decreases were small, averaging only 3.32%. The largest decrease in amounts owed was found in the Idaho utility company which had a decrease of 4.1%.

The staff found four States which reported that accounts receivable were the same this winter as last.

No figures were available from 12 States which were contacted by the staff.

From this information the staff has concluded that amounts people owe for fuel bills are much higher this winter than last, particularly in those States which experienced colder than normal temperatures this winter. Reinforcing this conclusion is the fact that of those eight States that reported to the subcommittee that their accounts receivable had decreased, six—Arizona, Montana, North Dakota, Oregon, South Dakota and Idaho—had above normal temperatures for most of this winter. Another of the eight, Illinois, attributes its decrease in accounts receivable to a widespread and sophisticated media program urging customers to take advantage of the company's deferred payment program.

It is further important to note that this survey, made in late February and early March, reflects only information available to the companies at that time. This means that most companies provided the subcommittee staff with accounts receivable information through the month of December. As a result the figures represent a period which preceded the most severe impact of the cold this winter, which occurred in late December and throughout January. Several company representatives predicted accounts receivable for many utility companies included in the survey would increase dramatically when figures become available for the months of January and February.

DISCONNECTS THIS WINTER

As the second part of this survey of utility companies, the staff sought to determine the number of customers disconnected from service this winter for failure to pay as compared to the number of customers disconnected last winter. The staff found that in 15 States the number of customers disconnected this winter had decreased compared to last winter. In these States, disconnects have decreased almost 37% from last year.

In some of the States, Alabama for example, with a decrease of 3%, the reduction this winter over last has been slight. But in others like Pennsylvania where disconnects have dropped almost 60% this winter, the reductions have been dramatic.

In four of these States, Alabama, Illinois, Oklahoma and Pennsylvania—this reduction is attributed to State utility commission regulations prohibiting cutoffs for at least part of the winter. Two other States—Oregon and Washington—report fewer cutoffs this winter because the weather this winter has been warmer than it was last winter.

The staff found that in 10 States disconnects for failure to pay have increased this winter over last. Disconnects have increased an average of 22.6% in these States.

At the low-end, North Carolina reports an increase in disconnects of 11%. But in Montana, the utility company reported an increase of 48.5% (the utility company in Florida supplied the State commission with no hard data).

Important to note, however, is that in two of these States, California and Montana, the weather has been relatively warmer this winter than last. And the New York utility reported that its disconnects had increased this winter primarily because of a new liberalized payment program. Under that plan, customers are allowed to pay small amounts on outstanding bills, but are immediately cut off if they pay nothing. The result of this new program has been an increase in the number of disconnects. Further, in at least one State, Vermont, while the percentage increase in disconnects is significant at 38%, this percentage represents only 23 more actual disconnects this winter than last.

Twelve States reported that the number of their disconnects is about the same this winter as last.

This information from utility commissions, though mixed, indicated that in several States, utility companies have reduced the number of those disconnected for failure to pay. However, in recent days, the staff has found increasing information that this trend may not continue and that, in fact, utility companies may soon increase the number of cutoffs of those so far unable to pay their fuel bills this winter.

Most recently the staff has gathered the following*—

The Wisconsin Gas Company of Milwaukee has sent out 25,000 disconnect notices effective April 2, the day after the State's moratorium on cutoffs expires. According to company officials, this 25,000 is only part of the 58,000 customers in the Milwaukee area behind in their payments, representing over $7 million in outstanding bills.

The Washington Gas Light Company in Washington, D.C. told the subcommittee that through the winter no customers had been cutoff for failure to pay. But, that for the month of February, 40,000 customers were eligible for cutoff (compared to 35,000 in February 1976) and that while the company had not decided when to begin to cut these customers off, according to a company spokesman, it is simply a matter of time;

A Columbus Gas Company representative in Ohio told the subcommittee that beginning April 1, the company would resume disconnecting those unable to pay. While no specific figures were available from the company, the spokesman said disconnects would be increased over last year;

On April 1, the Valley Gas Company of Rhode Island will begin disconnecting customers who have not paid so far this winter. According to a company spokesman, the number of cutoffs will probably be triple the number of cutoffs last year.

A representative of the Pennsylvania Utility Commission told the subcommittee that while the cutoff moratorium is still in effect in the State, as soon as it is lifted, cutoffs will begin and many thousands of customers are likely to be affected.

*This information was collected March 18, 1977, and does not appear in the charts appended to the study.

SUMMARY TABLE OF INFORMATION PROVIDED BY COMPANIES SURVEYED

	No. of disconnects this year compared to last year	*Amount owed*	*Other*
Alabama:			
Alabama Gas Corp.	Only about 1,000 less 23,118—Calendar year 1975 22,414—Calendar year 1976 decrease 3.05 percent Jan. 1977	Calendar year 1976 $11,425,000 (this amount higher than normal)	Bills are 40 percent above normal this winter
Arizona:			
Arizona Public Service Co. Customers: Electric—394,930 Gas—312,564	Calendar 1976—14,281 98 percent residential	1975—83,000 delinquent accts. 1976—85,532 delinquent accts. 2.96 percent increase *Write-offs:* 1975—$1,300,000, 1976—$1,545,729, 16 percent increase	32 percent warmer (Oct.-Feb.) than 1975; Only 10 percent of those who receive notices are actually cut-off

SUMMARY TABLE OF INFORMATION PROVIDED BY COMPANIES SURVEYED—Continued

Arkansas:			
Arkansas-Louisiana Gas Customers: 345,185	No disconnects Dec., Jan., and Feb.	No record	Consumption up 30 percent
California:			
Public Utility Commission Customers: 3,000,000		Jan. 1976—$26,184,000, Jan. 1977—$29,770,000, 12.5 percent increase	Winter period is warmer (Nov.-Apr.)
Colorado:			
The Public Service Co.	About the same as last year (2060 Jan. 1976)		Bills up about 20 percent above last year
Delaware:			
Chesapeake Utility Co. Customers: Residential 14,000—67 percent Delaware 33 percent Maryland	No record. Never disconnect in extreme cold	Increase in amount owed	36 percent colder
Florida:			
Florida Gas Co. Customers: 76,473	Jan. 1977-984	Jan. 1976—$390,856 Jan. 1977—$588,508 commercial, retails, hotels 33.59 percent increase	29.7 percent increase in revenues this year. Average bill up 30.7 percent degree days increase 71.46 percent
	No. of disconnects this year compared to last year	*Amount owed*	*Other*
Georgia:			
Atlanta Gas & Light	Jan.-Feb. 1976-4052; Jan.-Feb. 1977-969; decrease 76 percent	Jan. 1977—$54,651,000 Only about 20 percent delinquent (Apr. 1976 only $38.7 million)	Disconnects this year occurred before Jan. 13 or after Feb. 15
Idaho:			
Intermountain Gas Co. Customers: 85,016	Jan. 1977—209; Jan. 1976—Slightly higher	Jan. 1976—$901,446 24.69 percent (of total revenue) Jan. 1977—$978,519 20.59 percent (of total revenue)	Average bill increase 21.3 percent—degree days increase
Illinois:			
Northern Illinois Gas Customers: 1,300,000	Jan. 1976—32,500 eligible Jan. 1977—26,000 for cut-off—percent of actual cut-offs this year low because of Feb. 1-15 moratorium and voluntary program afterwards company said only 11-14 percent eligible were actually cut-off—Jan. 1977 583 cut-offs	Jan. 1977 $2.8 million down from $3.3 million for Jan. of 1976 decrease 16 percent	Attribute lower amounts owed and lower numbers eligible for cut-offs to media program urging budgeting
Commonwealth Edison Co. Customers: 2,777,618	Approximately 9,000 in Jan. 1977—Dec. 1976—10,901. (11,-209 in Dec. 1975) decrease 2.75 percent (Dec. 1975-76) decrease 17.44 percent (Dec. 1976-Jan. 1977)	Jan. 1976 $11.4 million Jan. 1977 $11.8 million increase 3.39 percent	40 percent increase in average bill
Indiana:			
Northern Indiana Public Service Co. Customers: 484,067	Jan. 1976—1194; Jan. 1977—720; decrease 39.7 percent	Increase of 20 percent in past due accounts	No policy regarding disconnects but weather conditions are taken into account. 42 percent increase in average bill
Iowa:			
Iowa-Illinois Gas & Electric Customers: 205,000 gas 160,000 electric	Jan. 1976—93; Jan. 1977—57; 38.71 percent decrease	Jan. 1976—$1.4; Jan. 1977—$1.9; 26.32 percent increase	Average bill increase 29.77 percent
Kansas:			
The Gas Service Co. Customers. Approximately 800,000	Jan. 1976—848; Jan. 1977—284; decrease 66.51 percent	$9 million in delinquent accounts up 3½ times over normal	Consumption up 20 percent Cost to customers up 50 percent from last year
Kentucky:			
Louisville Gas & Electric Customers: Gas 215,000 Electric 200,000	No cutoffs this winter—self-imposed policy	Unpaid bills up 41 percent	Sales up to 32 percent—deal with problems on a case-by-case basis
Louisiana:			
Louisiana Gas Service	Jan. 1976—1205; Jan. 1977—1468; increase 17.92 percent	Jan. 1976—$21,000; Jan. 1977—$49,000; 57.14 percent increase (This is amount of money due at point of disconnect)	Normal degree days: Jan. 960—actual this year 1561. Average bill up 26 percent
Maryland:			
Baltimore Gas & Electric	Jan. 1976—2,535; Jan. 1977—2,014; 20.55 percent decrease	Jan. 1976—$10,468,349 17.33 percent (of total Jan. 1977—revenue) $12,036,977 17.05 percent (of total revenue)	Average bill up 15.44 percent
Massachusetts:			
Boston Gas Co. Customers: 480,000, 50 percent are heating	None (delinquent accounts up to 30,000 from 28,000 last year) increase 6.66 percent	Bills due have increased by 35 percent	Bills up 10 percent
Minnesota:			
Minneapolis Gas Co. Customers: 390,000	None during winter months	Delinquent accounts are slightly higher	Consumption up 22 percent Bills are up 33 percent ½ of customers are budget accounts

SUMMARY TABLE OF INFORMATION PROVIDED BY COMPANIES SURVEYED—Continued

Mississippi:			
Valley Gas Co. Customers: Residential 180,000	Dec. 1976–Jan. 1977—1,171; cut-offs before Feb. moratorium (no figures for last year)	Dec. 1975—$241,354 Dec. 1976 $422,718 increase 42.9 percent. (However decrease 26.39 percent actual no. delinquent acct.)	Bills have increased 40–42 percent over last year
Montana:			
Montana Gas Co. Res. customers 175,296 electric 89,672 gas	Jan.–Dec. 1975–268; Jan.–Dec. 1976–521; increase 48.56% (includes commercial/industrial customers)	1975—$123,824; 1976—$123,501 (decrease .25%)	Temperature 16 percent warmer Decrease MCF usage: Jan. 1976–23.4; Jan. 1977—21.4
New Hampshire:			
The Public Service Co. 27,000 electric space heating customers.	December 1975—101; December 1976—47 (decreased 53.47%)	NA	Customers unable to pay bills are generally carried over till warmer months
New York:			
Brooklyn Gas; 1,100,000 customers	Jan. 1976—3,400; Jan. 1977—4,096	NA	34.4 percent increase in bills this winter

NOTE.—75 percent of customers are on budget plan which allows bills to be paid out over 12 months. According to company officials, budget billing has served to decrease number of delinquent bills and increase number of cutoffs.

	No. of disconnects this year compared to last year	*Amount owed*	*Other*
North Carolina:			
North Carolina Public Service Co. 95,929 residential	Jan. 1976—331; Jan. 1977—372 Increase 11.02 percent	Jan. 1976—$569,432; Jan. 1977—$823,480 (increase 30.85 percent)	22 percent increased consumption
Ohio:			
Columbia Gas Co. Customers: 1,841,865 in Ohio, Kentucky, West Virginia, Virginia, Maryland, Pennsylvania, and New York	NA	Jan. 1976—$16,848,862; Jan. 1977—$11,376,010; increased 33 percent.	Amount billed up 26.5 percent.
Oklahoma:			
Oklahoma Natural Gas Customers: 124,000 Tulsa area	Nov.–Feb. 1975–76—5,869; Nov.–Feb. 1976–77—4,160; decrease 29.12 percent	Higher than last year although total number of delinquent accounts is down. Precise data is not available	Tulsa is area of low unemployment
Oregon:			
Northwest Gas Co. Customers: 205,190	Jan. 1976—844; Jan. 1977—519; 38.51 percent decrease	Jan. 1976—$2,293,081; Jan. 1977—$2,160,270; 1.94 percent decrease	Average bill up 17.28 percent use per customer—down this winter
Pennsylvania:			
Peoples' Gas	Nov.–Feb. 1975–76—397; Nov.–Feb. 1976–77—162 (6 cut-offs Jan. 1977—0 cut-offs Feb. 1977) decrease 59.19 percent	Jan. 1976—$2.5 million; Jan. 1977—$4.2 million; increase 40.48 percent	Bills up average of 54 percent this winter 6.2 MCF usage increase Temp: 25 percent colder
Rhode Island:			
Valley Gas Customers: 25,000 heating	None this winter. Period of two months. Will increase drastically Mar.–Apr.	Writeoffs: 1975—$61,000; 1976—$109,000	62 percent increase in consumption; Average bill up 50–30 percent colder CAP help pay bills
Providence Gas Customers: 96,000 Residential	Shutoff constant from last year	Writeoffs: 1975—$482,000; 1976—$859,000; Increase 44 percent	Increase in use of budget plan
South Carolina:			
South Carolina Electric & Gas Co.	Feb. 1976—2,678; Feb. 1977—3,151; Increase 16.6 percent	Feb. 1976—$2,646,344; Feb. 1977—$3,120,426; Increase 15.19 percent	
South Dakota:			
Northwest Public Service Co. Customers: 47,500	No disconnects for nonpayment	Jan. 1976—$1,205,925; Jan. 1977—$1,196,628; Decrease 0.77 percent	Improved collecting process
Tennessee:			
Nashville Gas Co.	Feb. 1976—1,359; Feb. 1977—1,147; Decrease 15.6 percent; Jan. 1977—only 417	Feb. 1976—$1,061,721; Feb. 1977—$1,381,387; Increase 36.85 percent	Due to extremely cold weather, the company only cutoff five days during Jan. average bill up 22.31 percent
Texas:			
Lone Star Gas Customers: 1,000,000	Never cut-off residential customers	Uncollectable amounts seeing substantial increase	38 percent colder. No type of "budget" program for bills
Utah:			
Mountain Fuel Supply Customers: Covering Wyoming and Utah	Jan. 1976—434; Jan. 1977—352; Decrease 18.89 percent	Jan. 1976—$1,299,013; Jan. 1977—$2,231,881; Increase 41.8 percent	22 percent increase in amount of bill
Vermont:			
Vermont Gas System, Inc. Customers: 10,000—90 percent residential	Dec. and Jan. 1975–76—38; Dec. and Jan. 1976–77—61; increase 38 percent	No increase	CSA and OEO drastically reduced the number of potentital shutoffs this winter
Washington:			
Washington Natural Gas	Jan. 1976—1,600; Jan. 1977—1,100; decrease 31.25 percent	Jan. 1976—$1,635,178; Jan. 1977—$1,807,901; increase 9.55 percent	25 percent warmer. 7.5 percent increase in average bill
Wisconsin:			
Madison Gas & Electric Co. Customers: 94,439; 2.65 percent increase over last year	Jan. 1976—4,872; Jan. 1977—5,783; increase 15.75 percent	No figure for dollar amount. Number of delinquent accts. Jan. 1976—11,516; Jan. 1977—13,530; increase 14.89 percent	Increase in average bill 29.1 percent

ON WATER POLLUTION FUNDING

Mr. MUSKIE. Mr. President, I would like to take this opportunity to commend Senator PROXMIRE, chairman of the subcommittee, and the members of the full Senate Appropriations Committee for responding to our Nation's critical need for funds for construction of sewage treatment facilities. As many as 34 States are on the verge of running out of funds for this program. As I have said on several occasions in the past few months, and most recently in a committee discussion on March 30, failure to provide funds promptly for this program would have a disruptive effect on State and municipal programs which have geared up over the years to levels which require and deserve a continued Federal commitment.

The Senate committee recognized this need, and this bill includes a full appropriation. President Carter also recognized this need, and requested $4.5 billion in supplemental budget authority. The inclusion in this measure of $4.5 billion for construction of sewage treatment facilities is recognition of both the environmental and economic importance of this program. This is a legitimate and integral part of an economic stimulus package. This money can move quickly into the economy to initiate construction of sewage treatment plants, plans for which are ready and waiting to go. Jobs can be quickly created—at least 40,000 direct jobs result from each billion dollars expended in this program. The ripple effects are substantial, but difficult to exactly calculate. And, equally important, we achieve water quality benefits at the same time.

Unfortunately, the House appropriations measure provides only for $500 million to assist the House Public Works Committee in their effort to force the Senate to accept their water pollution bill. This amount is totally inadequate, especially in light of a survey released by the National Governor's Conference which shows over $3 billion in immediate needs among 34 States—3 billion which could go to work immediately making 120,000 jobs. In addition, this $500 million is to be distributed to each of the 50 States regardless of need according to an allotment formula provided in the bill so that no State would receive enough to even begin work on the backlog of projects ready to start construction.

For example, my own State of Maine, which has an immediate backlog of at least $23 million, would receive only $2.7 million. The State of Illinois, which indicates the greatest immediate needs—over $400 million—would receive only $26.3 million under the House language. These amounts are, as a practical matter, of little value. Also, since every State would receive a portion of the $500 million, and since not every State can use that money, it is certainly a poor use of limited funds to tie up allotments in States which are not running out of money. Since this is an "emergency" situation, it seems eminently logical, if funds are limited, to put them where the most need it.

I know that conference negotiation can be difficult and that Senators on the conference committee may be faced with demands to compromise on the amount to be provided for the construction grant program. I believe that a strong case can be made for appropriation of the full $4.5 billion. The Senate Committee on Environment and Public Works was convinced; the Senate Appropriations Committee was convinced; and the President was convinced. Full allotment to all 50 States can be justified if there is full appropriation on the basis that adequate funds can be made available to all States.

However, if the Senate committee is forced to accept an amount less than $4.5 billion in conference, I would urge that it be made available only to those States who have exhausted allocations of previously authorized funds. This procedure would assure that funds are directed to the areas where they can be used to clean up water and put people to work. It would avoid tying up needed funds in States unable to use them.

I hope my colleagues in the Senate who responded so well in committee will continue to support full funding of this important program; if you are forced to compromise, I hope you will make the funds available on a first come-first served basis.

Mr. STAFFORD. Mr. President, as the ranking minority member of the Senate Committee on Environment and Public Works, as well as the Environmental Pollution Subcommittee, I would like to take this opportunity to make some observations of my own on the appropriation of funds for the Environmental Protection Agency's construction grants program.

In recent weeks my colleagues on this committee and I have worked to authorize sufficient funds for this fiscal year and next to provide for States which have run out of their allotments and need a new infusion to continue the momentum of the construction grants program. While many of the States find themselves in this position, others will not have exhausted their shares until the end of this fiscal year. However, they still must rely on an allocated share to demonstrate to local communities that it is indeed worthwhile to press ahead with plans and local financial arrangements. It is a fact of life that if there is no assurance that funds are waiting for the projects once they are ready to go to construction, there is little incentive to make the often difficult planning and financial decisions at the local level. The majority of States will find themselves in this predicament.

It is for this reason that it is imperative that the full $4.5 billion recommended by the President for this fiscal year, and allocated by the Senate Appropriations bill's formula, be retained in conference. I would hope that the members of the Appropriations Committee who will serve on the conference with the House on the bill before us will insist on the Senate's version. I congratulate the members of the Appropriations Committee for including the President's full request in the fiscal year 1977 supplemental appropriation bill, and I urge that this amount be retained in conference.

However, should a lesser amount be required in order to reach agreement with the House, I would urge that, whatever the appropriated amount, it be allotted to all States on the basis of the Senate's formula. I do this on behalf of those States which have not yet run out of funds, but will by the end of this fiscal year.

The Appropriations Committee recognizes that because of varying circumstances at the local level some States take longer than others to get projects to the point of a grant award. Often, it is EPA rather than the States which are the cause of the lag in the obligation rate. Recognizing this, the Senate bill provides that these funds be made available for obligation to projects for 3 years from the date of enactment. Whatever the reason, it is clear that all States will be in need of a new allotment beginning in October or soon thereafter. The funds which are being appropriated today must be adequate to fund these States, as well as those which are already out of money.

The Environmental Pollution Subcommittee has always relied on a carefully considered formula for the fair and practical distribution of construction grant funds. In order to keep the program working in an orderly fashion, it is important that the formula in the Senate's bill be used to distribute this appropriation.

If we resort instead to awarding grants on a first come basis we will undo the careful work we have pursued for the past 4 years in this program, and we will place the majority of States at a disadvantage in sharing the limited funds available for this program.

SUPPORT FOR SECTION 306

Mr. DOLE. Mr. President, I want to express full support for section 306 of the supplemental appropriations bill for 1977, which restricts the use of funding included in this bill from use in implementing the Presidential pardon of draft evaders. I urge my colleagues on both sides of the aisle, who are concerned about the blanket pardon of draft violators, to support this section of the appropriations bill.

On January 21 of this year, President Carter issued an Executive Order requesting the Attorney General to dismiss pending indictments and terminate pending investigations relating to violations of the Selective Service Act between August 4, 1964, and March 28, 1973. At the same time, the President ordered that all persons in actual or apparent violation of Selective Service laws during that period be permitted to reenter the United States. Neither the U.S. Senate nor the House of Representatives has yet had an opportunity to directly express its support or lack of support for that blanket pardon. As an Executive order, the pardon required no congressional consent. But it is nevertheless disappointing that we have not had the chance to place this body on record with respect to the Executive order.

The section in question simply states that no funding in this bill shall be used for salaries or expenses in carrying out the terms of the Executive order. This

section does not reverse the pardon, nor does it impose any additional duties upon the executive branch. In effect, however, it will finally place Congress clearly on record as disfavoring the blanket pardon of draft evaders last January.

ATTACHED AS HOUSE AMENDMENT

When the supplemental appropriations bill was discussed on the floor of the House of Representatives on March 16, Congressman JOHN T. MYERS of Indiana offered this provision as an amendment to the bill. At that time, Congressman MYERS made it clear that the provision does not challenge the constitutional authority of a President to issue a pardon for draft law violations, but instead is a simple exercise of the clear congressional authority to appropriate funds and to stipulate how those funds may or may not be used. A point of order was raised at that time, suggesting that this provision might constitute a form of "legislation" on an appropriations bill. That issue was carefully considered and completely rejected by the presiding officer of that body, who overruled the point of order. It is my understanding that the same point of order cannot now be raised against the provision on the Senate floor since it was ruled in order and finally approved by the House of Representatives.

TO REGISTER PUBLIC OPINION

The primary purpose of this provision is to register a legitimate congressional opinion about the arbitrary executive action taken by the President in January. I do not want to overstate the practical impact of the provision. At the same time, I would not want to see its symbolic significance diminished. The House of Representatives, on a rollcall vote of 220 in favor to 187 against, clearly expressed support for the provision and, therefore, objection to the blanket pardon of draft evaders. I believe that action likewise reflects the attitude of the majority of American citizens.

While the restriction and limitation on funding for implementation of the pardon apply only to the supplemental appropriations provided by this bill, the intent of the action is much broader. It is not a challenge to the President's authority, but only to his judgment on this particular matter. It is a legitimate expression of congressional discretion as to how appropriated funds can be used. It will apply only to supplemental appropriations for the Office of the Attorney General and for the Immigration and Naturalization Service, with regard to actions that might be taken to carry out the blanket pardon for draft evaders.

Insofar as this may be the only opportunity for Congress to place itself squarely on record with regard to the blanket pardon issue, I believe it is useful for the Senate to give strong support to section 306 at this time.

Mr. President, I ask unanimous consent that the text of section 306 be printed at the completion of my remarks.

There being no objection, the section 306 was ordered to be printed in the RECORD, as follows:

"SEC. 306. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses in connection with the dismissal of any pending indictments for violations of the Military Selective Service Act alleged to have occurred between August 4, 1964, and March 28, 1973, or the termination of any investigation now pending alleging violations of the Military Selective Service Act between August 4, 1964, and March 28, 1973, or permitting any person to enter the United States who is or may be precluded from entering the United States under 8 U.S.C. 1182(a)(22) or under any other law, by reason of having committed or apparently committed any violation of the Military Selective Service Act."

Mr. PACKWOOD. Mr. President, in reading the Senate report accompanying this bill, I noticed that the report indicates that $10,000,000 is being distributed to "Washington State University and the Pacific Northwest" for the development and expansion of a regional veterinary school. This appropriation is authorized under section 301 of the Health Manpower Act of 1976.

As a matter of clarification, it is my understanding, Senator BROOKE, that the $10,000,000 in construction funds are being distributed not just to Washington State University, in particular, but to a Northwest Regional program located at Washington State University, Oregon State University at Corvallis, and the University of Idaho. It is also my understanding that it is anticipated that the major portion of the funds will be used for the construction of a clinical facility at Oregon State University and the remainder for remodeling and rehabilitating existing facilities at the Washington State and University of Idaho campuses. Am I correct in these assumptions?

Mr. BROOKE. Yes, that is correct.

Mr. MUSKIE. Mr. President, the bill before us today, H.R. 4877, supplemental appropriations for fiscal 1977, consolidates supplemental recommendations from 12 of the 13 appropriations subcommittees into a single bill involving 14 of the 17 functions of the Federal budget. This bill and the economic stimulus supplemental, reported on March 17, will probably be the two major supplemental appropriations bills for fiscal 1977. This supplemental provides 1977 budget authority of $32.1 billion to fund numerous items, most of which could not be included in the regular appropriations bills last summer, such as the increased civilian and military Federal pay costs; the EPA construction grant reauthorization, which passed the Senate on March 10, and is presently awaiting conference; the emergency fuel bill assistance program necessitated by this winter's severely cold weather; and certain higher education and health programs which were not reauthorized in time for inclusion in the regular Labor-HEW appropriations bill for 1977.

As chairman of the Budget Committee I would like to bring to my colleagues' attention the latest issue of the Senate Budget Scorekeeping Report No. 77-18, dated March 28, 1977. That report estimates that the potential status of the Federal budget, including the amounts in this bill, the Senate-reported economic stimulus supplemental and tax reduction bills, and a few other possible later requirements, is $2.4 billion in budget authority and $1.5 billion in outlays below the ceilings set in the third budget resolution for fiscal 1977. Mr. President, I ask unanimous consent to place in the RECORD a table indicating the status of the congressional budget

The PRESIDING OFFICER. Without objection, it is so ordered.

SUMMARY TABLE 3.—*Fiscal year 1977 budget authority and outlays*

[In billions of dollars]

	Fiscal year 1977 direct spending jurisdiction	
	New budget authority	Estimated outlays
I. Third concurrent resolution ceiling	$472.9	$417.45
II. Action to date:		
A. Enacted in prior years	476.6	457.7
B. Enacted this session	0.2	0.2
C. Passed Congress but not signed	−0.7	(1)
D. Conference agreement	------	------
E. Passed Senate	------	0.1
F. Reported in Senate	50.2	15.8
G. Offsetting receipts	−61.2	−61.2
Total action to date	465.2	412.6
III. Current status:		
Under (−) or over (+) 3d Con. Res. ceiling	−7.7	−4.8
IV. Possible later requirements: [2]		
Appropriations Committee	2.5	1.5
Authorizing committees	2.5	1.4
Not assigned by committee: Offsetting receipts	0.3	0.3
Total possible later requirements	5.3	3.3
V. Potential status:		
Under (−) or over (+) 3d Con. Res. ceiling	−2.4	−1.5

[1] Less than $50 million.

[2] This listing includes items that in the judgment of the Senate Budget Committee staff may require funding later in the fiscal year. The dollar amounts in this section are tentative and subject to change. See details in part II of the report.

Mr. MUSKIE. I want to commend the Appropriations Committee for reporting a bill which will leave the committee $2.9 billion in budget authority and $1.9 billion in outlays below the committee's allocation, even after all possible later requirements are taken into account. The Appropriations Committee has once again demonstrated its ability to help the Senate live within the congressional budget, and I urge my colleagues to assist further in that effort as we debate this supplemental and the economic stimulus supplemental that may come to the floor in the near future. There are several amendments to the bill before us today, amendments that may use up a good part of the funds potentially available under the budget ceilings. I ask that Senators consider the budget situation and other possible future spending they may have in mind as they decide on the amendments to this supplemental.

I understand that amendments aimed at alleviating the problems of the Western drought, if adopted, could add $700 million to the budget authority in this bill. Other possible amendments of which I am aware could add another $450 million. I know some of my colleagues are interested in adding substantial funds to GNMA, possibly as an amendment to the economic stimulus supplemental. And, there is a possibility of a second regular supplemental appropriations bill later this year.

While I believe that the amendments to aid in the Western disaster relief are essential to the economic health of that area and the entire Nation, I cannot in good conscience support any other costly amendments to this bill. Simple arithmetic, the kind that we learned before the days of the new math, clearly shows that the amount which remains below the ceilings of the third budget resolution is unacceptably low. If we subtract the $700 million in budget authority for the drought amendments from the $2.4 billion of unclaimed budget authority which remains in the resolution—assuming enactment of this bill, the economic stimulus supplemental and possible later requirements—the available budget authority for the last 6 months of the fiscal year is only $1.7 billion. Only $1.7 billion.

Mr. President, this is a dangerously low margin. The situation is extremely tight. The Congress cannot and, I believe, should not entertain any additional amendments which could drive us closer or even over the current ceilings. We must be very prudent in our actions today and in the days ahead, for I assure you the Budget Committee plans no further revisions to the budget resolution.

Mr. President, I urge the members of the Appropriations Committee and indeed all the Members of this body to reject amendments to this bill which will shrink the limited budget authority that remains in the third budget resolution. There is barely enough room to cover a second regular supplemental.

Let me be quite plain, Mr. President. Without serious restraint on the part of every Member of Congress we will erode the very foundations of the budget process. Without diligent efforts on the part of every Member of the Senate we will be on a direct collision course with the binding ceilings of the third budget resolution. The Congress has adopted a fiscal policy for 1977. We must make it work if we are to achieve the fiscal discipline that the voters of my State and yours expect of us.

JOB-CREATING RENOVATION OF FEDERAL BUILDINGS

Mr. DOMENICI. Mr. President, I am very pleased to note that H.R. 4877, the Supplemental Appropriations Act for 1977, as reported from committee contains $125 million for additional alteration and major repair activities of the General Services Administration.

In addition to the Agency's already funded program for fiscal year 1977, the General Services Administration has identified a list of authorized repair and renovation projects totaling $125 million that are within its capability for implementing between 60 and 180 days and essentially completing within 1 year. This work—which is far more labor intensive than most other public works—would create an estimated 200 to 250 jobs per $1 million expended.

During consideration by the Committee on Environment and Public Works of S. 427, the Public Works Employment Act of 1977, I stated that these projects contain the features most important to a public works jobs program by creating productive, highly labor-intensive jobs almost immediately and that this work conforms closely to the objectives and spirit of S. 427. Upon my motion the committee included language in the Senate report on S. 427 (Report No. 95-38) expressing hope that funding for this quick-start work can be addressed by the Appropriations Committee in the fiscal year 1977 supplemental appropriation bill. Mr. President, I ask unanimous consent that the referenced report language be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objections, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. The Committee on Environment and Public Works addressed those projects—totaling about $80 million—among the total list that have already been authorized or else do not require authorization under the Public Buildings Act of 1959. I am pleased that the Appropriations Committee has provided full funding of the entire list—totaling $125 million—in view of the fact that the Appropriations Committee stated in its report on the supplemental (Report No. 95-64) that—

> The recommended funding is to be used only for projects authorized by approved prospectuses and for small projects for which a prospectus is not required by law.

The Appropriations Committee goes on to say—

> This appropriation would not exempt GSA from the requirement to obtain Environment and Public Works Committee approval for individual projects in accordance with the provisions of the Public Building Act.

This language would require GSA to obtain committee approval prior to commencement of work of any projects in the list that have not yet been authorized.

[Excerpt from Senate Report No. 95-38]

EXHIBIT 1

JOB-CREATING RENOVATION OF FEDERAL BUILDINGS

In the past, the committee has stated its judgment that employment can be stimulated directly and rapidly by repair and renovation work on Federal buildings, while improving the efficiency of existing buildings.

In addition to the agency's already funded program for fiscal year 1977, the General Services Administration has identified a list of authorized repair and renovation projects totaling about $80 million that are within its capability for implementing between 60 and 180 days and essentially completing within year. This work—which is far more labor intensive than most other public works—would create an estimated 200 to 250 jobs per $1 million expended, and is spread through every State. The projects are among a backlog of General Services Administration repair and renovation work which exceeds $1 billion. The projects have been postponed due to lack of funding, and they will have to be undertaken eventually.

This work includes badly needed basic repairs to correct deterioration, malfunction and obsolescence, and alterations of space to promote efficient utilization. Moreover, work which includes special projects for energy conservation and environmental protection would further national priorities and goals. Improvements mandated by the Congress such as special aids for the handicapped and special fire safety facilities would be advanced.

These projects contain the features most important to a public works jobs program by creating productive, highly labor-intensive jobs almost immediately. While this work conforms closely to the objectives and spirit of this legislation, these projects already have been authorized or else do not require authorization under the Public Buildings Act of 1959, as amended. The committee hopes funding for this quick-start repair and renovation work can be addressed by the Appropriations Committee in the fiscal year 1977 supplemental appropriation bill to the full extent possible within the constraints of Senate Concurrent Resolution 10.

The committee urges the Office of Management and Budget to reevaluate this program in terms of its ability to put people to work quickly in relation to the sums expended, while protecting the Federal investment and improving the efficiency of Federal office buildings.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more votes today.

Mr. McCLELLAN. Mr. President, if there are no further amendments, I ask for third reading of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill

having been read the third time, the question is, Shall it pass? (Putting the question.)

The Chair is in doubt.

Mr. CURTIS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

(At this point Mr. MATSUNAGA assumed the chair.)

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from New Hampshire (Mr. DURKIN), the Senator from Washington (Mr. MAGNUSON), and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. BUMPERS) and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. DURKIN), and the Senator from Arkansas (Mr. BUMPERS) would each vote "yea."

Mr. BAKER. I announce that the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Utah (Mr. HATCH), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Utah (Mr. GARN). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Utah would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) would vote "yea."

The result was announced—yeas 69, nays 15, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—69

Abourezk	Haskell	Moynihan
Allen	Hatfield	Muskie
Anderson	Hathaway	Nelson
Baker	Hayakawa	Nunn
Bentsen	Hollings	Packwood
Biden	Huddleston	Pell
Brooke	Humphrey	Percy
Burdick	Jackson	Proxmire
Byrd, Robert C.	Javits	Randolph
Cannon	Johnston	Ribicoff
Case	Kennedy	Riegle
Chafee	Leahy	Sarbanes
Chiles	Long	Sasser
Clark	Lugar	Schweiker
Culver	Mathias	Sparkman
Danforth	Matsunaga	Stafford
DeConcini	McClellan	Stennis
Domenici	McGovern	Stevenson
Eagleton	McIntyre	Stone
Ford	Melcher	Talmadge
Glenn	Metcalf	Weicker
Gravel	Metzenbaum	Williams
Hart	Morgan	Zorinsky

NAYS—15

Bartlett	Griffin	Schmitt
Bellmon	Hansen	Scott
Byrd, Harry F., Jr.	Helms	Wallop
Curtis	Laxalt	Young
Dole	McClure	
	Roth	

NOT VOTING—16

Bayh	Garn	Pearson
Bumpers	Goldwater	Stevens
Church	Hatch	Thurmond
Cranston	Heinz	Tower
Durkin	Inouye	
Eastland	Magnuson	

So the bill (H.R. 4877), as amended, was passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any technical and clerical corrections in the engrossment of the Senate amendments to H.R. 4877.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. MATSUNAGA) appointed Mr. McCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. ROBERT C. BYRD, Mr. PROXMIRE, Mr. INOUYE, Mr. HOLLINGS, Mr. BAYH, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. LEAHY, Mr. YOUNG, Mr. CASE, Mr. BROOKE, Mr. HATFIELD, Mr. STEVENS, Mr. MATHIAS, Mr. SCHWEIKER, Mr. BELLMON, and Mr. WEICKER conferees on the part of the Senate.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for routine morning business with no resolutions coming over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MIDDLE EAST

Mr. MATHIAS. Mr. President, on Sunday President Anwar Sadat of Egypt arrives in Washington on his second visit to the United States. Three weeks ago, we again welcomed Prime Minister Itzhak Rabin of Israel, and later this month King Hussein of Jordan will be here for his first discussions with President Carter on the Middle East. At the same time, consulations continue between the United States and Saudi Arabia, Syria and other nations of the Middle East whose vital interests are tied to success or failure of our efforts to assist the parties concerned in reaching a final settlement of the Arab-Israeli conflict.

The Senate can only approve of the energy with which a peace settlement is now being pursued. It is essential not only to our welfare but to world peace, that Israel and her Arab neighbors enter into negotiations that can lead to final settlement of this conflict which is now in its thirtieth year.

Successful negotiations hold the hope that a social and physical rebuilding and a resurgence of human creativity in the Middle East will occur and that the region's vast wealth and human resources will be wedded in prosperous and mutually beneficial endeavor. If negotiations fail, however, we can look forward to even greater conflict and destruction, to further squandering of precious resources and, quite possibly, to a cataclysm of global proportions. We must do what we can to insure that this cannot, and does not, happen.

As President Carter's efforts to attain a Middle East settlement proceed, we should ask ourselves what more can be done at this critical time to enhance the prospects of peace: What useful contribution can we make to the process of peace seeking?

I think that one element of the solution that needs reinforcing is the long range economic interests of the entire Middle East which impose certain common obligations and offer certain common opportunities to the nations of the area.

The job that the fireman does in extinguishing the flame and preventing the spread of fire is vital and necessary but it is a separate role from that of the architect, the engineer, the carpenter, and the mason. While we admire the skill and courage of the one, we do not have to neglect the positive virtues of the others.

Examination of the area's needs and its resources, in the light of our own technical capabilities, suggests one answer which I believe merits serious consideration.

I have visited Sinai several times. I have flown over its historic, arid, empty surface and can testify that the area today is one of the world's most desolate places. It is also a bitterly contested piece of real estate in the Arab-Israeli conflict. Between the time that Moses came down from the mountain and the signing of the 1975 agreement between Egypt and Israel, the Sinai was not of great political significance. Today, it is a meeting ground where Egyptians and Israelis jointly resolve the practical problems attendant on the still uneasy truce.

It is also a zone of disengagement where American citizens and American technology serve to reinforce the strategic buffer between the two countries. These two elements of the 1975 accord continue to function smoothly and suggest to me a possible mode for future cooperation in the area to buttress a durable peace.

Within the context of a final settlement, I envisage a project in Sinai of tremendous scope and potential which would employ the talents of both the Egyptians and the Israelis, both immensely creative peoples, and the world's most sophisticated technology—that of the atom—to benefit the entire area. I have in mind a nuclear generating plant capable not only of meeting the current power needs of the people of the immediate Gaza area, but also of providing electricity for new industry, for a sizable desalinization facility, and for export throughout the Middle East to the rebuilt cities along the Suez Canal, to lower Israel and to the towns on the west bank of the Jordan River.

The site I have proposed is not the only feasible location for such a project. But it does offer some unique advantages. Prior to 1967 it was sovereign territory of Egypt. Today it is occupied and controlled by Israeli troops. President Carter's suggestion for a final settlement would see it restored to Egypt. But whatever the political complexities of Sinai, it is a harsh, barren, and unproductive land. Yet like other deserts, much of it may be made to flower.

Sovereign rights need not be affected by the presence of a multinational institution. In fact, it should enhance the prestige of any nation to be the host to a facility that would produce both water and energy for an entire region.

It is clearly time for us to think seriously about a project of this nature which would be of vital interest to the countries of the Middle East and could be a keystone in a stable Arab-Israeli peace. A Sinai nuclear project promises profound benefits for all its participants because it symbolizes the commonality of interest that exists, but must be recognized in order to effect a change of attitudes. The American technicians, who today scan the Sinai passes with weary watchfulness, could be replaced by an industrial team making an investment in the desert with dividends for the entire world.

For Egypt, this project could be a linchpin in a comprehensive and creative economic development program designed to restore Egypt to prosperity and prominence. It would signify our recognition of that country's development needs, and our willingness to underwrite with our technological expertise Egypt's continued reconstruction. It would demonstrate the U.S. intention to bind our skills and resources to Egypt's future and signal our support for Egypt as a strong, moderate and productive leader in the Middle East.

For Israel, a Sinai project could provide a critical element in a stable peace—the true peace which Israel must have if substantial territory is to be ceded as part of a final settlement. A venture of this magnitude, initiated and sponsored by the United States in combination with other economic, political and, perhaps, security arrangements, would be a visible and concrete investment by the United States in the durability of a final settlement, possibly rivaling in importance any other form of U.S. participation in a final agreement.

For Egypt and Israel, the time has come when each must decide whether to live in isolation from the other, or in cooperation. It is to the advantage of each to bring the other into its fold, to create a framework in which all the states of the area can reach accommodation with, and live upon the terms of the other. A Sinai nuclear project would be part of that framework.

For the United States, an economic link in a chain of commitments between Israel and her Arab neighbors, within and supportive of a final settlement, can only be advantageous. And for the nations of the West, participation in the technical development of a Sinai nuclear project would demonstrate their support for a peace whose benefits all would share. A working partnership in this project would advance the development of a multinational community of nuclear interest, the need for which is felt in many areas of the world.

The ability of a Sinai nuclear project to pay for itself in time is an essential element in consideration of the project. It would be neither wise nor justifiable to ask other nuclear nations to join with the United States in providing the technological know-how for such a project unless its economic feasibility were reasonably assured. Nor, should we propose that the countries of the region with great financial resources cooperate in a Sinai project fund without first demonstrating its economic practicality.

But, once this is done, it is quite clear that a strong and significant commitment to a Sinai nuclear project would serve the interests of all the nations in the Middle East, and particularly those for whom the absence of a stable Middle East peace would only encourage the forces of radicalism. For them, as for the United States, support of such a project would be a form of enlightened self-interest. While none of them may feel that it is possible to break the path in this direction, more than one may wish to travel it.

Mr. President, in my mind this proposal for a cooperative venture between the Arabs and Israelis need not be confined to the area of nuclear power. I have used nuclear power as an example but, in fact, climatic and geographic features of the Sinai might well dictate the exploitation of quite different forms of energy.

Today the lead time for a nuclear powerplant is between 8 and 9 years, while certain solar and wind energy projects require a lead time of only 5 years. For instance, within 5 years there could be operating in the Sinai a 10 megawatt-electric solar powerplant that, combined with a backup system, could generate enough electricity for a city of 10,000. This type of system is easily susceptible to expansion and by 1985–1995 could be enlarged to supply power to much of the area.

Another lively possibility is the use of solar cells for irrigation pumping and small power systems or the use of wind power for electric generation. We also have the technology at hand to put in operation 5 years from now a large scale water desalinization plant based on solar energy.

Selecting one or a combination of these solar or wind options for such a project would have the added advantage of giving impetus to the development of the new technologies so sorely needed in the energy field.

Our own pilot model in the solar thermal field at Barstow, Calif., has been drastically cut back recently by President Carter. Funds for this project have been reduced from $61.25 million in President Ford's budget to $6.25 million, with the $55 million reprogrammed into exploration and development of near-term space heating for buildings. Obviously both types of energy development are desirable and a project, such as I am proposing, could give new impetus to the development of long range, high risk technology.

One of the greatest advantages of a solar project is that the Israelis and Egyptians already are actively exploring the potential of solar energy and each has a number of technicians trained in the field. Saudi Arabia's interest in solar energy is visible in our own backyard. If you take a short jaunt to Reston, Va., you can now see a solar school in operation financed by the Saudi Arabian Government. Other countries now actively pursuing solar energy research include Australia, Germany, France, Italy, Switzerland, Sweden, the Netherlands, and Japan. An internationally supported and funded project in the Sinai—an optimum location for a solar project—would not only demonstrate global concern for a stable and durable peace in the Middle East but could lead to breakthroughs in the field of energy production which the entire world so desperately seeks.

Obviously, this kind of a project cannot be a substitute for concrete political and security arrangements within a final settlement: It would be integral, but complementary and reinforcing. Some may object on the ground that it is not practical to suggest that a cooperative energy project be undertaken before there is a final agreement and implementation of it has begun. But, peace is woven of dreams as well as won by work. If we wait until the settlement we seek is at hand, we simply lower the symbol of our faith that the Arabs and Israelis can work together in constructive harmony, or that the states of the region will be willing to contribute from their resources to such a project, or that the technologically advanced nations of the world will join to support and develop such a project.

So careful thought, and careful prep-

aration, can begin now. We can start to explore the feasibility and evaluate the potentiality of various energy systems.

President Carter has spoken out boldly on his vision of a Middle East peace. He has expressed his conviction that the parties to the conflict should agree at an early point on the shape of a final agreement, and then proceed to negotiate on the timing and method of its implementation.

I propose that we now carefully explore the development of a Sinai energy project which could be part of that final agreement—a project which would lend its strength to the stability and longevity of an Arab-Israeli peace. The rewards of such an idea—for the nations of the immediate area, for the participants themselves, for the United States and for all the peace-loving nations of the world—could be rich indeed.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. Those in the galleries will desist from any displays.

Mr. CURTIS. Will the Senator yield?

Mr. MATHIAS. I yield.

Mr. CURTIS. I commend the Senator for his imaginative and creative statement. It is very worthy of consideration.

Mr. MATHIAS. I thank the Senator for his generous comment.

TIME LIMITATION AGREEMENT—NOMINATION OF PETER F. FLAHERTY TO BE DEPUTY ATTORNEY GENERAL

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that at such time as the nomination of Mr. Peter F. Flaherty to be Deputy Attorney General is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between Mr. EASTLAND and Mr. THURMOND.

Mr. CURTIS. Reserving the right to object, may I inquire, has this been cleared with the minority leader?

Mr. ROBERT C. BYRD. It has been cleared with the minority leader and I assume he has made clearance all around.

Mr. CURTIS. Very well. I shall not object.

The PRESIDING OFFICER. Is there objection?

Without objection, the request, as in executive session, is agreed to.

Mr. CURTIS. Mr. President, will the distinguished majority leader tell us about next week's schedule?

Mr. ROBERT C. BYRD. Yes, I will be glad to, through Tuesday, which is as far as I can see at the moment. I will respond to the distinguished Senator by making the following unanimous-consent requests, which have been cleared with the distinguished minority leader and Senators on both sides of the aisle.

ORDER FOR CONSIDERATION OF S. 1070 ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when morning business is concluded on Monday, the Senate proceed to the consideration of S. 1070, a bill to authorize additional funds for housing assistance for lower income Americans in fiscal 1977, and other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM MONDAY UNTIL 4 P.M. TUESDAY, APRIL 5, 1977, AND CONSIDERATION OF NOMINATION OF PETER F. FLAHERTY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, it stand in recess until the hour of 4 p.m. Tuesday, and that at the conclusion of the orders for the recognition of the two leaders under the standing order on Tuesday, the Senate go into executive session to consider the nomination of Mr. Peter F. Flaherty. These requests have been cleared on the Senator's side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 12:30 P.M. MONDAY, APRIL 4, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BARTLETT ON MONDAY AND DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized on Monday, Mr. BARTLETT be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business of not to exceed 15 minutes with statements therein limited to 5 minutes each, and without any resolutions coming over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT, AND THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may be authorized to have until midnight tonight to file reports, and I also ask unanimous consent that the Secretary of the Senate may be authorized to receive nominations until midnight and that authority may also be given to make appropriate referrals of messages.

The PRESIDING OFFICER. Without objections, it is so ordered.

ORDER FOR NO ROLLCALL VOTES PRIOR TO 3:30 P.M. ON MONDAY, APRIL 4, 1977

Mr. ROBERT C. BYRD. Mr. President, in order that committees may meet on Monday until well into the afternoon, if they feel it necessary to do so, without interruptions from the floor, I ask unanimous consent that if any rollcall votes are ordered on Monday prior to the hour of 3:30 p.m., they not occur until the hour of 3:30 p.m., with the exception of rollcall votes in relation to the establishment of a quroum if such there be.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I make this statement of the program in response to the query by the distinguished Senator from Nebraska (Mr. CURTIS).

MONDAY, APRIL 4, 1977

The Senate will convene on Monday at 12:30 p.m. After the two leaders have been recognized under the standing order Mr. BARTLETT will be recognized for not to exceed 15 minutes after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 5 minutes each, with no resolutions coming over under the rule; upon the conclusion of which period the Senate will proceed to the consideration of S. 1070, a bill to authorize additional funds for housing assistance for lower income Americans in fiscal year 1977, to extend the Federal riot reinsurance and crime insurance programs, to establish a National Commission on Neighborhoods, and for other purposes. There is a time agreement on that bill and I would expect rollcall votes to occur on amendments thereto and motions in relation thereto, and hopefully final passage on Monday.

When the Senate recesses on Monday, it will go over until Tuesday at the hour of 4 p.m. The reason for going over until 4 p.m. is to allow committees to meet all of Tuesday without interruptions from the floor. The leadership would express the hope that committees can take advantage of the full day on Tuesday beginning at 8 or 9 o'clock, if they possibly can meet that early, and going right on through until 4 p.m. Of course, under the Stevenson resolution, committees are permitted to meet even without consent for 2 hours after the Senate convenes. So committees should have a full day on Tuesday. Again I hope they will take advantage of the opportunity to meet without interruptions by rollcalls and quorum calls to the floor.

TUESDAY, APRIL 5, 1977

On Tuesday afternoon the Senate will take up the nomination of Mr. Peter F. Flaherty under a time agreement of 2

hours for debate. Undoubtedly there will be a rollcall on the confirmation.

I believe, in response to the distinguished Senator from Nebraska, I might also say that other matters that may be cleared for action by Monday and/or Tuesday will be taken up. Conference reports being privileged matters may be called up and rollcall votes may occur thereon.

RECESS UNTIL 12:30 P.M. ON MONDAY, APRIL 4, 1977

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 12:30 p.m. on Monday next.

The motion was agreed to and at 4:34 p.m., the Senate recessed until Monday, April 4, 1977, at 12:30 p.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1977:

DEPARTMENT OF DEFENSE

Russell Murray II, of Virginia, to be an Assistant Secretary of Defense, vice Frank A. Shrontz, resigned.

Deanne C. Siemer, of New York, to be general counsel of the Department of Defense, vice Richard A. Wiley, resigned.

Edward Hidalgo, of the District of Columbia, to be an Assistant Secretary of the Navy, vice John J. Bennett.

CONFIRMATIONS—APRIL 1, 1977

Executive nominations confirmed by the Senate April 1, 1977:

SMALL BUSINESS ADMINISTRATION

Arthur Vernon Weaver, Jr., of Arkansas, to be Administrator of the Small Business Administration.

DEPARTMENT OF DEFENSE

William James Perry, of California, to be Director of Defense Research and Engineering.

David Emerson Mann, of Maryland, to be an Assistant Secretary of the Navy.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mary Berry, of Colorado, to be Assistant Secretary for Education in the Department of Health, Education, and Welfare.

Ernest LeRoy Boyer, of New York, to be Commissioner of Education.

DEPARTMENT OF THE INTERIOR

Robert L. Herbst, of Minnesota, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Guy Richard Martin, of Alaska, to be an Assistant Secretary of the Interior.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

COMMEMORATION OF THE 100TH BIRTHDAY OF THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. JONES of North Carolina. Mr. Speaker, on April 2, of this year the North Carolina Department of Agriculture will celebrate its 100th birthday of service to the agricultural and consuming public of the State.

Today I would like to salute a century of leadership by this agency and recognize a number of its past and present contributions to the economic welfare, safety, and health of all North Carolinians.

I would also like to take this opportunity to express congratulations to our sister State, Virginia, in the celebration of the centennial of the Virginia Department of Agriculture and Commerce.

That North Carolina would become a great agricultural State seemed destined from the beginning. Explorers who came to the New World in the 1500's reported with exuberance on the bounty of the land that is now North Carolina. They were struck with its temperate climate, sweet flowers, and "faire fields and plains." Ralph Lane wrote in 1585 that this land had the "goodliest soile under the cope of heaven."

The State did, in fact, excel in agricultural production, and to this day, agriculture is the leading industry of North Carolina. The State has continued to produce high-quality agricultural commodities that meet the needs of North Carolinians, Americans, and the people of the world and that contribute immeasurably to the State's economy.

What is more, the agricultural and rural ways of life have become an important part of the thinking and lifestyles of nearly all the people of North Carolina.

One reason for the success of agriculture in the State is that farms have remained at a size moderate enough to allow farmers to exercise full control over their operations. Yes, we do have farms as large as 372,000 acres, but most average about 106 acres. With farms totaling 125,000, North Carolina currently ranks fourth in the Nation in the number of farms.

The impact of agriculture on the State's economy is significant. Last year farm income amounted to nearly $3 billion, and money paid out for items such as feed, seed, fertilizer, and labor accounted for $2 billion more of farm-generated income for the State.

North Carolina currently leads the Nation in the production of Flue-cured tobacco, all tobacco, and sweet potatoes. We are also a prime producer of cucumbers for pickles, turkeys, peanuts, broilers, eggs, layers, apples, and hogs. The most dramatic change in the agricultural picture has been the marked increase in the production of poultry, cattle, and swine. In 1975 these sources provided $1 billion in income.

The North Carolina Department of Agriculture has played an important role in this agricultural growth through its service and regulatory programs. In addition to administering agricultural programs such as marketing, soil testing, and crop reporting services, the Department has expanded into areas of consumer protection, including regulation of food and drugs and of weights and measures.

The need for a State agricultural agency first became apparent in the middle 1800's. Farmers were encountering a number of problems that could not be solved by individuals or by farm organizations. One such problem was the growing number of fraudulent fertilizers on the market. North Carolina farmers believed that the only answer was a State department with the specific responsibility of protecting and promoting their agricultural interests.

It was a concerted effort on the part of a broad base of citizens that led to the establishment of the North Carolina "Department of Agriculture, Immigration, and Statistics." The name has since been shortened by practice to the "Department of Agriculture."

The department was able to initiate effective programs immediately after its creation, primarily due to the leadership of an outstanding agricultural spokesman, Col. Leonidas Polk. Polk had been a leader in several farm organizations and a primary advocate of a department of agriculture. He was respected across the country for his gifts of speaking and writing. He later founded the Progressive Farmer, a farm magazine that is still a vital source of agricultural information today.

Talented, dedicated leadership has always been the good fortune of the North Carolina Department of Agriculture as demonstrated by the late Kerr Scott, who went from Commissioner of Agriculture to the Governorship, to the U.S. Senate, and by James A. Graham, who has served as Commissioner since 1964.

The achievements of the young department—as well as of the experienced agency have been numerous and outstanding.

The same act that established the department of agriculture established an agricultural experiment and fertilizer control station. The specific duties of the experiment station were the analysis of fertilizers for possible fraud, experiments on the nutrition and growth of plants, and the testing of soils. This was the beginning of the North Carolina Agricultural Experiment Station—the first

in the South and the second in the United States.

The following are a few examples of the progressive leadership demonstrated by the department's marketing programs over the years: The department was the first to have a Federal-State grading agreement on red meats; the first to have a Federal-State cooperative agreement on the market news service; and the first to have a full-time transportation specialist.

In the area of seed testing, the NCDA was the first State agency to require agricultural degrees and training in laboratory analysis for seed inspectors. These requirements enable inspectors to go beyond mere drawing samples for testing in a laboratory. The inspectors are prepared to make on-the-spot analysis of seeds, at the points where problems occur.

Departmental seed specialists are currently devising more critical classification for seed germination analysis.

The department of agriculture has always maintained its high reputation in the control of animal diseases. In 1928, North Carolina was the first State determined to be "modified accredited" as free from tuberculosis. In 1942, the State was the first to be declared "modified-certified" for cattle brucellosis.

The laboratory of the NCDA agronomic services division is the only facility in the Nation where three important areas of analysis are made—soil testing, plant analysis, and nematode assay. The work of the agronomic staff is so well respected by the citizens of the State that more soils are tested at this lab than in any soil testing facility in other States.

The pest control division has also displayed leadership in numerous ways. Out of this program the first State biological organism law was developed, and is now being used as a model for Federal legislation. Because North Carolina is a leading State in numbers of private beekeepers, an active program is maintained for controlling bee diseases. In addition, the division has one of the outstanding pesticide programs in the country. This is especially true in the areas of licensing pesticide dealers and taking field samples at the point of pesticide sale and use.

In a few days, the staff of the food and drug protection division will be moving out of their cramped quarters into a modern facility that will allow for increased services by this program and greater safety in operation.

Those of us who know and respect the department of agriculture in North Carolina have reason to be proud on this occasion. Thank you for letting us share our pride with you today for 100 years of service by the North Carolina Department of Agriculture.

RALPH OSBORN, JANICE SALMON—LA PUENTE, CALIF., CITIZENS OF THE YEAR

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. DANIELSON. Mr. Speaker, this week the Greater La Puente, Calif., Valley Chamber of Commerce will honor two 1977 Citizens of the Year and I wanted to bring their accomplishments to the attention of my colleagues.

Both Ralph Osborn and Janice Salmon have outstanding records of community service, leadership, and concerned involvement. Ralph Osborn was sponsored by the La Puente-Industry Kiwanis Club and the Chamber of Commerce, and Janice Salmon by the local Campfire Girls organization. Both are most deserving of this special recognition by the people and the community where they are known and admired.

Others whose community service was recognized by various community organizations by being nominated for this honor were Jane Ferris, Leonor Avila, Leona Bourdet, James N. Gibbs, and Delia Rivera.

HERMAN KAHN: THE UNTHINKABLE OPTIMIST

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. REUSS. Mr. Speaker, on April 20 in the evening, the Congressional Clearinghouse on the Future will present its fourth "Dialogue on America's Future," and Herman Kahn, director of the Hudson Institute, will be our speaker.

In an effort to introduce Mr. Kahn to my colleagues, I am inserting into today's RECORD excerpts of an article about him which was recently published in Resources Directory for America's Third Century: An Introduction to the Study of the Future.

Mr. Kahn is an entertaining and thought-provoking man, Mr. Speaker, and I urge all of my colleagues to participate in our meeting with him on the 20th of April.

The excerpts follow:

HERMAN KAHN: THE UNTHINKABLE OPTIMIST

Kahn was born in 1922, in Bayonne, New Jersey, one of the three sons of Abraham and Yetta Kahn. The family lived in New York City for some years before moving to California, where Kahn graduated from Fairfax High School in Los Angeles in 1940. He enrolled at the University of Southern California but later transferred to the University of California at Los Angeles. While in college Kahn worked as a ship steward, checker in a supermarket, and machinist in a camera shop to help pay his expenses. His studies were interrupted by World War II and two years' service in the Army, but Kahn eventually won his bachelor's degree from U.C.L.A. and began work with the Douglas Aircraft Company as a mathematician. While working for Douglas, he became a teaching assistant at U.C.L.A. and attended classes at the California Institute of Technology.

After a brief stint for the Northrop Aviation Company, Kahn returned to Douglas in 1947 to work as a laboratory analyst for Project Rand, a unique experimental institution that Douglas had set up in 1945 in collaboration with the U.S. Air Force. In 1948 Kahn became Senior Staff Physicist for Rand. His primary task was a study of the relations between weapons and tactics. Thus did Kahn become an expert in military strategy and weapons design, and soon he was conducting lectures and seminars for selected military and civilian leaders and advising some top U.S. decisionmakers.

A series of lectures Kahn delivered at the Princeton University Center of International Studies as a visiting research associate in 1959 became the foundation for On Thermonuclear War. The "evil and tenebrous" book argues that there exists a strong possibility, even probability, of nuclear war sometime in the future, because disarmament talks and deterrence strategy probably cannot succeed for all time. On the other hand, the "realistic" possibility of nuclear war does not necessarily mean the end of human civilization, because such wars can have a number of "degrees of awfulness," partly depending upon degrees of preparation and tactics used. Kahn criticized as irresponsible those who argue against a "realistic civil defense program," which would greatly diminish the number of victims so that "normal and hopeful lives would not be precluded for the survivors."

Though it provoked much outraged criticism, the book helped decisionmakers on the Soviet as well as the U.S. side to think more flexibly about responses to nuclear threats and perhaps even consider moves toward detente.

In 1961, Kahn and attorney Max Singer established the Hudson Institute in White Plains, New York. (It was later moved to nearby Croton-on-Hudson.)

Kahn says that when he and Singer started Hudson they thought they would put down on paper during the first year everything that a good Secretary of Defense would want to know, the second year a good Secretary of State, the third year a good President, the fourth year a good Secretary General of the United Nations, and the fifth year a good God. The Institute would then close up shop.

"Unfortunately," chuckles Kahn, "in 1966 Singer pointed out that we were six years behind in the five-year program."

Small in size compared to "Mother Rand," Hudson now has about 50 permanent fellows and 100 consultants. The Institute's original motto was "National Security—International Order," but Hudson has decreased its dependence no military findings, and the present mix of about half military and half civilian work is reflected in its new motto: "Policy Research in the Public Interest."

KAHN'S PUBLICATIONS

From a futurist's standpoint, Kahn's principal books are:

The Year 2000: A Framework for Speculation on the Next Thirty-three Years (co-authored with Anthony J. Wiener, Macmillan, 1967). This 431-page volume, packed with tables and charts, was perhaps the first major statement of Kahn's views on the broad issues of the future. Widely hailed as one of the most impressive futurist works to appear, The Year 2000 presented Kahn's ideas about the "Basic Long-Term Multifold Trend" and his "surprise-free" scenarios.

Things to Come: Thinking about the 70s and 80s (co-authored with B. Bruce-Briggs, Macmillan, 1972). In this volume of 262 pages, somewhat shorter than The Year 2000. Kahn restated his case for the need to speculate on the problems and possibilities of nuclear disasters. He continued to refine and discuss the Basic Long-term Multifold Trend, described in the earlier work.

The Next 200 Years: A Scenario for America and the World (coauthored with William Brown and Leon Martel, Morrow, 1976). Kahn here states his optimistic view of the coming decades. (The title was chosen because of the U.S. Bicentennial celebration, but the focus remains primarily on the next 50 years.) This book offers a strong rebuttal to the "limits-to-growth" school, and argues that Americans will become increasingly prosperous in the years ahead. Improved technology will, Kahn believes, compensate for both the problems of pollution and the depletion of natural resources.

Kahn has become a sharp critic of the in-

tellectual and educational establishment which be blames for a condition he calls "educated incapacity." Education has, in his view, decreased many people's ability to deal with certain problems. For example, he says, for a long time the educated elite viewed public demands for law-and-order as appeals to racism, whereas such demands reflect simply the average person's desire not to be robbed or assaulted—a desire shared by black and white alike.

He believes the U.S. educational system now is failing to teach discipline and good work habits. "It's unbelievable how badly the schools are doing," he says. He also worries that young people are being led to believe that their parents' generation has immorally destroyed the basis of human life, "and that's just not true."

Kahn thinks that the idea that he is an optimist is "basically wrong," he claims that he is simply a realist.

"I'm looking for solutions and if you can find solutions, you're optimistic," he says. "Are we running out of energy?" The answer is absolutely no. No way. Are we running out of resources? Absolutely not. No. way. Are we running out of the ability to feed people from a technological and economic point of view? Absolutely not. No way. Can we retain clean air and clear water and a reasonably esthetic landscape? Absolutely.

Kahn concedes, however, that there will be tragedy, and the most likely kind is widespread starvation. "The big problem is stockpiles," he explains. "It doesn't pay any country to have enough stockpiles so that the poor won't suffer when you have a bad harvest year or bad weather. It's up to the food exporting nations to rise to the occasion and assume responsibility for such stockpiles."

In a period when many people feel that the world is only a few years from a nuclear or environmental Armageddon, Kahn talks exuberantly about an era of peace and prosperity. In an interview with U.S. News, he said:

I think there are good prospects for what the Europeans would call la belle epoque or, if you will, a good era similar to that experienced between the turn of the century and World War I—a worldwide period of growth, trade, peace, and prosperity on the whole, and a time, generally speaking, of optimism about the future.

LITHUANIAN INDEPENDENCE DAY

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. NEDZI. Mr. Speaker, I am pleased to participate in this observance of the 59th Anniversary of Lithuanian Independence Day because I do not regard it as a meaningless, pro forma exercise. Real, flesh and blood people are involved.

I have made the point in the past, when joining in this observance, that even in the bleakest times, somebody has to continue to "make the record."

I have emphasized that Lithuania is not a make-believe nation. It has a long and frequently distinguished history dating back to A.D. 1009.

It is indeed remarkable that in the face of Russia's massive presence and its techniques of deportation, colonization, and propaganda, that the Lithuanian national spirit has endured.

Remember that Lithuania has a tradition as a nation state; as does, for example, the Ukraine. It is not some formless entity. Moreover, a vigorous Catholicism has apparently survived.

The Soviet Union has a variety of dissidents, and a variety of minorities. Indeed, there are at least 80 different nationalities in the U.S.S.R. and Russians are barely 50 percent of the total population.

As a broad generalization, the further west you go in the Soviet Union, the more the peoples involved identify with the humanist traditions of Western Europe and the goals of individual dignity. Lithuania is in this category. I believe we recognize the difficulties of Lithuania's situation, and without raising false hopes, we are doing the right thing by reaching out to touch and to understand the people of Lithuania.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

MEETINGS SCHEDULED

APRIL 4

9:15 a.m.
Human Resources
*Subcommittee on Child and Human Development
To hold hearings on S. 961, to promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes.
Until: 1:00 p.m. 1114 Dirksen Building

9:30 a.m.
Armed Services
Subcommittee on Research and Development
To resume closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform of the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Agriculture, Nutrition and Forestry
Subcommittee on Foreign Agriculture Policy
To hold oversight hearings on foreign food aid (Public Law 480).
322 Russell Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1202 Dirksen Building

Armed Services
Manpower and Personnel Subcommittee
To hold hearings on the authorized number of flag officers on active duty, and its relationship to fiscal year 1978 authorization requests for active duty, Reserve and civilian manpower and training loads.
212 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To hold oversight hearings to determine the status of national efforts in energy conservation.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To resume hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
S-407, Capitol

Foreign Relations
Subcommittee on Foreign Economic Policy
To continue oversight hearings on major international economic issues facing the United States.
6202 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings to release an Office of Technology Assessment report entitled "Nuclear Proliferation and Safeguards."
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To hold oversight hearings on the administration of the Black Lung Benefits program.
Until 2:00 p.m. 4232 Dirksen Building

1:30 p.m.
Conferees
On H.R. 4877, making supplemental appropriations for fiscal year 1977.
H-140, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects.
1202 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Armed Services
Subcommittee on Research and Development
To resume closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building

Environment and Public Works
To hold hearings on the nomination of William Meredith Cox, of Kentucky, to be Administrator of the Federal Highway Administration.
4200 Dirksen Building

2:00 p.m.
Environment and Public Works
Subcommittee on Nuclear Regulation
To continue hearings on proposed authorizations for fiscal year 1978 for the Nuclear Regulatory Commission.
4200 Dirksen Building

3:30 p.m.
Foreign Relations
To receive a briefing (in closed session) from officials of the Central Intelligence Agency on the general world situation.
S-116, Capitol

4:15 p.m.
Foreign Relations
To meet in closed session to receive a briefing from Secretary of State Vance on his recent trip to Moscow.
S-116, Capitol

APRIL 5

9:30 a.m.
Environment and Public Works
Subcommittee on Regional and Community Development
To hold hearings on proposed legislation authorizing funds for disaster relief, and to consider the President's message of March 23, 1977, on drought assistance to certain areas.
4200 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
235 Russell Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
424 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
1224 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Agriculture, Nutrition and Forestry
Subcommittee on Foreign Agriculture Policy
To continue oversight hearings on foreign food aid (P.L. 480).
322 Russell Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects.
1114 Dirksen Building

Armed Services
Subcommittee on Research and Development
To resume closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building

Armed Services
Military Construction Subcommittee
To hold hearings on S. 1164, authorizing funds for fiscal year 1978 for construction at certain military installations.
212 Russell Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Banking, Housing and Urban Affairs
To continue markup on S. 69 and S. 92, to amend and extend the Export Administration Act.
5302 Dirksen Building

Joint Economic Committee
To resume hearings on a recent study prepared by the University of Wisconsin on food chain stores' profits and prices.
318 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
S-407, Capitol

Foreign Relations
To hold hearings on pending State Department nominations; and to mark up H.R. 5040, proposed supplemental authorizations for fiscal year 1977 for certain programs of the Department of State.
4221 Dirksen Building

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 904, to establish a center within OMB to provide current information on Federal domestic assistance programs.
3302 Dirksen Building

Human Resources
To consider S. 855, to authorize funds for fiscal year 1978 for activities of the National Science Foundation, S. 755, extending through fiscal year 1978 all expiring health programs under the Public Health Service Act and the Community Health Centers Act.
Until 11:30 a.m. 4232 Dirksen Building

Rules and Administration
To resume consideration of S. Res.'s 5 through 12, proposing several changes in the Senate rules, principally with regard to Rule XXII (cloture).
301 Russell Building

Select Committee on Intelligence
Subcommittee on the Budget
To hold hearings on the question of public disclosure of funding levels authorized for Government intelligence activities.
2228 Dirksen Building

Special Aging
To hold hearings on the impact on older Americans of rising energy costs.
1202 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
To hold a business meeting.
S-210 Capitol

11:00 a.m.
Select Ethics
Business meeting (open with immediate vote to get into closed session) to discuss committee organization.
1417 Dirksen Building

1:30 p.m.
Appropriations
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects.
1114 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Armed Services
Military Construction Subcommittee
To hold hearings on S. 1164, authorizing funds for fiscal year 1978 for construction at certain military installations.
212 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

APRIL 6

9:00 a.m.
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 393, the proposed Montana Wilderness Study Act.
1224 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nominations of Rupert Cutler, of Michigan, Dale Ernest Hathaway, of the District of Columbia, Alex P. Mercure, of New Mexico, and Robert Haldeman Meyer, of California, each to be an Assistant Secretary of Agriculture; to be followed by consideration of these nominations and that of Howard W. Hjort, of the District of Columbia, and John C. White, of Texas, all to be Members of the Board of Directors of the Commodity Credit Corporation.
324 Russell Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear Congressional witnesses.
S-126, Capitol

Banking, Housing, and Urban Affairs
To hold a hearing on the nomination of Harold Marvin Williams, of California, to be a member of the Securities and Exchange Commission.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To hold hearings on the proposed extension of the Child Abuse and Prevention Treatment Act (Public Law 93-247).
Until 12:00 noon
4200 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on benefits from and technological uses of genetic engineering-Deoxyribonucleic Acid (DNA) research.
Until 3:00 p.m.
6202 Dirgsen Building

Select Small Business
Monopoly Subcommittee
To continue hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
424 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Armed Services
Subcommittee on Research and Development
To resume closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building

Armed Services
Military Construction Subcommittee
To hold hearings on S. 1164, authorizing funds for fiscal year 1978 for construction at certain military installations.
212 Russell Building

Banking, Housing, and Urban Affairs
To mark up S. 305, to require issuers of registered securities to keep accurate records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To continue oversight hearings to determine status of natural efforts in energy conservation.
3110 Dirksen Building

Governmental Affairs
Subsommittee on Energy, Nuclear Proliferation, and Federal Services
To continue hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To continue oversight hearings on the administration of the Black Lung Benefits program.
Until: 1:00 p.m. 4332 Dirksen Building

Select Committee on Intelligence
Subcommittee on the Budget
To hold hearings on the question of public disclosure of funding levels authorized for Government intelligence activities.
2228 Dirksen Building

1:30 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects.
1114 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs.
1318 Dirksen Building

Armed Services
Military Construction Subcommittee
To hold hearings on S. 1164, authorizing funds for fiscal year 1978 for construction at certain military installations.
212 Russell Building

Armed Services
Subcommittee on Research and Development
To resume closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building

2:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
S-126 Capitol

Foreign Relations
Subcommittee on African Affairs
To meet in closed session to receive a briefing from officials of the Central Intelligence Agency on internationalization of local conflicts in Africa.
S-116, Capitol

4:30 p.m.
Foreign Relations
Subcommittee on Arms Control, Oceans, and International Environment, and Subcommittee on Foreign Assistance
To meet in closed session to receive testimony from State Department officials on negotiations with Pakistan on nuclear programs, military sales, and economic assistance.
4221 Dirksen Building

APRIL 7

8:00 a.m.
Energy and Natural Resources
Subcommittee on Public Lands and Resources
To resume consideration of S. 7, to establish in the Department of Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

9:00 a.m.
Agriculture, Nutrition and Forestry
To hold hearings to receive testimony on the administration's proposals relative to the food stamp program.
322 Russell Building

Foreign Relations
Subcommittee on Foreign Economic Policy
To resume, in closed session, oversight hearings on major international economic issues facing the United States.
S-116, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold a hearing on the nomination of Chester Crawford McGuire, of California, to be an Assistant Secretary of Housing and Urban Development.
5302 Dirksen Building

Commerce, Science and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To continue hearings on the proposed extension of the Child Abuse and Prevention Treatment Act (Public Law 93-247).
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Department of HEW, to receive testimony on research programs for and to aid families of deceased children suffering from sudden infant death.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

Armed Services
Subcommittee on Research and Development
To resume closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 1019, to authorize funds for fiscal years 1978 and 1979 for certain maritime programs.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To continue hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Select Intelligence
To hold a closed hearing on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

Special Aging
To continue hearings on the impact on older Americans of rising energy costs.
1224 Dirksen Building

Banking, Housing and Urban Affairs
To hold oversight hearings on the 1977 budget of the Federal Reserve System.
5302 Dirksen Building

10:30 a.m.
Foreign Relations
Subcommittee on Foreign Assistance
To mark up proposed legislation authorizing funds for fiscal year 1978 for bilateral development assistance.
6202 Dirksen Building

11:00 a.m.
Foreign Relations
Subcommittee on International Operations
To hold hearings on proposed fiscal year 1978 authorizations for the Department of State.
4421 Dirksen Building

1:00 p.m.
Foreign Relations
Subcommittee on Near Eastern and South Asian Affairs
To meet in closed session to receive a briefing from the Central Intelligence Agency on the situation in Lebanon.
S-116 Capitol

2:00 p.m.
Armed Services
Subcommittee on Research and Development
To resume closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons programs.
224 Russell Building
Commerce, Science, and Transportation
To hold hearings on the nomination of Dr. Frank Press, of Massachusetts, to be Director of the Office of Science and Technology Policy.
5110 Dirksen Building

APRIL 8

8:00 a.m.
Energy and Natural Resources
Subcommittee on Public Lands and Resources
To continue consideration of S. 7, to establish in the Department of Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

9:00 a.m.
Governmental Affairs
To continue hearings on S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
Until: 5 p.m. 3302 Dirksen Building

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To resume hearings on national water policy in view of current drought situations.
4200 Dirksen Building
Judiciary
To hold hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building
Environment and Public Works
To resume hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building
Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To hold hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building
Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building
Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building
Select Small Business
To hold hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building
Energy and Natural Resources
Subcommittee on Parks and Recreation
To hold hearings on S. 658, to designate certain lands in Oregon for inclusion in the National Wilderness Preservation System.
Room to be announced
Government Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 25

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on S. 656, S. 918, and S. 1130, to amend the Consumer Protection Act to prohibit abusive practices by independent debt collectors.
5302 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Coast Guard.
5110 Dirksen Building
Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building
Judiciary
To resume hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 26

9:30 a.m.

Select Small Business

To hold hearings on problems of small business as they relate to product liability.

1202 Dirksen Building

Select Small Business

To resume hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.

424 Russell Building

10:00 a.m.

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.

1224 Dirksen Building

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To continue hearings on S. 656, S. 918, and S. 1130, to amend the Consumer Protection Act to prohibit abusive practices by independent debt collectors.

5302 Dirksen Building

Commerce, Science, and Transportation

Merchant Marine and Tourism Subcommittee

To hold hearings to receive testimony in connection with delays and congestion occurring at U.S. airports-of entry.

235 Russell Building

2:00 p.m.

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.

1224 Dirksen Building

APRIL 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.

1224 Dirksen Building

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To continue hearings on S. 656, S. 918, and S. 1130, to amend the Consumer Protection Act to prohibit abusive practices by independent debt collectors.

5302 Dirksen Building

Commerce, Science, and Technology

Consumer Subcommittee

To hold hearings on S. 403, the proposed National Product Liability Insurance Act.

5110 Dirksen Building

APRIL 28

10:00 a.m.

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.

1224 Dirksen Building

Commerce, Science, and Technology

Consumer Subcommittee

To continue hearings on S. 403, the proposed National Product Liability Insurance Act.

5110 Dirksen Building

Environment and Public Works

Nuclear Regulation Subcommittee

To resume hearings on proposed fiscal year 1978 authorizations for the Nuclear Regulatory Commission.

4200 Dirksen Building

APRIL 29

10:00 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To continue hearings on S. 403, the proposed National Product Liability Insurance Act.

5110 Dirksen Building

Energy and Natural Resources

Subcommittee on Parks and Recreation

To hold hearings on S. 1125, authorizing the establishment of the Eleanor Roosevelt National Historic Site in Hyde Park, N.Y.

3110 Dirksen Building

MAY 3

9:00 a.m.

Veterans' Affairs

Subcommittee on Housing, Insurance, and Cemeteries

To hold hearings on S. 718, to provide veterans with certain cost information on conversion of government supervised insurance to individual life insurance policies.

Until: 12 noon 6202 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings on U.S. monetary policy.

5302 Dirksen Building

Commerce, Science, and Technology

Consumer Subcommittee

To hold hearings on proposed legislation amending the Federal Trade Commission Act.

235 Russell Building

MAY 4

10:00 a.m.

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Highway Administration.

1224 Dirksen Building

Banking, Housing, and Urban Affairs

To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.

5302 Dirksen Building

Commerce, Science, and Transportation

Consumer Subcommittee

To continue hearings on proposed legislation amending the Federal Trade Commission Act.

235 Russell Building

MAY 5

9:00 a.m.

Veterans' Affairs

Subcommittee on Housing, Insurance, and Cemeteries

To continue hearings on S. 718, to provide veterans with certain cost information on conversion of government supervised insurance to individual life insurance policies.

Until: 12 noon 6202 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.

5302 Dirksen Building

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 957, designed to promote methods by which controversies involving consumers may be resolved.

5110 Dirksen Building

MAY 6

10:00 a.m.

Banking, Housing, and Urban Affairs

To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.

5302 Dirksen Building

MAY 9

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold oversight hearings on the broadcasting industry, including network licensing, advertising violence on TV, etc.

235 Russell Building

MAY 10

9:30 a.m.

Commerce, Science and Transportation

Communications Subcommittee

To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence TV, etc.

235 Russell Building

10:00 a.m.

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).

1224 Dirksen Building

Banking, Housing and Urban Affairs

To resume oversight hearings on U.S. monetary policy.

5302 Dirksen Building

Governmental Affairs

Subcommittee on Reports, Accounting and Management

To resume hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal government, are established.

3302 Dirksen Building

MAY 11

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.

235 Russell Building

MAY 12

10:00 a.m.

Government Affairs

Subcommittee on Reports, Accounting and Managements

To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.

3302 Dirksen Building

MAY 18

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.

1224 Dirksen Building

2:00 p.m.

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.

1224 Dirksen Building

MAY 24

10:00 a.m.

Governmental Affairs

Subcommittee on Reports, Accounting and Management

To resume hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.

3302 Dirksen Building

MAY 26

10:00 a.m.

Governmental Affairs

Subcommittee on Reports, Accounting and Management

To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.

3302 Dirksen Building

JUNE 13

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold oversight hearings on the cable TV system.

235 Russell Building

JUNE 14

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To continue oversight hearings on the cable TV system.

235 Russell Building

JUNE 15

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To continue oversight hearings on the cable TV system.

235 Russell Building